

WEDNESDAY, MAY 27, 2009
9:00 A.M.

NO. 1

#25005

STATE OF SOUTH DAKOTA,
Plaintiff and Appellant,

vs.

JAMES ROBERT STRAHL,
Defendant and Appellee.

Ms. Patricia J. DeVaney
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(FOR APPELLANT)

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(FOR APPELLEE)

The Honorable Steven R. Jensen
First Circuit Court Judge
Union County

(CR 06-318)

20-20-10

25005

STATEMENT OF LEGAL ISSUE

WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN GRANTING A NEW TRIAL ON THE FIRST DEGREE MURDER CONVICTION BASED ON NEWLY DISCOVERED IMPEACHMENT EVIDENCE THAT A STATE'S WITNESS COMMITTED PERJURY IN AN UNRELATED CASE?

The trial court granted Defendant's new trial motion on his first degree murder conviction.

State v. Gehm, 1999 S.D. 82, 600 N.W.2d 535

United States v. Taglia, 922 F.2d 413 (7th Cir. 1991)

English v. United States, 998 F.2d 609 (8th Cir. 1993)

State v. Owen, 2007 S.D. 21, 729 N.W.2d 356