

WEDNESDAY, OCTOBER 5, 2011
10:00 A.M.

NO. 2

#25871

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

RYLAN WAYNE WALTH,
Defendant and Appellant.

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(FOR APPELLANT)

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(FOR APPELLEE)

The Honorable Peter H. Lieberman
Second Judicial Circuit
Minnehaha County

(CR 09-5246)

STATEMENT OF LEGAL ISSUES AND AUTHORITIES

- I. WHETHER THE TRIAL COURT ERRED IN DENYING APPELLANT'S MOTION TO SUPPRESS HIS STATEMENTS TO DETECTIVE GRIES.
- a. Was appellant in custody?
 - b. Were the *Miranda* warnings given to the appellant after he was arrested effective?

The trial court ruled that appellant was not in custody and that his statements to the Detective were admissible.

Relevant Cases: *Miranda v. Arizona*, 384 US 436 (1996); *State v. Hoadley*, 651 NW2d 249 (SD 2002); *United States v. Hall*, 421 F2d 540

Relevant Statutes: Fifth Amendment of the United States Constitution; Fourteenth Amendment to the United States Constitution; Article VI, Section 2 and 9 of the South Dakota Constitution.

- II. WHETHER THE COURT ERRED IN ALLOWING THE PHYSICAL EVIDENCE TO BE ADMITTED AT TRIAL AFTER A *MIRANDA* VIOLATION.

Relevant Cases: *State v. Peterson*, 2007 VT 24, 923 A2d 585; *State v. Knapp*, 700 NW2d 899 (Wis. 2005); *State v. Farris*, 849 NE2d 985 (Ohio 2006)

Relevant Statutes: SD Const. Art. VI, § 2 and 9