

COPY

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA

CIVIL ACTION- LAW

AMANDA MARIE CLARK

vs.

TYLER PETER WAYNE TITUS

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:
:
:
:

No. 2018-802

APPEARANCES

Representing the Plaintiff: Pro se

Representing the Defendant: Pro se

TRANSCRIPT OF PROCEEDINGS

March 27, 2025

Before the Honorable Daniel P. Wallace, President Judge

Rule to Show Cause

DIANE L. BROWN, RPR
Official Court Reporter
Mercer, Pennsylvania

1 (2:30 p.m. The defendant is present via audio/video
2 communication from the Mercer County Jail.)

3 * * *

4 COURT CRIER: Sir, will you please raise your
5 right hand? Sir, will you raise your right hand?

6
7 TYLER PETER WAYNE TITUS,
8 having been first duly sworn according to
9 law, is examined and testifies as follows:

10
11 COURT CRIER: Thank you.

12 THE COURT: Mr. Titus, to begin, I want to make
13 sure you understand something. We are not here today to
14 address why you are in jail. You know that that has to do
15 with a detainer, and --

16 THE DEFENDANT: I know that, Your Honor. Waste
17 my time.

18 THE COURT: Okay.

19 So the reason why I entered this Rule to Show
20 Cause, quite frankly, is we are about -- we are about to have
21 a hearing on indirect criminal contempt.

22 Now, you have a right to have an attorney.

23 THE DEFENDANT: Excuse me, Your Honor, this is
24 new to me. Indirect criminal attempt?

25 THE COURT: Contempt.

1 THE DEFENDANT: Contempt. I misspoke.

2 Contempt for what?

3 THE COURT: I am about to get to that, but I
4 first need to make sure that you understand that you have a
5 right to have an attorney, because this is a criminal matter,
6 and you have a right to have an attorney when it's a criminal
7 matter, so I need to either hear that you will waive your
8 right to have an attorney present or we can continue this
9 matter to a later date to allow you to find an attorney or
10 have a Public Defender appointed.

11 What do you wish to do?

12 THE DEFENDANT: Well, typically in most
13 circumstances, I don't like to represent myself in criminal
14 matters. I think I may make an exception in this
15 circumstance, but may I ask the Court if you could be more
16 specific? Are you telling me that on this matter that we are
17 here for today, you are turning it into a criminal contempt?

18 THE COURT: Yes.

19 This is an indirect criminal contempt
20 proceeding. It's a criminal matter. So it's not a civil
21 matter. This has nothing to do -- but it has nothing to do
22 with why you are in jail, as you know.

23 THE DEFENDANT: Understood, Your Honor.

24 And just to be clear, we are not conflating
25 this with -- this doesn't have anything to do with the

1 intervenor's PFA or the plaintiff's PFA, this specifically
2 has to do with your Rule to Show Cause today for why I
3 shouldn't be held in contempt; correct?

4 THE COURT: Correct.

5 THE DEFENDANT: I would like to proceed without
6 a public defender or private attorney, and hope you accept my
7 praecipe to enter appearance as a self-represented litigant
8 also in the new matters you just informed me of.

9 THE COURT: Okay.

10 So you have waived your right to have an
11 attorney present and representing you at this hearing; right?

12 THE DEFENDANT: Well, seeing as how I haven't
13 passed the bar and I'm not an attorney, I would say that I
14 have representation being that I'm representing myself, but
15 everything else, doesn't seem -- I guess we are on same
16 pageish. Sure.

17 THE COURT: Are you waiving your right to an
18 attorney or not?

19 THE DEFENDANT: Are you asking me if I'm
20 waiving my right to be represented or if I'm waiving my right
21 to have an attorney represent me?

22 THE COURT: Are you waiving your right to have
23 an attorney represent you at this proceeding -- at this
24 hearing?

25 THE DEFENDANT: I'm not waiving my right to

1 have myself represent myself. I suppose I will affirm what
2 you said before, what I just said.

3 THE COURT: Okay.

4 So I'm going to proceed with some questions.
5 So just listen to these questions. These are relatively
6 simple questions, and by the time we get to the end, you will
7 understand exactly why we are having this indirect criminal
8 contempt hearing.

9 Now, what is your full name?

10 THE DEFENDANT: I have two middle names. My
11 first name is Tyler, my two middle names are Peter and Wayne,
12 and my last name is Titus, and if I may ask, were you about
13 to go on and tell me that there are more than what I have
14 provided by you in your last reply in writing as to why we
15 are here? More than just the explaining why I shouldn't be
16 held in contempt for --

17 THE COURT: You know, we are going to get to
18 that. Just answer the questions that I ask you.

19 Are you the same -- are you the same Tyler
20 Peter Wayne Titus who was a defendant in a custody matter
21 filed in the Mercer County Court of Common Pleas? "Yes" or
22 "No"?

23 THE DEFENDANT: Yes.

24 THE COURT: The plaintiff in that case, "Yes"
25 or "No," is Amanda Marie Clark.

1 THE DEFENDANT: Yes.

2 THE COURT: If I were to advise you that the
3 term and number for that custody matter is 2018-802, would
4 you have any reason to dispute that?

5 THE DEFENDANT: No. That is the correct docket
6 number.

7 THE COURT: And you were pro se in that matter,
8 meaning you did not have an attorney; correct?

9 THE DEFENDANT: I'm a self-represented litigant
10 in 2018-802.

11 THE COURT: Which means you are pro se,
12 correct?

13 The reason I -- the reason I have to ask that
14 is because if you had an attorney, quite frankly, you could
15 blame your attorney for what was written, but you're self
16 represented, so only you wrote -- could possibly write, and
17 I'm going to ask you whether you wrote it, in the --
18 eventually.

19 Now, the -- what I have in my possession is the
20 Prothonotary's file, and I'm going to refer to what is in the
21 Prothonotary's file. There are two, actually. We're
22 actually to part two, because we got too big for part one.
23 And in part two you filed a motion --

24 THE DEFENDANT: Your Honor, one thing --

25 THE COURT: Don't interrupt me, Mr. Titus. I'm

1 asking the questions. Don't interrupt me again, or I will --
2 let's put it this way: We will go to direct criminal
3 contempt as opposed to indirect criminal contempt.

4 I'm going to ask you questions. Don't argue
5 with me. So my next question is -- What?

6 THE DEFENDANT: Is this of record? Is it being
7 recorded?

8 THE COURT: Yes.

9 THE DEFENDANT: Is there a stenographer? Okay.
10 Proceed.

11 THE COURT: Yes.

12 This is a hearing. Hearings are on the record.
13 You should know that. You sit in the courtroom enough to
14 know that.

15 Now, you filed a Rule to Show Cause to schedule
16 a review conference. You filed that on March 7, 2025;
17 correct?

18 THE DEFENDANT: That's not an accurate
19 representation of what I filed, but --

20 THE COURT: I'm reading the motion right now.
21 It says, "Motion For the Honorable Court To Schedule a Review
22 Conference in Front of the Assigned Judge, Not in Front of
23 the Conciliator, As There Are Complex Issues of Law," et
24 cetera, et cetera.

25 Now, that was filed on March 7th because that

1 is the timestamp for the Prothonotary's Office. "Yes" or
2 "No"?

3 THE DEFENDANT: No.

4 THE COURT: All right. Explain it then. Why
5 "No"?

6 I'm not -- I'm not contesting what's written in
7 your motion. I'm not contesting that at all. I'll get to
8 what -- I'm con -- not contesting, but I'm addressing.

9 You filed that motion, I denied the motion on
10 the same date, March 7th, and it says, "Defendant's motion to
11 schedule a review conference is denied."

12 You then refiled the same motion. Sir, you
13 refiled the same motion on March 10, 2025, with the Court
14 Administrator, and I can say that -- and I can show you the
15 stamp from the Court Administrator if you wish that says it
16 was received March 10, 2025, and then I have the
17 Prothonotary's stamp that says it was filed in that office on
18 March 11, 2025. Correct?

19 THE DEFENDANT: Not correct if we take a step
20 back and go back a few dates that I am going to have to start
21 taking notes in a minute here, but you asked me to explain
22 and then you cut me off.

23 If we may go back, can you give me the first
24 date that you claim I filed something with the
25 Prothonotary's, the rule to show cause thing where you first

1 asked me to explain and cut me off? Was that the 7th, you
2 were claiming that I filed something with the Prothonotary's
3 Office and you are claiming it's a Rule to Show Cause for a
4 review hearing?

5 THE COURT: Mr. Titus, I'm just reading your
6 motion. I'm not really -- we are not getting into the motion
7 itself.

8 THE DEFENDANT: I did not file it --

9 THE COURT: The second --

10 THE DEFENDANT: -- with the Prothonotary's
11 Office.

12 THE COURT: The second motion that you filed is
13 identical. It's the same motion, but you've handwritten on
14 the second filing --

15 THE DEFENDANT: I did not file the first one or
16 the second one.

17 THE COURT: So that is what I need to know,
18 because on the second filing you are saying that you did not
19 write, "you" quote, "DPW" which I'm assuming is my initials,
20 "have got to be fucking kidding me." You didn't write that?
21 Is that what you are saying? Or did you write it?

22 THE DEFENDANT: I did not say that -- I did not
23 say either of those things. We are way too far. We haven't
24 got there yet.

25 Number one: I didn't file the first one, I

1 didn't file the second one. I didn't file it with the
2 Prothonotary's the first time. I didn't file it with the
3 Prothonotary the second time.

4 I will tell you that I left it with the Court
5 Administrator under --

6 THE COURT: Well, that is not the proper way
7 too file such documents. So you are saying that you are
8 completely disowning this document --

9 THE DEFENDANT: No.

10 THE COURT: -- that says Motion For
11 Reconsideration? You are disowning that. Is that what
12 you're saying?

13 THE DEFENDANT: No, I'm not -- No, I'm trying
14 to clear the record because how you are explaining is way far
15 left field and not how it happened and there is cause for --

16 THE COURT: You know, quite frankly, Mr. Titus,
17 what I'm -- what I want to know, "Yes" or "No"? "Yes" or
18 "No," is all I want to hear from your mouth. Did you write,
19 "You, DPW, have got to be fucking kidding me." Did you write
20 that?

21 THE DEFENDANT: I will gladly explain why it's
22 not a contemptible offense. Based off of your own words in a
23 similar situation that I sat in on not too long before that,
24 if you will allow me, before I make any admission as to
25 whether I wrote that or not. On top of that, you said

1 vulgarities, as in plural, so is this -- are you -- are you
2 claiming that this is the only vulgarity?

3 THE COURT: It was a "Yes" or "No" question.
4 Did you write that or not?

5 And, again, you have the right to have an
6 attorney represent you at this point. You have the right --
7 you have the constitutional right not to testify against
8 yourself under the Fifth Amendment of the right -- of the
9 Constitution. What do you want to do?

10 THE DEFENDANT: I want to do -- a lot of the
11 times to me. I'm going to stare at you blankly.

12 THE COURT: I'm sorry. I didn't hear you.

13 THE DEFENDANT: I said I am going to do what
14 you have done to me several times so far when I have asked
15 you questions, and I'm going to stare at you blankly.

16 THE COURT: So you're refusing to answer the
17 question, is that what you're saying?

18 You have a Fifth Amendment right, and I may
19 refer this, but I probably -- I probably will not because it
20 doesn't rise to the level of referring to the District
21 Attorney's Office for criminal, because it's not -- it's not
22 like a terroristic threat or something. It's just a
23 vulgarity. It's misconduct on your behalf, and that is why
24 this is indirect criminal contempt.

25 So --

1 THE DEFENDANT: I'm not an attorney,
2 Your Honor.

3 THE COURT: What?

4 THE DEFENDANT: I'm not an attorney,
5 Your Honor.

6 THE COURT: Well, very good. Then I won't
7 proceed any further with that.

8 If you don't -- if you are refusing to answer
9 the question, then I just wanted to make sure you understand
10 that that is why you are here for that vulgarity that you
11 wrote, allegedly, on that motion, and so as a result of this
12 -- as a result of this misconduct, I have to find you guilty
13 beyond a reasonable doubt. I could, most likely, I could
14 find you guilty beyond a reasonable doubt, but I'm not going
15 to.

16 I want you to know the only result of this
17 indirect criminal contempt hearing would have been a fine. I
18 cannot -- I cannot incarcerate you, because this is indirect,
19 this is not direct.

20 Had you said this in front of me in court, I
21 would -- I would incarcerate you, most likely for up to
22 six months, but I will not. And I'm not going to fine you
23 because you don't have the -- you don't have the wherewithal
24 to pay it anyway, but the fact of the matter is --

25 THE DEFENDANT: How do you know that?

1 THE COURT: Well, because you don't pay your
2 child support. I do know that.

3 So, and if you want me to prove that beyond a
4 reasonable doubt, she is sitting in the courtroom listening
5 to this, and I can have her call -- call her up to testify to
6 that fact.

7 THE DEFENDANT: On that --

8 THE COURT: So are you saying that you do have
9 the wherewithal to pay your child support? Is that what
10 you're saying?

11 THE DEFENDANT: I'm saying that there is
12 extenuating circumstances. I'm probably past the limit to
13 appeal that contempt hearing; however, one, there is the
14 issue of you never mentioning the review of the legal
15 custody. On top of that, I didn't get an individualized
16 support hearing. On top of that --

17 THE COURT: Well, we are not getting into those
18 issues at all, because you have refused to answer my
19 question.

20 You are looking at a fine today.

21 From now on I'm going to make sure that any
22 contempt will be direct contempt, meaning it will come from
23 you in the courtroom, and then I will be able to incarcerate
24 you -- so -- further. Just to let you know that; all right?

25 Because what you wrote, and I know you wrote

1 it, "You got to be fucking kidding me," quite frankly it's a
2 vulgarity. It's inappropriate. It's pure misconduct on your
3 behalf, and we are not -- we are not going to tolerate it
4 anymore.

5 THE DEFENDANT: Can you mention what I wrote
6 after that?

7 THE COURT: I'm sorry?

8 THE DEFENDANT: Can you mention what was wrote
9 directly following that? The speedy custody trial?

10 THE COURT: No. No. It's not -- it's just
11 one word that we are talking about. So you are not allowed
12 to use words like that when you address a judge in a
13 courtroom, and you are not allowed to use words like that
14 when you write on your own motions, and it's not going to be
15 tolerated in the future. So --

16 THE DEFENDANT: Well, I --

17 THE COURT: And I may refer this -- this
18 matter -- I probably won't because it's too much of an
19 effort -- to your probation officer, because this could be
20 considered another technical violation and that is what I'm
21 assuming that you are sitting in the jail for. So, again, I
22 don't know exactly what happened down at the Prothonotary's
23 Office. I just want you to know that before things start
24 spiraling out of control -- and that is what they are
25 doing -- you should really, really consider getting an

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attorney represent you. Okay?
This Court is in recess.
(Proceedings concluded.)

* * * * *

CERTIFICATION

Pursuant to the requirements of Pa. R.J.A. No. 4013, I hereby certify the accuracy of this transcription of the notes taken by me on the hearing of the within cause, that this is a true and correct copy of the same, and meets the format specifications established by the Supreme Court of Pennsylvania in Rule 4010.



Diane L. Brown, RPR
Official Court Reporter

The foregoing record of the proceedings on the within cause is hereby approved and directed to be filed.

Daniel P. Wallace, President Judge

Dated: _____.

DIANE L. BROWN, RPR
Official Court Reporter
Mercer, Pennsylvania

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