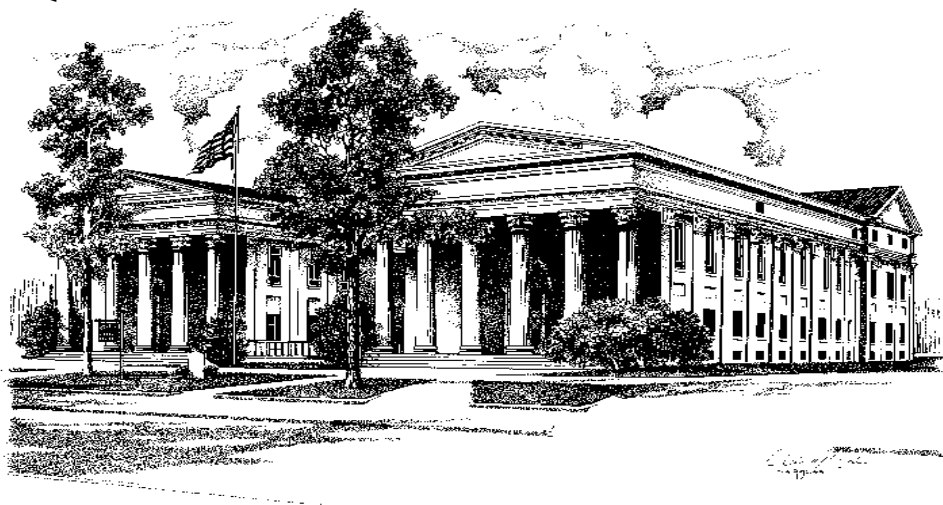


Erie County Legal Journal

August 18, 2017

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Commonwealth v. Rosendary

Erie County Legal Journal

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

Managing Editor: Megan E. Black
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Erie County Bar Association

Calendar of Events and Seminars

MONDAY, AUGUST 21, 2017

Workers' Compensation Section Meeting
Noon
ECBA Headquarters

TUESDAY, AUGUST 22, 2017

Senior Lawyer Division Event
Boat Ride - 9:30 a.m. - 11:30 a.m.
Lunch to follow at Erie Yacht Club

THURSDAY, AUGUST 24, 2017

ECBA Video Seminar
Clean and Green
12:00 p.m. - 1:30 p.m. (lunch included)
\$70 (ECBA member), \$90 (nonmember)
\$49 (member judge not needing CLE)
1.5 hours substantive

MONDAY, AUGUST 28, 2017

ECBA Board of Directors Meeting
Noon
ECBA Headquarters

TUESDAY, AUGUST 29, 2017

ECBA Video Seminar
*Mindfulness: The Benefit of Being Present in the
Moment for Yourself and Your Client*
8:30 a.m. - 10:00 a.m.
\$70 (ECBA member), \$90 (nonmember)
\$49 (member judge not needing CLE)
1.5 hours ethics

WEDNESDAY, AUGUST 30, 2017

ECBA Live Lunch-n-Learn Seminar
*How to Obtain a Minor Guardianship...and What
You Should Know about the Impact
on Custody and School Issues*
12:15 p.m. - 1:15 p.m. (11:45 a.m. registration/lunch)
Bayfront Convention Center
\$47 (ECBA member/non-attorney staff)
\$60 (nonmember), \$33 (member judge not needing CLE)
1 hour substantive

WEDNESDAY, AUGUST 30, 2017

ECBA Live Seminar
*DUI Blood Post-Birchfield and
Pennsylvania's New Ignition Interlock Law*
3:30 p.m. - 4:30 p.m.
Happy Hour to follow seminar
Courtyard Marriott (Bayfront)
\$47 (ECBA member/non-attorney staff)
\$60 (nonmember), \$33 (member judge not needing CLE)
1 hour substantive

WEDNESDAY, AUGUST 30, 2017

Young Lawyer Happy Hour with Criminal Section
4:30 p.m.
Bayfront Courtyard Marriott Patio

MONDAY, SEPTEMBER 4, 2017

Labor Day
ECBA Office Closed
Erie County and Federal Courthouses Closed



Erie County Bar
Association



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To view PBI seminars visit the events calendar
on the ECBA website
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Aug. 18

ERIE COUNTY
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LAST DATE TO FILE

December 1, 2017
January 2, 2018
February 1, 2018
March 1, 2018
April 2, 2018
May 1, 2018
June 1, 2018
July 2, 2018
August 1, 2018
September 4, 2018
November 1, 2018

DATE OF SALE

February 16, 2018
March 16, 2018
April 20, 2018
May 18, 2018
June 22, 2018
July 20, 2018
August 17, 2018
September 21, 2018
October 19, 2018
November 16, 2018
January 18, 2019

NO SALES IN DECEMBER

Aug. 18

ATTORNEY POSITIONS AVAILABLE

Prominent local law firm specializing in Plaintiffs Personal Injury, Criminal Defense, and DUI Defense, seeks to add up to three attorneys. Our firm operates multiple locations and maintains a multi-county practice. Ideal candidates are intelligent, competitive, and possessing an entrepreneurial mindset. Fantastic people skills are mandatory. All inquiries will be kept in strict confidence. Send resume and letter of interest to the ECBA, Box C.

Aug. 18, 25

CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

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COMMONWEALTH OF PENNSYLVANIA**v.****EMIRE ROSENDARY*****CRIMINAL LAW / SENTENCES / DISCRETION***

A defendant who claims that his sentence is excessive does not challenge its legality; rather, he challenges its discretionary aspects. Sentencing is a matter vested within the discretion of the court and will not be disturbed absent an abuse of that discretion. A sentence must either exceed statutory parameters or be manifestly excessive in order to constitute an abuse of discretion.

CRIMINAL LAW / SENTENCES / REVIEW

Before the Pennsylvania Superior Court will review the merits of a challenge to the discretionary aspects of a sentence, an appellant must meet a four-pronged analysis. Prior to reaching the merits of a discretionary sentencing issue, it must be determined: (1) whether appellant has filed a timely notice of appeal, pursuant to Pa. R. A. P. 902 and 903; (2) whether the issue was properly preserved at sentencing or in a motion to reconsider and modify sentence, pursuant to Pa. R. Crim. P. 720; (3) whether appellant's brief has a fatal defect, pursuant to Pa. R. A. P. 2119(f); and (4) whether there is a substantial question that the sentence appealed from is not appropriate under the Sentencing Code, pursuant to 42 Pa. C. S. § 9781(b).

CRIMINAL LAW / SENTENCES / REVIEW

The determination of whether a particular issue constitutes a "substantial question" can only be evaluated on a case by case basis. It is appropriate to allow an appeal where an appellant advances a colorable argument that a trial judge's actions were: (1) inconsistent with a specific provision of the sentencing code; or (2) contrary to the fundamental norms which underlie the sentencing process.

CRIMINAL LAW / SENTENCES / MITIGATING FACTORS

An allegation that the sentencing court failed to consider certain mitigating factors generally does not necessarily raise a substantial question.

CRIMINAL LAW / SENTENCES / MITIGATING FACTORS

When imposing a sentence, a court is required to consider the particular circumstances of the offense and the character of a defendant. In particular, the court should refer to a defendant's prior criminal record, his age, personal characteristics and his potential for rehabilitation. Where the sentencing court had the benefit of a presentence investigation report ("PSI"), we can assume the sentencing court was aware of relevant information regarding a defendant's character and weighed those considerations along with mitigating statutory factors.

CRIMINAL LAW / SENTENCES / MITIGATING FACTORS

A trial court shall follow the general principle that the sentence imposed should call for confinement that is consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of a defendant.

CRIMINAL LAW / SENTENCES / GUIDELINES

An appellant states a substantial question justifying appellate review of the discretionary aspects of his sentence when he alleges that a sentencing court failed to make a legally sufficient contemporaneous statement on the record when imposing a sentence outside the sentencing guidelines.

CRIMINAL LAW / SENTENCES / CONSECUTIVE AND CONCURRENT SENTENCES

A trial court has discretion to impose sentences consecutively or concurrently and, ordinarily, a challenge to this exercise of discretion does not raise a substantial question, except for the most extreme circumstances, such as where the aggregate sentence is unduly harsh, considering the nature of the crimes and the length of imprisonment.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION
NO. CR 36 of 2014

Appearances: William J. Hathaway, Esq., for the Appellant
Paul S. Sellers, Esq., for the Commonwealth of Pennsylvania, Appellee

OPINION

Domitrovich, J.

December 1, 2016

The instant matter is currently before the Pennsylvania Superior Court on the appeal¹ of Emire Rosendary (hereafter referred to as “Appellant”) from the Sentencing Order entered on May 13, 2015 by Judge Shad Connelly, wherein Judge Connelly imposed an aggregate sentence of seven and three-quarters (7 ³/₄) years to nineteen (19) years’ incarceration. Appellant raises two (2) issues on appeal: (1) As to the alleged error regarding affording due weight and deference to mitigating factors, this Trial Court finds Judge Shad Connelly considered properly the factors enumerated in 42 Pa. C. S. §9721 and relevant case law and imposed sentences well within standard range. (2) As to the alleged error regarding the imposition of consecutive sentences without a “legally sufficient contemporaneous statement,” this Trial Court finds the sentences imposed by Judge Connelly, including the sentences at Count One and Two imposed consecutively, were not outside of the sentencing guidelines; therefore, a “legally sufficient contemporaneous statement” on the record justifying those sentences was not required.

Factual and Procedural History

On November 18, 2014, Appellant entered a Guilty Plea to the following crimes: Count One – Conspiracy/Robbery, in violation of 18 Pa. C. S. §903; Count Two – Robbery, in violation of 18 Pa. C. S. §3701(a)(1)(ii); Count Three – Aggravated Assault, in violation of 18 Pa. C. S. §2702(a)(1); Count Four – Aggravated Assault, in violation of 18 Pa. C. S. §2702(a)(1); Count Five – Theft by Unlawful Taking, in violation of 18 Pa. C. S. §3921(a); Count Six – Receiving Stolen Property, in violation of 18 Pa. C. S. §3925(a), Count Seven – Recklessly Endangering Another Person, in violation of 18 Pa. C. S. §2705; Count Eight – Recklessly Endangering Another Person, in violation of 18 Pa. C. S. §2705; Count Nine – Firearms not to be Carried without a License, in violation of 18 Pa. C. S. §6106(a)(1); Count Ten – Possessing Instruments of Crime, in violation of 18 Pa. C. S. §907(a); Count Eleven – Terroristic Threats, in violation of 18 Pa. C. S. §2706(a)(1); and Count Twelve – Terroristic Threats, in violation of 18 Pa. C. S. §2706(a)(1). On February 6, 2015, Appellant, by and

¹ Appellant’s direct appellate rights were reinstated *nunc pro tunc* when this Trial Court granted Appellant’s first PCRA Petition.

through his counsel, Anthony H. Rodriques, Esq., filed a Presentence Motion to Withdraw Guilty Plea, which was granted by Judge Connelly on February 12, 2015.

Following a Criminal Jury Trial held on March 24, 2015 and March 25, 2015, Appellant was found guilty as to Counts One, Two, Ten, Eleven and Twelve.² On May 13, 2015, Judge Connelly sentenced Appellant as follows:

- Count One: thirty-six (36) months to seventy-two (72) months' incarceration;
- Count Two: forty-two (42) months to eighty-four (84) months' incarceration, consecutive to Count One;
- Count Ten: three (3) months to twenty-four (24) months' incarceration, concurrent to Count Two;
- Count Eleven: six (6) months to twenty-four (24) months' incarceration, concurrent to Count Ten; and
- Count Twelve: six (6) months to twenty-four (24) months' incarceration, concurrent to County Ten.

On May 26, 2015, Appellant, by and through his counsel, Anthony H. Rodriques, Esq., filed a Motion for Modification and Reduction of Sentence. On May 29, 2015, Judge Connelly denied Appellant's Motion for Modification and Reduction of Sentence. Neither Appellant nor his counsel filed a direct appeal to the Pennsylvania Superior Court.

Appellant filed his first *pro se* PCRA Petition on May 11, 2016, requesting reinstatement of his direct appellate rights *nunc pro tunc*. By Order dated May 19, 2016, this Trial Court appointed William J. Hathaway, Esq., as Appellant's PCRA counsel and directed Attorney Hathaway to supplement or amend Appellant's *pro se* PCRA Petition within thirty (30) days. On June 15, 2016, Attorney Hathaway filed a Supplement to Motion for Post-Conviction Collateral Relief. By Order dated June 15, 2016, this Trial Court directed the Commonwealth to respond to Appellant's Supplement to Motion for Post-Conviction Collateral Relief within thirty (30) days. On July 13, 2016, Assistant District Attorney Matthew D. Cullen filed the Commonwealth's Response to Supplement to Motion for Post-Conviction Collateral Relief. By Order dated July 22, 2016, this Trial Court scheduled an Evidentiary Hearing for August 17, 2016, but continued said Hearing to August 18, 2016. At the August 18, 2016 Evidentiary Hearing, this Trial Court heard testimony from Anthony H. Rodriques, Esq.; Appellant Emire Rosendary; and Appellant's father, Emire Rosendary, Sr., and heard oral arguments from Attorney Hathaway and Assistant District Attorney Paul S. Sellers, who appeared in place of Assistant District Attorney Cullen. Following the Evidentiary Hearing and by Opinion and Order dated September 6, 2016, this Trial Court granted Appellant's first PCRA Petition, reinstated Appellant's appellate rights *nunc pro tunc* and directed Appellant to file a Notice of Appeal within thirty (30) days from the date of said Order.

Appellant, by and through Attorney Hathaway, filed a Notice of Appeal to the Pennsylvania Superior Court on October 6, 2016. This Trial Court filed its 1925(b) Order on October 6, 2016. Appellant filed his Concise Statement of Matters Complained of on Appeal on October 26, 2016.

² The jury verdict slips for Counts Three, Four, Five, Six, Seven and Eight indicate "Merged by Court – No Verdict" and each verdict slip for these counts was signed by Judge Shad Connelly on March 25, 2015. Furthermore, the verdict slip for Count Nine indicates "Judgment of Acquittal" and was signed by Judge Connelly on March 25, 2015.

Rationale and Conclusions

1. Judge Connelly, after considering properly the factors enumerated in 42 Pa. C. S. §9721 and relevant case law, imposed standard range sentences; therefore, the Sentencing Order dated May 13, 2015 was proper.

A defendant who claims that his sentence is excessive does not challenge its legality; rather, he challenges its discretionary aspects. *See Commonwealth v. Pennington*, 751 A.2d 212, 215 (Pa. Super. 2000). Sentencing is a matter vested within the discretion of the court and will not be disturbed absent an abuse of that discretion. *Commonwealth v. Evans*, 901 A.2d 528, 533 (Pa. Super. 2006). A sentence must either exceed statutory parameters or be manifestly excessive in order to constitute an abuse of discretion. *Commonwealth v. Anderson*, 552 A.2d 1064, 1072 (Pa. Super. 1988).

Before the Pennsylvania Superior Court will review the merits of a challenge to the discretionary aspects of a sentence, an appellant must meet a four-pronged analysis. *See id.* In *Commonwealth v. Hyland*, 875 A.2d 1175 (Pa. Super. 2005), the Pennsylvania Superior Court stated:

Challenges to the discretionary aspects of sentencing do not entitle an appellant to appellate review as of right. Prior to reaching the merits of a discretionary sentencing issue, it must be determined: (1) **whether appellant has filed a timely notice of appeal**, pursuant to Pa. R. A. P. 902 and 903; (2) **whether the issue was properly preserved at sentencing or in a motion to reconsider and modify sentence**, pursuant to Pa. R. Crim. P. 720; (3) **whether appellant's brief has a fatal defect**, pursuant to Pa. R. A. P. 2119(f); and (4) **whether there is a substantial question that the sentence appealed from is not appropriate under the Sentencing Code**, pursuant to 42 Pa. C. S. § 9781(b).

Id. at 1183 [emphasis added].

After this Trial Court granted Appellant's first PCRA Petition and reinstated Appellant's appellate rights *nunc pro tunc*, Appellant filed a timely Notice of Appeal *Nunc Pro Tunc*; therefore, the first prong has been satisfied. Furthermore, Appellant, by and through his then-counsel, Anthony H. Rodriques, Esq., did file a timely Post-Sentence Motion for Modification and Reduction of Sentence, thereby properly preserving the issues presented on appeal and satisfying the second prong.³ Finally, the issue of whether there is a fatal defect is Appellant's brief, pursuant to Pa. R. A. P. 2119(f), shall be determined by the Pennsylvania Superior Court, as this Trial Court does not have the benefit of Appellant's brief at this time.

However, Appellant has failed to demonstrate a substantial question regarding the sentence he is appealing from. The determination of whether a particular issue constitutes a "substantial question" can only be evaluated on a case by case basis. *Commonwealth v. House*, 537 A.2d 361, 364 (Pa. Super. 1988). It is appropriate to allow an appeal where an appellant advances a colorable argument that a trial judge's actions were: (1) inconsistent

³ A review of Appellant's Post-Sentence Motion for Modification and Reduction of Sentence indicates Appellant's Post-Sentence Motion was filed on May 26, 2015, apparently three (3) days after the required ten (10) day time period for filing Post-Sentence Motions expired. However, May 23, 2015, when the ten (10) day time period expired, fell on a Saturday. Furthermore, the following Monday, May 25, 2015, was Memorial Day, a federal holiday wherein the Erie County Courthouse was closed. Therefore, the final business day to file Appellant's Post-Sentence Motion was May 26, 2015. *See 1 Pa. C. S. §1908.*

with a specific provision of the sentencing code; or (2) contrary to the fundamental norms which underlie the sentencing process. *Commonwealth v. Losch*, 535 A.2d 115, 119-120 (Pa. Super. 1987).

In his Concise Statement of Matters Complained of on Appeal, Appellant argues “the Court [i.e. Judge Connelly] failed to afford due weight and deference to the mitigating factors enumerated in that pleading [i.e. the Post-Sentence Motion for Modification and Reduction of Sentence].” An allegation that the sentencing court failed to consider certain mitigating factors generally does not necessarily raise a substantial question. *Commonwealth v. Moury*, 992 A.2d 162, 171 (Pa. Super. 2010). In *Commonwealth v. Griffin*, 804 A.2d 1 (Pa. Super. 2002), the Pennsylvania Superior Court held:

When imposing a sentence, a court is required to consider the particular circumstances of the offense and the character of a defendant. In particular, the court should refer to a defendant’s prior criminal record, his age, personal characteristics and his potential for rehabilitation. Where the sentencing court had the benefit of a presentence investigation report (“PSI”), we can assume the sentencing court was aware of relevant information regarding a defendant’s character and weighed those considerations along with mitigating statutory factors.

See id at 10. Further, where a sentence is within the standard range of the guidelines, Pennsylvania law views the sentence as appropriate under the Sentencing Code. *Moury* at 171.

At the May 13, 2015 Sentencing Hearing, Judge Connelly had the benefit of a thorough Pre-Sentence Investigation (“PSI”) Report, prepared by James M. Bowers, Erie County Probation Officer, which details specifically the offenses charged, Appellant’s treatment information, Appellant’s social history and any additional comments relevant to the instant criminal case. Furthermore, at the May 13 Sentencing Hearing, Judge Connelly stated the following on the record:

The Court: All right. The Court has considered the Pennsylvania Sentencing Code, the Presentence report and the Pennsylvania guidelines on sentencing. The Court has also considered the statements of Defense counsel, the defendant [Appellant], and the attorney for the Commonwealth. The Court has considered Mr. Rosendary’s age, his background, his character and his rehabilitative needs, the nature, circumstances and the seriousness of the offense, the protection of the community, the impact the offense had upon the victims. The Court would acknowledge the defendant’s young age. The Court also notes that the defendant’s [Appellant’s] mother and father have testified on behalf of the defendant [Appellant].

See Notes of Testimony, Sentencing, May 13, 2015, page 19, lines 4-17. This adheres to the requirements enumerated in 42 Pa. C. S. §9721, which states a trial court “shall follow the general principle that the sentence imposed should call for confinement that is consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of a defendant.” *See 42 Pa. C. S. §9721(b); see also Griffin*, 804 A.2d at 10. Therefore, based upon review of the PSI and the transcript of the May 13, 2015 Sentencing Hearing, Judge Connelly clearly

considered all factors, aggravating and mitigating alike, in fashioning an appropriate sentence.

Finally, Judge Connelly's sentences were each well within the standard range of the Pennsylvania Sentencing Guidelines. First, according to Page Five of the PSI, the "Deadly Weapon Enhancement," 204 Pa. Code §303.10(a), was applied to Counts One, Two, Eleven and Twelve, as Appellant used a firearm during the commission of the crimes charged. Furthermore, at Count One, Appellant was sentenced to thirty-six (36) months to seventy-two (72) months' incarceration. The standard range, according to the Guideline Sentencing Form and applying the "Deadly Weapon Enhancement," is thirty (30) months to forty-two (42) months; therefore, Appellant was sentenced in the middle of the standard range. At Count Two, Appellant was sentenced to forty-two (42) months to eighty-four (84) months' incarceration consecutive to Count One. The standard range, according to the Guideline Sentencing Form and applying the "Deadly Weapon Enhancement," is forty (40) months to fifty-four (54) months' incarceration; therefore, Appellant was sentenced at the lower end of the standard range. At Count Ten, Appellant was sentenced to three (3) months to twenty-four (24) months' incarceration concurrent to Count Two. The standard range, according to the Guideline Sentencing Form and applying the "Basic Sentencing Matrix," is "Restorative Sanctions" to three (3) months' incarceration; therefore, Appellant was sentenced at the higher end of the standard range.⁴ Finally, at Counts Eleven and Twelve, Appellant was sentenced to six (6) months to twenty-four (24) months' incarceration on each count, both of which are concurrent to Count Ten. The standard range for each count, according to the Guideline Sentencing Form and applying the "Deadly Weapon Enhancement," is six (6) months to seven (7) months; therefore, Appellant was sentenced at the lower end of the standard range on each count. Therefore, as all of Appellant's sentences were within the standard ranges, said sentences are deemed appropriate under the Sentencing Code. *See Moury*, 992 A.2d at 171.

2. The sentences imposed by Judge Connelly, including the sentences at Count One and Two imposed consecutively, were not outside the sentencing guidelines; therefore, Judge Connelly was not required to make a "legally sufficient contemporaneous statement" on the record justifying those sentences.

As stated above, before the Pennsylvania Superior Court will review the merits of a challenge to the discretionary aspects of a sentence, an appellant must meet a four-pronged analysis *Hyland*, 875 A.2d at 1183. This Trial Court has already concluded Appellant has met the first, second and third prongs for review by the Pennsylvania Superior Court.

However, Appellant again had failed to raise a substantial question that the sentence Appellant appeals from is not appropriate under the Sentencing Code. *See id.* An appellant states a substantial question justifying appellate review of the discretionary aspects of his sentence when he alleges that a sentencing court failed to make a legally sufficient contemporaneous statement on the record when imposing a sentence **outside the sentencing guidelines**. *Commonwealth v. Wagner*, 702 A.2d 1084, 1086 (Pa. Super. 1997) [emphasis added]. A trial court has discretion to impose sentences consecutively or concurrently and, ordinarily, a challenge to this exercise of discretion does not raise a substantial question,

⁴ The "Deadly Weapon Enhancement" was not applied to Count Ten; therefore, Appellant's sentence was imposed according to the Pennsylvania Basic Sentencing Matrix, 204 Pa. Code §303.16.

except for the most extreme circumstances, such as where the aggregate sentence is unduly harsh, considering the nature of the crimes and the length of imprisonment. *Commonwealth v. Moury*, 992 A.2d 162, 171-172 (Pa. Super. 2010).

In his Concise Statement of Matters Complained of on Appeal, Appellant argues “the Court [i.e. Judge Connelly] abused its discretion and committed legal error in refusing to modify the sentencing scheme... to concurrent sentences in that the Court erred in imposing consecutive sentences without a legally sufficient contemporaneous statement in support of the imposition of consecutive sentences.” However, a legally sufficient contemporaneous statement is required only if Judge Connelly imposed sentences outside the sentencing guidelines. As discussed thoroughly above, based upon the Pre-Sentence Investigation (“PSI”) Report and the Guideline Sentencing Forms, applying the “Deadly Weapon Enhancement” as necessary, Appellant’s sentences imposed by Judge Connelly at Counts One, Two, Ten, Eleven and Twelve were all within the standard range. Moreover, none of the sentences went into or beyond the aggravated or mitigated range. The fact that Judge Connelly imposed consecutive sentences at Counts One and Two, yet imposed concurrent sentences at Counts Ten, Eleven and Twelve, does not make Appellant’s aggregate sentence unduly harsh and excessive. *See id* at 171 (a trial court is not required to impose the “minimum possible” confinement). Therefore, as the sentences imposed by Judge Connelly were not outside of the sentencing guidelines, no legally sufficient contemporaneous statement was necessary to justify those sentences, and the imposition of consecutive sentences at Counts One and Two was properly within Judge Connelly’s discretion.

For all of the foregoing reasons, this Trial Court concludes the instant appeal is without merit and respectfully requests the Pennsylvania Superior Court affirm the Sentencing Order entered by Judge Shad Connelly on May 13, 2015.

BY THE COURT

/s/ Stephanie Domitrovich, Judge

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

COMMONWEALTH OF PENNSYLVANIA, Appellee

v.

EMIRE ROSENDARY, Appellant

IN THE SUPERIOR COURT OF PENNSYLVANIA

No. 1503 WDA 2016

Appeal from the Judgement of Sentence May 13, 2016

in the Court of Common Pleas of Erie County

Criminal Division, at No(s): CP-25-CR-0000036-2014

BEFORE: OLSON, MOULTON, and STRASSBURGER, * JJ.

MEMORANDUM BY STRASSBURGER, J.:

FILED JULY 10, 2017

Emire Rosendary (Appellant) appeals from the judgment of sentence imposed after he was found guilty of robbery, conspiracy, possession of instruments of a crime, and two counts of terroristic threats.¹ We affirm.

Because of the issues raised herein, a full recitation of the factual and procedural history is not necessary. Pertinent to this appeal, Appellant was charged with, *inter alia*, the above-mentioned offenses from an incident that occurred in December 2013. Specifically, Appellant was found guilty of robbing a store at gunpoint and threatening the employees inside. Appellant received an aggregate sentence of six and one half years to 13 years' incarceration.²

Appellant timely filed a motion to modify and/or reconsider his sentence on May 26, 2015. No hearing was held, and on May 29, 2015 Appellant's motion was denied. No direct appeal was filed.

On May 11, 2016, Appellant filed *pro se* a petition pursuant to the Post Conviction Relief Act (PCRA), 42 Pa.C.S. §§ 9541-9546. Therein, Appellant requested the reinstatement of his direct appeal rights *nunc pro tunc*. Counsel was appointed, filed an amended petition, and following an evidentiary hearing, the trial court granted Appellant's request, directing that he file a notice of appeal within thirty days, which he did. Both Appellant and the trial court complied with Pa.R.A.P. 1925.

On appeal, Appellant states the following issues for this Court's consideration:

¹ As set forth by the trial court,

[t]he jury verdict slips for Counts Three, Four, Five, Six, Seven[,] and Eight, indicate "Merged by Court – No Verdict" and each verdict slip for these counts was signed by Judge Shad Connelly on March 25, 2015. Furthermore, the verdict slip for Count Nine indicates "Judgement of Acquittal" and [was also signed by Judge Connelly on March 25].

Trial Court Opinion, 12/1/2016, at 2.

² Specifically, Appellant was sentenced as follows: Count 1, 36 to 72 months' incarceration; Count 2, 42 to 84 months' incarceration, to run consecutive to count 1; Count 10, three to 24 months' incarceration, concurrent to count two; Count 11, six to 24 months' incarceration, concurrent with count 10; Count 12, six to 24 months' incarceration, concurrent to count 10.

*Retired Senior Judge assigned to the Superior Court.

1. Whether the sentencing court committed legal error and abused its discretion in failing to afford due consideration and deference to the mitigating factors presented and otherwise discernible on behalf of the appellant?
2. Whether the sentencing court committed legal error and abused its discretion in imposing a consecutive sentencing scheme without a legally sufficient contemporaneous statement in support of that sentencing election?

Appellant's questions challenge the discretionary aspects of his sentence. Accordingly, we bear in mind the following.

Challenges to the discretionary aspects of sentencing do not entitle an appellant to review as of right. An appellant challenging the discretionary aspects of his [or her] sentence must invoke this Court's jurisdiction by satisfying a four-part test:

We conduct a four-part analysis to determine: (1) whether appellant has filed a timely notice of appeal, *see* Pa.R.A.P. 902 and 903; (2) whether the issue was properly preserved at sentencing or in a motion to reconsider and modify sentence, *see* Pa.R.Crim.P. 720; (3) whether appellant's brief has a fatal defect, Pa.R.A.P. 2119(f); and (4) whether there is a substantial question that the sentence appealed from is not appropriate under the Sentencing Code, 42 Pa.C.S.[] § 9781(b).

Commonwealth v. Griffin, 65 A.3d 932, 935 (Pa. Super. 2013) (some citations omitted).

Here, Appellant filed timely a post-sentence motion and a notice of appeal, and included a statement pursuant to Rule 2119(f) in his brief. We now turn to consider whether Appellant has presented substantial questions for our review.

The determination of what constitutes a substantial question must be evaluated on a case-by-case basis. *Commonwealth v. Paul*, 925 A.2d 825, 828 (Pa. Super. 2007). "A substantial question exists only when the appellant advances a colorable argument that the sentencing judge's actions were either: (1) inconsistent with a specific provision of the Sentencing Code; or (2) contrary to the fundamental norms which underlie the sentencing process." *Commonwealth v. Griffin*, 65 A.3d 932, 935 (Pa. Super. 2013) (citation and quotation marks omitted).

In his 2119(f) statement, Appellant set forth the following issues: "the sentencing court failed to afford due weight and consideration to mitigating factors presented by [Appellant.] Moreover, the [sentencing] court failed to proffer a legally sufficient statement on the record in support of the imposition of a consecutive sentence." Appellant's Brief at 4.

Upon review, we find Appellant's first issue, alleging the sentencing court failed to afford "due weight and consideration of mitigating factors" does not raise a substantial question. *See Commonwealth v. Disalvo*, 70 A.3d 900, 903 (Pa. Super. 2013) ("[T]his Court has held on numerous occasions that a claim of inadequate consideration of mitigating factors does not raise a substantial question for our review.") (quoting *Commonwealth v. Downing*, 990 A.2d 788, 794 (Pa. Super. 2010)). *See also Commonwealth v. Zirkle*, 107 A.3d 127, 133 (Pa. Super. 2014) ("[W]e have held that a claim that a court did not weigh the factors as an appellant wishes does not raise a substantial question.".)³

³ Moreover, the sentencing court had the benefit of a pre-sentence investigation report (PSI). "Where the sentencing court had the benefit of a [PSI], we can assume the sentencing court 'was aware of relevant information regarding the defendant's character and weighed those considerations along with mitigating statutory factors.'" *Commonwealth v. Griffin*, 65 A.3d 932, 937 (Pa. Super. 2013) (quoting *Commonwealth v. Devers*, 546 A.2d 12, 18 (Pa. 1988)).

While the trial court's failure to consider adequately mitigating factors does not raise a substantial question for our review, Appellant's averment that the sentencing court "failed to proffer a legally sufficient statement on the record in support of the imposition of a consecutive sentence[.]" does. *See Commonwealth v. Flowers*, 149 A.3d 867, 871 (Pa. Super. 2016) (Noting that an appellant raises "a substantial question for our review by asserting that the trial court failed to state adequate reasons on the record for [an a]ppellant's sentence.").

In support of this argument, Appellant avers that the record fails to show that "the sentencing court afforded due and adequate consideration to mitigating factors" at the time of sentencing. Appellant's Brief at 5. Appellant further argues that "the recitation of factors in support of the imposition of consecutive sentences was insufficient" and that the court erred in failing to provide "a legally sufficient contemporaneous statement in support of the imposition of consecutive sentences." *Id.*

Prior to imposing Appellant's sentence, the sentencing court stated the following:

[t]he [sentencing court] has considered the Pennsylvania Sentencing Code, the [PSI] and the Pennsylvania guidelines on sentencing. The [sentencing court] has considered the statements made by [d]efense counsel, [Appellant], and the attorney for the Commonwealth. The [sentencing court] considered [Appellant's] age, his background, his character and his rehabilitative needs, the nature, circumstances and the seriousness of the offense, the protection of the community, the impact the offense had upon the victims. The [sentencing court] would acknowledge [Appellant's] young age. The [sentencing court] also notes that [Appellant's] mother and father have testified on behalf of [Appellant]

The fact that [Appellant] has pending charges, which there has not been a preliminary hearing yet, will play very little or none at all with the [court] in terms of its consideration today.

This offense, however, was serious. [Appellant] stuck a gun in the victims' faces, ordered them around the store with his codefendant and showed little or no regard for their safety or wellbeing. And it was pretty obvious, from the video, that the victims were scared and rightfully so. And, in fact, as a result of this offense, the one victim has noted in her statement that this has had a sever[e] impact upon her. And, in fact, two of the victims have quit the store because of this incident. And I believe the other one has transferred to another position in another store. So, this has significantly impacted at least two or three people.

And it was pretty clear, from the video, that [Appellant] did not show any concern or regard for his family while he was engaged in his desire to take money that didn't belong to him.

And the [court] is certainly aware, because the crime is on tape, as to what [Appellant] did and how he did it.

The [sentencing court] also note[s] that [Appellant] has shown remorse here today. And I don't know what happened prior to [Appellant's] trial, but certainly there was no remorse or responsibility taken by [Appellant] to the [court] before today. I'm not

sure, but I hope that [Appellant] sincerely means what he has said about the victims and his crime and his actions, but I'm not entirely convinced that also wasn't to diminish his sentence with the [court] here today. It will be up to [Appellant] to prove, in the future, what kind of person he really is, but for today's purpose, he's before the [court] as a criminal who has committed serious felony offenses and he must face the consequences of his decisions, his actions and his words in terms of his threats to his victims during his crime.

The [sentencing court] having considered all of those things will order the following sentence which is of the standard range of the Pennsylvania Sentencing Guidelines[.]

N.T., 5/13/2015, at 19-21.

In this case, prior to sentencing, the court provided a summary of what it considered when fashioning Appellant's sentence, which included statements by Appellant and his family, as well as the PSI. We reiterate that when a sentencing court has had the opportunity to review a PSI, "we can assume the sentencing court 'was aware of relevant information regarding the defendant's character and weighed those considerations along with mitigating statutory factors.'" *Griffin*, 65 A.3d at 937 (quoting *Devers*, 546 A.2d at 18). Despite this information, for the reasons given, the sentencing court found that consecutive standard range sentences were appropriate. We discern no abuse of discretion in the court's determination.

Accordingly, after a thorough review of the record and briefs, we find Appellant has presented no issue on appeal which would convince us to disturb his judgment of sentence.

Judgment of sentence affirmed.

Judgment Entered.

/s/ Joseph D. Seletyn, Esq.

Prothonotary

Date: 7/10/2017



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CERTIFICATE OF AUTHORITY

AKUMIN CORP. filed a foreign registration statement with the Commonwealth of Pennsylvania. The address of the principal office is 8300 West Psunrise Blvd., Plantation, FL 33322. The commercial registered office provider is in care of Corporate Creations Network Inc. in Erie County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412

Aug. 18

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 12182-17 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Jamie Michele Markwell to Jamie Michele Mattswell. The Court has fixed the 8th day of September, 2017 at 1:45 p.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 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.

Aug. 18

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 12181-17 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Heather Nicole Matts to Heather Nicole Mattswell. The Court has fixed the 8th day of September, 2017 at 1:30 p.m. in Court Room G, Room 222, of the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 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.

Aug. 18

INCORPORATION NOTICE

Notice is hereby given that BRANDON FRESCH INSURANCE AGENCY, INC. was incorporated under the provisions of the Corporation Law of 1988. Norman A. Stark, Esquire Marsh Schaaf 300 State Street, Suite 300 Erie, PA 16507

Aug. 18

INCORPORATION NOTICE

Notice is hereby given that MIKE SAMUELOFF INSURANCE AGENCY, INC. was incorporated under the provisions of the Corporation Law of 1988. Norman A. Stark, Esquire Marsh Schaaf 300 State Street, Suite 300 Erie, PA 16507

Aug. 18

LEGAL NOTICE

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
IN THE COURT OF COMMON
PLEAS OF ERIE COUNTY,
PENNSYLVANIA
CIVIL ACTION – LAW
WELLS FARGO BANK, N.A.,
Plaintiff
vs.
CHRISTOPHER D. HALLER,
Individually and in his capacity
as Administrator of the Estate of
MARK F. HALLER
U N K N O W N H E I R S ,
SUCCESSORS, ASSIGNS, AND
ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST
FROM OR UNDER MARK F.
HALLER, DECEASED, Defendants
COURT OF COMMON PLEAS
CIVIL DIVISION
ERIE COUNTY
No. 11751-17

NOTICE

To UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS, AND
ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST
FROM OR UNDER MARK F.
HALLER, DECEASED
You are hereby notified that on June
21, 2017, Plaintiff, WELLS FARGO

BANK, N.A., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of ERIE County Pennsylvania, docketed to No. 11751-17. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 1445 NICHOLSON STREET, ERIE, PA 16509-2020 whereupon your property would be sold by the Sheriff of ERIE County. You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

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. Notice to Defend: Lawyer Referral & Information Service P.O. Box 1792 Erie, PA 16507 Telephone (814) 459-4411

Aug. 18

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, August 9, 2017** and confirmed Nisi.

September 20, 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>
221.	Nancy J. Sando	Scott E. Sando, Craig Sando, Executors	Colleen R. Stumpf, Esq.
222.	Nancy J. Sando	Scott E. Sando, Craig Sando, Trustees.....	Colleen R. Stumpf, Esq.
	Revocable Living Trust		

KENNETH J. GAMBLE
Clerk of Records
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Aug. 18, 25

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FIRST PUBLICATION**ARNOLD, FRANCES C.,
deceased**

Late of Lake City Borough,
County of Erie

Co-Executors: Gerarld V. Hewel
and Barbara D. Walker, c/o Thomas
A. Testi, Esq., 3952 Avonia Road,
P.O. Box 413, Fairview, PA 16415
Attorney: Thomas A. Testi, Esq.,
3952 Avonia Road, P.O. Box 413,
Fairview, PA 16415

**BUETIKOFER, PATRICIA S.,
a/k/a PATRICIA J. BUETIKOFER,
deceased**

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

Executor: Geraldine Olszewski,
c/o John J. Shimek, III, Sterrett
Mott Breski & Shimek, 345 West
6th Street, Erie, PA 16507
Attorney: John J. Shimek, III,
Sterrett Mott Breski & Shimek,
345 West 6th Street, Erie, PA
16507

**COOK, MARY ANN,
deceased**

Late of City of Erie, Erie County,
Commonwealth of Pennsylvania
Co-Executors: William J. Cook
and Barbara A. Schwartz, c/o 120
W. 10th Street, Erie, PA 16501

Attorney: Christine Hall McClure,
Esq., Knox McLaughlin Gornall &
Sennett, P.C., 120 West 10th Street,
Erie, PA 16501

**FIREWICK, DOROTHY G.,
deceased**

Late of the City of Erie,
Commonwealth of Pennsylvania
Executor: Richard A. Vendetti,
Esquire, c/o Vendetti & Vendetti,
3820 Liberty Street, Erie,
Pennsylvania 16509

Attorney: Richard A. Vendetti,
Vendetti & Vendetti, 3820 Liberty
Street, Erie, PA 16509

**HAYNES, SETSUKO,
deceased**

Late of the Township of
Harborcreek, County of Erie and
Commonwealth of Pennsylvania
Executrix: Pamela M. Mackowski,
c/o 504 State Street, 3rd Floor,
Erie, PA 16501

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

**HOLDEN, BURTON L., a/k/a
BURTON HOLDEN,
deceased**

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

Co-Executors: Burton N. Holden,
5039 Hillsdale Road, Erie, PA
16509 and Ronald M. Holden,
3517 Gerry Ave., Erie, PA 16508

Attorney: Ronald J. Susmarski,
Esq., 4030 West Lake Road, Erie,
PA 16505

**McCALLUM, GEORGE E.,
deceased**

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

Executor: Robert D. Prentice, c/o
Knox Legal Advisors, 240 W. 11th
Street, Erie, PA 16506

Attorney: W. John Knox, Knox
Legal Advisors, 240 West 11th
Street, Erie, PA 16501

**ROEHRIG, WILLIAM J., III,
a/k/a WILLIAM ROEHRIG, a/k/a
WILLIAM J. ROEHRIG, a/k/a
WILLIAM JOSEPH ROEHRIG,
III,
deceased**

Late of the City of Erie, Erie
County, Pennsylvania

Executrix: Michelle Chavez,
c/o 2580 West 8th Street, Erie,
Pennsylvania 16505

Attorney: Ralph R. Riehl, III, 2580
West 8th Street, Erie, Pennsylvania
16505

**SHIMEK, GLADYS, a/k/a
GLADYS LESHKO SHIMEK,
a/k/a GLADYS E. SHIMEK,
deceased**

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

Executor: John J. Shimek, III, c/o
Sterrett Mott Breski & Shimek,
345 West 6th Street, Erie, PA
16507

Attorney: John J. Shimek, III,
Sterrett Mott Breski & Shimek,
345 West 6th Street, Erie, PA
16507

**ZALEWSKI, DONNA MAE, a/k/a
DONNA M. ZALEWSKI,
deceased**

Late of the City of Erie,
Commonwealth of Pennsylvania

Executor: Carl Zalewski, c/o
Vendetti & Vendetti, 3820 Liberty
Street, Erie, Pennsylvania 16509

Attorney: Richard A. Vendetti,
Vendetti & Vendetti, 3820 Liberty
Street, Erie, PA 16509

SECOND PUBLICATION**BATTEN, DONALD G., a/k/a
DONALD GILBERT BATTEN,
a/k/a DONALD G. BATTEN,
SR.,
deceased**

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

Executor: Thomas E. Batten, 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

**BOLE, ADELE W.,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Barbara A. Walter, c/o Vlahos Law Firm, P.C., 3305 Pittsburgh Avenue, Erie, PA 16508
Attorney: Darlene M. Vlahos, Esq., Vlahos Law Firm, P.C., 3305 Pittsburgh Avenue, Erie, PA 16508

**BROWN, RUTH J.,
deceased**

Late of Millcreek Township, Erie County, Pennsylvania
Executrix: Alice E. Niebauer, 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

**CHESLEY, JUSTIN A., a/k/a
JUSTIN ANDREW CHESLEY,
deceased**

Late of Erie, City of Erie County
Administrator: William M. Chesley
Attorney: Tammi L. Elkin, Esq., 143 East Main Street, North East, PA 16428

**HALCHIN, WILLIAM,
deceased**

Late of the Town of Spring, County of Harris, State of Texas
Executrix: Judy Diane Halchin, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Melissa L. Laresse, Esq., c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**HALLETT, DIRK RUSSEL,
deceased**

Late of the Township of McKean, Erie County, Pennsylvania
Administratrix: Beverly A. Hallett, c/o Robert Ward, Esq., 307 French Street, Erie, PA 16507
Attorney: Robert Ward, Esq., 307 French St., Erie, PA 16507

**KOMAR, LEONARD R.,
deceased**

Late of Venango Township, County of Erie, Commonwealth of Pennsylvania
Executor: Michael J. Komar, 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

**NAYLOR, LILLIAN A.,
deceased**

Late of Fairview Township, County of Erie, Commonwealth of Pennsylvania
Executor: Mark W. 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

**RICHARDS, RUSSELL C.,
deceased**

Late of the Fairview Township, County of Erie, Pennsylvania
Executor: Alan Baer, c/o 150 East 8th Street, Erie, PA 16501
Attorney: Gregory L. Heidt, Esquire, 150 East 8th Street, Erie, PA 16501

**SHAFFER, DIANE P.,
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of Pennsylvania
Executor: Jennifer L. Miano, c/o Eugene C. Sundberg Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

THIRD PUBLICATION

**BRADBURY, THOMAS A., a/k/a
THOMAS BRADBURY,
deceased**

Late of the Borough of Edinboro, County of Erie, Pennsylvania
Executrix: Sandra Strater, c/o 150 East 8th Street, Erie, PA 16501
Attorney: Gregory L. Heidt, Esquire, 150 East 8th Street, Erie, PA 16501

**CLEMENS, JOHN C.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: David L. Marcum, 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

**KRAHE, DANIEL P.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Mary T. Krahe, c/o Kurt L. Sundberg, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP, Suite 300, 300 State Street, Erie, PA 16507

**LASKOWSKI, MATTHEW A.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Hildegard M. Royall, 1922 East 42nd Street, Erie, PA 16510-3506
Attorney: MacDonald, Illig, Jones & Britton, LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**MILLS, GERALDINE M., a/k/a
GERALDINE MILLS,
deceased**

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

Executrix: Susan D. Strohmeier,
5906 Footemill Road, Erie, PA
16509

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

**SESLER, WILLIAM G.,
deceased**

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

Executor: Gregory P. Sesler, 109
East 10th Street, Erie, PA 16501

Attorney: Gregory P. Sesler,
Esquire, Sesler and Sesler, 109
East Tenth Street, Erie, PA 16501

**SZNAJDER, DONNA J.,
deceased**

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

Executrix: Brenda J. Nelligan,
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

**TERRY, PHYLLIS J.,
deceased**

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

Executor: Frank R. Polanski II,
857 West Gore Road, Erie, PA
16509

Attorney: Thomas S. Kubinski,
Esquire, The Conrad - F.A.
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