

**TUESDAY, APRIL 23, 2013**

**NO. 5**

**#26285**

**STATE OF SOUTH DAKOTA,  
Plaintiff and Appellee,**

**vs.**

**DAVID DUANE WHEELER,  
Defendant and Appellant.**

Mr. Kenneth M. Tschetter  
Nicholson, Tschetter, Adams  
& Nicholson  
Attorneys at Law  
4201 S Minnesota Ave #113  
Sioux Falls, SD 57105  
Ph: 335-7100

**(FOR APPELLANT)**

Ms. Bethanna M. Feist  
Asssistant Attorney General  
1302 East Highway 14 Suite 1  
Pierre SD 57501-8501  
Ph: 773-3215

**(FOR APPELLEE)**

The Honorable Robin J. Houwman  
Second Judicial Circuit  
Minnehaha County

**(CR 11-0256)**

**NON ORAL**