

STATEMENT OF ISSUES AND AUTHORITIES

- I. WHETHER CONVICTING AND SENTENCING MR. JOHNSON FOR ATTEMPTED MURDER AND AGGRAVATED ASSAULT (SERIOUS BODILY INJURY) VIOLATED HIS RIGHT AGAINST DOUBLE JEOPARDY. (*Blockburger v. U.S.*, 284 U.S. 299, (1932); *State v. Dillon*, 2001 SD 97; *Wilcox v. Leaply*, 488 N.W.2d 654, (1992)).
- II. WHETHER MR. JOHNSON WAS SUBJECTED TO CUSTODIAL INTERROGATION IN PARKER, SOUTH DAKOTA, REQUIRING THE ADMINISTERING OF MIRANDA WARNINGS. (*State v. Darby*, 1996 SD 127; *State v. Myhre*, 2001 SD 109; *State v. Thompson*, 1997 SD 15; ).
- A. WHETHER MR. JOHNSON MADE A KNOWING, INTELLIGENT, AND VOLUNTARY WAIVER OF HIS MIRANDA RIGHTS. (*State v. Brings Plenty*, 459 N.W.2d 390, (1990); *State v. Stanga*, 2000 SD 129; *State v. Tuttle*, 2002 SD 94).
- B. WHETHER THE INTERROGATION OF MR. JOHNSON IN SIOUX FALLS, SOUTH DAKOTA, WAS A CONTINUATION OF THE INITIAL INTERROGATION IN PARKER, AND THUS TAINTED BY AND STATEMENTS INADMISSIBLE.
- (*Missouri v. Seibert*, 542 U.S. 600, (2004); *State v. Helmer*, 1996 SD 31).
- C. WHETHER MR. JOHNSON'S STATEMENTS WERE VOLUNTARY. (*Satter v. Solem*, 458 N.W.2d 762 (SD 1990); *State v. Tuttle*, 2002 SD 94).
- III. WHETHER TRIAL COURT ERRED IN DENYING MR. JOHNSON THE OPPORTUNITY TO CROSS-EXAMINE KEY STATE'S WITNESS ON MOTIVE TO LIE AND BIAS. (*State v. Weigers*, 373 N.W.2d 1, 10 (1985)).