

IN THE SUPREME COURT OF THE STATE OF SOUTH DAKOTA

SUPREME COURT STATE OF SOUTH DAKOTA FILED

SEP 06 2022

Shif A Johnson Legal Clerk

STATE OF SOUTH DAKOTA

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MATHEW DAVID FREEMAN, Plaintiff and Appellant, vs. MARISSA ANN NELSON, Defendant and Appellee. ORDER DIRECTING ISSUANCE OF JUDGMENT OF AFFIRMANCE #29847

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, 2. that the issues on appeal are factual and there clearly is sufficient evidence to support the findings of fact and conclusion of law and 3. 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), (2) and (3)), now, therefore, it is

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

The Court is not awarding any appellate attorney fees.

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

BY THE COURT:

ATTEST: Clerk of the Supreme Court (SEAL)

Signature of 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.