

SOUTH DAKOTA JUDICIAL SYSTEM

Supreme Court

Chief Justice and Four Justices

- ◆ Original jurisdiction in cases involving interests of state
- ◆ Issues original and remedial writs
- ◆ Renders advisory opinions to Governor on issues involving executive power
- ◆ Appellate jurisdiction over circuit court decisions
- ◆ Rule-making power over lower court practice and procedure
- ◆ Administrative control over Unified Judicial System
- ◆ Controls admissions to and disciplines members of the State Bar

Circuit Court

7 Presiding Judges and 31 Circuit Court Judges in 7 Circuits

- ◆ Original jurisdiction in all civil and criminal actions
- ◆ Exclusive jurisdiction in felony trials, arraignments and all types of civil actions except areas of concurrent jurisdiction shared with magistrate courts
- ◆ Appellate jurisdiction over magistrate court decisions

Magistrate Court

Clerk Magistrate

Functions usually performed by clerks

- Concurrent jurisdiction with circuit courts to:
- ◆ Receive depositions
 - ◆ Issue warrants
 - ◆ Conduct certain preliminary hearings
 - ◆ Set bail
 - ◆ Appoint counsel
 - ◆ Accept pleas for Class 2 misdemeanors
 - ◆ Conduct hearings for petty offenses
 - ◆ Render judgments for uncontested small claims
 - ◆ Perform marriages

Magistrate Judge

10 full time, 4 part time in 7 circuits

Conducts:

- ◆ Preliminary hearings for all criminal prosecutions
- ◆ Trials of criminal misdemeanor
- ◆ Trials of civil actions if the debt, damage, claim or value of the property involved does not exceed \$10,000
- ◆ Small claims proceedings if the debt, damage, claim, or value of the property involved does not exceed \$8,000