

STATEMENT OF LEGAL ISSUES

1. WHETHER THE COURT ERRED IN NOT DISMISSING THE GRAND THEFT CHARGES BECAUSE DEFENDANT WAS AN OWNER OF DAKOTA PROPERTIES AND UNABLE, AS A MATTER OF LAW, TO STEAL FROM IT.

State v. Reddick, 2 SD 124, 48 NW2d 846 (SD 1891)
State v. Kusnick, 19 WLB 379, 15 NE 481 (Ohio, 1888)
SDCL 22-30A-16
SDCL 22-30A-1

2. WHETHER THE COURT ERRED IN DENYING APPELLANT'S MOTION TO CONSOLIDATE THE FORGERY CHARGES.

State v. Johnston, 478 NW2d 281 (SD 1991)
SDCL 22-30A-1

3. WHETHER THE COURT ERRED IN NOT DISMISSING THE FORGERY CHARGES BECAUSE THE ELEMENT OF INTENT WAS ABSENT.

SDCL 22-39-36

4. WHETHER THE COURT ERRED IN NOT DISMISSING COUNT 17 OF THE INDICTMENT, THE FORGERY CHARGE INVOLVING LOWE'S, BECAUSE ALL THE ELEMENTS OF THE CRIME WERE NOT PROVED.

State v. Larson, 582 NW2d 15 (1998)
State v. Greene, 86 SD 177, 192 NW2d 712 (SD 1971)
State v. Graycek, 335 NW2d 572 (SD 1983)
State v. Sullivan, 652 NW2d 786 (SD 2002)
Article VI, Section 7, South Dakota Constitution
22 CJS Criminal Law, Section 173
21 AmJur2d, Criminal Law, Section 398

5. WHETHER THE COURT ERRED IN NOT DISMISSING COUNT 19 OF THE INDICTMENT, INVOLVING KNECHT'S, BECAUSE ALL THE ELEMENTS OF THE CRIME WERE NOT PROVED.

SDCL 22-30a-16(2)

6. WHETHER APPELLANT'S SENTENCE OF SIXTY-FIVE (65) YEARS IN PRISON, FOR PRACTICAL PURPOSES A LIFE SENTENCE, IS EXCESSIVELY PUNITIVE AND RETRIBUTIVE AND FAILS TO CONSIDER THE QUESTION OF REHABILITATION.

SDCL 22-15A-32

State v. Hinger, 600 NW2d 542 (SD 1999)

State v. Bonner, 577 NW2d 575 (SD 1998)

State v. Raymond, 563 NW2d 823 (SD 1997)

Life Expectancy in the United States

<http://www.cnle.org/nle/crsreports/05mar/RL32792.pdf>

7. WHETHER APPELLANT'S SENTENCE IS DISPROPORTIONATE TO THE CRIME AND CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT WITHIN THE PURVIEW OF UNITED STATES AND SOUTH DAKOTA CONSTITUTIONS.

State v. Gehrke, 491 NW2d 421 (SD 1992)

Goodroad v. Weber, 671 NW2d 838 (SD 2003)

State v. Anderson, 546 NW2d 395 (SD 1996)

State v. Pugh, 640 NW2d 79 (SD 2002)

SDCL 22-39-36