

IN THE SUPREME COURT

OF THE

NOV 24 2025

STATE OF SOUTH DAKOTA

Shirley A. Jensen, Legal
Clerk

* * * *

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

ERVIN KENNETH YELLOWROBE, JR.,
Defendant and Appellant.

) ORDER DIRECTING ISSUANCE OF
) JUDGMENT OF AFFIRMANCE
)

#31002

The Court considered the briefs filed in the above-entitled matter and the appeal record. Applying plain error review, the Court concluded pursuant to SDCL 15-26A-87.1(A)(4) that it is manifest on the face of the briefs and the record that the appeal is without merit on the ground that any error which was plain did not affect the Appellant's substantial rights because it appears from the parties' submissions that the Appellant began serving his state sentence immediately after it was imposed, notwithstanding the terms of the judgment and sentence which designate it as consecutive to his federal sentence.

Therefore, it is

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

DATED at Pierre, South Dakota, this 24th day of November, 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 Janine M. Kern, Mark E. Salter, Patricia J. DeVaney and Scott P. Myren.