

---

January 13, 2017

## Press Release - For Immediate Release

Defendant's Name: Brian Moreland  
Age: 37  
City and State of residence: Sioux City, IA  
Criminal File Number: 15-310  
Date of Offense: September 7, 2015  
Date of Indictment: September 16, 2015  
Arraignment: November 9, 2015  
Offense(s) Charged: Ct. 1A: 3<sup>rd</sup> Offense, Driving Under the Influence, 32-23-1(1) (F6)  
Ct. 1B: 3<sup>rd</sup> Offense, Driving Under the Influence, 32-23-1(2) (F6)  
Ct. 2: Driving While Revoked 32-12-65(1) (M1)  
Change of Plea Date: January 25, 2016  
Convicted of: Ct. 1A: 3<sup>rd</sup> Offense, Driving Under the Influence, 32-23-1(1) (F6)  
Date of Sentencing: March 14, 2016  
Officer: Officer Samantha Close – North Sioux City Police Dept.  
Defense Attorney: Rachel Rasmussen  
Prosecutor: Alexis Tracy

### Case Synopsis:

On September 7, 2016, Officer Close a motorcycle driver, with a passenger, conducted a U-turn on River Drive in North Sioux City. When the officer caught up to the motorcycle driver and passenger, the passenger appeared to be tampering with the city maintenance yard gate which was locked. Brian Moreland was the driver of the motorcycle and the passenger was identified as HOLLANDSWORTH. MORELAND appeared uneasy on his feet; his speech slurred and his eyes were blood shot. Officer Close identified the odor of alcohol on MORELAND's person. MORELAND admitted that he had lost his license due to his previous OWI in Iowa. MORELAND license status is only valid when he is driving a vehicle with an interlock device. MORELAND's motorcycle was equipped with an interlock system. MORELAND cooperated in field sobriety tests and exercises and was found to be too intoxicated to be operating a motor vehicle. MORELAND refused to submit to a PBT. A search warrant was required to obtain a sample of MORELAND's blood. The blood sample tested at .214% blood alcohol content (BAC). A person is presumed, by law, to be under the influence at .08% BAC.

### Original Sentencing Synopsis:

On March 14, 2016, the Court sentenced MORELAND on the class 6 felony charge of 3<sup>rd</sup> offense of driving while intoxicated. The Court considered the arguments of the State and the Defense, the Court ORDERED that MORELAND shall be sentenced to a suspended 2 years sentence to the SD state penitentiary. The Court Further Ordered that MORELAND shall successfully complete a 2-year term of supervised probation. The Court sentenced MORELAND to serve 30 days in the Union County Jail. The Court suspended 24 days on the

condition that MORELAND completes treatment and aftercare with proof to the court. The Court Ordered that MORELAND serve 6 days with a specific schedule. The Court Ordered that MORELAND shall pay the following monetary obligations: \$104 in Court Costs; \$100 in Prosecution Costs; \$50 DUI fee; a fine of \$700; and Court-Appointed Attorney Fees of \$550.40.

**Criminal History:**

This is MORELAND's first career felony conviction. This was MORELAND 3<sup>rd</sup> DUI offense in 10 years. MORELAND's previous criminal history includes a three DUI convictions. One DUI was more than 10 years old. Additionally, MORELAND has two simple assault convictions, and a driving while barred conviction.