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August 3, 2018

Chief Justice Joel H. Bolger
c/o Alaska Judicial Council
510 L Street, Suite 450
Anchorage, AK 99501

In Reg: Alaska State Appellate Court

Honorable Chief Justice H. Bolger

I am very confused and maybe you can help me out.

I have a difficult time in understanding why a "Judge" of "Court" that is established by the "Constitution" for the "State of Alaska" would step down to an "Inferior Court" that has been established by an enactment of "Law" of the "Alaska State Legislature." The "Judge" in question is "Philip M. Pallenberg" and the "Court" established by the "Constitution" is the "Superior Court" ^{1/} for the "First Judicial District" at "Juneau, Alaska."

The "Appellate Court" for the "State of Alaska" is established by the enactment of "AS 22.07.010":

"There is established the court of appeals, consisting of three judges. The court of appeals is a court of record."

^{1/} Alaska Constitution, Article IV, Section 3 – "The superior court shall be the trial court of general jurisdiction and shall consist of five judges. The number of judges may be changed by law."

The “jurisdiction” of the “Appellate Court” is established by the enactment of “AS 22.07.020”:

“(a) The court of appeals has appellate jurisdiction in actions and proceedings commenced in the **superior court** involving {*listing Subsections 1-7*}.” [Emphasis added]

As a matter of “Constitutional Law,” the question must be asked as to when did the “Alaska Legislature” obtained authority to amend the “State Constitution” with an enactment of “Law”?

Any “Court” that is established by an enactment of “Law” must be recognized to be “inferior” to any “Court” that has been established by a “Constitution” as a matter of “Constitutional Law.” For the “Alaska Appellate Court” to be a valid “Court,” its appellate jurisdiction must be limited to a “Court” that is inferior to itself, and at the present time, that would be the “legislative” created “District Court”:

“**AS 22.15.010. Establishment of the District Court of the State of Alaska.** - There is established a district court of the State of Alaska for each of the four judicial districts of the superior court of this state.”

If the “Justices” of the “Alaska Supreme Court” or the “Alaska Judicial Council” finds a need to establish an “Appellate Court” to exist between the “Superior Court” and the “Supreme Court,” that “Court” must be established as a “Constitutional Court” with a “Constitutional Amendment.”

It is an absurdity in law that an “inferior Court” would have “Appellate Jurisdiction” over “Judgements” as issued out of a “Court” that is “superior” to itself. The only “Court” that is superior the “Alaska State Superior Court” is the “Supreme Court” for the “State of Alaska.” Any “Appeals” to be made of “Judgements” of the “Alaska State Superior Court” must be addressed by the “Alaska State Supreme Court.”

The establishment of an “Appellate Court” having exclusive “Appellate Jurisdiction” over “Judgements” of the “Alaska State Superior Court” by legislative enactment of “AS 22.07.020” exceeds the constitutional authority of the “Alaska State Legislature” to establish “Courts” /² and thus, the enactment

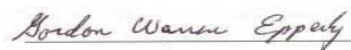
²/ Alaska State Constitution, Article IV, Section 1 – “The judicial power of the State is vested in a supreme court, a superior court, **and the courts established by the legislature**. The jurisdiction of the courts shall be prescribed by law” ** [Emphasis added]

**/ This provision of the “Constitution” addressing the legislative authority to prescribe the “jurisdiction” of the “courts” must be limited to the “courts” as created by the “Alaska Legislature.” The “jurisdiction” of

of "AS 22.07.020" and the "Appellate Court" which it creates must be found to be unconstitutional "null and void."

The "Alaska Judicial Council" has been given the authority to conduct "studies" for improvement of "administration of justice" by the "Alaska State Constitution" and make "reports" and "recommendations" to the "supreme court" and to the "legislature." ³ The proposal of a "Constitutional Amendment" establishing an "Appellate Court" would be a proper study of improvement by the "Alaska Judicial Council."

Sincerely Yours



Gordon Warren Epperly

the "Alaska Superior Court" and the "Alaska Supreme Court" have been established by the "Constitution." [See "Alaska Constitution" at "Article IV, Section 2" and "Article IV, Section 3".]

^{3/} see "Alaska Constitution" at "Article IV, Section 9" entitled: "Additional Duties."

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