

 **COPY**

COMMONWEALTH OF
PENNSYLVANIA,

vs.

LUGI NICHOLAS MANGIONE,
Defendant.

: IN THE COURT OF COMMON PLEAS OF
: BLAIR COUNTY, PENNSYLVANIA
:
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:

: No. CP-07-CR-0002724-2024
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: ***Type of Document:***

: Defendant's Response to Commonwealth's
: Notice of Defendant's Unavailability for
: Personal Appearance in the Blair County
: Court of Common Pleas and Praecept for
: Consent to Remote Appearance
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: ***Filed on behalf of:***

: Luigi Nicholas Mangione, Defendant
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:

: ***Attorney for Defendant:***

: Thomas M. Dickey, Esquire
: Pennsylvania ID # 41475
:
:
:

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BLAIR COUNTY
ROBERT G. PATTON

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CLERK OF BLAIR COUNTY

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

: NO. CP-07-CR-0002724-2024

vs.

LUIGI NICHOLAS MANGIONE

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:

SCHEDULING ORDER

AND NOW, this _____ day of _____, 2025, upon consideration of the within *Defendant's Response to Commonwealth's Notice of Defendant's Unavailability for Personal Appearance in the Blair County Court of Common Pleas and Praecept for Consent to Remote Appearance*, a hearing is hereby scheduled for the _____ day of _____, 2025, at _____ a.m. / p.m. in Courtroom No. _____ of the Blair County Courthouse, Hollidaysburg, PA.

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF
BLAIR COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	NO.CP-07-CR-0002724-2024
	:	
vs	:	OTN F1009165-3
	:	
	:	
LUIGI NICHOLAS MANGIONE	:	

**DEFENDANT'S RESPONSE TO COMMONWEALTH'S
NOTICE OF DEFENDANT'S UNAVAILABILITY FOR
PERSONAL APPEARANCE IN THE BLAIR COUNTY
COURT OF COMMON PLEAS AND PRAECIPE FOR
CONSENT TO REMOTE APPEARANCE**

AND, NOW, comes LUIGI NICHOLAS MANGIONE, Defendant above named, by and through his attorney, Thomas M. Dickey, Esquire, and, files this response to the Commonwealth's Notice of Defendant's Unavailability for Personal Appearance in the Blair County Court of Common Pleas:

1. Defendant filed a Praecipe to Schedule Hearing on Pretrial Motions to the above-captioned matter.
2. The Commonwealth filed a response to said Motion entitled Notice of Defendant's Unavailability of Personal Appearance in the Blair County Court of Common Pleas and Praecipe for Consent to Remote Appearance.
3. In said Motion the Commonwealth acknowledges that they filed a detainer against the Defendant, Luigi Mangione, reflecting "its intent to secure Defendant – Mangione once he is physically available for prosecution in Blair County."

4. Commonwealth further alleges that the Defendant – Mangione is “unavailable” pursuant to Pa.R.Crim.P. 600, as a result of a letter received from the United States Attorney Southern District of New York on or about June 20, 2025; the same being attached as Exhibit A to the said Motion.

5. Said letter indicates that the “United States plans to keep custody of the Defendant Mangione-pursuant to the federal writ and arrest warrant that were executed in this case-until the conclusion of the federal prosecution, including sentencing.”

6. Said letter also indicates that “our Office will instruct the United States Marshals not to honor any writ seeking to take custody of the defendant to appear in your jurisdiction.”

7. The defendant avers that said letter attached as Exhibit A is insufficient to establish that the defendant is unavailable for personal appearance pursuant to Pa.R.Crim.P. 600; and that due diligence requires more than just initiating contact with the holding jurisdiction (New York) and mandates that the Commonwealth probably follow the correct legal procedures to obtain custody of the defendant.

8. The Commonwealth believes by its Motion, that its request/demand for the appearance of defendant by mail, letter, or other communication; as well as its written response from New York, satisfies its burden of exercising due diligence.

9. While the defendant acknowledges that such a written request/demand for the defendant in writing, or other means of communication

may be adequate under the Interstate Agreement on Detainers (IAD); the defendant avers that the IAD is not applicable to federal pretrial detainees, as it applies only to defendants who have “entered upon a term of imprisonment.” See *United States v. Mauro*, 436 U.S. 340 (1978).

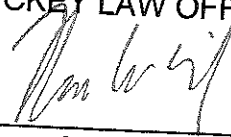
10. Defendant avers that since he is a federal pretrial detainee, the Commonwealth cannot rely on the IAD to demonstrate due diligence. Defendant avers that, in order to satisfy its due diligence obligations in the case at bar, it must pursue the only legally available process; a Writ of Habeas Corpus Ad Prosequendum authorized by 28 U.S.C. § 2241(c)(5).

11. Said Writ of Habeas Corpus Ad Prosequendum, is a formal request from a state prosecutor to the federal court seeking temporary custody of a federal detainee for the purpose of prosecution in state court. Said process is governed by 28 U.S.C. § 2241(c)(5) which authorizes the federal court to issue the writ. Further, 28 C.F.R. §§ 527.30-31 which details all procedures relating to said writ.

12. Said Petition must be filed in the appropriate U.S. District Court, not a state court and must demonstrate the necessity of the detainee’s appearance. Once issued, the write directs the U.S. Marshals to transport the detainee for the state proceeding and return them promptly to federal custody.

13. The Commonwealth’s Motion suggests that the service of a detainer, or other request/demand on federal authorities to secure defendant Mangione’s appearance is the legal equivalent of Writ of Habeas Corpus Ad Prosequendum. As recognized by the U.S. Supreme Court in *Mauro*, a detainer is not the legal equivalent of a Writ of Habeas Corpus Ad Prosequendum. The Court noted that

TOM DICKEY LAW OFFICES, P.C.

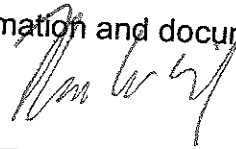


Thomas M. Dickey, Esquire

ATTORNEY FOR DEFENDANT

PUBLIC ACCESS POLICY CERTIFICATION

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.



Thomas M. Dickey, Esquire

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

v.

LUIGI NICHOLAS MANGIONE

: NO. CP-07-CR-0002724-2024
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CERTIFICATE OF MAILING

I, Thomas M. Dickey, hereby certify that on this date, a true and correct copy of the foregoing *Defendant's Response to Commonwealth's Notice of Defendant's Unavailability for Personal Appearance in the Blair County Court of Common Pleas and Praecipe for Consent to Remote Appearance* was hand delivered to the following parties:

Peter J. Weeks, Esquire
District Attorney
Blair County Courthouse
423 Allegheny Street
Hollidaysburg, PA 16648

The Honorable Jackie A. Bernard
Blair County Courthouse
423 Allegheny Street
Hollidaysburg, PA 16648

Tom Dickey Law Offices, P.C.:



Thomas M. Dickey, Esquire
Attorney for Defendant
PA Supreme Court ID # 41475