

COMMONWEALTH OF : IN THE COURT OF COMMON PLEAS OF  
PENNSYLVANIA, : BLAIR COUNTY, PENNSYLVANIA  
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:  
v. : No. CP-07-CR-0002724-2024  
:  
:  
LUGI NICHOLAS MANGIONE, :  
:  
Defendant. :  

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DEFENDANT'S  
RESPONSE/OBJECTION TO  
COMMONWEALTH'S NOTICE OF THE  
FEDERAL GOVERNMENT'S DENIAL  
OF HABEAS CORPUS AD  
PROSEQUENDUM

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

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

2025 SEP 23 AM 8:32  
CLERK'S OFFICE  
BLAIR COUNTY  
HABEAS CORPUS  
ROBING.PATTON  
FILED

**DEFENDANT'S RESPONSE/OBJECTION TO  
COMMONWEALTH'S NOTICE OF THE FEDERAL  
GOVERNMENT'S DENIAL OF HABEAS CORPUS  
AD PROSEQUENDUM**

AND, NOW, comes LUIGI NICHOLAS MANGIONE, Defendant above named, by and through his attorney, Thomas M. Dickey, Esquire, and files this Response to Commonwealth's Notice of the Federal Government's Denial of Habeas Corpus Ad Prosequendum, respectfully representing as follows:

1. The Commonwealth had filed on or about September 9, 2025, a Notice of the Federal Government's Denial of Habeas Corpus Ad Prosequendum (hereinafter referred to as the Notice). In its Notice, the Commonwealth has alleged in paragraph #11 that: "The Writ of Habeas Corpus Ad Prosequendum was denied via *e-mail* by United States Attorney's Office for the Southern District of *New York Data Analyst Sheena Wills* on September 10, 2025." (*emphasis added*)
2. The Commonwealth further set forth in said Notice, under paragraph #12 that "On the same date it was received (September 10,

2025), the undersigned emailed the Court and Attorney Dickey notice that the Writ was denied.” “The Court indicated that a *document of record was require to memorialize the denial.*” Defendant believes that this paragraph was, in part, a reference to an e-mail received from the Honorable Judge Jackie A. Bernard dated September 10, 2025. In response to the Commonwealth’s Notice. Said e-mail noted in relevant part the following: “While I understand and appreciate the promptness of the notice, *something more official will need to be filed* for the record. Please file a *document of record* with documentation identifying/from the appropriate decision maker.” Emphasis added.

3. In response to said e-mail, The Commonwealth submits that “on or about September 10, 2025, First Assistant Nichole Smith contacted Data Analyst Sheena Wills who was informed that no further written correspondence would be forth coming.”

4. It appears that the Commonwealth intends its Notice of the Federal Government’s Denial of Habeas Corpus Ad Prosequendum filed on September 17, 2025, to serve as and/or to constitute its final “document of record” relative to the denial of the Writ. This is supported by the language stating; “Accordingly, the Commonwealth is submitting the instant filing to memorialize the correspondence received from the federal prosecutors that the Writ of Habeas Corpus Ad Prosequendum is denied.

5. Defendant objects to the Commonwealth's recent submission and avers that it is both insufficient and deficient as a document of record, or other appropriate document or record necessary to the denial of the Writ, for reasons including, but not limited to, of the following:

- a. No correspondence whatsoever has been received from any federal prosecutor; the only correspondence is an e-mail from a Data Analyst;
- b. No information is contained in the Commonwealth's Notice setting forth an explanation of what a Data Analyst is and how said Analyst has any authority to deny the Writ; or how she is an appropriate decision maker as requested by the Honorable Judge Jackie Bernard.
- c. Said e-mail from the Data Analyst is not an official document authorized by a Federal District Court Judge or a United States Attorney or Assistant United States Attorney necessary for the Denial of a Writ;
- d. Any decision denying the Writ is an administrative decision and not a secretarial one; further, the authority to deny the Writ is restricted and limited to those persons authorized under Federal Law.
- e. The Commonwealth cites no State nor Federal statutory authority or other protocol, purporting that a Data Analyst has the authority to deny compliance with a Writ;

f. Defendant avers that his right to be present at every critical stage of his prosecution is protected and guaranteed under the Sixth Amendment of both the Constitution of the United States and of this Commonwealth. Defendant further avers that those persons/entities with proper authority to deny the Writ are limited and set forth under Title 28 of the United States Code as well as the Code of Federal Regulations and a Data Analyst is not one of those persons with such power.

g. Said communication from the Data Analyst indicated that "any further inquiries please contact US Attorney's office." The Commonwealth in its notice, sets forth no indicia of any additional efforts made or attempted with the US Attorney's Office. The only additional information set forth in said notice is a follow up contact with the Data Analyst; author of the original email.

6. The Defendant demands and insists that he be present in person for any and all critical stage proceedings in Pennsylvania and will not agree to waive or diminish in any way, his right to be present as protected by both the Constitution of the United States and of this Commonwealth.

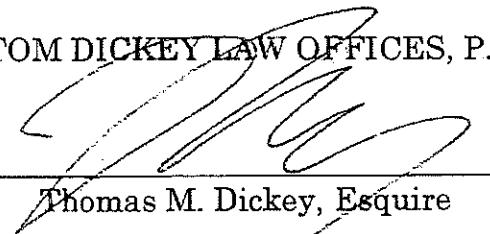
7. The Defendant believes and avers that the Commonwealth, up to this point has not exercised due diligence in its attempts to make the Defendant available in person for all court proceedings.

WHEREFORE, the Defendant prays and requests that this Honorable Court enter an order:

- a. Scheduling a hearing on all motions relative to the Defendants availability and/or due diligence efforts made by the Commonwealth, and/or
- b. Attributing all time periods on the Commonwealth for Rule 600 purposes due to its lack of due diligence for reasons set forth in this Motion and/or
- c. Entering any other relief deemed appropriate.

Respectfully submitted,

TOM DICKEY LAW OFFICES, P.C.

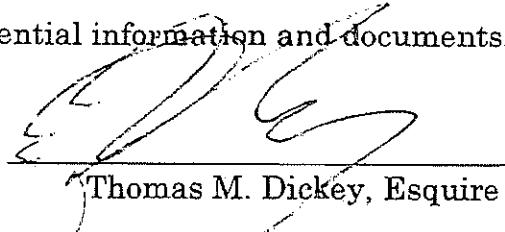


Thomas M. Dickey, Esquire

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.



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Thomas M. Dickey, Esquire