

York Legal Record

A Record of Cases Argued and Determined in the Various Courts of York County

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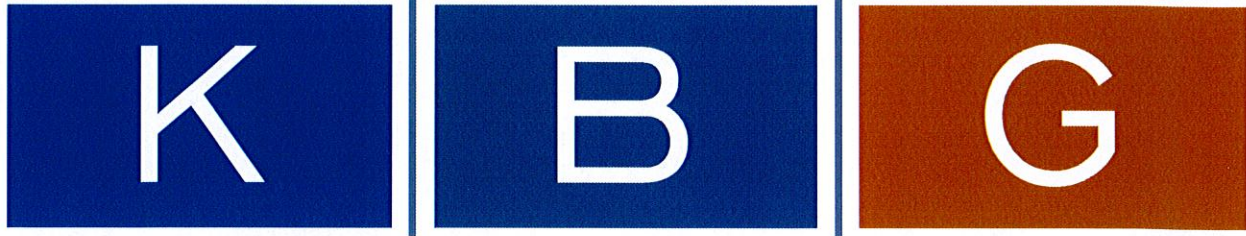
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Commonwealth of Pennsylvania v. Talbot S. Smith

NO. CP-67-CR-5217-2014

Petition for Writ of Habeas Corpus – Wiretapping

1. Defendant was charged under 18 PA.C.S.A. § 5703(1) (relating to the interception of communications).
2. Defendant's charges were dismissed because the court found that there was no evidence that Defendant "attempted to, or successfully intercepted the communication" and did not demonstrate a *prima facie* case against Defendant.

In the Court of Common Pleas of York County, Pennsylvania, Criminal Division; Commonwealth of Pennsylvania v. Talbot S. Smith; Petition for Writ of Habeas Corpus – Wiretapping

APPEARANCES:

KARA BOWSER, ESQUIRE
For the Commonwealth

EDWARD PASKEY, ESQUIRE
For the Defendant

**OPINION IN SUPPORT OF ORDER GRANTING
DEFENDANT'S OMNIBUS MOTION FOR PRE-TRIAL RELIEF**

Before the Court is a Motion for Pre-Trial Relief filed by Defendant Talbot S. Smith ("Defendant") requesting dismissal of the charge against him. For the reasons set forth herein, Defendant's Motion is **GRANTED**.

Factual and Procedural History:

Defendant worked in the employ of the Unilife Corporation as the Vice President of Integrated Supply Chain until June 14, 2012. (Ex. C at 63:12-15.) On that date, Defendant was relieved of his duties pending a meeting with his supervisor, Ramin Mojdeh ("Mojdeh"), which was scheduled for June 21, 2012, to discuss his future responsibilities. (Ex. C at 239:9-20, 240:1-11, 242:2-12.) Between June 14 and June 21, 2012, Defendant filed an internal ethics complaint, including alleged actions by Mojdeh, using Unilife's third-party reporting site. (Ex. C at 18:10-13.)

During the meeting on June 21, 2012, Defendant avers that he noticed a copy of the ethics complaint that he filed sitting on Mojdeh's desk. (Ex. C at 355:7-11.) At that point, Defendant began recording the conversation with his iPhone's "Voice Notes" application. (Ex. C at 208:17-24, 209:1-4.) Mojdeh was unaware at the time that Defendant recorded the conversation. (Ex. C at 209:14-24, 210:1-4.)

In mid-July 2012, Defendant filed an ethics complaint with the SEC. (Ex. B at 20:14-16, 21:15.) His employment was terminated by Unilife, and, resultantly, Defendant filed a civil suit against his employer. (Ex. C at 257:5-8, 430:1-22.) The existence of the recording was uncovered by Unilife during discovery. (Ex. A at 13:9-14.) On June 20, 2014, after a Unilife attorney contacted the Northern York County Regional Police Department, Defendant was charged under 18 PA.C.S.A. § 5703(1) (relating to the interception of communications). (Ex. A at 15:17-22.)

At Defendant's preliminary hearing on August 12, 2014, the charge was held over for court. Defendant filed an Omnibus Motion for Pre-Trial Relief, which included a Petition for Writ of Habeas Corpus, on January 14, 2015. The Defendant and Commonwealth were ordered to file briefs on this matter. Defendant filed a brief in support of his motion on March 4, 2015; the Commonwealth filed a brief in opposition to Defendant's motion on March 27, 2015.

This Court has reviewed the briefs, as well as the law relevant to the issue in this matter. For the reasons stated herein, Defendant's motion

for relief is **GRANTED**.

Discussion:

A petition for writ of *habeas corpus* is the proper pre-trial method by which to test whether the Commonwealth has established a *prima facie* case. *Commonwealth v. Carroll*, 2007 Pa. Super. 340, ¶ 7, 936 A.2d 1148, 1152 (Pa. Super. Ct. 2007) (citing *Commonwealth v. Karlson*, 449 Pa. Super. 378, 381, 674 A.2d 249, 251 (1996)). "To demonstrate that a *prima facie* case exists, the Commonwealth must produce evidence of every material element of the charged offense(s) as well as the defendant's complicity therein." *Id.* at ¶ 7 (citing *Commonwealth v. Fowlin*, 450 Pa. Super. 489, 676 A.2d 665, 673 (1996)).

While proof beyond a reasonable doubt is not required, the evidence provided by the Commonwealth "must be such that, if accepted as true, it would justify a trial court in submitting the case to a jury." *Id.* at ¶ 8 (citation omitted). Furthermore, the trial court must view any evidence, as well as any reasonable inferences drawn from that evidence, in a light most favorable to the Commonwealth. *Id.*

Chapter 57 of the Pennsylvania Crimes Code¹ makes illegal certain conduct that involves the surreptitious interception of communications and possession of devices related to that purpose. Specifically, one is guilty under that chapter if he or she "intentionally intercepts . . . any wire, electronic or oral communication . . ." 18 PA.C.S.A. § 5703 (relating to interception of wire, electronic or oral communications).

"Intercept" is defined as "[a]ural or other acquisition of the contents of any wire, electronic or oral communication through the use of any electronic, mechanical or other device." 18 Pa.C.S.A. § 5702 (emphasis added).

The phrase "Electronic, mechanical or other device" is also defined as follows:

"**Electronic, mechanical or other device.**" Any device or apparatus . . . that can be used to intercept a wire, electronic or oral communication other than:

- (1) Any telephone . . . or any component thereof, furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business . . .

Id. (bold in original).

Our Supreme Court set out the burden for successfully showing a *prima facie* case under Section 5702 the Wiretap Act.

[I]n order to establish a *prima facie* case under the Wiretap Act for interception of an oral communication, a claimant must demonstrate: (1) that he engaged in a communication; (2) that he possessed an expectation that the communication would not be intercepted; (3) that his expectation was justifiable under the circumstances; and (4) that the defendant attempted to, or successfully intercepted the communication, or encouraged another to do so.

Agnew v. Dupler, 553 Pa. 33, 38, 717 A.2d 519, 522 (1998).

Defendant argues that, because the definition of "electronic, mechanical or other device" excepts "any telephone . . . or any component thereof," his recording of the meeting with Mojdeh on June 21, 2012 cannot be found to be an "interception" under the Wiretap Act. (Def.'s Brief at 4.) Absent a showing as to that element of the offense, it would follow that the Commonwealth is unable to establish a *prima facie* case. *Id.*

Defendant relies upon a recent Pennsylvania Supreme Court decision to support this argument. In *Commonwealth v. Spence*², our Supreme Court examined the same definitional language at issue in the instant case.

In *Spence*, an officer directed a confidential informant to contact the defendant via his cellphone in order to arrange a drug buy. In doing so, the officer dialed the number, gave the phone back to the informant, and directed him to activate the phone's speaker. *Id.* at 44. The defendant argued, *inter alia*, that the evidence against him should be suppressed due to a violation of the Wiretap Act. *Id.* The Commonwealth argued that a cell phone is not a "device" as defined by the Wiretap Act. After a hearing, the trial court found the cell phone to be a "device" as defined

by 18 Pa.C.S.A. § 5702 and suppressed the evidence against the defendant. *Id.* The Superior Court affirmed the holding of the trial court. *Id.*

The *Spence* Court noted, based upon a plain language reading of 18 Pa.C.S.A. § 5702, “[t]he language of the statute states that telephones are exempt from the definition of device; the language of the statute does not state that it is the use to which the telephone is being put which determines if it is considered a device.” *Id.* at 47 (emphasis in original). The Court then held that a cellular telephone was not a “device” required to support a violation of the Wiretap Act. *Id.*

The Commonwealth argues that the limited holding in *Spence* applies to the operation of a cellular phone only when it is used as a telephone. (Commw. Br. at 4.) The Commonwealth contends that because Defendant did not use his iPhone for its function as a telephone, but rather, as a voice recorder, the seemingly broad language in *Spence* is inapplicable. *Id.* At least one court has acknowledged that some ground exists to question the scope of the holding in *Spence*. See, *Smith v. Unilife Corp.*, CIV. A. 13-5101, 2014 WL 6987893, at *3 (E.D. Pa. Dec. 11, 2014).

When interpreting a statute, a reviewing court must always attempt to give effect to the intent of the legislature. 1 Pa.C.S.A. § 1921(a). “Generally, the best indication of the General Assembly’s intent may be found in the plain language of the statute.” *Commonwealth v. Devries*, 2015 Pa. Super. 58, 112 A.3d 663, 670 (Pa. Super. Ct. 2015) (citing *Martin v. Commonwealth, Dep’t of Transp., Bureau of Driver Licensing*, 588 Pa. 429, 438, 905 A.2d 438, 443 (2006)).

Additionally, penal statutes must be construed strictly. 1 Pa.C.S.A. § 1928(b)(1). This Rule of Statutory Construction notwithstanding, the mandate to construe penal statutes narrowly does not override the “general principle that the words of a statute must be construed according to their common and approved usage,” and does not require this Court to give the words of a penal statute their “narrowest possible meaning.” *Commonwealth v. Booth*, 564 Pa. 228, 766 A.2d 843, 846 (2001). The mandate “does mean, however, that where ambiguity exists in the language of a penal statute, such language should be interpreted in the light most favorable to the accused. More specifically, where doubt exists concerning the proper scope of a penal statute, it is the accused who should receive the benefit of such doubt.” *Id.* (internal citation omitted)[.]

Commonwealth v. McCoy, 599 Pa. 599, 962 A.2d 1160, 1168–69 (2009).

The definition of an “[e]lectronic, mechanical or other device” appearing in 18 Pa.C.S.A. § 5702, when construed most favorably to the accused, excludes Defendant’s iPhone, and, therefore it is not a “device” under the Wiretap Act. Defendant’s iPhone is clearly a telephone; it was assigned a telephone number, and it was used by Defendant prior to beginning his employment at Unilife. (Ex. C at 131:4-20.) This Court holds that the broad language of the Wiretap Act mandates the conclusion that Defendant’s use of his iPhone’s “voice memos” application is the use of a “telephone . . . or [a] component thereof.” To hold that Defendant’s iPhone is a “device” under that Act predicated upon his use of the “voice memos” software application would contradict the unambiguous words of the statute and would require this Court to render a holding based upon “the use to which the telephone is being put.” This is a conclusion that our Supreme Court clearly rejected.

When the evidence presented by the Commonwealth and Defendant is accepted as true and viewed in a light most favorable to the Commonwealth, there remains no evidence that Defendant “attempted to, or successfully intercepted the communication.” Because the Commonwealth has not introduced any material evidence of this required element, it has not met its burden in demonstrating a *prima facie* case against Defendant.

Conclusion:

For the reasons stated above, Defendant’s Motion for Pre-Trial Relief, filed on January 14, 2015, is **GRANTED**. The charge against Defendant is hereby **DISMISSED**.

BY THE COURT

MARIA MUSTI COOK, JUDGE

Date: June 30, 2015

Footnotes:

¹ Chapter 57 is known as the “Wiretapping and Electronic Surveillance Control Act,” or more commonly as the “Wiretap Act.” 18 Pa.C.S.A. § 5701.

² 91 A.3d 44 (Pa. 2014)

COURT OF COMMON PLEAS OF YORK COUNTY,
PENNSYLVANIA CRIMINAL DIVISION

NO. CP-67-CR-5217-2014

COMMONWEALTH OF PENNSYLVANIA

V.

TALBOT S. SMITH,
Defendant

**ORDER GRANTING DEFENDANT’S OMNIBUS MOTION FOR
PRE-TRIAL RELIEF**

AND NOW, this ____ day of June, 2015, upon consideration of Defendant’s Omnibus Motion for Pre-Trial Relief, Defendant’s request for relief is **GRANTED**. The charge against Defendant is **DISMISSED**.

The Clerk of Court is directed to provide a copy of this order to Defendant, Talbot Smith; Defendant’s Attorney, Edward Paskey, Esquire; and Kara Bowser, Esquire, York County District Attorney’s Office.

BY THE COURT

MARIA MUSTI COOK, JUDGE

08.06.2015-1T

Commonwealth of Pennsylvania v. ██████████ ██████████

CP-67-CR-0002278-2012

Motion to Dismiss – Summary Offenses – Three Year Limitation

1. Defendant's Summary Offenses were dismissed due to failure to prosecute within the three year time period required.

**In the Court of Common Pleas of York County,
Pennsylvania, Criminal Division; Commonwealth of Pennsylvania
v. ██████████ ██████████ Motion to Dismiss – Summary Offenses –
Three Year Limitation**

APPEARANCES:

KIMBERLY KIPNIS, ESQUIRE
For the Commonwealth

EDWARD F. SPREHA, ESQUIRE
For the Defendant

**OPINION IN SUPPORT OF ORDER GRANTING
DEFENDANT'S MOTION TO DISMISS**

The Court has before it the Defendant's Motion to Dismiss pursuant to 42 Pa. C.S.A. 5553(e), which was filed on June 17, 2015. On July 10, 2015, a brief hearing was held on the matter wherein we reserved decision. The following is our Opinion in Support of the Order Granting the Defendant's Motion to Dismiss.

Factual and Procedural History:

The Defendant was charged with Count 1, DUI – Controlled Substance 3rd;¹ Count 2, Follow Too Closely;² Count 3, Careless Driving;³ and Count 4, Sale, Possession and Use of Fireworks.⁴ According to the Affidavit of Probable Cause, on February 18, 2012, a call was placed to the Pennsylvania State Police York Barracks; the caller stated he had observed a green Santa Fe driving erratically down I-83. Trooper Albert Miles responded to the call and observed a green Santa Fe bearing a Maryland license plate. Trooper Miles noted that the suspect vehicle was switching lanes in one motion and was also following a white Acura too closely. Lastly, Trooper Miles saw the Santa Fe cross over the white fog line. At this point, he conducted a traffic stop.

As he approached the driver, Trooper Miles observed a black handgun and what appeared to be a police badge hanging from the driver's neck. The driver was nervous and his speech was slurred. Trooper Miles also noted that the driver's hands were shaking and that his pupils were dilated. The driver was identified as ██████████ ██████████ by his Maryland driver's license. Based on what he was observing, Trooper Miles suspected the Defendant was under the influence, and asked the Defendant to submit to Field Sobriety Tests. The Defendant agreed and he subsequently failed. Trooper Miles took the Defendant back to PSP barracks where Corporal Brian Torkar, a Drug Recognition Expert (DRE), was called in to administer further tests. Corporal Torkar agreed that the Defendant showed signs of impairment. The Defendant was transported to York Hospital for a blood draw where he was read his implied consent warnings. The Defendant refused to submit to a blood draw.⁵

The Defendant filed an omnibus pre-trial motion on August 15, 2012. In that motion the Defendant challenged Corporal Brian Torkar's testimony with respect to being a DRE. The Defendant asked the Court to preclude the Commonwealth from introducing any evidence dealing with the Corporal's DRE evaluation, including his reports. In his motion he also requested that the Court dismiss the charges against the Defendant if it ruled in his favor on the motion in limine. The Defendant filed a Writ of Habeas Corpus on January 7, 2013, wherein he indicated that the Commonwealth no longer wished to present DRE testimony, but instead wished to have Corporal Torkar testify only to his general observations of the Defendant. The hearing on the Defendant's habeas was continued several times, but was ultimately scheduled for April 17, 2013.

In the interim, on April 15, 2013, the Commonwealth filed a motion to amend the information to include a charge of Possession with Intent to Deliver. Although the Affidavit of Probable Cause does not make any

mention of 621 blue pills, apparently a search of the Defendant's car did reveal a number of pills. These pills were sent to a lab for testing in April 2013 and the results were faxed to the Commonwealth on April 10, 2013. These results were sent to the Defendant's attorney on April 11, 2013. The pills were Diazepam, a schedule IV controlled substance.

On April 17, 2013, a hearing was held on the Defendant's habeas and the Commonwealth's motion to amend. After hearing testimony, the Honorable John S. Kennedy denied the Defendant's habeas and reserved decision on the Commonwealth's motion to amend, which was ultimately denied on April 19, 2013. Judge Kennedy determined that the Defendant would be prejudiced by the amendment because it involved a whole different scenario of conduct than the original charges.

On May 14, 2013, the Commonwealth filed a Motion to Nolle Prosequi all of the counts in the original information. In its motion, the Commonwealth stated that it intended to refile all of the original charges and add the PWID charge for the 621 pills. On May 24, 2013, Judge Kennedy denied the Commonwealth's motion.

On July 23, 2013, the Defendant filed an omnibus pre-trial motion raising both a Rule 600 violation and a motion to quash the criminal complaint. The basis for the motion to quash the complaint stemmed from the Commonwealth filing the PWID charge, which resulted in a new case number, CP-67-CR-00056113-2013.

On August 28, 2013, Judge Kennedy denied the Defendant's motion under Rule 600. The motion to quash was left unresolved because defense counsel indicated that he may be withdrawing it; he was given two weeks to decide.

On October 17, 2013, the Commonwealth filed a Motion to Consolidate the current DUI case and the PWID case. Judge Kennedy denied that motion on October 24, 2013, and the Commonwealth filed Notice of Appeal to the Superior Court on November 22, 2013. In the interim, the case was reassigned to the undersigned Judge.

We received notice on January 13, 2015, that the Superior Court had affirmed the trial court's decision and the case was listed for a guilty plea on March 6, 2015 – a little over three years after the Defendant was pulled over. On that day, the Defendant failed to appear, but the Commonwealth informed the Court that it would be withdrawing Count 1, the misdemeanor DUI. Both the Commonwealth and defense counsel asked the Court to remand the case back to the magisterial district justice level since all that remained were summary charges.

On March 17, 2015, we received notice from Court Administration that this remand was not permissible because of Pa.R.Crim.P. 561(C). Thus, the case remained at the common pleas level. The matter was to be listed for the next scheduled summary conviction appeal date. However, the case was never listed, and no action had been taken on the case until June 17, 2015, when the Defendant filed a Motion to Dismiss under 42 Pa. C.S.A. § 5553(e). We held a brief hearing on July 10, 2015, where we ultimately reserved decision.

Discussion:

Section 5553(e) states, "No proceedings shall be held or action taken pursuant to a summary offense under Title 75 subsequent to three years after the commission of the offense." 42 Pa. C.S.A. § 5553(e). The purpose of § 5553(e) is to "ensure the timely resolution of minor vehicle offenses." *Commonwealth v. Jannenga*, 483 A.2d 963, 965 (Pa. Super. Ct. 1984). We believe there are three cases that govern our decision in this case: *Commonwealth v. Jannenga*, *Commonwealth v. Markley*, and *Commonwealth v. Quinn*. We will discuss each case separately.

The defendant in *Jannenga* was charged with violating 75 Pa. C.S.A. § 3362(a)(2), which is a summary offense. *Commonwealth v. Jannenga*, 483 A.2d 963, 963 (Pa. Super. Ct. 1984). A district justice found the defendant guilty on October 1, 1981. *Id.* The defendant appealed to the Court of Common Pleas, but was again found guilty on April 7, 1982. *Id.* On April 14, 1982, the defendant filed a post-sentence motion. *Id.* No action was taken on the case until the defendant filed a Motion to Dismiss on September 1, 1983. *Id.* at 964. The basis for the motion was that the case had not been completed within the two year time frame set forth by 42 Pa. C.S.A. § 5553(e) (West 1982).

The Court held a hearing on the defendant's motion and at that hearing the Court stated that the "delay was caused by the court, not by the Commonwealth," which resulted in the Court denying the defendant's motion to dismiss. *Jannenga*, 483 A.2d at 964. The defendant filed an appeal to the Superior Court. *Id.* Noting that this was a case of first impression, the Superior Court held that "Subsection (e) is susceptible of no other interpretation than that any summary proceedings initiated under Title 75 must be disposed of at the trial level within two years or not at all." *Id.* at 965. The Court further stated,

Our review of the record shows that Appellant in no way did anything to cause the delay in his sentencing, and indeed complied with all procedural requirements. Whatever the reason for the delay, the fact remains that the trial court failed to complete the proceedings against Appellant within two years of the offense, thus violating section 5553(e).

Id. The Court subsequently vacated the judgment of sentenced and discharged the defendant. *Id.*

Approximately 4 years later, the Superior Court decided *Commonwealth v. Markley*, 544 A.2d 72 (Pa. Super. Ct. 1988). The defendant in *Markley* was charged with two summary offenses and subsequently found guilty by a district justice. 544 A.2d at 73. The defendant appealed to the Court of Common Pleas and was again found guilty. *Id.* On October 17, 1983, the defendant filed a post-sentence motion. Over three years later, the Commonwealth filed a petition and rule to show why the defendant's motion should not be dismissed. *Id.* At argument, the court was directed to *Commonwealth v. Jannenga*, and subsequently dismissed the charges against the defendant. *Id.* The Commonwealth appealed. *Id.*

The *Markley* Court, relying on *Jannenga*, held that because the case "could have been listed for argument by the Commonwealth as well as by the defendant [and] [n]either party moved to dispose of defendant's post-trial motions, and a sentence was not imposed within two years of the offense," the charges against the defendant should be dismissed. 544 A.2d at 73. In the very last paragraph of its opinion, the Superior Court noted, somewhat ominously, "The mischief which is being caused by 42 Pa.C.S. § 5553(e) may suggest to the legislature that the provisions thereof should be repealed or at least amended so as to prevent a dilatory defendant from benefitting from his or her own delay." *Id.* at 74.

Both *Jannenga* and *Markley* were, to some extent, overruled by *Commonwealth v. Quinn*, 592 A.2d 1316 (Pa. Super. Ct. 1991). The defendant in *Quinn* was charged with a violation of 75 Pa. C.S.A. 1501(a). *Id.* at 1317. Although the defendant had thirty days to appeal to the Court of Common Pleas, he did not do so. *Id.* After the thirty day time period had passed, the defendant filed a motion to file his appeal *nunc pro tunc*. *Id.* A hearing was scheduled, but ultimately needed to be rescheduled at the defendant's request. *Id.* The defendant's motion was eventually granted, and he filed his notice of appeal to the Court of Common Pleas. *Id.* The case was listed for trial on April 20, 1989, but the defendant requested a continuance. *Id.* A couple of weeks later, on May 3, 1989, the defendant was found guilty. *Id.* The defendant filed a post-sentence motion raising 42 Pa. C.S.A. 5553(e); the trial court denied the motion, and the defendant appealed to the Superior Court. *Id.*

After briefly discussing *Jannenga* and *Markley*, the *Quinn* Court held, "We, therefore, hold that any period of delay directly attributable to the accused tolls the limitation period of 5553(e). To the extent that either *Jannenga* or *Markley* could be argued to stand for a contrary interpretation, they are overruled." *Quinn*, 592 A.2d at 1317 (emphasis in original). The Court took note of the defendant's objection to some of the time being attributed to him; however, the Court ultimately stated "Quinn is solely responsible for the failure to timely appeal the decision of the district justice to the court of common pleas. This five-month delay . . . tolls the statute for a period sufficient to prevent the statutory bar." *Id.* Because the delay was directly attributable to the defendant, the trial court was affirmed. *Id.*

Before getting to our analysis, we wish to note that our reading of *Quinn* does not indicate that *Jannenga* and *Markley* are no longer good law. Instead, *Quinn* simply clarifies the holdings in *Jannenga* and *Markley* to limit the tolling time to delays directly attributable to the defendant.

Turning to the present case, we think it is analogous to *Jannenga* and *Markley*. By the time the Defendant was to come in and plead guilty in March of 2015 the case was already over three years old. No action was taken on the case until the Defendant filed his Motion to Dismiss on June 17, 2015, at which point the case was approximately three years and four months old. We understand that a major factor in the delay of disposing of the Defendant's case was due to the fact that the case was on appeal to the Superior Court for a little over one year – from November 22, 2013 to December 3, 2014. Had this appeal been taken by the Defendant, as opposed to the Commonwealth, we think our decision would likely be different.

Quinn held that delays directly attributable to the Defendant are excluded from the three year computation. A thorough review of the docket shows that if any party was holding the case up it was the Commonwealth, not the Defendant. After the Court denied the Commonwealth's Motion to Amend on April 19, 2013, the Commonwealth then attempted to circumvent that ruling by attempting to dismiss the charges with the intent to refile and, when that was denied, also attempting to charge the Defendant

with a separate case and attempt to consolidate them. It was this that led the Commonwealth to appeal to the Superior Court. This entire episode, from discovery of the 621 pills to the time the trial court was affirmed by the Superior Court, lasted from April 2013 to December 3, 2014.

We do not mean to suggest that the Commonwealth is solely responsible for the predicament that is now before us. As we stated previously, the Defendant's case was called in for a guilty plea in March 2015. It was at this time that the Commonwealth decided to withdraw the misdemeanor DUI and both the defense and Commonwealth requested that the case be remanded back to the district justice. At this time the case was already over three years old. Despite this, we attempted to have the case placed on the next scheduled summary conviction appeal date. Due to a court oversight, the case was never listed.

The fact of the matter is that the three year time limitation passed on February 18, 2015, and the docket reflects no activity on the case from January 13, 2015 until March 3, 2015, when the case was listed for a plea. There is nothing to suggest that the delay from January 13, 2015 until February 18, 2015 was directly attributable to the Defendant. Furthermore, like *Markley*, the Commonwealth and the Defendant were both in a position to list the case for trial or a plea, or bring to the Court's attention that the summaries had not been disposed of. Therefore, we think the law requires that we grant the Defendant's motion.

Conclusion:

For the abovementioned reasons, we hereby GRANT the Defendant's Motion to Dismiss pursuant to 42 Pa. C.S.A. § 5553(e).

By the Court:

Richard K. Renn, Judge

Footnotes:

¹ 75 Pa. C.S.A. 3802(d)(2).

² 75 Pa. C.S.A. 3310(a).

³ 75 Pa. C.S.A. 3714(a).

⁴ 35 Pa. C.S.A. 1275.

⁵ Trooper Miles noticed the fireworks when the Defendant leaned over to retrieve information out of his glove box. After arresting the Defendant, a search warrant was obtained, and Trooper Miles inspected the fireworks. He found them to be aerial fireworks, which are illegal in Pennsylvania unless a proper permit is obtained, which the Defendant did not have.

August 6, 2015

TO: Members of the York County Bar Association

FROM: Andrew J. Miller, President

BY REASON OF THE DEATH OF
ANGELA DOBRINOFF-BLAKE
AND TO SHOW OUR RESPECT BY ADOPTING
A MINUTE IN HONOR OF HER MEMORY
A SPECIAL MEETING OF THE
YORK COUNTY BAR ASSOCIATION
HAS BEEN CALLED
FOR FRIDAY, August 21, 2015
NOTE: LOCATION
AT 11:00 A.M. IN THE CEREMONIAL COURTROOM
YORK COUNTY ADMINISTRATIVE CENTER, 28 East Market Street

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ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are required to make known the same, and all persons indebted to said estate are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION

ESTATE OF GRACE L. AMEN, DECEASED
Late of York Twp., York County, PA.
Executrix: Patricia Varone c/o Andrea S. Anderson, Esq., 901 Delta Road, Red Lion, PA 17356
Attorney: Andrea S. Anderson, Esquire, 901 Delta Road, Red Lion, PA 17356 08.06-3t

ESTATE OF RHODA MAE BERKHEIMER, DECEASED
Late of Manchester Twp., York County, PA.
Administrator-Executor: Tami Beck, c/o 3030 East Market Street, York, PA 17402
Attorney: Jeffrey R. Bellomo, Esquire, 3030 East Market Street, York, PA 17402 08.06-3t

ESTATE OF ROBERT M. BRAGG SR., DECEASED
Late of West Manchester Twp., York County, PA.
Administrator-Executor: Lillian Bragg, 2790 Tara Lane, York, PA 17408 08.06-3t

ESTATE OF MARY A. CHADWICK, DECEASED
Late of Springettsbury Twp., York County, PA.
Executor: Karen Smith, c/o Paul G. Lutz, Esquire, 110 South Northern Way, York, PA 17402
Attorney: Paul G. Lutz, Esquire, 110 South Northern Way, York, PA 17402 08.06-3t

ESTATE OF PATRICIA G. DAY, DECEASED
Late of West Manchester Twp., York County, PA.
Executrix: Cindy L. Zedaker, c/o Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite 600, York, PA 17401-2994
Attorney: Thomas M. Shorb, Esquire, STOCK AND LEADER, Susquehanna Commerce Center East, 221 West Philadelphia Street, Suite E600, York, PA 17401-2994 08.06-3t

ESTATE OF HILDEGARD W. DEHOFF, DECEASED
Late of Penn Twp., York County, PA.
Executrix: Staci L. Sage, c/o Elinor Albright Rebert, Esquire, 515 Carlisle Street, Hanover, PA 17331
Attorney: Elinor Albright Rebert, Esquire, 515 Carlisle Street, Hanover, PA 17331 08.06-3t

ESTATE OF CONWAY G. DITLOW, DECEASED
Late of Warrington Twp., York County, PA.

Executrix: Joan M. Butler, 2205 Rosstown Rd., Wellsville, PA 17365
Attorney: David J. Lenox, Esquire, 8 Tristan Drive, Suite 3, Dillsburg, PA 17019 08.06-3t

ESTATE OF CHERRELL D. DORA, DECEASED
Late of Dover Twp., York County, PA.
Administrator: Breona Browne, c/o Clair Stewart, Esq., 21 S. 12th Street, Suite 100, Philadelphia, PA 19107
Attorney: Clair Stewart, Esquire, 21 S. 12th Street, Suite 100, Philadelphia, PA 19107 08.06-3t

ESTATE OF RUTH A. FOGLE, DECEASED
Late of Dover Twp., York County, PA.
Administrator-Executor: Barry B. Eyler and Tina L. Beck, 2508 Myers Road, Spring Grove, PA 17362
Attorney: David Turocy, Esquire, Ream, Carr, Markey & Woloshin LLP., 53 East Canal St., Dover, PA 17315 08.06-3t

ESTATE OF DONALD R. GROSS, DECEASED
Late of York Twp., York County, PA.
Executor: Donald R. Gross, Jr., c/o Herr & Low, P.C., 234 North Duke Street, P.O. Box 1533, Lancaster, PA 17608-1533
Attorney: J. Michael Saladik, Esquire, Herr & Low, P.C., 234 North Duke Street, P.O. Box 1533, Lancaster, PA 17608-1533 08.06-3t

ESTATE OF BONNIE K. HESS, DECEASED
Late of Manchester Twp., York County, PA.
Executor: Donald J. Hess, c/o Michael W. Barill, Esq., Steptoe & Johnson PLLC, P.O. Box 1616, Morgantown, WV 26507-1616
Attorney: Michael W. Barill, Esquire, Steptoe & Johnson PLLC, P.O. Box 1616, Morgantown, WV 26507-1616 08.06-3t

ESTATE OF JAMIE B. HOWARD, DECEASED
Late of York County, PA.
Executor: LuAnn N. Yañez, 412 Latshmere Dr., Harrisburg, PA 17109
Attorney: Laura C. Reyes Maloney, Esquire, 1119 N. Front St., Harrisburg, PA 17102 08.06-3t

ESTATE OF NORMA J. JANSKY, DECEASED
Late of Springettsbury Twp., York County, PA.
Executrix: Deborah A. Vitkosky, c/o Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite 600, York, PA 17401-2994
Attorney: MacGregor J. Brillhart, Esquire, STOCK AND LEADER, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite E600, York, PA 17401-2994 08.06-3t

ESTATE OF TRACEY S. JENKINS, DECEASED
Late of West Manchester Twp., York County, PA.
Executor: Robert L. Jenkins, c/o Paul G. Lutz, Esquire, 110 South Northern Way, York, PA 17402
Attorney: Paul G. Lutz, Esquire, 110 South Northern Way, York, PA 17402 08.06-3t

ESTATE OF CHARLES L. KILMORE, DECEASED
Late of Fairview Twp., York County, PA.
Executor: Patricia K. Milliron, 10882 Route 536, Punxsutawney, PA 15767
Attorney: Gerald J. Shekletski, Esquire, Stone LaFaver & Shekletski, P.O. Box E, New Cumberland, PA 17070 08.06-3t

ESTATE OF PAULINE E. LEPPA, DECEASED
Late of West Manchester Twp., York County, PA.
Executor: Elizabeth Gentzler, c/o Stock and Leader, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite 600, York, PA 17401-2994
Attorney: MacGregor J. Brillhart, Esquire, STOCK AND LEADER, Susquehanna Commerce Center East, 221 W. Philadelphia Street, Suite E600, York, PA 17401-2994 08.06-3t

ESTATE OF COLLEEN L. NOPHSKER, DECEASED
Late of Fairview Twp., York County, PA.
Executor: Timothy H. Nophsker, 2 Parthermore Circle, Lewisberry, PA 17339
Attorney: Stanley A. Smith, Esquire, Rhoads & Simon LLP, Attorneys at Law, One S. Market Square, P.O. Box 1146, Harrisburg, PA 17108-1146 08.06-3t

ESTATE OF KERMIT G. OCKER, DECEASED
Late of Monaghan Twp., York County, PA.
Executor: Kermit K. Ocker, 1521 McCormick Drive, Mechanicsburg, PA 17055
Attorney: Jan M. Wiley, Esquire, Of Counsel, STONE, DUNCAN & LINSNBACH, PC, 3 N. Baltimore Street, Dillsburg, PA 17019 08.06-3t

ESTATE OF WINIFRED R. RENARD, DECEASED
Late of Franklin Twp., York County, PA.
Executor: Herbert C. Shoffner, c/o Craig A. Hatch, Esq., HALBRUNER, HATCH & GUISE, LLP, 2109 Market Street, Camp Hill, PA 17011
Attorney: Craig A. Hatch, Esquire, HALBRUNER, HATCH & GUISE, LLP, 2109 Market Street, Camp Hill, PA 17011 08.06-3t

ESTATE OF VERDELLA J. RODGERS, DECEASED
Late of Penn Twp., York County, PA.
Co-Executors: Steven E. Rodgers and Keith E. Rodgers, c/o P.O. BOX 606, East Berlin PA 17316
Attorney: Sharon E. Myers, Esquire, CGA Law Firm, PC, P.O. BOX 606, East Berlin PA 17316 08.06-3t

ESTATE OF FRANCIS W. SCHLAEFER, a/k/a FRANCIS WILLIAM SCHLAEFER, a/k/a BILL SCHLAEFER, a/k/a WILLIAM SCHLAEFER, DECEASED
Late of Lower Windsor Twp., York County, PA.
Executor: Suzanne M. Satterfield, c/o Dennis Shumaker, Esq., 402 W. Market Street, Marietta, PA 17547-1205
Attorney: Dennis Shumaker, Esquire, Blair Shumaker, Attorneys at Law, 402 W. Market Street, Marietta, PA 17547-1205 08.06-3t

ESTATE OF FRED A. SMITH, DECEASED
Late of Manchester Twp., York County, PA.
Executor: Corinne Brenner, c/o 135 North
George Street, York, PA 17401
Attorney: Margaret W. Driscoll, Esquire,
CGA Law Firm, PC, 135 North George
Street, York, PA 17401 08.06-3t

ESTATE OF CLAIR E. SNELBAKER,
DECEASED
Late of Charlotte County, Florida.
Administrator-Executor: Thomas C. Sanders,
429 Old Stage Rd., Lewisberry, PA 17339
Attorney: Aaron C. Jackson, Esquire 08.06-3t

ESTATE OF SUSAN E. SPONSELLER a/k/a
SUSAN SPONSELLER, DECEASED
Late of York City, York County, PA.
Executor: Cathy Jackson, c/o Morris &
Vedder, LLP, 32 N. Duke St., P.O. Box
149, York, PA 17405
Attorney: Rand A. Feder, Esquire, Morris
& Vedder, LLP, 32 N. Duke St., P.O. Box
149, York, PA 17405 08.06-3t

ESTATE OF HARVEY WEESE a/k/a HARVEY
M. WEESE, DECEASED
Late of Peach Bottom Twp., York County, PA.
Administrator: Kevin P. Kruba, Jr., c/o Stock
and Leader, Susquehanna Commerce
Center East, 221 W. Philadelphia Street,
Suite 600, York, PA 17401-2994
Attorney: Jody A. Leighty, Esquire, STOCK
AND LEADER, Susquehanna Commerce
Center East, 221 West Philadelphia Street,
Suite E600, York, PA 17401-2994 08.06-3t

ESTATE OF MAYNARD C. WILDASIN,
DECEASED
Late of Manheim Twp., York County, PA.
Executor: Stanley L. Wagner, c/o Elinor
Albright Rebert, Esquire, 515 Carlisle
Street, Hanover, PA 17331
Attorney: Elinor Albright Rebert, Esquire,
515 Carlisle Street, Hanover, PA 17331
08.06-3t

SECOND PUBLICATION

ESTATE OF FRANCES A. AUSPITZ,
DECEASED
Late of Springettsbury Twp., York County, PA.
Executrices: Emily Ann Kelly and Lizbeth
Ann Precopio, c/o Stock and Leader,
Susquehanna Commerce Center East, 221
W. Philadelphia Street, Suite 600, York,
PA 17401-2994
Attorney: Thomas M. Shorb, Esquire,
STOCK AND LEADER, Susquehanna
Commerce Center East, 221 West
Philadelphia Street, Suite E600, York, PA
17401-2994 07.30-3t

ESTATE OF AMY J. BRIGHTBILL,
DECEASED
Late of Manchester Twp., York County, PA.
Administrator: Craig H. Brightbill II,
c/o Stock and Leader, Susquehanna
Commerce Center East, 221 W.
Philadelphia Street, Suite 600, York, PA
17401-2994
Attorney: MacGregor J. Brillhart, Esquire,
Stock and Leader, Susquehanna Commerce
Center East, 221 W. Philadelphia Street,
Suite E600, York, PA 17401-2994 07.30-3t

ESTATE OF HILDA R. CUNNINGHAM,
DECEASED
Late of West Manchester Twp., York County, PA.
Executrix: Sandra L. Decker, c/o Law Offices
of Craig A. Diehl, 119A West Hanover
Street, Spring Grove, PA 17362
Attorney: Craig A. Diehl, Esquire, CPA,
Law Offices of Craig A. Diehl, 119A West
Hanover Street, Spring Grove, PA 17362
07.30-3t

ESTATE OF TRAVIS R. DOLL, DECEASED
Late of Manheim Twp., York County, PA.
Administrator: Burnell R. Doll, c/o 135
North George Street, York, PA 17401
Attorney: Timothy Bupp, Esquire, CGA Law
Firm, PC, 135 North George Street, York,
PA 17401 07.30-3t

ESTATE OF HAROLD H. DUSMAN,
DECEASED
Late of Penn Twp., York County, PA.
Executrix: Dianne D. Dusman, c/o Elinor
Albright Rebert, Esquire, 515 Carlisle
Street, Hanover, PA 17331
Attorney: Elinor Albright Rebert, Esquire,
515 Carlisle Street, Hanover, PA 17331
07.30-3t

ESTATE OF CLEO L. EPPLEY, DECEASED
Late of Manchester Twp., York County, PA.
Co-Executors: Robert C. Neiman, Barbara
A. Neiman, Jacqueline E. Neiman, 3025
Bornt Dr, Dover, PA 17315
Attorney: John W. Stitt, Esquire, 1434 W.
Market Street, York, PA 17404 07.30-3t

ESTATE OF RUTH L. GEHB, DECEASED
Late of Springfield Twp., York County, PA.
Administrator-Executor: Patricia L. Stine, c/o
3030 East Market Street, York, PA 17402
Attorney: Jeffrey R. Bellomo, Esquire, 3030
East Market Street, York, PA 17402
07.30-3t

ESTATE OF MARY K. HANSON,
DECEASED
Late of Borough of East Prospect, York
County, PA.
Executor: Gerald M. Hanson, c/o Scott E.
Albert, Esq., 50 East Main Street, Mount
Joy, PA, 17552
Attorney: Scott E. Albert, Esquire, 50 East
Main Street, Mount Joy, PA, 17552
07.30-3t

ESTATE OF PHYLLIS W. HARVEY,
DECEASED
Late of York Twp., York County, PA.
Administrator-Executor: Jeannie L. Mann,
c/o Amanda Snoke Dubbs, Esq., 294 Dew
Drop Road, York, PA 17402
Attorney: Amanda Snoke Dubbs, Esquire,
294 Dew Drop Road, York, PA 17402
07.30-3t

ESTATE OF MAE V. KEARNEY, DECEASED
Late of Shrewsbury Borough, York County, PA.
Executrix: Ellen Jane Newcomer, c/o Eveler
& DeArment LLP, 2997 Cape Horn Rd.,
Suite A-6, Red Lion, PA 17356
Attorney: Eveler & DeArment LLP, 2997
Cape Horn Rd., Suite A-6, Red Lion, PA
17356 07.30-3t

ESTATE OF EVA J. KILGORE a/k/a EVA
JANE KILGORE, DECEASED
Late of Hopewell Twp., York County, PA.
Administratrix: Teresa Jane Pritt, c/o P.O.
Box 312, Stewartstown, PA 17363
Attorney: Laura S. Manifold, Esquire, P.O.
Box 312, Stewartstown, PA 17363 07.30-3t

ESTATE OF ROBERT J. LEAVENS,
DECEASED
Late of Springettsbury Twp., York County, PA.
Administrator: James A. Leavens, c/o Paul G.
Lutz, Esquire, 110 South Northern Way,
York, PA 17402
Attorney: Paul G. Lutz, Esquire, 110 South
Northern Way, York, PA 17402 07.30-3t

ESTATE OF DANIEL J. MAYS, DECEASED
Late of Springettsbury Twp., York County, PA.
Executor: Tracey A. Williams, 119 W.
Franklin St., New Freedom, PA 17349
Attorney: Barbara Orsburn Stump, Esquire,
44 E. Philadelphia St. York, PA 17401
07.30-3t

ESTATE OF JEAN A. SCHEIRER, a/k/a
JEAN A. WILLIAMS, DECEASED
Late of Spring Garden Twp., York County, PA.
Executor: Mark S. Williams, c/o Ream
Carr Markey & Woloshin, LLP, 119 East
Market Street, York, PA 17401
Attorney: Andrew F. Kagen, Esquire, Ream
Carr Markey & Woloshin, LLP, 119 East
Market Street, York, PA 17401 07.30-3t

ESTATE OF WILLIAM J. SHAFER,
DECEASED
Late of Springettsbury Twp., York County, PA.
Co-Executors: William Shafer and Mark
Shafer, c/o P.O. Box 606, East Berlin PA
17316
Attorney: Sharon E. Myers, Esquire, CGA
Law Firm, PC, P.O. Box 606, East Berlin
PA 17316 07.30-3t

ESTATE OF ROMAIN L. STERMER,
DECEASED
Late of Warrington Twp., York County, PA.
Administrator-Executor: Darlene E.
Slothower, 1500 Lisburn Road, Wellsville,
PA 17365
Attorney: David Turocy, Esquire, Ream,
Carr, Markey & Woloshin LLP., 53 East
Canal St., Dover, PA 17315 07.30-3t

ESTATE OF PATRICIA L. THOMAN,
DECEASED
Late of Glen Rock Borough, York County, PA.
Co-Executors: Earl Stanley Thoman and
Linda S. Engler, c/o P.O. Box 312,
Stewartstown, PA 17363
Attorney: Laura S. Manifold, Esquire, P.O.
Box 312, Stewartstown, PA 17363 07.30-3t

ESTATE OF BESSIE J. YODER, DECEASED
Late of Dover Twp., York County, PA.
Co-Executors: Virginia L. Hamme and
Richard David Wolf, Jr., c/o Dorothy
Livaditis, Esquire, Law Offices of Dorothy
Livaditis, 32 South Beaver Street, York,
PA 17401
Attorney: Dorothy Livaditis, Esquire, Law
Offices of Dorothy Livaditis, 32 South
Beaver Street, York, PA 17401 07.30-3t

THIRD PUBLICATION

- ESTATE OF ELEANOR CLONINGER, DECEASED
Late of Franklin Twp., York County, PA.
Administrator: Don Ritchie Cloninger, c/o
Law Office of Wm. D. Schrack, III, 124
West Harrisburg Street, Dillsburg, PA
17019-1268
Attorney: Wm. D. Schrack, III, Esquire,
124 West Harrisburg Street,
Dillsburg, PA 17019-1268 07.23-3t
- ESTATE OF ADAM R. COLE, DECEASED
Late of Stewartstown Borough, York County, PA.
Administratrix: Inge M. Cole, c/o P.O. Box
312, Stewartstown, PA 17363
Attorney: Laura S. Manifold, Esquire, P.O.
Box 312, Stewartstown, PA 17363 07.23-3t
- ESTATE OF ETHEL S. CUNNINGHAM, DECEASED
Late of Hellam Twp., York County, PA.
Executrix: Elizabeth C. Timko, 10264 West
Los Gatos Drive, Peoria, AZ 85383
Attorney: Craig A. Hatch, Esquire,
Halbruner, Hatch & Guise, LLP, 2109
Market Street, Camp Hill, PA 17011 07.23-3t
- ESTATE OF ELAINE L. DACHEUX, DECEASED
Late of West Manchester Twp., York County, PA.
Executor: Danielle Accorsi, c/o Timothy M.
Finnerty, Esq., McNees Wallace & Nurick
LLC, 100 Pine Street, P.O. Box 1166,
Harrisburg, PA 17108-1166
Attorney: Timothy M. Finnerty, Esquire,
McNees Wallace & Nurick LLC, 100 Pine
Street, P.O. Box 1166, Harrisburg, PA
17108-1166 07.23-3t
- ESTATE OF LLOYD S. DEARDORFF
a/k/a LLOYD SYLVESTER DEARDORFF,
DECEASED
Late of York Twp., York County, PA.
Executor: Richard W. Snyder, c/o Eveler &
DeArment LLP, 2997 Cape Horn Rd.,
Suite A-6, Red Lion, PA 17356
Attorney: Eveler & DeArment LLP, 2997
Cape Horn Rd., Suite A-6, Red Lion, PA
17356 07.23-3t
- ESTATE OF VERA JOYCE FAIR, DECEASED
Late of West Manheim Twp., York County, PA.
Executrix: Janice Fair Lankford, 15309 Old
Hanover Rd., Upperco, MD 21155
Attorney: Keith R. Nonemaker, Esquire,
Guthrie, Nonemaker, Yingst & Hart, LLP,
40 York Street, Hanover, PA 17331 07.23-3t
- ESTATE OF DORIS M. HENRY, DECEASED
Late of City of York, York County, PA.
Executor: Donald E. Markle, c/o John M.
Hamme, Esq., 1946 Carlisle Road, York,
PA 17408
Attorney: John M. Hamme, Esquire, 1946
Carlisle Road, York, PA 17408 07.23-3t
- ESTATE OF SCOTT E. HESS, DECEASED
Late of York Twp., York County, PA.
Executor: Beatrice A. Hess, c/o MPL LAW
FIRM, LLP, 137 East Philadelphia Street,
York, PA 17401-2424
Attorney: John D. Miller, Jr., Esquire, MPL
LAW FIRM, LLP, 137 East Philadelphia
Street, York, PA 17401-2424 07.23-3t
- ESTATE OF PHYLLIS V. HORNER, a/k/a
PHYLLIS VIRGINIA HORNER, DECEASED
Late of Hallam Borough, York County, PA.
Executor: Susan A. Horner, c/o Stock and
Leader, Susquehanna Commerce Center
East, 221 W. Philadelphia Street, Suite
600, York, PA 17401-2994
Attorney: Timothy P. Ruth, Esquire, Stock
and Leader, Susquehanna Commerce
Center East, 221 W. Philadelphia Street,
Suite E600, York, PA 17401-2994 07.23-3t
- ESTATE OF JESSE J. JAMES, DECEASED
Late of West Manchester Twp., York County, PA.
Executor: Crystal A. James, c/o 2025 E.
Market Street, York, PA 17402
Attorney: Richard H. Mylin, III, Esquire,
2025 E. Market Street, York, PA 17402
07.23-3t
- ESTATE OF CHARLENE ANN KEECH,
DECEASED
Late of West Manchester Twp., York County, PA.
Executor: Michael Keech, c/o Paul G. Lutz,
Esquire, 110 South Northern Way, York,
PA 17402
Attorney: Paul G. Lutz, Esquire, 110 South
Northern Way, York, PA 17402 07.23-3t
- ESTATE OF JERRY KERPER a/k/a GERALD
R. KERPER, DECEASED
Late of Conewago Twp., York County, PA.
Co-Executors: Dale Graham and Betty
Graham, c/o Andrea S. Anderson, Esq.,
901 Delta Road, Red Lion, PA 17356
Attorney: Andrea S. Anderson, Esquire, 901
Delta Road, Red Lion, PA 17356 07.23-3t
- ESTATE OF ROBERT J. KLING, DECEASED
Late of Fairview Twp., York County, PA.
Administrator-Executor: Fred N. Kling, P.O.
Box 559, Hummelstown, PA 17036
07.23-3t
- ESTATE OF GLORIA I. MALOTT,
DECEASED
Late of Red Lion Borough, York County, PA.
Executor: Daniel P. Malott, c/o Eveler &
DeArment LLP, 2997 Cape Horn Rd.,
Suite A-6, Red Lion, PA 17356
Attorney: Eveler & DeArment LLP, 2997
Cape Horn Rd., Suite A-6, Red Lion, PA
17356 07.23-3t
- ESTATE OF MABLE V. MARKLEY,
DECEASED
Late of Newberry Twp., York County, PA.
Executrix: Mary M. Meckley, c/o 129 East
Market St, York, Pa. 17401
Attorney: John C. Herrold, Esquire, Griest,
Himes, Herrold, Reynosa LLP, 129 East
Market Street, York, PA 17401 07.23-3t
- ESTATE OF DERROLL B. MCGINNIS,
DECEASED
Late of Winterstown Borough, York County, PA.
Co-Executors: Kenton R. McGinnis
and Donald McGinnis, c/o Andrea S.
Anderson, Esq., 901 Delta Road, Red
Lion, PA 17356
Attorney: Andrea S. Anderson, Esquire, 901
Delta Road, Red Lion, PA 17356 07.23-3t
- ESTATE OF MARY W. MEISER, DECEASED
Late of Red Lion Borough, York County, PA.
Co-Executors: Marilyn J. Miller and Harry L.
Meiser, Jr., c/o Andrea S. Anderson, Esq.,
901 Delta Road, Red Lion, PA 17356
Attorney: Andrea S. Anderson, Esquire, 901
Delta Road, Red Lion, PA 17356 07.23-3t
- ESTATE OF VICKI E. MILLER, DECEASED
Late of East Manchester Twp., York County, PA.
Administrator: Jeffrey S. Miller, 315 Pebble
Beach Dr., Mt. Wolf, PA 17347.
Attorney: John W. Stitt, Esquire, 1434 W.
Market Street, York, PA 17404 07.23-3t
- ESTATE OF JAMES EDWARD MYERS,
DECEASED
Late of Shrewsbury Borough, York County, PA.
Executor: Patricia Bena, 7617 North Point
Road, Baltimore, Maryland 21219 07.23-3t
- ESTATE OF VERNAR R. QUINN a/k/a VERNA
RUTH QUINN, DECEASED
Late of Stewartstown Borough, York County, PA.
Executrix: Kristin G. Cramblitt, c/o P.O. Box
312, Stewartstown, PA 17363
Attorney: Laura S. Manifold, Esquire, P.O.
Box 312, Stewartstown, PA 17363 07.23-3t
- ESTATE OF SMYSER R. SHAUB, a/k/a
SMYSER R. SHAUB, JR., DECEASED
Late of West Manchester Twp., York County, PA.
Executor: Charles R. Shaub, c/o Gregory H.
Gettle, Esquire, 13 E. Market St., York, PA
17401
Attorney: Gregory H. Gettle, Esquire,
GETTLE & VELTRI, 13 E. Market St.,
York, PA 17401 07.23-3t
- ESTATE OF KAREN F. SHULER, DECEASED
Late of Manchester Borough, York County, PA.
Administrator-Executors: Ann M. Kennedy
and Dawn A. McCandless, 9874 W.
Whirlaway Ct., Boise, ID 83704 07.23-3t
- ESTATE OF JAMES L. SPRADLEY, SR.,
DECEASED
Late of Fairview Twp., York County, PA.
Executor: James L. Spradley, Jr., c/o Robert
P. Kline, Esquire, Kline Law Office, P.O.
Box 461, New Cumberland, PA 17070-
0461
Attorney: Robert P. Kline, Esquire,
Kline Law Office, P.O. Box 461, New
Cumberland, PA 17070-0461 07.23-3t
- ESTATE OF JOANN E. STARNER,
DECEASED
Late of Springettsbury Twp., York County, PA.
Executrix: Debra S. Starnier, c/o 135 North
George Street, York, PA 17401
Attorney: Leanne M. Miller, Esquire, CGA
Law Firm, PC, 135 North George Street,
York, PA 17401 07.23-3t
- ESTATE OF LEONA M. STUTLER,
DECEASED
Late of West Manchester Twp., York County, PA.
Executor: Earl James Stutler, c/o Gregory H.
Gettle, Esquire, 13 E. Market St., York, PA
17401
Attorney: Gregory H. Gettle, Esquire,
GETTLE & VELTRI, 13 E. Market St.,
York, PA 17401 07.23-3t
- ESTATE OF GERALD E. UTZ, DECEASED
Late of Hanover Borough, York County, PA.

Executor: Daniel E. Utz, c/o Elinor Albright
Rebert, Esquire, 515 Carlisle Street,
Hanover, PA 17331

Attorney: Elinor Albright Rebert, Esquire,
515 Carlisle Street, Hanover, PA 17331
07.23-3t

ESTATE/TRUST NOTICE

All persons having claims or demands against the Estate of William R. Snyder, deceased, late of York County, Pennsylvania, are requested to present the same without delay to Carol A. Snyder, Executrix, pursuant to 20 Pa.C.S. §3162. In addition, all persons having claims or demands against the William R. Snyder Heritage Trust under a Revocable Agreement of Trust dated October 1, 2009, are requested to present the same without delay to Carol A. Snyder, Trustee, pursuant to 20 Pa.C.S. § 7755.

Carol A. Snyder, Executrix and Trustee
c/o Stock and Leader
221 W. Philadelphia Street, Suite 600
York, PA 17401-2994

Attorney: Thomas M. Shorb, Esquire,
STOCK AND LEADER, Susquehanna
Commerce Center East, 221 West
Philadelphia Street, Suite E600, York, PA
17401-2994 07.23-3t

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CIVIL NOTICES

ARTICLES OF INCORPORATION NON-PROFIT CORPORATION

NOTICE is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on July 24, 2015, for the purposes of obtaining a Certificate of Incorporation for a nonprofit corporation organized under the provisions of the Nonprofit Business Corporation Law of the Commonwealth of Pennsylvania of 1988, as amended.

The name of the Corporation is York County Honors Choirs, Inc. The purpose for which it has been organized is to provide performance opportunities and music education to York County, PA. students through participation in the choirs, music festivals and visits to York County schools.

MARK WOODBURY, III

08.06-1t Solicitor

NOTICE is hereby given that Articles of Incorporation - Non-Profit Corporation were filed with the Commonwealth of Pennsylvania.

The name of the corporation is Mount Royal United Methodist Church.

The said corporation has been incorporated under the provisions of the business Corporation Law of 1988.

GRIEST, HIMES,
HERROLD, REYNOSA, LLP
Suzanne H. Griest, Esquire
129 East Market Street
York, Pennsylvania 17401
(717) 846-8856

08.06-1t Solicitor

NOTICE is hereby given that Articles of Incorporation - Non-Profit Corporation were filed with the Commonwealth of Pennsylvania.

The name of the corporation is Red Mount United Methodist Church.

The said corporation has been incorporated under the provisions of the business Corporation Law of 1988.

GRIEST, HIMES,
HERROLD, REYNOSA, LLP
Suzanne H. Griest, Esquire
129 East Market Street
York, Pennsylvania 17401
(717) 846-8856

08.06-1t Solicitor

FICTITIOUS NAME

NOTICE is hereby given that Jane A. Deamer of 770 Conewago Creek Road, Manchester, PA 17345 did file a Registration of Fictitious Name Registration with the Commonwealth of Pennsylvania on July 7, 2015 for the name Back Stage Dance Studio pursuant to the Fictitious Names Act.

CGA Law Firm
By: Andrew M. Paxton, Esquire

08.06-1t Solicitor

Notice is hereby given a certificate was or will be filed under the Fictitious Name Act approved May 24, 1945 in the Office of the Secretary of the Commonwealth of Pennsylvania, setting forth that Jennifer Leisenring, 1290 Saddleback Road York, Pennsylvania 17408 are the only person(s) owning or interested in a business, the character of which is: sales of natural, handmade soap and that the name, style and designation under which said business is and will be conducted is: Monocacy Soap Company and the location where said business is and will be located is: 1290 Saddleback Road, York, Pennsylvania 17408

08.06-1t Solicitor

Notice is hereby given that on July, 17, 2015, an Application for Registration of Fictitious Name was filed under the Fictitious Names Act, Act No. 1982-295 (54 Pa. C.S. Section 311), with the Department of State of the Commonwealth of Pennsylvania in Harrisburg, Pennsylvania, setting forth that Brad Billington, 808 N. West St., Olney, IL 62450, Rodney Dickerson, 5302 E. South Harbor Ln., Olney, IL 62450, Richard Harvey, 3881 E. Tank Farm Ln., Olney, IL 62450, Gordon Hughes, 5705 Leigh Rd., P.O. Box 423, Stanford, MT 59479, Jerry Jegen, 804 Page St., San Francisco, CA 94117, John R. Lucas, 3727 Village Dr., Dover, PA 17315, James Schreiber, 2521 Tower Dr., Dover, PA 17315 are the only individuals owning or interested in a business, the character of which is the purchase, maintenance and use of real and personal property for recreation, and that the name, style and designation under which such business is and will be conducted is Mag Bay Sports, and the principal office where said business is and will be located is 3727 Village Road, Dover, PA 17315

Jeffrey A. Gettle, Esquire
Gettle & Veltri

08.06-1t Solicitor

NOTICE

**PUBUC NOTICE TO
ROBERT LEON ANTHONY**

**In Re: Adoption of
Kyilee Adrinna Wolgamuth, A Minor**

A petition has been filed asking the Court to put an end to all rights you have as a parent to your child, Kyilee Adrinna Wolgamuth. A Termination of Parental Rights Hearing has been scheduled for September 16, 2015, at 9:00 a.m., in Hearing Room No. 4, of the York County Judicial Center, 45 North George Street, York, Pennsylvania, to terminate your parental rights to Kyilee Adrinna Wolgamuth (DOB: September 18, 2011), whose Father is Robert Leon Anthony and Brandon Chas Newcomer and whose Mother is Amber Nichole Newcomer f/k/a Amber Nichole Wolgamuth. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Jane Madison
Family Court Administrator
York County Court of Common Pleas
York Cotulty Judicial Center
45 North George Street
York, Pennsylvania 17401
Telephone No. (717) 771-9360

Martin Miller, Esquire
Solicitor for York County Offices of
Children, Youth & Families

A prospective adoptive parent of a child may enter into an agreement with a birth relative of the child to permit continuing contact or communication between the child and the birth relative or between the adoptive parent and the birth relative. An agency or anyone representing the parties in an adoption shall provide notification to a prospective adoptive parent, a birth parent and a child who can be reasonably expected to understand that a prospective adoptive parent and a birth relative of a child have the option to enter into a voluntary agreement for the continuing contact or communication. See 23 Pa.C.S.A Section 2731, et seq.

08.06-3t Solicitor

**NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF YORK COUNTY, PENNSYLVANIA
NO. 2014-SU-002548-06**

JPMORGAN CHASE BANK, N.A.
Vs.
DAVID MORGAN, IN HIS CAPACITY
AS HEIR OF EVELYN E. MORGAN,
DECEASED and UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS, AND ALL
PERSONS, FIRMS, OR ASSOCIATIONS
CLAIMING RIGHT, TITLE OR INTEREST
FROM OR UNDER EVELYN E. MORGAN,
DECEASED

**NOTICE TO: DAVID MORGAN, IN HIS
CAPACITY AS HEIR OF EVELYN E.
MORGAN, DECEASED
NOTICE OF SHERIFF'S SALE OF REAL
PROPERTY**

Being Premises: 2754 CLEAR SPRINGS
BOULEVARD, YORK, PA 17406-3005
Being in MANCHESTER TOWNSHIP,
County of YORK, Commonwealth of
Pennsylvania, 360000201230000000
Improvements consist of residential
property.

Sold as the property of DAVID MORGAN,
IN HIS CAPACITY AS HEIR OF EVELYN
E. MORGAN, DECEASED and UNKNOWN
HEIRS, SUCCESSORS, ASSIGNS,
AND ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING RIGHT, TITLE
OR INTEREST FROM OR UNDER EVELYN
E. MORGAN, DECEASED

Your house (real estate) at 2754 CLEAR
SPRINGS BOULEVARD, YORK, PA
17406-3005 is scheduled to be sold at the
Sheriff's Sale on 10/05/2015 at 02:00 PM,
at the YORK County Courthouse, 45 North
George Street, York, PA 17401, to enforce
the Court Judgment of \$76,052.63 obtained
by, JPMORGAN CHASE BANK, N.A. (the
mortgagee), against the above premises.

PHELAN HALLINAN DIAMOND &
JONES, LLP
Attorney for Plaintiff

08.06-1t Solicitor

SHERIFF'S SALE

ATTORNEY**General Practice of Law**

Established law firm in Hanover, Pennsylvania seeks an Attorney for the general practice of law. Qualified candidates must be willing to work in multiple areas of the law including litigation, family law, real estate, wills and estates and business law. The legal work will involve courtroom work on a regular basis. Candidates must be selfmotivated and highly organized and comfortable working in a team environment and with the latest technology. All applications will be held in strictest confidence. Applicants must submit a cover letter and a resume (including references, work history, and salary requirements) to: Guthrie Nonemaker Yingst & Hart LLP, P.O. Box 839, Hanover, PA 17331

**FAMILY LAW/CIVIL LAW
ATTORNEY**

Successful 52 - year
South Central PA Law Firm
seeks a highly
motivated Attorney
with 2-3 years of experience
to litigate family law
and participate in an active
civil law practice.
Courtroom experience a must.
Please send cover letter and
resume to:
M. Heidelbaugh
Hoffmeyer & Semmelman, LLP
30 N. George Street
York, PA 17401
or email:
mheidelbaugh@hoffsemm.com

Include references
and salary requirements.

**Chief Public Defender
County of Lancaster**

Director of the Lancaster County Public Defender's Office providing legal representation to adults charged with criminal offenses and juveniles in delinquency proceedings. Position requirements include but not limited to, administration of day to day operations, direct supervision of office attorneys and investigators, budget preparation and management, case assignment, preparation of schedules and calendars and establishment of office policy. Qualified candidates will have a JD degree from an accredited law school, either be admitted or able to obtain admission through waivers to the Pennsylvania Bar, and have a minimum of five years experience as a practicing attorney with a workload devoted exclusively or primarily to the practice of criminal law as either a prosecutor or defense counsel.

For a detailed job description and Application, refer to www.co.lancaster.pa.us

Send County application and resume including salary history and requirements, by July 31, 2015, to:

Lancaster County Human Resources
150 North Queen St., Suite 312
Lancaster, PA 17603

EOE Employer

Assistant County Solicitor – County of Lancaster: work closely with the County Solicitor, Board of Commissioners and Executive Director of Children and Youth on dependency matters related to allegations of child abuse and/or neglect. Qualified candidates will have a JD degree from an accredited law school, either be admitted or able to obtain admission through waivers to the Pennsylvania Bar, and have two or more years of relevant Children and Youth and/or Courtroom legal experience. For a detailed job description and Application, refer to www.co.lancaster.pa.us.

**OFFICE SPACE
AND RENTAL
PROPERTIES
FOR SALE**

Located in historic Doctor's Row at 472-474 West Market Street, York, PA
Property includes 6 room office suite and 2 half-baths on first floor; 2 apartments on second floor; 1 apartment on third floor; 4 bay garage and, 7 off-street parking spaces. Apartments and garage fully rented. Sale may include office furniture and law books. For more information and to arrange view of the property call Bob Kane at 843-9388.