

STATEMENT OF LEGAL ISSUES

1. Briley Piper's sentence of death is disproportionate to Darrell Hoadley's sentence of life, and this Court should remand to circuit court with an order tat Mr. Piper be sentenced to life in prison without parole.

2. Whether the circuit court erred in sentencing Briley Piper to death, when Piper pled guilty without the benefit of a plea agreement, showed remorse, apologized for his actions, had no significant prior violent record, and had exhibited goodness in the past.

3. Whether the trial court erred in refusing to grant a new sentencing trial for nondisclosure of favorable treatment to a cooperating witness, when the prosecuting attorney admits his actions constituted a favor to said witness, when the cooperating witness admits facts which circumstantially indicate the existence of an implied (and possibly express) agreement, when the prosecution was under a court order to produce such information, and when the testimony of the cooperating witness was materially relied upon by the sentencing court, all in violation the confrontation clause and due process clauses of both the State and Federal Constitution.

4. Whether the imposition of death herein constitutes cruel and unusual punishment under both the State and Federal Constitutions.

5. Whether the death penalty as imposed upon Briley Piper is disproportionate per SDCL § 23A-27A-12, from other cases wherein the death penalty was imposed or could have been imposed in the State of South Dakota.

6. Whether the trial court had jurisdiction to impose the death penalty when aggravating circumstances were not presented or alleged in an indictment or information and when SDCL 23A-27A violates due process under Ring.