

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
v. : OF MCKEAN COUNTY, PENNSYLVANIA
SHARON ANN VANDRISH, : CRIMINAL DIVISION
Defendant. : Docket No.: CP-42-CR-430-2024

**POST-TRIAL MOTION TO VACATE THE VERDICTS AND
MOTION FOR NEW TRIAL**

AND NOW, comes the Defendant, Sharon A. Vandrish, by and through her attorney, Mario A. Medina, Esquire, and files this Post-Trial Motion for New Trial in the above-styled case, respectfully requesting that this Court vacate the verdicts entered and thereafter order a new trial, stating further as follows:

1. Defendant Sharon A. Vandrish was charged with criminal offenses of Pennsylvania law and a jury trial took place on June 19-20, 2025 in this Court.
2. Ms. Vandrish was convicted by jury of all offenses charged on the Information including in particular, Terroristic Threats (two Counts) and Recklessly Endangering Another Person (two Counts), then found guilty by the Court as to Harassment (two Counts).
3. Sentencing in this case is scheduled for January 15, 2026 and, under Rules 227.1 and Rule 607 of the Pennsylvania Rules of Criminal Procedure, Defendant elects to raise the issues herein for the Court's consideration prior to sentencing, requesting that this Court vacate the verdicts entered, as to all Counts, and order a new trial.

A. CHALLENGES TO THE WEIGHT OF THE EVIDENCE

4. This case revolves around a specific moment in time when a firearm possessed by Ms. Vandrish was discharged, despite the amount of evidence presented which was largely irrelevant to that point.
5. The Commonwealth presented lengthy testimony and exhibits which explained the events following the firearm shot, including the intervention of Pennsylvania State Police (hereafter "PSP") task force to extract Ms. Vandrish from her residence by force and using weapons to

achieve this.

6. The Commonwealth also presented evidence, including among other exhibits and testimony a video recorded on a separate day prior by Defendant where she speaks to PSP in an agitated manner as they approached her residence to speak with her, where she lived alone with her dog.

7. Ultimately, on May 9, 2024, Ms. Vandrish stepped outside her residence and discharged the firearm after having heard a noise that she thought was an animal intruder, specifically, a bear.

8. PSP witnesses testified at the jury trial that they announced their presence in a manner that Defendant must have heard, but Defendant testified that she did not hear their arrival prior to the firearm shot.

9. It is as a result of the firearm shot that Defendant was charged, and not due to the events that followed.

10. Because the criminal charges in this case are based on the circumstances around the shot, that is the central point of focus as to Defendant's guilt or innocence and her criminal intent or lack of criminal intent, relating to all Counts charged, at the time the shot occurred.

11. Ms. Vandrish testified that she did not hear PSP announce their presence prior to the shot and therefore credibility is the main concern regarding the weight of the evidence, and Ms. Vandrish contends that the verdicts in this case were contrary to the weight of the evidence because her credibility was greater than Commonwealth witnesses as to the relevant point in time, when the shot was fired.

12. Ms. Vandrish contends that the verdicts as to all counts on the Information were contrary to the weight of the evidence as to certain aspects of the evidence involving testimony, credibility of the witnesses, Defendant's testimony, and other evidence presented by Defendant.

13. Defendant further contends that the verdict is such that it would shock the conscience of a reasonable Court and shock one's sense of justice, and therefore her verdicts should be overturned and a new trial ordered. (See, e.g., *Commonwealth v. Wright*, 314 A.3d 515 (Pa. Super. 2024);

Commonwealth v. Davidson, 860 A.2d 575 (Pa. Super. 2004)).

14. In particular, she asserts that the Commonwealth's witnesses should not have been believed in light of their testimony, obvious credibility issues, their bias in favor of her brother who has a law enforcement background, and clear statements impeaching their testimony.

15. Trooper Morton was impeached by prior testimony from his statements at the preliminary hearing of this case and no reasonable juror should have believed his statement at the jury trial regarding the circumstances leading up to the firearm shot.

16. Specifically, Trooper Morton at the preliminary hearing testified that PSP did not announce their presence prior to arriving at the residence and setting up a perimeter on the date of the incident.

17. At trial, Commonwealth witnesses testified that they announced their presence and Ms. Vandrish must have heard them, however, Ms. Vandrish testified that she did not.

18. This clear example of credibility problems and changing of testimony shocks one's sense of justice and it contributed to the guilty verdict result, making this case one in which the verdict entered was against the weight of the evidence, and therefore should be vacated and a new trial ordered.

19. This shocks the conscience because it is the main factual issue in the case, and where a witness changes his story to fit the story presented at trial despite having testified differently at a prior hearing, a clear injustice has been done.

20. Ms. Vandrish believes without a doubt that the jury's perception was unclear and clouded by the remaining evidence in the case regarding her mental health condition, agitated state depicted in the video (which was played twice by the Commonwealth), and the general circumstances and inconvenience caused by the lengthy law enforcement extraction operation.

21. Defendant believes that there were other misrepresentations and exaggerations throughout the trial which prejudiced the jurors against her because she was characterized as mentally ill.

22. The facts of this case show that Ms. Vandrish was not committed to a mental health

treatment center after her arrest, despite that mental health warrant under 50 P.S. §7301 being the original reason for the arrival of law enforcement on the date in question.

23. There is no doubt that the mental health circumstances as presented by the Commonwealth, combined with the credible testimony by the extraction team members, created a misleading, distracting, prejudicial, and unfair jury trial for Defendant.

24. This is an instance that would strike any objective observer as unjust, and it deprived Ms. Vandrish of a fair trial on these charges.

25. Ms. Vandrish can show that this case meets the standard set forth in Pennsylvania law for finding against the verdict of the jury due to the verdicts on all counts being contrary to the weight of the evidence, and therefore the verdict should be vacated, and a new trial ordered.

B. IMPROPER INVOLUNTARY COMMITMENT PROCEDURE

26. At trial the Commonwealth presented substantial evidence that Ms. Vandrish was suffering from mental health issues by way of testimony by Commonwealth witnesses Kerry Vandrish, Pennsylvania State Police Corporal McTavish, Trooper Morton, and Trooper Goode.

27. Defendant asserts that the evidence presented did not establish that she was in need of police intervention and in any event law enforcement failed to follow the appropriate procedures.

28. Defendant has previously outlined her contentions and concerns in her Omnibus Motion filed on October 7, 2024.

29. Defendant's Motions were granted a hearing at the conclusion of which the Court stated that the hearing would reconvene for a second day, but that never happened and instead the Court issued its ruling denying the Motion.

30. Defendant objects to the Court's ruling without hearing all the evidence and argument, and contends therefore that this judgment was in error.

31. Unfortunately, this judgment denied Ms. Vandrish her right to legal relief and, as further consequence, her right to a fair trial.

**C. CONVICTION FOR TERRORISTIC THREATS MUST BE VACATED AS A
MATTER OF LAW**

32. Ms. Vandrish was convicted of two counts of Terroristic Threats in violation of 18 Pa.C.S. §2706(a)(1) which as contained in the Information filed relate to a threat to commit a crime of violence with the intent to terrorize another.

33. Incorporating all statements and assertions outlined above, convictions as to these Counts is contrary to the weight of the evidence and also contrary to Pennsylvania law, whereby a conviction can only stand if the Defendant made a threat to commit a crime of violence and communicated the threat with the intent to terrorize another, or with reckless disregard for the risk of causing terror (See, e.g., *Commonwealth v. Beasley*, 138 A.3d 39 (Pa. Super 2016)).

34. The evidence presented at trial relating to this issue is clear; Ms. Vandrish did not utter any statements to PSP officers on May 9, 2024 in McKean County that constituted a threat to commit a crime of violence.

35. At the time of the firearm shot, Ms. Vandrish testified that leading up to the time of the firearm shot she was unaware of PSP presence on her property, which prior testimony from PSP witnesses also established.

36. Defendant again reiterates the shocking discrepancies and lack of credibility of witness testimony at trial regarding PSP having announced their presence at Defendant's residence prior to the shot.

37. Even if PSP announced their presence, they did not prove that Ms. Vandrish heard their announcement, and her testimony establishes that fact.

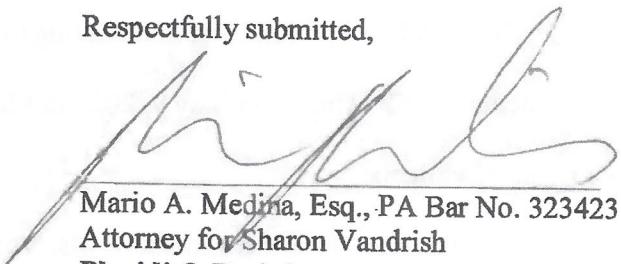
38. In any event, because there is no testimony which establishes that Ms. Vandrish communicated a threat of the kind prohibited by the criminal statute, under Pennsylvania law her convictions on these Counts must be vacated and a new trial ordered.

CONCLUSION

As set forth above, there are numerous errors of law and procedure which authorize the relief requested. Defendant respectfully requests that her convictions on all Counts be vacated for the reasons above.

WHEREFORE, Defendant respectfully requests that this Honorable Court vacate her convictions on all Counts of the Information and order a new trial, and schedule further proceedings to determine any other appropriate relief.

Respectfully submitted,


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