

STATEMENT OF LEGAL ISSUES

I.

DID THE TRIAL COURT ERR IN GRANTING THE STATE'S MOTION TO SUPPLEMENT THE JURY PANEL WHEN IT WAS BASED IN PART ON THE RACE OF THE DEFENDANT?

This issue was not brought to the attention of the Trial Court by the Defendant's trial counsel.

II.

DID THE STATE IMPROPERLY USE THE MOTION TO SUPPLEMENT THE JURY PANEL AND ITS PEREMPTORY CHALLENGES TO REMOVE NATIVE AMERICANS FROM THE JURY?

This issue was not brought to the attention of the Trial Court by the Defendant's trial counsel.

III.

DID THE TRIAL COURT ERR WHEN IT DENIED THE DEFENDANT'S MOTION FOR THE APPOINTMENT OF A PRIVATE INVESTIGATOR AND DIRECTED THE DEPARTMENT OF CRIMINAL INVESTIGATION TO INTERVIEW POTENTIAL DEFENSE WITNESSES?

Trial Court, held in the negative.

IV.

DID THE TRIAL COURT ERR WHEN IT FAILED TO ORDER A MISTRIAL AFTER THREE DIFFERENT INCIDENTS OF JUROR MISCONDUCT?

This issue was not brought to the attention of the Trial Court by the Defendant's trial counsel.

V.

WAS THE DEFENDANT DENIED HIS RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL AS GUARANTEED BY THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION, AND ARTICLE VI, SECTION 7 OF THE SOUTH DAKOTA CONSTITUTION?