

In the North Dakota Supreme Court
Bismarck, North Dakota

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SUPREME COURT
20110052
FEB 24 2011

Anthony Moore appellant

v.

State of North Dakota appellee

appeal case no. 20110052

FILED
IN THE OFFICE OF THE
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appellant's Brief

FEB 23 2011

STATE OF NORTH DAKOTA

The nature of the proceeding is
an appeal dismissing the petit-
jury's postconviction relief peti-
tion in the Cass County Dis-
trict Court in Fargo, North Da-
kota on February 14, 2011.

Anthony Moore
North Dakota State Prison
P O Box 5521
Bismarck, North Dakota 58506

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over →

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Table of Authorities

N.S.C. 12-1-26-03	1, 2, 4, 5,
N.S.C. 12-1-52-15	2, 3,
N.S.C. 12-1-27-02	1,
Federal Bar 109-248	1, 2, 3, 4, 5,
Rules of Appellate Procedure	1,

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Jurisdiction Statement

The jurisdiction of and for the North Dakota Supreme Court is under the North Dakota Rules of Appellate Procedure 3, 4, and the North Dakota Century Code 28-27-02.

Statement of the Issues

Whether North Dakota is in compliance with federal public law number 109-248.

Whether the state law that the petitioner was convicted under defines and categorizes the petitioner as a Tier-One sex offender under federal public law number 109-248.

Statement of the Facts

The State of North Dakota is not in compliance with federal public law number 109-248. Compare the North Dakota Century Code 12.1-52-15 to the federal public law number 109-248.

The North Dakota Century Code 12.1-20-05 of 2001 that the petitioner was convicted under both before and determine the tier level of one under the federal public law number 109-248 compare the two.

Statement of the Case

The petitioner was convicted by a jury for gross sexual imposition on November 28, 2001, and subsequently sentenced to 20 years in prison on January 17, 2002. The petitioner has litigated many proceedings and appeals to secure relief from the

illegal conviction and sentence. all efforts
have been futile, and the latest en-
deavour has been no different. This
appeal now exist.
argument and Law .87%

whether North Dakota is in Com-
pliance with federal public law nu-
mber 109-248.

North Dakota is not at all in Com-
pliance with federal public law nu-
mber 109-248. Compare the North
Dakota Century Code 12.1232-15

the federal public law number 109-
248. The federal public law num-
ber 109-248 represents a substa-
ntial change in substantive or proce-
dural law which must be applied
retrospectively.

As neither the state law that the petitioner was convicted under defines and categorizes the petitioner as a tier-one sex offender under federal public law number 109-248.

The state law that the petitioner was convicted under the North Dakota Century Code 12.1-20-03 does define and categorizes the petitioner as a tier-one sex offender for two reasons (1) The state law itself defines and categorizes the petitioner as a tier-one sex offender in contrast to federal public law number 109-248; (2) There was no evidence proven at trial of any kidnapping involved, no serious bodily injury inflicted, nor was the victim under the age of 15. The trial transcript, pages 20-80 is proof under criminal case number 09-01-K-2551. This record is currently in the possession of the North Dakota

Kenta Supreme Court.

The state law that the petitioner was convicted under is the North Dakota Century Code 12.1-26-03 that provides to sustain a conviction there must clearly be proven force or threat of imminent death and serious bodily injury; kidnapping involved; the victim under the age of 15.

The petitioner is a tier-one sex offender under federal public law number 109-248 section 111 that provides in pertinent part to be classified other than a tier-one sex offender there must be established and proven continuous sexual abuse of a child; the victim under the age of twelve years old; abduction and other criteria.

with respect to

the fact that the petitioner
was granted a writ of habeas corpus
on 10-16-1961 and that the
petitioner is presently serving
a term of imprisonment in the
State of Texas for a period of
years. The petitioner is presently
serving a term of imprisonment
in the State of Texas for a period
of years.

Conclusion

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It is requested that the petitioner be
represented under federal public
law number 109-278.

The petitioner is presently serving
a term of imprisonment in the
State of Texas for a period of
years. The petitioner is presently
serving a term of imprisonment
in the State of Texas for a period
of years.

January 23, 2011

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CERTIFICATE OF SERVICE BY MAIL
 DEPARTMENT OF CORRECTIONS & REHABILITATION
 PRISONS DIVISION
 SFN 50247 (Rev. 04-2001)

20110052

STATE OF NORTH DAKOTA)
) SS.
 COUNTY OF BURLEIGH)

The undersigned, being duly sworn under penalty of perjury, deposes and says: I'm over the age of eighteen years and on the 23 Day of February, 2011, a M, I mailed the following:

*appellant's Brief
 Request to displace with appellant
 appendix*

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FEB 23 2011

by placing it/them in a prepaid envelope, and addressed as follows:

*Ritch P. Burdick
 States Attorney
 211 10th Street South
 Fargo, North Dakota 58108*

STATE OF NORTH DAKOTA

and depositing said envelope in the Mail, at the NDSP, P.O. Box 5521, Bismarck, North Dakota 58506-5521.

AFFIANT

Anthony Mool

P.O. Box 5521
 Bismarck, North Dakota 58506-5521

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

My Commission Expires On