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STATE OF NORTH DAKOTA

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

TATE ALLISTER PEDERSON, Petitioner / Appellant, VS. STATE OF NORTH DAKOTA, Respondent / Appelle,	RULE 24 (SUPPLEMENTAL STATEMENT) SUPREME COURT NO. 20140343 CASS COUNTY NO. 09-2014-CV-01294

ON APPEAL FROM ORDER DISMISSING PETITION FOR POST-CONVICTION RELIEF FROM THE DISTRICT COURT FOR THE EAST CENTRAL JUDICIAL DISTRICT CASS COUNTY, NORTH DAKOTA THE HONORABLE DOUGLAS R. HERMAN, PRESIDING.

SUPPLEMENTAL RULE 24 STATEMENT

Tate A Pederson
TATE A. PEDERSON
JRCC #36137
2521 CIRCLE DRIVE
JAMESTOWN, NORTH DAKOTA 58401

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[#1.] SUPPLEMENT GROUNDS, RULE 24

[#2.] Appellant argues the District Court erred when the Court dismissed with prejudice Appellents application for Post-Conviction Relief, without first determing that Appellent heard and properly understand just which documents were being dismissed.

[#3] Whether Appellants Rights under the fifth, Sixth and fourteenth Amendment of the United States Constitution have been violated.

[#4.] STATEMENT OF THE CASE

[#5.] Appellant does hereby states and accept the STATEMENT OF THE CASE, filed by appointed Councel LEE M. GROSSMAN, In the BRIEF OF Appellant, with one additional paragraph.

[#6.] Appellant would add one additional paragraph to the original STATEMENT

OF THE CASE. That is, that WAS whether Appellant was of the understanding that the papers and documents second Post-Conviction Relief Attorney Monty Mertz filed the previous day before the Post-Conviction hearing, of August 6, 2014, were to be dismissed. Appellant was under duress which caused him anxiety, panic and concern, and such caused Appellant to misunderstand the District Court questions. Appellant was of the understanding that Mr. Mertz papers and documents and the particular alligations in such would be dismissed with legal effect.

[¶7] STATEMENT OF THE FACTS

[¶8] Appellant does hereby state and accept the STATEMENT OF THE FACTS, filed by appointed Counsel LEE M. GROSSMAN in the BRIEF OF APPELLANT, with one additional paragraph.

[¶9] Appellant would add one

Additional paragraph to the original STATEMENT OF THE FACTS. That is that Appellant has "mild to severe mixed hearing loss on the left with significant conductive component" and "slight sencory neuroned hearing loss on the Right" PER, Dakota Clinic in Fargo, Fall of 2008, and hearing test of November 20, 2013, at Sanford Clinic E,N+T, Bismarck, North Dakota by Dr. Nelson.

[¶10.] ARGUEMENT

[¶11.] Appellant argues the District Court erred when the Court dismissed with prejudice Appellant's Application for Post-Conviction Relief, with out first determining that Appellant heard and understood just which documents were being dismissed.

[¶12] Appellant was bringing new evidence before the Court, which would have shown the District Court

that Appellant was Actually innocent of the crimes Charged against him And that there had been a manifest injustice in Appellant being convicted of the underlying Criminal offense's in this matter.

[¶13] During this process, Appellant's Court Appointed Attorney filed And Served papers And documents the previous day before the Post-conviction hearing, And during the exchange with the District Court, Appellant was of the understanding that the District Court was questioning Appellant concerning the papers And documents filed And served the previous day by Appointed counsel.

[¶14.] Appellant was of the understanding that the District Court questions were concerning the dismissal with prejudice the papers And documents filed And served the previous day by Appointed Counsel, And that Appellant would

Receive different appointed counsel and then proceed with the Post-Conviction hearing, with the New evidence.

[¶15.] During this hearing Appellant was under duress, because of statements made by appointed counsel, which caused Appellant anxiety, panic and concern and such caused Appellant to further be confused by the question's and statement's of the District Court.

[¶16.] Appellant was of the misunderstanding that appointed Counsel's papers and document's and the particular allegations in such would be dismissed with legal effect.

[¶17] Appellant's hearing loss also effected his understanding of what the District Court was ruling on, and what effect such ruling would have on Appellant's New Evidence and Post-Conviction Relief hearing.

[¶18] Whether Appellant's Rights under the Fifth, Sixth And Fourteenth Amendments of the United States Consititution have been violated.

[¶19.] Appellant's Due Process and Rights to effective assistance of Counsel were violated, when Appellant's Appointed Post-Conviction Counsel filed and served paper's and documents the previous day before Appellant's Post Conviction Relief Hearing of August 6, 2014, Requesting the District Court to dismiss Appellant's post-Conviction Relief application with prejudice, because Appointed counsel claimed to receive evidence which "categorically negated the factual basis for my theory for this hearing", which was disclosed by the Prosecuting Authority, which" the State claims to have had in their office going back to 2012." SEE, transcript of proceeding at 39, lines 14-15 and at 38, Lines 21-25.

[¶20.] Appointed counsel claims to have received the evidence which would negate the factual basis for the theory for the post-conviction hearing the previous day before the post-conviction relief hearing of August 6, 2014.

[¶21] Appointed counsel had no-time to conduct a complete investigation into whether this evidence from the Prosecuting Authority was in of itself factual, and this failure violated Appellant's Due Process Rights, and his Rights to Effective Assistance of Counsel along with Appellants Right to Appeal when Newly discovered Evidence shows Appellant is actually innocent,

[¶22] THEREFORE, Appellant would Request this Court to Address all of his claims currently before this Court based on Reasonable Application of Clearly defined Federal Rights and Laws As Determened by the United States

Supreme Court,

Dated this 19th day of December, 2014

Tate A Pederson

TATE A. PEDERSON
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[¶23] CERTIFICATE OF SERVICE

[¶24] I here by certify I served the foregoing SUPPLEMENTAL RULE24 STATEMENT, by United States mail (Prison mail Box system) upon the following parties:

BIRCH BURDICK, STATES ATTORNEY
CASS COUNTY COURTHOUSE
OFFICE OF STATES ATTORNEY
PO BOX 2806
FARGO, NORTH DAKOTA 58108-2806

LEE M. GROSSMAN
MYHRE LAW OFFICE
341 CENTRAL AVE N. SUITE 3
VALLEY CITY, NORTH DAKOTA 58022

DATED THIS 19th DAY OF DECEMBER, 2014

Tate A Pederson

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