

TUESDAY, OCTOBER 4, 2005
9:00 A.M.

NO. 1

#23296

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

JESSIE KREBS,
Defendant and Appellant.

Mr. Timothy J. Rensch
Rensch Law Office
PO Box 8311
Rapid City SD 57709-8311
Ph 341-1210

(FOR APPELLANT)

Ms. Ann C. Meyer
Assistant Attorney General
500 E Capitol Ave
Pierre SD 57501-5070
Ph 773-3215

(FOR APPELLEE)

20-20-10

STATEMENT OF LEGAL ISSUES

1. Whether the circuit court erred in refusing to transfer Krebs to juvenile court, upon the record presented.

The circuit court ruled Krebs did not overcome the rebuttable presumption that it was in the best interest of the public that he remain in adult court.

2. Whether the court improperly allowed introduction of a video tape, which showed the distraught girlfriend of the decedent crying dramatically and hysterically on the tape, and also showed the decedent's body being removed from her vehicle

The circuit court ruled such was admissible

3. Whether a discovery violation occurred when the State did not provide discovery of inculpatory information prior to trial, when the order of the court required production.

The circuit court ruled no discovery violation occurred.

4. Whether 404(b) information was properly admitted when there was no advance notice as required by order of the court and the analysis required by caselaw was not performed.

The court allowed in 404(b) information as impeachment evidence.