

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

STATE OF SOUTH DAKOTA,)	ORDER DIRECTING ISSUANCE OF
Plaintiff and Appellee,)	JUDGMENT OF AFFIRMANCE
)	
vs.)	#30225
)	
KIRSTEN JACOBSEN,)	
Defendant and Appellant.)	
)	

The Court considered all of the briefs filed in the above-entitled matter, together with the appeal record, and concluded pursuant to SDCL 15-26A-87.1(A), that it is manifest on the face of the briefs and the record that the appeal is without merit on the following grounds: 1. that the issues on appeal are factual and there clearly is sufficient evidence to support the ruling below, and 2. that the issues on appeal are ones of judicial discretion and there clearly was not an abuse of discretion (SDCL 15-26A-87.1(A)(2) and (3)). Further, as to matters not raised below that we have reviewed for plain error, Appellant has failed to establish that any error occurred, now, therefore, it is

ORDERED that the judgment is affirmed, but the case is remanded to correct the clerical error in which the circuit court failed to restate the aggravating circumstances supporting departure from presumptive probation in its judgment. See e.g., *State v. Flowers*, 2016 S.D. 63, ¶ 10, 885 N.W.2d

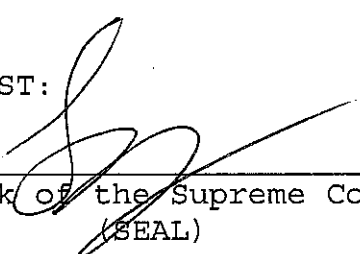
#30225, Order

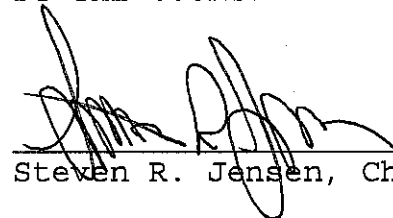
783, 786; *State v. Beckwith*, 2015 S.D. 76, ¶ 19, 871 N.W.2d 57, 62;
State v. Whitfield, 2015 S.D. 17, ¶ 24, 862 N.W.2d 133, 141.

DATED at Pierre, South Dakota, this 20th day of February,
2024.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


Steven R. Jensen, Chief Justice

PARTICIPATING: Chief Justice Steven R. Jensen and Justices Janine M. Kern,
Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 20 2024


Clerk