

IN THE SUPREME COURT OF NORTH DAKOTA

Donald Robert Edwardson,	)	Supreme Court File No.
	)	20190182
)	
Petitioner and Appellant,	)	Cass County No.
	)	09-2018-CV-03036
v.)	
)	
State of North Dakota,	)	APPELLANT'S BRIEF
)	
Respondent and Appellee.)	

**Appeal from the Order Denying Post-Conviction Relief in Cass
county district court, east central judicial district, North Dakota,
June 5, 2019, the Honorable Thomas R. Olson, presiding.**

APPELLANT'S BRIEF
ORAL ARGUMENT REQUESTED

Kiara C. Kraus-Parr
ND Bar No. 06688
Kraus-Parr, Morrow, & Weber
424 Demers Ave
Grand Forks, ND 58201
Office: (701) 772-8991
service@kpmwlaw.com
Attorney for the Appellant

TABLE OF CONTENTS

TABLE OF AUTHORITIES	3
JURISDICTION..... ¶	1
STATEMENT OF ISSUES	¶ 2
STATEMENT OF CASE..... ¶	3
STATEMENT OF FACTS..... ¶	7
LAW AND ARGUMENT..... ¶	11
 I. Whether the district court erred by denying Mr. Edwardson’s petition for post-conviction relief..... ¶	 11
a. Ineffective assistance of counsel	¶ 15
b. New Discovered Evidence	¶ 17
c. Illegal Application of N.D.C.C. § 12.1-32-15..... ¶	20
d. Obvious error by not complying with Rule 11	¶ 22
CONCLUSION..... ¶	24

TABLE OF AUTHORITIES

Cases

<i>City of Chicago v. Morales</i> , 527 U. S. 41 (1999)	¶ 20
<i>Delvo v. State</i> , 2010 ND 78, 782 N.W.2d 72 (N.D. 2010)	¶ 11
<i>Garcia v. State</i> , 2004 ND 81, 678 N.W.2d 568 (N.D. 2004)	¶ 13
<i>Hill v. Lockhart</i> , 474 U.S. 52 (1985)	¶ 13
<i>Interest of J.A.H.</i> , 2014 ND 196, 855 N.W. 2d 394 (N.D. 2014)	¶ 14
<i>Interest of T.R.C.</i> , 2014 ND 172, 852 N.W.2d 408 (N.D. 2014)	¶ 14
<i>Moore v. State</i> , 2013 ND 214, 839 N.W.2d 834 (N.D. 2013)	¶ 13
<i>Peltier v. State</i> , 2015 ND 35, 859 N.W.2d 381 (N.D. 2015)	¶ 12
<i>Roe v. State</i> , 2017 ND 65, 891 N.W.2d 745 (N.D. 2017)	¶ 11
<i>State v. Boushee</i> , 459 N.W.2d 552 (N.D. 1990)	¶ 22
<i>State v. Hoehn</i> , 2019 ND 222	¶¶ 22, 23
<i>State v. Magnuson</i> , 1997 ND 228, 571 N.W.2d 642 (N.D. 1997)	¶ 22
<i>State v. Ruby</i> , 2000 ND 119, 611 N.W.2d 888 (N.D. 2000)	¶ 20
<i>State v. Schumacher</i> , 452 N.W.2d 345 (N.D. 1990)	¶ 22
<i>State v. Schweitzer</i> , 510 N.W.2d 612 (N.D. 1994)	¶ 22
<i>State v. Steinbach</i> , 1998 ND 18, 575 N.W.2d 193 (N.D. 1998)	¶ 20
<i>State v. Vandehoven</i> , 2009 ND 165, 772 N.W.2d 603 (N.D. 2009)	¶ 23
<i>State v. Wallace</i> , 2018 ND 225, 918 N.W.2d 64 (N.D. 2018)	¶ 12
<i>Strickland v. Washington</i> , 466 U.S. 668 (1984)	¶ 13
<i>United States v. Harriss</i> , 347 U. S. 612 (1954)	¶ 20

<i>United States v. Mazurie</i> , 419 U. S. 544 (1975)	¶ 20
<i>Weaver v. Massachusetts</i> , 137 S.Ct. 1899 (2017)	¶ 16

Statutes, Rules, Codes

N.D.C.C. § 12.1-32-15.....	¶¶ 3, 20
N.D.C.C. § 29-28-03	¶ 1
N.D.C.C. § 29-28-06	¶ 1
N.D.C.C. § 29-32.1-01.....	¶¶ 1, 17
N.D.C.C. § 29-32.1-14.....	¶ 1
N.D.R.Civ.P 52(a).....	¶¶ 11, 14
N.D.R.Crim.P 11	¶¶ 12, 13, 16, 23
N.D. Const. art. VI § 6	¶ 1

Oral Argument:

Oral argument has been requested to emphasize and clarify the Petitioner’s written arguments on their merits.

Transcript References:

The preliminary hearing and arraignment for this matter was held on May 30, 2017. The transcript of that appearance is referred to as PH in this brief. The Change of Plea for this matter was held directly after the Preliminary hearing on May 30, 2017. The transcript of that hearing is referred to as CoP in this brief. The transcripts are a part of the record in the underlying criminal case 09-2017-CR-1496.

Mr. Edwardson’s post-conviction relief hearing was held on May 15, 2019. The transcript of that hearing is referred to as PCR in this brief.

JURISDICTION

[¶ 1] The district court had jurisdiction under N.D.C.C. § 29-32.1-01. The North Dakota Supreme Court has jurisdiction over the appeal of this matter pursuant to N.D.C.C. § 29-32.1-14 which provides that, “[a] final judgment entered under this chapter may be reviewed by the supreme court of this state upon appeal as provided by rule of the supreme court.” Appeals shall be allowed from decisions of lower courts to the Supreme Court as may be provided by law. Pursuant to constitutional provision article VI § 6, the North Dakota legislature enacted Sections 29-28-03 and 29-28-06, N.D.C.C., which provides as follows:

“An appeal to the Supreme Court provided for in this chapter may be taken as a matter of right. N.D.C.C. § 29-28-03. An appeal may be taken by the defendant from:

1. A verdict of guilty;
2. A final judgment of conviction;
3. An order refusing a motion in arrest of judgment;
4. An order denying a motion for new trial; or
5. An order made after judgment affecting any substantial right of the party.”

N.D.C.C. § 29-28-06.

STATEMENT OF THE ISSUES

[¶ 2] I. Whether the district court erred by denying Mr. Edwardson’s petition for post-conviction relief.

STATEMENT OF CASE

[¶ 3] This is an appeal from the Cass County Order Denying Post-Conviction Relief, signed June 5, 2019 (Appendix 12). On April 17, 2017 the criminal information was filed in the underlying criminal case, 09-2017-CR-1496, alleging failure to register, in violation of N.D.C.C. § 12.1-32-15 (Index #1). Mr. Edwardson's arraignment was held on April 24, 2017.

[¶ 4] Attorney Vickers was appointed to represent Mr. Edwardson on April 24, 2017. Index # 9. A contested preliminary hearing was held May 30, 2017. The district court found there was probable cause to proceed with Mr. Edwardson's case. Mr. Edwardson changed his plea after probable cause was found on May 30, 2017. *See generally* Tr. PH and CoP, Case # 09-2017-CR-1496 Index # 31 and # 32. Mr. Edwardson was sentenced to one (1) year and one (1) day first to serve ninety (90) days, registration as a sexual offender, and one (1) year of supervised probation.

[¶ 5] On June 5, 2017 Mr. Edwardson, through his attorney, motioned the court to withdraw his guilty plea. On June 30, 2017 Mr. Edwardson wrote to the clerk of court requesting to withdraw his motion. *See* Case # 09-2017-CR-1496 Index # 27. Mr. Edwardson then filed a formal motion to withdraw his motion to withdraw his guilty plea through his attorney on July 13, 2017. *See* Case # 09-2017-CR-1496 Index # 26.

[¶ 6] On September 6, 2018, Mr. Edwardson wrote a letter to the Court requesting that his guilty plea be withdrawn because of the new

information he discovered, the illegal nature of the charge against him, and his attorney's ineffective performance. On September 11, 2018 the district court opened a Post-Conviction proceeding. On October 16, 2018 the undersigned was appointed to represent Mr. Edwardson in that proceeding. The post-conviction hearing was held on May 15, 2019. The court denied Mr. Edwardson's request to withdraw his plea. Mr. Edwardson timely filed a notice of appeal from that Order.

STATEMENT OF FACTS

[¶ 7] At Mr. Edwardson's contested preliminary hearing on May 30, 2017, Attorney Vickers established that Mr. Edwardson was a homeless individual. PH p. 7. Mr. Edwardson further explained at his post-conviction hearing that although he was homeless, he had intermittent housing. PCR p. 9. Testimony also revealed that Mr. Edwardson was going into the Fargo police department to register a physical street address more frequently than what was required by the statute. Specifically, he was registering with the Fargo police department every Monday, Wednesday, and Friday through the month of March in 2017. PH. Pp 4-5, 6. Mr. Edwardson also wore a GPS monitor during this same time. PH. p. 8.

[¶ 8] Mr. Vickers established through Detective Nichtern at the preliminary hearing that homeless individuals in Fargo often use a parking lot as an address for registration so that law enforcement can "find them if [they] need to talk to them." PH p. 4. Detective Nichtern also testified that

Mr. Edwardson registered the physical address for Stamart on 12th Ave North in Fargo, not because he lived in the parking lot, but because he would be in that area. PH p. 4, 10 ln 5-7. Detective Nichtern also testified that the Fargo police department requires a physical address when registering homeless individuals. PH p. 10 ln. 19. Detective Nichtern was uncertain if homeless individuals were being told to stay within a certain distance of the address they were using to register. *Id.* The court ultimately found there was sufficient evidence that Mr. Edwardson was not registering as required by law at the preliminary hearing. An arraignment was held directly before his change of plea. PH p. 17. Mr. Edwardson was not informed of minimum mandatory penalties during his arraignment. *Id.*

[¶ 9] Mr. Edwardson testified that he'd only spoken to Mr. Vickers twice, roughly 15 minutes apart, by telephone before the preliminary hearing. PCR pp. 5, 7. During the second conversation Mr. Edwardson testified that Mr. Vickers told him he should plead guilty to the charge. PCR p.7. Mr. Edwardson testified that he did not get an opportunity to discuss with his attorney the way in which Fargo was requiring homeless people to register. PCR p. 8. Specifically, Mr. Edwardson believed that the Fargo police department, specifically Detective Nichtern, should have only required descriptor information, not a physical address when registering homeless people. *Id.* at p. 9. Directly after the court determined there was probable cause Mr. Vickers spoke to the state's attorney and worked out a plea offer.

Mr. Edwardson testified that he had a couple minutes to decide to change his plea and be released for custody or proceed to trial and stay in custody. PCR p. 15 ln 11-12, 16-17. Mr. Edwardson testified that Mr. Vickers did not want to listen to him regarding his issues with registration, that at the time of his change of plea he was confused about what was happening, he did not want to do it, he wanted to go to trial, and that he felt a lot of pressure to change his plea after speak to Mr. Vickers. PCR pp. 12, 14, 15 ln 23, 16 ln 5-6. At Mr. Edwardson's change of plea the court did not inform him of any minimum mandatory penalties before accepting his plea. CoP pp. 2-3.

[¶ 10] After Mr. Edwardson's change of plea he discovered an email from Ms. Conley, an administrative assistant for the North Dakota sex offender registration at ND BCI, to Detective Nichtern. *See* Exhibit 1, Index # 34. The email was date October 12, 2017, and indicated that homeless persons are not required by the statute to register a physical street number. The email goes on to give an example of descriptor information, "corner of 10th & 2nd" as well as instructions that "Enough information gathered so that they 'could be located, if needed.'" *Id.* The email has a follow up on November 8, 2017 further explaining that the Fargo police department is requiring a "residence AND a mailing address." *Id.* Mr. Edwardson testified that if he had the email, or the information showing the Fargo police requiring more than descriptor information, prior to his change of plea he would have proceeded to trial. PCR pp. 13-14. Mr. Edwardson's position

regarding the email, specifically Detective Nichtern’s requirement for a physical address, showed that the charge against him was illegal, as it was being applied to him.

LAW AND ARGUMENT

I. Whether the district court erred by denying Mr. Edwardson’s petition for post-conviction relief.

Standard of Review

[¶ 11] Post-conviction relief proceedings are civil in nature and governed by the North Dakota Rules of Civil Procedure. *Delvo v. State*, 2010 ND 78, ¶ 10, 782 N.W.2d 72. This Court applies a “clearly erroneous” standard found in N.D.R.Civ.P. Rule 52(a) when reviewing a district court’s findings of fact on an appeal under the Uniform Post-Conviction Procedure Act. A finding of fact is clearly erroneous if it is induced by an erroneous view of the law, if it is not supported by any evidence, or if, although there is some evidence to support the finding, a reviewing court is left with a definite and firm conviction a mistake has been made. *Roe v. State*, 2017 ND 65, ¶ 5, 891 N.W.2d 745.

[¶ 12] A guilty plea “must be entered knowingly, intelligently, and voluntarily to be valid.” *Peltier v. State*, 2015 ND 35, ¶ 14, 859 N.W.2d 381. N.D.R.Crim.P Rule 11 (Rule 11), is the framework the court uses to determine if a plea is entered into knowingly, intelligently, and voluntarily. *State v. Wallace*, 2018 ND 225, ¶ 6, 918 N.W.2d 64. After the court has accepted a plea and imposed sentence, the defendant cannot withdraw the

plea unless withdrawal is necessary to correct a manifest injustice. A manifest injustice can occur when a trial attorney provides ineffective assistance of counsel or the court does not substantially comply with Rule 11.

[¶ 13] “To succeed on a claim for ineffective assistance of counsel, a petitioner must prove counsel’s performance fell below an objective standard of reasonableness and the deficient performance prejudiced him.” *Garcia v. State*, 2004 ND 81, ¶ 5, 678 N.W.2d 568, (citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984)). The first prong of the *Strickland* test requires that an attorney’s performance be measured by an objective standard of reasonableness, considering the prevailing professional norms. *Garcia* at ¶ 5. The second prong of the *Strickland* test requires a showing of “a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Id.* The two-pronged *Strickland* test also applies to challenges to guilty pleas that were entered as a result of ineffective assistance of counsel. *Hill v. Lockhart*, 474 U.S. 52, 58 (1985). When the claim of ineffective assistance of counsel relates to a guilty plea, this Court has held that the application is treated as one made under Rule 11(d) of the North Dakota Rules of Criminal Procedure. *Moore v. State*, 2013 ND 214, ¶ 10, 839 N.W.2d 834. Withdrawal of the guilty plea is allowed when necessary to correct a manifest injustice. *See Id.*

[¶ 14] When a matter is tried before a court, without a jury, N.D.R.Civ.P 52(a) requires that a court makes its finding of facts and

conclusions of law specifically, so as to provide a “clear understanding of the court’s decision.” *Interest of J.A.H.*, 2014 ND 196, ¶12, 855 N.W. 2d 394, 398 *citing Interest of T.R.C.*, 2014 ND 172 ¶9, 852 N.W.2d 408. In this case the district court made a conclusory finding, based on the entirety of the record, that Mr. Vickers performance was effective, additionally there was no prejudice to Mr. Edwardson’s case. *Order Denying Post-Conviction Relief*, ¶ 4. Conclusory and general findings do not comply with N.D.R.Civ.P. 52(a). *J.A.H.*, 2014 ND 196, ¶ 12, 855 N.W.2d 394. Rule 52(a), N.D.R.Civ.P., requires the court “find the facts specially and state its conclusions of law separately.” Where the court has failed to make specific factual findings, their conclusions are not supported by any evidence and therefore clearly erroneous.

a. Ineffective Assistance of Counsel

[¶ 15] In the present case testimony, and Mr. Edwardson’s late discovered evidence, shows that Mr. Edwardson was being required by the Fargo Police Department to register a physical street address when that is not a registration requirement for homeless people. Mr. Edwardson testified that he tried to talk to his counsel regarding that issue as a defense to his case, but that his counsel would not discuss it with him. Mr. Vickers also stated that he believed Mr. Edwardson was in violation of the statute because he was not registering the hotel he was staying at as his address. Mr. Vickers did not properly investigate the defense Mr. Edwardson was

attempting to assert. Had Mr. Vickers properly investigated Mr. Edwardson's claim, Ms. Conley could have given a statement supporting Mr. Edwardson's position in a deposition. This lack of diligence falls below a reasonable standard and satisfies the first prong of the test.

[¶ 16] The prejudice required in the context of a guilty plea is not ultimate success at trial but if not for counsel's error Mr. Edwardson would not have pled guilty. *See Weaver v. Massachusetts*, 137 S.Ct. 1899 (2017). Mr. Edwardson testified had he known the BCI agreed on record, as demonstrated in the October 12, 2017 email, that a physical address was not required, but simply enough information that Mr. Edwardson could be located, he never would not have changed his plea. Therefore, the second prong of the test is also met. Because counsel was ineffective and because that conduct prejudiced Mr. Edwardson, this Court should vacate his conviction and allow him to withdraw his guilty plea pursuant to Rule 11. Therefore, this Court should reverse the district court's finding that Mr. Vickers was effective and that there was no prejudice to Mr. Edwardson.

b. Newly Discovered Evidence

[¶ 17] In Mr. Edwardson's application, his letter dated September 6, 2018, for post-conviction relief he also alleges newly discovered evidence, in the form of the email submitted to the court. Post-conviction relief may be granted when "[e]vidence, not previously presented and heard, exists requiring vacation of the conviction or sentence in the interest of justice."

N.D.C.C. § 29-32.1-01(1)(e). The district court did not address this issue in its Order denying Mr. Edwardson post-conviction application. By completely ignoring one of Mr. Edwardson's stated claims for relief the district court's Order was clearly erroneous.

[¶ 18] Newly discovered evidence is generally analyzed under a four-part test. The defendant must show (1) the evidence was discovered after trial, (2) the failure to learn about the evidence at the time of trial was not the result of the defendant's lack of diligence, (3) the newly discovered evidence is material to the issues at trial, and (4) the weight and quality of the newly discovered evidence would likely result in an acquittal. *State v. Steinbach*, 1998 ND 18, ¶ 22, 575 N.W.2d 193. Because of the nature of a guilty plea rather than a conviction based upon a trial the test must be slightly adapted. The test should be that (1) the evidence was discovered after the change of plea, (2) the failure to learn about the evidence at the time of change of plea was not the result of the defendant's lack of diligence, (3) the newly discovered evidence is material to the issues at trial, and (4) the weight and quality of the newly discovered evidence would likely result in the defendant not pleading guilty.

[¶ 19] In this case, Mr. Edwardson discovered the email after his change of plea. Mr. Edwardson was diligent in attempting to get the information by working with his counsel to find support for his position that he need not register a street address as a homeless person. Unfortunately, his

counsel's lack of diligence and communication with Mr. Edwardson made discovery of the information prior to his change of plea impossible. As to prong three, the validity of information being required by the Fargo police goes directly to the heart of a failure to register case, thus this prong is also met. Finally, Mr. Edwardson testified that if he had this information prior to his change of plea he would not have pled guilty. Therefore, the email constitutes new evidence supporting the need for Mr. Edwardson to withdraw his plea and proceed to trial on the merits of the case.

c. Illegal Application of N.D.C.C. § 12.1-32-15

[¶ 20] Mr. Edwardson alleged that N.D.C.C. § 12.1-32-15 was being illegally applied to him as a homeless individual. This Court held the word “address” under a prior version of the statute included mailing and residential addresses. *State v. Ruby*, 2000 ND 119, ¶¶ 18-19; 611 N.W.2d 888. The Due Process Clause requires that the law give a person of ordinary intelligence fair warning that specific conduct is forbidden or mandated. *United States v. Harriss*, 347 U. S. 612, 617 (1954). Vagueness may invalidate a criminal law on either of two bases: a statute may fail to provide notice sufficient to enable ordinary people to understand what conduct it prohibits or requires, or the statute may authorize and **encourage arbitrary and discriminatory enforcement**. *City of Chicago v. Morales*, 527 U. S. 41, 55 (1999). Vagueness challenges to criminal statutes that do not implicate First

Amendment freedoms must be examined in the light of the facts of the case to be decided. *United States v. Mazurie*, 419 U. S. 544, 550 (1975).

[¶ 21] Because the term “address” requires offenders to specifically report a “residential or mailing address,” per this Court’s prior interpretation, and further considering that “homeless in Fargo” (See Exhibit 1) does not constitute an address the statute is unconstitutionally vague because it fails to provide clear guidelines to authorities charged with its enforcement regarding what specific information the offender is required to report. The penalties of the law cannot rest upon subjective guidelines. In this case whether registering a physical address AND a mailing address rather than descriptor information in Cass county while wearing a GPS monitor was in compliance with the law. The language of a criminal ordinance cannot be so ambiguous as to allow the determination of whether a law has been broken to depend upon the subjective opinions of complaining citizens and police officials, specifically Detective Nichtern’s interpretation of the law. Therefore, the law as applied to Mr. Edwardson was not constitutional and he should be allowed to withdraw his plea.

d. Obvious error by not complying with Rule 11

[¶ 22] When Mr. Edwardson changed his plea the minimum mandatory sentence was never disclosed, nor was he advised of minimum penalties and the arraignment, as is required. It is well settled that when the district court does not properly advise a defendant of the mandatory minimum sentence,

the interests of justice require the defendant to be allowed to withdraw his guilty plea. *State v. Hoehn*, 2019 ND 222; *State v. Magnuson*, 1997 ND 228, ¶ 18, 571 N.W.2d 642; *State v. Schweitzer*, 510 N.W.2d 612, 616 (N.D. 1994); *State v. Boushee*, 459 N.W.2d 552, 566 (N.D. 1990); *State v. Schumacher*, 452 N.W.2d 345, 348 (N.D. 1990).

[¶ 23] This specific issue was not brought to the district court's attention; however, this Court can still review it under an obvious error standard. The district court's failure to properly advise Mr. Edwardson of his rights under Rule 11 is 1.) an error that 2.) is plain and it 3.) effects his substantial rights. For obvious error, the alleged error must be a clear deviation from an applicable legal rule under current law to constitute obvious error. *State v. Vandehoven*, 2009 ND 165, ¶ 8, 772 N.W.2d 603. This Court has repeatedly stated it is obvious error when the district court does not advise the defendant of minimum penalties before accepting a change of plea. In *Hoehn* this Court reiterated,

“The ‘requirement to advise the defendant under N.D.R.Crim.P. 11 is mandatory and binding upon the court.’ We have explained that Rule 11 ‘does not require ‘ritualistic compliance’; however, a court must ‘substantially comply with the rule’s procedural requirements’ to ensure a defendant is entering a voluntary and intelligent guilty plea.’ The purpose of the Rule 11(b) requirements ‘is to ensure the defendant is aware of the consequences of his guilty plea.’”

(citations omitted) *State v. Hoehn*, 2019 ND 222, ¶ 18. The five or so minutes Mr. Edwardson had to make his decisions to change his plea along with his testimony at his post-conviction hearing that he was confused and pressured

demonstrates that the district court noncompliance prejudiced Mr. Edwardson Mr. Edwardson was prejudiced because the court failed to truly determine if Mr. Edwardson was “aware of the consequences of his guilty plea.” *Id.* The district court’s failure to substantially comply with Rule 11 is obvious error and Mr. Edwardson should be allowed to withdraw his guilty plea to correct a manifest injustice.

CONCLUSION

[¶ 24] WHEREFORE, Mr. Edwardson respectfully requests that the district court’s order denying his request to withdraw his plea be reversed to correct a manifest injustice.

Dated this 16th day of September, 2019

/s/ Kiara Kraus-Parr
ND Bar No. 06688
Kraus-Parr, Morrow, & Weber
424 Demers Avenue
Grand Forks, ND 58201
(701) 772-8991
service@kpmwlaw.com
Attorney for Appellant

IN THE SUPREME COURT OF NORTH DAKOTA

Donald Edwardson,	)	Supreme Court File No.
	)	20190182
)	
Petitioner and Appellant,	)	Cass County No.
	)	09-2018-CV-03036
v.)	
)	
State of North Dakota,	)	CERTIFICATE OF
	)	COMPLIANCE
Respondent and Appellee.)	

[¶ 1] This Appellant's Brief and Appendix complies with the page limit of 38 set forth in Rule 32(a)(8)(A) of the North Dakota Rules of Appellate Procedure as it only has 18 pages.

Dated: September 16, 2019.

/s/ Kiara Kraus-Parr
Kiara Kraus-Parr (ND#06688)
Kraus-Parr, Morrow, & Weber
424 Demers Avenue
Grand Forks, ND 58201
P: (701) 772-8991
F: (701) 795-1769
service@kpmwlaw.com
Attorney for Appellant

IN THE SUPREME COURT OF NORTH DAKOTA

Donald Edwardson,	)	Supreme Court File No.
	)	20190182
)	
Petitioner and Appellant,	)	Cass County No.
	)	09-2018-CV-03036
v.)	
)	
State of North Dakota,	)	CERTIFICATE OF
	)	SERVICE
Respondent and Appellee.)	

[¶1] The undersigned, being of legal age, being first duly sworn deposes and says that she served true copies of the following documents:

Appellant's Brief with Certificate of Compliance
Appellant's Appendix

[¶2] And that said copies were served upon:

Birch Burdick, State's Attorney,

by electronically filing said documents through the court's electronic filing system and upon:

Donald Edwardson, 72484 Csah 17, Dassel, MN 55352

by placing a copy of said documents in a sealed envelope with USPS, certified mail.

Dated: September 16, 2019.

/s/ Kiara Kraus-Parr
Kiara Kraus-Parr (ND#06688)
Kraus-Parr, Morrow, & Weber
424 Demers Avenue
Grand Forks, ND 58201
P: (701) 772-8991
F: (701) 795-1769
service@kpmwlaw.com
Attorney for Appellant