In the Superior Court of Pennsylvania

No. 641 MDA 2023

(the case is now being considered *en banc***)**

COMMONWEALTH OF PENNSYLVANIA, Appellee

vs.

STEVEN A. WIGGS, Appellant

On Appeal from the Order and Sentence of April 3, 2023,
in the Court of Common Pleas of Perry County,
in Case No. CP-50-SA-0000026-2021

Appellant's
REPLY BRIEF,
filed pursuant to the August 20, 2025, Order

(filed, because the case is now being considered ***en banc*****)**

Respectfully submitted by**:**

RONALD L. CLEVER
LAW OFFICES OF RONALD L. CLEVER
Pa. Atty. Id. No. 038811
Attorney for the Appellant

TABLE OF CONTENTS

Reply Brief:

ARGUMENTS
and other discussion

Background. On August 20, 2025, the Superior Court—taking into account the five (5) amici briefs that have now been filed—ordered that the Appellant may file a Reply Brief. The instant Reply Brief is hereby filed, in compliance with that August 20, 2025, Order of the Superior Court.

Format. The instant Reply Brief, therefore, is filed by the Appellant, and it has the following two "Argument" parts:

1. In response to an amicus brief filed by the Pennsylvania District Attorneys Association (PDAA); and
2. In response to an amicus brief co-filed by some government agencies, the PCCD and the PSP.

Therefore, this Brief begins, accordingly, with those two "Argument" parts, as follows:

Format (*continued*). Then, in a subsequent section called "Other Discussion," the instant brief addresses (in a summary fashion only, and not as a part of actual "ARGUMENT") the three (3) briefs which were filed by

other amici, who filed their briefs in support of the Appellant's position. This "Other Discussion" is introduced with a header that identifies that discussion, as follows:

References to the other briefs. Because this is a Reply Brief, it is automatically true that this Reply Brief will be referring to other briefs—the one filed by the Appellee on 7/18/25, and those filed by amici. The undersigned will be using the following conventions, in order to make those references:

Page and line	For example,	13:9	(for the 9th line on page 13)
Page and paragraph	For example,	9:¶2	(for the 2nd full paragraph on page 9)

… for referring to a particular "page and line" (or to a "page and paragraph") of any one or more of the briefs that have already been filed since 7/18/2025.

In addition, each of the three (3) divisions marked above with an outline point (that is, each of the three (3) items introduced, *supra*, with a ● symbol**:** *i.e.*, the two "Argument" parts, and the one "Other Discussion" part)—has its own internal Table of Contents.

Argument. The "Argument" sections begin on page 3, *infra*.

ARGUMENTS

This Brief is arranged, first with two "Argument" parts, as follows:

Subsequent to these two "Argument" parts, there is another part containing certain "Other Discussion," which is labeled accordingly.

The said "two 'Argument' parts" begin on page 4.

The word limit has been observed.

ARGUMENT (First Section):
IN RESPONSE TO THE AMICUS BRIEF
FILED BY THE PENNSYLVANIA DISTRICT
ATTORNEYS ASS'N (THE PDAA BRIEF) Pages 4-15

Internal Table of Contents for this "Argument (First Section)"—

The first amicus brief[1] to which the instant Reply Brief is responding ("the PDAA brief") is replete with matters that are dehors the record. There are so many of these matters that are dehors the record, that the instant Reply

---

[1] The undersigned would be remiss if he were to neglect the need to respond, also, to the Commonwealth's Supplemental Brief filed on July 18, 2025.

First of all, there are so many things that are dehors the record in the Commonwealth's Supplemental Brief filed on 7/18/25. This ***non-***record material includes, but is not limited to, the discussion about what training Constables do, or do not, receive (page 12 of the said Brief), and the material before-&-after that, regarding training. (Also, its Attachment "B.")

Secondly, it is irrelevant at best - - and borderline contemptuous, as well - - for the Commonwealth to intentionally mischaracterize the Supreme Court's "footnote 3" (from the *In re Act 147* case). The Commonwealth does so, by mocking Their Honors' decision to be jocular for a moment. OF COURSE, the *In re Act 147* case's Opinion does not, in ANY way, *depend* upon a Gilbert & Sullivan play for its legal authority—neither precedential, nor persuasive.

The said footnote 3 (which is NOT dicta - - at least not with regard to the first sentence) makes a ***substantive*** statement ("The constable is a police officer.") in the first sentence. Then, clearly switching gears, the Opinion writer, The Hon. Justice Nicholas P. Papadakos, joined by the rest of the then-six-justices Supreme Court (with one Justice dissenting, while choosing not to write a dissent, and with one Justice concurring in the result), made

[*Footnote continues on the next page*]

Brief has divided these matters that are dehors the record, into two (2) separate categories. Thus, the instant Reply Brief addresses them, as separate categories.

Finally then, following those two (2) category-based arguments that guide the reader to disregard the many, many matters that are dehors the

---

a joke. The Commonwealth concedes that it was a joke (conceding this, at page 15, line 8 of the Commonwealth's Supplemental Brief). Yet, the Commonwealth spends 100% of its page 14 dehors the record, just to provide a foundation for page 15's mischaracterizations (which begin at the end of page 14, where the said brief falsely states that the Appellant relies on "two pillars," and falsely states that one of them is *The Pirates of Penzance*).

Their Honors, the Pennsylvania Supreme Court, did not rely on *The Pirates of Penzance* to support their ***non***-dicta statement—a ***substantive*** statement—that "The constable is a police officer." The Gilbert & Sullivan quote was a joke, and the joke FOLLOWED the substantive statement. (Not the other way around.)

Then, after its page 15, the Commonwealth's Supplemental Brief picks up the dehors the record path, on page 16. The final 5½ lines of page 16 again turn back to *The Pirates of Penzance*, which itself is dehors the record (to say the least), as the Commonwealth takes a shot at being jocular itself.

The Commonwealth also erroneously refers, on page 7, at lines 4, 6, & 8, to the substantive "The constable is a police officer" statement, as though it were dicta. It is not. (There is no appellate case-law doctrine that says that footnotes are automatically dicta.) The jocular reference to *The Pirates of Penzance* is dicta, but to say that the sentence preceding the joke is also dicta, is circular reasoning (*see* the next paragraph of the instant footnote), because it serves to falsely conclude that the Supreme Court *did* mean "peace officer," but *didn't* mean "police officer," when the Supreme Court explicitly said ***both***.

Third, the Commonwealth's Supplemental Brief repeatedly commits the fallacy of circular reasoning: *i.e.*, the fallacy of assuming that the conclusion is true, in order to argue that the conclusion is true.

record, the instant "Argument (First Section)" addresses the few - - very few - - points which the PDAA brief makes that are indeed connected, in some way or another, with the current law.

First, a line-by-line examination of parts of the PDAA brief

Before its exposition of two (2) categories of *dehors the record* material, the instant "Argument (First Section)" first goes, line-by-line, through selected parts of the PDAA brief. In this process, the undersigned not only shines a spotlight on *dehors the record* material, so that it can be discussed in the next two (2) sections, but also spotlights other mistakes.

Many of these mistakes are not covered in this "line-by-line" section, because they are covered in one or more of the NEXT two (2) divisions of the instant "Argument (First Section)."

Beginning on page 1 of the PDAA brief, one finds the false statement that "No person or entity other than the amicus paid in whole or in part for the preparation of this brief …."

This statement is 100% contradicted by the fact that the author is the Chief Deputy District Attorney of Lehigh County. The PDAA brief is authored by a person whose salary is paid by Lehigh County, not by the PDAA.

The filed proof of service is by Atty. Murphy, but the PDAA brief might

be co-authored by the other lawyer whose name is found on page 29 of the PDAA brief; it's ambiguous, so one cannot be sure. One *can* be sure that, of the three lawyers' names on the cover of the PDAA brief, only two of the names are spelled correctly. Therefore, one can figure out that the one lawyer whose name is spelled ***in***correctly - - the only one of the three lawyers listed on the cover, who ***does*** indeed work for PDAA rather than for a county - - did ***not*** co-author the brief.

Because the other two lawyers are a Chief Deputy District Attorney in Lehigh County, and the District Attorney in Dauphin County, the Rule 531(b)(2) "Certification" is false. These co-authors were paid not by PDAA, but by their respective counties, which pay their respective salaries, as a matter of law.

Even before page 1, the PDAA brief, on page iii, has a false citation, to a case that doesn't exist anymore. The *Commonwealth v. Roose* cite on page iii is to the Pa. Supreme Court case, but on pages 17 & 19 (and in the long, long quote on pages 26 through 28 of the PDAA brief), the *Roose* quotations are from the Pa. Superior Court opinion, which, by law, was fully supplanted by the Pa. Supreme Court opinion, which fully replaced the Superior Court opinion by affirming on other grounds by means of a published Supreme Court opinion. And when the Supreme Court decided *Roose* on appeal, the

question was very, very narrow: whether constables have authority to enforce the Vehicle Code.

In the PDAA brief at 2:¶3,[2] at the 3rd and 4th lines of the paragraph, the PDAA brief falsely states that the statute (75 Pa.C.S. § 102) "clearly defines" the term "emergency vehicles." (Line 3, of ¶3, of page 2.)

No.

It does not.

Nor does if clearly define "the limited subset" of emergency vehicles that may use red-&-blue lights. (Line 4, of ¶3, of page 2.) in the very next sentence, the PDAA brief admits that red-&-blue lights are permitted on "police vehicles"; however, that 2-word phrase, "police vehicles," is, itself, defined **nowhere.**

The PDAA brief, at 3:5, falsely states that the legislature "excluded" constables from the Section 102 definition of "emergency vehicles"; however, nowhere in Section 102 is there any such exclusion. In fact, the 2-word phrase "police vehicles," is, itself, defined **nowhere.** (This problem appears in the PDAA brief again, at 6:1.) (And again, at the top line of page 10.)

Therefore, it is at least as clear that the definition of "police vehicle"

[2] Please see page 2, *supra*, for the convention through which these citations are made.

can include constables, as it might be that it might be otherwise.

And at the final paragraph on page 7, the PDAA brief actually admits that, IF a constable vehicle is a police vehicle, then it IS permitted to have red-&-blue lights. *See* the 2nd, 5th, and 7th lines of ¶7, of page 7.

Also, at 3:15, the PDAA brief makes a false and unsupported accusation that constables have "limited arrest power." In *Commonwealth v. Allen*, 2019 PA Super 88, 206 A.3d 1123 (Pa. Super. 2019), *petition for allowance of appeal denied*, the Superior Court held that, in addition to arresting with a warrant, any constable may make a warrantless arrest, anywhere in the Commonwealth, for any breach of the peace which occurs in the constable's presence.

Then, at the bottom of page 3, the PDAA brief says that "constables do not possess the requisite authority," nor the requisite "training," nor the requisite "supervision," which is "required of law enforcement officers." There is no legal basis for this statement. There might be a *policy argument* for this statement, as the sentence that starts on page 3 and ends on page 4 proposes, but that's a legislative argument, not an argument based on any facts of record nor based on any existing law.

In the footnote on its page 13, the PDAA brief falsely states that a certain statute in Title 71 "separately" refers to constables and to police

officers; however, that particular statute, in its part "(ii)" and in its part "(iii)," confers upon DCNR officers the SUM OF the part "(ii)" powers, PLUS the part "(iii)" powers. Besides, the two categories, "(ii)" and "(iii)," are not police and constables: they are police in "cities of the first class," and constables. Those will always be distinct, because, by law, cities of the first class are jurisdiction(s) where there aren't any constables. 44 Pa.C.S. § 7103.

On page 15, the PDAA brief uses SOME of the legal authorities setting forth constables' authority, and falsely states that this is the FULL scope of constables' authority. The law is to the contrary: *see* *Allen*, cited on p. 9, *supra*.

Many of the PDAA brief's mistakes are not covered in the instant "line-by-line" section, because they are covered in one or more of the NEXT two (2) divisions of the instant "Argument (First Section)."

Argument Regarding Things Dehors the Record in the PDAA brief — Part One: Attempts to introduce evidence at the appellate level

The undersigned has filed three (3) briefs already: the principal brief, the reply brief, the supplemental brief for the en banc court. And now, filing the instant reply brief makes a total of four (4) briefs.

Therefore, the instant brief's arguments are not comprehensive; they are limited, both by its being a reply brief, and by the 7,000-word word limit.

So, below are SOME (not all) of the problems with the PDAA brief's

going dehors the record.

The PDAA brief, at its page 17, tries to introduce evidence at the appellate level, by saying that the Appellant, a Constable at the time when this case was filed in 2021, "was not a constable in Perry County at all …." 17:15-16. The evidence, if there WERE any (there is not, because this statement in the PDAA brief is dehors the record), would show that a constable IS a constable IN every County - - especially if at least one MDJ in that county assigned work to that constable (but also, even if not).[3]

Likewise, on its page 20 the PDAA brief again claims that a constable "was outside his jurisdiction," when by law a constable's jurisdiction is NOT limited to her or his elected township, borough, or ward. 20:16-17. Evidence, if there were any evidence on this point which is dehors the record, would show that this is not true.

The entirety of pages 24 and 25, and half of page 26, of the PDAA brief are attempts to introduce evidence at the appellate level.

Argument Regarding Things Dehors the Record in the PDAA brief — Part Two: Arguments which are legislative in nature

Another way in which the PDAA brief goes dehors the record is by

[3] And the footnote on page 17 of the PDAA brief is 100% dehors the record: it is an attempt to slander the Appellant, since the material is, indeed, dehors the record, and since the material in the footnote on page 17 is not accurate anyway.

speculating. These speculations could, if viewed in a light favorable to their being considered on appeal, perhaps be considered to be legal arguments — but they are not legal arguments. They are arguments whose factual foundation is 100% dehors the record - - arguments which are legislative in nature. (Arguments which are policy argument, speculative arguments, and arguments NOT based on facts—and NOT based on facts of record.)

Some of them (not all of them - - there are limits to a Reply Brief) are noted here.

The entirety of the PDAA brief's "Argument 3" (noted as such in its Table of Contents), on its pages 14 through 19, is dehors the record. For example, at 17:1-2, PDAA argues that nothing "require[s] [n]or justif[ies] the use of red and blue lights." "Justifies" and "requires" are judgment calls—they are policy arguments, suited only for arguing before a subcommittee of the House of Representatives or of the Senate.

PDAA argues that "the use of red and blue lights by a constable … would result in confusion and anxiety amongst the general populace ….: 17:3-5. An out-of-county constable, PDAA argues, "[c]ertainly … would have no cause to use his constable vehicle for any official business in any other county." 17:¶2. PDAA introduces, as evidence here at the appellate level, the dehors-the-record "[fact]" that "traffic control [is] routinely

conducted by entities [which do not] require the use of police lights." 19:4-6.

In the PDAA brief's "Argument 4" (noted as such in its Table of Contents), on its pages 19 through 29, is completely dehors the record. (And is another legislative argument.) PDAA wants the record to include the "[fact]" that "[c]onstruing the definition of a police vehicle broadly to include constable vehicles would create confusion

PDAA also injects, into the record, the suppose fact that "allowing constables to characterize themselves as 'police officers' would endanger the community …." 22: 6-7.

Another fact PDAA wants to add, now, is that "constables are not required to have the same training, experience, and supervision as state or municipal police officers." 22:7-9.

The entire second half of the full paragraph on page 25 of the PDAA brief consists of facts not-of-record. The entire next paragraph is the same.

And then, perhaps most problematic of all, is the 2-page, single-spaced, excerpt from an intermediate appellate opinion which was fully replaced when the Supreme Court affirmed on other grounds. This quote runs from the second half of p. 26 to the first 8 lines of p. 28 of the PDAA brief. It's policy argument. And the Supreme Court bypassed 100% of that, when it decided

Roose at that level.

The final 6 lines of page 28 of the PDAA brief inject facts such as "public safety concerns," "overreaching," and "mislead[ing]." These are not facts of record, and arguments based on them are suited for legislative subcommittees, not the appellate courts.

Other Argument regarding the PDAA brief

In addition to the dehors-the-record problems addressed, *supra*, on pages 10 through 14 (and in the preceding pages, starting at page 4), all of the other arguments PDAA raises are on a non-existent foundation.

Many of the legal points regarding this non-existent foundation are in the preceding three (3) briefs which the Appellant has filed on January 19, 2024, on April 2, 2024, and on June 17, 2025.

The scope of the instant Reply Brief, filed on September 17, 2025, is limited, as Reply Briefs always are.

Yet, the instant final division of "Argument (First Section)" here addresses just a portion of the PDAA brief, as that brief stands on flimsy ground.

One current running through the PDAA brief is the false legal idea that constables have a limited scope of authority. Another is the circular-reasoning point that claims that constables are not police officers because they

are not police officers. (Even though the Pennsylvania Supreme Court explicitly states otherwise, saying "The constable is a police officer" [in the *In re Act 147* case].) Another is the ongoing notion, throughout the PDAA brief, that a partial list of powers and authorities (found, wherever such a list can be found) is, somehow, a comprehensive list. And another is the ongoing notion that because constables are different from municipal police and state police, therefore (PDAA argues) constables automatically are excluded from the category of police officer. As the Appellant's three (3) earlier briefs have pointed out, there are dozens of different kinds of police officers in Pennsylvania, not just municipal and state.

This topic has been addressed already, in the three (3) preceding briefs filed by the undersigned (for the Appellant).

ARGUMENT (Second Section):
IN RESPONSE TO THE AMICUS BRIEF
CO-FILED BY TWO GOVERNMENT
AGENCIES (THE PCCD/PSP BRIEF) Pages 16-21

Internal Table of Contents for this "Argument (Second Section)"—

The second amicus brief to which the instant Reply Brief is responding ("the PCCD/PSP brief," or simply "the PCCD brief") is replete with matters that are dehors the record. There are so many of these matters that are dehors the record, that the instant Reply Brief has divided these matters that are dehors the record, into two (2) categories. And in two (2) "Argument" parts, *infra*, the instant Reply Brief addresses them, in connection with their separate categories.

Finally then, following those two categories of arguments that guide the reader to disregard the many, many matters that are dehors the record, the instant "Argument" section addresses the few - - very few - - points which the PCCD brief makes that are connected, in some way or another, with the current law.

[*Continued on the next page*]

First, a line-by-line examination of certain limited PORTIONS OF the PCCD brief

Before its exposition of two (2) categories of *dehors the record* material, the instant "Argument (Second Section)" first goes, line-by-line, through selected parts of the PCCD brief. In this process, the undersigned not only shines a spotlight on *dehors the record* material, so that it can be discussed in the next two (2) sections, but also spotlights other mistakes.

Beginning with the Table of Authorities in the PCCD brief, one can see that the first four (4) statutes in the Table of Authorities are all repealed. (That's 4 out of 10—repealed.) Also, one can see that the six (6) Vehicle Code sections (they are not repealed: they are actual laws) are not all listed AS being sections of the Vehicle Code: the first four are, but the final two are listed by section number only, without a title number. Suffice it to say that the final two indeed, are, sections of the Vehicle Code (Title 75), the PCCD has identified them as such, or not.

Also, the said Table of Authorities lists pages "7, 10, 14" as the places to find references to the *In re Act 147* case, but pages "7, 11, 15" is actually correct. The page-cite for the *Sauers* case is also incorrect: it should be "11, 18." (The *Sauers* case is not applicable, anyway.)

All of page 1 of the PCCD/PSP brief is dehors the record; it may indeed

be true (and perhaps not), that the PSP has certain policies and wishes. But it is dehors the record to state what those policies and wishes are.

Next, the long paragraph that starts on page 2 of the PCCD brief and that extends onto the next page, is even worse: it fails to state any interest, whatsoever. The PCCD merely provides training, as it is required by law to do. It does not supervise constables; it is not their boss. And most of all - - and the PCCD even clearly admits this - - the PCCD merely trains constable "to perform work for the judicial system." 3:4-6. The PCCD acknowledges that there is other law, giving constables other authority, and the PCCD admits that it "has no jurisdiction to, and does not, train constables to perform as police officers." It does not train constables to work on election day, either, even though working on election day is the one and only statutory MANDATED duty of constables.

So, the PCCD does not have an interest, as that term is used in Rule 531(b)(2).

Argument Regarding Things Dehors the Record in the PCCD brief — Part One: Attempts to introduce evidence at the appellate level

As is stated above, in the "line-by-line" examination of the PCCD brief, much of it is dehors the record. At 5:10-12, the PCCD argues that police vehicles are a "subset" of emergency vehicles that can be equipped with red-&-blue lights, and the PCCD argues that the legislature "did not intend" for

constable vehicles to be considered as police vehicles. And the PCCD does this, with nothing of-record to support this point.

Another not-of-record ***non-***fact in the PCCD brief is the entire Argument Section "C," entitled "Constables do not have sufficient training as a matter of law to use red and blue lights." This is not a fact of record, and saying "as a matter of law" doesn't change the fact that it's not a fact.

At 12:1, the PCCD brief asserts a fact not-of-record.

At 12:2-4, the PCCD brief asserts four (4) more facts not-of-record.

The true statement at 12:4-9 actually supports the Appellant's position that the PCCD training is 100% irrelevant to the police powers that constables definitely do have. *See*, *e.g.*, *Commonwealth v. Allen*, cited on p. 9, *supra*.

The final sentence of 12:¶2, as well as the next sentence, and all of page 13, and the extension of a paragraph from p. 13 onto p. 14, all are ***non-***facts dehors the record.

And during that attempt to add ***non-***facts into evidence at the appellate level, the PCCD brief attached an "Attachment 'B,'" which is clearly dehors the record.

Both footnotes on page 16 of the PCCD/PSP brief explicitly seek to introduce evidence.

In fact, the PCCD brief has 321 pages of new evidence attached to it,

making the entire brief 365 pages.[4]

Argument Regarding Things Dehors the Record in the PCCD brief — Part Two: Arguments which are legislative in nature

The PCCD, with no facts in support, wants the reader of the PCCD brief to take, as fact, "the seriousness of emergency police driving and pursuit driving," which the PCCD calls "matters of life and death …."

This is not a fact.

Besides, nowhere in any of the Appellant's arguments, is there any argument arguing that constable should be allowed to use the red-&-blue lights illegally. In fact, by law, a Vehicle Code subsection, Section 4571(**e**), explicitly provides as follows:

> **(e)—Authorized period of use.—**The lights and warning systems specified by this section may be used only during an emergency, or in the interest of public safety, or by police officers, sheriffs and deputy sheriffs in enforcement of the law. Unauthorized use of the lights and warning systems specified by this section shall be a summary offense punishable by a fine of not less than $500 nor more than $1,000.

Besides - - the FACTS needed to ARGUE that constables are likely to violate this statute and/or to drive unsafely, are arguments which people should make

[4] The PCCD brief's "Attachment 'A'" is arguably something of which any Pennsylvania court can take judicial notice, since it is promulgated by the Pennsylvania Supreme Court.

None of the PCCD's other "Attachment[s]" fall into that category.

before a subcommittee of the House of Representatives or of the Senate. In court, the arguments need to be based on facts of record, and on the law as it exists - - not on the law, as some interested person or entity wishes it to be.

OTHER DISCUSSION

The preceding portions of the instant Reply Brief are dedicated to presenting Arguments in response to the two (2) amici briefs submitted which *oppose* the Appellant's position.

Here, begins a section containing certain "Other Discussion."

In particular, the instant "Other Discussion" section consists of the undersigned's discussion, on behalf of the Appellant, about the amici briefs which *support* the Appellant's position.

Of course, we support the same position. Nevertheless, a reading of these amici briefs - - indeed, a reading of all five (5) amici briefs, both pro-constable and anti-constable[5] - - shows the reader how tempting it is (whether one is a Constable; or whether, instead, one is from a different law enforcement filed and therefore simply does not understand the law regarding Constables, or otherwise takes an anti-Constable position) to make arguments in favor of one's position, which are based on things that are dehors the record.

Many of these are policy arguments.

Many of these are legislative arguments.

Many of these are arguments which are not based upon the current law.

---

[5] It might seem indelicate to over-simplify this into "pro-" and "anti-" forces, but that's exactly what they are.

In addition to the fact that the "pro-" forces are willing to stick to the law, as the law now exists. (As appellate argument should be.)

There are legal arguments in the three (3) amici briefs which have been submitted in support of the Appellant's position—*i.e.*, in support of interpreting the existing law such that a constable vehicle IS a police vehicle.

They cite the *In re Act 147* case.

They cite the *Galluze v. Miller* case, from Federal Court in Pennsylvania.

They cite statutes which identify constables as police officers.

They cite Rule of Criminal Procedure (promulgated, of course, by the Supreme Court), under which the activities which are the very, very MOST COMMON constable function (executing MDJ-issued warrants) must be done ONLY by "police officers."

They remind us that private colleges (under 22 Pa.C.S. § 501) and many other non-government employees (under various other statutes) ARE police officers, who are completely authorized to have red-&-blue lights on (and to mark the word "police" on) their cars.

[*Continued on the next page.*]

The undersigned, on behalf of the Appellant, appreciates[6] these legal arguments, and joins in these legal arguments. [7]

[6] The word "appreciates" has two meanings: to understand, and to approve. Here, it is used both ways: we understand their legal arguments, and we join in them.

[7] Some of the amici who have filed pro-constable briefs may have, at one point or another, also strayed dehors the record. To the extent that this may have occurred, we iterate that dehors-the-record material should not be considered, no matter whom it favors, and regardless of who has included it in a brief. Even if the undersigned has likewise strayed beyond the record facts, then the same conclusion holds: please decide this case on the record, and under existing law, as it should be properly interpreted.

CONCLUSION

The Superior Court should reverse the judgment of sentence (and the conviction).

In deciding to do so, the Superior Court should, please, *disregard*—as the Superior Court is already committed, routinely, to doing—all matters that are dehors the record. Therefore, in the instant case, the two (2) amici briefs submitted in support of the Appellee's position should be almost completely disregarded. Perhaps other material in the parties' briefs, and in all amici briefs, will not form the basis for a decision which is based on current law.

In presenting his case before the Superior Court *en banc*, the Appellant hereby relies upon

- the Appellant's original Brief, filed on January 19, 2024;
- the Appellant's original Reply Brief, filed on April 2, 2024;
- the Appellant's Supplemental Brief, filed on June 17, 2025; and
- the Appellant's Reply Brief (the instant document, being filed on Sept. 17, 2025),

… in support of the Appellant's request that the Superior Court should reverse the judgment of sentence, and, accordingly, vacate the conviction.

Respectfully submitted,
/s/ Ronald L. Clever
Attorney for the Appellant

Certification:
The word count for this brief
is at or approx. 5,222 words.
Respectfully submitted,
/s/ Ronald L. Clever