

*Erie
County
Legal
Journal*

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Commonwealth v. Sims

Erie County Legal Journal

*Reporting Decisions of the Courts of Erie County
The Sixth Judicial District of Pennsylvania*

Managing Editor: Heidi M. Weismiller

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ERIE COUNTY LEGAL JOURNAL (ISSN 0730-6393) is published every Friday for \$57 per year (\$1.50 single issues/\$5.00 special issues, i.e. Seated Tax Sales). Owned and published by the Erie County Bar Association (Copyright 2016©) 302 West 9th St., Erie, PA 16502 (814/459-3111). POSTMASTER: Send Address changes to THE ERIE COUNTY LEGAL JOURNAL, 302 West 9th St., Erie, PA 16502-1427.

Erie County Bar Association Calendar of Events and Seminars

THURSDAY, JUNE 23, 2016

ECBA Annual Golf Tournament
Lawrence Park Golf Club
1:00 p.m. shotgun start

WEDNESDAY, JUNE 29, 2016

ECBA Live Lunch-n-Learn Seminar
Navigating Casemaker (a Free PBA Member Benefit!) and Ethics Guidance
Bayfront Convention Center
12:15 p.m. - 1:45 p.m. (registration/lunch - 11:45 a.m.)
\$67 (ECBA member) \$87 (nonmember) \$47 (member judge not needing CLE)
1.5 hours ethics

THURSDAY, JULY 26, 2016

ECBA Mid-Year Membership Meeting
Sheraton Hotel

Guest Speaker: Hon. John E. Jones, III
more details coming soon

To view PBI seminars visit the events calendar on the ECBA website
<http://www.eriebar.com/public-calendar>



Erie County Bar
Association



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2016 BOARD OF DIRECTORS ————— Melissa H. Shirey, President

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Navigating Casemaker (a Free PBA Member Benefit!) and Ethics Guidance

Wednesday, June 29, 2016

Bayfront Convention Center

Time: Lunch/Registration - 11:45 a.m.
Seminar - 12:15 - 1:45 p.m.

Cost: \$67 (ECBA member/non-attorney staff)
\$87 (non-member)
\$47 (member Judge not needing CLE)

*This seminar has been approved
by the PA CLE Board for 1.5 hours
Ethics credit.*

Topics and Speakers:

Casemaker is the powerful legal research tool provided exclusively to PBA members. Learn how to use this free, innovative service to conduct effective searches for cases and statutes. This training session will provide practice tips on navigating through Casemaker and will highlight the free CasemakerPro features including the CaseCheck+ and CiteCheck programs.



Presented by **Elizabeth Swivel**,
PBA Director of Member Services

Attendees will be provided with clear guidance on how to avoid making mistakes that could result in violations to the Rules of Professional Conduct. In addition to emphasizing what constitutes unethical conduct, the session will include discussion on how to utilize the PBA ethics hotline and gain access to formal and informal ethics opinions.



Presented by **Victoria White, Esquire**,
PBA Ethics Counsel

Reservations due to the ECBA office by June 22, 2016

COMMONWEALTH OF PENNSYLVANIA**v.****BERNARD ANTONIO SIMS, Defendant***CRIMINAL LAW & PROCEDURE – SUPPRESSION OF EVIDENCE*

Pursuant to Rule 581 of the Pennsylvania Rules of Criminal Procedure, the Commonwealth, not the defendant, shall have the burden of going forward with the evidence and of establishing that the challenged evidence was not obtained in violation of the defendant's rights. The Commonwealth's burden is by a preponderance of the evidence -- the burden of producing satisfactory evidence of a particular fact in issue; and . . . the burden of persuading the trier of fact that the fact alleged is indeed true.

CRIMINAL LAW & PROCEDURE – SEARCH & SEIZURE – WARRANTLESS SEARCHES – STOP & FRISK

In order to justify a pat-down search, also known as a "Terry stop," a police officer must have reasonable suspicion, under the totality of the circumstances, that criminal activity is afoot and that the individual whose suspicious behavior he is investigating at close range is armed and presently dangerous to the officer or to others.

CRIMINAL LAW & PROCEDURE – SEARCH & SEIZURE – WARRANTLESS SEARCHES

Reasonable suspicion is a less stringent standard than probable cause necessary to effectuate a warrantless arrest, and depends on the information possessed by police and its degree of reliability in the totality of the circumstances. In order to justify the seizure, a police officer must be able to point to "specific and articulable facts" leading him to suspect criminal activity is afoot. In assessing the totality of the circumstances, courts must also afford due weight to the specific, reasonable inferences drawn from the facts in light of the officer's experience and acknowledge that innocent facts, when considered collectively, may permit the investigative detention. Even a combination of innocent facts, when taken together, may warrant further investigation by the police officer.

CRIMINAL LAW & PROCEDURE – SEARCH & SEIZURE – WARRANTLESS SEARCHES – STOP & FRISK – REASONABLE SUSPICION

Police cannot initiate a detention based solely upon an anonymous tip that a person matching the defendant's description in a specified location is carrying a gun.

CRIMINAL LAW & PROCEDURE – SEARCH & SEIZURE – WARRANTLESS SEARCHES – INVESTIGATIVE STOPS

Where the source of the information given to the officers is unknown, the range of details provided and the prediction of future behavior is particularly significant, as is corroboration by independent police work. The necessary corroboration may also be supplied by circumstances that are independent of the tip, for example, observation of suspicious conduct on the part of the suspect. The time, street location, and movements and manners of the parties bear upon the totality assessment, as does an officer's experience.

CRIMINAL LAW & PROCEDURE – SEARCH & SEIZURE – WARRANTLESS SEARCHES – STOP & FRISK – REASONABLE SUSPICION

If a suspect engages in hand movements that police know, based on their experience, are associated with the secreting of a weapon, those movements will buttress the legitimacy of a protective weapons search of the location where the hand movements occurred.

**CRIMINAL LAW & PROCEDURE – SEARCH & SEIZURE – WARRANTLESS
SEARCHES – STOP & FRISK – REASONABLE SUSPICION**

A law enforcement officer, for his own protection and safety, may conduct a pat-down to find weapons that he reasonably believes or suspects are then in the possession of the person he has accosted.

**CRIMINAL LAW & PROCEDURE – SEARCH & SEIZURE – WARRANTLESS
SEARCHES – STOP & FRISK – DETENTION**

For their safety, police officers may handcuff individuals during an investigative detention.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION No. CR 326 of 2016

Appearances: Mark W. Richmond, Esquire, Attorney for the Commonwealth
Stephen J. Lagner III, Esq., Attorney for Defendant

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Domitrovich, J., June 1st, 2016

After thorough consideration of the entire record regarding Defendant’s Motion to Suppress Evidence, including, but not limited to, the testimony and evidence presented during the May 18th, 2016 Suppression Hearing, as well as an independent review of the relevant statutory and case law, this Trial Court hereby makes the following Findings of Fact and Conclusions of Law in support of denying Defendant’s Motion to Suppress Evidence:

FINDINGS OF FACT

I. Factual and Procedural History

1. On December 13th, 2015, while on routine patrol, City of Erie Police Patrolman Richard Romanski, in full dress uniform and in a marked patrol vehicle, was dispatched to the 500 block of East 22nd Street of Erie, Pennsylvania, which is an area known to have drug and firearm issues, where an anonymous caller stated two (2) males were arguing, one of which was brandishing a firearm.
2. The dispatch was in response to the anonymous call about two (2) males arguing, and the caller was later determined to be Max Dawson, an individual residing at the 500 block of East 22nd Street, whose identity was discovered after Defendant’s arrest.
3. According to the anonymous caller, the individual with the firearm was wearing dark-colored clothing and a winter hat.
4. Soon thereafter, Patrolman Romanski arrived at the 500 block of East 22nd Street, where he observed a male individual wearing dark-colored clothing and a winter hat, later identified as Defendant Bernard Antonio Sims (hereafter referred to as “Defendant”), walking with two (2) females.
5. When Patrolman Romanski exited his vehicle and approached Defendant, he observed Defendant “drop his hands towards his midsection near his belt buckled area,” which is a “threatening motion” to officer’s safety.
6. In response, Patrolman Romanski drew his service revolver and ordered Defendant onto the ground.
7. Defendant became irate and started yelling “Why you stopping me?” and “I ain’t

- got nothing!” at Patrolman Romanski, but ultimately complied with this directive by lying on the ground prone on his stomach.
8. Several City of Erie Police officers arrived as backup, including Patrolmen Bielak, Bush, Edmonds and Wilson.
 9. As Defendant was lying prone on the ground, Patrolman Romanski and the other officers attempted to place Defendant’s hands behind his back, but had to use force because Defendant had locked his hands in a way to prevent the handcuffing.
 10. After Defendant’s hands were placed behind his back and handcuff him, Defendant was patted down while on the ground.
 11. When Patrolman Romanski and other officers lifted Defendant off of the ground to his feet, Patrolman Bielak shouted “Gun!” and pulled the 9mm Berretta handgun from Defendant’s person, after which Defendant was placed under arrest.
 12. The Erie County District Attorney’s Office filed an Information on March 5th, 2016, charging Defendant with Firearms not to be Carried without a License, in violation of 18 Pa. C. S. §6106(a)(1), and Disorderly Conduct, in violation of 18 Pa. C. S. §5503(a)(2).
 13. Defendant, by and through his counsel, Stephen J. Lagner III, Esq., filed the instant Motion to Suppress Evidence on April 26th, 2016.
 14. A hearing on Defendant’s Motion to Suppress Evidence was held on May 18th, 2016, during which this Trial Court heard testimony from Patrolman Romanski and Shelina Thomas, Defendant’s fiancée; received evidence and heard argument from counsel. Defendant appeared and was represented by his counsel, Stephen J. Lagner III, Esq., and Assistant District Attorney Mark W. Richmond appeared on behalf of the Commonwealth.

CONCLUSIONS OF LAW

II. Legal Argument

Pennsylvania Rule of Criminal Procedure 581 governs suppression of evidence. Pursuant to Rule 581, the Commonwealth, not the defendant, shall have the burden of going forward with the evidence and of establishing that the challenged evidence was not obtained in violation of the defendant’s rights. *See Pa. R. Crim. P. 581(h)*. The Commonwealth’s burden is by a preponderance of the evidence. *Commonwealth v. Bonasorte*, 486 A.2d 1361, 1368 (Pa. Super. 1984); see also *Commonwealth v. Jury*, 636 A.2d 164, 169 (Pa. Super. 1993) (the Commonwealth’s burden of proof at suppression hearing has been defined as “the burden of producing satisfactory evidence of a particular fact in issue; and . . . the burden of persuading the trier of fact that the fact alleged is indeed true.”).

- A. **After consideration of the totality of the circumstances, the arrest and search of Defendant was proper as Patrolman Romanski had reasonable suspicion to initiate an investigatory detention and perform a pat-down search of Defendant in consideration of the anonymous call, which was corroborated by independent police investigation, and the personal observations of Patrolman Romanski at the scene, which threatened officer’s safety.**

The general rule for investigatory detention and pat-down searches of individuals stems from the United States Supreme Court case of *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868

(U.S. 1968). In order to justify a pat-down search, also known as a “Terry stop,” a police officer must have reasonable suspicion, under the totality of the circumstances, that criminal activity is afoot and that “the individual whose suspicious behavior he is investigating at close range is armed and presently dangerous to the officer or to others.” *See Terry*, 392 U.S. at 24, 88 S. Ct. at 1881.

Reasonable suspicion is a less stringent standard than probable cause necessary to effectuate a warrantless arrest, and depends on the information possessed by police and its degree of reliability in the totality of the circumstances. *Commonwealth v. Holmes*, 14 A.3d 89, 95 (Pa. 2011). In order to justify the seizure, a police officer must be able to point to “specific and articulable facts” leading him to suspect criminal activity is afoot. *Id.* In assessing the totality of the circumstances, courts must also afford due weight to the specific, reasonable inferences drawn from the facts in light of the officer’s experience and acknowledge that innocent facts, when considered collectively, may permit the investigative detention. *Id.* “Even a combination of innocent facts, when taken together, may warrant further investigation by the police officer.” *Commonwealth v. Foglia*, 979 A.2d 357, 361 (Pa. Super. 2009) (*quoting Commonwealth v. Cook*, 735 A.2d 673, 676 (Pa. 1999)).

Police cannot initiate a detention based solely upon an anonymous tip that a person matching the defendant’s description in a specified location is carrying a gun. *Foglia*, 979 A.2d at 361. Where the source of the information given to the officers is unknown, the range of details provided and the prediction of future behavior is particularly significant, as is corroboration by independent police work. *Commonwealth v. Shine*, 784 A.2d 167, 171 (Pa. Super. 2001); *see also Commonwealth v. Jackson*, 698 A.2d 571, 574 (Pa. 1997) (a “Terry stop” may be made on the basis of an anonymous tip, provided the tip is sufficiently corroborated by independent police work to give rise to a reasonable belief that the tip was correct). The necessary corroboration may also be supplied by circumstances that are independent of the tip, for example, observation of suspicious conduct on the part of the suspect. *Shine*, 784 A.2d at 171. The time, street location, and movements and manners of the parties bear upon the totality assessment, as does an officer’s experience. *Id.*

After consideration of the testimony and evidence presented at the May 18th, 2016 suppression hearing, as well as a thorough review of relevant statutory and case law, this Trial Court concludes Patrolman Romanski had reasonable suspicion to initiate an investigatory detention and perform a pat-down search of Defendant. The City of Erie Police Department received an anonymous call reporting two (2) males arguing, one of which was brandishing a firearm, at the 500 block of East 22nd Street. The anonymous caller indicated the male individual brandishing the firearm was wearing dark-colored clothing and a winter hat. Furthermore, the 500 block of East 22nd Street is known to have drug and firearm issues. Upon arriving at the 500 block of East 22nd Street, Patrolman Romanski observed an individual wearing dark-colored clothing and a winter hat, later identified as Defendant, walking with two (2) females. These observations – including, but not limited to, observing a male individual wearing dark-colored clothing and a winter hat in the vicinity of the 500 block of East 22nd Street, an area known to have drug and firearm issues, in close proximity to the time of the anonymous call -- corroborated the information provided by the anonymous caller. *See Shine*, 784 A.2d at 171; *see also Jackson*, 698 A.2d at 574. The totality of these observations provided sufficient reason for Patrolman Romanski to initiate

a “mere encounter” with Defendant and is the starting point for reasonable suspicion to initiate an investigatory detention. *See Commonwealth v. Stevenson*, 894 A.2d 759, 770 (Pa. Super. 2006) (a “mere encounter” (or request for information) which need not be supported by any level of suspicion, but carries no official compulsion to stop or respond); *see also Foglia*, 979 A.2d at 361 (whether the defendant was located in a high crime area similarly supports the existence of reasonable suspicion).

Furthermore, the actions of Defendant at the time of the “mere encounter” also provided Patrolman Romanski adequate reasonable suspicion to initiate an investigatory detention and pat-down search of Defendant. As Patrolman Romanski approached Defendant, Defendant “dropped his hands towards his midsection near his belt buckle.” Patrolman Romanski, who has served as a police officer with the City of Erie Police Department for fourteen (14) years, identified Defendant’s movement as a “threatening motion” to officer’s safety, immediately drew his service revolver and directed Defendant to comply by lying prone the ground. Patrolman Romanski was able to reasonably rely on his fourteen (14) years of experience as a police officer in concluding such a “threatening motion” was made in conjunction with brandishing a firearm. *See Foglia* at 361 (if a suspect engages in hand movements that police know, based on their experience, are associated with the secreting of a weapon, those movements will buttress the legitimacy of a protective weapons search of the location where the hand movements occurred).

Finally, the investigatory detention and pat-down search of Defendant was reasonable considering the urgent necessity for safety of the police officers. Pursuant to *Terry v. Ohio*, a law enforcement officer, for his own protection and safety, may conduct a pat-down to find weapons that he reasonably believes or suspects are then in the possession of the person he has accosted. *See Commonwealth v. Grahame*, 7 A.3d 810, 815 (Pa. 2010); *see also Stevenson*, 894 A.2d at 772 (police officer may frisk an individual during an investigatory detention when the officer believes, based on specific and articulable facts, that the individual is armed and dangerous). Patrolman Romanski, after observing Defendant “drop his hands towards his midsection near his belt buckle,” which is a “threatening motion” to officer’s safety, drew his service revolver and directed Defendant to comply by lying prone on the ground. After several City of Erie Police officers arrived as backup, Patrolman Romanski, with the other officers, attempted to place Defendant’s hands behind his back. Defendant continued to struggle with the officers and locked his hands in a way requiring the use of force in order to handcuff Defendant. The act of handcuffing Defendant did not initiate an arrest, but merely aided the police officers in the investigatory detention. *See Commonwealth v. Rosas*, 875 A.2d 341, 348 (Pa. Super. 2005) (for their safety, police officers may handcuff individuals during an investigative detention). Thereafter, a pat-down search was conducted and a 9mm Berretta handgun was found on Defendant’s person.

As the investigative detention and pat-down search of Defendant were supported by reasonable suspicion in the form of the information from an anonymous call, which was corroborated by independent police investigation, and Patrolman Romanski’s own personal observations on the scene and the urgent necessity for officer safety, the evidence obtained during the investigatory detention and pat-down search of Defendant, including the 9mm Berretta handgun, was properly discovered and legally seized. For all of the foregoing reasons, this Court enters the following Order:

ORDER

AND NOW, to wit, this 1st day of June, 2016, after thorough consideration of the entire record regarding Defendant's Motion to Suppress Evidence, including, but not limited to, the testimony and evidence presented during the May 18th, 2016 Suppression Hearing, as well as an independent review of the relevant statutory and case law and the proceeding Findings of Fact and Conclusions of Law set forth above pursuant to Pennsylvania Rule of Criminal Procedure 581, it is hereby **ORDERED, ADJUDGED AND DECREED** that Defendant's Motion to Suppress Evidence is hereby **DENIED**.

BY THE COURT:

/s/ Stephanie Domitrovich, Judge



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John Gugliotta
Attorney

Attorney Joins Quinn Law Firm

The Quinn Law Firm is pleased to announce **Attorney John Gugliotta** has joined the firm as Of Counsel and will lead the firm's Intellectual Property, Patent, Copyright and Trademark Departments. Attorney Gugliotta specializes in Intellectual Property Application and Prosecution, with experience in Patent, Copyright, and Trademark protection services and IP counseling including monitoring and guiding of research at the idea stage to determine avenues of patentability, marketability, licensability, and enforceability; referral of inventions to joint venturers, OEM production facilities and independent contractors for production and sale. Attorney Gugliotta is also a Professional Engineer which allows him to better assist clients in the overall protection of technology based Intellectual Property. He received his Bachelor of Science undergraduate degree in Chemical Engineering from Carnegie-Mellon University in 1985. Attorney

Gugliotta earned his Juris Doctorate from Cleveland State University, Cleveland-Marshall College of Law in 1993. He is licensed to practice in the United States District Courts for the Western District of Pennsylvania and Northern District of Ohio, the United States Patent and Trademark Office, the United States Supreme Court, and the State of Ohio.

photo: 194326

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FICTITIOUS NAME NOTICE
Pursuant to Act 295 of December 16, 1982 notice is hereby given of the intention to file with the Secretary of the Commonwealth of Pennsylvania a "Certificate of Carrying On or Conducting Business under an Assumed or Fictitious Name." Said Certificate contains the following information:

- FICTITIOUS NAME NOTICE**
1. Fictitious Name: Carla Edmiston Massage Therapy
 2. Address of principal place of business: 2502 Powell Avenue, Suite 5, Erie, PA 16506
 3. The real names and addresses, including street and number of the persons and entities who are parties to the registration: Carla L. Edmiston, 3129 West Lake Rd., Erie, PA 16505; James S. Lynch, 3129 West Lake Rd., Erie, PA 16505; Lynch Music, Inc., 3129 West Lake Rd., Erie, PA 16505
 4. An application for registration of the fictitious name was filed with the Pennsylvania Department of State under the Fictitious Name Act on May 1, 2016.

Jun. 17

ORGANIZATION NOTICE

Notice is hereby given that Lougherty Trucking, LLC has been organized under the provisions of the Pennsylvania Limited Liability Company Law of 1994, as amended. Thomas J. Ruth, Esq. Carney and Ruth Law Office 224 Maple Ave. Corry, PA 16407

Jun. 17

LEGAL NOTICE

Erie County
Court of Common Pleas
Number: 11235-16
Notice of Action in Mortgage Foreclosure
Federal National Mortgage Association ("Fannie Mae"), a Corporation organized and existing under the laws of the United States of America, Plaintiff v. Thomas R. Kelley, Known Surviving Heir of Richard A. Kelley and Unknown Surviving Heirs of Richard A. Kelley, Defendants

TO: Unknown Surviving Heirs of Richard A. Kelley. Premises subject to foreclosure: 238 Walnut Street, Edinboro, Pennsylvania 16412. NOTICE: If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you. You should take this notice to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee. **Lawyer Referral Service, PO Box 1792, Erie, Pennsylvania 16507, (814) 459-4411.** McCabe, Weisberg & Conway, P.C., Attorneys for Plaintiff, 123 S. Broad St., Ste. 1400, Phila., PA 19109, 215-790-1010.

Jun. 17

LEGAL NOTICE

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO.: 10144-16
NOTICE OF ACTION IN MORTGAGE FORECLOSURE
U.S. Bank National Association, as Trustee for Securitized Asset Backed Receivables LLC Trust 2006-NC1, Mortgage Pass-Through Certificates, Series 2006-NC1, Plaintiff, vs.
Willie McBride (deceased) et al., Defendant.
TO: Unknown Heirs, and/or Administrators of the Estate of Willie McBride, Pamela Williams, as believed Heir and/or Administrator of the Estate of Willie McBride, Alice Speed, as believed Heir and/or Administrator of the Estate of Willie McBride, and William McBride, as believed Heir and/or Administrator of the Estate of Willie McBride
PRESENTLY OR FORMERLY

of 830 East 5th Street, Erie, Pennsylvania, 16507. A lawsuit has been filed against you in mortgage foreclosure and against your real estate at 830 East 5th Street, Erie, Pennsylvania, 16507 because you have failed to make the regular monthly payments on your mortgage loan and the loan is in default. The lawsuit is an attempt to collect a debt from you owed to the plaintiff, U.S. Bank National Association, as Trustee for Securitized Asset Backed Receivables LLC Trust 2006-NC1, Mortgage Pass-Through Certificates, Series 2006-NC1. A detailed notice to you of your rights under the Fair Debt Collection Practices Act (15 U.S.C. §1692, et. seq.) is included in the Complaint filed in the lawsuit. The lawsuit is filed in the Erie County Court of Common Pleas, at the above term and number.

A copy of the Complaint filed in the lawsuit will be sent to you upon request to the Attorney for the Plaintiff, Kimberly Hong, Esquire, P.O. Box 165028, Columbus, OH 43216. Phone (614) 222-4921.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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 RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE 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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Jun. 3

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**AUDIT LIST
NOTICE BY
KENNETH J. GAMBLE**

**Clerk of Records,
Register of Wills and Ex-Officio Clerk of
the Orphans' Court Division, of the
Court of Common Pleas of Erie County, Pennsylvania**

The following Executors, Administrators, Guardians and Trustees have filed their Accounts in the Office of the Clerk of Records, Register of Wills and Orphans' Court Division and the same will be presented to the Orphans' Court of Erie County at the Court House, City of Erie, on **June 27, 2016** and confirmed Nisi.

July 21, 2016 is the last day on which Objections may be filed to any of these accounts.

Accounts in proper form and to which no Objections are filed will be audited and confirmed absolutely. A time will be fixed for auditing and taking of testimony where necessary in all other accounts.

<u>2016 ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
139. Sam A. Perry, a/k/a Samuel Arthur Perry	Kenneth C. Perry, Executor	PRO SE
140. Helen R. Kuebler Eastman a/k/a Helen R. Eastman	Scott B. Hurley, Executor	Thomas J. Minarcik, Esquire
141. Frank S. Amoroso	Jean M. Sappington, Executrix	Darlene M. Vlahos, Esquire
142. Gerald A. Volgstadt, II a/k/a Gerald Albert Volgstadt, II	Barbara L. Volgstadt, Administrator C.T.A. ...	Darlene M. Vlahos, Esquire
143. Randolph Q. Sabric	FNB Wealth Management Trust Group, Trustee	Michael Musone, Esquire

KENNETH J. GAMBLE
Clerk of Records
Register of Wills &
Orphans' Court Division

Jun. 17, 24

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ESTATE 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. All persons having claims or demands against said estates are requested to make known the same and all persons indebted to said estates are requested to make payment without delay to the executors or their attorneys named below.

FIRST PUBLICATION**ALLGEIER, HELEN E., a/k/a HELEN ALLGEIER, deceased**

Late of the Township of Greene, County of Erie, State of Pennsylvania

Executor: Michael A. Allgeier, Sr., 9424 Old Waterford Road, Erie, PA 16509

Attorney: James R. Steadman, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

ANDERSON, JEAN W., deceased

Late of the Township of Fairview, Erie County, Pennsylvania

Co-Executrices: Carla J. Hulse, 2022 Four Mile Road, Allegany, NY 14706 and Christie K. Kulesza, 5551 Gardner Drive, Erie, PA 16509

Attorney: Randy L. Shapira, Esquire, 305 West Sixth Street, Erie, PA 16507

CANELLA, MAE I., deceased

Late of the Township of North East, County of Erie, State of Pennsylvania

Administrator: Brian S. Canella, c/o 78 East Main Street, North East, PA 16428

Attorney: John C. Brydon, Esq., Brydon Law Office, 78 East Main Street, North East, PA 16428

CLARKE, WILLIAM A. a/k/a WILLIAM CLARKE, deceased

Late of the Borough of Girard, County of Erie and Commonwealth of Pennsylvania

Executor: Gregory R. Clarke

Attorney: Thomas J. Minarcik, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

COPELAND, KAREN L., deceased

Late of the City of Erie, County of Erie

Executor: Susan A. Peterson, 5205 Deepwood Lane, Erie, Pennsylvania 16505

Attorney: Kari A. Froess, Esquire, Carney & Good, 254 West Sixth Street, Erie, Pennsylvania 16507

DITZ, GERALD B., deceased

Late of the Township of Millcreek, Erie County, PA

Executrix: Mary Kitz Kalivoda, 4403 West 28th Street, Erie, PA 16506

Attorney: None

DOUGAN, HUGH, deceased

Late of the Township of Millcreek, County of Erie, Pennsylvania

Executor: Kenneth Dougan, c/o 3939 West Ridge Road, Suite B-27, Erie, PA 16506

Attorney: James L. Moran, Esquire, 3939 West Ridge Road, Suite B-27, Erie, PA 16506

FISHER, NANCY L., deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania

Co-Executors: Trudy L. Fisher and Patrick A. Fisher, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

Attorney: Darlene M. Vlahos, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

HAYES, RAYMOND E., JR., deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania

Executor: Jason Raygor, c/o Melaragno, Placidi, Parini & Veitch, 502 West Seventh Street, Erie, PA 16502

Attorney: Gene P. Placidi, Esquire, Melaragno, Placidi, Parini & Veitch, 502 West Seventh Street, Erie, PA 16502

JASKIEWICZ, ANN T., deceased

Late of Millcreek Township, Erie County, Pennsylvania

Executor: Anthony N. Gumo, c/o 3209 East Avenue, Erie, PA 16504

Attorney: Cathy M. Lojewski, Esq., 3209 East Avenue, Erie, PA 16504

KNIGHTON, JOB D., deceased

Late of Albion Boro, PA

Administrator: Lynda Lord, c/o Adam G. Anderson, Esq., Elliott & Davis, PC, 425 First Avenue, 1st Floor, Pittsburgh, PA 15219

Attorney: Adam G. Anderson, Esq., Elliott & Davis, PC, 425 First Avenue, 1st Floor, Pittsburgh, PA 15219

LEVINE, HENRY SAMUEL, deceased

Late of the City of Erie

Executor: Barry F. Levine, c/o 938 West 52nd Street, Erie, PA 16509

Attorney: Barry F. Levine, Esquire, 938 West 52nd Street, Erie, PA 16509

LEWANDOWSKI, GERTRUDE M., deceased

Late of the City of Erie

Executor: Stanley F. Lewandowski, 3220 Charlotte St., Erie, PA 16508

Attorney: None

**LUCCHETTI, MARIO,
deceased**

Late of the Township of Millcreek, County of Erie and State of Pennsylvania
Executrix: Renee Elder
Attorney: Gerald J. Vilella, Esquire, Dailey, Karle & Vilella, 1501 East Eighth Street, 2nd Floor, Erie, PA 16501

**MOON, GLENN EDWARD,
deceased**

Late of the Township of Millcreek, Commonwealth of Pennsylvania
Executor: Glenn Edwin Moon, c/o Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506
Attorney: Joseph B. Spero, Esquire, 3213 West 26th Street, Erie, Pennsylvania 16506

**REINHOEL, MARTHA L.,
deceased**

Late of Millcreek Township, Erie County, Pennsylvania
Executrix: Martha Jane Giacomelli, 3015 Springland Terrace, Erie, PA 16506
Attorney: Edward J. Coyle, Esquire, Buzgon Davis Law Offices, PO Box 49, 525 South Eighth Street, Lebanon, PA 17042

**ROSE, ELWIN G., a/k/a ELWIN ROSE,
deceased**

Late of Greene Township, Erie County, Commonwealth of Pennsylvania
Co-Executrices: Sharon Prince, Dorian Rose and Kristin Searcy, c/o 120 West 10th Street, Erie, PA 16501
Attorney: Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

**SCHULTZ, ARTHUR, a/k/a ARTHUR C. SCHULTZ,
deceased**

Late of the City of Summit Township, County of Erie and Commonwealth of Pennsylvania
Co-Executors: Robert C. Schultz, Jr., & Loretta Schaffner,
Attorney: James H. Richardson, Jr., Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**STOVER, IRENE I., a/k/a IRENE STOVE,
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Executrix: Kathleen A. Stover, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Darlene M. Vlahos, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**WIGGERS, JOHN W., a/k/a JOHN WILLIAM WIGGERS, JR.,
deceased**

Late of Greenfield Township, County of Erie
Executrix: Barbara Ann Nissen, c/o Thomas A. Testi, Esq., 3952 Avonia Road, PO Box 413, Fairview, PA 16415
Attorney: Thomas A. Testi, Esq., 3952 Avonia Road, PO Box 413, Fairview, PA 16415

**ZIELINSKI, LAWRENCE L.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Louise Morris, c/o 504 State Street, Suite 200, Erie, PA 16501
Attorney: Richard E. Filippi, Esquire, 504 State Street, Suite 200, Erie, PA 16501

**ZUBER, FLORENCE,
deceased**

Late of the Township of Fairview, County of Erie, State of Pennsylvania
Executrix: Debra Schuetz, 131 McCurdy Drive, Pittsburgh, Pennsylvania 15235
Attorney: Grant M. Yochim, Esq., 24 Main St. E., PO Box 87, Girard, PA 16417

SECOND PUBLICATION

**ALT, PATRICIA A., a/k/a PATRICIA ANN ALT,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: R.C. Chase, 712 Maryland Ave., Erie, PA 16505
Attorney: John E. Gomolchak, Esq., 3854 Walker Blvd., Erie, PA 16509

**BOGACKI, RAYMOND H.,
deceased**

Late of Franklin Township, County of Erie and Commonwealth of Pennsylvania
Administrator: Karen E. Bogacki, c/o Brenc Law, 9630 Moses Road, Springboro, PA 16435
Attorney: Andrew S. Brenc, Esq., 9630 Moses Road, Springboro, PA 16435

**BRIGGS, RONALD A.,
deceased**

Late of the Township of Waterford, County of Erie and State of Pennsylvania
Administratrix: Margaret L. Briggs, c/o Howard A. Hain, Esq., 821 State Street, Erie, PA 16501
Attorney: Howard A. Hain, Esquire, 821 State Street, Erie, PA 16501

**DION, SHIRLEY A.,
deceased**

Late of the Township of Millcreek
Executor: Peter C. Dion
Attorney: Steven E. George, Esq.,
Shapira, Hutzelman and Smith,
305 West 6th Street, Erie, PA
16507

**FRANKOWSKI, PATRICIA
A., a/k/a PATRICIA ANN
FRANKOWSKI, a/k/a PATRICIA
FRANKOWSKI, a/k/a PATRICIA
A. HART,
deceased**

Late of the City of Erie, County
of Erie and State of Pennsylvania
Executor: Elizabeth A.
Frankowski, 3422 Emerson Ave.,
Erie, PA 16508
Attorney: Aaron E. Susmarski,
Esq., 4030 West Lake Road, Erie,
PA 16505

**GROSS, MARGARET J.,
deceased**

Late of Millcreek Township,
County of Erie, Commonwealth
of Pennsylvania
Executor: William J. Gross, 630
East Grandview Blvd., Erie, PA
16504
Attorney: None

**HAMMERS, THOMAS G.,
deceased**

Late of Erie County, Pennsylvania
Executrix: Jennifer M. Cain, c/o
Peter J. Sala, Esquire, 731 French
Street, Erie, PA 16501
Attorney: Peter J. Sala, Esquire,
731 French Street, Erie, PA 16501

**McLALLEN, VELMA JUNE,
a/k/a VELMA J. McLALLEN,
deceased**

Late of the City of Erie, County
of Erie and Commonwealth of
Pennsylvania
Co-Executors: Bonnie G. Hess and
Todd M. McLallen, c/o William J.
Schaaf, Esq., Suite 300, 300 State
Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur,
Spaeder & Schaaf, LLP, Suite 300,
300 State Street, Erie, PA 16507

**MITCHELL, DONALD A.,
deceased**

Late of the City of Erie, County of
Erie, Pennsylvania
Administratrix: Patricia G.
Mitchell, 2416 Perry Street, Erie,
PA 16503
Attorney: Robert C. Brabender,
Esquire, 2741 West 8th Street,
Suite 16, Erie, PA 16505

**POLANCY, JOHN T.,
deceased**

Late of the Township of Millcreek,
County of Erie and State of
Pennsylvania
Co-Executors: Karen Lloyd, 6359
Red Pine Ln., Erie, PA 16506 and
Mario John Loreti, 3748 Gable
Court, Erie, PA 16506
Attorney: Richard T. Ruth, Esq.,
1026 West 26th St., Erie, PA 16508

**POLCHLOPEK, HARRIETTE M.,
a/k/a HARRIET POLCHLOPEK,
deceased**

Late of the City of Erie, County
of Erie, Commonwealth of
Pennsylvania
Executrix: Rose Nouri, 808
Pasadena Dr., Erie, PA 16505
Attorney: John E. Gomolchak,
Esq., 3854 Walker Blvd., Erie,
PA 16509

**SMYKOWSKI, JULIA,
deceased**

Late of the Township of Girard,
Erie County, Pennsylvania
Executor: Karen Snodgrass, c/o
Martone & Peasley, 150 West Fifth
Street, Erie, Pennsylvania 16507
Attorney: Joseph P. Martone,
Esquire, Martone & Peasley,
150 West Fifth Street, Erie,
Pennsylvania 16507

**THOMPSON, MARLYN EDNA,
a/k/a MARLYN E. THOMPSON,
a/k/a MARILYN E. THOMPSON,
deceased**

Late of the City of Erie, County
of Erie and Commonwealth of
Pennsylvania
Executor: Donald J. Brown
Attorney: Thomas J. Minarcik,
Esquire, Elderkin Law Firm, 150
East 8th Street, Erie, PA 16501

**TOMCZAK, JAMIE A., a/k/a
JAMIE ANN TOMCZAK,
deceased**

Late of the Township of Millcreek,
County of Erie, Commonwealth of
Pennsylvania
Administratrix C.T.A.: Glenda
Bond-Masters, c/o Quinn, Buseck,
Leemhuis, Toohey & Kroto, Inc.,
2222 West Grandview Blvd., Erie,
PA 16506
Attorney: Darlene M. Vlahos,
Esq., Quinn, Buseck, Leemhuis,
Toohey & Kroto, Inc., 2222 West
Grandview Blvd., Erie, PA 16506

TRUST NOTICES

Notice is hereby given of the
administration of the Trust set forth
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are requested to make known the
same and all persons indebted to
said decedent are required to make
payment without delay to the trustees
or attorneys named below:

**SWAGER, DONNA M.,
deceased**

Late of Millcreek Township,
Erie County, Commonwealth of
Pennsylvania
Trustee: PNC Bank, N.A., c/o
Trust Division, 901 State Street,
Erie, PA 16501
Attorney: Frances A. McCormick,
Esq., Knox McLaughlin Gornall &
Sennett, P.C., 120 West 10th Street,
Erie, PA 16501

THIRD PUBLICATION

**CAVICCHIO, ROSE D.,
deceased**

Late of the City of Erie, County
of Erie
Executor: Christine A. Schloss,
2627 Oakwood Street, Erie,
Pennsylvania 16508
Attorney: Kari A. Froess, Esquire,
Carney & Good, 254 West Sixth
Street, Erie, Pennsylvania 16507

**FEENEY, GERALD DENNIS
a/k/a FEENEY, GERALD D.
deceased**

Late of the Township of Erie, County of Erie and Commonwealth of Pennsylvania
Administratrix: Suzanne M. Flowers, 2101 E. Lumsden Road, Valrico, FL 33594
Attorney: none

**FOLEY, MICHAEL P., SR.,
deceased**

Late of the City of Erie, County of Erie, and State of Pennsylvania
Executrix: Michelle P. Snyder
Attorney: Gerald J. Vilella, Esquire, Dailey, Karle & Vilella, 150 East Eighth Street, 2nd Floor, Erie, PA 16501

**GAVIO, JOSEPH J.,
deceased**

Late of Summit Township, County of Erie, Commonwealth of Pennsylvania
Executor: Joseph A. Gavio, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**GREENER, ALAN E.,
deceased**

Late of the Township of Millcreek
Executor: BNY Mellon - National Association, Attn: Connie L. Wollenweber, 500 Grant St., Ste. 3740, Pittsburgh, PA 15258
Attorney: Michael A. Fetzner, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**KOSIENSKI, GEORGEANNE,
deceased**

Late of the City of Erie
Administratrix: Tracie Drzewiecki, c/o 731 French Street, Erie, PA 16501
Attorney: Angelo P. Arduini, Esquire, Arduini, Jewell and Karn, 731 French Street, Erie, PA 16501

**LYDEN, MATTHEW P.,
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Executrix: Patricia A. Slomski, 4726 Shellbark Court, Erie, PA 16506-4364
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**MELZER, FLORENCE E.,
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Sharon L. Lanich
Attorney: David J. Rhodes, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**MITCHELL, THOMAS H.,
deceased**

Late of the Township of Greenfield, County of Erie and Commonwealth of Pennsylvania
Administrator: Charles D. Mitchell, c/o 504 State Street, Suite 300, Erie, PA 16501
Attorney: Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**POTTER, GEOFFREY E.,
deceased**

Late of the Township of Millcreek, County of Erie, State of Pennsylvania
Executor: Geoffrey E. Potter, Jr., c/o 78 East Main Street, North East, PA 16428
Attorney: John C. Brydon, Esq., Brydon Law Office, 78 East Main Street, North East, PA 16428

**STEINMAN, KAREN L.,
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania
Administrator: Timothy R. Steinman, 2821 E. 30th Street, Erie, PA 16510-2833
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**URMANN, PEGGY L.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: Anita Klein, c/o Kevin M. Monahan, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorneys: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP, Suite 300, 300 State Street, Erie, PA 16507

**VARGO, JOHN W.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Theresa Paluh, 714 E. 4th St., #2, Erie, PA 16507
Attorney: Thomas S. Kubinski, Esquire, The Conrad - F.A. Brevillier House, 502 Parade Street, Erie, PA 16507

**VOLTZ, HELEN F.,
deceased**

Late of the City of Erie
Co-Executors: Jeffrey A. Ferraro and Karen L. Case, c/o 731 French Street, Erie, PA 16501
Attorney: Angelo P. Arduini, Esquire, Arduini, Jewell and Karn, 731 French Street, Erie, PA 16501

**YORK, HELEN M.,
deceased**

Late of the Township of Fairview, County of Erie and Commonwealth of Pennsylvania
Executrix: Kathleen A. Forish
Attorney: David J. Rhodes, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

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CHARLES D. AGRESTI ----- 814-456-5301
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300 State Street. Suite 300
Erie, PA 16507 ----- *cagresti@marshspaeder.com*

MICHAEL A. AGRESTI ----- 814-456-5301
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