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Commonwealth vs. Fredericks

Sentencing – Waiver – Abuse of discretion - Sentencing guidelines – Consecutive sentences – Lack of remorse – Discretionary aspects of sentence - Substantial question

1. An assignment of error is waived because it was not properly preserved for appeal by specific objection during trial.
2. To preserve a claim of error for appellate review, a party must make a specific objection to the alleged error before the trial court in a timely fashion and at the appropriate stage of the proceedings and failure to raise such objection results in waiver of the underlying issue on direct appeal.
3. Sentencing is a matter vested in the sound discretion of the sentencing judge, and a sentence will not be disturbed on appeal absent a manifest abuse of discretion. In this context, an abuse of discretion is not shown merely by an error in judgment. Rather, the appellant must establish, by reference to the record, that the sentencing court ignored or misapplied the law, exercised its judgment for reasons of partiality, prejudice, bias or ill will, or arrived at a manifestly unreasonable decision.
4. The sentencing court is in the best position to determine the proper penalty for a particular offense based upon an evaluation of the individual circumstances before it. Simply stated, the sentencing court sentences flesh-and-blood defendants and the nuances of sentencing decisions are difficult to gauge from the cold transcript used upon appellate review. Moreover, the sentencing court enjoys an institutional advantage to appellate review, bringing to its decisions an expertise, experience, and judgment that should not be lightly disturbed. Even with the advent of the sentencing guidelines, the power of sentencing is a function to be performed by the sentencing court.
5. Rather than cabin the exercise of a sentencing court's discretion, the Sentencing Guidelines merely inform the sentencing decision.
6. By statute, the appellate court must vacate a sentence and remand the case to the sentencing court with instructions if it finds: (a) the sentencing court purported to sentence within the sentencing guidelines but applied the guidelines erroneously; (b) the sentencing court sentenced within the sentencing guidelines but the case involves circumstances where the application of the guidelines would be clearly unreasonable; or (c) the sentencing court sentenced outside the sentencing guidelines and the sentence is unreasonable. In all other cases, the appellate court shall affirm the sentence imposed by the sentencing court.
7. A trial court should impose a sentence of confinement that is consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the defendant.
8. Although a court is required to explain its reasons for imposing sentence, it

need not specifically cite or include the language of the sentencing code, it must only demonstrate that the court has considered the factors specified in the code.

9. If the trial court imposes a sentence outside of the sentencing guidelines, it must provide a written statement setting forth the reasons for the deviation.
10. Sentencing Guidelines are purely advisory in nature and are merely one factor among many that the court must consider in imposing a sentence.
11. The Guidelines further recommend that if the Court determines that aggravating or mitigating circumstances are present, it may impose a sentence that is a specified amount of time greater than the upper limit of the standard range or less than the lower limit of the standard range.
12. In addition to considering the Sentencing Guidelines, the court is required to consider the particular circumstances of the offense and the character of the defendant. The court should consider the defendant's prior criminal record, age, personal characteristics and potential for rehabilitation. In sentencing a defendant, the court is also permitted to consider the seriousness of the offense and its impact on the community.
13. The trial judge may also determine whether, given the facts of a particular case, a sentence should run consecutive to, or concurrent with, another sentence being imposed.
14. The right to appeal the discretionary aspects of sentence is not absolute; such an appeal is instead considered to be a petition for permission to appeal. Since appellate review of sentence is not a matter of right, it will only be entertained where the appellate court is convinced that a substantial question exists that the sentence imposed is not appropriate under the Sentencing Code.
15. An allegation that a sentencing court failed to consider or did not adequately consider certain factors does not raise a substantial question that the sentence was inappropriate. Such a challenge goes to the weight accorded the evidence and will not be considered absent extraordinary circumstances.
16. Defendant was found guilty of 43 counts of Theft by Unlawful Taking, Forgery, Theft by Failure to Make Required Dispositions, Tampering with Records, Unauthorized Practice of Law, Receiving Stolen Property and Unsworn Falsification to Authorities, and other related offenses from three Bills of Information, involving approximately ten different victims. Defendant is a trained lawyer who weaponized her law license and fiduciary relationship as a means to repeatedly prey upon vulnerable clients. Her conduct included writing checks to herself from client's estate accounts, altering fee and billing invoices; depositing unearned fees into her personal account; forging a client's name on a fee agreement; obtaining fees through false pretenses; inducing a disabled client to pay her fees by threatening to stop his disability payments; etc. Defendant was sentenced to an aggregate sentence of 137 months to 420 months of incarceration, followed by a consecutive two years of probation.

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17. Defendant claimed the trial court's sentences were unreasonable and failed to provide reasoning for deviations from sentencing guidelines; placed too much emphasis on Defendant's breach of a fiduciary duties, the deterrent effect of the sentence and the Defendant's lack of remorse; sentencing under a statute concerning crimes against the elderly was inappropriate as there was no notice from the Commonwealth and no finding as to the age of victim(s) by the jury; and the court improperly failed to impose a sentence under the Recidivism Risk Reduction Incentive (RRRI). The Defendant also claimed she was denied effective assistance of counsel by the court limiting examination by counsel.
18. The trial court agreed Defendant was statutorily eligible to participate in the RRRI program; and the court planned to resentence defendant consistent with the Superior Court's directive concerning the application of RRRI in the instant cases.
19. As the Commonwealth did not provide notice of its intention to invoke increased sentencing for crimes against the elderly, the court conceded defendant's sentence must be vacated with respect to two counts and Defendant must be resentenced on those counts.
20. With respect to Defendant's claim that the Court did not provide defense counsel with enough time to present a full and complete defense at trial; the trial Court held this self-serving claim is clearly waived for failure to make a timely, specific, objection or any offer of proof concerning the evidence that he would have presented, but for his perceived time limitation communicated by the Court. Thus, the alleged time restraint cannot form a successful basis for appeal.
21. The trial court determined Defendant's claim of unreasonableness or excessiveness of sentence was clearly without merit as the sentences imposed by this Court are all either within the aggravated range or outside the Sentencing Guidelines with adequate reasons stated on the record for said departures. Appellant's sentence of 137 to 420 months' imprisonment for 43 offenses was not excessive given the facts of the case and the lack of acceptance of responsibility shown by Defendant throughout these proceedings. The Defendant continued to steal from her clients and defraud the court system even after being directed by the Office of Disciplinary counsel to cease the practice law in this Commonwealth and comply with their disbarment requirements, including notifying her clients of her disbarment. These cases represent an egregious example of a breach of fiduciary duty by a lawyer licensed to practice law in this Commonwealth. Defendant is not entitled to a "volume discount" for her crimes by having all of sentences run concurrently. Defendant not only demonstrated an utter lack of remorse but also engaged in a calculated and planned effort on her part to actively attempt to avoid criminal responsibility for her conduct. Defendant's lack of remorse suggests a lack of interest on her part in rehabilitation and also her perception of the cases demonstrates that the public needs to be protected from her lack of remorse. The trial Court respectfully requested that the verdict of the jury be upheld

and the trial court's sentences, with the exception of the age enhancements sentences, and the RRRRI calculation, be affirmed.

R.E.M.

C.C.P. Chester County, Pennsylvania, Criminal Action No.s 1984-2017; 3155-2017; 2349-2018; Commonwealth of Pennsylvania vs. Kristi Ann Fredericks

Nicholas J. Casenta, Jr., for the Commonwealth

Robert J. Donatoni for the Defendant

Mahon, J., February 26, 2020:-

[Editor's note: Defendant filed appeals at #s 3245 EDA 2019; 3246 EDA 2019 and 3246 EDA 2019.]

[68 Ches. Co. Rep. **Commonwealth vs. Fredericks****COMMONWEALTH OF PENNSYLVANIA** : **IN THE COURT OF COMMON PLEAS**: **CHESTER COUNTY, PENNSYLVANIA****vs.**: **CRIMINAL ACTION****KRISTI ANN FREDERICKS** : **NO. 1984-2017; 3155-2017; 2349-2018**

Nicholas J. Casenta, Jr., Esquire, Attorney for the Commonwealth
 Robert J. Donatoni, Esquire, Attorney for the Defendant

ORDER

AND NOW, this 26th day of February, 2020, this Opinion is filed pursuant to Pa. R.A.P. 1925 and in response to Kristi Ann Fredericks (“Appellant”) counseled, Statement of Errors Complained on Appeal (“Statement”).¹

FACTUAL AND PROCEDURAL HISTORY

On May 8, 2019, after a nine (9) day long jury trial, Appellant was found guilty of 43 counts from three (3) Bills of Information. Appellant was found not guilty of eight (8) counts. More specifically, the guilty verdicts were returned on multiple counts of Theft by Unlawful Taking (“TBUT”), Forgery, Theft by Failure to Make Required Dispositions, Tampering with Records, Unauthorized Practice of Law, Receiving Stolen Property (“RSP”) and Unsworn Falsification to Authorities, and other related offenses.

On August 2, 2019, Appellant was sentenced to an aggregate sentence of not less than 137 months to 420 months of incarceration in a state correctional institution followed by a consecutive two (2) years of probation. The Court also imposed restitution, no contact with the victims and provision of a DNA sample. Bail was revoked that same day pursuant to Pennsylvania Rules of Criminal Procedure 521(B)(2) and 521(C). Appellant was represented at trial and sentencing by Vincent P. DiFabio, Esquire.

The specific sentences originally imposed are as follows:

Count 9	2 years of probation consecutive
Count 11	18-24 months incarceration
Count 12	1-12 months incarceration concurrent
Count 14	18-48 months incarceration consecutive
Count 16	1-12 months incarceration concurrent
Count 18	3-12 months incarceration consecutive
Count 19	3-12 months incarceration consecutive

¹ Timely filed with the Court on November 26, 2019.

Count 20	3-12 months incarceration consecutive
Count 21	9-24 months incarceration consecutive
Count 22	9-24 months incarceration consecutive
Count 23	9-24 months incarceration concurrent
Count 26	9-24 months incarceration consecutive
Count 28	12-24 months incarceration consecutive (imposed pursuant to 42 Pa.C.S.A. § 9717).
Count 31	12-24 months incarceration consecutive (imposed pursuant to 42 Pa.C.S.A. § 9717).
Count 33	1-12 months incarceration consecutive
Count 36	6-24 months incarceration consecutive
Count 37	1-12 months incarceration consecutive
Count 38	6-24 months incarceration consecutive
Count 40	6-24 months incarceration consecutive
Count 44	6-24 months incarceration consecutive
Count 47	12-24 months incarceration consecutive
Count 50	3-12 months incarceration consecutive
Count 51	3-23 months incarceration concurrent

On August 9, 2019, appellate counsel, Robert J. Donatoni, Esquire, filed Post-Sentence Motion for a New Trial.² On that same day, trial counsel, Vincent P. DiFabio, Esquire filed a separate Motion for Reconsideration of Sentence.

By Order dated October 11, 2019, Appellant's Motion for Reconsideration of Sentence was denied. On that same day, October 11, 2019, a separate Order was filed by the Court scheduling argument on December 16, 2019, concerning Appellant's Post-Sentence Motions for a New Trial.³

On October 16, 2019, counsel, Vincent P. DiFabio, Esquire and Robert J. Donatoni, Esquire, filed a Motion to Vacate Order Denying Appellant's Motion for Reconsideration of Sentence and to Extend Time Within Which to Decide Post-Sentence Motions ("Motion Vacate"). Counsel did not file a Praecipe to Attach Exhibits on the Motion to Vacate until October 22, 2019.

Appellant filed the instant appeal on November 8, 2019, thereby divesting this Court of jurisdiction over the pending Motion to Vacate and, thus, the ability to also hold the December 6, 2019 argument on Appellant's Post-Sentence Motions for a New Trial.⁴ On November 13, 2019, the Court issued an Order

² Mr. Donatoni filed an Entry of Appearance in this matter on August 22, 2019.

³ The scheduled argument date of December 16, 2019 fell outside the 120 days provided by Pennsylvania Rule of Criminal Procedure No. 720.

⁴ The record reflects that Appellant filed separate Notices of Appeal in each of the above-captioned term numbers pursuant to Commonwealth v. Walker, 185 A.3d 969, 971 (Pa. 2018) (holding that where a single order resolves issues arising on more than one docket, separate notices of appeal must be filed for each case). Here, because the same facts and issues are raised in the Statements filed in all three docket numbers, we find it prudent to issue one 1925(a) Opinion collectively addressing all of the assertions of error. However, the trial Court's 1925(a) Opinion will be filed in each of the respective term numbers.

directing Mr. Donatoni to file of record and serve upon the undersigned a Statement. On November 26, 2019, Appellant filed a timely, albeit identical, Statement in each of the above-captioned docket numbers.

On December 6, 2019, the Court issued an Order cancelling argument on Appellant's Post-Sentence Motion for a New Trial. On January 14, 2020, the Superior Court, by *per curiam* Order, directed Appellant to show cause why her appeals should not be quashed as premature, as this Court had not yet ruled on her Post-Sentence Motions for a New Trial.

On January 16, 2020, following the filing of Appellant's Praecipe for Determination requesting that her Post-Sentence Motion be denied by operation of law, the Court entered an Order denying Appellant's Post-Sentence Motions for a New Trial. On January 27, 2020, Appellant filed a Motion for Bail Pending Appeal pursuant to Pa.R.Crim.P. 521, which is currently scheduled to be heard by the Court on March 3, 2020.

We only set forth as much of the factual history as is necessary for the issuance of this Opinion. The salient facts in support of the judgment of sentence and giving rise to the instant appeal are as follows: Appellant is a trained lawyer who weaponized her law license and fiduciary relationship as a means to repeatedly prey upon vulnerable clients. On December 2, 2015, Appellant was disbarred on consent from the practice of law in this Commonwealth. See Pa. Supreme Ct. Order, Exh. C-61A. Specifically, these three (3) cases involve complex white collar charges with approximately ten (10) different victims⁵ and a substantial number of documents and exhibits. As such, we will set forth a brief recitation of the facts in support of Appellant's convictions as they pertain to each victim and docket number.

Criminal Information Number 1984-2017

In or about November of 2014, Appellant, then licensed to practice law in Pennsylvania, improperly wrote herself a check of the First Niagara account of the Estate of Vera Ahern, a client of Appellant, in the amount of \$9,000, without the knowledge, permission or consent of the executor of the Estate of Vera Ahern. Appellant subsequently deposited the check she wrote to herself on the Estate account into one of her own personal bank accounts.

In or about February of 2015, Appellant, then licensed to practice law in Pennsylvania, improperly wrote herself a second check on the First Niagara account of the Estate of Vera Ahern, in the amount of \$57,000, without the knowledge, permission, or consent of the executor of the Estate. Appellant subsequently deposited the check into one of her own personal bank accounts. Because the First Niagara Estate account had already been closed, Appellant was unable to obtain

⁵ The victims in these cases include the Estate of Vera Ahern, the Estate of G. Raymond Elmer, Donald Peszko, Esther Meeks, Margaret Mullery, Frank Balistrieri, Danielle and Eric Behrenhauser, William Moser, and Craig Smedley.

the money from the check.

In or about July of 2014, Appellant, then licensed to practice law in Pennsylvania, improperly wrote herself a check on the Susquehanna account of the Estate of G. Raymond Elmer, a client of Appellant, in the amount of \$28,972.50, without the knowledge, permission, or consent of the executor of the Estate. Appellant later deposited the check into one of her own personal bank accounts.

In or about February of 2015, Appellant, then licensed to practice law in Pennsylvania, fabricated a Fee Agreement Letter purportedly addressed to Raymond K. Elmer, the executor of the Estate of G. Raymond Elmer, providing for a 15% attorney fee instead of the 10% which had been previously agreed upon.

Also in or about February of 2015, Appellant, then licensed to practice law in Pennsylvania, executed a verification, subject to the provisions set forth in 18 Pa.C.S. Section 4904, in which she attested that the facts contained in the document titled "Answer to Petition for Return of Estate Property" ("Answer"), were true and correct to the best of her knowledge, information and belief. The Answer, which was filed of record in the Orphan's Court, contained a statement that executor, Raymond K. Elmer, had prepared an inheritance tax return, a statement that Appellant knew to be false because she herself had prepared and filed the tax return that was grossly inadequate and erroneous.

The Answer, verified by Appellant, also had attached to it a copy of the purported Fee Agreement Letter which Appellant had falsified and contained a statement that Mr. Elmer had agreed to an attorney fee of 15% when, in reality, Appellant knew that he had only agreed to a 10% attorney fee.

In or about November of 2014, Appellant, then licensed to practice law in Pennsylvania, received an advanced payment of attorney's fees in the amount of \$2,500 from Donald Peszko, a client of Appellant, which, pursuant to a written Fee Agreement Letter, she was required to hold in escrow. Instead of complying with the applicable Fee Agreement, Appellant deposited Mr. Peszko's money into one of her own personal bank accounts.

In or about January of 2015, Appellant, then licensed to practice law in Pennsylvania, received a second \$2,500 payment from Mr. Peszko, and again failed to properly escrow it as required by the written Fee Agreement Letter.

In or about May of 2015, Appellant, then licensed to practice law in Pennsylvania, sent Mr. Peszko a fraudulent billing invoice for \$5,200 when, in fact, Appellant knew she had not earned the purported billed amount.

In or about September of 2015, Appellant, then licensed to practice law in Pennsylvania, altered a written Fee Agreement Letter that had been executed in November of 2014 by Mr. Peszko, a client, by changing the amount of an attorney fee from \$2,500 to \$5,000, and by removing the requirement that Mr. Peszko's money be escrowed, thereby making Mr. Peszko's advanced payments for attorney's fees non-refundable.

In or about September of 2015, Appellant then licensed to practice law in Pennsylvania, signed Mr. Peszko's name and signature on the written Fee Agreement Letter that she had previously altered. Appellant did so without Mr.

Peszko's knowledge, consent or permission.

In or about September of 2015, Appellant, then licensed to practice law in Pennsylvania but under investigation by the Office of Disciplinary Counsel of the Disciplinary Board of the Supreme Court of Pennsylvania, submitted to Disciplinary Counsel a copy of the written Fee Agreement with Mr. Peszko, wherein she had altered and forged Mr. Peszko's name and signature on the document.

In or about October of 2013, Appellant, then licensed to practice law in Pennsylvania, obtained \$3,000 from Esther Meeks, a client of Appellant, to resolve a subdivision matter for Ms. Meeks. In order to secure a retainer from Ms. Meeks, Appellant knowingly misrepresented her qualifications, telling Ms. Meeks that it was a "simple subdivision" when, in fact, Appellant had no experience handling land use/subdivision matters.

In or about May of 2014, Appellant, then licensed to practice law in Pennsylvania, obtained another \$3,000 from Ms. Meeks by false pretenses. In doing so, Appellant represented to Ms. Meeks that the subdivision approval process was progressing along when, in reality, she had not even initiated the process or earned the previous \$3,000 that she had received from Ms. Meeks in October of 2013.

In or about March of 2015, Appellant, then licensed to practice law in Pennsylvania, fabricated a written billing invoice and provided it to Ms. Meeks in which Appellant claimed to have done subdivision approval work for Ms. Meeks, which, in fact, she did not actually perform.

Criminal Information Number 3155-2017

In or about August of 2015, Appellant, then licensed to practice law in Pennsylvania, knowingly submitted a written billing invoice to Margaret Muller, a client of Appellant, for \$1530.10, which Defendant had not actually earned.

In or about February of 2014, Appellant, then licensed to practice law in Pennsylvania, secured \$4,000 from Frank Balistrieri, a client of Appellant, on the representation that the \$5,000 retainer that Mr. Balistrieri had paid her in December 13, 2013, to handle a property damage claim, needed to be replenished when, in fact, she had not earned the initial \$5,000 retainer.

In or about July of 2015, Appellant, then licensed to practice law in Pennsylvania, improperly obtained from Frank Balistrieri an additional \$5,000 to arbitrate his property damage claim when, in fact, the two year statute of limitations had run and Appellant had no intention of earning the additional \$5,000.

In or about August of 2015, Appellant, then licensed to practice law in Pennsylvania, obtained \$5,000 from Danielle and Eric Behrenhauser, clients of Appellant, on her representation that she would handle a personal injury claim for them when, in fact, Appellant had no intention of earning the money.

In or about June of 2016, Appellant, then licensed to practice law in Pennsylvania, unlawfully induced William Moser, a former Social Security Disability client of Appellant, to give her \$6,000 by threatening to have his Social Security

Disability benefit payments stopped unless he paid her the money.

Criminal Information Number 2349-2018

In or about June of 2016, Appellant, then licensed to practice law in Pennsylvania, unlawfully held herself out to Administrative Law Judge Susanne Straus, to Craig Smedley, a Social Security Disability client of Appellant and to Mr. Smedley's wife, Wendy Smedley, that she was licensed to practice law in Pennsylvania when, in fact, she knew that she was not.

DISCUSSION

In her counseled Statements, Appellant essentially raises twelve (12) appellate issues, which have been reorganized for ease of review. In Appellant's own words, those issues are as follows:

1. For the sentences that are within the sentencing guidelines, [Appellant] contends that the sentence [sic] imposed is "clearly unreasonable" and for the sentences that are outside the guidelines, [Appellant] contends those sentences are "unreasonable" and the Court failed to state sufficient or proper reasons or justification imposing those sentences. Commonwealth v. Coulverson, 34 A.3d 135 (Pa. Super. 2011); Commonwealth v. Dodge, 357 A.2d 1198 (Pa. Super. 2008). [Appellant] appeals the discretionary aspects of the sentence and asserts that there is a substantial questions that the sentence imposed is not appropriate or violates the provisions of the Sentencing Code or is contrary to the fundamental norms of the sentencing process and the Court committed a manifest abuse of discretion for the reasons set forth below. Commonwealth v. Luketic, 162 A.3d 1149 (Pa. Super. 2017). The imposition of consecutive sentences resulted in an aggregate sentence which is unduly harsh considering the nature of the crimes and total length of imprisonment.
2. The Court did not impose a sentence that is consistent with the protection of the public, the gravity of the offense as it related to the impact on the life of the victim and on the community, and the rehabilitative needs of [Appellant]. 42 Pa.C.S.A. § 9721(b).
3. Many of the sentences imposed by the Court were either in the aggravated range of the sentencing guidelines or outside of the sentencing guidelines. The Court failed to set forth adequate or proper reasons for the deviations, especially on Count 11 where there was no loss to the victim; Count 14 where the Court imposed a sentence of 18-48 months consecutive, when the guidelines are 3-12 months, +/- 6; Counts 21 and 22 where the losses were minimal; Counts 28 and 31 where the Court imposed an illegal sentence (see paragraph 11); Count 36 where the loss was minimal and where the jury determined that Defendant was not guilty of Counts 34 and 35; and Count 47 where the

sentence exceeds the guidelines. The imposition of these sentences is clearly unreasonable or unreasonable. 42 Pa.C.S.A § 9781.

4. The Court did not address the protection of the public from any future actions of the Defendant. [Appellant] has been disbarred from the practice of law in Pennsylvania and New Jersey and has no intent to ever apply for reinstatement of her license.
5. The Court never addressed the rehabilitative needs of [Appellant]. Nor did the Court address the impact the sentence could have on her family, especially her two young children, or her medical needs.
6. With respect to the gravity of the offense as it relates to the impact on the lives of the victims and on the community [Appellant] notes:
 - a. These are not cases of violence; not a single person was physically harmed or injured;
 - b. [Appellant] was acquitted of the largest theft Count. Other than the fee in the Elmer Estate matter the Counts of theft were \$9,000.00 or less. All victims except the Behrenhauser's have been compensated by the Pennsylvania Lawyers Fund for Client Security so there is not continuing economic impact upon them.
 - c. The total restitution ordered by the Court was \$59,972.50 (\$54,972.50 to the Pennsylvania Lawyers Fund for Client Security and \$5,000.00 to the Behrenhausers. A sentence of 137 to 420 months of incarceration is clearly unreasonable, unduly harsh and excessive given the above circumstances.
7. In imposing the sentence, the Court stressed and focused solely upon the breach of fiduciary duty by [Appellant], the deterrent effect, that a message needed to be sent, and her lack of remorse. These goals of sentencing, assuming they are appropriate, could have been adequately addressed with a more measured sentence, not one that was solely punitive in nature. Furthermore, it was error for the Court to focus solely on the nature of the crimes and on those factors in imposing the sentences.
8. With respect to the fiduciary duty, while defense counsel recognizes this as a legitimate concern in imposing sentence, to impose consecutive sentence in the aggravated range or above the aggravated range to reach a total minimum sentence of over 11 years actually imposes multiple punishment for the same conduct and therefore is unreasonable excessive and unduly harsh.
9. The sentences imposed on Counts 28 and 31 are illegal for the following reasons:
 - a. The Commonwealth did not seek provide notice nor did it seek in its Sentencing Memorandum that the Court impose a sentence under 42 Pa.C.S.A. § 9717. Such notice is required. Commonwealth v. Rizzo, 523 A.2d 809 (Pa. Super 1987); Commonwealth v. Jones, 942 A.2d

903, fn.3 (Pa. Super. 2008).

- b. The imposition of the sentence under 42 Pa.C.S.A. § 9717 violates the law as stated in Alleyn v. United States, 570 U.S. 99 (2013), as there was no finding by the jury regarding the victims age.

10. A factor in the Judge’s sentence was [Appellant’s] demeanor during the trial. [Appellant] contends that this was an improper factor for the Court to consider. [Appellant’s demeanor during trial] was misinterpreted as a lack of remorse.
11. The Court failed to impose a sentence under 61 Pa.C.S.A. § 4505 (Recidivism Risk Reduction Incentive), especially Section 4505(c)(2) as required to do so by law.
12. [Appellant’s] primary claim for a new trial is based upon the denial of her constitutionally guaranteed rights of effective assistance of counsel and to present a full and complete defense. [Appellant’s] right to effective assistance of counsel under the VI and XIV Amendments of the Constitution of the United States of American and Article I, § 9 of the Constitution of the Commonwealth of Pennsylvania, the Due Process Clause of the V and XIV Amendments of the Constitution of the United States of American and Article I, § 9 of the Constitution of the Commonwealth of Pennsylvania, and [Appellant’s] constitutional right to present a full, fair and complete defense as determined by the Supreme Court of the United States in Chambers v. Mississippi, 410 U.S. 284 (1971); Green v. Georgia, 422 U.S. 95 (1979); Crane v. Kentucky, 476 U.S. 683 (1986). Specifically, trial counsel was unable to present a constitutionally effective defense as he was required to shorten the defense’s case in order to comply with the Court’s intention in finishing direct examination on May 6, 2019. Thus, defense counsel was unable to fully develop in a meaningful way the defense (as it related to the Elmer, Balistreri, and Moser matters) that he had intended to mount on behalf of [Appellant].

See Def.’s Supplemental Statement, 11/26/19, unpaginated.

As we will explain, with the exception of Statement issues nine (9) and eleven (11), Appellant’s remaining arguments afford her no relief on appeal. Stated differently, Appellant’s Recidivism Risk Reduction Incentive program (“RRRI”) and lack of Section 9717 notice arguments (Statement Issue Nos. 9 and. 11) possess arguable merit, however; the remaining issues raised on appeal are either waived or are otherwise devoid of arguable merit and can form no successful basis on appeal.

The Court agrees with Appellant that, under 61 Pa.C.S. § 4501, et seq., she is statutorily eligible to participate in the RRRI program. Therefore, pursuant to Section 4505(c)(2), the RRRI minimum for a 137 month minimum sentence (5/6) appears to be 114 months. However, assuming that the Superior Court determines that the mandatory sentence enhancements for Count 28 and 31 apply, Defendant’s RRRI minimum date would appear to be 118 months.⁶ The Court will resentence Appellant consistent with

⁶ 137 month minimum – 24 months (to exclude the two convictions with mandatory sentences under 42 Pa.C.S.A. § 9717(a)) = 113 months / 6 = 18.83 x 5 = 94.16 = 24 (add back in the two mandatory sentences under Section 9717(a)) = **118.16 months**. See 42 Pa.C.S.A. § 9717(b).

the Superior Court's directive concerning the application of RRR1 in the instant cases.

Similarly the Court agrees with Appellant that the Commonwealth failed to provide reasonable notice of its intent to invoke the mandatory sentencing provisions of Section 9717, and therefore the sentences imposed on Counts 28 and 31 are illegal. It is well-established law that the respective ages of a defendant and her victims are not elements of the crime of Theft as defined in Title 18 of the crimes code and, therefore, do not have to be alleged in an information charging aggravated assault. The only requirement is that Appellant receives reasonable notice of the Commonwealth's intention to invoke Section 9717 after conviction and before sentencing. Commonwealth v. Rizzo, 523 A.2d 809, 811 (Pa. Super. 1987).⁷ The Court now finds that the Commonwealth did not comply with this requirement. The Commonwealth did not state during the pretrial proceedings, at trial or in its Sentencing Memorandum that it intended to invoke Section 9717. Consequently, the Court concedes that Appellant's sentence must be vacated with respect to these two (2) counts, only, and Defendant must be resentenced accordingly.⁸

With regard to Appellant's remaining assertions of error, we find that they are either waived or otherwise lack arguable merit. Specifically, with respect to Appellant's claim that the Court did not provide defense counsel with enough time to present a full and complete defense at trial; this self-serving claim is clearly waived and can form no successful basis on appeal.

Appellant's assignment of error is waived because it was not properly preserved for appeal by specific objection during trial. It is well-established law that to preserve a claim of error for appellate review, a party must make a specific objection to the alleged error before the trial court in a timely fashion and at the appropriate stage of the proceedings; failure to raise such objection results in waiver of the underlying issue on direct appeal. See Pa.R.A.P. 302 (a) (stating that "issues not raised in the lower court are waived and cannot be raised for the first time on appeal."); see also Commonwealth v. Freeman, 827 A.2d 385 (Pa. 2003); Commonwealth v. Charleston, 16 A.3d 505 (Pa. Super. 2011), appeal denied, 30 A.3d 486 (Pa. 2011); Commonwealth v. Henkel, 90 A.3d 16 (Pa. Super. 2014).

In the present case, defense counsel failed to make a timely, specific, objection concerning this issue and, therefore, it is waived. Furthermore, defense counsel

⁷ This court imposed a notice requirement for 42 Pa.C.S.A. § 9717 in Commonwealth v. Rizzo, 523 A.2d 809 (Pa. Super. 1987). The Rizzo court imposed the requirement citing two other mandatory minimum sentencing sections of the Sentencing Code, sections 9712(b) and 9714(c). We note that those subsections specifically imposed a notice requirement before the Commonwealth can invoke those particular mandatory minimum sentence requirements. On the other hand, section 9717 appears to be alone among the various mandatory minimum sentence provisions of the Sentencing Code that does **not** contain a subsection requiring notice. Thus, although we are bound by this precedent, we observe that there appears to be no statutory authority for this notice requirement. Commonwealth v. Jones, 942 A.3d 903, fn.3 (Pa. Super. 2008) (emphasis added).

⁸ Having determined that the Commonwealth failed to provide reasonable notice of its intent to invoke the mandatory minimum sentence for Count's 28 and 31, we need not address Defendant's claim that the aforementioned sentence on these two counts also violates Alleyne v. United States, 570 U.S. 99 (2013).

failed to make any offer of proof concerning the evidence that he would have presented, but for his perceived time limitation communicated by the Court. Stated differently, defense counsel did not articulate to the Court, during trial, that he was making tactical or strategic decisions to streamline his case, eliminate pertinent evidence, or that he would be unable to finish direct examination that day. Rather than making an appropriate objection as required by the Rules of Appellate Procedure, defense counsel improperly attempted to raise this issue for the first time during Post-Sentence motions.⁹ As pointed in Appellant's Post-Sentence Motion for a New Trial, Mr. DiFabio is an experienced trial attorney who has tried numerous white collar cases over the past 40 years, on both the State and Federal level. Consequently, Mr. DiFabio should be well-aware of his obligation to timely object at trial to preserve issues for appeal.

However, notwithstanding that the issue was not properly preserved for appeal, we write further to point out that Appellant's claim is also belied by the record. In support of her claim, Appellant only cites to a brief dialogue in the trial transcripts. The record reflects that the following exchange took place between defense counsel and the Court during trial:

The Court:	Just so you know, I intend on finishing direct today.
Mr. DiFabio:	I have seven more to go, Judge.
The Court:	Don't dally.
Mr. DiFabio:	Trying not to Judge, I am trying not to.

N.T. 5/6/19 at 11.

However, the above-referenced dialogue belies Appellant's contention that the Court required defense counsel to make tactical decisions to eliminate the presentation of critical evidence in order to finish direct examination on May 6, 2019. The Court merely expressed its desire to finish direct examination that day because direct examination was very protracted. If defense counsel had objected to or otherwise took issue with the Court's statement, which he did not, the Court would have been inclined to adjust its trial schedule accordingly to permit defense counsel more time to present his case. The Court would have been amenable to starting the trial earlier in the morning, concluding the trial later in the evening and/or could have revised the time allotted for lunch and breaks. However, by failing to make a proper objection, the Court was deprived of ability to impose any of these possible solutions. Defense counsel's reliance on the aforementioned Notes of Testimony coupled with his failure to articulate any prejudice at trial, belies his claim that he was denied the opportunity to present a full and complete defense.

We will now collectively review Appellant's remaining claim that the Court erred or otherwise abused its discretion in imposing sentence in this matter. Specifically, Appellant contends that the sentences imposed are either "clearly unreasonable" or

⁹ We note that Appellant filed an appeal to the Superior Court prior to the Court ruling on the Post-Sentence Motion for a New Trial thereby divesting the Court of jurisdiction over the Post-Sentence Motion.

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“unreasonable” for various reasons, which we will now address.

The applicable appellate standard of review of a sentencing determination is as follows:

Sentencing is a matter vested in the sound discretion of the sentencing judge, and a sentence will not be disturbed on appeal absent a manifest abuse of discretion. In this context, an abuse of discretion is not shown merely by an error in judgment. Rather, the appellant must establish, by reference to the record, that the sentencing court ignored or misapplied the law, exercised its judgment for reasons of partiality, prejudice, bias or ill will, or arrived at a manifestly unreasonable decision.

Commonwealth v. Shugars, 895 A.2d 1270, 1275 (Pa. Super. 2006) (internal citations and quotations omitted).

In Commonwealth v. Walls, 926 A.2d 957 (2007), the Pennsylvania Supreme Court described the rationale behind such broad discretion and the concomitantly deferential standard of appellate review as follows:

[T]he sentencing court is in the best position to determine the proper penalty for a particular offense based upon an evaluation of the individual circumstances before it. Simply stated, the sentencing court sentences flesh-and-blood defendants and the nuances of sentencing decisions are difficult to gauge from the cold transcript used upon appellate review. Moreover, the sentencing court enjoys an institutional advantage to appellate review, bringing to its decisions an expertise, experience, and judgment that should not be lightly disturbed. Even with the advent of the sentencing guidelines, the power of sentencing is a function to be performed by the sentencing court. Thus, rather than cabin the exercise of a sentencing court's discretion, the guidelines merely inform the sentencing decision.

Id. at 961-62 (internal citations and quotations omitted).

By statute, the appellate court must vacate a sentence and remand the case to the sentencing court with instructions if it finds:

- (1) the sentencing court purported to sentence within the sentencing guidelines but applied the guidelines erroneously;
- (2) the sentencing court sentenced within the sentencing guidelines but the case involves circumstances where the application of the guidelines would be clearly unreasonable; or
- (3) the sentencing court sentenced outside the sentencing guidelines and the sentence is unreasonable.

42 Pa.C.S. § 9781(c). However, “[i]n all other cases the appellate court shall affirm the sentence imposed by the sentencing court.” *Id.*

The Pennsylvania Sentencing Code 42 Pa.C.S. § 9721(b) provides that a trial court should impose a sentence of confinement that is “consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the defendant.” Commonwealth v. Walls, 926 A.2d 957 (Pa. 2007). Consequently a sentence may also be unreasonable if the appellate court finds that the sentence was imposed without express or implicit consideration by the sentencing court of the general standards applicable to sentencing found in Section 9721(b). Although a court is required to explain its reasons for imposing sentence, it “need not specifically cite or include the language of the sentencing code, it must only demonstrate that the court has considered the factors specified in the code.” Commonwealth v. Baker, 507 A.2d 872, 874 (Pa. Super. 1986) (internal citation omitted).

However, “the statute is clear that the trial court must also consider the sentencing guidelines adopted by the Pennsylvania Commission on Sentencing. If the court imposes a sentence outside of the sentencing guidelines, it must provide a written statement setting forth the reasons for the deviation.” *Id.*

Although the court is required to consider the sentencing guidelines, “Sentencing Guidelines are purely advisory in nature... the guidelines are merely one factor among many that the court must consider in imposing a sentence.” Commonwealth v. Yithasz, 923 A.2d 1111, 1118 (Pa. 2007). “The Sentencing Guidelines, located at 204 Pa.Code § 303 *et seq.*, recommend ranges of minimum sentences based on the type of offense, the defendant’s prior criminal history, and a variety of aggravating and mitigating factors. The Guidelines further recommend that if the Court determines that aggravating or mitigating circumstances are present, it may impose a sentence that is a specified amount of time greater than the upper limit of the standard range or less than the lower limit of the standard range. 204 Pa.Code § 303.13.” *Id.*

In addition to considering the Sentencing Guidelines, the court is required to consider the particular circumstances of the offense and the character of the defendant. Commonwealth v. Sanders, 627 A.2d 183 (Pa. Super. 1993). The court should consider the defendant’s prior criminal record, age, personal characteristics and potential for rehabilitation. Commonwealth v. Cottam, 616 A.2d 988 (Pa. Super. 1992). In sentencing a defendant, the court is also permitted to consider the seriousness of the offense and its impact on the community. Commonwealth v. Roden, 730 A.2d 995 (Pa. Super. 1999).

The court has broad discretion to sentence at the top, middle or bottom of the standard range, or in the aggravated or mitigated range of the Sentencing Guidelines. Commonwealth v. Darden, 532 A.2d 1144 (Pa. Super. 1987). Also, in analyzing a particular sentence, it is well-established law that because the sentencing court has broad discretion in choosing the range of permissible confinements which best suits a particular defendant and the circumstances surrounding his crime...in imposing a sentence; “the trial judge may also determine whether, given

the facts of a particular case, a sentence should run consecutive to, or concurrent with, another sentence being imposed.” Commonwealth v. Hill, 66 A.3d 365, 370 (Pa. Super. 2013); Commonwealth v. Marts, 889 A.2d 608, 612 (Pa. Super. 2005); Commonwealth v. Rickabaugh, 706 A.2d 826 (Pa. Super. 1998).

Here, Appellant’s claim of unreasonableness or excessiveness of sentence is clearly without merit. Appellant’s sentence was neither inconsistent with a specific provision of the Sentencing Code nor contrary to the fundamental norms which underlie the sentencing process. We first note that the trial court was not required to issue a sentence in accordance with the Sentencing Guidelines as long as it considered the Guidelines along with Appellant’s character and the charged offenses in sentencing Appellant. Here, the sentences imposed by this Court are all either within the aggravated range or outside the Sentencing Guidelines with adequate reasons stated on the record for said departures.

Having presided over these cases from their inception, the Court is entirely familiar with Appellant.¹⁰ Therefore, this Court was in the best position to view Appellant’s character, displays of remorse or lack thereof, defiance or indifference, and the overall effect and nature of the crime and to fashion a sentence that complies with the Sentencing Code. Consequently, the Court properly exercised its discretion when imposing sentence by referencing and consulting the Pennsylvania Sentencing Guidelines for each guilty conviction and by placing on the record its reasons for sentencing in the aggravated range of the Sentencing Guidelines and/or its reasons for departing from said guidelines.

Appellant does not contend that her sentence exceeds the statutory limits. In fact, she concedes that the majority of the sentences imposed fall within the aggravated range of the Sentencing Guidelines. “A sentencing court may consider any legal factor in determining that a sentence in the aggravated range should be imposed.” Commonwealth v. Stewart, 867 A.2d 589, 592–93 (Pa. Super. 2005) (citing Commonwealth v. Duffy, 491 A.2d 230, 233 (Pa. Super. 1985)). “In addition, the sentencing judge’s statement of reasons on the record must reflect this consideration, and the sentencing judge’s decision regarding the aggravation of a sentence will not be disturbed absent a manifest abuse of discretion.” Id. at 593.

Appellant’s sentencing arguments implicate the discretionary aspects of sentencing. See Commonwealth v. McKiel, 629 A.2d 1012 (Pa. Super. 1993) (stating that a sentence is manifestly excessive challenges the sentencing court’s discretion).

The right to appeal the discretionary aspects of sentence is not absolute; such an appeal is instead considered to be a petition for permission to appeal. Id. at 629 A.2d at 1013. Since appellate review of sentence is not a matter of right, it will

¹⁰ The trial court cannot justly sentence a defendant unless it possesses sufficient and accurate information about the circumstances of the offense and the character of the defendant to formulate its judgment. Commonwealth v. Devers, 546 A.2d 12 (Pa. 1988). Here, the Court was clearly aware of, and considered the necessary factors before fashioning a sentence. The Court had the benefit of listening to all of the evidence presented at trial, diligently reviewing both the Commonwealth and Appellant’s sentencing memoranda, consulting all of the sentencing alternatives available, and reviewing the applicable Sentencing Guidelines prior to imposing sentence. N.T., 8/2/19, at 44-45.

only be entertained where the appellate court is convinced that a substantial question exists that the sentence imposed is not appropriate under the Sentencing Code. Commonwealth v. Urrutia, 653 A.2d 706 (Pa. Super. 1995).

“An allegation that a sentencing court ‘failed to consider’ or ‘did not adequately consider’ certain factors does not raise a substantial question that the sentence was inappropriate. Such a challenge goes to the weight accorded the evidence and will not be considered absent extraordinary circumstances.” Urrutia, A.2d at 710 (internal citations omitted).

Appellant’s sentence of 137 to 420 months’ imprisonment for 43 offenses, including but not limited to, multiple counts of forgery, theft, receiving stolen property, criminal attempt, and the unauthorized practice of law, was not excessive given the facts of the case and the lack of acceptance of responsibility shown by Defendant throughout these proceedings. The Court emphasizes that Appellant continued to steal from her clients and defraud the Court system even after being directed by the Office of Disciplinary counsel to cease the practice law in this Commonwealth and comply with their disbarment requirements, including notifying her clients of her disbarment. Instead of complying with the Office of Disciplinary Counsel’s 10-day letter and disbarment requirements, Appellant continued to represent Mr. Smedley in his Social Security Administration proceedings before the court. See N.T., 5/3/19, at 286-302.

Although the Court could have fashioned consecutive sentences for each of Appellant’s 43 convictions, it chose not to do so. These cases represent an egregious example of a breach of fiduciary duty by a lawyer licensed to practice law in this Commonwealth. The practice of law is like other businesses, some do well and others do not. Some individuals are better lawyers or more skilled business people, others are neither. At the end of the day, the Law Offices of Kristi Fredericks is a privately owned business which orchestrated a scam to steal client funds.

Here, Appellant essentially weaponized her license to practice law and breached her ethical and fiduciary duties owed to her clients and the Court. Furthermore, but for being a licensed attorney, Appellant would not have had the opportunity to victimize her clients. Appellant used her law license to prey on numerous clients during their most vulnerable times for own personal gain, even after the Office of Disciplinary Counsel. Accordingly, Appellant is not entitled to a “volume discount” for her crimes by having all of sentences run concurrently.

A sentence may be excessive if it deviates from the Sentencing Guidelines without reasons stated on the record. As to the appellant’s claim that we failed to set forth adequate reasons on the record for imposing her aggravated-range sentences and departure from the guideline sentences, the considerations and rationale for our sentence were adequately placed on the record during the sentencing hearing.

The Notes of Testimony clearly demonstrate that in addition to considering the relevant sentencing factors, including mitigating factors¹¹, the Court also stated its

¹¹ The mitigating factors which the Court considered included the fact that Appellant was a law school graduate, was gainfully employed as a lawyer in this Commonwealth prior to incurring these cases, had no prior criminal convictions, had a significant alcohol use history, and suffered from a myriad of medical issues dating back to 2016. See Appellant’s Sentencing Memorandum, 7/26/19.

reasons for sentencing Appellant in the aggravated range or for any deviation from the Sentencing Guidelines.

Prior to imposing sentence, the Court had a lengthy discussion with Appellant, wherein the Court stated as follows:

Not only have you committed the crimes that are often in front of me on thefts and unlawful takings, and thefts by deception and attempts to do so, thefts by extortion and forgeries, but those crimes were committed against individuals that you have a fiduciary duty to.

* * * * *

So it is not just the run-of-the-mill theft, if there is such a thing, and therefore, I believe that on every one of those crimes which I sentence you to, although some of them may not be in the aggravated range, I believe that the breach of fiduciary duty enhances all of these crimes and would drive them all into the aggravated range.

* * * * *

And, again on the record, when those theft charges are committed by someone who is in your position, who holds a fiduciary responsibility to your clients, I believe that they must be imposed. And that's the exercise of my discretion. Otherwise, the statutes have no inherent meaning. And I do not see anything in the record that would mitigate from my not-imposing them.

* * * * *

And, lastly, you have heard victims come up here and not only express the impact that it had on them financially and emotionally, but the impact that it had on their perception of the justice system and of the legal system. So considering all that has been said, because independent of what has occurred with them in the conjunction of your representation of them, you have also engaged in conduct that was intended to defraud the system. That is the system that you were an officer of the Court before.

N.T., 8/2/19, at 45-46.

Initially, we note that in these appeals, Appellant's implies that the Court "punished" her for exercising her right to go to trial. This assertion is neither supported in fact nor law. See N.T., 8/2/19, at 35-36. However, Appellants attitude displayed throughout the trial and while on the witness stand suggests to the Court that she not only demonstrated an utter lack of remorse but also engaged in a calculated and planned effort on her part to actively attempt to avoid criminal respon-

sibility for her conduct. Specifically, the record in these cases is replete with examples of Appellant's failure to accept responsibility and to show remorse for her crimes.

When Appellant elected to proceed by jury trial rather than pleading guilty, the Court was able to gain a better understanding of the facts and significance of the crimes and attempted cover up perpetrated on the Office of Disciplinary Counsel, this Court, and the victims in these cases. When Appellant testified at trial, she told the jury several things that directly contravened the victim's testimony. Logic dictates, by its verdict, that the jury outright rejected most of Appellant's version of the events. Although the jury rejected much, if not all of Appellant's testimony; the testimony is relevant to demonstrate Appellant's complete lack of remorse and/or acceptance of responsibility. Even during allocution, Appellant failed to truly accept responsibility for her conduct. Appellant merely expressed an ambiguous apology for "everything that happened" to the victims. See N.T., 8/2/19, at 39-40.

We write further to point out that even to this day, Appellant continues to minimize the gravity of her crimes as they relate to the impact on the lives of the victims and on the community. We reiterate that these cases encompass a breach of the fiduciary duty owed by a lawyer to several of her clients. None of Defendant's convictions include breach of a fiduciary duty as an element of the crime. As a fiduciary, Appellant owed 100% allegiance to her clients, which she breached. Therefore, it was proper for the Court to consider this factor as an aggregating factor and a basis for departing from the Sentencing Guidelines. The Court does not find that any one breach of duty to any particular client is entitled to a lesser sentence than any other breach. Such consideration would depreciate the seriousness of Appellant's conduct.

Appellant continues to argue that because the Pennsylvania Lawyers Fund for Client Security reimbursed all but one of the victim's for their financial losses caused by Appellant that this somehow mitigates the crimes.¹² Although all but one of the victims may have been financially reimbursed by the Pennsylvania Lawyers Fund for Client Security, this does not make those victims emotionally whole, as reflected by their respective victim impact statements. Specifically, all of the victims had to spend a great deal of time and resources in order to rectify Appellant's criminal conduct in these matters. Additionally, several of the victims shared the same observations concerning the incredulity expressed by Appellant during her trial testimony. N.T., 8/2/19, at 29-32.

With respect to the Ahern Estate, there was a large packet of original materials, including negotiable U.S. currency bonds, which were provided to Appellant during the course of her representation but never returned to the Ahern Estate. Additionally, Appellant's failure to actually represent Ms. Behrenhauser's interests in her personal injury matter and return original documents supplied to her by the Behrenhausers resulted in Ms. Behrenhauser's claim now being permanently barred by the statute of limitations. N.T., 8/2/19, at 27-28. Similarly, Appellant preyed upon Mr. Moser, a

¹² The Court understands the Pennsylvania Lawyers Fund for Client Security to be a lawyer's fund that reimburses individuals who lost money or property as a result of wrongdoing by an attorney. Although, this fund may not be the result of tax payer dollars, it is funded through a State registration fee required by law. Accordingly, Appellant has not yet made the Pennsylvania Lawyers Fund for Client Security whole by paying the required restitution in these cases.

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client with a permanent, traumatic, brain injury by extorting a \$6,000 fee from him, which she knew that she was not entitled to since she was required to obtain her fee through, and or with the knowledge of the Social Security Administration. Appellant had the audacity to tell Mr. Moser that if he did not immediately place a \$6,000 cashier's check into her mother's mailbox, she would contact the Social Security Administration and have his Social Security Disability payments stopped. Appellant's extortion of Mr. Moser caused him great panic and anxiety because he had been without sufficient living resources for an extended period of time because of his traumatic brain injury. *Id.* at 26-27; N.T., 5/3/19, at 84-124. Finally, Appellant took advantage of her clients during their time of need. Multiple victims were dealing with the loss of a loved one around the time of Appellant's crimes and/or attempted cover-ups. The time and emotional capital devoted by these victims to their cases cannot be monetarily replaced through a restitution award.

We will briefly address Appellant's final contention that the Court did not address the protection of the public from any future actions of the Defendant. Although Appellant has been disbarred from the practice of law in Pennsylvania and New Jersey and may not intend to ever apply for reinstatement of her license, this fact did not stop her from continuing to practice law after her disbarment in Pennsylvania. Therefore, protection of the public was a grave concern for the Court during sentencing.

The naked greed that has reared its head in Appellant's cases has resulted in many, if not all, of the victims, losing trust in lawyers and the legal system as a whole. Thus, for general deterrent purposes, coupled with Appellant's refusal to comply with Disciplinary Counsel's 10-day letter and cease practicing law, the sentence imposed was clearly necessary to protect the public. Defendant's lack of remorse shown throughout these proceedings coupled with her lack of cooperation with the Office of Disciplinary Counsel are clearly reflective of her character and, as such, are valid considerations in fashioning a sentence outside of the Sentencing Guidelines. *See* N.T., 5/3/19, at 288-302. *See Commonwealth v. Begley*, 780 A.2d 605 (Pa. 2001). Moreover, Appellant's lack of remorse suggests a lack of interest on her part in rehabilitation and, also, her perception of the cases demonstrates that the public needs to be protected from her lack of remorse.

For all of the reasons set forth above, the trial Court respectfully requests that the verdict of the jury be upheld and its sentences, with the exception of the age enhancements sentences, and the RRRI calculation, be affirmed.

BY THE COURT:

/s/ William P. Mahon, J.

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NOTICES

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CORPORATION NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania for **Headlee Ventures Inc.** in accordance with the provisions of the Pennsylvania Business Corporation Law of 1988.

CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation - Nonprofit have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA effective November 6, 2020, for:

Let the Sun Shine In Foundation
538 Wyola Farm Road
Newtown Square, PA 19073

The corporation has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, as amended.

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that **A&A Hauling DBA A&A Sons Hauling LLC**, a Pennsylvania limited liability corporation, with its registered office at 1630 Beaver Dam Road, Honeybook, PA 19344, Chester, County, Pennsylvania, is now engaged in winding up and settling of the affairs of the corporation. The corporation will be filing Articles of Dissolution with the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania so that its existence shall be ended by the issuance of a Certificate of Dissolution by the Department of State

under the provisions of the Pennsylvania Business Corporation Law of 1988. Any notices of claims should be mailed to the corporate address above.

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that the shareholders of **MOTO-MAN, INC.**, a Pennsylvania corporation, with an address of 149 West Sherwood Dr., Oxford, PA 19363, (Chester County), has unanimously approved a proposal that the corporation voluntarily dissolve and is now engaged in winding up and settling affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that the shareholders and directors of **Technology Works, Inc.**, a Pennsylvania corporation, with an address of 417 Longview Dr, West Chester, PA 19380, have adopted a proposal to voluntarily dissolve the corporation. The Board of Directors is now engaged in winding up and settling the affairs of the corporation pursuant to 15 PA, C.S. § 1905 under the provisions of the Pennsylvania Business Corporation law of 1988 as amended.

ESTATE NOTICES

Letters Testamentary or of Administration having been granted in the following Estates, all persons having claims or demands against the estate of the said decedents are requested to make known the same and all persons indebted to the said decedents are requested to make payment without delay to the respective executors, administrators, or counsel.

1st Publication

BIZAR, Irving, late of Tredyffrin Township. Steven Bizar, care of AMY NEIFELD SHKEDY, Esquire, One Bala Plaza, Ste. 623, Bala Cynwyd, PA 19004, Executor. AMY NEIFELD SHKEDY, Esquire, Bala Law Group, LLC, One Bala Plaza, Ste. 623, Bala Cynwyd, PA 19004, atty.

FANOK, Anne B., late of Easttown Township. Kim Bennett, 116 Signal Hill Lane, Berwyn, PA 19312, Executor. JOSEPH P. DiGIORGIO, Esquire, 1800 E. Lancaster Avenue, Paoli, PA 19301, atty.

LEVIN, Martin, late of East Pikeland Township. Joann Wieland, 379 2nd Ave., Phoenixville, PA 19460, Executrix. NICHOLAS R. MONTALTO,

Esquire, McBrien & Montalto, P.C., 325 Swede St., Norristown, PA 19401, atty.

MATSON, Claude A., late of West Caln Township. Colleen J. Hutton, care of WILLIAM P. CULP, JR., Esquire, 614 Darby Rd., Havertown, PA 19083, Executrix. WILLIAM P. CULP, JR., Esquire, 614 Darby Rd., Havertown, PA 19083, atty.

McELVENNY, Bernard J., late of West Whiteland Township. Ronald J. Owen, care of RAYMOND L. DAVIS, IV, Esquire, P.O. Box 1306, Doylestown, PA 18901, Administrator. RAYMOND L. DAVIS, IV, Esquire, Drake, Hileman & Davis, P.O. Box 1306, Doylestown, PA 18901, atty.

MINKA, Cindy N., late of Caln Township. Edward T. Minka and Diane B. Minka, care of DUKE SCHNEIDER, Esquire, 17 W. Miner St., West Chester, PA 191382, Administrators. DUKE SCHNEIDER, Esquire, MacElree Harvey, LTD., 17 W. Miner St., West Chester, PA 191382, atty.

MYERS, Katharine Downing, a/k/a Katharine D. Myers, late of Kennett Township. Hugh D. Heisler, 24 East St., Northampton, MA 01060, Executor. DAVID M. BROWN, Esquire, Saul Ewing Arnstein & Lehr LLP, 1500 Market St. West, 38th Fl., Philadelphia, PA 19102-2186, atty.

SILBERBERG, Annice Ruth, a/k/a Annice Silberberg, a/k/a Annice R. Silberberg, late of New Garden Township. Jane Youderian, care of NANCY W. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executrix. NANCY W. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

SMITH, Norman K., late of West Whiteland Township. Craig S. Springer, 600 Willowbrook Ln., Ste. 624, West Chester, PA 19382, Executor.

SPRIGGS, Samuel Charles, late of London Britain Township. Stephanie C. Mitman, care of WILLIAM H. MITMAN, JR., Esquire, 111 South Church Street, West Chester, PA 19382, Administratrix. WILLIAM H. MITMAN, JR., Esquire, 111 South Church Street, West Chester, PA 19382, atty.

TRAVERS, Marie E., late of East Vincent Township. Catherine Dustman, 1267 W. Bridge St., Spring City, PA 19475, Executrix. ROBERT P. SNYDER, Esquire, Snyder Law Group, P.C., 121 Ivy Lane, King of Prussia, PA 19406, atty.

VOEHRINGER, Albert E., a/k/a Albert Eugen Voehringer, late of East Goshen Township. Georgette Voehringer, care of CARRIE A. S. KENNEDY, Esquire, 171 W. Lancaster Ave., Paoli, PA 19301-1775, Executrix. CARRIE A. S. KENNEDY, Esquire, Con-

nor, Weber & Oberlies, 171 W. Lancaster Ave., Paoli, PA 19301-1775, atty.

2nd Publication

BARR, Lynda A., late of Kennett Township. Ronald Ciarmello, care of JOHN R. LUNDY, Esquire, 450 N. Narberth Ave., Suite 200, Narberth, PA 19072, Administrator. JOHN R. LUNDY, Esquire, Lundy Beldecos & Milby, PC, 450 N. Narberth Ave., Suite 200, Narberth, PA 19072, atty.

BOCHEY, Barbara A., late of West Goshen Township. S&T Bank, care of LISA COMBER HALL, Esquire, 27 S Darlington St, West Chester, PA 19380, Executor. LISA COMBER HALL, Esquire, Hall Law Offices, 27 S Darlington St, West Chester, PA 19380, atty.

CHESTER, James Hawley, late of Newlin Township. Katherine Chester Wolfington and Hawley C. Chester, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Co-Executors. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

CUDDY, G. Janette, late of Coatesville. Cynthia A. Cuddy, 130 Old Racetrack Rd., Coatesville, PA 19320, Executrix. WILLIAM P. HARRINGTON, JR., Esquire, The Law Offices of William P. Harrington, Jr., Esq., 945 Hillcrest Dr., Kinzers, PA 17535, atty.

DANBY, Phyllis Creighton, late of Kennett Township. Colin Arthur Michael Danby, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executor. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

GORNEY, Margaret P., late of Birmingham Township. Leonard S. Gorney, 881 Silverwood Drive, West Chester, PA 19382, Executor.

HENC, Edward Valent, late of Coatesville. Deborah H Bone, 82 Devon Rd., Paoli, PA 19301, Executor.

JOHNSON, Annette P., late of East Bradford Township. Lee Levicoff, 6 Galena Court, Erial, NJ 08081, Executor. PETER E. IORIO, Esquire, 645 W. Hamilton Street, Suite 800, Allentown, PA 18101, atty.

LYONS, Richard E., late of Honey Brook. Brian F. Boland, care of BRIAN F. BOLAND, Esquire, 2640 Westview Drive, Wyomissing, PA 19610, Executor. BRIAN F. BOLAND, Esquire, Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610, atty.

McMILLAN, Edward Brian, late of East Fallowfield Township. Christopher Brian McMillan, care of DANA M. BRESLIN, Esquire, 3305 Edgmont Ave., Brookhaven, PA 19015, Executor. DANA M. BRESLIN, Esquire, Pappano and Breslin, 3305 Edgmont Ave., Brookhaven, PA 19015, atty.

MITCHELL, Marcella H., late of Oxford. Daina S. Wilson McLean, Esquire, P.O. Box 2410, Bala Cynwyd, PA 19004, Administratrix. DAINA S. WILSON, Esquire, P.O. Box 2410, Bala Cynwyd, PA 19004, atty.

SNYDER, Charlotte A., late of Honey Brook Township. John I. Shaffer, III, care of LISA COMBER HALL, Esquire, 27 S Darlington St, West Chester, PA 19380, Executor. LISA COMBER HALL, Esquire, Hall Law Offices, 27 S Darlington St, West Chester, PA 19380, atty.

SPRINGER, Wilbert Oscar, a/k/a Wilbert O. Springer III, late of West Grove. Deborah S. Belusa, 17201 Broadoak Dr., Tampa, FL 33647, Executor.

ZANGARDI, John A., a/k/a John Zangardi, late of East Vincent Township. Peter Zangardi, care of ANDREW C. LAIRD, Esquire, 360 West Main Street, Trappe, PA 19426, Executor. ANDREW C. LAIRD, Esquire, King Laird, P.C., 360 West Main Street, Trappe, PA 19426, atty.

3rd Publication

BIGLER, Patricia H., late of Westtown. C. Stephen Bigler, 1035 Ballintree Lane, West Chester, PA 19382, Executor. W. DONALD SPARKS, II, Esquire, Richards, Layton & Finger, P.O. Box 551 Wilmington, DE 19899, atty.

CUSKEY, John A., late of East Goshen Township. Karen E. Cuskey, care of NANCY W. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Administratrix. NANCY W. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

HALL, Elizabeth A., late of Spring City. Kathy J. Fellman, care of JOHN S. CARNES, JR., Esquire, 101 W. Main St. Parkesburg, PA 19365, Executrix. JOHN S. CARNES, JR., Esquire, 101 W. Main St. Parkesburg, PA 19365, atty.

JONES, JR., William A., late of Kennett Township. Mary Lucile Johnston, care of L. PETER TEMPLE, Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

KELLY, Suzanne Marie, late of London Britain Township. David Woerner and Peggy Woerner, care of DONALD B. LYNN, JR., Esquire, P.O. Box 384

Kennett Square, PA 19348, Administrators. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P.O. Box 384 Kennett Square, PA 19348, atty.

SILCOX, Shirley V., late of Elverson Borough. Cheyrl L. Borneman, P.O. Box 552, Boyertown, PA 19512, Executor. JEFFREY C. KARVER, Esquire, Boyd & Karver, P.C., 7 East Philadelphia Avenue, Suite 1, Boyertown, PA 19512, atty.

SMITH, Ian B., late of Tredyffrin Township. Jennifer Brigham, care of DANIEL R. COOPER, Esquire, 1701 Market St., Philadelphia, PA 19103, Executrix. DANIEL R. COOPER, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market St., Philadelphia, PA 19103, atty.

SMITH, Irene B., late of Tredyffrin Township. Jennifer Brigham, care of DANIEL R. COOPER, Esquire, 1701 Market St., Philadelphia, PA 19103, Executrix. DANIEL R. COOPER, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market St., Philadelphia, PA 19103, atty.

SPOTTS, Vivian A., late of Valley Township. Jeffrey A. Spotts, 1323 Old Wilmington Rd., East Fallowfield, PA 19320, Administrator. WILLIAM T. KEEN, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

STOUDT, Sue Webber, late of East Coventry Township. Sheila B. Eddinger, 3000 Lutheran Rd. Gilbertsville, PA 19525, Executor. JEFFREY C. KARVER, Esquire, Boyd & Karver P.C., 7 E. Philadelphia Avenue, Suite 1, Boyertown, PA 19512, atty.

STRATTON, JR., Jack D., a/k/a Jack Stratton, Jr., late of Tredyffrin Township. Henry C. Gulbrandsen, care of NICHOLAS W. STATHES, Esquire, 899 Cassatt Rd., Ste. 320, Berwyn, PA 19312, Executor. NICHOLAS W. STATHES, Esquire, Toscani & Gillin, P.C., 899 Cassatt Rd., Ste. 320, Berwyn, PA 19312, atty.

TRAVIS-BEY, JR., Eubank, late of Phoenixville Borough. Zamelia A. Doswell, care of DAVID M. FREES, III, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, Administrator. DAVID M. FREES, III, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

WALLACE, Larry V., late of West Caln Township. Richard A. Wallace, care of JANIS M. SMITH, Esquire, 4203 West Lincoln Highway, Parkesburg, PA 19365, Executor. JANIS M. SMITH, Esquire, Janis M. Smith, Attorney At Law, 4203 West Lincoln Highway, Parkesburg, PA 19365, atty.

NONPROFIT CORPORATION NOTICE

NOTICE IS HEREBY GIVEN that an application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a charter of a Nonprofit Corporation which was organized under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.

The name of the corporation is **Camel Foundation USA, Inc.**

Articles of Incorporation were filed on Friday, November 13, 2020

Elite Financial Service LLC, Solicitor
23 Prestbury Square
Newark, Delaware 19713

3rd Publication of 3**TRUST NOTICE**

Trust Estate of WILLIAM A. JONES, JR., deceased, late of Kennett Township, Chester County, Pennsylvania. All persons having claims or demands against the Trust Estate of WILLIAM A. JONES, JR. are requested to make known the same and all persons indebted to the said decedent are requested to make payment without delay to:

Mary Lucile Johnston, Trustee
c/o Larmore Scarlett LLP
P. O. Box 384
Kennett Square, PA 19348

L. Peter Temple, Esquire
Larmore Scarlett LLP
P. O. Box 384
Kennett Square, PA 19348

Public Notice
Appointment of New Magistrate Judge in the
United States District Court for the Eastern
District of Pennsylvania

The Judicial Conference of the United States has authorized the appointment of a full-time United States magistrate judge for the Eastern District of Pennsylvania at Allentown. The appointee may be required to preside at court sessions to be held at Philadelphia, Allentown, Reading, and Easton. The essential function of courts is to dispense justice. An important component of this function is the creation and maintenance of diversity in the court system. A community's belief that a court dispenses justice is heightened when the court reflects the community's diversity.

The duties of the position are demanding and wide-ranging, and will include, among others: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial matters and evidentiary proceedings on delegation from a district judge; and (4) trial and disposition of civil cases upon consent of the litigants. The basic authority of a United States magistrate judge is specified in 28 U.S.C. § 636.

To be qualified for appointment an applicant must:

1. Be, and have been for at least five years, a member in good standing of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and have been engaged in the active practice of law for a period of at least five years;
2. Be competent to perform all the duties of the office; be of good moral character; be emotionally stable and mature; be committed to equal justice under the law; be in good health; be patient and courteous; and be capable of deliberation and decisiveness;
3. Be less than seventy years old; and
4. Not be related to a judge of the district court.

A merit selection panel composed of attorneys and other members of the community will review all applicants and recommend to the district judges in confidence the five persons it considers best qualified. The court will make the appointment following an FBI full-field investigation and an IRS tax check of the applicant selected by the court for appointment. The individual selected must comply with the financial disclosure requirements pursuant to the Ethics in Government Act of 1978, Pub. L. No. 95-521, 90 Stat. 1824 (1978) (codified at 5 U.S.C. app. 4 §§ 101-111) as implemented by the Judicial Conference of the United States. An affirmative effort will be made to give due consideration to all qualified applicants without regard to race, color, age (40 and over), gender, religion, national origin, or disability. In 2020, the annual salary of the position is \$199,088.00 which may change in 2021. The term of office is eight (8) years.

The application is available on the court's web site at <https://www.paed.uscourts.gov/> Only applicants may submit applications and applications **must be received by Tuesday, January 19, 2021.**

All applications will be kept confidential, unless the applicant consents to disclosure, and all applications will be examined only by members of the merit selection panel and the judges of the district court. The panel's deliberations will remain confidential.

Applications must be submitted by email to **paedhumanresources@paed.uscourts.gov** with the subject line "**Magistrate Judge Application.**" An /s/ or e-signature on the application will be accepted.

Applications will only be accepted by email. Applications sent by mail will not be considered. Due to the overwhelming number of applications expected, applicants should not contact the court regarding the status of their application.

APPLICATION FOR UNITED STATES MAGISTRATE JUDGE

Please answer all questions. If a question is not applicable, indicate this by marking "N/A" in the relevant space. Submit the completed form via email to paedhumanresources@paed.uscourts.gov with the subject line "Magistrate Judge Application." Applications submitted by mail will not be considered. Please do not call the court regarding the status of your application. If you are unable to sign and scan your application, an /s/ or e-signature will be accepted.

General

- 1. Full name: _____
- 2. All other names by which you have been known: _____
- 3. Office address: _____
 City: _____ State: _____
 Zip: _____ Telephone: _____
- 4. Residential address: _____
 City: _____ State: _____ Zip: _____
- 5. Place of Birth: _____ Date of Birth: _____
- 6. Length of residence in state: _____
- 7. If you are a naturalized citizen, state the date and place of naturalization

- 8. Military Service:
 Branch: _____ Dates: _____
 Rank or Rate at Discharge: _____ Type of Discharge: _____
 If still a Reserve or National Guard Member, give service, branch, unit, and

present rank: _____

9. Are you related by blood or marriage to any judges of this court?

Yes _____ No _____ If yes, give name(s) and relationship: _____

Health

10. What is the present state of your health?

11. Do you have any mental or physical impairment that would affect your ability to perform the duties of a magistrate judge with or without reasonable accommodation?

Education

12. Colleges and universities attended, dates, and degree: _____

13. Continuing legal education courses completed with the last 10 years: _____

Honors

14. Were you a member of law review? Yes _____ No _____. If yes, describe role: _____

15. If you have published any legal books or articles, list them, giving citations and dates: _____

16. List any honors, prizes, or awards you have received. _____

Professional Admissions

17. List all courts (including state bar admissions) and administrative bodies having special admission requirements in which you are presently admitted to practice, giving the dates of admission in each case:

Court or Administrative Body

Date of Admission

Law Practice

- 18. State the names, addresses, and dates of employment for all law firms with which you have been associated in practice, all government agencies, and all private business organizations in which you have been employed. Also, provide all dates during which you have practiced as a sole practitioner.

Organization	Address	Position	Dates
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 19. Describe the general nature of your current practice including any legal specialties and character of your typical clients; also, if your practice is substantially different now than previously, give details of prior practice. _____

- 20. Do you regularly appear in court? Yes _____ No _____

What percentage of your appearances in the last five years was in the following forums?

- 1. Federal courts? _____%
- 2. State or local courts of record? _____%
- 3. Administrative bodies? _____%
- 4. Other? _____%
- _____%
- _____%

- 21. During the past five years, what percentage of your practice has been trial practice? %
- 22. How frequently have you appeared in court? %
- 23. How frequently have you appeared at administrative hearings?
..... times/mo.

- 24. What percentage of your practice involving litigation has been:
 - Civil %
 - Criminal %
 - Other %
 - %
 - %

25. State the number of cases you have tried to conclusion in courts of record during the past five years, indicating whether you were sole, associate, or chief counsel. Give citations of any reported cases. _____

26. Summarize your courtroom experience for the past five years. _____

27. State the names and addresses of adversary counsel against whom you have litigated your primary cases over the past five years. _____

Public Office

28. Have you ever run for, or held, public office? Yes _____ No _____ If yes, give details. _____

Prior Judicial Experience

29. a) Have you ever held judicial office or been a candidate for judicial office? If so, state the courts involved and the dates of service, or dates of candidacy.

b) If you have held judicial office, state the names and addresses of counsel who have appeared before you who would be knowledgeable of your work, temperament, and abilities. _____

c) Prior quasi-judicial service:

Names of agency: _____

Position held: _____

Hearings on what type of issues: _____

Number of cases adjudicated: _____

Dates of service: _____

Business Involvement

30. a) If you are now an officer, director, or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position

immediately upon your appointment to judicial office.

b) Since being admitted to the Bar, have you ever engaged in any occupation, business, or profession other than the practice of law? Yes _____ No _____
If yes, give the details, including dates.

c) During the past five years have you received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind? Yes _____ No _____
If yes, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved, and the dates such compensation was paid.

31. a) Have you ever been arrested, charged, or convicted for violation of any federal law, state law, county or municipal law, regulation, or ordinance? Yes ___ No ___
If yes, give details. (Do not include traffic violations for which a fine of \$200 or less was imposed unless it also included a jail sentence.)

b) Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? Yes _____ No _____
If yes, give particulars. _____

32. a) Have you ever been sued by a client? Yes _____ No _____
If yes, give particulars. _____

b) Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? Yes _____ No _____
If yes, give particulars, including the amounts involved. _____

33. Have you ever been charged in any civil or criminal proceedings with conduct alleged to involve moral turpitude, dishonesty, or unethical conduct? Yes _____ No _____ If yes, give particulars. _____

34. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group? Yes _____ No _____ If yes, give particulars.

35. Have you filed appropriate tax returns as required by federal, state, local, and other government authorities? Yes _____ No _____ If no, explain. _____

36. Have any liens or claims ever been instituted against you by the federal, state, or local authorities? Yes _____ No _____ If yes, explain. _____

Professional and Other Activities

37. a) List all bar associations and legal professional societies of which you are a member and give the titles and dates of any office you have held in such groups, and committees to which you belonged. _____

b) List all organizations and clubs, other than bar associations and professional societies identified in response to Question No. 37 a), of which you have been a member during the past ten years, including the titles and dates of any offices you have held in each such organization. _____

c) Have you ever served on a merit selection panel to consider the appointment or reappointment of a United States magistrate judge in this district? If yes, please provide date(s) or appointment(s). _____

Supplemental Information

38. State any achievements or actions you have accomplished, demonstrating your commitment to equal justice under the law. _____

39. State any additional education or other experiences you believe would assist you in holding judicial office. _____

40. State any other pertinent information reflecting positively or adversely on you, which you believe should be disclosed to the district court and the selection panel in connection with your possible selection as United States magistrate judge.

41. a) List three individuals as references who are familiar with your abilities.

Name _____

Address _____

Telephone _____

Email _____

Name _____

Address _____

Telephone _____

Email _____

Name _____

Address _____

Telephone _____

Email _____

b) List three individuals as references who are familiar with your personal character.

Name _____
Address _____
Telephone _____
Email _____

Name _____
Address _____
Telephone _____
Email _____

Name _____
Address _____
Telephone _____
Email _____

Confidentiality Statement

This form will be kept confidential and will be examined only by members of the merit selection panel and the judges of the district court. The individuals whom you have listed as references above may be contacted by the panel, but no other employers, colleagues, or other individuals will be contacted without your prior approval.

I declare under penalty of perjury that the foregoing is true and correct.

Signature of Applicant: _____ Date: _____

*If you are unable to sign and scan your application, an /s/ or e-signature will be accepted.