

STATE OF SOUTH DAKOTA)
) :SS
COUNTIES OF PENNINGTON,)
FALL RIVER/OGLALA LAKOTA,)
AND CUSTER)

IN CIRCUIT COURT

SEVENTH JUDICIAL CIRCUIT

CIV. 2020-

ADMINISTRATIVE ORDER
REGARDING
CASE PROCESSING

It is hereby ordered that, effective immediately and consistent with the Order of the Supreme Court dated March 13, 2020 declaring a judicial emergency, the following additional case processing guidelines will in place for all 7th Circuit Court criminal court cases:

1. Felony Court Arraignments may be held via sworn affidavit of the Defendant. The affidavit must contain language acknowledging that the Defendant fully understands all his or her constitutional and statutory rights, the charge or charges in the information or indictment, has received or reviewed a copy of the information or indictment, including the elements of the charge or charges, the potential maximum penalties for each charge, including any mandatory minimum sentence(s), as well as the pleas available to him or her, and the plea to be entered. Only not guilty and not guilty by reason of insanity pleas may be entered by affidavit of the Defendant.
2. Defendant's personal appearance in court is waived for all hearings in which no substantive action is taken, including status or scheduling hearings, as well as standard non-evidentiary motion hearing. Motions for continuance, and standard non-evidentiary motions may be submitted to and ruled on by the Court without the personal presence of the Defendant or Defendant's counsel, at the Court's discretion, through email to the court in lieu of hearing.
3. All efforts will be made to schedule with no more than five individual case hearings during any 15 minute session hearing block;
4. Continuances shall be liberally granted;
5. At all hearings other than trials, the defendant and any necessary witnesses may appear by ITV or by telephonic or other electronic means. If a Defendant objects to a witness appearing via ITV, by telephonic or other electronic means, the court may grant a continuance to when the emergency order of the Supreme Court is no longer applicable;

6. Counsel for the defendant may appear at all hearings in which the only charge is a misdemeanor without a written waiver from the defendant in the court file, except for a change of plea and/or a sentencing for Class One misdemeanors;

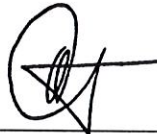
7. Plea and sentencing by waiver and affidavit is expressly encouraged;

8. Dispositional conferences are not required for any Defendant represented by counsel;


These restrictions will remain in place until further notice. These restrictions are subject to change at any time.

Dated this 23 day of March, 2020.

BY THE COURT:



Hon. Craig A. Pfeifle
Presiding Judge

ATTEST 
Ranae Truman, Clerk of Court



By _____

Pennington County, SD
FILED
IN CIRCUIT COURT
MAR 19 2020

Ranae Truman, Clerk of Courts

By  Deputy Clerk