

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

---

2022 ND 218

---

State of North Dakota,

Plaintiff and Appellee

v.

David Eugene Tully,

Defendant and Appellant

---

No. 20220214

---

Appeal from the District Court of Nelson County, Northeast Central Judicial District, the Honorable M. Jason McCarthy, Judge.

AFFIRMED.

Per Curiam.

Jayme J. Tenneson, State's Attorney, Lakota, N.D., for plaintiff and appellee.

Benjamin C. Pulkrabek, Mandan, N.D., for defendant and appellant.

**State v. Tully**  
**No. 20220214**

**Per Curiam.**

[¶1] David Tully appeals from a criminal judgment entered after he pled guilty to terrorizing in violation of N.D.C.C. § 12.1-17-04. On appeal, Tully argues that his case should be remanded to the district court to withdraw his guilty plea because the court failed to substantially comply with N.D.R.Crim.P. 11(b)(1)(A)-(E) and (3). He did not raise these issues at the district court. We do not address issues raised for the first time on appeal unless they rise to the level of obvious error affecting substantial rights under N.D.R.Crim.P. 52(b). *State v. Hoehn*, 2019 ND 222, ¶ 20, 932 N.W.2d 553; *State v. Cox*, 2017 ND 23, ¶¶ 8, 10, 889 N.W.2d 848. This Court finds no obvious error, and we therefore summarily affirm under N.D.R.App.P. 35.1(a)(3) & (7).

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