

# FAYETTE LEGAL JOURNAL

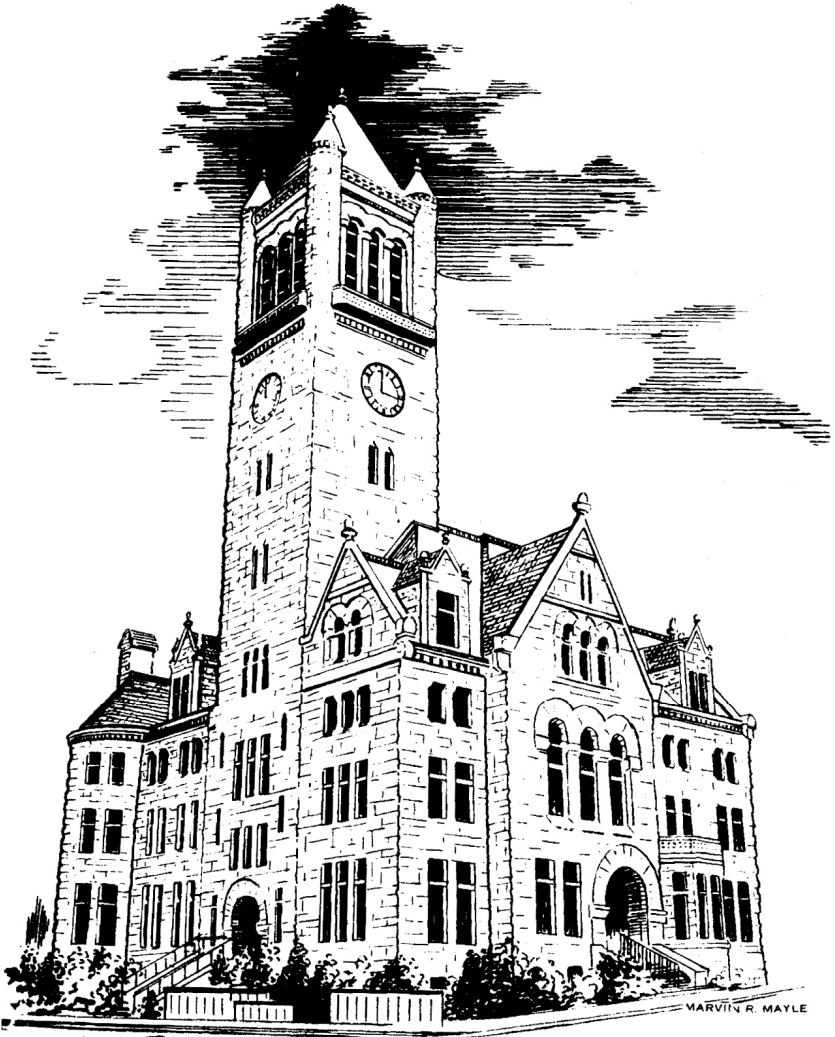
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## FAYETTE LEGAL JOURNAL

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

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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

**DOLORES A. DIXON, a/k/a DOLORES ANN DIXON**, late of Henry Clay Township, Fayette County, PA (3)

*Executor:* Charles E. Miller  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**JOHN PETRISIN, Jr., a/k/a JOHN T. PETRISIN**, late of Dunbar Township, Fayette County, PA (3)

*Executor:* Charles B. Cook  
c/o Adams Law Offices, PC  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason Adams

**MICHAEL F. ZAVATCHEN, a/k/a FRANCIS ZAVATCHEN**, late of North Union Township, Fayette County, PA (3)

*Administrator:* Michael Francis Zavatchen, Jr.  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

### Second Publication

**JOAN MARIE BEAUMARIAGE**, late of Uniontown, Fayette County, PA (2)

*Executor:* William Larnce Beaumariage  
28 Brier Creek Lane  
Fairchance, PA 15436

**AUDREYMARIE KASUN, a/k/a AUDREY SHULTZ**, late of Naples, Florida (2)

*Executor:* Allen Mellinger  
c/o Casini & Geibig, LLC  
815B Memorial Boulevard  
Connellsville, PA 15425  
*Attorney:* Jennifer Casini

**BETTY JOAN LOCKETTE**, late of Vanderbilt, Fayette County, PA (2)

*Administrator:* Duane Lockette  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

**TIMOTHY M. STANISH**, late of Washington Township, Fayette County, PA (2)

*Administratrix:* Rose M. Young  
106 Orchard Valley Lane  
Harmony, PA 16037  
c/o 823 Broad Avenue  
Belle Vernon, PA 15012  
*Attorney:* Mark E. Ramsier

### First Publication

**MARIE A. ANDREWS**, late of Connellsville, Fayette County, PA (1)

*Executrix:* Beth Murray  
547 Indian Creek Valley Road  
Springfield Township, PA 15469  
c/o P.O. Box 463  
1600 Morrell Avenue  
Connellsville, PA 15425  
*Attorney:* Richard Bower

**ALFRED C. D'ANDREA, SR., a/k/a ALFRED C. D'ANDREA**, late of Menallen Township, Fayette County, PA (1)

*Executor:* Joseph P. D'Andrea  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**MYRA LINCOLN, a/k/a MYRA J. LINCOLN, a/k/a MYRA JEAN LINCOLN**, late of Georges Township, Fayette County, PA

*Executrix:* Bonnie Provance (1)  
P.O. Box 363  
Oriental, NC 28571  
c/o 76 East Main Street

Uniontown, PA 15401  
*Attorney:* Douglas S. Sholtis

---

**ARTHUR W. PHILLIPS, a/k/a ARTHUR WAYNE PHILLIPS**, late of Uniontown, Fayette County, PA

*Executrix:* Melinda F. Madison  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Samuel J. Davis

---

**PAUL STEPHEN SHENAL, JR.**, late of Smock, Redstone Township, Fayette County, PA

*Personal Representative:* Paula Golden  
c/o Dellarose Law Office, PLLC  
99 East Main Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Melinda Deal Dellarose

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**KENNETH DALE STERBUTZEL, a/k/a KENNETH D. STERBUTZEL**, late of South Union Township, Fayette County, PA

*Personal Representatives:* Patrick L. Sterbutzel and Robert L. Sterbutzel, III  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

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## LEGAL NOTICES

In the Court of Common Pleas of Fayette County, Pennsylvania: 2180 of 2023 G.D., In Re: Petition for Name Change of Ceara V. Nicolo for change of name to Cayde Julian. Nicolo. To all persons interested: Notice is hereby given that an order of said Court authorized the filing of said petition and fixed the 19th day of March, 2025 at 11:30 A.M., as the time and the Courtroom #5, Fayette County Courthouse, PA as the place for a hearing, when and where all persons may show cause, if any they have, why said name should not be changed as prayed for.

Kevin Henderson  
Henderson Law Offices  
319 Pittsburgh St  
Scottdale, PA 15683

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**SHERIFF'S SALE**

Date of Sale: March 20, 2025

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday March 20, 2025, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:

All bidders must complete the Realauction on-line registration process at <https://fayette.pa.realforeclose.com> to participate in the auction.

All bidders must place a 10% deposit equal to the successful bid for each property purchased to Realauction via wire transfer or ACH per Realauction requirements. Upon the auction's close, buyer shall have 10 business days to pay the remaining balance to the Fayette County Sheriff's Office via cashier's check. No cash will be accepted. Failure to comply with the Conditions of Sale, shall result in a default and the down payment shall be forfeited by the successful bidder and applied to the costs and judgments. The schedule of distribution will be filed no later than 30 days after the sale of real property. If no petition has been filed to set aside the sale or objections to the distribution are filed within 10 days of filing the distribution, the Sheriff will prepare and record a deed transferring the property to the successful bidder.

(2 of 3)

James Custer  
 Sheriff of Fayette County

No. 964 of 2024 G.D.  
 No. 344 of 2024 E.D.

**PNC Bank, National Association**  
**Plaintiff**  
 vs.  
**Steven D. Boiaroff, Jr. a/k/a**  
**Steve Boiaroff Jr.**  
**Defendant**

ALL the following pieces or parcels of land situate in Wharton Township, Fayette County, Pennsylvania,

FIRST: All that certain tract or piece of ground located in Wharton Township, Fayette County, Pennsylvania being part of Thomas G. Hager Tract No. 3 and Simon P. Hager Tract No. 2 as described in deed from Piedmont Coal Company to E. Zimmerli, dated September 9, 1936, and recorded in the Recorder's Office of Fayette County in Deed Book Volume 533 Page 242.

SECOND: ALL that certain tract of land located in Wharton Township, Fayette County, Pennsylvania, being part of the Thomas G. Hager Tract No. 3 and Simon R. Hager Tract No. 2 as described in Deed to E. Zimmerli, and recorded in the Recorder's Office of Fayette County in Deed Book Volume 533, page 242.

Tax ID: 42-20-0003

Property Address (for informational purposes only): 903 Wharton Furnace Rd. a/k/a 893 Wharton Furnace Rd., Farmington, PA 15437

ROBERTSON, ANSCHUTZ, SCHNEID,  
 CRANE & PARTNERS, PLLC  
 A Florida professional limited liability company  
 133 Gaither Drive, Suite F  
 Mt. Laurel, NJ 08054  
 (855) 225-6906

No. 646 of 2024 G.D.  
 No. 316 of 2024 E.D.

**SPECIALIZED LOAN SERVICING LLC**  
**Plaintiff**  
 v.  
**CHARLENE CAROCCI;**  
**RONALD D. CAROCCI, SR.**  
**Defendant(s)**

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

BEING KNOWN AS: 108 VINE STREET  
 LAYTON, PA 15473  
 BEING PARCEL NUMBER: 27-12-0003  
 IMPROVEMENTS: RESIDENTIAL  
 PROPERTY

STERN & EISENBERG PC - MATTHEW C.  
 FALLINGS, ESQ.

No. 539 of 2024 G.D.  
 No. 314 of 2024 E.D.

Brock & Scott, PLLC

No. 2186 of 2024 G.D.  
 No. 354 of 2024 E.D.

**FREEDOM MORTGAGE CORPORATION**  
 v.  
**ROBERT KEITH CLARK III**

**Deutsche Bank National Trust Company, as  
 Trustee for Morgan Stanley ABS Capital I  
 Inc. Trust 2005- HE2 Mortgage Pass-  
 Through Certificate, Series 2005-HE2**  
**Plaintiff**

v.

**Jerry Lee Glisan Sr A/K/A Jerry Lee Glisan  
 and Michelle Glisan**  
**Defendant(s)**

By virtue of a Writ of Execution No. 2186  
 of 2024 FREEDOM MORTGAGE  
 CORPORATION v. ROBERT KEITH CLARK  
 III owner(s) of property situate in the CITY OF  
 UNIONTOWN, FAYETTE County,  
 Pennsylvania, being 71 NUTT AVE,  
 UNIONTOWN, PA 15401  
 Tax ID No. 38-10-0164  
 Improvements thereon: RESIDENTIAL  
 DWELLING  
 Judgment Amount: \$99,466.87

SITUATE IN MARKLEYSBURG,  
 FAYETTE COUNTY, PENNSYLVANIA,  
 TOWNSHIP OF HENRY CLAY BEING  
 KNOWN AS 316 CLOVER TOP RD,  
 MARKLEYSBURG, PA 15459-1160  
 PARCEL NO. 1615000102  
 IMPROVEMENTS- RESIDENTIAL  
 REAL ESTATE  
 SOLD AS THE PROPERTY OF- Jerry  
 Lee Glisan Sr and Betty Jo Glisan

STERN & EISENBERG, PC - MATTHEW C.  
 FALLINGS, ESQ.

Hladik, Onorato & Federman, LLP  
 298 Wissahickon Avenue  
 North Wales, PA 19454

No. 2116 of 2024 G.D.  
 No. 358 of 2024 E.D.

No. 906 of 2024 G.D.  
 No. 361 of 2024 E.D.

**Towd Point Mortgage Trust 2016-3, U.S.  
 Bank National Association as Indenture  
 Trustee**  
**Plaintiff**  
 v.  
**Evelyn G. French and Kenneth M. French**  
**Defendant(s)**

**2024 GD Towne Mortgage Company**  
**(Plaintiff)**  
 vs.  
**Bandon M. Hull and Jessica M. Hull**  
**(Defendants)**

SITUATE IN CONNELLSVILLE,  
 FAYETTE COUNTY, PENNSYLVANIA,  
 TOWNSHIP OF CONNELLSVILLE BEING  
 KNOWN AS 124 NORTH 3RD ST,  
 CONNELLSVILLE, PA 15425  
 PARCEL NO. 05-06-0538  
 IMPROVEMENTS- RESIDENTIAL  
 REAL ESTATE  
 SOLD AS THE PROPERTY OF- Evelyn  
 G. French, Kenneth M. French, Wife and  
 Husband

By virtue of Writ of Execution No. 906 of  
 2024 GD Towne Mortgage Company (Plaintiff)  
 vs. Bandon M. Hull and Jessica M. Hull  
 (Defendants)  
 Property Address 412 East Cedar Avenue,  
 Conneltsville, PA 15425  
 Parcel I.D. No. 05-12-0026  
 Improvements thereon consist of a  
 residential dwelling.  
 Judgment Amount: \$138,111.02

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

No. 317 of 2018 G.D.  
 No. 262 of 2022 E.D.  
 No. 328 of 2024 E.D.

**M&T BANK**  
**1 Fountain Plaza**  
**Buffalo, NY 14203**  
**Plaintiff**

vs.

**HAROLD N. PENNINGTON III**  
**JULIE A PENNINGTON A/K/A JULIA A.**  
**PENNINGTON**  
**Mortgagor(s) and Record Owner(s)**  
**132 North 6th Street**  
**Connellsville, PA 15425**  
**Defendant(s)**

ALL THAT CERTAIN LOT OF LAND  
 SITUATE IN CITY OF CONNELLSVILLE,  
 COUNTY OF FAYETTE AND  
 COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 132 NORTH 6TH  
 STREET, CONNELLSVILLE, PA 1.5425 TAX  
 PARCEL #05-06-0562 & 05-06-0563

IMPROVEMENTS: A RESIDENTIAL  
 DWELLING

SOLD AS THE PROPERTY OF:  
 HAROLD N. PENNINGTON III AND JULIE A  
 PENNINGTON A/K/A JULIA A.  
 PENNINGTON

Brock & Scott, PLLC

No. 730 of 2023 G.D.  
 No. 329 of 2024 E.D.

**WELLS FARGO BANK, N.A.**  
 v.  
**MIRANDA R. PETRILLO**

By virtue of a Writ of Execution No. 2023-  
 00730 WELLS FARGO BANK, N.A. v.  
 MIRANDA R. PETRILLO owner(s) of property  
 situate in the JEFFERSON TOWNSHIP,  
 FAYETTE County, Pennsylvania, being 130 E  
 1ST STREET, GRINDSTONE, PA 15442

Tax ID No. 17-16-0039

Improvements thereon: RESIDENTIAL  
 DWELLING

Judgment Amount: \$91,930.28

DAVIS & DAVIS  
 Michael L. Mays, Esquire

No. 1030 of 2024 G.D.  
 No. 315 of 2024 E.D.

**GARRY E. SISSON, JR. and**  
**JODIE C. SISSON, his wife,**

vs.

**PITTSBURGH ROAD PARTNERS,**  
**LLC., a Pennsylvania Limited Liability**  
**Company**

**GARRY E. SISSON, JR. and JODIE C.**  
**SISSON, his wife, vs. PITTSBURGH ROAD**  
**PARTNERS, LLC., a Pennsylvania Limited**  
**Liability Company** Owner(s) of property  
 situate in the TOWNSHIP OF NORTH UNION,  
 FAYETTE COUNTY, Pennsylvania, being  
 1310 PITTSBURGH ROAD, UNIONTOWN,  
 FAYETTE COUNTY, PA 15401 Tax ID No.  
 2501000501

ALL that certain piece or parcel of land  
 situate in North Union township, Fayette  
 County, Pennsylvania and being designated as  
 Lot 1 on the Holchin Subdivision as recorded in  
 the Recorder's Office of Fayette County,  
 Pennsylvania, in Plan Book 25, Page 43, being  
 and described as follows:

BEGINNING at a point marked by an iron  
 pin, being the westernmost point of said Lot No.  
 1, thence by land now or formerly of Eleanor J.  
 Jackson, South 87 degrees 15 minutes East  
 209.93 feet to an iron pin; thence by same, South  
 84 degrees 15 minutes East 700.44 feet to an  
 iron pin; thence by same, South 69 degrees 45  
 minutes East 166.71 feet to a point; thence South  
 15 degrees 15 minutes East 533.81 feet to a  
 point; thence South 82 degrees 14 minutes 40  
 seconds West 84.81 feet to a point; thence by a  
 curve, having a radius of 15.00 feet, an arc  
 length of 16.64 feet and a chord of North 65  
 degrees 58 minutes 54 seconds West 15.80 feet  
 to a point; thence by a curve, having a radius of  
 1,408.14 feet, an arc length of 1,077.67 feet and  
 a chord of North 56 degrees 07 minutes 56  
 seconds West, 1,051 feet to an iron pin; thence  
 North 78 degrees 03 minutes 24

seconds West 230.17 feet to the iron pin  
 marking the place of beginning. Containing  
 4.4195 acres as per the above-referenced Plan

Improvements thereon: COMMERCIAL  
 BUILDING

Judgment Amount: \$407,058.92

Jill M. Fein, Esquire Hill Wallack LLP  
1000 Floral Vale Blvd., Suite 300  
Yardley, PA 19067  
(215) 579-7700

No. 618 of 2019 G.D.  
No. 357 of 2024 E.D.

**Wilmington Trust, National Association, not  
in its individual capacity but solely as Trustee  
for MFRA Trust 2014-1**

**Plaintiff**

**v.**

**Charles Samuel Smith and Valerie Suzanne  
Smith**

**Defendants**

By virtue of a writ of execution case  
number: 2019-618 Plaintiff: Wilmington Trust,  
National Association, not in its individual  
capacity but solely as Trustee for MFRA Trust  
2014-1 v. Defendants: Charles Samuel Smith  
and Valerie Suzanne Smith owners of property  
situate in South Union Township, Fayette  
County, Pennsylvania, being pin number 36-05-  
0029

Property being known as: 126 Georges  
Creek Road, Smithfield, PA 15478  
Improvements thereon: Residential  
Property

No. 585 of 2022 G.D.  
No. 342 of 2024 E.D.

**Nationstar Mortgage LLC d/b/a Mr. Cooper  
PLAINTIFF**

**vs.**

**Sydney Summers, known Heir of Michelle K.  
Micholas, deceased**

**C.B., minor, known Heir of Michelle K.  
Micholas, deceased**

**E.B., minor, known Heir of Michelle K.  
Micholas, deceased**

**Unknown Heirs, Successors, Assigns and All  
Persons, Firms or Associations Claiming  
Right, Title or Interest from or under  
Michelle K. Micholas, deceased**  
**DEFENDANTS**

Being known as House Numbers 17 and  
18, now a single-family dwelling, located at 421  
First Street, Republic, Pennsylvania.

Tax Parcel Identification Number: 30-20-  
00129

FOR INFORMATIONAL PURPOSES  
ONLY: Being known as 421 1st Street, Chestnut  
Ridge, PA 15422

BEING THE SAME PREMISES which

Marian Frances Leone, Executrix of the Estate  
of John Andrew Janco, A/KIA John Janco,  
deceased, by Deed dated July 14, 2017 and  
recorded July 24, 2017 in the Office of the  
Recorder of Deeds in and for the County of  
Fayette, Pennsylvania in Book 3346, Page 302,  
Instrument No. 201700007862 granted and  
conveyed unto Michelle K. Micholas in fee.

AND THE SAID Michelle K. Micholas  
departed this life on or about June 17, 2021  
thereby vesting title unto Sydney Summers,  
known heir of Michelle K. Micholas and any  
Unknown Heirs, Successors, Assigns, and All  
Persons, Firms, or Associations Claiming Right,  
Title or Interest from or under Michelle K.  
Micholas, deceased.

No. 1181 of 2023 G.D.  
No. 343 of 2024 E.D.

**Wells Fargo Bank, N.A.  
Plaintiff,**

**v.**

**Thomas Lewis Wardman, as Believed Heir  
and/or Administrator of the Estate of James  
Williams Wardman; Unknown Heirs and/or  
Administrators of the Estate of James  
Williams Wardman (if any)**  
**Defendants.**

ALL that certain parcel of land lying and  
being situate in the Borough of Brownsville,  
County of Fayette, and Commonwealth of  
Pennsylvania, known as 84 Union Street,  
Brownsville, PA 15417 having erected thereon a  
dwelling house.

Being known and designated as Tax ID  
No.: 02040055

BEING the same premises which John T.  
Wardman, a widower, by Deed dated June 2,  
1987 and recorded in and for Fayette County,  
Pennsylvania in Deed Book 293, Page 260,  
granted and conveyed unto John T. Wardman  
and James William Wardman.

\*\*\* END SHERIFF'S SALE \*\*\*







## WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

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

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**JUDICIAL OPINION**

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
VS.	:	
	:	
ANTHONY MARQUETTE HUNTER,	:	No. 1332 of 2023
Defendant.	:	Honorable Nancy D. Vernon

OPINION AND ORDER

VERNON, J.

January 29, 2025

Before the Court is the Omnibus Pretrial Motion of Defendant Anthony Marquette Hunter in the nature of a Motion to Dismiss pursuant to Rule 600. The period of delay in contention arises from Defendant’s preliminary hearing scheduled for January 25, 2023. At the time set for hearing, the Commonwealth submitted as evidence the “Docket Transcript” for this case. See, Commonwealth Exhibit 9. The docket reflects that Defendant’s preliminary arraignment was held on November 17, 2022, and his bail was denied. Defendant’s first preliminary hearing was scheduled for November 28, 2022. On that date, Defendant requested a continuance of his preliminary hearing to secure counsel, bail was set at \$50,000 unsecured, and Defendant posted bail on this case. His preliminary hearing was then rescheduled for January 25, 2023.

As to the second scheduled preliminary hearing, on January 25, 2023, the docket reflects another continuance of the preliminary hearing occurred. The “Docket Transcript” cited the reason for the continuance as “Defendant Failed to Appear – Good Cause” and that it was requested by Court, specifically by “Magisterial District Judge Fayette 14-0-00, Central Court.” See, Commonwealth Exhibit 9. The testimony and record further indicate that Defendant was incarcerated at SCI Somerset on January 25, 2023, and was not transported for his preliminary hearing requiring the Court to continue the hearing. Defendant contends that the Commonwealth’s failure to transport him from the state correctional institution to his preliminary hearing on January 25, 2023, established its lack of due diligence and that the period of forty-seven days until his preliminary hearing was rescheduled on March 13, 2023, should not be excluded from the Rule 600 calculation.

In his Motion to Dismiss, Defendant alleges that he was continuously incarcerated on this matter since November 17, 2022. However, the record belies this assertion. Rather, on November 28, 2022, a bond hearing was held, bond was set, and Defendant posted bond on this case. See attached, “Bail Bond.” A condition of the Bail Bond as mandated by Pennsylvania Rule of Criminal Procedure 526 requires, “The defendant must provide a current address and must give written notice to the bail authority, the clerk of courts, the district attorney, and the court bail agency or other designated court

bail officer, of any change of address within 48 hours of the date of the change.” Defendant acknowledged the conditions of his Bail Bond by signature dated November 28, 2022, and therein identified his current address as “11 Wilson Avenue, Uniontown, PA 15401.” Further, the Court takes judicial notice of the Commonwealth of Pennsylvania Common Pleas Case Management System (CPCMS) which reflects that after Defendant posted bond on this case, he remained incarcerated on an unrelated criminal matter, and he did not update his address to reflect his incarceration on the other case.

Although Rule 600 generally requires that a defendant be brought to trial within 365 days of the filing of the criminal complaint, “a defendant is not automatically entitled to discharge under Rule 600 where trial starts more than 365 days after the filing of the complaint.” *Commonwealth v. Martz*, 232 A.3d 801, 810 (Pa. Super. 2020). “Rather, Rule 600 provides for dismissal of charges only in cases in which the defendant has not been brought to trial within the term of the adjusted run date, after subtracting all excludable and excusable time.” *Id.* “The adjusted run date is calculated by adding to the mechanical run date, i.e., the date 365 days from the complaint, both excludable time and excusable delay.” *Id.* “‘Excludable time’ is classified as periods of delay caused by the defendant.” *Id.* “‘Excusable delay’ occurs where the delay is caused by circumstances beyond the Commonwealth’s control and despite its due diligence.” *Id.* A Rule 600 motion requires a showing of due diligence by a preponderance of the evidence for the Commonwealth to avail itself of an exclusion. *Commonwealth v. Selenski*, 994 A.2d 1083, 1089 (Pa. 2010). Due diligence is a fact-specific concept that does not require perfect vigilance and punctilious care, but rather a showing that the Commonwealth has put forth a reasonable effort in bringing the defendant to trial. *Id.* It is well-established that “if a defendant is deemed to have had reasonable notice of court proceedings, but fails to appear, the Commonwealth’s due diligence in attempting to locate him need not be assessed.” *Commonwealth v. Simmons*, 305 A.3d 1013 (Pa. Super. 2023).

The Superior Court of Pennsylvania has previously determined that when a defendant fails to appear for a preliminary hearing due to his detention on an unrelated arrest and does not notify the Commonwealth of the arrest, the resulting delay is attributable to the defendant. *Commonwealth v. Peterson*, 19 A.3d 1131, 1137 (Pa. Super. 2011), *aff’d*, 44 A.3d 655 (Pa. 2012). Similarly, the Supreme Court found, “the precepts apply equally to defendants who are incarcerated, where they have not complied with conditions of bail and the procedural requirement, embodied in Rule of Criminal Procedure 526(A)(3), to provide prompt notice of their whereabouts to the bail authority, the clerk of courts, and the district attorney.” *Commonwealth v. Baird*, 975 A.2d 1113, 1118 (Pa. 2009).

Here, Defendant failed to appear for the preliminary hearing scheduled on January 25, 2023, due to his incarceration on an unrelated criminal matter. The Magisterial District Court properly attributed the preliminary hearing continuance until March 13, 2023, as excludable time. Defendant contends that the arresting officer was aware of his incarceration; however, he presented no evidence to support this contention, and he was not incarcerated in connection with this case. Furthermore, Defendant failed to provide notice of his change of address from Wilson Avenue, as required by the conditions of his Bail Bond and the procedural mandate of Rule 526. Due to Defendant’s failure to notify the bail authority, the clerk of courts, the district attorney, and the court bail agen-

cy or other designated court bail officer of his address change, the delay from January 25, 2023, to March 13, 2023, is attributable to him.

As all other issues raised regarding excludable time are without merit as discussed at the time of hearing, the Court must DENY the Defendant's Motion to Dismiss. WHEREFORE, we will enter the following Order.

ORDER

AND NOW, this 29th day of January, 2025, upon consideration of the Omnibus Pretrial Motion of Defendant Anthony Marquette Hunter in the nature of a Motion to Dismiss pursuant to Rule 600 and in accordance with the foregoing Opinion, it is hereby ORDERED and DECREED that the Motion is DENIED.

BY THE COURT:  
NANCY D. VERNON, JUDGE

ATTEST:  
CLERK OF COURTS

## LUNCH & LEARN SERIES

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

- Date: **Wednesday, March 12h from 12:00 p.m. to 1:30 p.m.**
- Location: **Fayette County Behavioral Health Administration**  
(215 Jacob Murphy Lane, Uniontown, PA 15401)
- Discussion topics: **Mental Health Procedures Act**
- Presenter: **Russell B. Korner, Esquire**

### **CLE Credit**

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

#### Members of the FCBA

- \$5 fee for attendance without CLE Credit
- \$15 fee for attendance with CLE Credit

#### Attorneys admitted to practice in Pennsylvania after January 1, 2020

- \$5 fee for attendance with CLE Credit

#### Non-members of the FCBA

- \$15 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**\*\* All fees to be paid at the door \*\***  
A light lunch will be provided.

### **RSVP**

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or email to [cindy@fcbar.org](mailto:cindy@fcbar.org) on or before Monday, March 10th.

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