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ESTATE NOTICES

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

Third Publication

**BARBARA RAE DUBOVICH, a/k/a
BARBARA R. DUBOVICH**, late of Luzerne Township, Fayette County, PA (3)
Executor: David E. Dubovich
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

WESLEY CHARLES MCCLINTOCK, late of Dunbar, Fayette County, PA (3)
Administrator: Wesley Boyd McClintock
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

**SARA JEAN RECKUS, a/k/a SARA J.
RECKUS**, late of South Union Township, Fayette County, PA (3)
Personal Representative:
Deborah Ann Hanchek
c/o George & George
92 East Main Street
Uniontown, PA 15401
Attorney: Joseph M. George

GEOFFREY W. SNYDER, late of Connellsville, Fayette County, PA (3)
Executor: Gary W. Snyder
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

Second Publication

CAROL A. CABLE, late of Dawson, Fayette County, PA (2)
Administrator: George S. Cable
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

ROBERT I. CONFER, JR., late of South Union Township, Fayette County, PA (2)
Executrix: Audrey J. Confer
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

**LEONA MAZZOCCO, a/k/a LEONA
ANGELINE MAZZOCCO**, late of Redstone Township, Fayette County, PA (2)
Executor: Thomas Mazzocco
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

MICHAEL C. MILLER, late of Uniontown, Fayette County, PA (2)
Personal Representative:
James E. Higinbotham, Jr.
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

**WILLIAM MERLE STONER, a/k/a
WILLIAM STONER**, late of South Connellsville, Fayette County, PA (2)
Personal Representative:
Myrtle Martha Stoner
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Robert A. Gordon

First Publication

DONNA J. BLAIR, late of Connellsville,
Fayette County, PA ⁽¹⁾

Executor: Gregg Blair
c/o Casini & Gebig, LLC
815B Memorial Boulevard
Connellsville, PA 15425
Attorney: Jennifer M. Casini

ADAM RYAN CARNEY, late of Luzerne
Township, Fayette County, PA ⁽¹⁾

Personal Representatives: John David and
Sherril Carney
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

**NORMA GRACE ECHARD, a/k/a NORMA
G. ECHARD**, late of Connellsville, Fayette
County, PA ⁽¹⁾

Executrix: Linda G. Berish
233 McClellandtown Lambert Road
McClellandtown, PA 15458
c/o Lederach Law
201 North Chestnut Street
P.O. Box 342
Scottdale, PA 15683
Attorney: James S. Lederach

KENNY W. FIKE, late of South Union
Township, Fayette County, PA ⁽¹⁾

Administrator: Marshall Fike
c/o 84 East Main Street
Uniontown, PA 15401
Attorney: Vincent M. Tiberi

**SANDRA K. FIKE, a/k/a SANDRA KAY
FIKE**, late of South Union Township, Fayette
County, PA ⁽¹⁾

Administrator: Marshall Fike
c/o 84 East Main Street
Uniontown, PA 15401
Attorney: Vincent M. Tiberi

TRACY C. HALL, late of Dunbar, Fayette
County, PA ⁽¹⁾

Executor: Dayne C. Hall
c/o Casini & Gebig, LLC
815B Memorial Boulevard
Connellsville, PA 15425
Attorney: Jennifer M. Casini

ALDO LOVAT, late of Luzerne Township,
Fayette County, PA ⁽¹⁾

Executors: Edward Lovat and Joseph Lovat
c/o DeHaas Law, LLC
51 East South Street
Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

**ANTHONY MOJOCK, a/k/a ANTHONY J.
MOJOCK**, late of Masontown Borough,
Fayette County, PA ⁽¹⁾

Personal Representative:
Nicholas M. Clark
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

FRANCES M. MOYER, late of North Union
Township, Fayette County, PA ⁽¹⁾

Executrix: Rebecca Moyer Wilcosky
c/o Radcliffe Martin Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: William M. Radcliffe

MARY JANE PECK, late of Bullsken
Township, Fayette County, PA ⁽¹⁾

Personal Representative: Kathy Trump
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

WILLIAM G. ROSTICH, late of German
Township, Fayette County, PA ⁽¹⁾

Executrix: Donna Novak
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

**GERALD RAY SOLOMON, II, a/k/a
GERALD R. SOLOMON, II**, late of
Masontown Borough, Fayette County, PA ⁽¹⁾

Executor: Gerald R. Solomon
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

WILLIAM A. TALUCCI, a/k/a WILLIAM A. TALUCCI, JR., late of Connellsville, Fayette County, PA (1)

Personal Representative: Jane Ann Fiano
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

BONNIE KAY TIMMS, late of Dunbar Township, Fayette County, PA (1)

Personal Representative: Kayla M. Zerkle
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

BEVERLY A. TRADER, late of North Union Township, Fayette County, PA (1)

Executor: Calvin Ray Trader, Jr.
308 Falls Avenue
Connellsville, PA 15425
c/o Pollock Morris Belletti & Simms, LLC
54 South Washington Street
Waynesburg, PA 15370
Attorney: Amber N. Shipley

JAROSLAV V. VAVERKA, late of Washington Township, Fayette County, PA (1)

Personal Representative:
Donna E. Vaverka
1115 Williams Drive
Belle Vernon, PA 15012
c/o McKelvey Law Offices, LLC
300 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Colt A. McKelvey

LEGAL NOTICES

NOTICE

Notice is hereby given that Articles of Incorporation - Nonprofit have been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on June 30, 2023, for a non-profit organization known as The Chubby Hands Foundation.

The purpose or purposes of the non-profit organization is/are: to assist community members with financial expenses associated with the death of a child under the age of eighteen (18).

DAVIS & DAVIS
BY: Jeremy J. Davis, Esquire
107 E. Main Street
Uniontown, PA 15401

CIVIL ACTION
COURT OF COMMON PLEAS
FAYETTE COUNTY, PA
CIVIL ACTION-LAW
NO. 2023-01828
NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

SPECIALIZED LOAN SERVICING LLC,
Plaintiff
v.
STEPHEN M. KLOTZ,
Defendants
Defendant(s), 1202 VINE ST
CONNELLSVILLE, PA 15425

To: STEPHEN M. KLOTZ
COMPLAINT IN MORTGAGE
FORECLOSURE

You are hereby notified that Plaintiff, SPECIALIZED LOAN SERVICING LLC, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of FAYETTE County, PA docketed to No. 2023-01828, seeking to foreclose the mortgage secured on your property located, 1202 VINE ST CONNELLSVILLE, PA 15425.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in this notice you must take action within twenty

(20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or 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 THE INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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ATTORNEYS FOR PLAINTIFF
Jonathan Etkowicz, Esq. ID No. 208786
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
855-225-6906

Registers' Notice

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

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

Monday, March 4, 2024, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2623-0186	WILLIAM JOSEPH SIMMEN	Richard E. Bower, Administrator CTA
2620-0544	LENORA R. MEHAULIC	Brenda Ann Lynn, Executrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, March 18, 2024, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable President Judge Steve P. Leskinen** or his chambers, Second Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

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

Monday, March 4, 2024, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2619-0741	BEATRICE J. BALABAN	Margaret Hurst and Eileen McDowell, Co-Executrix
2622-0586	RODNEY T. BANKS	Carole Robbins, Executrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, March 18, 2024, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Judge Joseph M. George, Jr.** or his chambers, Third Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :
Appellant, :
v. :
TRAVIS LEE CARDIELLO, : No. 2266 of 2022
Appellee. : Honorable Linda R. Cordaro

OPINION

Linda R. Cordaro, J.

January 31, 2024

SUMMARY

On November 22, 2023, at the conclusion of a hearing on Appellee/Defendant's Rule 600 Motion, this Court issued an order granting the Motion and dismissing the charges. The Commonwealth filed a motion for reconsideration that it presented on December 20, 2023, and this Court denied that motion. The Commonwealth now appeals the November 22, 2023 order.

BACKGROUND

Appellee/Defendant was charged on October 12, 2022 with strangulation, simple assault, terroristic threats, and harassment. On October 24, 2023, counsel for Appellee/Defendant filed a Rule 600 Motion challenging that, as of that date, three hundred and seventy (370) days had elapsed since the charges were filed, and therefore the Commonwealth had exceeded the allowable time in which to bring Appellee/Defendant to trial. This Court scheduled a hearing for November 22, 2023, which was attended by Appellee/Defendant, his counsel (Attorney Casey White), and the assistant district attorney (Attorney Doug Sepic).

At the hearing, the Commonwealth offered into evidence a printed calculation of the excludable time related to Appellee/Defendant's case. Tr. of Rule 600 Proceedings, 11/22/23, at 5. Attorney White specified that the time period in question was listed on that exhibit: a forty-seven (47) day span between November 2, 2022 and December 19, 2022. Id. at 5-6. According to the calculation in the document, the time period in question was attributed to Appellee/Defendant. Id. at 6.

Attorney Sepic then asked this Court to take judicial notice of the magisterial court docket as to the charges filed and the dates therein, including the attribution of a preliminary hearing continuance to Appellee/Defendant. Id. at 6-7. This Court, being familiar with the information generally available on the docket sheet, pointed out that although the docket lists the party to whom delay is attributed, it does not list a reason. Id. at 7. The assistant district attorney agreed and confirmed that he had no testimony to offer as to the reason for the delay. Id. at 7-8. The Commonwealth then rested on the exhibit and the docket entries. Id. at 8.

Appellee/Defendant then testified as to facts significant to the matter, specifically, that he had appeared for the preliminary hearing on November 2, 2022, as did his attorney, {1} as well as the Pennsylvania State Trooper that had filed the charges. Id. at 9. Appellee/Defendant further testified that he did not see the alleged victim, nor did he or his attorney request a continuance at that time. Id. at 9-11.

After hearing Appellee/Defendant's testimony, this Court asked the respective attorneys to acknowledge that if this Court could not find that the delay was attributable to Appellee/Defendant, then there had been a violation of Rule 600. Id. at 14. Each attorney acknowledged this and agreed. Id. This Court then asked the assistant district attorney to indicate on the docket available to it at the time where the delay was attributed to Appellee/Defendant, as that version of the docket did not show the attribution. Id. at 14-15. Attorney Sepic clarified that the "secure" version of the docket in his possession differed from the Court's version, and that his version did show attribution. Id. at 15. This Court declined to take judicial notice of that version, and it was unable to find the delay was attributed to Appellee/Defendant. Id. at 15-16. Accordingly, it found that there was a violation of Rule 600 and dismissed the charges against Appellee/Defendant. Id. at 16.

On December 14, 2023, the Commonwealth filed a motion for reconsideration, which was presented to this Court on December 20, 2023. At that time, Attorney Sepic presented evidence that Appellee/Defendant's counsel had filed a motion to continue the preliminary hearing, and that the motion had been granted on October 28, 2022. Attorney White then disclosed that he himself had requested a continuance on his client's behalf, but an order granting the motion was not docketed, and he believed the motion was denied. Accordingly, Appellee/Defendant and substitute defense counsel appeared for the preliminary hearing at the originally scheduled date and time. Attorney Sepic admitted that the Commonwealth had not presented evidence of the motion for continuance during the Rule 600 hearing. As the Rule 600 hearing already had been conducted and a decision rendered, this Court declined to then consider evidence not previously presented, and it denied the Commonwealth's motion for reconsideration.

{1} Appellee/Defendant testified that the attorney in attendance that day was substituting for Attorney White.

ISSUES ON APPEAL

Appellant's Concise Statement of Errors raises several issues, reproduced here with minor changes for brevity/ clarity:

- 1) Whether the trial court abused its discretion in determining that the Commonwealth violated Pa.R.Crim.P. 600
- 2) Whether the trial court abused its discretion in determining the Commonwealth failed to exercise due diligence and/or caused the delay in bringing Appellee/Defendant to trial;
- 3) Whether the trial court erred as a matter of law or abused its discretion in determining that the Commonwealth failed to exercise due diligence and/or caused the delay by the Commonwealth relying upon the magisterial district court docket entry that attributed the time period between November 2, 2022 and December 19, 2022 as Appellee's/Defendant's delay;
- 4) Whether the trial court erred as a matter of law or abused its discretion in determining that the magisterial district court failed to sufficiently document the delay as attributable to Appellee/Defendant;
- 5) Whether the trial court erred as a matter of law or abused its discretion in disregarding Appellee/Defendant's counsel's written motion to continue the November 2, 2022 preliminary hearing, and the corresponding order granting the continuance signed by the magisterial district judge on October 28, 2022 as sufficient evidence that the delay was attributable to Appellee/Defendant; {2}
- 6) Whether the trial court erred as a matter of law or abused its discretion in determining the time period between November 2, 2022 and December 19, 2022 should not have been attributed to Appellant/Defendant;
- 7) Whether the trial court erred as a matter of law or abused its discretion in relitigating certain facts which gave rise to the magisterial district court order attributing the continuance of the November 2, 2022 and the resulting delay between that date and December 19, 2022 to Appellant/Defendant.

SCOPE OF REVIEW

In evaluating Rule 600 issues, the Superior Court determines whether the trial court committed an abuse of discretion. *Commonwealth v. Leaner*, 202 A.3d 749, 765-66 (Pa. Super. Ct. 2019). An abuse of discretion is not merely an error of judgment but occurs if the law is overridden or misapplied, if the judgment is manifestly unreasonable, or if the judgment is the result of partiality, prejudice, bias, or ill will. *Id.* The scope of review is limited to the evidence on the record of the Rule 600 evidentiary hearing, and the findings of the trial court, and the appellate court must view the facts in a light most favorable to the prevailing party. *Id.*

{2} This refers to evidence the Commonwealth first brought forward during presentation of its motion for reconsideration on December 20, 2023.

DISCUSSION

Rule 600 of the Pennsylvania Rules of Criminal Procedure sets forth that trial shall commence within 365 days from the date on which a complaint is filed. Pa.R.Crim.P. 600(A)(2)(a). If a defendant is not incarcerated, then periods of delay caused by the Commonwealth when it has failed to exercise due diligence are included in the computation of time, while all other periods of delay are excluded. Pa.R.Crim.P. 600(C)(1). The remedy for an alleged violation of the Rule is a written motion requesting dismissal of the charges with prejudice, and a judge must conduct a hearing on the motion. Pa.R.Crim.P. 600(D). The court is required to consider whether the exercised due diligence and whether the delay was beyond the Commonwealth's control. *Commonwealth v. Bradford*, 46 A.3d 693, 701 (Pa. 2012). However, the Commonwealth has the burden of demonstrating by a preponderance of the evidence that it did exercise due diligence, and the court's determination must be made on a factual, case-by-case basis. *Id.* at 701-02. Due diligence can be demonstrated by showing that the Commonwealth put forth at least reasonable effort. *Id.* at 702.

Here, the central issue was whether or not the delay between November 2, 2022 and December 19, 2022 should have been attributed to the Appellant/Defendant. Evidence presented by the respective sides was considered to resolve that issue.

At the hearing on Appellee/Defendant's Motion, the Commonwealth presented no testimony as to the factual circumstances of the continuance, the reason for it, nor any evidence to show the Commonwealth still had proceeded with due diligence. Instead, it relied exclusively on its own calculation and a copy of the magisterial court docket in its possession that attributed the delay to the Appellant/Defendant to make its case.

Under Pa.R.Crim.P. 542(G)(1), at a preliminary hearing, if the issuing authority grants a continuance, it shall note the grounds for the continuance, the identity of the party requesting the continuance, and the new date, time, and place as well as the reasons that particular date was chosen. In this case, the magisterial district court may well have recorded the grounds and reason(s) for the delay, but the Commonwealth did not present this at the hearing nor was the information readily apparent from the common pleas record.

In contrast, Appellee/Defendant appeared in person and credibly testified that he and his counsel were present at the time and place for the preliminary hearing, as was the Pennsylvania State Trooper that had filed the charges against him. Appellee/Defendant also testified that he did not request a continuance at that time. {3}

Based upon the evidence presented at the Rule 600 hearing, this Court could not find that the delay had been properly attributed to Appellee/Defendant. Consequently, a Rule 600 violation did occur, as respective counsel had agreed it was appropriate for this Court to conclude. Furthermore, even if it had been adequately shown that the delay was a clerical error or procedural breakdown in the magisterial district court, the Commonwealth still presented no evidence of its own due diligence in proceeding.

{3} Attorney White did not disclose at the Rule 600 hearing that he himself had filed a motion to continue Appellant/Defendant's preliminary hearing. This information only came to light during the presentation of the Commonwealth's motion for reconsideration.

Therefore, this Court properly granted Appellee/Defendant's Motion and dismissed the charges.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that this Court has committed no abuse of discretion or error of law, and that the order granting Appellee/Defendant's Rule 600 Motion should be AFFIRMED.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Clerk of Court

January 31, 2024

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