

## IN THE SUPREME COURT FOR THE STATE OF NORTH DAKOTA

State of North Dakota,	)	District Court Case No. 08-2021-CR-1463
	)	
Plaintiff/Appellee,	)	<b>NOTICE OF APPEAL</b>
	)	
v.	)	
	)	
Brian Lee Schaf,	)	
	)	
Defendant/Appellant.	)	

[1] **NOTICE IS HEREBY GIVEN**, Brian Lee Schaf, the Defendant in Burleigh County case number 08-2021-CR-1463 appeals to the North Dakota Supreme Court, pursuant to the North Dakota Rules of Appellate Procedure, from the Order on Motion in Limine (R65) dated April 28, 2022, and the Criminal Judgment (R131) dated October 19, 2022, the Honorable James S. Hill, presiding.

[2] Pursuant to N.D. R. App. P. 3(c)(4) Mr. Schaf submits for a preliminary statement of issues: 1) the District Court erred in excluding evidence related to his intoxication, 2) the District Court erred in denying Mr. Schaf's request for a lesser included offense jury instruction, and 3) the District Court's jury instructions misstated the law. Mr. Schaf reserves the right to modify or expand upon the issues relevant to his appeal upon a full review of the transcripts and record.

Dated November 3, 2022.

/s/ Jackson J. Lofgren

Jackson J. Lofgren (ID # 06310)  
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[3] Pursuant to N.D. R. App. P. 25(d) counsel for Mr. Schaf acknowledges he electronically served a true and correct copy of this document upon Dennis Ingold, Assistant State's Attorney, by email to bc08@nd.gov.

Dated November 3, 2022.

/s/ *Jackson J. Lofgren*

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