

IN THE NORTH DAKOTA SUPREME COURT
BISMARCK, NORTH DAKOTA

20050263

anthony james moore, appellant)
vs,)
state of north dakota appellee)
)

supreme court no. 20050263
case no. 09-05-c-01021 FILED
IN THE OFFICE OF THE CLERK OF SUPREME COURT
REPLY BRIEF OF APPELLANT - 8 2005

STATE OF NORTH DAKOTA

the offer for a transcript of the news account which essentially contains what ms andrea larsen would remember is protected under the shield law since that is the exclusive property of kvly-tv, thus the offer was only made to deny providing the appellant with a copy of the transcript and as a means for me to agree not to have ms larsen testify see n.d.c.c.

31-01-06.2 the issue of squashing the subpoena speaks completely for its self see the appellants initial brief especially rules of evidence 501. the appellees response is absolutely non-sense for the following reasons the appellant has shown and proved mr beauchene to be ineffective by deliberately sabotaging the appellants direct appeal. mr beauchene concedes that he has been a licensed attorney since 1979 to 2002 which is 23 years, thus proving that he told the appellant that the supreme court has not overturned a conviction for a rapist in over 23 years. see transcript of hearing page 33 lines 9-10 which provides:

Q. and how long have you practiced law?

A. licensed in 1979.

the appellant has shown and proved that mr beauchene requested that the appellant write to him of taking responsibility for the convicted offense every single letter see page 34 lines 11-21 which provides:

Q. did you have a chance to meet with him on multiple occasions or just one?

A. i briefly reviewed the file last night and the file indicates that i

meet with him in person one time for approximately one hour. we had 14 telephonic conversations during the course of my representation with mr moore for a total of 6.8. hours that i've noted in the file those reports are billed on a monthly basis to the state and that's what the reports indicate, i don't remember each and every one of those conversations, but i-- that's what the report reflect.

then see transcript hearing page 42 lines 13-17 which provides:

Q. all right. and in regard to the writing from mr moore accepting responsibility is that something that you would have told him would be helpful in regard to a sentence-- motion for reduction ?

A. oh yes.

mr beauchene continues to prove that he was ineffective and sabotage the appellants direct appeal see transcript of hearing page 40 lines 14-22 which provides:

Q. so you don;t know whether you would have had the benefit of reviewing what happened at trial prior to advising mr moore on whether to pursue the direct appeal or rule 35?

A. no i don't recall. but what i do recal is that his one and only concern was the severity of the sentence.

Q. okay what's your understanding under north dakota law about a criminal defendants right to appeal?

A. oh the right to appeal is absolute.

the appellant does not accept of take responsibility for the convicted offense see transcript of hearing page 15 lines 14-19 which provides:

Q. okay is there anything else that-- that the court needs to know about that?

A. well, yes i would like to say right now that i do not accept ot take responsibility for the convicted offense of the north dakota century code 12-1-20-03, a class A felony.

Anthony James Moore

anthony james moore 22547
north dakota state prison
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dated this 8 day of ~~DECEMBER~~ 2005

