

STATE OF SOUTH DAKOTA)	IN CIRCUIT COURT
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COUNTY OF BUTTE)	4 TH JUDICIAL CIRCUIT
)	CIV 15-1
)	
IN RE THE ADMINISTRATION)	PROCEDURE FOR THE ELECTRONIC
OF THE FOURTH JUDICIAL CIRCUIT)	DISTRIBUTION OF PRE-SENTENCE
)	INVESTIGATION REPORTS TO COUNSEL

In order to improve the efficiency and cost of providing Presentence Investigation Reports from the court to attorneys handling criminal cases in the Fourth Circuit, the court approves distribution of such reports to the prosecuting attorney, defense attorney, and defendant via an electronic email attachment sent to the prosecuting attorney and the defense attorney of record in criminal cases in which a Presentence Report is ordered pursuant to SDCL 23A-27. To ensure compliance with the confidentiality and other requirements of SDCL 23A-7, the court orders as follows for any Presentence Report provided via electronic email attachment:

IT IS HEREBY ORDERED, that except as otherwise ordered by the judge presiding in a specific case, court services is authorized to provide any Presentence Report ordered pursuant to SDCL 23A-27 to the prosecuting attorney and defendant attorney via electronic email attachment at the email address provided by the attorney for filing documents through the UJS Odyssey System.

IT IS FURTHER ORDERED, that the defense attorney receiving a Presentence Report via electronic email attachment is authorized to print out one copy of the Report to review with the defendant, but shall retain or destroy the copy after meeting with the defendant, or alternatively, the defense attorney is authorized to review an electronic version of the Report with the defendant prior to sentencing. The Prosecuting attorney and defense attorney are authorized to print one copy of the Presentence Report for preparation and use at sentencing.

IT IS FURTHER ORDERED, that except as otherwise provided in this order, an attorney receiving an electronic version of a Presentence Report may not otherwise save, duplicate, forward, print, or copy the Presentence Report, or allow any other person to do so, without a written and signed order of the judge having jurisdiction over the specific case for which the Report is received.

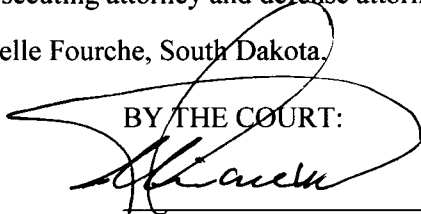
IT IS FURTHER ORDERED that the prosecuting attorney and defense attorney shall delete the email and the Presentence Report attachment from their computer, and shall return any printed copy of the Report to the court services officer upon imposition of sentence in the case.

IT IS FURTHER ORDERED that court services may not provide a Presentence Report via electronic email attachment to a pro se defendant or any attorney that is not authorized to electronically file documents through the UJS Odyssey system.

IT IS FURTHER ORDERED that court services shall include a copy of this order with each electronic copy of the Presentence Report provided to the prosecuting attorney and defense attorney by email transmission.

Dated this 1st day of December, 2015, at Belle Fourche, South Dakota

BY THE COURT:



Michael W. Day
Presiding Circuit Judge

FILED

DEC - 1 2015

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
4TH CIRCUIT CLERK OF COURT

By _____

