

IN THE SUPREME COURT STATE OF SOUTH DAKOTA
FILED

OF THE

SEP 05 2023

STATE OF SOUTH DAKOTA

Shel A. Johnson Legal
Clerk

* * * *

STATE OF SOUTH DAKOTA,)
Plaintiff and Appellee,)
vs.)
XAVIER GAINSFORTH,)
Defendant and Appellant.)

ORDER DIRECTING ISSUANCE OF
JUDGMENT OF AFFIRMANCE

#30177, #30178

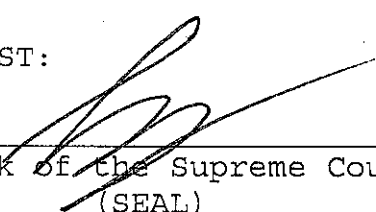
The Court having, pursuant to SDCL 15-26A-87.1(A), considered all of the briefs filed in the above-entitled matter, together with the appeal record, and having concluded that it is manifest on the face of the briefs and the record that the appeal is without merit on the ground that the issues on appeal 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 Judgments of the lower court be entered forthwith.

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