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| STATE OF SOUTH DAKOTA |) | IN CIRCUIT COURT |
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| COUNTY OF HUGHES |) | SIXTH JUDICIAL CIRCUIT |
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| STATE OF SOUTH DAKOTA, |) | |
| Plaintiff, |) | Case no. _____ |
| |) | |
| vs. |) | MOTION FOR CONTINUANCE |
| |) | AND ORDER REGARDING |
| _____, |) | MOTION FOR CONTINUANCE |
| Defendant. |) | |
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This Motion for Continuance from the _____ (*hearing and date*) being made (check one):

- Jointly
- By the State without opposition
- By the State with opposition
- By the Defendant without opposition
- By the Defendant with opposition

Number of Prior Requests: _____ Prosecution _____ Defense

Does the Other Party Object? _____

A continuance is requested for the following reasons: _____

The following efforts have been made to address the issues set forth above: _____

The plan to further address the issues and have the case ready for trial is: _____

Amount of time requested prior to the next hearing date: _____

It is expected the case will be ready for trial on or about: _____ (*if date is unknown, include approximate amount of time, i.e. days, weeks months*)

This _____ day of _____, 20____.

_____ In signing this motion on behalf of my client, I certify to the Court that I have 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 and consent that the delay will be excluded from counting under SDCL 23A-44-5.1.

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

_____ In signing this motion, I represent to the court that I have been unable to locate and/or communicate with my client but that I have attempted to do so to no avail.

_____ 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 ON MOTION FOR CONTINUANCE

Upon consideration of the foregoing Motion for Continuance, it is hereby ORDERED and ADJUDGED that the same is:

GRANTED and NEXT HEARING & DATE: _____

DENIED

HEARING ON MOTION TO CONTINUE TO BE HEARD ON: _____

Basis for order/comments: _____

Dated

BY THE COURT:

CHRISTINA L. KLINGER
Circuit Court Judge