

STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

:SS

COUNTY OF MINNEHAHA )

SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,

Plaintiff,

CR \_\_\_\_\_

vs.

**APPLICATION FOR  
COURT-APPOINTED ATTORNEY**

(Criminal)

Out of Custody

In Custody

[Check appropriate box]

\_\_\_\_\_,

[Print Name]

Defendant,

Date of Birth \_\_\_\_\_

Bond Amount \$ \_\_\_\_\_

I have been charged with the crimes of: \_\_\_\_\_,  
which is a [check one],  Felony  Misdemeanor.

**I swear upon my oath and under penalty of law that the following is true.**

1. I am financially unable to hire an attorney to represent me in my defense.
2. My current address is: \_\_\_\_\_
3. My current telephone number is: (\_\_\_\_\_) \_\_\_\_\_
4. I am currently:  Employed  Unemployed  Self-Employed
5. Employer's name: \_\_\_\_\_
6. (If employed or self-employed) my current monthly take-home pay averages about \$ \_\_\_\_\_
7. (If unemployed) I have income from  disability  insurance benefits  retirement that averages \$ \_\_\_\_\_ per \_\_\_\_\_.
8. I receive child support and/or alimony payments totaling \$ \_\_\_\_\_ per month.
9. My total income before deductions for last year was about \$ \_\_\_\_\_
10. Including myself, I have the following number of dependents that rely upon me for support: \_\_\_\_\_
11. I  have  have not tried to hire my own attorney. (Names of attorneys I have contacted are listed here): \_\_\_\_\_
12. The annual income of my spouse is estimated as \$ \_\_\_\_\_
13. The following amounts accurately reflect my current assets and debts:

**ASSETS**

- |                           |   |                 |
|---------------------------|---|-----------------|
| a.                        | Cash .....  | \$ _____        |
| b.                        | Money in bank accounts.....                                   | \$ _____        |
| c.                        | Money owed to me by others.....                               | \$ _____        |
| d.                        | Money in investments (stock, bonds, savings bonds).....       | \$ _____        |
| e.                        | Real Estate (houses and land owned by me) .....               | \$ _____        |
| f.                        | Motor vehicles (cars, trucks, motorcycles).....               | \$ _____        |
| g.                        | Household goods .....   | \$ _____        |
| h.                        | Jewelry .....   | \$ _____        |
| i.                        | Other personal property (tools, sporting equipment, etc.).... | \$ _____        |
| <b>TOTAL ASSETS .....</b> |   | <b>\$ _____</b> |

**DEBTS**

- |                         |   |                 |
|-------------------------|---|-----------------|
| a.                      | Total of money owed, including interest, on real estate.....  | \$ _____        |
| b.                      | Total of money owed, including interest, on motor vehicles... | \$ _____        |
| c.                      | Total of loans owed to banks, payday loan companies, etc....  | \$ _____        |
| d.                      | Total outstanding debts to doctors and hospitals.....         | \$ _____        |
| e.                      | Total of credit card debt .....                               | \$ _____        |
| f.                      | Total of loans owed to other people, not including family.... | \$ _____        |
| g.                      | Total of loans owed to family members.....                    | \$ _____        |
| <b>TOTAL DEBTS.....</b> |   | <b>\$ _____</b> |

**MONTHLY EXPENSES**

- a. Monthly payment for mortgage or rent..... \$ \_\_\_\_\_
  - b. Total monthly payment on bank loans besides mortgage..... \$ \_\_\_\_\_
  - c. Total minimum monthly payments on credit cards debt..... \$ \_\_\_\_\_
  - d. Total average utilities payments (not including phone) ..... \$ \_\_\_\_\_
  - e. Total average phone bill ..... \$ \_\_\_\_\_
  - f. Total minimum payment on other loans ..... \$ \_\_\_\_\_
  - g. Child support and alimony expenses ..... \$ \_\_\_\_\_
- TOTAL MONTHLY PAYMENTS ... \$ \_\_\_\_\_**

**ANTICIPATED INCOME (money you expect to receive in the near future)**

- a. Total money or income from the sale of property you expect to receive in the near future, including a description of the source: \_\_\_\_\_ \$ \_\_\_\_\_

14. **MILITARY EXPERIENCE**      Yes      No

**If so, Which Branch?** \_\_\_\_\_ **Dates of Service** \_\_\_\_\_

15. I understand that if I receive a court-appointed attorney, the cost of providing that attorney is to be paid by the county. The county will bill me for that expense, based upon the actual bill submitted by the attorney for his or her services. I understand that I will be asked to repay the cost of providing me with an attorney, whether the charges against me result in a conviction or are dismissed. I understand the county may file a lien against my property, both real and personal, and the judge may order me to pay the county for that cost.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

X \_\_\_\_\_  
Defendant's Signature

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Magistrate Judge) (Circuit Judge) (Notary) (Deputy Clerk)

**ORDER FOR COURT-APPOINTED ATTORNEY**

Upon examining the Application for Court-Appointed Attorney submitted above, the Court is satisfied that the defendant is indigent and/or is financially unable to hire an attorney, and

**IT IS HEREBY ORDERED THAT** \_\_\_\_\_

of \_\_\_\_\_, South Dakota is hereby appointed to represent the defendant in all matters pertaining to this action unless or until relieved by this Court, all pursuant to South Dakota law.

- Periodic monthly payments in the amount of \$ \_\_\_\_\_ for attorney fees are ordered while the case is pending.
- \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**BY THE COURT:**

\_\_\_\_\_  
Magistrate Judge / Circuit Judge

ATTEST:  
Angelia M. Gries, Clerk

By: \_\_\_\_\_, Deputy