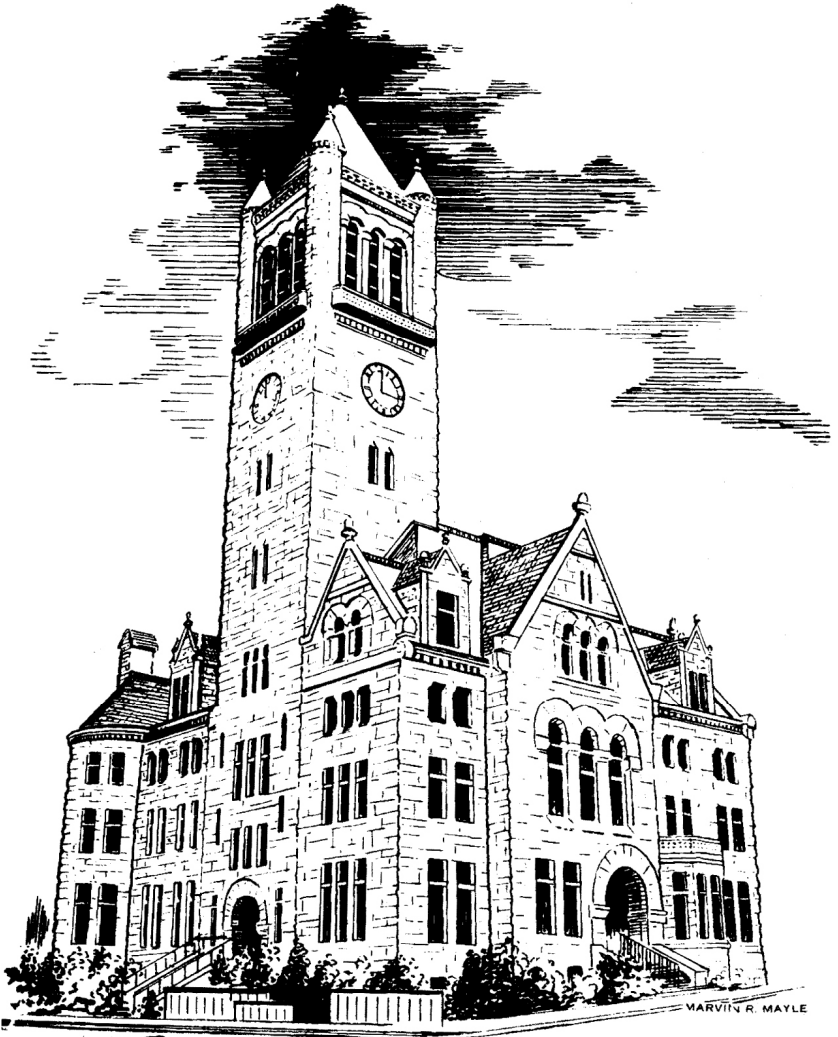


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FAYETTE LEGAL JOURNAL

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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 H. BURKETT, late of Washington Township, Fayette County, PA ⁽³⁾

Executor: Debra L. Morrow
1243 Ridge Road
Rostraver Township, PA 15012
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

EDITH A. MASNEY, late of Luzerne Township, Fayette County, PA ⁽³⁾

Executrix: Diana S. Green
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

DOROTHY M. PAQUET, a/k/a DOROTHY PAQUET, late of Fayette City, Fayette County, PA ⁽³⁾

Executrix: Chris A. Pierce
900 Fayette City Road
Fayette City, PA 15438
c/o 400 Market Street
Elizabeth, PA 15037
Attorney: Daniel F. Bekavac, Jr.

JAMES E. SUMEY, late of South Union Township, Fayette County, PA ⁽³⁾

Executor: Bradley A. Sumey
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

Second Publication

ANGELA BROOKS, late of South Connellsville, Fayette County, PA ⁽²⁾

Executor: William A. Brooks
177 Spaugy Hollow Road
Connellsville, Pa 15425
c/o Snyder & Snyder
17 North Diamond Street
Mt. Pleasant, PA 15666
Attorney: Marvin Snyder

THERESA M. BROOKS, late of Uniontown, Fayette County, PA ⁽²⁾

Personal Representative: Vincent T. Brooks
c/o P.O. Box 953
Uniontown, PA 15401
Attorney: Ricardo J. Cicconi

GERY GMITER, a/k/a GERY J. GMITER, late of South Union Township, Fayette County, PA ⁽²⁾

Administrator: Nicole Bounds
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

JANET HILTABIDEL, late of Connellsville, Fayette County, PA ⁽²⁾

Co-Executor: Arnold Hiltabidel
6470 Lucky Lane
Liberty Township, OH 45044
Co-Executor: Victoria S. Cowles
16 Granite Peak Court
Oroville, CA 95966
c/o Mears, Smith, Houser & Boyle, P.C.
127 North Main Street
Greensburg, PA 15601
Attorney: Kim Ross Houser

MELODIE SUE HODNIK, a/k/a MELODIE S. HODNIK, late of Dunbar Township, Fayette County, PA ⁽²⁾

Personal Representative: Matthew D. Maple
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

BERTHA LOUISE NICHOLSON, late of Dunbar Township, Fayette County, PA (2)

Executor: Janet Mickey
c/o Rowan Law Office
890 Vanderbilt Road
Connellsville, PA 15425
Attorney: Mark Rowan

LANCE KRISTAN, a/k/a LANCE J. KRISTAN, late of Saltlick Township, Fayette County, PA (1)

Executor: Thomas Kristan
c/o 124 Vannear Avenue
Greensburg, PA 15601
Attorney: Matthew A. Curiale

ALAN WILSON, late of Franklin Township, Fayette County, PA (2)

Administrator: Daniel L. Rockwell
255 Sleepy Hollow Road
Smithfield, PA 15478
c/o 111 East Main Street
Uniontown, PA 15401
Attorney: Robert Harper

PATRICIA A. LONG, a/k/a PATRICIA ANNE LONG, late of Stewart Township, Fayette County, PA (1)

Personal Representative:
Anna Marie Collins
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

First Publication

MARY BENNER, late of Wharton Township, Fayette County, PA (1)

Personal Representative: Marylou B. Rohlf
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

AUDREY J. METZGER, a/k/a AUDREY JUNE METZGER, late of Connellsville, Fayette County, PA (1)

Co-Executors: Kenneth Ray Metzger and
Kenneth Charles Metzger
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

BRADLEY SPADE, late of Uniontown, Fayette County, PA (1)

Executor: Anna Spade
209 Whyte Avenue
Uniontown, PA 15401

PATRICIA ANN SHUBA, a/k/a PATRICIA A. SHUBA, late of Menallen Township, Fayette County, PA (1)

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

DEBORAH ANN CRAGO, a/k/a DEBORAH A. CRAGO, late of Uniontown, Fayette County, PA (1)

Personal Representative: Charles Crago, Sr.
c/o George & George, LLP
92 East Main Street
Uniontown, PA 15401
Attorney: Joseph M. George

WILLIAM DANIEL SHUPE, late of Dunbar Township, Fayette County, PA (1)

Personal Representative: William David Shupe
c/o Davis and Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

ANITA BELLE KENNEDY, late of Dickerson Run, Fayette County, PA (1)

Personal Representative: Misty Zebley
3002 Valley Drive
Connellsville, PA 15425
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

MARTHA TOTH, a/k/a MARTHA M. TOTH, late of North Union Township, Fayette County, PA (1)

Personal Representative: Marianne Toth,
a/k/a Marianne Slavensky
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

ANGELINA M. YODER, late of Luzerne Township, Fayette County, PA (1)
Co-Executrix: Wanda Y. Broadwater
Co-Executrix: Christina Y. Becker
 c/o Webster & Webster
 51 East South Street
 Uniontown, PA 15401
Attorney: Webster & Webster

LEGAL NOTICES

NOTICE OF HEARING ON PETITION TO INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

IN RE: LYDIA RAE LUBIC f/k/a LYDIA RAE REDMON, a minor child (A 71 ADOPT 2019) in the Orphan's Court Division of Fayette County

TO: KURT LEE REDMON a/k/a Father of Lydia Rae Lubc, F/k/A Lydia Rae Redmon, a minor child born on October 14, 2013 in Allegheny County, Pennsylvania

Petitions have been filed asking the Court to put an end to the rights you have to your minor child, Lydia Rae Lubic f/k/a Lydia Rae Redmon. The Court has set a hearing date to consider ending your rights to your child. The hearing will be held at the Orphan's Court Division of the Court of Common Pleas of Fayette County, Room 5, on Tuesday, February 11, 2020, at 2:00 p.m., prevailing time, before the Honorable Joseph M. George. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without you 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.

This is also to inform you 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 or communication

following an adoption between an adoptive parent, a child, a birth parent and/or a birth relative of the child if all parties agree and the voluntary agreement is approved by the Court. If you are interested in learning more about this option for a voluntary agreement, contact your attorney or:

LAWYER REFERRAL SERVICE
 FAYETTE COUNTY BAR ASSOCIATION
 2 WEST MAIN STREET – SUITE 711
 UNIONTOWN, PA 15401
 (724) 437-7994

FAYETTE COUNTY CHILDREN SERVICES
 130 OLD NEW SALEM ROAD
 UNIONTOWN, PA 15401
 (724) 430-1283

ATTORNEY FOR PETITIONERS

NOTICE

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about January 2, 2020, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Creations & Curiosities with the principal place of business at: 341 Adelaide Road, Connellsville, PA 15425. The name or names and addresses of persons owning and interested are: Kellie A. Rohaley 341 Adelaide Road, Connellsville, PA 15425.

Richard A. Husband, Esquire
 208 South Arch Street, Suite 2
 Connellsville PA 15425

NOTICE OF ACTION IN MORTGAGE FORECLOSURE IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA CIVIL ACTION – LAW

COURT OF COMMON PLEAS
 CIVIL DIVISION
 FAYETTE COUNTY
 No. 2019-02011

NATIONSTAR MORTGAGE LLC D/B/A
 CHAMPION MORTGAGE COMPANY
 Plaintiff

vs.

UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER EDGAR E. MCMASTER A/K/A EDGAR MCMASTER A/ K/A EDGAR E. MCMASTERS, DECEASED

Defendant

NOTICE

To UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER EDGAR E. MCMASTER A/K/A EDGAR MCMASTER A/ K/A EDGAR E. MCMASTERS, DECEASED

You are hereby notified that on September 17, 2019, Plaintiff, NATIONSTAR MORTGAGE LLC D/B/A CHAMPION MORTGAGE COMPANY, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of FAYETTE County Pennsylvania, docketed to No. 2019-02011. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 558 HICKORY SQUARE ROAD, CONNELLSVILLE, PA 15425-6130 whereupon your property would be sold by the Sheriff of FAYETTE County.

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

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral Service:
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street.
P.O. Box 186
Harrisburg, PA 17108
Telephone (800) 692-7375

**IN THE UNITED STATES
DISTRICT COURT
FOR THE WESTERN DISTRICT OF
PENNSYLVANIA
CIVIL ACTION NO. 2:19-cv-00102-MJH**

UNITED STATES OF AMERICA,
Plaintiff
vs.
DEBORAH S. LEE,
Defendant

MARSHAL’S SALE: By virtue of a Writ of Execution issued out of the United States District Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the real property located at and being more fully described at Fayette County Instrument No. 200400010638, Book 2909, Page 1640.

SAID SALE to be held at the Fayette County Courthouse, in the hallway outside of the Sheriff’s Office, 61 E. Main Street, Uniontown, PA 15401 at **10:00 a.m.** prevailing standard time, on **February 12, 2020.**

ALL that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Parcel No. 21-11-0185 recorded in Fayette County, Pennsylvania, commonly known as: **216 Smithfield Road, Masontown, PA 15461.**

IDENTIFIED as Tax/Parcel #: 21-11-0185 in the Deed Registry Office of Fayette County, Pennsylvania. HAVING erected a dwelling thereon known as 216 SMITHFIELD ROAD, MASONTOWN, PA 15461. BEING the same premises conveyed to Deborah S. Lee, dated June 17, 2004, and recorded on June 25, 2004 in the office of the Recorder of Deeds in and for

Fayette County, Pennsylvania. Seized and taken in execution as the property of Deborah S. Lee at the suit of the United States of America, acting through the Under Secretary of Rural Development on behalf of Rural Housing Service, United States Department of Agriculture, to be sold on Writ of Execution as Civil Action No. 2:19-cv-00102.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by certified check or money order upon the property being struck down to such bidder, and the remainder of the bid within thirty (30) days from the date of the sale and in the event the bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Sheila Blessing, 700 Grant Street, Suite 2360, Pittsburgh, PA 15219. Bidder must have deposit funds immediately available and on his person in order to bid, bidder will not be permitted to leave the sale and return with deposit funds. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth (30th) day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Michael Baughman, Acting United States Marshal. For additional information, please contact Cathy Diederich at 314-457-5514 or the USDA foreclosure website at www.resales.usda.gov. (2 of 4)

NOTICE OF ACTION IN MORTGAGE FORECLOSURE IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA CIVIL ACTION – LAW NO.: 2019-02199 CALIBER HOME LOANS, INC., Plaintiff, vs. Ronald L. Haney, as Believed Heir and/or Administrator of the Estate of Lloyd Haney, Jr., AKA Lloyd Haney, AKA Lloyd W. Haney, Jr.; Lloyd W. Haney, III, as Believed Heir and/or Administrator of the Estate of Lloyd Haney, Jr., AKA Lloyd Haney, AKA Lloyd W. Haney, Jr.; Jennie R. Moran, as Believed Heir and/or Administrator of the Estate of Lloyd Haney, Jr., AKA Lloyd Haney, AKA Lloyd W. Haney, Jr.; Unknown Heirs and/or Administrators of the Estate of Lloyd Haney, Jr., AKA Lloyd Haney, AKA Lloyd W. Haney, Jr., Defendants TO: Unknown Heirs and/or Administrators of the Estate of Lloyd Haney, Jr., AKA Lloyd Haney, AKA Lloyd W. Haney, Jr. You are hereby notified that Plaintiff, Caliber Home Loans, Inc., filed an Action in Mortgage Foreclosure endorsed with a Notice to Defend, in the Court of Common Pleas of Fayette County, Pennsylvania, docketed to No. 2019-02199, seeking to foreclose the mortgage secured by the real estate located at 64 Bailey Avenue, Uniontown, PA 15401. A copy of the Action in Mortgage Foreclosure will be sent to you upon request to the Attorney for the Plaintiff, Manley Deas Kochalski LLC, P. O. Box 165028, Columbus, OH 43216-5028. Phone 614-220-5611. You have been sued in court. If you wish to defend against the claims in this notice, you must take action within twenty (20) days after this publication, 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 NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.** LAWYER REFERRAL SERVICE Pennsylvania Lawyer Referral Service Pennsylvania Bar Association P.O. Box 186 Harrisburg, PA 17108 (800) 692-7375

SHERIFF'S SALE

Date of Sale: March 19, 2020

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 19, 2020, at 2:00 p.m. in Courtroom Number One 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. (1 of 3)

James Custer
Sheriff Of Fayette County

Andrew J. Marley, Esquire
Stern & Eisenberg, PC
1581 Main Street, Suite 200
The Shops at Valley Square
Warrington, PA 18976
Phone: (215) 572-8111

No. 2389 of 2013 GD
No. 355 of 2019 ED

Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2005-QS14

**v.
Randy Canose and Kelly Canose**

By virtue of Writ of Execution No. 2389 of 2013 GD, Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2005-QS14 v. Randy Canose and Kelly Canose, 772 Virgin Run Road, Franklin Township, Vanderbilt, PA 15486, Tax Parcel No. 13-06-0058. Improvements thereon consisting of a Residential Dwelling, sold to satisfy judgment in the amount of \$214,086.28.

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

No. 1664 of 2019 GD
No. 352 of 2019 ED

**QUICKEN LOANS INC.
635 Woodward Avenue
Detroit, MI 48226**

**Plaintiff
vs.**

**JACOB CLIFTON
Mortgagor(s) and Record Owner(s)
341 Virginia Circle
Uniontown, PA 15401
Defendant**

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

BEING KNOWN AS: 341 VIRGINIA
CIRCLE, UNIONTOWN, PA 15401
TAX PARCEL #34-05-0077-25
IMPROVEMENTS: A RESIDENTIAL

DWELLING
SOLD AS THE PROPERTY OF: JACOB
CLIFTON

No. 2189 of 2019 GD
No. 378 of 2019 ED

**Broker Solutions, Inc. dba New American
Funding
PLAINTIFF
vs.
Dale E. Davis, III
DEFENDANT**

ALL THAT CERTAIN piece or parcel of land situate in South Union Township, Fayette County, Pennsylvania, more particularly bounded and described as follows:

COMMONLY KNOWN AS: 139 Pine Knob Road, Hopwood, PA 15445
TAX PARCEL NO. 34-38-0099

No. 2172 of 2019 GD
No. 380 of 2019 ED

**PENNSYLVANIA HOUSING FINANCE
AGENCY,
PLAINTIFF
vs.
TABITHA DEBERRY AND
CARL JOSEPH DEBERRY JR.,
DEFENDANTS**

ALL those certain pieces or parcels of land situate in Washington Township, Fayette County, Pennsylvania, bounded and described as follows:

FIRST: being approximately 13.1 x 20.2 x 18 x 10.32 perches; and

SECOND: being approximately 13.1 x 1.1 x 13 x 1.2 perches.

HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 255 GILLESPIE HOLLOW ROAD FAYETTE CITY, PA 15438.

Tax Parcel # 41-22-0003

Fayette Deed Book 3171, page 855

TO BE SOLD AS THE PROPERTY OF CARL JOSEPH DEBERRY, JR. AND TABITHA DEBERRY, FAYETTE COUNTY JUDGMENT NO. 2172-2019.

Phelan Hallinan Diamond & Jones, LLP

No. 1782 of 2019 GD
No. 383 of 2019 ED

**The Bank of New York Mellon fka The Bank of New York as Indenture Trustee for The Noteholders of The Cwabs, Inc., Asset Backed Notes, Series 2005-SD1
Plaintiff
v.
Virginia Dolfi
Defendant(s)**

By virtue of a Writ of Execution No. 2019-01782, The Bank of New York Mellon fka The Bank of New York as Indenture Trustee for The Noteholders of The Cwabs, Inc., Asset Backed Notes, Series 2005-SD1 v. Virginia Dolfi, owner (s) of property situate in the REDSTONE TOWNSHIP, Fayette County, Pennsylvania, being 474 Braznell Concrete Road, Grindstone, PA 15442-1026

Parcel No.: 30-02-0016

Improvements thereon: RESIDENTIAL DWELLING

No. 446 of 2019 GD
No. 359 of 2019 ED

**Plaza Home Mortgage Inc.
PLAINTIFF
vs.
Matthew R. Geyer
DEFENDANT**

ALL those certain pieces or parcels of land situate in Upper Tyrone Township, Fayette County, Pennsylvania, bounded and described as follows:

COMMONLY KNOWN AS: 127 Robaugh Road, Connellsville, PA 15425

TAX PARCEL NO. 39130008

No. 2570 of 2018 GD
No. 372 of 2019 ED

**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY,
PLAINTIFF,
VS.
BRANDON J. HARRIS,
DEFENDANT**

ALL that piece of ground in the City of Uniontown, Fayette County, Pennsylvania,

being Lot No. 34, Patterson Heirs Plan of Lots, Fayette Plan Book 2, page 62. HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 252 BRADDOCK AVENUE UNIONTOWN, PA 15401.

Tax Parcel # 38-11-0017

Fayette Deed Book 3027, page 1436

TO BE SOLD AS THE PROPERTY OF BRANDON J. HARRIS UNDER JUDGMENT NO. 2018- 02570.

No. 2012 of 2019 GD

No. 362 of 2019 ED

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company

PLAINTIFF

vs.

Robert F. Hixon

DEFENDANT

ALL that certain piece, parcel or lot of land situate in Nicholson Township, Fayette County, Pennsylvania, being designated as Parcel No. 1 in the Kenneth Amrick Plan, the plot whereof being recorded in the Recorder's Office of Fayette County, Pennsylvania, in Plan Book 17, page 7, and being fully bounded and described as follows:

COMMONLY KNOWN AS: 128

Rockwell Road, Masontown, PA 15461

TAX PARCEL NO. 2404003902

KML LAW GROUP, P.C.

Suite 5000

701 Market Street

Philadelphia, PA 19106-1532

(215) 627-1322

No. 2013 of 2019 GD

No. 347 of 2019 ED

PNC BANK, NATIONAL ASSOCIATION, SUCCESSOR

BY MERGER TO NATIONAL CITY BANK

3217 S. Decker Lake Drive

Salt Lake City, UT 84119

Plaintiff

VS.

ARNA JOHNSTON

SKY KOMALAHIRANYA

Mortgagor(s) and Record Owner(s)

410 Market Street

Belle Vernon, PA 15012

Defendant(s)

ALL THAT CERTAIN LOT OF LAND

SITUATE IN BOROUGH OF BELLE VERNON, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 410 MARKET STREET, BELLE VERNON, PA 15012

TAX PARCEL #01-04-0048

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: AHNA JOHNSTON AND SKY KOMALAHIRANYA

Stephen M. Hladik, Esquire

Hladik, Onorato & Federman, LLP

298 Wissahickon Avenue

North Wales, PA 19454

No. 1790 of 2019 GD

No. 385 of 2019 ED

U.S. Bank National Association, not in its Individual Capacity but Solely as Trustee for the RMAC Trust, Series 2016-CTT

(Plaintiff)

vs.

Brian P. Keffer,

(Defendant)

By virtue of Writ of Execution No. 2019-01790

U.S. Bank National Association, not in its Individual Capacity but Solely as Trustee for the RMAC Trust, Series 2016-CTT (Plaintiff) vs.

Brian P. Keffer, (Defendant)

Property Address 200 Union Street a/k/a 200 Main Street, Dickerson Run, PA 15430

Parcel I.D. No. 09-04-0024

Improvements thereon consist of a residential dwelling.

Judgment Amount: \$80,467.32

No. 2012 of 2010 GD

or

No. 1083 of 2019 GD

No. 384 of 2019 ED

FAIRPORT ASSET MANAGEMENT, LLC

Plaintiff,

vs.

CHRISTY KING a/k/a CHRISTY A. KING,

Defendant.

ALL that tract of land situate Perry Township, Fayette County, Pennsylvania, known as 133 Cemetery Road, Vanderbilt, Pennsylvania 15486 having erected thereon a dwelling house.

PARCEL BEING KNOWN AND DESIGNATED AS TAX MAP 27-16-0085-010 BEING the same premises which CMF Industries, Inc., by their Deed Dated December 31, 1987 and recorded in the Recorder's Office of Fayette County on January 25, 1988 in Deed Book Volume 381, Page 114, granted and conveyed unto Christy A. King, the grantor herein.

No. 769 of 2019 GD
No. 371 of 2019 ED

Plaza Home Mortgage, Inc.
PLAINTIFF

vs.

Jeffrey Myers, Jr. a/k/a Jeffrey Myers and Alyssa Freed
DEFENDANTS

ALL THAT CERTAIN lot or ground situate in Bullskin Township, County of Fayette and Commonwealth of Pennsylvania, bounded and described as follows:

COMMONLY KNOWN AS: 212 McConnell Road assessed as 212 McConnell Drive, Mount Pleasant, PA 15666
TAX PARCEL NO. 04010042

Mark J. Shire
Pa. I.D. No. 44843
SHIRE LAW FIRM
1711 Grand Boulevard
Park Centre
Monessen, PA 15062
(724) 684-8881

No. 671 of 2015 GD
No. 175 of 2015 ED

MON VALLEY COMMUNITY FEDERAL CREDIT UNION,

Plaintiff,

v.

JOANN NELSON, TERRE-TENANT,
Defendant.

PROPERTY OF: Joann Nelson
EXECUTION NO. 200 of 2015 GD
JUDGMENT AMOUNT: \$24,255.58 which is the Principal balance of indebtedness, delinquent interest, late charges and attorney's fees computed to October 15, 2019, additional interest on \$24,255.58 at 7.25% per annum per day from October 16, 2019, and additional interest and late charges and additional

reasonable attorney's fees and record costs to the date of payment or Sheriff Sale will be claimed, along with all record court costs in the above-captioned case.

ALL the right, title, interest and claim of: Joann Nelson, Terre-Tenant, of, in and to: Township of Washington, Fayette County, Pennsylvania, which has an address of 1175 Main Street, Fayette City, Pennsylvania 15438.
Parcel I.D. No. 41 16 0093

RAS Citron, LLC
David Neeren, Esq. ID No. 204252
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
855-225-6906
rcrawley@rasnj.com

No. 1780 of 2019 GD
No. 353 of 2019 ED

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR ARGENT SECURITIES INC., ASSET-BACKED PASS -THROUGH CERTIFICATES SERIES 2004 -W6

Plaintiff

v.

DONNA NEWMAYER A/K/A DONNA J. FLIGGER NEWMAYER
Defendant(s)

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN PERRY TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA:

BEING KNOWN AS: 10 NEWMAYER AVENUE VANDERBILT A/K/A PERRY, PA 15486

BEING PARCEL NUMBER: 27160092
IMPROVEMENTS: RESIDENTIAL PROPERTY

Phelan Hallinan Diamond & Jones, LLP

No. 2188 of 2019 GD
No. 377 of 2019 ED

Wells Fargo Bank, N.A.

Plaintiff

v.

John E. Pegg
Defendant(s)

By virtue of a Writ of Execution No. 2019-02188

Wells Fargo Bank, N.A.
 v.
 John E. Pegg
 owner(s) of property situate in the
 UNIONTOWN CITY, Fayette County,
 Pennsylvania, being
 47 Emerson Street, Uniontown, PA 15401-
 4867
 Parcel No.: 38-17-0028
 Improvements thereon: RESIDENTIAL
 DWELLING

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

No. 2255 of 2018 GD
 No. 360 of 2019 ED

**THE BANK OF NEW YORK MELLON, F/
 K/A THE BANK OF NEW YORK AS
 TRUSTEE FOR REGISTERED HOLDERS
 OF CWABS, INC., ASSET-BACKED
 CERTIFICATES, SERIES 2006-19
 C/O Carrington Mortgage Services, LLC
 1600 S. Douglass Road, Suite 200-A
 Anaheim, CA 92806
 Plaintiff
 vs.
 JANET REID AKA JANET M. REID
 Mortgagor(s) and Record Owner(s)
 59 Charles Street
 Uniontown, PA 15401
 Defendant(s)**

ALL THAT CERTAIN LOT OF LAND
 SITUATE IN CITY OF UNIONTOWN,
 COUNTY OF FAYETTE AND
 COMMONWEALTH OF PENNSYLVANIA.
 BEING KNOWN AS: 59 CHARLES
 STREET, UNIONTOWN, PA 15401
 TAX PARCEL #38-12-0199
 IMPROVEMENTS: A RESIDENTIAL
 DWELLING
 SOLD AS THE PROPERTY OF: JANET
 REID AKA JANET M. REID

Phelan Hallinan Diamond & Jones, LLP
 No. 1213 of 2019 GD
 No. 348 of 2019 ED

**Wells Fargo Bank, N.A.
 Plaintiff
 V.
 Ernest Ruggieri, in His Capacity as Heir of
 Mary Kay Ruggieri, Deceased
 Unknown Heirs, Successors, Assigns, and All
 Persons, Firm s, or Associations Claiming
 Right, Title or Interest From or Under Mary
 Kay Ruggieri, Deceased
 Defendant(s)**

By virtue of a Writ of Execution No. 2019-
 01213

Wells Fargo Bank, N.A.

v.
 Ernest Ruggieri, in His Capacity as Heir of
 Mary Kay Ruggieri, Deceased
 Unknown Heirs, Successors, Assigns, and All
 Persons, Firms, or Associations Claiming Right,
 Title or Interest From or Under Mary Kay
 Ruggieri, Deceased

owner(s) of property situate in the
 CONNELLSVILLE CITY, Fayette County,
 Pennsylvania, being
 411 North Pittsburgh Street, Connellsville,
 PA 15425-3217

Parcel No.: 05-06-0176

Improvements thereon: RESIDENTIAL
 DWELLING

No. 2588 of 2018 GD
 No. 354 of 2019 ED

**PNC Bank, National Association
 Plaintiff,
 vs.
 Elmer E. Smith, individually and as believed
 Heir to the Estate of Sharon L. Smith;
 Unknown Heirs and/or Administrators of the
 Estate of Sharon L. Smith
 Defendants.**

ALL that certain parcel of land lying and
 being situate in the Township of Perry, County
 of Fayette, and Commonwealth of Pennsylvania,
 known as 322 Cemetery Road, Perryopolis, PA
 15473 having erected thereon a dwelling house.

Being known and designated as Tax ID
 No.: 27160031

BEING the same premises which Estate of
 Elsie M. Chalfant, deceased, by Deed dated
 December 20, 1993 and recorded in and for
 Fayette County, Pennsylvania in Deed Book

1302, Page 181, granted and conveyed unto Sharon L. Smith.

No. 2014 of 2019 GD
No. 382 of 2019 ED

Gary W. Darr, Esquire
McGrath McCall, P.C.
Four Gateway Center, Suite 1040
444 Liberty Avenue, Pittsburgh, PA 15222

No. 2566 of 2018 GD
No. 373 of 2019 ED

WASHINGTON FINANCIAL BANK,
Plaintiff,
vs.

KARA J. TURTZER and JONATHAN ERIC TURTZER,
Defendants.

All that certain piece, parcel or tract of land situate in the Township of Nicholson, Fayette County, Pennsylvania, Being 667 Old Frame Road, Smithfield, PA 15748, Tax Parcel ID No. 24-19-0039.

BARLEY SNYDER
Shawn M. Long, Esquire
Court I.D. No. 83774
126 East King Street
Lancaster, PA 17602
717.299.5201

No. 2771 of 2018 GD
No. 364 of 2019 ED

BRANCH BANKING AND TRUST COMPANY,
Plaintiff
V.

WAGLE LLC,
Defendant.

Property Address: 7615 National Pike,
Uniontown, Menallen Township, Fayette
County, Pennsylvania

Parcel ID Number: 22-17-0053
Judgment Amount: \$474,172.64

BEING the same premises which Edward J. Shipek and Mark A. Shipek by deed dated April 13, 2006 and recorded April 17, 2006 in the Office of the Recorder of Deeds in and for Fayette County Pennsylvania in Record Book 2983, Page 1663, granted and conveyed unto Wagle, LLC.

MidFirst Bank
Plaintiff,
vs.
Megan L. Williams;
Ryan D. Williams
Defendants.

ALL that certain parcel of land lying and being situate in the Township of Springfield, County of Fayette, and Commonwealth of Pennsylvania, known as 640 Mill Run Road, Mill Run, PA 15464 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 35-15-0074

BEING the same premises which Larry A. Schroyer and Mary J. Schroyer, f/k/a Mary J. Bowers, husband and wife, by Deed dated September 6, 2012 and recorded in and for Fayette County, Pennsylvania in Deed Book 3199, Page 837, granted and conveyed unto Megan L. Williams, married and Ryan D. Williams, unmarried.

*** END SHERIFF'S SALE ***

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, February 3, 2020, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2687-0307	LOUISE M. SZWED (SMITH)	Marilyn L. Cassady, Administratrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on
Monday, February 18, 2020, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Joseph M. George Jr.** or his chambers, 3rd 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.

JEFFREY L. REDMAN
Register of Wills and Ex-Officio Clerk of the Orphans' Court Division (1 of 2)

JUDICIAL OPINION

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

COMMONWEALTH OF
PENNSYLVANIA

:
:
:
:
:
:
:

v.

BRUCE DEWAYNE JONES,
Appellant.

: No. 928 of 2019
: Judge Linda R. Cordaro

OPINION

Linda R. Cordaro, J.

December 27, 2019

SUMMARY

Appellant was tried before a jury and found guilty of nine counts, including one count of Attempted Homicide, one count of Aggravated Assault, one count of Aggravated Assault with a Deadly Weapon, one count of Prohibited Possession of a Firearm, one count of Carrying a Firearm without a License, and other related offenses. Mr. Jones was sentenced to a period of incarceration and now appeals his conviction.

PROCEDURAL BACKGROUND

Appellant, Bruce Jones, was arrested following an incident that occurred on December 22, 2018. As a result of the incident, Mr. Jones was charged with nine counts: 1) Attempted Homicide (18 Pa.C.S.A. §901; 18 Pa.C.S.A. §2501); 2) Aggravated Assault (18 Pa.C.S.A. §2702(a)(1)); 3) Aggravated Assault with a Deadly Weapon (18 Pa.C.S.A. §2702(a)(4)); 4) Prohibited Possession of a Firearm (18 Pa.C.S.A. §6105 (a)(1)); 5) Carrying a Firearm without a License (18 Pa.C.S.A. §6106(a)(1)); 6) Recklessly Endangering Another Person (18 Pa.C.S.A. §2705); 7) Recklessly Endangering Another Person (18 Pa.C.S.A. §2705); 8) Recklessly Endangering Another Person (18 Pa.C.S.A. §2705); and 9) Criminal Mischief (18 Pa.C.S.A. §3304(a)(5)). The case proceeded to a jury trial on August 6-7, 2019.

At the conclusion of trial, Appellant was found guilty of all of the charges against him. On September 6, 2019, Mr. Jones was sentenced to eight-and-a-half to twenty years of incarceration. Following his sentencing, Appellant filed a timely Notice of Appeal. {1}

FACTUAL BACKGROUND

The following testimony regarding the incident was elicited at trial. {2}

{1} At the beginning of the trial, Mr. Jones was represented by Attorney Nicholas Clark of the Fayette County Office of the Public Defender. During trial, Mr. Jones stated that he wanted to waive his right to counsel and continue pro se. This Court conducted a colloquy on the Record and found that Mr. Jones was knowingly waiving his right to counsel. Mr. Jones signed a Waiver of Counsel, which also appears on the Record. Attorney Clark was appointed as standby counsel.

On December 22, 2018, Vanessa Maison, Dustin Johnson, and Carter Smith went out to a party at a fire hall and then to Allibies Bar in Redstone Township, Fayette County. After they left the bar, they went to the house of Jennifer Weimer, who was hosting a Christmas party. Ms. Weimer's house is also in Redstone Township. The three friends were traveling around that night in Dustin's gray 2018 Jeep Renegade, which he had just bought earlier that month.

Vanessa, Dustin, and Carter were at Ms. Weimer's house for about an hour to an hour-and-a-half. There, people were socializing and having drinks. All three friends encountered Appellant, Bruce Jones, that evening. None of them had met Bruce Jones before the party. All were able to identify Bruce Jones in court during the trial.

At around midnight, Dustin decided it was time for them to leave, so he told Vanessa and Carter that he was heading out to his car. Around that same time, Carter and Bruce Jones were in the kitchen. Carter testified that Bruce Jones was singing or rapping over the music that was playing. At one point, Carter laughed or smirked at a line that Bruce Jones had said. Bruce Jones asked Carter what was funny and proceeded to get smart with him. Carter told Bruce Jones that he was not very good. Carter and Bruce Jones began to argue.

Dustin headed outside to his car and got in the driver's seat. Vanessa walked out behind Dustin and went towards the front passenger's seat. Carter followed behind them and Bruce Jones followed behind Carter. Bruce Jones was still arguing with Carter as they were walking out of the house.

Outside, Carter heard Bruce Jones say something to the effect of, "You better get out of here," and then Bruce Jones called him a "cracker" or "white boy." Carter then saw Bruce Jones pull out a semi-automatic pistol and put it against his own chest. Carter responded with something to the effect of, "You really need a fucking gun?"

Carter began walking away and that is when he heard a shot. Carter got in the rear passenger's side seat of Dustin's car, behind Vanessa. All three of them heard more popping sounds. Dustin sped off. Dustin and Vanessa did not see Bruce Jones shooting as they were in the car. However, both Dustin and Vanessa testified that Bruce Jones was the only person who followed them all outside. Dustin testified that nobody in their group had a gun with them.

Later during the trial, Mr. Jones indicated that he wished to have counsel reappointed to represent him. This Court reappointed Attorney Clark to represent Mr. Jones. The Fayette County Office of the Public Defender continued to represent Mr. Jones throughout his trial and at his sentencing as well.

On September 23, 2019, Mr. Jones-while still represented by the Public Defender's Office- filed a Notice of Appeal to the Superior Court without counsel. That case was docketed at the Superior Court at 1453 WDA 2019. On October 2, 2019, Attorney Clark filed a Notice of Appeal to the Superior Court on behalf of Mr. Jones. That case was docketed at 1500 WDA 2019. On December 5, 2019, the Superior Court dismissed the Appeal at 1453 WDA 2019 as duplicative.

{2} As noted, there were originally two appeals filed in this matter: one by Appellant and one by Appellant's Counsel. Neither Appellant nor Appellant's Counsel requested a transcript in their Appeals, as is required by Pa.R.A.P. 1911. As per Pa.R.A.P. 1911(d), such failure is grounds for dismissal of an appeal. The testimony recited in this Opinion is from the trial recordings and from notes taken during the trial.

After Dustin sped off in his car, Carter exclaimed that he had been shot. Carter testified that he was shot in the right buttocks. Dustin drove Carter to Carter's house. Carter then had his father take him to the hospital. Carter treated for his injury at Uniontown Hospital, but there were no fragments of the bullet in the wound.

Carter testified that he had unbearable pain as a result of the gunshot wound.

Several Pennsylvania State Troopers involved in the investigation testified at trial. Corporal Richard Hunter took photographs of the damage to the 2018 Jeep Renegade the following day. He described the bullets that were found in the vehicle and testified that there was blood on the carpet of the back seat. Dustin later testified that the damage to his vehicle totaled around \$7,200. Corporal Hunter also testified that he found bullet casings outside of Ms. Weimer's house.

Trooper Adam Janoskow also investigated the incident. He was involved in determining that the shooter was Bruce Jones. He also testified that no weapon was seized in this case, but that likely a .380-caliber semiautomatic pistol was used. Trooper Janoskow testified that Bruce Jones did not have a license to carry a concealed weapon. Additionally, there was a stipulation that Bruce Jones was not permitted to possess a firearm because of a prior adjudication.

ISSUE ON APPEAL

Following the Notice of Appeal filed by the Fayette County Office of the Public Defender in this case, and in accordance with Pa.R.A.P. 1925(b), this Court ordered

Appellant to file a concise statement of errors complained of on appeal. Appellant raises six issues on appeal:

- 1) Whether the evidence was legally and factually sufficient to prove that Defendant committed an act to constitute the crime of attempted homicide.
- 2) Whether the evidence was legally and factually sufficient to prove that Defendant committed an act to constitute the crime of aggravated assault.
- 3) Whether the evidence was legally and factually sufficient to prove that Defendant possessed a firearm.
- 4) Whether the evidence was legally and factually sufficient to prove that Defendant carried a concealed firearm.
- 5) Whether the evidence was legally and factually sufficient to prove that Defendant recklessly engaged in conduct to constitute the crime of recklessly endangering another person.
- 6) Whether the evidence was legally and factually sufficient to prove that Defendant intentionally damaged personal property.

Appellant's Concise Issues (Unnecessary capitalization omitted).

DISCUSSION

Appellant's six issues on appeal challenge that the Commonwealth failed to present sufficient evidence of crimes for which he was found guilty. Those crimes include attempted homicide, aggravated assault, illegally possessing a firearm, carrying a firearm without a license, recklessly endangering another person, and intentionally damaging personal property.

Initially, this Court notes that Appellant fails to provide any specificity in his Concise Issues raised on Appeal. While a party has a right to challenge the sufficiency of the evidence on appeal as per Pa.R.Crim.P. 606(A)(7), it is also necessary under Pa.R.A.P. 1925(b)(4) for the statement of errors complained of on appeal to concisely identify each ruling or error that the appellant intends to challenge with sufficient detail to identify all pertinent issues for the judge.

Appellant's statement of errors on appeal is so vague that it ought to constitute a waiver of the issues. The Superior Court in *Commonwealth v. Dowling*, 778 A.2d 683, 686-687 (Pa. Super. Ct. 2001) addressed this as such: "a Concise Statement [that] is too vague to allow the court to identify the issues raised on appeal is the functional equivalent of no Concise Statement at all."

In Pennsylvania, "when a trial court directs a defendant to file a Concise Statement of Matters Complained of on Appeal, any issues not raised in such a statement will be waived." *Dowling* at 686 (citing *Commonwealth v. Lord*, 719 A.2d 306, 308 (Pa.1998)). The Pennsylvania Supreme Court in *Lord* reasoned that:

The absence of a trial court opinion poses a substantial impediment to meaningful and effective appellate review. Rule 1925 is intended to aid trial judges in identifying and focusing upon those issues [that] the parties plan to raise on appeal. Rule 1925 is thus a crucial component of the appellate process.

Lord at 308. Further, "[w]hen a court has to guess what issues an appellant is appealing, that is not enough for meaningful review." *Dowling* at 686 (citing *Commonwealth v. Butler*, 756 A.2d 55, 57 (Pa. Super. Ct. 2000)). Failure of an appellant to concisely identify issues for appeal impedes the trial court in its preparation of a legal analysis that is pertinent to those issues. *Dowling* at 686 (citing *In re Estate of Daubert*, 757 A.2d 962,963 (Pa. Super. Ct. 2000)).

The Superior Court in *Dowling* extended the rule in *Lord* to include "Concise Statements [that] are so vague as to prevent the court from identifying the issue to be raised on appeal." *Id.* at 687.

To sustain a challenge to the sufficiency of the evidence, an appellant must show that the Commonwealth failed to produce evidence that establishes each material element of the crime charged and the commission thereof by the accused beyond a reasonable doubt. *Commonwealth v. Widmer*, 744 A.2d 745,751 (Pa. 2000); *Commonwealth v. Karkaria*, 625 A.2d 1167, 1170 (Pa. 1993).

In *Commonwealth v. Hansley*, 24 A.3d 410,415 (Pa. Super. Ct. 2011), one of the

issues raised by the appellant, similar to the case at hand, read: "[w]as the evidence presented at trial insufficient to prove beyond a reasonable doubt that [appellant] was guilty of robbery?" The Superior Court held that the issue was not specific and precluded the trial court's review of those claims and deemed the claim to be waived. *Id.* at 416.

Here, Appellant's Concise Issues are almost verbatim to the appellant's statement in *Hansley*, which the Superior Court considered to be waived for lack of specificity. *AE*, written, Appellant's Concise Issues merely burden this Court with guessing at what Appellant is challenging rather than asserting a specific and legitimate grievance with the administration of justice towards Mr. Jones. Such a Concise Issue statement is exactly the type that the above-cited cases were meant to deter.

Nonetheless, in the interest of justice this Court will attempt to address the sufficiency of the evidence issues raised by Appellant.

In *Widmer*, the Pennsylvania Supreme Court held that "[e]vidence will be deemed sufficient to support the verdict when it establishes each material element of the crime charged and the commission thereof by the accused[] beyond a reasonable doubt." *Widmer* at 751. Evidence is insufficient as a matter of law when the evidence offered to support the verdict is in contradiction to physical facts, or in contravention to human experience and the laws of nature. *Widmer* at 751 (citing *Commonwealth v. Santana*, 333 A.2d 876, 878 (Pa. 1975)). The fact-finder may resolve any doubts regarding a defendant's guilt "unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances." *Commonwealth v. Fortson*, 165 A.3d 10, 14 (Pa. Super. Ct. 2017) (citing *Hansley* at 416). The Commonwealth may use wholly circumstantial evidence to sustain its burden of proving every element of the crime beyond a reasonable doubt. *Fortson* at 14-15.

Here, Mr. Jones challenges the sufficiency of the evidence for six of the charges for which he was found guilty. His first issue on appeal is that the Commonwealth failed to present sufficient evidence at trial for the jury to conclude that he committed attempted homicide.

Criminal Attempt is defined in 18 Pa.C.S.A. §90 1(a): "[a] person commits an attempt when, with intent to commit a specific crime, [that person] does any act [that] constitutes a substantial step towards the commission of that crime." The specific crime for which Mr. Jones was charged with attempting was Criminal Homicide, which is defined in 18 Pa.C.S.A. §2501: "[a] person is guilty of criminal homicide if [that person] intentionally, knowingly, recklessly[,] or negligently causes the death of another human being."

The crime of homicide can be established by showing that a defendant acted with an intent to cause serious bodily injury or with reckless disregard for human life. However for the crime of attempted homicide, the Commonwealth must establish that a defendant had a specific intent to kill. See *Commonwealth v. Geathers*, 847 A.2d 730, 734 (Pa. Super. Ct. 2004). The Commonwealth can prove a specific intent to kill through circumstantial evidence. *Commonwealth v. Koehler*, 737 A.2d 225, 234 (Pa. 1999) (citing *Commonwealth v. Brown*, 711 A.2d 444,449 (Pa. 1998)). A finder of fact "may properly infer an intent to kill from the use of a deadly weapon on a vital part of the

victim's body." *Commonwealth v. Hobson*, 604 A.2d 717,720 (Pa. Super. Ct. 1992) (citing *Commonwealth v. Terry*, 521A.2d 398,412 (Pa. 1987) cert. denied, 482 U.S. 920 (1987) (overruled on other grounds by *Commonwealth v. Frey*, 554 A.2d 27, 27 (Pa. 1989))).

Here, the evidence presented at trial was that Mr. Jones and Carter Smith were arguing during a party where there was alcohol involved. The two had never met and Mr. Smith apparently insulted Mr. Jones about his rapping ability. This caused Mr. Jones to get upset and an argument ensued. When Mr. Smith went outside to leave, Mr. Jones followed him out, pulled out a gun, and told Mr. Smith "You better get out of here."

While he was trying to get into his friend's car, Carter Smith then saw Mr. Jones fire the gun towards him. Mr. Smith jumped into the rear seat of the car. All of the occupants of the car then heard more gunshots. There were bullet holes in the car from the shooting, indicating that Mr. Jones was clearly firing in the direction of Mr. Smith. Mr. Jones even succeeded in shooting Mr. Smith in the top of his buttocks. Although Carter Smith was not shot in a vital part of the body or a vital organ, the place where he was shot is significantly close to several vital organs.

The cumulation of the evidence presented at trial was clearly sufficient to establish each element of the crime of attempted homicide, and that Mr. Jones was the person who committed the crime. Further, it is for the jury to decide whether Mr. Jones had such an intent to kill; they found that he did. Appellant's first issue on appeal is therefore without merit.

The second issue on appeal is whether the Commonwealth presented sufficient evidence at trial for the jury to conclude that Mr. Jones committed aggravated assault.

A person who "attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly[,] or recklessly under circumstances manifesting extreme indifference to the value of human life" is guilty of aggravated assault. 18 Pa.C.S.A. §2702(a)(1). Serious bodily injury is defined as "[b]odily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ." 18 Pa.C.S.A. §2301. "An attempt under §2702(a)(1) requires a showing of some act, albeit not one causing serious bodily injury, accompanied by an intent to inflict serious bodily injury." *Commonwealth v. Matthew*, 909 A.2d 1254, 1257 (Pa. 2006) (citing *Commonwealth v. Alexander*, 383 A.2d 887, 889 (Pa. 1978)).

The evidence that the Commonwealth presented to establish that Mr. Jones attempted to kill Carter Smith was also sufficient to establish that Mr. Jones committed Aggravated Assault and Aggravated Assault with a Deadly Weapon against Carter Smith.

Appellant's third issue on appeal is "whether the evidence was legally and factually sufficient to prove that Defendant possessed a firearm." Appellant's Concise Issues (Unnecessary capitalization omitted). This Court notes that it is not a crime to possess a firearm in the Commonwealth of Pennsylvania. Appellant was not convicted of "possessing a firearm." Therefore, Appellant's third issue is without merit.

Likewise, Appellant's fourth issue is "whether the evidence was legally and factually sufficient to prove that Defendant carried a concealed weapon." Appellant's Concise Issues (Unnecessary capitalization omitted). This Court also notes that it is not a crime to carry a concealed weapon in the Commonwealth of Pennsylvania. Appellant was not convicted of "carrying a concealed weapon." Appellant's fourth issue is also without merit.

To the extent that Appellant challenges his convictions at counts four and five (Prohibited Possession of a Firearm (18 Pa.C.S.A. §6105(a)(1)) and Carrying a Firearm without a License (18 Pa.C.S.A. §6106(a)(1))), the following analysis applies.

The statute for Prohibited Possession of a Firearm states that:

A person who has been convicted of an offense enumerated in subsection (b), with- in or without this Commonwealth, regardless of the length of sentence or whose conduct meets the criteria in subsection (c) shall not possess, use, control, sell, transfer or manufacture or obtain a license to possess, use, control, sell, transfer or manufacture a firearm in this Commonwealth.

18 Pa.C.S.A. §6105(a)(1). The statute for Carrying a Firearm without a License states that:

[A]ny person who carries a firearm in any vehicle or any person who carries a fire- arm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license under this chapter commits a felony of the third degree.

18 Pa.C.S.A. §6106(a).

At trial, there was a stipulation that Mr. Jones was not permitted to possess a fire- arm; Appellant argued that he did not actually possess a firearm during the incident in question. Second, Trooper Janoskow testified that Mr. Jones did not have a license to carry a concealed weapon. Mr. Jones was then identified as the shooter by three wit- nesses: Vanessa Maison, Dustin Johnson, and Carter Smith. Mr. Smith specifically testi- fied that he saw Mr. Jones pull out a gun and shot him with it. It was for the jury to de- termine the believability of the witnesses. The testimony presented at trial was sufficient to satisfy each element of these charges against Mr. Jones; Appellant's third and fourth issues on appeal are therefore without merit.

Appellant's fifth issue on appeal is "whether the evidence was legally and factually sufficient to prove that Defendant recklessly engaged in conduct to constitute the crime of recklessly endangering another person." Appellant's Concise Issues (Unnecessary capitalization omitted). Appellant was convicted of three counts of Recklessly Endan- gering Another Person—one count for each of the victims who were getting into the car that Mr. Jones began shot at. Appellant fails to specify which count he challenges.

The crime of Recklessly Endangering Another Person states that "[a] person com- mits a misdemeanor of the second degree if [that person] recklessly engages in conduct [that] places or may place another person in danger of death or serious bodily injury."

18 Pa.C.S.A. §2705.

Here, the evidence presented at trial was clearly sufficient to establish that Mr. Jones's conduct recklessly endangered all three individuals who were getting into the Mr. Johnson's vehicle. Mr. Jones shot several rounds with a semiautomatic pistol towards the Jeep Renegade, where all three witnesses were. Mr. Jones even succeeded in hitting Carter Smith. Intentionally shooting a pistol at other people clearly puts them in danger of death or serious bodily injury. Mr. Jones's fifth issue on appeal is also without merit.

Appellant's sixth issue on appeal is "whether the evidence was legally and factually sufficient to prove that Defendant intentionally damaged personal property." Appellant's Concise Issues (Unnecessary capitalization omitted).

A person who "intentionally damages real or personal property of another" is guilty of criminal mischief. 18 Pa.C.S.A. §3304(a)(5).

Here, the evidence presented at trial was that Mr. Jones shot at a 2018 Jeep Renegade after an argument regarding his rapping ability. The Jeep sustained damages as a result of Mr. Jones shooting at it, which included bullet holes in the vehicle. There was also a blood stain on the carpet in the back of the vehicle as the result of Mr. Jones shooting Carter Smith. The damages to the vehicle costed around \$7,200 to fix. Further, it was for the jury to determine whether Mr. Jones intentionally shot at the Jeep and at Mr. Smith, both of which caused the damage to the vehicle. The Commonwealth presented sufficient evidence at trial to establish that Mr. Jones intentionally damaged the personal property of Dustin Johnson. Appellant's sixth issue on appeal is therefore without merit.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the judgment and sentence of Bruce Jones should be AFFIRMED.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Clerk of Courts

Date: December 27, 2019



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- January 23 **24th Annual Bankruptcy Institute**
9:00 a.m. to 3:30 p.m.
5 substantive/1 ethics
- January 28 **Title Insurance 101**
9:00 a.m. to 3:30 p.m.
5 substantive/1 ethics
- February 5 **Estate and Elder Law Symposium**
9:00 a.m. to 4:10 p.m.
5 substantive/1 ethics
- February 11 **A View From the Workers' Comp Bench**
9:00 a.m. to 11:00 a.m.
2 substantive
- March 4 **Civil Litigation Update**
9:00 a.m. to 4:15 p.m.
5 substantive/1 ethics
- March 24 **Handling the Workers' Comp Case**
9:00 a.m. to 4:15 p.m.
5 substantive/1 ethics



LUNCH & LEARN SERIES

FCBA LUNCH & LEARN SERIES

The Fayette County Bar Association's next presentation in its Lunch & Learn Series will be:

- Date: **Wednesday, February 19th** from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topic: **Issues in Landlord/Tenant Litigation**
- Presenters: Magisterial District Judge Mike Defino, Jr. and Attorneys Rachel Ann Clark and Jeremy Davis

CLE Credit

1.5 hours of Substantive CLE credit for the program. The fees are as follows:

Members of the FCBA

- No charge for attendance without CLE Credit
- \$10 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2012

- No charge for attendance with CLE Credit

Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**** All fees to be paid at the door ****

A light lunch will be provided.

RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or by email to cindy@fcbar.org on or before Monday, February 17th.

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