

Filed 11/20/19 by Clerk of Supreme Court

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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2019 ND 277

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In the Matter of O.H.W.

State of North Dakota,

Petitioner and Appellee

v.

O.H.W.,

Respondent and Appellant

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No. 20190137

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Appeal from the District Court of Cass County, East Central Judicial District,  
the Honorable Stephannie N. Stiel, Judge.

AFFIRMED.

Per Curiam.

Leah Viste (appeared), and Emily J. Christensen (argued), third-year law student, under the Rule on Limited Practice of Law by Law Students, Fargo, N.D., for petitioner and appellee.

Tyler Morrow, Grand Forks, N.D., argued for respondent and appellant.

**Matter of O.H.W.**  
**No. 20190137**

**Per Curiam.**

[¶1] O.H.W. appeals the district court's order denying his petition for discharge from commitment as a sexually dangerous individual. He argues the State failed to prove by clear and convincing evidence that he has serious difficulty controlling his behavior. Under our modified clearly erroneous standard of review, we conclude the evidence supports the court's finding the State proved by clear and convincing evidence O.H.W. has serious difficulty controlling his behavior. The finding is not clearly erroneous. We summarily affirm under N.D.R.App.P. 35.1(a)(2).

[¶2] Gerald W. VandeWalle, C.J.  
Jon J. Jensen  
Daniel J. Crothers  
Jerod E. Tufte  
William A. Neumann, S.J.

[¶3] The Honorable William A. Neumann, Surrogate Judge, sitting in place of McEvers, J., disqualified.