

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

Attention Superior Court Judge Jason Gist

DAVID HAEG, Applicant

4-8-19 Motion for Opportunity to Present Evidence to the Grand Jury and Ask They Investigate and Make Recommendations Concerning the Public Welfare and/or Safety

Overview

I was issued juror summons #226073, asking me to appear for Kenai grand jury service on 4-3-19. I appeared on 4-3-19, along with about 45 other potential grand jurors, we were sworn, and asked questions by Superior Court Judge Jason Gist.

Because of my response to one question I was removed from the other jurors and questioned on the record by Judge Gist - with Kenai DA Scot Leaders showing up as this occurred. Judge Gist disqualified me for having ongoing litigation with the State of Alaska.

I asked Judge Gist for an opportunity to ask the grand jury to investigate and make recommendations concerning the public welfare and safety. I stated this included, but was not limited to, an investigation of, and report on, evidence that the only investigator of Alaska's judges for the last 30 years, Marla Greenstein, is falsifying official investigations to cover up for corrupt judges and evidence that DA Scot Leaders has falsified physical trial evidence before trial, used physical evidence at trial he knew had been falsified to support his case for conviction to the jury, suborned trial perjury, and falsified certified documents to cover up his corruption.

I told Judge Gist that another concern to the public welfare and/or safety was the fact that when Kenai grand juror Ray Southwell tried to present, to his fellow grand jurors, his knowledge and reasons to believe the above was true - and that the grand jury should investigate and issue a report - DA Leaders personally stopped grand juror Southwell from doing so, and then obtained an order from Kenai Superior Court Judge Jennifer Wells prohibiting grand juror Southwell from

disclosing his knowledge and evidence to the other grand jurors. I told Judge Gist I believed this violated Article 1, Section 8 of Alaska's Constitution and AS 12.40.040 and thus should also be investigated and reported on by the grand jury.

I told Judge Gist that I had submitted a public petition, containing about 500 signatures, asking for a grand jury investigation of the above to the following: Kenai Court, Kenai District Attorney office, 3rd District Presiding Judge William Morse, Alaska's governor, and Alaska's attorney general – with no result other than Judge Morse responding that he was forwarding the petition to Deputy Attorney General Robert Henderson – who stated he would not give the petition to a grand jury.

Judge Gist asked I file a written request in the Kenai Court for an opportunity to present evidence to the grand jury and ask they investigate and make recommendations concerning the public welfare and/or safety.

Authority

Article 1, Section 8 of the Alaska Constitution, states:

“The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.”

Alaska Statute 12.40.030 states:

“The grand jury shall inquire into all crimes committed or triable within the jurisdiction of the court and present them to the court. The grand jury shall have the power to investigate and make recommendations concerning the public welfare or safety.”

Alaska Statute 12.40.040 states:

“If an individual grand juror knows or has reason to believe that a crime has been committed that is triable by the court, the juror shall disclose it to the other jurors, who shall investigate it.”

Alaska Statute 12.40.060 states:

“The grand jury is entitled to access, at all reasonable times, to the public jails and prisons, to offices pertaining to the courts of justice in the state, and to all other public offices, and to the examination of all public records in the state.”

Alaska Grand Jury Handbook states:

“Prosecutors also sometimes receive letters from the public, addressed to the grand jury, requesting investigations. In these situations, the prosecutor will probably conduct a preliminary investigation and make a recommendation to the grand jury about whether to take action. It will be up to the grand jury to decide whether to investigate the matter requested in the letter.”

The Investigative Grand Jury in Alaska (1987 report by the Alaska Judicial Council at the request of the Alaska State Senate to “study use of the power of the grand jury to investigate and make recommendations” concerning the public welfare or safety) states:

*“Although the Council initially considered addressing the full scope of grand jury activities, the focus of the study was ultimately limited to **the grand jury’s investigative function and its power to issue investigative reports.**”*

State grand juries have often acted on their own initiative in the face of opposition from a district attorney:

*In response to instructions from the court or the district attorney, **or in response to petitions or requests from the public**, or on the initiative of a majority of the members of the grand jury, the grand jury may investigate concerns affecting the public welfare or safety. These public welfare or safety concerns may arise from criminal or potentially criminal activity, or they may involve noncriminal public welfare or safety matters. After completing its investigation, if the grand jury has found sufficient evidence to charge an individual or individuals with a crime, the grand jury may ask the district attorney to prepare an indictment or indictments.*

*'Public welfare or safety' has been interpreted very broadly and includes concerns with public order, health, or morals. Black’s Law Dictionary defines general welfare as 'the governments concern for the health, peace, morals, and safety of its citizens.' 'Suspend' is defined in case law and by Black’s as 'to cause to cease for a time; to postpone; to stay, delay or hinder.' **In other words, the Alaska Constitution gives grand juries the power to investigate into and make recommendations addressing virtually anything of public concern. This broad general power can never be hindered or delayed.***

The Committee on the Preamble and Bill of Rights of the Alaska Constitutional Convention submitted a proposal entitled “Grand Juries, Indictments and Information”. The clause that addressed the investigative function read:

...the power of grand juries to inquire into the willful misconduct in office of public officers, and to find indictments in connection therewith, shall never be suspended.

The commentary of the section stated: ‘The grand jury is preserved, for all purposes, particularly for investigation of public officials.’

‘The grand jury once a year investigates the jails (under territorial law) and sometimes is useful where any particular fraud or general scandal has occurred...’(Rivers, 1323)

*‘...I am against the use of a grand jury in criminal prosecution...**I would say retain the grand jury all right for investigative purposes of officials in public institutions...it serves no useful purpose except for just investigative purposes.**’ (Taylor, 1324)*

‘The grand jury should certainly and definitely be preserved as an investigatory agency. There is no question about it at all...’(Hellenthal, 1325)

The debate suggests that some votes for mandatory grand jury indictment may have been cast to assure free exercise of the grand jury’s investigative function:

‘...[I]t is true the investigative grand jury had been preserved in the bill as set forth here. However, an investigative grand jury will only be called under certain specific circumstances, and somebody is going to have to find conditions pretty bad before an investigative grand jury will be called. Whereas a grand jury which is empaneled regularly, once or twice a year in our division, has full investigative power as well as the power to consider indictments. The grand jury is there and may take any step that it feels may be necessary towards investigations.’ (Davis, 1326)

*‘...**The grand jury in its investigative power as well as for the fact that it is sitting there as a panel sometimes is the only recourse for a citizen to get justice...**’(Kilcher, 1328)”*

Evidence Attached that Needs to be Investigated and Reported on by a Grand Jury

1. Evidence, much of it put together and certified by Superior Court Judge Stephanie Joannides, proving that Marla Greenstein, the Alaska Commission on Judicial Conduct’s only judge investigator for the past 30 years, is falsifying official investigations to cover up for corrupt judges.
2. Evidence that judge investigator Greenstein falsified certified documents to cover up her corruption.
3. Evidence that DA Scot Leaders falsified physical evidence before trial so it would support his case to the jury for conviction.
4. Evidence that DA Scot Leaders used physical evidence at trial that he knew at the time had been falsified to support his case for conviction.
5. Evidence that DA Scot Leaders knowingly and intentionally suborned trial perjury.
6. Evidence that DA Scot Leaders conspired with Alaska State Trooper Brett Gibbens to rig a jury trial.
7. Evidence that DA Scot Leaders falsified certified documents to cover up his corruption.

8. Evidence that DA Scot Leaders violated a written discovery request to make sure his corrupt was not discovered.
9. Evidence that Trooper Brett Gibbens falsified physical evidence before trial so it would support a jury conviction.
10. Evidence that Trooper Brett Gibbens knowingly and intentionally committed trial perjury.
11. Evidence that Trooper Brett Gibbens conspired with DA Scot Leaders to rig a jury trial.
12. Evidence that District Court Judge Margaret Murphy illegally removed properly admitted exonerating evidence out of the court record before the jury could see it.
13. Evidence that Judge Margaret Murphy was chauffeured fulltime and ate meals with Trooper Brett Gibbens in a trial that Judge Murphy presided over and in which Trooper Gibbens was the main witness.
14. Evidence that Judge Murphy falsified a sworn affidavit to cover up her corruption.
15. Evidence that criminal defense attorneys are lying to their own clients to help the prosecution frame the clients.
16. Evidence that Judge Carl Bauman falsified sworn affidavits to cover up the above.
17. Evidence that Judge Carl Bauman predated orders to cover up his corruption.
18. Evidence all 3 Alaska Court of Appeals judges knowingly and intentionally falsified sworn affidavits to cover up the above.
19. Evidence that the Alaska Court of Appeals falsified an official document to cover up the above.
20. Evidence that 3rd District Presiding Judge William Morse falsified court rules to cover up the above.

Conclusion

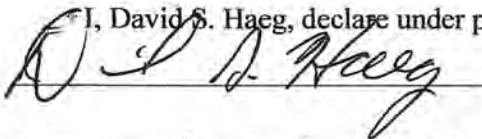
Also of concern (and thus should be investigated and report on) is most the above concerns and evidence has been presented to the Alaska Supreme Court, Bar Association, State Troopers, Department of Law, Commission on Judicial Conduct, Judicial Council, Governor, Attorney General, and even Ombudsman – without any effect or investigation. When long time Alaska attorney Dale Dolifka joined witnesses (some who witnessed DA Leaders/Trooper Gibbens corruption and some who judge investigator Greenstein falsified contacting and whose

testimony she falsified to exonerate a corrupt judge) in testifying to the FBI about the above, the FBI asked we give our evidence to Trooper Internal Affairs. Trooper Lieutenant Keith Mallard, at the time Trooper Internal Affairs sole investigator, stated by phone he had heard of our concerns, all we had was sour grapes, that he would not dignify our evidence with an address to send it to, and hung up the phone. This clearly explains how the above issues have continued to multiply and gone unaddressed for so many years. The FBI called attorney Dolifka back for a second day of testimony on other independent court cases in which similar corruption occurred.

Petitioners asking for a grand jury investigation and report believe all prior attempts (written and otherwise) of getting our concerns and evidence to a grand jury have been unjustly and illegally suppressed by government officials – including by officials who are directly implicated in the corruption we want the grand jury to investigate and report on. Petitioners believe the next step is to present our concerns to a grand jury in person, by getting all petitioners together at appropriate courthouses while a grand jury is in session, entering the courthouse, finding the grand jury, telling them verbally our concerns, physically presenting them with the evidence, and asking them to investigate and issue a report.

Declaration Under Penalty of Perjury

I, David S. Haeg, declare under penalty of perjury that the above is true & correct.



Executed at Browns Lake, Alaska on April 8, 2019.

David S. Haeg

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haeg@alaska.net, and website/Facebook page Alaska, State of Corruption.

A CD of the evidentiary hearing proving the above corruption can be obtained from the Nesbett Courthouse at 825 West 4th Ave., Anchorage, AK. Ask for the 1-28/29-19 Evidentiary Hearing in Haeg v. State 3KN-10-01295CI.

Attachments

1. Greenstein Evidence Packet
2. Alaska Supreme Court Petition
3. Excerpt of 1-28/29-19 Evidentiary Hearing in Haeg v. State 3KN-10-01295CI.
4. 2-5-19 Supplement to 1-28/29-19 Evidentiary Hearing.
5. Affidavit of Ray Southwell