

Filed 10/03/19 by Clerk of Supreme Court

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2019 ND 238

State of North Dakota,

Plaintiff and Appellee

v.

David Gray,

Defendant and Appellant

No. 20190031

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Douglas Alan Bahr, Judge.

AFFIRMED.

Per Curiam.

Mindy L. Anderson, Assistant State's Attorney, Bismarck, N.D., for plaintiff and appellee.

David B. Gray, self-represented, Bismarck, N.D., defendant and appellant; submitted on brief.

Paul R. Emerson, Assistant Attorney General, Bismarck, N.D., for amicus curiae State of North Dakota.

State v. Gray
No. 20190031

Per Curiam.

[¶1] David Gray appeals from a judgment entered after a jury found him guilty of preventing arrest. He argues N.D.C.C. § 211-08-02 is unconstitutional because it is vague and the district court erred in denying his motion to dismiss. He also argues insufficient evidence supported probable cause to charge him, insufficient evidence supported the jury’s verdict, and his sentence was excessive and unlawful.

[¶2] We summarily affirm under N.D.R.App.P. 35.1(a)(4) and (7). See *State v. Skarsgard*, 2007 ND 160, ¶ 6, 739 N.W.2d 786 (“A party’s failure to provide a transcript of the proceedings in the district court may prevent the party from prevailing on appeal. We will not review an issue if the record on appeal does not allow for a meaningful and intelligent review of the district court’s alleged error.” (citations omitted)); *State v. Noack*, 2007 ND 82, ¶¶ 8, 10, 732 N.W.2d 389 (This Court “will not consider an argument that is not adequately articulated, supported, and briefed,” because without adequate briefing and citation to authority, we are unable to meaningfully review alleged errors.); *State v. Kensmoe*, 2001 ND 190, ¶ 17, 636 N.W.2d 183 (“[A] question not raised or considered in the trial court cannot be raised for the first time on appeal.”).

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