

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF BROOKINGS)

IN CIRCUIT COURT

THIRD JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,

Plaintiff,
vs.

DANIEL J. SCHOONHOVEN,
DOB: 08/12/1965
960 BROKEN BOW TRAIL
BROOKINGS, SD 57006

Defendant.

CRI22-704
INDICTMENT FOR:

VOTING MORE THAN ONCE
AT ANY ELECTION
A CLASS 6 FELONY
VIOLATION OF SDCL 12-26-8

THE BROOKINGS COUNTY GRAND JURY CHARGES:

That on or between the 30th day of September, 2022, and the 4th day of November, 2022, both inclusive, in the County of Brookings, State of South Dakota, Daniel J. Schoonhoven did commit the public offense of Voting More Than Once At Any Election, A Class 6 Felony, (SDCL 12-26-8), in that he did: vote more than once at any election or offer to vote after having once voted, either in the same or in another election precinct in South Dakota or elsewhere; contrary to statute in such case made and provided against the peace and dignity of the State of South Dakota.

Dated this 16th day of November, 2022, at Brookings, South Dakota.

A True Bill
"A TRUE BILL"

FILED

NOV 16 2022

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
3RD CIRCUIT CLERK OF COURT

By _____

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

Beth Schwartz
Grand Jury Foreperson

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

REQUEST FOR ARREST WARRANT

Dan C. Nelson, States Attorney in and for Brookings County, South Dakota,
hereby requests an Arrest Warrant to be issued based upon the above Complaint.

Dan Nelson
Brookings County States Attorney

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF BROOKINGS)

IN CIRCUIT COURT

THIRD JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
)
Plaintiff,)
)
v.)
)
DANIEL J. SCHOONHOVEN,)
)
Defendant.)
)

CRI22-784

JUDGMENT OF CONVICTION

An Indictment was filed with this Court on the 16th day of November, 2022, charging the Defendant with the crime of Voting More Than Once at Any Election (SDCL 12-26-8). The Defendant was arraigned on said Indictment on the 5th day of December, 2022. The Defendant, the Defendant's attorney, Nancy Nelson, and Austin Oxner, prosecuting attorney, appeared at the Defendant's arraignment. The Court advised the Defendant of all constitutional and statutory rights pertaining to the charge against the Defendant. The Defendant pled not guilty to the charge in the Indictment. The Defendant requested a jury trial on the charge contained in the Indictment.

A trial commenced on the 19th day of April, 2023, in Brookings, South Dakota on the charge. On the 19th day of April, 2023, the Jury returned a verdict of guilty to Voting More Than Once at Any Election.

It is, therefore,

ORDERED that a Judgment of guilty is entered as to the following: Voting More Than Once at Any Election in violation of SDCL 12-26-8.

SENTENCE

On the 16th day of May, 2023, the Court asked the Defendant if any legal cause existed to show why Judgment should not be pronounced. There being no cause offered, the Court thereupon pronounced the following sentence:

ORDERED that the Defendant be imprisoned in the State Penitentiary of the State of South Dakota, Sioux Falls, South Dakota, at hard labor for the full term and period of two (2) years, there to be kept, fed and clothed according to the rules and discipline governing the said penitentiary; and in addition thereto, said Defendant shall pay a fine and court costs in the amount of \$750.00; provided however, that said penitentiary sentence is hereby suspended and said Defendant placed on supervised probation for a period of two (2) years upon the following terms and conditions:

1. That said Defendant pay the above ordered fine and costs.
2. That said Defendant demean himself a law-abiding citizen during the entire period of said probation and shall not commit any federal, state or local crime.
3. That pursuant to SDCL 23A-27-18.1, as a part of said probation, said Defendant shall serve two (2) days in the Brookings County Detention Center, with said period of detention to commence immediately.
4. That said Defendant shall, without the necessity of probable cause or warrant, and at the request of any Court Service Officer, voluntarily give a sample of their bodily substances for testing purposes and pay the costs thereof.
5. That said Defendant shall, without the necessity of probable cause or warrant, and at the request of any Court Service Officer, voluntarily submit to a search and seizure of their person, personal effects, electronic devices, vehicle and residence.
6. That said Defendant shall not possess or consume alcoholic beverages and shall not be present in any establishment where alcohol is the primary item of sale.
7. That said Defendant shall not possess or consume any illegal drugs or substances and shall not be present where any illegal drugs or substances are sold or used.
8. That said Defendant shall undergo a chemical dependency evaluation and mental health evaluation and shall thereafter successfully complete a program of counseling and/or treatment as may be recommended by said Defendant's Court Service Officer, all at said Defendant's own expense.
9. That the fine, court costs and court appointed attorney fees shall be paid according to a schedule to be determined by said Defendant's Court Service Officer.
10. That said Defendant shall be under the supervision of the Court Service Officer in and for Brookings County and shall abide by such rules and regulations that may be imposed for his conduct by said Court Service.

ORDERED that said Defendant shall repay Brookings County for the court-appointed attorney fees of Nancy Nelson, and Brookings County shall have a civil lien for said amount.

ORDERED that said Defendant complete eighty (80) hours of community service work within two (2) years of this date at the discretion and direction of his Court Services Officer.

ORDERED that said period of probation shall run concurrently to the sentence imposed in 05CRI22-694 for the sentence of Driving While Under the Influence - Third Offense.

ORDERED that said Defendant shall well and faithfully abide by all of the conditions of said probation, failing which said Defendant shall again be subject to being brought before the Court for revocation of said probation and execution of Judgment.

5/22/2023 8:57:25 AM

BY THE COURT:

Attest:
Runge, Ashley
Clerk/Deputy



A handwritten signature in black ink, appearing to read "Gregory J. Stoltenburg", is written over a horizontal line.

Gregory J. Stoltenburg
Circuit Court Judge