

SUPREME COURT OF SOUTH DAKOTA

State v. Beckley

2007 SD 122 (2007) · No. No. 24062 · Decided December 5, 2007

SUMMARY

The Supreme Court of South Dakota affirmed Joshua Steven Beckley's guilty plea to possession of methamphetamine, holding that the trial court's failure to advise him of the right to compel witnesses at the plea hearing did not render the plea involuntary or unintelligent. The court reversed and remanded for resentencing because the trial court abused its discretion by denying a continuance to obtain a psychological evaluation relevant to mitigation, particularly in light of the court's reliance on Beckley's sexual proclivities in imposing sentence.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Zinter, Justice; Gilbertson, Chief Justice; Konenkamp, Justice; Meierhenry, Justice; Sabers, Justice
JURISDICTION	South Dakota
DECIDED	December 5, 2007
DOCKET	No. 24062
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed his conviction for possession of a controlled substance, challenging the validity of his guilty plea and the denial of a continuance of sentencing to obtain a psychological evaluation.
STANDARD OF REVIEW	The validity of the guilty plea was assessed under the totality of the circumstances. The denial of a continuance was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Joshua Steven Beckley v. State of South Dakota

TOPICS

- criminal procedure
- sentencing
- right to counsel
- due process
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Beckley was entitled to withdraw his guilty plea because the court did not advise him at the change-of-plea hearing of his right to compel witnesses.
2. Whether the circuit court abused its discretion and violated Beckley's statutory right to present mitigating information by denying a continuance to obtain a psychological evaluation before sentencing.

HOLDINGS

1. Failure to advise a defendant of the right to compulsory process does not automatically invalidate a guilty plea when the record, considered under the totality of the circumstances, establishes that the plea was knowing and voluntary. Because Beckley had counsel, had been advised of the right twice previously, had entered a plea agreement, and had actually subpoenaed a witness for sentencing, his plea was knowing and voluntary.
2. The circuit court abused its discretion by denying Beckley's continuance request without properly considering the relevant continuance factors, where the requested psychological evaluation concerned the principal aggravating subject in the court's sentencing decision and could have supplied relevant mitigating evidence.

KEY QUOTATIONS

“The right to offer the testimony of witnesses, and to compel their attendance, if necessary, is in plain terms the right to present a defense, the right to present the defendant's version of the facts as well as the prosecution's to the jury so it may decide where the truth lies.” (¶ 9)

“On this record, the trial court abused its discretion in denying the continuance to allow Beckley to obtain the psychological evaluation to mitigate the evidence relating to his sexual misconduct.” (¶ 27)

FACTUAL BACKGROUND

Beckley was arrested after incidents involving videotaping or photographing young women and was found with methamphetamine and a methamphetamine pipe. He later pleaded guilty to possession of methamphetamine under a plea agreement that dismissed or reduced other charges. At sentencing, he sought to call mitigation witnesses and obtain a psychological evaluation concerning his mental state and sexual proclivities, but the circuit court denied those requests and imposed an eight-year sentence.

PROCEDURAL HISTORY

Beckley was charged with several offenses and entered a plea agreement under which he pleaded guilty to possession of methamphetamine. The circuit court accepted the plea, denied his requests at sentencing to present mitigation witnesses and obtain a psychological evaluation, and sentenced him to eight years in the state penitentiary. The Supreme Court of South Dakota affirmed the guilty-plea ruling but reversed and remanded for resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for resentencing after Beckley is provided an opportunity to obtain a psychological evaluation and present relevant mitigating evidence.

CASES CITED

- Lodermeier v. State, 273 N.W.2d 163 (S.D. 1978)
- State v. Goodwin, 2004 SD 75, 681 N.W.2d 847
- State v. Miller, 2006 SD 54, 717 N.W.2d 614
- State v. Moeller, 511 N.W.2d 803 (S.D. 1994)
- State ex rel. Henning v. Jameson, 71 S.D. 144, 22 N.W.2d 731 (1946)
- Nachtigall v. Erickson, 85 S.D. 122, 178 N.W.2d 198 (1970)
- State v. Gagne, 421 N.W.2d 502 (S.D. 1988)
- People v. Drake, 785 P.2d 1257 (Colo. 1990)
- State v. Moses, 280 Kan. 939, 127 P.3d 330 (2006)
- State v. Salter, 515 So. 2d 609 (La. Ct. App. 1987)
- State v. Rau, 367 N.W.2d 613 (Minn. Ct. App. 1985)
- State v. Miller, 110 Ariz. 304, 518 P.2d 127 (1974)
- State v. Letcher, 1996 SD 88, 552 N.W.2d 402
- State v. Asmussen, 2006 SD 37, 713 N.W.2d 580
- In re J.G.R., 2004 SD 131, 691 N.W.2d 586
- State v. Blair, 2006 SD 75, 721 N.W.2d 55
- State v. Phelps, 297 N.W.2d 769 (N.D. 1980)
- State v. Milk, 2000 SD 28, 607 N.W.2d 14