

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

RONALD R. ERNST,

PLAINTIFF/APPELLANT,

V.

STACEY TJON,

DEFENDANT/APPELLEE,

SUPREME COURT NO. 20040373

CASS COUNTY DISTRICT COURT NO.  
04-C-02274

**20040373 CA**  
**FILED**  
IN THE OFFICE OF THE  
CLERK OF SUPREME COURT

**MAR 8 2005**

APPEAL FROM THE DISTRICT COURT  
EAST CENTRAL JUDICIAL DISTRICT  
THE HONORABLE DOUGLAS R. HERMAN PRESIDING

**STATE OF NORTH DAKOTA**

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APPELLANTS ANSWER TO APPELLEE BRIEF

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STATEMENT OF THE FACTS

THIS RESPONSE TO THE APPELLEE'S BRIEF, CONSTITUTES THE SAME ARGUMENT THAT HAS BEEN THE RULE SINCE THE BEGINNING OF THESE ACTIONS. TJON LIED TO THE COURT ABOUT CONVICTIONS THAT SHE THOUGHT THAT THE APPELLANT HAD IN OTHER STATES, AS WELL AS THIS ONE. BUT, IN HER FALSE STATEMENTS TO THE COURT, SHE REFUSED TO BELIEVE THAT HER LIES WERE A COY TO DECEIVE THE COURT, BY SWITCHING THE BLAME TO THE APPELLANT. BUT, IT WAS ALSO HER INTENTION, WITH MALICE, TO MAKE THE APPELLANT LOOK BAD, IN THE EYES OF THE COURT, SO THAT COURT WOULD RULE AGAINST THE APPELLANT, AND IN FAVOR OF HER CLIENTS.

THE APPELLANT, (ERNST), DID NOT ADDRESS THE ILLEGAL DISEMINATION OF ERNST'S CRIMINAL HISTORY, IN THE COURT FILINGS. THESE PAPERS, CAN AND WILL BE READ IN THE CASE LAW, BY INMATES, AND THE GENERAL PUBLIC, SINCE IT WAS MADE A RECORD BY THE COURT. DUE TO HER FALSELY LISTING CHARGES THAT WERE NOT PRESENT, AND HER LIES, THAT SHE DID NOT MEAN TO CAUSE ANY HARM TO THE APPELLANT, SHE USES THESE LIES TO COVER HER TRACKS, AND CONTINUES THOSE LIES, TO COVER MORE ERRORS, TO COVER THOSE FALSE STATEMENTS.

THE ATTORNEY, FOR TJON, PATRICIA ROSCOE, HAS ALSO ABUSED HER DUTIES, BY USING THOSE SAME LIES, TO GET HER CLIENT, TJON OUT FROM UNDER THIS ACTION, WHICH WILL BE PROVEN, IN THE APPELLANT'S ANSWER.

ANSWER BRIEF OF APPELLANT

IN THE APPELLEE'S STATEMENT OF THE FACTS, ROSCOE HAS STATED THAT ALL OF ERNST'S LAWSUITS ARE RELATED TO HIS CONVICTIONS IN CASS COUNTY DISTRICT COURT, FOLLOWING HIS OCTOBER 28, 2002 CONVICTIONS. THIS IS TOTALLY FALSE. THE FIRST LAWSUITS, WERE BASED ARE THE ILLEGAL DISEMINATION OF ERNST'S CRIMINAL HISTORY, BY FARGO DETECTICE, SHERRI ARNOLD, STATE ATTORNEY BIRCH BURDICK, AND ASSISTANT STATE ATTORNEY BRETT SHASKY. THESE THREE INDIVIDUALS VIOLATED THE NORTH DAKOTA STATUE, BY RELEASING ERNST'S CRIMINAL HISTORY, TO THE NEWS MEDIS, BEFORE HE WAS ARRESTED, AND AFTER BEING CHARGED WITH CERTAIN OFFENSES, OF A BURGLARY. IT IS NOT SURPRISING TO ME THAT THESE LEGAL PROFESSIONALS, HAVE TO LIE, TO COVER A PREVIOUS LIE. IT IS JUST LIKE A LITTLE KID. I JUST HOPE THAT THE NORTH DAKOTA DISCIPLINARY COMMITTEE, HAS THE GUTS TO DISBAR THESE CRONIC VIOLATORS, AS I INTEND TO PURSUE THIS AVENUE.

THE NORTH DAKOTA SUPREME COURT, HAS ALREADY RULED, THAT THESE THREE INDIVIDUALS VIOLATED THE STATUE, OF ILLEGAL DISEMINATION OF ERNST'S CRIMINAL HISTORY, FROM AN EARLIER ACTION, BEFORE THE COURT. THAT ACTION, WILL BE BEFORE THE UNITED STATES DISTRICT COURT, FOR MONTARY DAMAGES, THAT THE NORTH DAKOTA SUPREME COURT, HAS DECIDED THAT, THE ACTION DOES NOT WARRANT DAMAGES UNDER NORTH DAKOTA LAW.

TJON DECIDED THAT IT WAS HER POSITION, AS THE ATTORNEY FOR THESE THREE CLIENTS, TO FURNISH THE COURT, WITH ANY CONVICTIONS BY ERNST, FROM HIS PAST. THESE CONVICTIONS HAD NO PART IN THE PROCESS. IT WAS TJON'S INTENT, TO DEFAME, OR LIBEL ERNST, TO GET A REPREIVE FROM THE COURT, TO CLEAR HER CLIENTS. IF, TJON COULD PROVE TO THE COURT THAT ERNST WAS A VILLIAN, THEN THE COURT WOULD GRANT ANY MOTION THAT SHE FILED WITH THE COURT. SO, IN HER ATTEMPT TO HARM THE APPELLANT, TJON DUG UP ANY TYPE OF DIRT SHE COULD, AND ALSO LIED TO REALLY MAKE THE APPELLANT LOOK BAD. SHE DID NOT EXPECT THIS DUMB INMATE TO CHALLENGE HER ACTIONS, SO SHE AGAIN HAD TO LIE, TO COVER HER TRACKS.

IN THE STATEMENT OF THE FACTS, BY THE APPELLEE, THE FOOTNOTES ALSO STATE A LIE. ERNST DOES NOT HAVE TWO OTHER LAWSUITS PENDING AGAINST ARNOLD BURDICK, AND SHASKY IN CASS COUNTY DISTRICT COURT. TJON, AND NOW ROSCOE, USE THE FOOTNOTES, AS A WAY TO LIST FALSE INFORMATION, WITHOUT ACTUALLY PRINTING THE LIES IN A BRIEF,

IT IS SURPRIZING, HOW AN ATTORNEY WHO CLAIMS TO BE A SPECIAL ASSISTANT ATTORNEY GENERAL, AND AN ASSISTANT CITY ATTORNEY, PLUS REPRESENTING THREE CLIENTS WHO HAVE ALL OF THE RESOURCES AVAILABLE TO THEM TO ACQUIRE THE CORRECT INFORMATION, THAT SHE WOULD EVEN ATTEMPT TO LIE TO THE COURTS. TJON, EVEN WROTE TO THE COURT, IN LARIMER COUNTY, FT. COLLINS, COLORADO, TO GET THE CORRECT CONVICTION OF ERNST, IN THIS 1984 CASE, BUT STILL DECIDED TO LIST THE FALSE INFORMATION. SHE WAS SENT A TRUE AND CORRECT COPY OF THE MITIMUS, AND AN AFFIDAVIT BY THE CLERK OF COURTS ABOUT THAT CONVICTION, BUT, TJON, STILL FILED THE FALSE INFORMATION WITH THE COURTS. NOW, THIS IS AS BLATANT, AS IT GETS. BUT, TO TOP OF THE WHOLE SCENARIO, IT HAD NOTHING TO DO WITH THE ACTION AT HAND. IT WAS HER INTENT, TO CAUSE HARM TO THE APPELLANT, THROUGH THE COURT. THIS IS A TOTAL METHOD OF MALICE.

TJON, CLAIMS THAT SOMETIME LATER, SHE DISCOVERED HER MISTAKE. THIS IS ALSO FALSE, AS SHE WAS TOLD ABOUT HER MISTAKES IN PREVIOUS LETTERS BY THE APPELLANT, BUT SHE IGNORED THOSE CAUTIONS. SHE WAS REALLY GOING TO GET ERNST. IT IS ALSO EVIDENT BY THE STATEMENTS THAT SHE PUT INTO EACH FILING WITH THE COURT, WHEREBY SHE HAD TO STATE, THAT ERNST WAS CHARGED WITH STEALING WOMEN'S UNDERWEAR FROM AN APARTMENT, THAT HE BURGLARIZED. NOW, THIS HAS NOTHING AT ALL TO DO WITH THE ACTIONS THAT SHE WAS ACTING AS AN ATTORNEY. IT DOES NOT GET ANY MORE CROOKED, THAN WJERE HER INTENT WENT. SHE ONLY FILED A CORRECTED BRIEF, AFTER THE NORTH DAKOTA SUPREME COURT. LEARNED OF THE PURPOSELY SUBMITTED ERRORS BY TJON, THAT SHE HAD BETTER BACK TRACK, OR SHE WOULD BE IN A BIND. SHE SEEMS TO THINK THAT SINCE SHE CORRECTED SOME OF THE LIES, THAT SHE SHOULD NOT BE HELD LIABLE. IF, THIS IS TRUE, THEN, I WILL SAY THAT I AM SOORY FOR MY ILLEGAL ACTIONS, AND FEEL THAT I SHOULD BE RELEASED FROM PRISON, AS I DID NOT MEAN TO DO THEM.

TJON, CLAIMED ABSOLUTE OR QUALIFIED IMMUNITY ON THE EXECUTIONS OF HER DUTIES. IF, SHE CAN CLAIM IMMUNITY, AS SHE IS SUBMITTING THESE FALSE STATEMENTS TO A COURT, THEN IT GIVES ME THE SAME RIGHT, TO TELL LIES ABOUT HER AND HER COHORTS, AS LONG AS THE PAPER GOES TO THE COURT. SHE CANNOT CLAIM A PRIVLEDGE BY STATING THAT A PERSON HAS DONE THIS, OR THIS, WHICH IS FALSE. IT IS A TRUE INTENT, TO INJURE THE APPELLANT, TO GAIN AN ADVANTAGE IN THE COURTS, TO WIN.

ACCORDING TO 14-02-05 A PRIVILEGED COMMUNICATION IS ONE MADE IN THE PROPER DISCHARGE OF AN OFFICIAL DUTY, WHERE TJON FAILED MISERABLY, BY STATING EVENTS THAT WERE NOT A PART OF THE ACTION. IN ANY LEGISLATIVE OR JUDICIAL PROCEEDING, AUTHORIZED BY LAW. ILLEGAL ACTIONS, ARE NOT AUTHORIZED BY LAW. IN A COMMUNICATION, WITHOUT MALICE. WELL, TJON FAILS AGAIN, AS HER ACTIONS WERE MEANT TO BE INJURIOUS. AND FIANALLY, BY A FAIR AND TRUE REPORT, WITHOUT MALICE OF A JUDICIAL PROCEEDING. AGAIN, TJON FAILS, AS THE REPORTS, WERE FALSE. SO, THE CLAIM FOR PRIVILEGED IS MOOT. THE FALSE STATEMENTS MADE, WHEN THAT PERSON THAT MAKES THEM, KNOWINGLY HAS THE CORRECT INFORMATION, BUT STILL LISTS THE FALSE STATEMENTS, CANNOT CLAIM PRIVILEGED COMMUNICATION.

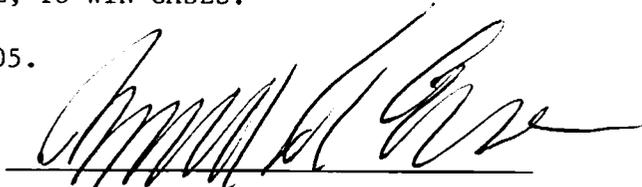
THIS CLAIM OF PRIVILEGED MUST FAIL, AS HER ACTIONS CAUSED THE ABUSE OF STATEMENTS, AND ARE PROVEN BY THE MALICE INTENT, WHEN SHE HAD THE TRUE AND CORRECT INFORMATION IN FRONT OF HER, BUT SIMPLY DECIDED TO IGNORE THE TRUTH. SINCE NONE OF THE FALSE STATEMENTS WERE IN DIRECT CORRELATION TO THE LAWSUIT AGAINST ARNOLD, BURDICK, AND SHASKY, THIS PROVES THAT HER ACTION, WAS TO DEFAME OR LIBEL ERNST, BY LISTING FALSE CONVICTIONS AND LIES ABOUT OTHER CHARGES, THAT NEVER EXISTED.

I HAVE NEVER IN MY LIFE, SEEN AN OFFICER OF THE COURT, TRY TO HIDE UNDER THAT CLOAK, TO GET OUT FROM UNDER A LAWSUIT. PLUS, AN OFFICER OF THE COURT, WOULD NOT STOOP THAT LOW, TO TRY TO GET AN ACTION RULED, IN YOUR OWN INTEREST, BY LISTING FALSE STATEMENTS, WRONGFUL CHARGES, AND INUENDO'S. THIS IS NOT AN OFFICER OF THE COURT, BUT A PLAIN OLD SMUTT.

ON PAGE 10 OF THE APPELLEE'S BRIEF, IN THE FOOTNOTES, IS ANOTHER LIE. IT SO STATES THAT THE CRIMINAL JUDGEMENT AND COMMITMENT ACTUALLY CONTAINS AN ERROR. IN APPELLEE'S APPENDIX, PAGE 28, IT SHOWS THE CRIMINAL JUDGEMENT AND COMMITMENT. IT DOES SHOW THAT THE STALKING WAS FROM NOVEMBER 7, 2002, THROUGH MAY 18, 2002. BUT, WHO CARES. IT PLAYED NO ROLE IN THE PREVIOUS LAWSUIT AGAINST ARNOLD, BURDICK, OR SHASKY. PLUS, THIS ALSO PROVES MY CLAIM THAT TJON HAD THE CORRECT INFORMATION ALL ALONG ABOUT WHAT CONVICTIONS ERNST HAD. NOW, IF SHE HAS THIS CORRECT INFORMATION, BUT DECIDES TO LIE ABOUT THOSE TRUTHFUL DOCUMENTS, SHE CANNOT CLAIM IMMUNITY. TJON, AND ROSCOE ARE RTYING TO CONVINCEN THE COURT, INTO BELIEVING THAT THERE ARE TWO CONVICTIONS FOR STALKING. THE ERROR OF THE WORDING BY THE COURT, OF NOVEMBER 2002, INSTEAD OF 2001, IS NOT A CONVICTION FOR ANOTHER STALKING CHARGE. BUT, THEN AGAIN, THIS INFORMATION PLAYS NO ROLE OF THE ACTION OF PREVIOUS ACTIONS.

NOW, ON PAGE 11, OF THE APPELLEE'S BRIEF, ROSCOE STATES THAT THE CRIMINAL HISTORY OF ERNST, IS NOT READILY ACCESSIBLE TO THE INMATES, OR THE GENERAL PUBLIC. THIS IS FALSE. AS MY FILE IS ALL OVER THIS LAW LIBRARY IN THE PRISON, IN BISMARCK, N.D. I HAVE BEEN APPROACHED BY NUMEROUS INMATES WANTING TO KNOW ABOUT MY PAST CONVICTIONS, THAT ARE LISTED IN THE LEGAL CASE HISTORY, OF ACTIONS BY THE SUPREME COURT OF NORTH DAKOTA. EVEN, THE STAFF, OF LT. EBACH, STATES THAT HE CAN GET MY FILE FROM THE INTERNET, AS IT IS PUBLIC INFORMATION. IT WAS NOT, BEFORE ARNOLD, BURDICK, AND SHASKY DECIDED TO AIR IT ON THE TELEVISION, AND TELL THE NEWSPAPER ABOUT THIS CULPRIT. BUT, TJON DECIDED TO CONTINUE THE ATTACK ON ERNST, EITHER BY REQUEST'S OF HER CLIENTS, OR ON HER OWN ACCORD, TO WIN AT ALL COST'S, IN THE DEFENSE OF HER CLIENTS. THIS IS NOT ANY OFFICER OF ANY COURT, THAT I HAVE BEEN INVOLVED WITH. PLUS, SHE STATES THAT SHE WOULD NOT DO ANYTHING DETRIMENTAL TRY TO WIN A CASE. IF, THIS WERE TRUE, SHE WOULD NOT HAVE BENT SO LOW, TO PUT ANY OF ERNST'S CRIMINAL HISTORY IN ANY REPORTS OR DOCUMENTS TO THE COURT, AS THEY WERE NOT IN RESPECT TO THE ACTION, BEFORE THE DISTRICT COURT. THE CONTINUED LYING, TO COVER MISTAKES BY TJON, AND NOW ROSCOE, TO PROTECT HER CLIENT, CO-WORKER, DOES NOT GIVE THEM A LEGAL RIGHT TO DEFAME OR LIBEL, TO WIN CASES.

DATED THS 17th DAY OF MARCH, 2005.

  
RONALD R. ERNST PRO SE



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

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

The undersigned, being duly sworn under penalty of perjury, deposes and says: I'm over the age of eighteen years and on the 6<sup>TH</sup> Day of MAR, 2005, 08 M, I mailed the following:

ANSWER BRIEF OF APPELLANT

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. 58505- 0530

PATRICIA A. ROSCOE  
 SOLBERG, STEWART, MILLER, & TJON  
 1129 FIFTH AV. S.  
 FARGO, N.D. 58107-1897

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

AFFIANT

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

Subscribed and sworn to before me this 6 day of March, 2005.

Notary Public

My Commission Expires On

BRIAN K TAYLOR  
 Notary Public  
 State of North Dakota  
 My Commission Expires November 26, 2009