

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

IN THE SUPREME COURT
OF NORTH DAKOTA

APR 26 2016

STATE OF NORTH DAKOTA

| | | |
|------------------------|---|-----------------------------------|
| James Norman, |) | |
| Petitioner/Appellant |) | SUPPLEMENTAL STATEMENT OF |
| |) | PETITIONER/APPELLANT. |
| -v- |) | |
| State Of North Dakota, |) | SUPREME CT. NO. 20150298 |
| Respondent/Appellee, |) | DISTRICT CT. NO. 08-2013-CV-01658 |
| |) | |

SUPPLEMENTAL STATEMENT

Petitioner/Appellant, recieved a letter from North Dakota Supreme Court Clerk, Penny Miller dated March 15th, 2016, stating - "the statement is obnly to address additional grounds for review and discuss matters that the indigent defendant believes were not adequately addressed by the brief filed by counsel".

ISSUES AND GROUNDS NOT COVERED OR ADEQUATELY COVERED

!). Ineffectiveness of counsel. Mr. Wayne Goter was my original attorney in defending the petitoner/appellant in this case. Mr. Goter openly admitted he was "FIRED" from the Morton County Prosecutor's position. This was due to Mr. Goter's misconduct and his inability to fulfill a legal standard as a professional representative of the judicial system. ISSUE - Petitioner has raised issues of where Mr. Goter has refused/failed to bring "any" Expert Witnesses before the Jury to support and explain what causes a person to become under an Extreme Emotional Disturbance. These failures/refusals of evidence and Expert Witnesses were purposely kept from the Jury because of Mr. Goter's inability to fulfill a legal standard of representation to his client. Mr. Goter fully admitted and stated to the Petitioner, that he could/would not raise the issues the Petitioner stated, "because he was just

getting back on the good side of the Judge". This statement was in reference to the reason Mr. Goter was fired from the Morton County Prosecutor's Position. ISSUE - Mr. Goter cannot be considered effective assistant of counsel when he was fired just prior to being appointed to represent the Petitioner in his criminal trial. Mr. Goter was "FIRED" from a position held to a professional standard because Mr. Goter could not uphold himself to a professional standard. Just as Mr. Goter did not/could not hold himself to a professional standard in his representation of the Petitioner. ISSUE - Petitioner's now appointed attorney has failed/refused to bring this issue to the Court when Mr. Goter was placed on the stand at the hearing held on July 2, 2015.

2). The State raises issues in their brief claiming the Petitioner did not bring any witnesses or evidence to the evidentiary hearing held on July 2, 2015. ISSUE - Petitioner was not told or notified said hearing was a Evidentiary Hearing. Judge Gail Hagerty did not state or claim the hearing was a evidentiary hearing. Nor was the Petitioner notified by the Court the hearing on July 2, 2015, was a evidentiary hearing. ISSUE - Petitioner's now Court Appointed Attorney, Mr. Gereszek, stated to Petitioner, this was not the time to bring the evidence and witnesses to support and back up our claims. ISSUE - Petitioner asked Mr. Gereszek - when is the time to bring the evidence and witnesses to support our claims? I recieved no response as to when we were to bring the evidence or witnesses before the Court. I, the Petitioner, now claim this falls under another ineffective assistant of counsel.

3). Mr. Goter failed to bring any "EXPERT WITNESSES" to the Court and the Jury to defend the issue of Extreme Emotional Disturbance. The Jury did not have any facts explaining what this is or the causes of Extreme Emotional Disturbance. There is no possible way a Jury could come to a decision without knowing what Extreme Emotional Disturbance is, and what causes a person to fall into this state of Emotional Disturbance. The Jury did not even know what the effects of this issue has on a person. ISSUE - To this day not even the Prosecutor or Mr. Goter can explain what

Extreme Emotional Disturbance is. The Jury could not make a correct decisions without knowing the facts of this issue and defense.

4). ISSUE - Court Appointed Attorney, Mr. Gereszek did not raise the issue of Judge Gail Hagerty denying Petitioner's Motion for her Removal from this case. This was under Prejudice/Bias reasons. Judge Hagerty presided over the Custody Hearing of the Petitioner's children and allowed the adoption of the Petitioner's children. Judge Hagerty knowing placed the Petitioner's children in a home of proven violence and drug abuse. Shortly after two(2) of the children were taken out of the home Judge Hagerty placed them in and placed in a Foster home due to the abuse and violence against the children by the people Judge Hagerty placed them with. Petitioner has claimed Judge Gail Hagerty as Bias/Prejudice towards the Petitioner in this case due to the Petitioner bringing this issue before her. Petitioner has claimed Judge Hagerty was not looking out for the best interest of the Children and this has angered Judge Hagerty to the point of being Bias/Prejudice towards the Petitioner in this case.

5). ISSUE - Court Appointed Attorney, Mr. Gereszek did not raise the issue of Judge Gail Hagerty denying the Petitioner DISCOVERY of Social Service Records supporting the issue of Domestic Violence and Child Abuse by Pam Norman, were she was Court Ordered to Domestic Violence Classes for which she failed/refused to take and finish. ISSUE - Judge Hagerty cannot claim there was no evidence brought forth supporting this when Judge Hagerty denied the request to obtain it.

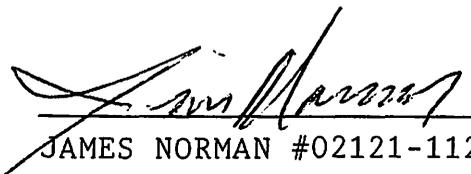
6). Mr. Goter "refused/failed" to put Dr. Karl Ulrich on the witnesses stand. ISSUE - Dr. Ulrich was not qualified. Dr. Ulrich admitted in a deposition that he "failed" his test to become Board Certified. Dr. Ulrich admitted in same deposition that there were other classes and courses he should have taken for his job, but he felt he didn't need them. All this information was withheld from the jury. Dr. Ulrich also was not qualified to make an opinion on Extreme Emotional Disturbance. And did not.

7). Mr. Goter also failed/refused to contact witnesses such as family, friends, neighbors who lived by both myself and my wife for any information as to what was going on in our lives, and for information of the abuse from Pam Norman directed upon our children. All these factors were withheld from the jury. The jury did not have any knowledge of any factors to even consider what Extreme Emotional Disturbance is or what can cause it in a person. Mr. Goter himself did not even know what Extreme Emotional Disturbance is, therefore he cannot make a defense when he does not know what he is defending.

8). I, the Petitioner, have sent my now Court Appointed attorney, Samuel Gereszek a number of cases supporting the remand of this case back to the District Court due to the issue the defense attorneys "did not" bring any Expert Witnesses before the Jury to show and explain to the Jury the Defense such as under the Extreme Emotional Disturbance claim. Mr. Gereszek has not stated or quoted any of these cases in his brief as I have requested.

I the Petitioner, hereby ask the Court to accept my Supplemental Statement and plea in this case. Mr. Goter was ineffective for many reasons and withheld crucial information and evidence from the Jury. I did not receive a fair trial or effective assistance of counsel.

DATED THIS 25TH DAY OF APRIL, 2016



JAMES NORMAN #02121-112

USP ALLENWOOD

P.O. BOX 3000

WHITE DEER, PA

17887

IN THE SUPREME COURT
OF NORTH DAKOTA

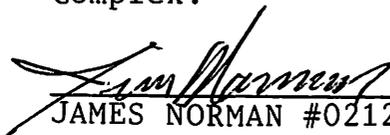
James Norman,)
Petitioner/Appellant,) AFFIDAVIT OF SERVICE BY MAIL
)
-v-)
State Of North Dakota)
Respondent/Appellee,)
.....
Federal Correction Complex) ss
Allenwood USP)

I, James Norman, hereby swear under Oath and penalty of perjury, that I have placed the foregoing documents; NOTICE OF FILING, MOTION TO SUSPEND RULES FOR N.D.R.App.P 24, SUPPLEMENTAL STATEMENT OF INDIGENT DEFENDANT, AND, SUPPLEMENTAL STATEMENT OF PETITIONER/APPELLANT, in a prepaid envelope and mailed to the following:

| | |
|-------------------------------|------------------------------------|
| SUPREME COURT OF NORTH DAKOTA | Burleigh County Courthouse |
| c/o Penny Miller, Clerk | c/o Julie Lawyer, State's Attorney |
| 600 East Boulevard Ave. | 514 East Thayer Ave. |
| Bismarck, N.D. | Bismarck, N.D. |
| 58505-0530 | 58501 |

Hammarback & Scheving
c/o Samuel Gereszek
P.O. BOX 4
East Grand Forks, Minn.
56721

I swear under Oath that said documents were placed in a Federal postal box on April 25th, 2016, designated at the Allenwood Correctional Complex.



JAMES NORMAN #02121-122