

**APPENDIX A. CIRCUIT COURT RULES**  
**(See § 23A-45-12)**

**SECOND JUDICIAL CIRCUIT CRIMINAL RULES.**

**Rule**

CR. ONE	INITIAL APPEARANCE.
CR. TWO	ARRAIGNMENT.
CR. THREE	DISPOSITIONAL CONFERENCE.
CR. FOUR	Repealed by Supreme Court Order dated Aug. 25, 1998.
CR. FIVE	MOTION FOR DELAY.
CR. SIX	LIBRARY.
CR. SEVEN	DRESS CODE.
CR. EIGHT	DISPENSING POWER.
CR. NINE	COURT APPOINTED ATTORNEYS.
CR. TEN	BRIEF TO BE FILED WITH MOTION.

**SECOND JUDICIAL CIRCUIT CRIMINAL RULES**

**CR. ONE INITIAL APPEARANCE**

At the initial appearance, the judge or magistrate may order the following:

- a. a dispositional conference;
- b. a preliminary hearing in a felony case or a class 1 misdemeanor case;
- c. a trial date in a class 2 misdemeanor case; and
- d. a motion deadline or plea bargain deadline or both.

**Source:** SL 1994, ch 402, § 2; Supreme Court Order dated Aug. 25, 1998.

**CR. TWO ARRAIGNMENT**

At arraignment a judge may order the following:

- a. a discovery deadline;
- b. a dispositional conference;
- c. a motion deadline;
- d. a plea deadline
- e. a trial date

**Source:** SL 1994, ch 402, § 2; Supreme Court Order dated Aug. 25, 1998.

**CR. THREE DISPOSITIONAL CONFERENCE**

The defendant, defendant's counsel and the prosecuting attorney must be present at a felony dispositional conference. The defendant need not be personally present at a misdemeanor dispositional conference unless ordered to appear by a judge or magistrate. If the defendant does not wish to appear at the misdemeanor dispositional conference, the defendant must, in writing, authorize defendant's attorney to be able to proceed and dispose of the case.

The prosecuting attorney must reveal the prosecution evidence, including exculpatory evidence, to the defendant.

The parties must discuss any plea bargain offer and if accepted, schedule a date for a guilty plea.

Source: SL 1994, ch 402, § 2; Supreme Court Order dated Aug. 25, 1998.

**CR. FOUR Repealed by Supreme Court Order dated Aug. 25, 1998**

**Historical Notes**

The repealed rule related to the trial management conference.

**CR. FIVE MOTION FOR DELAY**

A party requesting a delay must move in writing suggesting a new date and the number of days, if any, waived from the 180 day rule. The motion and order for delay shall be in the following format, to wit:

STATE OF SOUTH DAKOTA ) ss  
COUNTY OF MINNEHAHA )

IN CIRCUIT COURT  
SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA, )  
Plaintiff,

CR. \_\_\_\_\_  
MOTION FOR DELAY and  
ORDER

vs.

\_\_\_\_\_, )  
Defendant. )

FILED BY: Prosecuting Attorney \_\_\_\_\_  
print name

Defense Attorney \_\_\_\_\_  
print name

DATE OF INITIAL APPEARANCE \_\_\_\_\_

CUSTODY STATUS: Jail Bail Recog.

NUMBER OF PRIOR REQUESTS: Prosecutor \_\_\_\_\_ Defense \_\_\_\_\_

EVENT WITH DATE: Arr. \_\_\_\_\_ Disp. Conf. \_\_\_\_\_ Prel. Hear. \_\_\_\_\_ Trial \_\_\_\_\_  
Plea Barg. Deadline \_\_\_\_\_ Other \_\_\_\_\_

REASONS FOR REQUESTED DELAY: Specify in detail:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DOES OTHER PARTY OBJECT? Yes \_\_\_\_\_ No \_\_\_\_\_ HAVE NOT ASKED \_\_\_\_\_

Pros. Attorney \_\_\_\_\_ Defense Attorney \_\_\_\_\_ Defendant \_\_\_\_\_

\_\_\_\_\_ (signature of requesting attorney) DATE \_\_\_\_\_

