

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

	§	
State of North Dakota and Michelle Dworshak	§	
Rose, n/k/a Michelle A. Alcaraz,	§	
Plaintiffs and Appellees	§	<b>SUPPLEMENTAL BRIEF</b>
	§	
v.	§	
	§	Supreme Court No.
Joshua D. Rose,	§	Ward Co. No. 2011-DM-01109
Defendant and Appellant	§	
	§	
	§	
	§	

APPEAL FROM \_\_\_ IN THE DISTRICT COURT  
 NORTH CENTRAL JUDICIAL DISTRICT  
 Ward County Case No. 51-2011-DM-1109  
 Honorable Richard Hagar  
 SUPPLEMENTAL BRIEF

Joshua D Rose  
Pro Se  
6761 37<sup>th</sup> Ave Se  
Minot ND, 58701  
Telephone No. (701) 441-1245

## TABLE OF CONTENTS

Table of Authorities	ii
Statement of Issues	Para 1
Statement of the Case	Para 3
Statement of Facts	Para 4
Law and Argument	Para 6
Conclusion	Para 15

## TABLE OF AUTHORITIES

### Statutes

North Dakota Century Code § 28-27-02

### Case Law

Turner v. Rogers, 131 S. Ct. 2507 (2011)

1. N.D.C.C 28-27-02 (1)An order affecting a substantial right made in any action, when such order in effect determines the action and prevents a judgment from which an appeal might be taken, (2)A final order affecting a substantial right made in special proceedings (4)An order which grants or refuses a new trial or which sustains a demurrer

2. The judge dismissed based on Res Judicata without having a hearing stating the issue has been resolved in a previous hearing the hearing referred to was a Motion for Relief and updated accounting that Mr. Rose had brought to the courts due to the fraud committed by Mrs, Alcaraz of Federal Government assistance, The Motion that was dismissed was a Motion to Reinstate Drivers License based on the fact that the Courts at no time inquired into Mr. Rose's ability to pay said order which violates Mr. Roses Fourteenth Amendmant "Turner v. Rogers, 131 S. Ct. 2507 (2011), holding that a court violates due process when it finds a parent in civil contempt for failure to pay child support, without first inquiring into the parent's ability to pay"

22. Respectfully submitted this 20<sup>nd</sup> day of February 2018.

*Josh Rose*

**Joshua D Rose**

**Pro Se**

**6761 37<sup>th</sup> Ave Se**

**Minot ND, 58701**

**Telephone No. (701) 441-1245**

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

State of North Dakota and Michelle Dworshak  
Rose, n/k/a Michelle A. Alcaraz,  
Plaintiffs and Appellees  
  
v.  
  
Joshua D. Rose,  
Defendant and Appellant

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**CERTIFICATE OF SERVICE**

Supreme Court No.  
Ward Co. No. 2011-DM-01109

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20<sup>th</sup> day of February, 2018, the following documents were electronically filed with the Clerk of the Court through email filing:

- **SUPPLEMENTAL BRIEF**

I further certify that the above-entitled documents were served upon the following through fax, mail, and/or electronic service by Clerk of the Court:

Meredith Childress  
Child Support Attorney  
P.O. Box 2249,  
Minot, ND 58702-2249  
[minotcse@nd.gov](mailto:minotcse@nd.gov)  
Fax: 701-857-7777

Michelle Dworshak-Rose  
AKA Michelle Alcaraz  
2485 37<sup>th</sup> Ave NW  
Garrison, ND 58540  
Email: mr.mrs.atoz@gmail.com

DATED this 20<sup>TH</sup> day of February, 2017.

  
\_\_\_\_\_

Joshua D. Rose, Pro Se  
JROSE351@gmail.com  
6761 37<sup>th</sup> Ave SE  
Minot, ND 58701  
(701) 441-1245