

ORIGINAL

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	:	

**SUPPLEMENTAL/AMENDED OMNIBUS PRETRIAL
MOTION FOR RELIEF**

AND, NOW, comes LUIGI NICHOLAS MANGIONE, Defendant above named, by and through his attorney, Thomas M. Dickey, Esquire, and, pursuant to *Pa.R.Crim.P. 578, et seq.*, submits the following:

Petition for Writ of Habeas Corpus

1. The Defendant, the petitioner herein, is restrained of his liberty in the instant charges, inasmuch as bail was denied at preliminary arraignment by Magisterial District Judge Benjamin Frederick Jones of this judicial district by order entered at MJ-24102-CR-0000623-2024 on December 9, 2024, which bail has not been modified or reduced.
2. A Preliminary Hearing was originally scheduled for December 23, 2024, however, was moved and rescheduled for December 19, 2024, in order to coincide with an Extradition Hearing scheduled for the same date.
3. In proceedings before Magisterial District Judge Jones, District 24-1-02, at MJ-24102-CR-0000623-2024, on December 19, 2024, the Defendant waived the instant charges to the Court of Common Pleas of Blair County. This

waiver was subject to a contemporaneous agreement pursuant to ***Pa.R.Crim.P. 541(A)***, appearing of record on the docket at MJ-24102-CR-0000623-2024, which thereby preserved a later challenge to the sufficiency of the Commonwealth's *prima facie* case, as set forth in the copy of a page in the docket entries of said proceedings available from the UJS portal attached as "Exhibit A" hereto.

4. The instant charges, as alleged in the Criminal Information filed of record on December 31, 2024, at 11:29 a.m.; charged: (i) Count 1, Forgery – Utters Forged Writing, in violation of ***18 Pa. C.S. § 4101(a)(3)***, a felony of the third degree; (ii) Count 2, Firearms Not to Be carried W/O License, in violation of ***18 Pa.C.S. § 6106(a)(1)***, a felony of the third degree; (iii) Count 3, Tamper Records or Identification – Writings, in violation of ***18 Pa.C.S. § 4104(a)***, a misdemeanor of the first degree; and (iv) Count 4, Possess Instrument of Crime in violation of ***18 Pa.C.S. § 907(a)***, a misdemeanor of the first degree, and (v) Count 5, False Identification to Law Enforcement Officer, in violation of ***18 Pa.C.S. § 4914(a)***, a misdemeanor of the third degree.

5. The Defendant believes that the instant charges are not supported by a *prima facie* case, so that the petitioner's detention or confinement on the instant charges is illegal.

6. Petitioner further avers that any evidence seized, obtained, or in the possession of law enforcement and/or the Commonwealth, purportedly in support of any of the instant charges, was obtained illegally and unlawfully for reasons set forth, *supra*, in Defendant's Motion to Suppress.

7. The Petitioner is **not** restrained herein by virtue of sentence after conviction for a criminal offense within the contemplation of **42 Pa.C.S. § 6503(b)**.

8. The privilege of a writ of habeas corpus is not now suspended in the case of rebellion or invasion when the public safety may require it.

9. Pursuant to **Pa.R.Crim.P. 108(A)**, venue for this petition for writ of habeas corpus, which challenges the legality of the petitioner's detention or confinement in a criminal matter on the grounds of insufficient evidence of a *prima facie* case, lies with the Court of Common Pleas of Blair County, being the judicial district in which the order directing the petitioner's detention or confinement was entered.

WHEREFORE, pursuant to **42 Pa.C.S. § 6501**, *et seq.*, the Defendant prays that the Court issue a writ of habeas corpus and, after requisite proceedings, grant relief:

- A) By discharging the Defendant in the above captioned criminal action:
- B) Should discharge in whole not be warranted, quash such charges that are not supported by a *prima facie* case; and/or
- C) Grant such other relief as justice may require.

Motion to Suppress Evidence

10. All previous paragraphs are hereby incorporated as though fully set forth herein.

11. On or about December 9, 2024 at approximately 9:14 am., two (2) Altoona Police Officers were dispatched to McDonald's located at 407 East Plank Road, Altoona, Pa.; "...for a suspicious male that resembled the suspect who shot

the CEO in New York.” He was described as wearing a beanie and a medical mask.

12. Prior to their interaction with Defendant, no officer of the APD personally spoke to any individual who may have provided the anonymous, or other information to 911. Accordingly, APD officers had no independent knowledge regarding the origin, genesis, or basis of the information; and whether or not this information was reliable or whether it was based on the caller’s hunch.

13. Prior to their interaction with the Defendant, the APD made no contact with law enforcement authorities from Pennsylvania, New York, or the FBI, to determine whether or not the Defendant was in fact the person who was the suspect being sought in the New York shooting.

14. The two (2) APD Officers who arrived at the McDonald’s were uniformed, armed and fully equipped with other police equipment (radios etc.). Said uniforms exhibited badges (patches) and other identifying insignia indicating their identity as police officers.

15. Defendant was seated at a dining table that was lodged in a corner between two (2) connecting concrete walls. One concrete wall was immediately to his back; the other, a wall to his immediate left. Directly in front of him, was a dining table with four (4) chairs. The Defendant occupied one chair and one unoccupied chair was to his immediate right. The remaining two (2) chairs were unoccupied and were directly across from him on the other side of the dining table. Defendant’s only natural path of travel (other than climbing over the dining table) and/or route of egress was to his right. This would require only the slight movement of the unoccupied chair to his right.

16. Upon their arrival, one APD officer immediately posted himself to Defendant's immediate right and within an arm's length of Defendant; blocking his only path of natural travel and/or egress. The other APD officer positioned himself directly on the other side of the table, forming a human law enforcement wall blocking in the Defendant. Had the Defendant decided to leave the dining area he would have been required to penetrate through and/or physically push aside the two uniformed and armed officers. No reasonable person in the Defendant's position would believe that he was free to leave.

17. The aforementioned actions by APD officers, constituted a seizure and, at a minimum, an investigatory detention of the Defendant.

18. An investigative detention constitutes a seizure of a person and activates the protections of the **Fourth Amendment** and the **Fourteenth Amendment** to the **United States Constitution** and under **Article 1, Section 8**, of the **Pennsylvania Constitution**.

19. The combined actions of the two APD officers were designed to not only exhibit their authority and control over the Defendant, but to also to restrict and totally curtail his liberty. These actions resulted in a stop, arrest, seizure, and/or investigatory detention of the Defendant. At the time of the stop, arrest, seizure, and/or investigatory detention of the Defendant, the APD lacked reasonable suspicion to engage in such activity. Said actions were in violation of the protections afforded to the Defendant under the **Fourth Amendment** and the **Fourteenth Amendment** to the **United States Constitution** and under **Article 1**,

Section 8, of the Pennsylvania Constitution.

20. Prior to this stop, arrest, seizure and/or detention of the Defendant, the APD Officers had no articulable facts and observed no criminal conduct on the part of the Defendant, nor any other evidence indicating that any criminal activity was afoot. Accordingly, APD lacked reasonable suspicion to engage in this activity. At no time did the Defendant exhibit any threatening gesture or show of force. These actions by APD, were in violation of the protections afforded to the Defendant under the **Fourth Amendment** and the **Fourteenth Amendment** to the **United States Constitution** and under **Article 1, Section 8, of the Pennsylvania Constitution**.

21. Other than the anonymous 911 call, the APD had no independent corroborating evidence that the Defendant was in fact the suspect sought in New York, prior to, or at the time of their stop and/or the investigatory detention of the Defendant.

22. The APD, prior to, or at the time of its stop/investigative detention of the Defendant; had no paperwork, photograph, warrant, communication, or other information in its possession corroborating the speculation that Defendant was in fact the person being sought in New York.

23. Prior to the stop, arrest, seizure and investigatory detention of the Defendant, APD Officers had no objective grounds for said detention, other than a hunch and/or unparticularized suspicion.

24. In light of the foregoing, the APD lacked reasonable suspicion for any stop, arrest, seizure and/ or investigatory detention of the Defendant. Said actions

were in violation of the Defendant's rights as protected under the **Fourth Amendment** and the **Fourteenth Amendment** to the **United States Constitution** and under **Article 1, Section 8**, of the **Pennsylvania Constitution**.⁷

25. Police must have reasonable suspicion to support an investigatory detention at the moment of detention. **Fourth Amendment** and the **Fourteenth Amendment to the United States Constitution** and under **Article 1, Section 8**, of the **Pennsylvania Constitution**.

26. At the time of the stop, arrest, seizure and investigatory detention, APD Officers told the Defendant that he "looked suspicious" and gave directions and commands to the defendant to perform certain tasks, including but not limited to, providing his identification, standing up, sitting down, placing hands on head; as well as a *Terry* frisk. They also questioned him about being in New York. At no time did the APD officers indicated to the Defendant that he was free to leave.

27. The totality of the circumstances, including but not limited to the positioning, demeanor, mannerisms, commands, directives, instructions, and other actions of the APD, showed that at the time the request for identification was made, compliance with this request was required.

28. During the stop, arrest, seizure, and/or the investigatory detention of the Defendant, APD officer demanded/requested that he produce identification. Under the totality of the circumstances, the production of identification was not an act of freewill. The Altoona Police Department took possession and control of identification materials presented by Defendant, and continued retention of this material. The positioning of law enforcement Officers/personnel and the retention

of a person's identification materials for a background check, evidence of criminal activity, and/or other investigative measures, signal to a reasonable person that they are implicitly commanding that person to remain on scene while doing so. Any identification information was illegally obtained insofar as it was the fruit of an illegal investigatory detention, stop, arrest, and or seizure of the Defendant; the same being in violation of the Defendants right as protected under the **Fourth Amendment** and the **Fourteenth Amendment to the United States Constitution** and under **Article 1, Section 8, of the Pennsylvania Constitution**.

29. It is clear that a seizure of the Defendant occurred. The totality of the actions taken by APD Officers would have communicated to a reasonable person that the person was not free to decline the officer's requests or otherwise terminate the encounter. Any reasonable person, innocent of any crime, would have thought that he was being restrained if he had been in the Defendant's shoes. Said actions were in violation of the Defendant's rights as protected under the **Fourth Amendment** and the **Fourteenth Amendment to the United States Constitution** and under **Article 1, Section 8, of the Pennsylvania Constitution**.

30. APD officers lacked reasonable suspicion and/or probable cause to not only stop, arrest, seize and/or detain the defendant; but also, to conduct a *Terry* frisk on the Defendant. Further, there was no justification to perform a *Terry* frisk, insofar as there existed no factual basis to form a reasonable belief at that time, that the Defendant may be armed and dangerous.

31. Once the APD officer came into possession of identification information, He retained possession of said information and walked outside in order to

investigate the Defendant. The other APD officer remained with and in control of the Defendant. Said officer, remained with the Defendant within an arm's length, and continued to curtail the liberty of the Defendant, block his route/path of travel, ingress/egress and movement from the dining table at McDonalds.

Again, any identification information was illegally obtained insofar as it was the fruit of an illegal investigatory detention, stop, arrest, and or seizure of the Defendant. These actions were in violation of the Defendant's rights as protected under **Fourth Amendment** and the **Fourteenth Amendment to the United States Constitution** and under **Article 1, Section 8, of the Pennsylvania Constitution**.

32. Within minutes other members of the Altoona Police Department, both uniformed and plain clothes, arrived at the McDonalds. This resulted in the Defendant path of travel from the dining table being blocked and prevented by (2) two fully uniformed and armed Altoona Police Officers. Another fully uniformed and armed Altoona Police Officer remained on the other side of the dining table. Numerous Officers (approximately 3-4), also blocked the path/route of travel from the dining area in which Defendant was seated, to the service area of the McDonalds. Numerous officers also prevented the Defendant from accessing the exit door from the McDonalds. An Agent from the Pennsylvania Attorney General's Office was also present.

33. A member of the Altoona Police Department questioned the Defendant about whether or not a backpack, plastic bag, and other items belonged to the Defendant. At that time, the Altoona Police Officer seized the items and packages

and placed them in an area behind law enforcement personnel so that several police officers were positioned between the Defendant and the seized items. At all times thereafter, Altoona Police Officers remained stationed between the Defendant and the items of property believed to belong to the Defendant. These items of property remained in the control of the Altoona Police throughout. Defendant believes this action further supports his belief that he was not free to go.

34. The APD officers continued to illegally detain the Defendant while additional units were asked to arrive on scene to in order to assist in identifying the Defendant as the suspect allegedly involved in the New York shooting.

35. These eight (8) to ten (10) additional persons, included additional APD officers as well as agents from the Pennsylvania Attorney General's Office. These personnel positioned themselves in a manner to block all exits from the McDonald's as well as other pathways of ingress and egress to other parts of the restaurant.

36. In order for the Defendant to exit the dining table to venture to the service area of the McDonalds he would have had to pass no less than approximately seven (7) to ten (10) members of the Altoona Police Department and/or other law enforcement personnel. At this time, it is believed that there was in excess of ten (10) law enforcement personnel surrounding the Defendant in the small dining area. It again became abundantly clear that the Defendant's curtailment of liberty, seizure and unlawful detention and custody continued by this group of law enforcement personnel. No reasonable person would have believed

that they were free to leave. The curtailment of Defendant's liberty and the detaining of the Defendant at this time was in violation in contravention of the **Fourth Amendment** and the **Fourteenth Amendment** to the **United States Constitution** and under **Article 1, Section 8**, of the **Pennsylvania Constitution**.

37. This continued unlawful detention continued for approximately twenty (20) minutes while efforts were being made to identify the Defendant as the New York suspect. These efforts, included but was not limited to, the sending of a photo of the Defendant to other off-scene agents of the PA Attorney General's Office; as well as to agents of the Federal Bureau of Investigation. Attempts were also made to make identification through various facial recognition data bases.

38. No official identification of the Defendant, as being the suspect from New York, was ever made by any law enforcement personnel from the State of New York; the Pennsylvania Attorney General's Office, or the FBI. Further no information or responses to facial recognition request were received by APD or other law enforcement personnel.

39. No name of the suspect wanted in the New York shooting, nor any warrant for arrest of any suspect or defendant was provided to APD or other law enforcement personnel by the FBI or the State of New York.

40. No independent identification or other verification was made nor transmitted by the State of New York or FBI.

41. Any purported identification of the Defendant as the person wanted in New York was speculative and based on a hunch. Further any purported identification was made long after Defendant had been illegally stopped, arrested,

seized and/or detained; in violation of the Defendant's rights as protected under the **Fourth Amendment** and the **Fourteenth Amendment to the United States Constitution** and under **Article 1, Section 8, of the Pennsylvania Constitution**.

42. Throughout the interaction with Defendant, APD officers and other law enforcement personnel continued to detain, interrogate and question the Defendant without any reading of his *Miranda* Rights as required by both the Constitution of the United States as well as the Pennsylvania Constitution. These questions were designed to potentially incriminate the Defendant.

43. The nature, duration, and conditions of the investigated detention by APD officers and other law enforcement personnel, at this time, became so coercive as to be the functioning equivalent of an arrest. It was clear that a custodial detention/interrogation was occurring at this time. This custodial interrogation was performed without probable cause to arrest, stop, seize, or otherwise detain the Defendant. This custodial interrogation, required the reading of *Miranda* warning as required by both the **Fifth Amendment of the Constitution of the United States** as well as **Article 1 Section 9 of the Pennsylvania Constitution**.

44. In excess of (15) fifteen minutes had passed and the Defendant's unlawful detention, seizure, curtailment of liberty, custody, and interrogation continued. He still had not been given any information as to why he was being held. This continued curtailment of Defendant's liberty, seizure, unlawful detention, and custody of the Defendant was in violation and contravention of the **Fourth Amendment** and the **Fourteenth Amendment to the United States Constitution**

and under **Article 1, Section 8**, of the **Pennsylvania Constitution**.

45. The relevant police conduct exhibited at this time communicated to a reasonable person that he/she was not at liberty to ignore the police presence and go about his/her business. The actions by the Altoona Police Department and others sent a clear and strong signal to the Defendant – and any other reasonable person – that the officers will/would not allow him to leave while the inquiry is in progress.

46. Finally, after approximately (15) fifteen minutes of the defendant's unlawful detention, seizure, and continued custody, he was advised by Officer Detwiler that he was officially under a police investigation. He was not read his *Miranda* Rights at that time. Defendant was then asked who he was; at which time Defendant replied, that he was Luigi Mangione. He was further interrogated by members of the Altoona Police Department.

47. After approximately (2) two more minutes of interrogation a member of the Altoona Police Department (Fox) read the Defendant his *Miranda* Rights. At the conclusion of the reading of said *Miranda* rights, the Defendant was asked if he wished to speak to police, at which time the Defendant shook his head no. Officer Fox immediately stated to the Defendant that "you are not in custody".

48. This statement was materially false, inaccurate, and contrary to law. It is clear at this time that the Defendant was in fact in custody; and had been in fact, in custody, since his illegal and unlawful seizure, detention, curtailment of liberty. Again, this unlawful seizure, detention, curtailment of liberty was in contravention of both the **Fourth Amendment** and the **Fourteenth Amendment** to the **United**

States Constitution and under **Article 1, Section 8**, of the **Pennsylvania Constitution**.

49. After the Defendant shook his head no (indicating he did not want to talk to the police) the Altoona Police Department continued to question and interrogate him anyway, he was then subjected to another *Terry* frisk. He was then placed in handcuffs and was informed that he was being detained. For reasons stated, *infra*, it is the Defendant's position that he had already been illegally seized, detained, arrested, and in custody contrary to the protections provided by the both the **Fourth Amendment** and the **Fourteenth Amendment** to the **United States Constitution** and under **Article 1, Section 8**, of the **Pennsylvania Constitution**. A photograph was then taken of him by an agent of the Pennsylvania Office of the Attorney General. Members of the Altoona Police Department continued to interrogate the Defendant despite indications by the Defendant that he did not wish to speak to law enforcement.

50. Approximately (7) seven minutes later, Defendant was physically removed from the McDonalds due to, according to police reports, being placed under arrest (taken into custody) for the crime of "providing false identification to law enforcement", and transported to the Altoona Police Department. Said arrest was illegal and unlawful at this time, insofar as the Defendant did not commit the crime of False Identification to Law Enforcement Officer, in violation of **18 Pa.C.S. § 4914(a)**.

51. Any arrest of the Defendant at that time was illegal and/or any charges alleged against him was based on evidence received as a fruit of an illegal stop,

seizure, detention, and/or arrest. All actions of law enforcement personnel on that date being both singularly and collectively in violation of the Defendants rights as protected by the **Fourth Amendment** and the **Fourteenth Amendment** to the **United States Constitution** and under **Article 1, Section 8**, of the **Pennsylvania Constitution**.

52. At the same time, members of the Altoona Police Department commenced a thorough search of Defendant's backpack and other items while at McDonalds. Defendant avers that this search and seizure was illegal and unlawful, insofar as the same was undertaken without a warrant and subsequent to an unlawful arrest; all being in violation of the protections afforded by both the **Fourth Amendment** and the **Fourteenth Amendment** to the **United States Constitution** and under **Article 1, Section 8**, of the **Pennsylvania Constitution**.

53. During the search of the backpack, the Altoona Police uncovered a clip wrapped up in underwear and other items. Contained within that backpack was a separate package secured by duct tape. Said package was opened via removal of the duct tape with a knife by a member of the Altoona Police Department without a valid search warrant, and without other legal justification said package contained a computer chip. Defendant avers that this search and seizure was illegal and unlawful, and in violation of the protections afforded by both the **Fourth Amendment** and the **Fourteenth Amendment** to the **United States Constitution** and under **Article 1, Section 8**, of the **Pennsylvania Constitution**.

54. At the McDonalds, police also discovered a clip containing bullets which was wrapped up in some undergarments. At that time, the Altoona Police

Department decided to repack the backpack and take it to the Altoona Police Department for further searches and seizures. At no time did APD or other law enforcement obtain a valid warrant to search said items. Defendant avers that this search and seizure was illegal and unlawful, and in violation of the protections afforded by both the **Fourth Amendment** and the **Fourteenth Amendment** to the **United States Constitution** and under **Article 1, Section 8**, of the **Pennsylvania Constitution**.

55. At the Altoona Police Department, the Altoona Police continued to search the backpack, resulting in the seizure of numerous items, including but not limited to, the following:

- (a) 9mm handgun with printed lower receiver;
- (b) mechanized upper receiver;
- (c) suspected 3D printed suppressor;
- (d) red notebook (referred to and titled by a Police Officer as a “manifesto”;
and multiple hand written notes;
- (e) a full list of seized items is hereby attached as “Exhibit B” hereto.

56. Again, Defendant avers that the search and seizure of items at the Altoona Police Department was in violation of protections afforded to the Defendant via the Defendant avers that this search and seizure was illegal and unlawful, and in violation of the protections afforded by the **Fourth Amendment** and the **Fourteenth Amendment** to the **United States Constitution** and under **Article 1, Section 8**, of the **Pennsylvania Constitution**.

57. Insofar as the arrest, seizure, and detention of the Defendant; as well

as and the search and seizure of the backpack and other packages, was contrary to the protections afforded to the Defendant by the **Fourth Amendment** and the **Fourteenth Amendment** to the **United States Constitution** and under **Article 1, Section 8**, of the **Pennsylvania Constitution**, any and all items obtained from the Defendant on December 9, 2024, and subsequent dates should be suppressed and the Commonwealth should be precluded from use of the same. This would include, but not be limited to:

- (a) the original identification card seized from the Defendant during the initial encounter by police;
- (b) any and all items listed in Defendant's "Exhibit B";
- (c) any other evidence purportedly belonging to or taken from Defendant.

WHEREFORE, as a result of the violations of the State and Federal Constitutional protections which are afforded to Defendant; Defendant respectfully requests and prays that this Honorable Court enter an Order:

- (a) finding that the initial stop, seizure, and detention was illegal and unlawful as being contrary to the laws of the United States and this Commonwealth; and/or
- (b) finding that the continued stop, seizure, and detention was illegal and unlawful as being contrary to the laws of the United States and this Commonwealth; and/or
- (c) finding that any arrest of the Defendant was made without probable cause or other legal justification, and was therefore, illegal, unlawful

and contrary to the laws of the United States and this Commonwealth;
and/or

- (d) suppressing and excluding any physical evidence seized and/or
provided by the Defendant; insofar as the same was obtained contrary
to the laws of the United States and this Commonwealth; and/or
- (e) suppressing and excluding any and all statements uttered, made,
and/or obtained from the Defendant; the same being detained contrary
to the laws of the United States and this Commonwealth; and/or
- (f) suppressing and excluding all evidence seized as a result of the
warrantless search of Defendant and his property; including, but not
limited, to the original identification card seized by the Altoona Police
as well as all items listed in the Defendants Exhibit B and/or;
- (g) suppressing and excluding any and all other evidence, that has been
seized as the fruit of the poisonous tree, and/or
- (h) any other relief deemed appropriate

**MOTION TO SUPPRESS: Warrantless Search of Backpack, Bag, Envelopes,
Containers, Computer Chips and other Property Purported to Belong
and/or to Be in Possession of Defendant**

58. All previous paragraphs (1) through (57), inclusive are hereby
incorporated herein as if fully set forth herein

59. According to the materials disclosed by the Commonwealth, on or about December 9, 2024, the APD conducted a search of the Defendants person and his personal effects at the Altoona Police Department Station.

60. Said search resulted in the confiscation and seizure of numerous items, including but not limited to, notepapers and/or other notes purportedly written by the Defendant, laptops, computer chips, thumb drives, journals, and or ledgers. Said search also resulted in the confiscation of numerous items listed in Defendants Exhibit B.

61. For reasons heretofore set forth, *infra*, the confiscation and seizure of numerous items was contrary to protections afford by the United States and Pennsylvania Constitution.

62. The above-named confiscations and seizures were done without warrant or other lawful authority.

63. No exigency supported the warrantless search of the backpack and/or and other containers.

64. In addition to reasons set forth, *infra*, said warrantless searches were, under the totality of the circumstances, unreasonable and violated the Defendants protections under the **Fourth Amendment** and the **Fourteenth Amendment** to the **United States Constitution** and under **Article 1, Section 8**, of the **Pennsylvania Constitution**.

MOTION TO SUPRESS—DNA

65. All previous paragraphs (1) through (64), inclusive are hereby incorporated herein as if fully set forth herein.

66. While illegally seized, arrested, and detained, the Defendant was provided food and soda while at the Altoona Police Department Station. The purposes for the same, was to obtain DNA from the Defendant for further investigative purposes. Insofar as the Defendants detention was illegal for reasons set forth, *infra*, any and all DNA samples, profiles, etc. were poisonous fruits obtained in violation of the protections afforded the Defendant by the constitutions of both the United States and this Commonwealth.

WHEREFORE, the Defendant prays and requests, that the Court suppress any and all DNA samples, profiles, etc.

**MOTION TO QUASH INFORMATION/MOTION TO DISMISS CRIMINAL
CHARGE--FORGERY**

67. All previous paragraphs (1) through (66), inclusive are hereby incorporated herein as if fully set forth herein

68. Defendant has been charged with the count Forgery; pursuant to 18 Pa. C.S. § 4101(a)(3).

69. The Commonwealth has failed to support this charge by a *prima facie* case.

70. Any and all evidence intended to be utilized by the Commonwealth in support of this charge was obtained illegally and in violation of the protections

afforded by both the Constitution of the United States as well as this Commonwealth, for reasons previously set forth *infra*.

WHEREFORE, the Defendant prays and requests that the Court grant relief by:

- (a) by quashing and/or dismissing the charge of forgery against the Defendant;
- (b) grant any relief that justice may require.

MOTION TO QUASH INFORMATION/MOTION TO DISMISS CRIMINAL CHARGE—FIREARMS NOT TO BE CARRIED WITHOUT A LICENSE

71. All previous paragraphs (1) through (70), inclusive are hereby incorporated herein as if fully set forth herein.

72. Defendant has been charged with the count of Firearms Not to be Carried Without a License; pursuant to 18 Pa. C.S. § 6106 (a)(1).

73. The Commonwealth has failed to support this charge by a *prima facie* case.

74. The charge of Firearms not to be Carried Without a License is unconstitutional insofar as it is contrary to the right to bear arms and other protections afforded by the **Second Amendment** of the **United States Constitution** as well as **Article 1, Section 21** of the **Pennsylvania Constitution**.

WHEREFORE, the Defendant prays and requests that the Court grant relief by:

- (a) by quashing and/or dismissing the charge of Firearms not to be Carried Without a License against the Defendant;
- (b) finding 18 Pa. C.S. § 6106(a)(1) to be unconstitutional
- (c) grant any relief that justice may require.

**MOTION TO QUASH INFORMATION/MOTION TO DISMISS CRIMINAL
CHARGE—TAMPER RECORDS OR IDENTIFICATION**

75. All previous paragraphs (1) through (74), inclusive are hereby incorporated herein as if fully set forth herein.

76. Defendant has been charged with the count of Tamper Records or Identification; pursuant to 18 Pa. C.S. § 4104 (a).

77. The Commonwealth has failed to support this charge by a *prima facie* case.

WHEREFORE, the Defendant prays and requests that the Court grant relief by:

- (a) by quashing and/or dismissing the charge of Tamper Records of Identification against the Defendant;
- (b) grant any relief that justice may require.

**MOTION TO QUASH INFORMATION/MOTION TO DISMISS CRIMINAL
CHARGE—Possess Instrument of Crime**

78. All previous paragraphs (1) through (77), inclusive are hereby incorporated herein as if fully set forth herein

79. Defendant has been charged with the count of Possess Instrument of Crime; pursuant to 18 Pa. C.S. § 907(a).

80. The Commonwealth has failed to support this charge by a *prima facie* case.

81. The charge of Possess Instrument of Crime is unconstitutional insofar as it is contrary to the right to bear arms and other protections afforded by the **Second Amendment** of the **United States Constitution** as well as **Article 1, Section 21** of the **Pennsylvania Constitution**.

WHEREFORE, the Defendant prays and requests that the Court grant relief by:

- (a) by quashing and/or dismissing the charge of Possess Instrument of Crime against the Defendant;
- (b) finding 18 Pa. C.S. § 907(a) to be unconstitutional;
- (c) grant any relief that justice may require.

**MOTION TO QUASH INFORMATION/MOTION TO DISMISS CRIMINAL
CHARGE—False Identification to Law Enforcement Officer**

82. All previous paragraphs (1) through (81), inclusive are hereby incorporated herein as if fully set forth herein

83. Defendant has been charged with the count of False Identification to Law Enforcement Officer; pursuant to 18 Pa. C.S. § 4914(a).

84. The Commonwealth has failed to support this charge by a *prima facie* case.

WHEREFORE, the Defendant prays and requests that the Court grant relief by:

- (a) by quashing and/or dismissing the charge of False Identification to Law Enforcement Officer;
- (b) by quashing and/or dismissing the charge of Possess Instrument of Crime against the Defendant;
- (c) finding 18 Pa. C.S. § 907(a) to be unconstitutional;
- (d) grant any relief that justice may require

MOTION TO SUPPRESS—SEARCH WARRANT, 12/10/2024, 12:17 P.M.

85. All previous paragraphs (1) through (84), inclusive are hereby incorporated herein as if fully set forth herein

86. On December 10, 2024, on or about 12:17 P.M. The Honorable Judge David B. Consiglio issued a search warrant which defined the items then seized as "Property of Luigi Mangione namely a pair of light gray underwear, black in color pair of socks, blue jeans, and blue Columbia thermal. To store and ultimately transfer to the custody of the New York Police Department.": Described the premises and/or person to be searched as, "Property of Luigi Mangione (DOB 5/6/1998) currently being stored by the Pennsylvania Department of Corrections and to be transferred into the custody of the Blair County Sheriffs office."

87. Copies of the search warrant application, affidavit and receipt and inventory are not attached by virtue of an order issued by the Honorable Judge David B. Consiglio dated 12/12/24 sealing the same for good cause.

88. From the information known to the Defendant, there appears no basis for a hearing pursuant to ***Franks v. Delaware***, 438 U.S. 154 (1978), and no ***Franks*** hearing is requested at this point.

88. The affidavit fails to state probable cause.

89. Absent probable cause, the issuance of the search warrant violated the Fourth Amendment and Fourteenth Amendment to the United States Constitution and of Article 1, Section 8, of the Pennsylvania Constitution.

WHEREFORE, the court has requested to suppress all and any evidence seized pursuant to the search warrant identified in Paragraph "86". Hereinabove and issued on December 12, 2024 at or about 12:17 P.M. and the fruits thereof.

MOTION TO SUPPRESS—SEARCH WARRANT, 12/09/24, 6:00 P.M.

90. All previous paragraphs (1) through (89), inclusive are hereby incorporated herein as if fully set forth herein

91. On or about 12/9/2024 at or about 6:00 P.M., the Honorable Judge David B. Consiglio, issued a search warrant, which identified the items to be searched and seized as "Electronic devices including but not limited to all cellphones or laptops, firearms, all firearms, all firearm magazines, ammunition, and silencers, identification including US passport and Drivers License, all transportation ticketing items, handwritten notes, transactional receipts, buccal

swabs, and clothing worn by the person of Luigi Nicholas MANGIONE. Forensic extraction of all electronic media including laptops, cellphones, digital cameras, and removeable hard drives including SIM cards and USBs for evidence of Criminal Homicide, Forgery, Firearms Not to Be Carried Without a License, Tampering with Records or Identification, Possessing Instruments of Crime and False Identification to Law Enforcement Authorities.”, described the premises and/or person to be search as “ The person Luigi Nicholas MANGIONE W/N/M - 26, DOB 05/06/1998 and black in color backpack.”

92. Copies of the search warrant application, affidavit and receipt and inventory are not attached by virtue of an order issued by the Honorable Judge David B. Consiglio dated 12/09/24 sealing the same for good cause.

93. From the information known to the Defendant, there appears no basis for a hearing pursuant to ***Franks v. Delaware***, 438 U.S. 154 (1978), and no ***Franks*** hearing is requested at this point.

94. The affidavit fails to state probable cause.

95. Absent probable cause, the issuance of the search warrant violated the Fourth Amendment and Fourteenth Amendment to the United States Constitution and of Article 1, Section 8, of the Pennsylvania Constitution.

WHEREFORE, the court is requested to suppress all and any evidence seized pursuant to the search warrant identified in Paragraph “86”. Hereinabove and issued on December 12, 2024 at or about 12:17 P.M. and the fruits thereof.

MOTION TO SUPPRESS—Statements allegedly made at Arraignment

96. All previous paragraphs (1) through (95), inclusive are hereby incorporated herein as if fully set forth herein

97. It is alleged that during the arraignment before Magistrate Ben Jones, the Defendant made certain statements.

98. Defendant had previously invoked his 5th Amendment right to remain silent as protected by the Fifth Amendment of the Constitution of the United States as well as Article 1, Section 9, of the Pennsylvania Constitution. Said statements were obtained in violation of the aforesaid protections.

99. The purported meaning of the statements is based on speculation by the Altoona Police Department.

WHEREFORE, the Defendant respectfully prays and requests that this Honorable Court suppress any and all statements allegedly made during the arraignment.

MOTION IN LIMINE—Reference to Manifesto

100. All previous paragraphs (1) through (99), inclusive are hereby incorporated herein as if fully set forth herein

101. The Altoona Police Department illegally seized a notebook which allegedly contained numerous personal writings covering a plethora of personal experiences of the Defendant.

102. A member of the Altoona Police Department improperly, and without justification, labeled these writings and/or notebook as “Manifesto”.

103. The use of this characterization of the Defendants alleged personal experiences and writings is incorrect, improper, and without justification and has no probative value. Defendant believes that this characterization was done so solely for the purpose to prejudice the Defendant and put him in a negative light before the public; all in an effort to prejudice any potential jury pool.

WHEREFORE, the Defendant prays and requests that the Court preclude the Commonwealth from referring to any writings purported to be authored by the Defendant as a "Manifesto".

MOTION TO SUPPLEMENT and/or to AMEND

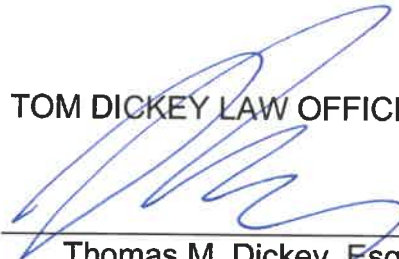
Pending receipt of disclosures and discovery pursuant to ***Pa.R.Crim.P. 573(B)*** and ***Pa.R.Crim.P. 573(E)***, as hereinabove requested, and/or as otherwise obtained, the Defendant reserves the right to supplement and/or to amend this Omnibus Pretrial Motion for Relief and to move for leave to supplement and/or to amend.

WHEREFORE, the Defendant gives notice of the reservation of the right to supplement and/or to amend this Omnibus Pretrial Motion for Relief and to move for leave to supplement and/or to amend, and the Defendant will so move as grounds therefore may from time to time appear.

FURTHER, pursuant to ***Pa.R.Crim.P. 575(A)(2)(e)***, hearing, if the averments hereof are denied by the Commonwealth, and argument on this omnibus motion are hereby requested;

AND, for purposes of ***Pa.R.Crim.P. 575(A)(2)(f)***, it is certified that, concurrently with filing, a true and correct copy of this motion has been served upon the attorney for the Commonwealth, Peter Weeks, Esquire, District Attorney of Blair County, 423 Allegheny Street, Suite 421, Hollidaysburg, PA 16648 (814-693-3010), and on the Court Administrator, 423 Allegheny Street, Suite 239, Hollidaysburg, PA 16648 (814-693-3050), which service satisfied the requirements of ***Pa.R.Crim.P. 576(B)***.

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

Magisterial District Judge 24-1-02

DOCKET

Docket Number: MJ-24102-CR-0000623-2024

Criminal Docket



Commonwealth of Pennsylvania
v.
Luigi Nicholas Mangione

Page 1 of 3

CASE INFORMATION

<u>Judge Assigned:</u>	Magisterial District Judge Benjamin F. Jones	<u>Issue Date:</u>	12/09/2024
<u>OTN:</u>	F 1009165-3	<u>File Date:</u>	12/09/2024
<u>Arresting Agency:</u>	Altoona Police Dept	<u>Arrest Date:</u>	12/09/2024
<u>Complaint No.:</u>	2024-29133	<u>Incident No.:</u>	2024-29133
<u>Disposition:</u>	Waived for Court	<u>Disposition Date:</u>	12/19/2024
<u>County:</u>	Blair	<u>Township:</u>	Altoona City
<u>Case Status:</u>	Closed		

STATUS INFORMATION

<u>Case Status</u>	<u>Status Date</u>	<u>Processing Status</u>
Closed	12/31/2024	Case Transferred to Court of Common Pleas
	12/19/2024	Completed
	12/09/2024	Awaiting Preliminary Hearing
	12/09/2024	Awaiting Preliminary Arraignment

CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>			<u>Judge Name</u>	<u>Schedule Status</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Start Time</u>	<u>Room</u>		
Preliminary Arraignment	12/09/2024	6:30 pm		Magisterial District Judge Benjamin F. Jones	Scheduled
Preliminary Hearing	12/19/2024	8:30 am	Blair County Courthouse	Magisterial District Judge Benjamin F. Jones	Scheduled
Preliminary Hearing	12/23/2024	9:00 am	Blair County Courthouse	Magisterial District Judge Benjamin F. Jones	Moved
Formal Arraignment	01/24/2025	8:30 am			Scheduled

CONFINEMENT

<u>Confinement Location</u>	<u>Confinement Type</u>	<u>Confinement Reason</u>	<u>Confinement Date</u>	<u>Confinement End Date</u>
Case Confinement Blair County Prison	County Jail	Bail Denied	12/09/2024	



Magisterial District Judge 24-1-02

DOCKET

Docket Number: MJ-24102-CR-0000623-2024

Criminal Docket



Commonwealth of Pennsylvania
v.
Luigi Nicholas Mangione

Page 2 of 3

DEFENDANT INFORMATION

Name: Mangione, Luigi Nicholas **Sex:** Male
Date of Birth: 05/06/1998 **Race:** White
Address(es):
Home
Honolulu, HI 96813

Advised of His Right to Apply for Assignment of Counsel? Yes
Public Defender Requested by the Defendant? Yes
Application Provided for Appointment of Public Defender? Yes
Has the Defendant Been Fingerprinted? No

CASE PARTICIPANTS

Participant Type **Participant Name**
Arresting Officer Frye, Tyler S.
Defendant Mangione, Luigi Nicholas

BAIL

Bail Set: **Nebbia Status:** None
Bail Action Type **Bail Action Date** **Bail Type** **Originating Court** **Percentage** **Amount**
Denied 12/09/2024 Magisterial District Court \$0.00

Bail Action Reason: No combination of conditions can ensure community safety. Homicide warrant forthcoming

CHARGES

# Charge	Grade	Description	Offense Dt.	Disposition
1 18 § 4101 §§ A3	F2	Forgery - Utters Forged Writing	12/09/2024	Waived for Court
2 18 § 6106 §§ A1	F3	Firearms Not To Be Carried W/O License	12/09/2024	Waived for Court
3 18 § 4104 §§ A	M1	Tamper Records Or Id-Writing	12/09/2024	Waived for Court
4 18 § 907 §§ A	M1	Poss Instrument Of Crime W/Int	12/09/2024	Waived for Court
5 18 § 4914 §§ A	M3	False Identification To Law Enforcement Officer	12/09/2024	Waived for Court

DISPOSITION / SENTENCING DETAILS

Case Disposition **Disposition Date** **Was Defendant Present?**
Waived for Court 12/19/2024 Yes

Offense Seq./Description	Offense Disposition
1 Forgery - Utters Forged Writing	Waived for Court
2 Firearms Not To Be Carried W/O License	Waived for Court
3 Tamper Records Or Id-Writing	Waived for Court
4 Poss Instrument Of Crime W/Int	Waived for Court
5 False Identification To Law Enforcement Officer	Waived for Court

Magisterial District Judge 24-1-02

DOCKET

Docket Number: MJ-24102-CR-0000623-2024

Criminal Docket



Commonwealth of Pennsylvania
v.
Luigi Nicholas Mangione

Page 3 of 3

ATTORNEY INFORMATION

District Attorney

Name: Blair County District Attorney's Office
Representing: Commonwealth of Pennsylvania
Counsel Status: Active
Supreme Court No.:
Phone No.: 814-693-3010
Address: Blair County Courthouse
Suite 421
423 Allegheny Street
Hollidaysburg, PA 16648

Private

Name: Thomas M. Dickey, Esq.
Representing: Mangione, Luigi Nicholas
Counsel Status: Active
Supreme Court No.: 041475
Phone No.: 814-942-7544
Address: Dickey Law Offices
308 Orchard Avenue
Altoona, PA 16602-4066

DOCKET ENTRY INFORMATION

<u>Filed Date</u>	<u>Entry</u>	<u>Filer</u>	<u>Applies To</u>
12/19/2024	Notice of Intent to Waive Formal Arraignment at Common Pleas	Luigi Nicholas Mangione	Luigi Nicholas Mangione, Defendant
12/19/2024	Preliminary Hearing Waived Pursuant to Agreement - Rule 541(A)	Luigi Nicholas Mangione	Luigi Nicholas Mangione, Defendant
12/19/2024	Waived for Court	Magisterial District Judge Benjamin F. Jones	Luigi Nicholas Mangione, Defendant
12/19/2024	Docket Transcript Printed	Magisterial District Court 24-1-02	Luigi Nicholas Mangione, Defendant
12/09/2024	Fingerprint Order Issued	Magisterial District Court 24-1-02	Luigi Nicholas Mangione, Defendant
12/09/2024	Commitment Printed - Bail Denied	Magisterial District Court 24-1-02	Luigi Nicholas Mangione, Defendant
12/09/2024	Criminal Complaint Filed	Magisterial District Court 24-1-02	Luigi Nicholas Mangione, Defendant

Commonwealth of Pennsylvania

RECEIPT / INVENTORY
OF SEIZED PROPERTY

COUNTY OF Blair

Docket Number (Issuing Authority):	Police Incident Number: 2024-29133	Warrant Control Number:
Date of Search: 12-9-2024	Time of Search: 1827	Inventory Page Number: 1 of 2 Pages
Det Heuston	Altoona Police Dept	300

Affiant _____ Agency or Address if private affiant _____ Badge No. _____

The following property was taken / seized and a copy of this Receipt / Inventory with a copy of the Search Warrant and affidavit(s) (if not sealed) was

☒ personally served on (name of person) Luigi Mangione

☐ was left at (describe the location) _____

Item Number	Quantity	Item Description	Make, Model, Serial No., Color, etc.
1	1	Red notebook	manifesto & multiple handwritten notes
2	1	9mm black Ghost handgun	
3	1	US Passport / Maryland ID / 3 cards debit/credit	for Luigi Mangione
4	1	Handmade 3D printed silencer	
5	1	1 9mm magazine w/ 12 rounds 3 hollow point	
6	1	US currency \$7,807	
7	1	Foreign currency \$1,670	
8	1	AAA batteries / wired head phones / 32 GB sand disc	
9	1	Polaroid digital camera / mini hard drive / USB	
10	1	Medical mask / watch / pen / rope / flashlight / 67	cents
11	1	USB from wallet	
12	1	USB on necklace	
13	1	CVS receipt	
14	1	USB x2 / mini sim card	
15	1	pocket knife / screw driver / baggies & zip ties	
16	1	Best buy receipt	
17	1	Gray hooded bus ticket Philly to Pitt	
18	1	Take NJ DL / quick trip ticket / visa gift card /	
		2 hand written notes	
19	1	Medical face mask	25 count
20	1	hand written note	from backpack
21	1	iphone no sim card	
22	1	mac book pro laptop	
23	1	black jacket	
24	1	Green jacket / Brown beanie / 1 black gloves / black belt / black	

I/we do hereby state that this inventory is to the best of my/our knowledge and belief a true and correct listing of all items seized, and that I/we sign this Receipt / Inventory subject to the penalties and provisions of Title 18 Pa.C.S. 4904(b)-Unsworn Falsification to Authorities.

Signature of person issuing Receipt / Inventory	Printed Name	Affiliation	Badge or Title
<i>[Signature]</i>	Sgt Heuston	APD	300
Signature of Witness	Printed Name	Affiliation	Badge or Title
<i>[Signature]</i>	Pt. Heuston	APD	323
Signature of person making Search	Printed Name	Affiliation	Badge or Title
<i>[Signature]</i>	DET OSCOR DIAZ	NYPD	4656

Commonwealth of Pennsylvania



RECEIPT / INVENTORY OF SEIZED PROPERTY

COUNTY OF Blair

Docket Number
(Issuing Authority):

Police Incident
Number: 2024-29133

Warrant Control
Number:

Date of Search: 12-9-2-24

Time of Search: 1827

Inventory Page Number:
7 of 7 Pages

Det Heuston

Altoona Police Dept

300

Affiant

Agency or Address if private affiant

Badge No.

The following property was taken / seized and a copy of this Receipt / Inventory with a copy of the Search Warrant and affidavit(s) (if not sealed) was

☒ personally served on (name of person) Luzi Mangione

☐ was left at (describe the location)

Item Number	Quantity	Item Description	Make, Model, Serial No., Color, etc.
24	1	underarmor leggings	
25	1	black backpack w/ clothing / hair clippers / Food wrappers / wireless earphones	
26	1	black shoes	
27	1	black jeans / black neck guard	
<p>Part 1</p> <p>SIT</p> <p>Part 2</p> <p>Part 3</p>			

I/we do hereby state that this inventory is to the best of my/our knowledge and belief a true and correct listing of all items seized, and that I/we sign this Receipt / Inventory subject to the penalties and provisions of Title 18 Pa.C.S. 4904(b)—Unsworn Falsification to Authorities.

Signature of person Issuing Receipt / Inventory

Printed Name _____

Affiliation

Badge or Title

Signature of Witness

Printed Name _____

Affiliation

Badge or Title

Signature of person making Search

Printed Name

Affiliation

Badge or Title

**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
:
:
:


CERTIFICATE OF MAILING

I, Thomas M. Dickey, hereby certify that on this date, a true and correct copy of the foregoing Supplemental/Amended Omnibus Pretrial Motion for Relief 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