

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

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IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

ORDER REGARDING SEVENTH CIRCUIT
COVID-19 PROTOCOL

In the interests of justice, security, and maintenance of the orderly processes of the Court, and following the declaration of a Judicial Emergency by the South Dakota Supreme Court, it is hereby

ORDERED the Seventh Circuit Court will implement the following immediate steps to help reduce the spread of Covid-19, to remain in effect until further Order:

- (1) Cases will be prioritized for in-custody defendants.
 - i) Bonds will be reviewed for all non-violent offenders; the jail population review team will analyze and recommend release conditions for the judge;
 - a) In-custody defendants shall receive priority scheduling for hearing and trial;
 - b) Quarantined custodial defendants must appear at all hearings via video conferencing;
 - c) Defense and State are required to explore and implement all efforts to resolve cases that can be resolved;
 - d) Court service officers must:
 - i) Critically review any violation reports or requests and place those on hold unless determined necessary (violent offenses)
 - ii) Critically analyze use of any mandatory sanction required pursuant to the Application of Supervisory Responses (ASR) established by SDCL 23A-48-7 and SDCL 23A-48-9, and may defer said sanction, so long as such deferral has been reviewed and approved by the Chief or Deputy Chief Court Services Officer;
 - iii) Critically analyze in person contact requirements, to include contact options other than office visits and/or in office substance testing;
 - e) All Magistrate court no-shows will be given continuances for public health; all circuit court no shows for all cases except violent felonies will be given continuances for public health;
- (2) Jury trials:
 - a) All civil jury trials are hereby continued for a minimum of 30 days;

- b) Any non-custodial defendant jury trials may be continued for 30 days due to public health concerns.
 - c) Custodial defendant jury trials will receive first priority;
 - d) Any juror who believes they are symptomatic, is self-quarantined, is at risk population member, or has other Covid-19 issue will be excused from service;
 - e) Jury clerks and the court must work to establish social distance between each juror for all trial held
 - f) If a custodial defendant scheduled for jury trial is positive for Covid-19, order a continuance for public health concerns, to be considered good cause delay;
 - g) All non-evidentiary civil court hearings are ordered to be held telephonically; all other appearance that can be held via telephone or ITV will be so scheduled
- 3) Pennington County Problem Solving Courts:
- a) Each court may set sessions and client contacts as best fits each court needs. Court session postponements and or more limited contacts with clients are approved.
- 4) Further orders will be implemented as conditions change.

Dated this 16th day of March, 2020.

BY THE COURT:



Craig A. Pfeifle
Presiding Seventh Circuit Judge

ATTEST:



Clerk of Courts

By: _____
Deputy



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COVID-19 ORDER

Pennington County, SD
FILED
IN CIRCUIT COURT

MAR 17 2020

Ranae Truman, Clerk of Courts

By: _____ Deputy  Clerk

