THE OPINIONS OF C. DONALD PETERSON

The pages that follow include all of the signed opinions of Justice Peterson arranged alphabetically by West Publishing Company's topic headings. Within each of these subject headings the cases are sub-arranged first by year of decision (the older opinions are first) and then alphabetically by case name.

Unless a case states otherwise, it is a majority opinion, in other words, a decision which decided the case and which was written for the majority of the justices. If a case is listed as a dissenting opinion, it is one in which Justice Peterson disagreed with the majority of the other justices and wrote a separate dissent that did not decide the case. A case listed as a concurring opinion is one in which Justice Peterson wrote a separate opinion, but one that agreed with the majority's decision.

To the left of many of the decisions are codes which are designed to provide more information on the cases. A decision with an asterisk (*) to the left indicates that Justice Peterson considers it to be a significant decision, while two asterisks (**) indicates that he considers it to be even more significant. Cases with an "A" to the left are those opinions that an American Law Reports annotation has been prepared for, and a "J" designates that the case was included in "Judicial Highlights," a monthly summary of important cases found in the advance sheets of West Publishing Company's reporter series. Important cases reported in the media are designated with an "M," and those cases considered important by Justice Peterson's law clerks are marked with an "L."

SUMMARY OF THE OPINIONS OF C. DONALD PETERSON

Majority opinions	509
Concurring opinions	123
Dissenting opinions	70
Per curiam opinions	109
TOTAL OPINIONS	811

INVENTORY OF JUSTICE PETERSON'S OPINIONS

YEAR	MAJORITY*	CONCURRING**	DISSENTING**
1967	16	1	4
1968	38	1	4
1969	29	0	2
1970	24	3	4
1971	29	7	5
1972	17	0	2
1973	11	4	7
1974	20	6	7
1975	17	3	5
1976	30	3	8
1977	32	5	8
1978	28	4	11
1979	35	6	7
1980	36	5	2
1981	35	6	13
1982	34	7	17
1983	34	1	5
1984	27	4	6
1985	17	4	6
TOTALS	509	70	123

* Majority opinions do not include per curiam decisions or summary affirmances

** Dissenting and concurring opinions include joining another justice's opinion

JUSTICE PETERSON'S PER CURIAM OPINIONS

In addition to the signed opinions written by the Justices of the Supreme Court are the per curiam decisions. These opinions were unsigned, but they were drafted by an individual justice. For the most part, per curiam decisions were disciplinary cases or those cases not creating precedent, and in 1976 the Court initiated pre-hearing conferences, thus ending the release of per curiam opinions.

Shown below are the number of per curiam decisions Justice Peterson worked on:

Year	Number of per curiam decisions
1967	6
1968	1
1969	12
1970	6
1971	18
1972	32
1973	19*
1974	10
1975	5
TOTALS	109

* In this year the number of Supreme Court justices increased to nine.

THE JUDICIAL OPINIONS OF C. DONALD PETERSON
(# OF OPINIONS IN EACH TOPIC AREA)

1	ACCORD AND SATISFACTION
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1	ANIMALS
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1	APPEARANCE
2	ARBITRATION
7	ARREST
1	ASYLUMS
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25	AUTOMOBILES
1	BILLS AND NOTES
2	BROKERS
1	CARRIERS
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1	COMMERCE
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13	CONTRACTS
2	CONTRIBUTION
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7	CORPORATIONS
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7	DAMAGES
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1	DESCENT AND DISTRIBUTION
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7	EMINENT DOMAIN
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1	FALSE IMPRISONMENT
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3	GIFTS
1	HEALTH AND ENVIRONMENT
2	HOMICIDE
2	HOSPITALS
2	HUSBAND AND WIFE
4	ILLEGITIMATE CHILDREN
1	INDEMNITY
10	INFANTS
2	INJUNCTION
41	INSURANCE
1	INTERNAL REVENUE
5	INTOXICATING LIQOURS
2	JUDGES
8	JUDGMENT
1	JURY
9	LABOR RELATIONS

2	LANDLORD AND TENANT
6	LIBEL AND SLANDER
3	LIMITATION OF ACTIONS
1	MARRIAGE
2	MASTER AND SERVANT
2	MECHANICS' LIENS
3	MORTGAGES
19	MUNICIPAL CORPORATIONS
8	NEGLIGENCE
3	NEW TRIAL
1	OBSCENITY
3	PARENT AND CHILD
1	PAUPERS
7	PHYSICIANS AND SURGEONS
3	PRINCIPAL AND AGENT
7	PRODUCTS LIABILITY
1	PROHIBITION
1	RAPE
2	RELEASE
2	SALES
8	SCHOOLS
5	SEARCHES AND SEIZURES
8	SOCIAL SECURITY AND PUBLIC WELFARE
3	STATUTES
23	TAXATION
1	TRESPASS
6	TRIAL
1	TROVER AND CONVERSION
5	TRUSTS
1	USURY
2	VENDOR AND PURCHASER
2	WATERS AND WATER COURSES
2	WILLS
3	WITNESSES
2	WORK AND LABOR
75	WORKERS' COMPENSATION
13	ZONING AND PLANNING

DECISIONS BY JUSTICE PETERSON

ACCORD AND SATISFACTION

Luxenburg v. Can-Tex Industries, 257 N.W.2d 804 (1977) (CONCURRING OPINION)

ADMINISTRATIVE LAW AND PROCEDURE

Ellis v. Minneapolis Commission on Civil Rights, 295 N.W.2d 523 (1980) (CONCURRING OPINION)
* Hymanson v. City of St. Paul, 329 N.W.2d 324 (1983)

ADOPTION

Zerby v. Brown, 160 N.W.2d 255 (1968)
L * In Re Adoption of Berston, 206 N.W.2d 28 (1973)
McDonald v. Copperud, 206 N.W.2d 551 (1973)
In Re Welfare of Alle, 230 N.W.2d 574 (1975)

ANIMALS

M * Clark v. Brings, 169 N.W.2d 407 (1969)

APPEAL AND ERROR

Hemming v. Ald, Inc., 155 N.W.2d 384 (1967)
Ganser v. Erickson, 156 N.W.2d 224 (1968)
Kloos v. Soo Line Railroad, 163 N.W.2d 567 (1968)
Raymond v. Baehr, 163 N.W.2d 54 (1968)
Saukko v. Leksen, 162 N.W.2d 722 (1968)
Conroy v. Kleinman Realty Co., 178 N.W.2d 162 (1970)
Woodrich Construction Company v. State, 177 N.W.2d 563 (1970)
Kilbane v. County of Ramsey, 193 N.W.2d 301 (1971)
Forsythe v. City of Theif River Falls, 208 N.W.2d 756 (1973)
Kronzer v. First Nat. Bank of Minneapolis, 235 N.W.2d 187 (1975)
Ramirez v. Miska, 228 N.W.2d 871 (1975)
E.C.I. Corp. v. G.G.C. Co., 237 N.W.2d 627 (1976)
Stewart v. Anderson, 246 N.W.2d 576 (1976)
Hake v. Soo Line Ry. Co., 258 N.W.2d 576 (1977)
McDonald v. Stonebraker, 255 N.W.2d 827 (1977)
* Ossenfort v. Associated Milk Producers, Inc., 254 N.W.2d 672 (1977)
Kalish v. Mount Sinai Hospital, 270 N.W.2d 783 (1978)

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* OR ** = Important cases selected by Justice Peterson
A = Cases included in AMERICAN LAW REPORTS
J = Cases featured in JUDICIAL HIGHLIGHTS
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APPEAL AND ERROR Continued

Murray v. Walter, 369 N.W.2d 47 (1978)
* Anderson v. Stream, 295 N.W.2d 595 (1980) (DISSENTING OPINION)
Marquette v. Prochazka, 290 N.W.2d 751 (1980) (CONCURRING OPINION)
Wegscheider v. Plastics, Inc., 289 N.W.2d 167 (1980)
* Leer v. Chicago, M., St. P. & P. Ry. Co., 308 N.W.2d 305 (1981) (CONCURRING OPINION)
Thompson v. St. Mary's Hospital of Duluth Minnesota, 306 N.W.2d 560 (1981)
Hunt by Hunt v. Sherman, 345 N.W.2d 750 (1984)

APPEARANCE

Mississippi Valley Dev. Corp. v. Colonial Enter., Inc., 217 N.W.2d 760 (1974)

ARBITRATION

Metropolitan Waste Control Commission v. Minnetonka, 242 N.W.2d 830 (1976)
L ** Ramsey County v. Am. Fed. of State, County, & Municpal Empl., 309 N.W.2d 785 (1981) (DISSENTING OPINION)

ARREST

State v. Ramsey County District Court, 150 N.W.2d 18 (1967)
State v. Stewig, 161 N.W.2d 673 (1968)
** State v. Radil, 179 N.W.2d 602 (1970)
* State v. Buchwald, 196 N.W.2d 445 (1972)
State v. Cox, 200 N.W.2d 305 (1972)
* State v. Carey, 207 N.W.2d 529 (1973)
Olson v. Commissioner of Public Safety, 371 N.W.2d 552 (1985) (DISSENTING OPINION)

ASSAULT AND BATTERY

Washington v. State, 340 N.W.2d 863 (1983)

ASYLUMS

Portland Residence, Inc. v. MN. Dept. of Public Welfare, 274 N.W.2d 500 (1979)

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ATTORNEY AND CLIENT

McDonald v. Stewart, 182 N.W.2d 437 (1970)
Village of New Brighton v. Jamison, 278 N.W.2d 321 (1979)
Great American Ins. Co. v. Spoden, 316 N.W.2d 740 (1982)
Matter of Kimmel, 322 N.W.2d 224 (1982)
Matter of Kimmel, 322 N.W.2d 224 (1982) (CONCURRING OPINION)
Matter of Olkon, 324 N.W.2d 192 (1982) (DISSENTING OPINION)
Matter of Discipline of Kotts, 364 N.W.2d 400 (1985) (CONCURRING OPINION)

AUTOMOBILES

Risacher v. Lein, 155 N.W.2d 382 (1967)
Jorgensen v. Hawton, 161 N.W.2d 676 (1968)
Monnens v. Lewis, 165 N.W.2d 703 (1969)
Rosvold v. Johnson, 169 N.W.2d 598 (1969)
Kluger v. Gallett, 178 N.W.2d 900 (1970)
J M ** O'Brien v. Phillips Motor Execsior, Inc., 179 N.W.2d 158 (1970)
J M ** Hutchings v. Bourdages, 189 N.W.2d 706 (1971)
M Reutzel v. State, Department of Highways, 186 N.W.2d 521 (1971)
State v. Shevchuk, 191 N.W.2d 557 (1971)
State, Department of Highways v. Lauseng, 183 N.W.2d 926 (1971)
Ekholm v. Wilkins Dodge, Inc., 212 N.W.2d 890 (1973) (DISSENTING OPINION)
L ** Milkovich v. Saari, 203 N.W.2d 408 (1973) (DISSENTING OPINION)
Schwartz v. Consolidated Freightways Corp. of Del., 221 N.W.2d 665 (1974) (CONCURRING OPINION)
Drake v. Friedman, 238 N.W.2d210 (1976)
* Prideaux v. State Dept. of Public Safety, 247 N.W.2d 385 (1976) (CONCURRING OPINION)
Van Tassel v. Hillerns, 248 N.W.2d 313 (1976)
State v. Wicks, 258 N.W.2d 598 (1977)
Heller v. Wolner, 269 N.W.2d 31 (1978)
Schindele v. Ulrich, 268 N.W.2d 547 (1978)
Tyson Truck Lines, Inc. v. Public Service Commission, 265 N.W.2d 433 (1978)

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AUTOMOBILES Continued

Nelson v. Nelson, 283 N.W.2d 375 (1979) (CONCURRING OPINION)
Novak v. Kirby, 287 N.W.2d 621 (1979) (DISSENTING OPINION)
State, Dept. of Public Saftey v. Hauge, 286 N.W.2d 727 (1979)
Zahler v. Manning, 295 N.W.2d 511 (1980) (CONCURRING OPINION)
Pruszinske v. St., Com'r of Hwy's, St.Dept. of Public Safety, 330 N.W.2d 887 (1983)

BANKS AND BANKING

West St. Paul St. Bank v. Signal Hills St. Bank, 223 N.W.2d 793 (1974) (CONCURRING OPINION)

BILLS AND NOTES

A * Miller's Shoes & Cloth v. Hawkins Furn. & App., Inc., 221 N.W.2d 113 (1974)

BOUNDARIES

Phillips v. Blowers, 161 N.W.2d 524 (1968)

BROKERS

M * Nelson v. Rosenblum Co., 182 N.W.2d 666 (1970)
State, by Spannaus v. Beslanowitch, 248 N.W.2d 286 (1976)

CARRIERS

Franklin Mfg. Co. v. Union Pac. R. Co., 248 N.W.2d 324 (1976) (DISSENTING OPINION)

CIVIL RIGHTS

U.S. Jaycees v. McClure, 305 N.W.2d 764 (1981) (DISSENTING OPINION)
M ** State by McClure v. Sports & Health Club, Inc., 370 N.W.2d 844 (1985) (DISSENTING OPINION)

COMMERCE

Can Mfrs. Institute, Inc. v. State, 289 N.W.2d 416 (1979)

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CONSTITUTIONAL LAW

J L M ** State v. Target Stores, Inc., 156 N.W.2d 908 (1968)
Mid-Continent Freight L. v. Highway Trailer Indus., 190 N.W.2d 670 (1971)
M * State v. Ray, 193 N.W.2d 315 (1971)
State v. Hipp, 213 N.W.2d 610 (1973) (DISSENTING OPINION)
M ** Appeal of O'Rourke, 220 N.W.2d 811 (1974)
Village of Burnsville v. Onischuk, 222 N.W.2d 523 (1974) (CONCURRING OPINION)
Village of Burnsville v. Onischuk, 222 N.W.2d 523 (1974) (DISSENTING OPINION)
City of Marshall v. Public Emp. Ret. Association, 246 N.W.2d 572 (1976)
Unborn Child v. Evans, 245 N.W.2d 600 (1976)
Hylen v. Owens, 251 N.W.2d 858 (1977) (CONCURRING OPINION)
* Savchuk v. Rush, 272 N.W.2d 888 (1978) (DISSENTING OPINION)
* Clover Leaf Creamery Co. v. State, 289 N.W.2d 79 (1979)
* Miller Brewing Co. v. State, 284 N.W.2d 353 (1979)
** Scheibel v. Pavlak, 282 N.W.2d 843 (1979) (CONCURRING OPINION)
** Inter. Soc. for Krishna Consciousness, Inc. v. Heffron, 299 N.W.2d 79 (1980)
Bolin v. State, Dept. of Public Safety, 313 N.W.2d 381 (1981) (DISSENTING OPINION)
Nelson v. Peterson, 313 N.W.2d 580 (1981) (DISSENTING OPINION)
* Red Owl Stores, Inc. v. Commissioner of Agriculture, 310 N.W.2d 99 (1981)
* Wegan v. Village of Lexington, 309 N.W.2d 273 (1981) (CONCURRING OPINION)
* Mack v. City of Minneapolis, 333 N.W.2d 744 (1983)
* Matter of Conservatorship of Torres, 357 N.W.2d 332 (1984) (CONCURRING OPINION)
State v. Noland, 356 N.W.2d 670 (1984)
A * Bernthal v. City of St. Paul, 376 N.W.2d 422 (1985)

CONTRACTS

M Breza v. Thaldorf, 149 N.W.2d 276 (1967)
Kehne Electric Co. v. Steenberg Construction Co., 177 N.W.2d 309 (1970)

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CONTRACTS Continued

Griswold and Rauma, Arch., Inc. v. Aesculapius Corp., 221 N.W.2d 556 (1974)
Bergstedt, Wahlberg, Berquist v. Rothchild, 225 N.W.2d 261 (1975)
Desnik v. Mast, 249 N.W.2d 878 (1976)
* Instrumentation Services, Inc. v. General Resource Corp., 283 N.W.2d 902 (1979)
* Jim W. Miller Const., Inc. v. Schaefer, 298 N.W.2d 455 (1980)
Rep. Nat. Life Ins. Co. v. Marq. Bank & Trust Co. Of Rochest, 295 N.W.2d 89 (1980)
Material Movers, Inc. v. Hill, 316 N.W.2d 13 (1982)
** J.J. Brooksbank Co., Inc. v. Budget Rent-a-Car Corp., 337 N.W.2d 372 (1983)
Karim v. Werner, 333 N.W.2d 877 (1983)
* Lesmeister v. Dilly, 330 N.W.2d 95 (1983)
M ** Eutectic Welding Alloys Corporation v. West, 160 N.W.2d 566 (1986)

CONTRIBUTION

A J M ** Vesely Otto, Miller & Keefe v. Blake, 311 N.W.2d 3 (1981)
Pautz v. Cal-Ros, Inc., 340 N.W.2d 338 (1983) (DISSENTING OPINION)

CONVENTS

LaValle v. Kulkay, 277 N.W.2d 400 (1979)

CORPORATIONS

* In Re Lakeland Development Corporation, 152 N.W.2d 758 (1967)
Kasner v. Gage, 161 N.W.2d 40 (1968)
J L M ** Hunt v. Nevada State Bank, 172 N.W.2d 292 (1969)
Wuertz v. Garvey, 178 N.W.2d 630 (1970)
Pillsbury Co. v. Elston, 283 N.W.2d 370 (1979)
* State by Lord v. First Nat. Bank of St. Paul, 313 N.W.2d 390 (1981)
West Concord Conservation Club, Inc. v. Chilson, 306 N.W.2d 893 (1981)

COURTS

In Re Jury Panel For Dakota County In Jan. 1967, 150 N.W.2d 863 (1967)

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Grazzini Brothers & Company v. Buildings Clinic, Inc., 160 N.W.2d 253 (1968)
B.F. Griebenow, Inc. v. Anderson, 177 N.W.2d 395 (1970)
Northern States Pump & Supply Co. v. Baumann, 249 N.W.2d 182 (1976)
Schanno Transp., Inc. v. Smith, 312 N.W.2d 114 (1981) (DISSENTING OPINION)
** West American Ins. Co. v. Westin, Inc., 337 N.W.2d 676 (1983)

CRIMINAL LAW

City of St. Paul v. Tobler, 153 N.W.2d 440 (1967)
State v. Bellecourt, 152 N.W.2d 61 (1967)
M ** State v. Borst, 154 N.W.2d 888" (1967) (CONCURRING OPINION)
State v. Collins, 154 N.W.2d 688 (1967) (DISSENTING OPINION)
State v. Halpren, 150 N.W.2d 35 (1967)
State v. Intihar, 152 N.W.2d 315 (1967)
* State v. Kotka, 152 N.W.2d 786 (1967)
State v. Minton, 149 N.W.2d 384 (1967)
M State v. Minton, 149 N.W.2d 384 (1967)
State v. Parker, 153 N.W.2d 264 (1967)
M * State v. Quinnell, 151 N.W.2d 598 (1967)
State v. Sutton, 152 N.W.2d 57 (1967)
State v. Tahash, 154 N.W.2d 200 (1967)
State v. Tahash, 153 N.W.2d 232 (1967)
State v. Tahash, 153 N.W.2d 227 (1967)
State v. Tahash, 152 N.W.2d 526 (1967)
M * Chapman v. State, 162 N.W.2d 698 (1968) (DISSENTING OPINION)
State Ex Rel. Beach v. Tahash, 161 N.W.2d 664 (1968)
M * State v. Armstrong, 162 N.W.2d 357 (1968)
State v. Borough, 156 N.W.2d 757 (1968)
State v. Braman, 160 N.W.2d 575 (1968)
M * State v. Britt, 156 N.W.2d 261 (1968)
* State v. Holscher, 159 N.W.2d 280 (1968)
** State v. Johnson, 156 N.W.2d 218 (1968)
State v. Krampotich, 163 N.W.2d 772 (1968)
State v. Plant, 159 N.W.2d 404 (1968)
State v. Tahash, 157 N.W.2d 514 (1968)
State v. Tahash, 157 N.W.2d 514 (1968)

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CRIMINAL LAW Continued

State v. Zaccardi, 159 N.W.2d 108 (1968)
Ingham v. State, 168 N.W.2d 691 (1969)
M State v. Andrews, 165 N.W.2d 528 (1969)
* State v. Dailey, 169 N.W.2d 746 (1969)
State v. DeFoe, 169 N.W.2d 404 (1969)
State v. Lundstrom, 171 N.W.2d 718 (1969) (DISSENTING OPINION)
* State v. Saugen, 169 N.W.2d 37 (1969) (DISSENTING OPINION)
Langer v. State, 178 N.W. 628 (1970)
Schwerm v. State, 181 N.W.2d 867 (1970)
Schwerm v. State, 181 N.W.2d 867 (1970) (CONCURRING OPINION)
Simberg v. State, 179 N.W.2d 141 (1970)
State v. Taylor, 178 N.W.2d 892 (1970)
** Gaulke v. State, 184 N.W.2d 599 (1971)
* Jankord v. State, 186 N.W.2d 530 (1971)
M * State v. Beck, 183 N.W.2d 781 (1971)
State v. Clark, 189 N.W.2d 167 (1971)
State v. Fulford, 187 N.W.2d 270 (1971) (CONCURRING OPINION)
A J M * State v. Gannaway, 191 N.W.2d 555 (1971)
State v. Jensen, 184 N.W.2d 813 (1971)
State v. Johnson, 184 N.W.2d 660 (1971)
Cole v. State, 198 N.W.2d 525 (1972)
State v. Carlson, 192 N.W.2d 421 (1972) (DISSENTING OPINION)
M * State v. McGlynn, 195 N.W.2d 583 (1972)
State v. Strouth, 199 N.W.2d 802 (1972)
State v. Andrews, 212 N.W.2d 863 (1973) (DISSENTING OPINION)
State v. Hipp, 213 N.W.2d 610 (1973) (CONCURRING OPINION)
State v. Kalvig, 209 N.W.2d 678 (1973) (CONCURRING OPINION)
State v. Kalvig, 209 N.W.2d 678 (1973) (DISSENTING OPINION)
State v. King, 208 N.W.2d 287 (1973)
M * State v. White, 203 N.W.2d 852 (1973)
State v. Dakota, 217 N.W.2d 748 (1974)
M * State v. Kluck, 217 N.W.2d 202 (1974)
State v. Pautz, 217 N.W.2d 190 (1974) (CONCURRING OPINION)
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* State v. Solem, 222 N.W.2d 98 (1974)
M State v. Prudhomme, 228 N.W.2d 243 (1975) (CONCURRING OPINION)
State v. Annis, 241 N.W.2d 482 (1976)
State v. Bott, 246 N.W.2d 48 (1976)
* State v. Fenske, 244 N.W. 2d 743 (1976)
** State v. Jones, 247 N.W.2d 427 (1976)
In Re Trusts Created By Agreement With Harington, 250 N.W.2d 163 (1977) (DISSENTING OPINION)
State v. Boerner, 260 N.W.2d 564 (1977)
* State v. Forsman, 260 N.W.2d 160 (1977)
State v. Goodrich, 256 N.W.2d 506 (1977)
State v. Martin, 261 N.W.2d 341 (1977)
State v. Poganski, 257 N.W.2d 578 (1977)
State v. Ruud, 259 N.W.2d 567 (1977)
State v. Simmons, 258 N.W.2d 908 (1977) (DISSENTING OPINION)
* State v. Ferrise, 269 N.W.2d 888 (1978)
M State v. Haglund, 267 N.W.2d 503 (1978)
State v. Hamilton, 268 N.W.2d 56 (1978)
State v. Jones, 271 N.W.2d 534 (1978) (DISSENTING OPINION)
State v. Lewis, 270 N.W.2d 891 (1978)
State v. Moose, 266 N.W.2d 521 (1978)
State v. Peterson, 262 N.W. 2d 706 (1978)
State v. Strimling, 265 N.W.2d 423 (1978) (CONCURRING OPINION)
State v. Alexander, 281 N.W.2d 349 (1979) (CONCURRING OPINION)
State v. Clark, 282 N.W.2d 902 (1979) (CONCURRING OPINION)
State v. Michaud, 276 N.W.2d 73 (1979)
State v. Schallock, 281 N.W.2d 186 (1979)
State v. Stevenson, 286 N.W.2d 719 (1979)
Mercer v. State, 290 N.W.2d 623 (1980)
State v. Affeldt, 296 N.W.2d 429 (1980)
State v. Bourbeau, 298 N.W.2d 126 (1980)
State v. Burrows, 295 N.W.2d 100 (1980)
State v. Carriere, 290 N.W.2d 618 (1980)
State v. Coe, 298 N.W.2d 770 (1980)
State v. Discher, 295 N.W.2d 99 (1980)
State v. Graffice, 294 N.W.2d 324 (1980)
State v. Leecy, 294 N.W.2d 280 (1980) (CONCURRING OPINION)

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State v. Lothenbach, 296 N.W.2d 854 (1980)
State v. Mendoza, 297 N.W.2d 286 (1980)
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