

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

COMMONWEALTH OF PENNSYLVANIA

VS.

LUIGI NICHOLAS MANGIONE,

Defendant.

CP-07-CR-0002724-2024

 **COPY**

**COMMONWEALTH'S ANSWER
TO THE DEFENDANT'S
OMNIBUS PRE-TRIAL MOTIONS**

Filed on behalf of:
Commonwealth of Pennsylvania

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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:

1. Admitted with Clarification. Defendant was remanded without bail at the time of his preliminary arraignment pursuant, in part, to his past demonstration of flight from the State of New York per New York law enforcement; his alleged act of verbally providing a false name and physically producing a patently false identification from another state when asked to identify himself to duly sworn law enforcement in Altoona, Pennsylvania; and his illegal possession of a concealed firearm and suppressor. However, he is currently being held in a New York federal prison by the United States of America pursuant to a federal writ and arrest warrant obtained by the United States Attorney's Office for the Southern District of New York.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied that Defendant's Pennsylvania charges lack *prima facie* evidence and that Defendant is illegally detained or confined. The Commonwealth possesses both video evidence of the Defendant's alleged crimes via Altoona Police Officer's body worn

camera which captures his act of producing a forged driver's license with false name to officers as well as the physical evidence recovered from Defendant's property. Further, notwithstanding that undersigned counsel is not the prosecuting authority for the crimes of homicide in New York, the Commonwealth avers that the Magisterial District Judge maintains the authority to deny bail to any defendant pursuant to Article I, Section 14 of the Pennsylvania Constitution and appropriately did so in this matter.

6. Denied that law enforcement illegally acquired any of the evidence in this case. The Commonwealth avers that police at all times acted within the authority bestowed by law.
7. Admitted that Defendant has not been convicted or sentenced in the above-captioned docket.
8. Admitted.
9. Admitted that the Court of Common Pleas of Blair County maintains proper jurisdiction of the above captioned docket with regards to the determination of the writ of habeas corpus.
10. This paragraph contains an incorporation for which no response is required.
11. Admitted with clarification. By way of further answer, the 911 caller identified herself as a manager of the Plank Road McDonald's and provided the information averred. However, the 911 caller also indicated that exactly where Defendant-Mangione was seated, described in detail what he was wearing, and that other customers observed Defendant-Mangione and expressed concern and fear to the 911 caller indicating that Defendant-Mangione "looks like the CEO shooter from New York". Moreover, the 911 caller indicated that she was asking for police assistance because she could not approach or confront Defendant-Mangione personally.
12. Denied. By way of further, the officers personally responded to the McDonald's restaurant and corroborated the caller's information by virtue of their own observations of Defendant-Mangione. This was not an anonymous phone call—the 911 caller identified herself as the manager of the Plank Road McDonald's before describing her own personal observations of Defendant-Mangione in detail. Subsequently, one of the Officers was familiar with the New York investigation from

his own personal observations of national media reports, including being familiar with the photos depicting Defendant-Mangione circulated by the New York City Police Department. Consequently, it is factually inaccurate to claim that the Altoona Police Officers lacked knowledge of the "origin, genesis, or basis of the information" and whether or not the information was "reliable."

13. Admitted that *prior to* personally interacting with Defendant-Mangione, Altoona Police Officers did not initiate contact with other Pennsylvania, New York, or federal law enforcement to inquire whether the person they had been told about but had not yet directly seen or spoken with was in fact the suspect being sought in the New York homicide. Altoona police officers inquired *after* interacting with Defendant-Mangione. Denied that this order of operations in any way invalidates or renders unlawful the officer's ability to engage in an investigative detention with the Defendant.
14. Admitted that the Altoona Police Officers who responded to the scene were lawfully attired in uniform, while carrying their department-assigned duty equipment as their profession requires and properly displaying their police badges as visible proof of their authority making it clear to the Defendant to whom he was furnishing a forged identification. Denied that the officers' wholly legal uniform, badges, and equipment in any way vitiates the legality of their interaction with the Defendant.
15. Admitted to the extent that Defendant accurately identifies the physical location of himself and the Altoona Officers and with the clarification that Defendant bears sole responsibility for the table he selected within the restaurant and the specific chair at that table which placed the Defendant between a wall and the table. As the Defendant was already seated and settled when Altoona Police arrived and not directed to any specific seat or location by them, any inference that they physically trapped him is disingenuous.
16. Admitted to the extent that Defendant accurately identifies the physical location of himself and the Altoona Officers and with the clarification that Defendant bears sole responsibility for the table he selected within the restaurant and the specific chair at that table which placed the Defendant between a wall and the table. As the Defendant was already seated and settled when Altoona Police arrived and not directed to any

specific seat or location by them, any inference that they physically trapped him is disingenuous. This averment is Denied with specific regard to the description of two police officers forming "a human law enforcement wall;" the officers stood directly in front of the Defendant, across the table from the seat he was already seated in as well as beside him. The officers had valid reasonable suspicion to support an investigatory detention to identify who Defendant-Mangione was and whether he was a homicide suspect; however, Defendant-Mangione voluntarily speaks to officers without police compulsion and willingly provides them with his forged identification. In fact, at no time does Defendant-Mangione ask to leave, attempt to leave, or try to disengage from the detention.

17. Admitted in part and Denied in part. Admitted that the Altoona Police conducted a lawful investigative detention of the Defendant based on the information provided by Blair County 911 dispatch combined with the officers' own observations and familiarity with New York law enforcement requests for public assistance in identifying the Defendant widely published via the national media. Denied that they initially seized the Defendant in custodial detention, which was only effectuated after confirmation that the Defendant committed the felony offense of Forgery in the officer's presence.
18. Admitted insofar that "investigative detention" is a temporary and limited seizure of an individual that requires reasonable suspicion that criminal activity may be afoot.
19. Denied. By way of further answer, the initial interaction between two police officers dispatched pursuant to a 911 call and Defendant-Mangione was cordial and consisted of a limited request for him to identify himself, including an entreaty to lower his facemask. It is further denied that the 911 call averring a McDonald's patron may be the New York City shooting suspect and the officers' personal verification of the averments from the call did not constitute reasonable suspicion. Moreover, the officers' initial request was simply for identification, the least intrusive form of a seizure.
20. Denied. By way of further answer, the concerned 911 call averring a McDonald's patron may be the New York City shooting suspect with particularized detail and description along with the officers' personal verification of the averments from the

call clearly met the threshold of reasonable suspicion allowing officers to request Defendant-Mangione identify himself. Moreover, Pennsylvania jurisprudence allows an investigation where there are “particularized and objective grounds” to believe the suspect “*was*, or was about to be” engaged in criminal activity.” Commonwealth v. Jackson, 302 A.3d 737, 750 (Pa. 2023) (emphasis added). There is no requirement that a suspect be actively engage in crime before an investigative detention can be initiated.

21. Denied. By way of further, this was not an anonymous 911 phone call. The 911 caller identified herself as the manager of the Plank Road McDonalds before describing her own personal observations of Defendant-Mangione in real time with graphic descriptions. Further, one of the officers was familiar with the New York investigation from his own personal observations of national media reports, including being familiar with the photos depicting Defendant-Mangione circulated by the New York City Police Department.
22. Denied. By way of further answer, the coverage by multiple national media outlets distribution materials provided by the New York City Police Department, included photographs depicting Defendant-Mangione. This allowed one of the officers to immediately recognize Defendant-Mangione as the shooting suspect sought by the New York City Police Department even before Defendant-Mangione provided a forged New Jersey identification card.
23. Denied. By way of further answer, the officers were dispatched to the Plank Road McDonalds due to a citizen tip that the New York City shooting suspect was inside the restaurant. Notably, the officers had a duty to respond to the public location where they had the absolute right to be present and then observed Defendant-Mangione’s physical appearance, consistent with the description provided by the 911 caller and the media photographs published in the national media. From there, one of the officers immediately recognized Defendant-Mangione as the shooting suspect sought by the New York City Police Department even before Defendant-Mangione provided a forged New Jersey identification card.
24. Denied. See the Commonwealth’s answer to Paragraph 23.
25. Admitted. By way of further response, reasonable suspicion is required to effectuate

an investigatory detention. The Pennsylvania Supreme Court recently affirmed a police officer's reasonable suspicion to effectuate an investigatory detention for their own safety as much as their lawful ability to conduct necessary investigative measures:

- a. [I]n determining whether an officer has reasonable suspicion to conduct an investigatory detention, we examine the totality of the circumstances at issue to discern whether there were particularized and objective grounds upon which to suspect that the individual detained was, or was about to be, engaged in criminal activity. But we emphasize that reasonable suspicion is not an exact science that requires *absolute certainty* that an individual was or was about to be involved in criminal activity, as that would undermine Terry's purpose as an *investigative* tool that requires an even lesser showing than probable cause. For that reason, we allow officers to rely on probabilities and their experience to make split-second decisions to investigate and prevent crime and **to promote their own safety**—so long as their suspicion of criminal activity is articulable, objectively reasonable, and particularized to the individual to be detained based on the circumstances as a whole. Furthermore, if reasonable suspicion supports the investigatory detention based on an objective view of the totality of the circumstances, we do not inquire into the subjective views of an officer in conducting an investigatory detention. Commonwealth v. Jackson, 302 A.3d 737,750 (Pa. 2023) (emphasis added).
- b. Jackson reaffirmed that “the detaining officers must have a particularized and objective basis for suspecting the particular person stopped of criminal activity” based on “the whole picture.” United States v. Cortez, 449 U.S. 411, 417-18, 101 S.Ct. 690, 66 L.Ed.2d 621 (1981). The United States Supreme Court continued: “The idea that an assessment of the whole picture must yield a particularized suspicion contains two elements, each of which must be present before a stop is permissible. First, the assessment must be based upon all the circumstances. The analysis proceeds with various objective observations, information from police reports, if such are available, and consideration of the modes or patterns of operation of certain kinds of lawbreakers. From these data, a trained officer draws inferences and makes deductions—inferences and deductions that might well elude an untrained person. The process does not deal with hard certainties, but with probabilities. Long before the law of probabilities was articulated as such, practical people formulated certain common sense conclusions about human behavior; jurors as factfinders are permitted to do the

same—and so are law enforcement officers. Finally, the evidence thus collected must be seen and weighed not in terms of library analysis by scholars, but as understood by those versed in the field of law enforcement. The second element contained in the idea that an assessment of the whole picture must yield a particularized suspicion is the concept that the process just described must raise a suspicion that the particular individual being stopped is engaged in wrongdoing. Chief Justice Warren, speaking for the Court in *Terry*[,] said that, “[t]his demand for specificity in the information upon which police action is predicated is the central teaching of this Court’s Fourth Amendment jurisprudence.” *Id.* at 418, 101 S.Ct. 690 (emphasis omitted) (quoting *Terry*, 392 U.S. at 21 n.18, 88 S.Ct. 1868). Jackson, 302 A.3d at 746-47.

26. Admitted with Clarification. By way of further answer, the interaction between the two police officers and Defendant-Mangione cannot be quantified as a “stop;” Defendant-Mangione was seated at a table in a public restaurant, where he remained for a considerable period of time. The police had equal access and authority to be present in that precise location with Defendant-Mangione during the contested interaction. To the extent that it is averred that Defendant-Mangione was obligated to identify himself, the same is admitted; however, once he produced a fraudulent and forged identification, the encounter immediately ascended to a probable cause arrest.
27. Admitted with Clarification. Officers possessed the requisite reasonable suspicion to establish an investigatory detention when they requested that Defendant-Mangione identify himself and answer limited questions pursuant to particularized suspicion and objective basis to believe that he was a person that had previously been engaged in criminal activity. However, at no time did Defendant-Mangione object, refuse, or ask if he was compelled to answer questions. Conversely, he voluntarily provided the information, including the forged identification, to police.
28. Admitted with Clarification. By way of further answer, while Defendant-Mangione was subject to a Terry stop requiring that he identify himself to police, he was not compelled to commit crimes by lying about his identification and producing a forged and fraudulent identification. To the extent that Defendant-Mangione complains about the length of time that the police needed to verify his identification, the

Commonwealth submits that it was Defendant-Mangione's criminal behavior that extended the time necessary to check his fraudulent identification. A dispatcher will inherently take a longer period of time to search for and decisively exclude the absence of information, than they would to confirm existing identification.

29. Admitted in part and Denied in part. By way of further answer, it is admitted that Defendant-Mangione was compelled to identify himself to the officers; however, the compulsion existed because the police had the requisite reasonable suspicion to request the identification.
30. Denied. By way of further answer, the averments in Paragraph 30 are belied by the 911 call; the officers observations corroborating the 911 caller's assertions; and the officer's ability to recognize Defendant-Mangione as the shooting suspect from New York.
31. Admitted in part and Denied in part. By way of further answer, it is admitted that an officer followed police protocol and ran the identification provided by Defendant-Mangione with the 911 Center. This took longer than normal because Defendant-Mangione provided a fraudulent and forged identification which took longer for the 911 dispatcher to determine did not exist. It is further admitted that another officer stayed with Defendant-Mangione during this time; however, it is denied that the officers' lawful actions to confirm Defendant-Mangione's identity were in contradiction to the United States Constitution or Pennsylvania's Constitution.
32. Admitted. By way of further answer, once Defendant-Mangione provided a fraudulent and forged identification, he was immediately subject to a probable cause arrest.
33. Admitted. The property was seized pursuant to a lawful probable cause arrest and was subject to search incident to arrest and inventory search pursuant to Altoona Police Department Policy. When conducting an investigative detention, officers are legally permitted to secure a scene for officer safety; safety of the suspect; and safety of civilians including separating a suspect from bags or containers that may contain weapons or evidence. In this case, Defendant-Mangione had a firearm and ammunition within his bag that police secured while continuing their investigation.
34. Denied. By way of further answer, once Defendant-Mangione proffered a forged and

fraudulent identification and lied about his identification, he was subject to a lawful probable cause arrest.

35. Admitted to the extent that Defendant-Mangione was subject to a lawfully investigatory detention which escalated to a probable cause arrest when officers confirmed he had provided a forged identification.
36. The averments within Paragraph 36 are moot as Defendant-Mangione was under lawful probable cause arrest once the officers verified that his identification was forged and fraudulent.
37. Denied. By way of further answer, Defendant-Mangione's investigatory detention was lawful, not unreasonable in length, and escalated to a lawful probable cause arrest once the officers verified that his identification was forged and fraudulent.
38. The averments within Paragraph 38 are moot as Defendant-Mangione was under lawful probable cause arrest once the officers verified that his identification was forged and fraudulent.
39. The averments within Paragraph 39 are moot as Defendant-Mangione was under lawful probable cause arrest for Pennsylvania crimes once the officers verified that his identification was forged and fraudulent. However, by way of further answer, one of the investigating officers was immediately able to recognize Defendant-Mangione as the person depicted in the photos released by the New York City Police Department to the national media.
40. The averments within Paragraph 40 are moot as Defendant-Mangione was under lawful probable cause arrest for Pennsylvania crimes once the officers verified that his identification was forged and fraudulent.
41. The averments within Paragraph 41 are moot as Defendant-Mangione was under lawful probable cause arrest for Pennsylvania crimes once the officers verified that his identification was forged and fraudulent.
42. Denied. By way of further answer, Defendant-Mangione was approached by two officers, who, within mere seconds of initiating their encounter with Defendant-Mangione, lawfully requested his identification. Defendant-Mangione voluntarily elected to provide officers with a forged and fraudulent identification card, subjecting himself to a lawful probable cause arrest. Police were unable to confirm his

identification because the 911 Center was unable to match the false identification offered by Defendant-Mangione with any known real person. Due to this confusion that was seeded by Defendant-Mangione's own actions and law enforcement's pressing need to ascertain his true identity, officers reaffirmed to Defendant-Mangione that he was the subject of a police investigation and would be consequently charged if he provided a false identification. Defendant-Mangione then admitted he lied about his identity and disclosed his accurate name. This admission confirmed that the license was forged and served to escalate the investigatory detention into a probable cause arrest. Immediately thereafter he was provided with his Miranda warnings.

43. The averments in Paragraph 43 cannot be admitted or denied as they lack the requisite specificity, in that it does not clarify whether the time referenced was before, during, or after the officers were attempting to validate Defendant-Mangione's forged and fraudulent identification. Notwithstanding Defendant-Mangione's fatal lack of specificity, it is specifically denied that the officers' actions initially exceeded the bounds of a lawful investigative detention. Defendant-Mangione later voluntarily provided the basis for a probable cause arrest by giving the officers a false name and providing them with a forged identification.
44. Admitted with Clarification. By way of further answer, it is admitted that it took fifteen (15) minutes or more for the police to confirm that the identification provided by Defendant-Mangione was forged and fraudulent. To the extent that Defendant-Mangione complains about the length of time that the police needed to verify his identification, the Commonwealth submits that it was Defendant-Mangione's criminal behavior that extended the time necessary to check his fraudulent identification. A dispatcher will inherently take a longer period of time to search for and decisively exclude the absence of information, than they would to confirm existing identification.
45. Admitted. By way of further answer, when a police officer possesses the requisite reasonable suspicion warranting an identification, the individual subject to identification is not free to leave.

46. Denied insofar as the detention is erroneously referred to as unlawful. Admitted to the extent that Defendant-Mangione eventually admitted he was Luigi Mangione, which he was lawfully compelled to do under the circumstances.
47. The averments within Paragraph 47 are moot as Officers possessed the requisite suspicion to ask Defendant-Mangione to identify himself and other limited questions necessary to dispel the reasonable suspicion or escalate the encounter into a probable cause arrest.
48. The averments within Paragraph 48 are moot as Defendant-Mangione did not make any incriminating statements after being Mirandized, which was done as soon as Defendant-Mangione disclosed that the identification he provided to police was fraudulent. The inquiry into Defendant-Mangione's true identity is consistent with the ability and authority of the police in the course of conducting any investigatory detention, but especially one in which the concern first reported centers on identity. Once Defendant-Mangione disclosed the identification was fake, he was subject to a lawful probable cause arrest, which was demonstrated by the Officer advising Defendant-Mangione of his Miranda warnings immediately after the confirmation that the identification was false. The later misstatement by the officer that Defendant-Mangione was only under detention and not custodial arrest is of no moment.
49. The averments within Paragraph 49 are moot to the extent that Defendant-Mangione was under lawful probable cause arrest once the officers verified that his identification was forged and fraudulent. By way of further answer, officers continued to lawfully question Defendant-Mangione because they were unable to ascertain his identity due to his initial deception. It is clearly an imperative function of any detention that officers identify who they are detaining.
50. The averments within Paragraph 50 are moot as Defendant-Mangione was under lawful probable cause arrest once the officers verified that his identification was forged and fraudulent. To the extent that Defendant-Mangione is baldly asserting that he did provide false identification to law enforcement while he was under official investigation, the same is denied.

51. Denied. By way of further answer, once Defendant-Mangione knowingly and intentionally provided the officers with a forged and fraudulent identification, he was subject to a valid probable cause arrest for violations of the Commonwealth of Pennsylvania's crimes code.
52. Admitted in Part and Denied in part. By way of further answer, after Defendant-Mangione was subject to a probable cause arrest for providing law enforcement with a forged and fraudulent identification, it is admitted that officers conducted a lawful search incident to arrest and inventory search of Defendant-Mangione's person and property. The baseless averment by Defendant-Mangione that the search was illegal is denied.
53. Admitted in Part and Denied in part. By way of further answer, after Defendant-Mangione was subject to a probable cause arrest for providing law enforcement with a forged and fraudulent identification, it is admitted that officers conducted a lawful search incident to arrest and inventory search of Defendant-Mangione's person and property. The baseless averment by Defendant-Mangione that the search was illegal is denied.
54. Admitted in Part and Denied in part. By way of further answer, after Defendant-Mangione was subject to a probable cause arrest for providing law enforcement with a forged and fraudulent identification, it is admitted that officers conducted a lawful search incident to arrest and inventory search of Defendant-Mangione's person and property. The averment by Defendant-Mangione that a search warrant was never obtained is denied.
55. Admitted in Part and Denied in part. By way of further answer, after Defendant-Mangione was subject to a probable cause arrest for providing law enforcement with a forged and fraudulent identification, it is admitted that officers conducted a lawful search incident to arrest and inventory search of Defendant-Mangione's person and property. The recording of the inventory search of property was done at the Altoona Police Department. It is denied that the inventory search constituted the seizure of the property as the police immediately compiled and obtained a search warrant authorizing the long-term seizure of the property and the transfer of the property to the New York City Police Department. But for the search warrant, the inventoried

property would have been subject to being returned to Defendant-Mangione.

56. Denied. By way of further answer, Defendant-Mangione was subject to a probable cause arrest for providing law enforcement with a forged and fraudulent identification, and officers conducted a lawful search incident to arrest and inventory search of Defendant-Mangione's person and property. The baseless averment by Defendant-Mangione that the search was illegal is denied.

57. The averments in Paragraph 57 contain a prayer for relief to which no response is required. However, it is notable that Defendant-Mangione is claiming that the forged and fraudulent identification card he gave to law enforcement was somehow seized as opposed to being voluntarily provided by Defendant-Mangione in a fruitless attempt to circumvent law enforcement's attempt to identify him.

58. Paragraph 58 is an incorporation of the previous paragraph to which no response is required.

59. Admitted.

60. Admitted in part and Denied in part. By way of further answer, it is admitted that Defendant-Mangione was subjected to a lawful search incident to arrest and that his property was inventoried. However, it is denied that the long-term seizure of his property was based solely on search incident to arrest and inventory search. After the inventory search and search incident to arrest, the police immediately compiled and obtained a lawful search warrant authorizing the long-term seizure of the property and the transfer of the property to the New York City Police Department. But for the search warrant, the inventoried property would have been subject to being returned to Defendant-Mangione.

61. Denied. By way of further answer, the search and seizure of the contested property were initially done by way of a legal and valid search incident to arrest and inventory search and then a long-term seizure was effectuated when police immediately sought and obtained a lawful search warrant based on probable cause.

62. Denied. By way of further answer, Defendant-Mangione was subject to a probable cause arrest for providing law enforcement with a forged and fraudulent identification, and officers conducted a lawful search incident to arrest and inventory search of Defendant-Mangione's person and property after which time a long-term

seizure was effectuated when police immediately sought and obtained a lawful search warrant based on probable cause..

63. The warrantless search of the backpack was supported by long-standing Pennsylvania jurisprudence that recognizes both search incident to arrest and inventory searches for officer safety. Moreover, under no circumstance would Defendant-Mangione's backpack and property be left in a public location unattended while he was taken into custody for providing law enforcement with a forged and fraudulent identification.

64. Denied. By way of further answer, both the initial search and the long-term seizure authorized by a lawful search warrant comported with the mandates of the United States and Pennsylvania Constitutions.

65. Paragraph 65 is an incorporation of the previous paragraph to which no response is required.

66. Admitted in part and denied in part. It is admitted that that police intentionally sought and obtained a sample of Defendant-Mangione's DNA. It is denied that Defendant-Mangione was unlawfully detained as he was subject to arrest for criminal offenses committed in Blair County within the presence of the initial responding police officers.

67. Paragraph 67 is an incorporation of the previous paragraph to which no response is required.

68. Admitted.

69. Denied. By way of further answer, Defendant-Mangione elected to waive his preliminary hearing when the officers were present to provide testimony and evidence in support of all charges. Although Defendant-Mangione was permitted to retain his right file a Petition for Habeas Corpus where the Commonwealth will present *prima facie* evidence in support of each charge, Defendant-Mangione has waived the right and should not be permitted to file a Motion to Quash the charges that he elected to waive his hearing for.

70. Denied. Defendant-Mangione was subjected to a lawful investigatory detention, which rose to a probable cause arrest when he elected to provide officers with a forged and fraudulent identification. Defendant-Mangione's property was initially

lawfully seized pursuant to a search incident to arrest and inventory search, whereafter the long-term seizure and transfer of Defendant-Mangione's property was effectuated pursuant to a lawful search warrant.

71. Paragraph 71 is an incorporation of the previous paragraph to which no response is required.

72. Admitted.

73. Denied. By way of further answer, Defendant-Mangione elected to waive his preliminary hearing when the officers were present to provide testimony and evidence in support of all charges. Although Defendant-Mangione was permitted to retain his right file a Petition for Habeas Corpus where the Commonwealth will present prima facie evidence in support of each charge, Defendant-Mangione has waived the right and should not be permitted to file a Motion to Quash the charges that he elected to waive his hearing for.

74. Denied. By way of further answer, 18 Pa.C.S. §6106 does not restrict an individual from openly carrying a firearm within this Commonwealth, but simply requires a license for a person carrying or possessing a concealed firearm outside of their residence or place of business. The same is not unconstitutional under the Federal or State Constitutions and has previously been upheld.

75. Paragraph 75 is an incorporation of the previous paragraph to which no response is required.

76. Admitted.

77. Denied. By way of further answer, Defendant-Mangione elected to waive his preliminary hearing when the officers were present to provide testimony and evidence in support of all charges. Although Defendant-Mangione was permitted to retain his right file a Petition for Habeas Corpus where the Commonwealth will present prima facie evidence in support of each charge, Defendant-Mangione has waived the right and should not be permitted to file a Motion to Quash the charges that he elected to waive his hearing for.

78. Paragraph 78 is an incorporation of the previous paragraph to which no response is required.

79. Admitted.

80. Denied. By way of further answer, Defendant-Mangione elected to waive his preliminary hearing when the officers were present to provide testimony and evidence in support of all charges. Although Defendant-Mangione was permitted to retain his right file a Petition for Habeas Corpus where the Commonwealth will present prima facie evidence in support of each charge, Defendant-Mangione has waived the right and should not be permitted to file a Motion to Quash the charges that he elected to waive his hearing for.
81. Denied. By way of further answer, Defendant-Mangione possessed several instruments, including a firearm, suppressor, forged identification, and ammunition, that the Commonwealth avers Defendant-Mangione employed criminally. Possession of instruments of a crime does not make any item-especially a firearm-inherently illegal; it simply criminalizes the intent to employ any item criminally. Therefore, Defendant-Mangione cannot claim in good faith that this statute is an affront to the Second Amendment as it focuses on criminal intent toward any item-including a firearm-and not the *per se* legality of a firearm.
82. Paragraph 82 is an incorporation of the previous paragraph to which no response is required.
83. Admitted.
84. Denied. By way of further answer, Defendant-Mangione elected to waive his preliminary hearing when the officers were present to provide testimony and evidence in support of all charges. Although Defendant-Mangione was permitted to retain his right file a Petition for Habeas Corpus where the Commonwealth will present prima facie evidence in support of each charge, Defendant-Mangione has waived the right and should not be permitted to file a Motion to Quash the charges that he elected to waive his hearing for.
85. Paragraph 85 is an incorporation of the previous paragraph to which no response is required.
86. Admitted.
87. Admitted.
88. The averments in Defendant-Mangione's first Paragraph 88 are not disputed. After this point in Defendant-Mangione's Petition, he begins to misnumber his remaining

paragraphs by recycling the number 88 in the subsequent averment. At the onset of each paragraph, the Commonwealth will reference the number used by Defendant-Mangione.

89. (Defendant's second 88) Denied. By way of further answer, the four corners of the affidavit in support of the contested search warrant contain the requisite probable cause mandated by the United States and Pennsylvania Constitutions to authorize the requested search and seizure.
90. (Defendant's 89) The averment within Defendant-Mangione's erroneously labeled Paragraph 89 that the contested search warrant lacks probable cause is Denied.
91. (Defendant's 90) Defendant-Mangione's erroneously labeled Paragraph 90 is an incorporation of the previous paragraph to which no response is required.
92. (Defendant's 91) Admitted.
93. (Defendant's 92) Admitted.
94. (Defendant's 93) The averments in Paragraph 93 are not disputed.
95. (Defendant's 94) Denied. By way of further answer, the four corners of the affidavit in support of the contested search warrant contain the requisite probable cause mandated by the United States and Pennsylvania Constitutions to authorize the requested search and seizure.
96. (Defendant's 95) The averment within Defendant-Mangione's erroneously labeled Paragraph 95 that the contested search warrant lacks probable cause is Denied. The Commonwealth alleges that sufficient probable cause exists within the four corners of the search warrant's affidavit.
97. (Defendant's 96) Paragraph 96 (sic) is an incorporation of the previous paragraph to which no response is required.
98. (Defendant's 97) Admitted.
99. (Defendant's 98) Denied. By way of further answer, Defendant-Mangione's invocation of his right to remain silent in response to police interrogation does not warrant suppression of voluntary statements made to the Magisterial District Judge during arraignment.

100. (Defendant's 99) Denied. By way of further answer, an interpretation of another's statements is not tantamount to speculation when the interpretation is based on supporting evidence.
101. (Defendant's 100) Defendant-Mangione's erroneously labeled Paragraph 100 is an incorporation of the previous paragraph to which no response is required.
102. (Defendant's 101) Admitted in part and Denied in Part. By way of further answer, it is Denied that Defendant-Mangione's writings were illegally seized. It is admitted that the writings are Defendant-Mangione's.
103. (Defendant's 102) Denied. By way of further answer, the word "Manifesto" is defined by Merriam-Webster's Online Dictionary as "a written statement declaring publicly the intentions, motives, or views of its issuer." It is specifically averred that there exists abundant circumstantial evidence to support the officer's characterization of Defendant-Mangione's written documentation of his intentions, motives, and views and that he intended for the same to eventually be disclosed to the public.
104. (Defendant's 103) Denied. By way of further answer, while it is admitted that the writings are Defendant-Mangione's, the interpretation of the writings by the officers is supported by abundant circumstantial evidence. Moreover, the ultimate determination of the meaning or interpretation of Defendant-Mangione's writings is solely within the province of any juries empaneled to deliberate on the charges. The Commonwealth adamantly denies that the use of the word "Manifesto" was employed to purposely prejudice any potential jury pool.

NEW MATTER

105. Paragraphs one (1) through one-hundred-four (104) are hereby incorporated by reference.
106. The timeline of these events is wholly essential for understanding the straightforward legal issues raised by the defense. This chronology is as follows:
107. Vigilant and concerned Blair County citizens diligently—and legally—responded to nationally-circulated pleas for assistance in identifying a person of interest in a brutal and callous execution that occurred on the streets of Manhattan.
108. After those concerned citizens discharged their civic duty by calling 911, two officers from the Altoona Police Department responded to the location of the complaint, the Plank Street McDonald's, as they are required by law to do. As the 911 caller specifically cites, we should not expect or demand civilians to approach and confront suspected murderers.
109. The two responding officers were fully uniformed and almost immediately encountered Defendant-Mangione, who was already seated at a corner table inside the restaurant. Prior to police arrival, Defendant-Mangione had chosen a table located in the corner: his back faced a parallel interior wall and one side of the table bordered another section of wall shared by the bathroom.
110. Approaching Defendant-Mangione to confirm his identity and determine whether there was any validity to the citizen concern was not only a lawful exercise of temporary detention effectuated to either confirm or dispel reasonable suspicion, it was arguably an obligation that the officers had no ability to disregard.
111. Officers approached Defendant-Mangione and asked him to lower his face mask to allow them to fully visualize his entire face while advising him that police had received a report of a suspicious person.
112. Within mere minutes, one officer knew with "about 100%" certainty that Defendant-Mangione was the same individual depicted in the photos that New York law enforcement was seeking.
113. Shortly after making contact with Defendant-Mangione, officers appropriately asked Defendant-Mangione to provide his name and proof of that identification in the course of obtaining basic pedigree information. Nothing about the officers' line of

questioning to confirm Defendant-Mangione's identity in the investigation of a citizen complaint is either novel or unlawful.

114. The Pennsylvania Supreme Court recently affirmed a police officer's ability to utilize reasonable suspicion to effectuate an investigatory detention for their own safety as much as their lawful ability to conduct necessary investigative measures:

- a. [I]n determining whether an officer has reasonable suspicion to conduct an investigative detention, we examine the totality of the circumstances at issue to discern whether there were particularized and objective grounds upon which to suspect that the individual detained was, or was about to be, engaged in criminal activity. But we emphasize that reasonable suspicion is not an exact science that requires *absolute certainty* that an individual was or was about to be involved in criminal activity, as that would undermine Terry's purpose as an *investigative* tool that requires an even lesser showing than probable cause. For that reason, we allow officers to rely on probabilities and their experience to make split-second decisions to investigate and prevent crime and to promote their own safety—so long as their suspicion of criminal activity is articulable, objectively reasonable, and particularized to the individual to be detained based on the circumstances as a whole. Furthermore, if reasonable suspicion supports the investigative detention based on an objective view of the totality of the circumstances, we do not inquire into the subjective views of an officer in conducting an investigative detention. Commonwealth v. Jackson, 302 A.3d 737,750 (PA. 2023).
- b. Jackson reaffirmed that “the detaining officers must have a particularized and objective basis for suspecting the particular person stopped of criminal activity” based on “the whole picture.” United States v. Cortez, 449 U.S. 411, 417-18, 101 S.Ct. 690, 66 L.Ed.2d 621 (1981). The United States Supreme Court continued: “The idea that an assessment of the whole picture must yield a particularized suspicion contains two elements, each of which must be present before a stop is permissible. First, the assessment must be based upon all the circumstances. The analysis proceeds with various objective observations, information from police reports, if such are available, and consideration of the modes or patterns of operation of certain kinds of lawbreakers. From these data, a trained officer draws inferences and makes deductions—inferences and deductions that might well elude an untrained person. The process does not deal with hard certainties, but with probabilities. Long before the law of probabilities was articulated as such, practical

people formulated certain common sense conclusions about human behavior; jurors as factfinders are permitted to do the same—and so are law enforcement officers. Finally, the evidence thus collected must be seen and weighed not in terms of library analysis by scholars, but as understood by those versed in the field of law enforcement. The second element contained in the idea that an assessment of the whole picture must yield a particularized suspicion is the concept that the process just described must raise a suspicion that the particular individual being stopped is engaged in wrongdoing. Chief Justice Warren, speaking for the Court in *Terry*[,] said that, “[t]his demand for specificity in the information upon which police action is predicated is the central teaching of this Court’s Fourth Amendment jurisprudence.” *Id.* at 418, 101 S.Ct. 690 (emphasis omitted) (quoting *Terry*, 392 U.S. at 21 n.18, 88 S.Ct. 1868). Jackson, 302 A.3d at 746-47.

115. When fully uniformed officers specifically asked for identification, the Defendant physically offered a forged driver’s license from the state of New Jersey bearing a false name. The moment Defendant-Mangione presented a forged driver’s license that falsely identified him to police officers discharging their lawful investigative duty, the felony crime of Forgery and misdemeanor crime of Tampering With Public Records were both committed in the presence of law enforcement. Consequently, the instant when Blair County dispatchers confirmed that no New Jersey record existed of the forged identity and license, probable cause bloomed, providing officers with every right—and responsibility—to escalate Defendant-Mangione’s detention to a custodial arrest.
116. Once Defendant-Mangione was taken into custody for committing a felony offense in the presence of the officers, it should be manifestly clear that a series of inescapable steps was then triggered. These inevitable actions included transporting Defendant-Mangione back to the Altoona Police Department, processing him, and later physically transferring him to a preliminary arraignment on filed charges.
117. When a defendant is arrested and taken into custody, his belongings are required to travel with him. It would be nonsensical at best and negligent at worst for law enforcement to abandon a defendant’s property at the site of the arrest, leaving

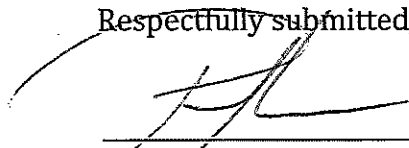
the items vulnerable to theft or damage and the police agency civilly liable for failing to safeguard property.

118. When police are required to transport larger containers, such as bags, that may conceal a host of dangerous items, it is incumbent on officers to search the bag prior to transporting the item in a patrol car—both for the safety of the officer conducting the transport as well as the civilians and employees who work in the brick and mortar police building in which the bag will be housed until the defendant can claim it again.
119. For officer safety and pursuant to long-standing Pennsylvania jurisprudence, the law permitted officers to inventory the contents of the bag as a search incident to Defendant-Mangione's arrest.
120. "The search incident to arrest exception allows arresting officers, in order to prevent the arrestee from obtaining a weapon or destroying evidence, to search both the person arrested and the area within his immediate control." Commonwealth v. Williams, 305 A.3d 89 (Pa. Super. 2023), *citing* Commonwealth v. Simonson, 148 A.3d 732, 797 (Pa. Super. 2016).
121. "The parameters of a search incident to arrest includes containers and clothing that are in the arrestee's possession at the time of his arrest." Commonwealth v. Williams, 305 A.3d 89 (Pa. Super. 2023), *citing* Commonwealth v. Guzman, 612 A.2d 524, 526-27 (1992), *abrogated on other grounds by*, Commonwealth v. Bell, 645 A.2d 211 (1994) (finding that police lawfully searched satchel carried by arrestee at time of arrest); Commonwealth v. Trengse, 451 A.2d 701, 710 (1982) (holding police lawfully searched shoulder bag that was on arrestee when he was arrested).
122. "A warrantless search incident to an arrest must be 'substantially contemporaneous with the arrest and [is] confined to the immediate vicinity of the arrest.'" Commonwealth v. Williams, 305 A.3d 89 (Pa. Super. 2023), *citing* Commonwealth v. Wright, 742 A.2d 661, 665 (1999) (quotation omitted).

123. At the time of the officer's initial interaction with him, Defendant-Mangione's bag was located at his feet—unequivocally within arm's length of Defendant—and clearly in close enough physical proximity to his body to be considered among his possessions. Notably, as the bag clearly belonged to Defendant-Mangione, it would have been unlawful and contrary to the policies of the Altoona Police Department to abandon the bag at a public restaurant once Defendant-Mangione was taken in custody and transported to the police station.
124. Moreover, the search clearly occurs within minutes of his arrest and prior to police physically escorting Defendant-Mangione from the scene.
125. This initial search incident to arrest does not require a search warrant, nor does it require any additional proof of the presence of weapons or threats.
126. "It is of course axiomatic that an arresting officer may, without a warrant, search a person validly arrested, and the constitutionality of a search incident to a valid arrest does not depend upon whether there is any indication that the person arrested possesses weapons or evidence as the fact of a lawful arrest, standing alone, authorizes a search." Commonwealth v. Trenge, 451 A.2d 701 (Pa. Super. 1982), *citing* Michigan v. DeFillippo, 443 U.S. 31, 35, 99 S.Ct. 2627, 2630, 61 L.Ed.2d 343, 348 (1979); New York v. Belton, 453 U.S. 454, 101 S.Ct. 2860, 69 L.Ed.2d 768 (1981); Commonwealth v. Long, 489 Pa. 369, 414 A.2d 113 (1980); Commonwealth v. Bess, 476 Pa. 364, 382 A.2d 1212 (1978); Commonwealth v. Pinney, 474 Pa. 210, 378 A.2d 293 (1977).

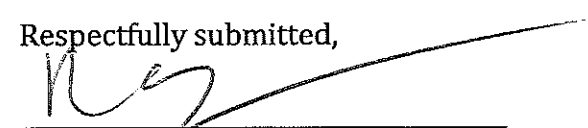
Accordingly, the Commonwealth respectfully submits that the Altoona Police Department officers were required to respond to the dispatch involving Defendant-Mangione; personally corroborated the information provided by the known 911 caller; conducted a lawful investigatory detention; lawfully effectuated a probable cause arrest for the forged identification; and lawfully executed a search incident to arrest and inventory search of Defendant-Mangione's property. The Commonwealth therefore requests Defendant's omnibus pre-trial motions be denied and dismissed by this Court.

Respectfully submitted,



Peter J. Weeks
Blair County District Attorney
Blair County District Attorney's Office

Respectfully submitted,



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

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

COMMONWEALTH OF PENNSYLVANIA

VS.

CP-07-CR-0002724-2024

LUIGI NICHOLAS MANGIONE,

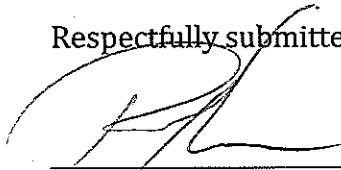
Defendant.

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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

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

COMMONWEALTH OF PENNSYLVANIA

VS.

LUIGI NICHOLAS MANGIONE,

Defendant.

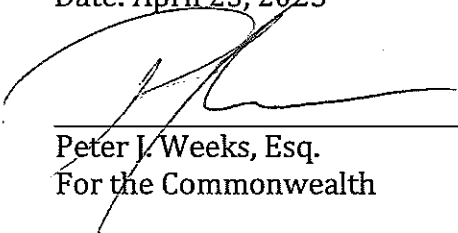
CP-07-CR-0002724-2024

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: April 25, 2025



Peter J. Weeks, Esq.
For the Commonwealth