

SUPREME COURT OF NORTH DAKOTA

State of North Dakota v. Madison Dearing

State v. Dearing, 2022 ND 132 (2022) · No. 20210295 · Decided June 23, 2022

SUMMARY

The North Dakota Supreme Court reversed the dismissal of a felony hindering-law-enforcement charge against Madison Dearing. The court held that the evidence presented at the preliminary hearing established probable cause to believe Dearing knew of conduct by another that could constitute class B felony burglary, supporting the felony enhancement under N.D.C.C. § 12.1-08-03. The court emphasized that probable cause at a preliminary hearing is a minimal standard and that factual inferences must favor the prosecution.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Daniel J. Crothers; Jon J. Jensen, Chief Justice; Gerald W. VandeWalle; Lisa Fair McEvers; Jerod E. Tufte
JURISDICTION	North Dakota
DECIDED	June 23, 2022
DOCKET	20210295
DISPOSITION	reversed
PROCEDURAL POSTURE	The State appealed the district court's order dismissing the felony charge of hindering law enforcement for lack of probable cause.
STANDARD OF REVIEW	Whether facts found by a district court reach the level of probable cause is a question of law reviewed de novo or fully on appeal.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion; precedential.
PARTIES	State of North Dakota v. Madison Dearing

TOPICS

- criminal procedure
- preliminary hearing
- probable cause
- statutory interpretation
- appellate procedure

PRACTICE AREAS

- criminal procedure
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the evidence at the preliminary hearing established probable cause to believe Madison Dearing committed hindering law enforcement under N.D.C.C. § 12.1-08-03.
2. Whether the evidence established probable cause to believe that Dearing knew of conduct by another constituting a class AA, class A, or class B felony, thereby supporting the felony enhancement for hindering law enforcement.

HOLDINGS

1. The State established probable cause to believe that Madison Dearing knew of conduct by Adam Dearing that could constitute class B felony burglary, satisfying the felony-enhancement requirement of N.D.C.C. § 12.1-08-03(2)(a).
2. The district court erred in dismissing the felony hindering-law-enforcement charge because the evidence was sufficient to establish probable cause.

KEY QUOTATIONS

“Accordingly, the probable cause showing required at a preliminary hearing under N.D.R.Crim.P. 5.1 is a minimal burden of proof.” (¶ 11)

“The standard of probable cause at the preliminary hearing is the same standard of probable cause required for a valid arrest.” (¶ 11)

FACTUAL BACKGROUND

Madison Dearing gave her father, Adam Dearing, a ride to an alley near T.D.'s home despite knowing that a court order prohibited him from being at the home. Shortly afterward, she saw Adam inside T.D.'s home, and she later told police that he had been elsewhere. She subsequently gave law enforcement a different account, admitting that she had dropped him off near the home and seen him inside. The State alleged that her false statements hindered law enforcement concerning conduct that could constitute burglary.

PROCEDURAL HISTORY

The State charged Madison Dearing with felony hindering law enforcement and misdemeanor false information to law enforcement. Following a preliminary hearing, the district court found probable cause for conduct constituting assault and violation of a protection order but did not find sufficient evidence that Dearing knew of conduct constituting burglary, and it dismissed the felony charge. The North Dakota Supreme Court reversed.

DISPOSITION

reversed

CASES CITED

- State v. Mitchell, 2021 ND 93, ¶ 6, 960 N.W.2d 788

- State v. Blunt, 2008 ND 135, ¶¶ 15, 17, 751 N.W.2d 692

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