

SUPREME COURT OF NORTH DAKOTA

Pederson v. State

2026 ND 1 (N.D. 2026) · No. No. 20250208 · Decided February 25, 2026

SUMMARY

The North Dakota Supreme Court affirmed in part, reversed in part, and remanded Jason Robert Pederson’s postconviction-relief case. The court held that the district court had subject matter jurisdiction, did not err by ruling without a hearing on the summary-disposition motions, and properly denied the motion to disqualify the judge. However, because the State did not move for summary disposition on the ineffective-assistance-of-counsel claims, the court reversed the dismissal of those claims and remanded for an evidentiary hearing.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Daniel J. Crothers, Justice; Lisa Fair McEvers, Chief Justice; Jerod E. Tufte, Justice; Jon J. Jensen, Justice; Douglas A. Bahr, Justice
JURISDICTION	Supreme Court of North Dakota
DECIDED	February 25, 2026
DOCKET	No. 20250208
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order and judgment of the District Court of Cass County summarily dismissing an application for postconviction relief.
STANDARD OF REVIEW	Subject-matter jurisdiction is reviewed de novo when jurisdictional facts are undisputed. A motion for disqualification is reviewed for abuse of discretion. Summary disposition in postconviction proceedings is proper when the record shows no genuine issue of material fact and the movant is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Jason Robert Pederson a/k/a Katheryn Pederson v. State of North Dakota

TOPICS

- post-conviction relief
- ineffective assistance
- appellate procedure
- standard of review
- criminal procedure

PRACTICE AREAS

postconviction relief

criminal procedure

appellate procedure

judicial disqualification

QUESTIONS PRESENTED

1. Whether the state district court had subject-matter jurisdiction over the underlying terrorizing prosecution even though the conduct arose in the context of a federal lawsuit.
2. Whether the district court violated North Dakota Court Rule 3.2(a)(3) by deciding the summary-disposition motions without a hearing.
3. Whether the district court improperly summarily dismissed Pederson's ineffective-assistance-of-counsel claims without an evidentiary hearing.
4. Whether the district court abused its discretion by denying Pederson's motion for judicial disqualification.

HOLDINGS

1. The Cass County district court had subject-matter jurisdiction over the terrorizing prosecution because the offense was committed within Cass County and North Dakota law grants district courts jurisdiction over wrongs committed against state law affecting persons or property. Although the district court incorrectly treated the jurisdictional claim as barred by misuse of process, that error was harmless.
2. The district court did not err by deciding the summary-disposition motions without a hearing because Pederson failed to timely secure a hearing within the fourteen-day period required by North Dakota Court Rule 3.2(a)(3) after the prior appeal was dismissed and the stay ended.
3. The district court erred by summarily dismissing Pederson's ineffective-assistance-of-counsel claims because the State did not move for summary disposition of those claims. The case must be remanded for an evidentiary hearing on ineffective assistance of counsel.
4. The district court did not abuse its discretion by denying Pederson's motion for disqualification because the facts did not provide a reasonable basis to question the judge's impartiality.

KEY QUOTATIONS

“Issues related to subject matter jurisdiction can be raised at any time and cannot be waived.” (§ 11)

“The State did not move for summary disposition on Pederson’s ineffective assistance of counsel claims. Therefore, summary disposition of those claims was error. We reverse for an evidentiary hearing on the issue of ineffective assistance of counsel.” (§ 21)

“We reverse the district court’s order and judgment on the issue of ineffective assistance of counsel and remand for proceedings consistent with this decision. We affirm the district court order and judgment summarily dismissing the remaining claims in Pederson’s application for postconviction relief.” (§ 36)

FACTUAL BACKGROUND

Pederson was convicted by a jury of terrorizing based on emails she sent to counsel for her former employer after a federal employment-discrimination action was dismissed. She was initially sentenced to jail with suspended time and supervised probation; the court later revoked probation after finding she willfully violated its conditions by possessing a loaded handgun and ammunition. In postconviction proceedings, she asserted, among other claims, that counsel provided ineffective assistance by improperly instructing her concerning firearm possession.

PROCEDURAL HISTORY

Pederson was convicted of terrorizing and later had probation revoked after the court found she violated her release conditions by possessing a firearm. She filed an application for postconviction relief raising constitutional, jurisdictional, evidentiary, and ineffective-assistance claims. The district court summarily dismissed the application, concluding the claims were barred by res judicata or misuse of process and that Pederson had not shown a material factual issue concerning ineffective assistance. The North Dakota Supreme Court affirmed dismissal of the remaining claims, reversed as to ineffective assistance of counsel, and remanded for an evidentiary hearing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for an evidentiary hearing and further proceedings on Pederson's ineffective-assistance-of-counsel claims. The summary dismissal of the remaining postconviction claims is affirmed.

CASES CITED

- State v. Pederson, 2024 ND 79, 6 N.W.3d 619
- Heyen v. State, 2001 ND 126, ¶ 11, 630 N.W.2d 56
- Williamson v. State, 2025 ND 66, ¶ 12, 18 N.W.3d 921
- Noorlun v. State, 2007 ND 118, ¶ 7, 736 N.W.2d 477
- Lavallie v. Jay, 2020 ND 147, ¶ 5, 945 N.W.2d 288
- Interest of N.L., 2022 ND 235, ¶ 11, 982 N.W.2d 857
- State v. Craig, 2019 ND 123, ¶ 5, 927 N.W.2d 99
- State v. Hamre, 2019 ND 86, ¶ 18, 924 N.W.2d 776
- Bridges v. State, 2022 ND 147, ¶ 5, 977 N.W.2d 718
- Almklov v. State, 2025 ND 27, ¶ 6, 17 N.W.3d 583
- Atkins v. State, 2017 ND 290, ¶ 8, 904 N.W.2d 738
- Steinbach v. State, 2003 ND 46, ¶ 17, 658 N.W.2d 355
- Davies v. State, 2018 ND 211, ¶ 10, 917 N.W.2d 8
- Sume v. State, 773 So. 2d 600, 602 (Fla. Dist. Ct. App. 2000)

- Rath v. Rath, 2016 ND 46, ¶ 31, 876 N.W.2d 474
- State v. Glaum, 2024 ND 47, ¶¶ 23, 37, 4 N.W.3d 540

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