

STATEMENT OF LEGAL ISSUES

Appellant appeals on the following two issues:

I

WHETHER THE CURRENT STATUTORY REGIME IN SOUTH DAKOTA CRIMINALIZING POSSESSION OF A CONTROLLED DRUG OR SUBSTANCE SHOULD BE ALLOWED TO SUSTAIN A CONVICTION WHEN ONLY THE METABOLITE OF A CONTROLLED SUBSTANCE IS DETECTED IN THE DEFENDANT'S URINE

II

WHETHER THE TRIAL COURT ERRED BY INSTRUCTING THE JURY IN A MANNER THAT IMPERMISSIBLY SHIFTED THE BURDEN TO THE DEFENDANT TO DISPROVE KNOWLEDGE OF POSSESSION

MOST RELEVANT CASES AND STATUTES

State v. Ireland, 133 P.3d 396 (Utah, 2006)

State v. Opperman, 89 S.D. 25, 247 N.W.2d 673 (1976)

State v. Schroeder, 2004 SD 21, 674 NW2d 827 (2004)

SDCL §22-42-1(1)

SDCL §22-42-5

S.D. Constitution, Art. VI, §7