

# FAYETTE LEGAL JOURNAL

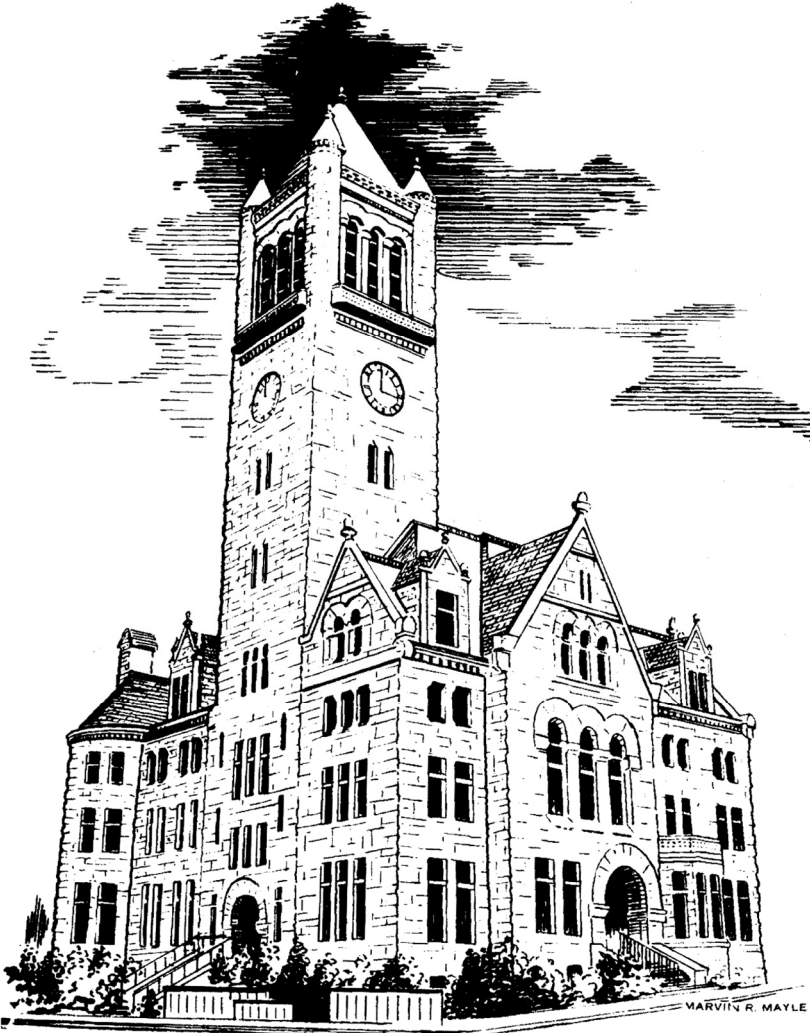
---

VOL. 87

APRIL 27, 2024

NO. 17

---



## FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 45 East Main Street, Suite 100, Uniontown, Pennsylvania 15401, 724-437-7994. Legal advertisements should be submitted online at [www.fcbar.org](http://www.fcbar.org) no later than 12:00 noon on Friday for publication the following Saturday. No date of publication is promised, however. Legal notices are published exactly as submitted by the advertiser. Copyright 2001 Fayette County Bar Association. All rights reserved.

**Co-Editors:** Garnet L. Gordon and Melinda Deal Dellarose

*Cover Design by Marvin R. Mayle, 207 Lick Hollow Road, Hopwood, PA*

## FAYETTE COUNTY BAR ASSOCIATION Board of Directors

**President:** Gretchen A. Mundorff

**President Elect:** Sheryl R. Heid

**Vice-President:** Michelle L. Kelley

**Secretary:** Anne N. John

**Treasurer:** Louise D. Monaghan

**Past President:** John A. Kopas, III

**Executive Director:** Garnet L. Gordon

### *Directors*

Jennifer M. Casini

Rachel A. Clark

Sarah E. Connelly

Jeremy J. Davis

James E. Higinbotham, Jr.

Sean M. Lementowski

### ETHICS HOTLINE

The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding, the impact of the provisions of the Rules of Professional Conduct or the Code of Judicial Conduct upon the inquiring member's proposed activity. All inquiries are confidential.

Call (800) 932-0311, ext. 2214.

### LAWYERS CONCERNED FOR LAWYERS

Our assistance is confidential,  
non-judgmental, safe, and effective

To talk to a lawyer today, call:

1-888-999-1941

717-541-4360

## 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

**JOSHUA ROY DADISMAN, a/k/a JOSHUA R. DADISMAN**, late of Menallen Township, Fayette County, PA <sup>(3)</sup>

*Administratrix:* Barbara A. Dadisman  
226 Independence Road  
Philippi, West Virginia 26416  
c/o 1900 Main Street, Suite 225  
Canonsburg, PA 15317  
*Attorney:* Richard L. Osberg, III

**CLAYTON FRYE, a/k/a CLAYTON LEROY FRYE**, late of Redstone Township, Fayette County, PA <sup>(3)</sup>

*Personal Representative:* Suzanne M. Frye  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham

**MARILYN J. MCDOWELL**, late of Georges Township, Fayette County, PA <sup>(3)</sup>

*Personal Representative:* Bobra Michotte  
c/o George & George  
92 East Main Street  
Uniontown, PA 15401  
*Attorney:* Joseph M. George

**THERESA A. RANKER, a/k/a THERESA RANKER**, late of Dunbar Township, Fayette County, PA <sup>(3)</sup>

*Co-Executors:* Deborah L. Rudnik  
212 Russell Street Ext.  
Connellsville, PA 15425  
John M. Ranker  
140 South Main Street, Suite 301  
Greensburg, PA 15601  
c/o John M. Ranker & Associates, P.C.  
140 South Main Street, Suite 301

Greensburg, PA 15601  
*Attorney:* John M. Ranker

**GARY RIDER, a/k/a GARY E. RIDER**, late of Luzerne Township, Fayette County, PA <sup>(3)</sup>

*Administratrix:* Ronetta Rider  
c/o Kopas Law Office  
556 Morgantown Road  
Uniontown, PA 15401  
*Attorney:* John Kopas

**BETTY SULAK, a/k/a BETTY JEAN SULAK, a/k/a BETTY J. SULAK**, late of Fairchance, Fayette County, PA <sup>(3)</sup>

*Executrix:* Deborah Sulak  
c/o John & John  
96 East Main Street  
Uniontown, PA 15401  
*Attorney:* Anne N. John

### Second Publication

**DOROTHY L. BROOKS**, late of East Millsboro, Fayette County, PA <sup>(2)</sup>

*Co-Executors:* Lisa R. Carp and  
Glenn Andrew Brooks  
301 Penncraft Road  
East Millsboro, PA 15433  
c/o 76 East Main Street  
Uniontown, PA 15401  
*Attorney:* Douglas S. Sholtis

**WILLIAM O. GIRARD**, late of Masontown Borough, Fayette County, PA <sup>(2)</sup>

*Executor:* Chance Girard  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

**THELMA ADELINE PERRY, a/k/a THELMA A. PERRY, a/k/a THELMA PERRY**, late of Springhill Township, Fayette County, PA <sup>(2)</sup>

*Administratrix:* Patricia Griffith  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**HARRY EDWARD RAMAGE a/k/a HARRY E. RAMAGE**, late of Georges Township, Fayette County, PA (2)

*Executrix:* Sharon Ramage  
c/o Kristen L. Behrens, Esquire  
Dilworth Paxson LLP  
1500 Market Street, #3500E,  
Philadelphia, PA 19102  
*Attorney:* Kristen L. Behrens

**CHOLLY RAE TEICHERT**, late of Uniontown, Fayette County, PA (2)

*Executor:* Jeffrey Scott Jones  
c/o 11 Pittsburgh Street  
Uniontown, PA 15401  
*Attorney:* Thomas W. Shaffer

**LOUIS WEEDER**, late of Nicholson Township, Fayette County, PA (2)

*Executor:* Kathleen Strosnider  
40 Woodland Avenue  
Masontown, PA 15461  
c/o 76 East Main Street  
Uniontown, PA 15401  
*Attorney:* Douglas S. Sholtis

## First Publication

**ANNA E. BERTOVICH, a/k/a ANNA ELICABETH BERTOVICH, a/k/a ANNE E. BERTOVICH**, late of Masontown, Fayette County, PA (1)

*Executrix:* Susan Fyock  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

**CLARENCE C. CARSON, a/k/a CLAYTON LEROY FRYE**, late of Perryopolis, Fayette County, PA (1)

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

**HELEN M. EXLEY, a/k/a CLAYTON LEROY FRYE**, late of Perryopolis, Fayette County, PA (1)

*Executrix:* Megan L. Pierce  
c/o Higinbotham Law Offices

68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**EDYTHE C. FERENCZ, a/k/a EDYTH C. FERENCZ**, late of Washington Township, Fayette County, PA (1)

*Executor:* Michael H. Ferencz  
c/o Goodwin Como, P.C.  
108 North Beeson Boulevard, Suite 400  
Uniontown, PA 15401  
*Attorney:* Benjamin Goodwin

**SHIRLEY FRANCES SMITH, a/k/a SHIRLEY F. SMITH**, late of Jefferson Township, Fayette County, PA (1)

*Executor:* Lester Smith  
c/o Adams Law Offices, PC  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason Adams

**WILLIAM H. SOISSON, III**, late of Fayette County, PA (1)

*Executor:* William H. Soisson, IV  
c/o 223 4th. Avenue  
9th Floor Benedum Trees Building  
Pittsburgh, PA 15222  
*Attorney:* Dennis Blackwell

## LEGAL NOTICES

### FICTITIOUS NAME REGISTRATION

Notice is hereby given that a Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on March 5, 2024 for T's Me Screen printing with a principal place of business located at 360 Everson Valley Rd., Connellsville, PA 15425 in Fayette County. The individual interested in this business is Linda Magee, also located at 360 Everson Valley Rd., Connellsville, PA 15425. This is filed in compliance with 54 Pa.C.S. 311.417

**NOTICE OF REVOCABLE TRUST  
PURSUANT TO  
20 PA C.S. SECTION 7755(c)**

NOTICE is hereby given of the administration of the Walter R. Ferencz and Edyth C. Ferencz Revocable Living Trust dated April 1, 1998, and amended from time to time. The Settlor of the Trust, Edyth C. Ferencz, a/k/a Edyth C. Ferencz, of Washington Township, Fayette County, Pennsylvania, died on November 11, 2023. All persons having claims against Edyth C. Ferencz, a/k/a Edythe C. Ferencz, or the Trust are requested to make the same known to the Trustee or Attorney named below. All persons indebted to Edyth C. Ferencz, a/k/a Edythe C. Ferencz, or the Trust are requested to make payment without delay to the Trustee or Attorney named below. Michael H. Ferencz, 310 Naomi Road, Fayette City, PA 15438, or to Benjamin F. Goodwin, Esquire, Goodwin Como, P.C., 108 N. Beeson Blvd., Suite 400, Uniontown, PA 15401. (2 of 3)

---

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
CIVIL DIVISION - LAW  
Docket No. 579 of 2024 G.D.  
JUDGE: MARK M. MEHALOV

**RICHARD BROOKS**  
Plaintiff,  
vs.  
**JAMES B. SALES, and CRYSTAL LYNN SALES,** and their heirs, successors, and/or, assigns generally  
Defendants.

**NOTICE TO DEFENDANTS, JAMES B. SALES AND CRYSTAL LYNN SALES, AND THEIR HEIRS, SUCCESSORS, AND/OR, ASSIGNS GENERALLY**

You, your heirs, successors, and assigns have been named as Defendants in an action instituted by Plaintiff, Richard Brooks, against you in this Court. Plaintiff alleges in the Complaint in Action to Quiet Title, that he should be named as the rightful owner to the title of said property and that the Defendants, their heirs, successors, and assigns should be forever barred from asserting any right, title, interest, or claim in said property located at 133 Dutch Hill Road, Dunbar, Fayette County, Pennsylvania, 15425.

The service of this Complaint by publication is made pursuant to an Order of

Court dated April 5, 2024 and filed at the above term and number.

You are hereby notified to plead to the Complaint in this action of which the above is a brief summary within twenty (20) days from today.

**You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.**

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW.**

**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.**

PENNSYLVANIA LAWYER REFERRAL  
SERVICE  
PENNSYLVANIA BAR ASSOCIATION  
100 SOUTH STREET  
P. O. BOX 186  
HARRISBURG, PA 17108  
PHONE: 1-800-692-7375

By: David D. Tamasy, Esquire  
Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
Phone: 724-626-8882

---

## 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, May 6, 2024, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2622-1138	R. NILES DODSON	Michelle R. Howard, Executor

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

**Monday, May 20, 2024, at 9:30 A.M.**

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

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

**Monday, May 6, 2024, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2622-0567	WAYNE K. O'BRIEN	Deborah A. Martin, Executrix
2688-0965	MARTHA SHEARER PIGNETTI FAMILY TRUST	PNC Bank National Association, Trustee

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

**Monday, May 20, 2024, at 9:30 A.M.**

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

## WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

[johnfranciswarman@gmail.com](mailto:johnfranciswarman@gmail.com)

COMMERCIAL/RESIDENTIAL/CURRENT OWNER/MINERAL TITLE

A DECADE OF EXPERIENCE   E&O INSURED   WILL TRAVEL   ACCEPTING NEW CLIENTS



**DiBella Weinheimer**

Geer McAllister Best Coco Lloyd Whalen



Holly Whalen ◊ Amy Coco ◊ Bethann Lloyd

INSIST UPON OUR EXPERIENCED TEAM

### LAWYERS DEFENDING LAWYERS

- Disciplinary Board
- Legal Malpractice
- Security Fund / IOLTA
- Ethics & Conflict Analysis
- Subpoena Assistance
- Licensure
- Conflict Resolution

[WWW.DIBELLA-WEINHEIMER.COM](http://WWW.DIBELLA-WEINHEIMER.COM) 412 261-2900

**JUDICIAL OPINION**

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

COMMONWEALTH OF PENNSYLVANIA, :  
Appellee, :  
v. :  
ALIZE JONTE KOBALY, :  
Appellant. : No.1724 of 2022

**OPINION**

**Filed pursuant to Pennsylvania Rule of Appellate Procedure 1925(a)**

Linda R. Cordaro, J.

On September 8, 2023, while represented by counsel, Appellant entered a general guilty plea to charges of attempted burglary {1}, terroristic threats, theft by unlawful taking, reckless endangerment of other persons, harassment, disorderly conduct, and criminal mischief. He was sentenced on September 20, 2023 to twenty-two (22) to forty-four (44) months of incarceration and restitution of \$2,171.17.

On October 20, 2023, via new counsel, Appellant filed both a post-sentence motion nunc pro tune and a notice of appeal.

**PROCEDURAL BACKGROUND**

Appellant entered his general guilty plea on September 8, 2023. This Court conducted a full colloquy and found that he made the plea knowingly, voluntarily, and intelligently. On September 20, 2023, this Court sentenced Appellant to twenty-two (22) to forty-four (44) months of incarceration on the attempted burglary, at the lower end of the standard range per the sentencing guidelines, and accepted Appellant's guilty plea without further penalty on all other charges.

On October 5, 2023, Appellant's plea counsel filed a motion to withdraw, which was granted on October 11, 2023. On October 18, 2023, the Fayette County Public Defender filed an entry of appearance on Appellant's behalf.

Appellant's new counsel filed both a post-sentence motion nunc pro tunc and notice of appeal on October 20, 2023. This Court issued an order for a Concise Statement (Statement) under Pa.R.A.P. 1925(b) on October 25, 2023, and denied Appellant's post-sentence motion on October 26, 2023.

Appellant's counsel served the Statement on December 13, 2023, beyond the time permitted by the 1925(b) order but within the 60 days allowed for filing of this Court's 1925(a) opinion.

---

{1} On September 8, 2023, this Court also granted the Commonwealth's motion to amend the information from burglary to attempted burglary.



A review of the case file reveals that Appellant has sent, and continues to send, prose correspondence even while represented by counsel, and he also has filed a pro se notice of appeal. {2}

### ISSUES ON APPEAL

Appellant raises the following issues on appeal in the Statement filed by counsel:

1. Whether the plea attorney was ineffective for not timely filing a motion to withdraw the defendant's guilty plea.
2. Whether the court erred in not allowing the defendant to withdraw his guilty plea because the plea was not entered into by his own free will.
3. Whether the court erred in not allowing the defendant to withdraw his guilty plea because the plea was not entered into knowingly and voluntarily.
4. Whether the plea attorney was ineffective for not fully explaining the entire ramifications of a general plea to the defendant.

### DISCUSSION

Before addressing the issues raised in Appellant's Statement, it is noted that the failure of counsel to file a Statement in compliance with this Court's order constitutes per se ineffectiveness. *Commonwealth v. Stroud*, 298 A.3d 1152, 1157 (Pa. Super. Ct. 2023) (quoting *Commonwealth v. Thompson*, 39 A.3d 335, 341 n.11 (Pa. Super. 2012)). However, this Court does not deem it necessary to appoint new counsel.

The four issues recited in Appellant's Statement may be consolidated as follows: the first and fourth issues relate to the ineffectiveness of counsel; the second and third issues relate to whether Appellant knowingly, voluntarily, and intelligently entered his guilty plea.

Claims of ineffectiveness of counsel generally are not entertained on direct appeal and should be deferred until collateral review. *Commonwealth v. Grant*, 813 A.2d 726 (Pa. 2002) abrogated on other grounds by *Commonwealth v. Bradley*, 261 A.3d 381 (Pa. 2021). There are recognized exceptions to this approach, including: (1) extraordinary circumstances where a discrete claim is apparent from the record and meritorious to the extent that immediate consideration best serves the interest of justice; and (2) circumstances in which a defendant seeks to litigate multiple claims of ineffectiveness with a showing of good cause and the defendant has knowingly and expressly waived entitlement to seek PCRA review. *Commonwealth v. Holmes*, 79 A.3d 562, 563-64 (Pa. 2013). A trial court also is required to address ineffectiveness of counsel claims if a defendant is statutorily precluded from obtaining subsequent PCRA review (e.g., if a defendant is not eligible under the PCRA because he is not currently incarcerated or on probation or parole as required by 42 Pa.C.S.A. § 9543(a)(1)(i)). *Commonwealth v. Delgros*, 183 A.3d 352, 361 (Pa. 2018). However, here, none of these exceptions apply. Therefore, any claims of ineffectiveness of counsel would be more properly raised under the PCRA, and this Court will not address them.

---

{2} 1433 WDA2023. The date stamps on the prose document indicate it was received by the Pennsylvania Superior Court on November 22, 2023 and placed on file with the Fayette County Clerk of Courts on December 7, 2023.

Appellant's second and third issues, which relate to the voluntariness of his plea, appear to challenge the denial of the post-sentence motion, even though Appellant's counsel filed notice of appeal on October 20, 2023, before any determination on the post-sentence motion was announced or any appealable order was made. Nevertheless, the reasoning for this Court's denial of the motion is included here.

The standard by which to adjudge a motion to withdraw a guilty plea made after the imposition of sentence is much higher than a motion made prior to sentencing. "In contrast [to a pre-sentence motion], after the court has imposed sentence, a defendant can withdraw his guilty plea 'only where necessary to correct a manifest injustice.'" *Commonwealth v. Kpou*, 153 A3d 1020, 1023 (Pa. Super. Ct. 2016) (quoting *Commonwealth v. Starr*, 301A.2d 592, 595 (Pa. 1973)). The standard of "manifest injustice" is met when a plea was entered into involuntarily, unknowingly, or unintelligently. *Commonwealth v. Muhammad*, 794 A.2d 378, 383 (Pa. Super. Ct. 2002).

A guilty plea must be taken in open court, and the court is required to conduct a colloquy on the record to determine whether a defendant is aware of his rights and the consequences of a plea. *Commonwealth v. Hodges*, 789 A.2d 764, 765 (Pa. Super. Ct. 2002) (citing Pa.R.Crim.P. 590). Once a defendant enters a guilty plea, there is a presumption that he was aware of what he was doing, and the burden to prove involuntariness falls to him. *Commonwealth v. Stork*, 737 A.2d 789, 790 (Pa. Super. Ct. 1999). Furthermore, "[a] defendant is bound by the statements he makes during his plea colloquy, and may not assert grounds for withdrawing the plea that contradict statements made when he pled." *Id.* at 790- 91.

The Comment to Rule 590 of the Pennsylvania Rules of Criminal Procedure advises that, at minimum, a plea colloquy should ascertain that the defendant understands (1) the nature of the charges to which he is pleading; (2) the factual basis for the plea; (3) that he is giving up the right to a trial by a jury; (4) that he is giving up the presumption of innocence; (5) the permissible ranges of sentences and fines that can be imposed; and (6) that the court is not bound by the terms of any plea agreement.

Here, the record clearly supports that this Court conducted a thorough colloquy on the record, and that Appellant knowingly, voluntarily, and intelligently entered a general guilty plea. Appellant was placed under oath at the beginning of the colloquy and so, by his own affirmation, he gave truthful statements and responses to this Court. N.T. Criminal Guilty Plea Proceedings, 9/8/23, at 7-8. The plea colloquy did ascertain that Appellant understood his rights as Pa.R.Crim.P. 590 requires, and the record shows no "manifest injustice" such that allowing withdrawal of the guilty plea is appropriate.

First, Appellant did confirm that he understood the nature of the charges against him. N.T. Criminal Guilty Plea Proceedings, 9/8/23, at 11-12.

Second, the assistant district attorney read aloud the factual basis for the charges, which Appellant confirmed he heard. *Id.* at 16-17. In addition, Appellant further admitted, specifically, that he had a firearm with him, he went to the victim's residence, banged on the door, and broke windows. *Id.*, at 18. He admitted that he held the firearm to the door behind which the victim was located, and that he told the victim he was go-

ing to "make [him] come outside." Id. at 19. He also admitted that he damaged the door, and stole a "Blink" camera. Id. at 20.

Third and fourth, this Court confirmed that Appellant had reviewed the entirety of the written guilty plea petition with his attorney and that he understood it. Id. at 9. The written petition specifically describes the right to a trial by jury (and associated rights) as well as the right to a presumption of innocence, and it states that by pleading guilty, a defendant waives those rights. Guilty Plea Petition (Court Exhibit 1), at ¶¶2-3. Furthermore, the Court specifically informed Appellant during the colloquy that he did not have to plead guilty and that he had the absolute right to take the case to trial. N.T. Criminal Guilty Plea Proceedings, 9/8/23, at 14.

Fifth, this Court confirmed with Appellant during the colloquy that his attorney had reviewed with him the maximum penalties associated with the crimes charged, and it also specifically informed him of the maximum penalties for misdemeanor and felony offenses. Id. at 12. It also specifically discussed Appellant's prior record score and offense gravity score with him, and informed him of the statutory maximum and standard guideline range. Id. at 15-16.

Finally, as Appellant entered a general plea, there was no plea agreement for this Court to consider. However, Appellant reviewed, understood, and signed the plea petition, which informs defendants that the court decides the sentence. Guilty Plea Petition (Court Exhibit 1), at , ¶4. In addition, this Court specifically informed Appellant that the sentencing guidelines are advisory and that his sentence could be as little as 22 to 44 months or as much as 36 to 72 months. N.T. Criminal Guilty Plea Proceedings, 9/8/23, at 16. This Court asked Appellant, specifically, if anyone had promised him that he would be given a particular sentence, and he stated that no such promise had been made. Id. Finally, Appellant also was asked, specifically, if he was satisfied with his attorney and if he had had sufficient time to speak with his attorney about the case, and he responded in the affirmative to both questions. Id. at 20-21.

As in Stork, Appellant is bound by the statements he made to this Court during his colloquy and cannot now assert grounds for withdrawal of the plea that contradict those statements. Here, the totality of the circumstances and the record clearly show that Appellant was fully informed of the consequences of entering a plea, including the possible range of sentences; that he voluntarily admitted to the specific facts of the charges against him; and that he did know his rights. Therefore, as this Court found, Appellant knowingly, intelligently, and voluntarily chose to waive his rights and enter his plea. There is no indication that a "manifest injustice" has occurred here.

This Court respectfully requests that its determination be AFFIRMED.

BY THE COURT:  
Linda R. Cordaro, Judge

ATTEST:  
Clerk of Courts

*Quality... Experience... Results...  
It's what your clients deserve.*

*Medical Malpractice • Auto Accidents • Personal Injury*



# GISMONDI

& ASSOCIATES

412-281-2200

[www.gislaw.com](http://www.gislaw.com)

700 Grant Bldg., 310 Grant St., Pgh., PA 15219