

## Court of Common Pleas of Lancaster County

***Criminal***Commonwealth v. Martinez  
Post Sentence Motion

Any defect in a preliminary hearing is rendered immaterial after a defendant has been found guilty at a trial; Evidence of victim’s reputation for truthfulness within the victim’s family is inadmissible.

Opinion. Commonwealth of Pennsylvania v. Omar Martinez. No. 2180-2020, 2181-2020.

OPINION BY: WRIGHT, J., July 12, 2022. Omar Martinez (“Appellant”) has filed a direct appeal to the Superior Court of Pennsylvania from the judgment of sentence imposed on October 22, 2021, as finalized by my March 1, 2022, Order denying his Post Sentence Motion. This Opinion is written pursuant to Rule 1925(a) of the Pennsylvania Rules of Appellate Procedure. For the reasons set forth below, the instant appeal is without merit and should be denied.

**BACKGROUND**

On January 31, 2020, Appellant was charged with various sexual offenses as a result of alleged sexual contact that he had with his stepdaughter, A.S., and his biological daughter, T.M., when they were both minors.<sup>1</sup> A jury trial commenced on July 12, 2021, on both above-captioned dockets, during which both A.S. and T.M. testified.

A.S., who was 25 years old at the time of the trial, took the stand first. She shared that although Appellant is her stepfather, she does not know her biological father; growing up, she viewed Appellant as her father. (Notes of Testimony, Jury Trial, July 12–13, 2021, at 66:4–9 [hereinafter “N.T. at \_\_\_”]). From a young age, A.S. lived in a bi-level home in Lancaster with her biological mother, Appellant, and her younger sister, T.M. (N.T. at 66:1–3; 70:5–16). A.S. testified that when she was approximately 12 years old, things began to occur between her and Appellant that she did not like. (N.T. at 72:1–7). She described the beginnings of Appellant’s abusive behavior toward her as follows:

So it kind of started with me coming home from school and he would have pornographic videos playing in his room<sup>2</sup> downstairs. When you enter the house, you can see down into his room and you can see the television as soon as you enter the home. And I would come home from school at the same time every day, so I’m not quite sure—that’s kind of the first thing I remember is being uncomfortable about that.

And then it turned into more of, like, him putting it on any time that, like, we were home alone, not even just

<sup>1</sup> Although it became evident that Appellant was not legally married to the victims’ mother during the relevant period, Appellant was referred to as A.S.’s stepfather throughout the trial.

<sup>2</sup> During her testimony, A.S. described a room in the basement that Appellant used as his “man room” or “man cave.” (N.T. at 70:5–10).

---

when I was coming home from school.

I would have to clean the entire house and I would have to clean that room, as well, and he would always have that on while I was in the room. Sometimes he was in the room, too, sometimes he wasn't.

When I took it upon myself not to go into that room to clean it because I didn't want to see that, I got in trouble for being lazy and not cleaning the entire house and then I was made to continue to clean that room. That's kind of how it started.

(N.T. at 72:10–73:4). A.S. stated that the porn Appellant played while she was within viewing distance depicted sexual penetration. (N.T. at 74:21–23).

A.S. then testified to how Appellant's abusive conduct evolved, stating:

So there would be tickle fights in his bedroom. He would turn off the lights and lock the door and have his penis exposed and would grab my hand and force me to touch him.

(N.T. at 76:2–5). She added that during these "tickle fights," she knew "the door was locked because there was a time where [she] tried to get out and [she] stood in front of the door and . . . was trying to open the door and . . . couldn't get out." (N.T. 76:12–16).

A.S. also testified that Appellant frequently asked her and her sister, T.M., to give him massages. (N.T. at 79:2–3). She testified that the following incident occurred on one occasion when she came home from school and Appellant called her into his bedroom for a massage:

. . . I was giving him a massage and he took my hand and forced me to touch his penis and forced my hand into like a motion of giving him a hand job. And from there, he took off my pants and proceeded to try to put his fingers inside of me. And I left the room after that.

(N.T. at 79:4–10). A.S. clarified that she was fully clothed when she began the massage at Appellant's request, but that Appellant pulled her pants down and put his fingers inside of her. (N.T. at 80:15–81:2).

A.S. described additional instances of abuse that occurred frequently when she took showers. She testified that Appellant regularly—"almost any time he could"—came into the bathroom while she was showering and tried to open the shower curtain to look at her. (N.T. at 84:19–23; 85:13–16). A.S. stated she tried to stop him from seeing her naked in the shower by making sure that the "shower curtain stuck to the wall so that it couldn't be easily looked into." (N.T. at 86:1–3).

A.S. testified that the abuse eventually stopped when she started

“acting out emotionally,” including cutting herself, and “got just more depressed.” (N.T. at 81:20–82:1; 84:11–16).

T.M. also testified at trial. She was 19 years old at the time of trial but testified to multiple instances of sexual abuse by her father, Appellant, that began when she was in seventh grade. T.M. testified that “there was porn that was always played on the TV.” (N.T. at 139:19). She explained that every time that she and her sister came home, they were required to “approach [their] parent by saying hello and giving a kiss on the cheek,” and that “every time [she] came home, [she] had to go down [to her father’s ‘man cave’] and approach him and there would be porn on the TV.” (N.T. at 139:24–140:3). T.M. added that Appellant played the pornography “on a big TV” and that she could see “two people having sex”—“it was very open, out there.” (N.T. at 140:19–21).

T.M. testified to further instances of abuse, including:

There was [sic] also situations where I had come home from school and if I didn’t go downstairs right away, like, when this was first happening, I would go to my room and he would come up to my room and basically say, like, hey, you didn’t say hi to me, what’s going on. But when he would do that, his penis would be out of his pants.

(N.T. at 141:14–20). T.M. stated that his penis was “hard” when he approached her in her room. (N.T. at 141:24–142:1).

T.M. told the jury that:

There was [sic] also incidents where, again, I would come home from school and he would tickle me and he’d pull down my pants to my ankles and my underwear.

\* \* \*

He would usually flip me in any way so he could see basically my privates down there.

\* \* \*

His hands would mostly be on my legs holding them up and then the other one would be trying to tickle me. If I tried to move, he would restrain me back on him.

(N.T. at 142:9–20). T.M. also described instances where, if Appellant was in his room when she came home and approached him, he “would pull [her] underneath the covers . . . and tickle [her] and would grab [her] one hand and push it down in the area, because he was naked underneath the blankets.” (N.T. at 143:3–7). She testified that her hand would sometimes touch Appellant’s penis when he “shoved it down there.” (N.T. at 143:12–13).

Similar to A.S.’s testimony, T.M. shared:

There was [sic] also times where I’d be taking a shower and he would come in and open the blinds and also, again, try to tickle me. If I was fighting him and try-

ing to push him out, he would get the shower head, because we had one that you could take down off of the mount at the top, and he'd put the shower head in my face so that the water was on my face so I couldn't see what was going on. And if I tried to cover my body or anything, he would always restrain my arms from covering my body.

(N.T. 144:6–15).

After hearing from additional prosecution and defense witnesses, the jury convicted Appellant on all counts on both informations. On docket 2181-2020, involving A.S., Appellant was convicted of the following: Aggravated Indecent Assault of a Person Less than 16 Years of Age; Corruption of a Minor—Sexual Offenses; Unlawful Contact with a Minor; two counts of Indecent Assault of a Person Less than 16 Years of Age; and Indecent Exposure. On docket 2180-2020, involving T.M., Appellant was convicted of the following: two counts of Indecent Assault of a Person Less than 16 Years of Age; Corruption of a Minor—Sexual Offenses; Unlawful Contact with a Minor; and Indecent Exposure.

On October 22, 2021, after considering a pre-sentence investigation, I sentenced Appellant to an aggregate period of incarceration of five to eleven years on both dockets. Appellant filed Post-Sentence Motions on both dockets on February 17, 2022,<sup>3</sup> in which he raised various claims of error. I denied said Motions on March 1, 2022. On March 3, 2022, Appellant filed Notices of Appeal to the Superior Court of my March 1<sup>st</sup> Orders on both above-captioned dockets. Appellant filed Statements of Errors Complained of on March 15, 2022, to which the Commonwealth responded on March 24, 2022. On March 30, 2022, the Superior Court consolidated Appellant's appeals on both above-captioned dockets.

### DISCUSSION

On appeal, Appellant raises three issues. First, that the trial court erred in denying an omnibus pretrial motion that Appellant filed on August 6, 2020, in which he argued that his preliminary hearing was impermissibly based on hearsay evidence and requested that the court issue a Writ of Habeas Corpus upon the District Attorney of Lancaster County to dismiss all charges. Second, Appellant claims that I erred by excluding proffered evidence at trial of the victim's reputation for untruthfulness, depriving the jury of critical evidence with which to evaluate the veracity of the alleged victims' testimony. Finally, Appellant argues that I abused my discretion by denying Appellant the opportunity to cross-examine witnesses for the Commonwealth who were believed to have been under the influence of dangerous controlled substances when they allegedly heard Appellant make inculpatory statements. I will address each of Appellant's claims in turn.

#### ***I. Denial of Appellant's Omnibus Pretrial Motion***

<sup>3</sup> This case has a somewhat rocky procedural history. After he was sentenced, Appellant filed an untimely post-sentence motion and, consequently, an untimely appeal that was later discontinued by his appellate counsel. His appellate counsel subsequently filed a Petition for Post Conviction Collateral Relief in which counsel outlined his own ineffective assistance for missing the deadline for filing a post sentence motion. I granted PCRA relief, reinstating Appellant's appeal rights, after which he filed the instant appeal.

On September 24, 2020, the Honorable Thomas B. Sponaugle presided over a hearing on Appellant’s Omnibus Pre-Trial Motion and Petition for Writ of Habeas Corpus during which Judge Sponaugle heard testimony from A.S. and T.M. Following the hearing, Judge Sponaugle denied Appellant’s Motion. Appellant now argues that the trial court erred in denying his Motion / Petition, claiming that:

[T]he Commonwealth deprived [Appellant] of his due process rights by exclusively presenting hearsay evidence at [Appellant’s] preliminary hearing to establish its prima facie case in violation of, *inter alia*, Commonwealth v. McClelland, 233 A.3d 717 (Pa. 2020). By failing to provide the [Appellant] with his constitutionally guaranteed rights, the Court lacked jurisdiction in which to find [Appellant] guilty and enter [Appellant’s] judgment of sentence.

(Statement of Matters Complained Of, Mar. 15, 2022, at ¶ 1).

It is well settled that “[o]nce appellant has gone to trial and been found guilty of the crime, any defect in the preliminary hearing is rendered immaterial.” Commonwealth v. Tyler, 587 A.2d 326, 328 (Pa. Super. 1991). Appellant’s reliance on McClelland—a case arising from an interlocutory appeal of a denial of a pretrial writ of habeas corpus—is, therefore, inapposite. Here, Appellant was found guilty on all counts at trial; any challenge to the evidence introduced at his preliminary hearing is foreclosed. Consequently, his claim on appeal is meritless.

## **II. Exclusion of Evidence of A.S.’s Reputation for Untruthfulness**

During the trial, the defense called Fabian Martinez, Appellant’s brother, to the stand. During the direct examination, Appellant’s trial counsel, Daniel Bardo, Esq., attempted the following line of questioning:

Attorney Bardo:	Does [A.S.] have a reputation in the family?
Fabian Martinez:	Yes.
Commonwealth:	Objection, Your Honor, that’s improper—
Trial Court:	Sustained.
Attorney Bardo:	Your Honor, I’m allowed to—
Trial Court:	No, you aren’t. Next Question.
Attorney Bardo:	No further questions.

(N.T. at 277:8–17). Appellant now argues that by denying Attorney Bardo’s attempt to present evidence of A.S.’s reputation for untruthfulness, “the jury was deprived of critical evidence in which to evaluate the veracity of the alleged victims’ testimony.” (Statement of Matters Complained Of, Mar. 15, 2022, at ¶ 2).

Pennsylvania Rule of Evidence 608 provides, in relevant part, that a witness’s credibility may be attacked by testimony about the witness’s

reputation for having a character for untruthfulness. Pa.R.E. 608(a). Pennsylvania case law clearly establishes, however, that “character,” as it is used within Rule 608(a), means “one’s general reputation in the **community**.” Commonwealth v. Van Horn, 797 A.2d 983, 987 (Pa. Super. 2002) (emphasis supplied). Instantly, Attorney Bardo attempted to solicit testimony from Fabian Martinez about A.S.’s reputation for untruthfulness only within the confines of the victim’s **family**, not in the larger community as required by Rule 608(a). Therefore, I did not err in prohibiting Attorney Bardo’s line of questioning and Appellant’s claim on appeal is meritless.<sup>4</sup>

### **III. Prohibited Cross Examination of Commonwealth Witnesses**

Finally, Appellant claims that I erred in denying Appellant’s trial counsel an opportunity to cross examine Commonwealth witnesses “who engaged in *ex parte* discussions on questions to be asked during cross examination.” (Statement of Matters Complained Of, Mar. 15, 2022, at ¶ 3). Appellant alleges “specifically, witnesses for the Commonwealth were believed to have been under the influence of controlled dangerous substances when they allegedly heard the Defendant make inculpatory statements during a family meeting.” (Statement of Matters Complained Of, Mar. 15, 2022, at ¶ 3). Simply stated, to the extent that I can make sense of it, Appellant’s claim is factually inaccurate and should be denied.

During the trial, the Commonwealth called three witnesses—Christina Siminoe, Shelby Simone, and Nick Simone, Sr.—to testify about a family meeting that Appellant and the Victims’ mother hosted in November, 2019. Each of the three witnesses described statements that Appellant made during the meeting regarding his behavior toward A.S. and T.M.

Christina Simone, A.S. and T.M.’s maternal aunt, testified that during the meeting, Appellant stated:

that [he and the victims’ mother] were not going to be getting married because the girls would not be at the wedding because of an incident that happened a couple of times and that A.S. had come into the room and jerked him off and after a few minutes he had stopped it.

(N.T. at 183:15–19). On cross-examination, Appellant’s trial counsel, Attorney Bardo, engaged in the following line of questioning:

Attorney Bardo:	. . . Before the meeting, you smoked marijuana, right?
Christina Simone:	Yes.
Attorney Bardo:	No further questions.

(N.T. at 186:15–19).

<sup>4</sup> I note in passing that, following my decision to grant the Commonwealth’s objection as set forth fully above, Appellant’s trial counsel did not attempt to pursue a further line of questioning regarding A.S.’s reputation for untruthfulness in the community.

Shelby Simone, another maternal aunt of the victims, also testified. According to Shelby Simone, during the family meeting, Appellant stated that on one occasion, “he was in bed naked and that [A.S.] had come into the room and touched him on his penis, but that he—he didn’t allow her to finish him to completion.” (N.T. at 188:1–4). Shelby testified that Appellant also said “[t]hat he would watch pornography in the basement knowing that the girls were coming home from school,” explaining that “he would watch it loudly” and that “this was just a normal thing in their house.” (N.T. at 188:9–12). He also said “[t]hat it was completely normal for . . . him to walk around in his boxers and [he, A.S., and T.M.] would wrestle and play and sometimes his penis would fall out of his boxers.” (N.T. at 188:18–21). Finally, he said “[t]hat he would open up the shower when [A.S. and T.M.] were in there and tickle them or throw water on them, and that that was just normal things that happened in their house.” (N.T. at 188:24–189:2).

On cross, Attorney Bardo, asked Shelby Simone the following questions:

Attorney Bardo:	Were you under the influence of any substances during this meeting?
Shelby Simone:	No.
Attorney Bardo:	Marijuana?
Shelby Simone:	No.
Attorney Bardo:	Alcohol?
Shelby Simone:	No.
Attorney Bardo:	No further questions.

(N.T. at 191:20–192:2).

Nicholas Simone, Sr., the victims’ maternal uncle, testified next. He testified that he was also present at the November, 2019, family meeting but stated that the subject matter of the meeting, as described above, made him “uncomfortable” and that he “left shortly after it started.” (N.T. at 194:5–7). He testified that before he left the meeting, he did hear Appellant say that A.S. “initiated sexual contact towards him at one point.” (N.T. at 194:10–11). Attorney Bardo asked the following questions on cross-examination:

Attorney Bardo:	You smoked marijuana right before that meeting, right?
Nicholas Simone, Sr.:	I did not.
Attorney Bardo:	You did not?
Nicholas Simone, Sr.:	Correct.
Attorney Bardo:	Did you have any conversations with Christina after she testified and before you came in?
Nicholas Simone, Sr.:	Christina?
Attorney Bardo:	Yes.
Nicholas Simone, Sr.:	No.

---

Attorney Bardo: Did you have any conversations with your wife after she left and you came in?

Nicholas Simone, Sr.: No.

Attorney Bardo: You did not smoke marijuana that day?

Nicholas Simone, Sr.: I did not smoke marijuana before the meeting.

Attorney Bardo: You smoked after it?

Nicholas Simone, Sr.: Yes.

Attorney Bardo: Okay. You also drank a bunch of rum after it, too, right?

Nicholas Simone, Sr.: Right after I heard, yes.

(N.T. at 197:5–24).

Stated verbatim, Appellant’s third claim on appeal is that: The Trial Court abused its discretion in denying [Appellant] an opportunity to cross-examine witnesses for the Commonwealth who engaged in *ex parte* discussions on questions to be asked during cross examination. Specifically, witnesses for the Commonwealth were believed to have been under the influence of controlled dangerous substances when they allegedly heard the [Appellant] make inculpatory statements during a family meeting.

(Statement of Matters Complained Of, Mar. 15, 2022, at ¶ 3). The excerpts of trial testimony set forth above show that Appellant’s claim is baseless. Contrary to Appellant’s assertion, I permitted him to cross examine Commonwealth witnesses—Christina Simone, Shelby Simone, and Nicholas Simone, Sr.—regarding whether they were intoxicated during the November, 2019, family meeting.

I note in passing that during Appellant’s case-in-chief, Attorney Bardo called Samuel Minnick, a previous co-worker of Appellant’s, to the stand. Immediately after Mr. Minnick was sworn in, Attorney Bardo began his questioning as follows:

Attorney Bardo: Sam, when did you arrive in the courthouse today?

Samuel Minnick: 10:00.

Attorney Bardo: Okay. Did you sit outside in the hallway?

Samuel Minnick: Yes, I sat straight across the hallway.

Attorney Bardo: Do you know a guy named Nick Simone?

Samuel Minnick: Yes.

Attorney Bardo: Did you see him out there?



---

Samuel Minnick: Yes. I seen [sic] him  
come into the courtroom.

Attorney Bardo: Did you see anyone come out  
of the courtroom?

Samuel Minnick: I believe it was his wife.

Attorney Bardo: And did you hear her say  
anything to him?

Samuel Minnick: She said—

Commonwealth: Objection, Your Honor. It  
would be hearsay.

The Court: Sustained.

Attorney Bardo: Your Honor, it's an inconsis-  
tent statement. It also goes  
to one witness coaching an  
other witness on what to say.

The Court: Possibly. But it's Sustained.

Attorney Bardo: Your Honor, may we ap-  
proach?

The Court: No. Next question, please.

Attorney Bardo: Did she say anything about  
what he might be asked on  
the stand?

The Commonwealth: Objection, Your Honor. Hear  
say.

The Court: Sustained. Go ahead. Next  
question, please.

(N.T. at 239:8–240:4).

As set forth in his Statement of Matters Complained Of, Appellant's claim on appeal is that I erred in prohibiting cross examination of **Commonwealth** witnesses, not defense witnesses. However, assuming *arguendo* that Appellant seeks to challenge my decision to prohibit the testimony Attorney Bardo sought to elicit from defense witness Samuel Minnick, his argument must fail for two reasons. First, Attorney Bardo asked Mr. Minnick to repeat an out of court statement apparently offered for the truth of the matter asserted—that a Commonwealth witness was, in fact, under the influence of substances during the November, 2019, family meeting. The testimony was inadmissible hearsay evidence.

Second, even if the statement was offered for the non-truth purposes of impeachment or witness coaching, the relevance of whether Shelby Simone said something to Nicholas Simone before he testified regarding Attorney Bardo's questioning about intoxication was so limited that I did not err in sustaining the Commonwealth's objection. Therefore, Appellant's third claim is meritless.

#### **CONCLUSION**

For these reasons, each of the errors that Appellant complains of are without merit and the appeal should be denied. Accordingly, I enter the following:

---

**ORDER**

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

BY THE COURT:

JEFFERY D. WRIGHT  
JUDGE

**ESTATE AND TRUST NOTICES**

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

**FIRST PUBLICATION**

**Andriulli, Robert**, dec'd.

Late of Millersville.  
Executrix: Marilu Sieber c/o Patti Spencer, Spencer Law Firm, 320 Race Ave., Lancaster, PA 17603.  
Attorney: None.

**Burkhart, Arthur Ray, III a/k/a Arthur R. Burkhart, III**, dec'd.

Late of Clay Township.  
Executrix: Lauren N. Shephenson, 3 Drayton Court, Mechanicsburg, PA 17055.  
Attorney: None.

**Ebersol, Nancy M.**, dec'd.

Late of Leola.  
Executor: Michael E. Ebersol c/o Good & Harris, LLP, 132 West Main Street, New Holland, PA 17557.  
Attorneys: Good & Harris, LLP.

**Eitnier, William B.**, dec'd.

Late of East Lampeter Township.  
Executor: James R. Zimmerman c/o John R. Gibbel, Attorney, P.O. Box 5394, Lancaster, PA 17606.  
Attorney: Gibbel Kraybill & Hess, LLP.

**Habacker, Jay R. a/k/a Jay Robert Habecker**, dec'd.

Late of East Hempfield Township.  
Co-Executors: Kathy H. Gaddes, Keith A. Habecker c/o Douglas A. Smith, Attorney, P.O. Box 5349, Lancaster, PA 17606.  
Attorneys: Gibbel Kraybill & Hess LLP.

**Hibshman, Joan S.**, dec'd.

Late of Ephrata Borough.  
Executor: Bradley L. Hibshman c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.  
Attorney: Linda Kling, Esq., Kling, Deibler & Glick, LLP.

**Holmes, Shirley G.**, dec'd.

Late of West Lampeter Township.  
Executor: Melynda Holmes c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.  
Attorney: Matthew A. Grosh.

**Lawrence, William L. a/k/a William Lee Lawrence**, dec'd.

Late of Clay Township.  
Administratrix: Cheryl A. Lawrence c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.  
Attorney: Kurt A. Gardner.

---

**Myers, Susan M.**, dec'd.

Late of Manor Township.  
Administrator: Thomas M. Gish,  
Sr. c/o John R. Gibbel, Attor-  
ney, P.O. Box 5394, Lancaster,  
PA 17606.  
Attorney: Gibbel Kraybill &  
Hess, LLP.

---

**Rivera, Estrella**, dec'd.

Late of Lancaster City.  
Executor: Luis Gonzalez c/o Jef-  
frey R. Bellomo, Esq., Bellomo  
& Associates, LLC, 3198 East  
Market Street, York, PA 17402.  
Attorney: Jeffrey R. Bellomo,  
Esq.

---

**Suk, William, Jr.**, dec'd.

Late of Manheim Township.  
Executrix: Wanda Osborn c/o  
Gregory M. Lane, Esq., 2617 N.  
Second Street, Harrisburg, PA  
17110.  
Attorney: Gregory M. Lane, Esq.

---

**Sweigart, Rodney G.**, dec'd.

Late of East Cocalico Township.  
Executor: Steven Sweigart 201  
Reistville Road, Myerstown, PA  
17067.  
Attorney: Elizabeth Roberts  
Fiorini, Esq., Fiorini Law, P.C.,  
1150 W. Penn Avenue, Womels-  
dorf, PA 19567.

---

**Waller, Lynette E.**, dec'd.

Late of West Donegal Township.  
Executor: Clayton C. Cloen, Jr.  
c/o George W. Porter, Esq., 909  
East Chocolate Avenue, Her-  
shey, PA 17033.  
Attorney: George W. Porter, Esq.

---

**SECOND PUBLICATION**

---

**Bertelman, Janet F.**, dec'd.

Late of Manor Township.

Executrix: Janell J. Berté, 1560  
Stone Mill Rd., Lancaster, PA  
17603.

Attorney: None.

---

**Bomberger, David L.**, dec'd.

Late of West Earl Township.  
Administratrix: Krysta L. Barn-  
hart c/o 2627 Lititz Pike Lan-  
caster, PA 17061.

Attorney: Matthew A. Bomberg-  
er, Esq., 2627 Lititz Pike Lan-  
caster, PA 17061.

---

**Bruner, Carol Jean**, dec'd.

Late of West Hempfield Town-  
ship.

Executrix: Patricia Lee Gravelle  
c/o Karl Kreiser, Esquire, 553  
Locust Street, Columbia, PA  
17512.

Attorney: Mountz & Kreiser,  
553 Locust Street, Columbia,  
PA 17512.

---

**Collins, Joyce C.**, dec'd.

Late of West Lampeter Town-  
ship.

Co-Executors: Robert F. Collins,  
Carl W. Collins c/o Vance E. An-  
tonacci, Esquire, McNees Wal-  
lace & Nurick LLC, 570 Lausch  
Lane, Suite 200, Lancaster, PA  
17601.

Attorney: McNees Wallace &  
Nurick LLC.

---

**Eckman, Ross D. a/k/a Ross  
David Eckman a/k/a Ross Eck-  
man**, dec'd.

Late of Fulton Township.

Executrix: Pamela J. Eckman  
c/o James S. Tupitza, Esquire,  
212 W. Gay Street, West Ches-  
ter, PA 19380.

Attorney: James S. Tupitza,  
Esquire, Tupitza & Associates,  
P.C., 212 W. Gay Street, West  
Chester, PA 19380.

---

**Erb, Joan C.**, dec'd.

Late of Lititz.  
Executrix: Kathryn C. Kiskaddon.  
Attorney: Lindsay Casadei, Esq., Byler & Winkle, P.C., 363 West Roseville Road, Lancaster, PA 17601.

---

**Evans, Annmarie E.**, dec'd.

Late of East Hempfield Township.  
Executrix: Pamela L. Doll, 744 Robin Road, Lancaster, PA 17601.  
Attorney: Kenneth C. Sandoe, Esquire, Steiner & Sandoe, Attorneys.

---

**Getz, Gregory Ivan**, dec'd.

Late of Lancaster City.  
Administrator: James N. Boudner, 301 W. Donegal Street, Mount Joy, PA 17552.  
Attorney: Clayton A. Lingg, Esquire, MOONEY LAW, 230 York Street, Hanover, PA 17331.

---

**Glick, Mary G.**, dec'd.

Late of Upper Leacock Township.  
Executor: Chester Zook c/o James N. Clymer, Esq. 408 West Chestnut Street. Lancaster, PA 17603.  
Attorney: Clymer Musser & Samo, PC.

---

**Gonzalez, Mariano A.**, dec'd.

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

---

**Green, Michiko**, dec'd.

Late of Salisbury Township.  
Administrator: Patricia A. Logue c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.  
Attorney: Linda Kling, Esq., Kling, Deibler & Glick, LLP.

---

**Hartnett, Ruth K.**, dec'd.

Late of West Hempfield Township.  
Executor: Christina Milsom, c/o 327 Locust Street, Columbia, PA 17512.  
Attorney: Michael S. Grab, Esquire, Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia, PA 17512.

---

**Haynick, Marla L.**, dec'd.

Late of East Lampeter Township.  
Executrix: Heather M. Martin c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster PA 17602.  
Attorney: Samuel M. Mecum.

---

**Hennessey, Karen L., a/k/a**

**Hennessey, Karen Lynn**, dec'd.

Late of Providence Township.  
Executor: Sean Hennessey c/o Brian Honness, Esquire McNeese, Wallace & Nurick LLC 570 Lausch Lane, Suite 200, Lancaster, PA 17601.  
Attorney: McNeese Wallace & Nurick LLC.

---

**Kinch, Blanche I. a/k/a Blanche N. Kinch**, dec'd.

Late of West Donegal Township.  
Executor: William P. Kinch, 3569 State Route 209, Elizabethville, PA 17023.  
Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023.

---

**Lewis, Elizabeth O. a/k/a Elizabeth O'Shea Lewis a/k/a Elizabeth Lewis**, dec'd.

Late of East Hempfield Township.

Executrices: Susan Luton-Prentiss, Cheri Rutt Work c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster PA 17602.

Attorney: James W. Appel.

---

**Mack, Audrey S.**, dec'd.

Late of Mount Joy Borough.

Executor: Carolyn M. Rineer c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.

Attorney: Bradley A. Zuke.

---

**Maulick, Robert W.**, dec'd.

Late of East Cocalico Township. Executrix: Janice E. Maulick c/o Masano Bradley, 875 Berkshire Boulevard, Suite 100, Wyomissing, PA 19610.

Attorney: Karen H. Cook, Esquire, Masano Bradley, 875 Berkshire Boulevard, Suite 100, Wyomissing, PA 19610.

---

**Meashey, James A.**, dec'd.

Late of East Cocalico Township. Administrator: Joshua J. Kellison c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.

Attorney: Kurt A. Gardner.

---

**Riehl, Moses B.**, dec'd.

Late of Paradise Township.

Executor: Jacob M. Riehl, Elizabeth Marie Stoltzfus c/o David P. Carson, 2547 Lititz Pike, Lancaster, PA 17601.

Attorney: David P. Carson.

---

**Russell, Marian L.**, dec'd.

Late of Martic Township.

Executrix: Janie R. Barton, P.O. Box 2, Pequea PA, 17565.

Attorney: Jay M. Whittington, Esq., 8 North Queen St., Ste. 302, Lancaster, PA 17603.

---

**Sauber, Henry E.**, dec'd.

Late of West Lampeter Township.

Executrix: Emma L. Greer c/o Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603.

Attorney: James R. Clark.

---

**Schell, Patricia L.**, dec'd.

Late of East Lampeter Township.

Executor: Jeffrey A. Alboum c/o Eric Schelin Rothermel, Esquire, 49 North Duke Street, Lancaster, PA 17602.

Attorney: May, Herr & Grosh, LLP.

---

**Seymour, Shaun A.**, dec'd.

Late of Earl Township.

Executor: Shaun A. Seymour, II c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.

Attorney: Linda Kling, Esq., Kling, Deibler & Glick, LLP.

---

**Smoker, Esther B.**, dec'd.

Late of Manheim Township.

Executor: Carl L. Smoker c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.

Attorney: Linda Kling, Esq., Kling, Deibler & Glick, LLP.

---

**Ward, Bessie Mae**, dec'd.

Late of Lancaster Borough.

Executor: Grace C. Nguyen Bond c/o Blakinger Thomas, PC, 28 Penn Square, Lancaster,

---

PA 17603.  
Attorneys: Blakinger Thomas,  
PC.

**THIRD PUBLICATION**

---

**Baker, Samuel L. a/k/a Samuel  
Luther Baker**, dec'd.

Late of West Lampeter Township.  
Executor: Eric C. Baker, 1928  
Waldheim Road, Bethlehem, PA  
18015.  
Attorney: None.

---

**Bowman, Minerva S.**, dec'd.

Late of Earl Township.  
Executors: Nelson L. Bowman,  
James C. Bowman c/o Nevin D.  
Beiler, Esq., 105 S Hoover Ave,  
New Holland, PA 17557.  
Attorney: Nevin D. Beiler, Esq.

---

**Burrey, William C., III**, dec'd.

Late of Manheim Township.  
Executrix: Carol A. Burrey c/o  
Jeffrey C. Goss, Esquire. 480  
New Holland Avenue, Suite  
6205 Lancaster, PA 17602.  
Attorney: Brubaker Connaug-  
ton Goss & Lucarelli LLC.

---

**Daly, Thomas M.**, dec'd.

Late of West Cocalico Township.  
Executrix: Mary Phillips c/o  
Jennifer L. Mejia, Mejia Law  
Group, LLC, 1390 W. Main  
Street, Ephrata, PA 17522.  
Attorney: Mejia Law Group,  
LLC.

---

**Eberly, David W.**, dec'd.

Late of West Earl Township.  
Executrix: Denise L. Good.  
Attorney: Michelle M. Forsell,  
Esq., WOLF, BALDWIN & AS-  
SOCIATES, P.C., 570 Main  
Street Pennsburg, PA 18073.

---

**Ekis, David A.**, dec'd.

Late of Lancaster.  
Executrix: Melissa I. Ekis, 31  
Bittendorf Way, Reinholds, PA  
17569.  
Attorney: None.

---

**Evans, Ann S.**, dec'd.

Late of Manor Township.  
Executor: Debra A. Getz c/o  
327 Locust Street, Columbia,  
PA 17512.  
Attorney: John F. Markel, Ni-  
kolaus & Hohenadel, LLP, 327  
Locust Street, Columbia, PA  
17512.

---

**Forry, Harold**, dec'd.

Late of Reinholds.  
Deceased: Berks County.  
Executor: Ronald E. Forry.  
Attorney: Scott G. Hoh, Esquire,  
Law Office of Scott G. Hoh, 606  
North 5th Street, Reading, PA  
19601.

---

**Frey, Joyce Lee a/k/a Joyce L.  
Frey**, dec'd.

Late of Lancaster City.  
Executor: Barry L. Frey, Jr.  
c/o Pyfer, Reese, Straub, Gray  
& Farhat, P.C., 128 N. Lime  
Street, Lancaster, PA 17602.  
Attorney: Pyfer, Reese, Straub,  
Gray & Farhat, P.C.

---

**Imler, Darryl E. a/k/a Darryl  
Eugene Imler**, dec'd.

Late of Upper Leacock Town-  
ship.  
Executrix: Jean L. Imler c/o  
H. Charles Benner, Attorney,  
200 East Main Street, Leola, PA  
17540.  
Attorney: H. Charles Benner,  
Esq.

---

**Garrett, Irene B.**, dec'd.

Late of Earl Township.  
Executor: Carol J. Taylor c/o

---

Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.  
Attorney: Linda Kling, Esq.,  
Kling, Deibler & Glick, LLP.

---

**Harlan, Philip L. a/k/a Philip Lee Harlan, dec'd.**

Late of Lancaster Township.  
Executrix: Debra A. Harlan c/o Christopher A. Sarno, Esq. 408 West Chestnut Street Lancaster, PA 17603.  
Attorney: Clymer Musser & Sarno, PC.

---

**Hernandez, Anthony Jaden, dec'd.**

Late of Colombia Borough.  
Executor: Ferdinand Hernandez, Jr. c/o Russell, Krafft & Gruber, LLP, 101 North Pointe Blvd., Suite 202, Lancaster, PA 17601.  
Attorney: Holly S. Filius, Esquire.

---

**Heyder, Wolfgang H., a/k/a Wolfgang Herman Heyder, dec'd.**

Late of Caernarvon Township.  
Executor: Mark H. Heyder c/o Nevin D. Beiler, Esq., 105 S. Hoover Ave, New Holland, PA 17557.  
Attorney: Nevin D. Beiler, Esq.

---

**Keller, Kurt H., dec'd.**

Late of Lititz.  
Co-Executrices: Jaclyn S. Brendle, Heather L. Robison, 96 Spruce Street, Ephrata, PA 17522.  
Attorney: None.

---

**Ketner, LaRue D. a/k/a LaRue Doris Ketner, dec'd.**

Late of Warwick Township.  
Executor: Kevin L. Ketner c/o Young and Young, 44 S. Main

Street, P.O. Box 126, Manheim, PA 17545.  
Attorney: Young and Young.

---

**Kopp, Arlene R., dec'd.**

Late of East Donegal Township.  
Executor: Diane M. Kepner c/o Law Office of Shawn Pierson, 105 East Oregon Rd., Lititz, PA 17543.  
Attorney: Shawn M. Pierson, Esq.

---

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

Late of Manheim Township.  
Co-Executors: Heather F. Blake, John H. McFalls c/o John H. May, Esquire, 49 North Duke Street, Lancaster, PA 17602.  
Attorneys: May, Herr & Grosh, LLP.

---

**Mesropian, Diana, dec'd.**

Late of New Holland Borough.  
Executor: Randall M. Fischer, 47 Sherks Church Road, Palmyra, PA 17078.  
Attorney: David M. Roth, Esquire, The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102.

---

**Mylin, Abram L., dec'd.**

Late of Pequea Township.  
Executor: John W. Mylin c/o Kling, Deibler & Glick, LLP 131 W. Main Street, New Holland, PA 17557.  
Attorney: Patrick A. Deibler, Esq. Kling, Deibler & Glick, LLP; Samuel Goodley, III, Esq. Sam Goodley Law, LLC.

---

**Nissley, Clayton, dec'd.**

Late of Manheim Township.  
Administrator: Barbara N. Good c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.



Attorney: Young and Young.

---

**Platt, DiAnn M.**, dec'd.

Late of West Lampeter Township.

Executor: Melvin R. Grill, Jr. c/o Mark L. Blevins, Esquire, 701 Penn Grant Road, Lancaster, PA 17602.

Attorney: Mark L. Blevins, Esq.

---

**Ressel, Barry R. a/k/a Barry R.**

**Ressel, Sr.**, dec'd.

Late of East Lampeter Township.

Executrix: Michelle M. Pawling c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.

Attorney: Jeffrey P. Ouellet, Esquire.

---

**Riehl, Emma a/k/a Emma B.**

**Riehl**, dec'd.

Late of New Holland Borough.

Executors: David E. Riehl, LeRoy A. Riehl c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.

Attorney: Jeffrey P. Ouellet, Esquire.

---

**Roush, John R. a/k/a John**

**Robert Roush**, dec'd.

Late of Warwick Township.

Executrix: Dawn M. Roush c/o Thomas M. Gish, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorney: Gibbel Kraybill & Hess, LLP.

---

**Schmidt, E. Doris a/k/a Evelyn**

**Doris Schmidt**, dec'd.

Late of West Donegal Township.

Executor: Susan M. Hower c/o Nikolaus & Hohenadel, LLP, 222 South Market Street, Suite 201, Elizabethtown, PA 17022.

Attorney: Kevin D. Dolan, Esq.

---

**Shultz, Faye L. a/k/a Faye Louise Shultz**, dec'd.

Late of Manheim Township.

Co-Executors: Penny L. Shultz, Jennifer Shultz Pizii c/o Bellomo & Associates, LLC 3198 East Market Street, York, PA 17402.

Attorney: Jeffrey R. Bellomo, Esquire.

---

**Sites, Marcia G.**, dec'd.

Late of Ephrata Township.

Executrix: Lisa J. Steffen c/o Jennifer L. Mejia, Mejia Law Group, LLC, 1390 W. Main Street, Ephrata, PA 17522.

Attorney: Mejia Law Group, LLC.

---

**Snow, Brian Douglas**, dec'd.

Late of Mount Joy Township.

Executor: Chelsea Snow, 44 N Poplar St., Elizabethtown, PA 17022.

Attorney: None.

---

**Snyder, Anna Mae**, dec'd.

Late of Caernarvon Township

Executor: Denise A. Myers c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.

Attorney: James K. Noel, IV Esq.

---

**Sprankle, Mary Louise a/k/a**

**Sprankle, Mary Lou**, dec'd.

Late of Manor Township.

Executor: Jeffrey P. Ouellet c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.

Attorney: Jeffrey P. Ouellet, Esquire.

---

**Walker, Marie A. a/k/a Marie Ann Walker**, dec'd.

Late of Ephrata Township.

Executor: Bruce Edward Walker c/o Appel, Yost & Zee LLP, 33 N. Duke St., Lancaster, PA 17602.

Attorney: Michael J. Rostolsky.

**Waller, Shirley L.,** dec'd.

Late of West Hempfield Township.

Executrix: Candis R. Brendel, 237 S. 4th Street, Apt. 11, Columbia, PA 17512.

Attorney: None.

**Weaver, Helen J.,** dec'd.

Late of East Hempfield Township.

Executor: Susan F. Weaver c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.

Attorney: Bradley A. Zuke.

**ACTION TO QUIET TITLE**

ACTION TO QUIET TITLE  
IN THE COURT OF COMMON  
PLEAS

CIVIL ACTION - LAW

**NO.: CI-23-03934**

TO: HRS Holding Corp., and all persons having or claiming to have any right, lien, title, interest in or claim against 917 Wabank Street, City of Lancaster, County of Lancaster, Commonwealth of Pennsylvania.

TAKE NOTICE THAT Luis and Carmen Rodriguez have filed a Complaint in Action to Quiet Title in the aforesaid Court as of the above term and number, and praying the Court to adjudicate and decree their title and right of possession to said premises, indefeasible as against all rights and claims whatsoever, and you are hereby notified to file an Answer within twenty (20) days following

the date of this publication, in default of which an Order may be entered as prayed for against you, requiring you to take such action as may be ordered by the Court within thirty days after the entry of such Order in default of which final judgment shall be entered.

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 Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER AND WISH TO RETAIN ONE, PLEASE CALL THE NUMBER LISTED BELOW:

LAWYER REFERRAL SERVICE  
717-393-0737

CLYMER MUSSER & SARNO PC  
Christopher A. Sarno, Esq.  
408 West Chestnut Street  
Lancaster, PA 17603  
717-299-7101

Ju-21

**ORPHANS' COURT NOTICE**

IN THE COURT OF COMMON  
PLEAS

ORPHANS' COURT DIVISION

**TERM NOS. 1104 of 2023**

IN RE: **E.B.G., a minor**

**NOTICE**

TO: Unknown Father

Notice is hereby given that the Lancaster County Children & Youth Social Service Agency has presented to Orphans' Court Di-

vision, 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 in Lancaster County, PA to Mother, Melissa Marie Gutshall A/K/A Melissa Graybill. The Court has set a hearing to consider ending your rights to your children. That hearing will be held in Courtroom No. 2 of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, PA, on **July 25, 2023 at 1:00 pm** 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 children 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 CHIL-

DREN & YOUTH SOCIAL SERVICE AGENCY  
150 NORTH QUEEN STREET  
LANCASTER, PA 17603  
(717) 299-7925

Ju 7, 14

**SUITS ENTERED**

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

June 29, 2023  
to July 04, 2023

AROCHA, MARK; George J. Grove & Son Inc.; 04510  
Chabbi Lal Biswa; 04523  
COOMBS, JEFFREY R.; First Commonwealth Federal Credit Union; 04494; Nesfeder  
DELOS SANTOS, VANESSA; Onemain Financial Group LLC; 04596; Borer  
HOUSTON, MONICA E., REINCKE, FREDERICK; Linderman Snavelly Realtors LLC; 04580  
JONES JR., RANDY L.; Onemain Financial Group LLC; 04594; Borer  
LANCASTER GENERAL HOSPITAL, LANCASTER ORTHOPEDIC ASSOCIATES, LTD, PENN MEDICINE, PENN MEDICINE LANCASTER, TOCKS D.O., GREGORY A., JOHN DOE, JANE DOE; Tina Louise Alexander; 04577; Cohen  
MEYER, JACK E., CHIMNEYS WHITE ESTATE, MEYERS, JESSICA R.; Dianna Whaley; 04486; Houghton  
ONEILL, ABIGAIL G., ONEILL, THOMAS; Barbara A. Carter; 04544; Farhat