

MONDAY, OCTOBER 5, 2009
10:00 A.M.

NO. 2

#25173

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

HARVEY LITTLEBRAVE, JR.
Defendant and Appellant.

Ms. Julie Hofer
Office of the Public Advocate
415 N Dakota Ave
Sioux Falls SD 57104
Ph 339-4646

(FOR APPELLANT)

Mr. John M. Strohman
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501
Ph 773-3215

(FOR APPELLEE)

The Honorable Joseph Neiles
Second Judicial Circuit
Minnehaha County

(CR 08-1237)

20-20-10

LEGAL ISSUES

- I. Whether the Trial Court abused its discretion and committed reversible error in denying Appellant's Motion to Suppress the evidence in his case in that the Appellant was unlawfully detained longer than was necessary to complete the initial purpose of the stop, which was in violation of the Fourth and Fourteenth Amendments to the United States Constitution and Article VI, Section 11 of the South Dakota Constitution.

Trial Court ruled: In the negative.

Illinois v. Caballes, 543 U.S. 405, 125 S.Ct. 834, 160 L.Ed. 842 (2005)

State v. Bergee, 2008 SD 67, 754 N.W.2d 911
Fourth and Fourteenth Amendments, United States
Constitution

Article VI, Section 11, South Dakota Constitution