NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
JOSEPH MIDDLEBROOK	:	
Appellant	:	No. 88 WDA 2026

Appeal from the Judgment of Sentence Entered May 21, 2025
In the Court of Common Pleas of Allegheny County Criminal Division at No(s): CP-02-CR-0005747-2024

BEFORE: OLSON, J., NICHOLS, J., and FORD ELLIOTT, P.J.E.*

MEMORANDUM BY NICHOLS, J.: **FILED: November 12, 2026**

Appellant Joseph Middlebrook appeals from the judgment of sentence imposed following his conviction for defiant trespass.[1] On appeal, Appellant challenges the sufficiency of the evidence. After careful review, we affirm.

The trial court summarized the relevant facts and procedural history of this matter as follows:

> On August 14, 2024, Timothy McMichael of the Allegheny County Sheriff's Department[] was returning from his lunch break and reported to his post at the Fifth Avenue entrance of the Allegheny County Courthouse-Family Division. While talking to another deputy he heard a commotion on the second floor waiting area where he observed Appellant coming downstairs making his way toward the Ross Street exit while continuing to cause a commotion. [Deputy] McMichael indicated that there were a lot of people, including children, around that particular waiting area. [Deputy] McMichael initiated contact with Appellant who was

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* Retired Senior Judge assigned to the Superior Court.

[1] ***See*** 18 Pa.C.S. § 3503(b)(1)(i).

> visibly agitated, angry, and upset. [Deputy] McMichael told Appellant he had to vacate the building at least three times[,] to which Appellant responded ang[rily] making statements saying: "F*** this place" and "Motherf******." Despite the warnings to leave, Appellant continued yelling, swearing, and causing a scene. Appellant then moved toward the Ross Street side of the building, and Appellant and [Deputy] McMichael eventually ended up in the rotunda area of the courthouse where numerous people were entering and exiting the building. Appellant went up to [Deputy McMichael] in a menacing manner wherein he was again told to leave the courthouse. Appellant failed to do so, and another sheriff['s deputy] in the vicinity placed Appellant in handcuffs and escorted him to the adult holding section of the courthouse.

Trial Ct. Op., 4/13/26, at 3-4 (citations omitted and some formatting altered).

On May 21, 2025, following a non-jury trial, the trial court found Appellant guilty of the summary offense of defiant trespass[2] and sentenced Appellant to a period of incarceration of one to thirty days. ***See id***. at 2-3. Appellant filed a timely notice of appeal and both Appellant and the trial court complied with Pa.R.A.P. 1925.

On appeal, Appellant raises the following issue for our review: "Whether there was sufficient evidence to find Appellant guilty of defiant trespass?" Appellant's Brief at 5.

In support of his claim, Appellant argues that the Commonwealth failed to submit evidence that he was not allowed to return to the Allegheny County Courthouse, Family/Juvenile Law Center ("FJLC"). ***See id.*** at 11. Appellant argues that he was unaware of his inability to return to the FJLC following

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[2] Appellant was also convicted of summary offenses for disorderly conduct – unreasonable noise and disorderly conduct – creating a hazardous or physically offensive condition, 18 Pa.C.S. §§ 5503(a)(2), and 5503(a)(4), respectively. ***See*** Trial Ct. Op., 4/13/26, at 1.

Deputy McMichael's initial order to Appellant to leave the premises and that, upon returning and ultimately being ordered again by Deputy McMichael to leave the premises, he was only afforded a "brief" opportunity "to comply with the order" and therefore lacked sufficient notice that his presence at the FJLC was trespassory. ***Id.*** at 12-13. Appellant notes that he "was already inside [the FJLC] legally when he was told to leave," as Appellant's presence on the premises that day was required due to a scheduled child custody matter. ***See id.*** at 13-14.

A sufficiency claim presents a pure question of law for which our standard of review is *de novo* and our scope of review is plenary. ***See Commonwealth v. Boyer***, 347 A.3d 689, 699 (Pa. Super. 2025). We view the evidence in the light most favorable to the Commonwealth as verdict winner, drawing all reasonable inferences in the Commonwealth's favor, to determine whether the evidence was sufficient to enable the fact-finder to find every element of the offense beyond a reasonable doubt. ***See Commonwealth v. Widmer***, 744 A.2d 745, 751 (Pa. 2000). In reviewing a sufficiency claim, however, we need only address the element or elements of the crime specifically challenged by the appellant. ***See Commonwealth v. Cain***, 906 A.2d 1242, 1244 (Pa. Super. 2006). Further, we may not weigh the evidence or substitute our judgment for the fact-finder. ***See Commonwealth v. Cahill***, 95 A.3d 298, 300 (Pa. Super. 2014).

In evaluating whether a defiant trespass occurred, Section 3503 of the Crimes code provides, in relevant part:

> **(b) Defiant trespasser.**--
>
> (1) A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by:
>
> (i) actual communication to the actor[.]

18 Pa.C.S. § 3503(b)(1)(i) (some formatting altered).

> [I]n order to establish a violation it is necessary to prove that the defendant: 1) **entered or remained** upon property without a right to do so; 2) while **knowing** that he had no license or privilege to be on the property; and 3) **after receiving direct or indirect notice** against trespass. The crime of defiant trespass thus includes an element of intent or *mens rea*.

Commonwealth v. Wanner, 158 A.3d 714, 718 (Pa. Super. 2017) (citations omitted, some formatting altered, emphasis added).

Here, Deputy McMichael testified that upon initially encountering Appellant inside the FJLC yelling, swearing, and causing a general disturbance, Appellant was escorted out of the building to the Ross Street exit of the building. ***See*** N.T. Trial, 8/22/24, at 3-4. Deputy McMichael testified that, approximately 10 minutes after his escorted exit, Appellant returned and entered the building and, shortly thereafter, "started up again yelling and swearing [] on the second floor waiting area. So I went up the stairs to approach him, and as he was coming down, we met on the landing. We kind of got into it a little bit, and I told him to leave." ***Id.*** at 5. "When I met [Appellant] on the landing[] I told him[,] 'this is the second time that you've been in here causing an issue. Get out.'" ***Id.*** at 6. Deputy McMichael then stated that, while following Appellant down the stairs towards the exit,

Appellant turned around to "square up" on him, at which point Appellant was taken into custody. ***Id.*** at 6-7.

Following our review of the record, viewing the evidence in the light most favorable to the Commonwealth, we conclude that there was sufficient evidence to support Appellant's conviction for defiant trespass. ***See Widmer***, 744 A.2d at 751. Although Appellant may have initially had a legal right to be at the FJLC that day to attend a court hearing, Deputy McMichael's direct orders instructing him to leave the premises due to his disruptive conduct is more than sufficient evidence to establish that Appellant was informed and aware that he could no longer remain on the premises. ***See*** N.T. Trial, 8/22/24, at 5-7; ***see also Commonwealth v. Bettis***, 347 A.3d 779, 788 (Pa. Super. 2025) (stating "Appellant may have thought that he had a right to be on the property, but once he was told that he could not remain in the building [], any right to remain clearly ceased" (some formatting altered)). Deputy McMichael's testimony, *i.e.*, that after being told he needed to leave, Appellant turned around, specifically to "square up" with the deputy, was evidence on which the trial court could find Appellant had intentionally defied the instruction to leave the FLJC premises and, therefore, Appellant is not entitled to relief. N.T. Trial, 8/22/24, at 6-7; ***Wanner***, 158 A.3d at 718. Accordingly, we affirm.

Judgment of sentence affirmed. Jurisdiction relinquished.

Judge Olson did not participate in the consideration or decision of this case.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

11/12/2026