

SUPREME COURT OF SOUTH DAKOTA

State of South Dakota v. Ramon Deron Smith

2023 S.D. 32 (S.D. 2023) · No. #29902 · Decided July 12, 2023

SUMMARY

The South Dakota Supreme Court affirmed Ramon Deron Smith’s convictions and sentences for second-degree murder and aggravated assault arising from a shooting in Sioux Falls. The court held that SDCL 22-18-4.8, which provides self-defense immunity from criminal prosecution, was substantive and did not apply retroactively because the Legislature had not clearly expressed retroactive intent. The court also upheld the admission of evidence concerning Smith’s unlawful firearm possession and rejected his challenges to the sufficiency of the evidence and denial of a mistrial.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Jensen, Chief Justice; Kern, Justice; Salter, Justice; Devaney, Justice; Myren, Justice
JURISDICTION	South Dakota
DECIDED	July 12, 2023
DOCKET	#29902
DISPOSITION	affirmed
PROCEDURAL POSTURE	Criminal appeal from convictions and sentences for second-degree murder and three counts of aggravated assault following a jury trial.
STANDARD OF REVIEW	Statutory interpretation and application are reviewed de novo. Denial of a motion for judgment of acquittal is reviewed de novo. Evidentiary rulings and denial of a motion for mistrial are reviewed for abuse of discretion, with reversal requiring prejudicial error.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Ramon Deron Smith, a/k/a Ramon A. Smith, a/k/a Ramon Saddler v. State of South Dakota

TOPICS

- criminal procedure
- self defense
- statutory interpretation
- evidence
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate practice

QUESTIONS PRESENTED

1. Whether SDCL 22-18-4.8, which provides statutory immunity from criminal prosecution for justified uses of force, applied retroactively to conduct occurring before the statute's effective date.
2. Whether the circuit court erred or committed prejudicial error by admitting evidence that Smith was legally prohibited from possessing a firearm.
3. Whether the evidence was sufficient to sustain the convictions for second-degree murder and aggravated assault despite Smith's claim of self-defense.
4. Whether the circuit court abused its discretion by denying Smith's motion for a mistrial after a witness briefly referred to Smith's release from prison.

HOLDINGS

1. SDCL 22-18-4.8 creates a substantive right to immunity from criminal prosecution and civil liability for justified uses of force. Because the statute contains no plainly expressed retroactive intent, it does not apply to Smith's pre-effective-date conduct.
2. The admission of testimony that Smith was statutorily prohibited from possessing a firearm was erroneous because its minimal probative value was substantially outweighed by the danger of unfair prejudice, but the error was harmless and did not warrant reversal.
3. The evidence was sufficient for a rational jury to find Smith guilty beyond a reasonable doubt of second-degree murder and aggravated assault and to reject his claim of self-defense.
4. The circuit court did not abuse its discretion by denying a mistrial after a witness briefly referred to Smith's release from prison because the reference was inadvertent, the court immediately instructed the jury to disregard it, and Smith failed to show prejudice.

KEY QUOTATIONS

“The statute does not merely “regulate the steps” of prosecution. Rather, it presumptively forecloses criminal culpability “once a prima facie claim of self-defense immunity has been raised by the defendant” unless the State establishes, “by clear and convincing evidence,” that the defendant did not act in self-defense to overcome this immunity.” (¶ 34)

“It was whether—at the moment Smith brandished and proceeded to fire the gun—he had a reasonable belief concerning the danger he faced and acted reasonably and proportionately in response.” (¶ 43)

FACTUAL BACKGROUND

After a series of disputes involving Smith's sister, her girlfriend, and another family, a group of men arrived at the apartment complex where Smith was staying. Smith armed himself before leaving the apartment, stated that he would start shooting if he went outside, and then fired a .40-caliber handgun as the men approached and later

scattered. Jevon Allen was shot and killed, while Josh Allen and Larry Carr Jr. were wounded; Smith claimed he acted in self-defense.

PROCEDURAL HISTORY

Smith was charged in a nineteen-count grand jury indictment after shooting three men, killing one and injuring two. The circuit court denied his motion to dismiss based on statutory self-defense immunity, allowed limited evidence that he was prohibited from possessing a firearm, denied motions for judgment of acquittal and a motion for mistrial, and entered convictions for second-degree murder and aggravated assault. Smith received a life sentence without parole for murder and three consecutive twenty-five-year sentences for aggravated assault. The Supreme Court of South Dakota affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Bowers, 2018 S.D. 50, 915 N.W.2d 161
- Expungement of Oliver, 2012 S.D. 9, 810 N.W.2d 350
- State v. Krause, 2017 S.D. 16, 894 N.W.2d 382
- West v. John Morrell & Co., 460 N.W.2d 745 (S.D. 1990)
- Rodgers v. Commonwealth, 285 S.W.3d 740 (Ky. 2009)
- Love v. State, 286 So. 3d 177 (Fla. 2019)
- Dennis v. State, 51 So. 3d 456 (Fla. 2010)
- Schultz v. Jibben, 513 N.W.2d 923 (S.D. 1994)
- Dahl v. Sittner, 474 N.W.2d 897 (S.D. 1991)
- Green v. Siegel, Barnett & Schutz, 1996 S.D. 146, 557 N.W.2d 396
- Pitt-Hart v. Sanford USD Medical Center, 2016 S.D. 33, 878 N.W.2d 406
- First United Methodist Church of Hyattsville v. U.S. Gypsum Co., 882 F.2d 862 (4th Cir. 1989)
- Clark County v. Sioux Equipment Corp., 2008 S.D. 60, 753 N.W.2d 406
- Burlington Northern & Santa Fe Railway Co. v. Poole Chemical Co., 419 F.3d 355 (5th Cir. 2005)
- State v. Shelton, 2021 S.D. 22, 958 N.W.2d 721
- State v. Bausch, 2017 S.D. 1, 889 N.W.2d 404
- State v. Rodriguez, 2020 S.D. 68, 952 N.W.2d 244
- State v. Stone, 2019 S.D. 18, 925 N.W.2d 488
- State v. Hankins, 2022 S.D. 67, 982 N.W.2d 21
- State v. Reeves, 2021 S.D. 64, 967 N.W.2d 144
- State v. Janklow, 2005 S.D. 25, 693 N.W.2d 685
- State v. Birdshead, 2015 S.D. 77, 871 N.W.2d 62

- State v. Frias, 2021 S.D. 26, 959 N.W.2d 62
- State v. Pellegrino, 1998 S.D. 39, 577 N.W.2d 590
- State v. Randle, 2018 S.D. 61, 916 N.W.2d 461
- State v. Andrews, 2001 S.D. 31, 623 N.W.2d 78
- State v. Martin, 2017 S.D. 65, 903 N.W.2d 749
- State v. Manning, 2023 S.D. 7, 985 N.W.2d 743
- State v. Seidel, 2020 S.D. 73, 953 N.W.2d 301
- State v. Cottier, 2008 S.D. 79, 755 N.W.2d 120
- State v. Jaques, 428 N.W.2d 260 (S.D. 1988)
- State v. Satter, 1996 S.D. 9, 543 N.W.2d 249
- State v. Kvasnicka, 2013 S.D. 25, 829 N.W.2d 123
- State v. Dillon, 2010 S.D. 72, 788 N.W.2d 360
- State v. Kryger, 2018 S.D. 13, 907 N.W.2d 800
- State v. Bariteau, 2016 S.D. 57, 884 N.W.2d 169
- State v. Falkenberg, 2021 S.D. 59, 965 N.W.2d 580
- State v. Owens, 2002 S.D. 42, 643 N.W.2d 735

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