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IN THE COURT OF APPEALS FOR THE STATE OF ALASKA

DAVID HAEG)
)
 Appellant,)
)
 vs.)
) Petition No.: A-9906
 STATE OF ALASKA,) Appellate Court No.: A-09455
)
 Appellee.)
)
 _____)
 Trial Court Case #4MC-S04-024 Cr.

PETITION FOR REVIEW

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 and in accordance with *Alaska Rule of Appellate Procedure 401* and this court's order of 3/20/07, hereby requests a Petition for Review of Aniak Magistrate David Woodmancy's order of March 13, 2007. This Court of Appeals has ruled they will treat Haeg's 3/16/07 Emergency Motion for Clarification as a Petition for Review and assigned it case number A-9906. This Court of Appeals then ordered a copy of Magistrate Woodmancy's order (enclosed) and a \$150 filing fee (also enclosed).

Haeg is also including a draft copy of the motion he will be filing in the District Court. Haeg thinks it is very important

for this Court of Appeals to read this draft before ruling on the petition for review.

The motion asks for several extremely serious decisions - including a ruling that Alaska's criminal forfeiture statutes in Fish and Game cases are unconstitutional as applied to Haeg's case. For Magistrate Woodmancy (who has told Haeg he has no formal legal education) to decide these issues in Aniak or McGrath on briefs without providing hearings including oral testimony, subpoenaing adverse witnesses so they may be cross-examined and confronted is of immense prejudice to David and Jackie Haeg. In fact it is assuredly a violation of David and Jackie's due process right to a "fair" and "effective opportunity" to contest this 3 year deprivation of **both** David and Jackie's property - used as their primary means of providing a livelihood.

In U.S. Supreme Court Goldberg v. Kelly, 397 U.S. 254 (1970),

"In the present context these principles require that a recipient have **timely and adequate notice detailing the reasons** for a [397 U.S. 254, 268] proposed termination, and **an effective opportunity to defend by confronting any adverse witnesses and by presenting his own arguments and evidence orally**. These rights are important in cases such as those before us, where recipients have challenged proposed terminations as **resting on incorrect or misleading factual premises or on misapplication of rules or policies to the facts of particular cases**. In almost every setting where important decisions turn on questions of fact, **due process requires an opportunity to confront and cross-**

examine adverse witnesses. E. g., *ICC v. Louisville & N. R. Co.*, 227 U.S. 88, 93 -94 (1913); *Willner v. Committee on Character & Fitness*, 373 U.S. 96, 103 - 104 (1963). What we said in [397 U.S. 254, 270] *Greene v. McElroy*, 360 U.S. 474, 496 -497 (1959), is particularly pertinent here:

'Certain principles have remained relatively immutable in our jurisprudence. One of these is that where **governmental action seriously injures an individual, and the reasonableness of the action depends on fact-findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue.** While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the Sixth Amendment ... This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, ... but also in all types of cases where administrative ... actions were under scrutiny.'

Even the rule authorizing the motion itself, *Criminal Rule 37 (c)*, requires the motion to be decided in the district where the property was seized.

Again, just the financial cost to David and Jackie to have this motion decided months away in the 4th district, instead of the 3rd district where they live and virtually all property was seized, is staggering.

This petition for review is supported by the previous motion for emergency clarification, a \$150 check, a copy of

Magistrate Woodmancy's order, the accompanying draft motion, and affidavits of David and Jackie Haeg.

RESPECTFULLY SUBMITTED this ___ day of _____ 2007.

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:

A. Andrew Peterson, O.S.P.A.
310 K. Street, Suite 403
Anchorage, AK 99501

By: _____

cc: Aniak Magistrate David Woodmancy
cc: Kenai Court