

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

WADE PLAIR, PETITIONER

VS.

SUPREME COURT OF PENNSYLVANIA, et. al.

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

(CA. NO. 22-1186)

RESPONDENTS

PETITION FOR WRIT OF CERTIORARI

APPENDIX – A

FEDERAL APPELLATE COURT : ORDERS

FILED BY : WADE PLAIR, PRO SE

911 GREEN AVE. APT. #920

ALTOONA, PENNSYLVANIA 16601

PHONE : 814-889-5372

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)
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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)
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4. UNITED STATES DISTRICT COURT, WESTERN DISTRICT ORDER
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5. MOTION FOR CERTIFICATE OF APPEALABILITY
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3-21-163

RECEIVED

IN RE : WADE PLAIR

SEP 5 4 2021

PETITIONER / APPELLANT

CLERK, U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

V.

SUPREME COURT OF PENNSYLVANIA, WESTERN DISTRICT, DOCKET NO. 117 WAL 2021

CONSOLIDATED CASES :

SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, DOCKET NO. 179 WDA 2021

TRIAL COURT : BLAIR COUNTY COURT OF COMMON PLEAS

TRIAL COURT DOCKET NO. 2019 GN 1764

TRIAL COURT DOCKET NO. CP-07-CR-00001231-2019

JUDGE DANIEL J. MILLIRON

RESPONDENT (S) / APPELLEE (S)

TITLE V. EXTRAORDINARY WRIT 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)

FILED BY: WADE PLAIR, PRO SE, 911 GREEN AVE. APT. 920 ALTOONA, PENNSYLVANIA 16601

PHONE : 814-889-5372

PAGE (1)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WADE PLAIR,	:
Petitioner	:
v.	: Case No. 3:21-cv-163-KRG-KAP
SUPREME COURT OF	:
PENNSYLVANIA, <i>et al.</i> ,	:
Respondents	:

Report and Recommendation

Recommendation

On or about September 15, 2021, petitioner submitted what he styled as a writ of mandamus [sic] directed to the Honorable Daniel Milliron, a judge of the Blair County Court of Common Pleas, and to each of the three levels of the Pennsylvania judiciary. It has been referred to me. Because the petition seeks dismissal of criminal charges against petitioner, it is a habeas corpus petition. Regarding it as a habeas petition, I recommend that pursuant to 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, the petition be dismissed and that no certificate of appealability be issued. Petitioner's *ifp* status should be revoked on appeal because no good faith argument could be made that would support an appeal.

Report

As the attached seventeen-page public docket sheet indicates, petitioner is awaiting trial on criminal charges of disorderly conduct, defiant trespass, and harassment in the Blair County Court of Common Pleas, where he has chosen to proceed *pro se*. He filed a motion in the trial court seeking dismissal of the charges against him as barred by the Double Jeopardy Clause, a motion Judge Milliron heard and denied in January 2021. Petitioner took an interlocutory appeal that the Pennsylvania Superior Court quashed, and the Pennsylvania Supreme Court refused to review that action. Petitioner then filed this petition, asserting that the criminal charges against him are barred by the Double Jeopardy Clause.

Due to the special nature of the double jeopardy right and the fact that the right cannot be fully vindicated on appeal following final judgment, a petitioner who has exhausted his state court remedies can bring a pretrial petition for a writ of habeas corpus in federal court. Justices of Boston Municipal Court v. Lydon, 466 U.S. 294, 302-03 (1984).

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), Pub.L. No. 104-132, 110 Stat. 1214, April 24, 1996, allows a federal court to issue a writ of habeas corpus to a person challenging a state court criminal conviction and sentence if the petitioner establishes that he "is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2254(a); see Howell v. Superintendent Rockview SCL, 939 F.3d 260, 264 (3d Cir.2019). AEDPA does not permit a federal court to review either trial or appellate proceedings *de novo*.

Where, as here, a state court adjudicates claims on the merits, to obtain relief a petitioner must show that the ruling:

- (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or
- (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

28 U.S.C. § 2254(d). See also Williams v. Taylor, 529 U.S. 362, 405-06 (2000). An unreasonable application of federal law focuses on whether the state court unreasonably applied Supreme Court precedent, not whether it was "merely wrong." White v. Woodall, 572 U.S. 415, 419 (2014). An unreasonable determination of the facts is one where the petitioner proves by clear and convincing evidence, see 28 U.S.C. § 2254(e)(1), that the conclusion drawn from the evidence by the state court is so improbable that it "blinks reality." See Miller-El v. Dretke, 545 U.S. 231, 266 (2005). Where reasonable minds might disagree, federal habeas review cannot reject the state court's determination. See Rice v. Collins, 546 U.S. 333, 341-42 (2006).

These are deliberately demanding standards. As the Supreme Court has observed, habeas corpus is a guard against extreme malfunctions in the state criminal justice system, not a substitute for ordinary error correction through appeal, and requires a petitioner to show a malfunction in his prosecution so egregious "that the state court's ruling on the claim being presented in federal court was so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement." Harrington v. Richter, 562 U.S. 86, 102-03 (2011). Or, as the Court of Appeals has put it, at every step of habeas review AEDPA "gives state courts the benefit of th[e] doubt." Brown v. Wenerowicz, 663 F.3d 619, 634 (3d Cir. 2011).

Here, there is no benefit of the doubt to discuss because there is no doubt: Judge Milliron made a decision that correctly applies Supreme Court precedent. Petitioner is

awaiting trial on charges that arose from events that allegedly took place on April 11, 2019. Petitioner says that the events that gave rise to the charges were also the subject of a November 20, 2019 civil agreement (attached as an exhibit to the petition) that resolved an eviction proceeding against him by the Altoona Housing Authority. The AHA agreed to drop its eviction proceeding and petitioner agreed to discontinue litigation pending in the state courts. Judge Milliron approved the agreement.

The Double Jeopardy Clause provides that no “person be subject for the same offence to be twice put in jeopardy of life or limb.” Constitution, Amendment 5. That clause prohibits the Government from punishing twice, or attempting a second time to punish criminally for the same offense. United States v. Ursery, 518 U.S. 267, 273 (1996). The key words here are “government” and “criminally.” The Altoona Housing Authority is not the government and does not have the power to prosecute crimes. No agreement with it can give petitioner a double jeopardy claim.

Second, an eviction proceeding is not a criminal proceeding and eviction is not so punitive either in purpose or effect that it would transform what is clearly intended as a civil remedy into a criminal penalty. See Hudson v. United States, 522 U.S. 93, 99-100 (1997). It is only a criminal punishment (or here, an agreement to forego criminal punishment) that would bar a subsequent criminal prosecution for an offence. The Supreme Court, in Kennedy v. Mendoza-Martinez, 372 U.S. 144, 168-169, (1963), listed factors that the Court looked to in Hudson: (1) “[w]hether the sanction involves an affirmative disability or restraint”; (2) “whether it has historically been regarded as a punishment”; (3) “whether it comes into play only on a finding of *scienter*”; (4) “whether its operation will promote the traditional aims of punishment-retribution and deterrence”; (5) “whether the behavior to which it applies is already a crime”; (6) “whether an alternative purpose to which it may rationally be connected is assignable for it”; and (7) “whether it appears excessive in relation to the alternative purpose assigned.” The Hudson court noted that “only the clearest proof” will suffice to transform what has been denominated a civil remedy into a criminal penalty. *Id.*


Petitioner does not come close to satisfying any of the Hudson factors, and to the contrary his proposed use of the agreement with AHA, though it seems appropriate to him in a relatively minor prosecution, would wreak havoc in serious criminal matters. Legal principles announced in one case are precedent in the next. Consider a homicide committed in a unit in an AHA building or other rental property, after which the accused suspect quickly “agreed” in a written agreement signed by a friendly landlord to be evicted, or (if not a tenant) “agreed” simply to stay off the premises. Under petitioner’s theory, regardless of the lack of participation by (or even notice to) the District Attorney he thereby could never be prosecuted for murder. That is absurd. The petition should be summarily denied.

Because petitioner does not make a "substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(3), no certificate of appealability should be issued.

Pursuant to 28 U.S.C. § 636(b)(1), the petitioner is given notice that he has fourteen days to file written objections to this Report and Recommendation. Petitioner is advised that in the absence of timely and specific objections, any appeal would be severely hampered or entirely defaulted. See EEOC v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (describing standard of appellate review when no timely and specific objections are filed as limited to review for plain error).

The Clerk shall add the District Attorney of Blair County to the docket as counsel for the Blair County Court of Common Pleas for notice purposes only. The District Attorney has no duty to respond.

DATE: November 8, 2021



Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel of record and by U.S. Mail to:

Wade Plair
911 Green Avenue, Apt. 920
Altoona, PA 16601

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WADE PLAIR, :
PETITIONER :

V. : CASE NO. 3:21-cv-163-KRG- KAP

FILED

SUPREME COURT OF
PENNSYLVANIA, et. al. :
RESPONDENTS :

NOV 22 2021

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

COMES NOW, THE PETITIONER, WADE PLAIR, PRO SE, PURSUANT TO 28 U.S.C.]636 (b) (1)
TO RESPECTFULLY FILE WRITTEN OBJECTIONS TO THE REPORT AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE KEITH A. PRESTO DATED : DATED : NOVEMBER 8, 2021.
FEDERAL RULES OF CIVIL PROCEDURE : RULE 72 (b) (2) (3) MAGISTRATE JUDGE'S PRE-TRIAL
ORDER.
FEDERAL RULES OF APPELLATE PROCEDURE : RULE 3.1. APPEAL FROM A JUDGEMENT OF A
MAGISTRATE JUDGE IN A CIVIL CASE.


FILED BY : WADE PLAIR, PRO SE, 911 GREEN AVENUE APT. 920 ALTOONA PENNSYLVANIA 16601
PHONE : 814- 889-5372.

PAGE (3)

AND NOW, this 29th day of December, 2021, IT IS HEREBY ORDERED that the Petition (ECF No. 3) is dismissed with prejudice as stated in the Report and Recommendation.

IT IS FURTHER ORDERED that no certificate of appealability is issued. The Court adopts the Report and Recommendation as the opinion of this Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

Wade Plair
911 Green Avenue
Apartment 920
Altoona, PA 16601

IN THE UNITED STATES COURT OF APPEALS FOR THE
THIRD CIRCUIT, PHILADELPHIA, PENNSYLVANIA

IN RE : WADE PLAIR

PETITIONER APPELLANT

V.

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF PENNSYLVANIA

MAGISTRATE JUDGE, KEITH A. PRESTO

FEDERAL JUDGE, KIM R. GIBSON et al.

CIVIL ACTION NO. 3 :21-cv-163-KRG-KAP

RESPONDENTS / APPELLEE (S)

MOTION FOR CERTIFICATE OF APPEALABILITY

28 U.S.C. 2254 AND 2255

RULES GOVERNING 2254 AND 2255 CASES RULE : 11 (a) (b) CERTIFICATE OF APPEALABILITY

FEDERAL RULES OF APPELLATE PROCEDURE RULE: 22 (b) (2)

FILED BY : WADE PLAIR, PRO SE

911 GREEN AVENUE APT. #920

ALTOONA, PENNSYLVANIA 16601

PHONE : 814-889-5372

PAGE (5)

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790
Website: www.ca3.uscourts.gov

TELEPHONE
215-597-2995

May 17, 2022

Mr. Wade Plair
911 Green Avenue
Apt 920
Altoona, PA 16601

Peter J. Weeks
Blair County Office of District Attorney
423 Allegheny Street
Suite 421
Hollidaysburg, PA 16648

RE: Wade Plair v. Supreme Court of Pennsylvania, et al
Case Number: 22-1186
District Court Case Number: 3-21-cv-00163

ENTRY OF JUDGMENT

Today, **May 17, 2022** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

PAGE (6)

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,

Patricia S. Dodszuweit, Clerk

By: s/ Shannon

Case Manager

267-299-4959

cc: Colleen Willison

CLD-149

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **22-1186**

WADE PLAIR, Appellant

VS.

SUPREME COURT OF PENNSYLVANIA; ET AL.

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

Present: AMBRO, SHWARTZ, and BIBAS, Circuit Judges

Submitted are:

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1);
- (2) Commonwealth's response in opposition;
- (3) Appellant's reply to Commonwealth's response in opposition in the above-captioned case.

Respectfully,

Clerk

ORDER

Wade Plair requests a certificate of appealability (COA) to appeal the District Court's December 29, 2021 order denying what was properly construed as Plair's pretrial habeas petition. A COA will issue if jurists of reason would debate whether the litigant's habeas petition "states a valid claim of the denial of a constitutional right." Slack v. McDaniel, 529 U.S. 473, 478 (2000). Plair fails to make that showing. In particular, reasonable jurists would not debate the invalidity of Plair's double jeopardy claim, regardless of whether the test under Kennedy v. Mendoza-Martinez, 372 U.S. 144, 168-69 (1963), see Hudson v. United States, 522 U.S. 93, 99-100 (1997), or the test under Artway v. Attorney General of New Jersey, 81 F.3d 1235, 1254 (3d Cir. 1996), see

Taylor v. Cisneros, 102 F.3d 1334, 1341-42 (3d Cir. 1996), is applied. Accordingly, the COA request is denied.

By the Court,

s/Patty Shwartz
Circuit Judge



A True Copy:

Patricia S. Dodszeuweit

Patricia S. Dodszeuweit, Clerk
Certified Order Issued in Lieu of Mandate

Dated: May 17, 2022
SLC/cc: Wade Plair
Peter J. Weeks, Esq.

CLD-149

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C. A. NO. 22-1186

WADE PLAIR, Appellant

VS.

SUPREME COURT OF PENNSYLVANIA ; ET AL.

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

PETITION FOR REHEARING

FEDERAL RULES OF APPELLATE PROCEDURE : RULE 35 (b) (2) (3) EN BANC DETERMINATION

FEDERAL RULES OF APPELLATE PROCEDURE: RULE 40 (a) (2) PETITION FOR PANEL
REHEARING.

FILED BY : WADE PLAIR, PRO SE

911 GREEN AVENUE APT. #920

ALTOONA, PENNSYLVANIA 16601

PHONE : 814-889-5372

PAGE (8)

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 22-1186

WADE PLAIR,

Appellant

v.

SUPREME COURT OF PENNSYLVANIA, et al.

(W.D. Pa. No. 2-21-cv-00163)

Present: SHWARTZ, Circuit Judge

1. Motion by Appellant for Extension of Time to File Petition for Rehearing Exhibits and for Leave to File Rehearing Exhibits.

Respectfully,
Clerk/slc

ORDER

The foregoing motion by Appellant for an extension of time to file a petition for rehearing exhibits and for leave to file rehearing exhibits is granted. These items shall be filed no later than June 21, 2022.

By the Court,

s/Patty Shwartz
Circuit Judge

Dated: June 7, 2022
SLC/cc: Wade Plair
Peter J. Weeks, Esq.

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-1186

WADE PLAIR, Appellant

v.

SUPREME COURT OF PENNSYLVANIA; ET AL.

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

SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge, McKEE, AMBRO, JORDAN, HARDIMAN,
GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY,
and PHIPPS, Circuit Judges

The petition for rehearing filed by Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

PAGE (10)

BY THE COURT,

s/Patty Shwartz
Circuit Judge

Dated: July 6, 2022
SLC/cc: Wade Plair
Peter J. Weeks, Esq.

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

WADE PLAIR, PETITIONER

VS.

SUPREME COURT OF PENNSYLVANIA, et. al.

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

(CA. No. 22-1186)

RESPONDENTS

APPENDIX – B

FILED : WADE PLAIR, PRO SE

911 GREEN AVE #920

ALTOONA, PENNSYLVANIA 16601

PHONE : 814-889-5372

1. ALTOONA HOUSING AUTHORITY, LEASE TERMINATION NOTICE /
NOTICE TO QUIT EVICTION DATED : MAY 3, 2019 -----(A)
2. COMMON PLEAS COURT, BLAIR CO., PENNSYLVANIA
CRIMINAL DOCKET: CP-07-CR-00001231-2019 DATED: MAY 29, 2019 -----(B)
3. COMMON PLEAS COURT, BLAIR CO., PENNSYLVANIA
CRIMINAL DOCKET: CP-07-CR-00001231-2019 DATED: JUNE 20, 2019 ----- (C)
4. LETTER, HABERSTROH, SULLIVAN & GEORGE, DATED: JUNE 28. 2019 -----(D)
5. COMMON PLEAS COURT, BLAIR CO., PENNSYLVANIA, ORDER
JUDGE TIMOTHY M. SULLIVAN, DATED : JULY 24, 2019 -----(E)
6. COUNTY OF BLAIR, COURT ADMINISTRATOR, THOMAS M. PRICE
DOCKET NO. 2019 GN 1764 ----- (F)
7. BLAIR COUNTY, PENNSYLVANIA, PROTHONOTARY, CIVIL CASE PRINT
14373809202019 PYS510 (2) PAGES : -----(G)
8. COMMON PLEAS COURT, BLAIR CO., PENNSYLVANIA, ORDER
JUDGE TIMOTHY M. SULLIVAN, DATED : SEPTEMBER 4, 2019 ----- (H)
9. COMMON PLEAS COURT, BLAIR C., PENNSYLVANIA, ORDER
JUDGE TIMOTHY M. SULLIVAN, DATED : SEPTEMBER 19, 2019 ----- (1)
10. LETTER, HABERSTROH, SULLIVAN, & GEORGE, DATED: SEPTEMBER 23, 2019 ----(J)
11. COMMON PLEAS COURT, BLAIR CO., PENNSYLVANIA, ORDER
JUDGE TIMOTHY M. SULLIVAN, DATED : OCTOBER 9, 2019 -----(K)
12. SUPREME COURT OF PENNSYLVANIA, WESTERN DISTRICT
DOCKET NO. : 109 WM 2019 -----(L)

13. COMMON PLEAS COURT, BLAIR CO., PENNSYLVANIA, FINAL ORDER,
JUDGE DANIEL J. MILLIRON, DOCKET NO. 2019 GN 1764, DATED: NOV. 20, 2019 ---(M)
14. COMMON PLEAS COURT, BLAIR CO., PENNSYLVANIA,
MOTION TO BARR PROSECUTION, DATED : JANUARY 6, 2021 -----(N)
15. COMMON PLEAS COURT, BLAIR CO., PENNSYLVANIA, ORDER, DENIAL
JUDGE DANIEL J. MILLIRON, DATED : JANUARY 12, 2021 -----(O)
16. SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, APPEAL
MOTION TO BARR PROSECUTION, DATED : FEBRUARY 3, 2021 -----(P)
17. COMMON PLEAS COURT, BLAIR CO., PENNSYLVANIA, MOTION TO AMEND
CRIMINAL INFORMATION, ASSIT. DIST. ATT. JESSICA ANN WEIL,
DATED : FEBRUARY 3, 2021 -----(Q)
18. COMMON PLEAS COURT, BLAIR CO., PENNSYLVANIA, CRIMINAL INFORMATION
SHEET. ASSIT. DIST. ATT, JESSICA ANN WEIL, DATED: FEBRUARY 3, 2021 -----(R)
19. COMMON PLEAS COURT, BLAIR CO., PENNSYLVANIA, ORIGINAL CRIMINAL
INFORMATION SHEET, DIST. ATT. RICHARD CONSIGLIO, DATED: JULY 3, 2019 -----(S)
20. SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, ORDER TO QUASH,
DOCKET NO. 179 WDA 2021 PER CURIAM DATED : MARCH 18, 2021 -----(T)

21. COMMON PLEAS COURT, BLAIR CO., PENNSYLVANIA, ORDER, TO

GRANT, MOTION TO AMEND CRIMINAL INFORMATION, ASSIT. DIST. ATT.

JESSICA ANN WEIL, DATED : MARCH 18, 2021, -----(U)

22. SUPREME COURT OF PENNSYLVANIA, WESTERN DISTRICT, PETITION FOR

ALLOWANCE OF APPEAL, FILED, DATED : APRIL 9, 2021. -----(V)

23. SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, ORDER,

TO QUASH, APPEAL AT: 476 WDA 2021, DATED: MAY 19, 2021 -----(W)

24. SUPREME COURT OF PENNSYLVANIA, WESTERN DISTRICT, FILED,

PETITION FOR ALLOWANCE OF APPEAL, MOTION TO AMEND CRIMINAL

INFORMATION, DATED : JUNE 14, 2021. -----(X)

25. SUPREME COURT OF PENNSYLVANIA, WESTERN DISTRICT, DENIAL, OF

PETITION FOR ALLOWANCE OF APPEAL, AT: 117 WAL 2021

DATED : AUGUST 16, 2021. -----(Y)

26. SUPREME COURT OF PENNSYLVANIA, WESTERN DISTRICT, DENIAL, OF

PETITION FOR ALLOWANCE OF APPEAL, AT : 194 WAL 2021

DATED : NOVEMBER 10, 2021. -----(Z)



Altoona Housing Authority

2700 Pleasant Valley Blvd. • Altoona, Pennsylvania 16602-4492
tel 814-949-2000 • tdd / voice 814-949-2002 • fax 814-949-2025
www.altoonahousing.org

LEASE TERMINATION NOTICE NOTICE TO QUIT / EVICTION

May 3, 2019

Mr. Wade Plair
911 Green Avenue, Apt. 920
Altoona, PA 16601

Dear Mr. Plair:

As per the Altoona Housing Authority's One Strike Policy, Section V- Lease Enforcement: The Altoona Housing Authority's lease provisions bar drug-related and other criminal activity. Through the inception of this "One Strike" Policy, the Housing Authority will maintain a "zero tolerance" with respect to violations of lease terms regarding drug related or criminal activity. The Altoona Housing Authority will appropriately evict a public housing resident who: (1) engages in any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.

Therefore, this shall serve as your notice to vacate your premises within ten (10) days from the date of this notice for the following reason(s):

On April 11, 2019 there was an incident between you and another resident wherein you were charged with the following by the Altoona Police Department:

1. Disorderly Conduct/Engage in fighting
2. Defiant Trespass Posted
3. Harassment-Subject Other to Physical Contact

The Altoona Housing Authority has sufficient reason to believe that you have seriously or repeatedly violated the material terms of your lease which are as follows:

SECTION 9 "TENANT OBLIGATIONS"

(a) "Compliance with Laws" Tenant shall, at its sole cost and expense, promptly comply with all laws, statutes, ordinances and governmental rules, regulations or requirements now in force or which may hereafter be in force and with the requirements of any board of fire underwriters or other similar bodies now or hereafter constituted relating to or affecting the condition, use or occupancy of the Premises.

(d) "Prohibited Activities" Resident shall not engage in and shall prevent any Household Member, guest, visitor or invitee under the Resident's control from engaging in any of the following:

Pleasant Village
2700 Pleasant Valley Blvd.
949-2010

Eleventh Street Tower
1100 11th St.
949-2011

Green Avenue Tower
911 Green Ave.
949-2009

Fairview Hills
1614 First St.
949-2016

Section 8 Program
2700 Pleasant Valley Blvd.
949-2008

APP- (A)

COURT OF COMMON PLEAS OF BLAIR COUNTY

DOCKET



Docket Number: CP-07-CR-0001231-2019

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

Page 3 of 10

v.

Wade Plair

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Plair, Wade

BAIL INFORMATION

Plair, Wade					Nebbia Status: None
<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	
Set	05/29/2019	Unsecured		\$2,500.00	
					Posted 05/29/2019

CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1	M3	18 § 5503 §§ A1	Disorderly Conduct Engage In Fighting	04/11/2019	U 701659-0
2	2	S	18 § 3503 §§ B1II	Def Tres Posted	04/11/2019	U 701659-0
3	3	S	18 § 2709 §§ A1	Harassment - Subject Other to Physical Contact	04/11/2019	U 701659-0

DISPOSITION SENTENCING/PENALTIES

<u>Disposition</u>	<u>Disposition Date</u>	<u>Final Disposition</u>
<u>Case Event</u>	<u>Offense Disposition</u>	<u>Grade</u> <u>Section</u>
<u>Sequence/Description</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>
<u>Sentencing Judge</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>
<u>Sentence/Diversion Program Type</u>		
<u>Sentence Conditions</u>		

Waived for Court (Lower Court)

Defendant Was Present

Lower Court Disposition	05/29/2019	Not Final
1 / Disorderly Conduct Engage In Fighting	Waived for Court (Lower Court)	M3 18 § 5503 §§ A1
2 / Def Tres Posted	Waived for Court (Lower Court)	S 18 § 3503 §§ B1II
3 / Harassment - Subject Other to Physical Contact	Waived for Court (Lower Court)	S 18 § 2709 §§ A1

Proceed to Court

Information Filed	07/12/2019	Not Final
1 / Disorderly Conduct Engage In Fighting	Proceed to Court	M3 18 § 5503 §§ A1
2 / Def Tres Posted	Proceed to Court	S 18 § 3503 §§ B1II
3 / Harassment - Subject Other to Physical Contact	Proceed to Court	S 18 § 2709 §§ A1

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COURT OF COMMON PLEAS OF BLAIR COUNTY

DOCKET



Docket Number: CP-07-CR-0001231-2019

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

Page 4 of 10

v.

Wade Plair

COMMONWEALTH INFORMATION

Name: Blair County District Attorney's Office
District Attorney

Supreme Court No:

Phone Number(s):
814-693-3010 (Phone)

Address:
Blair County Courthouse
Suite 421
423 Allegheny Street
Hollidaysburg, PA 16648

ATTORNEY INFORMATION

Name: Blair County Public Defender's Office
Public Defender

Supreme Court No:

Rep. Status: Inactive

Phone Number(s):

Address:
Blair County Courthouse
423 Allegheny Street, Suite 344
Hollidaysburg, PA 16648

ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	05/29/2019		DeAntonio, Daniel C.
Bail Set - Plair, Wade			
2	05/29/2019		Plair, Wade
Bail Posted - Plair, Wade			
Blair County District Attorney's Office			
06/20/2019	eService		Served
Blair County Public Defender's Office			
06/20/2019	eService		Served
1	06/20/2019		Court of Common Pleas - Blair County
Original Papers Received from Lower Court			
Blair County District Attorney's Office			
06/20/2019	eService		Served
3	06/20/2019		MDJ-24-1-03
Waiv of arraignment-Jury Trial			
Blair County District Attorney's Office			
06/20/2019	eService		Served
Blair County Public Defender's Office			
06/20/2019	eService		Served
1	07/12/2019		Commonwealth of Pennsylvania
Information Filed			
Blair County District Attorney's Office			
07/12/2019	eService		Served
Blair County Public Defender's Office			
07/12/2019	eService		Served

APP-C

HS&G
ATTORNEYS AT LAW
Haberstroh, Sullivan, & George, LLP

Partners

William J. Haberstroh

Shawn P. Sullivan

Terressa E. George

Associates

Brandon T. Ryan

June 28, 2019

WADE PLAIR
911 GREEN AVENUE TOWER APT. 920
ALTOONA PA 16601

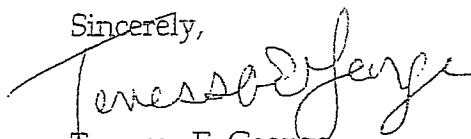
In Re: Altoona Housing Authority v. Wade Plair
No. 2019 GN 1764

Dear Mr. Plair:

Please be advised that I have been contacted and retained by the Altoona Housing Authority, in regards to the above-captioned eviction action. Pursuant to that representation, enclosed herewith please find a copy of the Complaint, which I have prepared and filed on behalf of my client, the Altoona Housing Authority. You have twenty (20) days to file a response to this Complaint.

Thank you for your attention to this matter.

Sincerely,


Terressa E. George

Enclosure

Cc: Linda Holsinger
Altoona Housing Authority

☒ Altoona Office

3615 Burgoon Road Altoona, PA 16602
Phone: 814.944.9486 or 814.944.0300
Fax: 814.944.4299 or 814.944.3200

☐ Martinsburg Office

133 East Allegheny Street Martinsburg, PA 16662
Phone: 814.793.7904
Fax: 814.793.2673

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

ALTOONA HOUSING AUTHORITY,
PLAINTIFF

:
: 2019 GN 1764
:
:
:
:
:
:
:

v.

WADE PLAIR,
DEFENDANT

HON. TIMOTHY M. SULLIVAN

PRESIDING JUDGE

WILLIAM J. HABERSTROH, ESQUIRE
TERRESSA E. GEORGE, ESQUIRE

COUNSEL FOR PLAINTIFF

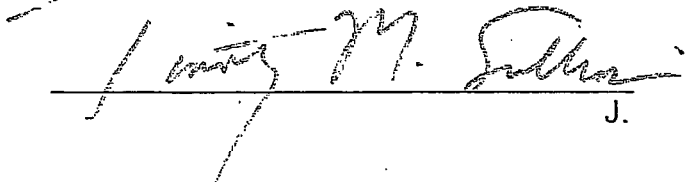
WADE PLAIR
911 Green Avenue Tower, Apt 920
Altoona, PA 16601

SELF-REPRESENTED LITIGANT

ORDER

AND NOW, this 24th day of July, 2019, the court having received the Plaintiff's Certificate of Readiness, it is hereby **ORDERED, DIRECTED** and **DECREED** that this matter shall be scheduled by the Blair County Court Administrator's Office for a one (1) day trial by court before the undersigned.

BY THE COURT:


J.

APP-E

COUNTY of BLAIR



Janice Meadows
District Court Administrator

Telephone 814-693-3050
Facsimile 814-693-3289

OFFICE OF COURT ADMINISTRATOR
423 ALLEGHENY STREET, SUITE 239
HOLLIDAYSBURG, PA. 16648

Harry Lorenzi
Deputy Court Administrator

Mary Wilt
Deputy Court Administrator

July 25, 2019

William J. Haberstroh, Esquire
Terressa E. George, Esquire
HSK&G, LLP
3615 Burgoon Road
Altoona, PA 16602

Wade Plair
911 Green Avenue Tower, Apt 920
Altoona, PA 16601

Subject: Altoona Housing Authority Vs. Wade Plair
2019 GN 1764
Trial by Court

The above matter is scheduled per order of Court dated 7/24/19 as follows:

Date: Friday, NOVEMBER 22, 2019

Time: 9:00 A.M.

Place: Courtroom 5

Presiding: The Honorable Timothy M. Sullivan

Please feel free to contact this office if you have questions regarding this matter.
Counsels are responsible for notifying their parties and witnesses.

Thomas M. Rice
Civil Processor

Cc: The Honorable Timothy M. Sullivan
Court Administration

APP-F

2019-01764 ALTOONA HOUSING (vs) WADE PLAIR

Reference No.:
Case Type.....: CIVIL APPEALS - JUDICIAL: MDJ
(LANDLORD/TENANT)
Judgment.....: 00
Judge Assigned: SULLIVAN TIMOTHY M
Disposed Desc.:
----- Case Comments -----

Filed.....: 6/05/2019
Time.....: 10:44
Execution Date 0/00/0000
Jury Trial....
Disposed Date. 0/00/0000
Higher Crt 1.:
Higher Crt 2.:

General Index Attorney Info

ALTOONA HOUSING
911 GREEN AVE
ALTOONA PA 16601

PLAINTIFF

PLAIR WADE
911 GREEN AVE
APT 920
ALTOONA PA 16601

DEFENDANT

* Date Entries *

----- FIRST ENTRY -----
6/05/2019 NOTICE OF APPEAL FROM DISTRICT JUSTICE JUDGMENT WITH PRAECIPE TO
ENTER RULE TO FILE COMPLAINT AND RULE TO FILE COMPLAINT FILED BY
WADE PLAIR
(SENT TO CT ADMIN 06 05 2019)

6/05/2019 SECTION 8 TENANT'S SUPERSEDEAS AFFIDAVIT FILED PURSUANT TO
PA.R.C.P.M.D.J. NO. 1008C(2)

6/05/2019 PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT
FILED BY WADE PLAIR

6/05/2019 PRAECIPE TO PROCEED IN FORMA PAUPERIS FILED BY WADE PLAIR

6/14/2019 ORDER GRANTING IFP DATED 6/10/19 BY WAK

6/27/2019 COMPLAINT IN CIVIL ACTION FILED BY ATTY GEORGE

7/11/2019 ANSWER FILED BY WADE PLAIR

7/16/2019 PRAECIPE FOR TRIAL LIST FILED BY ATTY GEORGE WITH CERTIFICATE OF
COMPLIANCE (SENT TO CT ADMIN 7/16/19)

7/16/2019 CERTIFICATE OF READINESS AGAINST DEFENDANT WADE PLAIR FILED BY
ATTY GEORGE WITH CERTIFICATE OF COMPLIANCE

7/24/2019 ANSWER TO PRAECIPE FOR ARBITRATION FILED BY DEFT ALONG WITH CERT
OF SERVICE AND COMPLIANCE (SENT TO CT ADMIN 07/25/19)

7/24/2019 ANSWER TO CERTIFICATE OF READINESS FILED BY DEFT ALONG WITH CERT
OF COMPLIANCE AND SERVICE (SENT TO CT ADMIN 07/25/19)

7/25/2019 COURT ADMINISTRATION SCHEDULED TRIAL BY COURT SET HEARING FO
R11/22/19 @9:00 AM IN CT RM 5

7/25/2019 NOTICE OF ENTRY OF ORDER HAS BEEN GIVEN AS REQUIRED BY PA.R.C.P.
236(B).

7/25/2019 ORDER DATED 7/24/19 BY TMS THAT THIS MATTER SHALL BE SCHEDULED BY
THE BLAIR COUNTY COURT ADMINISTRATORS OFFICE FOR A ONE (1) DAY
TRIAL BY COURT BEFORE THE UNDERSIGNED (SEE ORDER)

7/25/2019 NOTICE OF ENTRY OF ORDER HAS BEEN GIVEN AS REQUIRED BY PA.R.C.P.
236(B).

7/31/2019 AMENDED ANSWER TO CERTIFICATE FO READINESS AGAINST PLAINTIFFS
ALTOONA HOUSING AUTHORITY FILED BY WADE PLAIR WITH CERTIFICATE OF
COMPLIANCE

APP-G

2019-01764 ALTOONA HOUSING (vs) WADE PLAIR

Reference No.:
Case Type: CIVIL APPEALS - JUDICIAL: MDJ
(LANDLORD/TENANT)
Judgment: 00
Judge Assigned: SULLIVAN TIMOTHY M
Disposed Desc.:
----- Case Comments -----

Filed: 6/05/2019
Time: 10:44
Execution Date 0/00/0000
Jury Trial: 0/00/0000
Disposed Date: 0/00/0000
Higher Crt 1.:
Higher Crt 2.:

7/31/2019 CONTINUATION OF IN FORMA PAUPERIS STATUS FILED BY WADE PLAIR
8/30/2019 NOTICE OF APPEAL TO SUPERIOR COURT FILED PRO SE
8/30/2019 CONTINUATION OF IN FORMA PAUPERIS STATUS FILED PRO SE
8/30/2019 CERTIFICATE OF SERVICE FILED PRO SE
9/05/2019 ORDER DATED 09/04/2019 IT IS ODD APPEAL IS QUASHED AND A HEARING IS SCHEDULED.
9/16/2019 NOTICE OF APPEAL TO SUPERIOR COURT FILED PRO SE
RE-FILLED APPEAL OF THE ORDER OF THE COURT
9/16/2019 CONTINUATION OF IN FORMA PAUPERIS STATUS FILED PRO SE
9/16/2019 CERTIFICATE OF SERVICE FILED PRO SE
9/16/2019 NOTICE OF APPEAL TO SUPERIOR COURT FILED PRO SE
9/16/2019 CONTINUATION OF IN FORMA PAUPERIS STATUS FILED PRO SE
9/16/2019 CERTIFICATE OF SERVICE FILED PRO SE
9/19/2019 ORDER DATED 09/19/2019 ODD NOTICE OF APPEAL IS QUASHED. SCHEDULED HEARING FOR 11/14/2019 AT 3:15 IN COURTROOM 5. THIS ORDER ALSO AUTHORIZES PROTHONOTARY TO REJECT ANY FILINGS OF NOTICE OF APPEAL UNTIL AFTER SCHEDULED HEARING ON 11/14/2019. BY TMS
----- LAST ENTRY -----

* Escrow Information *
* Fees & Debits Beg Bal Pymts/Adj End Bal *

RENT	222.00	222.00	.00
RENT	222.00	222.00	.00
RENT	222.00	222.00	.00
	-----	-----	-----
	666.00	666.00	.00

* End of Case Information *

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

ALTOONA HOUSING AUTHORITY,
PLAINTIFF

2019 GN 1764

v.

WADE PLAIR,
DEFENDANT

COPY

HON. TIMOTHY M. SULLIVAN

PRESIDING JUDGE

WILLIAM J HABERSTROH, ESQUIRE

COUNSEL FOR PLAINTIFFS

WADE PLAIR

SELF-REPRESENTED LITIGANT

ORDER

AND NOW, this 4th day of September, 2019, it was brought to our attention that the Defendant, who is acting in a *pro se* capacity, filed an "Appeal of the Order of the Court" on August 30, 2019. It is hereby **ORDERED, DIRECTED and DECREED** that said Appeal is **quashed**. Our order of July 24, 2019 simply directed that this matter shall be scheduled for a one-day trial by court. In his Appeal, however, the Defendant seeks that we disqualify ourselves from presiding over his trial since the Plaintiff is represented by Attorney William J. Haberstroh and Attorney Terressa E. George, who work in the same law firm with Attorney Shawn P. Sullivan, the undersigned's brother. Therefore, we will treat the Defendant's "Appeal" as a Motion for Recusal and direct the Blair County Court Administrator's Office to schedule this matter for hearing before the undersigned. Fifteen (15) minutes shall be set aside for this hearing.

BY THE COURT:

Timothy M. Sullivan
J.

APP-H

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

ALTOONA HOUSING AUTHORITY,
PLAINTIFF

2019 GN 1764

v.

WADE PLAIR,
DEFENDANT

HON. TIMOTHY M. SULLIVAN

PRESIDING JUDGE

WILLIAM J HABERSTROH, ESQUIRE

COUNSEL FOR PLAINTIFFS

WADE PLAIR

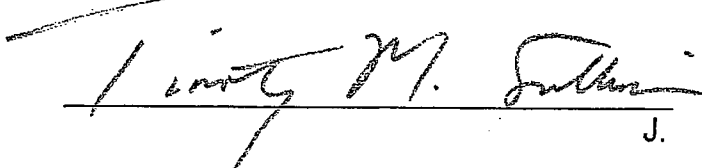
SELF-REPRESENTED LITIGANT

ORDER

AND NOW, this 19th day of September, 2019, it was brought to our attention that the Defendant, who is acting in a *pro se* capacity, has filed another "Notice of Appeal" from our July 24, 2019 order. Our order of July 24, 2019 simply directed that this matter shall be scheduled for a one-day trial by court. Therefore, such order is merely a scheduling order and not a "final order". It is hereby **ORDERED, DIRECTED and DECREED** that said "Notice of Appeal" is **quashed**.

The next court hearing scheduled is **Thursday, November 14, 2019 at 3:15 p.m. in Courtroom No. 5**, at which time we will address the Defendant's request that we recuse ourselves from presiding over this trial. The Defendant is specifically directed not to file any "Notice of Appeal" before the November 14, 2019 hearing. If he does so, the Blair County Prothonotary's Office is authorized to reject such filing.

BY THE COURT:


J.

APP-I

HS&G
ATTORNEYS AT LAW
Haberstroh, Sullivan, & George, LLP

Partners
William J. Haberstroh
Shawn P. Sullivan
Terressa E. George

Associate
Brandon T. Ryan

September 23, 2019

THE HONORABLE TIMOTHY M SULLIVAN
423 ALLEGHENY STREET
HOLLIDAYSBURG PA 16648

In Re: Altoona Housing Authority v. Wade Plair
No. 2019 GN 1764

Dear Judge Sullivan:

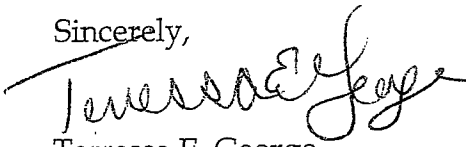
This letter will acknowledge receipt of your September 4th and September 19th Court Orders, in the above-captioned matter.

It is my understanding that Mr. Plair is requesting that you recuse yourself from hearing this case because of your relationship with Attorney Shawn Sullivan, in our office. Please be advised that, on behalf of our client, we will not object to your recusal. While we believe that you can be fair and impartial in this case, however, we understand Mr. Plair's position.

It is my understanding that a hearing on the issue of recusal is scheduled for November 14th. As you know, the hearing, in this matter, is scheduled for November 22nd. We do not want to delay the November 22nd hearing. Therefore, we request that this matter be moved before another Judge on November 22nd.

Thank you for your attention to this matter. If you have any questions, concerning this matter, please do not hesitate to contact me.

Sincerely,


Terressa E. George

✓Cc: Wade Plair
Cc: Altoona Housing Authority

☒ Altoona Office

3615 Burgoon Road Altoona, PA 16602
Phone: 814.944.9486 or 814.944.0300
Fax: 814.944.4299 or 814.944.3200

☐ Martinsburg Office

133 East Allegheny Street Martinsburg, PA 16662
Phone: 814.793.7904
Fax: 814.793.2673

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

ALTOONA HOUSING AUTHORITY,
PLAINTIFF

:
: 2019 GN 1764
:
:
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:
:

v.

WADE PLAIR,
DEFENDANT

HON. TIMOTHY M. SULLIVAN

PRESIDING JUDGE

WILLIAM J. HABERSTROH, ESQUIRE
TERRESSA E. GEORGE, ESQUIRE

COUNSEL FOR PLAINTIFF

WADE PLAIR
911 Green Avenue Tower, Apt 920
Altoona, PA 16601

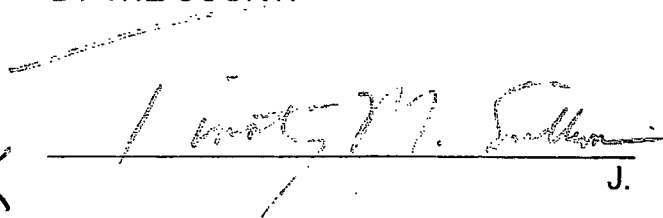
SELF-REPRESENTED LITIGANT

ORDER

AND NOW, this 9th day of October, 2019, it is hereby **ORDERED**, **DIRECTED** and **DECREED** that the undersigned **recuses** himself from this case. Therefore, the hearing that was scheduled on Thursday, November 14, 2019 at 3:15 p.m. in Courtroom No. 5 is **cancelled**. This matter remains scheduled for trial on **Friday, November 22, 2019 at 9:00 a.m. in Courtroom No. 3**, before the Honorable Daniel J. Milliron.

BY THE COURT:

APP-K


J.

cc: The Honorable Daniel J. Milliron



Supreme Court of Pennsylvania

Western District

John A. Vaskov, Esq.
Deputy Prothonotary
Patricia A. Nicola
Chief Clerk

801 City-County Building
414 Grant Street
Pittsburgh, PA 15219
(412) 565-2816
www.pacourts.us

November 15, 2019

RE: Plair, W., Pet. v. Blair County et al
109 WM 2019
Intermediate Court Docket No:
Trial Court: Blair County Court of Common Pleas
Trial Court Docket No: 2019 GN 1764

Dear Attorney George
Attorney Williams
Blair County Prothonotary
Judge Sullivan

This is to advise that the below listed item(s) was/were received in the above-captioned matter.

Petition for Writ of Mandamus
Application for Leave to File Original Process

An original (unbound) and one (1) copy of either the Answer, or a letter stating that an Answer will not be filed, is required to be filed within fourteen (14) days after service. An additional three (3) days may be added if service was effectuated by mail. See Rule Pa.R.A.P. 121(e).

Effective January 6, 2018, all filings must contain a certification of compliance with the Public Access Policy of the Unified Judicial System. For more information, visit www.pacourts.us/public-record-policies.

Very truly yours,
Office of the Prothonotary

/alf
cc: Wade Plair

APP-L
11/15/19

THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA
CIVIL DIVISION

ALTOONA HOUSING AUTHORITY,

Plaintiffs

vs.

WADE PLAIR,

Defendant

NO. 2019 GN 1764

ORDER OF COURT

WHEREAS, this matter has come before the Court on an appeal, by Defendant from an Order of the Magisterial District Judge, seeking possession of premises occupied by the Defendant; and

WHEREAS, the parties have reached agreement and compromise relative to the possession of the premises and disposition of the appeal and, based upon the consent of the parties, the Court enters the following Order;

AND NOW, this 20th day of Nov, 2019, this matter comes before the Court on a Complaint for Eviction and the parties having reached an agreement, **IT IS HEREBY ORDERED, DIRECTED AND DECREED** as follows:

1. The foregoing action shall act as a warning and notice to the Defendant, **WADE PLAIR**, and Defendant agrees that he shall not violate the Rules and Regulations of the Plaintiff, **ALTOONA HOUSING AUTHORITY**, and/or the terms of his Lease. In the event of a violations of said Rules and Regulations and the terms of his Lease, in the future,

APR-M

Defendant, **WADE PLAIR**, agrees the Plaintiff has the right to evict Defendant from the premises.

2. Defendant, **WADE PLAIR**, agrees to withdraw the pending Petition for Allowance of Appeal, Writ of Mandamus and Application for Leave to File Original Process, currently pending before the Supreme Court of Pennsylvania, docketed to 109 WM 2019. This Order shall act as a withdrawal of said actions and a formal request to the Supreme Court of Pennsylvania to dismiss the actions.

3. The Defendant's appeal and this action for possession is hereby denied and dismissed.

BY THE COURT:

Daniel J. Sullivan
J.

We, **ALTOONA HOUSING AUTHORITY**, Plaintiff, and **WADE PLAIR**, Defendant, do hereby consent to the foregoing as an Order of Court.

Date: 11-19-19

ALTOONA HOUSING AUTHORITY, Plaintiff

Angela P. Casey
Witness

BY: Linda Holsinger
Linda Holsinger, Administrative Officer, II

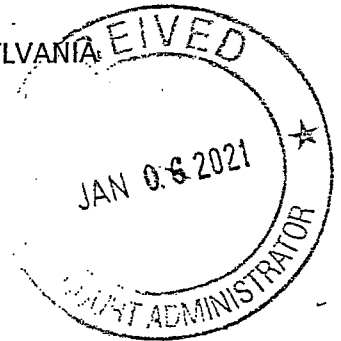
Date: 11-19-19

Angela P. Casey
Witness

Wade Plair
Wade Plair, Defendant

IN THE COURT OF COMMON PLEAS, BLAIR COUNTY, PENNSYLVANIA

CRIMINAL DIVISION



COMMONWEALTH OF PENNSYLVANIA :

V. :

CASE NO. CP-07-CR-00001231-2019

WADE PLAIR :

DEFENDANT

MOTION TO BARR PROSECUTION

JURISDICTION

FILED
2021 JAN -6 PM 12:50
CLERK OF COURT
BLAIR COUNTY

COMES NOW, THE DEFENDANT, WADE PLAIR, PRO SE, TO THE COURT OF COMMON PLEAS BLAIR COUNTY, PENNSYLVANIA, CRIMINAL DIVISION, PURSUANT TO 42 PENNSYLVANIA C.S.A. 931 TO FILE: A MOTION TO BARR PROSECUTION, 42 PENNSYLVANIA RULES OF CRIMINAL PROCEDURE 575 AND 18 PENNSYLVANIA C.S.A. 109 (2) AND 18 PENNSYLVANIA C.S.A. 111 (2) AND TO CLAIM A VIOLATION OF THE DOUBLE JEOPARDY CLAUSE OF THE 5TH. AMENDMENT, OF THE UNITED STATES CONSTITUTION.

FILED BY : WADE PLAIR, PRO SE

911 GREEN AVENUE APT. #920

ALTOONA, PENNSYLVANIA 16601

PHONE: 814-232-4305

RECEIVED
JAN 06 2021
DISTRICT ATTORNEY'S
OFFICE

APP-N

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA
COMMONWEALTH OF PENNSYLVANIA :

vs. :

WADE PLAIR :

CR 1231-2019

HON. DANIEL J. MILLIRON :

PRESIDING JUDGE

SIMON RYDER, ESQUIRE :

ASSISTANT DISTRICT ATTORNEY

WADE PLAIR :

SELF REPRESENTED LITIGANT

911 Green Avenue Apt. 920
Altoona Pa. 16601

ORDER

AND NOW, this 12th day of January, 2021, the Court is conducting a Suppression Hearing in which the Defendant has been appropriately questioned and has made the voluntary decision to proceed representing himself and he has waived counsel.

The Defendant has filed numerous Pro Se petitions and the Court believes that an Order which is dispositional of the majority of them will aide all parties, perhaps particularly the Court, in going forward, therefore it is ORDERED, DIRECTED AND DECREED as follows:

1. The Motion to Suppress under jurisdiction is hereby denied.
2. The Amended Motion to Suppress listed under

APP-0

jurisdiction is hereby denied.

3. The fact is that the undersigned Judge executed an Order dated November 20, 2019 which is being relied upon by the Defendant. That Order was civil in nature and involved the Altoona Housing Authorities efforts to evict/terminate the lease of the Defendant. That agreement apparently has been maintained by all parties and is not dispositional nor sets any precedent by way of estoppel or any other legal justification for this Court to stop the current prosecution. Simply put if the Altoona Housing Authority attempts to evict the Defendant on these same matters then the Defendant has a right to ask the Court to enforce that agreement but that will remain civil in nature.

4. The request by the Defendant to bar the prosecution is also denied.

5. The request to prevent the one witness, John Perazzo, from testifying based on a speculative but prior criminal record which may include crimen falsi prior convictions is deferred with the Court noting that if in fact Mr. Perazzo does testify the Defendant is entitled to all the crimen falsi information as entitled under the rules.

6. Finally, the prosecutions efforts to dismiss this case are also denied. Although the Defendant did not

comply with the Pretrial Rule 571 are true and correct however, this Court is not prepared to dismiss the Defendant's Pretrial Suppression Claims on a procedural matter at this point.

7. The Commonwealth's further request to dismiss this matter on Constitutional grounds are denied. The Court believes both parties are measuring this matter in Constitutional issues raising it far above what is necessary when it becomes a simple Motion to Suppress. The Motion to Suppress will continue forward and this Order is a final Order issued after approximately one hour of the hearing simply as a roadmap so this matter may go forward.

BY THE COURT

Daniel J. Milliron

tr

J.

IN THE SUPERIOR COURT OF PENNSYLVANIA
WESTERN DISTRICT

RECEIVED
FEB 03 2021
DISTRICT ATTORNEY'S
OFFICE

COMMONWEALTH OF PENNSYLVANIA :

V,

: CASE NO. CP-07-CR-00001231-2019

WADE PLAIR :

DEFENDANT

JURISDICTION

COMES NOW, THE DEFENDANT, WADE PLAIR, PRO SE, TO THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, PURSUANT TO 42 PENNSYLVANIA 741 TO APPEAL THE ORDER OF COMMON PLEAS COURT, BLAIR COUNT, PENNSYLVANIA, CRIMINAL DIVISION JUDGE DANIEL J. MILLIRON, DATED: JANUARY 12, 2021. IN WHICH, THE DEFENDANT'S MOTION TO BARR PROSECUTION, WAS DENIED.

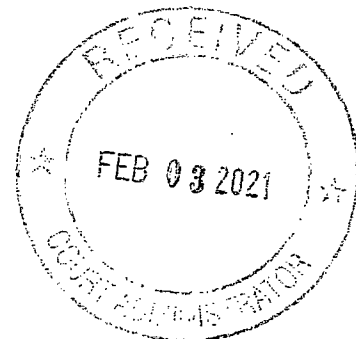
FILED BY : WADE PLAIR, PRO SE

911 GREEN AVENUE APT. # 920

ALTOONA, PENNSYLVANIA 16601

PHONE : 814-232-4305

APP - P



COPY

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

COMMONWEALTH OF PENNSYLVANIA :
 :
VS : 2019 CR 1231
 :
WADE PLAIR, :
 :
DEFENDANT. :

MOTION TO AMEND CRIMINAL
INFORMATION

Filed on behalf of
Commonwealth of Pennsylvania
District Attorney's Office by:

Jessica Ann Weil, Esquire
PA ID #325191
Assistant District Attorney
Office of the District Attorney,
County of Blair
423 Allegheny Street, Suite 421
Hollidaysburg, PA 16648
(814) 693-3010

Pro Se Defendant:

Mr. Wade Plair
911 Green Ave., Apt. 920
Altoona, PA 16601

APP-Q

**IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA :

VS :

WADE PLAIR, :

DEFENDANT. :

2019 CR 1231

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MOTION TO AMEND CRIMINAL INFORMATION

AND NOW, comes the Commonwealth of Pennsylvania, by and through the District Attorney's Office of Blair County, and files this Motion to Amend Criminal Information and in support thereof avers the following:

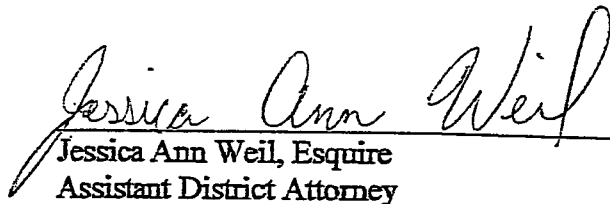
1. Defendant, Wade Plair ("Defendant-Plair"), is charged at the above criminal docket number with Disorderly Conduct (18 Pa. C.S.A. §5503A1); Criminal Trespass (18 Pa. C.S.A. §3503B.1); and Harassment (18 Pa. C.S.A. §2709A1).
2. The Commonwealth avers that the information filed in Defendant Kearney's case has a defect in the description of the Disorderly Conduct charges, and, pursuant to Pennsylvania Rule of Criminal Procedure 564, the Commonwealth is permitted to amend the information to accurately describe the offenses charged. Pa.R.Crim.P. 564.
3. Rule 564 states: "The court may allow an information to be amended when there is a defect in form, **the description of the offense(s)**, the description of any person or any property, or the date charged, provided the information as amended does not charge an additional or different offense." Pa.R.Crim.P. 564 (emphasis added).
4. The Information presently describes the offense of Disorderly Conduct as a Misdemeanor of the third degree. However, after further consideration of the facts and evidence, the

Commonwealth now believes that it is appropriate to amend the grading of the Disorderly Conduct charge to a Summary offense.

5. The Commonwealth avers that it is neither charging an additional or different offense nor prejudicing Defendant-Plair in any way.
6. In light of the above, the Commonwealth avers that the requested Amendment to the Information is authorized by Pennsylvania Rule of Criminal Procedure 564 and has attached a proposed Amended information as Exhibit A.

WHEREFORE, the Commonwealth of Pennsylvania respectfully requests this Honorable Court allow and/or permit the Commonwealth to amend Count 2 and 3 of the instant Information to reflect the appropriate description for the Escape charge and Flight charge and amend the date range of the offenses. A copy of the proposed Amended Information is attached hereto as Exhibit "A".

Respectfully submitted,



Jessica Ann Weil, Esquire
Assistant District Attorney

**AMENDED INFORMATION
IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

Criminal Action No. CP-07-CR-0001231-2019

COMMONWEALTH OF PENNSYLVANIA

VS.

WADE PLAIR

The District Attorney of Blair County, by this Information charges that on or about **Thursday, the 11th day of April, 2019**, in said County of Blair, **WADE PLAIR** did commit the crime or crimes herein in ,

COUNT 1: DISORDERLY CONDUCT ENGAGE IN FIGHTING
185503A1 — Summary

did, with intent to cause public inconvenience, annoyance, or alarm, or recklessly create a risk thereof engage in fighting or threatening or in violent tumultuous behavior, all of which constitutes Disorderly Conduct, a Summary , in violation of Section 5503(a)(1) of the Crimes Code [18 Pa. C.S.A. 5503(a)(1)].

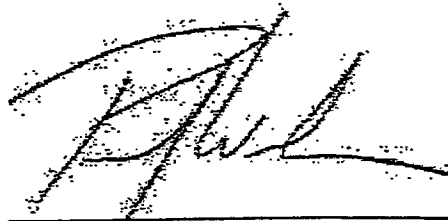
COUNT 2: CRIMINAL TRESPASS/SIMPLE TRESPASSER
18 P.S. 3503B.11 — Summary

A person commits an offense if knowing that he is not privileged to do so enters or remains in any place for the purpose of threatening or terrorizing the owners or occupants of the premises.

COUNT 3: HARASSMENT/STRIKE, SHOVE, KICK, ETC.
18 P.S. 2709A1 — Summary

With the intent to harass, annoy or alarm another person, namely JOHN PERAZZO, did strike, shove, kick or otherwise subject such other person to physical contact, or did attempt or threaten to do the same, namely THE DEFENDANT WALKED TO THE DOOR AND PUNCHED THE VICTIM IN THE SIDE OF THE FACE in violation of Section 2709a1 of the Pa Crimes Code. [18 Pa C.S. 2709A1]

All of which is against the Acts of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.



District Attorney

Citation of Statute and Section:

185503A1
18 P.S. 3503B.11
18 P.S. 2709A1

APP-R

1123-19
JC
PC 9/16

INFORMATION
IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

Criminal Action No. CP-07-CR-0001231-2019

COMMONWEALTH OF PENNSYLVANIA

VS.

WADE PLAIR

The District Attorney of Blair County, by this Information charges that on or about Thursday, the 11th day of April, 2019, in said County of Blair, WADE PLAIR did commit the crime or crimes herein in CITY OF ALTOONA,

COUNT 1: DISORDERLY CONDUCT ENGAGE IN FIGHTING

18 P.S. 5503A1 -- Misdemeanor 3rd DEGREE

did, with intent to cause public inconvenience, annoyance, or alarm, or recklessly create a risk thereof engage in fighting or threatening or in violent tumultuous behavior, all of which constitutes Disorderly Conduct, a MISDEMEANOR, in violation of Section 5503(a)(1) of the Crimes Code [18 Pa. C.S.A. 5503(a)(1)].

COUNT 2: CRIMINAL TRESPASS/SIMPLE TRESPASSER

18 P.S. 3503B.11 -- Summary

A person commits an offense if knowing that he is not privileged to enter or remains in any place for the purpose of threatening or terrorizing the owners or occupants of the premises.

COUNT 3: HARASSMENT/STRIKE, SHOVE, KICK, ETC.

18 P.S. 2709A1 -- Summary

With the intent to harass, annoy or alarm another person, namely JOHN PERAZZO, did strike, shove, kick or otherwise subject such other person to physical contact, or did attempt or threaten to do the same, namely THE DEFENDANT WALKED TO THE DOOR AND PUNCHED THE VICTIM IN THE SIDE OF THE FACE in violation of Section 2709a1. of the Pa Crimes Code. [18 Pa C.S. 2709A1]

All of which is against the Acts of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

Richard A. Corsylo / DC
District Attorney

Citation of Statute and Section: 18 P.S. 5503A1
18 P.S. 3503B.11
18 P.S. 2709A1

APP-5

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JUL 03 2019
BLAIR COUNTY
PUBLIC DEFENDER'S OFFICE

COMMONWEALTH OF PENNSYLVANIA

v.

WADE PLAIR

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

Blair County Criminal Division
CP-07-CR-0001231-2019

No. 179 WDA 2021

ORDER

Upon consideration of Appellant Plair's *pro se* letter to this Court, docketed on March 4, 2021, as a response to this Court's Order of February 25, 2021, directing Appellant to show cause why this appeal should not be quashed as premature, the following is now **ORDERED**:

The appeal is **QUASHED**.

PER CURIAM

APP-T

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

-vs-

WADE PLAIR

:
:
: CR 1231-2019
:
:

THE HON. DANIEL J. MILLIRON

SIMON R. RYDER, ESQUIRE

WADE PLAIR

: PRESIDING JUDGE
:
: ASST. DISTRICT ATTORNEY
:
: SELF REPRESENTED LITIGANT

ORDER

AND NOW, this 19th day of March, 2021, the Court has conducted a hearing on the Motion to Amend Criminal Information filed by the Commonwealth. The Commonwealth's Motion was to reduce Count 1, Disorderly Conduct, from a Misdemeanor of the Third Degree to a Summary Offense. The Motion also alleges a typographical error which they wish to correct. The Court has, in open Court, reviewed Title 18 Section 5503, which defines Disorderly Conduct and the Court agrees that the Commonwealth, pursuant to Rule of Criminal Procedure 564, has the authority to amend this charge. For the record, it is apparent that the Commonwealth wishes to amend this so that a Trial by Jury would not be available and this matter would be subject to an expedited disposition as a Trial by Court. The Defendant objects to this and wishes to have a Trial by Jury. The only question the Court has is whether a previous appeal filed pro se by the Defendant deprives this Court of the jurisdiction to make a ruling on

APP-4

this case. The Court has once again gone over the Defendant's right to counsel and the attendant questions at this stage of the proceedings as it did previously when the Defendant made the decision to represent himself. Mr. Plair has again indicated his desire to act as his own counsel.

The Court grants the Motion and the Information is amended so that Count 1, Disorderly Conduct, is degraded to become a Summary Offense. Once again, the only question the Court has is whether it maintains that authority once the case has gone to the Superior Court. A copy of this Order shall be provided to the Superior Court. That appellate caption is 299 WDA 2021.

The Defendant has correctly pointed out that the Motion to Amend Criminal Information, in the WHEREFORE clause at the end, reflects an intention to amend an Escape Charge and a Flight Charge, which are simply not correct and are in error. There is no Escape or Flight Charge involved in this matter and Count 2 and Count 3 remain Summary Offenses as originally charged.

BY THE COURT

Daniel J. Miller

J.

lah

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA :
PLAINTIFFS : BLAIR COUNTY CRIMINAL DIVISION
DOCKET NO. CP-07-CR-00001231-2019
V. : SUPERIOR COURT OF PENNSYLVANIA
DOCKET NO. 179 WDA 2021
WADE PLAIR
DEFENDANT :

PETITION FOR ALLOWANCE OF APPEAL

JURISDICTION

COMES NOW, THE PETITIONER, WADE PLAIR, PRO SE, TO THE SUPREME COURT OF PENNSYLVANIA, WESTERN DISTRICT, PURSUANT TO 42 PENNSYLVANIA C.S.A. 724 (A) PENNSYLVANIA RULES OF APPELLATE PROCEDURE 1112 TO APPEAL THE FINAL ORDER, PER CURIAM, OF THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, DATED : MARCH 18, 2021 WHICH QUASHED, THE DEFENDANT'S, MOTION TO BARR PROSECUTION FILED: FEBRUARY 3, 2021, TO THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, PURSUANT TO : 42 PENNSYLVANIA C.S.A. 741, ORIGINAL JURISDICTION.
PENNSYLVANIA RULES OF APPELLATE PROCEDURE 1113 (A)
PENNSYLVANIA RULES OF APPELLATE PROCEDURE 1311 (A)
PENNSYLVANIA RULES OF APPELLATE PROCEDURE 1311 (A) (3)

FILED BY: WADE PLAIR, PRO SE, 911 GREEN AVENUE APT. #920

ALTOONA, PENNSYLVANIA 16601 PHONE: 814-232-4305

APP-V

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OFFICE

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APR 09 2021
COURT ADMINISTRATOR

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	Blair County Criminal Division
	:	CP-07-CR-0001231-2019
	:	
WADE PLAIR	:	
	:	
Appellant	:	No. 476 WDA 2021

ORDER

Upon consideration of Appellant Plair's *pro se* pleading docketed on May 12, 2021, as a Response to this Court's Order of May 5, 2021, which directed Appellant to show cause why this appeal should not be quashed as premature, the following is now **ORDERED**:

The appeal is **QUASHED**.

PER CURIAM

APP-W

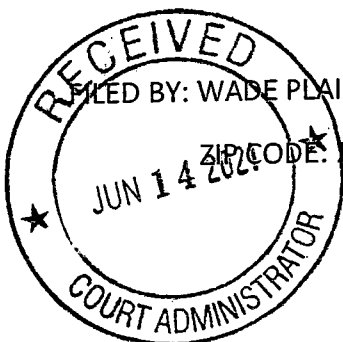
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA :
PLANTIFFS : BLAIR COUNTY CRIMINAL DIVISION
V. : DOCKET NO. CP-O7-CR-00001231-2019
WADE PLAIR : SUPERIOR COURT OF PENNSYLVANIA
DEFENDANT : DOCKET NO. 476 WDA 2021

PETITION FOR ALLOWACE OF APPEAL
JURISDICTION

COMES NOW, THE DEFENDANT, WADE PLAIR, PRO SE, TO THE SUPREME COURT OF PENNSYLVANIA, WESTERN DISTRICT, PURSUANT TO 42 PENNSYLVANIA C.S.A. 724 (A) PENNSYLVANIA RULES OF APPELLATE PROCEDURE 1112, TO APPEAL, THE ORDER, PER CURIAM, OF THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, DATED: MAY 19, 2021 WHICH QUASHED, THE DEFENDANT'S APPEAL, TO THE SUPERIOR COURT OF PENNSYLVANIA DATED: MARCH 19, 2021. THE DEFENDANT, FILED A NOTICE OF APPEAL, NUNC PRO TUNC, DATED: APRIL 13, 2021 TO THE PRE-TRIAL MOTION TO AMEND CRIMINAL INFORMATION, FILED BY. THE BLAIR COUNTY, PENNSYLVANIA, OFFICE OF THE DISTRICT ATTORNEY DATED: FEBRUARY 3, 2021 RESPECTIVELY,
PENNSYLVANIA RULES OF APPELLATE PROCEDURE 1113 (A)
PENNSYLVANIA RULES OF APPELLATE PROCEDURE 1311 (A)
PENNSYLVANIA RULES OF APPELLATE PROCEDURE 1311 (A) (3)

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JUN 14 2021
DISTRICT ATTORNEY'S
OFFICE



FILED BY: WADE PLAIR, PRO SE, 911 GREEN AVENUE APT. #920 ALTOONA, PENNSYLVANIA
ZIP CODE: 16601 PHONE: 814-889-5372

APP-X

