

SUPREME COURT OF NORTH DAKOTA

Bohe v. State

Bohe, 2025 ND 232 (N.D. 2025) · No. No. 20250285 · Decided December 31, 2025

SUMMARY

The North Dakota Supreme Court affirmed the denial of Merle Thomas Bohe’s application for postconviction relief. The court held that the district court did not misapply the indigent-defense eligibility guidelines or abuse its discretion in declining to find exceptional circumstances, and summarily affirmed under N.D.R.App.P. 35.1(a)(2) and (4).

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Per Curiam; Jon J. Jensen, C.J.; Daniel J. Crothers; Lisa Fair McEvers; Jerod E. Tufte; Douglas A. Bahr
JURISDICTION	Supreme Court of North Dakota
DECIDED	December 31, 2025
DOCKET	No. 20250285
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a district court order denying an application for postconviction relief.
STANDARD OF REVIEW	The Supreme Court reviewed the denial of postconviction relief for clear error and the district court's discretionary determination for abuse of discretion.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion
PARTIES	Merle Thomas Bohe v. State of North Dakota

TOPICS

- post-conviction relief
- appellate procedure
- standard of review
- constitutional law

PRACTICE AREAS

- Postconviction relief
- Indigent defense
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the district court misapplied the Guidelines to Determine Eligibility for Indigent Defense Services in determining that Bohe was not indigent.
2. Whether the district court denied Bohe his constitutional right to appointed counsel by failing to consider alleged exceptional factors in determining his indigent status.
3. Whether the district court clearly erred or abused its discretion in denying Bohe's applications for indigent-defense counsel.

HOLDINGS

1. Bohe bore the burden of showing that he was indigent, and the district court did not misapply the indigent-defense eligibility guidelines in finding that he had not met that burden.
2. The district court did not abuse its discretion or clearly err by denying Bohe's applications for indigent-defense counsel.

FACTUAL BACKGROUND

Bohe sought appointed counsel in connection with postconviction proceedings and asserted that exceptional financial factors made him indigent despite income exceeding the established eligibility guidelines. The district court found that he had not supplied information or documentation of expenses sufficient to establish extraordinary circumstances and denied relief.

PROCEDURAL HISTORY

Bohe applied for postconviction relief, arguing that he was denied appointed counsel because the district court misapplied the indigent-defense eligibility guidelines and failed to consider exceptional factors. The Morton County District Court denied relief, finding that Bohe's income exceeded the eligibility guidelines and that he had not provided information or documentation of expenses establishing extraordinary circumstances. The North Dakota Supreme Court summarily affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Ovind, 2020 ND 51, ¶ 5, 939 N.W.2d 495

OPINION

PER CURIAM.

IN THE SUPREME COURT STATE OF NORTH DAKOTA 2025 ND 232 Merle Thomas Bohe, Petitioner and Appellant v. State of North Dakota, Respondent and Appellee No. 20250285 Appeal from the District Court of Morton County, South Central Judicial District, the Honorable Jackson

J. Lofgren, Judge. AFFIRMED. Per Curiam. Kiara C. Kraus-Parr, Grand Forks, ND, for petitioner and appellant; on brief.

Chase R. Lingle, Assistant State's Attorney, Mandan, ND, for respondent and appellee; on brief. Bohe v. State No. 20250285 Per Curiam. [¶1] Merle Thomas Bohe appeals from a district court order denying his application for postconviction relief. Bohe argues he was denied his constitutional right to appointed counsel because the court misapplied the Guidelines to Determine Eligibility for Indigent Defense Services and did not consider his exceptional factors when determining his indigent status. [¶2] The district court denied postconviction relief, finding "Bohe's income exceeded the established eligibility guidelines" and he did not provide information or documentation of his expenses to establish extraordinary circumstances.

Bohe had the burden to show he was indigent. State v. Ovind, 2020 ND 51, ¶ 5, 939 N.W.2d 495. The court did not misapply the guidelines. Assuming, without deciding, the district court had discretion to consider Bohe's alleged exceptional factors, the court did not abuse its discretion.

After review of the record, we conclude the district court did not clearly err by denying Bohe's applications for indigent defense counsel. We summarily affirm under N.D.R.App.P. 35.1(a)(2) and (4). [¶3] Jon J. Jensen, C.J. Daniel J. Crothers Lisa Fair McEvers Jerod E. Tufte Douglas A. Bahr 1