

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAY 18 2021

Shif A. Johnson Lead
Clerk

* * * *
RE:

STATE OF SOUTH DAKOTA)
COUNTY OF PENNINGTON)SS

IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

IN RE THE ADMINISTRATION OF)
THE SEVENTH JUDICIAL CIRCUIT)
)
)
)
)

ORDER APPROVING
SECOND AMENDED ORDER
ON JURY TRIALS
IN PENNINGTON COUNTY

By the Court's Order of March 13, 2020, Declaring Judicial
Emergency COVID-19 Disease the South Dakota Supreme Court declared the
existence of a judicial emergency pursuant to SDCL 16-3- 11 through 15
and pursuant to the Court's authority to administer justice and to
ensure the safety of court personnel, litigants and the public, it is

ORDERED that the attached Second Amended Order on Jury
Trials in Pennington County dated May 14, 2021, be and it is hereby
approved in its entirety.

IT IS FURTHER ORDERED that this order shall remain in effect
until further order of the Court.

DATED at Pierre, South Dakota this 18th day of May, 2021.

BY THE COURT:

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

[Signature]
Steven R. Jensen, Chief Justice

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF PENNINGTON)
STATE OF SOUTH DAKOTA,)
)

IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

2nd AMENDED ORDER ON JURY TRIALS IN PENNINGTON
COUNTY

In light of the public health concerns presented by COVID-19, the Seventh Judicial Circuit Court Judges have determined that current public health restrictions require updated jury trial procedures. Courtroom space and seating requires the Circuit to use multiple courtrooms at one time to accommodate jury trials and ensure that lawyers, parties, employees, and potential jurors can maintain some physical distancing. Because of these capacity limitations, the Seventh Judicial Circuit Court judges will limit the number of jury trials to be held at any one time; all cases will be placed on a Master Jury Trial Calendar. This Order applies to all trials, whether in Circuit or Magistrate Court. Jury trials commenced in this fashion will continue as outlined by this Order until further order of the Court.

Priority of Cases

The Court will create and publish a Master Jury Calendar for all trials. The cases will be tried in the listed order and on the date indicated. Incarcerated defendants whose cases are the oldest will take priority. The Master Jury Trial Calendar will be maintained by the office of the Clerk and published regularly at

https://uj.s.sd.gov/Seventh_Circuit/Links/Resources.aspx. It is the responsibility of trial counsel to check the priority list for case standing; neither the Court nor clerks will be required to update parties or counsel on case status. Cases expected to be tried during a trial week will be highlighted on the master calendar for ease of review by counsel.

If a higher priority case resolves, the parties next in line on the Master Calendar will try their case. This master jury trial order contemplates up to 2 trials, including jury selection, occurring simultaneously. In an example master jury week, trials are set as follows:

- # 1—Monday trial, 4 days
- # 2—Tuesday trial, 2 day
- # 3 - Tuesday trial, 1 day
- # 4 -Thursday trial, 1 day

Without overlapping more than 2 jury trials, #1,#2 and #4 would we tried.

The trial will start on the date originally scheduled. *It is the obligation of trial counsel to reset your non-tried cases with your trial judge for a status conference, at which hearing a new trial week will be given.*

All trial dates as currently set remain on the docket; they will be prioritized per the Master Jury Calendar. Counsel must comply with all existing Court orders for comprehensive and timely discovery, disclosure, and motion practice. **Absent extraordinary circumstances, which will not include failure to timely prepare or anticipate deadlines, busy schedules, administrative delays, expert witness availability, and the like, the Court will not grant continuances of the trial date, notwithstanding stipulation**

by the parties. If you ask your trial judge for a trial date, and your case is placed on the Master Jury Trial Calendar, you will be expected to be ready to try the case during that week. Counsel must notify law enforcement witness, forensic or lab witnesses, expert witnesses, and all other interested persons of the trial date to ensure compliance with this Order; all subpoenas needed must be timely issued. Any request for witnesses to testify via video must be presented to the trial judge at least two weeks BEFORE your trial week.

Resolution deadline

The Court is imposing a deadline of one week prior to your trial week for resolution by plea. *For example, if the trial is scheduled for Thursday of the following week, notice of resolution must be provided to the Court by the Monday of the week prior.* Counsel are required to notify the Court and the Court's administrative staff as soon as they have a plea agreement. The Master Jury Trial Calendar will be updated, and posted so the attorneys and parties next in line will be given the most possible time to prepare. **However, counsel should always be ready to try their case during their master calendar trial week, as matters may resolve or be delayed by unforeseen circumstances.**

Jury Selection

The jurors will be seated apart from one another in the audience section of the trial courtroom for jury selection, and remain there during the trial. Additional members of the venire panel may be in another courtroom

watching via Zoom or some other audiovisual platform or listening over the speaker to the questions posed; and called into the trial courtroom as challenges are exercised. **Only those directly involved with the trial will be allowed in the courtroom; a separate video link and spectator viewing area will be established for each trial.**

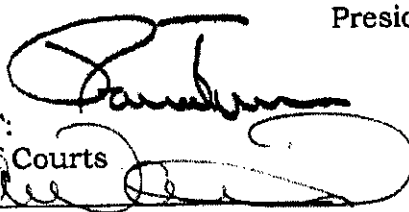
The trial court will closely monitor and set necessary limits on voir dire consistent with due process and the need to limit exposure for our jurors. This Order supersedes any existing trial orders to the extent the orders are in conflict.

Dated this 14 day of May, 2021.

BY THE COURT:



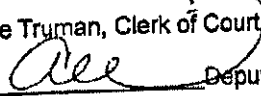
Craig A. Pfeiffer
Presiding Seventh Judicial Circuit Judge


ATTEST:
Clerk of Courts
By: _____
Deputy



Pennington County, SD
FILED
IN CIRCUIT COURT

MAY 14 2021

Ranae Truman, Clerk of Courts
By  Deputy