

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 18 2020

Shif A. Johnson
Clerk

* * * *

RE:

STATE OF SOUTH DAKOTA)
COUNTY OF PENNINGTON)SS

IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

IN RE THE ADMINISTRATION OF)
THE SEVENTH JUDICIAL CIRCUIT)
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ORDER APPROVING
ORDER REGARDING SEVENTH
CIRCUIT COVID-19 PROTOCOL

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 Order Regarding Seventh Circuit COVID-19 Protocol of the Seventh 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 18th day of March, 2020.

BY THE COURT:

David Gilbertson

David Gilbertson, Chief Justice

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

)
)SS.
)

IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

**ORDER REGARDING SEVENTH CIRCUIT
COVID-19 PROTOCOL**

In the interests of justice, security, and maintenance of the orderly processes of the Court, and following the declaration of a Judicial Emergency by the South Dakota Supreme Court, it is hereby

ORDERED the Seventh Circuit Court will implement the following immediate steps to help reduce the spread of Covid-19, to remain in effect until further Order:

- (1) Cases will be prioritized for in-custody defendants.
 - i) Bonds will be reviewed for all non-violent offenders; the jail population review team will analyze and recommend release conditions for the judge;
 - a) In-custody defendants shall receive priority scheduling for hearing and trial;
 - b) Quarantined custodial defendants must appear at all hearings via video conferencing;
 - c) Defense and State are required to explore and implement all efforts to resolve cases that can be resolved;
 - d) Court service officers must:
 - i) Critically review any violation reports or requests and place those on hold unless determined necessary (violent offenses)
 - ii) Critically analyze use of any mandatory sanction required pursuant to the Application of Supervisory Responses (ASR) established by SDCL 23A-48-7 and SDCL 23A-48-9, and may defer said sanction, so long as such deferral has been reviewed and approved by the Chief or Deputy Chief Court Services Officer;
 - iii) Critically analyze in person contact requirements, to include contact options other than office visits and/or in office substance testing;
 - e) All Magistrate court no-shows will be given continuances for public health; all circuit court no shows for all cases except violent felonies will be given continuances for public health;
- (2) Jury trials:
 - a) All civil jury trials are hereby continued for a minimum of 30 days;

- b) Any non-custodial defendant jury trials may be continued for 30 days due to public health concerns.
 - c) Custodial defendant jury trials will receive first priority;
 - d) Any juror who believes they are symptomatic, is self-quarantined, is at risk population member, or has other Covid-19 issue will be excused from service;
 - e) Jury clerks and the court must work to establish social distance between each juror for all trial held
 - f) If a custodial defendant scheduled for jury trial is positive for Covid-19, order a continuance for public health concerns, to be considered good cause delay;
 - g) All non-evidentiary civil court hearings are ordered to be held telephonically; all other appearance that can be held via telephone or ITV will be so scheduled
- 3) Pennington County Problem Solving Courts:
- a) Each court may set sessions and client contacts as best fits each court needs. Court session postponements and or more limited contacts with clients are approved.
- 4) Further orders will be implemented as conditions change.

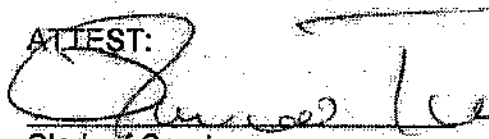
Dated this 16th day of March, 2020.

BY THE COURT



 Craig A. Pfeifle
 Presiding Seventh Circuit Judge

ATTEST:



Clerk of Courts

By: _____
 Deputy



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COVID-19 ORDER

Pennington County, SD
 FILED
 IN CIRCUIT COURT

MAR 17 2020

Ranae Truman, Clerk of Courts

By: _____ Deputy Clerk