

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the Lancaster Bar Association's bylaws, the Association's Judiciary Committee is seeking candidates interested in filling three (3) judicial seats in the Lancaster County Court of Common Pleas.

Attorneys who reside in Lancaster County and who wish to become candidates shall submit their interest no later than **Friday, December 23, 2022**, to Lisa Driendl-Miller, Lancaster Bar Association Executive Director, lisa@lancasterbar.org. A questionnaire will be provided to interested candidates.

Each candidate is asked to complete a questionnaire; to give consent to Committee investigation of the candidate's background, experience and other qualifications; and to participate in an interview with the Committee.

Names and completed questionnaires must be submitted to the Committee Chairperson, Jeffrey P. Ouellet, c/o Appel, Yost & Zee, 33 North Duke Street, Lancaster PA 17602 no later than **Friday, January 6, 2023**.

Jeffrey P. Ouellet,
Chairperson, Judiciary Committee
Lancaster Bar Association

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

Commonwealth v. Speller

Criminal – Post-Sentence Motion – 1925(a)

A defendant is not entitled to a jury instruction on self defense where no evidence is presented to justify a finding that the defendant acted in self defense; a defendant is not entitled to an involuntary manslaughter instruction where the record is devoid of evidence showing that the defendant was free from fault in provoking the incident and that the defendant satisfied his duty to retreat..

Opinion. Commonwealth v. Speller. No. 5479-2019.

OPINION BY Wright, J., April 12, 2022. Presently before the Superior Court of Pennsylvania is an appeal filed by Raymond Speller (“Appellant”) from the judgment of sentence imposed on October 29, 2021, as finalized by the denial of his post-sentence motion on January 14, 2022. This opinion is written pursuant to Rule 1925(a) of the Pennsylvania Rules of Appellate Procedure, and, for the reasons stated herein, the appeal should be denied.

BACKGROUND

In the mid-morning on September 23, 2019, surveillance cameras affixed to buildings in and around the Hillside Apartments in Lancaster, PA captured Appellant shooting to death Pedro Almodovar.¹ The cameras also captured the events leading up to and following the shooting. The footage shows a red SUV pull into a small parking area next to the Hillside Apartments. There are two occupants in the vehicle; Mr. Almodovar is sitting in the front passenger seat. After pulling into the lot, neither Mr. Almodovar nor the driver exit the vehicle. The footage then shows a man walk past the SUV and stop briefly by the vehicle before proceeding around the corner and entering 369 Howard Avenue, located a short distance from the parking area. A few moments later, another man—Appellant—can be seen walking out of 369 Howard Avenue, up the sidewalk in front of the house, and around the corner to the area where the red SUV was parked. The footage then shows Appellant walk directly up to the passenger’s side of the vehicle and shoot Mr. Almodovar while he is still sitting in the vehicle. The footage depicts Appellant trying, unsuccessfully, to fire more shots at Mr. Almodovar before the magazine eventually falls out of the gun. Appellant can then be seen picking something up from the ground, turning around, walking back toward 369 Howard Avenue, and, eventually, walking away in the opposite direction of where he shot Mr. Almodovar.

Police were soon thereafter notified of the shooting and arrived on scene around 11:06 a.m. (Criminal Complaint, Affidavit of Probable Cause, ¶ 1), Responding officers found Mr. Almodovar still in the pas-

¹ The footage was entered into evidence as “Commonwealth’s Exhibit 7” during the jury trial in the above-captioned matter.

senger side front seat with blood coming from his nose and his mouth; Mr. Almodovar was unresponsive and attempts to render aid were unsuccessful. (*Id.* ¶ 2). Detectives investigating the shooting collected and reviewed the footage from the surveillance cameras in and around the Hillside Apartments. (*Id.* ¶ 5). Other detectives responding to the scene heard a smoke detector alarm coming from 369 Howard Avenue and noticed a strong odor of food burning. (*Id.* at ¶ 6). Detectives entered the residence where the alarm was sounding and found a Pennsylvania driver's license for Raymond L. Speller on a table inside the front door. (*Id.*) The photograph on the license appeared to match the individual that detectives saw shooting Mr. Almodovar on the surveillance footage. (*Id.*) After further investigation, Appellant was charged with Criminal Homicide, Possession of a Firearm Prohibited, and Firearms Not to be Carried without a License.²

A jury trial commenced on May 25, 2021. Among many other witnesses, the jury heard from Neryarleene Andino, the driver of the red SUV who was sitting next to Mr. Almodovar at the time of the shooting. Ms. Andino testified that on the morning of September 23, 2019, she and Mr. Almodovar went to pick up a friend at the Hillrise Apartments so that the three could go for a run. (Notes of Testimony, Jury Trial, Vol. I-IV, May 25–28, 2021, at 130 [hereinafter “N.T. at ___”]). Ms. Andino testified that she pulled her SUV into a parking area at the Hillrise Apartments and that she and Mr. Almodovar sat in the car and talked while they waited for their friend. (N.T. at 131–32). Ms. Andino recalled that while they were waiting, she saw an individual she knew as “Red” walk by her car. (N.T. at 132). She heard Red say “hi” to Mr. Almodovar and recalled that Red then kept walking and turned around a corner where he disappeared from her line of sight. (N.T. at 133, 150). Ms. Andino testified that “not even a minute later,” she saw “someone coming from the place where [Red] turned into.” (N.T. at 132). She observed the individual “just walk[] up to the car” and testified that the individual “just pulled out and shot.” (N.T. at 134). Ms. Andino testified that she was “very scared” and “was screaming” and that she rolled out of the car to try to get away. (N.T. at 135). At the conclusion of her testimony, she identified Appellant as the individual who shot and killed Mr. Almodovar. (N.T. at 156).

Lancaster City Police Officer Isaac Witmer, one of the first officers on the scene following the shooting, also testified at trial. He described the scene as it appeared when he came upon it. Officer Witmer explained that Mr. Almodovar appeared to originally have been seated in the passenger seat of the vehicle but that after the shooting, his feet and knees were laying on the front passenger seat of the vehicle, his torso and hips were on the center console area, and his chest and upper body were behind the driver's seat of the vehicle. (N.T. at 103). Officer Witmer stated that Mr. Almodovar's body was essentially laying in a diagonal line from the front passenger seat to the rear driver's side of the vehicle and that Mr. Almodovar's chest was facing toward the back seat of the vehicle.

² 18 Pa. C.S.A. § 2501(a), 18 Pa. C.S.A. § 6105(a)(1), 18 Pa. C.S.A. § 6106(a)(1), respectively.

(N.T. at 103). Officer Witmer testified did not see any signs of life in Mr. Almodovar and although Mr. Almodovar was eventually transported by emergency medical services, it was determined that Mr. Almodovar died on scene. (N.T. at 104–05).

Doctor Wayne Ross, a forensic pathologist employed by the Lancaster Corner, testified and explained the significance of the position of Mr. Almodovar's deceased body as described by Officer Witmer. (N.T. at 246–47). Dr. Ross testified that Mr. Almodovar's postmortem position, as well as the way in which the bullet tunneled through his body, indicated that Mr. Almodovar's was fleeing and moving away from the shot when Appellant fired. (N.T. at 254–55).

The jury also heard from Lancaster City Bureau of Police Detective Thomas Ginder, who was involved in the investigation of the shooting. During his testimony, Detective Ginder carefully reviewed a compilation of the surveillance footage captured on the cameras positioned around the Hillrise Apartments. Detective Ginder noted that although Appellant successfully fired only one shot at Mr. Almodovar, Appellant racked the slide at least three times. (N.T. at 181). Detective Ginder also noted that, in the footage, Appellant appears to pick something up from the ground before walking away, possibly either a live or spent shell casing, and that no shell casings were found on the scene during the investigation. (N.T. at 181–82).

During its case in chief, the defense offered the testimony of Ivan Lopez-Diaz. According to Mr. Lopez-Diaz, he grew up with Appellant and the two were close friends. (N.T. at 326). Mr. Lopez-Diaz testified that he had conversations with Mr. Almodovar about Appellant on numerous occasions and that Mr. Lopez-Diaz advised Appellant about the conversations. (N.T. at 327).

Appellant also testified at trial. Throughout Appellant's testimony, it became apparent that Appellant and Mr. Almodovar were familiar with each other from incidents in the past. (N.T. at 347). Appellant also made it clear that he thought, based on things he had heard from different people, that Mr. Almodovar wanted him dead. (N.T. at 333).

Appellant testified that the individual that Ms. Andino identified as "Red" is one of his closest friends and that, on the day of the shooting, Red was "just coming [to his residence] to talk." (N.T. at 330). Appellant testified that he and Red also regularly smoked PCP together but that, on the day of the shooting, Appellant smoked PCP before Red arrived. (N.T. at 330). Appellant testified that when Red arrived at his house on September 23, 2019, Appellant was cooking eggs and watching television. (N.T. at 329). According to Appellant, when Red walked in, he told Appellant that Mr. Almodovar was "out there" and was "getting out of his car to exercise or something like that." (N.T. at 332–33). Appellant stated he "just knew when [Red] said that that Mr. Almodovar was out there for me." (N.T. at 333). He explained that in "street lingo, exercise means . . . [to] rob somebody, harm somebody, do something to somebody." (N.T. at 338). Appellant testified that Mr. Almodovar "shouldn't have been there"—that Mr. Almodovar's presence caused Appellant to

“think[] he [was] there to kill [him].” (N.T. at 352).

During his direct examination, Appellant claimed that he “didn’t recall . . . shooting Mr. Almodovar or trying to shoot him,” nor did he remember “trying to shoot [Mr. Almodovar] like that, as many times.” (N.T. 341, 49). Appellant testified that his judgment was affected at the time of the shooting because he had used PCP earlier in the morning. (N.T. at 344). He testified that he “[d]efinitely wasn’t in [his] right mind” at the time and explained that he “just, like, blanked out . . . lost it . . . was in a dark bubble of [his] own” and that he “completely wasn’t [him]self.” (N.T. at 333–34).

On cross-examination, the following exchange occurred between Appellant and the Commonwealth:

Q: . . . [W]hen you were doing PCP, you would be able to leave your house and go do normal things in your life, right?

A: Yes.

Q: And on the day in question you were actually cooking, right?

A: Yes.

Q: So you were able to function a stove, use the stove to cook your eggs while you were on PCP?

A: Yes.

Q: And you understood what you were doing while you were doing that?

A: Yes.

Q: And so when you are on PCP, you do have an understanding of what it is that you are doing, right?

A: Yes, sometimes.

(N.T. at 399– 400). The Commonwealth continued with the following line of questioning while playing excerpts from the surveillance footage captured at the Hillrise Apartments:

Q: So while you were inside you were able to cook and do anything else on PCP, as soon as you walked outside, all of the sudden the PCP just completely took over everything inside of you?

A: Yes.

Q: That is your testimony?

A: Yes.

Q: You are walking straight. You are walking normal, correct? Right?

A: Yes.

Q: Again, you walk straight up to the car, no hesitation at all, right?

A: Yes.

(The video was played.)

Q: Now, you can see the number of times you continue to keep putting the gun toward him and try to shoot, right?

A: Yes.

Q: And you are just all of the sudden saying now that you just don't remember any of this?

A: Yes.

Q: You see that you are picking things up off the ground?

A: Yes.

Q: And, again, you just all of the sudden don't remember?

A: Yes.

Q: You have no idea what you picked off the ground?

A: No.

* * *

Q: And your claim is that you were so far gone on PCP that you have no idea what it is that you were doing here; is that what you are claiming?

A: At the time, no, I didn't. I didn't think about it at the time. I was so high on PCP that I reacted. I didn't think. I wasn't reflected [sic] on nothing. When I was told that Pedro was out there, I just went. I lost it, like I said in the interview.

Q: But you at least had the mindset to pick things off the ground after you shot him, right?

A: I can't explain it.

Q: You can't explain it.

* * *

Q: We are going to go through what you did after you shot Pedro.

(The video was played.)

Q: So you go back toward your house and in the opposite direction, right?

A: Yes.

* * *

Q: And you talked to Red here, right?

A: Yes.

Q: And I believe you said in your interview you told him to shut the door.

A: Yes.

Q: So you remember talking to Red?

A: Yes, I remember.

Q: So you remember everything from the beginning of the shooting before you walked outside and you remember everything right after the shooting, but everything in between is just a complete blank, you don't remember a single thing?

A: That is how it happens sometimes.

Q: That's how it happens?

A: Yes.

* * *

Q: . . . [S]o then your intent wasn't that you were scared then, is what you are saying. How can you say both?

A: I was high. I was afraid when his name came up, and I just went off. When he said Pedro's name, I knew—I just—you know, I just—I just split. I just spazzed out. I didn't think. I just knew that, you know, he was dead for me. That is it.

Q: But your reason for going out there and approaching him was, based on what you had been saying, was because you were scared he was there to do you harm?

A: Both. I was high. Both, yeah.

* * *

Q: So you are saying that you went out there and approached him because you were scared he was there to do you harm. How could you form that conscious understanding in the same breath you are saying that you were so high on PCP that you did not understand what was happening?

A: I don't know, man.

A: You don't know. You can't answer it?

A: I can't answer it.

(N.T. at 406–14). Later in the cross-examination, the following exchange occurred:

Q: And that is why you killed him?

A: I killed him, why?

Q: Because you thought your life was in danger?

A: Yes.

Q: So you admit, that is why you killed him?

A: I admit—I admit that I shot him, right.

Q: And that is the reason. That is the reason why you did it, right?

A: You tell me, ma'am.

Q: I'm asking you.

A: Yes, that is why.

(N.T. at 422).

At the conclusion of the trial, the jury found Appellant guilty of Murder in the First Degree, Possession of a Firearm Prohibited, and Firearm Not to be Carried without a License. A presentence investigation was ordered and on October 29, 2021, Appellant was sentenced to life without parole plus seven and one-half to twenty years SCI. After sentencing, attorney Dennis Dougherty was appointed to represent Appellant for purposes of filing an appeal. On November 8, 2021, Attorney Dougherty filed a Post Sentence Motion Requesting Additional Time to Supplement Post Sentence Motion Upon Receipt of Trial Transcripts. On November 16, 2021, I granted the Motion and allowed 30 days from the date the trial transcript was received to file a supplemental post sentence motion. On January 13, 2022, Attorney Dougherty filed a Notice that

Supplemental Post Sentence Motion Will Not Be Filed, requesting that this Court deny Appellant's November 8, 2021, Motion to trigger the thirty-day period for filing a Notice Appeal to the Superior Court. I denied Appellant's Post Sentence Motion on January 14, 2022.

On February 1, 2022, Appellant filed a counseled Notice of Appeal to the Superior Court from the October 29, 2021, judgment of sentence as affirmed by my January 14, 2022, Order denying Appellant's Post Sentence Motion.³ Appellant thereafter filed a Concise Statement of Errors Complained of on Appeal ("Statement"), to which the Commonwealth responded.

DISCUSSION

In his Statement, Appellant raises the following five claims. First, Appellant argues that I erred in denying his requested jury instruction on self-defense. Second, that I erred in denying his request for a jury instruction on voluntary manslaughter, unreasonable belief. Third, Appellant claims that I erred by prohibiting his trial counsel from offering evidence of the victim's reputation for violence. Fourth, Appellant claims that I erred when I limited the questioning of defense witness Ivan Lopez-Diaz. Fifth, and finally, Appellant argues that I erred when I did not allow a defense witness to testify about threats made by the victim toward Appellant, claiming that the testimony was relevant to Appellant's state of mind at the time of the homicide. I will address each argument in turn.

I. This Court did not err when it denied Appellant's request for a jury instruction on self-defense

"The use of force upon or toward another person is justifiable when the actor believes that such force is *immediately* necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion." 18 Pa.C.S. § 505(a) (emphasis supplied). "[A] claim of self-defense . . . requires evidence establishing three elements: '(a) that the Defendant reasonably believed that he was in imminent danger of death or serious bodily injury and that it was necessary to use deadly force against the victim to prevent such harm; (b) that the defendant was free from fault in provoking the difficulty which culminated in the slaying; and (c) that the defendant did not violate any duty to retreat.'" Commonwealth v. Mouzon, 53 A.3d 738, 750 (Pa. 2012) (citing Commonwealth v. Samuel, 590 A.2d 1245, 1247–48 (Pa. 1991) (internal punctuation omitted)). "[T]he Commonwealth may disprove a claim that a defendant's use of deadly force was justifiable by establishing that: (1) the defender did not reasonably believe deadly force was necessary to protect himself from imminent danger of death or great bodily harm, (2) the defender provoked the incident, or (3) the defender violated a duty to retreat with safety or avoid the danger." Commonwealth v. Chine, 40 A.3d 1239, 1243 (Pa. Super. 2012) (citing Commonwealth v. Truong, 36 A.3d 592, 598–99 (Pa. Super. 2012)).

³ Appellant prematurely filed a prior *pro se* Notice of Appeal on December 3, 2021. The appeal was docketed as 1587 MDA 2021. Because post sentence motions were still pending before this Court at the time of Appellant's *pro se* filing, the Superior Court issued a rule to show cause as to why the December 3, 2021, appeal should not be dismissed. Attorney Dougherty filed a response on December 22, 2021, in which he conceded that the *pro se* appeal was prematurely filed. On February 28, 2021, the Superior Court quashed the appeal docketed at 1587 MDA 2021.

Whether a defendant can properly raise a self-defense justification is purely a legal issue that must be determined by the trial judge. Mouzon, 53 A.3d at 750; Commonwealth v. Hornberger, 74 A.3d 279, 284 (Pa. Super. 2013) (internal citations omitted). Therefore, “while there is no burden on the defendant to prove a claim of self-defense, it is nevertheless required that before such a defense is properly in issue at trial, there must be some evidence, from whatever source” to justify a finding that Defendant acted in self-defense as defined by Pennsylvania law. Commonwealth v. Black, 376 A.2d 627, 630 (Pa. 1977).

Instantly, regardless of any contentious history between Appellant and Mr. Almodovar, the uncontroverted evidence presented at trial established that Appellant’s belief that Mr. Almodovar posed a threat of imminent harm was altogether unreasonable in light of the facts as they appeared. See Mouzon, 53 A.3d at 752. The Commonwealth’s evidence showed that Mr. Almodovar sat defenseless in a parked car and posed absolutely no threat to Appellant when Appellant shot him. Further, the surveillance footage captured by the cameras affixed to the Hillrise Apartments showed Appellant violating his duty to retreat or seek safety when he left his residence and walked up the sidewalk and around the corner toward where Mr. Almodovar sat. Indeed, the contrary is true. Appellant *left* a place of safety to specifically confront and shoot an unarmed individual. Appellant was also the sole aggressor; during the entirety of the incident, Mr. Almodovar remained seated in a parked vehicle around the corner from Appellant’s residence. Officers who observed Mr. Almodovar’s dead body in the car described his post-mortem position—sprawled toward the back driver’s side of the vehicle—as indicating that Mr. Almodovar attempted to retreat or escape when Appellant confronted him.

The evidence presented by the Commonwealth eclipsed any argument by Appellant that his use of deadly force against Mr. Almodovar was justifiable. During his trial testimony, Appellant also readily admitted that left his residence and walked up the sidewalk and around the corner to the parking area, then directly up to where Mr. Almodovar sat, shot him once, and tried to fire more shots. For these reasons, self-defense was not properly in issue and I did not abuse the discretion afforded to me when I denied Appellant’s request to give a self-defense instruction to the jury. Appellant’s claim on appeal should, therefore, be denied.

II. This Court did not err when it denied Appellant’s request for a jury instruction on voluntary manslaughter

“A person who intentionally or knowingly kills an individual commits voluntary manslaughter if at the time of the killing he believes the circumstances to be such that, if they existed, would justify the killing.” 18 Pa.C.S.A. § 2503(b). “[U]nreasonable belief voluntary manslaughter, sometimes loosely referred to as imperfect self-defense, will only justify a voluntary manslaughter instruction in limited circumstances: where a defendant held an unreasonable rather than a reasonable belief that deadly force was required to save his or her life’ *and* ‘all other principles

of justification . . . have been met.” Commonwealth v. Green, No. 372 EDA 2021, 2022 WL 791883, at *6 (Pa. Super. Mar. 16, 2022) (quoting Commonwealth v. Sanchez, 82 A.3d 943, 980 (Pa. 2013) (emphasis supplied) (internal citations omitted)). In other words, “[t]his self-defense claim is imperfect in only one respect—an unreasonable rather than reasonable belief that deadly force was required to save the actor’s life.” Commonwealth v. Tilley, 595 A.2d 575, 582 (Pa. 1991).

Appellant’s trial testimony was that, for whatever reason, he left his apartment, walked out the door and around the corner, and shot Mr. Almodovar to death. His rationale for this conduct was his claim that his own life was in imminent danger. For the reasons set forth above, Appellant’s belief was clearly unreasonable in light of the facts as they appeared. Appellant’s unreasonable belief that deadly force was required to save his own life may satisfy the first element of imperfect self-defense. However, it remains unchanged that the record is devoid of evidence showing that Appellant was free from fault in provoking the incident and that he satisfied his duty to retreat or otherwise seek or remain in safety before using deadly force against Mr. Almodovar.

Instead, the evidence presented by the Commonwealth, and by Appellant himself, overwhelmingly established that Appellant was the sole aggressor and that he left the safety of his home to approach Mr. Almodovar and shoot him to death. Therefore, the Commonwealth disproved the remaining elements of imperfect self-defense and Appellant’s unreasonable belief that he was in danger, standing alone, did not warrant a jury instruction on voluntary manslaughter. See Commonwealth v. Rivera, 983 A.2d 1211, 1224 (Pa. 2009) (providing a general discussion of the legal standard for imperfect self-defense and concluding that the standard cannot be met where the Commonwealth “disproves the remaining elements of a self-defense claim by demonstrating that Appellant was the initiator of the deadly force and could have retreated safely without the use of force”). Consequently, his claim that I erred in refusing to instruct the jury as requested should be denied.

III. This Court did not err or abuse its discretion when it prohibited Appellant’s trial counsel from soliciting testimony regarding the victim’s reputation for violence where self-defense was not properly in issue

The Pennsylvania Rules of Evidence and supporting case law clearly establish that a Defendant may present evidence of a victim’s reputation for violence *only* in cases where self-defense is properly at issue. See Mouzen, 53 A.3d at 740; Commonwealth v. Buterbaugh, 91 A.3d 1247, 1256 (Pa. Super. 2014).

At trial, Detective Nathan Nickel testified about his involvement in the investigation of Mr. Almodovar’s death. On cross examination, Appellant’s trial counsel asked Detective Nickel whether, during his career, he had ever investigated Pedro Almodovar for violent crime. (N.T. at 206). The Commonwealth promptly objected and, at a sidebar, Appellant’s trial counsel argued that the questioning should be permitted because it went to his “client’s state of mind, the fear that he had” and because

“it corroborate[d] [that Mr. Almodovar] was somebody that was violent.” (N.T. at 206). After the sidebar concluded, I sustained the Commonwealth’s objection. (N.T. at 206).

As set forth above, evidence of a victim’s reputation for violence is admissible *only* in cases where self-defense is properly before the jury. At the time that Detective Nickel was cross-examined, the Commonwealth had already entered into evidence the surveillance footage that clearly showed Appellant leaving the safety of his home, advancing toward Mr. Almodovar, and shooting him without any provocation. Self-defense was, therefore, not properly in issue. Consequently, I did not err in prohibiting trial counsel from questioning Detective Nathan Nickle about Mr. Almodovar’s reputation for violence and his claim on appeal should be denied.

IV. This Court did not err when it limited the questioning of Ivan Lopez-Diaz

It is well established that admissibility of evidence is within the sound discretion of the trial court; a trial court’s decision to admit or exclude evidence should not be reversed absent an abuse of discretion. Rivera, 983 A.2d at 1228. “Relevance is the threshold for admissibility of evidence.” Commonwealth v. Tyson, 119 A.3d 353, 358 (Pa. Super. 2015). “Evidence is relevant if it logically tends to establish a material fact in the case, tends to make a fact at issue more or less probable or supports a reasonable inference or presumption regarding a material fact.” Id. (internal quotation omitted). “The court may exclude relevant evidence if its probative value is outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.” Pa. R.E. 403. “Evidence that is not relevant is not admissible.” Pa. R.E. 402.

Immediately prior to trial, I had an on-the-record conversation with Appellant’s trial counsel and the Commonwealth regarding proposed defense witness Ivan Lopez-Diaz. Appellant’s trial counsel argued that Mr. Lopez-Diaz should be permitted to testify to counter any argument by the Commonwealth that Appellant acted with premeditation when he shot and killed Mr. Almodovar. (N.T. at 6). In making an offer of proof, trial counsel stated that Ivan Lopez-Diaz would testify that he “communicated to [Appellant] that he should be concerned for [his] life based on things [Mr. Lopez-Diaz knew] from discussing with [Mr. Almodovar].” (N.T. at 6). Specifically, trial counsel proposed that his questioning of Mr. Lopez-Diaz would amount to the following: “Do you know [Appellant] and Pedro Almodovar?”; Did “you have any conversations with [Mr. Almodovar] concerning Raymond Speller?”; “After speaking with [Mr. Almodovar] . . . was it your impression that . . . Raymond Speller should be fearful for his life?”; and “Did you communicate that to Raymond Speller prior to September 23rd?”. (N.T. at 165). Trial counsel stated that he would ask “nothing more” and “nothing less.” (N.T. at 166).

Trial counsel argued that such testimony was important to shed light on why Appellant may have feared for his life when he heard that Mr.

Almodovar was parked outside of his home and on Appellant's mental state at the time that he shot and killed him. (N.T. at 6–7). Trial counsel further explained that the instant case “is about a why” and that, considering Appellant's alleged intoxication at the time, the proposed testimony was important because any fear that Appellant had regarding Mr. Almodovar may have been amplified by Appellant's intoxication. (N.T. at 164–65).

After carefully considering Appellant's proffered evidence, I had a second on-the-record conversation with Appellant's trial counsel and the Commonwealth outside the presence of the jury. I notified counsel that I would permit the testimony of Ivan Lopez-Diaz in the format that trial counsel had proposed. (N.T. at 302). Specifically, I stated as follows:

You are allowed to ask four questions, and they are going to be leading questions. So if you want to write these down:

Did you know Pedro Almodovar?
Do you know Raymond Speller?
Did you have conversations with Pedro Almodovar about Raymond Speller?
And prior to Mr. Almodovar's death, did you tell Raymond Speller about these conversations?

(N.T. at 302).

On appeal, Appellant now lodges an argument that I erred in limiting Mr. Diaz-Lopez's testimony because the limitations did not permit the substance of the communication between Mr. Almodovar and Mr. Lopez-Diaz that was relayed to Appellant about Mr. Almodovar's alleged desire to kill Appellant. His argument fails in two respects. First, as stated above, self-defense was not properly in issue during the trial. Accordingly, Appellant's alleged fear of Mr. Almodovar was of limited relevance; whether Appellant feared for his life at the time of the shooting in no way cured the fact that he was, undisputedly, the sole aggressor when he violated his duty to retreat by leaving the safety of his own home to advance toward Mr. Almodovar and shoot him to death while Mr. Almodovar sat defenseless in his vehicle. Any further questioning of Mr. Lopez-Diaz regarding the specific contours of the relationship between Mr. Almodovar and Appellant was, therefore, of such limited relevance to the matters properly before the jury that its probative value was easily outweighed by a danger of confusing the issues and misleading the jury. *See* Pa. R.E. 403.

Second, to the extent that Appellant's largely undeveloped argument suggests that further questioning of Mr. Diaz-Lopez would have been warranted for purposes of distinguishing between degrees or classifications of homicide, his argument is inapposite. Importantly, Appellant does not appear to be arguing that further questioning of Mr. Ivan Lopez-Diaz would have somehow justified a jury instruction on involuntary manslaughter and, as discussed above, the evidence presented at trial also did not warrant a voluntary manslaughter “unreasonable

belief” jury charge. The only remaining issue is, therefore, the relevance of further questioning of Ivan Lopez-Diaz to distinguish between third and first degree murder.

Ample evidence was introduced during trial regarding Appellant’s alleged level of intoxication at the time of the shooting. Both Appellant’s trial counsel and the Commonwealth engaged in thorough questioning of Appellant regarding his mental state at the time he killed Mr. Almodovar, as well as the role that Appellant’s alleged PCP high may have played on the morning of September 23rd. The verbatim excerpts of this questioning presented above demonstrate that sufficient evidence was placed on the record regarding the impact that Appellant’s alleged intoxication had on his ability to form the specific intent to kill required for first degree murder.

Not only did I permit Appellant’s trial counsel to ask a majority of the questions he proposed, it was squarely within my discretion to prohibit further questioning that would have been largely irrelevant and duplicative. The *de minimis* relevance of additional questioning of Mr. Lopez-Diaz, likely regarding a deeper explanation of why Appellant purportedly feared Mr. Almodovar, was simply outweighed by the likelihood that the proffered evidence would confuse the issues and mislead the jury. For these reasons, I did not err in limiting the questioning of Ivan Lopez-Diaz and Appellant’s claim should be dismissed.

V. This Court did not err when it precluded the testimony of Ronald Luis about threats made by the victim toward Appellant where self-defense was not properly in issue

In his final argument, Appellant claims that I erred by precluding the testimony of an additional defense witness, Ronald Luis, regarding threats that Mr. Almodovar allegedly made toward Appellant. Appellant argues that Mr. Luis’s testimony was relevant to Appellant’s state of mind at the time of the homicide.

At trial, Appellant’s trial counsel sought permission to call Ronald Luis to the stand, proffering that Mr. Luis would “say something substantially similar” to Mr. Lopez-Diaz’s testimony. Specifically, trial counsel stated that Ronald Luis would testify that he “had a conversation with [Mr. Almodovar] around [the] time before [his] death, and my understanding was he wanted Raymond Speller dead.” (N.T. at 311–12). I rejected trial counsel’s request, explaining that the proffered evidence was “textbook hearsay testimony.” (N.T. at 312). More importantly, I explained that the relevance of statements regarding Mr. Almodovar’s alleged feelings toward Appellant was negligible. (N.T. at 312).

As set forth above, self-defense and imperfect self-defense were not properly in issue. Appellant’s fear of Mr. Almodovar was, therefore, only relevant to the extent that it played a role in explaining or providing context for his claim of voluntary intoxication. Here again, such relevance was incredibly limited such that its probative value was easily outweighed by the risk of confusing the issues and misleading the jury by further suggesting that Appellant’s fear of Mr. Almodovar could somehow justify his act of shooting him to death. Considering the sub-

stantial record that Appellant created about his own mental state at the time, the proffered testimony of Ronald Lewis was also needlessly cumulative. Therefore, I did not err in precluding Mr. Luis's testimony and Appellant's claim should be denied.

CONCLUSION

For the reasons stated herein, each of Appellant's claims is meritless and his appeal should be denied. Accordingly, I enter the following:

ORDER

AND NOW, this 12 day of April, 2022, the Court hereby submits this Opinion pursuant to Rule 1925(a) of the Pennsylvania Rules of Appellate Procedure.

BY THE COURT:

JEFFERY D. WRIGHT
JUDGE

ESTATE AND TRUST NOTICES

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION

Achey, Jenny L., dec'd.

Late of West Donegal Township.
Administrator: Timothy L. Ma-teer c/o Paterson Law LLC, 2703 Willow Street Pike N, Wil-low Street, PA 17584.
Attorney: Kim Carter Paterson.

Beck, Jeffrey D., dec'd.

Late of Ephrata Township.
Executrix: Tami L. Burkholder c/o A. Anthony Kilkuskie, 117A West Main Street, Ephrata, PA 17522.
Attorney: A. Anthony Kilkuskie, 117A West Main Street, Ephra-ta, PA 17522.

Beissel, Margaret L. a/k/a Mar-garet Louise Beissel, dec'd.

Late of Pequea Township.
Executor: Joseph F. Beissel c/o Steven R. Blair, Attorney at Law, 650 Delp Road, Lancaster, PA

17601.

Attorney: Steven R. Blair, Esq.

Biechler, Joan A., dec'd.

Late of Lititz Borough.
Executrix: Lori A. Biechler c/o Thomas M. Gish, Attorney, P.O. Box 5394, Lancaster, PA 17606.
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Bushong, Ann L., dec'd.

Late of Lancaster Township.
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Cessna, Margaret A. a/k/a Mar-garet Ann Cessna, dec'd.

Late of Earl Township.
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Attorney: Patrick A. Deibler, Esq., Kling, Deibler & Glick, LLP.

Clouser, Alice a/k/a Alice L. Clouser, dec'd.

Late of the Township of West Donegal.
Executors: Thomas S. Lytle, Mindy J. Robinson c/o Nikolaus & Hohenadel, LLP, 222 South Market Street, Suite 201, Eliza-bethtown, PA 17022.
Attorney: Kevin D. Dolan, Esq.

Dillio, Clara R., dec'd.

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Attorney: A. Anthony Kilkuskie,
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ta, PA 17522.

Doyle, Alan L., dec'd.

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c/o Appel Yost & Zee LLP, 33
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Fasnacht, Tony, dec'd.

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Fasnacht c/o Gardner and
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Gehman, Russell L., dec'd.

Late of New Holland Borough.
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berger, Esquire.

Groome, Robert S., dec'd.

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Attorney: Kurt A. Gardner.

Gutshall, Sylvia M., dec'd.

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Attorney: Young and Young.

Habecker, Verna M., dec'd.

Late of Warwick Township.
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Hauenstein, Jessie A., dec'd.

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Attorney: Lindsay M. Schoene-
berger.

Hershey, June D., dec'd.

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Kling, Deibler & Glick, LLP.

Hoover, Menno Z., dec'd.

Late of Ephrata Borough.
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Attorney: Gibbel Kraybill &
Hess, LLP.

Kellenberger, Enos E., dec'd.

Late of Providence Township.
Executors: James H. Charles,
Randy L. Kellenberger, Carol
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Straub, Gray & Farhat, P.C.,
128 N. Lime Street, Lancaster,
PA 17602.
Attorney: Pyfer, Reese, Straub,

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that pursuant to the Lancaster Bar Association's bylaws, the Association's Judiciary Committee is seeking candidates interested in filling three (3) judicial seats in the Lancaster County Court of Common Pleas.

Attorneys who reside in Lancaster County and who wish to become candidates shall submit their interest no later than **Friday, December 23, 2022**, to Lisa Driendl-Miller, Lancaster Bar Association Executive Director, lisa@lancasterbar.org. A questionnaire will be provided to interested candidates.

Each candidate is asked to complete a questionnaire; to give consent to Committee investigation of the candidate's background, experience and other qualifications; and to participate in an interview with the Committee.

Names and completed questionnaires must be submitted to the Committee Chairperson, Jeffrey P. Ouellet, c/o Appel, Yost & Zee, 33 North Duke Street, Lancaster PA 17602 no later than **Friday, January 6, 2023**.

Jeffrey P. Ouellet,
Chairperson, Judiciary Committee
Lancaster Bar Association

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

Commonwealth v. Speller

Criminal – Post-Sentence Motion – 1925(a)

A defendant is not entitled to a jury instruction on self defense where no evidence is presented to justify a finding that the defendant acted in self defense; a defendant is not entitled to an involuntary manslaughter instruction where the record is devoid of evidence showing that the defendant was free from fault in provoking the incident and that the defendant satisfied his duty to retreat..

Opinion. Commonwealth v. Speller. No. 5479-2019.

OPINION BY Wright, J., April 12, 2022. Presently before the Superior Court of Pennsylvania is an appeal filed by Raymond Speller (“Appellant”) from the judgment of sentence imposed on October 29, 2021, as finalized by the denial of his post-sentence motion on January 14, 2022. This opinion is written pursuant to Rule 1925(a) of the Pennsylvania Rules of Appellate Procedure, and, for the reasons stated herein, the appeal should be denied.

BACKGROUND

In the mid-morning on September 23, 2019, surveillance cameras affixed to buildings in and around the Hillside Apartments in Lancaster, PA captured Appellant shooting to death Pedro Almodovar.¹ The cameras also captured the events leading up to and following the shooting. The footage shows a red SUV pull into a small parking area next to the Hillside Apartments. There are two occupants in the vehicle; Mr. Almodovar is sitting in the front passenger seat. After pulling into the lot, neither Mr. Almodovar nor the driver exit the vehicle. The footage then shows a man walk past the SUV and stop briefly by the vehicle before proceeding around the corner and entering 369 Howard Avenue, located a short distance from the parking area. A few moments later, another man—Appellant—can be seen walking out of 369 Howard Avenue, up the sidewalk in front of the house, and around the corner to the area where the red SUV was parked. The footage then shows Appellant walk directly up to the passenger’s side of the vehicle and shoot Mr. Almodovar while he is still sitting in the vehicle. The footage depicts Appellant trying, unsuccessfully, to fire more shots at Mr. Almodovar before the magazine eventually falls out of the gun. Appellant can then be seen picking something up from the ground, turning around, walking back toward 369 Howard Avenue, and, eventually, walking away in the opposite direction of where he shot Mr. Almodovar.

Police were soon thereafter notified of the shooting and arrived on scene around 11:06 a.m. (Criminal Complaint, Affidavit of Probable Cause, ¶ 1), Responding officers found Mr. Almodovar still in the pas-

¹ The footage was entered into evidence as “Commonwealth’s Exhibit 7” during the jury trial in the above-captioned matter.

senger side front seat with blood coming from his nose and his mouth; Mr. Almodovar was unresponsive and attempts to render aid were unsuccessful. (*Id.* ¶ 2). Detectives investigating the shooting collected and reviewed the footage from the surveillance cameras in and around the Hillside Apartments. (*Id.* ¶ 5). Other detectives responding to the scene heard a smoke detector alarm coming from 369 Howard Avenue and noticed a strong odor of food burning. (*Id.* at ¶ 6). Detectives entered the residence where the alarm was sounding and found a Pennsylvania driver's license for Raymond L. Speller on a table inside the front door. (*Id.*) The photograph on the license appeared to match the individual that detectives saw shooting Mr. Almodovar on the surveillance footage. (*Id.*) After further investigation, Appellant was charged with Criminal Homicide, Possession of a Firearm Prohibited, and Firearms Not to be Carried without a License.²

A jury trial commenced on May 25, 2021. Among many other witnesses, the jury heard from Neryarleene Andino, the driver of the red SUV who was sitting next to Mr. Almodovar at the time of the shooting. Ms. Andino testified that on the morning of September 23, 2019, she and Mr. Almodovar went to pick up a friend at the Hillrise Apartments so that the three could go for a run. (Notes of Testimony, Jury Trial, Vol. I-IV, May 25–28, 2021, at 130 [hereinafter “N.T. at ___”]). Ms. Andino testified that she pulled her SUV into a parking area at the Hillrise Apartments and that she and Mr. Almodovar sat in the car and talked while they waited for their friend. (N.T. at 131–32). Ms. Andino recalled that while they were waiting, she saw an individual she knew as “Red” walk by her car. (N.T. at 132). She heard Red say “hi” to Mr. Almodovar and recalled that Red then kept walking and turned around a corner where he disappeared from her line of sight. (N.T. at 133, 150). Ms. Andino testified that “not even a minute later,” she saw “someone coming from the place where [Red] turned into.” (N.T. at 132). She observed the individual “just walk[] up to the car” and testified that the individual “just pulled out and shot.” (N.T. at 134). Ms. Andino testified that she was “very scared” and “was screaming” and that she rolled out of the car to try to get away. (N.T. at 135). At the conclusion of her testimony, she identified Appellant as the individual who shot and killed Mr. Almodovar. (N.T. at 156).

Lancaster City Police Officer Isaac Witmer, one of the first officers on the scene following the shooting, also testified at trial. He described the scene as it appeared when he came upon it. Officer Witmer explained that Mr. Almodovar appeared to originally have been seated in the passenger seat of the vehicle but that after the shooting, his feet and knees were laying on the front passenger seat of the vehicle, his torso and hips were on the center console area, and his chest and upper body were behind the driver's seat of the vehicle. (N.T. at 103). Officer Witmer stated that Mr. Almodovar's body was essentially laying in a diagonal line from the front passenger seat to the rear driver's side of the vehicle and that Mr. Almodovar's chest was facing toward the back seat of the vehicle.

² 18 Pa. C.S.A. § 2501(a), 18 Pa. C.S.A. § 6105(a)(1), 18 Pa. C.S.A. § 6106(a)(1), respectively.

(N.T. at 103). Officer Witmer testified did not see any signs of life in Mr. Almodovar and although Mr. Almodovar was eventually transported by emergency medical services, it was determined that Mr. Almodovar died on scene. (N.T. at 104–05).

Doctor Wayne Ross, a forensic pathologist employed by the Lancaster Corner, testified and explained the significance of the position of Mr. Almodovar's deceased body as described by Officer Witmer. (N.T. at 246–47). Dr. Ross testified that Mr. Almodovar's postmortem position, as well as the way in which the bullet tunneled through his body, indicated that Mr. Almodovar's was fleeing and moving away from the shot when Appellant fired. (N.T. at 254–55).

The jury also heard from Lancaster City Bureau of Police Detective Thomas Ginder, who was involved in the investigation of the shooting. During his testimony, Detective Ginder carefully reviewed a compilation of the surveillance footage captured on the cameras positioned around the Hillrise Apartments. Detective Ginder noted that although Appellant successfully fired only one shot at Mr. Almodovar, Appellant racked the slide at least three times. (N.T. at 181). Detective Ginder also noted that, in the footage, Appellant appears to pick something up from the ground before walking away, possibly either a live or spent shell casing, and that no shell casings were found on the scene during the investigation. (N.T. at 181–82).

During its case in chief, the defense offered the testimony of Ivan Lopez-Diaz. According to Mr. Lopez-Diaz, he grew up with Appellant and the two were close friends. (N.T. at 326). Mr. Lopez-Diaz testified that he had conversations with Mr. Almodovar about Appellant on numerous occasions and that Mr. Lopez-Diaz advised Appellant about the conversations. (N.T. at 327).

Appellant also testified at trial. Throughout Appellant's testimony, it became apparent that Appellant and Mr. Almodovar were familiar with each other from incidents in the past. (N.T. at 347). Appellant also made it clear that he thought, based on things he had heard from different people, that Mr. Almodovar wanted him dead. (N.T. at 333).

Appellant testified that the individual that Ms. Andino identified as "Red" is one of his closest friends and that, on the day of the shooting, Red was "just coming [to his residence] to talk." (N.T. at 330). Appellant testified that he and Red also regularly smoked PCP together but that, on the day of the shooting, Appellant smoked PCP before Red arrived. (N.T. at 330). Appellant testified that when Red arrived at his house on September 23, 2019, Appellant was cooking eggs and watching television. (N.T. at 329). According to Appellant, when Red walked in, he told Appellant that Mr. Almodovar was "out there" and was "getting out of his car to exercise or something like that." (N.T. at 332–33). Appellant stated he "just knew when [Red] said that that Mr. Almodovar was out there for me." (N.T. at 333). He explained that in "street lingo, exercise means . . . [to] rob somebody, harm somebody, do something to somebody." (N.T. at 338). Appellant testified that Mr. Almodovar "shouldn't have been there"—that Mr. Almodovar's presence caused Appellant to

“think[] he [was] there to kill [him].” (N.T. at 352).

During his direct examination, Appellant claimed that he “didn’t recall . . . shooting Mr. Almodovar or trying to shoot him,” nor did he remember “trying to shoot [Mr. Almodovar] like that, as many times.” (N.T. 341, 49). Appellant testified that his judgment was affected at the time of the shooting because he had used PCP earlier in the morning. (N.T. at 344). He testified that he “[d]efinitely wasn’t in [his] right mind” at the time and explained that he “just, like, blanked out . . . lost it . . . was in a dark bubble of [his] own” and that he “completely wasn’t [him]self.” (N.T. at 333–34).

On cross-examination, the following exchange occurred between Appellant and the Commonwealth:

Q: . . . [W]hen you were doing PCP, you would be able to leave your house and go do normal things in your life, right?

A: Yes.

Q: And on the day in question you were actually cooking, right?

A: Yes.

Q: So you were able to function a stove, use the stove to cook your eggs while you were on PCP?

A: Yes.

Q: And you understood what you were doing while you were doing that?

A: Yes.

Q: And so when you are on PCP, you do have an understanding of what it is that you are doing, right?

A: Yes, sometimes.

(N.T. at 399– 400). The Commonwealth continued with the following line of questioning while playing excerpts from the surveillance footage captured at the Hillrise Apartments:

Q: So while you were inside you were able to cook and do anything else on PCP, as soon as you walked outside, all of the sudden the PCP just completely took over everything inside of you?

A: Yes.

Q: That is your testimony?

A: Yes.

Q: You are walking straight. You are walking normal, correct? Right?

A: Yes.

Q: Again, you walk straight up to the car, no hesitation at all, right?

A: Yes.

(The video was played.)

Q: Now, you can see the number of times you continue to keep putting the gun toward him and try to shoot, right?

A: Yes.

Q: And you are just all of the sudden saying now that you just don't remember any of this?

A: Yes.

Q: You see that you are picking things up off the ground?

A: Yes.

Q: And, again, you just all of the sudden don't remember?

A: Yes.

Q: You have no idea what you picked off the ground?

A: No.

* * *

Q: And your claim is that you were so far gone on PCP that you have no idea what it is that you were doing here; is that what you are claiming?

A: At the time, no, I didn't. I didn't think about it at the time. I was so high on PCP that I reacted. I didn't think. I wasn't reflected [sic] on nothing. When I was told that Pedro was out there, I just went. I lost it, like I said in the interview.

Q: But you at least had the mindset to pick things off the ground after you shot him, right?

A: I can't explain it.

Q: You can't explain it.

* * *

Q: We are going to go through what you did after you shot Pedro.

(The video was played.)

Q: So you go back toward your house and in the opposite direction, right?

A: Yes.

* * *

Q: And you talked to Red here, right?

A: Yes.

Q: And I believe you said in your interview you told him to shut the door.

A: Yes.

Q: So you remember talking to Red?

A: Yes, I remember.

Q: So you remember everything from the beginning of the shooting before you walked outside and you remember everything right after the shooting, but everything in between is just a complete blank, you don't remember a single thing?

A: That is how it happens sometimes.

Q: That's how it happens?

A: Yes.

* * *

Q: . . . [S]o then your intent wasn't that you were scared then, is what you are saying. How can you say both?

A: I was high. I was afraid when his name came up, and I just went off. When he said Pedro's name, I knew—I just—you know, I just—I just split. I just spazzed out. I didn't think. I just knew that, you know, he was dead for me. That is it.

Q: But your reason for going out there and approaching him was, based on what you had been saying, was because you were scared he was there to do you harm?

A: Both. I was high. Both, yeah.

* * *

Q: So you are saying that you went out there and approached him because you were scared he was there to do you harm. How could you form that conscious understanding in the same breath you are saying that you were so high on PCP that you did not understand what was happening?

A: I don't know, man.

A: You don't know. You can't answer it?

A: I can't answer it.

(N.T. at 406–14). Later in the cross-examination, the following exchange occurred:

Q: And that is why you killed him?

A: I killed him, why?

Q: Because you thought your life was in danger?

A: Yes.

Q: So you admit, that is why you killed him?

A: I admit—I admit that I shot him, right.

Q: And that is the reason. That is the reason why you did it, right?

A: You tell me, ma'am.

Q: I'm asking you.

A: Yes, that is why.

(N.T. at 422).

At the conclusion of the trial, the jury found Appellant guilty of Murder in the First Degree, Possession of a Firearm Prohibited, and Firearm Not to be Carried without a License. A presentence investigation was ordered and on October 29, 2021, Appellant was sentenced to life without parole plus seven and one-half to twenty years SCI. After sentencing, attorney Dennis Dougherty was appointed to represent Appellant for purposes of filing an appeal. On November 8, 2021, Attorney Dougherty filed a Post Sentence Motion Requesting Additional Time to Supplement Post Sentence Motion Upon Receipt of Trial Transcripts. On November 16, 2021, I granted the Motion and allowed 30 days from the date the trial transcript was received to file a supplemental post sentence motion. On January 13, 2022, Attorney Dougherty filed a Notice that

Supplemental Post Sentence Motion Will Not Be Filed, requesting that this Court deny Appellant's November 8, 2021, Motion to trigger the thirty-day period for filing a Notice Appeal to the Superior Court. I denied Appellant's Post Sentence Motion on January 14, 2022.

On February 1, 2022, Appellant filed a counseled Notice of Appeal to the Superior Court from the October 29, 2021, judgment of sentence as affirmed by my January 14, 2022, Order denying Appellant's Post Sentence Motion.³ Appellant thereafter filed a Concise Statement of Errors Complained of on Appeal ("Statement"), to which the Commonwealth responded.

DISCUSSION

In his Statement, Appellant raises the following five claims. First, Appellant argues that I erred in denying his requested jury instruction on self-defense. Second, that I erred in denying his request for a jury instruction on voluntary manslaughter, unreasonable belief. Third, Appellant claims that I erred by prohibiting his trial counsel from offering evidence of the victim's reputation for violence. Fourth, Appellant claims that I erred when I limited the questioning of defense witness Ivan Lopez-Diaz. Fifth, and finally, Appellant argues that I erred when I did not allow a defense witness to testify about threats made by the victim toward Appellant, claiming that the testimony was relevant to Appellant's state of mind at the time of the homicide. I will address each argument in turn.

I. This Court did not err when it denied Appellant's request for a jury instruction on self-defense

"The use of force upon or toward another person is justifiable when the actor believes that such force is *immediately* necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion." 18 Pa.C.S. § 505(a) (emphasis supplied). "[A] claim of self-defense . . . requires evidence establishing three elements: '(a) that the Defendant reasonably believed that he was in imminent danger of death or serious bodily injury and that it was necessary to use deadly force against the victim to prevent such harm; (b) that the defendant was free from fault in provoking the difficulty which culminated in the slaying; and (c) that the defendant did not violate any duty to retreat.'" Commonwealth v. Mouzon, 53 A.3d 738, 750 (Pa. 2012) (citing Commonwealth v. Samuel, 590 A.2d 1245, 1247–48 (Pa. 1991) (internal punctuation omitted)). "[T]he Commonwealth may disprove a claim that a defendant's use of deadly force was justifiable by establishing that: (1) the defender did not reasonably believe deadly force was necessary to protect himself from imminent danger of death or great bodily harm, (2) the defender provoked the incident, or (3) the defender violated a duty to retreat with safety or avoid the danger." Commonwealth v. Chine, 40 A.3d 1239, 1243 (Pa. Super. 2012) (citing Commonwealth v. Truong, 36 A.3d 592, 598–99 (Pa. Super. 2012)).

³ Appellant prematurely filed a prior *pro se* Notice of Appeal on December 3, 2021. The appeal was docketed as 1587 MDA 2021. Because post sentence motions were still pending before this Court at the time of Appellant's *pro se* filing, the Superior Court issued a rule to show cause as to why the December 3, 2021, appeal should not be dismissed. Attorney Dougherty filed a response on December 22, 2021, in which he conceded that the *pro se* appeal was prematurely filed. On February 28, 2021, the Superior Court quashed the appeal docketed at 1587 MDA 2021.

Whether a defendant can properly raise a self-defense justification is purely a legal issue that must be determined by the trial judge. Mouzon, 53 A.3d at 750; Commonwealth v. Hornberger, 74 A.3d 279, 284 (Pa. Super. 2013) (internal citations omitted). Therefore, “while there is no burden on the defendant to prove a claim of self-defense, it is nevertheless required that before such a defense is properly in issue at trial, there must be some evidence, from whatever source” to justify a finding that Defendant acted in self-defense as defined by Pennsylvania law. Commonwealth v. Black, 376 A.2d 627, 630 (Pa. 1977).

Instantly, regardless of any contentious history between Appellant and Mr. Almodovar, the uncontroverted evidence presented at trial established that Appellant’s belief that Mr. Almodovar posed a threat of imminent harm was altogether unreasonable in light of the facts as they appeared. See Mouzon, 53 A.3d at 752. The Commonwealth’s evidence showed that Mr. Almodovar sat defenseless in a parked car and posed absolutely no threat to Appellant when Appellant shot him. Further, the surveillance footage captured by the cameras affixed to the Hillrise Apartments showed Appellant violating his duty to retreat or seek safety when he left his residence and walked up the sidewalk and around the corner toward where Mr. Almodovar sat. Indeed, the contrary is true. Appellant *left* a place of safety to specifically confront and shoot an unarmed individual. Appellant was also the sole aggressor; during the entirety of the incident, Mr. Almodovar remained seated in a parked vehicle around the corner from Appellant’s residence. Officers who observed Mr. Almodovar’s dead body in the car described his post-mortem position—sprawled toward the back driver’s side of the vehicle—as indicating that Mr. Almodovar attempted to retreat or escape when Appellant confronted him.

The evidence presented by the Commonwealth eclipsed any argument by Appellant that his use of deadly force against Mr. Almodovar was justifiable. During his trial testimony, Appellant also readily admitted that left his residence and walked up the sidewalk and around the corner to the parking area, then directly up to where Mr. Almodovar sat, shot him once, and tried to fire more shots. For these reasons, self-defense was not properly in issue and I did not abuse the discretion afforded to me when I denied Appellant’s request to give a self-defense instruction to the jury. Appellant’s claim on appeal should, therefore, be denied.

II. This Court did not err when it denied Appellant’s request for a jury instruction on voluntary manslaughter

“A person who intentionally or knowingly kills an individual commits voluntary manslaughter if at the time of the killing he believes the circumstances to be such that, if they existed, would justify the killing.” 18 Pa.C.S.A. § 2503(b). “[U]nreasonable belief voluntary manslaughter, sometimes loosely referred to as imperfect self-defense, will only justify a voluntary manslaughter instruction in limited circumstances: where a defendant held an unreasonable rather than a reasonable belief that deadly force was required to save his or her life’ *and* ‘all other principles

of justification . . . have been met.” Commonwealth v. Green, No. 372 EDA 2021, 2022 WL 791883, at *6 (Pa. Super. Mar. 16, 2022) (quoting Commonwealth v. Sanchez, 82 A.3d 943, 980 (Pa. 2013) (emphasis supplied) (internal citations omitted)). In other words, “[t]his self-defense claim is imperfect in only one respect—an unreasonable rather than reasonable belief that deadly force was required to save the actor’s life.” Commonwealth v. Tilley, 595 A.2d 575, 582 (Pa. 1991).

Appellant’s trial testimony was that, for whatever reason, he left his apartment, walked out the door and around the corner, and shot Mr. Almodovar to death. His rationale for this conduct was his claim that his own life was in imminent danger. For the reasons set forth above, Appellant’s belief was clearly unreasonable in light of the facts as they appeared. Appellant’s unreasonable belief that deadly force was required to save his own life may satisfy the first element of imperfect self-defense. However, it remains unchanged that the record is devoid of evidence showing that Appellant was free from fault in provoking the incident and that he satisfied his duty to retreat or otherwise seek or remain in safety before using deadly force against Mr. Almodovar.

Instead, the evidence presented by the Commonwealth, and by Appellant himself, overwhelmingly established that Appellant was the sole aggressor and that he left the safety of his home to approach Mr. Almodovar and shoot him to death. Therefore, the Commonwealth disproved the remaining elements of imperfect self-defense and Appellant’s unreasonable belief that he was in danger, standing alone, did not warrant a jury instruction on voluntary manslaughter. See Commonwealth v. Rivera, 983 A.2d 1211, 1224 (Pa. 2009) (providing a general discussion of the legal standard for imperfect self-defense and concluding that the standard cannot be met where the Commonwealth “disproves the remaining elements of a self-defense claim by demonstrating that Appellant was the initiator of the deadly force and could have retreated safely without the use of force”). Consequently, his claim that I erred in refusing to instruct the jury as requested should be denied.

III. This Court did not err or abuse its discretion when it prohibited Appellant’s trial counsel from soliciting testimony regarding the victim’s reputation for violence where self-defense was not properly in issue

The Pennsylvania Rules of Evidence and supporting case law clearly establish that a Defendant may present evidence of a victim’s reputation for violence *only* in cases where self-defense is properly at issue. See Mouzen, 53 A.3d at 740; Commonwealth v. Buterbaugh, 91 A.3d 1247, 1256 (Pa. Super. 2014).

At trial, Detective Nathan Nickel testified about his involvement in the investigation of Mr. Almodovar’s death. On cross examination, Appellant’s trial counsel asked Detective Nickel whether, during his career, he had ever investigated Pedro Almodovar for violent crime. (N.T. at 206). The Commonwealth promptly objected and, at a sidebar, Appellant’s trial counsel argued that the questioning should be permitted because it went to his “client’s state of mind, the fear that he had” and because

“it corroborate[d] [that Mr. Almodovar] was somebody that was violent.” (N.T. at 206). After the sidebar concluded, I sustained the Commonwealth’s objection. (N.T. at 206).

As set forth above, evidence of a victim’s reputation for violence is admissible *only* in cases where self-defense is properly before the jury. At the time that Detective Nickel was cross-examined, the Commonwealth had already entered into evidence the surveillance footage that clearly showed Appellant leaving the safety of his home, advancing toward Mr. Almodovar, and shooting him without any provocation. Self-defense was, therefore, not properly in issue. Consequently, I did not err in prohibiting trial counsel from questioning Detective Nathan Nickle about Mr. Almodovar’s reputation for violence and his claim on appeal should be denied.

IV. This Court did not err when it limited the questioning of Ivan Lopez-Diaz

It is well established that admissibility of evidence is within the sound discretion of the trial court; a trial court’s decision to admit or exclude evidence should not be reversed absent an abuse of discretion. Rivera, 983 A.2d at 1228. “Relevance is the threshold for admissibility of evidence.” Commonwealth v. Tyson, 119 A.3d 353, 358 (Pa. Super. 2015). “Evidence is relevant if it logically tends to establish a material fact in the case, tends to make a fact at issue more or less probable or supports a reasonable inference or presumption regarding a material fact.” Id. (internal quotation omitted). “The court may exclude relevant evidence if its probative value is outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.” Pa. R.E. 403. “Evidence that is not relevant is not admissible.” Pa. R.E. 402.

Immediately prior to trial, I had an on-the-record conversation with Appellant’s trial counsel and the Commonwealth regarding proposed defense witness Ivan Lopez-Diaz. Appellant’s trial counsel argued that Mr. Lopez-Diaz should be permitted to testify to counter any argument by the Commonwealth that Appellant acted with premeditation when he shot and killed Mr. Almodovar. (N.T. at 6). In making an offer of proof, trial counsel stated that Ivan Lopez-Diaz would testify that he “communicated to [Appellant] that he should be concerned for [his] life based on things [Mr. Lopez-Diaz knew] from discussing with [Mr. Almodovar].” (N.T. at 6). Specifically, trial counsel proposed that his questioning of Mr. Lopez-Diaz would amount to the following: “Do you know [Appellant] and Pedro Almodovar?”; Did “you have any conversations with [Mr. Almodovar] concerning Raymond Speller?”; “After speaking with [Mr. Almodovar] . . . was it your impression that . . . Raymond Speller should be fearful for his life?”; and “Did you communicate that to Raymond Speller prior to September 23rd?”. (N.T. at 165). Trial counsel stated that he would ask “nothing more” and “nothing less.” (N.T. at 166).

Trial counsel argued that such testimony was important to shed light on why Appellant may have feared for his life when he heard that Mr.

Almodovar was parked outside of his home and on Appellant's mental state at the time that he shot and killed him. (N.T. at 6–7). Trial counsel further explained that the instant case “is about a why” and that, considering Appellant's alleged intoxication at the time, the proposed testimony was important because any fear that Appellant had regarding Mr. Almodovar may have been amplified by Appellant's intoxication. (N.T. at 164–65).

After carefully considering Appellant's proffered evidence, I had a second on-the-record conversation with Appellant's trial counsel and the Commonwealth outside the presence of the jury. I notified counsel that I would permit the testimony of Ivan Lopez-Diaz in the format that trial counsel had proposed. (N.T. at 302). Specifically, I stated as follows:

You are allowed to ask four questions, and they are going to be leading questions. So if you want to write these down:

Did you know Pedro Almodovar?
Do you know Raymond Speller?
Did you have conversations with Pedro Almodovar about Raymond Speller?
And prior to Mr. Almodovar's death, did you tell Raymond Speller about these conversations?

(N.T. at 302).

On appeal, Appellant now lodges an argument that I erred in limiting Mr. Diaz-Lopez's testimony because the limitations did not permit the substance of the communication between Mr. Almodovar and Mr. Lopez-Diaz that was relayed to Appellant about Mr. Almodovar's alleged desire to kill Appellant. His argument fails in two respects. First, as stated above, self-defense was not properly in issue during the trial. Accordingly, Appellant's alleged fear of Mr. Almodovar was of limited relevance; whether Appellant feared for his life at the time of the shooting in no way cured the fact that he was, undisputedly, the sole aggressor when he violated his duty to retreat by leaving the safety of his own home to advance toward Mr. Almodovar and shoot him to death while Mr. Almodovar sat defenseless in his vehicle. Any further questioning of Mr. Lopez-Diaz regarding the specific contours of the relationship between Mr. Almodovar and Appellant was, therefore, of such limited relevance to the matters properly before the jury that its probative value was easily outweighed by a danger of confusing the issues and misleading the jury. *See* Pa. R.E. 403.

Second, to the extent that Appellant's largely undeveloped argument suggests that further questioning of Mr. Diaz-Lopez would have been warranted for purposes of distinguishing between degrees or classifications of homicide, his argument is inapposite. Importantly, Appellant does not appear to be arguing that further questioning of Mr. Ivan Lopez-Diaz would have somehow justified a jury instruction on involuntary manslaughter and, as discussed above, the evidence presented at trial also did not warrant a voluntary manslaughter “unreasonable

belief” jury charge. The only remaining issue is, therefore, the relevance of further questioning of Ivan Lopez-Diaz to distinguish between third and first degree murder.

Ample evidence was introduced during trial regarding Appellant’s alleged level of intoxication at the time of the shooting. Both Appellant’s trial counsel and the Commonwealth engaged in thorough questioning of Appellant regarding his mental state at the time he killed Mr. Almodovar, as well as the role that Appellant’s alleged PCP high may have played on the morning of September 23rd. The verbatim excerpts of this questioning presented above demonstrate that sufficient evidence was placed on the record regarding the impact that Appellant’s alleged intoxication had on his ability to form the specific intent to kill required for first degree murder.

Not only did I permit Appellant’s trial counsel to ask a majority of the questions he proposed, it was squarely within my discretion to prohibit further questioning that would have been largely irrelevant and duplicative. The *de minimis* relevance of additional questioning of Mr. Lopez-Diaz, likely regarding a deeper explanation of why Appellant purportedly feared Mr. Almodovar, was simply outweighed by the likelihood that the proffered evidence would confuse the issues and mislead the jury. For these reasons, I did not err in limiting the questioning of Ivan Lopez-Diaz and Appellant’s claim should be dismissed.

V. This Court did not err when it precluded the testimony of Ronald Luis about threats made by the victim toward Appellant where self-defense was not properly in issue

In his final argument, Appellant claims that I erred by precluding the testimony of an additional defense witness, Ronald Luis, regarding threats that Mr. Almodovar allegedly made toward Appellant. Appellant argues that Mr. Luis’s testimony was relevant to Appellant’s state of mind at the time of the homicide.

At trial, Appellant’s trial counsel sought permission to call Ronald Luis to the stand, proffering that Mr. Luis would “say something substantially similar” to Mr. Lopez-Diaz’s testimony. Specifically, trial counsel stated that Ronald Luis would testify that he “had a conversation with [Mr. Almodovar] around [the] time before [his] death, and my understanding was he wanted Raymond Speller dead.” (N.T. at 311–12). I rejected trial counsel’s request, explaining that the proffered evidence was “textbook hearsay testimony.” (N.T. at 312). More importantly, I explained that the relevance of statements regarding Mr. Almodovar’s alleged feelings toward Appellant was negligible. (N.T. at 312).

As set forth above, self-defense and imperfect self-defense were not properly in issue. Appellant’s fear of Mr. Almodovar was, therefore, only relevant to the extent that it played a role in explaining or providing context for his claim of voluntary intoxication. Here again, such relevance was incredibly limited such that its probative value was easily outweighed by the risk of confusing the issues and misleading the jury by further suggesting that Appellant’s fear of Mr. Almodovar could somehow justify his act of shooting him to death. Considering the sub-

stantial record that Appellant created about his own mental state at the time, the proffered testimony of Ronald Lewis was also needlessly cumulative. Therefore, I did not err in precluding Mr. Luis's testimony and Appellant's claim should be denied.

CONCLUSION

For the reasons stated herein, each of Appellant's claims is meritless and his appeal should be denied. Accordingly, I enter the following:

ORDER

AND NOW, this 12 day of April, 2022, the Court hereby submits this Opinion pursuant to Rule 1925(a) of the Pennsylvania Rules of Appellate Procedure.

BY THE COURT:

JEFFERY D. WRIGHT
JUDGE

ESTATE AND TRUST NOTICES

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION

Achey, Jenny L., dec'd.

Late of West Donegal Township.
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teer c/o Paterson Law LLC,
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Beck, Jeffrey D., dec'd.

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**Beissel, Margaret L. a/k/a Mar-
garet Louise Beissel**, dec'd.

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Biechler, Joan A., dec'd.

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Dillio, Clara R., dec'd.

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Martinez, Gladys, dec'd.

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Snyder, Barbara S., dec'd.
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SECOND PUBLICATION

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Martin, Wesley Karl, dec'd.

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Roth, Albert, dec'd.

Late of the Borough of Elizabethtown.

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Spatola, Terri K. a/k/a Terri Spatola, dec'd.

Late of West Hempfield Township.

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Attorney: None.

Steffy, Donna S., dec'd.

Late of Warwick Township.

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Weiler, J. Mervin a/k/a Jacob Mervin Weiler, dec'd.

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Wingenroth, Gerald S., dec'd.

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Attorney: None

THIRD PUBLICATION

Boughter, Vickie Ann, dec'd.

Late of Conoy Township.
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Byers, Kenneth E., dec'd.

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Dommel, Betty Jane a/k/a Betty J. Dommel, dec'd.

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Fritz, Joseph F., Jr., dec'd.

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Grube, Gloria M., dec'd.

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Haines, Bertha C., dec'd.

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Hepler, Ruth M., dec'd.

Late of the Borough of Lititz.
Executrix: Judith Louise Henkel c/o Gibble Law Offices, P.C., 126 East Main Street, Lititz, PA 17543.
Attorney: Stephen R. Gibble.

Huber, Earl E., dec'd.

Late of the Township of Conestoga.
Executor: Charlotte L. Huber c/o Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603.
Attorney: James R. Clark.

Moran, Osborne E., dec'd.

Late of Oxford.
Executor: Theodore O. Moran c/o R. Samuel McMichael, Esquire, P.O. Box 296, Oxford, PA 19363.
Attorney: Samuel McMichael, Esquire.

Phillips, Erlyn E., dec'd.

Late of Earl Township.
Executor: Anna K. Moyer c/o Good & Harris, LLP, 132 West Main Street, New Holland, PA 17557.
Attorneys: Good & Harris, LLP.

Rush, George F. a/k/a George Franklin Rush, Jr., dec'd.

Late of Mount Joy Township.
Executor: Gerald A. Rush c/o 709 Arunah Ave., Catonsville, MD 21228.
Attorney: None.

Seitzinger, John William, Jr. a/k/a J. William Seitzinger, Jr. a/k/a J. William Seitzinger

a/k/a J.W. Seitzinger, Jr. a/k/a John W. Seitzinger, dec'd.

Late of Earl Township.
Executrices: Gail S. Posey, Jean E. Good c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.
Attorney: Jeffrey P. Ouellet, Esquire.

Shaiebly, Nelson, dec'd.

Late of Christiana.
Administrator: Kevin Shaiebly c/o Attorney Patrick J. Schaeffer, Esquire, Laura E. Bayer Esquire Trinity Law, 1681 Kenneth Road, Building 2, York, PA 17408.
Attorney: Patrick J. Schaeffer, Esquire.

Stauffer, Jean S., dec'd.

Late of Ephrata Borough.
Administrator: Jessica Lynn Stauffer c/o Eric Schelin Rothermel, Esquire, 49 North Duke Street, Lancaster, PA 17602.
Attorney: May, Herr & Grosh, LLP.

Sturgis, Carole A., dec'd.

Late of New Providence Township.
Administratrix: Lisa J. Trout c/o Kluxen, Newcomer & Dreisbach, Attorneys-at-Law, 2221 Dutch Gold Drive, Dutch Gold Business Center, Lancaster, PA 17601.
Attorney: Melvin E. Newcomer, Esquire.

Wicke, Joan S. a/k/a Joan Stromenger Wicke, dec'd.

Late of West Lampeter Twp.
Executrix: Lissa Miller Thomp-

son c/o John H. May, Esquire, 49 North Duke Street, Lancaster, PA 17602.

Attorney: May, Herr & Grosh, LLP.

Young, Friedegunde M., dec'd.

Late of East Hempfield Township.

Administrator: Ronald E. Young, Jr. c/o Steven R. Blair, Attorney at Law, 650 Delp Road, Lancaster, PA 17601.

Attorney: Steven R. Blair, Esq.

ARTICLES OF INCORPORATION

FAITHFUL GIVE

Has been incorporated under the provisions of the Non-Profit Corporation Law of 1988.

Clymer Musser & Samo PC
Attorneys

D-9

Notice is hereby given that a nonprofit corporation known as

**OVERLOOK AT MARSH CREEK
COMMUNITY ASSOCIATION**

was incorporated on October 20, 2022, under the provisions of the Nonprofit Corporation Law of 1988, for the purpose to be the Association of Unit Owners organized pursuant to the Pennsylvania Uniform Planned Community Act, Act 180 of 1996, Title 68 Pa. C.S.A. Section 5101 et seq., as amended (the "Act"), with respect to Overlook at Marsh Creek, a Planned Community, located in Wallace Township, Chester County, Pennsylvania, and established or to be established pursuant to the provisions of the Act. In furtherance of its purposes, the cor-

poration may exercise all rights, privileges, powers and authority of a corporation organized under the Nonprofit Corporation Law of 1988, as amended, and of an association of unit owners organized under the Act.

BARLEY SNYDER
Attorneys

D-9

CORPORATE NOTICE

REGISTRATION OF FOREIGN LIMITED LIABILITY COMPANY: NOTICE IS HEREBY GIVEN that **Action Potential Learning, LLC** filed Articles of Foreign Registration on 10/25/2022 under the Pennsylvania BCL of 1988. Principal office is 16107 Kensington Dr. #175, Sugarland, TX 77479-4224. Commercial Registered Office Provider is Harbor Business Compliance Corporation.

D-9

FICTITIOUS NAME NOTICE

Gerald R. Metzler, 95 Orchard Buck Road, Christiana, PA 17509, filed with the Secretary of the Commonwealth of Pennsylvania registration of the name

Enola Cattle Company

under which he intends to do business at 95 Orchard Buck Road, Christiana, PA 17509, pursuant to the provisions of the Business Corporation Law of 1988, Chapter 3, known as the "Fictitious Name Act."

BLAKINGER THOMAS, PC
Attorneys

D-9

NOTICE OF SERVICE

IN THE COURT OF COMMON
PLEAS
LANCASTER COUNTY,
PENNSYLVANIA

No. CI-22-02435 Pennsylvania
National Mutual Casualty Insur-
ance Company, a/ s/ o Gregory
and Carolyn Lewis, Plaintiff
V.

Lesliann Alvarez-Cedeno, Defen-
dant.

TO LL FLOOR INSTALLATION

You are hereby notified that on
April 28, 2022 (reinstated June
9, 2022, October 19, 2022, and
November 2, 2022) Plaintiff filed
a Complaint endorsed with a No-
tice to Defend against you in the
Court of Common Pleas, Lancast-
er County, Pennsylvania, at Case
#CI-22-02435.

Since your current whereabouts
are unknown the Court by Order
dated November 15, 2022, ordered
service of the legal action served
upon you as provided by Pa. R.Civ.
P. 430.

You are hereby notified to plead
to the above referenced Complaint
on or before twenty (20) days from
the date of this publication or
Judgment may be entered against
you.

NOTICE

If you wish to defend, you must
enter a written appearance per-
sonally 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 PA-
PER TO YOUR LAWYER AT ONCE.
IF YOU DO NOT HAVE A LAWYER,
GO TO OR TELEPHONE THE OF-
FICE 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 SERVICE TO ELIGIBLE
PERSONS AT A REDUCED OR
NO FEE.

Lancaster County Lawyer Referral
Service
Lancaster County Bar Association
28 E. Orange Street
Lancaster, PA 17602
Telephone: (717) 393-0737

D-9

NOTICE OF SPECIAL MEETING

NOTICE OF THE ANNUAL POLICY
HOLDERS MEETING OF
**WINDSOR-MOUNT JOY MUTUAL
INSURANCE COMPANY**

Notice is hereby given that the
Annual Meeting of the Policyhold-
ers of Windsor-Mount Joy Mutual
Insurance Company will be held
at the Corporate Office, 21 West
Main Street, Ephrata PA, on Mon-
day, January 16, 2023 commencing
at 10:00 a.m., for the purpose
of Election of Directors and/or the
transaction of other business.

Douglas L. Underwood
President/CEO
Ephrata PA

D-2, 9, 16

SUITS ENTERED

Defendant's name appears first in capitals, followed by plaintiff's name, number and plaintiff's or appellant's attorney.

November 23, 2022
to November 30, 2022

BLOXOM, WILLIAM; Miguel Candelaria; 07382; Sadlock

C & D MOTORSPORTS, TORRES, MIKE; Ryan Sostack; 07390; Ward

CAM AUTOMOTIVE LLC; Sean Anderson; 07366; Weisberg, Schafkopf

CITY OF LANCASTER ZONING HEARING BOARD; Stephen Burkett; 07317; Morrison

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION; Tiffany Marie Potteiger; 07315

COMMONWEALTH OF PENNSYLVANIA; Vanessa Marie Simmons; 07388

HAMILTON ARMS CENTER, HAMILTON ARMS CENTER OPCO LLC; Assist Medical Staffing LLC; 07403; Byrne

IRIZARRY, BRAYAN; Accelerated Inventory Management LLC; 07326; Tsarouhis

LAPP, JONATHAN, HAVEN ADVISORY PARTNERS LLC, KNOLLE, LAWRENCE MATTHEW; Ambassador Advisors LLC; 07358; Friel

REVELATIONS OF FREEDOM MINISTRIES INC.; David Cosden; 07354

SUSQUEHANNA VALLEY NURSING & REHABILITATION CENTER, SUSQUEHANNA OPERATOR LLC, SUSQUEHANNA VALLEY NURSING AND REHABILITATION CENTER L.; Assist Medical Staffing LLC; 07392; Byrne

TASHJIAN, SARKIS J.; PPL Electric Utilities Corporation; 07337; Manley

THOMAS, STANLEY H.; Police and Fire Federal Credit Union; 07408; Dougherty

VEHICLE INSPECTION DIVISION; Daniel Mercado, Jr.; 07313

WARSHAWSKY, BRUCE J., KLOPP SR. ESTATE OF, TIMOTHY S.; Stacy R. Ohrel; 07377; Cody

ZIEGLER, MICHAEL A.; Anil Jivani; 07328; Savoca