In the North Dakota Supreme Court
Bismarck, North Dakota

20110052

Anthony Moore appellant)
v.)
State of North Dakota)
appellee)

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STATE OF NORTH DAKOTA

appeal Case No. 20110052.

Appellant's Reply Brief

The only way that the state of North Dakota could put Anthony Moore away for twenty years is illegally. The state couldn't do it legally. Anthony Moore is unlawfully held, and no one that has the authority to bring about a change of circumstances has the courage to do so.

The state's argument, as always, is flawed in many ways inasmuchas none of the essential elements for a Class A felony Gross Sexual Imposition under the North Dakota Century Code 12.1-20-03 for the year of 2001 were proven, nor does the evidence introduced at trial

over →

meet any of the lifetime registration requirements as a sex offender under Federal Public Law Number 109-248. according to the trial transcript, in the lower court of the Cass County District Court Case number 09-01-K-2551 pages 20-79 there was threat of imminent death and force used against the victim, but no kidnapping was involved nor was the victim under the age of 15, she was 20 years old. These deficiencies makes the appellant a tier one or level one sex offender under Federal Public Law Number 109-248. None of the other criterion outlined in Federal Public Law Number 109-248 are applicable to the appellant's case. He must therefore be resentenced to the standards detailed in Federal Public Law Number 109-248. Sine limit registration sections, that is only for ten years. (There was no serious bodily injury inflicted on the victim the trial transcript is void of such a essential element.)

There is no absence of material fact as the prosecutor contends especially since he has presented the material facts to corroborate the petitioner's claims. See the prosecutor's attachments to his motion for Summary Disposition on the lower court files in the possession of the North Dakota Supreme Court under 09-2010-CV-04559.

The petitioner request to be resentenced under federal Public Law Number 109-248 because of the state law not agreeing with the federal law. The federal law is superseding and nothing that the prosecutor is professing can be taken as logical and reasonable, as a matter of fact, his argument is unsound and he is demanding a ruling in his favor based solely on his position as a state's attorney and his ego, nothing else. He ought to be disbarred for obtaining an illegal conviction and sentence. The only way

that he could put anthony moore away for twenty years was illegally.

The North Dakota Century Code 12-1-32-15 is nowhere near compatible with Federal Public Law Number 109-248. It is discordant anyone that contends differently is mentally distraught. The deadline for North Dakota to be in compliance with Federal Public Law Number 109-248 has expired and North Dakota is in noncompliance. The prosecutor is demanding that the North Dakota Supreme Court overlook and disregard that noncompliance. In truth, North Dakota has no intentions of complying with Federal Public Law Number 109-248.

The state's argument is nonsense. The petitioner must be resentenced upon Federal Public Law Number 109-248.

Under Federal Public Law Number 109-248 section 111 (1)-(14) the petitioner is a tier 1 sex offender and must be sentenced accordingly.

There is no misuse of process or res-judicata because of the state of North Dakota not being in agreement with Federal Public Law Number 109-248.

The exhibits within the appellee's appendix corroborates the appellant's contentions.

The appellant requisitions for a resentencing under Federal Public Law Number 109-248.

Anthony Moore

June 7, 2011