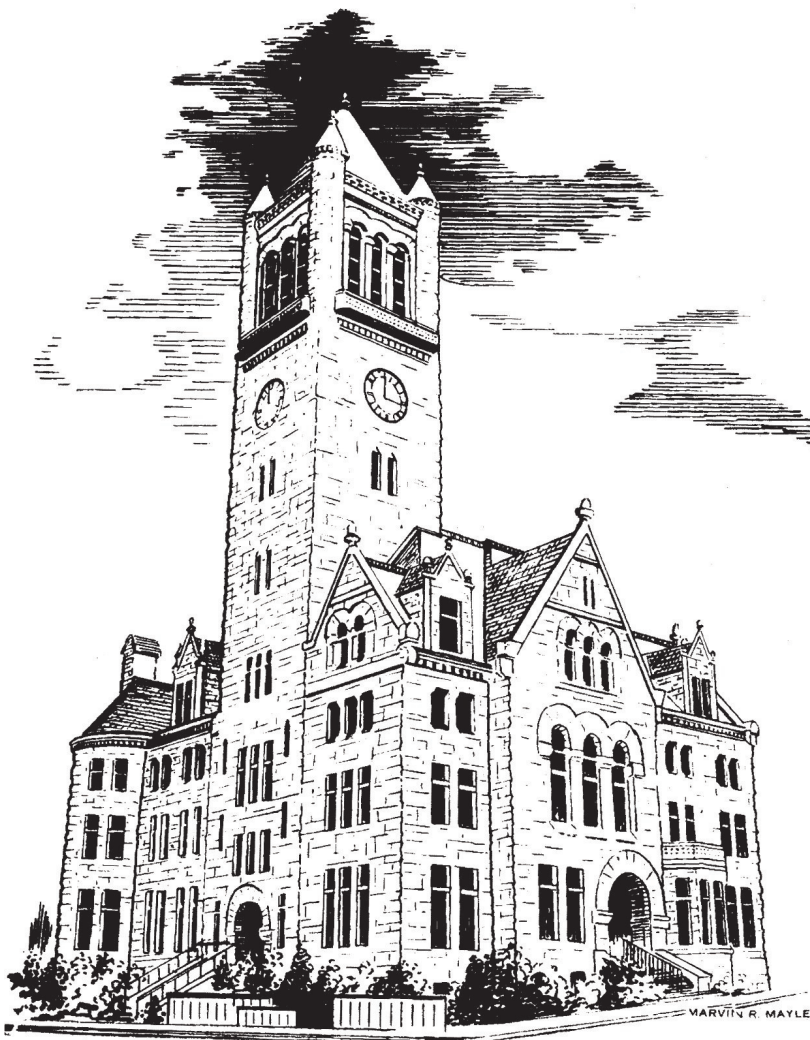


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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

ELEANOR J. CROSSLAND, late of North Union Township, Fayette County, PA (1)

Administratrix DBN CTA: Julie A. Miller
c/o Wayne H. Port
George, Port & George
92 East Main Street
Uniontown, PA 15401
Attorney: Wayne H. Port, Esq.

GLORIA HACKENSON, late of Washington Township, Fayette County, PA (1)

Executor: Bruce Hackenson
129 Shady Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier
823 Broad Avenue
Belle Vernon, PA 15012

GREGG WILLIAM LOWMAN, late of Connellsville City, Fayette County, PA (1)

Executrix: Lorie Lee Blazer
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

VERLIN F. MOATS, late of Uniontown, Fayette County, PA (1)

Administrator: Scott Moats
198 Baily Avenue
Uniontown, PA 15401
Attorney: John B. Zonarich
Skarlatos Zonarich LLC
17 S. 2nd St., 6th FL
Harrisburg, PA 17101

GLENN T. WILSON, late of North Union Township, Fayette County, PA (1)

Executor: Clarence W. Wilson
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

MARTHA M. MULLOOLY, late of Masontown Borough, Fayette County, PA (1)

Executrix: Lawrence Peters
c/o 4 North Beeson Avenue
Uniontown, PA 15401
Attorney: Ewing D. Newcomer

Second Publication

MICHAEL R HOLSING, late of Dunbar Borough, Fayette County, PA (2)

Personal Representative: Nancy Jo Holsing
c/o Richard A. Husband
Riverfront Professional Center
208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

FRANK J. LASICA, late of Dunbar Borough, Fayette County, PA (2)

Executrix: Cynthia A. Welling
c/o Radcliffe & DeHaas, L.L.P.
2 West Main Street, Suite 700
Uniontown, PA 15401;
Attorney: William M. Radcliffe, Esquire

EDNA LUKAS, late of Uniontown, Fayette County, PA (2)

Executor: Robert Lukas
c/o 2 West Main Street, Suite 110
Uniontown, PA 15401
Attorney: Ricardo J. Cicconi

DOLORES P. NELSON, late of Perryopolis, Fayette County, PA (2)

Executrix: Catherine A. Shandor
117 Francis Road
Perryopolis, PA 15473
Attorney: Colleen D. Bratkovich, Esq.

Zacharia & Brown P.C.
4500 Walnut Street
McKeesport, PA 15132

Executor: Benjamin J. Speggen
415 West 29th Street
Erie, PA 16508
Attorney: Nicholas J. Cook

First Publication

MARTIN C. BARRISH, late of Georges Township, Fayette County, PA (1)
Executrix: Deborah A. Hlebinsky
c/o John A. Kopas, III
556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

WILLIAM H. FOYLES, late of McClellandtown, Fayette County, PA (1)
Executrix: Cacilia A. Foyles
c/o 2 West Main Street, Suite 110
Uniontown, PA 15401
Attorney: Ricardo J. Cicconi

LINDA J. HOWARD, late of Connellsville, Fayette County, PA (1)
Personal Representative: Kelli A. Orndorff
Attorney: Charles W. Watson
Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425

HAZEL L. MCGUINNESS, late of Connellsville, Fayette County, PA (1)
Executrix: Colleen Kenney
720 Williams Avenue
Scottdale, PA 15683
Attorney: Margaret Zylka House

JILL D. REYNOLDS, late of Dunbar Township, Fayette County, PA (1)
Personal Representative:
Jeffrey M. Reynolds
Attorney: Charles W. Watson
Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425

JANET L. SPEGGEN, late of Masontown Borough, Fayette County, PA (1)

WALDEN DONATI, late of Uniontown, Fayette County, PA (1)
Executor: First National Trust Company
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

MILDRED M. KOPF, late of Connellsville, Fayette County, PA (1)
Personal Representative: Lauren Williams
Attorney: Charles W. Watson
Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425.

LEGAL NOTICES

TO: TERRY W. BANE, JR.:

A Complaint for Custody has been filed asking the Civil Court Division of the Court of Common Pleas of Fayette County, Pennsylvania, at No. 804 of 2015, to put an end to all rights you have to your child, Kaylee Helen Bane born in Uniontown Hospital, Uniontown on November 12, 2011. The court has set a Custody hearing Conference to consider whether you should have any custody rights to your child. That hearing will be held in the Child Custody Services Office, Fayette County Court House, Uniontown, Fayette County, Pennsylvania, Third Floor, on 20th of July, 2015 at 10:15 o'clock A.M. You are warned that even if you fail to appear at the scheduled Custody Conference/hearing, the Custody Conference/hearing will go on without you and your custody rights to your child may be ended by the Court without you being present. You have a right to be represented at the hearing by a lawyer. YOU SHOULD TAKE THIS NOTICE 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.

Pennsylvania Lawyer Referral Service
 Pennsylvania Bar Association
 100 South Street
 P.O. Box 186 Harrisburg, PA 17108
 Telephone: 1-800-692-7375

Susan Ritz Harper
 Attorney for Petitioner
 92 East Main Street, Suite 3
 Uniontown, PA 15401
 (724) 438-3808

property may be resold without further notice at the risk and expense of the person to whom it is struck off at this sale who in case of deficiency in the price bid at any resale will be required to make good the same. Should the bidder fail to comply with conditions of sale money deposited by him at the time the property is struck off shall be forfeited and applied to the cost and judgments. All payments must be made in cash or by certified check. The schedule of distribution will be filed the third Tuesday after date of sale. If no petition has been filed to set aside the sale within 10 days, the Sheriff will execute and acknowledge before the Prothonotary a deed to the property sold. (3)

FICTITIOUS NAME REGISTRATION

Gary D. Brownfield, Sr.
 Sheriff Of Fayette County

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on December 29, 2014, for Wooddale Auto Tag Store, located at 884 Pleasant Valley Road, Mt. Pleasant, PA 15666. The name and address of each individual interest in the business is Elizabeth D. Booher, 884 Pleasant Valley Road, Mt. Pleasant, PA 15666. This was filed in accordance with 54 Pa.C.S. 311.

No. 105 of 2014 GD
 No. 129 of 2015 ED

**United Midwest Savings Bank,
 Plaintiff,
 vs.
 Roy Yeagley and Kellie Yeagley,
 Defendants.**

ALL THAT RIGHT, TITLE, INTEREST AND CLAIMS OF ROY YEAGLEY AND KELLIE YEAGLEY, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE IN NORTH UNION TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED AT DBV 2953, PAGE 1393.

BEING KNOWN AS 136 BERNARD STREET, UNIONTOWN, PA 15401

TAX MAP NO. 25-31-0046 AND 25-23-0150

SHERIFF'S SALE

Date of Sale: August 13, 2015

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by Gary D. Brownfield, Sr., Sheriff of Fayette County, Pennsylvania on Thursday, August 13, 2015, at 10:30 a.m. in the Hallway outside the Sheriff's Office at the Fayette County Courthouse, Uniontown, Pennsylvania.

The terms of sale are as follows:

Ten percent of the purchase price, or a sufficient amount to pay all costs if the ten percent is not enough for that purpose. Same must be paid to the Sheriff at the time the property is struck off and the balance of the purchase money is due before twelve o'clock noon on the fourth day thereafter. Otherwise, the

KML Law Group, P.C.
 Suite 5000 - BNY Independence Center
 701 Market Street
 Philadelphia, PA 19106
 215-627-1322

No. 2183 of 2010 GD
 No. 153 of 2015 ED

PNC MORTGAGE, A DIVISION OF PNC BANK, NATIONAL ASSOCIATION, 3232 New Mark Drive Miamisburg, OH 45342

Plaintiff,

v.

MARTIN D. YURCHISON, Mortgagor(s) and Record Owner(s).

ALL THAT CERTAIN piece, parcel or tract of land situate in the Saltlick Township, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL #31-20-0068-07

PROPERTY ADDRESS: 300 Mohawk Drive Champion, PA 15622

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: MARTIN D. YURCHISON

Phelan Hallinan Diamond & Jones, LLP

No. 2472 of 2014 GD

No. 115 of 2015 ED

Wells Fargo Bank, NA, Plaintiff,

v.

Eleanor V. Zellie, Defendant(s).

Owner(s) of property situate in the BROWNSVILLE BOROUGH, Fayette County, Pennsylvania, being 515 Green Street, Brownsville, PA 15417-2107.

Parcel No.: 02-10-0269

Improvements thereon: RESIDENTIAL DWELLING

UDREN LAW OFFICES, P.C.
WOODCREST CORPORATE CENTER
111 WOODCREST ROAD, SUITE 200
CHERRY HILL, NJ 08003-3620
856-669-5400

No. 1770 of 2011 GD

No. 85 of 2015 ED

U.S. Bank N.A., as Trustee for the registered holders of Structured Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-SC1,

Plaintiff,

v.

ESTATE OF VIRGINIA ZETTY C/O HARRY ZETTY, PERSONAL REPRESENTATIVE, UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER VIRGINIA ZETTY, DECEASED

Defendant(s).

ALL THAT CERTAIN LOT OF LAND SITUATE IN SIXTH WARD OF THE BOROUGH OF BROWNSVILLE, FAYETTE COUNTY, PENNSYLVANIA:

BEING KNOWN AS 308 National Pike East, Brownsville, PA 15417

PARCEL NUMBER: 02-11-0061

IMPROVEMENTS: Residential Property

Registers' Notice

Notice by DONALD D. REDMAN, Register of Wills and
Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, August 3, 2015
at 9:30 A.M.

2614-0296	PAUL DORSEY	Paul T. Dorsey, Executor
2604-0052	LENORA DOWDELL	Barbara Donesec, Administratrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, August 17, 2015
at 9:30 A.M.

In Court Room No. 1 of the Honorable STEVE P. LESKINEN, or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

(1) DONALD D. REDMAN
Register of Wills and Ex-Officio Clerk of the Orphans' Court Division

NOTICE

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,
PENNSYLVANIA

IN RE: DIVERSIONARY PROGRAM FOR :
TRANSMISSION OF SEXUALLY EXPLICIT :
IMAGES BY MINORS; :
LOCAL RULE 301 : No. AD-1-2015

ORDER

AND NOW, this 15th day of May, 2015, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure, it is ordered that Local Rule 301, the Diversionary Program for Transmission of Sexually Explicit Images by Minors, is hereby adopted to read as attached hereto.

The Clerk of Courts is directed as follows:

- 1) One certified copy of the Local Rule 301 shall be filed with the Administrative Office of Pennsylvania Courts.
- 2) Two certified copies and diskette of the Local Rule 301 shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
- 3) One certified copy shall be sent to the Fayette County Law Library and to the Editor of the Fayette Legal Journal.

The District Court Administrator shall publish a copy of Local Rule 301 on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>. Local Rule 301, the Diversionary Program for Transmission of Sexually Explicit Images by Minors, shall be effective thirty (30) days after the date of publication in the Pennsylvania Bulletin.

BY THE COURT:
John F. Wagner, Jr., President Judge

ATTEST:
Janice Snyder, Clerk of Courts

RULE 301
DIVERSIONARY PROGRAM FOR TRANSMISSION OF
SEXUALLY EXPLICIT IMAGES BY MINORS

The Court hereby recognizes the Fayette County Diversionary Program for Transmission of Sexually Explicit Images by Minors as a dispositional alternative for the summary offense enumerated at 18 Pa.C.S.A. §6321(a) and as authorized by 18 Pa.C.S.A. §6321(f) and Pennsylvania Rule of Criminal Procedure Rule 300.

The conditions and parameters of this program shall be governed by the Crime Victims' Center of Fayette County and must include an educational training session of not less than two hours regarding the legal and nonlegal consequences of sharing sexually explicit images. Diversion into the program may only be authorized by a magisterial district judge or other judicial authority with jurisdiction over the violation.

All costs and administrative expenses associated with the diversionary program shall be the responsibility of the defendant. If the defendant successfully completes the diversionary program, the defendant's records of the charge of violating 18 Pa.C.S.A. §6321(a) shall be expunged.

NOTICE

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,
PENNSYLVANIA

IN RE: CONTINUANCES

:

LOCAL RULE 106

:

No. AD-2-2015

ORDER

AND NOW, this 15th day of May, 2015, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure, it is ordered that Local Rule 301 be renumbered to Local Rule 106 and amended to read as attached hereto.

The Clerk of Courts is directed as follows:

- 1) One certified copy of the Local Rule 106 shall be filed with the Administrative Office of Pennsylvania Courts.
- 2) Two certified copies and diskette of the Local Rule 106 shall be distributed to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
- 3) One certified copy shall be sent to the Fayette County Law Library and to the Editor of the Fayette Legal Journal.

The District Court Administrator shall publish a copy of Local Rule 106 on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>. Local Rule 106 shall be effective thirty (30) days after the date of publication in the Pennsylvania Bulletin.

BY THE COURT:

John F. Wagner, Jr., President Judge

ATTEST:

Janice Snyder, Clerk of Courts

RULE 106
CONTINUANCES

(a) The Court may, in the interest of justice, grant a continuance, on its own motion, or on the motion of either party. The Court shall on the record identify the moving party and state for the record the Court's reasons justifying the granting or denial of the continuance.

(b) A motion for continuance of trial made on behalf of the defendant shall be made to the assigned Plea Judge no later than forty-eight hours before the time set for trial. A later motion shall be entertained only when the opportunity therefore did not previously exist, or the defendant was not aware of the grounds for the motion, or the interests of justice require it.

(c) A request for continuance on the grounds that an attorney of record is unavailable may only be entertained when that attorney has an engagement in Federal Court, in Pennsylvania Appellate Court, a previously scheduled Common Pleas Court hearing, an illness, or by some special or unexpected circumstance rendering the attorney's absence practically involuntary. When two or more attorneys are of record for the same party, the absence of one of them shall not be deemed grounds for a continuance or for passing the case, except for reasons satisfactory to the court.

(d) Except for cause shown as stated in the motion, a motion for continuance shall comply with the following requirements:

(1) The motion shall be signed by the moving party and counsel for the moving party; and

(2) The motion shall be consented to and signed by all counsel, and unrepresented parties of record, or it must be presented as a Priority Motion (in accordance with Fayette County Rule 575); and

(3) If the motion is made necessary by a pre-existing hearing commitment, a copy of the order setting such hearing shall be attached to the motion, and the motion for continuance must be presented as soon as possible after the conflict is established, and in no event more than two weeks after the mailing of notice of the hearing that is proposed to be continued; and

(4) Counsel must obtain from the Court at least three dates available to all parties and all counsel for the continued hearing. Alternately, each counsel may provide a list of the dates counsel or counsel's client is unavailable during the three-month period following the date the motion for continuance is presented.

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,
 PENNSYLVANIA
 CRIMINAL ACTION

COMMONWEALTH OF :
 PENNSYLVANIA, :
 v. :
 ANDREW T. HUSTOSKY, :
 Defendant. : Case No. 316 of 2014

ATTORNEYS AND LAW FIRMS:

Anthony Iannamorelli, Esquire, and Phyllis Jin, Esquire,
Assistant District Attorneys, For the Commonwealth
 Michael Garofalo, Esquire, and Robert Harper, Esquire
Assistant Public Defenders, For the Defendant

OPINION AND ORDER

GEORGE, J.

November 25, 2014

This case is presently before the Court on a Petition requesting that the criminal charges filed against the Minor Defendant be transferred to the Juvenile Division pursuant to 42 Pa.C.S.A. § 6322. Upon and after consideration of the request and after hearing thereon, the Court will deny the Motion.

FACTS

On January 3rd, 2014, the defendant was charged with the offense of Criminal Homicide {1} and Recklessly Endangering Another Person {2}.

The record reveals that on or about January 2nd, 2014 at approximately 6:00 o'clock p.m., Rachel Lynn Nixon, Robert Taylor, William Little and the defendant were all present at 231 Hustosky Road in Dunbar Township, Fayette County. The defendant took a .22 Caliber Ruger Pistol that was lying on the coffee table, pointed the firearm at the head of William Little and pulled the trigger. The bullet struck the right side of the head of William Little and caused his death.

The defendant was seventeen (17) years old at the time of the commission of the crime having been born on September 3rd, 1996. The defendant was charged as an adult since the acts committed were excluded from delinquent acts under 42 Pa.C.S.A. § 6302.

DISCUSSION

The Juvenile Act, 42 Pa.C.S.A. § 6301 et seq., is designed to effectuate the protection of the public by providing children who commit “delinquent acts” with supervision, rehabilitation, and care while promoting responsibility and the ability to become a productive member of the community. 42 Pa.C.S.A. § 6301(b)(2). The

1 18 Pa.C.S.A. § 2501
 2 18 Pa.C.S.A. § 2705

Juvenile Act defines a “child” as a person who is under eighteen years of age. 42 Pa.C.S.A. § 6302. Typically, most crimes involving juveniles are tried in the juvenile

Our legislature, however, has deemed some crimes so heinous that they are excluded from the definition of “a delinquent act.” Pursuant to 42 Pa.C.S.A. § 6322(a) and § 6355(e), when a juvenile is charged with a crime, including murder or any of the other offenses excluded from the definition of “delinquent act” in 42 Pa.C.S.A. § 6302, the criminal division of the Court of Common Pleas is vested with jurisdiction. See 42 Pa.C.S.A. § 6302 (stating that a “delinquent act” shall not include the crime of murder); *Commonwealth v. Ramos*, 920 A.2d 1253, 1258 (Pa.Super.2007).

When a case involving a juvenile goes directly to the criminal division, the juvenile can request treatment within the juvenile system through a transfer process called “decertification.” *Commonwealth v. Sanders*, 814 A.2d 1248, 1250 (Pa.Super.2003). To obtain decertification, it is the juvenile’s burden to prove, by a preponderance of the evidence, that transfer to the juvenile court system best serves the public interest. 42 Pa.C.S.A. § 6322(a); *Commonwealth v. Smith*, 950 A.2d 327, 328 (Pa.Super.2008).

Pursuant to § 6322(a), the decertification court shall consider the factors contained in § 6355(a)(4)(iii) in determining whether the child has established that the transfer will serve the public interest. These factors are as follows:

- A. the impact of the offense on the victim or victims;
 - B. the impact of the offense on the community;
 - C. the threat to the safety of the public or any individual posed by the child;
 - D. the nature and circumstances of the offense allegedly committed by the child;
 - E. the degree of the child’s culpability;
 - F. the adequacy and duration of dispositional alternatives available under this chapter and in the adult criminal justice system; and
 - G. whether the child is amenable to treatment, supervision or rehabilitation as a juvenile by considering the following factors:
 - I. age;
 - II. mental capacity;
 - III. maturity;
 - IV. the degree of criminal sophistication exhibited by the child;
 - V. previous records, if any;
 - VI. the nature and extent of any prior delinquent history, including the success or failure of any previous attempts by the juvenile court to rehabilitate the child;
 - VII. whether the child can be rehabilitated prior to the expiration of the juvenile court jurisdiction;
 - VIII. probation or institutional reports, if any;
 - IX. any other relevant factors;
- 42 Pa.C.S.A. § 6355(a)(4)(iii).

While the Juvenile Act requires that a decertification court consider all of these factors, it is silent as to the weight assessed to each by the court. *Sanders*, 814 A.2d at 1251. However, “[w]hen a juvenile seeks to have his case transferred from the criminal division to the juvenile division, he must show that he is in need of and amenable to

treatment, supervision or rehabilitation in the juvenile system.” *Commonwealth v. Johnson*, 542 Pa. 568, 669 A.2d 315, 320-321 (1995). “If the evidence presented fails to establish that the youth would benefit from the special features and programs of the juvenile system and there is no special reason for sparing the youth from adult prosecution, the petition must be denied and jurisdiction remains with the criminal division.” *Id.*

Both the defendant and the Commonwealth presented expert testimony on the issue of whether the defendant is amenable to treatment, supervision or rehabilitation as a juvenile. The defendant provided testimony from Randolph Alan Matuscak, an expert in the field of forensic social work. Through his evaluation he notes that “this incident has been a life changing, tragic event impacting the victim, his family, Andrew, his family, as well as community members familiar with all parties involved.” He also notes that it is his professional opinion as a social worker that the defendant should be transferred to the juvenile system.

The Commonwealth provided expert testimony from Dr. Bruce A. Wright, M.D. who was qualified as an expert in the field of psychiatry. Dr. Wright indicated that his ability to form an opinion regarding amenability to treatment and rehabilitation was limited by the defendant’s decision not to discuss the instant offense. Therefore, he was unable to specifically address whether the defendant has the insight, motivation and initiative to actively participate in and benefit from treatment and rehabilitative efforts. However he notes several factors that would potentially make the defendant more amenable to treatment and rehabilitation in his report.

Both experts provided the Court with guidance on the likelihood of whether or not the defendant is amenable to treatment as a juvenile within the less than three years available until the defendant’s twenty-first birthday. {3}

However, as previously noted in *Sanders*, that is only one of the factors which the Court must consider in determining whether the transfer will serve the public interest. The Court has considered each of the factors listed in 42 Pa.C.S.A. § 6355(a), most of which weigh heavily in favor of denying the request to transfer to the juvenile division.

The offense with which the defendant is charged is the most serious offense imaginable. The defendant pointed a loaded firearm at the head of William Little, age twenty-two (22). The defendant then discharged the weapon with the projectile striking Mr. Little in the head. The impact on Mr. Little is clear; he was simply shot to death, without warning, in a cruel and senseless manner. The defendant was solely culpable in causing the death of another human being.

Anyone who is capable of placing a firearm to the head of another individual and pulling the trigger poses a severe threat to the safety of the public. These acts display such an extreme indifference to the value of human life that the threat to the safety of the public or any other individual posed by the defendant and the impact of such an offense on the community are of such magnitude that there can be no special reasons for sparing the defendant from adult prosecution.

³ We note the juvenile court’s jurisdiction ends when the juvenile turns twenty-one years old. See *Commonwealth vs. Ruffin* 10 A.3d 336 (Pa.Super. 2010).

Therefore, in weighing all of the relevant factors, including but not limited to: 1) the impact of this offense on the victim in causing his death; 2) the impact of the offense on the community; 3) the threat to the safety of the public posed by the defendant; 4) the sole culpability of the defendant in the commission of this crime; 5) the nature and circumstances of this offense which demonstrate that the defendant committed a horrendous act and that his actions displayed a complete lack of respect for the value of human life; and 6) the defendant’s age and there remaining less than three years for the defendant to be treated within the juvenile system^{4}, and concludes that these factors vastly outweigh the evidence presented by the defendant and require the Court to deny his petition. See Commonwealth vs. Thomas, 67 A.3d 838 (2013).

In conclusion, it is the finding of this Court based upon the consideration of all of the evidence introduced at the transfer hearing that the defendant has failed to establish by a preponderance of the evidence that the transfer of this case to the juvenile court will serve the public interest. The request to transfer from the criminal division to the juvenile division must, therefore, be denied.

Wherefore we will enter the following Order:

⁴ See Commonwealth vs. Reed 645 A.2d 872 (1994) wherein the Superior Court held that the trial court did not abuse its discretion in refusing to transfer murder charge against juvenile despite evidence supporting the motion to transfer, given the fact that the defendant was eighteen and one-half years old at the time of transfer hearing, allowing only two and one-half years of juvenile division jurisdiction within which to complete rehabilitation.

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,
PENNSYLVANIA
CRIMINAL ACTION

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
v.	:	
ANDREW T. HUSTOSKY,	:	
Defendant.	:	Case No. 316 of 2014

ORDER

AND NOW, this 25th day of November, 2014, upon consideration of the Defendant’s Request to Transfer and after hearing thereon, it is hereby ORDERED that the Request to Transfer the Defendant’s case to the Juvenile Division of the Court of Common Pleas is hereby DENIED.

The District Attorney is DIRECTED to list this matter for trial.

BY THE COURT:
JOSEPH M. GEORGE, JR., JUDGE

ATTEST:
CLERK OF COURTS

SAVE THE DATE

**Fayette County Bar Association Bench Bar Conference
Thursday, August 20, 2015
Nemacolin Woodlands**

Join your colleagues and the Judges of the Fayette County Court of Common Pleas for the annual Bench Bar Conference on Thursday, August 20, 2015, at Nemacolin Woodlands. Registration invitation to follow.

“Tentative” Schedule

- 11:00 a.m. - Attorney Registration & Vendor Hour
- 12:00 p.m. - Lunch
- 1:00 p.m. - Continuing Legal Education
“Incorporating Digital Forensics in Legal Practice”
- 4:15 p.m. - Cocktail Hour

**Incorporating Digital Forensics in Legal Practice
Presented by PATCtech**

This introductory course is designed to introduce civil and criminal law practitioners to the use of digital forensic methodology in legal practice. Electronic devices generate vast amounts of forensic data that can be used in many aspects of legal practice. These devices, particularly mobile devices, are constantly generating data about you, your location, your activities and your preferences. Our course presenters will draw on years of digital forensic and law enforcement experience to illustrate the role these types of evidence can play in different types of cases, including criminal law, civil litigation, family law, and other practice areas. You will learn about the many different sources and types of electronic information and how this data is collected and preserved, with a focus on mobile devices and cellular records. You will also learn about the security implications your own use of electronic devices may have on your practice.

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