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Zappala's office seeking gag order

DA wants to muzzle others in case after calling targets in 2022 Downtown shooting 'criminals'

By Michael Korsh and Neena Hagen
Pittsburgh Post-Gazette

A week after a video briefing in which he described the targets of a high-profile May 2022 shooting Downtown as "criminals" despite not yet being convicted, Allegheny County District Attorney Stephen

Zappala Jr. is seeking a gag order to restrict pretrial publicity in the case.

Mr. Zappala removed the video from the Allegheny County District Attorney's YouTube page earlier this week following criticism that his outspokenness regarding the case was unprofessional and may have violated legal



Zappala Jr.

ethics rules.

The Aug. 16 briefing discussed a notorious May 2022 drive-by shooting near the corner of Fourth Avenue and Stanwix Street Downtown, in which bullets struck and killed 18-month-old De'Avry Thomas.

The infant was strapped into his car seat in the back of a Jeep Wrangler driven by his mother

when Markez Anger and Londell Falconer Jr. fired shots into the vehicle, purportedly aiming to target Hezekiah Nixon and Tylajae Allen.

Anger and Falconer Jr. were convicted of first-degree murder this June; Nixon and Allen were arrested last August in connection with a separate incident of gun violence in California-Kirkbride.

While Nixon and Allen have not been convicted, Mr. Zappala

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Abortion pill sales restricted in W.Va.

Judge rules near-total ban takes precedence

By Leah Willingham
Associated Press

CHARLESTON, W.Va. — West Virginia can restrict the sale of the abortion pill, despite federal regulators' approval of it as a safe and effective medication, a federal judge has ruled.

U.S. District Court Judge Robert C. Chambers determined Thursday that the near-total abortion ban signed by Republican Gov. Jim Justice in September 2022 takes precedence over approvals from the U.S. Food and Drug Administration.

"The Supreme Court has made it clear that regulating abortion is a matter of health and safety upon which States may appropriately exercise their police power," Judge Chambers wrote in a decision dismissing most challenges brought against the state by abortion pill manufacturer GenBioPro Inc. in a January lawsuit filed in the state southern district's Huntington division.

Since the U.S. Supreme Court last year overturned Roe v. Wade, the 1973 ruling that provided nationwide access to abortion, most GOP-controlled states have enacted or adopted abortion bans of some kind, restricting abortion pills by default. All have been challenged in court.

Legal experts foresee years of court battles over access to the

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HIGH SCHOOL FOOTBALL RETURNS



Sebastian Foltz/Post-Gazette

Westinghouse's Lloyd Penn, left, celebrates the opening touchdown with Vaughn Allie against Clairton on Friday at Neil C. Brown Stadium in Clairton. Westinghouse won, 28-0, as the high school football season began with a full slate of Week Zero games. **More high school football coverage in Sports, Page C-1**

Pa. wins federal grant to test new pothole fix

By Jonathan D. Salant
Pittsburgh Post-Gazette

WASHINGTON — In Pittsburgh, there's baseball season, football season, hockey season — and pothole season.

The freeze and thaw of the colder months causes water that seeps through the roadway to expand and crack the pavement. The average Pennsylvania motorist spends

close to \$640 a year in additional costs — such as repairs, extra tire wear, and depreciation — from driving on rough roads in the state, according to the Washington, D.C.-based research group TRIP.

"As soon as it heats up, you can expect the potholes," said Jim Garrity, a spokesman for AAA East Central. "We get more flat tire calls when the weather warms. We get more people stranded on the side

because of the potholes."

To try to extend the life of pavement, the Federal Highway Administration this week awarded a \$700,000 grant to the Pennsylvania Department of Transportation. The money will go toward what is known as "targeted overlay pavement solution" that uses modified asphalt to extend the life of both asphalt and concrete pavements.

The new material is designed to

reduce the need for maintenance, thus reducing congestion because fewer work zones are needed; to extend the life of the surface before it needs to be replaced; and to protect the roadway during flooding.

"Innovation is essential for the future of transportation infrastructure and this grant will help the Pennsylvania Department of

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Powell hints at hikes

Fed chair points to economy's strength

By Christopher Rugaber
Associated Press

JACKSON HOLE, Wyo. — The continued strength of the U.S. economy could require further interest rate increases, Federal Reserve Chair Jerome Powell said Friday in a closely watched speech that also highlighted the uncertain nature of the economic outlook.

Mr. Powell noted that the economy has been growing faster than expected and that consumers have kept spending briskly — trends that could keep inflation pressures high. He reiterated the Fed's determination to keep its benchmark rate elevated until inflation is reduced to its 2% target.

"We are attentive to signs that the economy may not be cooling as expected," Mr. Powell said. "We are prepared to raise rates further if appropriate and intend to hold policy at a restrictive level until we are confident that inflation is moving sustainably down toward our objective."

"Although inflation has moved down from its peak — a welcome development — it remains too high."

Mr. Powell's speech, at an annual conference of central bankers in Jackson Hole, Wyo., highlighted

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'OUR KIDS DESERVE IT'

Cybersecurity, aviation programs underway in South Allegheny district

By Megan Tomasic
Pittsburgh Post-Gazette

David McDonald stood proudly at the South Allegheny High School graduation a few years ago, congratulating students on their achievements and savoring the success of another class.

But Mr. McDonald, the district's superintendent, quickly became

concerned as more and more students told him they did not have plans following graduation.

"It was kind of like a gut punch," Mr. McDonald said Friday. "It was like OK, we're not doing a good job."

The district — which serves 1,435 students from Port Vue, Liberty, Glassport and Lincoln, 57% of whom are economically disadvantaged — typically sees 45% of graduates go directly into the workforce. Knowing that, Mr. McDonald realized the district needs to further invest in those students by

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Teagan Staudenmeier/Post-Gazette

Senior Kayla McEwen uses a flight simulator during her aviation class on Friday at South Allegheny Middle/Senior High School in Liberty.



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Zappala files motion for gag order

ZAPPALA, FROM A-1

referred to the two men as “criminals” in the video, which included images of evidence and detailed information on the case.

According to the motion for a gag order filed Wednesday, Chief Trial Deputy District Attorney William Petulla responded to claims from the defense attorney that the briefing will “have a neg-

ative impact on the jury pool.” He argued that there was no evidence of prejudice, but because neither Nixon’s nor Allen’s case has been given a definitive trial date, a gag order would be appropriate “in an abundance of caution.”

Citing the commonwealth’s Rules for Professional Conduct, he wrote that the opposing counsel “may make extrajudicial

statements referring to the objected-to statements,” and that these could possibly influence the trial.

“The commonwealth further submits that any reference to the defendant’s character by both parties should be limited to the judicial process,” Mr. Petulla wrote in the motion.

Defense attorney Casey White said Mr. Zappala’s remarks were

“concerning and irresponsible,” and that by filing for a gag order, the district attorney is “acknowledging he made a mistake.”

A spokesperson from the District Attorney’s office confirmed the video had been removed from its website and YouTube page, and said that “the pleading speaks for itself.”

On Aug. 15, Mr. Zappala’s office announced the first of a series of

video briefings in what he said was an effort to facilitate the public’s access to information about issues and cases “that have an immediate threat to our public safety,” according to a release.

Mr. Zappala, who is running for a seventh term in office, lost the Democratic primary in May to Matt Dugan, the county’s former chief public defender. Mr. Zappala is now seeking office as a Republican following a massive write-in campaign.

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Seventh grader Corinne Elton talks to her friend Kyleigh Russell about her light-up keyboard mouse during her introduction to cybersecurity class at South Allegheny Middle/Senior High School.

South Allegheny debuts two new programs

CYBER, FROM A-1

preparing them for high paying careers that can be started right out of high school.

The district this year debuted new cybersecurity and aviation programs, which prepare students for competency tests that if passed will allow them to become certified while in high school, preparing them to immediately enter the workforce after graduation.

“Our kids deserve it,” Mr. McDonald said. “Our whole goal is to give them opportunities that when they walk and they go through our stadium and they graduate we’re going to set them up for life. And I think that’s what education’s about.”

On Friday, the second day of school for the district, seventh grade students excitedly made their way down to the cybersecurity classroom, a former fitness center that today is filled with computers and gaming chairs. Classroom space will soon be added to the room, which is tucked behind the gymnasium and a workout room in the combined middle and high school.

The cybersecurity pro-

gram — which works with CompTIA Apprenticeships for Tech, an organization that helps connect employers with job-ready tech learners — is currently available in the middle school as an introductory course.

It will grow alongside students as they move through their school careers. Eventually, it will be available as a required class for middle schoolers and an elective for high school students through 12th grade.

South Allegheny is now the second public school in the country to partner with CompTIA to allow students to become certified after completing the program.

River Valley School District in Indiana County was the first school to implement and create curriculum for the cybersecurity academy. The district is now partnering with South Allegheny to guide them as they introduce the program. South Allegheny also received a \$250,000 grant from the Richard King Mellon Foundation to purchase necessary items for the academy.

Both programs come as there is a global shortage of 3.4 million cybersecurity professionals, according to the National Institute of

Standards and Technology, which is part of the U.S. Department of Commerce.

“There are so many openings and it doesn’t require as much education as you would think,” Jesse MacPherson, the district’s cybersecurity teacher, said. “You don’t need a college degree to do it. A lot of our kids could do this sort of thing when they graduate.”

District officials are also hoping to host night classes to allow adults in the community to become certified in cybersecurity.

On the second floor of the school, the aviation classroom quickly filled up with high schoolers Friday morning, eager for their chance to try one of three flight simulators placed in the back of the room.

The program was started by high school math teacher Tim Rishel who after the pandemic earned his pilot’s license. At the time, Mr. Rishel realized that the Aircraft Owners and Pilots Association provided high school a curriculum for free that helps teach students about a career in aviation.

After receiving approval from the superintendent, Mr. Rishel spent three days

being trained on the curriculum. He also received a Moonshot grant from Remake Learning, funds from which were used to purchase the \$9,000 simulators.

“This program can expose these students to a lot of opportunities that they may not have known that they have and because we’re teaching this curriculum they’ll be eligible for different types of scholarships and hopefully we can get a few students into actual flight training,” Mr. Rishel said.

Like the cybersecurity academy, aviation classes will expand as students move through their high school careers. The goal is to eventually expand it to include pilot training as well as classes on airplane mechanics.

For Mr. McDonald, the start of both programs is a big step toward providing necessary skills and opportunities to students. He noted that the district is “living day-by-day from a fiscal responsibility area,” so without work put in by district staff and the help of grant funding “we wouldn’t be able to provide it.”

And that dedication, Mr. McDonald said, is “where the passion comes from within our district.”

State gets grant for new pothole material

POTHOLE, FROM A-1

Transportation improve safety and extend the life of roads for the traveling public,” said Shailen Bhatt, an administrator for the Federal Highway Administration.

The grant was one of 10 demonstration projects funded this week by the agency. In all, \$8.8 million was awarded for projects in eight states and the District of Columbia.

The money comes from President Joe Biden’s bipartisan infrastructure law and is designed to reduce the costs of building and repairing roads by using new technologies.

“Potholes are a symptom of more underlying problems with pavement,” said Rocky Moretti, director of policy and research for TRIP, whose funders include construction companies, insurers, engineering firms and labor unions. “The more productive approach is to put in place a pavement preservation program, which is a lot cheaper for commuters in the long run.”

New Federal Highway Administration statistics show that 3,022 — or 13% — of Pennsylvania’s 23,257 bridges were rated as deficient in 2022, down from 13.4% a year ago. The average age of state-owned bridges in Pennsylvania is more than 50 years old, according to the AAA. Only five other states had a higher percentage of bridges in poor condition.

More than half of the state’s major roads — 51% — are in poor or mediocre condition, according to TRIP.

“In terms of weather challenges, it has all of the challenges of freeze and thaw,”

Mr. Moretti said. “It is an appropriate area to be doing that type of research in, and, clearly, Pennsylvania, with an aging system, has been trying to address the significant backlog of both pavement and bridge challenges.”

Several other states are finding these overlays or highly modified asphalt do extend the life of pavement, including Maryland, New Jersey and New York, according to the Federal Highway Administration.

Even before getting the grant, PennDOT began using the overlays on its initial list of projects, so it will use the federal grant for work on other roads.

Should the new pavement work on a state level, it can be brought to local transportation departments as well. Most roads are built and maintained by local governments, which do not have the ability to develop and test these new technologies.

But the state does, said Benjamin Schmidt, chief technology officer for East Liberty-based RoadBotics by Michelin, a company that uses artificial intelligence tech to map roads to help municipalities determine infrastructure needs.

“DOT tests these new advances and that hopefully moves on to be something that the city of Pittsburgh can adopt,” Mr. Schmidt said.

“We should get real measurable savings and longevity in our infrastructure and they’re moving the needle for everyone. The DOT is trying new innovations and adopting new technologies. That can help every community.”

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A car swerves into the middle of the street to avoid a long series of potholes lining Crane Avenue in Beechview in January 2018.

Corrections & clarifications

If you have a correction and cannot reach the responsible reporter or editor, please call the office of Stan Wischnowski, executive editor, at 412-263-1890.

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ALMANAC

On this day, Aug. 26

1910 Thomas Edison demonstrated for reporters an improved version of his Kinetophone, a device for showing a movie with synchronized sound.

1920 The 19th Amendment to the U.S. Constitution, guaranteeing American women’s right to vote, was certified in effect by Secretary of State Bainbridge Colby.

1939 The first televised major league baseball games were shown on experimental station W2XBS: a doubleheader between the Cincinnati Reds and the Brooklyn Dodgers at Ebbets Field. The Reds won the first game, 5-2, the Dodgers the second, 6-1.

1944 French Gen. Charles de Gaulle braved the threat of German snipers as he led a victory march in Paris, which had just been liberated by the Allies from Nazi occupation.

1957 The Soviet Union announced it had

successfully tested an intercontinental ballistic missile.

1958 Alaskans went to the polls to overwhelmingly vote in favor of statehood.

1972 The summer Olympics opened in Munich, West Germany.

1978 Cardinal Albino Luciani of Venice was elected pope following the death of Paul VI; the new pontiff took the name Pope John Paul I. (However, he died just over a month later.)

1985 13-year-old AIDS patient Ryan White began “attending” classes at Western Middle School in Kokomo, Ind., via a telephone hook-up at his home — school officials had barred Ryan from attending classes in person.

Today’s birthdays: Pop singer Vic Dana, 83. Former Homeland Security Secretary and Pennsylvania governor Tom Ridge, 78. R&B singer Valerie Simpson, 78. Pop singer Bob Cowsill, 74. Broadcast journal-

ist Bill Whitaker, 72. Actor Brett Cullen, 67. Former NBA coach Stan Van Gundy, 64. Jazz musician Branford Marsalis, 63. Country musician Jimmy Olander (Diamond Rio), 62. Actor Chris Burke, 58. Actor-singer Shirley Manson (Garbage), 57. Rock musician Dan Vickrey (Counting Crows), 57. TV writer-actor Riley Weston, 57. Rock musician Adrian Young (No Doubt), 54. Actor Melissa McCarthy, 53. Latin pop singer Thalía, 52. Actor Meredith Eaton, 49. Rock singer-musician Tyler Conolly (Theory of a Deadman), 48. Actor Mike Colter, 47. Actor Macaulay Culkin, 43. Actor Chris Pine, 43. Comedian/actor/writer John Mulaney, 41. Actor Johnny Ray Gill, 39. Country singer Brian Kelley (Florida Georgia Line), 38. R&B singer Cassie (aka Cassie Ventura), 37. Actor Evan Ross, 35. Actor Danielle Savre, 35. Actor Dylan O’Brien, 32. Actor Keke Palmer, 30.

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