

REPORTED CASES

1. **Luna v. Solem, 411 NW2d 656 (SD 1987)**. The case was significant in that the South Dakota Supreme Court adopted the federal standard with respect to ineffective assistance of counsel in a criminal case within the context of a habeas corpus proceeding.
2. **Brooks v. Bowen, 882 F2d 1375, (8th Cir. 1989)**. I represented a social security claimant through the administrative hearing process, an appeal to the Federal District Court, and ultimately the Eighth Circuit Court of Appeals. After years of pursuing my client's claim, we ultimately prevailed and my client was awarded back benefits of approximately \$24,000. After the favorable decision, we sued the Federal Government under E.A.J.A. and were awarded approximately \$10,000 in attorney's fees and costs. This case was significant to me personally as it instilled in me the necessity of hard work and that through effective, diligent representation, truth and justice prevailed.
3. **Frey v. Kouf, 484 NW2d 964 (SD 1992)**. I represented the plaintiff in a personal injury case resulting from an assault and battery. The jury rendered a verdict in favor of the defendant. We appealed to the South Dakota Supreme Court where the verdict was vacated and the case remanded for a new trial. The significance of this particular case is that same defined the standard for an appropriate instruction on the definition of "intent" within the context of a civil case. After remand, the case settled.
4. **US v. Jagim, 978 F.2d 1032 (8th Cir. 1992)**. Eighth Circuit Court of Appeals affirmed Defendant's federal sentence where defendant challenged a number of factors used by the district court to increase defendant's sentence under the federal sentencing guidelines.
5. **Kahler v. Weiss, 539 NW2d 86 (SD 1995)**. I was chief counsel. I represented the Defendant in an action brought by a realtor who sued my client to recover a sales commission. The trial court granted Summary Judgment in favor of the Plaintiff-Realtor. The South Dakota Supreme Court reversed holding that material questions of fact existed as to whether Plaintiff-Realtor had substantially performed his duties under the contract.
6. **Dussart v. Dussart, 1996 SD 41, 546 NW2d 109**. The South Dakota Supreme Court, inter alia, affirmed the trial court's decision that Wife's rehabilitative alimony award was appropriate.
7. **People in the Interest of T.G., 1998 SD 54, 578 NW2d 921**. South Dakota Supreme Court affirmed the trial court's determination to terminate parental rights.
8. **Crago v. Donovan, 1999 SD 67, 594 NW2d 726**. I represented Mr. Donovan. This case established that Social Security Disability payments payable to a child as a result of the obligor's disability, must be credited against the obligor's child support obligation.
9. **State v. Clegg, 2001 SD 128, 635 NW2d 578**. The South Dakota Supreme Court affirmed the defendant's conviction notwithstanding the defendant's refusal to admit guilt after a no contest plea on grounds that such refusal impacted the likelihood of the defendant's future rehabilitation.
10. **USA v. Winters, 416 F.3d 856 (8th Cir. 2004)** I represented the Defendant before the 8th Circuit Court of Appeals on whether the District Courts sentence was reasonable.
11. **State v. Giroux, 2004 SD 24, 676 NW2d 139**. South Dakota Supreme Court reversed the conviction on grounds the trial court failed to properly instruct the jury on a lesser offense of simple assault. The Court set forth the criteria when trial courts are mandated to give lesser include offense instructions in criminal jury trials
12. **State v. Reed, 2010 SD 105, 793 NW2d 63**. The South Dakota Supreme Court determined the criteria on when a criminal defendant is entitled to the appointment of an attorney to represent them on a request for a writ of habeas corpus.

SUMMARY AFFIRMANCES

1. **Waldo v. Emily #26640 (2013).** South Dakota Supreme Court summarily affirmed the trial court's decision on all issues regarding an award of custody to my client.
2. **Latuseck v. Latuseck #26861 (2014).** South Dakota Supreme Court summarily affirmed the trial court's decision in favor of my client on issues involving alimony and property division
3. **Waldo v. Emily #27004 (2014).** South Dakota Supreme Court summarily affirmed the trial court's decision on all issues in favor of my client retaining primary custody of his child inasmuch as based upon affidavits there had been no substantial change in circumstances justifying a change in custody.