

STATE OF SOUTH DAKOTA )  
 ) SS  
COUNTY OF STANLEY )

IN CIRCUIT COURT  
SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,

Plaintiff,

**JUDGMENT OF CONVICTION (PLEA)**  
**(SDCL 23A-27-4, 23A-27-27)**

VS.

**Docket No. 58CRI15-000029**

DANA NICOLE MARSHALEK,

Defendant,

A(n) information was filed with this Court on or about March 12, 2015 charging the Defendant with the crime(s) of

Driving Under Influence-1st Of (32-23-2)

The Defendant was arraigned on said information on April 14, 2015. Anthony James Franken, defendant's attorney, State of South Dakota, plaintiff and Thomas P Maher, plaintiff's attorney appeared at the Defendant's arraignment. The Court advised the Defendant of all constitutional and statutory rights pertaining to the charge(s) that had been filed against the Defendant. The Defendant pled:

Guilty By Poa Of Driving Under Influence-1st Of (32-23-2)

It is the determination of this Court that the Defendant has been regularly held to answer for said offense(s); that said plea was voluntary, knowing and intelligent; that the Defendant was represented by competent counsel; and that a factual basis existed for the plea.

It is, therefore, the JUDGMENT of this Court that the Defendant is guilty of

Driving Under Influence-1st Of (32-23-2)

#### SENTENCE

On April 14, 2015, the Court asked the Defendant if any legal cause existed to show why Judgment should not be pronounced. There being no cause offered, the Court thereupon pronounced the following sentence:

ORDERED that the Defendant, based on the following charge(s)

DRIVING UNDER INFLUENCE-1ST OF 32-23-2 M1 on 03/08/2015.

Sentenced on 04/14/2015 with the following sentence(s):

Incarceration:

Location- Jail

Begins- 04/14/2015

Total Term- 30 Day(s)

Suspended- 30 Day(s)

License:

Type(s)- Drivers License  
has been Revoked for 30 Day(s)  
effective on 04/14/2015  
Driving Permit- No  
24/7- No

Conditions:

Pay the fine and costs by paying \$50 per month  
starting on 5-15-15 until paid in full  
Pay the Clerk for court-appointed attorney fees on  
the same schedule as above  
Law abiding citizen; no violations of the law  
04/14/2015 - 04/14/2016  
Obtain a behavioral health evaluation; attend &  
successfully complete the recommended treatment;  
appear in court for a review hearing on 6-23-15 at  
1:30PM at which time the Defendant will be  
required to provide proof of obtaining the  
evaluation & completing the recommended treatment  
unless filed with the Clerk  
Comments: Jail time is suspended on the above conditions

Fines: \$500.00  
CCA Fees: TBD  
Costs: \$179.00

It is further

(Place initials in appropriate blank(s) if any of the following are desired)

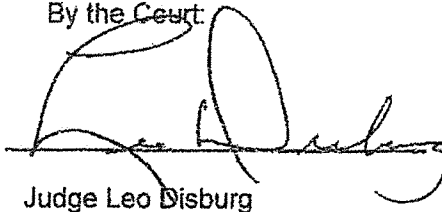
\_\_\_\_\_ Ordered that the costs of prosecution shall be paid by the defendant in the amount of  
\$ \_\_\_\_\_

\_\_\_\_\_ Ordered that the execution of the sentence is stayed for an optional period of  
\_\_\_\_\_ days. At the conclusion of said period, the defendant will surrender to Stanley County  
Jail at \_\_\_\_\_, Ft. Pierre, South Dakota. Work Release is not Authorized.

\_\_\_\_\_ That the defendant pay to the Stanley County Clerk of Courts (for reimbursement to  
the South Dakota Drug Control Fund, in c/o Division of Criminal Investigation, Criminal Justice  
Training Center, 1302 East Highway 14, Ste 5, Pierre, SD 57501-8505) for the costs of  
urinalysis, and/or testing of the marijuana or controlled substances in this case in the amount of  
\$ \_\_\_\_\_.

Dated this 17 day of April, 2015, at Stanley County, South  
Dakota.

By the Court:



Judge Leo Disburg

Attest:

/s/ Kelli Sitzman, Clerk Magistrate  
by: JSPR20206, Clerk Magistrate, Deputy

STATE OF SOUTH DAKOTA  
CIRCUIT COURT, STANLEY CO.  
**FILED**

APR 17 2015

*Kelli Sitzman* Clerk  
By bb Deputy