

IN THE SUPREME COURT

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

OF THE

FEB 27 2026

STATE OF SOUTH DAKOTA

*Shirley A. Jensen*  
Clerk

\* \* \* \*

STATE OF SOUTH DAKOTA,	)	ORDER DIRECTING ISSUANCE OF
Plaintiff and Appellee,	)	JUDGMENT OF AFFIRMANCE
vs.	)	
	)	#31109
TYLER JACOB YATES,	)	
Defendant and Appellant.	)	

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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 ground that the issues on appeal are ones of judicial discretion and there clearly was not an abuse of discretion (SDCL 15-26A-87.1(A)(3)), now, therefore, it is

ORDERED that a judgment affirming the Judgment of the lower 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 27th day of February, 2026.

BY THE COURT:

*Steven R. Jensen*  
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Steven R. Jensen, Chief Justice

ATTEST:

*[Signature]*  
\_\_\_\_\_  
Clerk of the Supreme Court  
(SEAL)

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