Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - SOUTH DAKOTA

Hamen v. Hamlin County

Supreme Court of South Dakota - February 10, 2021 - N.W.2d - 2021 WL 501207 - 2021 S.D. 7

Property owners brought action against county, sheriff, and other deputies, seeking compensation for inverse condemnation and asserting a separate claim for violations of rights under the Fourth and Fourteenth Amendments pursuant to § 1983 in connection with damages to mobile home during arrest of property owners' son, an alleged fleeing felon.

Parties cross-moved for summary judgment. The Circuit Court denied property owners' motion, granted county's motion, and denied sheriff's motion. County and sheriff appealed.

The Supreme Court held that:

- As a matter of first impression, damage caused to mobile home was not a compensable taking under South Dakota Constitution's damages clause;
- As a matter of first impression, a taking or damaging claim under the South Dakota Constitution arises from a public use function, rather than a police power function;
- Question whether warrantless entry was supported by an objectively reasonable belief that alleged fleeing felon was living in and present in mobile home at the time of entry was a question of law for the court to decide, overruling *Thornton v. City of Rapid City*, 692 N.W.2d 525;
- Sheriff's warrantless entry into mobile home required an objectively reasonable belief that alleged fleeing felon was living in and present in home at the time of entry;
- Whether sheriff had an objectively reasonable belief that alleged felon was present inside mobile home at time of warrantless entry was a material fact issue precluding summary judgment;
- Whether, at the time sheriff decided to enter mobile home, exigent circumstances existed so that law enforcement needed immediate access to mobile home was material fact issue precluding summary judgment in favor of sheriff on unlawful entry claim;
- Sheriff failed to establish that he was entitled to summary judgment on qualified immunity grounds on warrantless entry claim under the clearly established prong; and
- Sheriff was entitled to qualified immunity on excessive force claim.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com