

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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2022 ND 21

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State of North Dakota,

Plaintiff and Appellee

v.

Wayne Herbert Martinez,

Defendant and Appellant

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No. 20210207

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Appeal from the District Court of Morton County, South Central Judicial District, the Honorable John W. Grinsteiner, Judge.

AFFIRMED.

Per Curiam.

Paul E. Jensen, Assistant State's Attorney, Mandan, ND, for plaintiff and appellee.

Samuel A. Gereszek, Grand Forks, ND, for defendant and appellant.

**State v. Martinez**  
**No. 20210207**

**Per Curiam.**

[¶1] Wayne Herbert Martinez appeals from a criminal judgment in which he was found guilty of aggravated assault. Martinez argues his constitutional right to a speedy trial was violated. Martinez did not move to dismiss the criminal complaint. A defendant who fails to move to dismiss based on a speedy trial violation and submits to trial forfeits their claim asserting a violation of their right to a speedy trial. *See State v. Jensen*, 2021 ND 119, ¶¶ 14-17, 962 N.W.2d 393; *State v. Hamre*, 2019 ND 86, ¶¶ 6, 14-15, 924 N.W.2d 776; *Koenig v. State*, 2018 ND 59, ¶¶ 2, 14-24, 907 N.W.2d 344. After a review of the arguments properly presented on appeal, we summarily affirm under N.D.R.App.P. 35.1(a)(7).

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