DEAR JUDGE MOTTO: NOV. 13, 2007

I WISH TO INFORM YOU THAT I WILL REPRESENT MYSELF AT THE UPCOMING HEARING ON NOV. 28, 2007 AND MY APPEARANCE IN YOUR COURTROOM SHOULD BE ARRANGED WITH THE PRISON OFFICIALS.

I ALSO WANT TO REPRESENT MYSELF IN MY APPEAL TO THE SUPERIOR COURT, AND ANY OTHER APPEALS RELATED TO MY CASE.

I WOULD ASK THAT YOU LEAVE MR. LESLIE AS CO-COUNSEL OR ASSIGN HIM FOR THE PURPOSE OF INSURING THAT ALL "TECHNICAL" ASPECTS OF THE APPEAL REMAIN IN PROPER PLACE SO THAT I DO NOT FORFEIT ANY RIGHTS RELATED TO THE PRESERVATION OF ANY ISSUES RAISED ON THIS APPEAL.

I ALSO SPECIFICALLY ASK THAT YOU KINDLY ALLOW ME AMPLE OPPORTUNITY TO ACCESS, BY COMPUTER, MY FILES AND WORK PRODUCT RELATED TO THIS APPEAL INCLUDING COPIES OF BRIEFS I HAD PREPARED. ALL OF THESE DOCUMENTS ARE IN MY EMAIL 'FOLDERS'. THIS COULD BE DONE BY ALLOWING ME TO USE 'ANY' COMPUTER [COURT HOUSE OR MR. LESLIE'S OFFICE] - AS I DO NOT OWN A COMPUTER. THIS OPTION IS NOT OFFERED IN PRISON. I WOULD NEED SEVERAL HOURS TO COMPLETE THIS TASK.

AS OF THIS DATE I HAVE HAD NO COMMUNICATION WITH MY ATTORNEYS ABOUT THE SPECIFICS OF MY APPEAL

2) OR THE COURT CALENDER AND DOCKET. THIS DESPITE TWO LETTERS I SENT REQUESTING THIS INFORMATION.

WHILE I AM APPRECIATIVE OF THE FACT THAT MY ATTORNEYS HAVE WORKED "PRO-BONO" THERE ARE, NEVER-THE-LESS, SOME THINGS WHICH I HAVE ASKED THEM TO DO THAT WERE LEFT UNDONE. PLEASE BE AWARE THAT SINCE MY ARREST IN 2004 THAT "I" HAVE PLAYED THE LEADING ROLE IN RESEARCHING AND DEVELOPING MY OWN ARGUMENTS: MOST OF WHICH - CONTRARY TO MY WISHES - HAVE NOT BEEN 'PRESENTED' TO THE COURT.

WHILE I CAN APPRECIATE THAT MY ATTORNEYS ARE BUSY, I ALSO PRACTICED MEDICINE FOR 30 YEARS: AND RARELY MISSED A CHANCE TO RETURN A CALL. I HAVE TREMENDOUS PERSONAL ADMIRATION AND I LIKE MY ATTORNEYS: I JUST WANT TO PASS MY LIMITED TIME LEFT ON EARTH SPEAKING FOR MYSELF. IT WAS MY ORIGINAL INTENT TO REPRESENT MYSELF AT TRIAL. I WAS TALKED OUT OF IT. WHO KNOWS THE ISSUES BETTER THAN I DO? NO-ONE.

I WISH I COULD CONVEY TO YOU WHAT IT'S LIKE TO BE ACCUSED AND CONVICTED OF A "CRIME" THAT I NEVER COMMITTED. I DON'T THINK THIS COURT REALLY UNDERSTANDS WHAT I'VE GONE THROUGH.

BEST WISHES

Wm. Magnus F, MD.

1)

COMM. V. WM. MANGINO, M.D.

CASE 1181 OF 2004

SEE ALSO: SUPPLEMENT TO THIS BRIEF

BRIEF IN SUPPORT OF PETITIONER'S MOTION

PETITIONER ARGUES AND ALLEGES THAT HIS SIXTH AND FOURTEENTH AMENDMENT RIGHTS TO A FAIR AND IMPARTIAL JURY WERE LEFT UNPROTECTED BY THE COURT.

THIS OCCURRED AS A RESULT OF SEVERAL FACTORS COMING INTO PLAY ALMOST CO-TERMINUS IN TIME.

AFTER ONLY 10 HOURS OF DELIBERATIONS THE JURY WAS CALLED INTO OPEN COURT AND ASKED TO OUTLINE ANY QUESTION IT MIGHT HAVE; PRESUMABLY TO ELIMINATE CONFUSION. PRIOR TO THAT, ON SEVERAL OCCASIONS, THE TRIAL JUDGE HAD WARNED THAT THIS TRIAL WAS A "HIGH-PROFILE" CASE.

UNBEKNOWNST TO THE COURT, AND ACCORDING TO ONE JUROR, VALERIE FEE, THE FOREMAN TOLD SEVERAL JURORS AT THE COMPLETION OF DELIBERATION, THAT REFUSAL TO SIGN THE VERDICT FORM WOULD CAUSE THEM TO BE HELD "IN CONTEMPT OF COURT." ACCORDING TO FEE, THIS WAS IN RESPONSE TO SEVERAL JURORS VOICING THEIR OPPOSITION TO A GUILTY VERDICT.

FEE TOLD THIS STORY AFTER LEAVING THE COURT PREMISES. IT WAS RECOUNTED TO A GROUP OF PRISONERS AT LAWRENCE COUNTY JAIL BY CHARLES WARREN; FEE'S UNCLE. WARREN TOLD PETITIONER THAT 5 JURORS SAID "THAT DOCTOR IS INNOCENT." PETITIONER DID NOT KNOW FEE OR WARREN, AND HAD MADE NO ATTEMPT TO CONTACT THEM.

EITHER BEFORE OR AFTER SPEAKING WITH WARREN: OTHER THAN TO ASK WARREN IF FEE WOULD "MIND TELLING THE JUDGE" THE STORY, PETITIONER DID LATER SPEAK, BY PHONE, WITH FEE, AT "HER" REQUEST; WHERE THE STORY WAS REPEATED, PETITIONER THEN ADMONISHED FEE TO "CALL THE JUDGE."

PETITIONER NOW STATES THAT HE BELIEVES THE JURORS CAN BE CALLED TO TESTIFY ON THIS MATTER. HE FURTHUR ARGUES THAT THE ATTEMPT ON THE PART OF THE COURT TO FIND OUT IF THE JURY WAS HAVING DIFFICULTY DELIBERATING WAS A SUBTLE DELIVERANCE OF A MESSAGE THAT THERE WAS SOME RUSH TO REACH A QUICK DECISION, SUGGESTIVE OF "GUILT" AND THAT THE FAILURE TO INCLUDE THE SPENCER CHARGE (WHERE JURORS COULD BE GIVEN SOME ASSURANCE FROM THE COURT THAT THEY "COULD" HOLD THEIR OPINIONS - IF BASED SOLELY ON EVIDENCE - "INVIOLABLE") WAS NOT HARMLESS ERROR ON THE PART OF THE COURT: WHEN THE REPEAT REFERENCES TO "HIGH-PROFILE" AND JUROR INTIMIDATION HAD TAKEN, AND WERE ABOUT TO BE TAKEN, RESPECTIVELY, INTO ACCOUNT.

HOPEFULLY, THIS COURT WILL RECALL THAT ON THE MORNING OF JULY 5TH, AND PRIOR TO THE JURORS RETURNING TO DELIBERATE: THE COURT DENIED A DEFENSE MOTION FOR ADDITIONAL JURY INSTRUCTIONS. THIS MOTION, HAD IT BEEN ALLOWED, WOULD HAVE

3)

HAD THE OPPORTUNITY TO MAKE JURORS AWARE THAT THE LAW INCLUDES, IN THIS GREAT NATION, ALLOWANCES FOR "DIFFERENCES IN MEDICAL EXPERT OPINION" WHICH, UNDER KANSAS V. MARAMORE, SUGGEST THE EXISTENCE OF "REASONABLE DOUBT" AND "ALTERNATIVE THEORIES" OTHER THAN "GUILT," WHEN ONE TAKES INTO CONSIDERATION THESE DIFFERENCES IN EXPERT OPINION: AS WAS THE SITUATION IN THIS INSTANT CASE TESTIMONY.

THIS PETITIONER DOES NOT BELIEVE, WHEN ONE CONSIDERS THE "SCIENCE" BEHIND OPIOID PRESCRIBING THAT SUCH A REQUEST; ESPECIALLY SINCE THIS COURT INFERRED, BY IT'S ACTIONS IN SUMMONING THE JURORS, THAT THE REQUEST FOR ADDITIONAL INSTRUCTIONS WAS TOO GREAT A BURDEN FOR THE JURY.

NOR CAN WE SAY, IN THIS CASE - GIVEN THE ALLEGATIONS BY FEE - THAT DEFENDANT-PETITIONER ENJOYED THE NORMAL SO-CALLED "PROTECTIVE" SIXTH AMENDMENT GUARANTEE'S INHERENT IN THE VOIRE-DIRE PROCESS; WHEN ONE CONSIDERS THAT THESE JURORS "SWORE" TO REACH A VERDICT BASED SOLELY ON "EVIDENCE;" RATHER THAN THE INCANTATIONS OF A JURY FOREMAN APPARENTLY IMBUED WITH THE PSEUDO-POWER COMPLEX OF A CAMPUS COP; IF WE ARE TO BELIEVE WHAT FEE TOLD US. NOR IS SUCH POTENTIALLY DISRUPTIVE BEHAVIOR EVEN

SEE: SMITH V. PHILLIPS 455 U.S. 209, 217

AMENABLE TO "DISCOVERY" THROUGH VOIRE-DIRE, THIS IS THE SAME JUROR WHO TOLD THE COURT THAT HE WOULD BE MORE LIKELY TO BELIEVE A POLICEMAN'S STORY - AN ADMIRABLE QUALITY - IF AT ALL TIMES THEY INDEED TOLD THE "TRUTH." [SEE PARKER V. GLADDEN 385 U.S. 363

THERE IS NO RULE 606(b) PROHIBITION FOR A JUROR TO TESTIFY IN MATTERS SUCH AS THESE. MY ATTORNEY'S FOUND THIS PUZZLING.

RULE 606(b) RENDERS JURORS "INCOMPETENT" TO TESTIFY ONLY AS TO (3) THREE SUBJECTS:

1.) ANY "STATEMENT" OCCURING DURING DELIBERATIONS
2.) THE EFFECT OF ANYTHING ON THE MIND OF THE JUROR AS IT RELATES TO HIS/HER "ASSENT TO" OR "DISSENT FROM" A VERDICT.
3.) THE "MENTAL PROCESS" OF THE JUROR IN CONNECTION WITH HIS "ASSENT TO" OR "DISSENT FROM" THE VERDICT.

THESE, UNDER TANNER V. U.S., 483 U.S. 107, ARE CONSIDERED "INTERNAL" INFLUENCES; ALMOST BIOLOGICAL IN NATURE. TANNER WAS ABOUT INTOXICATION OF JURORS. IT IS YET UNSETTLED AS TO WHAT PRECISELY THE "EXTERNAL" INFLUENCES SHOULD INCLUDE, UNDER TANNER. SOME CIRCUIT JUDGES ALLOW TESTIMONY, POST-VERDICT, WHEN "DUE PROCESS" IS IN QUESTION.

IN THE 3RD CIRCUIT THE PUBLIC POLICY ADVANTAGES OUTLINED BY JUSTICE O'CONNOR, IN TANNER, ARE

5)

ABLE TO BE EASILY 'CONTRAVENED' IF ONE MERELY DECIDES TO TELL THEIR STORY TO A NEWSPAPER, THIS EFFECTIVELY ELIMINATES THE PROTECTION TO THE JURY SUPPOSEDLY INHERENT AS A CONSEQUENCE OF THE TANNER COURT'S OPINION,

BE THIS AS IT MAY, RULE 606 (b) AUTHORIZES JURORS TO TESTIFY AS TO "EXTRANEOUS" PREJUDICIAL INFORMATION ASSOCIATED WITH "OBJECTIVELY VERIFIABLE CONDUCT," [J. WEINSTEIN AND M. BERGER WEINSTEIN'S EVIDENCE ¶ 606 (04) P. 606-28 [1985)] OCCURRING EITHER BEFORE OR AFTER DELIBERATIONS: WHICH ACCORDING TO FEE'S STORY TOLD TO HER FAMILY, IS PRECISELY WHAT OCCURRED.

IF ONE REVIEWS THE LEGISLATIVE HISTORY OF RULE 606 (b) ONE SEES THAT BOTH THE HOUSE AND SENATE [THE MORE RESTRICTIVE VERSION] VERSIONS WOULD HAVE PERMITTED JURORS TO TESTIFY ABOUT MATTERS NOT SPECIFICALLY INVOLVING THE DELIBERATION, "PROCESS" AS THE SOLE COMPONENT OF WHAT OCCURS BETWEEN JURORS BEFORE OR AFTER DELIBERATION

THEREFORE, ALLOWING JURORS TO TESTIFY AS TO MATTERS OUTLINED ABOVE, WHERE THE DOOR TO THE JURY ROOM DOES NOT CLEARLY ESTABLISH THE BARRIER BETWEEN "INSIDE" AND "OUTSIDE", INVOLVES NO HAZARD TO ANY VALUE SOUGHT TO BE PRESERVED UNDER RULE 606 (b).

AND ANY RULE THAT PUTS ALL JURY DECISIONS "OUT OF REACH" BECOMES MEANINGLESS WHEN THE NEEDS OF THE JURY "SYSTEM" ITSELF SUPPLANTS THE CONSTITUTIONAL GUARANTEES TO A FAIR AND IMPARTIAL HEARING. IF POLICY CONSIDERATIONS THREATEN THE CONSTITUTIONAL RIGHT TO A FAIR TRIAL AND IMPARTIAL JURY, THEY MUST GIVE WAY. [PARKER V. GLADDEN 385 U.S. 363, MATTOX V. U.S. 146 U.S. 140] IN WHICH CASE, PETITIONER ASKS AGAIN THAT THIS COURT

1.) NULLIFIES THE VERDICT, OR;
2.) DECLARES A MISTRIAL OR
3.) VOID THE STATUTE | OR THE CONVICTION

[780-113(A)(14)(iii) AS "CONTOURED" IN COMMONWEALTH V. STOFFAN: ALLOWS THE PHYSICIAN DISCRETION IF A.) THE PATIENT IS EXAMINED, B.) THE PATIENT HAS PAIN, EVEN IF SIMULTANEOUSLY ADDICTED OR "DRUG DEPENDANT." INADEQUATE RECORD DOCUMENTATION IS NOT AN ELEMENT OF THE CRIME WITHIN THE MEANING OF THE STATUTE, NOR DOES IT DEFINE A SEGMENT OF THE MEDICAL PROFESSION AS BEING "RESPONSIBLE," WITHIN THE STATUTE.]

RESPECTFULLY SUBMITTED:
IN PRO PERSONA

William Mayers II, M.D.

"STATUTES MUST SAY WHAT THEY MEAN.. AND MEAN WHAT THEY SAY"

SUPPLEMENT TO: BRIEF IN SUPPORT OF PETITIONER'S MOTION

CASE 1181 | 04 LETTER TO PRESIDENT JUDGE DOMINICK MOTTO
RE: COMM. V. MANGINO [LEGAL STATIONARY NOT PROVIDED]
"MEMORANDUM OF LAW:" IN SUPPORT OF MOTION FILED SEPT 10 2007

DEAR JUDGE MOTTO:

THANK YOU FOR SCHEDULING A HEARING ON MY MOTION FOR NOV. 28, 2007. I FOUND OUT ABOUT IT THROUGH RECEIVING A LETTER FROM MR. MICHALLSON, ON NOV 6, 2007.

I) AS YOU ARE AWARE, I HAVE BEEN AN ACTIVE PARTICIPANT IN MY DEFENSE, SINCE OCTOBER OF 2004 I HALE AUTHORED SEVERAL DOCUMENTS INCLUDING LEGAL MEMORANDA, BRIEFS, LETTERS TO PAIN ADVOCACY GROUPS, AND HAVE CAMPAIGNED FOR THE RIGHTS OF PATIENTS TO RECEIVE, AND SPECIALISTS [SUCH AS MYSELF] TO DECIDE AND PRESCRIBE THOSE DOSAGES APPROPRIATE FOR THEIR CARE.

I ALSO AUTHORED A PRO-SE MOTION FOR WRIT OF MANDAMUS TO THE THIRD CIRCUIT COURT OF APPEALS TO MOTION THEM TO PUT A HALT TO ALL PROSECUTIONS IN PENNSYLVANIA BASED UPON THE "VAGUENESS" OF 780-113(A)(14)(iii): A STATUTE WHICH FAILS TO DEFINE THE LIMITS OF APPROPRIATE LAW ENFORCEMENT POLICY AND BEHAVIOR, THUS ALLOWING UNFETTERED AND DISCRETIONARY USE OF PROSECUTORIAL TACTICS TO PROSECUTE WHEN AND IF THEY PLEASE - WITHOUT ANY DEMONSTRATION THAT THEY UNDERSTAND THE DIFFERENCES BETWEEN "PILL-MILLS" AND LEGITIMATE PRESCRIBING: SUCH AS MINE. (SEE HOLENDER V. LAWSON)

THE MOTION WAS DENIED FOR LACK OF JURISDICTION (STANDING)

NOW I AM FACED WITH A DIFFICULT DECISION. MR. LESLIE HAS NOT RESPONDED TO TWO LETTERS WRITTEN BY ME SINCE THE END OF SEPTEMBER, IN ADDITION HE HAS NOT RESPONDED TO THREE REQUESTS FROM MR. MICHAELSON.

BOTH ATTORNEYS HAVE WORKED HARD ON MY BEHALF. BE THIS AS IT MAY, I ALSO BELIEVE THAT MUCH OF THE GROUNDWORK FOR MY DEFENSE - EVEN THOUGH IT WAS NEVER 'EMPLOYED' DURING TRIAL - WAS PREPARED BY ME. THIS INCLUDED BOTH LEGAL AND SCIENTIFIC PREPARATION.

WHILE I LOVE TOM LESLIE AND RICHARD MICHAELSON, I ALSO FEEL STRONGLY THAT THE TIME IS LONG PAST OVERDUE FOR ME TO REPRESENT MY INTERESTS AND THE INTERESTS OF MY PATIENTS; AS DISENFRANCHISED AS THEY ARE, RESULTING FROM AN AGENDA ON THE PART OF THIS COMMONWEALTH TO LABEL THEM AS DRUG-SEEKING AND DEPENDANT PEOPLE WHO SOMEHOW DON'T MEASURE UP TO TOM CORBETT'S STANDARDS: NOTHING COULD BE FURTHER THAN THE TRUTH.

I BELIEVE THAT MY CONVICTION WILL BE OVERTURNED BY THE HIGHER COURTS. THE STANDARD FOR THE BURDEN OF PROOF, UNDER <u>COMM. V. STOFFAN</u>, HAS CLEARLY NOT BEEN MET BY PROSECUTION. EVERY PATIENT WAS "EXAMINED", NO PATIENT WAS PROVEN TO BE - IN YOUR COURTROOM - A DRUG ADDICT "WITHOUT A LEGITIMATE PAIN CONDITION." RECORD DOCUMENTATION IS NOT WITHIN THE MEANING OF THE STATUTE.

THERE WAS NO PATIENT TESTIMONY [U.S. V. TRAN TRUNG CUONG] THAT I EXHIBITED "SPECIFIC-INTENT" TO DISTRIBUTE CONTROLLED SUBSTANCES. UNDER U.S. V. MOORE, [SEE FOOTNOTE # 16] NARCOTIC PRESCRIBING FOR COMPLAINTS OF PAIN IS NOT PROHIBITED - AND IT WAS DR. MOORE'S "TYPE" OF PRESCRIBING THAT CONGRESS INTENDED TO ELIMINATE THROUGH THE C.S.A. (CONTROLLED SUBSTANCE ACT), AND NOT THE PRESCRIBING OF OPIOIDS TO PATIENTS WITH OBJECTIVE EVIDENCE OF CHRONIC PAIN: AS WAS THE CASE IN "MY" DAILY PRACTICE.

NOW WE ADD TO THESE ISSUES THE FACT THAT AT LEAST ONE, AND PERHAPS SEVERAL, JURORS CLAIMS THAT SHE WAS "COERCED" BY A JURY FOREMAN AFTER SHE HAD REACHED A DECISION COMPATABLE WITH MY BEING "INNOCENT." SHE EXPRESSED, ON SEVERAL OCCASIONS, HER WILLINGNESS TO COME FORWARD WITH THIS INFORMATION, SHE VOLUNTARILY COMMUNICATED HER APPARENT DISTASTE FOR HER FELLOW JUROR'S DECISION THROUGH MULTIPLE CONVERSATIONS WITH MEMBERS OF HER IMMEDIATE FAMILY AND MR. CHARLES WARREN, A FORMER FELLOW INMATE OF MINE AT L.C.P. HE WENT OUT OF HIS WAY TO TELL EVERY PRISONER ON THE CELL BLOCK-F THAT HIS NEICE, MS. VALERIE FEE, AND SEVERAL OTHER JURORS SAID " THAT DOCTOR WAS INNOCENT." I HAD NEVER MET WARREN PRIOR TO THAT VERBAL EXCHANGE,

I TRIED TO TELL MY ATTORNEYS WHAT HAD TRANSPIRED, AFTER EVENTUALLY REACHING THEM, THEY REMAINED UNCONVINCED THAT WE WOULD BE ABLE TO GET THIS COURT TO DECLARE A MISTRIAL; EVEN BASED UPON THOSE TRANSPIRED EVENTS, WHICH DID OCCUR.

ONCE AGAIN, IT WAS I WHO DID THE LEGAL RESEARCH INTO THE ISSUE; AFTER HAVING BEEN TOLD BY EVERYONE THAT RULE 606(b) PREVENTED A JUROR FROM TESTIFYING ABOUT WHAT HAD HAPPENED DURING THE CONVOCATION OF THE JURY.

I SUBMIT TO YOU, YOUR HONOR, THAT THIS IS NOT WHAT THE 'LAW' SAYS. VALERIE FEE CAN TESTIFY, AS CAN ALL OF THE OTHER JURORS, AS TO WHAT OCCURRED "AFTER" JURORS HAD ASCENDED TO THEIR DECISIONS.

II)

RULE 606(b) MAKES NO ATTEMPT TO SPECIFY THE SUBSTANTIVE GROUNDS FOR SETTING ASIDE VERDICTS FOR IRREGULARITY.

IT ONLY DEALS WITH THE COMPETENCY OF JURORS TO TESTIFY CONCERNING THOSE GROUNDS.

SINCE THIS INSTANT CASE DESCRIBES "INTIMIDATION" IN THE JURY ROOM, IT IS NOT ABOUT "COMPETANCE," AND THUS FALLS OUTSIDE THE SCOPE OF TANNER V. U.S., 483 U.S. 107. AND, THAT THOSE "TRIAL ASPECTS" WHICH MAY AFFORD PROTECTION UNDER THE SIXTH AMENDMENT

RIGHT TO TRIAL BY A COMPETENT AND FAIR JURY WERE DENIED TO MANGINO, GIVEN THAT JURORS SWORE TO MAINTAIN THEIR OPINIONS INVIOLABLE AND WHERE AT LEAST ONE JUROR WAS DENIED THE PROTECTIVE UMBRA OF THESE INSTRUCTIONS NORMALLY INHERENT THROUGH THE OFFERING OF A SPENCER CHARGE, WHERE SHE FELT "RUSHED" TO MAKE A DECISION AND TO HOLD "HER" OPINION, BASED SOLELY ON EVIDENCE, INVIOLABLE BECAUSE THE TRIAL JUDGE SAID IT WAS SO. THE ACTIONS OF THE JURY FOREMAN WERE INTIMIDATING AND FELL OUTSIDE THE SCOPE OF TANNER BECAUSE THEY CONSISTED OF POST-DELIBERATIVE COERCION, IN A HIGH-PROFILE CASE, AND DID NOT INVOLVE PHYSICAL OR MENTAL INCOMPETENCE - WHICH ARE "INTERNAL" (TANNER) MATTERS. HAD THIS SAME DEGREE OF COERCION OCCURRED OUTSIDE THE COURTROOM IT WOULD HAVE BEEN AKIN TO INTIMIDATING OR TAMPERING WITH A WITNESS. THUS, THE BEHAVIOR OF THE JURY FOREMAN FALLS INTO THE CATEGORY OF [UNDER 606(b)] "ANY" OUTSIDE INFLUENCE [THE DOOR TO THE JURY ROOM DOES NOT DEFINE OR DEMARCATE INSIDE VERSUS OUTSIDE] THAT WAS "IMPROPERLY BROUGHT TO BEAR" [THE FOREMAN MADE HIMSELF A DE-FACTO OFFICER OF THE COURT: SEE PARKER V. GLADDEN, 385 U.S. 363 AND

AND INTERJECTED HIS ERRONEOUS IMPRESSION OF THE LAW (YOU'LL BE HELD IN CONTEMPT OF COURT) TO FURTHER ISOLATE A FEMALE JUROR WHO RESIDED IN A COMMUNITY WHERE A PHYSICIAN HAD ALREADY BEEN TRIED IN THE MEDIA; AND WHERE THAT JUROR (MS. FIL) "AT THAT MOMENT IN TIME" MAY HAVE BEEN CONCERNED WITH HER PUBLIC IMAGE AFTER SHE RETURNED TO A TOWN CONVINCED THAT THREE DOCTORS HAD "ADDICTED HALF THE POPULATION."

THE FAILURE OF THE COURT TO AUGMENT JURY INSTRUCTIONS COULD ONLY HAVE SERVED TO RE-INFORCE A JURY OPINION CLEARLY NOT BASED ON EVIDENCE* PRESENTED AT TRIAL; WHERE NO PATIENT WAS OPIOID-NAIVE PRIOR TO RECEIVING PRESCRIPTIONS FROM MANDINO AND WHERE DIFFERENCES IN EXPERT MEDICAL OPINION (SEE KANSAS V. MARAMORE) INDICATE THAT "REASONABLE DOUBT" MUST HAVE EXISTED, OR AN "ALTERNATIVE THEORY" OTHER THAN "GUILT." *[SEE SMITH V. PHILLIPS, 455 U.S. 209, 217]

III) RULE 606(b) RENDERS JURORS INCOMPETENT TO TESTIFY ONLY AS TO THREE (3) SUBJECTS:

1.) ANY "STATEMENT" OCCURRING DURING DELIBERATIONS
2.) THE EFFECT OF ANYTHING ON THE MIND OF THE JUROR AS IT RELATES TO HIS/HER "ASSENT TO" OR "DISSENT FROM" A VERDICT.

3.) THE "MENTAL PROCESS" OF THE JUROR IN CONNECTION WITH HIS "ASSENT" TO THE VERDICT.

RULE 606(b) AUTHORIZES JURORS TO TESTIFY AS TO "EXTRANEOUS" PREJUDICIAL INFORMATION. IT DOESN'T HAVE TO BE FROM THE OUTSIDE. EXTRANEOUS MEANS ALSO "FOREIGN TO" THE PROCESS.

A JUROR CAN, UNDER RULE 606(b), TESTIFY ABOUT OBJECTIVELY VERIFIABLE CONDUCT OCCURRING EITHER BEFORE OR AFTER DELIBERATIONS, THAT HAS "MANIFESTATIONS." THE VERIFIABLE RESULTANT MANIFESTATION OF THE FOREMAN'S CONDUCT WAS THAT JURORS WERE INTIMIDATED. [3 J. WEINSTEIN AND M. BERGER, WEINSTEIN'S EVIDENCE ¶ 606(04), P. 606-28 (1985).] SEE ALSO 3 D. LOUISELL AND C. MUELLER, FEDERAL EVIDENCE SECTION 290, P. 151 (1979) CF NOTE, IMPEACHMENT OF VERDICTS BY JURORS --- RULE OF EVIDENCE 606(b), 4 Wm. MITCHELL L. REV. 417, 431, N. 58 (1978).

IF ONE REVIEWS THE LEGISLATIVE HISTORY OF RULE 606(b) IS THAT BOTH THE HOUSE AND SENATE VERSIONS WOULD HAVE PERMITTED JURORS TO TESTIFY ABOUT MATTERS NOT SPECIFICALLY INVOLVING THE DELIBERATION "PROCESS" AS THE SOLE COMPONENT OF WHAT OCCURS BETWEEN JURORS BEFORE OR AFTER DELIBERATION.

THIS PETITIONER FURTHER ARGUES THAT THE TYPE OF MISCONDUCT ON THE PART OF THE JURY FOREMAN, WHICH WE ALLEGE IS NOT VERIFIABLE THROUGH NONJUROR TESTIMONY, AND; THAT ALLOWING JURORS TO TESTIFY AS TO MATTERS OTHER THAN THEIR OWN INNER REACTIONS INVOLVES NO HAZARD TO ANY VALUE SOUGHT TO BE PRESERVED THROUGH RULE 606(b), OR SERVES TO PROTECT THE INTEGRITY OF THE JURY SYSTEM, WHICH BECOMES MEANINGLESS WITHOUT THE CONSTITUTIONAL GUARANTEE TO THIS PETITIONER FOR A FAIR AND IMPARTIAL HEARING, UNDER BOTH THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION,

IN WHICH CASE PETITIONER ASKS THAT YOUR HONOR:

1.) NULLIFY THE VERDICT, OR
2) DECLARE A MISTRIAL, OR
3) IN THEIR ALTERNATIVES; VOID THE STATUTE PA. 75 Sec. 1543(A)(14)(iii) AS IT DOES NOT DEFINE THE ELEMENTS OF THE "CRIME" CHARGED NOR DOES IT AFFORD ADEQUATE WARNING TO A BOARD-CERTIFIED PAIN SPECIALIST WHO BELIEVES, THROUGH STUDY AND

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EXPERIENCE THAT GENETICALLY INDUCED MECHANISMS AND OPIOID RECEPTOR PHYSIOLOGY FAIL TO IMPART SPECIFIC LIMITS ON THE AMOUNT OF A NARCOTIC THAT CAN OR SHOULD BE PRESCRIBED IN THE PRESENCE OF VERIFIABLE PHYSICAL FINDINGS AND SUBJECTIVE COMPLAINTS OF PAIN - "REFRACTORY" TO ALL OTHER FORMS OF TREATMENT FOR OVER ONE YEAR PRIOR TO PERSONAL HAVING SEEN THEM. THE STATE NEVER DENIED THAT I EXAMINED ALL PATIENTS, OR SAID THAT DOSES WERE TOO "HIGH".

AT THIS TIME I CHOOSE TO REPRESENT MYSELF IN THE HEARING SCHEDULED NOV. 28, 2007. I WOULD BE PLEASED IF THE COURT RETAINED MR. LESLIE TO ATTEND ME TECHNICAL ASSISTANCE ASSOCIATED WITH MY PENDING APPEAL. PLEASE ARRANGE FOR MY TRANSPORTATION TO LAWRENCE COUNTY WELL IN ADVANCE SO THAT I CAN PREPARE.

RESPECTIVELY SUBMITTED:

William Mayer II, MD
Inmate # 4499
CAMP HILL, PA.

SCI-CAMP HILL
P.O. BOX 200
17001-0200

CC { THOMAS LESLIE, ESQ 25 N. MERCER ST NEW CASTLE PA 16101
RICHARD MICHAELSON, ESQ SUITE 320 2320 CHESTNUT ST PHILA PA 19103

I DO NOT HAVE THE ADDRESS FOR MR. BAXTER