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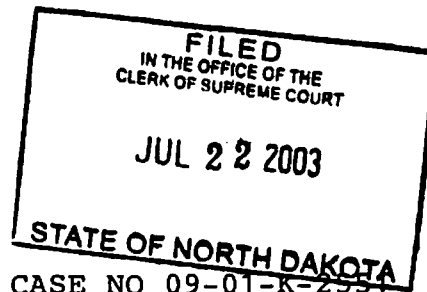
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IN SUPREME COURT STATE OF NORTH DAKOTA

ANTHONY JAMES MOORE PETITIONER

VS,

STATE OF NORTH DAKOTA FRANK L RACEK



PETITON FOR WRIT OF MANDAMUS

TO THE HONORABLE SUPREME COURT OF THE STATE OF NORTH DAKOTA IN THE COUNTY OF BURLIEGH

THE PETITION OF ANTHONY JAMES MOORE RESPECTFULLY SHOWS

(1) THAT YOUR PETITIONER ANTHONY JAMES MOORE SET FORTHS FACTS SHOWING MY RIGHT TO MAKE APLICATION FOR THE WRIT


(2) THAT THE RESPONDENT ABOVE NAMED HAS BEEN DULY ELECTED TO AND NOW HOLDS AND ENJOYS THE OFFICE OF A DISTRICT COURT JUDGE

(3) THAT IT WAS AND IS THE DUTY OF THE SAID RESPONDENT TO RULE ON MOTIONS

(4) THAT YOUR PETITIONER HAS DEMANDED OF THE SAID RESPONDENT TO PERFORM THE AFORESAID TO WIT BY SENDING HIM A LETTER DEMANDING HIM TO RULE ON THE MOTION TO STRIKE SURPLUAGE FROM THE INFORMATION ON COUNT 2 BUT NOTWITHSTANDING THE SAID DEMAND THE RESPONDENT REFUSES AND STILL CONTINUES TO REFUSE TO RULE ON MOTION TO STRIKE SURPLUAGE FROM THE INFORMATION ON COUNT 2

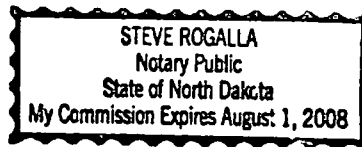
(5) THAT IF THERE IS GROUND FOR CONTENTION THAT ANOTHER REMEDY IS AVAILABLE IT MAY BE ADVISABLE TO SET FORTH FACTS SHOWING THAT ISSUANCE OF THE WRIT IS INDISPENSABLE TO THE ENFORCEMENT OF THE PETITIONERS RIGHTS

WHEREFORE YOUR PETITIONER PRAYS THERE MAY BE ISSUES AGAINST THE SAID RESPONDENT AN WRIT OF MANDAMUS ALTERNATIVEWITHIN SOME BRIEF PERIOD COMPELLING THE RESPONDENT TO RULE ON THE MOTION OR SHOW CAUSE WHY HE SHOULD NOT TO DO SO


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

JULY /9 2003


NOTARY




COMMISSION EXPIRES

JUDGE FRANK L RACEK
CASS COUNTY DISTRICT COURT
2119TH STREET SOUTH
FARGO NORTH DAKOTA 58108-2806

CASE NO. 09-01-K-2551

GOOD MORNING, DEAR FRANK I RESPECTFULLY DEMAND THAT YOU RULE
ON MOTION TO STRIKE SURPLUAGE FROM THE INFIMATION ON COUNT
2 ACCORDING TO RULE 7 SUBDIVISION(D) OF THE RULES OF CRIMINAL
PROCEDURE THANK YOU FOR YOUR TIME DO HAVE A MARVELOUS DAY

SINCERELY YOURS


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

DATED THIS 14TH DAY OF 2003 JULY

PC: DORTHY HOWARD CLERK OF COURT
JUDGE FRANK L. RACEK



CERTIFICATE OF SERVICE BY MAIL
DEPARTMENT OF CORRECTIONS & REHABILITATION/Prisons Division
SFN 50247 (Rev. 08-99)

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 19 Day of July, 19 2003, 9 M, I Mailed

The following:

WIT OF PHANOMY

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

*FRANK L. RACK - DISTRICT COURT Judge
211 9TH STREET SUITE
FARGO, NORTH DAKOTA 58606-2806*

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

AFFIANT

Quity June Ward
P.O. Box 5521
Bismarck, North Dakota 58506-5521

Subscribed and sworn to before me this 19 day of July, 19 03.

Notary Public

My Commission Expires On

STEVE ROGALLA
Notary Public
State of North Dakota
My Commission Expires August 1, 2008