

STATEMENT OF THE ISSUE

- I. WHETHER THE COURT ERRED IN ADMITTING THE STATE'S VIDEO OF THE INCIDENT THAT HAD "IDENTIFIERS" ADDED TO BY THE STATE'S EXPERT.

**The Circuit Court found added identifiers would aid the trier of fact and denied the Defendant's Motion in Limine.**

State v. Serl, 269 N.W.2d 785 (S.D. 1978)

State v. Jenkins, 260 N.W.2d 509 (S.D.1977)

Sommervold v. Grevlos, 518 N.W.2d 733 (S.D. 1994)

- II. WHETHER THE COURT ERRED IN ADMITTING THE PHOTOGRAPHS OF THE VICTIM IN THE EMERGENCY ROOM THAT SHOWED THE GUNSHOT WOUNDS.

**The Circuit Court found the photographs to be more probative than they were prejudicial.**

S.D.C.L. § 19-12-3

State v. Holzer, 2000 SD 75, 611 N.W.2d 647

State v. Brings Plenty, 459 N.W.2d 390 (S.D.1990)

- III. WHETHER THE DEFENDANT WAS DENIED DUE PROCESS WHEN HE WAS NOT ADVISED OF THE MANDATORY CONSECUTIVE SENTENCE THAT COMMISSION OF A FELONY WITH FIREARM CARRIES.

**The Circuit Court never addressed this issue.**

Fifth Amendment to the United States Constitution

S.D.C.L. § 22-14-12

State v. Miller, 2006 SD 54, 717 N.W.2d 614

State v. Chavez, 2002 SD 84, 649 N.W.2d 586