

**Filed 5/16/19 by Clerk of Supreme Court**  
**IN THE SUPREME COURT**  
**STATE OF NORTH DAKOTA**

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2019 ND 119

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Curtis Lavallie,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

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No. 20190007

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Appeal from the District Court of Williams County, Northwest Judicial District, the Honorable Joshua B. Rustad, Judge.

AFFIRMED.

Per Curiam.

Kyle R. Craig, Minot, N.D., for petitioner and appellant; submitted on brief.

Nathan K. Madden, State's Attorney, Williston, N.D., for respondent and appellee; submitted on brief.

**Lavallie v. State**  
**No. 20190007**

**Per Curiam.**

[¶1] Curtis Lavallie appeals a district court order summarily dismissing his post-conviction relief application claiming ineffective assistance of counsel at his probation revocation hearing.

[¶2] Lavallie failed to establish prejudice under *Strickland v. Washington*, 466 U.S. 668, 694 (1984). Pursuant to an agreement with the State for a specific sentence recommendation, Lavallie admitted to twelve of thirteen allegations supporting the petition to revoke his probation. To establish prejudice, Lavallie must show a probability sufficient to undermine confidence in the outcome—his decision to admit to the alleged violations rather than deny them and proceed to a contested revocation hearing. *See State v. Yost*, 2018 ND 157, ¶ 25, 914 N.W.2d 508. Summary dismissal is appropriate where, as is the case here, the application is “clearly and unambiguously contradicted by the record.” *Stein v. State*, 2018 ND 264, ¶ 10, 920 N.W.2d 477. We summarily affirm under N.D.R.App.P. 35.1(a)(2).

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