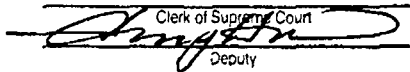


STATE OF SOUTH DAKOTA

In the Supreme Court

I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this

25th day of April, 2023


Clerk of Supreme Court
Deputy

IN THE SUPREME COURT

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

OF THE

APR - 3 2023

STATE OF SOUTH DAKOTA


Clerk

* * * *

JOGAAK JOGAAK,

Petitioner,

vs.

DAN SULLIVAN, Warden of
the South Dakota State
Penitentiary,

Respondent.

ORDER DENYING PETITION FOR
WRIT OF HABEAS CORPUS AND
MOTION FOR DISCOVERY

#30293

Petitioner filed a petition for a writ of habeas corpus and motion for discovery in the above-entitled matter. The Court considered the petition and motion, and it is


ORDERED that said petition and motion are denied as they do not meet the requirements to invoke this Court's original jurisdiction.

DATED at Pierre, South Dakota, this 3rd day of April, 2023.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


Steven R. Jensen, Chief Justice

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern,
Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.

FILED
APR 27 2023
Minnehaha County, S.D.
Clerk Circuit Court

Appendix B

111-26-SA6
111-JAIL
DOC

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF MINNEHAHA)

IN CIRCUIT COURT
SECOND JUDICIAL CIRCUIT

SHR 201608953

STATE OF SOUTH DAKOTA,
Plaintiff,

+

49CRI16004825

vs.

+

JUDGMENT & SENTENCE

JOGAAK DENG JOGAAK,
Defendant.

+

An Indictment was returned by the Minnehaha County Grand Jury on July 13, 2016, charging the defendant with the crimes of Count 1 Aggravated Assault on Law Enforcement Officer-Att. to Cause Serious Bodily Injury on or about June 29, 2016; Count 2 Aggravated Assault on Law Enforcement Officer-Resulting in Serious Bodily Injury on or about June 29, 2016; Count 3 Assault by Bodily Fluids by Juvenile Inmate on or about June 29, 2016. The defendant was arraigned upon the Indictment on July 18, 2016, Ryan Duffy appeared as counsel for Defendant; and, at the arraignment the defendant entered his plea of not guilty of the charges in the Indictment. Defendant with counsel, Ryan Duffy, returned to Court on August 28, 2017, the State appeared by Randy Sample, Deputy State's Attorney. The defendant thereafter changed his plea to guilty to Count 2 Aggravated Assault on Law Enforcement Officer-Resulting in Serious Bodily Injury (SDCL 22-18-1.05 and 22-18-1.1(4)) with sentencing continued to November 2, 2017, after completion of a presentence report.

Thereupon on November 2, 2017, the defendant was asked by the Court whether he had any legal cause why Judgment should not be pronounced against him. There being no cause, the Court pronounced the following Judgment and

SENTENCE

AS TO COUNT 2 AGGRAVATED ASSAULT ON LAW ENFORCEMENT OFFICER-RESULTING IN SERIOUS BODILY INJURY : JOGAAK DENG JOGAAK shall be imprisoned in the South Dakota State Penitentiary, located in Sioux Falls, County of Minnehaha, State of South Dakota for twenty five (25) years with twenty (20) years suspended, credit four hundred ninety (490) days served. The defendant shall pay \$104.00 court costs and \$280.00 restitution to victim Gavin Hill to be collected by the Board of Pardons and Paroles. Attorney fees shall be converted to a civil lien in favor of Minnehaha County. The defendant shall comply with all terms and conditions of parole and commit no violent offenses. The defendant was remanded back into the custody of the Minnehaha County Sheriff's Department for transport to the state penitentiary.

It is ordered that the defendant shall provide a DNA sample upon intake into the South Dakota State Penitentiary or the Minnehaha County Jail, pursuant to SDCL 23 - 5A - 5, provided the defendant has not previously done so at the time of arrest and booking for this matter.

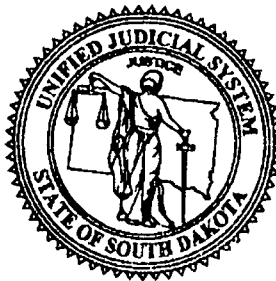
It is ordered that Count 1, 3 charging JOGAAK DENG JOGAAK with Aggravated Assault on Law Enforcement-Attempts and Assault by Bodily Fluids be and hereby are dismissed.

There to be kept, fed and clothed according to the rules and discipline governing the South Dakota State Penitentiary.

Dated at Sioux Falls, Minnehaha County, South Dakota, this 7th day of November, 2017.

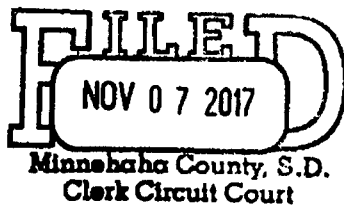
ATTEST:
ANGELIA M. GRIES, Clerk

By: *M. Miles*
Deputy



BY THE COURT:

[Signature]
JUDGE ROBIN J. HOUWMAN
Circuit Court Judge



Appendix C

These are proposed interrogatories as follows;

1. The severity of a fracture usually depends on the force that caused the break. Is being pushed to the ground ~~extreme~~ in regards to force?

2. Was the fracture suffered by the victim falling to the ground a common or uncommon type of fracture?

3. Was the treatment applied to the victim of great degree in regards to other treatments used to treat significantly serious fractures, like surgery?