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Supreme Court of Alaska
Anchorage, Alaska

David Gary Gladden, *in propria persona*	)	
	)	
Plaintiff	)	
	)	
versus	)	
	)	
City of Dillingham, a municipal Corporation; and,	)	
	)	
Alice Ruby, Individual and Official Capacity; and,	)	
	)	
Paul Liedberg, Individual and Official Capacity; and,	)	**Case No. S-15073**
	)	**3DI-12-00036CI**
Bob Himschoot, Individual and Official Capacity; and,	)	
	)	
Keggie Tubbs, Individual and Official Capacity; and,	)	
	)	
Tracy G. Hightower, Individual and Official Capacity; and,	)	
	)	
Tim Sands, Individual and Official Capacity; and,	)	
	)	
Christopher J. Napoli, Individual and Official Capacity; and,	)	
	)	
Elizabeth Pearch, Individual and Official Capacity; and,	)	

Scott King, Individual and	)
	)
Donald Moore, Individual and Official Capacity; and,	)
	)
Fred Torrisi, Individual and Official Capacity**;** and,	)
	)
Boyd, Chandler & Falconer, LLP; and	)
	)
Brooks W. Chandler, Individual and Official Capacity; and,	)
	)
Meredith Montgomery, Individual and Official Capacity; and,	)
	)
Jose M. Sanchez, Individual Capacity	)
	)
Douglas Dumbroski, Individual and Official Capacity; and,	)
	)
David Ewald, Individual and Official Capacity; and,	)
	)
Travis Schiaffo, Individual and Official Capacity; and,	)
	)
Michael Henry, Individual and Official Capacity; and,	)
	)
John Does 1-50	)
Defendants.	)

Reply Brief (Boyd)

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I. Jurisdictional Statement

A. Rules of Appellate Procedure requires in Rule 212(c)(D) a jurisdictional statement and none is found in Neil T. O'Donnell's ("O'Donnell") Appellee Brief, therein it should be rejected as not compliant with the Appellate Rules, remembering that O'Donnell is special being an "undersigned jurist" Alaska Bar Association ("ABA") so that the rules can be relaxed for him—Civil Rule 94.

B. With O'Donnell being a member of the ABA like all of the other "undersigned jurists"[1] and owing homage to the special nom de guerre black robed judges, justices, and magistrates, undersigned jurists knowingly and intentionally understand and support that the ABA in its **"Article I. Name and Organization, Section 6 Administrative Districts"** has "created" with no delegated authority non-constitutional fictional venue and jurisdictional "judicial districts" in opposition to the constitutional venue and jurisdictional "districts" established by the Legislature of Alaska **in Ch. 50 SLA 1959 as evidenced in the Appellate Brief Attachment 15 and codified in ©AS 22.10.010**. The **"Article I. Name and Organization, Section 6 Administrative Districts**, to wit:

> **Section 6. Administrative Districts.** For the purpose of the **administration of the Act**, these Bylaws, **the Rules**, and the Policies and Regulations promulgated under them, **four administrative districts**, based in part upon the **judicial districts existing in 1973, are created as follows**:
> (1) The First Judicial District of Alaska;

[1] ORDER of Vanessa White in the **Appellate Brief—Attachment 3—Undersigned Jurist ORDER** admitting she has NO "Oath of Office as Public Officer of the State of Alaska" as mandated by Article XII Section 5 of the Constitution of Alaska, ©AS 22.10.110—Oath office and 1 Stat. 23; and admitting that she (White} has no "Civil Commission" under the verified signature of the Governor of Alaska Appointing her to any "Office" as mandated by Article IV Section 5.

(2) The Second and Fourth Judicial Districts of Alaska combined;
(3) The **Third Judicial District of Alaska**; and
(4) Any jurisdiction or geographical area outside the State.

Therein as all of the ABA members, *i.e.*, "unsigned jurists" and the special nom de guerre black robed judges, justices, and magistrates, "undersigned jurists" ONLY file using "judicial districts" established by the ABA as evidenced in the Court Record of ALL of the pleadings, orders and judgments against Gladden using the "**Third Judicial District**" created by the ABA in "**Article I. Name and Organization, Section 6 Administrative Districts:**, *supra*, and not the constitutional "**Third District**" established by the Legislature of Alaska in **Ch. 50 SLA 1959 codified ©AS 22.10.010** flows ***a fortiori*** that all of pleadings, orders and judgments against Gladden are **void *ab inito* as there is no "venue" and the personal and subject matter "jurisdiction" do not exist concerning Gladden.**

II. Parties

A. The **Appellee Brief does not list all of the Parties as mandated by Appellate Rule 212(c)(E) in the Caption or in the Appellee Brief and should therein be rejected.**

III. Statement of the Issues

A. O'Donnell pleads that Boyd, Chandler & Falconer ("Boyd"), Brooks Chandler and Meredith Montgomery have no "legal duty" to Gladden as a Defendant. The cases proffered support this premise to some degree but not included in the Cases are these major issues: (1) Montgomery acted as a criminal "prosecutor" for the "City of Dillingham" ("Dillingham") when Boyd/Chandler only had a contract for "Civil"

litigation that does not authorize criminal prosecution as a "public prosecutor" and is prohibited by statute of Montgomery posing as a criminal "public prosecutor" for Dillingham especially when Boyd had a Civil Contract, including a major **Conflict of Interest. Hire Boyd, your one stop civil litigators and then Boyd will also teach the constitutionalists a lesson by criminal prosecution in the Private ABA Courts in the Fictional "Third Judicial District" where all of the "undersigned jurists" will never disclose the ABA's illegal and unlawful acts with their allegiance by and though the "Professional Code of Conduct." Boyd and its attorneys with the FULL consent of Dillingham knowingly and intentionally proceeded to use Boyd on the Civil Side in the Private ABA Courts and the fictional "Third Judicial District" to deny Gladden Due Process of Law, deny Gladden access to his constitutionally secured Rights to have them adjudicated with the judicial Power of one of the several States in a constitutional Court with bona fide "public officers of Alaska:"** (2) The issue proffered by Boyd, Montgomery, Chandler, Dillingham, that all of the "undersigned jurists" (ABA members in Gladden's cases) and the special nom de guerre black robed judges, justices, and magistrates, "undersigned jurists" was to NOT disclose the "Private ABA Courts" with the fictional "Third Judicial District", deny all of Gladden's Motions on these Issues and VALIDATE all of these Illegal and Unlawful Acts in the **Private ABA Courts in this fictional "Third Judicial District" under the guise that Gladden should have complained with no KNOWLEDGE of this horrific monumental complete OVERTHROW of the Constitutional Courts in Alaska populated only by**

ABA members, *i.e.*, "undersigned jurists"! Unbelievable! How much is involved and who gets all of the boodle?

IV. Statement of the Case

O'Donnell's Appellee Brief waived all of the essential elements of the Complaint with Attachments and Gladden's Appellate Brief sticking to the issues admitting that Dillingham[2] knowingly and intentionally consented as a client to ALL of the actions taken by Boyd, Chandler, and Montgomery including but not limited to lying, using any hortatory means to effect stopping Gladden from filing Court Cases, disclosing the boodle amounts and recipients concerning the sales of Gladden's property, to misrepresent the facts, to deny the constitutional issues of Gladden's, then to steal Gladden's Land, steal Gladden's Private Property, steal Gladden's Personal Property, then to prosecute Gladden with the "Exhibit A Attached hereto, is adopted" that does not exist but is codified using words via magic while repealing Ordinance 77-10, and then to force Gladden under arms and imprisonment in the **Private ABA Courts and the fictional venue and jurisdiction of the "Third Judicial District."** Remembering that with Boyd, Chandler and Montgomery, who are all bound by the Professional Code of Conduct clothed under the confines of the Civil Contract, and insulated from all liability therein the FULL liability of ALL actions posited on Dillingham wherein they are all

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[2] Professional Code of Conduct Rule 1.2—Scope of Representation and Allocation of Authority Between Clien and Lawyer " Subject to paragraphs (c), (d), and (e), a lawyer **shall abide by a client's decisions concerning the objectives of representation** and shall consult with the client as to the means by which they are to be pursued. **A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation**."

approved, endorsed, and to be knowingly and intentionally implemented against Gladden. Boyd, Chandler and Montgomery are 100 % liable for all of the damages to Gladden for Montgomery's prosecuting Gladden criminally while acting as a "public prosecutor" with no authority, no "Office" and not a "public officer" of any of the several States.

V. Standard Of Review

A. O'Donnell does not oppose all of the Standard of Reviews pled by Gladden and therefore they are "well taken" and stand. As to the **constitutional** "Supreme Court of Alaska, presuming one does exist, therein the "Supreme Court of Alaska" reviewing the decision of the "undersigned jurist White"[3] *de novo*, as cited by O'Donnell's Appellee Brief in *Clemensen v. Providence Alaska Med. Ctr*, 203 P.3d 1148 therein Gladden concurs that the "Supreme Court of Alaska" must address each and every issue in the Complaint with its Attachments *de novo*.

VI. Argument.

A. Treason.

Treason is a crime considered in the most civilized and the most free countries in the world as the greatest that any man can commit in our Constitutional Republic arising under Article III Section 3 and must be articulated with great care to assure that the most flagitious crimes not be included. The issue of treason of *levying War* is the main subject to be delineated with specificity and the accompanying force requirements.

In the *Case of Fries*, 9 F.Cas.924, 930, 931 (1800), Judge Chase with specificity explained *levying war against the United States* with regards to treason, which was

[3] White Admitted when Challenged as to being a bona fide public Officer of the State of Alaska evidenced under her own signature that she was merely an "undersigned jurist", which Gladden has taken as true as it is backed up by no evidence to rebut or raise any question to her ORDER as evidenced in the **Appellate Brief Attachment 3—Unsigned Jurist ORDER by White.**

founded upon the same principles of the circuit court in the trials of Vigol and Mitchell(1795), to wit:

> . It is the duty of the court in this case, and in all criminal cases, to state to the jury their **opinion of the law arising on the facts**; but the jury are to decide on the present, and in all criminal cases, **both the law and the facts**, on their consideration of the whole case. It is the opinion of the court, that any insurrection or rising of any body of the people, within the United States, to attain or effect by force or violence any object of a great public nature, or of public and general (or national) concern, is a levying of war against the United States, within the contemplation and construction of the constitution. On this general position the court are of opinion, that any such insurrection or rising to resist, or **to prevent by force or violence, the execution of any statute of the United States,** for levying or collecting taxes, duties, imposts, or excises; or for calling forth the militia to execute the laws of the Union, or for any other object of a general nature or national concern, **under any pretence, as that the statute was unjust, burthensome, oppressive, or unconstitutional, is a levying was against the United States,** within the contemplation and construction of the constitution. **The reason for this opinion is, that an insurrection to resist or prevent, by force, the execution of any statute of the United States, has a direct tendency to dissolve all the bands of society, to destroy all order and all laws, and also all security for the lives, liberties and property of the citizens of the United States.** The court are of opinion, that military weapons (as guns and swords, mentioned in the indictment) are not necessary to make such insurrection or rising amount to a levying war, because numbers may supply the want of military weapons, and other instruments may effect the intended mischief. **The legal guilt of levying war may be incurred without the use of military weapons or military array.** The court are of opinion that the assembling bodies of men, armed and arrayed in a warlike manner, for purposes only of a private nature, is not treason, although the judges, or other peace officers, should be insulted or resisted, or even great outrages committed to the persons or property of our citizens.
>
> The true criterion to determine whether acts committed are treason, or a less offence (as a riot), is the quo animo, or **the intention**, with which the people did assemble. **When the intention is universal or general, as to effect some object of a general public nature, it will be treason, and cannot be considered, construed, or reduced to a riot**. The commission of any number of felonies, riots, or other misdemeanours, cannot alter their nature, so as to make them amount to treason; and, on the other hand, if the intention and acts combined amount to treason, they cannot be sunk down

> to a felony or riot. The intention with which any acts (as felonies, the destruction of property, or the like) are done, will show to what class of crimes the case belongs. The court are of opinion, that if a body of people conspire and meditate an insurrection to resist or oppose the execution of any statute of the United States by force, that they are only guilty of a high misdemeanour; **but if they proceed to carry such intention into execution by force, that they are guilty of the treason of levying war, and the quantum of the force employed neither lessens nor increases the crime--whether by one hundred or one thousand persons, is wholly immaterial.** The court are of opinion, that a combination or conspiracy to levy war against the United States is not treason, **unless combined with an attempt to carry such combination or conspiracy into execution;** some actual force or violence must be used, in pursuance of such design to levy war; **but that it is altogether immaterial whether the force used is sufficient to effectuate the object--any force connected with the intention will constitute the crime of levying war.** This opinion of the court is founded on the same principles, and is, in substance, the same as the opinion of the circuit court for this district, on the trials (in April, 1795) of Vigol and Mitchell, who were both found guilty by the jury, and afterwards pardoned by the late president.

B. "Private ABA Courts" and the "Fictional Venue and Jurisdiction" of the ABA created "Third Judicial District."

As these ABA courts exist in ABA's created "**judicial districts**", therein as a matter of law they are "**Private ABA Courts**" operating exclusively in this **Private fictional Venue and jurisdictionally** controlled and established "**judicial districts**" by the ABA and in all Gladden's cases being the "**Third Judicial District**" by the undersigned jurists, both black robed and regular attorneys.

If Gladden can be denied access to the constitutional Superior Court of Alaska and the "**Third District**" with the constitutional **Venue** (which Gladden has never knowingly waived), then when he found out about the ABA's illegal "**Third Judicial District**" (and never knowingly waived his personal and subject matter jurisdiction), as well as his constitutional personal and subject matter **jurisdiction** established in **Ch. 50 SLA 1959**

codified in ©AS 22.10.010; and then to be FORCED to use the "Private ABA Courts" in the "Private Fictional Venue and Jurisdiction" of the ABA's created "Third Judicial District" that exercise no judicial Power of any of the several States, then all is lost in the courts of Alaska with the only possible remedy being in the Courts of the United States with a 1983 lawsuit or a RICO action.

And further, as these **"Private ABA Courts" in the "Private Fictional Venue and Jurisdiction" of the ABA created "judicial districts" are precluded from and having no mandated limited delegation of Power from the People by and though the Constitution of the United States and its statutes and the constitution of any of the several States and their statues.**

And further, all of the "undersigned jurists" and the special nom de guerre black robed judges, justices and magistrates "undersigned jurists" have knowingly and intentionally conspired to protect and defend the **Private ABA Courts; and, the ABA and its members** hiding the "venue" and "jurisdictional" issues, both subject matter and personal, from Gladden are in direct violation of disclosing "impeachment material" as held in **the Supreme Court in *Strickler v. Greene*, 527 U.S. 263, 280, 281 (1999),** to wit:

> In Brady, this Court held "**that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution**." 373 U.S., at 87, 83 S.Ct. 1194. **We have since held that the duty to disclose such evidence is applicable even though there has been no request by the accused**, *United States v. Agurs*, 427 U.S. 97, 107, 96 S.Ct. 2392, 49 L.Ed.2d 342 (1976), and **that the duty encompasses impeachment evidence as well as exculpatory evidence,** *United States v. Bagley*, 473

U.S. 667, 676, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985). Such evidence is material "**if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different**." Id., at 682, 105 S.Ct. 3375; see also *Kyles v. Whitley*, 514 U.S. 419, 433-434, 115 S.Ct. 1555, 131 L.Ed.2d 490 (1995). Moreover, the rule **encompasses evidence "known only to police *281 investigators and not to the prosecutor**." Id., at 438, 115 S.Ct. 1555. In order to comply with Brady, therefore, "**the individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in this case, including the police**." Kyles, 514 U.S., at 437, 115 S.Ct. 1555.

[4] These cases, together with earlier cases condemning the knowing use of **perjured testimony**, [FN19] illustrate the special role played by the American prosecutor in the search for truth in criminal trials. Within the federal system, for example, we have said that the United States Attorney is "the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and **whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.**" *Berger v. United States*, 295 U.S. 78, 88, 55 S.Ct. 629, 79 L.Ed. 1314 (1935).

FN19. See, e.g., *Mooney v. Holohan*, 294 U.S. 103, 112, 55 S.Ct. 340, 79 L.Ed. 791 (1935) (per curiam); *Pyle v. Kansas*, 317 U.S. 213, 216, 63 S.Ct. 177, 87 L.Ed. 214 (1942); *Napue v. Illinois*, 360 U.S. 264, 269-270, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959).

This special status explains both the basis for the **prosecution's broad duty of disclosure and our conclusion that not every violation of that duty necessarily establishes that the outcome was unjust**. Thus the term "**Brady violation**" is sometimes used to refer to any breach of the broad **obligation to disclose exculpatory evidence** [FN20]--that is, to any suppression of so-called "**Brady material**"--although, strictly speaking, there is never a real "Brady violation" unless the nondisclosure was so serious that there is a reasonable probability that the suppressed evidence would have produced a different verdict. There are three components of a true Brady violation: **The evidence at issue must be favorable to the accused, *282 either because it is exculpatory, or because it is impeaching; that evidence must have been suppressed by the State, either willfully or inadvertently; and prejudice must have ensued.**

* * *

FN21. We reject respondent's contention that these documents do not fall

> under Brady because they were "inculpatory." Brief for Respondent 41. **Our cases make clear that Brady's disclosure requirements extend to materials that, whatever their other characteristics, may be used to impeach a witness.** *United States v. Bagley*, 473 U.S. 667, 676, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985).

C. Venue; and, Personal Jurisdiction and Subject Matter Jurisdiction.

As held in the adjudged decision of *Southern Sand and Gravel Co., Inc. v. Massaponax Sand & Gravel Corp.*, 133 S.E. 812, 813 (Sup. Ct. Va 1926), to wit:

> By **jurisdiction** is meant the inherent power to decide the case; while **venue designates the particular county or city in which a court having such jurisdiction may**, in the first instance, **properly hear and determine the case**.

In the adjudged decision of *Rudick v. Laird*, 412 F.2d 16, 20 (2nd Cir. 1969), to wit:

> Thus **venue deals with the question of which court, or courts, of those which possess adequate personal and subject matter jurisdiction, may hear the specific matter in question**. In short, jurisdiction must first be found over the subject matter and the persons involved in the cause before the question of **venue can be properly reached**. Bookout v. Beck, 354 F.2d 823, 825 (**9th Cir. 1965**).

In the adjudged decision of *Brown v. Pyle*, 310 F.2d 95, 96 (5th Cir. 1962) "Jurisdiction is the power to hear and determine a cause – the power to adjudicate. • • • Venue is the place where that power may be exercised."

In the adjudged decision of *Farmers Elevator Mutual Insurance Co. v. Austade & Sons, Inc.*, 343 F.2d 7, 11 (8th Cir. 1965), to wit:

> However, ***jurisdiction of the subject matter-the power and authority of the Court to act,*** 14 Am.Jur. Courts, § 160; 21 C.J.S. Courts § 15, is not equivalent in meaning to ***Venue, the place where the power to adjudicate is to be exercised, the place where the suit may be or should be heard. [Emphasis added]***

In the adjudged decision of *Olberding et al v. Illinois Cent. R. Co. Inc.*, 346 U.S. 338, 340 (1953), wit:

> **But unless the defendant has also consented to be used in that district**, **he has a right to invoke the protection which Congress has afforded him**. **The requirement of venue is specific and unambiguous**; it is not one of those vague principles which, in the interest of some overriding policy, is to be given a 'liberal' construction.

See also *Denver & R.G.W. R. Co. v. Brotherhood of R.R. Trainmen*m 387 U.S. 556, 568 (1967); *Schnell v. Peter Eckrich & Sons, Inc.*, 365 U.S. 260, 264 (1961).

In *Atlantic Marine Const. Co., Inc. v. U.S. Dist. Court for Western Dist. of Texas*, 134 S.Ct. 568, (2013) the court **held**, to wit:

> **When venue is challenged, the court must determine whether the case falls within one of the three** categories set out in § 1391(b). If it does, venue is proper; **if it does not, venue is improper, and the case must be dismissed** or transferred under § 1406(a).

In *In re Downey Regional Medical Center-Hosp., Inc.*, 441 B.R. 120, 128 (US Bankruptcy Panel 9th Cir. 2010) "[**I]t is important to note that personal jurisdiction is an individual right**."

In the adjudged decision of *Ruhrgas AG v. Marathon Oil Company*, 526 U.S. 574, 575 (1999) it was ***held*** that without personal jurisdiction the court is powerless to proceed to adjudication, to wit:

> (a) . . . Although the character of the two jurisdictional bedrocks unquestionably differs, the distinctions do not mean that subject-matter jurisdiction is ever and always the more "fundamental." Personal jurisdiction, too, is an essential element of district court jurisdiction, without which the court is powerless to proceed to an adjudication. *Employers Reinsurance Corp. v. Bryant,* 299 U.S. 374, 382.

Ibid at 584, Personal jurisdiction, on the other hand, "represents a restriction on judicial power . . . as a matter of individual liberty." *Insurance Corp. of Ireland v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 702 (1982).

Ibid at 584 in Ruhrgas, Personal jurisdiction, too, is "an essential element of the jurisdiction of a district . . . court, " without which the court is "powerless to proceed to an adjudication." *Employers Reinsurance Corp. v. Briant*, 299 U.S. 374, 382 (1937).

Ibid at 583 in Ruhrgas, "According, subject-matter delineations must be policed by the courts on their own initiative even at the highest level. See *Steel Co.* [*Citizens for a Better Environment*, 523 U.S. 83 (1998)] 523 U.S., at 94095 ("Whenever it appears . . . that the court lacks jurisdiction of the subject matter, the court shall dismiss the actions.")"

Ibid at 577 in Ruhrgas, to wit:
Id., at 93. Recalling "a long and venerable line of our cases," *id.,* at 94, *Steel Co.* reiterated: "**The requirement that jurisdiction be established as a threshold matter ... is 'inflexible and without exception,'** " *id.,* at 94-95 (quoting *Mansfield, C. & L.M.R. Co. v. Swan,* 111 U.S. 379, 382 (1884)); for **"[j]urisdiction is power to declare the law," and " '[w]ithout jurisdiction the court cannot proceed at all in any cause,'** " 523 U.S., at 94, 118 S.Ct. 1003 (quoting *Ex parte McCardle,* 7 Wall. 506, 514 (1868)).

As the **Private ABA Courts have no authority by and through their "fictional" and unconstitutionally created "judicial districts" for venue; and, the personal and subject matter jurisdiction to repeal, remove, replace, or an any way rule over the Statutes of Alaska enacted by the Legislature of Alaska for the venue; and, the personal and subject matter jurisdiction in the "Third District" in Ch. 50 SLA 1959 as evidenced in the Appellate Brief Attachment 15 and codified in ©AS 22.10.010.**

D. Professional Code of Conduct.

The Professional Code of Conduct is what ALL of the "undersigned jurists" MUST file an ABA Rule 64 Affidavit that they "have read the Alaska Rules of Professional Conduct and accompanying comments, and I am reasonable familiar with the rules" that is notarized. And further, the "undersigned jurists" [attorneys] must also file with the ABA a "**Oath of Attorney**" under Rule 5 Section 3 binding themselves "**to adhere**" to the "Rules of Professional Code of Conduct", to wit:

> I will **support** [***Not support and defend the Constitution of the United States from all enemies foreign and domestic – plain Jane "support" is worthless]*** the Constitution of the United States and the Constitution of the State of Alaska [***Should be "Constitution of Alaska" if Alaska was "one of the several States"***];
> **I will adhere to ["Abide by"—defined in Blacks 4th—, to adhere to, to obey, to accept the consequences of] the Rules of Professional Conduct in my dealings with clients, judicial officers, attorneys, and all other persons**;
> I will maintain the respect due to courts of justice and judicial officers;
> I will not counsel or maintain any proceedings that I believe are taken in bad faith or any defense that **I do not believe is honestly debatable under the law of the land [the "judicial districts venue and jurisdiction do NOT reside in the constitutional "law of the land" of the several States];**
> I will be truthful [attorneys are professional liars as evidenced in Gladden's cases] and honorable in the causes entrusted to me, and will never seek to mislead the judge or jury by an artifice or false statement of fact or law [**Never mislead a judge (sic) or jury with a fact or law? What a joke! Let alone misleading defendants!**];
> I will maintain the confidences and preserve inviolate the secrets of my client, and will not accept compensation in connection with my client's business except from my client or with my client's knowledge or approval;
> I will be candid, fair, and courteous before the court and with other attorneys, and **will advance no fact prejudicial to the honor or reputation of a party or witness**, unless I **am required to do so in order to obtain justice for my client**;
> I will uphold the honor and maintain the dignity of the profession, and will strive to **improve both the law and the administration of justice. [In a constitutional Republic the "duty" to "improve the law" is posited with**

the Legislature of the several States to enact "statutes," remembering that the ABA Rules "Supersede the Statutes"—Rule 93 Civil and Rule 52 Criminal.]

E. Alaska Courts are not Independent.

The Supreme Court of the United States has warned the American people to never surrender the independence of their Courts as held by Chief Justice Marshall, in the course of the debates of the Virginia State Convention of 1829--1830 (pp. 616, 619), used the following strong and frequently quoted language:

> 'The Judicial Department comes home in its effects to every man's fireside; it passes on **his property**, **his reputation, his life, his all**. Is it not, to the last degree important, that **he should be rendered perfectly and completely independent, with nothing to influence or control him but God and his conscience?** * * * I have always thought, from my earliest youth till now, that the greatest scourge an angry Heaven ever inflicted upon an ungrateful and a sinning people, **was an ignorant, a corrupt, or a dependent Judiciary**.'
>
> In a very early period of our history, it was said, in words as true to-day as they were then, that 'if they (the people) value and wish to preserve their Constitution, **they ought never to surrender the independence of their judges**.' *O'Donoghue v. United States*, 289 U.S. 516, 532 (1933).

The **Private ABA Courts** and all of their members, *i.e.*, the undersigned jurists are **ALL bound ONLY by the "Oath of Attorney**", *supra,* and NOTHING ELSE. The bogus "Oath of Office" by the black robed undersigned jurists is worthless and a ruse as there is no "Office" created by the Constitution of Alaska or by the Legislature of Alaska that they have entered with an "Oath of Office as a Public Officer" mandated by Article XII Section 5—Oath of Office and ©AS 22.10.110—Oath of Office, no Civil Commission under the verified signature of the Governor that the black robed undersigned jurists have been

appointed as mandated by Article IV Section 5–-Nomination and Appointment to any "public office"

There is "delegation of limited Power" vested in the Alaska Integrated Bar that divests the citizens of Alaska from their "limited delegation of judicial Power." Yet, as all of the undersigned jurists (black robed or regular) proclaim, are bound and have taken an "Oath of Attorney" to the following, to wit:

> **The legal profession is largely self-governing. Although other professions also have been granted powers of self-government**, the legal profession is unique in this respect because of the close relationship between the profession and the **processes of government and law enforcement.** This connection is manifested in the **fact that ultimate authority over the legal profession is vested largely in the courts.**
> [11] To the extent that lawyers meet the obligations of their professional calling, **the occasion for government regulation is obviated**. **Self-regulation also helps maintain the legal profession's independence from government domination**. **An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice**.
> [12] The legal profession's relative autonomy carries with it special responsibilities of self-government. **The profession has a responsibility to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar**. Every lawyer is responsible for observance of the Rules of Professional Conduct. A lawyer should also aid in securing their observance by other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest which it serves.

The idea that "the occasion for government regulations is obviated", *supra*, is shocking! The people by and through their constitution and statutes are to keep the "judicial Power of one of the several States" reserved to themselves ONLY in a Republican Form of Government. Further, the "independence from government

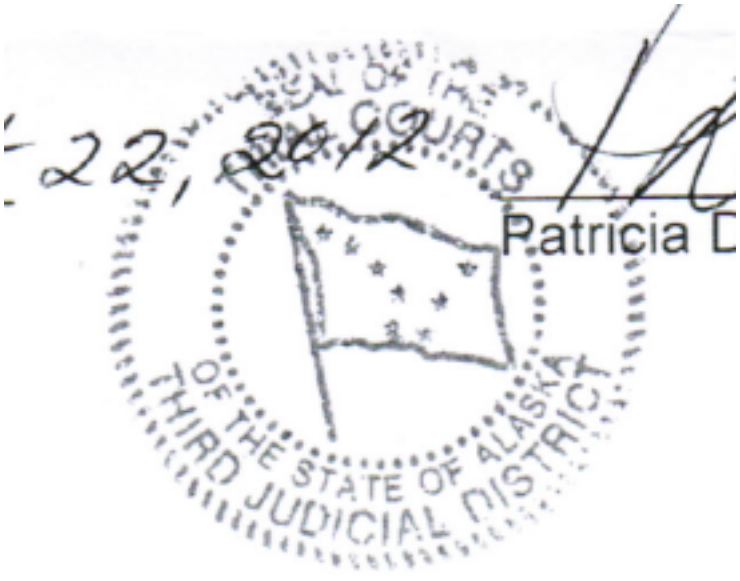
domination" is nothing short of Treason and "are not dependent on government" is beyond shocking!

F. Undersigned Jurist Torrisi and Undersigned Jurist White Have No Authority Arising From Any Constitution or Statute of Any of the several States.

As the undersigned jurist Torrisi and the undersigned jurist White have no "Office" created by the Constitution of Alaska or the Legislature that they have "entered" by the evidence of an "Oath of Office as a public Officer" as mandated by Article XII Section 5 and ©AS 22.10.110—Oath of Office; and, undersigned jurist Torrisi and the undersigned jurist White has no evidence of being "Appointed" under the signature of the Governor of Alaska with a verified signature by a "Civil Commission" as mandated by Article IV Section 5–-Nomination and Appointment; and, as undersigned jurist Torrisi and the undersigned jurist White holds private court "IN THE SUPERIOR COURT FOR THE STATE OF ALASKA" as evidenced in all of his "orders" instead of the constitionally created court of the "Superior Court of Alaska" in Ch. 50 SLA 1959 evidenced in **Appellate Brief Attachment 15**; and, undersigned jurist Torrisi and the undersigned jurist White uses the fictional Venue and fictional Jurisdiciton of the "THIRD JUDICIAL DISTRICT" that the "Alaska Bar Association" uses and created (sic) as found in their "Rule 9. General Principles and Jurisdiction", "Rule 34. General Principles and Jurisdiction" and **"**Article I. Name and Organization, Section 6 Administrative Districts" therein all of undersigned jurist Torrisi and the undersigned jurist White ORDER's are Null and Void ab initio.

And as undersigned jurist Torrisi and the undersigned jurist White **instead of the** Statutory Venue; and personal and subject matter Jurisdiction **of the "**Third District**" for the "**Superior Court of Alaska**" established in** Ch. 50 SLA 1959 **by the** Legislature of Alaska **as evidenced in the Appellate Brief Attachment 15 and codified in** ©AS 22.10.010**; and,** the undersigned jurist Torrisi and the undersigned jurist White **uses the fictional Seal "**Consolidated Trial Court**" as evidenced in** Administrative Rule 4(d)**, to wit:**

> **d) Seal of the Consolidated Trial Courts.** In those court locations where the superior and district courts have been consolidated for administration and when ordered by the presiding judge of the district, the seal for the superior and district courts is a vignette of the official flag of the state with the words "Seal of the Trial Courts of the State of Alaska" and a designation of the district surrounding the vignette.



instead of the constitutional Seal of the Third District of the Superior Court of Alaska evidenced, to wit:

G. Office Created by the Constitution or the Legislature.

a. The undersigned jurist Torrisi and the undersigned jurist White have no "**Office**" created by the Constitution of Alaska or the Legislature of Alaska that they have entered as evidenced by an "Oath of Office as a Public Officer." Venue, Personal, and Subject Matter Jurisdiction created by the "Alaska Bar Association" has no "force and effect of Law" and is in violation of the Constitution of Alaska, the Statutes of Alaska, the Constitution of the United States, and Declaration of Independence. "That to secure these rights, Governments are instituted among Men, **deriving just powers from the consent of the governed**."

a. In *Scully v. United States*, 193 F. 185 (Cir.Ct.D.Nev. 1910), to wit:

> **There can be no offices of the United States, strictly speaking, except those which are created by the Constitution itself, or by an act of Congress**, and, **when Congress does so establish an inferior office**, it may authorize the President alone, or the courts of law, or the heads of departments to appoint the incumbent, but no appointee named by the head

> of a department can be considered an officer of the United States, **unless the official making the appointment is authorized by law so to do.** If an official has been appointed in any of the modes indicated in the paragraph of the federal Constitution above quoted, he is an officer of the United States. **If not so appointed, he may be an employer, a contractor, an agent or servant working for the government, and entitled to salary, fees, wages, or other compensation, but he is not, strictly speaking, one of its officers**. The Constitution in the use of the words 'all other officers' indicates clearly that it has provided and **defined the only methods by which its officers can be appointed;** and, **if an appointment is made in any other mode,** the appointee is not an officer of the United States within the meaning of that instrument. 'It is clear,' says the court in the case of *United States v. Schlierholz* (D.C.) 137 Fed. 616, 618, 'that no one can be deemed an 'officer of the United States' unless appointed by the President by and with the advice and consent of the Senate, or appointed by the President alone, or a court of law, or the head of a department; and, if the latter, **Congress must have vested that power in the person making it, by some statute, and Congress must also have created the office, unless it is one created by the Constitution itself**.'

b. In the adjudged decision of *State v. Hawkins*, 257 P. 411, 413-418 (Sup. Ct. Mont. 1927) is an exhaustive examination of the essential elements to be a "public Officer" of a civil nature in any of the several States, to wit:

> After an exhaustive examination of the authorities, we hold that five elements are indispensable in any position of public employment, in order to make it **a public office of a civil nature**: (1) It **must be created by the Constitution or by the Legislature** or created by a municipality or other body through authority conferred by the Legislature; (2) it **must possess a delegation of a portion of the sovereign power of government**, to be exercised for the benefit of the public; (3) the **powers conferred, and the duties to be discharged, must be defined, directly or impliedly, by the Legislature or through legislative authority**; (4) the **duties must be performed independently and without control of a superior power, other than the law**, unless they be those of an inferior or subordinate office, created or authorized by the Legislature, and by it placed under the general control of a superior officer or body; (5) it **must have some permanency and continuity**, and not be only temporary or occasional. In addition, in this state, **an officer must take and file an official oath, hold a commission or other written authority, and give an official bond, if the latter be required by proper authority.** ***[Emphasis added]***

H. No Declaring that the Private Land Claim of Gladden's Attached to the Land Patent is Null and Void.

a. With all of the alleged ORDERs and JUDGMENTs by both Torrisi and White, there has been no overruling, addressing, expunging or in any manner stating that the **Private Land Claim** recorded by Gladden into the **Recording District 307—Bristol Bay with Number "2002-000050-0**" where Gladden has attached to the Land Patent is invalid, of no effect or incorrect in any manner.

b. This is further evidenced the City of Dillingham "selling" of Gladden's Land, Private Property and Personal Property with **Two Lis Pendens on file and recorded in the Public Record, one of which being PRIOR to the City of Dillingham's sale (sic) of Gladden's Land, Private Property and Personal Property being (1) Lis Pendens** ," filed in Case 3DI-11-118 CI evidenced in the public filing of "**2011-000334-0 Recording Dist: 307 – Bristol Bay 9/13/2011 2:31 PM Pages 1 of 2.**", and (2) **Lis Pendens** filed in Case 3DI-12-36 CI evidenced in the public filing of "**2012-000326-0 Recording Dist: 307 – Bristol Bay 6/18/2012 10:49 AM Pages 1 of 5.**"

I. No "Warranty Deed" or "Abstract of Title" Available on Gladden's Land and Private Property Sold.

c. Therein as evidenced in the **Appellate Brief Attachment 11—Quit Claim "all interests which GRANTOR has, if any, in that certain real property" "hereby acknowledged, conveys and quitclaims"** flows ***a fortiori*** that the City of Dillingham's Quitclaim Deed (**A11—Quit Claim) dated September 22nd, 2011 DOES NOT Warrant** any of the rights of property with the right of possession in **Ekuk Properties LLC**; and, does NOT warrant that any issues of property are vested in **Ekuk Properties LLC**; and, does NOT warrant that there were no encumbrances, claims or interests upon

Land on September 22st, 2011 including Notices of Federal Tax Liens and State of Alaska CSSD Liens; and, does NOT warrant that there was no Cloud Upon the Title on September 22st, 2011; and, does NOT grant to **Ekuk Properties LLC** a Perfect Legal Title consisting of "possession," the "right of possession," and the "right of property" for a Perfect Legal Title to the Land. All **Ekuk Properites LLC** can claim at best is mere "naked possession."

VII. Conclusion

a. Gladden still holds an **absolute fee simple** to his Land and personal property tied directly to the unambiguous homestead Statutes of the United States that can't be defeated by interlopers and criminals posing as government officials, lawyers and having "undersigned jurists" exercising no judicial Power of any of the several States in a fictitious Venue; and personal and subject matter jurisdiction established by the Alaska Bar Association.

b. And further, the "undersigned jurist White's" dismissal of Gladden's Complaint with Attachments should be Vacated for all of the reasons above as she has no "Office", no "Oath of Office as a public Officer", has never been appointed to any public Office of the State of Alaska, is presiding in a private fictional Court with the wrong name, a fictional venue and a fictional judicial district precluding all jurisdiction of both constitutional, personal jurisdiction, and venue, and constitutional subject matter and venue.

And further, Gladden's Land, Private Property and Personal property should be immediately returned as there was no constitutional authority to sell said Land, Private Property and Personal property.

And further, all of the "undersigned jurist Torrisi's" and the "undersigned jurist White's" ORDERs, Judgments and Decrees should be Vacated and declared "null and void" *ab initio*.

And further, a bona fide "public Officer of the State of Alaska" should be found when all of the prescribed documents are in order as mandated, then Gladden's Case should be assigned to the "Superior Court of Alaska" in the "Third District" in Dillingham.

And further, if Boyd and Chandler are not legally responsible for all of the illegal and unlawful actions to date in Gladden's case, including withholding of impeachment evidence and the mandating that Gladden terminate two cases for the City of Dillingham to obey a Statute of Alaska to account for the money taken in and the filing of all documents in courts not established by the Legislature of Alaska in the proper Venue and personal and subject matter jurisdiction; therein, it is admitted according to the Professional Code of Conduct that Boyd and Chandler WERE operating on the knowledge and intentional instructions of the City of Dillingham.

And further, both the City of Dillingham and Boyd/Chandler ARE responsible for the prosecution of Gladden criminally by Montgomery for Boyd/Chandler/Falconer's failure to first secure the appropriate contract, and, with Boyd/Chandler/Montgomery having no authority to act as a Public Prosecutor, proceeded after informing their client as

mandated by the Professional Code of Conduct under the direct orders of the City of Dillingham, all in violation of the Constitution of Alaska and the Statutes of Alaska.

My Hand,

Certificate of Service

I certify that a true and correct copy of this Reply Brief was delivered to the following parties and said office by USPS first Class Mail Prepaid, to wit:

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