

STATEMENT OF ISSUES

I. WHETHER THE HABEAS COURT WAS ERRONEOUS IN DETERMINING THE PETITIONER'S TRIAL COUNSEL TO BE EFFECTIVE UNDER THE UNITED STATES CONSTITUTION AS WELL AS THE SOUTH DAKOTA CONSTITUTION.

HABEAS COURT: The habeas court held that the petitioner's trial counsel was effective.

II. WHETHER THE HABEAS COURT WAS ERRONEOUS IN DETERMINING THAT THE STATE DID NOT COMMIT PROSECUTORIAL MISCONDUCT IN NOT TURNING OVER POSSIBLY EXCULPATORY EVIDENCE PURSUANT TO THE COURT'S ORDER.

HABEAS COURT: The habeas court held that there was no prosecutorial misconduct.

III. WHETHER THE HABEAS COURT WAS ERRONEOUS IN DETERMINING THAT APPELLANT'S SENTENCE WAS NOT CRUEL AND UNUSUAL PURSUANT TO ART. VI, §23 OF THE SOUTH DAKOTA CONSTITUTION AND THE VIII AND XIV AMENDMENTS OF THE UNITED STATES CONSTITUTION.

HABEAS COURT: The habeas court held that the appellant's sentence was not cruel and unusual.