

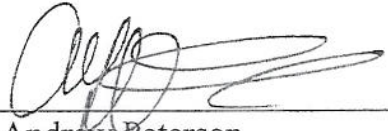
STATE OF ALASKA
DEPARTMENT OF LAW
OFFICE OF SPECIAL PROSECUTIONS AND APPEALS
310 K STREET, SUITE 308
ANCHORAGE, ALASKA 99501
(907) 269-6250

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

the attached Memorandum of Law and the proposed Order.

Dated at Anchorage, Alaska this 22nd day of June 2007.

TALIS COLBERG
ATTORNEY GENERAL

By: 
Andrew Peterson
Assistant Attorney General
Alaska Bar Number 0601002

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

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT MCGRATH

DAVID HAEG)	
)	
Appellant,)	
)	
vs.)	
)	
STATE OF ALASKA,)	Case No.: A-09455
)	
Appellee.)	
<hr/>		
Trial Court Case #4MC-S04-024 CR.		

Memorandum of Law

I. Introduction

On March 26, 2004, Trooper Gibbens was patrolling the upper Swift River when he noticed airplane ski tracks in close proximity to a very fresh wolf trail. The next day, Trooper Gibbens flew back to the Swift River area and followed the wolf tracks to a location where the wolves had been eating on a moose kill. Just upstream from the moose kill, Trooper Gibbens observed wolf tracks indicating that the wolves had scattered off the moose in an attempt to flee across the river and into the trees. After what appeared to be multiple rapid direction changes, one of the tracks ended in a blood spot on the snow near a set of distinctive airplane ski tracks. Further investigation revealed three additional wolf kill sites located outside of the McGrath predator management control area.

Over the next few days, evidence was collected from all of the kill sites which lead Troopers to believe that David Haeg ("Haeg") and Tony Zellers ("Zellers") were

responsible for killing the wolves from an airplane outside of the McGrath predator management control area. At or near these sites, Troopers found copper shotgun pellets, .223 rifle casings, snares and traps with very distinctive set patterns, shoe prints, ski tracks, wolf blood and hair of which samples were selected.¹

Based on Trooper investigations, a total of five search warrants were issued. Search Warrant 4MC-04-001 SW was issued for Haeg's lodge known as Trophy Lake Lodge.² Search Warrant 4MC-04-002SW was issued for the residence of David Haeg located at 32283 Lakefront Dr. in Soldotna, Alaska.³ On April 1, 2004, Search Warrant 4MC-04-002SW was executed and a copy of warrant and a list of the items seized was left at the residence. Search Warrant 4MC-04-003SW was issued for Haeg's purple and silver Piper PA-12 Super Cruiser with a tail number of N4011M. The warrant was also executed on April 1, 2004 and the plane was seized. Search Warrant 4KN-04-81SW was issued on April 2, 2004 to search for wolf skulls and bones at Kenny Jones Taxidermy studio located at 48640 Jones Road in Soldotna, Alaska. This warrant was issued the next day and 11 wolf skulls were seized. Search Warrant 4MC-04-004SW was applied for on April 2, 2004, to search Alpha Fur Dressers in Anchorage for wolf

¹ Troopers found a total of six MB-750 wolf traps and two wolverines caught in snares. Troopers seized all of the operational wolf traps and the two wolverines since wolf trapping and wolverine season both ended on March 31, 2004.

² Troopers seized the following evidence: (1) wolf carcasses and parts; (2) samples of blood and hair; (3) Ruger Mini-14 magazines with .223 Remington Wolf ammunition; (4) a copper plated 00 buck shot pellet; (5) bloody paper towels; (6) photos; (7) Traps similar to ones found near wolf kill sites - seized on March 2, 2004; and (8) samples of wolf meat also seized on March 2, 2004.

³ The warrant application for Search Warrant 4MC-04-002SW included a request to search for the following items: .223 caliber rifles, 12 guage shotguns, ammunition, spent shell casings, navigational maps, wolf hides, wolf carcasses or parts, blood or hair samples, video or still camera footage or photos, bunny boots, snares, written records of flight locations or the hunting or trapping of wolves, all taxidermy paperwork and transfer of possession information or forms, landing gear, ski's, tail wheels and satellite telephones. Troopers seized two cameras, .223 rifle casings, rope, 12 guage shotgun shells, wolf hair, miscellaneous snares, two courts of oil, miscellaneous ammunition, white cord, and samples of wolf hair and blood.

hides dropped off by Haeg or Zellers. This warrant was executed the following day and nine wolf hides were seized. Three of the nine wolf hides were sealed with same day airborne seals, but eight of the hides showed signs of beings show with a shotgun from an airplane and contained no evidence of trap or snare damage.

Haeg, following a jury trial in which he was represented by counsel, was convicted for various misdemeanor offenses alleging violations of Title 8, 11 and 16, and regulations promulgated under those statutes. He was sentenced on September 30, 2005, by District Court Judge Margaret L. Murphy for the nine counts upon which he was found guilty. Counts I through V were convictions for Unlawful Acts by a Guide for Taking Game on the Same Day Airborne (AS 8.54.720(a) (15)), Counts VI and VII for Unlawful Possession of Game (5AAC 92.140(a)), Count VIII for Unsworn Falsification (AS 11.56.210(a)(2)), and Count IX for Trapping in a Closed Season (5 AAC 84.270(14)).

On February 5, 2007, the Court of Appeals remanded this case to the district court to determine the limited issue of whether or not Haeg was entitled to the return of any of his property which was seized and/or forfeited as part of this matter. Specifically, the Court of Appeals order states that “[j]urisdiction in this case is remanded to the District Court for the limited purpose of allowing Haeg to file a motion for the return of his property which the State seized in connection with this case.” The Court of Appeals did not remand Haeg’s case to re-litigate the legality of the search

warrants and/or the seizure of Haeg's property.⁴ Similarly, the issue of the suppression of evidence in Haeg's criminal proceeding is not before this Court.⁵

Haeg's sentence, in addition to jail time, fines and forfeiture of his guide's license, included the forfeiture of illegal wolf and wolverine hides, the Piper PA-12 with tail number N4011M, and the seized guns and ammunition. Non-forfeited evidence, other than evidentiary items necessary in the event of a re-trial, may be returned to Haeg. On March 28, 2007, the Alaska State Troopers contacted Haeg regarding the return of his property which was seized in this case. The letter identified the property that the State was willing to return and provided Haeg with instructions for claiming his property. Specifically, the letter identified the following items of evidence that could be claimed:

- (1) Item 504 – five pair of bunny boots;
- (2) Item 505 – one pair of bunny boots;
- (3) Item 507 – camera;
- (4) Item 508 – camera;
- (5) Item 510 – rope;
- (6) Item 511 – satellite telephone;
- (7) Item 513 – shotgun shells;

⁴ The legality of the search warrants should no longer be an issue due to the fact that Haeg repeatedly admitted during the hearing held on June 7, 2007 that his property was not illegally seized, but rather that he was denied a prompt hearing for the return of his property.

⁵ Again, Haeg was told over and over by this Court that the Court of Appeals did not give the District Court jurisdiction to suppress evidence in a case that has already gone to trial. Despite the Court's warning with respect to its limited jurisdiction, Haeg still seeks to have the evidence that was presented at his trial suppressed. This is an improper request on the part of Haeg and should be ignored and/or denied by the Court.

- (8) Item 514 – wolf snares;
- (9) Item 515 – maps;
- (10) Item 516 – bag of ammo;
- (11) Item 517 – two quarts of oil;
- (12) Item 518 – green cord;
- (13) Item 520 – aeroshell oil; and
- (14) Item 521 – white cord.

See Exhibit 1. The items on this list were not forfeited and it has been determined that they are not necessary for purposes of appeal and/or retrial. Despite the State's offer to return the above items, Haeg still included these items on in his Motion for Return of Property and to Suppress Evidence. The State is still willing to return the above identified items.

I. Legal Argument.

In this Motion for Return of Property and to Suppress Evidence, Haeg argues that he is entitled to the return of his property, not because the law supports his claim, but rather because he did not receive a post seizure hearing. Haeg claims that this lack of an immediate post seizure hearing resulted in a constitutional due process violation that justifies this Court now ordering the return of his property. In making this argument, Haeg completely ignores the fact that he and his counsel never asked for a hearing. Haeg faults the State for not scheduling an immediate post seizure hearing.⁶ Haeg

⁶ Haeg attempts to impermissibly shift the burden for seeking a post seizure hearing from himself to the State. Essentially, he is claiming that for the seizure to be valid, the State had to schedule a post seizure hearing. This argument is without support.

further ignores the limited jurisdiction granted this Court for the hearing and asks that this Court suppress the evidence used in his criminal trial and find the forfeiture statutes unconstitutional. Finally, Haeg cites and quotes from a great number of cases, but fails to demonstrate for the Court or the prosecution how these cases support the issue that is validly before the Court – the return of his property.⁷

Haeg's property was seized under AS 16.05.190. Following trial, certain items of Haeg's property was forfeited under AS 16.05.195. The above identified statutes provide as follows:

Sec. 16.05.190. Seizure and disposition of equipment.

Guns, traps, nets, fishing tackle, boats, aircraft, automobiles or other vehicles, sleds, and other paraphernalia used in or in aid of a violation of this chapter or a regulation of the department may be seized under a valid search, and all fish and game, or parts of fish and game, or nests or eggs of birds, taken, transported, or possessed contrary to the provisions of this chapter or a regulation of the department shall be seized by any peace officer designated in AS 16.05.150. Upon conviction of the offender or upon judgment of the court having jurisdiction that the item was taken, transported, or possessed in violation of this chapter or a regulation of the department, all fish and game, or parts of them are forfeited to the state and shall be disposed of as directed by the court. If sold, the proceeds of the sale shall be transmitted to the proper state officer for deposit in the general fund. Guns, traps, nets, fishing tackle, boats, aircraft, or other vehicles, sleds, and other paraphernalia seized under the provisions of this chapter or a regulation of the department, unless forfeited by order of the court, shall be returned, after completion of the case and payment of the fine, if any.

Sec. 16.05.195. Forfeiture of equipment.

⁷ Haeg's motion is also unnecessarily voluminous. Alaska Rule of Criminal Procedure 42(b)(2) provides that a motion shall consist of a "brief, complete written statement of the reasons in support of the motion." Given the lack of legal support for Haeg's position and the willingness of the State to return some of the property seized, there was no reason for Haeg to file a 60 page motion.

(a) Guns, traps, nets, fishing gear, vessels, aircraft, other motor vehicles, sleds, and other paraphernalia or gear used in or in aid of a violation of this title or AS 08.54, or regulation adopted under this title or AS 08.54, and all fish and game or parts of fish and game or nests or eggs of birds taken, transported, or possessed contrary to the provisions of this title or AS 08.54, or regulation adopted under this title or AS 08.54, may be forfeited to the state

(1) upon conviction of the offender in a criminal proceeding of a violation of this title or AS 08.54 in a court of competent jurisdiction; or

(2) upon judgment of a court of competent jurisdiction in a proceeding in rem that an item specified above was used in or in aid of a violation of this title or AS 08.54 or a regulation adopted under this title or AS 08.54.

Haeg's property was lawfully seized pursuant to search warrant. Haeg failed to challenge the seizure of his property or to seek a post seizure hearing for the return of his property. Following his conviction, the trial court exercised its discretion to lawfully forfeited much of the property seized. *See* AS 16.05.195. The remaining property, other than that identified above as having no evidentiary value, must be held by the State pending the outcome of Haeg's appeal. *See* AS 16.05.190 (providing that evidence seized, unless forfeited, "shall be returned, after completion of the case...."). Haeg failed to support his claim that all of his property seized should be returned by this Court and the State therefore asks that this Court deny the present motion and only return the property that the State has already told Mr. Haeg it would return.

A. Haeg's failure to seek a post seizure hearing does not justify this Court returning his property.

Haeg's first argument alleges that he and his wife had an absolute right to a hearing and/or notice of a hearing to contest the State's seizure and/or planned forfeiture

of their property within days if not hours of the property being seized. Haeg seeks an order of this Court, among other impermissible requests, directing the State to return evidence lawfully seized and forfeited in this case. Haeg's first argument is essentially a due process argument in which he claims that the State was required to provide him with a hearing so he could challenge the search warrant which led to the collection of the evidence, his conviction and eventual forfeiture of the items seized.⁸ Haeg fails in this motion to cite to a single case and/or statute that supports his position that the property lawfully seized and forfeited should be returned following his conviction. Because he is both legally and factually mistaken, his motion should be denied.

Parts of Haeg's motion should be denied due to the fact that the District Court lacks jurisdiction to grant the relief sought. The Court of Appeals remanded this matter to the McGrath District Court for the limited purpose of "allowing Haeg to file a motion for the return of his property which the State seized in connection with this case." The District Court does not have jurisdiction to decide anything outside of this limited issue of the return of property. Finally, it should also be noted that Haeg further ignored the expressed direction of this Court by failing to cite to any authority which supports his contention that the property seized by the State is to be returned.

A motion for the return of property in a criminal case is procedurally governed by the Alaska Rules of Criminal Procedure. Criminal Rule 37(c) specifically addresses

⁸ It should be noted that Haeg and/or his counsel never sought a pre-trial hearing to challenge the validity of the State's search warrants nor did he file any motions seeking the return of his property pending the outcome of his trial.

the issue of motions for return of property and suppression of evidence. Subsection (c) provides:

Motion for return of property and to suppress evidence. A person aggrieved by an unlawful search and seizure may move the court in the judicial district in which the property was seized or the court in which the property may be used for the return of the property and to suppress for use as evidence anything so obtained on the ground that the property was illegally seized.

Haeg was served with copies of the search warrants on the date of execution which put him on notice that the State had seized his property pursuant to a warrant. Criminal Rule 37 (c) provided a mechanism for him to challenge the lawfulness of the seizure and to seek the return of his property. Whether Haeg and/or his counsel exercised this right or not is irrelevant. The law provided due process for Haeg to challenge the validity of the search warrants and to seek the return of his property.

Once Haeg was charged, Criminal Rule 12 applied. Subsection (b) regulates pretrial motions and permits a defendant to challenge the evidence which may be used against him at trial. Alaska Criminal Rule 12 (b) (3) specifically provides a mechanism for a defendant charged with a crime to suppress evidence on the ground that it was illegally obtained. Failure to move to suppress evidence constitutes a waiver. Criminal Rule 12 (e) provides:

Effect of failure to raise defenses or objections. Failure by the defendant to raise defenses or objections or to make requests which must be made prior to trial, at the time set by the court pursuant to section (c), or prior to any extension thereof made by the court, shall constitute waiver thereof but the court for cause shown may grant relief from the waiver.

Again, it is irrelevant whether Haeg chose to exercise his right or not. The law provided a mechanism for him to do so and his due process rights were satisfied. Apparently Haeg's attorney did not file a motion for return of property or seek suppression and this court should not second guess the decision. It is also legally irrelevant whether Haeg personally assented to his attorney's tactical decision not to seek the return of Haeg's property or the suppression of evidence. *Beltz v State*, 895 P.2d 513 (Alaska App. 1995); *see Cornwall v. State*, 909 P.2d 360 (Alaska App. 1996).

Haeg repeatedly claims that the State was required to provide him with more due process. Haeg argues that the State was required to provide him with a hearing immediately upon seizure of his property. However, his argument fails because he relies upon the civil rules which necessarily do not apply to the criminal case. Specifically, Haeg's reliance on Alaska Rule of Civil Procedure 89 is misplaced. Civil Rule 89 pertains to prejudgment attachment, and the very first sentence states: "After a civil action is commenced, the plaintiff may apply to the court to have the property of the defendant attached under AS 09.40.010-.110 as security for satisfaction of a judgment that may be recovered." No civil action commenced and Haeg's reliance on other portions of the rule is simply misplaced.

Because Haeg misconstrues the procedural rules, his reliance on the case law is also misplaced.⁹ Haeg relies upon numerous cases in his "Arguments" section in

⁹ Haeg cites to a number of civil cases and U.S. Supreme Court cases that are not on point and he fails to present any argument or analysis as to how these cases apply. The State's Opposition responds to those cases that are on point.

support of his argument: *F/V American Eagle v. State*, 620 P.2d 657(Alaska 1980) and *Waiste v. State*, 10 P.3d 1131(Alaska 2000). Both of these cases indicate that the procedural protections granted by the criminal rules and as they were followed here, satisfies a defendant's right to due process. In *F/V American Eagle* the court recognized that both the Alaska and Federal Constitutions require notice and an opportunity for hearing at a meaningful time when property is seized. In *American Eagle*, the Court found that the owners of the vessel were provided sufficient due process because the vessel was seized pursuant to a judicially authorized warrant, the vessel owners were formally notified of the State's action, and the vessel owners had "an immediate and unqualified right to contest the State's justification for the seizure before a judge under Criminal Rule 37 (c)." *F/V American Eagle*, 620 P.2d at 677. This is the exact same process the State followed in seizing and forfeiting Haeg's property.¹⁰

In *Waiste* the court revisited some of the issues raised in *F/V American Eagle* including seizure and forfeiture of a fishing vessel where the criminal charges resulted in acquittal, but the State still could have proceeded with a civil forfeiture. The court reviewed dicta in *American Eagle* and *State v. F/V Baranof*, 677 P.2d 1245 (Alaska 1984) and federal law to determine whether the Due Process Clause of the Alaska Constitution would require more than a prompt post seizure hearing. *Waiste*, 10 P.3d at 1147. In deciding this issue in *Waiste*, the Court stated: "[W]e balance the State's interest in avoiding removal or concealment with the likelihood and gravity of error in

¹⁰ A review of the file suggests that forfeiture of the aircraft was contemplated at all times throughout the plea negotiations in this case. The return of the aircraft was apparently not a consideration.

the relevant class of cases, and, in so doing, we hold that a blanket rule of *ex parte* seizure comports with due process.” *Id.* at 1152.

Haeg was placed on notice by the State that his property had been seized. Haeg was entitled to a post seizure hearing, but evidently chose not to exercise his right. Consequently, Haeg cannot now come before this Court and claim in good faith that he was denied his constitutionally protected right of due process. There was no lack of due process in this case and Haeg’s property should not be returned on the grounds that he and/or his lawyer failed to seek an immediate post seizure hearing.¹¹

B. Haeg’s Meritorious Defense Claims Fail to Support His Motion for Return of Property Lawfully Seized

Haeg’s second argument makes unsupported allegations that he had an unbeatable defense against the State charges, but that the State’s witnesses committed perjury which resulted in his conviction. Haeg’s alleged “Meritorious Defense” and/or the alleged perjury committed by State witnesses are both issues that Haeg needs to raise on appeal or in a PCR application, not in a motion for return of his property.

Haeg’s first argument under this section alleges that Jackie Haeg is an innocent owner and that forfeiture of her interest in the property seized violates Alaska’s constitutional due process. Haeg cites to *State v. Rice*, 626 P.2d 104 (Alaska 1981) to support his claim that Jackie’s constitutional rights were violated.¹² *Rice* was a case in

¹¹ AS 16.05.190-.195 and AS 08.54.720(f)(4) authorize the forfeiture of Haeg’s airplane upon conviction. *See Waiste*, 10 P.3d at 1152-53.

¹² Haeg additionally cites to a number of civil cases to support his “Meritorious Defense” argument. The State, however, has previously addressed the issue of the application of civil cases and/or statutes to the pending motion and for purposes of brevity, the State will not reiterate its argument again.

which the defendant was found guilty of game violations while using an airplane. The Superior Court forfeited Rice's airplane and Cessna Finance Corporation filed a civil suit for the remission of its interest in the airplane on the basis that it was an innocent non-negligent third party. On appeal, the Alaska Supreme Court held that forfeiture should not apply to an innocent non-negligent third party. *See id* at 110. The Court further held that the party alleging to be an innocent non-negligent third party must prove the following: (1) ownership and/or a security interest; (2) a lack of knowledge that the property was being used for illegal purposes; and (3) lack of negligence. *See id*.

This Court should deny this portion of Haeg's motion due to the fact that Jackie Haeg has no standing in the motion currently before this Court, Haeg failed to prove any of the factors set forth in *Rice*, and this Court lacks jurisdiction to consider this issue. First, the Court can not consider Jackie Haeg's claim, due to the fact that she is not a party to the current proceedings.¹³ Second, Haeg has failed to establish any of the factors set forth by *Rice*. Specifically, Haeg has not established that Jackie Haeg was a part owner of the airplane seized, that she lacked knowledge of Haeg's illegal wolf hunting activities and that she was not negligent in her lack of knowledge. Finally, the Court of Appeals remanded jurisdiction in this matter to the District Court for the limited purpose of determining if David Haeg, not Jackie Haeg, is entitled to the return of any of the property seized and/or forfeited. Thus this Court should reject this portion of Haeg's motion.

¹³ In *Rice*, Cessna Finance Corp. had filed a civil suit for the return of its property and was a named party in the appeal to the Alaska Supreme Court.

Haeg next argues that the alleged false statements in the affidavits supporting the search warrants resulted in the illegal seizure and forfeiture of his property. This argument is outside of the limited jurisdiction of the District Court, is without support, was waived in the trial proceedings, and is an issue that needs to be raised on appeal or in a PCR application. Based on all of the reasons given above, this Court should not grant Haeg's motion based on any of the arguments set forth in his "Meritorious Defense" section.

C. The Criminal Forfeiture Statutes are Constitutional

Haeg's final argument alleges that the criminal forfeiture statutes AS 16.05.190 and 195 are unconstitutional. Haeg cites to a number of cases and civil statutes that allegedly support his claim that AS 16.05.190-195 are unconstitutional. Haeg's argument is without support and ignores the law of the State of Alaska and therefore Haeg's motion should be denied.

The Alaska Supreme Court analyzed AS 16.05.190-195 in the case of *Graybill v. State*, 545 P.2d 629 (1976). The defendant in *Graybill* was convicted of possession and attempted transportation of a bear hide by airplane. Graybill challenged the forfeiture of his plane by claiming that the trial court lacked authority to forfeit his plane. The Supreme Court held that the trial court had authority to order the forfeiture of the defendant's airplane which was used in violation of game laws. The Court noted that following Graybill's conviction, the Legislature enacted AS 16.05.195(a), which expressly provides for forfeiture through either a civil or criminal proceeding. The court further noted that under AS 16.05.195, a civil proceeding was not necessary for

the State to forfeit property. The Court reasoned that there was no benefit to a separate civil proceeding as any arguments available to the defendant to prevent forfeiture in a civil case were also available to the defendant in a criminal trial at sentencing. In upholding the forfeiture of Graybill's airplane, the Alaska Supreme Court, by implication, found the forfeiture statute passed by the Legislature to be constitutional.

The legality of AS 16.05.195 was again challenged in the case of *Jordan v. State*, 681 P.2d 346 (Alaska App. 1984). In *Jordan*, the defendant was convicted of taking a black bear the same day airborne and the court forfeited the defendant's airplane. Jordan challenged the forfeiture of his airplane by claiming that the sentence was illegal and in the alternative that it was excessive. The Court of Appeals held that the forfeiture of an airplane under AS 16.05.195 was neither illegal nor excessive. The Court of Appeals further held that the forfeiture was appropriate due to the fact that it was the instrumentality by which Jordan committed the offense of same day airborne. Additionally, the Court of Appeals has previously ruled that the process for forfeiture in criminal cases meets the constitutional due process requirements. See *Waiste*, 10 P.3d at 1152 (holding that a "blanket rule of *ex parte* seizure comports with due process.").

In the case at bar, Haeg's airplane was the instrumentality by which he committed the crime of same day airborne and unlawful possession. Given the nexus between the airplane, guns, hides, traps, etc., and the crimes committed, the forfeiture of these items was not only legal, but appropriate.

This Court should further deny Haeg's constitutional claims on the grounds that this Court lacks jurisdiction and waiver. First, this Court lacks jurisdiction to consider

the constitutionality of AS 16.05.190-195. The State bases this jurisdictional argument on the remand order issued by the Court of Appeals. The order remanded jurisdiction in this case to the District Court for the limited purpose of determining if Haeg is entitled to the return of his property, not whether or not the forfeiture statutes are constitutional.

Second, Haeg's constitutional argument should be denied due to the fact that Haeg never raised this issue with the trial court. In *Waiste*, the Court of appeals held that the defendant waived any right to challenge the constitutionality of AS 16.05.190-195 due to the fact that a constitutionality argument was never raised with the trial court.

Conclusion:

Based on the reasoning set forth above, this Court should deny Haeg's Motion for the Return of Property and Suppression of Evidence in its entirety.

Dated this 22nd day of June, 2006 at Anchorage, Alaska.

TALIS COLBERG
ATTORNEY GENERAL

By: 

Andrew Peterson
Assistant Attorney General
Alaska Bar No. 0601002

This is to certify that a copy of the foregoing
is being mailed via DHL to:

David Haeg, 32283 Lakefront Dr., Soldotna


Clerk

6/22/07
Date



State of Alaska
Department of Public Safety
Division of

Alaska State Troopers

Sarah Palin, Governor
Walt Monegan, Commissioner

*Copied
mailed 3-28-2007
Soldotna*

March 28, 2007

David Scott Haeg
32283 Lakefront Drive
Soldotna, AK 99669

David Haeg
PO Box 123
Soldotna, AK 99669

Reference: **Return of Property**
Alaska Wildlife Troopers
Case # 040023593

Currently held in the Alaska Wildlife Trooper evidence facility in Soldotna, Alaska are items from Alaska Wildlife Trooper's Case # 040023593, items # 504, 505, 507, 508, 510, 511, 513, 514, 515, 516, 517, 518, 520 and 521 have been authorized to be released to you.

If you would like to obtain this property, please contact me at (907) 260-6811 to set up an appointment. Evidence Room hours are between 08:30 a.m. to 12 p.m. and 2 p.m. to 4 p.m. Tuesday through Friday.

Please do not show up without an appointment. If I am not available or out of the office, your property will not be released to you at that time.

A picture ID will be required before the property can be released.

If the property is not claimed within **thirty (30)** days from the date of this letter, the items will be properly disposed of. Thank you for your time in this matter.

Respectfully Submitted,

Evidence Custodian
Alaska Wildlife Troopers

Certified Mail # 7002 0510 0000 6077 0690

If you do not wish to obtain these items, you may sign below and return this letter.
I do not wish to obtain these items, please dispose of them.

Signed: _____

Alaska Bureau of Wildlife Enforcement
44009 Kalifornsky Beach Rd • Soldotna, AK 99669 • Voice (907) 262-4573 • Fax (907) 262-9664

Exh. 1 pg. 1 of 1

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT MCGRATH

DAVID HAEG)

Appellant,)

vs.)

STATE OF ALASKA,)

Appellee.)

Case No.: A-09455

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

Order

Haeg's Motion for the Return of Property and Suppression of Evidence is denied.

Haeg is only entitled to the return of property identified by the State in Exhibit 1 attached to this Order.

Magistrate David Woodmancy