

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2022 ND 143

State of North Dakota,

Plaintiff and Appellee

v.

Benjamin David Greff,

Defendant and Appellant

No. 20220059

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable Pamela A. Nesvig, Judge.

AFFIRMED.

Per Curiam.

Justin J. Schwarz, Assistant State's Attorney, Bismarck, ND, for plaintiff and appellee; submitted on brief.

Steven Balaban, Bismarck, ND, for defendant and appellant; submitted on brief.

State v. Greff
No. 20220059

Per Curiam.

[¶1] Benjamin Greff appeals from an amended order deferring imposition of sentence after he pled guilty to theft of property and was ordered to pay restitution. Greff argues the district court acted beyond statutory limits in setting the restitution amount at \$5,075 based on the testimony of the co-owner of the stolen property. We conclude the district court acted within statutory limits in setting the amount of restitution. *State v. Pagenkopf*, 2020 ND 33, ¶ 6, 939 N.W.2d 2 (“When reviewing a restitution order, we look to whether the district court acted within the limits set by statute, which is a standard similar to our abuse of discretion standard.”). We affirm under N.D.R.App.P. 35.1(a)(2).

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