

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2021 ND 69

State of North Dakota, Plaintiff and Appellee

v.

Douglas Landis, Defendant and Appellant

No. 20200323

Appeal from the District Court of Mountrail County, North Central Judicial District, the Honorable Richard L. Hagar, Judge.

AFFIRMED.

Per Curiam.

Wade G. Enget, State's Attorney, Stanley, N.D., for plaintiff and appellee.

Kiara C. Kraus-Parr, Grand Forks, N.D., for defendant and appellant.

**State v. Landis
No. 20200323**

Per Curiam.

[¶1] Douglas Landis appeals a district court criminal judgment following a jury verdict finding him guilty of two counts of negligent homicide. We summarily affirm under N.D.R.App.P. 35.1(a)(3).

[¶2] In the early morning hours of October 5, 2018, Landis was involved in a head-on collision that resulted in the death of two individuals. Landis's time card from the day prior stated that he had started work at 2:00 a.m. and ended work at 2:00 p.m. Business records, including bills of lading, showed that Landis continued to pick up and deliver frac-sand past 2:00 p.m. These records showed that Landis had been working 24 out of 28 and 1/2 hours prior to the crash. Trooper Preston Langer responded to the scene of the crash and testified that the further east he traveled, the conditions appeared to be deteriorating, with snow beginning to accumulate on the roadway. The State presented dash camera audio and video of a conversation that occurred between Trooper Langer and Landis, with Landis admitting that he could not see the center line and felt the truck drifting into the oncoming lane. Trooper Christa Kovarik testified as an expert for purposes of crash reconstruction and gave her opinion that the point of impact was delineated by gouge marks on the pavement located on the fog line of the eastbound lane. At the close of the State's case, Landis moved under Rule 29, N.D.R.Crim.P., for a judgment of acquittal. The district court denied the motion.

[¶3] On appeal, Landis argues the district court abused its discretion in denying his motion for a judgment of acquittal. We conclude that the verdict is supported by substantial evidence, and we summarily affirm under N.D.R.App.P. 35.1(a)(3).

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