

ORIGINAL

20080151

IN THE SUPREME COURT

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STATE OF NORTH DAKOTA

FILED
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OR
SUPREME COURT NO.: 20080151

FEB 11 2009

DISTRICT COURT CASE NO.: 06-K-1916 STATE OF NORTH DAKOTA

State of North Dakota,

Plaintiff/Appellee,

- vs -

Jason Huffling,

Defendant/Appellant.

PETITION FOR REHEARING

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STATEMENT OF THE ISSUES

1. Should the Supreme Court rehear this case on the issues raised in Appellant's brief?

NATURE OF THE CASE

This is a petition to rehear the opinion filed in the above entitled matter on February 10, 2009.

STATEMENT OF FACTS

Appellant Jason Huffling (“Huffling”) Petitions for Rehearing from the North Dakota Supreme Court’s summarily affirming under NDRAp.P 35.1(a)(3) and (4).

ISSUE

Should the Supreme Court rehear this case on the issues raised in Appellant’s brief?

ARGUMENT

Limitations on the sentence a district judge can impose are made when a district judge prior to sentencing:

- 1) States what sentence he will impose and that sentence is less than the maximum allowed by law.
- 2) The Defendant relies on that statement the judge has made before he admits his guilt.

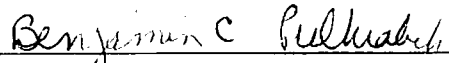
Huffling believes that he sufficiently in Appellant’s brief set out applicable law to overcome summary affirmation and respectfully requests the court to rehear this case on the issues raised in Appellant’s brief.

CONCLUSION

Mr. Huffling’s Petition for Rehearing should be granted.

Dated this 10 day of February, 2009.

Respectfully submitted:



Benjamin C. Pulkrabek, ID# 02908

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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that I am an employee in the office of Pulkrabek Law Office and I am a person of such age and discretion as to be competent to serve papers.

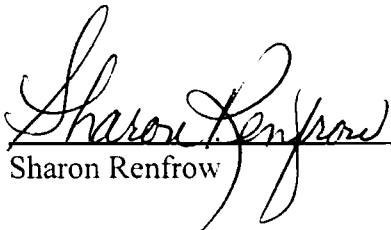
That on February 11th, 2009, she served, by mail, a copy of the following:

PETITION FOR REHEARING

by placing a true and correct copy thereof in an envelope and depositing the same, with postage prepaid, in the U.S. mail at Mandan, North Dakota, addressed as follows:

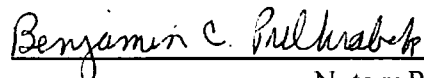
Tyrone Turner
Assistant State's Attorney
514 E. Thayer Ave.
Bismarck, ND 58501

I further certify that on February 11th, 2009, I dispatched to the Clerk of the North Dakota Supreme Court, an original and seven copies of the PETITION FOR REHEARING and emailed the same containing the full text of the Brief.



Sharon Renfrow

Subscribed and sworn to before me on this 11 day of February, 2009.



Notary Public

