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**IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

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

**FEB 29 2016**

**State of North Dakota**

**Plaintiff-Appellee**

**STATE OF NORTH DAKOTA**

**Vs.**

**Supreme Court No.. 20150230**

**Walsh County Court No. 2015-CV-00175**

**Patricia Ann Goodale**

**Defendant-Appellant**

**PETITION FOR REHEARING  
FROM THE JUDGMENT OF THE SUPREME COURT  
FILED ON FEBRUARY 18, 2016  
SUPREME COURT OF NORTH DAKOTA**

**CHIEF JUSTICE GERALD W. VANDE WALLE**

**PATRICIA ANN GOODALE**

**DEFENDANT-APPELLANT/PRO SE LITIGANT**

**PO BOX 114**

**LANKIN -- ND 58250-0114**

**Telephone: 701-520-8433**

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## REVIEW OF STATEMENT OF FACTS

1. This Appellant once again brings forth to the attention of this Court the facts in this case against this Appellant. Facts that have clearly been ignored. This Appellant respectfully requests of this Court to understand what the decision of this Court will bring about.
2. This Appellant respectfully requests that this Court understand that upholding the judgment of the District Court violates this Appellant's rights under both the Constitution of the United States, and of the Constitution of North Dakota. The decision of this Court is also in violation of the N.D.C.C.
3. The Fourteenth Amendment of the Constitution of the United States, so says: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."
4. Constitution of North Dakota, Article 1, Section 1: "All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property and reputation; pursuing and obtaining safety and happiness; etc."
5. This Court upholding the judgment of the District Court clearly obliterates this Appellant's rights as a citizen of the United States.
6. This Court must realize that this Appellant has the right to protect and defend this Appellant's home and property. There are laws of which this Court has seemed to overlook which prevent such drastic actions to be taken against an individual's home, property, and life.
7. N.D.C.C. Chapter 42 Section 42-01-01. Act done under statutory authority not deemed nuisance: "Nothing which is done or maintained under the express authority of a statute shall be deemed a nuisance."
8. This Court has ignored the fact that this case against this Appellant has been brought by the State of North Dakota; and the Fourteenth Amendment to the Constitution of the United States defines a "citizen"; and the State of North Dakota cannot qualify [never having been born nor naturalized]. The State of North Dakota can never be a "citizen", you must first be a living, breathing person. N.D.C.C. Chapter 32-37; N.D.C.C. Section 54-01-21. The State of North Dakota cannot properly assert a "private nuisance"; nor can it properly assert a "public nuisance".
9. This Appellant wishes to respectfully remind this Court that this Appellant had clearly stated in this Appellant's "Brief", that this Appellant has been diligently taking steps to correct the situation. It is this Appellant's rights alone to resolve the situation.
10. This Appellant respectfully requests of this Court to understand also what consequences are involved with upholding the District Court's judgment. This Court has seemed to ignore the fact about the "Eviction" judgment of the District Court
11. N.D.C.C. Chapter 47-32, Section 47-32-04. Eviction actions not joinable with other actions, etc.: "An action of eviction cannot be brought in a district court in connection with any other action, etc." Whereby, the eviction is juxtaposed with the

**“abatement”. Section 47-32-04 explicitly states that “eviction actions not joinable with other actions”.**

- 12. This Appellant wishes to reiterate that this Appellant is not a tenant, nor of anything defined in N.D.C.C. Chapter 47-32 Section 47-32-01.**
- 13. This Appellant respectfully finds the phraseology of this Court’s decision in affirming the District Court’s judgment somewhat convoluted. That this Court bespeaks of a questionable ruling that this Appellant did not address the judgment of the District Court; and so chose to “Appeal” that judgment to the Supreme Court of North Dakota.**
- 14. This Appellant wishes to provide this Court with the following definition: Appeal: In Civil practice: The complaint to a Superior Court of an injustice done or error committed by an inferior one, whose judgment or decision the court above is called upon to correct or reverse. The removal of a cause from a court of inferior to one of Superior jurisdiction, for the purpose of obtaining a *review* and retrial. (Wiscart v. Dauchy, 3 Dall. 321, 1 L.Ed 019.)**
- 15. Appeal is sometimes used to denote the nature of appellate jurisdiction, as distinguished from original jurisdiction, without any particular regard to the mode by which a cause is transmitted to a superior jurisdiction. (US v. Wonson, 1 Gal. 0, 12.Fed. Cas. No. 10, 750.)**

## CONCLUSION

**In concluding, this Appellant wishes to say that if this Court refuses to reverse its decision in upholding the judgment of the District Court; then this Court is definitively obliterating the rights of this Appellant as a citizen of the United States; and as a citizen of North Dakota. That this clearly would appear to be “an intent to deprive or defraud the true owner of his property”. (People v. Moore, 3 N.Y. Cr.R. 458) (Source: Black’s Law Dictionary 2<sup>nd</sup> Edition.**

**In the Pursuit of Happiness, which as used in constitutional law, is inclusive of “the right to enjoy the domestic relations and the privileges of the family and the home.” (Black Const. Law 3<sup>rd</sup> Ed. page 544.) (Runstrat v. People, 185 111. 133, 51 N.E. 41, 49 L.R.A. 181, 76 AM. St. Rep. 30; Hooper v. California, 105 U.S. 648, 15 S.Ct. 207, 39 L.Ed. 297; Butchers’ Union, etc., Co. v. Crescent City Livestock, etc., Co., Ill U.S. 740 4 Sup.Ct. 652, 28 L.Ed. 585.)**

**This Appellant respectfully prays that this Court will abide by the laws of the State of North Dakota and of the laws of our great country; and that this Court will not strip this Appellant’s rights by affirming the District Court’s judgment. As a homeowner, this Appellant has inalienable rights: that may not be taken away or transferred.**

**This Appellant asks for no remuneration. This Appellant asks only for this Appellant's rights as a citizen of the United States; and specifically, as a homeowner, to be observed and upheld.**

**Respectfully submitted this 29<sup>th</sup> day of February, 2016.**

**Patricia Ann Goodale / Defendant-Appellant**

**Pro Se Litigant**

**PO Box 114**

**Lankin – ND 58250-0114**

**701-520-8433**

**DECLARATION UNDER PENALTY OF PERJURY**

**I, Patricia Ann Goodale, the Defendant-Appellant, do so declare under penalty of perjury under the laws of the United States of America, that the foregoing "Petition For Rehearing" is true and correct to the best of (my) knowledge and belief.**

**Date:** 29 FEBRUARY 2016

A handwritten signature in cursive script, reading "Patricia Ann Goodale", is written over a horizontal line.

**Original Signature of Defendant-Appellant**

**CERTIFICATE OF SERVICE**

**I hereby certify that an exact copy of this Appellant's "Petition For Rehearing" to which this certificate is attached, was served upon all attorneys of record or upon all parties if not represented by an attorney, by placing said copy in the United States Mail, postage prepaid, and mailing to their last known address:**

**State of North Dakota Plaintiff-Appellee**

**Barbara L. Whelan**

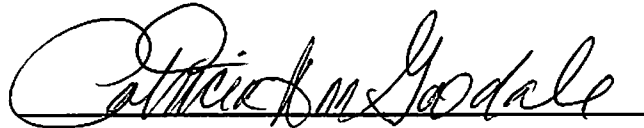
**Walsh County State's Attorney**

**Walsh County Courthouse**

**600 Cooper Avenue - 2<sup>nd</sup> Floor**

**Grafton – ND 58237**

**Dated this 29<sup>th</sup> day of February, 2016**

A handwritten signature in cursive script, reading "Patricia Ann Goodale", written over a horizontal line.

**Patricia Ann Goodale**

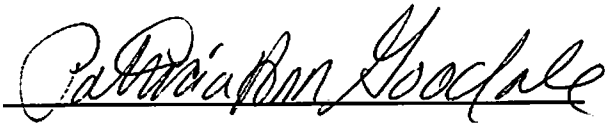
**PO Box 114**

**Lankin – ND 58250-0114**

**701-520-8433**



Dated this 29<sup>th</sup> day of February, 2016.



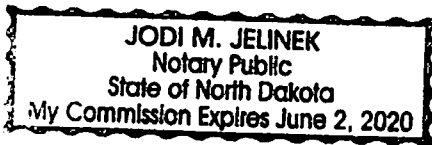
Patricia Ann Goodale

PO Box 114

Lankin – ND 58250-0114

701-520-8433

Subscribed and sworn to before me this 29<sup>th</sup> day of February, 2016, by Patricia Ann Goodale, known to me to be a resident of Lankin, North Dakota in the County of Walsh, who acknowledged that she prepared this “Petition For Rehearing” based upon her information and belief, and who also acknowledged to me that she signed this “Petition For Rehearing”.



Notary Public