

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

DAVID HAEG,)
)
Appellant,)
)
vs.)
)
STATE OF ALASKA,)
)
Appellee.)

Court of Appeals No. A-09455

Trial Court Case # 4MC-04-00024CR

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

STATE'S MOTION TO VACATE APPELLEE'S FILING DATE

Comes now the Appellee, the State of Alaska, by and through Assistant Attorney General Andrew Peterson, and files this Motion to Vacate Appellee's Filing Date.

The State objects to the Appellate Court's Order that the Appellee's brief is due on or before February 14, 2007 on the following grounds: First, the Appellant's brief is grossly over length and does not comply with Alaska Court Rules of Appellate Procedure 217(e). Second, the excerpt contains material that was generated after the trial and was never filed with the trial court. None of this material is part of the record. See Appellate Rule 210(a) (the record consists of the entire superior court file, including the original papers and exhibits filed ... and the electronic record of proceedings). Nor is any of this material relevant to the limited constitutional issues that the Appellant is attempting to place before this

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court. Third, the Appellant's brief does not comply with Alaska Court Rules of Appellate Procedure 210(b)(1)(B) as the Appellant has designated the entire trial record for consideration on appeal. Finally, the Appellant's brief violates a number of rules from Alaska Court Rules of Appellate Procedure 212, including but not limited to failing to contain a victim's rights certificate as required by Appellate Rule 212(b) and Appellate Rule 513.5(e). Haeg should be directed to refile a memorandum that contains the required certification.

The State respectfully requests that for the above stated reasons, the Appellate Court reject the brief filed by the Appellant and vacate the Court's previous order setting the date for Appellee's brief on or before February 14, 2007.

DATED at Anchorage, Alaska, this January 30, 2007.

TALIS COLBERG
ATTORNEY GENERAL

by:



A. Andrew Peterson
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If this is to certify that a copy of this document is being filed.
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