

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

SEP 05 2023

*Shirley A. Johnson Legal*  
Clerk

\* \* \* \*

STATE OF SOUTH DAKOTA,	)	ORDER DIRECTING ISSUANCE OF
Plaintiff and Appellee,	)	JUDGMENT OF AFFIRMANCE
	)	
vs.	)	#29924
	)	
LACEY M. VANEMMERIK,	)	
Defendant and Appellant.	)	

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 ground that the issues on appeal are factual and there clearly is sufficient evidence to support the verdict below (SDCL 15-26A-87.1(A)(2)), now, therefore, it is

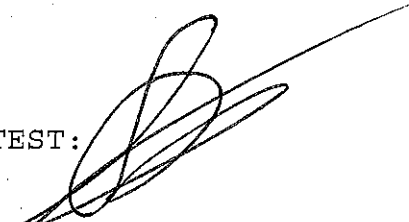
ORDERED that a judgment affirming the Judgment of the lower court be entered forthwith.

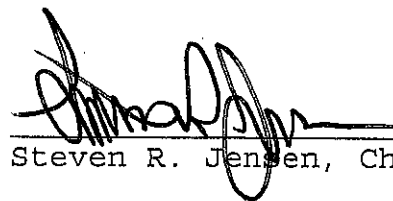
The Court declines to consider the merits of Appellant's ineffective assistance of counsel claim because the record on direct appeal does not afford an adequate basis to review the performance of trial counsel. [(See State v. Vortherms, 2020 S.D. 67, ¶30, 952 N.W.2d 13, 120).]

DATED at Pierre, South Dakota, this 5th day of September, 2023.

BY THE COURT:

ATTEST:



  
Steven R. Jensen, Chief Justice

Clerk of the Supreme Court  
(SEAL)

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