

WEDNESDAY, APRIL 29, 2009  
9:00 A.M.

NO. 1

#24721

STATE OF SOUTH DAKOTA,  
Plaintiff and Appellee,

vs.

ANTHONY CLIFFORD JOHNSON,  
Defendant and Appellant.

Mr. Jason R. Adams  
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(FOR APPELLANT)

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(FOR APPELLEE)

The Honorable Jon R. Erickson  
Third Judicial Circuit  
Beadle County

(CR 07-219)

STATEMENT OF LEGAL ISSUES

I. WHETHER THE TRIAL COURT ERRED IN DENYING DEFENSE COUNSEL'S MOTION TO DISMISS AND MOTION IN LIMINE THUS DENYING DEFENDANT'S RIGHT TO CONFRONTATION IN VIOLATION OF THE SIXTH AMENDMENT.

The Trial Court denied defense counsel's motion to dismiss and motions in limine.

Amendment VI of the United States Constitution

Article VI, §7 of the South Dakota Constitution

Crawford v. Washington, 541 U.S. 36, 124 S.Ct. 1354, 158

L.Ed.2d 177 (2004)

U.S. v. Cromer, 389 F.3d 662 (6<sup>th</sup> Cir. 2004)

II. WHETHER THERE WAS SUFFICIENT EVIDENCE PRESENTED TO PROVE THE ELEMENTS OF DISTRIBUTION OF ONE OUNCE OR LESS OF MARIJUANA, SDCL §22-42-7, AND POSSESSION OF MARIJUANA, §22-42-6, BEYOND A REASONABLE DOUBT.

The Trial Court denied Johnson's motion for judgment of acquittal, and the jury returned a guilty verdict as to both counts.

SDCL §22-24-6

SDCL §22-24-7