



MAGISTRATE JUDGE PREFERENCES:

Judge Tara Adamski

ELECTRONIC FILINGS:

1. All filings should be submitted through File & Serve.
2. If it is time sensitive material, file it in File & Serve and email the clerk and the Judge so they are aware.
3. If you are filing a motion that requires an active response from the Judge, please submit a corresponding Order as a proposed document with the motion.
4. A notice of appearance must be filed prior to court appearances in all cases.
5. Any POA's should be filed by noon the day prior to the scheduled court appearance.
 - a. POAs should contain a clear Statement of Rights signed by the Defendant.
 - b. Permission to appear by POA for any sentencing must be obtained in advance of the hearing.
6. All electronic filings should be filed by noon the day prior to the scheduled court appearance, any document not filed by noon will need to be filed in court.

Documents that are filed in court should not be filed in File & Serve, as that creates duplicates that will be rejected.

EMAILS:

1. All email correspondence should be addressed to the Judge, the Clerk and all attorneys of record, and should have the defendant's last name and case number in the subject line. Emails not sent to all parties will not be given a response.
2. All emails should be properly signed. Email correspondence is considered a legal electronic form of communication, therefore should be professional and be signed accordingly.

CONTINUANCES:

1. Initial Appearances are allowed one 2-week continuance whether the defendant is PRO SE or represented.

2. Any requests for continuances made by counsel for subsequent hearings must be made prior to noon the day before court. Any requests after noon the day before court will require an appearance at the original scheduled time to make the request.
 - a. The State's Attorney must be included in any requests for continuance, thus given the opportunity to address such request.
3. If a Defendant is in inpatient treatment and therefore, unable to appear at their hearing, please provide a letter from the treatment facility on the facility's letter head stating that the defendant is in treatment including their prospective release date.

DAY OF COURT:

1. Defendants must be present unless prior approval for a POA appearance has been granted by the Judge.
2. Defendants should be in the courtroom prior to the start of the session to hear the reading of rights. Any defendant not in the courtroom at the beginning of the session will have to wait until a second roll call is done, once all of the cases for the defendants that were present have been heard.
3. Defendants shall abide by courthouse policy, (no food, drink, sweatshirts, coats or bags are allowed in the court room).
4. Cell phones should not be brought into the court room, however if they are, they should be completely shut off. Any cell phone, including those belonging to counsel, may be confiscated by the Judge and not returned until the end of the court session if the phone rings during court.

SUSPENDED IMPOSITIONS OF SENTENCE:

1. Suspended Impositions of Sentence will only be considered if the defendant is present in the courtroom at the time of sentencing,
 - a. Suspended impositions of sentence minimum requirements:
 - i. DUI charge – Alcohol / Chemical Dependency Evaluation is required to be submitted to the Court prior to sentencing, preferably several days before sentencing so the Court may have an opportunity to review the evaluation prior to the sentencing date.
 - ii. The negative ramifications in the defendant's life or employment resulting from a finding of guilt must be clearly presented at the time that the Suspended Imposition of Sentence is requested. Any documentation to this effect, letters from employers, etc. should be presented to the Court during this hearing, if they have not already been filed electronically.

- iii. Any payment plans for Fines & Costs, Attorney Fees, etc. will be set up for a period of no more than 11 months from sentencing date, so case is paid in full prior to the standard 1 year SEAL DATE.

LICENSE REVOCATIONS AND SUPSENSIONS:

1. The defendant should have their license with them in the courtroom if they are charged with any driving offenses that can potentially result in a suspension or revocation of license in order for the license to be surrendered at the time of sentencing. The defendant should come prepared to leave without their license.
2. *Work Permits:*
 - a. If the defendant will be requesting a work permit they will need to provide proof of insurance in their name and proof of employment, (IE: current pay stub), to the Clerk of Courts Office.
 - b. Minimum requirements to be eligible for a work permit:
 - i. Defendant must have a valid South Dakota Driver's license.
 - ii. Class 2 Misdemeanor offense: Proof of Insurance & Employment.
 - iii. Class 1 Misdemeanor/ DUI1 – Proof of Insurance & Employment.
 1. If the BAC /PBT was above .17% an evaluation and completion of all recommended treatment is required prior to receiving work permit.
 - iv. Class 1 Misdemeanor / DUI2nd-Proof of Insurance & Employment as well as having filed an evaluation and completed all recommended treatment is required prior to receiving work permit & 24/7 will be a condition of the work permit.
 - c. Work permits are not available for the CDL portion of a license.

BONDS:

1. Bonds set by other Judges on warrants and during detention hearings, in most cases, will not be changed by the Magistrate Judge, rather they will be referred to the Judge that set the bond for consideration unless a change in circumstances can be demonstrated to the satisfaction of the Court.
2. Requests for changes to Bond amounts and conditions can be made in Court or by an email to the Judge, Clerk and State, explaining what you are requesting and the reasons behind the request. This includes asking permission for the defendant to travel outside of the 6th circuit and or out of state. If this is a travel request, the dates the defendant will be traveling, the reason they are traveling, the address to which they are traveling, and contact information for that location must be included. Further if they are on 24/7 as a condition of bond, you must include their proposed testing schedule prior to leaving, while gone and upon return. (IE: will do AM test on 1-27-20 in Pierre, PM test on

1-27-20 in Rapid City through AM test on 2-2-20 and will return to Pierre for evening test on 2-2-20).

ATTORNEY VOUCHERS:

1. Vouchers should be submitted in a timely fashion – preferable within 15 days of the completion of a Magistrate case, as these cases have Judgements filed in them usually within 1-3 days after sentencing. Payment Plans cannot be set up in the system until all vouchers are processed.
2. Vouchers must include a breakdown of the time charged.
3. Vouchers should be filed in the case in which the defendant was sentenced to pay them. In other words, if you are representing a defendant in 4 cases and 2 were dismissed and Attorney fees were ordered in only one of the two remaining cases – then, that is the case in which you should be filing your voucher(s).