

IN THE SUPREME COURT

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

OF THE

MAY 30 2023

STATE OF SOUTH DAKOTA

Shirley A. Johnson-Lund
Clerk

* * * *

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

VERN CARLIN TOPBEAR,
Defendant and Appellant.

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

#30202

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 opinion and
order below (SDCL 15-26A-87.1(A)(1) and (2)), now, therefore, it is

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

DATED at Pierre, South Dakota, this 30th day of May, 2023.

BY THE COURT:

ATTEST:

[Signature]
Deputy 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.