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Created 8/24/06

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA

AT KENAI, ALASKA

STATE OF ALASKA)
)
 Plaintiff,)
)
 vs.)
)
 DAVID HAEG,) Case No.: 4MC-S04-024 Cr.
)
 Defendant.)
)
 _____)

MOTION/AFFIDAVIT FOR EXPEDITED CONSIDERATION

COMES NOW Defendant, DAVID HAEG, in the above referenced case, and hereby files the following motion for expedited consideration in accordance with Ak Rule of Criminal Procedure No. 42(i) Expedited Consideration:

"A party may move for expedited consideration of its principal motion by filing a second motion requesting relief in less time than would normally be required for the court to issue a decision."

I, David S. Haeg, and my family have been illegally deprived of our property that is used to provide virtually the only livelihood we have for almost 2-1/2 years. I filed a motion with this court on 7/18/06, which is well over a month ago, and this motion was forwarded to the 4th District Court in violation of the Rule #37(c) which states the motion is filed **within the district in which the property was seized.** "Motion for Return of Property and to Suppress Evidence. A person aggrieved by an unlawful search and seizure may move the court in the judicial district in which the property was seized or the court in which the property may be used for the return of the property and to suppress for use as evidence anything so obtained on the ground that the

property was illegally seized." Much of my property was seized from Browns Lake which is just south of Sterling Alaska which is in the 3rd Judicial District.

This error has added over another month to the almost 2-1/2 years in which my family and I have been illegally deprived of our property according to two constitutions and many other rules - supported by extremely pertinent Alaska case law - especially that in the F/V American Eagle v. State, 620 P.2d 657 (Alaska 1980):

"[W]hen the seized property is used by its owner in earning a livelihood, notice & an unconditioned opportunity to contest the state's reasons for seizing the property must follow the seizure within days, if not hours, to satisfy due process guarantees even where the government interest in the seizure is urgent."

Magistrate Woodmancy in the 4th Judicial District refused to even look at these motions - stating that I must file the motion for return of property and to suppress evidence to the Alaska Court of Appeals. In Rule 37(c) it states this can only be filed within the district in which the property was seized. This rule does not allow this motion to be filed with the Court of Appeals - who can only look at evidence that has already been placed on the record in the district court. Because of this 3rd District Court's action in forwarding my first motion Magistrate Woodmancy in the 4th District Court, combined with Magistrate Woodmancy's incomprehensible actions in refusing to even consider these motions, I have been deprived of my right to ask for my property, which was illegally seized, to be returned. This is a gross violation of due process. This court must provide me a hearing in which others and I may testify, witnesses be subpoenaed and questioned, and evidence be submitted.

For every hour that my family and I are being illegally deprived of our property, which is used to provide for the livelihood of my family, my family and I are being grievously harmed.

Because of these unbelievable facts of which I have absolute proof I respectfully ask this motion for expedited consideration be granted.

I, DAVID S. HAEG, certify under penalty of perjury that the foregoing is true to the best of my knowledge.

RESPECTFULLY SUBMITTED this ____ day of _____, 2006.

Defendant,

David S. Haeg

I HEREBY CERTIFY that a copy of the foregoing was served on the Prosecuting Attorney's Office, in person on _____, 2006.

By: _____

FURTHER AFFIANT SAYETH NAUGHT.

David S. Haeg

SUBSCRIBED AND SWORN on this ____ day of _____, 2006 in Browns Lake Alaska. A notary public or other official empowered to administer oaths is unavailable & thus I am certifying this document in accordance with AS 09.63.020 which authorizes that a matter required or authorized to be supported or proven by the sworn statement, oath, or affidavit, in writing of the person making it may be supported or proven by the person certifying in writing "under penalty of perjury" that the matter is true.