



(A-10015) includes his 10/29/07 motion for ruling on petition for review and the motion for its expedited review and to supplement the record of David's criminal appeal with official proceedings before the Alaska Bar Association and the Alaska Commission on Judicial Conduct.

1. David asks this Court of Appeals to supplement the record in his criminal appeal (A-09455) with official proceedings before the Alaska Bar Association and the Alaska Commission of Judicial Conduct. David requested this because *both* instances specifically proved "plain error" in David's case. See David's included 10/29/07 motion.

Yet on 12/3/07 this Court of Appeals denied this motion by stating that "Haeg has not shown that either of those proceedings were part of the trial court record considered by the district court when it entered the judgment that Haeg is appealing." Haeg never said these were part of the trial court record considered by the district court when it entered judgment – Haeg said these proceedings proved a violation of his constitutional rights, were inarguably prejudicial, and thus were "plain error" – allowing them to be considered even if they were not raised at trial (although the fact David's statements, made during plea negotiations, were used against him was brought up at trial – which is proven by the ABA testimony). See Hammond v. State, Op. No. 483, 442 P.2d 39 (Alaska 1968), Noffke v. State, Op. No. 383, 442 P.2d 102 (Alaska 1967), Martin v. State, Op. No. 991, 517 P.2d 1399 (Alaska 1974), Burford v. State, Op. No. 954, 515 P.2d 382 (Alaska 1973).

The fact the judge and the primary Trooper witness in David's trial perjured and conspired together to obstruct an official investigation into their conduct during David's trial is something that constitutional due process (and fundamental fairness) demands be considered in David's appeal. That is the whole idea of "plain error" – that "plain errors affecting substantial rights may be noticed although they were not brought to the attention of the court." What happens when it is the very court itself that is committing the error? Doesn't this mean it must be brought up in a different court? There is no doubt the court committing the "error" will not do anything about it. How and where is Haeg to go with this hard to believe and prejudicial error? The trial court now refuses to accept anything from Haeg – claiming this Court of Appeals now has complete jurisdiction. If this Court of Appeals refuses to examine Haeg's claims of error Haeg is denied his constitutional right to access the courts when he claims an injustice – of which he has compelling proof.

2. Haeg requests that this appeal be considered on an expedited basis as the petition for review (which this court made into the current appeal) included a motion for it to be expedited. In essence Haeg feels his request for a ruling on his expedited petition for review (which was filed on August 18, 2007 or nearly 4 months ago) should now apply to the appeal. This issue remains the same – David, Jackie, Kayla, and Cassie Haeg immediately need their property back so they may start using it again in making a livelihood. Everyday without this property is a severe blow to them. How can making this expedited petition for review into an "appeal" somehow change the urgency to the

Haeg family? It doesn't and this Court of Appeals still has a valid request before it to address this issue on an expedited basis.

3. Finally, Haeg asks this court include his 10/29/07 motion in the "memoranda" this court will use to decide A-10015 – as this motion refutes all the States claims in this case and is thus necessary for David to effectively and fully present his case

This motion is supported by the accompanying affidavit. RESPECTFULLY  
SUBMITTED this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

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David S. Haeg, Pro Se Appellant

**CERTIFICATE OF SERVICE**

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_ 2007,  
a copy of the forgoing document by \_\_\_\_\_ mail, \_\_\_\_\_ fax, or  
\_\_\_\_\_ hand-delivered, to the following party(s):

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310 K. Street, Suite 403  
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U.S. Department of Justice

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