

David S. Haeg
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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/A-10015
)
 Appellee.)
)
 _____)
 Trial Court Case #4MC-S04-024 Cr.

7/25/08 MOTION FOR RULING

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 & respectfully asks this Court of Appeals for a ruling on return of property appeal #A-10015 prior to August 1, 2008.

Haeg first asked for the return of his property on July 25, 2006 – *exactly 2 years ago*. In the years since Haeg asked for and was granted 3 additional motions for expedited consideration & decision of this issue. [12/12/07, 2/6/08, & 5/21/08].

Every one of these motions made it clear that Haeg needed a decision made before summer – since the seized property, used in summer months, is the primary means by which Haeg puts food on the table for the entire year.

The summer of 2008 is half past. Haeg has now been deprived of his property for 4 years and 4 months.

Appeals in which oral arguments were made the day before Haeg's have been decided *weeks ago – even though they were never expedited*. (State v. Lundy, State v. Callahan, & State v. Chase)

Haeg asked for permission to file an emergency motion for ruling and was told by Chief Deputy Clerk Lori Wade, “there was no emergency”.

Attorney Andrew Peterson told Haeg that the State was in favor of a decision being made as soon as possible – as long as it was clear the State opposed a decision in Haeg's favor. Peterson stated he would file any response the State might have by the end of business on July 28, 2008 if Haeg would fax him a copy of the Motion for Ruling on July 25, 2008. Haeg will do so.

In the spring of 2004, using affidavits that falsified the location of the evidence (in order to justify guiding charges against Haeg) Alaska State Troopers applied to judicial officials for warrants, and, *in a matter of minutes, received warrants to seize and deprive Haeg of his property, used as the primary means to provide a livelihood – all without notice to Haeg of an opportunity to contest either before or after the seizure*.

Because Haeg was never told he had the opportunity to contest or bond, Haeg never contested the seizure based upon the Troopers false affidavits. If this would have been contested the property could not have been seized, deprived, and/or forfeited and there never would have been guide charges filed against Haeg.

It is 2 years since Haeg, after realizing the unlawful seizure and deprivation, first asked for his property back since the Troopers used false affidavits to take it and never informed Haeg of his right to contest – all which violated basic constitutional rights.

How can this be just, fair, or constitutional, especially when the Troopers took Haeg’s property, that Haeg used to put food in his kids mouths, just hours after asking for authority to do this with false affidavits?

Does not fairness and constitutional due process require Haeg get a decision on getting his property back in an hour or 2 since he asked for authority for this with a truthful affidavit, which irrefutably justified the property’s immediate return? How can Troopers obtain decisions and *ex parte* warrants to take the property in hours, and Haeg can’t in over 2 years and counting – requests which the State was able to contest?

Because of this fundamental breakdown in justice Haeg respectfully asks this court for a decision deciding this matter by August 1, 2008.

This motion 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. & U.S. Department of Justice

By: _____