

**Filed 6/26/08 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2008 ND 126

State of North Dakota,

Plaintiff and Appellee

v.

Tilmer Paul Everett,

Defendant and Appellant

No. 20070074

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Bruce A. Romanick, Judge.

AFFIRMED.

Per Curiam.

Cynthia M. Feland (on brief), Assistant State's Attorney, Courthouse, 514 East Thayer, Bismarck, N.D. 58501-4413, for plaintiff and appellee.

Benjamin C. Pulkrabek (on brief), 402 First Street NW, Mandan, N.D. 58554-3118, for defendant and appellant.

State v. Everett

No. 20070074

Per Curiam.

[¶1] Tilmer Everett appeals a district court judgment entered after a jury found him guilty of gross sexual imposition, a class AA felony. Everett argues: 1) the State, in its closing argument, violated his constitutional right to remain silent; 2) the court erred by not admonishing the jury before taking two recesses during trial; and 3) there was insufficient evidence to support the conviction. We conclude the evidence was sufficient to support the conviction, and Everett's other arguments are without merit. We summarily affirm under N.D.R.App.P. 35.1(a)(1) and (3).

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