

TUESDAY, OCTOBER 4, 2011  
9:00 A.M.

NO. 1

#25856

STATE OF SOUTH DAKOTA,  
Plaintiff and Appellee,

vs.

KEVIN MARK MAYS,  
Defendant and Appellant.

Mr. Aaron D. Salberg  
Minnehaha County Public  
Defender's Office  
413 N Main Ave  
Sioux Falls SD 57104  
Ph: 367-4242

(FOR APPELLANT)

Mr. John M. Strohman  
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(FOR APPELLEE)

The Honorable Robin J. Houwman  
Second Judicial Circuit  
Minnehaha County Clerk of Courts

(CR 10-2486)

STATEMENT OF ISSUES AND AUTHORITIES

I. WHETHER THE TRIAL ERRED IN ORDERING APPELLANT TO PAY  
RESTITUTION FOR FUNERAL COSTS.

A. Whether or not there was a causal nexus between  
the crimes appellant pled guilty to and the  
restitution ordered.

i. Felony Hit and Run

State v. Joyce, 681 N.W.2d 468 (SD 2004)

State v. Starkey, 437 N.W.2d 573 (IA 1989)

State v. Cameron, 596 N.W.2d 49 (SD 1999)

ii. Driving Under the Influence

Weber v. State, 577 A.2d 58 (MD 1990)

State v. Two Bulls, 547 N.W.2d 764 (SD 1996)

B. Whether the State has provided sufficient  
evidence of liability to meet the requisite  
standard of proof for a restitution order.

State v. Martin, 724 N.W.2d 872 (SD 2006)

i. Duty

Braun v. New Hope Township, 646 N.W.2d 737 (SD  
2002)

ii. Causation

State v. Two Bulls, 547 N.W.2d 764 (SD 1996)

iii. Proximate Causation

Braun v. New Hope Township, 646 N.W.2d 737 (SD  
2002)

State v. Lamont, 631 N.W.2d 603 (SD 2001)

iv. Contributory Negligence

Crabb v. Wade, 167 N.W.2d 546 (SD 1969)