

Annual Report

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM

State Fiscal Year

2023



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State Fiscal Year 2023

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM ANNUAL REPORT

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South Dakota Unified Judicial System

South Dakota Supreme Court Justices

L-R: Justice Patricia J. DeVaney, Pierre, Third District; Justice Janine M. Kern, Rapid City, First District; Chief Justice Steven R. Jensen, Dakota Dunes, Fourth District; Justice Mark E. Salter, Sioux Falls, Second District; and Justice Scott P. Myren, Aberdeen, Fifth District



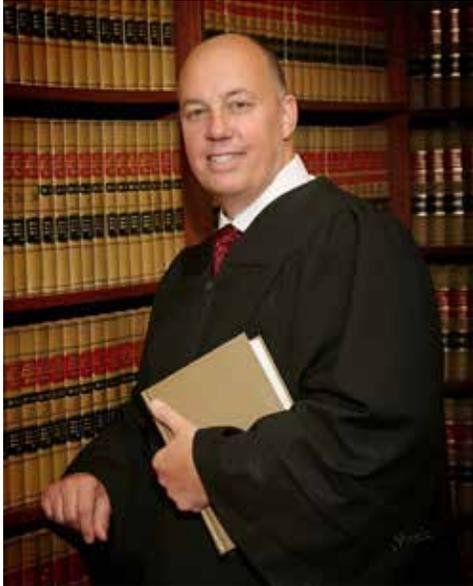
Our Mission

Justice for All

Our Vision

We are stewards of an open, effective and accessible court system, worthy of the public's trust and confidence.

Chief Justice Message



I am pleased to present the FY2023 Unified Judicial System's Annual Report. This report encompasses the work of the South Dakota Supreme Court, circuit courts, magistrate courts and the State Court Administrator's Office between July 1, 2022, through June 30, 2023.

While this Annual Report distills 12 months of court activity into pages of tables and graphs, it is not done so without a recognition as to what this report truly represents. Each number signifies a person and how the South Dakota court system directly impacted that person's life. The Unified Judicial System and its judicial officers and employees strive to ensure the fair and impartial administration of the law in every matter that comes before us.

I extend my thanks to each member of the court system for their tireless, and often thankless, work. Your contributions are the cornerstone of our ability to serve the people of South Dakota.

As we look forward to the coming year, we remain committed to providing an open, effective and accessible court system worthy of your trust and confidence.

Steven R. Jensen

Chief Justice of the South Dakota Supreme Court

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South Dakota Courts | At a Glance

The South Dakota Unified Judicial System (UJS) consists of the Supreme Court, circuit courts and State Court Administrator's Office. The Supreme Court is the state's highest court and final decision maker on South Dakota law. The circuit courts are the state's trial courts where criminal proceedings and civil litigation are handled. The State Court Administrator's Office provides centralized administrative assistance and support services for the South Dakota judiciary.

SUPREME COURT FILINGS	
Appeals	255
Intermediate Appeals	32
Original Proceedings	43
Orders, Writs and Judgments	1,215
Bar Applications Processed	150
Bar Admissions	111

CIRCUIT COURT FILINGS	
Criminal*	124,410
Civil	56,831
Domestic Relations	7,605
Search Warrants	5,325
Juveniles	5,176
Drug, Alcohol and Mental Health Commitments	4,570
Probate	2,519
Total Circuit Court Case Filings	181,241

* Includes municipal ordinances and petty offenses.

SUPREME COURT

South Dakota Supreme Court

The South Dakota Supreme Court is the state's highest court and the court of last resort for state appellate actions. The Supreme Court is comprised of the Chief Justice, who is the administrative head of the Unified Judicial System, and four justices who are entrusted to deliver the final judicial authority on all matters involving the legal and judicial system of South Dakota.

Supreme Court justices are appointed by the Governor from a list of nominees selected by the South Dakota Judicial Qualifications Commission. Justices must be licensed to practice law in South Dakota, and permanent justices must be voting residents of the district from which they are appointed at the time they take office.

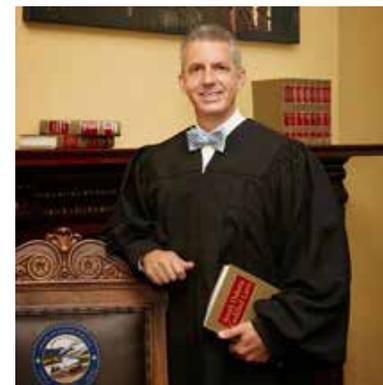
One justice is selected from each of five geographic appointment districts. Justices face a nonpolitical retention election three years after appointment and every eight years after that. The justices select their own chief justice for a four-year term.

SUPREME COURT DUTIES AND RESPONSIBILITIES

- Original jurisdiction in cases involving interests of the state.
- Issues original and remedial writs.
- Renders advisory opinions to the Governor on issues involving executive power.
- Appellate jurisdiction over circuit court decisions.
- Rule-making authority over court practice and procedure.
- Administrative leadership for the legal and judicial system.
- Controls admissions to and disciplines members of the State Bar.



Supreme Court Justices



CHIEF JUSTICE STEVEN R. JENSEN

Place of Birth: Wakonda

Home: Dakota Dunes

Education: Undergraduate degree Bethel University in St. Paul and juris doctorate University of South Dakota School of Law

Joined the Supreme Court: Appointed in 2017, selected as chief justice in 2021

Supreme Court District: Fourth

Prior Experience: South Dakota Supreme Court law clerk, private law practice, First Judicial Circuit judge and presiding judge

JUSTICE JANINE M. KERN

Place of Birth: Lake Andes

Home: Rapid City

Education: Undergraduate degree Arizona State University and juris doctorate University of Minnesota Law School

Joined the Supreme Court: Appointed in 2014

Supreme Court District: First

Prior Experience: South Dakota Attorney General's Office (appellate division, drug prosecution unit, litigation division) and Seventh Judicial Circuit judge

JUSTICE MARK E. SALTER

Place of Birth: Huron

Home: Sioux Falls

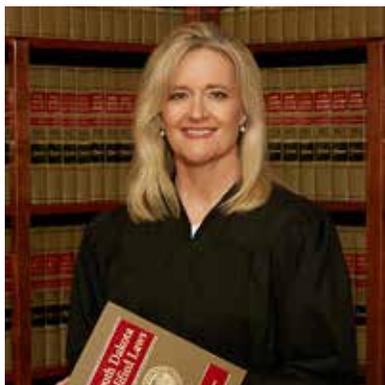
Education: Undergraduate degree South Dakota State University and juris doctorate University of South Dakota School of Law

Joined the Supreme Court: Appointed in 2018

Supreme Court District: Second

Prior Experience: Minnesota State District Court law clerk, U.S. Navy and Naval Reserves, private law practice, U.S. Attorney's Office (appellate), Second Judicial Circuit judge

Supreme Court Justices



JUSTICE PATRICIA J. DEVANEY

Place of Birth: Polo

Home: Pierre

Education: Undergraduate degree University of South Dakota and juris doctorate University of Virginia School of Law

Joined the Supreme Court: Appointed in 2019

Supreme Court District: Third

Prior Experience: South Dakota Attorney General's Office (appellate, litigation, administrative matters) and Sixth Judicial Circuit judge

JUSTICE SCOTT P. MYREN

Place of Birth: Mobridge

Home: Aberdeen

Education: Undergraduate degree University of South Dakota and juris doctorate Rutgers University

Joined the Supreme Court: Appointed in 2021

Supreme Court District: Fifth

Prior Experience: Private law practice, South Dakota Supreme Court staff attorney, Office of Administrative Hearings administrative law judge, Sixth Judicial Circuit magistrate judge, Fifth Judicial Circuit judge



Supreme Court Workload

The workload of the South Dakota Supreme Court is shown on the next page. The following categories defined are used within the Supreme Court.

Intermediate Appeals

Appeals made during the progress of a case in circuit court. Intermediate appeals are accepted at the discretion of the Supreme Court.

Notice of Review

Filed by an appellee (party against whom an appeal is taken) seeking review of a judgment or order entered in the same action from which an appeal has been taken. A notice of review is a separate filing but not a separate disposition since it is disposed of as part of the original appeal.

Certificates of Probable Cause

Required before an appeal can be brought in a habeas corpus case.

Summary Dispositions

Appeals that have been summarily affirmed or reversed on established grounds set forth in SDCL §15-26A-87.1. In these proceedings the Court, on its own motion, may affirm or reverse the judgment or order from which the appeal is taken. The Court must be unanimous in its decision to render a summary disposition, and the decision is set out in an order or memorandum opinion. The term “expedited appeal” is sometimes used because it usually takes less time to process appeals under this rule.

Pending Cases

Cases which have been filed with the Court but in which no decision has been entered.

Administrative, Judicial, Legal Research, Law Library and Bar Admissions

Part of the workload within the Supreme Court.



Supreme Court Caseload

	FY2019	FY2020	FY2021	FY2022	FY2023
Filings					
Appeals	276	244	242	240	255
Intermediate Appeals	31	24	36	40	32
Original Proceedings	60	31	34	44	43
Notice of Review	17	10	6	7	17
Certificates of Probable Cause	12	8	12	9	10
Reinstatements	2	0	0	0	0
Rehearings Granted	0	0	0	0	0
COMBINED FILINGS	398	317	330	340	357
Dispositions					
Appeals/Original Proceedings	69/86	78/90	80/89	78/83	73/84
Orders of Dismissal/Dispositional Remands	102	108	98	119	120
Denial of Intermediate Appeals	23	18	22	26	30
Original Proceedings (by Order)	41	32	20	27	33
Dispositive Remand	1	0	0	0	0
Summary Dispositions	70	89	80	77	76
COMBINED DISPOSITIONS	324	337	309	332	343
Pending Cases					
Submitted and Pending	40	44	51	50	51
Ready for Submission	46	42	22	29	45
Not Ready for Calendar	95	88	89	82	94
Other (in Suspense)	3	5	5	3	4
TOTAL PENDING CASES AT YEAR END	184	179	167	164	194

Supreme Court Caseload *continued*

	FY2019	FY2020	FY2021	FY2022	FY2023
Administrative					
Hearings on Rules and Related Matters	2	2	3	3	4
Internal Procedure Rules Adopted or Amended	3	2	3	1	3
Supreme Court Rules Adopted or Amended	15	6	9	16	22
Administrative Conference	22	25	24	25	25
Judicial					
Orders, Writs and Judgments Entered	1,200	1,180	1,200	1,220	1,215
Bar Admissions (includes reciprocity)	108	92	95	121	107
Bar Admissions (pursuant to SDCL 16-18-2)	14	15	10	4	4
Cases for Oral Arguments	36	51	41	35	39
Cases Submitted on Briefs Only	133	122	112	106	102
Case Conference Days	20	23	24	23	24
Legal Research					
Appeals Screened	398	317	330	340	357
Cases that Briefs Were Received In	195	173	185	189	176
Per Curiams Assigned	24	23	29	27	30
Bar Admissions					
Applications Processed	174	122	136	230	150

Judicial Qualifications Commission

The authority for creation of the Judicial Qualifications Commission is granted by the South Dakota Constitution.

The seven-member commission is comprised of two circuit court judges, elected by the judicial conference; three members of the bar practicing law but no more than two of whom may be of the same political party and who must be appointed by a majority vote of the state bar commissioners; and two citizens, who are appointed by the Governor and who are not of the same political party.

The term of office for a commission member is four years. No person may serve more than two terms as a member of the commission.

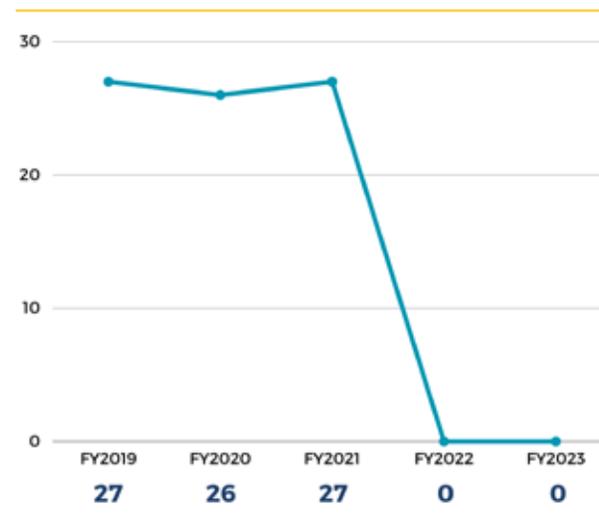
COMMISSION DUTIES AND RESPONSIBILITIES

- Receive and investigate complaints against justices or judges.
- Conduct confidential hearings to determine whether complaints are justified.
- Recommend censure, removal or retirement of a judge to the Supreme Court.
- Investigate applicants for vacancies on the Supreme Court or circuit court bench.
- Nominate two or more of the most qualified applicants to the Governor.

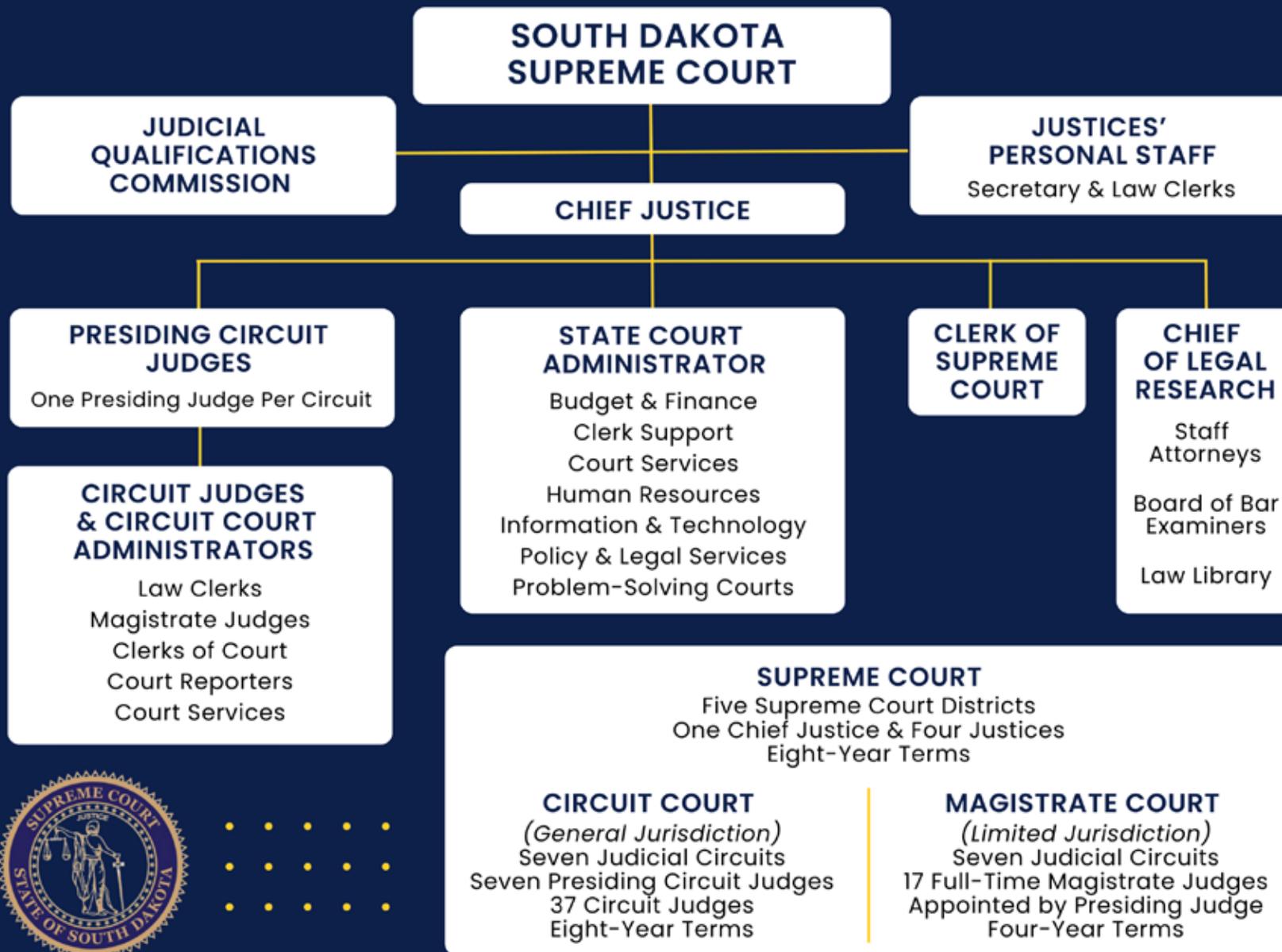
Written
Complaints
Received



Investigation
of Applicants



SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM



South Dakota Courts | Staffing and Budget

FY2023 Staffing (FTEs)

Supreme Court Justices	5
Circuit Judges	44
Magistrate Judges	17
Supreme Court	16
Clerks of Court Offices	198
Circuit Administration	42
Official Court Reporters	40
Court Services (Probation)	150
Problem-Solving Courts	38
State Court Administration	53
Total UJS Staff	603

EXPENDITURES BY PROGRAM

Circuit Court	\$18,442,267	29.7%
Court Services and Problem-Solving Courts	\$17,461,836	28.1%
Clerks of Court	\$12,927,421	20.8%
Information and Technology	\$5,419,118	8.7%
Supreme Court	\$3,679,056	5.9%
State Court Administrator's Office	\$3,226,290	5.2%
Training	\$550,441	0.9%
Community-Based Services	\$450,150	0.7%
Judicial Qualifications Commission	\$4,323	Less Than 0.0%

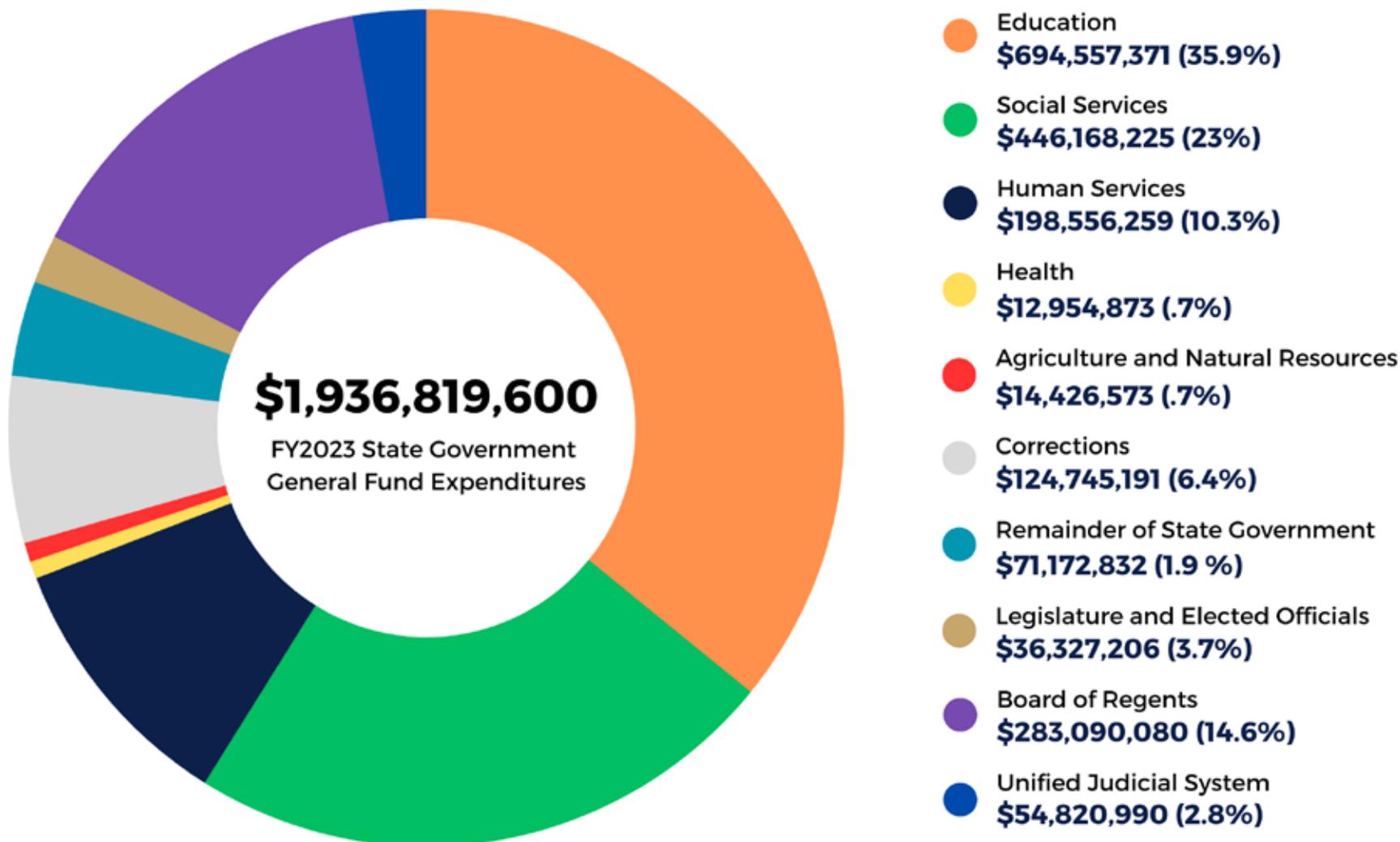
EXPENDITURES BY FUND SOURCE

General Funds	\$52,783,901	84.9%
Court Automation Fund	\$8,248,511	13.3%
Law Enforcement Officer Training Fund	\$466,582	0.8%
Child Support Referees Fund	\$369,749	0.6%
Federal Funds	\$261,517	0.4%
Drug Screening Fund	\$30,641	Less Than 0.0%

\$62,160,901 FY2023 Budget

South Dakota Courts | Portion of State Budget

\$54,820,990 (2.8%) UJS Share of FY2023 State Government General Fund Expenditures



Justice in the Balance | Courts Work for South Dakotans

There is much more to the work of the courts than the occasional high-profile case that attracts public attention. The bulk of work involves everyday issues that affect South Dakotans.



EVERYDAY ISSUES

In FY2023, South Dakota's courts handled:

2,542	Divorce cases
1,076	Modification proceedings & Uniform Interstate Family Support Act actions
294	Drug/alcohol committals
4,276	Mental illness cases
431	Adoption and termination of parental rights
3,987	Protection orders

To assist these families, the UJS provides self-represented litigants with UJS-approved forms, which include divorce and parenting time implementation and enforcement forms.

ABUSED AND NEGLECTED CHILDREN

South Dakota courts play a life-altering role in the lives of abused and neglected children.

They decide whether to:

- Remove a child from a parent
- Place a child in foster care
- Reunite a child and parent or terminate parental rights
- Allow adoption of a child

There is no greater responsibility of the judiciary than determining the best interest of a South Dakota child.

In FY2023, South Dakota courts presided over:

532 Juvenile abuse and neglect cases



895 Juveniles involved in abuse and neglect cases

Justice in the Balance | Courts Work for South Dakotans



JUVENILE JUSTICE

South Dakota’s court services officers (CSOs), staff and judges continuously work with youth and their families to:

- Ensure community safety
- Hold young people accountable for their actions, including paying restitution to victims
- Influence behavioral changes
- Provide resources to assist families

In FY2023, South Dakota courts worked with the following youth to address their conduct:

1,303 Youth supervised on formal probation

265 Youth receiving informal supervision

175 Youth case service monitoring

In total, South Dakota courts handled **1,157** juvenile citations, **2,822** juvenile delinquencies, **624** child in need of supervision (CHINS) cases, and **41** CHINS and delinquencies.

Youth Committed to Department of Corrections



Justice in the Balance | Statewide Caseloads

CIVIL JUSTICE



South Dakotans from every walk of life, whether in their private or business relationships, rely on the courts to resolve their civil legal problems. Providing a forum for the effective resolution of these disputes is an essential part of the mission of the courts. During FY2023, circuit courts handled:

18,244	Small Claims Cases
1,583	Forcible Entries and Detainers
3,425	Probate, Guardianship and Trust Cases
94	Administrative Appeals

Civil cases can take anywhere from months to years before they are resolved, leading to an overlap in cases from year to year. Clerks of court offices are responsible for case processing and ensuring a sufficient pool of jurors are available for trials.

CRIMINAL JUSTICE



Criminal cases dominate court time and resources. South Dakota's judges and court staff spend more time on criminal cases than on any other type of case. During FY2023, circuit courts heard:

12,304	Felonies
18,249	Class I Misdemeanors
24,044	Contested Class 2 Misdemeanors <i>(includes municipal ordinances and petty offenses)</i>
69,813	Non-Contested Class 2 Misdemeanors <i>(includes municipal ordinances and petty offenses)</i>

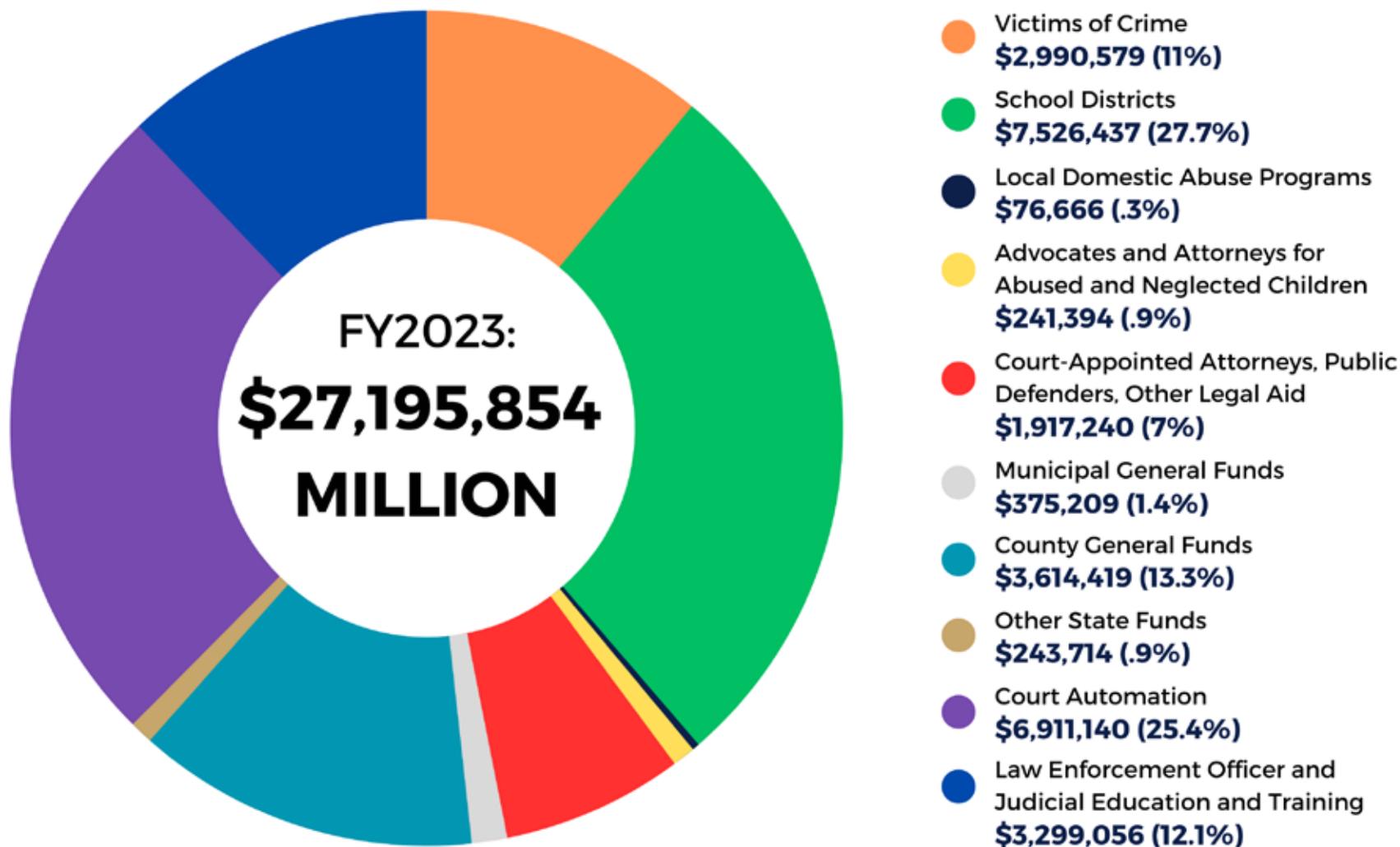
In addition, court services officers formally supervised **9,765** cases in felony matters, **456** cases on misdemeanor matters, plus informally supervised another **190** cases via case service monitoring.

Employers, landlords, media and the public rely on South Dakota's clerks of court offices for accurate information about criminal defendants, sentencing histories and money owed on judgments. During FY2023, the court system performed:

581,439 Record Searches | **5,325** Search Warrants

Justice in the Balance | Collection of Money

It is the responsibility of the court system to take in and distribute fines, fees, penalties and costs owed to victims, cities, counties, school districts and the state.



Courthouse Security Grant Program



MORE THAN **\$1.3 MILLION** IN GRANT FUNDS AWARDED SINCE JULY 1, 2022

The South Dakota Unified Judicial System Courthouse Security Grant Program allows counties to address courthouse security measures to improve the safety and security of the public, litigants, witnesses, attorneys and courthouse staff. Grants provide a 75% UJS match for approved projects, with counties responsible for the remaining 25% of the costs.

- Tier-One Grants: UJS match up to \$10,000
- Tier-Two Grants: UJS match more than \$10,000

A courthouse security committee must be in place to be eligible for tier-two grants. Grant applications must identify projects and equipment that are essential to enhance security measures at the courthouse location.

COURTHOUSE SECURITY COMMITTEE TESTIMONIALS

"Our Courthouse Security Committee has been invaluable. The committee has brought together individuals who work in all areas of our justice system. Each of those unique perspectives allows us the opportunity to make our courthouse and our procedures as safe as possible. After the initial drafting of a handbook and procedures, the time commitment is small and the rewards are huge."

THE HONORABLE ROBIN M. HOUWMAN

Presiding Judge, Second Judicial Circuit

"The Courthouse Security Committee has been a great tool to help bring all players (court personnel, law enforcement, county personnel, etc.) together for one purpose in Custer County. The county has historically seen differing viewpoints amongst these groups on the topic of courthouse security, and working together in a collaborative effort for the benefit of all has been a positive experience. The state has been helpful in providing sample forms for the committee to work with and modify to meet the needs of our particular courthouse. The available grant money is a huge bonus as it allows us the opportunity to fund projects that may be outside our budgetary and financial abilities."

LT. STEVE MCMILLIN

Custer County Sheriff's Office

Indigent Legal Services Task Force

The Indigent Legal Services Task Force was created by HB 1064 during the 2023 Legislative Session. The goal of this Task Force as stated in the legislation is to:

1. Identify how legal services are delivered in South Dakota to indigent parties in criminal, juvenile and child abuse and neglect proceedings statewide.
2. Recommend ways to improve the delivery of legal services to indigent parties.
3. Recommend methods to provide services for conflict cases where local public defenders may be unable to take cases.
4. Address how to ensure competent representation is provided to indigent parties.
5. Identify potential funding options to ensure delivery of legal services for indigent parties.

Listening sessions were held across the state in May and June 2023 to gather information to inform the task force's work. Listening sessions were held in Aberdeen, Sisseton, Hot Springs, Sturgis, Oacoma, Timber Lake, Pierre, Vermillion, Huron and a virtual session.

The task force began discussing and making initial recommendations regarding assessments of other states, system structure, case types for state/regional offices, and services to appointed counsel.

The UJS is to present findings of the Indigent Legal Services Task Force to the Governor and the South Dakota Legislature no later than Nov. 15, 2023.

Indigent Legal Services Task Force Members	
Hon. Michael Day (Co-Chair)	Circuit Court Judge
Dean Neil Fulton (Co-Chair)	USD Knudson School of Law
Sen. Jim Mehlhaff	State Senator
Rep. Will Mortenson	State Representative
Brent Kempema	Assistant Attorney General
Wendy Kloepfner	Lake County State's Attorney
Lori Stanford	Attorney
Thomas Cogley	Attorney
Hon. Christina Klinger	Circuit Court Judge
Eric Whitcher	Pennington County Public Defender's Office
Randy Brown	Hughes County Commission
Arthur Hopkins	Oglala Lakota County Commission
Traci Smith	Minnehaha County Public Defender's Office
Committee Project Staff	
Greg Sattizahn	State Court Administrator
Aaron Olson	UJS Director of Budget and Finance
Jeff Tronvold	UJS Legal Counsel

Barriers for Emerging Adults Task Force

The Barriers for Emerging Adults Task Force was created by HB 1063 during the 2023 South Dakota Legislative Session to examine barriers to service for “emerging adults” involved in the justice system in South Dakota. “Emerging adults” refers to individuals who are 18 to 25 years old. The goal of this task force as stated in the legislation is to:

1. Recommend best practices for supporting emerging adults that are involved in the adult criminal justice system.
2. Create joint training opportunities for justice system professionals and partners related to emerging adults.
3. Identify opportunities to expand diversion programming for emerging adults.
4. Explore ways to overcome barriers to housing and employment for emerging adults.
5. Explore supervision practices utilized through probation and parole for emerging adult offenders.
6. Recommend ways to develop culturally responsive, community-based mentoring programs for emerging adults.
7. Recommend alternative or additional funding structures for supportive services for emerging adults.

This effort began after a team from South Dakota attended the 2021 Young Adults in the Justice System Multi-Branch Meeting facilitated by the National Center for State Courts (NCSC) and the National Conference of State Legislators. UJS next partnered with NCSC to learn more about the topic and how to plan to address barriers to effectively serve emerging adults in the justice system.

The Barriers Work Group was formed to explore opportunities to improve outcomes and reduce recidivism for emerging adults in the justice system. The group met three times in the second half of 2022, and the decision was made to introduce HB 1063 during the 2023 Legislative Session to formalize a task force.



Another outcome was the Supporting Emerging Adults in the Justice System Summit held April 25-26, 2023, in Oacoma to help educate South Dakota justice stakeholders on the social and emotional development of emerging adults and policies and programs that improve outcomes and reduce recidivism.

The Barriers for Emerging Adults Task Force held its first meeting on July 14, 2023. The UJS is to present findings of the task force to the Governor and the South Dakota Legislature no later than Nov. 15, 2023.

Barriers for Emerging Adults Task Force Members

Greg Sattizahn	State Court Administrator
Hon. Michael Day	Circuit Court Judge
Hon. Natalie Damgaard	Circuit Court Judge
Molly Ramlo	Chief Court Services Officer, Third Judicial Circuit
Lara Roetzel	Pennington County State's Attorney
Daniel Haggar	Minnehaha County State's Attorney
Ryan Brunner	Senior Policy Advisor, Governor's Office
David Flute	Secretary, Department of Tribal Affairs
Tiffany Wolfgang	Division of Behavioral Health, Department of Social Services
Kellie Wasko	Secretary, Department of Corrections
Laura Scheibe	Division of College, Career and Student Success, Department of Education
Marcia Hultman	Secretary, Department of Labor and Regulation

Rep. Tamara St. John	State Representative
Rep. Chris Karr	State Representative
Sen. David Wheeler	State Senator
Jordan Majeske	Detective, Aberdeen Police Department
Terry Dosch	South Dakota Council of Community Behavioral Health
Belinda Nelson	CEO, Community Counseling Service
Erik Bringswhite	I.Am.Legacy
Mark Barnett	Chief Deputy, Attorney General
Betsy Doyle	Chief Deputy Public Defender, Minnehaha County
Eric Whitcher	Director, Pennington County Public Defender's Office
Sheriff Doug Solem	Beadle County Sheriff
Task Force Staff	
Teri Deal	National Center for State Courts
Sadie Stevens	UJS Public Policy Analyst



"In terms of the breadth of perspectives and experiences, this group's discussion is the first of its kind in our state's history."

— South Dakota Supreme Court Chief Justice Steven. R Jensen

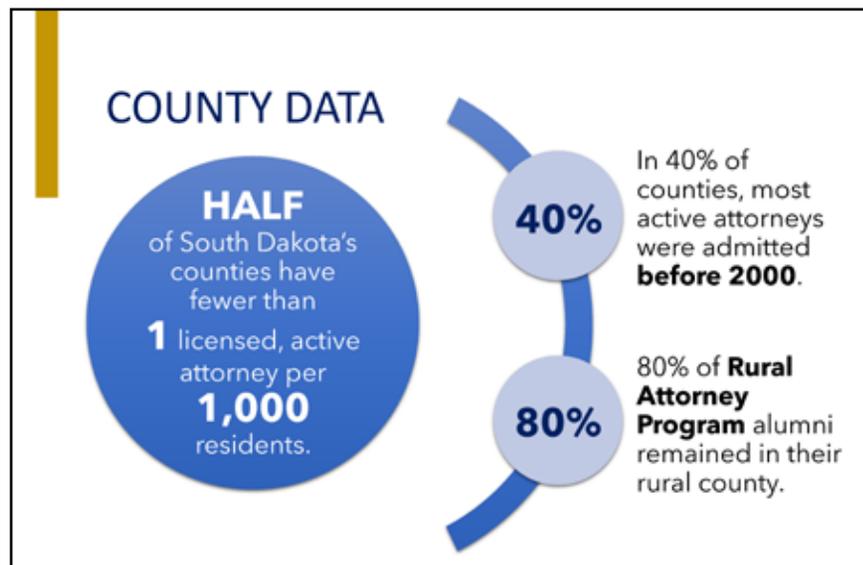
South Dakota Bar Admissions Study

The Supreme Court on Nov. 18, 2022, appointed a study committee to consider the process for admitting lawyers to the legal profession in South Dakota. The goal of the study is: “To engage in a strategic effort to address attorney licensure and bar admissions issues in South Dakota and develop a strategic plan that supports South Dakota’s efforts to recruit and retain legal talent.”

The group will gather data including interviews with members of the South Dakota Bar, recent successful and unsuccessful bar

exam test-takers, and others who can assist the study group in this process.

The study is being funded by a State Justice Institute Grant to help address challenges for rural access to justice by reviewing the national landscape and exploring ways to assess the legal competence of prospective lawyers and retain lawyers in South Dakota. The study group will provide findings, recommendations and a strategic plan to the Supreme Court by Oct. 23, 2023.



BAR ADMISSIONS

(Includes reciprocity and admissions pursuant to SDCL 16-18-2)



Rural Attorney Recruitment Program

31 Attorneys have participated in the program.

11 Actively Practicing in Rural Communities

15 Graduates from the Program

5 Contracts Terminated due to Different Job Opportunities

12 Graduates have stayed in their communities.

The **10-year anniversary** of the **Rural Attorney Recruitment Program** was observed during the State Bar of South Dakota Annual Convention in Sioux Falls on June 22, 2023. South Dakota Supreme Court Chief Justice Steven R. Jensen (*pictured on right*) and Attorney Bob Morris, former president of the South Dakota State Bar Association, (*pictured on left*) cut the cake for the anniversary celebration.

The Rural Attorney Recruitment Program was created by the South Dakota Legislature in 2013 as a pilot program to address the current and projected shortage of lawyers practicing in small communities and rural areas of South Dakota. It was made permanent in 2019 and expanded to include rural municipalities.

The program provides qualifying attorneys an incentive payment in return for five continuous years of practice in an eligible rural county (population of 10,000 or less) or municipality (population of 3,500 or less). Attorneys must enter into a contract with the UJS, State Bar, and the eligible county or municipality. Program participants receive five annual incentive payments of \$12,513.60 per year (equivalent to 90% of one year's resident law school tuition and fees)—a total of \$62,568 over five years.



Circuit Courts

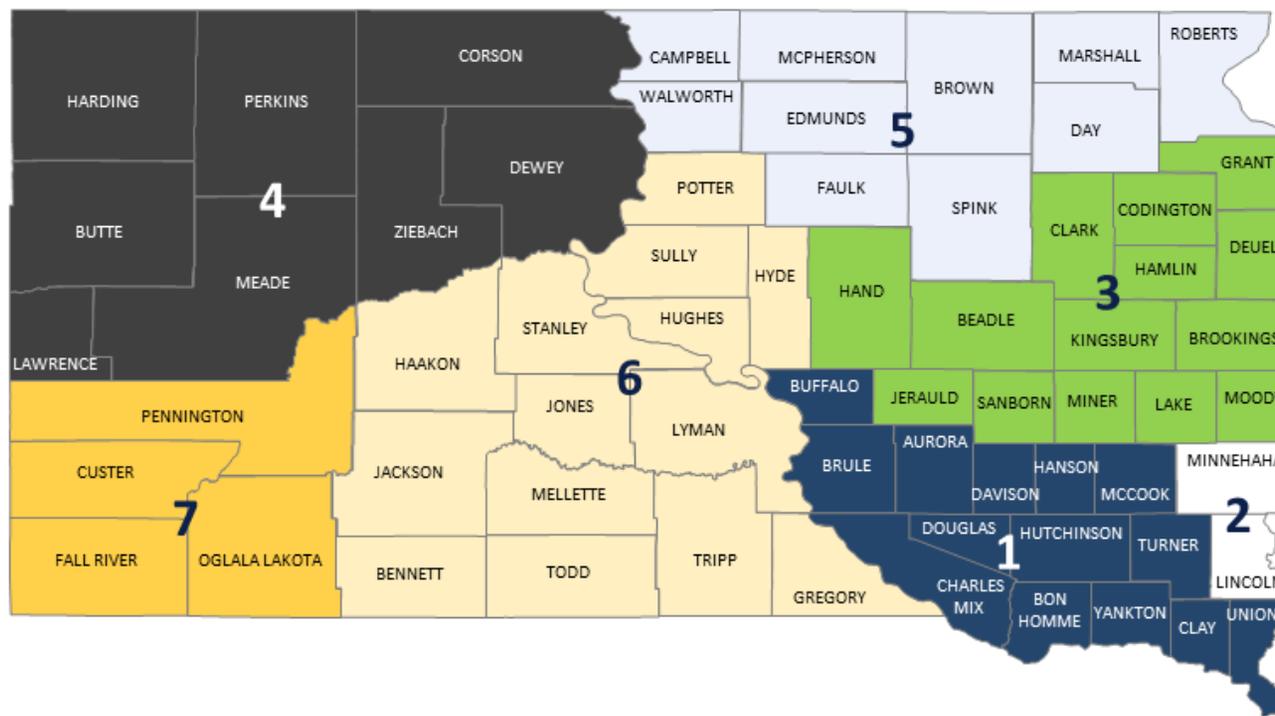
Circuit courts are the state's trial courts of general jurisdiction through which the bulk of criminal proceedings and civil litigation are processed. South Dakota has seven judicial circuits, 44 circuit judges and 17 magistrate judges. Circuit court judges are elected by the voters within the circuit where they serve. The judges must be voting residents of their circuit at the time they take office. In the event of a vacancy, the Governor appoints a replacement from a list of nominees selected by the Judicial Qualifications Commission.

7 Presiding Judges | **37** Circuit Court Judges | **7** Circuits

South Dakota Judicial Circuits

CIRCUIT COURT DUTIES

- Original jurisdiction in all civil and criminal actions.
- Exclusive jurisdiction in felony trials, arraignments and all types of civil actions except areas of concurrent jurisdiction shared with magistrate courts.
- Appellate jurisdiction over magistrate court decisions.
- Appellate jurisdiction over final decisions, rulings or actions of administrative agencies.



Miles Traveled by Circuit Court Judges

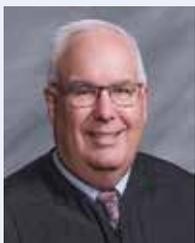
South Dakota is an expansive state at 77,116 square miles. As they conduct the Court's business, circuit court judges must travel to the counties that they serve. South Dakota circuit court judges traveled a total of **166,763 miles** in FY2023. To put this into perspective, this is **6.7 times around the equator**.

44,523	First Circuit	13,230	Fifth Circuit
7,440	Second Circuit	41,052	Sixth Circuit
35,243	Third Circuit	8,366	Seventh Circuit
16,909	Fourth Circuit	166,763	STATEWIDE TOTAL

Judicial Circuits | Presiding Judges and FY2023 Caseloads



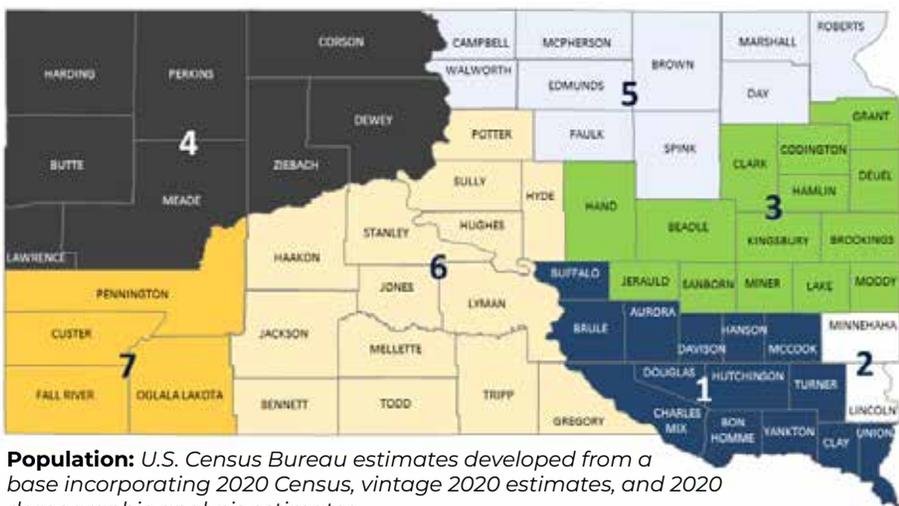
FOURTH CIRCUIT
Judge Michael Day
 Criminal Filings: 11,381
 Civil Filings: 4,273
 Population: 84,181



FIFTH CIRCUIT
Judge Gregory C. Magera
 Criminal Filings: 11,321
 Civil Filings: 4,877
 Population: 79,423



THIRD CIRCUIT
Judge Gregory Stoltenburg
 Criminal Filings: 19,125
 Civil Filings: 7,491
 Population: 137,784



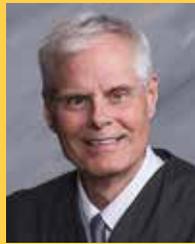
Population: U.S. Census Bureau estimates developed from a base incorporating 2020 Census, vintage 2020 estimates, and 2020 demographic analysis estimates.



SECOND CIRCUIT
Judge Robin Houwman
 Criminal Filings: 40,633
 Civil Filings: 20,777
 Population: 274,958



FIRST CIRCUIT
Judge Cheryle Gering
 Criminal Filings: 17,730
 Civil Filings: 7,985
 Population: 130,140



SEVENTH CIRCUIT
Judge Craig Pfeifle
 Criminal Filings: 15,966
 Civil Filings: 8,666
 Population: 144,356



SIXTH CIRCUIT
Judge Christina Klinger
 Criminal Filings: 8,254
 Civil Filings: 2,762
 Population: 58,982

Magistrate Courts

Magistrate courts assist the circuit courts in disposing of misdemeanor criminal cases and minor civil actions. These courts have limited jurisdiction but make the judicial system more accessible to the public by providing a means of direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether a magistrate judge or a clerk magistrate presides. Clerk magistrates are not attorneys but are clerks who receive specialized training. They provide functions that need to be handled expeditiously. Both magistrate judges and clerk magistrates are appointed by the presiding judge.

17 Full-Time Magistrate Judges | **7** Circuits

MAGISTRATE JUDGES

Committing magistrates for all courts

Magistrate judges conduct:

- Preliminary hearings for all criminal prosecutions
- Trials of criminal misdemeanor
- Trails of civil actions if the debt, damage, claim or value of the property does not exceed \$12,000
- Small claims proceedings if the debt, damage, claim or value of the property involved does not exceed \$12,000

CLERK MAGISTRATES

Specially trained

Concurrent jurisdiction with magistrate courts to:

- Receive depositions
- Issue warrants
- Conduct certain preliminary hearings
- Set bail
- Appoint counsel
- Accept pleas for Class 2 misdemeanors
- Conduct hearings for petty offenses
- Render judgments for uncontested small claims
- Perform marriages



Bench Personnel by Judicial Circuit

FIRST JUDICIAL CIRCUIT

Presiding Judge: Cheryle W. Gering (*appointed 2011*)

Circuit Judges:

Bruce V. Anderson (*appointed 2006*)
 Tami A. Bern (*appointed 2017*)
 Chris S. Giles (*appointed 2017*)
 David D. Knoff (*appointed 2018*)
 Patrick Smith (*appointed 2012*)

Magistrate Judges:

Donna L. Bucher Kasey J. Sorensen

SECOND JUDICIAL CIRCUIT

Presiding Judge: Robin Jacobson Houwman (*appointed 2009*)

Circuit Judges:

Douglas Barnett (*elected 2023*)
 Natalie D. Damgaard (*appointed 2016*)
 Sandra Hanson Hoglund (*appointed 2018*)
 Douglas E. Hoffman (*appointed 2007*)
 Jennifer Mammenga (*appointed 2021*)
 John R. Pekas (*elected 2015*)
 James A. Power (*appointed 2018*)
 Rachel R. Rasmussen (*appointed 2019*)
 Susan M. Sabers (*appointed 2013*)
 Jon C. Sogn (*appointed 2015*)
 Camela C. Theeler (*appointed 2018*)

Magistrate Judges:

Eric C. Johnson Andrew T. Robertson
 Jonathan R. Leddige Wade W. Warntjes
 Sara T. Pokela

THIRD JUDICIAL CIRCUIT

Presiding Judge: Gregory Stoltenburg (*appointed 2013*)

Circuit Judges:

Dawn M Aman-Elshere (*appointed 2017*)
 Carmen A. Means (*appointed 2015*)
 Patrick T. Pardy (*appointed 2015*)
 Kent A. Shelton (*appointed 2018*)
 Robert L. Spears (*elected 2015*)

Magistrate Judges:

Abigail A. Howard Noel R. Pesall

FOURTH JUDICIAL CIRCUIT

Presiding Judge: Michael W. Day (*appointed 2013*)

Circuit Judges:

Michelle K. Comer (*elected 2015*)
 John H. Fitzgerald (*elected 2023*)
 Eric J. Strawn (*appointed 2017*)

Magistrate Judges:

Chad R. Callahan Francly E Foral

FIFTH JUDICIAL CIRCUIT

Presiding Judge: Gregory C. Magera (*appointed 2021*)

Circuit Judges:

Marshall C. Lovrien (*elected 2023*)
 Tony L. Portra (*appointed 2006*)
 Richard A. Sommers (*appointed 2014*)

Magistrate Judge:

Cullen P. McNeece

SIXTH JUDICIAL CIRCUIT

Presiding Judge: Christina L. Klinger (*appointed 2019*)

Circuit Judges:

M. Bridget Mayer (*appointed 2019*)
 Margo D. Northrup (*appointed 2019*)
 Bobbi J. Rank (*appointed 2016*)

Magistrate Judge:

Tara L. Adamski

SEVENTH JUDICIAL CIRCUIT

Presiding Judge: Craig A. Pfeifle (*appointed 2012*)

Circuit Judges:

Matthew M. Brown (*appointed 2015*)
 Jeffrey R. Connolly (*appointed 2017*)
 Robert Gusinsky (*appointed 2013*)
 Joshua K. Hendrickson (*appointed 2019*)
 Heidi L. Linngren (*elected 2015*)
 Jane W. Pfeifle (*appointed 2015*)
 Stacy L. Vinberg-Wickre (*appointed 2021*)

Magistrate Judges:

Scott M. Bogue Sarah E. Morrison
 Todd J. Hyronimus Janki W. Sharma

Contested Case Statewide Workload by Circuit

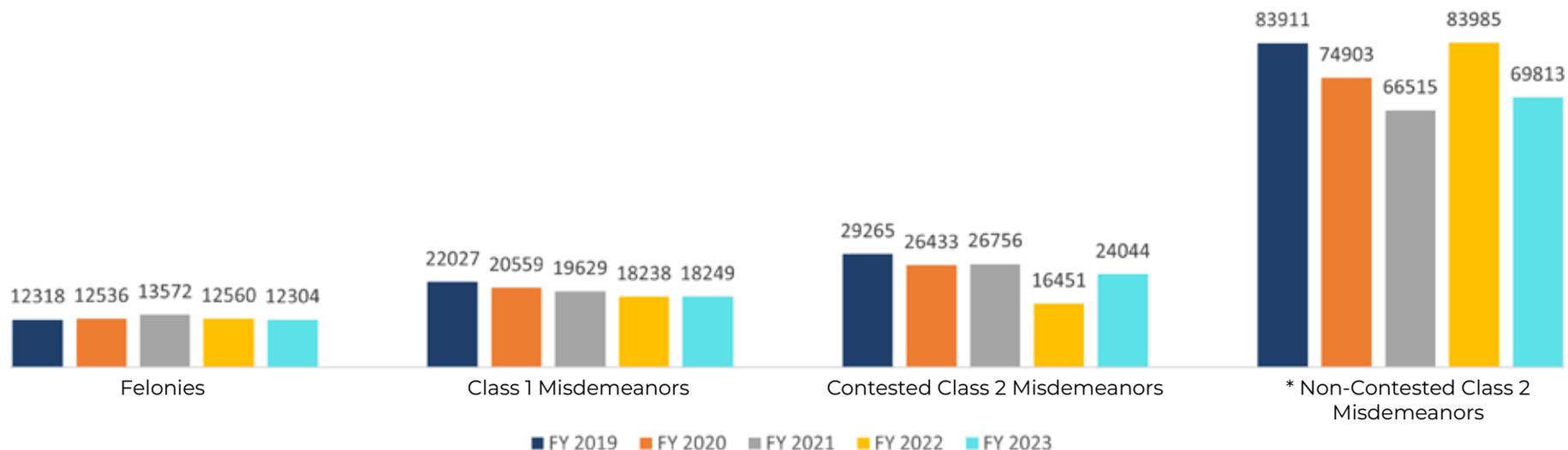
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Statewide
Class 2 Misdemeanor Non-Contested Filings	11,988	17,811	13,239	7,143	7,504	6,141	5,987	69,813
Class 2 Misdemeanor Contested Filings	1,939	12,898	2,097	1,086	1,068	620	4,336	24,044
Class 1 Misdemeanor Filings	2,404	5,483	2,609	2,032	1,514	898	3,309	18,249
Felony Filings	1,399	4,441	1,180	1,120	1,235	595	2,334	12,304
Total Criminal Filings	17,730	40,633	19,125	11,381	11,321	8,254	15,966	124,410
Divorce Filings	337	854	313	248	177	112	501	2,542
Protection Order Filings	425	1,464	408	331	231	164	964	3,987
Modification Proceedings/UIFSA Filings	137	348	135	50	86	80	240	1,076
Juvenile Dependency & Neglect Filings	45	214	38	28	25	26	156	532
Juvenile Delinquency & CHINS Filings	308	1,572	248	166	284	141	768	3,487
Juvenile Citations	93	497	153	151	67	130	66	1,157
Adoptions/Guardianships/Trusts/Term of Parental Rights Filings	154	501	187	101	113	47	234	1,337
Probate (Informal) Filings	352	419	356	181	300	181	458	2,247
Probate (Formal) Filings	36	29	43	24	46	27	67	272
Mental Illness/Drug & Alcohol Commitment Filings	1,119	2,786	274	94	117	55	125	4,570
Civil Filings	1,513	4,420	1,435	883	1,035	571	2,031	11,888
Small Claims Filings	2,607	6,216	3,015	1,205	1,728	882	2,591	18,244
Search Warrants	844	1,411	864	795	652	325	434	5,325
Administrative Appeals & Expungements	15	46	22	16	16	21	31	167
Total Civil Filings	7,985	20,777	7,491	4,273	4,877	2,762	8,666	56,831
Total Criminal and Civil Filings	25,715	61,410	26,616	15,654	16,198	11,016	24,632	181,241

Contested Case Statewide Workload Comparison

	FY2019	FY2020	FY2021	FY2022	FY2023
Class 2 Misdemeanor Non-Contested Filings	83,911	74,903	66,515	83,958	69,813
Class 2 Misdemeanor Contested Filings	29,265	26,433	26,756	16,451	24,044
Class 1 Misdemeanor Filings	22,027	20,559	19,629	18,238	18,249
Felony Filings	12,318	12,536	13,572	12,560	12,304
Total Criminal Filings	147,521	134,431	126,472	131,207	124,410
Divorce Filings	4,058	4,061	4,056	3,729	2,542
Protection Order Filings	4,549	4,223	4,072	4,205	3,987
Modification Proceedings/UIFSA Filings	6,439	6,032	5,365	4,432	1,076
Juvenile Dependency & Neglect Filings	662	590	602	525	532
Juvenile Delinquency & CHINS Filings	4,457	4,573	3,756	3,213	3,487
Juvenile Citations	1,475	1,338	1,183	1,088	1,157
Adoptions/Guardianships/Trusts/Term of Parental Rights Filings	1,247	1,491	1,420	1,337	1,337
Probate (Informal) Filings	2,206	2,077	2,333	2,439	2,247
Probate (Formal) Filings	254	269	246	313	272
Mental Illness/Drug & Alcohol Commitment Filings	5,050	4,893	4,759	4,373	4,570
Civil Filings	14,138	12,949	13,021	11,786	11,888
Small Claims Filings	26,389	26,630	25,938	20,425	18,244
Search Warrants	4,246	4,173	4,646	5,108	5,325
Administrative Appeals & Expungements	173	203	216	199	167
Total Civil Filings	75,343	73,502	71,613	63,172	56,831
Total Criminal and Civil Filings	222,864	207,933	198,085	194,379	181,241

Criminal Caseload Five-Year Comparison

Criminal Caseload



* Includes municipal ordinances and petty offenses.

Civil Caseload Five-Year Comparison

Civil Caseload



Court and Jury Trials

FY2023

	Court Trials	Jury Trials	Total Trials
First Circuit	251	15	266
Second Circuit	1,113	84	1,197
Third Circuit	323	17	340
Fourth Circuit	217	7	224
Fifth Circuit	124	7	131
Sixth Circuit	105	9	114
Seventh Circuit	344	38	382
Statewide Total	2,477	177	2,654

Court and Jury Trials

Statewide Five-Year Comparison

	Court Trials	Jury Trials	Total Trials
FY2019	3,307	289	3,596
FY2020	2,904	222	3,126
FY2021	2,802	166	2,968
FY2022	2,577	172	2,749
FY2023	2,477	177	2,654

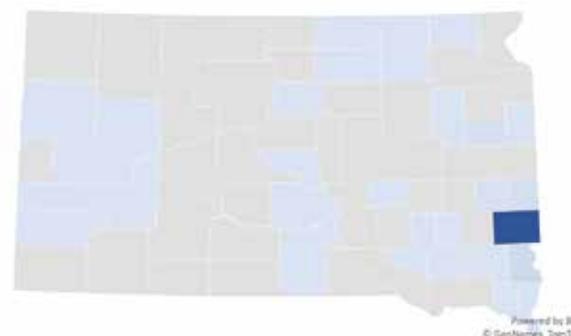


Language Access in the Courts

If someone has limited English proficiency, interpretive and translation services are provided at no charge.

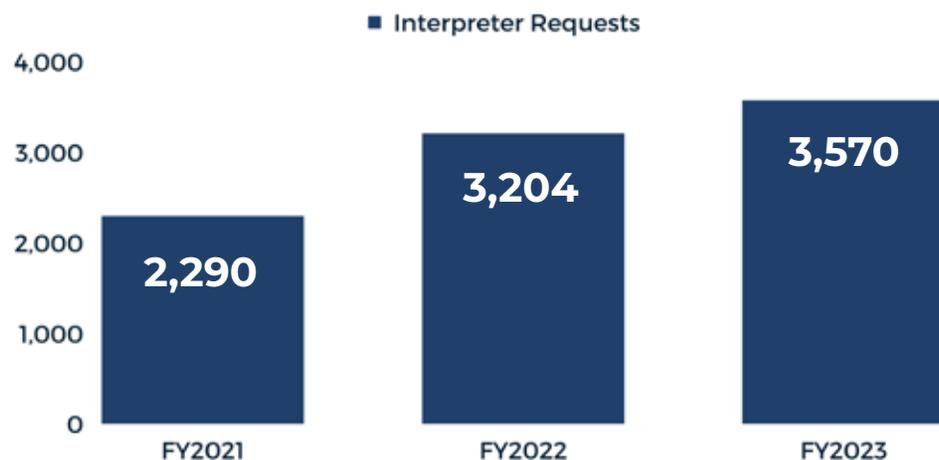
In FY2023, interpreters were used in the courtroom 3,570 times—a 22% increase from FY2021. Ninety-three percent of the requests came from the Second Circuit.

While Spanish remains the most requested language, 51 different spoken languages were requested in FY2023.



93% of interpreter requests came from the Second Circuit, which is Lincoln and Minnehaha counties.

3,570 Interpreter Requests in FY2023 | **22%** Increase from FY2021 | **51** Different Spoken Languages Requested



State Court Administrator's Office

Under supervision of the Chief Justice, who is the administrative head of the Unified Judicial System, State Court Administrator Greg Sattizahn is the non-judicial officer who implements the rules and policies of the Supreme Court as they apply to the operations and administration of the courts.



The State Court Administrator serves as the liaison between the judicial branch and the other branches of state and local government.

To ensure efficient and responsive operation, the State Court Administrator's Office (SCAO) provides centralized administrative assistance and support services to the entire UJS. The office also provides support to various committees in the UJS, media information and legislative direction during session.



Budget and Finance Division

The Budget and Finance Division assists the Unified Judicial System with fiscal questions and budgets. The Division manages travel regulations and processes travel reimbursements for employees. Staff also assist clerks of court with end-of-month processing and financial questions.



Clerk Support Division

The Clerk Support Division provides statewide oversight, direction and training to clerks of court staff. The Division reviews legislative changes impacting clerks of court and develops necessary procedure changes accordingly. Staff process record searches for large group entities such as landlords and assist merge and search centers. Staff also maintain and update the clerks of court procedural manual and forms.



Court Services Division

The Court Services Division provides statewide oversight, direction and training to court services staff. The Division interprets legislative changes impacting court services and creates and interprets statewide probation services-related policies and protocols. Staff maintain and update the court services manual, provide guidance and direction on interstate compact issues for both adult and juvenile programs, and provide guidance on diversion programs.

State Court Administrator's Office



Human Resources Division

The Human Resources Division oversees human resources for the Unified Judicial System. The Division's roles include:

- Answering paycheck and benefit questions.
- Staff training and development.
- Assisting the circuit courts and the State Court Administrator's Office with security and emergency preparedness.
- Assisting applicants in the recruitment process.
- Maintaining and implementing UJS personnel rules, policies and procedures.
- Assisting UJS employees and supervisors with employment law issues.
- Managing employee compensation and classification structure.
- Assisting with worker's compensation claims.



Information & Technology Division

The Information and Technology Division oversees IT training and the Unified Judicial System Help Desk, network services and development. The Division purchases, manages and supports computer hardware, software, security, data retention and networking needs. Staff also manage security and disaster standards for UJS systems.



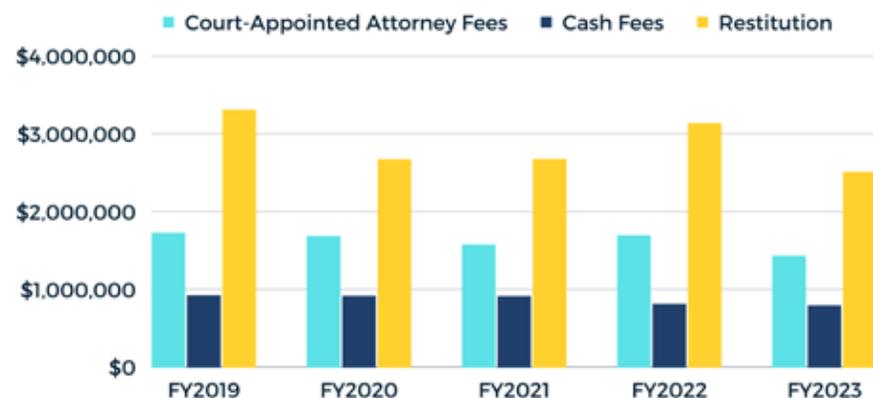
Problem-Solving Courts Division

The Problem-Solving Courts Division is responsible for overseeing treatment courts statewide to include monitoring, oversight, training and data collection in compliance with Adult Drug Court Best Practice Standards. Staff create partnerships and provide representation with outside agencies on the Problem-Solving Courts team. The Division identifies and coordinates training and technical assistance needs for all Problem-Solving Courts team members. Staff also compile and interpret statewide data and statistics.

Unified Judicial System Receipts

Clerks of court take in fines, fees, penalties and costs owed to victims, cities, counties, school districts and the state. For definitions of receipt categories, see Appendix A.

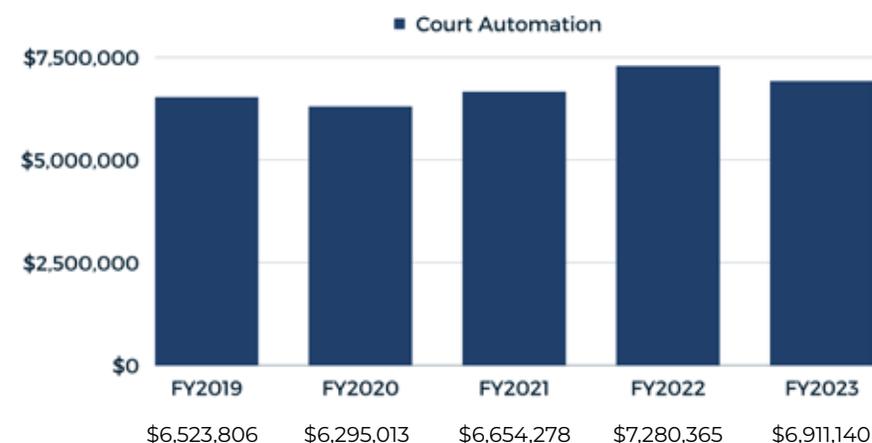
Court-Appointed Attorney Fees, Cash Fees and Restitution Receipts



Court-Appointed Attorney Fees	\$1,728,802	\$1,686,367	\$1,577,627	\$1,697,950	\$1,434,452
Cash Fees	\$928,463	\$920,437	\$918,260	\$818,207	\$799,101
Restitution	\$3,305,942	\$2,669,530	\$2,673,607	\$3,135,535	\$2,508,538

Court automation is a surcharge assessed on all criminal prosecutions and civil actions to fund court automation costs.

Court Automation Receipts



Court Automation	\$6,523,806	\$6,295,013	\$6,654,278	\$7,280,365	\$6,911,140
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Unified Judicial System Disbursements

Disbursement State

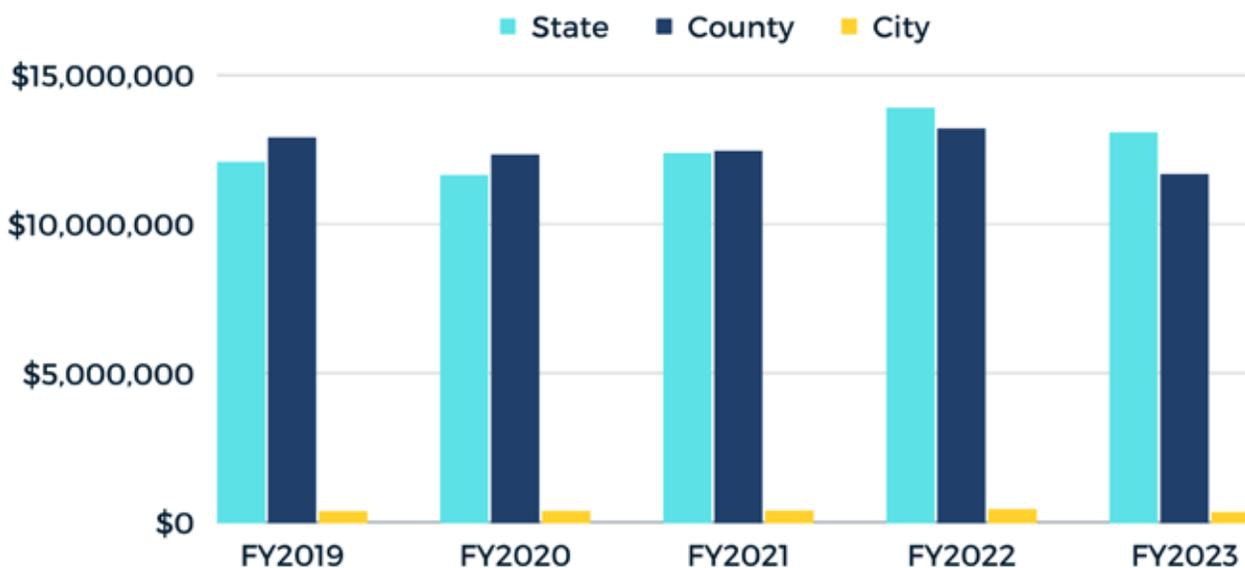
Disbursements to the state include liquidated costs and 35% of city fines.

Disbursement County

Disbursements to counties include state fines—including funds returned to school districts in accordance with Article VIII, § 3 of the South Dakota Constitution—costs, forfeitures and various fees for civil filings.

Disbursement City

Disbursements to cities are primarily city fines collected by the court system. The amount remitted to the cities is 65% of the total city fines, forfeitures and penalties and 100% of city costs. The remaining 35% is remitted to the state general fund.



	FY2019	FY2020	FY2021	FY2022	FY2023
State	\$12,075,402	\$11,633,165	\$12,367,988	\$13,885,394	\$13,062,040
County	\$12,895,771	\$12,328,557	\$12,444,371	\$13,194,995	\$11,673,739
City	\$401,824	\$410,588	\$427,979	\$474,640	\$376,457

Probation Services

120 Court Services Officers | **863** Juvenile Cases Under Supervision | **7,536** Adult Cases Under Supervision

* Numbers as of June 30, 2023

Standard Probation Supervision Costs (Personal, Operating, Community-Based Services)

Total Cases Under Supervision: 8,399

FY2023 Expenditures (actual)

Personal Services:	\$11,440,172
Operating Services:	\$642,446
Community-Based Services:	\$296,699
TOTAL:	\$12,375,317

Cost of Court Services Officer per Hour: \$49.58

- **342 Juvenile Social Histories** (11 hours each):
\$545.38 per social history = \$186,520 total
- **2,976 Adult Felony Pre-Sentence Investigations** (11 hours each):
\$545.38 per investigation = \$1,623,051 total
- **22 Misdemeanor Pre-Sentence Investigations** (3 hours each):
\$148.74 per investigation = \$3,272 total

Total Cost of Prepared Reports: \$1,812,843

FY2023 Cost for Supervision: \$10,562,473

Standard Probation Supervision Average Daily Cost

JUVENILE	
Intensive Probation	\$19.83
High Supervision Probationer (2.89 hours per month)	\$6.61
Medium Supervision Probationer (2.45 hours per month)	\$5.60
Low Supervision Probationer (.91 hours per month)	\$2.08
Administrative Supervision Probationer (.32 hours per month)	\$.73
Informal Diversion Case (.36 hours per month)	\$.82
Case Service Monitoring Case (.23 hours per month)	\$.52
ADULT	
Intensive Probation	\$15.87
High Supervision Probationer (1.81 hours per month)	\$4.14
Medium Supervision Probationer (1.27 hours per month)	\$2.90
Low Supervision Probationer (.60 hours per month)	\$1.37
Administrative Supervision Probationer (.08 hours per month)	\$.19
Case Service Monitoring Case (.08 hours per month)	\$.19
AVERAGE DAILY COST SUPERVISION ALL CATEGORIES	\$4.68

Problem-Solving Courts



RESPONDING WITH COMPASSION

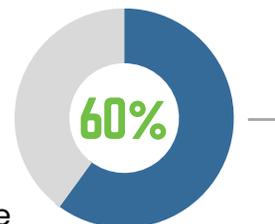
Treatment courts are the most successful intervention for leading people living with substance use and mental health disorders out of the criminal justice system and into lives of recovery and stability. In South Dakota, treatment courts are referred to as Problem-Solving Courts and include Drug Court, DUI Court, Veterans Court and Mental Health Court.

In Problem-Solving Courts, treatment providers ensure that each person receives an individualized, evidence-based treatment plan, while probation officers ensure close community supervision. They work as a team with law enforcement, defense, prosecution and the judge to hold participants accountable and provide ongoing support. The South Dakota Problem-Solving Courts save lives, reunite families, make communities safer and save money.



National Treatment Court Completion Rate: 60%

- **Two-thirds higher** than probation nationally
- **Twice the rate** of probationers with substance use disorders nationally



\$6,208

Benefit per treatment court participant.

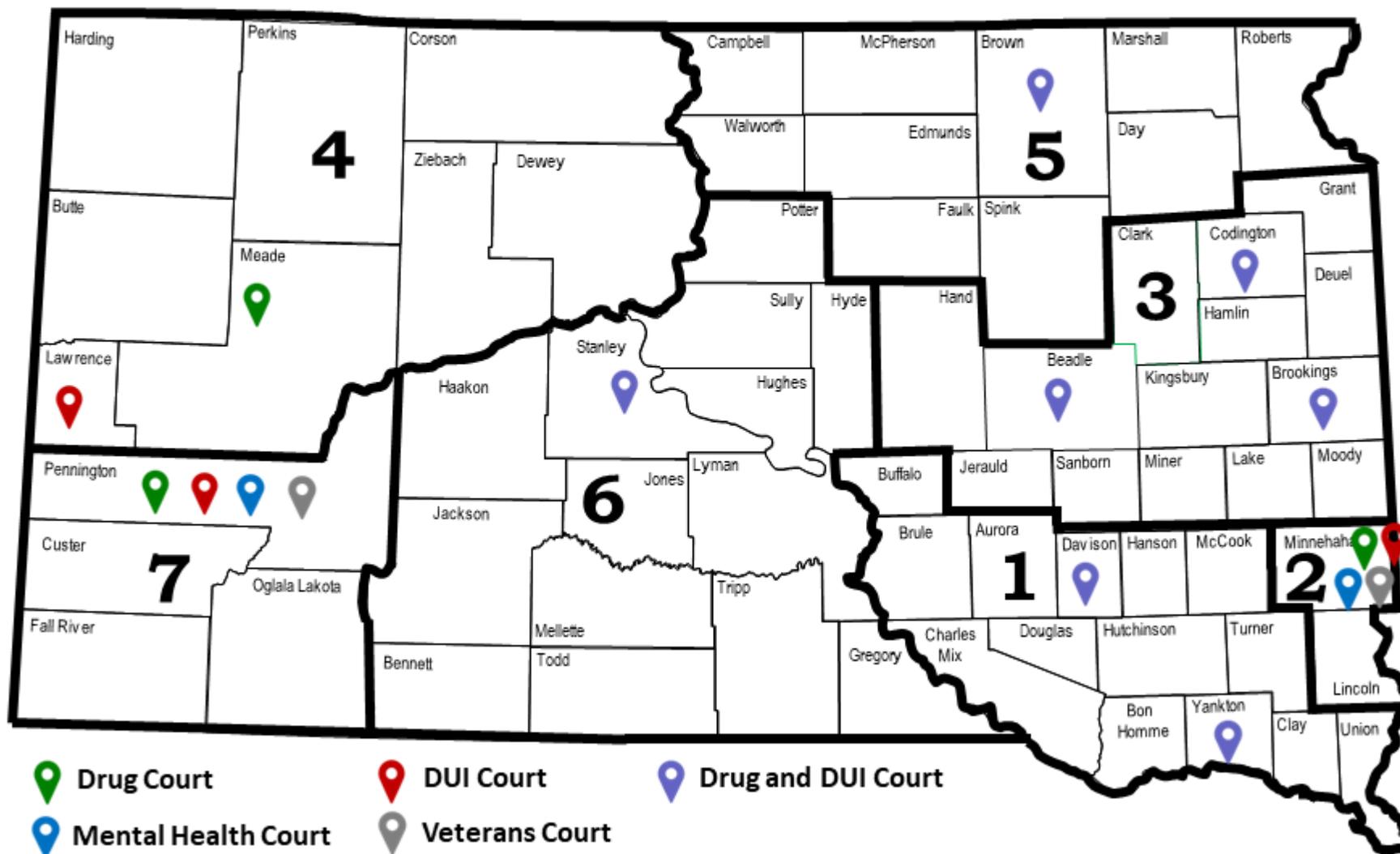
- **\$27 return** for each dollar invested

* **State Data:** https://ujs.sd.gov/Circuit_Court/Problem_Solving_Courts

* **National Data:** <https://www.nadcp.org/treatment-courts-work>

Problem Solving Courts

South Dakota Unified Judicial System



Revised 6/13/2023

Appendix

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- Juvenile Delinquency and CHINS Cases | **55**

Court Services Activities | **59**

Judicial Qualifications Commission: Complaints Received and Dispositions

	FY2019	FY2020	FY2021	FY2022	FY2023
Written Complaints Received ¹	15	14	12	22	18
Complaints Disposed of ²	12	11	10	15	18
Type of Cases					
Prisoner Complaints (includes Habeas Corpus)	3	2	0	1	0
Divorce/Child Custody/Child Support Issues	2	2	5	5	4
Protection Order Cases	2	1	0	1	3
Civil Trial Issues (includes decisions)	2	2	0	5	1
Criminal Trial Issues (includes sentencing)	4	5	5	3	8
Personal Conduct	1	0	0	3	0
Small Claims	2	2	2	2	1
Guardianship/Conservatorship	1	0	0	0	1
Other	0	0	0	2	0
Nature of Claims in Complaints					
Inappropriate Conduct/Abuse of Position	1	5	2	7	4
On Bench Abuse of Authority	3	0	1	4	1
Lack of Demeanor/Decorum	0	0	0	1	0
Bias/Appearance of Bias	3	5	2	5	5
Unhappy with Result	10	7	7	5	8
Commission Dispositions					
1. Dismissal due to:					
a. Insufficient Evidence to Proceed (unsigned complaint and/or complainant uncooperative)	1	0	0	2	1
b. Lack of Jurisdiction ³	0	0	0	0	0
c. Resigned Due to JQC Investigation	0	0	0	0	0
d. Unsubstantiated	0	0	0	0	0
e. No Violation Found	13	11	9	15	17

Judicial Qualifications Commission: Complaints Received and Dispositions *Continued*

2. Private Reprimand	0	0	1	0	0
3. Deferred Disciplinary Agreement	0	0	0	0	0
4. Public Censure	0	0	0	0	0
5. Recommendation for Suspension	0	0	0	0	0
6. Recommendation for Removal/Retirement	0	0	0	0	0
Judicial Qualifications Commission Applicants					
Judicial Vacancies	6	5	4	1	0
Applicant Interviews	26	26	27	0	0
Investigation of Applicants	27	26	27	0	0

¹Written Complaints Received, Type of Cases and Nature of Claims in Complaints reflect complaints received in that fiscal year.

²Complaints Disposed of and Commission Dispositions reflect some complaints received in that fiscal year but not disposed of until the following fiscal year and some complaints that were both received and disposed of in this fiscal year.

³JQC does not have the authority to direct a judge to take legal action or to review a case for judicial error, mistake or other legal grounds. Those functions are for the State Supreme Court. Therefore, allegations stemming from a judge's ruling or exercise of discretion do not provide a basis (jurisdiction) for JQC action.

Receipt Category Definitions

Adult Compact Fees: A fee of \$50 charged to all South Dakota supervised felony and applicable misdemeanor cases/clients who request a transfer of their probation supervision to another state.

Alimony Payments: An allowance for support made under court order to a legally separated or divorced person by the former provider. Monies received are receipted and disbursed to the person as provided by the court order.

Cash Fees: Fees charged for filing various civil actions. This money is paid into the county general fund.

Child Support: Payments ordered by the court from one party in a divorce action to the other party as financial support for the children involved. Child support payments are processed through the South Dakota Department of Social Services.

Civil Pass Through: Payments ordered by the court from one party to be paid to the court for the benefit of another or a third party in a civil action.

Child Support Modification Fees: A \$50 fee for any petition or motion to modify a child support order. This fee is deposited into the “equal access to our courts” fund to be awarded as grant funds to legal services entities.

City/County Fines/Penalties: Fines/penalties collected for city/county ordinance violations. City/county fines/penalties are paid into the city/county general fund (65%) and state general fund (35%) for services provided by the Unified Judicial System.

City/County Costs: Costs levied in conjunction with city/county fines as reimbursement to the city/county for an identifiable amount spent by the city/county in prosecuting a case. These funds are paid into the city/county general fund.

City/County Forfeitures: Forfeitures of bail bonds posted for violations of city/county ordinances. These funds are paid into the city/county general fund (65%) and state general fund (35%).

Collection Agency Pass Through: Payments received from a party that is passed through the courts to the Obligation Recovery Center.

Court-Appointed Attorney Fees: Costs recovered from defendants to reimburse the county general fund for payment of the defendant’s court-appointed attorney. The money is paid to the county treasury.

Divorce Fees: A fee of \$50 charged for filing a divorce action. Half of the fee is deposited in the county domestic abuse program fund and the remaining half in the county general fund.

Domestic Abuse Surcharge: A fee of \$25 assessed to any defendant convicted of a crime involving domestic violence or domestic abuse. Costs are remitted to the county to deposit into the county domestic violence program fund.

Draw Down Accounts: Deposit accounts created by law firms, businesses and other individuals to pay for filing fees, small claims fees, postage, record searches and other miscellaneous charges.

Drug Control Fee: Fees paid to the Attorney General to be deposited in the Drug Control Fund for the purpose of assisting local law enforcement agencies in drug control and drug offender apprehension efforts.

Drug Testing and Monitoring Fees: Fees charged to probationers to cover the cost of drug testing or monitoring while on probation.

DUI Costs (32-12-48): If a defendant is convicted driving under the influence, at the conclusion of the period of revocation ordered by the court and if future proof is filed with the Department of Public Safety as required by chapter 32-35, the defendant may submit an application for a driver’s license, accompanied by a fee of \$75 if revocation of the license was for a conviction under § 32-23-2, \$125 if revocation of the license was for a conviction under § 32-23-3, or \$175 if revocation of the license was for a conviction under § 32-23-4, 32-23-4.6, or 32-23-4.7.

Interest-Bearing Trust Funds: Interest-bearing money deposited with a clerk pending a decision regarding ownership.

Receipt Category Definitions

Law Library Fee: A fee of \$2 or \$5 charged in addition to the civil case filing fee and used to support the county law library.

Liquidated Costs (23-3-53: Collection by clerk of courts-Transmittal to State Treasurer-Disposition): After a determination by the court of the amount due, the clerk of courts shall collect the amount due and transmit monthly to the State Treasurer. The State Treasurer shall place \$30 of the \$40 fee into the Law Enforcement Officers Training Fund, \$6 of the \$40 fee into the Court-Appointed Attorney and Public Defender Payment Fund, \$2 of the \$40 fee into the Court-Appointed Special Advocates Fund, \$1 of the \$40 fee into the 911 Telecommunicator Training Fund, and \$1 of the \$40 fee into the Abused and Neglected Child Defense Fund.

Marriage Fees: Fees collected for processing marriage license applications. These funds are paid into the state general fund.

Modification Petitions and Motions Fees (except Title 28 benefits): A fee of \$50 for child support modification filings. These funds are paid into the state general fund.

NSF Check Charges: A fee of \$30 charged to a person who issues to the state or a political subdivision a check or other draft that is not honored by the person's bank.

Other-Overpayments: Collections that do not fit any of the foregoing categories.

Passport Fees (16-2-27.1. Fees collected for processing U.S. passport applications): These funds are paid into the state general fund.

Petty Offense Judgment: A judgment of \$20 assessed for minor state violations designated as petty offenses. The money is deposited in the county treasury.

Postage-Small Claims: Postage fees charged for processing small claims actions.

Posted Bonds: Bonds are posted in conjunction with a criminal case. This money is either forfeited, used to pay subsequent fines and costs, or returned to the defendant or depositor. Undertakings are posted in civil cases and appeals. Non-interest trusts are posted until the legal

owner is determined or located. Court appointed attorney fees are posted as pre-payment for future CAAF costs incurred.

Restitution: Money which the court collects from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

State Costs: Money which the court collects from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

State Fines/Penalties: Fines/penalties collected for violation of state laws. These fines and penalties are paid to the county treasury for eventual transfer to the school district of the county in which the violation occurred.

State Forfeitures: Forfeitures of bonds posted for violations of state law. This money is paid into the county general fund.

Surcharge-Court Automation Fund (16-2-39): A fee on all criminal prosecutions and civil actions to fund court automation costs. The following is the court automation fee schedule (updated June 30, 2015):

- **Civil Actions, Probate Proceedings or Other Judicial Proceedings:** \$40
- **Small Claims:**
 - amount in controversy is less than \$4,000: \$6
 - amount in controversy \$4,000 to \$12,00: \$8
- **Felony Criminal Cases:** \$61.50
- **Class 1 Misdemeanors:** \$41.50
- **Class 2 Misdemeanors (violation of state law):** \$23.50
- **Violations of County or Municipal Ordinances:** \$17.50
- **Violations of Administrative Rules with Criminal Penalties:** \$17.50
- **Appeals, Original Actions or Other Actions Filed with Supreme Court:** \$50

Electronic Filing Fees: A fee of \$1 per page (\$10 minimum) for incoming fax filings. A fee of \$1 per page (\$5 minimum) for outgoing electronic transmission of any opinion, record or paper from an active or inactive file in the clerk's custody.

Receipt Category Definitions

Record Searches (16-2-29.5): A fee of \$20 for each name search of court records if the search is requested by a person who is not a party named in a state or federal action. \$15 of the \$20 fee goes to the court automation fund, and \$5 goes to the law enforcement officers training fund. A fee of \$5 for each name search of court records if the search is being conducted in conjunction with a state or federal court action and the person making the records search request so certifies.

Web Judgment Searches: A fee of \$4 for each name or date search for civil judgments and \$1 per judgment card.

Non-Resident Attorney Admissions: A \$100 portion of the \$200 admission fee is paid to the Supreme Court, and the remaining \$100 is paid to the State Bar.

Surcharge-Victims Compensation Fund: A fee of \$5 assessed in any criminal action for a violation of state law or county or municipal ordinance, in addition to any other liquidated cost, penalty, assessment, surcharge or fine provided by law; it shall be levied a crime victims compensation surcharge on each Class 2 misdemeanor, Class 1 misdemeanor or felony conviction.

** Most receipts collected according to SDCL 16-2-29, unless otherwise noted.*

Statewide: Cash Receipts and Disbursements

RECEIPTS	FY2019	FY2020	FY2021	FY2022	FY2023
Adult Compact Fees	\$21,930	\$20,217	\$18,273	\$16,250	\$13,805
Alimony	\$612	\$12	\$12	\$774	\$0
Cash Fees	\$928,463	\$920,437	\$918,260	\$818,207	\$799,101
Child Support	\$8,956	\$6,380	\$20,471	\$7,720	\$17,900
City Costs	\$5,686	\$6,980	\$6,285	\$7,489	\$9,575
City Fines	\$608,109	\$615,890	\$651,165	\$618,808	\$561,307
City Forfeitures	\$421	\$153	\$0	\$408	\$0
City Penalties	\$4,284	\$6,869	\$3,241	\$2,341	\$1,205
Civil Pass Through	\$192,155	\$12,144	\$1,916	\$3,695	\$86,025
Civil Penalties	\$0	\$55	\$5,673	\$4,212	\$2,655
Collections Agency Pass Through	\$20,909	\$34,115	\$19,964	\$18,638	\$12,890
County Costs	\$604,614	\$614,894	\$624,329	\$659,103	\$2,316
County Fines	\$5,600	\$6,107	\$6,702	\$9,190	\$6,273
County Forfeitures	\$1,800	\$1,710	\$2,450	\$500	\$0
County Penalties	\$260	\$240	\$571	\$1,158	\$3,125
Court-Appointed Attorney Fees *	\$1,728,802	\$1,686,367	\$1,577,627	\$1,697,950	\$1,434,452
Court Costs	\$0	\$0	\$0	\$0	\$594,078
Divorce Fees	\$124,950	\$119,100	\$122,800	\$117,600	\$115,770
Domestic Abuse Surcharge	\$13,742	\$14,576	\$16,600	\$15,873	\$18,781
Drawdown Accounts	\$5,979,049	\$5,773,131	\$6,340,119	\$7,400,086	\$6,744,383
Drug Control Fee	\$140,943	\$134,117	\$103,183	\$96,162	\$79,341
Drug Test Fees and Monitoring Fees	\$12,451	\$8,552	\$5,593	\$10,952	\$8,309
DUI Cost	\$195,607	\$193,505	\$185,603	\$205,232	\$192,575
Interest-Bearing Trust Funds	\$71	\$1,043,593	\$552	\$37,385	\$352
Law Library Fees	\$139,701	\$139,679	\$135,310	\$122,983	\$132,329
Liquidated Costs	\$3,654,420	\$3,288,225	\$4,115,047	\$4,413,186	\$4,023,239
Marriage Fees	\$9,660	\$7,300	\$6,940	\$8,760	\$8,770
Child Support Modification Fees	\$121,050	\$112,632	\$107,126	\$102,725	\$98,064
NSF Check Charges	\$4,229	\$2,821	\$2,510	\$2,143	\$1,745
Other - Overpayments	\$23,015	\$29,470	\$33,610	\$38,093	\$19,975
Passport Fees	\$23,275	\$13,405	\$9,415	\$14,175	\$19,225
Petty Offense	\$267,804	\$212,498	\$249,302	\$340,450	\$296,406
Postage (Small Claims)	\$243,579	\$242,988	\$239,615	\$198,890	\$207,478
Posted Bonds	\$8,184,533	\$7,871,342	\$12,545,786	\$12,443,134	\$14,478,176

Statewide: Cash Receipts and Disbursements

RECEIPTS	FY2019	FY2020	FY2021	FY2022	FY2023
Restitution	\$3,056,942	\$2,669,530	\$2,673,607	\$3,135,535	\$2,508,538
Search Fee - Law Enforcement Officer Training Fund	\$1,094,720	\$1,087,404	\$1,194,775	\$1,383,315	\$1,331,613
Sioux Falls Police Department Drug Fee	\$34,261	\$22,288	\$23,192	\$22,585	\$18,579
State Costs	\$65,811	\$80,382	\$84,902	\$77,257	\$99,169
State Fines	\$7,665,881	\$7,016,550	\$7,289,914	\$7,633,263	\$6,886,185
State Forfeitures	\$414,050	\$388,980	\$358,755	\$540,612	\$459,372
State Penalties	\$778,446	\$782,307	\$1,014,578	\$918,748	\$640,252
Surcharge - Court Automation	\$6,523,806	\$6,295,013	\$6,654,278	\$7,280,365	\$6,911,140
Surcharge - Victims Compensation	\$398,829	\$391,559	\$415,087	\$435,464	\$394,936
Trust Fund	\$91,170	\$2,143	\$721,057	\$25,475	\$2,433,425
STATEWIDE TOTAL RECEIPTS	\$43,394,593	\$41,875,662	\$48,506,195	\$50,886,888	\$51,672,833
DISBURSEMENTS	FY2019	FY2020	FY2021	FY2022	FY2023
Alimony	\$612	\$12	\$12	\$762	\$12
Bond Refunds (Converted Bonds, Odyssey)	\$9,930,398	\$7,666,101	\$7,733,397	\$7,137,457	\$11,819,978
Child Support	\$8,956	\$6,380	\$20,471	\$7,720	\$17,900
Civil Pass Through	\$287,141	\$25,744	\$2,559	\$3,695	\$86,025
Collection Agency Pass Through	\$22,340	\$31,258	\$22,589	\$17,624	\$14,072
Drawdown Accounts	\$5,234,567	\$5,770,754	\$6,273,708	\$7,329,095	\$6,716,554
Interest-Bearing Trust Funds	\$689,245	\$7,501	\$1,039,407	\$37,383	\$0
Overpayments	\$20,761	\$27,996	\$36,461	\$34,723	\$16,673
Remitted to Sioux Falls Police Department	\$33,425	\$23,184	\$22,478	\$23,126	\$18,633
Remitted to Attorney General (Drug Fund)	\$138,361	\$135,546	\$105,643	\$97,425	\$77,447
Remitted to City	\$401,824	\$410,588	\$427,979	\$474,640	\$376,457
Remitted to County	\$12,895,771	\$12,328,557	\$12,444,371	\$13,194,995	\$11,673,739
Remitted to State	\$12,075,402	\$11,633,165	\$12,367,988	\$13,885,394	\$13,062,040
Restitution	\$2,907,107	\$2,885,701	\$2,557,526	\$3,047,879	\$2,595,642
Small Claims Postage	\$239,885	\$243,416	\$240,673	\$201,998	\$190,344
Trust Fund	\$221,141	\$174,325	\$609,665	\$65,652	\$64,073
TOTAL DISBURSED	\$45,106,938	\$41,370,226	\$43,904,926	\$45,559,568	\$46,729,588

* Court-appointed attorney fees include only those amounts collected by UJS and do not include payments made directly to county auditors or treasurers, city collection agents, or sums recovered by counties pursuant to a statutory lien.

Court-Appointed Attorney Cases: Misdemeanor 1 and Felony Dispositions

First Circuit Counties	Appointment Cases
Aurora	26
Bon Homme	38
Brule	198
Buffalo	7
Charles Mix	328
Clay	58
Davison	709
Douglas	11
Hanson	84
Hutchinson	38
McCook	79
Turner	112
Union	311
Yankton	621
First Circuit Total	2,620

Second Circuit Counties	Appointment Cases
Lincoln	128
Minnehaha	1,248
Second Circuit Total	1,376

Third Circuit Counties	Appointment Cases
Beadle	252
Brookings	430
Clark	23
Codington	851
Deuel	27
Grant	13
Hamlin	40
Hand	24
Jerauld	4
Kingsbury	14
Lake	160
Miner	14
Moody	253
Sanborn	13
Third Circuit Total	2,118

Fourth Circuit Counties	Appointment Cases
Butte	284
Corson	30
Dewey	23
Harding	4
Lawrence	380
Meade	849
Perkins	13
Ziebach	4
Fourth Circuit Total	1,587

Court-Appointed Attorney Cases: Misdemeanor 1 and Felony Dispositions

Fifth Circuit Counties	Appointment Cases
Brown	981
Campbell	15
Day	86
Edmunds	27
Faulk	7
Marshall	34
McPherson	8
Roberts	240
Spink	70
Walworth	189
Fifth Circuit Total	1,587

Sixth Circuit Counties	Appointment Cases
Bennett	143
Gregory	39
Haakon	21
Hughes	693
Hyde	4
Jackson	75
Jones	23
Lyman	76
Mellette	65
Potter	11
Stanley	79
Sully	5
Todd	4
Tripp	111
Sixth Circuit Total	1,349

Seventh Circuit Counties	Appointment Cases
Custer	102
Fall River	223
Oglala Lakota	1
Pennington	1826
Seventh Circuit Total	2,152
Statewide Total	12,789

* Data for misdemeanor 1 and felony dispositions is by disposition date.

Court-Appointed Attorney Cases: Abuse and Neglect Cases

First Circuit Counties	Public Defender Abuse and Neglect Cases	Court-Appointment Abuse and Neglect Cases	Total Abuse and Neglect Cases Filed	Number of Attorneys Involved in Public Defender & Court-Appointed Cases
Aurora	0	3	3	8
Bon Homme	0	2	2	5
Brule	0	5	5	17
Buffalo	0	0	1	0
Charles Mix	0	1	2	3
Clay	1	8	8	23
Davison	0	7	8	19
Douglas	0	0	0	0
Hanson	0	0	0	0
Hutchinson	0	0	0	0
McCook	0	1	1	2
Turner	0	0	1	0
Union	0	3	4	8
Yankton	0	10	10	20
First Circuit Total	1	40	45	105

Second Circuit Counties	Public Defender Abuse and Neglect Cases	Court-Appointment Abuse and Neglect Cases	Total Abuse and Neglect Cases Filed	Number of Attorneys Involved in Public Defender & Court-Appointed Cases
Lincoln	0	12	18	31
Minnehaha	129	111	196	283
Second Circuit Total	129	123	214	314

Court-Appointed Attorney Cases: Abuse and Neglect Cases

Third Circuit Counties	Public Defender Abuse and Neglect Cases	Court-Appointment Abuse and Neglect Cases	Total Abuse and Neglect Cases Filed	Number of Attorneys Involved in Public Defender & Court-Appointed Cases
Beadle	0	6	7	20
Brookings	0	6	6	21
Clark	0	1	1	3
Codington	2	16	17	43
Deuel	0	0	0	0
Grant	0	1	1	3
Hamlin	0	1	1	4
Hand	0	0	0	0
Jerauld	0	1	1	4
Kingsbury	0	0	0	0
Lake	0	1	1	3
Miner	0	0	0	0
Moody	0	3	3	9
Sanborn	0	0	0	0
Third Circuit Total	2	36	38	110

Fourth Circuit Counties	Public Defender Abuse and Neglect Cases	Court-Appointment Abuse and Neglect Cases	Total Abuse and Neglect Cases Filed	Number of Attorneys Involved in Public Defender & Court-Appointed Cases
Butte	0	3	3	8
Corson	0	0	0	0
Dewey	0	1	1	1
Harding	0	0	0	0
Lawrence	3	6	9	16
Meade	0	14	15	30
Perkins	0	0	0	0
Ziebach	0	0	0	0
Fourth Circuit Total	3	24	28	55

Court-Appointed Attorney Cases: Abuse and Neglect Cases

Fifth Circuit Counties	Public Defender Abuse and Neglect Cases	Court-Appointment Abuse and Neglect Cases	Total Abuse and Neglect Cases Filed	Number of Attorneys Involved in Public Defender & Court-Appointed Cases
Brown	0	17	18	42
Campbell	0	0	0	0
Day	0	0	0	0
Edmunds	0	0	0	0
Faulk	0	0	0	0
Marshall	0	1	1	5
McPherson	0	0	0	0
Roberts	1	2	2	6
Spink	0	1	1	2
Walworth	0	3	3	8
Fifth Circuit Total	1	24	25	63

Sixth Circuit Counties	Public Defender Abuse and Neglect Cases	Court-Appointment Abuse and Neglect Cases	Total Abuse and Neglect Cases Filed	Number of Attorneys Involved in Public Defender & Court-Appointed Cases
Bennett	0	0	0	0
Gregory	0	0	0	0
Haakon	0	0	0	0
Hughes	1	20	21	55
Hyde	0	0	0	0
Jackson	0	0	0	0
Jones	0	0	0	0
Lyman	0	1	1	1
Mellette	0	0	0	0
Potter	0	0	0	0
Stanley	0	0	0	0
Sully	0	2	2	5
Todd	0	0	0	0
Tripp	0	2	2	5
Sixth Circuit Total	1	25	26	66

Court-Appointed Attorney Cases: **Abuse and Neglect Cases**

Seventh Circuit Counties	Public Defender Abuse and Neglect Cases	Court-Appointment Abuse and Neglect Cases	Total Abuse and Neglect Cases Filed	Number of Attorneys Involved in Public Defender & Court-Appointed Cases
Custer	0	1	1	3
Fall River	0	2	2	3
Oglala Lakota	0	0	0	0
Pennington	55	147	153	370
Seventh Circuit Total	55	150	156	376
Statewide Total	192	422	532	1,089

* Data for abuse and neglect cases is by file date.

Court-Appointed Attorney Cases: **Juvenile Delinquency and CHINS Cases**

First Circuit Counties	Public Defender Juvenile Cases	Court-Appointment Juvenile Cases	Total Juvenile Cases
Aurora	0	0	0
Bon Homme	0	4	4
Brule	0	4	10
Buffalo	0	4	7
Charles Mix	0	18	40
Clay	2	25	43
Davison	0	24	39
Douglas	0	0	0
Hanson	0	0	0
Hutchinson	0	1	10
McCook	0	3	7
Turner	0	9	13
Union	0	14	64
Yankton	1	45	69
First Circuit Total	3	151	306

Second Circuit Counties	Public Defender Juvenile Cases	Court-Appointment Juvenile Cases	Total Juvenile Cases
Lincoln	0	51	136
Minnehaha	650	17	1,430
Second Circuit Total	650	68	1,566

Court-Appointed Attorney Cases: **Juvenile Delinquency and CHINS Cases**

Third Circuit Counties	Public Defender Juvenile Cases	Court-Appointment Juvenile Cases	Total Juvenile Cases
Beadle	0	21	39
Brookings	1	22	63
Clark	0	0	6
Codington	0	11	72
Deuel	0	1	14
Grant	6	2	17
Hamlin	0	3	4
Hand	0	3	4
Jerauld	0	0	0
Kingsbury	0	2	5
Lake	0	9	17
Miner	0	0	1
Moody	0	3	6
Sanborn	0	0	0
Third Circuit Total	7	77	248

Fourth Circuit Counties	Public Defender Juvenile Cases	Court-Appointment Juvenile Cases	Total Juvenile Cases
Butte	0	41	55
Corson	0	2	2
Dewey	0	1	1
Harding	0	0	0
Lawrence	15	7	57
Meade	0	16	50
Perkins	0	0	0
Ziebach	0	0	1
Fourth Circuit Total	15	67	166

Court-Appointed Attorney Cases: **Juvenile Delinquency and CHINS Cases**

Fifth Circuit Counties	Public Defender Juvenile Cases	Court-Appointment Juvenile Cases	Total Juvenile Cases
Brown	0	39	126
Campbell	0	0	0
Day	0	9	19
Edmunds	0	0	2
Faulk	0	0	0
Marshall	0	0	3
McPherson	0	0	6
Roberts	13	18	78
Spink	0	6	10
Walworth	0	16	34
Fifth Circuit Total	13	88	278

Sixth Circuit Counties	Public Defender Juvenile Cases	Court-Appointment Juvenile Cases	Total Juvenile Cases
Bennett	0	11	22
Gregory	0	1	3
Haakon	0	0	0
Hughes	0	50	77
Hyde	0	0	2
Jackson	0	1	1
Jones	0	0	0
Lyman	0	8	10
Mellette	0	0	1
Potter	0	0	0
Stanley	0	1	3
Sully	0	0	0
Todd	0	0	0
Tripp	0	14	21
Sixth Circuit Total	0	86	140

Court-Appointed Attorney Cases: **Juvenile Delinquency and CHINS Cases**

Seventh Circuit Counties	Public Defender Juvenile Cases	Court-Appointment Juvenile Cases	Total Juvenile Cases
Custer	0	0	2
Fall River	0	23	46
Oglala Lakota	0	0	0
Pennington	275	254	720
Seventh Circuit Total	275	277	768
Statewide Total	963	814	3,472

* Data for juvenile cases is by file date.

Court Services Activities

	FY2019	FY2020	FY2021	FY2022	FY2023
JUVENILE SERVICES					
Pre-hearing Social Case Studies	210	270	223	199	342
Informal Diversion Services Added	416	409	287	330	265
Placed on Probation During Fiscal Year	1,626	1,296	1,039	1,054	1,219
Active Probation Cases at End of Fiscal Year	819	656	572	600	772
CASE SERVICES MONITORING					
Placed in Program During Fiscal Year	119	99	66	73	175
Active Cases at End of Fiscal Year	75	59	18	48	95
Interstate Compact Cases-In	11	15	8	17	7
Interstate Compact Cases-Out	26	18	22	16	18
INTENSIVE PROBATION					
Placed In Program During Fiscal Year	98	104	73	78	84
Transferred In	0	0	0	0	0
Transferred Out	0	0	0	0	2
JIPP Unavailable	1	4	1	10	0
Successfully Completed Program	74	48	53	31	29
Failed Program and sent to DOC	13	24	20	15	27
Failed Program (Other)	32	18	22	19	18
Active Cases at End of Fiscal Year	72	82	59	63	73
ADULT SERVICES: MISDEMEANOR					
Pre-Sentence Investigation Reports	31	23	20	18	18
Placed on Probation During Fiscal Year	268	198	154	170	157
On Probation at End of Fiscal Year	407	348	311	299	287
ADULT SERVICES: FELONY					
Pre-Sentence Investigation Reports	3,962	3,336	3,101	3,001	2,980
Placed on Probation During Fiscal Year	4,033	3,775	3,055	3,363	3,499
On Probation at End of Fiscal Year	6,560	9,583	5,819	6,034	6,304
CASE SERVICES MONITORING PROGRAM (Felony & Misdemeanor)					
Placed in Program During Fiscal Year	84	94	55	4	18
Active Cases at End of Fiscal Year	232	198	148	84	106
ADULT INTERSTATE COMPACT CASELOAD (Felony & Misdemeanor)					
Total Placed on Probation - In & Out	297	251	223	253	232
On Probation at End of Fiscal Year	1,113	1,0029	932	913	839



State Fiscal Year 2023

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM ANNUAL REPORT

Compiled by the

State Court Administrator's Office

500 E. Capitol Ave.

Pierre, SD 57501-5070

The South Dakota Unified Judicial System FY2023 Annual Report is only available online. Questions or comments regarding this report should be directed to the State Court Administrator's Office at 605-773-3474.