

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

Jon R. Marietta Jr., Michelle Mowry,	:	
Melanie Patterson, Robert Patterson,	:	
Cody Patterson, Maureen Elias,	:	
Thomas Elias, and Gregory Stenstrom,	:	
Appellants	:	
	:	No. 338 C.D. 2024
v.	:	
	:	Submitted: November 6, 2025
Fayette County, PA, and Fayette	:	
County Bureau of Elections	:	

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge  
HONORABLE CHRISTINE FIZZANO CANNON, Judge  
HONORABLE LORI A. DUMAS, Judge

**OPINION NOT REPORTED**

**MEMORANDUM OPINION BY  
JUDGE DUMAS**

**FILED: December 31, 2025**

Jon R. Marietta, Jr. (Marietta), Michelle Mowry, Melanie Patterson, Robert Patterson, Cody Patterson, Maureen Elias, Thomas Elias (collectively, Appellants), and Gregory Stenstrom (Stenstrom) appeal from an order entered by the Court of Common Pleas of Fayette County (trial court) on March 22, 2024,<sup>1</sup> which sustained the preliminary objections of Fayette County and Fayette County Bureau of Elections (Elections Bureau) (collectively, Appellees), and dismissed with prejudice Appellants' Petition to Open Ballot Box and Recanvass Voting Machines (Petition). After careful review, we dismiss the appeal with prejudice.

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<sup>1</sup> The opinion and order were filed on March 22, 2024, but dated March 21, 2024. *See* Trial Ct. Order, 3/22/24.

## I. BACKGROUND<sup>2</sup>

On November 15, 2023, Appellants and Stenstrom filed the Petition, which sought to open ballot boxes and recanvass voting machines for the Washington Township election precinct in Fayette County following the 2023 general election.

On January 5, 2024, Appellees filed a Motion to Strike Stenstrom as an improper party, alleging that he lacked standing in this litigation because he does not reside in the county nor is he registered to vote therein. *See* Mot. to Strike, 1/5/24, at 3. The trial court granted this motion.<sup>3</sup> *See* Trial Ct. Order, 1/11/24.

Thereafter, Appellees filed preliminary objections pursuant to Pa.R.Civ.P. 1028(a)(1), (4), (7).<sup>4</sup> On March 22, 2024, the trial court sustained

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<sup>2</sup> This matter is one of several initiated in the trial court and related to two other matters currently before this Court concerning the 2023 Fayette County Commissioner race. *See Marietta, J. v. Fayette Cnty.* (Pa. Cmwlth., No. 336 C.D. 2024); *Marietta, J. v. Fayette Cnty.* (Pa. Cmwlth., No. 337 C.D. 2024). Unless otherwise stated, we adopt the factual background from the trial court's March 22, 2024 Opinion, as well as its Pa.R.A.P. 1925(a) Opinion (1925(a) Opinion). *See* Trial Ct. Op., 3/22/24; Trial Ct. 1925(a) Op., 5/6/24. The 1925(a) Opinion is dated May 3, 2024, but was filed on May 6, 2024.

<sup>3</sup> Stenstrom was also stricken as a party in the related election matters filed in Fayette County on appeal before this Court for similar reasons. *See* Mot. to Strike, Ex. A; *Marietta, J. v. Fayette Cnty.* (Pa. Cmwlth., No. 336 C.D. 2024); *Marietta, J. v. Fayette Cnty.* (Pa. Cmwlth., No. 337 C.D. 2024), Order to Strike Improper Party, 1/11/24.

<sup>4</sup> Rule 1028(a) provides that “[p]reliminary objections may be filed by any party to any pleading and are limited to the following grounds:

(1) lack of jurisdiction of jurisdiction over the subject matter of the action or the person of the defendant, improper venue or improper form or service of a writ of summons or a complaint;

....

(4) legal insufficiency of a pleading (demurrer);

....

(7) failure to exercise or exhaust a statutory remedy;”

Pa.R.Civ.P. 1028(a)(1), (4), (7).

Appellees’ preliminary objections, highlighting procedural and substantive errors.<sup>5</sup> First, Appellants had not followed the specified methods for filing recount petitions.<sup>6</sup> Second, Appellants failed to duly verify the underlying Petition, resulting in a “jurisdictional defect that cannot be cured.”<sup>7</sup> See Trial Ct. Op. at 4 (citing *In re 2003 Gen. Election for Off. of Prothonotary*, 849 A.2d 230 (Pa. 2004)). For these reasons, the trial court sustained Appellees’ preliminary objections and dismissed the Petition with prejudice.

Appellants and Stenstrom timely appealed to this Court.<sup>8</sup> On March 26, 2024, the trial court ordered a concise statement of errors pursuant to Pennsylvania Rule of Appellate Procedure 1925(b) (Rule 1925(b)) to be filed within 21 days. Appellants and Stenstrom timely filed a single statement.<sup>9</sup> The trial court issued an opinion, noting that because the Rule 1925(b) statement “only references” the opinion for a related case, *Marietta, J. v. Fayette County* (Pa. Cmwlth., No. 337

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<sup>5</sup> The trial court did not reach the preliminary objection pursuant to Pa.R.Civ.P. 1028(a)(7).

<sup>6</sup> Recount petitions must be filed in every election precinct where the office at issue appeared on the ballot, or the petitions must allege facts sufficient for a *prima facie* case of fraud or error. See *In re Recount of Berks Cnty. Gen. Election of Nov. 8, 2023*, 296 A.3d 64, 76 (Pa. Cmwlth. 2023) (overruled on other grounds by *Honey v. Lycoming Cnty. Off. of Voter Servs.*, 312 A.3d 942, *appeal granted*, (Pa., No. 163 MAL 2024, filed Oct. 7, 2024)).

<sup>7</sup> Under the Pennsylvania Election Code (Election Code), Act of June 3, 1937, P.L. 1333, *as amended*, 25 P.S. §§ 2601-3591, petitions to open ballot boxes and petitions to recanvass voting machines must be “duly verified” by three qualified electors of the election district. 25 P.S. §§ 3261(a), 3262(a)(1). “Duly verified” has been interpreted by our Supreme Court to mean “that the three electors bringing the [petition] have confirmed the averments in the petition by means of an oath or affirmation before a notary public or similar public official.” *In re 2003 Gen. Election for Off. of Prothonotary*, 849 A.2d 230, 238 (Pa. 2004).

<sup>8</sup> We note that the signatures of Appellants look akin to the digitally copied signatures referenced by the trial court. The verification and certificate of service contain only typed names purporting to serve as signatures. See Notice of Appeal, 3/25/24.

<sup>9</sup> Again, we note that the signatures of Appellants look akin to the digitally copied signatures referenced by the trial court. The verification and certificate of service contain only typed names purporting to serve as signatures. See Rule 1925(b) Statement, 4/15/24.

C.D. 2024), it referred back to its Rule 1925(a) Opinion entered in that case. *See Marietta* (Pa. Cmwlth., No. 337 C.D. 2024), Trial Ct. 1925(a) Op., 5/6/24. In that related 1925(a) Opinion, the trial court first suggested that a finding of waiver by this Court may be appropriate, as the 58-paragraph statement mirrors the type of excessive filing condemned in *Jiricko v. Geico Insurance Company*, 947 A.2d 206, 214 (Pa. Super. 2008), as a “deliberate attempt to circumvent the meaning and purpose of Rule 1925(b).” *See Marietta* (Pa. Cmwlth., No. 337 C.D. 2024), Trial Ct. 1925(a) Op. at 2. The trial court also noted that Stenstrom had not challenged his dismissal for lack of standing and “ha[d] simply included himself in this [a]ppeal.” *See id.* Finally, the trial court addressed Stenstrom’s purported standing in light of his extensive litigation history across multiple Pennsylvania counties.<sup>10</sup> *See id.* at 2-3. The court explained that while Stenstrom claims to act as an “authorized representative” of Marietta, such representatives do not have independent standing. *See id.* at 3. Moreover, Marietta lacked the statutory ability to appoint an authorized representative, as he was precluded from filing nomination papers, and, therefore, was not “a candidate for nomination or election” required by the statute. *Id.*

In response to the trial court’s opinion, this Court directed the parties to address whether “Appellants preserved any issues on appeal in light of their apparent failure to properly raise any issues in their [Rule] 1925(b) Statement.” *See* Cmwlth. Ct. Order, 6/7/24. This Court further directed Appellants and Stenstrom to file their appellate briefs and reproduced records and effectuate service no later than February 20, 2025, or the notice of appeal would be dismissed as of course. *See* Cmwlth. Ct.

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<sup>10</sup> The trial court notes that Stenstrom has “filed documents as a ‘pro se party and authorized representative’ in at least ten election cases in Fayette County, six in Chester County, and fourteen in Delaware County.”

Order, 2/6/25. Neither Appellants nor Stenstrom filed a reproduced record. Stenstrom *pro se* filed an appellate brief belatedly on February 21, 2025. Appellants never complied with our briefing instructions, and we dismissed them from this appeal. *See* Cmwlth. Ct. Order, 7/30/25.

## II. DISCUSSION<sup>11</sup>

Initially, we address the adequacy of Stenstrom’s Rule 1925(b) statement. A Rule 1925(b) statement must “set forth only those errors that appellant intends to assert,” and must “concisely identify each error . . . with sufficient detail to identify the issue to be raised for the judge.” Pa.R.A.P. 1925(b)(4)(i), (ii); *see also* Pa.R.A.P. 1924(b)(4)(iv); *Commonwealth v. Ray*, 134 A.3d 1109, 1114 (Pa. Super. 2016) (quoting *Jiricko*, 947 A.2d at 210.<sup>12</sup> Waiver is not warranted based solely on the number of issues raised, provided the appellant presents non-frivolous, concise, and non-repetitive claims. *See* Pa.R.A.P. 1925(b)(4)(iv).

When an appellant raises an “outrageous” number of issues, they “circumvent the meaning and purpose of Rule 1925(b)” and preclude appellate review. *Tucker v. R.M. Tours*, 939 A.2d 343, 346 (Pa. Super. 2007), *aff’d*, 977 A.2d 1170 (Pa. 2009). In such cases, courts have held that the issues are waived. *See, e.g., Brandywine Hosp., LLC v. Cnty. of Chester Bd. of Assessment Appeals*, 291 A.3d 467, 476 (Pa. Cmwlth. 2023), *appeal denied*, 308 A.3d 779 (Pa. 2023) (finding waiver where appellant filed a 19-page statement raising 90 redundant issues and sub-issues); *Jiricko*, 947 A.2d at 210, 213 (holding that a five-page, “virtually

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<sup>11</sup> Our review “is limited to determining whether constitutional rights have been violated, whether the trial court abused its discretion, or whether the trial court committed an error of law.” *Mojica v. SCI-Mahanoy Sec.*, 224 A.3d 811, 812 n.2 (Pa. Cmwlth. 2020) (quoting *Lichtman v. Glazer*, 111 A.3d 1225, 1227 n.4 (Pa. Cmwlth. 2015)).

<sup>12</sup> We may cite to Superior Court cases for their persuasive value, particularly when they address analogous issues. *See Rickell v. Dep’t of Transp., Bureau of Driver Licensing*, 289 A.3d 1155, 1160 n.10 (Pa. Cmwlth. 2023).

incomprehensible” statement consisting of “an incoherent, confusing, redundant, [and] defamatory rant” warranted waiver); *Commonwealth v. Vurimindi*, 200 A.3d 1031, 1042 (Pa. Super. 2018) (dismissing appeal where appellant’s 53-page “defamatory rant against everything and everyone involved in this case” demonstrated “complete defiance toward the purpose of appellate review”).

Here, our review of Stenstrom’s 14-page, 58-paragraph Rule 1925(b) statement reveals numerous redundant, non-concise, and frivolous issues.<sup>13</sup> The statement reads more like a brief than a concise statement of errors, contrary to Rule 1925(b)(4)(iv). As a result, many issues that should constitute a single short paragraph are unnecessarily expanded and scattered across multiple paragraphs, further disregarding Rule 1925(b)(4)(v), which provides that the statement inherently includes all properly raised subsidiary issues.

Although a large number of issues alone generally does not mandate waiver, particularly where the stated issues are concise and non-repetitive, *see* Pa.R.A.P. 1925(b)(4)(iv), that is not the case here. Stenstrom’s 58 paragraphs largely recite generalized grievances or abstract principles rather than discrete rulings by the trial court. *See generally* Stenstrom’s Rule 1925(b) statement. For example, paragraph 8 asserts that “[t]he [trial court] erred by failing to recognize that [f]ree and fair elections are intertwined with civil rights protections. When fraud or error is suspected and transparency is blocked, the election can’t be considered free and fair. Fair elections guarantee that votes are counted accurately.” *Id.* at 3. Similarly, paragraph 11 claims error because the trial court did not “[rule] that if ballot boxes remain closed despite electors suspecting fraud or error . . . there is no

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<sup>13</sup> We also note that Stenstrom’s Rule 1925(b) statement is the same statement filed in the related cases. *See Marietta, J. v. Fayette Cnty.* (Pa. Cmwlth., No. 336 C.D. 2024), Rule 1925(b) Statement; *Marietta* (Pa. Cmwlth., No. 337 C.D. 2024), Rule 1925(b) Statement.

guarantee that the votes were counted accurately.” *Id.* These are representative of many paragraphs, *see also, e.g.*, Nos. 2-6, 12, 14, 15-18, 23, 26, 35, 47, 49-51, that do not identify appealable rulings but instead offer abstract or rhetorical assertions. Additionally, several paragraphs merely quote statutes or case law without identifying any corresponding trial court error. *See id.* at 3, 8-10, 13-14. Others criticize the trial court for dismissing the petition on a “technicality,” describing the outcome as “badly reasoned,” without offering meaningful support. *See id.* at Nos. 13, 15, 17-21, 24, 29. Moreover, the statement includes irrelevant commentary regarding the rights of *pro se* litigants. *See id.* at 14. We admonish Stenstrom that this overly long and redundant statement, which lacks any clear assignments of error, constitutes waiver for failure to comply with Rule 1925(b)’s requirements. *See* Pa.R.A.P. 1924(b); *Brandywine Hosp., LLC*, 291 A.3d at 476; *Jiricko*, 947 A.2d at 210, 213.

Nevertheless, we discern further and ultimately fatal defects. Any issues not raised in a timely filed statement are deemed waived on appeal. *See Commonwealth v. Lord*, 719 A.2d 306, 309 (Pa. 1998) (establishing this bright line rule); Pa.R.A.P. 1925(b)(4)(vii) (“Issues not included in the Statement and/or not raised in accordance with the provisions of this paragraph (b)(4) are waived.”). Even issues addressed by the trial court are waived on appeal if they are not raised in a court-ordered statement. *Commonwealth v. Castillo*, 888 A.2d 755, 780 (Pa. 2005). Additionally, “where an appellate brief fails to provide any discussion of a claim with citation to relevant authority or fails to develop the issue in any other meaningful fashion capable of review, that claim is waived. *Commonwealth v. Johnson*, 985 A.2d 915, 924 (Pa. 2009); *see also* Pa.R.A.P. 2119(a). “*Pro se* [litigants] are subject to the same rules of procedure as are represented [litigants].”

*Commonwealth v. Blakeney*, 108 A.3d 739, 766 (Pa. 2014) (citing *Commonwealth v. Williams*, 896 A.2d 523, 534 (Pa. Cmwlth. 2006)). “Although courts may liberally construe materials filed by a *pro se* litigant, *pro se* status confers no special benefit upon a litigant, and a court cannot be expected to become a litigant’s counsel or find more in a written *pro se* submission than is fairly conveyed in the pleading.” *Blakeney*, 108 A.3d at 766.

Upon considering Appellees’ motion, the trial court dismissed Stenstrom from this case, concluding that he lacked standing because he was neither eligible nor registered to vote in Fayette County and because he was unable to provide any other basis for independent standing. *See* Trial Ct. Op. at 13. Therefore, on appeal, the only relevant issue Stenstrom may assert is whether the trial court erred in dismissing him. *See, e.g., City of Phila. v. Leverett*, 324 A.3d 703, 710 (Pa. Cmwlth. 2024) (making a distinction between “a litigant’s sufficient interest in appealing an adverse decision from the lack of sufficient interest in commencing the litigation,” and concluding that the litigant was aggrieved by the underlying decision that the litigant lacked standing). However, in this case, Stenstrom has failed to preserve any issue related to his dismissal by the trial court. Although Stenstrom attempts to assert that his dismissal was improper in his appellate brief,<sup>14</sup> his 58-paragraph Rule 1925(b) statement lacks any statement, issue, or argument concerning or related to his dismissal from this case. *See generally* Stenstrom’s Rule 1925(b) Statement. As a result, we are constrained to deem this issue as waived.<sup>15</sup>

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<sup>14</sup> Stenstrom’s second issue asks whether the trial court violated Stenstrom’s due process rights when it dismissed him from the litigation. Stenstrom’s Br. at 3. Stenstrom briefly expands upon this issue, arguing that he was improperly dismissed from the litigation “without proper notice or hearing, violating his rights under *Mathews v. Eldridge*, 424 U.S. 319 (1976),” and that because he was an authorized representative for Marietta, he should not have been removed. *Id.*

<sup>15</sup> In any event, we note that Stenstrom’s argument lacks merit. First, *Eldridge* is inapposite.



### III. CONCLUSION

For all these reasons, we dismiss Stenstrom’s appeal with prejudice. *Lord*, 719 A.2d at 309; *Johnson*, 985 A.2d at 924; *Brandywine Hosp., LLC*, 291 A.3d at 476; Pa.R.A.P. 1925(b)(4); Pa.R.A.P. 2119(a).

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**LORI A. DUMAS, Judge**

Judge McCullough did not participate in this decision.

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424 U.S. 319. *Eldridge* held that an evidentiary hearing is *not* required prior to the termination of social security disability benefits. *See id.* Therefore, it provides no support for Stenstrom’s claim of any “deprivation” of a hearing here. Additionally, *Eldridge*’s posture arises in the context of the administrative process, which is not present here. *See id.* Moreover, following proper notice reserving one hour for hearing/argument, *see* Certificate of Presentation, 1/5/24, Appellees duly presented the motion to dismiss in the regularly scheduled motions court on January 11, 2024, after which the trial court granted the motion to strike Stenstrom. *See* Trial Ct. Order 1/11/24. Second, Stenstrom characterizes himself as an “authorized representative” of Marietta, citing Section 1701 of the Code, 25 P.S. § 3261. *See* Stenstrom’s Br. at 3. That provision, however, merely grants an authorized representative the right to attend a recount on behalf of a candidate; it does not confer any broader legal authority. *See* Section 1701(c) (“[b]efore any ballot box is opened under the provisions of this section, the court shall direct that notice . . . be given . . . and each such candidate may be present at such recount, either in person or by his attorney or by his duly authorized representative”). Whether Stenstrom qualifies as Marietta’s authorized representative is therefore immaterial. Nothing in that section, or elsewhere in the Code, vests an authorized representative to appear in court, file pleadings, or advance legal arguments on a candidate’s behalf. Indeed, the language of Section 1701(c) itself distinguishes between an “attorney” and an “authorized representative,” as both are enumerated in the list, suggesting a difference between the two roles. *See id.*; *see also* Pa. Dep’t of State, Guidance Concerning Poll Watchers and Authorized Representatives, No. 4 Authorized Representatives at the Pre-Canvass and Canvass (Sept. 22, 2025, Version 2:2), available at <https://perma.cc/7UL6-NNTE> (last visited Dec. 31, 2025) (stating that “candidates are permitted to designate authorized representatives to observe pre-canvass and canvass meetings where mail-in and absentee ballots are counted and recorded”). There is no support for Stenstrom’s suggestion that being an authorized representative confers any special status in a court of law. Thus, even if Stenstrom’s standing argument had not been waived, *see Lord*, 719 A.2d at 309; *Castillo*, 888 A.2d at 780, it would nevertheless fail on the merits.

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

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Melanie Patterson, Robert Patterson,	:	
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Thomas Elias, and Gregory Stenstrom,	:	
Appellants	:	
	:	No. 338 C.D. 2024
v.	:	
	:	
Fayette County, PA, and Fayette	:	
County Bureau of Elections	:	

**ORDER**

AND NOW, this 31<sup>st</sup> day of December, 2025, the appeal of Gregory Stenstrom from the order issued by the Court of Common Pleas of Fayette County on March 22, 2024, is DISMISSED with prejudice.<sup>1</sup>

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LORI A. DUMAS, Judge

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<sup>1</sup> Appellants Jon R. Marietta, Jr., Michelle Mowry, Melanie Patterson, Robert Patterson, Cody Patterson, Maureen Elias, and Thomas Elias were dismissed by this Court. *See* Order, 7/30/25.