

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

IN THE SUPREME COURT

OF THE

JAN 17 2023

STATE OF SOUTH DAKOTA

Shif A. Johnson Legd
Clerk

* * * *

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

vs.

ARTEMIO MIGUEL PALUMBO,
Defendant and Appellant.

) ORDER DIRECTING ISSUANCE OF
) JUDGMENT OF AFFIRMANCE

) #29927
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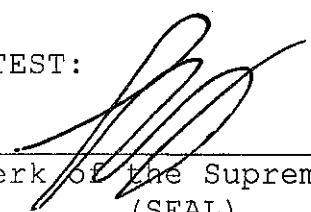
The Court considered all of the briefs filed in the above-entitled matter, together with the appeal record, and concluded pursuant to SDCL 15-26A-87.1(A), that it is manifest on the face of the briefs and the record that the appeal is without merit on the ground that the issues on appeal are clearly controlled by settled South Dakota law or federal law binding upon the states (SDCL 15-26A-87.1(A)(1)), and because the issue raised on appeal is non-jurisdictional and was waived before the circuit court, now, it is

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

DATED at Pierre, South Dakota, this 17th day of January, 2023.

BY THE COURT:

ATTEST:



Clerk of the Supreme Court
(SEAL)



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.