

SUPREME COURT OF NORTH DAKOTA

State of North Dakota v. Danial Ray Curtis

Curtis, 2023 ND 223 (N.D. 2023) · No. 20230182 · Decided November 24, 2023

SUMMARY

The North Dakota Supreme Court affirmed Danial Ray Curtis’s conviction for unauthorized use of personal identifying information. The Court held that sufficient evidence supported the finding that Curtis willfully presented a check using another person’s financial account information to obtain money without authorization. The Court also declined to consider legislative history because the statute was clear and unambiguous.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Lisa Fair McEvers, Justice; Jon J. Jensen, Chief Justice; Daniel J. Crothers, Justice; Jerod E. Tufte, Justice; Douglas A. Bahr, Justice
JURISDICTION	North Dakota
DECIDED	November 24, 2023
DOCKET	20230182
DISPOSITION	affirmed
PROCEDURAL POSTURE	Curtis appealed a criminal judgment entered after a bench trial, challenging the sufficiency of the evidence and arguing that his prosecution was contrary to the legislative intent of the unauthorized-use statute.
STANDARD OF REVIEW	The Supreme Court viewed the evidence in the light most favorable to the verdict and asked whether a rational factfinder could have found Curtis guilty beyond a reasonable doubt. It did not reweigh conflicting evidence or assess witness credibility. A bench trial was reviewed under the same standard as a jury trial.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion; precedential
PARTIES	Danial Ray Curtis v. State of North Dakota

TOPICS

- criminal procedure
- evidence
- appellate procedure
- standard of review
- statutory interpretation

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

statutory interpretation

QUESTIONS PRESENTED

1. Whether sufficient evidence supported Curtis's conviction for unauthorized use of personal identifying information.
2. Whether the prosecution was contrary to the legislative intent of N.D.C.C. § 12.1-23-11 and whether the Court should consider legislative history.

HOLDINGS

1. Sufficient evidence supported Curtis's conviction for unauthorized use of personal identifying information because, viewed in the light most favorable to the verdict, a rational factfinder could find beyond a reasonable doubt that he intentionally presented the check to obtain money using J.H.'s personal identifying information without her authorization or consent.
2. Curtis's statutory-interpretation argument was properly before the Court because a preserved sufficiency challenge preserves related statutory-interpretation issues, but the Court would not consider legislative history because Curtis did not show that N.D.C.C. § 12.1-23-11 was ambiguous.

KEY QUOTATIONS

“A court asked to consider whether the conviction rests upon insufficient evidence must view the evidence in a light most favorable to the verdict.” (¶ 8)

“The defendant bears the burden of showing the evidence reveals no reasonable inference of guilt when viewed in the light most favorable to the verdict.” (¶ 8)

“When the wording of a statute is clear and free of all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.” (¶ 15)

FACTUAL BACKGROUND

Curtis presented a \$10,000 check at a bank for cashing or verification. The check was drawn on J.H.'s account, which had been closed, contained multiple irregularities, and was signed by a person who was not an account holder or authorized signer. J.H. testified that she did not know Curtis or the purported signer and had not authorized use of her account. Curtis's witness testified that Curtis believed the check was invalid and wanted only to verify it.

PROCEDURAL HISTORY

Curtis was charged with unauthorized use of personal identifying information and represented himself at a May 30, 2023 bench trial in the Cass County District Court. The district court found him guilty beyond a reasonable doubt and entered a criminal judgment, later amended to correct a clerical error. Curtis timely appealed, and the North Dakota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Ismail, 2022 ND 199, ¶ 11, 981 N.W.2d 896
- State v. Yineman, 2002 ND 145, ¶ 8, 651 N.W.2d 648
- State v. Rufus, 2015 ND 212, ¶¶ 6, 9, 868 N.W.2d 534
- State v. Doll, 2012 ND 32, ¶ 21, 812 N.W.2d 381
- State v. Berger, 235 N.W.2d 254, 263 (N.D. 1975)
- State v. Castleman, 2022 ND 7, ¶ 5, 969 N.W.2d 169
- State v. O'Toole, 2009 ND 174, ¶¶ 10-12, 773 N.W.2d 201
- State v. Houkom, 2021 ND 223, ¶ 8, 967 N.W.2d 801

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