



SINCE 1792

# LANCASTER BAR ASSOCIATION

## Lancaster Law Review

The Official Legal Periodical of Lancaster County  
Managing Editor: Kaitlyn Shoffstall  
Law Review Committee  
Chair: Aaron Zeamer  
Courtney Monson, Eric Gibson

---

**Vol. 96                      LANCASTER, PA   FEBRUARY 25, 2022                      No. 8**

---

### CASE REPORTED

**Commonwealth v. Manuel Pagan, Jr.** – 14 MDA 2022 – Sponaugle, J. – February 1, 2022 – Ineffective Assistance of Counsel – PCRA. Trial counsel was not ineffective by failing to call witnesses of good character at trial at the request of the Defendant, when the record clearly shows that doing so would be overwhelmingly prejudicial due to Defendant’s extensive convictions of *crimen falsi*.....33

### LEGAL NEWS

### LEGAL NOTICES

Calendar of Events.....	4	Articles of Incorporation.....	40
CLE Calendar.....	5	Change of Name Notice.....	41
Job Board.....	9	Estate and Trust Notices.....	29
PBIs at the LBA.....	8	Fictitious Name Notice.....	42
Public Notice of Appointment of New Magistrate Judge in the United States District Court for the East- ern District of Pennsylvania.....	11	Notice of Parental Rights Termination Hearing.....	42
		Orphans’ Court Division Auditing Notices.....	45
		Sheriff Sale of Valuable Real Estate.....	47
		Suits Entered.....	45

# LANCASTER LAW REVIEW

(USPS 304-080)

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

OWNED AND PUBLISHED WEEKLY BY

LANCASTER BAR ASSOCIATION

2022

## 2022 LBA CONTACTS, SECTION & COMMITTEE CHAIRS

**Lancaster Bar Association**

**28 East Orange Street**

**Lancaster, PA 17602**

**[www.lancasterbar.org](http://www.lancasterbar.org)**

**Phone: 717-393-0737**

**Fax: 717-393-0221**

---

### LANCASTER BAR ASSOCIATION - STAFF

**Executive Director**

Lisa Driendl-Miller

[lisa@lancasterbar.org](mailto:lisa@lancasterbar.org)

**Lawyer Referral Service Coordinator**

Cambrie Miller

[cambrie@lancasterbar.org](mailto:cambrie@lancasterbar.org)

**Managing Editor of the Lancaster  
Law Review & Bookkeeper**

Kaitlyn Shoffstall

[kaitlyn@lancasterbar.org](mailto:kaitlyn@lancasterbar.org)

**Continuing Legal Education &  
Membership Coordinator**

Emma Goodwin

[emma@lancasterbar.org](mailto:emma@lancasterbar.org)

---

### LANCASTER BAR ASSOCIATION - BOARD OF DIRECTORS

President.....Angela Ward

Past President.....David Freedman

President-Elect.....Robert Cronin

Vice President.....Bernard Ilkhanoff

Secretary.....Melissa Montgomery

Treasurer..... Luke Weber

Foundation President.....Lindsay O'Neil

Chair, Long Range & Strategic Plan.....Gregory Latimer

Chair, Young Lawyers.....Ian Brinkman

Chair, Lancaster Law Review.....Aaron Zeamer

Director at Large.....Jill Laskowitz

Director at Large.....Jennifer Zuidema

Director at Large.....Kiandra Steffy

Director at Large.....Brandon Harter

Director at Large.....Courtney Restemayer

## 2022 LBA CONTACTS, SECTION & COMMITTEE CHAIRS

### SECTION CHAIRS

Child Dependency Law.....	David Natan
Civil Litigation.....	Brandon Harter
Corporate Business & Bankruptcy Law.....	Matthew Bleacher
Criminal Law.....	Christopher Sarno
Elder Law.....	Kim Carter Paterson
Employment & Labor Law.....	Joshua Schwartz
Estate Planning & Probate Law.....	Lindsay Schoeneberger
Family Law.....	Jill Laskowitz
In-House & Corporation Counsel.....	Andy Berger
Municipal, Zoning & Environmental Law.....	Reilly Noetzel
Professionalism/Ethics.....	Bryan Black
Real Estate Law.....	Derek Dissinger
Solo/Small Firm Practice.....	Julia Parrish
Workers' Compensation/Administrative Law.....	Ryan Murphy

### COMMITTEE CHAIRS

Alternative Dispute Resolution.....	Dan Brookhart
Diversity.....	Kiandra Steffy
Fee Arbitration.....	William Benner, Jr.
Judiciary.....	Jeffrey Ouellet
Lancaster Law Review.....	Aaron Zeamer
Lawyer Referral.....	Eric Winkle
Long Range & Strategic Plan.....	Gregory Latimer
Nominating Committee.....	Andrea Farney
WIP.....	Ashley Weber
Young Lawyers.....	Ian Brinkman

### LANCASTER LAW FOUNDATION - BOARD OF DIRECTORS

President.....	Lindsay O'Neil
Secretary.....	John H. May
Treasurer.....	Jeffrey Ouellet
Director.....	Terry Warco
Director.....	Angela Rieck
Director.....	Bernadette Hohenadel
Director.....	Julia Vanasse
Director.....	Scott Mitchell
Director.....	Melvin Newcomer
Director.....	Amanda Kowalski
Director.....	Nichole Baer
Director.....	Grant Schonour
Director.....	Shaun Murphy
Director.....	Leslie Cradic

**LANCASTER BAR ASSOCIATION  
CALENDAR OF EVENTS**

**March Events**

March 10, 2022

**Criminal Law Section Meeting**

12:00 p.m. - 1:00 p.m.

LBA Headquarters

March 16, 2022

**Solo & Small Firm Section Meeting**

12:00 p.m. - 1:00 p.m.

Virtual via Zoom

March 19, 2022

**Wills for Heroes**

Public Safety Training Center

*Volunteers needed*

March 25, 2022

**Memorial Service for Jon Lyons**

Lancaster County Courthouse

Courtroom A

**May Events**

May 21, 2022

**Wills for Heroes**

Public Safety Training Center

*Volunteers needed*

**November Events**

November 12, 2022

**Wills for Heroes**

Public Safety Training Center

*Volunteers needed*

**LANCASTER BAR ASSOCIATION  
CONTINUING LEGAL EDUCATION CALENDAR**

March 11, 2022

**Legal and Regulatory Considerations for Drone Operations**

Time: 12:00 p.m. - 1:00 p.m.

Speakers: David Heath, Executive Director of the Pennsylvania Drone Association and Anthony Fernando, 2L at Penn State Dickinson Law

1.0 Substantive Credit

*Virtual via Zoom*

Description: Many people are using small aerial drones either as part of their business or recreationally. This presentation first considers how people, ranging from teenagers to engineers and emergency service providers, use drones. Next, the state and federal regulatory framework is considered, including: 1) how the Federal Aviation Administration structures the National Airspace System and how a drone pilot can determine if they can fly in a given area, 2) regulatory operating limitations and the federal registration requirement, and 3) the impact of Pennsylvania's state pre-emption language on local ordinances related to drone use. Best practices for what to do when a client has a drone related complaint are discussed, and sources for more in-depth information are provided.

March 15, 2022

**Hiding in Plain Sight - Unmasking Human Trafficking**

Time: 12:00 p.m. - 1:00 p.m.

Speakers: Steven V. Turner, Anti-Trafficking Consultant, Trainer and Advocate

1.0 Ethics Credit

*In-person*

Description: This CLE will focus on the signs, symptoms and indicators for human trafficking. There are significant ethical concerns when interacting with victims and survivors of human trafficking that attorneys should be familiar with, especially as they work with other professionals. Human trafficking is present everywhere- urban, suburban, rural and agricultural areas- locally, across the Nation and the world.

Steven Turner has been involved in the battle against Domestic Violence, Sexual Assault and Hu-

man Trafficking since 1998. He has volunteered for years at the YWCA of Greater Harrisburg, providing pro bono representation for women and children who are victims of domestic violence. Since 2016, he has worked for the YWCA, and currently serves as a contractor for PAATH 15, a US Department of Justice, Office of Victims of Crime 12 county anti-trafficking program headquartered at the YWCA of Greater Harrisburg.

April 5, 2022

### **The Ins and Outs of Dietary Supplements**

Time: 12:00 p.m. - 1:00 p.m.

Speaker: Allison A. Muller, Pharm.D, D.ABAT, FAACT

1.0 Substantive Credit

#### ***Virtual via Zoom***

Description: "The Ins and Outs of Dietary Supplements" provides insight into the dietary supplement ("nutraceutical") industry from a toxicologist's perspective, but with attorneys in mind. This one-hour talk highlights dietary supplement-related topics that attorneys may encounter including: drug-dietary supplement interactions (essential for medical malpractice cases), drug testing (why is my client getting a positive drug test result if the only thing taken was a dietary supplement?), medical conditions that dietary supplements can worsen, and impairment due to dietary supplements. An overview of labeling requirements and regulation of these products is also covered.

#### ***Learning objectives:***

1. Describe the role of the FDA in regulating dietary supplements
2. Name 3 adulterants documented to be found in dietary supplements
3. List 2 dietary supplement-drug interactions
4. Identify 1 dietary supplement that can cause impairment
5. Explain how dietary supplements can give a positive drug screen result

Dr. Allison Muller is a board-certified toxicologist (D.ABAT), a fellow of the American Academy of Clinical Toxicology (FAACT), and a registered pharmacist with over 20 years' experience in the field of clinical toxicology. After a nearly 20-year career leading the Poison Control Center at The Chil-

dren's Hospital of Philadelphia, which included consulting on toxicology cases from 21 counties in Pennsylvania and Delaware, Dr. Muller is presently an independent consultant specializing in medical communications and providing expert witness testimony on cases involving medications, alcohol, chemicals, and environmental toxins. She is also adjunct faculty, teaching pharmacology and toxicology to second-year veterinary medicine students at the University of Pennsylvania School of Veterinary Medicine

## Mediation and ADR Solutions

provided by **The Honorable Thomas I. Vanaskie (Ret.)**



- 24 years on the Federal bench (Third Circuit Court of Appeals and Middle District of Pennsylvania)
- Unmatched credentials and experience makes him uniquely qualified to assist parties resolve disputes with guidance that is informed, impartial, fair and objective
- Available to resolve disputes in business and commercial, class action and mass tort, employment, ERISA, insurance, antitrust, securities, intellectual property, civil rights and personal injury cases
- Serves as a Special Master in complex litigation and is highly experienced in the area of e-discovery and privilege review

# Stevens & Lee

215.568.7560 • [tiv@stevenslee.com](mailto:tiv@stevenslee.com)

**UPCOMING PBI<sub>s</sub> AT THE LBA**

March 3, 2022	<b>Civil Litigation Update 2022</b> 9:00am-1:30pm 3.0 Substantive, 1 Ethics Credit
March 9, 2022	<b>Digital Assets Update 2022</b> 9:00am-12:15pm 3.0 Substantive Credits
March 22, 2022	<b>Ethics of Attorney Marketing and Solicitation 2022</b> 9:00am-12:15pm 3.0 Ethics Credits

Please register through the PA Bar Institute  
at [www.pbi.org](http://www.pbi.org).



**LANCASTER BAR ASSOCIATION  
JOB BOARD**

**AVAILABLE ATTORNEY POSITIONS –**

**Full-Time Attorneys** - The Lancaster, PA office of Fowler Hirtzel McNulty & Spaulding is seeking full-time attorneys to join its robust civil defense practice. The office is a great fit for motivated individuals with between 2-10 years of litigation experience. Compensation is commensurate with experience. More senior attorneys will manage their own caseload as experience and established skill sets permit. The firm prides itself on its outcomes and client service, and the opportunities it offers our attorneys for professional and client development. Therefore, some consistent in-person presence is needed but positions are flexible and do allow for work from home opportunities if desired. COVID-19 considerations and precautions are in place at the office and firm wide. Compensation highly competitive and commensurate with experience, and includes a year-end bonus predicated on performance. Complete benefit package also provided with position.

Please email resumes to:

ghirtzel@fhmslaw.com

Greg Hirtzel

Fowler Hirtzel McNulty & Spaulding, LLP

1860 Charter Lane

Suite 201

Lancaster, PA 17601

---

**Associate Attorney (Harrisburg & Lancaster Office)** - Join one of the most innovative, forward-thinking law firms in the country. As a Saxton & Stump team member, you'll be joining a culture of excellence and teamwork, mixed with a strong focus on investing in our team and the community. We understand that the new legal environment requires a different approach to all aspects of the business, and we've built that into the way we recruit, the way we structure our team, and the way we value customer service.

Saxton & Stump has an immediate opening for a Litigation associate with 1-5 years of experience to join our growing firm in our Harrisburg and Lancaster offices. The successful candidate will work in healthcare litigation and commercial litigation. Apply today and be a part of the future of legal and consulting services.

Interested applicants can submit a resume and cover letter to Candice N. Rice, Human Resources, at [cnr@granitehrconsulting.com](mailto:cnr@granitehrconsulting.com)

---

**Business, Estate & Trust Law Attorney** - Blakinger Thomas, PC is a well-established general practice law firm in Lancaster. We are currently seeking a full time PA Bar admitted attorney with 2+ years of experience and excellent academic record to join our business and trust and estate practice groups. Applicant should possess strong oral and written communication,

analytical and organizational skills, and a commitment to client service. Benefits include health, dental and vision insurance; 401(k) Profit Sharing Plan; Long Term Disability; Life Insurance; Free parking. EEO/AA Employer.

Interested candidates should send a cover letter and resume to Hiring Partner, Blakinger Thomas, PC, 28 Penn Square, PO Box 1889, Lancaster, PA 17608-1889, or to [hr@blakingerthomas.com](mailto:hr@blakingerthomas.com).

---

**Attorney Position - [Unruh Turner Burke & Frees](#)** has an opening in its West Chester office for a team-oriented attorney with 5 to 10 years of relevant experience. Candidates must be admitted to practice in Pennsylvania and have previous law firm experience in Pennsylvania representing clients in one or more of the following: real estate acquisition, development and financing transactions; representing business organizations in general business matters including contract drafting and negotiation; representing and counseling clients in formation and governance of business organizations. Candidates must have significant understanding of common business organizations. Candidates must have strong communication and drafting skills, and must be highly motivated, hard-working, diligent, articulate and able to work with a significant degree of independence. Unruh Turner Burke & Frees is an equal opportunity employer. Resumes should be sent to [sondeck@utbf.com](mailto:sondeck@utbf.com). For the complete job description, please click [here](#).

---

**Public Notice**

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

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

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

To be qualified for appointment an applicant must:

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

A merit selection panel composed of attorneys and other members of the community will review all applicants and recommend to the district judges in confidence the five persons it considers best qualified. The court will make the appointment following an FBI full-field investigation and an IRS tax check of the applicant selected by the court for appointment. The individual selected must comply with the financial disclosure requirements pursuant to the Ethics in Government Act of 1978, Pub. L. No. 95-521, 90 Stat. 1824 (1978) (codified at 5 U.S.C. app. 4 §§ 101-111) as implemented by the Judicial Conference of the United States. An affirmative effort will be made to give due consideration to all qualified applicants without regard to race, color, age (40 and over), gender, religion, national origin, or disability. The current annual salary of the position is \$205,528.00. The term of office is eight (8) years.

The application is available on the court's web site at <https://www.>

[paed.uscourts.gov/](http://paed.uscourts.gov/) Only applicants may submit applications and applications **must be received by Thursday, March 31, 2022.**

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

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

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

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

Commonwealth v. Manuel Pagan, Jr.

Ineffective Assistance of Counsel – PCRA. Trial counsel was not ineffective by failing to call witnesses of good character at trial at the request of the Defendant, when the record clearly shows that doing so would be overwhelmingly prejudicial due to Defendant’s extensive convictions of *crimen falsi*.

Opinion. Commonwealth of Pennsylvania v. Manuel Pagan, Jr. CP-36-CR-1286-2017. 14 MDA 2022.

William R. Stoycos, Esquire, Office of Attorney General.

Dennis C. Dougherty, Esquire, Attorney for Appellant.

Opinion by SPONAUGLE, J. February 1, 2022. Presently before the Superior Court of Pennsylvania is an appeal from an order entered on December 8, 2021, which dismissed the Petition for Post-Conviction Collateral Relief and the Amended Petition filed by Manuel Pagan, Jr. (“Petitioner”) under the Post Conviction Relief Act (“PCRA”). Petitioner filed a Notice of Appeal on December 28, 2021. For the reasons stated herein, the appeal should be denied.

**RELEVANT PROCEDURAL & FACTUAL HISTORY**

On April 11, 2018, Petitioner appeared before the court for a jury trial on one count of rape by forcible compulsion, one count of sexual assault, two counts of aggravated indecent assault, and two counts of indecent assault.<sup>1</sup> (Notes of Testimony, Trial at 68-70) (“N.T.”). Petitioner was represented by Attorney Beverly Rampaul (“trial counsel”).

The victim testified that on November 29, 2016, she went to Petitioner’s studio with her sister to drink and hang out before going to Petitioner’s residence. (N.T. at 247-49, 251, 254). While she was in his bedroom, Petitioner put his hands down her pants and put his fingers into her vagina without her consent. *Id.* at 254-55. The victim then went downstairs to sleep on the sofa but awoke to find Petitioner on top of her, his hands on her chest, and his penis in her vagina. *Id.* at 257-58. The victim told Petitioner to stop and tried to push him off of her, but Petitioner did not stop until the victim’s sister came downstairs and pulled him off. *Id.* at 258. The victim’s sister testified that the victim was screaming for help and trying to push Petitioner off of her. *Id.* at 218. The victim had never met Petitioner before that evening. *Id.* at 249-50.

Petitioner testified at trial and admitted that he inserted his hand into the victim’s vagina while upstairs in bed. (N.T. at 626-27). The victim then left the bedroom. *Id.* at 578-79. Approximately 20-30 minutes later, Petitioner went downstairs to use the bathroom, he encountered the victim, she suggested they have sex, he inserted his fingers into the victim’s vagina again, and they had sexual intercourse. *Id.* at 580-81, 627. Petitioner stated the victim was flirting with him and she never said no. *Id.* at 570, 584. Petitioner later sent the victim’s sister a

<sup>1</sup> 18 Pa.C.S.A. § 3121(a)(1), 18 Pa.C.S.A. § 3124.1, 18 Pa.C.S.A. § 3125(a)(2), 18 Pa.C.S.A. § 3125(a)(1), 18 Pa.C.S.A. § 3126(a)(2), and 18 Pa.C.S.A. § 3126(a)(1), respectively.

text message stating, “[j]ust tell her I’m sorry again and I hope she can forgive me, and I hope she’s okay.” *Id.* at 223-26; Commonwealth Exhibit #8.

After a three-day trial, Petitioner was found not guilty of rape and sexual assault, guilty on two counts of aggravated indecent assault, and guilty on two counts of indecent assault. (N.T. at 722-23). A pre-sentence investigation was ordered. *Id.* at 725. On July 11, 2018, the court imposed an aggregate sentence of 7-20 years’ incarceration. (Notes of Testimony, Sentencing at 30-31) (“N.T.S.”). On August 10, 2018, Petitioner filed a timely Notice of Appeal to the Superior Court. Petitioner was represented at sentencing and on direct appeal by Attorney Heather Adams (“appellate counsel”).

The Superior Court affirmed the judgment of sentence on June 3, 2019. *See* 1317 MDA 2018. Petitioner timely petitioned to the Supreme Court of Pennsylvania for Allowance of Appeal, which was denied on December 23, 2019. *See* 376 MAL 2019. Petitioner did not seek certiorari in the Supreme Court of the United States.<sup>2</sup>

On February 8, 2021, Petitioner timely filed a *pro se* PCRA Motion. On February 17, 2021, the court appointed Dennis C. Dougherty, Esquire, as PCRA counsel. On April 16, 2021, PCRA counsel submitted a no-merit letter to the Court pursuant to *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988), and *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988), concluding that the issues raised in Petitioner’s PCRA motion lacked merit. Counsel simultaneously filed a Motion to Withdraw as Counsel, complying with the requirements of *Commonwealth v. Friend*, 896 A.2d 607 (Pa. Super. 2006) (overruled on other grounds). PCRA counsel attached to his Motion a copy of the six-page No-Merit Letter he sent to Petitioner which provided a detailed analysis of Petitioner’s claims and informed Petitioner that counsel was unable to find any issues of merit for PCRA consideration. *See* Letter, 4/16/21.<sup>3</sup>

On May 7, 2021, Petitioner filed a response to PCRA counsel’s no-merit letter and motion to withdraw alleging that PCRA counsel was ineffective for failing to zealously pursue the claims identified in Petitioner’s *pro se* PCRA motion, failing to mention whether PCRA counsel contacted trial counsel to discuss trial counsel’s overall trial strategy, and failing to follow up with Petitioner regarding additional issues Petitioner wanted to assert. *See* Response, 5/7/21. Petitioner requested

<sup>2</sup> On appeal, Petitioner alleged that: (1) the trial court abused its discretion in determining the probative value of his 2005 *crimen falsi* convictions outweighed the prejudicial effect; (2) the trial court erred in denying his objection to an actual conflict of interest created by Petitioner filing of a PCRA Petition involving the representation of Petitioner in another case by different member of the Public Defender’s Office; (3) the trial court erred in denying Appellant’s motion to admit impeachment evidence on the grounds of the Rape Shield law; (4) the trial court erred in determining that testimony from two Commonwealth witnesses whom the victim spoke to after the assault constituted prior consistent statements; and (5) Petitioner’s sentence was illegal because counts three and four of the information should have merged for sentencing purposes. *See* Statement.

<sup>3</sup> In the Letter, PCRA counsel stated he reviewed Petitioner’s *pro se* petition, the trial transcript, the court file, discovery, their phone conversation, and the file of prior attorneys. *See* Letter, 4/16/21, p. 1. Counsel then discussed three potential PCRA issues in detail. The first involved Petitioner’s claim that trial counsel was ineffective at trial, and PCRA counsel stated he found no indication trial counsel was ineffective. *Id.* PCRA counsel noted that the trial defense “was well thought out” and trial counsel won acquittal on the two most serious charges. *Id.* at 3. PCRA counsel examined Petitioner’s claim that appellate counsel was ineffective for failing to pursue on appeal a claim regarding alleged prosecutorial misconduct and concluded that appellate counsel was not ineffective because the claim would not have been successful on appeal. *Id.* at 4. PCRA counsel also examined Petitioner’s claim that appellate counsel was ineffective for failing to pursue on appeal a claim regarding jury selection, and concluded appellate counsel was not ineffective because the likelihood of success was very low. *Id.* at 4-5.

the appointment of substitute PCRA counsel and leave to submit an amended PCRA motion. *Id.* On June 8, 2021, the court issued an order directing PCRA counsel to contact Petitioner, review the unidentified claims, investigate the claims, and file an amended petition or a revised no-merit letter within sixty days. Order, 6/8/21.<sup>4</sup>

On October 4, 2021, PCRA counsel filed an Amended Motion for Post-Conviction Collateral Relief (“Amended Petition”). In the Amended Petition, PCRA counsel alleged that trial counsel was ineffective for failing to discuss, investigate, and call character witnesses at trial to testify regarding Petitioner’s reputation for truthfulness and veracity. *Id.* at p. 3.<sup>5</sup>

Pursuant to the Rules of Criminal Procedure, the court conducted an independent review of the record. On November 4, 2021, the court issued a Rule 907 Notice stating its intent to dismiss Petitioner’s PCRA petition and Amended Petition because the allegations were not supported by the record. Petitioner was granted twenty days from the date of the Notice to file a response. Petitioner timely mailed a response postmarked November 24, 2021. *See* Response to Notice of Intent to Dismiss. In his response, Petitioner provided additional reasoning regarding his claim that trial counsel was ineffective for failing to call character witnesses. *Id.* at 2-7. Petitioner then made a layered claim alleging that PCRA counsel was ineffective for failing to investigate trial counsel’s ineffectiveness regarding trial counsel’s communication of DNA test results to Petitioner. *Id.* at 7-10. For the reasons stated in the Rule 907 Notice, and for the additional reasons stated in a separate opinion, the court concluded that Petitioner’s PCRA petition and Amended Petition would be denied without a hearing.<sup>6</sup>

On December 23, 2021, Petitioner timely filed a notice of appeal to the Superior Court. On December 28, 2021, the court entered an order directing that Petitioner file a Statement of Errors Complained of on Appeal (“Statement”) within 21 days. On January 12, 2022, Petitioner filed a Statement raising the following claims: the Court abused its discretion in denying PCRA relief without hearing finding trial counsel to be effective, when she failed to investigate and/or present character witnesses on Petitioner’s behalf at trial. *See* Statement. This opinion is written pursuant to Rule 1925(a) of the Pennsylvania Rules of Appellate Procedure.

## DISCUSSION

<sup>4</sup> On August 5, 2021, PCRA counsel filed a motion requesting additional time to contact potential witnesses and file an amended PCRA or no-merit letter. *See* Motion for Extension of Time. The PCRA Court granted counsel an additional sixty days. Order, 8/12/21.

<sup>5</sup> In the Amended Petition, Petitioner identified three potential character witnesses and requested time to provide affidavits from those witnesses. On October 20, 2021, Petitioner filed a Motion to Attach Exhibits for Post-Conviction Petition, providing affidavits from two of the witnesses. On October 21, 2021, Petitioner filed a Motion to Amend PCRA Filing to Include Additional Witness and to Attach Exhibits for Post-Conviction Collateral Petition, providing an affidavit from the third witness, identifying a fourth witness, and providing an affidavit from that witness.

<sup>6</sup> Pursuant to the Pennsylvania Rules of Criminal Procedure, a trial court may dismiss a PCRA Petition without holding a hearing if the judge is satisfied that there are no genuine issues concerning any material fact, the defendant is not entitled to post-conviction collateral relief, and no purpose would be served by any further proceedings. Pa.R.Crim.P. 907(1). “It is well settled that “[t]here is no absolute right to an evidentiary hearing on a PCRA petition, and if the PCRA court can determine from the record that no genuine issues of material fact exist, then a hearing is not necessary.” *Commonwealth v. Maddrey*, 205 A.3d 323, 328 (Pa. Super. 2019) (quoting *Commonwealth v. Jones*, 942 A.2d 903, 906 (Pa. Super. 2008)). In accord with Rule 907, the court will dismiss Petitioner’s claims without a hearing after determining there are no genuine issues concerning any material fact, Petitioner is not entitled to post-conviction collateral relief, and no purpose would be served by any further proceedings.



To be eligible for relief under the PCRA, a petitioner must plead and prove by a preponderance of the evidence that: (1) he has been convicted of a crime under the laws of this Commonwealth and is currently serving a sentence of imprisonment, probation, or parole for that crime; (2) the conviction resulted from one or more of the statutorily enumerated errors; (3) the allegation of error has not been previously litigated or waived; and (4) the failure to litigate the issue prior to or during trial or on direct appeal could not have been the result of any rational, strategic or tactical decision by counsel. 42 Pa.C.S.A. § 9543(a).

Petitioner's ineffective assistance of counsel claims are a statutorily enumerated error under the PCRA. See 42 Pa.C.S.A. § 9543(a)(2) (ii). To prevail on this claim, a petitioner must show: "(1) the underlying claim is of arguable merit; (2) the particular course of conduct pursued by counsel did not have some reasonable basis designed to effectuate his interests; and (3) but for counsel's ineffectiveness, there is a reasonable probability that the outcome of the proceedings would have been different." *Commonwealth v. Lambert*, 797 A.2d 232, 243 (Pa. 2001). A petitioner's failure to address any prong will defeat an ineffectiveness claim. *Commonwealth v. Walker*, 36 A.3d 1, 7 (Pa. 2011). Counsel is presumed to be effective and a petitioner bears the burden of proving otherwise. *Commonwealth v. Fears*, 86 A.3d 795, 804 (Pa. 2014).

A court is not required to analyze the elements of an ineffective assistance of counsel claim in any particular order but may proceed first to any element of the test where a claim may fail. *Commonwealth v. Hannibal*, 156 A.3d 197, 207 (Pa. 2016). If the court begins by determining the underlying claim is meritless, trial counsel may not be found ineffective and there is no need to evaluate the other required elements of ineffective assistance of counsel. *Id.*

In determining whether counsel's course of conduct had a reasonable basis designed to effectuate their interest, a petitioner must establish that counsel did not act in his best interests. *Commonwealth v. Pander*, 100 A.3d 626, 631 (Pa. Super. 2014). The test is not whether other strategies were more reasonable using a hindsight evaluation of the record, but whether counsel's decision had a reasonable basis to advance a petitioner's interests. *Commonwealth v. Mason*, 130 A.3d 601, 618 (Pa. 2015). "An evaluation of counsel's performance is highly deferential, and the reasonableness of counsel's decisions cannot be based on the distorting effects of hindsight." *Commonwealth v. Saranchak*, 866 A.2d 292, 304 (Pa. 2005).

When determining if there is a reasonable probability the outcome of the proceedings would have been different but for counsel's alleged ineffectiveness, a petitioner must establish resulting prejudice or the claim will fail. *Commonwealth v. Miller*, 987 A.2d 638, 648-49 (Pa. 2009). A petitioner must demonstrate that ineffective assistance of counsel so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place. *Commonwealth v. Spatz*, 84 A.3d 294, 311 (Pa. 2014); 42 Pa.C.S.A. § 9543(a)(2)(ii).

**I. Appellate counsel was not ineffective for failing to pursue an**



---

***allegation of prosecutorial misconduct on direct appeal based on statements made by the prosecutor because the claim would not have gained relief on appeal.***

Petitioner first alleged in his PCRA motion that appellate counsel was ineffective for failing to pursue on direct appeal trial counsel's objection to the Commonwealth's opening statement and closing argument. During his opening statement the prosecutor stated:

Let's go to the elements of the crime. These are important. Again, the judge is going to instruct you on these elements, but it is important for you when you're listening to this testimony to focus on what you're here to determine, because what the defendant is going to do is try to confuse the issue or have you focus on things that aren't elements of this offense.

(N.T. at 150). When trial counsel objected and requested a curative instruction, the trial court indicated the objection would be addressed by the court's instructions to the jury. *Id.* at 161-62.

During closing arguments, defense counsel emphasized the victim's lack of physical injuries, pointed out inconsistencies in her account of the day's events, argued the victim had consensual sex with Petitioner, and stated the victim lied about it after getting caught in the act. (N.T. at 645-48, 652-53). The prosecutor characterized the strategy of defense counsel as an attempt to distract the jury's attention from the elements of the crime, stating:

Let's talk about the elements. Now, I want to go over a digression here about the elements of this crime. If you remember when I gave my opening remarks, I told you it's really important, because your duty here is to determine whether the Commonwealth has met its burden to prove these elements. And I warned you. I said, keep in mind what the defense is going to do is distract you from the elements of the crime, consent, force, sexual intercourse. I wanted you to be mindful of that. What did they do? What do you hear about time after time, question after question, witness after witness? How much did Lauren have to drink that night? Did she have Four Loko or did she have Hennessy? Did she have shots, or did she have a mixed drink? Question after question. It doesn't matter. They never got to a point with that. They just wanted to smear her. That's a typical tactic, wanted to make her look bad. It didn't matter if she had one drink or four drinks, she still got raped by this man. What else did they do to distract from what actually mattered here? They talked to you a lot about who was driving who where. Did you go to the Turkey Hill? Well, who was sitting in the car when you went to the Turkey Hill? Who was driving what car? What did you do at McDonald's? Did you go to the drive-through? Who drove through first? When you got home, where did you eat the McDonald's? Were you standing or were you sitting? You

heard question after question about that. Again, not relevant to whether this man raped her by force or did not get her consent to have sexual intercourse with Lauren.

(N.T. at 663-64).

In his no-merit letter, PCRA counsel found that the prosecutor's statements were a commentary on defense tactics, the trial court instructed the jury that the opening and closing statements of counsel are not evidence, the trial court's corrective instruction properly addressed and remedied the issue, and Petitioner would not have been able to show on appeal that he suffered any prejudice on this claim. Letter, p. 4. After thorough review, the PCRA Court concludes that PCRA counsel was correct in his assessment of this claim.

"The essence of finding prosecutorial misconduct is that the prosecutor, a person who holds a unique position of trust in our society, has abused that trust in order to prejudice and deliberately mislead the jury." *Commonwealth v. Pierce*, 645 A.2d 189, 197 (Pa. 1994).<sup>0</sup> "[P]rosecutorial misconduct does not occur unless the unavoidable effect of the comments at issue was to prejudice the jurors by forming in their minds a fixed bias and hostility toward the defendant, thus impeding their ability to weigh the evidence objectively and render a true verdict." *Commonwealth v. Paddy*, 800 A.2d 294, 316 (Pa. 2002). "Because a criminal trial is an adversary proceeding, the prosecution as well as the defense must be allowed reasonable latitude in presenting its case to the jury." *Id.* A prosecutor may respond to defense arguments with "logical force and vigor." *Commonwealth v. Chmiel*, 889 A.2d 501, 544 (Pa. 2005).

While trial counsel objected to the prosecutor's comment that defense counsel would attempt to confuse the issues by focusing on things that were not elements of the charged crimes, defense counsel did in fact question the witnesses about facts unrelated to the specific elements of the crimes in an attempt to undermine their credibility. The prosecutor was entitled to point out this defense strategy in an effort to focus the jury's attention on the evidence tending to prove the elements of the charged offenses. As such, the prosecutor's statements were fair comment based on the strategy employed by defense counsel, they were not an attempt to inflame the passions of the jury, and they did not improperly sway the jury's focus from applying the law as instructed to the relevant facts of the case. The jurors were also not impeded in their ability to weigh the evidence objectively and render a true verdict, as evidenced by Petitioner's acquittal of the most serious charges of rape and sexual assault. Thus, the prosecutor's comments did not rise to the level of prosecutorial misconduct.

Furthermore, even if the remarks were improper, the Superior Court has stated that the prejudicial effect of a prosecutor's improper remarks may be cured by the court's instruction that the comments of counsel are not evidence. *Commonwealth v. Thompson*, 660 A.2d 68, 76 (Pa. Super. 1995). Juries are presumed to follow a trial court's instructions. *Commonwealth v. Jones*, 668 A.2d 491, 504 (Pa. 1995).

Prior to opening statements, the court instructed the jurors that they were the sole judges of the facts, credibility, and weight of the evidence. (N.T. at 131). The court further instructed the jurors that they were not bound by nor should they consider any opinion which may be expressed by counsel, because the statements of counsel are not evidence. *Id.* at 132. Prior to closing arguments, the court instructed the jury that the arguments of counsel are not evidence. *Id.* at 642. The court also instructed the jurors that the jury was not bound by nor limited in its deliberations to counsel's recollection of the evidence. *Id.* After closing arguments the court specifically instructed the jury that the speeches of counsel, whether part of the opening statements or closing arguments, are not part of the evidence to be considered by the jury. *Id.* at 701. Therefore, any prejudicial remarks were cured by the court's instructions.

Appellate counsel is not required to raise every non-frivolous claim on appeal. *Lambert, supra*, 797 A.2d at 244. Instead, the hallmark of effective appellate advocacy is the exercise of reasonable professional judgement to selectively pursue claims offering the greatest likelihood of success. *Id.* Because the claim of prosecutorial misconduct would not have been successful on appeal, appellate counsel was not ineffective in failing to pursue this meritless claim. Thus, Petitioner is not entitled to relief.

**II. Appellate counsel was not ineffective for failing to pursue a Batson claim on direct appeal because the claim would not have gained relief on appeal.**

Petitioner asserted in his PCRA motion that appellate counsel was ineffective for failing to pursue a claim on appeal that the Commonwealth used peremptory strikes in a racially discriminatory manner, in violation of *Batson v. Kentucky*, 476 U.S. 79 (1986).

A *Batson* challenge occurs during jury selection when a prosecutor uses a peremptory strike to remove a juror on an alleged racial basis. *Commonwealth v. Edwards*, 177 A.3d 963, 971 (Pa. Super. 2018). The following process must occur:

First, the defendant must make a *prima facie* showing that the circumstances give rise to an inference that the prosecutor struck one or more prospective jurors on account of race; second, if the *prima facie* showing is made, the burden shifts to the prosecutor to articulate a race-neutral explanation for striking the juror(s) at issue; and third, the trial court must then make the ultimate determination of whether the defense has carried its burden of proving purposeful discrimination.

*Edwards*, 177 A.3d at 971 (quoting *Commonwealth v. Watkins*, 108 A.3d 692, 708 (2014)). If the reason offered by the prosecutor is "a facially valid race-neutral explanation[.]" the trial court will not "demand . . . an explanation that is persuasive, or even plausible. Unless a discriminatory intent is inherent in the prosecutor's explanation, the reason offered will

be deemed race neutral.” *Commonwealth v. Sanchez*, 36 A.3d 24, 45 (Pa. 2011) (internal quotation marks omitted). On appeal, the trial court’s determination regarding discriminatory intent will receive deference. *Id.*

In the present case, trial counsel made a *Batson* challenge following jury selection with regard to two potential jurors. (N.T. at 101). The court then questioned the prosecutor about his reasons for striking the potential jurors. *Id.* at 101-04. The prosecutor stated he struck juror number 31 because she stated on her juror questionnaire that she had religious beliefs which would make it difficult for her to sit as a juror, and in prior cases he also struck other potential jurors for that same reason. *Id.* at 101-02. Trial counsel stated she did not dispute the legitimacy of that reason. *Id.* at 104. The prosecutor struck juror number 17 because she was a single female with no children, and in the prosecutor’s experience single childless females could be unfairly judgmental regarding the conduct of female victims in sex crimes cases. *Id.* The court accepted the prosecutor’s explanations and denied the *Batson* challenge. *Id.* Because there was no error in the court’s application of the law, an appellate claim on this issue would not have been successful.

In his No-Merit Letter to Petitioner, PCRA counsel provided a coherent analysis of the law on this point, described how he reached the conclusion that this issue would not have been successful at the appellate level, and explained to Petitioner that appellate counsel was therefore not ineffective for failing to pursue this claim. The court’s independent review indicates that PCRA counsel’s analysis, as set forth in his No-Merit Letter, was correct. Appellate counsel was not ineffective in failing to pursue the *Batson* claim on appeal. Accordingly, PCRA relief will be denied on this claim.

**III. PCRA counsel was correct in asserting that trial counsel was not ineffective in presenting a defense at trial that achieved acquittal on the most serious charges.**

In his response to PCRA counsel’s motion to withdraw and no-merit letter, Petitioner alleged that PCRA counsel was ineffective for failing to mention whether he contacted trial counsel to discuss her overall trial strategy. However, PCRA counsel noted in his no-merit letter that after reviewing the discovery and trial transcripts he found nothing that rose to the level of ineffective assistance of counsel at the trial level. After thoroughly examining the record, the court concurred with PCRA counsel that trial counsel successfully presented an aggressive and coherent defense.

In her opening statement, trial counsel told the jury that “the only reason that we’re here today is because [victim] was caught having sex with my client, Manuel. . . She got caught. Plain and simple.” (N.T. at 162). Trial counsel told the jury that only after the victim’s sister caught the victim and Petitioner having sex did the victim begin to claim, untruthfully, that the sex was not consensual. *Id.* at 163. Trial counsel pointed out that there were no physical injuries to support the

victim's claims of forced sex. *Id.* Trial counsel told the jury that testimony would show the victim lied to law enforcement authorities and a medical provider during the investigation of the case. *Id.* at 164-65. Trial counsel also informed the jury that the victim was jealous of her sister's relationship with Petitioner. *Id.* at 167.

Trial counsel's cross-examination of the Commonwealth's witnesses supported the theories she presented in her opening statement. When cross-examining the victim, trial counsel pointed out that the victim went voluntarily to Petitioner's music studio to socialize with Petitioner. (N.T. at 265-68). Trial counsel pointed out that the victim then voluntarily went with her sister to Petitioner's residence. *Id.* at 272-73. Trial counsel obtained the victim's admission that she lied to police about who drove to the residence. *Id.* at 272.

Trial counsel pointed out that the victim voluntarily went upstairs to Petitioner's bedroom with Petitioner and her sister. (N.T. at 274). Trial counsel pointed out that the victim remained in Petitioner's residence even after the victim rejected Petitioner's suggestion that the victim and her sister engage in a sexual threesome with him. *Id.* at 268-69.

Later in the evening, after the victim went downstairs, the victim's sister went downstairs and caught the victim and Petitioner having sex. (N.T. at 257-58, 280-83). When the victim testified that she was screaming during the entire encounter, trial counsel confronted the victim with her testimony from the preliminary hearing which suggested the victim only began screaming when she realized her sister caught her (victim) having sex with Petitioner. *Id.* at 281- 82. Trial counsel continued to call the victim's credibility into question by eliciting testimony from the victim that she presented no injuries to medical personnel following the assault despite her account of forced sexual intercourse. *Id.* at 288, 291-92. Trial counsel gained the victim's admission that she had a photograph of Petitioner on her cell phone which she showed to police, but the victim refused to allow the police to examine her phone for evidence. *Id.* at 266, 292-94.

When cross-examining the SAFE Nurse who examined the victim after the assault, trial counsel pointed out that the victim displayed no physical injuries, no bruises, no scrapes, and no physical indications of forceful sexual contact. (N.T. at 376-80). The nurse also conceded to trial counsel that while the victim claimed Petitioner had grabbed her by the arms, the nurse could not find any redness or bruising on the victim's arms. *Id.* at 376, 379-80. When cross-examining a detective, trial counsel pointed out that while the victim's sister readily consented to a police examination of her telephone, the victim refused similar consent and would not let the police examine her phone. *Id.* at 175-78. Through the same detective, trial counsel obtained testimony that the victim told police she needed her phone for a job interview the next day and she never returned to the police to offer her phone for examination. *Id.* at 176-77.

In her closing argument, trial counsel summarized the points

she had raised during testimony. (N.T. at 643-59). Trial counsel argued that despite the victim's testimony that she was forcefully assaulted, the victim displayed no injuries, there was no redness, there was no tearing, and there were no bruises found on the victim. *Id.* at 645-47. Trial counsel argued that not even an expert SAFE Nurse, who would know what to look for, could find physical evidence to support the victim's claims of forceful sexual contact. *Id.* at 648. Trial counsel argued that the victim's refusal to provide her cell phone created an evidentiary hole in the Commonwealth's case. *Id.* at 650. Trial counsel argued that the victim did not begin screaming until she knew she was caught having sex with her sister's boyfriend, and this was the basis for the false story that the victim then perpetuated through the prosecution of the case. *Id.* at 651-52. Trial counsel pointed out the contradictions between the victim's trial testimony and her prior statements, and then argued that the contradictions added up to reasonable doubt. *Id.* at 653-56.

Trial counsel presented a plausible theory of the case during her opening statement, elicited facts to support that theory during witness testimony, and then brought those facts together during her closing argument. Trial counsel's strategy was successful with the jury; Petitioner was found not guilty of the two most-serious offenses. As such, trial counsel was not ineffective at trial and PCRA counsel was correct in reaching that conclusion in his No-Merit Letter. Therefore, Petitioner is not entitled to relief on this claim.

**IV. Trial counsel was not ineffective in failing to call character witnesses because Petitioner suffered no prejudice, and trial counsel's strategy in minimizing reference to Petitioner's significant criminal history was a reasonable strategy.**

Finally, Petitioner asserted in his Amended Petition that trial counsel was ineffective for failing to call character witnesses to testify regarding his reputation for truthfulness after he testified at trial and his credibility was called into question. *See* Amended Petition.

Although every witness puts his credibility at issue by testifying, mere challenges to the credibility of the witness through vigorous cross-examination, contradictory testimony, or rebuttal testimony, do not open the door to character witness testimony. *Commonwealth v. Fisher*, 764 A.2d 82, 87 (Pa. Super. 2000) *appeal denied*, 566 Pa. 658, 782 A.2d 542 (2001). Only when the reputation of a witness has been attacked does the door open to testimony regarding the reputation of the witness. *Id.*

In this case, the Commonwealth did present evidence to attack Petitioner's reputation for truthfulness and veracity by introducing records of Petitioner's *crimens falsi*, thereby opening the door to character witness testimony regarding Petitioner's reputation for truthfulness and veracity. However, the admissibility of potential character testimony does not mean that presentation of said testimony would have been beneficial to Petitioner's case, or that trial counsel was ineffective for failing to call such witnesses. "[F]ailure to call character witnesses does



not constitute *per se* ineffectiveness.” *Commonwealth v. Goodmond*, 190 A.3d 1197, 1202 (Pa. Super. 2018) (quoting *Commonwealth v. Trieber*, 121 A.3d 435, 463 (Pa. 2015)). Aside from showing that the witnesses existed, were available and willing to testify, and that trial counsel should have known of the existence of the witnesses, a PCRA petitioner must show that “the absence of the testimony of the witnesses was so prejudicial as to have denied the defendant a fair trial.” *Goodmond*, 190 A.3d at 1202 (quoting *Trieber*, 121 A.3d at 498).

In this case, the Commonwealth introduced records from three separate dockets to show that Petitioner was convicted or adjudicated delinquent of fourteen separate and distinct crimes of dishonesty: two charges of burglary, three charges of theft by unlawful taking, seven charges of receiving stolen property, one charge of unsworn falsification to law enforcement authorities, and one charge of false identification to law enforcement authorities. (N.T. at 640-41). If trial counsel thereafter presented the four character witnesses, the Commonwealth could have cross-examined each witness in detail regarding their knowledge of the particular acts of misconduct committed by Petitioner, to test the accuracy of their testimony and the standard by which they measure reputation. *Commonwealth v. Jones*, 636 A.2d 1184, 1190 (Pa. Super. 1994) (quoting *Commonwealth v. Peterkin*, 513 A.2d 373, 382-83 (Pa. 1986)).

Each of Petitioner’s four character witnesses would have been so tested. Petitioner’s criminal history for each of his fourteen crimes of dishonesty would have echoed endlessly through the courtroom while the prosecutor cross-examined each of Petitioner’s four witnesses, asking whether a person with fourteen convictions for crimes of dishonesty has a good reputation in the community for truthfulness. The cumulative effect of these questions would have been extremely prejudicial to Petitioner’s case. Because Petitioner cannot demonstrate that he suffered prejudice from the lack of character witness testimony, Petitioner fails to satisfy the prejudice requirement on this PCRA claim and trial counsel was not ineffective in failing to present the character witnesses. *Spotz, supra*.

Petitioner also cannot show that trial counsel had no reasonable strategy in failing to present the character witnesses. *Pander, supra*; *Saranchak, supra*. By not calling the character witnesses, trial counsel minimized the reference to Petitioner’s prior crimes. Trial counsel also wisely avoided allowing the Commonwealth to engage in potentially devastating cross-examination of the character witnesses. Therefore, trial counsel engaged in a reasonable strategy to minimize prejudice to Petitioner by not calling the character witnesses, and Petitioner fails to meet the “no reasonable strategy” element on this claim.

In his response to the Rule 907 Notice, Petitioner provided additional reasoning regarding his claim that trial counsel was ineffective for failing to call character witnesses. *See* Response to Notice of Intent to Dismiss, at 2-7. Petitioner then made a layered claim alleging that PCRA counsel was ineffective for failing to investigate trial counsel’s ineffectiveness regarding trial counsel’s communication of DNA test results to

Petitioner. *Id.* at 7-10. The court found these arguments to be without merit.

**V. Trial counsel was not ineffective for failing to call character witnesses.**

In its Rule 907 Notice, the Court found that trial counsel was not ineffective for failing to present Petitioner's four proposed character witnesses, who would have testified regarding Petitioner's good reputation in the community, because the cumulative effect of the Commonwealth cross-examining each character witness about Petitioner's fourteen prior convictions for *crimen falsi* would have been extremely prejudicial to Petitioner's case. The court further concluded that trial counsel wisely avoided placing emphasis on Petitioner's extensive history of criminal dishonesty by not presenting the character witnesses.

Petitioner now supplements his character evidence claim by arguing that his case is similar to *Commonwealth v. Weiss*, 606 A.2d 439 (Pa. 1992), and *Commonwealth v. Hull*, 982 A.2d 1020 (Pa. Super. 2009). See 907 Response, p. 3. However, the Court's review of these cases does not compel a different result.

In *Weiss*, the appellant was convicted of having abusive sexual contact with his juvenile daughter. 606 A.2d at 441. The appellant's wife was a witness against the appellant. *Id.* No character witnesses testified at trial. *Id.* Following conviction, the appellant claimed that many character witnesses were available to testify as to his good character and "[m]any of the same witnesses also would have testified to his wife's bad character." *Id.* The Supreme Court remanded the case for a new trial after finding that trial counsel's decision not to present character witness testimony was unreasonable and prejudicial. *Id.* at 443.

Petitioner's case is fundamentally distinguished from *Weiss*. In *Weiss*, the appellant did not have prior convictions for *crimens falsi*, as does Petitioner. Thus, trial counsel's strategic decisions in *Weiss* were in no way analogous to the present case, where Petitioner's prior convictions for serious crimes of dishonesty would have been repeatedly emphasized by the Commonwealth through the cross-examination of Petitioner's character witnesses. *Weiss* is further distinguished from the present case because trial counsel in *Weiss* was ineffective in part for failing to present character witnesses who would have testified about the bad character of the most important prosecution witness, the appellant's wife. 606 A.2d at 443. In the present case, Petitioner makes no similar claim regarding a prosecution witness.<sup>7</sup>

The court also finds that *Hull*, *supra* is not applicable to the present case. Again, Petitioner has an extensive history of crimes of dishonesty while the appellant in *Hull* had none. 982 A.2d at 1025. Thus, trial counsel in *Hull* was not dealing with a situation where calling character witnesses would result in the repeated emphasis of the defendant's extensive prior criminal record. Furthermore, the character evidence in

<sup>7</sup> In *Weiss*, Justice McDermott stated in his concurring Opinion that "I concur in the result based on the specific facts of this case. I also wish to state that the decision in this case should not be blindly applied to all those cases where an attorney made a tactical decision to eschew the call of character witnesses." 606 A.2d at 444 (McDermott, J. concurring).



*Hull* was not the same as the character evidence in the present case. In *Hull*, the evidence in question was about the appellant's reputation for law abiding behavior. 928 A.2d at 1026. In the present case, the evidence in question was about Petitioner's reputation for truthfulness and veracity. See Amended Petition, p. 3. Thus, *Hull* is further distinguished from the present case and Petitioner's reliance on *Hull* is mistaken.

Additionally, as previously noted in the Rule 907 Notice, a PCRA petitioner must show that "the absence of the testimony of the witnesses was so prejudicial as to have denied the defendant a fair trial." *Commonwealth v. Goodmond*, 190 A.3d 1197, 1202 (Pa. Super. 2018) (quoting *Commonwealth v. Trieber*, 121 A.3d 435, 498 (Pa. 2015)). In *Commonwealth v. Glover*, 619 A.2d 1357 (Pa. Super. 1993), where trial counsel failed to call character witnesses on a defendant's behalf, the Superior Court stated "we may find ineffectiveness only if appellant establishes prejudice. Our review of the prejudice prong of the ineffectiveness test necessitates an examination of the entire record." *Id.* at 1359 (internal citation omitted).<sup>8</sup>

Applying this principle to the present case, an examination of the entire record compels the conclusion that Petitioner suffered no prejudice from the absence of character witnesses. The Commonwealth introduced records showing that Petitioner was convicted or adjudicated delinquent of fourteen separate and distinct crimes, including two charges of burglary, three charges of theft by unlawful taking, seven charges of receiving stolen property, one charge of unsworn falsification to law enforcement authorities, and one charge of false identification to law enforcement authorities. (N.T. at 640-41). The character witnesses would have been endlessly cross-examined on each of Petitioner's fourteen *crimen falsi*, and the credibility of those witnesses would have been seriously challenged when they were confronted with Petitioner's prior convictions. In short, character witness testimony as to Petitioner's reputation in the community could not overcome such an extensive proven record of crime and dishonesty. Therefore, Petitioner suffered no prejudice from trial counsel's failure to call character witnesses.

Petitioner also argues that trial counsel's decision not to call character witnesses was unreasonable and a hearing should be held so trial counsel can explain her decision-making process. See Rule 907 Response. However, a court is not required to analyze the elements of an ineffective assistance of counsel claim in any particular order, but may proceed first to any element of the test where a claim may fail. *Commonwealth v. Hannibal*, 156 A.3d 197, 207 (Pa. 2016). If the court finds that a petitioner has failed to prove any of the required elements, trial counsel may not be found ineffective and there is no need to evaluate the other required elements of ineffective assistance of counsel. *Id.* *Commonwealth v. Walker*, 36 A.3d 1, 7 (Pa. 2011).

Because Petitioner has failed to prove there is a reasonable probability that the outcome of the proceedings would have been dif-

<sup>8</sup> In *Glover*, the Superior Court found the missing character evidence caused prejudice sufficient to require reversal of the conviction where trial counsel failed to call character witnesses in a case when the identification of the perpetrator of a night-time street murder was questionable. 619 A.2d at 1362-63.

ferent if trial counsel presented the character witnesses in question, or that he suffered any prejudice, there is no need to evaluate whether the course of conduct pursued by counsel had a reasonable basis designed to effectuate Petitioner's interests.

For all of these reasons, the court found that Petitioner's 907 Response did not change the court's conclusion that trial counsel did not render ineffective assistance in relation to potential character witnesses.

**VI. Trial counsel was not ineffective when she accurately informed Petitioner regarding DNA test results, and PCRA counsel was not ineffective for failing to investigate the circumstances in which trial counsel informed Petitioner about DNA test results.**

Petitioner also claimed he was denied the effective assistance of counsel when trial counsel misread the DNA results, tried to convince him not to testify on his own behalf because of the results, and ended up creating evidence the Commonwealth would later use against him when he called his mother to discuss the results. See 907 Response, pp. 7-8. Petitioner further states the PCRA motion should not be dismissed because the court has not addressed this claim, thereby implying that the court had an opportunity to address this claim but neglected to do so. *Id.*

Generally, a petitioner cannot raise a new claim in a response to a 907 Notice, because "[t]he purpose behind a Rule 907 pre-dismissal notice is to allow a petitioner an opportunity to seek leave to amend his petition and correct any material defects." *Commonwealth v. Rykard*, 55 A.3d 1177, 1189 (Pa. Super. 2012). In this case, Petitioner failed to bring this claim before the court in any prior filing, including his initial *pro se* petition, his response to the no-merit letter, or in his Amended Petition. Thus, Petitioner had the opportunity to allege that trial counsel was ineffective in relation to DNA results and he failed to do so.

Petitioner then layers this claim within a claim by alleging that PCRA counsel was ineffective for failing to investigate trial counsel's conduct regarding the DNA evidence. See 907 Response, p. 10, ¶ 27. A petitioner may present a claim of ineffectiveness of PCRA counsel when responding to a 907 Notice. *Commonwealth v. Bradley*, 261 A.3d 381, 401-02 (Pa. 2021). However, Petitioner offers no explanation as to why he did not allege in his response to the no-merit letter that trial counsel was ineffective in relation to DNA evidence, or that PCRA counsel was ineffective for failing to address the issue. If Petitioner had done so, the Court could have examined the claim or directed PCRA counsel to address the claim. By failing to raise this new claim when he had the opportunity, the issue is waived. See *Rykard*, 55 A.3d at 1189.

Assuming, *arguendo*, the issue is not waived, there is no merit to the claim. At trial, the Commonwealth presented a recorded telephone call made by Petitioner where Petitioner told his mother: "My DNA wasn't even in this bitch . . . it looks like we didn't even have sex and . . . technically speaking they can't prove that we had sex." (N.T. at

---

452, 459, 528, 533) (emphasis added). From Petitioner’s statement to his mother, it is clear that trial counsel told Petitioner his DNA was not found in the victim. At trial, forensic DNA scientist Patrice M. Ferlan confirmed that Petitioner’s DNA was not found in a vaginal swab. (N.T. at 399). Thus, trial counsel accurately told Petitioner that his DNA was not found in the victim. Petitioner’s claim to the contrary is factually inaccurate.

Petitioner’s present explanation for his anger on the telephone when calling the victim a “bitch” also contradicts the explanation he provided at trial. At trial, Petitioner testified that he referred to the victim as a “bitch” during the telephone call with his mother because he was angry at the victim for ruining his life. (N.T. at 597). In his 907 Response, Petitioner now states he referred to the victim as a “bitch” when speaking with his mother on the telephone call out of anger because he had just met with trial counsel, counsel misread the DNA evidence report, and counsel advised him not to testify. *See* 907 Response, p. 7-9.

Because Petitioner’s claim regarding trial counsel is factually inaccurate, the claim lacks arguable merit. *Commonwealth v. Barnett*, 121 A.3d 534, 540 (Pa. Super. 2015). Because trial counsel was not ineffective on this point, Petitioner’s layered claim alleging that PCRA counsel was ineffective for failing to investigate trial counsel on this point is also meritless. *See Commonwealth v. McGill*, 832 A.2d 1014, 1021 (Pa. 2003).

**CONCLUSION**

Based on a thorough review of the record, the PCRA court properly concluded that Petitioner's claims lack merit. Therefore, Petitioner is not entitled to post-conviction relief, this appeal should be denied, and the PCRA court should be affirmed.

BY THE COURT:  
THOMAS B. SPONAUGLE, 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**

**Beiler, Anna Mary**, dec'd.

Late of Salisbury Township.  
Executor: Timothy P. Beiler c/o Nevin D. Beiler, Esq., 105 S. Hoover Ave., New Holland, PA 17557.  
Attorney: Nevin D. Beiler, Esquire.

**Craver, Genevieve**, dec'd.

Late of Manheim Township.  
Executrix: Betty Lou Hartman c/o Randall K. Miller, Esq., 659 East Willow Street, Elizabethtown, PA 17022.  
Attorney: Law Office of Attorney Randall K. Miller.

**Cochran, Charles W.**, dec'd.

Late of East Cocalico Township.  
Executor: Sean C. Cochran c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.  
Attorney: Bradley A. Zuke.

**Dahrsnin, Edwin A.**, dec'd.

Late of the Township of West Lampeter.  
Executrix: Diana Schmick Cogan, 1410 Cleveland Avenue, Wyomissing, PA 19610.  
Attorney: Robert R. Kreitz, Esquire; Kreitz Gallen-Schutt, 1210 Broadcasting Road, Suite 103, Wyomissing, PA 19610.

**Darrenkamp, Margaret M.**, dec'd.

Late of Lancaster.  
Executor: George E. Darrenkamp, Lancaster, PA.  
Attorney: None.

**Earhart, Dwayne**, dec'd.

Late of Manheim Borough.  
Executor: Evan Earhart c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.  
Attorney: Young and Young.

**Engle, Naomi R.**, dec'd.

Late of West Lampeter Township.  
Executrix: Sandra K. Henry c/o Randall K. Miller, Esq., 659 East Willow Street, Elizabethtown, PA 17022.  
Attorney: Law Office of Attorney Randall K. Miller.

**Foxhoven, Gerald Joseph**, dec'd.

Late of Manor Township.  
Executor: Daryl Foxhoven c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.  
Attorney: Bradley A. Zuke.

**Geiser, Milton L.**, dec'd.

Late of the Township of Rapho.  
Personal Representative: Jeffery

W. Geiser, Executor, c/o Marci S. Miller, Attorney, P.O. Box 5349, Lancaster, PA 17606.  
Attorneys: Gibbel Kraybill & Hess LLP.

---

**George, Shirley A.**, dec'd.

Late of Lititz Borough.  
Personal Representative: Valerie George, Executrix, c/o Marci S. Miller, Attorney, P.O. Box 5349, Lancaster, PA 17606.  
Attorneys: Gibbel Kraybill & Hess LLP.

---

**Gerhart, Jay R.**, dec'd.

Late of the Township of East Calico.  
Administrator: Dennis W. Gerhart c/o Lindsay M. Schoeneberger, Russell, Krafft & Gruber, LLP, 108 West Main Street, Ephrata, PA 17522.  
Attorney: Lindsay M. Schoeneberger.

---

**Harkins, Richard P. a/k/a Richard Paul Harkins**, dec'd.

Late of New Providence Township.  
Executor: Brandon P. Harkins c/o Pyfer, Reese, Straub, Gray & Farhat, P.C., 128 N. Lime Street, Lancaster, PA 17602.  
Attorney: Pyfer, Reese, Straub, Gray & Farhat, P.C.

---

**Hudson, Leroy**, dec'd.

Late of Manor Township.  
Executor: Wayne Hudson, 206 Round Hill Lane, Lancaster, PA 17603.  
Attorney: Terry D. Weiler, Esquire; 213 East Lancaster Avenue, Suite One, Shillington, PA 19607.

---

**Kopp, Arden I.**, dec'd.

Late of Manheim Township.  
Executor: Dale A. Kopp c/o James N. Clymer, Esquire, 408 West Chestnut Street, Lancaster, PA 17603.  
Attorney: Clymer Musser & Sarno, PC.

---

**Lentz, Mabel J.**, dec'd.

Late of Lancaster City.  
Executrix: Roberta M. Russell c/o James N. Clymer, Esquire, 408 West Chestnut Street, Lancaster, PA 17603.  
Attorney: Clymer Musser & Sarno, PC.

---

**Martin, Clifford L.**, dec'd.

Late of the Township of Warwick.  
Executor: Roxanne E. Martin c/o Gibble Law Offices, P.C., 126 East Main Street, Lititz, PA 17543.  
Attorney: Stephen R. Gibble.

---

**Mellet, Francis X.**, dec'd.

Late of the Township of West Lampeter.  
Executrix: Ann F. Schlereth c/o Mark L. Blevins, Esquire, 701 Penn Grant Road, Lancaster, PA 17602.  
Attorney: Mark L. Blevins, Esquire.

---

**Mellinger, Shirley a/k/a Shirley A. Mellinger a/k/a Shirley Ann Mellinger a/k/a Shirley S. Mellinger a/k/a Shirley S. Franklin**, dec'd.

Late of Ephrata Borough.  
Executrix: Lisa J. Clark c/o Appel Yost & Zee, LLP, 33 North Duke Street, Lancaster, PA 17602.

---

Attorney: Michael J. Rostolsky.

---

**Morgan, George J. a/k/a George John Morgan**, dec'd.

Late of Lancaster Township.

Executrix: Caroline B. Morgan c/o Appel Yost & Zee, LLP, 33 North Duke Street, Lancaster, PA 17602.

Attorney: Jeffrey P. Ouellet, Esquire.

---

**Rhoads, Larry G. a/k/a Larry Gene Rhoads**, dec'd.

Late of Akron Borough.

Executrix: Sherri L. Pogwist c/o A. Anthony Kilkuskie, 117A West Main Street, Ephrata, PA 17522.

Attorney: A. Anthony Kilkuskie.

---

**Stricker, Mary E.**, dec'd.

Late of Warwick Township.

Executor: Troy A. Stricker c/o E. Richard Young, Jr., Esq., 1248 W. Main Street, Ephrata, PA 17522.

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

---

**Stump, Joshua M.**, dec'd.

Late of Caernarvon Township.

Personal Representative: Rachel H. Stump, Administratrix, c/o Justin J. Bollinger, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

---

**Swartz, Roy D., III**, dec'd.

Late of Lancaster City.

Executor: Penni A. Longenecker c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.

Attorney: Bradley A. Zuke.

---

**Underkoffler, Jane D.**, dec'd.

Late of Elizabethtown.

Executor: Brenda J. Wiseman, 622 Battle Cut Road, SC 29936.

Attorney: None.

---

**Wealand, Patricia J.**, dec'd.

Late of Ephrata Borough.

Executor: Alan H. Noll c/o Good & Harris, LLP, 132 West Main Street, New Holland, PA 17557.

Attorney: Good & Harris, LLP.

---

**Wenger, Norman Z.**, dec'd.

Late of Clay Township.

Co-Executors: Lester S. Wenger, Mervin S. Wenger and Norman S. Wenger, Jr. c/o Nevin D. Beiler, Esq., 105 S. Hoover Ave., New Holland, PA 17557.

Attorney: Nevin D. Beiler, Esquire.

---

**SECOND PUBLICATION**

---

**Adams, Martin A. a/k/a Martin A. Adams, Jr.**, dec'd.

Late of Denver Borough.

Executrix: Michele M. Mich c/o Robert Freedenberg, 320 Market St., Ste. 600W, Harrisburg, PA 17101.

Attorney: Robert Freedenberg; Skarlatos Zonarich, 320 Market St., Ste. 600W, Harrisburg, PA 17101.

---

**Aynedjian, Hagop S. a/k/a Dr. Jack Aynedjian a/k/a Jack Aynedjian a/k/a Hagop Jack S. Aynedjian**, dec'd.

Late of the Township of West Lampeter.

Executrix: Sharon Barkdoll c/o Mark L. Blevins, Esquire, 701 Penn Grant Road, Lancaster, PA

17602.  
Attorney: Mark L. Blevins, Esquire.

---

**Bechtel, Josephine I.**, dec'd.  
Late of Manheim Township.  
Executrix: Janice D. Schell c/o A. Anthony Kilkuskie, 117A West Main Street, Ephrata, PA 17522.  
Attorney: A. Anthony Kilkuskie.

---

**Bicking, David G.**, dec'd.  
Late of Salisbury Township.  
Personal Representative: Rose Marie Egge, Executor, c/o John H. May, Esquire, 49 North Duke Street, Lancaster, PA 17602.  
Attorneys: May, Herr & Grosh, LLP.

---

**Blantz, Effinger C., Jr. a/k/a Effinger C. Blantz**, dec'd.  
Late of Lancaster City.  
Executrix: Denise J. Yingst c/o Kluxen, Newcomer & Dreisbach, Attorneys-at-law, P.O. Box 539, 339 North Duke Street, Lancaster, PA 17608-0539.  
Attorney: Melvin E. Newcomer, Esquire.

---

**Bonham, Vaughn L.**, dec'd.  
Late of Earl Township.  
Executor: Michael S. Gilbert c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.  
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

---

**Brubaker, Rachel S.**, dec'd.  
Late of Manheim Township.  
Executor: Don K. Brubaker c/o Aevitas Law, PLLC, 1755 Oregon Pike, Suite 201, Lancaster, PA 17601.

Attorneys: Neil R. Vestermark, Esquire; Aevitas Law, PLLC.

---

**Bruns, Roberta M.**, dec'd.  
Late of East Hempfield Township.  
Executor: Mark A. Bruns, 225 Stafford Drive, Winchester, VA 22602.  
Attorney: None.

---

**Burger, Edward Ray a/k/a Edward R. Burger**, dec'd.  
Late of the Borough of Lititz.  
Executrix: Kathy Felpel c/o Kluxen, Newcomer & Dreisbach, Attorneys-at-law, P.O. Box 539, 339 North Duke Street, Lancaster, PA 17608-0539.  
Attorney: Melvin E. Newcomer, Esquire.

---

**Burkey, James Richard, Sr. a/k/a James R. Burkey, Sr.**, dec'd.  
Late of Denver Borough.  
Executrix: Esther G. Burkey c/o Joseph A. Bellinghieri, Esq., 17 W. Miner St., West Chester, PA 19382.  
Attorney: Joseph A. Bellinghieri, Esquire; MacElree Harvey, Ltd., 17 W. Miner St., West Chester, PA 19382.

---

**Cook, Rosaline A.**, dec'd.  
Late of Salisbury Township.  
Administrator: Amanda J. Ratjavong c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.  
Attorney: Patrick A. Deibler, Esquire; Kling, Deibler & Glick, LLP.

---

**Coppertino, Salvatore V. a/k/a Sal Coppertino a/k/a Sal V. Cop-**



**pertino, dec'd.**

Late of Caernarvon Township.  
Executor: Christopher Coppertino c/o Bruce M. Dolfman, Esq., 901 N. Penn St., #F-2102, Philadelphia, PA 19123.  
Attorney: Bruce M. Dolfman, Esquire; 901 N. Penn St., #F-2102, Philadelphia, PA 19123.

---

**Danz, Vivian A., dec'd.**

Late of Providence Township.  
Executor: Kenneth A. Danz, Jr. c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.  
Attorney: Jeffrey P. Ouellet, Esquire.

---

**Denuel, Dolores L., dec'd.**

Late of Elizabethtown Borough.  
Executor: MaryAnn Detwiler c/o Cody & Pfursich, 53 North Duke Street, Suite 420, Lancaster, PA 17602.  
Attorney: Stephen W. Cody.

---

**Digiaco, Claire L., dec'd.**

Late of Lancaster Township.  
Executor: Gina L. Digiaco c/o Law Office of Shawn Pierson, 105 East Oregon Road, Lititz, PA 17543.  
Attorney: Shawn M. Pierson, Esquire.

---

**Dissinger, Victorine Marguerite a/k/a Victorine M. Dissinger, dec'd.**

Late of the Township of Warwick.  
Executrix: Nancy Y. Gordon, 514 Harvest Drive, Blandon, PA 19510.  
Attorney: Timothy T. Engler, Esquire; Steiner & Sandoe, Attorneys.

---

**Durkaj, Janice A., dec'd.**

Late of Pequea Township.  
Executor: Harold Robert Miller c/o Nikolaus & Hohenadel, LLP, 303 West Fourth Street, Quarryville, PA 17566.  
Attorney: Jeffrey S. Shank, Esquire.

---

**Frey, Herbert B., dec'd.**

Late of Manheim Borough.  
Executor: Denise E. Miller c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.  
Attorney: Young and Young.

---

**Gast, Barry C., dec'd.**

Late of West Hempfield Township.  
Executor: Erica L. Brown and Stephen P. Brown c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.  
Attorney: Young and Young.

---

**Ghee, Sheila A. a/k/a Sheila Ann Ghee, dec'd.**

Late of West Earl Township.  
Executrix: Cynthia A. Boyer c/o H. Charles Benner, Attorney, 200 East Main Street, Leola, PA 17540.  
Attorney: H. Charles Benner.

---

**Hamilton, Janet L., dec'd.**

Late of Quarryville.  
Executor: Earl Pullman, 105 Heron Ct., Glen Mills, PA 19342.  
Attorney: None.

---

**Harbor, Geraldine, dec'd.**

Late of West Lampeter Township.  
Executor: Bruce W. Harbor c/o

Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603.

Attorney: James R. Clark.

---

**Harris, Donald Lewis a/k/a Donald L. Harris**, dec'd.

Donald L. Harris Revocable Deed of Trust dated February 13, 2018, as amended and restated January 12, 2022.

Late of Manheim Township.

Executor: Joshua Tyler Harris.

Co-Trustees: Joshua Tyler Harris and Ashley N. Stargel c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.

Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

---

**Hege, Nathan B.**, dec'd.

Late of Manheim Township.

Personal Representatives: Elizabeth Ann Bonk and Harold Wharton-Hege, Co-Executors, c/o Ann L. Martin, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

---

**Hilsher, Harold Richard a/k/a Harold R. Hilsher**, dec'd.

Late of Manheim.

Executrix: Sheila E. Hilsher c/o Zimmerman Law Office, 466 Jonestown Road, Jonestown, PA 17038.

Attorney: Caleb J. Zimmerman, Esquire.

---

**Hornberger, Dorothy M.**, dec'd.

Late of Ephrata Borough.

Executor: Ephrata National Bank c/o E. Richard Young, Jr., Esq., 1248 W. Main Street,

Ephrata, PA 17522.

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

---

**Keiser, Karen A.**, dec'd.

Late of Millersville Borough.

Co-Executors: Ruth E. Sadd and Jodi Bencak c/o Elizabeth A. Bartlow, Esquire, 8 N. Queen Street, Suite 700-H, Lancaster, PA 17603.

Attorney: Elizabeth A. Bartlow, Esquire.

---

**Leonard, Edna B. a/k/a Edna Dinsmore Butterworth Leonard**, dec'd.

Late of Christiana Borough.

Executor: Robert Lloyd Keyser, Jr., 100 Cree Sq., Royersford, PA 19468.

Attorney: Eugene Orlando, Jr., Esquire; Orlando Law Offices, P.C., 2901 St. Lawrence Ave., #202, Reading, PA 19606.

---

**McCurdy, Mary Ann**, dec'd.

Late of Millersville Borough.

Co-Executors: Cheryl L. Reed, Bradley K. McCurdy and Donna M. Gribble c/o Nikolaus & Hohenadel, LLP, 303 West Fourth Street, Quarryville, PA 17566.

Attorney: Jeffrey S. Shank, Esquire.

---

**Mimm, Ronald D.**, dec'd.

Late of Bart Township.

Executrix: Traci L. Wilhelm c/o Nikolaus & Hohenadel, LLP, 303 West Fourth Street, Quarryville, PA 17566.

Attorney: Jeffrey S. Shank, Esquire.

---

**Monn, Kendl W.**, dec'd.

Late of Christiana Borough.

Administrator C.T.A.: Stephen W. Cumberland c/o Dennis B. Young, Esq., 430 W. First Ave., Parkesburg, PA 19365.

Attorney: Dennis B. Young, Esquire; 430 W. First Ave., Parkesburg, PA 19365.

---

**Myers, Suzanne E.,** dec'd.

Late of Rapho Township.

Co-Executors: Amanda Halbleib and Robert G. Halbleib, Jr. c/o Scott E. Albert, Esq., 50 East Main Street, Mount Joy, PA 17552.

Attorney: Scott E. Albert, Esquire.

---

**Nissley, Paula M.,** dec'd.

Late of Manheim Township.

Executor: Kathryn M. Barnett c/o Lancaster Law Group, LLC, 8 N. Queen Street, 8th Fl., Lancaster, PA 17603.

Attorney: Julia M. Parrish.

---

**Nuss, Steven J.,** dec'd.

Late of Penn Township.

Executrix: Kendall M. Nuss c/o Karl Kreiser, Esquire, 553 Locust Street, Columbia, PA 17512.

Attorney: Mountz & Kreiser.

---

**Perrazzo, Rosemarie Paula a/k/a Rosemarie Perrazzo,** dec'd.

Late of Ephrata Township.

Executrix: Denise M. Mio c/o Julie D. Goldstein, Esq., Ten Sentry Pkwy., Ste. 200, Blue Bell, PA 19422.

Attorney: Julie D. Goldstein, Esquire; Fox Rothschild LLP, Ten Sentry Pkwy., Ste. 200, Blue Bell, PA 19422.

---

**Reiff, Raymond Z. a/k/a Ray-**

**mond Zimmerman Reiff,** dec'd.

Late of Earl Township.

Executor: Patricia Ann Wetzel c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.

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

---

**Ressler, Earl M.,** dec'd.

Late of Clay Township.

Executor: Douglas J. Pinkerton, 174 Golf Ridge Road, Reinholds, PA 17569.

Attorney: Elizabeth Roberts Fiorini, Esquire; Fiorini Law, P.C., 1150 W. Penn Avenue, Womelsdorf, PA 19567.

---

**Rothamel, Leon M.,** dec'd.

Late of East Donegal Township.

Personal Representative: Jason E. Rothamel, Executor, c/o Ann L. Martin, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

---

**Scoop, Russell H.,** dec'd.

Late of Lancaster Township.

Executrix: Lois S. Wallick c/o Russell, Krafft & Gruber, LLP, 101 North Pointe Blvd., Suite 202, Lancaster, PA 17601.

Attorney: Lindsay M. Schoeneberger.

---

**Shearer, Paul E.,** dec'd.

Late of Mount Joy Borough.

Executrix: Joi R. Garner c/o Scott E. Albert, Esq., 50 East Main Street, Mount Joy, PA 17552.

Attorney: Scott E. Albert, Esquire.

---

**Shelton, Cornelius Jerome,** dec'd.

Late of the City of Lancaster.  
Personal Representative: Ter-  
rance Jerome Thompson, Ad-  
ministrator, c/o Douglas A.  
Smith, Attorney, P.O. Box 5349,  
Lancaster, PA 17606.  
Attorneys: Gibbel Kraybill &  
Hess LLP.

---

**Shireman, Dennis H.**, dec'd.

Late of Manheim Borough.  
Executrix: Carol Lucas c/o Karl  
Kreiser, Esquire, 553 Locust  
Street, Columbia, PA 17512.  
Attorney: Mountz & Kreiser.

---

**Slabinski, Robert L.**, dec'd.

Late of Manor Township.  
Executor: Jane Z. Slabinski  
c/o Jeffrey C. Goss, Esquire,  
480 New Holland Avenue, Suite  
6205, Lancaster, PA 17602.  
Attorneys: Brubaker Connaugh-  
ton Goss & Lucarelli LLC.

---

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

Late of Providence Township.  
Personal Representative: Debo-  
ra L. Crank, Executrix, c/o Mar-  
ci S. Miller, Attorney, P.O. Box  
5349, Lancaster, PA 17606.  
Attorneys: Gibbel Kraybill &  
Hess LLP.

---

**Smith, Kimberly Joy**, dec'd.

Late of the Township of East Do-  
negal.  
Administrator: Brian E. Smith  
c/o Nikolaus & Hohenadel, LLP,  
222 S. Market Street, Suite 201,  
Elizabethtown, PA 17022.  
Attorney: John M. Smith, Es-  
quire.

---

**Sodak, John J.**, dec'd.

Late of East Lampeter Township.  
Executor: Stephanie A. Sodak

c/o Cody & Pfursich, 53 North  
Duke Street, Suite 420, Lan-  
caster, PA 17602.  
Attorney: Stephen W. Cody.

---

**Sturdevant, John F.**, dec'd.

Late of the City of Lancaster.  
Personal Representative: Lisa  
Modafferi, 231 Hunts Road,  
Newton, NJ 07860.  
Attorney: None.

---

**Terstappen, Helen**, dec'd.

Late of Leola Township.  
Executrix: Audrey T. Krupa  
c/o Jeffrey C. Goss, Esquire,  
480 New Holland Avenue, Suite  
6205, Lancaster, PA 17602.  
Attorneys: Brubaker Connaugh-  
ton Goss & Lucarelli LLC.

---

**Wagg, Harry R.**, dec'd.

Late of Manor Township.  
Executor: Kristin Glowaki c/o  
Kegel Kelin Litts & Lord LLP, 24  
North Lime Street, Lancaster,  
PA 17602.  
Attorney: Rhonda F. Lord, Es-  
quire.

---

**Watson, David M. a/k/a David  
Marshall Watson**, dec'd.

Late of Christiana Borough.  
Executor: Joseph A. Maxwell  
c/o Dennis B. Young, Esq., 430  
W. First Ave., Parkesburg, PA  
19365.  
Attorney: Dennis B. Young, Es-  
quire; 430 W. First Ave., Parkes-  
burg, PA 19365.

---

**Weaver, Myron G.**, dec'd.

Late of the Township of East Co-  
calico.  
Executrix: LeAnn Burkhold-  
er c/o Masano Bradley, 1100  
Berkshire Boulevard, Suite 201,

---

Wyomissing, PA 19610.  
Attorney: Jill M. Scheidt; Masano Bradley, 1100 Berkshire Boulevard, Suite 201, Wyomissing, PA 19610.

---

**Weaver, Nelson B.**, dec'd.

Late of the Township of Ephrata.  
Executors: Vernon Z. Weaver, Larry Z. Weaver and Janice Z. Zimmerman c/o Lindsay M. Schoeneberger, Russell, Krafft & Gruber, LLP, 108 West Main Street, Ephrata, PA 17522.  
Attorney: Lindsay M. Schoeneberger.

---

**Wendel, Ann M.**, dec'd.

Late of Lancaster County.  
Executor: Betsy L. Wendel c/o Law Office of Shawn Pierson, 105 East Oregon Road, Lititz, PA 17543.  
Attorney: Shawn M. Pierson, Esquire.

---

**Young, Jack S. a/k/a Jack Stilwell Young**, dec'd.

Late of Ephrata Township.  
Executor: Brian E. Young c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.  
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

---

**Zimmerman, Vera M.**, dec'd.

Late of Earl Township.  
Executor: Glen N. Zimmerman c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.  
Attorney: Patrick A. Deibler, Esquire; Kling, Deibler & Glick, LLP.

**THIRD PUBLICATION**

---

**Bellamy, Peter K.**, dec'd.

Late of Ephrata Borough.  
Co-Personal Representatives: Peter K. Bellamy, Jr. and Susan B. Loretan c/o John W. Metzger, Esquire, 901 Rohrerstown Road, Lancaster, PA 17601.  
Attorneys: Metzger and Spencer, LLP.

---

**Bishop, Denise L.**, dec'd.

Late of East Donegal Township.  
Executrix: Sallie E. Mahan c/o Karl Kreiser, Esquire, 553 Locust Street, Columbia, PA 17512.  
Attorney: Mountz & Kreiser, 553 Locust Street, Columbia, PA 17512.

---

**Cumpston, Helen M.**, dec'd.

Late of Manheim Township.  
Executor: Craig E. Cumpston c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.  
Attorney: Matthew A. Grosh.

---

**Danz, Cindy L.**, dec'd.

Late of Lancaster County.  
Executors: Christina M. Salinger and Scott E. Salinger c/o James D. Wolman, Esquire, 53 North Duke Street, Suite 309, Lancaster, PA 17602.  
Attorney: James D. Wolman, Esquire.

---

**Doherty, Karen D.**, dec'd.

Karen D. Doherty Trust dated August 9, 1999, as amended.  
Late of Lancaster Township.  
Trustee: John P. Doherty, 655 Willow Valley Square, L508, West Lampeter Township, PA

17602.

Attorney: Peter S. Gordon, 1925 Lovering Avenue, Wilmington, DE 19806.

---

**Eaby, Wayne L. a/k/a W. Leon Eaby a/k/a Wayne Leon Eaby,** dec'd.

Late of Manheim Township.  
Executor: Teresa J. Peachey c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.

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

---

**Ensinger, Sidney Joyce,** dec'd.

Late of Ephrata Borough.  
Administratrix: Cathy R. Witmer c/o 50 East Market Street, Hellam, PA 17406.  
Attorney: Alexis K. Swope, Esquire.

---

**Geltmacher, Waltraud E.,** dec'd.

Late of Columbia Borough.  
Executor: Margie A. Denlinger c/o 327 Locust Street, Columbia, PA 17512.  
Attorney: Michael S. Grab, Esquire; Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia, PA 17512.

---

**Gitonga, Selina N.,** dec'd.

Late of East Lampeter Township.  
Administrator: Patrick G. Mureria c/o Lucy F. Dowd, Lucy Dowd Law LLC, 342 N. Queen Street Rear, Lancaster, PA 17603.  
Attorney: Lucy F. Dowd.

---

**Grubb, Barbara L.,** dec'd.

Late of Elizabethtown Borough.  
Executrix: Susan G. Miller c/o David A. Peckman, Peckman Chait LLP, 29 Mainland Road,

Harleysville, PA 19438.  
Attorney: David A. Peckman.

---

**Habecker, David G.,** dec'd.

Late of Warwick Township.  
Personal Representative: Alisha M. Rohrer, Administratrix, c/o John R. Gibbel, Attorney, P.O. Box 5349, Lancaster, PA 17606.  
Attorneys: Gibbel Kraybill & Hess LLP.

---

**Hammond, Jeffrey Stephen,** dec'd.

Late of Mount Joy Borough.  
Administratrix: Sharon Korba c/o Niemiec, Smith & Pelling, Attorneys-at-law, 427 Main Street, Towanda, PA 18848.  
Attorney: Niemiec, Smith & Pelling, Attorneys-at-law.

---

**Herr, Beth C.,** dec'd.

Late of Manheim Township.  
Executrix: Amy M. Muhlendorf c/o Jennifer A. Galloway, Esquire, Saxton & Stump, LLC, 280 Granite Run Drive, Suite 300, Lancaster, PA 17601.  
Attorney: Saxton & Stump, LLC.

---

**Kise, Garlan S.,** dec'd.

Late of Lancaster County.  
Executor: Jill M. Kise c/o James D. Wolman, Esquire, 53 North Duke Street, Suite 309, Lancaster, PA 17602.  
Attorney: James D. Wolman, Esquire.

---

**Kopp, Dolores A.,** dec'd.

Late of Ephrata Borough.  
Personal Representative: Dorinda A. Kaylor, Executrix, c/o Thomas M. Gish, Sr., Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

---

**Lee, Edward**, dec'd.

Late of West Earl Township.  
Executrix: Arlene Lee c/o H. Charles Benner, Attorney, 200 East Main Street, Leola, PA 17540.  
Attorney: H. Charles Benner.

---

**Liaguno, Vincent**, dec'd.

Late of West Hempfield Township.  
Executor: Vince A. Liaguno, 2583 Tarragona Way, Troy, MI 48098.  
Attorney: Jacob H. Kiessling, Esquire; Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110-0950.

---

**Madonna, Frank D.**, dec'd.

Late of Lancaster City.  
Co-Executors: Carla Trimble and David Madonna c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.  
Attorney: Dana C. Panagopoulos.

---

**Marrow, Joan Z.**, dec'd.

Late of Lancaster Township.  
Executrix: Susan M. Swartz c/o Bellomo & Associates, LLC, 3198 E. Market Street, York, PA 17402.  
Attorney: Jeffrey R. Bellomo; Bellomo & Associates, LLC, 3198 E. Market Street, York, PA 17402.

---

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

Late of East Earl Township.  
Executors: Lloyd H. Martin and Lois M. Reiff c/o Kling, Deibler & Glick, LLP, 131 W. Main Street,

New Holland, PA 17557.  
Attorney: Linda Kling, Esquire; Kling, Deibler & Glick, LLP.

---

**Martin, Lena S. a/k/a Lena Snyder Martin**, dec'd.

Late of Ephrata Borough.  
Executors: Reuben S. Martin and Elvin E. Martin c/o Good & Harris, LLP, 132 West Main Street, New Holland, PA 17557.  
Attorney: Good & Harris, LLP.

---

**Phillips, Darlene E. a/k/a Darlene Edna Phillips**, dec'd.

Late of East Hempfield Township.  
Executor: Deborah A. Shirk c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.  
Attorney: Young and Young.

---

**Retherford, Albert D.**, dec'd.

Late of Conoy Township.  
Administrator: Michele L. McElwee c/o 20 Briarcrest Sq., Suite 206, Hershey, PA 17033.  
Attorney: Ali M. Audi, Esquire.

---

**Rohrer, Ivan C.**, dec'd.

Late of Manor Township.  
Executor: Phillip I. Rohrer c/o Angela M. Ward, Esq., Going & Plank, 140 E. King Street, Lancaster, PA 17602.  
Attorney: Angela M. Ward, Esquire.

---

**Rutter, Paul L.**, dec'd.

Late of Denver Borough.  
Executor: David E. Rutter c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.  
Attorney: James K. Noel, IV.

---



**Schalow, Stephan Michael a/k/a Stephan M. Schalow**, dec'd.

Late of Upper Leacock Township.

Administrator: Stephanie A. Schalow c/o Lancaster Law Group, LLC, 8 N. Queen Street, 8th Fl., Lancaster, PA 17603.

Attorney: Julia M. Parrish.

---

**Schlicher, Richard E.**, dec'd.

Late of Lititz Borough.

Executor: Linda M. Smith c/o Pyfer, Reese, Straub, Gray & Farhat, P.C., 128 N. Lime Street, Lancaster, PA 17602.

Attorney: Pyfer, Reese, Straub, Gray & Farhat, P.C.

---

**Sensenig, Barry J.**, dec'd.

Late of New Holland.

Administratrix: Shelby A. Sensenig c/o Good & Harris, LLP, 132 West Main Street, New Holland, PA 17557.

Attorney: R. Douglas Good, Esquire.

---

**Strubel, Mary J.**, dec'd.

Late of Manheim Township.

Co-Executrices: Linda S. Gerlach and Terri L. Gaskill c/o Good & Harris, LLP, 132 West Main Street, New Holland, PA 17557.

Attorneys: Good & Harris, LLP.

---

**Swigart, Jean Mardell**, dec'd.

Late of the Township of East Calico.

Executrix: Pamela Sue Fox, 468 Frystown Road, Myerstown, PA 17067.

Attorney: Timothy T. Engler, Esquire; Steiner & Sandoe, Attorneys.

---

**Wenger, Bruce W. a/k/a Bruce Wayne Wenger**, dec'd.

Late of Lancaster.

Executrix: Deborah K. Wenger c/o Legacy Law, PLLC, 147 W. Airport Road, Suite 300, Lititz, PA 17543.

Attorney: Katelyn M. Haldeman, Esquire.

---

**Williard, Grace A.**, dec'd.

Late of Lancaster.

Executrix: Lori Bishop Murphy c/o Vance E. Antonacci, Esquire, McNeese Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601.

Attorney: McNeese Wallace & Nurick LLC.

---

**Yarnell, Lydia B.**, dec'd.

Late of the Township of East Lampeter.

Executors: Teri Lynn Yarnell and Ronald R. Yarnell c/o James R. Clark, Esquire, 277 Millwood Road, Lancaster, PA 17603.

Attorney: James R. Clark.

---

**Young, James A. a/k/a James Anthony Young**, dec'd.

Late of the Borough of Elizabethtown.

Executor: James A. Young, Jr. c/o Nikolaus & Hohenadel, LLP, 222 S. Market Street, Suite 201, Elizabethtown, PA 17022.

Attorney: Kevin D. Dolan, Esquire.

---

**ARTICLES OF INCORPORATION**

BROWN BRICK BUILDING, INC.

has been incorporated under the provisions of the Pennsylvania Business Corporation Law of



1988.  
Brubaker Connaughton Goss &  
Lucarelli LLC  
Attorneys

F-25

**CHANGE OF NAME NOTICES**

A hearing will be held on March 10, 2022, at 3:00 p.m., in Courtroom No. 4, of the Lancaster County Courthouse, 50 N. Duke St., Lancaster, PA, regarding the request of Courtney Brooke Fogie to change her name from Courtney Brooke Fogie to Courtney Selah Brooke. Any person with objections may attend and show cause why the request should not be granted.

F-25

Court of Common Pleas  
Lancaster County, Pennsylvania  
*Civil Division - Law*

CI-21-08269

IN RE: NAME CHANGE OF  
I.Q.R., JR.

**NOTICE**

TO: UNKNOWN FATHER

NOTICE IS HEREBY GIVEN that a Petition for Change of Name has been presented by Brittany Knighton to the Court of Common Pleas of Lancaster County, PA, concerning the child known as Ian Quintin Ross, Jr., born on August 23, 2016. The Court has set a hearing to consider this petition. That hearing will be held in Courtroom #4 of the Lancaster County Courthouse at 50 North Duke Street, Lancaster, PA on Monday, April 25, 2022, at 3:15 p.m. prevailing time.

**NOTICE**

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.

LANCASTER BAR ASSOCIATION  
LAWYER REFERRAL SERVICE  
TELEPHONE: (717) 393-0737

F-25

Notice is hereby given that a Petition has been filed by Juan Francisco Silva in the Court of Common Pleas of Lancaster County, Pennsylvania, seeking to change the name of Jaxsyn Francisco Zink to Jaxsyn Francisco Silva. A hearing on the Petition will be held on March 28, 2022 at 1:30 p.m. in Courtroom No. 4 at the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, at which time any persons interested may attend and show cause, if any, why the Petition

should not be granted.  
Jonathan P. Chieppor, Esquire  
Chieppor & Egner LLC  
53 North Duke Street, Suite 401  
Lancaster, PA 17602

F-25

**FICTITIOUS NAME NOTICE**

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on February 22, 2022, for:

ARC WEALTH STRATEGY  
at 1036 Steeplechase Drive, Lancaster, PA 17601, pursuant to the provisions of the Act of Assembly of December 16, 1982, as amended, Chapter 3, known as the "Fictitious Name Act". The name and address of the individual who is a party to the registration is Kurt M. Schaffer, 1036 Steeplechase Drive, Lancaster, PA 17601.  
Brubaker Connaughton Goss & Lucarelli LLC  
Attorneys

F-25

**NOTICE OF PARENTAL RIGHTS  
TERMINATION HEARING**

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

Term No. 185 of 2022  
IN RE: B.K.W. II

**NOTICE**

TO: UNKNOWN FATHER

Notice is hereby given that the Lancaster County Children & Youth Social Service Agency has presented to Orphans' Court Division, Court of Common Pleas of

Lancaster County, PA, a Petition for termination of any rights you have or might have concerning the child assigned male at birth born on January 3, 2021 in Lancaster County, PA to birth mother Amanda Ober. The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No.1 of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, PA, on March 24, 2022 at 9:00 a.m. prevailing time. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the court without your being present. You have a right to be represented at the hearing by a lawyer. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

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

You are hereby informed of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact with your child following an adoption. LANCASTER COUNTY CHILDREN & YOUTH SOCIAL SERVICE AGENCY  
150 NORTH QUEEN STREET

LANCASTER, PA 17603  
(717) 299-7925

F-18, 25

---

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

Term No. 258 of 2022  
IN RE: L.A.K.

**NOTICE OF HEARING**

TO: Timothy Shawn Kelley II  
Notice is hereby given that the Lancaster County Children & Youth Social Service Agency has presented to Orphans' Court Division, Court of Common Pleas of Lancaster County, Pennsylvania, a Petition for termination of any rights you have concerning the child known as L. A. K., born on May 25, 2020. The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom 11 of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, on March 31, 2022, at 8:30 a.m. prevailing time. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the court without your being present. You have a right to be represented at the hearing by a lawyer. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lancaster Bar Association, Lawyer Referral Service  
28 East Orange Street

Lancaster, PA 17602  
717-393-0737

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

You are hereby informed of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact with your child following an adoption. LANCASTER COUNTY CHILDREN & YOUTH SOCIAL SERVICE AGENCY  
150 NORTH QUEEN STREET  
LANCASTER, PA 17603  
(717) 299-7925

F-18, 25

---

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

Term No. 1218 of 2020  
IN RE: I.D.D., a Minor

**NOTICE**

TO: UNKNOWN FATHER  
Notice is hereby given that the Lancaster County Children & Youth Social Service Agency has presented to Orphans' Court Division, Court of Common Pleas of Lancaster County, PA, a Petition for termination of any rights you have or might have concerning the child assigned female at birth born on August 4, 2010 in Lancaster County, PA to birth mother Nicole Dominie. The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No.11 of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, PA, on March 10, 2022 at 1:30 p.m. prevailing time. You are

warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the court without your being present. You have a right to be represented at the hearing by a lawyer. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

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

You are hereby informed of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact with your child following an adoption. LANCASTER COUNTY CHILDREN & YOUTH SOCIAL SERVICE AGENCY

150 NORTH QUEEN STREET  
LANCASTER, PA 17603  
(717) 299-7925

F-18, 25

---

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

Term No. 3277 of 2021  
IN RE: J.M., a Minor

**NOTICE**

TO: Nathaniel Jimenez and Unknown Father

Notice is hereby given that the Lancaster County Children & Youth Social Services Agency has presented to Orphans' Court Division, Court of Common Pleas of Lancaster County, PA, a Petition for termination of any rights you have or might have concerning the above captioned child assigned female at birth, born in Lancaster, PA to Mother, Jasmine Rivera. The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No. TBD of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, PA, on March 7, 2022 at 1:30 p.m. prevailing time. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the court without your being present. You have a right to be represented at the hearing by a lawyer. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

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

You are hereby informed of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact with

your child following an adoption.  
 LANCASTER COUNTY CHILDREN  
 & YOUTH SOCIAL SERVICE  
 AGENCY  
 150 NORTH QUEEN STREET  
 LANCASTER, PA 17603  
 (717) 299-7925

F-18, 25

F-18, 25

**ORPHANS' COURT DIVISION  
 AUDITING NOTICES**

To All Claimants, Beneficiaries, Heirs and Next of Kin, and other persons interested: NOTICE IS GIVEN that the following accounts in decedents', incapacitated persons, minors', and trust estates have been filed in the office of the Clerk of the Orphans' Court division of the Court of Common Pleas of Lancaster County and will be presented to said Orphans' Court Division for Audit and confirmation therein to the parties legally entitled thereto on March 1, 2022

at 9 o'clock a.m. in Courtroom No. 11 on the fourth floor of the Courthouse, 50 North Duke Street, Lancaster, PA.

1. LASH, EDWARD, decd., 2020-2067. First and Final Account, Edward Gordon Lash, Exec and Atty.
2. QUIGLEY, DANIEL J., decd., 2020-1711. First and Final Account, Emma E. Quigley, Admin, Nicholas T. Gard, Atty.
3. TYSON, NORMAN E., decd., POA, 2019-1381. First and Final Account, Robin Ann Mullins, Agent, Nicholas T. Gard, Atty.

Anne L. Cooper  
 Clerk of the Orphans' Court Division of the Court of Common Pleas.

**SUITS ENTERED**

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

February 3, 2022  
 to February 9, 2022

CHRISTMAN, JOSEPH; Dennis Owens; 00921; McNelly  
 EVERHART, DAVID, EVERHART, LATESHA; North Pointe Surgery Center; 00870; Trauffer  
 GUTIERREZ, BRENDA, RUIZ-DIAZ, LANDON; Goodville Mutual Casualty Company; 00826; Standler

K2D DRYWALL AND REMODEL, LLC, K2D CONTRACTING; Just In Case Plumbing & Electrical, LLC; 00905; Cook

KEYSTONE AGRISCIENCE, LLC; Ron's Truck Repair; 00872; Sklar

KEYSTONE PAVING, LEWIS, MIKE; Norman Tipton; 00861

KILLIAN, ROGER; North Pointe Surgery Center; 00865; Trauffer  
 MCFADDEN, MORRIS, MCFADDEN, CHERYL; Luis Elberto Morales; 00914; McCaul

OROURKE, MARJORIE A.; Noariana Dawfson King; 00892; Lavelle

REITER, CHARLES A.; Beverly Derstler; 00812; Reedy

RIVERA, RICARDO S.; Belco Community Credit Union; 00911; Miller

SCHLAMOWITZ, JOSEPH C.; Ford Motor Credit Company, LLC; 00845; Weinstein

STOCK, COLLEEN E., STOCK, THERESA A.; BSRE Holdings,

LLC; 00920; Sarno

WEAVER, PHILIP; Amos Stoltz-  
fus; 00848

WILLIAMS, WAYNE RONALD,  
RONNY SLIM SERVICES, INC.,  
NEXUS RESTORATION & EMER-  
GENCY SERVICES, INC.; Itria  
Ventures, Inc.; 00821; Bender

WISSELER, SEAN; Synchrony  
Bank; 00887; Morris

---

**NOTICE**

---



**SHERIFF SALE OF VALUABLE  
REAL ESTATE**

---

**Wednesday, March 30, 2022 @  
10:00 a.m. Prevailing Time**

---

Pursuant to writs of Execution directed to me by the Court of Common Pleas of Lancaster County, Pa., I will expose the following Real Estate to public sale at 10:00 a.m. on the above date in the Lancaster County Courthouse, Courtroom A, 50 North Duke Street, in the City of Lancaster, PA.

**Audio and Video Devices Are  
Prohibited in Court Facilities**

Beginning January 1, 2017, the taking or recording of pictures, photographs, videos, or audio recordings; and the use or possession of audio or video broadcast or recording equipment, or any other device capable of capturing or transmitting sound or images (including, without limitation, cameras and cell phones); in a courtroom, hearing room, or their respective environs during the progress of or in connection with any action, whether or not court is actually in session, is prohibited in compliance with L.C.R. Crim.P. No. 112.

**CONDITIONS OF SALE**

The Sheriff's Office reserves the right to accept or to reject any one or more bids, and to sell the properties in any order or combination, as determined by the Sheriff's Office. The sale of any property may, at the discretion of the Sheriff's Office, be stayed or continued in whole or in part.

If any irregularities, defects, or failures to comply with these Conditions of Sale occur during the sale, properties may be placed back up for sale at any time prior to the conclusion of the sale.

All properties are sold "AS IS", with NO expressed or implied warranties or guarantees whatsoever. In other words, the Sheriff's Office does not guarantee or warrant, in any way, the real estate upon which you are bidding. The Sheriff's Office is merely following the requests of the plaintiffs and selling whatever interests the defendants may have in the properties. It is up to you or your attorney to determine what those interests are, before you buy. The defendants might not own the properties at all, other persons may own the properties, or there might be mortgages or other liens against the properties that you may have to pay before you obtain clear title to a property. All of these factors are for you alone to determine. The Sheriff's Office will not make these determinations for you. Once you make a bid, which is accepted as the highest bid, you have bought whatever interests the defendants have, if any, in that property and you must pay that sum of money to the Sheriff's Office regardless of what you later find out about the title. You must know what you are



bidding on before you bid and NOT after. All sales are FINAL after the property has been struck off to you as the highest bidder, and no adjustments will be made thereafter.

Payment for properties must be in the form of lawful money of the United States, a certified or cashier's check from a bank, or a Lancaster County attorney's check. The Sheriff's Office will NOT accept any other form of payment.

In order to expedite the sale, the Sheriff's Office encourages, but does not require, plaintiffs to announce an "upset" price, which is the least amount the plaintiff will accept for a property. Any bidding above the plaintiff's opening costs bid for such property will begin at that stated upset price. Subsequent bids shall be in no less than \$1000 increments. Plaintiffs may withdraw a property from sale any time before the property is struck off as sold to the highest bidder.

Immediately upon a property being struck off to the highest bidder, the buyer must state the buyer's name (unless buying the property on behalf of the plaintiff for costs only) and come forward to settle with the clerks. The buyer must present a legal picture identification acceptable to the Sheriff's Office, such as a driver's license, and immediately pay 20% of their bid as a down payment to the Sheriff's Office. The buyer must subsequently pay the balance of their bid within 30 days after the sale date.

Each buyer shall file a properly completed and signed Pennsylvania Realty Transfer Tax Statement of Value in duplicate with

the Sheriff's Office within 15 days after the sale date. All applicable realty transfer taxes will be fully paid from the sale proceeds by the Sheriff's Office. If the proceeds are insufficient to pay all the sale costs, realty transfer taxes, and priority liens, then the buyer shall pay the balance of such amounts to the Sheriff's Office within 30 days after the sale date.

If no petition has been filed to set aside a property sale, the Sheriff will execute and record a deed 20 days or more after filing a proposed Schedule of Distribution with the Prothonotary's Office, conveying all the real estate rights, title, & interests of the defendants in the property. Distribution of the sale proceeds will be made per the proposed Schedule of Distribution 11 or more days after the filing of such Schedule, provided no exceptions are filed regarding the proposed distribution.

The Sheriff's Office may hold agents responsible for their winning bids if their principal fails to comply with these Conditions of Sale, unless the agent has a notarized agency agreement and presents same to the Sheriff's Office prior to the beginning of the sale.

If a buyer breaches or otherwise fails to comply with these Conditions of Sale, the buyer shall forfeit their down payment to the Sheriff's Office in its entirety as liquidated damages, and the buyer also shall be liable to the Sheriff's Office for all costs, expenses, losses, and damages (including, without limitation, attorney fees) suffered or incurred by the Sheriff's Office (1) to resell the property or (2) above and beyond such down payment amount, or both of the



foregoing.

The Sheriff's Office reserves the right to alter or modify these conditions of sale during or before each sale, or on a case by case basis. The Sheriff's Office decision shall be final regarding all sale issues and disputes.

Christopher Leppler,  
*Sheriff of Lancaster County*  
Michael D Hess, Esquire,  
*Solicitor*

---

**CI-19-08207**  
**M&T BANK**

**vs**

**CHERYL L BARBER**

PROPERTY ADDRESS: 229 LOCUST STREET, NEW HOLLAND, PA 17557  
UPI / TAX PARCEL NUMBER: 480-01151-0-0000  
JUDGMENT: \$62,082.24  
REPUTED OWNERS: CHERYL L. BARBER  
DEED BK. or INSTR. NO.: 7265  
MUNICIPALITY: NEW HOLLAND BORO  
AREA: 1,064  
IMPROVEMENTS: A RESIDENTIAL DWELLING

---

**CI-21-05381**  
**NORTHWEST BANK F/K/A**  
**NORTHWEST SAVINGS BANK**

**vs**

**SAMUEL BONANO**

PROPERTY ADDRESS: 745 EUCLID AVENUE, LANCASTER, PA 17603  
UPI / TAX PARCEL NUMBER: 338-56278-0-0000  
JUDGMENT: \$130,558.37  
REPUTED OWNERS: SAMUEL BONANO

DEED BK. and PAGE or INSTR. NO.: 6248283  
MUNICIPALITY: CITY OF LANCASTER  
AREA: 4,395 SQ. FT.  
IMPROVEMENTS: TWO-STORY, SINGLE-FAMILY DWELLING (DUPLEX #1)

---

**CI-19-09360**  
**CARRINGTON MORTGAGE**  
**SERVICES LLC**

**vs**

**RICHARD BOOTH A/K/A**  
**RICHARD A. BOOTH**

PROPERTY ADDRESS: 259 SOUTH 4TH STREET, COLUMBIA, PA 17512-1731  
UPI / TAX PARCEL NUMBER: 110-19690-0-0000  
JUDGMENT: \$137,742.97  
REPUTED OWNERS: Richard Booth a/k/a Richard A. Booth  
DEED BK. and PAGE or INSTR. NO.: Document ID# 6304845  
MUNICIPALITY: Borough of Columbia  
AREA: All that certain tract of land lying and being situate in the Borough of Columbia, Lancaster County, Commonwealth of Pennsylvania, being identified as Lot No. 1 as shown on a plan of lots known as 259-263 South Fourth Street, Final Subdivision Plan, as prepared by Stahlman and Stahlman, Inc., York, PA, and recorded in January 21, 2004 in the office of the Recorder of Deeds in and for Lancaster County, Pennsylvania, in Plan Book J-218; Page 143, and being more fully described as follows:  
IMPROVEMENTS: Residential Dwelling

**CI-20-02193**

**PENNSYLVANIA HOUSING  
FINANCE AGENCY**

**vs**

**JASON R. BOYLES, KATIE LYNN  
HESS**

PROPERTY ADDRESS: 134  
ACORN LANE, MOUNTVILLE,  
PA 17554

UPI / TAX PARCEL NUMBER:  
410-19515-0-0000

JUDGMENT: \$129,864.50

REPUTED OWNER(S): Jason R.  
Boyles and Katie Lynn Hess

DEED or INSTRUMENT  
NO:6248412

MUNICIPALITY: Manor Town-  
ship

AREA:0.0400 acres

IMPROVEMENTS: Residential;  
Townhouse; two-story; inside  
unit

**CI-18-01907**

**JPMORGAN CHASE BANK  
NATIONAL ASSOCIATION**

**vs**

**NATHAN W. CARTER, ROSE A.  
CARTER, UNITED STATES OF  
AMERICA**

PROPERTY ADDRESS: 866  
CENTER STREET, MOUNT JOY,  
PA 17552

UPI / TAX PARCEL NUMBER:  
300-19343-0-0000

JUDGMENT: \$158,356.10

REPUTED OWNERS: Nathan W.  
Carter, Rose A. Carter, United  
States of America

DEED BK. and PAGE or INSTR.  
NO.: Document ID# 5915366

MUNICIPALITY: Township of  
West Hempfield

AREA: ALL THAT CERTAIN lot of

land situate on the west side of  
Center Street, in the Township  
of West Hempfield, County of  
Lancaster and Commonwealth  
of Pennsylvania, being known  
as Lot No. 23, Block C, section  
2 on a Plan of Lots of Westview,  
said Plan being recorded in the  
Recorder of deed in and for Lan-  
caster County, Pennsylvania,  
in Subdivision Plan Book J-82,  
page 14, bounded and described  
as follows:

IMPROVEMENTS: Residential  
Dwelling

**CI-21-01416**

**LANCASTER ESTATES  
CONDOMINIUM ASSOCIATION**

**vs**

**WILLIAM COVERT**

PROPERTY ADDRESS: 119  
LANCASTER ESTATES, MOUNT  
JOY, PA 17552

UPI / TAX PARCEL NUMBER:  
540-73601-1-0119

JUDGMENT: \$18,469.18

REPUTED OWNERS: William J.  
Covert

DEED BK. and PAGE or INSTR.  
NO.: 5487800

MUNICIPALITY: Township of Ra-  
pho

AREA: Residential - Condomini-  
um

IMPROVEMENTS:

**CI-20-00211**

**WELLS FARGO BANK NA**

**vs**

**GERALD ALLEN CRAIG, JR.,  
A/K/A GERALD A. CRAIG**

PROPERTY ADDRESS: 1283  
STAMAN LANE, COLUMBIA, PA  
17512

UPI / TAX PARCEL NUMBER:  
110-88614-0-0000  
JUDGMENT:84,366.82  
REPUTED OWNERS: GERALD  
ALLEN CRAIG, JR. A/K/A GER-  
ALD A. CRAIG  
DEED BK. or INSTR. NO.:  
6030612  
MUNICIPALITY: COLUMBIA  
AREA:0.14 ACRES  
IMPROVEMENTS: RESIDEN-  
TIAL SINGLE FAMILY DWELL-  
ING

**CI-19-10836**

**CARRINGTON MORTGAGE  
SERVICES LLC**

**vs**

**TARA L. DEITER, KEVIN E.  
DEITER**

PROPERTY ADDRESS: 50 AK-  
RON ROAD, EPHRATA, PA  
17522  
UPI / TAX PARCEL NUMBER:  
260-93844-0-0000  
JUDGMENT: \$140,209.97  
REPUTED OWNERS: Tara L.  
Deiter, Kevin E. Deiter  
DEED BK. and PAGE or INSTR.  
NO.: Document ID# 5314335  
MUNICIPALITY: Borough of  
Ephrata  
AREA: ALL THAT CERTAIN tract  
of land together with improve-  
ments shown as Lot No. 11B-1,  
on a Plan of Subdivision record-  
ed in Subdivision Plan Book  
J-130, Page 45, in the Office for  
Recording of Deeds in and for  
Lancaster County, Pennsylva-  
nia, situate along the south side  
of T-937 "Akron Road", in the  
Borough of Ephrata, County of  
Lancaster and Commonwealth  
of Pennsylvania bounded and

described according to a plat of  
subdivision by Fuehrer Associ-  
ates, as follows:

IMPROVEMENTS: Residential  
Dwelling

**CI-18-06253**

**WELLS FARGO BANK, N.A.  
S/B/M TO WACHOVIA BANK,  
NATIONAL ASSOCIATION**

**vs**

**SUSAN K. DOUGHERTY**

PROPERTY ADDRESS: 3153  
WOODRIDGE DRIVE, LANDIS-  
VILLE, PA 17538-1357  
UPI / TAX PARCEL NUMBER:  
290-41917-0-0000  
JUDGMENT: \$52,914.09  
REPUTED OWNERS: SUSAN K.  
DOUGHERTY  
DEED BOOK 4237; PAGE 457  
MUNICIPALITY: EAST HEMP-  
FIELD TOWNSHIP  
IMPROVEMENTS: RESIDEN-  
TIAL DWELLING

**CI-20-01855**

**MIDFIRST BANK**

**vs**

**DORIS J. DRESCHER, INDIVID-  
UALLY AND AS BELIEVED HEIR  
AND/OR ADMINISTRATOR TO  
THE ESTATE OF LEON E. DRE-  
SCHER, LEON E UNKNOWN  
HEIRS AND/OR ADMINISTRA-  
TORS OF THE ESTATE OF LEON  
E. DRESCHER**

PROPERTY ADDRESS: 165  
MANHEIM STREET, MOUNT  
JOY, PA 17552  
UPI / TAX PARCEL NUMBER:  
450-91290-00000  
JUDGMENT: \$65,988.10  
REPUTED OWNERS: Leon E.  
Drescher and Doris J. Drescher,

no marital status shown  
DEED BK. or INSTR. NO.:  
5360618  
MUNICIPALITY: Borough of  
Mount Joy  
AREA: N\A  
IMPROVEMENTS: Residential  
Dwelling

---

**CI-20-00324**

**METROPOLITAN LIFE INSURANCE COMPANY C/O NEWREZ LLC, F/K/A NEW PENN FINANCIAL, LLC, D/B/A SHELLPOINT MORTGAGE SERVICING**

**vs**

**KENNETH EPPINETTE**

PROPERTY ADDRESS: 273  
RIDGE AVENUE, EPHRATA, PA  
17522  
UPI / TAX PARCEL NUMBER:  
270-00426-0-0000  
JUDGMENT: 128,342.69  
REPUTED OWNERS: Kenneth  
Eppinette  
DEED BK. or INSTR. NO.: In-  
strument NO. 5304811  
MUNICIPALITY: Township of  
Ephrata  
AREA:  
IMPROVEMENTS: Single Family  
Dwelling

---

**CI-20-01754**

**DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR SOUNDVIEW HOME LOAN TRUST 2006-WF1, ASSET-BACKED CERTIFICATES, SERIS 2006-WF1**

**vs**

**DAWN GAGE**

PROPERTY ADDRESS: 738  
MANOR STREET, LANCASTER,  
PA 17603

UPI / TAX PARCEL NUMBER:  
338-42369-0-0000  
JUDGMENT: \$87,873.93  
REPUTED OWNERS: Dawn  
Gage  
DEED BK. or INSTR. NO.: In-  
strument Number 6450696  
MUNICIPALITY: City of Lancast-  
er  
AREA: N\A  
IMPROVEMENTS: Residential  
Dwelling

---

**CI-18-01939**

**NRZ REO XIV LLC**

**vs**

**CHRISTOPHER L. GEHMAN, PATRICIA A. GEHMAN, JAMES R. LEONARD, JR., ESQ**

PROPERTY ADDRESS: 219  
FAUSNACHT DR., DENVER, PA  
17517  
UPI / TAX PARCEL NUMBER:  
140-07270-0-0000  
JUDGMENT: \$151,163.20  
REPUTED OWNERS: PATRICIA  
A. GEHMAN & CHRISTOPHER  
L. GEHMAN  
DEED BK. or INSTR. NO.: 2220  
MUNICIPALITY: BOROUGH OF  
DENVER  
AREA: 7500.00  
IMPROVEMENTS: A RESIDEN-  
TIAL DWELLING

---

**CI-21-04991**

**EPHRATA NATIONAL BANK**

**vs**

**BRYAN H. HORNING, LUELLA H. HORNING**

PROPERTY ADDRESS: 32 MID-  
DLE CREEK ROAD, LITITZ, PA  
17543  
UPI / TAX PARCEL NUMBER:  
270-80955-0-0000

JUDGMENT: \$144,538.42  
REPUTED OWNERS: Bryan H. Horning and Luella H. Horning  
DEED BK. or INSTR. NO.: Instrument No. 5611574  
MUNICIPALITY: Ephrata Township  
AREA:  
IMPROVEMENTS: Single-family residential dwelling

---

**CI-20-02136**

**RUSHMORE LOAN  
MANAGEMENT SERVICES LLC**

**vs**

**KELLEY A. JEFFERIS, DENNIS  
JEFFERIS**

PROPERTY ADDRESS: 2297 POPLAR STREET, NARVON, PA 17555  
UPI / TAX PARCEL NUMBER: 050-36876-0-0000  
JUDGMENT: \$244,735.02  
REPUTED OWNERS: J. Jefferis, Jr. and Kelley A. Jefferis  
DEED BK. 6319 and PAGE 80, or INSTR. NO. 999058397  
MUNICIPALITY: Township of Caernarvon  
AREA: 1.25  
IMPROVEMENTS: Single Family Residential Dwelling

---

**CI-19-04948**

**THE BANK OF NEW YORK  
MELLON FKA THE BANK OF  
NEW YORK, AS TRUSTEE  
(CWMBS 2005-03)**

**vs**

**DAVID A. KRITZBERGER, KAMI  
L. KRITZBERGER**

PROPERTY ADDRESS: 9 SOUTH SOUDERSBURG RD, RONKS, PA 17572  
UPI / TAX PARCEL NUMBER:

310-15233-0-0000  
JUDGMENT: \$133,538.20  
REPUTED OWNERS: David A. Kritzberger, Kami L. Kritzberger  
DEED BK. and PAGE or INSTR. NO.: Document ID# 5393787  
MUNICIPALITY: Township of East Lampeter  
AREA: 15,246  
IMPROVEMENTS: Residential Dwelling

---

**CI-17-01720**

**CARRINGTON MORTGAGE  
SERVICES LLC**

**vs**

**KIRK LAWHEAD, AMANDA  
LAWHEAD**

PROPERTY ADDRESS: 202 WEST MAIN STREET, TERRE HILL, PA 17581  
UPI / TAX PARCEL NUMBER: 590-43937-0-0000  
JUDGMENT: \$172,807.99  
REPUTED OWNERS: Kirk Lawhead and Amanda Lawhead  
INSTR. NO.: 5620487  
MUNICIPALITY: TERRE HILL BOROUGH  
AREA: 1,727  
IMPROVEMENTS: Residential Dwelling

---

**CI-21-04274**

**EAST LAMPETER TOWNSHIP**

**vs**

**JASON MARSICO**

PROPERTY ADDRESS: 2047 OLD PHILADELPHIA PIKE, LANCASTER, PA 17603  
UPI / TAX PARCEL NUMBER: 310-67639-0-0000  
JUDGMENT: \$9,747.24  
REPUTED OWNERS: JASON

MARSICO  
DEED BK. or INSTR. NO.:  
6477935

MUNICIPALITY: EAST LAMPET-  
ER TOWNSHIP

AREA: +/- .3200 acres

IMPROVEMENTS: Residential  
Single Family Dwelling

---

**CI-16-06788**

**BANK OF AMERICA, N.A.**

**vs**

**JASON A MARSICO, SARAH J.  
MARSICO, FRED M. MARSICO**

PROPERTY ADDRESS: 2047  
OLD PHILADELPHIA PIKE, LAN-  
CASTER, PA 17602

UPI / TAX PARCEL NUMBER:  
310-67639-0-0000

JUDGMENT: \$225,182.17

REPUTED OWNERS: Jason A.  
Marsico, Fred M. Marsico, Sarah  
J. Marsico

DEED BK. and PAGE or INSTR.  
NO.: Document ID# 5652916

MUNICIPALITY: Township of  
East Lampeter

AREA: All that certain lot or  
piece of land Situate on the  
North side of the Old Philadel-  
phia Pike, in the Township of  
East Lampeter, County of Lan-  
caster and Commonwealth of  
Pennsylvania, having thereon  
erected a one and one-half sto-  
ry frame dwelling known as  
No. 2047 Old Philadelphia Pike  
bounded and described accord-  
ing to a survey made by H.W.  
Crawford, C.E. dated March 20,  
1940, as follows:

IMPROVEMENTS: Residential  
Dwelling

---

**CI-19-07739**

**LAKEVIEW LOAN SERVICING  
LLC**

**vs**

**BRADLEY R. MILLER, CARRIE  
L. MILLER**

PROPERTY ADDRESS: 166  
NORTH MAIN STREET, MAN-  
HEIM, PA 17545

UPI / TAX PARCEL NUMBER:  
400-99648-0-0000

JUDGMENT: \$159,095.60

REPUTED OWNERS: Bradley R.  
Miller and Carrie L. Miller

INSTR. NO.: 6378296

MUNICIPALITY: Borough of  
Manheim

AREA: 1,720

IMPROVEMENTS: Residential  
Dwelling

---

**CI-19-11737**

**MIDFIRST BANK**

**vs**

**JOSEPH S. MINI, JR**

PROPERTY ADDRESS: 1605  
GLENN ROAD, LANCASTER, PA  
17601

UPI / TAX PARCEL NUMBER:  
810-45417-0-0000

JUDGMENT: \$166,227.34

REPUTED OWNER(S): Joseph S.  
Mini, Jr.

DEED or INSTRUMENT NO:  
5257046

MUNICIPALITY: City of Lancast-  
er

AREA: Approx. 0.25 acre

IMPROVEMENTS: A RESIDEN-  
TIAL DWELLING

---

**CI-16-10178**

**US BANK NATIONAL ASSOCI-  
ATION, NOT IN ITS INDIVID-  
UAL CAPACITY BUT SOLELY  
AS TRUSTEE FOR THE RMAC**

**TRUST, SERIES 2016-CTT**

**vs**

**BOBBIE JO OLMO, ABRAHAM OLMO**

PROPERTY ADDRESS: 110  
NEW DORWART ST, LANCASTER,  
PA 17603

UPI / TAX PARCEL NUMBER:  
338-61305-0-0000

JUDGMENT: \$76,928.39.

REPUTED OWNERS: Bobbie Jo  
Olmo, Abraham Olmo

DEED BK. and PAGE or INSTR.  
NO.: Document ID# 5678220

MUNICIPALITY: City of Lancaster

AREA: ALL THAT CERTAIN lot  
or piece of land situate on the  
Southwest side of New Dorwart  
Street between High and West  
Vine Streets, in the City of Lancaster,  
County of Lancaster,  
Pennsylvania, having thereon  
erected a two story brick dwelling  
house known as No. 110  
New Dorwart Street, bounded  
and described as follows, to wit:

IMPROVEMENTS: Residential  
Dwelling

---

**CI-20-01896**

**WELLS FARGO BANK NA**

**vs**

**ROBERT REHRER, JR**

PROPERTY ADDRESS: 315 W.  
BROAD ST., NEW HOLLAND,  
PA 17557

UPI / TAX PARCEL NUMBER:  
480-92524-0-0000

JUDGMENT: \$208,744.79

REPUTED OWNERS: ROBERT  
REHRER, JR.

DEED INSTRUMENT NO.:  
6081521

MUNICIPALITY: BOROUGH OF

NEW HOLLAND

IMPROVEMENTS: RESIDENTIAL  
DWELLING

---

**CI-15-08254**

**US BANK NATIONAL  
ASSOCIATION**

**vs**

**COBY L RENNINGER, ANITA L  
RENNINGER**

PROPERTY ADDRESS: 809 NEW  
STREET, AKRON, PA 17501

UPI / TAX PARCEL NUMBER:  
020-64976-0-0000

JUDGMENT: \$121,699.61.

REPUTED OWNERS: Coby L.  
Renninger and Anita L. Renninger

DEED BK. and PAGE or INSTR.  
NO.: Document ID# 5597543

MUNICIPALITY: Borough of Akron

AREA: ALL THAT CERTAIN lot of  
land with one-story ranch-type  
brick dwelling thereon erected,  
situate on the north side of  
809 New Street, in the Borough  
of Akron, County of Lancaster,  
and Commonwealth of Pennsylvania,  
bounded and described  
according to a survey made by  
Paul R. Diehm, Registered Surveyor,  
on October 13, 1964, as  
follows:

IMPROVEMENTS: Residential  
Dwelling

---

**CI-20-02032**

**NATIONSTAR MORTGAGE LLC  
D/B/A MR. COOPER**

**vs**

**KEVIN SMEAL JR**

PROPERTY ADDRESS: 863  
MAYTOWN ROAD, ELIZABETH-  
TOWN, PA 17022

UPI / TAX PARCEL NUMBER:  
160-38806-0-0000  
JUDGMENT: \$185,640.11  
REPUTED OWNERS: KEVIN  
SMEAL, JR  
INSTRUMENT NO. 6095499  
MUNICIPALITY: TOWNSHIP OF  
WEST DONEGAL,  
AREA: PRIMARY HOMESITE  
17,424 SQ FT.  
IMPROVEMENTS: RESIDEN-  
TIAL

---

**CI-21-03950**  
**CLOCK TOWERS**  
**CONDOMINIUM ASSOCIATION**

**vs**

**KONSTANTINOS G. SOFILLAS**  
PROPERTY ADDRESS: 917 CO-  
LUMBIA AVENUE UNIT 114,  
LANCASTER, PA 17603  
UPI / TAX PARCEL NUMBER:  
335-58696-1-0114  
JUDGMENT: \$9,908.44  
REPUTED OWNERS: Konstanti-  
nos G. Sofillas  
DEED BK. and PAGE or INSTR.  
NO.: 5301474  
MUNICIPALITY: City of Lancast-  
er  
AREA: Residential - Condomini-  
um  
IMPROVEMENTS:

---

**CI-17-02319**  
**JPMORGAN CHASE BANK**  
**NATIONAL ASSOCIATION**

**vs**

**TRACEY J. TOMS**  
PROPERTY ADDRESS: 874  
RIFE RUN ROAD, MANHEIM,  
PA 17545  
UPI / TAX PARCEL NUMBER:  
540-73546-0-0000

JUDGMENT: \$210,455.80  
REPUTED OWNERS: Tracey J.  
Toms  
DEED BK. and PAGE or INSTR.  
NO.: Document ID# 5868215  
MUNICIPALITY: Township of  
Ralpho  
AREA: ALL THAT CERTAIN lot  
of ground, with improvements  
thereon erected, known as Lot  
9 as shown on a final plan of  
Chestnut Grove Estates, pre-  
pared by Diehm & Sons - Sur-  
veyors and recorded in the Of-  
fice for the Recording of Deeds  
in and for Lancaster County,  
Pennsylvania in Subdivision  
Plan Book J-161, Page 112, said  
lot situate on the Westerly side  
of Rife Run Road and located in  
the Township of Rapho, Coun-  
ty of Lancaster and Common-  
wealth of Pennsylvania, bound-  
ed and described as follows:  
IMPROVEMENTS: Residential  
Dwelling

---

**CI-19-11130**  
**SOLANCO SCHOOL DISTRICT**

**vs**

**TINA MARIE TURNER, EXECU-  
TRIX OF THE ESTATE OF  
ROBERT J. JEFFRIES**

PROPERTY ADDRESS: 60  
STUMP RD, NEW PROVIDENCE,  
PA 17560  
UPI / TAX PARCEL NUMBER:  
520-35339-0-0000  
JUDGMENT: \$2,583.29  
REPUTED OWNERS: Tina Marie  
Turner Executrix of the Estate of  
Robert J. Jeffries  
DEED BK. and PAGE or INSTR.  
NO.: N 46, 492  
MUNICIPALITY: Providence  
Township



AREA: .9 acres  
IMPROVEMENTS: SINGLE  
FAMILY

IMPROVEMENTS: RESIDEN-  
TIAL DWELLING  
F-25, M-4, 11

---

**CI-18-02662**

**M&T BANK S/B/M KEYSTONE  
FINANCIAL BANK, N.A. DOING  
BUSINESS AS KEYSTONE  
FINANCIAL MORTGAGE**

**vs**

**ANTONIO VASQUEZ**

PROPERTY ADDRESS: 567 S.  
CHRISTIAN ST, LANCASTER,  
PA 17602

UPI / TAX PARCEL NUMBER:  
337-72942-0-0000

JUDGMENT: \$36,727.40

REPUTED OWNERS: ANTONIO  
VASQUEZ

DEED BK. or INSTR. NO.: 6312

MUNICIPALITY: CITY OF LAN-  
CASTER

AREA: 1,479

IMPROVEMENTS: A RESIDEN-  
TIAL DWELLING

---

**CI-18-03316**

**FREEDOM MORTGAGE  
CORPORATION**

**vs**

**ROBERT A. VENUTO, RITA M.  
VENUTO**

PROPERTY ADDRESS: 5611  
STRASBURG ROAD, GAP, PA  
17527-9419

UPI / TAX PARCEL NUMBER:  
550-37027-0-0000

JUDGMENT: \$286,082.98

REPUTED OWNERS: ROBERT  
A. VENUTO AND RITA M. VE-  
NUTO

DEED INSTRUMENT NO.:  
6324224

MUNICIPALITY: TOWNSHIP OF  
SADSBURY

**SHERIFF'S SALES**  
**150 North Queen Street**

<i>Real Estate Executions</i>	<i>Last Day for Filing</i>
January 26, 2022	September 15, 2021
March 30, 2022	November 17, 2021
May 25, 2022	January 19, 2022
July 27, 2022	March 16, 2022
September 28, 2022	May 18, 2022
November 30, 2022	July 20, 2022
January 25, 2023	September 21, 2022
March 29, 2023	November 16, 2022

# POTOMAC.LEGAL

PA MD DC FED

David E. Kindermann, Esquire

313 West Liberty Street Suite 105 Lancaster, PA 17603

717-621-2699 | david@potomac.legal

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

Advertisements and news items must be received before 12:00pm the preceding Friday. Deadlines are subject to change for holiday schedule. Subscription: \$87.00 per year in advance; single copies \$3.40. All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser. Neither the Lancaster Law Review nor the printer will assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content. The Lancaster Law Review makes no representation as to the quality of services offered by any advertiser in this publication.

POSTMASTER: Send address changes to the Lancaster Law Review, 28 E. Orange St., Lancaster, PA 17602.

**Submissions should be e-mailed to [lawreview@lancasterbar.org](mailto:lawreview@lancasterbar.org) or faxed to 717-393-0221. Please visit [www.lancasterbar.org](http://www.lancasterbar.org) for more information and current legal advertisement rates.**

# The Evidence Will Show:

Capitol Support Provides Superior  
Legal Document Production Services!



**Capitol**  
Support Service

FAST - ACCURATE - QUALITY

The production of paper documents remains a large part of the legal industry. Complex, multi-volume document productions are often a necessity. Allow Capitol to help with your next project.

[CAPITOLSUPPORT.NET](http://CAPITOLSUPPORT.NET)