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3KN-10-01295 CI

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are
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Case # 340-10-604 CR/CI

Case Title: Hayes v. SOA

Envelope Contents: Order for info from AK

Date Filed: 7-28-10 Judge: Joan M. Miller

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TF-325 (8/89) (TCB Fl. Red. 4"x5½")

3 KN-10-1295 CE

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

DAVID HAEG,)

Applicant,)

v.)

STATE OF ALASKA,)

Respondent.)

POST-CONVICTION RELIEF
Case No. 3HO-10-00064CI

_____))
(Trial Case No. 4MC-04-00024CR)

**ORDER FOR INFORMATION FROM JUDICIAL CONDUCT
COMMISSION**

David Haeg seeks to disqualify Judge Margaret L. Murphy from presiding over his request for post-conviction relief (PCR). This court has been assigned to review the decision of Judge Murphy denying his request.

One of the bases of Haeg's request centers on Judge Murphy's contacts with primary state witness Trooper Gibbens during Haeg's trial and sentencing proceedings. These contacts were the subject of an investigation before the Alaska Judicial Conduct Commission.¹

The law governing the disqualification of a judge for cause is governed by AS 22.20.020. In addition, Canon 3 of the Code of Judicial Conduct requires a judge to

¹ Haeg filed complaint no. 2006-011 with the Commission. The complaint appears to have been dismissed for lack of probable cause and also to have resulted in Formal Ethics Opinion #025. See <http://www.ajc.state.ak.us/conduct/conduct.html#ethicops>; see also letters from Marla Greenstein, Executive Director of

ORDER FOR INFORMATION FROM J.C.C.

Case No. 3HO-10-00064 CI

Page 1 of 3

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weigh the possibility that an appearance of impartiality is likely to flow from his or her participation in any case, in light of the circumstances, even if the judge finds him or herself fully capable of subjective fairness in the matter.² The purpose of this rule is to further the important goal of “promoting ‘public confidence in the integrity and impartiality of the judiciary.’”³

In order to more fully assess the issues of impartiality and information provided to the Judicial Conduct Commission by Judge Murphy, Officer Gibbens, and any other witnesses in the Commission’s investigation of Mr. Haeg’s complaint,⁴ a review of the investigation record is necessary.

Rule 5 of the Alaska Judicial Conduct Commission Rules provides for confidentiality of “[a]ll investigative records, files, and reports” of the Commission. “[N]o disclosure may be made except as permitted by AS 22.30.060.” Alaska Statute 22.30.060(b) provides that “[a]ll proceedings, records, files, and reports of the commission are confidential and disclosure may not be made except (1) upon waiver in writing by the judge at any stage of the proceedings . . .”⁵ So that the court may review the contents of the investigation *in camera*, this court requests a waiver from

the Alaska Commission on Judicial Conduct to David Haeg, dated January 12 and 25, 2007, attached.

² *Perotti v. State*, 806 P.2d 325, 327-28 (Alaska 1991).

³ *Amidon v. State*, 604 P.2d 575, 578 (Alaska 1979) (quoting Canon 2(A)).

⁴ See Formal Ethics Opinion #025, <http://www.ajc.state.ak.us/conduct/conduct.html#ethicops> (advising that when a judicial officer accepts rides from law enforcement while on duty in a small village, the “best practice” is to disclose the special needs and accommodations on the record at the beginning of the relevant court proceedings so as to avoid appearance of impropriety).

⁵ AS 22.30.060(b).

ORDER FOR INFORMATION FROM J.C.C.


Case No. 3HO-10-00064 CI

Page 2 of 3

Judge Murphy of all the records related to the investigation of complaint no. 2006-011. Alternatively, if AS 22.30.060 does not apply to judicial *in camera* review, this court requests that the Judicial Conduct Commission submit the relevant records to this court directly for *in camera* review.

If the court determines that any of the requested information should be disclosed, notice shall be provided to the Judicial Conduct Commission and Judge Murphy before the disclosure is made.

DONE this 28 day of July 2010, at Anchorage, Alaska.


Stephanie E. Joannides
Superior Court Judge

I certify that on 7.28.10
a copy of the above was mailed to
each of the following at their
addresses of record:

--Judicial Conduct Commission
--Judge Murphy

D. Haeg
G. Petruso ofc of Spec Prosc.

K. Moore
Kadell Moore
Secretary



Alaska Commission on Judicial Conduct

1029 W. 3rd Ave., Suite 550, Anchorage, Alaska 99501-1944
(907) 272-1033 In Alaska 800-478-1033 Fax (907) 272-9309

Marla N. Greenstein
Executive Director
E-Mail: mgreenstein@ajc.state.ak.us

CONFIDENTIAL

January 25, 2007

Mr. David S. Haeg
P.O. Box 123
Soldotna, AK 99669

Re: Complaint File No. 2006-006- Judge M. Murphy

Dear Mr. Haeg:

Thank you for taking the time to address the Commission at its September 8th, 2006 meeting. The Alaska Commission on Judicial Conduct dismissed Complaint No. 2006-011 at its meeting on January 22, 2007, in Anchorage for lack of probable cause. Any interaction between the judge and law enforcement was minor and due to the circumstances of the logistics in this rural court location.

Sincerely,

A handwritten signature in black ink, appearing to read "Marla N. Greenstein".

Marla N. Greenstein
Executive Director

Sienna



Alaska Commission on Judicial Conduct

1029 W. 3rd Ave., Suite 550, Anchorage, Alaska 99501-1944
(907) 272-1033 In Alaska 800-478-1033 Fax (907) 272-9309

Marla N. Greenstein
Executive Director
E-Mail: mgreenstein@acjc.state.ak.us

CONFIDENTIAL

January 12, 2007

Mr. David S. Haeg
P.O. Box 123
Soldotna, AK 99669

Re: Complaint File No. 2006-006- Judge M. Murphy

Dear Mr. Haeg:

I have reviewed your complaint that Judge Murphy improperly accepted rides with the State Trooper during your trial. Your complaint has been fully investigated. Staff spoke with many of the people whose names you provided including Trooper Gibbens and received a detailed response from the judge. While the small community and lack of public transportation led to more contact with the community members than usual, there were no improper contacts or communication with witnesses in your case. The next meeting is scheduled for **January 22, 2007**, in Anchorage where the Commission will act on your complaint at that meeting. Your complaint may be dismissed or other action may be taken at that meeting.

Marla stated on tape both Gibbens & Murphy testified that Gibbens never gave Murphy a ride until after Haeg's sentencing. - The truth is Gibbens gave Murphy, on average, 3 rides per day through Haeg's trial.

Sincerely,

Marla N. Greenstein
Executive Director

3804

3 KN-10-1295 CI

Case #	340.10.04	Q/CI
Case Title:	Hareg v. SOA	
Envelope Contents:	7.28.10 Order	
Date Filed:	7.28.10	Judge: Ioannides

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TF-325 (8/89) (TCB Fl. Red, 4"x5½")

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

DAVID HAEG,)
)
 Applicant,)
)
 v.)
)
 STATE OF ALASKA,)
)
 Respondent.)

POST-CONVICTION RELIEF
Case No. 3HO-10-00064CI

(Trial Case No. 4MC-04-00024CR)

**ORDER NARROWING SCOPE OF REVIEW OF
JUDGE MURPHY'S ORDER DENYING MOTION TO DISQUALIFY
JUDGE MURPHY FOR CAUSE**

David Haeg seeks to disqualify Judge Margaret L. Murphy from presiding over his request for post-conviction relief (PCR), claiming Judge Murphy (1) has an “obvious and direct” conflict of interest in his case, (2) is a material witness in his case and has firsthand knowledge of disputed facts,¹ and (3) was improperly “selected” by the state for Haeg’s PCR proceeding.² Haeg’s argument centers on (1) Judge Murphy’s contacts with state witness Trooper Gibbens during Haeg’s trial and sentencing proceedings, (2) an allegation that a letter he wrote for consideration at his sentencing hearing was admitted into the court record and then secretly removed, and (3) an allegation of impropriety in his post-conviction relief case being assigned to

¹ Applicant’s 3-9-10 Motion to Disqualify Judge Murphy for Cause (March 15, 2010) at 1.

² *Id.* at 9-10.

DW

Judge Murphy, who presided over his criminal trial. These issues are addressed in turn.

I. Judge Murphy's Contacts with Trooper Gibbens

Further investigation into the appearance of impropriety is warranted as to Haeg's allegations concerning Judge Murphy's contacts with Trooper Gibbens. These contacts were the subject of an investigation before the Alaska Judicial Conduct Commission.³ The Commission's investigative record is being requested for *in camera* review in a separate order.

II. Haeg's Claims Regarding a Missing Letter

Haeg claims that "the official record of his case was tampered with to remove all evidence" of the state inducing Haeg to take wolves outside the Wolf Control Program area.⁴ Haeg claims that "the court record proves she [Judge Murphy] had direct knowledge that the defense in question [inducement and/or entrapment] . . . was placed in the record." Haeg's Application for Post Conviction Relief states:

Sometime after November 8, 2004 Haeg's statement, documenting the SOA had told and induced him to do what they then prosecuted him for, was removed from the Court record while proof documenting it was submitted remained in the record. [Exhibit 13] Years after, when discovered, Haeg asked the Court of Appeals to reconstruct the record with the statement before his appeal brief was due. Although the SOA

³ Haeg filed complaint no. 2006-011 with the Commission. The complaint appears to have been dismissed for lack of probable cause and also to have resulted in Formal Ethics Opinion #025. See <http://www.ajc.state.ak.us/conduct/conduct.html#ethicops>; see also letters from Marla Greenstein, Executive Director of the Alaska Commission on Judicial Conduct to David Haeg, dated January 12 and 25, 2007, attached.

⁴ *Id.* at 6.

did not oppose, the Court of Appeals, for reasons never explained, failed to do so.⁵

Haeg's Memorandum and Affidavit in Support of David Haeg's Application for Post-Conviction Relief (November 30, 2009), at pp. 35-36, argues that evidence tampering occurred. That section states:

In spite of his attorneys' counsel that it was not a legal defense and over his attorneys' objections that he do so, Haeg wrote a 16-page pretrial letter to the court detailing how, when, where, and why the SOA told and induced him to do exactly what he was charged with doing. [Exhibit 10] Long after trial, sentencing, and after it could be considered on appeal, Haeg's wife Jackie found that while evidence remained in the record proving it has been submitted, Haeg's letter evidencing the legal and "complete" defense that his attorneys told him was not a legal defense, was removed out of the court record. [Exhibit 13, TR, and AR]⁶

Haeg clarified at a July 9, 2010 status hearing before this court that he believed his attorney faxed his letter, as an attachment to a pleading, to the court on November 8, 2004, the day prior to his November 9, 2004 sentencing hearing. Haeg believes that Judge Murphy herself registered the pleading into the record.

A review of the record in its electronic form reveals that a document titled Notice of Supplement Letter for Sentencing Hearing, signed by Haeg's attorney Brent R. Cole, was faxed to the court on November 8, 2004⁷ at 4:04 p.m. and was

⁵ Applicant's Application for Post-Conviction Relief (November 30, 2009) at 7 (paragraph U.).

⁶ Applicant's Memorandum and Affidavit in Support of David Haeg's Application for Post-Conviction Relief (November 30, 2009) at 35-36.

⁷ The date and time of the fax is on the top of the page. Assuming that the date and time stamp was correct it appears that Mr. Cole made an error when he filled in the date of November 9, 2004.

“Filed in District Court” by Judge Murphy.⁸ There is no fax transmittal sheet. The notice states Haeg is submitting his “supplemental letter for consideration during the sentencing hearing.”⁹ However, the four pages accompanying the notice are two letters from friends attesting to Haeg’s character.¹⁰ It appears that Mr. Cole’s office sent two letters, neither one of which was Haeg’s. Therefore, it does not appear that Judge Murphy ever received Haeg’s letter as part of the November 8, 2004 Notice.

In addition, I do not find prejudice from Haeg’s letter not being submitted on October 8, 2004. Haeg had already been tried and convicted. The “entrapment” defense Haeg asserts was discussed in the letter was an issue that should have been raised at trial. Any failure by Haeg’s attorney to raise this defense at trial cannot be attributed to Judge Murphy. Further, to the extent Mr. Cole may have failed to provide this letter in support of a mitigation of Haeg’s sentencing, I do not find impropriety occurred on the part of Judge Murphy with respect to Haeg’s November 8, 2004 fax submission.

III. “Selection” of Judge by State

Haeg claims that the state impermissibly “selected” Judge Murphy to preside over the PCR proceeding.¹¹ Haeg claims that there is no law or rule that a judge

⁸ The initials on the filing stamp, MLM, appear to be Judge Murphy’s initials.

⁹ Notice of Supplemental Letter for Sentencing Hearing (November 8, 2004) (Case No. 4MC-04-024CR). This pleading is attached to this order.

¹⁰ See fax time and date stamp on letters from Karen Savoie and Leon Alsworth with sequential numbering.

¹¹ Applicant’s 3-9-10 Motion to Disqualify Judge Murphy for Cause (March 15, 2010) at 9, 10.

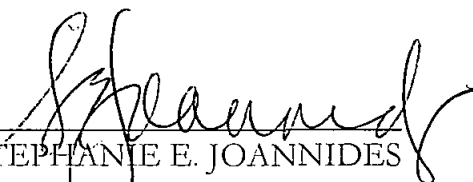
“most knowledgeable” of the case should preside over the case.¹² Haeg argues that if the state can pick the judge it wants, justice will be perverted.¹³

There is no impropriety in the state requesting that the trial judge preside over an application for post-conviction relief. The interest of judicial economy is served by assigning a post-conviction relief case to the trial judge, because she is familiar with the facts of the case. This is regular practice in Alaska.¹⁴

CONCLUSION

This court is inquiring into the appearance of bias based on Judge Murphy’s contacts with Trooper Gibbens during the trial by requesting for *in camera* review the record of investigation of Haeg’s complaint to the Alaska Judicial Conduct Commission. I find that all other allegations proffered by Haeg do not warrant disqualifying Judge Murphy for cause or for the appearance of impropriety.

DONE this 28th day of July 2010 at Anchorage, Alaska.


STEPHANIE E. JOANNIDES
Superior Court Judge

¹² *Id.* at 9.

¹³ *Id.* at 10.

¹⁴ *Cf. Plyer v. State*, 10 P.3d 1173, 1173 (Alaska 2000) (“Because the judge who conducted a defendant’s trial would be familiar with the circumstances of the trial, we are persuaded that it would be unwise to allow a defendant to disqualify the judge by means of a peremptory challenge.”).

I certify that on 7.28.10
a copy of the above was mailed to
each of the following at their
addresses of record:

D. Haeg
A. Peterson

K. Moore
Kadell Moore, Judicial Assistant



Alaska Commission on Judicial Conduct

1029 W. 3rd Ave., Suite 550, Anchorage, Alaska 99501-1944
(907) 272-1033 In Alaska 800-478-1033 Fax (907) 272-9309

Marla N. Greenstein
Executive Director
E-Mail: mgreen@alaska.cjc.state.ak.us

CONFIDENTIAL

January 25, 2007

Mr. David S. Haeg
P.O. Box 123
Soldotna, AK 99669

Re: Complaint File No. 2006-006- Judge M. Murphy

Dear Mr. Haeg:

Thank you for taking the time to address the Commission at its September 8th, 2006 meeting. The Alaska Commission on Judicial Conduct dismissed Complaint No. 2006-011 at its meeting on January 22, 2007, in Anchorage for lack of probable cause. Any interaction between the judge and law enforcement was minor and due to the circumstances of the logistics in this rural court location.

Sincerely,

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Marla N. Greenstein
Executive Director

Sienna



Alaska Commission on Judicial Conduct

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Marla stated on tape both Gibbens & Murphy testified that

Gibbens never gave Murphy a ride until after Haeg's sentencing.

Sincerely,

Marla N. Greenstein
Executive Director

- The truth is Gibbens gave Murphy, on average, 3 rides per day through Haeg's trial.

3804

FILED
 In District Court
 State of Alaska
 at McGrath

Date 11-8-04

MJM
 Magistrate/Clerk

Brent R. Cole
 MARSTON & COLE, P.C.
 745 West Fourth Ave., Suite 502
 Anchorage, Alaska 99501
 (907) 277-8001

Attorneys for David Haeg

**IN THE DISTRICT COURT FOR THE STATE OF ALASKA
 THIRD JUDICIAL DISTRICT AT MCGRATH**

STATE OF ALASKA,)
)
 Plaintiff,)
 v.)
)
 DAVID HAEG,)
 Defendant.)

Case No.: 4MC-04-024 CR

VRA CERTIFICATION

I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any offense unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

NOTICE OF SUPPLEMENTAL LETTER FOR SENTENCING HEARING

David Haeg, by and through his counsel, hereby submits his supplemental letter for consideration during the sentencing hearing in the above-captioned case scheduled before Magistrate Murphy in McGrath on November 9, 2004, at 10:30 a.m.

DATED this 9th day of November 2004, at Anchorage, Alaska.

MARSTON & COLE, P.C.
 Attorneys for Defendant

By: *Brent R. Cole*
 Brent R. Cole
 AK Bar No. 8606074

LAW OFFICES OF
**MARSTON
 & COLE, P.C.**
 745 WEST FOURTH AVENUE
 SUITE 502
 ANCHORAGE, AK 99501
 TEL. (907) 277-8001
 FAX (907) 277-8002

I certify that a copy of the foregoing document w/ attachment was faxed to Scot H. Leaders.

By: *[Signature]* 11/8/04

November 7, 2004

Page 1 of 3

Brent Cole

From: Karen and David Savoie [dksavoie@cableone.net]
Sent: Sunday, November 07, 2004 6:56 PM
To: cole@pobox.alaska.net
Subject: Dave Haeg Character Letter
Attachments: header.htm

November 7, 2004

Brent Cole
Marston & Cole, P.C
745 West Fourth Ave.
Suite 502
Anchorage, AK 99501

Subject: Dave Haeg's Character

Dear Mr. Cole,

My name is Karen Savoie. I am the mother-in-law of David Haeg, the mother of Jackie Haeg--David's wife. On behalf of my husband and myself, I am writing you as a character witness of David's.

I first met David when he started dating my daughter, Jackie, back in the 1980's. They eventually got married and had two of my granddaughters, Kayla and Cassie. They have ever since marriage resided in their home on Brown's Lake, Soldotna, Alaska.

My husband, David Savoie, and I visit Alaska and stay with my daughter and son-in-law nearly every summer. They travel to Idaho where I live to visit periodically for Christmas. We see each other as often as possible.

When visiting Alaska, it's always a joy to spend time with my family there. I love revisiting the state that I lived in for nearly 30 years myself. I have lived everywhere from Kodiak Island, where my daughter was born, Anchorage, Sterling, and Homer. My last place of residence before moving to Idaho was in Sterling, Alaska. All three of my children grew up in Alaska and graduated high school in Soldotna. My daughter Jackie is the only child I have left living in the state of Alaska.

As I was stating, visiting the state is so much fun because of the area in which my daughter Jackie and son-in-law David live. David has provided an outstanding lifestyle for his family, all due to the career he has undoubtedly chosen for himself. He works late summer through the fall and has all winter and springtime to spend at home with his

11/8/2004

November 7, 2004

Page 2 of 3

family. David and Jackie have made a home in a pristine location. They have a lake at their front door, forest to their back, and all the wildlife from birds, moose, and bear roaming freely through their property. Things couldn't get better if you tried. The fishing is excellent, flying over the country with Dave as our pilot is always a joyful and exciting experience.

David has always been a very charming and gracious host to me, my husband, and my other children when visiting. When he could, he would take anyone up in his plane and always ALWAYS had grins on his passenger's faces when landing. He isn't just a bush pilot; to my 10 year old grandson he is the BEST pilot in the world and who wants to be EXACTLY like his uncle Dave when he gets older.

This spring changed everything for David. Since David was accused of his crime, after the troopers came to his house to search it, I was the first person my daughter called to want me to fly to Alaska to be with them both. David was in a state of absolute shock, depression, and guilt. One would have thought that someone died in that house. He was in a state of mourning every day I was there. He wasn't physically able to barely move off the couch, shower, eat, talk on the phone (which he used to do all day long prior to the accusations), play with his daughters, anything. His daughters would stare at their dad and try to talk to him and he just didn't respond to them. Therefore they would ask if something was wrong with Daddy, if he was sick. He was a shell of his former self.

The David I have always known is a very trustworthy, loyal, funny, happy-go-lucky, energetic, eager, self motivated, hard worker, ON-THE-GO, type of guy. Not anymore. He lay flat on his back for the five weeks I spent with them this spring. It was as if David reverted back to a child and needed me, as his mother, to console him, which I eagerly did with no hesitation. It may sound strange to hear that this big tough bear hunter can actually fall apart so much as to lay at my feet in his living room and literally NEED ME to just rub his head. For some reason that brought David some sense of relaxation. It wasn't his wife Jackie rubbing his head, as she was in her own state of shock and depression herself. My job was to take care of David, console Jackie, and feed the children and David and Jackie, because they just stopped eating altogether. I can vow that I saw a weight loss immediately on David and Jackie. I was asked to come up to Alaska because my daughter was afraid of neglecting her daughters at this time. Her days were consumed with helping David get by every day; deal with the accusations, talking with their attorney, etc. I know for a fact it was a very depressing atmosphere that overcame that house. I could feel the depression myself just by being there. There was no happiness, no smiling, no joking from David, which he is VERY well known for. You can ask anyone of his friends or family, I'm no exception. Everyone loves David for who and how he is. But David had changed.

My spring visit lasted five weeks, and when I felt it was my time to go back to my husband in Idaho, I left. I promised them I would be back in August for my normal annual visit.

11/8/2004

November 7, 2004

Page 3 of 3

August came and my husband and I returned to find David at least in the upright position on the couch. He was on anti-depression medication prescribed in earlier months by his doctor. I could see maybe a slight change, but no real improvement. David was still very terrified of the outcome, upset with himself, and still very much depressed. I was hoping to see the old glimmer in his eye, but it was gone. The waiting and not knowing is slowly destroying the son-in-law I once knew and was very proud to say was my own.

In closing your honor, I am asking on behalf of David and my daughter Jackie, that you find in your heart to be lenient on my son-in-law so he can have his life he so loved back. David has suffered tremendously from these accusations, not just by losing a year of hunting, his plane, loss of income, but his mental state of mind.

Sincerely,

Karen Savoie
11311 Peconic Drive
Boise, Idaho 83709
208-362-4794

11/8/2004

03055

November 8, 2004

To whom it may concern,

I am a Federal Law Enforcement officer and a pilot with the National Park Service. I have lived in western Alaska for more than 40 years. I have seen the moose decline in western Alaska in the last 10 years and have felt frustrated as I'm sure Mr. Haeg has at the lack of wildlife management on State managed lands by the State of Alaska.

In areas of western Alaska, moose populations appear to be well below Alaska Constitution mandated populations that would allow for maximum sustained yield. I have observed an increase in predator populations, including wolves, in the last fifteen years.

I have personally participated in land and shoot wolf hunting in the past. I feel it is an affective method of reducing wolf numbers.

I have known David Haeg for a number of years. I believe that Mr. Haeg cares very much for Alaska and it's wildlife resources. I have always admired the way that David has spent so much time out and around the state.

Leon R. Alsworth,



1 Trapper Turn
Port Alsworth, Alaska 99653

3KN-10-1295 CI

Case # 340-10-64 ~~CR~~ CI
Case Title: Haeg vs. State of Alaska
Envelope Contents: CR-206 Financial Statement
Date Filed: 8/31/10 Judge: Murphy

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Parties to the Action,
Counsel of Record, and
Court Personnel for routine processing.

Others authorized by written order of the court: _____

TF-325 (8/89) (TCB Fl. Red. 4"x5½")

Joany de 8/26

STATE OF ALASKA
FILED
2018 AUG 31 AM 11:11
CLERK OF TRIAL COURT

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT Anchorage

State of Alaska
 In the Matter of
 David Haeg
vs.

State of Alaska

~~Defendant or Minor~~

(Trial Case No. 4MC-04-00024CR)

Attn: Judge Joannides
Post-Conviction Relief
CASE NO. 3HO-10-00064 CI

FINANCIAL STATEMENT
For Appointment of Counsel
 For Restitution

Full Name David Scott Haeg Date of Birth 1-19-66
Residence Address 32283 Lakeland Dr. Soldotna AK 99669
Mailing Address PO Box 123 Soldotna AK 99669
Home Phone: 262-9249 Work Phone: Same Soc. Sec. No. 471-72-5023

Are you under the age of 18? No Yes. If yes, one of your parents must appear and provide financial information regarding the income of both parents.

Have you filled out a financial statement to apply for a court-appointed attorney within the past 12 months? Yes No Was an attorney appointed for you? Yes No N/A

Are you receiving public assistance? No Yes. If yes, check those you receive:
 SSI Food Stamps Adult Public Assistance
 ATAP General Relief Medicaid

Are you working now? Yes No If no, date last worked _____
Present employer Self
(If not now employed, state last employer and length of job.)

Employer's address _____
Other employers in past year _____

Are you a seasonal worker? Yes No
If yes, describe: Air Charter
Are you self-employed? Yes No
If yes, describe: Air Charter Operator

1. DEFENDANT'S INCOME INFORMATION (after taxes, but before other deductions) Do not include income of spouse. If defendant is under age 18, list income of both defendant and parents.

a. Current Monthly Income

Wages	\$ 7500.00 0
Social Security	\$ 0
Public Assistance	\$ 0
Unemployment	\$ 0
Income from Self-Employment	\$ 1500.00
Other (specify) _____	\$ 0
Total Monthly Income	\$ 1500.00

* Social Security number is not mandatory. It may be used to identify your assets.

b. Permanent Fund Dividends received in last 12 months \$ 1305.00
 c. ANCSA or other corporate dividends received in last 12 months \$ 0
 d. Value of gifts received in last 12 months \$ 0
 e. Total Income during last 12 months \$ 19,305.00

f. Do you expect to receive other income in the next 6 months (for example, settlements, dividends, gifts, inheritances)? Yes No
 If yes, please specify Permanent Fund Dividend

2. HOUSEHOLD MEMBERS (People who live with you)

Name	Age	Relationship
<u>Jackie Haag</u>	<u>44</u>	<u>Wife</u>
<u>Kayla Haag</u>	<u>12</u>	<u>Daughter</u>
<u>Cassie Haag</u>	<u>9</u>	<u>Daughter</u>

3. MONTHLY HOUSEHOLD EXPENSES

Expense	Amount	Balance Owed	Past Due
Housing (rent or mortgage)	\$ <u>944.00</u>	\$ <u>40,164.00</u>	\$ <u>1</u>
Food	\$ <u>400.00</u>	\$	\$
Utilities:			
Electricity	\$ <u>150.00</u>	\$	\$
Gas	\$ <u>250.00</u>	\$	\$
Water and Sewer	\$ <u>0</u>	\$	\$
Garbage	\$ <u>0</u>	\$	\$
Telephone	\$ <u>150.00</u>	\$	\$
Transportation (gas/bus)	\$ <u>250.00</u>	\$	\$
Car or truck payment	\$ <u>0</u>	\$	\$
Insurance	\$ <u>650.00</u>	\$	\$
Child support and alimony	\$ <u>0</u>	\$	\$
List Loans & Credit Card Debts:			
<u>Master Card</u>	\$ <u>500.00</u>	\$ <u>6000.00</u>	\$
_____	\$	\$	\$
_____	\$	\$	\$
_____	\$	\$	\$
_____	\$	\$	\$
Medical (not covered by insurance)	\$ <u>0</u>	\$	\$
Childcare:	\$ <u>0</u>	\$	\$
IRS Back Taxes Due	\$ <u>0</u>	\$	\$
TOTALS	\$ <u>3294.00</u>	\$ <u>46,164.00</u>	\$

ADJUSTMENTS TO EXPENSES:

a. Are you married? Yes No
 If yes, list spouse's total income **after taxes** for the past 12 months (include gifts, settlements, inheritances, wages, dividends, etc.): \$ 35,746.61
 Note: For purposes of deciding appointment of counsel, expenses will be divided between spouses proportionate to each spouse's income.

b. Are any household expenses paid by someone other than you or your spouse (for example, by a roommate, parent, grandparent or child)? No Yes. If yes, list:

Name	Relationship	\$ Amount

4. **CASH AND ASSETS** (things you own or are buying) Include all things you own by yourself and all things you own jointly with someone else.

	Value	Amount Still Owed
Cash	\$ 0	
Bank Acct./Checking	\$ 3,273.22	
Bank Acct./Savings	\$ 4,698.73	
Stocks, Bonds, CD's	\$ 0	
Mutual Funds	\$ 0	
Retirement Plans	\$ 0	
Life Insurance (cash value)	\$ 0	
Land, Homes, Trailers	\$ 313,800.00	\$ 40,164.00
Motor Vehicles (describe):		
<i>Ford Pickup</i>	\$ 12,000.00	
<i>Dodge Durango</i>	\$ 3,000.00	
TV, Stereo, VCR	\$ 500.00	
Computer Equipment	\$ 500.00	
Snow Machines, ATVs, Sport Boats, Airplanes, Motorcycles	\$ 55,000.00	
Jewelry, Precious Metals or Precious Stones	\$ 0	
Furs	\$ 500.00	
Collections (Coins, Ivory, etc.)	\$ 0	
Tools	\$ 5,000.00	
Guns	\$ 1,000.00	
Sports Equipment (Kayaks, Skis, Scuba Gear, etc.)	\$ 300.00	
Fishing Gear, Nets, etc.	\$ 0	
IFQ's, Quota Shares, etc.	\$ 0	
Commercial Fishing Permits	\$ 0	
Commercial Fishing Boats	\$ 0	
Businesses: <i>Air Charter</i>	\$ 5,000.00	
Other:		
TOTALS	\$ 409,571.95 (-)	\$ 40,164.00 = \$ 369,407.95

Do you need any of the above items to earn your living? Yes No

If yes, list the item and describe why you need it:

The air charter business, airplane, Ford truck, and tools are required for me to run my air charter business. I also need the airplane hanger.

5. CREDIT CARDS. List all your credit cards.

Name of Card (Visa, MC, AMEX)	Credit Limit	Balance Owed	Min. Monthly Payment
Master Card	\$ 25,000.00	\$ 6000.00	\$ 150.00
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

6. OTHER EXPENSES

Expense	Monthly Amount
Cable TV	\$ 45.00
Club Membership Fees	\$ 0
Internet Fees	\$ 25.00
Subscriptions (magazines, newspapers, etc.)	\$ 0
Entertainment (dining out, sporting events, etc.)	\$ 50.00
Alcohol and Tobacco	\$ 0
TOTAL	\$ 120.00

OATH

WARNING: Making false statements under oath is a crime.

I declare, under oath, that the above Financial Statement is true.

8-30-10 Date
[Signature] Signature of Defendant or Parent

Subscribed and sworn to or affirmed before me in Seldotna, Alaska
 on 8-30-10 (date)

(SEAL) Notary Public
ROB LYON
 State of Alaska
 My Commission Expires October 26, 2013

[Signature]
 Clerk of Court, Notary Public or other person
 authorized to administer oaths.
 My commission expires: 10-26-2013

Applying for "hybrid" or "standby" counsel
only. I will not accept full representation by
 an attorney. I reserve the right to make all
 decisions in how I am represented and reserve the
 right to fire the counsel for any or no reason at all.

Date Filed: 0 2 10 Judge: J. J. ...

CONFIDENTIAL

Unless otherwise ordered by the court, access is limited to:

Parties to the Action,

Counsel of Record, and

Court Personnel for routine processing.

Others authorized by written order of the court: _____

TF-325 (8/89) (TCB Fl. Red, 4"x5½")

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

DAVID HAEG,)
)
 Applicant,)
)
 v.)
)
 STATE OF ALASKA,)
)
 Respondent.)

POST-CONVICTION RELIEF
Case No. 3HO-10-00064CI

(Trial Case No. 4MC-04-00024CR)

CONFIDENTIAL ORDER:

- (1) SUPPLEMENTING ORDER GRANTING REQUEST FOR DISQUALIFICATION;**
- (2) WITHDRAWING JULY 28, 2010 ORDER FOR INFORMATION FROM JUDICIAL CONDUCT COMMISSION; AND**
- (3) REFERRING AFFIDAVITS TO COMMISSION FOR ITS CONSIDERATION**

This confidential order supplements the August 25, 2010 Order Granting Request for Disqualification on appearance grounds. It is confidential because it addresses the proceedings of the Alaska Commission on Judicial Conduct.¹

This court was only tasked with resolving David Haeg's disqualification request. It is not privy to the Commission investigation and the statements made by the witnesses, Judge Murphy, or Trooper Gibbens. Therefore, it takes no position on the materials submitted herein. In addition, this order does not resolve any allegations

¹ AS 22.30.060 (providing for confidentiality of all commission "proceedings, records, files, and reports"). Notwithstanding the confidentiality of the proceedings before

of impropriety. Therefore, the attached materials are being submitted to the Judicial Conduct Commission for its consideration.

Mr. Haeg alleges that during his trial in the remote community of McGrath, Judge Murphy accepted rides from Trooper Gibbens. Mr. Haeg filed a complaint with the Alaska Commission on Judicial Conduct alleging impropriety based upon Judge Murphy's use of Trooper Gibbens for transportation during the trial. The Commission sent Mr. Haeg a letter stating that the rural setting "led to more contact with the community members than usual" but concluded "there were no improper contacts."²

In support of his concerns that (1) Judge Murphy and Trooper Gibbens did not provide the Commission accurate information about this issue and (2) the Commission did not adequately investigate their failure to provide full disclosure, Mr. Haeg submitted various witness affidavits³ and a recording of two phone

the Judicial Conduct Commission, both Judge Murphy and Mr. Haeg reference in their pleadings the referral and result of the investigation.

² Confidential letter from the Alaska Commission on Judicial Conduct to Mr. Haeg dated January 12, 2007 and confidential letter from the Alaska Commission on Judicial Conduct to Mr. Haeg dated January 25, 2007.

³ The supplied affidavits are attached, as Attachments C-H.

Attach. C: Affidavit of former Alaska State Trooper Wendell Jones

Attach. D: Affidavit of retired Air Force Captain Tony Zellers

Attach. E: Affidavit of Tom Stepnosky

Attach. F: Affidavit of Drew Hilterbrand

Attach. G: Affidavit of Greg Pearson

Attach. H: Affidavit of Jackie Haeg

CONFIDENTIAL ORDER

Case No. 3HO-10-00064 CI

Page 2 of 5

03064

conversations between himself and Commission Executive Director Marla Greenstein.⁴

The basis of Mr. Haeg's concerns is best addressed in four parts. First, in a phone conversation on or about January 12, 2007, Mr. Haeg claims that Ms. Greenstein stated that Judge Murphy and Trooper Gibbens "didn't share any meals together and the rides were provided by somebody else . . . that's what everyone I interviewed said."⁵ In contrast, a July 21, 2010 notarized affidavit from trial witness Tony Zellers asserts that on July 28, 2005 (day three of Haeg's four-day trial), "I personally observed Judge Margaret Murphy being shuttled in a white Trooper pickup truck driven by Trooper Brett Gibbens; leave and return with Trooper Gibbens in the same truck during breaks, lunch, and dinner; and leave with Trooper Gibbens when court was finished for the day."⁶ Jackie Haeg, Mr. Haeg's wife, asserted the same in her own affidavit.⁷

Second, Mr. Haeg claims that in that same telephone conversation with Ms. Greenstein, he was told that "after the completion of the sentencing hearing —um— Trooper Gibbens did give —uh— Magistrate Murphy a ride to the hotel. But that was

⁴ Mr. Haeg provided both a digital recording of and a substantially accurate transcript of the phone conversations. The transcripts are attached, as Attachments A and B, with chambers' law clerk's notations regarding minor discrepancies between the audio file and the transcript. Copies of the audio file shall be provided upon request.

⁵ Attach. A at 1; *see also id.* at 7 ("[speaking to Haeg's wife] I talked to the people that your husband gave me the list of. . . they did see—um—a trooper giving her rides and—but they—they couldn't identify which—who the trooper was"). Ms. Greenstein asserted, "It was VPSO Parker who provided the rides." *Id.* at 3, 7.

⁶ Attach. D.

after the sentencing hearing.” A transcript of the sentencing hearing was provided by the Aniak District Court.⁸ The transcript reflects that Judge Murphy raised the issue of obtaining a ride from Trooper Gibbens during the sentencing hearing.⁹ A review of the log notes reveals that this statement was approximately five hours before the end of the hearing. In addition, Mr. Haeg provides four affidavits stating that on the date of the sentencing hearing, September 29, 2005, the affiant “personally observed” Judge Margaret Murphy taking rides from Trooper Gibbens throughout the day of the sentencing hearing.¹⁰

Third, Mr. Haeg claims that the Ms. Greenstein stated that she talked to the people that Mr. Haeg identified in a list he provided to the Commission.¹¹ Mr. Haeg claims that he provided a list of four people and that the affidavits of these four individuals state that they were not contacted regarding this matter.¹²

Finally, in addition to his concerns regarding the alleged impropriety of Judge Murphy receiving rides from Trooper Gibbens, Mr. Haeg also explains that based upon his understanding of Judge Murphy’s and Trooper Gibbens’ representations to the Commission, he feels that they were not truthful about their contacts during the trial. Therefore, Mr. Haeg is concerned over Ms. Greenstein’s assertion that “even if

⁷ Attach. H.

⁸ Attach. I.

⁹ *Id.* at 1262.

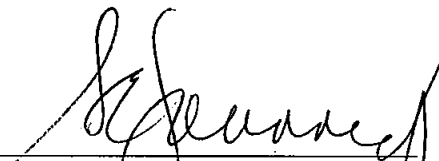
¹⁰ Attach. C, D, E, F.

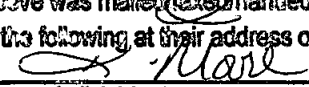
¹¹ Attach. A at 1, 7.

everything you say is true it wouldn't be that significant –um– a thing. It would be the kind of thing where we would just caution the judge to –um– to try to make other arrangements in small communities in the future. That's all we would do.”¹³

In light of this court's ruling granting the disqualification request, the July 28, 2010 Order for Information from Judicial Conduct Commission is hereby WITHDRAWN.

DONE this 27th day of August 2010 at Anchorage, Alaska.


STEPHANIE E. JOANNIDES
Superior Court Judge

I certify that on 8.27.10 a copy of the above was mailed/faxed/handed to each of the following at their address of record

Judicial Assistant

Haeg
Peterson
Massen
Greenstein

¹² Attach. C, D, E, F. One affiant, Tom Stepnosky, stated that “[o]n or about 2006 I contacted . . . Marla Greenstein by phone and told her I had personally seen Trooper Gibbens give Judge Murphy rides before David Haeg was sentenced.” Attach. E.

¹³ Attach. A. at 9.

**Transcribed Phone Call between
Alaska Commission on Judicial Council (Marla Greenstein) and
David Haeg on or about January 12, 2007**

1 **HAEG:** Hey I was wondering whatever became of the investigation into Judge Murphy?

2 **GREENSTEIN:** Yeah we're sending you a letter today. We have a meeting coming up
3 on January 22nd. Where -um- they'll consider my report and the judge's response.
4 But – but it sounds like everything was -um- was ok. It sounds like -um- there was no
5 communication about the case and they didn't share any meals together and the rides
6 were provided by somebody else – not Trooper Gibbens.

7 **HAEG:** They said the rides were provided by somebody other...

8 **GREENSTEIN:** Yes...

9 **HAEG:** ... than Trooper Gibbens?

10 **GREENSTEIN:** Yes.

11 **HAEG:** Well that's the biggest pile of shit I've ever heard in my life.

12 **GREENSTEIN:** -Um- that's what – that's what everyone I interviewed said.

13 **HAEG:** And who did you interview – may I ask?

14 **GREENSTEIN:** Well in addition to the names you gave me I talked to Trooper Gibbens,
15 and the Judge, and there was one other law enforcement person there.

16 **HAEG:** Ok well I'm goanna fly out to McGrath –uh- Marla and I'm goanna get tape
17 recordings of everybody – every juror that was there, all the people in McGrath -
18 cause there was 300 of them - and I'm goanna walk into your office and I'm goanna
19 hand you the tape. Ok?

20 **GREENSTEIN:** I'm just – it's – we don't...

21 **HAEG:** Will that be clear enough for you Marla?

22 **GREENSTEIN:** No. And it's not that serious a thing anyway - even if it did happen.
23 Which we don't have any evidence that it did. They...
24 **HAEG:** Wasn't that serious?
25 **GREENSTEIN:** No...
26 **HAEG:** Do you know - you guys wouldn't accept the other stuff that happened in my
27 case? Because 'oh...
28 **GREENSTEIN:** Yeah...
29 **HAEG:** ...we can't do whatever'... She was changing her decisions 180 degrees to
30 accommodate Trooper Gibbens. Ok?
31 **GREENSTEIN:** Well I understand that's your perception but the...
32 **HAEG:** Well...
33 **GREENSTEIN:** I mean the other people...
34 **HAEG:** Yeah my perception Marla...
35 **GREENSTEIN:** Mmm hmm...
36 **HAEG:** -Um- if I were you I would look at the Anchorage Daily News back whenever
37 they arrested -uh- Anderson and start looking at what's going on in this state. I'd start
38 opening my - my - my views should start expanding a little bit. You - and - I need a
39 copy - can I have a copy of Trooper Gibbens saying he never gave Judge Murphy a
40 ride - ever?
41 **GREENSTEIN:** He didn't say never ever. It was during that week when you were
42 down there.
43 **HAEG:** During the week, when we were down there, he never gave her a ride?

44 **GREENSTEIN:** No.

45 **HAEG:** Ok and the Judge said that also?

46 **GREENSTEIN:** Umm hmm...

47 **HAEG:** -Um- I have to have copies of that. You tell me how - what I need to do to get

48 copies of that? (talking over GREENSTEIN) And I will be there - in your office as fast

49 as you could say...

50 **GREENSTEIN:** Yeah I understand you want...

51 **HAEG:** ...get here.

52 **GREENSTEIN:** ...the copies. But they're confidential documents so we can't give them

53 to you. But it wasn't like they... Let me pull it up. Let me see if I could see the exact...

54 I can tell you what - what's there - hold on... (1 minute passes)

55 **HAEG:** You believe this shit Jackie?

56 **JACKIE HAEG:** (Background) No I sure can't.

57 **HAEG:** Can you believe this?

58 **JACKIE HAEG:** (Background) She interviewed 2 people and that's just as far as she

59 got?

60 **GREENSTEIN:** -Um- it was VPSO Parker who provided the rides...

61 **JACKIE HAEG:** (Background) She interviewed Tom?

62 **HAEG:** Ok. VPSO Parker...

63 **GREENSTEIN:** Yeah...

64 **HAEG:** ...ok ...

65 **GREENSTEIN:** ...and -um- and after...

66 **HAEG:** And did you interview – did you interview Mr. Parker?

67 **GREENSTEIN:** -Um- I don't remember. And then after...

68 **HAEG:** Don't remember... Just hang on... Don't remember...

69 **GREENSTEIN:** And then after the completion of the sentencing hearing -um- Trooper

70 Gibbens did give -uh- Magistrate Murphy a ride to the hotel. But that was after the

71 sentencing hearing.

72 **HAEG:** Ok just – after sentencing – was it. Ok mmm hmm. Do you read the papers

73 Marla?

74 **GREENSTEIN:** Yeah of course – yes.

75 **HAEG:** Do you watch TV?

76 **GREENSTEIN:** No.

77 **HAEG:** Ok. -Um- how long have you been in your post?

78 **GREENSTEIN:** -Um- since 1989.

79 **HAEG:** Nineteen eighty-nine. So a good long time. Ok. Do you get many people like

80 me calling you and issuing complaints like this?

81 **GREENSTEIN:** -Um- we – we average about 3 complaints – 2 - 2 to 3 complaints a

82 month that we investigate.

83 **HAEG:** Ok. Investigate – ok. And when it was determined that there should be further

84 investigation were you the only one that investigated?

85 **GREENSTEIN:** I'm the staff investigator – yes.

86 **HAEG:** Ok are there any other investigators?

87 **GREENSTEIN:** No.

88 **HAEG:** Ok so it's just you. Comes in you decide what's going on and that's it?

89 **GREENSTEIN:** No the Commission reviews everything.

90 **HAEG:** Ok and do I get a chance to appeal that decision?

91 **GREENSTEIN:** No.

92 **HAEG:** Ok – no appeal.

93 **GREENSTEIN:** You can – I mean there might be some – there might be a way to have

94 the Supreme Court...

95 **HAEG:** Oh – that's good...

96 **GREENSTEIN:** Do...

97 **HAEG:** Cause I already got – I already got two things heading their way already.

98 **GREENSTEIN:** Ok.

99 **HAEG:** Ok – Supreme Court may review – and that would be a – probably a Petition for

100 Review?

101 **GREENSTEIN:** No it's called an Original Application.

102 **HAEG:** Ok an Original Application.

103 **GREENSTEIN:** ^{Totally (PS)} ~~That'll~~ discretionary on the part of the court.

104 **HAEG:** Ok – Original Application. Not the Petition for Review. (Writing notes)

105 **GREENSTEIN:** ... (indecipherable) out of court...

106 **HAEG:** Ok. -Um- (laughs) and what level of liability do Trooper Gibbens and Judge

107 Murphy have when they were talking to you? Did you have them under oath? Or was

108 it just...

109 **GREENSTEIN:** No it was an informal interview.

110 **HAEG:** Ok – informal. -Um- if you found out that they lied to you -uh- is there any
111 liability?

112 **GREENSTEIN:** -Um- if he -um- well not for -- not for just a witness but if a -- if a judge
113 wasn't telling us the truth we -- we could review that as a complaint. But the -- you
114 know there's -- it would have to be a -- a deliberate kind of thing.

115 **HAEG:** Deliberate? -Um- let me just put my wife on for just one second. Jackie come
116 here. Ok I want you to tell this lady that under the penalty of perjury you are gonna
117 tell her how many times Trooper Gibbens drove Judge Murphy back and forth to the
118 courthouse...

119 **GREENSTEIN:** I - I have...

120 **HAEG:** During my trial and sentencing...

121 **GREENSTEIN:** I have your wife's statement in writing -- I have your wife's statement in
122 writing. She doesn't need to tell me.

123 **JACKIE HAEG:** Hello.

124 **GREENSTEIN:** Hi. I have your statement in writing. That's fine.

125 **JACKIE HAEG:** Ok.

126 **GREENSTEIN:** You know I don't need you to tell me again cause I have your letter
127 that you faxed us.

128 **JACKIE HAEG:** Ok well we did see her every single time that you know she was out of
129 court and riding around to go to the store to get her pop or whatever and he was the
130 one driving her everywhere. Back and forth from the hotel,

131 **GREENSTEIN:** Well he...

132 **JACKIE HAEG:** ...to eat...

133 **GREENSTEIN:** Well both he and the judge say that they weren't the people doing it...

134 **JACKIE HAEG:** Wow...

135 **GREENSTEIN:** ...It was VPSO Parker who provided the rides...

136 **HAEG:** (in background) tell her...

137 **JACKIE HAEG:** Well they're...well he's - Dave's pretty upset cause they are both lying

138 - I - you know there were - everybody else that was there with us saw it too and they

139 were all - you know and all the jurors. So - well I don't know what to tell ...

140 **GREENSTEIN:** Ok.

141 **JACKIE HAEG:** ... you probably need to ask some more people besides those two.

142 **GREENSTEIN:** No I talked to the people that your husband gave me the list of. I've

143 spoke to them as well.

144 **JACKIE HAEG:** And what did they tell you?

145 **GREENSTEIN:** -Um- they said they - that they did see -um- a trooper giving her rides

146 and - but they - they couldn't identify which - who the trooper was.

147 **JACKIE HAEG:** Hmm...Well I'll let you talk to David again.

148 **GREENSTEIN:** Ok - thank you.

149 **HAEG:** Hi. (8M39S).

150 **GREENSTEIN:** Ok - well I think I gave you all the information that I can - so -um-

151 you'll get a letter after our Commission meeting on the 22nd to let you know exactly

152 what the Commission did.

153 **HAEG:** Ok and when does the Commission meet the next time – where I can talk to
154 them?

155 **GREENSTEIN:** You already had an opportunity to talk to them.

156 **HAEG:** I want another opportunity.

157 **GREENSTEIN:** We only give the public one – one opportunity to talk to...

158 **HAEG:** Ok – my wife wants an opportunity.

159 **GREENSTEIN:** No we give each complainant one opportunity.

160 **HAEG:** She's a different complainant – she's pretty pissed.

161 **GREENSTEIN:** No it's the same complaint. She could've appeared when you did as
162 well.

163 **HAEG:** Oh really...

164 **GREENSTEIN:** Yeah.

165 **HAEG:** Oh.

166 **GREENSTEIN:** No...

167 **HAEG:** It's too bad you didn't...

168 **GREENSTEIN:** ...it's the same...

169 **HAEG:** ...tell us that.

170 **GREENSTEIN:** ... complaint.

171 **HAEG:** Ok. -Um- (exhales)

172 **GREENSTEIN:** So...

173 **HAEG:** You understand what's going on here?

174 **GREENSTEIN:** Well I – I'm telling you even if everything you say is true it wouldn't be
175 that significant -um- a thing. It would be the kind of thing where we would just caution
176 the judge to -um- to try to make other arrangements in small communities in the
177 future. That's all we would do.

178 **HAEG:** Well if I just made a small little thing if you were in court and just you know -
179 um- see I've been reading about how important all this stuff is and why people do what
180 they do. And when she's hanging out with Trooper Gibbens the whole time – he's the
181 one – he actually perjured his search warrant affidavits to start my whole case and I
182 mean you - I know that you're just saying I'm convicted and I have sour grapes. And I
183 understand that and that's a good position to take because it's probably the logical
184 position. But when she was involved over the entire course of my case and every
185 decision that she was free to make sided with Trooper Gibbens and then she's riding
186 around with him all the time and my jury is watching that each and every day. She
187 leaves with Trooper Gibbens and she arrives with Trooper Gibbens. What they say is
188 that a jury when they see that they say 'that trooper is credible...

189 **GREENSTEIN:** Did you have a lawyer?

190 **HAEG:** ... because he has the trust of the judge'...

191 **GREENSTEIN:** You have a lawyer?

192 **HAEG:** Huh?

193 **GREENSTEIN:** Did you have a lawyer?

194 **HAEG:** Yeah and I can prove my lawyer was lying to me throughout the whole trial and
195 I know that's another fantastic idea.

196 **GREENSTEIN:** Right no I mean if you're telling me everybody is lying including your
197 lawyer you know I'm...

198 **HAEG:** Then – then I'm not credible. I understand that.

199 **GREENSTEIN:** Right.

200 **HAEG:** Ok look at Trooper or I mean not... Legislator Anderson and I know that I'm
201 kind of harping on this a little bit. But would you believe one of our legislators was
202 extorting money from somebody?

203 **GREENSTEIN:** Well you would be the first to say that somebody ~~excused~~ ^{accused} should not
204 be assumed guilty? Right?

205 **HAEG:** No what I'm saying and I - I understand entirely what you're saying - that you
206 can't judge people before they're found guilty.

207 **GREENSTEIN:** Right.

208 **HAEG:** And that's what you're saying I'm doing. But what everybody's saying to me is
209 since I've already been found guilty that my word is no longer any good.

210 **GREENSTEIN:** That's kind of how the system works.

211 **HAEG:** ^{well} My wife just told you what happened and she hasn't been found guilty of
212 anything. And I will go get every jurors -um- affidavit.

213 **GREENSTEIN:** Well I'm just saying even if what you tell me is true it's a very minor
214 thing from our perspective on what we address.

215 **HAEG:** Ok if it was so minor a thing in your perspective...

216 **GREENSTEIN:** Right.

217 **HAEG:** ...why do you even do it?

218 **GREENSTEIN:** Because then we could give a cautionary letter to judge -um- warning
219 them that -um- they should make other arrangements if they're in a small community
220 without public transportation.

221 **HAEG:** Ok now this is the real question. Why do you think Trooper Gibbens and
222 Judge Murphy lied?

223 **GREENSTEIN:** I – I don't believe they lied. I understand you do. But I don't believe
224 they did. If – if your memories differ on those things...

225 **HAEG:** If my memories different...

226 **GREENSTEIN:** Mm hmm...

227 **HAEG:** You know how many times I've been told that? -um- and you know I'll have you
228 know that I'm taping this conversation as I tape all my conversations. And you know
229 these allegations that I made about my – my -uh- lawyers they were all on tape.

230 **GREENSTEIN:** Mm hmm...

231 **HAEG:** And my first lawyer cause the one that went through trial was the second one.
232 My first one I had before the Alaska Bar Association and as he lied I think it was
233 somewhere over 20 times. Actually he was under oath so it was perjury. We played
234 the – actually didn't play the tape he agreed that the transcriptions my wife made of
235 the secretly recorded conversations were true and correct and as he read them he
236 started shaking like a leaf. And you know there aint – there probably isn't goanna be
237 much done to him because of people like yourself that when they're faced with the
238 obvious they don't want to do anything. But I mean I have this - I have - I mean...

239 **GREENSTEIN:** Well let me...

240 **HAEG:** ...my...

241 **GREENSTEIN:** Let me just reflect back to you.

242 **HAEG:** Ok.

243 **GREENSTEIN:** I think what you really want to - is a new trial or a retrial or to have

244 everything done over again.

245 **HAEG:** Exactly.

246 **GREENSTEIN:** I don't have the power - our agency doesn't have the power to do that.

247 So I'm saying even if you know we found everything that you want us to find all we

248 would do is a cautionary letter to the judge. It won't help you.

249 **HAEG:** And did she get a cautionary letter?

250 **GREENSTEIN:** No. She hasn't yet...

251 **HAEG:** So she didn't even get that?

252 **GREENSTEIN:** Well until you...

253 **HAEG:** Didn't even...

254 **GREENSTEIN:** ... our Commission...

255 **HAEG:** ...freaking get that?

256 **GREENSTEIN:** ...I told you our Commission...

257 **HAEG:** I cannot believe that Marla.

258 **GREENSTEIN:** I told you our Commission hasn't finished with it yet. Didn't I just tell

259 you that we are goanna address it at our January 22nd meeting?

260 **HAEG:** I thought you said it's over and that...

261 **GREENSTEIN:** I said...

262 **HAEG:** ...you said -um- ...

263 **GREENSTEIN:** ...January 22nd meeting...

264 **HAEG:** ...everything - I wrote down -um- everything I wrote down everything was ok...

265 **GREENSTEIN:** Yeah from my investigation but I told you that we're meeting on

266 January 22nd.

267 **HAEG:** Ok January 22nd. Do you have a call in number for that date?

268 **GREENSTEIN:** I told you you already had your opportunity to address the

269 Commission.

270 **HAEG:** No there's other people that want their opportunity.

271 **GREENSTEIN:** You're the only – we only allow the complainant to talk about their

272 complaint. And we'll give the opportunity one time.

273 **HAEG:** Hmm... How convenient. -Um- And who's your boss in the big scheme of

274 things here?

275 **GREENSTEIN:** I work for the Commission.

276 **HAEG:** Ok Commission. And whose the – is there a president or...

277 **GREENSTEIN:** There's a Chair.

278 **HAEG:** Ok who's the Chair?

279 **GREENSTEIN:** Judge Ben Esch.

280 **HAEG:** Judge – what's the last name again?

281 **GREENSTEIN:** Esch. E-S-C-H.

282 **HAEG:** S-C-H?

283 **GREENSTEIN:** E-S-C-H.

284 **HAEG:** Ok and how do you pronounce that?

285 **GREENSTEIN:** Esch.

286 **HAEG:** Esch? Ok -um- ok well I guess and I probably am not allowed to talk to her or

287 him or... Is it a him or a her?

288 **GREENSTEIN:** Him.

289 **HAEG:** Him.

290 **GREENSTEIN:** Yes Mr. Ben Esch.

291 **HAEG:** -Um- is there any way I can communicate with him?

292 **GREENSTEIN:** -Um- you can send a letter.

293 **HAEG:** Ok do you have an address?

294 **GREENSTEIN:** -Um- He's at the Nome court. Do you have access to the Internet?

295 **HAEG:** Yep. Nome court?

296 **GREENSTEIN:** -Uh- huh.

297 **HAEG:** Ok we can probably manage that one. -Um- -uh- well actually this is kind of

298 good. And if I wanted those records. Cause this is goanna be good. Cause I'm going

299 to have Trooper Gibbens and Judge Murphy under oath again ^{during (P5)} at my Post Conviction

300 Relief. And this will be a joy a true joy.

301 **GREENSTEIN:** Our – our records are confidential...

302 **HAEG:** I can – I can subpoena those records, correct?

303 **GREENSTEIN:** No. Our – our records are confidential by State statute.

304 **HAEG:** Ok and there's no – absolutely no court record – no way of getting those?

305 **GREENSTEIN:** No.

306 **HAEG:** Not even through the Supreme Court?

307 **GREENSTEIN:** -Um- if the...

308 **HAEG:** ... Supreme Court? I – I...

309 **GREENSTEIN:** If the Supreme Court...

310 **HAEG:** ... I walk into your office with an SCO and I can't have it?

311 **GREENSTEIN:** I mean if the Supreme Court ordered it they would get it under seal but

312 you probably wouldn't have access to it.

313 **HAEG:** Ok. Well I'll guarantee you those records are goanna be -um- looked at by

314 somebody -um- cause I'm actually starting to enjoy this. This is kind of like – I used to

315 be a trapper and a hunter but this is far more fun. -Um- because it's the most

316 ridiculous thing that's ever happened. This state is so crooked you couldn't get a fair

317 trial here if you tried your hardest - like I did. It's unbelievable. -Um- but anyway you

318 probably heard that before. -Um- and as I said I'm guilty so you don't have to listen to

319 me. -Um- and oh I guess I've taken up enough of your time Marla.

320 **GREENSTEIN:** Ok.

321 **HAEG:** Thank you very much.

322 **GREENSTEIN:** You're welcome.

323 **HAEG:** Bye.

324 **GREENSTEIN:** Bye.

**Transcribed Phone Call between
Alaska Commission on Judicial Council (Marla Greenstein) and
David Haeg on or about September 23, 2009**

1 **HAEG:** Yep.

2 **GREENSTEIN:** Marla Greenstein.

3 **HAEG:** Hey how yah doing?

4 **GREENSTEIN:** I'm doing fine.

5 **HAEG:** -Um- hey I have a couple questions for you. I don't know if you remember me

6 but I had a...

7 **GREENSTEIN:** I do.

8 **HAEG:** -Uh-

9 **GREENSTEIN:** I do it was a hunting thing.

10 **HAEG:** Yep and I'd - I'd filed a complaint I think it was against Judge Murphy...

11 **GREENSTEIN:** Right.

12 **HAEG:** -um- and -uh- what I was wondering is at the time you had said that -uh- -um-

13 you had interviewed I think Judge Murphy and some of the people that I had...

14 **GREENSTEIN:** Right the trooper and some of those other people.

15 **HAEG:** Yep. And you had said that they -um- denied that the trooper had ever given

16 Judge Murphy rides until I think you said - I'd wrote down some notes until like after I

17 was sentenced. And I was wondering if you -um- I guess have any documentation on

18 what they said or if you could give me some on what they said?

19 **GREENSTEIN:** I can't share that with anybody. I do the documentation but that -

20 that's confidential within our office.

21 **HAEG:** Ok and is there anyway to make it non confidential?

22 **GREENSTEIN:** No there is not.

23 **HAEG:** Not even a – like a court proceeding or anything?

24 **GREENSTEIN:** No our files are confidential by statute.

25 **HAEG:** Ok and so when you like if I claim what you had told me – I can't even do that
26 either then?

27 **GREENSTEIN:** What I said to you? If you – I mean you should have a letter from me
28 that probably set out the reasons we dismissed the complaint. That's the only thing. If
29 you don't have that letter we can you another copy of that letter.

30 **HAEG:** Ok.

31 **GREENSTEIN:** That's the only thing that you can refer to.

32 **HAEG:** Ok. Well what – what my problem is is you had said that they – you had
33 questioned them and they both denied that the trooper had given the judge rides. Ok?
34 And I – I you know I wrote down -um- all the stuff that you had said because you had –
35 you actually called me. I don't know if you remember that or not?

36 **GREENSTEIN:** Let me see. I think have the note - an advisory opinion that wrote as a
37 result of that I can read. Let me just look it up. I think we wrote a summary of the
38 opinion that public...

39 **HAEG:** And what – so this actually went further than what...

40 **GREENSTEIN:** No – no...

41 **HAEG:** ...just your investigation?

42 **GREENSTEIN:** No we did a formal opinion. They just - we write opinions to give
43 judges guidance at times. -Um-

44 **HAEG:** Well why would there be any guidance if there were never any rides given?

45 **GREENSTEIN:** No there was... (time passes while looking through her stuff) ...just
46 trying to help you. Just want to see if there's more information I can give you.

47 **HAEG:** Ok.

48 **GREENSTEIN:** No he did give them rides. It was a question of when the rides were
49 given. So I can give you this opinion. Their opinion 'the judicial officer accepted rides
50 from law enforcement while on duty in small village without any form of public
51 transportation did not violate the Code of Judicial Conduct where no ex parte
52 communication concerning the pending criminal matter occurred. The circumstances
53 in rural Alaska often create a need for accommodations that would not be suitable if
54 there were other alternatives. Where these accommodations include assistance by
55 law enforcement officers, great care should be given to avoid any discussion of official
56 matters while outside the courtroom. The best practice would be to disclose the
57 special needs and accommodations on the record at the beginning of the court
58 proceeding to avoid appearance of impropriety questions.'

59 **HAEG:** Well if...

60 **GREENSTEIN:** So that – that was our findings. I can mail that to you if you'd like?

61 **HAEG:** Ok well that would be great but what my question is - is you had said that you
62 investigated...

63 **GREENSTEIN:** Mm hmm.

64 **HAEG:** And you had called me and said that the trooper and the judge denied that any
65 rides ever took place. Is that correct?

66 **GREENSTEIN:** No – until after sentencing.

67 **HAEG:** Ok until after sentencing?

68 **GREENSTEIN:** Right.

69 **HAEG:** Ok. Ok the problem I have Marla is I was there with I believe like 7 witnesses
70 and an attorney and - and...

71 **GREENSTEIN:** I talked to everybody.

72 **HAEG:** Ok.

73 **GREENSTEIN:** I talked to the attorneys. I talked to everybody. I talked to people in the
74 courtroom. I talked to a bunch of people. And they view things differently than you.

75 **HAEG:** Wow...

76 **GREENSTEIN:** Mm hmm.

77 **HAEG:** That's unbelievable isn't it? Because...

78 **GREENSTEIN:** I talked even to the people in Texas - or whoever they were. I made a
79 lot of phone calls.

80 **HAEG:** Ok.

81 **GREENSTEIN:** That's why I remember it so well.

82 **HAEG:** And you got no indication from anybody that they ever got - ever - the judge
83 ever took a ride with the trooper during my trial or sentencing, correct?

84 **GREENSTEIN:** Correct.

85 **HAEG:** Ok but I have a note here that says you talked VPSO Parker. He doesn't
86 remember. That you never talked to any of the witnesses...

87 **GREENSTEIN:** Listen are - are you goanna argue with me? I just told you I
88 interviewed a lot of the people. I talked to them...

89 **HAEG:** Well the problem – ok I'm not argu... I'm not try – I don't mean to argue with
90 you. Ok? The problem is – is over this case...

91 **GREENSTEIN:** Mm hmm...

92 **HAEG:** ... I lost everything I had built for my family from...

93 **GREENSTEIN:** I understand that...

94 **HAEG:** ...when I was age 18.

95 **GREENSTEIN:** Nothing we do is going to change that.

96 **HAEG:** Ok. Correct absolutely. But what I'm saying is when the judge rode in every
97 morning, every noon to lunch, and it's even on the record. This is what really pisses
98 me off. Is that they - the State transcribed the record of the case and it has Judge
99 Murphy 'I'm going to commandeer you again Trooper Gibbens and we're goanna into
100 to town and get some stuff and blah blah blah'. And then when you tell me that – and
101 ever day this happened. And it was like I think a 5-day trial and 2 day sentencing.
102 And when that trooper was the main witness against me and it was proven he'd
103 committed perjury and the judge overlooked it and they're riding around together the
104 appearance – how that you are saying that the appearance of bias isn't right - we seen
105 actual bias because we proved the trooper was lying about where the evidence was
106 found. They claimed it was found where I guide and so I should be charged as a big
107 game guide. And so it has to do with real things in life rather than protecting a couple
108 people that did something they shouldn't be doing and are now denying it. And -um-
109 you know and I don't mean to jump down your throat Marla but it's now five and a half
110 years of my life as I know it ending. And I know that – that probably doesn't mean

111 anything to you. You get a paycheck and you go home at night and your jobs secure
112 but me and my family have a hard time putting – having enough money to put food in
113 our children's mouths anymore - over this. And Marla do you understand the
114 determination when you make a claim like I did – and I didn't even know it was that big
115 of deal but when they claimed it never happened. The judge lied to you and the
116 trooper lied to you and if I were you I would take that very seriously. And apparently
117 from what you're saying everybody agrees in fact you said no witnesses said it ever
118 happened. Didn't I tell you it happened?

119 **GREENSTEIN:** You - you did but nobody else.

120 **HAEG:** Nobody else told you it happened?

121 **GREENSTEIN:** Right.

122 **HAEG:** Did you ever talk to my jurors?

123 **GREENSTEIN:** No.

124 **HAEG:** Did I ask that you do?

125 **GREENSTEIN:** Listen you're arguing with me again so I'm goanna hang up. This has
126 been over for several years and I was trying to give you additional information. I'm
127 sorry but there's nothing more I can do...(click)

David S. Haeg
P.O. Box 123
Soldotna, AK 99669
(907) 262-9249

11:44

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

DAVID HAEG)
Applicant,)
vs.)
STATE OF ALASKA,) Case No.: 3HO-10-00064CI
Respondent.)
_____)

AFFIDAVIT

1. My name is Wendell Jones and I am a former Alaska State Trooper.
2. I attended David Haeg's sentencing in McGrath on 9-29-05 and 9-30-05. On these days I was present at the courthouse every hour David Haeg's court was in session. On 9-29-05 sentencing testimony and arguments started at 1 PM and continued straight through the night until the early morning of 9-30-05. David Haeg was finally sentenced at nearly 1 AM on 9-30-05.
3. On 9-29-05 I personally observed Judge Margaret Murphy arrive at court in a white Trooper pickup truck driven by Trooper Brett Gibbens; leave and return with Trooper Gibbens in the same truck during breaks and dinner; and leave with Trooper Gibbens when court was finished on 9-30-05. Nearly all the rides I witnessed Trooper Gibbens give Judge Murphy happened before David Haeg was sentenced.

4. Trooper Gibbens was the primary witness against David Haeg at sentencing and I believe during his trial.

5. During David Haeg's proceedings I never saw Judge Murphy arrive or depart the courthouse alone or with anyone other than Trooper Gibbens.

6. Other than David Haeg himself I was never contacted by anyone investigating whether or not Trooper Gibbens gave Judge Murphy rides.

AFFIDAVIT SWORN TO UNDER PENALTY OF PERJURY

I, WENDELL JONES, swear under penalty of perjury that the statements above and information included are true to the best of my knowledge.

Wendell Jones

Wendell Jones

SUBSCRIBED AND SWORN to before me this 20th day of July, 2010.

Cully Wooden

Notary Public in and for Alaska

My Commission Expires: 2-6-14

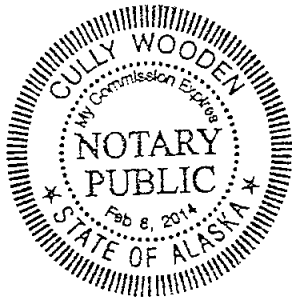


Exhibit #6

David S. Haeg
P.O. Box 123
Soldotna, AK 99669
(907) 262-9249

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

DAVID HAEG)	
Applicant,)	
vs.)	
)	
STATE OF ALASKA,)	Case No.: <u>3HO-10-00064CI</u>
Respondent.)	
)	
)	

AFFIDAVIT

1. My name is Tony Zellers and I am a retired Air Force Captain.
2. I was a state witness at David Haeg's trial in McGrath on 7-28-05. I also attended the sentencing in McGrath on 9-29-05 and 9-30-05. On these days I was present at the courthouse while David Haeg's court was in session. On 9-29-05 sentencing testimony and arguments started at 1 PM and continued through the night until the early morning of 9-30-05. David Haeg was finally sentenced at nearly 1 AM on 9-30-05.
3. On 7-28-05 and 9-29-05 I personally observed Judge Margaret Murphy being shuttled in a white Trooper pickup truck driven by Trooper Brett Gibbens; leave and return with Trooper Gibbens in the same truck during breaks, lunch, and dinner; and leave with Trooper Gibbens when court was finished for the day. Nearly all the rides I witnessed Trooper Gibbens give Judge Murphy happened before David Haeg was sentenced.

ATTACHMENT D

4. Trooper Gibbens was the primary witness against David Haeg at trial and sentencing.

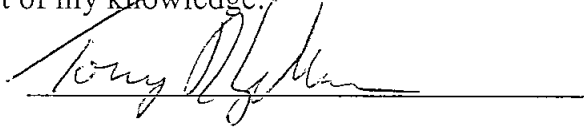
5. During David Haeg's proceedings I never saw Judge Murphy arrive or depart the courthouse alone or with anyone other than Trooper Gibbens.

6. Since 1994 to present my phone number has been 907-696-2319.

7. Other than David Haeg himself I was never contacted by anyone investigating whether or not Trooper Gibbens gave Judge Murphy rides.

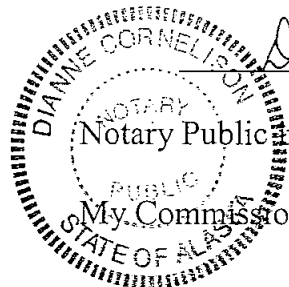
AFFIDAVIT SWORN TO UNDER PENALTY OF PERJURY

I, TONY ZELLERS, swear under penalty of perjury that the statements above and information included are true to the best of my knowledge.



Tony Zellers
9420 Swan Circle
Eagle River, AK 99577
907-696-2319

SUBSCRIBED AND SWORN to before me this 21 day of July, 2010.



Dianne Cornelison

Notary Public in and for Mat Su Bus Stop Alaska

My Commission Expires: April 5, 2014

David S. Haeg
P.O. Box 123
Soldotna, AK 99669
(907) 262-9249

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

DAVID HAEG)	
Applicant,)	
vs.)	
)	
STATE OF ALASKA,)	Case No.: <u>3HO-10-00064CI</u>
Respondent.)	
)	
_____)	

AFFIDAVIT

1. My name is Tom Stepnosky and I am retired Vietnam Veteran.
2. I attended David Haeg's sentencing in McGrath on 9-29-05 and 9-30-05. On these days I was present at the courthouse every hour David Haeg's court was in session. On 9-29-05 sentencing testimony and arguments started at 1 PM and continued through the night until the early morning of 9-30-05. David Haeg was finally sentenced at nearly 1 AM on 9-30-05.
3. On 9-29-05 I personally observed Judge Margaret Murphy arrive at court in a white Trooper pickup truck driven by Trooper Brett Gibbens; leave and return with Trooper Gibbens in the same truck during breaks and dinner; and then leave with Trooper Gibbens when sentencing was finished on 9-30-05. Nearly all the rides I witnessed Trooper Gibbens give Judge Murphy happened before David Haeg was sentenced.
4. Trooper Gibbens was the primary witness against David Haeg at sentencing and I believe during his trial.

5. During David Haeg's proceedings I never saw Judge Murphy arrive or depart the courthouse alone or with anyone other than Trooper Gibbens.

6. Since 2005 to present my phone number has been 570-727-3130.

7. Other than David Haeg himself I was never contacted by anyone investigating whether or not Trooper Gibbens gave Judge Murphy rides.

8. On or about 2006 I contacted Alaska Commission on Judicial Conduct investigator Marla Greenstein by phone and told her I had personally seen Trooper Gibbens give Judge Murphy rides before David Haeg was sentenced.

AFFIDAVIT SWORN TO UNDER PENALTY OF PERJURY

I, TOM STEP NOSKY, SR., swear under penalty of perjury that the statements above and information included are true to the best of my knowledge.

Thomas J. Stepnosky, Sr.

Tom Stepnosky, Sr.
PO Box 205
Thompson, PA 18465
570-727-3130

SUBSCRIBED AND SWORN to before me this 16th day of July, 2010.

Nina A. Bills

Notary Public in and for _____

My Commission Expires: COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Nina A. Bills, Notary Public
Susquehanna Depot Boro, Susquehanna County
My Commission Expires Jan. 10, 2011

Exhibit #6

David S. Haeg
P.O. Box 123
Soldotna, AK 99669
(907) 262-9249

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

DAVID HAEG)	
Applicant,)	
vs.)	
)	
STATE OF ALASKA,)	Case No.: <u>3HO-10-00064CI</u>
Respondent.)	
)	
_____)	

AFFIDAVIT

My name is Drew Hilterbrand.

I attended David Haeg's sentencing in McGrath on 9-29-05 and 9-30-05. On these days I was present at the courthouse every hour David Haeg's court was in session. On 9-29-05 sentencing testimony and arguments started at 1 PM and continued through the night until the early morning of 9-30-05. David Haeg was finally sentenced at nearly 1 AM on 9-30-05.

On 9-29-05 I personally observed Judge Margaret Murphy arrive at court in a white Trooper pickup truck driven by Trooper Brett Gibbens; leave and return with Trooper Gibbens in the same truck during breaks and dinner; and leave with Trooper Gibbens when court was finished on 9-30-05. Nearly all the rides I

witnessed Trooper Gibbens give Judge Murphy happened before David Haeg was sentenced.

Trooper Gibbens was the primary witness against David Haeg at sentencing and I believe during his trial.

During David Haeg's proceedings I never saw Judge Murphy arrive or depart the courthouse alone or with anyone other than Trooper Gibbens.

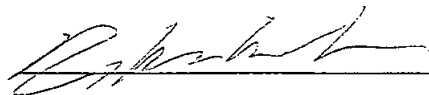
From about 2004 to present my phone number has been 907-252-4090.

Other than David Haeg himself I have never been contacted by anyone investigating whether or not Trooper Gibbens gave Judge Murphy rides.

AFFIDAVIT SWORN TO UNDER PENALTY OF PERJURY

I declare under penalty of perjury the forgoing is true and correct. Executed on

July 19th 2010. A notary public or other official empowered to administer oaths is unavailable and thus I am certifying this document in accordance with AS 09.63.020.



Drew Hilterbrand
PO Box 1038
Soldotna, AK 99669
907-252-4090

Exhibit #6

David S. Haeg
P.O. Box 123
Soldotna, AK 99669
(907) 262-9249

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

DAVID HAEG)	
Applicant,)	
vs.)	
)	
STATE OF ALASKA,)	Case No.: <u>3HO-10-00064CI</u>
Respondent.)	
)	
_____)	

AFFIDAVIT

1. My name is Greg Pearson; I am a husband and father of two.
2. I attended all of David Haeg's 12-hour self-representation hearing that was conducted in McGrath on 8-15-06. The hearing lasted until about 11 PM.
3. During David Haeg's self-representation hearing I heard Magistrate David Woodmancy ask Trooper Brett Gibbens for a ride and Trooper Gibbens responded that he could not give Magistrate Woodmancy a ride because of all the trouble he (Gibbens) got into by doing this the last time.

I declare under penalty of perjury the forgoing is true and correct. Executed on

7-25-2010. A notary public or other official empowered to administer oaths is unavailable and thus I am certifying this document in accordance with AS 09.63.020.

Greg Pearson
 Greg Pearson
 PO Box 1456
 Soldotna, Alaska 99669 (907) 262-3935

David S. Haeg
P.O. Box 123
Soldotna, AK 99669
(907) 262-9249

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

DAVID HAEG)	
Applicant,)	
vs.)	
)	
STATE OF ALASKA,)	Case No.: <u>3HO-10-00064CI</u>
Respondent.)	
)	
_____)	

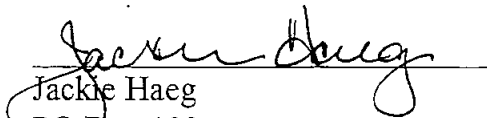
AFFIDAVIT

1. My name is Jackie Haeg; I work for the Kenai Peninsula Borough School District, am married, and mother of two.
2. I attended David Haeg's trial in McGrath on 5-17-05, 5-18-05, 7-25-05, 7-26-05, 7-27-05, 7-28-05, and 7-29-05. Trial went till 11:29 PM some days and I was present at the courthouse every hour of trial.
3. Every day of David Haeg's trial I personally observed Judge Margaret Murphy arrive at court in a white Trooper pickup truck driven by Trooper Brett Gibbens; leave and return with Trooper Gibbens in the same truck during breaks, lunch, and dinner; and leave with Trooper Gibbens when court was done for the day. All the rides I witnessed Trooper Gibbens give Judge Murphy happened before David Haeg was sentenced.
4. Trooper Gibbens was the primary witness against David Haeg at trial.

5. During David Haeg's trial I never saw Judge Murphy arrive or depart the courthouse alone or with anyone other than Trooper Gibbens.
6. Since about 1990 to present my phone number has been 907-262-9249.
7. Other than David Haeg himself I have never been contacted by anyone investigating whether or not Trooper Gibbens gave Judge Murphy rides.
8. I was the one who found David Haeg's 17-page letter (evidencing that the State had told and induced David Haeg to do what the State later charged him with doing) had been removed out of the official court record while proof it had been admitted remained in the official court record.
9. I attended all of David Haeg's 12-hour self-representation hearing that was conducted in McGrath on 8-15-06 before Magistrate David Woodmancy.
10. During David Haeg's self-representation hearing I heard Magistrate Woodmancy ask Trooper Brett Gibbens for a ride and Trooper Gibbens responded that he could not give Magistrate Woodmancy a ride because of all the trouble he (Gibbens) got into by doing this the last time.

I declare under penalty of perjury the forgoing is true and correct. Executed on

July 23, 2010. A notary public or other official empowered to administer oaths is unavailable and thus I am certifying this document in accordance with AS 09.63.020.


Jackie Haeg
PO Box 123
Soldotna, Alaska 99669
(907) 262-9249

Alaska Court System
 P.O. Box 147
 Aniak, AK 99557-0147
 Phone: (907) 675-4325
 Fax: (907) 675-4278

ANIAK DISTRICT COURT

Fax

To: Judge Joanides	From: Jean Ekemo/Clerk of Court
Fax: 907-264-0518	Pages: 5 w/cover
Phone:	Date: 8/6/10
Re: David Haeg - 4MC-04-24CR selected transcripts	CC:

• Comments:

Following this cover you should find
 1 page) a copy of the cover of "Transcript of Proceeding" Volume III
 3 pages) Pages 1257-1268 (4 pages per 8x11 page so actually (3) 8x11 size pages)

ATTACHMENT I

FILED
STATE OF ALASKA
APPELLATE COURTS

IN THE DISTRICT COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

2007 NOV 14 AM 11:16

CLERK, APPELLATE COURTS
BY: _____
DEPUTY CLERK

4	STATE OF ALASKA,)
5)
6	Plaintiff,)
7	vs.)
8	DAVID HAEG,)
9	Defendant.)

A09455

Case No. 4MC-04-24 CR

VOLUME III

TRANSCRIPT OF PROCEEDINGS

September 29, 2005 - Page 1037 through Page 1454

DISCLAIMER

Transcripts prepared for the Alaska Court System

The Alaska Court System accepted this transcript based on either review of a random sample or without review because the transcriber's prior work has consistently met court system standards. Because it is possible that this transcript may contain some errors, the court system encourages parties to listen to the recordings of critical portions of the proceedings and to bring any significant errors to the ACS Transcript Coordinator's attention immediately.

AURORA COURT REPORTING

STATE OF ALASKA V DAVID HAEG 4MC-04-24 CR

Aurora Court Reporting

1 A I never -- I never saw that moose
 2 Q Okay. That's the one you told Mr. Haeg that had been
 3 chased off or whatever, right?
 4 THE COURT: That was on the 5th.
 5 MR. LEADERS: Okay. Apologize, that's the 5th, okay.
 6 Q But you don't note that anywhere?
 7 A No.
 8 Q The -- is it possible you -- the days may have somehow
 9 gotten mixed up or confused in any way during your hunt?
 10 A No.
 11 Q All right. The -- Mr. Jayo's moose was taken fairly
 12 early in the morning?
 13 A Yes, as -- as I stated, around 7:30 that morning.
 14 Q Okay. Shortly after light then?
 15 A Yes.
 16 Q You guys had to hike how far?
 17 A We hiked approximately two and a half miles. We started
 18 about 5:00 o'clock in the morning. At that time of year
 19 about 5:30 is when it starts getting twilight out, and
 20 by 6:00 o'clock you've got enough -- plenty of light to
 21 -- to hunt. 7:00 o'clock the -- the sun wasn't up over
 22 the -- the Revelation Mountains yet.
 23 Q So it took you almost a couple hours to get down to this
 24 location?
 25 A Yes.

- 1257 -

1 Q Roughly, I guess, we heard the pace is about a mile an
 2 hour earlier?
 3 A Roughly -- roughly, yeah.
 4 Q That's pretty accurate?
 5 A Yes. Uh-huh (Affirmative).
 6 Q The -- were you -- I guess I was a little but unclear on
 7 some of this. Someone -- you climbed a tree for
 8 observation once you crossed the river and that's where
 9 you first see the cows?
 10 A No.
 11 Q Oh, okay.
 12 A We did not see any moose from -- from the tree.
 13 Q From the tree, I see, okay.
 14 Q When we came down and I decided to take Doug a little
 15 further down the ridge so I could see a little further
 16 down river, that the river bend made a shallow bend to
 17 the left and then it came back hard to the right, down
 18 by the sandbar that Dave landed on, later, and that's
 19 where I saw the -- the two cows along the river.
 20 Q And that's where you then called -- from that location
 21 is where you called the bull to?
 22 A Correct, I went down maybe 20 yards near a big rock or a
 23 husgik(ph) for Doug to have a laying down steady rest.
 24 Q Okay. And it was two shots ultimately to kill this
 25 moose?

- 1258 -

1 A Two shots, yes.
 2 Q The initial?
 3 A One from the...
 4 Q To take it down?
 5 A One from -- one from my rifle a .375, and one from Doug
 6 Jayo's rifle which is I believe he was shooting .330.
 7 Q Okay. They were spaced approximately 15, 20 minutes
 8 apart or so?
 9 A Correct.
 10 Q And then there was a lot of flying activity after that?
 11 A Yes.
 12 Q Mr. Haeg's plane?
 13 A Correct.
 14 Q He hadn't -- you hadn't noticed any other planes in that
 15 area flying during the few days that you -- the couple
 16 days you were hunting that specific area?
 17 A No, I did not. I've heard other planes but I did not
 18 observe them with my eyes. Maybe not fly up into that
 19 valley.
 20 Q So you heard them in the distance type thing?
 21 A Correct.
 22 Q I mean you can hear planes off for miles away at times
 23 (indiscernible)?
 24 A At times, yeah, you can hear them a long ways.
 25 Q Okay.

- 1259 -

1 A The weather wasn't conducive to -- to seeing a lot of
 2 them.
 3 MR. LEADERS: I have no further questions.
 4 TONY ZELLERS
 5 testified as follows on:
 6 REDIRECT EXAMINATION
 7 BY MR. ROBINSON:
 8 Q Mr. Zellers, you entered a plea of, I think, no-contest
 9 to your charges in this wolf case, right?
 10 A That's correct.
 11 Q And you were required to come to court and testify
 12 truthfully were you not?
 13 A Correct.
 14 Q And in your opinion when you came to testify at the
 15 trial did you give truthful testimony?
 16 A Yes, I did.
 17 Q And anything you said today, was it truthful testimony?
 18 A Yes, it was.
 19 Q Particularly with your diary concerning when you noted
 20 the day that Mr. Jayo shot this moose, is there anything
 21 untruthful about that?
 22 A No, there isn't.
 23 Q Is there anything untruthful about the fact that before
 24 Mr. Jayo took that moose on the morning of September 7th
 25 that Mr. Haeg was not flying around, was not using any

- 1260 -

STATE OF ALASKA v DAVID HAEG 4MC-04-24 CR

Aurora Court Reporting

1 Kind of communications from the airplane to direct that
2 hunt for Mr. Juyo?
3 A No, he wasn't
4 Q And that's truthful?
5 A That's truthful
6 Q As truthful as you testified about matters at trial
7 here?
8 A Yes, it is
9 MR. ROBINSON: I don't have anything further.

10 TONY ZELLERS

11 testified as follows on:

12 RE CROSS EXAMINATION

13 BY MR. LEADERS:

14 Q The -- let me ask you In your mind, your perception of
15 the wolf charges which you pled to and that now Mr
16 Haeg's -- do you consider those less serious based on
17 the nature that they were wolves taken than you do what
18 we're discussing here, whether or not a moose, a game
19 animal was taken from the -- with the use of an
20 airplane?
21 A No, it's the same charge Same day -- same day
22 airborne, so.
23 Q So you don't see -- okay, you don't perceive any
24 difference between the wolves or the moose or anything
25 like that? As to the way they should be treated?

- 1261 -

1 MR. LEADERS: As long as there's no issue of....
2 MR. ROBINSON: Oh, no, no, I don't have any problem ...
3 THE COURT: Yeah, I'm just telling you that I -- I can
4 tell you I'm not going to talk about the case .
5 MR. ROBINSON: You've been commandeered.
6 THE COURT: He's just going to drive me over there to get
7 some diet Coke and we'll be back.
8 MR. ROBINSON: All right
9 THE COURT: Why don't we start back up at like 10 after

10 MR. ROBINSON: Okay.

11 THE COURT: Okay?

12 (Whispered conversation)

13 THE COURT: Off record

14 (Off record)

15 THE COURT: Okay. We're back on record. Who did you
16 want to call, Mr. Leaders? Or Mr. Robinson, I'm sorry.

17 MR. ROBINSON: Mr. Wendell Jones

18 THE COURT: Okay.

19 (Whispered conversation)

20 THE COURT: Mr. Jones, if you'd raise your right hand.

21 (Oath administered)

22 MR. JONES: I do.

23 THE COURT: Okay. Please be seated.

24 MR. JONES: Thank you.

25 WENDELL L. JONES

- 1263 -

1 A No, I've got probably -- I don't like the wolves any
2 more than anybody else out in this area.

3 Q Right.

4 A But -- because I mean if I look at this charge versus
5 this charge they're the same charge, so

6 Q Shouldn't be treated any differently in your mind?

7 A No

8 MR. LEADERS: Nothing further.

9 THE COURT: Anything else?

10 MR. ROBINSON: No.

11 THE COURT: Okay. Thank you, Mr. Zellers, you can go
12 back.

13 MR. ROBINSON: Before we get going again I think we're
14 going to need about a 10 minute break

15 THE COURT: At least. I have to get to the store because
16 I need to get some....

17 MR. ROBINSON: So why don't we take long enough to go to
18 the store and....

19 THE COURT: Get some diet Coke And I'm going to
20 commandeer Trooper Gibbens and his vehicle to take me because
21 I don't have any transportation.

22 MR. ROBINSON: All right.

23 THE COURT: All right, Trooper Gibbens?

24 TROOPER GIBBENS: Well, yeah.

25 MR. ROBINSON: You've been commandeered.

- 1262 -

1 called as a witness on behalf of the defendant, testified as
2 follows on:

3 DIRECT EXAMINATION

4 THE COURT: Spell your first and last name for the
5 record, please.

6 A Wendell L. Jones, W-e-n-d-e-l-l L. J-o-n-e-s.

7 THE COURT: Okay. Thank you, sir.

8 BY MR. ROBINSON:

9 Q Good evening, Mr. Jones. Where do you live?

10 A I live in Cordova, Alaska.

11 Q And how long have you lived there?

12 A Well, I first moved there in '76 and I moved to Soldotna
13 in about '84. Moved back to Cordova about '94.

14 Q And what is your occupation?

15 A I'm sorry?

16 Q What is your occupation?

17 A I'm a commercial fisherman.

18 Q (Coughing) Excuse me. How long have you been a
19 commercial fisherman?

20 A Since 1978.

21 Q What kind of commercial fisherman? (Indiscernible).

22 A I purseine, I gill net and I used to spot herring when
23 we had herring.

24 Q So when you were a purseiner or gill netter was that in
25 the salmon fisheries? Was that for salmon?

- 1264 -

STATE OF ALASKA V DAVID HAEG 4MC-04-24 CR

Aurora Court Reporting

1 A Salmon Salmon I'm sorry. I don't hear well.
 2 Q Okay And that was in the salmon fisheries?
 3 A Yes.
 4 Q And where in the state did you do your salmon fishing?
 5 A In Prince William Sound. and on the Copper River Delta.
 6 Q Other than being a commercial fisherman have you had any
 7 other occupations?
 8 A Yes. I was a fish and wildlife protection officer for
 9 five years and prior to that I was a commercial pilot,
 10 prior to that I was an A&P mechanic. And prior to that
 11 I was a kid
 12 Q What years were you a fish and wildlife enforcement
 13 officer?
 14 A From '73 to '78.
 15 Q And where was that at?
 16 A In Ketchikan and then in Cordova.
 17 Q Are you still fishing commercially?
 18 A Yes, I am.
 19 Q Do you know the defendant in this case, David Haeg?
 20 A Very well.
 21 Q And how do you know him?
 22 A Let's see. He was about 19, maybe 20 when he wanted Dan
 23 France to build an airplane for him and Dan was busy so
 24 Dan referred David to -- referred me to David
 25 (indiscernible) to me. So he came and talked to me

1 and then there was a fatality in the herring fishery and
 2 David took over that position, and was very successful.
 3 He's good at whatever he does
 4 Q Okay. Over the years, Mr. Jones, have you developed an
 5 opinion about Mr. -- about David's character since
 6 you've known him?
 7 A Without a doubt.
 8 Q And what is that opinion?
 9 A I wouldn't be surprised if he couldn't walk on water
 10 No I think he's -- he's -- well, I love him like he's
 11 my son. He -- I think he's just a wonderful person,
 12 he's got a beautiful family.
 13 Q Now you know that he was convicted in this case of
 14 several fishing -- I mean hunting violations?
 15 A That's true, I know.....
 16 Q And several counts of ...
 17 A Concerning the wolves, yes.
 18 Q Concerning hunting wolves, same day airborne, unlawful
 19 possession of game, making a false statement regarding
 20 the taking of game. Also hunting wolverine out of
 21 season -- trapping out of season. Despite your
 22 knowledge of these convictions what do you think of Mr.
 23 Haeg?
 24 A Well, I wasn't familiar with wolverine, I don't
 25 understand that charge, but the wolves -- first off, you

1 about this airplane that he wanted to build, and wanted
 2 to know if I'd work with him on it. We made an
 3 agreement and we went to work in the winter time. He
 4 was commercial fishing during the summer and so was I,
 5 so it was -- it took us a couple years to finish --
 6 couple winters to finish it. And so I got to know him
 7 very well.
 8 Q All right. What kind of plane was this?
 9 A This was the Batcub, the PA-12.
 10 Q The PA-12, the airplane that we've all come to call in
 11 this proceeding the Batman plane?
 12 A Well, it's been redone since he and I did it, but, yes,
 13 it's the same design, yes.
 14 Q So how long has he had this plane?
 15 A Since he was 20 years old, something like that. Well,
 16 it took two years to build it, so -- let's see, so 22
 17 and he's 38 now, aren't you, Dave?
 18 MR. HAEG: (Indiscernible).
 19 Q All right. So he's had it for quite some time?
 20 A Oh, yeah.
 21 Q Tell us the kind of -- other than the contacts you had
 22 with him in building the plane, what other kind of
 23 contacts have you had with David over the years?
 24 A Well, in herring spotting he -- I took him over to the
 25 Sound. He flew back seat for me for part of a season

1 have to look at David's life. He was raised in Chinima
 2 Bay in the wilderness. His dog -- his folks dog was
 3 killed by wolves. Then you have to look at what's going
 4 on. We all know that there's mismanagement by our fish
 5 and game that we're not -- we aren't doing the charge
 6 that we have as far as managing our resources on a
 7 sustained yield basis. And we all sitting here know
 8 that they -- that the influence of the Sierra Club and
 9 -- and all the Walt Disney lovers that are influencing
 10 our state government to where they're not allowing
 11 management by fish and game of the wolves. We used to
 12 have poison programs and all kinds of programs to keep
 13 them in balance with our other game that we used. They
 14 -- they are a predator and the other ones are -- are ..
 15 game that we harvest and we don't harvest the wolves for
 16 -- as consumption. So -- but we aren't managing them as
 17 a predator so that we can maintain the moose in a
 18 balanced situation. And -- so it's -- it's hap -- it's
 19 gone on for so long that the frustration level is very
 20 high. I don't -- I admit that what David has done, the
 21 way he handled the situation is wrong. He'll admit it's
 22 wrong to me, but -- but the frustration of it -- have
 23 you read -- well, I shouldn't ask you the questions, I'm
 24 sorry. But if you've read Harrower's letters to
 25 Governor Knowles. The -- the frustration level has been

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

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