

SUPREME COURT OF NORTH DAKOTA

State v. Sapa

2022 ND 197 (N.D. 2022) · No. No. 20220072 · Decided November 10, 2022

SUMMARY

The North Dakota Supreme Court affirmed Michael Sapa’s conviction for gross sexual imposition involving a victim under fifteen. The court held that his appeal from the amended judgment incorporating restitution was timely and that the district court properly excluded evidence concerning Sapa’s belief about the victim’s age because the offense is one of strict liability. The court also rejected his arguments that the relevant statutes create confusing definitions of minors and that the strict-liability provision is unconstitutionally vague.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Daniel J. Crothers, Justice; Jon J. Jensen, Chief Justice; Gerald W. VandeWalle; Daniel J. Crothers; Lisa Fair McEvers; Jerod E. Tufte
JURISDICTION	North Dakota
DECIDED	November 10, 2022
DOCKET	No. 20220072
DISPOSITION	affirmed
PROCEDURAL POSTURE	Sapa appealed from an amended criminal judgment entered after a jury convicted him of gross sexual imposition involving a victim under fifteen and a defendant at least twenty-two.
STANDARD OF REVIEW	Evidentiary rulings are reviewed for abuse of discretion. Constitutional challenges to statutes, including vagueness challenges, are questions of law reviewed fully on appeal.
PRECEDENTIAL VALUE	published North Dakota Supreme Court opinion
PARTIES	Michael Anthony Sapa v. State of North Dakota

TOPICS

- criminal procedure
- appellate procedure
- evidence
- statutory interpretation
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Sapa's appeal from the amended judgment incorporating restitution was timely.
2. Whether the district court abused its discretion by excluding evidence concerning Sapa's knowledge or belief about the victim's age.
3. Whether N.D.C.C. §§ 12.1-20-01 and 14-10-01 create competing definitions of minors that render the statutory scheme confusing or arbitrary.
4. Whether N.D.C.C. § 12.1-20-01(1) is unconstitutionally vague because it refers to both age fifteen and age fourteen.

HOLDINGS

1. An appeal from an amended criminal judgment incorporating restitution is timely when filed within thirty days after entry of that amended judgment, at least where the amended judgment does not merely deprive the defendant of the opportunity to appeal.
2. The district court did not abuse its discretion by excluding evidence of Sapa's belief or perception concerning the victim's age because gross sexual imposition involving a child under fifteen is a strict-liability offense and mistake of age is not a defense.
3. The differing age provisions in N.D.C.C. §§ 12.1-20-01 and 14-10-01 do not create an impermissible conflict or require reversal of Sapa's conviction.
4. N.D.C.C. § 12.1-20-01(1) is not unconstitutionally vague.

KEY QUOTATIONS

“the crime of gross sexual imposition with a child under the age of fifteen is a strict liability offense.” (¶ 10)

“Evidence about the victim’s actual age is admissible because it directly relates to an element of the crime—that she was younger than fifteen.” (¶ 12)

“A statute is not unconstitutionally vague if the challenged language, when measured by common understanding and practice, gives adequate warning of the conduct proscribed and marks boundaries sufficiently distinct for fair administration of the law.” (¶ 18)

FACTUAL BACKGROUND

In February 2021, law enforcement investigated allegations of inappropriate sexual contact involving a fourteen-year-old girl and identified Sapa as a suspect. Sapa admitted during a law-enforcement interview that he had sexual intercourse with the victim. He was charged with gross sexual imposition under N.D.C.C. § 12.1-20-03, based on the victim being under fifteen and Sapa being at least twenty-two. At trial, the victim testified about her age and birthdate, and Sapa sought to introduce evidence concerning his belief about her age and differing birthdates posted on Facebook.

PROCEDURAL HISTORY

The District Court of Pembina County entered judgment on January 12, 2022, after a jury found Sapa guilty. After the State filed a restitution affidavit, the court entered an amended judgment incorporating restitution on February 22, 2022. Sapa appealed from the amended judgment on March 3, 2022. The North Dakota Supreme Court held the appeal timely and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Chyle, 297 N.W.2d 409, 410-11 (N.D. 1980)
- State v. Neigum, 369 N.W.2d 375, 376-77 (N.D. 1985)
- State v. Vandermeer, 2014 ND 46, ¶¶ 6, 19, 843 N.W.2d 686
- Kittleson v. Grynberg Petroleum Co., 2016 ND 44, ¶ 33, 876 N.W.2d 443
- Newman Signs, Inc. v. Hjelle, 268 N.W.2d 741, 758 (N.D. 1978)
- Johnson v. Hassett, 217 N.W.2d 771, 776-77 (N.D. 1974)
- Meyer v. Hawkinson, 2001 ND 78, ¶ 28, 626 N.W.2d 262
- State v. Holbach, 2009 ND 37, ¶¶ 23-24, 763 N.W.2d 761