

03-58-CD
KENNETH JOHN SELVAGE vs. JOHN WILSON

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

KENNETH JOHN SELVAGE,
Plaintiff
v.
JOHN WILSON,
HEARING EXAMINER,
Defendant

*
*
* No. 2003-58-cp
*

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 costs associated with the filing, litigating or employing of counsel to litigate the attached civil action complaint law suit.
2. That Plaintiff submits this civil action in good faith to sue the Defendant for the violation of his rights and for the slander against his person or character.
3. That Plaintiff is unlettered in law, has no means of paying for this civil action or to have the complaint served on Defendant 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,



Kenneth J. Selvage

FILED

JAN 14 2003

M/10:45 AM

William A. Shaw

Prothonotary/Clerk of Courts

1 CCR to PRR

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

KENNETH JOHN SELVAGE, *
Plaintiff
v. *
* No.
JOHN WILSON, *
HEARING EXAMINER, *
Defendant *

AFFIDAVIT 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 law suit.
6. That I do realize that I have a continuing obligation to inform the Court of any changes in my financial condition.
7. That I do realize this affidavit is made subject to the penalties of title 18 Pa. C.S.A. §4904 of the Crimes Code relating to the 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 statements made in the foregoing are true and correct to the best of my knowledge, information and belief. I understand that any false statements made herein are subject to the penalties of perjury, 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

Dated: 1-13-03


Kenneth J. Selvage

PROOF OF SERVICE

I, KENNETH JOHN SELVAGE, hereby certify that I am this date serving a copy of the foregoing document upon the person and in the manner indicated below:

Service by first class mail, postage pre-paid:

John Wilson
Hearing Examiner
Pennsylvania Board of Probation and Parole
1101 South Front Street, Suite 5300
P.O. Box 1661
Harrisburg, PA 17104-2519

Dated: 1-13-03


Kenneth J. Selvage

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

cc: file

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

KENNETH JOHN SELVAGE, *
Plaintiff
v. *
No.
JOHN WILSON, *
HEARING EXAMINER, *
Defendant *

O R D E R

AND NOW, this _____ day of _____, 2003, upon careful
consideration of Plaintiff's within "Petition to Proceed I.F.P."

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

BY THE COURT,

JUDGE

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

KENNETH JOHN SELVAGE :
-vs- : No. 03-58-CD

JOHN WILSON :

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, it is the ORDER of this Court that
said Petition be and is hereby granted.

BY THE COURT,
President Judge

FILED

JAN 17 2003

William A. Shaw
Prothonotary

FILED

Q10-4464
JAN 17 2003

ICC Selvage
ICC Wilson

William A. Shaw
Prothonotary

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

KENNETH JOHN SELVAGE,
Plaintiff

v.

JOHN WILSON,
HEARING EXAMINER,
Defendant

*

*

*

No. 03-58-CD

NOTICE TO DEFEND

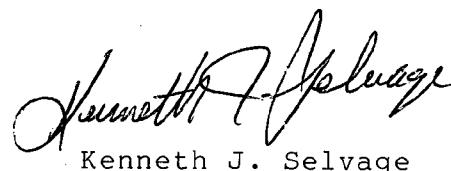
You have been sued in Court. If you wish to defend against the Claims set forth against you in the following pages, YOU MUST enter a written appearance personally or by an attorney and file in writing your defense or objections to those claims within twenty (20) days after service of this notice and attached CIVIL ACTION COMPLAINT LAW SUIT. 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. Meholic
Court Administrator
County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641, ext. 5982

FILED


Kenneth J. Selvage

JAN 17 2003

William A. Shaw
Prothonotary

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

KENNETH JOHN SELVAGE, *
Plaintiff
V. *
No.
JOHN WILSON, *
HEARING EXAMINER, *
Defendant *

COMPLAINT

1. Plaintiff commences this civil action law suit against the Defendant for his malicious intent to deprive him of his due process rights (Pa. Const. Art. I, §9) and defamation of his character and seeks an injunction and damages for Defendant's actions.

JURISDICTION

2. This Court has original jurisdiction over this civil action complaint pursuant to 42 Pa. C.S.A. 931, and 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: SCI Houtzdale, # DZ-4871, P.O. Box 1000, Houtzdale, PA 16698-1000.

PARTIES

4. Defendant, JOHN WILSON, Hearing Examiner for the Pennsylvania Board of Probation and Parole, is a citizen of the United States and of the Commonwealth of Pennsylvania who is holding title to and discharging the judicial and administrative functions belonging to the Public Office of the Pennsylvania Board of Probation and Parole with his present address being: 1101 South Front Street, Suite 5300, P.O. Box 1661, Harrisburg, PA 17104-2519. See Parole Act Title 61 P.S. § 331 and 37 Pa. Code Sec. 73.

STATEMENT OF FACTS

5. That on November 26, 2002, Plaintiff was present for his consideration of parole hearing at SCI Houtzdale, Clearfield County, in front of Hearing Examiner Wilson and Board Member White.

6. That during the litigation of said parole hearing the Plaintiff was called disrespectful names like "scum bag and low life scum bag," and was denied his right to speak on his own behalf or defense by Hearing Examiner Wilson who is the Defendant in this law suit.

7. After being interviewed by Board Member White, Mr. White then asked the Defendant whether he had anything to say to Mr. Selvage (Plaintiff), any questions, etc., and the Defendant stated: "yes I do" and stated: "you say you have never hurt anyone Mr. Selvage, well I see by reviewing your past criminal record that you were arrested for the following crimes: terroristic threats; aggravated assault (2); fleeing or eluding police, etc., and Plaintiff tried to explain to Defendant that even though he was charged for some of those crimes, alot of that stuff was dismissed.....Defendant stated that he did not care, that you were charged for those crimes and had involvement, so shut up and sit there.....now as to the fleeing or eluding police Mr. Selvage, society and I just love 'scum bags' like you who run from the police. I have a grandson who I love and cherish dearly, and I worry everytime I am on the highway that some 'scum bag' like you will be flying down the highway at 90 miles an hour running from the police, travel accrossed the line and slam into my vehicle killing my grandson and myself."

Defendant went on further to state: "do you have any questions or anything to state before you are dismissed Mr. Selvage," and Plaintiff stated: "yes Sir I do, I would like to explain the situation surrounding my child Zaine to this Board." And Defendant stated: "I have reviewed your file Mr. Selvage and I seen where you have a Court Order directing the grandparent of your small child to be forced to bring your child to visit.....if I was the father or grandparent of your child, I sure would not want my child to be forced to a state prison to visit with a 'low life scum bag' like you; you are dismissed Mr. Selvage, get out of this room now."

8. At the conclusion of said parole hearing, both Board Member White and the Defendant submitted a negative recommendation to the State Parole Board to refuse Plaintiff's release on parole.

9. That Plaintiff had his parole application denied by the State Parole Board on December 12, 2002, where the Board refused his release on parole due to the negative recommendations made by Board Member White and the Defendant.....Plaintiff received an eighteen month (18) (hit) set back by the Board received on December 27, 2002.

10. That Defendant violated his code of ethics, as well as, he displayed very unprofessional conduct with his negative attitude and malicious statements towards Plaintiff on November 26, 2002.

CLAIMS FOR RELIEF

11. Plaintiff realleges paragraphs 1 thru 10 and states;

12. VIOLATION OF DUE PROCESS PURSUANT TO ARTICLE I, SECTION 9 OF THE PENNSYLVANIA CONSTITUTION:

Fundamental requisite of "due process" is the opportunity to be heard, to be aware that a matter is pending, to make an informed choice whether to acquiesce or contest, and assert before the appropriate decision-making body the reasons for such a choice. Aside from all else, "due process" means fundamental fairness and substantial justice. Procedural and substantive rights of citizens against government actions that threaten the denial of life, liberty or property.

In order to assert a due process claim, a person must have been deprived of something, be it a physical item or a personal right. Procedural due process requires at its core, adequate notice, opportunity to be heard, and the chance to defend oneself before a fair and impartial tribunal having jurisdiction over the case.

Plaintiff was denied his due process rights to a just, fair and impartial parole hearing, as well as, his right or opportunity to be heard, due to the negative and malicious statements made by the Defendant during the course of his parole hearing where the Defendant had

the control to conduct the legal proceedings against him before a tribunal with the power to decide the case.

Plaintiff's liberty interests were at stake, and the Defendant unfairly and arbitrarily or capriciously had reached a negative conclusion against Plaintiff long before said parole hearing had commenced, whereby, refusing to permit Plaintiff speak on his own behalf and/or defense, as well as, the disrespectful and malicious statements are sufficient and properly submitted evidence to produce or support a conclusion as to whether the Plaintiff received a just, fair or impartial parole hearing in front of a tribunal with the power to decide the liberty interests of his case, as guaranteed by due process.

Defendant, being a Hearing Examiner for the Public Office of the Pennsylvania Board of Probation and Parole, is to be a man of honor and integrity, to hold up his code of ethics and decide parole cases with an open, just and impartial mind, but, Defendant has failed to uphold the oath he was sworn to abide by, and, in fact, displayed very unprofessional conduct during the litigation of Plaintiff's parole hearing.

Further, the malicious attitude and statements made against the Plaintiff rendered due influence towards Board Member White whereas it states: "the sway that one person has over another, especially as a result of persuasion, argument, or appeal to the persons affections." Whereby, Plaintiff was denied due consideration and fair inference from Board Member White where the malicious attitude and statements made by the Defendant prejudiced his opinion of the Plaintiff.

13. **MALICE:** the intentional doing of a wrongful act without just cause or excuse, with an intent to inflict an injury or under circumstances that the law will imply an evil intent. A condition of mind which prompts a person to do a wrongful act wilfully, that is, on purpose, to the injury of another, or to do intentionally a wrongful act toward another without justification or excuse. A conscious violation of the law (or the prompting of the mind to commit it) which operates to the prejudice of another person. A condition of the mind showing

a heart regardless of social duty and fatally bent on mischief. Malice in law is not necessarily personal hate or ill will, but it is that state of mind which is reckless of law and the legal rights of the citizen.

Defendant maliciously called Plaintiff a 'scum bag twice and then a low life scum bag' inwhich to deprive him of his character, and to lower him in the eyes of Board Member White, as an intent to do a wrongful act in a reckless disregard of Plaintiff's rights in order to deny Plaintiff his liberty interests.

14. **DEFAMATION:** the act of harming the reputation of another by making a false statement to a third party;

DEFAMATION PER SE: a statement that is defamatory in and of itself and is not capable of an innocent meaning;

DEFAMATORY STATEMENT: a statement that tends to injure the reputation of a person referred to in it. The statement is likely to lower that person in the estimation of reasonable people and in particular to cause that person to be regarded with feelings of hatred, contempt, ridicule, fear or dislike.

It is evident by the Defendant's malicious statements towards Plaintiff that he was attempting to degrade him in the eyes of Board Member White to damage his reputation in order to deprive Plaintiff of a just, fair or impartial hearing, as well as, to cause defamation of his character to sway the other's opinion of him.

15. **SLANDER:** a defamatory statement expressed in a transitory form, especially speech;

SLANDER PER SE: slander for which special damages need not be proved because it imputes to the plaintiff a crime of moral turpitude.

Defendant in fact maliciously slandered Plaintiff in the eyes of Board Member White to sway his opinion and deprive Plaintiff of his constitutional rights to a just, fair or impartial parole hearing before a tribunal with the power to decide his case for liberty interests, which was done purposely out of spite or ill will with unlawful and

unjustifiable motives, as well as, malicious wanton disregard of the rights and interests of Plaintiff.

CONCLUSION

16. Plaintiff realleges paragraphs 1 thur 15 and states;

17. At no time during said parole hearing did Plaintiff act in a negative or disrespectful manner towards either Board Member White or the Defendant, in fact, Plaintiff was honest and treated them with the utmost respect, so, there was no reason for the Defendant to call the Plaintiff disrespectful names or deny him his right to speak on his own behalf and/or defense other than to do so with malicious intent to deny him his liberty interests.

RELIEF REQUESTED

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

18. Plaintiff requests an immediate trial on all disputed facts in accordance with the Rules of Civil Procedure;

19. Plaintiff requests an Order for an injunction against the Defendant from asserting any further authority over his parole consideration;

20. Award Plaintiff damages in an amount in excess of \$100.000.00 for the denial of his due process rights under Pa. Const. Art. I, Sec. 9.

21. Award Plaintiff damages in an amount in excess of \$100.000.00 for the malice directed towards his person or character;

22. Award Plaintiff damages in an amount in excess of \$100.000.00 for the defamation against his person or character;

23. Award Plaintiff damages in an amount in excess of \$100.000.00 for the slander against his person or character;

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

25. Award Plaintiff such other relief as would be right, just and equitable.

Plaintiff shall forever pray for this relief.

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 statements made in the foregoing are true and correct to the best of my knowledge, information and belief. I understand that any false statements made herein are subject to the penalties of perjury, 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

Dated: 1-13-03


Kenneth J. Selvage

PROOF OF SERVICE

I, KENNETH JOHN SELVAGE, hereby certify that I am this date serving a copy of the foregoing document upon the person and in the manner indicated below:

Service by first class mail, postage pre-paid:

John Wilson
Hearing Examiner
Pennsylvania Board of Probation and Parole
1101 South Front Street
P.O. Box 1661
Harrisburg, PA 17104-2519

Dated: 1-13-03


Kenneth J. Selvage

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

cc: file

FILED 2003
10:42 AM *Salvage*
JAN 17 2003
C. *Greene*
William A. Shaw
Prothonotary

William Shaw
Prothonotary &
Clerk of Courts
County Courthouse
P.O. Box 549
Clearfield, PA 16830

January 23, 2003

Re: KENNETH JOHN SELVAGE V. JOHN WILSON
No. 03-58-CD.

Dear Mr. Shaw:

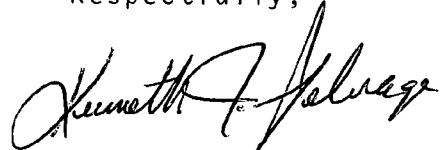
Enclosed, please find a copy of my letter to the defendant, John Wilson, in reference to the above-matter informing him that he has been officially sued in Court and have served a certified copy of the Complaint and ORDER upon him as of this date.

I respectfully request you to time stamp and file this document with your office to prove service was rendered.

Certified mail receipt number: 7000-0600-0023-9368-0053.

Thank you for your time and kind consideration in this matter.

Respectfully,



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

FILED

JAN 28 2003

cc: John Wilson
file

1/28/03
William A. Shaw
Prothonotary
No Court Copy

6
KBS

~~SECRET~~
PRESS LETTER REGARDING SERVICE

BY CIVIL WAR. FILED BY K. SALVAGE

John Wilson
Hearing examiner
PA State Parole Board
1101 South Front Street
P.O. Box 1661
Harrisburg, PA 17104-2519

January 23, 2003

Re: KENNETH JOHN SELVAGE V. JOHN WILSON
No. 03-58-CD

Dear Mr. Wilson:

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 a certified copy of the Civil Action-Law Complaint Law Suit filed against you in the Clearfield County Court along with a certified copy of the ORDER entered in this matter for Plaintiff's request to proceed I.F.P. which is GRANTED.

Be advised that you are hereby sued in Court and have twenty (20) days from the receipt of this letter to take legal action on your own behalf or a judgment from the Court may be entered against you.

Thank you for your time and consideration in this matter.

Respectfully,



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

cc: Prothonotary Shaw
file

William Shaw
Prothonotary/Clerk of Court
County Courthouse
P.O. Box 549
Clearfield, PA 16830

February 3, 2003

FILED

Re: KENNETH JOHN SELVAGE V. JOHN WILSON
No. 03-58-CD

FEB 04 2003

William A. Shaw
Prothonotary/Clerk of Courts

Dear Clerk Shaw:

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 a photo copy of the returned certified mail receipt for service on the defendant as well as a "Return to Sender" letter I received back from the State Parole Board as letter sent to the wrong address - I request you to time stamp and file this letter and exhibit with your office as part of the record.

I am re-sending the returned letter to the Defendant with enclosed copy of my previous letter of January 24, 2003, addressed to the Defendant and copy letter to you of same date, also, a copy of the enclosed exhibit, to the following address: John Wilson, Hearing Examiner, PA State Parole Board, 1101 S. Front Street, Suite 5000, Harrisburg, PA 17104-2515.

I have written to Sheriff Hawkins on January 24, 2003, requesting his office to serve the Complaint upon the Defendant, so, I will advise when I receive his response.

Thank you for your time and kind consideration in this matter.

Respectfully,



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

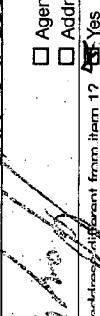
cc: Defendant Wilson
file

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Received by (Please Print Clearly) B. Date of Delivery
JAN 29 2003

C. Signature 
 Agent Addressee
 In addition, addressee's signature from item 1? Yes

PA BOARD OF PROBATION & PAROLE
 1101 S FRONT STREET STE 5000
 HARRISBURG PA 17104-2515
 1101 South Front St.
 Pro. for ~~1661~~

John Wilson
 Hearing Examiner
 PA State Parole Board
 1101 South Front St.
 PA 17104-2519
 7000-0600-0023-9368-0053
 PS Form 3811, July 1989
 Domestic Return Receipt
 102595-00-M-0052

2. Article Number (Copy from service label)
7000-0600-0023-9368-0053

PS Form 3811, July 1989
 Domestic Return Receipt

NAME Kenneth J. Selvage
 NUMBER D2-4871
 PO. BOX 1000
 HOUTZDALE PA 16698-1000

PA DEPT OF CORRECTIONS
 PENITENTIARY
 HOUTZDALE PA 16698-1000

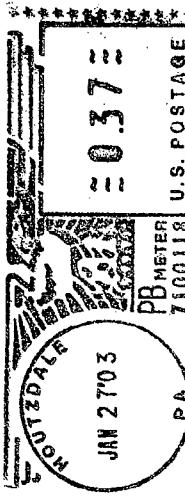
U.S. Postal Service
CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

D2-4871 FA-13 Selvage

Postage \$ 106
 Certified Fee
 Return Receipt Fee
 (Endorsement Required)
 Restricted Delivery Fee
 (Endorsement Required)
 Total Postage & Fees \$ 115
 Recipient's Name (Please Print Clearly) (to be completed by mailer)
 John Wilson
 Street, Apt. No. or P.O. Box No
 1101 South Front St. + P.O. Box 1661
 City, State, ZIP+4
 PA 17104-2519
 PS Form 3800, February 2000
 See Reverse for Instructions

230 HOUTZDALE
 PA 16698-1000
 JAN 24 2003
 JAN 27 2003
 20372
 PB METER
 7100118 U.S. POSTAGE



John Wilson
 Hearing Examiner
 PA State Parole Board
 1101 South Front St.
 PA 17104-2519
 FA-13

1101 South Front St.
 PA 17104-2519

PA 171053054 1192 17 01/28/03
 FORWARD TIME EXPEDITED TO
 PA BOARD OF PROBATION &
 1101 S FRONT ST STE 5000
 HARRISBURG PA 17104-2515

RETURN TO SENDER

Inmate Mail
 PA Department of Corrections

Revanue 1-28-03

William Shaw
Prothonotary &
Clerk of Courts
County Courthouse
P.O. Box 549
Clearfield, PA 16830

January 24, 2003

Re: KENNETH JOHN SELVAGE V. JOHN WILSON
No. 03-58-CD

Dear Clerk Shaw:

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

Enclosed, please find a copy of my letter addressed to the defendant, John Wilson, informing him of my error on the type of delivery required by Pa.R.Civil.P. Rule 400 (a), where the Sheriff must deliver said law suit complaint. I request you to time stamp and file this letter with your office to be made part of the record in this matter so I will lose no rights. I will contact Sheriff Hawkins concerning the delivery of the complaint in the near future.

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

Respectfully,



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

cc: Defendant Wilson
file

John Wilson
Hearing Examiner
PA State Parole Board
1101 South Front Street
P.O. 1661
Harrisburg, PA 17104-2519

January 24, 2003

Re: KENNETH JOHN SELVAGE V. JOHN WILSON
No. 03-58-CD

Dear Mr. Wilson:

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

On January 23, 2003, I forwarded to your office by certified mail the Complaint, I.F.P. Petition and Court Order of January 14, 2003, all in regards to the law suit against you.

Be advised to disregard that certified package of legal mail due to Pennsylvania Rules of Court, Pa.R.Civ.P. Rule 400 (a) where it states: Except as provided in subdivision (b) and (c) and in Rules 400.1 and 1930.4, original process shall be served within the Commonwealth only by the Sheriff. I will contact the Sheriff's Office to serve the original complaint upon you, so you may expect that service in the very near future. I will file a copy of this letter with the Clearfield County Clerk of Courts' Office forthwith.

Thank you for your time and consideration.

Respectfully,



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

cc: Prothonotary Shaw
file

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13601

SELVAGE, KENNETH JOHN

03-58-CD

VS.

WILSON, JOHN

COMPLAINT

SHERIFF RETURNS

NOW JANUARY 29, 2003, JACK LOTWICK, SHERIFF OF DAUPHIN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON JOHN WILSON, HEARING EXAMINER, DEFENDANT.

NOW FEBRUARY 3, 2003 SERVED THE WITHIN COMPLAINT ON JOHN WILSON, HEARING EXAMINER, DEFENDANT BY DEPUTIZING THE SHERIFF OF DAUPHIN COUNTY. THE RETURN OF SHERIFF LOTWICK IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED KATHY REICHERT-WISE, P.I.C.

Return Costs

Cost	Description
27.97	SHFF. HAWKINS (OFFIE CREDIT) IFP

FILED
9:50 AM
MAR 11 2003

**William A. Shaw
Prothonotary**

Sworn to Before Me This

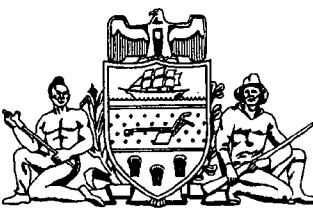
15th Day Of March 2003
William A. Shaw

William A. Shaw
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

Chester A. Hawkins
My Deputy
Chester A. Hawkins
Sheriff

Office of the Sheriff



Mary Jane Snyder
Real Estate Deputy

William T. Tully
Solicitor

J. Daniel Basile
Chief Deputy

Michael W. Rinehart
Assistant Chief Deputy

Dauphin County
Harrisburg, Pennsylvania 17101
ph: (717) 255-2660 fax: (717) 255-2889

Jack Lotwick
Sheriff

Commonwealth of Pennsylvania : SELVAGE KENNETH JOHN
vs
County of Dauphin : WILSON JOHN

Sheriff's Return

No. 0259-T - - - 2003
OTHER COUNTY NO. 03 58 CD

AND NOW: February 3, 2003 at 8:55AM served the within

COMPLAINT upon
WILSON JOHN by personally handing
PA STATE BOARD OF PAROLE to KATHY REICHERT-WISE (CT II) 1 true attested copy(ies)
of the original COMPLAINT and making known
to him/her the contents thereof at 1101 SOUTH FRONT STREET
HARRISBURG, PA 17104-0000

Sworn and subscribed to
before me this 3RD day of FEBRUARY, 2003

Stephen C. (Marina)

PROTHONOTARY

So Answers,

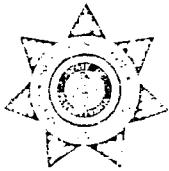
J.R. Lotwick

Sheriff of Dauphin County, Pa.

Mal S.
By _____
Deputy Sheriff

Sheriff's Costs: \$0.00 PD 00/00/0000
RCPT NO

GASPICH



Sheriff's Office Clearfield County

OFFICE (814) 765-2641
AFTER 4:00 P.M. (814) 765-1533
CLEARFIELD COUNTY FAX
(814) 765-5915

CHESTER A. HAWKINS
SHERIFF

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

Robert Snyder
CHIEF DEPUTY
Cynthia Aughenbaugh
OFFICE MANAGER

MARILYN HAMM
DEPT. CLERK
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

KENNETH JOHN SELVAGE

TERM & NO. 03-58-CD

VS

DOCUMENT TO BE SERVED:
COMPLAINT (IFP)

JOHN WILSON

SERVE BY: 2/16/03

MAKE REFUND PAYABLE TO: IFP ORDER ATTACHED

SERVE: JOHN WILSON, Hearing Examiner

ADDRESS: Pa. State Board of Parole, 1101 South Front St., PO Box 1661, Harrisburg, Pa. 17104

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF of CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF DAUPHIN COUNTY Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this

29th Day of January 2003.

Respectfully,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY

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

COPY

KENNETH JOHN SELVAGE :
-vs- : No. 03-58-CD
JOHN WILSON :

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, it is the ORDER of this Court that
said Petition be and is hereby granted.

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.

JAN 17 2003

Attest.

W.C. B.
Prothonotary/
Clerk of Courts

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

KENNETH JOHN SELVAGE, Plaintiff
v.
JOHN WILSON, Defendant

*
* No. 03-58-CD
*
*

FILED

MAR 14 2003
m/w/401ws
William A. Shaw
Prothonotary/Clerk of Courts
No Crmt Copy

MOTION FOR APPOINTMENT OF COUNSEL

NOW COMES, KENNETH JOHN SELVAGE, Plaintiff pro-se, who, avers the following in support of his motion thereof:

1. That on January 14, 2003, this Court granted Plaintiff's Petition to Proceed in Forma Pauperis and the filing of the Complaint.
2. That on January 24, 2003, Plaintiff forwarded said Complaint to the Sheriff of Clearfield County for service upon the Defendant with service rendered on February 3, 2003, (see exhibit # 1).
3. That plaintiff is unlettered in the law and would request this Court to appoint counsel to represent him due to the very seriousness of this matter where he has suffered prejudice thus far in the consideration of his parole release and is requesting an injunction against the Defendant from asserting any further authority over his parole consideration and states the following:
 - a] that Plaintiff asserts that there was a conspiracy within the DOC Parole Office here at SCI Houtzdale to deny his parole long before Plaintiff ever was interviewed by the State Parole Board and that the DOC Parole Office knew that Plaintiff would be denied parole long before the State parole Board rendered their decision in his case as evidenced by the DOC request slip Plaintiff received by Parole Agent Mr. Straw dated: 12/2/02, (see exhibit # 2). Agent Straw stated to Plaintiff that the attached letter addressed to Hearing Examiner Wilson would be given to the Board at next review, whereby, informing Plaintiff that his parole was denied long before the State Parole Board rendered their decision on December 12, 2002, refusing Plaintiff's release on parole, (see exhibits # 3 & 4). Agent Straw further tried to cover his error/conspiracy by another request slip dated: 12/4/02, (see exhibit # 5).
 - b] that Plaintiff sent a letter to the State Parole Board's Chairman dated:

12/2/02, requesting an investigation into his parole consideration hearing, but, there was never any action taken by the State Parole Board, (see exhibit # 6).

c] that plaintiff wrote a request slip to Superintendent John M. McCullough of SCI Houtzdale informing his office of the treatment and prejudice by Defendant Wilson with an attached copy of the letter to the Defendant of 12/2/02 where the Superintendent's reply was: "You want my opinion? I would not have written this letter." (see exhibit # 7). Plaintiff again wrote a request slip to the Superintendent asking why he felt that way and what his honest opinion was where his reply was: "I will answer by saying that you bit the hand with the red pencil." (see exhibit # 8). It is clearly pointed out by the Superintendent that the Parole Board will retaliate upon the Plaintiff with the power of the "red pencil" in that the Parole Board has the ultimate power and authority to deny Plaintiff's parole in retaliation for taking any legal action against them; and further, that Plaintiff will not receive any fair, just or impartial treatment or consideration for future release on parole.

d] that Plaintiff asserts that Higher Court's have established guidelines in a Court's consideration to appoint counsel which are as follows:

In **TABRON V. GRACE**, 6 F.3d 147 (3rd Cir.1993), the Court of Appeals identified standards to be considered by the district courts in exercising their discretion whether to "appoint" counsel pursuant to 28 U.S.C. §1915(d). First, the Court must consider the merits of the plaintiff's claim. It should not appoint counsel unless it appears that the claim has some merit in fact and law. *Id.* at 155. Other factors to consider include the plaintiff's ability to present his or her case; the plaintiff's education; literacy; ability to understand English; restraints placed upon him or her by confinement; whether the claim is truly substantial; the difficulty or complexity of the legal issues; the degree to which factual investigation will be required and the ability of the indigent plaintiff to pursue such investigation; the extent to which prisoners and others suffering confinement may face problems in pursuing their claims; whether the claims are likely to require extensive discovery and compliance with complex discovery rules; whether the case is likely to turn on credibility determinations; whether the case will require testimony from expert witnesses; and whether an indigent plaintiff could retain counsel on his or her own behalf.

4. That Plaintiff understands that the above argument in paragraph 3(d) is a Federal Court case/argument, but, he is asking this Court to consider this argument due to the seriousness of this entire matter, as well as, the complexity of the legal issues raised in his original complaint where Plaintiff has no knowledge of how to

adequately litigate a civil matter, especially when the State Parole Board is fully equipped with experienced lawyers to litigate their cases.

5. That Plaintiff asserts that this case and/or claims have positive merit in both fact and law. That inmates here at SCI Houtzdale are permitted two (2) hour periods of time in the prison law library when space is available (maybe two or three times per week) which is not adequate time to research all the case law necessary to litigate a civil law suit nor does Plaintiff fully understand the necessary steps to take in this matter other than what he has read in the prison self-help manual. It is asserted that an investigation will be necessary with the prison personal as well as other inmates who have received the same negative treatment by Defendant Wilson, and discovery will be necessary of these matters.

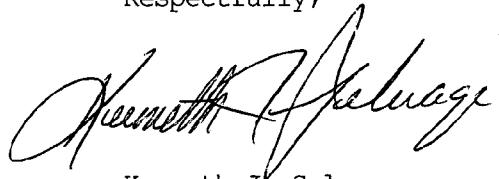
6. That Plaintiff asserts that appointed counsel is necessary to adequately litigate this matter as well as to protect the rights of Plaintiff from retaliation of the State Parole Board in future consideration of his parole.

7. That Plaintiff has sought relief through the Commonwealth Court in Harrisburg as to attempting to be granted a new Full Panel parole hearing due to the prejudice received at his original parole hearing, but, the Commonwealth Court has denied such relief, (see exhibit # 9).

WHEREFORE, for the above stated reasons Plaintiff requests respectfully for this Honorable Court to **GRANT** his Motion for Appointment of Counsel, and **DIRECT** and/or **ORDER** that counsel be Court Appointed forthwith to represent Plaintiff in the litigation of this civil action-law complaint.

Plaintiff shall forever pray for this relief.

Respectfully,



Kenneth J. Selvage

Dated: 3-12-63

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13601

SELVAGE, KENNETH JOHN

03-58-CD

VS.

WILSON, JOHN

COMPLAINT

COPY

SHERIFF RETURNS

NOW JANUARY 29, 2003, JACK LOTWICK, SHERIFF OF DAUPHIN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON JOHN WILSON, HEARING EXAMINER, DEFENDANT.

NOW FEBRUARY 3, 2003 SERVED THE WITHIN COMPLAINT ON JOHN WILSON, HEARING EXAMINER, DEFENDANT BY DEPUTIZING THE SHERIFF OF DAUPHIN COUNTY. THE RETURN OF SHERIFF LOTWICK IS HERETO ATTACHED AND MADE A PART OF THIS RETURN STATING THAT HE SERVED KATHY REICHERT-WISE, P.I.C.

Return Costs

Cost	Description
27.97	SHFF. HAWKINS (OFFIE CREDIT) IFP

Sworn to Before Me This

____ Day Of _____ 2003

So Answers,



Chester A. Hawkins
Sheriff

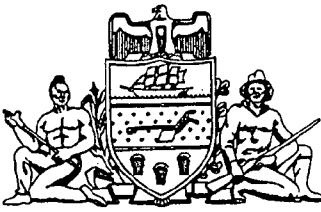
Exhibit #1

13601

Office of the Sheriff **COPY**

Mary Jane Snyder
Real Estate Deputy

William T. Tully
Solicitor



J. Daniel Basile
Chief Deputy

Michael W. Rinehart
Assistant Chief Deputy

Dauphin County
Harrisburg, Pennsylvania 17101
ph: (717) 255-2660 fax: (717) 255-2889

Jack Lotwick
Sheriff

Commonwealth of Pennsylvania : SELVAGE KENNETH JOHN

vs

County of Dauphin : WILSON JOHN

Sheriff's Return

No. 0259-T - - - 2003

OTHER COUNTY NO. 03 58 CD

AND NOW: February 3, 2003 at 8:55AM served the within

COMPLAINT upon

WILSON JOHN by personally handing
PA STATE BOARD OF PAROLE
to KATHY REICHERT-WISE (CT II) 1 true attested copy(ies)

of the original COMPLAINT and making known
to him/her the contents thereof at 1101 SOUTH FRONT STREET
HARRISBURG, PA 17104-0000

Sworn and subscribed to
before me this 3RD day of FEBRUARY, 2003

Stephen C. (Harina)

PROTHONOTARY

So Answers,

J R Lotwick

Sheriff of Dauphin County, Pa.

Mal S. J.
By _____ Deputy Sheriff

Sheriff's Costs: \$0.00, PD 00/00/0000

PCPT NO.

INMATE'S REQUEST TO STAFF MEMBER

Commonwealth of Pennsylvania
Department of Corrections

INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and Title of Officer) <u>MS. Linda - Parole Director</u>	2. Date: <u>12-2-02</u>
3. By: (Print Inmate Name and Number) <u>Sevage D2-4871</u> <u>Kenneth J. Sevage</u> Inmate Signature	4. Counselor's Name <u>Lettie</u>
6. Work Assignment <u>Landscape</u>	5. Unit Manager's Name <u>Everhart</u>
8. Subject: State your request completely but briefly. Give details. ATTACHED, please find my letter directed to Herring Examiner, Mr. Wilson. I would request that you review said letter, then forward to H.E. Wilson the next time he visits the prison to conduct parole hearings. I have forwarded a copy of this letter to the Board Chairman in Harrisburg and copy to Super. McCullough.	7. Housing Assignment <u>FA-13</u>

Thank you.

9. Response (This Section for Staff Response Only)

Your letter now place in your file and will be given to the Parole Board at your next review

To DC-14 CAR only To DC-14 CAR and DC-15 IRS

Staff Member Name

Print

Date

Sign

December 2, 2002

Mr. Wilson
Hearing Examiner
PA State Parole Board
c/o SCI Houtzdale

Re: KENNETH JOHN SELVAGE, Inmate # DZ-4871, Parole # 6229-P
LETTER OF CONSIDERATION

Dear Mr. Wilson:

I am directing this letter to you in regards to my parole consideration hearing held on November 26, 2002, in front of Board Member Mr. White and yourself.

I wish to let you know that I do not appreciate the way you talked to me, the statements you made and the fact that you refused to listen to what I had to say. I would like to make some things clear to you in my defense of the litigation of said hearing.

The first thing I wish to state is that you were wrong for calling me a "scum bag" and then a "low life scum bag" when all I did was try to explain my entire situation. After talking with my counselor, Ms. Pam Lettie, and her confronting the Unit Manager as well as Parole Agent Janocko, she agreed that your statements were uncalled for and very unprofessional.

Just to make the record clear, you called me a scum bag when discussing the fleeing/eluding the police when you stated "society or I just love scum bags like you that run from the police - that I have a grandchild who I love/cherish sincerely and I worry everytime I'm on the highway that someone like you will be running from the police at 90 miles an hour, come acrossed the line and slam in to my vehicle killing both my grandchild and myself." You went on further to state that did I have any questions or anything to state before being dismissed and I stated, yes sir, I would like to explain the situation surrounding my child Zaine - you stated "I reviewed your record Mr. Selvage and I seen where you have a Court Order forcing the grandmother of your child to bring her here to the prison to visit and if I was the father or grandparent of a child I sure would not want him/her to be forced to visit a low life scum bag like you in prison - you are dismissed Mr. Selvage, get out of this room now."

It was brought to my attention by my counselor after her talking to parole agent Janocic that the reason for your attitude towards me was due to the fact that I displayed a negative attitude towards the Board and did not fess up to my crimes. I do not know the facts to this matter, but, I disagree with that because there is no way I was disrespectful towards you or Mr. White - I treated you both with the

Exhibit #3

utmost respect and whether you both believed me or not, I was honest with you about everything, except, you refused to let me complete anything I had to say in my defense. It is my honest opinion Mr. Wilson that someone put a bug in your ear about me long before we ever had that hearing and you pre-judged me before hearing all the facts or letting me fully explain myself, so, the only way to make all of this part of the record is to write you a letter to explain everything. I ask you respectfully to please consider what I have to say.

I wish to clarify my statement that when I said I did not hurt any one or use a weapon to commit a crime and I felt I was not a violent person that what I meant was: My counselor stated to me that one of the biggest things the Board looks at is if they parole you, they need to try to be sure that you will not be released in to our society and do any thing negative to make them look bad or regret the fact that they set you free. I wanted to explain to the Board that I would not go out in to society and hurt any one, that I had no violence on my record nor have I really physically hurt any one in the crimes I have committed in the past. I realize that my prior conduct is poor which all centered around my abuse of alcohol, that I know I have hurt people mentally, emotionally and financially which I regret and am ashamed of, that I would not commit any more crimes upon my release, but Mr. Wilson, you refused to permit me to say any of that. Mr. White asked you whether you had any questions for me and you said yes I do: "you say you have never hurt anyone Mr. Selvage (that is when you stated about the fleeing from the police) then said about my past criminal record that I had Terroristic Threats; Aggravated Assault. (2) and I said those charges were dismissed; and you stated that it did not matter because I was still charged for it and told me to shut up.

I wish it to be on record that maybe those things happened, but, there were circumstances surrounding those crimes, which does not justify any thing, and I acted in a violent matter for reasons: (1) as for the terroristic threat charge - that was over the fact that my first wife was molested by her own father and one day she told me that she did not like the way he touched and looked at Carla, that she was afraid that he would molest Carla - so I went to him directly where he worked and threatened him by stating that if ever touched Carla the way he did Brenda I would smash his face in. It is all part of the Clearfield Court record at Selvage v. Selvage 82-348-CD; (2) as for one of the Aggravated Assault charges, it was over a man sticking a 12 gauge double barrel shotgun in my face where my second wife stood between us and I took the gun away from him and hit him in the face several times, then my cousin tried to interfere and I hit him in the face twice. These charges were totally dismissed at the preliminary hearing when my wife testified that I acted in self defense and did not kidnap her, she went willingly. I agree that I was wrong over that

entire situation and was jealous over the fact that the victim was messing with my wife and I was under the influence of alcohol, but I did what was necessary to take that gun away from him - I was wrong and regretted what happened; (3) as for the other Aggravated Assault charge, it was over my second wife again - I was on the run/hide in July 1993 for DUI and parole violations hiding out in Indiana County at a Biker spot called Factory Hollow. My wife and I were camping up there for several weeks - on July 24, 1993, this one dude along with several others were partying at our camp sight - when my wife left the firelight to go into the wooded area to urinate this dude followed her into the wooded area and tried to rape her - she fought loose and run back and told us what he did and as he came back into the firelight I rushed at him where my wife and others tried to stop me - my wife was pushed to the side, fell down and hit her head on a tree - the victim ran for his truck - I was extremely angry and grabbed a gun which was in my wife's name (I explained all of this at my revocation hearing at SCI Rockview in front of a full Board in 1993 or 94) then I fired the gun into the air to calm everyone down - the victim was very close to me and I did not point the gun at him or threaten to shoot him, I told him to leave and do not come back - in his hurry to get away, he side swiped several trees with his truck - my wife was taken to the hospital to receive stitches in her forehead - after the truth of the matter was exposed in Indiana Court, all the charges were dropped to Summary Harassment. Again I stress to explain that all this centered around my abuse of alcohol. The victim was not hurt in anyway other than the damage to his truck. I regret what happened and am sorry for the entire mess. I believe that I would of handled the situation alot different, but, this happened the day my mother was buried and I was not thinking very rational and was hurting bad inside over the loss of my mother whom I loved dearly. I did run/hide from the State Police when they came looking for me and other things happened that is not clear in my mind because of the alcohol. I would state to you Mr. Wilson that if you would of given me a chance at my hearing, I would of explained all of this to you. I am deeply sorry for all the crimes I committed in my life time - I have been involved in criminal activity for over 20 years and to be honest with you, I am more ashamed of what this did to my family, how I hurt them, more than anything else I have done.

Whether or not you or Mr. White believed me at my hearing, I was honest with both of you about my involvement in the crimes I am presently incarcerated for. I will not admit to anything I did not do. I have pled guilty for these crimes and explained to the Board what my involvement was - I honestly never tried to hurt anyone and I thank God sincerely that no one was physically hurt. I feel for all the hardship caused to all of the victims, but, I cannot change that. I have spent almost four (4) years of my life under incarceration for these

crimes and deeply regret what I have done. I know I was wrong for what I have done as well as the fact that I will have an impact on these victim(s) lives as well as all my other victim(s) for past crimes. I have tried diligently to change every aspect of my life during my period of incarceration, kept a positive attitude, tried my best to avoid misconducts, completed my groups and obtained a positive recommendation from the SCI Institution here for parole. When I appeared in front of Mr. white and yourself, I was really afraid due to the fact that my life and future is held in this Board's hands and I sincerely wanted to be granted parole. Even after you called me those names and kicked me out of the room without listening to my side of things, I did not act disrespectful towards either of you - I just knew that my chances for parole were slim to none and I felt you were wrong for your statements and reactions towards me. I do not feel that I received a just or fair hearing. This is only my opinion and the opinion of my counselor to an extent.

I would like to state that as to my past, when I pled guilty and was sentenced by the Commonwealth Common Pleas Courts of Cambria and Clearfield County, the Court(s) used my past record to determine the kind of sentence I should receive. I am asking this Board out of total respect not to judge me so much for my past because I have paid for that with almost 19 years of my life in/out of prison, but, for this Board to look at what I have done in the past 4 years to change and better myself. Because compared to my old ways - the way I would look at things or see things - compared to the way I am now I have come a long way. There's guards/staff here that have known me most all my life, ones I grew up with, went to school with, etc., they compliment me often on my change in attitude and behavior. I know the true test will come upon my release.

The last thing I wish to state to you Mr. Wilson is the facts surrounding my 3 year old daughter, Zaine Elizabeth Brocious. I do not agree with your opinion of this situation - maybe I did have to go to Court to obtain visitation rights with Zaine, but, that's because I love her more than I have ever loved anyone in my life and I wanted to share in a small part of her life now so that upon my release I would not be a total stranger to her. You stated that I was a low life scum bag because I wanted to see my own child, which is your opinion, but, why am I a low life scum bag, because I love my child and only wish to see her? I was incarcerated when her mother was only 2 months pregnant so I never had the chance to care for her or to love her the way a father should love his child. I thought that after you stated how you loved/cherished your grandchild, that maybe as a father you would have some understanding why I have kept in contact with Zaine and why I wish to share time with her on visitation. Do you feel that every father in prison who wants to see his child in prison is a low life

scum bag? I would like you to know that my child's mother used drugs and drank alcohol the whole time she was pregnant, then continued to party after her birth. Then on May 5, 2002, she (Arianne Brocious) abandoned Zaine to her mother, Jodie Soult. Ms. Soult came here on May 13, 2002, to discuss this entire situation where she was in tears, crying uncontrollable because Zaine would not stop crying for her Mommy. After I calmed her down and made sense of things, I explained to Ms. Soult what steps to take legally and I would support her - that's when I wrote to the Judge (Ammerman) in Clearfield to explain the facts surrounding this matter and requested full custody to be granted to Ms. Soult until I could be released. Ms. Soult obtained custody on May 20, 2002, and takes excellent care of my child. Arianne got hooked on drugs real bad, even shoots up - her boyfriend died of an over-dose of heroin at the age of 24 only a few months ago (Thomas Harris). I am afraid the same fate will befall Arianne in time due to her heavy use of drugs. Ms. Soult arranged to have Zaine checked to determine if she caught any diseases around Arianne and other's use of drugs, but, all blood tests were negative. I thank God for that sincerely. I agree with the fact that at first Ms. Soult did not like me or wish to visit, but over the past year, her and I have come to love/respect each other deeply. She knows how much I love Zaine and that I have changed my life around so I could come home and be a responsible father to Zaine. It is the honest wish of Ms. Soult that I obtain custody of Zaine soon after my release which is my heart's greatest desire. I do realize that I will have to prove myself worthy to Ms. Soult and the Judge before this can happen, also, that it cannot happen over night. I know that drugs, alcohol and criminal activity can no longer be any part of my life if I wish to accept full responsibility of Zaine. She really is my whole life and future. I chose to accept God into my life through Jesus Christ, to learn all I can from the Bible's teachings and to live a decent Christian life upon release. My old self always waited and had the desire to smoke pot, drink alcohol and have sex as the most important thing upon release. I do have a positive home and employment (2 jobs) for release. Upon my release, Ms. Soult and Zaine are the ones to pick me up because we want Zaine to see her father walk out of prison a free man into her life - my first priority is the care and welfare of my child. Ms. Soult has talked at length with her live-in boyfriend of 12 years about my situation with Zaine and he fully understands that Ms. Soult and I are best friends and have Zaine's best interest at heart. He understands that Ms. Soult and I will need to spend a lot of time together doing things with Zaine and then she will need to even spend the night(s) over helping Zaine to adjust to having me in her life until she loves/trusts/accepts me enough to stay with me on her own. Ms. Soult will do what-ever it takes to help Zaine and I be a family of our own. I wish this Board would call Ms. Soult at # (814) 236-3286 to obtain her opinion on this entire matter. I have been open and honest about everything here. A lot of authority figures are well aware of this entire matter and have done all they can legally to

Mr. Wilson, 12/2/02, page 6

help protect Zaine, to keep us in contact and to reduce my sentence so I could be released to accept custody/responsibility of Zaine. I have supplied this Board with all these positive letters/documents. I would further ask you Mr. Wilson to talk with my counselor, Ms. Pam Lettie, on FA Block, because she can verify everything that I have said concerning my daughter, things that I have discussed with Ms. Lettie at length numerous times over the past year of her being my counselor as well as everything else stated in this letter I have discussed with her. My sentencing Judge, John K. Reilly, of Clearfield County, has approached Ms. Lettie in Church on several occasions to ask about my entire situation and the progress being made towards my release on parole. Due to Ms. Lettie's ethical standards, she is not permitted to discuss the details of said conversations with me. I am again stating that I should of had the opportunity to explain this situation at my hearing. This is not something I am trying to make up or use to my advantage, these are true facts that everyone but this Board is well aware of. I do not feel that further incarceration is the answer to my problems - all I am asking for is this Board to trust me enough to give me another chance at life. I would not do anything to jeopardize my freedom or to take the chance to lose my child. I would like a chance to prove to this Board that I have changed, that I will be a responsible father and a productive member of our society.

I will be willing to agree to any stipulations this Board wishes to place upon me, I will attend my after-care counseling/groups, I will attend AA Meetings, I will maintain steady employment and I will work towards obtaining a place of my own so I may raise Zaine.

These are the statements I would of made to this Board if given the opportunity and I am sorry if things were taken out of context. I would ask you sincerely to please consider what I had to say in this letter.

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

Note: the reference made to
Carla on page two, she
is my oldest daughter (23).

Respectfully,



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

cc; Board Chairman
Superintendent McCullough
file



COMMONWEALTH OF PENNSYLVANIA
BOARD OF PROBATION AND PAROLE

1101 S. Front Street
Harrisburg, Pa. 17104 - 2519

NOTICE OF BOARD DECISION

NAME: KENNETH J SELVAGE
INSTITUTION: SCI - HOUTZDALE

PAROLE NO: 6229P
INSTITUTION NO: DZ4871

AS RECORDED ON DECEMBER 12, 2002 THE BOARD OF PROBATION AND PAROLE RENDERED THE FOLLOWING DECISION IN YOUR CASE:

FOLLOWING AN INTERVIEW WITH YOU AND A REVIEW OF YOUR FILE, AND HAVING CONSIDERED ALL MATTERS REQUIRED PURSUANT TO THE PAROLE ACT OF 1941, AS AMENDED, 61 P.S. § 331.1 ET SEQ., THE BOARD OF PROBATION AND PAROLE, IN THE EXERCISE OF ITS DISCRETION, HAS DETERMINED AT THIS TIME THAT: YOUR BEST INTERESTS DO NOT JUSTIFY OR REQUIRE YOU BEING PAROLED/REPAROLED; AND, THE INTERESTS OF THE COMMONWEALTH WILL BE INJURED IF YOU WERE PAROLED/REPAROLED. THEREFORE, YOU ARE REFUSED PAROLE/REPAROLE AT THIS TIME. THE REASONS FOR THE BOARD'S DECISION INCLUDE THE FOLLOWING:

YOUR VERSION OF THE NATURE AND CIRCUMSTANCES OF THE OFFENSE(S) COMMITTED.
YOUR PRIOR HISTORY OF SUPERVISION FAILURE(S).
YOUR INTERVIEW WITH THE HEARING EXAMINER AND BOARD MEMBER.

YOU WILL BE REVIEWED IN OR AFTER NOVEMBER, 2003.

AT YOUR NEXT INTERVIEW, THE BOARD WILL REVIEW YOUR FILE AND CONSIDER:
WHETHER YOU HAVE MAINTAINED A FAVORABLE RECOMMENDATION FOR PAROLE FROM THE DEPARTMENT OF CORRECTIONS.
WHETHER YOU HAVE MAINTAINED A CLEAR CONDUCT RECORD AND COMPLETED THE DEPARTMENT OF CORRECTIONS' PRESCRIPTIVE PROGRAM(S).

KLS 12/12/2002

CLIENT COPY
KENNETH J SELVAGE DZ4871
P.O. BOX 1000
HOUTZDALE, PA.

16698-1000

Kathleen Zwierzyna
Kathleen Zwierzyna
Board Secretary

Notice of Board Decision
PBPP 15(08/02) 1 of 1

Exhibit # 4

INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

INMATE'S REQUEST TO STAFF MEMBER	
1. To: (Name and Title of Officer) <u>M.R. STRICK - Parole Agent</u>	2. Date: <u>12-4-02</u>
3. By: (Print Inmate Name and Number) <u>Selvage 02-4871</u> <u>Kenneth J. Selvage</u> Inmate Signature	4. Counselor's Name <u>Lettie</u>
6. Work Assignment <u>CANSCAPER</u>	7. Housing Assignment <u>FA-13</u>

8. Subject: State your request completely but briefly. Give details.

I AM in Receipt of your response of my request to Ms. Hinds w/
letter to H.E. Wilson stating that said letter will be given to the
Board at my next review, which more or less, states that I AM going
to be denied parole.

My question for you is: my min. date was 5-22-02, will
my hit start from that date or the date I seen the Board? or how
does that work?

Thank you.

9. Response (This Section for Staff Response Only)

If you are not paroled the Board will receive the
letter for your next review. I will not know
until a Board Action is sent.

They will list on the Board Action the month you
will see the Board the second time.

To DC-14 CAR only

To DC-14 CAR and DC-15 IRS

Staff Member Name

Print

RL Date

Sign

William F. Ward
Chairman of the Board
PA State Parole Board
1101 South Front St., Suite 5100
P.O. Box 1661
Harrisburg, PA 17104-2517

December 2, 2002

Re: KENNETH JOHN SELVAGE, Inmate #DZ-4871, Parole#6229-P

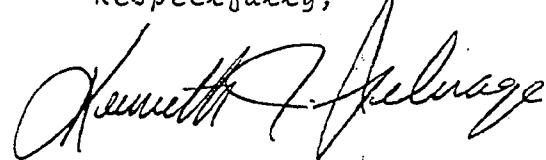
Dear Mr; Chairman:

I am directing this letter to your office in regards to my parole consideration hearing here at SCI Houtzdale on 11/26/02 in front of Board Member Mr. White and Hearing Examiner Mr. Wilson in which I felt I was not given a just, fair and impartial hearing. I have enclosed a copy of my letter to Mr. Wilson - I would request your office to formally review this entire matter and let me know your decision so I will know what steps to take.

There was no reason for Mr. Wilson to talk to me in that manner or to deny me my right to speak or explain things or defend myself. I felt that Mr. White was fair and respectful towards me, but, that with Mr. Wilson's negative attitude, may have swayed his opinion of me.

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

Respectfully,



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

cc: file

Exhibit # 6

<p>Form DC-135A</p> <p>INMATE'S REQUEST TO STAFF MEMBER</p>		<p>Commonwealth of Pennsylvania Department of Corrections</p> <p>INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.</p>
<p>1. To: (Name and Title of Officer) <u>Super. McCullough</u></p>	<p>2. Date: <u>12-2-02</u></p>	
<p>3. By: (Print Inmate Name and Number) <u>Selvage D2-4971</u> <u>Kenneth J. Selvage</u> Inmate Signature</p>	<p>4. Counselor's Name <u>Lettie</u></p>	
	<p>5. Unit Manager's Name <u>Everhardt</u></p>	
<p>6. Work Assignment <u>Landscape</u></p>	<p>7. Housing Assignment <u>FA - 13</u></p>	
<p>8. Subject: State your request completely but briefly. Give details.</p> <p>Sir:</p> <p>Attached is a letter to the Parole Board directed to H.F. M. Wilson that I wish for you to review. I would like to ARRANGE for a conference between you, Counselor Lettie and myself when you have the time.</p> <p>Yours in Service, Kenneth J. Selvage Inmate</p>		
<p>9. Response: (This Section for Staff Response Only)</p> <p>My understanding is that you have been informed of the inmate's request. I will forward this request to the appropriate staff member for review and response.</p>		

Staff Member Name _____ / _____ Sign _____ Date _____
Print _____

Revised July 2000

Exhibit # 7

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections
INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.		
1. To: (Name and Title of Officer) <u>Super. M' Cullough</u>	2. Date: <u>12-3-02</u>	
3. By: (Print Inmate Name and Number) <u>Selva 92 DZ-4871</u> <u>Kenneth J. Kelley</u> Inmate Signature	4. Counselor's Name <u>Lettie</u>	5. Unit Manager's Name <u>Everhart</u>
6. Work Assignment <u>Landscape</u>	7. Housing Assignment <u>FA-13</u>	
8. Subject: State your request completely but briefly. Give details. Sir: I am in receipt of your response to my request and copy letter written to Hearing Examiner Mr. Wilson about my parole consideration hearing of 11-26-02. You stated in your response "You want my opinion? I would not have written this letter." I wanted to ask you "why" you feel this way? What is your honest opinion? Thank you! X P.M.J. T.P. You will see C.U.W.T.M.		
9. Response: (This Section for Staff Response Only)		

Staff Member Name:

Point

Sign

Date _____

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

KENNETH JOHN SELVAGE,
Petitioner

v.

PENNSYLVANIA BOARD OF PROBATION
AND PAROLE,
Respondent

No. 1002 M.D. 2002

PER CURIAM

ORDER

NOW, January 6, 2003, it appearing that petitioner seeks to challenge the denial of parole, a matter not subject to review, see Reider v. Pennsylvania Board of Probation and Parole, 514 A.2d 967 (Pa. Cmwlth. 1986), the petition for review is dismissed.

Certified from the Record

JAN - 7 2003

and Order Exit

Exhibit # 9

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

KENNETH JOHN SELVAGE,
Petitioner

v.

PENNSYLVANIA BOARD OF PROBATION
AND PAROLE,

Respondent

No. 1002 M.D. 2002

PER CURIAM

ORDER

NOW, January 22, 2003, upon consideration of petitioner's petition for reconsideration of this court's order of January 6, 2003, the petition is denied.

Certified from the Record

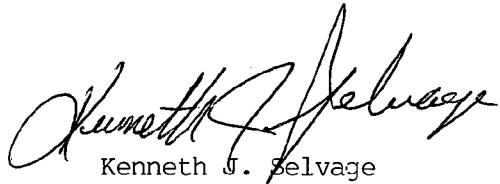
JAN 22 2003

and Order Exit

VERIFICATION

I, KENNETH JOHN SELVAGE, Plaintiff pro-se, do hereby verify that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and that any false statements made herein are subject to the penalties of perjury, 18 Pa. C.S.A. §4904 of the Crimes Code, relating to unsworn falsification to authorities.

Dated: 3-12-63



Kenneth J. Selvage

PROOF OF SERVICE

I, KENNETH JOHN SELVAGE, hereby certify that I am this date serving a copy of my "Motion for Appointment of Counsel" upon the person and in the manner indicated below:

Service by first class mail, postage pre-paid:

John Wilson
Hearing Examiner
PA State Parole Board
1101 South Front Street
Suite 5000
Harrisburg, PA 17104-2515

Dated: 3-12-03



Kenneth J. Selvage

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

cc: file



JUDGE'S CHAMBERS
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA
CLEARFIELD COUNTY
CLEARFIELD, PENNSYLVANIA 16830

JOHN K. REILLY, JR.
PRESIDENT JUDGE

RECEIVED
3/20/03

FREDRIC J. AMMERMANN
JUDGE

March 20, 2003

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

Re: Selvage v. Wilson
No. 03 - 58 - CD

Dear Mr. Selvage:

This Court does not appoint counsel for parties in civil actions. You may contact Keystone Legal Services, 211 ½ East Locust Street, Clearfield, PA 16830 or R. Denning Gearhart, Esquire, President of the Bar Association, for further assistance.

Very truly yours,

JOHN K. REILLY, JR.
President Judge

JKR/cjm

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

KENNETH JOHN SELVAGE,

Plaintiff

*

v.

*

No. 03 - 58 - CD

Original
to C/P
3-28-03

JOHN WILSON,

Defendant

*

*

FILED

MAR 28 2003

11:00 a.m.

William A. Shaw
Prothonotary

NOW COMES, KENNETH JOHN SELVAGE, Plaintiff pro-se, who, avers the following in support of his motion thereof:

1. That Plaintiff filed the original complaint against the Defendant on or about January 14, 2003, as is certified by the record.
2. That on February 3, 2003, the Sheriff of Clearfield County served the Complaint upon the Defendant through the Dauphin County Sheriff, Jack Lotwick.
3. That under the Rules of Civil Procedure the Defendant must file a response within twenty days or he waives his rights to respond/defend against the claims set forth in the original complaint, Pa.R.Civ.P. Rule 1018.1.
4. That Plaintiff would request this Court to enter Summary Judgment upon the Defendant for his failure to respond under Pa.R.Civ.P. Rule 1035.3(d) and award/grant an injunction and damages to the Plaintiff, and what other relief to be found just, right and equitable.
5. That this Court by letter of March 20, 2003, denied Plaintiff's Motion For Appointment of Counsel, so he is proceeding pro-se.

MEMORANDUM OF LAW

Pro-se pleadings, "however inartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond a doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." HAINES V.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

KENNETH JOHN SELVAGE,

CIVIL DIVISION

Plaintiff,

No. 03-58-CD

v.

PRAECIPE FOR APPEARANCE

JOHN WILSON,
HEARING EXAMINER,

Code:

Defendant.

Issue:

Filed on Behalf of
Defendant

Counsel of Record for
this Party:

Kemal Alexander Mericli
Senior Deputy Attorney General
PA ID. 27703

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

(412) 565-5438

FILED

MAR 28 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

KENNETH JOHN SELVAGE,) CIVIL DIVISION
)
 Plaintiff,)
)
 v.) No. 03-58-CD
)
 JOHN WILSON,)
 HEARING EXAMINER,)
)
 Defendant.)

PRAECIPE FOR APPEARANCE

TO: Prothonotary:

Please enter my appearance Kemal Alexander Mericli,
Senior Deputy Attorney General for the Defendant, John Wilson, in
the above-captioned case.

Respectfully submitted,

**D. MICHAEL FISHER
Attorney General**

By: *Kemal Alexander Mericli*
Kemal Alexander Mericli
Senior Deputy Attorney General
PA I.D. #27703

Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: March 26, 2003

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praecipe for Appearance was served upon the following via first-class mail on September 10, 1997.

Kenneth J. Selvage, DZ-4871
State Correctional Institution
at Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000

Kemal Alexander Mericli

Kemal Alexander Mericli
Senior Deputy Attorney General

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: March 26, 2003

FILED
NOV 20 2003
MAR 28 2003

ASD
cc
William A. Shaw
Prothonotary

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

KENNETH JOHN SELVAGE,
Plaintiff
v.
JOHN WILSON,
Defendant

*
* No. 03 - 58 - CD
*
*

FILED

MAR 28 2003
~(11:00 hrs)
William A. Shaw
Prothonotary

NOW COMES, KENNETH JOHN SELVAGE, Plaintiff pro-se, who, avers the following in support of his motion thereof:

1. That Plaintiff filed the original complaint against the Defendant on or about January 14, 2003, as is certified by the record.
2. That on February 3, 2003, the Sheriff of Clearfield County served the Complaint upon the Defendant through the Dauphin County Sheriff, Jack Lotwick.
3. That under the Rules of Civil Procedure the Defendant must file a response within twenty days or he waives his rights to respond/defend against the claims set forth in the original complaint, Pa.R.Civ.P. Rule 1018.1.
4. That Plaintiff would request this Court to enter Summary Judgment upon the Defendant for his failure to respond under Pa.R.Civ.P. Rule 1035.3(d) and award/grant an injunction and damages to the Plaintiff, and what other relief to be found just, right and equitable.
5. That this Court by letter of March 20, 2003, denied Plaintiff's Motion For Appointment of Counsel, so he is proceeding pro-se.

MEMORANDUM OF LAW

Pro-se pleadings, "however inartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond a doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." HAINES V.

KERNER, 404 U.S. 519, 520-521 (1972) quoting **CONLEY V. GIBSON**, 355 U.S. 41, 45-46 (1957). If the Court can reasonably read pleadings to state a valid claim on which the litigant could prevail, it should be done so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, or litigant's unfamiliarity with pleading requirements. **BOAG V. MACDOUGALL**, 454 U.S. 364 (1982); **UNITED STATES ex rel. MONTGOMERY V. BIERLY**, 141 F.2d 552, 555 (3rd Cir.1969)(petition prepared by a prisoner may be inartfully drawn and should be read "with a measure of tolerance"); **SMITH V. UNITED STATES DISTRICT COURT**, 956 F.2d 295 (D.C. Cir.1992); **FREEMAN V. DEPARTMENT OF CORRECTIONS**, 949 F.2d 360 (10th Cir.1991). Under our liberal pleading rules, a district court should construe all allegations in a complaint in favor of the complainant. **GIBBS V. ROMAN**, 116 F.2d 83 (3rd Cir.1997). See e.g., **NAMI V. FAUVER**, 82 F.3d 63, 65 (3rd Cir.1996).

WHEREFORE, Plaintiff requests respectfully for this Honorable Court to enter Summary Judgment against the Defendant and **GRANT** the relief requested in the original Complaint.

Plaintiff shall forever pray for this relief.



Kenneth J. Selvage

Dated: 3-27-03



JUDGE'S CHAMBERS

FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY

CLEARFIELD, PENNSYLVANIA 16830

JOHN K. REILLY, JR.
PRESIDENT JUDGE

FREDRIC J. AMMERMAN
JUDGE

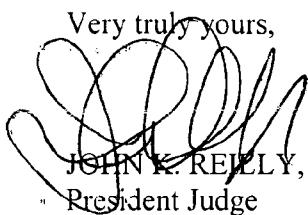
March 20, 2003

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

Re: Selvage v. Wilson
No. 03 - 58 - CD

Dear Mr. Selvage:

This Court does not appoint counsel for parties in civil actions. You may contact Keystone Legal Services, 211 1/2 East Locust Street, Clearfield, PA 16830 or R. Denning Gearhart, Esquire, President of the Bar Association, for further assistance.

Very truly yours,

JOHN K. REILLY, JR.
President Judge

JKR/cjm

VERIFICATION

I, KENNETH JOHN SELVAGE, Plaintiff pro-se, do hereby verify that the facts set forth in the foregoing document are true and correct to the best of his knowledge, information and belief, and any false statements made herein are subject to the penalties of perjury, 18 Pa. C.S.A. §4904 of the Crimes Code, relating to any unsworn falsification to authorities.

Dated: 3-27-03



Kenneth J. Selvage

PROOF OF SERVICE

I, KENNETH JOHN SELVAGE, hereby certify that I am this date serving a copy of the foregoing document "Motion for Judgment for Failure to Respond" upon the person and in the manner indicated below:

Service by first class mail, postage pre-paid:

John Wilson
Hearing Examiner
PA State Parole Board
1101 South Front Street, Suite 5000
Harrisburg, PA 17104-2515

Dated: 3-27-03



Kenneth John Selvage

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

EDDS & RAM

Ward 2, A.M.B.I.W.
Bolton Center

cc: file

FILED

MAR 28 2003
m/lin/001/w
William A. Shaw
Prothonotary
No. Crim. Court

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

KENNETH JOHN SELVAGE : :

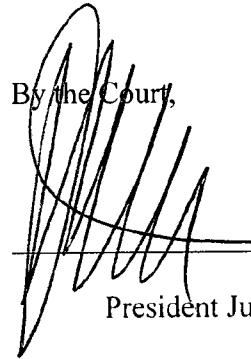
-vs- : No. 03 - 58 - CD

JOHN WILSON : :

O R D E R

NOW, this 1st day of May, 2003, upon consideration of Plaintiff Kenneth John Selvage's Motion For Judgment for Failure to Respond, the Court finds such Motion to be premature, and as such, Plaintiff's Motion for Judgment for Failure to Respond is hereby DENIED.

By the Court,



President Judge

FILED

MAY 02 2003

William A. Shaw
Prothonotary

William A. Shaw
Prothonotary

MAY 02 2003

WILLIAM A. SHAW
PROTHONOTARY
and CLERK of COURTS
P.O. BOX 549
CLEARFIELD, PENNSYLVANIA 16830

FILED

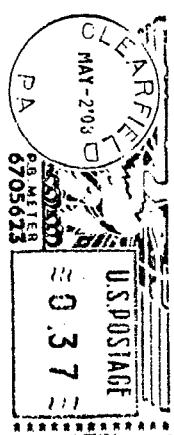
MAY 07 2003

William A. Shaw
Prothonotary

John Wilson
Hearing Examiner
Pennsylvania Board of Probation and Parole
1101 South Front Street Suite 5300
P.O. Box 1661
Harrisburg PA 17104-2515

PA-56517105305411021605/04/03
FORWARD TIME EXPRTN TO SEND
PA BOARD OF PROBATION & PAROLE
1101 S FRONT ST STE 5300
HARRISBURG PA 17104-2515

RETURN TO SENDER



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION

KENNETH JOHN SELVAGE : :

-vs- : No. 03 - 58 - CD

JOHN WILSON : :

O R D E R

NOW, this 1st day of May, 2003, upon consideration of Plaintiff Kenneth John Selvage's Motion For Judgment for Failure to Respond, the Court finds such Motion to be premature, and as such, Plaintiff's Motion for Judgment for Failure to Respond is hereby DENIED.

By the Court.

/S/ JOHN K. REILLY, JR.

President Judge

COPY

*Present for mail
Cert. mail
5/1/03*

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

MAY 02 2003

Attest.

William L. Shan
Prothonotary/
Clerk of Courts

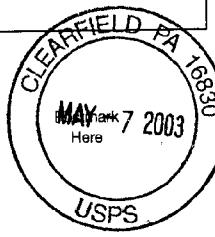
U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To: _____

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.42	

Name (Please Print Clearly) (to be completed by mailer)
JOHN WILSON, Hearing Examination
Street, Apt. No., or PO Box No.
1101 S. Front St Ste 5000
City, State, ZIP+4
Harrisburg PA 17104-2515

PS Form 3800, July 1999
See Reverse for Instructions



03-58-CD

re-mail order of May 1st

FILED

118:39 BN

MAY 08 2003

fed
x William A. Shaw
Prothonotary

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John Wilson. Hearing Exam.
PA Board of Probation
1 S. Front St. Ste 5000
Harrisburg, PA 17104-2515

03-58-C
May 1, 2003 order

2. Article Number

(transfer from service label)

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X**

Agent
 Addressee

B. Received by (Printed Name) **M.C.** Date of Delivery

John Wilson **MAY 8 2003**

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

FILED
m 9:47 AM
MAY 12 2003 E
KBS

William A. Shaw
Prothonotary

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

KENNETH JOHN SELVAGE, *
Plaintiff
V. * No. 03-58-CD
*
JOHN WILSON, *
Defendant *

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 ten (10) days after service of this notice and attached Motion for Judgment for Failure to Respond. 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 the above 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. Meholic
Court Administrator
County Courthouse
230 East Market Street
Clearfield, PA 16830
(814) 765-2641, ext. 5982

FILED

MAY 23 2003
10:50 AM
William A. Shaw
Prothonotary/Clerk of Courts
NO CERT COPIES


Kenneth J. Selvage

Dated: 5-22-03

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

KENNETH JOHN SELVAGE, *
Plaintiff *
V. *
No. 03-58-CD
*
JOHN WILSON, *
Defendant *

MOTION FOR JUDGMENT FOR FAILURE TO RESPOND

NOW COMES, KENNETH JOHN SELVAGE, Plaintiff pro-se, who files the following in support of his motion thereof:

1. That Plaintiff filed the original complaint against the Defendant on or about January 14, 2003, as is certified in the record.
2. That on February 3, 2003, the Sheriff of Clearfield County served the Complaint upon the Defendant through the Dauphin County Sheriff, Jack Lotwick.
3. That under the Rules of Civil Procedure the Defendant must file a response within twenty (20) days or he waives his rights to respond/defend against the claims set forth in the original complaint, Pa.R.Civ.P. Rule 1018.1.
4. That Plaintiff would request this Court to enter Summary Judgment upon the Defendant for his failure to respond under Pa.R.Civ.P. Rule 1035.3(d) and award/grant an injunction and damages to the Plaintiff, and what other relief to be found just, right and equitable.
5. That this Court by letter of March 20, 2003, denied Plaintiff's Motion for Appointment of Counsel, so, he is proceeding pro-se.

MEMORANDUM OF LAW

Pro-se pleadings, "however inartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond a doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." HAINES V. KERNER, 404 U.S. 519, 520-521 (1972) quoting CONLEY V. GIBSON, 355 U.S. 41, 45-46 (1957). If the Court can reasonably read pleadings to state a valid claim on which

the litigant could prevail, it should be done so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, or litigant's unfamiliarity with pleading requirements. BOAG V. MACDOUGALL, 454 U.S. 364 (1982); UNITED STATES ex rel. MONTGOMERY V. BIERLY, 141 F.2d 552, 555 (3rd Cir.1969) (petition prepared by prisoner may be inartfully drawn and should be read "with a measure of tolerance"); SMITH V. UNITED STATES DISTRICT COURT, 956 F.2d 295 (D.C. Cir.1992); FREEMAN V. DEPARTMENT OF CORRECTIONS, 949 F.2d 360 (10th Cir.1991). Under our liberal pleading rules, a district court should construe all allegations in a complaint in favor of the complainant. GIBBS V. ROMAN, 116 F.2d 83 (3rd Cir.1997).

WHEREFORE, Plaintiff requests respectfully for this Honorable Court to enter Summary Judgment against the Defendant for his failure to respond and GRANT the relief requested in the original Complaint.

Plaintiff shall forever pray for this relief.

Respectfully,



Kenneth J. Selvage

Dated: 5-22-03

VERIFICATION

I, KENNETH JOHN SELVAGE, Plaintiff pro-se, do hereby verify that the facts set forth in the foregoing document are true and correct to the best of his knowledge, information and belief, and any false statements are made under the penalties of perjury, 18 Pa. C.S.A. §4904 of the Crimes Code, relating to unsworn falsification to authorities.

Dated: 5-22-03



Kenneth J. Selvage

PROOF OF SERVICE

I, KENNETH JOHN SELVAGE, Plaintiff pro-se, hereby certifies that I am this date serving a copy of the foregoing document, Motion for Judgement for Failure to Respond, upon the person and in the manner indicated below:

Service by first class mail, postage pre-paid:

Kemal Alexander Mericli
Senior Deputy Attorney General
Western Regional Office
6th Floor Manor Complex
564 Forbes Ave.
Pittsburgh, PA 15219
(Attorney for Defendant)



Kenneth J. Selvage

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

Dated: 5-22-03

cc: file

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CA

KENNETH JOHN SELVAGE,

CIVIL DIVISION

Plaintiff,

No. 03-58-CD

v.

PRELIMINARY OBJECTIONS IN THE
NATURE OF A DEMURRER

JOHN WILSON,
HEARING EXAMINER,

Code:

Defendant.

Issue:

Filed on Behalf of
Defendant

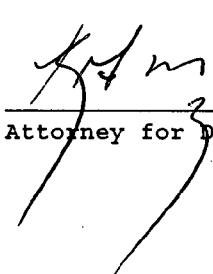
Counsel of Record for
this Party:

Kemal Alexander Mericli
Senior Deputy Attorney General
PA ID. 27703

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

(412) 565-5438

You are hereby notified to plead to the
within pleading within twenty (20) days
hereof or a default judgment may be
entered against you.



Attorney for Defendants

FILED

JUN 04 2003

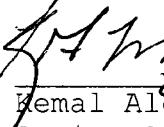
William A. Shaw
Prothonotary

PRELIMINARY OBJECTIONS
IN THE NATURE OF A DEMURRER

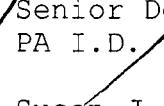
Defendant, by his attorneys, D. Michael Fisher, Attorney General, Kemal Alexander Mericli, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section, and respectfully requests that the case be dismissed incorporating by reference the attached brief.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By: 

Kemal Alexander Mericli
Senior Deputy Attorney General
PA I.D. #27703


Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: June 2, 2003

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Preliminary Objections in the Nature of a Demurrer was served upon the following via first-class mail on June 2, 2003.

Kenneth J. Selvage, DZ-4871
State Correctional Institution
at Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000

Kemal Alexander Mericli
Kemal Alexander Mericli
Senior Deputy Attorney General

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: June 2, 2003

FILED
MAY 15 2003
JUN 04 2003
Amy Mencel

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

KENNETH JOHN SELVAGE,) CIVIL DIVISION
)
Plaintiff,)
)
v.) No. 03-58-CD
)
JOHN WILSON,)
HEARING EXAMINER,)
)
Defendant.)

ORDER OF COURT

AND NOW, this ____ day of _____, 2003, upon
consideration of the foregoing Preliminary Objections, it is hereby
ORDERED that the Preliminary Objections filed on behalf of the
defendants are sustained and the plaintiff's complaint is
dismissed.

BY THE COURT:

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

KENNETH JOHN SELVAGE,

Plaintiff

v.

JOHN WILSON,

Defendant

*

*

*

*

No. 03-58-CD

CR
FILED

JUN 17 2003

William A. Shaw
Prothonotary

MOTION TO WITHDRAW COMPLAINT

NOW COMES, KENNETH JOHN SELVAGE, Plaintiff, acting as pro-se for himself, who, files the following in support of his motion thereof:

1. That Plaintiff commenced this civil action against the Defendant due to the negative statements directed at him during his state parole hearing on November 26, 2002.
2. That Plaintiff has had time to consider the facts of this matter as well as to see the whole picture clearly due to his recent involvement in the Act 143 Victims Awareness Class taken here at SCI Houtzdale inwhich he successfully completed, (see exhibit # 1).
3. That Plaintiff asserts that even though he believes the Defendant acted inappropriately with his negative statements regarding Plaintiff's refusal to accept responsibility for actions, crimes and remorse towards the victims; that this action in and of itself is inappropriate and should be withdrawn.
4. That after Plaintiff has discussed this matter with family and Staff here, and participated in and completed the Act 143 Class, his whole out-look has indeed changed in this matter, as well as many others. The knowledge Plaintiff obtained through the data provided has literally awakened Plaintiff to his irrational thoughts and beliefs. Now Plaintiff can appreciate the statements made by Defendant for his concern for the communities of this Commonwealth and its families.

5. That Plaintiff accepts full responsibility for his crimes and the impact they had upon his victims, both past and present.

WHEREFORE, Plaintiff respectfully requests this Honorable Court GRANT this Motion to Withdraw Complaint in this matter without prejudice, and such other relief as is right, just and equitable under the circumstances.

Respectfully,



Kenneth J. Selvage

Dated: 6-11-03

CERTIFICATE OF COMPLETION

THIS CERTIFIES THAT

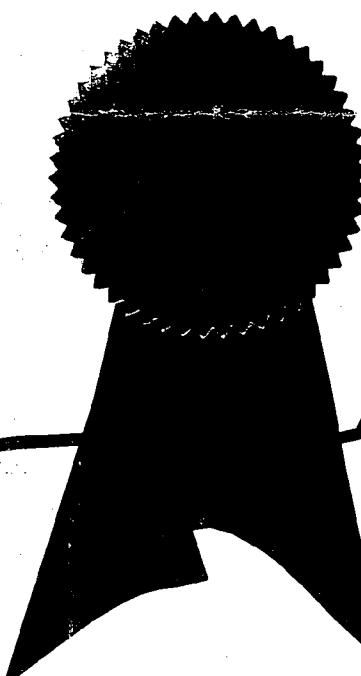
Selvage DZ4871

HAS SUCCESSFULLY COMPLETED

ACT 143 - VICTIM AWARENESS CLASS

on June 4, 2003.

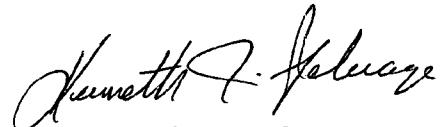

SM Dombrowski
ACADEMIC COUNSELOR



VERIFICATION

I, KENNETH JOHN SELVAGE, Plaintiff pro-se, do hereby verify that the facts set forth in the foregoing document are true and correct to the best of his knowledge, information and belief, and any false statements made herein are subject to the penalties of perjury, 18 Pa. C.S.A. §4904 of the crimes code, relating to unsworn falsification to authorities.

Dated: 6-11-03



Kenneth J. Selvage

PROOF OF SERVICE

I, KENNETH JOHN SELVAGE, hereby certifies 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:

Kemal Alexander Mericli
Senior Deputy Attorney General
6th Floor, Manor Complex
564 Forbes Ave.
Pittsburgh, PA 15219

John E. Janis
Parole Staff Technician
PA State Parole Board
Division of Case Management
1101 South Front Street, Suite 5300
Harrisburg, PA 17104-2519

Dated: 6-11-03



Kenneth J. Selvage

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

cc: file

FILED

NO
CC

10:26 AM
JUN 17 2003

William A. Shaw
Prostheotary

William Shaw
Prothonotary/Clerk of Courts
County Courthouse
P.O. Box 549
Clearfield, PA 16830

June 11, 2003

Re: KENNETH JOHN SELVAGE V. JOHN WILSON
No. 03-58-CD

Dear Clerk Shaw:

Enclosed, please find my Motion to Withdraw Complaint in the above-referenced matter that I respectfully request you to time stamp and file with your office, then forward to the Court for its disposition.

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

Respectfully,



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

cc: Attorney General's Office
PA State Parole Board
file

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

KENNETH JOHN SELVAGE,
Plaintiff

*

*

*

vs.

*

No. 2003-58-C.D.

*

*

*

JOHN WILSON,
Defendant

*

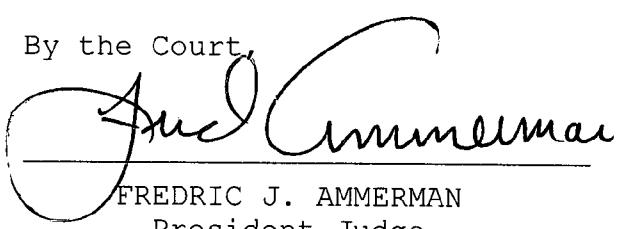
*

*

O R D E R

NOW, this 17th day of September, 2004, the Court having reviewed the Court file in the above captioned action; pertaining to the Plaintiff's pro se Motion to Withdraw Complaint and in consideration of the same, it is the ORDER of this Court that the said Motion to Withdraw Complaint is hereby granted. The Prothonotary shall note that the Complaint has been withdrawn and that the action is discontinued.

By the Court,



FREDRIC J. AMMERMAN
President Judge

FILED

010:05 PM 26 SEP 2004
cc to PCT
cc to Atty Mericle
copy to CJA

SEP 20 2004

William A. Shaw
Prothonotary