

**Filed 4/13/04 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

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2004 ND 70

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State of North Dakota, Plaintiff and Appellee

v.

Robin Lura, Defendant and Appellant

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Nos. 20030185-20030188

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State of North Dakota, Plaintiff and Appellee

v.

Darin Laber, Defendant and Appellant

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Nos. 20030189-20030191

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State of North Dakota, Plaintiff and Appellee

v.

Veronica Gascoine, Defendant and Appellant

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Nos. 20030192-20030194

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Appeal from the District Court of Wells County, Southeast Judicial District,  
the Honorable James M. Bekken, Judge.

AFFIRMED.

Per Curiam.

William A. Mackenzie of Mackenzie & Reissour, P.O. Box 1836, Jamestown,  
N.D. 58402-1836, for the defendants and appellants; submitted on brief.

Kathleen K. Trosen, State's Attorney, P.O. Box 325, Fessenden, N.D. 58438,  
for the plaintiff and appellee, submitted on brief.

**State v. Lura**  
**Nos. 20030185-20030194**

**Per Curiam.**

[¶1] Robin Lura, Darin Laber, and Veronica Gascoine appeal from their convictions and orders deferring imposition of sentence. A jury convicted Lura, Laber, and Gascoine of possession of a controlled substance, unlawful possession of drug paraphernalia, and manufacture of a controlled substance. Lura does not appeal from his conviction for unlawful possession of drug paraphernalia.

[¶2] On appeal, Lura, Laber, and Gascoine argue there is not substantial evidence to sustain their guilty verdicts, and they were denied a fair trial because the trial court erred in denying their requested jury instructions defining “accomplice” and “testimony of accomplice must be corroborated.”

[¶3] We affirm under N.D.R.App.P. 35.1(a)(3) and (7); State v. Kelley, 450 N.W.2d 729, 734 (N.D. 1990) (Vande Walle, J., concurring in result) (holding, in a separate opinion constituting the majority, that the trial court should have given a requested instruction requiring corroboration when the witness was implicated in the commission of the crime, and under the evidence, may have been an accomplice. However, failure to give the instruction was harmless because the jury was properly instructed on issues of determining credibility and there was also “sufficient corroborative evidence that tends to connect [the defendant] with the commission of the crime”).

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