

Filed 6/27/19 by Clerk of Supreme Court

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2019 ND 152

State of North Dakota,

Plaintiff and Appellee

v.

Joshua Ryan Taylor,

Defendant and Appellant

No. 20190005

Appeal from the District Court of Richland County, Southeast Judicial District,
the Honorable Bradley A. Cruff, Judge.

AFFIRMED.

Per Curiam.

Casey W. Moen, Assistant State's Attorney, Wahpeton, N.D., for plaintiff and
appellee; submitted on brief.

Joshua R. Taylor, self-represented, Wahpeton, N.D., defendant and appellant.

State v. Taylor

No. 20190005

Per Curiam.

[¶1] Joshua Taylor appeals from a district court order denying his motion for a new trial. He argues the district court erred in determining he failed to establish (a) the failure to learn about the evidence at the time of trial was not the result of the defendant's lack of diligence and (b) the weight and quality of the newly discovered evidence would likely have resulted in an acquittal. *See State v. Atkins*, 2019 ND 145, ¶ 17. Taylor argues that after his trial he discovered evidence that would have impeached the State's only witness on a collateral issue. Essentially, Taylor argues that if he had had this evidence to impeach the officer, the jury would have disbelieved other aspects of the officer's testimony and returned an acquittal. We conclude the district court did not abuse its discretion in denying the motion for new trial. We summarily affirm under N.D.R.App.P. 35.1(a)(4).

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