

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

DAVID HAEG, Applicant)
)
vs.) Case No: 3KN-10-01295CI
)
STATE OF ALASKA, Respondent)
)

Filed in the Trial Courts
State of Alaska Third District
at Kenai Alaska
FEB 16 2018
Clerk of the Trial Courts
By _____ Deputy

AFFIDAVIT OF JACKIE HAEG

1. My name is Jackie Haeg, I work for the Kenai Peninsula School District, am married, and am a mother of two.
2. Prior to 2004 my husband David and I operated a hunting guide lodge and business in Game Management Unit (GMU) 19-C. This was virtually our sole source of income.
3. In 2004 my husband David was asked, and permitted, by the State of Alaska to kill wolves for their Wolf Control Program (WCP), which was taking place in parts of GMU 19-D.
4. The State then prosecuted David for killing wolves in our GMU 19-C hunting guide area – in spite of the fact the State’s own GPS coordinates proved the wolves were killed in GMU 19-D and exactly where the State told David to kill them.
5. We hired criminal attorney Brent Cole, who told us it was not a legal defense that David killed the wolves where a State official told him to and that there was no way to protest the State claiming the wolves were killed in our GMU 19-C hunting guide area, even though this false location was in every single warrant and affidavit used to search our home, seize airplane, property, and evidence.
6. I remember Cole saying something about Alaska’s Governor Frank Murkowski calling David’s prosecutor [Assistant Attorney General Scot Leaders] and David’s judge (Margaret Murphy) and telling them to make an example of David.
7. I personally heard Cole tell David there was nothing he could do to protest the State charging David with career altering guide crimes instead of minor wolf control violations.

8. I personally heard the tape-recording of AAG Leaders and Trooper Gibbens, during David's statement, requiring David to mark on an aeronautical map the location of where the wolves were killed.
9. I personally heard the pretrial tape-recording (made 12 days after David's statement and only obtained by David and I obtained years after David's conviction) of AAG Leaders, Trooper Gibbens, and State witness Tony Zellers discussing how they had falsified the GMU boundaries on the aeronautical map to make it seem as if the wolves David placed on it were now in our GMU 19-C hunting guide area.
10. AAG Leaders used David's statement as reason to charge David with crimes.
11. In August of 2004 I personally heard Cole state that AAG Leaders agreed to a plea agreement that only required David to give up guiding for 1 to 3 years, to be decided by the judge, and did not require the airplane to be given up.
12. David and I gave up our September/October 2004 and April/May 2005 guide year (by canceling all hunters and sending back their deposits) prior to the agreement being presented to the court and a date of November 9, 2004 was set for the plea agreement to be presented to the court in McGrath.
13. I know that David contacted our business attorney, Dale Dolifka, about the fact David's criminal attorney Cole had told David it was not a legal defense that David was told by a State official to kill the wolves exactly where he killed them.
14. Because of Dolifka's advice, David ordered Cole to submit to the court evidence David killed the wolves exactly where he was told to. In this filing David also told the court that he was also going to testify in open court that the State official running the WCP had told him to kill the wolves exactly where he had.
15. As required, a copy of this evidence, along with David's intent to testify in open court to support it, was given to AAG Leaders.
16. David and I paid to fly in witnesses from Illinois and Silver Salmon on November 8, 2004 so we could all fly out to McGrath on the 9th with Cole.
17. When we got to Anchorage on November 8, 2004 we met with Cole at 3 pm, which is when Cole stated he had just received very bad news from AAG Leaders.
18. Cole stated Leaders had changed the already filed, agreed to charges to charges far more severe – that would require the court to take David's guide license for 3 years to life.
19. I personally heard Cole state that we could not go out to McGrath on November 9, 2004 because of the severe charges.

20. I personally heard Cole state that he could not believe AAG Leaders could do this since we already had a complete and binding deal.
21. I personally heard Cole state the only thing he could do to force AAG Leaders to comply with the original agreement was “to call Leaders’ boss, a lady I used to work with when I was a prosecutor.”
22. I personally heard Cole state that AAG Leaders would only change the charges back to the agreed to, and paid for, charges if David agreed to give AAG Leaders the airplane.
23. I personally heard Cole state that he couldn’t enforce the plea agreement because he could not do anything that will piss Leaders off because after your case is done I still have to be able to make deals with him.
24. I personally heard Cole state, “When Scot [AAG Leaders] screwed you he really screwed me.”
25. At the advice of our business attorney Dale Dolifka, David fired Cole and hired attorney Arthur “Chuck” Robinson.
26. I personally heard Robinson tell David that everything that happened with Cole was water under the bridge.
27. I personally heard Robinson tell David that Cole lying to David was not ineffective assistance of counsel.
28. I personally heard Robinson tell David that he had no obligation to use Cole’s ineffectiveness for David’s defense.
29. I personally heard Robinson tell David nothing could be done to enforce the plea agreement Cole had made with AAG Leaders.
30. I personally heard Robinson tell David it would do no good to talk with Cole about the plea agreement Cole had made with AAG Leaders.
31. In spite of Robinson’s advice we not, David and I had Joe Malatesta investigate why Cole’s plea agreement fell through.
32. I have personally heard Malatesta’s tape-recording of Cole stating that AAG Leaders broke David’s “Rule 11” plea agreement to also get the airplane.
33. Robinson filed a motion that David’s actions most closely resembled Wolf Control Program action and thus he must be charged with a Wolf Control Program violation (very minor because by law it could not affect David’s guide license) rather than with career-ending guiding charges of same-day airborne hunting big game (wolves) as a big game guide.

34. AAG Leaders opposed by claiming this was a “factual issue” that the jury must decide. Judge Murphy agreed, ruling the jury must decide it. About a week later AAG Leaders asked Judge Murphy for a “protection order” preventing Robinson from asking David’s jury if his action more closely resembled Wolf Control Program action than guide action, arguing now this was a “legal issue” the jury could not decide. Judge Murphy agreed and ordered Robinson to not present this to the jury – even though this meant her rulings were in exact opposition with each-other (first “factual” then “legal”), both times to side with the State.
35. I personally heard Robinson tell David that he had found a subject-matter defense “that would no doubt win.”
36. This defense was that the court did not have subject-matter jurisdiction because AAG Leaders didn’t swear to the charging information.
37. I personally heard David ask Robinson to get a second plea offer from AAG Leaders – with David agreeing to give the plane but wanting credit for the guide year we had already given up.
38. I personally saw the second offer from AAG Leaders that required the forfeiture of our business airplane and a year of guiding to be given up with no credit for the year we had already given up in reliance on the first agreement that AAG Leaders broke (making it in reality 2-years).
39. I personally heard Robinson tell David that why would David plea out, and have a conviction on his record, when the subject-matter jurisdiction defense would make sure David was never convicted.
40. I personally saw Robinson’s 3-1-05 billing invoice that states: “recommendation that David go to trial.”
41. We also discussed how Robinson’s “no doubt win” subject-matter jurisdiction defense would leave David without a conviction on his record and let us keep the airplane we depended on to feed our daughters.
42. Because David believed no plea agreement could be enforced, David agreed to go trial on Robinson’s “no doubt win” subject-matter jurisdiction defense.
43. After Judge Murphy denied Robinson’s “lack of subject-matter jurisdiction motion because the information wasn’t sworn to” motion as meritless, I personally heard Robinson state this was still a “no doubt win” issue and that he would call the court of appeals during trial because they would find this so “juicy” an issue they would halt the trial and dismiss the case.
44. I personally heard Robinson state that AAG Leaders had not sworn to the charging information, that AAG Leaders had mistakenly sworn to his opposition to Robinson’s motion to dismiss.
45. I personally heard Robinson state that he and David should not put up a trial defense or oppose any of the State’s evidence for conviction, as this may “admit” the court had subject-matter jurisdiction.

46. I personally heard Robinson state that he and David should “stand mute” at trial.
47. David called family and friends about this, who all advised opposing the State’s evidence for conviction and raising all defenses we could, so David told Robinson oppose the State’s evidence and raise every defense he could.
48. I attended David Haeg’s trial in McGrath on 5-17-05, 5-18-05, 7-25-05, 7-26-05, 7-27-05, 7-28-05, and 7-29-05. Trial went till 11:29 pm some days and I was present at the courthouse every hour of trial. I was also in McGrath for David Haeg’s sentencing on 9-29-05 and 9-30-05 but was not present in the courthouse for all of his sentencing because it went to nearly 2 am and I had no one at this time to take care of our young daughters.
49. Judge Murphy lived in Aniak and because David’s trial was held in McGrath she had to fly there, as McGrath is a remote village of 300 people with no road to any other village or city. David’s trial was held in a building that doubled as an Iditarod Sled Dog Race checkpoint.
50. To get to McGrath from Anchorage David and I traveled with Robinson, with the airplane leaving Anchorage, usually flying first to Aniak, and then landing in McGrath on its way back to Anchorage. Because of this we usually traveled to McGrath on the same airplane as Judge Murphy, as she would get on the plane in Aniak.
51. The only day we did not travel to McGrath with Robinson was July 25, 2005 – as Robinson’s and AAG Leaders’ ERA flight from Kenai to Anchorage had mechanical problems and as a result they missed the flight out of Anchorage to Aniak/McGrath on July 25, 2005.
52. Every single time we seen Judge Murphy get off our plane in McGrath she immediately got into a white trooper pickup truck driven by Trooper Gibbens, the main trial witness against David.
53. Every day of David’s trial I personally observed Judge Murphy arrive at court in the white trooper pickup truck driven by Trooper Gibbens; leave and return with Trooper Gibbens in the same truck during breaks, lunch and dinner; and leave with Trooper Gibbens when court was finished for the day.
54. I saw Judge Murphy eat with Trooper Gibbens at the McGrath B and B when David, Robinson and I were staying at the McGrath B & B with Judge Murphy.
55. Since Robinson smoked, we would all go outside the courthouse so he could do so during breaks, where we would all watch Judge Murphy get in with Trooper Gibbens to go run errands.
56. Robinson, David, and I mostly walked (but at times rode old borrowed bicycles, or, when it was available, borrowed a car from the McGrath B & B) to get to and from the courthouse, with Trooper Gibbens and Judge Murphy passing us in their white trooper pickup numerous times as we did so – as McGrath is a village of only 300 people and there are very few roads (gravel) with very low speed limits.

57. I personally heard David tell Robinson, soon after we first saw Trooper Gibbens driving Judge Murphy around, that it didn't seem right for Trooper Gibbens to be giving Judge Murphy rides all the time and personally heard Robinson reply that there was nothing he could do and that this was the way it was in the villages.
58. I was with Robinson virtually every time I witnessed Judge Murphy riding with Trooper Gibbens, so Robinson must have seen it very nearly as many times as I did.
59. By far, most of the rides and meals that I witnessed, and I know Robinson witnessed, occurred during David's trial, as it lasted for 7 days as opposed to his sentencing, which only lasted 2.
60. I personally know that Robinson must have saw Judge Murphy ride with Trooper Gibbens many times during David's trial alone.
61. I have personally heard the tape-recordings of David's prosecution capturing Judge Murphy and Trooper Gibbens themselves joking about the rides Trooper Gibbens was giving Judge Murphy.
62. I personally heard Robinson say that Judge Murphy was a law-enforcement type judge and not the independent, judicial type you are supposed to have. I personally heard Robinson later testify to this exact same thing while under oath at a deposition.
63. I know David told Robinson to subpoena Cole to David's sentencing to make sure David got credit for the guide year we had already given up and to make sure Judge Murphy knew that AAG Leaders had broken the plea agreement after David had paid for it.
64. I personally wrote an email to Robinson asking if he should subpoena attorney Kevin Fitzgerald (who worked with Cole while Cole was representing David) to David's sentencing because he would also have known that David had given up a year's guiding for a plea agreement that Cole stated could not be enforced.
65. I personally saw the email Robinson sent back stating, "I don't think we need Fitzgerald. Brent [Cole] is sufficient since he was Dave's lawyer and not Fitzgerald."
66. I personally wrote up the written questions David demanded Robinson ask Cole at David's sentencing. See attached questions that were given to Robinson to ask Cole at David's sentencing.
67. At David's request, I personally wrote up questions for Robinson to ask other sentencing witnesses about the guide year we had given up for a plea agreement AAG Leaders broke and Cole stated could not be enforced.
68. I personally heard Robinson tell David he would ask these questions of Cole and the other witnesses.
69. The court record proves Robinson never asked these questions as he told David he would.

70. I personally purchased Cole's airplane ticket (and McGrath B and B room) to McGrath to attend David's 9-29-05 and 9-30-05 sentencing.
71. When Cole failed to show up to David's sentencing, as subpoenaed, I personally heard Robinson tell David that there was nothing that could be done about it.
72. I personally heard recordings of AAG Leaders and Trooper Gibbens claiming, at David's sentencing, they did not know why David had given up guiding for a whole year prior to his sentencing.
73. I personally heard David tell Robinson to tell the court that David and I had given up a year of guiding for an agreement that AAG Leaders broke so he could get the airplane. The court record proves Robinson never did this.
74. The court record proves David never got credit for the guide year we gave up for the plea agreement AAG Leaders broke and Cole claimed could not be enforced because he "couldn't piss Scot [AAG Leaders] off."
75. The tape-recording of David's sentencing captures Judge Murphy stating the reason for David's severe sentence (2 years in prison, 5-year guide license revocation, airplane forfeiture, and \$19,500 fine) was because "the wolves were killed in 19-C...where you were hunting" – proving the effectiveness of AAG Leaders and Trooper Gibbens pretrial falsification of the map and AAG Leaders and Trooper Gibbens subornation of perjury/perjury at David's trial (proven by the pretrial tape-recording of AAG Leaders, Trooper Gibbens, and State witness Zellers discussing how no wolves were killed in our 19-C hunting area).
76. I have personally seen Robinson's pretrial discovery request to AAG Leaders for anything to be used against David at trial and for any pretrial recordings of State witnesses. I have personally seen that Robinson was never given, prior to trial or ever, a copy of the map used against David at trial or of the tape-recording of AAG Leaders, Trooper Gibbens, and State witness Zellers discussing, prior to trial, how they had falsified the map to support their trial case against David.
77. I have personally seen that the trial record proves Robinson never objected when AAG Leaders and Trooper Gibbens admitted the falsified map against David at trial without first having given Robinson a copy as required by Robinson's pretrial discovery request.
78. On David's appeal docketing statement Robinson checked the box "conviction only" and not the box "conviction and sentence."
79. I have personally seen the caselaw proving that prosecutors must be held to an agreement if the defendant has relied upon it.

"Where an accused relies on a promise... to perform an action that benefits the state, this individual...will not be able to "rescind" his or her actions. In the plea bargaining arena, the U.S. Supreme Court has held that states should be held to strict compliance with their promises. ...courts consider the defendant's detrimental reliance as the gravamen of whether it would be

unfair to allow the prosecution to withdraw from a plea agreement. Closson v. State, 812 P.2d 966 (Ak. 1991) See also Santobello v. New York, 404 U.S. 257 (U.S. Supreme Court 1971).

David gave up a year's guiding, his attorneys claim he gave the prosecutor a statement (although Cole and others now testify that David was given "transactional immunity" for his statement – which should have prevented all prosecution), and flew in people from around the U.S. for his.

80. In other words David had, before trial, paid for charges far less severe than what he went to trial on – meaning his trial is invalid. It clear to me this is why Judge Murphy didn't give David the required notice, why Robinson made sure Cole didn't show up, and why Robinson lied to David about not being able to seek review of his sentence – so Cole would never have to testify about how he sold David out so he didn't "piss Leaders off".
81. After David was convicted I personally heard Robinson state that David would still win on appeal with the subject-matter jurisdiction defense.
82. After David was convicted I personally heard Robinson tell David that the U.S. Supreme Court cases Albrecht v. United States and Gerstein v. Pugh supported his subject-matter defense.
83. After David fired Robinson I saw a letter PI Malatesta wrote to Robinson before trial, "don't forget to motion on the DA backing out of the original offer."
84. David fired Robinson at our business attorney Dale Dolifka's advice. Dolifka stated not to hire another attorney inside Alaska - as Alaska's attorneys have turned on you.
85. Tried hiring an attorney from outside Alaska but none would agree to after David explained the situation.
86. Ended up hiring Alaskan attorney Mark Osterman. Because of the problems David had with Cole and Robinson he recorded every conversation with Osterman.
87. Osterman stated it was the biggest sellout of a client he had ever seen by not one but 2 attorneys (Cole and Robinson) and that David "didn't know they (Cole and Robinson) were going to set it up so their (State's) dang dice was goanna be loaded. They were always goanna win."
88. Long after David's trial I was the one that found out that David's evidence, that he had killed the wolves exactly where State officials told him to, had been removed out of the official court record before David's jury could see it, while a cover letter, proving the evidence had been properly admitted and then removed, remained in the court record.
89. I attended all of David's 12-hour self-representation hearing that was conducted in McGrath on 8-15-06. The hearing lasted until about 11 pm. During this hearing I personally heard Magistrate David Woodmancy ask Trooper Brett Gibbens for a ride and Trooper Gibbens respond that he could not give Magistrate Woodmancy a ride because of all the trouble he (Gibbens) got into by doing this the last time.

90. There is no doubt David was corruptly prosecuted to cover up the fact that State officials told David to kill wolves where the State officials had no authority to tell David where to kill them. And the reason for this deception is clear, the State was afraid this first experimental WCP would be ended before it could be used to justify expanding wolf control across the state. Proof of this concern was evidence by AAG Leaders and Trooper Gibbens themselves before and during David's prosecution – where they revealed that Alaska's governor "had put himself on the line" for the WCP.

DECLARATION UNDER PENALTY OF PERJURY

I, Jackie Haeg, declare under penalty of perjury that the above is true & correct. A notary public or other official empowered to administer oaths is unavailable and thus I am certifying this document in accordance with AS 09.63.020.

Jackie Haeg
Executed at Browns Lake Alaska on 2-11-18

Jackie Haeg
PO Box 123
Soldotna, Alaska 99669
(907) 262-9249 home; (907) 398-6403 cell; & haeg@alaska.net

10. I personally was with Haeg when he contacted his business attorney, Dale Dolifka, about the fact Haeg's criminal attorney Cole had told Haeg it was not a legal defense that Haeg was told by the State to kill the wolves exactly where he killed them.
11. I personally heard attorney Dolifka state that if Haeg did only one thing to defend himself it must be to bring up the fact he killed the wolves where the State told him to.
12. I personally heard Haeg order Cole to submit to the court evidence Haeg killed the wolves where the State told him to. In this filing Haeg also told the court that he was also going to testify in open court that the State had told him to kill the wolves where he had.
13. Haeg paid to fly in witnesses from Illinois and Silver Salmon on November 8, 2004 so we could all fly out to McGrath on the 9th with Cole.
14. When we got to Anchorage on November 8, 2004 we met with Cole at 3 pm, which is where I personally heard Cole state he had just received very bad news from AAG Leaders.
15. Cole stated AAG Leaders had changed the already filed, agreed to charges to charges far more severe – that would require the court to take Haeg's guide license for 3 years to life.
16. I personally heard Cole state that he could not believe AAG Leaders could do this since we already had a complete and binding deal.
17. I personally heard Cole state the only thing he could do to force AAG Leaders to comply with the original plea agreement was "to call Leaders' boss, a lady I used to work with when I was a prosecutor."
18. I personally heard Cole state that AAG Leaders would only change the charges back to the agreed to, and paid for, charges if Haeg agreed to give AAG Leaders the airplane.
19. I personally heard Cole state that he couldn't enforce the plea agreement because he "could not do anything that will piss Scot [AAG Leaders] off because after your [Haeg's] case is done I still have to be able to make deals with him."
20. I personally heard Haeg ask Cole if he [Haeg] could speak to Judge Murphy about how AAG Leaders had broke the agreement. I personally heard Cole reply, "She will tell you anything you say can and will be used against you in a court of law and that will be the end of it."
21. I personally heard Cole state, "When Scot [AAG Leaders] screwed you he really screwed me."
22. I personally heard Cole state that there was nothing he could do if AAG Leaders broke the plea agreement again after he got the airplane.
23. I personally heard Haeg's business attorney Dale Dolifka tell Haeg to fire Cole and hire attorney Arthur "Chuck" Robinson.

24. I personally heard Robinson tell Haeg there was no way to protest the State claiming the wolves were killed in Haeg's GMU 19-C hunting guide area, even though this false location was in every single warrant and affidavit used to search Haeg's home, seize airplane, property, and evidence.
25. I personally heard Robinson tell Haeg that everything that happened with Cole "was water under the bridge".
26. I personally heard Robinson tell Haeg that nothing could be done to enforce the plea agreement Cole had made with AAG Leaders.
27. I personally heard Robinson tell Haeg it would do no good to talk with Cole about the plea agreement Cole had made with AAG Leaders.
28. I personally heard Robinson tell Haeg that AAG Leaders did not have to give Haeg credit for the guide year Haeg had already given up for the agreement AAG Leaders broke.
29. I personally heard Robinson tell Haeg there was no way to get credit for the year of guiding Haeg had already given up for the plea agreement AAG Leaders broke.
30. I personally heard Robinson tell Haeg that he would have to start over from scratch if Haeg wanted a plea agreement with AAG Leaders.
31. I personally heard Haeg ask Robinson to have private investigator Joe Malatesta investigate why the plea agreement fell through.
32. I personally heard Robinson state an investigation into why the plea agreement fell through wasn't necessary.
33. In spite of Robinson's advice he not, I personally know Haeg had Joe Malatesta investigate why the plea fell through.
34. I personally know Malatesta tape-recorded Cole agreeing that AAG Leaders broke the Rule 11 plea agreement to also get the airplane.
35. I personally heard Robinson tell Haeg that he had found a subject-matter defense "that would no doubt win."
36. I personally heard Robinson tell Haeg this defense was that the court did not have subject-matter jurisdiction because AAG Leaders didn't swear to the charging information.
37. I personally heard Robinson tell Haeg that why would he plea out, and have a conviction on his record, when the subject-matter jurisdiction defense would make sure Haeg was never convicted and got to keep the airplane.

38. I personally heard Haeg ask Robinson to get a plea offer from AAG Leaders.
39. I personally seen the offer from AAG Leaders, requiring the forfeiture of Haeg's business airplane, a year of guiding to be given up with no credit for the year Haeg had already given up in reliance on the first agreement that AAG Leaders broke (making it a 2-year loss).
40. I have seen the 3-1-05 invoice where Robinson states: "recommendation that David go to trial."
41. I personally heard Robinson state this was the best plea he could get from AAG Leaders and that AAG Leaders did not have to give credit for the guide year Haeg had already given up for a plea agreement.
42. Haeg and I discussed whether or not Haeg should plea out and decided Haeg could not, because there was nothing to stop AAG Leaders from breaking the plea agreement over and over to get more and more from Haeg.
43. We also discussed how Robinson's "no doubt win" subject-matter jurisdiction defense would leave Haeg without a conviction on his record and let him keep the airplane he depended on to feed his daughters.
44. Because we both believed no plea agreement could be enforced, Haeg agreed to go trial on Robinson's "no doubt win" subject-matter jurisdiction defense.
45. I personally heard Robinson state that for the subject-matter jurisdiction to work he and David should not bring up any other defense or oppose the State's case for conviction, as this may "admit" the court had subject-matter jurisdiction.
46. I personally heard Robinson state that to make sure the subject-matter jurisdiction defense worked he should not even put up a trial defense – that David and he "should stand mute."
47. I personally heard Robinson state that Haeg would lose at trial because Cole had given the State everything.
48. I attended David Haeg's sentencing in McGrath on 9-29-05 and 9-30-05. On those days I was present at the courthouse every hour Haeg's court was in session. On 9-29-05 sentencing testimony and augments started at 1 PM and continued through the night until the early morning of 9-30-05. Haeg was finally sentenced at nearly 1 AM on 9-30-05.
49. On 9-29-05 I personally observed Judge Margaret Murphy arrive at court in a white Trooper pickup truck driven by Trooper Brett Gibbens; leave and return with Trooper Gibbens in the same truck during breaks and dinner; and then leave with Trooper Gibbens when sentencing was finished on 9-30-05. Nearly all the rides I witnessed Trooper Gibbens give Judge Murphy happened before Haeg was sentenced.

50. I personally witnessed Trooper Gibbens eating with Judge Murphy at the McGrath B and B. Because I was with Robinson when I saw this, Robinson also had to see Judge Murphy eating with Trooper Gibbens at the McGrath B and B.
51. I walked with Robinson, Haeg, and others, to the courthouse on 9-25-05, where I saw Trooper Gibbens, with Judge Murphy in the passenger seat of Gibbens' white trooper truck, pass us on the little gravel road leading to the courthouse. Because of this Robinson had to see Trooper Gibbens driving Judge Murphy at this time.
52. Judge Murphy ran Haeg's sentencing all through the night and into the early morning of 9-30-05. Because Robinson and I smoked, we went outside the courthouse to do so during breaks, where we would both watch Judge Murphy get in the white trooper truck with Trooper Gibbens and go run errands.
53. I was with Robinson, I believe, every time I seen Judge Murphy riding with Trooper Gibbens. This means Robinson have seen Judge Murphy riding with Trooper Gibbens at least 4 or 5 times during Haeg's sentencing alone.
54. Trooper Gibbens was the primary witness against Haeg at trial and sentencing.
55. During Haeg's prosecution I never saw Judge Murphy arrive or depart the courthouse alone or with anyone other than Trooper Gibbens.
56. Other than Haeg himself I was never contacted by anyone investigating whether or not Trooper Gibbens gave Judge Murphy rides during Haeg's prosecution.
57. I seen the evidence, certified by Superior Court Judge Stephanie Joannides as true, that Alaska Commission on Judicial Conduct investigator Marla Greenstein falsely claimed to have contacted all four witnesses Haeg gave Greenstein of the chauffeuring of Judge Murphy by Trooper Gibbens during Haeg's prosecution.
58. I have seen the evidence, certified by Judge Joannides as true, that ACJC investigator Greenstein falsified the testimony of all four witnesses Haeg gave Greenstein of the chauffeuring of Judge Murphy by Trooper Gibbens during Haeg's prosecution.
59. I am one of the four witnesses Greenstein falsified contacting and I am one the four witnesses whose testimony Greenstein falsified to exonerate Judge Murphy from Haeg's complaint.
60. I have seen the certified evidence that every single witness Greenstein claims to have contacted about the chauffeuring swore out an affidavit that Greenstein never contacted them.
61. I have seen the certified evidence that every witness Greenstein claims testified as not seeing Trooper Gibbens chauffeuring of Judge Murphy during Haeg's prosecution have sworn affidavits that they had in fact personally witnessed chauffeuring during Haeg's prosecution.

62. I personally heard Robinson say that Judge Murphy was a law-enforcement type judge and not the independent, judicial type David was supposed to have.
63. I personally heard Haeg tell Robinson to subpoena Cole to sentencing to make sure Haeg got credit for the guide year he had already given up and to make sure the court knew that AAG Leaders had broken the agreement after Haeg had paid for it.
64. The night before Haeg's sentencing I personally seen and went over, with Robinson, the written questions Haeg wanted Robinson to ask me, and other witnesses, at sentencing. Many of these questions were about the fact that Haeg had given up a guide year for a plea agreement Cole told us he could do nothing to enforce.
65. At sentencing Robinson never asked these questions of me or the other witnesses as he told Haeg he would. The court record proves this.
66. When Cole failed to show up to Haeg's sentencing, as subpoenaed, I personally heard Robinson tell Haeg that there was nothing that could be done about it.
67. I personally heard AAG Leaders and Trooper Gibbens claim, at Haeg's sentencing, they did not know why Haeg had given up guiding for a whole year prior to his sentencing. This is in exact opposition to Cole's statement that AAG Leaders promised to give Haeg credit for this year if Haeg gave it up before sentencing.
68. I personally heard Haeg tell Robinson to tell the court that he had given up a year of guiding for a plea agreement that AAG Leaders broke so he could get the airplane. The court record proves Robinson never did this.
69. The court record proves Haeg never got credit for the guide year he gave up for the plea agreement AAG Leaders broke and Cole claimed could not be enforced because he "couldn't piss Scot [AAG Leaders] off."
70. I have personally saw the caselaw proving that prosecutors must be held to an agreement if the defendant has relied upon it.

"Where an accused relies on a promise... to perform an action that benefits the state, this individual... will not be able to "rescind" his or her actions. In the plea bargaining arena, the U.S. Supreme Court has held that states should be held to strict compliance with their promises. ...courts consider the defendant's detrimental reliance as the gravamen of whether it would be unfair to allow the prosecution to withdraw from a plea agreement. Closson v. State, 812 P.2d 966 (Ak. 1991) See also Santobello v. New York, 404 U.S. 257 (U.S. Supreme Court 1971).

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71. In other words Haeg had, before trial, paid for charges far less severe than what he went to trial on – meaning his trial is invalid. It is clear to me this is why Robinson made sure Cole didn't show up and why Robinson never asked the written questions as he told Haeg he would.
72. After Haeg was convicted I personally heard Robinson tell Haeg he would still win on appeal with the subject-matter jurisdiction defense.
73. After Haeg was convicted I personally heard Robinson tell Haeg that the U.S. Supreme Court cases *Albrecht v. United States* and *Gerstein v. Pugh* supported his subject-matter defense.
74. I have personally seen the evidence that proves subject-matter jurisdiction is set by State statute – superior courts have subject-matter jurisdiction over felonies; district court over misdemeanors; small claims court over small claims; divorce court over divorces; etc; etc.
75. I have personally seen Alaska Statute 22.15.060, which gives the district court subject-matter jurisdiction over misdemeanors – and since Haeg was prosecuted in district court for misdemeanors it is irrefutable that Haeg's court had subject-matter jurisdiction at all times.
76. I personally read the cases *Albrecht v. United States* and *Gerstein v. Pugh*, and seen that they do not support Robinson's claim they support his "subject-matter jurisdiction" defense, as Robinson told Haeg they did. In fact, they concern detainment or arrest prior to trial, "personal jurisdiction", and specifically state a prosecutor does not have to swear to a charging information - as when a prosecutor signs it he does so under his oath of office. They specifically state only an arrest warrant must be sworn to and state that in cases, like Haeg's, where the defendant voluntarily appears in court this affidavit is not needed. Finally, they specifically state that even if the arrest warrant is not sworn to this does not mean the prosecutors charging information is invalid.
77. It is clear to me that Robinson told Haeg these cases supported his subject-matter defense because if there were no cases that supported it Haeg would immediately know Robinson was lying. A lie, once made, requires other lies to continue the charade.
78. It is clear to me that Robinson was a double-agent, paid tens of thousands to defend Haeg, but in reality working with the prosecution to frame him - using Haeg's blind trust and ignorance to do so. No other explanation is possible when you realize Robinson told Haeg for the "subject-matter jurisdiction" defense to have the best chance to work he should "stand mute" at trial and not oppose anything the state wanted to use to convict Haeg. Thank God that Haeg demanded Robinson to say something about the false evidence locations and trial perjury by AAG Leaders and Trooper Gibbens.
79. It is like your doctor giving you a bottle of pills to take for a lung infection and telling you for it work you must not take antibiotics, penicillin, or anything else. And then you finding out the pills he gave you was rat poison. At least Haeg, by his own instinct, took a little penicillin to combat the rat poison administered by Robinson.

80. Haeg fired Robinson at his business attorney Dale Dolifka's advice. I personally heard Dolifka tell Haeg not to hire another attorney inside Alaska as "Alaska's attorneys have turned on you."
81. Because he could not find an outside attorney, Haeg ended up hiring Alaskan attorney Mark Osterman. Because of the problems Haeg had with Cole and Robinson I helped Haeg record every conversation with Osterman.
82. I personally heard Osterman state it was the biggest sellout of a client he had ever seen by not one but 2 attorneys (Cole and Robinson) and that Haeg "didn't know they (Cole and Robinson) were going to set it up so their (State's) dang dice was goanna be loaded. They were always goanna win."
83. About a month after Haeg hired Osterman I personally heard Osterman tell Haeg that he could not use the sellout of Haeg by Cole and Robinson to help Haeg because he [Osterman] could do nothing that would harm the livelihoods of Cole or Robinson.
84. There is no doubt Haeg was corruptly prosecuted to cover up the fact that the State told Haeg to kill wolves where the State had no authority to. And the reason for this deception is clear, the State was afraid this first experimental WCP would be ended before it could be used to justify expanding wolf control across the state. Proof of this concern was evidenced by AAG Leaders, Trooper Gibbens, and Judge Murphy themselves before and during David's prosecution – where they revealed that even Alaska's governor "had put himself on the line" for the WCP.

DECLARATION UNDER PENALTY OF PERJURY

I, Tom Stepnosky, declare under penalty of perjury that the above is true & correct. A notary public or other official empowered to administer oaths is unavailable and thus I am certifying this document in accordance with AS 09.63.020.

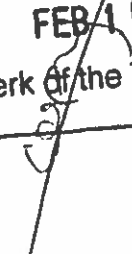
Thomas J. Stepnosky

Executed at 47062 BELMONT CT on 2/15/18.

Tom Stepnosky, Sr. ^{KENAI AK 99611}
 47062 Belmont Ct.
 Kenai, Alaska 99611
 (907) 420-7449

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

Filed in the Trial Courts
State of Alaska Third District
at Kenai Alaska
FEB 16 2018
Clerk of the Trial Courts
By  Deputy

DAVID HAEG,

Plaintiff,

Vs.

STATE OF ALASKA,

Defendant.

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)
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CASE No. 3KN-10-01295CI

AFFIDAVIT OF ATTORNEY LYNDA G. WILSON

1. My name is Lynda Wilson and I have personal knowledge of the facts set forth herein.
2. I am an attorney licensed to practice law in Minnesota, Georgia and South Carolina. I have been practicing law since 1989 and have practiced in the areas of civil and commercial litigation. I have also served as a Civil Mediator.
3. I am familiar with the ethics rules in the states in which I am licensed to practice law. I am required to maintain CLE credits in all three states in which I am licensed, including at least two hours of ethics education credits per year.
4. I have reviewed the Alaska Code of Judicial Conduct in preparation for drafting this Affidavit. I have also review relevant case law pertaining to the ethics rules applicable to my understanding of the facts of this case. The Alaska CJC is similar to the Judicial Codes of Conduct around the U.S. and in particular the Codes of Conduct in the states in which I am licensed to practice law.
5. I do not have personal knowledge of any facts in this case.
6. Alaska Code of Judicial Conduct provides in relevant part:

"CANON 1: A Judge Shall Uphold the Integrity and Independence of the Judiciary.

The integrity and independence of judges depend in turn upon their acting without fear or favor.

CANON 2: A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All the Judge's Activities.

- A. A judge must avoid all impropriety and appearance of impropriety...The prohibition...applies to both the professional and personal conduct of a judge...The test for appearance of impropriety is whether the conduct would create in a reasonable mind a perception that the judge's ability to carry out judicial responsibilities with integrity, impartiality, and competence is impaired.
- B. A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment...A judge shall not knowingly convey or permit others to convey the impression that anyone is in a special position to influence the judge.

CANON 3: A Judge Shall Perform the Duties of the Judicial Office Impartially and Diligently.

- A. The judicial duties of a judge take precedence over all the judge's other activities.
- B. Adjudicative responsibilities: (7) A judge shall not initiate, permit, or consider ex parte communications or other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding...A judge shall make reasonable steps to see that law clerks and other court staff carrying out similar functions under the judge's supervision do not violate the provisions of this Section.

CANON 4: A Judge Shall So Conduct the Judge's Extra-Judicial Activities as to Minimize the Risk of Conflict with Judicial Obligations.

- A. A judge shall conduct all of the judge's extra-judicial activities so as to comply with the requirements of this Code and so that these activities do not: (1) cast reasonable doubt on the judge's capacity to act impartially as a judge."

-
7. Based upon my review of the Alaska Code of Judicial Conduct and relevant case law, it is my opinion that it would be unethical and in violation of one or more of the forgoing Canons for a Judge who is presiding over an ongoing case to:
- a. Obtain transportation to and from the courthouse by a witness in the case;
 - b. Obtain transportation to and from the courthouse during the trial of the case and during sentencing in the case for breaks and for meals;

c. Have meals with a witness in an ongoing case.

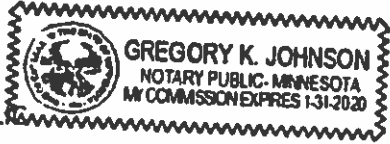
Further Affiant Sayeth Not.

This 15th day of February, 2018, by:

J. G. K. A.

Lynda G. Wilson

Lynda G. Wilson
Attorney at Law
MN #298761
GA #768805
SC #012838



NOTARY PUBLIC

April 20, 2006

RECEIVED

Alaska Commission on Judicial Conduct
Attn.: Maria Greenstein, Executive Director
1029 W. 3rd Ave., Suite 550
Anchorage, AK 99501-1944

APR 24 2006

ALASKA COMMISSION
ON JUDICIAL CONDUCT

RE: Judge M. Murphy Complaint

Dear Ms. Greenstein:

I received your letter dated 3/31/06 stating that the Commission feels Judge M. Murphy did not commit any ethical misconduct during my status hearings, trial, & sentencing. You stated that I should send you a list of people that observed Judge Murphy and Trooper Gibbens (main witness for the State during trial & sentencing) improperly spending personal time out of court. Listed below are people that I know who saw this happening:

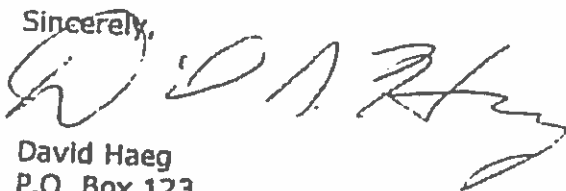
<u>Tony Zellers</u>	907-696-2319	Trial 7/28/05 Sentencing 9/30/05
<u>Tom Stepnosky</u>	570-727-3130	Sentencing 9/30/05
<u>Drew Hilterbrand</u>	907-252-4090	Sentencing 9/30/05
<u>Wendell Jones</u>	907-253-7606	Sentencing 9/30/05

If you want to contact people that are totally objective you could call the staff at the Hotel McGrath Bed & Breakfast (907) 524-3951 where she stayed during sentencing and the Takusko House (907) 524-3198 where we believe she stayed during trial. The Hotel McGrath B&B had a vehicle to rent (we know because we used one) yet every time we ever saw Judge Murphy away from Court she was always with Trooper Gibbens being driven to (the store, hotel, airport). She even had meals with Trooper Gibbens at the Hotel McGrath B&B.

Everyone present thought it was very unusual that this type of activity was happening with the Judge and Trooper Gibbens considering Trooper Gibbens was the States main witness.

Let me know if you need any more information. Thank you.

Sincerely,



David Haeg
P.O. Box 123
Soldotna, AK 99669
907-262-9249

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

FAX TRANSMITTAL

This facsimile transmission may contain privileged or confidential information intended only for the use of the individual or entity named below. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this transmission is prohibited. If you have received this communication in error, please notify us immediately by telephone (collect if necessary) and destroy all parts of transmission. Thank you for your cooperation.

TO: David Haeg
FAX #: (907) 262-8867

TO: Peter Masser
FAX #: (907) 258-8751

TO: Andrew Peterson
FAX: (907) 269-6270

TO: Masla Greenstein
FAX: (907) 272-1033

FROM: Stephanie Juanides, Superior Court Judge
(907) 264-0430
Fax #: (907) 264-0518

SUBJECT: 3AHO-10-64 CI

DATE: August 27, 2010

NUMBER OF PAGES INCLUDING THIS ONE: 43

MESSAGE: Please call if you experience problems with this transmission.

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

DAVID HAEG,

Applicant,

v.

STATE OF ALASKA,

Respondent.

POST-CONVICTION RELIEF
Case No. 3HO-10-00064CI

(Trial Case No. 4MC-04-00024CR)

CONFIDENTIAL ORDER:

- (1) SUPPLEMENTING ORDER GRANTING REQUEST FOR DISQUALIFICATION;
- (2) WITHDRAWING JULY 28, 2010 ORDER FOR INFORMATION FROM JUDICIAL CONDUCT COMMISSION; AND
- (3) REFERRING AFFIDAVITS TO COMMISSION FOR ITS CONSIDERATION

This confidential order supplements the August 25, 2010 Order Granting Request for Disqualification on appearance grounds. It is confidential because it addresses the proceedings of the Alaska Commission on Judicial Conduct.¹

This court was only tasked with resolving David Haeg's disqualification request. It is not privy to the Commission investigation and the statements made by the witnesses, Judge Murphy, or Trooper Gilbens. Therefore, it takes no position on the materials submitted herein. In addition, this order does not resolve any allegations

¹ AS 22.30.060 (providing for confidentiality of all commission "proceedings, records, files, and reports"). Notwithstanding the confidentiality of the proceedings before

of impropriety. Therefore, the attached materials are being submitted to the Judicial Conduct Commission for its consideration.

Mr. Haeg alleges that during his trial in the remote community of McGrath, Judge Murphy accepted rides from Trooper Gibbens. Mr. Haeg filed a complaint with the Alaska Commission on Judicial Conduct alleging impropriety based upon Judge Murphy's use of Trooper Gibbens for transportation during the trial. The Commission sent Mr. Haeg a letter stating that the rural setting "led to more contact with the community members than usual" but concluded "there were no improper contacts."²

In support of his concerns that (1) Judge Murphy and Trooper Gibbens did not provide the Commission accurate information about this issue and (2) the Commission did not adequately investigate their failure to provide full disclosure, Mr. Haeg submitted various witness affidavits³ and a recording of two phone

the Judicial Conduct Commission, both Judge Murphy and Mr. Haeg reference in their pleadings the referral and result of the investigation.

² Confidential letter from the Alaska Commission on Judicial Conduct to Mr. Haeg dated January 12, 2007 and confidential letter from the Alaska Commission on Judicial Conduct to Mr. Haeg dated January 25, 2007.

³ The supplied affidavits are attached, as Attachments C-H.

Attach. C: Affidavit of former Alaska State Trooper Wendell Jones

Attach. D: Affidavit of retired Air Force Captain Tony Zellers

Attach. E: Affidavit of Tom Stepnosky

Attach. F: Affidavit of Drew Hilterbrand

Attach. G: Affidavit of Greg Pearson

Attach. H: Affidavit of Jackie Haeg

conversations between himself and Commission Executive Director Mark Greenstein.⁴

The basis of Mr. Haeg's concerns is best addressed in four parts. First, in a phone conversation on or about January 12, 2007, Mr. Haeg claims that Ms. Greenstein stated that Judge Murphy and Trooper Gibbens "didn't share any meals together and the rides were provided by somebody else . . . that's what everyone I interviewed said."⁵ In contrast, a July 21, 2010 notarized affidavit from trial witness Tony Zelleus asserts that on July 28, 2005 (day three of Haeg's four-day trial), "I personally observed Judge Margaret Murphy being shuttled in a white Trooper pickup truck driven by Trooper Brett Gibbens; leave and return with Trooper Gibbens in the same truck during breaks, lunch, and dinner, and leave with Trooper Gibbens when court was finished for the day."⁶ Jackie Haeg, Mr. Haeg's wife, asserted the same in her own affidavit.⁷

Second, Mr. Haeg claims that in that same telephone conversation with Ms. Greenstein, he was told that "after the completion of the sentencing hearing—um—Trooper Gibbens did give—uh—Magistrate Murphy a ride to the hotel. But that was

⁴ Mr. Haeg provided both a digital recording of and a substantially accurate transcript of the phone conversations. The transcripts are attached, as Attachments A and B, with chambers' law clerk's notations regarding minor discrepancies between the audio file and the transcript. Copies of the audio file shall be provided upon request.

⁵ Attach. A at 1; *see also id.* at 7 ("[speaking to Haeg's wife] I talked to the people that your husband gave me the list of. . . they did see—um—a trooper giving her rides and—but they—they couldn't identify which—who the trooper was") Ms. Greenstein asserted, "It was VPSO Parker who provided the rides." *Id.* at 3, 7.

⁶ Attach. D.

after the sentencing hearing.⁷ A transcript of the sentencing hearing was provided by the Aniak District Court.⁸ The transcript reflects that Judge Murphy raised the issue of obtaining a ride from Trooper Gibbens during the sentencing hearing.⁹ A review of the log notes reveals that this statement was approximately five hours before the end of the hearing. In addition, Mr. Haeg provides four affidavits stating that on the date of the sentencing hearing, September 29, 2005, the affiant "personally observed" Judge Margaret Murphy taking rides from Trooper Gibbens throughout the day of the sentencing hearing.¹⁰

Third, Mr. Haeg claims that the Ms. Greenstein stated that she talked to the people that Mr. Haeg identified in a list he provided to the Commission.¹¹ Mr. Haeg claims that he provided a list of four people and that the affidavits of these four individuals state that they were not contacted regarding this matter.¹²

Finally, in addition to his concerns regarding the alleged impropriety of Judge Murphy receiving rides from Trooper Gibbens, Mr. Haeg also explains that based upon his understanding of Judge Murphy's and Trooper Gibbens' representations to the Commission, he feels that they were not truthful about their contacts during the trial. Therefore, Mr. Haeg is concerned over Ms. Greenstein's assertion that "even if

⁷ Attach. H

⁸ Attach. I

⁹ *Id.* at 1262.

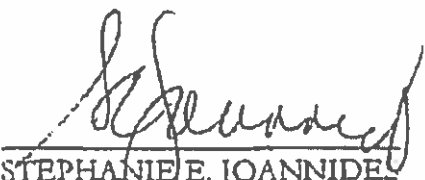
¹⁰ Attach. C, D, E, F.

¹¹ Attach. A at 1, 7.

everything you say is true it wouldn't be that significant —um— a thing. It would be the kind of thing where we would just caution the judge to —um— to try to make other arrangements in small communities in the future. That's all we would do."¹³

In light of this court's ruling granting the disqualification request, the July 28, 2010 Order for Information from Judicial Conduct Commission is hereby
WITHDRAWN.

DONE this 27th day of August 2010 at Anchorage, Alaska


STEPHANIE E. JOANNIDES
Superior Court Judge

¹² Attach. C, D, E, F. One affiant, Tom Stepnosky, stated that “[o]n or about 2006 I contacted . . . Mada Greenstein by phone and told her I had personally seen Trooper Gibbers give Judge Murphy rides before David Haeg was sentenced.” Attach. E.

¹³ Attach. A. at 9.

Transcribed Phone Call between
Alaska Commission on Judicial Council (Marla Greenstein) and
David Haeg on or about January 12, 2007

- 1 HAEG: Hey I was wondering whatever became of the investigation into Judge Murphy?
- 2 GREENSTEIN: Yeah we're sending you a letter today. We have a meeting coming up
3 on January 22nd. Where -um- they'll consider my report and the judge's response.
4 But - but it sounds like everything was -um- was ok. It sounds like -um- there was no
5 communication about the case and they didn't share any meals together and the rides
6 were provided by somebody else - not Trooper Gibbens.
- 7 HAEG: They said the rides were provided by somebody other...
- 8 GREENSTEIN: Yes.
- 9 HAEG: ... than Trooper Gibbens?
- 10 GREENSTEIN: Yes.
- 11 HAEG: Well that's the biggest pile of shit I've ever heard in my life.
- 12 GREENSTEIN: -Um- that's what - that's what everyone I interviewed said.
- 13 HAEG: And who did you interview - may I ask?
- 14 GREENSTEIN: Well in addition to the names you gave me I talked to Trooper Gibbens,
15 and the Judge, and there was one other law enforcement person there.
- 16 HAEG: Ok well I'm goanna fly out to McGrath -uh- Marla and I'm goanna get tape
17 recordings of everybody - every juror that was there, all the people in McGrath -
18 cause there was 300 of them - and I'm goanna walk into your office and I'm goanna
19 hand you the tape. Ok?
- 20 GREENSTEIN: I'm just - it's - we don't
- 21 HAEG: Will that be clear enough for you Marla?

22 GREENSTEIN: No. And it's not that serious a thing anyway - even if it did happen
23 Which we don't have any evidence that it did. They

24 HAEG: Wasn't that serious?

25 GREENSTEIN: No...

26 HAEG: Do you know - you guys wouldn't accept the other stuff that happened in my
27 case? Because 'oh...

28 GREENSTEIN: Yeah...

29 HAEG: 'we can't do whatever'. She was changing her decisions 180 degrees to
30 accommodate Trooper Gibbens. Ok?

31 GREENSTEIN: Well I understand that's your perception but the...

32 HAEG: Well...

33 GREENSTEIN: I mean the other people...

34 HAEG: Yeah my perception Marla...

35 GREENSTEIN: Mmm hmm...

36 HAEG: -Um- if I were you I would look at the Anchorage Daily News back whenever
37 they arrested -uh- Anderson and start looking at what's going on in this state. I'd start
38 opening my - my - my views should start expanding a little bit. You - and - I need a
39 copy - can I have a copy of Trooper Gibbens saying he never gave Judge Murphy a
40 ride - ever?

41 GREENSTEIN: He didn't say never ever. It was during that week when you were
42 down there.

43 HAEG: During the week, when we were down there, he never gave her a ride?

44 GREENSTEIN: No.

45 HAEG: Ok and the Judge said that also?

46 GREENSTEIN: Umm hmm...

47 HAEG: -Um- I have to have copies of that. You tell me how - what I need to do to get
48 copies of that? (talking over GREENSTEIN) And I will be there - in your office as fast
49 as you could say ...

50 GREENSTEIN: Yeah I understand you want

51 HAEG: ...get here.

52 GREENSTEIN: ...the copies. But they're confidential documents so we can't give them
53 to you. But it wasn't like they ... Let me pull it up. Let me see if I could see the exact ...
54 I can tell you what - what's there - hold on... (1 minute passes)

55 HAEG: You believe this shit Jackie?

56 JACKIE HAEG: (Background) No I sure can't.

57 HAEG: Can you believe this?

58 JACKIE HAEG: (Background) She interviewed 2 people and that's just as far as she
59 got?

60 GREENSTEIN: -Um- it was VPSO Parker who provided the rides..

61 JACKIE HAEG: (Background) She interviewed Tom?

62 HAEG: Ok. VPSO Parker...

63 GREENSTEIN: Yeah

64 HAEG: ...ok

65 GREENSTEIN: . . and -um- and after

66 HAEG: And did you interview – did you interview Mr. Parker?

67 GREENSTEIN: -Um- I don't remember. And then after

68 HAEG: Don't remember... Just hang on. Don't remember

69 GREENSTEIN: And then after the completion of the sentencing hearing -um- Trooper

70 Gibbens did give -uh- Magistrate Murphy a ride to the hotel. But that was after the

71 sentencing hearing.

72 HAEG: Ok just – after sentencing – was it? Ok mmm hmm. Do you read the papers

73 Marla?

74 GREENSTEIN: Yeah of course – yes

75 HAEG: Do you watch TV?

76 GREENSTEIN: No.

77 HAEG: Ok. -Um- how long have you been in your post?

78 GREENSTEIN: -Um- since 1989.

79 HAEG: Nineteen eighty-nine. So a good long time. Ok. Do you get many people like

80 me calling you and issuing complaints like this?

81 GREENSTEIN: -Um- we – we average about 3 complaints – 2 - 2 to 3 complaints a

82 month that we investigate.

83 HAEG: Ok. Investigate – ok. And when it was determined that there should be further

84 investigation were you the only one that investigated?

85 GREENSTEIN: I'm the staff investigator – yes.

86 HAEG: Ok are there any other investigators?

87 GREENSTEIN: No.

88 HAEG: Ok so it's just you. Comes in you decide what's going on and that's it?

89 GREENSTEIN: No the Commission reviews everything

90 HAEG: Ok and do I get a chance to appeal that decision?

91 GREENSTEIN: No

92 HAEG: Ok – no appeal.

93 GREENSTEIN: You can – I mean there might be some – there might be a way to have

94 the Supreme Court...

95 HAEG: Oh – that's good

96 GREENSTEIN: Do

97 HAEG: Cause I already got – I already got two things heading their way already.

98 GREENSTEIN: Ok

99 HAEG: Ok – Supreme Court may review – and that would be a – probably a Petition for

100 Review?

101 GREENSTEIN: No it's called an Original Application.

102 HAEG: Ok an Original Application.

103 GREENSTEIN: ^{Totally (S)} ~~That's~~ discretionary on the part of the court

104 HAEG: Ok – Original Application. Not the Petition for Review (Writing notes)

105 GREENSTEIN (undecipherable) out of court...

106 HAEG: Ok -Um- (laughs) and what level of liability do Trooper Gibbens and Judge

107 Murphy have when they were talking to you? Did you have them under oath? Or was

108 it just .

109 GREENSTEIN: No it was an informal interview.

110 HAEG: Ok – informal -Um- if you found out that they lied to you -uh- is there any
111 liability?

112 GREENSTEIN: -Um- if he -um- well not for – not for just a witness but if a – if a judge
113 wasn't telling us the truth we – we could review that as a complaint But the – you
114 know there's – it would have to be a – a deliberate kind of thing

115 HAEG: Deliberate? -Um- let me just put my wife on for just one second Jackie come
116 here. Ok I want you to tell this lady that under the penalty of perjury you are goanna
117 tell her how many times Trooper Gibbens drove Judge Murphy back and forth to the
118 courthouse .

119 GREENSTEIN I - I have...

120 HAEG: During my trial and sentencing..

121 GREENSTEIN: I have your wife's statement in writing – I have your wife's statement in
122 writing. She doesn't need to tell me.

123 JACKIE HAEG: Hello.

124 GREENSTEIN Hi. I have your statement in writing. That's fine.

125 JACKIE HAEG: Ok.

126 GREENSTEIN: You know I don't need you to tell me again cause I have your letter
127 that you faxed us.

128 JACKIE HAEG: Ok well we did see her every single time that you know she was out of
129 court and riding around to go to the store to get her pop or whatever and he was the
130 one driving her everywhere Back and forth from the hotel,

131 GREENSTEIN: Well he.

132 JACKIE HAEG: ...to eat...

133 GREENSTEIN: Well both he and the judge say that they weren't the people doing it.

134 JACKIE HAEG: Wow...

135 GREENSTEIN: ...It was VPSO Parker who provided the rides

136 HAEG: (In background) tell her ...

137 JACKIE HAEG: Well they're well he's - Dave's pretty upset cause they are both lying

138 -- I -- you know there were -- everybody else that was there with us saw it too and they

139 were all -- you know and all the jurors So -- well I don't know what to tell ...

140 GREENSTEIN: Ok

141 JACKIE HAEG: ... you probably need to ask some more people besides those two.

142 GREENSTEIN: No I talked to the people that your husband gave me the list of I've

143 spoke to them as well

144 JACKIE HAEG: And what did they tell you?

145 GREENSTEIN: -Um- they said they - that they did see -um- a trooper giving her rides

146 and -- but they -- they couldn't identify which -- who the trooper was

147 JACKIE HAEG: Hmm...Well I'll let you talk to David again

148 GREENSTEIN: Ok -- thank you

149 HAEG: Hi. (8M39S)

150 GREENSTEIN: Ok -- well I think I gave you all the information that I can -- so -um-

151 you'll get a letter after our Commission meeting on the 22nd to let you know exactly

152 what the Commission did

153 HAEG: Ok and when does the Commission meet the next time – where I can talk to
154 them?

155 GREENSTEIN: You already had an opportunity to talk to them

156 HAEG: I want another opportunity.

157 GREENSTEIN: We only give the public one – one opportunity to talk to ...

158 HAEG: Ok – my wife wants an opportunity.

159 GREENSTEIN: No we give each complainant one opportunity.

160 HAEG: She's a different complainant – she's pretty pissed

161 GREENSTEIN: No it's the same complaint. She could've appeared when you did as
162 well.

163 HAEG: Oh really...

164 GREENSTEIN: Yeah

165 HAEG: Oh.

166 GREENSTEIN: No.

167 HAEG: It's too bad you didn't.

168 GREENSTEIN: .. it's the same...

169 HAEG: ..tell us that.

170 GREENSTEIN: ... complaint

171 HAEG: Ok. -Um- (exhales)

172 GREENSTEIN: So...

173 HAEG: You understand what's going on here?

174 **GREENSTEIN** Well I – I'm telling you even if everything you say is true it wouldn't be
175 that significant um- a thing. It would be the kind of thing where we would just caution
176 the judge to -um- to try to make other arrangements in small communities in the
177 future. That's all we would do.

178 **HAEG** Well if I just made a small little thing if you were in court and just you know -
179 um- see I've been reading about how important all this stuff is and why people do what
180 they do. And when she's hanging out with Trooper Gibbens the whole time – he's the
181 one – he actually perjured his search warrant affidavits to start my whole case and I
182 mean you - I know that you're just saying I'm convicted and I have sour grapes. And I
183 understand that and that's a good position to take because it's probably the logical
184 position. But when she was involved over the entire course of my case and every
185 decision that she was free to make sided with Trooper Gibbens and then she's riding
186 around with him all the time and my jury is watching that each and every day. She
187 leaves with Trooper Gibbens and she arrives with Trooper Gibbens. What they say is
188 that a jury when they see that they say that trooper is credible.

189 **GREENSTEIN**: Did you have a lawyer?

190 **HAEG**: ... because he has the trust of the judge.

191 **GREENSTEIN**: You have a lawyer?

192 **HAEG**: Huh?

193 **GREENSTEIN**. Did you have a lawyer?

194 **HAEG**: Yeah and I can prove my lawyer was lying to me throughout the whole trial and
195 I know that's another fantastic idea

196 GREENSTEIN. Right no I mean if you're telling me everybody is lying including your
197 lawyer you know I'm .
198 HAEG: Then - then I'm not credible I understand that.
199 GREENSTEIN: Right.
200 HAEG. Ok look at Trooper or I mean not... Legislator Anderson and I know that I'm
201 kind of harping on this a little bit. But would you believe one of our legislators was
202 extorting money from somebody?
203 GREENSTEIN: Well you would be the first to say that somebody ^{accused} ~~exused~~ ^(?) should not
204 be assumed guilty? Right?
205 HAEG. No what I'm saying and I - I understand entirely what you're saying - that you
206 can't judge people before they're found guilty.
207 GREENSTEIN: Right.
208 HAEG. And that's what you're saying I'm doing. But what everybody's saying to me is
209 since I've already been found guilty that my word is no longer any good.
210 GREENSTEIN. That's kind of how the system works.
211 HAEG ^{well} ^(?) My wife just told you what happened and she hasn't been found guilty of
212 anything. And I will go get every jurors -um- affidavit.
213 GREENSTEIN. Well I'm just saying even if what you tell me is true it's a very minor
214 thing from our perspective on what we address
215 HAEG: Ok if it was so minor a thing in your perspective..
216 GREENSTEIN. Right
217 HAEG. ...why do you even do it?

218 GREENSTEIN: Because then we could give a cautionary letter to Judge -um- warning
219 them that -um- they should make other arrangements if they're in a small community
220 without public transportation

221 HAEG: Ok now this is the real question Why do you think Trooper Gibbens and
222 Judge Murphy lied?

223 GREENSTEIN: I – I don't believe they lied. I understand you do. But I don't believe
224 they did. If – if your memories differ on those things...

225 HAEG: If my memories different ..

226 GREENSTEIN: Mm hmm...

227 HAEG: You know how many times I've been told that? -um- and you know I'll have you
228 know that I'm taping this conversation as I tape all my conversations, And you know
229 these allegations that I made about my – my -uh- lawyers they were all on tape.

230 GREENSTEIN: Mm hmm...

231 HAEG: And my first lawyer cause the one that went through trial was the second one.
232 My first one I had before the Alaska Bar Association and as he lied I think it was
233 somewhere over 20 times Actually he was under oath so it was perjury. We played
234 the – actually didn't play the tape he agreed that the transcriptions my wife made of
235 the secretly recorded conversations were true and correct and as he read them he
236 started shaking like a leaf. And you know there aint – there probably isn't goanna be
237 much done to him because of people like yourself that when they're faced with the
238 obvious they don't want to do anything. But I mean I have this - I have - I mean

239 GREENSTEIN: Well let me

240 HAEG my
241 GREENSTEIN Let me just reflect back to you
242 HAEG. Ok.
243 GREENSTEIN. I think what you really want to - is a new trial or a retrial or to have
244 everything done over again
245 HAEG. Exactly
246 GREENSTEIN. I don't have the power -- our agency doesn't have the power to do that.
247 So I'm saying even if you know we found everything that you want us to find all we
248 would do is a cautionary letter to the judge. It won't help you.
249 HAEG: And did she get a cautionary letter?
250 GREENSTEIN: No. She hasn't yet ..
251 HAEG: So she didn't even get that?
252 GREENSTEIN: Well until you
253 HAEG. Didn't even ..
254 GREENSTEIN: ... our Commission ...
255 HAEG: ...freaking get that?
256 GREENSTEIN: . I told you our Commission..
257 HAEG: I cannot believe that Maria.
258 GREENSTEIN: I told you our Commission hasn't finished with it yet. Didn't I just tell
259 you that we are goanna address it at our January 22nd meeting?
260 HAEG: I thought you said it's over and that
261 GREENSTEIN. I said

262 HAEG: ...you said -um- ...

263 GREENSTEIN: ...January 22nd meeting...

264 HAEG: ...everything - I wrote down -um- everything I wrote down everything was ok. .

265 GREENSTEIN: Yeah from my investigation but I told you that we re meeting on

266 January 22nd.

267 HAEG: Ok January 22nd. Do you have a call in number for that date?

268 GREENSTEIN: I told you you already had your opportunity to address the

269 Commission

270 HAEG: No there's other people that want their opportunity.

271 GREENSTEIN: You're the only – we only allow the complainant to talk about their

272 complaint. And we'll give the opportunity one time

273 HAEG: Hmm . How convenient -Um- And who's your boss in the big scheme of

274 things here?

275 GREENSTEIN: I work for the Comm ssion.

276 HAEG: Ok Commission And whose the – is there a president or...

277 GREENSTEIN. There's a Chair

278 HAEG: Ok who's the Chair?

279 GREENSTEIN: Judge Ben Esch.

280 HAEG: Judge – what's the last name again?

281 GREENSTEIN: Esch. E-S-C-H.

282 HAEG: S-C-H?

283 GREENSTEIN: E-S-C-H.

284 HAEG: Ok and how do you pronounce that?

285 GREENSTEIN: Esch

286 HAEG: Esch? Ok -um- ok well I guess and I probably am not allowed to talk to her or

287 him or.. Is it a him or a her?

288 GREENSTEIN: Him.

289 HAEG: Him

290 GREENSTEIN: Yes Mr Ben Esch.

291 HAEG: -Um- is there any way I can communicate with him?

292 GREENSTEIN: -Um- you can send a letter.

293 HAEG: Ok do you have an address?

294 GREENSTEIN: -Um- He's at the Nome court. Do you have access to the Internet?

295 HAEG: Yep. Nome court?

296 GREENSTEIN: -Uh- huh.

297 HAEG: Ok we can probably manage that one. -Um- -uh- well actually this is kind of

298 good. And if I wanted those records Cause this is goar na be good. Cause I'm going

299 to have Trooper Gibbens and Judge Murphy under oath again ^{during (S)} ~~at~~ my Post Conviction

300 Relief And this will be a joy a true Joy.

301 GREENSTEIN: Our - our records are confidential ..

302 HAEG: I can - I can subpoena those records, correct?

303 GREENSTEIN: No Our - our records are confidential by State statute

304 HAEG: Ok and there's no - absolutely no court record - no way of getting those?

305 GREENSTEIN: No

306 HAEG: Not even through the Supreme Court?

307 GREENSTEIN: -Um- if the...

308 HAEG: Supreme Court? I - I..

309 GREENSTEIN: If the Supreme Court.

310 HAEG: ... I walk into your office with an SCO and I can't have it?

311 GREENSTEIN: I mean if the Supreme Court ordered it they would get it under seal but
312 you probably wouldn't have access to it.

313 HAEG: Ok. Well I'll guarantee you those records are goanna be -um- looked at by
314 somebody -um- cause I'm actually starting to enjoy this. This is kind of like - I used to
315 be a trapper and a hunter but this is far more fun. -Um- because it's the most
316 ridiculous thing that's ever happened. This state is so crooked you couldn't get a fair
317 trial here if you tried your hardest - like I did. It's unbelievable -Um- but anyway you
318 probably heard that before. -Um- and as I said I'm guilty so you don't have to listen to
319 me -Um- and oh I guess I've taken up enough of your time Maria.

320 GREENSTEIN: Ok

321 HAEG: Thank you very much

322 GREENSTEIN: You're welcome.

323 HAEG: Bye.

324 GREENSTEIN: Bye

Transcribed Phone Call between
Alaska Commission on Judicial Council (Marla Greenstein) and
David Haeg on or about September 23, 2009

1 HAEG: Yep

2 GREENSTEIN: Marla Greenstein.

3 HAEG: Hey how yah doing?

4 GREENSTEIN: I'm doing fine

5 HAEG: -Um- hey I have a couple questions for you. I don't know if you remember me

6 but I had a

7 GREENSTEIN: I do

8 HAEG: -Uh-

9 GREENSTEIN: I do it was a hunting thing

10 HAEG: Yep and I'd - I'd filed a complaint I think it was against Judge Murphy

11 GREENSTEIN: Right

12 HAEG: -um- and -uh- what I was wondering is at the time you had said that -uh- -um-

13 you had interviewed I think Judge Murphy and some of the people that I had...

14 GREENSTEIN: Right the trooper and some of those other people

15 HAEG: Yep And you had said that they -um- denied that the trooper had ever given

16 Judge Murphy rides until I think you said - I'd wrote down some notes until like after I

17 was sentenced. And I was wondering if you -um- I guess have any documentation on

18 what they said or if you could give me some on what they said?

19 GREENSTEIN: I can't share that with anybody I do the documentation but that -

20 that's confidential within our office

21 HAEG: Ok and is there anyway to make it non confidential?

22 GREENSTEIN: No there is not

23 HAEG: Not even a – I ke a court proceeding or anything?

24 GREENSTEIN No our files are confidential by statute.

25 HAEG: Ok and so when you like if I claim what you had told me – I can't even do that

26 either then?

27 GREENSTEIN. What I said to you? If you – I mean you should have a letter from me

28 that probably set out the reasons we dismissed the complaint. That s the only thing If

29 you don't have that letter we can you another copy of that letter.

30 HAEG: Ok.

31 GREENSTEIN That's the only thing that you can refer to.

32 HAEG Ok. Well what – what my problem is is you had said that they – you had

33 questioned them and they both denied that the trooper had given the judge rides Ok?

34 And I – I you know I wrote down -um- all the sluff that you had said because you had –

35 you actually called me I don't know if you remember that or not?

36 GREENSTEIN. Let me see. I think have the note - an advisory opinion that wrote as a

37 result of that I can read. Let me just lock it up. I think we wrote a summary of the

38 opnion that public...

39 HAEG: And what – so this actually went further than what...

40 GREENSTEIN: No – no

41 HAEG: .. just your investigation?

42 GREENSTEIN: No we did a formal opinion. They just - we write opinions to give

43 judges guidance at times -Um-

44 HAEG: Well why would there be any guidance if there were never any rides given?

45 GREENSTEIN: No there was (time passes while looking through her stuff) just
46 trying to help you. Just want to see if there's more information I can give you
47 HAEG: Ok.
48 GREENSTEIN: No he did give them rides. It was a question of when the rides were
49 given. So I can give you this opinion. Their opinion 'the judicial officer accepted rides
50 from law enforcement while on duty in small village without any form of public
51 transportation did not violate the Code of Judicial Conduct where no ex parte
52 communication concerning the pending criminal matter occurred. The circumstances
53 in rural Alaska often create a need for accommodations that would not be suitable if
54 there were other alternatives. Where these accommodations include assistance by
55 law enforcement officers, great care should be given to avoid any discussion of official
56 matters while outside the courtroom. The best practice would be to disclose the
57 special needs and accommodations on the record at the beginning of the court
58 proceeding to avoid appearance of impropriety questions.'
59 HAEG: Well if .
60 GREENSTEIN: So that -- that was our findings. I can mail that to you if you'd like?
61 HAEG: Ok well that would be great but what my question is is you had said that you
62 investigated
63 GREENSTEIN: Mm hmm.
64 HAEG: And you had called me and said that the trooper and the judge denied that any
65 rides ever took place. Is that correct?
66 GREENSTEIN: No -- until after sentencing

67 HAEG: Ok until after sentencing?

68 GREENSTEIN Right.

69 HAEG: Ok. Ok the problem I have Maria is I was there with I believe like 7 witnesses
70 and an attorney and - and...

71 GREENSTEIN: I talked to everybody.

72 HAEG: Ok.

73 GREENSTEIN I talked to the attorneys I talked to everybody I talked to people in the
74 courtroom. I talked to a bunch of people And they view things differently than you.

75 HAEG: Wow...

76 GREENSTEIN Mm hmm.

77 HAEG: That's unbelievable Isn't it? Because ..

78 GREENSTEIN: I talked even to the people in Texas, - or whoever they were. I made a
79 lot of phone calls.

80 HAEG: Ok

81 GREENSTEIN: That's why I remember it so well

82 HAEG: And you got no indication from anybody that they ever got - ever - the judge
83 ever took a ride with the trooper during my trial or sentencing, correct?

84 GREENSTEIN: Correct

85 HAEG: Ok but I have a note here that says you talked VPSO Parker. He doesn't
86 remember. That you never talked to any of the witnesses

87 GREENSTEIN: Listen are - are you goanna argue with me? I just told you I
88 interviewed a lot of the people. I talked to them...

89 HAEG. Well the problem – ok I'm not argu... I'm not try – I don't mean to argue with
90 you. Ok? The problem is – is over this case...

91 GREENSTEIN: Mm hmm...

92 HAEG: ... I lost everything I had built for my family from.

93 GREENSTEIN: I understand that

94 HAEG: ... when I was age 18.

95 GREENSTEIN: Nothing we do is going to change that.

96 HAEG. Ok. Correct absolutely. But what I'm saying is when the judge rode in every
97 morning, every noon to lunch, and it's even on the record. This is what really pisses
98 me off. Is that they - the State transcribed the record of the case and it has Judge
99 Murphy 'I'm going to commandeer you again Trooper Gibbens and we're goanna into
100 to town and get some stuff and blah blah blah'. And then when you tell me that – and
101 ever day this happened. And it was like I think a 5-day trial and 2 day sentencing.
102 And when that trooper was the main witness against me and it was proven he'd
103 committed perjury and the judge overlooked it and they're riding around together the
104 appearance – how that you are saying that the appearance of bias isn't right - we seen
105 actual bias because we proved the trooper was lying about where the evidence was
106 found. They claimed it was found where I guide and so I should be charged as a big
107 game guide. And so it has to do with real things in life rather than protecting a couple
108 people that did something they shouldn't be doing and are now denying it. And -um-
109 you know and I don't mean to jump down your throat Marla but it's now five and a half
110 years of my life as I know it ending. And I know that – that probably doesn't mean

111 anything to you. You get a paycheck and you go home at night and your jobs secure
112 but me and my family have a hard time putting – having enough money to put food in
113 our children's mouths anymore - over this. And Maria do you understand the
114 determination when you make a claim like I did – and I didn't even know it was that big
115 of deal but when they claimed it never happened. The judge lied to you and the
116 trooper lied to you and if I were you I would take that very seriously. And apparently
117 from what you're saying everybody agrees in fact you said no witnesses said it ever
118 happened. Didn't I tell you it happened?

119 GREENSTEIN: You - you did but nobody else.

120 HAEG: Nobody else told you it happened?

121 GREENSTEIN: Right.

122 HAEG: Did you ever talk to my jurors?

123 GREENSTEIN: No.

124 HAEG: Did I ask that you do?

125 GREENSTEIN: Listen you're arguing with me again so I'm gonna hang up. This has
126 been over for several years and I was trying to give you additional information. I'm
127 sorry but there's nothing more I can do.. (click)

David S. Haeg
P O Box 123
Soldotna, AK 99669
(907) 262-9249

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

DAVID HAEG)
Applicant,)
vs.)
STATE OF ALASKA,) Case No : 3HO-10-00064CI
Respondent)
_____)

AFFIDAVIT

1. My name is Wendell Jones and I am a former Alaska State Trooper.

2. I attended David Haeg's sentencing in McGrath on 9-29-05 and 9-30-05.

On these days I was present at the courthouse every hour David Haeg's court was in session. On 9-29-05 sentencing testimony and arguments started at 1 PM and continued straight through the night until the early morning of 9-30-05. David Haeg was finally sentenced at nearly 1 AM on 9-30-05.

3. On 9-29-05 I personally observed Judge Margaret Murphy arrive at court in a white Trooper pickup truck driven by Trooper Brett Gibbens. leave and return with Trooper Gibbens in the same truck during breaks and dinner, and leave with Trooper Gibbens when court was finished on 9-30-05. Nearly all the rides I witnessed Trooper Gibbens give Judge Murphy happened before David Haeg was sentenced.

4. Trooper Gibbens was the primary witness against David Haeg at sentencing and I believe during his trial.

5. During David Haeg's proceedings I never saw Judge Murphy arrive or depart the courthouse alone or with anyone other than Trooper Gibbens.

6. Other than David Haeg himself I was never contacted by anyone investigating whether or not Trooper Gibbens gave Judge Murphy rides.

AFFIDAVIT SWORN TO UNDER PENALTY OF PERJURY

I, WENDELL JONES, swear under penalty of perjury that the statements above and information included are true to the best of my knowledge

Wendell Jones

Wendell Jones

SUBSCRIBED AND SWORN to before me this 20th day of July, 2010.

Cheryl W. Jones

Notary Public in and for Alaska

My Commission Expires: 2-6-14

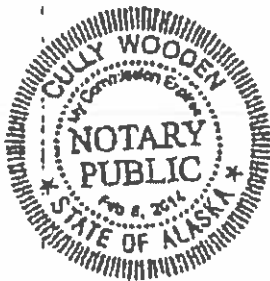


Exhibit #6

David S. Haeg
P O Box 123
Soldotna, AK 99669
(907) 262-9249

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

DAVID HAEG)	
Applicant,)	
vs.)	
STATE OF ALASKA,)	Case No.: <u>3HO-10-00064CI</u>
Respondent)	
)	
)	

AFFIDAVIT

1. My name is Tony Zellers and I am a retired Air Force Captain.
2. I was a state witness at David Haeg's trial in McGrath on 7-28-05. I also attended the sentencing in McGrath on 9-29-05 and 9-30-05. On these days I was present at the courthouse while David Haeg's court was in session. On 9-29-05 sentencing testimony and arguments started at 1 PM and continued through the night until the early morning of 9-30-05. David Haeg was finally sentenced at nearly 1 AM on 9-30-05.
3. On 7-28-05 and 9-29-05 I personally observed Judge Margaret Murphy being shuttled in a white Trooper pickup truck driven by Trooper Brett Gibbens; leave and return with Trooper Gibbens in the same truck during breaks, lunch, and dinner, and leave with Trooper Gibbens when court was finished for the day. Nearly all the rides I witnessed Trooper Gibbens give Judge Murphy happened before David Haeg was sentenced.

4. Trooper Gibbens was the primary witness against David Haeg at trial and sentencing.

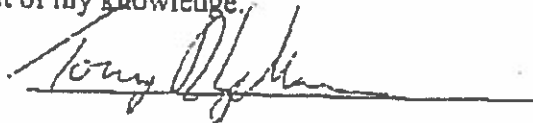
5. During David Haeg's proceedings I never saw Judge Murphy arrive or depart the courthouse alone or with anyone other than Trooper Gibbens.

6. Since 1994 to present my phone number has been 907-696-2319.

7. Other than David Haeg himself I was never contacted by anyone investigating whether or not Trooper Gibbens gave Judge Murphy rides.

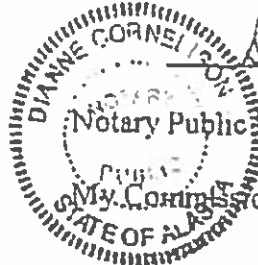
AFFIDAVIT SWORN TO UNDER PENALTY OF PERJURY

I, TONY ZELLERS, swear under penalty of perjury that the statements above and information included are true to the best of my knowledge.



Tony Zellers
9420 Swan Circle
Eagle River, AK 99577
907-696-2319

SUBSCRIBED AND SWORN to before me this 21 day of July, 2010.



Dianne Cornelison
Notary Public in and for Mat Su Bus Stop Alaska
My Commission Expires: April 5, 2014

Exhibit #6

David S. Haeg
P O Box 123
Soldotna, AK, 99659
(907) 262-9249

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

DAVID HAEG)	
Applicant,)	
vs.)	
)	
STATE OF ALASKA,)	Case No.: <u>3HO-10-00064CI</u>
Respondent.)	
)	
_____)	

AFFIDAVIT

1. My name is Tom Stepnosky and I am retired Vietnam Veteran.
2. I attended David Haeg's sentencing in McGrath on 9-29-05 and 9-30-05. On these days I was present at the courthouse every hour David Haeg's court was in session. On 9-29-05 sentencing testimony and arguments started at 1 PM and continued through the night until the early morning of 9-30-05. David Haeg was finally sentenced at nearly 1 AM on 9-30-05.
3. On 9-29-05 I personally observed Judge Margaret Murphy arrive at court in a white Trooper pickup truck driven by Trooper Brett Gibbens, leave and return with Trooper Gibbens in the same truck during breaks and dinner, and then leave with Trooper Gibbens when sentencing was finished on 9-30-05. Nearly all the rides I witnessed Trooper Gibbens give Judge Murphy happened before David Haeg was sentenced.
4. Trooper Gibbens was the primary witness against David Haeg at sentencing and I believe during his trial.

5 During David Haeg's proceedings I never saw Judge Murphy arrive or depart the courthouse alone or with anyone other than Trooper Gibbens.

6 Since 2005 to present my phone number has been 570-727-3130.

7 Other than David Haeg himself I was never contacted by anyone investigating whether or not Trooper Gibbens gave Judge Murphy rides.

8 On or about 2006 I contacted Alaska Commission on Judicial Conduct investigator Marla Greenstein by phone and told her I had personally seen Trooper Gibbens give Judge Murphy rides before David Haeg was sentenced.

AFFIDAVIT SWORN TO UNDER PENALTY OF PERJURY

I, TOM STEP NOSKY, SR., swear under penalty of perjury that the statements above and information included are true to the best of my knowledge

Thomas J. Stepnosky, Sr.

Tom Stepnosky, Sr.
PO Box 205
Thompson, PA 18465
570-727-3130

SUBSCRIBED AND SWORN to before me this 16th day of July, 2010

Nina A. Bills

Notary Public in and for _____

My Commission Expires: COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Nina A. Bills, Notary Public
Euclypsanne Depot Boro, Euclypsanne County
My Commission Expires Jan. 10, 2011

Exhibit #6

David S Haeg
P.O. Box 123
Soldotna, AK 99669
(907) 262-9249

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

DAVID HAEG)	
Applicant)	
vs.)	
STATE OF ALASKA,)	
Respondent)	Case No: <u>3HO-10-00054CI</u>
)	
)	

AFFIDAVIT

My name is Drew Hilderbrand.

I attended David Haeg's sentencing in McGrath on 9-29-05 and 9-30-05. On these days I was present at the courthouse every hour David Haeg's court was in session. On 9-29-05 sentencing testimony and arguments started at 1 PM and continued through the night until the early morning of 9-30-05. David Haeg was finally sentenced at nearly 1 AM on 9-30-05.

On 9-29-05 I personally observed Judge Margaret Murphy arrive at court in a white Trooper pickup truck driven by Trooper Brett Gibbens; leave and return with Trooper Gibbens in the same truck during breaks and dinner; and leave with Trooper Gibbens when court was finished on 9-30-05. Nearly all the rides I

witnessed Trooper Gibbens give Judge Murphy happened before David Haeg
was sentenced

Trooper Gibbens was the primary witness against David Haeg at sentencing and I
believe during his trial.

During David Haeg's proceedings I never saw Judge Murphy arrive or depart the
courthouse alone or with anyone other than Trooper Gibbens

From about 2004 to present my phone number has been 907-252-4090.

Other than David Haeg himself I have never been contacted by anyone investigating
whether or not Trooper Gibbens gave Judge Murphy rides

AFFIDAVIT SWORN TO UNDER PENALTY OF PERJURY

I declare under penalty of perjury the foregoing is true and correct. Executed on

July 19th 2010. A notary public or other official empowered to
administer oaths is unavailable and thus I am certifying this document in accordance with
AS 09.63.020.



Drew Hilterbrand
PO Box 1038
Soldotna, AK 99669
907-252-4090

Exhibit #6

David S. Haeg
P.O. Box 123
Soldotna, AK 99669
(907) 262-9249

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

DAVID HAEG)
Applicant,)
vs.)
STATE OF ALASKA,) Case No.. 3HO-10-00064CI
Respondent.)
_____)

AFFIDAVIT

1. My name is Greg Pearson; I am a husband and father of two.
2. I attended all of David Haeg's 12-hour self-representation hearing that was conducted in McGrath on 8-15-06. The hearing lasted until about 11 PM
3. During David Haeg's self-representation hearing I heard Magistrate David Woodmancy ask Trooper Brett Gibbens for a ride and Trooper Gibbens responded that he could not give Magistrate Woodmancy a ride because of all the trouble he (Gibbens) got into by doing this the last time.

I declare under penalty of perjury the forgoing is true and correct. Executed on

7-25-2010

. A notary public or other official empowered to administer oaths is unavailable and thus I am certifying this document in accordance with AS 09 63.020.

Greg Pearson
Greg Pearson
PO Box 1456
Soldotna, Alaska 99669 (907) 262-3935

Exhibit # 6

David S. Haeg
P.O. Box 123
Soldotna, AK, 99569
(907) 262-9249

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

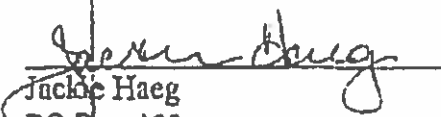
DAVID HAEG)	
Applicant,)	
vs.)	
)	
STATE OF ALASKA,)	Case No: <u>3HO-10-00064CI</u>
Respondent.)	
)	
)	

AFFIDAVIT

- 1 My name is Jackie Haeg, I work for the Kenai Peninsula Borough School District, am married, and mother of two.
- 2 I attended David Haeg's trial in McGrath on 5-17-05, 5-18-05, 7-25-05, 7-26-05, 7-27-05, 7-28-05, and 7-29-05. Trial went till 11.29 PM some days and I was present at the courthouse every hour of trial.
- 3 Every day of David Haeg's trial I personally observed Judge Margaret Murphy arrive at court in a white Trooper pickup truck driven by Trooper Brett Gibbens; leave and return with Trooper Gibbens in the same truck during breaks, lunch, and dinner; and leave with Trooper Gibbens when court was done for the day. All the rides I witnessed Trooper Gibbens give Judge Murphy happened before David Haeg was sentenced.
- 4 Trooper Gibbens was the primary witness against David Haeg at trial

5. During David Haeg's trial I never saw Judge Murphy arrive or depart the courthouse alone or with anyone other than Trooper Gibbens.
6. Since about 1990 to present my phone number has been 907-262-9249.
7. Other than David Haeg himself I have never been contacted by anyone investigating whether or not Trooper Gibbens gave Judge Murphy rides.
8. I was the one who found David Haeg's 17-page letter (evidencing that the State had told and induced David Haeg to do what the State later charged him with doing) had been removed out of the official court record while proof it had been admitted remained in the official court record
9. I attended all of David Haeg's 12-hour self-representation hearing that was conducted in McGrath on 8-15-06 before Magistrate David Woodmancy
10. During David Haeg's self-representation hearing I heard Magistrate Woodmancy ask Trooper Brett Gibbens for a ride and Trooper Gibbens responded that he could not give Magistrate Woodmancy a ride because of all the trouble he (Gibbens) got into by doing this the last time

I declare under penalty of perjury the forgoing is true and correct. Executed on July 23, 2010. A notary public or other official empowered to administer oaths is unavailable and thus I am certifying this document in accordance with AS 09.63.020.


Jackie Haeg
PO Box 123
Soldotna, Alaska 99669
(907) 262-9249

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

DAVID HAEG)

Plaintiff,)

v.)

STATE OF ALASKA)

Defendant.)

Case No. 3KN-10-01295 CI

(Previously identified as PCR Case No. 3HO-10-00064 CI
and Trial Case No. 4MC-04-00024 CR)

ORDER

*(Notifying Parties of Court Error in Serving Orders on Commission,
Confirming August 27, 2010 Order, and
Referring Materials to Judicial Conduct Commission for Review)*

Mr. Haeg contacted my law clerk, both by phone and by letter,¹ and requested formal confirmation that my chambers sent the Executive Director of the Alaska Commission on Judicial Conduct, Marla N. Greenstein, a copy of my August 27, 2010 order wherein I referred certain documents to the Alaska Commission on Judicial Conduct for their consideration. The original order and fax transmittal sheet in question were located in the file which is now in Kenai. Therefore, the court obtained a faxed copy of the original order and a copy of the transmittal sheet which are attached to this order as Exhibit 2.² Based upon my review of the documents it appears that the Alaska Judicial Conduct Commission was not properly served. The fax transmittal sheet shows their telephone number as their fax number. Therefore, unless they were provided the order from Mr. Haeg, or another

¹ See Exhibit 1, faxed letter of March 22, 2011 and attachments (11 pages).

² The fax transmittal sheet reflects that 43 pages were faxed to the interested parties. A review of the document and attachments received from the Kenai court reveals that 54 pages are in the file. It appears that Attachment of 1 of Exhibit 2 consists of two versions of the transcript. Only one of them must have been sent. Since the other version is easier to read we have attached both versions to this order. Because of this error, and in an abundance of caution, the entire document with its attachments is being provided with this order. See Exhibit 2 with attachments A through I. (54 pages)

Joannides March 25, 2011 Order

interested party requesting that they take action on the order, they would not have known the court referred the matter back to the Commission for review.

Over the last couple of months, Mr. Haeg has sent me courtesy copies of the materials he is filing in his case. Because there are no pending issues before me, I have not taken any action on them. Because of this recent request, I reviewed the submitted documents, including Ms. Greenstein's letter to Assistant Bar Counsel Louise Driscoll. Ms. Greenstein notes that Courtview does not include a reference to the court's August 27, 2010 order. Ms. Greenstein is correct, it does not. This error is being corrected and the docket shall now reflect the August 27, 2010 order.

Because of the discovery of the errors in the service of the August 27, 2010 order and in the failure to enter the order in Courtview, I requested copies of the two August 25, 2010 orders. The orders faxed to me from the Kenai court reveal that these documents were served on the Alaska Judicial Council rather than the Alaska Commission on Judicial Conduct.³ This error is being corrected by the service of the documents as attachments in this case.

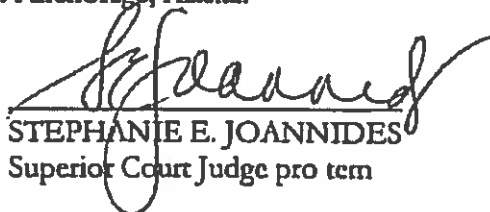
In summary, it is unacceptable that this series of errors occurred and I must apologize to the parties for the errors in service and in Courtview.⁴ These errors have further frustrated a long and fairly complicated case that required careful review. As the August 27, 2010 order states, my task was limited in scope. At the conclusion of my review, I granted Mr. Haeg's request to disqualify Judge Murphy from the Post Conviction Relief case because I found that, at a minimum, there was an appearance of impropriety. Because I was not privy to the parameters of the Commission's investigation of Mr. Haeg's complaint

³ See Exhibits 3 (5 pages) and 4 (2 pages).

⁴ In an abundance of caution, this order with the attachments is being served on all the individuals who should have been previously served. In addition, this order is being served on Assistant Bar Counsel Driscoll and Assistant Ombudsman Higgins since the issue of the receipt of the documents is being reviewed by them.

and because I was unable to evaluate any alleged factual discrepancies⁵ between the affidavits submitted by Mr. Haeg's witnesses and (1) the information in the taped conversations between Mr. Haeg and Ms. Greenstein and (2) the statements made by Judge Murphy and Trooper Gibbens, I referred the matter back to the Commission so they could evaluate the consistency of the statements. Therefore, I provided pages of information, along with the August 27, 2010 order, to the Commission for their consideration.⁶

DONE this 25th day of March 2011 in Anchorage, Alaska.


STEPHANIE E. JOANNIDES
Superior Court Judge pro tem

I certify that on 3/29/11
a copy of the above was mailed and/or faxed to
each of the following at their
addresses of record:

David Haeg, by fax and mail
Judge Bauman, assigned judge, by mail
Members of the Alaska Commission on Judicial Conduct, by mail
Assistant Bar Counsel Louise Driscoll, by mail
Assistant Ombudsman Kate Higgins, by mail
Marla Greenstein, by fax and mail
Peter Maasen, counsel for Judge Murphy, by mail
A. Andrew Peterson, Office of Special Prosecutions, by mail
Original order sent to Kenai Court to be placed in the file



Judicial Assistant

⁵ Some of the factual conflicts that Mr. Haeg raised are addressed in the court's August 27, 2010 order.

⁶ In addition to the courtesy copies of the pleadings and the letter discussed above, Mr. Haeg provided the court with a CD of what appears to be a February 2011 conversation between Mr. Robinson, Mr. Haeg's attorney, and Mr. Haeg. During the conversation, Mr. Robinson states he spoke to Ms. Greenstein about this matter. Mr. Haeg supplied this CD because he believes that it directly contradicts Ms. Greenstein's verified January 21, 2011 letter to the Alaska Bar Association Bar Counsel that she spoke to Mr. Robinson. Because these issues are not ones assigned to me, I do not intend to address the substantive issue. I only note it for the record because it is unclear to me if I was provided a courtesy copy of the CD or if this is an original that should be made part of the record in Mr. Haeg's PCR case or his other complaints. Mr. Haeg should file notice with the court no later than April 15, 2011 if he wishes the CD provided to me to be made part of the record in his PCR case or any other case. If he has already provided it to the Kenai court or other agencies, it need not be made part of the record a second time.



Alaska Commission on Judicial Conduct

1029 W. 3rd Ave., Suite 550, Anchorage, Alaska 99501-1944
(907) 272-1033 In Alaska 800-478-1033 FAX (907) 272-9309

Maria N. Greenstein
Executive Director
E-Mail: mgreenstein@ajc.state.ak.us

CONFIDENTIAL

January 21, 2011

Louise R. Driscoll
Assistant Bar Counsel
Alaska Bar Association
P.O. Box 10029
Anchorage, AK 99510-0279



RE: ABA File No. 2010D243

Dear Ms. Driscoll:

Thank you for allowing me time to provide information in this matter. I was on vacation from January 6th thru January 14th and so did not see your letter of January 5th until I returned to the office this week. Mr. Haeg filed a complaint against a state court judge with our office in 2006. That complaint was fully investigated by staff and reviewed and overseen by the full Commission. We also sought and received a response from the judge in the matter. As a result of the investigation, the complaint was dismissed without any disciplinary action at the Commission's January 22, 2007 meeting.

Mr. Haeg has subsequently sought to re-open the matter and the Commission has declined to do so. He also has raised the same issues relating to his initial complaint with us as part of his post-conviction relief petition in 3HO-10-00064CI. I have enclosed the relevant court documents concerning that matter. I have also enclosed our Formal Ethics Opinion #025 that addresses whether the conduct that Mr. Haeg complains of would constitute a violation of the Alaska Code of Judicial Conduct. Whether that opinion was the result of Mr. Haeg's specific complaint is confidential.

As Executive Director for the Commission, I am the investigator for all complaints. It is within my discretion, as guided by the Commission, how extensive an investigation to undertake. While I often conduct interviews as part of an investigation, I do not always interview every individual that is suggested by the complainant. In Mr. Haeg's matter, I interviewed: Mr. Haeg's attorney, Arthur Robinson; Mr. Tony Zellers, a witness and co-defendant who had settled earlier; Tom Stepnosky; Trooper Gibbens; and the subject judge (who also provided a written statement to the Commission). The Commission did not direct any further investigation.

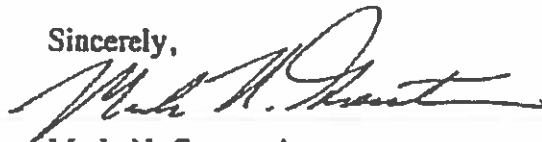
To the extent that Mr. Haeg states that I claimed that I contacted all witnesses, that is not correct. I did contact the witnesses above, and believe that I communicated that to Mr. Haeg in various phone conversations with him. The witnesses did state that they observed transportation provided by Trooper Gibbons and that was documented in my investigative memo to the Commission. The Commission did not find that those facts constituted a violation of the Code of Judicial Conduct. My investigative memos are confidential, so I cannot provide them here, but the fact of at least one transport occurring is not disputed.

Mr. Haeg asserts that Judge Joannides referred affidavits to our office on August 27, 2010. I have enclosed copies of the filings and orders between Judge Joannides and our office. We did not receive anything dated after August 25, 2010. I also searched CourtView to see if any August 27th document issued (printout enclosed) and have not found any reference to an August 27th document or to affidavits affecting our office. The court documents also reflect that we filed appropriate requests with the court to reconsider the request for our confidential documents. That reconsideration was granted.

Mr. Haeg's request to speak at the October 10, 2010 meeting was not approved by the Chair, as is the procedure under Commission Rule 1(h). Mr. Haeg stated that he would appear and speak despite the Chair's ruling and would bring friends with him. To ensure an orderly public session, staff arranged with Court System Judicial Services for a representative to be accessible to the meeting room. No law enforcement officer entered the meeting room during the public session, as there was no need.

I hope that this information and the attached documents address any concerns.

Sincerely,



Marla N. Greenstein
Executive Director

This letter constitutes a true and correct statement of the facts to my best knowledge and belief.



Marla N. Greenstein
Alaska Bar No. 970848

Dated 1-21-2011



Alaska Commission on Judicial Conduct

1029 W. 3rd Ave., Suite 550, Anchorage, Alaska 99501-1944
(907) 272-1033 In Alaska 800-478-1033 FAX (907) 272-9309

Marla N. Greenstein
Executive Director
E-Mail: mgreenstein@acjc.state.ak.us

Confidential

December 21, 2010

David Haeg
P.O. Box 123
Soldotna, AK 99669

Dear Mr. Haeg,

As requested by your phone call, I am writing this letter to inform you that I have not been successful in finding a letter from your wife in the commission's files. Because I have not been able to recover a letter, I am unable to confirm that the commission received this letter at any time. I apologize for any inconvenience this may cause you.

Respectfully,

A handwritten signature in cursive script that reads "Traci Moran".

Traci Moran
Administrative Assistant

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

DAVID HAEG,)	
)	
Plaintiff,)	
)	
v.)	
)	
STATE OF ALASKA,)	
)	
Defendant.)	
<hr style="border-top: 1px solid black;"/>		Case No. 3KN-10-01295CI

ERRATA TO ORDER ISSUED ON MARCH 25, 2011¹

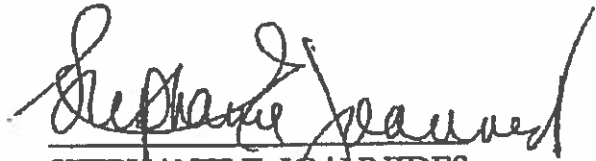
Footnote 6 on page 3 of the order requires correction. The footnote states that during a recorded conversation, Mr. Robinson told Mr. Haeg that he had spoken to Ms. Greenstein. This is incorrect. Mr. Robinson told Mr. Haeg that he had not spoken to Ms. Greenstein. Therefore, footnote 6 should state:

In addition to the courtesy copies of the pleadings and letter discussed above, Mr. Haeg provided the court with a CD of what appears to be a February 2011 conversation between Mr. Robinson, Mr. Haeg's attorney, and Mr. Haeg. During the conversation, Mr. Robinson states *he did not speak* to Ms. Greenstein about this matter. Mr. Haeg supplied this CD because he believes that it directly contradicts Ms. Greenstein's verified January 21, 2011 letter to the Alaska Bar Association Bar Counsel that she spoke to Mr. Robinson. Because these issues are not ones assigned to me, I do not intend to address that substantive issue. I

¹ Notifying Parties of Court Error in Serving Orders on Commission, Confirming August 27, 2010 Order, and Referring Materials to Judicial Conduct Commission for Review
3KN-10-01295CI
Haeg vs. SOA
Order Errata

only note it for the record because it is unclear to me if I was provided a courtesy copy of the CD or if this is an original that should be made part of the record in Mr. Haeg's PCR case or his other complaints. Mr. Haeg should file notice with the court no later than April 15, 2011 if he wishes the CD provided to me to be made part of the record in his PCR case or any other case. If he has already provided it to the Kenai court or other agencies, it need not be made part of the record a second time.

DONE this 8th day of April 2011 at Anchorage, Alaska.


STEPHANIE E. JOANNIDES
Superior Court Judge pro tem

I certify that on 11 April 2011
a copy of the above was mailed to
each of the following at their
addresses of record:

David Haeg, by fax and mail
Judge Bauman, assigned judge, by mail
Members of the Alaska Commission on Judicial Conduct, by mail
Assistant Bar Counsel Louise Driscoll, by mail
Assistant Ombudsman Kate Higgins, by mail
Marla Greenstein, by fax and mail
Peter Maassen, counsel for Judge Murphy, by mail
A. Andrew Peterson, OSPA, by mail
Original order sent to Kenai Court to be placed in the file


Judicial Assistant, Ellen Bozzini

Haeg

From: "Haeg" <haeg@alaska.net>
To: <mgreenstein@acjc.state.ak.us>
Sent: Friday, February 17, 2012 10:37 AM
Subject: Judge Bauman Complaint Dismissal
Ms. Greenstein,

*Ms. Greenstein, I have yet to
set a response to this email so
I am sending it by mail - return
receipt - for your response.*

I email you today because on February 15, 2012 your assistant Emily Cohn informed me you will no longer talk to me in person and will only communicate via email or letter. In addition, when I inquired how this was possible, Ms. Cohn stated that you answer to no one.

David S. Haeg

D.S.H.
2-27-12

(1) I wish to know the law or rule that allows you the option of not speaking with people who have filed complaints against judges.

(2) I wish to know if it is true that you answer to no one.

(3) I wish to know why, in dismissing my complaint against Judge Bauman, you never even mention the main issue I complained of - that Judge Bauman has falsified sworn affidavits that he is required to submit so he may be paid. This is the felony crime of perjury and violates nearly every item listed under AS 22.30.011, which describes judicial conduct over which the ACJC has jurisdiction. In your dismissal you state "All your concerns seem to be related to decisions the judge made concerning your Post-Conviction Relief Petition and do not appear to raise any ethics issues under the Alaska Code of Judicial Conduct."

In these affidavits all Alaska state judges, in order to be paid, must swear that nothing submitted to them for an opinion or decision has been undecided for more than 6 months. As I complained, Judge Bauman has been submitting these affidavits while not deciding issues I have submitted to him 12 months previous. During this same time period Judge Bauman has denied my motions for expedited consideration of my nearly 8-year old case - expedited consideration I claimed was needed so my family and I were not "starved" into submission.

Immediately after I filed my complaint to you and a criminal complaint to the Alaska State Troopers, Judge Bauman issued approximately 20 decisions in one day, some of which had been submitted to him over 12 months previous for a decision.

(4) In addition, Judge Bauman predated several decisions, which resulted in an orders appearing as if they had been issued within the 6-month time frame.

(5) In your dismissal you claim oral arguments in the discretion of the judge and so Judge Bauman's refusal to conduct oral argument was not a violation. Oral argument is in the discretion of the judge on motions other than motions to dismiss. I had requested oral argument on the state's motions to dismiss - thus Judge Bauman was required to hold oral argument.

(6) Finally, I wish to know why it is not a conflict of interest for you to investigate my complaint of Judge Bauman, who I claimed was corruptly covering up for your crimes and conspiracy when you falsified your entire investigation to corruptly exonerate my trial judge (Margaret Murphy) - a central issue in my PCR claim that Judge Bauman is deciding.

Conclusion

Please fully address the issue of Judge Bauman falsifying sworn affidavits - including why this does not violate AS 22.30.011(a)(3)(A), (B), (C), (D), and (E)

Please fully address the issue of Judge Bauman predating orders so they appear to have been made just before the 6 month time limit ran out.

Please fully address the issue of Judge Bauman not holding the required oral argument after they have been requested on a motion to dismiss.

2/27/2012

Please fully address why it is not a conflict of interest for you to investigate Judge Bauman - when one of the claims against Judge Bauman is that he was covering up your corruption.

Please fully address the law or rule that allows you not to speak in person to persons filing complaints against judges.

Please fully address your assistant's claim that you answer to no one.

Finally, as I asked Ms. Cohn, I would like to know when ACJC public testimony is scheduled on March 16 so I and others may attend and testify.

Thank you for your prompt consideration of the above issues.

David Haeg
907-262-9249

SENDER COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X <i>[Signature]</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: AK Comm. on Judicial Conduct 1029 W. 3rd Ave, Suite 550 Anch., AK 99501	B. Received by (Printed Name) EMILY COHN	C. Date of Delivery 2/1/12
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input checked="" type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

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