THIS ORDER HAS BEEN ELECTRONICALLY APPROVED BY THE COURT

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

* * * *

STATE OF SOUTH DAKOTA, Plaintiff and Appellee, vs. ROBERT LAWRENCE CLAUSEN, Defendant and Appellant.	**ORDER DIRECTING ISSUANCE OF JUDGMENT OF AFFIRMANCE #31509**

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 ground: 1. that the issues on appeal are clearly controlled by settled South Dakota law or federal law binding upon the states, 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 6th day of November, 2026.

BY THE COURT:

ATTEST:

_____
Steven R. Jensen, Chief Justice

_____
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.

Filed 11/6/2026 Supreme Court, State of South Dakota #31509