

WEDNESDAY, FEBRUARY 17, 2010
9:00 A.M.

NO. 1

#25336

RUSTY JOHNSON,
Plaintiff and Appellee,

vs.

KELA O'FARRELL and CORY O'FARRELL,
Defendants and Appellants.

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(FOR APPELLEE)

The Honorable David R. Gienapp
Third Judicial Circuit
Grant County

(CIV 07-0087)

25336

STATEMENT OF THE ISSUE

Whether the trial court committed reversible error in admitting in evidence over Defendants' objection the Grant County Sheriff's Office Investigative Report of the incident that is the subject of this case. An altercation took place in the Marvin Bar in Marvin, SD, on July 31, 2004, and resulted in injuries being sustained by Plaintiff Rusty Johnson. The Grant County Deputy Sheriff who wrote the Sheriff's Report and the statements attributed to the Defendants therein did not testify at trial.

Legal Authority:

Dubray v. South Dakota Dep't of Social Services, 2004
SD 130, 690 N.W.2d 657