

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

OCT 14 2025

Shirley A. Johnson-Leahy
Clerk

* * * *

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

STEVEN JON ESSELINK,
Defendant and Appellant.

ORDER DIRECTING CORRECTION OF
CLERICAL ERRORS IN JUDGMENT
AND ISSUANCE OF JUDGMENT OF
AFFIRMANCE

#31045

The Court considered all of the briefs filed in the above-entitled matter, together with the appeal record, and concluded that clerical errors are present in the judgment, namely that the written judgment provides that Appellant Steven Jon Esselink pled guilty to Count 2 of the indictment under SDCL 32-23-1(3), imposes a sentence based upon Count 2 of the indictment, and provides for the dismissal of the remaining counts of the indictment including Count 1, while the transcript of the change of plea and sentencing hearing held on March 24, 2025, reveals that Esselink, with no objection, pled guilty to Count 1 of the indictment under SDCL 32-23-1(2). In all other respects, pursuant to SDCL 15-26A-87.1(A), 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 the case is remanded for the sole purpose of correcting all clerical errors in the judgment related to the inaccurate reflection of which count Esselink pled guilty to, but that a judgment affirming the judgment of the circuit court be entered forthwith in all other respects.

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

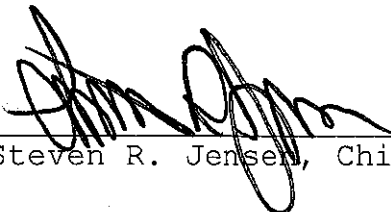
DATED at Pierre, South Dakota, this 14th day of October, 2025.

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.