

Filed 3/19/20 by Clerk of Supreme Court

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2020 ND 56

Lekemia D'Andre Caster,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

No. 20190043

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable David E. Reich, Judge.

AFFIRMED.

Per Curiam.

Samuel A. Gereszek, Grand Forks, ND, for petitioner and appellant.

Tessa M. Vaagen, Assistant State's Attorney, Bismarck, ND, for respondent and appellee.

Caster v. State
No. 20190043

Per Curiam.

[¶1] Lekemia D’Andre Caster appealed from a district court order summarily denying his application for post-conviction relief. In his application for post-conviction relief, Caster alleges the existence of newly discovered evidence and he received an unlawful sentence. Because the district court’s order did not explain its reasoning, and the record did not provide any insight into the court’s reasoning, we were unable to determine whether the court erred in denying Caster’s application for post-conviction relief. We retained jurisdiction under N.D.R.App.P. 35(a)(3) and remanded with instructions that the district court explain its reasoning, hold an evidentiary hearing if necessary, and make sufficient findings of fact on Caster’s amended application for post-conviction relief. *Caster v. State*, 2019 ND 187, 931 N.W.2d 223.

[¶2] An evidentiary hearing was scheduled on September 3, 2019. The parties concurred that no further evidence was necessary and legal argument would suffice. On November 7, 2019, the district court issued an order containing findings of fact and summarily dismissing Caster’s application. After reviewing the district court’s findings of fact, we summarily affirm under N.D.R.App.P. 35.1(a)(6).

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