

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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SUPREME COURT NO.: 20180275

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State of North Dakota,

Plaintiff and Appellant

- vs -

Ronald Duane Brakke,

Defendant and Appellant

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APPEAL FROM THE CRIMINAL JUDGMENT  
SOUTHEAST JUDICIAL DISTRICT  
GRIGGS COUNTY CIVIL. NO. 20-2018-CR-00006  
THE HONORABLE JAMES F HOVEY PRESIDING

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PETITION FOR REHEARING

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## ABBREVIATIONS

Transcript- T  
Appendix - App  
Page -P  
Pages - Pgs  
Line - L.

## STATEMENT OF THE ISSUES

[¶1] ISSUES:           **I. Did the North Dakota Supreme Court err when it summarily affirmed the District Court judgment.**

## NATURE OF THE CASE

[¶2] This is a petition when the North Dakota Supreme Court opinion in the matter filed on February 21, 2019.

## ARGUMENT

[¶3] Defendant , appellant Ronald Brakke addresses are such that it is impossible for him that have even receive a suspension order of his drivers license.

[¶4]     The facts that were admitted into evidence at Mr. Brakke trial are insufficient to establish that he ever received a letter with an order of suspension from the North Dakota Department of Transportation. Therefore Mr. Brakke did no receive the notice of suspension in a letter as required by NDCC section 31-11-0\_\_ (24)

## CONCLUSION

[¶5] For the above and forgoing reasons the North Dakota Supreme Court should grant a rehearing.

DATED this 7 day of March, 2019

*Benjamin C. Pulkrabek*  
\_\_\_\_\_  
Benjamin C. Pulkrabek, ID #02908

**CERTIFICATE OF SERVICE BY MAIL**

[¶36] 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 March \_\_\_\_, 2019, she served, by e-mail and mailed a copy of the following:

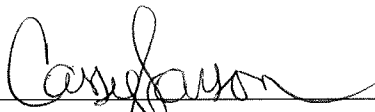
**BRIEF**

to: Jayme j. Tenneson  
Griggs County State's Attorney  
[Jayme.tenneson@griggscountynd.gov](mailto:Jayme.tenneson@griggscountynd.gov)

Mailed to: Brakke Ronald (2 letters) at different addresses:  
117 Main St,  
Grave City, ND 58445  
  
PO BOX 541  
Cooperstown, ND 58425.

The undersigned further certifies that on March 10<sup>th</sup>, 2019, she served electronically on the Clerk, North Dakota Supreme Court, the APPELLANTS

BRIEF.



Pulkrabek Law Office

**CERTIFICATE OF SERVICE BY MAIL**

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 March 7<sup>th</sup>, 2019, she served, by e-mail and mailed a copy of the

following:

**BRIEF**

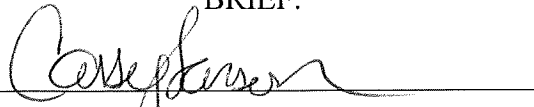
to: Jayme J. Tenneson  
Griggs County State's Attorney  
Jayme.tenneson@griggscountynd.gov  
PO BOX 541  
Cooperstown, ND 58425.

Mailed to: Brakke Ronald (2 letters) at different addresses:  
117 Main St,  
Grace City, ND 58445

Rural Route 1  
PO Box 7  
Grace City, ND 58445

The undersigned further certifies that on March 7<sup>th</sup>, 2019, she served electronically on the Clerk, North Dakota Supreme Court, the APPELLANTS

BRIEF.



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