25-6449

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

CYNTHIA LYNN POLLICK – PETITIONER

v.

COMMONWEALTH OF PENNSYLVANIA – RESPONDENT

ON PETITION OF A WRIT OF CERTIORARI TO
SUPREME COURT OF PENNSYLVANIA

PETITION FOR A WRIT OF CERTIORARI

Respectfully Submitted:

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QUESTIONS PRESENTED

1. Whether Petitioner's Sixth Amendment right to counsel was violated by Lackawanna County Court of Common Pleas, Pennsylvania when it failed to honor this Court's precedent that requires a *pro se* litigant be provided with legal counsel at the start of her misdemeanor disorderly conduct jury trial when she was jailed in her divorce one week before her criminal trial and had no access to electronic evidence, jury instructions or the prison law library; and therefore, she was not given a fair trial in violation of Fourteenth and Sixth Amendments?

2. Whether the Due Process Clause was violated when the court in Lackawanna County Court of Common Pleas, Pennsylvania refused to quash the criminal information when it did not state a crime but rather allowed the Commonwealth of Pennsylvania to amend in violation of her constitutional rights provided by the Fourteenth, Fourth and First Amendments?

3. Whether it violated the Fourteenth and First Amendments when Lackawanna County Court of Common Pleas, Pennsylvania allowed Petitioner to be charged with a crime when she was not in "public" but rather purportedly one step off her rural driveway onto the rural road with farm equipment in the field across her driveway and miles from the nearest public bus stop?

4. Whether 18 Pa. C.S. § 5503 misdemeanor disorderly conduct is unconstitutionally vague, overbroad and allows discriminatory application since Petitioner was charged with the crime the moment she purportedly stepped off her rural driveway onto the rural road because "persistent" disorderly conduct criminalized constitutionally protected activity on her property?

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

RELATED CASES

Commonwealth v. Pollick, 21 CR 71 (Lackawanna County MJ 2021)

Commonwealth v. Pollick, 21 CR 1295 (Lackawanna CCP 2021)

Commonwealth v. Pollick, 1113 MDA 2022 (Pa. Super. 2022);
1452 MDA 2022 (Pa. Super. 2022);
2024 Pa. Super. Unpub. LEXIS 1258 (Pa. Super. 2024)

Commonwealth v. Pollick, 177 MT 2024 (Pa. 2024);
226 MAL 2025 (Pa. 2025);
2025 Pa. LEXIS 1449 (Pa. 2025)

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[X] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is reported at 2024 Pa. Super. Unpub. LEXIS 1258 but unpublished.

The opinion of the Lackawanna County Court of Common Pleas appears at Appendix B to the petition.

[X] is unpublished.

JURISDICTION

[X] For cases from **state courts**:

The date on which the highest court decided my case was September 16, 2025. A copy of that decision appears at Appendix E.

The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutional provisions

"... This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every States shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. ..." U.S. Constitution, Art. VI

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, ... , and to have the Assistance of Counsel for his defence." 6th Amendment

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, ... , and the persons or things to be seized." 4th Amendment

"All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law ... ; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. ..." 14th Amendment

"Congress shall make no law ... , or prohibiting the free exercise thereof; or abridging the freedom of speech, ..." 1st Amendment

Statutory provisions

18 Pa. C.S. § 5503

18 Pa. C.S. § 5505

STATEMENT OF THE CASE

On July 9, 2021, at approximately 6 p.m. on a Friday evening, Petitioner was arrested at her home in rural Newton Township, Pennsylvania at 11059 Valley View Drive, Clarks Summit for misdemeanor disorderly conduct and the summary offense of public drunkenness. (N.T. 7/19/21 Prelim. Hearing pg. 7:1-7:12). Petitioner's 3-bedroom ranch faces a field where farm equipment is located and is approximately five (5) miles from the main street in Clarks Summit, Pennsylvania where the nearest public bus stop is designated.

Petitioner was transported in Trooper Fells' R1 17 police cruiser and was not wearing shoes because she was barefoot at her home. (N.T. 5/4/22 Trial pg. 25:18-20; 35:15-16). Petitioner had changed from her work clothes to cool attire because her 3-bedroom ranch does not have central air; and she did not even have a window air conditioner in her bedroom due to the pending divorce from her then-attorney husband since her estranged family was aligned with him. (N.T. 5/3/22 Trial pg. 130:23-131:4; 5/4/22 Trial pg. 35:15-19).

Because Trooper Fells removed Petitioner's large shoulder bag that contained her business papers, laptop along with her wallet, Petitioner

could not pay the low $150.00 bail, and remained incarcerated at Lackawanna County Prison from 7/9/21-7/19/21 as noted below:

> MS. POLLICK: Well, Your Honor, the State Police seized my purse which was my handbag on 7/9. And all of my identification, my wallet that had my credit cards, everything and I am working remotely. So I have electronics as well and confidential business information. And none of that -- so I have been stuck here for 10 days without the ability to get out because the State Police seized my purse. (N.T. 7/19/21 Prelim. Hearing pg. 9:4-14).

On July 19, 2021, the judge at the preliminary hearing placed Petitioner on unsecured bail with restrictive pretrial services that required weekly check-ins with pretrial probation and drug and alcohol testing. (N.T. 7/19/21 Prelim. Hearing pg. 53:22-54:22). Had Trooper Fells not removed Petitioner's shoulder bag before placing her in his police cruiser, Petitioner would have paid the $150 bail that evening and not been subjected to the restrictive, intrusive pre-trial services. The very next day, July 20, 2021, Petitioner's divorce decree was granted and judgment entered against her, which she appealed to the Superior Court.

Prior to the 7/9/2021 arrest, on June 3, 2021, Petitioner contacted 911 to obtain help because her estranged sister and mother would not allow her to enter her home. (N.T. 10/6/21 Hearing pg. 93:17-94:5; 5/4/22 Trial pg. 87:5-10). This occurred after the last full day of testimony in the

divorce proceeding. (N.T. 10/6/21 Hearing pg. 93:17-94:5). Again, on June 29, 2021, just 10 days before the 7/9/2021 arrest, Petitioner contacted the Pennsylvania State Police because she could not sleep due to noise coming from her estranged sister's home. *Id.*

During that police call, Petitioner reported that she believed her estranged sister's husband was engaging in organized crime - illegal gambling, which his father Eugene "Ginky" Lesneski who has the same name was arrested by Scranton FBI in 1992 and was set to be arrested again in January/February 2004, but passed away in December 2003. *See USA v. Rinaldi, et al, (USA v. Lesneski),* 92 CR 255 (M.D. Pa. 1992, Judge Richard P. Conaboy); *USA v. Rinaldi, et al,* 04 MJ 00004 (M.D. Pa. 2004, Judge Malachy E. Mannion); *USA v. Rinaldi, et al,* 04 CR 65 (M.D. Pa. 2004, Judge William J. Nealon).

The original criminal information filed by First Assistant District Attorney Judy Price did not list Petitioner in public since the police vehicle listed was Corporal Cole's and it was parked in Petitioner's driveway. (N.T. 10/6/21 Hearing pg. 26:25-27:4). Additionally, the Commonwealth had three more lawyers assisting it on this matter – Deputy District Attorney Gene Riccardo, Assistant District Attorney

Jordan Mazzoni and Assistant District Attorney John Carroll. The trial court allowed the late amendment of criminal information that switch the vehicle Petitioner was alleged to have touched to Trooper Fells' police cruiser R1 17 not Corporal Cole's. (N.T. 10/6/21 Hearing pg. 26:25-27:4).

On April 25, 2022, just one week before the criminal trial in which Petitioner was proceeding *pro se*, her ex-husband, who was also an attorney, incarcerated her in the divorce proceedings in Lackawanna County while also issuing a writ of execution on 3/22/22 and depleting her bank accounts taking $20,318.94 from her law practice account, which closed her solo business line of credit, which was loan money. (N.T. 5/2/22 Trial pg. 11:10-25).

As noted by Petitioner at sentencing, "... [m]y husband took my whole entire law practice earnings away through the divorce writ that I've appealed. The (sic) did a writ process on 3-22-22. ..." (N.T. 7/21/22 Sentencing pg. 13:23-14:1). The public cannot see one divorce document filed by Petitioner because it was sealed from the public against Petitioner's wishes. *See Pollick v. Trozzolillo*, 20 FC 40119 (Lacka. County CCP 2020); 991 MDA 2021; 620 MDA 2022; 616 MDA 2024 (Pa. Super. Court).

While at Lackawanna County Prison, Petitioner did not have access to her computer, electronic evidence or the prison law library. (N.T. 5/2/22 Trial pg. 2:10-4:12). Petitioner had no makeup, such as foundation to cover acne-prone skin, concealer, blush, eye liner or mascara while housed in prison, which she normally used when appearing in court. (N.T. 5/2/22 Trial pg. 11:10-25). Petitioner had no access to a morning shower, her curling iron or fresh clothes during trial. *Id.*

On May 2, 2022, the criminal trial began after Petitioner was transported in shackles and handcuffs from Lackawanna County Prison by the Deputy Sheriffs. (N.T. 5/2/22 Trial pg. 2:10-5:9). Petitioner was held in the basement jail cell prior to trial and during lunch breaks, and transported daily by Deputy Sheriffs to the courtroom. (N.T. 5/2/22 Trial pg. 111:19-112:3). The Deputy Sheriffs surrounded Petitioner during the trial, which provided the necessary subliminal that she was a dangerous criminal that the jury should convict, which was preserved as follows:

> MS. POLLICK: Okay. The second issue I have I was placed downstairs and I have sheriffs around me so it's very prejudicial. It certainly doesn't look -- the innocence.
> (N.T. 5/2/22 Trial pg. 18:17-20).

The Commonwealth proceeded with trial although Petitioner was imprisoned; had no lawyer on the outside or makeup due to the divorce

imprisonment that started the week before on April 25, 2022. (N.T. 5/2/22 Trial pg. 2:10-5:9). The trial court never provided Petitioner with counsel although it knew she was imprisoned with no access to her computer, internet or law library and could be imprisoned on the misdemeanor criminal charge if found guilty by the jury. (N.T. 5/2/22 Trial pg. 2:10-5:9). Petitioner continued to preserve her objection:

> MS. POLLICK: I want to put on the record for the Superior Court, Supreme Court whoever does hear this matter that I'm a Pro se litigant as a Defendant. And I'm clearly prejudiced when Lackawanna County imprisons someone seven days before their trial and every single judge knows about that. The DA's Office knows about it. It was a judgment of a civil debt in a divorce matter and it actually was appealed on 4/22/2022. And it should not have caused me to be imprisoned and to be disadvantaged before this jury since I haven't showered today. I haven't curled my hair. I have no makeup. And I have no prep that normally would be given. Thank you. Thank you, Your Honor. (N.T. 5/2/22 Trial pg. 11:7-25).

At trial, the Commonwealth asserted that Petitioner left her private driveway onto the rural road of Valley View Drive, Newton Township, and pulled on the door handle of police cruiser R1 17. There was no damage to any police vehicle, property or person at her home. No one called 911 to complain about Petitioner.

The Commonwealth admitted that Petitioner could not be arrested based on her actions while on her private driveway as follows:

Q. You'd agree with me that you cannot arrest someone on their driveway for disorderly conduct or public drunkenness, correct?
A. On their private property?
Q. Yes.
A. Correct. (N.T. 5/3/22 Trial pg. 191:2-7).

Petitioner was a first-time offender. On July 21, 2022, Judge Joseph M. Augello sentenced Petitioner to six (6) months probation with electronic monitoring and a mental evaluation along with a $100 fine for the summary offense of public drunkenness. (Appendix C).

Petitioner remained imprisoned in the divorce proceedings until September 15, 2022, when she was released but her vehicle was seized by Lackawanna County/DeNaples during the divorce imprisonment. *See VW Credit Leasing Ltd. v. Lackawanna County and DeNaples Auto Parts*, 23-CV-378 (M.D. Pa. 2023), 24-2724 (3d Cir. 2024). Petitioner had to walk to shelter with no money or credit since every credit card was cancelled due to failure to pay the minimum balances. At the age of 52 after having excellent credit, she had none due to the divorce imprisonment.

On January 9, 2023, Petitioner completed her first-time offender probation and was cleared mentally to be released from probation by Lackawanna County Office of Probation. Petitioner has not been charged with a crime since July 9, 2021.

REASONS FOR GRANTING THE PETITION

I. Because Petitioner was incarcerated in her divorce proceeding[1] one week before her *pro se* criminal jury trial for misdemeanor disorderly conduct, it was fundamentally unfair for the court to fail to provide legal counsel as required by this Court's precedent who had access to the law library and electronic evidence since Petitioner had neither; and thereby, the trial court violated the Supremacy Clause of the Constitution and the Sixth Amendment

"A well-known medical maxim—"first, do no harm"—is a good rule of thumb for courts as well." *Manuel v. City of Joliet*, 580 U.S. 357, 385 (2017)(Thomas, J., dissenting). Here, the court in Lackawanna County, Pennsylvania did not heed such sage advice. Petitioner was denied the right to counsel when she was imprisoned in her divorce[2] when Judge Michael J. Barrasse issued a bench warrant for Petitioner's arrest on

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[1] The same judicial body – Lackawanna County Court of Common Pleas through coordination by Judge Michael J. Barrasse – handled both Petitioner's divorce from her attorney ex-husband and this criminal case that conveniently began when the divorce was pending.

[2] Lackawanna County Court of Common Pleas also did not provide Petitioner with a lawyer before it threw her in jail in the divorce on 4/25/22 since she had to proceed *pro se* due to the inability to find a divorce lawyer willing to oppose her husband's lawyer. This was yet another example of Petitioner's constitutional rights being trampled on. "Petitioner's contempt conviction thus was obtained in violation of his due process rights, and cannot stand." *Walker v. McLain*, 768 F.2d 1181, 1185 (10th Cir. 1985).

April 25, 2022, one week[3] before her *pro se* criminal jury trial on the misdemeanor charge of disorderly conduct began. "Unless the accused receives the effective assistance of counsel, 'a serious risk of injustice infects the trial itself.'" *United States v. Cronic*, 466 U.S. 648, 666 (1984).

"Lawyers in criminal cases 'are necessities, not luxuries.' ... Their presence is essential because they are the means through which the other rights of the person on trial are secured. Without counsel, the right to a trial itself would be 'of little avail,' ,,, as this Court has recognized repeatedly. ... 'Of all the rights that an accused person has, the right to be represented by counsel is by far the most pervasive for it affects his ability to assert any other rights he may have.'" *Cronic*, 466 U.S. at 654-655 (cleaned up).

"Under the rule we announce today, every judge will know when the trial of a misdemeanor starts that no imprisonment may be imposed, even though local law permits it, unless the accused is represented by

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[3] Judge Michael J. Barrasse could have wrongly imprisoned Petitioner in the divorce the week after her *pro se* criminal trial, but he purposely, intentionally and deliberately choose the week before, so Petitioner would be ineffective at advocating for herself at her jury trial and the Commonwealth would secure the needed criminal convictions to harm her legal business.

counsel. He will have a measure of the seriousness and gravity of the offense and therefore know when to name a lawyer to represent the accused before the trial starts. ... But in those that end up in the actual deprivation of a person's liberty, the accused will receive the benefit of 'the guiding hand of counsel' so necessary when one's liberty is in jeopardy." *Argersinger v. Hamlin*, 407 U.S. 25, 40 (1972)(emphasis added).

At the start of the jury trial after being transported from Lackawanna County Prison in handcuffs and shackles, Petitioner notified the trial judge of the divorce imprisonment as follows:

> MS. POLLICK: Okay. I wanted to put on the record that I was imprisoned on 4/24/2022, just last week, a week Monday for the matter that I did give it to you the last time that we had the hearing. It is a judgment that was given to Attorney Anthony P. Trozzolillo as my ex-husband by Judge Emanuel Bertin and that is a civil judgment that I was imprisoned on last Monday. I'm not in -- and I've been in prison ever since. And I was transported from prison today to get here. And clearly you don't get a shower in the morning. You have no makeup. You don't get to shave your legs. So I'm very disadvantaged at this point when I could have gone to trial and should have gone to trial on October 25th, I believe, 2021 when I had all of my equipment, had all my exhibits ready to go, had everything there. I subpoenaed the witnesses. But I want to place on the record the fact that I have been in prison. I do not have my material for trial. It's still at the prison. It's in a bag. I have witness -- my exhibits. I have my Netgear. I have my computer, all of those things. And they will not give

it to me. I thought I would be able to bring it here today without an order from you and the sheriffs will then transport that material so that I could do it. Obviously, I won't need that material until the afternoon because we will do jury selection and opening statements. But I am at a disadvantage because number one, I didn't sleep at my home and prepare –- well, obviously not my home because I'm staying at an extended stay because my mother got a 3-year PFA against me after she worked 10 years for me and just stopped working on March 20, 2020. So I want to place on the record that I'm severely prejudiced by the fact that I was imprisoned, not for violation of anything related to my probation which Judge Bertin wouldn't have even known about that I was on probation because he was not my criminal summary offense trial judge related to my husband -- ex-husband. So I do want to put that to the Court. I don't know what you could do about helping me get my material because I did have it with me on 4/25/2022. So the sheriffs can bring it. Can I get my material so I could try the case like I should be allowed to?

ATTY. RICCARDO: So, Judge, my understanding is she was found not guilty, the Defendant was found not guilty in the summary -- that summary harassment.

THE COURT: That's certainly not the issue.

ATTY. RICCARDO: Right.

THE COURT: Is she in jail?

ATTY. RICCARDO: Well, she's in jail on a separate civil matter.

MS. POLLICK: No, I'm not. It's not a --

THE COURT: Ms. Pollick –

MS. POLLICK: He's misrepresenting the facts.

ATTY. RICCARDO: It's my understanding, Your Honor, there was a court order. It was civil in nature that apparently was violated. And that's the reason why she's in jail. So, I mean, she had every opportunity to purge that contempt. I would assume by making that payment that was --

THE COURT: The issue she's raising is that I order the sheriffs to bring her trial material.

ATTY. RICCARDO: No objection. No objection, Judge.

(N.T. 5/2/22 Trial pg. 2:1-5:20). ...

MS. POLLICK: Okay. And, Your Honor, I just want to -- because of my imprisonment, I do want to put that prejudice -- I want it noted on the record because clearly a civil debt you cannot be imprisoned for and it has nothing related to –

THE COURT: That's not related to anything I have here. So there is no relief I could grant you on that. What you're calling is an incarceration for a contempt by another Judge on a separate issue. So they are not related to today's proceedings. Now, you indicated to me the last time for whatever reason you would probably be in jail based on that other judge's order. And you said no matter what, I want this trial to go forward.

MS. POLLICK: I want the trial, but I appealed it. I appealed the –

THE COURT: Is it an order of mine?

MS. POLLICK: No, it's not.

THE COURT: Do I have the authority to change it?

MS. POLLICK: Well, I just want to put it on the record –

THE COURT: Do I have any authority to change it?

MS. POLLICK: No. I don't know. I don't know. Maybe you do. I don't know how the judge's work if you could override another judge.

THE COURT: Now (sic), absolutely not. You know that.

MS. POLLICK: I think you might be able to.

THE COURT: You know that. Let's not play games.

MS. POLLICK: Well, I just want to put it on record –

THE COURT: We're going to –

MS. POLLICK: Can I just put one thing on the record, please, Your Honor, one?

THE COURT: Go ahead.

MS. POLLICK: I want to put on the record for the Superior Court, Supreme Court whoever does hear this matter that I'm a Pro se litigant as a Defendant. And I'm clearly prejudiced when Lackawanna County imprisons someone seven days before their trial and every single judge knows about that. The DA's Office knows about it. It was a judgment of a civil debt in a divorce matter and it actually was appealed on 4/22/2022.

> And it should not have caused me to be imprisoned and to be disadvantaged before this jury since I haven't showered today. I haven't curled my hair. I have no makeup. And I have no prep that normally would be given. Thank you. Thank you, Your Honor. (N.T. 5/2/22 pg. 9:18-11:25)(emphasis added).

"Thus, the Sixth Amendment does more than require the States to appoint counsel for indigent defendants. The right to counsel prevents the States from conducting trials at which persons who face incarceration must defend themselves without adequate legal assistance". *Perez v. Wainwright*, 640 F.2d 596, 597 (5th Cir. 1981). "If petitioner is truly indigent, his liberty interest is no more conditional than if he were serving a criminal sentence; he does not have the keys to the prison door if he cannot afford the price. The fact that he should not have been jailed if he is truly indigent only highlights the need for counsel, for the assistance of a lawyer would have greatly aided him in establishing his indigency and ensuring that he was not improperly incarcerated." *Walker v. McLain*, 768 F.2d 1181, 1184 (10th Cir. 1985).

"Counsel is needed so that the accused may know precisely what he is doing, so that he is fully aware of the prospect of going to jail or prison, and so that he is treated fairly by the prosecution." *Argersinger,* 407 U.S. at 34. "We must conclude, therefore, that the problems associated with

misdemeanor and petty ... offenses often require the presence of counsel to insure the accused a fair trial. *Id.* at 36-37 (cleaned up).

As noted by this Court, "... the prospect of imprisonment for however short a time will seldom be viewed by the accused as a trivial or 'petty' matter and may well result in quite serious repercussions affecting his career and his reputation." *Id.* at 37. "Authority does not suggest that a minimal amount of additional time in prison cannot constitute prejudice. Quite to the contrary, our jurisprudence suggests that any amount of actual jail time has Sixth Amendment significance." *Glover v. United States*, 531 U.S. 198, 203 (2001).

"Even were the matter *res nova*, we believe that the central premise of *Argersinger* -- that actual imprisonment is a penalty different in kind from fines or the mere threat of imprisonment -- is eminently sound and warrants adoption of actual imprisonment as the line defining the constitutional right to appointment of counsel." *Scott v. Illinois*, 440 U.S. 367, 389 (1979). "The right to the effective assistance of counsel is thus the right of the accused to require the prosecution's case to survive the crucible of meaningful adversarial testing." *Cronic*, 466 U.S. at 666.

In this case, Petitioner not only lost her physical liberty in the divorce proceeding one week earlier, but also faced the prospect of a year in jail if convicted of misdemeanor disorderly conduct. "First, in *Argersinger v. Hamlin*, 407 U.S. 25, 32 L. Ed. 2d 530, 92 S. Ct. 2006 (1972), this Court held that defense counsel must be appointed in any criminal prosecution, 'whether classified as petty, misdemeanor, or felony,' ... 'that actually leads to imprisonment even for a brief period ...". *Alabama v. Shelton*, 535 U.S. 654, 657 (2002)(cleaned up).

Petitioner not being a criminal lawyer would not have known that the trial judge was required to appoint a lawyer to her once she was imprisoned but the Commonwealth prosecutors knew it. Instead of ensuring Petitioner had counsel on the outside while imprisoned in the divorce, the Commonwealth ignored the issue. The male prosecutor who was friends with Petitioner's ex-husband stated the following:

> ATTY. RICCARDO: It's my understanding, Your Honor, there was a court order. It was civil in nature that apparently was violated. And that's the reason why she's in jail. So, I mean, she had every opportunity to purge that contempt. I would assume by making that payment that was – (N.T. 5/2/22 Trial pg. 5:3-9; 10/25/21 Hearing pg. 7:6-23).

When Lackawanna County Judge Michael Barrasse imprisoned Petitioner in the divorce on 4/25/22, one week before her *pro se* criminal

trial, he was required to provide her with legal counsel in the criminal trial because she could not access her laptop, internet, electronic evidence or the prison law library while housed at Lackawanna County Prison.

As noted by this Court in *Baldasar*, the prosecution in that case admitted, "... the prosecutor knows that by not requesting that counsel be appointed for defendant, he will be precluded from enhancing subsequent offenses." *Baldasar v. Ill.*, 446 U.S. 222, 224 (1980). Here too, the Commonwealth prosecutors who were skilled in criminal law knew they were obligated pursuant to the Sixth Amendment to ensure Petitioner had legal counsel outside of prison when they moved forward.

"... [T]he right to the assistance of counsel has been understood to mean that there can be no restrictions upon the function of counsel in defending a criminal prosecution in accord with the traditions of the adversary factfinding process that has been constitutionalized in the Sixth and Fourteenth Amendments." *Herring v. New York*, 422 U.S. 853, 857 (1975). An appointed lawyer would have access to his laptop and electronic evidence to review each night of the trial. Here, Petitioner did not because she was housed in prison due to the divorce; and she was not

even provided with the Commonwealth's exhibits before the trial started as noted as follows:

> MS. POLLICK: And one more issue. I just received when I came in but not this morning by transport by the sheriffs the exhibits by the Defendant. So I just want that on the record.
> THE COURT: Thank you. Anything further before we bring the -- (N.T. 5/2/22 Trial pg. 12:14-20).

Consequently, due to not being provided a lawyer while imprisoned, Petitioner's constitutional right to counsel and a fair trial were violated.

"A criminal trial does not unfold like a play with actors following a script; there is no scenario and can be none." *Geders v. United States*, 425 U.S. 80, 87 (1976). "It is common practice during such recesses for an accused and counsel to discuss the events of the day's trial. Such recesses are often times of intensive work, with tactical decisions to be made and strategies to be reviewed." *Id.* at 88.

Because Petitioner was not provided legal counsel while in prison, she was denied a fair trial with the Commonwealth controlling the entire jury trial. "But if the process loses its character as a confrontation between adversaries, the constitutional guarantee is violated. ... As Judge Wyzanski has written: 'While a criminal trial is not a game in which the participants are expected to enter the ring with a near match

in skills, neither is it a sacrifice of unarmed prisoners to gladiators.'" *Cronic*, 466 U.S. at 656-657 (cleaned up).

"The very premise of our adversary system of criminal justice is that partisan advocacy on both sides of a case will best promote the ultimate objective that the guilty be convicted and the innocent go free." *Herring*, 422 U.S. at 862. "The Constitutional right of a defendant to be heard through counsel necessarily includes his right to have his counsel make a proper argument on the evidence and the applicable law in his favor, however simple, clear, unimpeached, and conclusive the evidence may seem ..." *Id.* at 860.

Petitioner was severely hampered in her ability to advocate for herself since she could not access the evidence or review the necessary legal documentation, such as jury instructions and caselaw, both of which are necessary to prepare for trial. Petitioner needed a lawyer to be "... treated fairly by the prosecution." *Argersinger*, 407 U.S. at 34. The difficulty in obtaining case documents while in prison was shown during the 10-day post-arrest imprisonment as follows:

> MS. POLLICK: I wasn't allowed to subpoena any witnesses. And I did ask my caseworker Holly Frable to provide me with information related to this case and she refused. ... (N.T. 7/19/21 Prelim. Hearing pg. 11:19-23).

"That a person who happens to be a lawyer is present at trial alongside the accused, however, is not enough to satisfy the constitutional command. The Sixth Amendment recognizes the right to the assistance of counsel because it envisions counsel's playing a role that is critical to the ability of the adversarial system to produce just results." *Strickland v. Washington*, 466 U.S. 668, 685 (1984).

Here, Petitioner could not remain in the courtroom throughout the trial and was barred from taking her electronic equipment to the holding cell in the courthouse basement on breaks as noted below:

> THE COURT: You're in the custody of the sheriffs. You'll follow the directions of the sheriffs. But you may bring your materials wherever they bring you.
> MS. POLLICK: So I can okay.
> THE COURT: But that's up to them how they want to handle it.
> SHERIFF DEPUTY: She can't bring the materials in the cell. She can't bring a computer in the cell. (N.T. 5/3/22 Trial pg. 109:3-12)(emphasis added).

The [Sixth] Amendment requires not merely the provision of counsel to the accused, but 'Assistance,' which is to be 'for his defence.' Thus, 'the core purpose of the counsel guarantee was to assure 'Assistance' at trial, when the accused was confronted with both the intricacies of the law and the advocacy of the public prosecutor.' ... If no

actual 'Assistance' 'for' the accused's 'defence' is provided, then the constitutional guarantee has been violated." *Cronic*, 466 U.S. at 884-665 (cleaned up).

Because the trial court denied Petitioner's Sixth Amendment right to counsel by failing to provide her a lawyer while she was housed in prison, this Court should vacate the convictions because Petitioner's constitutional right to counsel pursuant to the Sixth Amendment was violated; and therefore, she did not receive a fair trial.

II. Review is warranted because Petitioner was denied due process when the trial court refused to quash the original criminal information that did not state a crime and allowed the Commonwealth to amend when trial was set to occur in 12 days

"The failure to allege an element of the offense sought to be charged is a fundamental defect that renders the charge void, and it cannot be amended as in the case of simple formal defects." *People v. Swanson*, 721 N.E.2d 630, 633 (Ill. 1999). Here, the original criminal information stated as follows:

> COUNT 1: DISORDERLY CONDUCT
> (18 C.P.S.A. Sec. 5503(a-4)); Grade: Misdemeanor 3; $2,500.00;1 year;
> with intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, creates a hazardous or physically offensive condition by any act which

> serves no legitimate purpose of the actor; to wit: the defendant did repeatedly attempt to enter a marked State Police Vehicle operated by State Police Cpl. C. Cole, banging on the door and pulling on the locked handle after being told to stop by Trooper. W. Fells.

On September 7, 2021, Petitioner filed a motion to quash the criminal information since Corporal Cole's police vehicle was parked in Petitioner's driveway and that could not be deemed public. Pennsylvania's disorderly conduct statute required the following:

> **§ 5503. Disorderly conduct.**
>
> **(a) Offense defined.** — A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:
> **(1)** engages in fighting or threatening, or in violent or tumultuous behavior;
> **(2)** makes unreasonable noise;
> **(3)** uses obscene language, or makes an obscene gesture; or
> **(4)** creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.
> **(b) Grading.** — An offense under this section is a misdemeanor of the third degree if the intent of the actor is to cause substantial harm or serious inconvenience, or if he persists in disorderly conduct after reasonable warning or request to desist. Otherwise disorderly conduct is a summary offense.
> **(c) Definition.** — As used in this section the word "public" means affecting or likely to affect persons in a place to which the public or a substantial group has access; among the places included are highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood, or any premises which are open to the public.

18 Pa. C.S. § 5503 (emphasis in original and added).

Not only did the criminal information not state the elements necessary for a charge of misdemeanor disorderly conduct, the Commonwealth admitted the criminal information as written did not state a crime since Corporal Cole's police vehicle was parked in Petitioner's private driveway. The Commonwealth stated as follows:

> MS. MAZZONI: Your Honor, the Commonwealth is going to make an oral motion to amend the facts of the criminal information to reflect that it was Trooper Fells's car and it was in the middle of a public roadway. (N.T. 10/6/21 Hearing pg. 26:25-27:4).

Instead of quashing the criminal information since trial was scheduled in 12 days on October 18, 2025, Judge Margaret Bisignani-Moyle allowed the Commonwealth to file an amendment that changed the Pennsylvania State Police vehicle from Corporal Cole's to Trooper William Fells. (N.T. 10/6/21 Hearing pg. 27:5-12; 45:2-9). When the jury misdemeanor trial was to begin on October 25, 2021, after being pushed back one week by the court, Judge Bisignani-Moyle *sua sponte* recused herself from the case and stated the following:

> THE COURT: Back on the record, alright. So, I have been reviewing the Code of Conduct that I am required to comply with. And my hope always is that I can be a fair and impartial jurist. And I evaluate that whenever I agree to hear a case or

whenever a case comes across my desk. So initially when your divorce case came across my desk, I did recuse myself after evaluating the facts and circumstances because Tony Trozzolillo's mother did work for my family. And I knew her in that capacity. And even though a significant period of time had elapsed since her and I don't really have much of a social relationship anymore with Attorney Trozzolillo, I recused myself. ... (N.T. 10/25/21 Hearing pg. 12:12-13:13).

THE COURT: I know and I don't want you to be hampered in your ability to present your defense. But under the Code of Judicial Conduct, if I recuse myself in that case, I am now compelled because it is going to be an element of your defense to recuse in this case. That's what I'm going to do. I'll sign an order today recusing myself. I'm sorry that it's causing a delay and more angst. My hope is is that when you get before your new judge, I don't know who it's going to be, that you guys can try to resolve this case. Thank you and have a good day. (N.T. 10/25/21 Hearing pg. 18:5-18).

The Commonwealth of Pennsylvania failed to charge Petitioner with a crime in its original criminal information; and therefore, Petitioner's constitutional right of due process was infringed because she was restricted in her activities due to pre-trial services.

III. Review is warranted because Petitioner's right to due process was denied when the trial court instructed the jury that 11059 Valley View Drive, Clarks Summit (Newton Township) Pennsylvania was "public" as defined by 18 Pa. C.S. § 5503 for disorderly conduct when it was a rural road with no street lights and almost five miles from the nearest public bus stop

"A democratic society, in which respect for the dignity of all men is central, naturally guards against the misuse of the law enforcement process. ... Experience has therefore counseled that safeguards must be provided against the dangers of the overzealous as well as the despotic. The awful instruments of the criminal law cannot be entrusted to a single functionary. The complicated process of criminal justice is therefore divided into different parts, responsibility for which is separately vested in the various participants upon whom the criminal law relies for its vindication." *Gerstein v. Pugh,* 420 U.S. 103, 118 (1975).

Here, the trial judge instructed the jury that the rural road where Petitioner resided was "public" within the meaning of 18 Pa. C.S. § 5503. Specifically, Judge Joseph M. Augello instructed, "... [a] road whereupon travel is governed by Pennsylvania law is a public place for the purposes of disorderly conduct. ..." (N.T. 5/4/22 Trial pg. 165:11-15). Yet the original judge, opined this was a jury question, and even cited the standard during pretrial motions as follows:

> THE COURT: Here are the elements. The elements for disorderly conduct are, to find the Defendant guilty, you must find the following elements have been proven beyond a reasonable doubt. First, that the Defendant committed the following act, and the act that the Commonwealth is going under is with the intent to cause public inconvenience,

> annoyance or alarm or recklessly creating a risk thereof creates a hazardous or physically offensive condition by an act which serves no legitimate purpose. So let's see it's very, very, very close. But here's where -- so the term public means -- this is the standard jury instruction, affecting or likely to affect persons in a place where the public or substantial group has access. ... (N.T. 10/6/21 Hearing pg. 61:7-25).

The original trial judge also stated:

> ... So that's where -- that's where this all comes to lay is on when you step off your property. I know you dispute that. But that's what a jury would decide whether you – (N.T. 10/6/21 Hearing pg. 63:16-19).

Because Petitioner was placed in jail in the divorce proceeding the week before trial, Petitioner was unable to pull the jury instructions to effectively argue that whether the rural road was "public" was a jury question. Nonetheless, Petitioner objected to the jury instructions and being imprisoned but yet forced to proceed considering she was not free to review evidence while being housed in prison due to the divorce. "In some instances, to be sure, we have held that 'when a case is submitted to the jury on alternative theories the unconstitutionality of any of the theories requires that the conviction be set aside." *Boyde v. California*, 494 U.S. 370, 379-380 (1990).

Petitioner was unkempt and wearing dirty clothes without makeup as a 51-year-old acne-prone woman surrounded by sheriff's

deputies subliminally looking like a hardened criminal, which tipped the scales in the Commonwealth's favor when the Commonwealth should have cared about Petitioner's constitutional right to counsel and eliminated the infringement on her due process rights of being wrongfully incarcerated in the divorce proceeding that ended and was on appeal.

The original trial judge opined Petitioner may be successful in front of a jury, when she stated, "THE COURT: You might be right on the disorderly conduct. It's a very close call, whether your action –". (N.T. 10/6/21 Hearing pg. 60:21-23). Even the lead Pennsylvania State Police officer, Corporal Cole, did not want to arrest Petitioner as noted in the following testimony:

> Q. Troopers Fells, Corporal Cole said on the--well, the recording, I should say. He said he didn't want to arrest me, correct?
> A. He said that.
> Q. And he said, "That's why I told you I didn't want to arrest her," correct?
> A. Well, I heard the recording just now and he did say that. (N.T. 5/4/22 Trial pg. 31:17-24).

Consequently, the jury should have decided whether Petitioner was in "public" when she purportedly took one step off her private driveway onto the rural road.

Instead of honoring Petitioner's constitutional rights, the Commonwealth ensured Petitioner had none to secure a jury trial victory that came with occupational consequences to Petitioner and her right to practice law helping her attorney ex-husband decimate her legal career since it has been used against her by the courts.

IV. Review is warranted because Pennsylvania's persistent disorderly conduct statute is unconstitutionally vague because it does not define what constitutes "persistent" to qualify for a misdemeanor charge and overbroad since it includes actions that are within Petitioner's landowner rights on her private property and violates the Equal Protection Clause

Since the Commonwealth authored the original criminal information that admittedly was not a crime since it was conduct on Petitioner's property, the Commonwealth illustrated how the "persistent" misdemeanor language in the statute was vague and overbroad since it charged Petitioner's private protected conduct as a crime only to be forced to amend after realizing a citizen cannot be charged with disorderly conduct on one's private property. (N.T. 10/6/21 Hearing pg. 26:25-27:4).

"The Fourth Amendment, and the personal rights which it secures, have a long history. At the very core stands the right of a man to retreat

into his own home and there be free from unreasonable governmental intrusion." *Silverman v. United States*, 365 U.S. 505, 511 (1961). "... [T]he requirement that a legislature establish minimal guidelines to govern law enforcement.' ... Where the legislature fails to provide such minimal guidelines, a criminal statute may permit 'a standardless sweep [that] allows policemen, prosecutors, and juries to pursue their personal predilections." *Kolender v. Lawson*, 461 U.S. 352, 358 (1983) (cleaned up).

"It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined." *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972). This Court reasoned:

> Vague laws may trap the innocent by not providing fair warning. ... Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. ... A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an *ad hoc* and subjective basis, with the attendant dangers of arbitrary and discriminatory application. ... Third, but related, where a vague statute 'abut[s] upon sensitive areas of basic First Amendment freedoms,' ... it 'operates to inhibit the exercise of [those] freedoms.'" *Id.* at 108-109 (cleaned up)(emphasis in original and added).

"... '[I]n a facial challenge to the overbreadth and vagueness of a law, a court's first task is to determine whether the enactment reaches a substantial amount of constitutionally protected conduct." *Houston v.*

Hill, 482 U.S. 451, 459 (1987). Here, 18 Pa. C.S. § 5503 is unconstitutional on its face as well as applied in this matter.

"Criminal statutes must be scrutinized with particular care, ...; those that make unlawful a substantial amount of constitutionally protected conduct may be held facially invalid even if they also have legitimate application. *Id.* (cleaned up). "A statute which upon its face, and as authoritatively construed, is so vague and indefinite as to permit the punishment of the fair use of this opportunity is repugnant to the guaranty of liberty contained in the Fourteenth Amendment. . . ." *Edwards v. South Carolina*, 372 U.S. 229, 238 (1963).

"Because overbroad laws, like vague ones, deter privileged activity, our cases firmly establish appellant's standing to raise an overbreadth challenge. ... The crucial question, then, is whether the ordinance sweeps within its prohibitions what may not be punished under the First and Fourteenth Amendments." *Grayned*, 408 U.S. at 115 (cleaned up). "Our concern here is based upon the 'potential for arbitrarily suppressing First Amendment liberties. . . .. In addition, § 647(e) implicates consideration of the constitutional right to freedom of movement.'" *Kolender*, 461 at 358 (cleaned up).

"Although we appreciate the difficulties of drafting precise laws, we have repeatedly invalidated laws that provide the police with unfettered discretion to arrest individuals for words or conduct that annoy or offend them. ... As the Court observed over a century ago, 'it would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained, and who should be set at large.'" *Houston*, 482 U.S. at 465-466 (cleaned up).

This was exactly the type of statute at issue in this case since to rise to the level of a misdemeanor there had to be more than one act of disorderly conduct before the Commonwealth could label it as "persistent" one would think. Here, Petitioner could not be found guilty of the first disorderly conduct act because the Commonwealth admitted she could not be arrested for disorderly conduct on her own property. The second part of the persistent disorderly conduct according to the Commonwealth occurred on the rural road when Petitioner purportedly stepped off her private driveway.

Therefore, the protected conduct of engaging in a disorderly conduct act on one's property becomes a crime pursuant to the vague "persistent"

requirement of more than one act. Even the initial judge assigned to this matter noted her puzzlement at the charge as follows:

> MS. POLLICK: No, I'm not. It's not an error regardless. It's the fact that a home is private property. And it isn't – you cannot arrest someone at their home regardless of how drunk you believe they are. That cannot be disorderly conduct --
> THE COURT: I agree with you. But the point is that when I review the testimony from the preliminary hearing -- I agree with you. I'm reading this whole thing. I'm like how is this public drunkenness?
> MS. POLLICK: Yes.
> THE COURT: How is this disorderly conduct?
> MS. POLLICK: Yes.
> THE COURT: Until the Trooper testified that you went into the road and that is was in the road when you were putting your hands on the car. (N.T. 10/6/21 Hearing pg. 29:3-21).

Without the purported one step off the private rural driveway onto the rural road, there could be no disorderly conduct on the misdemeanor level. But because the Commonwealth used the protected activity of the disorderly conduct on Petitioner's private driveway as Petitioner's original sin, the statute captured protected liberty activity while at one's home-their sanctuary with freedom of movement.

"... [T]he First Amendment protects a significant amount of verbal criticism and challenge directed at police officers. 'Speech is often provocative and challenging. . . . [But it] is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and

present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest.'" *Houston*, 482 U.S. at 461.

The only person who had a problem with Petitioner's actions was Trooper Fells, and that reached protected conduct since it did not rise far above public annoyance to become unprotected. There was no physical altercation or property damage on the day in question. As stated by this Court in *Houston*, "[t]he freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state." *Id.* at 462-463.

Just as in *Kolender*, 18 Pa. C.S. § 5503 "... is unconstitutionally vague on its face because it encourages arbitrary enforcement by failing to describe with sufficient particularity what a suspect must do in order to satisfy the statute." *Kolender, supra.* As this Court noted in *Grayned*, 18 Pa. C.S. § 5503 "... sweeps within its prohibitions what may not be punished under the First and Fourteenth Amendments." *Grayned, supra.* Consequently, this Court should vacate the convictions and find § 5503 (b) unconstitutional on its face and as applied to a rural road.

V. Review is warranted because "public" within the meaning of Pennsylvania's disorderly conduct statute cannot constitute one step off a private rural driveway onto a rural road especially when no harm occurred; and therefore, it was unconstitutional to charge Petitioner since there was insufficient evidence to sustain the resulting convictions

Unlike the normal, standard disorderly conduct charge that occurs at a public restaurant or bar, Petitioner was arrested at her home in the rural country – Newton Township. (N.T. 7/19/21 Prelim. Hearing pg. 7:1-7:12). Trooper Fells agreed that Petitioner resided in a rural area:

Q. You admit since you've been at my home, it's a rural area, correct?
A. I agree with you, it's rural, yes.
Q. And I was not arrested at a bar, correct?
A. Correct.
Q. I wasn't arrested at a public restaurant?
A. Correct. (N.T. 5/4/22 Trial pg. 54:8-14).

The Commonwealth admitted that any conduct that occurred when Petitioner was on her rural driveway could not form the basis of the disorderly conduct charge. (N.T. 5/2/22 Trial pg. 191:2-12). Specially, the Commonwealth admitted the following through Corporal Cole:

Q. You'd agree with me that you cannot arrest someone on their driveway for disorderly conduct or public drunkenness, correct?
A. On their private property?
Q. Yes.
A. Correct.

Q. So I could--anyone could be drunk as a skunk, be on their driveway, even pull a handle as you say occurred and that's completely legal and you can't get arrested, right?
A. Correct. (N.T. 5/3/22 Trial pg. 191:2-12).

The Commonwealth's position was that one step off the private rural driveway constituted disorderly conduct because the rural road became public at that moment.

"The same section [§ 5503(a)(4)] defines 'public' as anything 'affecting or likely to affect persons in a place to which the public or a substantial group has access . . . includ[ing] . . . highways. ... Furthermore, according to the Supreme Court of Pennsylvania, 'whether a defendant's words or acts rise to the level of disorderly conduct hinges upon whether they cause or unjustifiably risk a public disturbance. 'The cardinal feature of the crime of disorderly conduct is public unruliness which can or does lead to tumult and disorder.'" *Favata v. Seidel*, 511 Fed. Appx. 155, 159 (3d Cir. 2013) (cleaned up).

Petitioner was in her private driveway and surrounding areas, and she did not have the *mens rea* necessary for either statute since she had no intention of appearing in a public because she was barefoot. (N.T. 7/19/21 Prelim. Hearing pg. 55:14-18). Petitioner had to walk from prison

in Scranton to South Abington Township Police Department in Clarks Summit once she was released after the preliminary hearing as follows:

> MS. POLLICK: I'm going to have to go barefoot there because I don't have my keys. I don't have my wallet. I don't have anyone due to my divorce and estrangement from my family. So I have to walk to South Ab? Id.

Trooper Fells acknowledged at trial that Petitioner could walk and was barefoot in casual clothes. (N.T. 5/4/22 Trial pg. 35:15-18). Trooper Fells testified as follows:

Q. Did I stumble once?
A. In the video?
Q. Yes.
A. No.
Q. Did I hit one of the guardrails on the ramp?
A. No.
Q. Did I trip and fall?
A. No.
Q. Did I take direction and turn?
A. You turned.
Q. And you'd agree with me that I made it all the way without assistance from any other individual, correct?
A. Yes.
Q. And I was handcuffed?
A. Yes.
Q. And I was barefoot?
A. Yes.
Q. And I wasn't in lawyer clothes like a dress like I am now. I'm in casual wear?
A. Yes. (N.T. 5/4/22 Trial pg. 34:24-35:19).

Petitioner was at her residence in the rural country with a field across her private driveway that contained farm equipment. (N.T. 5/3/22 Trial pg. 51:5-8). She did not leave the area surrounding her rural home. The Commonwealth offered no evidence of any intent by Petitioner. The evidence showed Petitioner never intended to cause substantial harm or serious inconvenience because no other person was affected by Petitioner's conduct. Neighbor Thomas Summerhill testified as follows:

> Q. And you didn't call 911 on me saying she's causing such a stir, disturbing my children, I want her arrested.
> A. No. (N.T. 5/3/22 Trial pg. 98:6-9). ...
>
> Q. And I didn't give you any problems on 7/9/21, correct?
> A. Correct. (N.T. 5/3/22 Trial pg. 102:10-12).

Consequently, the Commonwealth unconstitutionally applied the statute to Petitioner's situation and too broadly defined "public" to include a rural road. As noted by the Sixth Circuit when interpreting Kentucky's disorderly conduct statute, "[c]ausing alarm only to a police officer cannot form the basis of an arrest for disorderly conduct." *Nails v. Riggs*, 195 Fed. Appx. 303, 309 (6th Cir. 2006).

The *Nails* court reasoned, "the statute requires public alarm as distinguished from private alarm. For example, a person may not be

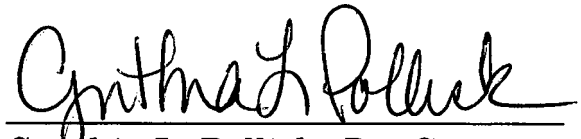
arrested for disorderly conduct as a result of activity which annoys only the police. The statute is not intended to cover the situation in which a private citizen engages in argument with the police so long as the argument proceeds without offensively coarse language or conduct which intentionally or wantonly creates a risk of public disturbance." *Id.*

Likewise, here the Pennsylvania court made a private alarm into a public alarm when it broadly interpreted § 5503 to include a rural road as "public". There was no harm of any kind. The convictions in this case show how the Pennsylvania disorderly conduct statute can criminalize what is constitutional protected activity occurring at a private rural home; and thereby cause a stigmatizing misdemeanor that precludes employment and requires seven years before an expungement can occur.

CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully Submitted,



Cynthia L. Pollick, *Pro Se*

Date: 12/05/25