

**Filed 1/31/06 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2006 ND 9

Jimmie Lee Bates, Jr., Petitioner and Appellant

v.

State of North Dakota, Respondent and Appellee

No. 20050321

Appeal from the District Court of Cass County, East Central Judicial District,
the Honorable John Charles Irby, Judge.

AFFIRMED.

Per Curiam.

Monty G. Mertz, The Professional Building, 100 S. 4th St., Suite 412, Fargo,
ND 58103, for petitioner and appellant.

Birch P. Burdick, State's Attorney, Courthouse, P.O. Box 2806, Fargo, ND
58108-2806, for respondent and appellee.

Bates v. State
No. 20050321

Per Curiam.

[¶1] Jimmie Bates, Jr. appeals from a judgment denying his application for post-conviction relief arguing he received ineffective assistance of counsel because his trial counsel was not adequately prepared for trial and committed errors during the trial. The district court found Bates did not receive ineffective assistance of counsel. We summarily affirm under N.D.R.App.P. 35.1(a)(2).

[¶2] Gerald W. Vandewalle, C.J.
Carol Ronning Kapsner
Mary Muehlen Maring
Daniel J. Crothers
Dale V. Sandstrom