

In the Superior Court of Pennsylvania

No. 641 MDA 2023

Commonwealth vs. Steven A. Wiggs, Appellant

Brief of *Amicus Curiae* by Pennsylvania Police Alliance for the Appellant

Timothy Kregiel

Chairman, Pennsylvania Police Alliance

[www.papolicealliance.org](http://www.papolicealliance.org)

## TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
STATEMENT OF INTEREST	1
ARGUMENT	2
CONCLUSION	

## Table of Authorities

In re Act 147 (Pa. 1990).....	4
Title 3 P.S. Agriculture § 459-102.....	2,5
PA Title 75 Subchapter D § 4571.....	2,4
Christopher Lee, Richard Banks, et al. v. Constable Education and Training Board, CETB-01 (2023).....	3
Pennsylvania Act 278, Section 5 (Pa. 1905).....	3
Pennsylvania Title 71, P.S. State Government 252.....	3
Pennsylvania State Police Force, Admin Code 712.....	3

## Statement of Interest in *Amicus*

The Pennsylvania Police Alliance ("PPA"), is a Pennsylvania non-profit organization that represents the interests of all police in Pennsylvania and is dedicated to preserving the Constitutional rule of law. While there are multiple police organizations throughout Pennsylvania, all with varied interests, PPA is Pennsylvania's historic first, and only organization that exists only to promote the continued and effective enforcement of the law by every police agency in the Commonwealth.

PPA supports the Pennsylvania State Police as well as elected and appointed Constables by ensuring that they are all able to continue using emergency lighting. Losing this important tool is a public safety concern. The PCCD is supported to the extent that we want all elected and appointed Constables to be properly trained. This is also important for public safety. We support the continued existence of the Pennsylvania Game Commission, DCNI, and all other related agencies as Police Agencies because they are fulfilling an important role. Lastly, we support the people of Pennsylvania who vote for their elected officials and oppose any action that would nullify or otherwise void their votes. An organization with more objective goals can not be wished for.

## ARGUMENT

This case is extremely unique in that the merits of the case are not in dispute. There are two statutory laws in play. The first law defines the elements, stating “every emergency vehicle shall be equipped” (Pa. Title 75 Subchapter D §4571(a) with red and blue combination lighting, and they are to be used by “police” (Pa. Title 75 Subchapter D §4571(b). Pennsylvania has determined that the term “police officer” is defined as “any person employed or elected by this Commonwealth, or by any municipality and whose duty it is to preserve peace or to make arrests or to enforce the law. The term includes constables and dog, game, fish, and forest wardens” (Pa. Title 3 P.S. Agriculture § 459-102).

The plaintiff does not dispute that these are Pennsylvania laws, or that they were passed by the General Assembly and signed by a Governor. The only argument put forth by the plaintiff is that they do not like those laws and do not think they should be followed. This is not a valid argument and it is a profound wonder how this case advanced this far.

It can be seen by advancing this case purely based upon disdain of the law, that the Pennsylvania State police are not operating in good faith. Why is it that every time another police agency defends its’ authority, the Pennsylvania State Police are lobbying to take it away? This is beyond curious and reaches into malevolent and malicious. Pennsylvania Sheriffs rallied together several years ago to stand up for their rights, and the Pennsylvania State Police was there lobbying to take them away. Pennsylvania State Police have also lobbied against NCTC, at the Pennsylvania National Guard base, to stop training Constables. At the same time, they

make the claim that Constables are untrained.

This Pennsylvania State Police agency have developed a history of operating beyond it's stated goal of enforcing the law and protecting the people. In addition, they have become a self-proclaimed lobbyist against any agency that they can not control, and seeks to enrich itself and expand it's power base.

The Pennsylvania State Police are part of a dependent class of police in Pennsylvania known as *ex-officio* (Pennsylvania Act 278, Section 5 (Pa. 1905), Pennsylvania Title 71, P.S. State Government 252, Pennsylvania State Police Force, Admin Code 712). That means that the Pennsylvania State Police do not exist of their own authority, but rather operate under borrowed Constable authority. Any authority the Pennsylvania State Police have, Constables necessarily have it as well, or else the authority could not be lent.

The PCCD has also been disingenuous with their objectives and operate well beyond their legislative mandate. While tasked with training Constables who voluntarily participate in warrant service training, they have been outspoken against the same two aforementioned laws which the Pennsylvania State Police are also outspoken against. Most recently, a spokesperson for the PCCD invalidated Title 3 in open testimony in Harrisburg (Christopher Lee, Richard Banks, et al. v. Constable Education and Training Board, CETB-01 (2023). by stating that Constables are not police.

Act 2 Police training is administered by PCCD, but no Constable is permitted to take the training under any circumstance. It is strictly forbidden by PCCD. It is a Hegelian Dialectic. All necessary training is forbidden. This allows PCCD and the Pennsylvania State Police to continue to tell the Courts and the public that Constables

Are dangerous and untrained. All the while, the simple remedy is to allow the training and increase public safety for all of Pennsylvania. It is gross malice to place our elected police in Pennsylvania at risk, and hope that they fail in order to consolidate a centralized police power structure for Pennsylvania State Police and PCCD in a grand scheme to obviate the votes of the people of Pennsylvania and eliminate elected authority. And yet, here we find the PCCD coordinating in *Amicus* in this case to voice their dislike for the law.

Constables can not be private contractors or else the Pennsylvania State Police are also contractors. Constables are publicly elected officials. That inherently means that they are part of government. You can not publicly elect someone into private enterprise. Are we electing our plumbers, electricians, or mechanics, whether self-employed or otherwise? The phrase "contractor" used in conjunction with the word Constable was errantly coined judicially, and not by any statute. The Separation of Powers Doctrine prohibits the Judicial branch from attempting to legislate. This was supposed to be settled law by *In re Act 147* (Pa. 1990). This case presents an opportunity to clarify the position of the law that has previously been conflicting.

Since the law is clear and beyond challenge, the only possible way to rule in favor of the Plaintiffs is to invalidate one of the aforementioned laws by declaring one of them unconstitutional. The first option is to invalid PA Title 75 Subchapter D § 4571. By saying that it is unconstitutional for police to operate red and blue combination emergency lighting, the passage would be removed, and consequently, that particular combination would no longer be regulated. Instead of preventing Constables from operating the lights, all this would accomplish is that anyone

could use the lights instead of only police. This absurd ruling would serve only to place the public at risk.

The second way to find a win for the plaintiff is to rule Title 3 P.S. Agriculture § 459-102 to be unconstitutional and therefore invalid. This would mean that Constables, the Game Commission, DCNI, and dog and forest wardens are all no longer police. Also, since Constables would no longer be police, all the *ex-officio* agencies would also no longer be police including the Pennsylvania State Police. The only police that would remain would be Sheriffs, and police agencies that do not have *ex-officio* authority. Even this option presents it's own unique challenges. Constables were not created by statute. Title 3 does not create Constables, it simply memorializes what has existed in Foundational Common Law. It's just like the name of our Commonwealth was not created by law. It just is and has been since 1681. So have Constables. *What hasn't been created by a law, can not be undone by a law.* It would take a Constitutional Amendment to remove Constables. So it seems that this second choice is not available as an option, and the only way to award a win to the Plaintiff will have to be to invalidate parts of Title 75.



## CONCLUSION

It can scarcely be imagined what the Plaintiffs hope to accomplish in this case. Pennsylvania Police Alliance stands in defense of the Pennsylvania State Police, the Pennsylvania Game Commission, Constables, DCNI, municipal police, et al. to ask this Court to reverse the February 6, 2025 ruling, and allow the use of red and blue combination emergency lighting to continue to be used by all police in the interest of law and in the interest of public safety.

Date: July 30, 2025

Timothy Kregiel

Pennsylvania Police Alliance

CERTIFICATE OF SERVICE

I Certify that on this day, July 30, 2025, I emailed the Counsel for the Appellant, and I mailed one copy each to the Superior Court, and both Counsels of Record for the Appellee.

Ronald Clever, Esq.

[ronclever@aol.com](mailto:ronclever@aol.com)

(Counsel for Appellant)

Lauren Eichelberger, Esq.

PO Box 305

New Bloomfield, Pa 17068

(Counsel for Appellee)

Daniel Stern, Esq.

2260 Rudy Road

Harrisburg, Pa 17104

(Counsel for Appellee)

Date: July 30, 2025

Timothy Kregiel

Pennsylvania Police Alliance