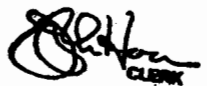


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED
MAR 06 2015

CLERK

MARK ANTHONY FEIOCK,

Petitioner,

vs.

BOB DOOLEY, WARDEN - SDSP; AND
MARTY JACKLEY, THE ATTORNEY
GENERAL OF THE STATE OF SD;

Respondents.

1:15-CV-01016-CBK

ORDER

Petitioner was convicted of aggravated assault and simple assault and sentenced in the Fifth Judicial Circuit Court for Brown County to 60 years in the state penitentiary on May 13, 1999. He appealed his conviction and sentences and the South Dakota Supreme Court summarily affirmed on February 22, 2000, in an unpublished opinion. State v. Feiock, 608 NW2d 329 (SD 2000) (table). Petitioner filed a state court habeas petition on May 2, 2000. As is all too common in the Fifth Judicial Circuit, the petition languished for many years despite the appointment of counsel. The petition was finally denied on July 25, 2014. Such delay is unconscionable. The Circuit Court denied a certificate of probable cause on October 22, 2014, but notice of entry was not provided to petitioner until December 17, 2014.

I set forth at some length in Dosch v. Dooley, et al., 1:14-cv-01016, in Doc. 18, filed on December 22, 2014, what is a wholesale failure to follow South Dakota habeas corpus statutes. Such order is incorporated herein by reference.

Petitioner filed a motion for an evidentiary hearing and a motion for appointment of counsel. Those motions are not yet ripe for consideration.

Petitioner contends that his Sixth Amendment right to the effective assistance of counsel was violated. I have conducted an initial consideration of the petition for a writ of habeas

corpus, as required by Rule 4 of the Rules Governing Section 2254 Proceedings for the United States District Courts.

Now, therefore,

IT IS ORDERED:

1. The Clerk of Court shall serve by certified mail a copy of the petition and this order upon the respondent Robert Dooley and the Attorney General of the State of South Dakota, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts.

2. The respondents shall serve and file an answer or responsive pleading to the petition, together with a legal brief or memorandum in support thereof, on or before thirty days following service of the petition.

DATED this 5th day of March, 2015.

BY THE COURT:


CHARLES B. KORNMANN
United States District Judge