

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

IN THE SUPREME COURT

OF THE

MAR 27 2023

STATE OF SOUTH DAKOTA

Shirley A. Johnson-Lund
Clerk

* * * *

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

ALEXANDER J. USERA,
Defendant and Appellant.

) ORDER DIRECTING ISSUANCE OF
) JUDGMENT OF AFFIRMANCE
)
)
)
)
)
)

#30127

The Court having, pursuant to SDCL 15-26A-87.1(A), considered all of the briefs filed in the above-entitled matter, together with the appeal record, and having concluded that it is manifest on the face of the briefs and the record that the appeal is without merit on the following grounds: 1. that the issues on appeal are clearly controlled by settled South Dakota law or federal law binding upon the states, and 2. that the issues on appeal are factual and there clearly is sufficient evidence to support the orders below (SDCL 15-26A-87.1(A)(1) and (2)), now, therefore, it is

ORDERED that a judgment affirming the Orders of the lower court be entered forthwith.

DATED at Pierre, South Dakota, this 27th day of March, 2023.

BY THE COURT:

ATTEST:

[Signature]

Clerk of the Supreme Court
(SEAL)

[Signature]

Steven R. Jensen, Chief Justice

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