If you have issues viewing or accessing this file contact us at NCJRS.gov.

South Dakota Courts

The State of the Judiciary
and
1994 Annual Report of the South Dakota Unified Judicial System

Chief Justice
Robert A. Miller

January 1995

12-8-95
MFI
155674

155674

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
South Dakota Unified Judicial System
to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Compiled and Published by
The Office of the South Dakota
State Court Administrator
Pierre, South Dakota
January, 1995

1000 copies of this publication were printed by Unified Judicial System at a cost of $2.79 per copy.

155674

State of the South Dakota Judiciary

NCJRS
AUG 9 1995
ACQUISITIONS

Chief Justice
Robert A. Miller

January
1995

STATE OF THE JUDICIARY

Governor Janklow, Legislators, Constitutional Officers, fellow Justices and Citizens:

I am pleased to report that South Dakota's unified judicial system, the UJS, is meeting the challenges of today and preparing for the challenges of tomorrow. Our courts function effectively, and cases are handled in a timely fashion. Still, efficient operation of the courts requires that new opportunities be studied and constant improvements made in order that the judiciary continue to be of the greatest service to the most people.

PERSONNEL CHANGES

The past year brought the retirement of two long-time justices of the Supreme Court. After serving more than 16 years on the Court, Justice Frank Henderson retired in September 1994. Governor Miller appointed John Konenkamp, Presiding Judge from Rapid City, as Justice Henderson's successor. Just a few weeks ago, Justice George Wuest retired after thirty years on the bench, ten of them on the Supreme Court. We wish Justices Wuest and Henderson health and happiness in their well deserved retirement.

At the circuit level, too, there have been several changes. In September, Milbank attorney Ronald Roehr was appointed by Governor Miller to replace retiring Third Circuit Judge Dale Bradshaw of Watertown. In the past year I appointed three new

presiding judges: in the First Circuit, Judge Arthur Rusch of Vermillion succeeded Paul Kern, who resigned as presiding judge; in the Third Circuit, Judge Rodney Steele of Brookings succeeded retiring Presiding Judge Dale Bradshaw; and in the Seventh Circuit, Judge Merton Tice replaced Justice Konenkamp. Further, the Court created an additional magistrate judge position in the Second Circuit, which was filled by Peter Gregory of Sioux Falls.

A few weeks ago, our State Court Administrator left our branch to join Governor Janklow's Cabinet. Mr. Geraets was an outstanding judicial branch administrator. His resignation is a great loss to the judiciary and to me personally. All of us in the UJS wish him well in his new career.

SUPREME COURT

In 1994 the Court disposed of a near record 470 appeals of right, original proceedings and intermediate appeals. The number of intermediate motions requiring action by the Court did reach an all-time high of 372. While filings did not set a new record, they continued at near record levels in 1994.

In addition to its annual February Rules Hearing, the Court held a special Rules Hearing in September to consider several rules involving the discipline of attorneys. As a result of these

hearings, the Court adopted 13 rules and three orders approving rule changes.

The Court supervised the admission of 109 attorneys in 1994, and I regret to report that a record number of attorney disciplinary actions were filed, many of which are still in various stages of adjudication. We did disbar two lawyers, suspend three and publicly censure two.

In a continuing effort to provide prompt access to the circuit courts, I made 103 appointments temporarily transferring circuit judges from one circuit to another.

The Court's annual trip to hold a term of Court at the Law School at USD was made in March. We thank Dean Vickrey and the law school staff, faculty and students for their fine hospitality. In October the Court held a term at SDSU in Brookings. President Wagner and the administration, faculty and students, as well as the city of Brookings and its business community, were marvelous hosts. Our sessions in Brookings were "standing room only" and, unfortunately, some area high school students had to be turned away. These trips outside our Capital City continue to draw ever larger audiences of high school and college students and members of the communities at large. They provide the justices a wonderful

opportunity to meet and converse, one on one, with our young people and citizens.

WORK OF THE CIRCUIT COURTS

The steadily increasing caseload trends we have seen in recent years show no sign of abating in the foreseeable future. This past year, circuit court activity has continued to show growth in nearly every category. On the civil side, general filings have grown 18% to 10,967 cases. In addition, divorce filings have increased by 12.5%; small claims by 5%; probate by 10.6%; and juvenile filings by 16.5%. All other civil filings grew by 3%. Overall, total civil filings have increased by 6.4% to 53,847 cases, a new high in the number of civil cases filed in a fiscal year.

In addition to continually increasing case filings, the number of civil and divorce trials has increased at an even greater pace, from 1248 trials in FY 1993 to 3354 trials in FY 1994 -- a 169% increase!

On the criminal side, it appears overall case filings have declined by 3.8%. However, there has been a shift from less serious to more serious crimes; and increased felony caseload filings generally cause increased adjudication activity for the court. (Additional and more detailed statistical information and an

outline of court structure and operations may be found in the attached 1994 Annual Report.)

Our judges have always been good about lending a hand when there's a need in other circuits or when there are disqualifications on the Supreme Court. Upon the vacancy created by the Justice Konenkamp's appointment to this Court, I assigned all Sixth and Eighth Circuit judges to assist the Seventh Circuit judges. With the burdensome workloads our circuit and magistrate judges carry and the additional assignments they willingly accept, that their caseloads are current is a real tribute to their dedication and hard work, and I salute them.

COURT SERVICES

Being ever mindful of the increasing costs of incarceration of both juvenile and adult offenders in public and private institutions, as well concerns for the safety of our state's citizens, judges and court services officers have placed greater emphasis on utilizing community-based alternatives. During the past five years the number of juveniles ordered to probation has increased 85%, from 1,403 to 2,754, and the number of adult felons ordered to probation has increased 26%, from 1,017 to 1,877. Our concern for victims, in part, is shown in the considerable increase in the amount of restitution returned to victims. During

this period, payments to victims of crimes in South Dakota increased 98%, from $917,106 to $1,814,120. Similar increases have been experienced in the other 13 services performed by our court services officers. While the continuing increase in community-based services provided by our staff is admirable in terms of providing our citizens with safe alternatives to expensive incarceration, our personnel resources are less than adequate to continue such increases.

In a continuing effort to provide the least expensive, most appropriate alternative care services for youth who must be removed from their family homes for treatment, we have engaged in further cost shifting by increasing our use of other community-based options. For example, two years ago 55 families were placed in home-based services as an alternative to placing their adjudicated youth into a private residential treatment facility or into a Department of Corrections institution. Last year we were able to place 96 families into home-based services, thus saving thousands of dollars. Currently, we are embarking upon further cost shifting by providing our court services officer placement coordinators with wraparound training. Through this new alternative, provided by the leadership of the Department of Human Services and five community mental health centers, we are

positioned to use these options as another alternative to the more expensive institutionalization of adjudicated youth. Both the Departments of Social Services and Human Services have served our youth well by their cooperation with our judges and court services officers.

Still, there remain those youth who require treatment in the private sector or in one of the Department of Corrections' institutions. Because they have been removed from their homes and their communities for an extended period of time, most of these youth need an aftercare program for reunification purposes. Aftercare case service plans must differ based upon the individual needs of the youth and the youth's family as well as the quality of treatment provided by the institution. Most of the youths' aftercare needs can be met by the services provided by their supervising court services officers. Others need chemical abuse/dependency treatment, home-based services, independent living preparation, or perhaps out-patient family therapy. This caseload is also increasing! During FY 93, 161 youths received our aftercare services; in FY 94, 245 youths required this service.

During 1994, the UJS, in collaboration with the Department of Corrections, implemented a Risk and Needs Assessment System. It is a three component instrument designed to predict

recidivism, identify public safety/custody issues, and identify individual treatment/service needs of youth considered for commitment to a Department of Corrections institution. This automated system will produce seven reports useful for planning and treatment of adjudicated youth. Currently the system is being pilot tested.

Just as one person in an organization cannot take credit for the organization's success, we in the UJS cannot take sole credit for what we have been able to accomplish for our adjudicated youth and their families. It is through what we call the Three "Cs" -- cooperation, coordination and collaboration -- with the Departments of Social Services, Human Services, Corrections and Education and Cultural Affairs; Youth and Family Alliance; and the State and Local Interagency Coordinating Network Council that we are able to fulfill our responsibilities to you and to the other citizens of South Dakota.

COURT TECHNOLOGY

We in the judiciary strive to keep abreast of current technology to make the operations at the state and local level more efficient. In October, Justice Konenkamp and staff from the UJS Systems Development Office attended the fourth Court Technology Conference (CTC_4) sponsored by the National Center for State

Courts. CTC_4 is the only national conference devoted exclusively to technology in the courts. Justice Konenkamp and staff attended sessions which demonstrated how technologies such as imaging, electronic filing, and personal computer video-conferencing can improve court productivity and effectiveness. These are exciting new ideas we will consider using in future development projects.

The following are but a few of the technology-based programs in which we are involved in our efforts to keep pace with the need for speedy and accurate information.

In 1994, the UJS finally began pilot testing our long-awaited automated Judicial Accounting System (JAS) in the Hughes and Stanley County Clerks of Court Offices. This automated, computerized accounting system was developed over a period of several years to help the clerks of court keep pace with the ever-increasing workload that has caused them to spend more and more time performing accounting procedures. Last year our clerks of court offices handled nearly $37 million in moneys, yet in every county except Minnehaha, it was done entirely by manual means. The JAS eliminates the need for clerks to manually perform accounting duties, including the need to write receipts and checks, make ledger entries, and do the mandatory reconciliations and monthly reports.

In 1995, the clerks' offices in Beadle, Meade, Minnehaha, Brown and Pennington Counties will transfer their manual accounting books onto the computer system and in 1996, five additional clerks' offices will be brought on line.

As of December 1994 the UJS has 32 counties operating on the on-line Criminal Justice Information System (CJIS). On-line CJIS allows clerks of court to immediately enter criminal case filings, scheduled hearings, sentence and other relevant information into a database and then access that information from a computer terminal rather than from case files. After the data has been entered into the database, it can be managed by the clerk to very quickly and efficiently produce documents like court calendars and bench warrants. In 13 counties there are terminals located in the courtrooms to provide the clerks and judges immediate access to court records.

During calendar year 1994, networks in Minnehaha, Pennington and Brown Counties were upgraded as part of a long-range plan to join all circuit offices into a state-wide Wide Area Network (WAN). Presently, tying our Local Area Networks (LANs) to a statewide WAN is cost prohibitive, but we are now in a position to be able to proceed with WAN connectivity should costs become justifiable.

One of the other state-of-the-art technologies with which we are involved is the interactive audio/video link, the Rural Development Telecommunications Network (RDTN). I foresee a tremendous potential for increasing future usage of the RDTN for judicial proceedings, especially when the current 15 telecommunications studios are expanded to include even more sites. We have held numerous meetings, and some court proceedings, via the RDTN, and have been most pleased with the results. The cost of an RDTN meeting is a fraction of the cost for transportation, food, and lodging, and more importantly, down-time is minimal.

EDUCATION/TRAINING

The UJS continues to provide training and educational opportunities for our judges and non-judicial employees as part of our ongoing commitment to maintaining a vibrant, innovative and responsive education program. Our annual in-state training program for justices, judges and magistrate judges attempts to keep judicial personnel abreast of the constant changes in the law, and offers them the most current and up-to-date information. Clerks of court are offered annual workshops offering a broad range of educational topics to assist them in performing their duties. In order to accommodate deputy clerks, who find it difficult to be away from their offices, regional training sessions are held each

year in various locations around the state. These outreach training programs continue to be very successful. Regular training events are also offered to court services officers and court reporters on an annual basis.

In July of 1995, the South Dakota judiciary will be hosting the annual five-state judicial conference in the Black Hills for the supreme court justices and trial court judges of the states of North Dakota, Montana, Wyoming and Idaho. We are very excited about this event, and anxiously anticipate the opportunity to again meet and share educational experiences with members of the judiciary of these five sister states.

RELATIONSHIPS WITH OTHER BRANCHES

Although each of the three branches of government is separate and equal, I remain committed to working closely with the executive and legislative branches. I believe that close, cooperative communication between us can go a long way towards diffusing tension and fostering mutual understanding. I was most pleased when the judicial branch was invited to participate in the November new legislator orientation program. That is the second time we have been invited to participate in this program, and I thoroughly enjoyed both occasions. I only hope my remarks at that time were helpful. Some of you may recall that during my first

term as chief justice I began inviting legislators serving on the judiciary and appropriations committees to attend the judicial conference. Also, I routinely assign judges to be my liaison with interim legislative committees.

Though we have separate powers, all three branches of government enjoy a unity of purpose and concern, for we are all accountable to the citizens of South Dakota. I sincerely hope our lines of communication remain open and that we continue to meet and talk about the issues that confront us all.

FINANCES

We in the judiciary understand fiscal realities, and appreciate the difficulties facing our state. Yet, in the scheme of things, we are a very small part of the financial picture -- a mere 1.2% of the total state budget. Over the years, we have employed a fiscally conservative approach and have always exercised great fiscal restraint in our budget requests. Our total expenditures were about $20,200,000 in Fiscal Year 1994. At the same time, our courts collected $36,840,000 in fines, costs, fees, restitution and child support. All fines, of course, go to the schools and other local governments.

GENDER FAIRNESS COMMITTEE

As you may remember, last year I advised that Chief U.S. District Judge John B. Jones, State Bar President Greg Eiesland, and I had established a joint Gender Fairness in the Courts Committee to inquire into the existence or perception of gender bias in all the courts of our state. The committee completed its inquiry and presented its report and recommendations in November. They performed a difficult task and rendered an important and meaningful report. The Supreme Court will address the problems and recommendations identified by the committee, and will act on the committee's recommendations; this is an area I feel should involve the new justice who will be joining our Court in the near future.

STRATEGIC PLANNING

In past State of the Judiciary addresses, I have stressed my belief that we in the judiciary must undertake long-range strategic planning in order to establish a plan -- a vision -- for the future, and that this strategic planning for the future of the courts in South Dakota must be a priority. Of course, we must not discount nor lose sight of the value of the court system as it exists today; but at the same time, it is our duty to the citizens of the state to be a forward-looking judiciary, seeking always to improve the delivery of justice.

I am planning a spring retreat of the justices. At that time, we will bring together key staff to discuss important issues within the judiciary, and, among other things, we hopefully will develop a method for futures planning in the South Dakota judiciary.

CONCLUSION

As I continue with my second term as Chief Justice, I assure you that although the state of justice in South Dakota is not perfect, it is ever improving; and we in the judiciary will continue to meet the challenges which come before us.

Please feel free to contact me at any time. My staff and I will be available to you throughout the Session to discuss court system issues with you.

ROBERT A. MILLER
Chief Justice

1994

Annual Report of the

South Dakota Unified Judicial System

January 1995

Table of Contents

Title	Page
Functional Summary of the South Dakota Judiciary	**1**
Supreme Court	
Supreme Court	**2**
Membership and Appointment	2
Map 1. Supreme Court Appointment Districts	3
Jurisdiction	3
Settlement Conference	4
Supreme Court Data	
Supreme Court Data	**6**
Table 1. Supreme Court Caseload Compared by Fiscal Year	7
Chart 1. Supreme Court Caseload Comparison	7
Circuit Court	
Circuit Court	**9**
Map 2. Judicial Circuits and Counties	9
Magistrate Courts	10
Presiding Judges Meeting	11
Judicial Conference	11
Judicial Qualifications Commission	11
Bench Personnel by Judicial Circuit	12
Table 2. Organization Chart of the UJS	13
Judicial Staffing	
State Judicial Staff	**15**
Justices' Law Clerks	15
Clerk of the Supreme Court	15
Chief of Legal Research	15
State Court Administrator's Office	15
Circuit Judicial Staff	**16**
Circuit Court Administrator	16
Law Clerk	16
Clerk of Court	16
Court Services Officer	16
Court Reporter	16
Table 3. Clerk-Magistrate Staffing by Circuit	17
Table 4. Staffing Allocations by Judicial Circuit	17
Fines, Fees and Finances	
Financing the Unified Judicial System	**19**
Table 5. State Budget Allocation	19
Definitions of Receipt Categories	20
Table 6. Clerk of Court Receipts and Disbursements	21
Table 7. Clerk of Court Receipts and Disbursements	22

Table of Contents

Title **Page**

Receipts 23
Chart 2. Selected Receipts Compared, Restitution, etc. 23
Fines and Costs 24
Chart 3. Selected Receipts Compared, Fines and Costs 24
Child Support 25
Chart 4. Selected Receipts Compared, Total, Child Support, State Fines 25
Disbursements 25
Chart 5. Selected Disbursements Compared 25
Table 8. State Fine Receipts Compared, County and Circuit 26
Court Appointed Attorney Costs 27
Chart 6. Court Appointed Attorney Repayment, by Circuit 27
Chart 7. Court Appointed Attorney Cost Payback by Fiscal Year 27
Table 9. County Expenditures and Repayment for Court-Appointed Attorneys 28
Table 10. Court Appointment Cases and Costs 29
Travel by Circuit Personnel 30
Table 11. Travel Mileage by Judicial Personnel 30
Table 12. Travel Mileage by Court Services Personnel 31
Chart 8. Mileage Comparison by Circuit 31

Civil Caseload Data 32
Table 13. Civil Caseload by County ....33 & 34
Civil Caseload 35
Table 14. Civil Caseload Summary 35

Court Service Caseload Data 36
Table 15. Comparison of Court Services Activities ....37 & 38

Criminal Caseload Data 39

Table 16. Criminal Caseload by County ....40 & 41
Criminal Caseload 42
Table 17. Criminal Caseload Summary 42
Chart 9. Felony Caseload 43
Felony Cases 43
Chart 10. Felony and Class-One Misdemeanor Trials 43
Chart 11. Class-One Misdemeanor Caseload 44
Chart 12. Class-One Misdemeanor and DUI Filings 44
Table 18. DUI Violations Summary 45
DUI Caseload 45
Chart 13. DUI Violations Summary, Filings, Guilty Pleas and Dismissals 46
Chart 14. DUI Violations Summary, Suspended Impositions of Sentence and Trials 46
Table 19. DUI Filings and Dispositions by County 47
Class-Two Misdemeanors 48
Chart 15. Class-Two Misdemeanor Caseload, Filings and Guilty Pleas 48
Chart 16. Class-Two Misdemeanor Caseload, Dismissals and Trials 48
Table 20. Traffic Violation Summary 49
Table 21. Insufficient Funds Check Violations 50
Chart 17. Insufficient Funds Check Comparison 50

Members of the South Dakota Supreme Court

Hon. Robert A. Amundson
Justice,
Fourth District
Vermillion

Hon. George W. Wuest
Justice,
Fifth District
Aberdeen
(Retired 1-7-95)

Hon. Robert A. Miller
Chief Justice,
Third District
Pierre

Hon. Richard W. Sabers
Justice,
Second District
Sioux Falls

Hon. John K. Konenkamp
Justice,
First District
Rapid City

UNIFIED JUDICIAL SYSTEM
COURT STRUCTURE

Functional Summary of the South Dakota Judiciary

Supreme Court

Five members appointed by the Governor from judicial districts and subject to statewide electoral approval three years after appointment and every eight years thereafter. Retirement at age seventy.

Court term coincides with calendar year.

Has appellate jurisdiction over circuit court decisions.

Has original jurisdiction in cases involving interests of state. Issues original and remedial writs.

Has rule-making power over lower court practice and procedure, and administrative control over the Unified Judicial System.

Renders advisory opinions to the Governor, at his request, on issues involving executive power.

Circuit Court

Eight circuits served by thirty-six judges, who are elected at-large from within their respective circuits for eight-year terms. Vacancies filled by Governor's appointment.

Trial courts of original jurisdiction in all civil and criminal actions. Exclusive jurisdiction in felony trials and arraignments, and all types of civil action except those areas of concurrent jurisdiction shared with magistrate courts, listed below. Appellate jurisdiction over magistrate court decisions.

Magistrate Courts

Lay Magistrate:

Appointed by the presiding judge for an indefinite term. This function is usually performed by the clerk of court.

Concurrent jurisdiction with circuit courts to:

Perform marriages, receive depositions, issue warrants, conduct certain preliminary hearings, set bail, appoint counsel, accept pleas for Class 2 misdemeanors, conduct hearings for petty offenses and render judgments for uncontested civil cases involving damages of $2000.00 or less.

Magistrate Judge:

A Licensed attorney, appointed by presiding judge for a four-year term. Part-time appointees serve at the pleasure of the presiding judge.

Additional jurisdiction in magistrate court to:

Conduct preliminary hearings for all criminal prosecutions, act as committing magistrate for all purposes, conduct trials of criminal misdemeanor, civil actions involving damages of $2000.00 or less, and small claims actions.

Supreme Court

The judicial system of South Dakota, as shown in the chart on the previous page, is comprised of two component levels of courts having interrelated jurisdictions. The circuit courts are the lower courts of original jurisdiction through which the bulk of the criminal prosecution and civil litigation is processed. The Supreme Court, in addition to its own areas of original jurisdiction, provides the administrative leadership for the legal and judicial system, and serves as the state's appellate court. This means that problems the litigants have with decisions made at the circuit court level are brought, as appeals, to the Supreme Court for resolution.

The circuit courts employ magistrate courts to assist in processing misdemeanor cases (mostly traffic and DUI) and less serious civil actions such as small claims.

The courts and the administrative operation of the judicial system are further described in the following material.

The Supreme Court is the state's highest court and the court of last resort for state appellate actions. It is the final judicial authority on all matters involving the legal and judicial system of South Dakota. In considering state issues, however, and in making decisions about cases received from parties appealing circuit court actions, there are a few restrictions on the authority of the Court. The justices, for example, are generally expected to follow precedent--that is, their own previous decisions (with some allowance for progressive change). Also, there are the constraints placed upon the Court by the state and federal constitutions, by law passed by the legislators, and by decisions of the federal courts.

When a case, or an issue, meets the general criteria for consideration, the Court's judgment--to affirm or reverse a lower court decision, for example--is based on a majority vote of the five justices.

The responsibility of writing the majority opinion for each appropriate case (not all cases require a written opinion) is assigned to the justices by lot. Also, all of the justices have an unrestricted right to prepare a dissenting or concurring opinion to accompany the majority opinion. These written opinions are published in the Northwest Reporter, which is printed and distributed by the West Publishing Company.

The working term of the Supreme Court extends the full calendar year. The sessions are usually held in the hearing room in the State Capitol, or in those cities or college campuses that the Court may specify by its own order.

Membership and Appointment

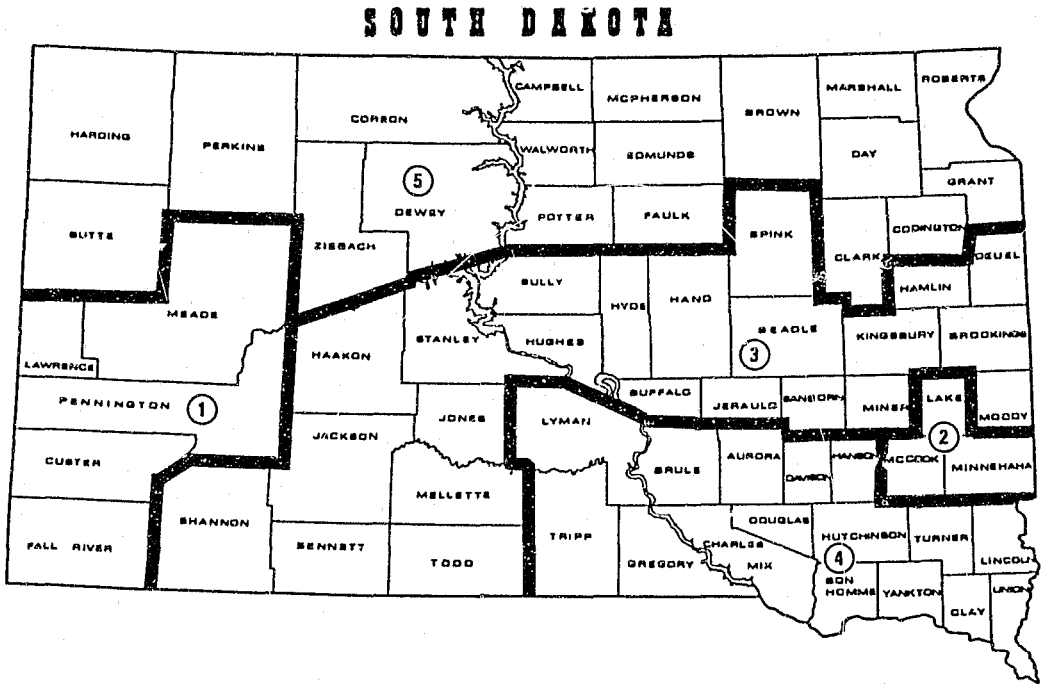
The five members of the Court (four justices and a chief justice) are responsible for making collegial decisions regarding appellate cases and other judicial business. It is not unusual, however, for one of the judges from the circuit court to be assigned to sit on the Supreme Court bench temporarily to assist in the decision-making process.

Such appointment may occur when a justice disqualifies himself because he might have, or appear to have, personal involvement in a case, or if there is a vacancy on the Court caused by the illness or departure of a justice.

All of those who sit on the Supreme Court must be licensed to practice law in the state, and permanent justices must be voting residents of the district (see Map 1) to which they are appointed at the time they take office. There is no formal age requirement for those who serve on the Court, but there is a statutory requirement that a justice must retire shortly after reaching the age of seventy. A retired justice, if he makes himself available, may be called back into temporary judicial service in any of the state's courts.

Under the terms of a Constitutional Amendment passed by the voters in November, 1980, vacancies on the Supreme Court are filled by Governor's appointment. This appointment must be made from a list of two or more candidates recommended by the Judicial Qualifications Commission. All Supreme Court justices must stand, unopposed, for statewide approval or rejection by the electorate in a retention election. For newly-appointed justices, the vote is held at the next general election following the third year after appointment; for incumbent justices who were elected under the earlier system, the vote was held at the end of their first eight-year term. After that, all justices stand for retention election every eighth year.

Justice Konenkamp appointed from district one, began serving his term in 1994. His first retention election will be held in 1998. Justice Sabers, from district two, and Chief Justice Miller, from district three, were appointed in 1986 and participated in their first retention election in 1990. Their next election will be held in 1998. Justice Amundson, from district four, was appointed in 1991 and was re-elected in 1994. Justice Wuest, from district five, was appointed in 1986, and stood for retention election in 1990. He retires from the bench at the end of 1994.



Map 1. Supreme Court Appointment Districts

Jurisdiction

The original jurisdiction--as contrasted with appellate jurisdiction--of the Court extends generally to all issues involving the interests of the state. The jurisdiction includes power to issue original and remedial writs when the interests of the state are directly involved, or when ordinary jurisdictions and remedies are inadequate to provide relief. The Court may also render advisory opinions to the Governor, at his request, on issues involving the exercise of his executive power.

The appellate jurisdiction of the Court, by which the justices hear appeals from the decisions of the lower courts, constitutes the largest portion of their workload. This appellate control insures adherence by the circuit judges to accepted principles of justice throughout the judicial system. It is one significant way in which the Supreme Court serves the public.

In addition to their original and appellate jurisdictional duties, the justices also provide administrative control over the judicial and legal system of the state.

For example, the Court is responsible for supervision of the licensing of attorneys as members of the State Bar, and for deciding questions involving the removal of attorneys from professional practice in the state. The Court is assisted in this activity by the Disciplinary Board of the State Bar, which prosecutes all disciplinary proceedings before the Court. This board is comprised of seven members, six of whom are appointed by the president of the state bar association, and one who is appointed by the Chief Justice.

Also, the discharge of these disciplinary duties requires that the Court establish a code of conduct regarding appropriate behavior of the members of the legal community, and hold disciplinary hearings to consider violations of these guidelines. Through this process, the Court is able to maintain control over the professional conduct of the attorneys of the state.

Administrative authority over the judges and justices of the court system is also exercised by the Supreme Court, assisted by the Judicial Qualifications Commission, which is discussed on the following pages.

The administrative rule-making power of the Supreme Court also applies to lower court practice and procedure, encompassing such judicial items as the regulation of civil litigation and criminal prosecution, and the Rules of Appellate Procedure. Supreme Court Rules, other than those designated as "internal procedures" (which include policy regulation, for example, of judicial system personnel), become part of state law, just as the statutes passed by the legislature.

Administrative responsibility of the Court also includes general management and supervision of the Unified Judicial System, which occasionally involves the modification of the number of circuit court judges and boundaries of circuits.

Each year the Court reviews existing Supreme Court Rules which govern such areas as Civil Procedure in Circuit Court, Conduct of Jury Trials, Rules of Appellate Procedure, Powers and Duties of Attorneys, Opinions and Expert Testimony, and the Judicial Code of Conduct.

The Clerk of the Supreme Court is responsible for maintaining and publishing Supreme Court Rules. Copies of individual rules can be obtained from the Clerk's office. New revised Supreme Court Rules are published in the annual pocket part of the South Dakota Codified Laws.

Beyond these rule-making functions, the Court appoints personnel to specific permanent positions in the judicial system, authorizes commissions within the judicial branch, and approves membership on those commissions. The Court also establishes rules governing travel and training for personnel in the Unified Judicial System.

In addition, the Court appoints such personnel as may be appropriate to serve the needs of the state judiciary. The Court's administrative responsibility is exercised normally through the power of the Chief Justice, as specified in SDCL 16-2-20, which provides extensive authority for him to take any action necessary to ensure the efficiency of the judicial process. The Court is assisted in this role by the State Court Administrator and staff, and by the presiding judges.

Settlement Conference

Docketing statements that are filed with the appeal indicate the willingness of the parties to participate in a conference. These are screened by the Court's staff attorneys, who select those that seem most amenable to settlement by the conference process.

The appellate settlement conference is an innovation recently introduced into the South Dakota appeals process to provide an alternative method of disposition of part of the Court's workload. A court-appointed conferee meets with the parties to the appeal and attempts to reach an agreeable settlement without requiring a decision by the Supreme Court.

This process helps conserve the resources of both the litigants and the Court. The litigants save part of the normal expenditure for legal briefs, transcripts and attorney's travel costs, as well as the expense of the attorney's time spent in preparation for, and presentation of, an oral argument before the Supreme Court. The Court saves time usually spent in researching the case and preparing an opinion.

Settlement conferences may be properly requested only by parties appealing from lower court decisions that involve money judgments, domestic relations cases, workmen's compensation, or administrative agency rulings. A conferee, however, may invite participation, if it seems appropriate, by the parties to any civil (non-criminal) appeal.

Each conferee--usually a retired judge or justice, or an attorney who has special background--is appointed by the Court to deal with a specific case. The conferee is expected to be aware of relevant Supreme Court decisions, and to have the skill to analyze the issues involved and present suggestions for effective settlement.

Data for the settlement conferences held during the fiscal year are shown on Table 1.

SUPREME COURT DATA

Supreme Court Data

The information on Table 1 is presented graphically on Chart 1. Categories shown are those that are most commonly used in Supreme Court cases.

Under FILINGS in the table, "Intermediate Appeals" are appeals from circuit court decisions that are not final and not appealable of right. These are accepted at the discretion of the Supreme Court.

A "Notice of Review" is filed by an appellee (the prevailing party in the lower court, against whom the appeal is brought) when he seeks review of any judgment or order entered in the same action from which an appeal has been taken. A notice of review is a separate filing, but not a separate disposition. It is disposed as part of the original appeal.

Issuance of a "Certificate of Probable Cause" is required before an appeal can be brought in a habeas corpus case.

Under the DISPOSITIONS heading, the category of "Summary Dispositions" reflects expedited appeals that have been summarily affirmed or reversed on established grounds set forth in SDCL 15-26A-87.1.

In these proceedings, the Court, on its own motion, may either affirm or reverse the judgment or order from which the appeal is taken. The term "expedited appeal" is sometimes used because it usually takes less time to process appeals under this rule. The Court must be unanimous in its decision to render the summary disposition, and that decision is set out in an order or memorandum opinion.

Every case that has been filed in which no decision has yet been entered is a PENDING CASE. There are three main subcategories of pending cases, as shown on Table1. Cases that have been completely briefed, orally argued or submitted to the Court on briefs, and which await only final disposition by the Court, are placed in the "Submitted and Pending" category. Cases that have been completely briefed and are awaiting placement on the Court's calendar are placed in the "Ready for Submission" category. Cases that have been filed, but are still in the transcript or briefing stages are placed in the "Not Ready for Calendar" category.

The lower part of the table shows SETTLEMENT CONFERENCE data for the past five fiscal years. It is apparent that use of the Settlement Conference as a means of settling cases before the Supreme Court hears the case, is declining each year.

In the bar chart, cases "Submitted and Pending" are shown as "Pending." The category of "Ready for Submission" is shown as "Ready."

SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR

FISCAL YEAR --->	FY 1990	FY 1991	FY 1992	FY 1993	FY 1994
FILINGS:					
Appeals	346	316	307	324	303
Intermediate Appeals	43	28	21	33	49
Original Proceedings	16	21	21	40	27
Notice of Review	41	29	26	22	21
Certificates of Probable Cause	6	3	7	7	8
COMBINED FILINGS	452	397	382	426	408
DISPOSITIONS:					
Appeals / Original Proceedings	158/192	184/222	138/166	159/204	162/196
Orders of Dismissal	106/110	90/92	71/73	76/78	69/74
Denial of Intermediate Appeals	28	19	11	24	34
Original Proceedings (by Order)	16	15	22	41	31
Summary Dispositions	88	99	75	77	70
COMBINED DISPOSITIONS	434	447	352	425	406
PENDING CASES:					
Submitted and Pending	89	70	103	90	110
Ready for Submission	52	34	49	72	52
Not Ready for Calendar	167	152	139	125	141
Other (in Suspense)	2	6	5	16	7
TOTAL PENDING CASES (as of 6-30)	310	262	296	303	310
SETTLEMENT CONFERENCES FILED	72	59	61	52	45
Filed by Appellant	63	55	52	45	41
Filed by Appellee	7	3	0	7	1
Invited by Conferee	2	1	9	0	0
Ineligible	28	25	21	15	18
Refused	9	21	15	11	7
Conference Unsuccessful	27	5	15	14	22
Case Settled	15	6	3	6	4
Pending (End of FY)	3	5	6	12	6

Table 1. Supreme Court Caseload Compared by Fiscal Year

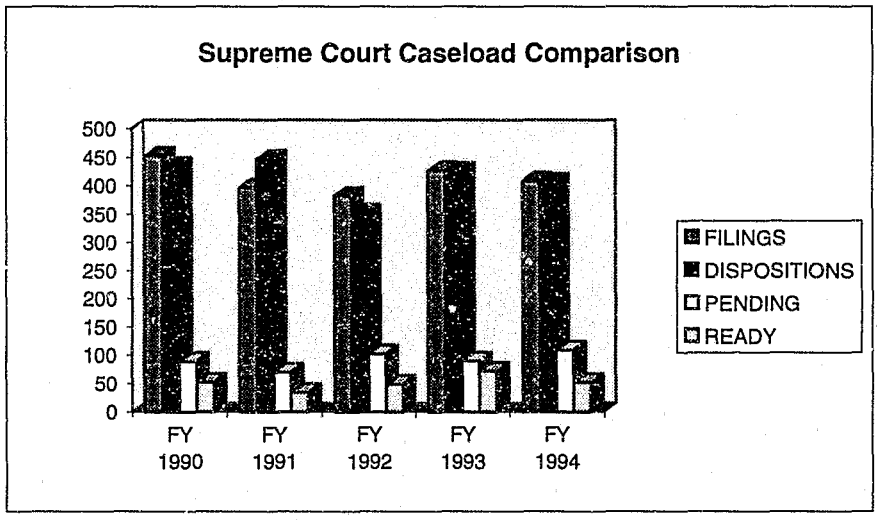


Chart 1. Supreme Court Caseload Comparison

CIRCUIT COURT

Circuit Court

The circuit courts are the trial courts of general jurisdiction. This means the circuit court judges have original jurisdiction in all cases and proceedings except those reserved for the Supreme Court. Appeals from decisions of the magistrate court, a subdivision of the circuit court, are also heard by the judges of the circuit court.

Circuit court judges are elected at large from within their respective circuits for a term of eight years. In the event of a vacancy in one of these positions, the Governor appoints a replacement from a list of at least two candidates recommended by the Judicial Qualifications Commission. The circuit judge must be a voting resident of his circuit at the time he takes office. The thirty-six judges and the magistrate judges in office at the end of the calendar year are listed on page 12. Map 2 below shows the boundaries of the eight judicial circuits.

Direct supervisory control over the circuit court procedures and personnel is exercised by the presiding judge of each circuit, who is appointed to this administrative position by, and serves at the pleasure of, the Chief Justice of the Supreme Court. The authority of the presiding judge includes the following:

1) Assigning circuit judges and arranging schedules for sessions of circuit court, and supervising the calendar for circuit court trials and hearings.

2) Appointing clerks, deputy clerks, bailiffs, and other personnel within the circuit, and establishing their rate of compensation as authorized by Supreme Court rule.

3) Arranging for the proper drawing of jury panels and for the reporting of cases.

4) Periodically reviewing and evaluating personnel performance in the judicial circuit.

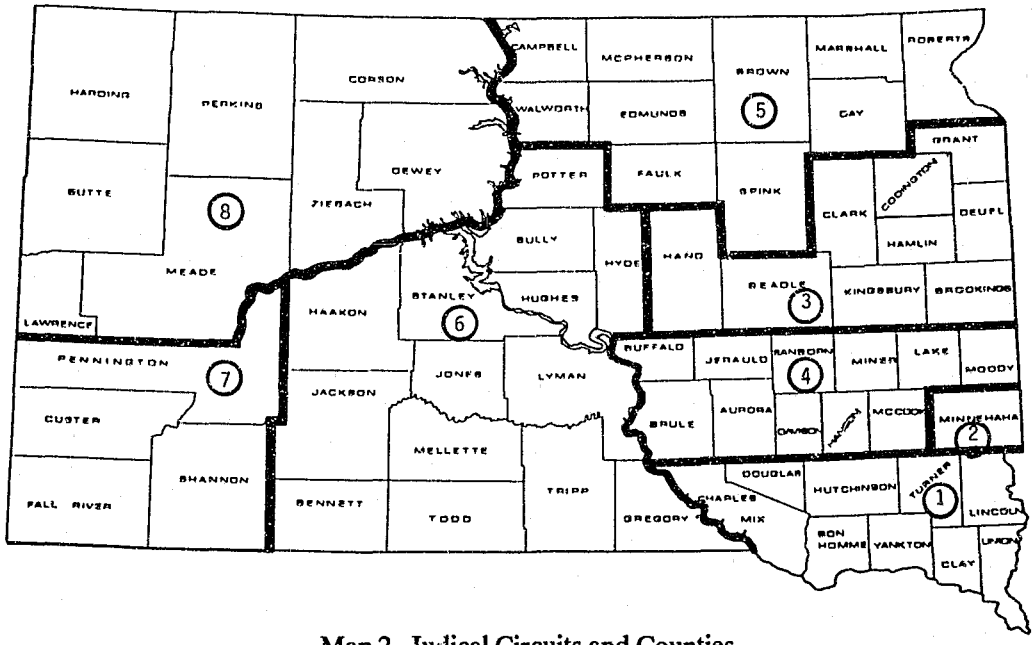
5) Monitoring the schedule of circuit judges to ensure their availability in each county according to statute.

6) Authorizing a schedule of fine and bond amounts to be used by magistrates and law enforcement officers in criminal prosecutions.

Circuit court jurisdiction over minor court actions is shared with the courts of limited jurisdiction, discussed on the following page. Arraignment and trial of all felony cases are part of the exclusive jurisdiction of the circuit courts. The exclusive civil jurisdiction of these courts includes cases involving the following:

1) Dispute of title or boundary of real property
2) Divorce or annulment of marriage
3) Probate, guardianship and settlement of estates
4) Juvenile proceedings
5) Civil disputes in which damages claimed are in excess of $2,000.

As noted above, the circuit court has appellate jurisdiction over judgments, decrees and orders of magistrate courts. Decisions in small claims cases cannot be appealed.



Map 2. Judical Circuits and Counties

Magistrate Courts

In addition to the circuit courts, the South Dakota legislature has authority to provide for courts of limited jurisdiction. In the present system, these courts--the magistrate division--assist the circuit courts in disposing of misdemeanor criminal cases and minor civil actions. In so doing, the magistrate courts make the judicial system accessible to more of the public, providing a means of direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether there is a lay magistrate or a magistrate judge presiding.

The magistrate judge is required to be licensed to practice law in the state. Because of this legal knowledge, these magistrates are better able to provide effective decisions regarding more complex legal issues. Each full-time magistrate judge is appointed by the presiding judge of the circuit to a four-year term upon approval by the Supreme Court.

As is apparent from the list presented on page 12, a substantial number of the magistrate judges are part-time personnel who may continue in their own private legal practice. Full-time magistrate judges are not permitted to have a private practice.

In addition to the functions of the court with a lay magistrate presiding, the magistrate judge may conduct preliminary hearings for all criminal charges, and act as a committing magistrate for all purposes. Also, with a magistrate judge presiding, the magistrate court may conduct trials for charges of criminal misdemeanor, civil actions involving amounts of $2,000 or less, and disputed small claims cases.

The lay magistrates, in contrast to magistrate judges, are more restricted in their jurisdiction. They may accept not-guilty, nolo contendere, and guilty pleas (and impose sentence) only in criminal cases for which the maximum penalty is $200.00 fine and thirty days in jail. Cases in which a not-guilty plea is entered are then scheduled for trial before either a magistrate judge or circuit judge.

In all criminal cases, the lay magistrate is authorized to issue warrants for arrest or search, appoint legal counsel for defendants who are unable to pay for a lawyer, set bond for the release of the accused, and preside over preliminary hearings (unless a request is made by the accused to have the hearing before a magistrate judge or a circuit judge). In addition, the lay magistrate is authorized by statute to function as coroner when the regular coroner of the jurisdiction is not available.

The lay magistrate also has the power to perform marriages, take depositions and administer oaths; and enter judgments in defaulted small claims cases and other uncontested civil disputes involving amounts of $4,000 or less. Table 3 shows the number of personnel, by circuit, involved in clerk and lay magistrate activities. In most counties, the clerk of court also serves as lay magistrate.

Although there is no educational requirement for a lay magistrate other than high school graduation, the lay magistrate is required by law to attend a training institute provided every other year by the State Court Administrator's Office.

State law assigns extensive authority to the lay magistrate, particularly in criminal cases, but the extent of the actual exercise of this authority varies considerably from one circuit to the next, depending on a number of factors. These factors include the policy of the presiding judge, the availability of magistrate and circuit judges, and the geographic size of the circuit.

Presiding Judge's Meeting

Periodically throughout the year, the eight presiding judges meet with the Chief Justice and the State Court Administrator.

Through these meetings, judicial circuit personnel are provided direct communications into administrative policy and procedural decisions of the Unified Judicial System and the presiding judges coordinate administrative activities among the circuits and keep themselves abreast of the latest developments in the court system. This promotes uniformity and administrative efficiency for the judges and staff in the judicial circuits. These conferences also provide an opportunity for members of the executive branch, the legislature, and other interest groups to meet and discuss issues of mutual concern.

Agenda items for this years presiding judges meetings have included review of administrative topics such as acceptance of the magistrate judge caseload, study, adoption of standardized driving work permits, revision of the clerk's indices study and the monthly civil caseload summary report, revision of the state's fine and bond schedule, and the review of budget and pending caseload status reports.

In addition, they received reports on the status of adjudication topics such as home-based services, availability of the South Dakota Codified Law on CD-ROM, changes in child support enforcement, alternative care status, and the requirement for a parent to provide as much fiscal support as possible for juveniles place into state-owned and operated training facilities (parental payment orders).

Judicial Conference

Another primary channel of management communication in the Unified Judicial System is the annual meeting of all circuit judges and supreme court justices, required by state law and usually held in the fall of the year. The purpose of this meeting, designated the Judicial Conference, is to give judges the opportunity to study the organization, rules, practices, and procedures of the judicial system, and make recommendations to the Supreme Court for appropriate legislative and Supreme Court rules changes.

Judicial Qualifications Commission

This commission, created by Article V, §9 of the South Dakota Constitution, and supporting statute (SDCL 16-1A), is comprised of seven members. These include 2 citizens who are not members of the State Bar, appointed by the Governor; 2 judges of the circuit court, elected by the Judicial Conference; and 3 persons practicing law in the state, appointed by the president of the State Bar Association. The four year terms of the members are staggered to promote administrative continuity.

The Judicial Qualifications Commission is primarily responsible for initiating disciplinary actions against members of the judiciary. It is empowered to receive complaints against any justice or judge, to hire personnel to investigate those complaints, and to conduct confidential hearings concerning the removal or involuntary retirement of the person subject to the inquiry. On recommendation from this commission, and after appropriate hearing, the Supreme Court may censure, remove, or retire such person for cause as specified in the constitutional article and supreme court rule.

The commission also reviews applicants for vacancies on the Supreme Court and the circuit bench and nominates two or more of the most qualified to the Governor. The Governor then appoints one of those nominees to fill the vacancy.

During 1994 the Judicial Qualifications Commission has again been active, screening candidates for four circuit judges and two supreme court justice openings resulting from retirements. At the time of publication, one circuit judge and one supreme court justice position remain unfilled.

BENCH PERSONNEL BY JUDICIAL CIRCUIT

FIRST JUDICIAL CIRCUIT, Judges:
Rusch, Arthur L.; Presiding Judge
Bouge, Richard E.
Caldwell, Kathleen K.
Kern, Paul

Magistrate Judges:
Cody, Mary Dell *
Tappe, Lee Allen

SECOND JUDICIAL CIRCUIT, Judges:
Kean, Gene Paul; Presiding Judge
Hurd, Richard D.
Meierhenry, Judith
Severson, Glen
Srstka, William, Jr.

Magistrate Judges:
Gregory, Peter *
Lieberman, Peter *
Neiles, Joseph *

THIRD JUDICIAL CIRCUIT, Judges:
Steele, Rodney J.; Presiding Judge
Erickson, Jon
Martin, Eugene L.
Roehr, Ronald K.
Timm, Robert L.

Magistrate Judges:
Pierce, Lee Ann
***

FOURTH JUDICIAL CIRCUIT, Judges:
Miller, Ronald; Presiding Judge
Anderson, Lee
McMurchie, Boyd L.
Tucker, Tim D.

Magistrate Judges:
Kiner, Patrick
Sage, Doyle

FIFTH JUDICIAL CIRCUIT, Judges:
Dobberpuhl, Eugene; Presiding Judge
Lovrien, Larry
Gilbertson, David E.
Von Wald, Jack R.

Magistrate Judges:
Flemmer, Jon *
Glynn, Richard

SIXTH JUDICIAL CIRCUIT, Judges:
McKeever, Patrick; Presiding Judge
Anderson, James W.
Gors, Max
Trandahl, Kathleen F.
Zinter, Steven L.

Magistrate Judge:
Wilbur, Lori S.

SEVENTH JUDICIAL CIRCUIT, Judges:
Tice, Merton B. Jr.; Presiding Judge
Davis, Jeff W.
Fitzgerald, John E., Jr.
Grosshans, Roland
**

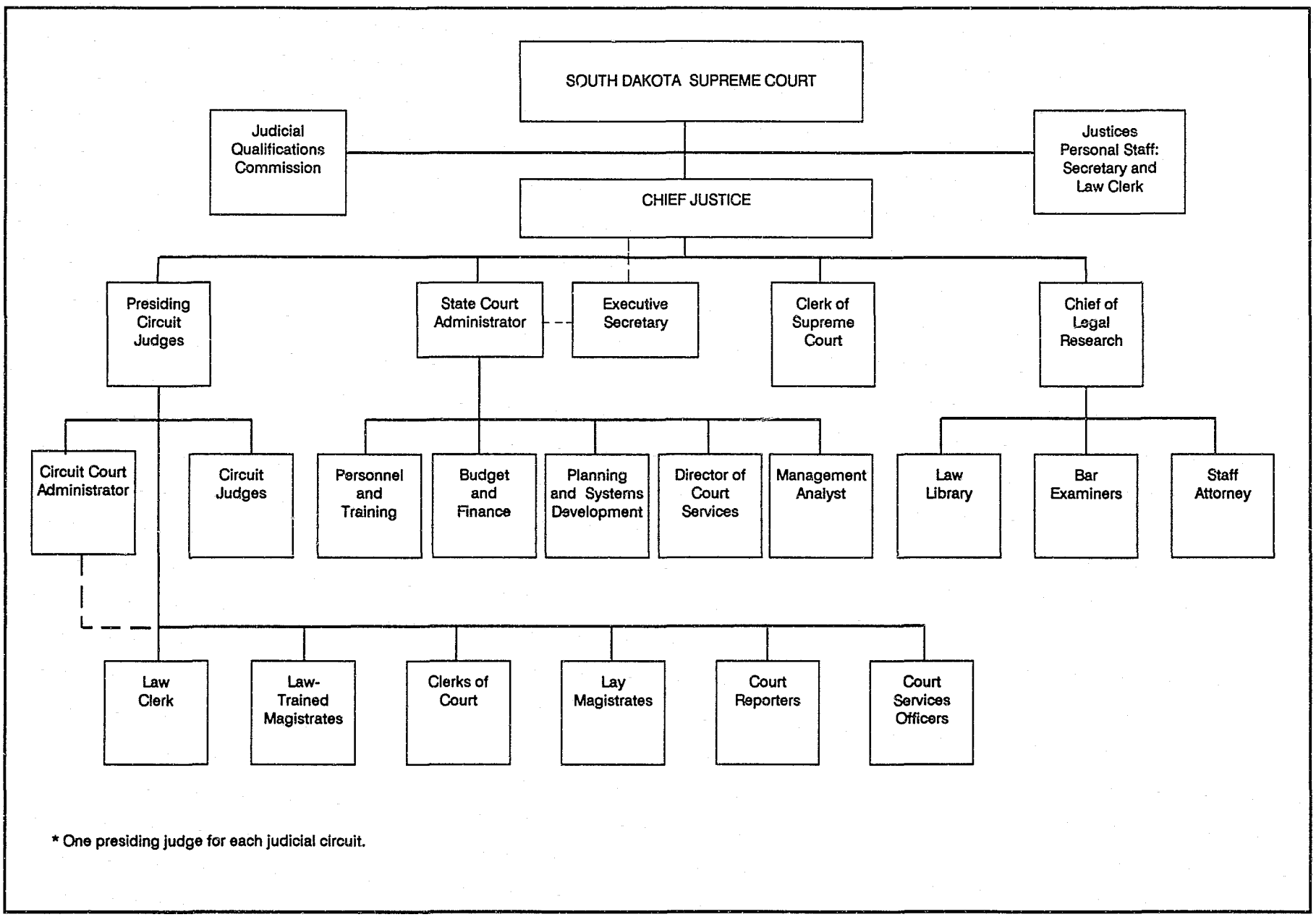
Magistrate Judges:
Klauck, Jack * (Retired January, 1995)
O'Connor, Michael *

EIGHTH JUDICIAL CIRCUIT, Judges:
Johnson, Warren; Presiding Judge
Bastian, John W.
Johns, Timothy R.
Moses, Scott C.

Magistrate Judges:
Oswald, Rodney *
Severns, William L.

* Indicates Full-Time Magistrate
** One Circuit Judge Position Vacant as of Publication Date.
*** One Magistrate Judge Part-time Position Vacant as of Publication Date.

Table 2. Organization Chart of the Unified Judicial System



JUDICIAL STAFFING

State Judicial Staff

Justices' Law Clerks

Each supreme court justice employs a law clerk to assist in the extensive writing and research effort required for the preparation of formal Supreme Court opinions. The law clerks are recent law school graduates of high academic standing. They are selected for a one-year appointment that may be renewed for an additional year.

Clerk of the Supreme Court

The clerk assists the Supreme Court, and especially the Chief Justice, in the organization of the correspondence, exhibits, and other documentation related to the formal activities of the Supreme Court. This includes monitoring the progress of all appeals and original proceedings; scheduling oral arguments before the Court; recording Court decisions, orders and directives; and controlling their release and distribution. This office is also responsible for the management of all legal records of the Court; the compilation of appellate statistics; and the documentation and dissemination of all Court rules.

Chief of Legal Research

The attorney appointed by the Supreme Court to this position performs a number of tasks to assist the Court, particularly in the disposition of the technical workload. Responsibilities of the office include the following.

1) As executive secretary of the bar examiners, the Chief of Legal Research assists the examiners in developing, administering, and correcting the examinations given to candidates seeking admission to the bar.

2) As supreme court law librarian, the Chief of Legal Research is responsible for supervising and maintaining the Supreme Court Law Library of over 40,000 volumes.

3) The Chief of Legal Research also coordinates the efforts of staff attorneys in the prescreening of appeals and in drafting internal working memoranda, per curiam opinions, and orders for review by the Court. The staff attorneys screen the cases brought on appeal and make suggestions to the Supreme Court regarding disposition. These attorneys also help reduce the number of Court hearings by organizing the appellate settlement conferences, previously discussed. The purpose of these conferences is to help clarify the issues of the appeal, and to promote settlement between the parties, thus avoiding an expensive appeal and the need for a formal Court opinion.

State Court Administrator's Office

Directly responsible to the Chief Justice, the State Court Administrator serves as the chief management advisor to the Supreme Court. In coordinating policy decisions and developing management programs, this office provides administrative assistance and support services to the Unified Judicial System. At biweekly meetings with the Supreme Court, administrative issues are discussed and policy decisions made which are implemented by the State Court Administrator.

In addition to these management and policy functions, there are four major subdivisions of the office, each operating within its own sphere of administrative activity.

The Personnel and Training Division is responsible for Unified Judicial System personnel rules and aspects of personnel and training activities for judicial employees, including biennial training institutes for lay magistrates, and mandatory professional development programs for judges.

The personnel and training office is also responsible for recruiting new personnel for the judiciary by publishing notices for open positions and coordinating interviews with prospective employees.

The Budget and Finance Division is responsible for the development and administration of the annual budget request and appropriation, supervising the accounting system, purchasing, voucher processing and payment, and maintenance of the master inventory. This office is also responsible for the creation of new forms, and for maintaining the integrity of the accounting procedures for the Unified Judicial System.

The Division of Planning and Systems Development is responsible for computer programming and analysis, the operation and maintenance of the judicial management information system, collection of caseload data and maintenance of the system to make the data available, creation of software for use in the court system, and training personnel in the use of computers.

The Director of Court Services acts as advisor on issues related to probation, problem juveniles, restitution, adult interstate compact for probationers and other court services matters. The director is also responsible for the development and coordination of all professional development activities of court services officers, and he staffs the meetings of chief court services officers.

Circuit Judicial Staff

Circuit Court Administrator

The circuit court administrators assist the presiding judge in the management of the circuit. This includes budget, personnel, accounting programs, and statistical reporting responsibility. Presently, only the second and seventh circuits are staffed with full-time circuit court administrators. In the other circuits, an administrative secretary or assistant performs these functions.

Law Clerk

Each judicial circuit has the benefit of the services of a full-time law clerk. These are recent law school graduates employed to provide research assistance to the presiding judge and circuit judges in preparing case judgments and orders of the court.

Clerk of Court

Every county in South Dakota is assigned a clerk of court. In a few counties the clerk is employed on a part-time basis. The duties of the clerk, and the deputy clerks who assist in the office, are to organize the court calendar for the county, accept and record fines and fees, perform recordkeeping and filing functions for the courts, and maintain appropriate court records for the judicial reporting system. The clerk also assists and informs the public about the schedule of the court, proper filing procedures, and other matters of public interest such as the small claims process. In addition, the clerk of court performs the lay magistrate functions in most counties.

The Clerks' Advisory Council, which includes a clerk representative from each judicial circuit, meets with the State Court Administrator and members of his staff periodically. The purpose of these meetings is to discuss the needs and problems of the clerks' offices, develop solutions, revise the clerks' procedures manual, and make recommendations to the presiding judges regarding administrative or legislative changes.

Court Services Officer

The duties of the court services officers include the following:

1) Designing and supervising juvenile diversion program services.

2) Conducting juvenile, misdemeanant and felony presentence investigations and preparing related written reports and recommendations.

3) Providing probation services to juvenile, misdemeanant and felony probationers and their families.

4) Placing and supervising juvenile offenders in family foster homes and residential group care programs, and providing aftercare services to juveniles returning to their communities after completing this type of care or programs at correctional facilities.

5) Planning and collecting offender-paid victim restitution, and developing and supervising offender community-service programs.

6) Providing divorce custody investigations and mediation services, and monitoring divorce custody visitations and adoption investigations.

7) Providing public education programs, and managing community-based service activities for juvenile, misdemeanant and felony offenders and their families.

8) Collecting attorney fees, court costs, probation fees, work release costs, drug-buy money, and other costs and fees.

9) Providing interstate-compact supervision services for probationers convicted in other states who want to live and work in South Dakota.

Coordinating the activities of the court services officers are the chief court services officers, one of whom is appointed by the presiding judge in each judicial circuit.

These officers provide administrative channels of communications for the court services programs in that circuit. The chief court services officers meet with the Director of Court Services on a quarterly basis, and with the presiding judges twice each year to review the status of current programs in order to discern problems in the court services process and develop appropriate uniform solutions. In addition, the meetings furnish a forum for court services personnel to coordinate their activities with those of other government agencies and private resource groups.

Court Reporter

Circuit judges and most full-time magistrate judges have access to the services of a court reporter whose duty it is to keep verbatim notes of court proceedings, to make these transcripts available, and to assist the court in related needs. Court reporters also provide secretarial services to judges as needed.

Clerk-Magistrate Staffing

Table 3, below, shows the number of persons in the various categories of clerk-magistrate and lay magistrate positions, full-time and part-time, by circuit.

CLERK-MAGISTRATE STAFFING BY CIRCUIT

CIRCUITS --->	1	2	3	4	5	6	7	8	TOTAL
FULL TIME POSITIONS:									
Court Clerk–Magistrate	9	1	9	10	7	10	3	4	53
Deputy Court Clerk	4	22	5	0	6	0	16	0	53
Deputy Court Clerk–Magistrate	4	1	3	6	4	4	1	7	30
Accounting Clerk	0	1	0	0	0	0	1	0	2
CIRCUIT TOTALS -->	17	25	17	16	17	14	21	11	138
PART TIME POSITIONS:									
Court Clerk–Magistrate	0	0	0	1	3	3	0	4	11
Deputy Court Clerk	1	0	2	1	4	1	0	0	9
Deputy Court Clerk–Magistrate	6	0	7	8	4	10	0	7	42
Lay Magistrate	1	0	0	0	0	2	1	0	4
CIRCUIT TOTALS -->	8	0	9	10	11	16	1	11	66

Table 3. Clerk-Magistrate Staffing By Circuit

STAFFING ALLOCATIONS BY JUDICIAL CIRCUIT

CIRCUITS --->	1	2	3	4	5	6	7	8	TOTAL
Bailiff	0.3	3.2	0.3	0.4	0.3	0.4	0.7	1.0	6.6
Circuit Judge	4.0	5.0	5.0	4.0	4.0	5.0	5.0	4.0	36.0
Clerk of Court	9.0	1.0	9.0	10.4	8.6	11.7	3.0	6.3	59.0
Court Administrator	0.0	1.0	0.0	0.0	0.0	0.0	1.0	0.0	2.0
Court Reporter	4.0	7.0	5.0	4.0	5.0	5.0	7.0	5.0	42.0
Court Services Officer	8.0	17.0	9.0	7.0	7.0	8.0	15.0	7.0	78.0
Deputy Clerk of Court	11.7	24.0	12.9	8.1	13.1	7.9	20.0	8.6	106.3
Law Clerk	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	8.0
Law–Trained Magistrate	2.0	2.0	0.9	1.0	1.8	0.5	2.0	1.5	11.7
Lay Magistrate	0.2	0.0	0.0	0.0	0.0	0.9	0.2	0.0	1.3
Secretary	4.0	6.5	4.5	2.5	3.7	3.0	8.0	5.0	37.2
CIRCUIT TOTALS -->	44.2	67.7	47.6	38.4	44.5	43.4	62.9	39.4	388.1

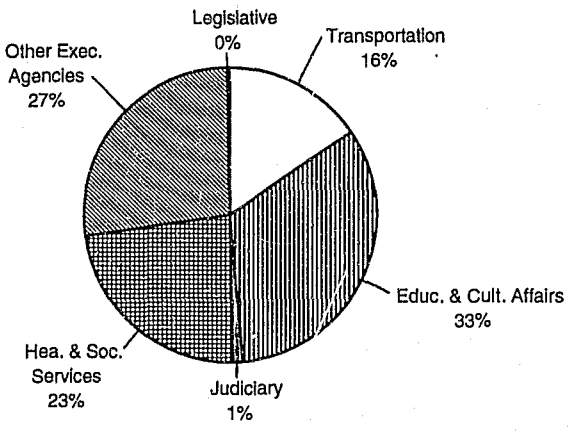
Table 4. Staffing Allocations By Circuit

Staffing Allocations

Table 4 reflects full-time equivalent (FTE) positions, counting hours worked rather than the total number of personnel. Because many of the positions filled in the Unified Judicial System are part-time, the staffing data is represented as full-time equivalent (FTE), which is based on hours worked per year (2080 hours = 1 FTE). So, two persons employed, each on a half-time basis, in a given position would appear in the table as 1.0 FTE.

FINES, FEES AND FINANCES

State Budget Allocation
Fiscal Year 1995



AGENCY (Full-Time Employees)		AMOUNT (MILLIONS)	PERCENT OF TOTAL
EXECUTIVE:			
Transportation (1,310)		$271.6	15.6%
Education and Cultural Affairs (5,109)		575.1	33.0%
Health and Social Services (1,434)		400.4	23.0%
Other Executive Agencies:			
Human Services (1,770)	$131.6		
Corrections (699)	36.2		
Labor (452)	28.7		
Executive Management (535)	90.9		
Game, Fish and Parks (506)	39.0		
Commerce and Regulation (529)	38.5		
Other (1,112)	103.1		
Total, Other Executive Agencies (5,618)		468.0	26.9%
LEGISLATIVE (83)		5.8	0.3%
JUDICIARY (434)		21.4	1.2%
TOTAL (13,988)		$1,742.3	100.0%

Table 5. State Budget Allocation

Financing The Unified Judicial System

The judicial system collects millions of dollars every year in fines, bond forfeitures, fees and costs. However, because of the obvious ethical questions that would be involved if court judgments produced court income, fine money is not used to finance the judicial system (refer to Table 7 on page 22). All the money collected by the judiciary, except as indicated on page 24, is disbursed into other areas of public budgeting such as the school districts or city and county general funds.

Because the judicial system of the state generates very little of its own funding, it must be financed by money from other sources, primarily the state budget. As demonstrated in the budget allocation data above, the judiciary's share of the budgetary pie is minuscule in comparison with that of major executive-branch agencies.

The state has the responsibility of funding the operations of the Supreme Court, the State Court Administrator's Office, circuit courts, clerks of court, court services programs, the out-of-home placement for juveniles, and training.

State funding provides for personal services, which include salaries and benefits, for the employees in these operations. This year's cost was $15.5 million for the system's full and part time employees.

The state also funded operating costs of $5.9 million in FY 1994. These operating costs include travel, contractual services, supplies and materials, and capital assets.

In addition to state funding, city and county governments are required by state law to pay for certain court related expenses.

The responsibility of the county in supporting its court operation includes all jury and witness fees, and transcript costs and attorney fees for indigent defense. Also, counties are required to provide operational facilities for the circuit court, clerks of court, and court services. These facilities include office space, courtrooms, jury rooms, and other meeting rooms needed to support the courtroom activities. In addition, many counties maintain their own county law libraries, partially funded from a law library fee collected on each civil filing in the circuit court.

Municipalities are generally required to provide funding to support activities that are necessary to enforce municipal ordinances and bylaws. This includes jury fees, witness fees, and transcript costs and attorney fees for indigent defendants, as all of these are applicable to city ordinance. Municipalities also provide facilities for some magistrate courts. These facilities consist of office space, courtrooms, and other meeting rooms to support formal court activities. The legislature requires that the state general fund receive 35% of all fines, penalties and forfeitures collected for violation of municipal ordinances.

The State Court Administrator's Office manages the fiscal operations of the Unified Judicial System. This includes assisting the Supreme Court in the preparation and submission of the annual consolidated budget request; administration of the operating budget; and management of the uniform accounting of all receipts and disbursements of funds for the circuit and magistrate courts. The definitions below apply to the categories of accounting information in Table 6.

DEFINITIONS OF RECEIPT CATEGORIES

Posted Bonds: Bonds posted in conjunction with a criminal case. This money is either forfeited and used to pay subsequent fines and costs, or returned to the defendant.

City Fines: Fines collected for violations of city ordinances, which 65% is paid into the city general fund and 35% is paid into the state general fund for services provided by the Unified Judicial System.

City Costs: Costs levied in conjunction with city fines as reimbursement to the city for an identifiable amount spent by the city in prosecuting a case. These funds are paid into the city general fund.

City Forfeitures: Forfeitures of bonds posted for violation of a city ordinance. These funds are also paid into the city general fund (65%) and the state general fund (35%).

State Fines: Fines collected for violations of state laws. These are paid into the county treasury for eventual transfer to the school district of the county in which the violation occurred.

State Costs: Money collected in conjunction with state fines to cover county costs. These are deposited in the county general fund.

State Forfeitures: Forfeitures of bonds posted for violations of state laws. This money is paid into the county general fund.

Liquidated costs: A $19.00 surcharge assessed for all criminal convictions. Fifteen dollars is used for training of law enforcement, corrections, and judicial personnel. Threer dollars is used to reimburse counties for counsel appointed to defend indigent criminal defendants, and one dollar goes to the abuse and neglected child fund.. The money is paid into the state treasury for distribution.

Court Automation Surcharge: A surcharge of $2.50 assessed on all criminal prosecutions and most civil actions (other than small claims) to fund court automation costs.

Victim Compensation Surcharge: A charge of $2.50 assessed against a defendant in any criminal action which resulted from a violation of state law, county or municipal ordiance, (except parking violations) and which is used to assist crime victims recover some of the costs they have incurred as a result of the crime.

Cash Fees: Fees charged for the filing of various civil actions. This money is paid into the county general fund.

Divorce Fee: A $50 fee for filing a divorce action. One half of fee is to be deposited into county domestic abuse program fund and remaining half into county general fund.

Law Library Fee: A fee of $1.00 or $3.00 charged in addition to the civil case filing fee and used to support the county law library.

Petty Offense Judgment: A judgment of $20 assessed for minor state violations designated as petty offenses. The money is deposited in the treasury of the county.

Restitution: Money collected by the court from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

Court-Appointed Attorney Fee: A cost recovered from indigent defendants to reimburse the county general fund for payment of the defendant's court-appointed attorney. The money is paid to the county treasurer.

NSF Charge: $20 charged to a person who issues to the state, or a political subdivision, a check or other draft that is not honored by his bank.

Change of Venue: Fees or fines collected to be paid to another county court.

Child Support: Payments ordered by the court from one party in a divorce action to the other party as financial support for the children involved.

Civil Forwarding: Payments collected in conjunction with a civil case and forwarded to the legal recipient.

Passports: Fees collected for processing of U. S. passport applications.

Trust Fund: Money deposited with the clerk pending a decision regarding ownership. Also long-term bonds posted in criminal cases. Examples are Supreme Court appeal bonds or specific performance (peace) bonds.

Other: Collections that do not fit any of the foregoing categories.

CLERK OF COURT RECEIPTS AND DISBURSEMENTS

RECEIPTS	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	EIGHTH CIRCUIT	STATE TOTAL
POSTED BONDS	$358,292	$554,041	$201,180	$219,702	$299,988	$250,429	$464,739	$369,995	$2,718,365
CITY FINES	118,845	375,345	109,444	57,145	115,029	50,862	107,586	32,753	967,008
CITY COSTS	271	260	693	0	3,763	452	0	1,544	6,982
CITY FORFEITURES	30	1,915	12,460	0	0	0	90	0	14,495
STATE FINES	1,321,411	1,010,190	910,972	610,832	738,864	667,617	888,093	1,017,194	7,165,173
STATE COSTS	30,127	40,691	37,407	31,907	24,352	33,184	141,100	57,575	396,342
STATE FORFEITURES	15,310	35,862	11,690	5,476	8,997	11,957	34,497	20,140	143,928
LIQUIDATED COSTS	397,414	487,013	278,277	200,217	255,518	199,680	342,613	222,789	2,383,520
SURCHARGE - COURT AUTOMATION	115,303	147,917	84,459	59,448	77,468	58,594	102,155	65,909	711,252
SURCHARGE - VICTIM COMPENSATION	52,328	62,851	37,356	26,363	33,558	26,176	44,863	[illegible]	312,599
CASH FEES	105,087	190,498	101,909	74,706	99,451	62,257	148,103	64,214	846,224
DIVORCE FEES	15,025	29,650	17,950	8,275	11,500	8,350	30,700	16,425	137,875
LAW LIBRARY FEES	16,325	30,070	16,970	11,906	14,885	9,099	22,226	10,300	131,780
POSTAGE (SMALL CLAIMS)	7,635	15,071	8,364	7,275	6,801	4,428	12,627	4,747	66,947
PETTY OFFENSE	3,545	0	1,140	630	6,690	5,220	2,405	1,405	21,035
RESTITUTION	290,999	465,160	149,193	140,579	218,073	185,115	288,880	95,972	1,833,972
COURT APPOINTED ATTORNEY FEES	48,581	25,044	106,958	24,395	104,817	85,009	104,799	17,762	517,364
NSF CHECK CHARGES	1,570	1,035	800	784	340	580	1,480	360	6,949
CHANGE OF VENUE	462	605	560	511	1,008	1,870	614	404	6,033
CHILD SUPPORT - CASH	17,611	50	10,851	23,849	23,020	26,812	204,307	2,047	308,548
CHILD SUPPORT - CHECKS	1,384,461	2,355,170	2,885,435	1,639,961	1,711,990	1,104,064	3,547,731	1,425,888	16,054,699
ALTERNATIVE CARE - CASH	128	104	150	619	637	283	397	0	2,318
ALTERNATIVE CARE - CHECKS	4,519	7,509	7,884	5,278	8,911	26,103	11,371	11,722	83,295
CIVIL FORWARDING - CHECKS	14,398	0	29,496	12,382	9,598	57,142	303	800	124,120
PASSPORTS	1,120	0	730	590	1,200	820	580	800	5,840
TRUST FUND	91,561	489,325	61,330	59,682	36,003	147,763	824,623	55,261	1,765,546
OTHER	15,802	18,361	3,038	5,765	10,508	2,892	50,396	1,995	108,757
TOTAL RECEIVED	$4,428,160	$6,343,737	$5,086,695	$3,228,275	$3,822,965	$3,026,754	$7,377,278	$3,527,102	$36,840,966

DISBURSEMENTS									
BOND REFUNDS	$375,647	$586,634	$173,006	$212,136	$282,553	$249,322	$535,570	$332,148	$2,747,016
REMITTED TO STATE	609,341	830,856	444,268	307,403	408,315	303,632	529,379	330,424	3,763,619
REMITTED TO CITY	77,540	245,414	79,931	37,144	78,560	33,526	69,989	22,833	644,937
REMITTED TO COUNTY	1,555,410	1,362,070	1,205,015	768,125	1,009,556	882,697	1,371,922	1,205,014	9,359,810
CHANGE OF VENUE	462	605	560	511	1,008	1,870	614	404	6,033
RESTITUTION	290,218	494,403	154,090	144,989	230,885	184,813	288,118	99,972	1,887,488
POSTAGE (SMALL CLAIMS)	7,635	15,071	8,364	7,275	6,801	4,428	12,627	4,747	66,947
CHILD SUPPORT - CASH	17,611	50	10,851	23,849	23,020	26,812	204,307	2,047	308,548
CHILD SUPPORT - CHECKS	1,384,461	2,355,170	2,885,435	1,639,961	1,711,990	1,104,064	3,547,731	1,425,888	16,054,699
ALTERNATIVE CARE - CASH	128	104	150	619	637	283	397	0	2,318
ALTERNATIVE CARE - CHECKS	4,519	7,509	7,884	5,278	8,911	26,103	11,371	11,722	83,295
CIVIL FORWARDING - CHECKS	14,398	0	29,496	12,382	9,598	57,142	303	800	124,120
TRUST FUND	31,607	198,365	70,762	12,902	12,329	169,018	585,153	87,074	1,167,210
OTHER	15,802	18,361	3,038	5,765	10,508	2,902	50,396	1,995	108,767
TOTAL DISBURSED	$4,384,779	$6,114,612	$5,072,851	$3,178,340	$3,794,669	$3,046,610	$7,207,877	$3,525,068	$36,324,806

Table 6. Clerk of Court Receipts and Disbursements

CLERK OF COURT RECEIPTS COMPARED

	FY 1990	FY 1991	FY 1992	FY 1993	FY 1994
Cash Receipts:					
Posted Bonds	$1,921,951	$2,115,695	$2,114,785	$2,289,235	2,718,365
City Fines	1,063,739	1,035,063	992,822	975,573	967,008
City Costs Recovered	6,399	4,259	4,522	5,294	6,982
City Forfeitures	13,255	13,412	11,399	12,503	14,495
State Fines	5,913,254	6,133,775	6,597,982	6,669,198	7,165,173
State Costs Recovered	231,067	266,585	346,641	351,973	396,341
State Forfeitures	83,919	64,619	110,495	88,947	143,927
Liquidated Costs	2,051,979	1,958,012	2,015,605	2,392,423	2,383,520
Automation Surcharge	0	341,202	375,493	693,220	711,252
Victims Compensation	0		311,321	315,894	312,599
Cash Fees	774,603	799,214	825,512	846,904	846,224
Divorce Fees	0	0	0	0	137,875
Law Library Fee	112,638	121,999	123,944	122,836	131,780
Small Claims Postage	46,454	54,914	61,770	63,472	66,947
Petty Offense Fines	8,947	13,102	17,930	17,215	21,035
Restitution	1,033,950	1,312,305	1,618,600	1,670,964	1,833,971
Ct. Apptd. Atty. Fees	233,729	257,484	349,400	421,828	517,364
NSF Check Charges	0	5,390	7,058	7,400	6,949
Change of Venue	0	4,986	6,425	5,262	6,033
Child Support, Cash	0	362,516	302,971	327,818	308,548
Child Support, Checks	0	16,066,129	15,623,885	15,914,868	16,054,699
Child Support, Total	14,765,481	16,428,645	15,926,856	16,242,686	16,363,248
Alternative Care – Cash	0	0	0	0	2,318
Alternative Care – Checks	0	0	0	0	83,295
Civil Forwarding	0	324,418	163,314	217,386	124,120
Passports	0	3,883	6,145	5,350	5,480
Trust Fund	1,522,141	2,011,964	836,413	852,646	1,765,546
Other	517,989	370,473	325,311	80,889	108,757
CIRCUIT TOTALS	$30,301,495	$33,641,399	$33,149,743	$34,349,098	$36,840,604
Cash Disbursements:					
Bond Refunds	$1,859,369	$2,008,855	$2,159,428	2,148,080	2,747,016
Remitted to State	2,436,553	2,675,055	3,067,544	3,760,125	3,763,619
Remitted to Cities	706,928	685,843	657,794	647,531	644,937
Remitted to Counties	7,357,859	7,657,543	8,371,633	8,518,863	9,359,810
Change of Venue	3,665	5,593	6,100	5,262	6,033
Restitution	1,015,314	1,276,998	1,593,262	1,663,192	1,887,488
Small Claims Postage	46,420	54,932	61,785	63,472	66,947
Child Support, Cash	0	362,555	302,941	327,818	608,548
Child Support, Checks	0	16,066,129	15,623,885	15,914,868	16,054,699
Child Support, Total	14,765,481	16,428,684	15,926,826	16,242,686	16,663,247
Alternative Care – Cash				0	2,318
Alternative Care – Checks				0	83,295
Civil Forwarding	0	324,418	163,314	217,386	124,120
Trust Fund	1,753,765	2,678,624	774,955	869,104	1,167,210
Other	509,206	369,147	325,175	80,879	108,767
CIRCUIT TOTALS	$30,454,560	$34,165,692	$33,107,816	$34,216,580	$36,624,807

Table 7. Clerk of Court Receipts and Disbursements Compared

Receipts

Chart 2, below, shows some of the types of receipts collected by the clerk of court offices throughout the state. Restitution is the amount of money required by the court to be paid to the victim of a crime by an offender. The collection, accounting, and disbursement of the restitution is the joint responsibility of the court services officer and the clerk of court. It represents one of the ways in which the court system assists the victim of the crime, in addition to the punishment of the criminal by fine or incarceration.

The "Fees" category represents the money paid by the public for services rendered by the court, such as providing transcripts of certain records in the court offices. Also, fees are collected for the filing--that is, at the beginning--of non-criminal court actions (small claims, probate, divorce, etc.)

Court-appointed attorney costs are paid initially by the county or city for accused persons who are unable to pay for a lawyer. The court assists in the collection of repayment of these attorney fees from the defendant, sometimes requiring repayment as a condition of probation. The amount of this repayment shown in the chart below is only that portion of court-appointed attorney costs repaid by the defendant.

In addition to this direct repayment from the defendant, a certain portion of the costs collected on all criminal convictions is set aside and returned to the counties as a percentage of repayment for the total paid by the county for court appointed attorneys. Apportionment of these costs is specified by SDCL 23-3-53 and is explained in some detail in the following material under the title "Fines and Costs." Also, Chart 7 shows a comparison of total costs and repayment over the five most recent fiscal years.

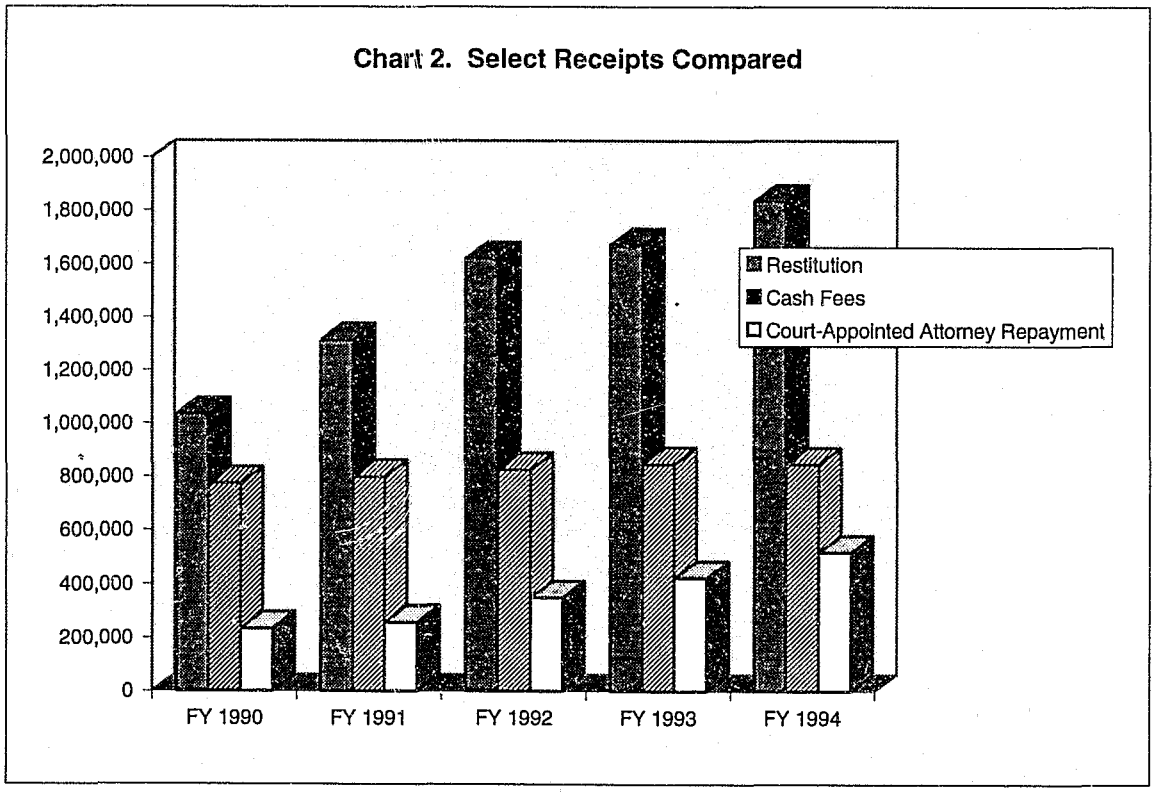


Chart 2. Selected Receipts Compared, Restitution, Fees, Court-Appointed Attorney Repayment

Fines and Costs

Chart 3, below, shows fiscal year comparison of fines and costs collected for criminal cases. State fines are assessed for violations of state laws and are deposited for use by the school district of the county in which the violation occurred. Of the city fine receipts which are charged for violation of municipal ordinances, 65% of the amount is returned to the city general fund and 35% to the state general fund.

Liquidated costs of $19.00 are added to all fines for violation of state statutes, criminal offenses, and county or municipal traffic regulations (SDCL 23-3-52). The court occasionally waives the liquidated cost assessment, or some portion of it, if financial hardship is evident for the defendant.

Total disbursement of liquidated costs is divided two ways. The following is an approximate breakdown that may not correspond precisely to the actual expenditure amounts. Of the total, 73% is to be used according to SDCL 23-3-55, for law enforcement training. This includes highway safety training, operation of the statewide drug enforcement unit, purchase of state law enforcement equipment, operating the state crime laboratory, training corrections personnel, training prosecutors and Unified Judicial System personnel, and for other law enforcement purposes.

The remaining portion, about 27%, is returned to the counties on a percentage basis for the payment of public defenders and court-appointed attorneys representing low-income defendants accused of crimes. This money is to be distributed annually by the state treasurer according to SDCL 23-3-53. See Table 9 for distribution of these funds to counties.

State fine receipts for the past five years have shown an increase which reflects a corresponding increase in the number of traffic offense fines collected over the same period. City fines receipts have remained fairly stable over the five-year period shown below.

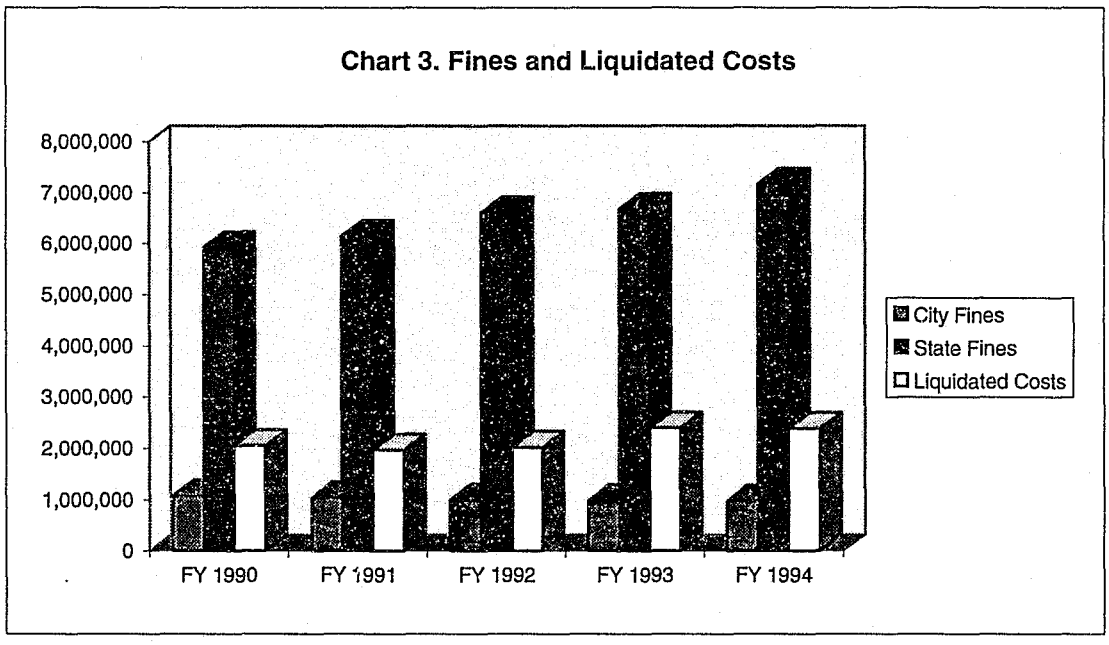


Chart 3. Selected Receipts Compared, Fines and Liquidated Costs

Child Support

In addition to total receipts, chart 4 also presents the two categories that comprise the largest share of money handled by the courts--child support and state fines. In the recent past, total receipts and child support receipts have generally shown a gradual increase.

Child support payments, the largest single component of receipts processed by the clerks' offices, represent a significant service performed by the courts for the public. The clerks of court in these cases serve as bookkeeper and collection agency for the recipient parent, and ensure that the paying parent discharges the responsibility required by the courts.

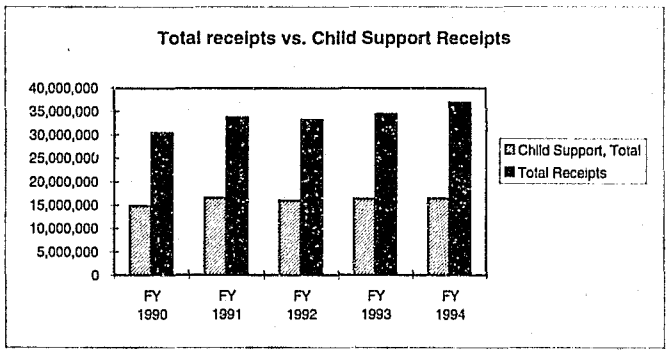


Chart 4. Total Receipts Compared to Child Support

Disbursements

Chart 5 shows funds disbursed by the clerks of court to the state and its political subdivisions. Funds remitted to the counties include state fine amounts returned for school districts in accordance with article VIII, §3 of the South Dakota Constitution.

Disbursements to the counties, which include state fines, costs and forfeitures, and various fees for civil filings, show a noticeable increase over the past three years.

Disbursements to the cities are primarily city fines collected. They have remained stable over the five-year period shown. The amount remitted to the cities is about 65% of the city fines collected. The remaining 35% is remitted to the state.

Amounts remitted to the state include liquidated costs and the 35% portion of city fines indicated above. There has been a steady increase in disbursements to the state over the past five years.

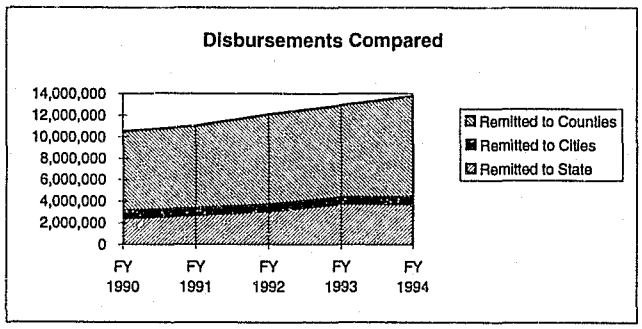


Chart 5. Selected Disbursements Compared

COMPARISON OF STATE FINES, BY COUNTY AND CIRCUIT:

COUNTIES:	FY 1992	FY 1993	FY 1994	% Change FY92/FY94
1st CIRCUIT				
Bon Homme	$46,591	$52,668	$56,222	20.7%
Charles Mix	80,121	106,962	117,566	46.7%
Clay	138,384	150,397	148,786	7.5%
Douglas	21,924	16,575	24,779	13.0%
Hutchinson	35,331	42,120	38,633	9.3%
Lincoln	109,040	126,782	155,926	43.0%
Turner	36,857	30,877	39,217	6.4%
Union	417,383	422,433	438,017	4.9%
Yankton	261,229	258,248	302,265	15.7%
TOTAL	$1,146,860	$1,207,062	$1,321,411	15.2%
2nd CIRCUIT				
Minnehaha	$985,043	$929,127	$1,010,190	2.6%
3rd CIRCUIT				
Beadle	$136,412	$160,257	$171,676	25.9%
Brookings	221,050	231,658	227,029	2.7%
Clark	34,827	29,575	40,040	15.0%
Codington	171,435	201,912	215,854	25.9%
Deuel	44,187	39,267	49,668	12.4%
Grant	87,209	85,902	81,502	-6.5%
Hamlin	33,571	39,882	43,779	30.4%
Hand	30,531	35,023	36,036	18.0%
Kingsbury	39,375	43,858	45,389	15.3%
TOTAL	$798,597	$867,334	$910,973	14.1%
4th CIRCUIT				
Aurora	$27,008	$34,582	$28,577	5.8%
Brule	55,712	52,833	48,187	-13.5%
Buffalo	1,605	3,377	2,367	47.5%
Davison	154,596	173,611	215,393	39.3%
Hanson	28,565	22,247	30,363	6.3%
Jerauld	8,783	13,152	15,109	72.0%
Lake	68,917	66,895	73,496	6.6%
McCook	49,680	37,930	39,629	-20.2%
Miner	17,476	21,397	22,558	29.1%
Moody	120,140	100,561	110,050	-8.4%
Sanborn	25,573	21,362	25,103	-1.8%
TOTAL	$558,055	$547,947	$610,832	9.5%

STATE TOTALS	FY 1992	FY 1993	FY 1994	% CHANGE FROM 1992/94
	$6,597,557	$6,669,199	$7,165,172	8.6%

COUNTIES:	FY 1992	FY 1993	FY 1994	% Change FY92/FY94
5th CIRCUIT				
Brown	$258,189	$242,514	$309,073	19.7%
Campbell	3,760	5,426	4,032	7.2%
Day	58,108	60,662	57,407	-1.2%
Edmunds	35,277	28,522	44,095	25.0%
Faulk	26,465	20,002	22,824	-13.8%
Marshall	25,262	21,812	22,900	-9.4%
McPherson	5,394	9,732	12,047	123.3%
Roberts	147,200	136,561	131,305	-10.8%
Spink	74,239	67,999	53,515	-27.9%
Walworth	96,698	94,182	81,666	-15.5%
TOTAL	$730,592	$687,412	$738,864	1.1%
6th CIRCUIT				
Bennett	$41,235	$45,224	$43,875	6.4%
Gregory	25,401	33,629	31,978	25.9%
Haakon	17,911	18,177	17,188	-4.0%
Hughes	178,433	170,980	173,424	-2.8%
Hyde	6,155	6,978	6,232	1.3%
Jackson	82,911	84,933	86,878	4.8%
Jones	34,792	56,163	44,390	27.6%
Lyman	66,076	85,721	84,783	28.3%
Mellette	4,039	5,641	7,242	79.3%
Potter	27,936	19,824	25,866	-7.4%
Stanley	52,156	41,530	58,024	11.3%
Sully	16,067	22,921	22,037	37.2%
Todd-Tripp	74,040	64,635	65,698	-11.3%
TOTAL	$627,152	$656,356	$667,615	6.5%
7th CIRCUIT				
Custer	$103,050	$96,131	$87,588	-15.0%
Fall River	69,024	90,651	93,381	35.3%
Pennington	677,082	682,346	707,123	4.4%
TOTAL	$849,156	$869,128	$888,092	4.6%
8th CIRCUIT				
Butte	$68,553	$71,769	$81,943	19.5%
Corson	7,031	6,107	11,436	62.7%
Dewey	9,072	9,727	13,659	50.6%
Harding	6,400	5,204	8,367	30.7%
Lawrence	365,540	387,961	423,701	15.9%
Meade	404,964	389,862	438,569	8.3%
Perkins	37,283	25,752	27,096	-27.3%
Ziebach	3,259	8,451	12,424	281.2%
TOTAL	$902,102	$904,833	$1,017,195	12.8%

Table 8. State Fine Receipts Compared by County & Circuit

Court Appointed Attorney Costs

Table 9, page 28, shows costs and repayment for court-appointed attorneys and public defenders. Chart 7 is a graphic summary comparison of court-appointed attorney costs and repayment by circuit for the fiscal year. Minnehaha (second circuit) and Pennington (seventh circuit) are the two counties that use their own public defender system. This means that the county pays a full-time legal staff to provide for the defense of economically disadvantaged persons accused of crime. Lawrence and Butte Counties (eighth circuit) also share a full-time public-defender office.

Tables 9 and 10 include a significant number of court appointments of attorneys to defend juvenile offenders. The cost for these appointments is included in the table data, but the numbers of appointments are not included. This tends to somewhat distort the county average payment data contained in Table 10. The average case cost may appear somewhat higher than in actuality because of inclusion of the juvenile case appointments. The number of appointments are limited, so the averages are not skewed too much.

In counties where there is no public defender system, judges or magistrates appoint local attorneys to defend indigent defendants. Repayment policies are the same for both types of county. The defendant, regardless of whether or not convicted, is expected to repay the cost of the court-appointed attorney. If repayment is not made, the county may file a lien against the defendant for the cost of the court-appointed attorney.

In addition to the costs repaid by the defendant, state law has established a court-appointed attorney fund, into which is paid $4.00 as costs from each criminal conviction, including traffic violations (the fund is discussed on page 24). The fund this year has provided an allocation to each county of approximately 15% of the court-appointed attorney costs incurred. This figure is shown in the second numerical column on Table 9.

The data on Table 10, page 29, shows an approximate average cost to the county for each court-appointed attorney case. This is computed by dividing the total payment for the fiscal year by the total number of court appointment cases. Table 10 also shows the percent of total class 1 misdemeanor and felony filings that result in court appointment of an attorney. The state average shows that about one out of three such filings result in appointment of an attorney at county expense.

State-wide, the cost of court appointed counsel has increased again during the year.This type of cost is difficult to predict from year to year because it depends on the number of serious criminal prosecutions that develop in a county.

Chart 6 shows the distribution of court-appointed attorney costs by circuit.

In chart 7, the gap between the cost of court appointed attorneys and the payback has increased due to costs increasing while the payback shows very little change.

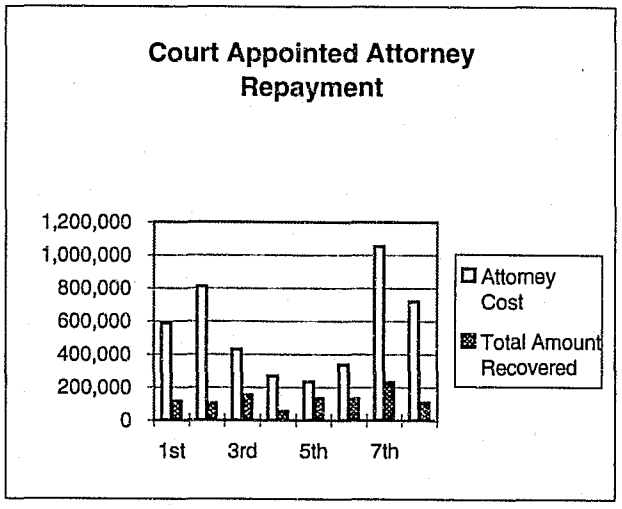


Chart 6. Court Appointed Attorney Repayment, by Circuit

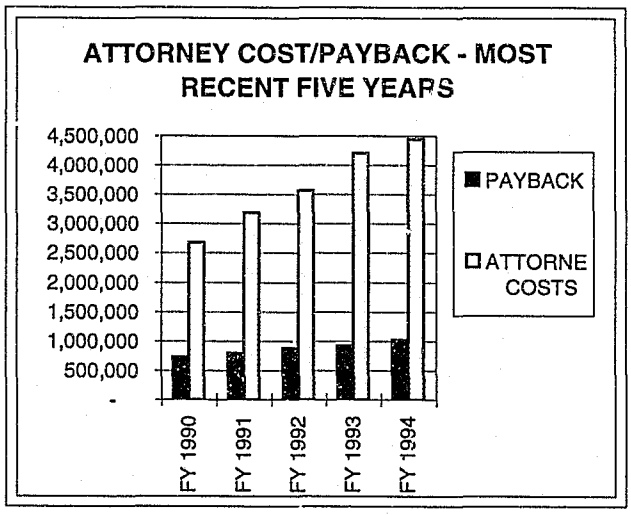


Chart 7. Court-Appointed Attorney Cost Payback by Fiscal Year

COUNTY EXPENDITURES AND REPAYMENT FOR COURT APPOINTED ATTORNEYS

COUNTIES	Total Paid by County	Allocated by Statute	Paid by Defendant	Percent Repaid *
1st Circuit				
Bon Homme	$37,186	$3,684	$923	12%
Charles Mix	117,434	12,223	2,920	13%
Clay	11,265	1,331	6,806	72%
Douglas	20,859	3,412	31	17%
Hutchinson	63,288	6,527	5,742	19%
Lincoln	118,617	12,867	9,510	19%
Turner	35,112	3,588	398	11%
Union	70,722	8,923	5,611	21%
Yankton	112,534	14,565	16,640	28%
TOTAL	$587,017	$67,120	$48,581	20%
2nd Circuit				
Minnehaha	$811,836	$77,703	$25,044	13%
3rd Circuit				
Beadle	$110,849	$13,879	$39,298	48%
Brookings	37,588	3,690	22,689	70%
Clark	5,662	531	2,342	51%
Codington	191,124	18,111	24,510	22%
Deuel	21,772	2,042	3,990	28%
Grant	24,880	2,333	7,705	40%
Hamlin	8,558	803	2,234	35%
Hand	8,710	1,472	2,049	40%
Kingsbury	22,570	2,117	2,141	19%
TOTAL	$431,713	$44,978	$106,958	35%
4th Circuit				
Aurora	$7,618	$714	$1,455	28%
Brule	32,161	3,194	3,845	22%
Buffalo	504	47	0	9%
Davison	117,183	12,617	1,486	12%
Hanson	7,255	680	1,554	31%
Jerauld	2,613	245	2,788	116%
Lake	32,344	3,033	5,129	25%
McCook	31,179	3,463	3,481	22%
Miner	13,847	1,298	543	13%
Moody	19,193	2,074	2,672	25%
Sanborn	5,369	503	1,441	36%
TOTAL	$269,266	$27,868	$24,394	19%

* Percent of total paid by county repaid by statutory allocation and by the defendent.

STATE TOTALS	Total Paid by County	Allocated by Statute	Paid by Defendant	Percent Repaid *
	$4,442,414	$505,842	$517,364	23%

COUNTIES	Total Paid by County	Allocated by Statute	Paid by Defendant	Percent Repaid *
5th Circuit				
Brown	$76,302	$9,363	$76,802	113%
Campbell	714	67	0	9%
Day	47,498	4,454	1,101	12%
Edmunds	17,244	1,617	4,824	37%
Faulk	4,672	438	2,203	57%
Marshall	6,149	577	3,313	63%
McPherson	327	31	100	40%
Roberts	46,957	8,860	4,750	29%
Spink	5,579	693	3,821	81%
Walworth	29,507	2,392	7,904	35%
TOTAL	$234,949	$28,492	$104,818	57%
6th Circuit				
Bennett	$21,365	$2,628	$3,724	30%
Gregory	15,075	1,790	1,279	20%
Haakon	6,809	639	1,070	25%
Hughes	198,982	28,235	54,579	42%
Hyde	3,374	467	591	31%
Jackson	8,718	818	964	20%
Jones	5,282	495	1,780	43%
Lyman	24,199	2,404	2,755	21%
Mellette	12,340	1,157	860	16%
Potter	11,476	1,076	2,952	35%
Stanley	6,940	651	7,846	122%
Sully	1,760	165	526	39%
Todd-Tripp	20,640	3,506	6,082	46%
TOTAL	$336,960	$44,031	$85,008	38%
7th Circuit				
Custer	$39,227	$3,679	$10	9%
Fall River	95,758	10,844	16,899	29%
Pennington	917,201	111,643	87,890	22%
TOTAL	$1,052,186	$126,166	$104,799	22%
8th Circuit				
Butte	$111,329	$18,849	$2,976	20%
Corson	3,194	299	215	16%
Dewey	5,684	1,324	50	24%
Harding	1,643	154	0	9%
Lawrence	382,014	44,264	3,544	13%
Meade	184,259	19,965	1,863	12%
Perkins	26,759	3,855	6,660	39%
Ziebach	3,605	774	2,454	90%
TOTAL	$718,487	$89,484	$17,762	15%

Table 9. County Expenditures and Repayment for Court-Appointed Attorneys and Public Defenders

COURT-APPOINTMENT CASES AND COSTS

COUNTIES	Paid by County	Appts.	Misd. 1 & Felony Disposn'	Avg.Pm Per Appt.	% of Appts.to Filings
1st Circuit	$	#	#	$	%
Bon Homme	37,186	19	86	1,957	22.1%
Charles Mix	117,434	132	417	890	31.7%
Clay	11,265	40	439	282	9.1%
Douglas	20,859	7	27	2980	25.9%
Hutchinson	63,288	25	60	2532	41.7%
Lincoln	118,617	96	320	1236	30.0%
Turner	35,112	24	70	1463	34.3%
Union	70,722	82	475	862	17.3%
Yankton	112,534	173	774	650	22.4%
TOTAL	587,017	598	2668	982	22.4%
2nd Circuit					
Minnehaha	811,836	2587	5887	314	43.9%
3rd Circuit					
Beadle	110,849	118	388	939	30.4%
Brookings	37,588	97	526	388	18.4%
Clark	5,662	7	68	809	10.3%
Codington	191,124	213	681	897	31.3%
Deuel	21,772	16	67	1361	23.9%
Grant	24,880	32	105	778	30.5%
Hamlin	8,558	10	48	856	20.8%
Hand	8,710	14	43	622	32.6%
Kingsbury	22,570	14	51	1612	27.5%
TOTAL	431,713	521	1977	829	26.4%
4th Circuit					
Aurora	7,618	10	33	762	30.3%
Brule	32,161	33	148	975	22.3%
Buffalo	504	0	3	ERR	0.0%
Davison	117,183	223	569	525	39.2%
Hanson	7,255	16	35	453	45.7%
Jerauld	2,613	8	28	327	28.6%
Lake	32,344	43	193	752	22.3%
McCook	31,179	24	72	1299	33.3%
Miner	13.847	4	33	3462	12.1%
Moody	19,193	35	164	548	21.3%
Sanborn	5,369	7	37	767	18.9%
TOTAL	269,266	403	1315	668	30.6%

STATE TOTALS	Paid by County	Appts.	Misd. 1 & Felony Disposn'	Avg.Pm Per Appt.	% of ppts. to Filings
$	4,442,414	8104	22,625	$529	37%

COUNTIES	Paid by County	Appts.	Misd. 1 & Felon Disposn	Avg.Pm Per Appt.	% of Appts.to Filings
5th Circuit	$	#	#	$	%
Brown	76,302	257	1,045	297	24.6%
Campbell	714	1	10	714	10.0%
Day	47,498	36	128	1319	28.1%
Edmunds	17,244	16	58	1078	27.6%
Faulk	4,672	10	63	467	15.9%
Marshall	6,149	0	16	ERR	0.0%
McPherson	327	84	240	4	35.0%
Roberts	46,957	46	212	1021	21.7%
Spink	5,579	5	42	1116	11.9%
Walworth	29,507	9	67	3279	13.4%
TOTAL	234,949	464	1881	$506	24.7%
6th Circuit					
Bennett	21,365	61	143	$350	42.7%
Gregory	15,075	22	66	685	33.3%
Haakon	6,809	10	27	681	37.0%
Hughes	198,982	320	707	622	45.3%
Hyde	3,374	2	18	1687	11.1%
Jackson	8,718	30	135	291	22.2%
Jones	5,282	13	68	406	19.1%
Lyman	24,199	34	121	712	28.1%
Mellette	12,340	18	40	686	45.0%
Potter	11,476	10	43	1148	23.3%
Stanley	6,940	29	99	239	29.3%
Sully	1,760	2	13	880	15.4%
Todd-Trip	20,640	39	149	529	26.2%
TOTAL	336,960	590	1629	$571	36.2%
7th Circuit					
Custer	39,227	74	260	$530	28.5%
Fall River	95,758	112	335	855	33.4%
Pennington	917,201	2,101	4,264	437	49.3%
TOTAL	1,052,186	2287	4859	$460	47.1%
8th Circuit					
Butte	111,329	104	289	$1,070	36.0%
Corson	3,194	16	30	200	53.3%
Dewey	5,684	6	38	947	15.8%
Harding	1,643	1	11	1643	9.1%
Lawrence	382,014	330	1,196	1158	27.6%
Meade	184,259	177	768	1041	23.0%
Perkins	26,759	18	68	1487	26.5%
Ziebach	3,605	2	9	1803	22.2%
TOTAL	718,487	654	2409	$1,099	27.1%

Table 10. Average Cost per Court Appointment, by County

Travel by Circuit Personnel

Tables 11 and 12 and Chart 8 show the miles traveled by certain circuit personnel throughout the state in the performance of their professional duties. Judges and magistrates are listed in Table 11, and court services officers in Table 12.

MILEAGE BY JUDICIAL PERSONNEL

JUDGE OR MAGISTRATE	MILEAGE
First Circuit:	
Caldwell	20,700
Kern	7,655
Marmet	1,945
Rusch	3382
Tapken	4492
Tappe	10,147
Cody	7,784
Bogue	6,345
TOTAL	62,450
Second Circuit:	
Kean	40
Meierhenry	0
Srstka	0
TOTAL	40
Third Circuit:	
Pierce	10,736
Steele	7,502
Bradshaw	6,076
Timm	2,935
Erickson	5,156
Brekke	6,306
Martin	3,212
TOTAL	41,923

JUDGE OR MAGISTRATE	MILEAGE
Fourth Circuit:	
Miller	7,276
Sage	4,802
Tucker	6,730
Kiner	4,782
McMurchie	4,584
Anderson	3,671
TOTAL	31,845
Fifth Circuit:	
Gilbertson	19,898
Berndt	4,444
Dobberpuhl	12,699
Lovrien	7,842
Flemmer	5,456
Glynn	3,802
Von Wald	4,372
TOTAL	58,513
Sixth Circuit:	
Gors	27,315
Heck	5,513
Mc Keever	8,914
Anderson	9,869
Zinter	5,592
Trandahl	4,120
Wilbur	1084
TOTAL	62,407

JUDGE OR MAGISTRATE	MILEAGE
Seventh Circuit:	
O'Conner	4,732
Davis	5,635
Fitzgerald	2,040
Grosshans	170
Tice	1,051
Konenkamp	0
TOTAL	13,628
Eighth Circuit:	
Moses	8,224
Bastain	5,806
Johnson	8,236
Johns	7,808
Severns	3,690
Ellingson	1,620
Oswald	360
Tschetter	1698
TOTAL	37,442
STATE TOTAL	308,248

Table 11. Travel by Judicial Personnel

MILEAGE BY COURT SERVICES PERSONNEL FOR OFFICIAL FUNCTIONS

OFFICER	MILEAGE
First Circuit:	
Dringman	5,212
Foltz	3,593
Frieberg	3132
Hall	6,270
Lehr	9,622
McCabe	3,994
McNeely	320
Nelson	2,834
TOTAL	34,977
Second Circuit:	
Adler	913
Ahrendt	219
Anderson	4,652
Bahnson	4,842
Grove	1,252
Jaqua	3,007
Kelso	416
LeMair	1,218
Murphy	2,324
Schenkel	1,689
Sondgeroth	82
Wildes	3,022
TOTAL	23,636
Third Circuit:	
Butler	1,508
Danforth	1,280
Frost	4,847
Goldsmith	17,876
Kjellsen	4,664
Mead	3,627
Mielke	0
Moen	640
Ramynke	418
TOTAL	34,860

OFFICER	MILEAGE
Fourth Circuit:	
Dudley	9,781
Eddy	13,407
Edwards	3,060
Fisher	8,787
Freeman	1,272
Ibis	1,180
Johnson	6,893
TOTAL	44,380
Fifth Circuit:	
Archer	11,674
Brumbaugh	9,513
Chase	7,363
Hanson	3,185
Rau	1,658
Simons	14,750
Sutherland	14,782
TOTAL	62,925
Sixth Circuit:	
Bonenberger	17,866
Donelan	3,178
Kludt	242
McTighe	8,528
Nelson	9,885
Neumiller	2,580
Petersen	7,172
Schuyler	14,504
Trager	13,225
Williams	1,167
TOTAL	78,347

OFFICER	MILEAGE
Seventh Circuit:	
Bely	5,826
Fay	8,820
Hultman	3,202
Kindle	723
Krosschell	171
LaPointe	3,463
Monahan	852
Nagel	3,161
Osborne	702
Schlosser	188
Thompson	1,505
TOTAL	28,613
Eighth Circuit:	
Allard	534
Coacher	1477
DeKraai	1,244
Meyers	3,005
Portwood	12,384
Todd	2,166
Vodopich	5,116
TOTAL	25,926
STATE TOTAL	**333,664**

Table 12. Travel by Court Services Personnel

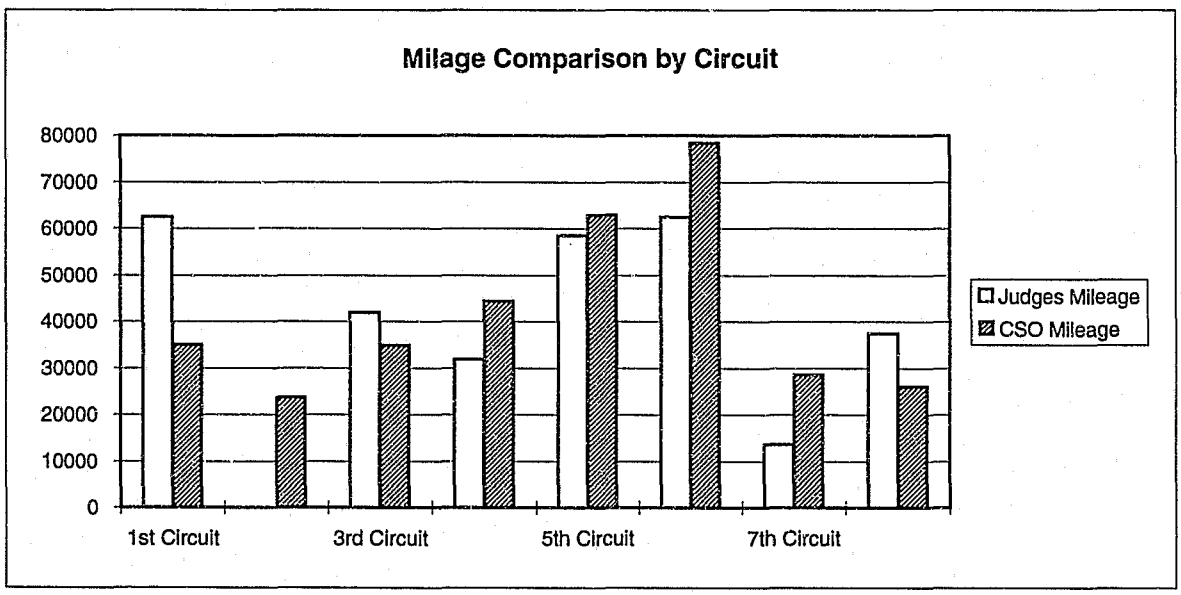


Chart 8. Mileage Comparison by Circuit

CIVIL CASELOAD DATA

Table 13. Civil Caseload By County For Fiscal Year

CIRCUITS AND COUNTIES	CIVIL ACTIONS						DIVORCE				SMALL CLAIM			MISCELLANEOUS					
	Civil Filings	Adm. Appeals	Hearings	Trials Crt.	Trials Jury	Default	Filings	Hearings	Trials	Default	Filings	Trials	Default	Probate	Adoption	Mental Illness	Guardianships	Terminations	Juv. Petit.
Bon Homme	23	0	9	6	0	12	42	2	28	5	193	18	175	72	6	6	0	0	0
Charles Mix	135	3	66	23	1	115	37	24	0	16	332	24	341	59	1	6	9	0	150
Clay	148	7	101	0	1	73	44	28	6	20	349	48	320	77	5	14	6	3	37
Douglas	20	0	0	11	1	13	8	0	4	3	100	1	6	28	6	3	0	0	22
Hutchinson	42	0	0	25	0	47	9	3	0	13	129	11	0	75	7	2	5	0	16
Lincoln	217	2	67	7	1	182	40	52	6	36	298	29	241	87	4	5	15	1	110
Turner	92	0	7	6	3	63	17	2	5	12	163	12	153	68	4	3	8	2	49
Union	346	16	185	40	3	314	69	51	35	76	262	58	169	88	9	15	11	5	69
Yankton	419	10	0	0	5	252	133	0	0	73	923	80	993	128	5	152	23	5	82
1st CIR. TOTAL	1442	38	435	118	15	1071	399	162	84	254	2749	281	2398	6[illegible]	47	206	77	16	535
2nd CIR. TOTAL	3780	8	545	163	30	2798	1000	758	289	766	5125	648	4567	557	91	391	139	39	1418
Beadle	351	1	176	94	2	390	86	10	88	0	590	91	0	135	8	11	15	4	222
Brookings	284	8	72	52	2	411	75	49	29	94	717	79	774	127	13	9	16	2	176
Clark	50	2	10	0	0	36	23	17	3	13	128	11	100	38	3	0	2	1	22
Codington	365	7	66	9	2	371	129	25	13	254	953	66	1692	136	10	27	22	8	193
Deuel	64	0	14	2	0	52	13	7	1	23	208	17	0	37	3	3	3	1	6
Grant	96	5	31	5	0	81	36	15	3	18	237	29	219	77	3	3	8	0	57
Hamlin	54	2	21	10	0	50	9	0	1	11	120	13	0	47	3	3	4	0	20
Hand	51	1	25	2	1	40	13	2	0	3	195	4	0	33	1	0	4	0	24
Kingsbury	66	0	10	34	0	4	15	14	0	24	142	2	0	67	1	4	10	0	13
3rd CIR. TOTAL	1381	26	425	208	7	1435	399	139	138	440	3290	312	2785	697	45	60	84	16	733
Aurora	22	5	9	0	0	0	11	12	0	0	109	3	102	20	2	0	0	0	19
Brule	113	7	64	34	0	30	18	0	21	3	220	38	182	38	6	6	4	3	45
Buffalo	5	0	0	0	0	5	2	0	0	1	6	0	0	0	0	0	0	0	0
Davison	323	4	2	1	4	211	73	8	11	54	1049	72	924	27	12	8	85	2	210
Hanson	33	2	12	9	0	22	6	2	7	3	30	4	28	21	1	0	2	0	5
Jerauld	25	1	7	12	1	21	2	0	1	1	12	2	71	22	0	1	2	0	24
Lake	158	15	61	6	1	44	50	41	5	0	609	50	402	78	10	3	14	5	77
McCook	70	6	0	0	0	69	16	0	0	21	129	0	0	54	2	2	10	1	17
Miner	73	1	3	1	2	37	10	9	0	17	153	10	146	32	0	5	3	0	14
Moody	103	0	19	11	1	34	28	12	5	22	260	25	223	88	0	0	6	0	98
Sanborn	28	0	25	8	1	30	10	2	8	5	50	7	39	24	0	0	3	0	6
4th CIR. TOTAL	953	41	202	52	10	503	226	86	58	127	2627	211	2117	404	33	25	129	11	515

Table 13. Civil Caseload By County For Fiscal Year

CIRCUITS AND COUNTIES	CIVIL ACTIONS						DIVORCE				SMALL CLAIM			MISCELLANEOUS					
	Civil Filings	Adm. Appeals	Hearings	Trials Crt.	Trials Jury	Default	Filings	Hearings	Trials	Default	Filings	Trials	Default	Probate	Adoption	Mental Illiness	Guardianships	Terminations	Juv. Petit.
Brown	703	18	118	54	1	395	149	149	73	124	1451	132	1446	235	20	78	36	31	238
Campbell	13	0	0	1	1	20	5	2	0	3	29	0	44	10	0	0	1	0	9
Day	193	1	0	2	0	154	57	7	1	47	446	49	395	148	5	2	9	0	154
Edmunds	53	3	10	13	1	38	6	0	2	4	58	13	47	36	1	2	2	0	12
Faulk	17	0	30	6	0	14	5	0	4	3	36	0	55	28	3	0	4	0	6
Marshall	42	1	0	4	1	26	19	10	13	0	166	5	167	42	1	0	1	2	52
McPherson	23	0	0	7	0	27	10	0	10	9	57	11	57	39	2	2	4	0	1
Roberts	61	1	12	18	2	35	69	16	19	66	189	27	115	60	2	5	16	0	107
Spink	148	9	27	57	0	45	29	10	16	20	217	104	175	57	3	0	18	2	23
Walworth	123	2	0	0	0	58	25	0	1	11	133	4	123	50	3	6	7	2	146
5th CIR. TOTAL	1376	35	197	162	6	812	374	194	139	287	2782	345	2624	705	40	95	98	37	748
Bennett	54	1	2	1	0	46	15	0	0	10	279	6	241	22	1	2	0	0	24
Gregory	56	4	77	3	2	233	18	44	4	19	229	33	206	43	0	6	7	0	13
Haakon	9	0	7	1	0	14	3	1	1	1	58	5	53	19	1	0	5	0	11
Hughes	407	54	224	95	5	337	74	40	16	61	484	55	400	69	8	25	5	1	110
Hyde	34	0	4	5	0	33	6	3	7	4	41	0	30	18	1	0	0	0	0
Jackson	18	0	10	1	0	8	8	8	1	2	45	4	39	5	2	0	6	0	14
Jones	19	0	6	1	0	11	1	0	1	1	13	0	17	6	0	0	0	0	10
Lyman	19	2	36	4	0	23	3	6	2	6	22	5	19	15	0	2	4	0	3
Mellette	17	0	0	8	0	1	3	1	3	0	12	2	0	12	1	1	2	0	0
Potter	36	0	3	1	1	29	9	4	0	7	64	3	72	41	2	0	1	0	8
Stanley	70	3	16	13	0	93	18	0	8	0	75	8	95	17	1	3	5	0	6
Sully	25	0	4	10	0	26	8	6	7	6	16	1	35	16	2	0	2	1	0
Todd-Tripp	171	6	21	0	0	55	30	16	0	21	270	5	212	54	6	4	2	0	79
6th CIR. TOTAL	935	70	410	143	8	909	196	129	50	138	1608	127	1419	337	25	43	39	2	278
Custer	73	2	105	4	1	96	51	4	6	48	218	22	181	32	4	6	5	1	68
Fall River	145	2	0	0	0	0	47	42	0	0	205	0	0	53	8	6	14	6	53
Pennington	1853	22	94	516	24	742	647	45	897	755	4471	630	4541	213	26	379	58	303	1156
7th CIR. TOTAL	2071	26	199	520	25	838	745	91	903	803	4894	652	4722	298	38	391	77	310	1277
Butte	175	3	35	6	3	264	60	4	3	44	243	20	191	46	3	21	4	1	59
Corson	15	0	5	0	0	9	11	7	0	2	21	4	12	21	0	1	0	0	4
Dewey	25	0	4	10	0	15	4	0	1	0	14	3	8	20	0	1	1	0	2
Harding	19	0	4	0	0	0	5	7	2	1	25	3	25	45	4	0	5	0	9
Lawrence	548	9	286	64	5	372	116	104	46	46	860	136	399	89	10	60	15	7	117
Meade	192	9	112	20	2	71	138	65	11	133	266	33	207	50	17	5	23	3	77
Perkins	56	2	25	17	1	56	6	6	3	6	87	2	99	32	6	6	6	2	15
Ziebach	13	0	10	2	0	7	1	0	0	0	14	1	13	2	1	0	1	1	1
8th CIR. TOTAL	1043	23	481	119	11	794	341	193	66	232	1530	202	954	305	41	94	55	14	284
STATE TOTALS	12,981	267	2,894	1,515	112	9,160	3,680	1,752	1,727	3,047	24,605	2,778	21,586	3,985	360	1,305	698	445	5,788

Civil Caseload

Table 14 shows the caseload comparison for the various types of civil (that is, all non-criminal) cases during the past five fiscal years. In the first three major categories (civil contests, divorces, and small claims), filings and dispositions are reported and shown. In the miscellaneous categories, only filings are reported.

The juvenile petitions reported under the miscellaneous heading are those that are filed and compiled through the offices of the clerks of court. There is, in addition to this, a separate computerized reporting system for juvenile filings which is processed through the court services office.

Defaults include cases settled or dismissed without a disposition hearing. If there is a hearing, the case is reported as such.

CIVIL FILINGS AND DISPOSITIONS BY FISCAL YEAR

CIVIL ACTION CATEGORY	FY 1990	FY 1991	FY 1992	FY 1993	FY 1994
CIVIL FILINGS – OTHER THAN DIVORCE, SMALL CLAIM OR MISC.	10,753	10,957	11,669	11,288	12,981
DISPOSITIONS:					
Defaults	7,943	7,193	8,014	8,172	9,160
Trials & Disp. Hearings	2,947	2,779	3,615	3,922	4,521
TOTAL DISPOSITIONS	10,890	9,972	11,629	12,094	13,681
DIVORCE FILINGS	3,659	3,770	3,794	4,205	3,680
DISPOSITIONS:					
Defaults	2,462	2,104	2,552	2,621	3,047
Trials and Hearings*	2,077	1,932	2,215	2,380	3,479
TOTAL DISPOSITIONS	4,539	4,036	4,767	5,001	6,526
SMALL CLAIM FILINGS	19,767	21,573	22,175	23,319	24,605
DISPOSITIONS:					
Defaults	15,698	18,491	21,471	22,004	21,586
Contested	2,438	2,279	2,520	2,631	2,778
TOTAL DISPOSITIONS	18,136	20,770	23,991	24,635	24,364
MISCELLANEOUS FILINGS					
Probate	4,000	4,080	3,940	4,407	3,985
Adoption	433	405	462	432	360
Mental Illness	971	837	1,120	1,218	1,305
Guardianship	708	753	679	642	698
Juvenile Petitions	4,054	4,238	5,035	5,396	5,788
TOTAL MISC. FILINGS	10,166	10,313	11,236	12,095	12,136

* May include related hearings (child support, property, etc.).

Table 14. Civil Filings & Dispositions by Fiscal Year

COURT SERVICES CASELOAD DATA

Comparison of Court Services Avtivities by Fiscal Year

SERVICE CATEGORIES	FIRST CIRCUIT FY 93	FIRST CIRCUIT FY 94	SECOND CIRCUIT FY 93	SECOND CIRCUIT FY 94	THIRD CIRCUIT FY 93	THIRD CIRCUIT FY 94	FOURTH CIRCUIT FY 93	FOURTH CIRCUIT FY 94	FIFTH CIRCUIT FY 93	FIFTH CIRCUIT FY 94
Juvenile Service:										
Prehearing Investigations	115	95	21	206	37	34	163	117	25	36
90-Day Diversion Services	441	519	399	521	277	294	172	229	235	202
Placed on Probation	197	251	336	654	294	306	201	225	275	294
On Probation at End of FY	186	225	457	479	140	144	97	139	176	183
Aftercare Placements	16	21	13	60	39	40	17	31	21	20
Active Aftercare, End FY	4	11	13	34	20	13	9	19	10	7
Restitution Received	$24,646	$21,773	$53,870	$40,223	$25,842	$20,521	$21,706	$22,753	$32,420	$27,662
90-Day Case Services Monitoring:										
Placed in Program	9	15	406	400	55	57	33	34	12	16
Active Cases, End FY	6	11	481	228	64	80	71	50	8	8
Interstate Compact Cases - In	2	4	6	7	2	0	0	1	0	2
Interstate Compact Cases - Out	3	4	5	0	0	0	2	1	4	5
Adult Service, Misdemeanor:										
PSI Reports	55	51	42	11	8	9	147	129	3	0
Placed on Probation	35	34	2	9	196	103	71	46	254	294
Active Probationers, End FY	39	41	26	28	159	180	99	65	324	221
Restitution Received	$74,162	$83,698	$185,950	$158,262	$68,778	$65,091	$77,527	$69,542	$86,300	$108,583
Adult Service, Felony:										
PSI Reports	115	112	308	312	152	149	76	38	44	11
Placed on Probation	101	103	239	256	96	98	56	59	130	99
Active Probationers, End FY	201	227	602	659	191	180	118	132	252	203
Restitution Received	$105,557	$182,798	$170,270	$261,877	$76,619	$62,644	$30,275	$44,188	$81,916	$80,260
90-Day Case Serv.Monitoring Program										
Placed in Program	64	43	564	578	459	429	73	70	1	14
Active Cases, End FY	13	1	101	110	127	94	17	18	0	9
Adult Interstate Compact Caseload										
Placed on Probation - Out	14	19	13	12	3	7	1	2	13	11
Placed on Probation - In	17	17	9	14	20	19	6	11	1	7
Active Probationers In - End FY	22	25	29	35	0	24	14	16	0	12
Domestic Relations Cases:										
Divorce Custody										
Investigations	5	0	0	0	0	0	1	0	0	0
Custody Visitation Monitoring	1	0	0	0	0	0	0	0	0	0
Adoption Investigations	0	0	0	0	0	0	0	0	0	0
Divorce Custody Mediations	0	0	0	0	0	0	0	0	0	0

Table 15. Comparison of Court Services Activities by Fiscal Year

Comparison of Court Services Avtivities by Fiscal Year

SERVICE CATEGORIES	SIXTH CIRCUIT FY 93	SIXTH CIRCUIT FY 94	SEVENTH CIRCUIT FY 93	SEVENTH CIRCUIT FY 94	EIGHTH CIRCUIT FY 93	EIGHTH CIRCUIT FY 94	STATE TOTALS FY 93	STATE TOTALS FY 94
Juvenile Service:								
Prehearing Investigations	75	97	73	76	4	17	513	678
90-Day Diversion Services	476	538	252	252	205	260	2457	2815
Placed on Probation	142	117	572	697	191	210	2208	2754
On Probation at End of FY	112	100	373	379	197	228	1738	1877
Aftercare Placements	17	25	26	34	12	14	161	245
Active Aftercare, End FY	8	8	18	24	10	8	92	124
Restitution Received	$17,580	$22,552	$43,770	$49,665	$28,073	$14,511	$247,907	$219,660
90-Day Case Services Monitoring:								
Placed in Program	15	26	392	313	5	1	927	862
Active Cases, End FY	11	16	131	96	5	0	777	489
Interstate Compact Cases - In	4	2	5	3	2	8	21	27
Interstate Compact Cases - Out	0	2	2	2	14	10	30	24
Adult Service, Misdemeanor:								
PSI Reports	22	11	977	1141	6	0	1260	1352
Placed on Probation	20	55	69	80	84	63	791	684
Active Probationers, End FY	24	63	67	70	75	50	813	718
Restitution Received	$74,725	$61,550	$41,091	$49,410	$7,645	$4,063	$616,181	$600,199
Adult Service, Felony:								
PSI Reports	111	94	400	390	69	82	1275	1258
Placed on Probation	75	64	244	225	104	108	1045	1012
Active Probationers, End FY	135	133	444	462	203	223	2146	2219
Restitution Received	$46,825	$99,930	$193,379	$186,428	$67,697	$76,136	$772,538	$994,261
90-Day Case Services Monitoring Program								
Placed in Program	232	133	947	1074	0	0	2340	2341
Active Cases, End FY	19	10	179	231	0	0	456	473
Adult Interstate Compact Caseload								
Placed on Probation - Out	3	8	10	20	36	34	93	113
Placed on Probation - In	6	11	29	24	19	10	107	113
Active Probationers In - End FY	10	16	42	48	31	25	148	201
Domestic Relations Cases:								
Divorce Custody								
Investigations	2	1	0	0	0	0	8	1
Custody Visitation Monitoring	6	0	0	0	0	0	7	0
Adoption Investigations	0	0	0	0	0	0	0	0
Divorce Custody Mediations	4	0	0	2	0	0	4	2

Table 15. Comparison of Court Services Activities by Fiscal Year

CRIMINAL CASELOAD DATA

Table 16. Criminal Caseload By County

CIRCUITS AND COUNTIES	Petty Of'nse Filing	CLASS TWO MISDEMEANOR				CLASS ONE MISDEMEANOR						FELONY					
		Fil-ings	Guilty Pleas	Dis-mis-sals	Tri-als	Fil-ings	Pre-lim. Hrgs.	Guilty Pleas	Dis-mis-sals	Trials Crt.	Trials Jury	Fil-ings	Pre-lim. Hrgs.	Guilty Pleas	Dis-mis-sals	Trials Crt.	Trials Jury
Bon Homme	13	812	783	13	14	60	15	50	4	1	0	23	3	10	4	0	1
Charles Mix	10	1,624	1,496	58	11	339	49	224	60	1	5	120	30	15	40	0	0
Clay	35	2,168	2,077	67	30	364	53	270	38	1	4	94	19	17	13	0	1
Douglas	2	418	423	4	4	17	5	15	6	0	0	6	3	2	1	0	0
Hutchinson	4	581	569	9	13	33	1	32	2	1	0	23	5	4	4	0	3
Lincoln	6	2,657	2,410	171	74	236	21	157	45	0	2	85	5	25	15	0	2
Turner	7	985	967	11	24	60	15	40	11	2	2	25	1	2	2	0	1
Union	9	6,138	5,912	211	115	377	86	278	42	10	5	134	54	22	23	3	3
Yankton	97	4,591	4,100	449	74	536	68	433	73	1	3	213	38	55	57	0	2
1ST CIR TOTAL	183	19,974	18,737	993	359	2,022	313	1,499	281	17	21	723	158	152	159	3	13
2ND CIR TOTAL	350	31,198	23,876	6,914	964	4,359	491	2,832	911	9	41	1,536	74	352	641	5	30
Beadle	19	3,164	3,015	118	60	323	73	237	33	6	8	84	20	28	9	1	6
Brookings	10	3,631	3,354	167	61	429	20	379	32	1	4	92	9	42	18	0	1
Clark	1	476	456	11	9	46	7	40	14	0	1	13	0	4	2	0	0
Codington	61	5,002	4,343	541	73	550	80	466	60	6	4	166	31	40	18	0	2
Deuel	4	737	716	20	7	49	9	42	6	2	1	17	3	3	4	0	0
Grant	4	953	906	33	16	72	26	67	4	4	9	24	7	10	2	0	3
Hamlin	2	667	630	23	2	42	8	32	6	0	0	11	3	3	0	0	0
Hand	1	663	602	28	2	35	5	20	11	0	0	12	1	2	4	0	0
Kingsbury	5	820	777	15	5	44	6	31	1	0	0	15	3	7	16	0	0
3RD CIR TOTAL	107	16,113	14,799	956	235	1,590	234	1,314	167	19	27	434	77	139	73	1	12
Aurora	0	515	462	18	6	27	2	21	2	0	1	11	1	4	1	0	1
Brule	18	829	753	53	3	71	4	54	34	0	1	55	2	14	26	0	4
Buffalo	0	37	33	2	0	6	2	3	0	0	0	0	0	0	0	0	0
Davison	42	4,097	3,365	646	46	460	48	301	82	1	4	121	18	36	27	0	4
Hanson	1	492	462	0	3	33	5	23	2	1	0	5	1	0	0	0	1
Jerauld	2	211	207	12	1	23	4	13	6	1	1	4	3	2	2	0	0
Lake	11	1,379	1,303	45	30	152	30	121	15	2	4	52	10	11	8	0	6
McCook	0	671	635	14	11	41	9	39	7	0	0	30	8	4	9	1	3
Miner	3	388	345	18	5	29	6	20	3	0	2	4	0	1	0	0	0
Moody	16	1,645	1,499	27	29	133	51	107	14	0	2	51	9	13	7	0	0
Sanborn	1	403	378	12	2	32	5	24	8	0	0	6	1	1	2	0	0
4TH CIR TOTAL	94	10,667	9,442	847	136	1,007	166	726	173	5	15	339	53	86	82	1	19

Table 16. Criminal Caseload By County

CIRCUITS AND COUNTIES	Petty Offense Filings	CLASS TWO MISDEMEANOR				CLASS ONE MISDEMEANOR						FELONY					
		Filings	Guilty Pleas	Dis-mis-sals	Trials	Fil-ings	Pre-lim. Hrgs.	Guilty Pleas	Dis-mis-sals	Trials Crt.	Trials Jury	Fil-ings	Pre-lim. Hrgs.	Guilty Pleas	Dis-mis-sals	Trials Crt.	Trials Jury
Brown	307	7,176	6,231	782	38	902	77	583	142	4	2	198	8	66	44	0	3
Campbell	0	89	83	1	2	8	1	7	1	0	0	3	0	0	1	0	0
Day	13	987	844	57	1	101	3	67	15	0	0	32	1	4	5	0	0
Edmunds	16	705	688	29	1	42	0	29	13	0	0	11	0	6	2	0	0
Faulk	0	330	325	11	6	40	7	29	6	0	0	3	0	0	1	0	0
Marshall	0	251	265	12	3	49	2	44	5	1	0	15	0	4	2	1	0
McPherson	11	224	214	8	0	11	1	9	2	0	0	5	0	1	0	0	0
Roberts	5	1,491	1,440	40	14	177	9	140	26	1	0	68	12	23	14	0	0
Spink	2	1,002	921	45	3	48	3	43	5	0	0	14	1	8	3	0	0
Walworth	3	1,105	939	42	8	187	5	113	20	1	0	68	3	14	16	0	1
5TH CIR TOTAL	357	13,360	11,950	1,027	76	1,565	108	1,064	235	7	2	417	25	126	88	1	4
Bennett	5	760	657	29	10	128	20	81	12	0	4	26	10	6	3	0	2
Gregory	10	544	515	20	0	56	4	40	6	0	1	15	3	4	3	0	1
Haakon	3	190	200	2	0	20	5	14	0	0	3	7	4	6	0	0	1
Hughes	126	3,206	2,650	411	70	593	92	374	84	0	7	138	29	23	30	0	2
Hyde	1	133	117	5	1	15	3	9	4	0	0	5	0	2	1	0	0
Jackson	20	1,353	1,191	37	4	166	20	90	10	2	8	35	9	2	7	1	1
Jones	25	627	610	7	7	52	5	31	8	1	0	20	9	6	6	0	0
Lyman	17	1,192	1,086	78	6	98	11	80	10	1	2	38	2	8	9	0	1
Mellette	3	197	171	3	0	42	3	28	5	2	0	10	6	3	0	0	0
Potter	2	405	392	17	0	36	2	29	3	0	1	10	0	1	1	0	2
Stanley	0	586	559	20	9	76	9	51	14	0	1	19	0	0	3	0	1
Sully	0	301	302	0	4	12	7	8	3	0	0	6	1	2	0	0	0
Todd-Tripp	17	1,279	1,032	83	24	145	21	86	13	1	0	36	9	5	6	0	0
6TH CIR TOTAL	229	10,773	9,482	712	135	1,439	202	921	172	7	27	365	82	68	69	1	11
Custer	21	1,383	1,208	85	17	196	35	112	41	0	3	62	14	8	22	0	0
Fall River	3	1,229	1,089	56	31	256	60	165	50	2	2	67	20	11	34	0	4
Pennington	189	14,755	12,721	1,715	721	3,058	609	1,657	755	46	31	1,050	292	293	120	29	45
7TH CIR TOTAL	213	17,367	15,018	1,856	769	3,510	704	1,934	846	48	36	1,179	326	312	176	29	49
Butte	6	1,070	933	77	27	226	3	154	28	5	2	60	1	25	13	0	0
Corson	0	114	112	2	1	21	0	21	1	0	0	6	1	3	2	0	0
Dewey	0	97	92	5	0	31	4	23	2	0	0	3	0	1	1	0	0
Harding	0	102	101	2	0	8	0	3	3	0	0	5	0	0	3	0	0
Lawrence	66	4,303	3,822	455	144	957	1	588	121	6	8	226	3	78	47	1	7
Meade	88	4,348	4,056	228	45	633	87	409	71	4	5	153	43	68	40	1	6
Perkins	0	343	308	14	3	46	8	39	4	0	3	19	4	5	6	1	0
Ziebach	0	128	115	2	2	9	2	7	1	0	0	2	1	0	0	0	0
8TH CIR TOTAL	160	10,505	9,539	785	222	1,931	105	1,244	231	15	18	474	53	180	112	3	13
STATE TOTALS	1,693	129,957	112,843	14,090	2,896	17,423	2,323	11,534	3,016	127	187	5,467	848	1,415	1,400	44	151

CRIMINAL ACTION CATEGORY	FY 1990	FY 1991	FY 1992	FY 1993	FY 1994
CLASS-TWO MISDEMEANOR					
FILINGS:	158,801	146,989	145,136	136,245	129,957
DISPOSITIONS:					
Guilty Pleas	122,807	125,495	124,342	116,796	112,843
Dismissals	16,549	16,627	14,364	18,255	14,099
Trials	2,285	2,534	2,634	2,992	2,870
Suspended Impositions	N/A	387	402	353	321
Speeding Offenses	70,321	65,487	62,349	57,569	52,573
CLASS-ONE MISDEMEANOR					
FILINGS:	13,333	15,617	16,587	17,421	17,423
DISPOSITIONS:					
Preliminary Hearings	2,215	2,016	2,308	2,345	2,323
Guilty Pleas	9,386	10,858	10,825	11,343	11,536
Dismissals	2,461	2,562	2,739	3,236	3,017
Trials	283	181	207	260	314
Suspended Impositions	N/A	478	553	517	652
DUI Offenses	6,910	7,616	7,618	7,972	8,519
FELONY ACTIONS					
FILINGS:	4,661	4,350	5,103	5,173	5,467
DISPOSITIONS:					
Preliminary Hearings	989	831	846	817	848
Guilty Pleas	1,740	1,704	1,373	1,460	1,415
Dismissals	1,380	1,266	1,231	1,304	1,385
Trials	182	123	159	200	195
Suspended Impositions	N/A	510	534	588	588

Table 17. Criminal Caseload Summary

Criminal Caseload

The table above shows filings, and the most common dispositions, for criminal cases processed the past five fiscal years. Petty offenses, which are technically civil cases, are not included in this table. Speeding violations (filings) are shown separately, but are also included in all preceding totals for Class 2 misdemeanors.

Most traffic offenses are Class 2 misdemeanors. Non-traffic offenses in this category include disorderly conduct and bad check offenses involving $100 or less. A summary of traffic offenses and fines is presented in the table on page 50.

In the same manner as speeding offense statistics, the number of DUI filings shown in the table above are included in the filing and dispositional information for Class 1 misdemeanors. DUI violations here include both first and second time offenders as charged by the state's attorney. Third and subsequent DUI offenses are felonies. (Table 18 contains complete DUI data).

Selected information from the table above, comparing data for the past five fiscal years is shown on the following charts.

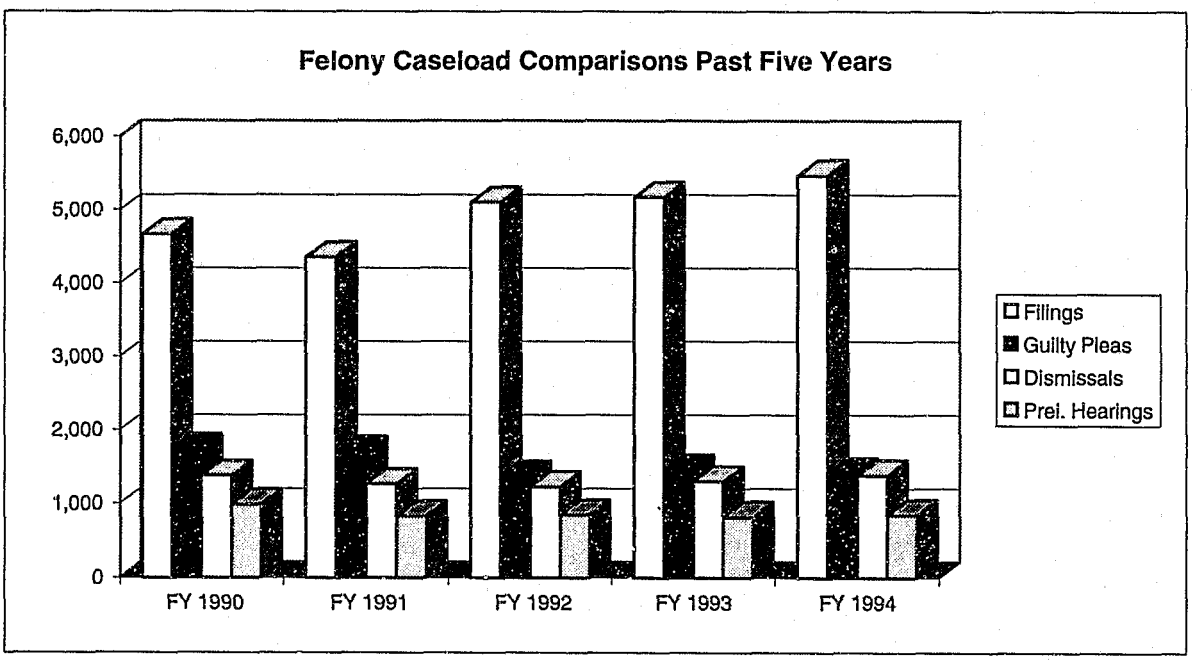


Chart 9. Felony Caseload

Felony Cases

Felony filings increased again in FY 1994. Other categories of data, preliminary hearings and case dismissals remained relatively static.

The comparison of trials for felony and Class 1 misdemeanor cases shown in Chart 11 indicates that Class 1 case trials increased while felony trials fell a bit.

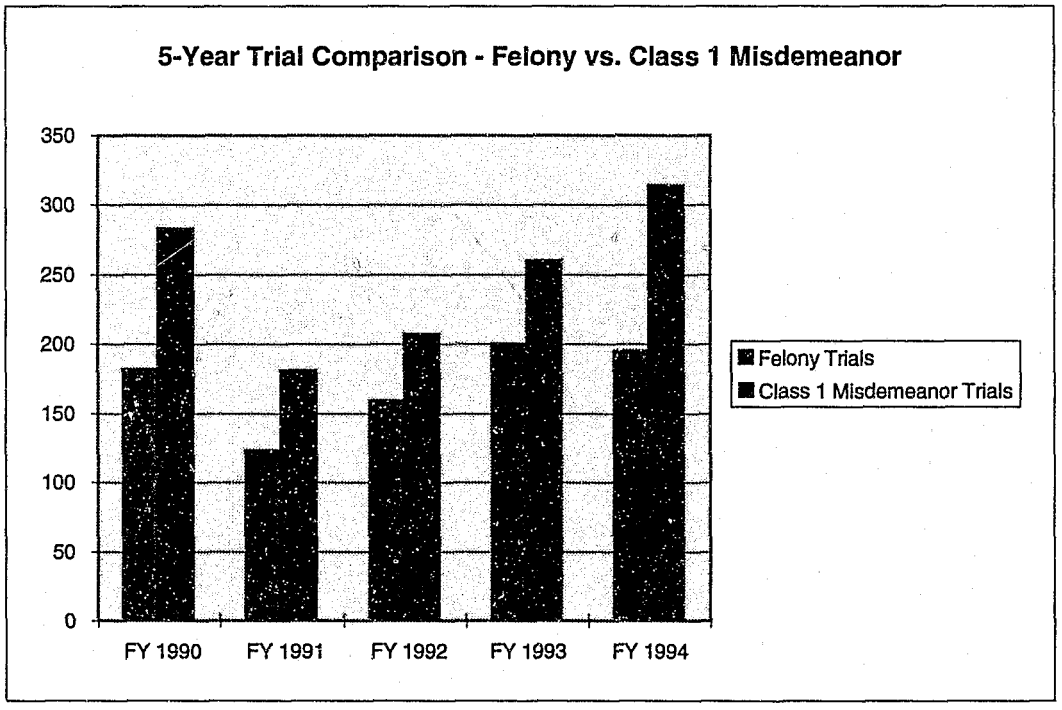


Chart 10. Felony and Class 1 Misdemeanor Trials

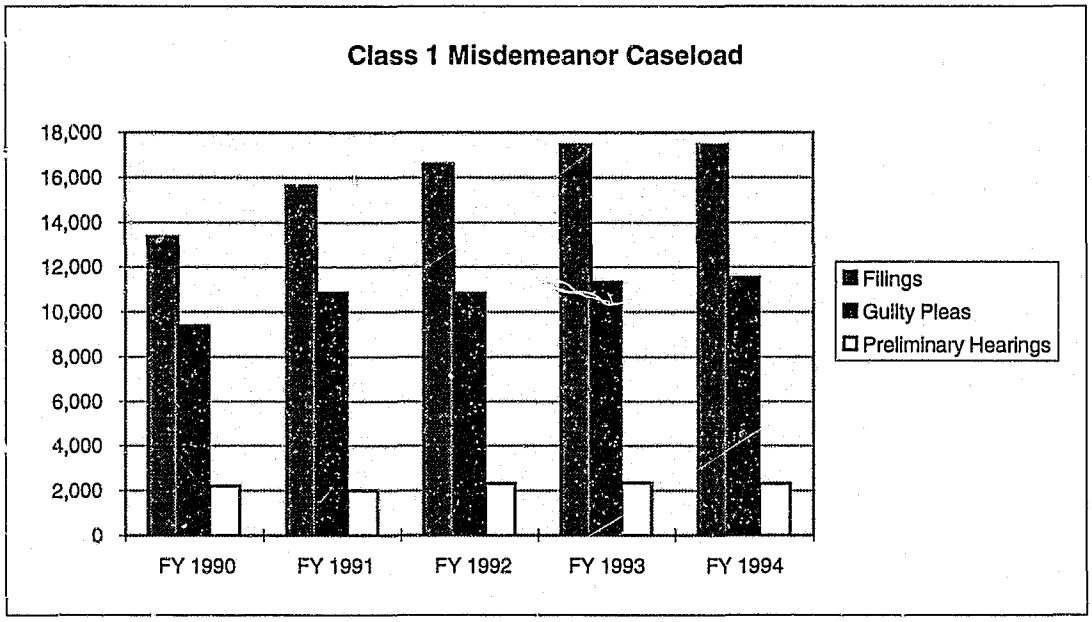


Chart 11. Class 1 Misdemeanor Caseload

Chart 11 shows that following four years increase, this year's filings are about equal to last years.

Chart 12 shows the comparison of Class 1 misdemeanor filings with Class 1 DUI filings, with DUI filings steadily increasing, but not as rapidly as overall Class 1 filings.

In 1987, DUI offenses accounted for 67% of Class 1 misdemeanor filings. This year, DUI Class 1 violations represent 48.9% of the total, up nearly 10% from last year's 38.6% percent.

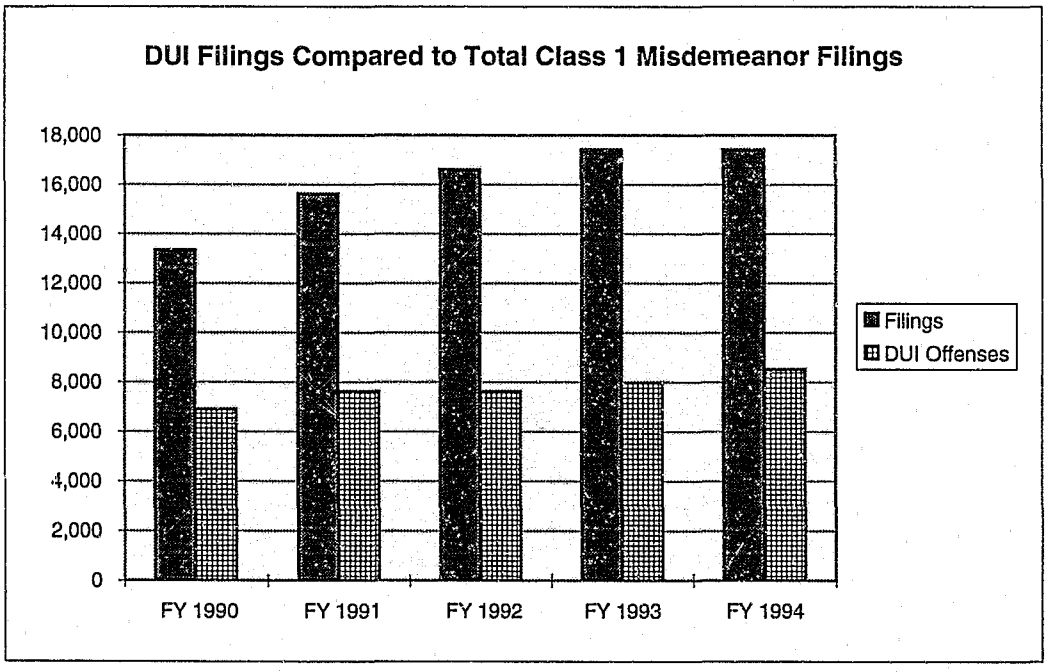


Chart 12. Class 1 Misdemeanor and DUI Filing

DUI VIOLATIONS SUMMARY

	FY 1990	FY 1991	FY 1992	FY 1993	FY 1994
FILINGS					
DUI One	5973	6525	6514	6731	6863
DUI Two	937	1091	1105	1241	1656
DUI Three	589	675	662	738	894
DUI Four	N/A	N/A	97	111	161
TOTAL	7499	8291	8378	8821	9574
GUILTY PLEAS					
DUI One	4539	4864	4635	5027	4933
DUI Two	746	773	761	887	833
DUI Three	346	396	369	440	452
DUI Four	N/A	N/A	64	55	81
TOTAL	5631	6033	5829	6409	6299
DISMISSALS					
DUI One	1561	1535	1282	1510	1879
DUI Two	219	247	218	284	852
DUI Three	208	235	182	244	295
DUI Four	N/A	N/A	37	43	56
TOTAL	1988	2017	1719	2081	3082
SUSPENDED IMPOSITIONS					
DUI One	256	277	345	350	441
DUI Two	22	22	51	25	38
DUI Three	40	51	44	66	60
DUI Four	N/A	N/A	1	0	0
TOTAL	318	350	441	441	539
CONVICTIONS AT TRIAL					
DUI One	71	50	39	47	137
DUI Two	25	19	16	26	34
DUI Three	19	13	13	35	17
DUI Four	N/A	N/A	3	4	4
TOTAL	115	82	71	112	192
ACQUITTALS AT TRIAL					
DUI One	31	17	31	29	31
DUI Two	11	9	11	9	6
DUI Three	4	2	6	4	28
DUI Four	N/A	N/A	1	1	1
TOTAL	46	28	49	43	66

Table 18. DUI Violations Summary

DUI Caseload

The majority of Class 1 misdemeanor cases are violations of SDCL chapter 32-23, referred to as DUI (driving under the influence). Those filings, and the most common dispositions of those filings, for the past five fiscal years are shown on Table 18.

Selected segments of the data on that table are shown in the comparative bar charts that follow. In the table, first and second offense DUI violations (DUI one and DUI two) are Class 1 misdemeanors, third and subsequent offenses (DUI three) are felonies.

Of the total number of DUI dismissals shown on Table 18, many are the result of negotiations for the defendant to plead guilty to a lesser charge (usually reckless driving, which is also a Class 1 misdemeanor). This happens if the prosecutor believes that the state's evidence may not be adequate for a DUI conviction and he is willing to save the state the expense of a more time-consuming prosecution in return for the defendant's guilty plea to the lesser charge.

Conviction for more than one reckless driving violation within a one-year period will result in suspension of the violator's driving license for a minimum of thirty days.

Table 19 presents DUI filings and dispositions for the current fiscal year by county and circuit. Filings have again increased across the state for the year.

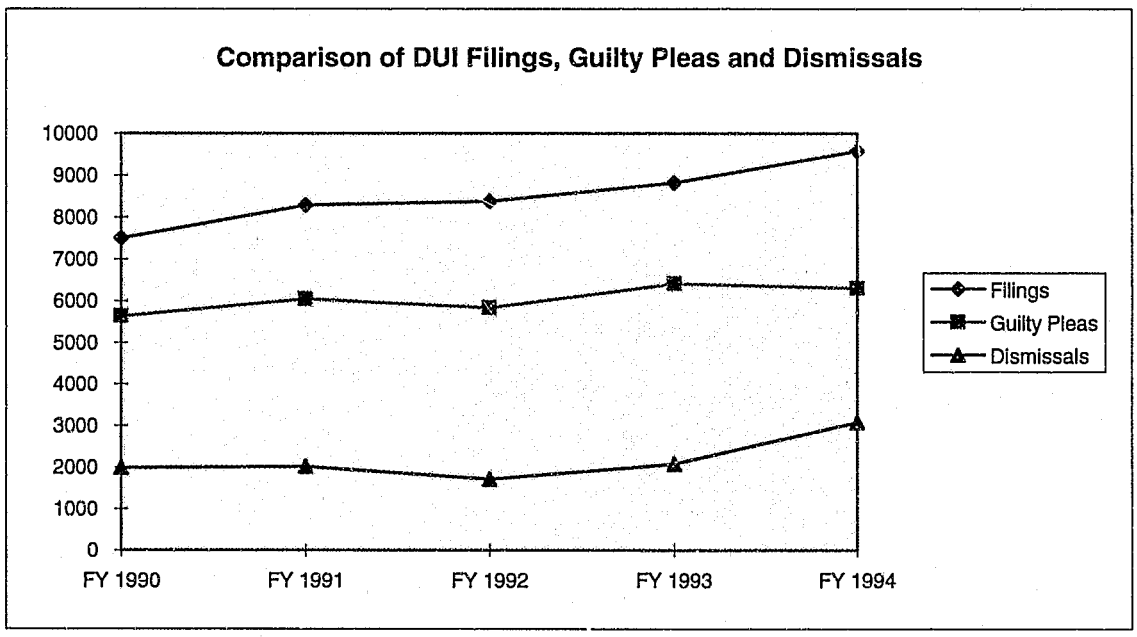


Chart 13. DUI Violations Summary, Filings, Guilty Pleas, and Dismissals

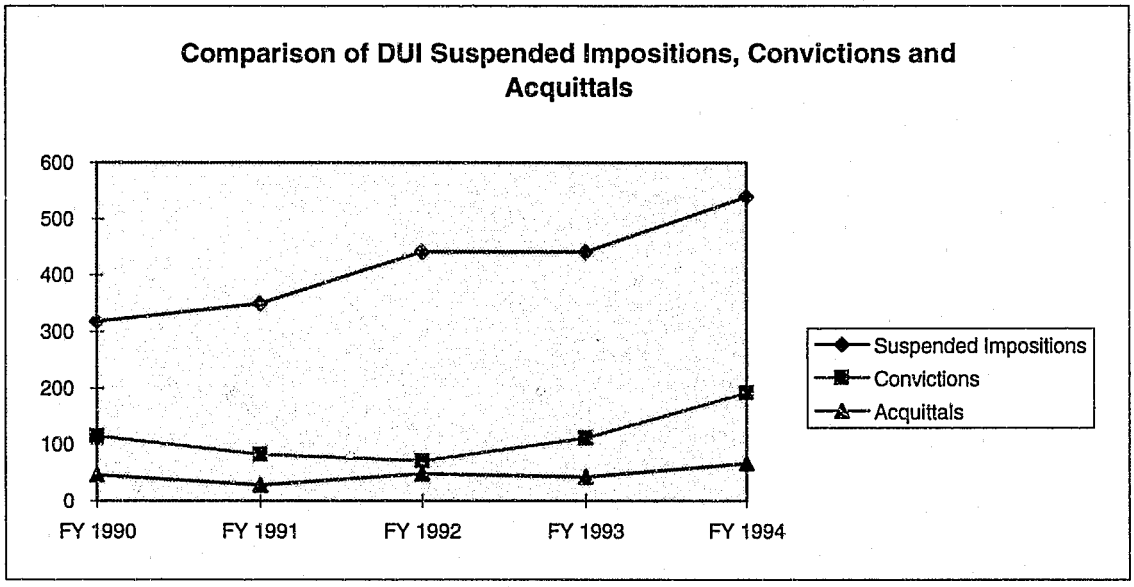


Chart 14. DUI Violations Summary, Suspended Impositions of Sentence and Trials

DUI DISPOSITIONS BY COUNTY AND CIRCUIT

COUNTIES	CASE FIL-INGS	Guilty Plea	Dis-mis-sals	Trials Ac-quit	Trials Con-vict	Susp. Imp.*	TOTAL DISPOS-ITIONS
1st Circuit							
Bon Homm	38	33	4	0	0	2	39
Charles Mix	149	105	31	0	1	4	141
Clay	171	118	34	0	3	17	172
Douglas	12	10	2	0	0	0	12
Hutchinson	12	8	4	0	0	0	12
Lincoln	118	82	30	0	1	5	118
Turner	35	17	9	0	2	2	30
Union	159	113	24	0	3	10	150
Yankton	263	213	48	0	0	13	274
TOTAL	957	699	186	0	10	53	948
2nd Circuit							
Minnehaha	2201	1455	791	14	23	12	2295
3rd Circuit							
Beadle	170	121	30	1	6	9	164
Brookings	167	159	13	0	3	3	214
Clark	20	13	7	1	0	0	17
Codington	208	192	18	2	2	4	197
Deuel	20	18	1	0	0	1	16
Grant	40	31	3	0	5	0	60
Hamlin	23	11	3	0	0	3	23
Hand	14	11	4	0	0	0	17
Kingsbury	27	17	5	0	0	1	37
TOTAL	689	573	84	4	16	21	698
4th Circuit							
Aurora	12	10	0	0	0	0	10
Brule	26	23	17	0	0	0	40
Buffalo	5	3	1	0	0	1	5
Davison	197	161	29	1	1	2	194
Hanson	9	6	3	0	0	0	9
Jerauld	8	4	6	0	1	0	11
Lake	74	65	5	1	1	0	72
McCook	25	14	6	0	1	1	22
Miner	13	11	1	0	1	0	13
Moody	84	65	16	1	1	0	83
Sanborn	13	11	3	0	0	0	14
TOTAL	466	373	87	3	6	4	473
STATE TOTALS	8516	5952	1999	38	116	541	8646

COUNTIES	CASE FIL-INGS	Guilty Plea	Dis-mis-sals	Trials Ac-quit	Trials Con-vict	Susp. Imp.*	TOTAL DISPOS-ITIONS
5th Circuit							
Brown	444	323	76	1	1	14	415
Campbell	2	2	0	0	0	0	2
Day	67	48	4	0	0	4	56
Edmunds	18	17	2	0	0	2	21
Faulk	18	9	8	0	0	0	17
Marshall	34	25	6	0	0	1	32
McPherson	6	7	0	0	0	0	7
Roberts	102	93	5	0	0	1	99
Spink	29	28	4	0	0	0	32
Walworth	118	91	11	0	0	12	114
TOTAL	838	643	116	1	1	34	795
Sixth Circuit							
Bennett	95	70	7	1	3	2	83
Gregory	20	15	6	0	0	1	22
Haakon	10	6	2	2	0	0	10
Hughes	265	185	58	1	4	9	257
Hyde	6	3	2	0	0	0	5
Jackson	42	33	1	5	4	2	45
Jones	19	15	5	0	0	0	20
Lyman	43	34	5	0	0	0	39
Mellette	27	18	1	0	0	0	19
Potter	24	16	5	0	1	0	22
Stanley	36	25	14	0	1	1	41
Sully	7	6	0	0	0	0	6
Todd	11	3	6	0	0	0	9
Tripp	63	38	15	0	0	1	54
TOTAL	668	467	127	9	13	16	632
7th Circuit							
Custer	97	52	45	1	1	14	113
Fall River	113	77	33	0	0	11	121
Pennington	172	139	19	1	21	13	193
Rapid City	1349	803	381	3	16	177	1380
TOTAL	1731	1071	478	5	38	215	1807
8th Circuit							
Butte	126	90	17	0	2	18	127
Corson	14	12	3	0	0	0	15
Dewey	26	16	6	0	0	6	28
Harding	2	1	0	0	0	1	2
Lawrence	430	310	36	1	3	106	456
Meade	326	209	62	1	3	52	327
Perkins	32	30	2	0	1	2	35
Ziebach	10	3	4	0	0	1	8
TOTAL	966	671	130	2	9	186	998

* Suspended Impositions of Sentence

Table 19. DUI Filings and Dispositions By County

Class-Two Misdemeanors

Chart 15 shows that the number of Class 2 misdemeanor filings decreased for the fifth consecutive year. Chart 16 shows that Class 2 misdemeanor dismissals and trials have declined again to FY 1992 levels.

Many of the dismissals shown in the chart reflect the high number of "financial responsibility" arrests (see Table 20) that are dismissed each year. Of the 18,255 dismissals reported for FY1994, 8,902 (48.8%) are dismissals of these offenses.

In these cases, the defendant who is stopped by a law-enforcement officer for a traffic violation must produce proof of financial responsibility (usually an auto insurance card). If the driver has no such proof in the vehicle, he is given a citation for failure to show proof of financial responsibility. Later, if the defendant can produce such proof for the clerk-magistrate, the charge is dismissed. Of these violations, 67.4% were dismissed during the current fiscal year.

Some other Class 2 misdemeanor dismissals are the result of the removal from active records of those traffic cases in which the defendant failed to appear or pay the fine after a period of six months.

In those cases, the defendant's driver's license is suspended by the Department of Driver Improvement and the case is removed from active court files. In order to have his license reinstated, the defendant must first have the court issue an order to reinstate the license. Then, he must pay a substantial cash penalty to the Department of Commerce and Regulation. The defendant also faces the possibility of an additional criminal charge for his failure to appear in court on the original violation.

Table 20 lists Class 2 misdemeanor traffic violations for the fiscal year. The offenses shown in the detailed list include those with fifty arrests or more. Those showing an SDCL prefix of 99 are municipal violations.

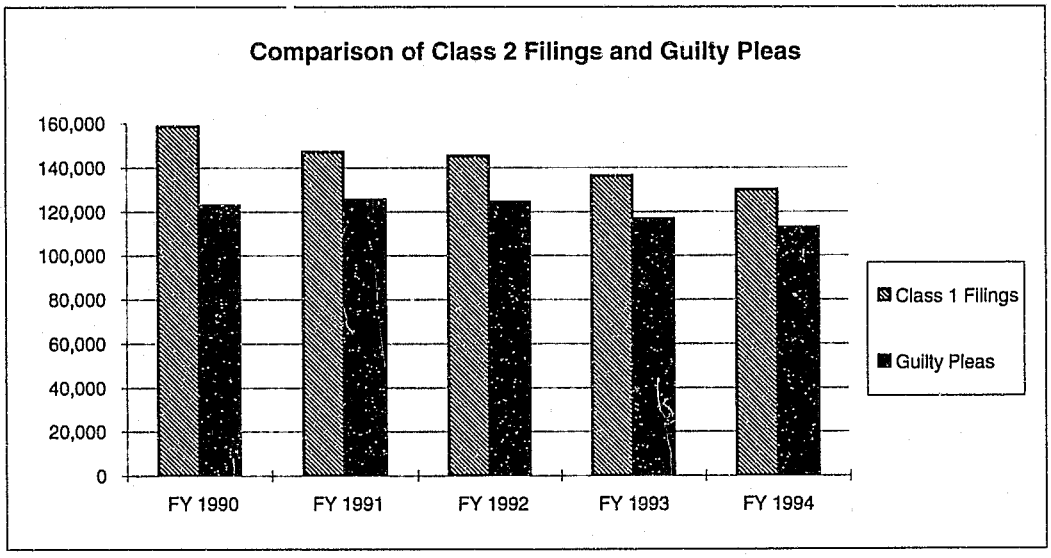


Chart 15. Class 2 Misdemeanor Caseload Filings and Guilty Pleas

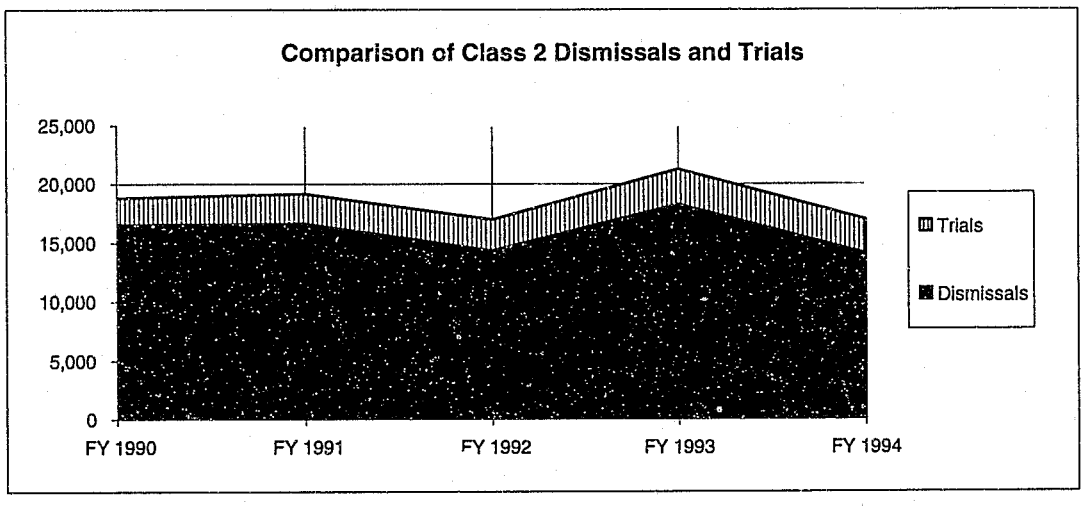


Chart 16. Class 2 Misdemeanor Caseload Dismissals and Trails

CLASS-TWO MISDEMEANOR AND PETTY OFFENSE TRAFFIC VIOLATION SUMMARY FY 1993

OFFENSE	SDCL CODE	ARR-ESTS	FINE TOTAL
Speeding	32-25-11.2	52,573	$3,516,753
Fin. Responsibility	32-35-113	13,202	$239,794
No Driver's License	32-12-22	5,766	$260,887
Suspended License	32-12-65	4,862	$399,045
Parking, Standing	99-1-4	4,746	$72,006
Open Container	35-1-9.1	4,223	$175,130
No License Plates	32-5-98	3,261	$174,546
Overweight on Axle	32-22-16	2,994	$714,335
Failure to Stop	32-29-2.1	2,084	$106,980
Log Book / Other	49-28A-3	1,693	$121,948
Careless Driving	32-24-8	1,234	$70,398
Warning Ticket	99-1-2	1,129	$31,694
Log Book Violations	49-28-63	1,072	$78,636
Follow too Closely	32-26-40	1,039	$51,044
Exhibition Driving	99-1-52	931	$43,548
Fail to Stop	99-1-57	916	$50,172
Overdriving Road Cond.	32-25-3	885	$38,721
Careless Driving	99-1-53	874	$50,582
Disobey Traffic Sign	99-1-11	815	$43,677
Child Seat Restraint*	32-37-1	747	$13,820
Illegal Turn	32-26-18.1	703	$33,836
Open Container	99-2-138	641	$33,387
Frost Law Speeding	32-25-7	594	$37,381
Exhibition Driving	32-24-9	592	$25,232
Turn on Red, No Stop	99-1-51	588	$31,877
Flashing Red Light	32-28-6	570	$27,355
Accident Reporting	32-34-7	493	$35,105
Unauth. use of Vehicle	32-12-74	492	$21,864
Unsafe driving	99-1-16	435	$21,370
Oversize/Overweight	32-22-52	421	$58,030
No Valid Plates	99-1-9	418	$22,618
Flashing Stop Light	99-1-50	368	$19,840
Illegal Passing	32-26-37	359	$28,054
Yield Right of Way	32-26-13	353	$19,536
Stop for School Bus	32-32-6	351	$26,447
Fail to Yield	99-1-60	327	$17,155
License Possession*	32-12-39	318	$2,145
No Cycle Driver Lic.	32-20-2	298	$14,393
Wrong Side of Road	32-26-1	278	$8,498
No valid driver's license	99-1-67	264	$13,768
Unsafe Backing	32-30-20	259	$14,540
Substitute Plates	32-5-103	252	$15,522
Fail/ Obey Traf Device	32-28-10	235	$11,215
Moving without Permit	32-9-23.3	224	$25,130
Comply with Officer	32-21-30	224	$6,452
Stop at Driveway	99-1-45	221	$10,216
Illegal U-Turn	32-26-25	221	$9,395
No Yield - Left Turn	32-26-19	214	$9,833
Disobey Emergency Order	99-2-23	210	$5,658
Overweight Truck	32-9-14	195	$23,333
No Commercial License	32-9-7	191	$19,176

OFFENSE	SDCL CODE	ARR-ESTS	FINE TOTAL
Stop at Accident	32-34-4	190	$12,403
Traffic Control Device	99-2-177	187	$9,757
Wrong-Way One-Way	99-1-40	178	$6,536
Deviating	99-1-39	177	$10,070
Suspended License	32-35-110	154	$17,296
Unauthorized Driver	32-12-72	154	$8,246
Rear Lamps Required*	32-17-8	141	$2,721
Munic. Accident Report	99-1-17	140	$8,322
Illegal Lane Change	32-26-6	139	$7,382
Illegal Passing	32-26-35	133	$8,400
Illegal U-Turn	99-1-54	124	$5,706
Failure to Yield	32-29-3	122	$6,588
Weigh Station	32-33-17	121	$12,505
Eye Protection*	32-20-4.1	121	$1,910
Overdrive Road Cond.	99-1-74	118	$5,927
Registration Required	32-10-34	113	$4,766
Reckless Driving	99-1-41	111	$7,878
Drive w/Cancel License	32-12-65	111	$7,124
Failure to Yield @ Stop	99-1-87	109	$5,922
Illegal Median Crossing	32-26-9	108	$6,647
Drive Improper Vehicle	32-21-27	107	$5,087
Littering	34A-7-7	104	$5,941
Trailer Chains	32-19-9	104	$5,505
Minor without Helmet	32-20-4	98	$4,397
Improper Highway Entry	32-26-14	95	$5,080
Promise to Appear	32-33-2	95	$2,617
Overwidth Vehicle	32-22-3	92	$9,582
Speed in School Zone	32-25-14	89	$5,815
Follow too Closely	99-1-79	88	$4,463
Lamps not Properly Lit	32-17-4	83	$2,530
Handlebar Height*	32-20-3	77	$1,480
Unposted Speed Limit	32-25-12	69	4741
Racing on Highway	32-25-23	69	$3,798
Muffler Cut-out	32-15-17	66	$3,356
Avoiding Traffic Signal	99-1-15	66	$3,085
Hit and Run	99-1-43	59	$4,053
Improper Overtaking	32-26-26	59	$3,166
Registration in Vehicle*	32-5-91	59	$605
Viol.Snowmob.Registr'n	32-20A-15	55	$3,330
Illegal Lane Change	99-1-69	55	$2,893
Impr.Turn f/Left Lane	99-1-63	55	$2,727
Motorcycle Muffler*	32-20-5	55	$980
Vehicle Contents Leaking	32-15-18	54	$4,715
Stop at Check Point	49-28-66	51	$4,893
Illegal Backing	99-1-62	50	$2,701

* Petty Offenses

I. Total of Traffic Violations Listed on This Page	120,960	$7,155,723
II. Unlisted Class-two and Petty Offense Traffic Violations	1,893	$96,852
STATE TOTALS >>>	122,853	$7,252,575

Table 20. Traffic Violation Summary

INSUFFICIENT FUNDS CHECK VIOLATIONS: FILINGS AND DISPOSITIONS COMPARED: FY 1990 THROUGH FY 1992

Year	Filings	Guilty Pleas	Trials		Dis-mis-sals	Sus-pended Impos.
			Conv.	Acquit.		
FY 1990	4676	2242	12	2	1455	65
FY 1991	5728	2941	20	9	1885	80
FY 1992	5244	3060	17	6	1542	41
FY 1993	5357	3066	14	8	2163	47
FY 1994	4729	2849	98	12	1646	27
% Change *	-12%	-7%	600%	50%	-24%	-43%

* Current FY compared to prior FY

Table 21. Insufficient Funds Check Violations

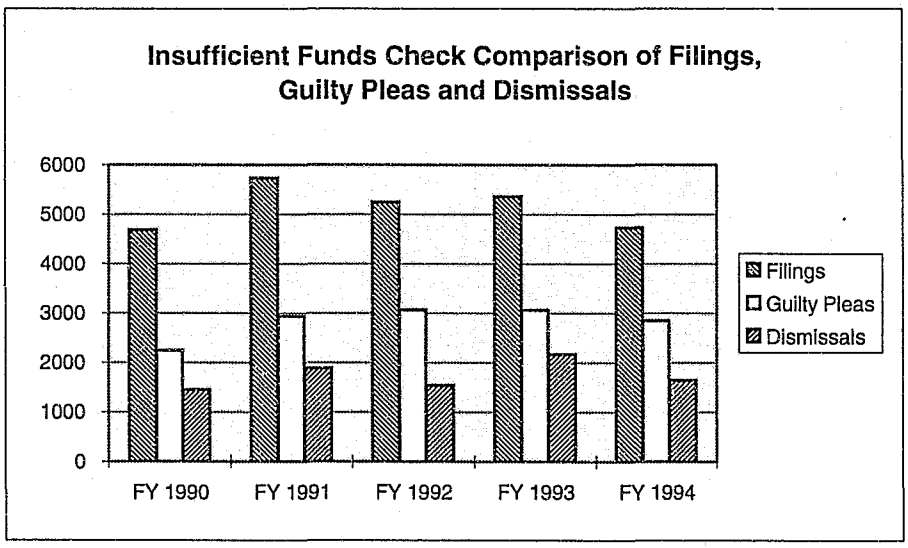


Chart 17. Insufficient Funds Check Comparison