IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2019 ND 62

Kyle Christopher White,   Petitioner and Appellant

v.

State of North Dakota,   Respondent and Appellee

No. 20180307

Appeal from the District Court of Grand Forks County, Northeast Central Judicial District, the Honorable Lolita G. Hartl Romanick, Judge.

AFFIRMED.

Per Curiam.

Scott O. Diamond, Fargo, ND, for petitioner and appellant; submitted on brief.

Megan J. Kvasager Essig, Assistant State's Attorney, Grand Forks, ND, for respondent and appellee; submitted on brief.

White v. State

No. 20180307

Per Curiam.

[¶1] Kyle White appeals from a district court order denying his application for post-conviction relief. White was originally charged with two counts of failure to register as a sexual offender. White pleaded guilty to both charges against him. White was sentenced to a term of imprisonment, followed by a term of probation. After release from prison, White began probation. White's probation was later revoked, and he was resentenced to a longer term of imprisonment. On January 3, 2018, White filed an application for post-conviction relief, alleging ineffective assistance of counsel. White alleged his attorney provided ineffective assistance by failing to adequately review discovery documents with him, by not providing him with these documents, and by failing to advise White the discovery did not include proof of a registration requirement. After an evidentiary hearing, the district court issued an order denying post-conviction relief. On appeal, White argues the court erred in denying his application for post-conviction relief.

[¶2] We summarily affirm under N.D.R.App.P. 35.1(a)(2), concluding the district court's findings of fact are not clearly erroneous, and the court did not err in determining White failed to establish his counsel's representation fell below an objective standard of reasonableness.

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