

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

MAR 16 2020

*Shirley A. Johnson-Lopez*  
Clerk

\* \* \* \* \*  
RE:

STATE OF SOUTH DAKOTA )  
COUNTY OF YANKTON ) SS

IN CIRCUIT COURT  
FIRST JUDICIAL CIRCUIT

IN RE THE ADMINISTRATION OF )  
THE FIRST JUDICIAL CIRCUIT )  
)  
)  
)  
)  
)

ORDER APPROVING  
ADMINISTRATIVE ORDER #1  
RE: COVID-19 PANDEMIC RESPONSE

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By the Court's Order of March 13, 2020, Declaring Judicial  
Emergency COVID-19 Disease the South Dakota Supreme Court declared the  
existence of a judicial emergency pursuant to SDCL 16-3- 11 through 15  
and pursuant to the Court's authority to administer justice and to  
ensure the safety of court personnel, litigants and the public, it is

ORDERED that the attached Administrative Order #1 Re:  
Covid-19 Pandemic Response of the First Judicial Circuit be and it is  
hereby approved in its entirety.

IT IS FURTHER ORDERED that this order shall remain in effect  
until further order of the Court.

DATED at Pierre, South Dakota this 16th day of March, 2020.

BY THE COURT:

*David Gilbertson*  
David Gilbertson, Chief Justice

ATTEST  
*[Signature]*  
Clerk of the Supreme Court  
(SEAL)

**FILED**  
MAR 16 2020

Civ. 20-1

IN RE THE ADMINISTRATION OF  
THE FIRST JUDICIAL CIRCUIT

*Opdy & Johnson*  
Yankton County Clerk of Court

ADMINISTRATIVE ORDER #1  
RE: COVID-19 PANDEMIC RESPONSE

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 Cheryle Gering, Presiding Judge of the First Judicial Circuit, enters the following administrative order,

**IT IS HEREBY ORDERED** that the 2020 assignment order is modified in that all First Circuit magistrate and circuit judges in the First Circuit are authorized to hear cases in all fourteen (14) counties of the First Circuit that are within their respective statutory jurisdictions. If a regularly assigned judge is not able or available to hold court in their county, any available First Circuit judge of competent jurisdiction will be directed by the presiding judge to cover that county;

**IT IS FURTHER ORDERED** that if no judge is available, regular motion days and other hearings or trials scheduled to be heard in any county in the First Circuit are subject to being cancelled by the presiding judge;

**IT IS FURTHER 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 the circuit judge assigned to the criminal court docket in each county in the First Circuit, with input from any assigned magistrate judge or clerk magistrate in that county, has the authority to alter the First Circuit Arrest & Bond Procedures and the Fine and Bond Schedule for Use by Clerk Magistrates to provide for unsecured bonds in lieu of secured bonds;

**IT IS FURTHER ORDERED** that if law enforcement testing is not available to perform any HOPE probation testing in any First 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 First 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 staffed by the court services officer with the deputy or chief court services officer of the First Circuit;

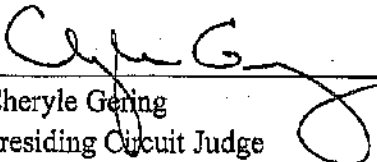
**IT IS FURTHER ORDERED** that whenever possible, with consultation between the judge, parties and counsel, jury trials scheduled in March and April in the First Circuit shall be continued as there is good cause for the continuances in light of the COVID-19 pandemic;

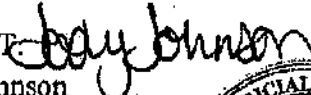
**IT IS FURTHER ORDERED** that in addition to being mindful of any restrictive policies that are put in place by county commissions that control their respective county buildings, all judges, court services officers, clerks of court, and other court staff in each county shall adopt practices to encourage 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 through April 30, 2020, unless modified, extended, or terminated by the Presiding Judge.

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

BY THE COURT:

  
Cheryle Gering  
Presiding Circuit Judge

ATTEST:   
Jody Johnson  
Yankton County Clerk



