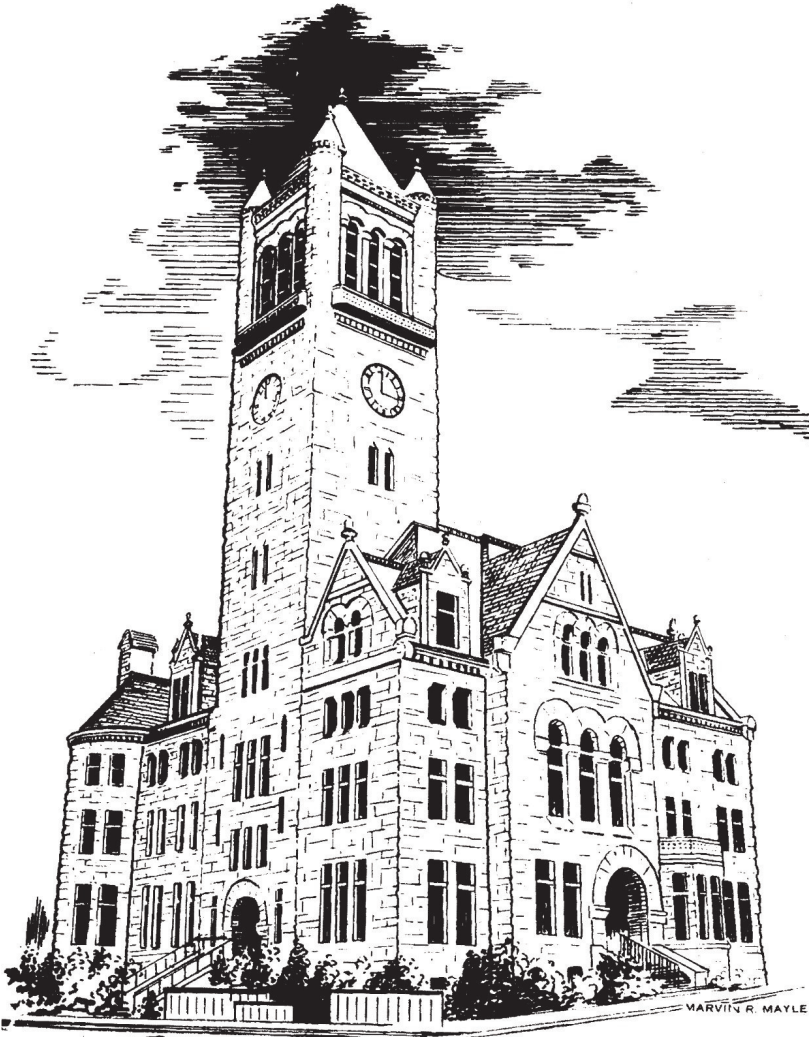


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Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay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

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Attorney: Webster & Webster

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Attorney: Webster & Webster

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c/o Robert R. Harper, Jr.

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Attorney: Robert R. Harper, Jr.

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Jeannette, PA 15644

Rebecca Russell, *Co-Executrix*

139 Lannan Stone Lane

Hunker, PA 151639

Elizabeth Russell, *Co-Executrix*

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West Mifflin, PA 15122

Attorney: Alan Benyak

PO Box 1

401 Sixth Street at Washington Avenue

Charleroi, PA 15022-0001

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Township, Fayette County, PA (1)

Executor: Michael J. Szabo

c/o 164 West Crawford Avenue

Connellsville, PA 15425

Attorney: David B. Reiss

MARY ASTRONSKAS SMALL, A/K/A**MARY SMALL, A/K/A MARY TULLI**, late

of Springhill Township, Fayette County, PA (1)

Administratrix: Lisa M. Peduzzi

c/o Zebley Mehalov & White

18 Mill Street Square

PO Box 2123

Uniontown, PA 15401

Attorney: Daniel R. White

LEGAL NOTICES

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about SEPTEMBER 4, 2015 to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of General Tire & Auto Service, with the principal place of business at 1301 I C V Road , Melcroft, PA 15462. The name or names and addresses of persons owning and interested are Lawrence P Powers III, 1 Powers Lane, P O Box 184, Acme, PA 15610.

NOTICE

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
Docket No. 1601 of 2015 GD

**CAROLYN GLASER, Executor of the
Estate of JANET S. WALSH,**
Plaintiff,
v.
HEIRS of PERCY B. DuROTH,
RUBIE DuROTH WALSH and
ESTHER DuROTH MASON,
Defendants.

NOTICE is given to the heirs of Percy B. DuRoth, Rubie DuRoth and Mary Esther DuRoth Mason that a Complaint in Action to Quiet Title has been filed in the Court of Common Pleas of Fayette County at Docket Number 1601 of 2015 GD concerning property situate in Franklin Township and known as Tax Parcel No. 13-20-0091.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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100 South Street, PO Box 186, Harrisburg, PA
17108
Phone: 800-692-7375

Attorney for Plaintiff:
Timothy R. Berggren, Esquire
Berggren & Turturice, LLC
22 East Beau Street, Washington, PA 15301
Phone: 724-222-4880

NOTICE

BROWNSVILLE TOWNSHIP ORDINANCE
ESTABLISHING LANDOWNERS'
RESPONSIBILITY FOR THE REMOVAL
OF CERTAIN TREES FROM TOWNSHIP
RIGHTS-OF-WAY AND PROVIDING FOR
THE ASSESSMENT OF COST THEREFOR
ORDINANCE NO 1-15

The public is hereby notified that Brownsville Township intends to enact a meeting to be held October 6, 2015, at 6:30 PM an ordinance establishing landowners' responsibility for the removal of certain trees from rights-of-way in Brownsville Township, Fayette County, Pennsylvania, and assessing costs for the violation thereof.

A true and correct copy of the ordinance can be found in the following offices: Offices of the Herald Standard, Fayette County Law Library, and Brownsville Township Municipal Building during regular business hours.

Anthony S. Dedola, Jr.
Solicitor for Brownsville Township

Registers' Notice

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

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

Monday, October 5, 2015
at 9:30 A.M.

2615-0122 ESTHER M. HENDERSON ANTHONY SANTORELLA, JR., Administrator

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on
Monday, October 19, 2015
at 9:30 A.M.

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

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

Monday, October 5, 2015
at 9:30 A.M.

555 of 2014 EMMA F. WARWICK also known MELVIN C. WARNICK, JR., Executor
as EMMA FLORENCE WARRICK

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on
Monday, October 19, 2015
at 9:30 A.M.

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

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

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	CRIMINAL DIVISION
v.	:	
RAYMOND JOHN TRAUTMAN,	:	No. 1084 of 2014
Defendant.	:	JUDGE JOSEPH M. GEORGE, JR.

ATTORNEYS AND LAW FIRMS

Courtney M. Butterfield, Esquire, Deputy Attorney General, For the Commonwealth
Jeffrey W. Whiteko, Esquire, Chief Public Defender, For the Defendant/Appellant

OPINION AND ORDER

GEORGE, J.

May 11, 2015

On December 30, 2014, Appellant, Raymond John Trautman, pleaded guilty to four (4) counts of Dissemination of Child Pornography, {1} five (5) counts of Possession of Child Pornography, {2} and one (1) count of Criminal Use of Communication Facility. {3} Appellant was sentenced to a term of imprisonment for a period of not less than one (1) year nor more than two (2) years. {4} Moreover, Appellant was informed of his duty to register for a period of twenty-five (25) years under Pennsylvania's Sexual Offender Registration and Notification Act (SORNA). {5} He filed a timely post-sentence motion and the Court denied same. Appellant filed a direct appeal to the Superior Court of Pennsylvania. This Opinion is in support of the March 30, 2015 Sentencing Order.

CONCISE ISSUES

Appellant filed the following Statement of Errors Complained of on Appeal:

1. Is it unconstitutional to require an Appellant to register for twenty-five years when said registration requirement exceeds the statutory maximum penalty for Appellant's offense?
2. Is the Adam Walsh statute unconstitutional in requiring the Appellant to register for twenty-five (25) years?
3. Is the Adam Walsh statute unconstitutional in requiring the Appellant to register for twenty-five (25) years when Appellant was assessed and deemed not to be a sexual predator?

{1} 18 Pa. C.S. § 6312(c).

{2} 18 Pa. C.S. § 6312(d).

{3} 18 Pa. C.S. § 7512(a).

{4} Appellant was sentenced on Count 1, Dissemination of Child Pornography, a felony in the third degree. On the remaining Counts, all third degree felonies, this Court accepted Appellant's guilty plea without the imposition of further penalty.

{5} 42 Pa. C.S. § 9799.10 *et seq.*

STATEMENT OF THE CASE

On or about February 11 and February 17 of 2014, Appellant disseminated four files depicting children under the age of eighteen posing and engaging in sexual acts. Appellant disseminated said material through a program called ARES. {6} Additionally, on or about May 7, 2014, Appellant was found in the possession of ten images and videos depicting children under the age of eighteen engaging in sexual acts.

Appellant entered into a general plea on December 30, 2014. After this Court accepted his guilty plea, he was ordered to be evaluated by the Sexual Offenders Assessment Board (SOAB) to determine if he was a sexually violent predator (SVP). The Board determined that Appellant did not meet the criteria of a SVP. On March 30, 2015, this Court sentenced Appellant on Count 1 to a term of imprisonment of not less than one year nor more than two years. {7} This Court explained to Appellant his duties under Title 42 Section 9799.23. Additionally, Appellant was informed that his offense constituted a Tier II classification and he was required to register for a period of twenty-five years.

DISCUSSION

All three of Appellant's concise issues deal with the constitutionality of SORNA. {8} All lawfully enacted Pennsylvania legislation has, in this and all courts of this Commonwealth, a general presumption of constitutionality. *Commonwealth v. Williams*, 574 Pa. 487, 832 A.2d 962, 973 (2003). After carefully reviewing SORNA and relevant case law, we find Appellant's appeal without merit.

Appellant contends in his first concise issue that it is unconstitutional to require him to register for a period that exceeds the statutory maximum of the crime for which he was sentenced. Essentially, Appellant believes the registration requirements constitute punitive measures. The United States Supreme Court announced a two-prong test where the court must first inquire into whether the legislature's intent was to impose punishment, and, if not, whether the measures are nonetheless punitive in its effect. *Smith v. Doe*, 538 U.S. 84.

The first prong requires a look at the General Assembly's intent in its enactment of SORNA. Specifically, the General Assembly decided to strengthen the registration laws of sexual offenders.

This Commonwealth's laws regarding registration of sexual offenders need to be strengthened. The Adam Walsh Child Protection and Safety Act of 2006 provides a mechanism for the Commonwealth to increase its regulation of sexual offenders in a manner which is nonpunitive but offers an increased measure of protection to the citizens of this Commonwealth. 42 Pa. C.S. § 9799.11(a)(2) (emphasis added).

{6} ARES is an open source peer-to-peer (P2P) file sharing network which is used for the exchange of files between computer users.

{7} Appellant was sentenced in the standard range under the Pennsylvania Sentencing Guidelines. His offense gravity score of seven (7) and his prior record score of zero (0) placed him in the standard range of six (6) to fourteen (14) months.

{8} SORNA became effective on December 20, 2012 and is the successor to Megan's Law II. This Opinion cites to cases that decided the constitutionality of the registration requirements under Megan's Law. However, the same principles behind Megan's Law apply to SORNA. *McDonough*, 96 A.3d 1067, 1071 (Pa. Super. 2014).

Furthermore, the General Assembly's declared policy states:

It is the policy of the Commonwealth to require the exchange of relevant information about sexual offenders among public agencies and officials and to authorize the release of necessary and relevant information about sexual offenders to members of the general public as a means of assuring public protection and shall not be construed as punitive.

42 Pa. C.S. § 9799.11(b)(2) (emphasis added).

The statute states clearly that the purpose of the act is not to punish the offender, but to protect the general public. Moreover, the General Assembly referenced it twice, thus reinforcing its intent. We conclude the General Assembly's purpose of registration was not to impose punishment. See *Commonwealth v. McDonough*, 96 A.3d 1067 (Pa. Super. 2014); *Commonwealth v. Balchick*, 1720 WDA 2014.

The effect of SORNA is also nonpunitive. Appellant was sentenced up to two years of imprisonment. The maximum penalty Appellant could have received was seven years. {9} At the time of sentencing, Appellant was informed that his offense was categorized as Tier II and he was required to register for twenty-five years, a period which exceeds the statutory maximum of seven years.

The registration requirements have no effect on an offender's term of imprisonment or the amount of fine imposed for the underlying offense. The registration requirement is a "collateral consequence of the defendant's plea, as it cannot be considered to have a definite, immediate and largely automatic effect on a defendant's punishment." *Commonwealth v. Benner*, 853 A.2d 1068, 1070 (Pa. Super. 2004).

Furthermore, the Act's registration and notification requirements do not significantly restrain registrants, who remain free to live where they choose, come and go as they please, and seek whatever employment they may desire. *Commonwealth v. Maldonado*, 576 Pa. 101, 838 A.2d 710, 717 (2003); *Williams*, 574 Pa. at 506, 832 A.2d at 973. Since SORNA's registration requirements are nonpunitive in both intent and effect, then Appellant's first concise issue is without merit.

Appellant contends in his next concise issue that the Adam Walsh Act is unconstitutional in requiring Appellant to register for twenty-five years. The General Assembly found that "[s]exual offenders pose a high risk of committing additional sexual offenses and protection of the public from this type of offender is a paramount governmental interest." 42 Pa. C.S. § 9799.11(a)(4). To combat recidivism and protect the public, the legislature requires an offender to register for fifteen years, twenty-five years, or life, depending on the crime(s) committed. Appellant's convictions fell into the Tier II category, thus mandating him to register for twenty-five years. Requiring him to meet those conditions is not excessive by the very nature that the registration requirements are not punitive.

Although the discrepancy between his sentencing term and his registration term may seem excessive, Pennsylvania Supreme Court has ruled, "[b]ecause we do not view the registration requirements as punitive but, rather, remedial, we do not perceive mandating compliance by offenders who have served their maximum term to be improper." *Commonwealth v. Gaffney*, 557 Pa 327, 733 A.2d 616, 622 (1999).

{9} The maximum sentence of imprisonment of a third degree felony is seven years. 18 Pa. C.S. § 1103.

Unless and until Appellant presents credible evidence to combat the General Assembly's purpose and legislative findings of SORNA, his obligation to register for twenty-five years is constitutional. Therefore, we find Appellant's second concise issue without merit.

Appellant argues on his final concise issue that the Adam Walsh statute is unconstitutional in requiring Appellant to register for twenty-five years when Appellant was assessed and not deemed to be a SVP. Under SORNA, an individual who is convicted of a sexual offense under Tier I, Tier II, or Tier III, and is assessed as a SVP must register for the offender's life. 42 Pa. C.S. § 9799.15(d). On the other hand, a person not deemed a SVP must register for fifteen years if convicted of a Tier I offense, twenty-five years if convicted of a Tier II offense, or for life if convicted of a Tier III offense. *Id.* § 9799.15(a)(1)-(3). Thus, the statute clearly states an offender deemed a SVP must register for life, regardless of the specific sexual offense committed.

Here, Appellant was assessed by the SOAB and not deemed a SVP. Nonetheless, Appellant committed a sexual violent offense. Specifically, Appellant downloaded and viewed child pornography and disseminated it electronically. His offense constituted a Tier II classification, thus requiring him to register for twenty-five years.

The status as a SVP "does not involve a prediction of recidivism but an assessment of risk given certain factors relevant to sex offenders." *Commonwealth v. Dengler*, 586 Pa. 54, 890 A.2d 372, 378 (2005). Appellant's classification as a non-SVP only means that he did not have the certain risk factors to qualify as a SVP. It does not mean that he escapes the registration requirements under SORNA. It is reasonable that, to fit with the purpose of the statute, those offenders who commit sexually violent offenses, but are not deemed SVP, like Appellant here, would still be required to register under SORNA. Since we find the registration requirements and the duration of registration to be nonpunitive, then Appellant's duty to register for twenty-five years despite not being deemed a SVP is constitutional. Thus, Appellant's final concise issue is without merit.

Wherefore, it is respectfully submitted that this appeal is without merit and should be denied.

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

ATTEST:
CLERK OF COURTS

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