

IN THE SUPREME COURT STATE OF NORTH DAKOTA

David B. Gray)	Supreme Court # 20150305
Plaintiff & Appellant)	Civil # 08-2014-CV-0312
VS)	
Terry Berg)	
Defendant & Appellee)	

APPELLANT'S REPLY TO APPELLEE'S BRIEF

Appeal from judgment on remand dated October 1, 2015

Burleigh County, North Dakota

South Central Judicial District

James Hill Presiding

David B. Gray pro-se

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Appellant's Reply to Appellee's Brief

(1) Statement of the issues:

1. Berg is on and using Gray's land against Gray's wishes. Gray wants this stopped.
2. Berg is interfering in Gray's life and Gray's planned enjoyment of Gray's property. Gray wants this stopped.
3. Berg is poaching deer. Gray wants this stopped.
4. Gray wants Berg to LEAVE Gray alone, LEAVE Gray's property alone, LEAVE the deer on Gray's property alone.

- (2) **Statement of the case: THIS IS NOT A TRESPASS CASE. THE LAWS INVOLVE ARE NOT TRESPASS LAWS.** Terry Berg bought 5 acres and since moving into the neighborhood he has been exploiting his neighbors and the law by illegally shooting the trophy deer in the neighborhood and then sneaking onto adjacent land and picking the deer up. In 2013 he tried to oppress Mr. Gray with force and this suit was filed to put a stop to his activities and restore the peace and balance that existed before his arrival.

Nature of proceedings:

- (3) The district court proceeding was a bench trial, Judge Gail Hagerty presiding, with the defendant Terry Berg present and represented by council attorney William Severin who is the Head Judge for the City of Bismarck's Municipal Court, plaintiff David B. Gray was present pro-se. In District Court Gray was denied justice as a result of corrupt Judges. Specifically Judges that refused to follow and enforce the law, to adhere to the Rules of the Court, and to abide by the Code of Judicial Conduct (United States v Lee, 106US 196, 220, 15Ct 240, 27L Ed. 171 (1882); Buckles v King County 191 F. 3d 1127,1133 (CA 9 (wash) 1999) Scheuer v Rhodes, 416U.S,232,94S.Ct.1683,1687 (1974). Gray appealed the corrupt judgement to the Supreme Court of North Dakota. The Supreme Court discovered a procedural error; committed by Judge James Hill and without reaching the issues raised by Gray, reversed and remanded the corrupt judgement back to Judge James Hill with specific instruction to either find bias, and conduct further proceedings or if no bias is found to reinstate the corrupt judgement from which Gray could once again appeal.
- (4) Judge James Hill reviewed his own decision(DE # 108). Judge James Hill after his so called, self-proclaimed, self styled "**EXHAUSTIVE**" analysis (which is defective on its Face) found no bias in Hagerty or himself and reinstated the corrupt judgement. Judge Hill finds he did not err. Hill finds Hagerty did not err. Therefore Hill finds the Supreme Court has erred. Why remand a case for academic exercise or harmless error? Gray appeals from corrupt Hill's reinstated corrupt judgement for right and justice to be administered on his behalf.

- (5) Gray does not condemn Judge Hill. Judge Hill **condemns himself** and has willfully aligned himself with a conspiracy to commit fraud, fraud upon the court and to rob innocent, 62 year old Gray of his time and monies.
- (6) Hill's analysis is corrupt, not supported by: the facts, the law, the code of judicial conduct, and is defective on its face, not in compliance with the Supreme Court's Opinion, not written in good faith.

(7) Statement of facts

- 1) IN one sentence this is the complaint "*DEFENDANT DID FORCABLY INTERFERE WITH PLAINTIFF'S POSSESSION AND ENJOYMENT OF HIS LAND.*"(DE# 2) *Take special notice TRESPASS is not mentioned in the complaint.*
- 2) **When Berg takes Gray's land he does not return it to Gray as he found it. IT IS RETURNED DEVOID OF WILD ANIMALS. USELESS TO GRAY FOR GRAY'S HUNTING ENJOYMENT. Plus Berg has left his stinky scent all over the land!**
- 3) THIS CASE NEVER SHOULD HAVE GONE TO TRIAL.
- 4) Gail Hagerty illegally forced this case to trial.
- 5) Gail Hagerty illegally awarded a judgement to a confessed lawbreaker, and proven poacher.
- 6) Terry Berg took possession of Gray's land three separate times in 2013: Oct.27, Oct. 28 and on Dec. 23 during Gray's hunting season ; flushing the wildlife from Gray's land. THAT is interference and a violation of Century Code Laws and Gray's Constitutional Rights.
- 7) The judgment in this appeal is exactly identical to the judgement in the prior appeal and defeats the purpose of the first appeal.
- 8) The question as to whether Hagerty was bias is MOOT.
- 9) The question is Hill bias is MOOT.
- 10) Bias is not an issue raised by Gray; Bias is a procedural issue raised by the Supreme Court.
- 11) The intent/purpose of the civil suit was to stop Berg from ever entering Gray's land and to stop Berg from poaching deer (interfering in Gray's enjoyment of Gray's land and life).
- 12) Gray has told Berg to stay off Gray's land many times, Gray has posted his land and still Berg will not stay off. Gray needs a court order, ordering Berg to stay off (an injunction).
- 13) Gray has a lot of money invested in his land. Gray has made improvements in his property so that Gray could have a place to hunt wild game.
- 14) Berg is shooting deer at night and then stomps all over Gray's property flushing the wild game from the land as he hunts for his poached deer.(trial transcript pg17 lines 1, 2)
- 15) Berg invites his friends and family onto Gray's land to hunt for deer.
- 16) Berg has no deer on his tiny, mowed property to hunt.
- 17) Berg treats Gray's land as an extension of Berg's mowed yard and uses Gray's land as if Berg owns Gray's land. Berg is fighting for control of Gray's property and his right to poach deer.
- 18) Berg is interfering in Gray's life: by calling the warden to contact Gray, by sending strangers to knock on Gray's door, by Berg constantly confronting Gray asking to hunt Gray's property, threatening to get the law involved.

- 19) Gray has had to spend 3 years of his shorten life fighting for RIGHT AND JUSTICE in the courts to keep Berg off Gray's land.
- 20) **If Berg had stayed on Berg's land this never would have happened.** This is **ALL** Berg's fault and he is accountable for his actions.

THE REPLY TO APPELLEE'S BRIEF

- (8) Paragraph 6 (appellee brief) Ringsak misrepresents the facts when she states " she had ex parte communications with possible witnesses" That is a proven FACT and is a violation of the Code of Judicial Conduct Rule 2.9; the why Hagerty did it is irrelevant.
- (9) Paragraph 9 Ringsak writes "The District Court did not abuse its discretion in denying Gray's demand for change of judge," Ringsak lies. This second appeal is the result of District Court abusing its discretion. Does Ringsak now dispute the wisdom of the ND Supreme Court? Does Ringsak challenge the ND Supreme Court's understanding of the law? Ringsak's statement is **not true** and is not supported by the facts.
- (10) Paragraph 10 Ringsak writes "Judge Hill determined this claim to be frivolous, dismissing it with prejudice" Ringsak is trying to psychologically manipulate the Supreme Court? The statement is **not true** and is not supported by the facts. Hill only determined if Hagerty was bias Hill had no authority to rule on anything else.
- (11) Paragraph 11 Ringsak writes "The District Court did not err in concluding Gray's claim to be frivolous, dismissing it with prejudice at trial." Ringsak is cleverly using psychological warfare on the Supreme Court planting her desired outcome for this case in a format judges would find appealing. Ringsak's statements are **not true** and not based on the facts. The fact is: it is not frivolous to protect one's property, one's way of life, to stop a criminal and prevent a crime.
- (12) Paragraph 11 Last 4 lines. This is an unsavory practice of talking for the opposition. Ringsak is not Gray's attorney. Gray objects to Ringsak talking for Gray. Gray requests anytime Ringsak argues Gray's side of this case that Ringsak's words be stricken from the record and the judges memory. The last 4 lines Ringsak talks for Gray. The question appears to have been a trick question cleverly worded and not made in good faith. GRAY responses " **Gray's argument is Berg is on Gray's land uninvited, unwanted intrusion, spooking wildlife off the land during hunting season, invading privacy, violating laws etc. etc.**" Ringsak's statement is **not true** nor is it supported by the facts.
- (13) After paragraph 11 in A Ringsak claims NDCC 20.1-01-21 "is not applicable to Berg" " **for shooting a deer on Berg's property**". That statement is dishonest, and irrelevant.
- (14) Paragraph 12) Ringsak starts out arguing Gray's position. Ringsak's interpretation of Gray's case is a complete fabrication and misrepresentation of Gray's arguments; meant to mislead and confuse the courts .Ringsak is using misdirection warfare upon the ND Supreme Court. **Misdirection** is a form of deception in which the attention of an audience is focused on one thing in order to distract its attention from another. Ringsak is intentionally trying to deceive

the Supreme Court. In **A** Ringsak claims NDCC 20.1-01-21 "is not applicable to Berg" " for shooting a deer on Berg's property". However in paragraph 12 Ringsak states the law underlined "**upon the premises of another**". Gray is applying this law when Berg is on Gray's property to pursue and hunt for his shot deer. The warden did not understand the law or the question. Ringsak intentionally misreads the laws to deceive. Ringsak cannot defend against Gray's complaint or the illegal actions of her client so she lies, presents falsehoods, misinterpretations of the law, misrepresentations of Gray's argument, word manipulation and any other unsavory tactic she can get away with.

(15) paragraph 13 and **B**) **Again Ringsak** tries to argue Gray's case she picks the statute for Gray to argue " N.D.C.C. 20.1-01-18". Ringsak states " NDCC 20.1-01-18 is inapplicable to this case etc. etc.). HOW dishonest, Ringsak picks out a law for Gray to argue but the law is inapplicable to Gray's case. RINGSAK is not telling the truth and is not honest, her statements are not made in good FAITH. Ringsak should present her case and **only** her case. Gray will present his case and let the facts and law determine the outcome. Ringsak writes "Gray argues Berg is pursuing a deer---in accordance---NDCC 47-01-08(5)---only Gray can claim ownership---the deer belongs to Gray" so far it appears truthful and an accurate description of Gray's argument. Ringsak cannot long continue in the truth if she expects to prevail in this case. Next statement "Gray is misapplying the law." That is a false statement, **not** made in good faith. Gray has applied every law correctly in good faith. Ringsak intentionally omits NDCC 47-01-03 (3) where real property is defined "3. That which is incidental or appurtenant to land;". Deer are " that which are incidental to the land". GRAY OWNS THE LAND AND GRAY OWNS THE DEER by law!! Berg is trying to STEAL Gray's property if he can find it. Berg's use of a bait pile to lure deer is an attempt and a tool to steal Gray's property. Ringsak states "NDCC 47-01-08(5) does not define the word "pursue" for the purpose of hunting". This is typical of Ringsak, she constantly makes statements without explanation or proof. Please (college educated in the law) Ringsak define for us the word "pursue" and for what purpose the combined wisdom of our legislators placed the word into law NDCC 47-01-08(5)?. May the court allow (pro-se) Gray to explain the law. NDCC 47-01-08(5) talks about wild animals (deer) then it talks about disabling wild animals (most wild animals are disabled by hunting ie hunting). Therefore taken in context pursue does relate to hunting. Conclusion: The deer dead or alive is Gray's property and Berg has no right to the animal and is intruding into Gary's life to oppress Gray and to gain control of Gray's property for Berg's trophy deer poaching!! If Berg wants control of Gray's property he can buy it. Otherwise he can stay OFF and leave Gray alone. If Ringsak wants the law to read different let HER go to her legislator and effect the change. Otherwise it is As IT IS WRITTEN and the courts must enforce it.

(16) Paragraph 14) Is Ringsak's old, worn out diatribe about " hunt and pursue". Now she claims hunt means pursue. Did the combined wisdom of our legislators intend for hunt to mean pursue? That is not reasonable. Ringsak then brings up NDCC 20.1-01-19 "any person may enter posted land to recover game". Gray has challenged this law as being unconstitutional. If the Court finds the law unconstitutional Berg has no defense and the subject is moot. However if the Court finds the law constitutional; the law does not say such entry is **FREE** and Berg is liable for land use fees. Further Berg never recovered the deer. The law does not say "attempt to

recover". The law does not say a person can interfere in another person's hunting season by daily chasing the animals off the land by walking back and forth. The law does not say you can invite others onto the land. The law does not say you can violate other laws. Berg is still liable for peculiar damages for Gray's loss enjoyment of Gray's land. Berg is still liable for poaching and the destruction of Gray's deer. The law was not intended to aid a POACHER. As for pursuing a deer the Sheriff testified Berg was on Gray's land pursuing a deer (trial transcript pg. 9 lines 15,16). The warden tried to evade the question but finally reluctantly admitted Berg was on the land pursuing a Deer (Trial transcript pg. 14 line 2 & 3). That is a clear violation of the law NDCC 20.1-01-21 with states it is criminally unlawful for Berg to pursue deer within 400 yards of Gray's home.

(17)This is Appellant's favorite Ringsak writes "Whether this Court should grant Berg costs and attorney's fees for having to defend this appeal." Gray answers **ABSOLUTELY NOT**. Severin and Hagerty forced this case to trial to increase cost for appellant. Ringsak never presented a defense to the complaint. She came to oral arguments crying she wanted to be PAID. Ringsak never argues for right or justice, she argues to get PAID.

(18)**Ringsak's CONCLUSION:** Paragraph 19 Ringsak's conclusion is not supported by the facts in this case nor is it the product of a rational mental process. Ringsak's conclusion is motivated by her desire to be paid. District Court did **not** properly denied Gray's demand for change of judge that is why the ND Supreme Court sent this case back to District Court. WHO is Ringsak to DEFY the ND Supreme Court's DECISION.; Ringsak does not understand the law and this case. Ringsak has not told the **TRUTH** and has not presented her brief in **good faith**. Therefore she cannot be believed and she should lose this case. Furthermore District Court did **err** in dismissing this case and has committed an injustice: against every landowner in this state, every hunter, every future pro-se litigant and every tax payer past present and future.

GRAY'S CONCLUSION

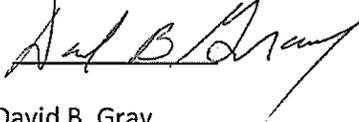
(19)We have had a trial, an appeal, a review from Judge James Hill from District Court, another appeal. Three years of litigation. It is time for a FINAL decision, for right and justice to be administered based on the facts and the law. Gray has suffered long enough. **This is not Gray's fault. Consider had Terry Berg stayed on the property that he owns and leaves Gray alone this case would not exist.** IF Terry Berg had enough land to poach deer without disturbing Gray's life this case would not exist. ***The ND Supreme Court has original jurisdiction to try this case (ND Constitution Art. VI Sec. 2 and NDCC 27-02-04).*** Do not send this back to District Court for Gray to ferret out yet another corrupt judge. MAKE A Final DECISION. Know this, already District Court has hatched another evil plan against innocent Gray which will again come before you, to put you to the test as to whether you serve the people or special interests (corrupt judges). It appears the Judges in District Court has taken this case personally and not professionally. Gray no longer believes he can obtain justice from the judges working in Burleigh County Court house. Another trial will not change the facts, it will not change Gray's plea, it will not change Gray's resolve it will not change the attitudes of corrupt judges. HOW WOULD YOU HAVE GRAY ANSWER GOD on judgment day? Gray will answer God: " I stood where many failed to stand for

right and justice. "Ringsak has not been truthful, and honest; she appears to have violated the Rules of Professional Conduct 4.1, and 8.4 c d & g nor does she appear to have clean hands in regards to his case. **Apellee's Brief is without merit.**

(20) Judges swore an oath to uphold and enforce the LAW and as my father and grandfather died protecting the Constitution; Judges will perform their OATH.

Respectfully submitted this 11 day January, 2016

/s/ David B. Gray



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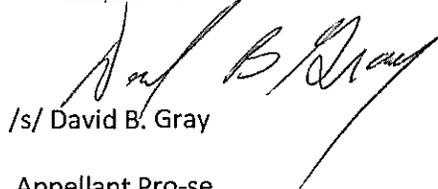
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Certificate of service

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