

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

SEP 24 2009

Shirley A. Johnson Legal
Clerk

* * * *

IN THE MATTER OF THE AMENDMENT OF)
SDCL 23A-41-1)

RULE 09-09

A hearing was held on August 26, 2009, at Pierre, South Dakota, relating to the amendment of SDCL 23A-41-1 and the Court having considered the proposed amendment and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 23A-41-1 be and it is hereby amended to read in its entirety as follows:

SDCL 23A-41-1. (Rule 45 (a)) Days included and excluded in computing time - Adjustment for weekends and holidays.

In computing any period of time, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday or, when the act to be done is the filing of a paper in court, a day on which weather or other conditions have made the office of the clerk of court inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days. When a period of time prescribed or allowed is less than eleven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this section, a "legal holiday" is any day designated as a holiday in § 1-5-1.

IT IS FURTHER ORDERED that the rule shall become effective immediately.

DATED at Pierre, South Dakota, this 24th day of September, 2009.

BY THE COURT:

David Gilbertson
David Gilbertson, Chief Justice

ATTEST: *[Signature]*
Clerk of the Supreme Court
(SEAL)