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IN THE OFFICE OF THE  
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JUNE 2, 2014  
STATE OF NORTH DAKOTA**IN THE SUPREME COURT**  
**STATE OF NORTH DAKOTA**

In the Matter of a **Complaint** filed with the Secretary )  
of the Disciplinary Board by Tilmer Everett against )  
Attorney Cynthia Feland and the entire Burleigh County )  
State's Attorneys Office dated March 28<sup>th</sup> 2014 )  
Tilmer Everett ) Supreme Court No. \_\_\_\_\_  
Petitioner, )  
v. )  
Cynthia Feland )  
and )  
The Burleigh County State's Attorneys Office )  
Respondent, )


**PETITION FOR ALL DOCUMENTS STATED WITHIN CASE ID 6-3585 DATED  
DECEMBER 16, 2009 IN REGARDS TO THE INTERNAL INVESTIGATION  
CONDUCTED BY ATTORNEY CYNTHIA FELAND AND THE BURLEIGH  
COUNTY STATE'S ATTORNEYS OFFICE AGAINST TREVOR GOODIRON  
AND CASE NO.06-9417 FOR DISCOVERY AND INSPECTION PURSUANT  
RULE 16 OF THE NORTH DAKOTA RULES OF CRIMINAL PROCEDURE**

Complainant Tilmer Everett applies to the Honorable Supreme Court, pursuant to  
Rule 16 of the North Dakota Rules of Criminal Procedure, for an order enjoining  
Information subject to disclosure to take any steps seeking documents as Exculpatory  
Evidentiary Issues that have and or still illegally and prejudicially being withheld from  
Tilmer Everett as stated within Case Id 6-3585 or Case No.06-9417 as dated December  
16, 2009 regarding a matter that is currently in Action with the Disciplinary Board of  
North Dakota as Complaint File No.5671-W1-1404 against Attorney Cynthia Feland and  
Complaint File No.5671-W2-1404 against the Burleigh County State's Attorneys Office.

*A hearing is requested on the Merits addressed and shown to the Court thus far. (2014)*

As more fully shown in the accompanying Brief and Affidavit, this motion is made on the grounds that Attorney Cynthia Feland and the entire Burleigh County State's Attorneys Office have unethically and also prejudicially failed to disclose and offer Pertinent Information (Case Id 6-3585 dated December 16, 2009) that in fact relates to Defendant Tilmer Everett's Case No.06-9442 as dated May 30<sup>th</sup> 2006. See; Affidavit by Tilmer Everett with attached Bismarck Police Department police reports from 1-18 in regards to Case No.06-9417 first and Case No.06-9442 second as factual events that shows and or proves how I had been illegally and wrongfully accused by Bismarck police from one investigation into the other and named the prime suspect. (The whole story!)

Dated this 30 day of May, 2014.

  
Tilmer Everett; Complainant  
Box 5521  
Bismarck, North Dakota  
58506

**IN THE SUPREME COURT**  
**STATE OF NORTH DAKOTA**

|  |   |                         |
|--|---|-------------------------|
| In the Matter of a <b>Complaint</b> filed with the Secretary | ) |                         |
| of the Disciplinary Board by Tilmer Everett against          | ) |                         |
| Attorney Cynthia Feland and the entire Burleigh County       | ) |                         |
| State's Attorneys Office dated March 28 <sup>th</sup> 2014   | ) |                         |
|  | ) |                         |
| Tilmer Everett   | ) | Supreme Court No. _____ |
|  | ) |                         |
| Petitioner,  | ) |                         |
|  | ) |                         |
| v.   | ) |                         |
|  | ) |                         |
| Cynthia Feland   | ) |                         |
| and  | ) |                         |
| The Burleigh County State's Attorneys Office                 | ) |                         |
|  | ) |                         |
| Respondent,  | ) |                         |

.....

**BRIEF IN SUPPORT OF PETITION FOR DISCOVERY AND INSPECTION FOR  
CASE ID 6-3585 OR CASE NO.06-9417 DATED DECEMBER 16, 2009 BY  
ATTORNEY CYNTHIA FELAND AND THE BURLEIGH COUNTY STATE'S  
ATTORNEYS OFFICE PURSUANT TO RULE 16 OF THE NORTH DAKOTA  
RULES OF CRIMINAL PROCEDURE IN REGARDS TO ILLEGAL  
CIRCUMSTANCES ADDRESSED WITHIN A COMPLAINT DATED MARCH  
28, 2014 FILED WITH THE NORTH DAKOTA DISCIPLINARY BOARD**

**MOTION BEFORE THE COURT**

Under Rule 16(f)(1)(2) of the North Dakota of Criminal Procedure, the [C]ourt has authority within this State to order the prosecuting attorney for information subject to disclosure upon defendant's written request. This rule is an evidentiary discovery rule designed to further the interest of fairness. This motion before the Court seeks the exercise of such authority to Order Attorney Cynthia Feland and the Burleigh County State's Attorneys Office to disclose all pertinent information stated within Case Id 6-3585 dated December 16, 2009 that relates with circumstances surrounding Case No.06-9442.

## **BACKGROUND AND FACTS**

December 5, 2006 prosecuting attorney name Cynthia Feland for the County of Burleigh had made a defiled and defrauded "Opening Statement" to the jury during my trial about an sexual assault victim name Kari Whitetail as circumstances surrounding Roger Marks investigation process stated within Case No.06-9417 dated May 30<sup>th</sup> 2006. This is when Det. Marks went to go see a witness by the name of F.L. to find out what she knew about Kari Whitetails sexual assault report made to the Bismarck Police Department dated May 30<sup>th</sup> 2006. *See; Case No.06-K-1026 December 5, 2006 Court Trial Transcripts pages 137-139.*

Now this is information as pages 137-139 addressed and submitted within my complaint to the Disciplinary Board dated March 28<sup>th</sup> 2014 ~~about~~ relevant circumstances in my favor that shows what Cynthia Feland's malicious intent was when she laid down an fraudulent foundation to the jury during my trial all as part of a cover-up as if to misled them, when defrauding mistakes made within Det. Marks investigation concerning Kari Whitetail and circumstances surrounding two wrong guys names that had been illegally and wrongfully accused as suspects (1.Brian 2.Tilmer) to that assault. See; Court Trial Transcript page 138.lines, 19-25 as: ***"Now, when they're there to get information about what Freda Linder knows about Kari Whitetail, other information comes out and the officer's informed that, you know what, they don't know anything about what happened to Kari Whitetail, but they do know that Freda Linder has said to them that she was raped."*** Shows that Cynthia Feland is deliberately attempting to separate the Two Case (Case No.06-9417 and Case No.06-9442) as not being related during my trial.

Now the evidence that shows and or proves that Attorney Cynthia Feland's Opening Statement dated December 5, 2006 made during my trial was intentionally defrauded as covered-up about Det. Marks mistakes made within his investigation process concerning Kari Whitetail's sexual assault complaint can be found and or established as circumstantial events in the Bismarck Police Department police reports from #1-#18 dated May 30<sup>th</sup> 2006 that I have attached as "*probable cause*" to my Complainant Affidavit dated March 28, 2014 and sent to the Disciplinary Board. I will Note that 6 copies the Complaint and Affidavit dated March 28<sup>th</sup> 2014 were also sent to you the Supreme Court when I had filed a reply-response against Kara Johnson's Petition that she had filed against "me" with you the North Dakota Supreme Court. So please read Case No.06-9417 police reports pages #1-#6 first and what was stated and discovered about me Tilmer Everett by Bismarck police from that point on... Now See; Case No.06-9442 Officer R. Carvell's police report page #7 as: "*On 5-30-06 at 1039 hours I was dispatched to 1008 Portland Dr. #1, to assist Detective Marks on a sexual assault complaint. Upon arrival I met with Detective Marks and the alleged victim, Freda Linder. Detective Marks explained that he was investigating a different sexual assault, (CR 06-9417), which he had taken earlier in the day. The alleged victim on that one was Cari White tail and the suspect was Brian Alberts. Those two had been associated with Linder and the suspect in this sexual assault, Tilmer Everett.*" And "Detective Clarkson and Detective Marks stated they would coordinate their investigations and since they were apparently at least somewhat related. At this point the investigation was turned over to Detective Clarkson." Now what does this mean or tell you? Well, I'll tell you what it means. **That both Det. Marks and Det. Clarkson accused me for both Cases!!**

*Now See; Case No.06-9442 Officer Dean Clarkson's police report page #9 as: "5-30-06, 1040 hrs. I received a call from Det. Marks who was requesting assistance on a sexual assault case he was working on involving Kari Whitetail and Brian Alberts. During his investigation, he discovered that Linder and Everett were with Whitetail and Alberts on the evening of the sexual assault. Det. Marks talked to Linder who stated she had also been sexually assaulted and wanted to file a police report. Again this is evidence in my favor as circumstances against Attorney Cynthia Feland's fraudulent opening statement made during my trial about me Tilmer Everett concerning Det. Marks investigation process and what was stated in Det. Clarkson's police report #9 after the fact that Det. Marks misled his witness by the name F.L. dated May 30<sup>th</sup> 2006. "I suggest that you the Supreme Court look an article up in the Bismarck Tribune dated June 1, 2006."*

**Clue:**

Police looking for "suspects" in one report found another person who says she also was assaulted by one of the men that police were looking for, Tilmer Everett.

*Now See; Case No.06-9442 Officer Dean Clarkson's police report page #10 as:*

*"Det. Marks sat in the room as I talked to Everett. Det. Marks is investigating an incident involving Everett, and our victims would be witnesses in each of the cases. We talked about Kari Whitetail and Brian Alberts first, which is the case Det. Marks is investigating."* Again what do those statements tell you? It perfectly states that I had been wrongfully accused as a suspect(s) to Kari Whitetail's investigation process by Det. Marks case and also that both women (F.L. & K.WT) were each going to be witnesses against me Tilmer Everett as the prime suspect for both Cases. **Evidence** against Cynthia Feland's opening statement to my Complaint dated March 28, 2014 that proves that she defrauded all facts to the jury and that she is a **Fraud** as:

*"Now, when they're there to get information about what Freda Linder knows about Kari Whitetail, other information comes out and the officer's informed that, you know what, they don't know anything about what happened to Kari Whitetail, but they do know that Freda Linder has said to them that she was raped." = Wrong!*

**Now Finally See;** The DVD video transcripts dated May 30<sup>th</sup> 2006 pages #11-#17 as evidence stated on record by both Det. Clarkson and Det. Marks with naming me Tilmer Everett the prime suspect for each of those cases concerning Kari Whitetail and F.L. as:

***In page #14***

*Det. Clarkson:* *All right. So I guess you know what we're here too talk about. Do you know anything that's going on? (Lines, 5-6)*

*Tilmer Everett:* *No. Huh-uh. (Line, 7)*

*Det. Clarkson:* *Okay. Well, it sounds like you guys had, you and Brian had -- (Line, 8-9)*

*Tilmer Everett:* *Brian? (Line, 10)*

*Det. Clarkson:* *Brian Alberts. (Line, 11)*

*Tilmer Everett:* *What did we do? (Line, 12)*

*Det. Clarkson:* *You did a little partying last night, or early this morning, with a couple of girls? (Lines, 13-14)*

*Tilmer Everett:* *Brian Alberts? (Lines, 15)*

*Det. Clarkson:* *Yeah. (Line, 16)*

*Tilmer Everett:* *I didn't drink with Brian Alberts last night. (Line, 17)*

*Det. Clarkson:* *No? (Line, 18)*

*Tilmer Everett:* *No. (Line, 19)*

*Det. Clarkson:* *How about with Freda Linder or Kari Whitetail? (Line, 20)*

Tilmer Everett; Yeah, that girl Kari Whitetail was at the house where I was at. She was right there. She was sleeping. (Lines, 21-22)

Det. Clarkson; What about Freda Linder? (Line, 23)

Tilmer Everett; Yeah, she was there. (Line, 24)

Det. Clarkson; But no Brian? (Line, 25)

Tilmer Everett; No Brian. There was no Brian at all. (page #15. Line, 1)

*And so on...*

This DVD video interview transcript pages dated May 30<sup>th</sup> 2006 attached to the police reports as stated by Bismarck police is the **smoking gun** as the truth about both Cases against Attorney Cynthia Feland again that shows and also proves her involvement with the police as the mastermind during my trial in her opening statement that proves “how” and “when” she had defiled and or defrauded Det. Marks mistakes made within his investigation process about a victim name Kari Whitetail.

.....

I will be submitting and sending with my Petition to you the Court 1 original and 7 copies of an “Affidavit by Tilmer Everett with attachments” that have been addressed as additional information to the Disciplinary Board dated May 9<sup>th</sup> 2014 against Attorney Cynthia Feland and the Burleigh County State’s Attorneys Office as this now allows me Tilmer Everett as the **Petitioner** to address and or bring up what evidentiary issues as discovery within my request have been illegally and prejudicially withheld from me as the defendant concerning Case No.06-9442 surrounding defiled circumstances stated within Case No.06-9417 dated June 23, 2006 and or Case Id 6-3585 dated December 16, 2009. **About an internal investigation (12-16-09) unknown until November 4, 2013.**



## ARGUMENT

This Court has the authority to impose or compel the enjoining party to disclose Discovery favorable to the Petitioner when evidence is requested to material fact where there is a reasonable probability that had the evidence been disclosed to the defense, the result of the proceeding in his trial would have been different. *See*; United States vs. Bagley 473 U.S. 667, 682, 105 S. Ct. 3375 (1985). Furthermore, a “reasonable probability” is a probability that is sufficient to undermine confidence of the outcome. *Id.* (*Under Brady evidence*) Petitioner has addressed and submitted to his Petition an Affidavit by Tilmer Everett dated May 9, 2014 with what evidentiary issues are being prejudicially withheld from him as:

- Where are Det. Marks questions and notes dated June 23, 2006 taken from F.L.
- Where are Attorney Cynthia Feland’s investigation notes dated December 16, 2009 concerning Case Id 6-3585 in regards to that crime that I had been illegally accused of by Bismarck police about Kari Whitetail.
- Where are the State’s Attorneys Office investigation notes dated December 16, 2009 concerning Case Id 6-3585 in regards to that crime that I had been illegally accused of by Bismarck police about Kari Whitetail.
- Where are the District Court’s (*as the involved party*) summary notes taken from Case Id 6-3585 dated December 16, 2009. As the States Exhibit 1 document dated December 16, 2009 that I received November 4, 2013 shows that they were listed as knowing about it. (*See*; Autogenerated)
- *See*; Affidavit dated May 9<sup>th</sup> 2014 in page 5. (Argument) And so on...

Also this Court has been advised that a complaint with an affidavit dated March 28, 2014 had been filed by Complainant Tilmer Everett to the North Dakota Disciplinary Board against Attorney Cynthia Feland and the Burleigh County State’s Attorneys Office for allegations that those above named Attorneys have illegally and also prejudicially

had conducted an secret internal investigation in reference to Case Id 6-3585 behind the wrongfully accused named (Tilmer Everett) suspect(s) back . And that with the evidence submitted to the Affidavit dated March 28<sup>th</sup> 2014 that there would be no denying at all that a cover-up was in fact being conducted from the truth surrounding mistakes stated and made within both Case No.06-9417 first and Case No.06-9442 second.

*[I will note that a copy of this Complaint and Affidavit dated March 28, 2014 has already been set to you the North Dakota Supreme Court dated April 29, 2014 in regards to my response that I had filed against Kara Johnson's Petition dated April 23, 2014 as requested with you the Supreme Court.]*

Supreme Court No.20140148 order dated May 14, 2014 states: [4] **IT IS FURTHER ORDERED**, that any currently pending disciplinary complaints will proceed according to the rules. *(Which means that Complaint File No.5671-W1-1404 against Cynthia Feland and Complaint File No.5671-W2-1404 against the Burleigh County State's Attorneys Office is still open.)*

### **CONCLUSION**

Petitioner/Complainant Tilmer Everett respectfully requests that the Court enter an order enjoining Attorney Cynthia Feland and the Burleigh County State's Attorneys Office to disclose and offer each and every one of those named evidentiary issues as items requested within his Affidavit dated May 9, 2014. Due to the fact that there seems to be some kind of misunderstanding with the Disciplinary Board on the part of an investigation, as they will not assist the Complainant at all with retrieving those 14 items that are being illegally and prejudicially withheld from him. A court hearing in person as to the issues addressed at hand is requested. Thank you.

Dated this 30 day of May, 2014.



Tilmer Everett  
Box 5521  
Bismarck, North Dakota  
58506

pc: Attorney Cynthia Feland. (*Served*)  
The Burleigh County State's Attorneys Office. (*Served*)  
Penny Miller, Secretary of the Disciplinary Board. (*Served*)

**AFFIDAVIT BY TILMER EVERETT:**

State of North Dakota )  
 ) SS. *Verification*  
 County of Burleigh )

I Tilmer Everett, do solemnly swear upon oath, deposes and says that I am the Complainant coordinator of this Affidavit of which is being addressed to the Disciplinary Board of North Dakota in reference to Complaint File No.5671-W1-1404 against Cynthia Feland and Complaint File No.5671-W2-1404 against the Burleigh County State's Attorneys Office and a Complaint dated March 28, 2014 that had been filed by the Acting Secretary of the Disciplinary Board name Petra H. Mandigo Hulm dated April 8, 2014.

This Affidavit is filed as legal support in regards to circumstances addressed within my Complaint against Attorney Cynthia Feland and the Burleigh County State's Attorneys Office with you the Disciplinary Board about **New Information** stated within the State's Exhibit 1 document dated December 16, 2009 that I Tilmer Everett never knew about as conducted within Case Id 6-3585 that I received from the State's Attorneys Office dated November 4, 2013. *See*; Complaint and Affidavit dated March 28, 2014 with legal information pertaining to my case file number (06-K-1026) about an internal investigation conducted December 16, 2009 secretly and prejudicially behind my back by Attorney Cynthia Feland without my **Knowledge** at that time and or without any kind of **Notice** as ever had been given to me Tilmer Everett as the wrongfully accused named suspect(s) to the investigation by Bismarck police stated within Case No. 06-9417 dated May 30<sup>th</sup> 2006. *I must note to you the Disciplinary Board again that I had*

*requested for all information stated within Case No.06-9417 or Case Id 6-3585 dated December 16, 2009 and that all information must be given to "me" immediately.*

And so after having informed you the North Dakota Disciplinary Board with documents stated within Bismarck Police Department police reports from #1-#18 as factual events (**probable cause**), as evidence against Attorney Cynthia Feland and the Burleigh County State's Attorneys Office in my Complaint dated March 28, 2014 as circumstances showing and or proving how I Tilmer Everett had in fact been falsely and also illegally accused as the prime suspect by Bismarck police from one investigation into the other dated May 30<sup>th</sup> 2006. (*Case No.06-9417 first; Case No.06-9442 second.*)

Probable Cause with legal merit and factual circumstances stated within those police reports #1-#18 that now allows me Tilmer Everett as the Complainant to take my Complaint another step further with you the North Dakota Disciplinary Board against Attorney Cynthia Feland and the Burleigh County State's Attorneys Office and address and or establish relevant "**Arguments**" in my favor about how both Case No.06-9417 and Case No.06-9442 were deliberately played out against me as the innocent during my trial and or how I as the defendant within Case No.06-K-1026 had in fact been prejudiced when discovery and or exculpatory discovery issues as information stated within that internal investigation dated December 16, 2009 (STATES EXHIBIT 1) have been illegally and prejudicially withheld from me Tilmer Everett all that time from the truth as:

- *See; STATES EXHIBIT 1 as information (where are his notes?) stated by Detective Roger Marks dated 6-23-06 in regards to Case No.06-9417 with Trevor Goodiron. Was Trevor Goodiron interviewed by Cynthia Feland December 16, 2009 at all? And if so, then I will needing all that information...*

- See; STATES EXHIBIT 1 as information (*where are his notes*) stated by Detective Roger Marks dated 6-23-06 in regards to Case No.06-9417 with Kari Whitetail. Was Kari Whitetail interviewed by Cynthia Feland December 16, 2009 at all? And if so, then I will be needing all that information...

### Circumstances:

STATES EXHIBIT 1 dated December 16, 2009 as information conducted by Attorney Cynthia Feland is and was new information as a document that I had received dated November 4, 2013 that tells "me" that Det. Marks had conducted interviews on June 23, 2006 with "Trevor Goodiron" and "Kari Whitetail" concerning Case No.06-9417, after the fact, that he took part in with my being wrongfully accused and also illegally arrested for just Case No.06-9442 under defiled and defrauded set-staged circumstances by a witness name F.L. to "his" (Det. Marks) investigation process stated within Case No. 06-9417...

(Please follow along with the argument stated below.)

### Probable Cause:

I will now be attaching to the Affidavit Trial Transcripts dated December 5, 2006 page 196.lines 18-25 and page 197.lines 1-25 as stated by Attorney Cynthia Feland and her State witness name Det. Marks. This information stated on record is relevant circumstances in my favor referencing the new information stated within the STATES EXHIBIT 1 document dated December 16, 2009 that ties in with information that I never knew about. As this allows me Tilmer Everett as the defendant within Case No.06-9442 to share and or address to you the Disciplinary Board what **Discovery Issues** have in fact been illegally and prejudicially withheld from "me" for my trial in 2006 and or from me to this day (2014) by each of those named individuals named within my complaint dated March 28, 2014. Because that investigation process stated within Case No.06-9417 and or Case Id 3585 concerning Det. Marks investigation establishes probable cause about information dated June 23, 2006 by Det. Marks after his interviews with both Trevor Goodiron and Kari Whitetail and when he met up with F.L. that same day about circumstances relating to my being wrongfully accused and arrested for Case No.06-9442 dated May 30<sup>th</sup> 2006 by the Bismarck Police Department as:

*Cynthia Feland stating: "Okay. At any point after your initial contact with Ms. Linder, the morning that this was reported on May 30<sup>th</sup>, did you have an opportunity to talk with her or to meet with her again?" (page 196.lines, 18-21.)*

*Det. Marks stating: "Yes, I did." (page 196.line, 22.)*

*Cynthia Feland stating: "And when abouts was that?" (page 196.line, 23.)*

*Det. Marks stating: "I spoke with her again on the 23<sup>rd</sup> of June, 2006."  
(page 196.lines, 24-25.)*

*Cynthia Feland stating: "Okay. And what was the purpose of contacting her again?"  
(page 197.lines, 1-2.)*

*Det. Marks stating: "We had made arrangements to meet. I wanted to show her a photo  
lineup." (page 197.lines, 3-4.)*

*Cynthia Feland stating: "What kind of a photo lineup?" (page 197.line, 5.)*

*Det. Marks stating: "I had a photo lineup with -- actually, I had two of them. One with a  
Brian Alberts in it and one with Trevor Goodiron in it, and I wanted to show her to  
identify the person that she was introduced to as or knew as Brian Alberts."  
(page 197.lines, 6-10.)*

*Cynthia Feland stating: "And the person who had been introduced to her as Brian  
Alberts who did she, in fact, then identify on those photo lineups?"  
Page 197.lines, 11-13.)*

*Det. Marks stating: "Trevor Goodiron." (page 197.line, 14.)*

*And so on...*

*Now See; Documents #13 & #16 as pictures (the photo lineup shots) of Brian Alberts and  
Trevor Goodiron in the DVD video interview transcripts as circumstances stated against  
me Tilmer Everett as the named prime suspect for each of those cases by Roger Marks  
and Dean Clarkson in police reports from #1-#18 at the Bismarck Police Department  
dated May 30<sup>th</sup> 2006 attached to my Complainant Affidavit as addressed to you the  
Disciplinary Board dated March 28, 2014.*

*Attorney Cynthia Feland and the Burleigh County State's Attorneys Office had withheld  
information from me as the defendant about the interview that he Det. Marks had  
conducted with F.L. dated June 23, 2006 and this clearly prejudiced me Tilmer Everett  
from a fair right to a trial in 2006 and or prejudiced me from a fair appeal(s) thus  
far...(2007-2014)*

### Argument:

*As the States Exhibit 1 document dated December 16, 2009 conducted by Attorney Cynthia Feland and the State's Attorneys Office and also now those attached trial transcripts pages 196-197 dated December 5, 2006 shares relevant circumstances in my favor that proves Cynthia Feland and the Burleigh County State's Attorneys Office clearly failed to disclose exculpatory evidentiary issues to me as the defendant at that time (12-16-09) and before my trial and or appeals about Det. Marks "written notes and questions" that he took from F.L. dated June 23, 2006 concerning his illegal investigation within Case No.06-9417 that got me falsely accused and wrongfully arrested for Case No.06-9442. As the information stated by F.L. to Det. Marks dated June 23, 2006 and or for that matter the investigation process by Attorney Cynthia Feland stated within STATES EXHIBIT 1 dated December 16, 2009 has never been given to me at all as:*

- *Who set the meeting up and or what time was the meeting conducted?*
- *What address or where did this meeting take place?*
- *What were all of the questions asked by Det. Marks to F.L.?*
- *What answers were given by F.L. to Det. Marks questions?*
- *Was any witnesses present during this meeting at that time?*
- *Why didn't the State's Attorneys Office inform "me" about Case Id 6-3585?*
- *Where are Det. Marks written notes taken from Trevor Goodiron?*
- *Where are Det. Marks written notes taken from Kari Whitetail?*
- *Where are Attorney Cynthia Feland's written notes about Case Id 6-3585?*
- *Where are the State's Attorneys Office written notes about Case Id 6-3585?*
- *Was the District Court informed about Case Id 6-3585 and that investigation?*
- *Did Det. Clarkson take part in with the investigation process of Case Id 6-3585?*
- *Was Case Id 6-3585 dated 12-16-09 recorded and or can it be transcribed?*
- *Where is all of the Discovery and Evidence stated within Case No.06-9417?*



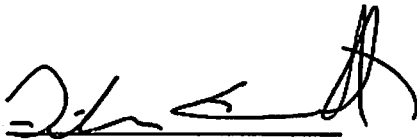
With each of those fourteen (14) exculpatory discovery items as information that I am addressing as being illegally and prejudicially withheld from me Tilmer Everett as stated within Case Id 6-3585 dated December 16, 2009 concerning an defiled crime that I had been illegally and wrongfully accused of by Bismarck police stated within Case No.06-9417 dated May 30<sup>th</sup> 2006 (*See; police reports #1-#18*), *Will now show New Evidence* within Case No.06-9442. It is now my legal right by law to address prejudicial concerns and or seek some legal questions against Attorney Cynthia Feland and the entire State's Attorneys Office surrounding circumstances addressed within my Complaint and Affidavit dated March 28, 2014 to you the North Dakota Disciplinary Board. I Tilmer Everett am now declaring under oath to you the Disciplinary Board what the real reason and or purpose was by Attorney Cynthia Feland and the State's Attorneys Office as to "why" I had not been properly given information dated June 23, 2006 for my trial and or "why" I hadn't been proper notified in 2009 about that secret internal investigation process conducted against Trevor Goodiron stated within *STATES EXHIBIT 1* dated December 16, 2009. Because this would have been information for my defense in my favor showing that I Tilmer Everett had been wrongfully accused for Case No.06-9417 and or proving that a cover-up was in fact being conducted secretly behind my back by Attorney Cynthia Feland and the Burleigh County State's Attorneys Office against me. And that's why charges within Case Id 6-3585 and Case No.06-9417 were declined against Trevor Goodiron in 2009 with no doubt in my mind...

**A serious cover-up!!!**

Wherefore I am now requesting that Attorney Cynthia Feland and the State's Attorneys Office do a written response back to me Tilmer Everett as the Complainant and also with you the Disciplinary Board surrounding illegal circumstances as to the issue at hand and or answer why each of those named items stated above have been deliberately withheld from me for all of these years so far and why they all have failed to disclose all of that information to "me" referencing Case No.06-9417 and Case Id 6-3585 that relates with Case No.06-9442? I will also request that you as named Attorneys stated within my Complaint please do not attempt to misconstrue and manipulate the facts in your written responses. Thank you.

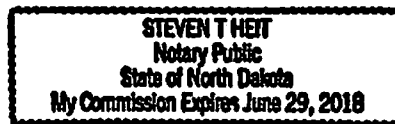
Furthermore, Complainant and Affiant sayeth not.

Dated this 9 day of May, 2014.



Tilmer Everett  
Box 5521  
Bismarck, North Dakota  
58506

Subscribed and sworn before me on this 9<sup>th</sup> day of MAY, 2014.  
In the County of Burleigh Bismarck, North Dakota.

  
Notary Public

pc: Attorney Cynthia Feland.  
The Burleigh County State's Attorneys Office.  
North Dakota Supreme Court.  
Kara Johnson Assistant Disciplinary Counsel

1 Q Now, is this also the neck area?

2 A No. This is on the -- this is on the arm.

3 It would be on the inside of his left arm.

4 Q Okay. Now, you said you have worked -- you  
5 can retake the stand. I'm sorry.

6 In your experience and in your training, have  
7 you had opportunities to observe bruises and different  
8 causes of bruises?

9 A Yes.

10 Q Okay. Have you ever had the opportunity to  
11 observe hickeys or more consensual style marks?

12 A Yes.

13 Q Okay. And was there anything that you could  
14 see in these marks that was indicative of you to a  
15 hickey?

16 A Of the marks that I was shown in the  
17 photographs, no.

18 Q Okay. At any point after your initial  
19 contact with Ms. Linder, the morning that this was  
20 reported on May 30th, did you have an opportunity to  
21 talk with her or to meet with her again?

22 A Yes, I did.

23 Q And when abouts was that?

24 A I spoke with her again on the 23rd of June,  
25 2006.

1 Q Okay. And what was the purpose of contacting  
2 her again?

3 A We had made arrangements to meet. I wanted  
4 to show her a photo lineup.

5 Q What kind of a photo lineup?

6 A I had a photo lineup with -- actually, I had  
7 two of them. One with a Brian Alberts in it and one  
8 with Trevor Good Iron in it, and I wanted to show her  
9 to identify the person that she was introduced to as or  
10 knew as Brian Alberts.

11 Q And the person who had been introduced to her  
12 as Brian Alberts who did she, in fact, then identify on  
13 those photo lineups?

14 A Trevor Good Iron.

15 Q So the person that was actually Trevor Good  
16 Iron had been introduced to her as Brian Alberts?

17 A Correct. Trevor Good Iron was the person she  
18 knew as Brian Alberts.

19 Q At any point did you show her a photo lineup  
20 that showed Mr. Tilmer Everett?

21 A No, I did not.

22 Q But she indicated she was familiar with  
23 Mr. Tilmer, is that correct?

24 A Yes.

25 MS. FELAND: Nothing further of this witness,



**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 9 Day of May, 2014, M, I mailed the following:

I Tilmer Everett am sending the North Dakota Disciplinary Board an "Affidavit" for my Complaint that I had filed against Attorney Cynthia Felond and the entire Burleigh County State's Attorneys office dated March 28, 2014.

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

pc: Attorney Cynthia Felond,  
Burleigh County State's Attorney,  
North Dakota Supreme Court.  
Kora Johnson, Disciplinary Counsel.

Penny Miller, Secretary of the Disciplinary Board  
600 East Boulevard Avenue  
Bismarck, North Dakota  
58505-0530

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

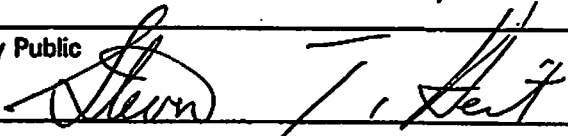
"Complaint File No. SB71-W1-1404 and Complaint File No. SB71-W2-1404."

AFFIANT

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

Subscribed and sworn to before me this 9<sup>th</sup> day of MAY, 2014.

Notary Public



My Commission Expires On

STEVEN T HEIT  
Notary Public  
State of North Dakota  
My Commission Expires June 29, 2019

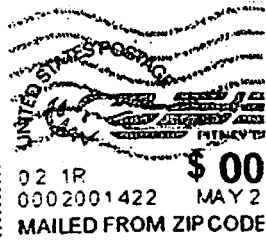
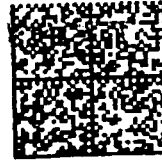
Penny Miller, Secretary  
**DISCIPLINARY BOARD  
OF THE SUPREME COURT**  
600 E BOULEVARD AVE DEPT 180  
BISMARCK ND 58505-0530

OFFICIAL MAIL  
State of North Dakota

S-22-14  
Received

Tilmer Everett  
P.O. Box 5521  
Bismarck, ND 58506

BISMARCK ND 585  
21 MAY 2014



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# DISCIPLINARY BOARD OF THE SUPREME COURT

PENNY MILLER  
SECRETARY

STATE OF NORTH DAKOTA  
JUDICIAL WING, FIRST FLOOR  
600 EAST BOULEVARD AVENUE  
BISMARCK, ND 58505-0530

(701) 328-2221 (Voice)

May 20, 2014

CONFIDENTIAL

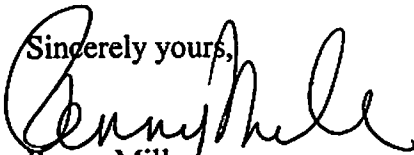
Tilmer Everett  
P.O. Box 5521  
Bismarck, ND 58506

RE: Cynthia Mae Feland, File No. 5671-W1-1404  
Burleigh County State's Attorney Office, File No. 5671-W2-1404

This will acknowledge receipt of the "Affidavit by Tilmer Everett" with attachments and a Certificate of Service by Mail. These have been filed as additional information in the above complaint. Copies of Affidavit, attachments, and certificate have been forwarded to Brenda L. Blazer, Chair, Inquiry Committee West, and Disciplinary Counsel.

If you have any further information or questions, write to **Brenda L. Blazer, Chair, Inquiry Committee West, P.O. Box 2097, Bismarck, ND, 58502-2097, or Disciplinary Counsel, P.O. Box 2297, Bismarck, ND, 58502-2297.**

Sincerely yours,



Penny Miller  
Secretary  
Disciplinary Board

PM:ss

pc and encl: Disciplinary Counsel  
Brenda L. Blazer, Chr., Inq. Comm. West

S-22-14  
Received!

IN THE SUPREME COURT

STATE OF NORTH DAKOTA

In the Matter of a **Complaint** filed with the Secretary )  
of the Disciplinary Board by Tilmer Everett against )  
Attorney Cynthia Feland and the entire Burleigh County )  
State's Attorneys Office dated March 28<sup>th</sup> 2014 )  
Tilmer Everett ) Supreme Court No. \_\_\_\_\_  
Petitioner, )  
v. )  
Cynthia Feland )  
and )  
The Burleigh County State's Attorneys Office )  
Respondent, )  
.....

**AFFIDAVIT OF PETITIONER TILMER EVERETT**

State of North Dakota )  
 ) SS.  
County of Burleigh )

1. I, Tilmer Everett as the above named Petitioner, duly sworn upon oath, deposes and states the following:
2. That I have filed a Complaint and Affidavit against Attorney Cynthia Feland and the entire Burleigh County State's Attorneys Office with the North Dakota Disciplinary Board on March 28<sup>th</sup> 2014 and has been filed by Penny Miller dated April 8, 2014 as File No.5671-W1-1404 and File No.5671-W2-1404. *(A copy of this complaint and affidavit has already been previously sent to you the Supreme Court.)*



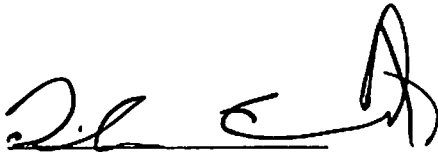
3. I do make this Affidavit in support of the filed Petition and Brief as addressed against Attorney Cynthia Feland and the Burleigh County State's Attorneys Office requesting for discovery issues as items named within the Affidavit by Tilmer Everett dated May 9<sup>th</sup> 2014 with the Disciplinary Board. I must seriously state that none of those Evidentiary Issues requested thus far to the Disciplinary Board against Cynthia Feland and Burleigh County State's Attorneys Office have been properly addressed and or handled yet at all under the Rules of North Dakota Professional Conduct or possible under the Rules of North Dakota Professional Misconduct.
4. Under Rule 16(f)(1)(2) of the North Dakota Rules of Criminal Procedure it is requested by the Petitioner in the Brief to the Court the discovery items stated within Case Id 6-3585 will be addressed and declared as New Evidence within Case No.06-K-1026 surrounding illegal circumstances in relationship to Case No.06-9442.
5. For the record Supreme Court No.20140102 is an Open Case as of right now with you the Court that clearly shows and proves how Attorney Cynthia Feland and the Burleigh County State's Attorneys Office did violate my due process rights already when they committed fraud to the District Court in a Motion dated August 10<sup>th</sup> 2006 against my assigned trial judge named the Honorable Judge Donald Jorgensen. I did state that because of this illegal act that "they" were all in violation of an judicial order for withholding discovery issues from me Tilmer Everett for my trial pertaining to circumstances caused on me by the Bismarck Police Department dated May 30<sup>th</sup> 2006.
6. It is respectfully requested that the Court grant the petition and designate an order against Attorney Cynthia Feland and the Burleigh County State's Attorneys Office to

disclose and give all evidence (*Case Id 6-3585 or Case No.06-9417*) that has illegally been withheld from him the defendant and falsely accused for all of these years so far.

**I want everything please!**

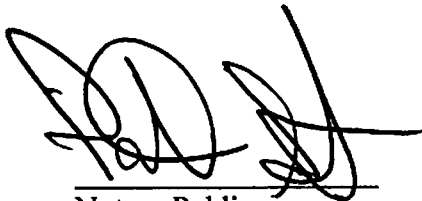
7. Furthermore, affiant and petitioner sayeth not.

Dated this 30 day of May, 2014.

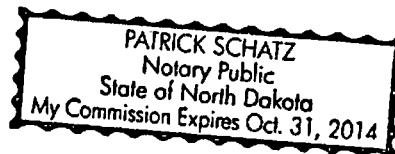


Tilmer Everett  
Box 5521  
Bismarck, North Dakota  
58506

.....  
Subscribed and sworn before me on this 30<sup>th</sup> day of May, 2014  
In the County of Burleigh Bismarck, North Dakota.




Notary Public




I certify that a 1 original Petition 1 Brief with attachments 1 Affidavit and, 7 Petition, 7 Briefs with attachments, and 7 Affidavits, as copies are being filed to the North Dakota Supreme Court against Attorney Cynthia Feland and the Burleigh County State's Attorneys Office and is being deposited in the United States Mail for delivery to Penny Miller, Clerk of the Supreme Court 600 East Boulevard Avenue Bismarck, North Dakota 58505-0530 by mail from Tilmer Everett Box 5521 Bismarck, North Dakota 58506 on May 30, 2014. I further certify that the Petition(s) Brief(s) and Affidavit(s) as filed were also served to *all individuals named* and correctly addressed and postage.

Dated this 7<sup>th</sup> day of May, 2014

  
Tilmer Everett  
Box 5521  
Bismarck, North Dakota  
58506

State of North Dakota )  
 ) **SS. Verification**  
County of Burleigh )

Subscribed and sworn before me on this 5 day of May, 2014.  
In the County of Burleigh Bismarck, North Dakota.

  
\_\_\_\_\_  
Notary Public

