

02-1904-CD
KENNETH JOHN SELVAGE vs. COMM. OF PA.

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KENNETH JOHN SELVAGE

V.

COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA STATE POLICE
SGT. MAYNARD H. GRAY, and
TRP. MICHAEL P. GREENE

No. 2002-1904-CD

PETITION TO PROCEED IN FORMA PAUPERIS

NOW COMES, Kenneth John Selvage, Plaintiff, pro-se, and says:

1. That as demonstrated by the attached affidavit and verification Plaintiff is indigent and cannot afford the cost associated with the filing, litigating or employing of counsel to litigate the attached civil action complaint in mandamus.
2. That Plaintiff submits this civil action in good faith to compel Defendant(s) to perform a mandatory administrative duty, namely, to supply critical evidence to his criminal case(s).
3. That Plaintiff is unlettered in law, has no means of paying for this civil action or to have the complaint served on Defendant(s) and thus will suffer irreparable injury if this petition is denied.

WHEREFORE, for the foregoing reasons this Honorable Court is hereby requested respectfully to grant this petition and such other relief as would be right; just and equitable.

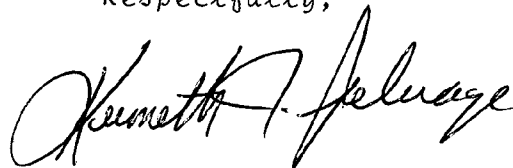
Respectfully,

FILED

DEC 09 2002

m/12:01/14
William A. Shaw
Prothonotary

2 cfr to RFF



Kenneth J. Selvage

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KENNETH JOHN SELVAGE

*

V.

*

COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA STATE POLICE
SGT. MAYNARD H. GRAY, and
TPR. MICHAEL P. GREENE

*

No.

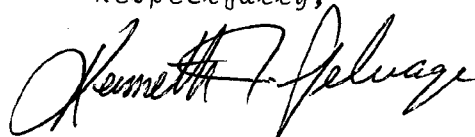
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AFFADAVIT IN SUPPORT OF PETITION TO PROCEED I.F.P.

I, Kenneth John Selvage, do state under penalty of perjury that:

1. That I am the Plaintiff of adult age presently confined within the State Correctional Facility at Houtzdale.
2. That the information contained in the foregoing annexed petition to proceed I.F.P. is true and correct to the best of my knowledge, information and belief.
3. That I have no income or means of income from any source to include but not limited to social security, pensions, annuities, rents, support, veterans benefits, stocks, bonds or other.
4. That I own no property, home, boat, automobile, money, and I have no checking or savings account or other accounts containing money or other sources of money or negotiable instruments.
5. That I have no person to whom I could borrow the funds needed to file, litigate or employ counsel for litigating the attached civil action complaint in mandamus.
6. That I do realize that I have a continuing obligation to inform the Court of any changes in my financial condition.
7. I do realize this affadavit is made subject to the penalties of title 18 Pa. C.S.A. §4904 of the crimes code relating to unsworn falsification to authorities.

Respectfully,




Kenneth J. Selvage

V E R I F I C A T I O N

I, Kenneth John Selvage, Plaintiff, pro-se, do hereby verify that the facts contained in the foregoing annexed documents is true and correct to the best of my knowledge, information and belief, and any false statements made herein are subject to the penalties of Section 4904 of the crimes code (18 Pa. C.S.A. §4904), relating to unsworn falsification to authorities.

Dated: November 29, 2002

A handwritten signature in black ink, appearing to read "Kenneth J. Selvage". The signature is fluid and cursive, with the first name "Kenneth" and last name "Selvage" clearly distinguishable.

Kenneth John Selvage
DZ-4871
P.O. Box 1000
Houtzdale, PA 16698-1000

cc: file

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KENNETH JOHN SELVAGE

*

V.

*

COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA STATE POLICE
SGT. MAYNARD H. GRAY, and
TPR. MICHAEL P. GREENE

*

No.

*

*

O R D E R

AND NOW, this _____ day of _____, 2002, upon careful
consideration of Plaintiff's within "Petition to Proceed I.F.P."

IT IS HEREBY ORDERED, that the Petition is GRANTED. IT IS
FURTHER ORDERED AND DIRECTED, that the Sheriff of Clearfield County
shall serve the complaint on Defendant(s) as well as any subsequent
subpoena's Plaintiff requests in accordance with the Pennsylvania
Rules of Discovery.

BY THE COURT,

HONORABLE JOHN K. REILLY, JR.
PRESIDENT JUDGE

COPY - orig
Ret to
plff

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

KENNETH JOHN SELVAGE *

V. *

COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA STATE POLICE
SGT. MAYNARD H. GRAY, and
TPR. MICHAEL P. GREENE *

No. 2002-1904-CO

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the Claims set forth against you in the following pages, YOU MUST enter a written appearance personally or by an attorney and file in writing your defense or objections to those claims within twenty (20) days after service of this notice and attached Civil Action Complaint in Mandamus. YOU ARE WARNED, that if you fail to do so the case will proceed without you and a judgment will be entered against you without further notice. You will lose rights, privileges and immunities important to you if you fail to take action.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE.
IF YOU CANNOT AFFORD ONE GO TO OR TELEPHONE THE
OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN
GET LEGAL HELP.

David S. Meholick
Court Administrator
County Courthouse
230 East Market Street
Clearfield, PA 16830

(814) 765-2641, ext. 5982



Kenneth J. Selvage

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KENNETH JOHN SELVAGE

*

V.

*

COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA STATE POLICE
SGT. MAYNARD H. GRAY, and
TPR. MICHAEL P. GREENE

*

*

No.

*

PETITION FOR WRIT OF MANDAMUS
CIVIL ACTION COMPLAINT

NOW COMES, Kenneth John Selvage, Plaintiff, acting as pro-se for himself, who, avers as follows in support thereof:

INTRODUCTION

1. Plaintiff commences this civil action complaint in mandamus to compel the Defendant to perform a mandatory administrative act, to supply critical evidence in the criminal case(s) at common pleas docket number(s) 99-727-CRA & 00-424-CRA, that was not supplied by the Commonwealth in the original Discovery Package.

JURISDICTION

2. This Court has original jurisdiction over this civil action pursuant to 42 Pa. C.S.A. Section 931, therefore the authority to grant all relief found right, just and equitable.

PARTIES

3. Plaintiff, Kenneth John Selvage, is a citizen of the United States and of the Commonwealth of Pennsylvania with his present address being c/o Institutional Number DZ-4871, P.O. Box 1000, Houtzdale, PA 16698-1000.

4. Defendant's, Sgt. Maynard H. Gray and Tpr. Michael P. Greene, are citizens of the United States and of the Commonwealth of Pennsylvania who are presently holding the title of Pennsylvania State Police Officers of Clearfield County discharging the judicial and administrative functions of that office, with their present address being (Gray) Acting Station Commander - (Greene) Trooper at Troop C, Clearfield, PSP Woodland Barracks, 147 Doe Hill Road, Woodland, PA 16881.

STATEMENT OF FACTS

5. A Criminal Complaint was filed against the Plaintiff on or about September 17, 1999, with a Preliminary Hearing scheduled for October 20, 1999.

6. That at the time of the Preliminary Hearing, the Commonwealth withdrew the charge of Conspiracy to Arson and Plaintiff waived the charges of Conspiracy to Insurance Fraud and Insurance Fraud in to Court.

7. That on January 18, 2000, this Honorable Court rejected the negotiated plea agreement and Plaintiff withdrew his plea.

8. On May 16, 2000, the Commonwealth recharged Plaintiff with the Conspiracy to Commit Arson, with Preliminary Hearing scheduled on or about June 16, 2000.

9. That during the Preliminary Hearing of 6/16/00, the Commonwealth produced two (2) witnesses to testify against Plaintiff: (A) Teresa Gates; and (B) Robert Martin. (note: Martin refused to testify).

10. That Commonwealth witness, Teresa Gates, testified under oath, that Plaintiff in fact conspired to commit the crimes of Insurance Fraud/Arson, also, that when she cashed the insurance check that: "Kenny was present when I cashed the check, standing there with his hand out wanting a share of the insurance money for his part in the crime."

11. Plaintiff asserts that he was under incarceration at the Cambria County Prison, Ebensburg, PA from September 21, 1998 until December 11, 1998.

12. Plaintiff believes that Teresa Gates received and cashed said insurance check during this period of incarceration, which, therefore, she would have committed perjury upon her testimony that Plaintiff was present when she indeed cashed the check.

13. That Plaintiff and his prior counsel, David C. Mason and Thomas M. Dickey, has repeatedly requested a copy of the insurance check issued to Teresa Gates by Erie Insurance Exchange, to be supplied to them by the Commonwealth, but this has never been complied with.

14. That on September 17, 2002, this Honorable Court issued an ORDER to civil action case No. 02-1277-CD verifying that it was satisfied that the Commonwealth did not possess copy of the insurance check.

15. That on September 24, 2002, Plaintiff wrote a letter to the Commander of the Clearfield PSP requesting a copy of the insurance check, but, their Department (PSP) refused to acknowledge receipt of or respond to said correspondence. (see exhibit #2)

16. Plaintiff asserts that not only would this critical evidence prove his innocence to alleged crime, but, would also prove that the main Commonwealth witness, Teresa Gates, indeed lied against Plaintiff and committed perjury under oath in order to shift the blame and/or responsibility of said crime(s) upon the Plaintiff so she could receive a much lesser sentence.

17. Plaintiff is entitled to this critical evidence under **Pa.R. Crim.P. Rule 573 (A), (B), (D), (E), (F)**.

18. Plaintiff has positive documentation to prove that all the evidence/documents necessary to prove this matter is in the evidence locker at the Clearfield PSP Property Record Room. (see exhibit #3)

EVIDENCE REQUESTED

19. A copy of the insurance check issued to Teresa Lynn Gates by Erie Insurance Exchange with verification as to the date the check was issued then subsequently cashed.

COUNT ONE

20. Plaintiff realleges paragraph 1 thru 19 and states;

21. That Defendants have an administrative duty under the **Pa.R. Crim.P. Rule 573** to supply the Plaintiff with the requested evidence to support his defense/innocence, or in the least, to supply the

Commonwealth Attorney with said evidence as part of the Discovery.

COUNT TWO

22. Plaintiff realleges paragraphs 1 thru 21 and states;

23. Defendant(s) failure and subsequent refusal to perform this above-referenced administrative duty has caused and continues to cause Plaintiff irreparable injury thus permitting a recovery of damages pursuant to 42 Pa. C.S.A. Section 8303.

PLAINTIFF'S INTERESTS

24. Plaintiff realleges paragraphs 1 thru 23 and states;

25. That Plaintiff does have an interest in the performance of Defendant's duty because the failure to supply said evidence is keeping an innocent individual under incarceration; has cost him fines, costs and restitution; and has permitted the crime of perjury by Teresa Gates to go unpunished.

OTHER ADEQUATE REMEDIES

26. Plaintiff realleges paragraphs 1 thru 25 and states;

27. That Plaintiff has no other adequate remedy in which to compel Defendant(s) to perform this mandatory administrative duty. Plaintiff has already written to the Commonwealth and Erie Insurance Exchange, as well as to the Clearfield PSP, but, has not been able to obtain this critical evidence. Defense counsel has as well requested said evidence repeatedly, but, has also been denied access to this very critical evidence.

RELIEF REQUESTED

WHEREFORE, for the foregoing reasons this Honorable Court is hereby requested respectfully to grant the Plaintiff the following relief:

28. Plaintiff requests an immediate trial on all disputed facts

in accordance with the rules of civil procedure.

29. Plaintiff requests the issuance of a Mandamus directing the Defendant(s) to supply him with the requested evidence, i. e., a true and correct copy of the insurance check issued to Teresa Lynn Gates, P.O. Box 41, Smithmill, PA 16680 with verification of the date it was issued then subsequently cashed.

30. Award Plaintiff damages in an amount in excess of \$100,000.00 for defendant's failure to perform their duty and an amount in excess of \$100,000.00 for their refusal to perform their duty.

31. Award Plaintiff the costs of this civil action and all attorney fees, if any.

32. Award Plaintiff such other relief as would be right, just and equitable to include, without limitations, the right to file criminal motions to vacate sentence in this matter.

33. Direct the Clearfield PSP or the County Sheriff to initiate criminal charges of perjury and false reports to authorities against the Commonwealth witness, Teresa Lynn Gates.

MEMORANDUM OF LAW

Mandamus is an extraordinary writ that will only lie to compel official performance of a ministerial act or mandatory duty, where there is a clear right in the plaintiff, a corresponding duty in the defendant, and want of any other appropriate and adequate remedy. see **JACKSON V. VAUGHN**, 777 A.2d 436, 565 Pa. 601 (2001).

Pa. 2001. The prosecution's Brady obligation extends to exculpatory evidence in the files of police agencies of the same government bringing the prosecution; abrogating, **COMMONWEALTH V. GRIBBLE**, 550 Pa. 62, 703 A.2d 426; **COMMONWEALTH V. MONTGOMERY**, 533 Pa. 491, 626 A.2d 109; **COMMONWEALTH V. COLSON**, 507 Pa. 440, 490 A.2d 811; **COMMONWEALTH V. BONACURSO**, 500 Pa. 247, 455 A.2d 1175; **COMMONWEALTH V. PIOLE**, 431 Pa.Super. 391, 636 A.2d 1143; **COMMONWEALTH V. BATTIATO**, 422 Pa.Super. 285, 619 A.2d 359 (1993); **COMMONWEALTH V. RAKES**, 398 Pa.Super. 440, 581 A.2d 212. Rules Crim.Proc. Rule 305 (B) (Repealed).--**COMMONWEALTH V. BURKE**, 781 A.2d 1136.

In **BRADY V. MARYLAND**, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963), the United States Supreme Court held "that suppression by the

prosecutor of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or punishment, irrespective of the good faith or bad faith of the prosecution." *Id.* at 87, 83 S.Ct. at 1196. Furthermore, "[w]hen the 'reliability of a given witness may well be determinative of guilt or innocence,' non-disclosure of evidence affecting credibility falls within this general rule." **GIGLIO V. UNITED STATES**, 405 U.S. 150, 154, 92 S.Ct. 763, 766, 31 L.Ed.2d 104 (1972), quoting **NAPUE V. ILLINOIS**, 360 U.S. 264, 269, 79 S.Ct. 1173, 1177, 3 L.Ed.2d 1217 (1959).

A criminal defendant is entitled to know about any information that may effect the reliability of the witnesses against him. **COMMONWEALTH V. MEJIA-ARIAS**, 734 A.2d 870 (Pa.Super.1999).

Trial Court may grant discovery request for disclosure of information if party requesting information shows how disclosure would benefit his case and how it is material. **COMMONWEALTH V. MILLER**, 765 A.2d 1151 (Pa.Super.2001). See also **COMMONWEALTH V. JONES**, 637 A.2d 1001 (Pa.Super.1994).

Pursuant to Rule 573 (B)(2), the court may order the disclosure of any evidence mandated by Rule 573, and may further order the disclosure of any other evidence if it is established "that its disclosure would be in the interests of justice." E.g., **COMMONWEALTH V. SCHWARTZ**, 419 Pa.Super. 251, 615 A.2d 350 (1992); **COMMONWEALTH V. NOVASAK**, 414 Pa.Super. 21, 606 A.2d 477 (1992), evidence is always relevant and material to defense, for purposes of discovery request, if it tends to show that specific crime was committed by someone else, **NOVASAK**, *Id.*

Defendant seeking relief from a discovery violation must demonstrate prejudice. **COMMONWEALTH V. COUNTERMAN**, 120 S.Ct. 97, 528 U.S. 836, 145 L.Ed.2d 82 (Pa.1998); **COMMONWEALTH V. SMALL**, 741 A.2d 666 (Pa.1999).

When parties in a crime testify against one another, their testimony must be recognized as coming from a "corrupt source" and therefore must be subjected to closest scrutiny. **COMMONWEALTH V. BETZ**, 644 A.2d 600, 444 Pa.Super. 607 (1995), appeal denied 674 A.2d 1065, 544 Pa. 600. See also **COMMONWEALTH V. TODT**, 464 A.2d 1226 (Pa.Super.1983).

Testimony against defendant by coconspirators pursuant to plea agreements stemmed from corrupt, polluted sources and, therefore, had

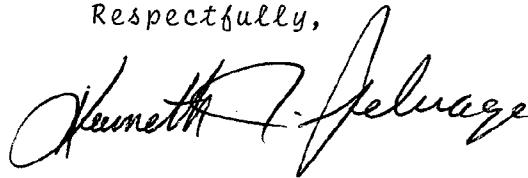
to be carefully scrutinized by fact finder. **COMMONWEALTH V. GONCE**, 466 A.2d 1039 (Pa.Super.1983).

This critical evidence will prove that Plaintiff was indeed under incarceration when insurance check was cashed; that he did not conspire to commit the crimes charged; and did not receive a share of the insurance money. It will further prove that the Commonwealth's key witness lied and committed perjury upon her statements to authorities and her "under oath" testimony at the preliminary hearing, in order to shift the blame and/or responsibility upon the Plaintiff so she would receive a much lesser sentence as part of her plea agreement, which in turn, prejudiced this Plaintiff by receiving sentence for same.

The refusal of the Commonwealth and Pennsylvania State Police (Gray & Greene) to supply the Plaintiff with said information has caused him prejudice because without said information, Plaintiff is unable to prove his innocence or lack of involvement in said crime(s).

A discovery request is required to be stated in the PCRA petition, but judges will often entertain a subsequent motion. The Commonwealth has a continuing duty to provide any **Brady** material - exculpatory and impeachment evidence - but a motion is still advisable. **COMMONWEALTH V. WILLIAMS**, 557 Pa. 207, 732 A.2d 1167, 1175-76 (Pa.1999); **Pa.R.Crim. P. Rule 902 (A)(16)**.

Respectfully,



Kenneth J. Selvage

V E R I F I C A T I O N

I, Kenneth John Selvage, Plaintiff, do hereby verify that the facts stated in this foregoing document is true and correct to the best of his knowledge, information and belief, and any false statements made herein are subject to the penalties of Section 4904 of the crimes code (18 Pa. C.S. §4904), relating to unsworn falsification to authorities.

Dated: November 29, 2002

A handwritten signature in black ink, reading "Kenneth J. Selvage". The signature is fluid and cursive, with the first name "Kenneth" and last name "Selvage" clearly legible.

Kenneth J. Selvage
#DZ-4871
P.O. Box 1000
Houtzdale, PA 16698-1000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

KENNETH J. SELVAGE :
VS : NO. 02-1277-CD
COMMONWEALTH OF PENNSYLVANIA, :
WILLIAM SHAW, JR. :

O R D E R

NOW, this 17th day of September, 2002, upon consideration of Defendant's Pro Se Motion to Proceed in Form of Pauperis and to require the District Attorney's Office to supply him with a copy of a check relevant to the above-captioned proceeding; the Court being satisfied that said check is not within the possession of the District Attorney's Office, it is the ORDER of this Court that said Motions be and are hereby dismissed.

BY THE COURT,

/s/ JOHN K. REILLY, JR.

President Judge

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

SEP 20 2002

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

Commander
PA State Police
Woodland Barracks
147 Doe Hill Rd.
Woodland, PA 16881

September 24, 2002

Re: EVIDENCE - INSURANCE CHECK ISSUED TO TERESA GATES

Dear Commander:

I am directing this letter to your office in regards to the above-referenced matter respectfully requesting your attention to the following information:

Enclosed, please find copies of a Property Record Form issued by your Dept. as part as my Discovery Package, as well as, an ORDER from the Clearfield Court.

I am requesting a copy of the insurance check issued to Teresa Gates or verification as to when the check was issued the subsequently cashed by Ms. Gates. This information is relevent to case(s) 99-727-CRA & 00-424-CRA.

As stated by the enclosed ORDER, my Petition for Writ of Mandamus was dismissed due to the fact that the DA Office states that their office does not possess copy of said check and/or information. I am hoping that your Dept. can supply me with this material so I will not be forced to file another Mandamus Action with the Court to compel your Dept. to supply same.

The facts of this matter are that Ms. Gates was the Commonwealth's key witness against me, and, she made statements and testified at the preliminary hearing that I was present with her when she cashed said check - that I conspired to master-mind the entire crime, etc. It is my opinion that when Ms. Gates cashed said check, I was under incarceration at the Cambria County Prison (9/21/98 til 12/11/98), which, if is true, then Ms. Gates supplied the authorties with false infor-

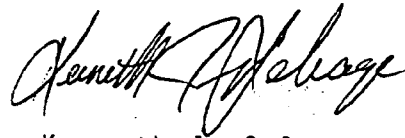
(EXHIBIT #2)

Commander PA State Police, 9/24/02, page two

mation, then further, committed perjury at the preliminary hearing. I am requesting an investigation into this matter, and also, I plan to file a Private Criminal Complaint with the DA Office against Ms. Gates as soon as I obtain said information concerning the check. I feel that I received a miscarriage of justice in the handling of this entire criminal matter. I have been requesting this information since the date of my original arrest, but, no-one was willing to expose the truth to the matter. I feel that under the law, that I am entitled to obtain this very critical information.

Thank you for your time and kind consideration in this matter, your prompt attention will be greatly appreciated.

Respectfully,

A handwritten signature in black ink, appearing to read "Kenneth J. Selvage". The signature is fluid and cursive, with the first name "Kenneth" being more legible than the last name "Selvage".

Kenneth J. Selvage
DZ-4871
P.O. Box 1000
Houtzdale, PA 16698-1000

cc: Judge Reilly
DA Bill Shaw
file

C3-4967A

PROOF OF SERVICE

I, Kenneth John Selvage, Plaintiff, hereby certify that I am this date serving a copy of the foregoing document upon the person(s) and in the manner indicated below:

Service by first class mail, postage pre-paid:

Sgt. Maynard H. Gray
Acting Station Commander
Troop C, Clearfield
PSP Woodland Barracks
147 Doe Hill Road
Woodland, PA 16881

Trooper Michael P. Greene
Troop C, Clearfield
PSP Woodland Barracks
147 Doe Hill Road
Woodland, PA 16881

Honorable John K. Reilly, Jr.
President Judge
County Courthouse
230 East Market Street
Clearfield, Pa. 16830

William "Bill" Shaw
Assistant District Attorney
230 East Market Street
County Courthouse
Clearfield, PA 16830

Michael Fisher, Esq.
Office of the Attorney General
15th Floor Strawberry Square
Harrisburg, PA 17102

Investigator Richard Runstedler
Erie Insurance Company
100 Erie Insurance Place
Erie, PA 16530



Kenneth J. Selvage
#DZ-4871
P.O. Box 1000
Houtzdale, PA 16698-1000

Dated: November 29, 2002

cc: file

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

COMMONWEALTH

VS.

KENNETH J. SELVAGE

No. 2002-1904-CD

RULE RETURNABLE

AND NOW, this 9th day of January, 2003, upon
consideration of the foregoing Petition filed by the Defendant, a rule is hereby
issued on the Commonwealth to show cause, if any exists, why said Petition
should not be granted.

Rule Returnable for answer and argument thereon to be held on the
14th day of January, 2003, at 2:00 o'clock P. M. in
Court Room No. 1 of the Clearfield County Courthouse, Clearfield, PA.

BY THE COURT,

FILED

John K. Reilly, Jr.
President Judge

JAN 13 2003

William A. Shaw
Prothonotary

FILED

~~88~~
9/11/16 ~~88~~
JAN 13 2003

1 cc Salvage

1 cc SA

1 cc Woodland-RP

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

KENNETH JOHN SELVAGE :

-vs-

: No. 02-1904-CD

COMMONWEALTH OF PA, et al. :

O R D E R

NOW, this 14th day of January, 2003, this being the day and date set for argument on Defendant's Pro Se Petition to Proceed IFP and Defendant's Petition for Writ of Mandamus/Civil Action Complaint, it is the ORDER of this Court that the Defendant's Pro Se Petition to Proceed IFP be and is hereby dismissed pending the Defendant supplying the Court with a copy of the complaint that he intends to file.

It is the ORDER of this Court that the Defendant's Petition for Writ of Mandamus/Civil Action Complaint be and is hereby dismissed.

BY THE COURT,

President Judge

FILED

JAN 17 2003

William A. Shaw
Prothonotary

FILED

ice Salvage

01/19/2003

ice DA

William A. Shaw
Prothonotary

ice Woodland

PSF

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: KENNETH JOHN SELVAGE

: Misc. Dkt.

COPY
COPY

ORDER

NOW, this 11th day of July, 2003, upon consideration of request of Kenneth J. Selvage to proceed in forma pauperis on his Petition for Review in the Nature of a Complaint in Mandamus against the Clearfield County District attorney and State Police, it is the ORDER of this Court that said request shall be and is hereby denied.

By the Court,

/s/ JOHN K. REILLY, JR.

President Judge

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

JUL 11 2003

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: KENNETH JOHN SELVAGE : Misc. Dkt.

COPY

ORDER

NOW, this 11th day of July, 2003, upon consideration of request of Kenneth J. Selvage to this Court to review the Clearfield County District Attorney's refusal to process his private complaint against Thomas M. Dickey, it is the ORDER of this Court that said request shall be and is hereby denied.

By the Court,

/s/ JOHN K. REILLY, JR.

President Judge

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

JUL 11 2003

Attest.

William L. Shaw
Prothonotary/
Clerk of Courts