

DUI Cases

A significant percentage of Class 1 misdemeanors as well as felony cases are violations of 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 17. 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. Selected segments of this data are compared in Charts 16 and 17 on the following page.

Table B-17. DUI VIOLATIONS SUMMARY

VIOLATION TYPE	FY2008	FY2009	FY2010	FY2011	FY2012
<u>FILINGS</u>					
DUI One	7,855	7,332	6,672	6,005	6,966
DUI Two	1,930	1,720	1,509	1,743	2,131
DUI Three	956	836	788	756	969
DUI Four and Five	288	259	277	240	421
TOTAL	11,029	10,147	9,246	8,744	10,487
<u>GUILTY PLEAS</u>					
DUI One	5,279	5,013	4,565	3,801	3,962
DUI Two	1,626	1,520	1,324	1,496	1,647
DUI Three	837	771	739	688	634
DUI Four and Five	277	240	237	233	233
TOTAL	8,019	7,544	6,865	6,218	6,476
<u>DISMISSALS</u>					
DUI One	2,021	1,864	1,706	1,662	1,463
DUI Two	366	279	303	310	278
DUI Three	218	197	190	180	141
DUI Four and Five	82	82	84	87	64
TOTAL	2,687	2,422	2,283	2,239	1,946
<u>SUSPENDED IMPOSITIONS</u>					
DUI One	1,119	1,020	1,033	983	1,004
DUI Two	101	120	105	90	102
DUI Three	174	151	115	106	132
DUI Four and Five	0	0	1	0	5
TOTAL	1,394	1,291	1,254	1,179	1,243
<u>CONVICTIONS AT TRIAL</u>					
DUI One	33	27	25	16	38
DUI Two	14	13	15	18	26
DUI Three	19	13	19	17	9
DUI Four and Five	7	11	9	7	10
TOTAL	73	64	68	58	83
<u>ACQUITTALS AT TRIAL</u>					
DUI One	3	6	13	8	15
DUI Two	2	6	3	3	4
DUI Three	2	2	4	3	15
DUI Four and Five	1	1	2	3	1
TOTAL	8	15	22	17	35

Many of the DUI dismissals shown on the previous page on Table B-17 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 case-load comparison is included in Chart B-18 below.

Chart B-18. DUI Filings

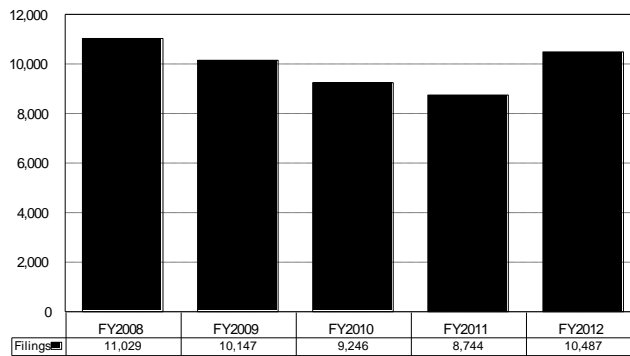


Table B-19. DUI Filings and Dispositions by County - FY2012

COUNTIES:	Case Filings	Guilty Pleas	Dis-missals	Trials		Susp. Impos.*	TOTAL DISPOSITIONS
				Acqui-ttals	Convict-ions		
1st CIRCUIT							
Aurora	19	14	6	1	0	1	22
Bon Homme	13	7	3	0	0	0	10
Brule/Buffalo	56	40	19	0	0	3	62
Charles Mix	123	105	41	0	0	2	148
Clay	158	130	25	0	0	14	169
Davison	207	156	51	0	0	12	219
Douglas	4	4	1	0	0	0	5
Hanson	11	5	1	1	0	2	9
Hutchinson	25	22	3	0	1	0	26
McCook	40	31	11	0	0	1	43
Turner	66	37	21	0	0	5	63
Union	164	130	72	0	0	8	210
Yankton	232	175	28	0	1	5	209
TOTAL	1,118	856	282	2	2	53	1,195
2nd CIRCUIT							
Lincoln	537	246	67	1	1	50	365
Minnehaha	3,157	1,612	502	21	21	252	2,408
TOTAL	3,694	1,858	569	22	22	302	2,773
3rd CIRCUIT							
Beadle	199	169	10	0	1	4	184
Brookings	427	352	43	0	3	19	417
Clark	18	4	5	0	8	2	19
Codington	449	285	58	1	21	0	365
Deuel	23	17	3	0	0	0	20
Grant	42	32	2	0	1	0	35
Hamlin	0	0	0	0	0	0	0
Hand	7	10	0	0	0	0	10
Jerauld	10	14	1	0	0	0	15
Kingbury	31	21	8	0	0	1	30
Lake	146	83	22	0	3	13	121
Miner	11	6	4	0	0	1	11
Moody	0	0	0	0	0	0	0
Sanborn	11	5	1	0	0	0	6
TOTAL	1,374	998	157	1	37	40	1,233
4th CIRCUIT							
Butte	135	92	19	0	0	31	142
Corson	14	7	2	0	0	2	11
Dewey	21	14	3	0	0	1	18
Harding	11	1	6	0	0	1	8
Lawrence	441	215	89	1	0	134	439
Meade	469	212	101	0	7	143	463
Perkins	16	7	6	0	0	3	16
Ziebach	3	3	0	0	0	0	3
TOTAL	1,110	551	226	1	7	315	1,100

COUNTIES:	Case Filings	Guilty Pleas	Dis-missals	Trials		Susp. Impos.*	TOTAL DISPOSITIONS
				Acqui-ttals	Convict-ions		
5th CIRCUIT							
Brown	458	320	108	5	3	43	479
Campbell	1	2	0	0	0	0	2
Day	66	33	33	0	0	3	69
Edmunds	30	28	16	0	0	7	51
Faulk	8	1	2	0	0	1	4
Marshall	0	0	0	0	0	0	0
McPherson	8	5	4	0	0	1	10
Roberts	188	143	51	2	0	15	211
Spink	41	28	9	1	0	8	46
Walworth	93	49	32	0	0	2	83
TOTAL	893	609	255	8	3	80	955
6th CIRCUIT							
Bennett	56	45	17	0	1	2	65
Gregory	22	14	6	0	0	1	21
Haakon	9	6	2	0	0	0	8
Hughes	188	153	44	0	3	14	214
Hyde	7	1	3	0	0	1	5
Jackson	43	27	7	0	0	2	36
Jones	11	5	1	0	0	0	6
Lyman	30	24	6	0	0	1	31
Mellette	46	30	13	0	0	0	43
Potter	12	5	4	0	0	0	9
Stanley	54	46	9	0	0	3	58
Sully	7	5	2	0	0	0	7
Todd-Tripp	64	47	10	0	0	4	61
TOTAL	549	408	124	0	4	28	564
7th CIRCUIT							
Custer	65	42	9	0	2	20	73
Fall River-Shannon	122	72	26	0	0	22	120
Pennington	1,562	1,082	298	1	6	383	1,770
TOTAL	1,749	1,196	333	1	8	425	1,963

STATE TOTALS	Case Filings	Guilty Pleas	Dis-missals	Trials		Susp. Impos.*	TOTAL DISPOSITIONS
				Acqui-ttals	Convict-ions		
	10,487	6,476	1,946	35	83	1,243	9,783

* Suspended Imposition of Sentence