Filed 2/18/16 by Clerk of Supreme Court

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2016 ND 23

Ciro Gomez, Petitioner and Appellant

v.

State of North Dakota, Respondent and Appellee

No. 20150258

Appeal from the District Court of Walsh County, Northeast Judicial District, the Honorable M. Richard Geiger, Judge.

AFFIRMED.

Per Curiam.

Thomas J. Glass (on brief), 418 E. Rosser Ave., Ste. 102, Bismarck, ND 58501, for petitioner and appellant.

Barbara L. Whelan (on brief), State's Attorney, Walsh County Courthouse, 600 Cooper Ave., Third Fl., Grafton, ND 58237, for respondent and appellee.

Gomez v. State
No. 20150258

Per Curiam.

[¶1] Ciro Gomez appealed a district court order summarily dismissing his application for post-conviction relief. Gomez argues the district court erred in dismissing his application because he received ineffective assistance of counsel due to his counsel's failure to offer favorable evidence and testimony at trial. The district court dismissed Gomez's application as untimely under N.D.C.C. § 29-32.1-01(2) because his application was filed more than two years after his conviction became final and no exception applied to his case. We summarily affirm under N.D.R.App.P. 35.1(a)(7). Lehman v. State, 2014 ND 103, ¶¶ 10-14, 847 N.W.2d 119.

[¶2] Gerald W. VandeWalle, C.J.
Carol Ronning Kapsner
Lisa Fair McEvers
Daniel J. Crothers
Dale V. Sandstrom