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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.

The Honorable Dennis Cummings,

First off I want to apologize for subjecting you to our (my wife Jackie & myself) lack of sophistication & professionalism in our current & future dealings with you.

I used to be a big game guide & have now found myself forced to become an attorney to protect the business & life I have built to provide for my family & their future.

I have absolutely compelling & irrefutable proof that my first attorney Brent Cole (Cole) sold me out to the prosecution. When I became suspicious because of all that was going wrong I had numerous conversations with Dale Dolifka (Dolifka), my business attorney (who used to be a criminal defense attorney), & other attorneys I know in the continental US. Because of my suspicions, confirmed by others, I fired Cole & hired Arthur Robinson (Robinson) who has been a long time friend of my family's. Things continued to go radically wrong & I ended up

going to trial, being convicted, & sentenced to at least 6 times the penalty of Tony Zellers (my codefendant) who the prosecution said was equally culpable. During Zeller's sentencing then Magistrate Margaret Murphy Zeller's cooperation with the prosecution indicated rehabilitation because of his willingness to except responsibility for his conduct. The exceedingly strange thing in all of this is that it was I who cooperated first, implicating Zellers. Zellers who then did not want to cooperate cooperated. Then the State broke the Rule 11 Agreement for which Jackie & I had already given up an entire year of guiding which represents virtually everything both Jackie & I make for a whole year. The State wanted more & more for the same deal that I had already paid so much for & when I asked Cole how they could do this he told me "that's the way it is" & I, realizing I was being held hostage by the State if this was the case, refused to give anymore then that which had already nearly bankrupt us. I ended up going to trial, nearly bankrupt, & with the State utilizing my own statements for the only evidence for over half the charges. Robinson, who took me to trial, told me that we could not enforce the Rule 11 Agreement because both the prosecution & Cole said it was "fuzzy" yet I have numerous emails, letters, & taped conversations that say otherwise. Robinson said my evidence would not matter in light of Cole & the prosecutions claim that the deal for which my wife & I had done so much was "fuzzy". In fact the State later claimed that I broke the deal & Robinson, who I now have realized was protecting Cole's malpractice, told me to never ever claim that I had a Rule 11 Agreement or to let anyone know how much Jackie & I had given

up for it. He said doing so would jeopardize his "tactic". His "tactic" that the information the prosecution was not positively sworn to by the DA deprived the Court of jurisdiction. I researched this defense exhaustively & determined the reason why it was last a successful defense in 1909 since then it has been ruled harmless error and/or that the prosecutor's oath of office is all that is needed to file & information. In addition, when Robinson was still my attorney, I asked him what there was to stop the prosecution from showing the evidence they had of the Rule 11 Agreement to defeat our "tactic". Robinson was unable to give me a satisfactory answer & finally said something about personal jurisdiction versus subject matter jurisdiction would protect us. The result of all this is that the State got to claim that I broke the Rule 11 Agreement thus they got to make me comply with the rest of what we agreed upon for the Rule 11 Agreement yet I never got one single thing out of it including being able to say the State was the one that broke the Rule 11 Agreement or that my family & I had done so much for it. The unfairness of this is almost incomprehensible to me. If my case is allowed to stand the prosecution will promise criminal defendants the world including not prosecuting them just so they can get confessions & bankrupt the defendant. Then, after the prosecution has everything & the defendant is bankrupt & cannot afford to hire a lawyer, the prosecution then takes the defendant to Court. Putting this on the other foot it would be like me telling the State I'll plead guilty to 25 felonies if they will just give me all of the evidence they have in my case. Then, after I've destroyed all of the evidence in my case, I tell them

I am not going to plead guilty & want to go to trial. Now, since there is no evidence, I am pretty sure to win. Is this truly how the Criminal Justice System in the State of Alaska is going to be run?

After explaining what was going on to Dolifka & others they stated I needed to get an attorney from outside Alaska with no conflicts of interest in protecting my first two attorneys and to represent only me. My wife & I searched diligently for such an attorney but when we explained we had two attorneys who I told them I had proof of conflicts of interests & malpractice none would agree to represent me. I then started searching for an attorney close by, which I could show all of the evidence & work closely with so that the chance they would try to protect the first two attorneys would be unlikely. I found such an attorney in Mark Osterman (Osterman). I showed him the evidence I had & he said, "The sellout that happened was unbelievable" & that when the Court of Appeals saw it there would be no doubt but that they would reverse my conviction. Because of the problems with the first two attorneys I taped every single word Osterman has ever said to me. About a month later, after I have him on tape over & over telling me how amazing the actions of Robinson & Cole were, he now tells me that he is unwilling to affect those attorneys lives & livelihoods & because of this he cannot show the actions of these attorneys to the Appellate Court.

Where does this leave the ignorant layman? It leaves me without the ability to hire an attorney willing to represent my interests without looking at what will happen to my former attorneys. Thus I have no other choice then to proceed on my

own. I have many letters & taped conversations with other attorneys all of which indicate the same thing - don't become obsessed with this, except the consequences & "move on". In other words these attorneys, all of whom I've shown Cole & Robinson's actions just like I showed Osterman, all feel it is better to sacrifice my entire livelihood & infrastructure, with the resulting stress, physical, and financial hardship, then to hold the attorneys accountable for their part in this devastation of my families future. I am highly intelligent, read very fast & very effectively, & all the courts from the US Supreme Court on down, at least according to the overwhelming weight of case law, would be horrified at what has happened in my case.

Because I know they would be shocked & horrified I feel the compelling need to expose what has happened to me so it cannot & will not happen to anyone else. I may not be as practiced as other attorneys practicing before you but at least I have my interests & my family's interests at heart without the conflicting interests of trying to save someone else at our expense. The amount of law & opinions wrote on this subject is considerable. The amazing thing is that in all the case law that I have read, which is very considerable, there is not one in which the defendant has evidence of multiple attorneys conspiring to conceal the malpractice they intentionally caused the defendant at the defendant's own expense.

It is because of this unique situation I ask to be allowed to proceed Pro Se & I ask that you consider these motions I have included. When this case was remanded I talked to Laurie Wade, Chief Deputy Clear, of the Alaska Court of Appeals to see if you

could consider these additional motions. Ms. Wade said that when a case is remanded for any reason the defendant/appellant is allowed to file any motions & that the District Court has the authority to consider the motions. Because of this I hereby respectfully you consider all motions included.

I, DAVID S. HAEG, swear under penalty of perjury that the statements made in the above letter to Judge Dennis Cummings are true to the best of my knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

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David S. Haeg

SUBSCRIBED AND SWORN TO BEFORE ME this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Notary Public in and for Alaska.  
My commission expires: \_\_\_\_\_

I HEREBY CERTIFY that a copy of the foregoing was served on Roger Rom, OSPA, by first class mail on June 26, 2006

By: \_\_\_\_\_