



STATE OF SOUTH DAKOTA
THIRD JUDICIAL CIRCUIT COURT

Counties

GREGORY J. STOLTENBURG

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*Beadle, Brookings, Clark
Codington, Deuel, Grant
Hamlin, Hand, Jerauld
Kingsbury, Lake, Miner
Moody and Sanborn*

http://ujs.sd.gov/Third_Circuit/

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THIRD CIRCUIT POLICY – 04-05-P

PSI Preparation and Distribution

To improve the efficiency and cost of providing Presentence Investigation Reports (PSI) from the court to attorneys handling criminal cases in the Third Circuit, the court approves distribution of such reports to the attorneys via an electronic transmission via the UJS Odyssey System to the prosecuting attorney and the defense attorney of record in criminal cases in which a PSI is ordered pursuant to SDCL 23A-27-7. The following Circuit Policy shall not change, limit, or modify the statutes pertaining to Presentence Investigations and reports set out in SDCL Chap. 23A-27. Further, it shall not override any records retention policy established by the Unified Judicial System. To ensure compliance with the confidentiality and other requirements of SDCL Chap. 23A-27, the court orders as follows for any PSI provided via electronic transmission:


PSI Preparation: Prior to the completion of a court-ordered PSI, the Court Services Officer shall have in their working file a signed Order for Presentence Investigation (UJS 500).

PSI Distribution: Upon completion of a PSI by a Court Services Officer, the officer shall file the PSI with the Clerk of Court in the county of prosecution through the UJS Odyssey system at least 72 hours before the time set for sentencing. The PSI will then be available to the attorneys of record through the UJS Odyssey System at the time the filing is accepted. The attorneys receiving a PSI via the UJS Odyssey System are authorized to print only one copy for preparation, review with their client, and use at sentencing. A Court Services Officer may not provide a PSI via electronic email attachment to a pro se defendant or any attorney. If the Defendant is not represented, the Defendant shall be notified by Court Services that the PSI is completed and the Defendant may come to the Court Services Office to review the same. If the Defendant is incarcerated, the Court Services Officer shall personally review the PSI with the Defendant prior to sentencing.

PSI Collection: It shall be the responsibility of the attorneys to return, immediately following sentencing, their copy of the PSI to the Court Services Officer who prepared the report without making additional copies of the PSI or otherwise marking or making notations on their individual copy. Should the attorneys fail to return the PSI immediately following sentencing or if it is found that additional copies of the PSI were made by counsel or saved in an electronic format, the attorney shall no longer be entitled to the privileges afforded by this policy, and the attorney shall only be allowed to inspect the PSI in the presence of the Court Services Officer who prepared the report. In such cases, the attorney shall be allowed to make notes as to the substance and information contained in the PSI. If the Defendant being sentenced does not receive a penitentiary term, one of the copies shall be retained in the Court Services working file per the current records retention schedule and other copies shall be destroyed. If the Defendant is sentenced to the penitentiary, or placed under Department of Corrections supervision, one copy is retained in the Court Services working file per the current records retention schedule and another is sent to the warden of the South Dakota State Penitentiary. Any other copies shall be destroyed.

The Clerk of Courts or Court Services may provide copies of the PSI to all federal and state probation agencies and the board of pardons and parole upon request and without a court order.

Dated this 29th day of October, 2019.



Gregory J. Stoltenburg
Presiding Judge
Third Judicial Circuit

Affirmed 7/04
Amended 6/9/2011
Amended 10/29/19