

STATEMENT OF LEGAL ISSUES

1. Whether the Appellant's Fourth Amendment right (as well as the South Dakota counterpart thereto) to be free from unreasonable searches and seizures was violated when a state trooper ordered that Appellant's blood be seized for testing and analysis, without consent, without reading the implied consent, and without detention or custody.
2. Whether the circuit court erred in allowing the state to elicit answers from Trooper Fox identifying which statements of defendant he believed were untruthful when defendant did not testify.
3. Whether the trial court erred in disallowing the use of exculpatory hearsay.
4. Whether the trial court's refusal to give theory of defense instructions on the duty to preserve evidence and inferences drawn from spoliation of evidence constitutes reversible error, a denial of fair trial, and a deprivation of due process under the State and Federal Constitution.