

WEDNESDAY, AUGUST 25, 2010
9:00 A.M.

NO. 1

#25001

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

JAMIE COREAN,
Defendant and Appellant.

Mr. David L. Claggett
Attorney at Law
522 N. Main Street
Spearfish SD 57783
Ph: 642-7708

(FOR APPELLANT)

Mr. Frank Geaghan
Assistant Attorney General
1302 E Hwy 14 Ste 1
Pierre SD 57501-8501
Ph: 773-3215

(FOR APPELLEE)

The Honorable John W. Bastian
Fourth Judicial Circuit
Butte County

(CR 08-37 & 07-161)

**WHETHER TEIGEN'S CONFESSION AND COOPERATION
REQUIRE A NEW TRIAL?**

State v. Packed, 2007 S.D. 75, 736 N.W.2d 851

Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963)

State v. Steele, 510 N.W.2d 661(SD 1994)

Mooney v. Holohan, 294 U.S. 103 (1935)

The trial court determined that it did not.

**WHETHER INTRODUCTION OF ALLEGED CO-CONSPIRATOR
STATEMENTS WAS REVERSIBLE ERROR?**

The Trial Court ruled that the statements were admissible.

State v. Miller, 2006 SD 54

State v Smith, 353 N.W.2d 338 (SD 1984)

State v. Tiegen, 2008 SD 6, 744 N.W.2d 578

State v Frazier, 2001 SD 19, 622 N.W.2d 246.

SDCL § 19-16-35

U.S. CONST. Amend. VI

S.D. CONST. art. VI, § 7.

**WHETHER THE TRIAL COURT ERRED IN GIVING AND REFUSING
INSTRUCTIONS ?**

The Trial Court instructed the jury that Kusick and Kindall were accomplices, refused to instruct that DeJong, Haar and Cook were accomplices, gave an instruction on admissions, removed specific intent and joint operation language in the accessory to crime instruction and instructed the jury on predicate felony as a matter of law.

State v. Packed, 2007 SD 75, 736 N.W.2d 851

First Premier Bank v. Kolcraft Enterprises, Inc., 2004 SD 92

State v. Disanto, 2004 SD 112, 688 N.W.2d 201

Schaffer vs. Edward D. Jones & Co., 1996 SD 94, 552 N.W.2d 801

SDCL §§ 22-3-3, 22-3-5(4), 22-19-1(2)

**WHETHER THE EVIDENCE ADDUCED AT TRIAL IS INSUFFICIENT
AS A MATTER OF LAW TO SUPPORT CONVICTIONS OF AIDING
AND ABETTING AGGRAVATED KIDNAPPING AND ACCESSORY TO
MURDER?**

The Trial Court held that evidence was sufficient.

State vs. Moran, 2003 SD 14, 657 N.W.2d 319

Fechner vs. Case, 2003 SD 37, 660 N.W.2d 631

Roth vs. Farner-Bocken Co., 2003 SD 80, 667 N.W.2d 651

State v. Reiman, 284 N.W.2d 860 (SD 1979)

SDCL §§ 22-3-3, 22-3-5(4), 22-19-1(2), 23A-9-1, 23A-22-8

**WHETHER THE SENTENCE IMPOSED CONSTITUTED
CRUEL AND UNUSUAL PUNISHMENT?**

The Trial Court sentenced Corean to a life sentence and a five year sentence.

State vs. Phipps, 318 N.W. 2d 128 (S.D 1982)

State vs. Weiker, 366 N.W. 2d 823 (S.D. 1985)

State vs. Milk, 2000 S.D. 28, 607 N.W. 2D 14

State vs. Bonner, 1998 S.D. 30, 577 N.W. 2D 575

SDCL § 23A-27-4.1

U.S. CONST. amend VI

S.D. CONST. art. VI, § 5 and § 23