

HAND DELIVERED

APR 13 2009

OFFICE OF THE GOVERNOR

Paul Hiatt POB 122 Gig Harbor WA 98335

The Honorable Governor Chris Gregoire
Office of the Governor
POB 40002, Olympia WA 98504

April 11, 2009

RE: OPEN LETTER IN FORMAL REQUEST FOR GUBERNATORIAL PARDON AND
COMMUTATION OF SENTENCE AS AUTHORIZED BY RCW 9.94A.150(6), FOR
PIERCE COUNTY DISTRICT COURT No. 5YC001021 MISDEMEANOR CONVICTION

Dear Governor Gregoire,

I am requesting the immediate exercise of your power to pardon any offender, in my behalf, for good cause shown herein, having exhausted available remedies in the courts of our state, and having been denied hearing of all petitions for review. Noting that your stated second highest present priority on your web site is state budgeting, and having noted that the Seattle Times headline for Thursday, April 9, 2009, was "Tough times take bite out of criminal justice system – IDEAS: CLOSE PRISON, YOUTH FACILITIES; REDUCE SENTENCES, PAROLE"; reporting several proposed bills which would reduce prison populations, provide for shorter sentences for non-violent felonies, etc.; I am hoping to illustrate that my pending incarceration for substantially more than the maximum sentence authorized for a victimless misdemeanor is a wasteful and senseless expenditure of taxpayer funds, when the state is releasing felons early to save money.

Further, I hope to call your attention to the fact that this sentence, (which exceeds that imposed upon many felons), is manifestly unjust and excessive, since I have no criminal record, given the nature of the offense and circumstances surrounding the conviction, and the facts the sentence imposes very serious hardship and poses serious risk to my general health, together with constituting an internationally recognized form of torture, (sleep deprivation), due my state of health and the conditions in the Pierce County Jail. I also hope to convince you that the fact I have already been punished substantially beyond what the law authorizes should mitigate this pending sentence.

By way of personal introduction, I attach a true copy of a letter of recommendation from then Chaplain Eric Duble, one page, documenting some of my past volunteer work spanning approximately ten years with at risk youth in Pierce County, together with a copy of a recent Certificate of Appreciation for my former U.S. Army service, signed by General Casey. I also attach the 3 page Report of Dr. David Burns, showing that I suffer from chronic spinal pain, am pre-disposed to re-injury and chronic pain response, and suffer neurological impairment from injuries sustained in a head-on collision with a drunk driver in 2001 who was convicted of vehicular assault. In that accident, which nearly resulted in bankruptcy for us, and seriously impaired my ability to earn a living, I also sustained a brain injury which continues to cause processing deficits when I am under extreme stress, as courtroom proceedings.

In 2003, we purchased an inexpensive piece of property across the county road from our home, with the aim of producing organic food for our own use. The prior owner had neglected, then had recently severely damaged the property in the unsuccessful attempt to develop it as a home site, artificially flooding a portion of the former pastureland by fouling or plugging drainage ditches with heavy machinery.

While I was in the process of performing necessary maintenance and repairs to preserve the usefulness of the property in 2003, including restoring the pasture area, restoring the historic access road and approach, and restoring the drainage which diverted water from other properties to the county ditch, a neighboring owner who had his property damaged by the former owner of our piece complained to county Planning. When the county inspector came out, he stated he did not see any violations, gave me their GIS topo map showing the nearest wetlands over 300 feet away, referred me to state DNR to double-check for any potential violations, and closed the complaint file a few days later for, "...Minor problem, no impact to other properties." He also referred the matter to county roads to inspect the approach and drainage, and the supervisor who came stated there was no problem. When I called DNR, they were very helpful, asked a number of questions, then stated that no site visit or permit was needed because there were no wetlands, and everything I was doing was exempt small forest practices under WAC 222-16-050. After the county inspector visit, we received a letter asking to permit a county biologist to inspect the property. Having heard many horror stories about how the wetlands ordinances are misused to charge rural land owners huge sums of money and to take property absent compensation, I requested public disclosure and informal conference prior to any action, in writing, in response. Instead of responding as required by law, the biologist threatened us with criminal charges, then, a few weeks later, issued a "Cease and Desist Order" seizing the property without hearing, and demanding permit fees and applications for the exempt maintenance already performed. I continued to insist upon Public Disclosure prior to any meeting, and after threatening us again through the prosecutor, the county went silent in January 2004.

In the Fall of 2004, the same adjacent owner, dissatisfied that the county had taken no action against us, threatened to sue us if I would not remediate some damage the former owner of our land had done which was causing drainage into his property and had left slash there, and change some of my own work he did not like. Because the county had refused to comply with (mandatory) public disclosure, I did not know this neighbor was the complainant, or that he was working with the county to create some further offense, so I complied with his request to avoid any conflict. Because the statute of limitations had expired on the offenses the county had earlier threatened to charge, I assumed in good faith the county had dropped the matter. At that time, I obtained the proper permit through the clean air agency to burn slash, which required the machine on site, which I hired. During this work in early November 2004, the complainant was working with the county, and the biologist was covertly taking pictures of the machine parked on site. In January 2005, the biologist, (a person not authorized by law), obtained a search warrant, and took pictures, plant and soil samples on the property. In late February 2005, the same complainant, unhappy the county still had not taken action, filed a patently false complaint stating I was illegally logging the property, when all of my timber is still standing, and when their pictures prove nothing had been done since the burning and maintenance in early November 2004. In March 2005, I was charged with two misdemeanors, one for "illegal development", and one for "illegal wetlands activity". I appeared in District Court in April 2005, and was threatened by the prosecutor that if I did not waive my deed rights by permit contract, pay undisclosed sums of money, and agree to taking without compensation, I would have a criminal record. In my attempts to have the charges dismissed without a trial from April 2005 to April 2006, I was repeatedly threatened with dire consequences if I would not waive our deed rights.

In March 2006, I filed a number of verified citizen criminal misdemeanor and gross misdemeanor complaints, requiring probable cause hearings, against county agents and

officials, in the district court, with a witness present. These complaints then disappeared for an undetermined period of months, were later found in the "wrong folder", and the clerk of court refused to ever schedule the required probable cause hearings, despite repeat written request.

In April 2006, after the criminal complaint against me had been amended unlawfully four separate times in the attempt to correct charging errors and circumvent the statute of limitations, I was afforded a jury "trial" where no witnesses were allowed for the defense, where all exculpatory evidence was suppressed, where all express and applicable exemptions of both the codes charged and the DNR WAC relied upon in good faith were prohibited from being mentioned, where I was threatened for trying to identify the charging officer as such in his cross examination, and where the court and prosecutor mercilessly disrupted every attempt to present any defense. I proved from every county record extant that no wetlands had ever been mapped, delineated, or designated upon our property, by the testimony of their experts, who admitted there are no ponds, creeks, water courses, swamps, rivers or lakes, but only plants or soils which may be construed as "indicators" in the discretion of biologists. After the judge had threatened me with contempt several times for apparent errors in trying to present my case, I offered in camera proofs prior to court the next morning that I suffer from a brain injury causing processing deficits under stress, and asked for some leniency to present a defense. After that, those threats only increased.

After the complaint was unlawfully amended a final time after the state rested, and "to convict" instructions stating elements of the crimes never charged and redefining how the law defines a "wetland" were given the jury over objection, and; after over two days of deliberation, the jury acquitted me of illegal development, but convicted me on the illegal wetlands count, due what I hold was induced confusion. Upon announcing the conviction, the judge charged me with five counts of contempt, told me I had no right of appeal, sentenced me to 180 days for contempt, had me arrested without the mandatory hearing on the contempt, and set the bail for the misdemeanor at \$100,000. I could not get heard on habeas corpus in Pierce County. After 63 days in jail, through the effort of concerned family, I was given bail hearing in superior court, the court ruled abuse of discretion, and I was ordered released on \$20,000 bail. Before my family and friends could cross the street to the bail bondsman, the district court judge added yet another \$100,000 bail.

After the conviction, (ex post facto), the county mapped "wetlands" on our property on their official records, and filed a deed instrument called a "Notice of Non-Compliance" claiming violations including "logging" which I was specifically acquitted of at trial.

When I was sentenced to the maximum 90 days and \$1,000 fine for the misdemeanor in October 2006, my motions were denied hearing, and after the judge stated twice on the record I already had bail posted, he had me arrested again and added another \$5,000 bail, knowing we were broke. In November 2006, the superior court reversed 3 in 5 of the contempt convictions, leaving two which the law as clearly mandates require reversal, for denial of hearing prior to arrest, and because those directly violated the contempt statute. On remand for reversal of contempt charges, the district court judge, over my objection and absent any authorization of law, "converted" the excess time served of 33 days to "payment of fines", (which are timely paid in full), intending that I should not have the credit for time served required by law, but serve 33 days more than the law allows, on the misdemeanor conviction.

The state appellate and supreme courts subsequently denied any hearing of my petitions for review on the remaining contempt charges, although their case law requires reversal.

In December 2006, I was denied relief on appeal of the misdemeanor in the Pierce County Superior Court, despite over 100 reversible assignments of error, and was denied findings of fact or conclusions of law.

Again on the misdemeanor, the state appellate and supreme courts denied discretionary review, despite Amicus from Mr. Richard Stephens showing my case has real merit and is of broad public interest. The panel of Supreme Court judges denied review without comment April 2, 2009, and I am now facing sentencing.

The end of January, 2009, the last in a series of attempts to return me to jail prematurely and in violation of procedural law was made by the prosecutor and district court judge involved, who were knowingly in violation of a Supreme Court order staying proceedings in the district court until final disposition in the Supreme Court. When I relied in good faith on the standing Supreme Court stay, refusing to attend to be jailed unlawfully, the district court judge threatened on the record to charge me with further contempt when I am sentenced for the misdemeanor, obviously intending to further unlawfully extend my jail sentence.

My chronic spinal pain, (which requires regular icing to reduce inflammation and remain functional, together with my having been diagnosed with PTSD subsequent to the brain injury), means conditions in the Pierce County Jail result in extended sleep deprivation, as they will not even allow ear plugs to reduce the noise of 40 men per cell, and the beds are iron with little padding. The diet is wholly inadequate to my special nutritional needs, without which my health deteriorates, and my continuing recovery impaired. The presence of violent gang members, (often associated members), results in unprovoked physical threats, and I remain at serious risk from any re-injury to my head, the brain injury having impacted my vision, speech, and balance.

Incarceration will also cause further financial hardship. I was returning full time to my former livelihood as a Realtor as I recovered from the accident, after some very lean years, when the deputy prosecutor threatened my licensure, and suborned perjured trial testimony from the former owner by telling him the title to the now maintained property would revert to that owner if I was convicted, if he would file a false civil complaint against me while I was in jail. The former owner directly admitted this to a settlement conference judge in superior court just before he withdrew that civil complaint a year later in exchange for release from liability, after being exposed by the testimony of his own former contractor for several counts of perjury at my trial. I was with the same company, (now defunct), for over 18 years, and never once was sued or had an ethics complaint filed against me.

Not unlike yourself, Governor, I grew up in the Puyallup valley when it was largely an agrarian society, have a deep respect for the land, believe in responsible stewardship, and know of certainty no one and no thing has suffered any harm from my attempts to restore our land to useful condition. The county, challenged timely to produce any compelling state interest study, failed. For what I continue to sincerely believe were my lawful and exempt efforts to prepare and use our own private land for organic food

production in our later years, I have already spent extended time in a hell-hole of a county jail where I suffered punishment beyond what any normal prisoner does due my physical condition. I have been sorely punished by losing at least three years of my life now to defend against these charges, suffering increased financial hardship, debilitating stress, and frequent loss of sleep, ultimately finding I have no right to hearing in our high courts.

Our property has been very effectively taken and further devalued, absent required compensation, by acts clearly in excess of the punishments authorized by the legislature for a misdemeanor of 90 days in jail and \$1,000 fine, and it truly appears I am without recourse. The fact our property had no wetlands upon it until ex post facto to my conviction for "illegal wetlands activity" seems to speak volumes to any objective person. At nearly 58 years of age, I am permanently marked with a "criminal record" without just cause. I ask in all candor whether you think my family and I have paid in full to date for the terrible crime of relying in good faith upon the protective letter and rule of our laws.

I can state with certainty that I have learned whatever lessons were inherent in the process, with that I am fully and completely rehabilitated. Please consider, in weighing using your power to pardon, that in addition to preventing the further rank injustice of making me a political prisoner of our fair State once more, you will effectively protect the citizens of this state, your electorate, from further expenditure of funds, or misappropriation of public monies, expended to date for the expressed purpose of relentlessly attempting to break a man for having insisted that our law is honor.

I humbly solicit your immediate intervention in issuing a full pardon.

Respectfully,



Paul W. Hiatt

youth for christ/tacoma area
Campus Life Clubs- Youth Guidance-Foster Care



To Whom It may concern,

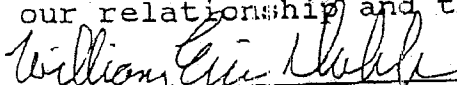
March 16, 1995


My name is William Eric Duble, I am the Chaplain at Youth for Christ - Tacoma. I am the supervising Chaplain for two ministries under the umbrella of Youth for Christ. Mary Bridge Children's Hospital - on call and visitation Chaplain and Remann Hall - the juvenile detention and court for youth in Pierce County.

I know Paul Hiatt through the second of these two. Paul has been a volunteer on two separate occasions at Remann Hall. The first stint of four years or more under my predecessor, and with me now over a year.


Paul is an able concerned and capable volunteer. He is a man of impeccable leadership quality, and a man given truth and unswerving honesty in all matters in which he deals with me. He has been a tremendous asset to me in recruiting and training of new volunteers. He has led several teams of individuals in all phases of the Chaplaincy program.

Paul has been successfully cleared at least twice through the Washington State Patrol background checks and other character references, and interviews that I require and are required to do to clear each individual who serves in a county facility of this nature. I am whole heartily convinced of this man's character in matters pertaining to our relationship and the work I do with Paul Hiatt.


William Eric Duble
Chaplain for Youth for Christ


Date

State of Washington



Freedom Team
S A L U T ESM

Certificate of Appreciation

is awarded to

Paul Hiatt

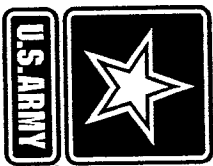
For outstanding service to the Nation as a United States Army Soldier. You are being recognized for your patriotism and continued support of the Army family. Your legacy is today's Army and the values Soldiers exhibit while fighting the Global War on Terrorism. Their efforts are a direct reflection of your service, and the United States Army and a grateful Nation thank you.



George W. Casey, Jr.
General, United States Army
Chief of Staff



Pete Geren
Secretary of the Army



Examination Notes
Millennium Chiropractic
Dr. David W. Burns
702 South Hill Park Drive Suite 103
Puyallup, WA 98373
(253) 840-3232
Patient: Paul Hiatt

DOB: 04/19/1951
Onset: unknown

Exam Performed on: 02/04/2003

Accident Description

The following accident/injury description was reported by Dr Wayne Moore on September 10, 2001 and confirmed with Mr. Hiatt:

The time was 3:00 p.m. (On September 7, 2001). Mr. Paul Hiatt stated that he was the driver in a Jeep Wagoneer, which was proceeding along at approximately 20 m.p.h. According to the patient, the other vehicle involved was traveling at approximately 50 m.p.h. He stated that the other vehicle struck his vehicle head on.

Mr. Hiatt also reported that, at the time of the accident, the road conditions were clean and dry and visibility was good. In addition, he stated the damage to his Jeep Wagoneer was considerable (totaled). Damage to the other vehicle was totaled. Mr. Hiatt states the other vehicle swerved suddenly into his lane from a very short closing distance. Mr. Hiatt states, other than getting his right foot up in an attempt to brake and gripping the steering wheel with his right hand, there was no time to brace for impact.

His Jeep Wagoneer was not equipped with headrests. He also noted that he had his head facing straight forward at the moment of impact. He states that he was unrestrained. The patient's body struck in the inside of his vehicle on impact. He lost consciousness for up to ten minutes. When Mr. Hiatt regained consciousness, after laying on the seat for some minutes, he reports that he regained a sitting position and strapped himself into the fixed restraint in case he lost consciousness again. He recalls being in terrible neck and back pain with his right hand and arm numb and his right leg feeling broken. He remembers someone holding his head from behind and claiming to be a former paramedic, until the aid car arrived. Mr. Hiatt reported that he had completely lost his vision upon regaining consciousness and could only "see" bright flashing light. Fire district paramedics arrived on the scene and transported him to St. Joseph's Hospital in Tacoma. In route to the hospital, Mr. Hiatt states he regained his vision.

Subjective

Mr. Hiatt describes his primary complaints as follows:

Mr. Hiatt presented to Millennium Chiropractic with the following complaints: Low back pain across lumbosacral region, intensity rating of 0-8 / 10, mid dorsal pain that is central and to the right of the spine, noted intensity level of 0-3 / 10. Mr. Hiatt reports that associated with the low back pain is intermittent sharp shooting pain down either leg. He reports that the radiating pain goes below knee to ankle. The patient reports that driving any extended period of time (e.g., hours) aggravates the low back. Mr. Hiatt also complains of right eye pressure that is constant, it is worse toward evening and is aggravated with reading, stress, or concentration. The pain was reported to be severe at times and rated as 2-8 / 10, that periodically radiates posterior, superior to right ear and into suboccipital area. Mr. Hiatt reports that this pain can be severe enough that he requires strong medication to decrease symptoms.

During a review of systems Mr. Hiatt reported that since the MVA of September 10th, 2001 he has had difficulty with the following: concentration, focusing for any length of time which increases with fatigue; goes off task and forgets what he was doing; multitasking; starts projects but doesn't finish them; gets overwhelmed easily; retention of things he just read; gets fatigued reading technical material; decrease in reading comprehension; coordination issues (e.g. when using key board he gets letters wrong constantly has to go back and edit); tendency to cut or "ding" self mostly on right side; intermittent aching of right hand and medial fingers; runs into coffee tables; can't stand on one foot to wash other foot without losing balance (bilateral); changes in personality (e.g., irritable, gets mad easily; stressed easily); general fatigue;

depression (i.e. things that used to make happy don't seem to have the same effect); stumbling over words; sturring of words when fatigued; penmanship decreases with continued writing; inconsistencies in the way sign things; loss of strength; drop things (right hand); right hand trembles; cramps (back and neck); focal dystonia of right hand with using tools; pins and needles in right hand; vision changes (ghosting) "Streamers off signs and lights"; blurred vision with reading and at night; hear ringing in ears; get light headed; go into rooms and forget why went into the room or forget what was getting; snoring problem; tired during daytime; trip and drag toe (right foot); increased error rate with mathematical computations; difficulty keeping beat to a song; some dry skin problems on face; insomnia.

Mr. Hiatt indicated his complaints have developed as a result of an auto accident on 9/10/2001.

Radiographic Analysis

As reported by Dr. Moore on 9/10/2001, the films were not reviewed. There is no evidence of fracture present. Osteoarthritis is present. There appears to be moderate intervertebral disc space narrowing at C6-C7.

When the spinal column is viewed as an integral, contiguous structure, the vertebrae present with moderate subluxation (misalignment) at C1=C2. Also presenting with slight subluxation is the vertebrae at T1-T2. In addition, a moderate subluxation can be seen at C3-C4. A moderate misalignment is also evident at L3 - L5. Moderate osteophytosis (bony outgrowth or spurring) is noted at the anterior vertebral margin at C5-C7.

Past Medical History

Non-contributory

Objective

Alert and oriented x3. The patient was noted to have increased arm swing on the left side during gait. The patient was noted to have right shoulder lower, more anterior and greater gap between right hand and side as compared to left hand and left side; external rotation of right foot and internal rotation of right arm. Noted atrophy of right pectoralis major. A right ptosis was noted that increased during examination. Right exotropia and right corectasia were also noted. With the patient's eyes closed spontaneous levator palpebrae movements were noted. The degree of these spontaneous movements was greater when standing as compared to sitting. Throughout history and examination, when sitting, the patient's posture was slumped forward, with an anterior head position and with superior deviation of both eyes. The patient was noted to have difficulty counting backwards by 3 from 100. He also had noted difficulty spelling words such as mouse backwards.

When asked to stand with his eyes closed the patient sways to and fro with a greater tendency to fall back and to the right; with eyes closed and looking to the left the sway increases; with eyes to the right sway decreases. When challenged on the right side patient would fall to the left, when challenged from left side patient was stable. Patient had difficulty standing on one foot on both sides. No change in sway with metronome either side, rhymes or with counting backwards by threes. Marching on the spot results in right parietal drift; also of note was tremor of right arm.

When asked to touch finger to nose there was a notable decrease in accuracy of the right fingers to touch the tip of the nose as compared to the left. This decrease accuracy was maintained when test was repeated in the sitting and supine position. Rapid alternating movements with elbows in at side demonstrated dysdiadokokinesia on the left hand side. No noted improvement of dysdiadokokinesia of left arm when performed in seated position. Rapid movement of fingers reveals dyspraxia of right hand.

O2 saturation levels were 98 bilaterally. Supine heart rate was 65 with left BP of 142 / 95. Sitting heart rate was 80 initially and decreased to 68 after a few seconds with left BP of 145 / 105. Standing heart rate was 88 initially and decreased to 68 after a few seconds with left BP of 160 / 105. Repeated BP bilaterally in the seated position. Left BP was 140 / 90 and right BP was 148 / 100. Radial pulse on right side was weaker as compared to left radial pulse. Respiratory rate was 12 per minute. On auscultation noted a split S1 that seem to diminish with inspiration. Unable to appreciate change of S1 with change of eye position or head position. Auscultation, palpation and percussion of abdomen was unremarkable. V/A ratio on the right was 3:1 and on the left was 1:1. Pedal pulse was noted to be bilaterally equal and symmetric. Nail bed refilling time after compression was slower on right. Slower by 2 seconds. While studying details of a picture and pursing from the patient's right temporal field to the left temporal field the patient's heart rate increased.

MSR was bilaterally equal and symmetric (2+) at C5,6,7 and L4, S1. No percussion myotonia noted. Sensory exam revealed increased sensation to pin wheel on right leg below knee (whole leg). Pinwheel on upper extremity revealed decreased sensation on dorsal hand, middle dorsal forearm, dorsal of second ray, ventral aspect of 4th and 5th ray. Patient reported decreased sensation to pin wheel on the left lateral deltoid relative to left. Varied pin prick pressure on upper extremity was perceived accurately by patient. Two point discrimination of upper extremity revealed capacity to perceive two points on all rays down to 2 mm. Joint position sense of upper and lower extremity was unremarkable. Vibration testing revealed decreased sensation on right big toe as well as a decreased capacity to discern difference between sides on the right foot only. Strength testing of upper and lower extremity revealed 4+ of right wrist flexion; 4+ opposition of first and second ray on right side; 4+ of right tricep. All other strength testing was bilaterally equal and symmetric. When challenging bicep in supinated position on left arm, the left elbow cavitated, possible decrease in shunt stabilizers. Pathological reflex testing demonstrated down going toe with little withdrawal response, negative palmamento and negative glabellar signs.

Cranial nerve exam revealed the following: tongue deviation to the left; palatal paresis on the right; decreased olfactory sensation on the right; tuning fork on vertex of skull lateralized to the left; AC was noted to be greater than BC on right side; decreased tone and contraction of right frontalis muscle, bilateral decrease in gag reflex. All other findings of CN exam were WNL. On convergence from right temporal field of view patient reported pain behind the right eye. Convergence inferior to nose (CN 4) revealed torsion on left side as compared to a linear path of right eye. On consensual light reflex the right pupil was noted to summate and fatigue faster than left. Patient reported increased sensitivity to the light on his right side.

Smooth pursuit along six cardinal fields of gaze revealed fatigability down and to the right wherein patient would fail to maintain pursuit, in almost hypermetric manner, passing target and having to refixate again. Saccadic hypermetria was noted when challenged from patient's right side to midline. It took seven repetitions for left cerebellum to prevent passing midline with fast pursuit from patient's right to left vs. three repetitions going from patient's left to right. OPK strip from patient's left to right noted frontal refixation failure. Patient reports that tracking to his right is much easier than to his left. Difficulty staying fixed on target, keeps passing target and then having to come back to it. Improvement was noted with repetition to the left. OPK either direction decreased HR more so going to patient's right, after a couple of repetitions going to the left the HR increased. On convergence exophoria of right eye developed after 5 repetitions.

VOR testing with patient rotating to the right at a rate of approximately 50 degrees per second patient's heart rate increased immediately. VOR testing with patient rotating to the left at a rate of approximately 50 degrees per second patient's heart rate initially decreased, held for two revolutions and then increased. Palpation revealed tenderness and fixation on upper right cervical spine; mid cervical spine; lower lumbar spine. Tone of pectoralis minor, SCM and hamstrings were greater on the right side.

Assessment

His findings are suggestive of transneuronal degeneration of the right cerebellum resulting from traumatic dysafferentation, i.e. secondary to the loss of an appropriate degree of large diameter afferentation from damaged cervical mechanoreceptors and muscle spindle cells as a result of his cervical acceleration-deceleration injury. This appears to be producing a secondary diaschisis of the left neocortex. His findings are consistent with the described mechanism of injury, and I have no reason to think that they are the result of anything other than his motor vehicle accident. His prognosis is unclear at the moment. The central effects of this injury may be amenable to rehabilitation, although given the time elapsed since his injury and the subsequent inevitable changes in neural activation and organization, the degree to which this may be possible is unknown. The damage to his right upper extremity and cervical deep structure in all likelihood will result in a permanent loss of necessary afferentation from these regions. This will not only render him susceptible to future neurologic injury, but will also predispose him toward the development of chronic pain responses in this area. His best opportunity for a full recovery will involve a comprehensive program of neurologic rehabilitation, physical therapy, joint manipulation and rehabilitative exercises, with all of these modified to take into account the decreased metabolic capacity of his transneurally degenerating structures in order to avoid promotion of iatrogenesis.

David W. Burns, D.C.