

STATE OF SOUTH DAKOTA

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IN CIRCUIT COURT

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COUNTY OF BROOKINGS

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THIRD JUDICIAL CIRCUIT

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Civ. 20-\_\_

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IN RE THE ADMINISTRATION OF  
THE THIRD JUDICIAL CIRCUIT

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ADMINISTRATIVE ORDER #1

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RE: COVID-19 PANDEMIC RESPONSE

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Pursuant to the March 13, 2020 South Dakota Supreme Court Order Declaring Judicial Emergency, as well as applicable provisions of SDCL 16-2-21, in dealing with the COVID-19 Pandemic, the Honorable Gregory J. Stoltenburg, Presiding Judge of the Third Judicial Circuit, enters the following administrative order,

**IT IS HEREBY ORDERED** that whenever SDCL 15-5A permits a hearing to be conducted by ITV, with the permission of the judge hearing the case, parties and/or counsel are permitted to appear by telephone;

**IT IS FURTHER ORDERED** that if law enforcement testing is not available to perform any HOPE probation testing in any THIRD Circuit county, court services will perform periodic testing of the probationer in lieu of the normal HOPE probation testing;

**IT IS FURTHER ORDERED** that if any 24/7 testing center in the Third Circuit determines it cannot continue to provide 24/7 testing in whole or in part, the circuit court judge assigned to the criminal docket in that county, as well as the presiding judge, shall work with that 24/7 testing center to discuss the length and extent of the cessation of testing, with the goal of making any cessations as short and limited as possible;

**IT IS FURTHER ORDERED** that if 24/7 testing becomes unavailable in any county in which it was available when a permit was issued, any driving permit that has been issued pursuant to SDCL 32-23-23 or other law is subject to being continued or revoked by the issuing judge as that judge determines appropriate based upon the circumstances of the individual case;

**IT IS FURTHER ORDERED** that any mandatory sanction required pursuant to the Application of Supervisory Responses (ASR) established by SDCL 23A-48-7 and SDCL 23A-48-9, may be deferred, so long as such deferral has been reviewed and approved by the court services officer with approval from the deputy or chief court services officer of the Third Circuit. In consultation and with approval from the chief or deputy chief courts services officer of the Third Circuit, in person contact requirements with probationers may be waived;

**IT IS FURTHER ORDERED** that all jury trials shall be continued for a minimum of 30 days. The only exception is for criminal jury trials where the defendant is incarcerated and there are constitutional considerations regarding the defendant's right to a speedy trial;

**IT IS FURTHER ORDERED** that in addition to being mindful of any restrictive policies that are put in place by county commissions that control their respective county buildings, all judges, court services officers, clerks of court, and other court staff in each county shall adopt practices to encourage social distancing in all interactions and shall adopt schedules which will result in smaller groups of participants and spectators in courtrooms;

**IT IS FURTHER ORDERED** that this Order shall continue in effect, unless modified, extended, or terminated by the Presiding Judge, or superseded by the South Dakota Supreme Court.

Dated this 16<sup>th</sup> day of March, 2020.

BY THE COURT:



Gregory J. Stoltenburg  
Presiding Circuit Judge

ATTEST:

