

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION)
OF A NEW RULE TO BE DESIGNATED)
AT SDCL 15-26A-70.1)

RULE 08-09

A hearing was held on August 28, 2008, at Pierre, South Dakota, relating to the adoption of a new rule to be designated at SDCL 15-26A-70.1, and the Court having considered the proposed adoption and oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

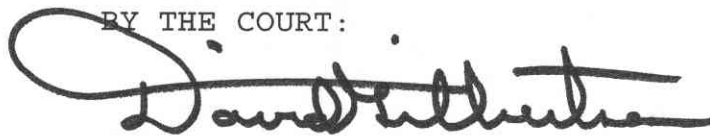
ORDERED that SDCL 15-26A-70.1 be and it is hereby adopted to read in its entirety as follows:

SDCL 15-26A-70.1. Pro se filings by party represented by counsel. In any appeal where a party is represented by counsel, the clerk of the Supreme Court shall not accept for filing any pro se briefs, pleadings, motions or other documents. In the event that such documents are presented for filing, the clerk shall acknowledge receipt and notify the party, and those the party has served such documents upon, that the documents are not being filed pursuant to this rule. The clerk shall notify counsel of record of the receipt of the documents and their return, including with the notification copies of such documents. This rule shall not apply to pro se pleadings or documents directed to the court concerning the performance of appellate counsel or briefs filed pursuant to State v. Korth, 2002 SD 101, 650 NW2d 528.

IT IS FURTHER ORDERED that the rule shall become effective November 1, 2008.

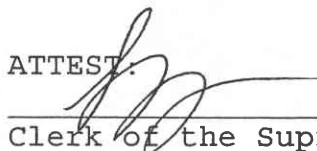
DATED at Pierre, South Dakota, this 17th day of September, 2008.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

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Clerk