

ISSUES PRESENTED FOR REVIEW

1. Is Haeg entitled to stay this appeal pending the outcome of his PCR?
2. Is Haeg entitled to supplement the trial record by filing a post conviction relief application?
3. Is Haeg entitled to the specific relief sought by this motion?

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STANDARDS OF REVIEW

The Court interprets constitutional claims using independent judgment and adopting “the rule of law that is most persuasive in light of precedent, reason, and policy.” *See Grinols v. State*, 74 P.3d 889 (Alaska 2003). This standard of review applies to all of Haeg’s claims on appeal.

STATEMENT OF THE CASE

STATEMENT OF FACTS

In 2004 the Alaska Department of Fish and Game (ADF&G) managed a Predator Control Program in the McGrath area. Permits were issued for certain game management sub-units to allow wolves to be taken from the air with the use of an airplane. David Haeg ("Haeg") applied for and received such a permit. In March 2004, Haeg and Tony Zellers ("Zellers"), both of whom were licensed under Title 8 as Alaska Big Game Hunting Guides, took a number of wolves with Zellers shooting the wolves they encountered from Haeg's private aircraft which Haeg piloted.

In early March 2004, Alaska State Trooper Brett Gibbens learned that Haeg and Zellers may have taken wolves outside of their permitted area. Over the course of the next several months Gibben's investigation showed that Haeg and Zellers had taken a number of wolves outside of the legally permitted area and had provided false information to ADF&G when fulfilling the requirement that the wolf hides be sealed by the agency. Eventually, search warrants were executed and the aircraft was seized. In June 2004 both hunters were interviewed by the troopers and admitted that they knew nine wolves were shot from the airplane while outside the permit area. Both

men were charged with various criminal counts. Zellers case resolved by way of a plea agreement, and Haeg proceeded to jury trial.

COURSE PROCEEDINGS

Appellant was convicted at jury trial for various misdemeanor offenses alleging violations of Title 8, 11 and 16, and regulations promulgated under those statutes. He was sentenced on September 30, 2005, by District Court Judge Margaret L. Murphy for the nine counts upon which he was found guilty. Counts I through V were convictions for Unlawful Acts by a Guide for Taking Game on the Same Day Airborne (AS 8.54.720(a) (15)), Counts VI and VII for Unlawful Possession of Game (5AAC 92.140(a)), Count VIII for Unsworn Falsification (AS 11.56.210(a)(2)), and Count IX for Trapping in a Closed Season (5 AAC 84.270(14)). He timely filed his notice of appeal.

Appellant initially retained attorney Brent Cole to represent him. After a failed plea negotiation, but prior to trial, appellant fired Mr. Cole and obtained representation by attorney Arthur S. Robinson. Mr. Robinson represented appellant through trial and began working on the appeal. Appellant fired Mr. Robinson and retained the services of Mark Osterman to perfect the appeal. Once the brief was substantially completed and appellant reviewed it, he fired Mr. Osterman.

On April 16, 2006, appellant moved for a stay of the forfeiture and his license suspension pending appeal in this Court. The State opposed his request and on May 16, 2006, this Court granted the stay of the order of the trial court imposing restitution, but denied the motion to stay the order of the trial court suspending appellant's guide license and forfeiture of his airplane. Thereafter, appellant sought an order of this Court for permission to represent himself.

On June 23, 2006, this Court remanded the case to the district court to determine whether appellant knowingly and intelligently waived his right to counsel and whether he was competent to represent himself on appeal. Following the recommendation of the trial Court, this court granted appellant's request to represent himself in his appeal. Appellant was allowed to waive the assistance of counsel and is now proceeding *pro se*.

This Court's order of June 23, 2006, denied without prejudice appellant's motion for reconsideration of the order denying a stay on the suspension of his guide license and forfeiture of his aircraft. On September 21, 2006, this Court denied appellant's motion to supplement the record. Thereafter, appellant properly brought before this Court the issue of reconsideration of the stay on his guide license and forfeiture of his aircraft and his request to supplement the record. This Court's order of November

16, 2006, denied appellant's motion for the return of his property due to the fact that he had not first filed the same motion with the trial court. This Court further denied the appellant's requests for the following: (1) to stay this appeal pending the outcome of his PCR application; (2) to allow the appellant to supplement the trial record with his PCR application; (3) to grant appellant summary judgment on appeal; (4) to modify the portion of his sentence that calls for revocation of appellant's guides license; and (5) to stay the revocation or suspension of appellant's guides license pending his PCR application and/or appeal. To date, Haeg has not filed a designation of transcript in the pending matter.

Haeg now files the current appeal seeking many of the same forms of relief previously denied by this Court.