20170078

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT
SEPTEMBER 12, 2017
STATE OF NORTH DAKOTA

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

State of North Dakota, Plaintiff and Appellee vs. Delvin Lamont Shaw, Defendant and Appellant.	)	Supreme Court No. 20170078 Grand Forks County District Court Case No. 18-2014-CR-01319

Appeal from the District Court,
Grand Forks County, North Dakota
Northeast Central Judicial District
The Honorable Jon J. Jensen Presiding

BRIEF OF APPELLEE

Carmell F. Mattison (#06052)
Assistant State's Attorney
Grand Forks County
P.O Box 5607
Grand Forks, ND 58206
(701) 780-8281
E-Service Address: sasupportstaff@gfcounty.org

Jenna Bergman
Third Year Law Student
Certified under the Rule for
Limited Practice of Law by
Law Students (On-Brief)

TABLE OF CONTENTS

Table of Authorities ii

Jurisdictional Statement iii

Statement of the Issues iv

Statement of the Case ..... ¶1

Statement of the Facts ..... ¶3

Standard of Review ..... ¶6

Law and Argument ..... ¶7

I. The District Court complied with the requirements of N.D.R.Ev. 404 and 403 in its Order Denying Motion to Suppress Evidence ..... ¶7

II. The District Court correctly determined that the State's witness Dametrian Welch was an unavailable witness ..... ¶17

TABLE OF AUTHORITIES

North Dakota State Cases

Coppage v. State, 2013 ND 10, ¶ 19, 826 N.W.2d 320 ..... ¶14

State v. Aabrekke, 2011 ND 131, 800 N.W.2d 284 ..... ¶8, 10, 14

State v. Chisholm, 2012 ND 147, 818 N.W.2d 707 ..... ¶6

State v. Eugene, 536 N.W.2d 696 (N.D. 1995) ..... ¶12

State v. Hernandez, 2005 ND 214, 707 N.W.2d 449 ..... ¶13

State v. Jensen, 282 N.W.2d 55 (N.D.1979) ..... ¶13

State v. Purdy, 491 N.W.2d 402 (N.D.1992) ..... ¶13

State v. Roe, 2014 ND 104, 846 N.W.2d 707 ..... ¶6

State v. Shaw, 2016 ND 171, 883 N.W.2d 889 ..... ¶6, 7, 10

State v. Stewart, 2006 ND 39, 710 N.W.2d 403 ..... ¶12

North Dakota Statutes

N.D.C.C. § 27-05-06 iv

N.D.C.C. § 29-21-14 ..... ¶23

N.D.C.C. § 29-28-03 iv

N.D.C.C. § 29-28-06 iv

North Dakota Rules of Evidence

N.D.R.Ev. 403(a). ..... ¶9

N.D.R.Ev. 404(b)(2) ..... ¶8

N.D.R.Ev. 804(a)(2) ..... ¶17

Federal Cases

California v. Green, 399 U.S. 149 (1970) ¶21

Crawford v. Washington, 541 U.S. 36 (2004) ¶17

United States v. Bizzard, 674 F.2d 1382 (11th Cir. 1982) ¶18

United States v. Hessman, 493 F.3d 977 (8th Cir.2007) ¶9

United States v. Reed, 227 F.3d 763 (7th Cir. 2000) ¶20

United States v. Washington, 318 F.3d 845 (8th Cir. 2003) ¶25

United States v. Zappola, 646 F.2d 48 (2d Cir. 1981) ¶19

Other

N.D. Const. Art. VI § 6 iv

N.D. Const. Art. VI, § 8 iv

JURISDICTIONAL STATEMENT

This is an appeal of a Criminal Judgment entered after a jury trial. The district court had jurisdiction under N.D. Const. Art. VI, § 8 and N.D.C.C. § 27-05-06. This Court has jurisdiction over this appeal under N.D. Const. Art. VI § 6, N.D.C.C. § 29-28-03 and N.D.C.C. § 29-28-06.

STATEMENT OF THE ISSUES

I. The District Court complied with the requirements of N.D.R.Ev. 404 and 403 in its Order Denying Motion to Suppress Evidence.

II. The District Court correctly determined that the State's witness Dametrian Welch was an unavailable witness.

STATEMENT OF THE CASE

[¶1] This is an appeal of a Criminal Judgment entered after a jury trial. (Appellant's App. at 89). Delvin Lamont Shaw ("Mr. Shaw") was charged with one count of Burglary and one count of Murder on June 26, 2014. (Tr. at 266:11-12). On June 22, 2015, after a six day jury trial, Mr. Shaw was found guilty on both counts. (Appellant's App. at 8, DOC ID #268 and #269). Mr. Shaw subsequently appealed to the Supreme Court. (Appellant's App. at 31). The Supreme Court reversed and remanded back to the District Court for a new trial. (Appellant's App. at 31).

[¶2] Prior to the second trial, the State filed a notice that it planned to introduce evidence that Mr. Shaw was involved in a burglary in Apartment #301, directly above the victim's apartment that occurred approximately one week prior to the murder. (Appellant's App. at 46). Mr. Shaw objected to the introduction of such evidence. (Appellant's App. at 14, DOC ID# 398). The State responded on November 21, 2016. (Appellant's App. at 15, DOC ID #440). On November 30, the District Court denied Defendant's motion to suppress evidence pursuant to Rules 404 and 403. (Appellant's App. at 61). A second trial commenced on February 21, 2017. (Tr. at 1). Again, Defendant was found guilty on both counts. (Tr. at 1496:7-13). This appeal follows.

STATEMENT OF THE FACTS

[¶3] During the evening hours of June 23, 2014, Mr. Shaw was at the Ho Bar with Dametrian Marcel Welch, Jacob Penn, Mercedes Rich, Danielle Lisell, and Laconstance Martin. (Tr. at 949:17-18). Mr. Welch received a phone call from Marvin Sheppard. (Tr. at 950:21-15). Mr. Sheppard warned Mr. Welch that Mr. Shaw, Ms. Rich, and Mr. Penn had "money over their heads", meaning someone was out to kill them for a burglary they committed a couple days prior. (Tr. at 951:10-16). Mr. Shaw responded that they were going to "retaliate or take care of it." (Tr. at 952:17).

[¶4] In the early morning hours of June 24, 2017, Kelsie Waller and Jose Lopez were asleep in their living room. (Tr. at 326:15). They awoke to a kick at their front door and two men entering their apartment. (Tr. at 327:13-16). Mr. Lopez tried to push the two men out of their apartment, and was shot multiple times in the struggle. (Tr. at 327:19-21). Witnesses observed two African American men running from the building. (Tr. at 304:7-17; at 321:6). Unbeknownst to Mr. Shaw, he and Mr. Welch had entered the wrong apartment and it resulted in the tragic death of Mr. Lopez. After an investigation, Mr. Shaw was arrested and charged with Burglary and Murder. (Appellant's App. at 23).

[¶5] At Mr. Shaw's second trial, Mr. Welch was called as the State's witness. (Tr. at 925:2-3). Mr. Welch refused to testify. (Tr. at 927:21). The District Court inquired into Mr. Welch's reasons for refusing to testify, ordered him to testify, and informed Mr. Welch that if he did not testify he could be held in contempt. (Tr. at 928-930). Both parties agreed that Mr. Welch was refusing to testify. (Tr. at 930:1-2). He was declared an unavailable witness and his previous testimony from the first trial was played to the jury. (Tr. at 932:15-22).

STANDARD OF REVIEW

[¶6] This Court has stated that a district court's evidentiary ruling is reviewed under an abuse-of-discretion standard. State v. Shaw, 2016 ND 171, ¶ 5, 883 N.W.2d 889 (citing State v. Roe, 2014 ND 104, ¶ 10, 846 N.W.2d 707). "A district court abuses its discretion in evidentiary rulings when it acts arbitrarily, capriciously, or unreasonably, or it misinterprets or misapplies the law." Id (quoting State v. Chisholm, 2012 ND 147, ¶ 10, 818 N.W.2d 707).

LAW AND ARGUMENT

I. The District Court complied with the requirements of N.D.R.Ev. 404 and 403 in its Order Denying Motion to Suppress Evidence.

[¶7] Prior to the second trial, the State filed a notice pursuant to Rules 404 and 403 that it intended to introduce evidence of a prior burglary that occurred one floor above where the murder occurred. Mr. Shaw objected to the admission of that evidence under Rule 404. Subsequently, the District Court denied Defendant's motion to suppress evidence pursuant to Rules 404 and 403. Mr. Shaw now argues that the District Court's Order did not comply with the opinion in State v. Shaw, 2016 ND 171, ¶ 5, 883 N.W.2d 889 and Rules 404 and 403.

[¶8] Under Rule 404(b) of the North Dakota Rules of Evidence, evidence of other crimes, wrongs, or acts is "not admissible to show a person acted in conformity therewith." State v. Aabrekke, 2011 ND 131, ¶8-9, 800 N.W.2d 284. The rule excludes evidence of prior acts or crimes unless "the evidence is substantially relevant for some purpose other than to show a person's criminal character and that person acted in conformity with that character." Id. The evidence is admissible if used to prove "motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident." N.D.R.Ev. 404(b)(2).

[¶9] To decide whether evidence of other crimes or acts is admissible, a district court must apply a three-step analysis: (1) the court must look to the purpose for which the evidence is introduced; (2) the evidence of the prior act or acts must be substantially reliable or clear and convincing; and (3) in criminal cases, there must be proof of the crime charged which permits the trier of fact to establish the defendant's guilt or innocence independently on the evidence presented, without consideration of the

evidence of the prior acts. Id. Generally, the third step is satisfied with a cautionary jury instruction about the admissibility of the evidence and its use for a limited purpose. Id. at ¶10. See also United States v. Hessman, 493 F.3d 977, 983 (8th Cir.2007) (limiting instruction minimizes the danger of unfair prejudice to the defendant). Whether the evidence is admissible because it falls outside the scope of 404 or whether it is admissible under 404(b)(2), a court may still exclude evidence if its probative value is substantially outweighed by a danger of unfair prejudice. N.D.R.Ev. 403(a).

[¶10] The District Court complied with the opinion in State v. Shaw, 2016 ND 171, ¶ 5, 883 N.W.2d 889 and Rules 404 and 403. In its Order, the District Court went through each of the three steps. The District Court noted that first, the evidence was being offered to establish the reason why Mr. Shaw was at the victim's residence. Second, the evidence was reliable as well as clear and convincing since it was being provided by witnesses with knowledge of the events. And third, there was proof of the crime charged which would permit the jury to establish Mr. Shaw's guilt independent of the evidence of a prior burglary. The District Court noted that an eyewitness to the murder would testify and provide sufficient facts to establish that Shaw murdered the victim without consideration of the prior burglary. Therefore, the District Court went through each of the three steps from Aabrekke and determined that the prior bad act was admissible. Moreover, the District Court provided a cautionary jury instruction to the jury at trial regarding the prior bad act evidence.

[¶11] In addition, the District Court went through the Rule 403 balancing test. The District Court stated it must "balance the probative value of the evidence against its prejudicial effect in determining whether to admit evidence of a defendant's past crimes."

Order Denying Motion to Suppress Evidence – N.D.R.Ev. 404(b) and 403, 2:18-19 (Nov. 30, 2016). The District Court then determined that the evidence of Mr. Shaw's previous burglary "satisfie[d] the admissibility requirements of Rule 403." Id. at 3:23-24. Thus, it was not an abuse of discretion to allow testimony of Mr. Shaw's involvement in a prior burglary at trial.

[¶12] Error under Rule 404(b) is subject to a harmless error analysis. State v. Stewart, 2006 ND 39, ¶17, 710 N.W.2d 403. That is, reversal of a conviction is warranted only if the admitted testimony is "so prejudicial that substantial injury occurred" and absent the error "a different decision would have resulted." Id. (quoting State v. Eugene, 536 N.W.2d 696 (N.D. 1995)). If this Court were to hold that the District Court did not sufficiently analyze the 404(b) evidentiary issue in its Order, then it was harmless error and the record and evidence presented at the District Court level are sufficient to support a finding of Mr. Shaw's guilt in this case.

[¶13] This Court has held that otherwise inadmissible evidence may be admitted if the opposing party opens the door and invites any error. State v. Hernandez, 2005 ND 214, ¶ 20, 707 N.W.2d 449. See also State v. Purdy, 491 N.W.2d 402, 409 (N.D.1992) (holding no obvious error to allow questioning of defendant about arrest at clinic because defendant opened door for that evidence during testimony on direct examination); State v. Jensen, 282 N.W.2d 55, 64–69 (N.D.1979) (allowing admission of otherwise inadmissible evidence about prior altercation between defendant and another because defendant opened the door for evidence during examination of witnesses).

[¶14] Under N.D.R.Ev. 403, whether the probative value of the evidence is "substantially outweighed by the danger of unfair prejudice, confusion of the issues, or

misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." State v. Aabrekke, 2011 ND 131, ¶ 10, 800 N.W.2d 284. However, a defendant may not be "unfairly prejudiced" by the admission of evidence if the defendant's testimony introduces an issue or "opens the door" Coppage v. State, 2013 ND 10, ¶ 19, 826 N.W.2d 320.

[¶15] Mr. Shaw opened the door to the admission of the prior burglary. On Mr. Shaw's cross examination of the State's witness Amy Duvall, the relevant portion of the transcript is as follows:

BY MR. SHAW:

Q. Did law enforcement question you about the burglary of 301?

A. Yes.

Q. And you initially told them, after lying, that you drove there; correct?

MS. MATTISON: Objection to the characterization of the question.

THE COURT: You can rephrase the question, Mr. Shaw.

BY MR. SHAW:

Q. Did you eventually tell law enforcement that you drove me and Mercedes to South 17th Street?

A. I did tell law enforcement that I drove you there.

Q. And who asked you to take them over there?

A. Mercedes.

Q. Correct. (Tr. at 739-740).

[¶16] Mr. Shaw brought up the burglary of Apartment 301 on cross examination of Ms. Duvall. Prior to this line of questioning, the State had not brought up the burglary.

Mr. Shaw's cross examination of Ms. Duvall was the first time the jury had heard about the burglary of Apartment 301. Defendant opened the door to the admission of the prior bad act. It was not an abuse of discretion for the District Court to allow the testimony regarding Mr. Shaw's involvement in a burglary one floor above where the murder occurred.

II. The District Court correctly determined that the State's Witness Dametrian Welch was an unavailable witness.

[¶17] The United States Supreme Court has held that the confrontation clause prohibits the admission of testimonial hearsay against a defendant, unless the declarant is unavailable to testify and the defendant previously had an opportunity to cross-examine the declarant. Crawford v. Washington, 541 U.S. 36, 68 (2004). Under Rule 804, a declarant is considered to be unavailable as a witness if the declarant refuses to testify about the subject matter despite a court order to do so. N.D.R.Ev. 804(a)(2). Rule 804 is based on Fed.R.Ev. 804. Explanatory note. A witness has the right to refuse to testify and incriminate himself under the Fifth Amendment.

[¶18] In Bizzard, the Court determined that a witness was "unavailable" because of his persistent refusal to testify after an "order" of the court to do so, and the government was properly allowed to introduce a transcript of the witness's testimony given at the first trial. United States v. Bizzard, 674 F.2d 1382, 1387 (11th Cir. 1982).

[¶19] The Second Circuit has held that the procedure that should be followed when the court is faced with a witness's refusal to testify is (1) the issuance of an order outside the presence of the jury directing him to testify, and (2) a warning that continued refusal to testify despite the court's order will be punishable by contempt. United States v. Zappola, 646 F.2d 48, 54 (2d Cir. 1981).

[¶20] Appellant cites to Seventh Circuit and argues that the District Court in this case did not use good faith efforts to get Mr. Welch to testify. The rule is not that the government must do everything it can to get a witness to testify, only that it make a reasonable, good faith effort to get the witness into court. United States v. Reed, 227 F.3d 763, 767 (7th Cir. 2000). The Court in Reed warned the government's witness that if he refused to testify, he could be subjected to civil and criminal contempt, for which the penalty could include jail time. Id. The witness still refused to testify. Id The Court determined this was a good faith effort and nothing further could be done to compel the witness to testify. Id.

[¶21] Where the State has made every effort to introduce its evidence through the live testimony of a witness by producing the witness at trial, swearing him in as a witness, and tendering him for cross-examination, and the witness simply refuses to answer, nothing in the Confrontation Clause prohibits the State from relying on his prior testimony to prove its case. California v. Green, 399 U.S. 149, 167–68 (1970).

[¶22] In this case, Mr. Welch was declared an unavailable witness under Rule 804(a)(2). His prior testimony from the first trial was allowed to be played to the jury. The relevant portions of the transcript are as follows:

BY MS. BASS: On the evening of June 23rd, 2014, did you go out?

A. I refuse. I ain't saying nothing.

Q. Are you refusing to answer the question?

A. Yep.

MS. BASS: Your Honor, I guess I would ask the Court to direct the defendant - - or direct the witness to answer the question.

THE COURT: What's the basis for your decision not to -- why aren't you testifying?

THE WITNESS: Because I don't want to.

THE COURT: Okay. I'm going to order you to testify, Mr. Welch. You are under oath and you're required to testify. I'm going to order that you testify.

THE WITNESS: I ain't testifying.

THE COURT: All right, folks. Why don't we take just a ten - - why don't we take a ten-minute break. I'm going to have the jury step out. Mr. Hinnenkamp, we'll let you know.

(Jury escorted out of the courtroom)

THE COURT: All right. Have a seat, folks. Mr. Welch, I need an explanation as to why you're not going to testify.

THE WITNESS: Because I feel like, in the first place, like, I didn't know too much about this situation and, like, and the way things work in the system. You know what I mean? And I feel, like, shit, I was done wrong. So I feel like I ain't about to help them no more. I'm done helping them. And that's just the way I feel.

THE COURT: Okay. Now, I've ordered you to testify.

THE WITNESS: Yeah.

THE COURT: Do you understand that? You understand that you could be held in contempt of court for failing to testify?

THE WITNESS: Yep.

THE COURT: And you're still not going to testify?

THE WITNESS: Yep.

THE COURT: And the only reason why you don't want to testify is because you don't want to?

THE WITNESS: Yep.

THE COURT: Okay. And I'm going to consider whether or not I should hold you in contempt. Do you understand that?

THE WITNESS: Yep.

THE COURT: Okay. I'm -- I am going to make a factual finding that Mr. Welch is refusing testify about the subject matter - -

MR. SHAW: Your Honor?

THE COURT: - - in this matter? Yes, Mr. Shaw?

MR. SHAW: I think you should let him know he has a constitutional right to the Fifth Amendment.

THE COURT: Well, he's refusing to testify, so he's not making any statements. And that is correct. Nobody's told me anything about the Fifth Amendment, but - -

MR. SHAW: And he just told you he doesn't know anything about the system, Your Honor, so I'm just telling you.

THE COURT: Okay. That's - - that's - - he's refusing. You agree he's refusing to testify, Mr. Shaw?

MR. SHAW: Yes, sir.

THE COURT: All right. Then I've ordered him to. Looks like the parties are in agreement that he's refusing to testify.

[¶23] Mr. Shaw's objection at trial was not to Mr. Welch's refusal to testify, but to the introduction of Mr. Welch's former testimony. However, Mr. Shaw's objection

was misplaced. Mr. Shaw objected under 29-21-14, that a conviction cannot be upheld by the testimony of an accomplice unless the accomplice cooperates. Mr. Shaw misstated the rule. The rule is that the conviction cannot be upheld unless the testimony of an accomplice is corroborated. N.D.C.C. § 29-21-14.

[¶24] Mr. Shaw later objected to the introduction of Mr. Welch's former testimony on hearsay grounds. However, the District Court followed Rule 804. Both parties agreed that Mr. Welch was refusing to testify. Mr. Shaw even requested that the District Court instruct Mr. Welch on the Fifth Amendment. Mr. Shaw was familiar with the right against self-incrimination and wanted the District Court to advise Mr. Welch that he did not have to testify. It's apparent that Mr. Shaw's goal was to have Mr. Welch not testify against him. The District Court made a factual finding that the witness was refusing to testify even after being ordered to do so. Under Rule 804, the prior testimony could be admitted.

[¶25] Mr. Shaw now argues on appeal that the State should have used one of its "superior witness powers" to compel Mr. Welch to testify. Mr. Shaw argues that an example of such power was used in his first trial, by granting immunity to Laconstance Martin. Mr. Shaw also argues that the State has the ability to plea bargain with witnesses in exchange for testimony. However, the State is not required to offer a plea bargain or grant immunity to compel witnesses to testify. United States v. Washington, 318 F.3d 845, 855 (8th Cir. 2003) (the government has broad discretion in its grants of immunity). Moreover, Mr. Welch had already been convicted and sentenced.

[¶26] Mr. Shaw further argues that neither the State nor the District Court made a good faith effort to get Mr. Welch to testify. The State subpoenaed Mr. Welch for trial

and obtained a transport order from the District Court to have Mr. Welch brought to Grand Forks from Bismarck. The State called Mr. Welch to the stand and attempted to question him. When Mr. Welch refused to answer questions, the District Court informed him he could be subjected to contempt charges if he refused to testify. Mr. Welch still refused to answer any questions. This was a good faith effort by the State and the District Court and nothing further was required. The District Court followed Rule 804 in declaring Mr. Welch an unavailable witness. Therefore, it was not an abuse of discretion to allow the prior testimony of Mr. Welch to be played to the jury.

CONCLUSION

[¶27] The District Court did not abuse its discretion in admitting evidence of Mr. Shaw's involvement in a prior burglary. The District Court did not abuse its discretion in ruling Mr. Welch was an unavailable witness. Therefore, Mr. Shaw's appeal should be denied and the Judgment should be affirmed.

Respectfully submitted this 11 day of September, 2017.

Carmell F. Mattison (#06052)
Assistant State's Attorney
Grand Forks County
P.O Box 5607
Grand Forks, ND 58206
(701) 780-8281
E-Service Address: sasupportstaff@gfcounty.org

Jenna Bergman
Third Year Law Student
Grand Forks County
P.O Box 5607
Grand Forks, ND 58206
(701) 780-8281

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

State of North Dakota, Plaintiff and Appellee vs. Delvin Lamont Shaw, Defendant and Appellant.	)	Supreme Court No. 20170078 Grand Forks County District Court Case No. 18-2014-CR-01319

Appeal from the District Court,
Grand Forks County, North Dakota
Northeast Central Judicial District
The Honorable Jon J. Jensen Presiding

AFFIDAVIT OF SERVICE BY E-MAIL

STATE OF NORTH DAKOTA)
) SS
COUNTY OF GRAND FORKS)

The undersigned, being of legal age, being first duly sworn deposes and says that on the 12th day of September, 2017, she served via e-mail true copies of the following documents:

BRIEF OF APPELLEE, AND CONSENT TO APPEARANCE UNDER THE SENIOR PRACTICE RULE

and that said email was served on the address of:

Benjamin C. Pulkrabek
402 First Street NW
Mandan, ND 58554-3118
pulkrabek@lawyer.com

At the office of the Grand Forks County States Attorney's Office.

States Attorney's Office

Subscribed and sworn to before me this 12th day of September, 2017.

Notary Public

JENNIFER ALVSTAD
Notary Public
State of North Dakota
My Commission Expires March 26, 2021

cv

20170078
FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT
OCTOBER 25, 2017
STATE OF NORTH DAKOTA

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

State of North Dakota, Plaintiff and Appellee vs. Delvin Lamont Shaw, Defendant and Appellant.	)	Supreme Court No. 20170078 Grand Forks County District Court Case No. 18-2014-CR-01319

Appeal from the District Court,
Grand Forks County, North Dakota
Northeast Central Judicial District
The Honorable Jon J. Jensen Presiding

AFFIDAVIT OF SERVICE BY E-MAIL

STATE OF NORTH DAKOTA)
) SS
COUNTY OF GRAND FORKS)

The undersigned, being of legal age, being first duly sworn deposes and says that on the 25th day of October, 2017, she served via e-mail true copies of the following documents:

BRIEF OF APPELLEE

and that said email was served on the address of:

Benjamin C. Pulkrabek
402 First Street NW
Mandan, ND 58554-3118
pulkrabek@lawyer.com

At the office of the Grand Forks County States Attorney's Office.

States Attorney's Office

Subscribed and sworn to before me this 25 day of October, 2017.

Notary Public

JENNIFER ALVSTAD
Notary Public
State of North Dakota
My Commission Expires March 26, 2021

cv