

County, First Judicial Circuit. SR. On December 27, 2001, the State filed a Petition for Permission to Take Intermediate Appeal from Order for Suppression, pursuant to SDCL 15-26A-13. This Court filed an Order Granting Petition for Allowance of Appeal from Intermediate Order on January 17, 2002. SR.

STATEMENT OF LEGAL ISSUES

I

WHETHER THE TRIAL COURT ERRED WHEN IT GRANTED DEFENDANT'S SUPPRESSION MOTION BECAUSE IT IGNORED THAT A DEPUTY SHERIFF MAY BROADEN THE SCOPE OF A JUSTIFIABLE TRAFFIC STOP, WHEN REASONABLE SUSPICION EXISTS THAT ADDITIONAL CRIMINAL ACTIVITY IS UNDERWAY, AND A DRIVER GIVES QUALIFIED CONSENT TO SEARCH A VEHICLE?

The trial court incorrectly granted Defendant's motion to suppress.

II

WHETHER THE TRIAL COURT ERRED WHEN IT FOUND THAT DEFENDANT'S WAIVER OF HIS MIRANDA RIGHTS WAS INVOLUNTARY, BASED UPON SOME KIND OF PRESUMPTION THAT HE HAD TO HAVE AN ATTORNEY PRESENT DURING HIS POLICE INTERVIEW, AND BECAUSE THE STATE DID NOT DISCLOSE ANY UNRELATED PORTIONS OF THE UNRECORDED INTERVIEW, WHICH DEALT WITH DEFENDANT'S PAST DRUG ACTIONS AND POSSIBLE FUTURE ASSISTANCE TO LAW ENFORCEMENT OFFICIALS?

The trial court's determination was improper.

STATEMENT OF THE CASE AND FACTS

This case was precipitated by a series of events, which began at approximately 9:18 p.m. on July 28, 2001, when Union County Deputy Sheriff, Jake Hayes, noticed a Ford Mustang traveling south on Interstate 29 with a broken taillight on the driver's side of the vehicle. FF Nos. 1-10; SH 4-46; EX1. Specifically, Hayes was parked in his marked patrol car