

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania	:	
	:	
v.	:	
	:	
Shawnece Moore,	:	No. 614 C.D. 2025
Appellant	:	Submitted: July 24, 2026

BEFORE: HONORABLE RENÉE COHN JUBELIRER, President Judge
HONORABLE MICHAEL H. WOJCIK, Judge
HONORABLE STELLA M. TSAI, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE TSAI

FILED: September 21, 2026

Shawnece Moore appeals, *pro se*, from the May 6, 2025 order of the Court of Common Pleas of Allegheny County (trial court) finding Moore guilty of violating Section 922.02A.1 of the Zoning Code of the City of Pittsburgh (Code), based on Moore’s failure to obtain zoning approval to house chickens on her property. After careful review, we affirm.

I. BACKGROUND

Moore owns residential property at 924 Millerdale Street in the City of Pittsburgh (Property). After receiving complaints from Moore’s neighbors, City of Pittsburgh (City) Operations Inspector Ben Carozza visited the Property and observed chickens and a chicken coop. The City charged Moore with violating Section 922.02A.1 of the Code, which requires a record of zoning approval for all development permitted under the Code, including “Urban Agriculture (Accessory

Use) With Animals,” under Section 912.07B of the Code.¹ A magisterial district judge found Moore guilty and imposed a fine of \$500. Moore filed a notice of appeal from the summary conviction in the trial court.

The trial court held a *de novo* trial on May 6, 2025, at which Inspector Carozza and Moore testified. Following trial, the trial court entered an order finding Moore guilty and imposing a fine of \$250. Moore then filed the instant appeal. The trial court entered an order directing Moore to file and serve a concise statement of errors complained of on appeal pursuant to Pennsylvania Rule of Appellate Procedure 1925(b) (1925(b) Statement), and Moore complied with this order. The trial court thereafter filed an opinion pursuant to Pennsylvania Rule of Appellate Procedure 1925(a).

II. ISSUES

On appeal,² Moore essentially presents four issues for this Court’s review. First, Moore argues that she was not required to obtain a zoning permit to raise chickens for non-commercial agriculture use. Second, Moore challenges the sufficiency of the evidence supporting her conviction. Third, Moore contends that, as an indigenous person, the City lacked jurisdiction to enforce the provisions of the Code against her under Article I, Section 2, Clause 3 of the United States Constitution. Finally, Moore argues that she was denied the right under the Sixth

¹ See <https://ecode360.com/45479099> (Section 922.02A.1); <https://ecode360.com/45477917> (Section 912.07B) (last visited September 18, 2026).

² Where the trial court has held a *de novo* trial on appeal from a summary conviction, this Court’s review is limited to whether the trial court committed an error of law or abused its discretion. *Commonwealth v. Desiato*, 357 A.3d 596, 601 n.10 (Pa. Cmwlth. 2026). “The Commonwealth has the never-shifting burden of proving all elements of a summary offense beyond a reasonable doubt.” *Commonwealth v. Nicely*, 988 A.2d 799, 803 n.3 (Pa. Cmwlth. 2010).

Amendment of the United States Constitution to confront her neighbor who notified the City that there were chickens on the Property.

III. DISCUSSION

A. Requirement to Obtain Zoning Permit

Moore first argues that she is not in violation of the Code because “[n]o zoning permit is required for non[-]commercial emotional support pet chickens.” Moore’s Brief at 6. Moore further argues that she met “[C]ity standards for adequate space requirements,” and, therefore, her non-commercial pet chickens “are an allowed accessory use of her private property.” *Id.* We initially observe that Moore did not include this issue in her Rule 1925(b) Statement. *See* May 30, 2025 Concise Statement, Certified Record at 22-23. “[W]hen a trial court orders an appellant to file a Rule 1925(b) Statement, [s]he must do so within 21 days and ‘concisely identify each error that [she] intends to assert with sufficient detail to identify the issue to be raised for the judge[,]’ Pa.R.A.P. 1925(b)(4)(ii), or risk waiving those issues.” *Cummings v. Matiyasic*, 347 A.3d 849, 852 (Pa. Cmwlth. 2025); *see also* Pa.R.A.P. 1925(b)(4)(vii) (“Issues not included in the Statement . . . are waived.”). *Pro se* litigants are subject to the same procedural rules as represented litigants, including Rule 1925(b). *Cummings*, 347 A.3d at 852. By failing to include an argument in her Rule 1925(b) Statement that she was not required to obtain a zoning permit to house chickens on her Property for non-commercial use, Moore has waived that issue.

Even if Moore had properly preserved her argument, we would find it lacks merit. Section 922.02A.1 of the Code requires a record of zoning approval for “all [d]evelopment subject to the regulations of this [C]ode,” excluding certain actions not relevant to the present matter. Code § 922.02A.1. Section 912.07B provides

that applications for the housing of chickens are permitted by right as an accessory “Urban Agriculture” use throughout the City, subject to certain standards. *Id.* § 912.07B. The standards delineated in the Code include, but are not limited to, limits of five chickens on properties 2,000 square feet in size with one additional chicken per additional 1,000 square feet of property, no roosters, and minimum requirements for chicken coop structures and feed storage. *Id.* § 912.07B(5)-(8). Notwithstanding the fact that raising chickens is a by-right accessory use in the City, subject to the applicable standards, a property owner is still required to obtain a permit for that use; only non-commercial, **non-animal** urban agriculture is exempt from the permit requirement. *Id.* § 912.07 (“The property owner need not apply for any type of permit if the sole intent of growing crops is for personal/non-commercial use.”). Therefore, regardless of whether Moore met the standards for by-right urban agriculture accessory use to raise chickens on the Property, she was still required to obtain a permit pursuant to Sections 912.07B and 922.02A.1 of the Code.

B. Sufficiency of the Evidence

Moore next challenges the sufficiency of the evidence supporting her conviction of violating Section 922.02A.1. When reviewing the sufficiency of the evidence to support a conviction, this Court must consider whether the evidence introduced at trial and any reasonable inferences derived therefrom, viewed in the light most favorable to the Commonwealth as verdict winner, are sufficient to establish the elements of the offense beyond a reasonable doubt. *Commonwealth v. Chisebwe*, 310 A.3d 262, 268 (Pa. 2024). We may not reweigh the evidence or substitute our judgment for that of the factfinder. *Id.*

Moore contends that the allegations against her are “unfounded,” where the Commonwealth failed to “produce[] any proof of a chicken located at” the Property

or “prove[] that [Moore] has a male chicken.” Moore’s Brief at 4, 7. At the *de novo* trial, Inspector Carozza testified that, prior to trial before the magisterial district judge, he observed chickens and a chicken coop on the Property after obtaining access to a neighboring property. May 6, 2025 Notes of Testimony (N.T.) at 3, 7-8. Inspector Carozza visited the Property again the day prior to the *de novo* trial and observed the chicken coop underneath a blue tarp, photographed the chicken coop, and presented the photographs at trial.³ *Id.* at 3. Inspector Carozza also stated that Moore had not obtained the appropriate permit to raise chickens. *Id.* at 2. Although Moore denied during her testimony that she had a chicken coop on the Property, she admitted that she had chickens in her yard and did not dispute that she lacked a permit. *Id.* at 4-8 ([Q.] “Do you have chickens in your backyard?” [A.] “I absolutely do.”).

Viewing the evidence in the light most favorable to the Commonwealth, we conclude that the evidence was sufficient to support Moore’s conviction under Section 922.02A.1 of the Code. The testimony of Inspector Carozza and Moore demonstrated that Moore had chickens on the Property and she lacked an urban agriculture accessory use permit. This evidence alone was sufficient for the Commonwealth to meet its burden. The Commonwealth was not required to prove that Moore had a rooster, as the permit requirement applies to the housing of female chickens, while male chickens are prohibited. Code § 912.07B(7). Furthermore, Moore was required to obtain a permit even if there was no coop on the Property; Section 912.07B of the Code imposes standards related to minimum square footage

³ Inspector Carozza photographed the chicken coop and those photographs were displayed at trial. N.T. at 3. However, the photographs were not offered into evidence and do not appear in the certified record for this appeal.

and care of coop structures but does not exempt property owners who propose to house chickens on their Property without any structure at all. *Id.* § 912.07B(6).

C. Article I, Section 2, Clause 3 of the United States Constitution

Moore next argues that the City lacks jurisdiction to enforce the provisions of the Code against her because she is “the Chief of an Indigenous Nation State (Iroquois Confederacy of Aborigine American People).” Moore’s Brief at 1. In advancing this argument, Moore relies on the phrase “excluding Indians not taxed” within Article I, Section 2, Clause 3 of the United States Constitution, which provides, in full:

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and **excluding Indians not taxed**, three fifths of all other Persons.^[4]

U.S. Const. art. I, § 2, cl. 3 (emphasis added).

Moore’s argument lacks merit. As the Third Circuit Court of Appeals has explained:

[T]he constitutional reference to “Indians not taxed” [in Article I, Section 2, Clause 3] is merely:

an apportionment provision designed to establish the method of computing the number of representatives for each State and determine apportionment of direct taxes among the states. The phrase “Indians not taxed,” when viewed in context, is clearly descriptive, describing the fact some Indians are not taxed by the

⁴ “Section 2 of the Fourteenth Amendment revised this formula to eliminate the slave fraction that had previously existed[] but again excluded ‘Indians not taxed.’” *Lazore v. Comm’r of Internal Revenue Serv.*, 11 F.3d 1180, 1187 (3d Cir. 1993); *see* U.S. Const. amend. XIV, § 2; *see also* *Pa. State Police v. Drake*, 304 A.3d 801, 807 n.7 (Pa. Cmwlth. 2023) (*en banc*) (“Though inferior federal courts’ interpretations of federal law are not binding upon this Court, they nevertheless may constitute persuasive authority that we may follow at our discretion.”).

State in which they reside and should, therefore, be excluded from enumeration of its population.

Lazore, 11 F.3d at 1188 (quoting *Jourdain v. Comm’r of Internal Revenue*, 71 T.C. 980, 988 (T.C. 1979), *aff’d*, 617 F.2d 507 (8th Cir.), *cert. denied*, 449 U.S. 839 (1980)). The United States Supreme Court has further stated that “it is now well settled by many decisions of this Court that a general statute in terms applying to all persons includes Indians and their property interests.” *Fed. Power Comm’n v. Tuscarora Indian Nation*, 362 U.S. 99, 116 (1960). As Article I, Section 2, Clause 3 fails to support Moore’s jurisdictional argument and she cites no additional authority in support of her claim, no relief is due on this issue.

D. Sixth Amendment to the United States Constitution

In her final issue, Moore argues that she was denied her right under the Confrontation Clause of the Sixth Amendment to the United States Constitution to confront her neighbor who complained to the City regarding the chickens. Although the Commonwealth did not call any of Moore’s neighbors to testify or introduce any statements by the neighbors at the *de novo* trial, Moore contends that she “has the lawful right to face her accuser.” Moore’s Brief at 6.

The Sixth Amendment provides that, “[i]n all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him.”⁵ U.S. Const. amend. VI. In *Crawford v. Washington*, 541 U.S. 36 (2004), the United States Supreme Court held that the Confrontation Clause “applies to ‘witnesses’ against the accused—in other words, those who ‘bear testimony,’” defining testimony as “[a] solemn declaration or affirmation made for the purpose of establishing or proving some fact.” *Id.* at 51 (citation omitted). Therefore, “the right

⁵ Article I, Section 9 of the Pennsylvania Constitution contains nearly identical language: “In all criminal prosecutions the accused hath a right . . . to be confronted with the witnesses against him” Pa. Const. art. I, § 9.

to confrontation applies only to testimonial statements.” *Commonwealth v. Weeden*, 304 A.3d 333, 345 (Pa. 2023).

None of Moore’s neighbors testified at trial. Instead, the only mention of her neighbors was Inspector Carozza’s testimony that the case “started as a neighbor complaint,” which he determined to be unfounded; he received a second complaint from an apparently different neighbor, and “that neighbor gave [Inspector Carozza] permission to enter their property . . . to see the chickens and the chicken coop.” N.T. at 3, 7-8. Inspector Carozza did not repeat any substantive conversations he had with Moore’s neighbors, and his discussion of the complaints received from neighbors was not “for the purpose of establishing or proving some fact.” *Crawford*, 541 U.S. at 51 (citation omitted). Therefore, Moore’s Confrontation Clause argument fails as the Commonwealth did not admit any testimonial statements of Moore’s neighbors. Furthermore, even if Inspector Carozza’s testimony had triggered Moore’s Sixth Amendment rights, she waived any challenge as she failed to lodge an objection on this basis at trial. *See In the Interest of S.K.L.R.*, 256 A.3d 1108, 1124 (Pa. 2021) (“[T]o preserve a claim that evidence was admitted in error, the offended party must timely object to the admissibility of the evidence and state a specific ground for the objection.”); *see also In the Interest of T.W.*, 261 A.3d 409, 425 n.9 (Pa. 2021) (providing that doctrine of waiver applies even where issue is of constitutional dimensions).

IV. CONCLUSION

For the foregoing reasons, we affirm the trial court’s order finding Moore guilty of violating Section 922.02A.1 of the Code.

STELLA M. TSAI, Judge

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Commonwealth of Pennsylvania	:	
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v.	:	
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ORDER

AND NOW, this 21st day of September, 2026, the order of the Court of Common Pleas of Allegheny County is hereby AFFIRMED.

STELLA M. TSAI, Judge