

**[J-119-2009]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA, : No. 576 CAP

Appellee

v.

MARK NEWTON SPOTZ,

Appellant

:  
:  
: Appellant's Motions to File Post-  
: Submission Communications  
:  
: Appellant's Motion for Recusal of Chief  
: Justice Castille  
:  
: Appellant's Motion for Withdrawal of  
: Concurring Opinion  
:  
: Commonwealth's Answer and Motion for  
: Sanctions  
:  
: Appellant's Withdrawal of Motion for  
: Withdrawal of Concurring Opinion and  
: Motion for Recusal  
:  
: Commonwealth's Answer, including  
: Request for a Rule to Show Cause  
:  
: Commonwealth's Request for Leave to  
: Respond to Verified Statement  
:  
: Appellant's Motion to Strike  
: Commonwealth's Response

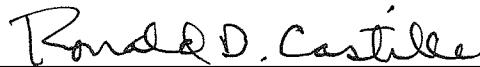
**ORDER**

**AND NOW**, this 3<sup>rd</sup> day of September, 2014, and in accordance with a Single Justice Opinion I am filing this same date, Appellant's Motions to File Post-Submission Communications, Appellant's Motion for Recusal of Chief Justice Castille, Appellant's Motion for Withdrawal of Concurring Opinion, Commonwealth's Answer and Motion for

Sanctions, Appellant's Withdrawal of Motion for Withdrawal of Concurring Opinion and Motion for Recusal, Commonwealth's Answer, including Request for a Rule to Show Cause, Commonwealth's Request for Leave to Respond to Verified Statement, and Appellant's Motion to Strike Commonwealth's Response have been reviewed and are hereby resolved as follows:

- (1) Appellant's initial Motions for Leave to File Post-Submission Communications are **DENIED**. The Motions do not fall within the post-submission communication appellate rule appellant cites. However, I have entertained the Motions as a discretionary matter, out of deference to the concerns expressed by officers of the Court.
- (2) The "Withdrawal" pleading filed by the Federal Community Defender's Office ("FCDO") on August 22, 2011, which the Court as a whole has construed as an Application for Relief seeking leave to withdraw the prior Motions, is (a) **GRANTED** as to the recusal motion, but (b) **DENIED** as to the motion to withdraw my Concurring Opinion.
- (3) Appellant's Motion for the Withdrawal of my Concurring Opinion is **DENIED**, as is the request to refer that Motion to the full Court for decision (beyond the referral already made for the administrative purpose leading to the Court's *per curiam* orders entered on July 28, 2011 and October 3, 2011, to ascertain information necessary to decide the Motion).
- (4) The Commonwealth's Motion for Sanctions, taken under advisement in the Court's Order of July 28, 2011, and the Commonwealth's request for a rule to show cause why the FCDO should not be held in contempt of court, taken under advisement in the Court's order of October 3, 2011, are **DENIED**. Sanctions are better left to a formal disciplinary process, if any should result.

(5) The remaining Motions and responses (including requests for leave to file) are **DENIED** as unnecessary to resolution of the issues discussed in this Opinion, including: (1) the Commonwealth's Request for Leave to Answer the FCDO's Verified Statement (with answer attached), and the FCDO's Reply thereto; and (2) the Commonwealth's Response to the Answer for Sanctions, the FCDO's Motion to Strike that Response, and the Commonwealth's Answer to the Motion to Strike.

A handwritten signature in cursive script, reading "Ronald D. Castille". The signature is written in dark ink and is positioned above a horizontal line.

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Chief Justice Ronald D. Castille