



SINCE 1792

LANCASTER BAR ASSOCIATION

Lancaster Law Review

The Official Legal Periodical of Lancaster County

Vol. 95

LANCASTER, PA DECEMBER 17, 2021

No. 51

CASE REPORTED

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LANCASTER LAW REVIEW

(USPS 304-080)

The Official Legal Periodical of Lancaster County –
Reporting the Decisions of the Courts of Lancaster County

OWNED AND PUBLISHED WEEKLY BY

LANCASTER BAR ASSOCIATION

2021

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CALENDAR OF EVENTS

December Events

December 16, 2021

Retirement Reception

LBA Headquarters

January Events

January 21, 2022

Annual Membership Meeting

Zoom Conference

Lancaster Law Review – 2021 Holiday Early Deadline Schedule

Submissions must be received by the dates and times below in order to publish in the follow issues:

December 24 Publication – must be received by Wednesday, December 15 at 4:00pm

There will **not** be an early deadline for the December 31 Publication.

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CRIMINAL COURT**ARD Hearings**

Individual cases to be scheduled by the District Attorney.

Jan. 26	Feb. 23	Mar. 23	Apr. 27
May 25	Jun. 22	Jul. 27	Aug. 24
Sept. 28	Oct. 26	Nov. 30	Dec. 28

Arraignment Court—Courtroom A

Jan. 8, 22	Feb. 12, 26	Mar. 12, 26
Apr. 9, 23	May 14, 28	Jun. 11, 25
Jul. 9, 23	Aug. 13, 27	Sept. 10, 24
Oct. 8, 22	Nov. 12, 24	Dec. 10, 22

DUI Court—Courtroom A

Jan. 14, 28	Feb. 11, 25	Mar. 11, 25
Apr. 8, 22	May 6, 20	Jun. 3, 17
Jul. 1, 15, 29	Aug. 12, 26	Sept. 9, 23
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Jul. 8, 22	Aug. 5, 19	Sept. 2, 16, 30
Oct. 14, 28	Nov. 10, 24	Dec. 9, 23

Bench Warrant Hearings

Mondays, Wednesdays and Fridays at 1:30 P.M.

Drug Court—Tuesdays at 1:30 P.M.**Fines and Costs**

Dates to be selected by the District Court Administration Office and individual cases to be scheduled by Adult Probation.

Guilty Pleas

Dates to be selected by the District Court Administration Office and individual cases to be scheduled by the District Attorney.

Mental Health Court—Wednesdays at 1:30 P.M.

Court of Common Pleas of Lancaster County

Criminal

Commonwealth v. Pinnock

PCRA Opinion — Issue Waiver — Limited Cross-Examination — Ineffective Assistance — Suppression of Evidence — Identity of Confidential Informant — Sufficient Probable Cause — Challenges to Veracity of Facts in Search Warrant Affidavit — No Showing of Deliberate Falsehood — Lack of Prejudice Opinion. Commonwealth of Pennsylvania v. Milik Emil Pinnock. No 6227-2017.

Amara M. Riley for the Commonwealth.

Barrie L. Wellener for the Defendant.

OPINION BY: ASHWORTH, P.J., November 2, 2021. Before the Court is the *pro se* petition Milik Emil Pinnock (Pinnock or Petitioner), filed pursuant to the Post Conviction Collateral Relief Act (PCRA), 42 Pa.C.S.A. §§ 9541-9546. For the reasons set forth below, this amended petition will be dismissed without a hearing.¹

I. BACKGROUND

The relevant facts and the procedural history of this case may be summarized as follows. On October 6, 2017, the Honorable Howard F. Knisely signed an order authorizing the installation of a global position system (GPS) mobile tracking device on the Honda Accord owned by Pinnock. The application and affidavit presented asserted there was probable cause to believe Pinnock's vehicle was involved in or connected to criminal activity, specifically, the sale of cocaine purchased in Philadelphia but distributed within Lancaster. The GPS tracker was installed on the vehicle on the morning of October 9, 2017, pursuant to 18 Pa.C.S.A. § 5761. That day, Pinnock's vehicle travelled to and from Philadelphia.

On October 10, 2017, at approximately 1:10 p.m., members of the Lancaster County Drug Task Force seized Pinnock, searched his vehicle and entered his residence at 541 North Plum Street in the City of Lancaster pursuant to a valid search warrant. During the search of the residence, Detectives located approximately 263.34 grams of cocaine, \$1, 073.00 in U.S. currency, two digital gram scales, sandwich bags, and a gallon size bag and two quart size bags with cocaine residue. See Suppression Hearing Commonwealth Trial Exhibits 3-6. The seizure and arrest of Pinnock resulted in the Commonwealth obtaining additional controlled substances on Pinnock's person. Subsequent to his arrest, Pinnock was administered his *Miranda*² warnings by Detective Jason Zeigler of the Drug Task Force, waived his rights, and ultimately provided a statement admitting the cocaine, paraphernalia, and money were his and that he was selling cocaine. See Suppression

¹ Under Pa. R.Crim.P. 907, a PCRA court may dispose of post conviction collateral relief petitions without a hearing if it is satisfied after reviewing the materials submitted that no genuine issues of material fact exist and that Pinnock is not entitled to relief. See also Commonwealth v. Springer, 961 A.2d 1262, 1264 (Pa. Super. 2008).

² *Miranda v. Arizona*, 384 U.S. 436 (1966)

Hearing Commonwealth Trial Exhibits 7 & 8.

Based upon his incriminating statements and the evidence seized from his residence and person, Pinnock was charged with possession with intent to deliver (PWID) cocaine, and possession of drug paraphernalia.³ Ultimately, these charges were docketed to Information No. 6227 of 2017.

Pinnock filed multiple omnibus pre-trial motions,⁴ containing claims that were presented and addressed at a suppression hearing on July 13, 2018. Specifically, Pinnock moved to suppress the controlled substances and paraphernalia seized from his person and residence, as well as the statements made by him. Following the suppression hearing, counsel for the parties submitted memoranda in support of and in opposition to suppression. By Order dated October 2, 2018, Pinnock's suppression claims were denied. The Court determined that (1) sufficient probable cause existed to authorize installation of the GPS mobile tracking device, and (2) there were no deliberate misstatements and/or omissions within the search warrant's affidavit that were material to any potential finding of probable cause.

On January 25, 2019, Pinnock appeared before the undersigned for a stipulated bench trial, at the conclusion of which Pinnock was found guilty of both charges. Sentencing was deferred pending a presentence investigation (PSI). The PSI report was completed and docketed on March 8, 2019.

On April 30, 2019, Pinnock filed a motion for extraordinary relief requesting that his convictions be vacated and that he be immediately discharged from any form of unsecured bail-related confinement on this docket because of the Court's failure to sentence him within 90 days of conviction, as statutorily required by Pa.R.Crim.P. 704. No formal action was taken on Pinnock's motion prior to the scheduled sentencing on May 3, 2019. At that time, the motion was argued by the parties, and orally denied by the Court from the bench.⁵ Notes of

³ 35 P.S. § 780-113(a)(30), and 35 P.S. § 780-113(a)(32), respectively.

⁴ On January 24, 2018, Pinnock's trial counsel filed his original omnibus pretrial motion challenging the affidavit of probable cause related to the search warrant executed on Pinnock's home and vehicle, as well as the custodial statements made by him to the police. On March 12, 2018, Pinnock filed a supplemental omnibus motion challenging the affidavit of probable cause related to the application for installation of the GPS mobile tracking device on Pinnock's vehicle. On May 30, 2018, Pinnock filed a third supplemental omnibus motion claiming that the affidavits used to obtain the search warrant and the GPS mobile tracking device both contained intentional omissions and misstatements material to any potential finding of probable cause. ⁵ Pinnock argued that the trial court violated his rights to due process and a speedy trial by failing to sentence him within the 90-day time period Pennsylvania Rule of Criminal Procedure 704 indicates. "[S]entencing in a court case shall ordinarily be imposed within 90 days of conviction . . ." Pa.R.Crim.P. 704. The sentencing here did occur outside the ordinary time frame of 90 days, but this Court held that Pinnock was not entitled to relief (i.e. discharge of his sentence) due to a mere eight-day delay. In *Commonwealth v. Anders*, 555 Pa. 467, 725 A.2d 170 (1999), the Supreme Court of Pennsylvania mandated that "the trial court should consider four factors to determine whether a delay outside the ordinary 90 days established in the Rules of Criminal Procedure warrants discharge of the case . . . Those factors are:

(1) the length of the delay falling outside of Rule 1405(A)'s 60-day and good-cause provisions, (2) the reason for the improper delay, (3) the defendant's timely or untimely assertion of his rights, and (4) any resulting prejudice to the interests protected by his speedy trial and due process rights . . . Prejudice should not be presumed by the mere fact of an untimely sentence. Our approach has always been to determine whether there has in fact been prejudice, rather than to presume that prejudice exists . . . The court should examine the totality of the circumstances, as no one factor is necessary, dispositive, or of sufficient importance to prove a violation . . . Commonwealth v. Neysmith, 192 A.3d 184, 191-92 (Pa. Super. 2018)(citations, quotations, and footnote omitted). The Neysmith Court noted that this block quote in Anders, supra, refers to Pa.R.Crim. P. 1405, now Pa.R.Crim. P. 704. Rule 1405 had a 60-day window for sentencing, which Rule 704 now extends to 90 days. See id. at 192 n.7.

At the time of conviction on January 25, 2019, Pinnock waived his right to a PSI, but the Court felt it had insufficient information to make an informed decision with regard to the appropriate sentence. Therefore, the Court ordered a PSI, which was originally scheduled for February 1, 2019. However, Pinnock, who was in custody of the Department of Corrections on previous matters unrelated to this action, had to be written

Testimony (N.T.), Sentencing at 3.

At the sentencing hearing on May 3, 2019, Pinnock received a sentence of 7 to 14 years' incarceration in a state correctional institution for the PWID conviction. N.T., Sentencing at 13. For the possession of drug paraphernalia conviction, only costs were imposed. *Id.* at 14. Pinnock was eligible for a recidivism risk reduction incentive (RRRI) sentence of 5 years and nine months' incarceration. *Id.* at 13. Pinnock was represented at his suppression hearing, stipulated bench trial, and sentencing by privately-retained counsel, Alan G. Goldberg, Esquire.

David Romano, Esquire, of the Public Defender's Office, entered his appearance on behalf of Pinnock on May 23, 2019, and a timely notice of appeal to the Superior Court of Pennsylvania was filed by new counsel on June 2, 2019. *See* 900 MDA 2019. Pinnock specifically raised the following issues: (1) whether the affidavit of probable cause in support of the authorization for the October 6, 2017, court order authorizing the installation of the mobile tracking device provided sufficient facts to establish probable cause to believe that the vehicle was involved in criminal activity; (2) whether the affidavit of probable cause for the warrant issued on October 10, 2017, provided sufficient facts to establish probable cause to believe Pinnock's residence would contain evidence of drug activity; (3) whether the affidavit of probable cause contained deliberate misstatements and omissions that were material to the finding of probable cause to issue the October 10, 2017, search warrant; and (4) whether, without the GPS tracking device data and the information affected by the misstatements contained in the affidavit were capable of establishing probable cause to believe evidence of drug activity would be found in Pinnock's residence on October 10, 2017. *See* Statement of Errors at ¶¶1-4.

On December 17, 2019, the Court issued an Order correcting Pinnock's RRRI minimum sentence to 70 months (rather than 69 months). On March 18, 2020, a three-judge panel of the Superior Court affirmed this court in every respect. *Commonwealth v. Pinnock*, 229 A.3d 355 (Pa. Super. Ct.), No. 900 MDA 2019, 2020 WL 1304331 (Pa. Super. Ct. Mar. 18, 2020), appeal denied *sub nom. Commonwealth v. Pinnock*, 240 A.3d 462 (Pa. 2020).⁶

On March 1, 2021, Pinnock filed the instant *pro se* Motion for Post Conviction Collateral Relief, raising several issues. As the instant PCRA represents Pinnock's first PCRA petition, the Court appointed Dennis C. Dougherty, Esquire and the law firm of Dougherty & Wel-lener LLC, on March 17, 2021, to represent Pinnock on his collateral claims. By subsequent Order, the Court granted counsel's request for an extension of time to file an amended petition, if appropriate, until

in for the PSI because the DOC did not allow video conferencing for PSIs at that time. Pinnock returned to Lancaster County on February 14, 2019, and remained here until February 21, 2019, during which time the PSI was performed. The final PSI report was filed on March 8, 2019; however, due to the court calendar and unavailability of counsel, the sentencing could not be scheduled until May 3, 2019, eight days beyond the 90 days directed by Rule 704. N.T., Sentencing at 3-4.

Applying the four Anders factors to the facts of this case, it was clear that the need for a PSI report was "good cause" for a mere eight-day delay which did not prejudice Pinnock in any substantial way.

⁶ Pinnock filed a petition for allowance of appeal with the Pennsylvania Supreme Court on May 1, 2020, which the Supreme Court denied on October 19, 2020 (227 MAL 2020).

July 16, 2021.

After a careful and conscientious review of the entire record, Attorney Barrie L. Wellener, law partner of Attorney Dougherty, concluded the *pro se* petition did not present any issues of arguable merit and was frivolous as a matter of law. Accordingly, she submitted a “no merit” letter and request to withdraw on July 13, 2021. After reviewing the *pro se* PCRA motion, counsel’s no merit letter, and the record of the case, this Court agreed there were no disputed issues of fact, Pinnock was not entitled to post conviction collateral relief, and no purpose would be served by any further proceedings. Therefore, on July 20, 2021, the Court filed a notice of its intention, pursuant to Pa. R.Crim.P. 907(1), to dismiss the *pro se* PCRA petition without a hearing. Pinnock was given 30 days to file an amended motion or to otherwise respond to the Court’s notice. Rather than respond to this Court, however, Pinnock filed a notice of appeal with the Superior Court on or about August 5, 2021, which the Superior Court quashed *sua sponte*, by Order of September 12, 2021.⁷ Thereafter, Pinnock filed a *pro se* “Response [sic] to 907 Dismiss by the Trial Court of Pinnocks [sic] PCRA Petition Denied by Trial Court July 20, 2021”. The Court deems this to be a *pro se* amended PCRA petition, careful review of which shows that it does not assert any issues therein not already raised in the original *pro se* Petition. The Court discerns those issues to be the following:⁸

1) The trial court violated Pinnock’s rights under the due process clause by limiting trial counsel’s cross-examination at the Suppression Hearing;

2) Trial counsel rendered ineffective assistance by failing to specify in sufficient detail the evidence sought to be suppressed;

3) The trial court erred by limiting trial counsel to examining only facts contained within the “four corners” of the affidavits used to support the search warrant for Pinnock’s residence and the application for the GPS mobile tracking device;

4) Trial counsel rendered ineffective assistance by failing to file a motion pursuant to *Commonwealth v. Hall*, 302 Pa. 342 (1973) (presumably to compel information regarding the veracity of the police officer’s representations that the confidential informant upon which he relied had provided previous information to law enforcement that had led to arrest and conviction of prior criminals); and

5) Trial counsel rendered ineffective assistance by failing to move to compel the identity of confidential informants.

II. DISCUSSION

A. Eligibility for PCRA Relief

A petitioner seeking relief pursuant to the PCRA is eligible only if he pleads and proves, by a preponderance of the evidence, that (1) he has been convicted of a crime and is currently serving a sentence of imprisonment, probation or parole for the crime, (2) his conviction has

⁷ In response to receiving a copy of Pinnock’s notice of appeal, this Court entered an Order on August 10, 2021, striking the notice as premature. On August 23, however, the Superior Court vacated that Order as a nullity pursuant to Pa.R.A.P. 1702(a), and issued a rule to show cause why Pinnock’s appeal should not be quashed as interlocutory. Pinnock’s PCRA counsel responded, conceding the appeal should be quashed. ⁸ In some instances, Pinnock repeats claims as separate issues. For the sake of judicial economy, the Court will address any repetitive issues together.

resulted from one or more of the enumerated errors or defects found in § 9543(a)(2) of the PCRA, (3) he has not waived or previously litigated the issues he raises, and (4) the failure to litigate the issue prior to or during trial, or on direct appeal could not have been the result of any rational, strategic, or tactical decision by counsel. 42 Pa.C.S.A. § 9543(a)(2), (3), (4).

A defendant has previously litigated an issue if (1) the highest appellate court in which a defendant could have had review as a matter of right has ruled on the merits of the issue, *Commonwealth v. Spotz*, 616 Pa. 164, 186, 47 A.3d 63, 76 (2012), or (2) the issue has been raised and decided in a proceeding collaterally attacking the conviction or sentence. 42 Pa.C.S.A. § 9544(a); *Commonwealth v. Phillips*, 31 A.3d 317, 320 (Pa. Super. 2011). With respect to claims that have not been previously litigated, a defendant must also demonstrate that the claims have not been waived. A defendant has waived an issue if the defendant could have raised the issue but failed to do so before trial, on appeal, or in a prior state post conviction proceeding. 42 Pa.C.S.A. § 9544(b); *Spotz*, 616 Pa. at 186, 47 A.3d at 76. However, waiver will be excused under the PCRA if the defendant can meet the conditions of 42 Pa.C.S.A. § 9543(a)(3)(ii) or (iii) or by making a showing of ineffective assistance of counsel. *Commonwealth v. Morales*, 549 Pa. 400, 409, 701 A.2d 516, 520 (1997).

In this matter, issues one and three⁹ each claim trial court error with respect to limitations placed on trial counsel's cross examination of Detective Weber during the Suppression Hearing with regard to matters outside the four corners of the relevant affidavits. Each issue ultimately questions whether either relevant affidavit (the affidavit supporting the October 10, 2017 search warrant and the affidavit supporting the application for installation of the GPS device) contained sufficient facts to establish probable cause. The record in this matter clearly shows that Pinnock has previously litigated these issues fully, both in the trial court and on direct appeal; they are not, therefore, subject to this Court's collateral review under the PCRA. 42 Pa.C.S.A. § 9544(a). By Pinnock's own admission, and evident from the face of the several omnibus motions, trial counsel did specifically request permission to cross-examine Detective Weber, the affiant and witness at the Suppression Hearing, on matters outside the four corners of the affidavits used in support of probable cause.¹⁰ After hearing argument, the Court denied the request on its merits. Thereafter, Pinnock pursued a direct appeal with the Superior Court, alleging trial court error in this regard. The Superior Court reviewed the matter on the merits and affirmed, adopting as its own this Court's Opinion of June 28, 2019. *Commonwealth v. Pinnock*, 229 A.3d 355 (Pa. Super. Ct.), No. 900 MDA 2019, 2020 WL 1304331 at *4 (Pa. Super. Ct. Mar. 18, 2020).

9 (1) trial court violated Pinnock's rights under the due process clause by limiting trial counsel's cross-examination at the Suppression Hearing; (3) trial court erred in limiting trial counsel to examining only facts contained within the "four corners" of the affidavits used to support the search warrant for Pinnock's residence and the application for the GPS mobile tracking device;

10 Pinnock complains the trial court erred when it "denied request to question the affiant officers concerning whole affidavit" and "denied defence [sic] from questioning the probable cause obtained from confidential informants". See *Pinnock's Response to Rule 907 at 1-2 (unpaginated)*.

Specifically, the Superior Court held that

we agree that the trial court did not err in denying [Pinnock]’s motion to suppress because both the affidavit in support of the order authorizing installation of a GPS on [Pinnock]’s car and the affidavit in support of the October 10, 2017 search warrant were supported by probable cause. We also note, based upon our review, we are satisfied that the affidavit of probable cause did not contain material omissions that undermined or invalidated the October 10, 2017 search warrant.

Id. Moreover, the Superior Court elaborated in footnote that “the alleged omissions cited by [Pinnock] were not ‘highly relevant’ to the magistrate’s finding of probable cause. *Id.* at n.5 (citing *Commonwealth v. Taylor*, 850 A.2d, 684, 689 (Pa. Super. 2004)). The Supreme Court of Pennsylvania affirmed, denying *allocatur* on October 20, 2020. Having exhausted his appeals on the merits of these issues, Pinnock is statutorily precluded from relitigating them here in the post conviction context, and the Court will not consider issues One and Three on this collateral review. See *Spotz*, 47 A.3d at 76.

B. Ineffective Assistance of Counsel

The remaining issues assert claims of ineffective assistance of counsel, all of which are subject to collateral review. In order to prevail on a claim of ineffective assistance of counsel made in the post conviction context, a petitioner must overcome the presumption that counsel is effective by establishing by a preponderance of the evidence that: the underlying claim has arguable merit; trial counsel had no reasonable basis for proceeding as he did; and the petitioner suffered prejudice. See 42 Pa.C.S.A. § 9543(a)(2)(ii); *Spotz*, 616 Pa. at 187, 47 A.3d at 76 (citing *Commonwealth v. Pierce*, 515 Pa. 153, 158-59, 527 A.2d 973, 975-76 (1987)). The petitioner has the burden of establishing counsel’s ineffectiveness. *Id.*

With respect to whether counsel’s acts or omission were reasonable, defense counsel is accorded broad discretion to determine tactics and strategy. *Commonwealth v. Fowler*, 447 Pa. Super. 534, 670 A.2d 1153 (1996), *aff’d* 550 Pa. 152, 703 A.2d 1027 (1997). The applicable test is not whether alternative strategies were more reasonable, employing a “hindsight” evaluation of the record, but whether counsel’s decision had any reasonable basis to advance the interests of the defendant. *Commonwealth v. Chmiel*, 612 Pa. 333, 361, 30 A.3d 1111, 1127 (2011). The appellate courts will conclude that counsel’s chosen strategy lacked a reasonable basis only if the defendant proves that “an alternative not chosen offered a potential for success substantially greater than the course actually pursued.” *Commonwealth v. Williams*, 587 Pa. 304, 312, 899 A.2d 1060, 1064 (2006) (citation omitted). Counsel cannot be ineffective for failure to pursue and preserve a meritless issue. *Commonwealth v. Rivera*, 108 A.3d 779, 789 (Pa. 2014).

To establish the prejudice prong, the defendant must show

there is a reasonable probability that the outcome of the proceedings would have been different but for counsel's ineffectiveness. *Chmiel*, 612 Pa. at 362-63, 30 A.3d at 1127-28. "We stress that boilerplate allegations and bald assertions of no reasonable basis and/or ensuing prejudice cannot satisfy a defendant's burden to prove that counsel was ineffective." *Id.* (quoting *Commonwealth v. Paddy*, 609 Pa. 272, 292, 15 A.3d 431, 443 (2011)). Where a petitioner has not met the prejudice prong of the ineffectiveness standard, the claim may be dismissed on that basis alone without a determination of whether the arguable merit and client's interest prongs have been met. *Commonwealth v. Wright*, 599 Pa. 270, 320-21, 961 A.2d 119, 148-49 (2008); *Commonwealth v. Zook*, 585 Pa. 11, 26, 887 A.2d 1218, 1227 (2005).

i. Lack of specificity in motion to suppress

Pinnock's first ineffective assistance claim is that trial counsel ran afoul of Pa.R.Crim.P. 581(d) by failing to specify in sufficient detail the evidence sought to be suppressed. This issue is meritless. The record clearly reflects that trial counsel filed, supplemented, and thoroughly briefed and argued a detailed omnibus pretrial motion seeking to suppress specific evidence recovered (1) from information gathered by the GPS tracking device placed on Pinnock's vehicle, (2) during the search of Pinnock's home, (3) from Pinnock's person during the search of his home, and (4) pursuant to information provided by Pinnock in statements made while he was in police custody. *See* Def. Omn. Mot. (January 24, 2018); Def. Suppl. Omn. Mot. (March 12, 2018); Def. Second Suppl. Omn. Mot. (May 18, 2018); Def. Mem. in Supp. of Omn. Mot. (September 14 2018); *see also* N.T., Suppression Hearing, July 13, 2018. Moreover, even if trial counsel could have been more specific in the various omnibus pretrial motions to suppress, such greater specificity would have had no effect on the outcome of the motions to suppress; the Court determined, and the Superior Court affirmed, that both relevant affidavits were based on sufficient indicia of probable cause. Therefore, Pinnock cannot show he was prejudiced even if his allegation had any basis in fact.

ii. Confidential informant

Pinnock next claims that trial counsel rendered ineffective assistance by failing to file a motion pursuant to *Commonwealth v. Hall*, 302 Pa. 342 (1973), requesting to cross-examine the affiant, Detective Weber, regarding the veracity of his statements in the relevant affidavits relating to the confidential informants (CIs) used for gathering information in support of probable cause for the search warrant and application for the GPS tracker.

Under *Hall* and its progeny, a defendant has a "right to challenge omissions or ambiguities in the affidavit of probable cause." *Commonwealth v. James*, 620 Pa. 465 (2013)(citing *Commonwealth v. Taylor*, 850 A.2d 684 (Pa. Super. 2004), *Commonwealth v. (Patrick) Ryan*, 442 A.2d 739 (1982), *Commonwealth v. (William) Ryan*, 407 A.2d 1345 (1979), and *Hall, supra*). When challenging the truthfulness of factual averments in an affidavit of probable cause, a defendant may be entitled

to a hearing on the matter if the defendant makes “a substantial preliminary showing the affiant knowingly and intentionally, or with reckless disregard for the truth, included a false statement in the affidavit . . . the defendant’s attack on the affidavit must be more than conclusory and must be supported by more than a mere desire to cross-examine; the defendant must allege deliberate falsehood or reckless disregard for the truth, accompanied by an offer of proof.” *James*, 69 A.3d at 188 (quoting *Franks v. Delaware*, 438 U.S. 154, 98 S.Ct. 2674, 57 L.Ed. 667 (1978)(internal quotations omitted)). If, however, “the remainder of the affidavit’s content is still sufficient to establish probable cause, no hearing is required.” *Id.*

In the instant case, Pinnock claims that in addition to the suppression motions, trial counsel should have filed a separate motion challenging the reliability of the two CIs, and further claiming other deliberate misstatements allegedly contained in the relevant affidavits.¹¹ An examination of the transcript from the Suppression Hearing, however, indicates that while trial counsel may not have filed a written challenge to the confidential informants and the veracity of the statements in the affidavits, trial counsel *did* raise these issues orally on July 13, 2018, in a conference with the Court prior to the Suppression Hearing. Before the formal hearing in the courtroom, the Court spent approximately an hour in Chambers with the Commonwealth and Pinnock’s trial counsel, hearing argument and ruling upon matters raised by the defense. After the conference but before witness testimony, counsel memorialized the Court’s various rulings for the record.¹² Defense counsel’s remarks clearly reveal that he specifically raised with the Court the issues of alleged material omissions and misstatements regarding the CIs in the affidavits. Specifically, trial counsel noted for the record that

it is my understanding . . . that the list of material omissions and misstatements that was presented in chambers to give specific notice to the Commonwealth included several items, some of which the Court is permitting to be addressed at this hearing, some of which the Court is not permitting to be addressed.

N.T., Suppression Hearing, at 5. The Court found the omissions and misstatements alleged by defense counsel to be immaterial to the finding of probable cause. Although ultimately unsuccessful, Pinnock’s trial counsel did indeed raise and advocate the positions Pinnock claims he should have done, and this ineffective assistance claim is therefore moot.

iii. Identity of confidential informants

Finally, Pinnock asserts that trial counsel rendered ineffective

¹¹ Pinnock never specifies exactly what he would have had trial counsel claim was omitted or misstated in the affidavits; rather, Pinnock’s complaint with trial counsel seems to be that he did not push hard enough to find out information about the CIs. He provides no basis in fact for a reason to believe that Detective Weber, the affiant in both the application for the search warrant and the application for the GPS mobile tracking device, made deliberate misstatements or exhibited a reckless disregard for the truth.

¹² Pinnock seems to believe, mistakenly, that his counsel entered into some sort of agreement with the Commonwealth during the Chambers conference. The Court specifically clarified for the record that he had made various *rulings* on the relevant issues. N.T., Suppression Hearing, at 4.

assistance by failing to move for compelled disclosure of the identity of the two confidential informants. Pinnock's PCRA counsel aptly notes, the Supreme Court case of *Commonwealth v. Koonce*, 190 A.3d 1204, 1209 (2018) is instructive on this matter. The *Koonce* court opines that [t]he Commonwealth enjoys a qualified privilege to withhold the identity of a confidential source. In order to overcome this qualified privilege and obtain disclosure of a confidential informant's identity, a defendant must first establish, pursuant to Rule 573(B)(2)(a)(i), that the information sought is material to the preparation of the defense and that the request is reasonable. Only after the defendant shows that the identity of the confidential informant is material to the defense is the trial court required to exercise its discretion to determine whether the information should be revealed by balancing relevant factors, which are initially weighted toward the Commonwealth.

Id. (quotations and citations omitted). Bearing in mind the standard for ineffective assistance, Pinnock cannot meet his burden of proof under any prong of the test. There is simply no reason in this particular case why the CIs' identity would have made any difference or had any material impact on the outcome of the suppression issues. It was perfectly reasonable for trial counsel to reach this same conclusion and decide as a tactical matter to challenge the affidavits in the manner he chose without muddying the waters with a frivolous attempt to compel the identities of the CIs.

Finally, Pinnock cannot show he was prejudiced by trial counsel's decision to forego seeking the identities of the confidential informants. The trial court found, and the Superior Court affirmed, that both probable cause supported both the search warrant for Pinnock's home and the order authorizing the GPS tracking device for Pinnock's vehicle.¹³ There is simply no reasonable probability that the outcome of the proceedings would have been different but for trial counsel's alleged ineffectiveness. *Chmiel*, 612 Pa. at 362-63, 30 A.3d at 1127-28. Again, "boilerplate allegations and bald assertions of no reasonable basis and/or ensuing prejudice cannot satisfy a defendant's burden to prove that counsel was ineffective." *Id.* (quoting *Commonwealth v. Paddy*, 609 Pa. 272, 292, 15 A.3d 431, 443 (2011)). Pinnock's claim here is meritless.

III. CONCLUSION

For the reasons set forth above, Milik Emil Pinnock's *pro se* PCRA petition is meritless and must be dismissed without further proceedings.

Accordingly, I enter the following:

ORDER

AND NOW, this 2nd day of November, 2021, upon consideration

¹³ For a complete discussion of the Court's probable cause analyses in this matter, please see Opinion Sur Pa.R.A.P. 1925 (a) (June 28, 2019), adopted by the Superior Court as its own. *Commonwealth v. Pinnock*, 229 A.3d 355 (Pa. Super. Ct.), No. 900 MDA 2019, 2020 WL 1304331 (Pa. Super. Ct. Mar. 18, 2020), appeal denied sub nom. *Commonwealth v. Pinnock*, 240 A.3d 462 (Pa. 2020).

of petitioner Milik Emil Pinnock's *pro se* motion and *pro se* amended motion for post conviction collateral relief, it is hereby ORDERED that said motions are DENIED without a hearing. There are no genuine issues concerning any material fact, Pinnock is not entitled to post conviction collateral relief, and no purpose would be served by any further proceedings.

Further, the no-merit letter of Pinnock's court-appointed attorney, Barrie L. Wellener, Esquire, states that the *pro se* motion is lacking in merit as a matter of law, a conclusion with which the Court agrees after its independent review of the record. Accordingly, Attorney Wellener is GRANTED her request for leave to withdraw as counsel.

Pursuant to Pa. R.Crim.P. 907(4), this Court advises Pinnock that he has the right to appeal from this Order. Pinnock shall have **30 days** from the date of this final Order to appeal to the Superior Court of Pennsylvania. Failure to appeal within 30 days will result in the loss of appellate rights

It is further ORDERED that Pinnock shall have the right, if indigent, to appeal *in forma pauperis* and to proceed with assigned counsel as provided in Pa. R.Crim.P. 122.

BY THE COURT:
DAVID L. ASHWORTH
PRESIDENT JUDGE

ESTATE AND TRUST NOTICES

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

FIRST PUBLICATION

Bauder, Jay F., dec'd.

Late of West Cocalico Township. Administratrix C.T.A.: Jill R. Glose c/o Blakinger Thomas, PC, 28 Penn Square, P.O. Box 1889, Lancaster, PA 17608-1889. Attorneys: Blakinger Thomas, PC.

Boyer, Charles Ross, dec'd.

Late of Rapho Township. Personal Representative: Kathe Ann Boyer c/o Megan C. Huff, Esquire, Nestico Druby, P.C., 1135 East Chocolate Avenue, Suite 300, Hershey, PA 17033. Attorney: Megan C. Huff, Esquire.

Brown, Paul J., dec'd.

Late of East Donegal Township. Administrators: Eric C. Brown and Jason P. Brown c/o Steven R. Blair, Attorney at Law,

650 Delp Road, Lancaster, PA 17601.

Attorney: Steven R. Blair, Attorney at Law.

Byers, Naomi C. a/k/a Naomi Caroline Byers, dec'd.

Late of Strasburg Borough. Co-Executrices: Beverly A. Landis, Carol L. Byers Davis, Audrey J. See and Debra E. Brubaker c/o H. Charles Benner, Attorney, 200 East Main Street, Leola, PA 17540. Attorney: H. Charles Benner.

DeFrees, Robert A., dec'd.

Late of West Cocalico Township. Executor: Eric DeFrees c/o E. Richard Young, Jr., Esq., 1248 W. Main Street, Ephrata, PA 17522. Attorney: E. Richard Young, Jr., Esquire.

Dohner, Victor F., dec'd.

Late of West Donegal Township. Executor: Raymond W. Dohner c/o 327 Locust Street, Columbia, PA 17512. Attorney: Michael S. Grab, Esquire; Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia, PA 17512.

Eichler, Franklin R., dec'd.

Late of West Donegal Township, Elizabethtown. Executor: Randall K. Miller, 659 East Willow Street, Elizabethtown, PA 17022. Attorney: Randall K. Miller; Law Office of Attorney Randall K. Miller.

Fisher, Jonas B., dec'd.

Late of Ephrata Township.

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17557.

Attorney: Patrick A. Deibler, Es-
quire; Kling & Deibler, LLP.

Gallagher, Donald W. a/k/a Donald Wayne Gallagher, dec'd.

Late of West Hempfield Town-
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Personal Representative: Sarah
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Gambino, Giuseppe, dec'd.

Late of Rapho Township.

Executor: Nicole Anna Gambino
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land, PA 17557.

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ates LLP.

Geltmacher, Jacob Elwood,
dec'd.

Late of Mount Joy Borough.

Administrator: Barry L. Gelt-
macher, Jr. c/o Scott E. Al-
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quire.

Golden, Harold C., dec'd.

Late of West Donegal Township.

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Attorney: Kevin D. Dolan, Es-
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Hawthorne, Jason Quinn a/k/a

Jason Q. Hawthorne, dec'd.

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Herr, Marcianne, dec'd.

Late of the Borough of Akron.

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c/o Lindsay M. Schoeneberger,
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108 West Main Street, Ephrata,
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Attorney: Lindsay M. Schoene-
berger.

Hopkins, John Lee, dec'd.

Late of Mount Joy.

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Attorney: Craig A. Diehl, Es-
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Jury, Jacqueline R., dec'd.

Late of Penn Township.

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ton Goss & Lucarelli LLC.

Kepiro, Harriet S., dec'd.

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Attorney: H. Charles Benner.

Lazor, Olivia M. a/k/a Olivia Mary Lazor, dec'd.

Late of Manheim.

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Manley, Carl A., dec'd.

Late of Columbia Borough.

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McComsey, Jamie L., Sr., dec'd.

Late of Lancaster.

Administratrix: Connie F. McComsey, 529 5th Avenue, Denver, PA 17517.

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Nissley, Faith G., dec'd.

Late of the Township of Manheim.

Personal Representative: Everence Trust Company, Executor, c/o Ann L. Martin, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

Payne, Paul A., dec'd.

Late of Little Britain Township.

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Riemersma, Marion B., dec'd.

Late of West Lampeter Township.

Executrix: Mary Lee Catalano c/o Vance E. Antonacci, Esquire, McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601.

Attorney: McNees Wallace & Nurick LLC.

Savransky, Bernard, dec'd.

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Scott, Mary Jane, dec'd.

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Siaton, Tomas C., dec'd.

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Attorney: A. Anthony Kilkuskie.

Trego, Ola Grace, dec'd.

Late of Paradise.

Executor: Darrell Scott Hall, 274

S. Vintage Road, Paradise, PA 17562.

Attorney: None.

Tucker, Muriel B. a/k/a Muriel Tucker, dec'd.

Late of West Lampeter Township.

Executrix: Shirley E. Tucker c/o Randy R. Moyer, Esquire, Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602.

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Wade, Harold S., dec'd.

Late of Lancaster County.

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Yingst, Ruth M., dec'd.

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Attorney: None.

Ziemer, James, dec'd.

Late of Ephrata Borough.

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Attorney: E. Richard Young, Jr., Esquire.

SECOND PUBLICATION

Aungst, Harry S., dec'd.

Late of Mount Joy Borough.

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Attorney: James R. Clark.

Belock, Ruth C., dec'd.

Late of Manheim.

Co-Executors: Roberta J. McCann, 342 Maxson Road, Lancaster, PA 17601, and Rosalyn A. Sensenig, 1621 Bradford Avenue, Reading, PA 19607.

Attorney: None.

Breneman, Edgar G., dec'd.

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Frey, Wesley Scott, Sr., dec'd.

Late of Mount Joy Township.

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Greenawalt, Betty M., dec'd.

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kolaus & Hohenadel, LLP, 327 Locust Street, Columbia, PA 17512.

Hargreaves, Annabelle, dec'd.

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Herr, Henry E. a/k/a Henry Eby Herr, dec'd.

Late of West Lampeter Township.
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Hiemenz, Josephine A., dec'd.

Late of Lancaster Township.
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Attorney: McNees Wallace & Nurick LLC.

Irvin, Jeffrey Scott, dec'd.

Late of East Lampeter Township.
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Kauffman, Elmer L., dec'd.

Late of Gordonville.
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Kline, William N., dec'd.

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Lowman, Konnor Mathew, dec'd.

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McVey, Harold M., dec'd.

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Murphy, Doris B., dec'd.

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Newslinger, Paul Z., dec'd.

Late of East Earl Township.
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Remp, Arthur D., Sr., dec'd.

Late of the City of Lititz.

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Sensenig, Dorothy B., dec'd.

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Silvius, Elvin F., dec'd.

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Smith, Milagros V., dec'd.

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Attorney: None.

Steffy, Ethel J. a/k/a Ethel Jane Steffy, dec'd.

Late of Terre Hill Borough.

Executor: Daniel J. Steffy c/o Nicholas T. Gard, Esquire, 121 E. Main Street, New Holland, PA

17557.

Attorneys: Smoker Gard Associates, LLP.

Stetler, Richard R., dec'd.

Late of Lancaster City.

Executor: Brandi Peelor c/o Nikolaus & Hohenadel, LLP, 212 North Queen Street, Lancaster, PA 17603.

Attorney: Richard G. Greiner, Esquire.

Townsley, Pauline, dec'd.

Late of Ephrata Township.

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Attorney: None.

Vergheese, Thomas, dec'd.

Late of Upper Leacock Township.

Executrix: Brenda A. Vergheese c/o H. Charles Benner, Attorney, 200 East Main Street, Leola, PA 17540.

Attorney: H. Charles Benner.

Witwer, Jay Clair, dec'd.

Late of Manor Township.

Executor: Jane M. Witwer, 238 Bender Road, Millersville, PA 17551.

Attorney: None.

Youndt, Kenneth C., dec'd.

Late of East Cocalico Township.

Executrix: Helen L. Youndt c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.

Attorney: James K. Noel, IV.

Bowman, Daryl Arthur a/k/a Daryl Bowman, dec'd.

Late of Lititz Borough.
Personal Representative: Darlene F. Charles, Administratrix, c/o Angelo J. Fiorentino, Attorney, P.O. Box 5349, Lancaster, PA 17606.
Attorneys: Gibbel Kraybill and Hess LLP.

Carthage, Helen A., dec'd.

Late of Manheim Township.
Administratrix: Renie Beidleman c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.
Attorney: Dana C. Panagopoulos.

Dewar, William R., II, dec'd.

Late of West Lampeter Township.
Executor: c/o Meagher Ellis Law, 1018 Church Street, Honesdale, PA 18431.
Attorney: Meagher Ellis Law.

Eisenhauer, Margaret B., dec'd.

Late of the Township of West Donegal.
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Attorney: John M. Smith, Esquire.

Fehr, Diane J., dec'd.

Late of West Cocalico Township.
Executrix: Denise L. Lynch c/o Vance E. Antonacci, Esquire, McNeas Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601.
Attorney: McNeas Wallace & Nurick LLC.

Funk, James C., dec'd.

Late of the Borough of Manheim.
Administratrix: Lori Flowers c/o James R. Clark, Esquire, 277 Millwood Road, Lancaster, PA 17603.
Attorney: James R. Clark.

Gingrich, Mary Elizabeth a/k/a Mary E. Gingrich, dec'd.

Late of Manheim Township.
Executrix: Sharon Umble c/o Attorney J. Elvin Kraybill, P.O. Box 5349, Lancaster, PA 17606.
Attorneys: Gibbel Kraybill & Hess LLP.

Groff, Gregory Norman, dec'd.

Late of Quarryville Borough.
Administratrix: Cinda J. Stoner c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.
Attorney: Jeffrey P. Ouellet, Esquire.

Herold, Walter Lee a/k/a Walter L. Herold, dec'd.

Late of Quarryville Borough.
Executor: Scot Plank, P.O. Box 906, Pocono Lake, PA 18347.
Attorney: None.

Keener, Barry Lynn a/k/a Barry L. Keener, dec'd.

Late of Elizabethtown.
Executor: Suzanne M. Keener, 188 Dogwood Drive, Elizabethtown, PA 17022.
Attorney: None.

Kuzmiak, Kathleen K., dec'd.

Late of Manheim Township.
Executrix: Julie A. Spangler c/o Nikolaus & Hohenadel, LLP, 303 West Fourth Street, Quarryville,

PA 17566.

Attorney: Jeffrey S. Shank, Esquire.

Landis, Marian R., dec'd.

Late of Manheim Township.

Personal Representative: Janet R. Frey, Executrix, c/o John R. Gibbel, Attorney, P.O. Box 5349, Lancaster, PA 17606.

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Lorentson, Nancy H., dec'd.

Late of the City of Lancaster.

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Attorney: James R. Clark.

Marlowe, Elizabeth a/k/a Doris Elizabeth Marlowe, dec'd.

Late of Columbia Borough.

Co-Personal Representatives: Lisa Amelia Marlowe and Peter Matthew Marlowe c/o John W. Metzger, Esquire, 901 Rohrerstown Road, Lancaster, PA 17601.

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McCune, Georgia L., dec'd.

Late of East Hempfield Township.

Executrix: Toni L. Tice c/o Nikolaus & Hohenadel, LLP, 222 S. Market Street, Suite 201, Elizabethtown, PA 17022.

Attorney: Kevin D. Dolan, Esquire.

Miller, George H., Jr., dec'd.

Late of the Township of Manheim.

Personal Representative: Karen

J. Donnelly, Executrix, c/o Marci S. Miller, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

Russell, Doris L., dec'd.

Late of Lititz Borough.

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Attorney: Young and Young.

Sheirich, Amy R., dec'd.

Late of Columbia Borough.

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Attorney: John F. Markel, Esquire; Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia, PA 17512.

Silverstein, Ann S., dec'd.

Late of East Hempfield Township.

Executrix: Paula S. Ilkhanoff, 2085 State Street, East Petersburg, PA 17520.

Attorney: Paula S. Silverstein, Esquire.

Speakman, Pearl A., dec'd.

Late of Caernarvon Township.

Executor: Sharon A. Yost c/o Kling and Deibler, LLP, 131 W. Main Street, New Holland, PA 17557.

Attorney: Patrick A. Deibler, Esquire; Kling & Deibler, LLP.

Vollmar, Kay D. a/k/a Kay Dill Vollmar, dec'd.

Late of Willow Valley.

Executrix: Kathleen V. Hawkins c/o Legacy Law, PLLC, 147 W.

Airport Road, Suite 300, Lititz,
PA 17543.

Attorney: Neal A. Rice, Esquire.

ANNUAL MEETING NOTICE

NOTICE OF THE ANNUAL
POLICYHOLDERS MEETING
OF WINDSOR-MOUNT JOY
MUTUAL INSURANCE COM-
PANY

Notice is hereby given that the Annual Meeting of the Policyholders of Windsor-Mount Joy Mutual Insurance Company will be held at the Corporate Office, 21 West Main Street, Ephrata PA, on Monday, January 17, 2022 commencing at 10:00 a.m., for the purpose of Election of Directors and/or the transaction of other business.

Douglas L. Underwood

President/CEO

Ephrata, PA

ATTEST: Jacob M. Klinefelter

Chief Risk Officer/Vice President/
Secretary

P.O. Box 587

Ephrata, PA 17522

D-3, 10, 17

**ARTICLES OF
FOREIGN REGISTRATION**

Notice is hereby given that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about November 30, 2021, for a foreign corporation with a registered address in the Commonwealth of Pennsylvania as follows:

Pescanova Inc. c/o Harbor
Business Compliance
Corporation

This corporation is incorporated under the laws of Florida. The address of its principal office is 1430 South Dixie Highway, Ste. 301, Coral Gables, FL 33146. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

D-17

ARTICLES OF INCORPORATION

Lapp Holdings Group, Inc.
has been incorporated under the provisions of the Business Corporation Law of 1988.

Gibbel Kraybill & Hess LLP
Attorneys

D-17

Notice is hereby given that:
SHARING MINDS
filed Articles of Incorporation on 10/26/2021 under the Pennsylvania Nonprofit Corporation Law of 1988. Commercial registered office provider is Harbor Business Compliance Corporation.

D-17

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that a Petition has been filed in the Court of Common Pleas of Lancaster County, Pennsylvania, seeking to change the name of Justin Michael Streeter to Justin Michael Stronger. A hearing on the Petition will be held on January 13, 2022 at 2:30 o'clock p.m. in Courtroom No. 4 at the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, at which time any persons interested may attend and show cause, if any, why the Petition should not be granted.

D-17

A hearing will be held on February 10, 2022, at 2:30 p.m. in Courtroom 4, at Lancaster County Courthouse, 50 N. Duke Street, Lancaster, PA regarding the request of Luvia Caserez Gomez to change her child's name from Brandon Ponce Caserez to Brandon Caserez Gomez. Any person with objections may attend and show cause why the request should not be granted.

D-17

Lancaster County
Court of Common Pleas
No. 21-06847

IN RE: MARVIN AND DEBORAH
WEILER, GRANDPARENTS OF
HUNTER MASON CORLEY

NOTICE IS HEREBY GIVEN that on October 4, 2021 the Petition of Marvin W. and Deborah A. Weiler, grandparents of Hunter Mason Corley, was filed in the above Court praying for a Decree to change the name of Hunter Mason Corley to Hunter Mason Frable.

The Court has fixed the 10th day of February 2022, at 2:00 p.m. in Courtroom No. 4 of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, for a hearing of said Petition, when and where all persons interested may appear and show cause, if any, why said Petition should not be granted.

Kurt A. Gardner, Esquire

D-17

NOTICE IS HEREBY GIVEN that a Petition has been filed in the Court of Common Pleas of Lancaster County, Pennsylvania, seeking to change the name of Rebecca Elizabeth Long to Rebecca

Elizabeth Long Stronger. A hearing on the Petition will be held on January 13, 2022 at 2:30 o'clock p.m. in Courtroom No. 4 at the Lancaster County Courthouse, 50 North Duke Street, Lancaster, Pennsylvania, at which time any persons interested may attend and show cause, if any, why the Petition should not be granted.

D-17

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN of the filing in the office of the Secretary of the Commonwealth of Pennsylvania of an application for the certificate to conduct a business in Pennsylvania under the fictitious name of:

Deerbrook Properties
with its principal place of business at 2963 N. Colebrook Road, Manheim, Pennsylvania 17545, County of Lancaster. The names and addresses of the persons owning or interested in said business is Nick Brubaker, 2963 N. Colebrook Road, Manheim, Pennsylvania 17545, County of Lancaster, and Hunter Brubaker, 2871 N. Colebrook Road, Manheim, Pennsylvania 17545, County of Lancaster.
BARLEY SNYDER LLP

D-17

**MISCELLANEOUS LEGAL
NOTICE**

TO THE ESTATE OF HELEN H. MILLER, AND ALSO THE BENEFICIARIES OF THE ESTATE OF HELEN H. MILLER AND THE HEIRS AND ASSIGNS OF HELEN H. MILLER AND ALL OTHER PERSONS UNKNOWN CLAIMING ANY RIGHT, LIEN, TITLE OR INTEREST IN THE MORTGAGE DESCRIBED

IN THE PLAINTIFF'S COMPLAINT
IN THE LANCASTER COUNTY
COURT OF COMMON PLEAS AT
DOCKET NO: CI-21-07337.

NOTICE

TO THE ESTATE OF HELEN H.
MILLER AND THE BENEFICIA-
RIES, HEIRS AND ASSIGNS OF
HELEN H. MILLER:

An action to Quiet Title on the basis of a mortgage granted by Lancaster Indoor Tennis, Inc. to Raymond N. Miller and Helen H. Miller, husband and wife, (now deceased) dated and recorded April 13, 1971 in the Recorder of Deeds Office in and for Lancaster County, Pennsylvania ("Recorder's Office") in Record Book 947, Page 833 et seq. ("Mortgage") secured by the property known as 200 Running Pump Road, East Hempfield Township, Lancaster County, Pennsylvania (Tax Parcel No. 290-87719-0-0000) has been filed in the Court of Common Pleas of Lancaster County, Pennsylvania, seeking an Order compelling the Recorder's Office to cancel and mark satisfied and discharged the Mortgage.

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 right important to you.

YOU SHOULD TAKE THIS PA-
PER TO YOUR LAWYER AT ONCE.
IF YOU DO NOT HAVE A LAWYER,
GO TO OR TELEPHONE THE OF-

FICE 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.

Lancaster Bar Association
Lawyer Referral Service
28 E. Orange Street
Lancaster, PA 176032
Telephone 717-393-0737

D-17

**NOTICE OF PARENTAL RIGHTS
TERMINATION HEARING**

Court of Common Pleas of
Lancaster County, Pennsylvania
Orphans' Court Division

Term No. 2849 and 2850 of 2021

IN RE: LILY JANE HEVENER and
CHARLIE RAIN BURKHOLDER

NOTICE

TO: STEPHANIE ANNE

Notice is hereby given that the Lancaster County Children & Youth Social Service Agency has presented to Orphans' Court Division, Court of Common Pleas of Lancaster County, PA, a Petition for termination of any rights you have or might have concerning the children known as LILY JANE HEVENER, born on August 12, 2019, and CHARLIE RAIN BURKHOLDER, born on March 24, 2021. The Court has set a hearing to consider ending your rights to your children. That hearing will

be held in Courtroom No. 2 of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, PA, on January 4, 2022, at 1:00 p.m. prevailing time. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your children may be ended by the court without your being present. You have a right to be represented at the hearing by a lawyer. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lancaster Bar Association
Lawyer Referral Service
28 East Orange Street
Lancaster, PA 17602
717-393-0737

**NOTICE REQUIRED BY ACT
101 OF 2010 - 23 Pa. C.S.
§§2731-2742**

You are hereby informed of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact with your child following an adoption. Lancaster County Children & Youth Social Service Agency
150 North Queen Street
Lancaster, PA 17603
(717) 299-7925

D-10, 17

Court of Common Pleas of
Lancaster County, Pennsylvania
Orphans' Court Division

Term No. 2850 of 2021

IN RE: CHARLIE RAIN
BURKHOLDER

NOTICE

TO: AUSTIN BURKHOLDER

Notice is hereby given that the Lancaster County Children & Youth Social Service Agency has presented to Orphans' Court Division, Court of Common Pleas of Lancaster County, PA, a Petition for termination of any rights you have or might have concerning the child known as CHARLIE RAIN BURKHOLDER, born on March 24, 2021. The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No. 2 of the Lancaster County Courthouse, 50 North Duke Street, Lancaster, PA, on January 4, 2022, at 1:00 p.m. prevailing time. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the court without your being present. You have a right to be represented at the hearing by a lawyer. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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150 North Queen Street
Lancaster, PA 17603
(717) 299-7925

D-10, 17

SUITS ENTERED

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

December 2, 2021
to December 8, 2021

BALLENTINE, KELLY S.; Discover Bank; 08326; Dougherty

CAMPBELL, THOMAS J.; Discover Bank; 08479; Nolan

CASTILLO, LUIS; Conestoga Valley School District; 08437; Boehret

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, BUREAU OF DRIVER LICENSING; Douglas Eugene Mahon; 08366; Downey

DERANVIL, JEAN; Maribella Rodriguez-Vargus; 08443; Casamento

DIAZ, NANCY L.; Solanco School District; 08435; Boehret

FLORES, SERGIO; TB Auto Finance, LLC; 08342; Dougherty

GEYER, VALERIE; American Express National Bank; 08374; Dhanda

GORMAN, MICHAEL; Conestoga Valley School District; 08431; Boehret

HALSEY, DAVID M.; Barclays Bank Delaware; 08320; Ratchford

HORN, PETER, HORN, PETER M.; American Express National Bank; 08369; Santucci

IDRISS, ABDULRAHMAN I.; David Denisewicz; 08402

IN RE: CONDEMNATION BY EAST HEMIFIELD TOWNSHIP OF CERTAIN PARCELS OF REAL ESTATE IN EAST HEMIFIELD TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA, BEING THE PROPERTY OF DENNIS G. PARMER AND SANDRA M. PARMER; 08354; Peipher

JOHNSON, SHANICE F.; Chris Eldridge; 08335

KOMBO, MACKENZIE O.; TB Auto Finance, LLC; 08340; Dougherty

KRAWCZYCK, JULIE; Goldman Sachs Bank, USA; 08392; Santucci

MCCULLOUGH, DAVID A., MCCULLOUGH, DENISE LEE; Solanco School District; 08433; Boehret
MELLINGER, CHARLES J.; Solanco School District; 08440; Boehret

MILLER, AMY C.; Discover Bank; 08324; Dougherty

NIEVES, JULIO, NIEVES, JULIO E.; American Express National Bank; 0872; Lipinski

NONAMAKER, STEPHANIE; American Express National Bank; 08375; Lipinski

OAK SHADE TREE SERVICE, LLC, MCMICHAEL, JEREMY; Saudia Perry; 08457; Kramer

PERRY, LAUREN; Discover Bank; 08476; Lipinski

REBISZ, MATTHEW; SoFi Consumer Lending Program Grantor Trust; 08385; Santucci

RISBERG, KYLE DAVID; Discover Bank; 08388; Nolan

SANTANA MATEO, YAN CARLOS J.; Discover Bank; 08332;

Dougherty

SONA, FRED, INKGILITY; Clark Associates, Inc.; 08484; Worley

STOLTZFUS, DALE C.; Discover Bank; 08331; Dougherty

STRICKER, JASON; Michael Cranston; 08482; McDonald

SUTTON, MARGARET A.; Bank of America, N.A.; 08428; Flink

THOMAS, KENNETH, THOMAS, DONNA, TARABORELLI, CONNOR PAUL; PPL Electric Utilities Corpo-

ration; 08370; Manley

WANG, JIANJIAN; Sylvia M. Carter; 08408; Williams

WARWICK SCHOOL DISTRICT; Michael Brown; 08345; Hull

WINGENROTH, MARIAN D.; Bank of America, N.A.; 08367; Flink

WITT III, CAROL; Solanco School District; 08432; Boehret

—

2021 HOLIDAYS

Courthouse will be closed on the following holidays in 2021:

NEW YEAR'S DAY
ML KING, JR. DAY
PRESIDENTS' DAY

GOOD FRIDAY
MEMORIAL DAY
INDEPENDENCE DAY

LABOR DAY
COLUMBUS DAY
VETERANS' DAY
THANKSGIVING
CHRISTMAS

January 1
January 18
February 15

April 2
May 31
July 5
September 6
October 11
November 11
November 25 & 26
December 24

POTOMAC.LEGAL

PA MD DC FED

David E. Kindermann, Esquire

313 West Liberty Street Suite 105 Lancaster, PA 17603

717-621-2699 | david@potomac.legal

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