

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2025 ND 223

State of North Dakota,

Plaintiff and Appellee

v.

Dennis James Gaede,

Defendant and Appellant

No. 20250313

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

AFFIRMED.

Per Curiam.

Nicholas S. Samuelson, Assistant State's Attorney, Fargo, ND, for plaintiff and
appellee; submitted on brief.

Dennis J. Gaede, Bismarck, ND, defendant and appellant; submitted on brief.

State v. Gaede
No. 20250313

Per Curiam.

[¶1] Dennis Gaede appeals from an order denying his N.D.R.Crim.P. 35(a) motion to correct an illegal sentence. A jury convicted Gaede of murder in 2006, and the district court sentenced him to life imprisonment without the possibility of parole. *See State v. Gaede*, 2007 ND 125, ¶ 7, 736 N.W.2d 418. He argues his sentence is illegal because he is innocent, the State did not meet its burden at trial, the jury instructions were improper, jurors engaged in misconduct, and witnesses falsely testified. The purpose of Rule 35(a) is to permit courts to correct a sentence that is not authorized by the judgment of conviction. *State v. Gray*, 2017 ND 108, ¶ 17, 893 N.W.2d 484. A Rule 35(a) motion may not be used to collaterally attack a conviction or re-examine other errors that occurred prior to imposition of a sentence. *Id.*; *see also State v. Meier*, 440 N.W.2d 700, 703 (N.D. 1989). We summarily affirm under N.D.R.App.P. 35.1(a)(7).

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