

STATE OF SOUTH DAKOTA,
Plaintiff,
vs.

Defendant.

CR.

**MOTION AND
ORDER FOR DELAY**

Motion

Requested by: Prosecution Defense: Today's Date: _____

I request that trial on this matter be delayed for: Trial Cycle(s) or _____

Number of Prior Requests: Prosecution Defense Does the Other Party Object?

Reason for Requested Delay:

_____ In signing this motion on behalf of my client, I am representing to the Court that I have
Counsel for Defendant spoken with my client about the motion, have explained to my client the effect of the
180-day waiver, and have obtained my client's consent to file the motion.

_____ I hereby consent to a Motion for Delay being filed on my behalf. I understand that this
Defendant (optional) motion means that the delay requested is excluded from counting under
SDCL 23A-44-5.1 (Trial Within 180 Days of First Appearance).

_____ If delay is requested by the Prosecution, is Prosecution requesting the extent of the
Prosecution/State delay be excluded from counting under SDCL 23A-44-5.1? Yes No
If yes, reason for requested exclusion:

Order

The Motion for Delay is: GRANTED DENIED. If Granted, new dates are:

_____ **Motions, Plea, Reset and Trial Deadline.** The parties shall file with the Court any motions other than
standard pretrial motions by this date. Briefs from the moving party are due 10 days prior to the hearing with the
reply brief due 5 days prior to the hearing. Counsel for the Defendant shall notify the Court, the State, and Court
Administration by NOON on this date whether: (1) a plea agreement has been reached, and if so, the plea must be
scheduled; (2) the case is to remain on the trial calendar, and if so, the parties must inform the Court and Court
Administration of the number of days required for trial, the Defendant's custody status, and whether any motions
must be heard before trial; or (3) if it is a request for reset, counsel must submit a Motion and Order for Delay to the
Court by this deadline. If counsel for the Defendant is not authorized to proceed at this Court-ordered deadline, a
bench warrant will be issued for failure of the Defendant to maintain contact with counsel and meet this deadline.

_____ **Trial Reset Deadline.** If there is a request for reset of the trial, counsel must submit the approved
Motion and Order for Delay to the Court by 5 pm on this date. A plea agreement reached after this deadline in a case
left on the trial list will result in an Open Plea.

_____ **Trial Week.** Trial begins at 8:30 am

DATED this day of , 20 .

ATTEST: Angelia Gries, Clerk of Courts

_____, by Deputy

Circuit Court Judge