

**Filed 3/11/14 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2014 ND 43

State of North Dakota,

Plaintiff and Appellee

v.

Barry Lee Benson,

Defendant and Appellant

No. 20130179

Appeal from the District Court of Bottineau County, Northeast Judicial District, the Honorable Michael G. Sturdevant, Judge.

AFFIRMED.

Per Curiam.

Anthony S. Benson, Assistant State's Attorney, 616 Main Street, Bottineau, ND 58318-1395, for plaintiff and appellee.

Ryan J. Thompson, Rolette County State's Attorney, P.O. Box 1079, Rolla, ND 58367, for defendant and appellant.

State v. Benson

No. 20130179

Per Curiam.

[¶1] Barry Lee Benson appeals from a district court judgment entered following a jury trial in which Benson was found guilty of continuous sexual abuse of a child. Benson argues the district court erred in denying Benson's motions for acquittal due to insufficient evidence and abused its discretion in allowing the State to present the testimony of a witness over Benson's objection. We summarily affirm the district court judgment under N.D.R.App.P. 35.1(a)(3) and (4).

[¶2] Gerald W. VandeWalle, C.J.
Carol Ronning Kapsner
Lisa Fair McEvers
Daniel J. Crothers
Dale V. Sandstrom