

IN THE SUPREME COURT OF THE UNITED STATES

RALPH LOREN BARENZ II,

Petitioner,

vs.

STATE OF ALASKA,

Respondent.

Supreme Court Case No. 19-6648

PETITION FOR REHEARING

## VRA CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of a victim of sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any offense unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court. I further certify that the font used is the only font provided by the department of corrections.

## Introduction

The petitioner, Ralph L. Barenz II, comes now in capacity of propria persona, asks now for leniency because, "pleadings and documents filed by pro se litigants are to be 'liberally construed', and a pro se complaint, however inartfully pleaded must be held to a less stringent standard than formal pleadings drafted by lawyers." Erickson v. Pardus, 551 U.S. 89, 94 (2007)

## Summary

The petitioner filed a "WRIT OF CERTIORARI" and as of January 13, 2020, this court has denied the Writ.

The petitioner believes that this is an unfair decision by this court and respectfully asks this court to reconsider. There is no way that this court could have reviewed the record involved in the above entitled case. Throughout the entire process of the petitioner's case the lower courts and the State of Alaska by and through its attorneys have failed to review the records and have failed to entertain the merits of the petitioner's claims.

## Argument

It never has been doubted by this court, or any others so far as we know, that notice and hearing are preliminary steps essential to the passing of an enforceable judgment, and that they, together with a legally competent tribunal having jurisdiction of the case, constitute basic elements of the constitutional requirement of due process of law. The words of Webster, so often quoted, that by "the law of the land" is intended "a law which hears before it condemns," have been repeated in varying forms of expression in a multitude of decisions. In Holden v. Hardy, 169 U.S. 366, 389, the necessity of due notice and an opportunity of being heard is described as among the "immutable principles of justice which inhere in the very idea of free government which no member of the Union may disregard." And Mr. Justice Field, in an earlier case, Galpin v. Page, 18 Wall. 350, 368-369, said that the rule that no person shall be personally bound until he has had his day in court was as old as the law, and it meant that he must be cited to appear and afforded an opportunity to be heard. "Judgment without such citation and opportunity wants all the attributes of judicial determination; it is judicial usurpation and oppression, and never can be upheld where justice is justly administered." Powell v. Ala., 287 U.S. 45, 68-69 (1932)

When the State of Alaska and the Alaska Court of Appeals failed to review the trial record and to answer the petitioner's claims, they failed to grant the petitioner a real hearing. When the Alaska Supreme Court and this Court failed to even read the petitioner's applications for relief they also failed to give the petitioner a real hearing. How is this due process? It's not, it is a sham.

Fundamental too in the concept of due process, and so in that of liberty, is the thought that condemnation shall be rendered only after trial. Scott v. McNeal, 154 U.S. 34; Blackmer v. United States, 284 U.S. 421. The hearing, moreover, must be a real one, not a sham or a pretense. Moore v. Dempsey, 261 U.S. 86; Mooney v. Holohan, 294 U.S. 103. Palko v. Connecticut, 302 U.S. 319, 327-328 (1937)

The petitioner was entitled to a real hearing, not the sham or pretense that he was given in the lower courts. If this court does not step in now then where can the petitioner go? This is the last line of defense.

Lastly in the Annotations for USCS Supreme Ct R 39 you see:

This Court once had a great tradition: All men and women are entitled to their day in Court. [footnote omitted] That guarantee has now been conditioned on monetary worth. It now will read: All men and women are entitled to their day in Court only if they have the means and the money.

So if this court is not reading the petitioner's Writ because of money then

1 the petitioner is willing to pay for his day in court. He has recently found out  
2 that if needed a church friend has agreed to cover the fee by sending the money  
3 directly to the Supreme Court.

## Prayer for Relief

5 The petitioner's prayer is that this court step in and stand against the lack  
6 of due process in the petitioner's case by granting his Petition for Rehearing.  
7 This lack of due process hurts all Alaskan's and the people of this country.

8 The very essence of civil liberty certainly consists in the right of every  
9 individual to claim the protection of the laws, whenever he receives an injury.  
10 One of the first duties of government is to afford that protection. ... The  
11 government of the United States has been emphatically termed a government of  
laws, and not of men. It will certainly cease to deserve this high appellation,  
Marbury v. Madison, 5 U.S. 137, 163 (1803)

Respectfully,

R. H. Basy II

Ralph L. Barenz II  
Pro Se Litigant

Certificate of Service

I certify that a true and correct copy was sent on 02/06/2020, to:

Office of the Clerk  
Supreme Court of the United States  
Washington, DC 20543-0001

Timothy W. Terrell  
Office of Criminal Appeals  
1031 W. 4th Ave. Suite 200  
Anchorage, AK 99501

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3                   Petitioner,

4                   vs.

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}                   Supreme Court Case No. 19-6648

7                   ORDER

8                   IT IS HEREBY ordered that the Petitioner's Petition for Rehearing  
9 is: \_\_\_\_\_

10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15                   Supreme Court Judge

16                   Certificate of Service

17 I certify that a true and correct copy was mail on \_\_\_\_\_, 19\_\_\_\_, to:

18                   Ralph L. Barenz II  
19                   DOC # 511778  
20                   Goose Creek Correctional Center  
21                   22301 W Alsop Rd  
22                   Wasilla, AK 99623

23                   Timothy W. Terrell  
24                   Office of Criminal Appeals  
25                   1031 W. 4th Ave Suite 200  
26                   Anchorage, AK 99501

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7 CERTIFICATE IN SUPPORT OF PETITION FOR REHEARING

8 I, Ralph L. Barenz II, swear, depose, and state:

9 1. I am the Petitioner in the above entitled case.

10 2. The facts alleged in the PETITION FOR REHEARING and WRIT OF

11 CERTIORARI are true to the best of my knowledge.

12 3. The issues raised are "limited to intervening circumstances of

13 substantial [and] controlling effect".

14 4. This petition is not filed for the purpose of harassment or

15 delay, but is filed in good faith.

16

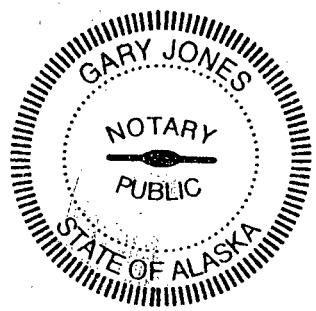
17 Further your affiant sayeth naught.

18

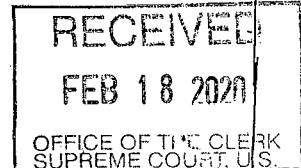
19 

20  
21 Ralph L. Barenz II  
Pro Se Litigant

22 SUBSCRIBED AND SWORN to before me on 02/06, 2020.



  
Notary Public in and for Alaska  
My commission expires: END OF SERVICE



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