

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

STATE OF SOUTH DAKOTA,)	ORDER DIRECTING ISSUANCE OF
Plaintiff and Appellee,)	JUDGMENT OF AFFIRMANCE IN PART
)	AND REMANDING IN PART
vs.)	
)	#30774
CLAUDE KAMPESKA JR.,)	
Defendant and Appellant.)	

The Court considered all of the briefs filed in the above-entitled matter, together with the appeal record, and has concluded, pursuant to SDCL 15-26A-87.1(A), that it is manifest on the face of the briefs and the record that Issue I in appellant's brief is without merit on the grounds that the issue is clearly controlled by settled South Dakota law and there clearly was not an abuse of the court's discretion.

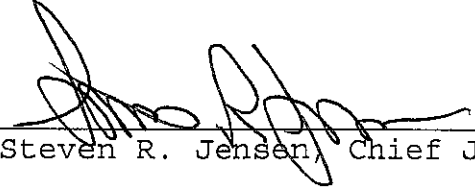
As to Issue II, the Court finds the oral sentence, which did not include a pronouncement of the amount of penitentiary time the circuit court imposed on Counts 2 and 3, is ambiguous; therefore, per *State v. Washington*, 2024 S.D. 64, ¶ 58, 13 N.W.3d 492, 507, the written judgment, which clarifies the term imposed on these Counts, controls. However, pursuant to SDCL 23A-31-1, the Court remands for a correction of a clerical mistake and directs that amended Judgments of Conviction on Counts 2 and 3 be entered, nunc pro tunc, to include credit for the 439 days served in the Codington County Detention Center. Now, therefore, it is

ORDERED that a Judgment affirming on Issue I and remanding to correct a clerical error in the Judgments on Counts 2 and 3 be

entered forthwith.

DATED at Pierre, South Dakota, this 31st day of March,
2025.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST:

Shirley A. Jameson Fergel

Clerk of the Supreme Court
(SEAL) *by Amy Hudson - deputy*

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

MAR 31 2025

Shirley A. Jameson Fergel

Clerk