

WEDNESDAY, NOVEMBER 18, 2009
10:00 A.M.

NO. 2

#25149

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

JACOB LUDEMANN,
Defendant and Appellant.

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(FOR APPELLEE)

The Honorable Vincent A. Foley
Third Judicial Circuit
Brookings County

(CR 07-87)

(20-20-10)

LEGAL ISSUES

Whether it was error for the Trial Court to deny Defendant's Motion to Suppress on the grounds that disturbing the peace/public urination did not constitute a petty offense for purposes of the citizens arrest statute. The Trial Court denied Defendant's Motion to Suppress.

State v. Bowers, 498 N.W. 2d 202 (S.D. 1993);

State v. Auen, 342 N.W. 2d 236 (S.D. 1984);

State v. Wikle 291 N.W. 2d 792 (S.D. 1980);

City of Brookings v. Roberts, 226 N.W. 2d 380 (S.D. 1975).

Statute 23A-3-3.

Whether it was error for the Trial Court to deny Defendant's Motion to Suppress on the grounds that a student officer may not, as a matter of policy, routinely hold themselves out as law enforcement officers for purposes of detaining citizens, and later justify their actions based on the citizens arrest statute.

The Trial Court denied Defendant's Motion to Suppress.

State v. Davidson, 479 N.W.2d 513 (S.D. 1992);

State v. McDonald, 260 N.W.2d 626 (S.D. 1977);

Florida v. Shipman, 370 So.2d 1195, 1196-1197 (Fla.Dist.Ct.App. 1979);

New York v. Williams, 829 N.E.2d 1203, 1205 (N.Y. 2005).