

Filed 10/03/2019 by Clerk of Supreme Court

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2019 ND 242

Brandon Wesley Carlson,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

No. 20190057

Appeal from the District Court of Grand Forks County, Northeast Central Judicial District, the Honorable Donald Hager, Judge.

AFFIRMED.

Per Curiam.

Kiara C. Kraus-Parr, Grand Forks, ND, for petitioner and appellant.

Andrew C. Eyre (appeared), Assistant State's Attorney, and Erica A. Skogen (argued) third-year law student, under the Rule of Limited Practice of Law by Law Students, Grand Forks, ND, for respondent and appellee.

Carlson v. State
No. 20190057

Per Curiam.

[¶1] Brandon Carlson appeals from an order denying post-conviction relief and an order denying his motion for new trial. Carlson argues he received ineffective assistance of counsel and the district court erred in denying his application for post-conviction relief. The district court’s denial was not clearly erroneous and we summarily affirm under N.D.R.App.P. 35.1(a)(2).

[¶2] Carlson also argues his motion, labeled as a motion for new trial under N.D.R.Civ.P. 59(b)(6), should have been considered a motion for reconsideration and the district court abused its discretion in denying his motion on the basis of res judicata. “An appellate court need not address questions, the answers to which are unnecessary to the determination of an appeal.” *Moszer v. Witt*, 2001 ND 30, ¶ 20, 622 N.W.2d 223. As the first issue is dispositive, this issue is unnecessary for the determination of this appeal and we decline to address it.

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