

ISSUES:

I. WHETHER THE TRIAL COURT ERRED IN PERMITTING STATEMENTS TO BE ADMITTED UNDER SDCL 19-16-38, AS AN EXCEPTION TO THE HEARSAY RULE?

II. WHETHER THE TRIAL COURT ERRED IN FINDING R.B. WAS COMPETENT TO TESTIFY?

III. WHETHER THE TRIAL COURT ERRED IN DENYING APPELLANT'S MOTION FOR MISTRIAL?

IV. WHETHER THE TRIAL COURT ERRED IN DENYING APPELLANT'S MOTION FOR A NEW TRIAL BASED ON NEW EVIDENCE?

V. WHETHER THE TRIAL COURT ERRED IN NOT DISMISSING THE PART II HABITUAL OFFENDER INFORMATION?

VI. WHETHER THE TRIAL COURT ERRED IN PREVENTING APPELLANT FROM OFFERING TESTIMONY RELATING TO VARIOUS MATTERS?

VII. WHETHER THE SENTENCE IMPOSED IS CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT?