

NO. 22-6245

IN THE  
SUPREME COURT OF THE UNITED STATES

WADE PLAIR

PETITIONER

VS.

SUPREME COURT OF PENNSYLVANIA, et. al.

(W.D. Pa. CIV No. 3 : 21 -cv- 00163 )

( CA. NO. 22-1186 3<sup>RD</sup>. CIR )

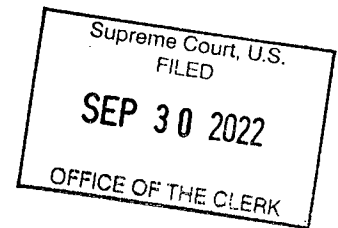
RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

CA. NO. 22-1186

PETITION FOR WRIT OF CERTIORARI



FILED BY : WADE PLAIR, PRO SE

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## QUESTIONS PRESENTED FOR REVIEW

1. DOES INTENTIONAL PROSECUTORIAL MISCONDUCT DISQUALIFY THE TRIAL COURT FROM PURSUING A SECOND PROSECUTION OF THE SAME CASE. ?

Answered in the negative by the court below

2. WHEN A COMMON PLEAS COURT TRIAL JUDGE, PRESIDES OVER A CASE, IN ONE JURISDICTION, AND PRESIDES OVER THE SAME CASE IN A DIFFERENT JURISDICTION, BARRED BY THE DOUBLE JEOPARDY CLAUSE OF THE 5<sup>TH</sup>. AMENDMENT OF THE UNITED STATES CONSTITUTION. ?

Answered in the negative by the court below

3. WHEN A COURT ADMINISTRATIVE OFFICE FAILS TO PERFORM MINISTERIAL AND MANDATORY DUTIES CORRECTLY, IN VIOLATION OF THE DUE PROCESS AND EQUAL PROTECTION CLAUSES OF THE 14<sup>TH</sup>. AMENDMENT OF THE UNITED STATES CONSTITUTION. ?

Answered in the negative by the court below

4. WHEN AN ASSISTANT DISTRICT ATTORNEY, INTENTIONALLY MISREPRESENTS, STATUTES AND PROVISIONS OF LEGISLATIVE LAW, IN VIOLATION OF THE TAMPERING WITH RECORDS ACT, AND OBSTRUCTION OF JUSTICE. ?

Answered in the negative by the court below

5. WHEN THE STATE AND FEDERAL APPELLATE COURTS FAIL TO ADDRESS THE ISSUE OF DOUBLE JEOPARDY UNDER THE 5<sup>TH</sup>. AMENDMENT OF THE UNITED STATES CONSTITUTION, DOES THAT, IN ESSENCE MAKE THE CLAIM VOID.?

Answered in the negative by the court below

6. WHEN A COMMON PLEAS COURT JUDGE DELIBERATELY IMPEDES THE FILING OF APPEALS TO THE APPELLATE COURT, AND TAKES ACTIONS BEYOND ITS POWER CONFERRED ON IT BY LAW (JURISDICTION) IN VIOLATION OF THE DUE PROCESS AND EQUAL PROTECTION CLAUSE OF THE 14<sup>TH</sup>. AMENDMENT OF THE UNITED STATES CONSTITUTION.

Answered in the negative by the court below

(1)

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(1)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED :

1. DOUBLE JEOPARDY CLAUSE OF THE 5<sup>TH</sup>. AMENDMENT OF THE UNITED STATES CONSTITUTION
2. DUE PROCESS AND EQUAL PROTECTION CLAUSE (S) OF THE 14<sup>TH</sup>. AMENDMENT OF THE UNITED STATES CONSTITUTION.

3. STATUTORY PROVISIONS : STATEMENT OF THE CASE :	PAGE NO. :
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STATEMENT OF THE CASE :

1. ON APRIL 25, 2019 THE PETITIONER, WADE PLAIR, WAS CHARGED BY THE BLAIR COUNTY, ALTOONA, PENNSYLVANIA, POLICE DEPARTMENT AND CHARGED FOR AN ALLEGED INCIDENT THAT OCCURRED ON APRIL 11, 2019 AS FOLLOWS :

18 PENNSYLVANIA C.S.A. 5503(A)(1) DISORDERLY CONDUCT-ENGAGED IN FIGHTING  
18 PENNSYLVANIA C.S.A. 3503(B)(1) DEFIANT TRESPASS POSTED  
18 PENNSYLVANIA C.S.A. 2709(A)(1) HARRASSMENT-SUBJECT/TO PHYSICAL CONTACT

2. MAY 3, 2019 THE BLAIR COUNTY, PENNSYLVANIA, ALTOONA HOUSING AUTHORITY FILED: A LEASE TERMINATION NOTICE/NOTICE TO QUIT EVICTION, AGAINST THE PETITIONER, BASED ON THE FOLLOWING CHARGES :

18 PENNSYLVANIA C.S.A.5503(A)(1) DISORDERLY CONDUCT-ENGAGED IN FIGHTING  
18 PENNSYLVANIA C.S.A. 3503 DEFIANT TRESPASS POSTED  
18 PENNSYLVANIA C.S.A. 2709 HARRASSMENT-SUBJECT/TO PHYSICAL CONTACT

- PLEASE VIEW ATTACHMENT APPENDIX (A)

3. MAY 29, 2019 THE CASE WAS WAIVED TO : BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, CRIMINAL DIVISION, DOCKETED AT: CP-07-CR-00001231-2019

- PLEASE VIEW ATTACHMENT APPENDIX (B)

4. JUNE 20, 2019 FORMAL ARRAIGNMENT WAS WAIVED, THE PETITIONER, REQUESTED : TRIAL BY JURY, BLAIR COUNTY, PENNSYLVANIA,COMMON PLEAS COURT, CRIMINAL DIVISION, DOCKETED AT : CP-07-CR-00001231-2019

\*PLEASE VIEW ATTACHMENT APPENDIX (C)

5. JUNE 28, 2019 THE PRIVATE LAW FIRM, HABERSTROH, SULLIVAN & GEORGE WAS CONTACTED AND RETAINED BY THE BLAIR COUNTY, PENNSYLVANIA, HOUSING ALTOONA HOUSING AUTHORITY V. WADE PLAIR DOCKET NO. 2019 GN 1764  
18 PENNSYLVANIA C.S.A. 5503(A)(1) DISORDERLY CONDUCT-ENGAGED IN FIGHTING  
18 PENNSYLVANIA C.S.A. 3503(B)(1) DEFIANT TRESPASS POSTED  
18 PENNSYLVANIA C.S.A. 2709(A)(1) HARASSMENT-SUBJECT/TO PHYSICAL CONTACT

- PLEASE VIEW ATTACHMENT APPENDIX (D)

6. ON JULY 24, 2019 BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, CIVIL DIVISION, JUDGE TIMOTHY M. SULLIVAN, FILED AN ORDER TO THE COURT ADMINISTRATOR, TO SCHEDULE A TRIAL BY JURY, COURT DATE.

- PLEASE VIEW ATTACHMENT APPENDIX (E)

THE CHARGES PREVIOUSLY LISTED :

18 PENNSYLVANIA C.S.A. 5503(A)(1) DISORDERLY CONDUCT-ENGAGED IN FIGHTING

18 PENNSYLVANIA C.S.A. 3503 (B)(1) DEFIANT TRESPASS POSTED

18 PENNSYLVANIA C.S.A. 2709 (A)(1) HARASSMENT-SUBJECT/TO PHYSICAL CONTACT

7. JULY 25, 2019 BLAIR COUNTY COURT ADMINSTRATOR, THOMAS M. PRICE SCHEDULED A NON-JURY TRIAL DATE: NOVEMBER 22, 2019 :

ALTOONA HOUSING AUTHORITY V. WADE PLAIR 2019 GN 1764

- PLEASE VIEW ATTACHMENT APPENDIX (F)

8. HERE : CIVIL COURT JUDGE TIMOTHY M. SULLIVAN ATTEMPTS TO AFFECT AN EVICTION BASED SOLELY ON THE CRIMINAL CHARGES STILL PENDING IN CRIMINAL COURT. JUDGE SULLIVAN DOES NOT HAVE THE LEGAL "SUBJECT MATTER JURISDICTION" TO ADJUDICATE A CRIMINAL TRIAL, IN CIVIL COURT.

42 PENNSYLVANIA C.S.A. 952 ORGANIZATION OF COURTS OF COMMON PLEAS

NOTE : (2) TRANSFER OF CASES : "[P]ROVISION THAT "EACH DIVISION OF THE COURT IS VESTED WITH THE FULL JURISDICTION OF THE WHOLE COURT." BUT THE BUSINESS OF THE COURT MAY BE ALLOCATED AMONG THE DIVISIONS GIVES EVERY DIVISION OF THE COURT OF COMMON PLEAS JURISDICTION TO TRANSFER ANY CASES PROPERLY HEARD IN A COURT OF COMMON PLEAS TO PROPER DIVISION HAVING "SUBJECT MATTER" OVER THAT PARTICULAR MATTER. BUT DOES NOT GIVE EVERY DIVISION JURISDICTION TO HEAR ANY MATTER THAT CAN BE BROUGHT IN THE COURT OF COMMON PLEAS, SINCE POWER AND AUTHORITY OF COURT OF COMMON PLEAS IS DEFINED AND LIMITED BY LEGISLATION WHICH VEST LIMITED AND .....

AND EXCLUSIVE JURISDICTION IN ONE JURISDICTION, IN ONE DIVISION.

COM. V. JOHNSON 669 A2D. 315, 542 SUPER. 1995 COURT LAW KEY 50, KEY 487 (1).

PENNSYLVANIA JUDICIARY & JUDICIAL PROCEDURE :

42 PENNSYLVANIA C.S.A. 931 NOTE: (18) "PRIMARY JURISDICTION DOCTRINE"

"[T]HE DOCTRINE OF PRIMARY JURISDICTION ALLOWS THE TRIBUNAL WHICH FIRST OBTAINED JURIDICITION TO HOLD IT TO THE EXCLUSION OF THE OTHER UNTIL THE FIRST TRIBUNAL'S JURIDICITION IS EXHAUSTED.

NEWSUAN V. DEPT. OF CORRECTIONS 853 A2D. 409, CMWLTH. 2004. CRIMINAL LAW KEY 100 (3)

9. JULY 31, 2019 THE PETITIONER FILED : ANSWER TO READINESS AGAINST, THE PLAINTIFFS, CITING : PENNSYLVANIA CONSTITUTION ARTICLE 1/6 DECLARATIONS OF RIGHTS. TRIAL BY JURY

- PLEASE VIEW ATTACHMENTS APPENDIX (G) 2 PAGES
- BLAIR COUNTY PROTHONOTARY CIVIL CASE PRINT : 14733809202019-PYS510

10. AUGUST 30, 2019, THE PETITIONER FILED A NOTICE OF APPEAL, TO THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, CITING : AN ETHICAL CONFLICT, WITH BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, CIVIL DIVISION, JUDGE TIMOTHY M. SULLIVAN. AND THE PETITIONER'S RIGHT TO TRIAL BY JURY.

- PLEASE VIEW ATTACHMENTS APPENDIX (G) 2 PAGES
- BLAIR COUNTY PROTHONOTARY CIVIL CASE PRINT 14733809202019-PYS-510

11. AUGUST 30, 2019 BLAIR COUNTY PROTHONOTARY, ROBIN G. PATTON FILED THE PETITIONER'S APPEAL. HOWEVER : (SHE) FAILED TO TRANSMIT THE ORIGINAL RECORD TO THE APPELLATE COURT, IN VIOLATION OF : PENNSYLVANIA RULES OF APPELLATE PROCEDURE: RULE 905 (B) TRANSMISSION OF RECORDS TO THE APPELLATE COURT(S).

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12. BLAIR COUNTY PROTHONOTARY, ROBIN G. PATTON, RETURNED THE FILINGS TO BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, CIVIL DIVISION JUDGE TIMOTHY M. SULLIVAN. IN VIOLATION OF :  
THE DUE PROCESS AND EQUAL PROTECTION CLAUSE (S) OF THE 14<sup>TH</sup>. AMENDMENT OF THE UNITED STATES CONSTITUTION : FAILURE TO PERFORM PURELY MANDATORY AND MINISTERIAL DUTIES CORRECTLY.

13. SEPTEMBER 4, 2019 JUDGE SULLIVAN PROMPTLY AND WITHOUT LEGAL JURISDICTION PROMPTLY "QUASHED" THE FILED APPEAL.

PENNSYLVANIA JUDICIARY AND JUDICIAL PROCEDURE :

42 PENNSYLVANIA C.S.A. 742 : THE SUPERIOR COURT OF PENNSYLVANIA SHALL HAVE EXCLUSIVE JURISDICTION OF ALL APPEALS FROM ORDERS OF THE COURTS OF COMMON PLEAS. THIS GIVES THE SUPERIOR COURT THE POWER TO ADJUDICATE AN ACTION TO THE EXCLUSION OF ALL OTHER COURTS.

- PLEASE VIEW ATTACHMENTS APPENDIX (G) PAGE (2)

"[W]HEN A COURT TAKES ACTION BEYOND POWER CONFERRED ON IT BY LAW (JURISDICTION ITS ACTION IS A NULLITY AND OBJECTION TO IT CANNOT BE WAIVED."

COM. V. BOERNER 422 A2D. 583, 281 PA. SUPER 505 SUPER. (1980)

14. SEPTEMBER 16, 2019 THE PETITIONER FILED TWO (2) APPEALS TO THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, AND BLAIR COUNTYPROTHONOTARY ROBIN G. PATTON, FAILED TO TRANSMIT THE ORIGINAL RECORD TO THE APPELLATE COURT. \* PLEASE VIEW ATTACHMENT APPENDIX (G)

- BLAIR COUNTY PROTHONOTARY CIVIL CASE PRINT 14733809202019 PYS-510
- VIOLATION OF: THE DUE PROCESS AND EQUAL PROTECTION CLAUSE (S) OF THE 14<sup>TH</sup>. AMENDMENT OF THE UNITED STATES CONSTITUTION. FAILURE TO PERFORM PURELY MANDATORY AND MINISTERIAL DUTIES CORRECTLY.

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15. SEPTEMBER 19, 2019 BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT  
JUDGE TIMOTHY M. SULLIVAN, WITHOUT LEGAL JURISDICTION "QUASHED" THE  
PETITIONER'S APPEAL (S). \* PLEASE VIEW ATTACHMENT APPENDIX (G) PAGE (2)

- BLAIR COUNTY PROTHONOTARY CIVIL CASE PRINT 14733809202019 PYS-510
- PLEASE VIEW ATTACHMENT APPENDIX (I)

16. SEPTEMBER 23, 2019 THE PRIVATE LAW FIRM, HABERSTROH SULLIVAN & GEORGE  
WHOM REPRESENTS THE BLAIR COUNTY, ALTOONA HOUSING AUTHORITY, IN THIS  
MATTER, REQUESTS JUDGE TIMOTHY M. SULLIVAN TO RECUSE FROM THE CASE.

- PLEASE VIEW ATTACHMENT APPENDIX (J)

17. OCTOBER 9, 2019 BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, CIVIL  
DIVISION, JUDGE TIMOTHY M. SULLIVAN, RECUSES FROM THE CASE.

- PLEASE VIEW ATTACHMENT APPENDIX (K)

18. OCTOBER 28, 2019 THE PETITIONER FILED, A WRIT OF MANDAMUS, TO THE SUPREME  
COURT OF PENNSYLVANIA, WESTERN DISTRICT, CITE: INTENTIONAL PROSECUTION  
MISCONDUCT : JUDGE TIMOTHY M. SULLIVAN "QUASHING" WITHOUT LEGAL  
JURISDICTION, THE APPEALS. AND BLAIR COUNTY PROTHONOTARY, ROBIN G. PATTON  
FOR (HER) FAILURE TO TRANSMIT THE ORIGINAL RECORD TO THE APPELLATE COURT.

19. NOVEMBER 15, 2019 THE SUPREME COURT OF PENNSYLVANIA, WESTERN DISTRICT,  
DOCKETED THE CASE AT : PLAIR W. PET. V. BLAIR COUNTY ET. AL. 109 WM 2019.

- PLEASE VIEW ATTACHMENT APPENDIX (L)

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20. NOVEMBER 20, 2019 BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, JUDGE DANIEL J. MILLIRON, FILED A FINAL ORDER, TO WITHDRAW THE PROSECUTION OF THE CASE AT : ALTOONA HOUSING AUTHORITY V. WADE PLAIR 2019 GN 1764

- PLEASE VIEW ATTACHMENT APPENDIX (M)

21. FOURTEEN (14) MONTHS LATER, BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, JUDGE DANIEL J. MILLIRON, FILED TO RE-PROSECUTE THE CASE :  
COMMONWEALTH OF PENNSYLVANIA V. WADE PLAIR CP-07-CR-00001231-2019  
18 PENNSYLVANIA C.S.A. 5503(A)(1) DISORDERLY CONDUCT-ENGAGED IN FIGHTING  
18 PENNSYLVANIA C.S.A. 3503(B)(1) DEFIANT TRESPASS POSTED  
18 PENNSYLVANIA C.S.A. 2709(A)(1) HARASSMENT/SUBJECT TO PHYSICAL CONTACT

22. JANUARY 6, 2021 THE PETITIONER, FILED A MOTION TO BARR PROSECUTION, IN BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, CRIMINAL DIVISION :  
42 PENNSYLVANIA RULES OF CRIMINAL PROCEDURE  
18 PENNSYLVANIA C.S.A. 109 (2) PROSECUTION BARRED BY FORMER PROSECUTION  
18 PENNSYLVANIA C.S.A. 111 (2) PROSECUTION BARRED FORMER/ANOTHER JURISDICTION  
VIOLATION OF THE DOUBLE JEOPARDY CLAUSE OF THE 5<sup>TH</sup>. AMENDMENT OF THE UNITED STATES CONSTITUTION.

- PLEASE VIEW ATTACHMENT APPENDIX (N)

23. JANUARY 12, 2021 BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, JUDGE DANIEL J. MILLIRON, FILED A FINAL ORDER, DENYING, THE DOUBLE JEOPARDY CLAIM.

- PLEASE VIEW ATTACHMENT APPENDIX (O) 3 PAGES

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THE PETITIONER, STATES THAT : THE APPEAL FROM THE ORDER OF JANUARY 12, 2021 WAS A FINAL ORDER. \* PLEASE VIEW ATTACHMENT APPENDIX (O) 3 PAGES AT: PAGE (3) BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, CRIMINAL DIVISION, JUDGE DANIEL J. MILLIRON : [QUOTE] "[T]HE MOTION TO SUPPRESS WILL CONTINUE FORWARD AND THIS ORDER IS A FINAL ORDER ISSUED AFTER APPROXIMATELY ONE HOUR OF TESTIMONY SIMPLY AS A ROADMAP SO THIS MATTER MAY MOVE FORWARD."

42 PENNSYLVANIA C.S.A. 742 ORGANIZATION APPELLATE COURT JURISDICTION :

"[A] "FINAL ORDER" IS AN ORDER THAT EITHER ENDS LITIGATION OR DISPOSES OF ENTIRE CASE. PULLIAM V. LAUREN SCHOOL DIST. 562 A2D. 1380, 316 PA.SUPER.SUPER. 1983 APPEAL AND ERROR KEY 80 (1)

42 PENNSYLVANIA C.S.A. 742 (24) INTERLOCUTORY ORDERS, IN GENERAL

INTERLOCUTORY ORDER IS CONSIDERED FINAL AND IMMEDIATELY APPEALABLE UNDER EXCEPTION FOR COLLATERAL ORDERS, IF, (1) IT IS SPERARABLE AND COLLATERAL TO MAIN CAUSE OF ACTION ; (2) RIGHT INVOLVED IS TOO IMPORTANT TO BE DENIED REVIEW AND (3) QUESTION PRESENTED IS SUCH THAT IF REVIEW IS POSTPONED UNTIL FINAL JUDGEMENT IN CASE CLAIMED RIGHT WILL BE IRREPARABLY LOST.

COM. V. JOHNSON 705 A2D. 850, 550, PA. 298 SUP. 1998 CRIMINAL LAW 1023 (3)

42 PENNSYLVANIA C.S.A. 742 JUDICIARY & JUDICIAL PROCEDURE

2. SCOPE OF JURISDICTION GENERALLY :

PENNSYLVANIA SUPERIOR COURT WAS A COURT OF GENERAL JURISDICTION WITHIN THE MEANING OF WIRETAP STATUTE AND THUS COMPETENT TO AUTHORIZE WIRETAPS; UNDER PENNSYLVANIA LAW, SUPERIOR COURT EXERCISED GENERAL JURISDICTION OVER ALL APPEALS FROM THE COURT OF COMMON PLEAS REGARDLESS OF THE NATURE OF THE CONTROVERSY.

U.S. V MASTRONARDO E.D. PA. 2013 987 F.SUPP. 2D. 545 TELECOMMUNICATIONS KEY 1463.

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24. FEBRUARY 3, 2021 THE PETITIONER FILED AN APPEAL TO THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, FROM THE FINAL ORDER OF COMMON PLEAS COURT JUDGE DANIEL J. MILLIRON DATED : JANUARY 12, 2021.

- PLEASE VIEW ATTACHMENT APPENDIX (P)

18 PENNSYLVANIA C.S.A. 109 (2) "[W]HEN PROSECUTION IS BARRED BY FORMER PROSECUTION FOR THE SAME OFFENSE.

WHEN PROSECUTION IS FOR A VIOLATION OF THE SAME PROVISION OF THE STATUTES AND IS BASED UPON THE SAME FACTS AS A FORMER PROSECUTION IT IS BARRED BY SUCH FORMER PROSECUTION UNDER THE FOLLOWING CIRCUMSTANCES :

(2) THE FORMER PROSECUTION WAS TERMINATED, AFTER INDICTMENT HAD BEEN FOUND, BY A FINAL ORDER OR JUDGEMENT FOR THE DEFENDANT, WHICH HAD NOT BEEN SET ASIDE, REVERSED OR VACATED AND WHICH NECESSARILY REQUIRED A DETERMINATION CONSISTENT WITH A FACT OR LEGAL PROPOSITION THAT MUST BE ESTABLISHED FOR CONVICTION OF THE OFFENSE.

18 PENNSYLVANIA C.S.A. 111 (2) "[W]HEN PROSECUTION IS BARRED BY FORMER PROSECUTION IN ANOTHER JURISDICTION.

WHEN CONDUCT CONSTITUTES AN OFFENSE WITHIN THE CONCURRENT JURISDICTION OF THIS COMMONWEALTH AND OF THE UNITED STATES OR ANOTHER STATE, A PROSECUTION IN ANY SUCH OTHER JURISDICTION IS A BARR TO A SUBSEQUENT PROSECUTION IN THIS COMMONWEALTH UNDER THE FOLLOWING CIRCUMSTANCES

(2) THE FORMER PROSECUTION WAS TERMINATED AFTER INDICTMENT HAD BEEN FOUND, BY AN ACQUITTAL, OR BY A FINAL ORDER OR JUDGEMENT FOR THE DEFENDANT WHICH HAS NOT BEEN SET ASIDE OR REVERSED OR VACATED AND WHICH ACQUITTAL, FINAL ORDER OR JUDGEMENT NECESSARILY REQUIRED A DETERMINATION INCONSISTENT WITH A FACT WHICH MUST BE ESTABLISHED FOR CONVICTION OF THE OFFENSE OF WHICH THE DEFENDANT IS SUBSEQUENTLY PROSECUTED.

42 PENNSYLVANIA C.S.A. 931 ORGANIZATION COURTS OF COMMON PLEAS  
931 ORIGINAL JURISDICTION

42 PENNSYLVANIA C.S.A. 931 (B) CONCURRENT AND EXCLUSIVE JURISDICTION:  
BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, CRIMINAL, Jr. 931  
BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, CIVIL, Jr. 931  
BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, ORPHANS, Jr. 931

- Jr. = JURISDICTION / CONCURRENT JURISDICTION OF THIS COMMONWEALTH

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25. FEBRUARY 3, 2021 BLAIR COUNTY, PENNSYLVANIA, ASSISTANT DISTRICT ATTORNEY, JESSICA ANN WEIL, FILED A MOTION TO AMEND CRIMINAL INFORMATION. HOWEVER : THE INFORMATION FILED WITHIN, WAS LESS-THAN-HONEST. THE LEGAL DOCUMENT WAS FORGED, ALTERED, AND LACKING IN AUTHENTICITY, IN A SIDE-BY-SIDE COMPARISON WITH THE ORIGINAL. \* PLEASE VIEW ATTACHMENT APPENDIX (Q) 4 PAGES ATTORNEY WEIL : REMOVED PORTIONS OF THE CRIMINAL SHEET, AND RE-TYPED/ REPLACED STATUTES AND PROVISIONS :

MS. WEIL'S VERSION : COUNT 1 : DISORDERLY CONDUCT-ENGAGED IN FIGHTING

185503A1 – SUMMARY

THE ORIGINAL : COUNT 1 : DISORDERLY CONDUCT-ENGAGED IN FIGHTING

18 P.S. 5503 (A) (1) MISDEMEANOR 3<sup>RD</sup>. DEGREE

- PLEASE VIEW ATTACHMENTS APPENDIX (R) AND (S) RESPECTIVELY.

PENNSYLVANIA LEGISLATURE PROCEDURE ARTICLE 3/3 NOTE (4)

4. INVALIDITY OF STATUTES : TWO SUBJECTS OF LEGISLATION CANNOT BE SET UP IN ONE STATUTE.

RETIREMENT BOARD OF ALLEGHENY COUNTY V. MCGOVERN 174 A. 400, 316 PA. 161 1934

COM. V. HUMPHRIES 136 A. 213 288 PA. 1927

5. AN ACT THAT REFERS TO TWO OR MORE DISTINCT AND UNRELATED SUBJECTS WILL BE

UNCONSTITUTIONAL. COM. V. SCHULTE 13 DIST. 294, 51 PITTS. 181 1903

6. CURE OF DEFECT BY AMENDMENT : AN ACT OF ASSEMBLY WHICH IS UNCONSTITUTIONAL

BECAUSE ITS SUBJECT IS NOT CLEARLY EXPRESSED IN ITS TITLE, CANNOT BE MADE VALID BY

SIMPLY AMENDING ITS TITLE. MCLAUGHLIN V. SUMMIT HILL 975, 224, PA. 425 SUP. 1909

STATUTES LAW KEY 135.

UNDER PENNSYLVANIA TITLE 18 : CRIMES AND OFFENSES : 185503A1-SUMMARY IS A INVALID STATUTE. ONLY CHANGE CAN COME THRU LEGISLATION AND ATTORNEY WEIL IS NOT A STATE LEGISLATOR.

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26. ASSISTANT DISTRICT ATTORNEY, JESSICA ANN WEIL'S ACTIONS, PLACE (HER) :

VIOLATION OF : PUBLIC ADMINISTRATOR'S OFFENSES : FALSIFICATION &

INTIMIDATION : 18 PENNSYLVANIA C.S.A. 4904 UNSWORN FALSIFICATIONS TO  
AUTHORITIES.

(A) IN GENERAL. A PERSON COMMITS A MISDEMEANOR OF THE SECOND DEGREE IF, WITH  
INTENT TO MISLEAD A PUBLIC SERVANT IN PERFORMING (HIS) OFFICIAL FUNCTION, (HE)  
(2) SUBMITS OR INVITES RELIANCE ON ANY WRITING WHICH (HE) KNOWS TO BE FORGED  
ALTERED OR OTHERWISE LACKING IN AUTHENTICITY.

(B) STATEMENTS "UNDER PENALTY" A PERSON COMMITS A MISDEMEANOR OF THE 3<sup>RD</sup>.  
DEGREE IF (HE) MAKES A WRITTEN FALSE STATEMENT, WHICH (HE) DOES NOT BELIEVE  
TO BE TRUE.

27. MARCH 18, 2021 THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT,  
FILED AN ORDER, TO QUASH, THE PETITIONER'S APPEAL, MOTION TO BARR  
PROSECUTION, FROM THE ORDER OF, COMMON PLEAS COURT, CRIMINAL DIVISION  
DANIEL J. MILLIRON, DATED : JANUARY 12, 2021. THE SUPERIOR COURT CITED :  
COMMONWEALTH OF PENNSYLVANIA V. SWARTZFAGER 2012 PA.SUPER.249, 59 A3D. 616,  
620 (PA.SUPER.2012) STATING : "[N]O FINAL ORDER WAS FILED IN THE CASE."

- PLEASE VIEW ATTACHMENT APPENDIX (T)

HOWEVER : JUDICIAL & JUDICIARY PROCEDURE :

42 PENNSYLVANIA C.S.A. 742 NOTE : (23) FINAL ORDERS CONTRASTED WITH  
INTERLOCUTORY ORDERS :

AN ORDER IS FINAL AND NOT INTERLOCUTORY FOR THE PURPOSES OF DETERMINING IF  
IT'S APPEALABLE, IF IT PREVENTS A PARTY FROM PRESENTING THE MERITS OF IT'S CLAIM  
IN THE TRIAL COURT.

BARAK V. KAROLIZKI 196 A3D. 208 SUPER. 2018 APPEAL & ERROR KEY 76 (1)

PAGE (10)

28. MARCH 19, 2021 BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, CRIMINAL DIVISION, JUDGE DANIEL J. MILLIRON, GRANTED, THE MOTION TO AMEND CRIMINAL INFORMATION, AND SO STATED : "[T]HE DEFENDANT HAS CORRECTLY POINTED OUT THAT THE MOTION TO AMEND CRIMINAL INFORMATION, IN THE WHEREFORE CLAUSE : REFLECTS AN INTENTION TO AMEND AN ESCAPE CHARGE AND A FLIGHT CHARGE WHICH SIMPLY ARE NOT CORRECT AND ARE IN ERROR. THERE IS NO ESCAPE CHARGE OR FLIGHT CHARGE INVOLVED IN THIS MATTER AND COUNT 2 AND 3 REMAIN SUMMARY OFFENSES AS ORIGINALLY CHARGED.

- PLEASE VIEW ATTACHMENT APPENDIX (U) 2 PAGES AT : PAGE (2)

29. APRIL 9, 2021 THE PETITIONER, FILED, PETITION FOR ALLOWANCE OF APPEAL, TO THE SUPREME COURT OF PENNSYLVANIA, WESTERN DISTRICT, FROM THE SUPERIOR COURT OF PENNSYLVANIA, ORDER, TO QUASH, THE MOTION TO BARR PROSECUTION FILED, MARCH 18, 2021 BY THE COURT, PER CURIAM.

- PLEASE VIEW ATTACHMENT APPENDIX (V)

30. MAY 19, 2021 SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, FILED ORDER TO QUASH, THE PETITIONER'S APPEAL, OF (JUDGE DANIEL J. MILLIRON) ORDER TO GRANT, THE MOTION TO AMEND CRIMINAL INFORMATION (MARCH 19, 2021). THIS CASE DOCKETED AT : NO. 476 WDA 2021.

- PLEASE VIEW ATTACHMENT APPENDIX (W)

31. JUNE 14, 2021 THE PETITIONER, FILED A PETITION FOR ALLOWANCE OF APPEAL, TO SUPREME COURT OF PENNSYLVANIA, WESTERN DISTRICT, FROM THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT ORDER, TO QUASH, (MAY 19, 2021) NO. 476 WDA 2021. \* PLEASE VIEW ATTACHMENT APPENDIX (X)



1. WRIT OF MANDAMUS  
FEDERAL RULES OF APPELLATE PROCEDURE: RULE 21(a)(b)(1)(2) (A)(B)(C)  
FEDERAL RULES OF APPELLATE PROCEDURE: RULE: 44 (a)  
FEDERAL RULES OF CIVIL PROCEDURE Rule: 56(a)(b)(c)(1)(A) (B)  
DATED : SEPTEMBER 15, 2021 -----1
2. UNITED STATES MAGISTRATE, WESTERN DISTRICT REPORT AND  
RECOMMENDATION. (4) PAGES DATED : NOVEMBER 8, 2021 -----2
3. WRITTEN OBJECTIONS TO MAGISTRATE'S REPORT  
FEDERAL RULES OF CIVIL PROCEDURE RULE: 72 (b) (2)(3)  
FEDERAL RULES OF APPELLATE PROCEDURE 3.1  
DATED NOVEMBER 22, 2021 -----3
4. UNITED STATES DISTRICT COURT, WESTERN DISTRICT ORDER  
JUDGE KIM R. GIBSON DATED : DECEMBER 29, 2021 -----4
5. MOTION FOR CERTIFICATE OF APPEALABILITY  
28 U.S.C. 2254 AND 2255 RULE: 11 (a) (b)  
FEDERAL RULES OF APPELLATE PROCEDURE RULE: 22(b) (2)  
DATED : JANUARY 26, 2022 -----5
6. U.S. COURT OF APPEALS 3<sup>RD</sup>. CIR ENTRY OF JUDGEMENT (2) PAGES  
DATED : MAY 17, 2022 -----6
7. U.S. COURT OF APPEALS 3<sup>RD</sup>. CIR. ORDER OF THE COURT  
DATED : MAY 17, 2022 -----7
8. PETITION FOR REHEARING  
FEDERAL RULES OF APPELLATE PROCEDURE RULE: 35 (b)(2)(3)  
FEDERAL RULES OF APPELLATE PROCEDURE Rule: 40 (a) (2)  
DATED : MAY 26, 2021 -----8
9. U.S. COURT OF APPEALS 3<sup>RD</sup>. CIR. PETITION FOR EXTENSION OF TIME  
DATED : JUNE 7, 2022 -----9
10. U.S.COURT OF APPEALS 3<sup>RD</sup> CIR. PETITION FOR REHEARING, DENIED (2) PAGES  
DATED : JULY 26, 2022 -----10

REASONS FOR REVIEW :

1. ACCOUNTABILITY. THE LAWLESS CULTURE OF THE BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT SYSTEM. HERE (WE) HAVE JUDGE TIMOTHY M. SULLIVAN, CO-ORDINATING, A DIABOLICAL SCHEME, TO CONDUCT A CRIMINAL TRIAL, BASED ON CRIMINAL CHARGES, IN A CIVIL COURT. ADD THAT TO THE FACT THAT THE PRIVATE LAW FIRM, HABERSTROH, SULLIVAN & GEORGE, PROSECUTING THE CASE FOR THE ALTOONA HOUSING AUTHORITY, WAS LED BY SHAWN P. SULLIVAN, JUDGE SULLIVAN'S BROTHER.
2. UPON DISCOVERY, JUDGE TIMOTHY M. SULLIVAN ENLISTED THE CO-OPERATION OF BLAIR COUNTY, PROTHONOTARY, ROBIN G. PATTON, TO KEEP THE PETITIONER'S APPEALS FROM REACHING THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT. WHEN A COURT TAKES ACTION BEYOND ITS POWER CONFERRED ON IT BY LAW (ITS JURISDICTION) ITS ACTION IS A NULLITY AND OBJECTION TO IT CANNOT BE WAIVED. COM. V. BOERNER 422 A2D. 683, 281 PA.SUPER. 505 SUPER. (1980)
3. INTENTIONAL PROSECUTORIAL MISCONDUCT RAISES SYSTEMATIC CONCERNS BEYOND A SPECIFIC INDIVIDUAL'S RIGHT TO FAIR TRIAL THAT ARE LEFT UNADDRESSED BY RETRIAL, SUCH THAT RETRIAL MAY BE BARRED UNDER STATE CONSTITUTION DOUBLE JEOPARDY CLAUSE. COM. V. ADAMS 177 A3D. 359 SUPER 2017 CRIMINAL LAW KEY 1986 PENNSYLVANIA CONSTITUTION ARTICLE 1/10 (111)
4. WHERE PROSECUTOR'S CONDUCT CHANGES FROM MERE ERROR TO INTENTIONALLY SUBVERTING COURT PROCESS, THEN A FAIR TRIAL IS DENIED AND RETRIAL IS BARRED. COM. V. ADAMS 177 A3D. 359 SUPER 2017.
5. ASSISTANT DISTRICT ATTORNEY, BLAIR COUNTY, PENNSYLVANIA, JESSICA ANN WEIL (FORGED AND ALTERED) A CRIMINAL INFORMATION AS (SHE) CHANGED THE STATUTE FROM: 18 PENNSYLVANIA C.S.A. 5503 (A) (1) DISORDERLY CONDUCT-ENGAGED IN FIGHTING MISDEAMEANOR 3<sup>RD</sup>. DEGREE TO:

18 PENNSYLVANIA C.S.A. 5503 (A) (1) DISORDERLY CONDUCT-ENGAGED IN FIGHTING SUMMARY.

ANY CHANGE IN A STATUTE AND/OR PROVISION CAN ONLY BE IMPLEMENTED THRU STATE LEGISLATION. AND (MS.WEIL) IS NOT A STATE LEGISLATOR. THE CHARGE CAN BE DOWNGRADED TO : 18 PENNSYLVANIA C.S.A. 5503 (B) (UNGRADED) SUMMARY. HOWEVER: BLAIR COUNTY, PENNSYLVANIA, COMMON PLEAS COURT, CRIMINAL DIVISION WOULD RELINQUISH JURISDICTION.

RESPECTFULLY SUBMITTED BEFORE THE COURT,

Waide Plair

WAIDE PLAIR, PRO SE

SWORN AND SUBSCRIBED BEFORE ME

THIS 28 DAY OF Nov. 2022

Susan E. Rickabaugh  
Notary Public

Commonwealth of Pennsylvania - Notary Seal  
Susan E. Rickabaugh, Notary Public  
Blair County  
My commission expires April 20, 2026  
Commission number 1137566  
Member, Pennsylvania Association of Notaries

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