

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

APR 29 2024

Shirley A. Johnson-Lepel
Clerk

* * * *

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

DANIEL C. HINTON MORALES,
Defendant and Appellant.

ORDER DIRECTING ISSUANCE OF
JUDGMENT OF AFFIRMANCE

#30483

The Court considered all of the briefs filed in the above-entitled matter, together with the appeal record, and concluded pursuant to SDCL 15-26A-87.1(A), 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 ones of judicial discretion and there clearly was not an abuse of discretion (SDCL 15-26A-87.1(A)(1) and (3)), now, therefore, it is

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

The Court declines to consider the merits of Appellant's ineffective assistance of counsel claims 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 29th day of April,
2024.

BY THE COURT:

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

[Signature]
Steven R. Jensen, Chief Justice

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