

SUPREME COURT OF NORTH DAKOTA

State v. Houkom

2021 ND 223 (N.D. 2021) · No. 20210058 · Decided December 9, 2021

SUMMARY

The North Dakota Supreme Court reversed Allison Marie Houkom’s conviction for giving false information to a law enforcement officer under N.D.C.C. § 12.1-11-03(1). The court held that the charging information was sufficient, but the State presented insufficient evidence that Houkom’s false name could have materially misled the officer in the context of his attempt to locate another individual.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Jerod E. Tufte; Jon J. Jensen, C.J.; Gerald W. VandeWalle; Daniel J. Crothers; Lisa Fair McEvers
JURISDICTION	North Dakota
DECIDED	December 9, 2021
DOCKET	20210058
DISPOSITION	reversed
PROCEDURAL POSTURE	Houkom appealed from a criminal judgment entered after a bench trial finding her guilty of giving false information to a law enforcement officer under N.D.C.C. § 12.1-11-03(1).
STANDARD OF REVIEW	Questions of statutory interpretation are reviewed de novo. The sufficiency of the evidence is reviewed to determine whether the record contains sufficient evidence from which a factfinder could draw a reasonable inference in favor of the conviction, viewing the evidence in the light most favorable to the verdict. The sufficiency of an information is reviewed by determining whether it provides adequate notice of the pending charges.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Allison Marie Houkom v. State of North Dakota

TOPICS

criminal procedure

statutory interpretation

appellate procedure

standard of review

preservation of error

PRACTICE AREAS

criminal law

criminal procedure

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appellate practice

QUESTIONS PRESENTED

1. Whether the charging information was legally sufficient when it tracked the language of N.D.C.C. § 12.1-11-03(1) and alleged that Houkom's false name may have interfered with an investigation or materially misled a law enforcement officer.
2. Whether N.D.C.C. § 12.1-11-03(1) requires proof that the false information could have interfered with the particular investigation or materially misled the officer in the official proceeding or matter in which the statement was made.
3. Whether sufficient evidence supported Houkom's conviction when the State did not establish that her false name could have affected the course or outcome of the officer's effort to locate another person.
4. Whether Houkom could raise a statutory retraction defense for the first time on appeal.

HOLDINGS

1. The information was sufficient because it tracked the statutory language and alleged the essential facts, including that Houkom knowingly gave a false name.
2. The statute requires the State to prove that the false information may have interfered with the particular investigation or may have materially misled the law enforcement officer in the particular official proceeding or matter in which the statement was made.
3. The evidence was insufficient to support Houkom's conviction because the State failed to prove beyond a reasonable doubt that her false name could have affected the course or outcome of Oldham's effort to locate and serve the male subject of the warrant.
4. The Court would not consider Houkom's retraction defense because she did not raise it in the district court.

KEY QUOTATIONS

“Subsection 1 of the statute contains three elements, all of which must be proved beyond a reasonable doubt by the State to support a conviction.” (¶ 9)

“The official proceeding or matter in which the false statement was made directly controls whether the falsification can be said to be material.” (¶ 12)

“Because there is no testimony explaining any possibility that Houkom’s false name may have misled Oldham in his attempt to locate the male, on the specific facts of this case no reasonable factfinder could find the required materiality to be satisfied.” (¶ 15)

FACTUAL BACKGROUND

Officer Matt Oldham approached Houkom while attempting to serve a warrant on a man at a West Fargo residence. Houkom denied knowing whether the man was inside, denied living at the residence, and gave Oldham the false name "Kaylinn Marie Schmainda." About one minute later, she admitted the name was false and provided her correct name; the warrant associated with her was non-extraditable. At trial, the State did not present evidence explaining how the false name could have affected Oldham's investigation of the man he was seeking.

PROCEDURAL HISTORY

A West Fargo officer charged Houkom after she gave a false name while he was attempting to serve a warrant on another person. Before trial, Houkom moved to dismiss the information, arguing it failed to allege that the false statement interfered with an investigation or materially misled an officer; the district court denied the motion. After a bench trial, the district court found her guilty, and the North Dakota Supreme Court reversed the judgment because the evidence did not establish materiality beyond a reasonable doubt.

DISPOSITION

reversed

CASES CITED

- State v. Conrad, 2017 ND 79, ¶ 6, 892 N.W.2d 200
- State v. Perreault, 2002 ND 14, ¶ 7, 638 N.W.2d 541
- State v. Montplaisir, 2015 ND 237, ¶ 9, 869 N.W.2d 435
- State v. Kirkpatrick, 2012 ND 229, ¶ 25, 822 N.W.2d 851
- State v. M.J.W., 2020 ND 183, ¶ 9, 947 N.W.2d 906
- State v. Buchholz, 2005 ND 30, ¶ 6, 692 N.W.2d 105
- State v. Bearrunner, 2019 ND 29, ¶ 5, 921 N.W.2d 894
- Michael v. Trevena, 899 F.3d 528, 534 (8th Cir. 2018)
- State v. Glaser, 2015 ND 31, ¶ 18, 858 N.W.2d 920
- State v. Rufus, 2015 ND 212, ¶ 9, 868 N.W.2d 534
- Moe v. State, 2015 ND 93, ¶ 11, 862 N.W.2d 510
- State v. Mohamud, 2019 ND 101, ¶ 12, 925 N.W.2d 396
- State v. Cody, 2019 ND 38, 923 N.W.2d 123
- United States v. Moore, 612 F.3d 698, 701 (D.C. Cir. 2010)
- City of Bismarck v. Schoppert, 469 N.W.2d 808, 813 (N.D. 1991)
- United States v. Allen, 892 F.2d 66, 68 (10th Cir. 1989)
- State v. LaPlanche, 349 N.C. 279, 282, 507 S.E.2d 34, 36 (1998)