

WEDNESDAY, FEBRUARY 18, 2009
10:00 A.M.

NO. 2

#24962

STATE OF SOUTH DAKOTA,
Plaintiff and Appellant,

vs.

DOUG ANDREWS,
Defendant and Appellee.

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(FOR APPELLANT)

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(FOR APPELLEE)

The Honorable John Brown
Sixth Judicial Circuit
Hughes County

(CR 08-215)

20-20-10

#24962

STATEMENT OF LEGAL ISSUE

DID THE STATE VIOLATE THE 180-DAY RULE, CODIFIED IN SDCL 23A-44-5.1, BY VOLUNTARILY DISMISSING THE ORIGINAL INDICTMENT 14 DAYS INTO THE 180-DAY PERIOD AND SUBSEQUENTLY RECHARGING DEFENDANT APPROXIMATELY ONE YEAR AFTER THE INITIAL APPEARANCE ON THAT ORIGINAL INDICTMENT WITH ESSENTIALLY THE SAME CHARGES ARISING OUT OF THE SAME FACTUAL SCENARIO?

The trial court ruled that the 180-day rule had been violated.

State v. Karlen, 1999 S.D. 12, 589 N.W.2d 594

State v. Lowther, 434 N.W.2d 747 (S.D. 1989)

State v. Tiedeman, 433 N.W.2d 237 (S.D. 1988)

SDCL 23A-44-5.1