

IN THE SUPREME COURT OF THE STATE OF ALASKA

DAVID HAEG,)
)
Petitioner,) Supreme Court No. S-16579
)
v.)
) Court of Appeals No. A-11349/70
STATE OF ALASKA,) Trial Court No. 3KN-10-01295 CI
)
<u>Respondent</u>)

**3-6-17 MOTION FOR PERMISSION TO FILE A REPLY PROVING STATE HAS
FALSIFIED FACTS IN ITS RESPONSE TO PETITION FOR HEARING**

This case concerns evidence of widespread corruption within Alaska’s judicial system. To cover this up the State’s response outright falsifies numerous provable facts.

Facts I can prove the State falsified if given permission to file a reply:

1. That I inadequately protested – & thus waived - the issue State falsified physical trial evidence (map – altered to corruptly make it seem wolves were killed in my hunting guide area) &, while knowing this evidence was falsified to justify my conviction, presented this evidence to my judge & jury as reason to convict me. Court record proves this was exhaustively protested & I even used the original trial map at Court of Appeals oral argument to prove the State falsified it before trial & then, knowing it was false, used it against me at trial. Witnessed by about 300 people (all courtroom could hold), this was placed on YouTube for all to see. (*David Haeg vs State of Alaska*) The claim I didn’t adequately protest this issue – & thus “waived” it - attempts to cover up evidence a State prosecutor & trooper falsified physical trial evidence to frame someone.

2. That I inadequately protested – & thus waived - the issue prosecutor Scot Leaders failed to provide *requested* pretrial discovery (map used at trial & pretrial recordings of

prosecutor Leaders & Trooper Brett Gibbens discussing how they falsified the map to justify my conviction). Record proves this was properly protested. The reason for Leaders failure is clear: to make sure no one found out he and Gibbens had falsified physical trial evidence (a felony) before they could convict me.

3. That I inadequately protested – & thus waived - the issue my attorneys have testified State threatened them so they would not oppose what the State was doing to me. Record proves this was exhaustively protested.

4. That I inadequately protested – & thus waived - the issue my own attorneys lied to me when I specifically asked about the rights that would have protected me. Record proves this was exhaustively protested.

5. That I admitted committing the offenses. Record proves I denied committing the offenses & admitted only to killing wolves only where the State told me to.

6. That Judge Joannides ruled it would create an appearance of impropriety to have Judge Murphy presided over my PCR. Record proves Judge Joannides ruled Murphy being chauffeured by Gibbens (the main witness against me) during my trial and both lying about this in affidavits -created the “*appearance of impropriety at a minimum.*”

7. That I only claimed Judge Murphy was chauffeured by/had meals with, Gibbens. Record proves I also claimed Murphy removed my exonerating evidence (proof I killed the wolves exactly where State official running Wolf Control Program (WCP) told me to) from the official court record before my jury could see it.

8. Robinson wasn't ineffective for failing to file a motion to suppress, because it made no difference if the wolves were taken in my guide area or where State told me to. Yet the State's entire case for my conviction was I killed wolves in my guide area to

benefit my guide business & Robinson told me there was nothing he could do about the State falsifying all the evidence locations to my guide area on the warrants/affidavits used to seize our airplane & other property/evidence needed for my wife & I to run our guide business – when there were many things that could be done. All caselaw holds it automatic ineffective assistance if an attorney gives false advice after specific inquiry. Who would possibly agree that the false location made no difference when the charges filed against me were based on my taking wolves in my guide area to benefit my guide business? Robinson’s lies that nothing could be done not only allowed the State to keep/use property/evidence, it also allowed the State to continue their deception at trial.

9. It didn’t matter if Ted Spraker, the State official running WCP told me to take the wolves where I took them. Yet this is obviously a defense to being charged with taking them were I was not told – even if the area I was originally told to take wolves differed from what I was later told by Spraker. This is exactly why my prosecution started.

10. It didn’t matter if my evidence – that Spraker told me to take wolves exactly where I took them – was removed out of the official court record after it had been properly admitted. First, this is the felony crime of tampering with evidence. Second, this evidence was removed before my jury could see it & while the record was in Judge Murphy’s possession under her lock & key. Third, this evidence was critical to my defense. It is clear the State claims it didn’t matter because the removal of my evidence was necessary to convict me. I wonder if State would say it didn’t matter if their evidence was removed from the official court record before the jury could see it.

11. It didn’t matter that my immunized statement was used against me at trial & Robinson was not ineffective for failing to protest this. Yet all law (see Petition for

Hearing), including Evidence Rule 410, holds no use whatsoever can be made of immunized statements no matter what other evidence there is – & if the statement is used in any way whatsoever the conviction is invalid.

12. I didn't allege I was coerced into testifying. Yet record proves I did & was.

13. Claim of transactional immunity is “*unfounded*” & based entirely on my own “*confusion.*” Yet my attorneys testified during depositions (with State attorneys cross-examining, 6 witnesses, & tape recorders running) that State gave me “*transactional immunity*”. They also testified State affirmatively told them it “*would not be honoring the immunity*” after I had given the statement/wolf kill locations required by immunity. Transactional immunity prevents prosecution for anything discussed during the required statement. Yet State prosecuted me for everything I talked about – exactly as it told my attorneys it was going to do. State & Court of Appeals must lie that “*transactional immunity*” is just my imagination – because if it isn't I could never have been prosecuted.

14. Robinson was not ineffective for failing to call Cole as a witness during my sentencing “*since Haeg & Cole were involved in a contentious fee arbitration case.*” Yet I was sentenced in September of 2005 & didn't file fee arbitration against Cole (my first attorney) until a year after this. I have the date-stamped application to prove it. I flat demanded Robinson question Cole in-person during my sentencing, Robison agreed to do so, I paid Robinson to subpoena Cole, I paid to have the subpoena successfully served, & I paid for Cole's airline ticket to McGrath. When Cole failed to show up as required I asked Robinson what could be done. Robinson told me “*nothing can be done.*” But a bench warrant could have been issued to force Cole to show up & testify. False advice after specific inquiry is automatic ineffective assistance. Cole's testimony would have

proved my conviction was invalid, which is why Robinson let him escape. While representing me Cole claimed I must plea out; that prosecutor Leaders only required me to give up guiding for one year; & that Leaders promised to give me credit if I gave up guiding before agreement was presented to judge (Cole confirmed this in his deposition). After guide year given up was past, Leaders changed the agreed to & already filed charges so they required at least a 3-year guiding suspension – telling Cole he would change them back only if I would also give him our business airplane. I asked Cole if there was anyway to enforce the original agreement as I had already given up a year guiding in reliance on it. Cole told me nothing could be done. Asked Cole if Leaders could change agreement again after getting airplane & Cole said he could. After this is when I fired Cole, hired Robinson, & went to trial. Yet I now know the State was bound – by commercial contract law backed by U.S. constitution – to honor the agreement after I gave up a year of guiding for it. In other words, I had bought & paid for – with the guide year already given up – charges far less severe than what I had been forced to trial on & found guilty of. Adding to the injustice is at sentencing Leaders & Gibbens testified they had no idea why I had given up guiding for a whole year prior to my trial (Cole’s testimony would have proved this was perjury) – so I never even got credit for the guide year Leaders promised to give me credit for. Then Leaders & Gibbens successfully asked Murphy to sentence me to 5 more years of guide license suspension – making it in reality 6-years. It is clear why the State is now lying about the timing of fee arbitration to justify Robinson’s refusal to make Cole testify.

15. *“Haeg claimed Robinson was ineffective for failing to correct factual inaccuracies about the location of kill sites at sentencing. The judge’s comments showed that she*

mistakenly believed that Haeg had killed wolves in the same unit where he guided, when he actually had killed them in a different area.” Record proves I claimed this proved the State’s false trial testimony & false trial evidence had a devastating effect & that Robinson should have asked for a mistrial after Gibbens false trial testimony – heard by both my jury & Murphy. If it affected Murphy, as proven by her specific sentencing statements, it undoubtedly affected my jury. Gibbens “correction” did not cure the taint – again proven by Murphy’s statements. & we now know the most effective part of Gibbens & Leaders plan to frame me for guide crimes was not even found out, let alone corrected, until 8 years after conviction - the map which Leaders & Gibbens placed false guide boundaries on before trial to corruptly make it seem as if the wolf kill locations were in my guide area instead of where I was told to kill them. My jury & Murphy looked at the map continuously throughout my trial & it was an exhibit the jury used during their closed deliberations when deciding whether or not I was guilty.

16. *“Haeg has offered no reason to suspect impropriety in its [my evidence] disappearance.”* Record proves I claimed: (a) this evidence directly refuted State’s case; (b) was properly admitted for my defense; (c) that Gibbens - while he was chauffeuring Murphy - had Murphy remove this evidence out of the locked court record (she had keys to do so) so he & State could frame me for devastating guide violations; & (d) that Murphy & Gibbens falsified affidavits to cover up (evidence they falsified affidavits – & judicial conduct investigator Marla Greenstein falsified an official investigation to help them – was certified & referred to authorities for prosecution by Judge Joannides).

17. *“Nothing indicates that his [Trooper Gibbens] direct testimony was anything other than an honest mistake.”* Yet Gibbens admitted his trial testimony was false only after he

knew it had been found out. This is by definition perjury – see AS 11.56.200 & AS 11.56.235 – because it means Gibbens not only knew his testimony was false when given, but fully intended to let it go uncorrected after he gave it.

Yet far better evidence it was no honest mistake is the pretrial tape recordings of Gibbens & prosecutor Leaders – obtained only 8 years after trial because Leaders failed to provide them as required by my pretrial discovery request. These recordings (now official record in this case) capture Gibbens & Leaders, before trial, discussing how they knew the wolves were not killed in my guide area & how they had falsified their trial map to corruptly make it appear they were killed in my guide area. So not only do we know it was intentional trial perjury by Gibbens, we know Leaders also knew it was perjury as he solicited Gibbens testimony for my jury – & that both knew the map they presented to my jury had been falsified to exactly support Gibbens false testimony. This is by definition a criminal conspiracy by government officials to frame me.

18. *“Also, his [Gibbens] mistaken testimony would not have affected the jury’s judgment.”* Yet Murphy’s reason for ending my hunting guide career & sentencing me to years in prison was *“the majority, if not all of the wolves were taken in 19-C, where you were hunting”* This was Gibbens exact false testimony. If Gibbens false testimony & map affected Murphy so profoundly it would also affect my jury – who also heard Gibbens false testimony & looked at his false map. Also, State’s reason for guide charges & conviction (instead of WCP charges which by law could not affect my guide career - or no charges at all because Spraker told me to kill wolves where I killed them) was, over & over to my jury, I was killing wolves in my guide area to benefit my guide business.

19. *“Judge Bauman was corrupt based on his rulings against Haeg.”* Yet I claimed Bauman was corrupt because he falsified pay affidavits to delay decisions longer than the 6-month limit – such as my “1-10-11 Motion for Hearing & Rulings before Deciding States Motion to Dismiss”, decided by Bauman on 1-17-12 or over a year later.

20. *“Haeg provides no factual or legal authority to support his claim of widespread corruption & misconduct.”* Record proves I provided Judge Joannides certified evidence that Judge Murphy, Gibbens, & judicial conduct investigator Marla Greenstein conspired & committed felony perjury to cover up what Murphy & Gibbens did during my trial (Judge Joannides referred this evidence to authorities for prosecution). Other facts indicating widespread corruption are detailed in my 2-11-17 Petition for Hearing.

21. *“The timing of the [Court of Appeals] decision does not affect the merits of the decision.”* Yet it is clear if the judges knowingly falsified sworn pay affidavits every two weeks for over a year to delay issuing a decision (as they did - see AS 22.07.090) the decision itself is tainted. In other words, judges willing to commit felony perjury in direct connection with a case cannot be allowed to also decide that case. Period.

Conclusion

Judge Joannides ordered a full 2-day evidentiary hearing on the sole issue of whether or not Judge Murphy could preside over my PCR appeal. For this hearing Judge Joannides allowed me to subpoena Murphy, judge investigator Greenstein, Leaders, all my attorneys, & ordered State produce Gibbens. When Greenstein refused to produce her investigative report into Murphy’s & Gibbens’ trial conduct & everyone, including my own attorneys, filed motions to quash their subpoenas, Judge Joannides cancelled the evidentiary hearing by ruling their was already enough evidence, even without an

evidentiary hearing, that Murphy must be removed from my PCR. Judge Joannides ordered that I would be given an evidentiary hearing during PCR in which I could question everyone about everything that happened before, during, & after my trial.

Judge Joannides didn't even know about the false trial map & pretrial recordings proving Leaders/Gibbens trial corruption – as these items had yet to be provided by State. Just what kind of evidentiary hearing would Joannides require had she known of the false map/pretrial recordings & been tasked with deciding every issue in my case?

Over 6 years after Judge Joannides' order the Court of Appeals has finally ordered Judge Bauman to give me an evidentiary hearing (Bauman refused for the 3 years he presided over my case after Murphy was disqualified) – but limited it to a few items of little substance. This is like giving me a kid's squirt gun to fight the Great Chicago Fire.

It is now 13 years since my guide career was destroyed - the sole source of income for my wife Jackie & I to provide for our daughters. I require a full & fair evidentiary hearing, complete with Judge Murphy, prosecutor Leaders, Trooper Gibbens, investigator Greenstein, Cole, Fitzgerald, Robinson, Osterman, Peterson, Spraker, & Fithian forced to answer questions while under oath, on *everything*. If not, I look forward with great relish to numerous trips to prison (I know what this is as State, in violation Appellate Rule 206, has already forced me to serve my prison sentence) for contempt of court as I demand, & ask the public demand, this as many times as it takes.

35-year Alaskan attorney Dale Dolifka, while being cross-examined by AAG Peterson, testified why the courts are trying to corruptly limit my evidentiary hearing:

“Other than just an outright payoff of a judge or jury it is hard to imagine anyone being sold down the river more. Your case has shades of Selma in the 60's, where judges, sheriffs, & even assigned lawyers were all in cahoots together. The reason why you have still not resolved your legal problems is corruption. You have a Court sitting there

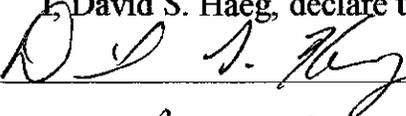
looking at a pile of dung & if they do right by you & reveal you know you have the attorneys going down, you have the judges going down, you have troopers going down.”

As the public states: if there is nothing to worry about the State and courts should be happy to provide me with a full & fair evidentiary hearing in which all my concerns are addressed, and everyone - including myself, are required to testify under oath.

If, in the bitter end, Alaska's courts close their doors without retrial or a full/fair evidentiary hearing, I will travel to the Alaska State Trooper impound yard at 4825 Aircraft Drive, Anchorage, Alaska (near Ted Stevens International Airport & next to Alaska Aviation Heritage Museum on Lake Hood) – & start repossessing the property (airplane, satellite phones, GPS's, etc, etc, etc) I used to provide a livelihood for my beautiful wife & daughters so long ago. Before doing so we will send out 250,000 mailings (every mailing address in Southcentral Alaska) inviting the public to come watch someone attempt to enforce everyone's basic constitutional rights.

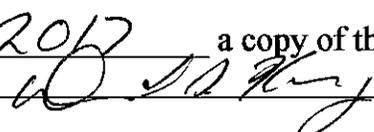
Declaration Under Penalty of Perjury

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



Executed at Browns Lake, Alaska on March 6, 2017

David S. Haeg
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Certificate of Service: I certify that on March 6, 2017 a copy of the forgoing was served by mail to: AAG Soderstrom. By: 

I, David S. Haeg, ask everyone reading this to forward it on to as many others as possible, by any means possible. In addition to the document above, copies of the physical documents (Joannides certified evidence, trial map, certified transcriptions & documents, etc) proving systemic corruption have been downloaded to the website: www.alaskastateofcorruption.com