

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2026 ND 22

State of North Dakota,

Plaintiff and Appellee

v.

Angel Alberto Torres-Sosa,

Defendant and Appellant

No. 20250228

Appeal from the District Court of Grand Forks County, Northeast Central
Judicial District, the Honorable M. Jason McCarthy, Judge.

AFFIRMED.

Per Curiam.

Megan J.K. Essig, Assistant State's Attorney, Grand Forks, ND, for plaintiff and
appellee.

Samuel A. Gereszek, Grand Forks, ND, for defendant and appellant.

State v. Torres-Sosa
No. 20250228

Per Curiam.

[¶1] Angel Torres-Sosa appeals from a district court’s order denying his motion to suppress following the entry of a criminal judgment after a jury found him guilty of kidnapping, attempted gross sexual imposition, and aggravated assault. Torres-Sosa argues his incriminating statements should have been suppressed because they were obtained in violation of his rights under *Miranda*.

[¶2] Prior to trial, Torres-Sosa moved to suppress his pre-arrest statements. The district court denied the motion. Torres-Sosa failed to renew his objection at the time the evidence was offered during trial. Torres-Sosa forfeited any claim of error by failing to renew his objection at trial. *State v. Guthmiller*, 2025 ND 162, ¶ 8, 26 N.W.3d 548 (explaining “[f]orfeiture is the failure to timely assert a right”); *State v. Steen*, 2015 ND 66, ¶ 6, 860 N.W.2d 470 (to preserve issue, defendant must object to offer of evidence at trial despite unsuccessful pretrial motion); *State v. Horn*, 2014 ND 230, ¶ 9, 857 N.W.2d 77 (“Even if a party has raised an unsuccessful challenge in a pretrial motion, in order to preserve the issue for appeal, the party must renew the objection when the evidence is offered at trial.”).

[¶3] During oral argument, without citing any authority, Torres-Sosa argued his objection was preserved despite him not renewing his objection at trial. “Rule 28(b)(7)(B)(ii), N.D.R.App.P., requires the appellant’s brief contain ‘citation to the record showing that the issue was preserved for review; or a statement of grounds for seeking review of an issue not preserved[.]’” *State v. Roller*, 2024 ND 180, ¶ 19, 11 N.W.3d 864. Torres-Sosa’s brief provides no argument regarding how the issue was preserved or why this Court can review it when it was not preserved. The State raised Torres-Sosa’s failure to preserve the issue in its response brief. Despite the State raising the issue, Torres-Sosa did not file a reply brief addressing the issue. Torres-Sosa’s brief does not meet the minimum requirements of Rule 28(b)(7).

[¶4] Torres-Sosa forfeited any claim of error by failing to renew his objection at trial, and his brief does not meet the minimum requirements of N.D.R.App.P. 28(b). We summarily affirm the district court's judgment under N.D.R.App.P. 35.1(a)(7) and (8).

[¶5] Lisa Fair McEvers, C.J.

Daniel J. Crothers

Jerod E. Tufte

Jon J. Jensen

Douglas A. Bahr