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No. 15

Public Notices

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Opinion

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Jennifer Wentzel, Esq., Editor**

DECEDENTS' ESTATES

NOTICE IS HEREBY GIVEN that Letters Testamentary or of Administration have been granted in the following estates. All persons indebted to the said estate are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

FIRST PUBLICATION

ESTATE OF BETTY L. BRESSLER, late of the City of Lebanon, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executors.

Judy Ann Wengert, Executor
John D. Trout, Executor

c/o Reilly Wolfson Law Office
1601 Cornwall Road
Lebanon, PA 17042

ESTATE OF ALBERT B. BUBB, late of Annville, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executor.

Rebecca E. Bay, Executor
c/o David C. Miller, Jr., Esq.
1846 Bonnie Blue Lane
Middletown PA 17057
717-939-9806
Email: DavidCMillerJr@verizon.net

ESTATE OF EMMA E. FULMER, late of South Lebanon Township, Lebanon County, Pennsylvania, deceased. Letters Testamentary have been granted to the undersigned Executrix.

Cynthia F. White, Executrix
778 Fox Ridge Lane
Lebanon, PA 17042

Edward J. Coyle, Esquire
Buzgon Davis Law Offices
P.O. Box 49
525 South Eighth Street
Lebanon, PA 17042

ESTATE OF JAMES F. MAHONEY, late of North Londonderry Township, Lebanon County, PA, deceased. Letters testamentary on the last will and testament of said decedent having been granted to the undersigned, all persons indebted thereto are requested to make immediate payment, and those having claims or demands against the same, will present them without delay for settlement to the undersigned.

Kieca M. Mahoney, Executrix
731 Taylor St NW
Washington DC 20011

SECOND PUBLICATION

ESTATE OF PATRICIA M. ARMS, late of Union Township, Lebanon County, Pennsylvania, deceased. Letters of Administration have been granted to the undersigned Administrator.

L. David Arms, Administrator
102 Ray Street
Williamstown, PA 17098

David R. Warner, Esquire
Buzgon Davis Law Offices
P.O. Box 49
525 South Eighth Street
Lebanon, PA 17042

ESTATE OF PAUL HENRY BISHOP a/k/a Paul Bishop, late of Lebanon City, Lebanon County, Pennsylvania, deceased. Letters of Administration have been granted to the undersigned Administratrix.

Tracy Koppenhaver, Administratrix
307 Park Avenue
Lebanon, PA 17042

Edward J. Coyle, Esquire
Buzgon Davis Law Offices
P.O. Box 49
525 South Eighth Street
Lebanon, PA 17042

ESTATE OF SHIRLEY A. DIPILLO, later of the Borough of Annville, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executor.

Russell K. Brown, Jr., Executor
3109 Pricetown Road
Temple PA 19560

Or his attorney:
Matthew H. Doll, Esq.
Boyd & Karver, P.C.
7 East Philadelphia Ave.
Boyertown PA 19512

ESTATE OF GLADYS M. HOCKLEY a/k/a Gladys Mae Hockley a/k/a Gladys May Hockley, late of North Lebanon Township, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executrix.

Susan M. Swetland, Executrix
c/o Patrick M. Reb, Esq.
547 South Tenth Street
Lebanon PA 17042
717-274-6620

ESTATE OF LORRY J. KREISER, late of the City of Lebanon, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executrix.

Megan M. Marshall, Executrix

Attorney for Estate:
Horace M. Ehrgood, Esquire
410 Chestnut Street
Lebanon, PA 17042

ESTATE OF EDWARD MORRIS, JR., late of the North Lebanon Township, Lebanon County, PA 17046, deceased. Letters of Administration have been granted to the undersigned Administrator.

Candace S. Morris, Administrator

Attorney for Estate:
Horace M. Ehrgood, Esquire
410 Chestnut Street
Lebanon, PA 17042

ESTATE OF IDA O. MUSSER, late of Heidelberg Township, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executors.

Stephen L. Martin, Executor
Darla J. Sensenig, Executor
c/o Michael P. Kane, Esq.
700 North Duke St.
P.O. Box 4686
Lancaster PA 17604-4686
Attorneys: Morgan, Hallgren, Crosswell
& Kane P.C.

ESTATE OF ARLENE K. SHEFFEY, late of the Borough of Cleona, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executrix.

Gwendolyn S. Sattazahn, Executrix

Attorney for Estate:
Horace M. Ehrgood, Esquire
410 Chestnut Street
Lebanon, PA 17042

ESTATE OF GRACE M. TOM, late of Cornwall Borough, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executors.

Jonathan C.W. Tom, Executor
Stephen C.M. Tom, Executor
c/o Reilly Wolfson Law Office
1601 Cornwall Road
Lebanon, PA 17042

THIRD PUBLICATION

ESTATE OF PAUL E. GINGRICH, late of Annville Township, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executrix.

Julie L. Ditmer, Executrix
141 School House Road
Palmyra PA 17078

ESTATE OF MAURICE J.A. MARKWORTH, late of North Londonderry Township, Lebanon County, PA, deceased. Letters Testamentary have been granted to the undersigned Executor.

Robert A. Markworth, Executor
505 Aurora Hills Drive
Eules TX 76039

Or to

James H. Turner, Esquire
Turner and O'Connell
4701 North Front Street
Harrisburg PA 17110

ESTATE OF W. ANN PORTER,
a/k/a Winifred Ann Porter, late of the
Township of Jackson, County of Lebanon
and Commonwealth of Pennsylvania,
deceased, have been granted to the
undersigned Executors.

Pamela A. Bell, Executor
680 Shirksville Road
Jonestown, PA 17038

Timothy R. Porter, Executor
510 Hill Road
Robesonia, PA 19551

William H. Sturm, Jr., Esquire
Steiner & Sandoe, Attorneys

ESTATE OF ROY R. RUDY, late of
Bethel Township, Lebanon County, PA,
deceased. Letters Testamentary have been
granted to the undersigned Executrix.

Diana L. Smith, Executrix
c/o Zimmerman Law Office
466 Jonestown Road
Jonestown PA 17038

Caleb J. Zimmerman, Attorney for the
Estate

ESTATE OF DORIS MAY SCHOENER
a/k/a Doris M. Schoener, late of North
Cornwall Township, Lebanon County, PA,
deceased. Letters testamentary on the last
will and testament of said decedent have
been granted to the undersigned Executrix.

Kelly Lane Riegel, Executrix
PO Box 278, Mohrsville, PA 19541

Richard L. Geschwindt, Esq.
Attorney

**ESTATE OF ROBERT A.
SPONHOWER, JR.,** late of the City of
Lebanon, Lebanon County, PA, deceased.
Letters Testamentary have been granted to
the undersigned Executor.

Cynthia A. Leahy, Executor
415 Beagle Road
Myerstown, PA 17067
Frederick S. Long, Attorney

**REGISTRATION OF FICTITIOUS
NAME**

NOTICE IS HEREBY given a certificate was filed under the PA Fictitious Names Act approved May 24, 1945, in the Office of the Secretary of the Commonwealth of Pennsylvania setting forth that **Supplements from Nature LLC, Healthy Supplements LLC, Healthy Hemp LLC and Healthy Hemp Solutions LLC** are the only persons owning or interested in a business, the character of which is Management of administration and sales of the companies owned by Amanda N. Witters and that the name, under which said business will be conducted is HH Group Management Company and the business will be located at 256 N. Lincoln Ave., Ste #100, Lebanon, PA 17046-3975.

**NOTICE OF ADMINISTRATIVE
SUSPENSION**

NOTICE IS HEREBY GIVEN that **Michael Hatfield** of Lebanon County has been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated September 26, 2017, pursuant to Rule 219, Pa.R.D.E., which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$225.00. The Order became effective October 26, 2017.

COMMONWEALTH OF PA V. BRANDON R. HOLBROOK

NO. CP-38-CR-0002100-2014

Criminal Action-Law-Sentencing Alternatives-Work Release-Eligibility-Authority of Court-Authority of Correctional Institution

Defendant, who has a history of multiple convictions of indecent exposure, most recently was re-sentenced on a violation of probation to five (5) months to one (1) year' imprisonment with the Court's re-sentencing Order indicating that the claimant was eligible for the work release program. Officials at the Lebanon County Correctional Facility rejected Defendant's request for work release due to the nature of Defendant's prior record and the fact that the claimant's prospective employer was located outside of Lebanon County. Defendant filed a Motion to Compel Work Release on the basis that the Court's re-sentencing Order made him eligible for the work release program.

1. Title 42 Pa.C.S. § 9755 authorizes the Court to impose a sentence of partial confinement and to grant a defendant the privilege of leaving the institution during necessary and reasonable hours for work at his employment.
2. Title 42 Pa.C.S. § 9813(c) provides that county jail officials may detain and may recommit the offender or may preclude the offender from leaving the county jail if the offender violates the conditions set by the jail officials or the Court or if allowing the offender to leave the county jail poses a risk to the safety or the orderly and safe management of the jail.
3. Due to the risks inherent in the release of any inmate from prison, work release is a privilege that should be enjoyed by an inmate only when both the prison and the Court approve. If either the Court or the Prison Warden rejects an inmate's request for work release, that inmate will not be permitted to leave the confines of the prison.

L.C.C.C.P. No. CP-38-CR-0002100-2014, Opinion by Bradford H. Charles, Judge, October 5, 2017.

District Attorney of Lebanon County for the Commonwealth of Pennsylvania

Frank C. Sluzis, Esquire, for Brandon R. Holbrook

COMMONWEALTH OF PA V. BRANDON R. HOLBROOK

NO. CP-38-CR-0002100-2014

IN THE COURT OF COMMON PLEAS OF LEBANON COUNTY

PENNSYLVANIA

CRIMINAL NO. CP-38-CR-2100-2014

COMMONWEALTH OF PENNSYLVANIA

VS

BRANDON R. HOLBROOK

ORDER OF COURT

AND NOW, this 5th day of October, 2017, upon consideration of the Motion of the DEFENDANT to Compel Work Release and in accordance with the attached Opinion, said Motion is DENIED.

BY THE COURT:

BRADFORD H. CHARLES, J.

APPEARANCES:

District Attorney of Lebanon County For Commonwealth

Frank C. Sluzis, Esquire

For Defendant

COMMONWEALTH OF PA V. BRANDON R. HOLBROOK

NO. CP-38-CR-0002100-2014

OPINION BY CHARLES, J., October 5, 2017

Who is authorized to make a final decision regarding an inmate's request for work release? Is it the Court, or is it the Warden? Legal authority exists for both possibilities. However, we believe the best approach is a collaborative one. Because work release by definition enables a sentenced prisoner to temporarily leave the physical structure of a prison, and because we believe that innocent citizens could be adversely affected by a work release inmate with nefarious impulses, we conclude that it must be closely evaluated by both the Court and the Prison Warden. Because of this, we hold today that if either the Court or the Prison Warden rejects an inmate's request for work release, that inmate should not be permitted to leave the confines of the prison.

I. FACTS

Brandon R. Holbrook (hereafter DEFENDANT) is forty-one (41) years of age. He holds a Bachelor of Science degree in biology from Shippensburg University and served with distinction in Afghanistan as a member of the United States Marine Corps. Until relatively recently, he worked as a truck driver and supported his wife and three children.

Unfortunately, Mr. Holbrook suffers from a compulsion to expose his genitalia in public places. He was convicted in 1998, 2005, 2013 and 2014 for the crime of indecent exposure. For each of these convictions, the Court responded with probation and counseling.¹

On April 2, 2014, police responded to the report of a male who was touching his penis in the girls' clothing section of the Wal-Mart store in Palmyra. Police were summoned. Video from the Wal-Mart surveillance system was accessed. Eventually, police determined that the gentleman who exposed himself in Wal-Mart was the DEFENDANT. He was arrested and charged.

The DEFENDANT entered into a plea agreement with the Commonwealth that called for probation and house arrest. On April 22, 2015, we accepted this plea agreement and afforded the DEFENDANT with a sentence of 23 months probation. The first four of these months was to be spent on house arrest.

Unfortunately, the DEFENDANT exposed himself again in a library located in Lancaster County. New charges were proffered against him. Because the DEFENDANT

¹ The DEFENDANT's crimes occurred both in Lebanon County and Dauphin County. The responses of both counties to the DEFENDANT's conduct were similar.

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wanted time to fight his charges in Lancaster, we continued his Probation Violation by an Order dated April 19, 2017. On July 26, 2017, the DEFENDANT acknowledged his violation and we re-incarcerated him for a period of 5 months to 1 year. At the time of this sentence, we made the DEFENDANT “eligible” for the work release program.

The DEFENDANT submitted an application to the Lebanon County Prison for the work release program. He provided proof that he would be able to return to work at Espenshade Farms as a truck loader. His scheduled hours of employment would be 12 noon to 10pm, Sunday through Thursday. The DEFENDANT submitted a request for this employment to the Lebanon County Prison. Because of the nature of the DEFENDANT’s record and charges, and because Espenshade Farms is not located in Lebanon County, prison officials rejected the DEFENDANT for the work release program.

On September 1, 2017, the DEFENDANT filed a Motion to Compel Work Release. We scheduled a hearing on this Motion for September 27, 2017. At that hearing, Warden Robert Karnes testified. The DEFENDANT’s attorney presented argument and legal precedent outlining why his client should be granted work release. The District Attorney’s Office sided with the Warden. We indicated to both sides that we would review everything presented and would render an Opinion in writing. We are doing so today.

II DISCUSSION

Several Pennsylvania statutes govern the work release program. §9755 of the Sentencing Code authorizes a Court to impose a sentence of “partial confinement”. This statute permits a Court to “grant the defendant the privilege of leaving the institution during necessary and reasonable hours for...to work at his employment...”. 42 Pa. C.S.A. §9755(c). The Judiciary Code also contains a specific statute that addresses work release. §9813 reaffirms the authority of the Court to make an offender “eligible to leave the jail” for work release. This statute creates a process by which crime victims and the District Attorney’s Office can be notified to any final decision on work release. The statute also contains this provision:

“The county jail officials may detain and recommit the offender or preclude the offender from leaving the county jail if the offender violates the conditions set by the jail officials or the Court, or if allowing the offender to leave the county jail poses a risk to community

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safety or the orderly and safe management of the jail.” 42 Pa. C.S.A. §9813(c) ²

Work release programs accomplish many public policy goals. Work release promotes the concepts of employment and hard work, which are valuable rehabilitative tools. Work release enables an inmate to earn money to support his/her children, which mitigates the harm caused by incarceration of a parent. Work release disciplines an inmate to adhere to a work schedule, which is something many inmates seem unable to do while living in the community. Work release also helps the taxpayers, as work release inmates contribute monetarily toward the cost of their own incarceration.

As laudable as the above public policy goals are, we must acknowledge that work release is not for every inmate. By definition, inmates are incarcerated for a reason. They have broken criminal laws designed to protect society. Some of these inmates have broken multiple laws at multiple times. Some would like nothing more than to violate even more laws in the future. Society must be protected from those who would do it harm. There are certainly inmates who should not be released into the midst of society via a program such as work release.

Discerning the difference between inmates who are a good risk for a program like work release and those who are not is not always easy. Whenever a difficult decision is faced, it is almost always preferable to have checks and balances to protect against a mistake. In the case of work release, a template exists that can minimize the possibility of a mistake. That template requires dual approval as a predicate to placement on the work release program.

Prior to sentencing, judges receive a Pre-Sentence Investigation report outlining the defendant’s employment, family and drug/alcohol abuse history. In every case, we receive an Affidavit of Probable Cause that summarizes the criminal conduct of the defendant. In many cases, we also receive letters from friends and family that describe a defendant’s character. When the day of sentencing occurs, we confront defendants face-to-face and

² The DEFENDANT cites several other regulations that are found in Title 37 of the Pa. Code. He indicates that the Lebanon County Prison policy does not comply in all respects with §94.3 through §94.6 of Title 37. However, the DEFENDANT overlooks that these sections are found in sub-part B of Title 37, which relates to the “Department of Corrections”. Moreover, simply reviewing §94.3 through §94.6 clearly reveals that those sections are intended to address inmates in a State Correctional Facility. For example, §94.3 refers to the “Department of Corrections Inmate Handbook”, §94.6 refers to the “Corrections Classification Program Manager” and the “Deputy Superintendent” who are individuals employed by the State Bureau of Corrections and not by county prisons. We reject the DEFENDANT’s claim that all of the proposed pre-release program requirements set forth in §94.2 through §94.6 of Title 37 apply in this case.

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we hear recommendations from victims and prosecutors. From all of the above, we gain insight as to whether the defendant would be a “good risk” for the work release program.

When an inmate arrives at the Lebanon County Correctional Facility, he/she undergoes an intake process that includes an interview with staff. While the inmate is incarcerated, he/she is observed by Correctional Officers and staff. When an inmate desires work release, information is presented to the prison with respect to how and where the defendant would be employed. From this process, the prison staff also gain insight with respect to whether the defendant should or should not be afforded the opportunity for work release.

In some respects, the information possessed by the Court and the prison overlaps. In other respects, it does not. Without question, judges possess information that prison officials do not possess, and vice versa.

Because of the risks inherent in the release of any inmate from prison, we conclude that work release is a privilege that should be enjoyed by an inmate ONLY when both the prison and the Court approve. By requiring the dual approval of both the Court and the prison, we ensure that if a “red flag” is known only to the Court or to the prison, that “red flag” will be duly noted and considered when assessing a defendant’s suitability for work release.

In this case, the Court declared the DEFENDANT eligible for work release. When the DEFENDANT applied for the work release program, the prison determined that he was not an appropriate candidate. Under the dual approval process that we have adopted, approval by only one of the two evaluative entities is not enough. Accordingly, the DEFENDANT’s Request for Placement on Work Release should be denied. An Order to accomplish this result will be entered today’s date.