

**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 – like 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 stuff 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 look it up. I think we wrote a summary of the  
38 opinion 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 Marla 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 Marla 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 goanna 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)