

**Filed 4/19/06 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2006 ND 80

James M. Murphy, Petitioner and Appellant

v.

State of North Dakota, Respondent and Appellee

No. 20050456

Appeal from the District Court of Cass County, East Central Judicial District,
the Honorable Douglas R. Herman, Judge.

AFFIRMED.

Per Curiam.

Jason R. Butts, 321 Dakota Avenue, P.O. Box 38, Wahpeton, N.D.
58074-0038, for petitioner and appellant.

Tracy J. Peters, Assistant State's Attorney, Courthouse, P.O. Box 2806, Fargo,
N.D. 58108-2806, for respondent and appellee.

Murphy v. State
No. 20050456

Per Curiam.

[¶1] James Michael Murphy appeals from the district court's order and judgment denying his petition for post-conviction relief. He argues his attorney's failure to move to suppress evidence against him resulted in ineffective assistance of counsel. Concluding Murphy was not denied effective assistance of counsel, we summarily affirm under N.D.R.App.P. 35.1(a)(2).

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