

MONDAY, MARCH 22, 2010
10:00 A.M.

NO. 2

#25391

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

ALVIN R. SOUND SLEEPER,
Defendant and Appellant.

Mr. Paul Pietz
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(FOR APPELLANT)

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(FOR APPELLEE)

The Honorable Thomas L. Trimble
Seventh Judicial Circuit
Pennington County

(CR 09-500)

STATEMENT OF LEGAL ISSUES

- I. WHETHER THE OFFICER HAD REASONABLE SUSPICION TO APPROACH THE OCCUPANTS OF THE VEHICLE TO INVESTIGATE AN OPEN CONTAINER VIOLATION?

The trial court found that the officer did have sufficient reasonable suspicion to approach the occupants of the vehicle to investigate an open container violation.

State v. Haar, 2009 SD 79, 772 N.W.2d 157

United States v. Arvizu, 534 U.S. 266, 122 S. Ct. 744, 151 L.E.2d 740 (2002)

- II. WHETHER THE OFFICER HAD REASONABLE SUSPICION TO SEIZE AND QUESTION SOUND SLEEPER, THE DRIVER OF THE VEHICLE?

The trial court found that the officer had reasonable suspicion based on the observations of a potential open container to seize and question Sound Sleeper.

Terry v. Ohio 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968)

State v. Haar, 2009 SD 79, 772 N.W.2d 157

State v. Hayen, 2009 SD 41, 751 N.W.2d 306

U.S. v. Cortez, 449 U.S. 411, 101 S.Ct. 690, 66 L.Ed.2d 621 (1981)