

**State v. Quevedo**

Carlos Quevedo repeatedly stabbed Kasie Lord to death in the early morning hours of January 18, 2017. Lord worked as a clerk at the Loaf ‘N Jug convenience store in Rapid City and was attempting to stop Quevedo and his friend from stealing a case of beer. Quevedo was a juvenile at the time of the killing and had spent the prior evening ingesting cold medicine, alcohol, and marijuana. Quevedo and his friends had robbed another convenience store earlier in the night to obtain alcohol. They had also been stealing items from unlocked cars, which is how Quevedo obtained the knife he ultimately used to kill Lord.

After the stabbing, Quevedo and his friend, Cody Grady, fled the scene. Law enforcement officers apprehended both of the boys at Grady’s home shortly after the crime. Quevedo told the officers that he had blacked out and had no memory of stabbing Lord.

A grand jury indicted Quevedo on alternate counts of first-degree premeditated murder, first-degree felony murder, second-degree murder, and first-degree robbery. Quevedo moved to have the matter transferred to juvenile court, but then withdrew the motion, eventually accepting a plea agreement with the State to plead guilty to second-degree murder.

At sentencing, the court noted that Quevedo was just eight months shy of his eighteenth birthday when he killed Lord. Ordinarily, a conviction for second-degree murder requires a mandatory sentence of life imprisonment without the possibility of parole. However, in 2012, the United States Supreme Court held that mandatory life sentences for juveniles convicted of homicide offenses violates the Eighth Amendment’s cruel and unusual punishment prohibition. The Legislature subsequently enacted SDCL 22-6-1.3, which prohibits life imprisonment without the possibility of parole for defendants under the age of 18.

In its sentencing analysis, the court considered the circumstances surrounding the offense, as well as mitigating factors, including the fact that Quevedo was raised in a violent home by drug-addicted parents. Quevedo also had prior involvement with the criminal justice system due to his own drug and alcohol use. Despite these circumstances, the court noted that Quevedo had graduated from high school and had assisted in raising his younger siblings. After weighing the circumstances of the crime and mitigating factors, the court sentenced Quevedo to 90 years in the penitentiary, making him eligible for parole in 2062.

Quevedo raises the following issues on appeal:

1. Whether the circuit court violated the Eighth Amendment’s prohibition on cruel and unusual punishment by imposing a 90-year sentence for a juvenile offender guilty of a homicide offense.

2. Whether the circuit court's imposition of a 90-year sentence was grossly disproportionate to the offense of second-degree murder in violation of the Eighth Amendment's prohibition on cruel and unusual punishment.

Mr. Paul Eisenbraun, Attorney for Appellant Carlos C. Quevedo.

Mr. Jason R. Ravensborg, Attorney General, and Ms. Ann Meyer, Assistant Attorney General, Attorneys for Appellee State of South Dakota.