

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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2022 ND 60

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Cliffton T. Fourth, Petitioner and Appellant

v.

State of North Dakota, Respondent

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No. 20210285

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Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable James S. Hill, Judge.

AFFIRMED.

Per Curiam.

Benjamin C. Pulkrabek, Mandan, ND, for petitioner and appellant; submitted on brief.

**Fourth v. State**  
**No. 20210285**

**Per Curiam.**

[¶1] Clifton Fourth appeals from an order denying his application for post-conviction relief claiming he received ineffective assistance of counsel during a probation revocation hearing. Following an evidentiary hearing on his application, the district court found Fourth failed to establish the first prong of the *Strickland* test that his attorney’s representation fell below an objective standard of reasonableness and, even if Fourth had met the first prong, he did not establish he was prejudiced by the alleged deficient performance. The district court did not clearly err in finding Fourth did not prove ineffective assistance of counsel and denying his application for post-conviction relief. We summarily affirm under N.D.R.App.P. 35.1(a)(2).

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