

**Filed 1/30/01 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

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2001 ND 5

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State of North Dakota,

Plaintiff and Appellee

v.

Thomas Kelly,

Defendant and Appellant

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No. 20000154

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Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Donald L. Jorgensen, Judge.

AFFIRMED.

Per Curiam.

Leann Katherine Bertsch, Assistant State's Attorney, 514 East Thayer Ave., Bismarck, N.D. 58501, for plaintiff and appellee. Submitted on brief.

Wayne D. Goter, P.O. Box 1552, Bismarck, N.D. 58502-1552, for defendant and appellant. Submitted on brief.

**State v. Kelly**  
**No. 20000154**

**Per Curiam.**

[¶1] Thomas Kelly appeals from a judgment of conviction entered upon a jury verdict finding him guilty of gross sexual imposition, attempted gross sexual imposition, felonious restraint, and theft. We summarily affirm under N.D.R.App.P. 35.1(a)(3).

[¶2] Gerald W. VandeWalle, C.J.  
Mary Muehlen Maring  
William A. Neumann  
Dale V. Sandstrom  
Carol Ronning Kapsner