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FOR THE STATE OF NORTH DAKOTA

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STATE OF NORTH DAKOTA

TILMER EVERETT,
PLAINTIFF/APPELLANT.

VS.

STATE OF NORTH DAKOTA,
RESPONDANT/APPELLEE.

BRIEF OF APPELLANT EVERETT

APPEAL FROM JUDGEMENT DENYING POST-CONVICTION
AUGUST 6th, 2009
DISTRICT COURT OF BURLEIGH COUNTY
SOUTH CENTRAL JUDICIAL DISTRICT
JUDGE BRUCE ROMANICK

TILMER EVERETT
PLAINTIFF; PRO SE.
P.O. BOX 5521
BISMARCK, N.D.
58506

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ISSUES PRESENTED: N.D.C.C. 29-32.1-01 (e) EVIDENCE, NOT PREVIOUSLY PRESENTED OR HEARD, REQUIRING VACATION OF THE CONVICTION OR SENTENCE IN THE INTEREST OF JUSTICE; (a),(b),(f),(h)., AS WHICH IS SUBJECT TO COLLATERAL ATTACK. WITH AN AFFIDAVIT ATTACHED AS LEGAL SUPPORT.

I. GROUND ONE; (f) CONVICTION OBTAINED BY THE UNCONSTITUTIONAL FAILURE, OF THE PROSECUTION TO DISCLOSE EVIDENCE FAVORABLE TO THE DEFENDANT,. (A MIRANDA RIGHTS FORM IS MISSING-OUT OF DET.MARKS AND DET. CLARCKSON'S POLICE REPORTS AND PAGE 5., IS ALSO MISSING-OUT OF DET. CLARCKSON'S, POLICE REPORT TO.)

II. GROUND TWO; (d) CONVICTION OBTAINED BY USE OF EVIDENCE OBTAINED PURSUANT TO AN UNLAWFUL ARREST. (A DVD VIDEO INTERVIEW OF TWO INVESTIGATIONS, WAS MALICIOUSLY USED AGAINST ME TILMER EVERETT WITH FRAUD AND CORRUPTION, UNDER OATH, IN THE COURT OF LAW.)

III. GROUND THREE; CONSPIRACY TO COMMIT FRAUD AND PERJURY. (A BURLEIGH, COUNTY STATE'S ATTORNEY NAMED CYNTHIA FELAND AND TWO BISMARCK POLICE, DETECTIVES NAMED ROGER MARKS AND DEAN CLARCKSON ALL INTENTIONALLY, DEFRAUDED THE CIRCUMSTANCES OF TWO INVESTIGATIONS AGAINST "ME" TILMER EVERETT MALICIOUSLY AS THEY MANIPULATED THOSE CIRCUMSTANCES.)

CONCLUSION	30.
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"WE ARE ALL FREE MEN PROTECTED BY THE CONSTITUTION!"

TABLE OF CASES

- NAUPE VS. ILL., 360 U.S. 264,269 (1959).
- MOONEY VS. HOLOHAN, 294 U.S. 103,112 (1935).
- DEMARO VS. U.S., 928 F.2d 1074 (11th CIR. 1991).
- STATE VS. THOMPSON, 552 N.W. 2d 386 (N.D. 1996).
- POINTER VS. TEXAS, 380 U.S. 400,406 85 S.ct. 1065, 13L Ed. 2d 923 (19-65,).
- U.S. VS. WOODS, S.D. FLA 1994,851 F. SUPP, 1564.
- GOLDMAN VS. BELDEN, 754, F.2d 1059,1067 (2d CIR. 1085).
- U.S. VS. BOOTHE, 994 F.2d 63 (2nd CIR. 1993).
- U.S. VS. CUFFIE, 80 F.3d 514 (D.C. CIR. 1996).
- U.S. VS. CROSS, 928 F.2d 1459 (6th CIR. 1993).
- U.S. VS. EYSTER, 948 F.2d 1196 (11th CIR. 1991).
- U.S. VS. THOMAS, 987 F.2d 1298 (7th CIR. 1993).
- WHITE VS. RAGEN, 324 U.S. 760, 89L.Ed. 1348,65 S.ct.978 (1945).
- MAHONEY VS. KESERY, 976 F.2d 1054 (7th CIR. 1992).
- U.S. VS. ROSSY, 953 F.2d 321 (7th CIR. 1992).
- KYLES VS. WHITLEY, 514 U.S. 419,453 (1995).
- BRADY VS. Md, 373 U.S. 83,87 (1963).

STATUTES AND OTHER AUTHORITIES

U.S.C.A. CONST. AMENDS 5, DUE PROCESS (DUE PROCESS CLAUSE).

U.S.C.A. CONST. AMENDS 6, FACE ACCUSER (CONFRONTATION CLAUSE).

CONSTITUTIONAL PROVISIONS, 14 AMEND THE BRADY CLAUSE.

12.1-14-01, OBSESSIONS.

12.1-14-05, INTERFERENCE WITH EXERCISE OF CIVIL RIGHTS.

CONSTITUTIONAL LAW 706 (2), USE OF IMPROPER EVIDENCE SUCH AS; CORRUPT, POLICE REPORTS AND DVD INTERVIEWS OF TWO INVESTIGATIONS, WITH FALSE TESTIMONY TO THOSE CIRCUMSTANCES IN MY TRIAL. COMPOUNDING FRAUD WITH MORE FRAUD..

RULES OF EVIDENCE, 608 (b).

CRIMINAL LAW, 700 (1).

42 U.S.C.S. 1983;

STATEMENT OF ISSUES PRESENTED FOR REVIEW

THIS IS A REVIEW OF THE DISTRICT COURTS CONVICTION OF ISSUES FOR REVIEW,:

GROUND ONE

(f) CONVICTION OBTAINED BY THE UNCONSTITUTIONAL FAILURE OF THE PROSECUTION, TO DISCLOSE TO THE DEFENDANT EVIDENCE FAVORABLE TO THE DEFENDANT,. (A MIRANDA RIGHTS FORM AND PAGE 5., AS DOCUMENTS ARE MISSING, OUT OF THE POLICE REPORTS IN REFERENCE TO TWO INVESTIGATIONS.)

SUPPORTING FACTS: THIS "EVIDENCE" WAS WITHHELD FOR ME TILMER EVERETT BY BOTH THE BISMARCK POLICE DEPARTMENT AND BURLEIGH COUNTY STATE'S ATTORNEYS OFFICE BECAUSE THEY EACH CONSPIRED TO DEFRAUD AND MANIPULATE, EACH OF THOSE INVESTIGATIONS AGAINST "ME" FROM THE FACTS DURING, MY TRIAL WITH CORRUPTION. WITH THE INTENT TO TRY AND COVER-UP A REPORTED CRIME AND PREVENTING ME THE DEFENDANT (TILMER EVERETT) FROM EXPOSING THEIR LIES. CASE NO.06-K-1026 PROVES THIS!

GROUND TWO

(d) CONVICTION OBTAINED BY USE OF EVIDENCE OBTAINED PURSUANT TO AN UNLAWFUL ARREST. (POLICE REPORTS AND DVD INTERVIEWS WERE USED AGAINST ME TILMER EVERETT BY BISMARCK POLICE AND THE BURLEIGH COUNTY STATE'S ATTORNEYS OFFICE DURING MY TRIAL AS "STATEMENTS" AND A "DVD VIDEO" OF TWO INVESTIGATIONS WITH CORRUPTION OF MALICE.)

SUPPORTING FACTS: STATEMENTS AND A DVD VIDEO INTERVIEW WERE OBTAINED AND USED AGAINST ME TILMER EVERETT DURING MY TRIAL BY BOTH THE BISMARCK, POLICE DEPARTMENT AND STATE'S ATTORNEYS OFFICE WITH MANIPULATION, AND CORRUPTION. AS THEY BOTH TOOK THOSE CIRCUMSTANCES STATED AS EVIDENCE, OUT-OF-CONTEXT WITH FRAUD. DEFRAUDING THE FACTS!

GROUND THREE

CONSPIRACY TO COMMIT FRAUD AND PERJURY. (A BURLEIGH COUNTY PROSECUTOR, NAMED CYNTHIA FELAND AND TWO BISMARCK POLICE DETECTIVES NAMED ROGER MARKS AND DEAN CLARCKSON ALL CONSPIRED TO DEFRAUD AND MANIPULATE, POLICE REPORTS 1-4 AND DVD INTERVIEWS OF TWO INVESTIGATIONS DURING, MY TRIAL. FROM PRIME SUSPECT TO BOTH CASES IN THOSE DOCUMENTS TO A WITNESS FIRST;SUSPECT SECOND, DURING MY TRIAL.) CORRUPTION!

SUPPORTING FACTS: ON DECEMBER 5 AND 6, 2006 A BURLEIGH COUNTY STATE'S ATTORNEY NAMED CYNTHIA FELAND STARTED OUT MY TRIAL WITH AN "OPENING STATEMENT" TO THE COURT AND JURY ABOUT THE FACTS INTO MY ORDEAL, ONLY TO INTENTIONALLY DEFRAUD THOSE CIRCUMSTANCES WITH CORRUPTION. THEN SHE CALLED "HER" FIRST STATE WITNESS NAMED ROGER MARKS AND CONSPIRED WITH HIM TO ALSO INTENTIONALLY DEFRAUD AND MANIPULATE HIS INVESTIGATION WITH, CORRUPTION AND FRAUD. THEN SHE CALLED "HER" THIRD STATE WITNESS NAMED DEAN CLARCKSON AND ALSO CONSPIRED WITH HIM TO DEFRAUD AND MANIPULATE, HIS CASE AND ROGER MARKS CASE BOTH, WITH THE CORRUPTION. THIS, ALL COMES BACK TO WHY THAT "EVIDENCE" WAS BEING WITHELD FROM ME TILMER EVERETT AS TO BOTH INVESTIGATIONS. (MIRANDA RIGHTS FORM AND PAGE 5., AS DOCUMENTS STATED IN THOSE POLICE REPORTS.) FACT!

NATURE OF THE CASE

ON MAY 30th, 2006 I TILMER EVERETT GOT FALSELY ACCUSED AND WRONGFULLY ARRESTED BY THE BISMARCK POLICE DEPARTMENT FROM ONE INVESTIGATION (20 YEAR OLD WOMAN) INTO THE OTHER (18 YEAR OLD WOMAN), WITH THE ACKNOWLEDGEMENT, AS TO BOTH THOSE DEFILED (CORRUPT) CASES AS BEING NAMED THEIR (POLICE) PRIME SUSPECT TO EACH INVESTIGATION. THEN AFTER REALIZING, THAT THEY (POLICE) SCREWED-UP THAT FIRST INVESTIGATION ABOUT AN 20-YEAR-OLD WOMAN AND TWO GUYS, BOTH THE BISMARCK POLICE DEPARTMENT, AND THE BURLEIGH COUNTY STATE'S ATTORNEYS OFFICE CONSPIRED TO DEFRAUD AND MANIPULATE EACH OF THOSE CIRCUMSTANCES IN THE COURT OF LAW, WITH THE "INTENT" OF FRAMING ME TILMER EVERETT WITH FRAUDULENT AND CORRPTIVE CIRCUMSTANCES, AS IF TO SHAKE THE TRUTH. VIOLATING MY RIGHTS BY ONLY CHARGING "ME" FOR JUST AN 18 YEAR OLD WOMAN WHO I HAD BEEN WITH EARLIER THAT NIGHT, WHO POLICE MISLED ABOUT A DIFFERENT REPORTED COMPLAINT THAT THEY WERE INVESTIGATING. (THAT A BISMARCK POLICE DETECTIVE NAMED ROGER MARKS HAD INTENTIONALLY AND WRONGFULLY GAVE AN 18-YEAR-OLD WITNESS THE NAMES OF HIS "SUSPECTS" ABOUT HIS ONGOING, INVESTIGATION THAT HE WAS CONDUCTING AND THAT CAUSED THIS WITNESS, (18 YEAR OLD WOMAN) TO GO ALONG WITH THOSE TWO WRONG NAMES THIS, DETECTIVE GAVE HER THEN ALSO FILED A COMPLAINT ON ME TILMER EVERETT, TO.) WHICH SNOWBALLED INTO ANOTHER FRAUDULENT AND FABRICATED COMPLAINT BEING MADE BY THE WOMAN, WHO I HAD BEEN WITH CONSENSUALLY, PRIOR TO THE COMPLAINT BEING MADE BY THE 20-YEAR-OLD WOMAN ABOUT TWO GUYS ASSAULTING HER. WHICH POLICE WRONGFULLY IMPLICATED MY NAME AS THEIR SUSPECT TO THAT INVESTIGATION AND ALL THIS MIX-UP INTO MY ORDEAL,. THE BISMARCK POLICE DEPARTMENT POLICE REPORTS 1-4 AND DVD INTERVIEWS, OF TWO INVESTIGATIONS AND COURT RECORDS OF CASE NO.06-K-1026 PROVES THESE CIRCUMSTANCES AS CONFLICTING EVENTS...

"HERE'S WHAT REALLY HAPPENED"

ON MAY 30th, 2006 THE BISMARCK POLICE DEPARTMENT HAD RECEIVED AND RESPONDED TO AN REPORTED COMPLAINT BEING MADE FROM Bismarck N.D., AT 5:07 a.m., ABOUT AN 20-YEAR-OLD WOMAN NAMED K.W.T., REPORTING AND EXPLAINING TO POLICE, THAT SHE HAD BEEN SEXUALLY ASSAULTED, BY "TWO GUYS". THE RESPONDING OFFICER TO THAT COMPLAINT AND REPORT IS NAMED OFFICER SCHEUER OF THE BISMARCK POLICE DEPARTMENT. (DOING AND TAKING THE INITIAL REPORT FROM THE 20 YEAR OLD WOMAN.)

AS OFFICER SCHEUER APPROACHED THAT RESIDENCE OF Bismarck N.D., HE HAD MET-UP WITH AN 20 YEAR OLD WOMAN AND THE "CALLER" OF THAT RESIDENCE, WHO HAD CALLED THE POLICE. OFFICER SCHEUER IDENTIFIED THE 20 YEAR OLD WOMAN AS BEING NAMED K.W.T., AND THE CALLER AS BEING NAMED SHARON WHEELER. 20 YEAR OLD K.W.T., THAN TOLD OFFICER SCHEUER THAT SHE HAD BEEN ASSAULTED AND TWO GUYS TOOK-OFF. GIVING HIM THE NAMES OF TWO GUYS AS BEING 1.BRIAN MCKAY AND 2.BRANDON MCKAY. THEN STARTED LOOKING OVER OFFICE SCHEUER'S SHOULDERS TOWARDS THE MARINA, AND STATING THAT IT WAS AN 3.WHITE GUY AND 4.A NATIVE GUY. STATING, THAT IT HAPPENED OVER THERE. OFFICER SCHEUER THAN WALKED THE 20 YEAR OLD WOMAN TO HIS POLICE CAR AND ASKED HER TO HAVE A SEAT.

OFFICER SCHEUER THEN WENT TALKED TO THE "CALLER" WHO HAD CALLED THE BISMARCK POLICE DEPARTMENT. SHE STATED THAT THIS YOUNG LADY WAS AT HER DOORSTEP KNOCKING AND ASKING FOR HELP, TO CALL THE POLICE. TELLING, OFFICER SCHEUER THAT THE 20 YEAR OLD WOMAN MADE REFERENCES TO BEING A GOOD GIRL AND THANK GOD THAT SHE WAS DROPPED-OFF IN A GOOD NEIGHBORHOOD AND WANTED TO USE HER PHONE.

OFFICER SCHEUER THEN CALLED HIS SUPERVISOR NAMED SGT.SOLEMSAAS AND HAD EXPLAINED THE SITUATION TO HIM, REQUESTING THAT HE CALL A DET-

ECTIVE, THAT WAS ON-CALL AND EXPLAIN TO HIM THAT HE NEEDS HIS ASSISTANCE, REGARDING AN SEXUAL ASSAULT COMPLAINT THAT THE BISMARCK POLICE, DEPARTMENT HAD RECEIVED. (THAT A 20 YEAR OLD WOMAN HAD REPORTED, THAT SHE HAD BEEN ASSAULTED BY TWO GUYS.) AND THAT OFFICER SCHEUER, WAS GOING TO TAKE THE 20 YEAR OLD WOMAN TO THE HOSPITAL (ST.A's) FOR AN EXAMINATION AND QUESTIONING FOR MORE DETAILS ABOUT HER REPORT.

ROGER MARKS A DETECTIVE WITH THE BISMARCK POLICE DEPARTMENT GETS THE CALL FROM SGT.SOLEMSAAS REQUESTING HIS ASSISTANCE ON THAT SEXUAL ASSAULT, COMPLAINT. AFTER RECEIVING THE DETAILS FROM SGT.SOLEMSAAS ABOUT THE REPORTED CIRCUMSTANCES, DET.MARKS THAN RESPONDS TO THE ST.A's HOSPITAL AND PROCEEDED TO MEET-UP WITH THE 20 YEAR OLD VICTIM AND OFFICER SCHEUER THE RESPONDING OFFICER TO THAT COMPLAINT. AS DET.MARKS, OBTAINS ALL THE DETAILS FROM OFFICER SCHEUER ABOUT 20-YEAR-OLD K.WT., AND TWO GUYS.

DET.MARKS THAN PROCEEDS TO QUESTION 20 YEAR OLD K.WT., AND ASKS HER WHAT HAD HAPPENED AND IF SHE WAS ALRIGHT. SHE K.WT., THAN STATED THAT SHE WAS SEXUALLY ASSAULTED. DET.MARKS THAN ASKED K.WT., WHO HAD DONE THIS TO HER. K.WT., THAN TOLD DET.MARKS THAT IT WAS BRIAN ALBERTS,. STATING THAT "HE" HAD BEEN DRIVING THE CAR AND ATTEMPTED TO FORCE HER TO GIVE HIM ORAL SEX AND THAT HE DIGITALLY PENETRATED HER VAGINA. K.WT., THEN TELLING DET.MARKS THAT SHE KNOWS "BRIAN ALBERTS" AND THAT HE LIVES WITH HIS MOTHER AT THAT TRAILER. HER NAME BEING JULIANN ALBERTS. K.WT., STATING THAT THE VEHICLE THAT BRIAN WAS DRIVING WAS A RED NEWER MODEL TWO DOOR CAMARO.

FROM THAT POINT, DET.MARKS THAN CALLS-IN THE NAME OF BRIAN ALBERTS TO THE BISMARCK POLICE DEPARTMENT DISPATCH AND DID LOCATE HIS ADDRESS AS BEING Bismarck N.D., OF WHERE BRIAN ALBERTS LIVED. DET.MARKS, THEN LEAVES THE ROOM OF WHERE K.WT., WAS AT AND WAITS FOR

THE AARC ADVOCATE AND SANE NURSE TO ARRIVE, SINCE OFFICER SCHEUER HAD ADVISED DET.MARKS AND SGT.SOLEMSAAS THAT THEY WERE EN-ROUTE AND ON THEIR WAY.

AFTER WAITING FOR ABIT, THE AARC ADVOCATE NAMED TRACIE FREADRICH ARRIVES, FIRST AND TALKS WITH 20 YEAR OLD K.WT., AND DET.MARKS ABOUT THE REPORTED CIRCUMSTANCES OF THAT COMPLAINT. AND SO AGAIN A FEW MINUTES PASSED BY AND THEN THE SANE NURSE ARRIVES NEXT, HER NAME IS LISA WATKINS. THE SANE NURSE LISA WATKINS THEN PROCEEDED TO ALSO TALK WITH 20 YEAR OLD K.WT., AND DET.MARKS ABOUT THOSE REPORTED CIRCUMSTANCES TO. DET.MARKS, LISA WATKINS THE SANE NURSE, AND TRACIE FREADRICH THE AARC ADVOCATE ALL DECIDE TO WAIT TO CONDUCT THE FULL EXAM AND INTERVIEW WITH 20 YEAR OLD K.WT., BECAUSE OF HER LEVEL OF INTOXICATION. K.WT., THEN TOLD ALL THREE OF THEM (MARKS,WATKINS,FREADRICH.) THAT THE INTERVIEW BE DONE NOW.

AND SO AFTER WAITING FOR ABOUT 25 MINUTES, THE INTERVIEW STARTED-UP AGAIN. 20-YEAR-OLD K.WT., THEN TOLD DET.MARKS, TRACIE FREADRICH, THE AARC ADVOCATE, AND LISA WATKINS THE SANE NURSE, THAT THEY WERE AT A PARTY LAST NIGHT. THAT SHE (20 YEAR OLD) WAS WITH A FRIEND NAMED F.L., AND THAT THEY MET "TWO MALE SUBJECTS". BRIAN ALBERTS AND TILMER LAST NAME UNKNOWN. STATING THAT THE FOUR OF THEM DROVE AROUND AND DRANK. 20 YEAR OLD K.WT., THEN TELLING THEM (DET.MARKS, LISA WATKINS, AND TRACIE FREADRICH.) THAT BRIAN DROVE AND TILMER WAS IN THE FRONT PASSENGER SEAT, WHILE SHE AND F.L., WERE IN THE BACKSEAT. K.WT., STATED THAT TILMER LEFT WITH F.L., AT THE SAME TIME. THAT BRIAN ALBERTS WAS DRIVING AND THAT SHE WAS STILL IN THE BACK SEAT OF THE CAR. K.WT., THEN STATED THAT "BRIAN" WAS ASKING HER HOW YOU GUYS WERE GOING TO PAY FOR THE GAS.

20 YEAR OLD K.WT., THEN GOING ON TO TELL DET.MARKS, TRACIE

FREADRICH, AND LISA WATKINS, THAT BRIAN BROUGHT UP THE SUBJECT OF ORAL SEX. STATING THAT BRIAN REACHED IN THE BACK SEAT AND WAS PUSHING HER HEAD TOWARDS HIS CROTCH AREA IN THE FRONT SEAT, ALL WHILE HE WAS DRIVING THE CAR. K.WT., STATING THAT SHE WAS ABLE TO GET AWAY AND SHE KEPT TELLING HIM TO STOP. SHE K.WT., STATED THAT BRIAN REACHED AROUND AND DIGITALLY PENETRATED HER VAGINA ALL WHILE HE WAS DRIVING THE CAR. THAT HE DID NOT UNBUCKLE HER BELT OR UNBOTTON HER PANTS. THAT "HE" WENT OVER THE TOP OF HER PANTS AND INSERTED HIS FINGER IN HER VAGINA.

K.WT., THAN STATED THAT SHE PUSHED HIS HAND AWAY AND YELLED AT HIM TO STOP, WHICH HE DID. SHE STATED THAT SHE THAN GOT OUT OF THE VEHICLE AND RAN. THAT SHE RAN FOR ABOUT A HALF OF BLOCK UNTIL SHE REACHED THE HOUSE AT Bismarck N.D., . THAT SHE THEN KNOCKED ON THE DOOR ASKING FOR HELP AND TO CALL THE POLICE. K.WT., THEN STATED TO DET.MARKS, TRACIE FREADRICH, AND LISA WATKINS, THAT SHE SAW THE "SUBJECT", SHE KNOW CALLED HIM RICHARD. (THIS WOULD NOW BE THE SIXTH, GUY K.WT., ACCUSED AS BEING RESPONSIBLE FOR HER ASSAULT.) DET.MARKS THAN ASKED K.WT., WHO RICHARD WAS AND SHE STATED THAT "HE" WAS THE SUBJECT THAT SEXUALLY ASSAULTED HER AND THAT HE WAS DRIVING THE CAR. K.WT., STATING THAT THIS SUBJECT WATCHED HER UNTIL THE POLICE ARRIVED, AND THEN HE LEFT. * "5:07 a.m., ON MAY 30th, 2006 THE BISMARCK POLICE DEPARTMENT RESPONDED TO AN REPORTED COMPLAINT ABOUT AN 20-YEAR-OLD, WOMAN ASSAULTED BY TWO GUYS." *

DET.MARKS THEN ASKED K.WT., WHERE TILMER AND F.L., WENT. SHE STATED ALL SHE CAN REMEMBER WAS THAT THEY LEFT AROUND 2 a.m., AND THEY DID NOT SEE THE ASSAULT. (THAT HAPPENED TO HER.) AND SO DET.MARKS AGAIN ASKED K.WT., TO DESCRIBE THIS SUBJECT. K.WT., THAN STATED THAT HE HAD DARK HAIR IN A PONY TAIL AND WEARING DARK BLUE TRUNKS THAT HE WAS ABOUT 5'8", 280 POUNDS AND 28 to 30 YEARS OLD. "THAT HE WAS DRIVING, A TWO DOOR RED HONDA WITH RED TINTED WINDOWS." STATING THAT IT

DID NOT HAVE A FACTORY STEREO BUT IT HAD A GOOD STEREO. (20-YEAR-OLD K.W.T., DESCRIBING THE "REAL GUY" AND HIS RED CAR.) DET.MARKS THEN THANKED K.W.T., FOR THE INFORMATION AND SHE WENT WITH THE SANE NURSE LISA WATKINS AND AARC ADVOCATE TRACIE FREADRICH TO CONDUCT THE EXAMINATION. AFTER THIS EXAM WAS OVER, THE SANE NURSE LISA WATKINS GAVE DET.MARKS COPIES OF HER REPORT. LISA WATKINS STATED THAT THERE WAS NO EVIDENCE TO BE COLLECTED AND THAT THERE WAS NO INJURIES.

DET.MARKS THAN LEAVES THE HOSPITAL AND GOES OVER TO Bismarck N.D., MAKING CONTACT WITH "BRIAN ALBERTS". DET.MARKS ADVISING BRIAN ALBERTS WHY HE WANTED TO TALK TO HIM AND HE BECAME UP-SET. (BRIAN DID.) BRIAN THAN TELLING DET.MARKS THAT HE HAD NOT GONE ANYWHERE LAST NIGHT. THAT HE WAS AT TRAILER #12 AND #15 ALL NIGHT. BRIAN STATING TH- AT, #12 IS HIS SISTERS RESIDENCE. THAT HE DID NOT LEAVE IN A VEHICLE AT ALL AND THAT HE HAD JUST GONE TO SLEEP SHORTLY BEFORE DAYLIGHT AND SLEPT A COUPLE OF HOURS ON THE COUCH, THAT HE HAD JUST NOW GOTTEN UP.

DET.MARKS THAN ADVISED BRIAN ALBERTS OF THE INCIDENT (THE REPORT) AND HE DENIED IT. FROM THIS POINT, DET.MARKS CORRUPTS HIS INVESTIGATION AND POLICE REPORT WITH HIS INTERVIEW WITH BRIAN ALBERTS BY STATING, "THAT BRIAN TOLD DET.MARKS THAT DEBRA SAID SOMETHING ABOUT A GIRL NA- MED, F.L., WHO CAME TO HER APT AT 7 a.m., TODAY AND SAID THAT SHE WAS SEXUALLY ASSAULTED BY A SUBJECT NAMED TILMER EVERETT." (THAT STATEMENT IS A LIE MADE BY DET.MARKS IN HIS POLICE REPORT.)

DURING THAT INTERVIEW WITH BRIAN ALBERTS, THERE WAS ANOTHER PERSON TH- AT, WAS THERE BY THE NAME OF "DEBRA TWOBears". DET.MARKS ALSO TALKED WITH THIS PERSON AT THAT SAME TIME HE WAS THERE TO TALK TO BRIAN AL- BERTS, ABOUT HIS INVESTIGATION CONCERNING 20 YEAR OLD K.W.T., AND THAT COMPLAINT THAT WAS MADE TO THE BISMARCK POLICE DEPARTMENT. DEBRA TWOBears TOLD DET.MARKS THAT F.L., THE GIRL THAT HE WAS LOOKING

FOR, WHO HER SON KNEW, ARRIVED AT HER APT #1 OF Bismarck N.D., EARLIER THIS MORNING. (GIVING DET.MARKS AN IDEA OF WHERE THE OTHER GIRL (WITNESS) AS F.L., WAS AT.) SINCE K.WT., TOLD HIM THAT THIS WAS THE OTHER "GIRL", WHO WAS WITH HER ON THE NIGHT OF HER INCIDENT, .K.WT., TELLING DET.MARKS AT THE HOSPITAL THAT F.L., AND K.WT., HAD MET TWO MALE SUBJECTS AS BEING BRIAN ALBERTS AND TILMER LAST NAME, UNKNOWN AT A PARTY THE NIGHT OF THE INCIDENT. EXCEPT DET.MARKS AGAIN CORRUPTS HIS INVESTIGATION AND POLICE REPORT ABOUT WHAT DEBRA TWOBears TOLD HIM. STATING THAT, DEBRA TOLD HIM (DET.MARKS) THAT F.L. TOLD HER (DEBRA) THAT SHE WAS SEXUALLY ASSAULTED BY TILMER EVERETT. THAT STATEMENT IS A LIE! I HAVE TWO WITNESSES TO PROVE AND VERIFY THAT DET.MARKS IS LYING. (BRIAN ALBERTS AND DEBRA TWOBears.)

DET.MARKS THAN PROCEEDED TO ALSO TALK WITH JULIANN ALBERTS AND HER HUSBAND. THEY BOTH STATED AND TOLD DET.MARKS THAT "BRIAN" WAS HOME ALL NIGHT AND DID NOT GO ANYWHERE. DET.MARKS THEN NOTED IN HIS POLICE, REPORT THAT THE ONLY CAR AT THAT RESIDENCE IS A BLACK FORD FOCUS THAT BELONGED TO JULIANN ALBERTS, SINCE HE (DET.MARKS) WAS LOOKING FOR A RED TWO DOOR CAR WITH RED TINTED WINDOWS. FROM THAT POINT BOTH, JULIANN AND DEBRA THAN TOLD DET.MARKS THAT THEY DID NOT KNOW WHO K.WT., WAS WHEN HE HAD ASKED THEM. AND SO DET.MARKS AGAIN TALKS, WITH BRIAN ALBERTS AND HE STATED THAT HE KNEW " K.WT., " AND THAT HE HAD MET HER AT A PARTY IN THE PORTLAND DRIVE AREA ABOUT FOUR NIGHTS AGO. BRIAN STATING THAT THEY TALKED BRIEFLY AND THEY MADE ARRANGEMENTS, TO GO TO FORT TOTTEN TOGETHER.

DET.MARKS THEN LEAVES BRIAN ALBERTS RESIDENCE AND GOES OVER TO DEBRA TWOBears RESIDENCE, WHICH IS Bismarck N.D., APT #1. NOW THE REASON WHY "DET.MARKS" GOES TO THAT ADDRESS IS BECAUSE DEBRA TWOBears TOLD HIM (DET.MARKS) THAT WAS WHERE THE OTHER GIRL (F.L.) WAS AT, THE WITNESS WHO HE WAS LOOKING FOR. (BEING THAT DET.MARKS WANTED TO ASK

F.L., SOME QUESTIONS ABOUT HIS INVESTIGATION OF 20-YEAR-OLD K.WT., REPORTING TO THE BISMARCK POLICE DEPARTMENT THAT SHE HAD BEEN SEXUALLY ASSAULTED BY TWO GUYS.) "POLICE LOOKING FOR SUSPECTS IN ONE REPORT OF A GROSS SEXUAL IMPOSITION." ANYWAYS WHEN DET.MARKS DOES MAKE CONTACT WITH F.L., AT [REDACTED], (DEBRA TWOBears RESIDENCE.) HE DOES NOT TELL HER (F.L.) THAT HE JUST CAME FROM BRIAN ALBERTS RESIDENCE OR THAT HE TALKED WITH DEBRA TWOBears FOR THAT MATTER. FROM THAT POINT DET.MARKS TELLS F.L., THAT HE WAS THERE AND WANTED TO ASK HER AFEW QUESTIONS ABOUT AN INCIDENT THAT HAD OCCURED IN THE EARLY MORNING HOURS OF THAT SAME MORNING ABOUT AN REPORTED SEXUAL ASSAULT COMPLAINT MADE FROM THE Bismarck N.D., ABOUT AN 20-YEAR-OLD WOMAN NAMED K.WT., TELLING, F.L., THAT K.WT., TOLD HIM (DET.MARKS) THAT SHE WAS AT A PARTY LAST NIGHT AND THAT SHE K.WT., STATED THAT SHE WAS WITH ANOTHER GIRL BY THE NAME OF F.L., AND THAT THEY MET TWO MALE SUBJECTS, BRIAN ALBERTS AND TILMER LAST NAME UNKNOWN.

REGARDLESS OF THE FACT THAT DET.MARKS JUST CAME FROM BRIAN ALBERTS RESIDENCE PRIOR TO MAKING CONTACT WITH F.L., AND BRIAN ALBERTS HAVING, ALIBI'S AS WITNESSES OF BEING HOME ALL NIGHT. DET.MARKS STILL INTENTIONALLY ACCUSED AS WITH MISLED F.L., OF BRIAN ASSAULTING 20 YEAR OLD K.WT., AND THEN STATED THAT HE WAS ALSO LOOKING FOR "ME" TILMER EVERETT TOO, IN REGARDS TO THAT REPORTED INCIDENT. (SINCE HE DET.MARKS WAS INVESTIGATING THAT INCIDENT.) AND SO AFTER HAVING BEEN GIVEN THOSE TWO NAMES (BRIAN AND TILMER) DET.MARKS GAVE F.L., SHE THAN WENT ALONG WITH THOSE TWO WRONG NAMES AND TOLD DET.MARKS, THAT AT 0109 HRS., TO AROUND 2 OR 3 a.m., SHE AND K.WT., WERE HANGING OUT WITH BRIAN ALBERTS AND TILMER EVERETT. GOING INTO DETAILS ABOUT WHAT ALL HAD HAPPENED THAT NIGHT AS EVENTS, AFTER BEING GIVEN THOSE TWO NAMES AS "SUSPECTS" AS THE TWO GUYS TO DET.MARKS IN-

VESTIGATION, (WHO DET.MARKS GAVE F.L., ABOUT HIS CASE.)

THIS WHERE ALL MY TROUBLES STARTED, CAUSING F.L., TO STATE TO DET.-MARKS, THAT SHE WANTED TO FILE A COMPLAINT (POLICE REPORT) TOO. STATING, THAT "SHE" TO WAS ALSO ASSAULTED BY ONE OF THE MEN POLICE WERE, LOOKING FOR TILMER EVERETT. FROM THAT POINT AFTER THE FACT THAT DET.MARKS GAVE AND FED 18-YEAR-OLD F.L., THE TWO NAMES AS BRIAN ALBERTS, AND TILMER EVERETT TO THE CIRCUMSTANCES OF HIS CASE (INVESTIGATION,) SHE F.L., THEN STARTED TO THINK THAT "I" TILMER EVERETT HAD SOMETHING TO DO WITH BEING ONE OF THOSE TWO GUYS WHO HAD ASSULTED HER 20 YEA OLD FRIEND NAMED K.WT., . NOT! CAUSING F.L., TO ALSO START HER LYING TOO AND TELLING DET.MARKS THAT TILMER OFFERED TO GET HER A GIGARETTE FROM HIS APT. THAT SHE WENT WITH TILMER TO HIS APT AND HE RAPED HER ON THE COUCH IN THE LIVING ROOM. (F.L., COMPOUNDING, A LIE WITH MORE LIES!!)

DET.MARKS THAN CALLS FOR A BISMARCK POLICE PATROLMAN NAMED OFFICE R . CARVELL, REQUESTING HIS ASSISTANCE ON A SEXUAL ASSAULT COMPLAINT. DET.MARKS ASKING OFFICE R.CARVELL TO TAKE THE INITIAL REPORT FROM F.L., ON HER ASSAULT AND COMPLAINT. (FROM THAT POINT DET.MARKS STARTED AND CAUSED ANOTHER INCIDENT. FROM 20-YEAR-OLD K.WT., THEN ON TO 18-YEAR-OLD F.L., WITH THE THOUGHT AND IDEA THAT "HE" (DET.MARKS) FOUND ANOTHER VICTIM RELATED TO HIS INVESTIGATION.) WRONG!!

DET.MARKS THAN STARTES TO EXPLAIN TO OFFICE R.CARVELL THAT HE WAS INVESTIGATING, A DIFFERENT SEXUAL ASSAULT K.WT., AND THE SUSPECT WAS "BRIAN ALBERTS". DET.MARKS STATING THAT THOSE TWO HAD BEEN ASSOCIATED, WITH F.L., AND THE SUSPECT IN THIS ASSAULT COMPLAINT IS TILMER EVERETT. (EVIDENCE AS CIRCUMSTANCES STATED BY DET.MARKS, PROVING THAT "HE" DID DEFILE (CORRUPT) HIS INVESTIGATION, BECAUSE DET.MARKS TOLD AND EXPLAINED THE DETAILS OF HIS CASE.) FACT!

DET.MARKS THEN CALLS ANOTHER DETECTIVE NAMED DEAN CLARCKSON, REQUESTING, HIS ASSISTANCE ON A SEXUAL ASSAULT COMPLAINT REGARDING 20-YEAR-OLD K.WT., AND BRIAN ALBERTS. (MORE EVIDENCE AGAINST DET.MARKS ABOUT HIS CORRUPT AND DEFILED CASE.) DET.MARKS THAN STATED TO DET.CLARCKSON THAT DURING HIS INVESTIGATION HE "DISCOVERED" THAT F.L., AND TILMER EVERETT WERE WITH K.WT., AND BRIAN ALBERTS, ON THE EVENING OF THE ASSAULT. DET.MARKS STATING TO DET.CLARCKSON THAT "HE" TALKED TO F.L., WHO STATED AND TOLD HIM, THAT SHE TO HAD ALSO BEEN SEXUALLY ASSAULTED BY ONE OF THE MEN POLICE WERE LOOKING FOR, TILMER EVERETT AND WANTED TO FILE A POLICE REPORT TO.

F.L., STATING TO OFFICER R.CARVELL THAT SHE AND K.WT., WERE HANGING OUT WITH BRIAN ALBERTS AND TILMER EVERETT THE PREVIOUS NIGHT AND HAD BEEN DRINKING AS WELL. F.L., TELLING OFFICER R.CARVELL THAT SHE DID NOT TELL THE POLICE UNTIL DET.MARKS CAME TO INTERVIEW "HER" IN REGARDS TO THE OTHER ALLEGED INCIDENT. (20-YEAR-OLD ASSAULTED BY TWO GUYS.) BRIAN AND TILMER!

FROM THIS POINT, BOTH DETMARKS AND DET.CLARCKSON STATED AND HAD ADVISED, OFFICER R.CARVELL THAT DET.CLARCKSON WOULD BE HANDLING THE SEXUAL, ASSAULT COMPLAINT ON F.L., AND THAT BOTH DET.MARKS AND DET.CLARCKSON, WOULD BE COORDINATING EACH OF THIER INVESTIGATIONS, SINCE THEY WERE APPARENTLY AT LEAST SOMEWHAT RELATED. (TWO BISMARCK POLICE DETECTIVES, ACKNOWLEDGING AND TELLING OFFICER R.CARVELL THAT I TILMER EVERETT, BECAME A PERSON OF INTEREST (PRIME SUSPECT) TO BOTH 20-YEAR-OLD K.WT., AND 18-YEAR-OLD F.L.) EVIDENCE!!

DURING THIS TIME FRAME, WHILE BOTH DET.MARKS AND DET.CLARCKSON WERE MAKING SENSE OUT OF THEIR INVESTIGATIONS AGAINST "ME" TILMER EVERETT. 20-YEAR-OLD K.WT., CAME TO MY FRIENDS APT (LORI.) ~~XXXXXXXXXX~~

~~XXXXXXXXXX~~ AT AROUND 9 a.m., TO AROUND 10 a.m., THAT MORNING IN
AT AROUND

A CAB FROM THE HOSPITAL (ST.A's) AND TOLD US WHAT HAD HAPPENED TO HER EARLIER THAT MORNING WHEN SHE LEFT. PULLING OUT HER PAPERWORK (ASSAULT REPORT) THAT THE HOSPITAL HAD WRITTEN DOWN AS INFORMATION OF HER REPORT. I HAD SEEN "BRIAN ALBERTS" NAME AS THE PERSON WHO SHE K.W.T., HAD ACCUSED OF DOING THIS TO HER. I THAN ASKED K.W.T., WHEN SHE MET-UP WITH BRIAN, BECAUSE I KNOW HIM TO. SHE K.W.T., STATED "NO"!, THAT GUY IN THAT RED CAR. I THEN TOLD K.W.T., THAT HIS NAME IS NOT BRIAN, HIS NAME IS TREVOR. K.W.T., THEN STATED, HE'S GOT LONG HAIR IN A PONY TAIL. AND I SAID, WOW. I THAN PROCEEDED TO TRY AND COMFORT K.W.T., BY TELLING "HER" THAT SHE WAS SAFE NOW AND THAT I WOULD FIND THIS GUY AND BEAT HIM UP. SO LAID DOWN ON THE COUCH AND TRYED TO RELAX HERSELF, FROM THAT POINT. (K.W.T., SEEMED TRAUMATIZED OR SOMETHING.)

ANYWAYS LATER THAT AFTERNOON AT AROUND 1 O'CLOCK P.M., OR SO, THAT SAME DAY. THE BISMARCK POLICE DEPARTMENT CAME AFTER "ME" TILMER EVERETT, AT [REDACTED], KNOCKING ON MY DOOR. DURING THAT TIME FRAME, WHILE POLICE WERE KNOCKING ON THE DOOR. I COULD NOT HEAR THEM KNOCKING BECAUSE I WAS IN THE RESTROOM SITTING ON THE BOWL. (TOILET) THAT IS WHEN K.W.T., CAME WALKING-IN ON ME AND TOLD ME TILMER EVERETT THAT SOMEONE WAS AT THE DOOR KNOCKING. STATING TO ME SOMETHING LIKE, "MAYBE IT'S THE POLICE", WITH A WORRIED LOOK ON HE FACE. (BASICALLY GIVING ME THAT SAME LOOK WHEN "SHE" K.W.T., CAME AND TOLD US WHAT HAD HAPPENED TO HER EARLIER THAT SAME MORNING.) I THEN TOLD K.W.T., TO HOLD ON AND THAT I WOULD CHECK THE DOOR MYSELF. AND SO AFTER I GOT DONE I WASHED MY HANDS AND WENT TO SEE WHO WAS KNOCKING ON THE DOOR LIKE THAT. WHEN I LOOKED OUT THE PEEPHOLE FIRST, I NOTICED A WHITE GUY (IN PLAIN CLOTHES.) TRYING TO HIDE AROUND THE CORNER OF THE SIDE OF THE DOOR.

I THAN WENT TO WHERE K.W.T., WAS AT (BACK BEDROOM) TO ASK HER

WHAT WAS GOING ON. SHE K.W.T., STATED, I DON'T KNOW. MAYBE THERE LOOK-
ING, FOR THAT OTHER GIRL (MEANING HE FRIEND F.L.) I THEN WALKED OVER
TO THE BELCONY WINDOW AND OPENED IT, TO SEE WHAT WAS GOING ON AND
JUST THAT FAST, AS SOON AS BISMARCK POLICE SAW "ME" TILMER EVERETT.
THEY STATED AND CALLED MY NAME AND I STATED BACK, "YEAH THAT'S ME".
OFFICERS ON THE GROUND LEVEL THEN TOLD ME TO OPEN THE DOOR, BECAUSE
THEY (POLICE) WANTED TO TALK TO ME ABOUT SOME INCIDENTS THAT HAD
HAPPENED EARLIER THAT DAY OR SOMETHING. ANYWAYS AS SOON AS I OPENED
THE DOOR, POLICE OFFICERS CAME CHARGING IN AFTER ME AND SHOVING ME
TILMER EVERETT TO THE WALL, STATING THAT I WAS UNDER ARREST, PUTTING
HANDCUFFS ON ME FROM THAT POINT. AFTER THAT THEY WALKED ME TO THE
POLICE CAR AND TOOK ME TO THE BISMARCK POLICE DEPARTMENT TO BE IN-
TERVIEWED,. (BOTH WOMEN.) THAT'S ALL I KNEW...

AFTER BEING TAKEN DIRECTLY TO THE BISMARCK POLICE DEPARTMENT BY POL-
ICE,. I WAS ESCORTED TO AN INTERVIEW ROOM AND SAT DOWN. I WAS CON-
FUSED, ABOUT HOW AND WHY THE POLICE GRABBED AND SHOVED ME AROUND
(HANDCUFFED) LIKE THAT. I THAN TRYED ASKING THE OFFICER STANDING IN
THAT INTERVIEW ROOM WITH "ME", IF HE KNEW WHAT WAS GOING ON. AND HE
(OFFICER) TOLD ME THAT HE DIDN'T KNOW. THEN AFTER AWHILE "TWO BISM-
ARCK, POLICE DETECTIVES" WALKED-IN AND INTRODUCE THEMSELVES AS BEING
DEAN CLARCKSON AND ROGER MARKS. DET.CLARCKSON THAN PROCEEDED TO CON-
DUCT, THE INTERVIEWS AND EXPLAINING TO ME SOMETHING ABOUT HAVING TO
BEAT ON MY DOOR JUST TO GET ME DOWN HERE, AND THAT HE WAS FIRST GO-
ING, TO READ "ME" MY MIRANDA RIGHTS BECAUSE OF THE WHOLE CIRCUMST-
ANCES,. (BOTH CASES.) READING ME TILMER EVERETT MY MIRANDA RIGHTS AF-
TER, THAT POINT..

DET.MARKS SAT IN THE ROOM AS DET.CLARCKSON TALKED TO ME TILMER EVERE-
TT, BECAUSE DET.MARKS IS INVESTIGATING AN INCIDENT "INVOLVING" TIL-
MER, EVERETT AND THEIR VICTIMS (DETECTIVES) WOULD EACH BE WITNESSES

IN BOTH OF THOSE CASES AGAINST ME TILMER EVERETT. WE TALKED ABOUT
K.WT., AND BRIAN ALBERTS FIRST, WHICH IS THE CASE DET.MARKS
IS INVESTIGATING. "WHICH MEANS": (TWO GUYS! 20-YEAR-OLD K.WT.,
AND BRIAN ALBERTS AND TILMER EVERETT.) FACT!

RECORDED DVD INTERVIEW TRANSCRIPTS STATING AS "EVIDENCE" OF BOTH IN-
VESTIGATIONS, PROVING THAT DET.CLARCKSON AND DET.MARKS EACH CONSIDER-
ED, ME TILMER EVERETT AS THEIR PRIME SUSPECT TO BOTH WOMEN'S CASES,
ON MAY 30th, 2006 AT 13:43:20 p.m., AGAINST 20 YEAR OLD K.WT.,
AND 18 YEAR OLD F.L., AT THE BISMARCK POLICE DEPARTMENT...

* (DVD INTERVIEW OF DET.CLARCKSON, DET.MARKS, AND TILMER EVERETT.)

DET.CLARCKSON STATING--ALL RIGHT. SO I GUESS YOU KNOW WHAT WERE HERE
TO TALK ABOUT. DO YOU KNOW ANYTHING THAT'S GOING ON?

TILMER EVERETT STATING--NO. HUH-uh.

DET.CLARCKSON STATING--OKAY. WELL, IT SOUNDS LIKE YOU "GUYS" HAD, YOU
AND BRIAN HAD--.

TILMER EVERETT STATING--BRIAN?

DET.CLARCKSON STATING--BRIAN ALBERTS.

TILMER EVERETT STATING--WHAT DID WE DO?

DET.CLARCKSON STATING--YOU DID A LITTLE PARTYING LAST NIGHT OR EARLY
THIS MORNING WITH A COUPLE OF GIRLS. (EVIDENCE THEY THE POLICE USED
THIS INFORMATION GIVEN TO THEM BY K.WT., AT THE HOSPITAL ABOUT
BEING WITH F.L., AND THAT THEY MET TWO MALE SUBJECTS, BRIAN ALBERTS
AND TILMER LAST NAME UNKNOWN.) FACT!

TILMER EVERETT STATING--BRIAN ALBERTS?

DET.CLARCKSON STAINING--YEAH.

TILMER EVERETT STATING--I DIDN'T DRINK WITH BRIAN ALBERTS LAST NIGHT.

DET.CLARCKSON STATING--NO?

TILMER EVERETT STATING--NO!

DET.CLARCKSON STATING--HOW ABOUT WITH "F.L.," OR " K.W.T.," .?"

TILMER EVERETT STATING--YEAH THAT GIRL , K.W.T., WAS AT THE HOUSE, WHERE I WAS AT. SHE WAS RIGHT THERE. (EVIDENCE PROVING I DID NOT DENY THAT F.L., WAS AT MY APT LIKE STATED IN THE BISMARCK POLICE DEPARTMENT POLICE REPORTS AND BOTH DETECTIVES ARE LYING.) FACT!

DET.CLARCKSON STATING--BUT NO BRIAN?

TILMER EVERETT STATING--NO BRIAN. THERE WAS NO BRIAN AT ALL.

DET.CLARCKSON STATING--OKAY.

"BASICALLY FROM THIS POINT, I TILMER EVERETT, TOLD DET.CLARCKSON THAT K.W.T., HAD THE WRONG NAME. WHEN SHE TOLD ME THAT BRIAN ALBERTS WAS TRYING TO RAPE HER. I THEN STATED THAT THEY LEFT TOGETHER ALONE BUT IT WASN'T "BRIAN" THAT LEFT WITH HER."

DET.CLARCKSON STATING--WHO WAS THAT?

TILMER EVERETT STATING--A RED CAR, HE'S GOT A RED CAR WITH RED TINTED WINDOWS. HIS NAME IS TREVOR GOODIRON. (THE REAL GUY'S NAME.)

.....

MAKING THE "NATURE OF THE CASE", A FRAUD.

BECAUSE "BOTH" THE BISMARCK POLICE DEPARTMENT AND THE BURLEIGH COUNTY STATE'S ATTORNEYS OFFICE EACH CONSPIRED IN THE COURT OF LAW, DURING MY TRIAL, TO MALICIOUSLY DEFRAUD AND MANIPULATE THOSE CIRCUMSTANCES, WITH THE INTENT OF COVERING-UP A CRIME, THEY STARTED. CORRUPTION!!

INSTEAD OF CHARGING "ME" TILMER EVERETT FOR BOTH THOSE DEFILED CASES, (20-YEAR-OLD AND 18-YEAR-OLD WOMEN TOGETHER.) I WAS ONLY CHARGED FOR 18 YEAR OLD F.L., THE GIRL WHO I HAD BEEN WITH CONSENSUALLY, WHO POLICE, INTENTIONALLY MISLED AS A WITNESS ABOUT ANOTHER REPORTED INVESTIGATION, THAT THEY WERE CONDUCTING CONCERNING A 20-YEAR-OLD WOMAN AND "TWO GUYS". *(POLICE LOOKING FOR SUSPECTS IN ONE REPORT OF A GROSS SEXUAL, IMPOSITION.)*

BISMARCK POLICE ARE NEVER SUPPOSE TO GIVE A "WITNESS" THE NAMES OF AN ON-GOING INVESTIGATION, BECAUSE THAT'S EXACTLY WHAT THEY DID, TO AN 18 YEAR OLD WITNESS NAMED F.L., WHICH IS THE KEY POINT INTO ALL THIS MIX-UP, IN MY LIFE. CAUSING F.L., TO GO ALONG WITH THOSE TWO WRONG NAMES AND "ALSO" LYING HERSELF AFTER THAT POINT. WHY DO YOU THINK NOBODY HAS EVER BEEN CHARGED AND ARRESTED FOR THE BISMARCK POLICE DEPARTMENTS REPORTED, COMPLAINT THAT WAS MADE AT 5:07 a.m., ON MAY 30th, 2006!? I'LL TELL YOU "WHY". BECAUSE THOSE CIRCUMSTANCES WERE CORRUPTED IN THE COURT OF LAW, JUST TO FALSELY AND WRONGFULLY CONVICT AND PROSECUTE AN INNOCENT, PERSON WITH CORRUPTIVE CIRCUMSTANCES BY BOTH POLICE AND THE STATE'S ATTORNEY WHO PROCEEDED WITH THIS FRAUDULENT CASE AND CHARGE. SEE;

1. TRIAL TRANSCRIPTS STATED ON RECORD BY STATE'S ATTORNEY CYNTHIA FELAND'S, "OPENING STATEMENT", DECEMBER 5, 2006 PAGES 137-142.L,21-12., AS FRAUDULENT, FROM THE FACTS AND CIRCUMSTANCES STATED IN POLICE REPORTS, 1-4 AND DVD INTERVIEW TRANSCRIPTS SUBMITTED AND STATED IN THE APPENDIX TO YOU THE SUPREME COURT. (DOCUMENTS AS EVIDENCE.)

2. TRIAL TRANSCRIPTS STATED ON RECORD BY STATE'S ATTORNEY CYNTHIA FELAND, AND HER "FIRST STATE WITNESS". NAMED ROGER MARKS, DECEMBER 5, 2006, PAGES 178-188.L,3-24., AND PAGES 192-197.L,2-25., WITH AFFIDAVIT AS EVERETT VS. MARKS, AS FRAUDULENT TESTIMONY. (ALSO PAGES 198-223.L,8-21.) FROM THE FACTS AND CIRCUMSTANCES STATED IN POLICE REPORTS 1-4 AND DVD

INTERVIEW TRANSCRIPTS SUBMITTED AND STATED IN THE APPENDIX TO YOU THE SUPREME COURT. (DOCUMENTS AS EVIDENCE.)

3. TRIAL TRANSCRIPTS STATED ON RECORD BY STATE'S ATTORNEY CYNTHIA FELAND, AND HER "THIRD STATE WITNESS", NAMED DEAN CLARCKSON, DECEMBER 6, 2006 PAGES 282-325.L,22-2., AND PAGES 330-332.L,16-14., WITH AFFIDAVIT AS EVERETT VS. CLARCKSON, AS EVIDENCE OF FRAUDULENT TESTIMONY. FROM THE FACTS AND CIRCUMSTANCES STATED IN POLICE REPORTS 1-4 AND DVD INTERVIEWS OF TWO INVESTIGATIONS, SUBMITTED AND STATED TO YOU THE SUPREME COURT. (DOCUMENTS AS EVIDENCE.) COMPRAMIZING EACH OTHERS STATEMENTS (AS!STATED!

THIS IS CRIMINAL...

"WHICH PROVES THE LACK OF INTEGRITY BY BOTH THE BISMARCK POLICE DEPARTMENT, AND THE BURLEIGH COUNTY STATE'S ATTORNEYS OFFICE TO TELL THE TRUE FACTS OF "TWO INVESTIGATIONS" GONE BAD AND ADMITTING THEY SCREWED-UP AND MALICIOUSLY VIOLATED MY CONSTITUTIONAL RIGHTS INTENTIONALLY."

POLICE REPORTS 1-4 AND DVD INTERVIEWS OF TWO INVESTIGATIONS CLEARLY STATES, THAT "I" TILMER EVERETT, HAD BEEN FALSELY ACCUSE (20 YEAR OLD) AND WRONGFULLY ARRESTED (18 YEAR OLD) FROM ONE INVESTIGATION INTO THE OTHER, WITH THE ACKNOWLEDGEMENT BY POLICE AS NAMING ME, THEIR PRIME SUSPECT TO EACH OF THOSE CASES ON MAY 30th, 2006. FACT!!

CASE NO.06-K-1026 OF COURT TRANSCRIPTS AS "OPENING STATEMENT", BY STATE'S, ATTORNEY CYNTHIA FELAND, "FIRST STATE WITNESS", NAMED ROGER MARKS, AND "THIRD STATE WITNESS", NAMED DEAN CLARCKSON, IS EVIDENCE THAT SHOWS AS WITH PROVES, EACH OF THOSE INDIVIDUALS CONSPIRED TO DEFRAUD AND CORRUPT, THOSE FACTS STATED IN DOCUMENTS OF POLICE REPORTS AND DVD INTERVIEWS, OF TWO INVESTIGATIONS DURING MY TRIAL ON DECEMBER 5,6, 2006. AS A FACT! (COMPOUNDING FRAUD WITH MORE FRAUD.)

STATEMENT OF THE FACTS

I TILMER EVERETT HAD FILED A "NOTICE OF APPEAL" OF CASE NO.06-K-1026 WITH THE BURLEIGH COUNTY CLERK OF COURT, SHORTLY AFTER MY BEING WRONGFULLY, PROSECUTED FOR GROSS SEXUAL IMPOSITION BY THE BURLEIGH COUNTY, STATE'S ATTORNEYS OFFICE AND THE BISMARCK POLICE DEPARTMENT WITH FRAUDULENT AND CORRUPT CIRCUMSTANCES. (30 YEARS IN PRISON.) ON MARCH 13th, 2007 A NOTICE OF FILING THE NOTICE OF APPEAL HAD BEEN DOCKETED AND RECORDED BY BURLEIGH COUNTY CLERK OF COURT DEBRA SIMENSON, BISMARCK, NORTH DAKOTA. (DISTRICT COURT.) *SEE APPENDIX; PAGE 5.*

THAT ON JUNE 2nd, 2006 A BURLEIGH COUNTY STATE'S ATTORNEY NAMED RICHARD, RIHA HAD SIGN-OFF AND APPROVED A CRIMINAL COMPLAINT TO BE PROCESSED, AGAINST "ME" TILMER EVERETT BY THE BISMARCK POLICE DEPARTMENT. STATING, THAT ON OR ABOUT 30th, DAY OF MAY, 2006, IN BURLEIGH COUNTY, THE DEFENDANT, TILMER PAUL EVERETT, DID COMMIT THE CRIME OF GROSS SEXUAL, IMPOSITION, COMMITTED AS FOLLOWS: (SIGNED AND NOTORIZED UNDER OATH, AS N.D.C.C. 12.1-20-03, 12.1-32-01 (1) A CLASS AA FELONY.) 18 YEAR OLD F.L., ONLY WITH CORRUPTION. *SEE APPENDIX; PAGE 6.*

ON AUGUST 4th, MY ATTORNEY NAMED SUSAN SCHMIDT HAD A CERTIFIED LETTER (REQUEST) FOR DISPOSITION OF INDICTMENT, INFORMATION OR COMPLAINT AND NOTICE OF PLACE OF IMPRISONMENT. (ALL DISCOVERY.) SERVED ON BOTH THE BURLEIGH COUNTY DISTRICT COURT AND THE BURLEIGH COUNTY STATE'S ATTORNEYS, OFFICE (CYNTHIA FELAND) IN REGARDS TO CASE NO.06-K-1026., OF THAT, CHARGE. *SEE APPENDIX; PAGE 7.*

ON MARCH 6th, 2007 A 30 YEAR PRISON SENTENCE (CRIMINAL JUDGEMENT) WAS HANDED DOWN TO "ME" TILMER EVERETT BY A BURLEIGH COUNTY DISTRICT JUDGE NAMED BRUCE ROMANICK. *SEE APPENDIX; PAGE 8.*

ON JUNE 21st, 2009 I TILMER EVERETT HAD FILED AND SERVED A CERTIFIED UNIFORM POST-CONVICTION (MOTION) PROCEDURE ACT UNDER CHAPTER 29-32.1-01., OF THE N.D.C.C., OF (e) EVIDENCE, NOT PREVIOUSLY PRESENTED OR HEARD, EXISTS REQUIRING VACATION OF THE CONVICTION OR SENTENCE IN THE INTEREST, OF JUSTICE; (a),(b),(f),(h)., WHICH IS SUBJECTED TO COLLATERAL ATTACK. WITH AN "AFFIDAVIT" ATTACHED TO THE MOTION AS LEGAL SUPPORT, SENT TO THE CLERK OF COURT DEBRA SIMENSON OF BURLEIGH COUNTY AND THE BURLEIGH COUNTY STATE'S ATTORNEY NAMED CYNTHIA FELAND. ALSO WITH THIS MOTION I HAD SUBMITTED THREE MORE AFFIDAVITS IN RELATION TO THE THREE GROUNDS THAT I HAD ADDRESSED TO MY REQUEST FOR RELIEF. GIVING THE DISTRICT, COURT THE WHOLE STORY AND FACTS INTO MY ORDEAL STATED IN THE BISMARCK POLICE DEPARTMENT POLICE REPORTS 1-4 AND DVD INTERVIEWS OF TWO INVESTIGATIONS BEING CONDUCTED AND BOTH STATED AGAINST ME TILMER EVERETT, BY POLICE ON MAY 30th, 2006. (EVIDENCE OF MISSING DOCUMENTS.)

GROUND ONE: (f) CONVICTION OBTAINED BY THE UNCONSTITUTIONAL FAILURE OF THE PROSECUTOR TO DISCLOSE TO THE DEFENDANT "EVIDENCE" FAVORABLE TO THE DEFENDANT. (THE MIRANDA RIGHTS FORMS ARE MISSING OUT-OF-BOTH DET.MARKS AND DET.CLARCKSONS POLICE REPORTS AND ALSO PAGE 5., IS MISSING OUT OF DET.CLARCKSONS POLICE REPORT.) I STILL DO NOT HAVE THOSE DOCUMENTS!!

GROUND TWO: (d) CONVICTION OBTAINED BY USE OF "EVIDENCE" OBTAINED PURSUANT, TO AN UNLAWFUL ARREST. (THE BISMARCK POLICE DEPARTMENT AND THE BURLEIGH COUNTY STATE'S ATTORNEYS OFFICE BOTH "USED" A DVD VIDEO INTERVIEW, AS EVIDENCE AGAINST "ME" TILMER EVERETT DURING MY TRIAL AND HAD THAT GENUINE ISSUE OF MATERIAL FACT, ADMITTED INTO EVIDENCE, WITH THE MALICIOUS INTENT OF DEFRAUDING AND CORRUPTING TWO INVESTIGATIONS ABOUT MY MIRANDA RIGHTS BEING READ TO ME AS THEIR (POLICE) PRIME SUSPECT TO EACH OF THOSE DEFILED CASES. WHICH TIES IN (IS CONNECTED) TO THE FACT AND REASON WHY THE PROSECUTOR WITHHELD EVIDENCE (MIRANDA RIGHTS FORM AND PAGE 5., OF DETCLARCKSONS POLICE REPORT.) FROM ME TILMER EVERETT, BEFORE AND DURING MY TRIAL. REFERR TO PAGE 7., OF THE APPENDIX!)

GROUND THREE: CONSPIRACY TO COMMIT FRAUD AND PERJURY. (STATE'S ATTORNEY, CYNTHIA FELAND PLAYED A KEY ROLE AS THE "MASTERMIND" WITH TWO BISMARCK POLICE DETECTIVES NAMED ROGER MARKS AND DEAN CLARCKSON TO FABRICATE A CRIME AND COVER-UP A CRIME THAT WAS REPORTED TO THE BISMARCK, POLICE DEPARTMENT ABOUT AN 20-YEAR-OLD WOMAN AND TWO WRONG GUYS NAMES THAT "POLICE" WRONGFULLY FED TO AN 18-YEAR-OLD WOMAN WHICH CAUSED HER TO ALSO FILE AND ALSO MAKE AN FRAUDULENT REPORT AFTER THE FACT THAT SHE (18 YEAR OLD) WAS MISLED ABOUT THAT REPORTED COMPLAINT THAT THEY WERE INVESTIGATING.) COMPOUNDING FRAUD WITH MORE FRAUD! "THESE INDIVIDUALS, ALL LIED ABOUT TWO INVESTIGATIONS STATED ABOUT "ME" DURING MY TRIAL, AND PROCEEDINGS OF PROCESSING THIS CASE AND CHARGE TO THE DISTRICT OF BURLEIGH COUNTY". *SEE APPENDIX; PAGES 10-168.*

ON JULY 28th, 2009 I TILMER EVERETT HAD SERVED BOTH THE CLERK OF COURT DEBRA SIMENSON AND THE BURLEIGH COUNTY STATE'S ATTORNEY A CERTIFIED LETTER, WITH CONCERN AS TO WHY I THE PLAINTIFF HAVE NEVER RECEIVED A RESPONSE, BACK FROM THE "RESPONDANT", IN REGARDS TO MY REQUEST FOR RELIEF. *SEE APPENDIX; PAGES 171-173.*

ON AUGUST 6th, 2009 I TILMER EVERETT HAD FINALLY RECEIVED A LATE RESPONSE, (AFTER 30 DAYS.) BACK FROM THE STATE'S ATTORNEY CYNTHIA FELAND DATED AUGUST 4, 2009. *SEE APPENDIX; PAGES 176-178.*

ON AUGUST 10, 2009 I TILMER EVERETT HAD RECEIVED A MEMORANDA OPINION AND ORDER DENYING POST-CONVICTION RELIEF FROM BURLEIGH COUNTY DISTRICT, COURT JUDGE BRUCE ROMANICK DATED AUGUST 6th, 2009. STATING, "HIS ALLEGATIONS HAVE NO LEGAL BASIS", "THAT THERE IS NO GENUINE ISSUES OF MATERIAL FACT". (YET GROUNDS ONE AND TWO; ARE SIGNIFICANT GENUINE ISSUES, OF MATERIAL FACTS, AS ARGUMENTS, ADDRESSED IN MY REQUEST FOR THAT POST-CONVICTION I HAD FILED WITH THE DISTRICT COURT.) WHICH BRUCE ROMANICK, "NEVER" DISCUSSED OR ADDRESSED IN HIS JUDGEMENT! WHICH MAKES FEEL

MY ARGUMENT LEGAL WITH MATERIAL FACTS. *SEE APPENDIX; PAGES 179-180*

ON AUGUST 13th, 2009 I TILMER EVERETT HAD FILED A NOTICE OF APPEAL ON THE "JUDGEMENT" STATED BY BRUCE ROMANICK IN HIS LETTER TO ME THE PLAINTIFF, DATED AUGUST 6th, 2009, WITH THE CLERK OF COURT DEBRA SIMENSON,. (CERTIFICATE OF SERVICE.) *SEE APPENDIX; PAGES 181-184.*

ON THE 14th, DAY OF AUGUST THE CLERK OF COURT DEBRA SIMENSON HAD FILED, AND DOCKETED MY NOTICE OF FILING THE NOTICE OF APPEAL AND SERVED IT TO ME TILMER EVERETT DATED AUGUST 21, 2009. (COPIES OF REGISTER OF ACTIONS WERE ALSO SUBMITTED WITH THAT LETTER.) WITH COPIES SERVED TO THE CLERK OF THE SUPREME COURT AND STATE'S ATTORNEY CYNTHIA FELAND. IN REGARDS TO CASE NO.06-K-1026. *SEE APPENDIX; PAGES 185-190.*

ON AUGUST 26, 2009 I TILMER EVERETT HAD RECEIVED A LETTER FROM DEPUTY CLERK OF THE SUPREME COURT HEATHER KELLER DATED AUGUST 25, 2009. TELLING, ME TILMER EVERETT THAT THE DISTRICT COURT HAS UNTIL SEPTEMBER 13, 2009 TO TRANSCRIBE THE RECORDS OF MY APPEAL (DOCUMENTS OF MY REQUEST.) TO THEIR OFFICE OF THE SUPREME COURT. ALSO THAT MY "BRIEF" IS DUE BY SEPTEMBER 23, 2009 SINCE I HAVE NEVER REQUESTED THE SUPREME COURT FOR TRANSCRIPTS. *SEE APPENDIX; PAGE 191.*

AND SO, ON AUGUST 27th, 2009 I TILMER EVERETT HAD A CERTIFIED LETTER SENT DIRECTLY TO THE CLERK OF COURT DEBRA SUMENSON OF BURLEIGH COUNTY, REQUESTING AN ORDER FOR TRANSCRIPTS OF CASE NO.06-K-1026 PROCEEDINGS STATED IN THE "REGISTER OF ACTIONS #1-#10.". IN REGARDS TO MY APPEAL THAT I HAD FILED WITH THAT DISTRICT COURT AND SUPREME COURT NO.200902-44,. (POST-CONVICTION N.D.C.C. 29-32.1-01 (e);(a),(b),(f),(h)., WITH THREE GROUNDS RAISED AND ADDRESSED.) THAT I HAD FILED WITH THE DISTRICT, COURT OF THE SOUTH CENT AL JUDICIAL DISTRICT OF BURLEIGH COUNTY ON JUNE 22, 2009. *SEE APPENDIX; PAGES 192-193.*

ON SEPTEMBER 9, 2009 I TILMER EVERETT THAN RECEIVED A LETTER FROM LISA, SOMA (DISTRICT COURT REPORTER.) ACKNOWLEDGING MY "MOTION" THAT I HAD FILED WITH DEBRA SIMENSON CLERK OF COURT DATED AUGUST 27th, 2009. (LETTER DATED SEPTEMBER 4, 2009 FROM LISA SOMA.) STATING, THAT, SHE IS IN CONTACT WITH MY REQUEST FOR COURT TRANSCRIPTS AND THAT SHE HAS TRANSCRIBED EACH AND EVERY COURT HEARING THAT HAS BEEN BEFORE JUDGE BRUCE ROMANICK REGARDING CASE NO.06-K-1026. (NOW REFERR BACK TO "APPENDIX PAGES 192-193.," OF MY REQUEST FOR COURT TRANSCRIPTS STATED THE REGISTER OF ACTIONS #1-#10., OF THOSE PROCEEDINGS THAT I HAD REQUESTED,.) YET I STILL HAVEN'T RECEIVED ANYTHING ALONG THOSE LINES! (NOTHING.) *SEE APPENDIX; PAGE 194.*

THESE ARE THE "STATEMENT OF THE FACTS" REGARDING MY REQUEST FOR POST-CONVICTION RELIEF HEARING TO THE DISTRICT COURT AND MY APPEAL TO YOU THE NORTH DAKOTA SUPREME COURT OF APPEALING THAT JUDGEMENT. THAT THESE, DOCUMENTS STATED IN THE APPENDIX WILL SHOW AND PROVE THE FACTS AND CIRCUMSTANCES INTO ORDEAL. (THAT MY RIGHTS WERE VIOLATED WITH FRAUDULENT, CIRCUMSTANCES IN THE COURT OF LAW, MALICIOUSLY.)

ARGUMENT OF THE POINTS

GROUND ONE: (f) CONVICTION OBTAINED BY THE UNCONSTITUTIONAL FAILURE OF THE PROSECUTION TO DISCLOSE TO THE DEFENDANT "EVIDENCE" FAVORABLE TO THE DEFENDANT. (N.D.C.C. 29-32.1-01 (e) EVIDENCE NOT PREVIOUSLY PRESENTED OR HEARD, REQUIRING VACATION OF THE CONVICTION OR SENTENCE IN THE INTEREST OF JUSTICE; (a),(b),(f),(h)., WHICH IS SUBJECTED TO COLLATERAL ATTACK. WITH AN "AFFIDAVIT" ATTACHED AS LEGAL SUPPORT.)

ARGUMENT: A PROSECUTOR NAMED CYNTHIA FELAND TOOK A CASE AND CHARGE TO TRIAL AGAINST "ME" TILMER EVERETT AS A CO-CONSPIRATOR AND KEY PLAYER, (MASTERMIND) OF FRAUDULENT AND CORRUPTIVE CIRCUMSTANCES. THAT THIS PROSECUTOR MALICIOUSLY WITHHELD EVIDENCE (A MIRANDA RIGHTS FORM THAT SHOULD HAVE BEEN "ATTACHED" TO BOTH DET.MARKS AND DET.CLARCKSONS POLICE REPORTS ABOUT EACH OF THEIR STATED INVESTIGATIONS STIPULATED AGAINST ME TILMER EVERETT IN THOSE DOCUMENTS, AND ALSO PAGE 5., IS MISSING OUT OF DET.CLARCKSONS POLICE REPORT.) FROM ME TILMER EVERETT. THAT STATE'S ATTORNEY CYNTHIA FELAND INTENTIONALLY CONSPIRED WITH EACH OF THOSE DETECTIVES (MARKS AND CLARCKSON) DURING MY TRIAL TO DEFRAUD AND MANIPULATE EACH OF THEIR INVESTIGATIONS AGAINST ME WITH CORRUPTION AND MALICE. FACT!

FOR DETAILS AS LEGAL SUPPORT, SEE "AFFIDAVITS" SUBMITTED TO YOU THE SUPREME COURT STATED THROUGH-OUT PAGES 15, 75, 110, 142, OF THE APPENDIX, AS CIRCUMSTANCES ADDRESSED WITH GENUINE ISSUES OF MATERIAL FACTS,. FACTS THAT PROVES AND SHOWS WHY I WAS NEVER GIVEN THOSE MIRANDA RIGHTS FORM'S TO EACH STATED INVESTIGATION AND ALSO WHY PAGE 5., IS TO MISSING. AS YOU CAN SEE WHY! (GROUND ONE:)

SEE APPENDIX PAGES 26-41., OF "TWO INVESTIGATIONS" BOTH BEING CONDUCTED, AGAINST ME ON AN 20 YEAR OLD WOMAN AND 18 YEAR OLD WOMAN BY BOTH

DET. MARKS AND DET. CLARCKSON AS THEIR PRIME SUSPECT TO EACH OF THOSE CASES. EVIDENCE!! WHICH COMES BACK TO MY REQUEST MADE WITH MY ATTORNEY, NAMED SUSAN SCHMIDT WHO I HAD ADVISED THAT I WANTED EVERYTHING IN REGARDS TO THIS CASE AND CHARGE (CASE NO.06-K-1026) AS DISCOVERY, WITH ALSO A FAST AND SPEEDY TRIAL, BECAUSE I DID NOT WANT TO SIT IN THIS JAIL FOR TO LONG. *SEE APPENDIX; PAGE 7.* (EVIDENCE THAT THIS REQUEST WAS MADE BY THAT PUBLIC DEFENDER SUSAN SCHMIDT TO THE STATE'S ATTORNEY AND DISTRICT COURT OF BURLEIGH COUNTY.) VIOLATING MY RIGHTS, BECAUSE THE BISMARCK POLICE DEPARTMENT AND THE BURLEIGH COUNTY STATE'S OFFICE BOTH CONSPIRED TO CORRUPT TWO INVESTIGATIONS IN THE COURT OF LAW DURING MY "TRIAL" AND WITHHOLDING THIS EVIDENCE FROM ME TILMER EVERETT IN DOING SO. MIRANDA RIGHTS FORM AND PAGE 5., OF DET. CLARCKSONS, POLICE REPORT... (ALL COMMITTING A CRIME.) PREVENTING ME THE DEFENDANT FROM EXPOSING ALL THIS CORRUPTION (LYING) IN MY TRIAL AS MY RIGHTS TO A FAIR DEFENCE. FRAUD; A KNOWING MISREPRESENTATION OF THE TRUTH OR CONCEALMENT OF A MATERIAL FACT TO INDUCE ANOTHER TO ACT TO HIS OR HER DETRIMENT. (ESP. WHEN THE CONDUCT IS WILLFUL AND RECKLESS, IT THAN BECOMES A CRIME.)

NAUPE VS. ILL., 360 U.S. 264,269 (1959). "SEE THIS CASE."

BRADY VS. Md, 373 U.S. 83,87 (1063). "SEE THIS CASE."

MOONEY VS. HOLOHAN, 294 U.S. 103,112 (1935). "SEE THIS CASE."

U.S. VS. ROSSY, 953 F.2d 321 (7th CIR. 1992) "IN BRADY, THE SUPREME COURT HELD THAT THE SUPPRESSION BY THE PROSECUTOR OF EVIDENCE FAVORABLE TO AN ACCUSED (DEFENDANT) UPON REQUEST VIOLATES DUE PROCESS WHERE EVIDENCE, IS MATERIAL EITHER TO GUILT OR PUNISHMENT."

THAT STATE'S ATTORNEY CYNTHIA FELANDS FAILURE TO DISCLOSE OR OFFER ME TILMER EVERETT THOSE DOCUMENTS (MIRANDA RIGHTS FORM AND PAGE 5., OF DET. CLARCKSONS POLICE REPORT.) SHOWS HER "MALICIOUS INTENT" TO DEFRAUD AND MANIPULATE TWO INVESTIGATIONS STATED AGAINST ME THE DEFENDANT WITH CO-

RRUPTION. AS THIS PREVENTED "ME" TILMER EVERETT FROM ESTABLISHING AND USEING THIS EVIDENCE DURING MY TRIAL WITH REASONABLE INDIFFERENCES FROM, THE FACTS AND TO DRAW A DIFFERENT CONCLUSION TO THOSE CIRCUMSTANCES AS THOSE ARGUMENTS (TESTIMONIES) WERE BEING MADE AND STAGED TO THE JURY AND COURT. THEREFORE THIS ARGUMENT AND ISSUE (GROUND ONE:) RAISED BY ME THE PETITIONER IN THAT POST-CONVICTION TO THE DISTRICT COURT DOES CONSTITUTES A BRADY VIOLATION AND ADDRESSES GENUINE ISSUES OF MATERIAL FACTS, WHCH IS SUBJECTED TO AN EVIDENTIARY HEARING. (COLLATERAL ATTACK)

WHEREFORE I TILMER EVERETT THE APPELLANT OF SUPREME COURT NO.20090244 AND DISTRICT COURT NO.06-K-1026 AM REQUESTING THAT THIS FRAUDULENT CASE AND CHARGE BE SENT BACK TO THE DISTRICT COURT FOR A POST-CONVICTION RELIEF, HEARING OR RULE THAT MY "CONSTITUTIONAL RIGHTS" WERE EXTREMELY VIOLATED WITH MALICE. PREJUDICE!

GROUND TWO: (d) CONVICTION OBTAINED BY USE OF "EVIDENCE" OBTAINED PURSUANT, TO AN UNLAWFUL ARREST. (N.D.C.C. 29-32.1-01 (e) EVIDENCE NOT PREVIOUSLY PRESENTED OR HEARD, REQUIRING VACATION OF THE CONVICTION OR SENTENCE IN THE INTEREST OF JUSTICE; (a),(b),(f),(h)., WHICH IS SUBJECTED TO COLLATERAL ATTACK. WITH AN "AFFIDAVIT" ATTACHED AS LEGAL, SUPPORT.)

ARGUMENT: (SUPPORTING FACT.) A BURLEIGH COUNTY STATE'S ATTORNEY NAMED CYNTHIA FELAND AND TWO BISMARCK POLICE DETECTIVES NAMED ROGER MARKS AND DEAN CLARCKSON EACH CONSPIRED TO MALICIOUSLY DEFRAUD TWO STATED INVESTIGATIONS AGAINST ME TILMER EVERETT IN THE COURT OF LAW BY USEING AND ADMITTING INTO EVIDENCE (A DVD VIDEO) OF TWO CASES WITH MANIPULATION, AND FRAUD. *SEE APPENDIX: PAGES 157-159.L,9-10., EXHIBIT 19., FOR DETAILS AS LEGAL SUPPORT.) THAT THIS EVIDENCE WAS USED AGAINST ME TILMER, EVERETT DURING MY TRIAL (SEE AFFIDAVIT IN APPENDIX; PAGES 142., THRU PAGES 149-161.L,23-2.), WHICH IS CONNECTED TO THE REASON "WHY" I

NEVER GOT THOSE MIRANDA RIGHTS FORMS THAT WERE SUPPOSE TO BE ATTACHED TO DET. MARKS AND DET. CLARCKSONS POLICE REPORTS LIKE STATED, MAKING MY ARGUMENTS OF GROUNDS "ONE" AND "TWO" RELATED. EVIDENTLY BECAUSE EVIDENCE, (FORM AND PAGE 5., IN POLICE REPORTS.) WAS BEING WITHHELD FROM ME THE DEFENDANT AND MY CONVICTION WAS OBTAINED BY USED OF "EVIDENCE" (A DVD VIDEO OF TWO INVESTIGATIONS.) OBTAINED PURSUANT TO AN UNLAWFUL ARREST, BY CORRUPTING AND DEFRAUDING THE FACTS AND CIRCUMSTANCES OF BOTH THOSE CASES WITH MORE FRAUD. THAT THESE ARE GENUINE ISSUES OF FACTS ADDRESSED IN THAT POST-CONVICTION WHICH SHOWS AND PROVES THAT THE "BISMARCK POLICE DEPARTMENT" BEING RESPONSIBLE AND AT FAULT FOR HAVING ME TILMER EVERETT FALSELY ACCUSED AND WRONGFULLY ARRESTED FROM, ONE INVESTIGATION INTO THE OTHER. THAT STATE'S ATTORNEY CYNTHIA FELAND PLAYED A KEY ROLE (MASTERMIND) AS AN CO-CONSPIRATOR WITH TWO BISMARCK POLICE DETECTIVES NAMED ROGER MARKS AND DEAN CLARCKSON, WHICH, CAUSED THIS WRONGFUL AND MALICIOUS CONVICTION. (30 YEARS!) REFERR TO "AFFIDAVITS" EVERETT VS. MARKS AND CLARCKSON IN PAGE 15., OF THE APPENDIX AND ALSO SEE EVERETT VS. FELAND IN PAGE 75., OF THE APPENDIX. (AS FACTS, STATED UNDER OATH BY ME TILMER EVERETT!)

SEE CASE MAHONEY VS. KERSEY, 976 F.2d 1054 (7th CIR. 1992). "POLICE OFFICERS WHO LIE TO A PROSECUTOR OR GRAND JURY CAN BE PROSECUTED." SEE CASE WHITE VS. RAGEN, 324 U.S. 760, 89 L.Ed. 1348, 65 S.Ct. 978 (1945). "A CONVICTION SECURED BY THE USE OF PERJURED TESTIMONY KNOWN TO BE SUCH BY THE PROSECUTING ATTORNEY IS A DENIAL OF DUE PROCESS." SEE CASE U.S. VS. THOMAS, 987 F.2d 1298 (7th CI . 1993). "THE GOVERNMENT'S, KNOWING USE OF PERJURED TESTIMONY AT TRIAL VIOLATES DUE PROCESS, WHEN THE PERJURY COULD DECEIVE THE "JURY" INTO UNJUSTLY CONVICTING, A DEFENDANT."

SEE CASE U.S. VS. BOOTHE, 994 F.2d 63 (2nd CIR. 1993). "DUE PROCESS BARS A PROSECUTOR FROM MAKING AND KNOWING USE OF FALSE EVIDENCE."

THAT THESE COURT HEARINGS ADDRESSED TO YOU THE NORTH DAKOTA SUPREME, (FEDERAL CASES.) STATES AND EXPLAINS OTHER "CASES" THAT WERE RULED AS BEING PREJUDICIAL. BECAUSE PROSECUTORS AND POLICE MALICIOUSLY LIED IN THE COURT OF LAW AND VIOLATED THE DEFENDANTS DUE PROCESS RIGHTS,. THEREFORE I AM USEING THESE CASES ADDRESSED TO YOU (SUPREME COURT) AS CIRCUMSTANCES IN REFLECTION (RELATED) TO THE EVIDENCE THAT, WAS USED AGAINST ME TILMER EVERETT IN MY TRIAL AND INTENTIONALLLY DEFRAUDED WITH PERJURED TESTIMONY OF CASE NO.06-K-1026. (CONVICTION OBTAINED BY USE OF "EVIDENCE" OBTAINED PURSUANT TO AN UNLAWFUL ARREST,.) A DVD VIDEO BY DET.CLARCKSON AND DET.MARKS CASES!!

GROUND THREE: CONSPIRACY TO COMMIT FRAUD AND PERJURY. (N.D.C.C. 29-32.1-01 (e) EVIDENCE NOT PREVIOUSLY PRESENTED OR HEARD, REQUIRING VACATION OF THE CONVICTION OR SENTENCE IN THE INTEREST OF JUSTICE; (a), (b),(f),(h)., WHICH IS SUBJECTED TO COLLATERAL ATTACK. WITH AN "AFFIDAVIT," ATTACHED AS LEGAL SUPPORT.)

ARGUMENT; THAT I TILMER EVERETT HAVE AND HAD SUBMITTED TO BOTH THE DISTRICT COURT OF BURLEIGH COUNTY AND THE NORTH DAKOTA SUPREME COURT, THE "WHOLE STORY" OF THE FACTS AND CIRCUMSTANCES STATED IN THE BISMARCK, POLICE DEPARTMENT'S POLICE REPORTS 1-4 WITH AN TRANSCRIBED DVD VIDEO INTERVIEW OF TWO INVESTIGATIONS BEING ACCUSED AND ACKNOWLEDGED AGAINST ME TILMER EVERETT FOR BOTH THOSE DEFILED CASES. (20 YEAR OLD AND 18 YEAR OLD WOMEN.) ARGUING THE ISSUES OF EVIDENCE WAS BEING WITHHELD, FROM ME THE DEFENDANT AND EVIDENCE WAS ALSO USED AGAINST ME THE DEFENDANT WITH FRAUD AND MANIPULATION UNDER OATH DURING MY TRIAL, TO CORRUPT EACH OF THOSE CIRCUMSTANCES (CASES.) AND THAT THE CRIMINAL INTENT SHOWED "WHY" THAT EVIDENCE WAS BEING WITHHELD FROM ME, WHICH PROVES IS CONNECTED AND RELATED TO ALL THESE ISSUES ADDRESSED IN MY ARGUMENTS OF ONE, TWO, AND THREE. WITH AFFIDAVITS AS LEGAL SUPPORT. TRIAL TRANSCRIPTS OF CASE NO.06-K-1026 PROVING THOSE FACTS ALSO!

SEE U.S.C.S. 1983., SEE APPENDIX; PAGES 26-41., AND PAGE 75., (AFFIDAVIT, "FRAUDULENT OPENING STATEMENT."), AND PAGE 110., (AFFIDAVIT OF DET.MARKS.), AND PAGE 142., (AFFIDAVIT OF DET.CLARCLSONS.) ALL COORDINATED BY ME TILMER EVERETT THE PLAINTIFF IN REGARDS TO MY REQUEST, FOR THAT POST-CONVICTION RELIEF MOTION THAT I HAD FILED WITH THE DISTRICT COURT AND APPEALED TO THE NORTH DAKOTA SUPREME COURT.

THIS NOT ONLY AGAINST THE LAW BUT ALSO "EVIDENCE" STATED IN DOCUMENTS THAT SHOWS AND PROVES IS A MISCARRIAGE OF JUSTICE, WITH MALICIOUS INTENTIONS, BY BOTH THE BISMARCK POLICE DEPARTMENT AND THE BURLEIGH COUNTY, STATE'S ATTORNEYS OFFICE FOR PROCEEDING WITH THOSE FRAUDULENT CIRCUMSTANCES INTO MY BEING WRONGFULLY CONVICTED. TRAVESTY!

"THAT THESE ARE GENUINE ISSUES OF MATERIAL FACTS WITHOUT A DOUBT AND THERE SHOULD HAVE BEEN NO REASON WHY THE JUDGE PREVENTED ME TILMER EVERETT FROM ESTABLISHING THESE ISSUES IN THE COURT OF LAW UNDER THE N.D.C.C. 29-32.1-01 (e);(a),(b),(f), AND (H)., WITH AN AFFIDAVIT ATTACHED, AS LEGAL SUPPORT TO THAT REQUEST."

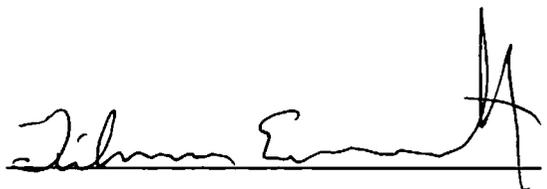
I AM INNOCENT!

CONCLUSION

IT'S REAL SIMPLE! I HAVE GIVEN AND ADDRESSED ISSUES TO YOU THE NORTH DAKOTA SUPREME COURT OF "EVIDENCE" THAT WAS AND STILL IS BEING WITHHELD, FROM ME THE DEFENDANT IN REGARDS TO THIS FRAUDULENT CASE AND CHARGE THAT HAD BEEN MALICIOUSLY DEFRAUDED AND PLAYED-OUT AGAINST ME TILMER EVERETT THE PLAINTIFF, WITH MY REQUEST FOR THAT POST-CONVICTION, RELIEF (MOTION) HEARING WITH THE DISTRICT COURT AND THAT "EVIDENCE" WAS USED AGAINST ME THE DEFENDANT DURING MY TRIAL WITH PERJURED TESTIMONY INTENTIONALLY. THIS IS EXTREMELY UNETHICAL!

SEE APPENDIX; PAGES 10-168., FOR FACTS AND DETAILS.

THEREFORE I AM REQUESTING YOU THE SUPREME COURT TO SEND THIS CASE AND CHARGE BACK TO THE DISTRICT COURT FOR THAT POST-CONVICTION RELIEF HEARING, OR RULE THIS CHARGE BE DISMISSED WITH EXTREME PREJUDICE. THAT MY RIGHTS HAVE AND HAD BEEN MALICIOUSLY VIOLATED IN THE COURT OF LAW INTENTIONALLY AND DELIBERATELY. THE FACTS HAVE BEEN ADDRESSED AND THIS, CAN NOT (NOT!) BE DENIED. I WANT MY LIFE BACK...



TILMER EVERETT 10-10-09
BOX 5521
BISMARCK, N.D.
58506

SUBSCRIBED AND SWORN BEFORE ME ON THIS 10 DAY OF Oct, 2009.
IN THE COUNTY OF BURLEIGH, BISMARCK, NORTH DAKOTA.

STEVE ROGALLA
Notary Public
State of North Dakota
My Commission Expires Aug. 15, 2014



NOTARY PUBLIC.