

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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2025 ND 154

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State of North Dakota,

Plaintiff and Appellee

v.

Dean Allen Benter,

Defendant and Appellant

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No. 20240287

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Appeal from the District Court of Stutsman County, Southeast Judicial District,  
the Honorable Troy J. LeFevre, Judge.

DISMISSED.

Opinion of the Court by Jensen, Chief Justice.

John M. Gonzalez, Assistant State's Attorney, Jamestown, ND, for plaintiff and  
appellee; submitted on brief.

Justin M. Balzer, Bismarck, ND, for defendant and appellant; submitted on brief.

**State v. Benter**  
**No. 20240287**

**Jensen, Chief Justice.**

[¶1] Dean Benter appeals from a criminal judgment entered after a bench trial. He argues the evidence is insufficient to support the district court’s finding that he failed to register as a sexual offender. We dismiss the appeal for lack of jurisdiction.

[¶2] The district court entered criminal judgment on April 29, 2024. Benter filed a timely notice of appeal, which was docketed as No. 20240134. We subsequently dismissed Benter’s first appeal for failure to proceed, and he submitted a petition for rehearing that was rejected as untimely. Benter then filed this second notice of appeal on October 15, 2024.

[¶3] “In a criminal case, a defendant’s notice of appeal must be filed with the clerk of the supreme court within 30 days after the entry of the judgment or order being appealed.” N.D.R.App.P. 4(b)(1)(A). “The timely filing of a notice of appeal is mandatory and jurisdictional, and cannot be waived by the appellate court.” *Rahn v. State*, 2007 ND 121, ¶ 10, 736 N.W.2d 488. Benter filed notice of this appeal approximately 5½ months after the district court entered its criminal judgment. His appeal is untimely. The appeal is dismissed for lack of jurisdiction.

[¶4] Jon J. Jensen, C.J.  
Daniel J. Crothers  
Lisa Fair McEvers  
Jerod E. Tufte  
Douglas A. Bahr