06-10657

No.______________________

IN THE

SUPREME COURT OF THE UNITED STATES

MICHAEL A. DOYLE -- PETITIONER

Vs.

STATE OF MAINE-- RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

MAINE SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

MICHAEL A. DOYLE

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QUESTION(S) PRESENTED

Under the Due Process Clause of the Sixth Amendment were the rights of the Petitioner abrogated by ineffective assistance of counsel and reversible error by the Superior Court during the Post Conviction Review Hearing and subsequent Maine Law Court Ruling?

Did the State of Maine during the Post Conviction Review Hearing violate the Petitioner's civil rights by withholding material facts, prejudicing the Court, and misleading the Court?

Can the Petitioner be afforded the same protection under a second guilty plea coerced by an attorney, whose representation is compromised by a conflict of interest and is in violation of the Code of Conduct of the State Bar Association, as the Petitioner would be afforded if the guilty plea had been the result of a coerced confession at a police station?

Did the Superior Court violate Petitioner's right when the Court denied access to an expert witness against the U. S. Supreme Court decision in *Ake v. Oklahoma*?

TABLE OF AUTHORITIES CITED

CASES

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Carter v. Rafferty, 826 F 2d. 1299, 8 Fed. R. Serv. 3d (LCP) 962 (3d Cir. 1987); Hudson v. Blackburn, 601 F. 2d 785 (5th Cir. 1979) related reference, 561 So. 2d. 112 (la 1990) and related reference, 1991 WL 49708 (E.D. La. 1991), remanded, 979 F. 2d 1058 (5th Cir. 1992)

Cook v. BordenKircher, 602 F 2d. 117 (6th Cir. 1979). 11

Blackburn v. Alabama, 361 U S 199, 4 L Ed 2d 242, 80 S Ct. 274; Ferguson v. Boyd (CA 4 Va) 566 F 2d 873; People v. Trout, 54 Cal 2d 231, 80 ALR 2d 1418 12

Strickland v. Washington (1984, U S) 60 L Ed 2d 674, 104 S Ct 2052 on remand (1984, CA 11 Fla.) 737 F 2d 894 8

Washington v. Wainwright (1984, SD Fla) 587 F Supp 525, affd (1984, CA 11 Fla) 737 F 2d 922 and later State v. Washington (1984, Fla) 453 So 2d 389

State v. Aplaca (1992, Hawaii) 837 P2d 1298 8

Ferguson v. Boyd 13

Brown v. Simmons, 415 F. Supp. 2d 1268 (N. D. Okla, 2006)

Commonwealth v. Jones (1996, PA) 683 A 2d 1181 13

United States v. Blocker (DC Dist Col) 354 F Supp 1195.

U. S. Supreme Court Decisions:

Hopt v. Utah, 1884 12

Bram v. Alabama, 1897 12

Ake v. Oklahoma 3, 14

STATUTES AND RULES

None

OTHER

1. Comment, 12 Duquesne L Rev 321, 326-27 8

The Right to Effective Counsel and New York City Legal Aid, 1 NYU Rev L Soc Change, 1, 25-26 8

Finer, 58 Cornell L Rev 1077, 1084 8

2. Comment, 12 Duquesne L Rev 321, 331-33 8, 9

3. Comment, 25 Baylor L Rev 299, 307 9

4. Comment, 25 Baylor L Rev 299, 303-04; Finer, 58 Cornell l Rev 1077, 1108. 10

Finer, 58 Cornell L Rev 1077, 1108-09 10

29 Am. Jur. 2d, Evidence && 543, 575 13

JURISDICTION

For cases from **state courts:**

The date on which the highest state court decided my case was February 13, 2007.
A copy of that decision appears at Appendix A

That decision by the State of Maine Supreme Court was final.

The jurisdiction of this Court is invoked under 28 U.S.C. & 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Petitioner's rights were violated under the Due Process provision of the Sixth Amendment. During the Post Conviction Review Hearing the Court repeatedly misinterpreted the impact of Petitioner's lawyer, David Van Dyke's, conflict of interest, ineffective assistance of counsel, and coercion of Petitioner into not one but two guilty pleas through Van Dyke's withholding pivotal evidence from Petitioner. All of which are grounds for reversible error that went uncorrected by the State of Maine Law Court. In addition during the Post Conviction Review, court appointed attorney, Najim Animashaun, filed a request with the Superior Court for funding for an expert security witness. That request was denied by Justice Fritzchese. In *Ake v. Oklahoma,* the Court said: "When a State brings its judicial power to bear on an indigent defendant in a criminal proceeding, it must take steps to assure that the defendant has a fair opportunity to present his defense… Justice cannot be equal where, simply as a result of his poverty, a defendant is denied the opportunity to participate meaningfully in a judicial proceeding in which his liberty is at stake." This denial of an expert witness constitutes by itself reversible error.

STATEMENT OF THE CASE

Petitioner, Michael Doyle, was indicted in June of 1998 for the Sale of an Unregistered Security, the Unlicensed Sale of a Security, and Misrepresentation. Doyle was represented by Ralph Dyer Esq. at the time leading up to this point and also sought, received, and acted upon advice from Peter DeTroy Esq. the attorney for Doyle's business associate Denis Dancoes.

Following the collapse of the investment program (which turned out to be a Ponzi) in May of 1997, DeTroy directed Doyle to bring his files concerning the matter to his office for review and a referral to another defense lawyer as Dyer's practice was limited to business law. Doyle acted on DeTroy's direction believing that DeTroy was also Doyle's lawyer. Files approximately 18 inches deep were brought to DeTroy's office.

Subsequently, DeTroy introduced Doyle to Richard Berne Esq. at DeTroy's office and Berne commenced representation of Doyle.

When Berne was continuously trying to convince Doyle to plead guilty Doyle changed lawyers to David Van Dyke.

Van Dyke initially convinced Doyle to plead guilty conditionally and to "fight it out in the Law Court". This took place after months of docket calls where no discernable trial prep took place. The plea was forced on a Friday afternoon when the Judge stated plead out now or be ready for trial Monday. Petitioner knew that his lawyer was not ready for trial and reluctantly agreed to the plea. Van Dyke in his affidavit admits to not preparing

for trial with the sole goal of convincing Doyle to plead guilty. Prior to sentencing Doyle found a tape-recorded conversation with the State's Security Administrator, Steve Diamond, that eliminated the credibility of the Administrator as a witness for the State. The guilty plea was vacated due to the strength of the tape-recording.

The Court stated the case would be set for trial at the earliest possible date. After another State caused delay the case was ready for jury selection on February 12, 2001. On that date Van Dyke shuttled from the hallway where Doyle sat to the chambers where he met with Assistant Attorney General Amy Homans. Over a period of four hours of unrelenting pressure Van Dyke convinced Petitioner that if he did not plead guilty now they would lose the case at trial in two days and Petitioner would be sentenced to two and a half years at the State Prison where he could expect to be beaten and raped for the entire time.

INEFFECTIVE ASSISTANCE OF COUNSEL

Petitioner was coerced to the point where he knew that his lawyer wasn't prepared, didn't know that he could change lawyers at this late point in time, and felt trapped into a guilty plea to reduce a sentence for a crime he wasn't guilty of committing.

After Petitioner was released from prison, having served eight months and three weeks, the State disclosed that during the six weeks leading up to the second guilty plea Van Dyke was being sued for malpractice and that Peter DeTroy was his attorney.

The unethical lawyer dishonestly extracted the guilty plea from Petitioner.

Van Dyke was in violation of The Code of Professional Responsibility Rule 3.4 (b) (1).

> "Basic Rule. A Lawyer shall not commence or continue representation of a client if the representation would involve a conflict of interest, except as permitted by this rule. Representation would involve a conflict of interest if there is substantial risk that the lawyer's representation of one client would materially and adversely affected by the lawyer's duties to another current client, to a former client, or to a third person, or BY THE LAWYER'S OWN INTEREST." (Emphasis added)

Additionally Van Dyke violated Rule 3.4 (f) (1) of the Code as follows:

> General Rule. Except with the informed written consent of the client, a lawyer shall not commence representation if there is substantial risk that any FINANCIAL OR SIGNIFICANT PERSONALRELATIONSHIP OF THE LAWYER WILL BE MATERIALLY AND ADVERSELY AFFECT THE LAWYER'S REPRESENT-ATION OF THE CLIENT." (Emphasis added)

How significant was Van Dyke's violation of these Rules in the eyes of Thomas Hallett Esq. while testifying at Petitioner's Post Conviction Review Hearing?

> Hallett states on P.59 Line 20-22 and P-60 Lines 2-14:
> "…that David Van Dyke was actually represented by Peter DeTroy earlier. I did not know that and that would have been a huge thing at the Motion to Withdraw the plea quite frankly."

> Hallett continues on P115 Line 10-22:
> …I, for one, would not want to be in a situation where I was going after my lawyer …I would never want to have to do that. I think that is a conflict, if you have to do that.

Van Dyke had contracted with Doyle to represent him in all areas concerning this matter both criminal and civil. Mary Davis Esq., the State paid for expert witness for the Petitioner stated on Van Dyke's handling of the State's Civil Complaint:

> Davis states Vol. III P15 Line 18-23
> "… I think it would have to litigated, but it certainly would be unfair for the attorney (Van Dyke) not to tell him (Doyle) that there may be civil penalties and I (Van Dyke) didn't negotiate about them when I was talking to the State. He definitely

should have done that."

Davis continues her testimony concerning Van Dyke's conflict.

> Davis states P65 and 66 on Lines 17-25 and 1-15
> Q. Now assuming then that Mr. Van Dyke is aware of the conflict and he doesn't notify Mr. Doyle because he thinks that it will make no difference, right what does that…?
> A. That effects …if he knew and didn't notify his client, that effects…that does make the effect that is required for ineffective assistance. It just has to effect the representation. So that would be a serious…P66 Line 1-15…deficiency on his part that does effect the representation; in other words, it doesn't have to show like a normal post conviction claim would have to show that it was, that it was likely or reasonable likely Mr. Doyle would have taken a different action in the case. It doesn't have to show that. Just has to show any effect in the case at all, even including a conversation or lack of a conversation, that effects the case." Davis continues P68 Line 1-12
> "Well, at that time he (Van Dyke) should have not only told Mr. Doyle but he should have told the Court, your Honor, I had a conflict of interest, it, it slipped my mind. I am sorry I didn't disclose it before now but I would like to erase everything I did for this client, give him his money back and let him get another attorney. That's what he (Van Dyke) should have done."
>
> Davis responds to Van Dyke obtaining a release from Doyle protecting Van Dyke From a suit from Doyle prior to Van Dyke testifying to vacate the second guilty plea. P70 Line 14-25
> Q. "…what is your position on obtaining a release on the same day as testifying on behalf of your former client in a Motion to Withdraw (Vacate)?"
> A. "My first reaction was is this criminal behavior on someone' s part? If I were David Van Dyke and someone offered me a release to tell the truth I would be insulted that I would, I would be appalled and say what are you doing? I'm here as a witness I'm going to tell the truth. My testimony isn't for sale based on a release or some other paper that I'm signing. This is ridiculous. As a matter of fact the only time I ever heard of one of these things was another case Mr. Van Dyke was involved in. I have never had one of these , I have never heard of one; no one has ever insulted me by offering me one for my testimony. I think it was appalling."

The Petitioner was told by his lawyer, Thomas Hallett, before the hearing to Vacate the Second Guilty Plea, that Van Dyke wants this release signed or he can go into the Court and hurt you.

Hawaii's test is whether specific errors or omissions reflected counsel's lack of skill, judgment, or diligence, and whether such errors or omissions resulted in either the withdrawal or substantial impairment of a potentially meritorious defense. *State v. Aplaca* (1992, Hawaii) 837 P2d 1298

The denial of Sixth Amendment rights are presumed without application of the Strickland test where counsel entirely fails to subject prosecution's case to meaningful adversarial testing thus making the adversary process itself presumptively unreliable (during the guilty plea).

Ineffective assistance of counsel:

1. Unfulfilled promises: Petitioner's lawyer, Van Dyke, stated if Petitioner pled guilty he would be sentenced to 0 to 9 months at the county jail instead of 2 ½ years hard time at the state prison if he did not plead guilty.
2. Mistaken advice of counsel: Failure, except in cases where such failure amounted to a gross dereliction of duty (Comment 1) failing to investigate, the lack of such preparation or failure to consult with the client may result in a person pleading guilty without knowing his rights (The Rights to Effective Counsel and New York Legal Aid), Thus, guilty pleas have been vacated in cases where the attorney was unaware of a law creating a defense, failed to adequately investigate the facts of a potential defense or failed without reason to raise a particular defense. (Finer, 58 Cornell)

Counsel at the very least must determine whether the guilty plea is knowing and voluntary.(Comment 2)

Unless his evaluation was so inept as to render the proceeding a farce. (Comment 2)

It was established during the Post Conviction Hearing that Van Dyke failed to meet with the Petitioner for the two months preceding the guilty plea.

The attorney's failure to read the file where documents of substantial beneficial evidence

were to be found usually constitutes ineffective assistance of counsel, since such failures almost always constitutes gross error.

Van Dyke admitted that Petitioner found in his files documents “that more than supported his position” just prior to his sentencing date. The discovery of these documents that Van Dyke repeatedly stated did not exist prompted Petitioner to seek alternate counsel and move to vacate the second guilty plea. Van Dyke was not aware of the documents because he never read the files, a gross error and an example of ineffective assistance.

Some conduct clearly amounts to gross incompetence compelling a finding of ineffective assistance. For example, forcing a client to plead guilty, despite his repeated protestations of innocence, is generally grounds for reversal. Like wise, a defendant has been denied effective assistance where his attorney advised a guilty plea while in collusion with the judge or the prosecution. (Comment 2)

Can there be any greater collusion than between Petitioner’s attorney and the state’s chief witness, the attorney for the Petitioner’s attorney? How could Van Dyke aggressively cross-examine his own mal-practice lawyer, Peter DeTroy, while defending Petitioner?

Generally, a claim of ineffective representation will be sustained if the record shows that defense counsel presented only a half-hearted or pro forma defense. (Comment 3)

Van Dyke’s affidavit states clearly that he did nothing that one would expect a competent attorney to do prior to the start of a felony trial.

Misc. Grounds:

One such ground is that the defense attorney had a conflict of interest, … The existence of a conflict of interest generally compels a finding of ineffective assistance per se, unless the defendant has made an intelligent waiver of the conflict. (Comment 4)

It is instructive to note that when previously appointed counsel, Karen Wolfram, changed offices and her senior partner was sued, he was also defended by Peter DeTroy, and the Bar required Wolfram to withdraw from the case. Petitioner was not allowed to sign a waiver to retain Wolfram. Only by Van Dyke withholding this information from both the Petitioner and the Bar was he able to scam Petitioner into the guilty plea in question.

A finding that defense attorney had a conflict of interest usually requires reversal of the conviction without a showing of specific prejudice… (Finer 58)

The Court, during the Post Conviction Hearing, dismissed the acknowledged conflict when Van Dyke testified that the conflict "was not even on his radar". This testimony, and the Court's acceptance of it, does not pass the straight face test. Had the conflict been disclosed to the Petitioner it would have been on his radar, stopped any guilty plea, and caused Petitioner to seek another lawyer immediately. By Van Dyke withholding this conflict from the Petitioner it robbed the Petitioner of the right to make an informed decision and denied the Bar an opportunity to direct Van Dyke to withdraw from the case.

VIOLATION OF CIVIL RIGHTS

The following was an exchange between Michael Colleran, Assistant Attorney General

and Petitioner from P248 Line 11-18.

A. "I was a Registered Representative (RR) for mutual funds."
Q. "Okay, and that's a securities license?"
A. "No, not to my understanding of it."
Q. "Well, mutual funds are securities, correct, under the N.A.S.D. rules?"
A. "Yes. But not in the industry understanding of securities, as opposed to mutual funds."

Michael Colleran had been recently appointed as the Administrator of the Securities Division of the Department of Business Regulation for the State of Maine. In the industry a Series 7 license RR are trained in, and sell: stocks, bonds, limited partnerships, Options, puts, calls, derivatives, spyders, real estate investment trusts, and mutual funds. A Series 6 licensed RR sells only mutual funds. Colleran knew this or should have known this before his appointment to run the Securities Division. Colleran knowingly misled the Court with this series of questions. Colleran continued to mislead the Court when he withheld the following facts from the Court, a lie of omission. Two of the eight investors that compromised the group that was the basis of the charges against Doyle were licensed mutual funds salesman. Omar Norton was a RR, as was Thomas Reynolds. Reynolds was also a Registered Principal for mutual funds as was Doyle. Reynolds also traveled the country teaching the course for the RR test and was more familiar with the laws than Doyle was. It is important to note that neither Norton nor Reynolds ever thought the rate of return was too high or that the investment was an unregistered security.

The withholding of material evidence favorable to the accused. (Carter v. Rafferty) Was Colleran's misconduct so egregious as to render the entire trial (hearing)

fundamentally unfair. (Cook v. Bordenkircher)

COERSION OF A GUILTY PLEA

When Van Dyke threaten Doyle with a two and one-half year sentence at the State Prison if Petitioner did not plead guilty that very day, was the ensuing guilty plea given freely by the Petitioner? Van Dyke stated repeatedly there were no documents to support Petitioner's position in his file. The facts were just the opposite. There were no documents supporting the proffered testimony of Petitioner's lawyer Peter DeTroy, who was the State's witness in chief; with all of DeTroy's testimony derived from documents supplied by Petitioner's business lawyer, Ralph Dyer. In fact Van Dyke in his affidavit stated that the documents found by the Petitioner "More than supported his (Doyle's) position."

In 1884 in Hopt v. Utah, the Supreme Court ruled that a confession is not admissible if it is obtained by operating on the hopes or fears of the accused, and in doing so deprives him of the freedom of will or self-control necessary to make a voluntary statement.

In 1897, the Supreme Court ruled in Bram v. Alabama, "Coercion can be mental as well as physical."

…and over the years the cases have gradually come to stress psychological inducements more and physical violence less in considering the voluntariness issue (Blackburn v. Alabama) coercive measures to obtain a statement from a suspect. …the ultimate issue

is whether the defendant's will was overborne by inducements or other pressures applied, so that the resulting confession (guilty plea) was the result of coercion rather than the result of his own free will. (Ferguson v. Boyd)

Rather to be involuntary the excitement or mental distress responsible for the confession (guilty plea) must have been produced by some extraneous pressure applied by the police (defense lawyer) to obtain the confession (guilty plea) (29 Am. Jur. 2d)

…and any other factors which may serve to drain one's powers of resistance to resistance to suggestion and coercion. (Commonwealth v. Jones)

In another case, statements to the defendant concerning a maximum term of 20 years (2 ½ years in the state prison for the Petitioner), coupled with statements as to the likelihood of his release on low bail (0 to 9 months in the county jail for the Petitioner) if he cooperated, were held to amount to improper threats and promises of leniency and threats of additional prosecution are recognized forms of psychological coercion, and ultimately finding the confession (guilty plea) involuntary in light of the threats and promises made. (United States v. Blocker)

Van Dyke admits in his affidavit that he applied more pressure to Petitioner to plead guilty than ever before in his career and that was a mistake. Petitioner was faced with Van Dyke's threat of being in the state prison for 2 ½ years with continuous physical assaults or to plead guilty to receive 0 to 9 months in the relative safety of the county jail. The resulting guilty plea was forced and not of Petitioner's own free will.

SUPERIOR COURT ERROR

During the Post Conviction Review court appointed lawyer, Najim Animashaun, requested that the court provide $3000.00 for an expert witness for securities. This request was denied by the court after previously providing $750 for an expert witness for the law. The denial of this security expert was reversible error and in opposition to the U. S. Supreme Court's decision in Ake v. Oklahoma.

REASONS FOR GRANTING THE PETITION

The Court during the Post Conviction Review Hearing made several reversible errors regarding ineffective assistance of counsel.

1. The Court ignored the testimony of its own appointed lawyer for the Petitioner, Mary Davis, and focused incorrectly on what Petitioner's lawyer, David Van Dyke's state of mind was regarding his representation of Petitioner while he was in turn being represented by Petitioner's chief accuser, Peter DeTroy, who was also Petitioner's lawyer during the entire lead up to DeTroy's referral to his friend Richard Berne. The Court should have approached the conflict from the Petitioner's perspective. His chief accuser is working for the Petitioner's lawyer and law firm. How would the Petitioner imagine that his lawyer in violation of two Rules of the Code would aggressively pursue DeTroy's violation of Petitioner's privilege and at the same time confront DeTroy, Van Dyke 's lawyer, over the documents that support Petitioner's position while at the same time mocking the fabrications of DeTroy's proffered testimony for the State. In addition DeTroy's relationship to the State involved millions of dollars in fees for the Car Test case and the Tobacco case. Such a relationship would have to be examined and attacked by DeTroy's own client, Petitioner's lawyer David Van Dyke. Petitioner would never have freely and of his own volition consented to go forward with a guilty plea once, much less twice had Petitioner known of this conflict. For the hearing Court to focus on

whether Van Dyke thought it was a conflict is immaterial. More over Van Dyke's testimony during the Post Conviction Review Hearing "That the conflict was never on his radar." Doesn't pass the straight face test. For the Court to accept such ludicrous testimony is evidence of reversible error which went uncorrected by the Law Court. Even with informed consent the conflict would not be allowed and the Petitioner's signed waiver would not be allowed. To illustrate the importance of this fact, when Petitioner's first court appointed lawyer, Karen Wolfram, changed offices the Bar Association forced her to withdraw as counsel when her senior partner was sued and was represented by Peter DeTroy. It was Wolfram's honesty in seeking the Bar opinion as to the conflict that so clearly illustrates Van Dyke's dishonesty in not withdrawing and refunding all fees as Mary Davis testified that he should have.

2. The Court ignored testimony that Van Dyke forced Petitioner to sign a release on the very day of the hearing to vacate the second guilty plea in order to secure his honest testimony and his signed affidavit detailing his total lack of preparation to begin a felony trial. The affidavit alone demonstrates ineffective assistance of counsel.

3. The Court ignored testimony that Van Dyke's failure to incorporate the civil penalties while forcing a guilty plea on Petitioner was also ineffective assistance of counsel. To illustrate this the first plea was conditional, the second was open, with no stop losses in place.

4. For the Court to deny Petitioner access to an expert witness for securities to testify at the Post Conviction Review Hearing violates this Court's previous ruling in Ake v. Oklahoma. As such the Petitioner should prevail as this reversible error went uncorrected by the Law Court.

Either of these errors alone would constitute reversible error by the Superior Court and uncorrected by the Law Court. Taken together and they require reversal of the Law Court and vacating of the guilty plea by Petitioner.

The Court was mislead during the Post Conviction Review by the State through its agent Michael Colleran, AAG. The Court would have had to look upon Petitioner's involvement in the investment differently had Colleran disclosed at any point that twenty-five percent of the investors were licensed security dealers. That their knowledge was equal to or exceeded Petitioner's knowledge and that they never expressed any concern as to the rate of return or the status of the investment as an unregistered security.

The withholding of this information was prejudicial to Petitioner and adversely impacted the Court decision not to grant the Motion to Vacate during the Post Conviction Review. Colleran had ample opportunity to inform the Court of these facts yet chose not to, to the detriment of the Petitioner.

The blatant effort of the State to deprive the Petitioner of these facts before the Court constitutes grounds for granting this Petition.

The guilty plea was coerced at the same level of intensity by Petitioner's lawyer, David Van Dyke, as it would have been had Petitioner been forced into a confession at a police station. Van Dyke forced the guilty plea while in violation of the Code of Professional Responsibility. The Supreme Court has previously ruled that such confessions violate the defendant's rights and as such are reversible error. Petitioner requests that the Court consider the extension of this forced confession at a police station protection to the court house where the defendant's lawyer admits to pressuring a client who stated repeatedly that he wished to go to trial, into a second guilty plea.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

____
Michael A. Doyle

Date: __________________________

No. ______________________________

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IN THE

SUPREME COURT OF THE UNITED STATES

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MICHAEL A. DOYLE – PETITIONER

VS.

STATE OF MAINE – RESPONDENT(S)

PROOF OF SERVICE

I, Michael A. Doyle, do swear or declare that on this date, April 10, 2007, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel. And on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Attorney General for the State of Maine
State House Station #6
Augusta, ME 04333

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 10, 2007

____
Michael A. Doyle