

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

JUN 10 2024

Shif Jensen
Clerk

* * * *

STATE OF SOUTH DAKOTA,)	ORDER DIRECTING ISSUANCE OF
Plaintiff and Appellee,)	JUDGMENT OF AFFIRMANCE
)	
vs.)	#30264
)	
ALTON RAY BEAR,)	
Defendant and Appellant.)	

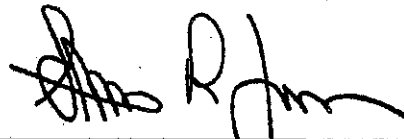
The Court considered all of the briefs filed in the above-entitled matter, together with the appeal record, and concluded pursuant to SDCL 15-26A-87.1(A), that it is manifest on the face of the briefs and the record that the appeal is without merit on the ground that the issues on appeal are clearly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

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

The Court declines to consider the merits of Appellant's ineffective assistance of counsel claim(s) because the record on direct appeal does not afford an adequate basis to review performance of trial counsel. [(See *State v. Vortherms*, 2020 S.D. 67, ¶ 30, 952 N.W.2d 113, 120).]


DATED at Pierre, South Dakota, this 10th day of June, 2024.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST:



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.

June 10, 2024

IN THE SUPREME COURT)
)SS
STATE OF SOUTH DAKOTA)

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

STATE OF SOUTH DAKOTA,
Plaintiff and Appellee,

J U D G M E N T

vs.

ALTON RAY BEAR,
Defendant and Appellant.

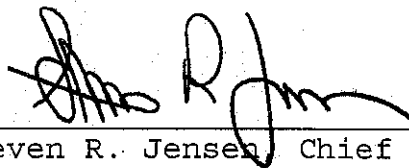
This Cause coming on to be heard pursuant to the provisions of SDCL
15-26A-87.1(A), and the Court having advised thereon and filed its order
directing issuance of a judgment affirming the judgment of the circuit court,
now, therefore,

IT IS CONSIDERED, ORDERED AND ADJUDGED that the Judgment of the Second
Judicial Circuit Court, within and for Minnehaha County, appealed from herein,
be and the same is hereby affirmed,

AND IT IS FURTHER ORDERED AND ADJUDGED that this cause be and it is
hereby remanded to said Circuit Court for further proceedings according to law
and the decision of this Court.

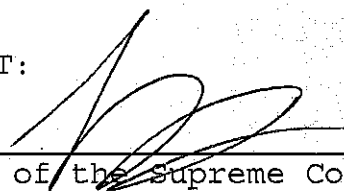
AND IT IS FURTHER ORDERED AND ADJUDGED that no costs be taxed.

BY THE COURT:




Steven R. Jensen, Chief Justice
SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

ATTEST:



Clerk of the Supreme Court
(SEAL)

JUN 10 2024


Clerk