

**Filed 06/29/20 by Clerk of Supreme Court**

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

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2020 ND 138

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Donald Ross Poole, III,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

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No. 20200012

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Appeal from the District Court of Cass County, East Central Judicial District,  
the Honorable Wade L. Webb, Judge.

AFFIRMED.

Per Curiam.

Kiara C. Kraus-Parr, Grand Forks, ND, for petitioner and appellant.

Tanya J. Martinez, Assistant State's Attorney, Fargo, ND, for respondent and  
appellee.

**Poole v. State**  
**No. 20200012**

**Per Curiam.**

[¶1] Poole was charged with and pleaded guilty to carrying a concealed weapon, in violation of N.D.C.C. § 62.1-04-02. Poole filed an application for post-conviction relief, seeking withdrawal of his guilty plea. Poole contends his plea was not made voluntarily, knowingly, and intelligently because, before accepting his plea of guilty, the district court failed to inquire into the specifics of his plea agreement and failed to find a sufficient factual basis for his guilty plea. The district court dismissed Poole’s application.

[¶2] We summarily affirm the district court’s order under N.D.R.App.P. 35.1(a)(4). The district court did not abuse its discretion in denying Poole’s motion to withdraw his guilty plea because a knowing, voluntary, and intelligent plea was entered and accepted with a sufficient factual basis. The district court personally addressed Poole prior to his plea of guilty to ensure the plea was voluntary and not coerced. *See State v. Yost*, 2018 ND 157, ¶ 21, 914 N.W.2d 508. A sufficient factual basis was established on the record when the district court described allegations which satisfied the specific crime and verified that Poole understood he was admitting the allegations. *See State v. Glaser*, 2015 ND 31, ¶ 30, 858 N.W.2d 920. We affirm.

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