



SINCE 1792

# LANCASTER BAR ASSOCIATION

## Lancaster Law Review

The Official Legal Periodical of Lancaster County

Vol. 95

LANCASTER, PA DECEMBER 10, 2021

No. 50

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# LANCASTER LAW REVIEW

(USPS 304-080)

The Official Legal Periodical of Lancaster County –  
Reporting the Decisions of the Courts of Lancaster County

OWNED AND PUBLISHED WEEKLY BY

LANCASTER BAR ASSOCIATION

2021

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LANCASTER BAR ASSOCIATION  
CALENDAR OF EVENTS

**December Events**

December 16, 2021

**Retirement Reception**

LBA Headquarters

**Lancaster Law Review – 2021 Holiday Early Deadline Schedule**

*Submissions must be received by the dates and times below in order to publish in the follow issues:*

December 24 Publication – must be received by Wednesday, December 15 at 4:00pm

There will **not** be an early deadline for the December 31 Publication.

**Mediation and ADR Solutions**

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**Senior Assistant Public Defender Manager** - Lancaster County Office of the Public Defender has an employment opportunity for a Senior Assistant Public Defender Manager. Interested candidates should complete the application online through the Lancaster County Human Resources department website at: <https://co.lancaster.pa.us/1144/Employment-Opportunities> The job posting will close on December 18, 2021.

**Assistant County Solicitor –Children and Youth** - County of Lancaster, Pennsylvania- This position will provide and/or supervise a full range of legal services relating to the Child Protective Services Law. This position requires a JD degree. For a detailed job description and application, refer to [www.co.lancaster.pa.us](http://www.co.lancaster.pa.us)

**Assistant Public Defender I** - Lancaster County Office of the Public Defender has an employment opportunity for an Assistant Public Defender I. Interested candidates should complete the application online through the Lancaster County Human Resources department website at: <https://co.lancaster.pa.us/1144/Employment-Opportunities> The job posting will close on December 17, 2021.

**Conflict Counsel** - The Berks County Court of Common Pleas is accepting applications for an attorney to serve as Conflict Counsel in the Criminal Court. Applicants must have criminal law experience. Preference to Rule 801 qualified applicants. Send resume to: Judge M. Theresa Johnson, Berks County Courthouse, 8th Floor, 633 Court Street, Reading, PA 19601.

**Associate Position** - Casualty Litigation Department - 1-2 years' experience Post & Schell's Casualty Litigation Department is currently seeking an attorney with 1-2 years' of litigation experience, preferably civil but criminal is also a plus, for the Firm's Lancaster Office. Top-notch academic background as well as excellent written and oral advocacy skills required. Must be licensed to practice in Pennsylvania. Competitive salary and full benefits.

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**Legal Assistant** - Lancaster litigation law firm seeks experienced legal assistant for busy law practice representing prominent businesses. Must be very polished with excellent computer skills and ability to multi-task, work under frequent deadlines, maintain attorney's schedules and deadlines, timekeeping, scheduling meetings/calls. Lancaster County residence. 8:30 - 5pm. Resumes should be sent to [lawreview@lanasterbar.org](mailto:lawreview@lanasterbar.org)

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**CRIMINAL COURT****ARD Hearings**

Individual cases to be scheduled by the District Attorney.

Jan. 26	Feb. 23	Mar. 23	Apr. 27
May 25	Jun. 22	Jul. 27	Aug. 24
Sept. 28	Oct. 26	Nov. 30	Dec. 28

**Arraignment Court—Courtroom A**

Jan. 8, 22	Feb. 12, 26	Mar. 12, 26
Apr. 9, 23	May 14, 28	Jun. 11, 25
Jul. 9, 23	Aug. 13, 27	Sept. 10, 24
Oct. 8, 22	Nov. 12, 24	Dec. 10, 22

**DUI Court—Courtroom A**

Jan. 14, 28	Feb. 11, 25	Mar. 11, 25
Apr. 8, 22	May 6, 20	Jun. 3, 17
Jul. 1, 15, 29	Aug. 12, 26	Sept. 9, 23
Oct. 7, 21	Nov. 4, 18	Dec. 2, 16, 30

**DV Court—Courtroom A**

Jan. 7, 21	Feb. 4, 18	Mar. 4, 18
Apr. 1, 15, 29	May 13, 27	Jun. 10, 24
Jul. 8, 22	Aug. 5, 19	Sept. 2, 16, 30
Oct. 14, 28	Nov. 10, 24	Dec. 9, 23

**Bench Warrant Hearings**

Mondays, Wednesdays and Fridays at 1:30 P.M.

**Drug Court—Tuesdays at 1:30 P.M.****Fines and Costs**

Dates to be selected by the District Court Administration Office and individual cases to be scheduled by Adult Probation.

**Guilty Pleas**

Dates to be selected by the District Court Administration Office and individual cases to be scheduled by the District Attorney.

**Mental Health Court—Wednesdays at 1:30 P.M.**

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*Court of Common Pleas of Lancaster County*  
**Criminal**

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**Commonwealth v. Wueschinski**

**Ineffective Assistance of Counsel — Validity of Guilty Plea — Negotiated Guilty Plea.**

Where petitioner enters plea, post-conviction relief for ineffective assistance of counsel available only if petitioner pleads and proves by preponderance of the evidence that the ineffective assistance of counsel caused involuntary or unknowing plea; Where counsel negotiated guilty plea with sentence significantly less than petitioner's maximum sentencing exposure, counsel's advice to accept negotiated guilty plea was within the range of competence demanded of attorneys in criminal cases; Issues waived that could and should have been but were not raised and addressed in the appellate courts through the direct appeal process; Petitioner's decision to withdraw appeal and pursue claims via PCRA, made solely by petitioner and not in consultation with counsel, fails to support ineffective assistance of counsel claim.

Opinion. Commonwealth of Pennsylvania v. James Gregory Wueschinski. Nos. 4857-2018, 4012-2016, 3040-2016.

Amara M. Riley, Esquire for Commonwealth  
Gregory J. Wueschinski, pro se, for Defendant

OPINION BY: ASHWORTH, P.J., June 11, 2021. Before the Court is James Gregory Wueschinski's petition filed pursuant to the Post Conviction Relief Act (PCRA), 42 Pa.C.S.A. §§ 9541-46. For the reasons set forth below, this petition will be denied without a hearing.

**I. Background**

On May 19, 2016, the Lancaster City Police filed two separate criminal complaints against Wueschinski, charging him on each complaint with one count of delivery of a controlled substance, and one count of criminal use of a communication facility<sup>1</sup> for deliveries of heroin made to an undercover police officer on October 27, 2015, and October 29, 2015. These cases are docketed at Nos. 4012-2016 and 3040-2016, respectively.

On July 24, 2018, the West Lampeter Township Police Department filed a criminal complaint and affidavit charging Wueschinski with one count of drug delivery resulting in death<sup>2</sup> for a delivery of heroin to, and subsequent death of, Amber Lynn Stenson on July 22, 2018, due to heroin/fentanyl toxicity. At the time of his arrest, Wueschinski admitted during a police interview to selling four bags of heroin to the victim and her girlfriend on the evening of July 22, 2018, in the City of Lancaster. This case is docketed at No. 4857-2018.

On November 7, 2019, Wueschinski tendered a negotiated plea to all charges. The Court accepted the plea and imposed the agreed-up-

<sup>1</sup> 75 P.S. § 780-113(a)(3) and 18 Pa.C.S.A. § 7512(a), respectively

<sup>2</sup> Drug Delivery Resulting in Death is defined as follows:

A person commits a felony of the first degree if the person intentionally administers, dispenses, delivers, gives, prescribes, sells or distributes any controlled substances or counterfeit controlled substance in violation of section 13(a)(14) or (30) of the act of April 14, 1972 known as The Controlled Substance, Drug, Device, and Cosmetic Act, and another person dies as a result of using the substance.



on aggregate sentence of 5 to 15 years' incarceration.<sup>3</sup> Wueschinski was deemed ineligible for a Recidivism Risk Reduction Incentive (RRRI) sentence due to his prior conviction for assault with the use of a deadly weapon and his current conviction for death resulting from drug delivery, and his ineligibility was not waived by the Commonwealth. Notes of Testimony ("N.T") at 15. Wueschinski was represented at his plea and sentencing by the Office of Public Defender, specifically, Michelle I. Akritas, Esquire ("trial counsel").

No post sentence motion was filed. Following his sentence, however, Wueschinski requested an appeal to the Superior Court, but due to an oversight in the Public Defender's Office, the December 6, 2019, deadline for filing the notice of appeal was missed. Accordingly, on December 12, 2019, a petition was filed pursuant to the Post Conviction Relief Act (PCRA), 42 Pa.C.S.A. §§ 9541-9546, alleging ineffective assistance of counsel. It was clear that Wueschinski was entitled to restoration of his right to direct appeal pursuant to *Commonwealth v. Lantzy*, 558 Pa. 214, 736 A.2d 564 (1999). Accordingly, by Order entered on December 16, 2019, Wueschinski's PCRA petition was granted, and his right to file a direct appeal was restored. A timely notice of appeal was filed on January 14, 2020. See 135 MDA 2020, 136 MDA 2020, 137 MDA 2020. Counsel was granted leave until February 6, 2020, to file a concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b). In lieu of filing a concise statement, counsel filed a notice of intent to file an Anders/ McClendon<sup>4</sup> brief pursuant to Pa.R.A.P. 1925(c) (4),<sup>5</sup> thus, declaring her intent to withdraw on direct appeal after finding there to be no non-frivolous issues to raise on appeal.

Despite the notice of intent to file an Anders/McClendon brief, the Court nonetheless conducted an independent review of the trial court record and prepared an Opinion Sur Pa.R.A.P. 1925(a) on February 10, 2020.<sup>6</sup> In the Opinion, the Court found neither grounds for challenging the jurisdiction and authority of the Court to prosecute Wueschinski<sup>7</sup>

<sup>3</sup> Specifically, at Docket No. 3040-2016, Wueschinski received concurrent sentences of one to five years' incarceration on the delivery of heroin and criminal use of a communication facility charges. Notes of Testimony, Guilty Plea and Sentencing (N.T.) at 2-3, 15. At Docket No. 4012-2016, a concurrent sentence of one to five years' incarceration on the delivery of heroin and criminal use of a communication facility charges was imposed. Id. at 3, 15. The agreed sentence of 5 to 15 years' incarceration for the felony one charge of drug delivery resulting in death was imposed at Docket No. 4857-2018. Id. at 3-4, 15. The parties agreed that all sentences would be concurrent, and Wueschinski would be responsible for restitution in the amount of \$6,358, as well as fees and costs of prosecution. Id. at 3-4, 15-16.

<sup>4</sup> *Anders v. California*, 386 U.S. 738 (1967), and *Commonwealth v. McClendon*, 495 Pa. 467, 434 A.2d 1185 (1981). See also *Commonwealth v. Santiago*, 602 Pa. 159, 978 A.2d 349 (2009).

<sup>5</sup> Rule 1925 states, in pertinent part: "In a criminal case, counsel may file of record and serve on the judge a statement of intent to file an Anders/McClendon brief in lieu of filing a Statement. . . ." Pa.R.A.P. 1925(c) (4). The official note to subsection (c)(4) provides the following:

This paragraph clarifies the special expectations and duties of a criminal lawyer. Even lawyers seeking to withdraw pursuant to the procedures set forth in *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967) and *Commonwealth v. McClendon*, 495 Pa. 467, 434 A.2d 1185 (1981) are obligated to comply with all rules, including the filing of a Statement. . .

However, because a lawyer will not file an Anders/McClendon Brief without concluding that there are no non-frivolous issues to raise on appeal, this amendment allows a lawyer to file, in lieu of a Statement, a representation that no errors have been raised because the lawyer is (or intends to be) seeking to withdraw under Anders/McClendon. At that point, the appellate court will reverse or remand for a supplemental Statement and/or opinion if it finds potentially non-frivolous issues during its constitutionally required review of the record.

Pa.R.A.P. 1925, Official Note to subsection (c)(4).

<sup>6</sup> If counsel files a statement of intent to file an Anders/McClendon brief pursuant to Rule 1925(c)(4), a trial court opinion is not necessary. See *Commonwealth v. McBride*, 957 A.2d 752, 758 (Pa. Super. 2008). The Court prepared its Rule 1925(a) Opinion, however, to assist the appellate court in its review of the case.

<sup>7</sup> The Court noted that "[g]enerally, a plea of guilty amounts to a waiver of all defects and defenses except those concerning the jurisdiction of the court, the legality of the sentence, and the validity of the guilty plea." *Commonwealth v. Morrison*, 173 A.3d 286, 290 (Pa. Super. 2017)(citation omitted).

nor grounds to support an allegation that the individual sentences imposed on Wueschinski were not permitted.<sup>8</sup> Further, based on a thorough review of the record, the Court concluded that “[b]y the nature, extent and tone of the guilty plea hearing, this Court was well satisfied that Attorney Akritas [trial counsel] had fully executed her duties in advising Wueschinski of the nature of the charges and the possible consequences of his plea.” Opinion Sur Pa.R.A.P. 1925(a), February 10, 2020. Ultimately, the Court found the guilty plea was valid as it was made knowingly, voluntarily, and intelligently.

On April 23, 2020, Wueschinski wrote his counsel, stating clearly his decision to withdraw and terminate the direct appeal, and instructing counsel to do so on his behalf. On May 4, 2020, counsel filed a Praecepto to Withdraw and Dismiss, and the appeal was terminated. Thereafter, Wueschinski filed the instant pro se Motion for Post Conviction Collateral Relief on December 7, 2020, raising several issues.<sup>9</sup> As the instant PCRA represents Wueschinski’s first PCRA petition regarding substantive issues, the Court appointed Christopher P. Lyden, Esquire<sup>10</sup> on December 22, 2020, to represent Wueschinski on his collateral claims, and granted counsel until February 22, 2021, to file an amended petition, if appropriate.

After a careful and conscientious review of the entire record, Attorney Lyden concluded that the pro se motion did not present any issues of arguable merit and was frivolous as a matter of law. Accordingly, he submitted a “no merit” letter<sup>11</sup> and request to withdraw on February 22, 2021. After reviewing the pro se PCRA motion and counsel’s no merit letter, the Court found there were no disputed issues of fact, Wueschinski was not entitled to post conviction collateral relief, and no purpose would be served by any further proceedings. Therefore, on February 23, 2021, pursuant to Pa. R.Crim.P. 907(1), the Court filed a notice of its intention to dismiss the pro se PCRA motion without a hearing. Wueschinski was given 30 days to file an amended motion or to otherwise respond to the Court’s Notice. Having received no response from Wueschinski,<sup>12</sup> this matter is now ripe for disposition.

<sup>8</sup> The individual sentences imposed by this court on Wueschinski are within the permissible statutory maximums and are, therefore, clearly legal sentences. A person convicted of the felony one offense of drug delivery resulting in death “shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.” 18 Pa.C.S.A. § 2506(b)(1). Thus, Wueschinski’s sentence of 5 to 15 years’ incarceration is clearly a legal sentence. The statutory maximum penalty for a delivery of a controlled substance conviction involving the sale of heroin is 15 years’ imprisonment. 35 P.S. § 780-113(f)(1). Wueschinski received a legal sentence of just one to five years. The criminal use of a communication facility carries a maximum statutory sentence of seven years. Again, Wueschinski was sentenced to one to five years’ imprisonment, well below the statutory maximum.

<sup>9</sup> Although the pro se PCRA petition was docketed by the Clerk of Courts on December 11, 2020, it is deemed filed on December 7, 2020 pursuant to the “prisoner mailbox rule.” See *Commonwealth v. Crawford*, 17 A.3d 1279, 1281 (Pa. Super. 2011) (“Under the prisoner mailbox rule, we deem a pro se document filed on the date it is placed in the hands of prison authorities for mailing”).

<sup>10</sup> In accordance with Rule 904(A) of the Pennsylvania Rules of Criminal Procedure

<sup>11</sup> This was filed pursuant to *Commonwealth v. Turner*, 518 Pa. 491, 544 A.2d 927 (1988), and *Commonwealth v. Finley*, 379 Pa. Super. 390, 550 A.2d 213 (1988).

<sup>12</sup> Prior to either Attorney Lyden’s no merit letter or the Court’s Rule 907 notice, Wueschinski filed a second pro se pleading entitled Motion for Post Conviction Collateral Relief on February 18, 2021. This pleading was forwarded to Wueschinski’s counsel as Wueschinski is represented and such hybrid representation has been expressly precluded by our Supreme Court, whether at trial, on appeal, or during PCRA proceedings. See *Commonwealth v. Jette*, 611 Pa. 166, 23 A.3d 1032, 1038-40 (2011); *Commonwealth v. Pursell*, 555 Pa. 233, 724 A.2d 293, 302 (1999); *Commonwealth v. Ellis*, 534 Pa. 176, 626 A.2d 1137, 1139 (1993). See also *Commonwealth v. Willis*, 29 A.3d 393, 400 (Pa. Super. 2011). Pennsylvania Rule of Criminal Procedure 576(A)(4) addresses hybrid representation before the courts of common pleas, mandating that the pro se filing be received and docketed, but then forwarded to counsel: “In any case in which a defendant is represented by an attorney, if the defendant submits for filing a written motion, notice, or document that has not been signed by the defendant’s attorney, the clerk of courts shall accept it for filing” and send a copy to the attorney of record in the case within ten days of receipt. *Id.*

## II. Eligibility for PCRA Relief

A defendant seeking relief pursuant to the PCRA is eligible only if he pleads and proves, by a preponderance of the evidence, that (1) he has been convicted of a crime and is currently serving a sentence of imprisonment, probation or parole for the crime, (2) his conviction has resulted from one or more of the enumerated errors or defects found in § 9543(a)(2) of the PCRA, (3) he has not waived or previously litigated the issues he raises, and (4) the failure to litigate the issue prior to and during trial, or on direct appeal could not have been the result of any rational, strategic, or tactical decision by counsel. 42 Pa.C.S.A. § 9543(a)(2), (3), (4).

A defendant has previously litigated an issue if (1) the highest appellate court in which a defendant could have had review as a matter of right has ruled on the merits of the issue, *Commonwealth v. Spotz*, 616 Pa. 164, 186, 47 A.3d 63, 76 (2012), or (2) the issue has been raised and decided in a proceeding collaterally attacking the conviction or sentence. 42 Pa.C.S.A. § 9544(a); *Commonwealth v. Phillips*, 31 A.3d 317, 320 (Pa. Super. 2011). In this case, the issues contained in the amended petition have not been previously litigated in the appellate courts.

With respect to claims that have not been previously litigated, a defendant must also demonstrate that the claims have not been waived. A defendant has waived an issue if the defendant could have raised the issue but failed to do so before trial, on appeal, or in a prior state post conviction proceeding. 42 Pa.C.S.A. § 9544(b); *Spotz*, 616 Pa. at 186, 47 A.3d at 76. However, waiver will be excused under the PCRA if the defendant can make a showing of ineffective assistance of counsel. *Commonwealth v. Morales*, 549 Pa. 400, 409, 701 A.2d 516, 520 (1997).

In order to prevail on a claim of ineffective assistance of counsel made in the post conviction context, a defendant must overcome the presumption that counsel is effective by establishing by a preponderance of the evidence that: the underlying claim has arguable merit; trial counsel had no reasonable basis for proceeding as he did; and the defendant suffered prejudice. See 42 Pa.C.S.A. § 9543(a)(2)(ii); *Spotz*, 616 Pa. at 187, 47 A.3d at 76 (citing *Commonwealth v. Pierce*, 515 Pa. 153, 158-59, 527 A.2d 973, 975-76 (1987)).

To establish the prejudice prong, the defendant must show that there is a reasonable probability that the outcome of the proceedings would have been different but for counsel's ineffectiveness. *Commonwealth v. Chmiel*, 612 Pa. 333, 362-63, 30 A.3d 1111, 1127-28 (2011). "We stress that boilerplate allegations and bald assertions of no reasonable basis and/or ensuing prejudice cannot satisfy a defendant's burden to prove that counsel was ineffective." *Id.* (quoting *Commonwealth v. Paddy*, 609 Pa. 272, 292, 15 A.3d 431, 443 (2011)).

## III. Discussion

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The Court has nonetheless reviewed this pleading, where Wueschinski complains that his sentence is illegal pursuant to 42 Pa.C.S. §9726(c), believing the Court imposed fines as separate sentences in addition to his sentences of incarceration. In fact, the Court did no such thing. The monetary debt owed by Wueschinski associated with the three dockets at issue consists of the following: 1) at docket no. 4857-2018, \$6,358.00 in restitution to the victim's family plus \$1,108.27 in costs and fees; 2) at docket no. 3040-2016, \$1,085.50 in costs and fees; and 3) at docket no. 4012-2016, \$931.00 in costs and fees. This pleading has no merit.

Wueschinski raises the following issues in his pro se PCRA: 1) the bags of drugs found at the scene of the crime were not tested; 2) the victim, a known drug abuser, had a “cocktail of drugs” in her system at the time of her death; 3) the names of the drugs found in the victim’s system were disclosed to Wueschinski during discovery but were not reported on the official toxicology report; 4) trial counsel was ineffective in so far as she did not want to represent him at trial and therefore persuaded him to accept the plea agreement and plead guilty; and 5) trial counsel was ineffective because she did not respond to emails Wueschinski sent.

Initially, the Court reiterates that “[t]he entry of a guilty plea constitutes a waiver of all defenses and defects except claims of lack of jurisdiction, invalid guilty plea, and illegal sentence.” *Commonwealth v. Kennedy*, 868 A.2d 582, 593 (Pa. Super. 2005).

Wueschinski has not challenged the jurisdiction of this Court in the underlying case. Neither does he dispute that the sentence imposed was legislatively permitted. Wueschinski does challenge the validity of his guilty plea by way of his ineffective assistance of counsel arguments. The Court will address these issues first before briefly addressing and disposing of the remaining issues, none of which are cognizable under the PCRA.

#### **A. Ineffective Assistance of Counsel**

Where a petitioner enters a plea, as in the instant case, post-conviction relief for ineffective assistance of counsel is available only where a petitioner pleads and proves by a preponderance of the evidence that the ineffective assistance of counsel caused an involuntary or unknowing plea. See 42 Pa. C.S.A. § 9543(a)(2)(iii); see also *Commonwealth v. Moser*, 921 A.2d 526, 531 (Pa. Super. 2007). This is similar to the “manifest injustice” standard courts use when evaluating a motion to withdraw a plea after sentencing. *Commonwealth v. Bedell*, 954 A.2d 1209, 1212 (Pa. Super. 2008). “The law does not require that [the defendant] be pleased with the outcome of [his] decision to enter a plea of guilty; rather ‘[a]ll that is required is that [the defendant’s] decision to plead guilty be knowingly, voluntarily and intelligently made.’” *Commonwealth v. Brown*, 48 A.3d 1275, 1277 (Pa. Super. 2012) (quoting *Moser*, 921 A.2d at 528-29). Where the defendant enters his plea on the advice of counsel, “[t]he voluntariness of [the] plea depends on whether counsel’s advice was within the range of competence demanded of attorneys in criminal cases.”

*Commonwealth v. Lynch*, 820 A.2d 728, 732 (Pa. Super. 2003) (citation omitted).

In the pro se PCRA petition, Wueschinski makes only a bald assertion, without providing any supporting facts, that trial counsel “did not want to represent me in trial so she wanted me to take a plea deal.” PCRA Petition at 4. This claim alone fails to meet Wueschinski’s burden of proof. *Chmiel*, 30 A.3d at 1127-28. Regardless, even if trial counsel subjectively “did not want to represent” him, the Court has found counsel’s performance in this matter to be effective nonetheless.

Wueschinski was facing a grim alternative when he elected to enter the negotiated plea agreement. The maximum statutory sentences for his crimes are as follows: forty years' incarceration for drug delivery resulting in death; fifteen years' incarceration for each of the two possession with intent to deliver charges; and seven years' incarceration on each of the two criminal use of a communications facility charges,<sup>13</sup> creating a maximum sentencing exposure of eighty-four years' incarceration and a \$555,000.00 fine.<sup>14</sup> Pursuant to the negotiated plea agreement, however, Wueschinski received the agreed upon sentence of an aggregate of just five to fifteen years' incarceration with all sentences running concurrently.<sup>15</sup> Given the drastic difference between the maximum sentence Wueschinski could have received and the comparatively light sentence his trial counsel negotiated with the Commonwealth, the Court cannot find trial counsel's advice to enter the plea agreement to be "outside the range of competence required of attorneys in a criminal case." Lynch, 820 A.2d at 732. Quite to the contrary, given the overwhelming evidence of Wueschinski's guilt, trial counsel provided sound advice, acting in Wueschinski's best interests when she negotiated a favorable plea agreement with the Commonwealth and counseled him to accept it. Furthermore, at the Guilty Plea Hearing, Wueschinski indicated that he knew he did not have to plead guilty and that it was his own voluntary decision to do so. See Guilty Plea Colloquy at ¶¶10, 49. He denied being forced to plead guilty, and indicated that it was his decision to plead guilty of his own free will. *Id.* at 50-51.

This Court has once before reviewed trial counsel's performance in this matter and found that "[b]y the nature, extent and tone of the guilty plea hearing, this Court was well satisfied that Attorney Akritas [trial counsel] had fully executed her duties in advising Wueschinski of the nature of the charges and the possible consequences of his plea." Opinion Sur Pa.R.A.P. 1925(a), February 10, 2020. Moreover, the Court has specifically examined the general validity of Wueschinski's guilty plea in depth and found, based on his answers to both the written and oral colloquies, that he rendered his plea knowingly, voluntarily, and intelligently, fully conscious of the facts of the case, the evidence available and provable by the Commonwealth against him, his potential sentencing exposure, and the rights he would forego upon entering a guilty plea.<sup>16</sup> See N.T. at 4-9; see also See Guilty Plea Colloquy at ¶¶ 10, 49. Wueschinski has provided nothing in his pro se PCRA petition to persuade the Court otherwise now. Thus, this ineffective assistance of counsel claim lacks merit.

Wueschinski's next claim that trial counsel was ineffective for her alleged failure to respond to his emails is equally meritless. As noted above, "the law does not require that [the defendant] be pleased with the outcome of his decision to enter a plea of guilty: All that is required is that [his] decision to plead guilty be knowingly, voluntarily, and in-

<sup>13</sup> 18 Pa.C.S.A. § 2506(a), 75 P.S. § 780-113(a)(3), and 18 Pa.C.S.A. § 7512(a), respectively.

<sup>14</sup> The Court specifically explained this information to Wueschinski at the Guilty Plea, and he indicated he understood his potential maximum punishment. Notes of Testimony, Guilty Plea ("N.T.") at 6-7.

<sup>15</sup> See *supra*, note 3, for specific individual sentences.

<sup>16</sup> For a full discussion regarding the validity of Wueschinski's plea, see discussion, Opinion Sur Pa.R.A.P. 1925(a), February 10, 2020, at pp. 7-8.

telligently made.” Willis, 68 A.3d at 1001. In this matter, the Court has examined the totality of the record three times now<sup>17</sup> and found unequivocally each time that Wueschinski entered his plea knowingly, voluntarily, and intelligently. Therefore, even if trial counsel did fail to return email communications as alleged, such action did not induce Wueschinski to enter an involuntary plea. Each of the ineffective assistance of counsel claims must be denied.

**B. Remaining Claims**

Only those errors or defects enumerated in § 9543(a)(2) of the PCRA are eligible for post-conviction collateral relief. A petitioner must allege one or more of the following:

(i) A violation of the Constitution of this Commonwealth or the Constitution or laws of the United States which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.

(ii) Ineffective assistance of counsel which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place.

(iii) A plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused the petitioner to plead guilty and the petitioner is innocent.

(iv) The improper obstruction by government officials of the petitioner’s right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court.

...

(vi) The unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced.

(vii) The imposition of a sentence greater than the lawful maximum.

(viii) A proceeding in a tribunal without jurisdiction.

42 Pa.C.S.A. § 9543(a)(2).

Wueschinski’s remaining claims are: 1) that the bags of drugs found at the scene of the crime were not tested; 2) that the victim, a known drug abuser, had a “cocktail of drugs” in her system at the time of her death; and 3) that the names of the drugs found in the victim’s

<sup>17</sup> At the guilty plea hearing, upon its independent review of the issues raised by Wueschinski in his withdrawn direct appeal, and now in conjunction with its independent review of the instant PCRA.

system were disclosed to Wueschinski during discovery but not reported on the official toxicology report. None of these claims are cognizable under the PCRA; rather, each of these three issues could and should have been raised and addressed in the appellate courts through the direct appeal process, which Wueschinski ultimately chose to forego. Of course, Wueschinski's initial failure to perfect his direct appeal was due to the ineffective assistance of counsel, which the Court remedied by reinstating Wueschinski's appellate rights nunc pro tunc. See Order of December 16, 2019. Counsel then filed a timely notice of appeal on January 14, 2020, but after reviewing the matter and pursuant to Pa.R.A.P. 1925(c)(4),<sup>18</sup> counsel submitted a notice of intent to file an *Anders/ McClendon*<sup>19</sup> brief on February 6, 2020, in lieu of a concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b). Thereafter, Wueschinski wrote his attorney on April 23, 2020, stating his explicit direction that his appeal to the Superior Court be withdrawn and terminated. In the letter, Wueschinski stated "[a]fter researching in the institutional law library, I believe my best course of obtaining relief is to terminate my appeal in Superior Court and pursue a PCRA petition." See Letter, attached to Praecipe for Discontinuance and Withdrawal of Appeal. On May 4, 2020, the Office of the Public Defender filed the praecipe to terminate Wueschinski's direct appeal.

Wueschinski's decision to terminate his direct appeal in favor of pursuing post-conviction relief under the PCRA was a poor one made solely by him, not his counsel. By terminating the appeal, Wueschinski effectively closed his only possible avenue for relief on the issues he raises in this pro se PCRA petition. With the exception of the ineffective assistance of counsel claims addressed above, none of Wueschinski's remaining issues are cognizable under the PCRA. See 42 Pa.C.S.A. § 9543(a)(2). He does not claim to have suffered a violation of any Constitutionally protected right, nor does he claim government officials improperly obstructed his right of appeal, or that he uncovered newly discovered evidence, that the Court imposed an unlawful sentence, or that the Court lacked of jurisdiction over the underlying case. 42 Pa.C.S.A. § 9543(a)(2)(i), (a)(2)(iv) - (viii). Rather, Wueschinski's remaining claims relate to errors he perceives were made during the investigation of his case and in issues with the Commonwealth's evidence. The appellate courts are the proper venue for these issues, and this Court took steps to ensure Wueschinski retained his appellate rights in order to pursue

<sup>18</sup> Rule 1925 states, in pertinent part: "In a criminal case, counsel may file of record and serve on the judge a statement of intent to file an *Anders/McClendon* brief in lieu of filing a Statement. . . ." Pa.R.A.P. 1925(c)(4). The official note to subsection (c)(4) provides the following:

This paragraph clarifies the special expectations and duties of a criminal lawyer. Even lawyers seeking to withdraw pursuant to the procedures set forth in *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967) and *Commonwealth v. McClendon*, 495 Pa. 467, 434 A.2d 1185 (1981) are obligated to comply with all rules, including the filing of a Statement. . . . However, because a lawyer will not file an *Anders/McClendon* brief without concluding that there are no non-frivolous issues to raise on appeal, this amendment allows a lawyer to file, in lieu of a Statement, a representation that no errors have been raised because the lawyer is (or intends to be) seeking to withdraw under *Anders/McClendon*. At that point, the appellate court will reverse or remand for a supplemental Statement and/or opinion if it finds potentially non-frivolous issues during its constitutionally required review of the record.

Pa.R.A.P. 1925, Official Note to subsection (c)(4).

<sup>19</sup> *Anders v. California*, 386 U.S. 738 (1967), and *Commonwealth v. McClendon*, 495 Pa. 467, 434 A.2d 1185 (1981). See also *Commonwealth v. Santiago*, 602 Pa. 159, 978 A.2d 349 (2009).

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direct review. However, relying on his own counsel (and admittedly not the advice of court-appointed appellate counsel), Wueschinski ultimately chose to forego these rights. Therefore, these three issues, which could and should have been raised on direct appeal, are now waived for purposes of the PCRA. 42 Pa.C.S.A. § 9543(a)(3), (4).<sup>20</sup>

#### **IV. Conclusion**

For the reasons set forth above, James Wueschinski's pro se PCRA petition is meritless and must be dismissed without further proceedings.

Accordingly, I enter the following:

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<sup>20</sup> The Court would note that even if the issues were not waived, they each lack merit. At the Guilty Plea, the Commonwealth recited the facts and evidence related to each docket and count charged, and Wueschinski indicated he agreed the Commonwealth's recitation of facts was correct. N.T. at 8-9. He cannot now stand and deny what he has admitted under oath. See *Willis*, 68 A.3d at 1009.



**ORDER**

AND NOW, this 11<sup>th</sup> day of June, 2021, upon consideration of James Gregory Wueschinski's pro se motion for post conviction collateral relief, it is hereby ORDERED that said motion is DENIED without a hearing. There are no genuine issues concerning any material fact, Defendant is not entitled to post conviction collateral relief, and no purpose would be served by any further proceedings.

Further, the February 20, 2021, no-merit letter of Defendant's court-appointed attorney, Christopher P. Lyden, Esquire, states that the pro se motion is lacking in merit as a matter of law, a conclusion with which the Court agrees after its independent review of the record. Accordingly, Mr. Lyden is GRANTED his request for leave to withdraw as counsel.

Pursuant to Pa. R.Crim.P. 907(4), this Court advises Defendant that he has the right to appeal from this Order. Defendant shall have 30 days from the date of this final Order to appeal to the Superior Court of Pennsylvania. Failure to appeal within 30 days will result in the loss of appellate rights.

It is further ORDERED that Petitioner shall have the right, if indigent, to appeal in forma pauperis and to proceed with assigned counsel as provided in Pa. R.Crim.P. 122.

BY THE COURT:  
DAVID L. ASHWORTH  
PRESIDENT JUDGE

**ESTATE AND TRUST 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. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

**FIRST PUBLICATION**

**Aungst, Harry S.,** dec'd.

Late of Mount Joy Borough.  
Executor: Robert K. Aungst c/o Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603.  
Attorney: James R. Clark.

**Belock, Ruth C.,** dec'd.

Late of Manheim.  
Co-Executors: Roberta J. McCann, 342 Maxson Road, Lancaster, PA 17601, and Rosalyn A. Sensenig, 1621 Bradford Avenue, Reading, PA 19607.  
Attorney: None.

**Breneman, Edgar G.,** dec'd.

Late of East Lampeter Township.  
Executrix: Kim M. Miller c/o Kluxen, Newcomer & Dreisbach, Attorneys-at-Law, P.O. Box 539, 339 North Duke Street, Lancaster, PA 17608-0539.  
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Esquire.

**Frey, Wesley Scott, Sr.,** dec'd.

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**Greenawalt, Betty M.,** dec'd.

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**Hargreaves, Annabelle,** dec'd.

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**Herr, Henry E. a/k/a Henry Eby Herr,** dec'd.

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570 Lausch Lane, Suite 200,  
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Attorney: McNees Wallace &  
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**Irvin, Jeffrey Scott**, dec'd.

Late of East Lampeter Township.  
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**Kauffman, Elmer L.**, dec'd.

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Attorney: Beulah P. Mall, Es-  
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**Kline, William N.**, dec'd.

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E. Richard Young, Jr., Esquire,  
1248 W. Main St., Ephrata, PA  
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Attorney: E. Richard Young, Jr.,  
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**Lowman, Konnor Mathew**, dec'd.

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**McVey, Harold M.**, dec'd.

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bia, PA 17512.

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**Murphy, Doris B.**, dec'd.

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**Newswanger, Paul Z.**, dec'd.

Late of East Earl Township.

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wanger and Lester O. News-  
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**Remp, Arthur D., Sr.**, dec'd.

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Attorney: James R. Clark.

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and Kenneth L. Sensenig c/o  
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17603.

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**Silvius, Elvin F.**, dec'd.

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**Smith, Milagros V.**, dec'd.

Late of West Lampeter Township.

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Attorney: None.

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**Steffy, Ethel J. a/k/a Ethel Jane Steffy**, dec'd.

Late of Terre Hill Borough.

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Attorneys: Smoker Gard Associates, LLP.

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**Stetler, Richard R.**, dec'd.

Late of Lancaster City.

Executor: Brandi Peelor c/o Nikolaus & Hohenadel, LLP, 212 North Queen Street, Lancaster, PA 17603.

Attorney: Richard G. Greiner, Esquire.

---

**Townsley, Pauline**, dec'd.

Late of Ephrata Township.

Executor: David R. Townsley, 14 Overlook Drive, Ephrata, PA 17522.

Attorney: None.

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**Vergheese, Thomas**, dec'd.

Late of Upper Leacock Township.

Executrix: Brenda A. Vergheese c/o H. Charles Benner, Attorney, 200 East Main Street, Leola, PA 17540.

Attorney: H. Charles Benner.

---

**Witwer, Jay Clair**, dec'd.

Late of Manor Township.

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Attorney: None.

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**Youndt, Kenneth C.**, dec'd.

Late of East Cocalico Township.

Executrix: Helen L. Youndt c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.

Attorney: James K. Noel, IV.

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**SECOND PUBLICATION**

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**Bowman, Daryl Arthur a/k/a Daryl Bowman**, dec'd.

Late of Lititz Borough.

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**Carthage, Helen A.**, dec'd.

Late of Manheim Township.

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Attorney: Dana C. Panagopoulos.

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**Dewar, William R., II**, dec'd.

Late of West Lampeter Township.

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Attorney: Meagher Ellis Law.

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**Eisenhauer, Margaret B.**, dec'd.

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**Fehr, Diane J.**, dec'd.

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**Funk, James C.**, dec'd.

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**Gingrich, Mary Elizabeth a/k/a  
Mary E. Gingrich**, dec'd.

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**Herold, Walter Lee a/k/a Walter  
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**Keener, Barry Lynn a/k/a Barry  
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**Marlowe, Elizabeth a/k/a Doris  
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ter Matthew Marlowe c/o  
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**Miller, George H., Jr.**, dec'd.

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**Russell, Doris L.**, dec'd.

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**Sheirich, Amy R.**, dec'd.

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**Silverstein, Ann S.**, dec'd.

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Attorney: Paula S. Silverstein,

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**Speakman, Pearl A.**, dec'd.

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Attorney: Patrick A. Deibler, Esquire; Kling & Deibler, LLP.

**Vollmar, Kay D. a/k/a Kay Dill Vollmar**, dec'd.

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## THIRD PUBLICATION

**Bolich, Karen L.**, dec'd.

Late of New Holland Boro.

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Attorney: Katherine L. McDonald, Esquire.

**Breger, Judith M. a/k/a Judith Breger a/k/a Judith Marshall Breger**, dec'd.

Late of Ephrata.

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Attorney: Gregory K. Goebert, Esquire.

**Cesaro, Julius**, dec'd.

Late of Mount Joy Borough.

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Attorney: Clymer Musser & Sar-  
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**Deppen, Mabel M.**, dec'd.

Late of Elizabethtown Borough.

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Randall K. Miller, Esq., 659 East  
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17022.

Attorney: Randall K. Miller.

---

**DeVerter, Benjamin L. a/k/a  
Benjamin Leroy DeVerter, Sr.**,  
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Late of East Lampeter Township.

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er, Jr. c/o George H. Eager, Es-  
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**Dinsmore, Elizabeth R. a/k/a  
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and Phil W. Dinsmore c/o Stock  
and Leader, 221 West Philadel-  
phia Street, Suite 600, York, PA  
17401-2991.

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---

**Earhart, Christopher A.**, dec'd.

Late of East Cocalico Township.

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Attorney: Clymer Musser & Sar-  
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---

**Ecenrode, Daniel E.**, dec'd.

Late of Ephrata Township.

---

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quire.

---

**Goshkey, Audrey A.**, dec'd.

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Attorney: Lindsay M. Schoene-  
berger.

---

**Grant, Richard A., Jr. a/k/a  
Richard A. Grant**, dec'd.

Late of Little Britain Township.

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Attorney: Barbara Reist Dillon,  
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---

**Harter, Mary S. a/k/a Mary Eliz-  
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Late of West Hempfield Town-  
ship.

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Penn Square, P.O. Box 7989,  
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Attorney: Thomas L. Goodman,  
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---

**Hill, Hanna M.**, dec'd.

Late of West Lampeter Town-  
ship.

Executor: Robin D. Stauffer  
c/o Barley Snyder LLP, 126  
East King Street, Lancaster, PA  
17602.

Attorney: Randy R. Moyer; Bar-  
ley Snyder LLP.

---

**Huber, Anna M.**, dec'd.

Late of Earl Township.

Executors: Elvin H. Huber and Mervin H. Huber c/o Kling and Deibler, LLP, 131 W. Main Street, New Holland, PA 17557.

Attorney: Linda Kling, Esquire; Kling & Deibler, LLP.

---

**Kreiser, Jean E.**, dec'd.

Late of Columbia Borough.

Executrix: Kathleen F. Hodgen c/o Karl Kreiser, Esquire, 553 Locust Street, Columbia, PA 17512.

Attorney: Mountz & Kreiser.

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**Krepfels, Mary Agnes a/k/a Mary A. Krepfels**, dec'd.

Late of Lancaster Township.

Executor: Ronald K. Krepfels c/o Thomas A. Kauffman, Esquire, Kauffman & Billilmoria, PLLC, 52 South Ninth Street, Indiana, PA 15701.

Attorney: Thomas A. Kauffman, Esquire.

---

**Kurtz, Paul H.**, dec'd.

Late of Manheim Township.

Personal Representatives: Carol A. Kline and Deborah K. Weaver, Executrices, c/o John R. Gibbel, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

---

**Leibrand, Phyllis F.**, dec'd.

Late of Ephrata Township.

Executor: John R. Nagle c/o Kling and Deibler, LLP, 131 W. Main Street, New Holland, PA 17557.

Attorney: Linda Kling, Esquire; Kling & Deibler, LLP.

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**Longenecker, Geraldine F.**, dec'd.

Late of West Cocalico Township.

Co-Executors: Lorrie L. Dunn and Jason L. Longenecker c/o E. Richard Young, Jr., Esq., 1248 W. Main Street, Ephrata, PA 17522.

Attorney: E. Richard Young, Jr., Esquire.

---

**Lutz, Alberta C.**, dec'd.

Late of West Cocalico Township.

Executors: Kathleen M. Laudermilch and Michael K. Lutz c/o Robert E. Sisko, Esquire, 700 North Duke Street, P.O. Box 4686, Lancaster, PA 17604-4686.

Attorneys: Morgan, Hallgren, Crosswell & Kane, P.C.

---

**Matthews, John G.**, dec'd.

Late of Ephrata Borough.

Executrix: Debra Ann Hornberger c/o Anthony P. Schimaneck, Esquire, 700 North Duke Street, P.O. Box 4686, Lancaster, PA 17604-4686.

Attorneys: Morgan, Hallgren, Crosswell & Kane, P.C.

---

**Mohr, Harold A., Sr.**, dec'd.

Late of Conoy Township.

Executor: Jerry Mohr c/o Randall K. Miller, Esq., 659 East Willow Street, Elizabethtown, PA 17022.

Attorney: Randall K. Miller.

---

**Pfautz, Clyde R. a/k/a Clyde R. Pfautz, Jr.**, dec'd.

Late of Denver Borough.

Executor: Ronald S. Pfautz c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.

---



Attorney: James K. Noel, IV.

---

**Rodriguez-Santiago, Isabel**, dec'd.

Late of Lancaster City.

Executors: Elizabel Santiago and Jose L. Santiago c/o James N. Clymer, Esquire, 408 West Chestnut Street, Lancaster, PA 17603.

Attorney: Clymer Musser & Sarano, PC.

---

**Schopf, Margaret Z.**, dec'd.

Late of Manor Township.

Executor: Eric J. Schopf c/o Cody & Pfursich, 53 North Duke Street, Suite 420, Lancaster, PA 17602.

Attorney: Stephen W. Cody.

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**Smith, Thomas R.**, dec'd.

Late of Manheim Township.

Executrix: Ashley Scherry c/o Law Office of Shawn Pierson, 105 East Oregon Road, Lititz, PA 17543.

Attorney: Shawn M. Pierson Esquire.

---

**Sherr, Carol Y.**, dec'd.

Late of East Hempfield Township.

Executor: LuAnn Johns and Kimberly Sherr c/o Cody & Pfursich, 53 North Duke Street, Suite 420, Lancaster, PA 17602.

Attorney: Stephen W. Cody.

---

**Stephenson, Betty Jo**, dec'd.

Late of West Hempfield Township.

Executor: Michael J. Stephenson c/o Cody & Pfursich, 53 North Duke Street, Suite 420, Lancaster, PA 17602.

Attorney: Stephen W. Cody.

---

**Weaver, Mary M.**, dec'd.

Late of Upper Leacock Township.

Executor: Amy Shea and Jan E. Weaver c/o Cody & Pfursich, 53 North Duke Street, Suite 420, Lancaster, PA 17602.

Attorney: Stephen W. Cody.

---

**Zook, Elsie B.**, dec'd.

Late of Salisbury Township.

Co-Executors: Mose Stoltzfus and Alvin S. Zook c/o Nicholas T. Gard, Esquire, 121 E. Main Street, New Holland, PA 17557.

Attorneys: Smoker Gard Associates LLP.

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**ANNUAL MEETING NOTICE**

**NOTICE OF THE ANNUAL  
POLICYHOLDERS MEETING  
OF WINDSOR-MOUNT JOY  
MUTUAL INSURANCE COM-  
PANY**

Notice is hereby given that the Annual Meeting of the Policyholders of Windsor-Mount Joy Mutual Insurance Company will be held at the Corporate Office, 21 West Main Street, Ephrata PA, on Monday, January 17, 2022 commencing at 10:00 a.m., for the purpose of Election of Directors and/or the transaction of other business.

Douglas L. Underwood  
President/CEO

Ephrata, PA

ATTEST: Jacob M. Klinefelter  
Chief Risk Officer/Vice President/  
Secretary

P.O. Box 587

Ephrata, PA 17522

D-3, 10, 17

**ARTICLES OF  
FOREIGN REGISTRATION**

Notice is hereby given that: **ULTIMATE BLOCK PARTY, INC.** filed Articles of Foreign Registration on 11/30/2021 under The Pennsylvania Nonprofit Corporation Law of 1988. Commercial registered office provider is Harbor Business Compliance Corporation.

D-10

**ARTICLES OF INCORPORATION**

Notice is hereby given that:

**After Action Foundation** has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.

Nichole M. Baer, Esquire  
Russell, Krafft & Gruber, LLP

D-10

Articles of Incorporation for: **Golden Meadows Park Condo Association, Inc.**

a nonprofit corporation, were filed with the Department of State of the Commonwealth of Pennsylvania under the provisions of the Nonprofit Corporation Law of 1988.

The purpose of the corporation is to have all powers necessary to function as a condominium association under the Uniform Condominium Act, which purpose constitutes an exempt function of a condominium management association within the meaning of Section 528 of the Internal Revenue Code of 1986, as amended, and any similar provision of any later federal tax law.

Blakinger Thomas, PC  
Attorneys

D-10

Notice is hereby given that: **Hempfield Touchdown Club** has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.

Nichole M. Baer, Esquire  
Russell, Krafft & Gruber, LLP

D-10

**My Place Towing, Inc.**, a Pennsylvania Corporation, 3018 Route 6, Milford, PA 18337, filed in the Office of the Secretary of the Commonwealth of Pennsylvania, on or about October 28th, 2021, Articles of Incorporation registering the name:

**My Place Towing, Inc.**

under which it intends to do business in the in this Commonwealth, and is providing this notice as required under Title 15 Pa.C.S, 1307 (relating to advertisement). The name of name of its Commercial Registered Office Provider and the county of venue is **HARBOR BUSINESS COMPLIANCE CORPORATION**, Lancaster County.

D-10

Articles of Incorporation for: **Wellspring Amish Mennonite Church**

a nonprofit corporation, were filed November 4, 2021 with the Department of State of the Commonwealth of Pennsylvania under the provisions of the Nonprofit Corporation Law of 1988.

The corporation is incorporated for the purpose of continuing the ministry of Jesus Christ through worship, discipleship, fellowship and evangelism.

Blakinger Thomas, PC  
Attorneys

D-10

**CHANGE OF NAME NOTICE**

NOTICE IS HEREBY GIVEN that a Petition has been filed in the Court of Common Pleas of Lancaster County, Pennsylvania, seeking to change the name of Polina Nikelle Longenecker to Polina Nikelle Donahue. A hearing on the Petition will be held in Courtroom No. 4 at the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, on January 13, 2022, at 1:30 p.m., before the Honorable Margaret C. Miller, at which time any persons interested may attend and show cause, if any, why the Petition should not be granted.

Patricia D. Williams, Esq.  
Attorney I.D. No. 75567  
APPEL, YOST & ZEE LLP  
33 North Duke Street  
Lancaster, PA 17602  
(717) 394-0521

D-10

Notice is hereby given that a Petition has been filed in the Court of Common Pleas of Lancaster County, Pennsylvania, seeking to change of name of Karen Elisabeth Stoltzfus to Whitney Elisabeth Stoltzfus. A hearing on the Petition will be held on January 13, 2022, at 3:00 p.m. in Courtroom 4 at the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, at which time any persons interested may attend and show cause, if any, why the Petition should not be granted.

Pyfer, Reese, Straub, Gray & Farhat, P.C.  
Albert J. Meier, Esquire  
128 North Lime Street

Lancaster, PA 17602  
(717) 299-7342

D-10

**NOTICE OF PARENTAL RIGHTS  
TERMINATION HEARING**

Court of Common Pleas of  
Lancaster County, Pennsylvania  
*Orphans' Court Division*

Term No. 2849 and 2850 of 2021

IN RE: LILY JANE HEVENER and  
CHARLIE RAIN BURKHOLDER

**NOTICE**

TO: STEPHANIE ANNE

Notice is hereby given that the Lancaster County Children & Youth Social Service Agency has presented to Orphans' Court Division, Court of Common Pleas of Lancaster County, PA, a Petition for termination of any rights you have or might have concerning the children known as LILY JANE HEVENER, born on August 12, 2019, and CHARLIE RAIN BURKHOLDER, born on March 24, 2021. The Court has set a hearing to consider ending your rights to your children. That hearing will be held in Courtroom No. 2 of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, PA, on January 4, 2022, at 1:00 p.m. prevailing time. 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 children 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.

Lancaster Bar Association  
Lawyer Referral Service  
28 East Orange Street  
Lancaster, PA 17602  
717-393-0737

**NOTICE REQUIRED BY ACT  
101 OF 2010 - 23 Pa. C.S.  
§§2731-2742**

You are hereby informed of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact with your child following an adoption. Lancaster County Children & Youth Social Service Agency  
150 North Queen Street  
Lancaster, PA 17603  
(717) 299-7925

D-10, 17

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Court of Common Pleas of  
Lancaster County, Pennsylvania  
*Orphans' Court Division*

Term No. 2850 of 2021

IN RE: CHARLIE RAIN  
BURKHOLDER

**NOTICE**

TO: AUSTIN BURKHOLDER

Notice is hereby given that the Lancaster County Children & Youth Social Service Agency has presented to Orphans' Court Division, Court of Common Pleas of Lancaster County, PA, a Petition for termination of any rights you have or might have concerning the child known as CHARLIE RAIN BURKHOLDER, born on March

24, 2021. The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No. 2 of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, PA, on January 4, 2022, at 1:00 p.m. prevailing time. 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.

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28 East Orange Street  
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§§2731-2742**

You are hereby informed of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact with your child following an adoption. Lancaster County Children & Youth Social Service Agency  
150 North Queen Street  
Lancaster, PA 17603  
(717) 299-7925

D-10, 17

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**SUITS ENTERED**

Defendant's name appears first

in capitals, followed by plaintiff's name, number and plaintiff's or appellant's attorneys.

November 25, 2021  
to December 1, 2021

ATHENE ANNUITY & LIFE COMPANY; J.G. Wentworth Originations, LLC; 08210; Maro

BAKER, KEITH L., BAKER, BARBARA JO; RSB Real Estate, LLC; 08226; Mersky

BERRIOS, JOSE RAMON; Daily Underwriters of America, Inc.; 08301; McElhaney

BINKLEY, DENNIS; Melissa Peck; 08268; Lutz

BROWN, ALEXIS D.; Midland Credit Management, Inc.; 08312

CITY OF LANCASTER, DIDEON, MARY KATE, JOHN DOE 1 & 2; Eddie Richardson; 08270; Smialowicz

ENGLERTH, JOSEPH L.; OneMain Financial Group, LLC; 08239; Borer

HALL, KODY L.; Wells Fargo Bank, N.A.; 08237; Bradford

IN RE: A.W.; 08245; Green

MILLER, MASON G.; JPMorgan Chase Bank, N.A.; 08282; Holzman

MYER, SCOTT; Portfolio Recovery Associates, LLC; 08236; Borer

NATIONWIDE LIFE INSURANCE COMPANY; J.G. Wentworth Originations, LLC; 08208; Maro

ORTIZ, JORDAN A.; Capital One Bank (USA), N.A.; 08212; Ratchford

ORTIZ, REBECCA COURTNEY; First Commonwealth Federal Credit Union; 08308; Nesfeder

PIPHER, VICTORIA; Portfolio Recovery Associates, LLC; 08222; Babcock

RENTERIA JR., ROGER; Portfolio Recovery Associates, LLC;

08219; Babcock

ROSAS, RACHAEL; JPMorgan Chase Bank, N.A.; 08240; Goodchild

SENFT, IAN; Portfolio Recovery Associates, LLC; 08223; Babcock

STRAWBRIDGE, DOUGLAS, STRAWBRIDGE, RENEE; Parkview Mobile Estates, LLC; 08294; Schenck

**2021 HOLIDAYS**

Courthouse will be closed on the following holidays  
in 2021:

NEW YEAR'S DAY	January 1
ML KING, JR. DAY	January 18
PRESIDENTS' DAY	February 15
GOOD FRIDAY	April 2
MEMORIAL DAY	May 31
INDEPENDENCE DAY	July 5
LABOR DAY	September 6
COLUMBUS DAY	October 11
VETERANS' DAY	November 11
THANKSGIVING	November 25 & 26
CHRISTMAS	December 24

# POTOMAC.LEGAL

PA MD DC FED

David E. Kindermann, Esquire

313 West Liberty Street Suite 105 Lancaster, PA 17603

717-621-2699 | david@potomac.legal

**The Lancaster Law Review (USPS 304080) is published weekly by the Lancaster Bar Association, 28 E. Orange St., Lancaster, PA 17602.**

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