

SUPREME COURT OF SOUTH DAKOTA

State v. Reath, 2003 SD 144

673 N.W.2d 294 (S.D. 2003) · No. No. 23048 · Decided December 17, 2003

SUMMARY

The Supreme Court of South Dakota dismissed the State's attempted appeal from a circuit court judgment of acquittal entered after the State's case-in-chief. The court held that South Dakota statutes authorize certain prosecutorial appeals but do not authorize an appeal from a judgment of acquittal, leaving the court without jurisdiction.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Gilbertson, Chief Justice; Sabers, Justice; Konenkamp, Justice; Zinter, Justice; Meierhenry, Justice
JURISDICTION	South Dakota
DECIDED	December 17, 2003
DOCKET	No. 23048
DISPOSITION	dismissed
PROCEDURAL POSTURE	The State appealed from a circuit-court judgment of acquittal entered after the State's case-in-chief in a criminal trial.
STANDARD OF REVIEW	The court reviewed the existence of appellate jurisdiction as a legal question and was required to consider jurisdiction whether or not the parties raised it.
PRECEDENTIAL VALUE	Published and precedential South Dakota Supreme Court opinion
PARTIES	State of South Dakota v. William Loc Reath

TOPICS

- appellate jurisdiction
- appellate procedure
- criminal procedure
- statutory interpretation
- final judgment rule

PRACTICE AREAS

- criminal appellate procedure
- criminal procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the State may appeal a judgment of acquittal entered after the close of its case-in-chief.

HOLDINGS

1. The State may not appeal the circuit court's judgment of acquittal because South Dakota statutes do not authorize a prosecutorial appeal from a judgment of acquittal, and the Supreme Court therefore lacks appellate jurisdiction.

KEY QUOTATIONS

“Because this Court is without jurisdiction to hear an appeal from a judgment of acquittal, the appeal is dismissed.” (673 N.W.2d at 294)

“the right of appeal is purely statutory. It is not conferred by the Constitution, and can be exercised only by the party to whom it is given.” (673 N.W.2d at 295)

“Nowhere in the statutory authority is an appeal from a judgment of acquittal authorized.” (673 N.W.2d at 296)

FACTUAL BACKGROUND

William Loc Reath was charged with possession of a forged instrument with intent to defraud and forgery. A jury was empaneled, and after the State presented its case-in-chief, Reath moved for a judgment of acquittal. The circuit court granted the motion because the State had presented insufficient evidence to sustain a conviction.

PROCEDURAL HISTORY

Reath was charged with possession of a forged instrument with intent to defraud and forgery. After a jury was empaneled and the State presented its case-in-chief, Reath moved for a judgment of acquittal under SDCL 23A-23-1, and the circuit court granted the motion for insufficient evidence. The State appealed, and the South Dakota Supreme Court dismissed the appeal for lack of appellate jurisdiction.

DISPOSITION

dismissed

CASES CITED

- State v. Stunkard, 28 S.D. 311, 133 N.W. 253, 254 (S.D. 1911)
- Dale v. City of Sioux Falls, 2003 SD 124, ¶ 6, 670 N.W.2d 892, 894
- State v. Catch The Bear, 352 N.W.2d 637, 638 (S.D. 1984)
- State v. Olson, 334 N.W.2d 49, 50 (S.D. 1983)

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