

### DECLINATION OF CASE

Pennington County State's Attorney Office

Subject: Wendy No Moccasin 7.5.1986

Inv. Agency: RCPO C.R.#: 10-204173

Inv. Officer: Poches

Charge: DUI Statute: 32-23-1

Supervisor's Name: Lt. T. Vlieger

Assigned Court: -

PCN#: -

Our office has received the attached investigative reports from your department relating to the above case. However, we believe the case is unable to be prosecuted at this time for the following reason(s):

- Additional information needed
- Element of offense issue
- Criminal intent issue
- Victim/witness problem
- Search/seizure issue
- Probable cause issue
- Other

- Evidence issue
- Other evidence problems
- Civil matter
- Filing delay issue
- Identification issue
- Referred to other agency

Declination is not due to actions/investigation of law enforcement

Explanation: The SAO declines any and all prosecution of Ms. No Moccasin for allegations that she drove while intoxicated on the night of 8-10-10, the night she was the alleged victim of Patrick T. Burke

Sincerely,

[Signature] 7.27.11  
Deputy State's Attorney Date