

IN THE SUPREME COURT

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

OF THE

JAN 09 2026

STATE OF SOUTH DAKOTA

Chief Justice
Clerk

* * * *

STATE OF SOUTH DAKOTA,) ORDER DIRECTING ISSUANCE OF
Plaintiff and Appellee,) JUDGMENT OF AFFIRMANCE
vs.)
JOHN CALVIN VOICE,)
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 ground that the issues on appeal are clearly controlled by settled South Dakota law or federal law binding upon the states (SDCL 15-26A-87.1(A)(1)), now, therefore, it is

ORDERED that a judgment affirming the Judgment of the circuit court be entered forthwith.

IT IS FURTHER ORDERED that the Court declines to consider the merits of Appellant's ineffective assistance of counsel claim(s) because the record on direct appeal does not afford an adequate basis to review the performance of trial counsel. [(See *State v. Vortherms*, 2020 S.D. 67, ¶30, 952 N.W.2d 113, 120).]

DATED at Pierre, South Dakota, this 9th day of January, 2026.

BY THE COURT:

ATTEST:

[Signature]
Steven R. Jensen, Chief Justice

Clerk of the Supreme Court
(SEAL)

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