

TUESDAY, OCTOBER 4, 2011  
11:00 A.M.

NO. 3

#25865

STATE OF SOUTH DAKOTA,  
Plaintiff and Appellee,

vs.

CHRIS L. JONES,  
Defendant and Appellant.

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(FOR APPELLANT)

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(FOR APPELLEE)

The Honorable David R. Gienapp  
Third Judicial Circuit  
Brookings County

(CR 10-0231)

**LEGAL ISSUES**

**I. THE STATE'S VIOLATION OF THE PLEA AGREEMENT WAS A MATERIAL BREACH ALLOWING RESENTENCING BEFORE A DIFFERENT JUDGE.**

The court found that the State violated the plea agreement but the court denied Appellant's Motion for Resentencing Before a Different Judge.

**Most Relevant Cases:**

*Santobello v. New York*, 404 U.S. 257, 92 S.Ct. 495, 30 L.Ed.2d 427 (1971)

*State v. Bracht*, 1997 S.D. 136, 573 N.W.2d 176

*State v. Vanden Hoek*, 2006 S.D. 102, 724 N.W.2d 858

*State v. Waldner*, 2005 S.D. 11, 692 N.W.2d 187

**II. WHETHER THE APPELLANT'S SENTENCE CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT UNDER EITHER THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION OR CRUEL PUNISHMENT UNDER ARTICLE VI, § 23 OF THE SOUTH DAKOTA CONSTITUTION?**

**Most Relevant:**

South Dakota Constitution, Article VI, § 23