

**IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA
CIVIL DIVISION**

COMMONWEALTH OF PENNSYLVANIA	:	
Ex. Rel. JAMES B. MARTIN,	:	
DISTRICT ATTORNEY, LEHIGH COUNTY,	:	2022-C-0608
Plaintiff	:	NO. _____
	:	
vs.	:	
	:	QUO WARRANTO
STEVEN WIGGS,	:	
Defendant	:	

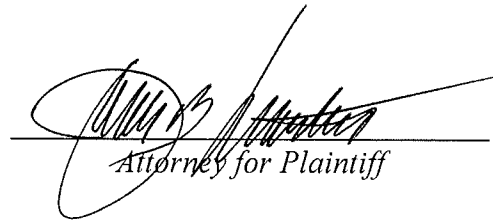
NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE
TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER
LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LEHIGH COUNTY BAR ASSOCIATION
LEGAL REFERRAL SERVICE
1114 WALNUT STREET
ALLENTOWN, PENNSYLVANIA 18102
TELEPHONE: 610-433-7094



Attorney for Plaintiff

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COMMONWEALTH OF PENNSYLVANIA	:	
Ex. Rel. JAMES B. MARTIN,	:	
DISTRICT ATTORNEY,	:	2022-C-0608
LEHIGH COUNTY,	:	NO. _____
Plaintiff	:	
	:	
vs.	:	
	:	QUO WARRANTO
	:	DECLARATORY JUDGMENT
STEVEN A. WIGGS,	:	
Defendant	:	

COMPLAINT

AND NOW COMES the Commonwealth of Pennsylvania by and through James B. Martin, District Attorney for the County of Lehigh, and sets forth the following Complaint for the Ouster of Steven A. Wiggs from the Office of Constable for the 16th Ward, City of Allentown, Pennsylvania:

1. James B. Martin is the duly elected District Attorney for Lehigh County, Pennsylvania, with an office and place of business located at the Lehigh County Courthouse, Third Floor, 455 West Hamilton Street, Allentown, Lehigh County, Pennsylvania.
2. The Defendant, Steven A. Wiggs, is the elected Constable for the 16th Ward in the City of Allentown, Lehigh County, Pennsylvania. Unknown address
3. Plaintiff has served continuously as District Attorney since January 26, 1998, and was duly re-elected in municipal elections held in November 2019. His latest term began on January 6, 2020.

4. On November 2, 2021, Defendant was re-elected Constable of the Allentown 16th Ward in municipal elections held on that date, and thereafter took his Oath of Office on January 7, 2022. *See* Exhibit A.

5. The jurisdiction of this Court is invoked pursuant to 42 Pa.C.S.A. § 931 providing for the Courts of Common Pleas to hear *quo warranto* proceedings.

6. An elected Constable is required to be a resident of the district in which he or she is elected. *In re Rodriguez*, 900 A.2d 341 (Pa. 2003).

7. The Certificate of Election filed in the Lehigh County Court of Common Pleas on December 14, 2021 identifies Defendant's address as 718 S. Woodward Street, Allentown. *See* Exhibit B.

8. Defendant's Oath Of Office, sworn on January 7, 2022, includes an Affidavit in which Defendant affirmed that his residence is 718 S. Woodward Street, Allentown, Pennsylvania 18103. *See* Exhibit A.

9. Defendant also identified the Woodward Street address as his residence in his affidavit attached to his Petition to be on the Official Ballot and "Statement of Financial Interests" both of which were filed on February 23, 2021. *See* Exhibit C.

10. Defendant's registered vehicles are a white 2011 Ford Crown Vic., PA Reg: LCC1910 ("old unmarked vehicle"), a black and white 2009 Ford Crown Vic., PA Reg: KKP0983 ("marked vehicle"), and a white 2013 Ford Taurus Police Interceptor, PA Reg.: LWJ9510 ("new unmarked vehicle").

11. As part of an ongoing investigation, on June 22, 2021, pole cameras were installed at and/or near 718 S. Woodward Street, Allentown, Pennsylvania 18103 (16th Ward) and 2618 Fernor Street, Allentown, Pennsylvania 18103 (19th Ward).

12. As of March 17, 2022, these cameras have been viewed on a daily workday basis for a total of three hundred and sixty eight (368) times. At no time was Defendant or any of his registered vehicles observed at the S. Woodward Street address.

13. The viewings revealed that Defendant regularly parks his registered vehicles at the Fernor Street Address. However, he was never seen entering the residence at that address or interacting with any of the neighbors of that address. He was only observed exchanging one of the registered vehicles for another registered vehicle.

14. On several occasions, Defendant was observed sleeping in one of his registered vehicles while it was parked in front of the Fernor Street address.

15. On June 22, 2021 at 10:14 am, Defendant was observed opening the door of his old unmarked vehicle and emptying a clear container of a yellowish liquid onto the street. Defendant remained in the that vehicle until 10:38 am, at which time he exited that vehicle, walked to his marked vehicle, which was parked nearby, got into the marked vehicle and drove away.

16. On a subsequent date, physical surveillance followed Defendant to his actual and true residence, #2 Wellington Way, Apt. 204, Newark, New Jersey 07103.

17. On January 14, 2022 at 2:42 pm, Defendant was observed getting into a white 2013 Ford Taurus Police Interceptor, PA Reg.: LWJ9510 (“new unmarked vehicle”) that was parked

at the Fernor Street address. Defendant subsequently drove away in that vehicle. The new unmarked vehicle's registration was later changed to LWZ6361.

18. On March 18, 2022, Lehigh County Detective spoke to the homeowner at 718 S. Woodward Street, Jose Antonio Ortiz, Jr. Mr. Ortiz admitted that Defendant did not reside at that address. According to Mr. Ortiz, Defendant was a neighbor and approximately two (2) years ago, Defendant moved away. Around the same time, Defendant asked Mr. Ortiz if he could use his address for Constable paperwork. At that time, Mr. Ortiz agreed.

19. Pursuant to Title 44, Chapter 71, Subsection F, "no constable or deputy constable shall perform any judicial duties nor demand or receive any fee, surcharge or mileage provided by this subchapter unless he has been *certified* under this subchapter." 44 Pa.C.S.A. §7141(a). To be certified, in addition to maintaining professional liability insurance as set forth in subsection F, an elected constable must complete the Constables' Education and Training Program, which is duly administered by the Pennsylvania Commission on Crime and Delinquency ("PCCD"). *See, e.g.*, 44 Pa.C.S.A. §§ 7141-7149.

20. As of March 18, 2022, according to PCCD, which maintains a public database of all certified Constables in the Commonwealth of Pennsylvania, Defendant is NOT a certified Constable. *See* Exhibit D.

COUNT 1
DECLARATORY JUDGMENT

21. The contents of paragraphs 1 through 20 of the Plaintiff's Complaint are hereby incorporated by reference as if set forth at length hereunder.

WHEREFORE, Plaintiff prays this Honorable Court to enter an Order:

- A. Declaring Defendant does not reside at 718 S. Woodward Street, Allentown, Pennsylvania 18103.
- B. Declaring Defendant does not reside at 2618 Fernor Street, Allentown, Pennsylvania 18103.
- C. Declaring Defendant is not eligible to serve in the post for which he was elected, Constable of the 16th Ward because he does not reside in the 16th Ward of Allentown, Lehigh County, Pennsylvania.
- D. Defendant is not a “Certified” Constable.
- E. Directing such other and further relief as this Honorable Court shall deem just and equitable.

COUNT II
QUO WARRANTO

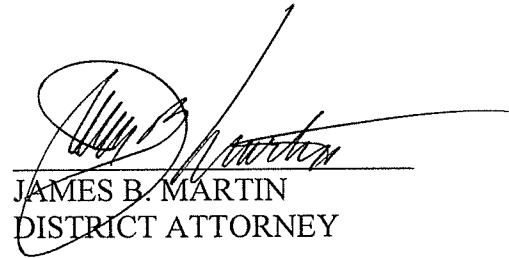
22. The contents of paragraphs 1 through 18 of the Plaintiff’s Complaint are hereby incorporated by reference as if set forth at length hereunder.

23. By reason of Defendant’s absence of residency in the 16th Ward of the City of Allentown, Lehigh County, Pennsylvania, he is ineligible to hold office as the Constable.

WHEREFORE, Plaintiff, James B. Martin, District Attorney, respectfully requests relief as follows:

- A. That Defendant, Steven Wiggs, be ousted from the office of Constable of the 16th Ward of the City of Allentown, Lehigh County, Pennsylvania;

- B. Declare a forfeiture and vacancy in the Office of the Constable of the 16th Ward of the City of Allentown, Lehigh County, Pennsylvania;
- C. That Defendant, Steven Wiggs, be excluded from serving as a Constable in Lehigh County, Pennsylvania;
- D. Such other and further relief as this Honorable Court deems just and proper.



JAMES B. MARTIN
DISTRICT ATTORNEY

DATED: March 21, 2022

VERIFICATION

I, JAMES B. MARTIN, District Attorney, herby certify that the statements made herein are true and correct to the best of my knowledge, information and belief, and satisfy the requirement of 18 Pa.C.S.A. §4904 (Unsworn Falsification to Authorities).

A handwritten signature in black ink, appearing to read 'James B. Martin', is written over a horizontal line.

JAMES B. MARTIN
District Attorney
I.D. No. 16576
Attorney for Plaintiff

Dated: March 21, 2022

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by,

/s/ James B. Martin
JAMES B. MARTIN
DISTRICT ATTORNEY
LEHIGH COUNTY
455 W. Hamilton Street
Allentown, PA 18101
Phn: (610) 782-3100
I.D. No. 16576
Attorney for Plaintiff

Date: March 21, 2022