

STATE OF NORTH DAKOTA

COURT OF APPEALS

EIGHT CIRCUIT

STATE OF NORTH DAKOTA,

Plaintiff-Respondent,

VS.

RONALD LANTZ,

Defendant-Petitioner,

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

MAY 1 2003

STATE OF NORTH DAKOTA

20030126

20030127

Case No. 02-K-1011
& 02-K-1015

HABEAS CORPUS PETITION PURSUANT TO NORTH DAKOTA STATUTE &
MOTION TO PRODUCE TRANSCRIPTS AND APPOINTMENT OF POST-CONVICTION
COUNSEL

COMES NOW, the defendant-petitioner, Ronald Lantz, pro se, respectfully request that this honorable court of appeals to order the appointment of post-conviction counsel in the matter mentioned above, the honorable Donald L. Jorgensen, recently denied the petitioner motion to grant production of transcripts and appointment of counsel. See exhibit-E.

The defendant-petitioner, cited Federal and Supreme Court case law, to support his claim, on reason(s) why the circuit court should grant the motion. However, the trial court has obvious reasons why the case should not be appealed. Furthermore, it is an constitutional right for the defendant-petitioner to have an appeal, or if necessary withdraw his plea of guilty. It is the defendant understanding that this is the appropriate court to address the claim presented in this petition, as well as full jurisdiction of ~~Oliver~~ County, North Dakota.

In further support, enclosed with this habeas corpus petition are exhibit's A though F-2 for court filing.

The defendant-petitioner, prays this honorable court will grant a hearing for production of transcripts and appointment of post-conviction counsel.

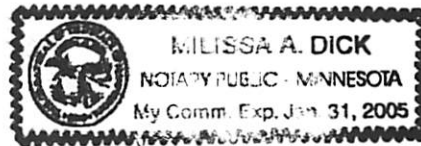
Respectfully submitted,

Ronald F. Lantz

RONALD F. LANTZ
Defendant-Petitioner
Pro Se

Dated this April 24th 2003:

Melissa A. Dick
4.24.03



P.O. Box 500
Appleton, MN 56208

February 15, 2003

Mercer County Courthouse
Stanton, ND 58571
The Hon. Donald L. Jorgensen
Presiding

Dear Clerk of Courts:

RE: State v. Lantz, Case file No. 02-K-1011
& 02-K-1015

Please send me all letters, memos, statements, information and transcript's concerning the case matter mentioned above. I will be filing an appeal pro se in the near future. As I understand I am entitled to receive one free set of transcripts upon demand.

I would further apprise the court that I am indigent and cannot afford an attorney at this present time. Therefore, would you also submit a form of paupers to wave any filing fee's to this court.

If you have any questions or concerns, please contact me at the address listed below! Furthermore, if any thing is out of order please advise me immediately, for I am proceeding pro se with accordance with *Haines v. Kerner*, 92 S. CT.t 594.

Thank you for your prompt attention concerning this matter.

Sincerely,



Ronald F. Lantz
Defendant-Petitioner
Pro Se

Prairie Correctional Facility
445 Munsterman St.
P.O. Box 500
Appleton, MN 56208-500

c: file

Exhibit A



Mercer County Clerk of Court
1021 Arthur St. Stanton, ND 58571-0039

February 20, 2003

Ronald F Lantz
445 Munsterman St.
PO Box 500
Appleton, MN 56208-0500

Re: State vs Lantz

Dear Mr Lantz:

After searching the Criminal records . I found NO criminal charges filed against you in Mercer County.

Dated this 20th day of February, 2003

Donna M Buchmann

Donna M Buchmann
Deputy Clerk of Court



Exhibit B

P.O. Box 500
Appleton, MN 56208

April 2, 2003

Oliver County Courthouse
Center, North Dakota
58530

Dear Clerk of Court:

RE: State v. Lantz, Case file # 02-K-1011 &
02-K-1015

Enclosed for filing, is a motion for production of transcripts and a notice of appeal. Please be advised that because of the unusual nature as to where this case originated in, or ended, I am filing these notice's in both Oliver and Mercer counties. It is further noted that I do hope that the court appoint post-conviction counsel so that the defendants constitutional rights can be preserved.

Please let me know immediately if everything is in order, for I am proceeding pro se in accordance with Haines v. Kerner, 92 S. Ct. 594

Sincerely,



Ronald Lantz
Def. Petitioner
Pro Se

c: file
M.C.C.
Hon.DLJ

Exhibit C

STATE OF NORTH DAKOTA

CIRCUIT COURT
BRANCH _____

OLIVER COUNTY

STATE OF NORTH DAKOTA,
Plaintiff,

-VS-

Case No. _____

RONALD LANTZ,
Defendant,

MOTION FOR PRODUCTION OF TRANSCRIPTS

COMES NOW, Ronald Lantz, who is hereby known as the defendant in this action. The defendant is housed out-of-state, and request that the court grant the said request for the following reason(s)

As of January 2003: ~~Mercer~~ County responded to a recent letter stating that they have no criminal case file in there county, and this honorable court has full jurisdiction over the named defendant. Case file No. 02-K-1011 & 02-K-1015: the reason for such a motion be granted links directly to the United States Constitution's 14th & ⁶th Amendments of due process. Furthermore, the defendant never was told that he could appeal his final judgment order from this court. And in order to do that, the defendant must obtain an original copy of his transcripts, pursuant to North Dakota Statute _____, see Penson v. Ohio, 488 U.S. 75, 85, 109 S.Ct. 346, 352 (1988). Also see

Galloway v. Stephenson, 510 F. Supp. 840, 844 (M.D. N.Car. 1981):

("When defendant has been deprived of his right to a complete & effective appeal, he need not demonstrate that he was prejudiced or that he has arguable grounds for a successful appeal").

WHEREFORE, The defendant respectfully prays that this court will grant this motion for the production of the transcripts so that the defendant can pursue his constitutional right to an appeal.

April 2, 2003

Respectfully submitted,

Ronald F Lantz

Ronald Lantz, Pro Se
Prairie Corr. Facility
445 Munsterman Street
P.O. Box 500
Appleton, MN 56208

STATE OF NORTH DAKOTA
COUNTY OF OLIVER

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

The State of North Dakota,	:	Case No. 33-02-K-1011
	:	33-02-K-1015
Plaintiff,	:	
	:	
vs.	:	ORDER DENYING REQUESTS
	:	FOR TRANSCRIPT
Ronald Lantz,	:	
	:	
Defendant.	:	

In the above-entitled criminal litigation, the defendant entered pleas of guilty to one count of possession of drug paraphernalia and one count of conspiracy, each a Class C felony, with said pleas having been entered on the 6th day of May, 2002. Thereafter, on June 26, 2002, the Court entered its Judgment and sentence upon said convictions.

Now filed with the Clerk of the District Court, Oliver County, under the date of April 10, 2003, is the defendant's motion for a copy of the transcript of said sentencing alleging that he was denied his right to appeal from the Judgment of the Court.

As a result of the defendant's voluntary and knowing plea of guilty to each of the alleged crimes, the Judgment of the Court entered consistent with statutory limitations, is not subject to appeal.

IT IS THEREFOR THE ORDER OF THE COURT that the defendant's request for a copy of the transcript of the sentencing of the defendant, that for the purposes of an appeal of said Judgment, is herewith DENIED.

Dated this 14th day of April, 2003, at Mandan, North Dakota.

BY THE COURT:


DONALD L. JORGENSEN
DISTRICT JUDGE

cc: Ronald Lantz
Prairie Correctional Facility
445 Munsterman St.
PO Box 500
Appleton, MN 56208

Exhibit E

Please note on the
following judgement I
was sentenced for
"Possession of a Controlled
Substance"

Defendant never possessed
any methamphetamine nor
was any ever found in
his apartment or on his
person.

Thank you

filed original

STATE OF NORTH DAKOTA)

IN DISTRICT COURT

COUNTY OF OLIVER)

SOUTH CENTRAL JUDICIAL DISTRICT

STATE OF NORTH DAKOTA,)

CRIMINAL NO. 02-K-1011 & 02-K-1015

Plaintiff,)

vs.)

CRIMINAL JUDGMENT
AND COMMITMENT

RON LANTZ,)

Defendant.)

On June 26, 2002, John Mahoney, Oliver County State's Attorney, and the above named Defendant, RON LANTZ, appeared in person for pronouncement of judgment and sentence upon a plea of guilty to the offenses of:

POSSESSION OF A CONTROLLED SUBSTANCE (Methamphetamine) and POSSESSION OF DRUG PARAPHERNALIA (Used or Possessed with Intent to be Used, to Manufacture, Compound, Convert, Produce, Process, Prepare, Test, Inject, Ingest, Inhale, or Analyze a Controlled Substance, other than Marijuana, Classified in Schedules I, II or III of Chapter 19-03.1 N.D.C.C.)

The Defendant was asked by the Court whether he had any statement to make in his own behalf or wished to present any information in mitigation of punishment or which would require the Court to withhold pronouncement of judgment and sentence. The Court found no sufficient cause why judgment should not be pronounced.

IT IS THE SENTENCE AND JUDGMENT OF THIS COURT:

Count I: Possession of a Controlled Substance (Methamphetamine). Class A Felony.

1. The Defendant be committed to the custody of the North Dakota Department of Corrections and Rehabilitation for imprisonment in a state correctional facility for a period of ten years beginning on June 26, 2002.



FILED IN THE OFFICE OF THE CLERK
OF THE DISTRICT COURT, OLIVER COUNTY
NORTH DAKOTA, THIS 27 DAY OF
June A.D. 20 02
[Signature]
CLERK OF THE DISTRICT COURT
Exhibit F

Count II: Possession of Drug Paraphernalia (Used or Possessed with Intent to be Used, to Manufacture, Compound, Convert, Produce, Process, Prepare, Test, Inject, Ingest, Inhale, or Analyze a Controlled Substance, other than Marijuana, Classified in Schedules I, II or III of Chapter 18-03.1 N.D.C.C.). Class C Felony.

1. The Defendant be committed to the custody of the North Dakota Department of Corrections and Rehabilitation for imprisonment in a state correctional facility for a period of five years beginning on June 26, 2002, to run concurrent with sentence in Count I.

Credit of 65 days for time served since arrest shall be granted against the above sentences.

IT IS FURTHER ORDERED, the Clerk of this Court shall deliver a certified copy of this Judgment and Commitment to the sheriff or other appropriate officer as a commitment of the Defendant.

Dated this 27th day of June, 2002.

BY THE COURT:

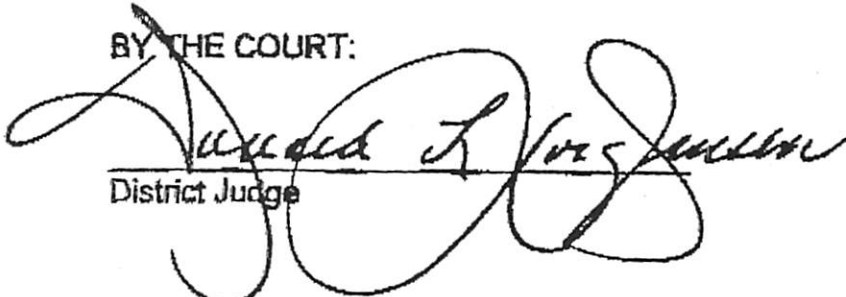

District Judge



Exhibit F-2

STATE OF NORTH DAKOTA
COUNTY OF OLIVER

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

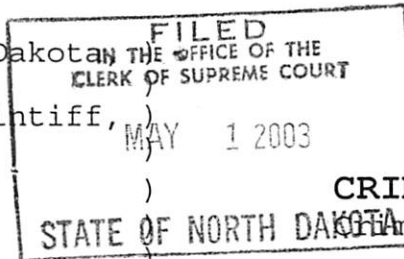
State of North Dakota

Plaintiff,

vs.

Ron Lantz,

Defendant.)



20030126

20030127

CRIMINAL INFORMATION
Criminal No. 33-02-K-1011

The Prosecuting Attorney of Oliver County charges that:

On or about the 19th day of April, 2002, in Oliver County, the above named Defendant committed the offense of CONSPIRACY TO MANUFACTURE, DELIVER OR POSSESS WITH INTENT TO MANUFACTURE OR DELIVER A CONTROLLED SUBSTANCE (METHAMPHETAMINE) in violation of Sections 12.1-06-04, 19-03.1-23(1)(a) and 19-03.1-07 NDCC:

By then and there willfully agreeing with one or more persons to willfully manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance, methamphetamine and one of more of such persons did an overt act to effect an objective of the conspiracy, in that the Defendant did manufacture or possess with intent to manufacture methamphetamine and one or more of those persons manufactured or possessed with intent to manufacture or deliver methamphetamine.

Against the peace and dignity of the State of North

FILED IN THE OFFICE OF THE CLERK
OF THE DISTRICT COURT, OLIVER COUNTY
NORTH DAKOTA, THIS 22 DAY OF
June A.D. 2002
J. Wilkins
CLERK OF THE DISTRICT COURT

* Please note the date of these criminal informations
and the date of my criminal judgement

Dakota.

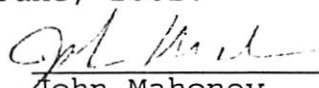
Penalty Section: 12.1-06-04, 19-03.1-23(1)(a) and 19-03.1-07
NDCC:

Class "A" Felony

Dated this 26th day of June, 2002.

State's Witnesses:

Phil Pfenning
David Hilliard



John Mahoney
Oliver County State's Attorney
(ID 003498)

STATE OF NORTH DAKOTA
COUNTY OF OLIVER

IN DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

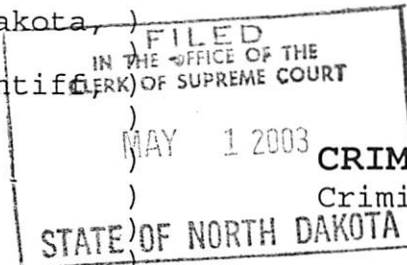
State of North Dakota,)

Plaintiff,)

vs.)

Ron Lantz,)

Defendant.)



20030126
20030127

CRIMINAL INFORMATION
Criminal No. 33-02-K-1015

The Prosecuting Attorney of Oliver County charges that:

On or about the 19th day of April, 2002, in Oliver County, the above named Defendant committed the offense of **POSSESSION OF DRUG PARAPHERNALIA** in violation of **Section 19-03.4-03 NDCC:**

By then and there willfully using or possessed with intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, inject, ingest, inhale or analyze a Controlled Substance, other than Marijuana, classified in Schedules I, II or III of Chapter 19-03.1 N.D.C.C., in that the Defendant did use or possess with intent to use, drug paraphernalia to manufacture, compound, convert, produce, process, prepare, test, inject, ingest, inhale, or analyze methamphetamine.

FILED IN THE OFFICE OF THE CLERK
OF THE DISTRICT COURT, OLIVER COUNTY
NORTH DAKOTA, THIS 27 DAY OF
June A.D. 20 02
H. Wilkins
CLERK OF THE DISTRICT COURT

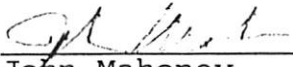
Against the peace and dignity of the State of North
Dakota.

Penalty Section: 19-03.4-03 NDCC:
Class "C" Felony

Dated this 20th day of June, 2002.

State's Witnesses:

Phil Pfenning
David Hilliard



John Mahoney
Oliver County State's Attorney
(ID 003498)

STATE OF NORTH DAKOTA

CIRCUIT COURT

OLIVER COUNTY

STATE OF NORTH DAKOTA

Plaintiff,

20030126

20030127

Case No. 02-K-1011
& 02-K-1015✓

-VS-

RONALD LANTZ

Defendant,

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

MAY 1 2003

STATE OF NORTH DAKOTA

NOTICE OF APPEAL

TO: The Clerk of Court
Oliver Co. Courthouse
Center, North Dakota

John Mahoney / DA
Same
58530

Notice is hereby given that Ronald Lantz, appeals to the Court of Appeals, under North Dakota statute_____, for post-conviction relief in the matter of State v. Lantz, judgment entered by the Honorable Donald L. Jorgenson, on June 26, 2002: case file No. 02-K-1011 & 02-K-1015; Please forward this notice to the proper Appellant Division, within the state of North Dakota and the jurisdiction of Oliver County.

Dated this_____day of April 2003

FILED IN THE OFFICE OF THE CLERK
OF THE DISTRICT COURT, OLIVER COUNTY
NORTH DAKOTA, THIS 10 DAY OF
April A.D. 20 03
RW.
CLERK OF THE DISTRICT COURT

Ronald Lantz, Pro se
P.C.F. 445 Munsterman
P.O. Box 500, Appleton,
MN 56208-500



REGISTER OF ACTIONS - CRIMINAL
STATE OF NORTH DAKOTA
SFN 30000 (10/81)

STATE OF NORTH DAKOTA VS. (NAME - Last, First, Middle, Suffix)		Date Filed	Case Number		COMMENTS: RECEIVED BY CLERK SUPREME COURT APR 28 2003
Ron Santz ALIAS		4-22-02	02-K-1011 TYPE OF CASE: <input type="checkbox"/> FEL. <input type="checkbox"/> MIS. <input type="checkbox"/> INF.		
Charge Possession of drug Para. Other Charges (Include Case No.) Conspiracy to manufacture, deliver or possess with intent to manufacture or deliver a controlled subs. (meth)		Date of Initial Appearance	Date Warrant Issued	Date Warrant Served	
Defendant's Attorney Plea Offense Convicted Of: Sentence		Prosecuting Attorney Mahoney Date Disposal Judge	Outstanding Warrants Other Case No.		

20030126

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

MAY 1 2003

STATE OF NORTH DAKOTA

DATE	NUMBER	PAPERS FILED
4-22-02	1	Complaint
" " "	2	Warrant for Arrest of Defendant
" " "	3	Affidavit of Phil Pfennig
" " "	4	Evidence Inventory + Receipt
5-6-02	5	Notice of 1st App.
" " "	6	Transport Order
" 8 "	7	Notice of Prelim Hrg (7-10-02)
" " "	8	Bond Order
6-25-02	9	PSI Report
6-27-02	10	Criminal Info.
6-27-02	11	Criminal Judgment & Commitment
6-28-02	12	Sheriff's Return
6-28-02	13	Motion for TRC Recomm. - "Rule 35(B)"
3-5-03	14	Letter to Judge Jorgensen from John Mahoney
4-10-03	15	Notice of Appeal
4-10-03	16	Motion for Production of Transcripts
4-15-03	17	Order Denying Requests for Transcripts

1125



REGISTER OF ACTIONS
STATE OF NORTH DAKOTA
BN 3000 (10/81)

STATE OF NORTH DAKOTA VS (NAME) - Last, First, Middle, Initial		Date Filed	Case Number	COMMENTS:	
<i>Ron Lantz</i>		<i>4-22-02</i>	<i>02-A-1015</i>	20030127	
ALIAS		Initiale	TYPE OF CASE <input checked="" type="checkbox"/> FEL <input type="checkbox"/> MIS <input type="checkbox"/> INF		
Charge <i>Conspiracy to Manufacture</i>		Date of Initial Appearance	Date Warrant Issued		
Other Charges (Include Case No.)		Date Warrant Served	Continuing Warrants Other Case No.		
Defendant's Attorney		Prosecuting Attorney <i>Mahoney</i>		<div style="border: 1px solid black; padding: 5px; text-align: center;"> FILED IN THE OFFICE OF THE CLERK OF SUPREME COURT MAY 1 2003 STATE OF NORTH DAKOTA </div>	
Filer		Date Disposed	Judge		
Offense Checked IN:					
Sentence					

DATE	NUMBER	PAPERS FILED
<i>4-22-02</i>	<i>1</i>	<i>Complaint</i>
<i>" " "</i>	<i>2</i>	<i>Warrant for Arrest of Defendant</i>
<i>" " "</i>	<i>3</i>	<i>Affidavit of Phil Pfennig</i>
<i>" " "</i>	<i>4</i>	<i>Evidence Inventory + Receipt</i>
<i>5-6-02</i>	<i>5</i>	<i>1st App. Notice</i>
<i>5-6-02</i>	<i>6</i>	<i>Transport Order</i>
<i>5-8-02</i>	<i>7</i>	<i>Bond Order</i>
<i>5-8-02</i>	<i>8</i>	<i>Prelim Hg. (7-10-02)</i>
<i>5-14-02</i>	<i>9</i>	<i>Notice of Prelim Conf. Sheriff's Return for Prelim & Pretrial</i>
<i>6-25-02</i>	<i>10</i>	<i>PSI Report</i>
<i>6-27-02</i>	<i>11</i>	<i>Criminal Info.</i>
<i>6-27-02</i>	<i>12</i>	<i>Criminal Judgment & Commitment</i>
<i>6-28-02</i>	<i>13</i>	<i>Sheriff's Return</i>
<i>10-28-02</i>	<i>14</i>	<i>Motion for a TRCA Recomm. "Rule 35(B)"</i>
<i>2-5-03</i>	<i>15</i>	<i>Letter to Judge Johnson from John Mahoney</i>

