

# FAYETTE LEGAL JOURNAL

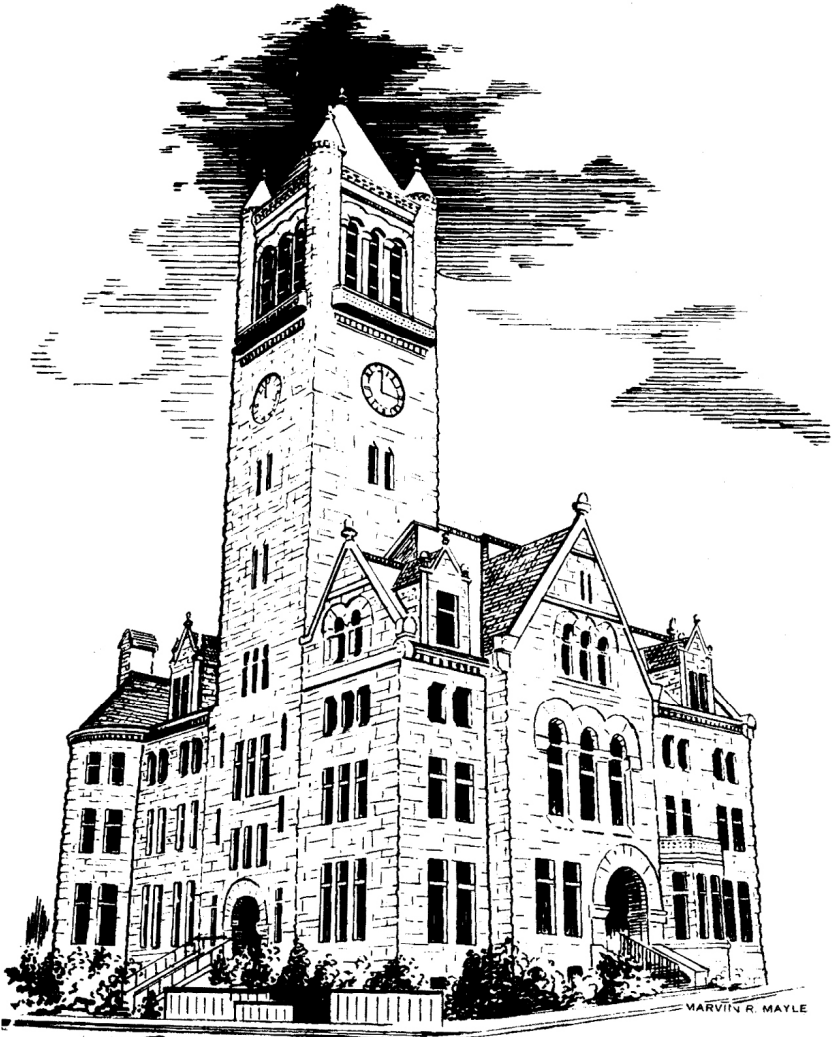
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## FAYETTE LEGAL JOURNAL

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### Third Publication

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### Second Publication

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*Attorney:* Randall G. Klimchok

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*Attorney:* Nicole Pardus

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**First Publication**

**DAVID L. BELT, a/k/a DAVID LEE BELT**, late of Uniontown, Fayette County, PA (1)

*Executrix:* Sharon A. Fleming  
c/o 51 East Main Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**To: Jennifer Glover and Unknown Biological Father**  
**In RE: A.L.G, minor child, born December 19, 2023**

**PATRICIA A. CAMPBELL, a/k/a PATRICIA ANN CAMPBELL**, late of Uniontown, Fayette County, PA (1)

*Executor:* Daniel A. Campbell  
c/o 51 East Main Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

A petition for involuntary termination of parental rights been filed asking the court to put an end to all rights you have to your child, A.L.G, born December 19, 2023. The court has set a hearing to consider ending your rights to your child.

The hearing will be held in the Greene County Courthouse, 10 E. High Street, Waynesburg, PA 15370 on March 17, 2025 at 1:00 p.m. in Courtroom 1 before Judge Jeffrey N. Grimes.

**CARL WAYNE SHOWALTER**, late of Uniontown, Fayette County, PA (1)

*Personal Representative:*  
Susan Carlson A. Lee  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Shane M. Ganon

You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the court without you being present.

You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help. Summit Legal Aid, 63 S. Washington Street, Waynesburg, PA 15370; (724) 627-3127 or Lawyer Referral Service, 10 E. High Street, Waynesburg, PA; (724) 852-5237.

This notice given by Greene County Children and Youth Services, 150 Fort Jackson County Building, 19 South Washington Street, Waynesburg, PA 15370.

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## JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA,	:	
Appellee,	:	
v.	:	
JAYMI BROOKS,	:	: No. 1467 of 2021
Appellant.	:	: Honorable Joseph M. George, Jr.

### ATTORNEYS AND LAW FIRMS

Melinda Dellarose, Esquire, Assistant District Attorney,  
For the Commonwealth of Pennsylvania

Phyllis Jin, Esquire, Court-Appointed Counsel, For Jaymi Lynn Brooks

### OPINION

GEORGE, J.

February 11, 2025

Following a trial by jury, Jaymi Brooks ("Appellant") was found guilty of Count 1: Possession With Intent to Deliver, {1} Count 3: Intentionally Possess a Controlled Substance by a Person Not Registered, {2} and Count 4: Use/Possession of Drug Paraphernalia. {3} Transcript of Trial during November 4-5, 2024 ("T.T."), at 181, 182. On November 13, 2024, Appellant was sentenced to a term of imprisonment of not less than four years nor more than eight years. Appellant did not file a post-sentence motion. Appellant filed a direct appeal to the Superior Court of Pennsylvania. This Opinion is in support of the verdict of the jury.

### CONCISE ISSUES

Appellant raised the following issues in her Concise Statement of Appeal Issues which was filed on January 6, 2025. {4}

- I. Whether the evidence, especially the evidence relating to possession and intent, was sufficient to support Appellant's convictions?
- II. Whether admitting a large sum of cash, totaling \$6,094.00, into evidence was an abuse of discretion or an error?
- III. Whether denying Appellant's request for a continuance of her trial on the first day of her trial was an abuse of discretion or an error?

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{1} 35 P.S. § 780-113(a)(30).

{2} 35 P.S. § 780-113(a)(16).

{3} 35 P.S. § 780-113(a)(32).

{4} The Concise Statement was not served upon this Court.

## FACTS

Appellant requested the Honorable Linda Cordaro ("Judge Cordaro") to grant her a continuance of her trial. *Id.* at 15. Judge Cordaro denied Appellant's request on November 4, 2024, which was the first day trial was set to begin. During jury selection, Appellant wanted this Court to delay the trial. This Court explained to Appellant that this Court was the trial judge at the time while Judge Cordaro was the plea judge who was handling continuances. *Id.* at 16. This Court also reiterated Judge Cordaro already heard Appellant's motion to continue, this Court did not need to rehear it, and the trial would not be delayed. *Id.* at 19. Moreover, this Court inquired into the underlying causes of Appellant's dissatisfaction with her current counsel and determined that the differences did not constitute irreconcilable differences. *Id.* at 14-31. This Court also considered that there were already multiple continuances attributable to Appellant and that the case had been pending for approximately three years. *Id.* at 16, 18, 21.

After this Court explained Appellant's request was denied, this Court informed Appellant she had the option of representing herself while having her current counsel on standby or she could continue on with her current counsel. *Id.* at 16-17, 26. Appellant indicated, while she wanted a new attorney, she did not even have one in mind yet because she needed to find one still and make some calls. *Id.* at 26. Appellant's counsel represented the defendant for approximately one and a half years. *Id.* at 4, 28-29. Appellant's counsel stated she was ready to proceed with Appellant's trial despite some difficulties caused by Appellant. *Id.* at 4-5, 29-30. Appellant ultimately decided to utilize her current counsel not only through her trial but additionally for her sentencing and her appeal. *Id.* at 31-187.

After jury selection and an opening statement by the Commonwealth of Pennsylvania ("Commonwealth"), the Commonwealth called Trooper Charles Smolleck ("Trooper Smolleck") as the first witness. *Id.* at 13, 34, 36. Trooper Smolleck testified the police arrived at a residence located on Pittsburgh Street in Fairchance, Pennsylvania ("Fairchance residence"), and the police observed Appellant there with a man named Robert Johnston ("Johnston") who let them in. *Id.* at 47. The police observed in plain view numerous bundles of cash, numerous pills of different colors, prescription bottles, and a prescription for suboxone. *Id.* at 47, 78-80. The police secured the residence, secured both Appellant and Johnston, returned with a search warrant, and made further findings. *Id.* at 47-48.

Trooper Smolleck testified that crack cocaine was collected from the Fairchance residence where Appellant was found. *Id.* at 52. A large quantity of the crack cocaine was in red solo cups that were taped underneath the sink. *Id.* at 48. Furthermore, the police identified a different sample of crack cocaine which was collected near the first and near a scale as well. *Id.* at 53-54, 58-60. In addition to the scale, the police collected numerous accompanying items such as latex gloves, baggies, cups, and pill bottles from within the Fairchance residence. *Id.* at 48, 53-56, 58- 62, 78-80. The police also collected suboxone, green pills, and blue pills from within the Fairchance residence and at least some of these items were found in or near the living room. *Id.* at 48, 54-56.

Trooper Smolleck additionally testified the police collected about six cellular telephones and a charger throughout the residence and the cellular telephones were not ana-

lyzed beyond noting the number and location. Id. at 48-50, 63-65 and 77-78. Moreover, cash totaling \$617.00 and admitted as the Commonwealth's Exhibit 4, was collected from Appellant's purse on her person on October 15, 2019. Id. 56, 67-68, 81-82, 107-08, 140. The police collected another larger quantity of cash, totaling \$5,477.00 and admitted as the Commonwealth's Exhibit 5, from within a recliner in the living room. Id. at 48-49, 57-58, 67-68, 81-82, 145. The police investigated whether Appellant was gainfully employed and discovered that Appellant appeared to have worked and earned approximately \$1,356.00 in 2018 but appeared to have not worked and earned nothing in 2019. Id. at 69-71, 81. Appellant did not appear to be receiving welfare. Id. at 71. Trooper Smolleck did note that the job investigation would not reveal whether Appellant was working "under the table" and not paying taxes. Id. at 81.

Lastly, Trooper Smolleck testified the police collected two pieces of mail from the Fairchance residence; the first appeared to be a utility bill addressed to Appellant at the Fairchance residence, and the second appeared to be insurance company information addressed to Johnston at the Fairchance residence. Id. at 66-67, 80-81, 83-84. Similarly, the police found both male and female clothing. Id. at 84. Trooper Smolleck acknowledged the police did not know who owns the residence and did know how long Appellant and Johnston resided there but noted no one else was found. Id. at 72-73. Trooper Smolleck also acknowledged the police did not know who placed the evidence at the residence nor how long that evidence was there. Id. at 82.

The Commonwealth called Forensic Morgan Wiemusz ("Wiernusz") as their next witness and the parties entered into a stipulation that she is an expert witness in the field of forensic science and drug identification. Id. at 88-89. Wiemusz testified that the police sent to her for testing the evidence collected and that cocaine, amphetamine, oxycodone, and buprenorphine were all detected. Id. at 89-96, 99-101. Ms. Wiemusz stated cocaine, amphetamine, oxycodone, and buprenorphine are controlled substances. Id. at 91-92, 94-97. Wiemusz noted no controlled substances were detected within only one sample, a partial white tablet, that was given to her for testing by the police. Id. at 97. Wiemusz confirmed her findings regarding the controlled substances collected were also in her report which was admitted into evidence as the Commonwealth's Exhibit 12. Id. at 87-88, 98, 140. Notably, Wiemusz acknowledged the samples containing amphetamine could possibly be medication for hyperactivity or attention deficit hyperactivity disorder. Id. at 100. Wiemusz likewise acknowledged she did not know whether there were any prescriptions for the controlled substances in this case. Id. at 101.

Trooper Anthony Svetz ("Trooper Svetz") was the Commonwealth's next witness. Id. at 105. Trooper Svetz testified that on October 15, 2019, he was on patrol, was called to the Fairchance residence, went there, and transported Appellant. Id. at 106. Trooper Svetz identified Appellant during her trial. Trooper Svetz conducted a search of Appellant's person and attachments prior to her being transported. Id. at 107. During this search, Trooper Svetz discovered what he believed to be \$617.00 of cash in Appellant's purse which was collected, placed into evidence, and later admitted as the Commonwealth's Exhibit 4 during the trial. Id. at 107-08, 140.

The Commonwealth's following witness was Trooper Matthew Rucinski ("Trooper Rucinski"), and he testified that he participated in the search of the Fairchance residence. Id. at 111-20. Trooper Rucinski stated he was working in the Patrol Unit on Oc-



tober 15, 2019, and was one of the people assisting Trooper Smolleck who was the lead investigator. Id. at 112, 118-20. Trooper Rucinski identified Appellant during her trial and stated that, as far as he knew, only Appellant, Johnston, and the police were present at the Fairchance residence on October 15, 2019. Id. at 118-19. Trooper Rucinski testified to observing what he believed were drugs, drug paraphernalia, mixed pills, pill bottles, and a large amount of cash at the residence. Id. at 113-18. More specifically, Trooper Rucinski testified he found what appeared to be crack cocaine under the sink and found a large amount of cash in an envelope in the back of a recliner. Id. at 113-17. Trooper Rucinski testified that the large amount of cash in the envelope was placed into evidence. Id. 115,117.

Detective Jamie Holland ("Detective Holland") was the last witness for the Commonwealth. Id. at 120-21. Detective Holland was recognized as an expert witness in the field of drug activity/trafficking. Id. at 121-23, 130. Detective Holland stated the typical signs of a case of possession with the intent to deliver are large amounts of money, large amounts of controlled substances, drug paraphernalia, packaging materials, scales, and other things of that nature. Id. at 124. Detective Holland testified the amount of crack cocaine in the first sample collected was absolutely indicative of possession with the intent to deliver because the amount was extremely large and because the weight went into abnormal decimals which was significant as those possessing crack cocaine for personal use typically buy in whole grams. Id. at 124-27. Detective Holland stated the scale and the \$6,094.00 in cash were indicative of possession with the intent to deliver, especially given the strange and hidden location of most of the money. Id. at 128. Detective Holland also testified that both the baggies and the latex gloves were indicative of possession with the intent to deliver. Id. at 125, 127-28.

Detective Holland's expert opinion in this case was Appellant possessed the controlled substances with the intent to deliver; he added this is absolutely an amount intended for distribution rather than an amount for personal use. Id. at 128-29. Detective Holland based his opinion on the amount of money, the amount of controlled substances, the differentiating controlled substances that were listed and that were received, where the money was located, the scale, and the baggies; he stated all the boxes were being checked here for what is looked for regarding distribution of controlled substances. Id. at 129. Detective Holland testified his expert opinion was rendered to a reasonable degree of professional certainty. Detective Holland stated he was not involved in the investigation but rather reviewed the evidence provided to him to form his opinion. Id. at 130-32. However, Detective Holland firmly stated he has never seen nor heard of anyone who used seven ounces of crack cocaine for personal use in his entire lifetime, and he added that as a result of his employment he deals with individuals who are coping with addiction on a daily basis. Id. at 130-31.

After the Commonwealth rested, Appellant was her first and only witness. Id. at 145-46. Appellant admitted the Fairchance residence was her and Johnston's home for about two years prior to the police arriving on October 15, 2019. Id. at 147-48, 150-56. Appellant stated she and Johnston were paying rent in the amount of \$700.00 in addition to utilities. Id. at 154-55. Appellant testified that Johnston was employed and that she was working for An Answered Prayer from approximately 2017 until approximately 2021 or 2022; she further testified that she earned about \$777.00 per week from that job. Id. at 148-49, 153, 155. Appellant noted the \$777.00 per week was her pay after

taxes were removed. *Id.* at 155. Appellant testified she only took about one week off from work in 2019 because she gave birth to a child in 2019. *Id.* at 149-50. Appellant stated she was surprised there is no record of her receiving any income from An Answered Prayer after 2018. *Id.* at 153.

Appellant denied selling any drugs or possessing any of the crack cocaine. *Id.* at 150-51. Appellant also denied even knowing about the drugs, but she then testified that she knew or at least suspected Johnston was indulging in illegal activity which involved selling controlled substances. *Id.* at 151, 156. Additionally, while Appellant took the time to note that Johnston has left Pennsylvania for Nevada, Appellant testified that she chose not to report Johnston's behavior to the police. *Id.* at 151-52, 156.

Furthermore, Appellant admitted she had a drug addiction problem, and she testified she was taking Subutex as a way "to basically help clean yourself up." *Id.* at 150. Appellant followed up by stating that she had been in a rehabilitation facility before. Appellant testified that one of her children had a prescription for medication which could explain at least some of the pills. *Id.* at 156-58. However, Appellant admitted that child is not taking oxycodone. *Id.* at 158.

## DISCUSSION

I. Whether the evidence, especially the evidence relating to possession and intent, was sufficient to support Appellant's convictions?

The standard of review for a challenge to the sufficiency of the evidence is to determine whether, when viewed in a light most favorable to the verdict winner, the evidence at trial and all reasonable inferences therefrom is sufficient for the trier of fact to find that each element of the crimes charged is established beyond a reasonable doubt. *Commonwealth v. Vogelsong*, 90 A.3d 717, 719 (Pa. Super. 2014). The Commonwealth may sustain its burden of proving every element beyond a reasonable doubt by means of wholly circumstantial evidence. The facts and circumstances established by the Commonwealth need not preclude every possibility of innocence. Any doubt raised as to the accused's guilt is to be resolved by the fact-finder. Appellate courts do not assess credibility nor assign weight to any of the testimony of record. Therefore, the verdict will not be disturbed unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances.

Appellant asserts the Commonwealth did not provide sufficient evidence to support her convictions of Count 1: Possession With Intent to Deliver, {5} Count 3: Intentionally Possess a Controlled Substance by a Person Not Registered, {6} and Count 4: Use/Possession of Drug Paraphernalia. {7} T.T. at 181, 182. The relevant portion of the applicable statute reads:

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{5} 35 P.S. § 780-113(a)(30).

{6} 35 P.S. § 780-113(a)(16).

{7} 35 P.S. § 780-113(a)(32).

(a) The following acts and the causing thereof within the Commonwealth are hereby prohibited:

(16) Knowingly or intentionally possessing a controlled or counterfeit substance by a person not registered under this act, or a practitioner not registered or licensed by the appropriate State board, unless the substance was obtained directly from, or pursuant to, a valid prescription order or order of a practitioner, or except as otherwise authorized by this act.

(30) Except as authorized by this act, the manufacture, delivery, or possession with intent to manufacture or deliver, a controlled substance by a person not registered under this act, or a practitioner not registered or licensed by the appropriate State board, or knowingly creating, delivering or possessing with intent to deliver, a counterfeit controlled substance.

(32) The use of, or possession with intent to use, drug paraphernalia for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repacking, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this act.

35 P.S. § 780-113(a).

In this case, the jury's verdict was supported by overwhelming evidence. Commonwealth v. Vogelsang at 719.

Furthermore, our Appellate Courts have long recognized that the intent to deliver can be inferred from an examination of the surrounding facts and circumstances. Factors to be considered in determining intent to deliver can include the quantity of drugs possessed, the manner of packaging, the absence of paraphernalia for drug use, the behavior of the defendant, the presence of large amounts of cash, and expert testimony. Commonwealth v. Taylor, 33 A.3d, 1283 (Pa. Super 2011), Appeal denied at 47 A.3d 847.

The recitation of the facts above thoroughly demonstrated that the evidence was more than sufficient, including for the elements of possession and intent, regarding all three of Appellant's convictions. The evidence demonstrated: (1) Ms. Wiemus, an expert witness, testified controlled substances were present in this case; (2) Detective Holland, an expert witness, testified drug paraphernalia were also present in this case; (3) Appellant admitted, and the troopers supplemented, that she, for approximately two years prior to October 15, 2019, had an intentional possession of as well as access to the Fairchance residence which was established to be within Fayette County, Pennsylvania; (4) every witness contributed towards establishing that Appellant had an intentional possession of as well as access to controlled substances and drug paraphernalia; (5) Detective Holland, an expert witness, testified Appellant had the intent to deliver controlled substances; and (6) no credible exception or excuse applied to Appellant's circumstances. 35 P.S. § 780-113(a); Commonwealth v. Vogesong at 719; see also T.T. The facts and circumstances established by the Commonwealth did not need to preclude every possibility of innocence, and any doubt raised as to Appellant's guilt was resolved

by the jury. *Commonwealth v. Voge*/song at 719. Therefore, this Court finds Appellant's first issue is without merit.

II. Whether admitting a large sum of cash, totaling \$6,094.00, into evidence was an abuse of discretion or an error?

The admissibility of evidence is solely within the discretion of the trial court, and a trial court's evidentiary rulings will be reversed on appeal only upon abuse of that discretion. *Commonwealth v. Travaglia*, 28 A.3d 868, 873 (Pa. 2011). An abuse of discretion will not be found merely because an appellate court might have reached a different conclusion, but requires a result of manifest unreasonableness, or partiality, prejudice, bias, or ill-will, or such lack of support so as to be clearly erroneous. *Id.* at 873-74. Moreover, an erroneous ruling by a trial court on an evidentiary issue does not necessitate relief where the error was harmless beyond a reasonable doubt. *Id.* at 874. The court may exclude relevant evidence if its probative value is outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence. Pa.R.E. 403. However, evidence will not be prohibited merely because it is harmful to the defendant. *Commonwealth v. Dillon*, 925 A.2d 131, 141 (Pa. 2007); *Commonwealth v. Page*, 965 A.2d1212, 1220 (Pa. Super. 2009).

In this case, the large sum of cash, totaling \$6,094.00, was admitted into evidence in two parts through the Commonwealth's Exhibits 4 and 5. T.T. at 140,145. The total amounts of cash from each of these exhibits appear to have remained consistent despite some varying testimony. *Id.* at 48-49, 56-58, 67-68, 73-76, 81-82, 107-08, 113-17. This Court found for each of these exhibits that their probative values were not outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence. Pa.R.E. 403; *Commonwealth v. Travaglia* at 873-74; *Commonwealth v. Dillon* at 141; *Commonwealth v. Page* at 1220. For example, having that large of an amount of cash stealthily kept in the back of a recliner yielded a substantially great probative value according to this Court's estimation. T.T. at 48-49, 57-58, 67-68, 81-82 113-17. Furthermore, admitting these exhibits simply corroborated the testimony provided by multiple witnesses, so even though the Commonwealth's Exhibits 4 and 5 were likely harmful to Appellant, they were not prohibited. *Commonwealth v. Dillon* at 141; *Commonwealth v. Page* at 1220; see also T.T. Additionally, the presence of large amounts of cash is an appropriate factor to consider in determining intent to deliver pursuant to *Commonwealth v. Taylor*. Therefore, this Court finds Appellant's second issue is without merit.

III. Whether denying Appellant's request for a continuance of her trial on the first day of her trial was an abuse of discretion or an error?

Regarding Appellant's third issue, the coordinate jurisdiction rule, put simply, states judges of coordinate jurisdiction should not overrule each other's decisions. *Commonwealth v. King*, 999 A.2d 598, 600 (Pa. Super. 2010); *Baysmore v. Brownstein*, 771 A.2d 54, 58 (Pa. Super. 2001). The rule, applicable in both civil and criminal cases, falls within the ambit of the law of the case doctrine. *Commonwealth v. King* at 600. The Supreme Court of Pennsylvania has explained the law of the case doctrine refers to a family of rules which embody the concept that a court involved in the later phases of a

litigated matter should not reopen questions decided by another judge of that same court or by a higher court in the earlier phases of the matter. Among the related but distinct rules which make up the law of the case doctrine is the rule that upon transfer of a matter between trial judges of coordinate jurisdiction, the transferee trial court may not alter the resolution of a legal question previously decided by the transferor trial court. The coordinate jurisdiction rule is premised on the sound jurisprudential policy of fostering finality in pre-trial proceedings, thereby promoting judicial economy and efficiency. *Baysmore v. Brownstein* at 58. This rule prevents forum shopping because, without this rule, the same issue could be raised repeatedly before different judges of the same court until a litigant finds a judge sympathetic to his or her position. An exception to this rule is when there is new evidence or newly decided legal authorities compelling the second judge to overrule the first judge's decision.

This Court finds no exception to the coordinate jurisdiction rule applies here; this Court was not and still is not aware of any error, new evidence, or newly decided legal authority being asserted which would have required a different outcome from earlier that same day. *Commonwealth v. King* at 600; *Baysmore v. Brownstein* at 58; *T.T.* at 4, 13, 15-16, 19, 30.

Even if the coordinate jurisdiction rule does not apply to this issue, this Court still would not have granted Appellant a continuance given case law and the facts of this case. The decision to grant or deny a request for a continuance is within the sound discretion of the trial court. *Commonwealth v. Prysock*, 972 A.2d 539, 541 (Pa. Super. 2009); *Commonwealth v. Pantano*, 836 A.2d 948, 950 (Pa. Super. 2003). Furthermore, a trial court's decision to deny a request for a continuance will be reversed only upon a showing of an abuse of discretion. *Commonwealth v. Prysock* at 541; *Commonwealth v. Pantano* at 950. An abuse of discretion is not merely an error of judgment. *Commonwealth v. Prysock* at 541. Rather, discretion is abused when the law is overridden or misapplied, or the judgment exercised is manifestly unreasonable, or the result of partiality, prejudice, bias, or ill-will, as shown by the evidence or the record. *Commonwealth v. Pantano* at 950.

The constitutional right to counsel of one's choice is not absolute. *Commonwealth v. Prysock* at 542. Rather, the right of the accused to choose his own counsel, as well as the lawyer's right to choose his clients, must be weighed against and may be reasonably restricted by the state's interest in the swift and efficient administration of criminal justice. There is no question that a trial court has both the authority, as well as the need, to run efficiently. *Commonwealth v. Pantano* at 950. Even the Supreme Court of the United States has acknowledged that a trial court has wide latitude in balancing the right to counsel of choice against the needs of fairness and against the demands of its calendar. *Commonwealth v. Prysock* at 542. Thus, while defendants are entitled to choose their own counsel, they should not be permitted to unreasonably clog the machinery of justice or hamper and delay the state's efforts to effectively administer justice. When a trial court denies a request for continuance, discretion is abused when the defendant's right outweighs the Commonwealth's need for efficient administration. *Commonwealth v. Pantano* at 950. A trial court is generally found to have not abused discretion in denying a request for a continuance to retain new counsel where the trial court conducted an extensive inquiry into the underlying causes of defendant's dissatisfaction with current counsel and based upon that inquiry determined that the differences did not constitute

irreconcilable differences. *Commonwealth v. Prysock* at 543. Some factors to consider as well include the number of prior continuances in the matter, the timing of the motion, whether private counsel had actually been retained, and the readiness of private counsel to proceed in a reasonable amount of time.

In this case, this Court inquired into the underlying causes of Appellant's dissatisfaction with her current counsel and determined that the differences did not constitute irreconcilable differences. T.T. at 14-31. This Court also considered that there were already multiple continuances attributable to Appellant and that the case had been pending for approximately three years. Id. at 16, 18, 21. This Court reviewed the timing of Appellant's last request for a continuance. Id. at 15. This Court informed Appellant she had the option of representing herself while having her current counsel on standby or she could continue on with her current counsel. Id. at 16-17, 26. Appellant indicated, while she wanted a new attorney, she did not even have one in mind yet because she needed to find one still and make some calls. Id. at 26. Accordingly, this Court did not grant Appellant's request for a delay because she was unreasonably clogging the machinery of justice as well as hampering and delaying the state's efforts to effectively administer justice. *Commonwealth v. Prysock* at 541-43; *Commonwealth v. Pantano* at 950. Therefore, this Court finds Appellant's third issue is without merit.

Wherefore, this Court respectfully submits that this appeal is without merit and should be denied.

BY THE COURT:  
JOSEPH M. GEORGE, JR.

ATTEST:  
CLERK OF COURTS



**LAW DAY MOCK TRIAL COMPETITION AND LUNCHEON****2025 Law Day Mock Trial Competition and Luncheon**

Join your colleagues of the Fayette County Bar Association  
and local elected officials on

**Thursday, April 3, 2025**

**Mock Trial Competition**

Presiding Judge Linda R. Cordaro  
Fayette County Courthouse, Courtroom #2  
10:00 a.m.

Frazier School District and Connellsville Area School District  
The first twelve volunteers to serve as jurors  
will receive a free luncheon.

**Law Day Luncheon**

Caporella's Ristorante  
12:00 p.m.  
\$15.00 paid in advance

**RSVP for Luncheon and/or to serve as a Mock Trial Juror**  
on or before Friday, March 21st  
cindy@fcbar.org or 724-437-7994



## LUNCH & LEARN SERIES

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

- Date: **Wednesday, March 12th 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.



# 130th Annual

FAYETTE COUNTY BAR ASSOCIATION

## BAR BANQUET

SUNDAY, MAY 18TH

FIRST FLIGHT ISLAND RESTAURANT  
301 WHITEHEAD STREET

*Key West, Florida*

6:00 COCKTAILS & HORS D'OEUVRES  
7:00 DINNER

*Rsvp* TO THE ASSOCIATION BY APRIL 14TH  
724-437-7994 *or* GARNET@FCBAR.ORG

FCBA MEMBERS COMPLIMENTARY  
GUESTS WELCOME! GUEST FEE \$100



# FAYETTE COUNTY BAR ASSOCIATION

## Bar Banquet Weekend Itinerary May 16-19

SUGGESTED ACCOMMODATIONS:

Casa Marina or Southernmost Beach Resort



### FRIDAY

SUGGESTED FLIGHT:

Allegiant Flight 991

PIT -> EYW 1:59 PM - 4:41 PM

8:30 PM - GHOSTS & GRAVESTONES TOUR (\$40)

### SATURDAY

8:00 AM - 10:00 AM - WELCOME BREAKFAST & CLE

Flagler's Restaurant @ Casa Marina

Breakfast Buffet (Complimentary)

1.0 Ethics Credits 8:30 - 9:30 AM (\$20)

6:00 PM - SUNSET SAIL CRUISE

Appetizers & Drinks (\$80)

### SUNDAY

10:00 AM - BUTTERFLY CONSERVATORY (\$18)

12:00 PM - ERNEST HEMINGWAY HOME (\$19)

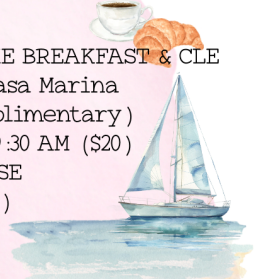
6:00 PM - 130TH ANNUAL BAR BANQUET  
First Flight Island Restaurant

### MONDAY

SUGGESTED FLIGHT:

ALLEGIANT FLIGHT 1012

EYW -> PIT 10:23 AM - 1:09 PM



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