

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

OCT 25 2019

Shel A. Johnson Legal
Clerk

* * * *

CHARLES RUSSELL RHINES,)
Plaintiff and Appellant,)
vs.)
SOUTH DAKOTA DEPARTMENT OF)
CORRECTIONS, and MIKE LEIDHOLT,)
Secretary, South Dakota)
Department of Corrections,)
Defendants and Appellees.)

CORRECTED

ORDER DENYING MOTION
FOR STAY OF EXECUTION

#29083

Appellant having served and filed a motion for stay of execution, and appellees having served and filed a response thereto, and the Court having considered said motion and response and being fully advised in the premises, now, therefore, it is

ORDERED that the motion for stay of execution be and it is hereby rendered moot and denied on that basis. *Rhines v. S.D. Dep't. of Corr.*, 2019 S.D. 59, ¶ 34 n.13, __N.W.2d__, __n.13.

DATED at Pierre, South Dakota this 25th day of October, 2019.

BY THE COURT:

ATTEST:

[Signature]
Clerk of the Supreme Court
(SEAL)

[Signature]

David Gilbertson, Chief Justice

(Justices Janine M. Kern and Patricia J. DeVaney disqualified.)

PARTICIPATING: Chief Justice David Gilbertson and Justices Steven R. Jensen and Mark E. Salter and Circuit Court Judges Michelle K. Comer and Kent Shelton.