

MONDAY, OCTOBER 3 2005  
11:00 A.M.

NO. 3

#23443

STATE OF SOUTH DAKOTA,  
Plaintiff and Appellee,

vs.

MICHAEL JOSEPH CHRISTOPHER KOTTMAN,  
Defendant and Appellant.

Mr. John Hinrichs  
Office of the Minnehaha  
County Public Defender  
413 N Main Ave  
Sioux Falls SD 57104  
Ph: 605-367-4242

(FOR APPELLANT)

Ms. Ann C. Meyer  
Assistant Attorney General  
500 E Capitol Ave  
Pierre SD 57501-5070  
Ph 773-3215

(FOR APPELLEE)

20-20-10

STATEMENT OF ISSUES

- I. THE WARRANTLESS SEARCH OF MR. KOTTMAN'S HOME WAS ILLEGAL IN THAT IT VIOLATED MR. KOTTMAN'S RIGHT TO BE FREE FROM UNREASONABLE SEARCHES AND SEIZURES.
- II. UNITED STATE V. KNIGHTS DOES NOT OPERATE TO MAKE THE SEARCH IN THE PRESENT CASE LEGAL.
- III. IF U.S. V. KNIGHTS IS NOT CONTROLLING, THE "STALKING HORSE DOCTRINE" PROHIBITS THE TYPE OF SEARCH THAT OCCURRED IN THE PRESENT CASE AND REQUIRES THE SUPPRESSION OF THE EVIDENCE AGAINST MR. KOTTMAN.