David S. Haeg
P.O. Box 123
Soldotna, AK 99669
(907)262-9249 & 262-8867 fax

Filed 11/20/06

IN THE COURT OF APPEALS FOR THE STATE OF ALASKA

DAVID HAEG Appellant, vs. STATE OF ALASKA, Appellee.	) Case No.: A-09455

Trial Court Case #4MC-S04-024 Cr.

MOTION, INCLUDING ORAL ARGUMENT, FOR EXTENSION OF TIME FOR FILING OF OPENING BRIEF

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 of 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, in accordance with *Appellate Rule 503.5(c)*, hereby moves this court for an extension of one hundred and eighty (180) days in which to file his opening brief. On October 5, 2006, or only a little over a month ago, Haeg was allowed to represent himself in his appeal. He had requested this right because he has absolute proof that all three of his attorneys (who represented Haeg before, during and after trial and on appeal including filing his points of appeal) were actively representing interests in direct conflict with his own and Haeg could not afford to risk hiring a fourth who would most likely do the same. The interests Haeg's attorneys represented were the prosecution's interests and their own by hiding this fact from

Haeg. Because of this the prosecution and judiciary took full, aggressive, complete, and unethical and/or illegal use of this fundamental breakdown in the adversarial process. The scope, magnitude, and number of the issues and/or incidents Haeg needs to address in his appeal are overwhelming – especially for someone without any legal training. Haeg will need considerable time, especially as an unbelievably prejudiced pro se defendant with a family, to recognize, research, and address these issues and/or incidents. In addition, on 11/16/06 (just 5 days before Haeg's brief was due) this court denied Haeg's request to stay his appeal pending the outcome of a post-conviction relief proceeding claiming ineffective assistance of counsel, prosecutorial misconduct, and judicial misconduct – even though this denial was in direct conflict with all seminal cases in Alaska (*Risher v. State* 523 P.2d 421, *State v. Jones* 759 P.2d 558, *Barry v. State*, 675 P.2d 1292, and *Grinols v. State* 10 P.3d 600) related to this issue – in which the defendants were allowed and even required to conduct a post-conviction relief proceeding claiming ineffective assistance of counsel before moving forward with their appeal. Not being allowed to stay his appeal pending post-conviction relief was a stunning and indescribably prejudicial blow to Haeg.

Also of unbelievable prejudice to Haeg was this courts denial of Haeg's motion to supplement the record with the representation hearing in trial court (which Haeg believes must be allowed to be made part of the record), Alaska Bar Association

proceedings concerning Haeg's attorneys, and proceedings before the Alaska Commission on Judicial Conduct concerning Haeg's judge. All of these proceedings contain evidence absolutely vital for Haeg to make his appeal. The evidence documented in these proceedings is described in the motions, affidavits, and supporting documents filed with this court on November 6, 2006.

This courts actions will effectively force Haeg to proceed with an appeal that's record contains little or nothing of the horrendously egregious and prejudicial things Haeg's own attorneys, the prosecution, and the judge in Haeg's case have done to Haeg. If Haeg did not have such faith in this court he could be led to believe it was continuing the blatant cover-up of these unbelievable actions. Some of these actions, to date, have included perjury by the prosecution to obtain search warrants and to file illegal charges; seizing, holding, and forfeiting Haeg's property, used as the primary means to provide a livelihood, in direct violation of established due process; breaking a Rule 11 Plea Agreement after Haeg had given the required statement for it and after Haeg had placed nearly a million dollars detrimental reliance upon it while still using Haeg's statements made during the plea negations as the only basis to file most of the charges filed in violation of the plea negations; lying to Haeg's judge that "Haeg broke a Rule 11 Plea Agreement" so that Haeg's punishment could be "enhanced"; the prosecutor suborning known perjury from Troopers in front of Haeg's jury; the judge citing this perjury as the basis for Haeg's harsh sentence; Haeg's

counsel lying to him that these violations and perjury by the prosecution "didn't matter" and "there is nothing I can do"; lying to Haeg about filing letters with the court that Haeg wrote about his treatment by the state; lying to Haeg about the enforceability of a Rule 11 Plea Agreement after Haeg had placed close to one million dollars detrimental reliance upon it; not responding to a court subpoena to explain these actions and inactions to the court (no sanctions were ever imposed on counsel); and covering up all these proceeding actions at Haeg's complete expense – both in representation and to the tune of nearly $100,000.00.

More recently ever conceivable effort has been made to continue this charade after Haeg had to proceed pro se after firing attorney number three. When Haeg started filing motions to explain to the court why he was literally forced to proceed pro se the state successfully moved the court to strike these motions from the record, effectively wiping the record clean of how Haeg had been deliberately denied fundamentally fair proceedings by all three of his attorneys and the state. The unbelievable actions to continue this during Haeg's representation hearings reached a new high (or low) when Haeg was denied, by the court, his request to finish questioning Mark Osterman (Haeg's third attorney) under oath, **when the court had previously ruled Haeg had specifically reserved his right to do this**. Before the court refused to let Haeg continue questioning Osterman under oath Osterman admitted all of what Haeg claimed happened during his

prosecution was true. To not be allowed to finish questioning Osterman about the harm caused prejudiced Haeg immensely.

To Haeg it is unbelievable the Court of Appeals now completely wipes the record clean by ruling this representation hearing, which was made by the trial court on the record for Haeg's case, will not be allowed to be part of the record in Haeg's case. Haeg protests and wonders if this can be legally done by the Court of Appeals. In addition, Haeg feels it a fundamental breakdown in justice to not be allowed to utilize the stunning testimony made under oath at the Alaska Bar Association proceedings concerning his counsel and that being made during the proceedings against Haeg's judge.

Haeg will make every attempt to finish his brief and conduct the absolutely necessary post-conviction relief procedure to supplement the record for his brief before the 180 days expires. Haeg again wonders why he is the only one, according to all seminal Alaskan cases, to receive such unbelievably prejudicial treatment from the Court of Appeals in this exact same situation.

This motion is supported by the accompanying affidavit and by the motions, memorandum, affidavits, and supporting documents that were already delivered by hand to this court on November 6, 2006.

RESPECTFULLY SUBMITTED this _____ day of _____, 2006.

_____

David S. Haeg, Pro Se Appellant

CERTIFICATE OF SERVICE

I certify that on the _____ day of November, 2006, a copy of the forgoing document by ___ mail, ___ fax, or ___ hand-delivered, to the following party:

Roger B. Rom, Esq., O.S.P.A.
310 K. Street, Suite 403
Anchorage, AK 99501

By: _____