

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

RONALD R. ERNST,

APPELLANT,

V.

STACEY TJON,

APPELLEE,

SUPREME COURT NO. 20040373

CASS COUNTY NO. 04-C-02274

APPELLANTS BRIEF

APPEAL FROM THE DISTRICT COURT SUMMARY JUDGEMENT, OF DISMISSAL

RONALD R. ERNST

N.D.S.P.

P.O. BOX 5521

BISMARCK, N.D. 58506

PATRICIA A. ROSCOE

SOLBERG, STEWART, MILLER & TJON

P.O. BOX 1897

FARGO, N.D. 58107-1897

PRO SE

APPELLANT,

ATTORNEY FOR,

APPELLEE

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FACTS OF THE CASE

APPELLANT, (ERNST), FILED THIS CIVIL ACTION, IN THE CASS COUNTY DISTRICT COURT, FOR VIOLATIONS OF DEFAMATION AND LIBEL, AGAINST APPELLEE STACEY TJON. IN TJON;S ATTEMPT TO DEFEND THREE CLIENTS, BURDICK, SHASKY AND ARNOLD, IN TWO OTHER CASES THAT WERE BROUGHT ON BY THE APPELLANT, TJON TRIED TO INFLUENCE THE DISTRICT COURT, AND THE SUPREME COURT, TO THE IDEA THAT THE APPELLANT DID NOT DESERVE TO WIN THE CASES, AS SHE PUT IT IN SO MANY FALSE DOCUMENTS, THAT THE APPELLANT WAS NOT DESERVING, TO WIN.

TJON, HAD THE CORRECT INFORMATION BEFORE, SOME ONE YEAR AND A HALF, BEFORE FILING PAPERS WITH THE COURT. SHE EVEN HAD THE PROPER CONVICTIONS, BUT CHOSE TO LIE TO THE COURT, THAT THE APPELLANT PLEADED GUILTY TO OTHER CRIMES THAT HE WAS NEVER CHARGED WITH. AT EVERY STEP OF THE PROCESSES, THE APPELLEE, LIED ABOUT THE PREVIOUS CONVICTIONS OF THE APPELLANT. ON TOP OF THIS, THESE CONVICTIONS DID NOT BEAR ANY FRUIT ON THE CASE AT HAND. IT WAS HER COY, TO CAUSE HARM AND RIDICULE UPON THE APPELLANT IN THE DISTRICT AND SUPREME COURT.

THE APPELLEE, HAD ONE OF HER CLIENTS, RETRIEVE THE COURT DOCUMENTS FROM OTHER STATES, TO TRY TO FIND MORE AMMUNITION, FOR THE CASES THAT SHE WAS FIGHTING. IN THIS ATTEMPT, A COPY OF A CONVICTION FROM COLORADO, WAS AT HER DISPOSAL, BUT TJON LIED IN THESE COURT PAPERS, TO STATE THAT THE APPELLANT WAS CONVICTED OF A DIFFERENT CHARGE.

THE APPELLANT WAS REPRESENTING HER CLIENTS ON CHARGES THAT

THEY ILLEGALLY DISSEMINATED THE CRIMINAL HISTORY OF THE APPELLANT BEFORE, AND AFTER THE CHARGES WERE FILED AGAINST HIM. BUT, NOT TO BE OUT-DONE, TJON DECIDED TO ALSO VIOLATE THE LAW, BY PUTTING INTO THE COURT PAPERS, THE CRIMINAL HISTORY OF THE APPELLANT, EVEN WHEN THE COURT DID NOT ASK FOR THE INFORMATION, THAT IS REQUIRED BY LAW.

TJON, SWORE UNDER OATH, THAT THE INFORMATION WAS TRUE, TO THE BEST OF HER KNOWLEDGE, KNOWING THAT THE INFORMATION, WAS FALSE. TJON'S RESPONSE, WAS THAT SHE ONLY PRINTED WHAT WAS PUBLIC INFORMATION. THIS FAILED IN THE SUPREME COURT CASE.

AFTER THE APPELLANT FILED A BRIEF, BEFORE THE NORTH DAKOTA SUPREME COURT, HE RECEIVED A COPY OF THE APPELLEE'S RESPONSE. IN READING THE RESPONSE, THE APPELLANT NOTICED THAT MANY OF THE CLAIMS BY TJON WERE FALSE. SO, ERNST FILED A MOTION TO THE COURT, FOR REMOVAL OF THESE FALSE STATEMENTS. AFTER THAT POINT, TJON RE-FILED HER RESPONSE TO THE APPELLANT'S BRIEF. BUT, IN HER OWN CRUEL AND DECEITFUL MANNER, SHE ONLY CORRECTED SOME OF THE FALSE STATEMENTS, KNOWING THAT THE COURT WOULD NOT KNOW ABOUT THE FALSE INFORMATION, AS IT DID NOT HAVE THE CORRECT PAPERS. NOW, IN THIS BRIEF, THE WILL HAS AT ITS DISPOSAL, THE CORRECT INFORMATION, THAT TJON, DID IN FACT DEFAME THE APPELLANT ON NUMEROUS OCCASIONS.

THE DISTRICT COURT, OPINIONED THAT TJON DID NOT KNOWINGLY PROVIDE THIS FALSE INFORMATION, BUT IT WILL BE PROVEN THAT SHE KNEW EXACTLY WHAT HER INTENT WAS.

THE APPELLANT, (ERNST), HEREBY STATES THAT THE APPELLEE, (TJON), DEFAMED, AND CAUSED EMOTIONAL DISTRESS ON THE APPELLANT, THROUGH HER LIES, AND MISTATEMENTS TO THE DISTRICT, AND NORTH DAKOTA SUPREME COURT, WHEN TJON FILED COURT PAPERS, IN EACH RESPECTIVE COURT, FOR ACTIONS THAT WERE BROUGHT AGAINST OFFICIALS, FOR ILLEGAL ACTS.

IN THIS ACTION, OF ERNST V. TJON, THE APPELLEE, HAS STATED AS WELL AS THE COURT, THAT SHE DID NOT MEAN TO PROVIDE THE COURTS WITH THE WRONG INFORMATION. I, THE APPELLANT, WILL PROVE THIS TO BE FALSE.

THE APPELLEE, WAS REPRESENTING THREE INDIVIDUALS, IN A CIVIL SUIT, BROUGHT ABOUT BY THE APPELLANT. IN HER, (TJON) ATTEMPT TO SHIFT THE BLAME OF THE THREE DEFENDANTS IN THOSE CASES, TJON SUBMITTED FALSE, AND MISLEADING DOCUMENTS TO THE COURTS. IN HER FIRST VIOLATION, OF WHICH SHE PROVED TO THE COURT, BY WAY OF SUBMITTING THE CRIMINAL CONVICTIONS THAT THE APPELLANT WAS CONVICTED OF, TJON SENT THESE P~~APERS~~^{APERS}, THE INFORMATION, (EXHIBIT NO. 2) AND THE CRIMINAL JUDGEMENT, (EXHIBIT NO. 2) TO THE COURT, AS PART OF HER RESPONSE TO THE CHARGES, LEVELED BY THE APPELLANT. ALSO, IN THE FIRST FILING WITH THE COURT, WHEREBY SHE SUBMITTED HER NOTICE OF APPEARANCE, AND A BRIEF IN SUPPORT OF MOTION TO DISMISS FOR INADEQUATE SERVICE OF PROCESS, WHICH WAS FOR THE TWO CASES, THAT SHE APPEARED FOR, 03-1791& 03-1482, BOTH DATED THIS 2nd DAY OF JULY, 2003, ALONG WITH THE FOOTNOTE, WHEREBY THE APPELLANT, PLED GUILTY TO BURGLARY (B FELONY), STALKING, THEFT (2 COUNTS), DISORDERLY CONDUCT, AND CRIMINAL MISCHIEF, WHICH WAS ALSO DATED THE 2nd DAY OF JULY, 2003, EXHITS^{BT} NO'S 3, 4, & 5. IN ANOTHER STATEMENT BY TJON, THIS ONE BEING THROUGH THE MEDIA, IT ALSO POINTS

OUT THE CHARGES THAT ERNST, THE APPELLANT PLED GUILTY TO. IN THIS NEWS ARTICLE, WHEREBY TJON, SO STATES, ETC, ETC, IT GIVES THE CHARGES THAT STEMMED FROM THE BURGLARY. SEE EXHIBIT NO. I.

THEREFORE, TJON KNEW WELL IN ADVANCE THAT THE APPELLANT ONLY PLED TO TWO COUNTS OF THEFT, AND ONE COUNT OF STALKING. THIS WAS IN THE MIDDLE OF 2003. TJON, KNEW OF THE CHARGES, BUT SAW AN OPENING, SO SHE THOUGHT, THAT SHE WOULD SHIFT THE BLAME OF HER CLIENTS, WHO HAD ILLEGALLY DISSEMINATED THE APPELLANT CRIMINAL HISTORY TO THE MEDIA, IN VIOLATION OF N.D.C.C.12-60-16.10. IN EXHIBIT NO. I, IT CLEARLY SHOWS THAT TJON DID IN FACT TRY TO SWITCH THE BLAME FROM BURDICK, SHASKY, AND ARNOLD, THE THREE DEFENDANTS THAT SHE WAS REPRESENTING, TO ERNST, BY LISTING HIS CRIMINAL HISTORY IN THE NEWS PRINT. EXCEPT, TJON DID THIS AND MORE ON EACH OCCASION, SHE FILED PAPERS WITH THE COURTS.

TJON CLAIMED PRIVLEDGED INFORMATION, AS SHE THINKS THAT SHE IS AN OFFICER OF THE COURT. SHE IS NOT A CRIMINAL JUSTICE AGENCY THAT CAN USE THE CRIMINAL HISTORY AMONST THEMSELVES. BUT, UNDER N.D.C.C. 14-02- 05. PRIVLEDGED COMMUNICATIONS:

1. PROPER DISCHARGE/ OF OFFICIAL DUTY.
2. COMMUNICATION, WITH/OUT MALICE.
3. IN LEGISLATIVE OR JUDICIAL PROCEEDING, AUTHORIZED BY LAW.
4. FAIR AND TRUE REPORT WITH/OUT MALICE., TJON CANNOT CLAIM THAT HER ACTIONS WERE WITHOUT MALICE, AS SHE DID THE SAME ILLEGAL DEED ON NUMEROUS OCCASIONS. THESE FALSE STATEMENTS OF THE CRIMINAL HISTORY, AND THE SUBMISSION OF HIS CRIMINAL HISTORY, AND THE CHARGES THAT THE APPELLANT PLED GUILTY TO, HAD NO APPLICABILITY OR MERIT WITH REGARD TO THE ACTIONS THAT TJON WAS REPRESENTING.

THE TERM OF SLANDER & LIBEL, IS THE TRICKERY, SUBTERFUGE DE-
CEPTIVE STRATEGY OF THE PERPATRATOR, U.S. V. ACOSTA 965 F 2d. 1248.
THE INJURY BY TJON, IS MENTAL, AND SUBJECTIVE. IT IMPAIRS MENTAL
PEACE AND COMFORT AND MAY CAUSE SUFFERING MORE ACUTE THAN THAT
BY BODILY INJURY, MACHLEDER V. DIAZ 618 F. SUPP. 1367.

IN EACH FILING WITH ^{THE} COURT, TJON ALSO STATED THAT THE APPEL-
LANT PLED GUILTY TO ANOTHER CHARGE OF STALKING, AND THEFT, SEE
(EXHIBIT NO. 6) EVEN THOUGH SHE CLAIMS THAT SHE ONLY PUT THIS
FALSE INFORMATION, IN THE FOOTNOTES, IT IS STILL READ BY THE
PERSON THAT IT IS ADDRESSED TO. WHETHER SHE PUTS IT INTO THE
NORMAL PARAGRAPH, OR THE FOOTNOTE. IT IS STILL READ, AS IN MOST
LAW BOOKS. BY INSTILLING IT INTO THE FOOTNOTES, SHE IS ~~SHOWING~~
THE CULPABILITY OF SNEAKING IT IN SO IT DOES NOT APPEAR TO BE
READ BY THE COURT. N.D.C.C.¹⁴ 02, 03. NO DEFENSE THAT THE DECLARANT
MISTAKENLY BELIEVED THE FALSIFICATION TO BE IMMATERIAL, OR AFFECT
JUDICIAL OUTCOME.

N.D.C.C. 12-11-02 FALSE STATEMENTS, GOVERNMENT MATTER.
USES A TRICK, SCHEME, OR DEVICE WHICH HE KNOWS TO BE MISLEADING
IN A MATERIAL RESPECT. THE ACTIONS OF TJON, TO MISLEAD THE COURTS
INTO BELIEVING THAT THE APPELLANT, (ERNST), SHOULD BE HELD RE-
SPONSIBLE FOR HER CLIENTS ACTIONS, MUST FAIL. TJON PERFORMED
EVERY DECIEFUL ASPECT OF DISHONESTY, WITH AN AIM OF MALICE, TO
DISCREDIT THE APPELLANT IN THE COURTS. CONDUCT INVOLVING DISHO-
NESTY, FRAUD, DECEIT, OR MISREPRESENTATION: FAILURE TO MAINTAIN
RESPECT FOR THE COURT= SUSPENSION FROM PRACTICE OF LAW, MATTER
OF LAMONT ND 63 561 N.W. 2d. 650 (1997).

IN FURTHERANCE OF THE CLAIM FOR LIBEL, TJON LISTED THE CRIMINAL HISTORY OF THE APPELLANT IN HER SUBMISSION OF PAPERS TO THE COURT. BUT, ALSO TJON INSERTED THAT IDEA THAT ERNST ALSO PLED GUILTY TO ANOTHER CHARGE OF STALKING, AND THEFT, FROM ANOTHER INCIDENT. THIS MUST FAIL, AS THERE WAS NOT ANOTHER CHARGE. (SEE EXHIBIT NO. 7) TJON, FELT THAT IF IT WAS PUT INTO THE FOOTNOTE, THEN IT DID NOT CAUSE THE DEFAMED TO BELIEVE THAT IT WAS AN INTRUSION ON HIS MENTAL CAPACITIES. TJON, IS TRYING TO DECIEVE THE COURTS, BY STATING THAT SHE DID NOT MEAN TO PUT THESE FALSE STATEMENTS INTO THE FILES.

IN ANOTHER ACTION OF THE SAME CULPIBILITY OF DECEIT, TJON CONTINUED HER ATTACK ON THE APPELLANT BY STATING IN COURT PAPERS, THAT THE APPELLANT WAS CHARGED WITH....., IN EFFECT LISTING HIS CRIMINAL HISTORY IN THE PAPERS SUPPLIED TO THE COURT. THIS IS ANOTHER COY BY THE APPELLEE, TO DEFAME THE APPELLANT. TJON, IS NOT A CRIMINAL JUSTICE AGENCY. SHE HAS NO AUTHORITY TO DISCUSS THE CRIMINAL HISTORY OF THE APPELLANT. THE COURT DID NOT ASK FOR THE APPELLANTS CRIMINAL HISTORY, AS THE STATUE CALLS FOR, IF THE COURT NEEDS IT FOR SENTENCING. THIS CLEAR-CUT VIOLATION, BY TJON, IS ANOTHER COY TO DEFAME THE APPELLANT. IN THE CASE, OF ERNST V. BURDICK, SHASKY, AND ARNOLD, IT WAS DONE BY ARNOLD, TO CAUSE THE APPELLANT HATRED, CONTEMPT, RIDICULE, OR OBLOQUY, OR CAUSES PERSON TO BE SHUNNED OR AVOIDED. TENDACY TO INJURE PERSONS IN THE PERSONS OCCUPATION. THIS WAS DONE BY ARNOLD, WHEN SHE TRAVELED TO MINNESOTA, TO AIR THESE STATEMENTS ON THE NEWS CAST. APPELLEE, TJON IS IN EFFECT COPYING THE ACTIONS OF ARNOLD, IN THE HOPES TO CAUSE HIM HARM OR DISTRESS.

ANOTHER CLAIM, UNDER THE LIBEL, IS THE FACT THAT THE APPELLEE KEEPS LISTING AN OFFENSE, THAT THE APPELLANT DID NOT PLEAD GUILTY TO. TJON, KEEPS TELLING THE NEWSPAPERS, AND THE COURTS, THAT ERNST PLED GUILTY TO SEXUAL ASSUALT ON A CHILD. THIS MUST FAIL, AS TJON HAD HER COHORTS GET THE INFORMATION FROM THE COURT, IN FT. COLLINS, COLORADO. (EXHIBIT NO. 8) SHOWS THAT THE CORRECTED INFORMATION, WAS SENT TO TJON, OM MARCH 2, 2004 ALSO, IT SHOWS THAT THE CONVICTION IN COLORADO WAS FOR AN ATTEMPT TO COMIT. BUT, TJON DID NOT HEED THIS CORRECT INFORMATION, BUT INSTEAD DECIDED TO CONTINUE HER BARRAGE OF FALSE DOCUMENTS TO THE COURT, TO GET A REPREIVE FOR HER CLIENTS. SHE DID NOT THINK ABOUT THE CONSEQUENCES OF HER ACTIONS, AGAINST THE APPELLANT.

IN THE BRIEF THAT THE APPELLEE SUBMITTED TO THE SUPREME COURT, SHE ALSO STATED THAT THE APPELLANT PLED GUILTY TO AN- OTHER CHARGE OF STALKING, AND THEFT, FROM ANOTHER CHARGE. THIS, IS FALSE, AND THE APPELLANT FILED A MOTION TO THE NORTH DAKOTA SUPREME COURT, FOR REMOVAL OF THESE FALSE STATEMENTS. TJON, THEN FILED A, "CORRECTED BRIEF" WITH THE COURT. HOWEVER, TJON DID CHANGE ONE ASPECT OF THE FALSE STATEMENTS. THE CHARGE FROM COLO- RADO WAS NOT AN ASSAULT ON A CHILD, BUT WAS AN ATTEMPT. BUT, TJON IN FAILING TO CORRECT ALL OF THE INFORMATION, AS NOT LOOK LIKE A COMPLETE FAILURE, OMITTED THE FALSE CLAIMS, THAT ERNST PLED GUILTY TO THE STALKING AND THEFT FROM ANOTHER CHARGE. THERE NEVER WAS ANOTHER CHARGE. IT WAS HER MALICIOUS WAY OF PUTTING THESE FALSE STATEMENTS TO THE COURT, TO BENEFIT HER CLIENTS, IN THE CASES SHE WAS REPRESENTING.

THESE FALSE STATEMENTS, CAN BE VIEWED BY THE SUPREME COURT, IN THE CASE OF ERNST V. BURDICK, SHASKY, & ARNOLD, NO'S 20040104 AND 20040105. THE OPINION BY THE COURT CAN BE FOUND IN ND 181.

THE DISTRICT COURT ERRED, BY STATING THAT TJON DID NOT MEAN TO FILE FALSE STATEMENTS TO THE COURT. THIS IS NOT A DEFENSE, AND WILL NOT STAND, HERE, OR IN FEDERAL COURT. SHE PROVED BEYOND A REASONABLE DOUBT, THAT HER INTENTIONS WERE TO HARM THE APPELLANT. AT EVERY STAGE OF THE PROCEEDINGS, TJON FILED FALSE STATEMENTS, OR TRIED TO COME UP WITH EXCUSES, WHY SHE WAS NOT LIABLE. IN AN ANSWER TO THE COURT, (EXHIBIT NO. 9), TJON STATES THAT SHE IS IMMUNE FROM PERSONAL LIABILITY, BECAUSE SHE EXERCISED DUE CARE IN THE EXECUTION OF HER DUTIES AS AN FOR THE CITY AND STATE. IF THIS WERE TRUE, SHE WOULD NEVER HAD THE CAPABILITY, TO CONTINUING THE FALSE DOCUMENTS, OVER SUCH A LONG PERIOD OF TIME, (1½ YEARS).

TJON, DOES NOT HAVE THE RIGHT TO REPEAT FREELY ANY POTENTIALLY DEFAMATORY STATEMENTS AT WILL, ND 69 WAGNER V. MISKIN 660 N. W. 2d. 593 N.D. 2003. THE ACTIONABLE DEFAMATION REQUIRES PUBLICATION, WHICH NECESSITATES COMMUNICATION OF THE ALLEDGED DEFAMATORY MATTER TO A THIRD PERSON, SCHULTZE V. CONTINENTAL INS.CO. 209 ND 2000, 619 N. W. 2d. 510, OF WHICH TJON DID, WHEN SHE SUBMITTED THESE FALSE DOCUMENTS TO THE COURTS.

IN THE MEMORADUM IN SUPPORT OF DEFENDANTS MOTION FOR SUMMARY JUDGEMENT, CASE NO. 03-C-1482, IN THE ACTION OF ERNST V. BURDICK, SHASKY, & ARNOLD, AND DATED THE 4th DAY OF FEBRUARY, 2004, TJON'S STATEMENT THAT THE APPELLANT RESIDES AT THE NORTH DAKOTA STATE PENITENTIARY AS AN INMATE. IN HER MOTION TO THE COURT, SHE STATES, (SEE CRIMINAL JUDGEMENT COMMITMENT. EXHIBIT NO. I). IF, TJON HAD THE CRIMINAL JUDGEMENT COMMITMENT, OF THE APPELLANT,

SHE WOULD KNOW EXACTLY WHAT THE APPELLANT PLED GUILTY TO. BUT, NO TJON, HAS TO MANUFACTURE MORE CHARGES THAT NEVER WERE CHARGED. THIS DEFAMATION BY TJON, IS A CLER-CUT ATTACK ON THE APPELLANT. IN HER MEMORANDUM IN SUPPORT OF THE MOTION FOR SUMMARY JUDGEMENT, CIVIL NO. 09-04-2274, DATED THIS 17th DAY OF AUGUST, 2004, TJON STATES THAT THE APPELLANT DOES NOT KNOW HOW MANY, AND WHAT CHARGES HE HAS PLED TO. THIS IS ANOTHER LIE, BY THE APPELLEE. SHE EVEN SENT THE COMMITMENT PAPERS TO THE COURT, AND IT WAS THE TRUTH. IN HER ATTEMPT TO COVER HER MISTAKES, SHE(TJON), IS AGAIN PROVIDING FALSE INFORMATION TO THE COURT.(EXHIBIT NO. IO). THESE ILLEGAL ACTS BY TJON, THAT HAVE CAUSED HAVOC AND MENTAL DISTRESS ON THE APPELLANT, WITH THSES FALSE STATEMENTS DOES NOT EXHONERATE HER, AS SHE THINKS SHE IS IMMUNE FROM LIABILITY, SULLIVAN V. VETERANS AMIN. D.C.D.C. 1985, 617 F. SUPP. 258. TJON USED THIS COY TO PUSH THE BLAME ONTO THE APPELLANT, IN HOPES TO GET HER CLIENTS OUT FROM UNDER THE OTHER CIVIL SUITS, AS THIS WAS A CLEAR ABUSE AND CONSPIRACY, AS SHE USED THE INFORMATION FROM THE CRIMINAL JUSTICE AGENCY, TO TRY THIS ACTION OF DEFAMATION AGAINST ERNST, ND-70 STATE V. EVANS 593 N.W..2d..336 N.D. 1999. THE FALSE DOCUMENTS THAT WERE FILED WITH THE COURT ARE AN INTRUSION OF THE COURT, AND BEING A GOVERNMENT MATTER, STATE V. BOWER 442 N. W. 2d. 438 N.D. 1989.

IN THE REPLY MEMORADUM TO THE OPPOSITION TO THE MOTION FOR SUMMARY JUDGEMENT, THIS CASE, AND ATTORNEY ROSCOE, IN THE HOPES THAT SHE CAN SAVE HER CLIENT, (TJON, THE APPELLEE), ROSCOE STATES THAT THE COMMITMENT PAPERS ARE WRONG, AND THAT TJON READ THEM THAT WAY. THIS WAS THE REASON FOR THE ERROR. THIS MUST FAIL AS THE COMMITMENT PAPERS ARE TRUE AND CORRECT. THIS COLLUSION BETWEEN TJON

AND HER ATTORNEY, DOES NOT EXHONERATE THE APPELLEE FROM THE HARM THAT SHE HAS CAUSED. AGAIN THE APPELLEE'S ATTORNEY IS TRYING TO SHIFT THE BLAME TO THE APPELLANT, BY STATING THAT HE ASSERTS THAT HE ONLY PLED TO ONE COUNT OF THEFT. THE APPELLANT PLED TO, TWO COUNTS OF THEFT, AT THE SENTENCING HEARING OF OCTOBER 28, 2003. BUT, THE COURT MUST RECOGNIZE THAT ALL OF THIS INFORMATION ABOUT HOW MANY CONVICTIONS THE APPELLANT HAS, ARE IMMATERIAL, AS IT DOES NOT REMOVE TJON FROM THE CLAIMS BY THE APPELLANT. ROSCOE, IN HER LAW, AND ARGUMENT DEFINES THE NORTH DAKOTA CENTURY CODE, SECTION 14-02-03 AS A FALSE AND UNPRIVLEDGED PUBLICATION BY WRITING, WHICH EXPOSES ANY PERSON TO HATRED, CONTEMP, RIDICULE, OR OBLOQUY. TJON, DID THIS AT EVERY STAGE OF THE PROCEEDINGS, WHEREBY SHE KEPT REFERING TO THE FACT THAT ERNST STOLE WOMANS UNDER WEAR FROM AN APARTMENT, THAT HE BURGLARIZED. ALL OF THE INFORMATION ABOUT THE BURGLARY, AND OTHER CHARGES, DID NOT COME INTO CONTACT WITH THE CASES THAT TJON WAS REPRESENTING. IT HAD TO DO WITH THE ILLEGAL DESSEMINATION OF ERNST'S CRIMINAL HISTORY RECORDS TO THE MEDIA. THEREFORE, THE PUBLICATIONS WERE UNPRIVLEDGED.

IN EXHIBIT NO. II, IS THE AFFIDAVIT OF TJON, WHEREBY SHE STATES THAT SHE IS AN ASSISTANT CITY ATTORNEY FOR THE CITY OF FARGO, AND A SPECIAL ASSISTANT ATTORNEY GENERAL FOR THE STATE OF NORTH DAKOTA. WHO CARES? IS THIS THE TYPE OF REPRESENTATION THAT A CLIENT GETS FROM A PERSON, WHO IS DESIGNATED TO FILL A VOID IN THE JUDICIAL PROCESS. HER KNOWLEDGE OF THE LAWS, CAN IN NO WAY EXHONERATE HER ACTIONS. AGAIN SHE STATES THAT ON OCTOBER 28, 2002, ERNST PLED GUILTY TO CERTAIN CHARGES. SHE STATES THAT HE ALSO PLED TO OTHER CHARGES, OF WHICH WERE NOT PRESENT. IS,

THIS THE TYPE OF SWORN AFFIDAVIT, THAT MUST BE SUBMITTED TO THE COURT?, ONE THAT IS FALSE ON ITS FORM? IN HER FOOTNOTES, SHE BELIEVES THAT ANY INFORMATION PRINTED IN THAT RESPECT, DOES NOT ENTAIL PUTTING IT INTO DOCUMENT FORM. THIS MUST ALSO FAIL.

IF, THE COURT LOOKS AT THE BRIEF THAT WAS FILED IN THIS MATTER TO THE SUPREME COURT, IT WILL NOTE THAT THE FALSE INFORMATION IS STILL THERE. IN THE "CORRECTED BRIEF" THE FALSE INFORMATION IS STILL PRESENT. THE DEFAMTAION IS STILL PRESENT, WHEREBY THE STATEMENT OF THE NUMBER OF WOMAN'S UNDERGARMENTS HAD BEEN STOLEN, IS A CLEAR-CUT VIOLATION, OF THE DECEIT, AND DEFAMTAION, AS IT WAS NOT A PART OF THE ORIGINAL CIVIL SUIT, AGAINST HER CLIENTS.

THE ACTIONS OF TJON, COULD BE LABELED AS, "STALKING", AS THE LAW SO STATES: TO ENGAGE IN AN INTENTIONAL COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON, WHICH FRIGHTENS, INTIMITATES, OR HARASSES THAT PERSON, AND THAT SERVES NO LEGITIMATE PURPOSE. THIS WAS CLEARLY THE INTENT OF THE APPELLEE, (TJON). THIS SPECIFIC INTENT BY TJON, TO KEEP THE FALSE STATEMENTS ONGOING, TO HARASS WITH SPECIFIC INTENT, LONG V. ST. TEX. APP. AUSTIN 903 S.W. 2d. 52 (1995). THE FOOTNOTES ARE TRICKERY, AND DECEPTIVE, U.S. V. ACOSTA 965 F. 2d. 1248. THESE STATEMENTS, THAT WERE IN FACT FALSE AND DID NOT GIVE THE APPELLEE THE RIGHT TO REPEATEDLY SUBMIT THESE FALSE STATEMENTS IN AN ONGOING MANNER, CONSTITUTED THE DEFAMATION. THIS GROSS NEGLIGENCE: A CONSCIOUS, VOLUNTARY ACT, OR OMISSION IN RECKLESS DISREGARD OF A LEGAL DUTY & OF THE CONSEQUENCES TO ANOTHER PARTY, BLACKS LAW DICTIONARY. THE CRIMINAL NEGLIGENCE WHICH TJON PERFORMED IS: SO EXTREME THAT IT IS PUNISHABLE AS A CRIME. TJON KEPT LISTING THE CRIMINAL HISTORY OF THE APPELLANT AT EACH STAGE OF THE GAME. TJON, IS NOT A CRIMINAL

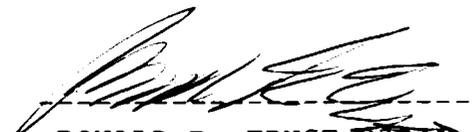
JUSTICE AGENCY, EVEN THOUGH SHE WANTS THE COURTS TO THINK THAT SHE WAS GIVEN SPECIAL POWERS, BY THE GOVERNMENT. SHE IS JUST AS PLAIN AS ME. I DO NOT HAVE ANY SPECIAL POWERS EITHER. JUST ANOTHER BODY, ON THE UNIVERSE, TRYING TO MAKE A LIVING.

TJON, DECIDED TO WRITE THESE FALSE STATEMENTS AT WILL, IN THE HOPES THAT SHE COULD WIN HER CLIENTS CIVIL SUITS. THIS MUST FAIL AS TJON DOES NOT HAVE ANY AUTHORITY TO REPEAT FALSE, OR CRIMINAL HISTORY OF AN INDIVIDUAL, WAGNER V. MISKEN ND 69 2003, 660, N. W. 2d. 593.

THIS CLAIM OF TJON GIVING TO A THIRD PARTY, THE MANY FALSE STATEMENTS, IS A CAUSE FOR RELIEF, VARRIANO V. BANG 541 N. W. 2d. 707-(N.D. 1996). AS THESE STATEMENTS WERE FALSE, IT MAKES IT LIBELOUS, ELI V. GRIGGS CO. HOSP. & NURSING HOME 385 N. W. 2d. 99, (N.D. 1986). THE UNPRIVLEDGED PUBLICATION, WRITING, OR PRINTING, IS A STATE VIOLATION, THAT IS PUNISHABLE BY LAW, N.D. C.C. 14-02-03. THEREFORE, THE APPELLEE IS RESPOSIBLE FOR ALL OF THE FALSE PRINTING, AS SHE IS THE ATTORNEY OF RECORD, OF THE CASES THAT SHE WAS REPRESENTING FOR BURDICK, SHASKY, & ARNOLD, BUT ALSO FOR THE CASE THAT INVOLVES HER, WHEREBY HER REPRESENT-COUNSEL, PATRICIA ROSCOE, HAS PICKED UP ON THE FALSE STATEMENTS BY THE APPELLEE.

THEREFORE THE APPELLANT PRAYS FOR JUDGEMENT AGAINST THIS APPELLEE, FOR THE DAMAGES THAT ARE DEMANDED IN THE ORIGINAL SUMMONS, AND COMPLAINT, OF, \$6,000,000.00.

DATED THIS 21st DAY OF JANUARY, 2005.


RONALD R. ERNST 23244
N.D.S.P.
BOX 5521
BISMARCK, N.D. 58506



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

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

RECEIVED BY CLERK
 SUPREME COURT JAN 26 2005

The undersigned, being duly sworn under penalty of perjury, deposes and says: I'm over the age of eighteen years and on the 22nd day of JAN, 2005, JK M, I mailed the following:

BRIEF AND APPENDIX

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

SUPREME COURT OF NORTH DAKOTA
 600 E. BOULEVARD AV. DEPT. 180
 BISMARCK, N.D. 55505- 0530

ATTY. PATRICIA A. ROSCOE
 SOLBERG, STEWART, MILLER & TJON
 P.O. BOX 1897
 BISMARCK, N.D. 58107-1897

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

[Handwritten Signature]

AFFIANT

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

Subscribed and sworn to before me this 22 day of January, 2005.

Notary Public

[Handwritten Signature]

My Commission Expires On

BRIAN K. TAYLOR
 Notary Public
 State of North Dakota
 My Commission Expires November 28, 2009

10-10-1988

By Commission Expires November 28, 2000
State of North Dakota
Misty Padilla
BRITAIN K TAYLOR