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**IN THE COURT OF APPEALS FOR THE STATE OF ALASKA**

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

**8/23/07 MOTION FOR CLARIFICATION**

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

COMES NOW Pro Se Appellant, DAVID HAEG, in the above referenced case and hereby files this *Motion for Clarification* of the Court of Appeals 8/17/07 order.

In its order this Court of Appeals first mistakenly addresses the revocation instead of suspension of David's *hunting* license rather than of his *hunting guiding* license. In other words the order should say that David contends that his sentence is illegal because of the revocation of his *hunting guide* license (which legally could have only been a suspension) - not because of the revocation of his *hunting* license. (This Court of Appeals correctly addresses the fact the 5-year revocation could only legally be a 5-year suspension.)

David would also like to clarify that it was this Court of Appeals, on 11/16/06, that ruled it had jurisdiction to correct the revocation of David's guiding license but would not do so until David's appeal was decided.

*Court of Appeals 11/16/06 Order:* "Haeg also asks this court to modify the portion of his sentence that calls for revocation of his guide license. We have the power to grant this kind of relief only if the trial court had no legal authority to revoke Haeg's license, or if the trial court was clearly mistaken in deciding to impose a license revocation as opposed to a suspension. In either event, we would not grant such relief until we decided Haeg's appeal."

Why did this Court of Appeals originally rule *they* had jurisdiction but would not rule until after David's appeal was over (probably years away) and after they had been told, under oath, that David would have had to burn down \$100,000.00 in camps because his license was revoked instead of suspended? Especially when the State did not oppose this correction? See David's 7/16/07 Motion for Reconsideration. David wants it very clear that this Court of Appeals now appears to be hiding the fact they knowingly prejudiced David because of their refusal to promptly rule and their refusal to promptly remand this issue to the trial court. Why now, *over 9 months after David's request to fix his illegal sentence*, does this Court of Appeals change their mind, indicate they do not have jurisdiction, rule that the trial court now has jurisdiction to decide this motion (which, if like the Motion for Return of Property, will take at least a year to decide), and that David does not now have to wait until his appeal is decided before a court can fix his illegal sentence? The prejudice that this Court of Appeals knowingly and intentionally

imposed upon David has already occurred – the camps are already gone - David has been severely damaged. Who is going to pay David for this intentional and knowing injustice?

David also needs to know why the full court, now that they have finally ordered the trial court to accept an application for post conviction relief, did not rule upon his motion that his appeal be stayed pending outcome of this post conviction relief action. This court and all others, including the American Bar Association, have ruled this is the proper procedure in such a case. See David's previous motions. David is not an attorney and cannot effectively conduct both an appeal and post conviction relief at the same time (he is also provider, husband, and father of two). In addition, if David wishes to appeal the outcome of the post conviction relief proceeding it should be able to be appealed concurrently with his criminal appeal – both in the interest of judicial economy and so David and his family do not have to pay, in both time and money, for two entirely separate appeals. See David's previous motions. Exactly what is this courts logic in knowingly prejudicing both David and the judicial system in this manner?

Since this court now agrees that David has a right to file an application for post conviction relief why should it not be held in Kenai where the overwhelming number of witnesses and parties are located? Why should it be held in McGrath where only one concerned person (a witness) lives and where not even the magistrate lives? Especially when not even the original trial judge would preside? Neither the States attorney nor David live in the 4<sup>th</sup> Judicial District – they both live in the 3<sup>rd</sup> Judicial District – where David asks the post conviction relief proceeding be held. Again this will severely

prejudice David to the cost of about \$800.00 per witness just in airfare along with approximately \$200.00 per person per night stay. Again why does this court not decide such issues that are so prejudicial to both David and the State? See David's 7/16/07 Motion for Reconsideration – which contains the American Bar Associations recommendation that post conviction relief proceedings be transferred to another court if that is appropriate for the convenience of the parties.

This full court reconsideration again and also fails to address David's motion that his hunting guide license revocation/suspension be stayed pending appeal. David told this court the reason his license revocation/suspension was not stayed – the sentencing court specifically cited the false testimony by the prosecution that the evidence of taking wolves same day airborne was in the GMU where David guided hunts and not in the GMU in which the Wolf Control Program was taking place (which allowed same day airborne taking of wolves and where David was not allowed to guide hunts). In addition the sentencing court was not told that David had given up a year for a plea agreement the State broke after the year given up was gone – and that attorney Cole, David's first attorney, refused to appear at David's' sentencing in response to a subpoena - so that the court was not told all David had done for the plea agreement the State broke. This Court of Appeals then stated David did not give the reasoning for the sentencing courts decision and, when David again gave them the reasoning, then refused to make a ruling one way or the other on whether or not David's hunting guide license revocation/suspension should be stayed pending outcome of the appeal. See 7/16/07 Motion for

Reconsideration. Why does this court refuse to address this issue – which is greatly prejudicing David and his family?

Because of the constitutional significance of these concerns to David and his family, it is respectfully requested this court clarify and rule on all of the above issues.

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

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David S. Haeg, Pro Se Appellant

**CERTIFICATE OF SERVICE**

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

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

Aniak District Court

U.S. Department of Justice

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