

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2025 ND 232

Merle Thomas Bohe,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

No. 20250285

Appeal from the District Court of Morton County, South Central Judicial District,
the Honorable Jackson J. Lofgren, Judge.

AFFIRMED.

Per Curiam.

Kiara C. Kraus-Parr, Grand Forks, ND, for petitioner and appellant; on brief.

Chase R. Lingle, Assistant State's Attorney, Mandan, ND, for respondent and
appellee; on brief.

Bohe v. State
No. 20250285

Per Curiam.

[¶1] Merle Thomas Bohe appeals from a district court order denying his application for postconviction relief. Bohe argues he was denied his constitutional right to appointed counsel because the court misapplied the Guidelines to Determine Eligibility for Indigent Defense Services and did not consider his exceptional factors when determining his indigent status.

[¶2] The district court denied postconviction relief, finding “Bohe’s income exceeded the established eligibility guidelines” and he did not provide information or documentation of his expenses to establish extraordinary circumstances. Bohe had the burden to show he was indigent. *State v. Ovind*, 2020 ND 51, ¶ 5, 939 N.W.2d 495. The court did not misapply the guidelines. Assuming, without deciding, the district court had discretion to consider Bohe’s alleged exceptional factors, the court did not abuse its discretion. After review of the record, we conclude the district court did not clearly err by denying Bohe’s applications for indigent defense counsel. We summarily affirm under N.D.R.App.P. 35.1(a)(2) and (4).

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