

SUPREME COURT OF NORTH DAKOTA

State of North Dakota v. Alex Kenny Eggleston

2026 ND 30 · No. No. 20250292 · Decided February 12, 2026

SUMMARY

The North Dakota Supreme Court affirmed Alex Kenny Eggleston’s convictions for knowingly causing bodily fluids to contact correctional facility employees. The court held that Eggleston failed to establish actual prejudice from pre-indictment delay or the State’s failure to preserve surveillance video, and failed to show bad faith in the loss of the video. The court also summarily affirmed the district court’s admission of the slang term “shit bomb” to describe the liquid mixture.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Jon J. Jensen, Justice; Lisa Fair McEvers, C.J.; Jerod E. Tufte; Jon J. Jensen; Douglas A. Bahr; Gail Hagerty, S.J.
JURISDICTION	Supreme Court of North Dakota
DECIDED	February 12, 2026
DOCKET	No. 20250292
DISPOSITION	affirmed
PROCEDURAL POSTURE	Eggleston appealed from a criminal judgment convicting him on two counts of knowingly causing bodily fluids to contact an employee of a correctional facility. He challenged the denial of motions to dismiss based on pre-indictment delay and failure to preserve evidence, and challenged the admission of the slang term "shit bomb" at trial.
STANDARD OF REVIEW	Denial of a motion to dismiss is reviewed under the standard applicable to a motion to suppress. Factual findings are upheld when, after resolving conflicting testimony in favor of affirmance, sufficient competent evidence supports them and the decision is not contrary to the manifest weight of the evidence; legal questions and whether factual findings satisfy a legal standard are reviewed fully. The evidentiary ruling permitting use of the term "shit bomb" was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Alex Kenny Eggleston v. State of North Dakota

TOPICS

criminal procedure

suppression of evidence

appellate procedure

standard of review

evidence

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

evidence

QUESTIONS PRESENTED

1. Whether pre-indictment delay violated Eggleston's due process rights when he claimed the delay impaired his recollection.
2. Whether the State's failure to preserve the surveillance video violated due process.
3. Whether the district court abused its discretion by permitting the State to use the slang term "shit bomb" to describe the liquid mixture.

HOLDINGS

1. A defendant alleging a due process violation based on pre-indictment delay must prove actual prejudice; Eggleston failed to do so because his assertion that he no longer independently recalled the incident did not establish actual prejudice.
2. A defendant challenging the State's failure to preserve evidence must show actual prejudice, and when the evidence was within the State's possession, must also present evidence of bad faith. Eggleston showed neither because he merely speculated that the video might have been exculpatory and offered no evidence that it was destroyed with intent to deprive the defense of information.
3. The district court did not abuse its discretion by permitting the State to use the term "shit bomb" to describe the liquid mixture, and the issue was summarily affirmed.

KEY QUOTATIONS

"To establish a due process violation based on pre-indictment delay, a defendant must show proof of actual prejudice." (¶ 7)

"In addition, when the State fails to preserve evidence that was at one point within the State's possession, a defendant must present evidence of bad faith, meaning the State "deliberately destroyed the evidence with the intent to deprive the defense of information[.]"" (¶ 8)

"Eggleston did not present any proof that the video recording would have been exculpatory; he merely speculates that it might have been. That is not enough to show actual prejudice." (¶ 9)

FACTUAL BACKGROUND

On October 10, 2021, while incarcerated at the North Dakota State Penitentiary, Eggleston sprayed a mixture of feces and urine from a shampoo bottle through his cell-door tray slot, striking a correctional sergeant and a second officer. The State photographed the contact locations and a surveillance camera recorded the incident, but the recording was automatically overwritten after 60 days. Eggleston was not charged until September 20, 2023,

and at trial the State relied on officer testimony, photographs, testimony about the video, and Eggleston's apology and admission of intent.

PROCEDURAL HISTORY

Eggleston was charged nearly two years after the underlying incident. The district court denied his initial and renewed motions to dismiss, concluding he failed to establish actual prejudice from the pre-indictment delay or the State's failure to preserve the surveillance video. After a jury convicted him on both counts and the court imposed consecutive five-year terms, consecutive to his existing life sentence, Eggleston appealed. The North Dakota Supreme Court affirmed the judgment and summarily affirmed the evidentiary issue.

DISPOSITION

affirmed

CASES CITED

- State v. Eggleston, 2020 ND 68, 940 N.W.2d 645
- State v. Reiswig, 2024 ND 153, ¶ 7, 10 N.W.3d 587
- State v. Kukert, 2021 ND 192, ¶ 10, 965 N.W.2d 849
- State v. Nice, 2019 ND 73, ¶ 5, 924 N.W.2d 102
- State v. Kraft, 539 N.W.2d 56, 58 (N.D. 1995)
- City of Fargo v. Thompson, 520 N.W.2d 578, 580 (N.D. 1994)
- State v. Steffes, 500 N.W.2d 608, 613 (N.D. 1993)
- State v. Ritter, 2024 ND 142, ¶ 11, 10 N.W.3d 119