

**Filed 6/11/15 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

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2015 ND 143

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State of North Dakota,

Plaintiff and Appellee

v.

Sheldon Mark Smith,

Defendant and Appellant

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No. 20150019

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Appeal from the District Court of Cass County, East Central Judicial District,  
the Honorable Frank L. Racek, Judge.

AFFIRMED.

Per Curiam.

Reid A. Brady and Cherie L. Clark, Assistant State's Attorneys, Cass County  
Courthouse, P.O. Box 2806, Fargo, N.D. 58108-2806, for plaintiff and appellee;  
submitted on brief.

Clint D. Morgenstern, 424 DeMers Avenue, Grand Forks, N.D. 58201, for  
defendant and appellant; submitted on brief.

**State v. Smith**  
**No. 20150019**

**Per Curiam.**

[¶1] Sheldon Smith appeals from a criminal judgment of conviction of class C felony driving under the influence, entered after he conditionally pled guilty, “reserving his right to appeal a pre-trial order denying his motion to dismiss for lack of probable cause.” We affirm under N.D.R.App.P. 35.1(a)(3).

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