

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

DEC 19 2025

Shirley A. Jensen
Clerk

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|--------------------------|---|--------------------------------|
| STATE OF SOUTH DAKOTA, |) | ORDER DIRECTING ISSUANCE OF |
| Plaintiff and Appellee, |) | JUDGMENT OF AFFIRMANCE |
| |) | |
| vs. |) | #30996, #30997, #30998, #30999 |
| |) | |
| TYSON LOREN RUSSELL, |) | |
| 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 Order and Judgments, 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 19th day of December, 2025.

BY THE COURT:

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

[Signature]
Steven R. Jensen, Chief Justice

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