

Filed 7/22/20 by Clerk of Supreme Court

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2020 ND 166

State of North Dakota,

Plaintiff and Appellee

v.

Douglas Edward Arends,

Defendant and Appellant

No. 20190373

Appeal from the District Court of Stark County, Southwest Judicial District,
the Honorable Dann Edward Greenwood, Judge.

AFFIRMED.

Per Curiam.

James A. Hope, Assistant State's Attorney, Dickinson, ND, for plaintiff and
appellee; submitted on brief.

Thomas F. Murtha IV, Dickinson, ND, for defendant and appellant.

State v. Arends
No. 20190373

Per Curiam.

[¶1] Douglas Arends appeals from a district court order revoking his probation and second criminal judgment. We summarily affirm under N.D.R.App.P. 35.1(a)(2) and (4).

I

[¶2] In September 2018, Arends pleaded guilty to selling unregistered securities, selling securities without being registered, and engaging in a fraudulent securities scheme, all class B felonies. The district court sentenced Arends to ten years imprisonment with ten years' suspended, supervised probation, and ordered Arends to pay \$58,000 in restitution within one year.

[¶3] In September 2019, the State filed a petition to revoke Arends' probation. The State claimed Arends violated his probation by taking money from others and entering into business and monetary transactions without his probation officer's approval. The State also alleged Arends failed to pay the balance of his restitution within one year from sentencing. After a hearing, the district court found Arends violated the terms of his probation. The court revoked his probation and sentenced him to ten years' imprisonment with six years suspended.

II

[¶4] Arends argues the district court clearly erred in its findings of fact and abused its discretion by revoking his probation. He argues the court erred as a matter of law by failing to construe the conditions of probation in his favor. Upon reviewing the record in this case, we conclude the court did not err as a

matter of law, its findings of fact were not clearly erroneous, and it did not abuse its discretion in revoking Arends' probation. We summarily affirm the order revoking probation and second criminal judgment under N.D.R.App.P. 35.1(a)(2) and (4).

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