ORIGINAL

IN SUPREME COURT STATE OF NORTH DAKOTA BURLEIGH COUNTY

ANTHONY JAMES MOORE APPELLANT,	)	SUPREME COURT NO. 20020305
	)	
	)	CASE NO. 01-K-2551
VS,	)	
	)	
STATE OF NORTH DAKOTA APPELLEE,	)	REPLY BRIEF

20020305

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT
DEC 22 2002
STATE OF NORTH DAKOTA

THE NATURE OF THE PROCEEDING APPEAL FROM THE ORDER DENYING (1) MOTION TO DISMISS COUNT 2 WITH PREJUDICE (2) MOTION FOR A COMPLETE TRANSCRIPT (3) MOTION FOR RULE 16 DISCOVERY MATERIALS (4) MOTION FOR THE REMOVAL AND DESTROYAL OF DOCUMENTS FROM THE REGISTER DOCKET (5) MOTION FOR THE PROSPECTIVE JUROR LIST USED AT TRIAL

THIS BRIEF WAS NOT PREPARED ON A COMPUTER OR WORD PROCESSOR

RESPECTFULLY SUBMITTED THIS 21TH DAY OF DECEMBER 2002

Anthony James Moore

ANTHONY JAMES MOORE

DECEMBER21 2002

COVER PAGE

TABLE OF CONTENTS

COVER PAGE . . . . . COVER PAGE

PAGE 1 . . . . . TABLE OF CONTENTS

PAGES 2-4 . . . . . CASE CITATION

PAGE 5 . . . . . APPELLANT REPLY TO APPELLEE BRIEF

PAGE 6 . . . . . APPELLANT REPLY TO APPELLEE BRIEF

PAGE 7 . . . . . MOTION FOR THE COURT TO SEARCH AND DETECT ERRORS BY THE PROSECUTOR OR THE JUDGE TO SUFFICIENT TO REVERSE ORDER AND REMAND ESPECIALLY TO DISMISS COUNT 2 WITH PREJUDICE

SMITH V. STATE

CITE AS 236 N.W. 2D 632, 634 (1975)

IF PETITIONER HAD ALLEGED AN ADEQUATE BASIS FOR WRIT OF HABEAS CORPUS, HE WOULD NOT NECCESSARILY BE ENTITLED TO A FULL TRANSCRIPT HE FIRST WOULD HAVE TO SHOW THAT HE FAILED IN A GOOD- FAITH EFFORT TO OBTAIN ANY COPY OF THE TRANSCRIPT AND HAD FAILED IN A GOOD-FAITH ATTEMPT TO PROVE HIS RIGHT TO A WRIT BY A SUBSTITUTE RECORD, SUCH AS A AGREED STATEMENT OF FACT OR A SUMMARY BY THE COURT I HAVE FAILED IN GOOD-FAITH TO OBTAIN A FULL TRANSCRIPT SEE REGISTER ENTRIES 255 243 403 345 416 408 429 AND I HAVE SHOWN THAT I FAILED TO OBTAIN A SUBSTITUTE RECORD SEE JUDGE ORDER AND MOTION FOR RULE 16 DISCOVERY MATERIALS REGISTER DOCKET ENTRIES 390 398 430 343 401 418 420 421 435 THEN SEE REGISTER DOCKET ENTRY ITEM NUMBER 356 MEMORADUM FROM ME I HAVE REQUESTED OTHER METHODS FROM THE COURT AND THE PROSECUTOR TO FURNISHING MATERIALS NECESSARY FOR ME TO HAVE A ADEQUATE APPEAL AND TO PRESENT ISSUES TO THE COURT I CANNOT EFFECTIVE PURSUE ANY APPEALS UNLESS I RECIEVE TRANSCRIPTS AND DISCOVERY MATERIALS DENIAL OF REQUEST SUCH HAS DEPRIVE ME OF A ADEQUATE OPPORTUNITY TO PRESENT CLAIMS FAIRLY

WALKER V. SCHNEIDER 477 N.W. 2D 167 172 173(ND 1991)

THE STATE DOES NOT HAVE UNBRIDLED DISCRETION TO ISSUE A NEW COMPLAINT AFTER AN ADVERSE DETERMINATION ON PROBABLE CAUSE. REFILING CRIMINAL COMPLAINT VIOLATES DUE PROCESS WHERE PROSECUTOR CONDUCT CONSTITUES JUDGE SHOPPING AND HARRASSMENT AS OPPOSED TO INEPTNESS DUE PROCESS PROTECTS A CITIZEN FROM REPETITIOUS FILING OF CRIMINAL CHARGES IN LACKING PROBABLE CAUSE

STATE V. ISAAC 537 N.W. 786 788 (1995)

THE DUE PROCESS PROTECTION IN PROSECUTORIAL DELAY CASES IS AVAILIBLE TO DEFENDANTS TO MAKE SURE THE STATE WILL NOT EMPLOY TRICKS TO GAIN AN TACTICAL ADVANTAGE OVER A DFENDANT STATE V. HALL 395 N.W. 640 643 (1986).

STATE V. MARTI 290 N.W. 2D 570,577 (LOWA1980)

SPECIFICALLY THE DEFENDANT SHOULD BE APPRISED OF THE CRIME CHARGED WITH SUFFICIENT CERTAINTY TO ENABLE HIM TO PREPARE HIS DEFENSE AND TO PROTECT AGAINST ANOTHER PROSECUTION FOR THE SAME OFFENSE ROSEN V. UNITED STATES 161 U.S. 29 40 16 U.S. 434 438 40 L.ED 606 609(1896)

MORRIS V. MCGEE 180 N.W. 2D 659 660 663 (1970 ND)

FEDERAL DUE PROCESS MANDATORILY REQUIRES THAT WHEN A PERSON MAKES A DEMAND FOR A SPEEDY TRIAL THE PROSECUTING STATE MUST MAKE A DILIGENT GOOD EFFORT TO BRING HIM TO TRIAL. THE FILING OF A DETAINER ALONE IS NOT SUFFICIENT TO INDICATE GOOD FAITH AND DILIGENCE ON THE PART OF STATE LAW ENFORCEMENT OFFICALS.

STATE V.TAHASH 141 N.W.2d 390 392

IN PASSING UPON THE IUSSES PRESENTED BY THIS CASE IT IS NECESSARY TO KEEP IN MIND THE RECENT DECISION OF DOUGLAS V. PEOPLE OF CALIFORNIA 372 U.S.353 83 S CT L.ED2d 811 WHICH HOLDS THAT THE EQUAL PROTECTION CLAUSE AND THE DUE PROCESS CLAUSE OF THE UNITED STATES CONSTITUTION ARE VIOLATED WHEN A STATE DENIES AN INDIGENT ANY OF THE NECESSARY INCIDENTS OF APPEAL INCLUDING RIGHT TO COUNSEL AND THAT A PAUPER CONVICTION OF A CRIME IS ENTITLED TO THE SAME OPPORTUNITYS TO APPEAL HIS CONVICTION AS ONE WHO IS FINANCIALLY ABLE PATE V. HOLMAN (5CIR) 341 F 2d 764.

PEOPLE V.ARQUETTE 507 N.W. 2D 824 826

IT IS OF COURSE AXIOMATIC THAT AN INDIGENT DEFENDANT IS ENTITLED TO A TRANSCRIPT AT PUBLIC EXPENSE.

STATE V. TAILLON 470 N.W. 2D 226, 228(ND1991) THE FIFTH AMENDMENT PROTECTS AGAINST COMPELLED SELF INCRIMINATION IS MADE APPLICABLE TO THE STATES BY THE FOURTEENTH AMENDMENT MALLOY V. HOGAN 378 U.S. 1,6, S.CT 1489,1492,12L ED 2D 653(1964)

THERE IS FACTUAL AND LEGAL BASIS ON THE MOTIONS AND APPEAL THE PROSECUTOR MR BIRCH P. BURDICK HAS RAISED ISSUES THAT ARE TOTALLY IRRELEVANT TO THIS APPEAL HE AHS RAISED THESE ISSUES HOPING FOR AN A RULING TO BE MADE ON MISLEADING ISSUES I ASK THAT THE PROSECUTOR ISSUES SNSWERS REQUEST BE DISREGARDED ON THE GROUNDS OF GAINING A TACTICAL ANVANTAGE AND GIVING ERRONEOUS MISLEADING INFORMATION TO THE NORTH DAKOTA STATE SUPREME COURT THE PROSECUTOR HAS ACTUALLY ABUSED HIS DISCRETION AND HIS AUTHORITY FOR THE SWORD OF DAMOCLES STILLS HANGS OVER ME FOR THE DNA IS TOTALLY INCONCLUSIVE I REQUESTED AND DEMANDED TO BE BROUGHT TO TRIAL BEFORE COUNT 2 WAS DISMISSED WITHOUT PREJUDICE AND I REQUESTED AND DEMANDED TO BE BROUGHT TO TRIAL BEFORE COUNT 2 WAS DISMISSED WITHOUT PREJUDICE THIS TWISTING AND CONFUSION OF ISSUES AND THE ARGUMENT WHICH IS TO SHOW THE SUPREME COURT MALICILOUS PROSECUTION BY WHAT HE HAS ACTUALLY DONE AND STATED HIS BRIEF IS CRAZY AND OFF BASE NO RESPECT FOR THE SENTENCE THAT I RECIEVED IS TOTALLY RIDICULOUS THE SUPREME COURT DOES HAVE JURISDICTION DUE TO THE FACT CASS COUNTY DISTRICT COURT RULED ON THE MOTIONS SIMPLE AS THAT ANY ORDER IS APPEALABLE EXCEPT CERTAIN ORDERS AND MOTIONS BUT THE MOTIONS I FILED ARE APPEALABLE THE MOTIONS AND APPEAL DO HAVE MERIT FOR EACH MOTION HAS ITS OWN SEPERATE MERIT TRIAL COURT ARE CONFUSING THE ISSUES THEY HAVE MUDDED THE WATERS MR BURDICK ACTUALLY BELIEVES THAT JUDGE RALPH R. ERICKSON HAS A INFLUENCE ON THE SUPREME COURT THIS IS A TRICK BY THEM TO GAIN AN TACTICAL ADVANTAGE OVER ME THERE IS NOTHING IN THE N.D.R. THAT STATE WHEN A MOTION CAN BE MADE IN REGARDS TO THE ONES THAT I"VE SUBMITTED NOTHING AT ALL FURTHERMORE THE APPEALLEES BRIEF THAT HE SUBMITTED IS ABSOULELY ABSURD MISLEADING CONFUSING OFF THE POINT AND WRONG I ASK THAT HIS BRIEF BE DISREGARDED ON THE GROUNDS OF GIVING FALSE MISLEADING DECIEVING INFORMATION TO THE SUPREME COURT THAT IS REALLY UNSUBSTANTIATED

MR BIRCH P. BURDICK PROSECUTOR UNDERSTAND THIS IS A HIGHER COURT WE ARE IN THOSE ANTICS THAT YOU ARE A CUSTOM TO. USING IN FARGO NORTH DAKOTA THAT IS SUPPORTED AND CONDONEED IN CASS COUNTY DISTRICT COURT WILL NOT FLY IN THE NORTH DAKOTA SUPREME COURT YOU ARE ACTUALLY GOING TO EMBARASSS YOURSELF THE SUPREME COURT IS GOING TO LAUGH AT YOU YOU FOOLISH MAN THE SUPREME COURT IS GOING TO READ YOUR BILLY BRIEF AND LAUGH LIKE YOU AND YOUR BUDDIES ILK DO OF OTHERS BY THE WAY SIR I THINK TRULY THAT YOU SHOULD TURN YOURSELF IN TO THE NEAREST LAW ENFORCEMENT OFFICE AND PLACE YOURSELF UNDER CITIZEN ARREST FOR INPERSONATING AN ELECTED OFFICIAL YOUR LIKE THIS BIG ELEPHANT WALKING ON A HIGHWIRE DANGLING OVER A PIT OF CROCODILES THAT ARE MASTERS IN LAW THERE ARE NOT LIKE YOU AND YOUR BUDDIES THAT ARE IMPOSTORS DON"T GO TO THE SUPREME COURT AND ASK THEM TOO BAIL YOU OUT BECAUSE THEY KNOW THAT YOU MESSED UP IN MORE WAYS THAN ONE LIKE THIS CONVICTION IS NOT A CLASS A GROSS SEXUAL IMPOSITION NDCC 12-1-20-03 DUE TO THE FACT THERE WAS AND IS NO SERIOUS BODILY INJURY INFLICTED NO KIDNAPPING INVOVLED NO ONE UNDER THE AGE OF 15 YEARS OLD UNDERSTAND AND READ THE LANGUAGE AND THE DIFFERENCE BETWEEN NDCC 12-1-20-04 SEXUAL IMPOSITION THERE IS NOTHING THAT YOU CAN PROVE TO BE CONTRARY TO THE ESSENTIAL ELEMENTS OF THE OFFENSE DO EXIST BECAUSE THEY DO NOT AND YOU KNOW IT YOU OBTAINED A CONVICTION IMPROPERLY " SUPREME COURT OF NORTH DAKOTA DO NOT LISTEN TO ANYTHING THAT THOSE CASS COUNTY CLOWNS AND JOKERS HAVE TO SAY BECAUSE YOU ARE TIRED OF THEM AND THERE MISCONDUCT" ENOUGH IS ENOUGH "SUPREME COURT" I RESPECTFULLY REQUEST THE COURT TO ORDER TRANSPORTATION FOR ORAL ARUGENT IF THE WARDENS DOES NOT TRANSPORT ME TO ORAL ARGUMENT EVEN THOUGH I SENT HIM A REQUEST AND CERTIFICATE OF SERVICE BY MAIL 12-21-02 TO HIM OF SUCH SEE A COPY OF REQUEST SENT TO THE CLERK OF COURT PENNY MILLER BECAUSE I:M SURE MR BURDICK WILL CALL THE WARDEN AND ASK HIM NOT TO TRANSPORT ME TO ORAL ARUMENT

IN SUPREME COURT STATE OF NORTH DAKOTA BURLIEGH COUNTY

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MOTION FOR THE SUPREME COURT TO SEARCH AND DETECT ERRORS ABUSE OF DISCRETION BY THE PROSECUTOR BIRCH P. BURDICK SUFFICIENT TO REVERSE ORDER AND REMAND ESPECIALLY TO DISMISS COUNT 2 WITH PREJUDICE

I ANTHONY JAMES MOORE MOVES THE NORTH DAKOTA STATE SUPREME COURT FOR AN ORDER GRANTING MENTIONED ABOVE MOTION THE GROUNDS FOR THIS MOTION ARE THAT IT IS OBVIOUS THAT I"M NOT SKILLED IN LITIGATION OR LAW BUT I"M STANDING UP FOR WHAT IS RIGHT AND APPROPRIATE AND WHAT SHOULD OF BEEN DONE WITHOUT A HASSLE AND DONE AT FIRST THEN I WOULD NOT BE GOING THROUGH THIS ABUSIVE DISCRETION ABUSIVE SERVICES MALICIOUS PROSECUTION SO BY ALL MEANS DO REVIEW APPELLANT BRIEF FOR ERRORS AND ABUSE OF DISCRETION BY THE PROSECUTOR OR THE JUDGE THIS MOTION WILL BE CONSIDERED AT THE TIME OF REVIEW OF APPEAL OR AFTER THE ORAL ARGUMENT OR WHENEVER THE SUPREME COURT DEEMS APPROPRIATE

DECEMBER 21 2002

ANTHONY JAMES MOORE
NORTH DAKOTA STATE PRISON
BISMARCK NORTH DAKOTA 58506-5521