SD vs. _____ ____CRI/MAG_____

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF _____)

IN CIRCUIT COURT

SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,
Plaintiff,

vs.

_____,
Defendant.

__CRI/MAG ____-____

FINDINGS OF FACT
ON BOND HEARING

The Defendant came before the Court on ____ day of _____, 20__ for
□ initial appearance □ bond hearing □ detention hearing □ Other _____.
Appearances:
□ State: _____
□ Defendant □ Defendant's Attorney: _____

IN CONSIDERATION OF ALL REASONS CONTAINED IN SDCL 23A-43 AND SPECIFICALLY FOR THE FOLLOWING REASONS:

Employment	**Failures**	**Probation**	**Offenses**	**Danger**
☐ Employed ☐ Unemployed ☐ Good community ties ☐ Poor community ties	☐ Past Failures to Appear ☐ Prior bond violations ☐ Failures to comply with court orders	Present charges committed while defendant is: ☐ On parole ☐ On probation ☐ Out on bail ☐ On conditions	☐ Felony ☐ Misdemeanor ☐ Multiple offenses ☐ Prior felonies ☐ Prior misdemeanors ☐ Same charge as prior convictions ☐ Recent in time	☐ Victim(s) ☐ Minor(s) ☐ Witnesses ☐ Family members ☐ Co-workers ☐ Any other person including self
☐ Offenses:				
Considered pursuant to SDCL 23A-43-4: ☐ Weight of the evidence; ☐ Residence; ☐ Family or other ties to community; ☐ Character and mental condition/mental health assessment; ☐ Financial resources; ☐ Flight risk; ☐ Poses danger to any person in the community				
Other:				
☐ **Pursuant to SDCL 23A-43-21, the Court finds that there has been a showing of a material breach of a condition of release without good cause which requires that the Defendant remain in custody until this matter is discharged by due course of law.**				

In light of the foregoing, the nature & circumstances of the offense charged, the weight of the evidence against the defendant, the defendant's family ties, employment, financial resources, character and mental condition, the length of residence in the community, record of convictions, record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings, the Court makes the following findings:

Release on PR bond □ will □ will not reasonably assure the appearance of the defendant as required.

Defendant □ does □ does not pose a danger to any person or the community.

****APRIL 2024****

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IT IS HEREBY ORDERED that bond is set as follows:
☐ **PR Bond**
☐ **Third party bond** Name:_____ Address: _____ Phone:(__)___-_____
☐ **Cash or Surety $_____**
☐ **Cash $_____**
☐ **No Bond**
Bond set by: Judge_____/ Schedule: _____/ Warrant: _____/Other:_____

CONDITIONS OF BOND

****CO please read applicable conditions to Defendant**
□ No contact with: _____ **Def: ___ CO: __**
□ Vacate residence at: _____ **Def: ___ CO: __**
□ Appear at all court appearances. **Def: ___ CO: __**
□ Obey all laws State, Federal, Municipal and Tribal, including traffic offenses. **Def: ___ CO: __**
□ No possession or consumption of alcohol, controlled substances, marijuana or any intoxicants. **Def: ___ CO: __**
□ No entry into or loitering around bars or drinking establishments or where alcohol is the primary source of business, casinos or gambling establishments or vape/smoke shops. **Def: ___ CO: __**
□ Submit to PBT or UA at the request of law enforcement officer. **Def: ___ CO: __**
□ Allow law enforcement officers to search vehicle, residence or person for alcohol, controlled substances, marijuana or any intoxicants. **Def: ___ CO: __**
□ No driving. **Def: ___ CO: __**
□ No possession of weapons/firearms. **Def: ___ CO: __**
□ Sign wavier of extradition. **Def: ___ CO: __**
□ Submit to twice daily PBTs between 7:00 – 9:00 a.m. and 7:00 – 9:00 p.m. at the (Sheriff's office, Police department, jail) at Defendant's expense with immediate detention if alcohol is detected or Defendant is late. **Def: ___ CO: __**
□ Submit to and pay all costs for __ drug tests per _____ as scheduled with (Sheriff's office, Police department, jail) with immediate detention authorized if positive, if unable to provide a sample at the designated time or Defendant is late. **Def: ___ CO: __**
□ No contact with persons under 18 years of age. **Def: ___ CO: __**
□ Abide by any judgment or other court order imposing any sentence or conditions. **Def: ___ CO: __**
□ Abide by all previously set bond conditions as well as any current probation or parole conditions while on bond in the above file(s). **Def: ___ CO: __**
□ Evaluation and follow through with recommendations/engage in counseling. **Def: ___ CO: __**
□ Not to leave the State of South Dakota without advanced permission from the Court. Restriction on travel:_____**Def:____ CO:** ____
□ Keep his/her attorney advised of whereabouts at all times. **Def: ___ CO: __**
□ Maintain weekly contact with attorney. **Def: ___ CO: __**
□ Must test negative for all substances prior to release. **Def: ___ CO: __**
□ Other: _____**Def: ___ CO: __**
PENALTIES for violation of possession or consumption of alcohol, marijuana or controlled substance is immediate detention. A warrant for arrest may be issued upon violation of the conditions of bond. **Def: ___ CO: __**
BREACH OF THESE CONDITIONS MAY RESULT IN DETENTION AND A WARRANT FOR ARREST WILL BE ISSUED UPON VIOLATION.

□ **NEXT HEARING DATE& TIME -** In custody: _____Out of custody:_____ **Def: ___ CO: __**

Dated this _____ day of _____, 20_____.

BY THE COURT:

_____
Sixth Circuit Court Judge
Sixth Circuit Magistrate Judge
Sixth Circuit Clerk Magistrate

ATTEST:
_____
CLERK OF COURTS
BY:_____
Deputy Clerk of Courts

_____
CORRECTIONAL OFFICER by standing order

SD vs. _____ ____CRI/MAG_____
Defendant(Last)_____ (First)_____ DOB:_____
Charge(s): _____
PCN: _____ Arrest date:_____ Judge: _____
Alleged victim initials and DOB: _____Alleged victim(s) address:_____

3rd PARTY POSTING BOND

_____ I agree to take custody of _____, defendant, and to supervise the defendant as set forth below. I further agree to use every effort to assure the defendant's appearance at all scheduled hearings before this court and to notify the court immediately if the defendant violates any condition of his/her release or attempts to disappear.

_____ I UNDERSTAND THAT ANY CASH BOND POSTED IMMEDIATELY BECOMES THE PROPERTY OF THE DEFENDANT AND WILL BE USED TO PAY THE DEFENDANT'S FINES, COSTS, COURT-APPOINTED ATTORNEY FEES AND RESTITUTION. IF ANY BALANCE OF BOND REMAINS IT WILL BE RETURNED TO THE DEFENDANT.

_____ _____ _____
Printed name of person posting bond Signature of person posting bond Date

FAILURE TO APPEAR

If the defendant appears as ordered and otherwise obeys and performs the foregoing conditions of this bond, then this bond is declared void. If the defendant fails to obey or perform any of the conditions, payment of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any judge or magistrate having cognizance of the above-entitled matter at the time of such breach. If the bond is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in such court of this state against each debtor joint and severally for the amount above stated together with interest and costs. Execution may be issued, and payment secured as provided by the South Dakota Code of Criminal Procedure and other laws of the State of South Dakota.

It is agreed and understood that this is a continuance bond (including any proceedings on appeal or review) which shall continue in full force and effect until such a time as the undersigned is duly exonerated.

FAILURE TO APPEAR AT THE TIME REQUESTED MAY RESULT IN AN ADDITIONAL CHARGE.

I _____, understand the methods and conditions of my release which have been checked and initialed by me above and the penalties and forfeitures applicable in the event I violate any condition or fail to appear as required. I agree to comply fully with each of the obligations imposed on my release and to notify this Court promptly in the event that I change the address indicated below.

Defendant signature: _____ Date: _____ DOB: _____
Address: _____ City: _____ State: _____ Zip Code: _____
Home Phone: _____ Cell Phone: _____

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RELEASE

Your copy of this Order/Bond constitutes your authority for the commitment of the defendant until such time all conditions of release are complied with. You are directed to produce the defendant before the appropriate magistrate or judge at the time and place specified above if the defendant is still in your custody.
Based upon the above, it is ORDERED that the defendant may be released upon compliance with all terms and conditions set forth herein.

DATE:_____ CO#_____ CO Printed Name:_____

I agree that I have reviewed each of the above bond conditions with the defendant prior to signing this document.

CO Signature: _____

Clerk of Court: 605-_____ State's Attorney: 605_____

Arresting Agency:_____ Sheriff's office _____Police Dept. ____ Highway Patrol: ____ Other:_____

Copies to: prosecuting attorney, defendant, _____ County Clerk