

00-673-CD
LAMONT J. MARSHALL -vs- COMMONWEALTH OF PENNSYLVANIA et al

✓ LaMont J. Marshall
AP 7687 1100 Pike St.
Huntingdon PA 16654-1112

William A. Shaw

Clerk of Courts

P.O. Box 549

July 5, 2000

Clearfield PA 16830

Dear Mr. Shaw,

If there has not yet been a ruling on my Habeas Corpus / forms Pauperis, could you please tell me when you think there may be a disposition on the matter?

Thank You,

LaMont J. Marshall

* 7/10/00

Inquired w/Kelly
Said he would look
to see if he had this

Name Jamont Marshall
Number AP 7687
1100 Pike Street
Huntingdon, PA 16654-1112

RESTATEMENT
PACIFIC COAST

William A. Shaw
Clearfield County Clerk of Courts
P.O. Box 549

Clearfield PA 16830

P.O. Box 549

16830
Oct 91

Inmate Mail - PA. DEPT OF CORRECTIONS

1680-0543(02)0001-03

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LaMant J. Marshall : Pro se
(your name)

AP 7687 1100 Pike Street

Huntingdon PA 16654 -1112
(address)

()

(phone)

Commonwealth Ex. Rel.

LaMant J. Marshall

Plaintiff(s)

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: No. 84-260-CRA Term. 1984

vs.

Commonwealth of Pennsylvania

ET. AL.

: NO. 00-673-CO

Defendant(s)

In Forma Pauperis Order

AND NOW, this _____ day of _____, 19_____. it is hereby
ORDERED and DECREED that:

1. Petitioner be permitted to proceed without paying the costs of this proceeding or posting a bond.
2. Petitioner be permitted to obtain service of the papers filed without cost.
3. Petitioner be permitted to proceed in forma pauperis as to any additional costs which accrue in the course of this proceeding.

6-6-00
6-6-00
A.G. OFFICE
217-287-7369
R.H. D.P. / Chamorro
CAG
MICHAEL

LaMont J. Marshall, pro se
(your name)
AP 7687 1100 Pike Street
Huntingdon PA 16654-1112
(address)
()
(phone)

Commonwealth Ex. Rel. : COURT OF COMMON PLEAS
LaMont J. Marshall : CIVIL DIVISION
Plaintiff(s) :
vs. : No. 84-260-CRA Term, 1984
Commonwealth of Pennsylvania : NO. 00-673-CD
ET. AL. :
Defendant(s) :

Petition to Proceed In Forma Pauperis and Without Payment of Bond

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

JUN 06 2000

Petitioner. (your name) LaMont J. Marshall Alleged: seeks ~~leaving the~~ ^{pro bono} Prothonotary
proceed in this matter in forma pauperis, and respectfully represents that:

1. I am the (indicate plaintiff or defendant) Plaintiff in these proceedings.

2. I reside at (state your address) S.C.L. Huntingdon
1100 Pike Street
Huntingdon PA 16654-1112

3. I have listed my sources and amounts of income truly and correctly on the attached affidavit.

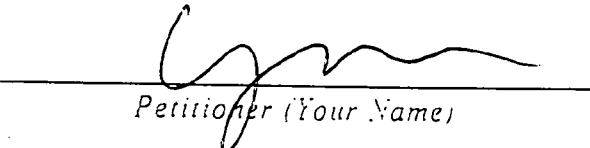
4. I have the following average monthly expenses for the indicated items:

Housing	<u>0</u>	Insurance	<u>0</u>
Utilities	<u>0</u>	Transportation	<u>0</u>
(Gas)	<u>0</u>	Medical	<u>0</u>
(Oil)	<u>0</u>	Loans	<u>0</u>
(Electric)	<u>0</u>	Laundry	<u>0</u>
(Phone)	<u>0</u>	Child Care	<u>0</u>
Food	<u>0</u>	Child Support	<u>0</u>
Clothing	<u>0</u>		

5. I neither own nor have equity in any substantial assets.

6. I am unable to pay the costs of these proceedings.

WHEREFORE, Petitioner prays that he/she be permitted to proceed in this matter in forma pauperis and without the payment of bond.


Petitioner (Your Name)

LaMont J. Marshall, pro se
(your name)

AP 7687 1100 Pike Street
Huntingdon PA 16654 - 1112
(address)

(215)
(phone)

Commonwealth Ex. Rel.

LaMont J. Marshall

Plaintiff(s)

: COURT OF COMMON PLEAS

: CIVIL DIVISION

:

: No. 84-260-CRA Term. 1984

vs.

Commonwealth of Pennsylvania

ET. AL.

Defendant(s)

: NO. _____

:

Petitioner's Affidavit
Pursuant to PA.R.C.P. 240

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD : SS. 182-44-2343

1. I am the (plaintiff) (defendant) in the above matter and because of my financial condition am unable to pay the fees and costs of prosecuting or defending the action or proceeding.

2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.

3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

(a) Name: LaMont J. Marshall

Address: AP 7687 1100 Pike Street

Huntingdon PA 16654 - 1112

Social Security No. 182-44-2343

(b) Employment

If you are presently employed, state:

Employer: State Correctional Institution at Huntingdon

Address: 1100 Pike Street

Huntingdon PA 16654-1112

Salary or wages per month: Approx. \$15.00

Type of work: Block Janitor

If you are presently unemployed, state:

Date of last employment: _____

Salary or wages per month: _____

Type of work: _____

(c) Other income within the past twelve months

Business or profession: 0

Other self-employment: 0

Interest: 0

Dividends: 0

Pension and annuities: 0

Social Security benefits: 0

Support payments: 0

Disability payments: 0

Unemployment compensation and
supplemental benefits: 0

Workman's Compensation: 0

Public Assistance: 0

Other: 0

(d) Other contributions to household support

(Wife) (Husband) name: _____

If your (wife) (husband) is employed, state:

Employer: _____

Salary or wages per month: _____

Type of work: _____

Contributions from children: _____

Contributions from parents: _____

Other contributions: _____

(e) Property owned

Cash: _____ 0

Checking account: _____ 0

Savings account: _____ 0

Certificates of Deposit: _____ 0

Real estate (including home): _____ 0

Motor vehicle: Make Hyundai Year 1988

Cost \$ 750.00 Amount Owed \$ 0

Stocks and bonds: _____ 0

Other: _____ 0

(f) Debts and obligations

Mortgage: _____ 0

Rent: _____ 0

Loans: _____ 0

Other: Court Costs & fines \$ 300.00 debt.

(g) Persons dependent upon you for support

(Wife) (Husband) name: _____

Children, if any:

Name: _____ Age: _____

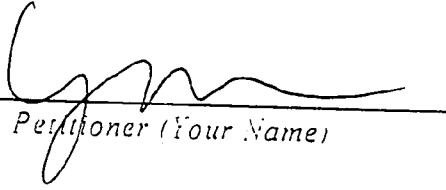
Other persons:

Name: _____
Relationship: _____

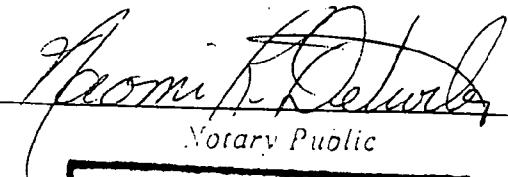
4. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.

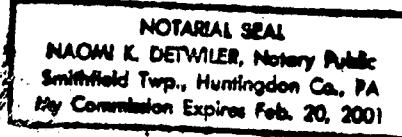
5. I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Dated: May 31, 2000


Petitioner (Your Name)

Sworn to and subscribed before me this
31st day of May
2000


Naomi K. Detwiler
Notary Public



Date: _____

(Mr.) (Mrs.) (Ms.) please be advised that I filed a petition to proceed in forma pauperis today. If you want to contest this petition, you must file an answer with the Motions Court, by

_____, PL _____.

Yours truly,

Court Term and Number:

(original Caption)
COMMONWEALTH OF PENNSYLVANIA
AND COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
46TH JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL/CRIMINAL DIVISION
AND ADMINISTRATIVE/EXECUTIVE

:

COMMONWEALTH EX. REL.

LAMONT J. MARSHALL : RE: NO. 84-260-CRA

Petitioner

vs:

:

COMMONWEALTH OF PENNSYLVANIA
ET. AL.

Respondents :

CERTIFICATION OF INMATES' ACCOUNT

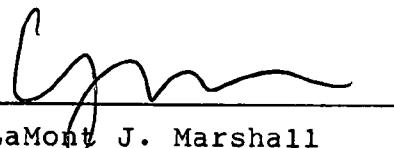
TO THE Honorable Judge(s) of the above Court, your Petitioner
is, LaMont J. Marshall, pro se counsel respectfully avering:

1. Petitioner/Relator hereby certifies that he has an average monthly balance in his inmate account for the past six-monts of approximately \$20.00.
2. Petitioner/Relator believes he is entitled to in forma pauperis status and herewith separately files a proposed Court Order for Granting I.F.P.; Petition to Proceed I.F.P.; and, Affidavit to proceed in the above captioned matter filed of record on, April 03, 2000, (attached cover page thereof) for which Petitioner/Relator believes he is entitled to relief on.
3. Pursuant to 18 Pa. C.S.A. § 4904 Petitioner/Relator hereby swears the foregoing to be true and correct under penalties of unsworn falsification to authorities avering that

this certification of Petitioner's/Relator's inmate account is true and correct thus meeting the required proof of certification of inmate account for purposes of GRANTING him in forma pauperis status in the foregoing filed action as, shown time-stamped certified by the Prothonotary/clerk of Courts on, April 03, 2000, by Willima A. Shaw.

Respectfully Submitted By,
LaMont J. Marshal Pro se
Counsel For Movant

Dated: June 1, 2000

S. 
Mr. LaMont J. Marshall
1100 Pike St. AP7687 SCIH
Huntingdon, Pennsylvania
16654-1112

LJM

ATTACHMENTS/TIME-STAMPED COVER PAGE OF ACTION FILED
CERTIFICATE OF PROOF OF SERVICE

COMMONWEALTH OF PENNSYLVANIA
AND THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
46TH JUDICIAL DISTRICT O F PENNSYLVANIA

CIVIL/CRIMINAL DIVISIONS
AND ADMINISTRATIVE/EXECUTIVE

:

COMMONWEALTH EX. REL.

LAMONT J. MARSHALL

:

NO. 84-260-CRA

Petitioner

vs:

:

COMMONWEALTH OF PENNSYLVANIA,
ET. AL.

Respondents

:

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 03 2000

APPLICATION FOR RELIEF
HABEAS CORPUS AND/OR POST CONVICTION
RELIEF ACT MOTION

Attest

William J. G.
Prothonotary

I. Jurisdiction.

1. Jurisdiction is vested and invoked in this State and the Court of Common Pleas powers and duties as is provided by the State Constitution under, Article V, Section 5 b, involving a State prisoner's deprivation of liberty without due process.

2. Jurisdiction is further vested and invoked involving 42 Pa. C.S.A. § 9541 et. seq. and Article I, Section 14, Habeas Corpus under the State Constitution and all the provisions of the 1st and 6th Amendments, applicable to the States through the 14th Amendment of United States Constitution, notwithstanding provisions of, Article I, Sections 1, 8-11, 25, and 26 and/or Schedule 16 of the State Constitution as it may apply in this

CERTIFICATE OF PROOF OF SERVICE

Pursuant to, Smith vs Pa. Bd. of Pro. & Par. (Pa. 1996) and it's progenies, I hereby do certify that I am this day placing into the hands of prison officials the foregoing certification of inmate account for forwarding to the persons listed below in the manner indicated signed by me. I understand that this meets all the requirement of proof of service under Pa. R.A.P. 121 et. seq.

SERVICE BY U.S. POSTAL MAIL FIRST CLASS PREPAID TO:

Michael A. Farnan, Esquire Deputy Attorney General 15th Fl. Strawberry Sq. Harrisburg, Pennsylvania 17120	David S. Meholic, Admstr. Court Administrator Clearfield Co. Admnstr. 230 E. Market St. Clearfiled, Pennsylvania 16830
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William A. Shaw,
Prothonotary/Clerk of Courts
P.O. Box 549
Clearfield, Pennsylvania
16830

Respectfully Submitted By,
LaMont J. Marshall, Pro Se
Counsel For Movant

Dated: June 1, 2000

S.


LaMont J. Marshall
1100 Pike St. AP7687 SCIH
Huntingdon, Pennsylvania
16654-1112

COMMONWEALTH OF PENNSYLVANIA
AND THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
46TH JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL/CRIMINAL DIVISIONS
AND ADMINISTRATIVE/EXECUTIVE

:

COMMONWEALTH EX. REL.

LAMONT J. MARSHALL : NO. 84-260-CRA

Petitioner

vs:

COMMONWEALTH OF PENNSYLVANIA,
ET. AL.

Respondents

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 03 2000

APPLICATION FOR RELIEF
HABEAS CORPUS AND/OR POST CONVICTION ^{Attest}
RELIEF ACT MOTION

William J. Baugh
Prothonotary

I. Jurisdiction.

1. Jurisdiction is vested and invoked in this State and the Court of Common Pleas powers and duties as is provided by the State Constitution under, Article V, Section 5 b, involving a State prisoner's deprivation of liberty without due process.
2. Jurisdiction is further vested and invoked involving 42 Pa. C.S.A. § 9541 et. seq. and Article I, Section 14, Habeas Corpus under the State Constitution and all the provisions of the 1st and 6th Amendments, applicable to the States through the 14th Amendment of United States Constitution, notwithstanding provisions of, Article I, Sections 1, 8-11, 25, and 26 and/or Schedule 16 of the State Constitution as it may apply in this

particular case and circumstances under the Executive and Administrative powers and duties authorized by the Administrative Code of 1929, which may offer available relief to Petitioner.

II. Petitioner.

3. Petitioner is, Lamont J. Marshall, born on, November 13, 1956, social security number, 182-44-2343, presently illegally housed and incarcerated at S.C.I.H. under inmate number AP7687 located at, 1100 Pike Street, Huntingdon, Huntingdon County, Pennsylvania, 16654-1112.

III. Respondents.

4. Respondents are the Clearfield County Office of the District Attorney for the Office of Attorney General, Mike Fisher, of the Commonwealth of Pennsylvania; Superintendent Kyler, of the Commonwealth of Pennsylvania, Department of Corrections under the Administrative operations of Secretary of Corrections, Martin F. Horn. The Additional respondents who have authority vested in them by the State and Administrative Code of 1929, to intertain and/or intervene for Petitioner's immediate release from illegal incarceration are too many to name as set forth in the caption of this document and briefly shown in the Certificate of Service attached hereto. Example, all subdivisions thereof.

IV. Supporting Facts.

5. On, August 13, 1984, Petitioner received a sentence of 10 to 20 years following a plea of guilty to murder in the third degree (please see attached Exhibit-A). At that time 20 years was the maximum sentence he could receive and he began his State Penitentiary sentence shortly thereafter.

6. After filing a Post-Conviction Relief Act Petition, it was the ORDER of the Court on, April 5, 1999, that said Petition be GRANTED, conviction and sentence vacated, and a new trial awarded (please see attached Exhibit-B).

7. The same day, April 5, 1999, following another plea of guilty to murder in the third degree, Petitioner was re-sentenced to ten (10) years Probation and 28-days in an inpatient treatment drug program (please see attached Exhibit-C), which was retro-active to the date charged and applicable to his 15-years of loss of his liberty.

8. Following his completion of the Vista Drug and Alcohol Program, the sentence was complete and Petitioner was free and released from custody, but, erroneously remained under the supervision of the Pennsylvania Board of Probation & Parole through the Clearfield County Probation Department. Even though Petitioner's sentence was completed and fully served and final disposition of the case came to closure.

9. During this time Petitioner submitted a urine sample that tested positive for THC and on, June 21, 1999, was taken back into custody and placed in the Clearfield County Jail illegally (please see attached Exhibit-D) while no sentence nor jurisdiction was pending over Petitioner of the Court or the Probation Department as a matter of law.

10. On, July 26, 1999, after being found guilty of Probation violation, Petitioner was illegally sentenced to another 10 to 20 years of imprisonment and the sentencing ORDER instructed the Clearfield County Sheriff's Department to transfer Petitioner to the Western Diagnostic Classification Center in Pittsburgh, Pennsylvania (please see attached Exhibit-E) even though the 10 year term of Probation was served on the original charges and Drug Treatment Program completed, bringing closure to the case.

11. On, August 2, 1999, Petitioner was illegally transported to the Western Diagnostic Classification Center in Pittsburgh and upon arrival the Sheriff's Deputies were told by the official SCI-P administrators that they could not re-classify Petitioner because he had already served 15-years of this sentence! Nor could they re-classify him as a State Parole Violator because his State sentence had been vacated. The Western Diagnostic and Classification Center informed the Sheriff's Department that they could not accept him and he was then transported back to the Clearfield County Jail/Prison.

12. On, August 6, 1999, the Sheriff's Department of Clearfield County transported Petitioner to the State Institution at Huntingdon claiming that he was being returned from Court on ATA (authorized temporary absence). The officials at SCI-H accepted him with NO commitment orders and placed him in the Restricted Housing Unit (RHU) in Administrative custody status where he remained for four (4) weeks.

13. At this time Petitioner remains in the State Correctional Institution at Huntingdon and is illegally incarcerated.

V. Arguments/Legal Claims.

14. Petitioner is being deprived his Right of liberty without due process in violation of his State and Federal Constitutional Civil Rights equal Protections under law.

15. Petitioner respectfully submits that upon receiving the ten (10) years probation sentence he must be credited with the time served on his 15-years in prison in the State Penitentiary pursuant to, 42 Pa. C.S.A. § 9760, which states:

"Credit against the maximum term shall be given to the Defendant for all time spent in custody under prior sentence if he is later reprocsecuted or re-sentenced for the same offense based on the same act or acts."

16. Petitioner repeatedly submits that the Court was in error by not crediting him with his 15-years time served. If credit is not given for time served, the ten (10) year probation would

extend for time served until, April, 2009, and the Statutory Maximum in this case expired on, May 3, 1999, upon completion of the Drug Program. Therefore, to maintain the legality of the sentence, it must be made effective from 1984, which now makes Petitioner illegally incarcerated without due process of law.

17. Petitioner respectfully submits that credit must be given for time served and 10-year sentence expired on, May 3, 1999. Also, petitioner should NOT have been subject to supervision by the Pennsylvania Board of Probation & Parole or the subsequent probation violation.

18. Upon, allegedly, violating the probation sentence, Petitioner respectfully submits that the re-sentence of 10-20 years was illegal! After a sentence has begun to be served a Court cannot increase the sentence, Commonwealth v. Unger, 462 A.2d 259, 315 Pa.Super. 408, Pa. Super. 1983. Petitioner maintains that the illegal sentence for violating the 10-year probation had expired because the Court lacked jurisdiction to imprison him on a sentence served fully and that expired.

19. Petitioner respectfully submits that SCI-Huntingdon had no legal jurisdiction to accept him and is therefore holding him illegally. Petitioner was not being returned from Court as claimed by the Clearfield County Sheriff's Department but was, in fact, illegally in the County Jail on an alleged Probation violation. There was NO ORDER directing him to be returned to

SCI-Huntingdon of the Pennsylvania Department of Corrections of this Commonwealth and NO commitment orders with or without jurisdiction over Petitioner's person. Petitioner believes this was simply a ruse to get him in the door of Huntingdon Prison at the hands of the Sheriff's Department once the Western Diagnostic Classification Center in Pittsburgh denied all responsibility over Petitioner.

20. Petitioner respectfully submits that SCI-Huntingdon Prison and the Clearfield County Sheriff's Department with the Court and District Attorney conspired to hold him illegally! Knowing he was sentenced illegally. The records office at Huntingdon illegally altered his sentence status by neglecting to record the 10-year probation sentence and by changing his sentence effective date (please see attached **Exhibit-F**).

VI. CONCLUSION.

21. Petitioner submits and avers that he has served his sentence and 15-years on a 10-year sentence and is being held in prison illegally. For the reasons set forth herein, Petitioner avers and submits that the Court (or other authority) must, and it's duty is too, GRANT his Petition for a writ of Habeas Corpus and ORDER the immediate release from custody and discharge him promptly for cause. Based upon the foregoing facts, records, and as a matter

of law, and particularly personal Constitutional Civil Rights secured inviolate, Petitioner has lost his liberty without due process of law!

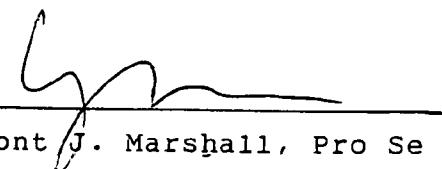
VII. RELIEF SOUGHT.

22. No counsel appointment! Immediate release from prison promptly without any delay.

WHEREFORE, so moves Petitioner for relief and forever prays,

Very Truly and
Respectfully Yours,

Dated: March 30, 2000

S. 
Lamont J. Marshall, Pro Se

L.J.M.

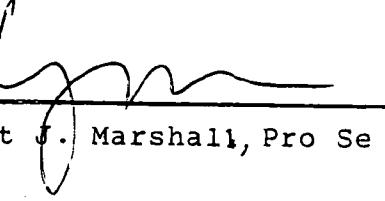
ATTACHEMNTS: EXHIBIT RECORDS EVIDENCE DOCUMENTS
VERIFICATION
CERTIFICATE OF SERVICE

VERIFICATION

I, LaMont J. Marshall, hereby swear that under penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities that, all of the foregoing statements by me are true and correct and that I hereby do certify hereunder that all of the attached Exhibit-Evidence-Record-Documents are true and correct copies of the originals for purposes of authentication signed below by me.

Very Truly and
Respectfully Submitted By,

Dated: March 30, 2000

S. 
LaMont J. Marshall, Pro Se

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA : :

-VS- : NO. 84-260-CRA

LaMONT MARSHALL : :

S E N T E N C E

NOW, this 13th day of August, 1984, Defendant having entered a Plea of Guilty to a charge of Murder of the Third Degree a Felony of the First Degree, he being fully and competently represented by Counsel, the Court being satisfied that he has knowingly and intelligently entered said Plea, it is the SENTENCE of this Court that he pay for the benefit of Clearfield County the sum of One (\$1.00) Dollar, together with Costs of Prosecution, that he be incarcerated at the Western Diagnostic and Classification Center in Pittsburgh, Pennsylvania, for a term the minimum of which shall be Ten (10) Years and the maximum of which shall be Twenty (20) Years. It is the further ORDER of this Court that he shall avail himself of all drug and alcohol treatment and counseling programs in said institution, and that the extent to which he makes available the resources therein shall be given great weight upon his application for parole. This shall be sufficient authority for the Sheriff of Clearfield County to transport said Defendant.

BY THE COURT,

President Judge

EXHIBIT - A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA : :

VS. : NO. 84-260-CRA

LAMONT J. MARSHALL : :

O R D E R

NOW, this 5th day of April, 1999, following argument into Petition under the Post Conviction Relief Act filed on behalf of Defendant above-named, it is the ORDER of this Court that said Petition be and is hereby granted, conviction and sentence vacated and new trial awarded.

BY THE COURT,

John J. Kline, Jr.

President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA : :

VS. : NO. 84-260-CRA

LAMONT J. MARSHALL : :

S E N T E N C E

NOW, this 5th day of April, 1999, Defendant having entered a Plea of Guilty to a charge of Murder of the Third Degree, a Felony of the First Degree; he being fully and competently represented by counsel and the Court being satisfied that he has knowingly and intelligently entered said Plea, it is the SENTENCE of this Court that he pay for the benefit of Clearfield County the sum of One (\$1.00) Dollar, together with costs of prosecution; that he be and remain on intensive supervision under the supervision and control of the Adult Probation Department of Clearfield County for a period of ten (10) years, among the terms and conditions of which shall be that he immediately enter the VISA Drug and Alcohol Abuse Program, for which he shall pay costs, where he shall remain for twenty-eight (28) days and successfully complete said Program; that he absolutely refrain from the possession or use of alcoholic beverages or controlled substances; that he not enter bars, taverns, inns or other places that serve alcohol; and that

he undergo such counseling as shall be required by his supervising Probation Officer, for which he shall pay costs.

BY THE COURT,

/s/ John K. Rafferty, Jr.

President Judge

VIOLATION REPORT

DATE: June 22, 1999

NAME: Lamont J. Marshall ARD: PROBATION: X PAROLE: FILE NO.: 10,740

TYPE OF HEARING: DETENTION: REVOCATION: X

ORIGINAL CHARGE(S): Murder of Third Degree (F1)

SENTENCE: 10 Years Probation; 28 days inpatient;
Not to enter any bars, taverns; no alcohol

INDICTMENT NUMBER: 84-260-CRA

SENTENCING JUDGE: The Honorable John K. Reilly, Jr., President Judge

EFFECTIVE DATE OF SENTENCE: 04-05-99
MAXIMUM EXPIRES: 04-05-09

VIOLATIONS SPECIFIED:

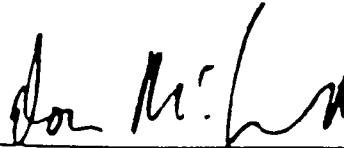
It is alleged that Probationer violated his probation through the use of illegal drugs.

REPORTING EVIDENCE:

06-14-99 Agent Young of the Pennsylvania Board of Probation and Parole conducted a routine urine test.

06-18-99 test results returned positive for THC.

06-21-99 Probationer was arrested by Agent Young and placed in the Clearfield County Jail. At this time Probationer admitted to smoking marijuana on several occasions.



RECTOR: DONALD J. MCCLUSICK



SUPERVISOR OF ADULT DIVISION: LISA REDDEN

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CRIMINAL ACTION

COMMONWEALTH OF PENNSYLVANIA :

-vs-

: No. 84-260-CRA

LAMONT J. MARSHALL :

O R D E R

NOW, this 26th day of July, 1999, Defendant having violated Probation on the charge of Murder of the Third Degree, a Felony of the First Degree; he being fully and competently represented by counsel, it is the SENTENCE of this Court that he be incarcerated at the Western Diagnostic and Classification Center in Pittsburgh, Pennsylvania, for a term the minimum of which shall be ten (10) years and the maximum of which shall be twenty (20) years.

This shall be sufficient authority for the Sheriff of Clearfield County or his duly authorized deputies to transport said Defendant.

BY THE COURT,

/s/ John K. Reilly, Jr.

President Judge

RECORDED AND INDEXED
AND CERTIFIED COPY MADE
ATMOSPHERE, INC. 1999

JULY 27 1999

dict

EXHIBIT-E

COMMONWEALTH OF PENNSYLVANIA
BUREAU OF CORRECTION

SENTENCE STATUS SUMMARY

Replaces form JBC-16C which may be used

1. SENTENCE SUMMARY

Class of Sentence:	<input type="checkbox"/> DEFINITE	<input type="checkbox"/> INDEFINITE	<input type="checkbox"/> GENERAL	<input type="checkbox"/> LIFE	<input type="checkbox"/> COMMUTED LIFE	<input type="checkbox"/> EXECUTION		
Date	County	Number, Term Court, Indictment	Type Sent	Minimum Y M D	Maximum Y M D	Judge	Offense	Offense Tracking Number
8-13-84	CLEARFIELD	SENTENCE VACATED 84-260-CRA		10	20	REILLY	MURDER-3	B215608-4
07-26-99	CLEARFIELD	RESENTENCED 84-260-CRA		10	20	J. Reilly	MURDER 3 VOP	B2156081
Continued From BC=	Plea	Total Sentence:	10	20	Commitment Credit			
Fines	Costs				Restitution			

Summary or Remarks on Sentence

SSN: 182-44-2343

2. DATES SECTION

Item	Original	Change #1	Change #2	Change #3	Change #4	Change #5
DATE OF RECEPTION	8-14-84	08-06-99				
EFFECTIVE DATE	3-21-84	05-07-84				
EXPIRATION OF MINIMUM	3-21-94	05-07-94				
EXPIRATION OF MAXIMUM	3-21-2004	05-07-2004				
EFFECTIVE DATE - PV	X X X X X					
DELINQUENT TIME	X X X X X					
BACKTIME	X X X X X					
NEW MAXIMUM - PV	X X X X X					
SENTENCE CHANGE	X X X X X	08-06-99				
BASIS FOR CHANGE	X X X X X	Resentence				
NEW SENTENCE	X X X X X	10-20 Yrs.				
1st Release Method—Inst.—Date Marked Sur/5/14/99	2nd Release: Method—Inst.—Date	3rd Release: Method—Inst.—Date	4th Release: Method—Inst.—Date			

3. REFERENCES AND IDENTIFICATION

1st Admission: Inst.—Date SDIPS 8-14-84	2nd Admission: Inst.—Date SCIH 10-24-84	3rd Admission: Inst.—Date SCIH 12/8/93	4th Admission: Inst.—Date Rec. SCIH: 8-6-99
Prosecuting Police Department DUBOIS CITY	Place of Birth DUBOIS, PA.	Date of Birth 11-13-56	Marital Status SCL.
PC Number PBPP Number	SD Number	Name	R-S C/M

EXHIBIT-F

4-5-99 ATA to Clearfile Co.

1-1535 A-14 ad Cetnifibra

1-1335 ATA to Cessna Cessna + 147183

CERTIFICATE OF PROOF OF SERVICE & FILING

I, LaMont J. Marshall, hereby do certify that I am this day placing into the hands of prison officials the foregoing documents for forwarding to the persons listed below in the manner indicated signed by me which service certification satisfies the requirements of proof of service under Pa. R.A. P.121. et. seq., and Smith vs: Pa. Bd. of Pro. & Par., (Pa. 1996.)

SERVICE BY U.S. POSTAL MAIL FIRST CLASS PREPAID TO:

Court of Common Pleas of
Clearfiled County, Penna.
Clerk of Courts Office
230 East Market Street
Clearfield, Penna. 16830

Clearfield Co. District Atty.
Paul Cherry, Esquire
230 East Market Street
Clearfield, Penna. 16830

Commonwealth of Penna.
Office of Attorney General
Mike Fisher, A. G.
16th Fl. Strawberry Square
Harrisburg, Penna. 17120

Governor Tom Ridge
275 Main Capitol Bldg.
Harrisburg, Penna. 17120

Supreme Court of Penna.
Chief Justice
6 Gateway Center, Ste. 616
Pittsburgh, Penna. 15222

Court of Common Pleas of
Clearfield County, Penna.
Hon. John K. Reilly, J.
Courthouse Chambers
230 East Market Street
Clearfield, Penna. 16830

SCI-H Superintendent Kyler
1100 Pike Street Prison
Huntingdon, Pennsylvania 16654

Commonwealth of Penna. DOC
Secretary of Corrections
Martin F. Horn, Sec. of Crns.
2520 Lisburn Road Box 598
Camp Hill, Penna. 17001

Nancy Sobolevitch, Admstr.
Commonwealth of Penna.
Court Administrator
Adm. Off.s of the Pa. Courts
1515 Market St., Ste. 1414
Philadelphia, Penna. 19102

Clearfield County Solicitor
Kim C. Kesner, Esquire
Courthouse Building
230 East Market Street
Clearfield, Penna. 16830

cont'd

Very Truly and
respectfully Submitted By,

Dated: March 30, 2000

S. 

LaMont J. Marshall, Pro Se
SCI-H 1100 Pike St. # AP7687
Huntingdon, Pennsylvania
16654-1112

RJS

(original caption)
COMMONWEALTH OF PENNSYLVANIA
AND COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
46TH JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL/CRIMINAL DIVISION
AND ADMINISTRATIVE/EXECUTIVE

:

COMMONWEALTH EX.REL.

LAMONT J. MARSHALL : RE: NO. 84-260-CRA

Petitioner

VS:

:

COMMONWEALTH OF PENNSYLVANIA
ET. AL.

Respondents

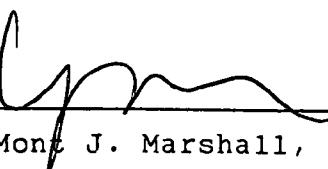
:

WITHOUT PREJUDICE TO RESPONDENTS', INSTRUCTIONS AND
PRAECIPE TO PROCESS PREVIOUSLY FILED APPLICATION FOR
RELIEF HABEAS CORPUS AND/OR POST CONVICTION RELIEF ACT
MOTION DOCUMENT TIME-STAMPED APRIL 03, 2000, FILED

TO THE PROTHONOTARY/CLERK OF COURTS: Please begin process of
the, April 03, 2000, PREVIOUSLY FILED document titled :
"Application For Relief Habeas Corpus and/or Post Conviction
Relief Act Motion" pro se of the movant, COVER PAGE ATTACHED.
Since sentencing 30-days has expired and NO counsel of record
has made any appearance in this new matter and movant wishes
no appointment of any counsel in this action. A "Response" has
been made and an "Answer" thereto ripe for Judicial Disposition.
Herewith are I.F.P. Papers to proceed without paying costs for
processing and a Court Ruling, with the I.F.P. papers for the
sake of convenience to the PARTIES and saving costs to the
Judicial and Administrative economies.

Dated: June 1, 2000

S.


Mr. LaMont J. Marshall, Pro Se

LJM

ENCLOSURES/ORIGINAL FILING; PREL. OBJTN.S/ & ANSWER THEREETO
I.F.P. PAPERS

COMMONWEALTH OF PENNSYLVANIA
AND THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
46TH JUDICIAL DISTRICT O F PENNSYLVANIA

CIVIL/CRIMINAL DIVISIONS
AND ADMINISTRATIVE/EXECUTIVE

COMMONWEALTH EX. REL.

LAMONT J. MARSHALL : NO. 84-260-CRA

Petitioner

vs:

COMMONWEALTH OF PENNSYLVANIA,
ET. AL.

Respondents :

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

APR 03 2000

APPLICATION FOR RELIEF
HABEAS CORPUS AND/OR POST CONVICTION ^{Attest}
RELIEF ACT MOTION

William L. H.
Prothonotary

I. Jurisdiction.

1. Jurisdiction is vested and invoked in this State and the Court of Common Pleas powers and duties as is provided by the State Constitution under, Article V, Section 5 b, involving a State prisoner's deprivation of liberty without due process.

2. Jurisdiction is further vested and invoked involving 42 Pa. C.S.A. § 9541 et. seq. and Article I, Section 14, Habeas Corpus under the State Constitution and all the provisions of the 1st and 6th Amendments, applicable to the States through the 14th Amendment of United States Constitution, notwithstanding provisions of, Article I, Sections 1, 8-11, 25, and 26 and/or Schedule 16 of the State Constitution as it may apply in this

CERTIFICATE OF PROOF OF SERVICE

Pursuant to, Smith vs Pa. Bd. of Pro. & Par., (Pa. 1996) and it's progenies, I hereby do certify that I am this day placing into the hands of prison officials the foregoing Praecipe for forwarding to the persons listed below in the manner indicated signed by me. I understand that this meets all the requirements of proof of service under Pa. R.A.P. 121 et. seq.

SERVICE BY U.S. POSTAL MAIL FIRST CLASS PREPAID TO:

Michael A. Farnan, Esquire
Deputy Attorney General
15th Fl. Strawberry Sq.
Harrisburg, Pennsylvania
17120

David S. Meholick, Admstr.
Court Administrator
Clearfield Co. Crthse.
230 E. Market St.
Clearfield, Pennsylvania
16830

William A. Shaw
Prothonotary/Clerk of Courts
P. O. Box 549
Clearfield, Pennsylvania
16830

Respectfully Submitted By,
LaMont J. Marshall, Pro Se
Counsel For Movant

Dated: June 1, 2000

S.
Mr. LaMont J. Marshall
1100 Pike St. #AP7687 SCIH
Huntingdon, Pennsylvania
16654-1112

LJM

ENCLOSURES/ORIGINAL "APPLICATION FOR RELIEF HABEAS CORPUS AND/OR POST CONVICTION RELIEF ACT MOTION"; "PRAECIPE TO PROCESS ACTION"; "PRELIMINARY OBJECTIONS THERETO"; PLUS "ANSWER TO PRELIMINARY OBJECTIONS"; AND, "I.F.P. PAPERS TO PROCEED WITHOUT PAYING COSTS".

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

COMMONWEALTH EX. REL. :
LAMONT J. MARSHALL, :
Petitioner :
v. :
No. 84-260-CRA
COMMONWEALTH OF PENNSYLVANIA, :
ET AL., :
Respondents :

PRELIMINARY OBJECTIONS OF ATTORNEY GENERAL FISHER

Respondent, D. Michael Fisher, Attorney General, Commonwealth of Pennsylvania, through his attorneys, and pursuant to Pa.R.C.P. No. 1028, hereby files the following preliminary objections:

I. IN THE NATURE OF A DEMURRER: PETITIONER HAS FAILED TO STATE A CLAIM AGAINST GENERAL FISHER ON WHICH RELIEF CAN BE GRANTED.

1. In Section III of the petition, General Fisher is identified as a respondent. Petition ¶4.
2. General Fisher is not mentioned anywhere else in the petition.
3. Neither General Fisher nor the Office of Attorney General has anything to do with plaintiff's initial or subsequent sentences, prosecutions, or incarcerations.
4. Petitioner has cited no authority to show that General Fisher has anything to do with this matter.
5. The Commonwealth Attorneys Act, which sets forth the limits of the Pennsylvania Attorney General's authority, does not provide that the Attorney

General has any authority to take any action in this matter with respect to the release or incarceration of the petitioner. Act of October 15, 1980, P.L. 950, No. 164, §102 (71 P.S. §732-101, *et seq.*).

6. Therefore, petitioner has failed to state a claim against General Fisher on which relief can be granted.

II. INSUFFICIENT SPECIFICITY: PETITIONER HAS FAILED TO STATE WHAT, IF ANYTHING, GENERAL FISHER HAS DONE TO WARRANT BEING NAMED IN THIS LAWSUIT.

7. Respondents incorporate paragraphs 1 through 6 herein by reference as if set forth in full.
8. Petitioner has failed sufficiently to specify what, if anything, General Fisher has done to warrant being named as a respondent in this matter.

III. IN THE NATURE OF A DEMURRER: PETITIONER HAS FAILED TO STATE A CLAIM AGAINST ANY RESPONDENT ON WHICH RELIEF CAN BE GRANTED.

9. Respondents incorporate paragraphs 1 through 8 herein by reference as if set forth in full.
10. At petitioner's request, on April 5, 1999, petitioner's previous sentence for murder in the third degree was vacated. Exhibit B.
11. Also on April 5, 1999, as a result of his guilty plea for murder of the third degree, petitioner was resentenced to ten (10) years probation under "intensive supervision," including that he "absolutely refrain from the possession or use of alcoholic beverages or controlled substances." Exhibit C.¹

¹Respondents refer to the exhibits attached to the petition.

12. Petitioner was then free on probation, *as long as he met the requirements imposed by the Court.* Id.
13. On June 18, 1999, petitioner violated his probation by testing positive for drugs in a routine urine test conducted on June 14, 1999. Exhibit D.
14. Petitioner admitted smoking marijuana on several occasions. Id.
15. Therefore, petitioner's current incarceration is appropriate.

WHEREFORE, the Respondent General Fisher respectfully requests the Court to grant his preliminary objections and dismiss the claims against him with prejudice.²

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:


MICHAEL A. FARNAN
Deputy Attorney General
Attorney I.D. #69158

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

Counsel for RESPONDENT
D. MICHAEL FISHER
ATTORNEY GENERAL OF PENNSYLVANIA

DATE: April 14, 2000

²[It is believed that petitioner's decision to name Attorney General Fisher as a respondent is based on a misreading of the *service* requirements Pa.R.C.P. No. 422(a). That rule requires that the petition be served on the attorney general, not that he be named as a respondent.]

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

COMMONWEALTH EX. REL.

LAMONT J. MARSHALL,

Petitioner

v.

No. 84-260-CRA

COMMONWEALTH OF PENNSYLVANIA,

ET AL.,

Respondents

ORDER

AND NOW, this _____ day of _____, 2000, upon consideration of the preliminary objections filed by Respondent D. Michael Fisher, Attorney General, Commonwealth of Pennsylvania, the preliminary objections are hereby GRANTED and the claims against the Respondent General Fisher are dismissed with prejudice.

BY THE COURT,

, J.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

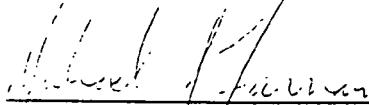
COMMONWEALTH EX. REL. :
LAMONT J. MARSHALL, :
Petitioner :
v. :
: No. 84-260-CRA
COMMONWEALTH OF PENNSYLVANIA, :
ET AL., :
Respondents :

CERTIFICATE OF SERVICE

I, Michael A. Farnan, Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on April 14, 2000, I served a true and correct copy of the foregoing Preliminary Objections of Attorney General Fisher, by causing it to be deposited in the United States Mail, first-class postage prepaid to the following:

LaMont J. Marshall, AP-7687 SCI - Huntingdon 1100 Pike Street Huntingdon, PA 16654-1112	Robert M. Wolff Assistant Counsel Department of Corrections Litigation Section 2520 Lisburn Road P.O. Box 598 Camp Hill, PA 17001-0598
Paul Cherry, Esquire Clearfield County District Attorney 230 East Market Street Clearfield, PA 16830	

In the interests of judicial and litigant economy, Attorney General Fisher is serving only those who were specifically identified as parties in Sections II and III of the complaint.


MICHAEL A. FARNAN
Deputy Attorney General

(original caption as filed)
COMMONWEALTH OF PENNSYLVANIA
AND THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
46TH JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL/CRIMINAL DIVISIONS
AND ADMINISTRATIVE/EXECUTIVE

COMMONWEALTH EX. REL.
LAMONT J. MARSHALL

: NO. 84-260-CRA

Petitioner

vs:

COMMONWEALTH OF PENNSYLVANIA
ET. AL.

Respondents :

NOTICE TO PLEAD

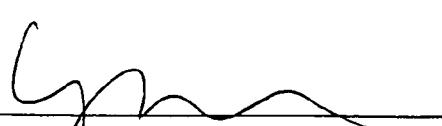
TO: RESPONDENT, MIKE FISHER, ATTORNEY GENERAL OF PENNSYLVANIA

You are hereby notified to file a written response to the enclosed (attached) "new matter" within twenty (20) days from service hereof or a judgement may be entered against you.

By LaMont J. Marshall
Pro Se Counsel For Petitioner

Dated April 26, 2000

S.


LaMont J. Marshall Pro Se
SCI-H 1100 Pike St., #AP7687
Huntingdon, Pennsylvania
16654-1112

(original caption as filed)
COMMONWEALTH OF PENNSYLVANIA
AND THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
46TH JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL/CRIMINAL DIVISIONS
AND ADMINISTRATIVE/EXECUTIVE

COMMONWEALTH EX. REL.
LAMONT J. MARSHALL

NO. 84-260-CRA

Petitioner

vs:

COMMONWEALTH OF PENNSYLVANIA
ET. AL.

Respondents

PETITIONER'S ANSWER TO PRELIMINARY OBJECTIONS
OF RESPONDENT ATTORNEY GENERAL FISHER

TO YOUR HONORABLE JUDGE(S) OF THE ABOVE COURT, YOUR PRO SE
PETITIONER RESPECTFULLY ANSWERS AS FOLLOWS:

1. Admitted.
2. Admitted in that at ¶ 22 of the Application for Relief
the Attorney General is avered with authority to correct a
wrong imprisonment when a person is illegally incarcerated.
It is his duty, as here, where a sentence is expired under
42 Pa. C.S.A. § 9760 accord.
3. Denied. The district attorney of each county represents
the attorney general's office as the Commonwealth respondents.
4. Admitted. Petitioner only has to make out a prima facia
case showing facts that if proven would entitle him to relief
under "common law" writs of habeas corpus under Pa. Const.,
Art. I, Section 14; 42 Pa. C.S.A. § 6501; Pa. R. Crim. P.

Rule 1701(a).

5. Denied. See: 71 Pa. C.S.A. § 732-210(a) et. seq.

6. Denied. This objection is a conclusion of law to which no further response is necessary or required.

7. Petitioner incorporates ¶¶ 1 through 6 above in answer hereto as if fully set out in whole.

8. Denied. ¶ 13 of Petitioner's Application specifically states that Petitioner is "illegally-incarcerated" and at ¶¶ 19 through 21 that the Parole Department, Court, and SCI-Huntingdon "conspired" (who respondent Fisher is a party) to deprive him liberty without due process or jurisdiction over his person. Respondent Fisher is the boss of the Clearfield County District Attorney who is the proper subject responsive party. Mike Fisher "represents" the entire state et. al. in this matter who, through "agency" conspired.

9. Petitioner incorporates ¶¶ 1 through 8 above as if fully set out in whole herein.

10. Admitted.

11. Admitted in part and only that: it is retroactive to his arrest (sentence) of, March 21, 1984, as a matter of law under and pursuant to 42 Pa. C.S.A. § 9760(b) not discretionary.

12. Denied. The Court of Common Pleas of Clearfield County lost jurisdiction as well as the DOC, Parole Department, District Attorney's Office (for Fisher) and all the Commonwealth once the 28-days of additional drug treatment was completed by this

Petitioner and the remaining sentence expired on, May 3, 1999.

13. Denied. There is NO jurisdiction over Petitioner's person due to the "retroactive effect" of the new sentence required under equal protection to Legislative Mandates of 42 Pa. C.S.A. § 9760 Subsection (b) on time-credit for all days incarcerated in sentencing anew.

14. Admitted.

15. Denied. For the foregoing reasons and answers and those facts of record and averments in Petitioner's Application for Relief Habeas Corpus and/or Post Conviction Relief Act Motion, incorporated herein as if fully set out in whole with the foregoing ¶¶ 1 through 14 above, this objection is denied.

WHEREFORE, Petitioner moves the Court to deny Respondent Fisher's preliminary objections; and, . . .

"NEW MATTER"

1. Petitioner moves to strike Respondent, Mike Fisher's, preliminary objections for failure to comply with the laws of "pleading" Pennsylvania Rules of Civil Procedure, Rule 1026, which requires that: "Every pleading subsequent to the complaint shall be filed within twenty (20) days after service of the preceding pleading, but no pleading need be filed unless the preceding [preliminary objection] pleading contains a "notice to defend" or is

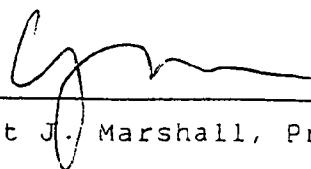
endorced with a notice to plead." (emphasis added otherwise in the original) Also See: Form of Notice To Plead, Pa. R. Civ. P., Rule 1361. with Rule 1026 laws.

2. Respondent Fisher's preliminary objections are a pleading within the meaning and definition of Pennsylvania Rules of Civil Procedure, Rule 1017(a) and this Respondent is NOT permitted to re-file his defectively-filed preliminary objections which must be stricken upon request of the moving party under non-compliance with Pennsylvania Rules of Civil Procedure, Rule 1026 in answer thereto by way of this "new matter" so moves Petitioner to strike these preliminary objections as procedurally defective hereunder as a matter of law.

WHEREFORE, Petitioner moves to strike the Respondent's preliminary objections for failure to comply with Pennsylvania's Rules of Civil Procedure, Rule 1026 and 1361. mandates of pleading law required by these rules of court. So respectfully moves Petitioner for cause shown.

Respectfully Submitted
By LaMont J. Marshall Pro Se

Dated: April 26, 2000

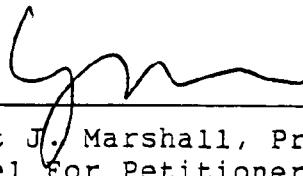
S. 
LaMont J. Marshall, Pro Se

Verification

I hereby swear under penalties of 18 Pa. C.S.A § 4904, relating to unsworn falsification to authorities that all of the statements made by me in the foregoing document are true and correct to the best of my information knowledge and belief signed below by me.

Dated: April 26, 2000

s.



MaMont J. Marshall, Pro Se
Counsel For Petitioner

CERTIFICATE OF PROOF OF SERVICE

Pursuant to, Smith v. Pa. Bd. of Pro. & Par. (Pa. 1996) and it's progenies, I hereby do certify that I am this day placing into the hands of prison authorities the foregoing "answer" to the Respondent Attorney General, Mike Fisher's, preliminary objections for forwarding to the persons listed below in the manner indicated signed by me. I understand that this meets all the requirements of proof of service.

SERVICE BY U.S. POSTAL MAIL FIRST CLASS PREPAID TO:

Court of Common Pleas of
Clearfield County, Pa.
Clerk of Court, Crim. Div.
230 East Market Street
Clearfield, Pennsylvania
16830

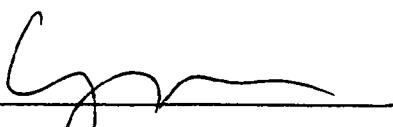
Robert Wolff, Esquire
DOC Litigation Section
2520 Lisburn Rd., Box 598
Camp Hill, Pennsylvania
17001-0598

Paul Cherry, Esquire
District Attorney's Off.
230 East Market Street
Clearfield, Pennsylvania
16830

Michael Farnan, Esquire
For Respondent Fisher A.G.
15th Fl. Strawberry Square
Harrisburg, Pennsylvania
17120

Respectfully Submitted
By LaMont J. Marshall,
Pro Se Counsel For Petitioner

Dated: April 26, 2000

S. 

LaMont J. Marshall, Pro Se
SCI-H 1100 Pike St. #AP7687
Huntingdon, Pennsylvania
16654-1112

LaMont J. Marshall
AP 7687 1100 Pike St.
Huntingdon PA 16654 ~ 1112

William A. Shaw

Clark of Courts

P.O. Box 549

(Clearfield) PA 16830

June 1, 2000 RE: Application for Relief H.C or PCRA 2000.

Dear Mr. Shaw,

Enclosed are my I.F.P. papers, certification of inmate account, praecipe and instructions to process this action, original filings, original action, preliminary objections and answer; to place before the Court for disposition.

Kindly return to me my time-stamped copies in the S.A.S.E. previously provided and thank you.

Very Truly Yours,
LaMont J. Marshall

LJM

c.c. Dave Melholick Ct. Adm.

LaMant J. Marshall
AP 7687 1100 Pike St.
Huntingdon PA 16654-1112

William A. Shaw

Clerk of Courts

P.O. Box 549

Clearfield PA 16830

June 19, 2000

Dear Mr. Shaw,

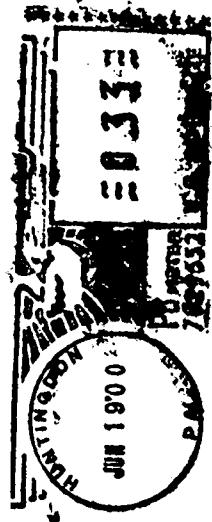
On June 1, 2000, I mailed you my application for relief that I had previously filed on March 30, 2000 along with a motion to proceed in forma pauperis to cover the filing fees, my response to the Attorney General's preliminary objectives and instructions to continue processing these documents, I have not heard anything from you. Could you please send me my time-stamped copies or, if there is some problem, please let me know what it is so that I may remedy it.

Also on May 31, 2000, I sent you a copy of my letter discharging the Public Defender's office from my case, I would like to make certain that you have that letter on file, Could you please verify that for me?

Thank you for your attention to this matter and I look forward to hearing from you shortly.

Very Truly Yours,
LaMont J. Marshall

Name LaMont J. Marshall
Number AP 71687
1100 Pike Street
Huntingdon, PA 16654-1112



William A. Shaw
Clearfield County Clerk of Courts
P. O. Box 549
Clearfield PA 16830

Inmate Mail - PA. DEPT OF CORRECTIONS

OFFICE OF PROTHONOTARY AND CLERK OF COURTS

WILLIAM A. SHAW

PROTHONOTARY
AND
CLERK OF COURT

JACQUELINE KENDRICK

DEPUTY PROTHONOTARY

CLEARFIELD COUNTY



DAVID S. AMMERMAN

SOLICITOR

P.O. Box 549
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-2641 Ext. 1330

June 23, 2000

LaMont Marshall
AP 7687, 1100 Pike Street
Huntingdon, PA 16654-1112

Dear Mr. Marshall:

We filed your Petition to Proceed In Forma Pauperis and Without Payment of Bond in the Civil Court and forwarded to the Court for review.

Please inquire with the Public Defender's Office regarding the status of your attorney or record on the your criminal record.

Sincerely,


William A. Shaw
Prothonotary/Clerk of Courts