

December 15, 2017

Press Release - For Immediate Release

Defendant's Name: Dustin Martin
Age: 36
State of residence: Fargo, ND
Criminal File Number: 17-160
Incident Date: May 12, 2017
Indictment Date: May 17, 2017
Arraignment Hearing: May 22, 2017
Charges Filed: **Ct. 1: Driving Under the Influence, SDCL 32-23-1(2), M1 1/2
Ct. 2: Possession of Revoked or Altered License, SDCL 32-12-67, M1 1/2;
and a Part II Information for Prior Offenses, make this a DUI
6th, a class 4 felony**
Change of Plea Date: November 6, 2017
Convicted of: **Ct. 1: Driving Under the Influence, SDCL 32-23-1(2), M1 1/2
and a Part II Information for Prior Offenses, make this a DUI
6th, a class 4 felony**
Sentencing Date: December 8, 2017
Arresting Officer: Deputy Jason Westcott - UCSO
Defense Attorney: Jason Rumpca
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

On the 12th day of May, 2017, Deputy Jason Westcott, started an investigation based on phone calls coming into the Union County Dispatch about a motorist in a black van, with North Dakota Plates, swerving from lane to lane on Interstate 29 southbound. Deputy Westcott observed the van passing his location on I-29 and followed the van noticing that it swerved over the fog line numerous times. Deputy Westcott then initiated a traffic stop. The Deputy noted a strong smell of alcohol, blood shot eyes, and slurred speech on the Driver, the Defendant, Dustin Martin. The Defendant was asked to come back to LE patrol vehicle and his driver's license came back suspended. LE informed the Defendant that they would be performing Field Sobriety Testing on him, and the Defendant failed multiple portions of the test. The Defendant consented to a blood draw and his results came back positive for Ethyl Alcohol with a level of .238 % BAC by weight, almost three times over the legal limit.

Sentencing Synopsis:

IT IS FURTHER ORDERED that as to the crime of **Ct. 1: Driving Under the Influence 6th Offense, SDCL 32-23-4.9, a class 4 felony**, that the Defendant shall serve **10** years in the South Dakota State Penitentiary. It is further ORDERED that Court shall SUSPEND the EXECUTION

of the **3** years of the Defendant's sentence upon the Defendant satisfying the following terms and conditions. It is further ORDERED that the Defendant shall be imprisoned in the South Dakota State Penitentiary for the term ordered by the Court, there to be kept, fed, and clothed according to the rules and regulation governing that institution.

IT IS FURTHER ORDERED that the Defendant shall remain in the custody of the Union County Sheriff's Office until she can be transported to the South Dakota State Penitentiary at their earliest opportunity.

IT IS FURTHER ORDERED, that the Defendant shall be credited for the **26** days that the Defendant spent incarcerated prior to sentencing.

IT IS FURHTER ORDERED that Defendant shall abide by the rules and regulations of the board of pardons and paroles, shall sign the required parole agreements, and shall obey all conditions imposed by them even though the conditions may not have been specifically set out by the court.

IT IS FURTHER ORDERED, that the Defendant shall pay court costs of **\$104.00**; grand jury transcript fees of **\$10.00**; a DUI surcharge of **\$50.00**; a Domestic Violence surcharge of **\$0.00**; a Fine of **\$2,000.00**; testing fees of **\$0.00** to the South Dakota Drug Control Fund; and Blood Alcohol Fees of **\$125.00** to the Union County as prosecution costs; to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025).

IT IS FURTHER ORDERED that the execution of the sentence is suspended upon the following terms and conditions:

1. Defendant shall obey all federal, state, tribal and local laws and be a good law-abiding citizen in all respects.
2. Defendant shall pay all fines, costs, restitution, and attorney's fees as ordered by the court. Defendant shall work out a payment schedule with PAROLE, and if requested by PAROLE, the Defendant shall execute a wage assignment form.
3. Defendant shall not consume nor possess any alcoholic beverages of any kind, and Defendant shall not enter establishments where the sale of alcoholic beverages is the primary business.
4. Defendant shall not consume, purchase, possess, or distribute marijuana, nor controlled drugs or substances of any kind, and Defendant shall not be present where such substances are being used. Defendant shall also not possess drug paraphernalia. Verification of any prescribed medication must be provided by Defendant to PAROLE OFFICER.
5. Defendant shall submit to urinalysis, breath or blood testing at any time requested to do so by Defendant's court services officer or law enforcement officer and Defendant shall be responsible for the costs of that testing.

6. Defendant, and Defendant's person, residence, vehicles and personal property, shall be subject to random search and seizure by any court services officer or law enforcement officer upon reasonable suspicion that Defendant is violating any provision of this court's order or of any probation agreement.
7. Defendant shall obtain a chemical dependency evaluation and comply with the evaluator's and the court's services officer's recommendations for treatment and aftercare.
8. Throughout the entire period of probation, Defendant shall enroll in and comply with the terms of the 24/7 Sobriety Program as set up through the Union County Sheriff's office or as directed by your Court Service Officer and submit to testing in the form of twice daily PBTs (24/7) program) or by SCRAM equipment, and the Drug Patch, and Defendant shall pay all costs of such programs. Court services may discontinue or restart these programs at their discretion.
9. Defendant shall enroll in and successfully complete counseling , MRT, etc. as required by court services.
10. Defendant shall maintain regular employment and obtain a GED while on supervised probation.
11. Defendant shall not participate in games of chance or enter establishments where gambling is present.
12. Defendant shall perform _____ hours of community service to be completed by _____.
13. Defendant shall have no contact with the victim, _____.
14. Defendant shall write a letter of apology to the victim, _____, which letter shall be approved by court services.

IT IS FURTHER ORDERED, that the Defendant shall pay the Defendant's Court-appointed attorney's fees of \$394.80 directly to the Union County Auditor, (209 East Main Street, ~ Suite 200, Elk Point, SD 57025).

IT IS FURTHER ORDERED that the Defendant's South Dakota driving privileges shall be revoked for a period of **10** years from the date the sentence is imposed or **10** years from the date of initial release from imprisonment, whichever is later.

IT IS FURTHER ORDERED that the Defendant's parole supervision shall be no less than 5 years in duration, and that the Defendant's Parole shall include an ignition interlock system to be installed on any vehicle that the Defendant is allowed to operate; and an alcohol monitoring bracelet (SCRAM). It is FURTHER ORDERED that these provisions shall be discretionally by PAROLE after 5 years.

Criminal History Synopsis:

The State believes that this is Dustin Martin's fourth career felony conviction. Martin's criminal history is full of DUI arrests of which this would be his sixth career conviction. A closer look at his history includes overdriving road conditions, attempts of eluding law enforcement with his own child in the vehicle, and several accidents where both he and his passengers and the motoring public have been hurt. Martin show no regard to the laws or the rules of the court.