

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

SUPREME COURT NO.: 20150050 & 20150051

Garron William Gonzalez,

Petitioner and Appellant

- vs -

State of North Dakota

Respondent and Appellee

APPEAL FROM THE CIVIL JUDGMENTS IN
SOUTH CENTRAL JUDICIAL DISTRICT
BURLEIGH COUNTY CR. NO.'S 08-2013-CV-02334
AND 08-2013-CV-02338
THE HONORABLE JAMES S. HILL PRESIDING

PETITION FOR REHEARING

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STATEMENT OF THE ISSUES

[¶1] ISSUE:

I. Should the North Dakota Supreme Court grant Garron W. Gonzalez a new hearing because NDCC 29-32.1-01(2) is unconstitutional?

NATURE OF THE CASE

[¶2] This is a petition to rehear the opinion in the above entitled matter filed 7/1/2015.

STATEMENT OF FACTS

[¶3] Petitioner-Appellant, Garron William petitioning for a rehearing of the North Dakota Supreme Court ruling affirming the decision of the District Court of Burleigh County South Central Judicial District, the Honorable James S. Hill presiding.

ISSUE

[¶4] **ISSUE I. Should the North Dakota Supreme Court grant Garron W. Gonzalez a new hearing because NDCC 29-32.1-01(2) is unconstitutional?**

ARGUMENT

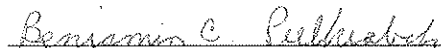
[¶5] In this case Defendant/Appellant, Garron W. Gonzalez is claiming that NDCC 29-32.1-01(2) is unconstitutional. He has cited two cases Wheeler vs Jackson 137 US 245 (1890) and Turner vs People of New York 168 US 90 to support this claim.

[¶6] It makes no sense to leave an unconstitutional law on the books.

CONCLUSION

[¶7] For the above and foregoing reasons Gonzalez's Petition for Rehearing should be granted.

DATED this 3 day of July 2015.


Benjamin C. Pulkrabek, ID #02908

CERTIFICATE OF SERVICE BY MAIL

[¶8] The undersigned hereby certifies that she is an employee in the office of Pulkrabek Law Firm and is a person of such age and discretion as to be competent to serve papers.

That on July 8th, 2015, she served, by e-mail and mailed a copy of the following:

APPELLANTS PETITION FOR REHEARING

to:	Julie Ann Lawyer Assistant State's Attorney <u>Bc08@nd.gov</u>	to:	Attorney Generals Office <u>ndag@nd.gov</u>
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Mailed to: Garron W. Gonzalez
NDSP
P.O. Box 5521
Bismarck, ND 58506

The undersigned further certifies that on July 8th, 2015, she served electronically on the Clerk, North Dakota Supreme Court, the DEFENDANT/APPELLANTS PETITION FOR REHEARING.

/s/Sharon Renfrow
Sharon Renfrow, Admin. Legal Assistant
Pulkrabek Law Office