

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. CR-50-2003
vs. : CRIMINAL
:
RICHARD W. ILLES, SR., : Defendant's Motion to Reconsider
Defendant : Re Defendant's Manuscript

ORDER

AND NOW, this ____ day of March 2009, the Court DENIES Defendant's Motion to Reconsider his claim that his attorneys were ineffective for not objecting to Defendant's manuscript entitled "Heart Shot: Murder of the Doctor's Wife" being available to the jury while it was deliberating.

The Court finds the transcript of the 48 Hours segment on this case, which aired on or about June 4, 2005, does not affect the Court's prior ruling. Defendant argues that since the prosecutor called the manuscript a confession during the 48 hours segment, the manuscript was a confession that should not have been available to the jury during its deliberation under Rule 646 of the Rules of Criminal Procedure. The 48 hours segment aired more than 3 months after the jury rendered its verdict. The prosecutor did not call the manuscript a confession during Defendant's trial; instead, he claimed the manuscript was Defendant's way of bragging. No where in the manuscript does Defendant indicate he was the killer. Quite the contrary, the manuscript depicts Defendant being framed for his wife's murder. The manuscript was relevant to consciousness of guilt and needed to be reviewed by the jury to appropriately weigh what evidentiary significance, if any, they would give to it in reaching their verdict. The Court does not believe this evidence was a confession as is envisioned by Rule 646.

Defendant's Motion for Reconsideration and attached transcript are part of the

record if this matter becomes the subject of appellant review.

By The Court,

Kenneth D. Brown, P.J.

cc: Bruce Manchester, Esquire
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Bellefonte PA 16823
Kenneth Osokow, Esq. (ADA)
Work file
Gary Weber, Esquire (Lycoming Reporter)