

20090192

SUPREME COURT OF NORTH DAKOTA

Ronald R, Ernst,
Appellant,

RECEIVED BY CLERK SEP 9 2009
SUPREME COURT

SUPREME COURT NO. 20090192

vs.

CASS CO. NO. 09-C-0922

State of North Dakota,
Appellee,

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

SEP 8 2009

REPLY BRIEF

STATE OF NORTH DAKOTA

APPEAL OF DISTRICT'S COURT DENIAL FOR POST-CONVICTION RELIEF

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FACTS OF THE CASE

The Appellant, (ERNST), pled guilty to numerous charges on October 28, 2002, due to a plea agreement that he did not receive. Ernst pled to burglary, two counts of theft, criminal mischief, disorderly conduct, stalking, and a misdemeanor count of indecent exposure. He received a sentence of eight years, with three years suspended for five years on the burglary.

However, the Court did change this sentence, as it originally sentenced Ernst to five years, with three suspended, and then changed it to the eight years. It also sentenced Ernst to one year on all of the Class "A" misdemeanors, and to 30-days for each Class "B" misdemeanor. All of the sentences were to run concurrent to the burglary sentence.

This is where the corrupt court came into play. After Ernst was taken away from the sentencing hearing of five days, the corrupt court changed the indecent exposure sentence of one year, to be served consecutive to the burglary. Ernst was not informed by the court. He only learned of the change of an amended sentence some two years later.

Ernst did file a post-conviction on this corrupt court, after he learned from his treatment provider that his sentence was extended. But, the court stated that Ernst filed this too late, as it was time barred.

Later Ernst filed another post-conviction to this court for ineffective assistance of counsel. It turns out that Ernst was appointed Steven Mottinger at the start of the proceedings for the charges. later Ernst was to be represented by Mark Buea- chene to handle this second attempt to right a wrong. But, this Attorney did nothing to the case but play pussy-foot, and never got around to doing a thing, so Ernst petitioned the Court to get rid of this jerk. Later Monty Mertz was appointed to handle this case.

Monty Mertz handled everything about the case to right the wrong of the sentence that was imposed, but failed to see that the sentence was "AMENDED" by the Court after Ernst was taken to prison. Mottinger did not see this error either.

Ernst filed for another post-conviction relief, finding that the Court, States Attorney and Fargo police withheld police reports showing that Ernst was not guilty of the burglary, two counts of theft, stalking, or disorderly conduct. It has now been brought to light, due to the fact that Ernst has to "MOTION" the Cass District Court twice, to receive the police reports of this alleged criminal activity.

The ineffective counsel claim is viable, as the attorney's did not see the errors made by the Court. Mottinger failed to retrieve all of the discovery material, as Beauchene failed to file any motions to the court, that he stated that he had to do, for a period of six months, and Mertz failed to see the Amended sentence, while browsing through the case.

So, all of the post-convictions were viable to correct the errors by the Courts, and the Attorney's.

ARGUMENT

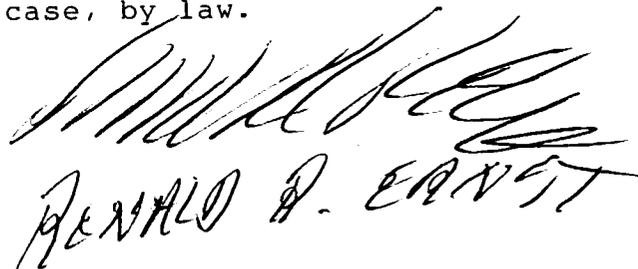
The Cass County State Attorney is arguing that this case should be dismissed as Ernst has abused the process for the correction of law. This is not a mis-use of process, if the case can be proven that a carriage of mis-justice has accorred. And in this case it has ahppend on more than one occasion. The first being the illegal "AMEMDED" sentence in 2002, whereby the defendant, Ernst was not present in Court to hear this change. The second came under the promise of a plea agreement, that was to be a sentence of five years, with three suspended. The third is the withholding of discovery materials that are to be given to the defense, so that they may prepare for a proper defense.

These obstructions of justice, make a mockery of the Courts and also of the Supreme Court, if they fail to reverse the conviction due to the illegal acts of the lower court. If the Supreme Court feels that an injustice has not happened, then this Court is just as corrupt as the lower Court, in awarding this distinguish in a coverup of the true facts that should be brought to light.

The government is suppose to be, of the people, by the people, and for the people. Not, for the government worker, who feels that it is his responsibility to do as he/she feels like doing. This is pure corruption. And, if the Court looks the other way, it is just as guilty, as the lower court. So, look into your mind and tell yourself that you want to be like the lower court justice, and disregard this petition. Otherwise, this case. has to be reversed, as the lower court erred in it's application to deny the post-conviction relief asked for.

The newly discovered evidence, of the hidden police reports are another reason for post-conviction application, as the State cannot hold back evidence pertaing to a case, by law.

(a)


RENEALD D. ERNST