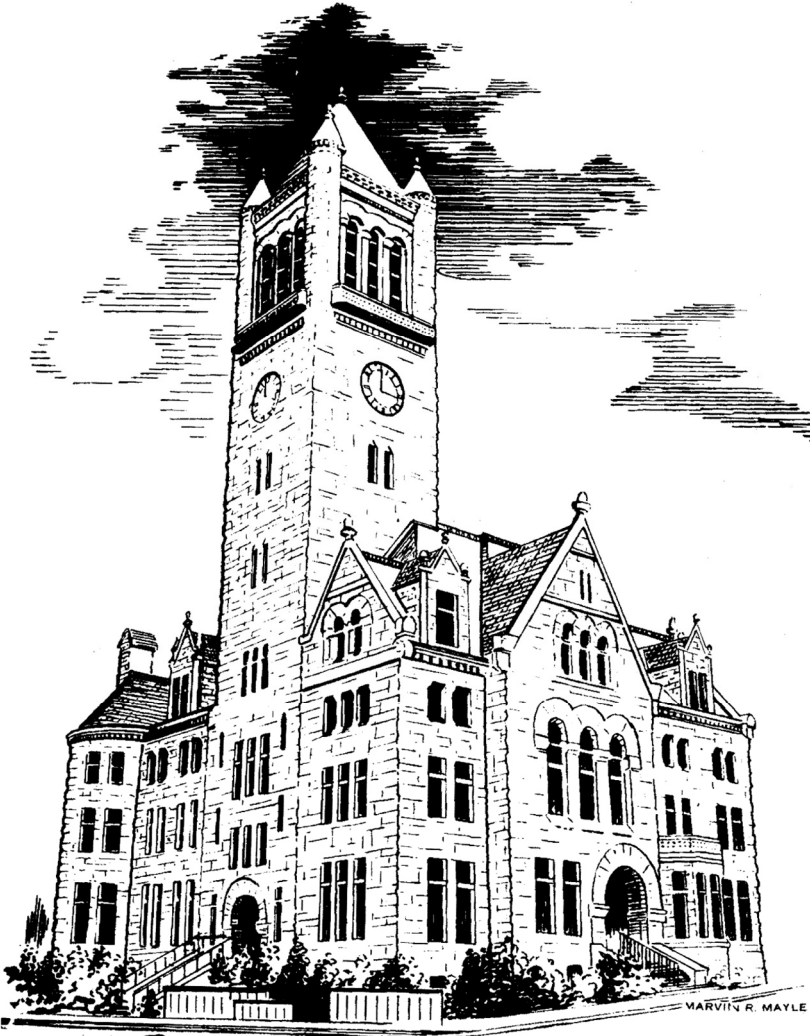


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FAYETTE LEGAL JOURNAL

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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

GEORGE W. CHRISTNER, a/k/a GEORGE CHRISTNER, late of Grindstone, Redstone Township, Fayette County, PA (3)

Personal Representative: Ray Christner
c/o Dellarose Law Office, PLLC
99 East Main Street, Stuie 101
Uniontown, PA 15401
Attorney: Melinda Deal Dellarose

ANN Y. COMADENA, late of Washington Township, Fayette County, PA (3)

Executor: Mark E. Comadena
208 South Bone Drive
Normal, Illinois 61761
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

JANE GARY, a/k/a JANE A. GARY, late of Fayette County, PA (3)

Co-Executors:
Kimberly F. Martz
P.O. Box 120
Donegal, PA 15628
Kelly J. Miller
371 Albright's Lake Road
Greensburg, PA 15601
c/o 533 Rugh Street, Suite 3
Greensburg, PA 15601-5635
Attorney: L. Christian DeDiana

ROBERT J. HOLLIS, SR., late of Georges Township, Fayette County, PA (3)

Administratrix: Roberta Haines
c/o 84 East Main Street
Uniontown, PA 15401
Attorney: Vincent M. Tiberi

KATHRINE L. LUDWIG, a/k/a KATHRINE LEE LUDWIG, a/k/a KATHRINE LUDWIG, late of Dunbar Township, Fayette County, PA

Co-Executors:
Donald G. Ludwig, III
129 Morrell Road
Dunbar, PA 15431
Yvonne Ludwig
733 Boyce Road
Bridgeville, PA 15017
c/o 329 West Otterman Street
Greensburg, PA 15601
Attorney: Judith K. Ciszek (3)

MARY ALICE NICKELSON, a/k/a MARY A NICKELSON, late of Bullskin Township, Fayette County, PA (3)

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

ALICE FAYE NIDA, late of Wharton Township, Fayette County, PA (3)

Administratrix: Melissa Turner
c/o P.O. Box 727
Uniontown, PA 15401
Attorney: Melissa Turner

Second Publication

LORETTA M. AUL, a/k/a LORETTA MAE AUL, late of Washington Township, Fayette County, PA (2)

Executor: George Francis Aul
117 Hillman Street
Belle Vernon, PA 15012
c/o 1747 Rostraver Road
Belle Vernon, PA 15012
Attorney: Megan A. Kerns

RICHARD WAYNE BITNER, a/k/a RICHARD W. BITNER, late of Connellsville, Fayette County, PA (2)

Personal Representative: Seth R. Bitner
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

CHARLES S. BROWNFIELD, late of Uniontown, Fayette County, PA (2)

Executrix: Ann LeReche
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

TIMOTHY DAVID CHESLER, a/k/a TIMOTHY D. CHESLER, late of Uniontown, Fayette County, PA (2)

Executrix: Sara Ryan Chesler
c/o Radcliffe Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: William M. Radcliffe

PHILLIP CRAIG DYE, a/k/a PHILLIP C. DYE, late of Connellsville, Fayette County, PA

Co-Executors: Ronald J. Haggerty, Jr. and Carole L. Gratchic (2)
c/o Casini & Geibig, LLC
815B Memorial Boulevard
Connellsville, PA 15425
Attorney: Jennifer M. Casini

JOHN POLIDORA, late of Connellsville, Fayette County, PA (2)

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

ELWOOD D. RITENOUR, late of White, Fayette County, PA (2)

Executor: Ronald Alonzo Ritenour
c/o Radcliffe Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: William M. Radcliffe

DIANNA JEAN ZAWACKI, late of South Union Township, Fayette County, PA (2)

Executor: Lee Zawacki
c/o 815A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret Z. House

First Publication

ARLETT BRADDEE, late of Nicholson, Fayette County, PA (1)

Executrix: Deborah Moore
c/o P.O. Box 427
Quakertown, NJ 08868

LINDA DARLENE BURKHOLDER, a/k/a LINDA D. BURKHOLDER, late of Upper Tyrone Township, Fayette County, PA (1)

Administrator: Sara Guess
401 South Chestnut Street
Scottdale, PA 15683
c/o Lederach Law
201 North Chestnut Street
P.O. Box 342
Scottdale, PA 15683
Attorney: James Lederach

OLIVE RUTH CHRISTMAN, late of Dunbar Township, Fayette County, PA (1)

Personal Representative:
Charles D. Christman
c/o 208 South Arch, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

CURTIS A. CROSSLAND, late of Uniontown, Fayette County, PA (1)

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

ELEANOR C. FRANKS, late of Menallen Township, Fayette County, PA (1)

Executor: Steven M. Pope
116 North Main Street
Masontown, PA 15461
c/o 76 East Main Street
Uniontown, Pa 15401
Attorney: Douglas S. Sholtis

GENEVIEVE GHRIST, a/k/a GENEVIEVE L. GHRIST, late of South Union Township, Fayette County, PA (1)

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

LEGAL NOTICES

NOTICE

Notice is hereby given that a Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on December 6, 2021 for a limited liability company known as Gracie's Common Scents, LLC.

Said limited liability company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the limited liability company is/are: the manufacturing, sale and distribution of candles and related accessories and for any and all lawful purpose for which the Company may be organized under the Business Corporation Law of the Commonwealth of Pennsylvania.

GEORGE & GEORGE

By: Joseph M. George, Esquire
92 East Main Street
Uniontown, PA 15401

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
No. 2188 of 2021 G.D.

IN RE: CHANGE OF NAME OF
CHRISTIAN WYATT RHODES to
CHRISTIAN WYATT KOACH

PETITION FOR NAME CHANGE

NOTICE is hereby given that a hearing on the above Petition for Change of Name will be held on February 4, 2022, at 10:30 a.m. before the Honorable Linda R. Cordaro, in Courtroom No. 3 at the Fayette County Courthouse, Uniontown, Pennsylvania, for the following name change: CHRISTIAN WYATT RHODES to CHRISTIAN WYATT KOVACH.

ALL interested parties may appear and show cause if any they have, why the prayer of said Petition should not be granted.

JAMES V. NATALE, ESQUIRE
KOVACH LAW OFFICE
9 COURT STREET, SECOND FLOOR
UNIONTOWN, PA 15401

ANNA MAE KIMMEL a/k/a ANNA M. KIMMEL, late of Connellsville, Fayette County, PA (1)

Executor: Timothy A. Kimmel
c/o Casini & Geibig, LLC
815B Memorial Boulevard
Connellsville, PA 15425
Attorney: Jennifer M. Casini

JEAN LUCZKA, a/k/a WILDA JEAN LUCZKA, late of Everson Borough, Fayette County, PA (1)

Executor: Bernard A. Luczka, Jr.
329 Maple Street
Everson, PA 15631
c/o 231 South Main Street, Suite 402
Greensburg, Pa 15683
Attorney: Marilyn Gaut

KATHLEEN LEE MOORE, a/k/a KATHLEEN L. MOORE, late of Masontown, Fayette County, PA (1)

Executrix: Mary M. Pomeroy
1321 Haven Drive
Oviedo, Florida 32765
c/o Goodwin Como, P.C.
108 North Beeson Boulevard, Suite 400
Uniontown, PA 15401
Attorney: Benjamin F. Goodwin

DANIEL H. MYERS, late of Perry Township, Fayette County, PA (1)

Executor: Robert A. Amicone
191 Ross Road
Ligonier, PA 15658
c/o 32 West Third Street
Greensburg, PA 15601
Attorney: Peter P. Cherellia

KENNETH D. SHULTZ, late of Dunbar Township, Fayette County, PA (1)

Co-Administrators: Kenneth Shultz and Julie Shultz
c/o Casini & Geibig, LLC
815B Memorial Boulevard
Connellsville, PA 15425
Attorney: Jennifer M. Casini

IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Bankruptcy Case No. 19-20317 CMB Chapter 13

Document No.: _____

Responses due by: December 14, 2021

Hearing Date & Time:

February 15, 2022 at 10:00 a.m.

IN RE:

Lorraine J. Koschock, Debtor.

Lorraine J. Koschock, Movant,

vs.

FAYETTE COUNTY TAX CLAIM BUREAU, FRANKLIN TOWNSHIP, UNIONTOWN AREA SCHOOL DISTRICT, AND JOYCE FRANKS, BUYER, Respondents.

NOTICE OF ZOOM HEARING ON MOTION TO SELL PROPERTY, FREE AND CLEAR OF ALL MORTGAGES, LIENS, AND ENCUMBRANCES

TO: ALL CREDITORS AND ALL PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN THAT:

The DEBTOR, LORAIN E. J. KOSCHOCK, has filed a motion for public sale of her real property known as 606 Bitner Road, Dunbar, Fayette County, PA. The property consists of a 1970 single wide mobile home with addition on 1.05 acres, Property ID No. 13-16-0038. Debtor is seeking approval of the real estate sales transaction to the purchaser, Joyce Franks. A true and correct copy of the Agreement of Sale is attached to the Motion filed in this case as Exhibit "A."

A Zoom Video Conference Hearing will be held on February 15, 2022, at 10:00 a.m. before Judge Carlota M. Bohm via the Zoom Video Conference Application ("Zoom"). To participate in and join a Zoom Hearing please initiate and use the following link at least 15 minutes prior to the scheduled Zoom Hearing time: https://www.zoomgov.com/j/16143800191, or alternatively, you may use the following Meeting ID: 161 4380 0191 For questions

regarding the connection, contact Judge Bohm's Chambers at 412-644-4328. All attorneys and Parties may only appear by Zoom and must comply with Chief Judge Bohm's Zoom Procedures, which can be found on the Court's website at https://www.pawb.uscourts.gov/sites/default/files/pdfs/cmb-proc-videohrg.pdf. Under the current COVID-19 circumstances, the general public may appear telephonically if unable to do so via the Internet. When the need to appear telephonically arises, members of the general public should immediately contact Judge Bohm's Chambers to make telephonic arrangements. Only ten minutes is being provided on the calendar. No witnesses will be heard. If an evidentiary hearing is required, it will be scheduled by the Court for a later date, at which time higher offers will be considered and objections to said sale will be heard.

Clerk, U.S. Bankruptcy Court Date of Notice: January 21, 2022

Arrangements for inspection prior to said sale hearing may be made with:

Daniel R. White Attorney for the Debtor PA ID NO. 78718 P.O. Box 2123 Uniontown, PA 15401 724-439-9200

NOTICE

Notice is hereby given of the filing of an application for Registration of Fictitious Names as follows: The Fictitious name is: D&L Collections LLC

The address of the principal office or the principal place of business to be carried on is: 665 Old Route 51, Waltersburg, PA 15488 The name and address of the person who is party to the registration is: David K. Hoffman Jr., 665 Old Route 51, Waltersburg, PA 15488 An application for a fictitious name was filed on June 2, 2020 in the Department of State, under the Fictitious Names Act, 54 Pa.C.S.A. 302 et seq., Act of December 16, 1982, No. 295, P.L. 1309.

Lukas B. Gatten, Esquire LOGAN & GATTEN LAW OFFICES 54 N. Richhill Street Waynesburg, PA 15370

SHERIFF'S SALE

Date of Sale: March 17, 2022

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday, March 17, 2022, at 2:00 p.m. in Courtroom Number Five at the Fayette County Courthouse, Uniontown, Pennsylvania.

The terms of sale are as follows:

Ten percent of the purchase price, or a sufficient amount to pay all costs if the ten percent is not enough for that purpose. Same must be paid to the Sheriff at the time the property is struck off and the balance of the purchase money is due before twelve o'clock noon on the fourth day thereafter. Otherwise, the property may be resold without further notice at the risk and expense of the person to whom it is struck off at this sale who in case of deficiency in the price bid at any resale will be required to make good the same. Should the bidder fail to comply with conditions of sale money deposited by him at the time the property is struck off shall be forfeited and applied to the cost and judgments. All payments must be made in cash or by certified check. The schedule of distribution will be filed the third Tuesday after date of sale. If no petition has been filed to set aside the sale within 10 days, the Sheriff will execute and acknowledge before the Prothonotary a deed to the property sold. (3 of 3)

James Custer
Sheriff Of Fayette County

Hladik, Onorato & Federman, LLP
of Counsel to Greenspoon Marder LLP
298 Wissahickon Avenue
North Wales, PA 19454

No. 1656 of 2020 GD
No. 193 of 2021 ED

Wilmington Savings Fund Society FSB, as Trustee of Stanwich Motigage Loan Trust A, (Plaintiff)

vs.

David T. Budinsky aka David Theodore Budinsky and Mary Budinsky aka Mary Irene Budinsky, (Defendant)

By virtue of Writ of Execution No. 2020-1656

Wilmington Savings Fund Society FSB, as Trustee of Stanwich Motigage Loan Trust A, (Plaintiff) vs. David T. Budinsky aka David Theodore Budinsky and Mary Budinsky aka Mary Irene Budinsky, (Defendant)

Property Address 224 Mountain View Road, Uniontown, PA 15401161 Lucky Lane, Dawson,

Parcel I.D. No. 3427018701

Improvements thereon consist of a residential dwelling.

Judgment Amount: \$111,662.69

Brock & Scott, PLLC

No. 1733 of 2020 GD
No. 213 of 2021 ED

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BNC MORTGAGE LOAN TRUST 2007-2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2

v.

JOHN ALBERT CLAY; JILLIAN N. CLAY

By virtue of a Writ of Execution No. 1733 of 2020

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BNC MORTGAGE LOAN TRUST 2007-2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2
V. JOHN ALBERT CLAY; JILLIAN N. CLAY
owner(s) of property situate in the PERRY TOWNSHIP, FAYETTE County, Pennsylvania, being 46 MEMORIAL DR. PERRYOPOLIS. PA 15473

Tax ID No. 27-10-0071

Improvements thereon: RESIDENTIAL

DWELLING

Judgment Amount: \$104,041.06

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 2711 of 2019 GD
No. 195 of 2021 ED

**NATIONSTAR MORTGAGE LLC D/B/A
CHAMPION MORTGAGE COMPANY
8950 Cypress Waters Boulevard Coppell, TX
75019**

Plaintiff

vs.

**FRANK FAUST Solely in His Capacity as
Heir of John G. Faust Deceased
JOHN FAUST Solely in His Capacity as Heir
of John G. Faust Deceased
NANCY I. FAUST Solely in Her Capacity as
Heir of John G. Faust Deceased
The Unknown Heirs of John G. Faust
Deceased
VICKI ROSENSTEEL Solely in Her
Capacity as Heir of John G. Faust Deceased
Mortgagor(s) and Record Owner(s)
1320 Hawthorne Street
Connellsville, PA 15425
Defendant(s)**

ALL THAT CERTAIN LOT OF LAND
SITUATE IN TOWNSHIP OF
CONNELLSVILLE, COUNTY OF FAYETTE
AND COMMONWEALTH OF
PENNSYLVANIA.

BEING KNOWN AS: 1320
HAWTHORNE STREET, CONNELLSVILLE,
PA 15425

TAX PARCEL #06-03-0030
IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF: FRANK
FAUST Solely in His Capacity as Heir of John
G. Faust Deceased, JOHN FAUST Solely in His
Capacity as Heir of John G. Faust Deceased,
NANCY I. FAUST Solely in Her Capacity as
Heir of John G. Faust Deceased, The Unknown
Heirs of John G. Faust Deceased AND VICKI
ROSENSTEEL Solely in Her Capacity as Heir
of John G. Faust Deceased

No. 336 of 2020 GD

No. 209 of 2021 ED

**PNC Bank, National Association
Plaintiff,**

vs.

**Aaron B. Hollis, AKA Aaron Hollis; Bobby L.
Hollis, AKA Bobby Hollis
Defendants.**

ALL that certain parcel of land lying and
being situate in the Borough of Fayette City,
County of Fayette, and Commonwealth of
Pennsylvania, known as 179 Connellsville
Street, Fayette City, PA 15438 having erected
thereon a dwelling house.

Being known and designated as Tax ID
No.: 12030011

BEING the same premises which Joyce
Moody and Enoch James Eley, Jr., Co-Executors
of the Estate of Wilma Eley, deceased, Gerald L.
Eley, Craig Moody, Laura Moody, Wesley
Moody, Leonard Eley, Jr., Linnie Druciak,
Deborah Parshall, James M. Eley and Janet
Maher, by Deed dated November 16, 2006 and
recorded in and for Fayette County,
Pennsylvania in Deed Book 3008, Page 1026,
granted and conveyed unto Aaron B. Hollis and
Bobby L. Hollis, husband and wife.

No. 1831 of 2021 GD

No. 232 of 2021 ED

**MID PENN BANK, successor in interest to
SCOTTDAL BANK & TRUST
COMPANY,**

Plaintiff

v.

**ROBBY KIMMEL
Defendant**

PARCEL A:

All that certain parcel of land lying and
being situate in the Borough of South
Connellsville, Fayette County, Pennsylvania,
known as 108 Park Avenue, South
Connellsville, PA, 15425.

Being known and designated as Tax ID
No.: 33-07-0033

Being the same premises which Robby
Kimmel a/k/a Robbie Kimmel, Executor of the
Estate of Dale Kimmel, Deceased, by Deed
dated March 5, 2013 and recorded March 8,
2013 in the Office of the Recorder of Deeds in
and for the County of Fayette in Record Book
3213, Page 1351, granted and conveyed unto
Robbie Kimmel a/k/a Robby Lee Kimmel.

PARCEL B:

All that certain parcel of land lying and being situate in the City of South Connellsville, formerly Connellsville Township, Fayette County, Pennsylvania, known as 1927-1929 First Street, Connellsville, PA 15425.

Being known and designated as Tax ID No.: 33-07-0032

Being the same premises which Robby Kimmel a/k/a Robbie Kimmel, Executor of the Estate of Dale Kimmel, Deceased, by Deed dated September 24, 2012 and recorded September 24, 2012 in the Office of the Recorder of Deeds in and for the County of Fayette in Record Book 3199, Page 763, granted and conveyed unto Robbie Kimmel a/k/a Robby Lee Kimmel.

No. 1107 of 2021 GD
No. 194 of 2021 ED

Deutsche Bank National Trust Company, as Trustee for Popular ABS, Inc., Series 2007-A, Plaintiff,

v.

Benjamin Knox, Defendant(s).

SITUATE IN THE THIRD WARD OF THE GERMAN TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 643 Stevenson Street, Ronco, PA 15476

PARCEL NO. 15-31-0010 and 15-31-0002 IMPROVEMENTS- RESIDENTIAL REAL ESTATE SOLD AS THE PROPERTY OF- Benjamin Knox

No. 1789 of 2021 GD
No. 214 of 2021 ED

The Huntington National Bank Plaintiff,

vs.

Clayton W. Miller Defendant.

ALL that certain parcel of land lying and being situate in the Borough of South Connellsville, County of Fayette, and Commonwealth of Pennsylvania, known as 1819 2nd Street, Connellsville, PA 15425 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 33080058

BEING the same premises which John R. Lohr and Myrna L. Lohr, husband and wife, by Deed dated July 29, 2008 and recorded in and for Fayette County, Pennsylvania in Deed Book 3068, Page 2254, granted and conveyed unto Clayton W. Miller, married.

DWALDMANLAW, P.C.
BY: JENNIE C. SHNAYDER, ESQUIRE
ID #315213
4900 CARLISLE PIKE, #182
MECHANICSBURG, PA 17050
TELEPHONE: (844) 899-4162
FACSIMILE: (844) 882-4703

No. 617 of 2020 GD
No. 224 of 2021 ED

AMERICAN CAPITAL GROUP, LLC

vs.

Charles L. Murphy, Sr. Maureen Murphy

All that certain two (2) pieces, parcels or lots of land situate in the City of Connellsville, County of Fayette and Commonwealth of Pennsylvania

TAX PARCEL# 05-11-0045 and 05-11-0046

PROPERTY ADDRESS: 250 E. Fairview Avenue, Connellsville, PA 15425

Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454

No. 192 of 2021 GD
No. 920 of 2021 ED

The Bank of New York Mellon As Trustee for CWABS, Inc. Asset-Backed Certificates, Series 2005-17

(Plaintiff)

vs.

Becky Ridgely, (Defendant)

By virtue of Writ of Execution No. 2021-00920

The Bank of New York Mellon As Trustee for CWABS, Inc. Asset-Backed Certificates, Series 2005-17 (Plaintiff) vs. Becky Ridgely, (Defendant)

Property Address 161 Lucky Lane, Dawson, PA 15428

Parcel I.D. No. 1804006301

Improvements thereon consist of a residential dwelling.

Judgment Amount: \$81,623.59

No. 988 of 2019 GD
No. 225 of 2021 ED

PNC Bank, National Association
Plaintiff,
vs.
Seven Point Five, LLC
Defendant.

ALL that certain parcel of land lying and being situate in the Borough of Perryopolis, County of Fayette, and Commonwealth of Pennsylvania, known as 97 Knox, AKA 97 Knox Street, Perryopolis, PA 15473 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 28070054

BEING the same premises which The Fayette County Tax Claim Bureau, by Deed dated November 19, 2018 and recorded in and for Fayette County, Pennsylvania in Deed Book 3389, Page 688, granted and conveyed unto Seven Point Five, LLC.

*** END SHERIFF'S SALE ***

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

COMMERCIAL/RESIDENTIAL/CURRENT OWNER/MINERAL TITLE

A DECADE OF EXPERIENCE

E&O INSURED

WILL TRAVEL

ACCEPTING NEW CLIENTS

JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA :
 :
 :
 V. :
 :
 :
 LARRY FRANKLIN SHAW, JR., : No. 300 of 2020
 APPELLANT. : Honorable President Judge John F. Wagner, Jr.

OPINION AND ORDER

Wagner, P.J.

January 3, 2022

Before the Court is the Concise Statement for Appeal filed by Appellant, Larry Franklin Shaw, Jr. The Appellant entered pleas to four cases but the Appellant has only appealed his plea to the charges in the above numbered case which include: Aggravated Assault, 18 Pa. C.S. § 2702(a)(4); Possession of Firearm Prohibited, 18 Pa. C.S. § 6105 (a)(1); Terroristic Threats, 18 Pa. C.S. § 2706(a)(1); Simple Assault, 18 Pa.C.S. § 2701 (a)(3); and Recklessly Endangering Another Person, 18 Pa. C.S. 2705. The Appellant was sentenced to five (5) to ten (10) years incarceration at the charge of Possession of Firearm Prohibited, with the charges to run concurrent to the charges at Case Numbers 288 of 2020, 591 of 2020 and 575 of 2019 and consecutive to the sentence imposed at 287 of 2020.

CONCISE ISSUE RAISED ON APPEAL

Following the Notice of Appeal Nunc Pro Tune filed by the Appellant, this Court ordered the Appellant to file a concise statement of errors complained of on appeal. Appellant raised only the following issue on appeal: "Whether Appellant's guilty plea was knowing, voluntary and intelligent?"

FACTUAL BACKGROUND

At the time of his plea on four cases, the Appellant admitted to possessing a 45 caliber Industria Argentina handgun in his residence and admitted knowing he was not to possess a firearm in Case No. 288 of 2020. (N.T. of 7 /8/20 at pg. 6). At Case No. 591 of 2020, the Appellant entered a no contest plea to the charge Simple Assault for chasing a woman and hitting her in the head with the pistol. (N.T. at pg. 5). In this case, the Appellant did not recite the charges, the Commonwealth read from the criminal information. At No. 300 of 2020, the Uniontown Police were dispatched for a reported shooting that occurred at 221 Connellsville Street in the City of Uniontown. (N.T. at pg. 7). William Matthey, the victim, stated that he had gone to purchase drugs from the Appellant but he did not have any but was in need of some. Id. The Appellant and Matthey

then planned to rob another guy of his drugs. They attempted to commit the robbery but were unsuccessful. *Id.* As they were returning to the Appellant's residence, the Appellant and Matthey got into a verbal argument. *Id.* Matthey informed the police that the Appellant then pulled a 45 caliber handgun on him and fired the gun once at him before he fled and then fired the gun a second time. *Id.*

The Appellant denied that he fired the gun (N.T. at pg. 7). He admitted that it was the same gun but denied that he removed it from the residence in this case. (N.T. at pg. 8). The Appellant stated that Matthey intended to drop the charges against him in this case. The Court explained that Matthey could not drop the charges. (N.T. at 10).

The Commonwealth entered a *nol pros* to the attempted homicide charge. (N.T. at pg. 8). Later, Defense counsel stated that they were not going to contest that specific charge. (N.T. at 11). The 45 caliber handgun was located at the residence after it was searched pursuant to a search warrant.

On February 5, 2020, a criminal complaint was filed in this case. Thereafter, the Appellant entered into a plea agreement involving this case and three others. At the time of his plea, he was represented by counsel from the Fayette County Office of the Public Defender. On July 8, 2020, the Appellant entered a plea in this case and three others. No direct appeal was filed. On May 24, 2021, the Appellant filed a prose Post-Conviction Relief Act Petition (hereinafter "PCRA"). New counsel was appointed on June 3, 2021 and given forty-five days to file either an Amended Petition or a Finley No-Merit Letter. Counsel filed to withdraw on September 30, 2021, without having taken any action on the Appellant's behalf. This Court denied counsel's request on October 12, 2021. Counsel filed an Amended PCRA motion and one of his allegations was that he did not receive a direct appeal. The Court granted Appellant the right to an appeal *nunc pro tunc* and one was subsequently filed. The Court requested a statement of concise issues be filed by the Appellant and this opinion is the result of the issues raised in his concise statement.

DISCUSSION

Appellant's issue on appeal challenges whether his plea to the charges was knowing, intelligent and voluntary. In his concise statement, the Appellant has failed to provide any specificity as to why his plea was unlawful. However, the Appellant in his Amended PCRA and in his prose Motion to Modify and Reduce Sentence, the Appellant in each of those filings asserts that he did not plead guilty to the charges in this case. It is apparent from the record that the Appellant did enter a plea to the charges in this case. A review of all the circumstances surrounding his entry of the plea in this case indicate that, to the contrary, his plea was knowing, intelligent and voluntary.

For a plea to be constitutionally valid, the Appellant must knowingly, intelligently, and voluntarily enter the plea. *Commonwealth v. Fluharty*, 632 A.2d 312 (Pa.Super. 1993). To determine whether the individual understood the connotations of his plea and its consequences requires an examination of the totality of the circumstances surrounding the enter of the plea. *Commonwealth v. Moser*, 921 A.2d 526 (Pa.Super. 2007). The law does not require that the Appellant be pleased with the outcome of his decision to enter a plea to the charges. All that is required is that his decision to plead is knowingly,

voluntarily, and intelligently made. *Commonwealth v. Willis*, 68 A.3d 997 (Pa.Super. 2013). A guilty plea colloquy must affirmatively demonstrate the Appellant understood what he was pleading to when he entered the plea and the consequences from the entry of his plea. *Commonwealth v. Lewis*, 708 A.2d 497 (Pa.Super. 1998).

Prior to the entry of his plea, the Appellant completed a written guilty plea colloquy which explained the Appellant's rights to him. At the time of the plea, the Appellant stated that the victim, William Matthey, intended to drop the charges and that he had written a statement that the charges were to be dropped. (N.T. at pg. 6). The Appellant denied that he had fired the gun at the victim. *Id.* As a result, the Commonwealth read into the record the facts of the case which the Appellant confirmed that some of the information was true but not all of it. He stated that they talked about a robbery and got into an argument but the gun was in his residence. (N.T. at pg. 6-7). As a result, the Commonwealth withdrew the attempted homicide charge. There was further discussion about the other charges. Defense counsel stated that he had advised the Appellant to take the deal. (N.T. at pg. 10). The discussion on this case ended when defense counsel stated that he and the Appellant were not going to contest the possession of a firearm charge which the Appellant was to be sentenced at in this case. (N.T. at pg. 11).

The Appellant did not contradict his counsel nor did he respond to the Commonwealth's statement that if he wanted to go to trial on this case, the victim would be subpoenaed to come in and they would proceed on the charges. (N.T. at pg. 10). The circumstances surrounding the entry of the plea disclose that the Appellant had a full understanding of the nature and consequences of his plea and that he knowingly and voluntarily decided to enter the plea. As the record clearly demonstrates that a plea colloquy was conducted, during which it is evident that the Appellant understood the nature of the charges against him and those that had been withdrawn based on his statements, the voluntariness of the plea has been established.

It is apparent from the record that the Appellant was aware that he was entering a plea to the charges and that he was given the opportunity to go to trial if he did not want to enter a plea. His statement that he never entered a plea in this case clearly lacks credibility.

The Appellant's issue on appeal is without merit. For reasons stated above, this Court respectfully requests that the judgment and sentence be affirmed.

BY THE COURT:
WAGNER, P.J.

ATTEST:
Clerk of Court

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