

SUPREME COURT OF SOUTH DAKOTA

State v. Patten

2005 SD 32 (2005) · No. No. 23200 · Decided March 9, 2005

SUMMARY

The Supreme Court of South Dakota reversed Leigh Patten’s misdemeanor conviction for obstructing a law enforcement officer. The court held that Patten was denied her right to counsel because she requested appointed counsel, was required to proceed pro se after the request was denied, and was not advised of the dangers of self-representation or shown to have knowingly and intelligently waived counsel.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Per Curiam; Gilbertson, Chief Justice; Sabers; Konenkamp; Zinter; Meierhenry
JURISDICTION	South Dakota
DECIDED	March 9, 2005
DOCKET	No. 23200
DISPOSITION	reversed
PROCEDURAL POSTURE	Patten appealed her misdemeanor conviction for obstructing a law enforcement officer, arguing that she was denied the assistance of counsel.
STANDARD OF REVIEW	Whether a defendant knowingly, intelligently, and voluntarily waived the constitutional right to counsel is reviewed based on the record; waiver is not found absent the required advisement or circumstances establishing awareness of the dangers of self-representation.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Leigh Patten v. State of South Dakota

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Patten's proceeding pro se without a valid waiver of her right to counsel constituted reversible error.
2. Whether the trial court properly denied Patten's request for appointed counsel based solely on her ownership interest in real estate.

HOLDINGS

1. Patten did not validly waive her constitutional right to counsel because the trial court did not warn her of the dangers and disadvantages of self-representation, and the record did not otherwise establish that she understood those dangers.
2. Indigence must be determined on a case-by-case basis and may not be resolved by resort to artificially predetermined financial standards or guidelines; the record indicated that the trial court denied counsel solely because Patten owned an interest in real estate.

KEY QUOTATIONS

“However, before permitting a defendant to represent herself, trial courts must obtain a knowing and intelligent waiver of the right to counsel.” (¶ 9)

“A defendant is presumed not to have waived her right to counsel in the absence of a knowing, intelligent and voluntary waiver.” (¶ 10)

“Indigence should be considered upon a case by case basis. Indigence should be considered without resort to artificially pre-determined financial standards or guidelines.” (¶ 11)

FACTUAL BACKGROUND

Law enforcement seized Patten's sheep after finding approximately 150 sheep on a county road during a ground blizzard, with some trapped in snow. When Patten arrived, she attempted to remove sheep from a trailer and prevented others from being loaded despite being told three times to stop, leading to her arrest for obstructing a law enforcement officer. After indictment and arraignment, Patten requested appointed counsel, reported living on \$3,176.40 in annual income, and disclosed a ten-percent interest in a family farm corporation. The trial court denied counsel based on her real-estate interest, and Patten represented herself at trial without being advised of the dangers of doing so.

PROCEDURAL HISTORY

Patten was indicted and arraigned without counsel. She requested court-appointed counsel, but the trial court denied the request because she owned an interest in real estate. She proceeded pro se at trial without an admonition concerning the dangers of self-representation and was convicted. The Supreme Court of South Dakota reversed.

DISPOSITION

reversed

CASES CITED

- State v. Van Sickle, 411 NW2d 665 (SD 1987)
- State v. Chamley, 1997 SD 107, 568 NW2d 607
- State v. Raymond, 1997 SD 59, 563 NW2d 823
- Adams v. United States, 317 US 269 (1942)
- State v. Bruch, 1997 SD 74, 565 NW2d 789
- State v. Dale, 439 NW2d 112 (SD 1989)