STATE OF SOUTH DAKOTA	)	IN CIRCUIT COURT
	:ss	
COUNTY OF HUGHES	)	SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA, Plaintiff,	)	Case no. _____
vs.	)	MOTION FOR CONTINUANCE AND ORDER REGARDING MOTION FOR CONTINUANCE
_____, Defendant.	)	

This Motion for Continuance from the _____ (*hearing and date)* being made (check one):

- ☐ Jointly
- ☐ By the State without opposition
- ☐ By the State with opposition
- ☐ By the Defendant without opposition
- ☐ By the Defendant with opposition

Number of Prior Requests: _____ Prosecution _____ Defense

Does the Other Party Object? _____

A continuance is requested for the following reasons: _____
_____
_____

The following efforts have been made to address the issues set forth above: _____
_____
_____

The plan to further address the issues and have the case ready for trial is: _____
_____
_____

Next Court date requested: _____

It is expected the case will be ready for trial on or about: _____ *(if date is unknown, include approximate amount of time, i.e. days, weeks months)*

This _____ day of _____, 20___.

_____ In signing this motion on behalf of my client, I certify to the Court that I have spoken with my client about the motion, have explained to my client the effect of the 180-day waiver and the right to a Speedy Trial under the Sixth Amendment, and have obtained my client's consent to file the motion and consent that the delay will

be excluded from counting under SDCL 23A-44-5.1 and the Sixth Amendment.

_____ I hereby consent to a Motion for Delay being filed on my behalf. I understand that this Defendant motion means that the delay requested is excluded from counting under SDCL 23A-44-5.1 (trial Within 180 Days of First Appearance) and the Sixth Amendment (right to a Speedy Trial).

_____ In signing this motion, I represent to the court that I have been unable to locate and/or communicate with my client but that I have attempted to do so to no avail.

_____ If delay is requested by the Prosecution, is Prosecution requesting the extent of the Prosecution/State delay be excluded from counting under SDCL 23A-44-5.1? _____ Yes _____ No If yes, reason for requested exclusion:

_____

_____

ORDER ON MOTION FOR CONTINUANCE

Upon consideration of the foregoing Motion for Continuance, it is hereby ORDERED and ADJUDGED that the same is:

- ☐ GRANTED and NEXT HEARING & DATE: _____
- ☐ DENIED
- ☐ HEARING ON MOTION TO CONTINUE TO BE HEARD ON: _____

Basis for order/comments: _____

_____

_____

Dated

BY THE COURT:

_____

CHRISTINA L. KLINGER
Circuit Court Judge