

**ORIGINAL**

20080271  
20080272  
20080273

IN THE SUPREME COURT

STATE OF NORTH DAKOTA

State of North Dakota, ]  
 ]  
Plaintiff-Appellee, ]

Supreme Court Nos. 20080271, 272, 273

vs. ]

APPELLANTS REPLY BRIEF

Wynn WALSTAD ]  
 ]  
Defendant-Appellant, ]  
 ]

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

JAN 02 2009

STATE OF NORTH DAKOTA

APPEAL FROM THE WILLIAMS COUNTY DISTRICT COURT,  
NORTHWEST JUDICIAL DISTRICT  
THE HONORABLE GERALD RUSTAD AND DAVID NELSON, PRESIDING

SUPREME COURT OF NORTH DAKOTA  
OFFICE OF THE CLERK  
600 E. BOULEVARD AV DEPT. 180  
BISMARCK, N.D. 59505-0530

NATHAN K. MADDEN  
WILLIAMS COUNTY ASSIST. STATE ATTY  
P.O. BOX 2047  
WILLISTON, N.D. 58802-2047

APPELLEE

APPELLEE FOR THE STATE

On January 30, 2008, the Appellant, Wynn Walstad had his probation revoked by the Williams County District Court for a violation of probation conditions. Appellant did have some 120 days to file for a Rule 35 (b) motion to the Court for a re-consideration of the sentence that was imposed by the Court.

On May 19, 2008, the Appellant submitted to the Court, for a :MOTION", the petition for this attempt to have the Court grant his petition for a different sentence, or to grant a different sentence, whereby the Appellant could attend some type of treatment for his addiction. The Williams County District Court denied the petition, stating that it was too late, as being past the 120 day time-frame to file with the Court.

Since the Appellant was sentenced on January 30, 2008, by the Court for this violation, (see Appellee's Appendix, page 1, Register of actions, line 23-Order, dated 1/30/2008.

Also on the same page, of Register of Actions, page 1, line 24, 25, it shows that the Court listed the MOTION for Re-Consideration of Sentence Under Rule 35. This clearly shows that the Court did in fact receive the Application, or motion for change in sentence, within the prescribed 120 day period. Therefore the Williams County Court lied, or as you call it, erred, in its ruling on the motion before the Court. The Appellant did in fact have the Motion before the Court before the 120 days expired. But, since the Court refused to answer to the Motion, as by stating that it was too late, then this erred judgement by the Court is "APPEALABLE".

The Assistant District Attorney fails to read his own writings that he puts before the Court. He also states according to the Court in trying to win a case, by also lying to the Supreme Court, when he actually submits paperwork proving his lies, by way of his Appendix to the Court.

Dated this 29<sup>th</sup> of DEC. 2008.

WYNN WALSTAD

SUPREME COURT OF NORTH DAKOTA  
OFFICE OF THE CLERK  
600 E. BOULEVARD AV DEPT. 180  
BISMARCK, N.D. 58505-0530

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SUPREME COURT  
JAN 05 2009

State of North Dakota,            ]  
  ] SUPREME COURT NOS. 20080271, 272, 273  
Appellee,                            ]  
  
v.                                        ]  
Wynn Walstad,                      ] CERTIFICATE OF SERVICE  
Appellant,                            ]  
\_\_\_\_\_ ]

I being duly sworn affirm that a true and correct copy of the following documents;

APPELLANT REPLY BRIEF  
LETTER TO THE COURT

Has been mailed to the following by U.S. MAIL, postage pre-paid from the James River Correctional Center, in Jamestown, North Dakota.

SUPREME COURT OF NORTH DAKOTA  
OFFICE OF THE CLERK  
600 E. BOULEVARD AV. DEPT. 180  
BISMARCK, N.D. 58505-0530

NATHAN K. MADDEN  
WILLIAMS COUNTY  
ASSISTANT STATE ATTORNEY  
P.O. BOX 2047  
WILLISTON, N.D. 58802-2047

*Wynn Walstad 12-29-08*

\_\_\_\_\_  
NOTARY

\_\_\_\_\_  
COMMISSION EXPIRES

*Subscribed and sworn before  
me on the 29<sup>th</sup> day of December, 2008  
in Starkman County, ND.*

*Tad Granmo*

TAD GRANMOE  
Notary Public  
State of North Dakota  
My Commission Expires MARCH 7, 2012

SUPREME COURT OF NORTH DAKOTA  
OFFICE OF THE CLERK  
600 E, BOULEVARD AVE. DEPT. 180  
BISMARCK, N.D. 59550-0530

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SUPREME COURT

JAN 05 2009

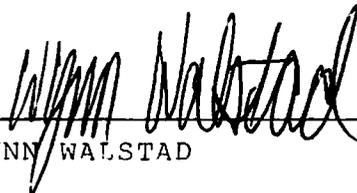
RE: State v. Walstad  
Spreme Court No. 20080271, 20080272 &20080273

This is to inform the Court that the Appellant does not have access to the North Dakota citation or the Northwest Reporter citation, as the James River Correctional center has just renewed it's Legal Library, and changed to a computer system that is suplied by an outside source, and does not care to abide by the rules of the State of North Dakota.

The Appellant is unable to supply the Court with any documents, or other material that it wants, for this reason. The Appellant is not able to suply the Court with a diskette or other electronic device, as they are not available at the prisons of North Dakota.

The Appellant has requested on two separate incidents, the proper paperwork to be sent to the Court, from the Williams County Court of the Transcript at Sentencing, the Register of Actions, and the Order of the Court revoking the probation. The Court has not responded to these request's, and therefore the appellant cannot submit an Appendix to the Supreme Court in this case.

Dated this 29<sup>th</sup> day of DEC., 2008.

  
\_\_\_\_\_  
WYNN WALSTAD