

SUPREME COURT  
IN THE SUPREME COURT STATE OF SOUTH DAKOTA  
FILED

OF THE

JAN 16 2024

STATE OF SOUTH DAKOTA

*Shirley A. Jensen*  
Clerk

\* \* \* \*

STATE OF SOUTH DAKOTA,	)	ORDER DIRECTING ISSUANCE OF
Plaintiff and Appellee,	)	JUDGMENT OF AFFIRMANCE
	)	
vs.	)	#29944
	)	
JUSTIN REDDY,	)	
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 ones of judicial discretion and there clearly was not an abuse of discretion (SDCL 15-26A-87.1(A)(3)), 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*, 202 S.D. 67, ¶ 30, 952 N.W.2d, 1213, 120.)]

DATED at Pierre, South Dakota, this 16th day of January, 2024.

BY THE COURT:

*Steven R. Jensen*  
Steven R. Jensen, Chief Justice

ATTEST:

*[Signature]*  
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.