

WEDNESDAY, AUGUST 25, 2010
11:00 A.M.

NO. 3

#25439

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

TODD RONALD BRIM,
Defendant and Appellant.

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of the Public Advocate
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(FOR APPELLANT)

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(FOR APPELLEE)

The Honorable James W. Anderson
Sixth Judicial Circuit
Minnehaha County

(CR 08-2802)

LEGAL ISSUES ON APPEAL

I. WHETHER THE TRIAL COURT ERRED OVERRULING THE
DEFENDANT'S MOTION FOR A JUDGMENT ACQUITTAL WHERE THE
STATE'S EVIDENCE LED THE JURY TO SPECULATE WHETHER THE
ACTS AS CHARGED EVER OCCURRED IN ANY TIME PERIOD

The trial court found that there was sufficient evidence
for the jury to consider.

SDCL 23A-23-1

State v. Halverson, 394 N.W.2d 886 (SD 1986)

Paulsen v. State, 541 N.W.2d 636 (NE 1996)

II. WHETHER THE APPELLANT WAS DEPRIVED OF A FAIR TRIAL
WHEN THE TRIAL COURT FAILED TO ADMONISH THE JURY
PROPERLY DURING RECESSES IN THE PROCEEDINGS

The trial court presented its own admonishments.

U.S.Const.Amend. VI

SDCL 23A-24-5

III. WHETHER THE APPELLANT WAS DEPRIVED OF A FAIR TRIAL
WHEN THE TRIAL COURT REFUSED TO REMOVE A JUROR WITH
KNOWLEDGE OF THE DEFENDANT'S ASSOCIATIONS

The trial court overruled the request to remove the
juror.

U.S.Const.Amend. VI

SDCL 23A-20-13.1

SDCL 23A-20-29

IV. THE APPELLANT'S SENTENCE TOTALING 325 YEARS
CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT

The trial issued a 325 year sentence.

U.S.Const.Amend VIII

S.D.Const.Art.VI, Sec. 23

Steichen v. Weber, 760 N.W.2d 381 (SD 2009)