

STATE OF SOUTH DAKOTA,
Plaintiff,
vs.

49CRI

**MOTION AND
ORDER FOR DELAY**

Defendant.

Requested by: ____ Prosecution ____ Defense: Today's Date: _____

I request that trial on this matter be delayed for: ____ Trial Cycle(s) or _____

Number of Prior Requests: ____ Prosecution ____ Defense Does the Other Party Object? _____

Reason for Requested Delay (required): _____

Defense Counsel I have spoken with my client about the motion, have explained to my client the effect of the 180-day waiver and have obtained my client's consent to file the motion.

Defense Counsel I do not have my client's consent to file this motion, but I believe there is good cause to request a delay. I acknowledge that under SDCL 23A-44-5.1(4)(b) the delay is excluded from the 180-day rule computations.

Prosecution If delay is requested by the Prosecution, is Prosecution requesting the delay be excluded from the 180-day rule computations under SDCL 23A-44-5.1?
____ Yes ____ No If yes, reason for requested exclusion:

Order

The Motion for Delay is: ____ GRANTED ____ DENIED. If granted, new dates are:

Motions, Plea, Reset and Trial Deadline. The parties shall file with the Court any motions with briefs other than standard pretrial motions by this date unless otherwise ordered. Counsel for the Defendant shall notify the Court, the State, and Court Administration by NOON on this date whether: (1) a plea agreement has been reached, and if so, the plea must be scheduled; (2) the case is to remain on the trial calendar, and if so, the parties must inform the Court and Court Administration of the number of days required for trial, the Defendant's custody status, and whether any motions must be heard before trial; or (3) if it is a request for reset, counsel must submit a Motion and Order for Delay to the Court by this deadline. If counsel for the Defendant is not authorized to proceed at this Court-ordered deadline, a bench warrant will be issued for failure of the Defendant to maintain contact with counsel.

Trial Reset Deadline. If there is a request for reset of the trial, counsel must submit the approved Motion and Order for Delay to the Court by 5 pm on this date. **A plea agreement reached after this deadline in a case left on the trial list will result in an Open Plea.**

Pretrial Hearing at 8:15 am. Unless the trial has been reset, assigned counsel and defendant shall be present.

Trial Week. Trial begins at 8:30 am. Unless counsel has notified court administration of limited availability by the TR deadline, counsel shall be prepared to proceed on any day this week.

Circuit Court Judge