

A Governance Question Regarding Indefinite Exclusion from Public Property

From 'Ryan Miller' <CulturalContrarian@protonmail.com>

To civilrights@attorneygeneral.gov

Date Thursday, August 20th, 2026 at 2:58 PM

Subject: A Governance Question Regarding Indefinite Exclusion from Public Property

Dear Office of Attorney General,

I hope you are doing well.

I've attached a recent submission that I prepared for the Pennsylvania Office of Attorney General's Civil Rights Enforcement Section.

Rather than asking the Attorney General to review my individual case, the submission presents what I believe is a broader governance question that may have implications beyond my own circumstances.

The question is straightforward:

What documented administrative process exists for reviewing, modifying, or rescinding an indefinite exclusion from public property once the underlying criminal proceedings have concluded?

Over the past several years, my research has gradually shifted away from the underlying events themselves and toward the administrative structures that govern them. This submission reflects that evolution. It focuses less on assigning fault and more on whether Pennsylvania law or administrative practice provides a clear path for citizens to understand, review, or challenge long-term exclusions from public property after the associated criminal matter has ended.

I thought you might find the governance question itself worth considering. Whether you ultimately agree or disagree with my analysis, I would genuinely value any thoughts you may have after reading it.

If this submission would be more appropriately reviewed by another division within the Office of Attorney General, I would appreciate its internal referral to the appropriate section.

Thank you for taking the time to look it over.

Respectfully,

John Ryan Miller

121.96 KB 1 file attached

sent email to PA AG Civil Rights.pdf 121.96 KB

Civil Rights Enforcement Section

Office of Attorney General

14th Floor, Strawberry Square

Harrisburg, PA 17120

Via email: civilrights@attorneygeneral.gov

August 20, 2026

Re: Request for Review — Absence of a Reviewable Administrative Process Governing Indefinite Trespass Exclusions from Public Property Under 18 Pa.C.S. § 3503

Dear Civil Rights Enforcement Section:

I am writing to raise a governance question I believe meets your office's stated criteria for review: a pattern or practice affecting an issue of public importance, rather than a request for individual relief. This submission does not ask your office to resolve any dispute regarding my own underlying circumstances. I am not requesting review of my underlying criminal conviction; that matter, including a subsequently withdrawn appeal to the Superior Court of Pennsylvania, has concluded.

The question is this: what documented administrative process exists, anywhere in Pennsylvania law, for a citizen to request review, modification, or rescission of an indefinite exclusion from public property once the underlying criminal proceedings connected to that exclusion have concluded? Based on research conducted over several months, including Right-to-Know requests to multiple agencies, I have been unable to identify one.

The Statutory Gap

Pennsylvania's defiant trespass statute, 18 Pa.C.S. § 3503(b), permits an offense to be established through actual communication, posted notice, or comparable means. Notably, subsection (b) imposes no requirement that the issuing party establish probable cause, a lawful basis, or any evidentiary threshold before such notice takes legal effect and criminal liability attaches.

The statute does contain the word “lawful” — but only in a different subsection, and in a different procedural posture. Subsection (c)(2) provides a defense to prosecution where “the premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises.”

“(c) Defenses.—It is a defense to prosecution under this section that: ... (2) the premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises...” — 18 Pa.C.S. § 3503(c)(2)

The practical effect of this structure is that lawfulness is tested only after arrest, charge, and the initiation of criminal proceedings — never before. A citizen excluded from public property, including a public governmental meeting, bears the burden of raising the unlawfulness of the underlying condition as an affirmative defense at trial. The issuing party bears no corresponding burden to establish a lawful basis before issuing notice or before an arrest occurs. By the time the defense in subsection (c)(2) becomes available, the arrest, the criminal charge, the chilling effect on protected speech, and the citizen's entanglement in the criminal justice system have already occurred.

This asymmetry — no ex ante requirement of lawful basis, only an ex post opportunity to litigate lawfulness after the fact — is, I believe, worthy of your office's attention independent of any individual case.

This structure is compounded by the absence of any objective standard governing when a demand to leave, or an exclusion, may be issued in the first instance. Without such a standard, the determination of what conduct warrants removal from a public meeting is left to unreviewed official discretion — a structure that itself raises constitutional concern, independent of how it is applied in any particular case, because it provides no external check against

arbitrary or viewpoint-based application. The undersigned is aware of other instances of confrontational or hostile conduct directed at Board members during public comment at Octorara Area School District meetings that did not result in police intervention, exclusion, or a trespass notice — suggesting that whatever standard determines when such measures are imposed is not applied consistently, and may be vulnerable to arbitrary or viewpoint-based application.

The Second, Related Gap: No Path to Review After Proceedings Conclude

Separately, and perhaps more fundamentally: once an exclusion is issued and any underlying criminal matter concludes — whether by conviction, dismissal, or the completion of a sentence — no statute I have identified establishes any administrative process by which the excluded citizen may seek review, request reconsideration, or obtain confirmation of the exclusion's continuing validity. There is no identified duration, no identified reviewing authority, and no identified process for a citizen to request accommodation to participate in ordinary public activities — school board meetings, public sporting events, musical performances, graduations, or similar occasions open to the public — notwithstanding a still-standing exclusion issued years earlier.

This gap affects the interpretation of the exclusion's practical duration. Absent any identified expiration provision, an exclusion issued under this framework may function, in practice, as indefinite and unreviewable — a status with no clear precedent for how it terminates, who has authority to lift it, or what a citizen may do to request that determination be made.

A Documented Illustration

I offer the following as one documented example of how this statutory structure operates in practice, not as the basis of this request. All factual assertions below are supported by RTK-produced primary source records, official court records, contemporaneous audio/video recordings, or my own correspondence, as noted. Several individuals directly witnessed the events described below and can corroborate the account upon request; they are not identified here to keep this submission narrowly focused on the governance question presented.

- On April 5, 2022, well in advance of any further encounter with Octorara Area School District or the Pennsylvania State Police, the undersigned submitted a Right-to-Know request to the Pennsylvania State Police seeking, among other things, the probable cause statement, records of communications with the District, and evidence supporting the lawfulness of any demand to leave. The Office of Open Records' Final Determination in that matter (AP 2022-1176, issued June 7, 2022) is offered solely as evidence of a timely, good-faith effort to verify the lawful basis for any exclusion well in advance of returning to District property. It is not offered as evidence regarding the existence or non-existence of any specific record; that question is addressed separately below.
- February–March 2022: Written notice was provided to the Octorara Area School District Board of Directors regarding concerns that enforcement of a public-comment policy required surrendering constitutional protections as a condition of speaking.
- March 21, 2022: During a public board meeting, a Pennsylvania State Police trooper directed the undersigned to leave the premises. When repeatedly asked what crime had been committed, the trooper stated, as documented in two independent audio recordings, that the undersigned was “not committing crime yet” — acknowledging, in his own words, that no crime had occurred at the time the order to leave was given. No arrest occurred on this date.
- A written exclusion notice was subsequently issued by District administration. Upon receipt via certified mail, the undersigned disputed the notice by email. No response was received addressing its duration, any process for appeal, or any accommodation process for attending public District activities.
- A Right-to-Know request to the Pennsylvania State Police (Response No. 2026-2922), seeking any probable cause affidavit or state-police-issued trespass document related to this matter, returned a response confirming no such document exists.
- September 19, 2022: The undersigned, accompanied by a constable retained to witness and, if necessary, officiate personal service of a federal civil complaint, attempted service on named individuals during public comment at a board meeting. Board members present declined to accept the envelopes. Before alternative

service could be completed, the undersigned was arrested. Two independent recordings of the arrest — an officer's dash-mounted camera and the undersigned's personal recording device — capture materially identical audio, including repeated requests for the probable cause affidavit or trespass document underlying the arrest. No such document was produced at the scene. The undersigned stated on both recordings that he was submitting to what he characterized as an unlawful arrest specifically because no such document had been provided, despite repeated requests. Service was subsequently completed by certified mail following release. The matter is docketed at the Chester County Court of Common Pleas, CP-15-CR-0003501-2022; the arresting officer is identified in that record as Trooper Jesse G. Crnkovic, PSP – Avondale, Incident Number PA2022-1212143.

- The underlying criminal matter concluded with a summary conviction on a single count, related misdemeanor counts were withdrawn or resulted in a not-guilty finding. Sentencing, entered May 30, 2025, included a probationary condition of no contact with Octorara Area School District, which by its terms expired with the conclusion of probation later that year, per the same docket.
- The exclusion from District property referenced above is separate from, and outlived, that now-concluded probationary condition. It remains in effect, unrescinded, more than three years after it was issued. No accommodation process has been identified for participation in public District activities during this period.

Certification

I certify, subject to penalties under 18 Pa.C.S. § 4904 (unsworn falsification to authorities), that the factual assertions in this submission are true and correct to the best of my knowledge. Assertions attributed to Right-to-Know productions, Office of Open Records determinations, or Pennsylvania State Police responses are supported by copies of those records, available upon request. Assertions attributed to audio or video recordings, or to the official court docket, are likewise supported by those sources, available upon request.

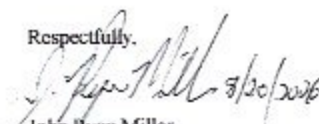
What This Request Asks

I respectfully ask that your office consider whether the absence of (1) any ex ante lawful-basis requirement for issuing a trespass notice from public property, and (2) any administrative process for reviewing or rescinding such a notice once related criminal proceedings conclude, constitutes a pattern or practice affecting the public interest warranting your office's attention — whether through investigation, formal guidance, or referral to the General Assembly for legislative clarification.

I am not asking your office to adjudicate my personal circumstances, to revisit my underlying criminal matter, or to provide legal advice. I am asking whether a documented governance gap of this kind, which I believe extends well beyond my own case, is one your office is positioned to examine.

I am glad to provide the underlying RTK productions, transcripts, court records, and correspondence referenced above upon request. Thank you for your time and consideration.

Respectfully,



John Ryan Miller

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