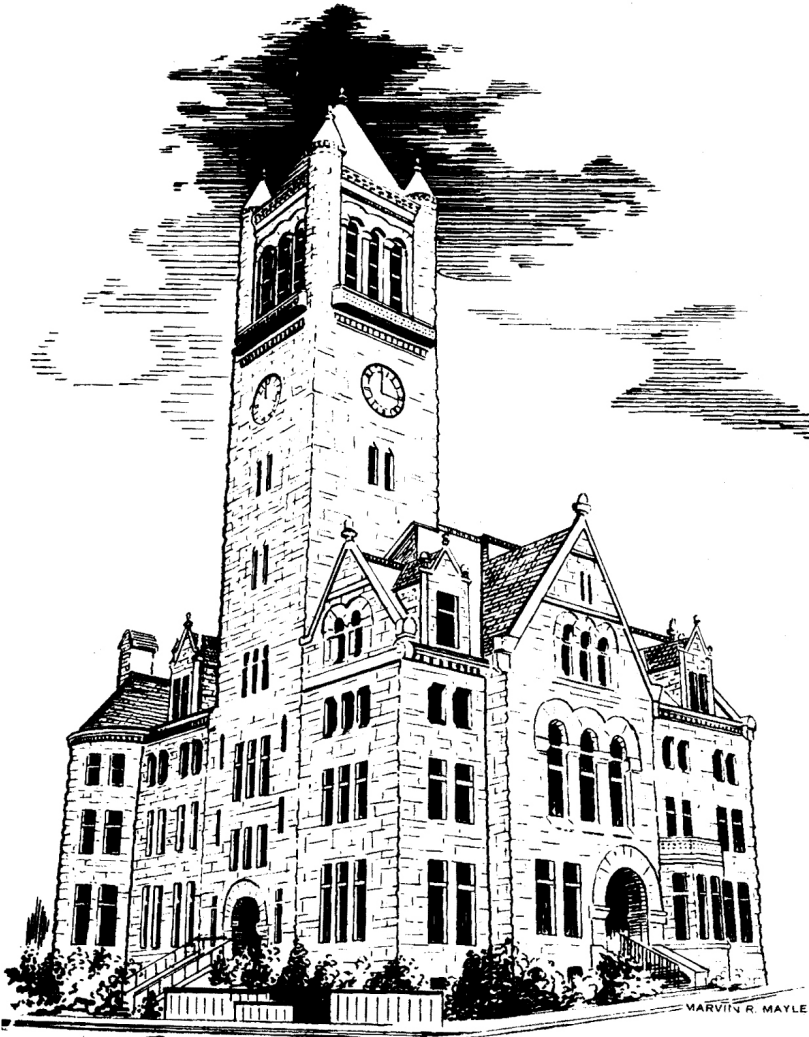


# FAYETTE LEGAL JOURNAL

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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

**EMERSON BURNSWORTH**, late of German Township, Fayette County, PA (3)

*Administratrix:* Lisa Burnsworth  
c/o PO Box 622  
Smithfield, PA 15478  
*Attorney:* Charity Grimm Krupa

**JAMES FIELDS, A/K/A JAMES RAYMOND FIELDS**, late of North Union Township, Fayette County, PA (3)

*Personal Representative:* Susan Fields  
c/o 99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Robert A. Gordon

**CHARLES L. NEWCOMER**, late of Vanderbilt, Fayette County, PA (3)

*Personal Representative:* David T. Newcomer  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**JOYCE NEWCOMER, A/K/A HELEN J. NEWCOMER, A/K/A HELEN JOYCE NEWCOMER**, late of Vanderbilt, Fayette County, PA (3)

*Personal Representative:* Karen Newcomer  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**PATRICIA SHAFFER, A/K/A PATRICIA C. SHAFFER**, late of Point Marion, Fayette County, PA (3)

*Executor:* Joseph Bernard Shaffer  
c/o 556 Morgantown Road  
Uniontown, PA 15401  
*Attorney:* John A. Kopas III

### Second Publication

**MYRNA ANN DOPPELHEUER**, late of Connellsville, Fayette County, PA (2)

*Executor:* Mark Doppelheuer  
c/o Pollock Morris, LLC  
54 South Washington Street  
Waynesburg, PA 15370  
*Attorney:* David F. Pollock

**DAVID ROSS GRIFFIN**, late of Wharton Township, Fayette County, PA (2)

*Personal Representative:* Laura Griffin  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

**JACQUELYN H. HINCHLIFFE, A/K/A JACQUELYN HINCHLIFFE**, late of Bell Vernon, Fayette County, PA (2)

*Personal Representative:* Charles W. Watson  
c/o Watson Mundorff Brooks & Sepic, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Charles W. Watson

**CLARA M. SANDORF, A/K/A CLARA SANDORF**, late of North Union Township, Fayette County, PA (2)

*Executor:* Michael Sandorf  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

## First Publication

**RONALD B. BRYNER**, late of Henry Clay Township, Fayette County, PA (1)  
*Personal Representative:* Karen S. Chapa  
 c/o Davis & Davis  
 107 East Main Street  
 Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

**SANDRA S. DILLINGER**, deceased, late of Everson Township, PA (1)  
*Administratrix:* Georganne Nicholson  
 615 Painter Street  
 Everson Township, PA 15631  
*Attorney:* Loughren, Loughren & Loughren, P.C.  
 310 Grant Street, Suite 2800  
 Pittsburgh, PA

**JOHN FRANK KUSHNAR, A/K/A JOHN F. KUSHNAR**, late of Fayette City, Fayette County, PA (1)  
*Administratrix:* Lynn A. Bennett  
 c/o Zebley Mehalov & White  
 18 Mill Street Square  
 Post Office Box 2123  
 Uniontown, PA 15401  
*Attorney:* Daniel R. White

**EDITH LOUISE SANTORE, A/K/A LOUISE E. SANTORE**, late of Uniontown, Fayette County, Pa (1)  
*Co-Executors:* Robert Boyd  
 6 Creek View Trail  
 Fairfield, PA 17320  
 Connie Greshaman  
 PO Box 42  
 Hopwood, PA 15445  
 c/o 98 Main Street  
 Smithfield, PA 15478  
*Attorney:* Douglas S. Sholtis

**SANDRA K. TORDI**, late of Washington Township, Fayette County, PA (1)  
*Executor:* Jon C. Nagel  
 4419 Luciano Avenue  
 Pahrump, NV 89061  
 c/o 33 Colonial Drive  
 Monessen, PA 15062  
*Attorney:* Jack L. Bergstein

## LEGAL NOTICES

### 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 October 14, 2016 to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Cherry Tree Dental Center, with the principal place of business at 600 Cherry Tree Lane Uniontown, PA 15401. The name or names and addresses of persons owning and interested are Jonathan P. Krizner, DDS, 600 Cherry Tree Lane, Uniontown, PA 15401.

Gary Monaghan  
 Monaghan & Monaghan, L.L.P.  
 57 East Main Street  
 Uniontown, Pennsylvania 15401

### NOTICE

NOTICE IS HEREBY GIVEN that, on the 31st day of August, 2016, the petition of LOUIS QUARESIMO, JR., was filed in the Fayette County Court of Common Pleas, requesting decree to change name to "Lori Ann Quaresimo".

The Court has hereby fixed the 30th day of November 2016, at 2 o'clock p.m., in courtroom number 3, of the Fayette County Court of Common Pleas, as the time and place for the hearing of said petition, when and where all persons interested may appear and show cause, if any they have, why the request of said petition should not be granted.

### PECK LAW OFFICES

By: Brent Eric Peck, Esquire  
 111 East Main Street  
 Uniontown, PA 15401  
 724-430-0514

**NOTICE**

BUSINESS CORPORATION - Notice is hereby given that Articles of Incorporation were filed with the Department of State for SELECT FINANCE, INC., a corporation organized under the Pennsylvania Business Corporation Law of 1988.

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IN THE COURT OF COMMON PLEAS  
OF FAYETTE COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
NO. 1296 of 2016, G.D.

**NOTICE OF ACTION IN MORTGAGE  
FORECLOSURE**

**PNC Bank, National Association,**  
**Plaintiff,**  
**vs.**

**Patricia L. Johnson, Individually and as A  
Known Heir of Thomas H. Johnson and  
Unknown Heirs, Successors, Assigns and All  
Persons, Firms or Associations Claiming  
Right, Title or Interest from or Under  
Thomas H. Johnson,**  
**Defendant(s).**

TO: Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or Under Thomas H. Johnson, Defendant(s), whose last known address is 202 Main Street, Perryopolis, PA 15473.

**COMPLAINT IN MORTGAGE  
FORECLOSURE**

You are hereby notified that Plaintiff, PNC Bank, National Association, has 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. 1296 of 2016, G.D., wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 202 Main Street, Perryopolis, PA 15473, whereupon your property would be sold by the Sheriff of Fayette County.

**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the notice above, 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. THIS OFFICE CAN PROVIDE YOU WITH THE 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. Fayette County Lawyer Referral Service, PA Bar Assn., 100 South St., P.O. Box 186, Harrisburg, PA 17108, 800.692.7375.

Mark J. Udren, Lorraine Gazzara Doyle, Sherri J. Braunstein, Elizabeth L. Wassall, John Eric Kishbaugh, Nicole B. Labletta, David Neeren & Morris Scott  
Attys. For Plaintiff, Udren Law Offices, P.C.,  
111 Woodcrest Rd., Ste. 200, Cherry Hill, NJ  
08003, 856.669.5400.

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IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW  
No. 872 OF 2016

**NOTICE OF ACTION IN MORTGAGE  
FORECLOSURE**

**WELLS FARGO BANK, N.A.,**  
**Plaintiff,**  
**vs.**  
**CAROLYN S. MAULDING,**  
**Defendant.**

**NOTICE**

To CAROLYN S. MAULDING

You are hereby notified that on April 29,

2016, Plaintiff, WELLS FARGO BANK, N.A., 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. 872 OF 2016. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 362 1ST STREET, WEST LEISENRING, PA 15489 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.

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100 South Street.  
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## 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, November 7, 2016  
at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2615-0671	WILLIAM F. SZABO	Michael J. Szabo, Executor
2613-0859	MARK STUART FREMD	Christine M. Fremd, Administrator
2614-0941	VALERIE J. KOOSER	Cheryl L. Garlick, Administratrix CTA
2614-0405	DORCY MAY HANN	Viola H. Hughes, Executrix
2607-0535	GERALD C. LIVINGSTON a/k/a GERALD C. LIVINGSTON, JR.	Lydia Fike, Executrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on  
Monday, November 21, 2016 at 9:30 A.M.

in Court Room No. 1 of the Honorable STEVE P. LESKINEN, or his chambers, 2nd 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 also 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, November 7, 2016  
at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2614-0932	BETTY J. ELLENBERGER	Renee J. Ellenberger, Executrix
2615-0090	RICHARD L. CARPINELLI	Richard L. Carpinelli, Jr. and Robert A. Carpinelli, Executors

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on  
Monday, November 21, 2016 at 9:30 A.M.

in Court Room No. 2 of the Honorable JOHN F. WAGNER or his chambers, 2nd 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 (2 of 2)





**CONTINUING LEGAL EDUCATION**

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
VS.	:	
	:	
JENNIFER ANN HAVRILESKO and	:	No. 2122 of 2015
EDWIN PAUL HAVRILESKO,	:	No. 2123 of 2015
	:	
Defendants.	:	Honorable Nancy D. Vernon

Attorneys:  
*Mark Mehalov, Esquire*, for the Commonwealth  
*Jack Connor, Esquire*, for the Defendants

**OPINION AND ORDER**

VERNON, J.

October 24, 2016

Before the Court are the Omnibus Pre-Trial Motions of Defendants, Jennifer Ann Havrilesko and Edwin Paul Havrilesko, in the nature of Petitions for Writ of Habeas Corpus. Defendants are alleged to have so restricted their daughter’s diet to a point near her death and were each charged with aggravated assault, endangering the welfare of children, and recklessly endangering another person. Defendants cases were consolidated and each now moves for the dismissal of charges arguing that the Commonwealth failed to produce sufficient evidence to establish a prima facie case of all charges and also contend in their defense that their actions were justified by taking their daughter to approximately many physicians in a two year period to determine the cause of her weight loss.

At the time set for hearing on the Motions, the parties admitted the transcript of the Preliminary Hearing for the Court’s consideration in deciding the within Motions and presented no supplemental witnesses.

**STATEMENT OF FACTS**

Dr. Adelaide Eichman of the Child Advocacy Center at Children’s Hospital of Pennsylvania testified as an expert witness in the field of pediatrics with a focus on child abuse. N.T., 12/15/2016, at 6-9. Dr. Eichman first met P.H., the adoptive daughter of Defendants, in July 2014, when P.H. was transferred as a patient to the Intensive Care Unit of Children’s Hospital. Id. at 9. P.H. presented as a thirteen year old female who was “gravely ill. She was very thin. She was having difficulty breathing. She was

not able to talk. She had oxygen on, and she had multiple sores on her body, on her wrists and ankles, and she had sores on her back. She was gravely, gravely ill.” Id. at 10. Subsequently, a breathing tube was placed to breathe for her until she was able to breathe on her own. Id.

On July 19, 2014, when P.H. was admitted as a patient at Uniontown Hospital, she weighed about fifty (50) pounds, the appropriate weight for a child the age of seven. Id. at 11. P.H.’s vital signs were consistent with malnourishment including a low heart rate, temperature, and blood pressure. Id. at 11. P.H.’s laboratory testing was consistent with starvation in that she had a high sodium level and CPK, which is a marker of muscle breakdown, while having low potassium and calcium levels. Id. at 12. Pressure points were found to have formed sores over P.H.’s body indicating a breakdown of her skin. Id. at 12-13. At Children’s Hospital, P.H. was classified as “critically ill” and without medical intervention, it was the opinion of Dr. Eichman that P.H. “likely would have died.” Id. at 13.

In speaking with Defendant, P.H.’s adoptive mother, Dr. Eichman was told by Defendant Jennifer Havrilesko that P.H. suffered from multiple food allergies that precluded her from eating. Id. at 13-14. Medical testing performed in February 2013 revealed that P.H. had all normal allergy testing levels. Id. at 14. In response to questioning regarding an eating disorder, Dr. Eichman testified the same was ruled out as a diagnosis because P.H. liked to eat, was able to eat, did gain weight from eating, and did not show any eating disorder behaviors while in a special unit for treatment of eating disorders in March 2014. Id. at 17.

With regard to the sores on P.H.’s body, Dr. Eichman testified the sores were found on her wrists, ankles, and the bony parts of her back. Id. at 18-19. From examination in March 2014 until hospital admittance in July 2014, the sores worsened and were described by Dr. Eichman as “traumatic ulcerations.” Id. X-ray examination revealed rib fractures. Id. at 21.

A review of P.H.’s pediatric records indicate that she weighed less in July 2014 as a thirteen year old child than she had weighed at a prior appointment at the age of seven. Id. at 20. The growth chart showed that when P.H. was admitted to the hospital over the two year period, she gained weight, but that while at home, she lost weight. Id. Jennifer Havrilesko told Dr. Eichman that P.H. was removed from school because she stole food or stole money to purchase food while at school and she was concerned that P.H. would eat food that she was potentially allergic to eating. Id. at 21.

Dr. Eichman summarized her examination of P.H. stating that P.H. was mal-treated by starvation, rib fractures, and severe ulcerations. Id. at 22. To recover, P.H. was placed on a breathing tube and given medication to stabilize her, and thereafter spent a prolonged period of time in the hospital and rehabilitation facility to regain strength and gain weight. Id. at 22.

Dr. Eichman opined that P.H. was not restricting her own food intake, but rather a caretaker was doing so. Id. at 22-23. Prior to her hospitalization, P.H. would regurgitate her food into her mouth, and then chew and swallow it again, a disorder

known as rumination, and which was described as Dr. Eichman as a self-soothing technique for P.H. to try to trick herself into believing that she was eating again. *Id.* at 24-25. Rumination is a symptom of starvation. *Id.* at 29. At a check-up on September 12, 2014, P.H. had gained twenty-six pounds in the six weeks since her hospital admission and was tolerating food very well with no allergic reactions to food. *Id.* at 31. Dr. Eichman's opinion, provided with a reasonable degree of medical certainty, was that P.H. suffered starvation by the restriction of her food intake. *Id.* at 33-34.

Trooper Craig Spisak of the Pennsylvania State Police was assigned to investigate the within case against Defendants and during the investigation, identified Defendants to be the primary caretakers and custodians of P.H. during the time frame at issue. *Id.* at 58-59.

Under cross-examination, Dr. Eichman testified that P.H. was seen in Children's Hospital and other medical facilities for a period of several years with complaints that she was not gaining sufficient weight for her age. *Id.* at 34-42. Dr. Eichman explained that the acts of starvation occurred over a long period of time and would not have been "obvious in the thick of it." *Id.* at 44. Dr. Eichman also denied that rumination disorder would cause weight loss because P.H. was consuming the same food twice with no calories lost. *Id.* at 47.

Defendants presented the report of Dr. Patel, dated December 19, 2012, which identified P.H. as suffering from allergies to eggs, peanuts, chocolate and oranges and letters written in support of Defendants' attempts to cyberschool P.H. authored by Barb Pec of Chestnut Ridge Counseling Services, Tom Scanga of PA Behavioral Health Resources, and Dr. Allison Forina which referenced P.H.'s significant food allergies. *Id.* at 48-50, 56. Defense counsel presented Dr. Eichman with approximately eighteen doctor visits spanning a two year period during which starvation was not diagnosed. *Id.* at 52-53.

Defendants also called P.H. to testify at the preliminary hearing and under questioning by their counsel, P.H. stated that she was hospitalized for an acid reflux problem because she was low weight and kept bringing her food up. *Id.* at 61-62. P.H. denied that her parents did not feed her and denied that they placed any restrictions on her food. *Id.* at 63, 66-67. P.H. attributed the scars on her wrist to a five-year old boy in Defendants' home who would attack her. *Id.* at 68. Under Commonwealth questioning, P.H. admitted to telling Troop Spisak that she was stealing food at school because she was hungry. *Id.* at 70.

## DISCUSSION

At the pre-trial stage of a criminal prosecution, it is not necessary for the Commonwealth to prove the defendant's guilt beyond a reasonable doubt, but rather, its burden is merely to put forth a prima facie case of the defendant's guilt. *Commonwealth v. McBride*, 595 A.2d 589, 591 (Pa. 1991). A prima facie case exists when the Commonwealth produces evidence of each of the material elements of the crime charged and establishes sufficient probable cause to warrant the belief that the accused committed the offense. *Id.* The evidence need only be such that, if presented at trial

and accepted as true, the judge would be warranted in permitting the case to go to the jury. *Commonwealth v. Marti*, 779 A.2d 1177, 1180 (Pa.Super.2001). Moreover, “[i]nferences reasonably drawn from the evidence of record which would support a verdict of guilty are to be given effect, and the evidence must be read in the light most favorable to the Commonwealth’s case.” *Id.* at 1180.

The offense of aggravated assault, as charged here, statutorily requires the Commonwealth to prove that Defendants “attempt[ed] to cause serious bodily injury to [P.H.], or cause[d] such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life.” 18 Pa.C.S.A. § 2702(a)(1). Our law defines “serious bodily injury” as “bodily 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; *Commonwealth v. Rochon*, 581 A.2d 239, 243 (Pa.Super. 1990).

The medical records presented at the preliminary hearing, and as testified to by Dr. Eichman, reveal P.H. weighed more at the age of seven than she did at the age of thirteen. The physical examination of P.H. at Children’s Hospital in July 2014 discovered that the child was being starved, such indications included vital signs consistent with malnourishment and lab work indicating with starvation. P.H. displayed rumination disorder, a symptom of starvation. In the opinion of Dr. Eichman, P.H. was “critically ill” and would have likely died without medical intervention. Once hospitalized in July 2014, P.H. physically flourished by gaining weight, enjoyed eating, suffered no food allergies, and continued to eat without issue. This evidence was ample to establish a prima facie case that Defendants attempted to cause, and did cause, serious bodily injury to P.H., nearly resulting in her death by starvation, and Defendants intentionally, knowingly, or recklessly did so, manifesting extreme indifference to the value of P.H.’s human life.

With regard to the remaining charges, in order to obtain a conviction for endangering the welfare of children, the Commonwealth must prove that:

A parent, guardian or other person supervising the welfare of a child under 18 years of age, or a person that employs or supervises such a person, commits an offense if he knowingly endangers the welfare of the child by violating a duty of care, protection or support.

18 Pa.C.S.A. § 4304.

Section 2705 of the Crimes Code – recklessly endangering another person, provides that, “A person commits a misdemeanor of the second degree if he recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury.”

The Commonwealth, through the testimony of Dr. Eichman, presented evidence sufficient in kind and quantity to establish a prima facie case of endangering the welfare of children and recklessly endangering another person, namely in the expert testimony of Dr. Eichman that P.H. was suffering starvation while in the custody of Defendants. The physical symptoms as described as being suffered by P.H. were consistent with starvation. Without medical intervention, it was the opinion of the expert doctor that

P.H. would have likely died. The actions alleged against Defendants to have withheld food from P.H. to the point of near-death violated their solemn duty as adoptive parents to care, protect, and support her and placed her within danger of death.

In requesting this Court to dismiss the charges, Defendants argue that over a period of two years, P.H. was taken by them to many doctors, none of whom diagnosed starvation. The lack of diagnosis was explained by Dr. Eichman as being missed “in the thick of things” and that starvation is not immediately apparent within a patient and is an easily missed diagnosis to a medical professional. The Court gives no weight to the lengthy medical records where P.H. was not previously diagnosed as being a starved child, and instead, sympathizes for the child for suffering under the care of many prior doctors and the extended length for which the child suffered food restrictions until her admission at Children’s Hospital.

Adjudged by the above stated standard, the evidence adduced at the preliminary hearing and of record in this case, if believed by a jury, is more than sufficient to establish a prima facie case of the Defendants Jennifer Havrilesko and Edwin Havrilesko’s guilt on all charges. Wherefore, the Petitions for Writ of Habeas Corpus are DENIED.

WHEREFORE, we will enter the following Order.

ORDER

AND NOW, this 24th day of October, 2016, upon consideration of the Omnibus Pre-Trial Motions of Defendants, Jennifer Ann Havrilesko and Edwin Paul Havrilesko, in the nature of Petitions for Writ of Habeas Corpus, it is hereby ORDERED and DECREED that the same are DENIED.

BY THE COURT:  
NANCY D. VERNON, JUDGE

ATTEST:  
CLERK OF COURTS



**CONTINUING LEGAL EDUCATION****Pennsylvania's New Expungement Law**

November 2, 2016

1 substantive CLE credit

Noon to 1:00 p.m.

Cost: \$30.00

First Niagara Bank Building  
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Presenters:

Samuel J. Davis, Esq.

and

Richard Bower, Esq.

Fayette County District Attorney

Please email or call Cindy to register  
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