

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MCKENZIE

NORTHWEST JUDICIAL DISTRICT

State of North Dakota,

Plaintiff,

**Criminal No. 27-2017-CR-00673**

vs.

Falesteni Ali Abuhamda,

**STIPULATION FOR EARLY  
TERMINATION AND DISMISSAL**

Defendant.

- [¶1] THE PARTIES, the State of North Dakota, by and through Ty L. Skarda, and the Defendant, Falesteni Ali Abuhamda, through Attorney Kevin J. Chapman, do hereby agree as follows:
- [¶2] That a 30 month Pretrial Diversion Agreement for Counts 1, 2, and 5 was approved by the Judge and filed into this case on March 2, 2018.
- [¶3] That an order deferring imposition of sentence for Counts 3, 4, 6, and 7 was filed March 2, 2018.
- [¶4] That the Defendant was placed on supervised probation for 2 years.
- [¶5] That N.D.R.Crim.P. 32.2(c) permits the parties to modify a Pretrial Diversion Agreement upon their mutual consent to do so.
- [¶6] At this time, the parties agree to modify the Pretrial Diversion Agreement by immediately terminating the Pretrial Diversion Agreement and the dismissal with prejudice of the charges covered by that agreement.
- [¶7] That N.D.R.Crim.P. permits the Court to modify an order deferring imposition of sentence if that order is issued no later than 60 days after the expiration or termination of probation.
- [¶8] That the parties agree to the early termination of the order deferring imposition of sentence

in this case and respectfully request that the Court modify that order to reflect the parties agreement to the immediate termination of the agreement.

[¶9] That the parties, upon the termination of the order deferring imposition of sentence, agree to the dismissal with prejudice of the counts contained within that order.

[¶10] That the parties agree that Defendant shall immediately be taken off of probation as previously ordered in this case.

[¶11] That the parties agree to the dismissal with prejudice of the following charges:

- (1) Delivery within 1000 Feet of a School, a Class A Felony;
- (2) Possession of a Controlled Substance within 1000 feet of a School, a Class B Felony;
- (3) Possession of a Controlled Substance, a Class A Misdemeanor;
- (4) Unlawful Manufacture or Delivery of Drug Paraphernalia - Schedule I, II, III, a Class C Felony;
- (5) Unlawful Advertisement of Drug Paraphernalia, a class A Misdemeanor;
- (6) Possession of Drug Paraphernalia, a Class A Misdemeanor; and
- (7) Possession of a Controlled Substance, a Class B Misdemeanor.

[¶12] That this Stipulation can be filed with the Court and Order entered hereon without any further notice, motion or hearing.

Dated this \_\_\_\_\_ day of July, 2019.

*Chapman Law Firm, P.C.*

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KEVIN J. CHAPMAN #05076

ATTORNEY FOR THE DEFENDANT

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Falesteni Ali Abuhanda

Defendant

DATED this \_\_\_\_\_ day of July, 2019.

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Ty L. Skarda, # 07980

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STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MCKENZIE

NORTHWEST DISTRICT JUDICIAL

State of North Dakota,

Plaintiff,

vs.

Falesteni Ali Abuhamda,

Defendant.

**ORDER GRANTING STIPULATION FOR  
EARLY TERMINATION AND  
DISMISSAL**

**Criminal Case No. 27-2017-CR-00673**

[¶1] THE COURT, having reviewed the Stipulation for Early Termination and Dismissal, does hereby Order as follows:

[¶2] That the Pretrial Diversion Agreement and order deferring imposition of sentence are hereby and immediately TERMINATED.

[¶3] That the following charges shall be DISMISSED with prejudice:

- (1) Delivery within 1000 Feet of a School, a Class A Felony;
- (2) Possession of a Controlled Substance within 1000 feet of a School, a Class B Felony;
- (3) Possession of a Controlled Substance, a Class A Misdemeanor;
- (4) Unlawful Manufacture or Delivery of Drug Paraphernalia - Schedule I, II, III, a Class C Felony;
- (5) Unlawful Advertisement of Drug Paraphernalia, a class A Misdemeanor;
- (6) Possession of Drug Paraphernalia, a Class A Misdemeanor;
- (7) Possession of a Controlled Substance, a Class B Misdemeanor.

[¶4] That Defendant's probation shall be TERMINATED, immediately.

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McKenzie County District Judge