

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

MAR 17 2020

*Shif A. Johnson Legd*  
Clerk

\* \* \* \*

RE:

STATE OF SOUTH DAKOTA )  
COUNTY OF MEADE ) SS

IN CIRCUIT COURT  
FOURTH JUDICIAL CIRCUIT

IN RE THE ADMINISTRATION OF )  
THE FOURTH JUDICIAL CIRCUIT )  
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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 Fourth 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 17th day of March, 2020.

BY THE COURT:

ATTEST:

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

*[Signature]*  
David Gilbertson, Chief Justice

STATE OF SOUTH DAKOTA

)

IN CIRCUIT COURT

COUNTY OF MEADE

:SS

FOURTH JUDICIAL CIRCUIT

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Civ. 20-1

IN RE THE ADMINISTRATION OF THE FOURTH JUDICIAL CIRCUIT

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 Michael W. Day, Presiding Judge of the Fourth Judicial Circuit, enters the following administrative order;

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

IT IS FURTHER ORDERED that if law enforcement testing is not available to perform any HOPE probation testing in any Fourth 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 Fourth 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 reviewed and approved by the court services officer with approval from the deputy or chief court services officer of the Fourth Circuit. In consultation and with approval from the chief or deputy chief courts services officer of the Fourth Circuit, in person contact requirements with probationers may be waived;

IT IS FURTHER ORDERED that all jury trials shall be continued for a minimum of 30 days. The only exception is for criminal jury trials where the defendant is incarcerated and there are constitutional considerations regarding the defendant's right to a speedy trial;

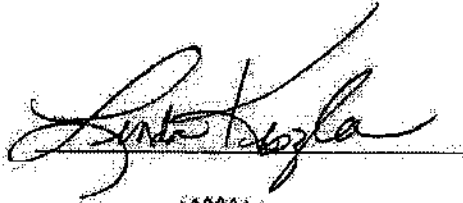
**IT IS FURTHER ORDERED** that in addition to being mindful of any restrictive policies that are put in place by county commissions that control their respective county buildings, all judges, court services officers, clerks of court, and other court staff in each county shall adopt practices to encourage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

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

BY THE COURT  
  
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Michael W. Day  
Presiding Circuit Judge

ATTEST:

  
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