

SUPREME COURT OF SOUTH DAKOTA

State of South Dakota v. Christopher William Blakney

2014 S.D. 46 (2014) · No. #26684 · Decided July 9, 2014

SUMMARY

The South Dakota Supreme Court considered whether a circuit court unlawfully delegated judicial authority by allowing a Court Services Officer to impose a sex-offender evaluation and treatment condition on probation. The court held that the sentencing court had not ordered that condition and that the Court Services Officer therefore could not impose it. The court reversed the revocation of the defendant's suspended sentence and remanded.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Konenkamp, Justice; Gilbertson, Chief Justice; Zinter, Justice; Severson, Justice; Wilbur, Justice
JURISDICTION	South Dakota
DECIDED	July 9, 2014
DOCKET	#26684
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Blakney appealed the circuit court's revocation of his suspended sentence for violating probation.
STANDARD OF REVIEW	The court treated the alleged improper delegation as a question of substantive law. The dissent stated that unpreserved issues would be reviewed only for plain error, subject to the appellant's burden to establish prejudice and the applicability of plain error.
PRECEDENTIAL VALUE	Published South Dakota Supreme Court opinion; precedential.
PARTIES	Christopher William Blakney v. State of South Dakota

TOPICS

probation sentencing criminal procedure appellate procedure preservation of error

PRACTICE AREAS

criminal procedure probation sentencing appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court unlawfully delegated its judicial authority by allowing a Court Services Officer to impose a sex-offender evaluation and treatment condition that the court itself had not ordered.
2. Whether the revocation of Blakney's suspended sentence based on the improperly imposed condition should be reversed.

HOLDINGS

1. A Court Services Officer may determine procedural or administrative details of a probation condition ordered by the court, but may not decide whether a substantive condition such as sex-offender evaluation or treatment will be imposed. Because the circuit court did not itself order sex-offender evaluation, treatment, or counseling, it unlawfully delegated its judicial authority by allowing the Court Services Officer to impose that condition.
2. The circuit court could have ordered sex-offender evaluation and treatment through the statutory procedure for modifying probation terms, including notice, a hearing, and good cause.

KEY QUOTATIONS

“Delineating the precise terms of probation constitutes a core judicial function; the task cannot be delegated to a probation officer, treatment provider, or other agency.” (¶ 14)

“But because the CSO was given ultimate authority to determine Blakney’s condition of probation, the court erred when it unlawfully delegated its judicial authority, and in turn, when it revoked Blakney’s suspended sentence.” (¶ 15)

FACTUAL BACKGROUND

Blakney pleaded guilty to simple assault and aggravated assault (domestic) in exchange for dismissal of rape, other assault, and habitual-offender charges. The circuit court suspended his sentences and ordered him to complete evaluations, counseling, treatment, or aftercare directed by the court or Court Services, including anger-management and domestic-violence programs. A Court Services Officer, relying on a Compass Center recommendation based on the underlying allegations, directed Blakney to obtain a sex-offender evaluation. The circuit court revoked the suspended sentence after finding that Blakney had not completed the evaluation.

PROCEDURAL HISTORY

Blakney pleaded guilty to simple assault and aggravated assault under a plea agreement that dismissed more serious charges and a habitual-offender information. The circuit court suspended execution of his sentence subject to probation conditions. After a Court Services Officer directed Blakney to obtain a sex-offender evaluation and Blakney failed to complete it within the relevant period, the circuit court found a probation violation and revoked the suspended sentence. The South Dakota Supreme Court addressed only the delegation issue, reversed, and remanded.

DISPOSITION

REMAND INSTRUCTIONS

The revocation of Blakney's suspended sentence must be reversed because it was based on an unlawfully delegated probation condition. The opinion does not provide further specific instructions.

CASES CITED

- State v. Engelmann, 541 N.W.2d 96, 101 (S.D. 1995)
- United States v. Heath, 419 F.3d 1312, 1315 (11th Cir. 2005)
- United States v. Pruden, 398 F.3d 241, 250-51 (3d Cir. 2005)
- United States v. Johnson, 48 F.3d 806, 808-09 (4th Cir. 1995)
- United States v. Allen, 312 F.3d 512, 515-16 (1st Cir. 2002)
- United States v. Bowman, 175 F. App'x 834, 838 (9th Cir. 2006)
- United States v. Peterson, 248 F.3d 79, 85 (2d Cir. 2001)
- United States v. Kent, 209 F.3d 1073, 1078 (8th Cir. 2000)
- Rowland v. State, 548 So. 2d 812, 813 (Fla. Dist. Ct. App. 1989)
- State v. Saavedra, 406 N.W.2d 667, 672 (N.D. 1987)
- State v. Gard, 2007 S.D. 117, ¶ 16, 742 N.W.2d 257, 261
- Nature's 10 Jewelers v. Gunderson, 2002 S.D. 80, ¶ 19, 648 N.W.2d 804, 808-09
- Hormel v. Helvering, 312 U.S. 552, 557-58 (1941)
- State v. Nelson, 1998 S.D. 124, ¶ 7, 587 N.W.2d 439, 443
- State v. Henjum, 1996 S.D. 7, ¶ 13, 542 N.W.2d 760, 763
- Gabriel v. Bauman, 2014 S.D. 30, ¶ 23, ___ N.W.2d ___
- State v. Fool Bull, 2009 S.D. 36, ¶ 46, 766 N.W.2d 159, 169
- State v. Mulligan, 2007 S.D. 67, ¶ 25, 736 N.W.2d 808, 818
- State v. Beck, 2010 S.D. 52, ¶¶ 10-11, 785 N.W.2d 288, 293