FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT
APRIL 14, 2022
STATE OF NORTH DAKOTA

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2022 ND 71

Dennis James Gaede, Petitioner and Appellant

v.

State of North Dakota, Respondent and Appellee

No. 20210336

Appeal from the District Court of Cass County, East Central Judicial District, the Honorable Steven E. McCullough, Judge.

AFFIRMED.

Per Curiam.

Laura C. Ringsak, Bismarck, ND, for petitioner and appellant; submitted on brief.

Birch P. Burdick, State's Attorney, Fargo, ND, for respondent and appellee; submitted on brief.

Gaede v. State
No. 20210336

Per Curiam.

[¶1] Dennis James Gaede appeals from an order denying his petition for postconviction relief. Gaede claims his 2018 diagnosis for post-traumatic stress disorder ("PTSD") is newly discovered evidence. The district court found Gaede's PTSD diagnosis is not newly discovered evidence, and this claim was brought outside the statute of limitations provided in N.D.C.C. § 29-32.1-01(3)(b). We conclude the court did not clearly err in finding Gaede's claim is outside the statute of limitations in denying Gaede's petition for postconviction relief. We summarily affirm under N.D.R.App.P. 35.1(a)(2).

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