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IN THE COURT OF APPEALS FOR THE STATE OF ALASKA

DAVID HAEG)
)
 Appellant,)
)
 vs.)
)
 STATE OF ALASKA,) Case No.: A-09455
)
 Appellee.)
)
 _____)
 Trial Court Case #4MC-S04-024 Cr.

**1/8/08 OPPOSITION TO STATE’S 12/27/07 MOTION TO ORDER
APPELLANT TO DESIGNATE PRECISE PORTIONS OF THE
ELECTRONIC RECORD & TO STAY THE DATE FOR FILING
THE APPELLEE’S BRIEF**

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 Pro Se Appellant, DAVID HAEG, in the above referenced case and hereby files an opposition to the State’s motion to order Appellant to designate precise portions of the electronic record and to stay the date for filing the Appellee’s brief.

Respected judges of both the Alaska Supreme Court and the Alaska Court of Appeals – David Haeg writes all of you today in hope of ending an ongoing fundamental breakdown in justice never before recorded in Alaska. David Haeg will make every effort to be brief, to the point, and apologizes for his directness.

David Haeg filed a pro se appeal opening brief in his criminal appeal on January 22, 2007 – claiming judicial system corruption involving Troopers, prosecutors, and David Haeg’s own defense attorneys and was ordered to submit a shortened brief on or before February 20, 2007 – which he did.

According to the rules the State was to file their brief 20 days after this.

Through a series of motions by the State and actions by this Court of Appeals it is now nearly a year after David Haeg filed his brief – with the State just recently asking for a second non-routine 49 day extension of time in which to file their brief (300+ days after they were first required to file it) and is now asking their briefing schedule be again stayed so David Haeg can be required to identify the portions of the record that support his claims of error – *which he was already required to do and has so done*. See the numerous motions, orders, and compliances from nearly a year ago to present.

It is clear that the violation of David Haeg’s constitutional rights are so gross, intentional, malicious, and apparent that the State can see no other way to keep David Haeg convicted than to just delay until David Haeg gives up.

David Haeg regrets to tell the State, this Court of Appeals, and the Alaska Supreme Court this will never happen. David Haeg will continue to carefully document Alaska’s corrupt judicial system and those that seek to keep it covered up. Waiting for nearly a year for an appellee brief from the State prosecution is unacceptable to the U.S. Supreme Court and the U.S. Constitution.

This Court of Appeals ordering the transcribing of only the State's designation of record and not David Haeg's designation is unacceptable to the U.S. Supreme Court and the U.S. Constitution.

The State bearing false witness against a U.S. Citizen to change the location of evidence found, used on every search warrant affidavit used to seize his business property and presented to his judge and jury – specifically cited by the same judge as reason to end that citizens ability to provide for his family and to put him in jail– is unacceptable to the U.S. Supreme Court and the U.S. Constitution.

The use of illegally obtained evidence as nearly the only evidence used against a U.S. Citizen is unacceptable to the U.S. Supreme Court and the U.S. Constitution.

Not providing a prompt opportunity for a U.S. Citizen to contest the deprivation of property, used as the primary means of providing a livelihood, is unacceptable to the U.S. Supreme Court and the U.S. Constitution.

Denying a U.S. Citizen the right to confront adverse witnesses, present evidence, present oral argument, and present witness testimony in trying to get his property back is unacceptable to the U.S. Supreme Court and the U.S. Constitution.

The State promising immunity to get a U.S. Citizen to give up his right against self incrimination and then breaking that immunity to use the citizens statement and its fruits as nearly all the evidence against that citizen at trial is unacceptable to the U.S. Supreme Court and the U.S. Constitution.

David Haeg can see the States dilemma – very nearly their entire case rests on gross, blatant, and intentional violations of David Haeg’s constitutional rights. Where would you start to defend such a case?

Look at it in broad strokes:

- (1) All evidence seized and deprived with the search warrants was in violation of due process and against unreasonable searches and seizures - and thus could never have been used against David Haeg – yet it all was used and it was very nearly all the evidence the State had.
- (2) David Haeg had immunity for his statement – so nothing connected to it could have been used against David Haeg – yet very nearly everything the State used against David Haeg was directly connected to David Haeg’s statement.

Imagine David Haeg’s surprise when he read that nothing must be used no matter how thin the thread of connection – and that the prosecution, once they obtain a statement by promising immunity, then has to *affirmatively* prove the case then presented is absent any taint, no matter how small – to the extent the officers interviewing the immunized witness should have no connection whatsoever to those prosecuting that witness at trial. It is even recommended that the prosecuting officers conduct themselves so they can testify they never spoke with the immunized witness, never seen transcripts of the witnesses testimony, and never read reports in which testimony was mentioned. See *Kastigar v. United States*, 406 U.S. 441 (1972) & *Counselman v. Hitchcock*, 142 U.S. 547 (1892).

See also *Daly v. Superior Court* (1977) 19 Cal.3d 132, 145:

“[T]he very existence of such testimony may present serious problems of *proving* its complete independence from evidence introduced in the criminal proceeding”

Yet in David Haeg’s case both the prosecutor and trooper conducting David Haeg’s interview were the very same prosecuting the trial against David Haeg. And the State’s star witness against David Haeg, Tony Zellers, has testified under oath (along with Zellers attorney Kevin Fitzgerald) that Tony Zellers would have never cooperated with the State but for David Haeg’s statement. How then could the State *require* Tony Zellers testify against David Haeg? How could *every* information filed against David Haeg say, “David Haeg came in and said blah - blah – blah and thus we are charging him with blah - blah – blah”?

The entire case presented to convict David Haeg is an abomination.

This doesn’t even take into consideration everything (whole year of income from both David and Jackie Haeg among other things) the State stripped away from David Haeg that had been given for a plea agreement the State broke so they could force David to trial – in direct violation of David Haeg’s constitutional rights of getting what he bargained and already paid for.

How could the State then claim at David’s sentencing they didn’t know why David and Jackie gave up this year – just so they made sure David never even got credit for this year when they asked he be sentenced to another 5 years without a guide license? What is going on? Where is justice? Has it forsaken Alaska’s courts?

Maybe even more shocking than anything above is that if the errors in David Haeg's case are so gross, obvious, and prejudicial why didn't any of David's 3 attorneys, paid nearly \$100,000, use this in David Haeg's defense? There is only one explanation – they were also involved in the conspiracy to deprive David Haeg of his constitutional rights that would guarantee fair proceedings.

This then brings into focus this Court of Appeals purpose in ignoring David Haeg's main claim in his opening brief – that there was corruption and conspiracy between David Haeg's own attorneys, the State prosecution, the Troopers, and even David's trial court. Why would this Court of Appeals tell David Haeg and the State to only address David Haeg's claims of prosecutorial misconduct and errors by the trial court – leaving the involvement of David Haeg's attorneys unaddressed? Sounds like a continuation of the cover up of the bigger conspiracy. Something of a red herring to make the bigger issue of David Haeg's attorneys selling him out to the prosecution vanish into obscurity.

Why won't David Haeg's trial court accept the constitutionally guaranteed application for post conviction relief claiming ineffective assistance of counsel so David Haeg can prove what his attorneys did to him?

Why won't this Court of Appeals stay David Haeg's appeal so he could do this? Especially since they have *required* all other appeals be stayed if the defendant wishes to file for post conviction relief claiming ineffective assistance of counsel?

How can this Court of Appeals continue to postpone David Haeg's urgent request for a ruling on the return of his property – when he has been asking for this for *years*

because he needs this property to provide a livelihood for his family? Especially when this ruling is to be provided “within days, if not hours”? Especially when the State’s claim they didn’t have to provide him with a prompt opportunity to contest is in exact opposition to all U.S. Supreme Court and 9th Circuit Court rulings?

Exactly what is going on?

Does anyone think David Haeg will not secure the return of his property along with full compensation, actual and punitive, for an illegal deprivation complete with proof that everyone *knew* they were illegally keeping this property from David Haeg?

Has the State and this Court of Appeals every thought of the toll this fundamental breakdown in justice has had on David Haeg and his family over the past 4 years? Stress that has turned David’s hair gray, having to sell off their possessions, cash in their kids college funds, wipe out all savings and retirement, hock their house, lose all their hunting camps (due primarily to the intentional and unjust refusal of this Court of Appeals to correct David Haeg’s illegal sentence) and almost certainly going to lose the hunting lodge they put their life’s effort into? Is this the plan – keep piling it on until David Haeg breaks? Does this Court of Appeals consider the anger and determination generated when David Haeg and those with him realize breaking nearly every one of David Haeg’s constitutional rights did all this? Does this Court of Appeals consider that those standing with David Haeg realize it must stop with David or their property, business, and life will be the next one illegally taken?

David & Jackie Haeg calculated the additional cost attorney's would have charged them had David not started representing himself. It would be an additional 1.2 million dollars.

It is very clear to David & Jackie Haeg, and those now joining in their demand for justice, exactly why this corruption has got so bad – everyone else went bankrupt before they could expose it. David & Jackie will not go bankrupt before they reach justice.

Now that the constitutional violations are so obvious and the cover up has become so clear there is no stopping the Haeg family. The Haeg's incredible investment will not be wasted. Everyone who continues the conspiracy of denying and delaying David Haeg his constitutional rights and justice only continues to sacrifice his or her career, life, and likely steps further into a federal penitentiary.

David Haeg admires the obedience of the State's attorneys to do this for their bosses. Not only will David Haeg's conviction be reversed but David Haeg and those with him will continue to demand the current Department of Justice investigation be completed, indictments issued, U.S. Congressional and Alaska Legislative investigations started, and civil lawsuits (in addition to David's) pursued.

David Haeg looks forward to this Court of Appeals ruling on the State's request to again stay the filing of the State's brief so David Haeg can be forced to once again do the same thing this Court of Appeals has already required him to do.

David Haeg is including a brochure that captures a little of the wonderful life that has been destroyed by this corruption. It also captures something of the people who are standing with David, Jackie, Kayla, & Cassie Haeg to see justice done.

If you look at this brochure carefully it is likely you will get some insight at the strength, determination, and quality that is going to see this perversion of justice brought down.

This opposition is supported by the accompanying affidavit. RESPECTFULLY
SUBMITTED this _____ day of _____ 2008.

David S. Haeg, Pro Se Appellant

CERTIFICATE OF SERVICE

I certify that on the _____ day of _____ 2008,
a copy of the forgoing document by _____ mail, _____ fax, or
_____ hand-delivered, to the following party(s):

Andrew Peterson, Attorney, O.S.P.A.

Alaska Supreme Court

U.S. Department of Justice

By: _____