

**Filed 1/31/06 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

---

2006 ND 5

---

State of North Dakota,

Plaintiff and Appellee

v.

Leo Dean Burgard,

Defendant and Appellant

---

No. 20050113

---

Appeal from the District Court of Ward County, Northwest Judicial District,  
the Honorable Douglas L. Mattson, Judge.

AFFIRMED.

Per Curiam.

Timothy C. Wilhelm, Assistant State's Attorney, P.O. Box 5005, Minot, ND  
58702-5005, for plaintiff and appellee. Submitted on brief.

Richard L. Hagar, P.O. Box 687, Minot, ND 58702-0687, for defendant and  
appellant.

**State v. Burgard**  
**No. 20050113**

**Per Curiam.**

[¶1] Leo Burgard appealed from a criminal judgment for the felony offense of unlawful possession of drug related paraphernalia. A criminal judgment was entered against Burgard after a jury found him guilty of the offense. Burgard claims there was insufficient evidence to support the verdict and the court abused its discretion by denying Burgard's motion to continue his jury trial. The trial court's judgment is supported by substantial evidence and the trial court did not abuse its discretion. We summarily affirm under N.D.R.App.P. 35.1(a)(3) and (4).

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