

Emergency Motion Challenges Bail Denial and Sealed Judicial Assignment of Former Penn State Student Agostino Abbatiello

The 88-page filing includes 17 exhibits with underlying texts, emails, court records, sealed orders and comparative bail information.

CENTRE COUNTY, PA, UNITED STATES, September 1, 2026 /EINPresswire.com/ -- [Attorney Philip M. Masorti](#), counsel for Agostino Sebastiano Abbatiello, has [filed an emergency motion](#) in the Court of Common Pleas of Centre County, Pennsylvania, seeking Abbatiello's immediate release on recognizance and judicial review of the process used to designate the issuing authority in his case.

The filing, titled Emergency Motion to Set Bail at R.O.R.; Motion to Vacate Order Dated August 6, 2026; Motion to Continue Preliminary Hearing, asks the Court to:

Release Abbatiello on his own recognizance;

Vacate the August 6, 2026 order designating Magisterial District Judge Kelley Gillette-Walker as the issuing authority; and

If bail is granted, continue the preliminary hearing until after October 14, 2026.

The defense contends that the designation was obtained through a sealed, ex parte proceeding without reasonable notice or an opportunity for the defense to respond. The motion further alleges that no hearing, transcript or other record of that proceeding exists. Among the supporting exhibits is an August 31 email from a court reporter concerning the absence of a



Attorney Philip Masorti Files Emergency Motion Challenges Bail Denial and Sealed Judicial Assignment in Agostino Abbatiello Case



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*Philip M. Masorti, Attorney for
Agostino Abbatiello*

record.

The motion also raises questions regarding the denial of bail. According to the defense’s comparative exhibit, Abbatiello was the only defendant among those listed who was denied bail, while other defendants received recognizance or unsecured bail.

The filing states that Abbatiello has no criminal record, voluntarily surrendered on August 18 after traveling from

Boca Raton, Florida, and has relinquished his passport to Masorti.

“This motion raises issues that extend well beyond a routine disagreement over bail,” Masorti said. “We are asking the Court to examine serious procedural and constitutional concerns surrounding how this case was handled, including the circumstances under which the regularly situated issuing authority was bypassed through a sealed, ex parte proceeding.

“The defense maintains that Agostino Abbatiello is entitled to the same fundamental protections afforded to every accused person: the presumption of innocence, due process, a fair and impartial proceeding, and the constitutional protections governing pretrial detention.

“The motion places the relevant facts and procedural history before the Court and asks for judicial review of what occurred. Among the relief we are seeking is Mr. Abbatiello’s release on recognizance and the vacating of the August 6 order concerning the designation of the issuing authority.

“These are serious matters. Our justice system depends not only upon fair outcomes, but upon fair and transparent processes used to reach those outcomes. We intend to pursue these issues vigorously through the appropriate judicial process and will continue to protect Mr. Abbatiello’s constitutional rights.”

The [complete 88-page filing contains 17 exhibits](#) detailing the underlying text messages, emails, correspondence and court records cited by the defense. They include communications involving Masorti, Detective Donald Paul, Senior Deputy Attorney General Megan McGoron and MDJ Gillette-Walker, as well as the August 6 petition and sealed order, the August 31 court-reporter email and comparative bail information.

All allegations against Abbatiello remain unproven, and he is presumed innocent unless and until proven guilty in a court of law.

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