

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

STATE OF SOUTH DAKOTA,)	ORDER DIRECTING ISSUANCE OF
Plaintiff and Appellee,)	JUDGMENT OF AFFIRMANCE
)	
vs.)	#30858
)	
DANA L. VERHOEK,)	
Defendant and Appellant.)	

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:

The record shows that the circuit court failed to comply with SDCL 23A-27-1, which provides that a court "shall address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment." After considering the supplemental briefing and the record, the Court determines on plain error review that Verhoek has failed to establish that the error by the circuit court in failing to afford the defendant a right of allocution under SDCL 23A-27-1 was prejudicial. See Green, 365 U.S. at 305 ("Trial judges before sentencing should, as a matter of good judicial administration, unambiguously address themselves to the defendant."). Now,

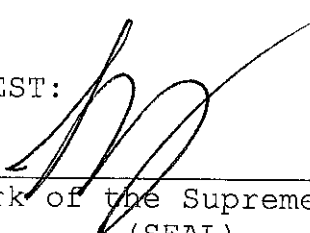
therefore, it is

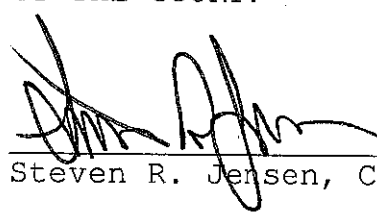
ORDERED that a judgment affirming the judgment of the lower court be entered forthwith.

DATED at Pierre, South Dakota, this 11th day of August, 2025.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


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.

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

AUG 11 2025


Clerk