

AFFIDAVIT

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

I, William Ingaldson, being duly sworn on oath do hereby depose and state:

1. I am an attorney licensed to practice law in the State of Alaska. I have been asked to provide this affidavit in regards to the failure of the State of Alaska to produce relevant, exculpatory e-mails in a matter where I recently defended a client charged with fish and game violations.

2. The matter I was involved in was originally prosecuted in state court. I filed several pretrial motions to suppress evidence and dismiss the charges. Shortly before oral argument on those motions, the state dismissed the charges. The matter was then referred to the U.S. Attorney's Office where federal Lacey Act charges were filed.

3. Similar pretrial motions were filed in the federal matter. During the course of responding to those motions, the U.S. Attorney's Office produced additional discovery consisting of numerous documents from the State of Alaska, which the state had not produced. Included in this discovery were numerous, exculpatory e-mails.

4. In one of the e-mails, a state fish and wildlife lieutenant tells another fish and wildlife officer, "if Andrew¹ is ok with it, just tear them [e-mails] up and don't include them in the discovery." In fact, it appears that is what did happen because the e-

¹ Andrew Peterson was the state prosecutor handling this matter.

mails in question were not produced. A copy of that e-mail is attached as Exhibit A to this affidavit. In that same e-mail string, Fish and Wildlife Trooper Justin Rodgers indicated that he never voluntarily produces e-mails.

5. One of the issues in the above-referenced underlying matter concerned a tracking device and video camera that were surreptitiously installed on my client's airplane. The search warrant allowing installation of these devices specifically provided that the installation of the equipment not interfere with the normal operation of the aircraft. In fact, the devices, which were wired directly to the airplane's battery, were draining the battery, placing my client at a considerable safety risk. He not only had to hand prop his plane after the devices depleted his battery, he also ran the risk of a potential fatal crash should his engine stop while in flight, because he would not have been able to restart his engine.

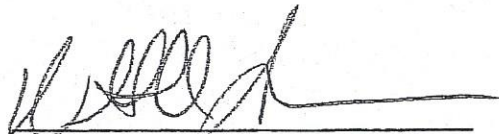
6. In opposition to our motion to suppress, the state argued that my client's claims were not supported by any evidence; that "... the installation of the electronic equipment had no impact on the safe operation of [my client's] airplane..." [See Exhibit B]. This opposition was supported by an affidavit from Trooper Rodgers who claimed "to the best of my knowledge, the installation of the equipment had no adverse impact on the performance of [my client's] airplane." [See Exhibit B at ¶ 4]

7. E-mails produced in the federal case (which the state did not produce) clearly and unequivocally demonstrated that, in fact, Trooper Rodgers had actual knowledge that the equipment was draining the plane's battery. [See Exhibit C]

8. Another e-mail produced in the federal case discusses Trooper Rodgers' contemplation of keeping a significant, exculpatory fact out of the investigative report. I do believe that fact, ultimately, was included in the report. [See Exhibit D].

FURTHER YOUR AFFIANT SAYETH NAUGHT.

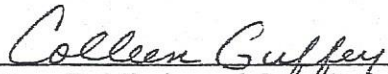
Dated this 17th day of May, 2013.



William H. Ingaldson

SUBSCRIBED AND SWORN TO before me this 17th day of May, 2013.




Notary Public in and for Alaska
My Commission Expires: 6/26/16

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT DILLINGHAM

STATE OF ALASKA)

Plaintiff)

v.)

[REDACTED])

Defendant)

Opposition is dated July 8, 2011

Case No. 3DI-10-[REDACTED]

OPPOSITION TO MOTION TO SUPPRESS BECAUSE TROOPERS EXCEEDED WARRANTS AND PLACED [REDACTED] IN DANGER

VRA CERTIFICATION

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

Comes now the State of Alaska, through Assistant Attorney General Andrew Peterson, and hereby opposes the defendant's motion to suppress. The state's opposition is supported by the affidavits of Agent Brian Webb, Lt. Bernard Chastain and Trooper Justin Rodgers. A proposed order is attached for the court's convenience.

FACTS

Trooper Justin Rodgers presented search warrants 3DI-09-017 and 3DI-09-018 to Magistrate Brice for the purpose of scrumptiously installing an electronic tracking device and closed circuit camera inside of [REDACTED] airplane. The warrants specifically provided that the installation of this equipment would not interfere with the normal operation of the aircraft, its navigation equipment or adversely [a]ffect the aircraft's center

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DEPARTMENT OF LAW
OFFICE OF SPECIAL PROSECUTIONS AND APPEALS
310 K STREET, SUITE 308
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-6250

Sims

of gravity. The warrants further provided that Troopers were authorized to "surreptitiously enter into the aircraft to install, maintain and monitor an electronic tracking device" See Sims' Exh. B, p 2. Trooper Rodgers subsequently applied for search warrant 3DI-09-023 for the limited purpose of downloading the electronic information from [REDACTED] GPS while maintaining the electronic equipment as authorized in search warrants 3DI-09-17 and 18.

ARGUMENT

[REDACTED] asks this court to suppress all information gathered through the electronic transponder and closed circuit camera based on allegations that Troopers violated the terms and conditions of the warrants, unlawfully entered [REDACTED] airplane on May 14, 2009 and jeopardized [REDACTED] safety prior to May 14, 2009. [REDACTED] claims are not supported by the evidence or facts of this case and should be dismissed. Specifically, the installation of the electronic equipment had no impact on the safe operation of [REDACTED] airplane, the original search warrants authorized the maintenance of the electronic equipment and the search conducted on May 14, 2009 was authorized as maintenance to the equipment.

Agent Brian Webb with the U.S. Department of Homeland Security, Customs and Border Protection (CBP) was asked by Troopers to install the electronic tracking device and closed circuit camera on [REDACTED] airplane. See Exh. 1 (Agent Webb Affidavit), p. 3. Agent Webb is currently assigned to the CBP Air and Marine Operations Branch in Bellingham, Washington and responsible for enforcing federal laws concerning narcotics, immigration and controlled substance violations. Agent Webb is specifically trained to install this type of electronic equipment in the furtherance of law enforcement

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investigations. See id. at p. 1-2. On April 26, 2009, Agent Webb installed the electronic tracking device and video surveillance system on Sims' airplane pursuant to the terms of the warrant and in full compliance with the FAA's Federal Aviation Regulations. See id. The installation of this equipment did not adversely affect the aircraft's flight characteristics or weight and balance computations and the aircraft was returned to service. See id.

It later became clear that [redacted] airplane was experiencing electrical problems based on the loss of data and observations of troopers. See id. For example, Troopers observed [redacted] removing his battery from the airplane. Normally batteries are not removed from airplanes and would indicate that the airplane was experiencing problems with a weak battery or a problem with the electrical system, such as a bad alternator. See id. Troopers were aware that [redacted] previously was experiencing problems with the electrical system on his airplane, but assumed that this problem was resolved by Dan Bardwell. See Exh. 2. (Affidavit of Trooper Rodgers), p. 2. These problems were in no way caused by the equipment CBP installed. See Webb Aff. at p. 3.

It is not uncommon for an airplane of this type to be started by hand propping the plane when the battery is weak or the alternator not functioning. See id. at p. 4; see also Exh. 2, p. 2. It is quite possible and easy to start by hand and the engine will continue to run normally through power to the spark plugs produced from the magnetos. Considering that the electronic equipment installed was wired directly to aircraft's primary electrical system, operating the aircraft in this manner would explain why some flights were not recorded by CBP. See id. In addition, if the electrical system and/or battery were weak and

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not operating at the proper voltage, it would explain why the electronic tracking device was having greater than normal losses in tracking data on certain flights. See id. There is no suggestion or support for the claim made by [REDACTED] that the installation of the electronic tracking device and/or video surveillance equipment in any way caused him to experience problems that put him at risk or otherwise resulted in the unsafe operation of his airplane. See Exh. 2, p. 2.

Search warrants 3DI-09-17 and 18 both authorized the maintenance of this equipment during the period authorized in the warrant and by the extension. The equipment could only be maintained by re-entering the airplane. On May 13, 2009, Trooper Rodgers applied for search warrant 3DI-09-023 for the purpose of downloading the information contained on the GPS while troopers were maintaining the electronic equipment. The purpose of applying for this warrant was based on the fact that the original warrants only authorized the downloading of GPS information while installing and removing the electronic tracking devices, but not during periods of maintenance. Trooper Rodgers applied for search warrant 3DI-09-023 out of abundance of caution and at the request of Lt. Chastain. See Exh. 3 (Affidavit of Lt. Chastain). At no time was Trooper Rodgers ordered to seek a new warrant for maintaining the electronic equipment and at no time did troopers believe such a warrant was necessary. See Exh. 2 & 3. In fact, Judge Torrisi appeared to agree with this fact when reviewing search warrant 3DI-09-023. See Exh. 4 (Audio of Search Warrant Application).

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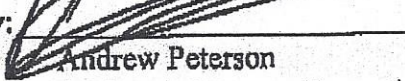
CONCLUSION

There is no evidence or factual support for the allegations raised by [redacted]. The state complied with the terms of search warrants 3DI-09-017 and 018, entered into [redacted] airplane to maintain the electronic equipment pursuant to these warrants on May 14, 2009 and never placed Sims' life or property in danger. Based on these reason, this court should deny [redacted] motion without need for an evidentiary hearing.

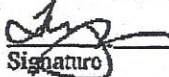
Sims'

DATED at Anchorage, Alaska, this 9th day of July, 2011.

JOHN J. BURNS
ATTORNEY GENERAL

By: 
Andrew Peterson
Assistant Attorney General
Alaska Bar No. 0601002

This is to certify that on this date, a correct copy of the forgoing was mailed to:

 William Ingaldson
Signature _____ Date 7/8/11

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IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT DILLINGHAM

STATE OF ALASKA)
)
 Plaintiff)
)
 v.)
 [REDACTED])
)
 Defendant)

*Affidavit is dated
July 8, 2011*

Case No. 3DI-10-[REDACTED]

AFFIDAVIT

STATE OF ALASKA,)
) SS
THIRD JUDICIAL DISTRICT)

I, Trooper Justin Rodgers, being first duly sworn upon oath, state and
depose as follows:

1. I am an Alaska Wildlife Trooper currently stationed in Tok, Alaska. I was previously stationed in Dillingham for approximately 10 years. In total, I have been a trooper for over 13 years.
2. I am the current case officer in the [REDACTED] matter and have been involved in the investigation since its inception in 2003.
3. I was aware that [REDACTED] airplane was experiencing electrical problems prior to installing the electronic tracking device and video camera into [REDACTED]

Exhibit B
Page 6 of 9 Pages

EXHIBIT 2
PAGE 1 OF 4

airplane due to my conversations with Dan Bardwell. I believed that Bardwell fixed the problems [REDACTED] airplane was experiencing when he worked on the airplane in his shop.

4. It was my understanding from speaking with Brian Webb that the installation of the equipment installed in [REDACTED] airplane did nothing to impact the electrical system on his airplane. Rather, the problems being experienced by the electrical equipment were explained by the fact that [REDACTED] airplane was experiencing electrical problems thus causing the electronic equipment to experience problems. To the best of my knowledge, the installation of the equipment had no adverse impact on the performance of [REDACTED] airplane.

5. [REDACTED] could safely operate his airplane without a battery. It is not uncommon for pilots to have to hand prop an airplane and then fly the plane accordingly. This fact did not cause Troopers concern that [REDACTED] was being placed in any danger or that he could not safely operate his airplane.

6. I spoke with Brian Webb regarding installing independent battery packs for the electronic tracking device and video surveillance equipment. The decision was made to install the battery packs in order to give law enforcement better tracking information as the electronic problems being experienced by [REDACTED] airplane were causing a loss with respect to the transmission of all tracking information. The decision to install independent battery packs was in no way based on a concern that [REDACTED] was being placed in any danger.

7. I was never ordered to seek a new warrant for the maintenance of the electronic equipment, but rather believed that the original warrant covered this aspect of our operation. Prior to the surreptitious entry into [redacted] airplane on May 14, 2009, I did seek a new warrant to download the information from the GPS in [redacted] airplane. The existing warrants covered the download of this information at the time the electronic tracking device was installed and upon removal of the device, but the warrant was not clear with respect to periods of maintenance. I wanted to make sure that the download of this information was authorized while maintaining the equipment and thus I applied for a warrant allowing for the download of the electronic information contained on [redacted] GPS at the same time as the electronic equipment was being maintained pursuant to the authorization in the original warrants.

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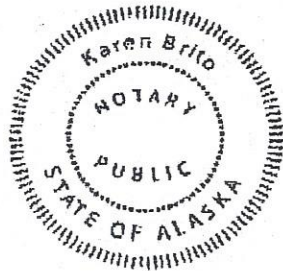
8. The facts set out in this affidavit are true to the best of my knowledge and belief.

FURTHER YOUR AFFIANT SAYETH NOT.

DATED: July 8th, 2011, at Dillingham, Alaska.

By: *Justin Rodgers*
Justin Rodgers
Alaska Wildlife Trooper

SUBSCRIBED AND SWORN to before me this 8th day of July, 2011.



Karen Brito
Notary Public in and for Alaska
My commission expires: w/office

E-mails are dated either 2009 or 2010

From: Rodgers, Justin C (DPS)
To: Peterson, Andrew (LAW)
Subject: FW: notes
Date: Wednesday, May 12, 2010 9:14:00 AM
Attachments: Chastain, Bernard A (DPS).vcf

So do you agree with this? I'm not a big one for opening the door on this particular topic...

jr

From: Chastain, Bernard A (DPS)
Sent: Wednesday, May 12, 2010 8:58 AM
To: Rodgers, Justin C (DPS)
Cc: Peterson, Andrew (LAW)
Subject: RE: notes

Justin-

You are correct with the emails. I included them because of the GPS point listed on them. If Andrew is ok with it, just tear them up and don't include them in the discovery. There is nothing on the emails that is not included in the report and in the notes.

Bernard

Bernard Chastain
Lieutenant, Alaska Wildlife Troopers
Anchorage Headquarters
5700 East Tudor Road
Anchorage, Alaska 99507
[REDACTED]

From: Rodgers, Justin C (DPS)
Sent: Tuesday, May 11, 2010 4:55 PM
To: Chastain, Bernard A (DPS)
Cc: Peterson, Andrew (LAW)
Subject: notes

Bernard, per your request, wanted to let you know I got your notes. In glancing thru them, the only thing I see that I wouldn't personally discover are the two e-mails between you and Brian Webb and Eric Sprague. I think once I had to do e-mails, but never voluntarily. I'm guessing you did it because of the coordinates on it or something, let me know if you have strong thoughts on the topic.

Andrew, same for you I'd appreciate your opinion on discovering e-mails...

jr

From: Rodgers, Justin C (DPS)
To: Leath, Rex R (DPS); Chastain, Bernard A (DPS); Brian Webb
Subject: u/c camera
Date: Wednesday, February 24, 2010 3:38:17 PM

Gentleman,

As all of you were involved in the use of this equipment and may be again some day, I thought I'd take a minute to outline a few things I learned reviewing the footage.

We install the equipment late eve, early a.m. 4-26/4-27.

It first comes on 4-29 at 0855 in the shop with folks walking around it. I guess it's believable no one was in the shop from 4/27 a.m. til 4/29 a.m. It runs and takes footage well til 4/29 at 1304 hours, so about 4 hours. Then the image gets distorted and completely black after a couple of minutes. It continues to roll the date/time display until 1612 hours, or for a total of 8 hours. What this tells me is, even with a 12V battery, at one frame per second at whatever resolution it was set at, you get about 4 hours of useful footage til you run even a 12V battery dead. Admittedly it wasn't a brand new battery, but all indications are it was working when it left Lake Hood and came to Big Lake. All that day during the footage, the plane was in the hanger with the door open, but inside the building, so I don't think the tracker was adding to battery fatigue.

No footage on 4-30

Footage again on 5-1, see [REDACTED] arrive and the mechanic at plane, it apparently starts up like it should on motion, then it's off a while, I know this is because they went and got a new battery and installed, then it's on again and shows perfectly departure from Big Lake to Lake Hood with a fresh 12V battery installed. So I think it came on with the new battery at 1428 hours, arrives at Lake Hood at 1518 hours, and goes off tape at 1522 hours, all like it should. At 1624 it comes back on with an unknown person walking in view of the camera, like it should on motion sensor, then goes of tape 7 seconds later like it should when motion stops.

5-2 very brief footage, can't see anything on the screen, but something must have shook or moved enough to set it off for 7 seconds.

5-3 1206 it comes on when several unknown folks are in view of camera, again, like it should, it goes off again about 12 minutes later when folks leave. It comes on again at 1518 hours and the view is obstructed with lines through it, can't tell what set it off, after about 2 minutes it's a black screen again and the date/time runs again til 2024 when it shuts off, total of about 5 hours. Again, it shows me it can only run so long on ship power... Then I know he hand props it on the 8th because he has no ship power... anyway, something to keep in mind for the future, likely auxillary power is the way to go...

jr

From: Rodgers, Justin C (DPS)
To: Quist, Scott D (DPS)
Subject: FW: revised report Sims
Date: Wednesday, February 03, 2010 4:41:16 PM
Attachments: 12-202-SupplementalReportUnlined.doc

In case his talking of the times he noted is helpful... jr

From: Groover, John P (DPS)
Sent: Wednesday, February 03, 2010 3:33 PM
To: Rodgers, Justin C (DPS)
Subject: RE: revised report [REDACTED]

JR,

I don't mind the changing of terms for the electronic devices.
I don't show any activity on the Sims case in my notebook or payroll for 5/8/09. He may have been there on 5/8/09 but I didn't see him there. The 8th was the first of my RDO's and I don't show any activity that day in my notebook or on submitted payroll. On the 9th I have documented that Gibbens called at 1005 hours about me possibly going to Nondalton to work on the [REDACTED] case. My next notebook entry at 1035 hours is "10-21 JL need eyeballs @Nondalton and that I borrowed a spotting scope." So after closer review it wasn't you that advised me to go to Nondalton it was Lindell that I talked to at 1035 hours. The first time I saw [REDACTED] aircraft on the 9th was at 1631 hours landing at Nondalton and it approached from the Koltuli drainage direction. On 5/16/09 my notebook reflects 2215 hours [REDACTED] lands w client, client leaves in black truck. 2223 hours [REDACTED] leaves Nondalton in Supercub towards the Chulitna. 2348 hours I note the tail number of [REDACTED] cub in my notebook.

I will attach my revised report which have these revisions.

John Groover
Alaska Wildlife Trooper
PO Box 36
McGrath AK 99627
[REDACTED]

Exhibit C
Page 2 of 3 Pages

From: Rodgers, Justin C (DPS)
Sent: Friday, January 08, 2010 10:31 AM
To: Groover, John P (DPS); Chastain, Bernard A (DPS)
Cc: Gibbens, Brett S (DPS)
Subject: RE: revised report [REDACTED]

Hi John, you should be getting home about a week from now, hope you had a great trip. A couple of things I noticed recently.

The decision was made to refer to an "electronic tracking device" and "video surveillance system", so please make sure your report reflects them, or I can change it with your permission if you're 202 is not protected...

Brett, I cc'd to you in case you need to refer to either of those terms in your supplement...

Also John, Lt. Chastain refers to you confirming [REDACTED] plane was in Nondalton on 5-8. We know it went from Anc to Nondalton 5-8 afternoon. Your supplement reflects first seeing [REDACTED] plane in Nondalton on 5-9-09. I'd like to make sure that is correct, between you and Lt. Chastain you'll have to decide which it is.

From what I remember, I think we were surprised when it left Anchorage/arrived Nondalton. I'm remembering Lt. Chastain didn't get diddly from the tracker, we surmised or the mechanic later told us he propped his plane at LHD, we figured he had enough alternator power to run his radio, and the ship power was dead as the darn tracker and video had been working right along while it was on the ramp at LHD. I remember now that the mechanic had changed the battery when it was dead with Sims came to pick it up, this would have reset the settings on the equipment and both would have been full on and using up the power in the new battery, thus the battery problems and our lack of info.

I have a note that I called you on 5-9 at 1148 (very well could have called you first at 1035 hours as reflected in your

USA v. [REDACTED] 05777

supplement, I made numerous calls that morning) with an update and I received a call from you on sat phone 5-9 at 1340.

Appreciate the help on this fellas, in something as big as this, there's bound to be a few hiccups to work through ☺

jr

From: Groover, John P (DPS)
Sent: Saturday, December 05, 2009 11:15 AM
To: Rodgers, Justin C (DPS)
Subject: revised report [REDACTED]

Justin,

I will not resend this by US Mail unless you can't get it to print there. The photos were sent with the earlier version. You can print it there off this file. If more is needed advise and I will make it happen.

John Groover
Alaska Wildlife Trooper
PO Box 36
McGrath AK 99627
[REDACTED]

From: Rodgers, Justin C (DPS)
To: Gibbens, Brett S (DPS)
Subject: RE: 2009 Simms 202
Date: Wednesday, April 14, 2010 5:08:17 PM
Attachments: 12-202 [REDACTED] 2009 rev4-14-10.doc

I changed a couple of little things, capitalization, Sgt. Lindell instead of Trp., removed a couple "that" where it was "that there" or "that the"... I had specifically removed my info paragraph on calling Atkins to ask him to move the hunters, I'd just said potter and Evarts saw the planes and based on their descriptions we knew them to be other commercial operators from the area... or something very similar to that... I guess I kind of decided he didn't need to know we called them up and asked them to move, if he figures that out, so be it, on the other hand, if it's exculpatory in that they found the kill too, then maybe it should be in there... anyway, I'd decided to take it out, I actually had it highlighted all yellow for a long time, you may have a version like that back in your e-mail, wondering whether to leave it in or out.

jr

From: Gibbens, Brett S (DPS)
Sent: Wednesday, April 14, 2010 3:48 PM
To: Rodgers, Justin C (DPS)
Subject: 2009 [REDACTED] 202

Here is the update with Browns' info. Lake Hood already said approx, let me know if more mods are needed, I think it is about a goner. I will check now and see what i have for digital ev, and then knock out 05'

Trooper Gibbens also involved.
AAG Peterson even had me and my family
threatened

Haeg

From: "davebrummel" <davebrummel@yahoo.com>
To: "dave haeg" <haeg@alaska.net>
Sent: Saturday, June 29, 2013 5:35 AM
Subject: Fwd: Opinion of aircraft being compromised / forward to all people you know !!

Dave

Tim sent me this , he said your computer did not seem to be working.

If so I will give it to you next time I see you.

ttyl Dave

Sent from my iPod

Begin forwarded message:

From: "Tim Twohy" <tdot2e@mtaonline.net>
Date: June 28, 2013, 3:42:03 PM AKDT
To: <davebrummel@yahoo.com>
Subject: Fw: Opinion of aircraft being compromised / forward to all people you know !!

Dave,
 Dave's computer acting-up? Can you get this to him?

----- Original Message -----

From: Tim Twohy
To: Dave Haeg
Sent: Friday, June 28, 2013 3:12 PM
Subject: Fw: Opinion of aircraft being compromised / forward to all people you know !!

let me know if you get this

----- Original Message -----

From: kux@gci.net
To: Haeg ; Tim Twohy ; randi davies ; Wes Keller
Sent: Friday, June 28, 2013 4:41 AM
Subject: Fwd: Opinion of aircraft being compromised / forward to all people you know !!

Begin forwarded message:

From: A Wikle <awikle@articsairacademy.com>
Date: June 27, 2013 4:52:45 PM CDT
To: kux@gci.net
Subject: Opinion

Hi Kurt.

I looked at some information that was given to me. I am simply appalled. But, before I get into this, I figure it would be prudent to give a little background on

myself in case this opinion is entered as record.

Name is Artic Wikle (907) 903-0757

ATP, CFI, Multiple Douglas and Boeing type ratings

14,000 plus commercial hours in Alaska Alone.

Senior Captain for Northern Air Cargo, Anchorage and Laredo.

Owner of Artic's Air Academy and owner of 6 small aircraft.

4 full time employees with two IA mechanics.

AAA is a member of FAA's FAST safety team and organizer of The Palmer Airfair and Rondevous.

I specialize in off airport, part 135 training and Super-cub training, FAA accident (709) training.

Northern Air Cargo Chief Union organizer and NAC's Shop Steward, (Teamsters local 959).

Professional Pilot mentor, safety advocate and career development counselor.

I feel that it is important to note that I went into this with an open mind. I understand that there were some outlying issue as to why equipment was installed in the aircraft. Although the Lacy Act was pulled into focus, I am sure that the "Act" does not cover the unintentional execution of pilots or passengers. My focus is from the Judges decision to install equipment in to the aircraft, to when it was found to be installed by the pilot.

First and foremost was anyone a certified Aircraft Mechanic with Inspection authorization whom installed the equipment. If the answer is no, then this really is a case for the FAA to get involved. I am sure they will take issue with that. Second, was this a 135 flight? If the answer is yes then simply, everyone involved in the installation of this needs to be removed from their position.

This is why.

First, (and even with mechanic licenses), if the pilot did not know about the equipment, he did not have a legal airplane and therefore unknowingly and by the force of the Troopers, flew illegally. He (I do not know gender or name), dispatched his aircraft probably at gross weight. If the installation of the equipment brought him over the gross weight of the aircraft, then he was overweight and probably out of C.G. limitations violating FAA regulations and the warrant, If the electrical system was compromised at all, he unknowingly and by the Troopers hands flew the aircraft with a severe fire, explosion and chemical hazard from the possible and likely overheating of wiring and battery shorting. Not to mention the fact that they system was installed and not put in the logbooks. If the aircraft was returned to service by the Troopers, who pulled it out of service and did they have the appropriately rated license to do so. If this was a 135 flight, my biggest question is weather the persons that installed the equipment were on an approved drug program for the operators certificate.

Since the judge ordered the installation by reason of any sort of writ, execution or warrant, he is responsible for the safety of that action. The first thing the Troopers did was give the warrant to someone else to install the equipment? I am guessing no one in this whole chain was neither a Mechanic or Piper

representative. Simply, we're not working on a Honda. This is an airplane. If the operator changed a battery even once it showed the operator was trying to fix the issue and therefore not culpable. When this was observed, there was no action taken to remove the equipment, endangering the lives of anyone on that aircraft and anyone or anything around and under it, making them culpable. I haven't even mentioned privacy issues for passengers, lithium batteries, decreased fuel performance or the interference of air commerce, the interference of radio communications and navigation, TSA violations, etc. I have questions as to ongoing airworthiness of the aircraft including a full inspection and replacement of wiring systems, permanently attached equipment to bulkheads or tubing and a full re-weighing of the aircraft. If this was my aircraft, it would be an Aviation Inspector of my choosing to inspect and replace the wiring and all other associated systems and the cost would be borne by the Troopers.

Last, if the pilot/operator was observed propping the aircraft, it was in response to the Troopers installation, period. They should have intervened at that time to not carry the emergency action into the air. If the aircraft was being operated under 135, it is definitely not normal to prop that aircraft. The pilot/operator obviously did not know the forces he was dealing with. Most accidents chains in aviation begin with the owner/operator. This particular chain started with the Troopers. This could have turned into an emergency where the natural response to system malfunctions may have not resulted in a positive outcome. Essentially, the operator is lucky the Trooper, Judge and anyone else involved in putting unauthorized/non certified equipment in an aircraft didn't kill him or his passengers or people and property around the aircraft.

In Summary, I feel it necessary to say that the FAA should continue enforcement action to everyone involved except the Pilot whose only operational fault is not being told of the ticking-time bomb that was riding along with him. It is not my place to suggest types of persecution but I would support a decision like I would if someone installed unauthorized equipment in a large passenger plane which jeopardized the lives of many.

There is no difference. Feel free to take this letter to whomever you wish. If you need more of my support feel free to let me know. I have plenty.

Sincerely,
Artic Wikle

*More importantly, AAG
Andrew Peterson wrote what he knew was a false
opposition - al suborned Trooper Rogers perjured affidavit
to do so - all to cover up the fact that they all*

Capt. Artic Wikle ATP, CFI, Mountain flying specialist wheels, floats, skis

Operations Manager, Artic's Air Academy

*Knew the plane had been harmed. It was only because
the federal people gave up the emails that the state should have*

K&A Fuel and Lube specialists.

Phone 907-746-2290

Toll Free 877-746-2290

WEB www.articsairacademy.com

email flyartic@articsairacademy.com

Authorized Distributor for Dynamic Air Shelters.