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

Attention Presiding Judge Sharon Gleason
825 W. 4th Avenue
Anchorage, AK 99501
907-264-0772

DAVID HAEG,	)
	)
Applicant,	)
	)
v.	)
	) POST-CONVICTION RELIEF
STATE OF ALASKA,	) CASE NO. 3HO-10-00064CI
	)
	)
Respondent.	)
_____	)

Trial Case No. 4MC-04-00024CR

5-2-10 REPLY, AFFIDAVIT, AND REQUEST FOR HEARING TO JUDGE MURPHY'S REFUSAL TO DISQUALIFY HERSELF FOR CAUSE

VRA CERTIFICATION: I certify this document and its attachments do not contain the (1) name of victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

COMES NOW Applicant, DAVID HAEG, in the above referenced case and hereby files this memorandum, affidavit, and request for hearing for the review of Judge Murphy's failure to disqualify herself for cause.

Introduction

On 3-15-10 Haeg filed a motion that Judge Murphy be disqualified for cause, claiming and presenting evidence that Judge Murphy has exhibited bias

against Haeg; has exhibited bias toward the State prosecution; has an interest in the outcome of Haeg's PCR; is a named defendant and material witness in Haeg's case; has firsthand knowledge of disputed facts in Haeg's case; knowingly testified falsely during an official investigation into her impermissibly consorting with the State prosecution during Haeg's trial and sentencing; conspired with the State prosecution to thwart an official investigation into her impermissibly consorting with the State prosecution during Haeg's trial and sentencing; and removed out of the official record evidence that would have prevented Haeg's prosecution by the State. See Haeg's 3-15-10 motion to disqualify Judge Murphy for cause; Haeg's PCR application; Haeg's PCR memorandum; Haeg's PCR exhibits; and Haeg's opposition to the State's motion to dismiss.

On 4-23-10 Judge Murphy issued an order and 7-page argument why she was denying Haeg's motion she be disqualified for cause.

The presiding judge of the 3rd District, Judge Sharon Gleason, must review this denial or must assign another judge to do so. See AS 22.20.020(c).

I

On page 2 of her denial Judge Murphy falsely claims Haeg appealed his sentence. Haeg did not appeal his sentence, because Judge Murphy failed to notify Haeg he could do so; **notification required by Criminal Rule 35.2(b) and Appellate Rule 215(b).**

Prejudice was enormous. Haeg had Judge Murphy issue a subpoena for his first attorney, Brent Cole, to testify at Haeg's sentencing; Cole failed to appear;

and Haeg was told nothing could be done to force Cole to testify. Haeg had typed up 56 questions for Cole - proving he had told Haeg: (1) to give up an entire year of guiding (Haeg family's only income) for the State's plea agreement that only required 1-year of guiding be given up and that included far lesser charges then what Haeg had just been convicted of and was being sentenced for; (2) that the State promised to give the Haeg credit for this guide year if he gave it up in advance of being sentenced; (3) that after Haeg had given up the year and it was already past the State broke the plea agreement by changing the already filed and agreed to charges to charges that were far more severe (charges Haeg was convicted of); and (4) that nothing could be done to enforce the agreement upon which Haeg had already placed the detrimental reliance of a whole year's income.

At sentencing the State testified they had no idea why Haeg had given up guiding before being sentenced and that Haeg must be sentenced to a 5-year license loss. Because Cole was not present to refute this or explain Haeg had already paid for an agreement that only required a 1-year license loss, Haeg never received credit for the year as promised and was sentenced to 5 more years without a license – changing a 1-year license loss into a 6-year license loss. The State just recently changed this 6-year loss to a lifetime loss when they told Haeg that a guide license expires forever if not renewed every 4 years – and it cannot be renewed if it is suspended or revoked – as Haeg's was for the past 5 years.

Long after the deadline for appealing his sentence Haeg made this stunning find: **All caselaw from the U.S. Supreme Court on down requires a State to**

abide by a plea agreement once a defendant relies upon it to their detriment. See Santobello v. New York, 404 U.S. 257 (U.S. Supreme Court 1971); U.S. v. Goodrich, 493 F.2d 390 (9th Cir. 1974); and U.S. v. Garcia, 519 F.2d 1343 (9th Cir. 1975). Once Haeg had given up a year of guiding for the lesser charges it meant harsher charges could not be filed. **If Haeg had received credit at sentencing for the guide year given up, as Cole and the State had promised, it would have proven Haeg's trial and sentencing on the harsher charges was null and void.**

Since Judge Murphy failed to give the required notice, Haeg never appealed his sentence and Cole was never required to testify that Haeg must be given credit for the guide year already given up, which in turn would have proven Haeg's charges and conviction itself were null and void.

II

Also on page 2 Judge Murphy falsely claims that Haeg's PCR was originally assigned to Judge Funk in Fairbanks. Haeg's PCR was originally assigned to Magistrate Woodmancy in Aniak, as required by AS 12.72.030. Haeg filed a motion to disqualify Magistrate Woodmancy and change venue to Kenai. Magistrate Woodmancy sent the file to Fairbanks where Judge Funk was assigned. The State opposed disqualifying Magistrate Woodmancy; but in this same opposition asked Judge Murphy in Homer be assigned – a direct contradiction to their opposing the disqualification of Magistrate Woodmancy. Judge Funk ruled Haeg's motion to disqualify Magistrate Woodmancy was "moot" - meaning Magistrate Woodmancy still was assigned, as now there was no motion to

disqualify him. But then, in the same order, Judge Funk incomprehensibly assigned Judge Murphy as the State requested - over Haeg's opposition that the State cannot "request" a specific judge (See Padie v. State, 566 P.2d 1024, 1027-28 (AK 1977)) and that since Haeg's motion to disqualify Magistrate Woodmancy was moot, and no one else had filed a motion to disqualify him, Magistrate Woodmancy still presided over Haeg's PCR. See Haeg's 1-10-10 reply to the State's opposition to Haeg's motion to disqualify Magistrate Woodmancy and Haeg's 3-18-10 motion to reconsider assigning Judge Murphy. And even if Judge Funk were properly assigned, without he himself being disqualified he could not, according to the very authority cited by Judge Murphy, "shirk" his duty to hear Haeg's case by reassigning it to Judge Murphy. See Judge Murphy's Denial and Feichtinger v. State, 779 P.2d 344 (AK App. 1989).

III

On page 3 Judge Murphy claims that Haeg's Judicial Conduct Commission complaint (that Judge Murphy, during Haeg's trial and sentencing, impermissibly rode around with Trooper Gibbens, the primary witness against Haeg) was dismissed and did not affect her ability to remain fair and impartial.

Judicial Conduct investigator Marla Greenstein stated the reason that no action was taken against Judge Murphy and the complaint dismissed was that both Judge Murphy and Trooper Gibbens testified that Trooper Gibbens never gave rides to Judge Murphy during Haeg's trial or sentencing.

Yet for Haeg's entire trial and sentencing Trooper Gibbens alone chauffeured Judge Murphy everywhere she went, including to and from court every morning, noon, and night, because she had flown into McGrath to conduct Haeg's trial and sentencing and she had no ground transportation. Rides were so commonplace they were even recorded into the official record of Haeg's case:

Case No. 4MC-04-24 CR, Haeg Trial Record Transcript, page 1262:

> MR. ROBINSON (Haeg's attorney at the time): Before we get going again I think we're going to need about a 10 minute break.
>
> THE COURT (Judge 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.**

Irrefutably, the reason the Judicial Conduct Commission took no action against Judge Murphy was because she and Trooper Gibbens knowingly testified falsely to investigator Greenstein that no rides took place.

In other words, not only was Judge Murphy actually guilty of the exact prejudicial consorting Haeg complained of, she testified falsely to cover this up

during the official investigation into it and conspired with Trooper Gibbens, the main witness against Haeg, to do so – two of which are felony crimes.

Judge Murphy is not, as she claims, an innocent victim of a baseless complaint by Haeg, able to conduct Haeg's PCR proceeding fairly and impartially; she is an incredibly dangerous criminal threat to both the United States and Alaska constitutions. It is self-evident that Judge Murphy will, as she already has, sacrifice Haeg's right to a fair and impartial arbitrator in order to favor the State prosecution and to keep her crimes from being exposed.

Further evidence of Judge Murphy's bias against Haeg and toward Trooper Gibbens occurred during Haeg's trial and sentencing. At trial Trooper Gibbens testified that the wolf kill sites he found were in Game Management Unit 19C (as he had also placed on the warrants seizing Haeg's plane and property), precisely confirming prosecutor Leaders trial argument that Haeg took the wolves where he guided in GMU 19C to "greatly benefit his guide business" (because the wolves would have killed the moose that Haeg offered to clients) – and that this justified both charging and convicting Haeg of guide crimes.

Yet when Haeg demanded Trooper Gibbens be confronted on this he recanted and now testified that no wolf kill sites were found in GMU 19C and that all kill sites were found in GMU 19D - a GMU in which Haeg was not allowed to guide. **Even after Haeg asked what could be done trial continued with Judge Murphy taking no action against her "chauffeur" for his proven perjury or to**

cure the taint of his perjury from Haeg's trial and seizure warrants – as required by the U.S. Supreme Court in Mesarosh v. U.S., 352 U.S. 1 (1956):

"[T]he dignity of the U.S. Government will not permit the conviction of any person on tainted testimony. The government of a strong and free nation does not need convictions based upon such testimony. It cannot afford to abide with them."

See also Napue v. Illinois, 360 U.S. 264 (U.S. Supreme Court 1959); Mooney v. Holohan, 294 U.S. 103 (U.S. Supreme Court 1935); and Giles v. Maryland, 386 U.S. 66 (U.S. Supreme Court 1967):

"The principle that a State may not knowingly use false evidence, including false testimony, to obtain a tainted conviction, [is] implicate in any concept of ordered liberty…"

Irrefutable proof of continuing prejudice appeared at Haeg's sentencing. Judge Murphy specifically cited Trooper Gibbens perjury to justify Haeg's sentence, stating Haeg "killed most, if not all the wolves in Game Management Unit 19C…where you [Haeg] were guiding." And if Judge Murphy specifically cited Trooper Gibbens admitted trial perjury as justification for Haeg's sentence what did the jury use to convict Haeg?

IV

Next on page 3 Judge Murphy claims that she has no interest in the outcome of Haeg's PCR. Haeg claims that Judge Murphy intentionally denied Haeg fair proceedings by: (1) prejudicially consorting with the State prosecution during Haeg's trial and sentencing; (2) testifying falsely to thwart the official investigation into this; (3) conspiring with the State prosecution to thwart this investigation; and (4) removing out of the official court record, for which she was

responsible, evidence that the State told and induced Haeg to do what he was charged with doing - a complete defense to the charges Haeg faced. Many of these claims are felonies, would end Judge Murphy's career, and expose her to lawsuits. See Haeg's PCR application, memorandum, exhibits, opposition to the State's motion to dismiss, and motion to disqualify Judge Murphy for cause.

In addition, Judge Murphy has failed to ever rule on Haeg's July 8, 2005 Motion to Post Bond for Seized Property – which the State opposed on July 21, 2005 (by falsely stating under oath that if the court allowed this the court would be "usurping executive authority"). AS 22.15.220 (c) states:

> **"**A salary disbursement may not be issued to a district judge or magistrate until the judge or magistrate has filed with the state officer designated to issue salary disbursements, an affidavit that no matter referred to the judge or magistrate for opinion or decision has been uncompleted or undecided by the judge or magistrate for a period of more than six months."

If, anytime after January 8, 2006, Judge Murphy submitted the above affidavit so she would be paid, that affidavit is felony perjury. It is very likely Judge Murphy has committed approximately eight such felonies so far.

Judge Murphy sentenced Haeg to nearly 2 years in jail; forfeiture of $100,000 in property; $19,500 fine; and forfeiture of his guide license for 5 years – for misdemeanors. If Haeg's PCR proves Judge Murphy guilty of felonies her career is over, she will go to jail, and she will be liable for damages. It is clear Judge Murphy has an overwhelming interest in the outcome of Haeg's PCR.

V

On page 4 Judge Murphy claims that she is not a witness in Haeg's case and that she has no other personal knowledge about Haeg's PCR claims then that obtained at hearings and at trial.

Yet Judge Murphy undeniably witnessed and has personal knowledge of Haeg's most shocking PCR claims – that she prejudicially consorted with the State prosecution; that she conspired with the State prosecution to cover this up; and that she witnessed and has personal knowledge that evidence the State told and induced Haeg to do what he was charged with doing, that would have prevented Haeg from ever being charged, was first placed into the official record and then was removed out of official record – likely by Judge Murphy herself so Haeg could be charged. That Judge Murphy is a witness and has personal knowledge critical to these claims, knowledge that was obtained both at hearings and/or trial and outside of any hearing and/or trial, is irrefutable. To effectively make his case for PCR Haeg must be allowed to fully examine Judge Murphy as a witness under oath – which cannot happen if she is the judge in the same case.

Judge Murphy claims an entrapment defense was never brought up at hearing or trial, minimizing the significance of the evidence being removed from the court record. Yet when considered with other facts a chilling and irrefutable case of conspiracy and corruption is realized. Haeg's attorneys advised Haeg, on tape, that this evidence was not a legal defense. Only over their objections did Haeg place this evidence into the official court record anyway – evidence which

was then astonishingly removed anyway – again leading to the exact result as the attorneys false advice would have – no record that the State told and induced Haeg to do what he was charged with doing. Only long after he was convicted and sentenced did Haeg find the U.S. Supreme Court law on the State telling someone to do something, inducing them to do it, and then charging them with a crime for doing it: **First, it is a legal and complete defense to the criminal charges. Second, all prosecution must stop no matter when, how, or by whom the defense is brought to the attention of the court.**

> U.S. Supreme Court SORRELLS v. U.S., 287 U.S. 435 (1932)
>
> When the criminal design originates, not with the accused, but is conceived in the mind of the government officers, and the accused is by persuasion, deceitful representation, or inducement lured into the commission of a criminal act, the government is estopped by sound public policy from prosecution therefor.
>
> The violation of the principles of justice by the entrapment of the unwary into crime **should be dealt with by the court no matter by whom or at what stage of the proceedings the facts are brought to its attention.**
>
> **Proof of entrapment, at any stage of the case, requires the court to stop the prosecution, direct that the indictment be quashed, and the defendant set at liberty.**
>
> The applicable principle is that courts must be closed to the trial of a crime instigated by the government's own agents.
>
> U.S. Supreme Court JACOBSON v. U.S., 503 U.S. 540 (1992)
>
> The prosecution failed, as a matter of law, to adduce evidence to support the jury verdict that Jacobson was predisposed, independent of the Government's acts and beyond a reasonable doubt, to violate the law by receiving child pornography through the mails.

Because the Government overstepped the line between setting a trap for the "unwary innocent" and the "unwary criminal," Sherman v. United States, 356 U.S. 369, 372 (1958), and, **as a matter of law, failed to establish that petitioner was independently predisposed to commit the crime for which he was arrested, we reverse the Court of Appeals' judgment affirming his conviction.**

JUSTICE O'CONNOR, with whom THE CHIEF JUSTICE and JUSTICE KENNEDY join, and with whom JUSTICE SCALIA joins except as to Part II, dissenting. "[Keith Jacobson] needed no Government agent to coax, threaten, or persuade him; **no one played on his sympathies, friendship, or suggested that his committing the crime would further a greater good. In fact, no Government agent even contacted him face to face."**

Supreme Court of AK. Grossman v. State,457 P.2d 226 AK 1969.

It is plain enough that the underlying basis of entrapment is found in public policy, as discerned and announced by the courts. As Judge Learned Hand perceptively observed in United States v. Becker, 62 F.2d 1007, 1009 (2d Cir. 1933),

'The whole doctrine derives from a spontaneous moral revulsion against using the powers of government to beguile innocent, though ductile, persons into lapses which they might otherwise resist.'

In Sorrells v United States, 287 U.S. 435, 53 S.Ct. 210, 77 L.Ed. 413 (1932), the majority opinion viewed entrapment as an implied statutory condition that one who has been entrapped shall not be convicted of violating the statute.

It held that the determination in each case should focus on whether the particular defendant was predisposed to commit the crime or was an otherwise innocent person who would not have erred except for the persuasion of the government's agents. **This permits a searching inquiry into the conduct and motivations of both the officers and the defendant, including the past conduct of the defendant in committing similar crimes, and the general activities and character of the defendant.**

Supreme Court of AK. Batson v. State 568 P.2d 973 (AK 1977)

> In Alaska we have recognized entrapment as a defense in criminal prosecutions.
>
> Under the Federal 'implied exception' theory, an entrapped defendant cannot be convicted and punished because what he did was not a crime; that is, he did not violate any statute because he comes within an implied exception to that statute. **From a procedural standpoint, once the defense of entrapment is raised, the prosecution must prove non-entrapment because it is only by so doing that the prosecution can prove that the defendant did not come within the implied exception and hence that he has committed a crime.** Since application of the statute to the defendant is an essential element which must be proven to establish guilt, it follows in both logic and law that the standard of proof which must be satisfied on the issue of non-entrapment is the same as for any other essential element of the offense; proof beyond a reasonable doubt. Therefore, **the 'Federal rule' provides that once the issue of entrapment has been raised, either by the defendant or in any other way, the defendant has met his burden and thereafter the burden is on the prosecution to disprove entrapment beyond a reasonable doubt.**

There is no possible way, except with conspiracy and corruption, that Haeg's attorneys could tell him this was not a legal defense, refuse to bring it up at hearing or trial, and then have this defense also disappear out of the official court record when Haeg, ignorant it was a legal and complete defense and with no criminal record at all to prove he was predisposed, put it in the court record (which is pubic information) over his attorneys objections. It is irrefutable Haeg's own attorneys and those able to manipulate Haeg's court record worked together to convict Haeg of guide crimes and to keep what the State had told Haeg from being made public – as it would have had it remained in the court record.

Motive for this? Animal rights activists at the very time were filing lawsuits claiming that the State was falsifying the data needed to justify the Wolf Control

Program. If it was exposed that the State told Haeg to take wolves outside the Wolf Control Program area but claim they were taken inside the area (to make the program seem more effective then it really was so it would not be shut down as ineffective – dooming Alaska's moose resource), it would have been the smoking gun needed for the animal rights activists to end the Wolf Control Program.

Conclusion

Haeg was told by the State that, before the plummeting moose population was gone entirely, he had to kill wolves outside the Wolf Control Program area but claim they had been taken inside that area so the first experimental program would be seen as effective and not stopped, with no more programs started. That Haeg, by falsifying the data, was the knight in shining armor needed to save Alaska's moose resource for all those that depended on it to feed their families.

Haeg had a right to use this as a defense, but when he tried to do so was first told by his attorneys that this was not a legal defense and then, even after he put it in the record over their objections, it was unbelievably taken out.

The evidence removed was replaced with false evidence that Haeg took the wolves where he guides, false evidence that was relied upon even after it was admitted to be false. This changed the entire evidentiary picture from the State was using Haeg to impermissibly falsify the data justifying the Wolf Control Program to Haeg was a rogue guide out to feather his own nest. This change completely destroyed everything David, Jackie, Kayla, and Cassie Haeg had in life. See attached brochure documenting what has been destroyed already.

The skill with which this perversion took place and the numbers of those in key places willing to cover it up means this corruption has been going on for a very long time. The ability to use a defendant's own attorneys and judge to strip evidence out of the court record and replace it with false evidence means anyone could be framed of first degree murder at will. How many lives have already been unjustly destroyed because of this? How many more will be if nothing is done?

This corruption is nothing new. Read carefully the following quotes from the United States Supreme Court case Monroe v. Pape, 365 U.S. 167 (1961):

"While murder is stalking abroad in disguise, while whippings and lynchings and banishment have been visited upon unoffending American citizens, **the local administrations have been found inadequate or unwilling to apply the proper corrective.** Combinations, darker than the night that hides them, conspiracies, wicked as the worst of felons could devise, have gone unwhipped of justice. Immunity is given to crime, and the records of the public tribunals are searched in vain for any evidence of effective redress."

". . . certain States have denied to persons within their jurisdiction the equal protection of the laws. The proof on this point is voluminous and unquestionable. . . . [M]en were murdered, houses were burned, women were outraged, men were scourged, … and **the State made no successful effort to bring the guilty to punishment or afford protection or redress to the outraged and innocent. The State, from lack of power or inclination, practically denied the equal protection of the law to these persons."**

"That the State courts in the several States have been unable to enforce the criminal laws of their respective States or to suppress the disorders existing, and, in fact, that the preservation of life and property in many sections of the country is beyond the power of the State government, is a sufficient reason why Congress should, so far as they have authority under the Constitution, enact the laws necessary for the protection of citizens of the United States.."

"There was, it was said, no quarrel with the state laws on the books. It was their lack of enforcement that was the nub of the difficulty. Speaking of conditions in Virginia, Mr. Porter of that State said: 'The outrages committed upon loyal men there are under the forms of law.'"

"…if the statutes show no discrimination, yet, in its judicial tribunals, one class is unable to secure that enforcement of their rights and punishment for their infraction which is accorded to another, or, if secret combinations of men are allowed by the Executive to band together to deprive one class of citizens of their legal rights without a proper effort to discover, detect, and punish the violations of law and order, the State has not afforded to all its citizens the equal protection of the laws."

It has been incredibly fascinating to watch the corruption in Haeg's case grow as more and more people try to cover up for those already caught. It is reminiscent of the wholesale corruption in Alaska's legislature just before the FBI raided so many offices. Just when the witnesses think it is time to fly to Washington DC to present this case and story to the Department of Justice and national media, someone new steps into the trap and greatly adds to the evidence of corruption – as Judge Funk did with how he complied with the State's demand to assign Judge Murphy to Haeg's case so she could "finish the job". As Steve VanGoor (discipline head of the Alaska Bar Association) said as he explained to Haeg how corruption had to expand to keep itself hidden, "it was not the initial Watergate break-in that brought everything down including President Nixon, it was the attempt afterward to cover it up."

In light of the enormity of the claims against Judge Murphy and before deciding if she must be disqualified, Haeg respectfully asks that an evidentiary hearing be conducted, with witness testimony including Judge Murphy's, to establish whether or not Judge Murphy is a witness to Haeg's claims, has an interest in the outcome of Haeg's PCR, has knowledge of disputed evidentiary

facts, or if her impartiality might reasonably be questioned. See AS 22.20.020 and Alaska Code of Judicial Conduct Canon 3.

If no hearing is held and Judge Murphy is not disqualified Haeg respectfully asks that all claims raised to disqualify Judge Murphy for be fully addressed in a written order so it may be presented to the Department of Justice and added, with the other injustices, to: www.alaskastateofcorruption.com

After 6 years the scars on the Haeg family are so many and incredibly deep they will never heal, yet the same 6 years have provided a mountain of evidence into how this corruption works and, far more importantly, has provided an unstoppable determination to see justice restored. This determination is not Haeg's alone. See attached petition and letters to United States Attorney General Eric Holder from most of the several hundred people attending a recent Soldotna, Alaska meeting about the corruption in Haeg's case.

This meeting also brought forward more evidence of corruption in Alaska's judicial system. Some of it could not be believed if not actually seen – **"curative" warrants served on the State prosecution by themselves** to "cure" their own illegal airplane seizures years earlier - warrants with preprinted boxes, citing caselaw that does not apply (Jones v. State, 646 P.2d 243 (AK App. 1982), to delay by months the notice of reason for seizure that must be provided **at the time of seizure when seizing property used to provide a livelihood.** See Ak Rule of Criminal Procedure 37(b) and Waiste v. State, 10 P.3d 1141 (AK Supreme Court 2000). This has led to plans for statewide meetings to uncover more evidence.

Haeg has an irrefutable and constitutional right to a PCR hearing before an unbiased and unconflicted judge – which Judge Murphy is not. It is undisputed this is one of the, if not the most, basic and fundamental constitutional rights we have. Anything less is unacceptable, negating the sacrifice of all those that died creating and protecting our constitution. Haeg will continue to very carefully and exhaustively take any and all action necessary to prevent this.

I declare under penalty of perjury the forgoing is true and correct. Executed on _____. 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 _____ a copy of the forgoing was served by mail to the following parties: Andrew Peterson, O.S.P.A; Judge Margaret Murphy; Steve VanGoor, ABA; and the U.S. Department of Justice.

By:_____