

Filed 11/20/2019 by Clerk of Supreme Court

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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2019 ND 269

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Eybon Avyon Watkins,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

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No. 20190085

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Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable David E. Reich, Judge.

AFFIRMED.

Per Curiam.

Mark Sherer, Dickinson, N.D., for petitioner and appellant; submitted on brief.

Julie Lawyer, Bismarck, N.D., for respondent and appellee; submitted on brief.

**Watkins v. State**  
**No. 20190085**

**Per Curiam.**

[¶1] Eybon Avyon Watkins appeals from an order denying his petition for post-conviction relief. Following a jury trial, Watkins was convicted of committing the offense of robbery in violation of N.D.C.C. § 12.1-22-01. Watkins petitioned for post-conviction relief alleging ineffective assistance of counsel during the trial. After a hearing, the district court denied the petition.

[¶2] We summarily affirm the district court's order under N.D.R.App.P. 35.1(a)(2) concluding the court's findings of fact are not clearly erroneous and the court did not err in determining that Watkins failed to establish his counsel's representation fell below an objective standard of reasonableness. The evidence supports the court's findings that the errors Watkins claims his counsel committed were attributable to trial strategy. *Noorlun v. State*, 2007 ND 118, ¶ 14, 736 N.W.2d 477; N.D.R.App.P. 35.1(a)(2).

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