

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2023 ND 30

Jeffrey Scott Krogstad,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

No. 20220264

Appeal from the District Court of Grand Forks County, Northeast Central
Judicial District, the Honorable John A. Thelen, Judge.

AFFIRMED.

Per Curiam.

Samuel A. Gereszek, Grand Forks, N.D., for petitioner and appellant; on brief.

Andrew C. Eyre, Assistant State's Attorney, Grand Forks, N.D., for respondent
and appellee; on brief.

Krogstad v. State
No. 20220264

Per Curiam.

[¶1] Jeffrey Krogstad appeals from an order dismissing his application for post-conviction relief following an evidentiary hearing. He argues he received ineffective assistance of counsel because his trial attorney did not demand a speedy trial or secure an independent DNA test. He also asserts that the district court erred by failing to analyze whether he was prejudiced by counsel’s representation. We conclude the district court’s findings regarding the first prong, whether counsel’s conduct fell below an objective standard of reasonableness, are not clearly erroneous. We summarily affirm under N.D.R.App.P. 35.1(a)(2). *Broadwell v. State*, 2014 ND 6, ¶ 7, 841 N.W.2d 750 (“Courts need not address both elements of the ineffective assistance of counsel test, and if a court can dispose of the case by addressing only one element, it is encouraged to do so.”).

[¶2] Jon J. Jensen, C.J.
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte
Douglas A. Bahr