

SUPREME COURT OF NORTH DAKOTA

State v. Lonechild

2023 ND 112 (2023) · No. 20230032 · Decided June 8, 2023

SUMMARY

The North Dakota Supreme Court affirmed Evan Donald Lonechild’s criminal judgment for escape. The Court held that Lonechild was in “official detention” while confined at a residential reentry center following a probation violation, despite remaining on probation, and that the statutory exclusions for probation supervision or constraint incidental to release did not apply.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Jon J. Jensen, Chief Justice; Daniel J. Crothers; Lisa Fair McEvers; Jerod E. Tufte; Douglas A. Bahr
JURISDICTION	North Dakota
DECIDED	June 8, 2023
DOCKET	20230032
DISPOSITION	affirmed
PROCEDURAL POSTURE	Lonechild entered a conditional guilty plea to escape after the district court denied his motion to dismiss. He appealed, preserving his challenge to whether his placement in a residential reentry center constituted official detention under the escape statute.
STANDARD OF REVIEW	De novo review applies to questions of statutory interpretation, including construction of a criminal statute.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion; precedential
PARTIES	Evan Donald Lonechild v. State of North Dakota

TOPICS

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

PRACTICE AREAS

- criminal law
- criminal procedure
- statutory interpretation
- appellate practice

QUESTIONS PRESENTED

1. Whether a defendant placed in a residential reentry center following a probation violation is in official detention under N.D.C.C. § 12.1-08-06(3)(b), despite remaining on probation.
2. Whether leaving the reentry center during work release and failing to return supports an escape charge.

HOLDINGS

1. A defendant may be charged with escape under N.D.C.C. § 12.1-08-06 when placed in custody at a facility for persons under charge or conviction of an offense, leaves while participating in work release, and fails to return. The statutory exclusion of supervision on probation or parole and constraint incidental to release does not exclude custody while on probation.
2. The district court did not err in finding that Lonechild was in official detention at the reentry center and in denying his motion to dismiss the escape charge.

KEY QUOTATIONS

“Official detention” as defined by N.D.C.C. § 12.1-08-06(3)(b) precludes only “supervision on probation” and “constraint incidental to release.” The definition of “official detention” does not preclude custody while on probation.” (¶ 8)

FACTUAL BACKGROUND

Lonechild had been convicted of aggravated assault and interference with an emergency telephone call, received a sentence including incarceration with a suspended portion, and was placed on supervised probation. After a petition to revoke probation, he was placed in the custody of the Lake Region Residential Reentry Center. While participating in work release, he left the facility and failed to return, resulting in an escape charge.

PROCEDURAL HISTORY

After Lonechild was charged with escape for leaving a residential reentry center during work release and failing to return, he moved to dismiss the charge. The Ramsey County District Court denied the motion, finding that he was in official detention. Lonechild entered a conditional guilty plea and appealed the denial; the North Dakota Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Houkom, 2021 ND 223, ¶ 7, 967 N.W.2d 801
- State v. Buchholz, 2005 ND 30, ¶ 6, 692 N.W.2d 105
- State v. Bearrunner, 2019 ND 29, ¶ 5, 921 N.W.2d 894
- State v. Stenhoff, 2019 ND 106, ¶ 13, 925 N.W.2d 429
- Estate of Christeson v. Gilstad, 2013 ND 50, ¶ 12, 829 N.W.2d 453

