

SUPREME COURT OF SOUTH DAKOTA

State v. One 1995 Silver Jeep Grand Cherokee, VIN #
1J4GZ78Y4SC548019 and \$497 in American Currency

712 N.W.2d 646 (S.D. 2006) · No. No. 23735 · Decided March 29, 2006

SUMMARY

The Supreme Court of South Dakota considered whether forfeiture of a vehicle used to transport and possess methamphetamine was grossly disproportionate and therefore an excessive fine under the Eighth Amendment and the South Dakota Constitution. The court held that the proportionality analysis must consider the entire circumstances of the underlying offense, rather than only the misdemeanor charge to which the vehicle owner pleaded guilty, and reversed the circuit court's dismissal of the forfeiture complaint. Two justices dissented.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Gilbertson, Chief Justice; Konenkamp, Justice; Meierhenry, Justice; Sabers, Justice; Zinter, Justice
JURISDICTION	South Dakota
DECIDED	March 29, 2006
DOCKET	No. 23735
DISPOSITION	reversed
PROCEDURAL POSTURE	The State appealed the circuit court's dismissal of a civil forfeiture complaint after the court determined that forfeiture of the vehicle would be grossly disproportionate and unconstitutional under the Excessive Fines Clauses of the United States and South Dakota Constitutions.
STANDARD OF REVIEW	De novo review applies when the asserted error implicates infringement of a constitutional right; no deference is given to the circuit court's determination.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of South Dakota
PARTIES	State of South Dakota v. One 1995 Silver Jeep Grand Cherokee, VIN # 1J4GZ78Y4SC548019 and \$497 in American Currency

TOPICS

excessive fines forfeiture constitutional law standard of review appellate procedure

PRACTICE AREAS

constitutional law civil forfeiture appellate procedure criminal procedure

QUESTIONS PRESENTED

1. Whether forfeiture of the vehicle under SDCL 34-20B-70 was grossly disproportionate to the gravity of the underlying drug-related conduct and therefore violated the Excessive Fines Clauses of the United States and South Dakota Constitutions.
2. Whether the circuit court erred by limiting its proportionality analysis to the misdemeanor ingestion offense and its maximum statutory fine rather than considering the entire circumstances of the conduct underlying the forfeiture.

HOLDINGS

1. The forfeiture was not grossly disproportionate to the gravity of the underlying offense and therefore did not violate the Eighth Amendment or the corresponding provision of the South Dakota Constitution.
2. The circuit court erred as a matter of law by limiting its analysis to the fine applicable to the ingestion charge; the court was required to consider the entire offense and surrounding circumstances that led to the forfeiture.

KEY QUOTATIONS

“The touchstone of the constitutional inquiry under the Excessive Fines Clause is the principle of proportionality: The amount of the forfeiture must bear some relationship to the gravity of the offense that it is designed to punish.” (712 N.W.2d at 650)

“The circuit court erred as a matter of law in limiting its analysis to the fine for the ingestion charge when assessing gross disproportionality.” (712 N.W.2d at 652)

FACTUAL BACKGROUND

Adam Kroupa owned the vehicle and possessed methamphetamine, which he placed in and transported in the vehicle to an apartment where law enforcement was executing a narcotics search warrant. A drug dog alerted to the vehicle, officers found the methamphetamine inside, and Kroupa admitted that it belonged to him. The vehicle was worth approximately \$7,400, while the methamphetamine had an estimated street value of \$50; Kroupa was also on federal parole for a controlled-substance offense and later pleaded guilty to ingesting a substance.

PROCEDURAL HISTORY

The State filed a forfeiture complaint under SDCL chapter 34-20B concerning the vehicle. The parties stipulated to the relevant facts, including the owner's possession and transportation of methamphetamine in the vehicle and

the vehicle's approximate value of \$7,400. The circuit court dismissed the complaint, concluding that forfeiture was grossly disproportionate to the misdemeanor offense to which the owner pleaded guilty. The Supreme Court of South Dakota reversed.

DISPOSITION

reversed

CASES CITED

- State v. Krahwinkel, 2002 SD 160, 656 N.W.2d 451
- State v. Dillon, 2001 SD 97, 632 N.W.2d 37
- Thieman v. Bohman, 2002 SD 52, 645 N.W.2d 260
- State v. One 1983 Black Toyota Pickup, 415 N.W.2d 511 (S.D. 1987)
- State v. One 1966 Pontiac Auto., Etc., 270 N.W.2d 362 (S.D. 1978)
- Austin v. United States, 509 U.S. 602 (1993)
- United States v. Ursery, 518 U.S. 267 (1996)
- United States v. Bajakajian, 524 U.S. 321 (1998)
- United States v. Dodge Caravan Grand SE, 387 F.3d 758 (8th Cir. 2004)
- \$100 and A Black Cadillac v. Indiana, 822 N.E.2d 1001 (Ind. App. 2005)
- Property Seized from Terrell, 639 N.W.2d 18 (Iowa 2002)
- One Car, 1996 Dodge X-Cab Truck, 122 S.W.3d 422 (Tex. App. 2003)
- State v. Kienast, 1996 SD 111, 553 N.W.2d 254
- State v. Pettis, 333 N.W.2d 717 (S.D. 1983)