Why SCO 1993 Must be Overturned

Description

Alaskan Families are Being Harmedâ?¦

By Jessica Pleasant

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One hallmark of civilization is governance by Constitutional laws instead of by tyrants.

The most compelling reason Supreme Court Order 1993 must be Overturned strikes at the foundation of the entire statute. Once the foundation of a statute is found unconstitutional the rest of the statute is suspect.

[1] SCO 1993 as dictated by the ***AK Supreme Court***

This is the last in a series of articles detailing fallacies and illegal requirements violating the ***Alaska Constitution***, and documenting specifically why ***SCO 1993*** must be overturned. Previously I have addressed the ***unfairness*** of the ***Grandfathering Clause***.

[2] **Activist Judges do Administrationâ??s bidding Ex Pos Facto, Jessica Pleasant** 12/12/2023

I next offered a counter to the Stateâ??s argument that there was a need for a *Process* to respond to a group of complaints by ALASKANS seeking review of their cases by a Constitutionally guaranteed ***Independent Grand Jury***.

[3] **Public Officials vs. The People: Alaskaâ??s Due Process, Jessica Pleasant** 01/13/2024

This final argument establishes the court cannot salvage this law lacking legal foundation. SCO 1993 must be immediately overturned in its entirety if Alaska is a state based on laws. The reason is undeniable and certain identified parties to this argument are the single clearest population to prove the injustice of SCO 1993.

Parents Must Not be Denied Any Longer

Parents of families harmed by ***Alaskaâ??s Office of Children Services*** have standing, and are THE compelling reason for judicial correction of this injustice. If Alaska courts remain negligent on this matter Federal courts will certainly have to intervene after the SOA under Gov. **Michael Dunleavy** has damaged even more families.

[4] **Alaska OCS Crisis; Parents Demand Accountability DONN LISTON November 15, 2022**

Other claims requesting a grand jury may be denied for any number of random excuses the governorâ??s appointed District Attorney (DA) can fabricate, but impacted parents have been arbitrarily rejected for a grand jury investigation by being dismissed as only an *individual or small group*. Parents are more than incidental parties.

What Gov. Dunleavy Should Know about Parental Involvement

SCO 1993 is misapplication of law and dismissal of the Constitution as might occur in a tyranny. The dictated statute asserts a complaint may be denied Grand Jury hearing, at the discretion of the DA, if it appears to be a *personal agenda*. Of course the agenda of the DA is the governorâ??s (political) agenda. Therefore, by the contrived rules of the court harmed parents are unable to make a complaint on their own, requiring by this burden a random citizen to make a complaint on behalf of the family or families harmed by unlawful practices of the State. This violates the statutory powers and duties of the ***AK Commission on Human Rights*** in the provision AS 18.80.060(a)(5), due to parenthood being classified as a ***protected class.***

[5] State Commission of Human Rights, AS 18.80.060

As foundational building blocks of society, parents of families must receive special recognition in a civilization governed by laws over tyrants.

Multiple legal concepts and terms apply. The reason *parents* are the key to overturning SCO 1993 is based upon the combination of *interested parties* and *view-point discrimination.*

[6] Interested Parties:
Why AK Prosecutors are Afraid of Grand Juries 03/06/2024

[7] Viewpoint Discrimination:
Alaska Courts Promote Viewpoint Discrimination April 13, 2024

Furthermore, this combination of *Interested Parties* and *Viewpoint Discrimination* does not allow for excuses. The State can claim a person with a complaint regarding a different office in the bureaucracy received due process for review, but that doesnâ??t automatically make it so. On the other hand, parents do not even have the option to file a complaint for an investigation into OCS under the SCO 1993 law contrived by Gov. Dunleavyâ??s ***Supreme Court.***

AK Parentâ??s only legal weapon against SOA Tyranny is in the power of the grand jury, not the Governorâ??s unelected hatchet-man DA.

[8] Power of the Grand Jury DONN LISTON May 3, 2022

Demand for Justice Under the Law

Any lawsuit requires at least two interested parties, expected to be at odds with each other. But with regard to children held within State custody, the STATE and the PARENTS are the sole interested parties. SCO 1993 disregards parentsâ?? legitimate concerns because they are the parents.

Gov. Dunleavy: ***How can the State be allowed to silence and chill concerns or view-points of parents?***

Alaska Supreme Court Justices
Front Row (L-R): Justice Susan M. Carney, Chief Justice Peter J. Maassen, Justice Dario Borghesan
Back Row (L-R): Justice Jennifer S. Henderson, Justice Jude Pate

Newly established Criminal Rule 6.1 may read like it is meant to affect all citizens the same, seemingly viewpoint neutral, but many exceptions and exemptions required in the rule is a sign the statute is trying to censor a certain viewpoint. Pursuant to **Turner Broad. Sys. V. FCC, 512 U.S. 622, 642â??43 (1994)** : *Nor will the mere assertion of a content-neutral purpose be enough to save a law which, on its face, discriminates, based on content.*

Institutional Racism in OCS Practice

According to ***Alaska Office of Childrenâ??s Services*** Statistical Information, OCS is disproportionally impacting the lives of AK Native children. The statistics of Children in Out-of-home care during February 2024 recorded:

1. 2,647 Children were in Out-of-home care during the month; of these children 1,812 were Alaskan Native/American Indian (68%)

2. 63 children were removed from their home; 28 of these were Alaskan Native/American Indian (44%),

3. 67 children were discharged from Out-of-Home care; 50 of these were Alaskan Native/American Indian (75%)

Alaska Population: 733,406

Racial Profile:
White 64.1%
Hispanic 7.7%
Asian 6.7%

Black/African American 3.7%
TOTAL: 82.2%

American Indian/AK Native 15.7%

In fact, the high-handed SOA has been known to retaliate against parents who raise concerns about the conduct of OCS officers. With no voice to initiate a complaint against OCS before a grand jury, the parentsâ?? formal requests for review becomes the metaphorical *nail in their coffi*n or *signing the death warrant* for that family.

These parents become victims of official abuse.

[9] Alaskaâ??s 3rd World Child Protection System Destroys Families, DONN LISTON 07/26/2023

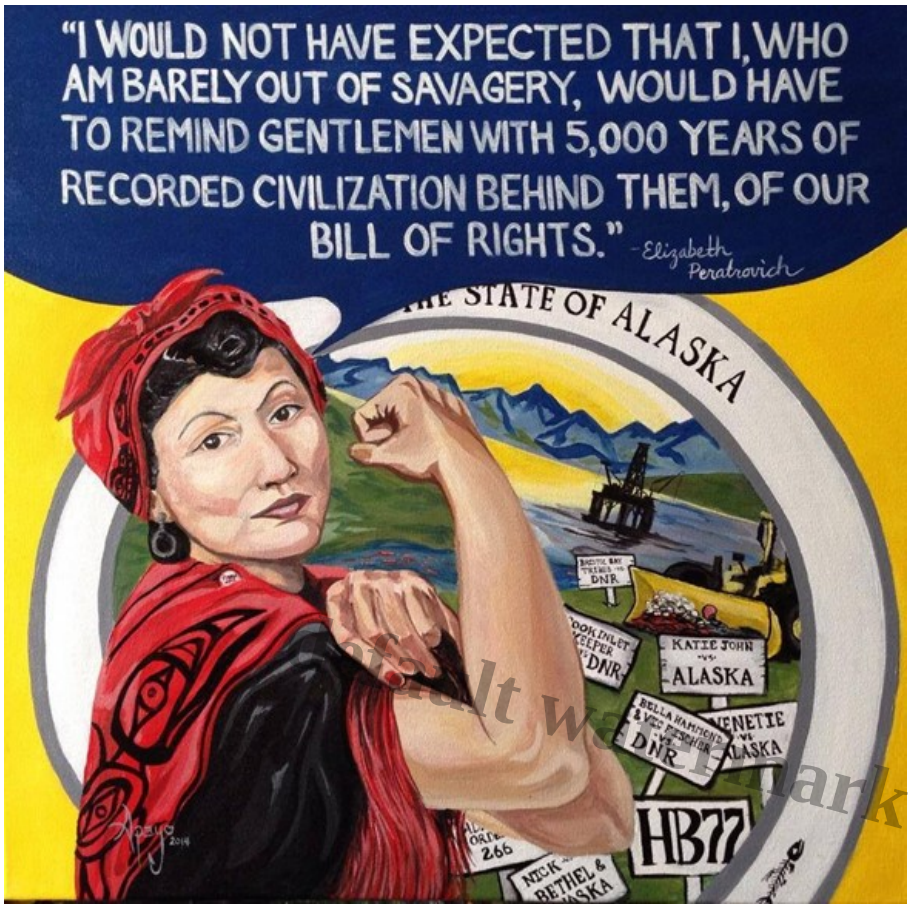
Alaskaâ??s OCS is willing to commit fraud and witness/evidence tampering. When OCS caseworkers alter a childâ??s statement and intentions in an interview it is creating evidence that includes fraudulent reports. The SOA takes advantage of ***Institutional Control*** of who speaks with the children and even parentâ??s accessibility; holding great influence by mere overloaded case managers over what is allowed in the minds of the children.

For these two reasons, the sections in Criminal Rule 6.1 preventing *individuals and small groups* from filing *personal complaints* should be considered unconstitutional. The following provisions in the statute are not severable from the aforementioned discrimination against parents. The ***Severability Clause*** is being used by **Liberal/Progressive Racist Courts** to preserve the rest of the statute. If the intake process of complaints is already tainted, then the rest of the provisions in SCO 1993 cannot stand on their own.

Previously this writer discussed how the SOA used the **grandfathering clause**â??created after the ***US Civil War*** ended to allow adult children of the Confederacy to be able to avoid new literacy standards to vote in political electionsâ??to disproportionately affected racial minorities due to illiteracy caused by generational racial discrimination, or by having English as oneâ??s second language. English was the only language printed on ballots.

At the time of Alaskaâ??s literacy laws, knowing Englishâ??let alone knowing how to read and write in Englishâ??was a barrier for aboriginal communities across all of America. The ***State of Alaska*** *impacted the Alaska Native community with passage of the* ***Voter Literacy Act of 1925****. In this same manner today as before, SCO 1993â??s discrimination against harmed families is being hidden behind a rule that appears to be view-point neutral but isnâ??t.*

[10] Alaska voting rights: A history of Native American voter suppression, azcentral.com



Alaska stood strong against racial discrimination even before statehood. Today, without an ability to demand a Grand Jury for institutional abuseâ??as was originally envisioned by ***State of Alaska*** Foundersâ??the Liberal/Progressive ***AK Supreme Court*** has enabled a new form of racism by any appointed wannabe ***Bull Connor AK DA***.

[11] **Roy Peratrovich: Gruening Civil Rights Fight Recalled** DONN LISTON 06/28/1974

*The **U.S. Indian Citizenship Act of 1924** passed by Congress allowed citizenship for Native Americans. Likely no coincidence, in 1925, the **Alaska Territorial Legislature** had passed the **Alaska Voters Literacy Act** requiring voters to speak and read English, automatically excluding non-English-speaking Alaska Natives and Native Americansâ?¦The **1965 Voting Rights Act** eliminated poll taxes, literacy tests, and other barriers, and was a step forward for Native Americans, as well as Asian Americans, African Americans and Latinos.*

Provisions of SCO 1993 violate two protected classes of Alaskans. First, CR 6.1 unfairly discriminates, and harms based on race, because Alaska Native children are most impacted by institutional racism of OCS, with parents not being allowed to speak for their own children by requiring a grand jury investigation of acts against them while in SOA Custody.

Secondly, The Alaska Law also identifies ***parenthood*** as a protected class. When a child is in the possession of OCS the State and the parents ARE the INTERESTED PARTIES. When the Governor-appointed DA denies an OCS complaint, due to belief the case is of a so-called *personal nature,* he/she is censoring the only other interested party in a childâ??s life. This occurs while acting as *loco parentis*

â??as the legal representative of the ***Governor of Alaska***â??usurping these children as *creatures of the state*.

Parenting Liberty before the State

U.S. Supreme Court case of 1925, Perce v. Society of Sisters, the State of Oregon created educational laws that forced children to attend school in their homesâ?? school district. This impacted the parental rights to choose if their child(ren) can attend religious schools.

Justice **James C. McReynolds** wrote the now memorable quote regarding whether children can be ***mere creatures of the state:*** *The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teacher only.*

[12] Children are not mere creatures of the state

By censoring parentsâ?? voices, the Alaska DA is clearly engaging in ***viewpoint discrimination***. This is the reason why the best argument against SCO 1993 is through the discrimination of the parentsâ?? viewpoints. Since statistics show Alaska Native children are overrepresented in Alaskaâ??s OCS system, the Alaska Native community is the most impacted by censoring viewpoints of the parents.

[13] Content and Viewpoint-Based Regulation of Speech

Where are AK Native Judges? Where are Native Organizations in this Fight? Why are Individual Native Families having to fight the SOA ALONE?

SOA 1993 is so wrong on so many levels but the ***AK Court System*** couldnâ??t care less how much harm is being caused. Why would the ***AK Supreme Court*** orchestrate such a convoluted order? Who are these lawyers in black robes trying to protect over the wellbeing of Alaskan families?

Alaskans are in an abusive relationship with our court system.

Jessica Pleasant is a disabled ***US Military Veteran*** trained as a Legal Assistant. She first came to Alaska with her son to escape an abusive relationship in Tennessee, where she had obtained a **Long-Term Restraining Order** from that state's courts, against her ex-husband. That same ex followed Jessica to Alaska and again initiated violence against her, casting her into the tender mercies of **AK Courts,** as she suffered mental and physical crisis. Ultimately ***AK Superior Court*** Judge **Yvonne Lamoureux** awarded custody of Pleasant's son to the proven abusive father, but all have failed to break the loving bond of mother/son.

Read the story here!

https://donnliston.co/2023/11/how-alaska-courts-further-damage-children-in-broken-families/

How Alaska Courts FURTHER Damage Children In Broken Families

References:

[1] SCO 1993 revised as dictated by the ***AK Supreme Court***

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1993

Amending Criminal Rule 6 and Criminal Rule 6.1 concerning grand jury.

IT IS ORDERED:

1. Criminal Rule 6 is amended to read as follows:

Rule 6. The Grand Jury.

* * * *

(i) **Preparing Indictments and Presentments.** The prosecuting attorney shall prepare all indictments and presentments for the grand jury, and shall attend its ~~their~~ sittings to advise it~~them~~ of its~~their~~ duties and to examine witnesses in its~~their~~ presence.

(j) **Investigation of Crime Initiated by Grand Juror.** If a grand juror discloses to other grand jurors that he or she has reason to believe a crime has been committed that is triable by the court and proposes that the grand jury investigate that crime, the grand juror shall also disclose the belief to the prosecuting attorney. If approved by a majority of the grand jurors, the grand jury may investigate the facts and circumstances relating to the belief with the assistance and oversight of the prosecuting attorney, in accordance with Rule 6.1(d) and (e)(1)-(2).

[re-letter following subsections]

* * * *

~~(p)(o)~~ **Questions to the Superior Court. ~~Presentment.~~**

(1) Whenever there is doubt from the evidence presented

(i) whether the facts constitute a crime, or

(ii) whether a defendant is subject to prosecution by reason of either a lapse of time or a former acquittal or conviction, then the grand jury by a concurrence of at least five members may, after consulting the prosecuting attorney, present ~~make a presentment of~~ the facts of the case to the court with a request for instruction ~~instructions~~ on the law.

(2) ~~The presentment shall be made by the~~ foreperson shall make the presentation of facts and the request for instruction on the law to the court in the presence ~~of the~~ grand jury.

(3) The presentation to the court ~~presentment~~ shall not mention the names of individuals. Any written document containing the presentation of facts and request for instruction on the law ~~The presentment~~ shall not be filed with the court, nor shall it be kept by the court beyond the time that the grand jury is discharged.

(4) When the presentation of facts and request for instruction ~~presentment~~ is made, the court shall give such instruction ~~instructions~~ on the law as it considers necessary.

[re-letter following subsections]

* * * *

2. Criminal Rule 6.1 is amended to read as follows:

Rule 6.1. Grand Jury Reports – Public Welfare or Safety.

(a) **Authority to Investigate and Issue Reports.**

~~(1)~~A grand jury ~~may~~is constitutionally authorized to investigate and make reports and recommendations concerning the public welfare

or safety~~safety or welfare~~. An issue concerns the public welfare or safety, and therefore is within the scope of a grand jury's investigative authority, when

(1) the investigation of the issue could further a public policy of the state;

(2) the outcome of the investigation could reasonably be expected to benefit a large number of people, rather than to benefit only an individual or small group of individuals; and

(3) the issue involves a matter of general importance to a large number of people, rather than to an individual or a small group of individuals.

An issue that concerns primarily a private matter rather than one that concerns the general public is not generally an issue concerning the public welfare or safety within the scope of a grand jury's investigative authority. An indictment is not a "report" as used in this rule and Criminal Rule 6.

~~(2) A grand jury report may be made only upon the concurrence of a majority of the total number of grand jurors on the panel at the commencement of the proceedings resulting in the report. The report must be signed by the foreperson. A grand jury report may include allegations of criminal conduct.~~

COMMENTARY to Rule 6.1(a):

The grand jury is constitutionally authorized to investigate matters of public welfare or safety and to issue reports on the results of such investigations; subsection (a) generally describes the reasonable scope of that authority. Adherence to subsection (a) will ensure that an investigative grand jury is justified and that the

grand jury's use of State of Alaska resources is reasonable and appropriate.

To be investigated, a matter must concern the public welfare or safety; for example, systemic issues or an ongoing, recurring issue impacting the general public could be within the scope of a grand jury investigation. But purely private matters such as, for example, an investigation into any individual court case of any type (whether currently open or closed), or an investigation into the Department of Law's decision not to prosecute a particular incident as a crime, or an investigation into any private dispute between or among citizens that could appropriately be the basis for a civil or other court case, are not generally matters of public welfare or safety within the scope a grand jury's investigative authority.

(b) **Grand Juror Requests to Investigate a Matter of Public Welfare or Safety.**

(1) An individual grand juror may propose to the prosecuting attorney that the grand jury investigate a matter concerning the public welfare or safety. If the prosecuting attorney has a reasonable basis to believe that (A) the matter proposed concerns the public welfare or safety and is within the grand jury's authority as described in subsection (a), and (B) the proposal is not patently groundless, made for purposes of delay or harassment, or otherwise proposed in bad faith, the prosecuting attorney shall, within a reasonable period of time considering resources and Department of Law priorities, describe the proposal to the grand jury for its consideration. If a majority of the grand jurors, after a reasonable time for consideration, determines that the matter proposed should be the subject of an investigation, then the

prosecuting attorney shall facilitate the grand jury's investigation of the matter and provide assistance and oversight to the grand jury for preparation of the report.

(2) If a proposed grand jury investigation concerns possible misconduct on the part of the prosecuting attorney or others in the Department of Law such that having the prosecuting attorney oversee the investigation would create an appearance of impropriety or a conflict of interest, the prosecuting attorney shall immediately advise the Attorney General of the potential conflict. The Attorney General, in his or her discretion, may appoint a neutral prosecutor to assist the grand jury and oversee the preparation of the grand jury report.

(3) If an individual grand juror has a reasonable and good faith basis to believe that having the prosecuting attorney oversee the investigation creates an appearance of impropriety or a conflict of interest because the investigation involves possible misconduct by that prosecuting attorney or others in the Department of Law, the grand juror may notify the superior court. The grand juror shall orally describe the basis for his or her belief to the court in the presence of the grand jury. Any further inquiry or proceedings conducted by the superior court relating to a matter raised under this paragraph shall be confidential.

(c) **Citizen Requests to Initiate Investigative Grand Jury.**

(1) If a citizen who is not serving as a grand juror believes that a matter of public welfare or safety should be investigated by a grand jury, the citizen may direct the citizen's concern to the Attorney General for consideration and for possible review and investigation by a grand jury.

COMMENTARY to Rule 6.1(c)(1):

The grand jury process may broadly be considered a function of both the judicial branch and the executive branch. The court system convenes a grand jury, provides a clerk for recording the sessions, and provides logistical support such as a physical space for the sessions. But grand jury sessions are led by and conducted by the Department of Law, i.e., the executive branch. The court system does not play a role in presenting evidence or moderating proceedings (except for the limited and rare situation in which a grand jury seeks a clarification of law, as provided in Criminal Rule 6(p)); a judge is not present for grand jury sessions while evidence is being presented or when any particular case or matter is being discussed or considered. This limited judicial branch role and expansive executive branch role with respect to grand jury proceedings is unchanged when the grand jury fulfills its investigative function. Decisions as to what to present to the grand jury, including whether to present a matter requested by a citizen to the grand jury for investigation, rest with the executive branch.

A grand jury has the constitutional authority to investigate appropriate matters when properly presented. This, in itself, does not mean that an individual citizen has a right to present any matter directly to the grand jury for consideration, or to seek a court order requesting or requiring that a grand jury conduct any investigation. A citizen seeking to have a grand jury investigate a matter of public welfare or safety may bring that issue to the attention of the Attorney General or his or her designee. It is up to the Attorney General or designee to review the matter and determine whether an investigation would be a valid and appropriate use of the grand jury's authority, as described in this

rule. The Attorney General or designee has discretion in making that determination, akin to the discretion that the Attorney General and designees regularly exercise in the course of their roles, for example in determining whether a particular incident should be pursued in a criminal prosecution. If the Attorney General or designee determines that the matter brought forward by a citizen is appropriate for a grand jury investigation, the prosecuting attorney will describe the issue to the grand jury and facilitate the investigation, following the procedures in subsection (b).

(2) If a grand jury investigation initiated by a citizen request concerns possible misconduct on the part of the prosecuting attorney or others in the Department of Law such that having the prosecuting attorney oversee the investigation would create an appearance of impropriety or a conflict of interest, the process set forth in paragraphs (b)(2) and (3) of this rule applies.

(3) A citizen who proposes an investigation under this subsection is not authorized to attend the grand jury investigative sessions unless the prosecuting attorney or a majority of the grand jurors conducting the investigation requests the citizen to do so for particular testimony or for a particular purpose.

(d) **Majority Required.**

(1) A grand jury may initiate an investigation of a matter only upon the concurrence of a majority of the total number of grand jurors on the panel at the commencement of the proceedings at which the prosecuting attorney presents the matter.

(2) A grand jury report may be made only upon the concurrence of a majority of the total number of grand jurors on the panel at the commencement of the proceedings resulting in the report. The

report must be signed by the foreperson. A grand jury report may include allegations of criminal conduct.

(e) **Subpoenas; Evidence; Proceedings.**

(1) While conducting an investigation and preparing a report concerning the public welfare or safety as described in this rule, a grand jury may issue a subpoena to compel testimony from witnesses or to compel the production of documents only with the approval of a majority of the grand jurors, after due consideration of the reasonableness of the proposed subpoena, the necessity of the anticipated testimony or documents, and the anticipated burden on and inconvenience to the recipient of the subpoena. If the prosecuting attorney reasonably believes that a subpoena approved by a majority of grand jurors was not approved in good faith, would be unreasonably burdensome on the recipient, is not reasonable, or is not necessary, the prosecutor may, without consent from or authorization by the grand jury, inform the superior court and seek a judicial determination whether the subpoena shall issue.

(2) The presentation and admissibility of evidence during an investigative grand jury must comply with Criminal Rule 6(s).

(3) A grand jury fulfilling an investigative function on a particular matter under this rule may not also issue any indictment related to the same facts and circumstances that were the subject of that grand jury's investigation.

(f)~~(b)~~ **Initial Judicial Review.** The grand jury shall present any proposed report to the presiding judge of the judicial district. The judge shall examine the report and the grand jury record before the grand jury is discharged. The judge may order production of audio copies or transcripts of the grand jury proceeding and may

request the prosecuting attorney to submit a summary of the evidence presented to the grand jury. The judge shall make specific findings on the record as required by the following subparagraphs.

(1) The judge shall determine first whether the investigation was conducted in accordance with subsections (a) – (e) and whether the report satisfies the requirements of subparagraphs ~~(a)(1) & (2)~~(d)(2). If it does not, the judge shall proceed under subparagraph (f)~~(b)~~(3).

(2) The judge shall then determine if publication of the report would improperly infringe upon a constitutional right of any person, including but not limited to improper interference with a person's right to privacy or right to a fair trial in a pending or planned criminal proceeding. The judge shall make an ex parte on the record inquiry of the prosecuting attorney about any planned or pending criminal prosecutions related to the subject of the grand jury report.

(3) If the judge determines that the report does not meet the standards of subsections (a)-(e), ~~subparagraphs (a)(1), (a)(2) or (b)(2)~~ the judge shall return the report to the grand jury with an explanation of the reasons for returning the report. The grand jury may conduct further proceedings, revise the report, or seek appellate review of the judge's decision not to release the report.

(g)~~(c)~~ **Judicial Review If Report Adversely Reflects on Identifiable Person**. If the judge determines that the standards of paragraph (f)~~(b)~~ are satisfied, the judge shall determine whether any part of the report may reflect adversely on any person who is named or otherwise identified in the report. "Person" includes a natural person or an organization, but does not include a

governmental subdivision or agency. If the report may adversely reflect on any identifiable person, the judge shall proceed under the following subparagraphs (g)~~(c)~~(1)–(5).

(1) The judge shall order that notice of the report be provided to the person. The notice must advise the person of his or her rights as provided in this paragraph.

(2) The person may move, within ten days of notice of the report, for a hearing. The hearing will be held in camera and on the record.

(3) The person must be given a reasonable period of time prior to the hearing to examine the grand jury report and the record of the grand jury proceedings. A person receiving notice or a copy of the report and record may not disclose any matter occurring before the grand jury except as permitted by the court. Each person receiving these materials must be advised of this obligation.

(4) The person named or otherwise identified in the report may be represented by counsel at the hearing and may present argument as to whether the standards stated in subparagraph (g)~~(c)~~(5) are satisfied. The prosecuting attorney may be present at this hearing and may also present argument. Neither side may present evidence nor examine witnesses, except that the named or otherwise identifiable person may submit a written response to the grand jury report which the person may request that the court issue with the report under paragraph (h)~~(d)~~.

(5) The judge shall determine at the close of the hearing whether that part of the report which may adversely reflect upon a named or otherwise identified person is supported by substantial evidence or, if raised at the hearing, whether the report satisfies

the requirements of paragraph (f)~~(b)~~ of this rule and paragraph (g) of Criminal Rule 6. If the judge finds that these requirements are not satisfied, the judge shall return the report to the grand jury with an explanation of why the report has not been released. The court may request that the grand jury consider further evidence as to the named or otherwise identifiable person. The grand jury may conduct further proceedings, revise the report, or seek appellate review of the decision not to release the report.

(h)~~(d)~~ **Release of Report.**

(1) The court shall withhold publication of the report until the expiration of the time for making a motion for a hearing under paragraph (g)~~(c)~~. If such a motion is made, publication must be withheld pending a ruling on the motion or pending any review under paragraph (i)~~(e)~~. All proceedings under this rule are confidential until the ~~presiding~~ judge orders the report released.

(2) If the judge finds that the standards of paragraphs (f)~~(b)~~ and (g)~~(c)~~ are met, the judge shall order the report released. The judge may order that a response to the report by a person named or otherwise identified, or other additional materials, be attached to the report as an appendix. The report and any appendices will be filed with the clerk of the court and made available for public inspection. The court shall also direct that copies of the report and any appendices be sent to other persons as reasonably requested by the grand jury.

(3) if the report includes allegations of criminal conduct, the prosecuting attorney may decide to pursue an indictment or other charge based on the allegations in the report and on any other evidence the prosecuting attorney deems appropriate. If the prosecuting attorney intends to pursue an indictment, the

prosecuting attorney shall inform the court, but the prosecuting attorney may not pursue an indictment related to the same facts and circumstances that were the subject of a grand jury's investigation with the same grand jury panel. The court may withhold publication of the report for a reasonable time, if the court determines that withholding the publication of the report is necessary to preserve the investigative and prosecutorial function relating to the alleged criminal conduct.

(i)~~(e)~~ **Appeal.**

(1) A judicial determination under paragraph (h)~~(d)~~ of this rule is a final order for purposes of appeal. Such an appeal is governed by Appellate Rule 216 except that the appeal is to the Supreme Court. Any named or otherwise identifiable person, the state, or the grand jury by majority vote may seek review of the presiding judge's decision.

(2) The grand jury will be permitted access to the record of the in camera hearing to assist it in determining whether to pursue appellate review. The grand jury shall maintain the confidentiality of this record.

3. Criminal Rule 38.1 is amended to read as follows:

Rule 38.1. Telephonic Participation in Criminal Cases.

* * * *

(c) The provisions of Criminal Rule 6(v) ~~6(u)~~ govern telephonic participation in grand jury proceedings.

DATED: November 29, 2022

EFFECTIVE DATE: December 1, 2022

/s/
Chief Justice Winfree

/s/
Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson

[2] **Activist Judges do Administrationâ??s bidding Ex Pos Facto, Jessica Pleasant** 12/12/2023
https://donnliston.net/2023/12/activist-judges-do-administrations-bidding-ex-pos-facto/

[3] **Public Officials vs. The People: Alaskaâ??s Due Process, Jessica Pleasant** 01/13/2024
https://donnliston.net/2024/01/whats-wrong-with-this-process/

[4] **Alaska OCS Crisis; Parents Demand Accountability, DONN LISTON November 15, 202**
https://donnliston.net/2022/11/alaska-ocs-crisis-parents-pursuing-accountability/

[5] State Commission of Human Rights, AS 18.80.060
https://touchngo.com/lglcntr/akstats/Statutes/Title18/Chapter80.htm

[6] Interested Parties:
Why AK Prosecutors are Afraid of Grand Juries 03/06/2024
https://donnliston.net/2024/03/why-ak-prosecutors-are-afraid-of-grand-juries/

[7] Viewpoint Discrimination:
Alaska Courts Promote Viewpoint Discrimination, Jessica Pleasant April 13, 2024
https://donnliston.net/2024/04/alaska-courts-promote-viewpoint-discrimination/

[8] Power of the Grand Jury, DONN LISTON May 3, 2022
https://donnliston.net/2022/05/a-plea-for-justice/

[9] Alaskaâ??s 3rd World Child Protection System Destroys Families, DONN LISTON 07/26/2023
https://donnliston.net/2023/07/alaskas-3rd-world-child-protection-system-destroys-families/

[10] Alaska voting rights: A history of Native American voter suppression, https://azcent
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[11] **Roy Peratrovich: Gruening Civil Rights Fight Recalled** DONN LISTON 06/28/1974
https://donnliston.net/1974/06/gruening-rights-fight-recalled-reprint/

[12] Children are not mere creatures of the state
https://www.aei.org/op-eds/schoolchildren-are-not-mere-creatures-of-the-state/

[13] Content and Viewpoint-Based Regulation of Speech
https://constitution.findlaw.com/amendment1/content-and-viewpoint-based-regulation-of-speech.html

The Court has recognized two central ways in which a law can impose content-based restrictions, which include not only restrictions on particular viewpoints, but also prohibitions on public discussions of an entire topic.6 First, government regulation of speech is content-based if the regulation on its face draws distinctions based on the message a speaker conveys.7 For example, in Boos v. Barry, the Court

held that a Washington D.C. ordinance prohibiting the display of signs near any foreign embassy that brought a foreign government into public odium or public disrepute drew a content-based distinction on its face.8 Second, the Court has recognized that facially content-neutral laws can be considered content-based regulations of speech if a law cannot be justified without reference to the content of speech or was adopted because of disagreement with the message the speech conveys.9 As a result, in an example provided in Sorrell v. IMS Health, the Court noted that if a government bent on frustrating an impending demonstration passed a law demanding two yearsâ?? notice before the issuance of parade permits, such a law, while facially content-neutral, would be content-based because its purpose was to suppress speech on a particular topic.10

Category

1. Alaska Courts
2. ALASKA! GOVERNMENT

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Author
donn