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LEGAL ISSUES

1. Are GPF created crimes improper delegations of core legislative lawmaking powers?

The Circuit Court held that there was no improper delegation of legislative authority.

2. Did the Defendants face a "choice of evils" because of a statutory scheme that is impermissibly vague?

The Circuit Court refused the wanton waste instruction (3TT92/18-25, 93-94, 95/1-8) and indirectly refused the vagueness issue (plain error).

3. Is "Receive" an electronic form of communication vague and overbroad?

The Circuit Court held that the regulation was constitutional (2TT190/2-9).

¹ Appellants received permission for a 50-page brief.

4. Is a cottontail rabbit a "rodent?"

The Circuit Court gave its instruction (#7) and refused the rodent instruction (3TT95/19-25, 96-97).

5. Does accidental or fence separated "hunting" negate "cooperation"?

Bill Moschell was found guilty of having more than 20 persons in a hunting party.

6. Does parking close to the game equate to "disturbing" the game?

Bill Moschell was found guilty of using a motor vehicle to disturb game.

7. Was there insufficient evidence to convict Denis Moschell of failing to tag big game, two counts, and hunting without a license?

Denis Moschell was found guilty of failing to tag big game, two counts, and hunting without a license.

8. Was there insufficient evidence to convict Gene Smith of hunting big game without a license and shooting in the right of way?

Gene Smith was found guilty of hunting big game without a license and shooting in the right of way.

9. Did the Court's instruction improperly bolster the State's witnesses and invade the province of the jury?

The Court instructed the jury (#14) regarding the propriety of undercover agents.

10. Were the Court's sentences unreasonable?

The Court gave its sentence (plain error).