

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA  
Supreme Court No. 20110051  
Burleigh County 08-03-K-2928

State of North Dakota, )  
 )  
 Plaintiff/Appellee, )  
 )  
 vs. )  
 )  
 Garron Gonzalez, )  
 )  
 Defendant/Appellant. )

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**PETITION FOR REHEARING**

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APPEAL FROM SUPREME COURT OPINION DATED JULY 13, 2011

Kent M. Morrow  
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**Statutes:**

North Dakota Century Code:

|                             |     |
|-----------------------------|-----|
| Section 12.1-32-04(8) ..... | ¶10 |
| Section 12.1-22-04(9) ..... | ¶10 |

1. **STATEMENT OF FACTS**

2. There are no new facts relevant to the Petition for Rehearing that were not contained in Gonzalez's Appellate Brief.

3. **STATEMENT OF PROCEEDINGS**

4. Following affirmance of the trial court's judgment by the North Dakota Supreme Court on July 13, 2011, Gonzalez filed his Petition for Rehearing on July 28, 2011.

5. **ISSUE**

6. Should the Petition for Rehearing be granted?

7. **LAW AND ARGUMENT**

8. The trial court's reliance on "judicial notice" and the absence of any expert testimony as to "grooming" behavior by Gonzalez was overlooked by the Supreme Court.

9. **CONCLUSION**

10. The Supreme Court misapprehended the motive behind the sentencing factors in Section 12.1-32-04(8) and (9).

Dated this 28<sup>th</sup> day of July, 2011.

*/s/ Kent M. Morrow*  
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**CERTIFICATE OF SERVICE BY E-MAIL**

On the 28<sup>th</sup> day of July, 2011, a copy of the foregoing Petition for Rehearing Appellant was served by e-mail upon Jacob Rodenbiker at [jarodenbiker@nd.gov](mailto:jarodenbiker@nd.gov)

*/s/ Kent M. Morrow*

Kent M. Morrow