FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT
APRIL 14, 2022
STATE OF NORTH DAKOTA

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2022 ND 77

Kevin Michael Hoff, Petitioner and Appellant

v.

State of North Dakota, Respondent and Appellee

No. 20210291

Appeal from the District Court of Stutsman County, Southeast Judicial District, the Honorable Troy J. LeFevre, Judge.

AFFIRMED.

Per Curiam.

Tyler J. Morrow (argued) and Kiara C. Kraus-Parr (on brief), Grand Forks, ND, for petitioner and appellant.

Frederick R. Fremgen, State's Attorney, Jamestown, ND, for respondent appellee.

Hoff v. State
No. 20210291

Per Curiam.

[¶1] Kevin Michael Hoff appeals from a district court order and judgment denying his amended petition for postconviction relief. On appeal, Hoff argues the court clearly erred in finding Hoff abandoned certain claims in his amended petition. We conclude the court's finding that Hoff abandoned certain claims is supported by the evidence and is not clearly erroneous.

[¶2] Hoff also argues he received ineffective assistance of counsel. He argues his attorney failed to properly advise him of applicable defenses and with proper advice he would not have pleaded guilty. The court found Hoff failed to show his attorney's representation fell below an objective standard of reasonableness. We conclude the court's finding is supported by the evidence and is not clearly erroneous. We therefore affirm the court's order and judgment under N.D.R.App.P. 35.1(a)(2).

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