

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

COMMONWEALTH OF PENNSYLVANIA :

VS. :

CP-07-CR-0002724-2024

LUIGI NICHOLAS MANGIONE, :

Defendant. :

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COMMONWEALTH'S MEMORANDUM OF LAW  
REGARDING THE PROCESS OF OBTAINING  
A WRIT OF HABEAS CORPUS AD  
PROSEQUENDUM

Filed on behalf of:  
Commonwealth of Pennsylvania

District Attorney's Office by:

**Peter J Weeks, Esquire**  
District Attorney  
Pa. ID # 201051  
**Nichole M. Smith, Esquire**  
First Assistant District Attorney  
Pa. ID # 200855  
Office of the District Attorney  
Blair County Courthouse  
423 Allegheny Street, Suite 421  
Hollidaysburg, PA 16648  
(814) 693-3010

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2025 AUG 19 AM 8:09  
FILED  
BLAIR COUNTY  
ROBING. PARTON  
CLERK OF COURT  
OF PENNSYLVANIA

COMMONWEALTH'S MEMORANDUM OF LAW REGARDING THE PROCESS  
SEEKING A WRIT OF HABEAS CORPUS AD PROSEQUENDUM

AND NOW, comes the Commonwealth of Pennsylvania, by and through its attorneys, Blair County District Attorney Peter J. Weeks, Esquire, and First Assistant District Attorney Nichole M. Smith, Esquire, who avers as follows:

Defendant, LUIGI NICHOLAS MANGIONE ("Defendant-Mangione"), was charged at the above-captioned criminal action numbers with FORGERY - UTTERS FORGED WRITING (18 Pa.C.S. §4101A3 F3), FIREARMS NOT TO BE CARRIED W/O LICENSE (18 Pa.C.S. §6106A1), TAMPER RECORDS OR IDENTIFICATION - WRITINGS (18 Pa.C.S. §4104A), POSSESS INSTRUMENT OF CRIME (18 Pa.C.S. §907(a)), and various related criminal offenses.

On or about December 19, 2024, Defendant-Mangione elected to waive his preliminary hearing with a preservation of habeas and then voluntarily and with the advice of counsel waived extradition to the State of New York where he faces homicide and related charges that would cause him to be removed from the jurisdiction of Blair County in order to first be prosecuted on his homicide

cases. Subsequent to being placed into custody of the New York Police Department and Manhattan District Attorney's Office, Defendant-Mangione was transported to New York City, where he was taken into Federal custody. Defendant-Mangione was then charged with Murder and related offenses in New York State Court and in Federal Court and remains detained by the Federal Government. Accordingly, the undersigned then served a detainer by email and hand service to secure Defendant-Mangione's appearance after his homicide prosecution.

Notably, the logistics and costs for the transportation and housing of Defendant-Mangione were significantly greater than a typical inmate due to the media and public attention generated by the New York allegations. Further, there were significant security concerns regarding the custody and transportation of Defendant-Mangione due to the public attention the case has received and the threats received by the criminal justice system regarding Defendant-Mangione's prosecution.

Subsequent to Defendant-Mangione's custody being transferred from the Blair County Sheriff to the New York City Police Department, he was taken into custody by the United States Government on a federal indictment for homicide and related charges. Consequently, Defendant-Mangione was detained in a federal prison where he remains.

The undersigned have been in communication with Assistant United States Attorney Frank Balsamello and the other United States Attorneys prosecuting Defendant-Mangione for the purposes of providing discovery to the United States Government and to ascertain whether Defendant-Mangione would be physically available for court appearances in Blair County during the pendency of his federal prosecution.

On or about February 12, 2025, the undersigned received a letter from the United States Attorney Southern District of New York, which indicated that Defendant-Mangione would not be made physical available to Blair County until the disposition of his federal charges, including any sentencing proceedings. The letter also indicates that Defendant-Mangione will be made available via videoconference should he elect to proceed in any or all stages of his Blair County prosecution remotely. The Commonwealth has had repeated follow up conversations to date with the above United States Prosecutors and their position has remained consistent.

The Commonwealth received Defendant-Mangione's intial praecipe to schedule hearing and demand for personal appearance on or about June 20, 2025 and immediately reached out to the Federal Prosecutor's Office in New York.

On or about June 20, 2025, the undersigned received a letter from the United States Attorney Southern District of New York, which indicated that Defendant-Mangione would not be made physically available to Blair County until the disposition of his federal charges, including any sentencing proceedings. The letter also indicates that Defendant-Mangione will be made available via videoconference should he elect to proceed in any or all stages of his Blair County prosecution remotely.

The Commonwealth has asserted and continues to assert that the position of the United States Attorney's Office regarding the physical unavailability of Defendant-Mangione has made Defendant-Mangione "unavailable" pursuant to Pa.R.Crim.P. 600. The Commonwealth's detainer and ongoing communication with the United States Attorney's Office in the Southern District of New York reflects its intent to secure Defendant-Mangione once he is physically available for prosecution in Blair County.

Notwithstanding such efforts, counsel for Defendant-Mangione has ignored relevant legal authority and demanded, via memorandum submitted August 1, 2025, that the Commonwealth secure Defendant-Mangione via Writ of Habeas Corpus Ad Prosequendum. While the Commonwealth maintains its position that its ongoing efforts establish the requisite diligence for Pa.R.Crim. 600, it prepared, filed, and submitted a Writ of Habeas Corpus Ad Prosequendum to the Court for signature. Inexplicably, counsel for Defendant-Mangione, who demanded the Writ, then objected to presentation of the Writ to the Court for signature. The undersigned respectfully submits that Pennsylvania law provides for the Commonwealth to submit the writ and for a Common Pleas Judge to grant the same:

**§ 6503. Right to apply for writ**

**(a) General rule.**--Except as provided in subsection (b), an application for habeas corpus to inquire into the cause of detention may be brought by or on behalf of any person restrained of his liberty within this Commonwealth under any pretense whatsoever.

**(b) Exception.**--Where a person is restrained by virtue of sentence after conviction for a criminal offense, the writ of habeas corpus shall not be available if a remedy may be had by post-conviction hearing proceedings authorized by law.  
42 Pa.C.S.A. § 6503.

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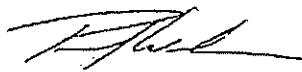
**§ 6502. Power to issue writ**

**(a) General rule.**--Any judge of a court of record may issue the writ of habeas corpus to inquire into the cause of detention of any person or for any other lawful purpose.

**(b) Venue.**--The venue of matters brought under this chapter shall be as prescribed by general rule.  
42 Pa.C.S.A. § 6502

Once the Commonwealth prepares the writ and a Common Pleas Judge (Judge of a court of record) signs it, the Commonwealth forwards the same to the United States Attorney's Office where the U.S. Attorney submits it to a Federal Judge and provides input as to whether the Writ should be granted or denied. In the instant case, the Commonwealth is on notice and has provided the same to Court and Counsel that the currently pending Writ of Habeas Corpus Ad Prosequendum will be denied. Therefore, it is respectfully submitted that this Court has the authority pursuant to 42 Pa.C.S. §6502 to issue the Writ, notwithstanding the fact that the U.S. Attorney's Office and Federal Courts may ultimately decide to deny the same.

Respectfully submitted,



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Peter J. Weeks  
Blair County District Attorney  
Blair County District Attorney's Office  
423 Allegheny Street., St. 421  
Hollidaysburg, PA 16648  
(814) 693-3010

Respectfully submitted,



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Nichole M. Smith  
First Assistant District Attorney  
Blair County District Attorney's Office

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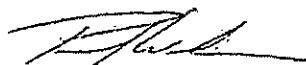
Defendant. :

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CERTIFICATE OF COMPLIANCE

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.

Respectfully submitted,



Peter J. Weeks  
District Attorney

FILED  
BLAIR COUNTY  
ROBIN G. PATTON  
CLERK OF COURTS  
CLERK OF ORPHANS COURT  
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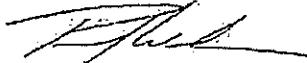
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CERTIFICATE OF SERVICE

I, Peter J. Weeks, District Attorney, do hereby certify that I have served on this day a true and correct copy of the foregoing Motion via First Class Mail to:

Thomas M Dickey, Esquire, Esq.  
308 Orchard Avenue  
Altoona, PA 16602  
Tmdlaw312@yahoo.com

Date: August 18, 2025



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Peter J. Weeks, Esq.  
For the Commonwealth

FILED  
BLAIR COUNTY  
ROBING PATTON  
CLERK OF COURTS  
CLERK OF ORPHANS COURT  
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