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20140028

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In the Supreme Court of North Dakota

JUN 16 2014

20140028
Supreme Court # ~~20140020~~

STATE OF NORTH DAKOTA

Alois Vetter:
Petitioner - Appellant

Vs.

State of North Dakota:
Respondent - Appellee

Alois Vetter Brief Regarding Rule 24

Alois Vetter #38762
2521 Circle Drive
Jamestown, ND 58401

Reason why the North Dakota Supreme Court should free me and send me home , so I can be with my wife:

1. Law: NDCC states that when driving down a road you need to drive with “do care”. NDCC also state a “person under the influence of alcohol or drugs can NOT be on any roadway”:

On Feb 18th, 2011 about 6:30pm I drove down 2nd Street west of West Fargo. I saw a person in the middle of the street, and I slowed down. I was moving very slowly (“do care”) and knew that I was in a drug zone, which is much like a “war zone”. I drove so slow that the person on the street could not wait for me to get to him, so he ran up and charged into my hummer, like he was going to stop my vehicle. The person’ medical records showed that he was under the influence of alcohol and interfered with traffic.

Therefore, this person must be held responsible for the accident and should be charged for being under the influence of alcohol and instead, I (Alois Vetter) was charged with “assault with a deadly weapon”.
2. Brian Hemphill and Jennifer McFarling lying under oath at my (Alois Vetter’s) trial:

Hemphill started by telling the jury that he is sick and tired of being a looser and he is now going straight. However, 6 months before the accident he stole \$23,000 worth of metal and sold it. On Feb 18th, under the influence of alcohol, he stood in the middle of the road and interfered with traffic, which is a violation of the law. Later, he changed his story about what happened on Feb. 18th; He said I bumped and pushed him 80’ down the street with my hummer then pushed him over and ran over him. There is NO evidence that that ever happened. However, there is evidence that after he attacked the hummer and fell down, he was dragged about 50 to 60 feet down the street. His medical records showed that he had a lot of road rash in the back of his head, his ear was almost tore off, he had shoulder rash, and some on his legs. Then, Hemphill told the jury that I was always speeding when I drove down 2nd street. In 40 years of driving in West Fargo, I never got a traffic ticket. 2nd Street West is a narrow street and I have 3 properties on that street. I always drove very slowly on that street.

Hemphill also told the jury that in January of 2011 I was a bully. Hemphill did not pay his rent so I took him to court. The night before the court hearing, he paid the rent with late fees. In February he moved out, but I do not know why.

He also told the jury how he was talking to me when he was in front of my hummer and how I yelled back and used the “F” word. When the hummer motor is running, it is impossible to hear each other from the inside of the hummer and with someone in font of the hummer. He was in front of the hummer less than 10 seconds. These are only a few of Hemphill’s lies, lies, and more lies.

McFarling told the jury how she saw me push him 50 to 60 feet and then drive over Hemphill with the front tire and with the back tire. The pictures

that the West Fargo Police Department has, shows ONE clear tire track over Hemphill's coat. The West Fargo Police Department had an interview with her and the police also reported that she said I ran over Hemphill and then he flew on the hood of my hummer. Then I stopped and he rolled off and then I ran over him. Her story changed also.

3. Why did Hemphill go out on the street?
 - A. To tell me to slow down? In 40 years I was never ticketed for a traffic violation in the city of West Fargo.
 - B. To commit suicide? Hemphill and his live-in-lady friend were separated in the beginning of Feb. 2011. After that, McFarling, his lady friend, reported Hemphill to the law for stealing \$23,000 worth of materials.
 - C. Therefore, I should not have been charged with a crime.
4. The conduct of the prosecuting team:

Did this team encourage Hemphill and McFarling to lie under oath, or did they even tell the 2 witnesses exactly what to say? At least 2 times this team told the jury that on 2nd Street, I own the doors of 611, 613, 623, 625, 629, 631 and the Sunset Motel which is around the corner.

This team, along with the witnesses, told the jury I was a rich bully landlord and I believe that's what I was found guilty of.

Today, my wife and I own 4 duplexes, that is, 8 rental units. 2 of the 8 tenants have been tenants of ours for over 20 years.

CONCLUSION:

I know my information is not very well organized, however, I do believe you can get my point of view. Along with what my Attorney Edinger presented, it's pretty clear that I should not have been charged with a crime and that my trial was nothing but a scam.

I, therefore, beg the Supreme Court to: 1. Clear me of all charges and send me home to my wife who has gotten so very sick since I have left home. 2. Have the West Fargo Police Department provide me with a hummer that has less than 50,000 miles on it. 3. Return to me my \$25,000 of bond money.

The W F Police broke into our garage and took my hummer. attorney Williams has the 25,000 Bond money

Explanation of Sketch on the Page on top of this Page

- ① Where a 6' plus weight about 300 pounds stood as I (al Vetter) came driving down the street
- ② Path of the second person with red tool By Under arm took to get behind my Hummer
- ③ Path the big person took that ran up against the Hummer
- ④ the Hummer slowly moved forward
- ⑤ Path where the big person got pushed
- ⑥ Where the Hummer stopped and the big person said he lost his footing and fell down.
- ⑦ the path I wanted to take to get around the big person
- ⑧ Where the Absoulone Push the big person up
- ⑨ Path where the big person got dropped

Big Question: Where did the assault with a deadly weapon happen??

Next Question: Did the big person lose his footing and fall or did he pass out because he was so drunk or did he throw himself in front to complete his suicide

Next Question: Was the assault with a deadly weapon design in Attorney Williams Office. After all 2 W & P also spent 2 sections in his office before I got charged over

Attorney Williams is now seeing me on ~~behalf~~
behalf of the big person Brian Hemphill

To: North Dakota Supreme Court

Regarding: Vetter vs. Supreme Court #20140028

This is an article written by Alois Vetter in regard to the conduct of attorney Michael Williams in relation to the accident on Feb 18th, 2011, where Brian Hemphill got run over by Alois Vetter.

1. I was informed that on the evening of Feb. 18, 2011, that Williams was at the E.R. before Hemphill was brought in.
2. The Forum headlines read something like: A 74 year old landlord drove over his tenant with his hummer because the tenant did not pay his rent. This headline influenced all potential jurors in Cass County. Who came up with this headline?
3. My Attorney, at the time, was Mark Meier from Wahpeton, ND. He informed me that Hemphill was full of drugs that evening of Feb. 18th, but Williams made sure that information was not recorded on Hemphill's medical record. Anyone that runs out on the street and attacks an oncoming hummer and wants to stop it, would have to be full of drugs to have that kind of courage.
4. In the West Fargo Police records it shows that 2 West Fargo Police spent 2 sessions in Williams' office before I got charged with 2 felonies.
5. Someone reported to my insurance company that Hemphill was standing on the sidewalk and I purposely drove up on the sidewalk and ran him over. Therefore, my insurance company refused to defend me. Was that Williams?
6. I was charged with 2 felonies; one with prison terms and one without prison terms.
7. The states attorney sent a message to my attorney and told him if I would plead guilty to the felony without prison term that would drop the other. I did not like that offer.
8. Someone requested our parish priest, Fr. Meier, from Holy Cross Catholic Church, to call me into his office and to encourage me to take the offer and

plead guilty to the non-prison term felony. I also refused. Who made that call? Williams?

9. At my trial, Hemphill lied and lied. One lie was that I pushed him 80 feet down the street than pushed him over, however, there is obviously no evidence that that happened. Did Williams tell Hemphill to use that lie?
10. Jennifer McFarling lied at that point and told the jury that I drove over him with the front wheel and the back wheel. Evidence shows only one wheel ran over Hemphill. This was the third story McFarling told as what she saw that night. Who encouraged McFarling to lie that night?
11. Williams already took my \$25,000 bond money from the courts. If this bond money was still with the courts, should I not be freed while the Supreme Court rules on my case? *I requested the Bond Money
But I still do not have it.*
12. In closing, I feel very strongly that the jury verdict should be voided because of the lies committed by the 2 state witnesses.
13. Also, whoever encouraged the 2 witnesses to lie on the stand should be charged with accessory to perjury.
14. I believe attorney Williams conducted himself unethically and even criminally. He should be investigated.

at my (A1 letter) departure William told me that a Pedestrian has the "Right-of-Way" on the Street. I told him that was not ~~the~~ true, then he yelled at me and said "Where did you go to Law School" I told him I read the Law Book about NOCC stating a pedestrian does Not have the right of road way.

Motor Vehicle NDCC

Chapters 39-10 General Rules of the Road:

39-10-33.4. Pedestrian under influence of alcohol or drugs.

A pedestrian who is under the influence of alcohol or any drug to a degree which renders the pedestrian a hazard may not walk or be upon a roadway.

Source S.D.-1975, Ch 347 § 17

On February 18th, 2011 around 6:00 pm Brian Hemphill walked out on to 2nd Ave West in West Fargo. Hemphill's medical records stated that his blood alcohol level was .112, which is about 40% about the legal limit. Therefore, Hemphill was in violation of the above law. As I, Alois Vetter, came driving down the street, I, Vetter, slowed my vehicle down. As I got closer to Hemphill he ran up against my vehicle. This made him a hazard on the road. I, giving "due caution" slowed down and also tried to get around him.

Hemphill stated, that I drove by 611 2nd Ave West in West Fargo many times. There is no law that states how many times a person can drive by his rental units. He also stated that I drove too fast. If that was the case, he should have called the police. I have lived in West Fargo for 40 years. I have never received a traffic ticket in the last 20 years in the city limits of West Fargo.

Because Hemphill violated the above law, he is totally responsible for the accident that happened on Feb. 18th, 2011. Hemphill should have been charged for that crime, instead I was charged with two felonies; Assault with a deadly weapon and reckless endangerment.

The court found me guilty only because the two state witnesses, Hemphill and McFarling, lied and lied under oath.

Because I did not commit a crime, all charges against me must be dropped and I must be released from prison immediately. The officers that are responsible for charging me must be fired and held responsible for my wife's, Mary Ann, and my pain and suffering that we have endured during the past 16 months of imprisonment.