

IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA	#3151-15 #MJ-38118-CR-0000096-2015
V	Superior Court #3166 EDA 2015 #3234 EDA 2015 #376 EDA 2016
Terance Healy	Supreme Court of Pennsylvania #126 MAL 2017

EMERGENCY MOTION TO STRIKE FALSE DOCUMENTS

TO THE HONORABLE JUDGES OF THE COURT OF COMMON PLEAS:

Defendant, Terance Healy, petitions this court as witness and requests actions to provide immediate relief from two documents provided to him through his mother on Friday, February 2, 2018 and having been personally delivered to his mother by Philip D. Press, Esquire.

Document 1.

MOTION OF STANDBY COUNSEL, et al, (Attached).

This document falsely and incorrectly states that "On or about October 22, 2009, the Defendant was arrested and charged with murder and associated charges."

The sentence is slanderous, libelous and could place the safety of the Defendant in immediate danger.

Document 2 was issued in support of the false and incorrect information.

COMMONWEALTH'S MOTION TO AMEND BILLS OF INFORMATION

Paragraph Number 2 is incomplete. It reads as follows:

"2. The affidavit of probable cause and subsequent discovery outlines a series of"

Paragraph Number 3 amends the Bill of Information to include four (4) counts of Harassment, 2709(a)(3), graded as summaries.

Paragraph Number 3(a) indicates:

"A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person... (3) engages in a course of conduct of repeatedly committed acts which serve no legitimate purpose."

If these false statements, "which serve no legitimate purpose" are intended as a joke, then clearly it has failed. Instead, it is cruel. It causes a dread fear for the possibility of being placed in a shoot first situation with police acting on the grossly incorrect information.

Rule 564. Amendment of Information.


The court may allow an information to be amended, provided that the information as amended does not charge offenses arising from a different set of events and that the amended charges are not so materially different from the original charge that the defendant would be unfairly prejudiced. Upon amendment, the court may grant such postponement of trial or other relief as is necessary in the interests of justice.

Sentence 6 continues with the farce by suggesting the Defendant was aware of the false information which is included in the document. The statement is entirely untrue.

"The proposed amendments do not allege a set of facts which were unknown to the Defense; instead, the Defense had notice of the allegations of the Commonwealth since October of 2009. Therefore the proposed amendments do not affect possible defenses that may be available at time of trial."

Defendant respectfully requests that ANY JUDGE OF THE COURT OF COMMON PLEAS of MONTGOMERY COUNTY take appropriate actions to promptly STRIKE the false documents before the Defendant is executed based on actions relating to this grossly false information.

Defendant demands the immediate removal of Philip D. Press, Esquire from any assignment or responsibility to the Defendant in the interest, where his actions seek to harm the Defendant and his assignment not supported by the proceedings which it purports to reference.



Terance Healy
c/o 871 Mustang Road
Warrington, PA 18976

(215)343-1686

I verify that the facts contained herein are true and correct to the best of my knowledge or information or belief.

I understand that the statements made herein are made subject to the provisions of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.



Terance Healy
c/o 871 Mustang Road
Warrington, PA 18976

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COMMONWEALTH OF PENNSYLVANIA

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Terance Healy

Supreme Court of Pennsylvania
#126 MAL 2017

CERTIFICATE OF SERVICE

I, Terance Healy, hereby certify that I have served a copy of the pleading as follows:

EMERGENCY MOTION TO STRIKE FALSE DOCUMENTS


to be filed on February 5, 2018 with the Clerk of Courts, Norristown, Pennsylvania
and served upon

Judge William R. Carpenter
Judges Chambers

District Attorney Kevin Steele
Montgomery County Courthouse

via interoffice mail within courthouse

Court of Common Pleas Judiciary by fax transmission on Sunday, February 4, 2018.



Terance Healy
c/o/ 871 Mustang Road
Warrington, PA 18976
(215)343-1686

DOCUMENT #1

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

COMMONWEALTH OF PENNSYLVANIA : NO. CR-0003151-2015
v. : OTN : T 631110-4
TERANCE HEALY : TERRORISTIC THREATS

**MOTION OF STANDBY COUNSEL TO *Pro Se* DEFENDANT, TERANCE HEALY,
FOR THE AUTHORIZATION OF COUNSEL TO OBTAIN INVESTIGATIVE
SERVICES PURSUANT TO THE UNITED STATES CONSTITUTION, THE
PENNSYLVANIA CONSTITUTION, UNITED STATES SUPREME COURT AND
PENNSYLVANIA SUPREME COURT JURISPRUDENCE,
THE PENNSYLVANIA RULES OF CRIMINAL PROCEDURE AND THE ABA
GUIDELINES FOR THE APPOINTMENT AND PERFORMANCE OF
DEFENSE COUNSEL IN CRIMINAL CASES**

AND NOW comes *pro se* Defendant, Terance Healy, through Philip D. Press, Esquire, his Standby Counsel, and requests authorization for counsel to obtain the investigative services pursuant to the United States Constitution, the Pennsylvania Constitution, the United States Supreme Court and Pennsylvania Supreme Court Jurisprudence, the Pennsylvania Rules of Criminal Procedure and the ABA Guidelines for the Appointment and Performance of Defense Counsel in Criminal Cases, and in support of this Motion avers as follows:

1. On or about October 22, 2009, the Defendant was arrested and charged with murder and associated charges.
2. On October 24, 2011, the undersigned was appointed pursuant to the United States Constitution, the Pennsylvania Constitution, the United States Supreme Court and Pennsylvania Supreme Court Jurisprudence, and the ABA Guidelines for the Appointment and Performance of Defense Counsel in Criminal Cases.

3. Undersigned counsel believes that the investigative services are essential for an adequate defense pursuant to the United States Constitution.

WHEREFORE, Defendant, Terance Healy, through Standby Counsel, requests that this Court authorize his counsel to secure the investigative services and further requests that payment for said services be made by the Court of Common Pleas of Montgomery County.

Respectfully submitted,

02/02/2018
Date

By: s/PDP
PHILIP D. PRESS, ESQUIRE
Standby Counsel for *pro se*
Defendant, Terance Healy

Dated: 02/01/2018

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

COMMONWEALTH OF PENNSYLVANIA : NO. CR-0003151-2015
v. : OTN : T 631110-4
TERANCE HEALY : TERRORISTIC THREATS

**AFFIDAVIT OF STANDBY COUNSEL IN SUPPORT OF DEFENDANT'S
MOTION FOR AUTHORIZATION OF COUNSEL TO OBTAIN
INVESTIGATIVE SERVICES OF RONALD FELDER OF FELDER AND ASSOCIATES
PURSUANT TO THE UNITED STATES CONSTITUTION, THE PENNSYLVANIA
CONSTITUTION, UNITED STATES SUPREME COURT AND PENNSYLVANIA
SUPREME COURT JURISPRUDENCE, THE PENNSYLVANIA RULES OF
CRIMINAL PROCEDURE, AND THE ABA GUIDELINES FOR THE APPOINTMENT
AND PERFORMANCE OF DEFENSE COUNSEL
IN CRIMINAL CASES**

Philip D. Press, Esquire, being duly sworn according to law, deposes and says:

1. I am an Attorney in good standing and duly admitted to practice law before the Commonwealth of Pennsylvania.
2. I am the Standby Counsel appointed to represent the accused, Terance Healy.
3. Undersigned counsel believes that the investigative services are essential for an adequate defense.
4. Undersigned requests that the Court authorize him to secure said services and further requests that payment be made by the Court of Common Pleas of Montgomery County.
5. Counsel hereby certifies that the services requested are essential to:
 - (a) adequate preparation of the case for trial; and

- (b) necessary to provide the accused with the Sixth Amendments right of effective assistance of counsel.

02/02/2018
Date

By: s/PDP
PHILIP D. PRESS, ESQUIRE

PHILIP D. PRESS, ESQUIRE
PA ATTORNEY ID No. 306374
411 CHERRY STREET
NORRISTOWN, PA 19401
philip.press@gmail.com

STANDBY COUNSEL
FOR PRO SE DEFENDANT

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

COMMONWEALTH OF PENNSYLVANIA : NO. CR-0003151-2015
v. : OTN : T 631110-4
TERANCE HEALY : TERRORISTIC THREATS

CERTIFICATE OF SERVICE

Pursuant to Pa. R. Crim. P 576, I hereby certify that a true and correct copy of the within Request was served on the following days and by the methods indicated below:

Mr. Terance Healy, *pro se*
871 Mustang Road
Warrington, PA 18976
Via email on February 2, 2018

Office of the Montgomery County District Attorney
Montgomery County Courthouse
Norristown, PA 19401
Via email on February 2, 2018

Montgomery County Criminal Clerk of Courts
Montgomery County Courthouse
Norristown, PA 19401
Via hand delivery on February 2, 2018

02/02/2018

Date

By:

s/PDP

Philip D. Press, Esquire
PA Bar ID No. 306374
Attorney for Mr. Terance Healy
411 Cherry Street
Norristown, PA 19401
philip.press@gmail.com

DOCUMENT #2

caricatures."

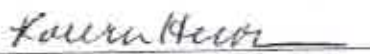
- c. Harassment, 18 Pa.C.S. § 2709(a)(7): "A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person...(7) communicates repeatedly in a manner other than specified in paragraphs (4), (5) and (6).
 - d. Stalking, 18 Pa.C.S. § 2709.1(a)(2): "A person commits the crime of stalking when the person either... (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.
2. The affidavit of probable cause and subsequent discovery outlines a series of
 3. The Commonwealth respectfully requests permission to amend the Bill of Information to include four (4) counts of Harassment, § 2709(a)(3), graded as summaries. The subsection of Harassment states:
 - a. "A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person...(3) engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose."
 4. The Commonwealth submits that Pennsylvania Rule of Criminal Procedure 564 permits the amendment of the Bills of Information in the instant case. Rule 564, effective December 21, 2017 states:

The court may allow an information to be amended, provided that the information as amended **does not charge offenses arising from a different set of events and that the amended charges are not so materially different from the original charge** that the defendant would be unfairly prejudiced. Upon amendment, the court may grant such postponement of trial or other relief as is necessary in the interests of justice.

5. The Commonwealth believes and avers that the summary Harassment is a lesser included offense and/or a cognate offense to the offenses already charged. Nearly all elements are included in other offenses, and no new action is alleged.
6. The proposed amendments do not allege a set of facts which were unknown to the Defense; instead, the Defense had notice of the allegations of the Commonwealth since October of 2009. Therefore the proposed amendments do not affect possible defenses that may be available at the time of trial.
7. Therefore, the Defendant suffers no prejudice by the proposed amendment. See Commonwealth v. Davalos, 779 A.2d 1190, 1194 (Pa. Super., 2001).

WHEREFORE, the Commonwealth respectfully requests that this Honorable Court grant the Commonwealth's Motion to Amend the Bills of Information to add four (4) counts of Harassment, 18 Pa.C.S. § 2709(a)(3) – Summary.

Respectfully submitted,



Lauren Heron
Assistant District Attorney

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA-
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA : No. 3151-2015
 :
 v. :
 :
 TERANCE HEALY :
 :

PUBLIC ACCESS POLICY CERTIFICATON

I certify that this filing complies with the provisions of the *Public Access Policy of the Uniform Judicial Systems of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.


Lauren Heron
Assistant District Attorney

