

IN THE SUPREME COURT SUPREME COURT
STATE OF SOUTH DAKOTA STATE OF SOUTH DAKOTA
FILED

OF THE

OCT 10 2023

STATE OF SOUTH DAKOTA

Shirley A. Johnson-Leg
Clerk

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|---------------------------|---|-----------------------------|
| STATE OF SOUTH DAKOTA, |) | ORDER DIRECTING ISSUANCE OF |
| Plaintiff and Appellee, |) | JUDGMENT OF AFFIRMANCE |
| |) | |
| vs. |) | #30102 |
| |) | |
| HARVEY EDWARD WHITEHORSE, |) | |
| 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 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 judgment below (SDCL 15-26A-87.1(A)(1) and (2)), now, therefore, it is

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

DATED at Pierre, South Dakota, this 10th day of October, 2023.

BY THE COURT:

Steven R. Jensen

Steven R. Jensen, Chief Justice

ATTEST:

[Signature]

Clerk of the Supreme Court

(SEAL)

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