

David S. Haeg
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Delivered to Leaders on 6/26/06

IN THE DISTRICT COURT OF THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

STATE OF ALASKA)
)
 Plaintiff,)
)
 vs.)
)
 David HAEG,) Case No.: 4MC-S04-024 Cr.
)
 Defendant.)
)
 _____)
 Appellate Court Case #A-09455.

MOTION FOR EVIDENCE AND DISCOVERY

COMES NOW Appellant, DAVID HAEG, in the above referenced case, and hereby files the following motion for evidence and discovery in accordance with Alaska Rules of Criminal Procedure Rule No. 16.

1. The State of Alaska & Prosecutor Leaders has failed to give David Haeg a copy of the tapes, which were recorded during David Haeg's interview. In response to the numerous requests for these tapes the Prosecution has only ever given David Haeg one 90-minute tape, half of which is unintelligible. This interview lasted almost 5 hours. Thus David Haeg feels that the 45 minutes he has received is not sufficient. David Haeg requests a court order for this discovery.

2. As part of David Haeg's claim of ineffective assistance of counsel & prosecutorial misconduct he is trying to prove that there was a Rule 11 Agreement & that it was Prosecutor Leaders that broke it after David Haeg already had approximately \$700,000.00 in detrimental reliance on it along with a 5-hour interview which also was in detrimental reliance upon this same Rule 11 Agreement. To prove this David Haeg requests a court order to obtain Prosecutor Leaders notes, letters, emails & faxes between Prosecutor Leaders & David Haeg's attorney Brent Cole in regard to plea negotiations & Rule 11 Agreement proceedings concerning David Haeg in the above referenced case. Attorney Brent Cole now claims there was no Rule 11 Agreement while Prosecutor Leaders states there was but that it was David Haeg that broke it. This places David Haeg in the extremely bad position of having two prosecutors against him - one of which was supposed to be his advocate not his prosecutor.

3. These notes will be absolutely critical in proving David Haeg's ineffective assistance of counsel claim against attorney Brent Cole & prosecutorial misconduct of Prosecutor Leaders.

This motion is supported by the attached Affidavit of Defendant.

RESPECTFULLY SUBMITTED this _____ day of _____,
2006. Defendant,

David S. Haeg

Certificate of Service

I HEREBY CERTIFY that a copy of
The foregoing was served on the
Following by first class mail on
June 26, 2006 or previously.

Roger B. Rom, Esq.
O.S.P.A.
310 K. Street, Suite 403
Anchorage, AK 99501

By: _____