STATEMENT OF THE ISSUES

1. Did the Trial Court err when it denied Janklow's motion for judgment of acquittal on the second degree manslaughter charge?

   The Trial Court denied Janklow's motion for judgment of acquittal.

2. Did the Trial Court err when it refused to give Janklow's proposed jury instructions setting forth the defense of unconsciousness and denied Janklow's motion for new trial on the basis of the refused jury instructions?

   The Trial Court refused to give Janklow's proposed instruction numbers 15 and 16 and denied Janklow's motion for new trial.

3. Did the Trial Court err when it admitted evidence of uncharged, alleged prior bad acts and denied Janklow's motion for new trial on the basis of the improperly admitted, unfairly prejudicial evidence?

   Over Janklow's repeated objections, the Trial Court permitted the State to introduce evidence of two, uncharged prior bad acts during its case in chief and to cross examine Janklow about other alleged prior bad acts. The Trial Court denied Janklow's motion for new trial.

4. Did the Trial Court err when it denied Janklow's motion for mistrial and motion for new trial on the basis of prosecutorial misconduct during the State's closing argument?

   The Trial Court denied Janklow's motions for mistrial and new trial.

5. Did the cumulative effect of the errors by the Trial Court deprive Janklow of his right to a fair trial?

   The Trial Court denied Janklow's motion for new trial.