

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

COPY COMMONWEALTH OF PENNSYLVANIA

vs.

NO. 2024 CR 2724

LUIGI NICHOLAS MANGIONE,
Defendant

CLERK'S OFFICE
BLAIR COUNTY
ROBING PATTON

2025 JUL -3 AM 11:51

FILED
BLAIR COUNTY
ROBING PATTON

HON. JACKIE ATHERTON BERNARD

PRESIDING JUDGE

PETE WEEKS, ESQUIRE

DISTRICT ATTORNEY

NICHOLE SMITH, ESQUIRE

FIRST ASST. DISTRICT ATTORNEY

THOMAS DICKEY, ESQUIRE

COUNSEL FOR DEFENDANT

ORDER

AND NOW, this 2nd day of July, 2025, entry of the following Order is deemed appropriate:

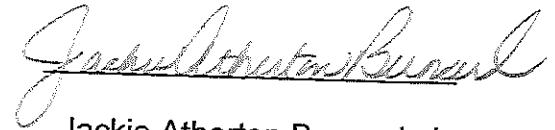
It is hereby ORDERED, DIRECTED, and DECREED that:

1. On May 2, 2025, the Court issued an order finding Defendant unavailable pursuant to Pa.R.Crim.P. 600 because he did not waive personal appearance for proceedings and the federal authorities refuse to produce Defendant in person. The Order directed the Commonwealth to update the Court every sixty days on the availability of the Defendant for personal appearance and further directed either party may praecipe for a hearing based upon a change in circumstances.

2. On June 23, 2025, the Court received the 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*, with attached correspondence from the United States Attorney for the Southern District of New York. Said correspondence stated: the Defendant remains available for remote appearances in Blair County; the retention of custody over the Defendant continues until conclusion of the federal prosecution; and the instruction to the United States Marshals to not honor any writ seeking to take custody of the Defendant for appearance in Blair County.
3. On June 24, 2025, this Court received the Defendant's *Praecipe to Schedule Hearing on Pretrial Motions*, expressing a demand for physical appearance to participate in a scheduled hearing.
4. A clear reading of the above referenced filings by the parties indicate there is no change in circumstances either in the position of the federal authorities or the defense from the time of the issuance of the May 2, 2025 Order.
5. The defense is directed to file a memo, within thirty (30) days, providing the legal authority for the physical production of the Defendant for pretrial motions in the Court of Common Pleas of Blair County, Pennsylvania, while he remains subject to federal custody and pending prosecution when the United States Attorney has specifically stated its refusal to release the Defendant for transport to Blair and rather agrees to make him available for virtual participation.
6. The Commonwealth shall file a response to the defense memorandum within thirty (30) days of receipt of the defense memorandum.

7. Counsel is reminded that courtesy copies of all filings shall be provided to Chambers contemporaneously with filing the same of record.
8. Consistent with this Court's prior May 2, 2025 Order, the Commonwealth has an ongoing duty to update the Court every sixty (60) days to indicate Defendant's status with the federal authorities and whether his personal appearance can be secured in cooperation with those federal authorities.
9. Again, as stated in the May 2, 2025 Order, either party may file a praecipe upon a *change of circumstances* requesting the Court to schedule a proceeding. (*Emphasis added*). However, it is further directed that any praecipe specify the change in circumstances, warranting the scheduling of a court proceeding.

BY THE COURT:



Jackie Atherton Bernard, J.