

**Filed 11/28/06 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2006 ND 234

State of North Dakota,

Plaintiff and Appellee

v.

Charles Joseph Morrell,

Defendant and Appellant

No. 20060078

Appeal from the District Court of Morton County, South Central Judicial District, the Honorable Donald L. Jorgensen, Judge.

AFFIRMED.

Per Curiam.

Allen M. Koppy, State's Attorney, 210 2nd Avenue NW, Mandan, ND 58554, for plaintiff and appellee. Submitted on brief.

Kent M. Morrow, P.O. Box 2155, Bismarck, ND 58502-2155, for defendant and appellant. Submitted on brief.

State v. Morrell

No. 20060078

Per Curiam.

[¶1] Charles Joseph Morrell appealed from a criminal judgment entered upon his conditional guilty plea to the offense of carrying a loaded firearm in a motor vehicle. Morrell argued that the district court erred in denying both his motion to dismiss and his motion in limine requesting a jury instruction on the excuse defense. We conclude the district court did not abuse its discretion and summarily affirm under N.D.R.App.P. 35.1(a)(4).

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