

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2022 ND 237

State of North Dakota,

Plaintiff and Appellee

v.

Clarence Michael Clauthier,

Defendant and Appellant

No. 20220223

Appeal from the District Court of Grand Forks County, Northeast Central Judicial District, the Honorable Lolita G. Hartl Romanick, Judge.

AFFIRMED.

Per Curiam.

Megan J.K. Essig, Assistant State's Attorney, Grand Forks, ND, for plaintiff and appellee; submitted on brief.

Samuel A. Gereszek, Grand Forks, ND, for defendant and appellant; submitted on brief.

State v. Clauthier
No. 20220223 & 20220224

Per Curiam.

[¶1] Clarence Clauthier appeals from two orders revoking his probation and resentencing him. On appeal, Clauthier argues the district court abused its discretion by revoking his probation. On the class B felony count, Clauthier argues the court erred in resentencing him to ten years of imprisonment because the facts in the record do not support the sentence. After reviewing the record, we note Clauthier admitted he violated the terms of his probation, admitted to the factual allegations, and requested his probation be revoked. In addition, his new sentences were within the statutory limits, and the court did not substantially rely on an impermissible factor. *State v. Henes*, 2009 ND 42, ¶ 6, 763 N.W.2d 502. We conclude the district court did not abuse its discretion by revoking Clauthier’s probation or resentencing him. We summarily affirm under N.D.R.App.P. 35.1(a)(2) and (4).

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