



STATE OF SOUTH DAKOTA
THIRD JUDICIAL CIRCUIT COURT

314 Sixth Avenue, Brookings, South Dakota 57006

Circuit Judges

Dawn M. Elshere
Carmen A. Means
Patrick T. Pardy
Kent A. Shelton
Robert L. Spears
Gregory J. Stoltenburg

Magistrate Judges

Abigail A. Howard
Patrick J. McCann

Counties

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

Third Circuit Preliminary Hearing Policy

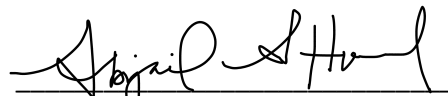
IT IS HEREBY ORDERED that the following **Third Circuit Preliminary Hearings Policy for Felony DUI and Felony Simple Assault** shall be effective June 8, 2020.

This policy is adopted as a result of inconsistency in how Judges in the Third Circuit have been handling requests for preliminary hearings on cases charged out as felony DUI and felony simple assaults. Consequently, some clarification and consistency is needed.

Although there is some authority that a defendant may not be entitled to a preliminary hearing on these type of cases, we have determined that the more cautious approach is to grant preliminary hearings, rather than restrict their use. Obviously, the use of a Grand Jury can also be utilized to determine probable cause and obviate the need for a preliminary hearing.

Therefore, unless further clarified or changed by the legislature or the South Dakota Supreme Court, the policy of the Third Circuit will be to grant requests by defense counsel for preliminary hearings on all felony DUI and felony simple assault cases.


Dawn A. Elshere, Circuit Court Judge



Abigail A. Howard, Magistrate Judge


Patrick J. McCann, Magistrate Judge


Carmen A. Means, Circuit Court Judge


Patrick T. Pardy, Circuit Court Judge


Kent A. Shelton, Circuit Court Judge


Robert L. Spears, Circuit Court Judge


Gregory J. Stoltenburg, Presiding Judge