

**Filed 4/12/17 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2017 ND 84

Duwayne C. Glende, Petitioner and Appellant

v.

State of North Dakota, Respondent and Appellee

No. 20160304

Appeal from the District Court of Walsh County, Northeast Judicial District,
the Honorable Lee A. Christofferson, Judge.

AFFIRMED.

Per Curiam.

Russell J. Myhre, P.O. Box 475, Valley City, ND 58072, for petitioner and
appellant; submitted on brief.

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

Glende v. State
No. 20160304

Per Curiam.

[¶1] Duwayne Glende appealed a district court’s judgment summarily dismissing his application for post-conviction relief. The district court dismissed Glende’s application as untimely under N.D.C.C. § 29-32.1-01(2) because he filed his application more than two years after his conviction became final and no exception applied to his case. Glende argues the district court erred in dismissing his application because he suffered from a physical disability or mental disease that precluded him from timely asserting his application for post-conviction relief, and an exception to the two-year statute of limitations applied under N.D.C.C. § 29-32.1-03(2). We conclude the district court’s decision was not clearly erroneous, and summarily affirm under N.D.R.App.P. 35.1(a)(2).

[¶2] Gerald W. VandeWalle, C.J.
Lisa Fair McEvers
Daniel J. Crothers
Jerod E. Tufte
Carol Ronning Kapsner