

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

DAVID HAEG

Plaintiff,

vs.

STATE OF ALASKA,

Defendants.

Case No. 3KN-10-01295 CI

STATE OF ALASKA )

) ss.

THIRD JUDICIAL DISTRICT )

AFFIDAVIT OF JUDGE MARGARET L. MURPHY

Margaret L. Murphy, being duly sworn, deposes and says:

1. I am a District Court Judge for the State of Alaska. In that capacity I presided over the criminal trial of David Haeg in McGrath in 2005.

2. The trial occurred over the course of several months. Initial jury selection was on May 17-18, 2005, but trial was then continued due to the illness of defense counsel. Trial resumed on July 26 and the jury returned a verdict on July 29. The sentencing hearing occurred on September 29.

3. Other court personnel were in McGrath to assist with the trial during the May and July sessions. In May, Ms. Natalie Alexie, the Clerk of Court for Bethel, acted as the in-court. In July, Ms. Lillian Markus, Judicial Assistant from Bethel, acted as the in-court, and Magistrate David Woodmancy, the Magistrate for the Aniak and McGrath courts, also assisted.

4. I ate my meals either with these other court personnel or alone. I do recall that in May we ate at a restaurant where state troopers were also present, but we did not eat with them. During the July session I ate all my meals either at the Takusko House, where I was staying, or in the court office in the Captain Snow Center. I believe there were troopers staying at the Takusko House at the same time, but I never ate meals with them or otherwise socialized with them. In September, I ate at the court office by myself. I never had a meal with Trooper Gibbens during the Haeg trial or at any other time.

5. Since there is no public transportation in McGrath, we did, on occasion, use state vehicles belonging to the troopers. In May, after trial was continued, we used a state vehicle to run some court-related errands. In July, the troopers loaned Magistrate Woodmancy a state-owned ATV, which he used to run errands such as getting our meals and getting snacks and drinks for the jurors.

6. In September, I got a ride from the airport to the court from VPSO Parker, who had no involvement in the Haeg case. After the sentencing hearing was over, I asked Trooper Gibbens for a ride back to my hotel. It was 1:30 a.m., cold, dark, and snowing, and a walk back to the hotel would have taken me past two open bars. I asked for the ride because of concerns for my personal safety. Trooper Gibbens and I did not speak about the Haeg case during the brief ride to the hotel. I did not speak to him or to any other trooper about the Haeg case at any time outside of open court.

7. The transcript of the sentencing hearing does imply that Trooper Gibbens gave me another ride during the sentencing hearing on September 29. However, I actually never left the Captain Snow Center from the time I arrived in McGrath, at about 10:00 in

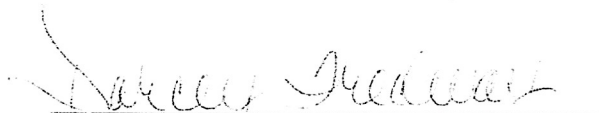
the morning, until after the hearing concluded sometime after 1:00 a.m. the next morning. The transcript shows that just before a break in the proceedings, I informed counsel for the parties, on the record, that I was "going to commandeer Trooper Gibbens and his vehicle" to take me to the store for some Diet Coke, since I had no other transportation. I expressly assured the parties that "I'm not going to talk about the case," and counsel made no objection. Before we left the building, however, Trooper Gibbens reminded me that I had left a 12-pack of Diet Coke in the building with one of the local public safety officers at the close of the July court session. He retrieved it for me, and so we did not go to the store after all.

8. The ride back to my hotel at the close of the sentencing hearing was the one and only time that Trooper Gibbens ever chauffeured me anywhere during the Haeg trial.

DATED this 18th day of April, 2012.

  
MARGARET L. MURPHY

SUBSCRIBED AND SWORN TO before me this 18th day of April, 2012.

  
Notary Public in and for Alaska  
My Commission Expires: w/c

# Murphy Oral Arguments

The instructions that I received, the evidence that was presented to the grand jury, the questions that the grand jurors had in the course of the proceedings are all accurately reflected in the record that has been submitted to the.

00:21:51 Speaker 3

Court further my arguments as outlined in my opposition. I won't repeat them. I believe that this time is best used to address Mr. Petunia's arguments.

00:22:01 Speaker 3

And also to address sort of the intent that led the intent of the grand jurors, as I understood it and my intent as it led to the indictment.

00:22:11 Speaker 3

It's actually, there's very little I disagree with Mr. Petunias. I think he accurately reflected what happened in terms of the facts, but I think it's important for the Court to consider, particularly in light of the the the record of the grand jury that that the grand jurors were not intending to set up Judge Murphy.

00:22:30 Speaker 3

For perjury or for any crime.

00:22:32 Speaker 3

That at the time that Judge Murphy testified on November 3rd, 2022, the grand jury wasn't viewing her as a target of its investigation. It was not viewing her necessarily as someone that they expected would be evasive or would not be truthful in her testimony. I think the record is clear that when she testified on November 3rd.

00:22:52 Speaker 3

She and the Grantors understood she was testifying about what happened during Mr. Hayes trial in 2004 and 2005.

00:23:01 Speaker 3

And very clearly, the grandeur was not planning to indict Judge Murphy or anyone else in in November 2022. It wasn't until January 2023 when the grand jury received some correspondence between Judge Murphy and the Alaska Commission for Judicial Conduct that.

00:23:20 Speaker 3

There appeared to be a discrepancy between her testimony and what she had written to the Commission, and that's what led to the further discussion of potential perjury charges, including the instruction that I provided.

00:23:34 Speaker 3

Our position is that the grand jury, and I should say my position, is that the grand jury was adequately instructed on the elements of perjury as well as the men's Rea requirement that was done in January. But I can't dispute Mr. Bituminous's comments and argument regarding quorum.

January 8, 2024 Oral Arguments  
on Judge Margaret Murphy's Motion to Dismiss  
Judge Thomas Matthews presiding.