
June 16, 2017

Press Release - For Immediate Release

Defendant's Name: Daniel Peek
Age: 28
State of residence: SD
Criminal File Number: 16-422
Incident Date: November 20, 2016
Indictment Date: November 30, 2016
Arraignment Hearing: January 23, 2017
Charges Filed: Ct.1A: Driving Under the Influence, SDCL 32-23-1(1), (M1) 1/2
Ct.1B: Driving Under the Influence, SDCL 32-23-1(2), (M1) 1/2
Ct.1C: Driving Under the Influence, SDCL 32-23-1(3), (M1) 1/2
Ct.2: Possession of a Schedule 3 or 4 Controlled Substance, SDCL 22-42-5,
(F6), 2/4
Ct.3: Open Container, SDCL 35-1-9.1, (M2) 30/500
Change of Plea Date: January 23, 2017
Date of Sentencing: March 27, 2017
Convicted of: Ct.1B: Driving Under the Influence, SDCL 32-23-1(2), (M1) 1/2
Ct.2: Possession of a Schedule 3 or 4 Controlled Substance, SDCL 22-42-5,
(F6), 2/4
Arresting Officer: Deputy Jason Westcott
Defense Attorney: Sonny Walter
Prosecution Attorney: Jerry A. Miller

Case Synopsis:

On November 20, 2016, a concerned citizen reported that a vehicle bearing SD LP 1L8383 was traveling south bound on I-29 around mile marker 47 and was swerving from lane to lane and almost went into the ditch several times. Deputy Jason Westcott waited for the vehicle at mile marker 15 and initiated a traffic stop after the vehicle driven by the Defendant, Daniel Peek, took the turn at the exit and almost went into the ditch. After approaching the vehicle, the Deputy noticed that there was a half full bottle of alcohol and an empty beer can in the back seat. The Deputy could immediately smell the odor of alcohol every time he spoke with Mr. Peek. The Deputy asked Mr. Peek back to his patrol car. Upon exit, Mr. Peek had to use the vehicle to hold his balance, after that the Deputy performed field sobriety tests and Mr. Peek failed all of them. After Detaining, Mr. Peek, the Deputy searched his vehicle and additionally found Alprazolam (Xanax) and Mr. Peek stated he did not have a subscription for them.

Sentencing Synopsis:

On March 27, 2017, the Court addressed the class 6 felony charge of possession of a schedule 3 or 4 controlled substance. The Court considered the arguments of the State and the Defense, the Court being satisfied that the ends of justice and the best interests of the public as well as the Defendant will be served by the Court exercising judicial clemency and issued a Suspended Imposition of Sentence to Peek. The Court further ordered that Peek be placed on supervised probation for a term of two-years. The Court ordered that Peek to pay the following

monetary obligations: \$104 in Court Costs; \$90 in prosecution costs; and \$700 in fines. Peek was further ordered to pay following on the driving under the influence offense which was a class 1 misdemeanor: \$84 in Court Costs; and a fine in the amount of \$350.

Criminal History Synopsis:

This is Peek's first career felony offense which will be wiped from his permanent record if he is successful throughout his term of probation.