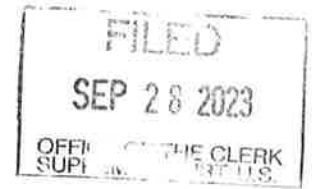


No. 23-5753

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

Ben Latham — PETITIONER
(Your Name)

vs.

State of ALASKA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ALASKA Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Ben Latham
(Your Name)

1400 E. 4th Avenue
(Address)

Anchorage ALASKA 99501
(City, State, Zip Code)

907-727-4093
(Phone Number)

QUESTIONS presented

1. is AS 12 72 020(a)(3)(a) Punitive EX Post facto Prohibited Statute
2. is AS 12 72 020(a)(b) Punitive EX Post facto Prohibited Statute
3. Was Latham denied of the Savings clause of SLA 1995 ch. 79 Sec. 40 under the Fourteenth Amendment.
4. is AS 18 85 100 Punitive EX Post facto Prohibited Statute
5. is AS 12.72.020(a)(3) Constitutional under the Fourteenth Amendment.
6. Was Latham Denied his Sixth Amendment Right to Counsel.
7. IS AS ^{12.72.025} ~~12.72.020~~ Punitive EX Post Facto Prohibited Statute.

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- [] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of counsel for his defense.....

United States Constitution, Amendment XIV The Fourteenth

Amendment States: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws".....

United States Constitution Article. I § 9 Ch. 3 ("No Bill of Attainder or ex post facto Law shall be passed.").....18,24,45

United States Constitution, Amendment I § 10 ("No State shall ... pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts.").....

Alaska Constitution, Article I, Section 1.

Section 1. Inherent Rights

This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.....

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- ☐ reported at ALASKA COURT OF APPEALS; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the ALASKA SUPREME COURT appears at Appendix BC to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 7/7/2023.
A copy of that decision appears at Appendix BC.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Kennedy v. Mendoza-Martinez - Ward 448 U.S. 7, 8,
249, 100 S.Ct. 2636

Latham v. ALASKA Public Defender Agency No. 11494. 15, 29
2006 WL 1667661 (ALASKA June 14, 2006)

Latham v. Palin 251 P3d 341 (ALASKA 2011). 2, 30

Latham v. State 790 P2d. 717 (ALASKA App. 1990) 2, 26, 27

Latham v. State 2003 WL 22256341 (ALASKA App. 15, 29
October 1, 2003)

Kennedy v. Mendoza Martinez - Ward 448 U.S. 249. 7, 28, 31
100 Sct 2636

Kennedy v. Mendoza Martinez 372 U.S. 144, 168-169. 7, 9
83 Sct 554 9 LEd 2d 644 (1963)

Moses v. State Court of Appeals of ALASKA September. 28
19 (2007)

Petition of Runyan 121 Wash 2d 432; 853 P2d 424. 29
429-33 (Wash 1993) (Same)

State v. First Nat'l Bank 660 P2d. 406 418. 24
(ALASKA 1982)

Vlster v. Allan 442 U.S. 149, 154-55. 99 S.Ct. 2213. 28
60 LEd 777 (1979)

United States v. Salerno 481 U.S. 739, 747-51. 8
107 S.Ct. 2095 LEd 2 697 1987

ALASKA Public Defender Agency v. Superior Court 30
 Third Judicial District 343 P.3d 914 (ALASKA App. 2015)

Amin v. State 939 P.2d 413 (ALASKA App. 2015) 11, 29

Bartz v. State 314 or 353, 839 P.2d 217, 221-225 29
 (or 1992) (same)

Blakely v. Washington 542 U.S. 296, 124 S.Ct. 2531 30
 159 L.Ed.403 (2004)

Brown v. State Memorandum Opinion and Judgment 21
 No 1318 at 3 (ALASKA App. February 4, 1987)

Brown v. State Not Reported in P2d 1988 WL 224921 22

Brown v. State 803 P.2d 887, 889 (ALASKA 1990) 22, 26

Commercial Fisheries Entry Comm'n v. Alaska Dep't of Fish & Game
 680 P.2d 486, 489-90 (ALASKA 1984) 24

Hendricks 521 U.S. at 361-71, 117 S.Ct. 2072 8

Grinols v. State 10 P.3d 600 615 (ALASKA App. 2000) 17
 affirmed in part 74 P.3d 889 (ALASKA 2003)

Johnson v. Zerbst 304 U.S. 458, 467-68 58 S.Ct. 1019 29

Jordan v. Houswright 101 Nev. 146 696 P.2d 998 999 29
 (Nev 1985) (time limit upheld)

Kennedy v. Mendoza-Martinez 372 U.S. 144-168 69 7, 9
 83 S.Ct. 554 L.Ed.2d 644 (1963)

STATEMENT OF THE CASE

- ① IN 1998 Ben Latham Filed A Post-Conviction Relief Application under SLA 1995 Ch 79 sec. 9, 44 ALASKA Statute 12.72.010-1-9 that was denied By his Trial Judge Beverly W. Culter, and Latham received ineffective Assistance of Counsel in his First Post-conviction Relief Application and then Received ineffective Assistance of Counsel on Direct Appeal.
- ② In 2018 twenty years Later Latham Filed A Second Post-conviction Relief Application and received ineffective Assistance of Counsel in the Trial Court.
- ③ IN 2018 Latham Filed his Second Post-Conviction Relief Application under AS 12.72.020(a)(3) because his Convictions Were illegal therefor his Sentents were illegal and the Court Failed to Rule that Latham Filed A timely Post Conviction Relief Application since he Suffers from Schizophrenia and Schizoaffective disorder and depression that Precluded the timely assertion of his Claims, that was denied under AS 12.72.
(~~XXXX~~)

020(a)(3)(a) and AS 12.72.020(a)(6) that
Are Punitive Ex Post facto prohibited
Statutes in violation of ARE 1 sec. 9 ch. 3
and ARE 1 Sec. 10 of the United States
Constitution and Latham's Fourteenth Amendment
right To Due Process of Law was violated
when the trial Court Permitted Latham's
Public Defender was allowed to Withdraw
Pursuant to AS. 18.85.100 that is Punitive
Ex Post facto statute, and violates the
Six Amendment to the United States
Constitution.

4. Latham was denied the Savings Clause
of SLA 1995 ch 79 sec. 40 and 41 that
is ran on, before or after July 1, 1995,

REASONS FOR GRANTING THE PETITION

In 1986 Ben Latham was convicted of Robbery in the first degree. The Jury Acquitted him of Grand Theft Auto, but found him Guilty of damaging a stolen vehical in which he allegedly Attempted to Flee the scene of the crime. UPon Conviction Latham Plead no-contest to a Second Charge of criminal mischief in the second degree, for an unrelated Incident, but reserved the right to appeal the trial Courts decision not to supress an electronically recorded conversation in which he alledgedly admitted to all three crimes.

Latham was sentenced to seven years of imprisonment for the robbery and two terms of one and a half years each for the criminal mischief Sentences, which were suspended but were concurrent with each other, but consecutive to the robbery Sentence. Thus Latham's total sentence was eight and a half years, with one and a half years suspended.

In 1987 after the Court Senteced Latham, the Palmer Alaska district Attorney, Eugene B. Cyrus, SEipulated and Consoladated all three Felony

convictions in both cases 3PA-86-1346CR and 3PA-86-1986CR to one case number 3PA-86-1986CR.

The chief executive officer of the Alaska Public Defender Agency at the time in 1986 was Dana Fabb, soon to be Justice Fabb. See, Latham v. Pacin, at 251 P.3d 341 (ALASKA 2011). Latham was then appointed Conflict Counsel, John C. Pharr for the purposes of appeal, through the office of the Public advocacy.

The ALASKA Court of appeals affirmed in Latham v. State 790 P.2d 717 (ALASKA APP 1990) In Alaska there is no statute that gives Appellate Counsel Authority to Appeal an ALASKAN Criminal defendants case to the ALASKA Supreme Court, after the Alaska Court of Appeals denies a defendants appeal.

In 1994 before Lathams Probation for his 1986 convictions ended, Latham was charged with a new charge of Grand theft Auto and criminal mischief in the second degree, for damaging a stolen vehical, both Felonys in ALASKA, in 3AN-94-5044CR.

From July of 1994 to July 1996 Latham was Incarcerated at the Cook inlet Pretrial facility in Anchorage ALASKA.

In 1994 the Honorable Karen L. Hunt appointed the ALASKA Public Defender Agency to represent Latham at trial, and Granted Lathams Pro Se motion to be Co-counsel to work along side his new ALASKA Public Defender David Webber.

In 1994 the state of Alaska moved to revoke Lathams 1986 Probation for criminal mischief in 3PA-86-1986CR of 18 months of Suspended Jail time to be served.

Lathams 1986 Appellate Attorney was John Pharr and he represented Latham in his Probation violation from 1994 to 1997.

In 1997 after Latham entered into a new Plea Agreement, on April 24, 1995 for Criminal Mischief in the second degree, for damaging a stolen vehical, Latham's 1986 Trial Judge was the Honorable Beverly W. Culter and in 1997 she found Latham guilty of his Probation violation from his 1986 criminal mischief convictions, in 3PA-86-1986CR, Since Latham entered into a new Plea Agreement in 3AN-94-5044CR, making Latham a Fourth Felony offender in ALASKA.

In 1994 the United States Supreme Court ordered that all 50 states rewrite thier state Post-conviction

relief statutes to comply with the Federal writ of Habeas corpus statutes under 28 USC 2254 and have them in place by January of 1996 when the Anti-Terrorism and death Penalty Act of 1996 was to be placed into Law.

On February 27th 1995 ALASKA's democratic Governor Tony Knowles stated and expressed to the 19th Alaska Legislature when he introduced to the Legislature the "Prisoner Litigation Act of 1995" SLA 1995 Ch 79 Sec 1-36

In the Governor's Transmittal Letter to the 19th ALASKA Legislature Governor Knowles stated and expressed, "This bill is intended to ensure that offenders focus their attention on their Rehabilitation and reformation, rather than on endless "Recreational" Litigation. The bill is also intended to promote and ensure the finality of Convictions, Preserve the Sanctity of Jury Verdicts, minimize Litigation of Stal Claims and Preserve the unjustified dismissal of a criminal case when Retrospection is not possible.

At the time of the first draft of the Legislation, Governor Knowles implemented a Supremacy clause within the bill. SLA 1995 Ch 79 Sec. 34.

Which states, "Not withstand any other Provision of this act, a Person who's Conviction was entered before July 1, 1994 has untill July 1, 1996 to file a claim under AS 12.72.

Without the Governors intent of the House bill, the 19th ALASKA Legislature Amended SLA 1995 Ch 79 Sec. 1-44, eight times, and the Same day that Latham entered into a new Plea agreement to his Fourth ALASKA Felony offense, on April 24, 1995 Anchorages ex Chief of Police and now Legislature Brian Porter, on the house floor and Just before it was voted on, he ran the entire bill to apply on, before and after the effective date of the act, under Section 41 of SLA 1995 Ch. 79 Sec. 1-44. The effective date of the act was July 1, 1995.

On June 15th of 1995 Governor Knowles Signed SLA 1995 Ch. 79 Sec. 1-44 into Law. On April 24, 1995 Brian Porter decided to run the entire bill to apply on, before and after the effective date of the act, which was to be July 1, 1995, IE was without the Governors intent of the bill.

The Bills intent was to release every Person in ALASKA out of Custody, under Section 40, of SLA. 1995

Ch 79 Sec. 1-44 (hereinafter House Bill 201 of 1995).
And under sec. 40 the Supremacy clause and the new
Appellate Rules, of House Bill 201 of 1995.

Prior to Governor Knowles signing House Bill 201 of
1995 into Law. The Attorney General of ALASKA advised
Governor Knowles that if he signed House Bill 201 of 1995
into Law, he Governor Tony Knowles would be passing the
First Punitive EX Post Facto Prohibited Statute into Law,
in the nation, regarding ALASKAS new Post-conviction
Relief Applications, because when you run AS 12.72.020
(a)(3)(a) and AS 12.72.020(a)(b) retroactive, he would
be signing two Punitive ex Post Facto Statutes into Law,
in violation of Art. 1 Sec. 15 of the ALASKA
Constitution and in violation of Art 1 Sec. 9 Ch. 3
and in violation of Art 1 Sec. 10, of the United States
Constitution, since Ben Franklin and John Adams
wrote and implemented Art 1 Sec. 9 Ch 3 and Art 1
Sec. 10 of the United States Constitution, which states
Art 1 Sec. 9 Ch 3 ("No Bill of Attainder or EX Post
Facto Law shall be Passed") and Art 1 Sec. 10 States,
("No State shall Pass Any Bill of Attainder, EX Post
Facto Law or Law impairing the obligation of Contracts").

In February of 1995 the ALASKA Supreme Court and the ALASKA Bar Association implemented Alaska Bar Rule 64 Mandatory Affidavit of Review of the ALASKA Rules of Professional Conduct 1.4(a)(b)

Communication. John Pharr, Latham's Probation violation Attorney did not sign his mandatory Affidavit of Review, until after the Supremency clause of Sec. 40 ran out. John Pharr signed his mandatory Affidavit of Review on July 10, 1996.

John Pharr was Latham's Attorney From 1987 to 1997. By Brian Porter running House BILL 201 of 1995 retroactive, he has turned House Bill 201 of 1995 a civil Penalty into a Criminal Penalty that applies on, before and after July 1, 1995.

The United States Supreme Court has ruled in Kennedy v. Mendoza-Martinez, "Provide Some Guidance" Ward, 448 U.S. at 249, 100 S.Ct. 2636; Kennedy v. Mendoza-Martinez, 372 U.S. 144, 168-69, 83 S.Ct 554 9 L.Ed 2d 644 (1963), Factors to a broad array of Legislative enactments to determine whether a Sanction is civil or criminal in nature.

Hendrick, 521 U.S. at 361-71, 117 S.Ct 2072
United States v. Salerno 481 U.S. 739. 747-51
107 S.Ct 2095, 95 L.Ed 2d 697 1987, Ward 448 U.S.
249. 100 S.Ct 2636 Concerning monetary Penalties
Assessed for violating Clean Water Act.

Section 9 of House Bill 201 of 1995 is ALASKA'S
Post-Conviction Relief Statutes. The United States
Supreme Court has declared that a Civil Law such as
Governor Knowles Supremacy Clause under Section 40
cannot be a punitive ex Post facto Prohibited Law, but
they have statuted, Statutes like AS 12.72.020(a)
(3)(a) and AS 12.72.020(a)(b) is or are Punitive ex Post
facto Prohibited Statutes, on a Federal Level, in
violation of Art 1 Sec. 9 Ch 3 and Art 1 Sec. 10
of the United States Constitution.

The United States Supreme Court should apply
the Seven Factors to the above Statutes as in Ward
448 U.S. 249, 100 S.Ct. 2636 ① "whether the
Sanction involves an affirmative disability or
Restraint" ② "whether it has Historically been
regarded as a Punishment" ③ "whether it Comes
into Play only on a finding of Guilt"

④ "whether its operation will promote the traditional aims of Punishment, Retribution and deterrence" ⑤ "whether the behavior to which it applies is already a crime," ⑥ "whether alternative Purpose to which it may rationally be Connected is Assignable for it" and ⑦ "whether it appears excessive in relation to the alternative Purpose Assigned." Mendoza-Martinez, 372 U.S. at 168-69, 83 S.Ct 554.

IN July of 1996 Latham was released back into the Anchorage Community and on 9-11-1996 Latham was charged with his Fifth Grand Theft Auto Case in ALASKA, in 3AN-96-7123CR. The Office of Public advocacy was appointed to Represent Latham and the Law office of Rex Lamont Butler was appointed to Represent Latham, but Latham saw Eugene Cyrus, Latham's 1986 District Attorney walk into the Anchorage Court house and was told that he, Eugene Cyrus was now in Private Practice.

Subsequently Rex Butlers office withdrew and the Honorable Judge Milton M. Souter

granted Eugene cyruses motion to be Latham's Trial Counsel. Judge Souter granted Latham's Pro se motion to be Co-Counsel. Latham's Case was dismissed for failure to Preserve Potential exculptory evidence that would had Lead a Jury to reasonable doubt.

The state of ALASKA appealed Judge Souters decission to Supress the Evidence to the ALASKA Court of APpeals and the ALASKA Court of APpeals Overturned Judge Souters decission to Supress, Subsequently Latham was found guilty at trial of Grand Theft Auto, making Latham a fifth time felony offender in ALASKA.

Judge Souter Sentenced Latham to five years in Prison with two years Suspended and ten years of Probation. Three years of Lathams Sentence was a Presumptive Sentence.

On January 12, 1999 Latham was remanded back into Custody. A month and twelve days Passed by, and on February 24, 1999 Latham with Counsel Eugene cyrus Walked back into Court, and in A Pro se 1997 Post-conviction

relief application in 3AN-94-5044CR. Judge Souter had Latham rewrite his own sentence and Latham walked out of Prison some five years early because Judge Souter agreed with Latham that on April 24, 1995 when the Honorable Judge Karen L. Hunt accepted Latham and Amin's no contest pleas she violated Section 24 and 25 of House Bill 201 of 1995, that was run retroactive under Section 41 of House Bill 201 of 1995, Criminal Rule 11 c 5(i)(ii) and Criminal Rule 11 (e). See, the ALASKA Court of Appeals erroneous decision in Amin v. State, at 939 P.2d 413 (ALASKA APP 1997). Amin and Latham both entered their pleas on April 24, 1995 in front of the Honorable Karen L. Hunt.

In 1998 when Latham filed his First Post-Conviction Relief Application in 3PA-86-1986CR he was diagnosed by the Federal Government with Schizophrenia and Schizoaffective disorder and depression and has ever since been treated for all three disorders.

In 1998 the Honorable Milton M. Souter contacted the Five ALASKA Supreme Court Justices and explained to them that Pro Se Latham caught one of the disparities of House Bill 201 of 1995, Criminal Rule 11 c 5 (ix) that is ran retroactive under Section 41 of House Bill 201 of 1995.

Judge Souter explained to the Five Supreme Court Justices that he was going to release Latham some 15 Years early, From Latham's 1996 Grand Theft Auto Conviction.

On February 24, 1999 Latham with Counsel Eugene Cyrus walked back into Court and Judge Souter had Latham being that of CoCounsel status rewrite his 1996 Grand Theft Auto Sentence.

That day on February 24, 1999 Latham's Counsel Eugene cyrus told Latham that he won his case and would be going home that day. Once back in Court that day, Judge Souter wasn't feeling well, because of a winter cold, he, Judge Souter directed Latham to get the easel that was in the corner of the Courtroom and he told Latham that he would be back in five minutes and he wanted to see Latham's sentence

written out,

Latham being that of Co-counsel, was the First Person in the history of House Bill 201 of 1995 to rewrite his own sentence.

Latham and Counsel Eugene Cyrus and the Assistant Attorney General MaryAnn Henry, Latham rewrote his sentence in both of his Grand Theft Auto Cases, in 3AN-94-5044cR and in 3AN-96-7123cR and ran both cases Concurrent and the Assistant Attorney General MaryAnn Henry agreed with Latham and Judge Souter released Latham some fifteen years early that day in Court.

on February 24, 1999 that day in Court after Latham expressed to Judge Souter that he appreciated Judge Souter upholding the integrity of the Judiciary, Judge Souter then addressed Latham Personally and stated to Latham that if he had something going on outside of the courtroom that he encouraged Latham to not give up on what he had Learned, meaning Lathams 1986 Post-Conviction Relief Application that he Filed in 1998.

IN Latham's 1998 Post Conviction Relief

Application, Latham claimed that House Bill 201 of 1995 was Punitive Ex Post Facto Prohibited Law, the Honorable Judge Beverly W. Colter disagreed with Latham's Public Defender and denied Latham's Post conviction Relief Application to overturn his 1986 robbery and Grand Theft Auto Cases.

When Judge Souter explained to the Five ALASKA Supreme Court Justices that Latham caught some of the disparities of House Bill 201 of 1995, Criminal Rule 11C 5 (ii) that was run retroactive under Section 41 of House Bill 201 of 1995, the Judge Souter was going to encourage Latham not to give up on what he had learned.

IN January of 1999 the ALASKA Supreme Court rewrote, the ALASKA Rules of Professional Conduct 1.4 (c) Communication because of Latham's Learning some of the disparities of House Bill 201 of 1995. At that time the ALASKA Supreme Court raised the Legal Malpractice insurance for all ALASKA Attorneys from 100 Thousand Dollars to 300 Thousand Dollars.

ON February 24, 1999 on the channel 2 news, Governor Knowles addressed Latham Personally and requested of him to wait until he was out of office prior to Latham suing him.

In 2003 when Governor Tony Knowles was out of office and Latham's Post Conviction Relief Application Appeal was denied by the ALASKA COURT OF APPEALS, Latham v. State 2003 WL 22250341 (ALASKA APP October 1, 2003) Latham contacted Barbara Brink the Chief executive officer of the ALASKA Public Defender Agency and asked of her, her permission to sue the State of ALASKA Public Defender Agency, since Latham was about to bite the hand that fed him.

After Barbara Brink gave Latham permission to sue the State of ALASKA Public Defender Agency, Latham filed a pro se class action lawsuit, against the ALASKA Public Defender Agency and Governor Tony Knowles on behalf of himself, Amin, and Dallas Floyd and over 100 Thousand other ALASKA Criminal Defendants. see Latham v. ALASKA Public Defender Agency

in 5-11494, 2006 WL16676 (ALASKA JUNE 1, 2006). That Latham appealed to the United States Supreme Court in 2006. Latham's Petition was denied by the United States Supreme Court because of the Katy Story.

It was not Latham's intention to insult any Justice of the United States Supreme Court nor any Justices family members over the Katy Story, It's just that Latham has never been schooled in the Law. It should be noted that when Latham sued Governor Knowles and Governor Murkowski in 2003, In 2005 Governor Knowles, and Governor Murkowski's Daughter Lisa Murkowski through Conaco-Phillips offered Latham A Settlement that Latham was respectfully forced to decline.

From 2011 to 2018 with Latham's depression and Schizophrenia and Schizoaffective disorders Latham read all of the Post-Conviction Relief Cases on the ALASKA Court Web Site and in 2018 Latham realized that since his convictions were that of Void Judgments, by

Passing of House Bill 201 in 1995, Latham's sentence was illegal and that pursuant to AS 12.72.020(a)(3) since his sentence was that of a void judgment, that pursuant to AS 12.72.020(a)(3) there was no time limit for Latham to file a new Post-conviction relief application, which was in direct contrast to AS 12.72.025 and the ruling in Gronols v. State 10 P3d 600, 620 (ALASKA App 2000), aff'd 74 P3d 889, 895 ALASKA 2003), but AS 12.72.025 was also run, on, before and after the effective date of the act, making AS 12.72.025 Punitive Ex Post facto prohibited statute in violation of Art 1 Sec. 15 of the ALASKA Constitution and in violation of Art 1 Sec. 9 Ch. 3 and Art 1 Sec. 10 of the United States Constitution.

In 2018 Latham filed his Second Post-conviction Relief Application under AS 12.72.020(a)(3) and under AS 12.72.010 1-9 which states: SCOPE of Post-conviction Relief "A Person who has been convicted

of, or sentenced for, a.c. we may institute a Proceeding for Post-Conviction Relief, if the Person Claims ① that the Conviction or the Sentence was in violation of the Constitution of the United States or the Constitution or Laws of this State; ② that the Court was without Jurisdiction to impose Sentence; ③ that a prior Conviction has been set aside and that the Conviction was used as a Statutory enhancement of the Sentence imposed; ④ that there exists evidence of material facts, not previously presented and heard by the Court, that requires vacation of the Conviction or Sentence in the interest of Justice; ⑤ that the Person's Sentence has expired, or the Person's Probation, Parole, or Conditional release has been unlawfully revoked or the Person is otherwise unlawfully held in Custody or other restraint; ⑥ that the Conviction or Sentence is otherwise subject to collateral attack upon any ground or alleged error previously

Previously available under the Common Law, Statutory Law, or other writ, motion, Petition, Proceeding, or remedy; (7) (a) that there has been a Significant Change in Law, Whether Substantive or Procedural, applied in the process Leading to the Persons Conviction or Sentence; (B) the Change in the Law Was Not Reasonably Foreseeable by an Judge or Competent attorney; (C) it is appropriate to retroactively apply the change in Law because the Change requires observance of Procedures without which the Likelihood of an accurate Conviction is seriously diminished; and (D) the Failure to retroactively apply the change in the Law would result in a fundamental miscarriage of Justice; which is established by demonstrating that, had the changed Law been in effect at the time of applicant's trial a reasonable trier of fact would have a reasonable doubt as to the guilt of the applicant; (8) that after the imposition of Sentence, the applicant seeks to withdraw a Plea of Guilty or

nolo contendere in order to correct manifest injustice under the ALASKA Rules of Criminal Procedure; or (9) that the applicant was not afforded effective assistance of Counsel at trial or on direct appeal.

The ALASKA Court of Appeals nor the ALASKA Supreme Court adheres to or recognizes that AS 12.72.020(a)(3) is ran on, before and after the effective date of the Act under Section 41 of House Bill 201 of 1995.

This Case was A Case of First Impression in ALASKA and is A Case of First Impression in the United States Supreme Court that AS 12.72.020(a)(3) is Constitutional, and the United States Supreme Court should rule that AS 12.72.020(a)(3)(a) and AS 12.72.020(a)(b) are in fact Punitive EX Post Facto Statutes, in violation of Art 1 Sec. 9 Ch. 3 and Art 1 Sec. 10 of the United States Constitution, since the ALASKA Court of

Appeals and the ALASKA Supreme Court refuses to correct and adhere to Governors Knowles Supremacy clause under Section 40 of House Bill 201 of 1995 that gave every ALASKAN Person a chance to have their Second Amendment right to bear Arms back, under the Second Amendment to the United States Constitution.

Latham should have his Second Amendment right restored back to him by this Honorable United States Supreme Court.

Latham's Case affects all one million ALASKAN residents that have Lived in ALASKA, that has either gone through the ALASKA Judicial System, or who have even gotten a ticket in ALASKA, since the Post-conviction relief Application Statutes are Punitive Ex Post Facto Prohibited Statutes.

In 1987 the ALASKA Court of Appeals upheld the trial Jurys verdict of guilty in Brown vs. State, memorandum opinion and Judgement No. 1318 at 3 (ALASKA APP February

4th 1987, and then affirmed in Brown v. State not reported in P 2d 1988 WL 224921 (ALASKA APP 1988), after his appeal was denied Brown filed a Post-conviction relief Application, and after several hearings the Superior Court found that Brown had not presented a prima facie case, on his claim that his trial counsel was ineffective for failing to object to the introduction of the rest.

The court concluded that the trial counsel had made a tactical decision not to call Brown's alibi witness. The court also found that the seizure issue had previously been litigated; therefore, res judicata precluded further relief. The trial court denied Brown's Post-conviction relief application.

The ALASKA COURT OF APPEALS affirmed, in Brown v. State 803 P2d 887 889 (ALASKA APP 1990).

The ALASKA COURT OF APPEALS made an erroneous ruling in Brown's case and denied

Brown of the Savings Clause of Section 40 of House Bill 201 of 1995, that gave Brown until July 1, 1996 to file a Second Post-Conviction Relief Application.

On July 1, 1996 within the Savings Clause of Section 40 of House Bill 201 of 1995 and on the last day of the Savings clause Brown filed a second application for Post-Conviction Relief in the Superior Court.

The Superior Court ruled that, Brown, previously filed an application for Post-Conviction relief and applying AS.12.72.020 (a)(b) bar against filing successive Post-Conviction relief applications, "Brown is precluded from filing a second application?"

This erroneous ruling by the Superior Court was in direct contrast to the Governors and Legislatures intent of SLA 1995 ch. 79 Sec. 40 which states: "Notwithstanding any other provision of this Act, a person whose conviction was entered before July 1, 1994, has until July 1, 1996 to file a claim under AS.12.72

The ALASKA Legislature expressly stated its intent, that AS 12.72.010-040 applies to "Offenses Committed before, on, or after July 1, 1995. See, ch. 79 sec. 41, of SLA 1995, Construing a statute to reflect the Legislature's expressed intent is a recognized rule of Statutory Construction. See, Commercial Fisheries Entry Com'n v. APOKEDAK 680 P.2d. 486, 489-90 (ALASKA 1984); State v. First Nat'l Bank of Anchorage 660 P2d 406, 418 (ALASKA 1982), (a statute will be construed retroactively where the Legislature intent clearly indicates that retroactive operation is intended).

When the ALASKA Legislature ran Section 40 before, on, or after July 1, 1995 under Section 41 of House Bill 201 of 1995, and gave every ALASKAN Convicted Criminal defendant an opportunity to have any and all prior ALASKA Criminal Convictions and Judgments vacated by the passage of House **B**ILL 201 of 1995 under Section 9 the Post-conviction.

Relief Application Statutes and running them retroactive under Section 4(1) has made House Bill 201 of 1995 the Post-conviction Relief Application Statutes Punitive Ex Post Facto Prohibited Statutes, in violation of the ALASKA and Federal Constitutions, and has rendered any and all ALASKA Criminal Convictions and Judgments None and Void.

All trial Courts in ALASKA since the Passage of House Bill 201 of 1995 have Lost Jurisdiction over all ALASKAN Criminal Convictions and Judgments entered by either a District or Superior Court Judge, whether it be by a municipality within the State of ALASKA, or one that received a Criminal Conviction by the State of ALASKA, on, before or after House Bill 201 of 1995 went into effect.

Pursuant to Section 9 the Post-conviction relief application Statutes AS 12.72.020 (a)(3)(a) Latham and Browns appeals both were handed down by the ALASKA Court of Appeals in 1990, so Latham and Brown had until 1991

to file their Second Post-Conviction relief application pursuant to AS 12.72.020 (a)(3)(a) "if a claim relates to a conviction, two years after the entry of the Judgment of the conviction or, if the conviction was appealed, one year after the court's decision is final under the ALASKA rules of Appellate Procedure.

It was impossible for Latham and Brown to file their Post-conviction Relief applications by 1991 pursuant to AS 12.72.020 (a)(3)(a) section 9 of House Bill 201 of 1995 the new Post-Conviction Relief Statute since AS 12.72.020(a)(3)(a) did not go into effect for four years in the future, from 1991 to 1995.

By the passage of a Punitive Ex Post facto Prohibited Statute has in fact rendered Lathams & Browns Convictions that of void Judgements. See, Brown v. State 863 P.2d 887, 889 (ALASKA App 1990) and Latham v. State

790 P2d 717 (ALASKA A. 1990)

AS 12.72.020(a)(3)(a) and AS 12.72.020(a)(6)

erects a direct and insurmountable barrier in front of the Court house doors, Since Governor Knowles and the ALASKA Legislature enacted AS 12.72.020(a)(3)(a) and AS 12.72.020(a)(6) in the first draft of the Legislation of House Bill 201 of 1995 and then ran them retroactive under Section 41 of House Bill 201 of 1995, has in fact made the above Statutes Punitive Ex post facto Prohibited Statutes on A Federal Level.

On April 24, 1995 and on May 1, 1995 when Brian Porter ran the entire Bill of House Bill 201 of 1995 to apply, before, on, and after July 1, 1995 it was without the Governors intent of the Bill, HB 201 of 1995 Sec. 1-36.

Since 1995 all ALASKA Attorneys that have represented Latham and Any ALASKA Criminal defendant they have violated ALASKA Bar Rule 64 Affidavit of Review of the

ALASKA RULES of Professional Conduct 1.4(a)(b) Communication

In Latham 1986 criminal Case pursuant to House Bill 201 of 1995 Sec. 40 Latham should of had All three of his 1986 ALASKA Criminal Convictions Expunged By July 1, 1996, under AS 12.72.010-040.

IN Moses v. State Court of Appeals of (ALASKA September 19, 2007) not reported in 3 Pd 2007 WL 2745146, when the Superior Courts Consider a motion to dismiss an application for Post-Conviction Relief, the Court must accept all well-pleaded assertions of fact as true.

The Court must then decide whether these assertions of fact would entitle the applicant to Post-conviction relief. See, Ulster v. Allen, 442 U.S. 140, 154-55, 99 S.Ct. 2213, 60 L.Ed. 2d 777 (1979).

That is, the defendant must show that their

attorney's incompetence adversely affected the result of the challenged proceeding, see Johnson v. Zerbst 304 U.S. 458 467-68 58 S.Ct 1019, 1024-25 82 L.Ed 1461 (1938). holding that when a defendant is denied the right to Counsel the denial of Counsel deprives the court of Jurisdiction, and renders void any ensuing Judgment issued by the Court. See, Jordan v. Housewright 101 Nev. 146, 696 P.2d. 998, 999 (Nev. 1985). (time limit upheld) Bartz v. State 314 Or 353, 839 P.2d 217, 221-25 (Or 1992). (Same) Petition of Runyan 121 Wash 2d. 432, 853 P.2d. 424-429-33 (Wash 1993) (Same).

Since 1997 when Latham first learned about House Bill 201 of 1995 in the case of Amin v. State 939 P.2d 413 (ALASKA APP 1997) he has been persistent in rehabilitating himself and seeking Justice for all ALASKANS under Art 1 Sec. 1 of the ALASKA Constitution. See, Latham v. State, No A-7684, 2003 WL 22250341 (ALASKA APP, Oct. 1, 2003). Latham v. ALASKA Public Defender Agency No. 11494, 2006

WL 1667661 (ALASKA June 1, 2006) and
Latham v. Palin 251 P.3d 341 (ALASKA 2011).

Since ALASKA follows the State of
Washington's Laws, as in Blakely v. Washington
542 U.S. 296 124 S.Ct. 2531, 159 L.Ed 403 (2004)
and if they too implemented their Post-Conviction
relief Statutes to apply before, on or after
the effective date of their act, they too
have passed Punitive EX Post facto Statutes that
pertain to Post-conviction Relief Applications.

This Honorable United States Supreme Court
should hear Latham's petition for writ of
certiorari for all states within the union of
the United States of America and since Latham
has been denied to be Co-counsel in his current
case and by the erroneous ruling by the ALASKA
Court of Appeals in ALASKA Public Defender Agency
v. Superior Court Third Judicial District at 343
P3d 914 (ALASKA APP 2015) the trial court has
denied Latham to be Co-counsel and since
AS 18.85.100 the Public Defender Statute

that is Sec. 10 of House Bill 201 of 1995, Latham has been Denied his Due Process and Equal Protection Right and his Six Amendment Right to effective Assistance of Counsel, Since AS 18.85.100 is ran retroactive under Sec. 10 of House Bill 201 of 1995 the Court should Conduct the intent effects test to AS 18.85.100 as in Ward.

Therefore since All ALASKAN criminal defendants are first Appointed the ALASKA Public Defender Agency and AS 18.85.100 is Punitive EX Post Facto Prohibited statute, this Honorable United States Supreme Court should Grant Latham's pro se Petition for Writ of Certiorari, so that Latham may Brief his Arguments on a Federal Level since the ALASKA Court system refuses to Correct the Legislative Branch of the ALASKA government taking over the Executive and the Judicial Branch of the Alaskan government.

By the 19th ALASKA Legislature taking over the Judicial Branch and the Executive branch

Of the ALASKA Government and the Judicial
Branch of the ALASKA government refusing to
correct the takeover of the three branches of
the government One could call the actions of
the 19th ALASKA Legislature Created A coup
in ALASKA Since July 1, 1995,

I Pledge Allegiance to the flag
Of the united states of America
to the republic for which it
stands one nation under **god**
indivisible with Liberty and Justice
for all.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ben Latham

Date: 9-15-2023