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SUPREME COURT DEC 26 2006

20060237

State of North Dakota,)
)
Plaintiff,)
)
vs.)
)
Ian Noack,)
)
Defendant.)
)

Crim. No. 05-K-04226
Supreme Court Case No. 20060237

Appellant's Brief

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

DEC 21 2006

STATE OF NORTH DAKOTA

TO: Ms. Penny Marshall

The case I am arguing is that my deer was tagged with the proper tag when it was shot and transported.. It was taken off after I read the proclamation and it said "If any part of the animal is to be mounted, and the tag is removed, the tag must be placed on the back of the mount". My father removed the tag after I told him it was ok because I was mounting the head European style. He was cutting up the meat and throwing out all the carcases and deer heads when the meat was gone, and saving the tags on top of the fridge along with the carcass tags. I was going to boil the head and place the tag on the back of the mount. The tag was with the deer head in the garage, and I placed another tag on the rack for a picture. I thought it was my buck tag, but it was a doe tag. I have pictures of the deer without the doe tag on it. I have two witnesses that were with me when I shot the buck on November 10. I am arguing that the law says that the tag may be removed if the animal is to be mounted. It does not say it has to be immediately placed on the back of the mount. This year's bow tag actually clarifies the problem with an exception printed on the tag. It reads" If the animal is to be mounted, the tag may be removed from the animals antlers or head. Immediately upon removal, the tag shall be securely fastened to the back of the mount and remain there. They added the immediately upon removal

which clarifies when the tag should be placed on the mount. This was not printed in the 2004 proclamation, and this is the argument I have for my case

Dated this 20 day of December 2006.

X _____

Ian Noack

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pc: Mr. M. Jason McCarthy, Assistant States Attorney