

IN THE INTEREST OF I.D. [a child]

STATE OF NORTH DAKOTA, Petitioner and Appellee

V.

I.D., C.L., Respondents

And M.D., Respondent and Appellant

Supreme Court Number: 20110275

District Court Number: 02-2011-JV-00010

RESPONDENTS, RESPONSE TO BRIEF OF PETITIONER

M.D., father to I.D.

Mailing address and

phone number on file

- 1) Appellant's 'facts' are unsupported by record.
- 2) A transcript of the suppression hearing and the adjudication hearing were not made available by Petitioner for Respondents to reference to and for the purposes of establishing (so they say) there alleged "**evidence established proof**".
- 3) There are repeating themes in their allegations made to (so they hope) establish their judgment as correct. These will be listed grouped with where they are found in their Brief, followed by our perspective with supporting evidence reference information when applicable.
- 4) **I.D. was not in custody**

Found on their page 1, section 2 * page 2, section 11 * page 2, section 16 * page 3, section 18 * page 3, section 20 * page 3, section 21 * and page 6, section 31.

Our perspective- There "**Arrest Report**" page 1 and 2, found in our Brief's Appendix, section V, clearly reads otherwise.

5) **Grandmother was/ and/ or/ Is I.D.'s custodian and/ or significant caregiver**

Found on their page 1, section 2 * page 2, section 11 * page 2, section 15 * page 3, section 19 * page 4, section 22 * page 4, section 23 * page 4, section 24 * and page 6, section 31.

Our perspective- Grandmother has never been a stand-in, or otherwise occupied the position of **loco parentis** and therefore has never been a custodian by definition. Grandmother is not a "significant caregiver". These facts have been entered into record threw a Sworn Affidavit filed with their court, statements given at their court and Affidavit(s) is/are included for your revue in this document's Appendix.

6) **I.D. made incriminating statement(s)**

Found on their page 1, section 9 * page 2, section 12 * page 5, section 29 * and page 6, section 32.

Our perspective- Respondents have never seen, heard or acknowledged the existence of alleged statement(s) and Petitioner has failed to produce alleged statement(s) into record.

7) (There) **evidence established proof**

Found on their page 1, section 3 * page 2, section 12 * page 5, section 25 * Page 5, section 28 * page 5, section 29 * and page 6, section 32.

Our perspective- Are they referring in whole or in part to the alleged video that was never entered into record, never seen by any one in court or by Respondents and by their own admission, allegedly shows a "Caucasian male" that they "could not make a positive identification" of, and by their own admission is date/time stamped (on their missing video) nearly 3 hours after the vandalism at the time it allegedly showed the "Caucasian male" that they "could not make a positive identification" of, that they now say they think is/was I.D.? (see our Brief's Appendix, section VII (3) and section XII (3). Are they referring to the alleged incriminating statement(s) that Petitioner has failed to produce/add into record? Or are they referring to Exhibits 1, 2 and 3; Index numbers 15, 16 and 17 (photos of bathroom on 5/23/2011 only) that to the knowledge of Respondents has not been added to the record at the Supreme Court? This set of photos shows something out of the ordinary (vandalism) happened in there bathroom that day and that fact has never been contested by us. They do not show, who, why, when and how it was done. They also do not show corroborating evidence.

8) **consistent circumstantial evidence**

Found on their page 5, section 27.

Our perspective- We totally agree. It has consistently all been lost/missing, exaggerated and/or not prove what they say it does.

9) **the Juvenile Court held that G.L. and I.D. were advised that they were free to go and the interview was not overbearing, threatening or coercive**

Found on their page 2, section 16.

Our perspective- Petitioner's statement is unsupported by alleged missing statement(s) (or recording of said statement(s) of I.D. and is contradicted by G.L.'s Sworn Affidavit(s) and testimony in their court. This is why there is such a thing as recorded, interrogation rooms (like the one that they did the questioning of I.D. in that day, yet say there is no video/audio of that day) and why there is such thing as written and signed statements.

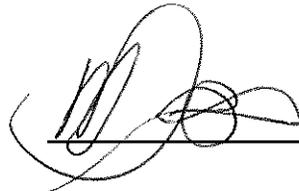
10) **Juvenile's waiver of his right to counsel**

Found on their page 3, section 19 * page 4, section 23.

"Arrest Report" found in our Brief's Appendix, section V, page 1 clearly shows Miranda was not read to I.D. and Miranda was not Waived by I.D., or any of the Respondents for that matter.

11) Based on the foregoing, the Respondents respectfully requests that the Order of the Juvenile Court be dismissed.

Dated this 30th day of December



A handwritten signature in black ink, consisting of several loops and flourishes, is written over a horizontal line.