

SUPREME COURT OF SOUTH DAKOTA

State v. Hatchett

667 N.W.2d 680 (S.D. 2003) · No. No. 22683 · Decided July 23, 2003

SUMMARY

The Supreme Court of South Dakota held that a trial court may revoke driving privileges for only a definite period under South Dakota law, not for an indefinite period. The court reversed and remanded the license-revocation portion of the sentence. It affirmed the defendant’s five-year penitentiary sentence, concluding that a racial-disparity study, without case-specific evidence of discriminatory purpose or gross disproportionality, was insufficient to establish a constitutional violation.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of South Dakota                                                                                                                                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Konenkamp, Justice; Gilbertson, Chief Justice; Sabers, Justice; Zinter, Justice; Meierhenry, Justice                                                                                                                                                                                                                                                                                          |
| JURISDICTION          | South Dakota                                                                                                                                                                                                                                                                                                                                                                                  |
| DECIDED               | July 23, 2003                                                                                                                                                                                                                                                                                                                                                                                 |
| DOCKET                | No. 22683                                                                                                                                                                                                                                                                                                                                                                                     |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Hatchett pleaded guilty to fourth-offense DUI and appealed the sentence imposed by the circuit court, challenging the indefinite revocation of his driving privileges and the constitutionality of his five-year penitentiary sentence based on alleged racial disparity.                                                                                                                     |
| STANDARD OF REVIEW    | A sentence within the statutory maximum generally will not be disturbed; proportionality claims are reviewed under the gross-disproportionality test with substantial deference to the Legislature and sentencing court. Equal-protection claims require proof of discriminatory effect and discriminatory purpose. Statutory interpretation is reviewed by examining the statutory language. |
| PRECEDENTIAL VALUE    | Published opinion; precedential decision of the Supreme Court of South Dakota.                                                                                                                                                                                                                                                                                                                |
| PARTIES               | Manuel Hatchett v. State of South Dakota                                                                                                                                                                                                                                                                                                                                                      |

TOPICS

sentencing

statutory interpretation

equal protection

cruel and unusual punishment

appellate procedure

## PRACTICE AREAS

criminal law

criminal procedure

sentencing

DUI

## QUESTIONS PRESENTED

1. Whether SDCL 32-23-4.6 authorized the circuit court to revoke Hatchett's driving privileges for an indefinite period.
2. Whether Hatchett's five-year penitentiary sentence was grossly disproportionate to the offense.
3. Whether the sentence violated equal protection because of racial disparity or discriminatory purpose.
4. Whether the Braunstein-Feimer statistical report alone required a remand for a racial-disparity or proportionality hearing.

## HOLDINGS

1. SDCL 32-23-4.6 authorizes revocation of driving privileges for a definite period determined by the court, subject to a minimum period of two years; it does not authorize an indefinite revocation.
2. The five-year penitentiary sentence was not shown to be grossly disproportionate to Hatchett's fourth-offense DUI and criminal history.
3. A defendant alleging race-based selective prosecution or sentencing must show both discriminatory effect and discriminatory purpose; a general statistical study, without evidence that the decisionmakers in the defendant's case acted with discriminatory purpose, is insufficient.

## KEY QUOTATIONS

*"The words "for such period of time as may be determined by the court" connote a definite period, not an indeterminate one."* ([¶] 8], 667 N.W.2d at 683-84)

*"Yet, general studies suggesting that members of one race may have received higher penalties do not, alone, establish cruel and unusual punishment or show a violation of equal protection in an individual case, unless there is evidence that the decisionmakers in that case acted with discriminatory purpose."* ([¶] 20], 667 N.W.2d at 686-87)

## FACTUAL BACKGROUND

A highway patrol sergeant stopped Hatchett after observing him speeding and noticed beer cans, an odor of alcohol, and multiple signs of intoxication. Hatchett failed sobriety testing, was arrested, and had a blood alcohol concentration of .30; he also had a substantial prior criminal record, including multiple DUI convictions. He pleaded guilty to fourth-offense DUI, failed to comply with inpatient treatment while awaiting sentencing, and received a five-year penitentiary sentence together with an indefinite revocation of his driving privileges.

## PROCEDURAL HISTORY

After Hatchett pleaded guilty under a plea agreement, the circuit court sentenced him to five years in the penitentiary and revoked his driving privileges for an indefinite period. On appeal, he argued that the license revocation exceeded statutory authority and that his sentence violated constitutional protections against racial discrimination and disproportionate punishment. The Supreme Court of South Dakota reversed the indefinite license revocation, affirmed the penitentiary sentence, and remanded for entry of a definite revocation period.

#### DISPOSITION

reversed\_and\_remanded

#### REMAND INSTRUCTIONS

Reverse the indefinite revocation of Hatchett's driving privileges and remand for the circuit court to order revocation for a definite period, not less than two years. The five-year penitentiary sentence is affirmed.

#### CASES CITED

- State v. Pugh, 2002 SD 16, 640 N.W.2d 79
- State v. Bonner, 1998 SD 30, 577 N.W.2d 575
- State v. Milk, 2000 SD 28, 607 N.W.2d 14
- Solem v. Helm, 463 U.S. 277 (1983)
- Personnel Administrator of Massachusetts v. Feeney, 442 U.S. 256 (1979)
- United States v. Armstrong, 517 U.S. 456 (1996)
- Yick Wo v. Hopkins, 118 U.S. 356 (1886)
- Hunter v. Underwood, 471 U.S. 222 (1985)
- International Brotherhood of Teamsters v. United States, 431 U.S. 324 (1977)
- United States v. Bass, 536 U.S. 862 (2002)
- Schweiker v. Wilson, 450 U.S. 221 (1981)
- Washington v. Davis, 426 U.S. 229 (1976)
- McCleskey v. Kemp, 481 U.S. 279 (1987)
- Gomillion v. Lightfoot, 364 U.S. 339 (1960)
- Plessy v. Ferguson, 163 U.S. 537 (1896)
- State v. Groethe, 439 N.W.2d 554 (S.D. 1989)
- State v. Dufault, 2001 SD 66, 628 N.W.2d 755
- Heninger v. Charnes, 200 Colo. 194, 613 P.2d 884 (1980)
- South Dakota Wildlife Federation v. Water Management Board, 382 N.W.2d 26 (S.D. 1986)

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