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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 David Haeg; I am married and father of two.
2. I was prosecuted by the State of Alaska for the crime of killing wolves same day airborne as a guide outside the area the State had permitted me to do so.
3. My first attorney, Brent Cole, advised me that to protect the Wolf Control Program “immense pressure” was being placed on my judge and prosecutor to make an example of me. Cole then advised the State telling and inducing me to kill wolves same day airborne outside the open area, but claim they had been taken inside the open area, was not a legal defense. Cole advised against filing in the court record a 17-page letter I had written explaining exactly how, when, where, why, and by whom the State had told me to take wolves outside the open area but claim they had been taken inside the open area. See exhibit #1.

4. Because my longtime business attorney Dale Dolifka subsequently claimed this may be my only defense, and must be brought to the courts attention, I demanded Cole file the letter in the official court record of my case.
5. On 11-8-04 Cole filed this letter in the court record by faxing it to Judge (then Magistrate) Margaret Murphy, who was presiding over the case against me. To file the letter Cole used a cover sheet that stated: “David Haeg, by and through his counsel, hereby submits his supplemental letter for consideration during the sentencing hearing in the above-captioned case scheduled before Magistrate Murphy in McGrath on November 9, 2004, at 10:30 a.m.” See exhibit #2.
6. The cover sheet was stamped “FILED - In District Court State of Alaska at McGrath”, signed and dated 11-8-04 by Judge Murphy. The cover sheet also certified a copy was faxed to prosecutor Scot Leaders. See exhibit #2
7. Just 3 hours after prosecutor Leaders was faxed my letter he filed an amended information greatly increasing the severity of the already filed charges, breaking the plea agreement that was based on the lesser charges. See record.
8. Cole advised nothing could be done about the State breaking the plea agreement. After I was convicted at trial on the severe charges I was present when my wife Jackie found, that while the cover letter from Cole remained in the official court record, my letter (that evidenced the State told and induced me to do what they charged me with doing) had been removed. See exhibit #6.
9. I attended my 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 and sentencing in McGrath on 9-29-05 and 9-30-05.

- Trial went till 11:29 PM some days, sentencing went till midnight on 9-29-05, and I was present at the courthouse every hour of trial and sentencing.
10. Every day I personally observed Judge Murphy arrive at court in a white Trooper pickup 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 done for the day. Nearly all rides I witnessed Trooper Gibbens give Judge Murphy happened before I was sentenced.
  11. Trooper Gibbens was the primary witness against me at trial and sentencing.
  12. During my trial and sentencing I never saw Judge Murphy arrive or depart the courthouse alone or with anyone other than Trooper Gibbens.
  13. On or about March 23, 2006 I filed a complaint, with investigator Marla Greenstein of the Alaska Commission on Judicial Conduct, that Judge Margaret Murphy traveled around with Trooper Brett Gibbens (the State's main witness against me) 100% of the time before I was sentenced.
  14. On or about April 20, 2006, at investigator Greenstein's request, I supplied a supplemental letter to her stating that Tony Zellers, Tom Stepnosky, Drew Hilterbrand, and Wendell Jones had also seen the improper conduct I witnessed between Judge Murphy and Trooper Gibbens. See exhibit #3. In the same letter I provided phone numbers for these witnesses. See exhibit #3.
  15. On or about January 12, 2007 and September 23, 2009 I tape-recorded telephone conversations with investigator Greenstein. In these conversations investigator Greenstein states that both Judge Murphy and Trooper Gibbens

- testified no rides were given by Trooper Gibbens to Judge Murphy until after I was sentenced; that investigator Greenstein had talked to all the witnesses I had provided her; and that no one testified they had seen Trooper Gibbens give Judge Murphy rides before I was sentenced. See exhibit #4.
16. After these conversations I contacted Tony Zellers, Tom Stepnosky, Drew Hilterbrand, and Wendell Jones. All denied ever being contacted by the Commission or investigator Greenstein. Tom Stepnosky stated that he himself contacted investigator Greenstein and specifically told her Trooper Gibbens had given Judge Murphy rides during my case before I was sentenced.
  17. Tony Zellers, Tom Stepnosky, Drew Hilterbrand, and Wendell Jones have stated they will be providing affidavits, and witness testimony if possible, to substantiate that no one from the Commission, including investigator Greenstein, ever contacted them and that Trooper Gibbens gave rides to Judge Murphy during my case before I was sentenced. See exhibit #6.
  18. The following is the last half of page 1262 of the official TRANSCRIPTS OF PROCEEDINGS against me, which is before I am sentenced: See exhibit # 5.

MR. ROBINSON: Before we get going again I think we're going to need about a 10 minute break.

THE COURT (Judge Margaret Murphy): At least. I have to get to the store because I need to get some.....

MR. ROBINSON: So why don't we take long enough to go to the store and .....

THE COURT: Get some diet Coke. And I'm going to commandeer Trooper Gibbens and his vehicle to take me because I don't have any transportation.

MR. ROBINSON: All right.

THE COURT: All right, Trooper Gibbens?

TROOPER GIBBENS: Well, yeah.

MR. ROBINSON: You've been commandeered.


19. I attended all of my self-representation hearing that was conducted in McGrath on 8-15-06. The self-representation hearing lasted until approximately 11 PM.
20. During my self-representation hearing before Magistrate David Woodmancy, I heard Magistrate Woodmancy ask Trooper Brett Gibbens for a ride and 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.

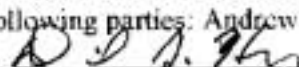
I declare under penalty of perjury the forgoing is true and correct. Executed on

7-25-10

\_\_\_\_\_. 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

  
\_\_\_\_\_  
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**Certificate of Service:** I certify that on 7-25-10 a copy of the forgoing was served by mail to the following parties: Andrew Peterson, O.S.P.A; Steve VanGoor, ABA; and U.S. Department of Justice. By \_\_\_\_\_