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IN THE SUPREME COURT FOR THE STATE OF ALASKA

WILLIAM BIGLEY,)
)
Appellant,)
)
vs.)
)
ALASKA PSYCHIATRIC)
INSTITUTE,)
)
Appellee.)

Supreme Court No. S-13353

RECEIVED
DEC 10 2008

Trial Court No. 3AN-08-1252 PR

MOTION FOR STAY OF APPEAL PENDING OUTCOME OF REPRESENTATION
HEARING IN THE SUPERIOR COURT

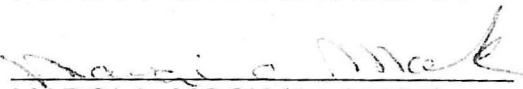
VRA AND APP. R. 513.5 CERTIFICATION

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. I further certify, pursuant to App. R. 513, that the font used in this document is Universal 12 point.


COMES NOW The Alaska Public Defender Agency, counsel of record in the court below, and requests that this court stay further action on the Notice of Appeal in this case filed on December 1, 2008, by Attorney James Gottstein.

This motion is supported by the attached affidavit of counsel.

DATED at Anchorage, Alaska, on December 09, 2008.

PUBLIC DEFENDER AGENCY

MARGI A. MOCK (87-06037)
ASSISTANT PUBLIC DEFENDER

CERTIFICATE OF SERVICE AND APP. R. 513 CERTIFICATION

The undersigned hereby certifies that on December 09, 2008, a true and correct copy of the foregoing document, **Motion for stay of appeal pending outcome of rep hearing**, was faxed/**mailed**/hand-delivered on to the following: James Gottstein, Laura Derry (AGO), Erin Pohland (AGO) and Marieann Vassar. The undersigned further certifies, pursuant to App. R. 513.5, that the font used in this document is Arial 12.5 point. By: KNL 

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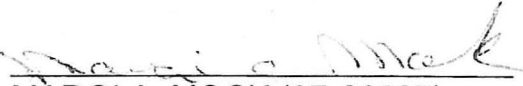
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STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

Margi A. Mock, being first duly sworn upon her oath, deposes and states as follows:

1. I am the supervisor of the appeals section of the Alaska Public Defender Agency. On October 20, 2008, the Alaska Public Defender Agency was appointed to represent Mr. Bigley on a petition for 30-day commitment.

2. On October 21, 2008, a contested commitment hearing was held with Mr. Bigley represented by the Public Defender Agency. At this hearing, attorney James Gottstein appeared and told the court that he was making a "limited entry of appearance" to address issues of medication of Mr. Bigley. The court did not hear evidence related to the medication petition and indicated that a separate proceeding

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3. On October 27, API filed a petition to medicate Mr. Bigley. The court calendared a medication hearing for October 28 and treated Mr. Gottstein as sole counsel for Mr. Bigley. No lawyer from the Public Defender Agency was present.

4. At a continued hearing on November 5, Mr. Bigley's Assistant Public Defender appeared and objected to Mr. Gottstein's limited appearance and stated that Mr. Gottstein should be required to substitute in as counsel for Mr. Bigley if he continued to advocate on Mr. Bigley's behalf. The Assistant Public Defender also requested that the court inquire of Mr. Bigley regarding the issue of representation. The court declined to do so, stating that Mr. Gottstein entered a limited appearance pursuant to Alaska Civil Rule 819(d)(2) and that the Public Defender Agency's appointment would continue in the event a 90-day commitment petition was filed.

5. The court also indicated that Mr. Gottstein would not participate in subsequent commitment proceedings, but on November 17, 2008, API filed a petition for a 90-day commitment and Mr. Gottstein filed a motion to be served with those pleadings and seeking continued participation in the commitment proceedings in violation of the Public Defender Agency's enabling statute which does not contemplate a co-counsel relationship with private counsel. Following a contested hearing at which the Public Defender Agency represented Mr. Bigley, the court entered an order granting a 90-day commitment. Mr. Gottstein filed an appeal of the medication order and the commitment order in Case No. S-13353.

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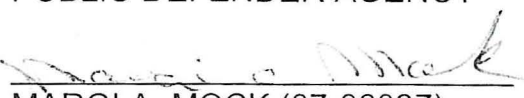
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
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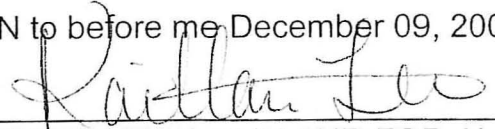
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6. The Public Defender Agency and Mr. Bigley have filed a motion for a representation hearing to determine Mr. Gottstein's status in continued litigation and on appeal. I am requesting that this court stay the appeal in Case No. S-13353 until after the representation hearing, which should be scheduled within the next two weeks.

Further your affiant sayeth naught.


MARGITA. MOCK (87-06037)
Assistant Public Defender

SUBSCRIBED AND SWORN to before me December 09, 2008.


NOTARY PUBLIC IN AND FOR ALASKA
My Commission Expires: With office



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