Filed 10/16/01 by Clerk of Supreme Court

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2001 ND 161

State of North Dakota, Plaintiff and Appellee

v.

Randall Shawn Ballard, Defendant and Appellant

No. 20000316

Appeal from the District Court of Ward County, Northwest Judicial District, the Honorable Gerald H. Rustad, Judge.

AFFIRMED.

Per Curiam.

Douglas L. Mattson, State's Attorney, Courthouse, 315 Third Street SE, P.O. Box 5005, Minot, N.D. 58702-5005, for plaintiff and appellee.

Debra K. Edwardson, Edwardson Law Office, Union Annex Building, Suite 303, 7A Central Avenue East, Minot, N.D. 58701-3828, for defendant and appellant; submitted on brief.

State v. Ballard

No. 20000316

Per Curiam.

[¶1] Randall Shawn Ballard appealed his conviction of two counts of aggravated assault and requested a new trial based on a claim of insufficient evidence and the use of perjured testimony by one of the State's witnesses with the alleged knowledge of the prosecuting attorney. The conviction is affirmed under N.D.R.App.P. 35.1(a)(3).

[¶2] Gerald W. VandeWalle, C.J.
Dale V. Sandstrom
William A. Neumann
Mary Muehlen Maring
Carol Ronning Kapsner