

Filed 3/13/19 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2019 ND 59

State of North Dakota,

Plaintiff and Appellee

v.

Joshua John Gomez,

Defendant and Appellant

No. 20180364

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Cynthia Feland, Judge.

AFFIRMED.

Per Curiam.

Julie Lawyer, Burleigh County State's Attorney, Bismarck, ND, for plaintiff and appellee; submitted on brief.

Kent M. Morrow, Bismarck, ND, for defendant and appellant; submitted on brief.

State v. Gomez
No. 20180364

Per Curiam.

[¶1] Joshua John Gomez appealed from a district court’s second amended judgment revoking his probation and resentencing. Gomez argues the district court abused its discretion in revoking his probation because his probation violations were for drug usage, not sexual activity. The court did not abuse its discretion in revoking Gomez’s probation based on finding Gomez used drugs in violation of his probation terms. *See State v. Causer*, 2004 ND 75, ¶ 37, 678 N.W.2d 552 (holding court did not abuse its discretion in revoking probation based on defendant’s possession of alcohol in violation of his probation terms). We summarily affirm under N.D.R.App.P. 35.1(a)(4).

[¶2] Gerald W. Vandewalle, C.J.
Jerod E. Tufte
Daniel J. Crothers
Lisa Fair McEvers
Jon J. Jensen