

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:	August 2014
<p>CONSIDERATION OF APPEAL BY DEREK GUTHALS OF THE DENIAL OF CERTIFICATION</p>	

<p>STATUTORY AUTHORITY:</p> <p style="text-align: center;">Section 168.071</p>	<p style="text-align: center;"> <input type="checkbox"/> Consent Item <input checked="" type="checkbox"/> Action Item <input type="checkbox"/> Report Item </p>
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DEPARTMENT GOAL NO. 3:

Missouri will prepare, develop, and support effective educators.

SUMMARY:

Applicant’s Name: Derek Guthals

On April 28, 2014, the Office of Educator Quality denied Mr. Guthals’ request for a substitute certificate based upon his criminal history.

On May 27, 2014, Mr. Guthals requested a review of the decision made by the assistant commissioner of the Office of Educator Quality.

Offense: On March 12, 2012, Mr. Guthals entered a plea of guilty to felony DWI-combined alcohol/drug intoxication-aggravated offender in Holt County Circuit Court.

Personal History: Mr. Guthals is currently on probation for DWI. He has numerous DWIs since 1998, the latest in 2012.

Letters of Recommendation: Three – professor, former employer, relative

PRESENTER(S):

Mark Allan Van Zandt, General Counsel, will participate in the presentation and discussion of this agenda item.

RECOMMENDATION:

The Department recommends that the applicant be denied a substitute certificate.

Received
MAY 29 2014
State Board of Education

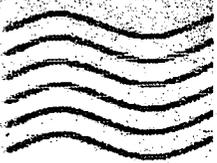
The Appeal

I'm writing this appeal to express my desire to substitute teach in Missouri for I am completing my time on probation without any violations from the start of the criminal sentence imposed March 7 2012 for a crime which had related to my periodic and former impulsive drinking for which I've completely abstained from doing since before sentence imposition with support from my wife, family, and church. The simple compliance to probation rules and support and references from my college professor, car mechanic friend, and real estate agent former boss are the best arguments I have for the reversal of denial.

[Handwritten signature]
[Handwritten signature]

Jerrek Guthals
2563 Hwy 120
Oregon MO 64473

KANSAS CITY 640
27 MAY 2014 PM 6 L



Secretary of the State Board of Education
P.O. Box 480
Jefferson City MO
65102-0480



7006 0100 0005 2165 3855

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Sent To
 Street, Apt. No., or PO Box No. D Couthals
 City, State, ZIP+4

PS Form 3800, June 2002. See Reverse for Instructions.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Derek Couthals
32563 Highway 120
Oregon MO
64473

COMPLETE THIS SECTION ON DELIVERY

A. Signature Derek Couthals Agent Addressee

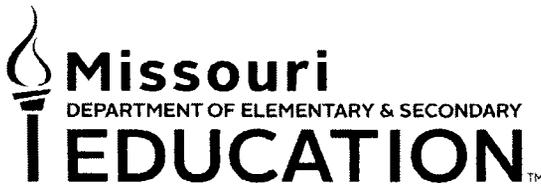
B. Received by (Printed Name) Derek Couthals C. Date of Delivery 5-1-15

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
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 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7006 0100 0005 2165 3855



Paul Katnik • Assistant Commissioner

Office of Educator Quality

205 Jefferson Street, P.O. Box 480 • Jefferson City, MO 65102-0480 • dese.mo.gov

April 28, 2014

Derek Guthals
32563 Highway 120
Oregon, MO 64473

RETURN RECEIPT REQUESTED
CERTIFIED MAIL # 7006 0100 0005 2165 3855
SSN: [REDACTED]

Dear Mr. Guthals:

The Office of Educator Quality has received your request for a substitute certificate. We have also received your fingerprint background check results, as well as information you submitted regarding your criminal history. The report received from the Missouri State Highway Patrol and the Federal Bureau of Investigation indicated you have pleaded to or have been found guilty of the following offenses:

- Felony, DWI-Combined Alcohol/Drug Intoxication-Aggravated Offender, Circuit Court of Holt County, case number 11HO-CR00097-01, March 7, 2012;
- Misdemeanor, Failure to Drive on Right Half of Roadway When Roadway was of Sufficient Width, Resulting in an Accident, Circuit Court of Holt County, case number 11HO-CR00097-01, March 7, 2012;
- Offense, Driving Under the Influence of Alcohol (3rd Offense), Circuit Court of Union County, State of South Dakota, case number 63C05000537AO, November 17, 2005;
- Offense, Driving While Under the Influence, Circuit Court of Clay County, State of South Dakota, case number 01-254, October 2, 2001;
- Offense, Driving While Intoxicated, Circuit Court of Union County, State of South Dakota, case number 99-38, April 1, 1999;
- Offense, Simple Assault, Circuit Court of Union County, State of South Dakota, case number 63C98000511AO, August 6, 1998; and
- Offense, Operating While Intoxicated - First Offense, Circuit Court of Woodbury County, state of Iowa, case number OWCR043666, January 29, 1998.

As provided by Missouri Revised Statutes 168.071, the Department of Elementary and Secondary Education may deny the issuance of a Missouri certificate to an individual “who has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed.”

Your request for a substitute certificate is being denied based upon your criminal history.

By copy of this letter, you are given notice of the decision of the department. Enclosed you will find a copy of the administrative appeal procedures which were established by the State Board of Education.

If you have any questions regarding this decision, you may contact our office at (573) 522-8761.

Sincerely,

A handwritten signature in cursive script that reads "Margery Tanner".

Margery Tanner, Director
Office of Educator Quality



Substitute Certification



MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
 OFFICE OF EDUCATOR QUALITY
 EDUCATOR CERTIFICATION
 POST OFFICE BOX 480
 JEFFERSON CITY, MISSOURI 65102-0480
 (573)751-0051

POSSIBLE DISCIPLINE

APPLICATION FOR A SUBSTITUTE CERTIFICATE OF LICENSE TO TEACH

SECTION I: APPLICANT INFORMATION

PROFILE

Educator ID: 593530 Social Security Number: [REDACTED]
 Name: DEREK AARON GUTHALS [View Application Checklist](#)
 Address: 32563 HIGHWAY 120
 City: OREGON State: MO Zip: 64473-0000
 Personal Phone: (660) 442 - 6508
 Work Phone: () - -
 Email Address: DEREK.GUTHALS@YAHOO.COM

EDUCATION

No records to display

PROFESSIONAL CONDUCT (ALL QUESTIONS MUST BE ANSWERED)

Please answer the following questions. If you answer yes to any of the questions, please provide an explanation in the box below.

Have you ever been charged with, convicted or entered a plea, including a plea of nolo contendere, to any felony or misdemeanor whether or not sentence was imposed or suspended, except minor traffic violations? If yes, explain fully.

Yes No

1997, 1999, 2001-MISDEMEANOR DWIS
 2005, 2011-FELONY DWIS; CURRENTLY ON PROBATION, WHICH ENDS 02/15/2015.

Have you ever been denied a professional license, certificate, permit, credential, endorsement, or registration? If yes, explain fully.

Yes No

NO

Has your professional license (except for driver's license), certificate, permit, credential, endorsement, or registration ever been disciplined, suspended, revoked, reprimanded, restricted, curtailed or voluntarily surrendered or do you have any pending complaints before any regulatory board or agency or is there any investigation or adverse action now pending against you? If yes, explain fully.

Yes No

Have you ever resigned, been restricted, disciplined, or discharged from any position, including the armed forces, while under suspicion of having engaged in criminal, immoral, unethical behavior or unprofessional conduct, or are you under investigation for any such charge? If yes, explain fully.

Yes No

TYPE OF APPLICATION

CONTENT SUBSTITUTE

Selected Payment Type : Debit, Credit, eCheck payment
 Actual Payment Type : Debit, Credit, eCheck payment
 Application Fee : 50.00
 Amount Paid : 50.00
 Amount Remaining : 0.00
 Payment Status : Paid
 Comments :

SWORN STATEMENT

I, the above named applicant, hereby affirm under penalties of perjury that I am the applicant referred to in the preceding application for a certificate of license to teach in the state of Missouri, and that all statements and enclosures are true and accurate to the best of my knowledge, information, and belief. I understand that any misrepresentation of facts may result in the denial or revocation of the requested certificate(s). I submit for consideration this application as required by the Missouri law governing the practice of teaching. I understand that the Missouri Department of Elementary and Secondary Education may require further information of evidence that it deems reasonable and proper. Furthermore, I voluntarily consent to a thorough investigation of my present and past employment and other activities for the purpose of verifying my qualifications. In addition, I grant permission to access any court, FBI, or police records related to arrests and convictions related to good moral character or personal fitness pertinent to my certification, and to probation or parole records as well.

RELEASE OF EDUCATIONAL INFORMATION

I hereby give my recommending certification institution permission to release any and all information needed.

BY SELECTING "I Accept", I AGREE TO THE TERMS OF THE SWORN STATEMENT AND TO THE RELEASE OF MY EDUCATIONAL INFORMATION.

Accept

It is the policy of the Missouri Department of Elementary and Secondary Education not to discriminate on the basis of race, color, religion, gender, national origin, age, or disability in its programs or employment practices as required by Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Americans with Disabilities Act of 1990. Inquiries related to Department programs and to the location of services, activities, and facilities that are accessible by persons with disabilities may be directed to the Jefferson State Office Building, Office of the General Counsel, Coordinator-Civil Rights Compliance (Title VI/Title IX/504/ADA/Age Act), 6th Floor, 205 Jefferson Street, P.O. Box 480, Jefferson City, MO 65102-0480; telephone number (573) 526-4757 or TTY (800) 735-2966, fax (573) 522-4883, email civilrights@dese.mo.gov.

Memo (Public):

NEED TRANSCRIPTS AND BACKGROUND CLEARANCE

Application Status: PENDING SUPPORT DOCUMENTATION

Email: certification@dese.mo.gov

Current User: KMILLERS Last Modified User: SHIRSCH Last Modified Date: 1/27/2014 3:29:04 PM

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IN THE CIRCUIT COURT OF HOLT COUNTY, MISSOURI

Judge or Division: ROGER PROKES	Case Number: 11HO-CR00097-01
Case Name: STATE OF MISSOURI V DEREK AARON GUTHALS	

Certificate of Clerk

I, Vicki Book, Clerk of the Circuit Court, Division I of Holt County, which said court is a court of record, having a clerk and seal, certify that the attached is a true, accurate and complete copy of Judgment, Dismissal, Order Granting Probation, and Circuit Court Docket Sheet in the above entitled case, as the same appears of record and on file in this office.

WITNESS my hand and the seal of the court affixed hereto on (date).

Clerk Vicki Book

By: _____ Deputy Clerk

(Seal of the Court)

REC'D MAR 08 2014

Report: CZR0026

4TH JUDICIAL CIRCUIT
HOLT
CIRCUIT COURT DOCKET SHEET

Date: 14-Feb-2014
Time: 9:28:55AM
Page: 1

11HO-CR00097-01 ST V DEREK A GUTHALS

Security Level: 1 Public

Case Type:	CC Felony	Case Filing Date:	11-Oct-2011
Status:	Judgment CVC \$46 - Alcohol		
Disposition:	Guilty Plea	Disposition Date:	01-Feb-2012
OCN#:	Not on File		
Arresting Agency:	MOMHPHH00		

Release/Status Reason
Change Date

Judge	ROGER M PROKES (27496)		
Defendant	DEREK AARON GUTHALS (GUTDA4868)		
Prosecuting Attorney	ROBERT R SHEPHERD (27940)		
Attorney for Defendant	BRETT HURST (62029)	07-Mar-2012	Employment Terminated

Accident/DWIBAC: Accident & DWI **Officer Badge No.:** H-396

REC'D MAR 06 2014

Report: CZR0026

4TH JUDICIAL CIRCUIT
HOLT
CIRCUIT COURT DOCKET SHEET

Date: 14-Feb-2014

Time: 9:28:55AM

Page: 2

Case continued from previous page.

11HO-CR00097-01 ST V DEREK A GUTHALS**Security Level: 1 Public**

	Charge #	Charge Date	Charge Code	Charge Description
Original Charge:	1	29-Jul-2011	4741700	Dwi -Alcohol - Chronic Offender (Felony B RSMo : 577.010)
	Ticket No: 700129936			
Amended To:	1	29-Jul-2011	4744700	Dwi - Combined Alcohol/Drug Intoxication - Aggravated Offender (Felony C RSMo : 577.010)
	Ticket No: 700129936			
Disposition:	07-Mar-2012	Guilty Plea		
Order Date:	07-Mar-2012		Sentence or SIS: Incarceration DOC	
Length:	7 Years		Start Date: 07-Mar-2012	
Text:	559.115.3 RSMo INSTITUTIONAL TREATMENT PROGRAM			
Conc/Cons Case & County:	CONSECUTIVE TO COUNT 2			
Order Date:	14-Jun-2012		Sentence or SIS: Incarceration DOC	
Length:	7 Years		Start Date: 05-Jul-2012	
EXECUTION OF SENTENCE SUSPENDED				
Original Charge:	2	29-Jul-2011	4722700	Fail To Drive On Right Half Of Rdwy When Rdwy Was Of Sufficient Width, Resulting In An Accident (Misdemeanor A RSMo : 304.015)
	Ticket No: 700108309			
Disposition:	01-Feb-2012	Guilty Plea		
Order Date:	07-Mar-2012		Sentence or SIS: Incarceration County Jail	
Length:	1 Years		Start Date: 07-Mar-2012	
EXECUTION OF SENTENCE SUSPENDED				
Original Charge:	3	29-Jul-2011	4736700	Driver/Front Seat Passenger Fail To Wear Properly Adjusted/Fastened Safety Belt (Infraction RSMo : 307.178)
	Ticket No: 700108309			
Disposition:	08-Mar-2012	Dismissed by Prosec/Nolle Pros		
Program:	PROBATION		Agency: HOLT COUNTY CIRCUIT COURT	
Associated To:	Charge 2			
Classification:	SUPERVISED			
Start Date:	07-Mar-2012	Due to End		07-Mar-2014
Program:	PROBATION		Agency: MISSOURI BOARD OF PROBATION & PAROLE	
Associated To:	Charge 1			
Classification:	SUPERVISED			
Start Date:	05-Jul-2012	Due to End		05-Jul-2017

<u>Filing Date</u>	<u>Description</u>
12-Oct-2011	Judge Assigned

REC'D MAR 06 2014

Report: CZR0026

4TH JUDICIAL CIRCUIT
HOLT
CIRCUIT COURT DOCKET SHEET

Date: 14-Feb-2014

Time: 9:28:55AM

Page: 3

Case continued from previous page.

11HO-CR00097-01 ST V DEREK A GUTHALS**Security Level: 1 Public**

12-Oct-2011 **Information Filed**
Arraignment Scheduled
Scheduled For: 09-Nov-2011; 9:30 AM; ROGER M PROKES; **Setting:** 0; Holt

09-Nov-2011 **Arraignment Held**
State appears through prosecuting attorney Shepherd. Defendant appears in person and with attorney Hurst. Defendant waives formal reading of the information and enters plea of not guilty.
Filed By: ROGER M PROKES
Pre-trial Conference Scheduled
Scheduled For: 01-Feb-2012; 9:30 AM; ROGER M PROKES; **Setting:** 0; Holt

01-Feb-2012 **Guilty Plea**
FELONY PLEA OF GUILTY CHECK SHEET/DOCKET ENTRY
Filed By: ROGER M PROKES
Scheduled For: 01-Feb-2012; 9:30 AM; ROGER M PROKES; **Setting:** 0; Holt
Sent Assessment Report Ordered
Filed By: ROGER M PROKES
Sentencing Hearing Scheduled
Scheduled For: 07-Mar-2012; 9:30 AM; ROGER M PROKES; **Setting:** 0; Holt

29-Feb-2012 **Sent Assessment Report Filed**

07-Mar-2012 **Sentencing Hearing Held**
Filed By: ROGER M PROKES
Filing:
FELONY PLEA OF GUILTY CHECK SHEET/DOCKET ENTRY (AMENDED COUNT 1)
Defendant Sentenced
AUTHORIZE ADDITIONAL OFFICER - Yes; CONC/CONS CASE & COUNTY - CONSECUTIVE TO COUNT 2; 24.035/29.15 INEFFECT COUNSEL - No; ALLOCUTION - Yes; INST TRMT PROG 559.115 - Yes
Sentence Date: 07-Mar-2012; **Sentence:** Incarceration DOC
Costs Ordered to Def
Judgment CVC \$46 - Alcohol
Associated To: DEREK A GUTHALS
Def Advised under Rule 24.035

09-Mar-2012 **Record of Traffic Disp Issued**
The Traffic Disposition was sent electronically to DOR and MSHP for charge number 1 violation 4744700 - Dwi - Combined Alcohol/Drug Intoxication - Aggravated Offender. The charge was disposed as Guilty Plea
Record of Traffic Disp Issued
The Traffic Disposition was sent electronically to DOR and MSHP for charge number 2 violation 4722700 - Fail To Drive On Right Half Of Rdwy When Rdwy Was Of Sufficient Width, Resulting In An Accident. The charge was disposed as Guilty Plea

REC'D MAR 06 2014

Report: CZR0026

4TH JUDICIAL CIRCUIT
HOLT
CIRCUIT COURT DOCKET SHEET

Date: 14-Feb-2014

Time: 9:28:55AM

Page: 4

Case continued from previous page.

11HO-CR00097-01 ST V DEREK A GUTHALS**Security Level: 1 Public**

- 09-Mar-2012 **Record of Traffic Disp Issued**
The Traffic Disposition was sent electronically to DOR and MSHP for charge number 3 violation 4736700 - Driver/Front Seat Passenger Fail To Wear Properly Adjusted/Fastened Safety Belt. The charge was disposed as Dismissed by Prosec/Nolle Pros
- 15-Jun-2012 **Probation Order**
ORDER GRANTING PROBATION
Copy faxed and certified copy mailed to WRDCC. Copy given to PA and P&P.
Filed By: ROGER M PROKES
- Probation Cond Revw Hrng Sched**
Scheduled For: 11-Jul-2012; 9:30 AM; ROGER M PROKES; **Setting:** 0; Holt
- Record of Traffic Disp Amended**
An Amended Traffic Disposition was sent electronically to DOR and MSHP for charge number 1 violation 4744700 - Dwi - Combined Alcohol/Drug Intoxication - Aggravated Offender. The charge was disposed as Guilty Plea
- 11-Jul-2012 **Prob Cond Review Hrng Held**
Defendant appears. Costs paid at rate of \$75.00/month commencing September 15, 2012. Terms of probation are reviewed. RP
Filed By: ROGER M PROKES

REC'D MAR 06 2014



IN THE 4TH JUDICIAL CIRCUIT COURT, HOLT COUNTY, MISSOURI

Judge or Division: ROGER M PROKES	Case Number: 11HO-CR00097-01
	<input type="checkbox"/> Change of Venue
	County:
	Case Number:
	Offense Cycle No.:
State of Missouri Defendant: DEREK AARON GUTHALS	vs. Prosecuting Attorney/MO Bar No.: ROBERT R SHEPHERD - 27940 Defense Attorney/MO Bar No.: BRETT HURST - 62029
DOB: 28-FEB-1971 SSN: [REDACTED] SEX: M	Appeal Bond Set Date: Amount:
<input checked="" type="checkbox"/> Pre-Sentence Assessment Report Ordered <input type="checkbox"/> Pre-Sentence Assessment Report Waived	

FILED

MAR 7 2012

VICKI BOOK
CIRCUIT CLERK - DIV. I
HOLT COUNTY, MISSOURI

(Date File Stamp)

Judgment

Count No. 1 Charge Description: DWI-Alcohol Chronic Charge Code: 4741700- 4744700 Statute: 577.010 Date of Offense: July 29, 2011	Count No. 2 Charge Description: Fail Drive Rght 1/2 Road Charge Code: 4722700 Statute: 304.015 Date of Offense: July 29, 2011	Count No. 3 Charge Description: Fail to fasten seat belt Charge Code: 4736700 Statute: 307.178 Date of Offense: July 29, 2011
<input type="checkbox"/> Misdemeanor <input checked="" type="checkbox"/> Felony Class <input type="checkbox"/> A <input type="checkbox"/> B <input checked="" type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> Unclassified	<input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony Class <input checked="" type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> Unclassified	<input type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony Class <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> Unclassified
On the above count, it is adjudged that the defendant has been: <input checked="" type="checkbox"/> Found Guilty upon a plea of guilty <input type="checkbox"/> Found guilty by a jury/court <input type="checkbox"/> Dismissed/Nolle pros/found not guilty	On the above count, it is adjudged that the defendant has been: <input checked="" type="checkbox"/> Found Guilty upon a plea of guilty <input type="checkbox"/> Found guilty by a jury/court <input type="checkbox"/> Dismissed/Nolle pros/found not guilty	On the above count, it is adjudged that the defendant has been: <input type="checkbox"/> Found Guilty upon a plea of guilty <input type="checkbox"/> Found guilty by a jury/court <input type="checkbox"/> Dismissed/Nolle pros/found not guilty

The defendant has been found beyond a reasonable doubt to be a:

- | | |
|--|---|
| <input type="checkbox"/> Persistent Sexual Offender (558.018 RSMo) | <input type="checkbox"/> Predatory Sexual Offender (558.018 RSMo) |
| <input type="checkbox"/> Persistent Drug Offender (195.285, .291, .292, .295, or .296 RSMo) | <input type="checkbox"/> Prior Drug Offender (195.285, .291, .295, or .296 RSMo) |
| <input type="checkbox"/> Persistent Misdemeanor Offender (558.016 RSMo) | <input type="checkbox"/> Dangerous Offender (558.016 RSMo) |
| <input type="checkbox"/> Persistent Offender (558.016 RSMo) | <input type="checkbox"/> Prior Offender (558.016 RSMo) |
| <input type="checkbox"/> Persistent Domestic Violence Offender (565.063 RSMo) | <input type="checkbox"/> Prior Domestic Violence Offender (565.063 RSMo) |
| <input type="checkbox"/> Persistent Offender (Intoxication-related Traffic Offense) (577.023 RSMo) | <input type="checkbox"/> Prior Offender (Intoxication-related Traffic Offense) (577.023 RSMo) |
| <input checked="" type="checkbox"/> Aggravated Offender (577.023 RSMo) | <input type="checkbox"/> Chronic Offender (577.023 RSMo) |
| <input checked="" type="checkbox"/> Not Applicable | |

on 3/7/12 (date)

The court:

- Informs the defendant of verdict/finding, asks the defendant whether (s)he has anything to say why judgment should not be pronounced, and finds that no sufficient cause to the contrary has been shown or appears to the court.
- Defendant has been advised of his/her rights to file a motion for post-conviction relief pursuant to Rule 24.035/29.15 and the court has found
 - Probable cause No probable cause
 to believe that defendant has received ineffective assistance of counsel.
- Finds the defendant has pled or been found guilty of a dangerous felony, as defined in section 556.061, RSMo, and if committed to the Department of Corrections, must serve at least 85% of the sentence.
- Finds the defendant has pled or been found guilty of an offense for which probation and parole are not authorized.

REC'D MAR 06 2014

On count 1, the Court:

- Suspends imposition of sentence. Defendant is placed on probation for a period of _____ under the supervision of _____. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- Sentences and commits the defendant to the custody of Doc for a period of 7yr. Sentence to be served
 - Concurrent Consecutive to with ct 2
- Suspends execution of sentence. Defendant is placed on probation for a period of _____ under the supervision of _____. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- Fines the defendant \$ _____. The court stays \$ _____ with the remainder due by _____ (date).

On count 2, the Court:

- Suspends imposition of sentence. Defendant is placed on probation for a period of _____ under the supervision of _____. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- Sentences and commits the defendant to the custody of Att of SJA for a period of 1yr. Sentence to be served
 - Concurrent Consecutive with _____
- Suspends execution of sentence. Defendant is placed on probation for a period of _____ under the supervision of Court. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- Fines the defendant \$ _____. The court stays \$ _____ with the remainder due by _____ (date).

On count _____, the Court:

- Suspends imposition of sentence. Defendant is placed on probation for a period of _____ under the supervision of _____. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- Sentences and commits the defendant to the custody of _____ for a period of _____. Sentence to be served
 - Concurrent Consecutive with _____
- Suspends execution of sentence. Defendant is placed on probation for a period of _____ under the supervision of _____. Defendant shall comply with the conditions set forth in the separate Order of Probation.
- Fines the defendant \$ _____. The court stays \$ _____ with the remainder due by _____ (date).

REC'D MAR 06 2014

STATE OF MISSOURI }

MISSOURI STATE HIGHWAY PATROL

COUNTY OF HOLT }

CASE # 110235234

DATE: July 29, 2011

OCN:

I, Tpr. J. L. Vernon, knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

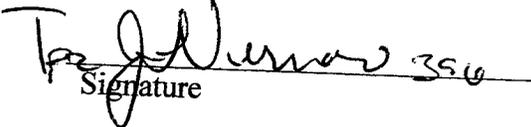
1. I have probable cause to believe that Derek Aaron Guthals, on 07/29/2011, at Southbound US 59, south of Mound City, Missouri, committed the offense(s) listed below:

Misd 304.015 4722705.0 Failed to Drive on Right Half of Roadway When Roadway was of Sufficient Width - Resulting in an Accident
Felony 577.010 4741704.0 Operated Motor Vehicle While in an Intoxicated Condition - Alcohol - Chronic Offender

2. State the facts that support a finding of probable cause to believe crime(s) was/were committed and that the accused committed the crime(s): On July 29, 2011, at approximately 0057 hours, I was notified of a one vehicle non-injury vehicle crash on US 59, just south of Mound City, Missouri, in Holt County. I responded to the scene of the crash. I arrived at 0128 hours. The driver and sole occupant, Derek A. Guthals was passed out in the driver's seat. Guthals was covered in vomit and his jean shorts was soaked. I roused Guthals. There was a strong odor of intoxicating beverage coming from the vehicle. At approximately 0135 I told Guthals he was under arrest for driving while intoxicated. I read Guthals the Miranda Warning. I assisted Guthals out of his vehicle. Guthals was unable to stand on his own. Guthals was unable to speak with clarity. I asked the Atchison - Holt Ambulance to respond to the scene of the crash to assess Guthals for injuries. While Guthals was inside the ambulance, he passed out several times and vomited three to four times. I read the implied consent to Guthals. Guthals consented to a test of his blood.

Due to Guthals' high level of intoxication, he was transported to Community Hospital in Fairfax for assessment. At the hospital, Guthals admitted to five prior driving while intoxicated convictions and two years in prison for driving while intoxicated. I asked Guthals where he was convicted of driving while intoxicated. Guthals stated he was arrested in 2003 in Iowa, and the other four times were in South Dakota. Requests by Troop H Radio was made to Iowa and South Dakota for Guthals' record. As of 0522 hours, the replies have yet to come into Troop H Radio.

I, knowing that false statements on this form are punishable by law, state that the facts contained herein are true.


Signature

07-29-2011
Date

REC'D APR 16 2014

```

=====
STATE OF SOUTH DAKOTA      )
                           )  SS
County of UNION           )
*****

```

IN CIRCUIT COURT
Magistrate Division
FIRST Judicial Circuit

State of South Dakota PLAINTIFF

```

*
* Docket Sheet
*
* CASE NUMBER: 63C05000537A0
*
* FILE DATE: 09/19/2005
*

```

VS.

GUTHALS,DEREK DEF

Attorney of Record: STUART,DAVID,A

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*****
Judge: STEVEN JENSEN          Status: TERMINATED          Termination Ind: T

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- 01 count(s) of DWI4 - SDCL 32-23-4.6 - DRIVING UNDER INFLUENCE - 4TH OF
- 01 count(s) of MAR1 - SDCL 22-42-6 - POSS TWO OUNCES OF MARIJUANA OR LES
- 01 count(s) of DGPH - SDCL 22-42A-3 - USE OR POSSESSION OF DRUG PARAPHERN
- 01 count(s) of DWI3 - SDCL 32-23-4 - DRIVING UNDER INFLUENCE-3RD OF
- 01 count(s) of MAR1 - SDCL 22-42-6 - POSS TWO OUNCES OF MARIJUANA OR LES
- 01 count(s) of DGPH - SDCL 22-42A-3 - USE OR POSSESSION OF DRUG PARAPHERN

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FILE DATE  DOCUMENT NAME                                     #
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09/19/2005 TICKETS
09/19/2005 AFFIDAVIT AND APPLICATION FOR EX PARTE PROBABLE CAUSE DETERMINATION
09/19/2005 EX PARTE DETERMINATION OF PROBABLE CAUSE
09/19/2005 INITIAL APPEARANCE
09/19/2005 ORDER SETTING BOND AND CONDITIONS
09/20/2005 APP AND ORDER FOR COURT-APPOINTED ATTORNEY
10/06/2005 PART II INFORMATION FOR PRIOR OFFENSES
10/06/2005 INDICTMENT
10/06/2005 CERTIFICATE OF SERVICE
10/28/2005 MOTION IN LIMINE RE: THIRD PARTY PERPETRATOR EVIDENCE AND MEMORANDUM/CERT. OF
SERVICE
10/28/2005 STATE'S RECIPROCAL DISCOVERY MOTION/CERT. OF SERVICE
10/28/2005 ORDER SETTING DATE AND TIME FOR JURY TRIAL
11/17/2005 AMENDED PART II INFORMATION FOR PRIOR OFFENSES
11/17/2005 NOTICE OF PLEA DATE/CERT. OF SERVICES
11/22/2005 ORDER SETTING SENTENCE HEARING
01/09/2006 SEALED DOCUMENTS
01/10/2006 ADMINISTRATIVE RECORD OF JAIL SENTENCE AND TIME SERVED
01/12/2006 CONDITIONS OF ADULT PROBATION
01/13/2006 JUDGMENT AND SENTENCE
01/18/2006 SUMMARY OF FEES & EXPENSES OF PUBLIC DEFENDER
06/30/2006 DETAINER
07/05/2006 INITIAL APPEARANCE AFTER ARREST
07/05/2006 APP AND ORDER FOR COURT-APPOINTED ATTORNEY
07/05/2006 VIOLATION REPORT
07/07/2006 PETITION FOR VIOLATION OF PROBATION
07/10/2006 SEALED DOCUMENTS

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REC'D MAR 06 2014

DOCKET NUMBER 63C05000537A0

FILE DATE	DOCUMENT NAME	#
07/10/2006	VIOLATION REPORT	
07/13/2006	ORDER SETTING STATUS HEARING	
08/02/2006	ORDER TO UNSEAL PRE-SENTENCE INVESTIGATION PRIOR TO SENTENCE HEARING	
08/02/2006	ORDER SETTING DISPOSITIONAL HEARING	
08/08/2006	ADMINISTRATIVE RECORD OF JAIL SENTENCE AND TIME SERVED	
08/11/2006	CONDITIONS OF ADULT PROBATION	
08/11/2006	SUMMARY OF FEES & EXPENSES OF PUBLIC DEFENDER	
08/15/2006	DISPOSITION ORDER	
01/12/2007	VIOLATION REPORT	
01/16/2007	DETAINER	
01/25/2007	PETITION FOR VIOLATION OF PROBATION	
01/25/2007	ARREST WARRANT	
02/16/2007	RETURN OF ARREST WARRANT	
05/04/2007	INITIAL APPEARANCE AFTER ARREST	
05/07/2007	APP AND ORDER FOR COURT-APPOINTED ATTORNEY	
06/07/2007	SUMMARY OF FEES & EXPENSES OF PUBLIC DEFENDER	
06/18/2007	DISPOSITIONAL ORDER	
07/25/2007	ACKNOWLEDGMENT OF RECEIPT OF CONVICT	
10/10/2007	ORDER FOR COURT-APPOINTED COUNSEL	
10/12/2007	APP. AND ORDER FOR COURT-APPOINTED ATTORNEY	
11/14/2007	SUMMARY OF FEES & EXPENSES OF PUBLIC DEFENDER	
11/24/2008	CERTIFICATE OF DISCHARGE	

< END OF REPORT >

REC'D MAR 06 2014

STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

:SS

COUNTY OF UNION)

FIRST JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,
PLAINTIFF,

*

63C05000537A0

*

V.

*

JUDGMENT AND SENTENCE

Derek Guthals,

*

DOB: 02/28/71

*

DEFENDANT.

*

The above-entitled matter having come before the Court for the purpose of Arraignment at 9:00 a.m. on October 24, 2005, pursuant to an Indictment dated October 6, 2005, charging the defendant with the crimes of Driving Under the Influence (4th Offense) in violation of SDCL 32-23-1, including the Part II information for Prior Offenses in violation of SDCL 32-23-4, Possession of Marijuana in violation of SDCL 22-42-6, and Possession of Drug Paraphernalia in violation of SDCL 22-42A-3, the State of South Dakota being present by and through Union County State's Attorney, Jerry A. Miller, and the Defendant being present in person and through counsel, David Stuart. The Defendant pled not guilty to the charge contained in the Indictment. The Court found the Defendant's plea was intelligently, knowingly and voluntarily made; and that competent counsel represented the Defendant. The Court then set a trial date.

The above-entitled matter having come before the Court for the purposes of a change of plea hearing at 9:00 a.m., on November 21, 2005, the State of South Dakota being present through Union County State's Attorney Jerry A. Miller, and the Defendant being present and through counsel, David Stuart. Pursuant to a Plea Agreement, the State filed an Amended part II information for Prior Offenses, dated November 17, 2005, amending the Driving Under the Influence of Alcohol charge to a 3rd offense, in violation of SDCL 32-23-4. The Court again advised the Defendant of all constitutional and statutory rights pertaining to the charges. Pursuant to said Plea Agreement, the Defendant pled guilty to the charges of Driving Under the Influence of Alcohol (3rd Offense) in violation of SDCL 32-23-4. The State dismissed the charges of Possession of Marijuana in violation of SDCL 22-42-6 and

REC'D MAR 08 2006

Possession of Drug Paraphernalia in violation of SDCL 22-42A3 pursuant to said Plea Agreement. It is the determination of this Court that the Defendant has been regularly held to answer for said offense 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, therefore,

JUDGMENT

IT IS THE JUDGMENT OF THIS COURT that the Defendant is guilty of Driving Under the Influence of Alcohol (3rd Offense) in violation of SDCL 32-23-1, including the Amended Part II Information for Prior Offenses contrary to SDCL 32-23-4.

SENTENCE

The above-entitled matter having come before the Court for purposes of sentencing at 3:30 p.m. on the January 9, 2006, the State of South Dakota being present by and through Union County State's Attorney, Jerry A. Miller, and the Defendant being present in person and through counsel, Phillip Peterson. The Court having reviewed the pre-sentence investigation and having heard the arguments of both parties, therefore:

IT IS HEREBY ORDERED that the Defendant shall be sentenced to two (2) years in the South Dakota State Penitentiary. It is further ORDERED that the two (2) year sentence is SUSPENDED and shall be placed on probation for three (3) years under the following terms and conditions under the following terms and conditions:

1. Defendant shall be placed under the supervision of the Chief Court Service Officer of this Judicial Circuit, or his representative thereof, for a period of three (3) years. The Defendant shall sign the standard probationary agreement and obey all of the conditions placed upon him by the Court Service Officer. It is further ORDERED that the Defendant's probation

REC'D MAR 06 2014

may be transferred to the State of Iowa.

2. Defendant shall follow any and all terms set out in the probation agreement.
3. Defendant shall obey all federal, state and local laws while on probation.
4. Defendant shall not possess or use any alcoholic beverages, or use or possess any controlled drug or illegal substances while on probation, with the exception of prescribed medications lawfully ingested according to the doses prescribed by a licensed physician.
5. Defendant shall waive his Fourth (4th) Amendment right against random warrant-less search and seizure to her probation officer and or any law enforcement officer upon request to include the defendant's person, vehicle, and residence. This waiver shall include the Defendant submitting to a urinalysis upon request, to include the Defendant's person, vehicle, and residence. This waiver shall include the Defendant submitting to a UA upon request. The Defendant shall remain responsible for the costs of all UA requests, as well as any test for CS.
6. Defendant shall not enter a liquor store or an establishment where alcoholic beverages are served.
7. Defendant shall attend AA or NA meetings no less than once per week.
8. Defendant shall pay all monetary obligations including restitution ORDERED by the court as a condition of satisfying probation. It is further ORDERED that the Defendant shall establish a payment plan with court services that will be filed in the Defendant's court file.

IT IS FURTHER ORDERED that the Defendant shall serve one hundred and thirteen (113) days in the Union County Jail. It is further ORDERED that the Defendant shall receive credit for the one hundred and thirteen (113) days the defendant spent in pre-trial confinement.

IT IS FURTHER ORDERED that the Defendant shall pay the following monetary obligations

REC'D MAR 06 2014

to the Union County Clerk of Courts (209 East Main Street, ~ Suite 230, Elk Point, SD 57025): A fine in the amount of Seven Hundred and Fifty Dollars (\$750.00); Court Costs in the amount of Sixty Three Dollars (\$63.00); and prosecutions costs for Grand Jury Transcriptionist in the amount of Ten Dollars (\$10.00), a nurses blood draw fee of Forty Dollars (\$40.00), and a Blood / Alcohol lab fee of Forty Five Dollars (\$45.00).

IT IS FURTHER ORDERED that the Defendant shall pay the following to the Union County Auditor (209 East Main Street, ~ Suite 200, Elk Point, SD 57025): The Defendant shall reimburse Union County for the expense of a Court-Appointed Attorney to represent the Defendant in this criminal action in the amount of Three Hundred and Twenty Dollars and twenty cents (\$320.20). It is further ORDERED that Union County shall be granted a Judgment in the amount of the Court Appointed Attorney Fees in the amount of Three Hundred and Twenty Dollars and twenty cents (\$320.20).

IT IS FURTHER ORDERED that the Defendant's Driver's License shall be revoked for two years from beginning on January 9, 2006.

IT IS FURTHER ORDERED that the Defendant shall complete any / all treatment recommendations of Heartland Counseling, in South Sioux City, Nebraska. It is further ORDERED that the Defendant shall also follow the medication recommendation as prescribed by the Defendant's medical providers.

IT IS FURTHER ORDERED, as a term and condition of probation, the Defendant shall, upon the completion of the Defendant's term with the South Dakota State Penitentiary, be required to reside at either the Defendant's parents residence or in a half way house (program) for no less than the six months.

IT IS FURTHER ORDERED that the Court expressly reserves control and jurisdiction over the

REC'D MAR 06 2014

FILED

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

JUN 18 2007

COUNTY OF UNION

FIRST JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA, Plaintiff,	<i>Melissa Hansen</i> UNION COUNTY CLERK OF COURTS 63C05000537A0
vs. DEREK GUTHALS, DOB: 2/28/71 Defendant.	DISPOSITIONAL ORDER

The above-entitled matter having come before the Court on May 14, 2007, at 10:00 a.m., for the purposes of an Initial Appearance on the Petition for Violation of Probation, the State of South Dakota being present by and through the Union County State's Attorney, Jerry A. Miller, and the Defendant being present in person and with defense counsel, David Stuart. The Court advised the Defendant of his statutory and constitutional rights. The Defendant denied the allegations in the Petition. Defense Attorney Stuart requested that a Status Hearing be set prior to an Adjudicatory Hearing, and there being no objection from the State, therefore,

The above-entitled having come before the Court for on June 4, 2007, at 1:30 p.m., for purposes of a Status Hearing on a Petition for Violation of Probation, dated January 25, 2007, the State of South Dakota being present by and through the Union County State's Attorney, Jerry A. Miller, and the Defendant being present in person and with defense counsel, David Stuart. Defense Counsel Stuart advised the Court that the Defendant wished to change his plea, and admit to the allegations contained in the Petition. The Court again advised the Defendant of his statutory and constitutional rights. The Defendant then admitted to the Petition for Violation of Probation. It is the determination of this Court that the Defendant has been regularly held to answer for said offense; 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, therefore,

It is, therefore, the JUDGMENT of this Court that the Defendant violated the terms and conditions of his probation.

DISPOSITION

The above-entitled matter having come before the Court for Disposition on June 4, 2007 at 1:30 p.m., the State of South Dakota being present by and through the Union County State's Attorney, Jerry A. Miller, and the Defendant being present in person and with defense counsel, David Stuart. The Court having heard the arguments of counsel, therefore,

REC'D MAR 06 2014

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant be sentenced to two (2) years in the South Dakota State Penitentiary.

IT IS FURTHER ORDERED that the Defendant shall receive credit for One Hundred Ninety One (191) days the Defendant spent incarcerated prior to disposition, and Defendant will receive additional credit for days served as he awaits transfer to the South Dakota State Penitentiary.

IT IS FURTHER ORDERED that the Defendant shall remain in the custody of the Union County Jail until Monday, June 11, 2007 for his disability and social security hearing.

IT IS FURTHER ORDERED that the Defendant shall pay all previous financial obligations Imposed by this Court as a term and condition to satisfy parole. There are two (2) previous ORDERS that still have outstanding amounts remaining which is as follows: Judgment and Suspended Execution of Sentence pursuant to an Order of this Court signed on January 13, 2006 and Disposition Order pursuant to an Order of this Court signed on August 15, 2006. To wit: The Defendant still owes the following amounts after all credits are subtracted:

- a. Four Hundred Twenty Eight Dollars (\$428.00), payable to the Union County Clerk of Courts (209 East Main St. ~ Suite 230, Elk Point, South Dakota 57025);
- b. Four Hundred Ninety Five Dollars (\$495.00), payable to the Union County Auditor (209 East Main Street ~ Suite 200, Elk Point, SD 57025).

IT IS FURTHER ORDERED that the Defendant shall pay all outstanding financial obligations, as well as those obligations the Court ORDERS as part of this disposition.

IT IS FURTHER ORDERED that the Defendant shall pay court appointed attorney fees of Two Hundred Twenty Six Dollars and twenty cents (\$226.20). Union County shall be granted a Judgment for the court-appointed attorney fees in the amount of Two Hundred Twenty Six Dollars and twenty cents (\$226.20). Payment of court-appointed attorney fees shall be reimbursed to the Union County Auditor (209 East Main Street ~ Suite 200, Elk Point, SD 57025).

IT IS FURTHER ORDERED that the Union County Clerk of Courts shall mail two (2) certified copies of this Judgment and Sentence to the South Dakota State Penitentiary, c/o Central Records, P.O. Box 5911, Sioux Falls, SD 57117-5911.

IT IS FURTHER ORDERED that the Defendant shall pay all financial obligations as a condition of his Parole.

REC'D MAR 06 2014

IT IS FURTHER ORDERED that he Court reserves the right to amend any or all of the terms of this ORDER at any time.

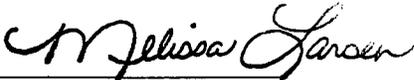
Dated this 18th day of June, 2007.

BY THE COURT:



STEVEN R JENSEN
CIRCUIT COURT JUDGE

ATTEST:



Clerk of Courts

Df: M. Boudreau
Dep: M. J.

REC'D MAR 06 2014

STATE OF SOUTH DAKOTA

STATE OF SOUTH DAKOTA

First Judicial Circuit Court

IN CIRCUIT COURT

COUNTY OF CLAY

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on file in my office on this date:

(MAGISTRATE DIVISION)

FIRST JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,

FEB 13 2014

CR.# 01-254

PLAINTIFF,

Jessica Bosse

Clay County Clerk of Courts

vs. JUDGMENT OF CONVICTION

Derek Gault

DEFENDANT.

An Information/Indictment was filed in this Court charging the Defendant with the crime(s) of Driving Under the Influence contrary to SDCL §32-23-1

The Defendant was arraigned on said Information/Indictment on the 2nd day of OCTOBER, 2001. The Defendant, the Defendant's attorney, Craig Thompson /in the absence of counsel and having freely, voluntarily, and intelligently waived counsel and TAMI BERN, Clay County State's Attorney, appeared at the Defendant's arraignment. The Court advised the Defendant of all constitutional and statutory rights pertaining to the charges that had been filed against the Defendant, including but not limited to the right against self incrimination, the right of confrontation, and the right to a jury trial. The Defendant pled guilty/nolo contendere to the charge(s) of Driving Under the Influence contrary to SDCL §32-23-1

IT IS THE DETERMINATION of the 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/freely, knowingly, and intelligently waived his/her right to counsel; that the Defendant understood the nature and consequences of the plea at the time said plea was entered; 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 the Influence in violation of SDCL §32-23-1

SENTENCE

On the 2nd day of OCTOBER, 2001, 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:

IT IS ORDERED, ADJUDGED AND DECREED that the Defendant:

- 1. Pay a fine in the amount of \$ 500.00, plus court costs in the amount of \$ 18.00;
2. South Dakota Driver's (license) (privilege) is (revoked) (suspended) for 1 year;
3. Be sentenced to 10 days in jail with days suspended on the following condition:
a. Successfully complete the DWI counseling program/Get an alcohol evaluation and follow any recommendations-enroll within 30 days.
4.

Dated at Vermillion, South Dakota, this 2nd day of

OCTOBER

CLAY COUNTY, SOUTH DAKOTA
OFFICE OF CLERK OF COURTS
FILED

JUDGE

REC'D MAR 08 2014

OCT 02 2001

ATTEST:

Robin Swanson
CLERK OF COURTS

Robin Swanson
CLERK

STATE OF SOUTH DAKOTA
First Judicial Circuit Court

I hereby certify that the foregoing instrument
is a true and correct copy of the original as the
same appears on file in my office on this date:

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
MAGISTRATE DIVISION

COUNTY OF CLAY
STATE OF SOUTH DAKOTA,
PLAINTIFF

SS
FEB 13 2014

Jessie Bosse
Clay County Clerk of Courts

VS.

By: [Signature] 2001

Derek Gottals
DEFENDANT.

APPEARANCES:

The defendant appeared on this date (in person) (by attorney _____)
(with attorney Carly Mearns) (waived the presence of an attorney).

- The defendant's name was ascertained.
- The defendant was furnished with a copy of the information and the nature and meaning of the charges explained.
- The defendant was advised of his right to counsel and court-appointed Counsel, if indigent.
- The defendant was advised of his right to preliminary hearing and nature and purpose of hearing.
- The defendant was advised of the maximum penalties.
- The defendant was advised of the consequences of a guilty plea.
- The defendant was advised of the right to a speedy trial before either the court or a jury in Clay County, South Dakota.
- The defendant was advised of the presumption of innocence and the burden of proof at a trial.
- The defendant was advised of the right to confront the witness against him, and to present evidence on his own behalf including compulsory process.
- The defendant was advised of his right to remain silent.
- The defendant was advised that this conviction may be used to enhance a future conviction for the same offense.

OFFENSE CHARGED: DUI alcohol 1st

FACTUAL BASIS FOR PLEA: 6/16/01 Clay Co. 1st offense
under the influence of alcohol - 11

I have been advised of the above rights and understand them. I voluntarily wish to enter a plea of guilty to the above-named charge.

[Signature]
DEFENDANT

CLAY COUNTY, SOUTH DAKOTA
OFFICE OF CLERK OF COURTS
FILED

OCT 02 2001

REC'D MAR 06 2014

[Signature]
MAGISTRATE

Robin Iverson

STATE OF SOUTH DAKOTA

31
IN CIRCUIT COURT

COUNTY OF CLAY)

Magistrate Division
FIRST JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,
PLAINTIFF,

vs.

Derek A. Guthals,

CRIMINAL COMPLAINT

DOB: 02-28-71
Address: 833 E. Duke #47
Vermillion, SD 57069
DEFENDANT.

The undersigned, being duly sworn upon oath, complains and charges:

Count 1.

That on or about the 16th day of JUNE, 2001, in the County of Clay, State of South Dakota, the above named Defendant did commit the public offense of **Driving Under the Influence** contrary to SDCL §32-23-1(1), in that the above named Defendant did then and there and unlawfully drive or was in actual physical control of a motor vehicle while there is 0.10 percent or more by weight of alcohol in his blood as shown by chemical analysis of his breath, blood or other bodily substance (3rd Offense);

STATE OF SOUTH DAKOTA
First Judicial Circuit Court
I hereby certify that the foregoing instrument
is a true and correct copy of the original as the
same appears on file in my office on this date:

CLAY COUNTY SOUTH DAKOTA
OFFICE OF CLERK OF COURTS
FILED

FEB 13 2014

JUN 25 2001

Jessica Bosse
Clay County Clerk of Courts

Robin Swanson
CLERK

By: [Signature]

All the above contrary to the statute in such case made and provided against the peace and dignity of the STATE OF SOUTH DAKOTA, and prays that the said Defendant may be arrested and dealt with according to law.

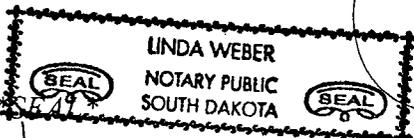
Dated at Vermillion, South Dakota this 25 day of June, 2001.

COMPLAINANT

SUBSCRIBED AND SWORN to before me this 25 day of June, 2001.

NOTARY PUBLIC - SOUTH DAKOTA

My Commission Expires: 06/16/06 2014



REC'D MAR 06 2014

The undersigned prosecuting attorney hereby requests the issuance of a (summons) (warrant) in this case.

PROSECUTING ATTORNEY

Defendant for the period of sentence imposed and that this Court may revoke the suspension at any time and reinstate the sentence without diminishment or credit for any of the time that the Defendant was on probation.

IT IS FURTHER ORDERED that the Court reserves the right to amend any or all of the terms of this Order at any time.

Dated this 13th day of January, 2006.

BY THE COURT:

ATTEST:



STEVEN R. JENSEN
CIRCUIT COURT JUDGE

Clerk of Courts (SEAL)

REC'D MAR 06 2014

STATE OF SOUTH DAKOTA)
)
:SS
COUNTY OF CLAY)

NOTICE OF DEMAND FOR
ALIBI DEFENSE

I, Tami Bern, prosecuting attorney in the above matter, hereby state that the foregoing charges were committed at the date(s) set forth herein and at or near SD Highway 50 of Vermillion, Clay County, South Dakota. I hereby request that the Defendant or his/her attorney serve upon me a written notice of his/her intention to offer a defense of alibi within ten (10) days as provided by SDCL §23A-9-1. Failure to provide such notice of an alibi defense may result in exclusion of any testimony pertaining to an alibi defense.



Tami Bern
Clay County State's Attorney

STATE OF SOUTH DAKOTA
First Judicial Circuit Court
I hereby certify that the foregoing instrument
is a true and correct copy of the original as the
same appears on file in my office on this date:

FEB 13 2014

Jessica Bosse
Clay County Clerk of Courts

By: 

REC'D MAR 06 2014

UNIFORM TRAFFIC TICKET

PCN _____
 State of South Dakota Clay **COMPLAINT** 1 Circuit Court
 County of _____ Magistrate Division
 State of South Dakota (Plaintiff) _____ Judicial Court
 vs. Guthak (Defendant) _____ Uniform Summons and Complaint
 No.: L 25315 HP

THE UNDERSIGNED PEACE OFFICER COMPLAINS AND STATES THAT

ON OR ABOUT 6-16-01 AT OR NEAR (LOCATION/MILE POST) SD 250 AT TIME 2:34 A.M.
 P.M.

WITHIN THE COUNTY AND STATE AFORESAID

NAME <u>Derek A Guthak</u>	HEIGHT	SEX <u>M</u>
ADDRESS <u>833 E Dicks #47</u>	WEIGHT	
CITY <u>Vermillion SD</u> STATE <u>SD</u>	BIRTH DATE <u>02-28-71</u>	
DRIVER'S LIC. [REDACTED]	STATE <u>SD</u>	
DID UNLAWFULLY OPERATE PASSENGER VEHICLE MAKE <u>Hyundai</u> BODY STYLE <u>PC</u>		
STATE LICENCE NO. <u>19M434</u> YEAR <u>01</u> STATE <u>SD</u> FR <input checked="" type="checkbox"/> N		

AND THEN AND THERE COMMIT FOLLOWING OFFENSE: TO WIT: PETTY OFF. MIS.
 DESCRIBE VIOLATION: DWI

CDL
 C. VEH.
 HAZ. MATERIALS

IN VIOLATION OF SDCL 32-23

MUNICIPAL
 INTERSTATE
 OTHER
 M.P.H. IN _____ M.P.H. ZONE

OFFICER ISSUING SUMMONS NO. _____ CITY _____ COUNTY _____ STATE _____
Schuch

ABOVE COMPLAINT IS TRUE AS I VERILY BELIEVE OFFICER SIGN IN PRESENCE OF COURT OR NOTARY. DATE 6-20-01

SUBSCRIBED AND SWORN TO ME THIS DATE (NAME AND TITLE) DATE
Margie Schuch, Notary 6-20-01

SUMMONS and PROMISE TO APPEAR

Defendant is ordered and does promise to appear in the above Court located in the city of Vermillion on 6-26-01 at 9 a.m. p.m.

X In Custody
 Defendant's Signature

(Signing this form is a promise to appear - Not an admission of guilt. Warrant may be issued.)

Yes No Court appearance required.
 Yes No P.O.A. Amount \$ _____

STATE OF SOUTH DAKOTA
 First Judicial Circuit Court

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on file in my office on this date:

REC'D MAR 06 2014

FEB 13 2014

Jessica Bosse
 Clay County Clerk of Courts

By: [Signature]

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF UNION)

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,
PLAINTIFF,
V.

99-38

JUDGMENT AND SENTENCE

Derek Guthals
DEFENDANT.



On April 1, 1999, the Defendant having appeared before this Court, with counsel, Denis Eckert, and was arraigned on the Indictment/Information charging the Defendant with Driving While Under the Influence in violation of SDCL 32-23-2. The Court advised the Defendant of all constitutional and statutory rights. The Defendant plead guilty to the charge of Driving While Under the Influence (SDCL 32-23-2).

It is the determination of this Court that the Defendant has been regularly held to answer for said offense; that the plea was voluntary, knowing, and intelligent; that the Defendant understood the nature and consequences of the plea at the time said plea was entered; and that a factual basis existed for the plea.

It is, therefore, the JUDGMENT of this Court that the Defendant is guilty of Driving While Under the Influence in violation of SDCL 32-23-2.

On April 1, 1999, the Defendant appeared for sentencing and no cause shown why sentence should not be pronounced, therefore

IT IS ORDERED, ADJUDGED AND DECREED that the Defendant:

- Pay a fine of \$500.00, plus court costs of \$103.50;
- His/her South Dakota driving privileges are revoked for 365 days;
- He/she serve 10 days in the Union County Jail, with 6 days suspended upon the following conditions:
 1. That he/she have no similar offenses, acts, or conduct for a period of one year hereafter;
 2. The court-appointed attorney fees are repaid within ___ days;
 3. Recommended alcohol treatment is completed.
- Other: \$100.00 DARE

IT IS FURTHER ORDERED Work Permit granted, Work release granted. Start jail sentence within

Dated at Elk Point, Union County, South Dakota, this 1 day of April, 1999.

BY THE COURT:

Mary Dell Cody
MARY DELL CODY, MAGISTRATE

FILED

APR 01 1999
REC'D MAR 06 2014

ATTEST:

Roberta Joss Chandler
Clerk of Court

Roberta Joss Chandler
Clerk of Courts, Union County, S.D.

STATE OF SOUTH DAKOTA)
)
COUNTY OF UNION)

STATE OF SOUTH DAKOTA)
)
PLAINTIFF,)
VS Derek Guthals)
)
DEFENDANT,)
)

April 1, 1999

I, Kevin Gehr, Attorney for the Defendant, Derek Guthals, appear before this court on behalf and upon the authorization of the Defendant to enter a plea of guilty/nolo contendere to the offense of 1st DWI. As attorney for the Defendant, I hereby state that I have informed the Defendant of, and determined the Defendant understands, the following:

1. The nature of the charge to which the plea is offered, the mandatory penalty provided by law, if any, and the maximum possible penalty provided by law;
2. That the Defendant has a right to be represented by an attorney at every stage of the proceedings against him/her, and, if necessary, one will be appointed to represent him/her;
3. That the Defendant has the right to plead not guilty or persist in that plea if it has already been made, and that he/she has the right to assistance of counsel, the right to confront and cross-examine the witnesses against him/her, the right not to be compelled to incriminate himself/herself, and the right to compulsory process;
4. That the Defendant has the right to a speedy public trial by an impartial jury or Court of the County or District in which the offense is alleged to have been committed;
5. That if the Defendant pleads guilty or nolo contendere there will not be a further trial of any kind, so that by pleading guilty or nolo contendere he/she waives the right to a trial, the right to confront and cross-examine witnesses against him/her, and the right not to be compelled to incriminate himself/herself.

ATTORNEY FOR DEFENDANT

Factual Basis for Plea:
On the 23 day of Jan, 1999,
in Union County, South Dakota,
Derek Guthals Kevin Gehr

FILED

REC'D MAR 06 2014 APR 01 1999

Roberta J. Chandler
Clerk of Courts, Union County, S.D.

STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

:SS
COUNTY OF UNION)

FILED

FIRST JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,
PLAINTIFF,

*
FEB 22 1999

63C99000038A0

V.

*
INDICTMENT

DEREK GUTHALS,
SSN: [REDACTED]

*
Roberta Gess Chandler
*
Clerk of Courts, Union County, SD

DEFENDANT.
*

THE UNION COUNTY GRAND JURY CHARGES:

That on or about the 23rd day of January, 1999, in the County of Union, State of South Dakota, Derek Guthals did commit the public offense of DRIVING UNDER THE INFLUENCE OF ALCOHOL contrary to SDCL 32-23-1 in that he did drive or be in actual physical control of a motor vehicle while under the influence of alcohol, and for that reason is guilty of a Class 1 misdemeanor, contrary to statute in such case made and provided against the peace and dignity of the State of South Dakota.

Dated this 22 day of Feb, 1999, at Elk Point, South Dakota.

A True Bill
A TRUE BILL

THIS INDICTMENT IS MADE WITH THE CONCURRENCE OF AT LEAST SIX GRAND JURORS.

Boyer Paisley
Grand Jury Foreman

WITNESSES WHO TESTIFIED BEFORE THE GRAND JURY IN REGARD TO THIS INDICTMENT:

Mallory

REC'D MAR 06 2014

STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

COUNTY OF UNION

FILED

FIRST JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA, FEB 22 1999

63C99000038A0

PLAINTIFF,

V.
DEREK GUTHALS,
SSN: [REDACTED]

Roberta J. Chandler
*
Clerk of Courts, Union County, SD

PART II INFORMATION FOR
PRIOR OFFENSES

DEFENDANT.

Matthew R. Metzgar, as prosecuting attorney, in the name of and by the authority of the State of South Dakota, makes and files this Information and charges that the Defendant has previously been convicted of, or pled guilty to, offense(s) which would constitute driving or being in actual physical control of a motor vehicle while under the influence of an alcoholic beverage or while there is a 0.10% or more by weight of alcohol in the blood, to-wit:

FIRST CONVICTION: That on the 29th day of January, 1998, the Defendant was convicted of driving while under the influence of alcohol, in District Court, County of Woodbury, State of Iowa.

Dated this 22 day of February, 1999.

[Signature]
MATTHEW R. METZGAR
UNION COUNTY STATE'S ATTORNEY
PO Box 779
Elk Point, SD 57025

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF UNION)

Matthew R. Metzgar, being duly sworn, states that he is the prosecuting attorney for the above matter, that he has read the foregoing information, and the same is true to his own best knowledge, information and belief.

[Signature]
MATTHEW R. METZGAR
Union County State's Attorney

Subscribed and sworn to before me this 22 day of February, 1999.

[Signature]
Teresa Carlisle
Notary Public * South Dakota
My commission expires: 8-7-2003

REC'D MAR 06 2014

(SEAL)

STATE OF SOUTH DAKOTA A)
: SS:
COUNTY OF UNION)

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT
MAGISTRATE'S DIVISION

STATE OF SOUTH DAKOTA)
PLAINTIFF,)

VS Derek Guthrie)
DEFENDANT,)

8-6, 1998

APPEARANCES:

The defendant appeared on this date (in person) (by attorney _____) (with attorney _____) (waived the presence of an attorney).

RIGHTS:

- 1. The defendant's name was ascertained.
- 2. The defendant was furnished with a copy of the information and the nature and meaning of the charges was explained.
- 3. The defendant was advised of the right to counsel and to court-appointed counsel if indigent.
- 4. The defendant was advised of the right to a preliminary hearing, if applicable and the nature and purpose of such a hearing.
- 5. The defendant was advised of the maximum penalties.
- 6. The defendant was advised of the consequences of a guilty plea.
- 7. The defendant was advised of the right to a speedy trial before either the court or a jury in Union County, South Dakota.
- 8. The defendant was advised of the presumption of innocence and the burden of proof at a trial.
- 9. The defendant was advised of the right to confront the witness against him, and to present evidence on his own behalf including compulsory process if necessary.
- 10. The defendant was advised of his right to remain silent.
- 11. The defendant was advised that this conviction may be used to enhance a future conviction for the same offense.

OFFENSE CHARGED:

simple assault

FACTUAL BASIS FOR PLEA:

7/22/98 assaulted wife
private subject

I have been advised of the above rights and understand them. I voluntarily wish to enter a plea of guilty to the above-named charge:

FILED

AUG 06 1998

Robert J. Chandler
Clerk of Courts, Union County, S.D.

Derek Guthrie

DEFENDANT

[Signature]
JUDGE

REC'D MAR 06 2014

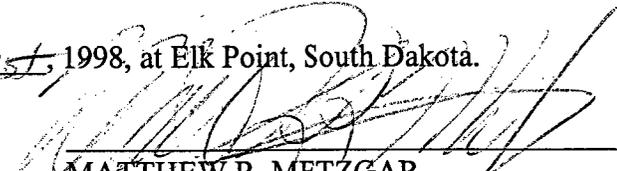
STATE OF SOUTH DAKOTA)
:SS
COUNTY OF UNION)

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA, * 63C98000511A0
PLAINTIFF, *
V. * INFORMATION
DEREK GUTHALS, *
SSN: [REDACTED] *
DEFENDANT. *

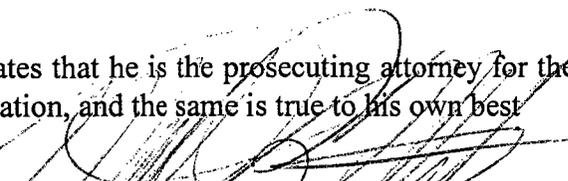
Matthew R. Metzgar, as prosecuting attorney, in the name of and by the authority of the State of South Dakota, makes and files this Information and charges that on or about the 22nd day of July, 1998, in the County of Union, State of South Dakota, Derek Guthals did commit the public offense of SIMPLE ASSAULT contrary to SDCL 22-18-1 in that he did knowingly and intentionally attempt or did cause bodily injury to another, namely Brenda Guthals, and for that reason is guilty of a Class 1 misdemeanor, contrary to statute in such case made and provided against the peace and dignity of the State of South Dakota.

Dated this 6 day of August, 1998, at Elk Point, South Dakota.

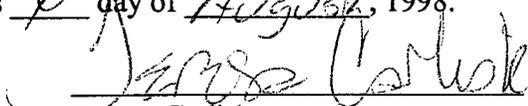

MATTHEW R. METZGAR
UNION COUNTY STATE'S ATTORNEY
P.O. BOX 779
ELK POINT, SD 57025

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF UNION)

Matthew R. Metzgar, being duly sworn, states that he is the prosecuting attorney for the above matter, that he has read the foregoing Information, and the same is true to his own best knowledge, information, and belief.


MATTHEW R. METZGAR
UNION COUNTY STATE'S ATTORNEY

Subscribed and sworn to before me this 6 day of August, 1998.


Teresa Carlisle
Notary Public * South Dakota
My commission expires: 8-7-2003

REC'D MAR 06 2014

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF UNION)

NOTICE OF DEMAND

FOR ALIBI DEFENSE

I, Matthew R. Metzgar, prosecuting attorney in the above matter hereby state that the alleged offense was committed on the 22nd day of July, 1998, in Union County, South Dakota. I hereby request that Defendant and his attorney serve upon me a written notice of his intention to offer a defense of alibi within ten days as provided by SDCL 23A-9-1. Failure to provide such notice of an alibi may result in exclusion of any testimony pertaining to an alibi defense.

MATTHEW R. METZGAR
Union County State's Attorney

Witnesses known to the prosecuting attorney at the time of the filing of this Information:

FILED

AUG 0 6 1998

Rhonda Gos Chandler
Clerk of Courts, Union County, S.D.

REC'D MAR 06 2014

STATE OF SOUTH DAKOTA UNIFORM TRAFFIC TICKET COMPLAINT 44

STATE OF SOUTH DAKOTA CR# _____ IN THE MAGISTRATE COURT

vs. Guthals COUNTY OF UNION

UNIFORM COMPLAINT — SUMMONS

PCN. _____ NO. 166051

THE UNDERSIGNED PEACE OFFICER COMPLAINS AND STATES THAT

ON OR ABOUT 2/22/98 AT OR NEAR (LOCATION/MILE POST) 306 Sherman St. AT TIME 2:12 P.M.
 WITHIN THE COUNTY AND STATE AFORESAID

NAME	<u>Derek Aaron Guthals</u>	HEIGHT	<u>5-10</u>	SEX	<u>M</u>
ADDRESS	<u>306 Sherman St.</u>	WEIGHT	<u>155</u>	RACE	<u>W</u>
CITY	<u>EIK Point</u>	STATE	<u>SD</u>	ZIP CODE	<u>57235</u>
DRIVER'S LICENSE NO.		BIRTHDATE	<u>2/28/71</u>	STATE	
SOC. SEC. NO.	[REDACTED]				
INSURANCE CO.					

DID UNLAWFULLY	OPERATE	PARK	VEHICLE MAKE	BODY STYLE
STATE LICENSE NO.	YEAR	STATE		

AND THEN AND THERE COMMIT FOLLOWING OFFENSE TO WIT: PETTY OFF. MIS.

DESCRIBE VIOLATION: (Domestic) Simple Assault

CDL

C. VEH.

HAZ. MATERIALS

IN VIOLATION OF CITY ORDINANCE _____

IN VIOLATION OF SDCL 22-18-1

SPEEDING MUNICIPAL INTERSTATE OTHER _____ M.P.H. IN _____ M.P.H. ZONE

OFFICER ISSUING SUMMONS	NO.	CITY	COUNTY	STATE
<u>Pohler</u>	<u>29</u>	<u>EP</u>	<u>UNION</u>	<u>SD</u>

ABOVE COMPLAINT IS TRUE AS I VERILY BELIEVE DATE _____
 OFFICER SIGN IN PRESENCE OF COURT OR NOTARY

SUBSCRIBED AND SWORN TO ME THIS DATE _____ DATE _____
Roberta Gosch Magistrate

I PROMISE TO APPEAR In Custody

DEFENDANT'S SIGNATURE _____

COURT APPEARANCE REQUIRED YES NO \$ _____
 POWER OF ATTORNEY YES NO BOND AMOUNT

AT (TIME)	COURT DATE	COURT ADDRESS
<u>10:00 P.M.</u>	<u>6 Aug 98</u>	<u>EIK Point SD</u>
PLACE OF EMPLOYMENT	WORK PHONE #	HOME PHONE #

REC'D MAR 06 2014

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

<p>THE STATE OF IOWA, PLAINTIFF</p> <p align="center">VS</p> <p>DEREK AARON GUTHALS, DEFENDANT</p>	<p align="right">OWCR043666</p> <p align="center">1998 JAN 30 P 3:48</p> <p align="right">JUDGMENT ORDER</p>
--	--

ON THE 29TH DAY OF JANUARY 1998, this matter came before the Court for Plea

Taking and Sentencing. The defendant, Derek Aaron Guthals, appeared pro se and with his attorney Jack Faith.

The defendant, Derek Aaron Guthals, plead guilty to the offense of **Operating While Intoxicated, First Offense, in violation of section 321J.2 of the 1997 Code of Iowa.**

The Court found that the defendant voluntarily and intelligently entered a plea of guilty and the defendant understood his rights and the consequences of his plea. The defendant waived time for sentencing and filing of a Motion In Arrest Of Judgment. The defendant was given his right of allocution.

IT IS THE JUDGMENT OF THIS COURT that the defendant, Derek Aaron Guthals, stands convicted and is guilty of the offense of **Operating While Intoxicated, First Offense, in violation of section 321J.2 of the 1997 Code of Iowa.**

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant is sentenced as follows:

The defendant is sentenced to 48 hours in the custody of the Woodbury County Sheriff for placement on electronic monitoring. Mittimus to issue on February 6, 1998 at 10:00 a.m.

REC'D MAR 06 2014

mitt
1 copy RK

The defendant will attend and successfully complete Drinker Driver School within six (6) months of sentencing.

The defendant is fined \$1,000.00 plus surcharges and is to pay court costs.

The defendant is granted until July 29, 1998 to pay the fine.

NOTICE TO THE DEFENDANT

The defendant is notified that the defendant has been granted time to pay the fine. Should the defendant fail to timely pay the fine the defendant is ordered to appear in person on July 31, 1998 before this Court and to show cause why the defendant should not be held in Contempt of Court for failure to pay the fine. Failure to appear to show cause will result in a bench warrant issuing for the defendant's arrest. The defendant is further advised that the maximum penalties for contempt are imprisonment in the Woodbury County Jail for up to six months or a fine of \$500.00.

The Clerk of Court is ordered to return this file to the Court on July 31, 1998 if the defendant has failed to pay the fine and costs in the time granted.

Appeal bond is fixed in the amount of \$1,000.00.

Clerk to notify.

Mary Jane Sokolovske
Mary Jane Sokolovske
DISTRICT ASSOCIATE JUDGE

NOTIFIED:
C.A. BARNES
JACK FAITH

des
Due \$ 1010⁰⁰

685⁰⁰²¹
3/9/98
REC'D MAR 06 2014

1-3
A

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

<p>THE STATE OF IOWA, PLAINTIFF</p>	<p align="right">OWCR043666</p>
<p>VS</p>	
<p>DEREK AARON GUTHALS, DEFENDANT</p>	<p align="right">NUNC PRO TUNC ORDER</p>

'98 FEB -3 P3:56

ICIS

CLERK

ON THE 3RD DAY OF FEBRUARY 1998, this matter came before the Court. The Court finds that an error was made in the sentencing order. The order should be corrected.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant is fined \$1,000.00 plus surcharges and costs. For cause \$500.00 of the fine is suspended.

Clerk to notify.

Mary Jane Sokolovske

Mary Jane Sokolovske
DISTRICT ASSOCIATE JUDGE

REC'D MAR 06 2014

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

THE STATE OF IOWA, WO1000020

: CRIMINAL NO. OWCR 043666

Plaintiff,

:

vs.

:

DEREK AARON GUTHALS - [REDACTED]

: COMPLAINT & AFFIDAVIT

Defendant.

:

* * * * *

THE DEFENDANT is accused of the crime of OWI - FIRST OFFENSE, a Serious Misdemeanor, in violation of Section 321J.2, of the Iowa Criminal Code, in that the Defendant on or about the 24th day of August, 1997, at Sioux City, in Woodbury County, did operate a motor vehicle in this State while under the influence of an alcoholic beverage or other drug or a combination of such substances.

THEREFORE, complainant requests that said defendant, subject to bail or conditions of release where applicable, (1) be arrested or that other lawful steps be taken to obtain defendant's appearance in court; or (2) be detained, if already in custody, pending further proceedings, and that said defendant otherwise be dealt with according to law.

Woodbury County Attorney Office
COMPLAINANT'S ADDRESS



COMPLAINANT, BRIGIT M. BARNES (WO1000027)

AFFIDAVIT

I, the undersigned complainant, being first duly sworn on oath, do hereby depose and state I believe the above-named defendant committed the above-named public offense based on the following facts known by me or told to me by other reliable persons: That on or about August 24, 1997, the defendant was operating a motor vehicle involved in a motor vehicle accident. It was determined that at the time he was operating the motor vehicle, the defendant was under the influence of alcohol.



COMPLAINANT, BRIGIT M. BARNES (WO1000027)

SUBSCRIBED AND SWORN to before by the person signing this Complaint and Affidavit on this 15th day of October, 1997.


NOTARY PUBLIC

I, the undersigned Judge, have determined from the complaint that there is probable cause to believe that the above-named defendant committed the above-named public offense.

DATED this 16 day of October, 1997.

ATTEST: Craig Jorgensen
Clerk of District Court


JUDGE

REC'D MAR 06 2014

Deputy



South Dakota Unified Judicial System



Record Search Report

Name: GUTHALS, DEREK	DOB: 02/28/1971	Gender: M	Party ID: 4359124	UJS ID: 1592974
Address: ELK POINT, SD 570260000				
Aliases: GUTHALS, DEREK; GUTHAL, DEREK; GUTHALS, DEREK A; GUTHALS, DEREK AARON; GUTHELS, DEREK				

 Docket Number: 63C06000310A0 filed in Union County on 06/26/2006 Case Status: Terminated
 Filing Name: GUTHALS, DEREK Arrest Date: Arrest Time: 12:00 AM PCN: 5820384
 Plaintiff: STATE OF SOUTH DAKOTA Prosecutor: States Attorney
 Counsel Name: STUART, DAVID A Counsel Type: Retained (Private) Counsel

Count of 22-11-4 (M1) RESISTING ARREST

On 07/28/2006 the defendant pled No Plea Entered **Disposed on 07/31/2006 Disposition: Dismissed-Motion by Prosecutor**
 On 07/28/2006 the defendant pled No Plea Entered **Disposed on 07/31/2006 Amended Disposition: Recharged**

Count of 22-13-1 (M2) zI DISORDERLY CONDUCT

On 07/28/2006 the defendant pled No Plea Entered **Disposed on 07/31/2006 Disposition: Dismissed-Motion by Prosecutor**
 On 07/28/2006 the defendant pled No Plea Entered **Disposed on 07/31/2006 Amended Disposition: Recharged**

Count of 22-11-4 (M1) RESISTING ARREST

On 08/07/2006 the defendant pled No Plea Entered **Disposed on 08/07/2006 Disposition: Dismissed-Motion by Prosecutor**

Count of 22-13-1 (M2) zI DISORDERLY CONDUCT

On 08/07/2006 the defendant pled No Plea Entered **Disposed on 08/07/2006 Disposition: Dismissed-Motion by Prosecutor**

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Initial Appearance		07/20/2006	9:30 AM	Continuance-Requested by Defendant
Initial Appearance		08/03/2006	9:30 AM	Held
Status Hearing		08/17/2006	9:00 AM	Cancelled

 Docket Number: 63C05000537A0 filed in Union County on 09/19/2005 Case Status: Terminated
 Filing Name: GUTHALS, DEREK Arrest Date: 09/18/2005 Arrest Time: 2:11 AM PCN:
 Plaintiff: STATE OF SOUTH DAKOTA Prosecutor: States Attorney
 Counsel Name: STUART, DAVID A Counsel Type: Court Appointed

Count of 32-23-4.6 (F5) DRIVING UNDER INFLUENCE - 4TH OF

On 10/06/2005 the defendant pled No Plea Entered **Disposed on 10/06/2005 Disposition: Recharged**
 Fine: \$750.00 Costs: \$158.00

Count of 22-42-6 (M1) POSS TWO OUNCES OF MARIJUANA OR LESS

On 10/06/2005 the defendant pled No Plea Entered **Disposed on 10/06/2005 Disposition: Recharged**

Count of 22-42A-3 (M2) USE OR POSSESSIGN OF DRUG PARAPHERNALIA

On 10/06/2005 the defendant pled No Plea Entered **Disposed on 10/06/2005 Disposition: Recharged**

REC'D MAR 06 2014

This is a true and correct copy of the information included with the South Dakota Unified Judicial System's statewide criminal database.

2/13/2014 3:07:38 PM

[Signature]
 Clerk of Court Signature

February 13, 2014
 Date

Count of 32-23-4 (F6) DRIVING UNDER INFLUENCE-3RD OF

On 11/21/2005 the defendant pled Guilty

Disposed on 06/04/2007 Disposition: Judgment on Plea of Guilty

Sentenced on 06/04/2007

Incarcerated to Penitentiary for 2 Year(s) Concurrent with suspended and credit for 190 Day(s) served.

Probation: 3 Year(s)

License: Revoked DL for 2 Year(s) . Court Possession: Work Permit: N

Count of 22-42-6 (M1) POSS TWO OUNCES OF MARIJUANA OR LESS

On 11/21/2005 the defendant pled No Plea Entered

Disposed on 11/21/2005 Disposition: Dismissed-Motion by Prosecutor**Count of 22-42A-3 (M2) USE OR POSSESSION OF DRUG PARAPHERNALIA**

On 11/21/2005 the defendant pled No Plea Entered

Disposed on 11/21/2005 Disposition: Dismissed-Motion by Prosecutor

Fine Due Date: 01/17/2006

***** Warrant History *****

Issued on 01/25/2007 for Arrest Warrant

Status: - Not Bondable-Returned - 02/16/2007

Conditions

1	THE DEFENDANT SHALL BE PLACED UNDER THE SUPERVISION OF THE CHIEF COURT SERVICES OFFICER OF THIS JUDICIAL CIRCUIT OR HIS REPRESENTATIVE THEREOF FOR A PERIOD OF THREE YEARS. THE DEF. SHALL SIGN THE STANDARD PROBATIONARY AGREEMENT AND OBEY ALL OF THE CONDITIONS PLACED UPON HIM BY THE COURT SERVICE OFFICER. THE DEF. PROBATION MAY BE TRANSFERRED TO THE STATE OF IOWA. Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
2	THE DEFENDANT SHALL FOLLOW ANY AND ALL TERMS SET OUT IN THE PROBATION AGREEMENT. Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
3	THE DEFENDANT SHALL OBEY ALL FEDERAL, STATE AND LOCAL LAWS WHILE ON PROBATION. Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
4	THE DEFENDANT SHALL NOT POSSESS OR USE ANY ALCOHOLIC BEVERAGES, OR USE OR POSSESS ANY CONTROLLED DRUG OR ILLEGAL SUBSTANCES WHILE ON PROBATION, WITH THE EXCEPTION OF PRESCRIBED MEDICATIONS LAWFULLY INGESTED ACCORDING TO THE DOSES PRESCRIBED BY A LICENSED PHYSICIAN., Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
5	THE DEFENDANT SHALL WAIVE HIS 4TH AMENDMENT RIGHT AGAINST RANDOM WARRANT LESS SEARCH AND SEIZURE TO HER PROBATION OFFICER AND OR A NY LAW ENFORCEMENT OFFICER UPON REQUEST TO INCLUDE THE DEF. PERSON, VEHICLE, AND RESIDENCE. THIS WAIVER SHALL INCLUDE THE DEF. SUBMITTING TO A UA UPON REQUEST, TO INCLUDE THE DEF. PERSON, VEHICLE AND RESIDENCE. DEF. IS RESPONSIBLE FOR THE COSTS OF ALL TESTING. Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
6	THE DEFENDANT SHALL NOT ENTER A LIQUOR STORE OR AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SERVED. Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
7	THE DEFENDANT SHALL ATTEND AA OR NA MEETINGS NO LESS THAN ONCE A WEEK. Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y

REC'D MAR 06 2014

8	<p>THE DEFENDANT SHALL PAY ALL MONETARY OBLIGATIONS INCLUDING RESTITUTION ORDERED BY THE COURT AS A CONDITION OF SATISFYING PROBATION. THE DEFENDANT SHALL ESTABLISH A PAYMENT PLAN WITH COURT SERVICES THAT WILL BE FILED IN THE DEFENDANT'S COURT FILE.</p> <p>Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y</p>
9	<p>THE DEFENDANT SHALL SERVE 113 DAYS IN THE UNION COUNTY JAIL. THE DEFENDANT SHALL RECEIVE CREDIT FOR THE 113 DAYS THE DEFENDANT SPENT IN PRE-TRIAL CONFINEMENT.</p> <p>Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y</p>
10	<p>THE DEFENDANT SHALL PAY THE FOLLOWING MONETARY OBLIGATIONS TO THE UNION COUNTY CLERK OF COURT. A FINE OF \$750.00, COURT COSTS OF \$63.00 AND PROSECUTION COSTS OF \$10.00 FOR GRAND JURY TRANSCRIPT. NURSES BLOOD DRAW OF \$40.00 AND LAB FEES OF \$45.00.</p> <p>Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y</p>
11	<p>THE DEFENDANT SHALL PAY THE FOLLOWING TO THE UNION COUNTY AUDITOR AT 209 E MAIN SUITE 200, IN ELK POINT SD 57025, THE SUM OF \$320.20, FOR COURT-APPOINTED ATTORNEY FEES. UNION COUNTY IS GRANTED A JUDGMENT FOR THE COURT APPOINTED ATTORNEY FEES OF \$320.20.</p> <p>Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y</p>
12	<p>THE DEFENDANT'S DRIVER LICENSE SHALL BE REVOKED FOR TWO YEARS STARTING ON JANUARY 9, 2006</p> <p>Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y</p>
13	<p>THE DEFENDANT SHALL COMPLETE ANY/ALL TREATMENT RECOMMENDATIONS OF HEARTLAND COUNSELING IN S.SIOUX CITY NE 68776. THE DEFENDANT SHALL ALSO FOLLOW THE MEDICATION RECOMMENDATION AS PRESCRIBED BY THE DEFENDANT'S MEDICAL PROVIDERS.</p> <p>Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y</p>
14	<p>AS A TERM AND CONDITION OF PROBATION, THE DEFENDANT SHALL, UPON THE COMPLETION OF THE DEFENDANT'S TERM WITH THE S.D STATE PEN., BE REQUIRED TO RESIDE AT EITHER THE DEFENDANT'S PARENTS RESIDENCE OR IN A HALF WAY HOUSE PROGRAM FOR NO LESS THAN SIX MONTHS.</p> <p>Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y</p>
15	<p>THE COURT EXPRESSLY RESERVES CONTROL AND JURISDICTION OVER THE DEFENDANT FOR THE PERIOD OF SENTENCE IMPOSED AND THAT THIS COURT MAY REVOKE THE SUSPENSION AT ANY TIME AND REINSTATE THE SENTENCE WITHOUT DIMINISHMENT OR CREDIT FOR ANY OF THE TIME THAT THE DEFENDANT WAS ON PROBATION</p> <p>Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y</p>
16	<p>THE COURT RESERVES THE RIGHT TO AMEND ANY OR ALL OF THE TERMS OF THIS ORDER AT ANY TIME.</p> <p>Condition Expiration Date: 20090109 [COND-TIME] = 3 [COND-TIME-UNIT] = Y</p>
17	<p>DISPOSITION ORDER DATED 8-7-2006 STATING THE DEFENDANT VIOLATED THE TERMS AND CONDITIONS OF HIS PROBATION THE DEFENDANT IS SENTENCED TO TWO YEARS IN THE PENITENTIARY WITH TWO YEARS SUSPENDED ON THE FOLLOWING CONDITIONS:</p> <p>Condition Expiration Date: 20090807 [COND-TIME] = 3 [COND-TIME-UNIT] = Y</p>
18	<p>THE DEFENDANT SIGN THE STANDARD PROBATION AGREEMENT WITH THE OFFICE OF COURT SERVICES AND COMPLY WITH THE TERMS THEREIN. PROBATION MAY BE TRANSFERRED TO THE STATE OF IOWA, UPON ACCEPTANCE THROUGH INTERSTATE COMPACT.</p> <p>Condition Expiration Date: 20090807 [COND-TIME] = 3 [COND-TIME-UNIT] = Y</p>

19	THE DEFENDANT OBEY ALL FEDERAL, STATE AND LOCAL LAWS Condition Expiration Date: 20090807 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
20	THE DEFENDANT SHALL NOT POSSESS OR USE ANY ALCOHOLIC BEVERAGES, OR USE OR POSSESS ANY CONTROLLED DRUGS OR ILLEGAL SUBSTANCES WHILE ON PROBATION, WITH THE EXCEPTION OF PRESCRIBED MEDICATIONS LAWFULLY INGESTED ACCORDING TO THE DOSES PRESCRIBED BY A LICENSED PHYSICIAN. Condition Expiration Date: 20090807 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
21	THE DEFENDANT SHALL WAIVE HIS 4TH AMENDMENT RIGHT AGAINST RANDOM WARRANT-LESS SEARCH AND SEIZURE BY HIS PROBATION OFFICER AND/OR A NY LAW ENFORCEMENT OFFICER UPON REQUEST TO INCLUDE THE DEF. PERSON, VEHICLE AND RESIDENCE. THIS WAIVER SHALL INCLUDE THE DEF. SUBMITTING TO A UA UPON REQUEST. THE DEF. SHALL REMAIN RESPONSIBLE FOR THE COSTS OF ALL UA'S AND DRUG TESTING Condition Expiration Date: 20090807 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
22	THE DEFENDANT SHALL NOT ENTER ANY ESTABLISHMENT WHERE THE PRIMARY PURPOSE OF SAID BUSINESS IS THE SALE OF ALCOHOL Condition Expiration Date: 20090807 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
23	THE DEFENDANT ATTEND AA MEETINGS ON A REGULAR BASIS Condition Expiration Date: 20090807 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
24	THE DEFENDANT CONTINUE TAKING MEDICATIONS FOR MENTAL HEALTH ISSUES AS PRESCRIBED BY A LICENSED PHYSICIAN Condition Expiration Date: 20090807 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
25	THE DEFENDANT SHALL PAY ANY/ALL OUTSTANDING FINANCIAL OBLIGATIONS AS A CONDITION OF HIS PROBATION. A PAYMENT PLAN SHALL BE SET-UP THROUGH THE OFFICE OF COURT SERVICES AND FILED WITH THE UNION COUNTY CLERK OF COURTS Condition Expiration Date: 20090807 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
26	THE DEFENDANT SERVE 46 DAYS IN THE UNION COUNTY JAIL AND SHALL BE GIVEN CREDIT FOR 46 DAYS PREVIOUSLY SERVED Condition Expiration Date: 20090807 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
27	THE DEFENDANT PAY COURT-APPOINTED ATTORNEY FEES IN THE AMOUNT OF \$174.80 AS PERTAIN TO SAID PROBATION VIOLATION. PAYMENTS TO BE MADE TO THE UNION COUNTY AUDITOR. UNION COUNTY IS GRANTED A JUDGEMENT FOR THE COURT-APPOINTED FEES. Condition Expiration Date: 20090807 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
28	THE COURT EXPRESSLY RESERVES CONTROL AND JURISDICTION OVER THE DEFENDANT FOR THE PERIOD OF SENTENCE IMPOSED AND THAT THIS COURT MAY REVOKE THE SUSPENSION AT ANY TIME AND REINSTATE THE SENTENCE WITHOUT DIMINISHMENT OR CREDIT FOR ANY OF THE TIME THAT THE DEFENDANT WAS ON PROBATION Condition Expiration Date: 20090807 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
29	THE COURT RESERVES THE RIGHT TO AMEND ANY OR ALL OF THE TERMS OF THIS ORDER AT ANY TIME. Condition Expiration Date: 20090807 [COND-TIME] = 3 [COND-TIME-UNIT] = Y

REC'D MAR 06 2014

30	ON JUNE THE DEFENDANT WAS FOUND GUILTY OF VIOLATING THE TERMS AND CONDITIONS OF HIS PROBATION. THE DEFENDANT IS SENTENCED TO TWO YEARS IN THE PENITENTIARY WITH 190 DAYS CREDIT FOR TIME ALREADY SERVED. Condition Expiration Date: 20100604 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
31	THE DEFENDANT SHALL PAY ALL PREVIOUS FINANCIAL OBLIGATIONS IMPOSED BY THIS COURT AS A TERM AND CONDITION TO SATISFY PAROLE. THERE ARE TWO PREVIOUS ORDERS THAT STILL HAVE OUTSTANDING AMOUNTS REMAINING WHICH IS AS FOLLOWS. ORDERS SIGNED ON JAN. 13, 2006 AND AUGUST 15, 2006 Condition Expiration Date: 20100604 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
32	THE DEFENDANT SHALL PAY ALL OUTSTANDING FINANCIAL OBLIGATIONS AS WELL AS THOSE OBLIGATIONS THE COURT ORDERS AS PART OF THIS DISPOSITION Condition Expiration Date: 20100604 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
33	THE DEFENDANT SHALL PAY COURT APPOINTED ATTORNEY FEES OF \$226.20. TO THE UNION COUNTY AUDITOR. UNION COUNTY IS GRANTED A JUDGMENT FOR THE COURT APPOINTED FEES. Condition Expiration Date: 20100604 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
34	THE DEFENDANT PAY ALL FINANCIAL OBLIGATIONS AS PART OF HIS PAROLE. Condition Expiration Date: 20100604 [COND-TIME] = 3 [COND-TIME-UNIT] = Y
35	THE COURT RESERVES THE RIGHT TO AMEND ANY OR ALL OF THE TERMS OF THIS ORDER AT ANY TIME. Condition Expiration Date: 20100604 [COND-TIME] = 3 [COND-TIME-UNIT] = Y

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Initial Appearance		09/22/2005	9:30 AM	Held
Arraignment		10/17/2005	9:00 AM	Continuance-Requested by Defendant
Arraignment		10/24/2005	9:00 AM	Held
Motions Hearing		11/16/2005	1:30 PM	Held
Jury Trial		12/06/2005	9:00 AM	Cancelled
Change of Plea Hearing		11/21/2005	9:00 AM	Held
Sentencing Hearing		01/09/2006	9:00 AM	Held
Order to Show Cause Hearing		07/10/2006	9:00 AM	Held
Status Hearing		07/24/2006	9:00 AM	Held
Sentencing Hearing		08/07/2006	9:00 AM	Held
Initial Appearance		05/04/2007	3:30 PM	Held
Order to Show Cause Hearing		05/14/2007	9:00 AM	Held
Status Hearing		06/04/2007	9:00 AM	Held

Docket Number: 63399M0105260 filed in Union County on 10/10/2001 Case Status: Terminated

Filing Name: GUTHALS, DEREK Arrest Date: 10/04/2001 Arrest Time: PCN:

Plaintiff: STATE OF SOUTH DAKOTA Prosecutor: States Attorney

Speed Actual: 085 Zone: 75 Highway Type: Interstate CDL: N CMV: N HAZ: N MV: Did not take place in a motor vehicle

Count of 32-25-4 (M2) SPEEDING ON INTERSTATE HIGHWAY

On 10/29/2001 the defendant pled Guilty **Disposed on 10/29/2001 Disposition: Judgment on Plea of Guilty**

Sentenced on 10/29/2001 Fine: \$35.00 Costs: \$36.00

REC'D MAR 06 2014

Fine Due Date: 10/29/2001

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Initial Appearance		10/29/2001	12:00 AM	Held

Docket Number: 63399M0104670 filed in Union County on 09/12/2001 Case Status: Terminated
 Filing Name: GUTHALS, DEREK Arrest Date: 09/11/2001 Arrest Time: 12:30 PM PCN:
 Plaintiff: STATE OF SOUTH DAKOTA Prosecutor: States Attorney

Count of 22-35-6 (M2) ENTERING PROPERTY-AFTER NOTICE

On 09/21/2001 the defendant pled Guilty **Disposed on 09/21/2001 Disposition: Judgment on Plea of Guilty**
 Sentenced on 09/21/2001 Fine: \$64.00 Costs: \$36.00

Fine Due Date: 09/21/2001

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Initial Appearance		09/25/2001	12:00 AM	Held

Docket Number: 13C01000254A0 filed in Clay County on 06/25/2001 Case Status: Terminated
 Filing Name: GUTHALS, DEREK Arrest Date: 06/16/2001 Arrest Time: 11:41 PM PCN: 4538529
 Plaintiff: STATE OF SOUTH DAKOTA Prosecutor: TAMI MARONEY
 Counsel Name: THOMPSON, CRAIG K Counsel Type: Retained (Private) Counsel

Count of 32-23-4 (F6) DRIVING UNDER INFLUENCE-3RD OF

On 07/10/2001 the defendant pled No Plea Entered **Disposed on 07/10/2001 Disposition: Recharged**
 Fine: \$500.00 Costs: \$118.00

Count of 32-23-4 (F6) DRIVING UNDER INFLUENCE-3RD OF

On 10/02/2001 the defendant pled No Plea Entered **Disposed on 10/02/2001 Disposition: Dismissal-Reduction**

Count of 32-23-2 (M1) DRIVING UNDER INFLUENCE-1ST OF

On 10/02/2001 the defendant pled Guilty **Disposed on 10/02/2001 Disposition: Judgment on Plea of Guilty**

Sentenced on 10/02/2001
 Incarcerated to Jail for 10 Day(s) Concurrent with suspended and credit for 0 Day(s) served.
 License: Revoked DL for 1 Year(s) . Court Possession: 10/02/2001 Work Permit: Y
 Fine Due Date: 11/02/2001

*** Bond(s) Ordered ***	
Bondsman Bond Posted on 06/25/2001	Status: Surety Filed 06/25/2001 - Posted by

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Initial Appearance		06/26/2001	9:30 AM	Held
Arraignment		08/03/2001	3:00 PM	Cancelled
All Other Hearings		09/11/2001	9:30 AM	Continuance-Requested by Defendant
All Other Hearings		10/02/2001	9:30 AM	Held
Preliminary Hearing		10/02/2001	9:30 AM	Waived
Arraignment		10/02/2001	9:30 AM	Held
Sentencing Hearing		10/02/2001	9:30 AM	Held

REC'D MAR 06 2014

Docket Number: 66399M0101207 filed in Yankton County on 04/09/2001 Case Status: Terminated

Filing Name: GUTHALS, DEREK Arrest Date: 04/08/2001 Arrest Time: 5:13 PM PCN:

Plaintiff: STATE OF SOUTH DAKOTA Prosecutor: States Attorney

Speed Actual: 055 Zone: 40 Highway Type: State CDL: N CMV: N HAZ: N MV: Did not take place in a motor vehicle

Count of 32-25-1.1 (M2) SPEEDING ON A STATE HIGHWAY

On 04/12/2001 the defendant pled No Plea Entered

Disposed on 04/12/2001 Disposition: Bond Forfeited

Sentenced on 04/12/2001 Fine: \$55.00 Costs: \$36.00

Fine Due Date: 04/12/2001

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Initial Appearance		05/03/2001	9:30 AM	Waived

Docket Number: 63399M9905087 filed in Union County on 11/08/1999 Case Status: Terminated

Filing Name: GUTHALS, DEREK Arrest Date: 11/03/1999 Arrest Time: 2:30 PM PCN:

Plaintiff: City of ELK POINT Prosecutor: City Attorney

Count of 99-2-139 (M2) zI DISORDERLY CONDUCT

On 11/08/1999 the defendant pled Guilty

Disposed on 11/08/1999 Disposition: Judgment on Plea of Guilty

Sentenced on 11/08/1999 Fine: \$100.00 Costs: \$30.00

Fine Due Date: 11/08/1999

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Initial Appearance		11/08/1999	3:30 PM	Held

Docket Number: 63399M9903199 filed in Union County on 07/23/1999 Case Status: Terminated

Filing Name: GUTHALS, DEREK Arrest Date: 07/22/1999 Arrest Time: 2:18 AM PCN:

Plaintiff: City of NORTH SIOUX CITY Prosecutor: City Attorney

Count of 99-1-57 (M2) zI FAILURE TO STOP

On 08/05/1999 the defendant pled Guilty

Disposed on 08/05/1999 Disposition: Judgment on Plea of Guilty

Sentenced on 08/05/1999 Fine: \$53.00 Costs: \$30.00

Fine Due Date: 08/05/1999

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Initial Appearance		08/31/1999	12:00 AM	Held

Docket Number: 63C99000038A0 filed in Union County on 01/25/1999 Case Status: Terminated

Filing Name: GUTHALS, DEREK Arrest Date: 01/23/1999 Arrest Time: 3:30 PM PCN:

Plaintiff: STATE OF SOUTH DAKOTA Prosecutor: MATTHEW METZGAR

Counsel Name: ECKERT, DENIS R Counsel Type: Retained (Private) Counsel

Count of 32-23-3 (M1) DRIVING UNDER INFLUENCE-2ND OF

On 02/22/1999 the defendant pled No Plea Entered

Disposed on 02/22/1999 Disposition: Recharged

Fine: \$500.00 Costs: \$103.50

Count of 32-23-3 (M1) DRIVING UNDER INFLUENCE-2ND OF

On 04/01/1999 the defendant pled No Plea Entered

Disposed on 04/01/1999 Disposition: Dismissal-Reduction

Count of 32-23-2 (M1) DRIVING UNDER INFLUENCE-1ST OF

REC'D MAR 06 2014

On 04/01/1999 the defendant pled Guilty

Disposed on 04/01/1999 Disposition: Judgment on Plea of Guilty

Sentenced on 04/01/1999

Incarcerated to Jail for 10 Day(s) Concurrent with 6 Day(s) suspended and credit for 0 Day(s) served.

License: Revoked DL for 1 Year(s) . Court Possession: 04/05/1999 Work Permit: Y

Conditions	
04/01/1999	1 Restitution Ordered As Condition Of Sentence

Restitution: \$100.00

Fine Due Date: 04/01/1999

*** Bond(s) Ordered ***	
Personal Recognizance Bond Posted on 01/25/1999	Status: \$0.00 Personal Recognizance 01/25/1999 - Posted by Defendant

Conditions	
1	COMPLETE ALCOHOL EVALUATION AND COMPLY
2	MAKE CONTRIBUTION TO DARE
3	SERVE 4 DAYS WITHIN 2 WEEKS

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Initial Appearance		02/11/1999	10:00 AM	Continuance-Requested by Defendant
Initial Appearance		03/25/1999	10:00 AM	Continuance-Requested by Defendant
Initial Appearance		04/01/1999	10:00 AM	Held
Preliminary Hearing		04/01/1999	10:00 AM	Waived
Arraignment		04/01/1999	10:00 AM	Held
Sentencing Hearing		04/01/1999	10:00 AM	Held

Docket Number: 63C98000511A0 filed in Union County on 07/23/1998 Case Status: Terminated

Filing Name: GUTHALS, DEREK

Arrest Date: 07/22/1998

Arrest Time: 10:42 PM

PCN:

Plaintiff: STATE OF SOUTH DAKOTA

Prosecutor: States Attorney

Count of 22-18-1 (M1) SIMPLE ASSAULT

On 08/06/1998 the defendant pled Guilty

Disposed on 08/06/1998 Disposition: Judgment on Plea of Guilty

Sentenced on 08/06/1998 Fine: \$300.00 Costs: \$29.50

Incarcerated to Jail for 30 Day(s) Concurrent with 30 Day(s) suspended and credit for 0 Day(s) served.

Fine Due Date: 09/11/1998

*** Bond(s) Ordered ***	
Personal Recognizance Bond Posted on 07/23/1998	Status: \$0.00 Personal Recognizance 07/23/1998 - Posted by Defendant

Conditions	
1	NO SIMILIAR OFFENSES
2	GO TO ANGER MANAGEMENT CLASSES

Proceeding Description	Judge Name	Begin Date	Begin Time	Status Description
Initial Appearance		08/06/1998	10:00 AM	Held
Preliminary Hearing		08/06/1998	10:00 AM	Waived
Arraignment		08/06/1998	10:00 AM	Held
Sentencing Hearing		08/06/1998	10:00 AM	Held

REC'D MAR 06 2014

The search you requested is a court records search based on information you provided. The search results may include criminal court data from January 1989 to present, civil court data from January 2006 to present, active money judgments for the past twenty years, and/or inactive money judgments since April 2004, **DEPENDING ON THE TYPE OF SEARCH REQUESTED**. Records returned are only those that precisely match this information. There may be instances where fine and cost information will appear immediately below a dismissed charge. The amounts indicated are accurate for a different charge but there should be no fine and cost information related to a dismissed charge. Based on the age of a case, not all financial information may be available in the case management system. You should contact the Clerk of Court office where an original action took place to correct any misinformation and collect any missing information.

REC'D MAR 06 2014

Upcoming Probable Cause

Due to the difficulty in obtaining the probable cause documentation for the 2012 DWI felony because of the Holt county courts reluctance to provide this information, readily, I'll just need a little more time to provide this. I'm sending this letter to express my true intent on providing a "bridge" for the classroom flow for a short or long term gap on an instructors' absence.

It is my wish to be able to provide and maintain a calm environment where students will not feel rode down upon but they will be comforted in discussion with me on academic challenges to how they are as people if the situation persists to that point.

I strongly urge those involved in my substitute teaching certification to know that I strongly feel I posses personality traits that will maintain an even flow in classroom manageability when face with cultural norms and societal mores found in the students. I believe that a formidable approach to a classroom scene is the ground establishment of the absent teachers rules and standards. Classroom disruption may pertain to even mild profanity that could culminate to student discord over say a racial epithet. My language and my standard set forth shall cater to the highest common denominator.

I believe that my personal life, that of which originates in a country setting and pertains to my life at present is encouraging for my substituting and sets me up and to be able to deal with common challenges faced by teaching where a teacher must deal with sexual behaviors, profanity, and violence if this may be faced in my substituting.

I feel that in my life that I'm strongly rebounding where I have a wife who I love and keeps me happy, continually restore an old house out in the countryside six miles from Oregon Missouri, plan on growing and canning pickles and possibly other vegetables (Last year in my first year of canning I canned hot salsa and tomatoes), and carefully cut my own firewood. I hope and if I'm able to add to classroom discussion with students whom I assume and predict will primarily come from a city life environment. (St. Joseph).

I've consulted with my ex-wife Brenda Owens on the July 22, 1998 Family Domestic Violence case. She can provide a true angle to that particular situation and if necessary I will sign a consent form for your office to be able to consult her on this matter.

Thank You



REC'D APR 04 2014

Criminal Record

Conduct and Investigation
Post Office Box 480
Jefferson City MO 65102-0480

To whom it may concern,

My name is Derek Guthals and I wish to address to the best of my ability an explanation to my criminal activity of the past. It seems to me that my passiveness in drinking and driving stems from my footloose and free attitude that I let grow with me into my adulthood. In my teenage years every weekend it seemed nearly all of the 30 students in my class drank and drove. For one, law enforcement seemed less stringent and I can't honestly recall anyone I knew or heard of in the local area being pulled over for DWI.

I remember hearing of older people having their keys taken and forced to walk home. I do remember people in higher grades who were involved in a fatalistic car crash. Perhaps alcohol was involved but I didn't hear of it.

The irony of it all for me was my alcoholic intake lessened considerably in my late twenties but my careless attitude and risk taking moves came when I did drink and got me in trouble nearly every time I drank.

These times of drinking in my later years were few with it being months at a time. Drinking seemed to be one of my only outlets when I had serious relationship turmoils and I would pinpoint this as being a reason why I drank and drove.

Maybe this inability with relationships came from a childhood with divorce and I tended to drink in times of stress. Maybe it was a carefree attitude that came from growing up in a rural area with lessened law enforcement, twenty years ago. I'd like to say that my drinking and driving came from both reasons in my life.

Needless to say I recognize drinking and driving as wrong and I don't drink. As the years go by with my piled up trouble with drinking and driving, my desire to drink alcoholic beverages is not there now. I don't drink at all and I strive at performing an occupation I'm more than qualified to do for I love teaching and letting people make a connection to something they know.

I know one more drinking and driving incident and I'll loose my freedom for a long time, my right to drive forever, and my most favorite style of living and thats living out in the country.

As for my Family Domestic Violence charge, I was hauled to jail overnight when they found a scratch on my ex-wife's arm. No sooner was that seen by the policeman and I was taken away without a chance for any explanation. Brenda Owens, my ex-wife of Seargent Bluff IA, 712 943-3406 can testify to my ease in personality and explain the stress our family at that

REC'D FEB 21 2014

Criminal Record

time was undergoing. This stress came from a life threatening car crash I was in and Brenda's pregnancy with our twin daughters who I see regularly now and have since there birth.

Along with my other letters and statements, I hope my testimonials somehow allow me to be certified and teach on the substitute level. I feel I can foster a learning atmosphere and encourage students to help eachother with confusion and misunderstandings or lack of understanding a subject.

Sincerely,

A handwritten signature in cursive script, appearing to read "David J. Smith". The signature is written in black ink and is positioned below the word "Sincerely,".

REC'D FEB 21 2014

Since the criminal record

After my prison release in 2009 from South Dakota I spent the summer working at Hideaway Cabins campground mowing, cabin cleaning, and growing a visitor garden at a parksight by Pisgah Iowa. For a few weeks while just getting started with Hideaway Cabins I volunteered planting trees for Iowa forestry which it has an office located in Pisgah.

I relocated back to northwest Missouri the following fall where I grew up and had the opportunity to revive living conditions of an old house with just a couple of old electrical outlets in it by New Point, Missouri. Over a couple of years time I was able to paint, re-floor, rewire, resided, replumb (with a short amount of PCV piping), and other assortments to the remodeling of this home. All of this took over a years time but I was left with a comfortable and clean living quarters. In part of the time I remodeled Bill Kneale's old house I worked almost for a year as a cashier 10 miles away at the Squaw Creek Eagles Nest Truck Stop until they went out of business.

Yet during this time I slipped with drinking and driving again because I mismanaged an emotional relationship and dealt with it the wrong way. Foolishly and wrongly at that time I thought that since this was in the same town where 20 years ago it wasn't a big deal to drink and drive and I drove and drank; I found out differently when running into the ditch just outside Mound City, being called in by a nearby resident, and being charged with another DWI.

I found out that in Missouri that it wasn't the quantity of time but the quality of time spent for punishment in my crime. In Missouri it was abbreviated intensive like prison stay called Treatment. I come to appreciate the value of complete abstinence from alcoholic beverages for I realize from this simple abstinence that I can live happy, comfortably and peacefully. This abstinence is easy for me for I truly do not have a biological desire to drink. Along with Treatment in Missouri I have a long probationary period where I've been subject to alcohol and drug tests. My complete conformity to these tests is evident with no violations to my probation.

Since moving to this house near New Point I started walking beans for my neighbor/farmer Viron who is one of only two organic farmers in Holt county. This will be my fourth summer walking beans for him. Viron has become a friend from who I enjoy pleasant talks with, getting good garden advice, and I'm allowed to raid his abundant supply of potatoes and tomatoes.

I enjoy working for Viron for he trusts me with me keeping track of my own hours and scheduling. Its this kind of trust that is upmost and pleasant to have in any job if possible. My hope is to formulate a kind of trust with school districts and Department of Elementary and Secondary education. In my

Since the criminal record heart and mind I know this trust can be and would be sustained.

For almost two years up till last spring and because of lack of work in the area, I qualified and worked in a sheltered workshop were I had to learn how to work with people who could only work to a certain degree of vitality. I got along fine up there but felt I could do better particularly after the workshop iniated downtime pay (\$.75/hr.) which was probably due to a lack of work contracts not leaving anything to do. I left the workshop in the spring with bean walking starting and I have no intention of going back and once bean walking ended I've been trading favors and learning mechanics with a friend/mechanic Richard till now.

Last summer through the help of Vocational Rehabilitation I attended Crowder college in Neosho MO where I spent two weeks learning about wind tower technology. As I started finding out whats involved with it and started missing my simple life back by New Point I came back and last summer I gained more information on becoming a student teacher in Missouri.

As far as leisure time, I like to hunt and fish when possible. I also like to read and watch T.V.

I'd rather student teach for I've done this a couple of times before in South Dakota while attending teacher certification classes at USD. It seems as though I'm able to do this and find myself enjoying substuting.

Statement for teachin in Missouri

My personal wish for my part in education for the youth in the state of Missouri is to be able to provide a learning environment that inspires wonder, curiosity, and a humbleness in knowlege and understanding of subject matter acquired. It is my hope that I can carefully yet comfortably guide this learning while maintaining a happy and smooth flow in the learning environment of the classroom. I would feel honered and humble to have the right to teach and communicate with students. I strive to teach at the best of my ability in a state I've grown up in and happy to live in.

Conduct and Investigations
Post Office Box 480
Jefferson City, MO 65102

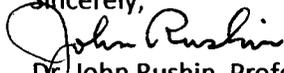
To Whom It May Concern:

Please accept this letter of support for Derek Guthals' application for substitute teacher certification in the State of Missouri. Derek graduated as a biology major/chemistry minor from Missouri Western State College (now university) in the 1980's. While at Missouri Western, Derek completed several of my classes and an independent project that culminated in a self-guided interpretive nature trail booklet that was used for several years by visitors at the Squaw Creek National Wildlife Refuge near Mound City, Missouri.

Derek did a very good job in all of my classes and he was thought highly of by the other faculty in the Biology Department. Especially on his development of the Squaw Creek Nature Trail as an independent study, Derek demonstrated the ability to work independently and produce creative results. He also provided much volunteer work at Missouri Western's Biology Study Area (now the Otoe Creek Nature Area). I enjoyed working with Derek very much. He was a hard worker who was not afraid to do physical work as well as the academic challenges. Derek was always an amiable individual and easy to work with.

I am aware of the fact that Derek suffered serious injury in an automobile accident and also had to face some very difficult situations in his personal life since he left Missouri Western. Derek visited me a few years ago when I was still on the faculty at Missouri Western and we have communicated a couple of times since then. At this point I believe that Derek is adjusting well and is looking for a way to put his background to work for the betterment of society. I hope that you will afford Derek every opportunity to pursue his goal to obtain certification as a substitute teacher.

Sincerely,



Dr. John Rushin, Professor Emeritus
Biology Department, Missouri Western State U.

REC'D FEB 19 2014

DON HALL, INC.
BOX 218
MOUND CITY, MO 64470

Re: Derek Guthals

TO WHOM IT MAY CONCERN:

I personally knew, and hired, Derek in the mid to latter 1980's. I was General Manager of Squaw Creek Truck Plaza, and young Derek came on board as a "buss boy", assisting waitress in the clearing of tables, cleaning, etc.

I can say, conservatively, that he was considered by all of the wait-personnel, as well as management, to be one of the best that we had.

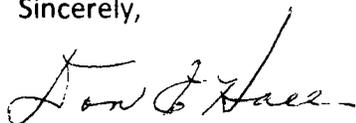
Derek advanced to the kitchen area, assisting (always willingly and pleasantly) to assume any and all jobs of assignment. The management in this department had nothing but praises as well.

From this point, we advanced him to the Truckers Store area of assignments. He handled these very capably as well. In this regard I should add that he was afforded money management assignments; these too, were handled totally honestly and responsibly.

When it became evident that we would need to sell the Truck Stop due to the age of the owners, Derek had moved on into "out of state" environment, but we have had communication since his return into the area. He has expressed a desire to get a Real Estate license. I have promised support in this endeavor, should it be his prerogative. He realizes that this would entail some six weeks of schooling (can be done part-time) and requires a sponsorship. I can provide the sponsorship to get him started; the schooling is offered in more than one place, with St. Joseph Realtors the most-used school.

I have every confidence in Derek, and would be supportive in whatever manner that I could to assist him.

Sincerely,



Don E. Hall

REC'D MAR 14 2014

March 7, 2014

To Whom It May Concern,

I am writing in reference to Derek Guthals being considered for a substitute teaching certification. Derek would be an excellent candidate for this opportunity for many reasons. As his sister, I have personally seen Derek's hard work and dedication put into every endeavor he embarks upon. He is responsible and aims to a good job with every task given. Derek has also persevered through some very tough obstacles and life experiences, which have helped him become an even better person through it all.

Derek thoroughly enjoyed and excelled through his college experience as a non-traditional student. At the time, he was a single dad raising a very rambunctious baby boy and taking on a full-time college load; not many men can say they've conquered a feat like that. He did it all while maintaining an acceptable GPA and gaining the adoration and respect from all his professors and colleagues in his major field of study.

A few years after his successful college career, Derek was involved in a very serious single-car accident. This accident changed his life and the lives of all those around him forever. After being in a coma for nearly a week, he awoke to the realization that he could no longer walk, talk, or function like he could before. Derek had suffered a severe traumatic brain injury that left him working harder than ever to regain his normal life again. After months and months of physical, occupational, and speech therapy, Derek became the man who he once was and so much more. His journey, since the accident, has been an on-going one to realize his full potential and to make the right decisions leading him down the path that God has laid for him.

This step in the direction of substitute teaching is yet another way Derek is reaching his potential. With his endless determination and work ethic, Derek will make an excellent candidate for a substitute teaching certification program. Through his life, he has shown determination, responsibility, and has persevered through every storm, and this is why I wholeheartedly give my recommendation to my brother, Derek Guthals.

Respectfully,



Karla Walters

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