

TUESDAY, NOVEMBER 8, 2005
9:00 A.M.

NO. 1

#23418

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

JOHN TOFANI,
Defendant and Appellant.

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(FOR APPELLANT)

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(FOR APPELLEE)

STATEMENT OF THE LEGAL ISSUES

1. DID THE TRIAL COURT ERR IN DENYING THE DEFENDANT'S MOTION TO EXCLUDE EVIDENCE?

The Court Judge denied Tofani's Motion to Exclude Evidence.

2. DID THE TRIAL COURT ERR IN DENYING DEFENDANT'S MOTION TO SUPPRESS DEFENDANT'S STATEMENTS.

The Trial Court denied Tofani's Motion to suppress his statements.

3. WAS THE EVIDENCE INSUFFICIENT TO SUPPORT THE GUILTY VERDICT AND THEREFORE DID THE TRIAL COURT ERR IN DENYING THE DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL AND ULTIMATELY A VERDICT OF GUILTY?

The Trial Court denied Motion for Judgment of Acquittal at the end of the State's case and entered a guilty verdict to the charges of Rape and Aggravated Assault at the close of all evidence.