

TUESDAY, SEPTEMBER 30, 2008
9:00 A.M.

NO. 1

#24665

STATE OF SOUTH DAKOTA
Plaintiff and Appellee,

vs.

AARON NOTEBOOM
Defendant and Appellant.

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(FOR APPELLANT)

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(FOR APPELLEE)

The Honorable Bruce Anderson
First Judicial Circuit
Douglas County

(CR 06-21)

STATEMENT OF THE LEGAL ISSUE

ISSUE 1: WHETHER THE STOP, DETENTION AND SUBSEQUENT SEARCH OF NOTEBOOM AND HIS PROPERTY WAS A VIOLATION OF NOTEBOOM'S CONSTITUTIONAL RIGHTS.

The trial court held that Noteboom's constitutional rights were not violated by the stop, detention and subsequent search of his person and property and the evidence seized from him and statements made by him were properly admissible at trial.

Relevant South Dakota Supreme Court cases:

1. State v. Müller, 2005 SD 66, 698 NW2d 285.
2. State v. Vento, 1999 SD 158, 604 NW2d 468.
3. Webb v. South Dakota Dept. of Commerce and Regulation, 2004 SD 63, 680 NW2d 661.
4. Graf v. South Dakota, 508 NW2d 1 (SD 1993).

Relevant state statutes and United States and South Dakota Constitutional provisions:

1. United States Constitution, Amendment IV.
2. South Dakota Constitution, Article VI, §11.