

Magistrate District Court of the State of Alaska
Third District at Palmer

STATE OF ALASKA
Plaintiff,

Vs

XXXX XXXXXX XXXXXXXX
Without Assistance of Counsel as Secured in the Sixth Amendment
Special and Restricted appearance

That Accused has no Assistance of Counsel
And
What is Assistance of Counsel
And
Court is *Coram Non Judice*
And
Liabilities of judicial Officers
And
Determination if Counsellors-at-law exist in Alaska
With Verified Affidavit and Offers of Proof in Support

Case 3PA-00-0000 CR

Comes Now, by special and restricted appearance the man XXXX XXXXXX
XXXXXXX, a citizen of the United States of America, American citizen, Natural
Born Native and citizen of the foreign state of Alaska domiciled in the
territorial boundaries of Alaska without Assistance of Counsel as secured in
the Sixth Amendment with this Notice to STATE OF ALASKA that Accused has no
Assistance of Counsel And What is Assistance of Counsel And Court is *Coram
Non Judice* And Liabilities of judicial Officers and Determination if
Counsellors-at-law exist in Alaska With Verified Affidavit and Offers of
Proof in Support.

I. Attorneys and Counsellors-at-law

The Accused enters as Offers of Proof from the "The Law Dictionary"
originally compiled by Giles Jacob and corrected and greatly enlarged by T.
E. Tomlins of 1811 (hereafter "Jacob's") for the definitions and duties of an
Attorney at law, Barrister, and Counsellors.

As an Offer of Proof of what an Attorney and/or Attorney at law is and
with his duties being to do the business of another and appear in his
absence, the Accused enters in Volume I of Jacob's under **Attorney** page 169-
174, being Exhibit A. The Accused points out in particular said Exhibit A,
the following:

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Is one that is **appointed by another man to do any thing in his absence.** Page 169 [Emphasis added]

. . . in criminal cases there will be no attorneys admitted. Page 169.

Attorneys at Law, are such persons as take them the **business of other men,** by whom they are retained. Page 170 [Emphasis added]

An attorney has a lien on the money recovered by his client, for his bill of costs; if the money come to his hands, he may retain to the amount of his bill. Page 173

And further, under the definitions of Volume I of Jacob's under **Barrister** pages 290, being Exhibit B, and as an Offer of Proof that a Barrister is a Counsellor **learned in the law** and there to take upon him the protection and defence of clients, works for a gratuity, and counsel is not answerable to any matter by him spoken, relative to the cause in hand, and suggested in his client's instruction. The Accused points out in particular the following:

A **counsellor learned in the law,** admitted to plead at the bar, and there to take upon him the **protection and defence of clients.** Page 290 [Emphasis added]

A counsel can maintain no action for his fees; (*Davis Pref.* 22. 1 C. R. 38) which are given not as a salary or hire, but as a mere gratuity, which a barrister cannot demand without doing wroing to his reputation *Davis.* 23. Page 291

In order to **encourage due freedom of speech in the lawful defence of their clients,** and at the same time to give a check to unseemly licentiousness, it hath been holden, **that a counsel is not answerable for any matter by him spoken, relative to the cause in hand, and suggested in his client's instructions;** Page 291 [Emphasis added]

And as an Offer of Proof that a **Counsellor** is a **Barrister,** the Accused enters Exhibit C from Volume II of Jacob's page 131.

And further, similar definitions and duties of Attorney, Barrister, and Counsellor are defined in Blackstones Commentaries and Blackstones Commentaries by Tuckers of the year 1803.

In the adjudged decision of *State of Missouri v. Garesche*, 36 Mo 256 (1865) Counsellors were the same as barristers or sergeants. This court shall take mandatory judicial notice of *Missouri v. Garesche* supra.

And an Offer of Proof there is a difference between an Attorney and a Counsel in a court. And as a further Offer of Proof that if the Accused appears in his proper person, he will only have Assistance of Counsel. Appearance by attorney and appearance by counsel in a cause, are distinctly

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1 different; the former being the substitution of a legal agent for the
2 personal attendance of the suitor; the latter, the attendance of an advocate,
3 without whose aid, neither the party attending in proper person, nor his
4 attorney in his stead, could safely proceed. This Offer of Proof is in the
5 adjudged decision of *Mercer v. Watson 1 Watts 330 (1833)* to which this court
6 shall take mandatory judicial notice, to wit:

7 . . . **counsel and advocates** in the reign of Henry 3, and it
8 appears that there were **persons learned in the law**, and skilful in
9 pleading causes, as early as the reign of William Rufus.
10 **Appearance by attorney, and appearance by counsel in a cause, are**
11 **distinctly different:** the former being the substitution of a **legal**
12 **agent** for the personal attendance of the suitor; the latter, the
13 **attendance of an advocate, without whose aid, neither the party**
14 **attending in proper person, nor his attorney in his stead, could**
15 **safely proceed.** The appearance by attorney does not, any more than
16 the personal appearance of the suitor preclude or supersede the
17 appearance of counsel; so neither does the appearance by guardian.

18 ***

19 With us, counsel are always attorneys, and by the rule just cited,
20 members of the bar are admitted to practice, either as attorneys
21 or counsellors; **but though the characters are united in one**
22 **person, the functions of attorney and counsel are as distinct here**
23 **as in England.** Our counsel then, as attorneys, appear for suitors,
24 representing them before the court **as their substitutes**, and in
25 their absence; but **as counsel, they likewise appear to manage and**
26 **conduct the suit through all its subsequent progress.** As counsel,
27 not as attorneys, **they appear for those who are before the court**
in propriis personis, for he who appears in his own person, cannot
appear by attorney; and as counsel, not as attorneys, they appear
for guardians, who must appear in their proper persons. **[Emphasis**
added]

18 **II. There are no Attorneys and Counsellors-at-law in Alaska.**

19 First in the section 11 of chapter 196 of 1955 of the
20 Alaska Integrated Bar Act, to wit:

21 The Board of Governors shall pass upon all applications for
22 permission to practice law before the courts of Alaska, and when
23 satisfied that an applicant has the requisite qualifications to
24 practice as an **attorney and counselor**, the Board shall so certify
25 to the U. S. District Court for the Judicial Division in which
26 the applicant resides. **[Emphasis added]**

27 I am attaching as an Offer of Proof, being Exhibit D, of said Chapter
196 of 1955 of the facts contained therein and in particular of words
"attorney and counselor."

Then in section 5 of chapter 178 of 1960, we see an amendment to
section 11 of chapter 196 of 1955.

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I am attaching as an Offer of Proof, being [Exhibit E](#), of said Chapter 178 of 1960 and the use of the words "attorney and counselor."

Then we find by the Roman Civil Law process of "codification" from the Book titled The Institutes, to wit:

The formal effect of a codification is to set aside the existing law in its entirety, as far as the territory affected is concerned, and to substitute for all the laws transmitted from the past in a single new code. [Emphasis added]

I am attaching this section of The Institutes as an Offer of Proof of the true meaning of the process of codification, being [Exhibit F](#).

Then by the setting aside of the existing law in its entirety, we find by the processes of codification implemented in 1962 that ©AS 08.08.200 has been changed to "the court shall make an order admitting the applicant as an attorney at law", and the **attorney and counsellor has vanished**.

I am attaching as an Offer of Proof of the changing of the words to "attorney at law" and of the Codification of 1962, being [Exhibit G](#).

Then to continue this ruse and deception, justices of the Supreme Court of Alaska [in reality praetors] by Supreme Court Order (hereafter "SCO") [in reality praetor edicts, i.e. *law praetoria*] did amend the bar rules in SCO 161 in 1973. You will find "attorney at law" in Rule 6 changed later to Rule 5 that only an attorney at law is admitted per bar rule only and the counsellor-at-law is nowhere to be found. This can be found in the current rules of Court in Rule 5.

Then in the Code Act of chapter 181 of 1976 the codification sections ©AS 08.08-110 - 08.08.200, 08.08.240, and ©AS 44.62.330(a)(22) were repealed, with ©AS 08.08.200 being the certification of the Board of Governors to the courts for admission. **Therefore the Board of Governors in the Code have no perceived authority or being empowered to certify anyone to courts of the state as attorneys and counsellors-at-law or even attorneys at law after 1976.**

I am attaching as an Offer of Proof of the repealing of the Code sections of the Board of Governors authority to certify attorneys and counsellors as found in chapter 181 of 1976, being [Exhibit H](#).

Then the Accused has included a copy provided by Deborah O'Regan, being the Executive Director of the Alaska Bar Association, of the current Petition for Admission. You will so note that no where is it stated that anyone is certified as an Attorney at law or Counsellor-at-law. But it is stated that you can practice law in Alaska and that the Bar Rules of 2 and 5 are so used and this is included as an Offer of Proof of same, being [Exhibit I](#).

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Then the Accused has included a copy of a petition of Attorneys at law prior to the enactment of chapter 181 SLA 1976 of a Randall Luffberry (hereafter "Luffberry"). You will note that Luffberry was supposedly certified as an Attorney and Counsellor at law, but he was admitted [licensed] only as an **Attorney at law**, being Exhibit J. This is further proof of the despots and tyranny in the territorial boundaries of Alaska by the legislature, Alaska Bar Association, and the justices of the Supreme Court of Alaska to deprive unlawfully the people of Alaska their constitutionally secured rights of the Law of the Land, being due process of law to have Counsellors-at-law.

The Accused is including a copy as an Offer of Proof of the two Supreme Court documents that are issued by the Supreme Court of [the State of] Alaska to the purported new Attorney at law applicants. I would call your attention to the words that "upon certification by the Board of governors of the Alaska Bar Association and no objection having been raised thereto." As the Board of Governors has not even had the perceived authority and are not empowered to certify the new applicants to the Supreme Court of Alaska for twenty-seven years, this is a **"fiat" Certificate**. This is impossibility in law and clearly is proof of the corruption in the highest court of the state. This Certificate is absolutely worthless and not redeemable. These two documents are entered as an Offer of Proof of the preceding premises, being Exhibit K. This is the work of the despots and tyrants in the continuing unlawful overthrow of the lawful government since the civil war.

**III. The Accused is to have Assistance of Counsel
in the First Instance.**

The Accused is to have Assistance of Counsel as secured in the Sixth Amend in the first instance starting with the Arraignment, or any other parts of a formal charge. Having Assistance of Counsel was held in the adjudged decision in Powell v. State of Alabama, 287 U.S. 45, 59, 60, 68,69 to wit:

In any event, the circumstance lends emphasis to the conclusion that during perhaps the most critical period of the proceedings against these defendants, that is to say, **from the time of their arraignment until the beginning of their trial, when consultation, thorough-going investigation and **60 preparation were vitally important, the defendants did not have the aid of counsel in any real sense, although they were as much entitled to such aid during that period as at the trial itself.**

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Historically and in practice, in our own country at least, it has always included the right to the aid of counsel when desired and provided by the party asserting the right. The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence. If that be true of men of intelligence, how much more true is it of the ignorant and illiterate, or those of feeble intellect. If in any case, civil or criminal, a state or federal court were arbitrarily to refuse to hear a party by counsel, employed by and appearing for him, it reasonably may not be doubted that such a refusal would be a denial of a hearing, and, therefore, of due process in the constitutional sense. [Emphasis added]

**IV. This Court is Absent of All Jurisdiction,
Both Personal and Subject Matter**

This court, whatever it may be, has not acquired personal jurisdiction or jurisdiction of the subject matter of the man Xxxx Xxxxxx Xxxxxxxx.

Arising under the adjudged decision of the *Johnson v. Zerbst*, 304 U.S. 458, 467, 468 (1938) it was held in the following, to wit:

To deprive a citizen of his only effective remedy would not only be contrary to the 'rudimentary demands of justice' [FN21] but destructive of a constitutional guaranty specifically designed to prevent injustice.

FN21 Cf. *Mooney v. Holohan*, supra, page 112, 55 S.Ct. page 342.

[9][10] Since the Sixth Amendment constitutionally entitles one charged with crime to the assistance of counsel, compliance with this constitutional mandate is an essential jurisdictional prerequisite to a federal court's authority to deprive an accused of his life or liberty. When this *468 right is properly waived, the assistance of counsel is no longer a necessary element of the court's jurisdiction to proceed to conviction and sentence. If the accused, however, is not represented by counsel and has not competently and intelligently waived his constitutional right, the Sixth Amendment stands as a jurisdictional bar to a valid conviction and sentence depriving him of his life or his liberty. A court's jurisdiction at the hearing of trial may be lost 'in the course of the proceedings' due to failure to complete the court-- as the Sixth Amendment requires--by providing counsel for an accused who is unable to obtain counsel, who has not intelligently waived this constitutional guaranty, and whose life or liberty is

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at stake. [FN22] If this requirement of the Sixth Amendment is not complied with, the court no longer has jurisdiction **1025 to proceed. The judgment of conviction pronounced by a court without jurisdiction is void, and one imprisoned thereunder may obtain release by habeas corpus. [FN23] A judge of the United States--to whom a petition for habeas corpus is addressed--should be alert to examine 'the facts for himself when if true as alleged they make the trial absolutely void.' [FN24][Emphasis added]

Arising under *Johnson v. Zerbst*, 304 U.S. 458 a court's jurisdiction may be lost in the course of the proceedings due to a failure to **complete the court**. Assistance of Counsel is mandatory to **complete the court**, and the Accused has not waived Assistance of Counsel, but instead has demanded Assistance of Counsel and is without Assistance of Counsel. Therefore **this court is not complete** until Assistance of Counsel can be found and obtained. See also the following: *State v. Stott*, 586 N. W. 2d 436 (1998); *Solina v. United States*, 709 F.2d 160 (1983); *Peri v. State*, 426 So.2d 1021 (1983); *Turner v. United States*, 423 F. Supp. 581 (1976); *Stat v. McFarland*, 526 P.2d 361 (1974); *State v. McKnight*, 243 A.2d 240 (1968); *United States v. Sullivan*, 278 F.Supp 626 (1968); *Minor v. United States*, 375 F.2d 170 (1967); *Abbott v. Rose*, 242 N.Y.S.2d 773 (1963); *Begalke v. United States*, 148 Ct.Cl. 397 (1960); *Application of Gaskill*, 335 P.2d 1088 (1959); *State v. Huffman*, 297 P.2d 831 (1956); *United States v. Wilson*, 133 F.Supp. 664 (1955); *In re Motz*, 136 N.E. 2d 430 (1955); *In re Los Angeles County Pioneer Soc.*, 217 F.2d 190 (1954); *United States v. Ferguson*, 5 USCMA 68 (1954); *Hatchett v. Government of Guam*, 212 F.2d 767 (1954); *United States v. Self*, 13 C.M.R. 227 (1953); *United States el rel. Darcy v. Handy*, 97 F.Supp.930 (1951); *Sima v. United States*, 119 Ct.Cl. 405 (1951); *State ex rel. McManamon v. Blackford Circuit Court*, 95 N.E.2d 556 (1950); *Hayman v. United States*, 187 F.2d 456 (1950); *Ex parte Tucker*, 219 P.2d 245 (1950); *Gann v. Gough*, 79 F.Supp 912 (1948); *Ex parte Cornell*, 193 P.2d 904 (1948); *Wright v. Johnston*, 77 F.Supp 687 (1948); *Ex parte Cook*, 183 P.2d 595 (1947); *Shapiro v. United States*, 69 F.Supp.205 (1947); *Davis v. Hudspeth*, 167 P.2d 293 (1946); *State ex rel. Baker v. Utecht*, 21 N.W. 2d 328 (1946); *In re Stevens*, 160 P.2d 415 (1945); *United States v. Steese*, 144 F.2d 439 (1944); *Romero v. Squier*, 133 F.2d 528 (1943); *Graham v. Squier*, 132 F.2d 681 (1942); *Ex parte Bell*, 122 P.2d 22 (1942); *Reid v. Sanford*, 42 F.Supp 300 (1941).

And further as the Accused is without Assistance of Counsel and Assistance of Counsel being held as a **jurisdictional prerequisite** to proceed in *Johnson v. Zerbst supra*. And this court and the prosecutor are fully

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1 aware of this mandatory **jurisdictional prerequisite** and that the Accused is
2 without Assistance of Counsel. See also the following: *Coughlin v. State*
3 842 S.2d 30 (2002); *United States v. Small*, 183 F. Supp.2d 755 (2002); *In*
4 *re Welfare of G.L.H.*, 614 N.W.2d 718 (2000); *State v. Stott*, 586 N.W. 436
5 (1998); *Weakley v. State*, 721 So.2d 235 (1998); *Weakley v. State*, 721 So.2d
6 233 (1997); *Banton v. United States*, 896 F.Supp. 1451 (1995); *Cantu v.*
7 *State*, 897 S.W.2d 389 (1994); *Frazer v. United States*, 18 F.3d 778 (1994);
8 *Berry v. State*, 630 So.2d 127 (1993); *Boyd v. United States*, 586 A.2d 670
9 (1991); *Com. V. Thibeault*, 556 NE.2d 403 (1990); *United States v. Novak*,
10 903 F.2d 883 (1990); *Fitzpatrick v. Wainwright*, 800 F.2d 1057 (1986);
11 *United Sates v. Broce*, 781 F.2d 792 (1986); *Solina v. United States*, 709
12 F.2d 160 (1983); *People v. Carroll*, 189 CalRptr. 327 (1983); *Peri v. State*
13 426 So.2d 1021 (1983); *United States ex rel. Smith v. Pavich*, 568 F.2d 33
14 (1978); *State v. Houston*, 213 S.E.2d 139 (1975); *Arbuckle v. Turner*, 440
15 F.2d 586 (1971); *Application of Stone*, 171 N.W.2d 119 (1969); *Application*
16 *of Stevenson*, 458 P.2d 414 (1969); *Steigler v. Superior Court In and For New*
17 *Castle County* 252 A.2d 300 (1969); *Goodwin v. Swenson* 287 F.Supp 166 (1968);
18 *United States v. Sullivan*, 278 F.Supp 626 (1968); *Minor v. United States* 375
19 F.2d 170 (1967); *Bement v. State*, 422 P.2d 55 (1966); *Agraan v. Superior*
20 *Court in and For Pima County*, 418 P.2d 161 (1966); *State ex rel May v.*
21 *Boles*, 139 S.E.2d 177 (1964); *State v. Anderson*, 392 P.2d 784 (1964); *State*
22 *v. O'Neil*, 117 N.W.2d 857 (1962); *State v. Delaney*, 332 P.2d 71 (1958);
23 *Farnworth v. United States*, 232 F.2d 59 (1956); *United States v. Wilson*, 133
24 F.Supp. 664 (1955); *In re Motz*, 136 N.E.2d 430 (1955); *United States v.*
25 *Ferguson*, 5 USCMA 68 (1954); *United States v. Di Martini*, 118 F.Supp 601
26 (1953); *Zasada v. State*, 89 A.2d 45 (1952); *United States ex rel. Mills v.*
27 *Ragen*, 77 F.Supp 15 (1948); *Willey v. Hudspeth*, 178 P.2d 246 (1947); *Kenion*
v. Gill, 155 F.2d 176 (1946); *United States ex rel Mazy v. Ragen*, 149 F.2d
948 (1945); *United States v. Steese*, 144 F.2d 439 (1944); *Com. Ex rel.*
McGlenn v. Smith, 24 A.2d 1 (1942); *Gall v. Brady*, 39 F.Supp 504 (1941);
Ex parte Stonefield, 36 F.Supp 453 (1941); *United States ex rel. Nortner v.*
Hiatt, 33 F.Supp. 545 (1940); *Pratt v. State* , 2002 WL 442414 (2002); *Gosa*
v. Mayden 413 U.S. 665 (1973).

And further as this court and the prosecutor has had Notice and is fully aware that the Accused is without Assistance of Counsel and Assistance of Counsel has not been waived, but instead has been demanded. As *Johnson v. Zerbst supra* has held, this court **no longer has jurisdiction to proceed**. See also the following cases: *State v. Stott*, 586 N.W.2d 436 (1998); *Boyd v.*

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1 United States, 586 A.2d 670 (1991); *Solina v. United States*, 709 F.2d 160
2 (1983); *Peri v. State*, 426 S.2d 1021 (1983); *Turner v. United States*, 423
3 F.Supp 581 (1976); *State v. McFarland* 526 P.2d 361 (1974); *Steigler v.*
4 *Superior Court In and For New Castle County*; 252 A.2d 300 (1969); *United*
5 *States v. Sullivan*, 278 F.Supp 626 (1968); *Minor v. United States*, 375 F.2d
6 170 (1967); *Begalke v. United States*, 286 F.2d 606 (1960); *Application of*
7 *Gaskill*, 335 P.2d 1088 (1959); *United States v. Wilson*, 133 F.Supp (1955);
8 *In re Motz*, 136 N.E.2d 430 (1955); *United States v. Ferguson*, 5 USCMA 68
9 (1954); *United States v. Self*, 13 C.M.R. 227 (1953); *State ex rel.*
10 *McManamon v. Blackford*, 95 N.E.2d 556 (1950); *Hayman v. United States*, 187
11 F.2d 456 (1950); *Gann v. Gough*, 187F.2d 456 (1950); *Gann v. Gough*, 79
12 F.Supp. 912 (1948); *Ex parte Cornell*, 193 P.2d 904 (1948); *Wright v.*
13 *Johnston*, 77 F.Supp 687 (1948); *Ex parte Cook*, 183 P.2d 595 (1947); *Shapiro*
14 *v. United States*, 107 Ct.Cl. 650 (1947); *Sutton v. United States*, 157 F.2d
15 661 (1946); *Davis v. Hudspeth*, 167 P.2d 293 (1946); *McDonald v. Johnston*,
16 62 F.Supp 830 (1945); *In re Stevens*, 160 P.2d 415 (1945); *United States v.*
17 *Steese* 144 F.2d 439 (1944); *Bayless v. Johnston*, 48 F.Supp 758 (1943); *Reid*
18 *v. Sanford*, 42 F.Supp. 300 (1941); *Saylor v. Sanford*, 99 F.2d 605 1938).

And this court and the prosecutor has had Notice and is fully aware
that the Accused is without Assistance of Counsel. And that to proceed
against the Accused without Assistance of Counsel as held in *Johnson v.*
Zerbst supra, should the Accused be found unlawfully guilty, the **judgment of**
conviction pronounced by a court without jurisdiction is void. And if a
habeas corpus be filed and **the facts [having no Assistance of Counsel] for**
himself when if true as alleged they make the trial absolutely void. See
also the following: *Boyd v. United States*, 586 A.2d 670 (1991); *Ayers v.*
Davis, 377 S.W.2d 878 (1964); *Application of Gaskill*, 335 P.2d 1088 (1959);
Hayman v. United States, 187 F.2d. 456 (1950); *Ex parte Cornell*, 193 P.2d
904 (1948); *Ex parte Cook*, (183 P.2d 595 (1947); *In re Stevens*, 160 P.2d
415 (1945); *Dorsey v. Gill*, 148 F.2d 857 (1945); *Ashley v. Pescor*, 147 F.2d
318 (1945); *Potter v. Dowd*, 146 F.2d 244 (1944); *United States ex rel.*
Mitchell v. Thompson, 56 F.Supp 683 (1944); *Mothershead v. King*, 112 F.2d
1004 (1940); *Forthoffer v. Swope*, 103 F.2d 707 (1939).

V. Judges Are Liable If Clear Absence of All Jurisdiction

As the Accused is without Assistance of Counsel and the Accused has
relied upon the adjudged decisions of the Supreme Court of the United States,
including but not limited to *Johnson v. Zerbst supra.*, and said **judges will**
be subject to liability if he acted in clear absence of jurisdiction. As

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1 held in the adjudged decision of the Supreme Court of the United States in
2 *Stump v. Sparkman*, 435 U.S. 349, 356,357 (1978), to wit:

3 A judge will not be deprived of immunity because the action he
4 took was in error, was done maliciously, or was in excess of his
5 authority; rather, he will be subject to liability only *357 when
6 he has acted in the "clear absence of all jurisdiction." [FN7]
7 13 Wall., at 351.

8 Should this court and the prosecutor proceed after having Notice of
9 lack of jurisdiction of the subject matter and personal jurisdiction until
10 the Accused can obtain Assistance of Counsel, then each will become
11 personally liable as a minimum, not including possible criminal charges.

12 **V. Judicial Lynching and Mock Trials.**

13 **And further**, to continue against the Accused without Assistance of
14 Counsel is "judicial lynching." Arising under the adjudged case of *State v.*
15 *Lattimar*, 111 S.E. 510, 511 (1922): to wit:

16 But he is entitled to a fair and impartial trial, to the calm,
17 deliberate, and uninfluenced judgment of his peers. Orderly and
18 constituted government demands such trial. It is a safeguard in
19 which all members of society are interested, and which should be
20 jealously upheld and guarded. **A judicial lynching is a graver and
21 more startling crime than a lynching by the irresponsible rabble.**
22 It undermines the foundation of orderly government, and weakens
23 respect for law and order. Much of the success of any form of
24 government depends upon the opinion of those governed, of its
25 power to protect them in the administration of the laws, and in
26 the wisdom and integrity of those who govern. **When the courts do
27 not uphold the laws, respect for law and for government ceases.**
28 **There should be no compromise with the spirit of lynching for any
29 crime.** The mob in Jerusalem was clamoring to Pilate to crucify the
30 Savior. He "washed his hands" of guilt, and released the Christ to
31 the "tender mercies" of his accusers, **thereby perpetrating the
32 greatest judicial crime of the ages.** The representative of
33 imperial Rome compromised with the congregated doers of evil. It
34 is little wonder that the empire declined and fell. **[Emphasis
35 added]**

36 This court shall take mandatory judicial notice of *State v. Lattimar*,
37 111 S.E. 510 (1922).

38 And further we find in *McSwain v. State*, 57 S. 732, to wit:

39 [W]hich the record fails to show that he so waived, and that his
40 trial was in all things right; but, sitting here as a court, we
41 can only look to the record, to this judgment and this record,
42 which will be regarded as a precedent for all time, and, if we
43 thus allow presumptions to be indulged, to supply omissions of
44 these matters by the Constitution and the statutes required to be
45 recorded, it will soon be deemed scarcely necessary **to show by the
46 record any of the important safeguards which the Constitution and
47 statutes and the common law have so long and so strongly asserted
48 as a shield of the liberty and life of the citizen. It will not do
49 to say that these forms were intended only to protect the citizen**

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1 against the despotism of crowns and tyrants; that he needs no such
2 forms to protect him in this state during these times. It has been
3 well said by a great jurist that there is no despotism so
4 terrible, so cruel, and so unrelenting as that of the people
5 themselves in times of great tumult and excitement, *739 when
6 passion and rage are stirred. These safeguards, these stern and
7 inflexible rules of law, are, during such times of excitement, the
8 only protection that the accused citizen has against mock trials
9 and judicial lynchings. In this connection it may be well to
10 remember the words of Black-stone, when comparing the English law
11 with that of other countries. He said: "It will afford pleasure to
12 an English reader, and do honor to the English law, to compare it
13 with that shocking apparatus of death and torment to be met with
14 in the **criminal codes** of almost every other nation in Europe. And
15 it is, moreover, one of the glories of our English law that the
16 species, though not always the quantity or degree, of punishment
17 is ascertained for every offense; and that it is not left in the
18 breast of any judge, nor even of a jury, to alter that judgment,
19 which the law has beforehand ordained for every subject alike,
20 without respect of persons; for, **if judgments were to be the
21 private opinions of the judge, men would then be slaves to their
22 magistrates, and would live in society without knowing exactly the
23 conditions and obligations which it lays them under.** And, besides,
24 as this prevents oppression on the one hand, so, on the other, it
25 stifles all hopes of immunity or mitigation, with which an
26 offender might flatter himself, if his punishment depended on the
27 humor or discretion of the court."

VI. Testimony Required of Persons Subpoenaed.

For the forgoing reasons, the people that have been issued a subpoena should be required to appear under Oath to determine if there are any Counsellors-at-law qualified to provide Assistance of Counsel as secured in the Sixth Amendment to the Accused, and if not why not. Failure to determine this important issue is knowingly and intentionally depriving all of the people of Alaska of a Trial by Jury, their constitutionally secured rights, and subjugating the Accused and the people of Alaska to absolute depotism and tyranny with the full knowledge and support of the judges, magistrates, justices, attorneys and others in Alaska Court System and the Alaska Bar System management and members.

This court shall take mandatory judicial Notice of all of the adjudged cases used in this document.

The Accused fully intends to by all peace and lawful means to pursue all criminal and civil issues against the participants for these unlawful actions against the Accused.

Therefore, this unknown court should require the parties subpoen'ed to appear under oath for a determination of the their qualifications as Counsellors-at-law as they have been non responsive, and if they are qualified to provide Assistance of Counsel to the Accused as secured in the Sixth Amendment; and

1 **And further,** this court should dismiss these charges because of the
2 forgoing issues and if no Counsellors-at-law.

3 My Hand

4 **Verified Affidavit of Xxxx Xxxxxxx Xxxxxxxx**

5 STATE OF ALASKA)
6) SS.
7 The United States of America)

8 I, Xxxx Xxxxxxx Xxxxxxx, do swear (or affirm) under the penalties of
9 perjury that the forgoing and the following facts are true and correct.

- 10 1. My true name is Xxxx Xxxxxxx Xxxxxxx.
- 11 2. I am a citizen of the United States of America, American citizen,
12 Natural Born Native and citizen of the foreign state of Alaska.
- 13 3. I am without Assistance of Counsel as secured in the Sixth Amendment of
14 the Bill of Rights.
- 15 4. I have been making bona fide efforts to obtain Assistance of Counsel as
16 secured in the Sixth Amendment.
- 17 5. All of the purported Attorneys at law that I have interviewed can not
18 provide any evidence or documents that they are Attorneys and
19 Counsellors-at-law, that they are Learned in the Law and are qualified
20 to provide Assistance of Counsel as secured in the Sixth Amendment
21 within the territorial boundaries of Alaska to the Accused in the
22 courts of the Alaska.

23 Further I sayeth naught.

24 My Hand,

25 Sworn and Subscribed before me a Notary Public on August __, 2003

26 My Commission expires on _____

27 _____
Notary Public's Signature

28 Certificate of Service.
29 I hereby certify that a true and
30 correct copy of this document was
31 personally delivered to the

Xxxx Xxxxxxx Xxxxxxx
P.O. Box 000
Somewhere, Alaska [99000] 000-000

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following address or mailed via
first class mail to:

STATE OF ALASKA
Palmer Prosecutors
Roman Kalytiak
800 West Evergreen Ste 102
Palmer, Alaska 99645
907-745-5027

Date _____ Signature _____

XXXX XXXXXX XXXXXXXX
P.O. Box 000
Somewhere, Alaska [99000] 000-000