

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

SEP 06 2022

Shirley A. Johnson Lepp
Clerk

* * * *

STATE OF SOUTH DAKOTA,)
Plaintiff and Appellee,)
vs.)
ELIJAH J. VARVEL,)
Defendant and Appellant.)

ORDER DIRECTING ISSUANCE OF
JUDGMENT OF AFFIRMANCE

#29818

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.

DATED at Pierre, South Dakota, this 6th day of September, 2022.

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.