

SUPREME COURT OF SOUTH DAKOTA

State of South Dakota v. Rebecca L. Vandyke

2023 S.D. 9 (2023) · No. #30002 · Decided February 22, 2023

SUMMARY

The Supreme Court of South Dakota held that intentional damage to property under SDCL 22-34-1 is a specific-intent offense, not a strict-liability crime. Because the circuit court appeared to apply an incorrect strict-liability standard in convicting Rebecca Vandyke, the court reversed the conviction and remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Salter, Justice; Jensen, Chief Justice; Kern, Justice; DeVaney, Justice; Myren, Justice
JURISDICTION	South Dakota
DECIDED	February 22, 2023
DOCKET	#30002
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Vandyke appealed her misdemeanor conviction for intentional damage to property after a court trial.
STANDARD OF REVIEW	The court reviewed the interpretation and application of SDCL 22-34-1 de novo as legal questions and treated the erroneous mens rea ruling like an erroneous criminal jury instruction, requiring reversal when prejudicial.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Rebecca L. Vandyke v. State of South Dakota

TOPICS

- mens rea
- criminal procedure
- statutory interpretation
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal law
- criminal procedure
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

1. Whether SDCL 22-34-1 requires the State to prove that the defendant acted with specific intent to damage property.
2. Whether the circuit court applied the incorrect mens rea standard in convicting Vandyke.
3. Whether Vandyke was entitled to judgment of acquittal because the evidence did not establish specific intent to damage the windshield.

HOLDINGS

1. Intentional damage to property under SDCL 22-34-1 is a specific-intent offense. The State must prove that the defendant acted with a specific design to cause damage to the affected property; the offense is not one of strict liability.
2. The circuit court applied an incorrect strict-liability standard by treating the resulting damage as sufficient for criminal liability. Because the error was prejudicial, the conviction was reversed and the case remanded for a new trial rather than judgment of acquittal.

KEY QUOTATIONS

“The clear and unambiguous text of SDCL 22-34-1 establishes that the Legislature intended the statute to criminalize conduct that causes damage to property where the defendant has a “specific intent to do so[.]” (¶ 19)

“Intentional damage to property, as described in SDCL 22-34-1, requires the State to prove that the defendant acted with the specific intent to cause damage to the affected property.” (¶ 26)

“It is not a strict liability offense for which a defendant who caused damage is necessarily guilty, and all appearances suggest that the circuit court erroneously accepted the State’s argument that it was.” (¶ 26)

FACTUAL BACKGROUND

Rebecca Vandyke struck Kara Vostad's vehicle during a child-exchange dispute, allegedly striking it four times, while admitting to striking it twice. One blow cracked the windshield, causing approximately \$540 in damage. Vandyke testified that she intended to get Kara's attention and did not specifically intend to damage the windshield.

PROCEDURAL HISTORY

Vandyke was charged with intentional damage to property under SDCL 22-34-1 and tried to the circuit court without objection. The circuit court convicted her after accepting reasoning consistent with the State's strict-liability theory. The South Dakota Supreme Court reversed the conviction and remanded for a new trial because the circuit court applied the wrong mens rea standard.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The conviction is reversed and the case is remanded for a new trial at which the factfinder must determine whether Vandyke had the specific intent to damage Kara Vostad's property.

CASES CITED

- *Morrisette v. United States*, 342 U.S. 246, 250, 72 S. Ct. 240, 243, 96 L. Ed. 288 (1952)
- *Staples v. United States*, 511 U.S. 600, 605-06, 114 S. Ct. 1793, 1797 (1994)
- *United States v. United States Gypsum Co.*, 438 U.S. 422, 437-38, 98 S. Ct. 2864, 2873-74, 57 L. Ed. 2d 854 (1978)
- *Liparota v. United States*, 471 U.S. 419, 426, 105 S. Ct. 2084, 2088, 85 L. Ed. 2d 434 (1985)
- *State v. Armstrong*, 2020 S.D. 6, ¶ 33, 939 N.W.2d 9, 17
- *State v. Bailey*, 464 N.W.2d 626, 628 (S.D. 1991)
- *State v. Balint*, 426 N.W.2d 316 (S.D. 1988)
- *State v. Huber*, 356 N.W.2d 468 (S.D. 1984)
- *State v. Taecker*, 2003 S.D. 43, ¶ 25, 661 N.W.2d 712, 718
- *State v. Heftel*, 513 N.W.2d 397, 400 (S.D. 1994)
- *State v. Barrientos*, 444 N.W.2d 374, 376 (S.D. 1989)
- *State v. Liaw*, 2016 S.D. 31, ¶ 11, 878 N.W.2d 97, 100
- *State v. Schouten*, 2005 S.D. 122, ¶ 13, 707 N.W.2d 820, 824
- *State v. Packed*, 2007 S.D. 75, ¶ 17, 736 N.W.2d 851, 856
- *Vetter v. Cam Wal Elec. Co-op., Inc.*, 2006 S.D. 21, ¶ 10, 711 N.W.2d 612, 615
- *Rehaif v. United States*, 139 S. Ct. 2191, 2197 (2019)