IN THE SUPREME COURT OF THE STATE OF ALASKA

DAVID HAEG,	)
	)
Petitioner,	) Supreme Court No. **S-16579**
	)
v.	)
	) Court of Appeals No. **A-11349/70**
STATE OF ALASKA,	) Trial Court No. **3KN-10-01295 CI**
	)
Respondent	)

2-11-17 PETITION FOR HEARING ON 12-21-16 COURT OF APPEALS MEMORANDUM OPINION

1. In 2004 my 19-C hunting guide license/business/lodge/airplane was the sole income for my wife Jackie & I to provide for our daughters. All was invested in this.

2. In 2004 the State told me: (a) the 19-D wolf control program (WCP) was in danger of being closed permanently as ineffective & not expanded as needed to feed Alaskans; (b) that, as one of AK's best pilots/hunters, I needed to turn the program around; (c) that to do this, I would be given a permit to shoot wolves from the air; & (d) I should shoot wolves anywhere found while claiming they were in the WCP. [R.0008, 00104]

3. I was then prosecuted/convicted for the career/life ending crime of shooting wolves from the air as a guide – in spite of permit & what State told me. To do this the State, on all warrants/affidavits seizing evidence/plane/business property, & with false trial map/testimony, swore that I killed the wolves in my 19-C guide area to benefit my guide business as less wolves would result in more moose hunts I could sell. Yet State's own GPS coordinates prove the wolves were killed in 19-D. [R.00010-12/47-49]

4. Criminal attorneys I hired told me there was no way to protest State falsifying evidence locations to charge me; seize plane/evidence; no way to ask for plane back; & it

was illegal to bring up what State told me. However, our business attorney Dale Dolifka (a former criminal defense attorney) said what State told me was critical for my defense - so we ordered criminal attorneys submit this evidence. [R.0009/104]

5. My attorneys told me I was given immunity & must give a statement to prosecutor Scot Leaders & Trooper Brett Gibbens before trial. During statement I was required to place wolf kill locations on Leaders/Gibbens aircraft map. [R.00016-19/68-78]

6. Leaders quoted my statement in charges; printed excerpts in newspaper; & he/Gibbens used aircraft map against me at trial. [Tr. Ex. 25 R.00017-19/98-115]

7. For trial judge Margaret Murphy flew to McGrath – where Gibbens (main witness against me) chauffeured her everywhere during my weeklong trial. My attorneys stated nothing could be done about this. While Gibbens chauffeured her, Murphy denied motions/affidavits that WCP permit/law prevented devastating guide charges & that State couldn't quote my statement in charges forcing me to trial. [R.00164-165/572-586]

8. At trial, Gibbens testified the wolves were killed in my 19-C guide area. Only after he knew his false testimony was discovered did he admit the wolves were killed in 19-D. No one arrested Gibbens for perjury or informed my jury this meant the State's case for devastating guide convictions was false. No one fixed map Leaders & Gibbens falsified, so it continued to be used by my jury during their deliberations. [Tr. 478-79/R.00023]

9. After conviction Murphy's justification for years in prison & career end was "*the majority, if not all of the wolves were taken in 19-C, where you were hunting*" – apparently forgetting this was admitted trial perjury by her chauffer. [Tr. 1437-41]

10. After conviction Jackie & I discovered my attorneys lied about everything – what State told me was a legal defense; false evidence locations/warrants/affidavits could be

protested; property/evidence seizure was illegal; chauffeuring couldn't happen; etc; etc. We discovered proof that Judge Murphy destroyed my evidence (proof State told me to do exactly what State charged me with doing) before jury could see it. [R.00009/549]

11. After conviction my attorneys testified: (a) I was given "transactional immunity" for my statement & after State outright told them it "would not honor" my immunity; (b) their tactic was for me to *"fall on your sword"*; (c) refused to answer (at State's advice they not) what "fall on your sword" meant or if I ever agreed to it; (d) they told me to give up all valid defenses for a defense they knew was invalid; & (e) that State threatened to harm them, & did harm them, when/if they tried to defend me. [Robinson/Cole Dep.]

12. Filed complaints Gibbens chauffeured Murphy during my prosecution & that Murphy destroyed my evidence. Investigated by Marla Greenstein, the AK Commission on Judicial Conduct's (ACJC) only investigator of judges since 1989. Greenstein asked for witnesses. We provided four. Greenstein exonerated Murphy by testifying she contacted every witness provided, none seen chauffeuring, & that Murphy & Gibbens testified no chauffeuring took place during my prosecution. State assigned Murphy to decide my PCR appeal – over my protest that PCR claims included Gibbens chauffeured Murphy & Murphy destroyed my evidence. Murphy refused to disqualify herself & Superior Court Judge Stephanie Joannides reviewed refusal. Joannides asked for evidence against Murphy so we again contacted the witnesses Greenstein claimed to have contacted to exonerate Murphy. Every witness swore that Greenstein had never contacted them; each swore they personally observed Gibbens chauffeuring Murphy during my prosecution; & each agreed to testify in open court against Greenstein, Murphy, & Gibbens. We then found/provided Joannides with official court tape recordings of

Murphy/Gibbens joking about Gibbens chauffeuring Murphy during my prosecution.

Over State's objection *"this may be a career ender for Judge Murphy,"* Joannides allowed me to subpoena Murphy, Greenstein, Leaders, & my attorneys; ordered State produce Gibbens; & scheduled a two day evidentiary hearing on what happened during my prosecution & Greenstein's investigation into it. All above, including my own criminal attorneys, filed motions to quash my subpoenas. Joannides ordered Greenstein to provide her official ACJC investigative report into Gibbens chauffeuring Murphy during my prosecution. *Greenstein refused to provide this report as ordered by Judge Joannides.*

After Greenstein's refusal, Joannides cancelled the evidentiary hearing – ruling there was already enough evidence that Murphy must be disqualified from deciding my PCR - that "*the evidentiary hearing is best held during your PCR proceeding."* Joannides ruled I would get a PCR evidentiary hearing to prove what occurred with Greenstein, Murphy, Gibbens, & my evidence. Joannides certified the evidence against Murphy, Gibbens, & Greenstein & sent it to AG; Judicial Council; Ombudsman; & ACJC for prosecution. To date no one has investigated or given me an evidentiary hearing.

Witnesses who Greenstein falsified contacting & whose testimony she falsified asked to testify at ACJC public meeting. ACJC refused to allow their testimony – even though ACJC rules state public testimony is encouraged. When witnesses stated they had a right to testify & intended to, ACJC called a SWAT team to stop them. Filed Bar complaint that Greenstein falsified an ACJC investigation to corruptly exonerate Murphy & Gibbens. Greenstein testified she contacted trial attorney Robinson in addition to the 4 witnesses we gave her. After this we contacted Robinson, who testified:

"*Nobody ever contacted me to talk about Trooper Gibbens & – & – & Margaret [Murphy] running around together in the Trooper car… I saw it during the trial*."

Every witness Greenstein swears to have contacted have sworn they were never contacted by Greenstein & that Greenstein falsified the testimony they would have given had they been contacted. Although this was proof Greenstein committed perjury to cover up her corrupt investigation of Murphy, Bar exonerated Greenstein. [R.00523-3105]

13. Filed Bar complaint that Leaders used my statement in charges. Leaders testified he didn't use my statement in charges & the proof was no one protested pretrial. Provided Bar with charge copies – signed by Leaders & quoting my statement. Provided Bar a copy of pretrial affidavit from me protesting this use – certified as delivered to Leaders pretrial. Although this proved Leaders illegally convicted me & committed perjury to cover up, Bar exonerated Leaders. This is official record in this case [R.00051-787]

14. Judge Bauman conducted my PCR & delayed until complaints he was falsifying pay affidavits to starve me out. Tried disqualifying Bauman for deciding my "*1-10-11 Motion for Hearing & Rulings before Deciding States Motion to Dismiss"* on 1-17-12, or 372 days later – while he swore nothing had gone longer than 6 months. Judge Anna Moran ruled I "miscalculated" as Bauman had "stayed" my PCR from May 27, 2011 to August 3, 2011, (68 days). Yet 372 days minus 68 days is still far over the 6-month time limit. [R.01995-1999] Bauman ordered State to produce discovery (trial map & pretrial recordings of Leaders/Gibbens) that, because of our pretrial discovery request, should have been provided prior to trial 8 years earlier. Realized: (a) trial map was same I was given immunity to place wolf kills on; (b) trial map had been tampered with to corruptly make it seem the kill locations were in my 19-C guide area; & (c) pretrial recordings captured Leaders/Gibbens *discussing how Gibbens put false guide areas on trial map that corruptly made it appear the kills were in my 19-C guide area.* [R.00046-49 Tr.418-20]

15. Realizing this was felony tampering with evidence, State knowingly using false trial evidence, State trial perjury, & self-incrimination violation, we filed a *"5-11-12 Motion for Immediate Evidentiary Hearing on Newly Discovered Known False Evidence Presented During Haeg's Trial"*. Bauman refused evidentiary hearing & immediately overturned my sentence but not conviction - claiming Murphy/Gibbens' *trial* corruption meant my sentence was invalid but not conviction. Entitled to overturn sentence without evidentiary hearing, what would I be entitled to after evidentiary hearing? [R.02917-28]

16. Delivered evidence to FBI. ASAC David Heller stated we must deliver evidence to AG in person. FBI section chief Colton Seale stated: *"We have received a number of complaints nearly identical to yours. In every case our investigation expanded rapidly & implicated nearly everyone."* FBI section chief Doug Klein stated, *"It is obvious why Greenstein falsified her investigation. No one would believe you got a fair trial otherwise."* FBI asked I give evidence to trooper internal affairs. Deputy AG Richard Svobodny denied AG meeting request. Trooper internal affairs investigator Keith Mallard stated on phone, *"I've heard of your case & all you have are sour grapes over being convicted. I won't dignify your evidence with an address to send it to."* He then hung up & refused subsequent calls. [R.02531-2563]

17. Appealed Bauman not overturning conviction & prepared for resentencing. Requested 4 days to prove I was framed. State asked I be prohibited from presenting evidence or testimony. I stated this would be over my dead body. State's request was denied. State claimed it only needed 30 minutes, as only "Robert Fithian" would testify against me. Court scheduled 4-day resentencing. [Tr. 346-358] As State never mentioned Fithian before, we contacted him. Fithian stated he is going to testify that I told him I was

going to use my WCP permit to shoot wolves in my 19-C guide area to benefit my business. I stated we had proof State falsified trial evidence & testimony to frame me for this. Fithian stated he didn't know this. I asked why State was having him commit perjury & Fithian replied State worked too hard to get WCP going to see my case end it. After this taped admission the State appealed my sentence being overturned & COA cancelled my resentencing – so again no evidentiary hearing. After Fithian's explanation, we realized everything had one thing in common –it all protected the WCP at my expense. Animal right activists had sued to shut WCP down by claiming State was running it fraudulently. My evidence would have proved this - explaining why Murphy destroyed it before jury seen it & why State falsified evidence & testimony to prove the wolves were killed in my guide area – to create a motive, other than following State orders, for me to kill wolves outside WCP. *State informed me it would return plane if I agreed not to sue anyone.* I declined. This is official record in this case [R.02239-2242 & Tr. 346-358]

18. Before COA oral argument we sent out 45,000 mailings inviting public attend. Resulting crowd couldn't fit, as courtroom only held 300 – who applauded as I presented evidence of corruption. When COA failed to decide appeal within "6-month law" I filed criminal complaint with troopers & finally asked legislature & governor to step in. 30 months after "6 month law" COA ordered a "remand" that - by completely ignoring issues & evidence (like those exposed by the pretrial recordings/trial map) & by outright falsifying facts & law – again prohibits me from bringing up any of the evidence above.

Points Relied Upon for Reversal

19. Appeals judges have committed at least 24 counts of perjury to starve me out.

AS 22.07.090 Compensation. A salary disbursement may not be issued to a judge of the court of appeals until the judge has filed with the state officer designated to issue salary

disbursements an affidavit that no matter referred to the judge for decision has been uncompleted or undecided by the judge for a period of more than six months.

COA Clerk Marilyn May confirmed the time limit imposed by AS 22.07.090 in my case started on May 20, 2014 (oral arguments). After 6 months I asked for ruling. COA ruled 6-month law didn't apply to 3 judge panels. Even assuming this, & each of the 3 judges got 6 months consecutively, this only gives 18 months. Yet the COA went 30 months past – 12 months beyond even an 18-month limit. This is 24 felony perjury counts minimum per judge, as each COA judge filed pay affidavits every 2 weeks.

20. Even though it was my main issue when discovered (see **#14** & **#15** above), neither Bauman or COA ever addressed Leaders & Gibbens fabricating trial evidence, & then, knowing both were false when presented, presenting both false evidence & testimony against me at trial – along with failing to provide this discovery prior to trial. That this is a main issue is proven by my *"5-11-12 Motion for Immediate Hearing on Newly Discovered Known False Evidence Presented During Haeg's Trial*" – & where, at COA oral argument, I used the original trial map (provided by State at my request) to point out how Gibbens/Leaders had placed false guide boundaries on it - proven by pretrial recordings of Gibbens/Leaders - to corruptly made it seem as if the wolves were killed in my guide area. I also made issue of the fact Leaders never provided map/recording copies prior to trial even though we requested them prior to trial.

Brady v. Maryland, 373 U.S. 83 (U.S. Supreme Court 1963) *"Suppression by the prosecution of evidence favorable to an accused who has requested it violates due process where the evidence is material either to guilt or to punishment, irrespective of the good or bad faith of prosecution."*

AS 11.56.610. Tampering With Physical Evidence.
(a) A person commits the crime of tampering with physical evidence if the person
(1) destroys, mutilates, alters, suppresses, conceals, or removes physical evidence with intent to impair its verity or availability in a official proceeding or criminal investigation;

(2) makes, presents, or uses physical evidence, knowing it to be false, with intent to mislead a juror who is engaged in an official proceeding or a public servant who is engaged in an official proceeding or a criminal investigation;
(b) Tampering with physical evidence is a class C felony.

AS 11.56.200. Perjury.
(a) A person commits the crime of perjury if the person makes a false sworn statement which the person does not believe to be true….
(c) Perjury is a class B felony.

Convictions are invalid when obtained with evidence or testimony that State knows is false when presented. In my case State officials themselves falsified it.

Napue v. Illinois, 360 U.S. 264 (U.S. Supreme Court 1959) *"Conviction obtained through use of false evidence, known to be such by representatives of the State, is a denial of due process."*

Mooney v. Holohan, 294 U.S. 103 (U.S. Supreme Court 1935) *"Requirement of 'due process' is not satisfied by mere notice & hearing if state, through prosecuting officers acting on state's behalf, has contrived conviction through pretense of trial which in truth is used as means of depriving defendant of liberty through deliberate deception of court & jury by presentation of testimony known to be perjured."*

Trying to justify not addressing States evidence tampering/perjury the COA states:

"The record is clear that the judge was mistaken about where exactly the wolves were killed – Haeg killed the wolves in 19-D, not 19-C. The record is unclear, however, whether correction of this mistake would have made a material difference in the judges understanding of Haeg's motivations or in her sentencing."

This is bizarre. If Murphy was mistaken so was my jury – *who heard seen/heard the same false trial evidence & testimony as Murphy.* Murphy's specific justification for my severe sentence was because "*the majority, if not all of the wolves were taken in 19-C, where you were hunting*" – so there is no question that the false 19-C location was material to her. If the false evidence was material to Murphy it is clear it was to my jury also - but since the State knew the evidence was false when presented to my jury this doesn't even matter - reversal is automatic according to Napue & Mooney above.

21. COA (to maintain my conviction & prohibit me from bringing it up on "remand") claims there was no harm if my evidence was destroyed before my jury could see it.

Yet criminal & civil attorney Dale Dolifka testified this evidence was "critical" to my defense as it proved I killed the wolves exactly where State told me. State never disputed it told me this, but jury never saw the evidence – because Murphy destroyed it.

American Bar Association *"Aside perhaps from perjury, no act serves to threaten the integrity of the judicial process more than the spoliation of evidence."*

Jury never saw the evidence proving I was doing exactly what State told me to do for the benefit of everyone who depended on wild game. All jury ever saw or heard was false evidence I was a rogue guide out to get rich by shooting wolves in his guide area.

"Context is everything. It was a truth I had learned through years of experience as an attorney, where the setting, the situation, & the circumstances surrounding a crime can often make all the difference in the final perception of innocence or guilt." United States Attorney David Iglesias.

22. COA claims there is no evidence in the record of this case, or a specific claim, of corruption in ACJC; Bar; &/or attorneys/judges involved in this case.

Yet Judge Joannides, in this case, certified evidence & sent to authorities for prosecution, that Marla Greenstein, the ACJC's only investigator of judges since 1989, falsified an official investigation to corruptly exonerate Judge Murphy from my claim that Gibbens was corruptly chauffeuring Murphy while she conducted my trial & destroyed my evidence. This is also a specific claim – along with others that include evidence: (a) that when witnesses, who Greenstein falsified contacting & whose testimony she falsified, wished to testify during a public ACJC meeting about Greenstein's actions, the ACJC called a SWAT team to stop the testimony; (b) that when Greenstein & Leaders committed provable perjury to the Bar, the Bar exonerated them

without investigation; (c) that COA judges & Judge Bauman falsified pay affidavits to starve me out; & (d) that Judge Moran, to exonerate Bauman, ruled 372 days, minus 68 days, was less than 6 months. This is all record in this case. See facts & citations above.

Bracy v. Gramley, 520 U.S. 899 (U.S. Supreme Court 1997) *"A trial judge's involvement with witnesses establishes a personal, disqualifying bias."*

23. COA, to eliminate this issue on remand, claims there is no evidence in record I was given "transactional immunity". Yet my attorney Brent Cole testified on the record in this case. In regard to transactional immunity I was given for my statement I ask Cole: "Did I have immunity for that statement?" Cole: *"Yup."* I then ask Cole: "What kind of immunity?" Cole: *"Transactional."* [Cole Dep. 22]

Attorney Kevin Fitzgerald (who worked with Cole while Cole represented me) also testified I was given *"transactional immunity"* for my statement & that after I had given the statement required by the immunity Leaders told he & Cole that the State *"would not be honoring the immunity"*. All this is record in this case. [R.00072-73]

Black's Law Dictionary (9th Ed.2009). *"Transactional immunity" affords immunity to the witness from prosecution for the offense to which the compelled testimony relates.*

Widermyre v. State, 452 P.2d 885 (AK Supreme Court 1969) *"Unless the motion & files & records of the case conclusively show that [PCR applicant] is entitled to no relief, the court shall cause notice thereof to be served upon the State District Attorney, grant a prompt hearing thereon, determine the issues & make findings of fact & conclusions of law with respect thereto. In the case at bar the superior court denied appellants application for post conviction relief without holding an evidentiary hearing."*

24. COA claims that map, upon which I placed kill locations, could be used against me at trial - *even if I was given immunity for placing the kill locations on the map*.

Yet the U.S. Supreme Court & this Alaska Supreme Court hold the opposite.

Kastigar v. United States, 406 U.S. 441 (U.S. Supreme Court 1972) *"The Government must do more than negate the taint; it must affirmatively prove that its evidence is derived from a legitimate source wholly independent of the compelled testimony."*

State of Alaska v. Gonzalez, 853 P2d 526 (AK Supreme Court 1993) "Procedures & safeguards can be implemented, *such as isolating the prosecution team.*…. In a case such as United States v. North, 910 F.2d 843 (D.C. Cir. 1990), *where the compelled testimony receives significant publicity, witnesses receive casual exposure to the substance of the compelled testimony through the media or otherwise. Once persons come into contact with the compelled testimony they are incurably tainted...* This situation is further complicated *if potential jurors are exposed to the witness' compelled testimony through wide dissemination in the media.* Mindful of Edward Coke's caution that 'it is the worst oppression, that is done by colour of justice,' *we conclude that use & derivative use immunity is constitutionally infirm.*"

U.S. v. North, 910 F.2d 843 (D.C. Cir. 1990) *"From a prosecutor's standpoint, an unhappy byproduct of the Fifth Amendment is that Kastigar may very well require a trial within a trial (or a trial before, during, or after the trial) if such a proceeding is necessary for the court to determine whether or not the government has in any fashion used compelled testimony to indict or convict a defendant. If the government chooses immunization, then it must understand that the Fifth Amendment & Kastigar mean that it is taking a great chance that the witness can't constitutionally be indicted or prosecuted. This burden may be met by establishing that the witness was never exposed to North's immunized testimony…. If the government has in fact introduced trial evidence that fails the Kastigar analysis, then the defendant is entitled to a new trial."*

My compelled testimony (map which State required me to place wolf kill locations on) was used against me at trial. Leaders & Gibbens, the very people who took my statement, prosecuted me at trial. Leaders quoted my statement in the charges & printed excerpts of it in the Anchorage Daily News so my jurors could read it before trial.

25. COA & Bauman never addressed issue of my attorneys lying about nearly every right I specifically asked them about & who later testified the reason they lied/didn't do anything was State threatened to harm/did harm them when/if they tried to help me.

Strickland v. Washington, 466 U.S. 668 (U.S. Supreme Court 1984) *"[P]rejudice is presumed when counsel is burdened by an actual conflict of interest. In those circumstances, counsel breaches the duty of loyalty, perhaps the most basic of counsel's duties. Moreover, it is difficult to measure the precise effect on the defense of representation corrupted by conflicting interests."*

Cuyler v. Sullivan, 446 U.S. 335 (U.S. Supreme Court 1980) *"A defendant who shows that a conflict of interest actually affected the adequacy of his representation need not demonstrate prejudice in order to obtain relief."*

Holloway v. Arkansas, 435 U.S. 475 (U.S. Supreme Court 1978)*"[I]n a case of joint representation of conflicting interests the evil – it bears repeating – is in what the advocate finds himself compelled to refrain from doing…."*

Osborn v. Shillinger, 861 F.2d 612 (10th Cir. 1988) *"In fact, an attorney who is burdened by a conflict between his client's interests & his own sympathies to the prosecution's position is considerably worse than an attorney with loyalty to other defendants, because the interests of the state & the defendant are necessarily in opposition. [Defendant's] attorney didn't simply make poor strategic choices; he acted with reckless disregard for his clients best interests &, at times, apparently with the intention to weaken his client's case. Prejudice, necessary or not, is established under any applicable standard."*

Waiste v. State, 10 P.3d 1141 (AK Supreme Court 2000) "*As the Good Court noted, moreover, the protection of an adversary hearing 'is of particular importance [in forfeiture cases], where the Government has a direct pecuniary interest in the outcome.' An ensemble of procedural rules bounds the State's discretion to seize vessels & limits the risk & duration of harmful errors. The rules include the need to afford a prompt postseizure hearing."*

Cole testified his tactic was to have me "fall on my sword", but, after State told him not to, refused to answer what "fall on my sword" meant or if I ever agreed to it.

COA ruling: *"Haeg is correct that Trooper Gibbens search warrant application misidentifies the location of the wolf kill sites. He contends that Trooper Gibbens knew that the wolves were found in 19-D & that he fraudulently claimed that they were found in 19-C because he wanted to make it look as though Haeg killed the wolves for his own commercial interests. (Game Management Unit 19-C is where Haeg's works as a professional guide.) Here, Robinson knew that the trooper's search warrant application had misidentified the game management unit where the wolf kill sites were found, but he did not know that the trooper would continue to misidentify the kill sites in later proceedings. Given these circumstances, we agree with the district court that Haeg's pleadings failed to state a prima facie case of ineffective assistance on this claim."*

It is proven ineffective assistance when Robinson said *"nothing"* after I specifically asked him what could be done about false locations/warrants/affidavits:

State v. Davenport, 510 P.2d 78, (AK.,1973) *"State & federal constitutional requirement that warrants issue only upon a showing of probable cause contains the implied mandate that the factual representations in the affidavit be truthful."*

Mapp v. Ohio, 367 U.S. 643 (U.S. Supreme Court 1961) *"[A]ll evidence obtained by searches & seizures in violation of the Federal Constitution is inadmissible in a criminal trial in a state."*

Smith v. State, 717 P.2d 402 (AK 1986) *"We believe it self-evident that an indispensable component of the guarantee of effective assistance of counsel is the accused's right to be advised of basic procedural rights, particularly when the accused seeks such advice by specific inquiry. Without knowing what rights are provided under law, the accused may well be unable to understand available legal options & may consequently be incapable of making informed decisions."*

Motions to suppress evidence & to return property/plane should have been filed. And because of Robinson's (& Cole's) lies Gibbens was free to continue his falsification in his trial testimony & in map he presented against me at trial. Robinson/Cole lied to me *to make sure* Gibbens & Leaders could assault me again at trial with the false evidence:

Powell v. Alabama, 287 U.S. 45 (U.S. Supreme Court 1932) *"The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent & educated layman has small & sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, & convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill & knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it though he not be guilty, he faces the danger of conviction because he does not know how to establish his innocence."*

My last attorney, Mark Osterman testified it was the *"biggest sell-out"* he had ever seen & that I didn't know Cole & Robinson *"were goanna load the dang dice so the State would always win."* Osterman then testified he couldn't do anything to help me.

Rickman v. Bell, 131 F.3d 1150 (6th Cir. 1997) *"Prejudice presumed because counsel did not serve as advocate – such that he was a 'second prosecutor' & defendant would have been 'better off to have been merely denied counsel.'"*

Wood v. Endell 702 P.2d 248 (AK 1985) *"It is settled that a claim of ineffective assistance is one that generally requires an evidentiary hearing to determine whether the standard adopted in Risher v State, 523 P.2d 421 (Ak 1974), was met by counsel's performance. Particularly where, as here, it is the pretrial & post-trial performance of counsel as well as the performance during trial that is specifically alleged to have been inadequate, it isn't sufficient that the trial judge found counsel's performance as observed in the course of trial to be adequate."*

Concrete Reasons Why The Issues Presented Have Importance Beyond This Case

26. The COA decision conflicts with U.S. & AK Supreme Court decisions. See above. Exercise of this court's supervisory authority is necessary, as thousands of other cases will otherwise be tainted by the corruption the COA decision seeks to cover up.

Confirmation of Systemic Judicial Corruption

Criminal & civil attorney Dale Dolifka examined the above evidence & testified about my prosecution before Judge Joannides with AAG Peterson cross-examining:

"Other than just an outright payoff of a judge or jury it is hard to imagine anyone being sold down the river more. Your case has shades of Selma in the 60's, where judges, sheriffs, & even assigned lawyers were all in cahoots together. The reason why you have still not resolved your legal problems is corruption. You have a [Appeals] Court sitting there looking at a pile of dung & if they do right by you & reveal you know you have the attorneys going down, you have the judges going down, you have the troopers going down. Everyone in your case has had a political price to pay if they did right by you. You had a series of situations which everyone was doing things to protect everyone rather than you because there was a price to pay. I walked over here & lawyer A says my God they're violating every appeal rule ever. How can it be like this? I think almost everyone goes back to that original seminal issue that how the hell did this case go on when it appears to lay people & to me a lot of it was built on a lie in a sworn affidavit? You're just one of many. It's absolute unadulterated self-bred corruption. It will get worse until the sleeping giant [public] wakes up. Everyone is scared & afraid." [R.00523-3105]

Adickes v. S. H. Kress, 398 U.S. 144 (U.S. Supreme Court 1970) *"Such occurrences show that there is a pre-concerted & effective plan by which thousands of men are deprived of the equal protection of the laws. The arresting power is fettered, the witnesses are silenced, the courts are impotent, the laws are annulled, the criminal goes free, the persecuted citizen looks in vain for redress."*

42 U.S.C. 1983 *"[S]tate courts were being used to harass & injure individuals, either because the state courts were powerless to stop the deprivations or were in league with those bent upon abrogation of federally protected rights…Sheriffs, having eyes to see, see not; judges, having ears to hear, hear not; witnesses conceal the truth or falsify it."*

How would you know if *"state courts… were in league with those bent upon abrogation of federally protected rights"?* Would the judge pick up a gun to help rob someone? Probably not. Would the judge ride around with prosecution during trial, grant

prosecution motions, deny defendant's motions, & destroy defendant's evidence – like Murphy did? Yes. Would the judge overlook prosecution's trial perjury & then cite the perjury as reason to forfeit defendant's airplane to prosecution & sentence him to years in prison/career destruction – like Murphy did? Absolutely. *Is this a form of robbery using the color of law?* No doubt. Would the judge refuse to order an evidentiary hearing that would prove prosecution falsified trial evidence - like Bauman & COA judges did? Absolutely. Would the judge order that no evidence can be presented proving prosecution is threatening defense attorneys to do all this – exactly as Bauman & COA did? No doubt.

Would *"state courts in league with those bent upon abrogation of federally protected rights"* need a judicial conduct investigator that will falsify official investigations to protect corrupt judges – exactly like Marla Greenstein did? Absolutely.

If the courts close their doors without a new trial or a full/fair evidentiary hearing on all issues with everyone compelled to testify – as Judge Joannides ordered I must be - I will travel to the trooper impound yard at 4825 Aircraft Drive, Anchorage, Alaska & take back the plane/property I used to provide for my family so long ago. I will send out 250,000 mailings a month in advance with the reason & inviting the public watch.

Bracy v. Gramley, 520 U.S. 899 (U.S. Supreme Court 1997) *"Where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is entitled to relief, it is the duty of the courts to provide the necessary facilities and procedures for an adequate inquiry."*

Kyles v. Whitley, 514 U.S. 419 (U.S. Supreme Court 1995) *"[Counsel's errors must be] considered collectively, not item by item."*

I have thought hard about breaking into the impound yard. Our babies when this started have turned into beautiful, strong, & intelligent young ladies – our eldest being senior Valedictorian in a class of 200 graduates with college already paid for by

scholarships - our youngest a student pilot & accomplished huntress – taking a grizzly & caribou on the same day at 14 & taking over 60 inch antler-spread moose every year since (each feeds our family for a year). They no longer need my help or guidance to successfully navigate life. I have been with my beautiful wife for nearly 30 years. I will be proud, without regret, to die to expose the sophisticated evil we have found in Alaska's judicial system – in part because, after 12 years of diligent & exhaustive effort, it appears this is the only way it can be exposed & in part because those following this, many of whom I have never met before, have given their word to keep an eye on my beautiful ladies after I am gone. But mostly because I believe the best way for me to protect my family is to stop it before it grows – even if it takes my life to do so. As strong & as intelligent as my daughters are, I don't know if they could prevail if this evil gets stronger. Winston Churchill & Thomas Jefferson explain this truth better than I can:

"If you won't fight for right when you can easily win without blood shed; if you won't fight when your victory is sure & not too costly; you may come to the moment when you will have to fight with all the odds against you & only a precarious chance of survival. There may even be a worse case. You may have to fight when there is no hope of victory, because it is better to perish than to live as slaves…. There is only one duty, only one safe course, & that is to try to be right & not to fear to do or say what you believe to be right…. This is the lesson: never give in, never give in, never, never, never, never — in nothing, great or small, large or petty — never give in except to convictions of honour & good sense. Never yield to force; never yield to the apparently overwhelming might of the enemy…. One ought never to turn one's back on a threatened danger & try to run away from it. If you do that, you will double the danger. But if you meet it promptly & without flinching, you will reduce the danger by half…It's not enough that we do our best; sometimes we have to do what's required…. If you have an important point to make, don't try to be subtle or clever. Use a pile driver. Hit the point once. Then come back & hit it again. Then hit it a third time-a tremendous whack." Winston Churchill

"And what country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots & tyrants. It is its natural manure." Thomas Jefferson

After I am killed I ask the public demand an independent commission, with power to subpoena & grant immunity, be formed to publicly investigate AK judicial corruption – &, if proved, demand that AK's court system, Comm. on Judicial Conduct, Bar, & troopers be placed into federal receivership – as done with corrupt agencies elsewhere.

"The liberties of our Country, the freedom of our civil constitution, are worth defending at all hazards: & it is our duty to defend them against all attacks. We have receiv'd them as a fair Inheritance from our worthy Ancestors: They purchas'd them for us with toil & danger & expence of treasure & blood; & transmitted them to us with care & diligence. It will bring an everlasting mark of infamy on the present generation, enlightened as it is, if we should suffer them to be wrested from us by violence without a struggle; or be cheated out of them by the artifices of false & designing men. Let us remember that "if we suffer tamely a lawless attack upon our liberty, we encourage it, & involve others in our doom." It is a very serious consideration, which should deeply impress our minds, that millions yet unborn may be the miserable sharers of the event." Samuel Adams

Judge Murphy hired Peter Maassen (one of this Supreme Court's judges) to keep her from having to testify about her actions during my trial & about affidavit falsification to cover up. Because of this Justice Maassen must be disqualified from this case.

Declaration Under Penalty of Perjury

I, David S. Haeg, declare under penalty of perjury that the above is true & correct.

Executed at Browns Lake, Alaska on February 11, 2017.

David S. Haeg
PO Box 123
Soldotna, Alaska 99669
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Certificate of Service: I certify that on February 11, 2017 a copy of the forgoing was served by mail to: AAG Soderstrom. By:

I, David S. Haeg, ask everyone reading this to forward it on to as many others as possible, by any means possible. In addition to the document above, copies of the physical documents (Joannides certified evidence, trial map, certified transcriptions & documents, etc) proving systemic corruption have been downloaded to the website: **www.alaskastateofcorruption.com**