

IN THE COURT OF APPEALS FOR THE STATE OF ALASKA

DAVID HAEG,

Appellant,

vs.

STATE OF ALASKA,

Appellee,

Court of Appeals No. A-09455

No. 4MC-S04-24 CR.

COUNTERDESIGNATION OF TRANSCRIPT

I certify this document and its attachments do not contain the (1) name of a 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.

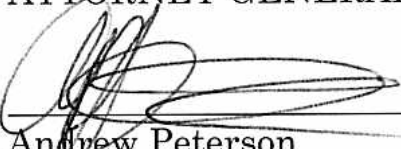
The State of Alaska counterdesignates the entire jury trial and sentencing for the following dates (excluding jury selection):

- May 17 – 18, 2005;
- July 26 – 29, 2005; and
- September 29, 2005.

DATED: June 27, 2007 at Anchorage, Alaska.

TALIS COLBERG
ATTORNEY GENERAL

By:


Andrew Peterson
Assistant Attorney General
Alaska Bar No. 0602001

I hereby certify that a true and
correct copy of the foregoing was
☒mailed ☐faxed ☐hand-delivered to:

David Haeg

Sherry Matsuno 6-28-07

Sherry Matsuno

Date

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

IN THE COURT OF APPEALS FOR THE STATE OF ALASKA

DAVID HAEG,

Appellant,

vs.

STATE OF ALASKA,
Appellee,

Court of Appeals No. A-09455

No. 4MC-S04-24 CR.

**MOTION TO STRIKE APPELLANT'S DESIGNATION
OF RECORD TITLED RESPONSE TO ORDER OF 6/8/07**


I certify this document and its attachments do not contain the (1) name of a 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 the State of Alaska, by and through Assistant Attorney General Andrew Peterson, filing this Motion to Strike Appellant's Designation of Record Titled Response to Order of 6/8/07. This Motion is supported by the attached Memorandum of Law.

DATED June 27, 2007 at Anchorage, Alaska.

TALIS COLBERG
ATTORNEY GENERAL

By:



Andrew Peterson
Assistant Attorney General
Alaska Bar No. 0602001

I hereby certify that a true and
correct copy of the foregoing was
☒mailed ☐faxed ☐hand-delivered to:

David Haeg

Sherry Matsuno

6-28-07

Sherry Matsuno

Date

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

210(b)(1)(B) provides that when a party designates only portions of the electronic record, the party's designation "shall include the nature and dates of the proceedings, the tape and log numbers where these parts appear, and a narrative description of the portions requested."¹ Appellant's designation fails to include a description of the nature of the proceedings and a narrative description of the portions requested. This incomplete designation makes it impossible for the State to counterdesignate portions of the electronic record in preparation for opposing Appellant's motion on appeal.

Appellant also designated nearly every motion filed since the inception of his criminal case. The designation of any motion properly filed before the trial court is unnecessary as Appellate Rule 217(c) provides that "[t]he record on appeal consists of the entire district court file, together with recordings of the parts of the electronic record designated by the parties." Appellant needlessly designates portions of the district court file in addition to motions and orders that are not part of the district court file. Appellant's designation fails to clearly indicate in which court each of the designated motions was filed. This improper identification on the part of Appellant makes it impossible for the State to determine which motions were improperly or needlessly designated. The motions which were properly filed before the trial court are already part of the designated record on appeal and therefore do not need to be designated. However, the motions which were not properly filed before the trial court should not be part of the record on appeal and were therefore improperly designated.

Appellant further designates "transcripts" which were not made in accordance with Appellate Rule 210(b)(3). Appellate Rule 210(b)(3)

¹ Appellate Rule 217(b) provides that the designation and counterdesignation of appeals from the District Court must comply with 210(b)(1)(B).

provides that "... the person designated to prepare the transcript shall not be a relative, employee, or attorney of any of the parties ... or be financially interested in the action." On page 2 of 12 of Appellant's Response to Order of 6/8/07, Appellant designates the 11/3/04 Transcripts. The 11/3/04 Transcripts designated by Appellant were transcribed by Ms. Haeg who is related to Appellant and has a financial interest in this case. *See* Exhibit 1, Notice of Filing Transcripts, dated November 3, 2004. The 11/3/04 Transcripts were therefore improperly designated.

Finally, Appellant designates court proceedings that are not associated with the current appeal. Specifically, Appellant designates motions filed with the Kenai Court, Orders of the Kenai Court (11/13/06), a fax sent to the State (1/4/07), discovery letter (1/15/07), and a tape from a Bethel Court proceeding 4BE3-05-134. This Court should strike these designation as they do not comply with Appellate Rules 210 and 217.

Based upon the foregoing reasons, the State opposes Appellant's designation and asks that this Court strike the entire designation. Striking Appellant's designation in its entirety is justified given the Appellant's failure to comply with the Rules of Appellate Procedure. Appellant's pro-se status does not justify this Court accepting a designation that fails to comply with the Appellate Rules and further disadvantages the State by

making the State guess what Appellant actually designated.

DATED June 27, 2006 at Anchorage, Alaska.

TALIS COLBERG
ATTORNEY GENERAL

By:



Andrew Peterson
Assistant Attorney General
Alaska Bar No. 0601002

I hereby certify that a true and
correct copy of the foregoing was
☒ mailed ☐ faxed ☐ hand-delivered to:

David Haeg

Sherry Matsumo 6-28-07
Sherry Matsumo Date

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

IN THE COURT OF APPEALS FOR THE STATE OF ALASKA

DAVID S. HAEG,
Appellant,

vs.

STATE OF ALASKA,
Appellee.

Court of Appeals Case No. A -09455
No. 4MC-S04-24 CR

ORDER

I certify this document and its attachments do not contain the (1) name of a 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.

This matter having come before this Court, and the Court having considered the State's Motion to Strike Appellant's Designation of Record Titled Response to Order of 6/8/07,

IT IS HEREBY ORDERED that the State's Motion is GRANTED and that the Appellant shall file a proper designation of record in compliance with Appellate Rules 210 and 217 by _____, 2007.

ENTERED at Anchorage, Alaska this _____ day of _____, 2007.

Judge of the Court of Appeals