

# *Erie County Legal Journal*

March 24, 2017

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100 ERIE 33 - 40  
Commonwealth v. Hall

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# Erie County Legal Journal

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

Managing Editor: Michael Yonko  
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# Erie County Bar Association

## Calendar of Events and Seminars

### WEDNESDAY, MARCH 29, 2017

Defense Bar Meeting  
Noon  
ECBA Headquarters

### THURSDAY, MARCH 30, 2017

ECBA Live Lunch-n-Learn Seminar  
*Roth Conversions:*

*Is paying the tax now a good idea?*

Bayfront Convention Center

12:15 - 1:15 p.m. (registration/lunch - 11:45 a.m.)

\$47 (ECBA member/non-attorney staff)

\$60 (nonmember)

\$33 (member judge not needing CLE)

1 hour substantive

### FRIDAY, APRIL 15, 2017

Good Friday  
ECBA Office Closed

### MONDAY, APRIL 24, 2017

ECBA Board of Directors Meeting  
Noon  
ECBA Headquarters

### TUESDAY, APRIL 25, 2017

ECBA Live Seminar

*Ethics Stamped! Remaining Professional and  
Virtuous When Legal Ethics Chaos Threatens*  
Manufacturer & Business Association  
Conference Center

8:30 a.m. - 12:00 p.m. (registration/8:00 a.m.)

\$140 (ECBA member/non-attorney staff)

\$180 (nonmember)

\$97 (member judge not needing CLE)

3 hours ethics

### WEDNESDAY, APRIL 26, 2017

Criminal Section Meeting  
3:00 p.m.  
Judge Cunningham's Courtroom

### THURSDAY, APRIL 27, 2017

Solo/Small Firm Division Meeting  
Noon  
Plymouth Tavern

### SATURDAY, APRIL 29, 2017

Law Day 5k Run/Walk  
9:00 a.m.

*more information and registration  
available at [www.eriebar.com](http://www.eriebar.com)*

### MONDAY, MAY 1, 2017

Annual Law Day Luncheon  
Noon  
Bayfront Convention Center  
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Our distinguished panel of Supreme Court Justices, Hon. Christine Donohue, Hon. Debra McCloskey Todd, and Hon. David N. Wecht, will discuss best practices, including: the drafting of successful Petitions for Allowances of Appeal, merits briefs, and King's Bench Petitions; oral argument; candor to the Court; and the Rules of Civility

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**COMMONWEALTH OF PENNSYLVANIA**

**v.**

**MARKEL JOVAN HALL**

***CRIMINAL LAW / RIGHT TO COUNSEL / RIGHT TO APPEAR PRO SE***

A criminal defendant has the constitutional right to counsel, and a constitutional right to dispense with counsel and represent himself.

***CRIMINAL LAW / CAPACITY AND REQUISITES TO PROCEEDING PRO SE***

To exercise the right to self-representation, a defendant must demonstrate he knowingly, voluntarily and intelligently waives his right to counsel.

***CRIMINAL LAW / REQUISITE TO PROCEEDING PRO SE / TRIAL COURT TO CONDUCT PROBING COLLOQUY***

When a defendant seeks to waive the right to counsel, the trial court must conduct probing inquiry whether the defendant is aware of the right to counsel and the significance and consequences of waiving that right.

***CRIMINAL LAW / REQUISITE TO PROCEEDING PRO SE / MINIMUM ELEMENTS OF TRIAL COURT COLLOQUY***

Pa.R.Crim.P. Rule 121(A)(2)(a)-(f) sets forth minimum requirements of colloquy by trial court or issuing authority in determining whether criminal defendant knowingly, voluntarily and intelligently waives the right to counsel.

***CRIMINAL LAW / PROCEEDING PRO SE / APPOINTMENT OF STANDBY COUNSEL***

Pursuant to Pa.R.Crim.P. Rule 121(D), when a defendant's waiver of counsel is accepted, standby counsel may be appointed.

***CRIMINAL LAW / PROCEEDING PRO SE / APPOINTMENT OF STANDBY COUNSEL***

The Pennsylvania Rules of Criminal Procedure do not mandate the appointment of standby counsel, which is a matter within the trial court's discretion.

***CRIMINAL LAW / PROCEEDING PRO SE / APPOINTMENT OF STANDBY COUNSEL***

While it is generally advisable to appoint standby counsel when a defendant waives the right to counsel and elects to proceed *pro se*, the appointment of standby counsel is not always necessary.

***CRIMINAL LAW / PROCEEDING PRO SE / APPOINTMENT OF STANDBY COUNSEL***

Where none of the complicating factors which support the appointment of standby counsel are present, the appointment of standby counsel is not required.

***CRIMINAL LAW / PROCEEDING PRO SE / APPOINTMENT OF STANDBY COUNSEL, FACTORS TO CONSIDER***

Factors the trial court may consider in determining whether to appoint standby counsel may include: whether the defendant has exhibited unruly or disruptive behavior and whether the defendant poses a risk of engaging in unruly behavior, suggesting a potential need for standby counsel to assume control of the defense; whether the defendant is the sole defendant at the trial; the anticipated duration of the trial; whether the case is a capital case; and whether the trial will present complicated issues of law.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION NO. 864 OF 2015

Appearances: District Attorney's Office for the Commonwealth  
Markel Jovan Hall, *pro se*

### OPINION

BRABENDER, J. February 2, 2017

This matter is before the Court on Appellant's *pro se* Notice of Appeal and Amended Notice of Appeal, following remand by the Superior Court of Pennsylvania to permit Appellant to file a Rule 1925(b) Statement.<sup>1</sup> A Rule 1925(b) Statement was filed on January 19, 2017, and this Opinion follows. For the reasons set forth below, the judgment of sentence should be affirmed.

### FACTUAL AND PROCEDURAL BACKGROUND

This appeal concerns Appellant's waiver of court-appointed trial counsel, and request for standby counsel. The relevant background is summarized herein.

By Criminal Information filed May 21, 2015, Appellant was charged with a number of theft-related offenses, including Robbery and Conspiracy to Commit Robbery for a home invasion which occurred on October 17, 2014. In February, 2015, Appellant applied for a public defender. James A. Pitonyak, Esq. was appointed as counsel. At the Commonwealth's request, the trial, originally listed for the July, 2015 term of court, was continued to the September, 2015 term.

On August 31, 2015, Appellant filed a Motion to Proceed *Pro Se*, expressing dissatisfaction with counsel. On September 1, 2015, Attorney Pitonyak filed a Motion to Withdraw as Counsel and to Schedule a *Pro Se* Colloquy.

On September 4, 2015, a hearing was held before the Honorable Shad Connelly, now retired, on the Motion to Proceed *Pro Se* and the Motion to Withdraw as Counsel. The Court explained to Appellant that, by proceeding on the Motion to Proceed *Pro Se*, Appellant was discharging his court-appointed attorney, and representing himself, thus waiving his right to counsel. *Transcript of Proceedings, Motion to Withdraw as Counsel and Pro Se Colloquy, September 4, 2015 (Tr: 9/4/15), pp. 2-3.* The Court advised Appellant he would "be bound just like an attorney would be bound to follow all the rules of evidence, all the rules of procedure, and all the Court deadlines for filing." *Tr: 9/4/15, p. 3.*

The following colloquy took place:

The Court: Well, let's go ahead with the colloquy here. We have to do this for the record.

Ms. Hirz: Okay. Sir, you understand you have, as the Judge indicated, you have a right to be represented by an attorney and a free one if you can't afford one, correct:

Mr. Hall: Yes.

<sup>1</sup> On April 27, 2016, the Court filed a 1925(a) Opinion concluding Appellant's issues were waived for failure to file a court-ordered statement of errors complained of on appeal. The Superior Court determined waiver had not occurred, because the giving of written notice of the entry of the Court's 1925(b) order was not recorded on the docket. On December 22, 2016, the Superior Court remanded the matter for re-entry and proper notice of a Rule 1925(b) order. *See Commonwealth v. Hall, Unpublished Memorandum filed December 22, 2016 at 326 WDA 2016.*

Ms. Hirz: All right. And you do know the nature of the elements of the charges against you, correct?

Mr. Hall: Yes.

Ms. Hirz: And you're aware of any possible range of sentences, fines, and any penalty that can be imposed if you are found guilty or plead guilty, correct, sir?

Mr. Hall: Yes.

Ms. Hirz: All right. You understand, as the Judge indicated, you represent yourself, you are still required to follow the Rules of Criminal Procedure and evidence and an attorney will be more familiar with these rules than you, correct?

Mr. Hall: Yes.

Ms. Hirz: All right. You understand there may be defenses to these charges, which counsel would be aware of, and if they are not raised at that time, you would lose your right and they would be permanently lost if they were not raised, do you understand that?

Mr. Hall: Yes.

Ms. Hirz: You understand if errors or rule violations occur and you don't object to them at the right time, you would lose your right to object permanently, correct?

Mr. Hall: Yes.

Ms. Hirz: You're voluntarily giving up your right to be represented by an attorney today, correct?

Mr. Hall: Yes.

Ms. Hirz: And have you been forced or pressured in any way or have promises been made that have influenced your decision to waive your right to be represented?

Mr. Hall: No.

Ms. Hirz: No. All right. Sir, I'm going to have you sign on the line marked defendant.

(Whereupon, defendant complies.)

Ms. Hirz: And just for the record, Your Honor, this is Attorney Strasser's case and he indicated that he would be objecting to any continuance and wanted

Mr. Hall to understand that the Commonwealth would object to any continuance in this matter. And it is scheduled to go to trial this term.

The Court: Do you understand that, Mr. Hall?

Mr. Hall: Yes, I understand that. And I will not be ready to go to trial this term, sir, due to the fact that I'm proceeding *pro se* at this point.

The Court: Well, if you're going to ask for a continuance, you have to do so in writing, set forth the reasons you have, and submit it to the Court.

Mr. Hall: Yes, Your Honor.

The Court: All right. The Court would order that the Motion to Withdraw as Counsel filed by Mr. Pitonyak is granted, the Motion to Proceed *Pro Se* by Mr. Hall is granted. The case right now is scheduled for the September term, unless and until the Court orders it be continued.

Mr. Pitonyak: Thank you, Your Honor.

Ms. Hirz: Thank you, Your Honor.

*Tr. 9/4/15, pp. 4-6.* Having determined Appellant's waiver of counsel was knowing, voluntary and intelligent, the Court entered on the docket written Orders granting the Motion to Proceed *Pro Se* and the Motion to Withdraw as Counsel.

On September 8, 2015, Appellant, *pro se*, filed a Motion to Continue Trial, requesting additional time to prepare for trial. Concurrently, Appellant filed a Petition for Immediate Release on Nominal Bail, based upon his period of confinement. Appellant averred that, if the petition for release was granted, he would be immediately transferred to SCI Albion on a state parole detainee, where Appellant would have greater resources to assist him with trial preparation.<sup>2</sup>

On September 16, 2015, Judge Connelly granted Appellant's request for a continuance. The case was rescheduled for the November, 2015 term of court. On September 21, 2015, the Court granted the Petition for Release on Nominal Bond.

On October 26, 2015, correspondence from Appellant to Judge Connelly was filed with the Clerk of Courts requesting, *inter alia*, appointment of standby counsel and issuance of subpoenas for trial witnesses. On October 28, 2015, Appellant filed an Omnibus Pre-Trial Motion for Relief.

On October 29, 2015, Judge Connelly conducted a hearing to address Appellant's inquiry regarding appointment of standby counsel. Judge Connelly reminded Appellant that on September 4, 2015, the Judge granted Appellant's request to proceed *pro se*. Judge Connelly advised Appellant he had the right to hire counsel; and with regard to standby counsel, directed Appellant to submit a written motion to the Court. *Transcript of Proceedings, Pro*

<sup>2</sup> Subsequently, on September 15, 2015, the Court directed the Commonwealth to respond to Appellant's Petition for Release on Nominal Bail. On September 21, 2015, the Commonwealth filed a response to the petition for release.



*Se Colloquy, October 29, 2015 (Tr. 10/29/15), pp. 2-3.*

On October 30, 2015, Judge Connelly dismissed the Omnibus Pre-Trial Motion for Relief as Untimely. On November 5, 2015, Appellant filed a Writ for Standby Counsel, citing lack of knowledge of the law.

Due to the impending retirement of Judge Connelly, the case was reassigned to the undersigned. On November 10, 2015, the Court addressed Appellant's Writ for Standby Counsel, Appellant's oral Motions in Limine, and other pre-trial matters. *Transcript of Proceedings, November 10, 2015 (Tr. 11/10/15), pp. 2-25.* During the proceedings, Appellant confirmed he wanted to proceed *pro se*.

The Court: Okay. You're listed as *pro se* or representing yourself; is that what you want to do?

The Defendant: Yes.

*Tr. 11/10/15, p. 3.*

Appellant advised he remained indigent; he could not afford a lawyer; and he had determined, "okay, I'll just represent myself and I'll just get standby counsel, I have no problem with it." *Tr. 11/10/15, p. 5.*

Appellant informed the Court he wanted to proceed to trial, regardless whether standby counsel was appointed.

The Defendant: Okay, well, if standby counsel is not granted, I'm still proceeding to go to trial.

The Court: So you definitely want to go to trial?

The Defendant: Yes.

The Court: You're in jail now?

The Defendant: Yes. Yes. I'm just asking for standby counsel.

*Tr. 11/10/15, p. 7.*

The Court denied the request for standby counsel. Due to Appellant's *pro se* status, on November 10, 2015, the Court itself conducted voir dire. *Tr. 11/10/15, pp. 15-16.*

After a two-day jury trial on November 12, 2015 and November 13, 2015, Appellant was found guilty of one count each of Criminal Conspiracy, Robbery, Burglary, Theft By Unlawful Taking or Disposition, Receiving Stolen Property, Simple Assault and Criminal Trespass.<sup>3</sup>

On February 1, 2016, Appellant was sentenced to an aggregate of 42 to 84 months (three and one-half to seven years) of incarceration as follows:

<sup>3</sup> 18 P.S. §§903/3701(a)(1)(iv), 18 P.S. §3701 (a)(1)(iv), 18 P.S. 3502 (a)(1), 18 P.S. 3921(a), 18 P.S. 3925(a), 18 P.S. 2701(a)(3) and 18 P.S. 3503(a)(1)(i), respectively.

Count 1: Criminal Conspiracy – 12 to 24 months of incarceration, plus costs and restitution.

Count 2: Robbery – Merged with Count 1.

Count 3: Burglary – 24 to 48 months of incarceration, followed by 60 months of probation, state supervised, consecutive to Count 1.

Count 4: Theft By Unlawful Taking or Disposition – Merged with Count 3.

Count 5: Receiving Stolen Property – Merged with Count 3.

Count 6: Simple Assault – 6 to 12 months of incarceration, consecutive to Count 3.

Count 7: Criminal Trespass – Merged with Count 3.

On February 1, 2016, the Court granted the Appellant's Motion for Trial Transcripts.

On February 2, 2016, Appellant filed a Post-Sentence Motion, which the Court denied on February 3, 2016. On February 10, 2016, the Appellant filed a Request for Sentence Modification, which the Court denied on February 16, 2016.

On March 1, 2016, Appellant timely filed Notice of Appeal from the Order of February 3, 2016 denying the post-sentence motion. On March 14, 2016, Appellant filed an Amended Notice of Appeal from the Order of February 3, 2016 denying the post-sentence motion.<sup>4</sup>

On March 23, 2016, this Court held a hearing pursuant to *Commonwealth v. Grazier*, 713 A.2d 81, 82 (Pa. 1998), to determine whether waiver of appellate counsel was knowing, intelligent and voluntary. The Court determined Appellant's waiver of counsel was knowing, intelligent and voluntary. *Transcript of Proceedings, Grazier Hearing, March 23, 2016 (Tr. 3/23/16), pp.1-5.*

On March 24, 2016, the Court entered an Order permitting Appellant to proceed *pro se* on direct appeal. Concurrently, the Court issued a 1925(b) Order directing Appellant to file a 1925(b) statement within twenty-one (21) days. Appellant did not file a 1925(b) Statement within the requisite period. Thus, the Court, in its 1925(a) Opinion, found Appellant waived any appellate issues.

On December 22, 2016, the Superior Court remanded the matter for re-entry and proper notice of a Rule 1925(b) Order. See *Commonwealth v. Hall, Unpublished Memorandum filed December 22, 2016 at 326 WDA 2016*. On December 29, 2016, the Court entered another 1925(b) Order, and the docket reflects proper notice of the order was given.

On January 19, 2017, Appellant filed a 1925(b) Concise Statement of Matters Complained of on Appeal. Distilled, Appellant claims his constitutional rights were violated because inadequate colloquies were conducted regarding his request to proceed *pro se* at trial. In addition, Appellant claims it was error not to appoint standby counsel.

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<sup>4</sup> It is unclear why Appellant filed the Amended Notice of Appeal.

### DISCUSSION

Just as a criminal defendant has a constitutional right to counsel, so too does the defendant have “a long-recognized constitutional right to dispense with counsel and to defend himself before the court.” The right to self-representation, however, is not absolute. Thus, to exercise this right, the defendant must demonstrate that he knowingly, voluntarily and intelligently waives his right to counsel. *Commonwealth v. Brooks*, 104 A.3d 466, 474 (Pa. 2014)(internal citations omitted).

To ensure that a waiver is knowing, voluntary, and intelligent, the trial court must conduct a “probing colloquy,” which is “a searching and formal inquiry” as to whether the defendant is aware both of the right to counsel and of the significance and consequences of waiving that right. *Commonwealth v. Starr*, 664 A.2d 1326, 1335–36 (Pa. 1995).

Pennsylvania Rule of Criminal Procedure 121(A)(2)(a)-(f) sets forth the minimum information the judge or issuing authority must elicit in determining whether a defendant’s waiver of the right to counsel is knowing, voluntary, and intelligent. *Pa.R.Crim.P.* 121(A)(2). The Rules of Criminal Procedure provide that, “[w]hen the defendant’s waiver of counsel is accepted, standby counsel may be appointed for the defendant.” *Pa.R.Crim.P.* 121(D)(*emphasis added*). The Rules do not mandate appointment of standby counsel. *See Pa.R.Crim.P.* 121.

Appellant’s claim the waiver of counsel colloquy conducted September 4, 2015 was defective and violated Appellant’s Sixth Amendment rights is belied by the record.

The on-the-record colloquy conducted on September 4, 2015 satisfied the requirements of *Pa.R.Crim.P.* 121. *See Tr. 9/4/15, pp. 4-6; Pa.R.Crim.P.* 121(a)(2)(a)-(f). In fact, the colloquy exceeded the requirements of Rule 121 in that Appellant was additionally and specifically asked whether the decision to waive counsel was voluntary; whether Appellant had been forced or pressured to waive counsel; and whether any promises were made that influenced the decision to waive counsel. *See Tr. 9/4/15, pp. 4-6*. Further, Judge Connelly informed Appellant he would be bound just like an attorney would be bound to follow all rules of evidence, all rules of procedure, and all Court deadlines for filing. *Tr. 9/4/15, p. 3*.

Appellant’s claim his constitutional rights were violated on October 29, 2015 when a hearing was convened by Judge Connelly to address Appellant’s request for standby counsel is likewise belied by the record. Judge Connelly advised Appellant that Appellant previously informed the Court he wished to proceed *pro se*, and “[t]hat’s what you got.” The Court instructed Appellant to make a written motion to the Court about standby counsel for the Court’s consideration. *Tr. 10/29/15, p. 3*.

Appellant’s claim his constitutional rights were violated on November 10, 2015, are baseless. A fully sufficient waiver of counsel colloquy was conducted on September 5, 2015. At no time on November 10, 2015 did Appellant withdraw his waiver of counsel. Appellant did not object to proceeding to trial *pro se*, nor did he indicate any desire to revisit his waiver of counsel. Appellant expressed no second thoughts about proceeding *pro se*. Appellant maintained he wished to proceed to trial immediately regardless whether standby counsel was appointed. Appellant did not seek to revisit his waiver, and there was no requirement that the Court revisit the waiver of counsel issue *sua sponte*. The record establishes Appellant did not withdraw his prior waiver of counsel. Under these circumstances, a second waiver of counsel colloquy was not required. *See Commonwealth v. Blakeney*, 946 A.2d 645, 656

(Pa. 2008).

With regard to the request for standby counsel, the determination whether to appoint standby counsel was a matter within the Court's discretion. *See Pa.R.Crim.P. 121*. No abuse of discretion occurred. While it is generally advisable to appoint standby counsel when a defendant waives the right to counsel and elects to proceed *pro se*, it was not necessary in this case. The factors to consider as outlined in the comments to Rule 121 and case law were not present.

During the exchange between the Court and Appellant on November 10, 2015, Appellant did not exhibit any unruly or disruptive behavior. The Court ascertained Appellant was not at risk of engaging in unruly behavior. In the instant case, standby counsel was not needed to assume control of the defense. *See Comments to Pa.R.Crim.P. 121; Commonwealth v. Abu-Jamal*, 720 A.2d 79, 109 (Pa. 1998)

Also, Appellant was the sole defendant at this trial; no co-defendant was tried with Appellant. Further, duration of the trial was short; the evidentiary portion of the trial lasted just one day. Moreover, this was not a capital case, and the trial did not present complicated issues of law. *See Comments to Pa.R.Crim.P. 121*. None of the complicating factors which support appointment of standby counsel were present. *See Comments to Pa.R.Crim.P. 121*.

There was no abuse of discretion in not further postponing the trial of this matter for the appointment of standby counsel.

### **CONCLUSION**

For the reasons stated herein, this appeal must be dismissed, and the judgment of sentence should be affirmed. The Clerk of Courts is hereby directed to transmit the record to the Superior Court.

**BY THE COURT:**

/s/ **Daniel J. Brabender, Jr., Judge**

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

COMMONWEALTH OF PENNSYLVANIA, Appellee

v.

MARKEL JOVAN HALL, Appellant

IN THE SUPERIOR COURT OF PENNSYLVANIA

NO. 326 WDA 2016

Appeal from the Judgment of Sentence February 1, 2016

In the Court of Common Pleas of Erie County

Criminal Division at No(s): CP-25-CR-0000864-2015

BEFORE: SHOGAN, MOULTON, and STRASSBURGER,\* JJ.

MEMORANDUM BY SHOGAN, J.:

FILED MARCH 13, 2017

Markel Jovan Hall (“Appellant”) appeals *pro se* from the judgment of sentence entered in the Court of Common Pleas of Erie County.<sup>1</sup> We affirm.

Appellant and two co-defendants were arrested in connection with a home invasion that occurred on October 17, 2014. Although an attorney was appointed for Appellant, defense counsel was permitted to withdraw and Appellant was permitted to represent himself after a waiver colloquy at which the trial court determined that Appellant’s waiver of trial counsel was voluntary, knowing, and intelligent. N.T., 9/4/15, at 6–7. At a second waiver colloquy, Appellant orally requested stand-by counsel, and the trial court directed Appellant to file a written request for stand-by counsel. N.T., 10/29/15, at 3. Appellant complied, and, following a hearing, the trial court denied Appellant’s request. N.T., 11/10/15, at 6. After a two-day trial, a jury convicted Appellant of one count each of criminal conspiracy, robbery, burglary, theft by unlawful taking or disposition, receiving stolen property, simple assault, and criminal trespass<sup>2</sup> N.T., 11/13/15, at 76.

The trial court sentenced Appellant on February 1, 2016, to incarceration for an aggregate term of forty-two to eighty-four months. Appellant filed a post-sentence motion on February 2, 2016, which the trial court denied on February 3, 2016. On February 10, 2016, Appellant filed a request for modification of his sentence, which the trial court denied on February 16, 2016. Appellant filed a timely notice of appeal on March 1, 2016, and an amended notice of appeal on March 14, 2016.

Following a hearing pursuant to *Commonwealth v. Grazier*, 713 A.2d 81, 82 (Pa. 1998), on March 23, 2016, the trial court determined that Appellant’s waiver of appellate counsel was also knowing, intelligent, and voluntary. N.T., 3/23/16, at 1–5. Accordingly, the trial court entered an order on March 24, 2016, permitting Appellant to proceed *pro se* on direct appeal.

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\* Retired Senior Judge assigned to the Superior Court.

<sup>1</sup> In his notice of appeal and amended notice of appeal, Appellant purports to appeal from the orders denying his post-sentence motion and his motion for modification of sentence. However, an “order denying post-sentence motions acts to finalize the judgment of sentence for purposes of appeal. Thus, the appeal is taken from the judgment of sentence, not the order denying post-sentence motions.” *Commonwealth v. Chamberlain*, 658 A.2d 395, 397 (Pa. Super. 1995). We have amended the caption accordingly.

<sup>2</sup> 18 Pa.C.S. §§ 903, 3701(a)(1)(iv), 3502(a)(1), 3921(a), 3925(a), 2701(a)(3), and 3503(a)(1)(i), respectively.

On appeal, Appellant presents the following issue for review:

- [I.] Whether the trial court erred by failing to conduct a complete and thorough, on-the-record colloquy of Appellant before allowing him to proceed to his trial *pro se* in violation of Pa.R.Crim.P. Rule 121, resulting in an unknowing, involuntary, and unintelligent waiver of his right to counsel under the Sixth Amendment of the United [States] Constitution and Article 1, Section 9 of the Pennsylvania Constitution?

Appellant's Brief at 7 (full capitalization omitted).<sup>3</sup>

Initially, we address a procedural matter. The trial court originally concluded that Appellant's issue was waived because he did not file a court-ordered statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b). Trial Court Opinion, 4/27/16, at 1. In response, Appellant alleged that he did not receive notice of the Rule 1925 order. Appellant's Brief at 9 n.1. We remanded this matter to the trial court for re-entry and proper notice of a Rule 1925(b) order. Docket Entry 87. The trial court complied. Docket Entry 88. Thereafter, Appellant filed a timely Rule 1925(b) statement, and the trial court filed a new Rule 1925(a) opinion. Docket Entries 89, 91. Therefore, Appellant's issue is ripe for review.

As the trial court observed, "[t]his appeal concerns Appellant's waiver of court-appointed trial counsel, and request for standby counsel." Trial Court Opinion, 2/3/17, at 1. We have explained:

A criminal defendant has a constitutional right, necessarily implied under the Sixth Amendment of the U.S. Constitution, to self-representation at trial. *Faretta v. California*, 422 U.S. 806, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975). However, before a defendant will be permitted to proceed *pro se*, he or she must knowingly, voluntarily, and intelligently waive the right to counsel. *Commonwealth v. Blakeney*, 596 Pa. 510, 946 A.2d 645, 655 (2008). To ensure that a waiver is knowing, voluntary, and intelligent, the trial court must conduct a "probing colloquy," which is a searching and formal inquiry as to whether the defendant is aware both of the right to counsel and of the significance and consequences of waiving that right. *Commonwealth v. Starr*, 541 Pa. 564, 664 A.2d 1326, 1335–[13]36 (1995). More specifically, the court must determine the following: (a) that the defendant understands that he or she has the right to be represented by counsel, and the right to have free counsel appointed if the defendant is indigent; (b) that the defendant understands the nature of the charges against the defendant and the elements of each of those charges; (c) that the defendant is aware of the permissible range of sentences and/or fines for the offenses charged; (d) that the defendant understands that if he or she waives the right to counsel, the defendant will still be bound by all the normal rules of procedure and that counsel would be familiar with these rules; (e) that the defendant understands that there are possible defenses to these charges that counsel might be aware of, and if these defenses are not raised at trial, they may be lost permanently; and (f)

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<sup>3</sup> We note that Appellant filed two appellate briefs: Brief for Appellant, 8/4/16; Amended Brief for Appellant, 9/9/16. The briefs are substantively the same, only the type face and formatting between the two versions are different. The Commonwealth did not file a brief in this matter.

that the defendant understands that, in addition to defenses, the defendant has many rights that, if not timely asserted, may be lost permanently; and that if errors occur and are not timely objected to, or otherwise timely raised by the defendant, these errors may be lost permanently. Pa.R.Crim.P. 121(A)(2); *Blakeney, supra* at 655; *Starr, supra* at 1335.

*Commonwealth v. Spatz*, 18 A.3d 244, 263 (Pa. 2011). If the trial court finds that the defendant's waiver is not knowing, voluntary, and intelligent after a probing colloquy, the court may deny the defendant's request to proceed *pro se*. *Starr*, 664 A.2d at 1335.

After reviewing Appellant's brief, the certified record, and relevant authority, we conclude that the trial court's opinion thoroughly addresses the issue raised on appeal and correctly concludes that the issue lacks merit. Accordingly, we affirm the judgment of sentence, and we do so on the basis of the trial court's February 3, 2017 opinion. The parties are directed to attach a copy of the trial court opinion in the event of further proceedings in this matter.

Judgment of sentence affirmed.

Judgment Entered.

/s/ Joseph D. Seletyn, Esq.

Prothonotary

Date: 3/13/2017

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**BANKRUPTCY NOTICE**

IN RE: ALEX JOSEPH MIKLINSKI  
BANKRUPTCY CASE

NUMBER 16-10046-TPA

NOTICE IS GIVEN THAT Alex Joseph Miklinski seeks an Order authorizing the sale of real estate parcel located at **3415 Zuck Road, Erie PA 16506, Parcel ID 33-75-322-14.02, Erie County PA** described, as found in **Record Book 1107, Deed Page 528** to Christopher D. Marshall and Kelly A. Morrison.

A hearing will be held on the 29th day of March 2017 at 11:30AM before the Honorable Thomas P. Agresti at the US Courthouse, 17 South Park Row, Bankruptcy Courtroom, Erie, PA 16501.

OBJECTION DEADLINE IS

MARCH 20, 2017

Property to be sold is commonly known as **3415 Zuck Road, Erie, PA 16506, Parcel ID 33-75-322-14.02, Erie County, PA** described, as found in **Record Book 1107, Deed Page 528**. The initial offer is \$83,000.00. Additional reference for this sale may be found on the Bankruptcy Courts EASI website. The hand money requirement is \$1,000.00 cash or certified check. Remainder required on day of closing. Property to close within 30 days after the Order is signed. Additional bidders may appear at the hearing and bid more than the terms set forth and the Court may deny the Motion for Sale and conduct a public auction, at which the property will be sold to the highest bidder. Please contact Daniel P. Foster of Foster Law Office, LLC at 814-724-1165.

Mar. 24

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania  
Docket No. 10720-17

Notice is hereby given that a petition was filed in the above named Court, requesting an Order to change the name of Chelsie Carroll to Caden Carroll.

The Court has fixed the 2nd day of May, 2017 at 11:00 a.m. in Courtroom G, Room 222 of the Erie County Courthouse, 140 W. 6th St., Erie, PA 16501 as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the petitioner should not be granted.

Mar. 24

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania  
Docket No. 10793-2017

Notice is hereby given that a petition was filed in the above named Court, requesting an Order to change the name of Jillian Rose McGaughey to Jesse Ray McGaughey.

The Court has fixed the 2nd day of May, 2017 at 11:30 a.m. in Courtroom G, Room 222 of the Erie County Courthouse, 140 W. 6th St., Erie, PA 16501 as the time and place for the hearing on said petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of the petitioner should not be granted.

Mar. 24

**DISSOLUTION NOTICE**

**TO ALL CREDITORS OF THE ERIE COUNTY DIABETES ASSOCIATION, INC.:**

This is to notify you that the ERIE COUNTY DIABETES ASSOCIATION, INC., a Pennsylvania non-profit corporation with its registered office located at 3850 Walker Blvd., Erie, PA 16509, is dissolving and winding up its business under the provisions of the Nonprofit Corporation Law, as amended.

Knox McLaughlin Gornall  
& Sennett, P.C.

120 West Tenth Street  
Erie, PA 16501-1461

Mar. 24

**INCORPORATION NOTICE**

Notice is hereby given that INTERNATIONAL BAKERY, INC. has been incorporated under the provisions of the 1988 Pennsylvania Business Corporation Law.

Scott L. Wallen, Esq.

MacDonald, Illig, Jones

& Britton LLP

100 State Street, Suite 700

Erie, PA 16507-1459

Mar. 24

**INCORPORATION NOTICE**

Notice is hereby given that Articles of Incorporation for John's Wildwood Pizzeria II, Inc. were filed with the Department of State, Commonwealth of Pennsylvania on March 2, 2017. The Corporation is organized under the Business Corporation Law of 1988 for the ownership and operation of a restaurant and other activities allowed by law.

David R. Devine, Esq.

201 Erie Street

Edinboro, PA 16412

Mar. 24

**LEGAL NOTICE**

Erie County Court of Common Pleas  
Number: 12007-2011

Notice of Action in

Mortgage Foreclosure

Ditech Financial LLC f/k/a Green Tree Servicing LLC, Plaintiff v. Mary Pat Shallenbarger a/k/a Mary Pat Ritenour, Known Surviving Heir of Edward J. Shallenbarger, Trisha M. Shallenbarger, Known Surviving Heir of Edward J. Shallenbarger and Unknown Surviving Heirs of Edward J. Shallenbarger, Defendants

TO: Unknown Surviving Heirs of Edward J. Shallenbarger. Premises subject to foreclosure: 2432 Crescent Drive, Erie, Pennsylvania 16506.

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, Erie County Bar Association, 302 West 9th Street, Erie, Pennsylvania 16502, (814) 459-4411. McCabe, Weisberg & Conway, P.C., Attorneys for Plaintiff, 123 S. Broad St., Ste. 1400, Phila., PA 19109, 215-790-1010

Mar. 24

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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 **Wednesday, March 8, 2017** and confirmed Nisi.

**April 19, 2017** 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>2017</u>	<u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
64.	Westbrook Clark.....	George M. Clark, Administrator .....	Thomas J. Minarcik, Esq.
65.	Betty M. Angerer a/k/a Betty .....	Erin Anderson and Nichole Campbell,.....	Grant M. Yochim, Esq.
	May Angerer a/k/a Betty	Co-Executrices	
	Angerer a/k/a B. M. Angerer		
66.	Marie Theresa Behr .....	Grant M. Yochim, Administrator.....	Grant M. Yochim, Esq.
	a/k/a Marie T. Behr		
67.	Robert L. Peterson.....	Peter W. Bailey, Executor.....	James R. Steadman, Esq.

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

Mar. 17, 24



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♦\$97 (member Judge not needing CLE)

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Seminar - 8:30 a.m. - Noon (including breaks)

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Ethics credits can be used to satisfy substantive credit requirements.

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This up-to-date legal ethics seminar explores the special ethics threats facing today's practitioners, in general and specialized practice and in organizational settings; how to avoid them, how to plan for them when they can't be avoided, and how to react when specific dangerous situations appear.

The interactive course explores emerging and troubling legal ethics problems that mere rules cannot always solve, and the tension between being an ethical lawyer while remaining an ethical citizen and human being.

This seminar has received top evaluations from both bar associations and law firm participants, particularly for the lively discussions it has generated, its foray into unsettled areas of legal ethics and its interaction with business and society.

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- ♦When lawyers can stop disasters
- ♦Confidentiality and harming a former client
- ♦When non-legal activities collide with the practice of law
- ♦The limits of loyalty
- ♦Foreign lawyer traps
- ♦"Who is the client?" dilemmas
- ♦Business vs Professionalism in the law
- ♦The client who sued herself
- ♦Perils of the technology J-curve
- ♦Social media perils for attorneys ... and more.

### **The Instructor**

**Jack Marshall** is the president and founder of ProEthics, Ltd., and the primary writer and editor of the ethics commentary blog, Ethics Alarms ([www.ethicsalarms.com](http://www.ethicsalarms.com)). He has taken the experience gleaned from a diverse career in law, public policy, academia and theater and applied it to the field of legal, business and organizational ethics. Over 18 years he has developed more than 200 programs for bar associations, law firms, Fortune 500 companies, non-profit organizations, trade associations and local and national government agencies. In addition, he has worked to develop rules of professional responsibility for attorneys in emerging African democracies through the International Bar Association, for the new judiciary of the Republic of Mongolia through USAID, and as ethics counsel to US law firms. With Pulitzer Prize-winning historian Edward Larson, he compiled and edited *The Essential Words and Writing of Clarence Darrow* (Random House, 2007).

A member of the Massachusetts and D.C. Bars, Mr. Marshall has been on the adjunct faculty of the Washington College of Law at the American University in Washington, DC. Marshall is a graduate of Harvard College and Georgetown University Law Center. His articles and essays on topics ranging from leadership and ethics to popular culture have appeared in numerous national and regional publications, and he has appeared on a variety of talk shows to discuss ethics and public policy, from Neil Cavuto's "Your World" to NPR's "Tell Me More" and "Religion and Ethics Weekly." In 2014 Marshall was named to the "Top 100 Thought Leaders in Trustworthy Business" ([www.trustacrossamerica.com](http://www.trustacrossamerica.com)).



**Reservations due to the ECBA office by April 16.**

#### **Cancellation Policy for ECBA Events/Seminars:**

Cancellations received on or before the last reservation deadline will be fully refunded. Cancellations received after the deadline or non-attendance will not be refunded. If you register for an event without payment in advance and don't attend, it will be necessary for the ECBA to send you an invoice for the event.

**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, DAVID R.,  
deceased**

Late of the Township of Greene, County of Erie, Commonwealth of Pennsylvania  
*Executor:* William T. Macrino, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

*Attorney:* Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**GRAY, PATRICK J.,  
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Executor:* Martin A. Anderson  
*Attorney:* Gregory A. Karle, Esquire, Dailey, Karle & Villella, 150 East Eighth Street, 2nd Floor, Erie, PA 16501

**HARTLE, WILLIAM DOUGLAS,  
a/k/a WILLIAM D. HARTLE,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Administrator:* Craig D. Hartle, c/o Frances A. McCormick, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Frances A. McCormick, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**MARSHALL, HILDEGARD,  
deceased**

Late of the City of Erie, County of Erie  
*Executor:* Andrew Marshall, 2630 S. Hill Road, McKean, Pennsylvania 16426  
*Attorney:* Kari A. Froess, Esquire, Carney & Good, 254 West Sixth Street, Erie, Pennsylvania 16507

**NAYLOR, JOHN R.,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Administrator:* Mark Naylor, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508  
*Attorney:* Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**ROSS, DONALD L.,  
deceased**

Late of the Township of Harborcreek, County of Erie, Commonwealth of Pennsylvania  
*Co-Executors:* Michael J. Ross and David F. Ross, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508  
*Attorney:* Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**RUPP, JOAN LOUISE,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Gregory J. Mitchell, c/o 504 State Street, Suite 300, Erie, PA 16501  
*Attorney:* Damon C. Hopkins, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**SCHNEIDER, WILLIAM M.,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Claudia M. Schneider, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508  
*Attorney:* Melissa L. Larese, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**VARRASSA, ESTHER M.,  
deceased**

Late of Concord Township, Erie County, Pennsylvania  
*Executor:* Thomas E. Varrassa, 20112 S. Center St., Corry, PA 16407  
*Attorney:* William E. Barney, Attorney at Law, 200 N. Center St., Corry, PA 16407

**SECOND PUBLICATION**

**BLAKESLEE, BARBARA A.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executrix:* Karen Marie Matteson, c/o Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**CHAFFEE, DAVID L.,  
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* David M. Chaffee, 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

**FALCONE, JOHN R.,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Co-Executors:* Shawn Gorrington & John R. Falcone, II, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508  
*Attorney:* Colleen R. Stumpf, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**GOODSPEED, ANNA MAE,  
deceased**

Late of North East Township, Erie County, North East, Pennsylvania  
*Executrix:* Nancy Eisaman, c/o Robert J. Jeffery, Esq., 33 East Main Street, North East, Pennsylvania 16428  
*Attorney:* Orton & Jeffery, P.C., 33 East Main Street, North East, Pennsylvania 16428

**HENNEN, CHARLOTTE  
ANNE, a/k/a CHARLOTTE ANN  
HENNEN, a/k/a CHARLOTTE A.  
HENNEN, a/k/a CHARLOTTE  
HENNEN,  
deceased**

Late of the Borough of Albion, County of Erie, State of Pennsylvania  
*Executor:* Wayne C. Hennen, 215 South Main Street, Albion, PA 16401  
*Attorney:* James R. Steadman, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**KASPER, EMILIE M.,  
deceased**

Late of Lake City Borough, County of Erie  
*Executrix:* Janet M. Kuhns, 7025 Kreider Road, Fairview, PA 16415  
*Attorney:* Thomas A. Testi, Esq., 3952 Avonia Road, P.O. Box 413, Fairview, PA 16415

**LEWIS, MARGARET A., a/k/a  
MARGARET LEWIS, a/k/a  
MARGARET ANN LEWIS,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Co-Executors:* Kenneth E. Lewis, Thomas W. Lewis and Mary B. Lewis, 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

**PETRI, DAVID H., a/k/a DAVID  
PETRI,  
deceased**

Late of the Borough of Lake City, County of Erie, State of Pennsylvania  
*Administrator:* David D. Petri, 734 Country Club Road, Mount Airy, NC 27030  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**PREISLER, JOHN E.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Administrator:* Jim S. Preisler  
*Attorney:* Thomas J. Minarcik, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**ROSE, PATRICIA M.,  
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania  
*Executor:* James J. Rose, c/o Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507  
*Attorney:* Gary H. Nash, Esq., Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

**STEWART, JAMES RALDO,  
a/k/a JAMES R. STEWART, a/k/a  
JAMES STEWART,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Administratrix:* Patricia Stewart, c/o Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jerome C. Wegley, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**VEREB, ROBERT J.,  
deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Melissa Sull, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508  
*Attorney:* Melissa L. Larese, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

**THIRD PUBLICATION**

**BATTLE, JOYCE,  
deceased**

Late of Summit Township, Erie County, Pennsylvania  
*Administrator:* Julius L. Battle, 834 E. 29th St., Erie, PA 16504  
*Attorney:* Robert Freedenberg, Skarlatos Zonarich LLC, 17 S. 2nd St., 6th Fl., Harrisburg, PA 17101

**BRASINGTON, THERESA B.,  
deceased**

Late of the City of Erie, Erie County, Pennsylvania  
*Executor:* Kenneth C. Brasington, c/o Nathaniel Conti, Esq., 234 West 6th Street, Erie, PA 16507  
*Attorney:* Nathaniel Conti, Esq., Bernard Stuczynski & Barnett, 234 West 6th Street, Erie, PA 16507



**BUSCENI, MARGARET J., a/k/a MARGARET JULIA BUSCENI, deceased**

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

*Executor:* John Trippe

*Attorney:* David J. Rhodes, Esquire, Elderkin Law Firm, 150 East 8th Street, Erie, PA 16501

**CAMPBELL, FRED A L., deceased**

Late of Borough of North East, Erie County, Commonwealth of Pennsylvania

*Executrix:* Janice M. Culp, 120 West Tenth Street, Erie, PA 16501

*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**CARRIG, MARY G., deceased**

Late of Erie County, Pennsylvania  
*Executor:* Jill Peasley, 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

**ENGLE, JAMES H., deceased**

Late of Albion Borough, Erie County, Commonwealth of Pennsylvania

*Executrix:* M. Barbara Stebinsky, c/o 120 West Tenth Street, Erie, PA 16501

*Attorney:* Christine Hall McClure, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**HART, EDWARD L., deceased**

Late of the Borough of Union City, County of Erie and Commonwealth of Pennsylvania

*Administratrix:* Joanna M. Adams, c/o 504 State Street, 3rd Floor, Erie, PA 16501

*Attorney:* Michael J. Nies, Esquire, 504 State Street, 3rd Floor, Erie, PA 16501

**HATHEWAY, GLORIA D., deceased**

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

*Co-Administrators:* Robert R. Hatheway and Gary L. Hatheway, c/o 504 State Street, Suite 300, Erie, PA 16501

*Attorney:* Alan Natalie, Esquire, 504 State Street, Suite 300, Erie, PA 16501

**HERSHELMAN, AUDREY R., a/k/a AUDREY HERSHELMAN, deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Administrator:* Tim Hershelman, 2802 Sigsbee Street, Erie, PA 16508

*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**JAGTA, MARY J., a/k/a MARY JANE JAGTA, deceased**

Late of Waterford Township, County of Erie

*Executor:* Ronald Jagta, 12884 Hood Road, Waterford, PA 16441

*Attorney:* Thomas A. Testi, Esq., 3952 Avonia Road, P.O. Box 413, Fairview, PA 16415

**LYNCH, ELVORA L., deceased**

Late of Greenfield Township, Erie County, Wattsburg, Pennsylvania

*Co-Executors:* Julie Brennan and Amanda Gibson, c/o Robert J. Jeffery, Esq., 33 East Main Street, North East, Pennsylvania 16428

*Attorney:* Orton & Jeffery, P.C., 33 East Main Street, North East, Pennsylvania 16428

**MacISAAC, RICHARD SCOTT, a/k/a RICHARD S. MacISAAC, deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania  
*Executrix:* Barbara J. MacIsaac, 531 Colorado Drive, Erie, PA 16505

*Attorney:* None

**MARTIN, HAROLD C., a/k/a H.C. MARTIN, deceased**

Late of the Township of Harborscreek, County of Erie and Commonwealth of Pennsylvania

*Executrix:* Lynne M. Martin, c/o Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

*Attorney:* Gary H. Nash, Esq., Yochim, Skiba & Nash, 345 West Sixth Street, Erie, PA 16507

**MILLER, TIMOTHY E., deceased**

Late of the Township of North East, County of Erie and Commonwealth of Pennsylvania  
*Administratrix:* Emily Johnson, 65 Gibson Street, North East, PA 16428-1035

*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**STRAIT, ADELBERT L., deceased**

Late of North East Township, County of Erie and Commonwealth of Pennsylvania

*Executrix:* Sabrina Midlik, c/o 818 State Street, Erie, PA 16501

*Attorney:* Gery T. Nietupski, Esq., The Law Offices of Gery T. Nietupski, Esquire LLC, 818 State Street, Erie, Pennsylvania 16501

**THOMPSON, JESSIE N., a/k/a JESSIE NICOL THOMPSON, a/k/a MRS. JESSIE N. THOMPSON, a/k/a JESSIE THOMPSON, a/k/a JESS THOMPSON, deceased**

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

*Executor:* Glenn Thompson, 8351 Pondview Drive, McKean, PA 16426

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



**WAMBSGANS, LORAIN S.,  
deceased**

Late of the City of Erie, County  
of Erie

*Co-Executrices:* Mrs. Cynthia  
Rohan, 3920 West Lake Road,  
Erie, Pennsylvania 16505  
and Mrs. Susan Williams, 312  
Tennessee Avenue, Elizabethville,  
Pennsylvania 17023

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

**WION, NOAH SAMUEL,  
deceased**

Late of the Township of Greenfield,  
Erie County

*Administratrix:* Kathleen Wion  
*Attorney:* William J. Kelly, Jr.,  
Esquire, 230 West 6th Street, Suite  
201, Erie, PA 16507

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## CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

JEFFREY A. LEIKIN.....216-816-3204  
Jeffrey A. Leikin, Esq., LLC  
55 Public Square, Suite 2100  
Cleveland, OH 44113.....[jleikin59@gmail.com](mailto:jleikin59@gmail.com)

### Firm Name Change

*Bernard Stuczynski & Barnett is now* **Bernard Stuczynski Barnett & Lager**

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