

ORIGINAL

20020305

IN SUPREME COURT STATE OF NORTH DAKOTA

ANTHONY JAMES MOORE APPELLANT,

VS,

STATE OF NORTH DAKOTA APPELLEE,

CASE NO. 09-01-K-2551

SUPREME COURT NO. 20020305.

FILED  
IN THE OFFICE OF THE  
CLERK OF SUPREME COURT

NOV 17 2002

BRIEF FOR THE APPELLANT

STATE OF NORTH DAKOTA

THE NATURE OF THE PROCEEDING APPEAL FROM THE ORDER DENYING MOTIONS (1) MOTION FOR THE PROSPECTIVE JUROR LIST USED AT TRIAL NOVEMBER 27-28 2001. (2) MOTION FOR RULE 16 DISCOVERY MATERIALS (3) MOTION FOR 1 COMPLETE TRANSCRIPT OF ENTIRE COURT PROCEEDINGS. DENIED IN THE CASS COUNTY DISTRICT COURT IN FARGO NORTH DAKOTA. (4) MOTION TO DISMISS COUNT 2 WITH PREJUDICE. DENIED BY DISTRICT COURT OF CASS COUNTY. (5) MOTION FOR THE REMOVAL AND DESTROYAL OF DOCUMENTS FROM THE REGISTER.

TABLE OF CONTENTS

PAGE	1	. . . . .	CONTENTS
PAGE	2	. . . . .	GROUND JURISDICTION
PAGE	3	. . . . .	ISSUES
PAGE	4	. . . . .	FACTS
PAGE	5	. . . . .	ARGUMENT
PAGE	6	. . . . .	ARGUMENT
PAGE	7	. . . . .	ARGUMENT
PAGE	8	. . . . .	ARGUMENT
PAGE	9	. . . . .	ARGUMENT
PAGE	10	. . . . .	ARGUMENT
PAGE	11	. . . . .	CONCLUSION

GROUND JURISDICTION

APPEAL FROM THE ORDER DENYING MOTIONS-- (1) MOTION FOR 1  
COMPLETE TRANSCRIPT OF ENTIRE COURT COURT PROCEEDINGS. (2)  
MOTION FOR RULE 16 DISCOVERY MATERIALS. (3) MOTION FOR THE  
PROSPECTIVE JUROR LIST USED AT TRIAL NOVEMBER 27-28 2001.  
FILED NOTICE OF APPEAL IN DISTRICT COURT CASS COUNTY  
FARGO NORTH DAKOTA TO THE NORTH DAKOTA STATE SUPREME COURT.  
APPEAL FROM THE ORDER DENYING MOTION TO DISMISS COUNT 2  
WITH PREJUDICE.  
(5) MOTION FOR THE REMOVAL AND DESTROYAL OF DOCUMENTS  
FROM THE REGISTER.

X

ISSUES

- (1) PURPOSEFUL AND INTENTIONAL WITHHOLDING IMPORTANT REQUIRED INFORMATION DOCUMENTS TRANSCRIPTS BY THE CASS COUNTY DISTRICT COURT AND THE PROSECUTOR BIRCH P. BURDICK
- (2) RULE 16 DISCOVERY MATERIALS.
- (3) MOTION FOR 1 COMPLETE TRANSCRIPTS OF ENTIRE PROCEEDINGS.
- (4) MOTION FOR THE PROSPECTIVE JUROR LIST USED AT TRIAL NOVEMBER 27-28 2001.
- (5) ALL OF THESE MOTION HAVE BEEN DENIED BY THE COURT.
- (6) DENIAL OF FORMA PAUPERIS FOR TRANSCRIPTS.
- (7) FOR THE COURT MATTERS THAT I DO NOT KNOW OR DID NOT STATE OR DO OR SPEAK OR SAY WHETHER AT ORAL ARGUMENT IN THE APPELLANT BRIEF OR APPENDIX I ASK THE SUPREME COURT TO ACCEPT AS IF I DID.
- (8) MOTION TO DISMISS COUNT 2 WITH PREJUDICE WAS DENIED.
- (9) COUNT 2 DISMISSED WITHOUT PREJUDICE.
- (10) PURPOSEFUL AND INTENTIONAL MALICIOUS PROSECUTION.
- (11) MOTION FOR THE REMOVAL AND DESTROYAL OF DOCUMENTS FROM THE REGISTER.
- (12) ALL OF THESE MOTIONS HAVE BEEN DENIED BY THE CASS COUNTY DISTRICT COURT.

X

FACTS

(1) IT IS FACT THAT INDIGENT DEFENDANTS ARE ENTITLED TO  
1 FREE COPY OF COMPLETE TRANSCRIPTS FROM THE COURT.

(2) IT IS A FACT THAT PRO SE DEFENDANTS AND APPELLANTS  
ARE TO HAVE FULL ACCESS TO COURT DOCUMENTS TRANSCRIPTS  
AS WELL AS MATERIALS.

IT IS A FACT THAT I REQUESTED TRANSCRIPTS INFORMATION  
TO PREPARE FOR APPEAL IN ADVANCE.

(4) THE MOTIONS THAT I HAVE ADDRESSED TO THE COURTS  
CLEARLY STATE MY REASON FOR THE REQUESTED DOCUMENTS  
TRANSCRIPTS INFORMATION.

(5) THE NATURE OF THE PROCEEDING IS A GROSS SEXUAL  
IMPOSITION CHARGE THE COURSE OF THE PROCEEDINGS WERE  
PRELIMINARY HEARING ARRAIGNMENT DISPOSITIONAL CONFERENCE  
THE DISPOSITION IN THE DISTRICT COURT OF CASS COUNTY  
WAS DISMISSED WITHOUT PREJUDICE

(6) THE RESULTS OF THE EXAMINATION IS THAT THE DNA IS  
INCONCLUSIVE SEE RENUMBERED APPENDIX PAGE 16

(7) I DEMANDED AND REQUESTED TO BE BROUGHT TO TRIAL  
BEFORE COUNT 2 WAS DISMISSED WITHOUT PREJUDICE AND I  
DEMANDED AND REQUESTED FOR COUNT 2 TO BE DISMISSED WITH  
PREJUDICE BEFORE COUNT 2 WAS DISMISSED WITHOUT PREJUDICE  
SEE APPENDIX RENUMBERED PAGES 20 21

(8) THE PROSECUTOR MR BIRCH P. BURDICK TRIED TO GET ME  
TO SIGN A WRITTEN CONFESION. SEE APPENDIX PAGE 19

ARGUMENT

I ANTHONY JAMES MOORE BY AND THROUGH MYSELF AM ARGUING. MR BIRCH P. BURDICK THE PROSECUTOR HAS TOTALLY EXAGGERATED THIS MATTER TO THE ABSOLUTE EXTREME DUE TO THE FACT THE DNA IS INCONCLUSIVE SEE RENUMBERED APPENDIX PAGE 16 AND THAT I REQUESTED AND DEMANDED TO BE BROUGHT TO TRIAL BEFORE COUNT 2 WAS DISMISSED WITHOUT PREJUDICE AND REQUESTED AND DEMANDED FOR COUNT 2 TO BE DISMISSED WITH PREJUDICE BEFORE IT WAS DISMISSED WITHOUT PREJUDICE SEE APPENDIX RENUMBERED PAGE 20 and 21 THE PROSECUTOR HAS NO FACTUAL FOUNDATION ON COUNT 2 HE WANTS AN CONVICTION ON INCONCLUSIVE DNA HE WANTS TO COMPARE THE CASES TO INFLUENCE THE COURTS DECISION HOPING FOR COUNT 2 TO REMAIN DISMISSED WITHOUT PREJUDICE HE HAS ABSOLUTELY NO PROOF WHATS SO EVER THAT I COMMITTED A CRIME THE TRUTH OF THE MATTER IS THE ALLEGE VICTIM DID NOT WANT TO BE FOUND NOT THE FACT THAT SHE COULD BE FOUND BUT DID NOT WANT TO BE FOUND SEE APPENDIX RENUMBERED DOCKET SHEET PAGE 7 ITEM 102 FOR AN ORDER GRANTING THE STATES MOTION TO AN CONTINUANCE THE JURY TRIAL ON COUNT 2 WHERE ARE THE PHOTOS ? WHERE ARE THE DOCTORS OR NURSES STATEMENTS ? WHERE IS THE EVIDENCE ? THEY DID NOT STATE ANYTHING BECAUSE THEY DID NOT HAVE ANYTHING TO SAY SHE WAS NOT SEXUALLY ASSAULTED IF SO SHE WOULD HAVE SUPPORTED HER BOGUS DANGEROUS ALLEGATIONS THE DNA DOES NOT MATCH ME THEREFORE I RESPECTFULLY REQUEST THAT COUNT 2 BE DISMISSED WITH PREJUDICE FURTHER MORE THIS IS IN DIRECT VIOLATION OF THE 6th AMENDMENT OF THE UNITED STATES CONSTITUTION DUE TO THE FACT THE FELONY SCHEDULING ORDER WAS NOT FOLLOWED SEE APPENDIX RENUMBERED PAGE 17 THE PROSECUTOR IS PURPOSELY CONFUSING THE ISSUES TO GAIN FAVOR THESE ANTICS ARE UNNECESSARY AND DONE BY HIM DUE TO HIS LACK OF PROOF HE USES THE ASSEMBLY OF THE PEOPLE AND THE COMMUNITY TO INFLUENCE THE COURTS DECISION ALSO EXPLOITATION OF THE DEFENDANT THROUGH THE NEWS MEDIA THESE ACTIONS ARE MOST DESPERATE ATTEMPTED ENTRAPMENT AND COERCION BY THE PROSECUTOR SEE APPENDIX RENUMBERED PAGE 19

ARGUMENT

MARK MY WORDS I AM TELLING YOU ALL THE TRUTH AND SINCE I AM TELLING YOU ALL THE TRUTH GRANT ME RELIEF FURTHER MORE IF THE PROSECUTOR SUBMITTS ANY CORRESPONDENTS FROM ME TO THE SUPREME COURT OF NORTH DAKOTA IN HIS APPENDIX THAT IS IN DIRECT VIOLATION OF THE 5th AMENDMENT OF THE UNITED STATES CONSTITUTION CONSIDERING I DID NOT OFFER ANY OR IF THE PROSECUTOR SUBMITTS ANY DOCUMENTS TRANSCRIPTS LETTERS ON COUNT 1 I ASK THAT THEY BE DISREGARDED ON THE GROUNDS OF GIVING FALSE AND MISLEADING INFORMATION CONFUSION OF ISSUES TO THE NORTH DAKOTA STATE SUPREME COURT I CAN BE ELIMINATED BECAUSE I CANNOT BE POSITIVELY IDENTIFIED AT ALL IN THE RESULTS OF THE EXAMINATION HOPE OLSON STATES THAT I CANNOT BE ELIMINATED WHY? IT IS BECAUSE I CANNOT BE POSITIVELY IDENTIFIED PERIOD THIS IS JUST ANOTHER REASON FOR THEM TO GET A CONVICTION ON INCONCLUSIVE DNA THE BOTTOM LINE DOES NOT MATCH ME I AM INNOCENT AND THE DEFENDANT HAS PROVED BEYOND A DOUBT THE LENGTH OF DELAY AND HOW THAT PREJUDICED ME IN THIS CASE WITH SUPPORTING DOCUMENTS SEE APPENDIX RENUMBERED PAGES 16 17 18 19 20 21

REMOVAL AND DESTROYAL OF DOCUMENTS FROM THE REGISTER THEY WERE NOT NOT OFFERED BY ME AT ALL DUE THE FACT I WAS MISLEAD TO BELIEVE BY THE ATTORNEY AT LAW MARK A. BEAUCHENE THAT IF I WAIVE DIRECT APPEAL HE WOULD GUARANTEE AND PROMISE A SENTENCE REDUCTION THEREFORE THE STATEMENTS THAT I MADE CONCERNING IN THE DOCUMENTS WERE MADE UNDER THE PROMISE AND GUARANTEE OF ATTORNEY THAT I WILL RECIEVE SUCH NAMELY A SENTENCE REDUCTION RESULTING IN A 7 YEAR PRISON TERM I WAS MISLEAD TO BELIEVE AND MAKE THOSE STATEMENTS I REQUEST TO HAVE ITEMS REMOVED AND DESTROYAL FROM THE REGISTER DOCKET ENTRY 306 310 311

FRIUTLESS PROMISE ALSO HE BROKE A PROMISE OF CONFIDENTIALITY VERBAL. I TRULY FEEL AND BELIEVE THAT THIS WAS AND IS IN DIRECT VIOLATION OF THE 5TH AMENDMENT.

X

ARGUMENT

I REQUESTED THAT DISTRICT COURT OF CASS COUNTY SENT TO ME THE PROSPECTIVE JUROR LIST USED AT TRIAL NOVEMBER 27-28 2001 FOR APPEAL PURPOSES TO PROVE SYSTEMATIC EXCLUSION PURPOSEFUL AND INTENTIONAL DISCRIMINATION WHICH IT IN DIRECT VIOLATION OF THE 14TH AMENDMENT U.S. CONSTITUTION PRIMA FACIE PROOF I HAVE FROM THE CENSUS BUREAU DOCUMENTATION THAT A SUBSTANTIAL NUMBER OF NON WHITES AND MINORITIES EXIST AND WERE LIVING IN THE CASS COUNTY AREA AT THE TIME OF THE TRIAL SEE RENUMBERED APPENDIX PAGES 22-23 CENSUS DATA THE OTHER COMPONENT IS THE PROSPECTIVE JUROR LIST WILL PROVE SYSTEMATIC EXCLUSION SEE RENUMBERED PAGE IN APPENDIX 28 14TH AMENDMENT SINCE DISTRICT COURT REFUSES TO SENT ME THE PROSPECTIVE LIST I REQUEST DOCUMENTATION OF EACH INDIVIDUAL JURORS RACE THEY WERE ALL WHITE AND I REQUEST DOCUMENTATION OF THIS WHICH IS PROOF THE SUPREME COURT MUST MAKE A STAND BY OVER RULING JUDGE RALPH R. ERICKSON AND THAT THE SUPREME COURT WILL NOT BE INTIMIDATED BY ANYONE FROM CASS COUNTY JUDGE RALPH IS TRYING TO INTIMIDATE THE COURT DUE TO FACT HE HAS BEEN NOMINATED FOR FEDERAL JUDGESHIP USING SCARE TACTICS AND BULLY ANTICS HE IS ASKING THE SUPREME COURT TO STAND BY HIM AND HIS SIDE BASED ON A FUTURE POSITION HIS DECISION IS CLEARLY IN THE WRONG AS WELL AS BEING IN DIRECT VIOLATION OF THE 14TH AMENDMENT AMENDMENT THEY ARE ALL PURPOSELY WITHHOLDING DOCUMENTATION TO KEEP SECRET THERE WRONGS AND ERRORS AND TO PREVENT ME FROM GOING WITH POST CONVICTION THEY ARE WAITING FOR ME TO FILE SO THAT THEY CAN ONLY APPOINT COUNSEL TO WORK

ARGUMENT

AGAINST ME NOT RAISE ISSUES GIVING DISLUSIONS ILLUSIONS  
THAT MY APPEAL IS MERITLESS LEAVING OUT PORTIONS OF THE  
TRANSCRIPTS INTENTIONALLY AND PURPOSELY THEY DO NOT  
WANT TO BE EXPOSED. IT IS JUST FOOLISH TO PROCEED IN A  
COURT UNBRIEF AND UNPREPARED WHY ? WAIT UNTIL THE LAST  
MINUTE TO ACT WHY ? NOT DO IN ADVANCE AND AVOID ERRORS  
AND MERITLESS PETITIONS AND APPEALS I PREFERR TO REFLECT  
REVIEW STATE PRECISE CORRECT NOW TO DENY PRO SE OR  
INDIGENT DEFENDANTS APPELLANT ACCESS TO THE COURT MATERIALS  
IS IN VIOLATION OF THE 14TH AMENDMENT SINCE DISTRICT COURT  
HAS NOT TAKEN ANY ACTION THAT IS NON EXCUSABLE NEGLECT  
DUE TO THE FACT THE REQUESTED MATERIALS DOCUMENTS TRANSCRIPTS  
WILL BE USED IN PREPARATION FOR APPEALS AS I WAS BEING  
TRANSPORTED TO PRISON I WAS TOLD BY THE TRANSPORTERS THAT  
I COULD NOT BRING ANY LEGAL PAPERS OR ANY BUNDLES OF  
PAPERS SO I HAD TO LEAVE BEHIND I ASK THAT JUDGE RALPH  
R. ERICKSON ANSWERS BE DISREGARED ON THE GROUNDS OF GIVING  
ERRONEOUS AND UNSUPPORTED INFORMATION TO THE COURTS HE HAS  
STEPPED IN BECAUSE HE WANTS TO GET A GOD REPUTATION IN  
THE WORLD THROUGH CONVICTED SEX OFFENDERS HE DOES THIS AS  
A MEANS TO GAIN FAVOR WITH CERTAIN INDIVIDUALS THAT SHARE  
EXACT SAME VIEWS ON SEX OFFENDERS CASS COUNTY JUDGES  
PUBLIC DEFENDERS PROSECUTORS ARE EXTREMELY BIAS AND PARTIAL  
MAKING IT IMPOSSIBLE FOR CERTAIN DEFENDANTS TO GET  
ANY COURT MATTER FAIR AND WITHOUT PREJUDICE THEY ARE THE  
ONES THAT ARE CONFUSED AND IN COMPLETE DENIAL OF THERE  
WRONGS AND BLUNDERS OOPS THERES ANOTHER BLUNDER IT DOES  
NOT MATTER WE WILL JUST GIVE HIM OR HER A RAW DEAL NOBODY

ARGUMENT

WILL EVER KNOW LETS JUST COVER IT UP WE HAVE BEEN DOING IT FOR QUITE SO LONG WE CAN CONTINUE TO DO THIS AND GET AWAY WITH THIS GUILTY GUILTY GUILTY 20 YEARS WE WILL OPPRESS THE POOR EVEN IF THEY ARE RIGHT LETS NOT MISS A CHANCE WE WILL CALL OURSELVES RIGHT AND SHOW NO RESPECT FOR ANY OTHER COURT AND OL NO ONE GOT ANYTHING BY BEING WEAK WE WILL BE CRUEL TO ESPECIALLY ANTHONY JAMES MOORE AND OTHER LIKE HIM THAT STAND UP FOR THEMSELVES LETS MAKE A EXAMPLE OUT OF THEM AND HIM NOW I REQUESTED THE DOCUMENTS AND INFORMATION TO PROVE THAT THERE IS NO SERIOUS BODILY INJURY FOR KIDNAPPING THAT EXIST AND THAT THE ESSENTIAL ELEMENTS OF THE HIGH PROFILE CONVICTED OFFENSE ARE NOT THOSE OF 12.1.20 03. BUT ARE THOSE OF A CLASS B 12.1 20 04. --SEE RENUMBERED APENDIX PAGES 24-25-26 THE REQUESTED INFORMATION WILL PROVE THIS SEE RENUMBERED APPENDIX PAGE 3 ITEM 1 THE PROSECUTOR MR BIRCH P. BURDICK KNOWS THIS AND IS TRYING TO KEEP THIS RIDICULOUS SENTENCE AND FLIMSEY CONVICTED OFFENSE AS IT IS THERE NO REASON FOR HIM NOT TO RELEASE THAT INFORMATION AND DOCUMENTS TO ME BUT THERE IS A REASON FOR HIM TO RELEASE THAT TO ME TO PROVE CLAIMS THEY ARE PURPOSEFUL AND INTENTIONALLY WITHHOLDING DOCUMENTS FROM ME TO PREVENT ME FROM PROVING IF THIS WERE NOT SO THEY WOULD GIVE ME REQUESTED INFORMATION AND DOCUMENTS MORE THAN WILLING BUT SINCE NOT THIS PROVES MY ACCUSATIONS AND ALLEGATIONS TO BE TRUE AND CORRECT MR BIRCH P. BURDICK COACHED PAMELA NORH INTO MAKING STATEMENTS THAT ARE NOT TRUE JUST COMPARE THE INFORMATION

ARGUMENT

TO THE TRANSCRIPTS TO USE TOWARDS HIS ADVANTAGE HE FOUND  
OUT THAT I WAS GOING WITH DIRECT APPEAL HE LIED ON COURT  
RECORD BY STATING THAT THERE WAS AND IS SERIOUS BODILY  
INJURY AND KIDNAPPING INVOLVED AND INFLICTED EVEN THOUGH  
THERE IS NONE AT ALL THE PROSECUTOR GIVEN FALSE INFORMATION  
AND MISLEADING WHICH HE CANNOT PROVE AT ALL HE HAS PHOTOS  
LET HIM PRODUCE THEM OF PAMELA NORH IMMEDIATELY AFTER THE  
BLOWN OUT OF PROPORTION EXAGGERATED BIZZARENESS ALSO MR  
BIRCH P. BURDICK LEFT OUT A SECTION OF THE ESSENTIAL  
ELEMENTS OF THE OFFENSE 12 1- 20 03. SEE RENUMBERED APPENDIX  
PAGE DOCKET SHEET PAGE 7 ITEM 117 LEFT OUT JURY INSTRUCTIONS  
PURPOSEFUL AND INTENTIONAL THE PROSECUTOR ASKED ME IF I  
WOULD AGREE TO AN OPEN RECORD JUST TO FURTHER EXPLOITATE ME  
THROUGH AND WITH THE MEDIA USING THE ASSEMBLY OF THE  
PEOPLE AND COMMUNITY TO INFLUENCE THE SUPREME COURT  
DECISION AS DONE IN DISTRICT COURT PREVIOUSLY  
SEE ALSO APPENDIX RENUMBERED PAGE 27 FOR  
APPLICATION TO PROCEED IN FORMA PAUPERIS SUPPORTING  
DOCUMENTATION AND ORDER.

CONCLUSION

(1) PRECISE RELIEF SOUGHT REMAND BACK DOWN TO THE DISTRICT COURT OF CASS COUNTY WITH A ORDER TO DISMISS COUNT 2 WITH PREJUDICE.

(2) ORDER COUNT 2 TO BE DISMISSED WITH PREJUDICE.

(3) REMAND BACK TO DISTRICT COURT FOR A ORDER GRANTING REQUESTED DOCUMENTS TRANSCRIPTS INFORMATION.

(4) THIS BRIEF WAS NOT PREPARED WITH A COMPUTER OR WORD PROCESSOR.

(5) I ANTHONY JAMES MOORE HAS PREPARED THIS BRIEF TO ABSOLUTE BEST OF MY ABILITY OF WHICH I TRULY STAND ON.

RESPECTFULLY SUBMITTED THIS 17<sup>th</sup> DAY OF NOVEMBER  
2002.

  
ANTHONY JAMES MOORE

