

SUPREME COURT OF NORTH DAKOTA

State v. Eggleston

Eggleston, 2026 ND 41 (N.D. 2026) · No. No. 20250291 · Decided February 12, 2026

SUMMARY

The North Dakota Supreme Court affirmed Alex Kenny Eggleston’s conviction for simple assault on a correctional officer. The court held that Eggleston waived his challenge to the jury instructions by stating he had no objections and concluded that sufficient evidence supported the conviction.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                             |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of North Dakota                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Per Curiam; Lisa Fair McEvers, C.J.; Jerod E. Tufte; Jon J. Jensen; Douglas A. Bahr; Donovan J. Foughty, S.J.                                                                                                                                               |
| JURISDICTION          | Supreme Court of North Dakota                                                                                                                                                                                                                               |
| DECIDED               | February 12, 2026                                                                                                                                                                                                                                           |
| DOCKET                | No. 20250291                                                                                                                                                                                                                                                |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Alex Kenny Eggleston appealed from a criminal judgment entered after a jury convicted him of simple assault on a correctional officer.                                                                                                                      |
| STANDARD OF REVIEW    | A waived jury-instruction error is not reviewed for obvious error. For a sufficiency-of-the-evidence challenge, the evidence is viewed in the light most favorable to the verdict, and the defendant must show it permits no reasonable inference of guilt. |
| PRECEDENTIAL VALUE    | Published North Dakota Supreme Court opinion; precedential.                                                                                                                                                                                                 |
| PARTIES               | Alex Kenny Eggleston v. State of North Dakota                                                                                                                                                                                                               |

TOPICS

- jury instructions
- instructions objections
- preservation of error
- standard of review
- appellate procedure

PRACTICE AREAS

- criminal procedure
- appellate procedure
- jury instructions

QUESTIONS PRESENTED

1. Whether Eggleston waived his challenge to the jury instructions by failing to object before the instructions were given.
2. Whether the evidence was sufficient to support his conviction for simple assault on a correctional officer.

## HOLDINGS

1. Eggleston waived his claim that the district court failed to instruct the jury that it must unanimously agree on the specific act causing bodily injury because defense counsel expressly stated there were no objections or exceptions to the instructions.
2. The evidence was sufficient to support the guilty verdict for simple assault on a correctional officer.

## KEY QUOTATIONS

*“Obvious error review does not apply to waived errors.” (¶ 2)*

*“A defendant challenging the sufficiency of the evidence on appeal must show that the evidence, when viewed in the light most favorable to the verdict, reveals no reasonable inference of guilt.” (¶ 2)*

## FACTUAL BACKGROUND

Eggleston was tried before a jury for simple assault on a correctional officer under N.D.C.C. § 12.1-17-01(1)(a). The jury found him guilty. Before the jury instructions were given, defense counsel stated that he had no objections or exceptions to the closing instructions.

## PROCEDURAL HISTORY

A Burleigh County jury found Eggleston guilty of simple assault on a correctional officer. On appeal, he challenged the jury instructions and the sufficiency of the evidence. The North Dakota Supreme Court held the jury-instruction claim waived and concluded the evidence was sufficient, summarily affirming under N.D.R.App.P. 35.1(a)(3) and (7).

## DISPOSITION

affirmed

## CASES CITED

- State v. Vervalen, 2024 ND 124, ¶ 8, 8 N.W.3d 816
- State v. Mohammed, 2020 ND 52, ¶ 5, 939 N.W.2d 498

## OPINION

State v. Eggleston 2026 ND 41

PER CURIAM.

IN THE SUPREME COURT

## STATE OF NORTH DAKOTA

2026 ND 41 State of North Dakota, Plaintiff and Appellee v. Alex Kenny Eggleston, Defendant and Appellant No. 20250291 Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable James S. Hill, Judge. AFFIRMED. Per Curiam. Gabrielle J. Goter, Senior Assistant State's Attorney, and Shaun H. Peterson, Assistant State's Attorney, Bismarck, N.D., for plaintiff and appellee; on brief. Kiara C. Kraus-Parr, Grand Forks, N.D., for defendant and appellant; on brief. State v. Eggleston No. 20250291 Per Curiam. [¶1] Alex Kenny Eggleston appeals from a criminal judgment entered after a jury found him guilty of simple assault on a correctional officer under N.D.C.C. § 12.1-17-01(1)(a). He argues the district court committed obvious error by failing to instruct the jury that it must unanimously agree on the specific act that caused bodily injury to the victim. He also argues the prosecution presented insufficient evidence to support his conviction. [¶2] At trial, after closing arguments but before the instructions were given to the jury, the district court asked defense counsel whether he had any objections: THE COURT: And Mr. Kelsch . . . any objections or exceptions to the closing instructions? MR. KELSCH: No, Your Honor. Eggleston waived his claim of error in the jury instructions. State v. Vervalen, 2024 ND 124, ¶ 8, 8 N.W.3d 816. Obvious error review does not apply to waived errors. Id. "A defendant challenging the sufficiency of the evidence on appeal must show that the evidence, when viewed in the light most favorable to the verdict, reveals no reasonable inference of guilt." State v. Mohammed, 2020 ND 52, ¶ 5, 939 N.W.2d 498. We conclude from our review of the record that there was sufficient evidence to support the guilty verdict. We summarily affirm under N.D.R.App.P. 35.1(a)(3) and (7). [¶3] Lisa Fair McEvers, C.J. Jerod E. Tufte Jon J. Jensen Douglas A. Bahr Donovan J. Foughty, S.J. [¶4] The Honorable Donovan J. Foughty, Surrogate Judge, sitting in place of Crothers, J., disqualified. 1