

Filed 2/25/19 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2019 ND 55

In the Matter of Aaron J. Kulink

Leah J. Viste, Assistant State's Attorney, Petitioner and Appellee

v.

Aaron J. Kulink, Respondent and Appellant

No. 20180083

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

AFFIRMED.

Per Curiam.

Leah J. Viste, Assistant State's Attorney, Fargo, N.D., petitioner and appellee.

Tyler J. Morrow, Grand Forks, N.D., for respondent and appellant.

Matter of Kulink
No. 20180083

Per Curiam.

[¶1] Kulink appeals from an order denying discharge from commitment as a sexually dangerous individual. Kulink argues the district court did not make sufficient findings on the “likely to reoffend” element under N.D.C.C. § 25-03.3-01(8) or the *Crane* factor of “serious difficulty controlling behavior.” *See Kansas v. Crane*, 534 U.S. 407, 412-13 (2002). Additionally, Kulink argues the State did not meet its burden of clear and convincing evidence on the two prongs. This Court retained jurisdiction under N.D.R.App.P. 35(a)(3) and remanded to the district court for further proceedings. *See Matter of Kulink*, 2018 ND 260, 920 N.W.2d 446.

[¶2] The district court issued its Amended Findings of Fact, Conclusions of Law, and Order Denying Discharge on December 7, 2018. This Court received additional briefs from both parties. Kulink argues that the petitioner did not present clear and convincing evidence satisfying the *Crane* factor. We summarily affirm under N.D.R.App.P. 35.1(a)(2).

[¶3] Gerald W. VandeWalle, C.J.
Jerod E. Tufte
Daniel J. Crothers
Jon J. Jensen
Lisa Fair McEvers