

Hon. William R. Carpenter  
Court of Common Pleas  
Montgomery County  
Norristown, PA 19404

January 8, 2018

RE: #3151-2015

MOTION FOR RECOURSE

“There is no great injustice caused by the January 27, 2016 order...” “having appointed a Public Defender to represent him.” - Judge William R. Carpenter

In his Opinion dated March 9, 2016, where the issue of jurisdiction is not addressed, Judge Carpenter suggests, “There is no great injustice caused by the January 27, 2016 order in which this Court rescheduled the call of the trial list in this matter, having determined Healy to be incompetent and having appointed a Public Defender to represent him.”

Permitting an assault upon the Defendant’s competence, and permitting an aggressive and malicious prosecutor to prevail where every law applicable to the situation is ignored and offers no protection, is an egregious improper incomprehensible and vile personal attack on the self-esteem, character, reputation and the emotional well-being of the Defendant who has persevered through a malicious prosecution conducted outside any Rule of Law or any Rule of Criminal Procedure.

Abuse of power under color of law with intent to cause severe emotional distress.

There could be no more accurate description for the crime committed by Lauren McNulty regarding the persistent pursuit of the contrived allegation, which she has stalled and delayed for three years. Protection in her persistent abusive prosecution secured by an attorney-client relationship with District Attorney Kevin Steele, and previously by District Attorney Risa Ferman.

The Participation in the crime by this Honorable Court while without jurisdiction to hold hearings in the matter in unconscionable, and inescapable for the Defendant who while represented by a court appointed Public Defender has not been permitted to address the court.

**JUDICIAL NOTICE: Before this Court, this Defendant is without any voice.**

Where this Court has failed to state that jurisdiction is proper, the Defendant challenges the court for an explanation of why there has been a complete and absolute neglect and disregard to indicate proper jurisdiction at any time in the last three years – through three appeals to the Superior Court of Pennsylvania – through one appeal to the Pennsylvania Supreme Court - while jurisdiction has been challenged at every opportunity.

The neglect to address jurisdiction by the District Attorney in this Court and through three appeals to the Superior Court of Pennsylvania. The District Attorney avoiding any indication of jurisdiction by filing a “No Answer Letter” with the Pennsylvania Supreme Court.

**JUDICIAL NOTICE: Non-disclosure of jurisdiction**

Court Ordered representation requires at least some representation.

The absence of any evidence of representation by the Public Defender indicates they have provided NO REPRESENTATION.

Effectively, the Court ordered representation (NO REPRESENTATION) denied the Defendant of ANY representation. It serves to prevent the Defendant from representing himself.

**JUDICIAL NOTICE: Before this Court, this Defendant is denied any right to defend.**

There has been NO REPRESENTATION provided by the Public Defender Office.

There have been no motions or documents filed by the Public Defender Office.

The Public Defender has indicated a refusal to communicate with the Defendant.

- they will not meet
- they will not discuss the case
- they will not speak via telephone
- they will not respond via email
- they will not read any statements filed by the Defendant
- they will not review the case with the Defendant
- they will not plan the defense with The Defendant
- they will not participate in the defense
- they will not permit the Defendant to participate in his defense.

THE PUBLIC STATEMENTS OF THE PUBLIC DEFENDER REGARDING THE REFUSAL TO COMMUNICATE WITNESSED AND CONFIRMED.

- Affidavit of Joan P. Healy
- Affidavit of Todd M. Krautheim, YWF

To allege Ineffective Representation by Counsel regarding the Public Defender would require that there had to be SOME representation to show their ineffectiveness.

BUT, the Public Defender provided NO REPRESENTATION;  
failed to challenge the competency decision – no hearing, no evidence, no testimony, no chance to defend;  
failed to challenge their assignment;  
failed to file briefs and two appeals were dismissed;  
secretly attempted to withdraw the third appeal and was denied;  
secretly raised the third appeal to the Supreme Court while neglecting the issue of jurisdiction (Failing to use the word jurisdiction.);  
failed to appear for several proceedings – leaving the Defendant to fend for himself;  
has filed no motions in this matter;  
has not met with the Defendant to plan a defense;  
refuses to communicate with the Defendant;  
will not identify the attorney assigned to represent the Defendant;  
will not respond to email;



will not respond to phone calls;  
has conducted no discovery;  
has prepared no witness;  
has not reviewed the Information;  
has made no effort to represent the Defendant at any time;  
AND AS OF THIS DATE THE IDENTITY OF THE ASSIGNED PUBLIC DEFENDER REMAINS UNKNOWN.

**There has been MASSIVE injustice demonstrated having appointed a Public Defender.**

Lauren McNulty petitioned for the Defendant to be declared incompetent and appointment of a public defender.

- Her request was granted to the exclusion of the stated intentions of the Defendant.
- Her request was granted to the exclusion of the Rules of Criminal Procedure, the Rules of Civil Procedure and the Mental Health Act.
- The decision was based on neither evidence, testimony, law nor experience.
- Her request was granted while the report for which she paid over \$7700.00 was not yet written.
- It was her's for the asking.

**JUDICIAL NOTICE: Actions without regard for established procedures or the Rule of Law.**

The court appointed Public Defender sabotaged documents filed by the Defendant, and further as indicated in hundreds of emails, The Public Defender failed to respond or permit the Defendant to participate in his own defense.

The Public Defender didn't participate either. The Chief Public Defender persists in his refusal to identify the attorney assigned.

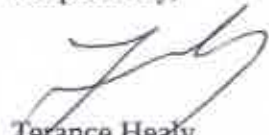
"There is no great injustice caused by the January 27, 2016 order.." "having appointed a Public Defender to represent him."

The Defendant strongly disagrees with that Opinion of the Court. [WITH EMPHASIS ADDED]

The negligence and sabotage by the Public Defender for the last two years contradicts the judges opinion WITH EXTREME PREJUDICE and shows their CONTEMPT for his assignment.

The Public Defender was acting against the interests of the Defendant, an active participant in an abuse of power by the District Attorney from which the Defendant could not be heard, and from which the Defendant could not defend.

Respectfully,



Terance Healy  
Defendant

...since 2007

## SUMMARY

### JUDICIAL NOTICE: Non-disclosure of jurisdiction

Non-disclosure of information relating to jurisdiction.

### JUDICIAL NOTICE: Before this Court, this Defendant is without any voice.

Defendant is prevented from addressing the court.

### JUDICIAL NOTICE: Before this Court, this Defendant is denied any right to defend.

Prevented by Court Appointed Representation – which has provided NO REPRESENTATION. The Defendant is denied any ability to present a defense.

### JUDICIAL NOTICE: Actions without regard for established procedures or the Rule of Law.

The exclusion of the Rules of Criminal Procedure, the Rules of Civil Procedure and the Mental Health Act.

### Attorney-Client Privilege

Protection from prosecution secured by an attorney-client relationship with the DA.

Confidentiality the non-disclosure of information by lawyers.  
Confidentiality denies the Defendant of ANY protection of the law.  
Confidentiality denies the Defendant of EVERY constitutional right.  
Confidentiality undermines the Rule of Law and the system of justice.  
Confidentiality leverages the judiciary held hostage.  
Confidentiality permits an abusive prosecutor to avoid prosecution.

Rule 1.6 Confidentiality of Information, which includes attorney-client privilege, provides for a broader scope of confidentiality by cross-reference and referral throughout the Rule of Professional Conduct.

Rule 1.6 Confidentiality of Information mandates non-disclosure where the information will adversely affect the integrity of the Court; adversely affect the reputation of the Department/Firm; adversely affect the integrity of the legal profession; or adversely affect the client.

The defendant is without any protection of the law, all constitutional rights are not available.

### A Judiciary Held Hostage

Confidential efforts which cause a court to proceed without jurisdiction demonstrate the leverage of the prosecutor over the court and the judiciary. The Court, recognizing a lack of jurisdiction which must be held confidential, is held hostage, losing any judicial independence and decisions leveraged.

Rule 1.6 Confidentiality of Information.

One Law has undermined the Judiciary, the Rule of Law and the US Constitution.

Once injustice is triggered under Rule 1.6, a person has no protection of the law, and all constitutional rights are ignored. There is no recourse. There is no relief. Ever.



## **UNCONSTITUTIONAL**

The unconstitutional actions, collateral affect and the actual experience clearly presented and demonstrated. A witness involved in the unconstitutional experience, and a party affected by the unconstitutional law, have standing to challenge the constitutionality of Rule 1.6.

## **IMPROPERLY ENACTED**

The Pennsylvania Supreme Court rulemaking authority exists "... if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant..."

Rule 1.6 Confidentiality of Information collaterally subverts the rule of law and the constitution, and prevents the rights of a litigant. As such, the Pennsylvania Supreme Court lacked any rulemaking authority for the confidentiality mandate.

## **MOTION FOR JUDICIAL NOTICE OF UNCONSTITUTIONAL LAW**

Rule 1.6 Confidentiality of Information is unconstitutional, no law, a nullity, repugnant to the constitution. It need not be abided. It can provide no authority, nor can it provide any defense.

Defendant respectfully requests this Honorable court affirm the information provided;  
and

Send notice to the Pennsylvania Supreme Court of these findings for their action to remove an improperly enacted and unconstitutional Rule 1.6 Confidentiality of Information;

and

Send notice to the Governor and Legislature intended to prevent any further attempts to coerce or threaten the continued non-disclosure of the unconstitutional collateral affect of an improperly enacted and unconstitutional Rule 1.6 Confidentiality of Information.

## **MOTION TO DISMISS FOR LACK OF JURISDICTION**

Where no longer prevented by an improperly enacted and unconstitutional Confidentiality of Information, the Defendant requests this honorable court indicate the lack of jurisdiction for this matter within this court and order the immediate dismissal of the matter.

## **MOTION FOR REFERRAL FOR STATE / FEDERAL PROSECUTION**

Where no longer prevented by an improperly enacted and unconstitutional Confidentiality of Information, the Defendant respectfully requests this honorable Court, provided with absolute immunity, refer the matter for criminal prosecution to state and federal authorities.

**MOTION FOR IMMEDIATE ARREST**

Where no longer prevented by an improperly enacted and unconstitutional Confidentiality of Information, the Defendant requests this honorable Court contact the Montgomery County Sheriff and order for the IMMEDIATE ARREST and detainment of

Lauren McNulty, Kevin Steele, Risa Ferman, Dean Beers, Denise Marrone

who have conspired and participated to involved this honorable Court in their criminal abuse of power under color of law;

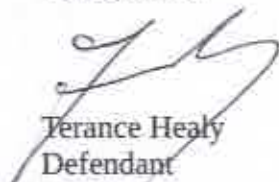
and

crimes denying the Defendant of his constitutional protections;

and

actions to undermine the authority and reputation of the Judiciary which sought to adversely affect the Public Trust in the entire system of justice.

Respectfully,



Terance Healy  
Defendant  
*...since 2007*

Note to Judge Duffy:

I knew the risk. I did my best to inform you of the necessity to protect my constitutional rights. And your ability to do so. You capitulated to the pressures of... lawyers? You permitted Rule 1.6 to be triggered in this matter, to hold the court hostage while harassing and terrorizing the Defendant.

## ENTRY OF FRAUDULENT DATA INTO STATE COMPUTERS

Employees in the Magisterial District Court in Montgomeryville, PA have admitted to their part in the entry of false data into court docket computer system.

The Information which they entered they knew to be incorrect.

The knew that did not have any document, statement or record to support the entry.

They chose to ignore that the information which they were entering was false. They entered it anyway.

They acted to workaroud the computer system programming which would not forward the case to the next court without the entry.

### False Entry #1:

Waiver of Counsel      03-26-2015      Filer: Terance P. Healy      Applies to: Terance P. Healy, Defendant

The existence of the document is false.

The date is false.

The filer is false.

These actions were done to affect the case of the Defendant. (Applies to:)

Court Employees admitted there were no documents to support their entry.

They acted for the purpose of moving the case forward.

Evidence which indicates the data is false exists in written statements by the Defendant and verbal statements by the Defendant.

Evidence which indicates the data is false exists in the Court transcript for the proceeding.

### False Entry #2:

Waiver of Preliminary Hearing      03-26-2015      Filer: Terance P. Healy      Applies to: Terance P. Healy, Defendant

The existence of the document is false.

The date is false.

The filer is false.

These actions were done to affect the case of the Defendant. (Applies to:)

Court Employees admitted there were no documents to support their entry.

They acted for the purpose of moving the case forward.

Evidence which indicates the data is false exists in written statements by the Defendant and verbal statements by the Defendant.

Evidence which indicates the data is false exists in the Court transcript for the proceeding.

Evidence which indicates the data is false exists within the court docket where a Preliminary was scheduled for multiple dates and times AFTER the date of the entry.

03-26-2015 @ 11:15 am

03-26-2015 @ 11:30 am

03-27-2015 @ 11:00 am

04-02-2015 @ 11:30 am

04-09-2015 @ 10:00 am

04-24-2015 @ 9:30 AM



TRANSMISSION VERIFICATION REPORT

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TEL :  
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RESULT	OK
MODE	STANDARD ECM

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Abuse of power under color of law with intent to cause severe emotional distress.

There could be no more accurate description for the crime committed by Lauren McNulty regarding the persistent pursuit of the contrived allegation, which she has stalled and delayed for three years. Protection in her persistent abusive prosecution secured by an attorney-client relationship with District Attorney Kevin Steele, and previously by District Attorney Risa Ferman.



TRANSMISSION VERIFICATION REPORT

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MODE	STANDARD ECM

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MODE	STANDARD ECM

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TRANSMISSION VERIFICATION REPORT

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MODE	STANDARD ECM

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