

APPENDIX A

NOTICE

Memorandum decisions of this Court do not create legal precedent. See Alaska Appellate Rule 214(d) and Paragraph 7 of the Guidelines for Publication of Court of Appeals Decisions (Court of Appeals Order No. 3). Accordingly, this memorandum decision may not be cited as binding authority for any proposition of law, although it may be cited for whatever persuasive value it may have. See McCoy v. State, 80 P.3d 757, 764 (Alaska App. 2002).

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

RALPH LOREN BARENZ II,

Appellant,

v.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-12428
Trial Court No. 3PA-14-02277 CR

MEMORANDUM OPINION

No. 6792 — May 15, 2019

Appeal from the Superior Court, Third Judicial District, Palmer,
Eric Smith, Judge.

Appearances: Ralph Loren Barenz II, *in propria persona*,
Wasilla. RuthAnne B. Bergt, Assistant Attorney General,
Office of Criminal Appeals, Anchorage, and Jahna Lindemuth,
Attorney General, Juneau, for the Appellee.

Before: Allard, Chief Judge, Harbison, Judge, and Coats, Senior
Judge.*

Judge ALLARD.

Ralph Loren Barenz II was convicted, following a jury trial, of first-degree
sexual assault for sexually assaulting fifteen-year-old K.E. Barenz has filed a *pro se*

* Sitting by assignment made pursuant to Article IV, Section 11 of the Alaska
Constitution and Administrative Rule 23(a).

strangled her with both of his hands. K.E. testified that she "saw stars" and blacked out for some period of time. According to K.E., she thought Barenz was going to kill her.

K.E. testified that she eventually stopped struggling in hopes that Barenz would stop strangling her. She told him "I'll do it and I'll be quiet." Barenz flipped K.E. over, pushed her face into the tent floor, and penetrated her vagina with his penis.

After the assault, Barenz lay down on his mattress and fell asleep. Once Barenz was asleep, K.E. put on her clothing and went outside to find her sister.

K.E. was unable to wake her sister, who was lying asleep in Barenz's camper. K.E. ran to another nearby camper and told the people inside what happened. They called 911, reporting that a highly intoxicated young girl was in their camper saying that someone "choked and raped her."

Alaska State Troopers arrived in response to the call. The troopers noticed a red mark on the left side of K.E.'s neck and petechiae on her face and neck. The troopers went to the campsite to get A.E., who was asleep and difficult to wake. When she woke up, A.E. was "totally out of it" and did not know where she was. K.E. and A.E. were transported to the Children's Place in Wasilla, where both girls were interviewed and K.E. was medically examined.

The medical examination revealed petechiae from K.E.'s jawline to the outside of her ear, on her eyelids, and on both cheeks. The nurse who conducted the medical examination testified that the appearance of K.E.'s petechiae was consistent with strangulation and occlusion of the jugular veins. K.E. had linear abrasions on the left side of her face and on her neck, clavicle, and breastbone. There were bruises on her back and right arm, and abrasions on her right elbow and left leg. K.E.'s earrings and nose ring had been ripped out. An examination of K.E.'s genitals showed vaginal abrasions. Forensic testing later revealed Barenz's DNA on K.E.'s vaginal and cervical swabs, as well as under K.E.'s fingernails.

Barenz argues that it was error to allow the State to introduce a redacted version of Barenz's interview with the trooper. Fourth, Barenz argues that his *Miranda* rights were violated and his statements to the trooper should have been suppressed. Lastly, Barenz argues that the prosecutor committed prosecutorial misconduct and that cumulative error requires reversal of his conviction.

We now address each of these claims.

Barenz's claim regarding the violation of the protective order

Prior to trial, Barenz's attorney moved for a protective order prohibiting any testimony or evidence of (1) accusations of drug possession or distribution related to pending drug charges against Barenz, and (2) use of the word "homeless" to describe Barenz. The trial court granted the protective order, although it allowed the State to introduce evidence that Barenz gave K.E. and A.E. marijuana. The trial court instructed the parties to tell witnesses not to use the word "homeless," although the court acknowledged that the jury would hear testimony that Barenz was living in a tent and the jury would "conclude what they do from [that] fact."

At trial, the prosecutor played a video-recording of K.E.'s interview with a trooper. In the interview, K.E. mentions that Barenz is "homeless" and that "he kind of has an apartment but he stays out at the campsite." Although the prosecutor agreed to mute that portion of the recording, she failed to do so when the recording was played to the jury because of her unfamiliarity with the playback software.

Barenz's attorney argued that the violation of the protective order required a mistrial. The trial court found that the violation was "at most" negligent. The trial court also found that the violation was not prejudicial and that any prejudice could be cured by an appropriate jury instruction (which Barenz's attorney declined, asserting that it would only draw more attention to the matter).

tainted conviction, a defendant's due process rights are violated and reversal must occur.⁶ But *Napue* is inapposite to this case. Although Barenz has identified inconsistencies in K.E.'s testimony, he has not established that her testimony was false. Because Barenz has not shown that K.E. perjured herself, let alone that she did so with the State's knowledge or the knowledge of the trial court, we find no merit to this claim of error on appeal.

We also find no merit to any claim of legal insufficiency (to the extent that Barenz is bringing such a claim). When we review the sufficiency of the evidence to support a conviction, we do not reweigh the evidence or judge the credibility of witnesses.⁷ Those are matters for the jury to decide.⁸ Instead, we view the evidence, and any reasonable inferences from the evidence, in the light most favorable to upholding the jury's verdict.⁹ We then determine whether, viewed in that light, the evidence was sufficient for a reasonable juror to find each element proved beyond a reasonable doubt.¹⁰ Viewing K.E.'s testimony, the medical evidence, and the forensic evidence in that light, we conclude that the evidence was sufficient to establish the crime of first-degree sexual assault beyond a reasonable doubt.

⁶ *Id.* at 270, 272.

⁷ *Morrell v. State*, 216 P.3d 574, 576-78 (Alaska App. 2009).

⁸ *Id.*; see also *Anthony v. State*, 521 P.2d 486, 492 (Alaska 1974) ("The assessment of witness credibility is exclusively within the province of the jury."); *Daniels v. State*, 767 P.2d 1163, 1167 (Alaska App. 1989) (rejecting defendant's request that the court review the credibility of a witness as it is a question exclusively for the jury).

⁹ See *Iyapana v. State*, 284 P.3d 841, 848-49 (Alaska App. 2012) (citing *Morrell v. State*, 216 P.3d 574, 576 (Alaska App. 2009)).

¹⁰ See *id.*

that these minor discrepancies in transcription would have resulted in any prejudice to Barenz.

Barenz's claim that his Miranda rights were violated

Barenz argues for the first time on appeal that his *Miranda* waiver was invalid and that the statements made by him during the police interview should be suppressed. This claim is not preserved for appeal because it was never raised in the trial court.¹³ In *Moreau v. State*, the Alaska Supreme Court held that, absent “singularly egregious” circumstances, a defendant is not allowed to raise arguments for suppression of evidence for the first time on appeal, even under the rubric of plain error.¹⁴ *Moreau* involved a Fourth Amendment claim raised for the first time on appeal, but this Court has applied the *Moreau* rule to a *Miranda* claim raised for the first time on appeal.¹⁵

The record shows that Barenz received full *Miranda* warning and that he waived his *Miranda* rights. On appeal, Barenz argues that this waiver was invalid because the officer failed to inform him of the specific criminal charges he was facing. The State argues that the officer was under no duty to do so.¹⁶ The State also argues that this omission did not alter the voluntariness of Barenz's waiver.

We conclude that, even assuming *arguendo* that there is any merit to Barenz's *Miranda* claim, this claim does not represent the type of “singularly egregious”

¹³ See Alaska R. Crim. P. 12(b)(3), (e); see also *Moreau v. State*, 588 P.2d 275, 280 (Alaska 1978) (holding that claims involving the exclusionary rule cannot generally be raised for the first time on direct appeal).

¹⁴ See *Moreau*, 588 P.2d at 280 n.13.

¹⁵ See *id.* at 279; *Longley v. State*, 776 P.2d 339, 343-44 (Alaska App. 1989).

¹⁶ See *Strehl v. State*, 722 P.2d 226, 228 (Alaska App. 1986).

appear to be fair inferences to be drawn from the record. To the extent that some of these statements may have been inaccurate, we conclude that those inaccuracies were relatively minor and adequately addressed by the trial court's admonition to the jury that attorney statements are not evidence.¹⁸

Barenz also argues that the doctrine of cumulative error requires reversal of his conviction. In *Crawford v. State*, we explained that "a claim of cumulative error is really a claim of cumulative prejudice."¹⁹ The doctrine of cumulative error "applies in cases where the total impact of the errors at trial is so prejudicial that the defendant was deprived of a fair trial, even if each individual error was harmless."²⁰ In the current case, we have not found any error, and the doctrine of cumulative error is therefore inapplicable.

Lastly, we note that Barenz's briefing on appeal is sometimes difficult to understand, and he may have intended to raise other claims of error besides the ones we have discussed here. To the extent that Barenz may be attempting to raise other claims in his brief, we conclude that these claims are inadequately briefed for purposes of appellate review.²¹

¹⁸ See *Bradley v. State*, 197 P.3d 209, 216 (Alaska App. 2008) (holding that jurors are presumed to follow the trial court's instructions).

¹⁹ *Crawford v. State*, 337 P.3d 4, 34 (Alaska App. 2014).

²⁰ *Id.* at 34 (internal quotation marks omitted); see also *Sawyer v. State*, 244 P.3d 1130, 1137-38 (Alaska App. 2011).

²¹ See, e.g., *A.H. v. W.P.*, 896 P.2d 240, 243-44 (Alaska 1995); *Petersen v. Mutual Life Ins. Co. of New York*, 803 P.2d 406, 410 (Alaska 1990); *Nason v. State*, 102 P.3d 962, 964 (Alaska App. 2004).

APPENDIX B

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT PALMER

State of Alaska,
vs.
Ralph Loren Barenz II,
Plaintiff,
Defendant.

CASE NO: 3PA-14-02277CR

**AMENDED
JUDGMENT AND ORDER
OF COMMITMENT / PROBATION**

DOB: 05/09/1981
APSIN: 6788259 ATN: 114628716
DL/ID: 6788259 ST: AK CDL

Plea: Guilty Not Guilty No Contest
Plea Agreement: Yes No Partial
Trial: Court Jury

Defendant has been convicted of:

CTN:	Offense Date:	Offense:	Class:	DV Offense per AS 18.66.990(3),(5) (Yes or No)
001	08/05/2014	AS11.41.410(a)(1): Sex Assault 1- Penetrate w/o Consent	Unclassified Felony	No
002	08/05/2014	AS11.41.220(a)(1)(A): Assault 3- Cause Fear Of Injury w/ Weap (merged with CTN: 001)	C Felony	No
003	08/05/2014	AS11.41.220(a)(1)(B): Assault 3- Cause Injury w/ Weap (merged with CTN 001)	C Felony	No
004	08/05/2014	AS11.41.436(a)(1): Sex Abuse Minor 2- Penetrate, Vic 13-15 (merged with CTN 001)	B Felony	No

Defendant came before the court on September 11, 2015 with counsel, Public Defender Agency (3PA), and the District Attorney present.

SENTENCE

A. INCARCERATION

It is ordered that the defendant is committed to the care and custody of the Commissioner of the Department of Corrections for the following period(s):

CTN: 001 Period: THIRTY years with FIVE years suspended. The unsuspended TWENTY FIVE years shall be served immediately.

Total unsuspended term of incarceration: _____

Defendant to be credited for time already served in this case.

B. FINES

The Defendant is fined as follows:

CTN: Fine:

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C. SURCHARGES

1. Police Training Surcharge. The defendant shall pay the following police training surcharge(s) to the court pursuant to AS 12.55.039 within 10 days:

CTN: Surcharge:
001 \$100 (Felony) \$75 (DUI/Refusal) \$50 (Misd) \$10 (Infrac)

2. Initial Jail Surcharge. Defendant was arrested and taken to a correctional facility or is being ordered to serve a term of imprisonment. Therefore, the defendant immediately pay a correctional facilities surcharge of \$100 per case to the Department of Law Collections Unit, 1031 W. 4th Ave., Suite 200, Anchorage, AK 99501 AS 12.55.041(b)(1).

3. Suspended Jail Surcharge. Defendant is being placed on probation. Therefore, the defendant pay an additional \$100 correctional facility surcharge. This surcharge is suspended and must only be paid if defendant's probation is revoked and, in connection with the revocation, defendant is arrested and taken to a correctional facility or jail time is ordered served. AS 12.55.041(c).

D. LICENSE ACTIONS

1. License Revocation. The defendant's driver's license is revoked for _____
 days years _____, and shall be immediately surrendered to the court.

Mandatory Revocation

- A motor vehicle was used in commission of the offense—AS 28.15.181(a)
- Drug offense (age 13-20) or offense involving a firearm (age 13-17)—AS 28.15.185
- Driving a commercial motor vehicle without being lawfully licensed—AS 28.33.150

Optional Revocation

- Motor vehicle offense resulting in accident causing death—AS 28.15.182

Commercial Vehicle Used in the Offense

- Weighing more than 26,000 pounds
- Designed to transport >15 passengers
- Used to transport hazardous materials

2. Limited License. The court will not consider issuing a limited license unless all the conditions in AS 28.15.201 and .181 or .182 are met.

The conditions of the statutes have been met.

A limited license is granted as follows: _____

E. DNA IDENTIFICATION

If this conviction is for a "crime against a person" as defined in AS 44.41.035, or a felony under AS 11 or AS 28.35, the defendant is ordered to provide samples for the DNA Registration System when requested to do so by a health care professional acting on behalf of the state and to provide oral samples for the DNA Registration System when requested by a correctional, probation, parole or peace officer. AS 12.55.015(h).

F. RESTITUTION

Defendant is ordered to pay restitution as stated in the Restitution Judgment (form CR-465) and to apply for an Alaska Permanent Fund Dividend, if eligible, each year until restitution is paid in full. The amount of restitution will be determined as provided in Criminal Rule 32.6(c)(2).

G. OTHER

H. PROBATION

After serving any term of incarceration imposed, the defendant is placed on probation for FIFTEEN months years under the following conditions:

GENERAL CONDITIONS OF PROBATION

1. Comply with all direct court orders listed above by the deadlines stated.
2. Report to the Department of Corrections Probation Office on the next business day following the date of sentencing, or, if time is to be served prior to probation, report to the Department of Corrections Probation Office on the next business day following release from an institution.
3. Secure the prior written permission of a probation officer of the Department of Corrections before changing employment or residence or leaving the region of residence to which assigned.
4. Make a reasonable effort to secure and maintain steady employment. If you become unemployed, notify a probation officer of the Department of Corrections as soon as possible.
5. Report in person between the first day and the tenth day of each month, or as otherwise directed, to your assigned office of the Department of Corrections. Complete in full a written report when your probation officer is out of the office to ensure credit for that visit. You may not report by mail unless you secure prior permission to do so from your probation officer.
6. At no time have under your control a concealed weapon, a firearm, or a switchblade or gravity knife.
7. Do not knowingly associate with a person who is on probation or parole or a person who has a record of a felony conviction unless prior written permission to do so has been granted by a probation officer of the Department of Corrections.
8. Make a reasonable effort to support your legal dependents.
9. Do not consume intoxicating liquor to excess.
10. Comply with all municipal, state and federal laws.
11. Report all purchases, sales, and trades of motor vehicles belonging to you, together with current motor vehicle license numbers for those vehicles, to your probation officer.
12. Upon the request of a probation officer, submit to a nonconsensual, warrantless search of your person, personal property, residence or any vehicle in which you may be found, for the presence of alcohol, illegal controlled substances, firearms, or concealable weapons.
13. Abide by any special instructions given by the court or any of its duly authorized officers, including probation officers of the Department of Corrections.

SPECIAL CONDITIONS OF PROBATION

1. The defendant shall not use, possess, consume, ingest or have in any of his bodily fluids any alcohol or illegal controlled substances, including synthetic drugs and marijuana. Defendant shall notify their Probation officer within 48 hours of all medication prescriptions and sign a release of information allowing a Probation officer to verify the prescription.
2. The defendant shall obtain a substance abuse evaluation from an approved substance abuse provider within 30 days of his release from incarceration and make the results of the evaluation available to the probation/parole officer.
3. The defendant shall actively participate in and successfully complete an approved substance abuse program if recommended by the evaluation, which may include a residential treatment program of up to ONE year, at the direction of the probation/parole officer. The defendant shall not discontinue treatment without the prior written approval of his probation/parole officer.
4. The defendant shall immediately submit to a breath analysis test, oral analysis, urinalysis and/or blood analysis by a medical doctor or medical laboratory to determine the use of illegal controlled substances and/or alcoholic beverages when directed to do so by a peace officer or a probation/parole officer of the Department of Corrections.
5. The defendant shall not at any time have on his person, in his residence, or in his control, any paraphernalia normally associated with the growing, manufacturing or use of illegal controlled substances, and will at the request by or direction of a probation/parole officer submit to a search of his person, personal property, residence, vehicle, or any vehicle over which he has control, for the presence of same.
6. The defendant shall not possess, apply for, or obtain a medical marijuana card while under supervision.
7. The defendant shall not associate with known users or traffickers of illegal controlled substances.
8. The defendant shall not enter into bars or liquor stores.
9. The defendant shall not reside in any residence where alcoholic beverages are present.
10. The defendant shall not drive unless properly licensed and insured and must provide proof of said items to the probation officer.
11. The defendant shall obtain a psychiatric or psychological evaluation for purposes of mental health counseling within 90 days of being placed on probation. Defendant shall be required to authorize the provider to release the results of the evaluation to the probation/parole officer upon completion.
12. The defendant shall actively participate in and successfully complete mental health counseling as indicated in the mental health evaluation and as directed by the probation/parole officer.
13. The defendant shall make reasonable efforts to pay restitution to the victim(s) as set for the in the restitution judgment

14. The defendant, while in custody and if offered by the Department of Corrections, enter and successfully complete a Sex Offender Treatment Program.

15. The defendant shall obtain a sex offender evaluation/risk assessment from a DOC approved sex offender treatment provider to determine the need for sex offender monitoring/counseling/treatment and follow all recommendations.

16. The defendant shall continue active participation and attendance in Alaska Department of Corrections approved sex offender programming to the probation officer's satisfaction. The probationer shall obtain prior permission of the probation officer before voluntarily discontinuing sex offender programming. If released, removed or terminated from treatment (temporarily or permanently) for any reason, the probationer shall notify the probation officer on the next working day.

17. The defendant shall actively participate in Alaska DOC approved programming as directed by the probation officer. The probationer shall sign and abide by all conditions of the treatment program, which will include regular periodic polygraph examinations and may include plethysmograph assessment, and physiological and/or psychological testing, as well as other methods of ongoing assessment.

18. The defendant shall sign releases of information to authorize the exchange of verbal and written information between the assessment provider, treatment provider, polygraph examiner and Alaska DOC staff members. Additionally, during the course of supervision and treatment, the probation officer shall authorize the exchange of information with other individuals who are identified by the probation officer as having an essential role in supervision and treatment in the community, including, but not limited to medical/mental health/psychiatric providers, substance abuse treatment providers, physiological assessment technicians, and clinicians providing treatment to victims and/or family members.

19. The defendant shall, if decided appropriate by his probation officer and sex offender treatment provider, enter and successfully complete any other Department approved programs, including but not limited to substance abuse treatment and domestic violence programming. The probationer shall sign releases of information to enable other programs to exchange verbal and written information with the probation officer and sex offender treatment provider. The probationer shall, if determined necessary by an appropriate mental health or substance abuse professional, enroll in a residential mental health or substance abuse program for a length of time determined necessary by the appropriate professionals. The probationer shall also comply with use of medications prescribed as part of the treatment program.

20. The defendant shall submit to the collection of a buccal swab and taking of fingerprints for the purpose of creating a DNA identification system pursuant to AS 44.41.025 and AS 44.41.025.

21. The defendant shall have no contact with his victim (s). Contact includes but not limited to no in-person contact, no written correspondence, no taped conversations, no electronic contact (internet or e-mail), no telephone contact, no stalking, no harassment and no communication of any nature through a third party, without the prior written permission of the probation officer and the sex offender treatment provider. The probationer shall not enter onto the premises, travel past, or loiter near the victim's residence, place of employment, or other places frequented by the victim.

22. The defendant shall not knowingly have any contact with a person under sixteen (16) years old, unless in the immediate presence of another adult who knows the circumstances of his crime (including the assault cycle of the crime, if appropriate). This adult must be approved by a probation officer, who must provide written permission in order for contact to occur. This restriction regarding in-person contact with minors includes employment, recreational and residential situations, and subsistence activities, unless the contact with a minor has been pre-approved in writing by the probation officer. Contact includes but is not limited to no in-person contact, no written correspondence, no taped conversations, no electronic contact (internet or e-mail), no telephone contact, no stalking, no harassment and no communication of any nature through a third party, without the prior written permission of the probation officer and the sex offender treatment provider. This restriction does not prohibit incidental contact in public locations and does not prohibit conversations in public with a minor employee of a business. This restriction does not prohibit contact with the defendant's minor family members while he is incarcerated.

23. The defendant shall not accept employment, educational programming, or engage in any volunteer community activity, to include subsistence activities where minors under sixteen (16) years of age are present without the prior written permission of the probation officer.

24. The defendant's residence shall be subject to the approval of his probation officer, and if decided appropriate, limited to communities with an adult probation office is located.

25. The defendant shall not reside in a dwelling in which a minor under the age of 16 is residing or staying without the written permission of his probation officer, his sex offender treatment provider and the parent/guardian of the minor.

26. The defendant shall advise all members of the household in which he is residing of his criminal history, even when the residence is temporary. The probation officer may discuss the circumstances of the offender's criminal history with any household member.

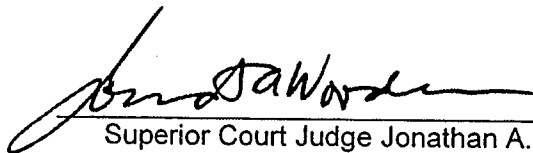
27. The defendant shall not knowingly associate with other felons unless they are in a treatment program together and have a specific assignment from the approved treatment provider that requires collaborative work.

28. The probationer shall inform all persons in any household where he lives with whom he has a significant personal relationship, or with whom he is closely affiliated in a club or employment situation such as his employer, of the probationer's sexual offending history. Persons required to be informed will be determined in consultation with the approved treatment provider and the probation officer.

29. Upon release from incarceration, register as a sex offender with the State of Alaska Department of Public Safety in accordance with the registration requirements under AS 12.63.010 and AS 12.63.020.

July 18, 2017

Effective Date



Superior Court Judge Jonathan A. Woodman

NOTICE TO DEFENDANT

You are advised that according to the law, the court may at any time revoke your probation for cause or modify the terms or conditions of your probation. You are subject to arrest by a probation officer with or without a warrant if the officer has cause to believe that you have violated a condition of your probation. You are further advised that it is your responsibility to make your probation officer aware of your adherence to all conditions of probation set forth above.

Sentence Appeal. If you are ordered to serve more than two years in jail, you may appeal the sentence to the court of appeals on the ground that it is excessive. (However, you may not appeal the sentence as excessive if it was imposed in accordance with a plea agreement that provided for a specific sentence or a sentence equal to or less than a specified maximum sentence. If the sentence was imposed in accordance with a plea agreement that provided for a minimum sentence, you may appeal as excessive only the part of the sentence that is longer than the minimum sentence by more than two years.) Your appeal must be filed within 30 days of the date of distribution stated below. If you are sentenced to serve two years or less in jail, you may seek review of your sentence by filing a petition for review in the supreme court. To do this, you must file a notice of intent to file a petition for sentence review within 10 days of the date of distribution stated below. See Appellate Rules 215 and 403(h) for more information on time limits, procedures and possible consequences of seeking review of your sentence.

- REGISTRATION REQUIREMENT.** Because you have been convicted of one of the offenses listed in AS 12.63.100, you must register as described in the attached form (CR-471, Sex Offender and Child Kidnapper Registration Requirements).

I certify that on _____ a copy of this judgment was sent to:

District Atty _____
by mail other

Defense Atty _____
by mail other

Pro Per Defendant _____
by mail other

DOC / Adult Probation
Judicial Assistant: _____

I certify that on 8/1/17 a copy of this judgment was sent to:

District Atty _____ by mail other

Defense Atty _____ by mail other

Defendant by mail other

Exhibit Clerk Adult Probation

Police/AST DPS-Fingerprint Section

Jail DPS - R&I - Anchorage

CFEC _____

VPSO/Village Council at _____

DMV-mail to 1300 W. Benson Blvd., Anch., AK 99503
 with surrendered license/ID # _____

Clerk: JCassidy

APPENDIX C

In the Supreme Court of the State of Alaska

Ralph L Barenz, II,
Petitioner,

v.

State of Alaska,
Respondent.

Supreme Court No. S-17487

Order
Petition for Hearing

Date of Order: **8/21/2019**

Court of Appeals No. **A12428**

Before: Bolger, Chief Justice, Winfree, Stowers, Maassen, and
Carney, Justices

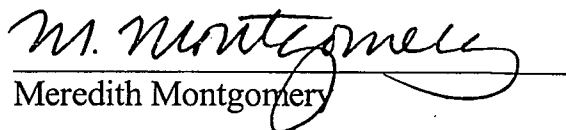
On consideration of the Petition for Hearing filed on **7/17/2019**, and the
response filed on **8/15/2019**,

IT IS ORDERED:

The Petition for Hearing is **DENIED**.

Entered by the direction of the court.

Clerk of the Appellate Courts


Meredith Montgomery

cc: Supreme Court Justices
Court of Appeals Judges
Palmer Trial Court Appeals Clerk

Distribution:

Mail:
Barenz, II, Ralph L
Beach, Ruthanne B.

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Ralph Loren Barenz II, PETITIONER

VS.

State of Alaska, RESPONDENT

AFFIDAVIT IN SUPPORT OF NO OPPITION FOR REHEARING IN THE ALASKA SUPREME COURT

I Ralph L. Barenz II, depose and state:

1. I am a pro se litigant in the above stated case.
2. Acording to Alaska R. App. Proc. 303 Procedure on petition for hearing, (e) Petition for Rehearing. -- A petition for rehearing may not be filed in connection with the grant or the denial of a petition for hearing.

Further your affiant sayeth naught.

Ralph L. Barenz II
pro se litigant

SUBSCRIBED AND SWORN to before me on _____, 2019.

Notary Public in and for Alaska:
My commission expires: _____