FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT
MARCH 24, 2021
STATE OF NORTH DAKOTA

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2021 ND 51

Nathan Tebay, Petitioner and Appellant

v.

State of North Dakota, Respondent and Appellee

Nos. 20200316 & 20200317

Appeal from the District Court of Walsh County, Northeast Judicial District, the Honorable Barbara L. Whelan, Judge.

AFFIRMED.

Per Curiam.

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

Kelley M. R. Cole, State's Attorney, Grafton, ND, for respondent and appellee; submitted on brief.

Tebay v. State
Nos. 20200316 & 20200317

Per Curiam.

[¶1] Nathan Tebay appeals from two district court orders summarily dismissing his applications for post-conviction relief. Tebay applied for post-conviction relief in two criminal cases, seeking to withdraw his guilty pleas, arguing his pleas were not made knowingly or voluntarily because he received ineffective assistance of counsel. The court granted the State's motions to summarily dismiss, concluding Tebay had produced no competent admissible evidence to support his claims his guilty pleas were not voluntarily, knowingly or intelligently made, or that he received ineffective assistance of counsel. On appeal, Tebay argues the court erred by failing to hold an evidentiary hearing.

[¶2] We conclude summary dismissal of Tebay's application is supported by the record. We summarily affirm under N.D.R.App.P. 35.1(a)(6).

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