In the Court of Appeals of the State of Alaska

David S. Haeg,	Appellant,)	Court of Appeals No. A-09455
v.		į	Order
State of Alaska,) (
	Appellee.) }	Date of Order: 8/17/07
Trial Court Case # 4	4MC-04-00024CR		

Before: Coats, Chief Judge, and Mannheimer and Stewart, Judges.

Haeg filed a motion for full-court reconsideration of the single judge order that was entered on July 3, 2007. Upon reconsideration, the court issues the following order:

Haeg contends that his sentence is illegal because the trial court illegally imposed a five-year revocation of his hunting license rather than a five-year suspension. Haeg is entitled to file a motion in the trial court under Criminal Rule 35(a) on the ground that the trial court imposed an illegal sentence. The trial court has jurisdiction to decide this motion even though Haeg's case is on appeal.

Haeg has also attempted to file an application for post-conviction relief, claiming that he received ineffective assistance of counsel. The trial court in McGrath apparently refused to accept the application on the ground that Haeg is represented by counsel. Haeg is currently representing himself. Haeg is entitled to file the application even though his case is on appeal. The trial court is directed to accept Haeg's application. Haeg is entitled to be represented by an attorney on his first application for post-conviction relief. If Haeg is indigent, he is entitled to an attorney at public expense. If Haeg elects to proceed without an attorney, he must explicitly waive his right to counsel.

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Entered at the direction of the Court.

Clerk of the Appellate Courts

Shannon M. Brown, Deputy Clerk

cc: McGrath Trial Court (Aniak) Magistrate Woodmancy

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