

[N.D. Supreme Court]

State v. McDonell, 544 N.W.2d 176 (N.D. 1995)

Filed Sep. 22, 1995

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IN THE SUPREME COURT

STATE OF NORTH DAKOTA

State of North Dakota Plaintiff and Appellee

v.

Daniel Patrick McDonell Defendant and Appellant

Criminal No. 950016

Appeal from the County Court, Cass County, East Central Judicial District, the Honorable Frank Racek, Judge.

AFFIRMED.

Per Curiam.

Stephen R. Dawson (argued), Assistant State's Attorney, Cass County, P.O. Box 2806, Fargo ND 58108-2806, for plaintiff and appellee.

Joe A. Johnson (argued), Wegner, Fraase, Nordeng, Johnson & Ramstad, 15 South 9th Street, Fargo ND 58103, for defendant and appellant.

State v. McDonell

Criminal No. 950016

Per Curiam.

Daniel Patrick McDonell appeals from a bench trial verdict entered in the County Court of Cass County convicting him of indecent exposure, a violation of subsection 2 of section 12.1-20-12.1 of the North Dakota Century Code. We affirm pursuant to Rule 35.1(a)(7), N.D.R.App.P. State v. Himmerick, 499 N.W.2d 568, 573 (N.D. 1993) (stating the standard when reviewing sufficiency of the evidence on appeal is "when, even after viewing the evidence in the light most favorable to the prosecution and giving the prosecution the benefit of all inferences reasonably to be drawn in its favor, no rational factfinder could have found the defendant guilty beyond a reasonable doubt").

Gerald W. VandeWalle, C.J.

William A. Neumann

Beryl J. Levine

Dale V. Sandstrom

Herbert L. Meschke