

SUPERIOR COURT OF PENNSYLVANIA

Commonwealth v. Wagner, J.L., Jr.

2026 Pa. Super. 135 · No. 1559 MDA 2025 · Decided June 25, 2026

SUMMARY

The Pennsylvania Superior Court affirmed the dismissal of Jamie Lee Wagner Jr.’s de novo appeal from convictions for five summary traffic offenses because he failed to appear for trial. The court held that Wagner’s failure to explain his absence or provide an affidavit showing involuntary absence precluded relief under Pennsylvania Rule of Criminal Procedure 462. The court also deemed his challenges to the traffic stop, licensing and registration requirements, discovery, and related constitutional issues waived or frivolous.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Bender, P.J.E.; Kunselman, J.; McLaughlin, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	June 25, 2026
DOCKET	1559 MDA 2025
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant appealed pro se from the Court of Common Pleas of Schuylkill County's order dismissing his de novo summary-offense appeal because he failed to appear for trial.
STANDARD OF REVIEW	The Superior Court reviewed whether the trial court erred in dismissing the summary appeal for failure to appear and whether any failure to address Appellant's pretrial motions warranted relief.
PRECEDENTIAL VALUE	Published and precedential Pennsylvania Superior Court opinion
PARTIES	Jamie Lee Wagner Jr. v. Commonwealth of Pennsylvania

TOPICS

- criminal procedure
- appellate procedure
- preservation of error
- fourth amendment
- due process

PRACTICE AREAS

- criminal procedure
- appellate procedure
- traffic offenses
- constitutional law

QUESTIONS PRESENTED

1. Whether the trial court properly dismissed Appellant's de novo summary appeal after Appellant failed to appear for trial.
2. Whether the absence of an inquiry into the cause of Appellant's absence required a new trial or other relief.
3. Whether Appellant preserved a challenge to the trial court's failure to rule on his pretrial motions.
4. Whether, even if preserved, Appellant's constitutional, jurisdictional, discovery, probable-cause, and right-to-travel arguments established prejudicial error.

HOLDINGS

1. A trial court may dismiss a summary-offense appeal and enter judgment on the issuing authority's judgment when the defendant fails to appear, and the dismissal was proper where Appellant neither challenged the propriety of the dismissal nor explained his absence.
2. An appellant bears responsibility for ensuring that the certified record contains the materials necessary for appellate review.
3. Arguments that the trial court erred by failing to rule on pretrial motions were waived because Appellant did not respond to the trial court's finding that his failure to appear forfeited litigation of those motions.
4. Even if Appellant preserved the issue, the failure to address his pretrial motions did not warrant relief because his asserted jurisdictional, constitutional, probable-cause, and right-to-travel theories were frivolous and therefore caused no prejudice.

KEY QUOTATIONS

"If the defendant fails to appear, the trial judge may dismiss the appeal and enter judgment in the court of common pleas on the judgment of the issuing authority." (-4)

"We understand Marizzaldi to require a new trial when: (1) a trial court dismisses a summary appeal without considering whether the absentee defendant had cause to justify the absence; and (2) the absentee defendant presents an affidavit on appeal that (assuming the assertions delineated in the affidavit are true) presents at least a prima facie demonstration that cause existed for the absence, rendering that absence involuntary." (-5)

"Our willingness to construe pro se materials liberally "confers no special benefit upon the appellant. To the contrary, any person choosing to represent himself in a legal proceeding must, to a reasonable extent, assume that his lack of expertise and legal training will be his undoing."" (-6)

"All States require vehicles to be registered and operators to be licensed. States and localities have enacted extensive and detailed codes regulating the condition and manner in which motor vehicles may be operated on public streets and highways." (-9)

FACTUAL BACKGROUND

Pennsylvania State Police issued Appellant five citations arising from one traffic stop, alleging violations involving registration plates, a suspended or revoked license, vehicle registration, inspection, and financial responsibility. A magisterial district judge found Appellant guilty, and Appellant sought de novo review in the Court of Common Pleas. The trial court scheduled trial for October 8, 2025, but Appellant failed to appear and did not explain his absence or provide an affidavit showing that it was involuntary.

PROCEDURAL HISTORY

A magisterial district judge found Appellant guilty of five summary traffic offenses. Appellant filed appeals for de novo proceedings in the Court of Common Pleas, where the matters were consolidated. The trial court dismissed the appeal when Appellant failed to appear on the scheduled trial date, and the Superior Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Commonwealth v. Marizzaldi, 814 A.2d 249 (Pa. Super. 2002)
- Commonwealth v. Dixon, 66 A.3d 794 (Pa. Super. 2013)
- Commonwealth v. Harlan, 208 A.3d 497 (Pa. Super. 2019)
- Commonwealth v. Preston, 904 A.2d 1 (Pa. Super. 2006) (en banc)
- Commonwealth v. Adams, 882 A.2d 496 (Pa. Super. 2005)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Hale v. Henkel, 201 U.S. 43 (1906)
- Brinegar v. United States, 338 U.S. 160 (1949)
- Commonwealth v. Syke, 1213 WDA 2023 (Pa. Super. filed Aug. 20, 2024) (unpublished memorandum)
- Cady v. Dombrowski, 413 U.S. 433 (1973)