

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF RANSOM

SOUTHEAST JUDICIAL DISTRICT

Byron Whetsel,)	
)	
Petitioner and Appellant,)	Case No. 37-2022-CV-51
-vs-)	
)	
State of North Dakota,)	NOTICE OF APPEAL
)	
Respondent and Appellee.)	

[¶1] **NOTICE IS HEREBY GIVEN** that, Byron Whetsel, by and through the undersigned counsel, hereby appeals to the Supreme Court of North Dakota, pursuant to Rule 3 of the North Dakota Rules of Appellate Procedure the Order Denying Petitioner's Application for Post-Conviction Relief in the above-entitled action dated on November 11th, 2022, in the District Court of Cass County, North Dakota, the Honorable Jay Schmitz presiding.

[¶2] Preliminary Statement of the Issues: Whether there was sufficient evidence to deny the Petitioner's Application for Post-Conviction Relief.

Dated: December 5th, 2022.

/s/ Kiara Kraus-Parr
 ND Bar No. 06688
 Kraus-Parr Law, pllc
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 Grand Forks, ND 58201
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 Attorney for Petitioner

STATE OF NORTH DAKOTA

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DECLARATION OF SERVICE

[1] The undersigned, being of legal age, being first duly sworn deposes and says that she served true copies of the following documents:

Notice of Appeal

And that said copies were served upon:

Fallon Kelly, Ransom County State's Attorney, fkelly@drtel.net

by electronically filing said documents through the court's electronic filing system. Also served upon:

Byron Whetsel #34982
c/o James River Correctional Center
2521 Circle Drive
Jamestown, ND 58401

by placing a true and correct copy of said items in a sealed envelope with USPS.

Dated: December 5, 2022.

/s/Kiara Kraus-Parr

ND Bar No. 06688

Kraus-Parr Law, pllc

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