

SUPREME COURT OF LOUISIANA

State v. Smith

885 So. 2d 508 (La. 2004) · No. 2004-KK-1123 · Decided September 24, 2004

SUMMARY

The Supreme Court of Louisiana reversed the court of appeal and reinstated the trial court's denial of Heather Smith's motion to quash charges for second-degree murder and possession of MDMA with intent to distribute. The court held that the allegations could support a finding that Smith acted as an intermediary by obtaining drugs from a source and transferring them to other members of a joint venture, potentially establishing distribution and the requisite intent.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Louisiana
DECIDED	September 24, 2004
DOCKET	2004-KK-1123
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State sought review of a court of appeal ruling that quashed the prosecution and discharged the defendant. The Supreme Court of Louisiana granted the State's application, reversed the court of appeal, reinstated the trial court's denial of the defendant's motion to quash, and remanded for further proceedings.
STANDARD OF REVIEW	The court reviewed the legal sufficiency of the charging allegations on a pretrial motion to quash. A motion to quash based on a defense going to the merits is appropriate before trial only when the charge rests on factual allegations that cannot conceivably satisfy an essential element of the offense.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; precedential
PARTIES	State of Louisiana v. Heather Smith

TOPICS

- criminal procedure
- statutory interpretation
- appellate procedure
- preservation of error

PRACTICE AREAS

criminal law

criminal procedure

controlled substances

appellate law

QUESTIONS PRESENTED

1. Whether the State's allegations that Smith obtained MDMA from a source and then brought and divided it among members of the joint venture were sufficient to charge her as a principal in the distribution of a controlled substance.
2. Whether the State's allegations were legally insufficient on a pretrial motion to quash because Smith was allegedly only a purchaser and user.
3. Whether the allegations could support the intent-to-distribute element of the possession charge and the charged second-degree-murder offense.

HOLDINGS

1. The allegations were sufficient to support a charge that Smith acted as an intermediary and principal in the distribution of MDMA. A person who obtains a controlled substance from a source and then transfers it to other users may be a link in the chain of distribution even if she also intended to use some of the drug herself.
2. The trial court properly denied the motion to quash because the State's allegations could conceivably establish distribution and intent to distribute; the factual issues were for the factfinder at trial.

KEY QUOTATIONS

"The state's application is granted, the ruling of the court of appeal is reversed, and the judgment of the trial court denying defendant's motion to quash the prosecution against her for second degree murder" (509)

"If the state proves these circumstances at trial, a jury may rationally conclude that defendant made herself an intermediary in the transaction by serving as a link in the distribution of the drug from its source to its ultimate users" (510)

"The trial court therefore properly denied defendant's motion to quash." (510)

FACTUAL BACKGROUND

The State alleged that Smith joined three other people, including the victim, in purchasing MDMA for their own use. Smith took money from another participant, obtained the drug from a source at a separate location, and returned to the victim's residence, where the drug was divided among the participants. The victim later died after ingesting some of the MDMA.

PROCEDURAL HISTORY

The district court denied Smith's motion to quash charges of second-degree murder and possession of MDMA with intent to distribute. The Louisiana First Circuit Court of Appeal reversed, concluding that Smith was merely a purchaser and user and could not be charged with distribution. The Louisiana Supreme Court reversed the court of appeal, reinstated the district court's ruling, and remanded the case for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the district court for further proceedings consistent with the Supreme Court's views. The trial court's denial of the motion to quash was reinstated.

CASES CITED

- State v. Smith, 03-1556 (La. App. 1st Cir. Apr. 2, 2004)
- State v. Celestine, 671 So. 2d 896, 897 (La. 1996)
- United States v. Swiderski, 548 F.2d 445, 450 (2d Cir. 1977)
- People v. Edwards, 702 P.2d 555, 559 n. 5 (Cal. 1985)
- United States v. Washington, 41 F.3d 917, 920 (4th Cir. 1994)
- United States v. Speer, 30 F.3d 605, 608-09 (5th Cir. 1994)
- Long v. United States, 623 A.2d 1144, 1151 (D.C. 1993)
- United States v. Wright, 593 F.2d 105, 108 (9th Cir. 1979)
- State v. Moore, 529 N.W.2d 264, 266 (Iowa 1995)
- State v. Carithers, 490 N.W.2d 620 (Minn. 1992)
- State v. Legendre, 362 So. 2d 570, 571 (La. 1978)

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