

Governor Sean Parnell and Attorney General Michael Geraghty
PO Box 110001
Juneau, AK 99811

February 17, 2012

RE: Corruption in Alaska Commission on Judicial Conduct (ACJC) and investigator
Marla Greenstein

Dear Governor Parnell and Attorney General Geraghty,

Senator Tom Wagoner and Representative Mike Chenault urged that I ask for your help in addressing corruption in the ACJC and its investigator. Senator Wagoner and Representative Chenault suggested a meeting attended by themselves, you two, myself, and the five witnesses whose testimony ACJC investigator Greenstein falsified to corruptly exonerate Judge Margaret Murphy. Ideas so far are state and/or federal prosecution and/or an independent legislative investigation.

Background

On March 23, 2006 I filed an ACJC complaint that, during my 2004 prosecution for guide violations, Judge Margaret Murphy, while she was presiding over my case, was being chauffeured full time by the main witness against me (Trooper Brett Gibbens). Greenstein, the only ACJC investigator for the last 25 years, investigated my complaint.

In exonerating Judge Murphy, (1) Greenstein was recorded stating that both Judge Murphy and Trooper Gibbens testified no chauffeuring of Murphy by Gibbens ever occurred while Judge Murphy presided over my case, (2) Greenstein was recorded stating that she had contacted every single witness to the chauffeuring I had provided, and (3) Greenstein was recorded stating that every single witness testified they did not remember seeing Judge Murphy being chauffeured by Trooper Gibbens during my case.

On November 21, 2009 I filed for post-conviction relief (PCR) claiming, in part, the main witness against me was corruptly chauffeuring the judge presiding over my case. AAG Peterson recommended that Judge Murphy decide my PCR. Over my objections she could not decide the case against herself Judge Murphy was assigned to decide my PCR. I moved to disqualify her for cause, Judge Murphy ruled against me, and the issue was given to Superior Court Judge Stephanie Joannides to review.

During Judge Joannides review all five witnesses, who Greenstein claimed to have contacted during her investigation, swore out affidavits that not only had they never been contacted by anyone investigating the chauffeuring of Judge Murphy by Trooper Gibbens, that had they been contacted all would have testified under oath they had personally witnessed Trooper Gibbens chauffeuring Judge Murphy while Judge Murphy presided over my case – in exact opposition to Greenstein's claim of what they had

testified. Jackie Haeg's written statement, verifying she had personally witnessed the chauffeuring as complained of, was also missing out of Greenstein's record of her investigation – while tape recordings capture Greenstein admitting she had received Jackie's written statement confirming that Jackie had personally witnessed Trooper Gibbens chauffeuring Judge Murphy while Judge Murphy presided over my trial.

While writing my PCR application, we also found that the official court record of my case captured Judge Murphy and Trooper Gibbens themselves admitting to, and joking about, the chauffeuring while Judge Murphy presided over my case - proving Judge Murphy's and Trooper Gibbens official ACJC testimony to be false.

On August 25, 2010, after Judge Joannides asked for a prompt review of Greenstein's investigative report "in camera" (in private) and this was refused, Judge Joannides granted my motion that Judge Murphy must be disqualified for cause.

On August 27, 2010 *Judge Joannides certified the evidence of Judge Murphy's corruption and conspiracy with Greenstein and Trooper Brett Gibbens and referred 43 pages of this evidence to the ACJC "for its consideration"*.

On December 28, 2010 I filed an Alaska Bar Association complaint against attorney Greenstein. The Bar ruled there was probable cause to investigate Greenstein but "deferred" its investigation until my PCR was finished "since the issues he raised in his complaint will be addressed in PCR proceedings."

On January 21, 2011 Greenstein replied to my Bar complaint in a "verified" response. Greenstein certified that during her investigation of my complaint against Judge Murphy she had also contacted my attorney Arthur Robinson. Robinson was contacted to confirm this and in a taped conversation he stated no one had ever contacted him about the chauffeuring and that he had also personally witnessed Trooper Gibbens chauffeuring Judge Murphy while she presided over my case. Robinson has now testified under oath that Greenstein falsified contacting him. In other words every single witness Greenstein claimed to have contacted during her investigation has testified under oath otherwise – and that Greenstein has completely falsified his or her testimony.

On March 25, 2011, after the ACJC decided her August 27, 2010 referral "*was not genuine*," Judge Joannides reissued her certified evidence of the corruption and conspiracy of Judge Murphy, Trooper Brett Gibbens, and judicial conduct investigator Marla Greenstein. Judge Joannides sent her new 77-page referral to myself; Judge Bauman; all 9 members (3 judges, 3 attorneys, and 3 public persons) of the ACJC; the Alaska Bar Association; the Ombudsman; Marla Greenstein; Judge Murphy's attorney Peter Maassen; and the original to the Kenai Court to be placed in its file.

To ensure the ACJC acted on Judge Joannides referral this time I, and most of the witnesses whose testimony Greenstein had falsified, tried to testify during the public testimony portion of a ACJC's meeting – but were told we could not testify and were met at the door by a law enforcement SWAT team. ACJC chairman Judge Ben Esch stated

that since Greenstein was covered by “confidentiality” the only way anyone would know if Greenstein were disciplined would be if she no longer worked for the ACJC.

On January 3, 2012 Judge Bauman (who was assigned to my PCR) eliminated the corruption and conspiracy of Judge Murphy, Trooper Gibbens, and Greenstein from my PCR *because it was too “attenuated” (weak)* – when Judge Joannides ruled this was so strong it precluded Judge Murphy from presiding over my PCR -and prompted her to make certified 43 and 77 page referrals of the corruption and conspiracy.

Imagine the surprise when it was Greenstein who dismissed my ACJC complaint that Judge Bauman was covering up Greenstein’s corrupt investigation of Judge Murphy - and that Judge Bauman was falsifying sworn affidavits in order to be paid when he had issues outstanding for more than six months. In her dismissal of my complaint Greenstein never even mentioned my claim that Judge Bauman was falsifying his sworn pay affidavits so he could further drag out my nearly eight year old case. And the proof of this is irrefutable – we have copies of Judge Bauman’s affidavits and copies of his orders deciding issues over a year after they had been presented to him.

Conclusion

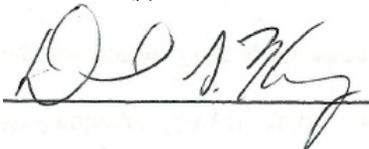
There is overwhelming evidence that Greenstein completely falsified an official investigation to cover up Judge Murphy’s corruption – and conspired with Judge Murphy and Trooper Gibbens to do so. There is overwhelming and irrefutable evidence that Greenstein then lied in a “verified” official document to cover this up. There is evidence Greenstein is now conspiring with Judge Bauman to continue the corrupt cover up.

The ACJC first stating Judge Joannides signed and dated referral “was not genuine” and then taking no action against Greenstein is equally disturbing.

To have Alaska’s only investigator of judges falsifying investigations to cover up for corrupt judges is unacceptable. That Greenstein has been the only one in this position for the last 25 years makes the potential damage to our justice system and to Alaska’s families nearly incomprehensible. Something must be done.

We respectfully ask for the above meeting to discuss how best to address this incredible violation of the publics trust and how best to bring the guilty to justice.

Sincerely,



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CC: Senator Tom Wagoner and Representative Mike Chenault