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Letter from Albert E. Sheets Jr. to Fred J. Traynor Regarding Motion to Dismiss Appeal in State v. Stepp, May 15, 1920

Albert E. Sheets Jr.
State of North Dakota

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May 15, 1920.

Mr. Fred J. Traynor,
Devils Lake, N.D.

Dear Mr. Traynor:

It was imperative that Judge Nichols leave last night for Philadelphia. In his absence he has forwarded me your letter of May 10th, and asked that I present the motion for dismissal in the case of State v. Stepp.

After familiarizing myself with the facts and reviewing the authorities of the court on this particular question I am of the opinion that we are without sufficient grounds to obtain a dismissal. Since the defendant has at last accomplished his appeal and the briefs have been filed and served I cannot see why he should not be permitted to have his case decided on the merits. It is true that there has been delay, but a motion for a dismissal at this time just a few days prior to the date on which a hearing on the merits could be had, would in my opinion be unjustified. I do not believe the court would consider granting such a motion. I am, however, today appearing before the court and submitting the written argument, a copy of which I am herewith enclosing along the lines suggested by the facts and as stated in the unwarranted affidavit filed by Svenbjorn Johnson.

May I hear from you in this connection.

Sincerely yours,

Assistant Attorney General.

ABS:G