

SUPREME COURT OF NORTH DAKOTA

State v. Houle

2022 ND 96 (2022) · No. No. 20210331 · Decided May 12, 2022

SUMMARY

The North Dakota Supreme Court affirmed Randy Joseph Houle’s criminal judgment for aggravated assault and false information to law enforcement. The court held that Houle waived any challenge to the circumstantial-evidence jury instruction because he requested and agreed to the instruction and did not object at trial.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Lisa Fair McEvers, Justice; Jon J. Jensen, C.J.; Gerald W. VandeWalle; Daniel J. Crothers; Lisa Fair McEvers; Jerod E. Tufte
JURISDICTION	North Dakota
DECIDED	May 12, 2022
DOCKET	No. 20210331
DISPOSITION	affirmed
PROCEDURAL POSTURE	Houle appealed a criminal judgment entered after a jury convicted him of aggravated assault and false information to law enforcement, arguing that the district court improperly instructed the jury regarding circumstantial evidence.
STANDARD OF REVIEW	The court applied the invited-error doctrine and held that because Houle agreed to the challenged jury instruction and did not object or request an additional instruction, any alleged error was waived and obvious-error review under N.D.R.Crim.P. 52(b) did not apply.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion
PARTIES	Randy Joseph Houle v. State of North Dakota

TOPICS

- jury instructions
- preservation of error
- appellate procedure
- criminal procedure
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court improperly instructed the jury on the use of direct and circumstantial evidence.
2. Whether Houle could obtain appellate relief based on an alleged jury-instruction error that he requested or affirmatively accepted at trial.

HOLDINGS

1. A party may not challenge on appeal a ruling or trial proceeding that the party invited or affirmatively accepted. Because Houle requested the instruction, agreed to the jury instructions, and did not object or request additional language, any alleged error was waived.
2. The invited-error doctrine would not apply to a structural constitutional error, but Houle conceded that the alleged instructional error was not constitutional in nature; therefore, no structural-error exception permitted appellate review.

KEY QUOTATIONS

“It is a cardinal rule of appellate review that a party may not challenge as error a ruling or other trial proceeding invited by that party.” (¶ 7)

“Houle may not now seek reversal based on an error he invited.” (¶ 7)

FACTUAL BACKGROUND

Houle was charged with aggravated assault, criminal attempt, and false information to law enforcement. At trial, both parties requested North Dakota pattern jury instruction K-5.16 concerning direct and circumstantial evidence, and the district court gave that instruction. Houle did not object to the instruction or request additional language before the jury was instructed. The jury convicted him of aggravated assault and false information to law enforcement.

PROCEDURAL HISTORY

Houle was charged with aggravated assault, criminal attempt, and false information to law enforcement. After the State's case in chief, the criminal-attempt charge was dismissed on Houle's N.D.R.Crim.P. 29 motion. The jury convicted him of the remaining charges, and he was sentenced to five years with one year suspended and credit for time served. The North Dakota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Holland v. United States*, 348 U.S. 121, 139-40 (1954)

- State v. Rende, 2018 ND 56, ¶ 9, 907 N.W.2d 361
- State v. White Bird, 2015 ND 41, ¶¶ 23-24, 858 N.W.2d 642
- State v. Watkins, 2017 ND 165, ¶ 14, 898 N.W.2d 442
- United States v. Marcus, 560 U.S. 258, 263 (2010)

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