

04-513-CD
DAVID A. WILLIAMS VS. F. CORTEZ BELL, III

**David Williams vs. F. Cortez Bell III
2004-513-CD**

CA

2004-513-CD

DAVID A. WILLIAMS
PLAINTIFF

v.

F. CORTEZ BELL, III
Defendant

IN THE COURT OF COMMON PLEAS
CLEARFIELD-COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW
ATTORNEY - MALPRACTICE

APPLICATION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, DAVID A. WILLIAMS, due to my financial condition, am unable to pay the cost of this action, wherefore, I request I be permitted to file In Forma Pauperis.

David Williams
Signature

4/1/04
Date

ORDER

AND NOW, this 6th day of April ^{2004 FJA} 19, upon presentation and consideration of the attached information regarding the request of DAVID

A. Williams to file In Forma Pauperis, said request is hereby GRANTED. Filing Fee is waived.

J. A. Shaw
J.
FILED

APR 13 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED
01-09-04
APR 13 2004

1cc

DSF

SCI Albion

William A. Snavely
Prothonotary/Clerk of Courts

10745 R. 18
Albion, PA 16425

DAVID A. WILLIAMS
PLAINTIFF

v.

F. Cortez Bell, III

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - C4W
ATTORNEY - MAL PRACTICE

CERTIFICATE OF INDIGENCE

1. I am the (plaintiff) (defendant) in the above matter and because of my financial condition am unable to pay the fees and costs of prosecuting or defending the action or proceeding.
2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

(a) Name: DAVID A. WILLIAMS, FD9344

Address: 10745 RT. 18- SCI ALBION

ALBION, PA 16475

Social Security Number: _____

(b) Employment

If you are presently employed, state

Employer: NONE

Address: _____

Salary or wages per month: Gross: 0 Net: 0

Type of work: NONE

Contributions from children: 16

Contributions from parents: Ø

Other contributions: Ø

(e) Property owned

Cash:

Checking account:

Savings account:

Certificates of deposit: 0

Real estate (including home): 0

Motor vehicle: Make Ø Year

Cost \$ _____ Amount Owed \$ _____

Stocks; bonds: \emptyset

Other:

(f) Debts and obligations

Mortgage: ✓

Rent: \$

Loans: Ø

Other: \$

(g) Persons dependent upon you for support

(Wife) (Husband) Name: ① NANCY

If you are presently unemployed, state date of last employment: _____

Salary or wages per month: Gross: _____ Net: _____

(c) Other income within the past twelve months

Business or profession: Ø _____

Other self-employment: Ø _____

Interests: Ø _____

Dividends: Ø _____

Pensions and annuities: Ø _____

Social Security benefits: Ø _____

Support payments: Ø _____

Disability payments: Ø _____

Unemployment compensation & supplemental benefits: Ø _____

Workman's compensation: Ø _____

Public Assistance: Ø _____

Other: SCI ALBION - \$32.00 per month

(d) Other contributions to household support

(Wife) (Husband) Name: Ø _____

If your (Wife) (Husband) is employed, state

Employer: Ø _____

Salary or wages per month: Gross Ø _____ Net: _____

Type of work: Ø _____

Children, if any:

Name: Mokey Age: _____

Other persons:

Name: Mokey _____

Relationship: _____

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

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

4/1/04
Date

David Williams
Petitioner

DAVID A. WILLIAMS,
Plaintiff

: IN THE COURT OF COMMON PLEAS
: CLEARFIELD COUNTY, PENNSYLVANIA
:
: CIVIL ACTION-LAWSUIT 2004-513-CV
: ATTORNEY MALPRACTICE
: JURY TRIAL-DEMANDED
:
:

V.
F. CORTEZ BELL, III
Chip Bell, Defendant

CIVIL ACTION-COMPLAINT
NEGLEGENCE, BREECH OF CONTRACT,
BREECH OF FIDUCIARY DUTY AND,
FRAUDULENT MISREPRESENTATION.

2004-513-CV

FILED

APR 13 2004

William A. Shaw
Prothonotary/Clerk of Courts

NOW COMES, David A. Williams, Plaintiff, pro se, who files this
Civil Action Complaint/Law Suit against the above-captioned defendant
F. Cortez Bell, III, and avers the following:

1. Plaintiff, David Williams, a pro se, inmate currently incarcerated at State Correctional Institutional-Albion, PA 16475.
2. Defendant, F. Cortez Bell, III, an Attorney-at-Law, licenced in the Commonwealth of Pennsylvania, in Partnership with; Bell, Silberblatt, and Wood, at 318 Locust Street, P.O. Box 670, Clearfield, PA 16830.
3. On Sept 9, 2002, the Plaintiff was arrested and represented at a probation revocation hearing on Nov 9, 2002, by attorney Chip Bell/F.Cortez Bell.
4. At this hearing Plaintiff's Probationary sentence was revoked and he was sentenced to Eighteen (18) months to Five (5) years in state prison.
5. On Dec 10, 2002, the defendant represented the Plaintiff at a modification of sentence hearing in which plaintiff's sentence was reduced from (18) months to (3) months to (5) years prison term.
6. The defendant informed the plaintiff's parents that he would file a PCRA if the plaintiff was not released on his minimum sentence of March 26, 2003, and take the necessary legal steps to have him returned to Clearfield County to be "Furloughed" by the court.

7. In March 2003, the plaintiff informed the defendant via mail that his minimum sentence had expired with a copy of the Dept. of Corrections status sheet, which showed a minimum date of 3/26/03 and max date of 9/26/06, and a request to be released on 12/9/03.

8. On Nov 13, 2003, the defendant assured the plaintiff via letter that he would file a Post Conviction Relief Motion for a hearing on 12/9/03.

9. On Nov 26, 2003, David Meholic, Clearfield County Court Administrator, sent notification to the defendant that there was a scheduled hearing on Tuesday Dec 9, 2003, at 2:00 p.m. in court Room No.1 at the courthouse.

10. On Dec 3, 2003, the defendant's secretary, Debra A. Yeager, sent the plaintiff a letter informing of the Dec 9, 2003, hearing.

11. Since the hearing the plaintiff has tried many time via mail and thru his parents via telephone to contact the defendant about the status of his case without any success.

12. At all times relevant hereto and contrary to the Rules of Professional Conduct, plaintiff's constitutional rights, and his legal contractual duties the defendant has completely abandoned the plaintiff without any legal justification and has failed in his duties and legal obligations to his client, and there is a possible conflict of interest if the defendant is now a Deputy District Attorney for Clearfield County.

COUNT 1-NEGLIGENCE

The conduct of the defendant constitutes negligence as follows:

13. Plaintiff incorporates all averments set forth in paragraph 1-13, as though same and fully set forth at length.

14. The defendant willfully violated a standard of care owed to the plaintiff by his failure to contact him, and inform him of all court proceedings, without due cause.

15. Defendant failed to exercise ordinary skill and knowledge in the area of law by misrepresenting his client, in not having him at the hearing.

16. Defendant failed to execute his legal responsibilities of dilligence and care as would be practiced by attorney's in simular circumstances.
17. Defendant neglegently failed to abide by the plaintiff's repeataed request for his court papers and willfully failed to provide the proper legal consultation in protecting the plaintiff right to freedom.
18. The defendant actions and conduct showed a reckless and wanton disregard to the plaintiff's, by willfully disregurading his legal duties.
19. Defendant's actions did cause severe damage and tortous injury to the plaintiff, with extreme emotional and mental anguish. ..
20. Defendant did recklessly with gross neglegence did abandon the plaintiff and constitutional rights, freedom from incarceration, and absence from his family by his indifference to plaintiff's legal case.
21. Plaintiff avers that when he learned that he was abandoned by the defendant thru his negligence to inform him that he was with the DA's office, he was sized with great shock to his system, which has caused him severe emotional, mental, and physical damage requiring medical attention and psycotropic medication. He has also suffered loss of appitite, and will continue to suffer irreversible harm into the future.

WHEREFORE, Plaintiff, David Williams, request this court to enter Judgement in his favor as to Count 1,Negligence, against the Defendant F. Cortez Bell,III, in the amount of One-Hundred Thousand Dollars,(\$100,000.00), for willful negligent abandonment of the Plaintiff.

COUNT II- BREACH OF CONTRACT
DEFENDANT WILLFULLY BREACHED ORAL CONTRACT

22. Plaintiff incorporates herein the allegation in paragraph 1-21, as fully set forth at leght.

23. Defendant actions breached the oral agreement he was ~~had~~ hired to perform as Plaintiff's Attorney.

24. Defendant's legal representation was deficient, when he failed to follow the rules of Professional Conduct by abandoning the Plaintiff and his right to freedom.

25. Defendant had a reckless and wanton disregard for the Plaintiff's legal interest by not informing him that he was to become a Deputy District Attorney, and therefore, would have a conflict of interest with Plaintiff's legal case.

26. Plaintiff was entitled to proper notice of all court decisions, and failure of the defendant to provide notificatia substantially affected his liberty interest and family rights.

27. Absent the defendant's reckles violation of the contract ual agreement the plaintiff would have prevailed and be current ly be released from prison,

28. As a direct and proximate result of the defendant's neg- legent representation, the plaintiff has been denied access to the courts and been wrongly held in priosn.

29. Defendant's reckless and wanton disregard to Plaintiff's legal interest is a matter of record and cannot be disputed, the Plaintiff has suffered pro longed inprisonment, loss of liberty, loss of family love and support, and other such damages that a court may determine during trial.

WHEREFORE, Plaintiff David Williams, request theis Hon- orable Court to enter judgement in his favor against the Defen-

dant F. Cortez Bell,III, in the amount of One Hundred Thousand Dollars (\$100,000.00), for the Count II, Breach of Contract.

COUNT III-BREACH OF FIDUCIARY DUTY

30. Plaintiff incorporates all allegation set forth in paragraph 1-29, as though fully set forth at length.

31. Defendant was in full control of all Plaintiff's legal interest and fraudulently disadvantaged these rights in a unconscionable and tortious manner.

32. Defendant owed the plaintiff a duty of loyalty thru his legal duties and failed to deliver these services as required by law in the Commonwealth of Pennsylvania.

33. Defendant deliberately with gross injustice to his client failed to exercise his best efforts and informing his incarcerated client that he no longer could represent him in his current legal case.

34. Defendant did know or should have known that willful abandonment of the Plaintiff would be cause for a complaint to the Disciplinary Board and also a Civil Law Suit for damages.

35. Defendant dereliction of his legal duties to Mr. Williams, has resulted in untold misery and emotional and mental distress.

36. Defendant had a legal responsibility to give the Plaintiff the finest legal representation he was capable of and he failed to fulfill this obligation.

WHEREFORE, Plaintiff, David Williams, prays that this court enter judgement against the defendant, F. Cortez Bell,III, for infliction of tortious and shameful malpractice, in the amount of One Hundred Thousand Dollars (\$100,000.00), for Count III-BREACH OF FIDUCIARY DUTY.

COUNT IV-FRADULENT MISREPRESENTAION

37. Plaintiff incorporates all allegations as set forth in 1-36, as though same and fully set forth at lenght.

38. Defendant did in fact engage in deceit and misrepresentation by his failure to disclose he would be changing sides and representing the enemy, and that such turn-coat behavior is n fact a violation of established rules of professional standards.

39. Defendant statements to Plaintiff's parents and himself were false at the time when he made them and were made with a knowledge of their falsity or with a reckless disregard for truth and justice.

40. Plaintiff, justifiably relied upon the defendant's legal knowledge, which was intended to induce and did induce plaintiff and family to relieve on such inducement to deliver funding to the defendant to procure his release from incarceration, which henow opposes as his sworn duty to represent the Commonwealth of PA.

41. Defendant's deceit led himself and his family to trust the legal direction of the defendant and pinned all the hopes of family reunification on such deceit.

42. As a direct result of Defendant, F. Cortez Bell,III, Fraud, and deceitful legal representation, the Plaintiff, David Williams, has suffered substantial injurious loss of legal fees, loss of work, income, loss of good health, loss of family, pro longed incarceration at labor, mental and emotional anguish, loss of reputation, and other damages that a honorable court and jury of our peers may decide, therefore the plaintiff ask for damages for Count IV, in the amount of One Hundred Thousand Dollars (\$100,000.00), for a total JUDGEMENT AMOUNT INCLUSIVE OF ALL COUNTS 1,2,3, & 4, of FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00)

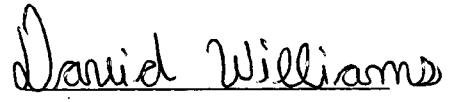
VERIFICATION STATEMENT

I, DAVID WILLIAMS, CERTIFY THAT ALL THE AVERMENTS IN THIS CIVIL SUIT ARE AND CORRECT, UNDER PENALY OF PERJURY AS PRESCIBED BY LAW.

IN FORMA PAUPERIS STATEMENT

I, DAVID WILLIAMS, DUE TO MY INCARCERATION AND INDIGENT STATUS REQUEST TO PROCEED WITHOUT COST TO MY SELF IN FILING THIS CIVIL SUIT IN THE COURT OF COMMON PLES CLEARFIELD COUNTY, AND PRAY THIS COURT ACCEPT SUCH FILING.

DATE: MARCH 19, 2004


David A. Williams, pro se
SCI Albion
10745 RT. 18
Albion, PA 16475

FILED 30C
APR 21 2004
2004
APR 13 2004
PMS

William A. Shaw
Prothonotary, Clerk of Courts

FILED NO
09:49 AM
JUN 07 2004 QAS

William A. Shaw
Prothonotary/Clerk of Courts

IN The court of Common Pleas Clearfield County, Pennsylvania

David A. Williams : CIVIL Division
Petitioner/Plaintiff :
v.s. : # 2004-513- CD
F. Cortez, Bell (Chip Bell) :
Defendant :

"Motion/Application for Assignment of Counsel"

To: The Honorable Judge of said court:

And now. To wit, This (1) DAY of June 2004, Comes The petitioner DAVID A. WILLIAMS Acting pro se, And petitions This Honorable court to Appoint Counsel unto him, Petitioner Avers The following In Support Thereof:

- 1) That petitioner is currently Incarcerated At The State Correctional Facility/ Institution At Albion, S.C.I Albion
- 2) Petitioner Avers He is unlearned In the study of law and desires counsel be appointed by This Honorable court So As to Diligently prepare and Execute proceedings In A proper And timely fashion.
- 3) petitioner has filed with this Honorable court an IN FORMA pauperis petition to let him proceed As an Indigent party And INFORMA pauperis was granted
- 4) (Petitioner As Reiterated Above At #2) Is A Layman of the law & Has not reconized he was able to submit motion to this Honorable court for requested appointment of counsel while filing for INFORMA pauperis status at that current time.

5) Petitioner is Incarcerated and Desires that Counsel be assigned for proceedings as petitioner would like to proceed with Assigned Counsel via permission of the Courts as his Financial status has not improved.

6) Petitioner is unable to obtain private counsel because of his being Incarcerated and is without funds to pay the cost of effective counsel.

Wherefore: for all the reasons stated above petitioner prays this Honorable court recognizes the failure to proceed. Given the circumstances and Grant's Afford's petitioner with the appointment of counsel unto him as requested by & through instant motion so that he may proceed in this matter.

DATE: 6-1-04

Respectfully submitted

David A. Williams

DAVID A. WILLIAMS

O.C # FD9344

10745 route 18

Albion PA, 16475-0002

IN The court of common Pleas of clearfield County, Pennsylvania

DAVID A. WILLIAMS

Petitioner

V.S

F. cortez Bell (Hip Bell)

Defendant

CIVIL DIVISION

2004- 513- CD

Proof of filing And Service

I, the undersigned, hereby certify that I am on this (1) day of June, 2004, filing the "motion for Assignment of Counsel" by placing same in the U.S. mail receptical at S.C.I Albion pursuant to Smith vs. Pa. Board of probation and parole, 546 Pa 115, 125, 683 A.2d. 278, 283(1996) and to be served on the parties indicated below in a manner of designation which service satisfies requirements of Pa. R.A.P. 121 and 124.

- 1) MR. WILLIAMS, A. SHAW, Clearfield County Clerk of Courts, Po Box 549, Clearfield PA, 16830
- 2) District Attorney's office located at the Clearfield County courthouse, Clearfield PA 16830
- 3) Honorable Judge Ammerman, located at the Clearfield County courthouse, Clearfield PA, 16830
- 4) DAVID A. WILLIAMS (D.O.C) # FD9344, 10745 Route 18 Albion PA, 16415-0002

Sign David A Williams

DAVID A. WILLIAMS
PRO se

UNSWORN DECLARATION

I DAVID A. WILLIAMS HEREBY AVER THAT the facts set forth in the forgoing Documents are true and correct to the best of my knowledge, Information and Belief and that any false statements made here-in are subject to penalties under Pennsylvania crimes code 18 PA C.S.A 4904 relating to unsworn falsification to Authorities.

DATE: 6-1-04

Signature: David A Williams

DAVID A. WILLIAMS

D.O.C # FD9344

10745 Route 18 (S.C.I Albion)

Albion PA. 16475-0002

IN The court of Common pleas of Clearfield county Pennsylvania

DAVID A. williams : CIVIL DIVISION
Petitioner : # 2004-513-C.D
v.s
F Cortez Bell (Chip Bell) :

FINAL ORDER of Court

And now to wit This(1) DAY of June, 2004
upon consideration of the within Motion for
Assignment of Counsel It is Hereby ORDERED,
ADJUDGED, and Decreed As follows:

By the court

• J

Name DAVID WILLIAMS
Number FD9344
Unit/Side D-A-17
10745, Route 18
Albion, PA 16475-0002

“Honorable Judge Ammerman
Clearfield County Courthouse
Clearfield PA. 16830

1680 / 2408

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

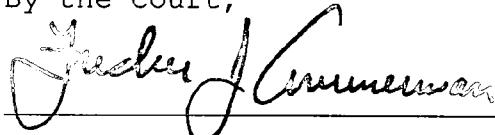
DAVID A. WILLIAMS,
Plaintiff
vs.
F. CORTEZ BELL (CHIP BELL),
Defendant

*
*
*
* No. 2004-513-C.D.
*
*

O R D E R

NOW, this 4th day of June, 2004, the Court being in receipt of the Plaintiff's Motion/Application for Assignment of Counsel; the above captioned matter being a civil case; there being no legal basis for the Court to appoint counsel in a civil case notwithstanding the Defendant being granted In Forma Pauperis standing; it is therefore the ORDER of this Court that the said Motion/Application be and is hereby dismissed.

By the Court,



FREDRIC J. AMMERMAN
President Judge

FILED

JUN 07 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED 2cc Pff
Q: 408X #FD9344
JUN 07 2004
SCI-Aubion
William A. Shaw
Prothonotary/Clerk of Courts
10745 Route 8
Aubion, PA 16475

2cc Def. Bell

LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED OR NO FEE.

ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER

IF YOU CANNOT AFFORD TO HIRE AN ATTORNEY, THIS OFFICE MAY BE

INFORMATION ABOUT HIRING A LAWYER.

OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH

NOT HAVE AN ATTORNEY OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE

YOU SHOULD TAKE THIS PAPER TO YOUR ATTORNEY AT ONCE. IF YOU DO

You may lose money or property or other rights important to you.

in the complaint or for any other claim or relief requested by the plaintiff.

entered against you by the court without further notice for any money claimed

your fail to do so to the case may proceed without you and a judgment may be

or objections to the claims set forth against you. You are warned that if

personally or by attorney and filing in writing with the court your defenses

after this complaint and notice are served, by entering a written appearance

set forth in the following pages, you must take action within twenty (20) days

You have been sued in court. If you wish to defend against the claims

NOTICE TO DEFEND

Defendant:	:	
:	:	
:	:	
:	:	
NO.	:	V.
Plaintiff:	:	
DAVID A. WILLIAMS,	:	

CIVIL ACTION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

CIVIL ACTION

DAVID A. WILLIAMS, :
Plaintiff :
: :
v. : : No.
: :
: :
F. CORTEZ BELL, III, :
Defendant :
:

MOTION TO PROCEED IN FORMA PAUPERIS

1. I am the Plaintiff in the above matter and because of my financial condition am unable to pay the fees and costs of prosecuting or defending the action or proceeding.
2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

(a) Name: David A. Williams FD9344
Address: SCI at Albion
10745 Route 18
Albion, PA 16475-0002
Social Security Number: 160-54-4616

(b) Employment
If you are presently employed, state
Employer: SCI Albion Dietary Department
Address: 10745 Route 18
Albion, PA 16475-0002
Salary or wages per month: \$0.29/hr. (\$40.60/month)
Type of Work: Institutional Dietary Department

(c) Other income within the past twelve months
Business or profession: No
Other self-employment: No
Interest: No
Dividends: No
Pension and annuities: No
Social Security benefits: No
Disability benefits: No
Unemployment compensation and supplemental benefits: No
Workman's compensation: No
Public assistance: No
Other: No

(d) Other contributions to household support
(Wife) (Husband) Name: None
If Wife/Husband is employed, state
Employer: None
Salary or wages per month: None
Type of work: None
Contributions from children: No
Contributions from parents: No
Other contributions: No

(e) Property owned
Cash: No
Checking Account: No
Savings Account: No
Certificate of Deposit: No
Real Estate (including home): No
Motor vechicle: Make Year
Cost Amount Owed \$
Stocks; bonds: No
Other: No

(f) Debts and obligations
Mortgage: No
Rent: No
Loans: No
Other: Courts costs and fines, Clearfield County
No. 1999-0951-CR (\$8,292.81)

(g) Persons dependent upon you for support
(Wife)(Husband) Name: No
Children, if any: No
Other persons: No
Name:
Relationship:

4. I understand that I have a continuing obligation to inform the court of improvement in my financial circumstances which would permit me to pay the cost incurred herein.
5. I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

David A Williams

David A. Williams
FD-9344 D/A 51
SCI at Albion
10745 Route 18
Albion, PA 16475-0002

Date: July 5, 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION

DAVID A. WILLIAMS,	:	
Plaintiff	:	
	:	
V.	:	No.
	:	
	:	
F. CORTEZ BELL, III	:	
Defendant	:	

C O M P L A I N T

FACTUAL BACKGROUND

1. Defendant, F. Cortez Bell, III, is a licensed professional (Attorney at Law) with offices in Clearfield County Pennsylvania. Plaintiff is asserting a professional liability claim against this defendant under Pa.R.Civ.P. 1042.1.
2. Plaintiff, David A. Williams, is an inmate currently incarcerated at the State Correctional Institute at Albion, 10745 Route 18, Albion, PA 16475-0002.
3. On September 9, 2002, the Plaintiff was arrested. Plaintiff was held until a Parole/Probation Revocation Hearing could be done.
4. On November 07, 2002, the Clearfield County Court of Common Pleas, Judge John K. Reilly presiding, held a Parole/Probation Revocation Hearing regarding Plaintiff. Having found that Plaintiff was in violation of his parole resentenced Plaintiff to a minimum term of 18 months and a maximum of 5 years.
5. On or about November 15, 2002, Plaintiff along with his parents, hired Attorney Bell to represent him.
6. On November 18, 2002, Defendant filed a Motion for Reconsideration of Sentence on behalf of Plaintiff.

7. On December 10, 2002, the Clearfield Court of Common Pleas denied said motion but did resentence Plaintiff to a minimum term of 3 months to maximum of 5 years.

8. At this hearing the presiding judge, John K. Reilly Jr., stated that if Plaintiff was not released on his minimum, March 26, 2003, that the Plaintiff could file a PCRA to give the sentencing court jurisdiction and then the court would sentence Plaintiff to time served immediate release with probation.

9. Attorney Bell conveyed this to Plaintiff and his parents.

10. In March 2003, the Plaintiff informed Attorney Bell by letter that Plaintiff's minimum had expired. A copy of the Department of Correction's status sheet was sent as reference. Plaintiff was not yet seen by the Parole Board.

11. On April 25, 2003, Plaintiff was reviewed for parole by the Pennsylvania Board of Probation and Parole (PBPP). The PBPP issued a 16 month hit and a new review date of September 26, 2004.

12. Plaintiff informed Attorney Bell of the PBPP decision by letter.

13. On November 13, 2003, seven months later Attorney Bell assured Plaintiff by letter that he would file a Post Conviction Relief Motion.

14. On November 17, 2003, Defendant filed a motion for Modification of Sentence/PCRA Petition in the Court of Common Pleas of Clearfield County.

15. December 03, 2003, Defendant's secretary sent a letter to Plaintiff informing him of scheduled hearing on his motion. This hearing was to be held on Tuesday, December 09, 2003, at 2:00 p.m. in Courtroom #1.

16. No hearing was held, Attorney Bell failed to show or have Plaintiff present at the hearing. No postponement date was given.

17. On or around the end of December 2003, Judge John K. Reilly Jr. retired. This is the sentencing judge who promised Plaintiff that if he was not released by the PBPP that he would resentence him on a PCRA petition. Judge Reilly was never given the chance because Defendant never showed for the hearing that was scheduled on December 09, 2003.

18. On April 30, 2004, Defendant filed a Motion to Withdraw as counsel. Defendant is currently employed at this time by the Clearfield County District Attorney's Office. Thus causing a conflict of interest with Plaintiff. Motion was granted on May 03, 2004. Plaintiff did not know this until June when he received a letter from the Defendant. The Defendant did not even inform the Plaintiff that he was trying to withdraw as his counsel.

19. Defendant did not inform the Plaintiff that he was hired by the District Attorney's Office thus giving him time to procure other counsel. Plaintiff was under the impression that Defendant still represented him, he was Plaintiff's Attorney of Record according to the Clearfield County docketing statement Plaintiff received.

20. On June 02, 2004, Defendant wrote Plaintiff to inform him of a hearing on Tuesday, June 08, 2004, at 2:00 p.m. This hearing was concerning the original Motion for Modification of Sentence/PCRA Petition Defendant filed on November 17, 2003, that was scheduled to be heard on December 09, 2003.

21. On June 08, 2004, the Clearfield County Court of Common Pleas, Judge Fredric J. Ammerman presiding, denied Plaintiff's Motion for Modification of Sentence/PCRA Petition citing no legal theory or conclusions of law.

22. On June 23, 2004, Plaintiff wrote to Defendant in the hopes that he could collect his legal file off of Defendant so he could perfect an appeal to the Superior Court on his Motion for Modification of Sentence/PCRA that was

denied. Defendant has not or ever returned Plaintiff's phone calls or answered any of Plaintiff's letters.

23. Plaintiff does not have a copy of the motion filed by defendant, and is at a loss to what issues he could raise to the Superior Court. Defendant did not discuss these issues with Plaintiff as he should of according to the Rules of Professional Conduct (Rule 1.4 Communication).

R E L I E F S O U G H T

1. Plaintiff is asking for a trial by jury under Pa.R.Civ.P. 1007.1.
2. Plaintiff is asking for the return of the money paid to the Defendant for the representation he promised. "You will be released on your minimum."
3. Plaintiff is asking for the Defendant to reimburse him for the monies lost if he were released on his minimum. In the amount of \$29,184. (\$8.00/hr. 6 days a week for 76 weeks.)

C O N C L U S I O N

Defendant made a promise to this Plaintiff that he would be released on his minimum date of March 26, 2003. Instead of fulfilling this promise the Defendant chose to abandon this Plaintiff and take a position in the District Attorney's Office. The Defendant could of notified the Plaintiff that he was being considered for this position, instead he chose to hide it until it was to late for Plaintiff to procure other counsel. Defendant could of also asked one of his partner's at the time to handle Plaintiff's case. Defendant was a partner in the law firm of Bell, Silberblatt & Wood. He also had ~~is~~ relative working there, Mr. Richard A. Bell.

From March 2003 until November 2003 Plaintiff sent this Defendant numerous letters trying to find out why he was being held past his minimum when Defendant made a promise to him. Defendant filed a Motion that Plaintiff never received a copy of or told what issues were raised.

Defendant failed to show for a motion hearing on December 09, 2003, being held before Judge John K. Reilly, Jr., thus assuring Plaintiff would be given Post Conviction Relief. Judge Reilly knew the circumstances surrounding Plaintiff's conviction and incarceration and would of resentenced Plaintiff.

Defendant waited until months later, ignoring letters from Plaintiff and his parents, after Judge Reilly retired, to notify him that:

- a. Plaintiff was assigned a new Judge that was not familiar with the case.
- b. Defendant was working for the District Attorney's Office.
- c. Defendant filed a motion to withdraw as Plaintiff's counsel.

Defendant took money from this Plaintiff based on lies and a false promise that he knew he was not going to keep. He deprived this Plaintiff of monies that would of been earned if that promise was kept.

Defendant violated not only the Rules of Professional Conduct set by our courts, but also the Rules of Ethical Conduct followed by those who have respect for their profession.

WHEREFORE, this Plaintiff prays that this Honorable Court grant Plaintiff the relief sought.

Respectfully submitted,
David A. Williams

David A. Williams
FD-9344 D/A 17
10745 Route 18
Albion, PA 16475-0002

Date: July 5, 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION

DAVID A. WILLIAMS,	:	
Plaintiff	:	
	:	
v.	:	No.
	:	
	:	
F. CORTEZ BELL, III	:	
Defendant	:	

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

I state that the averments made in the foregoing Civil Action are true and correct upon my personal knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S. §4904 (relating to the unsworn falsification to authorities).

David A. Williams

David A. Williams
FD-9344 D/A 17
10745 Route 18
Albion, PA 16475-0002

Date: July 5, 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION

DAVID A. WILLIAMS,	:	
Plaintiff	:	
	:	
v.	:	No.
	:	
	:	
F. CORTEZ BELL, III	:	
Defendant	:	

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

I hereby certify that I am this day serving the foregoing Civil Action, upon the persons and in the manner indicated below which service satisfies the requirement of Pa.R.Civ.P. 400.

Service by Sheriff's Department of Clearfield County:

F. Cortez Bell, III	One Copy
Attorney at Law	
318 East Locust Street	
P.O. Box 1088	
Clearfield, PA 16830	

David A. Williams
FD-9344 D/A 17
10745 Route 18
Albion, PA 16475-0002

Date: July 5, 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

CIVIL ACTION

DAVID A. WILLIAMS,
Plaintiff

v.

F. CORTEZ BELL, III,
Defendant

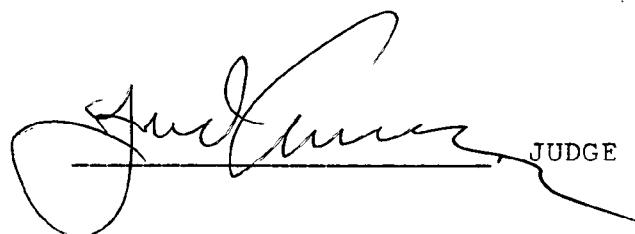
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No. 2004-00513-CD

O R D E R

AND NOW, this 21 day of July, 2004, it is the
ORDER of this court that the Motion for Discontinuance filed by
Plaintiff is hereby GRANTED.

BY THE COURT,



JUDGE

FILED

JUL 21 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED
OCT 30 2004
PAC
JUL 21 2004
William A. Shaw
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION

DAVID A. WILLIAMS, :
Plaintiff :
: :
v. : : No. 2004-00513-CD
: :
F. CORTEZ BELL, III, :
Defendant :
:

FILED

JUL 16 2004

William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR DISCONTINUANCE

Pa. R. C. P. §229

COMES NOW, David A. Williams, plaintiff in the above captioned matter hereby represents the following in his Motion for Discontinuance:

1. On April 14, 2004, Plaintiff filed an action for malpractice against the Defendant. In Forma Pauperis status was granted. No judge was assigned.

2. On June 7, 2004, I received a letter from the Clearfield County Sheriff's Office advising me that they will not serve the defendant of the above captioned case because the time limitations had expired for serving him.

3. On June 10, 2004, I wrote to Mr. William Shaw, Clearfield County Prothonotary/Clerk of Courts asking him why the defendant was not served by the Sheriff's Department and the Sheriff's Department's reason for not serving the Defendant.

4. On June 21, 2004, Mr. Shaw answered my letter by advising me to refer to the Rules of Civil Procedure for legal advice regarding my questions that he is a Prothonotary and stated his duties were filing in documents for the court and not giving legal advice. I explained to Mr. Shaw in my letter that I was an inmate in a state correctional institution and acting pro se in this matter.

5. The Defendant, F. Cortez Bell, III, was never served with this complaint. The Complaint contains numerous errors in the Pennsylvania Rules of Civil Procedure:

- a. No Notice to Defend.
- b. No Certificate of Service.
- c. No proper Verification Statement.
- d. No proper In Forma Pauperis Statement.

6. Plaintiff would ask this honorable court to discontinue said civil action without prejudice.

7. I hereby certify that the facts stated in Plaintiff's Motion for Discontinuance are true and correct, and any false statements may subject me to the penalties under Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Respectfully submitted,

David A. Williams

David A. Williams
FD-9344 D/A 17
10745 Route 18
Albion, PA 16475-0002

Dated: July 12, 2004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION

DAVID A. WILLIAMS, :
Plaintiff :
v. :
: No. 2004-00513-CD
F. CORTEZ BELL, III, :
Defendant :
:

PROOF OF SERVICE

I hereby certify that I am this day serving the foregoing Motion for Discontinuance upon the persons and in the manner indicated below which service satisfies the requirements of Pa.R.Civ.P. 403.

Service by first class mail, postage prepaid and addressed as follows:

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

F. Cortez Bell, III
318 East Locust Street
P.O. Box 1088
Clearfield, PA 16830

David A Williams

David A. Williams
FD-9344 D/A 17
10745 Route 18
Albion, PA 16475-0002

Dated: July 12, 2004

FILED 2cc
JUL 16 2004
WILLIAM A. SHAW
Prothonotary/Clerk of Courts
PA