

In the
NORTH DAKOTA SUPREME COURT

RECEIVED BY CLERK
SUPREME COURT

JUL 01 2016

Supreme Court No. 20160120
McKenzie County No. 27-2014-CR-00533

20160120

**State of North Dakota,
Plaintiff/Appellee,**

**FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT**

**Roger Lee Davies,
Respondent/Appellant.**

JUN 28 2016

STATE OF NORTH DAKOTA

REPLY BRIEF

Reply to State's Attorney's Brief of Respondent-Appellee, Dated June 15, 2016, Jacob T. Rodenbiker.

[¶1] LAW AND ARGUMENT

[¶2] As to the State's argument that appellant's notice of appeal was untimely, this argument is Res Judicata and a Misuse of Process. See North Dakota Supreme Court's letter to Appellant dated April 29, 2016, ¶¶ 2&3. (App. p. 34)

[¶3] As to appellant's argument that this plea bargain scheme is unconstitutional; referencing Appellant's brief ¶ 23, the United States Constitution states clearly, "The Trial of ALL crimes, ... SHALL be by JURY;...". There is no mention of plea bargain or any such thing. In the last

section of ¶ 23, Appellant quotes the United States constitution, Fourteenth Amendment.

Nowhere does it say anything about a right which could be waved.

In Missouri v. Frye, no mention of constitutionality is evident. All that is mentioned is that plea bargains have been used, and this in the Lexis Nexis Headnotes.

¶4] Concerning post-conviction Relief; Appellant's issue 4 at ¶ 26 explains that Appellants case was not converted to a civil case number, hence, not converted to post-conviction relief. Therefore, Appellant retains the right to request post-conviction relief.

¶5] Respectfully submitted this 26 day of June, 2016.



Roger Lee Davies, Inmate #40931
James River Correctional Center
2521 Circle Drive
Jamestown, ND 58401