

Filed 2/12/20 by Clerk of Supreme Court

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2020 ND 29

State of North Dakota

Plaintiff and Appellee

v.

Orlando Joseph Brown,

Defendant and Appellant

No. 20190206

Appeal from the District Court of Grand Forks County, Northeast Central Judicial District, the Honorable Lolita G. Hartl Romanick, Judge.

AFFIRMED.

Per Curiam.

Sarah W. Gereszek, Assistant State's Attorney, Grand Forks, ND, for plaintiff and appellee.

Benjamin C. Pulkrabek, Mandan, ND, for defendant and appellant.

State v. Brown
No. 20190206

Per Curiam.

[¶1] Orlando Joseph Brown appealed from a criminal judgment entered after a jury found him guilty of aggravated assault and two counts of gross sexual imposition. Brown argues the district court erred by issuing a pre-trial order allowing the State to introduce at trial evidence of past incidents of domestic violence that occurred between Brown and the victim within the three week period prior to the incident that led to the above stated charges. We conclude the district court did not abuse its discretion in issuing a pre-trial order permitting the State to introduce this prior-act evidence under N.D.R.Ev. 404(b). We summarily affirm under N.D.R.App.P. 35.1(a)(4).

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