

TUESDAY, MARCH 23, 2010  
9:00 A.M.

NO. 1

#25271

STATE OF SOUTH DAKOTA,  
Plaintiff and Appellant,

vs.

TRENT DANIELSON,  
Defendant and Appellee.

Mr. John H. Fitzgerald  
Lawrence County State's Attorney  
90 Sherman St  
Deadwood SD 57732-1341  
Ph 578-1707

(FOR APPELLANT)

Mr. John R. Frederickson  
Frederickson Law Office  
PO Box 583  
Deadwood SD 57732  
Ph 578-1953

(FOR APPELLEE)

The Honorable Randall L. Macy  
Fourth Judicial Circuit  
Lawrence County Clerk of Courts

(CR 08-1038)

20-20-10

**25271**

STATEMENT OF LEGAL ISSUES

WHETHER THE STATE OF SOUTH DAKOTA IS PRECLUDED  
FROM BRINGING A PERJURY PROSECUTION AFTER AN  
ACQUITTAL ON A GRAND THEFT CHARGE AT TRIAL.

The Trial Court decided to dismiss the Perjury  
Indictment ruling the State was collaterally estopped  
from bringing this criminal charge, SR 75.

Ashe v. Swenson, 397 U.S. 436 (1970)

Dowling vs. U.S., 493 U.S. 342, 110 S.Ct 668

U.S. v. Williams, 341 U.S. 58 (1951)

Fifth Amendment of U.S. Constitution  
Article VI, § 9, S.D. State Constitution  
SDCL 22-29-1