

ISSUES PRESENTED

I. WHETHER IT WAS AN ERROR FOR THE TRIAL COURT TO FIND THAT APPELLEE MET HIS BURDEN PURSUANT TO SDCL 22-19A AND TO DENY APPELLANT'S MOTION FOR DIRECTED VERDICT.

The trial court found that Appellee met his burden under SDCL 22-19A and denied Appellant's Motion for Directed Verdict.

II. WHETHER THE TRIAL COURT COMMITTED ERROR IN REFUSING TO FIND THAT APPELLANT'S ACTIVITIES WERE CONSTITUTIONALLY PROTECTED.

The trial court entered no finding with respect to constitutionally protected activities of Appellant.

III. WHETHER THE TRIAL COURT COMMITTED ERROR WHEN IT ADMITTED AND OTHERWISE CONSIDERED HEARSAY EVIDENCE.

Over the objection of counsel for Respondent, the trial court admitted as exhibit B., a letter from counsel for Petitioner. The trial court further relied on numerous documents attached to Petitioner's Petition without foundation or supporting testimony.

IV. WHETHER IT WAS ERROR FOR THE TRIAL COURT TO ADOPT A FINDING THAT APPELLANT HAD MADE THREATS WHICH PLACE APPELLEE IN REASONABLE FEAR OF DEATH OR GREAT BODILY INJURY.

The trial court adopted a finding that Appellant had made threats which placed Appellee in reasonable fear of death for great bodily injury.

VI. WHETHER THE TRIAL COURT COMMITTED ERROR BY DENYING RESPONDENT'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.

The trial court refused Appellant's Proposed Findings of Fact and Conclusions of Law and adopted the Findings of Fact and Conclusions of Law proposed by Appellee.