

TUESDAY, MARCH 22, 2011  
11:00 A.M.

NO. 3

#25646

STATE OF SOUTH DAKOTA,  
Plaintiff and Appellee,

vs.

CHRISTOPHER JONES,  
Defendant and Appellant.

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(FOR APPELLANT)

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(FOR APPELLEE)

The Honorable Steven R. Jensen  
First Judicial Circuit  
Union County

(CR 09-434)

STATEMENT OF LEGAL ISSUES

WHETHER THE TRIAL COURT COMMITTED REVERSIBLE  
ERROR WHEN IT REFUSED TO INSTRUCT THE JURY THAT  
THE ACCUSED IS GUILTY ONLY WHERE THE VICTIM IS  
INCAPABLE OF GIVING CONSENT BECAUSE OF  
INTOXICATION AND THE DEFENDANT KNEW THAT PERSON  
WAS INCAPABLE OF GIVING CONSENT BECAUSE OF  
INTOXICATION.

WHETHER THE TRIAL COURT COMMITTED REVERSIBLE  
ERROR WHEN IT REFUSED TO GRANT DEFENDANT'S MOTION  
FOR JUDGMENT OF ACQUITTAL.

STATE v. GALATI, 365 NW2d 575 (SD 1985)

STATE v. SCHUSTER, 502 NW2d 565 (SD 1993)

STATE v. FULKS, 83 SD 433 (SD 1968)

SDCL § 22-22-1(4)