

#26570

STATEMENT OF LEGAL ISSUE

**ISSUE ONE: The jury instructions were improper.**

-- The trial court felt its instructions were proper.  
They were not objected to.

State v. Barr, 90 S.D. 9, 237 NW2d 888 (1976)

State v. Mattson, 2005 S.D. 70, 698 NW2d 538

State v. Robinson, 1999 S.D. 141, 602 NW2d 730