IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

Copy

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State of Alaska Third District
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Clerk of the Trial Courts
By _____ Deputy

DAVID HAEG, Applicant)
)
v.) Case No: 3KN-10-01295CI
)
STATE OF ALASKA, Respondent)

2-5-19 Supplement to 1-28/29-19 Evidentiary Hearing

At the conclusion of my 1-28/29-19 Evidentiary Hearing, Judge Morse ruled I would have until 2-5-19 to file documents regarding the hearing.

Discovery Violation and Cover Up

1. On 1-28/29-19 Judge Morse asked why I didn't bring him the evidence prosecutor Leaders failed to provide me prior to my trial as required by Robinson's pretrial discovery request – an audio recording capturing prosecutor Scot Leaders, Trooper Brett Gibbens, and State witness Tony Zellers discussing, prior to my trial, how their map had been falsified so it would corruptly prove to my jury I was killing wolves in my guide area to benefit my guide business – the exact case Leaders and Gibbens later presented to my jury (along with the corrupt map) as the reason to convict me. I didn't bring an audio copy because the last time I tried to give it to Judge Morse -December 18, 2017 - I was tased 10 times for trying to do so – see video on Facebook page Alaska, State of Corruption.

2. Judge Morse also asked that I provide evidence that after the discovery violation was realized the State continued to corruptly deny discovery by failing to provide the entire recording – and the missing part is what captured prosecutor Leaders, Trooper Gibbens, and State witness Zellers discussing, prior to trial, how their map, which they would later use against me at jury trial, had been specifically falsified to support their case for my conviction. The missing portion also proves Trooper Gibbens gave testimony at my trial that he knew was false when given. It

also proves that prosecutor Leaders solicited and accepted Gibbens trial testimony even though Leaders knew Gibbens testimony was false when given.

3. Attached is the incomplete cassette-tape recording of the prosecutor Leaders, Trooper Gibbens, and State witness Zellers 6-23-04 meeting – and the 1-15-13 State-made transcription of this incomplete cassette-tape. This State-made meeting transcription (and the tape from which it was made) was never provided prior to trial as required by attorney Arthur Robinson's discovery request - and was only provided by the State 8 years after my conviction– and only after I finally realized it was missing and demanded I get a copy.

4. Attached is a copy of the CD recording of an additional portion of the prosecutor Leaders, Trooper Gibbens, and State witness Zellers 6-23-04 meeting. This CD was only provided after getting the incomplete cassette-tape and State transcription – and only provided after I complained for years that the first cassette-tape and State transcription was incomplete. A transcription of this CD was given to Judge Morse at the 1-29-19 evidentiary hearing. It is interesting that - even combining the two recordings - the beginning, middle, and end of the Leaders, Gibbens, Zellers meeting is still missing. One must wonder what the missing portions capture being said.

5. Thus, the discovery failure by the State is multi-faceted. First, they failed to provide, prior to trial, any copy of the recording of the 6-23-04 meeting (or copy of the trial map the recording proves was falsified) as required by Robinson's pretrial discovery request. Then, when this failure was realized years after trial, the State only provides a recording copy in which the part is missing that would incriminate prosecutor Leaders and Trooper Gibbens in felony evidence tampering and trial perjury/subornation of perjury. (compare cassette-tape/transcription with page 58 of the CD/transcription). In addition, the missing part also documented that I was the one who placed the wolf kill locations on the map during my plea negotiations (compare cassette-tape/transcription with page 55 of the CD/transcription). So the part of discovery that was so difficult to get from the State proved my conviction was invalid in two separate ways. First, proof that the State intentionally falsified their trial map and trial testimony to convict me and second, proof they were using my statement, made during plea negotiations, against me at trial in violation of Alaska Rule of Evidence 410 and of my right against self-incrimination.

Errors by Judge William Morse

At my 12-18-17 scheduling hearing I told Judge Morse I had proof that the Court of Appeals lied to deny me an evidentiary hearing on many issues – such as evidence that prosecutor Scot Leaders and Trooper Brett Gibbens falsified physical evidence before trial so it supported their case for my conviction and that the Alaska Commission on Judicial Conduct and its sole judge investigator for the past 30 years – attorney Marla Greenstein – are falsifying official ACJC investigations to cover up for corrupt judges. Judge Morse ruled that it didn't matter if the Court of Appeals lied to deny me a full and fair evidentiary hearing. When, in spite of Judge Morse's ruling, I tried to present the evidence that they lied, I was tased ten times and imprisoned. (See video of tasing and arrest on Facebook page Alaska, State of Corruption)

During my 1-28/29-19 evidentiary hearing I presented the law requiring me to protest errors - and stated I was going to try again to prove the Court of Appeals lied and committed fraud to unjustly limit my hearing. Judge Morse made a 180-degree change from his 12-18-19 ruling – now ruling that I would be allowed to litigate the issues denied by the Court of Appeals. In other words, it appears I was tased numerous times and imprisoned for something I was allowed by law to do.

During my 1-28/29-19 evidentiary hearing Judge William Morse told me that while he was going to let me prove issues not allowed to be proven by the Court of Appeals, he could not use these issues to overturn my conviction even if I proved them. Yet these issues, if proven, mean my conviction violates the U.S. and Alaska constitutions. Judge Morse has sworn an oath to uphold and defend these constitutions. So if he fails to overturn my conviction when I prove these issues – he is violating his oath. And our whole nation is based on the concept that it is a nation of laws and not of men. If Judge Morse places his duty to obey the three Court of Appeals judges above his duty to support and defend the Constitution, he puts men above the law.

During my 1-28/29-19 evidentiary hearing Judge William Morse told me when the corrupt map was admitted against me at trial I should have known a copy had not been provided prior to trial as required by Robinson's discovery request. At that time I didn't even know Robinson had filed a discovery request - let alone know that the State was obligated to provide exculpatory evidence before trial even if Robinson had not asked for it. Why did I pay Robinson $30,000 to defend me if I was required, in spite of my total ignorance, to defend myself? It was Robinson's duty to protest the discovery violation, not mine.

During my 1-28/29-19 evidentiary hearing Judge William Morse told me that, during my trial, I should have went up to the map that was given to my jury and discovered it had been falsified to support the State's case for my conviction. First, defendants who are represented by counsel are prohibited from conducting their own defense (in fact, I would have been tased and/or jailed for contempt of court had I tried to do so) and second, wasn't it Robinson's duty to figure out the map had been falsified to frame me? Again, the $30,000 I paid Robinson made it his duty to figure out that Leaders and Gibbens had falsified the map to frame me.

During my 1-28/29-19 evidentiary hearing Judge William Morse told me that I could **NOT** admit prior statements from witnesses who were not available to testify in person because they are now deceased. As common sense made this seem unfair, I researched it – and found Alaska Rule of Evidence 804 states this:

Rule 804. Hearsay Exceptions – Declarant Unavailable.

(a) ***Definition of Unavailability.*** *Unavailability as a witness includes situations in which the declarant (4) is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity;*

The most disturbing thing about this issue is that when the Assistant Attorney General Aaron Peterson wanted to bring in what Judge Margaret Murphy stated in her sworn affidavit (that she never rode with Trooper Gibbens during my trial or sentencing), Judge Morse let AAG Peterson bring in Judge Murphy's statement although she is still alive and able testify. So Judge Morse allowed the State to bring in hearsay statements from witnesses who are alive and available to testify (meaning there is no exception) while telling me I cannot bring in hearsay statements from witnesses who are deceased (and thus actually have a valid exception). This is positive proof of Judge Morse's actual bias against me and in favor of the State. A statement that was not allowed in was from now deceased Alaska State Trooper Wendell Jones – who stated the following in his sworn written affidavit that was placed into the record of this case by Superior Court Judge Stephanie Joannides on August 27, 2010 – along with many other affidavits stating virtually the same:

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 finally finished on 9-30-05. Nearly all the rides I witnesses 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 PEANALTY 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.

Mr. Jones signed the affidavit in front of Alaska Notary Public Cully Wooden on July 26, 2010 – who subscribed and certified Mr. Jones' signature.

Witness Mark David Osterman (my third attorney) was also not available to testify at the January 28/29, 2019 evidentiary hearing because he is deceased – and Judge Morse refused to allow in prior statements made by Osterman. On 8-15-06 Osterman was sworn by Magistrate David Woodmancy and testified on the record in this case:

ASSISTANT ATTORNEY GENERAL ROGER ROM: *All right. In the end –uh- in the final assessment did you determine that his lawyers –uh- had acted in his interest and at his direction?*

MR. OSTERMAN: *Not necessarily I felt strongly that there was an ineffective assistance claim –uh- in – with at least regard one attorney and in fact I felt that it was a necessary issue to raise*

–uh- in the appellate level and that was a part of the discussion that I had with Mr. Haeg is to how to present that particular issue.

MR. HAEG: *Ok Mr. Osterman did you ever tell me "I looked at this and it was a disaster in it and what Chuck did was wrong and what Cole did was wrong there's no two ways about it." Did you ever make that statement?*

MR. OSTERMAN: *I probably did say that to you.*

MR. HAEG: *Ok Mr. Osterman did...*

MR. OSTERMAN: *Yes sir.*

MR. HAEG: *...did – did –uh- Mr. Leaders when he filed the rule amended – or the – the amended information did he utilize all my statements to do so that were made in plea negotiations?*

MR. OSTERMAN: *I don't know that he used all of them. I know that there was a – quit a few of them. –Uh- whether all were there or not I don't know for sure.*

MR. HAEG: *If he did so is that a vio… direct violation of evidence rule 410?*

MR. OSTERMAN: *Well it's one of the issues that we were goanna raise on appeal is that there was clear – clearly an – an issue there too, yes.*

MR. HAEG: *Ok if Mr. ...*

MR. OSTERMAN: *For statements made as part of the plea agreement.*

MR. HAEG: *What is it called when Mr. Leaders used my statements made in plea negotiations to file charges not agreed during those plea negotiations – what's that called?*

MR. OSTERMAN: *Well...*

MR. HAEG: *Is it called...*

MR. OSTERMAN: *... –uh- from what angle?*

MR. HAEG: *Is it called prosecutorial misconduct?*

MR. OSTERMAN: *Would it be for his misconduct?*

MR. HAEG: *Is it prosecutorial misconduct?*

MR. OSTERMAN: *It could well be, yes.*

MR. HAEG: *Is it ineffective assistance of counsel for Brent Cole to not jump up in my behalf and defend my rights and object to that?*

MR. OSTERMAN: *Well I – you know again (laughs) I intended to use it as an issue on appeal. I wasn't there to bring any ethics charges against Brent Cole nor was I there to –uh- to –uh- -*

um- file any claims for malpractice but I felt that there was some strong issues about Mr. Cole failure to protect your rights.

MR. HAEG: *Ok. Can I ask if in the review of the case along did – can he tell us who – when the rule 11 agreement was made, when it was broke, and who broke it according to his research into the case?*

MAGISTRATE WOODMANCY: *I'll allow that question. Last – last answer Mr. Osterman and then you can go.*

MR. OSTERMAN: *Ok thank you Your Honor. I can only tell the court that –uh- my research seemed to indicate that the plea agreement was broken by -um- by Mr. Leaders when he filed an amended information*

On 3-15-06 Osterman is audio-recorded (CD copy attached) stating:

Mr. Haeg: *-Um- I looked at the – the Alaska Rules of Criminal Procedure and it's says that you can – there's nothing there that says you can't file a Post Conviction Relief even with an appeal going and I ran that by Chuck Robinson and showed him and he said that absolutely you can. That Post Conviction Relief is something that can be done. -You know- and at that time I wasn't really trusting of Chuck and I -you know- I guess my big fear with you or any new attorney -you know- I'm not – I'm not out to bust your chops it's just when I pay you like I paid Robinson $30,000.00 and I paid Brent Cole $15,000.00 when I pay you that kind of money I want you in my corner and not -you know- someone else's.*

Mr. Osterman: *I'm not goanna be with somebody else and then I'll be real honest with you. -Uh- I'm not real happy with Chuck's position not to go after Cole.*

Mr. Haeg: *Well I wasn't happy about it either. Especially when he started defending what Brent did and saying that lying to me about the law was not necessarily Ineffective Assistance of Counsel and I mean it may not be but it should have been brought out and then I guess really hurt me the most is at sentencing -you know- I wanted – I actually had Chuck subpoena Brent to my sentencing because I wanted Brent to explain that I had this Rule 11 Agreement that the State broke.*

Mr. Osterman: *And he didn't show up.*

Mr. Haeg: *And he never showed up and there was a call I got billed for that went to Chuck's office the day before he was supposed to show up and they – they "conferred". I mean it says, "conferred" for a half hour. And I'm like I demanded he be there, I paid for the subpoena, and I have a Constitutional Right to guarantee that witnesses show up and he didn't show. That -you know-*

Mr. Osterman: *Burns your – yeah.*

Mr. Haeg: *It – it – I mean -you know- and if – if -you know- if it seems like I have a hard time with attorneys I think I have cause*

Mr. Osterman: *I don't think – I – I don't – I don't begrudge you that.*

Mr. Haeg: *And I'm not and if I ever start.*

Mr. Osterman: *I looked at this and it was a disaster in it and what Chuck did was wrong – what Cole did was wrong. There's no two ways about it.*

Mr. Haeg: *And is there – do you have any compunction against utilizing that for me?*

Mr. Osterman: *No.*

Mr. Haeg: *Well that's what I want to hear.*

Mr. Osterman: *I hate – I - I don't like doing it – I'll tell you - I – I don't like doing it but I don't like – I don't like – I don't like washing dishes and I don't like sweeping the floor too.*

Mr. Haeg: *Ok.*

Mr. Osterman: *Ok and then we're goanna file a complaint for malpractice against Cole.*

Mr. Haeg: *Ok I like that – I like you a whole lot more here – -um-*

Mr. Osterman: *I don't like doing it but I can say I don't like cleaning toilets, and sweeping, and washing dishes either.*

Mr. Haeg: *Yep.*

Mr. Osterman: *Every labor's worthy of his hire. Ok? So you've paid him for him for his – for your labor but you never expected nor anticipated in the labor aspect that you would lose your airplane or a years guiding.*

Mr. Haeg: *Exactly yep.*

Mr. Osterman: *Ok? So those two things are beyond the scope of what you hired him for. Cause when you hired him you had an expectation of criminal sanctions and you were taking the dice and rolling it in the crap shoot ok and* ***you did not realize he was goanna set it up so that their dang dice was always loaded.***

Mr. Haeg: *Ok I understand that.*

Mr. Osterman: ***They were always goanna win.***

Prior to the 1-28/29-19 evidentiary hearing Judge Morse told me I would not be allowed to prove issues not remanded by the Court of Appeals. Because of this I never subpoenaed prosecutor Scot Leaders, Trooper Brett Gibbens, Judge Margaret Murphy, or judge investigator Marla Greenstein. Nor did I bring all the evidence I have proving their collusion, conspiracy, and corruption. Yet during the hearing Judge Morse stated he would allow me to prove the corruption of prosecutor Scot Leaders, Trooper Brett Gibbens, Judge Margaret Murphy, and judge investigator Marla Greenstein. But by this time it was too late to subpoena them or to retrieve the evidence that we left in our home south of Soldotna, Alaska - some 200 miles away. In addition, Judge Morse failed to grant additional time for me to prove these additional issues. So while Judge Morse will likely claim he gave me an opportunity to prove the issues not allowed by the Court of Appeals – he made sure it was a completely ineffective and unfair opportunity.

What the State Did Not Dispute at the 1-28/29-19 Evidentiary Hearing

During the 1-28/29-19 Evidentiary Hearing, **after** I presented both physical evidence and witness testimony proving the below issues:

1. The State never disputed that the State told me to kill the wolves exactly where the State prosecuted me for doing so.
2. The State never disputed that Judge Murphy removed my evidence (that I killed the wolves exactly where the State told me to) out of the official court record before my jury could see it.
3. The State never disputed that prosecutor Scot Leaders and Trooper Brett Gibbens intentionally falsified physical trial evidence and trial testimony - and presented this to my jury while knowing both had been falsified to support their case to my jury that I was killing wolves in my guide area to benefit my guide business.
4. The State never disputed that they violated a written pretrial discovery request – which prevented me from discovering, until many years after my conviction, that Leaders and Gibbens had intentionally falsified both trial evidence and trial testimony to convict me.

5. The State never disputed that Leaders, in direct violation of Evidence Rule 410 and my constitutional right against self-incrimination, used my statement, made during plea negotiations, in the charging information forcing me to trial and at trial itself.

6. The State never disputed that Judge Murphy was chauffeured full time during my trial by, and ate with, the main witness against me during my trial – Trooper Gibbens.

7. The State never disputed that attorney Marla Greenstein, Alaska's sole judge investigator for the past 30 years, falsified an official Alaska Commission on Judicial Conduct investigation to cover up that Judge Murphy was corruptly chauffeured by, and ate with, the main witness against me during my trial. Greenstein is recorded stating she contacted all 4 witnesses I provided her to the chauffeuring/eating and she is recorded stating that none of the witnesses remembered seeing Judge Murphy doing this with Trooper Gibbens during my prosecution. Yet when I contacted the witnesses, every single one swore out an affidavit they each had personally witnessed Trooper Gibbens continuously driving Judge Murphy around during my prosecution (and eating together at times) – and swore out affidavits that no one, other than myself, had ever contacted them about the chauffeuring/eating. All of these witnesses, except former Alaska State Trooper Wendell Jones - who is deceased - testified to this at the evidentiary hearing.

8. The State never disputed that Judge Murphy falsified a sworn affidavit to cover up the fact that she was chauffeured by, and ate with, the main witness against me during my trial.

9. The State never disputed that prosecutor Leaders and ACJC investigator Greenstein falsified written, certified documents to the Alaska Bar Association to cover up their corruption.

10. The State never subpoenaed, or otherwise required, prosecutor Leaders, Trooper Gibbens, Judge Murphy, or ACJC investigator Greenstein to testify in opposition to the evidence and witness testimony presented at the evidentiary hearing – which proved the above crimes by these individuals.

11. The State never disputed that, in a written document it filed in the record of this case, it intended to call Robert Fithian as witness during the 1-28/29-19 evidentiary hearing and that Mr. Fithian was going to testify that I told him I was going to kill wolves outside the wolf control program area.

12. The State never disputed that I called Mr. Fithian prior to the 1-28/29-19 evidentiary hearing and tape-recorded a phone conversation with him in which I asked why he would be

willing to testify falsely under oath and Mr. Fithian responding that the State worked too hard to get the wolf control program going to see my case end it.

13. The State never disputed that the reason I was corruptly prosecuted was to cover up that the State told me to kill wolves from the air in an area where wolves were not allowed to be killed from the air – and had the evidence of this come out during my prosecution nearly 15 years ago, animal rights activist would have used it to potentially shut down the wolf kill program forever. This is why my evidence was removed out of the official court record before my jury – or the animal rights activists and newspapers – could see it. And this is why all the wolf kill locations were falsified to my guide area, to provide a motive, other than simply following the State's instructions, for me to kill wolves outside the open area.

Considering the overwhelming evidence against them, I now realize why the State never had Leaders, Gibbens, Murphy, or Greenstein testify at the 1-28/29-19 evidentiary hearing – during my cross-examination they would have been forced to exercise their 5th Amendment right against self-incrimination. As FBI Section Chief Doug Klein stated when we presented him with the evidence against Greenstein:

"It's obvious why Greenstein falsified her investigation. No one would believe you got a fair trial if your judge was riding around with the main witness against you." [R.02531-2563]

As Superior Court Judge Stephanie Joannides' August 25, 2010 and March 25, 2011 orders state:

"On July 28, 2010, this court issued an order narrowing the issue of whether Judge Murphy should recuse herself to the question of whether her contacts with prosecution witness Trooper Gibbens during the trial and sentencing proceedings warranted recusal on the appearance of impropriety. ***I found that, at a minimum, there was an appearance of impropriety."***

Judge Joannides then ruled I would get an evidentiary hearing to fully prove the corruption of judge investigator Greenstein, Judge Murphy, and Trooper Gibbens. Nine years later I still have yet to get a full and fair evidentiary hearing to prove this. I believe it is simple math why this is: investigator Greenstein gets about 20 complaints against judges a month. Twenty times 12 months times the 30 years Greenstein has been the sole investigator of judges means there may be a **PILE** of corrupt judges sitting on the bench.

Assistant Attorney General Aaron Peterson's Admission that Proves my Conviction Invalid

During my 1-28/29-19 evidentiary hearing Judge Morse asked AAG Peterson if the State disputed the fact that I, during my plea agreement interview, placed the wolf kill locations on the aeronautical map used against me at jury trial (before Leaders and Gibbens placed false Game Management Unit boundaries on it to corruptly prove the wolves were killed in my guide area). AAG Peterson stated that the State did not dispute this. This means my conviction is invalid. Period. See Alaska Rule of Evidence 410:

Rule 410. Inadmissibility of Plea Discussions in Other Proceedings. *(a) Evidence of a plea of guilty or nolo contendere, or of an offer to plead guilty or nolo contendere to the crime charged or any other crime, or of statements or agreements made in connection with any of the foregoing pleas or offers, is not admissible in any civil or criminal action, case or proceeding against the government or an accused person who made the plea or offer if: (i) A plea discussion does not result in a plea of guilty or nolo contendere*

Conclusion

"People accused of serious crimes have the 'right' to a lawyer, but this may mean only a crooked lawyer who is stage-managing the victim to help the government and prosecutors. If the lawyer does not help the government, he can be put out of work and not 'assigned' to any more cases, or treated badly the next time he is in the courtroom.

A lawyer who is 'representing' you, even if you are paying him yourself, may just be a stooge who is helping the prosecutors to put you in jail, even though you are innocent. The judges give every accused criminal the 'right' to a lawyer, not because they care about the rights of the accused, but because it helps stage-manage the victim." **Corruption Self-Help Website**

When, with my business attorney Dale Dolifka's help, I finally figured out that my criminal attorneys had lied to me about virtually every single thing I had asked them about (thus allowing the State to violate, unchallenged, nearly every right that is supposed to ensure a fair trial), I filed a motion to represent myself. On 9-18-06 **the State filed a 14-page opposition to my being allowed to represent myself.** As Dolifka stated, you don't need any other proof than this to prove my own attorneys were working for the State and against me.

Additional proof my attorneys were working for the State:

1. Cole testified that he told me that the State telling me to kill the wolves where I killed them was not a legal defense. Yet it is – see justification defense and AS 11.81.450. And Dolifka said if I only did one thing to defend myself it must be to present evidence I killed the wolves exactly where the State told me to. This is the evidence that was then corruptly removed out of the official court record – while it's cover letter, proving it had been properly admitted for my defense, remained in the court record.
2. Robinson also said I could never bring up the State told me to kill the wolves where they were killed – even though they were prosecuting me for killing them there.
3. Cole has testified that I had no defense and my only option was to plea out.
4. Cole testified during his deposition that he could not seek to enforce my plea agreement Leaders had broke – even though I had already given up a year of guiding for it - because it was in his (Cole's) best interest not to do so – admitting that he could not do anything to piss Leaders off because he still had to be able to make deals with Leaders after my case was over. Robinson told me he could not do anything to enforce the plea agreement Cole made or to get credit for the guide year I gave up in reliance on it
5. Cole and Robinson told me there was no way to protest the State lying about where the wolves were killed in all the affidavits used to search our home and seize our business airplane and evidence.
6. Neither Cole nor Robinson filed a motion to suppress my statement, even though both have admitted they knew at the time it was being used in violation of Evidence Rule 410 and in violation of my constitutional right against self-incrimination.
7. Cole not obeying his subpoena to testify at my sentencing about the plea agreement he had me give up a year of guiding for, that Leaders broke, and Cole said could not be enforced even though I had already given up a year of guiding in reliance on it.
8. Robinson telling me there was nothing that could be done to enforce Cole's subpoena.
9. Absolute proof of the extent of the sellout: Robinson testified under oath at his deposition that my only defense during my trial and on appeal was that the court did not have subject matter jurisdiction because Leaders did not swear an affidavit to the charging information. Yet subject matter jurisdiction is set by state statute and AS 22.15.060 states this:

Criminal Jurisdiction. (a) ***The district court has jurisdiction*** *(1)* ***of the following crimes:*** *(A)* ***a misdemeanor***

Since I was charged in district court with misdemeanors it is irrefutable that the court had subject matter jurisdiction - no matter what Leaders did or did not do.

10. Robinson testifying that he told me the U.S. Supreme Court cases Albrecht v. United States and Gerstein v. Pugh supported his defense that Leaders not swearing an affidavit to the charging information deprived the court of subject matter jurisdiction. First, both these cases concern pretrial arrest/detention and "personal" jurisdiction exclusively – **and have nothing at all to do with "subject matter" jurisdiction.** Second, both hold that a prosecutor not swearing an affidavit to the charging information does **NOT** invalidate a court's personal jurisdiction over a defendant.

11. Robinson telling me not to bring up any defenses other than the subject matter jurisdiction defect, as this may "waive" subject matter jurisdiction. Yet subject matter jurisdiction **CANNOT** be waived. (See Cornell Law School definition and description of Subject Matter Jurisdiction: *"While litigating parties may waive personal jurisdiction, they cannot waive subject-matter jurisdiction."*)

12. Robinson testifying at the 1-28/29-19 evidentiary hearing that in Alaska there was a "*good old boy system*" of prosecutors, law enforcement, and judges "*who protect their own."* Since Robinson recognized this, it is no wonder he never opposed the State's framing of me – if he did he would be framed next.

13. Dolifka and I, a week before the corruption scandal in Alaska's legislature unfolded, visiting the FBI in person with evidence my own attorneys had joined forces with my prosecution and judge to rig my trial. FBI Assistant Special Agent in Charge Colton Seale stating they had a number of complaints nearly identical to mine and that in every case the FBI investigation "*expanded rapidly and implicated nearly everyone*." ASAC Seale called Dolifka back for a second day's testimony on cases, other than mine, which were also rigged.

14. Dolifka's testimony during the 1-28/29-19 evidentiary hearing shows exactly how scared he is of testifying about the rampant corruption my prosecution exposed I Alaska's judicial system. Finally, in response to a direct question if Cole and Robinson gave me ineffective assistance of counsel, stating he and I went to the FBI about it. For all intents and purposes,

Alaska's judicial system is being run by a criminal mafia – so Dolifka has every reason in the world to be frightened about exposing it.

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 5, 2019.

David S. Haeg
PO Box 123
Soldotna, Alaska 99669
(907) 262-9249 home; (907) 398-6403 cell; haeg@alaska.net, and website/Facebook page Alaska, State of Corruption.
Certificate of Service: I certify that on February 5, 2019 a copy of the forgoing was served by mail to: AAG Peterson. By:

Please forward this document on to anyone and everyone possible. Please print it out, share it with your neighbors and friends, and give to every grand juror/grand jury possible.

Everyone, especially all current or potential grand jurors, please listen to the audio of this evidentiary hearing or read the transcription **(we will provide a copy to any grand juror or grand jury free of charge)** – soon to be online on the website alaskastateofcorruption.com and on the Facebook page Alaska, State of Corruption. Anyone wanting an original CD copy of the hearing can get it from the Nesbett Courthouse at 825 West 4th Ave., Anchorage, Alaska. Ask for the 1-28/29-19 Evidentiary Hearing in Haeg v. State 3KN-10-01295CI.

Remember, every grand juror who has reasons to believe a crime has been committed or to believe there is a concern to the public safety or welfare **SHALL** present his reasons to the other grand jurors, who **SHALL** investigate – and if they find any merit to the reason, can issue a public report of their findings and/or issue indictments. Remember, this process cannot be interfered with by anyone – including district attorneys, prosecutors, law enforcement, or judges. (See "The Investigative Grand Jury in Alaska".) Any grand jury investigation should also look into whether there was a deliberate effort by the courts to delay (it took very nearly 15 years to

get one) or deny an evidentiary hearing into the issues. (I was tased numerous times for trying to bring up the issues the first time – the second time, without any reason for the 180-degree change, I was told I would be allowed to bring up these issues.)

Brady v. Maryland, 373 U.S. 83 (U.S. Supreme Court 1963) "*We hold that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution."*

United States v. Agurs, 427 U.S. 97 (U.S. Supreme Court 1976) *"Our overriding concern in cases such as the one before us is the defendant's right to a fair trial. One of the most basic elements of fairness in a criminal trial is that available evidence tending to show innocence, as well as that tending to show guilt, be fully aired before the jury; more particularly, it is that the State in its zeal to convict a defendant not suppress evidence that might exonerate him. This fundamental notion of fairness does not pose any irreconcilable conflict for the prosecutor, for as the Court reminds us, the prosecutor 'must always be faithful to his client's overriding interest that justice shall be done.' No interest of the State is served, and no duty of the prosecutor advanced, by the suppression of evidence favorable to the defendant. On the contrary, the prosecutor fulfills his most basic responsibility when he fully airs all the relevant evidence at his command."*

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."*

Giles v. Maryland, 386 U.S. 66 (U.S. Supreme Court 1967) *"The principle that a State may not knowingly use false evidence, including false testimony, to obtain a tainted conviction, [is] implicate in any concept of ordered liberty…"*

Giglio v. United States, No. 70-29 (U.S. Supreme Court 1972) ***"****As long ago as Mooney v. Holohan, this Court made clear that deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with 'rudimentary demands of justice.'"*

Lectric Law Library *"Justifications are defenses that focus primarily on the criminal offense that was committed by the defendant. A criminal offense may be justified if it in some way benefits society or upholds principles that society values highly."*

American Bar Association *"Aside perhaps from perjury, no act serves to threaten the integrity of the judicial process more than the spoliation of evidence. Our adversarial process is designed to tolerate human failings— erring judges can be reversed, uncooperative counsel can be shepherded, and recalcitrant witnesses compelled to testify. But, when critical documents go missing, judges and litigants alike descend into a world of ad hocery and half measures."*

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

Phillips v. State 271 P.3d 457 (AK 2012) *"Alaska law mandates disqualification of a judge when the circumstances give rise to a reasonable appearance of bias, even when there is no proof that the judge is actually biased."*

Santobello v. New York, 404 U.S. 257 (U.S. Supreme Court 1971) *"Government must adhere strictly to the terms of agreements made with defendants—including plea, cooperation, and immunity agreements…"*

Closson v. State, 812 P.2d 966 (Ak. 1991) *"Where an accused relies on a promise… to perform an action that benefits the state, this individual…will not be able to "rescind" his or her actions. … In the plea bargaining arena, the United States Supreme Court has held that states should be held to strict compliance with their promises. …courts consider the defendant's detrimental reliance as the gravamen of whether it would be unfair to allow the prosecution to withdraw from a plea agreement."*

Lewis v. State, 9 P.3d 1028, (AK 2000) *"Once defendant has shown that specific statements in affidavit supporting search warrant are false, together with statement of reasons in support of assertion of falsehood, burden then shifts to State to show that statements were not intentionally or recklessly made."*

Franks v. Delaware, 438 U.S. 154 (U.S. Supreme Court 1978) *"[I]t would be an unthinkable imposition upon [the authority of a judge] if a warrant affidavit, revealed after the fact to contain a deliberately or recklessly false statement, were to stand beyond impeachment."*

North Carolina v. Pearce, 395 U.S. 711 (U.S. Supreme Court 1969) *"The basic Fifth Amendment guarantee against double jeopardy, which is enforceable against the States by the Fourteenth Amendment, is violated when punishment already exacted for an offense is not fully "credited" in imposing a new sentence for the same offense . . .. [T]he Constitution was designed as much to prevent the criminal from being twice punished for the same offence as from being twice tried for it. We hold that the constitutional guarantee against multiple punishments for the same offense absolutely requires that punishment already exacted must be fully "credited" in imposing sentence…"*

Olmstead v. United States 277 U.S. 438 (U.S. Supreme Court 1928) *"In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example . . . . If the government becomes a lawbreaker, it breeds contempt for the*

law; it invites every man to become a law unto himself. To declare that, in the administration of the criminal law, the end justifies the means -- to declare that the government may commit crimes in order to secure the conviction of a private criminal -- would bring terrible retribution."

Samuel Adams *"How strangely will Tools of a Tyrant pervert the plain Meaning of Words."*

Abraham Lincoln *"We the people are the rightful masters of both Congress and the courts, not to overthrow the Constitution but to overthrow the men who pervert the Constitution."*