

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2021 ND 220

State of North Dakota,

Plaintiff and Appellee

v.

Barry Mervyn Lindeman,

Defendant and Appellant

No. 20210159

Appeal from the District Court of Ward County, North Central Judicial District, the Honorable Douglas L. Mattson, Judge.

AFFIRMED.

Per Curiam.

Christopher W. Nelson, Assistant State's Attorney, Minot, ND, for plaintiff and appellee; submitted on brief.

Samuel A. Gereszek, Grand Forks, ND, for defendant and appellant; submitted on brief.

State v. Lindeman
No. 20210159

Per Curiam.

[¶1] Barry Mervyn Lindeman appeals from a judgment of conviction for gross sexual imposition, arguing there was insufficient evidence the offense happened within the time period listed in the charging documents and jury instructions.

[¶2] “A precise date or time period is not required in a criminal prosecution unless time is an essential element of an offense.” *Davies v. State*, 2018 ND 211, ¶ 17, 917 N.W.2d 8. Time is not an element of gross sexual imposition. *Id.* at ¶ 20. Because Lindeman’s only argument pertains to the timeline and this Court has held a precise time period is not required, we summarily affirm under N.D.R.App.P. 35.1(a)(3) and (7).

[¶3] Jon J. Jensen, C.J.
Gerald W. VandeWalle
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte