

**Filed 7/20/00 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2000 ND 142

Marlon Leon Comes,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

No. 20000023

Appeal from the District Court of Ramsey County, Northeast Judicial District,
the Honorable Donovan John Foughty, Judge.

AFFIRMED.

PER CURIAM.

William R. Hartl, P.O. Box 319, Rugby, N.D. 58368, for petitioner and
appellant.

Lonnie Olson, State's Attorney, 524 4th Avenue #16, Devils Lake, N.D.
58301, for respondent and appellee.

Comes v. State

No. 20000023

Per Curiam.

[¶1] Marlon Leon Comes appeals from the trial court's denial of his petition for post-conviction relief.

[¶2] On December 14, 1995, the Super Pumper Convenience Store in Devils Lake, North Dakota, was robbed and the store clerk was killed. Comes and two other juveniles were charged with murder and robbery. The trial court appointed two counsel to represent Comes. With advice of counsel, Comes waived his right to a preliminary hearing and entered pleas of guilty to murder and robbery. Comes petitioned for post-conviction relief claiming ineffective assistance of counsel. The trial court denied the motion. Comes appeals.

[¶3] We summarily affirm the trial court's decision under Rule 35.1(a)(6), N.D.R.App.P.

[¶4] Gerald W. VandeWalle, C.J.
William A. Neumann
Dale V. Sandstrom
Carol Ronning Kapsner
Mary Muehlen Maring