No. 18-8060

In The

Supreme Court of the United States

GLENN S. SOLBERG,

Petitioner,

vs.

1ST NATIONAL BANK WILLISTON, NORTH DAKOTA, et al.,

Respondents.

On Petition For A Writ Of Certiorari To The North Dakota Supreme Court

SUPPLEMENT

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INTRODUCTION

NOTE: I shortened the North Dakota Supreme Court to NDSC.

NOTE: I had two district court briefs titled the FADED PAGES and LYLES TRACKS; the FADED PAGES were half unreadable when presented to district court; but the unreadable half was not discovered by District Court Judge Rustad. Much of LYLES TRACKS were unreadable also, and were presented late, but the judge did not respond to my former attorney Greg Hennessy's request to supplement; so the words FADED PAGES are appropriate for both briefs.

This supplement proves; our federal law to supplement new evidence needs amending so corruption of justice and loss of civil rights cannot happen; here's why and how:

The appeal law states; and the NDSC wrote: "The Court can only review what was considered by the district court when that court made the decision that is on appeal". (Meaning, no new evidence by the NDSC.)

(See Appendix 1 search for the key word *review*)

The supplement law states: *The NDSC can supplement (evidence) on its own 'initiative'.* (Meaning yes, the NDSC can supplement new evidence.) But it can't without the lower district courts approval; because the lower court judges can't be penalized for not judging evidence they didn't see.

That is a legal impasse; that can only be resolved by remanding this case to a jury trial.

IN MORE DETAIL:

In my previous petitions REASON FOR GRANTING MY PETITION, I referred to the supplement law, Rule 10(h), to prove the NDSC *did not* supplement my FADED PAGES evidence, when they could have.

The NDSC Chief referred to the same Rule 10(h), as I did, to tell me *that I* should have supplemented my evidence.

The Chief and I refer to the *same law* to prove *opposite* (emphasis) declarations. That is proof of a dilemma.

Note: The Supplement Law including Rule 10(h) is on the last pages of this supplement.

In my previous PETITION, I wrote that the NDSC could have supplemented my evidence on its own initiative. Is that statement right or wrong?

It is *right* if you read the supplement law whereby the NDSC can supplement on their own *'initiative'*.

It is *wrong* if you read the appeal law whereby the NDSC stated they can *only* go by evidence submitted in District Court.

It is obvious I was reading one law, and the NDSC Chief Justice was reading the other *contradicting* law.

As of now the two laws contradict each other and cancel each other out; meaning there is no supplement law. All the state Supreme Courts of the United States do not have a legal supplement law. You can steal/you cannot steal.

On 1/9/18, the Chief responded to my previous motion that my FADED PAGES evidence be supplemented into my record, by writing this: (*See* Appendix 1, search for key word *DENIED*)

"Your motions are DENIED. The Court can only review what was considered by the district court when that court made the decision that is on appeal."

Above; the Chief quoted the appeal law.

On 10/6/17 the Chief quoted the *supplement* law; and sent me the following; this is part of it: "*Since* at least August, you have been told to supplement the record under Rule 10(h) in the district court, *which you have not done*."

The Chief quoted *both* laws! This proves he was confused about the supplement law, and which law to follow.

Note: I couldn't supplement my record myself; all I could do is 'request' to.

The Chief wrote; "*which you have not done*". He is *wrong*; *I did request* to supplement my evidence. (See Appendix 3 search for the key word, *thereof*).

The Chief didn't know that my former Attorney Greg requested Judge Rustad to supplement my

evidence. His mistake swayed him to follow the wrong law. The Chief didn't read the record of my case. The Chiefs own misinformation prevented him from supplementing my evidence, which would have assured my civil rights.

The Chiefs job is to read the record, and know the facts, *which he has not done.* That made him and the other four justices wrong and my appendix proves it. (See Appendix 3 search the keyword *thereof*).

The Chief sent me the following on 10/6/17, just before my main appeal brief was due; this is part of it, I added the text in parenthesis.

The clerk's first paragraph: "The Chief Justice has requested that I provide some information to you". "In regards to your request to use requests to Judge Rustad (lower, district court judge) in your upcoming brief, insofar as (if) a document is in the record you may quote it, use language from it or put it in your appendix". (See Appendix 2 search for the keyword *insofar*)

To me that reads nonsense; that I can supplement my record with evidence that is *already* in my record; but I'm not an attorney.

In the same correspondence the Chief's second paragraph was: "If you file an appropriate and acceptable motion under the rules with the district court, upon request this court will consider a remand to the district court." (See Appendix 2 search for the keyword *upon*)

Notice the words *'if you file'* above. I *did* file a request.

Two times; on 10/6/17' and again on 1/9/18', the Chief wrote that he didn't know my attorney requested the district judge to supplement my evidence; when my attorney did.

I should have written in my previous petition that the Chief didn't know I requested Judge Rustad to supplement my evidence.

When I wrote that petition, I didn't know there were flaws in the supplement law. If I would have known then and written then, that the Chief didn't know I requested; his mistake by itself, wouldn't have been as serious as it is when combined with the supplement law; which is the law that cancels out the appeal law.

It is the Chiefs mistake *combined* with the supplement law that cancels out the appeal law, that deprived me of my civil rights. There is a big difference between the Chiefs mistake by itself, and the Chiefs mistake magnified 69 times by the defective supplement law. That's a 69% loss of civil rights.

The Chief responded mistakenly to my supplement motions; so the other four justices wouldn't question the Chiefs response. They wouldn't have read my motion, so wouldn't know of his mistake on my evidence; so all five justices opinioned my case with wrong information on the supplement law. Each justice is 20% of their opinion; so I lost 100% of my civil rights

because none of the five knew of the Chiefs mistake. Add that to the flaws of the supplement law above; and that's a 169% loss of my civil rights.

The Chiefs mistake prevented the other four justices from discovering that the appeal law and the supplement law cancel each other out. (They could have discovered that as well as I.)

The Chiefs mistake prevented the other four justices from deciding if they should use the supplement law on their own 'initiative'.

Justice Jensen wrote the NDSC opinion with wrong information on supplementing my evidence. He didn't have the right facts; so that opinion is worthless.

The Chiefs mistake prevented the other four justices from understanding how important the supplement law was in relation to the appeal law; and how they both related to my FADED PAGES.

Following is part of a motion I sent the NDSC on 1/7/18', just before my 2nd brief was due. I added the parts in parentheses in the following motion now, to clarify it.

"I'm making three motions to the NDSC, because it's unclear what I can put in my brief. There are three kinds of new evidence that have not been decided in this appeal; the 16 FLAWED PAGES of my brief, (which is half of it) the AUDIO TAPES of Lyle's confession of guilt, and LYLES TRAK RECRD (which include Lyle's confession and the faded and unreadable wills)."

End of motion. (See Appendix 4 search for the keyword *unclear*)

The Chief *denied* my request.

THE CONSEQUENCES OF THE FLAWED SUPPLEMENT LAW:

The consequences of the defective supplement law are a major constitutional issue that must be resolved.

In my briefs to the NDSC, I was using evidence that wasn't legal because I thought the NDSC could supplement on their own; but they thought they couldn't because of the Chiefs mistake and the contradiction of the appeal law and the supplement law.

Because of that my appeal was dismissed.

The NDSC judgment cannot apply to this case, because the Chiefs mistakes on Greg's request of my evidence combined with the unconstitutional supplement law; influenced the opinions and judgment of the NDSC.

The supplement law deprives people of their civil rights; it is unconstitutional.

Supreme Courts can supplement/Supreme Courts can't supplement.

You can deny civil rights/you can't deny civil rights.

If the supplement law needs amending, so does the NDSC judgment.

My case is unique to the supplement law; because my FADED PAGES, that were not discovered or supplemented by Judge Rustad or the NDSC, had to have mislead the NDSC judgments.

If the current supplement law didn't apply to my case, it never will.

THIS SUPPLEMENT IS LEGAL BECAUSE OF MY PETITION:

The rule on supplementing my petition is rule 15.8 which states: *Any party may file a supplemental brief at any time while a petition is pending, calling attention to intervening matter* (facts/info) *not available at the time of the parties last filing.*

The Chiefs mistake as it relates to the defective supplement law is information that was not available until the final date of my petition. His mistake also verifies that the supplement law is defective; and that the defects weren't known until *after* my petition was filed.

Both facts make this supplement legal by rule 15.8.

I.e. if it were up to you, to find that flaw, you wouldn't find it with just *part* of my petition; you would need *all* of it. *All* of it wasn't available until I filed it; which was *after* the date of my last filing.

The fact is that the supplement law is defective and must be amended. That fact was not available at

the date of my last filing, which was 2/19/19, which was the deadline of my petition.

If I would have known the two laws conflicted with each other, when I wrote my previous petition, I would have written it then. (There would be no reason for me not to.)

This proves my finished petition and this supplement *exposed* the flaws of the supplement law; which means this supplement is legal by 15.8.

The below facts help explain how I discovered the defects in the supplement law.

When you read Appendix 3, (find the key word *thereof*) notice Greg didn't request Judge Rustad to supplement my FADED PAGES brief. That is because he didn't know it was half unreadable, because he didn't check it when he sent it; so Greg just requested Judge Rustad to supplement my LYLES TRACKS brief.

Judge Rustad was at fault, because he had to read my FADED PAGES brief, to know if he should supplement my LYLES TRACKS brief or not.

This is proof he didn't read or discover the flaws of either brief.

He had to read my brief before he dismissed my case, but he didn't.

To prove the supplement law is defective, I have to prove Greg requested Judge Rustad to supplement my evidence for me; because the Chief didn't think Greg

did. Judge Rustad did not supplement at Greg's request when he should have; so the NDSC had to supplement, but they did not.

SUMMARIZE:

This concludes my supplement. Below here is just law 10(h); which is the supplement law that causes corruption; it really belongs in my appendix, but I want everybody to read it.

I want to ask you these questions:

What's the principal question here; whether the supplement law is defective, or that my civil rights were denied?

Can the two be separated?

The supplement law was still in effect when my case was decided; so the NDSC could have supplemented on their own initiative. The way the law is, could the NDSC have supplemented my evidence, if the Chief would have understood the law, and presented it to the other four justices?

I discovered that the two laws cancel each other out. If it were up to you to discover that, what part of my petition and supplement wouldn't you need?

Below are my proposed amendments; and below that is the supplement law.

MY RECOMMENDED SUPPLEMENT AMENDMENTS:

The corruptive supplement law creates a legal dilemma; the solution is to amend the law and remand this case to a jury trial; and change the supplement law as follows:

My amendments are all in italics.

1. *The sentence in the supplement law with the word 'initiative' must be removed from the law, because the NDSC can't supplement evidence without the lower court judge's agreement.*

2. *Our Supplement Law Option (B) states: "before or after the record has been forwarded".* Forwarded where, the NDSC, or some other place? It should either say where; or leave the entire fragment out. I read option (B) to mean; the lower court can supplement any time at all.

Option (B) could also read; *"if the claimant requests it and the judge agrees."*

We need an amendment for cases like mine with FADED PAGES that a judge did not, and could not read, and didn't discover.

My amendment is: *A district judge can not supplement a person's evidence into their record if it is against the best interest of that person. The claimant must request a judge to supplement, before a judge can supplement their evidence. This applies to our District Courts and our state Supreme Courts.*

If a judge did not read it, they could not know whether they should supplement it. This protects people's rights by the Fifth Amendment.

If someone comes up with a scenario whereby under a 'certain condition', all Supreme Courts could legally supplement evidence on their own initiative, we could write that 'certain condition' into this amendment.

I recommend we amend (B) to read:, and if the plaintiffs request it and the judge agrees. And remove the words; (before or after the record has been forwarded)

There are two options with option (C). We could take out option (C) altogether; or we could write it so the Supreme Court could supplement on their own initiative, but only if a claimant has requested the district judge to supplement, and the district judge refused. (This means the District Court judge was aware of the evidence.)

With my amendments, all our Supreme Courts can either get the district judge's approval on new evidence, or remand a case back, with orders to supplement the evidence; so this change won't affect the power of Supreme Courts.

If a judge does not supplement when they should, the Supreme Court can remand it back until the judge does their job; so Supreme Courts always have the upper hand, even if they can't supplement on their own *'initiative'*.

Definition of initiative: *The ability to assess and initiate things independently.* (That means *without* the consent knowledge of the lower court.)

I believe there is no situation whereby a NDSC could supplement evidence without a lower courts approval.

I want everybody that reads this to see if they can think of a situation whereby all Supreme Courts can legally supplement evidence without the lower courts agreement. End of my amendments.

FEDERAL LAW TO SUPPLEMENT EVIDENCE RULE 10(h):

By the supplement law there are three ways my evidence could have been supplemented; it reads:

Rule 10(h); if *anything material to either party is omitted from or misstated in the record by error or accident, the omission or misstatement may be corrected and a supplemental record may be certified and forwarded by:*

(A) Stipulation of the parties; or

(B) By the district court, before or after the record has been forwarded; or

(C) The Supreme Court can, (on proper suggestion or of its own initiative,) direct that an omission or misstatement be corrected, and, if necessary, that a supplemental record be certified and transmitted.

CONCLUSION

For the reasons stated, the Petition should be granted.

Respectfully submitted,

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Additional material from this filing is available in the Clerk's Office.