

DUI Cases

A significant percentage of Class 1 misdemeanors as well as felony cases are violations of SDCL Ch. 32-23 and are referred to as DUI (driving under the influence) cases. The most common dispositions of DUI's for the past five fiscal years are illustrated in Table 15 below. First and second DUI violations (DUI One and DUI Two) are Class 1 misdemeanors. Third and subsequent offenses (DUI Three, DUI Four and DUI Five) are felonies.

DUI VIOLATIONS SUMMARY

VIOLATION TYPE	FY2006	FY2007	FY2008	FY2009	FY2010
<u>FILINGS</u>					
DUI One	8,225	8,473	7,855	7,332	6,672
DUI Two	1,803	1,988	1,930	1,720	1,509
DUI Three	971	990	956	836	788
DUI Four and Five	283	305	288	259	277
TOTAL	11,282	11,756	11,029	10,147	9,246
<u>GUILTY PLEAS</u>					
DUI One	5,589	5,717	5,279	5,013	4,565
DUI Two	1,425	1,713	1,626	1,520	1,324
DUI Three	821	875	837	771	739
DUI Four and Five	271	262	277	240	237
TOTAL	8,106	8,567	8,019	7,544	6,865
<u>DISMISSALS</u>					
DUI One	1,866	2,025	2,021	1,864	1,706
DUI Two	322	264	366	279	303
DUI Three	217	129	218	197	190
DUI Four and Five	82	51	82	82	84
TOTAL	2,487	2,469	2,687	2,422	2,283
<u>SUSPENDED IMPOSITIONS</u>					
DUI One	955	1,122	1,119	1,020	1,033
DUI Two	39	75	101	120	105
DUI Three	150	161	174	151	115
DUI Four and Five	0	0	0	0	1
TOTAL	1,144	1,358	1,394	1,291	1,254
<u>CONVICTIONS AT TRIAL</u>					
DUI One	35	29	33	27	25
DUI Two	5	5	14	13	15
DUI Three	12	7	19	13	19
DUI Four and Five	5	5	7	11	9
TOTAL	57	46	73	64	68
<u>ACQUITTALS AT TRIAL</u>					
DUI One	14	8	3	6	13
DUI Two	3	1	2	6	3
DUI Three	0	1	2	2	4
DUI Four and Five	2	2	1	1	2
TOTAL	19	12	8	15	22

Many of the DUI dismissals shown on previous page result from a defendant's guilty plea to a lesser charge, usually reckless driving, which is also a Class 1 misdemeanor. Such plea bargains occur when a prosecutor believes the state's evidence is inadequate for a DUI conviction and the prosecutor is willing to save the state the expense of a more time-consuming prosecution in return for the defendant's guilty plea to a lesser charge. Conviction for more than one reckless driving violation within a one-year period will result in suspension of the violator's driving license for a minimum of 30 days. A DUI caseload comparison is included in Chart 6 below.

Chart 6. DUI Filings

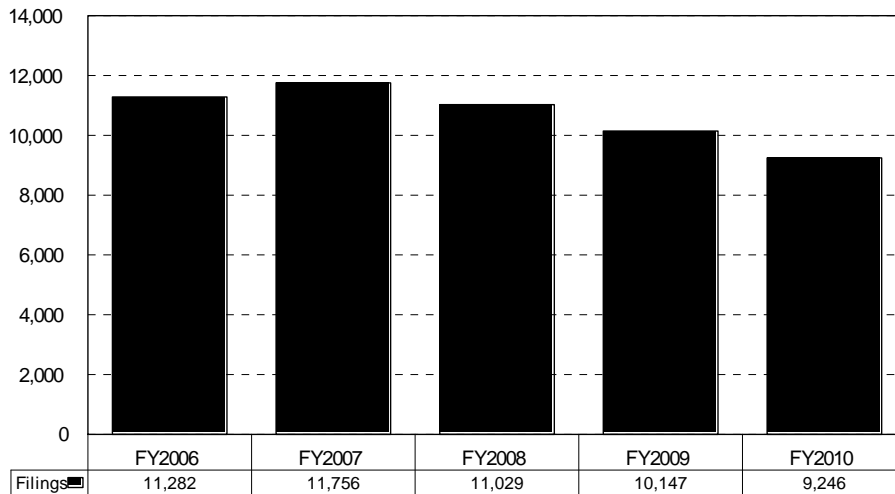


Table 18. DUI Filings and Dispositions by County - FY2010

COUNTIES:	Case Filings	Guilty Pleas	Dis-missals	Trials		Susp. Impos.*	TOTAL DISPOSITIONS
				Acqui-ttals	Convict-ions		
1st CIRCUIT							
Aurora	11	7	2	0	0	1	10
Bon Homme	28	24	9	0	0	0	33
Brule/Buffalo	83	53	33	0	0	1	87
Charles Mix	142	120	54	0	0	2	176
Clay	120	108	27	0	1	5	141
Davison	216	162	51	0	0	17	230
Douglas	11	5	4	0	0	0	9
Hanson	13	9	3	0	1	0	13
Hutchinson	23	19	3	0	0	2	24
McCook	33	16	17	1	0	0	34
Turner	53	39	17	0	0	4	60
Union	169	129	49	0	1	16	195
Yankton	195	185	27	2	0	7	221
TOTAL	1,097	876	296	3	3	55	1,233
2nd CIRCUIT							
Lincoln	362	251	150	0	6	63	470
Minnehaha	2,045	1,704	644	7	17	209	2,581
TOTAL	2,407	1,955	794	7	23	272	3,051
3rd CIRCUIT							
Beadle	239	213	20	0	2	1	236
Brookings	274	253	12	0	5	4	274
Clark	12	7	4	0	0	2	13
Codington	307	262	59	2	3	1	327
Deuel	38	31	9	0	0	0	40
Grant	49	43	10	0	0	2	55
Hamlin	19	17	3	0	0	0	20
Hand	19	13	2	0	0	0	15
Jerauld	14	5	2	0	0	0	7
Kingbury	29	21	9	0	0	0	30
Lake	110	86	22	0	1	5	114
Miner	12	11	3	0	0	0	14
Moody	93	69	24	1	0	5	99
Sanborn	7	5	1	0	0	0	6
TOTAL	1,222	1,036	180	3	11	20	1,250
4th CIRCUIT							
Butte	73	53	8	0	1	6	68
Corson	12	8	3	0	0	0	11
Dewey	20	15	2	0	0	1	18
Harding	7	6	1	0	0	1	8
Lawrence	450	256	99	2	3	103	463
Meade	511	280	107	0	0	143	530
Perkins	25	15	3	0	0	6	24
Ziebach	4	4	0	0	0	1	5
TOTAL	1,102	637	223	2	4	261	1,127

COUNTIES:	Case Filings	Guilty Pleas	Dis-missals	Trials		Susp. Impos.*	TOTAL DISPOSITIONS
				Acqui-ttals	Convict-ions		
5th CIRCUIT							
Brown	423	288	94	0	2	37	421
Campbell	4	2	3	0	0	1	6
Day	34	36	17	0	0	1	54
Edmunds	35	32	9	0	0	2	43
Faulk	6	7	0	0	0	0	7
Marshall	32	27	8	0	0	1	36
McPherson	7	4	2	0	0	0	6
Roberts	203	167	50	0	2	9	228
Spink	66	52	23	0	0	7	82
Walworth	125	69	38	1	0	5	113
TOTAL	935	684	244	1	4	63	996
6th CIRCUIT							
Bennett	69	56	23	0	0	1	80
Gregory	29	20	5	1	0	0	26
Haakon	6	4	0	0	0	2	6
Hughes	180	149	52	1	0	27	229
Hyde	8	2	3	0	0	0	5
Jackson	30	18	11	0	0	3	32
Jones	4	2	1	0	0	0	3
Lyman	43	20	24	0	0	1	45
Mellette	16	6	20	0	1	0	27
Potter	7	6	3	0	0	0	9
Stanley	69	49	18	0	0	5	72
Sully	11	10	1	0	0	0	11
Todd-Tripp	62	48	17	0	1	2	68
TOTAL	534	390	178	2	2	41	613
7th CIRCUIT							
Custer	88	28	14	0	3	33	78
Fall River-Shannon	121	63	22	1	0	36	122
Pennington	1,740	1,196	332	3	18	473	2,022
TOTAL	1,949	1,287	368	4	21	542	2,222

STATE TOTALS	Case Filings	Guilty Pleas	Dis-missals	Trials		Susp. Impos.*	TOTAL DISPOSITIONS
				Acqui-ttals	Convict-ions		
	9,246	6,865	2,283	22	68	1,254	10,492

* Suspended Imposition of Sentence