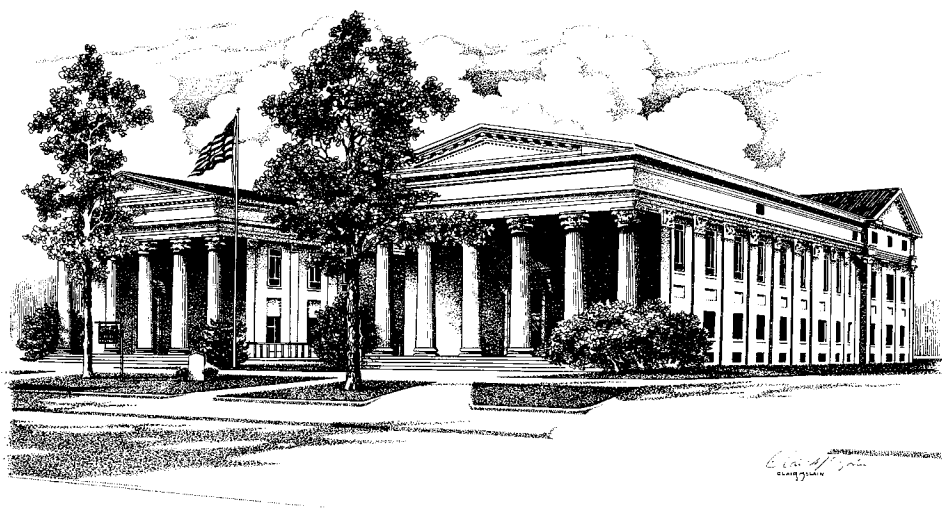


Erie  
County  
Legal  
Journal

March 23, 2018

Vol. 101 No. 12



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101 ERIE 14-21

Commonwealth v. Craft; Commonwealth v. Mangel

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# Erie County Legal Journal

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

Managing Editor: Megan E. Black  
Administrator of Publications: Paula J. Gregory

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# Erie County Bar Association

## Calendar of Events and Seminars

### **MONDAY, MARCH 26, 2018**

ECBA Board of Directors Meeting  
4:00 p.m.  
ECBA Headquarters

### **WEDNESDAY, MARCH 28, 2018**

Women's Division Leadership Committee Meeting  
Noon  
ECBA Headquarters

### **THURSDAY, MARCH 29, 2018**

Estates & Trusts Section  
Leadership Committee Meeting  
Noon  
ECBA Headquarters

### **THURSDAY, MARCH 29, 2018**

Criminal Defense Meeting  
4:00 p.m.  
ECBA Headquarters

### **FRIDAY, MARCH 30, 2018**

Good Friday Holiday  
ECBA Office Closed  
Erie County and Federal Courthouses Closed

### **TUESDAY, APRIL 3, 2018**

Bench Bar Conference Committee Meeting  
4:30 p.m.  
ECBA Headquarters

### **THURSDAY, APRIL 5, 2018**

AKT Kid Connection Kick Off Event  
4:00 p.m. - 7:00 p.m.  
ExpERIENCE Children's Museum

### **WEDNESDAY, APRIL 11, 2018**

In-House Counsel Leadership Committee Meeting  
Noon  
ECBA Headquarters

### **THURSDAY, APRIL 12, 2018**

Civil Litigation Section  
Craft Beer Tasting Gathering  
5:00 p.m.  
Millcreek Brewing Company

### **MONDAY, APRIL 16, 2018**

Bankruptcy Section Meeting  
Noon  
Plymouth Tavern

### **MONDAY, APRIL 23, 2018**

ECBA Board of Directors Meeting  
Noon  
ECBA Headquarters

### **THURSDAY, APRIL 26, 2018**

Criminal Defense Meeting  
4:00 p.m.  
ECBA Headquarters



Erie County Bar Association



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

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**RECORDING FEE INCREASE EFFECTIVE APRIL 2, 2018**

Due to the passage of Erie County Ordinance No. 125-2017 on December 19, 2017, amending the Erie County Affordable Housing Fund Ordinance **AND** Due to the passage of Erie County Ordinance No. 139-2017 on December 19, 2017, creating and implementing the Erie County Demolition Fund **THE BASE RECORDING FEE TO RECORD ALL DEEDS AND MORTGAGES WILL BE: \$86.00**

Feb. 23 and Mar. 9, 23

**15th Annual Law Day 5K Run/Walk**  
**Saturday, April 28, 2018**

9:00 a.m. - Erie County Courthouse  
140 West Sixth Street

**Pre-registration Entry Fees:**

- \$20.00 (adults w/shirt)
- \$15.00 (adults/no shirt)
- \$15.00 (12 and under w/shirt)
- \$10.00 (12 and under/no shirt)

**Race Premium:** Top-quality, wicking t-shirt.  
**You must be pre-registered to be guaranteed a shirt.**

**Day-of-Race Entry Fees:** \$20 (adult)  
\$15 (12 or under)

**Presented by the**



ERIE COUNTY BAR ASSOCIATION

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*Part I of the  
2018 Summer Triple Crown Series*

**POSTMARK DEADLINE TO PRE-REGISTER IS FRIDAY, APRIL 13, 2018**

**Packet Pick-up:**

There will be a packet pick-up for pre-registered runners and walkers on Friday, April 27 from 3:00 to 6:30 p.m. at the Erie County Bar Association Headquarters, *Note: we have moved - 429 West Sixth Street*. Registrations for the event will also be accepted during this time. Day-of-Race registration and Chip pick-up will begin on Saturday, April 28 at 8:00 a.m. at the Perry Square Event Platform.

**Event benefits the ECBA's Attorneys & Kids Together Program,  
supporting the educational needs of local students living in homeless situations,  
and the Erie Runners Club Scholarship Fund.**

*Register online at [www.eriebar.com](http://www.eriebar.com)*

**COMMONWEALTH OF PENNSYLVANIA**

**v.**

**MATHEW ROBERT CRAFT, Defendant**

**COMMONWEALTH OF PENNSYLVANIA**

**v.**

**TYLER KRISTIAN MANGEL, Defendant**

*EVIDENCE / WRITINGS-DEMONSTRATIVE EVIDENCE / AUTHENTICATION*

Generally, the requirement of authentication or identification as a condition precedent to the admissibility of evidence is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims. *See* Pa.R.E. 901(a).

*EVIDENCE / WRITINGS-DEMONSTRATIVE EVIDENCE / AUTHENTICATION*

The process for authenticating social media evidence should be evaluated on a case-by-case basis to determine whether there has been an adequate foundational showing of said evidence’s relevance and authenticity.

*EVIDENCE / WRITINGS-DEMONSTRATIVE EVIDENCE / AUTHENTICATION*

Similar to ordinary documents, authentication of electronic communications requires more than mere confirmation that the number or address belonged to a particular sender. For example, circumstantial evidence tending to corroborate the identity of the sender may serve to authenticate an electronic communication.

*EVIDENCE / WRITINGS-DEMONSTRATIVE EVIDENCE / AUTHENTICATION*

Although the Commonwealth produced evidence allegedly linking the Defendant to the Facebook page in question, including a name, hometown, school district and certain pictures, this information was insufficient to connect the Defendant to posts and messages authored on a Facebook page.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA  
 CRIMINAL DIVISION  
 NO. CR 2939 of 2016 and NO. CR 2940 of 2016

Appearances: Mark W. Richmond, Esq., for the Commonwealth, Appellant  
 Garrett A. Taylor, Esq., for Mathew Robert Craft, Appellee  
 Kenneth A. Bickel, Esq., for Tyler Kristian Mangel, Appellee

**OPINION<sup>1</sup>**

Domitrovich, J.

July 10, 2017

The instant matter is currently before the Pennsylvania Superior Court on the appeal of the Commonwealth (hereafter referred to as “Appellant”) from this Trial Court’s Order dated May 8, 2017, wherein this Trial Court, at the time of trial before jury selection, dismissed the Commonwealth’s Motion *in Limine* regarding introduction of Facebook posts and messages allegedly belonging to Defendant Tyler Kristian Mangel’s (hereafter referred to as “Defendant

<sup>1</sup> Consistent with the Pennsylvania Superior Court’s Order dated June 12, 2017, wherein the Superior Court consolidated the appeals at 703 WDA 2017 (Defendant Mangel) and 704 WDA 2017 (Defendant Craft) *sua sponte*, this Trial Court offers this single Trial Court Opinion for these two consolidated Pennsylvania Superior Court dockets.

Mangel”) Facebook page. On appeal, the Commonwealth raises three (3) issues, which this Trial Court consolidates and summarizes as the following two (2) issues: (1) whether this Trial Court erred in applying Pennsylvania Rule of Evidence 901 and *Commonwealth v. Koch*, 39 A.3d 996 (Pa. Super. 2011), as the proper standard for authentication of electronic communications in the Commonwealth of Pennsylvania; and (2) whether this Trial Court erred after applying Pennsylvania Rule of Evidence 901 and *Koch* in finding and concluding the Commonwealth failed to corroborate the identity of the sender of the Facebook posts and messages, i.e. Defendant Mangel, pursuant to *Koch*, and the Commonwealth failed to produce sufficient extrinsic evidence to prove to a reasonable degree of scientific and technical certainty that the Facebook posts and messages were authored by Defendant Mangel; rather, the Commonwealth only produced Detective Anne Styn without other corroborating evidence to demonstrate the Facebook posts and messages were authored by this Defendant Mangel in order to thereafter be presented for the jury’s consideration.

The Commonwealth has appealed this Trial Court’s Order dated May 8, 2017, certifying and claiming properly that said Order has either terminated or substantially handicapped the prosecution of the instant consolidated criminal cases. *See Pa. R. A. P. 311(d)*.

#### **CR 2939 of 2016**

On October 19, 2016, the District Attorney’s Office filed a Criminal Information, charging Mathew Robert Craft (hereafter referred to as “Defendant Craft”) with Aggravated Assault, in violation of 18 Pa. C. S. §2702(a)(1); Simple Assault, in violation of 18 Pa. C. S. §2701(a)(1); and Harassment, in violation of 18 Pa. C. S. §2709(a)(1)

At the time of jury selection and trial on May 8, 2017, the Commonwealth, by and through Assistant District Attorney Mark W. Richmond (hereafter referred to as “ADA Richmond”), presented for the first time a Motion *in Limine* (and Memorandum of Law in Support) to introduce Facebook conversations and photographs allegedly belonging to Defendant Mangel’s Facebook page. After hearing argument from all counsel and after review of relevant case law, this Trial Court issued an Order denying the Commonwealth’s Motion *in Limine* after finding and concluding the Commonwealth did not produce sufficient extrinsic evidence to demonstrate the Facebook posts and messages were authored by Defendant Mangel, pursuant to Pa. R. E. 901 and relevant case law, in order to thereafter be presented for the jury’s consideration.

On May 9, 2017, the Commonwealth, by and through ADA Richmond, filed a Notice of Appeal to the Pennsylvania Superior Court, pursuant to Pennsylvania Rule of Appellate Procedure 311(d), claiming this Trial Court’s Order denying the Commonwealth’s Motion *in Limine* terminated or substantially handicapped the prosecution of the instant criminal cases. This Trial Court filed its 1925(b) Order on May 9, 2017. The Commonwealth filed its Concise Statement of Errors Complained of on Appeal on May 30, 2017.

#### **CR 2940 of 2016**

On October 19, 2016, the District Attorney’s Office filed a Criminal Information, charging Defendant Mangel with Aggravated Assault, in violation of 18 Pa. C. S. §2702(a)(1); Simple Assault, in violation of 18 Pa. C. S. §2701(a)(1); and Harassment, in violation of 18 Pa. C. S. §2709(a)(1).

The Commonwealth presented a Motion for Provider to Provide Subscriber Information to 18 U.S.C. §2703(c) and 18 Pa. C. S. §5743(c) and (d) [**Facebook, Inc.**] on March 15, 2017 in Motion Court, which was granted by the Honorable Daniel J. Brabender, Jr. the

same day. The Commonwealth presented two (2) additional Motions for Provider to Provide Subscriber Information to 18 U.S.C. §2703(c) and 18 Pa. C. S. §5743(c) and (d) [**Spring Spectrum, LP and Verizon Wireless**] in Motion Court on April 4, 2017, which this Trial Court granted the same day.

At the time of jury selection for the Criminal Jury Trial on May 8, 2017, the Commonwealth, by and through ADA Richmond, presented for the first time a Motion *in Limine* (and Memorandum of Law in Support) to introduce Facebook conversations and photographs allegedly belonging to Defendant Mangel's Facebook page. After hearing argument from all counsel and after review of relevant case law, this Trial Court issued an Order denying the Commonwealth's Motion *in Limine* after finding and concluding the Commonwealth did not produce sufficient extrinsic evidence to demonstrate the Facebook posts and messages were authored by Defendant Mangel, pursuant to Pa. R. E. 901 and relevant case law, in order to thereafter be presented for the jury's consideration.

On May 9, 2017, the Commonwealth, by and through ADA Richmond, filed a Notice of Appeal to the Pennsylvania Superior Court, pursuant to Pennsylvania Rule of Appellate Procedure 311(d), claiming this Trial Court's Order denying the Commonwealth's Motion *in Limine* terminated or substantially handicapped the prosecution of the instant criminal cases. This Trial Court filed its 1925(b) Order on May 9, 2017. The Commonwealth filed its Concise Statement of Errors Complained of on Appeal on May 30, 2017.

### **Rationale and Conclusions**

Admission of evidence is within the sound discretion of the trial court and will be reversed only upon a showing that the trial court clearly abused its discretion. *Commonwealth v. Mosley*, 114 A.3d 1072, 1081 (Pa. Super. 2015). Generally, the requirement of authentication or identification as a condition precedent to the admissibility of evidence is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims. *Id.*; see also *Pa. R. E. 901(a)*.

With regard to the admissibility of electronic communication, "such messages are to be evaluated on a case-by-case basis as any other document to determine whether or not there has been an adequate foundational showing of their relevance and authenticity." *Mosley* at 1081 (*quoting In the Interest of F. P.*, 878 A.2d 91, 96 (Pa. Super. 2005)). Authentication of electronic communications, like documents, requires more than mere confirmation that the number or address belonged to a particular person; circumstantial evidence, which tends to corroborate the identity of the sender, is required. *Commonwealth v. Koch*, 39 A.3d 996, 1005 (Pa. Super.2011).

The issue of authenticity of Facebook posts and messages and what constitutes sufficient evidence for authenticity, which is the focus of the instant appeal, has presented itself in a number of courts. In the United States Court of Appeals, Third Circuit, case of *United States v. Browne*, 834 F.3d 403 (2016), five (5) Facebook chat logs were entered into evidence under a Certificate of Authenticity, demonstrating illicit communications between the defendant and five (5) minor females. See *id* at 405-406. The defendant in *Browne* argued the Facebook records were not properly authenticated as the Government failed to establish the defendant had authored the communications. See *id* at 408. The United States Court of Appeals, Third Circuit, concluded authorship could be established for authentication purposes by way of extrinsic evidence. See *id* at 411. Ultimately, the United States Court of Appeals, Third



Circuit, held the Facebook records were properly authenticated by numerous pieces of extrinsic evidence, including (1) the minor females' testimony regarding the exchanges made on Facebook, consistent with the content of the chat logs; (2) the minor females' testimony that, after conversing with an individual on Facebook, they met the individual in person, who was identified as the defendant; (3) the defendant's voluntary statement of owning the Facebook account; (4) the defendant's voluntary statement that he conversed with the minor females; (5) the defendant voluntarily providing the passwords to the Facebook account; (6) the biographical information contained on the Facebook account, which was consistent with the defendant's biographical information; and (7) the Certificate of Authenticity attesting to the maintenance of the account by Facebook. *See id* at 413-415.

Relevant case law in Pennsylvania discusses a particular issue with authentication of electronic messages, namely the ease of abuse or manipulation of electronic information. *See Koch*, 39 A.3d at 1004 (the difficulty that frequently arises in electronic communications is establishing authorship, as often more than one person can access an e-mail address or social-networking account without permission). Further, relevant cases in other states' appellate courts, which are being cited to by this Trial Court for their persuasive values, have taken positions similar to *Koch* and *Browne* regarding authenticity of Facebook and other electronic messages and what constitutes sufficient evidence for authenticity of electronic communications. *See e.g. Dering v. State*, 465 S.W.3d 668, 671 (Tex. Ct. App. 2015) (the fact that an electronic communication on its face purports to originate from a certain person's social networking account is generally insufficient, standing alone, to authenticate that person as the author of the communication); *Sublet v. State*, 113 A.3d 695, 721 (Md. 2015) (social network messages were properly authenticated as there was circumstantial evidence connecting the defendant to the messages, the victim testified the defendant wrote the messages and distinct characteristics indicated the messages were authored by the defendant); *Griffin v. State*, 19 A.3d 415, 423 (Md. 2011) (pages taken from the defendant's girlfriend's social network profile were not properly authenticated as the State did not question if the profile was hers and if its contents were authored by her; further, the picture, birth date and location were not authenticating distinctive characteristics, given the prospect for abuse and manipulation of a social-networking website by someone other than the purported creator or user); *State v. Smith*, 192 So.3d 836, 842 (La. Ct. App. 2016) (the State failed to properly authenticate evidence derived from social networking service as it failed to present evidence sufficient to support a reasonable jury conclusion that evidence it sought to introduce was what the State purported it to be); *Commonwealth v. Williams*, 926 N.E.2d 1162, 1172 (Mass. 2010) (social network messages were not properly authenticated as foundational testimony did not establish the person who actually sent the messages, whether anyone other than alleged writer could communicate from the social network site, how secure the social network site was, who could access it, and whether codes were needed for access).

Prior to jury selection for the instant Criminal Jury Trial on May 8, 2017 (the first day of trial), this Trial Court heard testimony on the Commonwealth's Motion *in Limine* from Anne Styn, a detective with the Erie County District Attorney's Office, who had been qualified as an expert in the area of computer forensics, with no objection from defense counsel. *See Notes of Testimony, Motion in Limine, May 8, 2017, page 7, line 9-16*. Detective Styn indicated she "conducted a search on Facebook for Tyler Mangel in which only one name populated at that time," and then "issued a court order to Facebook for that particular account." *See id, page 8*,

lines 5-8. Detective Styn then stated she “compared the information that [she] received” with “the information that populated on the screen from the Facebook account,” noting “the name was the same and the pictures on the side of the Facebook account, some were the same, and that they had both listed the individual living in Meadville, Pennsylvania.” *See id*, page 9, lines 14-19. The Commonwealth introduced Exhibit 1, which Detective Styn described as a “screenshot of Tyler Mangel’s Facebook homepage listing his information, that he went to Meadville High School, lives in Meadville, Pennsylvania,” with a profile picture and other pictures associated with the account. *See id*, page 10, lines 17-22; *see also Commonwealth’s Exhibit 1*. The Commonwealth also introduced subscriber records from Facebook, which indicate the name of the individual who created the account was “Tyler Mangel” with registered e-mail addresses of [mangel17@facebook.com](mailto:mangel17@facebook.com) and [tyler14tkm@hotmail.com](mailto:tyler14tkm@hotmail.com). *See id*, page 11, lines 15-23; *see also Commonwealth’s Exhibit 1*. Finally, the Commonwealth introduced posts and messages from “Tyler Mangel’s” Facebook account, which the Commonwealth attributed to the incident involving the alleged assault. *See Commonwealth’s Exhibits 2 and 3*.

However, when Detective Styn was questioned by the undersigned judge as to whether she [Detective Styn] could say with a reasonable degree of certainty that Defendant Mangel authored the posts and messages offered as Commonwealth’s Exhibits Two and Three, Detective Styn acknowledged she could not:

THE COURT: Well, I’m the gatekeeper of admissibility. So I want to know, first of all, can you even testify to a reasonable degree of computer and scientific certainty the answer to that question? I mean, can you do that? And this is a criminal case. This is not the probability. This is certainty and you know what that is.

MS. STYN: Correct.

THE COURT: So, can you do that, first of all?

MS. STYN: Based on my training and experience, in this particular instance I would solely base my testimony off of the records that I received from Facebook and Verizon.

THE COURT: And you could do that with a reasonable degree of certainty that it is what? Mr. Mangel that did all of this?

MS. STYN: That this account was registered under Tyler Mangel’s account and --

THE COURT: No. That Mr. Mangel actually did this. You can do that with a reasonable degree of certainty? You can say that he did this? That no one else intervened or someone else grabbed the account? You can do that?

MS. STYN: I cannot, Judge.

*See N.T., May 8, 2017, page 20, lines 1-24.*

Furthermore, on cross-examination, Detective Styn admitted she did not obtain an IP address, which Detective Styn acknowledged could determine which computer or network a particular piece of information is coming from. *See id.*, page 23, line 18 – page 24, line 1. Detective Styn further acknowledged, when she inserted the name “Tyler Mangel” as search criteria, only one individual showed up at that time. *See id.*, page 24, lines 2-7. This is contradicted by the search performed by Defendant Craft’s counsel, Garrett A. Taylor, Esq., which indicated five (5) Facebook accounts for the name of “Tyler Mangel,” and Defendant’s Exhibit A, which indicates four (4) Facebook accounts for the name of “Tyler Mangel.” *See also Defendants’ Exhibit A.*

After review of the evidence presented by the Commonwealth, this Trial Court found and concluded the Commonwealth failed to produce sufficient evidence to corroborate that the sender of the Facebook posts and messages was, in fact, Defendant Mangel, which is required by relevant Pennsylvania case law and has been required in relevant case law from other states’ appellate courts. *See Koch*, 39 A.3d at 1005; *see also Sublet*, 113 A.3d at 721; *see also Williams*, 926 N.E.2d at 1172. Defendant Mangel did not himself state at any time that the Facebook account in question was his own personal Facebook account and/or that he authored the posts and messages on the Facebook account, and the Commonwealth did not introduce subsequent testimony from any other knowledgeable party<sup>2</sup> to substantiate the Facebook page (and, by association, the posts and messages contained therein) belonged to Defendant Mangel. *Compare Browne*, 834 F.3d at 413-415. Moreover, the Commonwealth did not obtain the username or password for the Facebook account to confirm its authenticity. *Id.* Although the Commonwealth did produce evidence allegedly linking Defendant Mangel to the Facebook page in question, including a name, hometown, school district and certain pictures, this information has generally been held to be insufficient to connect a defendant to posts and messages authored on a Facebook page. *See Dering*, 465 S.W.3d at 671; *see also Griffin*, 19 A.3d at 423. In fact, following a search on Facebook for the name of “Tyler Mangel” by Attorney Taylor, five (5) “Tyler Mangel” Facebook accounts appeared in response to the search, one of which has the same hometown of “Meadville, Pennsylvania,” which contradicts Detective Styn’s testimony that only one (1) “Tyler Mangel” Facebook account appeared during her search. *See id.*, page 24, lines 2-11; *see also Defendants’ Exhibit A.*

A thorough review of the Facebook posts and messages themselves raises specific issues. First, the evidence presented by the Commonwealth does not indicate the date and exact time the posts and messages were made. *See Commonwealth’s Exhibits 2 and 3.* The incident which brought about the instant criminal charges occurred allegedly on June 26, 2016, according to the Criminal Information. The lack of a date and timestamps raises a significant question regarding the connection of the posts and messages to the alleged incident on June 26, 2016. Furthermore, the “Tyler Mangel” who allegedly authored the Facebook posts and messages does not specifically reference himself in the incident on June 26, 2016; rather, other individuals, many of whom are not directly involved in the instant criminal case, reference a “Tyler Mangel” in response to a post made and in subsequent conversations

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<sup>2</sup> Contrary to the Commonwealth’s assertion on page 26 of the Motion *in Limine* Hearing transcript, the individual “Matty Iceburgh” (incorrectly spelled “Maddy Iceburgh”) is not a knowledgeable third party who can substantiate Defendant Mangel authored the Facebook posts and messages; rather, “Matty Iceburgh,” according to the Commonwealth, is the Co-Defendant in the instant criminal case, Defendant Matthew Robert Craft.

about an alleged assault. Moreover, the Facebook posts and messages are very ambiguous, containing slang and other nonsensical words with “Like” replies, and do not specifically and directly relate to the alleged incident on June 26, 2016. Finally, the Commonwealth did not produce evidence as to distinct characteristics of the posts and messages which would indicate Defendant Mangel was the author. *See Sublet*, 113 A.3d at 721.

Also, as part of Commonwealth’s Exhibit 2, the Commonwealth introduced a black and white copy of a Facebook picture of a hand, which is allegedly bloody and bruised. *See Commonwealth’s Exhibit 2*. However, this picture was posted by a Facebook user named “Justin Jay Sprejum Hunt,” who makes no reference to Defendants Mangel or Craft. Therefore, this Facebook exhibit offered by the Commonwealth is not relevant regarding authentication of the Facebook posts and messages.

In the “Memorandum of Law in Support of Commonwealth’s Use of Facebook Photos and Posts as Substantive Evidence,” the Commonwealth cites the case of *Tienda v. Texas*, 358 S.W.3d 633 (Tex. Crim. App. 2012), which holds, regarding the authentication of electronic messages, photographs and music, there must be “sufficient circumstantial evidence to establish a *prima facie* case such that a reasonable juror could have found [the electronic information] were created and maintained by the appellant.” *See id* at 642. Although the Commonwealth asserts the *Tienda* standard has been widely-accepted across the United States, the Commonwealth acknowledges the language of *Tienda* closely mirrors the language of *Commonwealth v. Koch*, *supra*. However, the Commonwealth has not fully interpreted the language of *Koch*, which holds circumstantial evidence demonstrating the **identity of the sender** of the electronic communication is required for authentication. *See id* at 1005 [emphasis added]. Therefore, *Koch*, which is current legal precedent in the Commonwealth of Pennsylvania, requires more than *Tienda*, which is merely persuasive in the Commonwealth of Pennsylvania.

The Commonwealth, by and through its Notice of Appeal, is stating essentially that the Facebook posts and messages are the only evidence connecting the Defendants to the alleged incident. This notion is supported by the Affidavit of Probable Cause, attached to both Criminal Complaints, which indicates the victim “was struck in the back of the head and knocked to the ground” by an unknown individual and, while on the ground, was allegedly “kicked and punched by [Defendants Mangel and Craft].” Furthermore, the victim indicated he “did not know [the Defendants], nor had he been in contact with [the Defendants] during the night, but was “able to identify [the Defendants] as a result of being shown Facebook pictures by [the victim’s] family.” Although this Trial Court acknowledges the severity of the victim’s injuries, including facial lacerations, a broken nasal bone, a broken Maxilla bone and seven (7) missing teeth, the authentication and introduction of these instant Facebook posts and messages, based solely upon the testimony of Detective Styn and the information received by this Trial Court prior to jury selection and trial, could not have been deemed harmless error<sup>3</sup> as such would have been so prejudicial to the Defendants as to outweigh significantly any probative value, pursuant to Pennsylvania Rule of Evidence 403, and would

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<sup>3</sup> “Harmless error exists when the error did not prejudice the defendant or the prejudice was *de minimis* or the erroneously admitted evidence was merely cumulative of other untainted evidence, which was substantially similar to the erroneously admitted evidence.” *Koch*, 39 A.3d at 1007 (quoting *Commonwealth v. Passmore*, 857 A.2d 697, 711 (Pa. Super. 2004)).

also have constituted inadmissible hearsay.

Therefore, the Commonwealth failed to corroborate the identity of the sender of the Facebook posts and messages, i.e. Defendant Mangel, and failed to produce sufficient extrinsic evidence to prove to a reasonable degree of scientific and technical certainty that the Facebook posts and messages were authored by Defendant Mangel, pursuant to Pennsylvania Rule of Evidence 901, *Commonwealth v. Koch* and other relevant case law. For all of the foregoing reasons, this Trial Court respectfully requests the Pennsylvania Superior Court affirm this Trial Court's Order dated May 8, 2017.

**BY THE COURT**

**/s/ Stephanie Domitrovich, Judge**

**COMMONWEALTH OF PENNSYLVANIA, Appellant**  
**v.**  
**TYLER KRISTIAN MANGEL, MATTHEW ROBERT CRAFT**

IN THE SUPERIOR COURT OF PENNSYLVANIA  
No. 703 WDA 2017

Appeal from the Order May 8, 2017 in the Court of Common Pleas of Erie County, Criminal Division at No(s): CP-25-CR-0002939-2016, CP-25-CR-0002940-2016

**COMMONWEALTH OF PENNSYLVANIA, Appellant**  
**v.**  
**TYLER KRISTIAN MANGEL, MATTHEW ROBERT CRAFT**

IN THE SUPERIOR COURT OF PENNSYLVANIA  
No. 704 WDA 2017

Appeal from the Order May 8, 2017 in the Court of Common Pleas of Erie County, Criminal Division at No(s): CP-25-CR-0002939-2016, CP-25-CR-0002940-2016

BEFORE: SHOGAN, J., OTT, J., and MUSMANNNO, J.

OPINION BY MUSMANNNO, J.:

FILED MARCH 15, 2018

The Commonwealth of Pennsylvania appeals from the Order denying its Motion *in Limine* to introduce Facebook posts and messages allegedly authored by defendant Tyler Kristian Mangel (“Mangel”). We affirm.

On June 26, 2016, Nathan Cornell (“Cornell”) was assaulted at a graduation party. On July 15, 2016, a Criminal Complaint was filed against Mangel, at CR 2939 of 2016, charging him with aggravated assault, simple assault and harassment of Cornell. *See* 18 Pa.C.S.A. §§ 2702(a)(1), 2701(a)(1), 2709(a)(1). At CR 2940 of 2016, the Commonwealth filed a separate Criminal Complaint against Matthew Robert Craft (“Craft”), charging him with the same offenses. The criminal cases against Mangel and Craft were consolidated for trial. Attached to the Criminal Complaints was an Affidavit of Probable Cause,<sup>1</sup> which indicated that Cornell had told police that “several fights ensued as a result of an undetermined amount of people arriving” at the party. Affidavit of Probable Cause, 7/15/16, at 1. Cornell had further stated that “he was walking away from where these altercations were taking place when he was struck in the back of the head[,] knocked to the ground[,]” and “was repeatedly kicked and punched by [] Mangel [] and [] Craft [].” *Id.* Cornell also stated that he did not know Mangel or Craft, “nor had he been in contact with them during the course of the night, but he was able to identify them as a result of being shown Facebook pictures by his family.” *Id.* As a result of the assault, Cornell suffered facial lacerations, a broken maxilla bone, a broken nasal bone, and seven of his teeth were knocked out. *Id.*

On March 15, 2017, the Commonwealth filed a Motion for Provider to Provide Subscriber Information, pursuant to 18 U.S.C. § 2307(c) and 18 Pa.C.S.A. § 5743(c) and (d), seeking to

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<sup>1</sup> The Affidavit of Probable Cause attached to each Criminal Complaint was the same, except for the docket number, OTN number and the defendant’s name.

obtain Mangel's Facebook records. The trial court granted the Motion on that same date. At the time of jury selection on May 8, 2017, the Commonwealth filed a Motion *in Limine* to introduce screenshots of certain pages of a Facebook account for "Tyler Mangel," consisting of undated online and mobile device "chat" messages. *See* Motion *in Limine*, 5/8/17, at Appendices A-C. The Commonwealth also sought to introduce a Facebook screenshot wherein a photograph of purportedly bloody hands had been posted by "Justin Jay Sprejrum Hunt." *See id.*

On May 8, 2017, the trial court conducted a hearing on the Motion, at which the Commonwealth presented the testimony of Erie County Detective Anne Styn ("Detective Styn"), whom the trial court qualified as an expert in computer forensics. N.T., 5/8/17, at 7. Detective Styn testified that she had received a request from the Commonwealth to determine the owner of a particular Facebook account, bearing the name "Tyler Mangel," and was provided with "Facebook screenshots captured from online, as well as mobile device chats" of that account taken by Trooper Schaeffer<sup>2</sup> of the Pennsylvania State Police. *Id.* at 7-8, 12-14.

Detective Styn then "conducted a search on Facebook for the individual's name, Tyler Mangel, in which only one name had populated at that time [as] being [']Tyler Mangel. [']" N.T., 5/8/17, at 9. Detective Styn then compared the Facebook account that she had located to the screenshots that she had received from the Commonwealth, and noticed that both the screenshots and the Facebook account bore name "Tyler Mangel;" both listed the account holder as living in Meadville, Pennsylvania; and some of the photographs on the screenshots were the same as those on the Facebook account. *Id.* at 9. In the "about" section of the Facebook account located by Detective Styn, the page indicated that the individual had attended Meadville High School. *Id.* Detective Styn further testified that the username associated with the Facebook account was "Mangel17." *Id.* at 11. Upon receiving the requested subscriber records from Facebook, Detective Styn determined that the account was created by using the first name "Tyler" and the last name "Mangel," and the registered email addresses of mangel17@facebook and tylertkm@hotmail.com. *Id.* The Facebook subscriber records also indicated that the Facebook account had been verified by the cell phone number (814) 573-4409. *Id.* at 11-12. Detective Styn then obtained a court order for the Verizon subscriber records associated with this phone number, which identified the owner of the number as "Stacy Mangel," residing at 10866 Pettis Road, Meadville, Pennsylvania. *Id.* at 12. The trial court took judicial notice of the fact that this particular address is the same as the address listed in the Criminal Complaint filed against Mangel. *Id.*

Detective Styn then compared the Facebook account that she had located to the screenshots provided to her by the Commonwealth, and came to the conclusion that the Facebook account that she had located "should be the same" as the account in the screenshots provided by the Commonwealth because both accounts (1) bore the name "Tyler Mangel;" (2) listed the account holder as living in Meadville, Pennsylvania; (3) listed the account holder as having attended Meadville High School; and (4) displayed several photographs which seemed to be of the same individual. *Id.* at 14. With regard to the screenshots of the mobile device chats that the Commonwealth initially provided to Detective Styn, she testified that "[t]he Facebook

<sup>2</sup> Trooper Schaeffer's first name is not contained within the record.

name itself ... and even the images on his Facebook page” added to her opinion that the chats came from Mangel. *Id.* at 15. Detective Styn referred to a post by “Tyler Mangel,” in the screenshots provided by the Commonwealth, stating “[i]f all that you leave is a scratch you know you’re a bitch[,]” and opined that “it looks like he’s posting it in regard to an altercation that may or may not have happened.” *Id.* at 16. When Detective Styn was asked what contextual clues she had found in the chats to indicate that they were from the same Facebook account, the defense objected. *Id.* After hearing argument from counsel, the trial court questioned Detective Styn, as follows:

The Court: Well, I’m the gatekeeper of admissibility. So[,] I want to know, first of all, can you even testify to a reasonable degree of computer and scientific certainty the answer to that question? I mean, can you do that? And[,] this is a criminal case. This is not probability. This is certainty and you know what that is.

[Detective] Styn: Correct.

The Court: So, can you do that, first of all?

[Detective] Styn: Based on my training and experience, in this particular instance I would solely base my testimony off the records that I received from Facebook and Verizon.

The Court: And could you do that with a reasonable degree of certainty that it was what? [] Mangel that did all of this?

[Detective] Styn: That this account was registered under Tyler Mangel’s account and –

The Court: No. That [] Mangel actually did this. You can do that with a reasonable degree of certainty? You can say that he did this? That no one else intervened or someone else grabbed the account? You can do that?

[Detective] Styn: I cannot, Judge.

The Court: So, objection sustained.

*Id.* at 20. On cross-examination, Detective Styn testified that she did not obtain an IP address for the Facebook account she had located.<sup>3</sup> *Id.* at 23. Defense counsel then showed Detective Styn his own cell phone, on which he had conducted a Facebook search for “Tyler Mangel,” resulting in five accounts bearing that name, one of which listed Meadville, Pennsylvania, as the hometown. *Id.* at 24. Defense counsel took a screenshot of his Facebook search, which was admitted as an exhibit into evidence for the hearing. Additionally, the trial court admitted into evidence the screenshots taken by Detective Styn of the homepage and “about” page

<sup>3</sup> Notably, Detective Styn had testified that an investigation of social media includes retrieving IP addresses to determine the specific location from which an item has been posted, including the specific computer or network where a particular post originated from. *See* N.T., 5/8/17, at 5-6, 23.



of the Facebook account she had located for “Tyler Mangel;” the Facebook and Verizon subscriber records; and the screenshots provided by the Commonwealth to Detective Styn of the online and mobile device chats on the Facebook account for “Tyler Mangel” located by Trooper Schaeffer. *Id.* at 21. At the conclusion of the hearing, the trial court denied the Commonwealth’s Motion *in Limine*.

On May 9, 2017, the Commonwealth timely filed a joint Notice of Appeal, pursuant to Pa.R.A.P. 311(d), claiming that the trial court’s Order denying its Motion *in Limine* terminated or substantially handicapped the prosecution of its criminal cases against Mangel and Craft. The Commonwealth thereafter filed a joint court-ordered Pa.R.A.P. 1925(b) Concise Statement of matters complained of on appeal.<sup>4</sup>

On appeal, the Commonwealth raises the following issues for our review:

1. Did the trial court commit legal error when it applied a “reasonable degree of scientific certainty” standard in determining whether [the Commonwealth] provided adequate extrinsic evidence to support the authenticity of Facebook records?
2. Did the trial court commit legal error when it failed to apply “whether the jury could reasonably find the authenticity of the Facebook records by a preponderance of the evidence” standard in determining whether [the Commonwealth] provided adequate extrinsic evidence to support the authenticity of the Facebook records?

Brief for the Commonwealth at 3 (capitalization omitted).<sup>5</sup>

The Commonwealth claims that the trial court erred by applying “a reasonable degree of certainty, reliability, scientific, technological certainty” standard in determining whether the Commonwealth had satisfied the requirements for authentication of the proffered Facebook records. *Id.* at 11. The Commonwealth argues that “this ruling was made by the trial court solely based upon the direct testimony of Detective Styn.” *Id.* The Commonwealth contends that “[w]hat evidence the [Commonwealth] may or may not have connecting [Mangel and Craft] to the crimes charged here has no bearing upon the standard to be applied in determining whether the Facebook documents were authenticated.” *Id.* The Commonwealth asserts that the trial court “applied a considerably higher burden than [is] required by either the rules of evidence or controlling case law.” *Id.* The Commonwealth claims that this case is analogous to *United States v. Browne*, 834 F.3d 403 (3d Cir. 2016), wherein the United States Court of Appeals for the Third Circuit examined the issue of the authentication of social media evidence, and applied a “preponderance of the evidence” standard for authentication of Facebook records. Commonwealth’s Brief at 10.

Our standard of review of a denial of a motion *in limine* is as follows:

When ruling on a trial court’s decision to grant or deny a motion *in limine*, we apply

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<sup>4</sup> This Court, *sua sponte*, consolidated the appeals.

<sup>5</sup> Although the Commonwealth purports to raise two issues on appeal, the Argument section of its brief contains only one section. See Pa.R.A.P. 2119(a) (providing that “[t]he argument shall be divided into as many parts as there are questions to be argued; and shall have at the head of each part—in distinctive type or in type distinctively displayed—the particular point treated therein.”). Nevertheless, as the Commonwealth’s issues are related, we will address them together.

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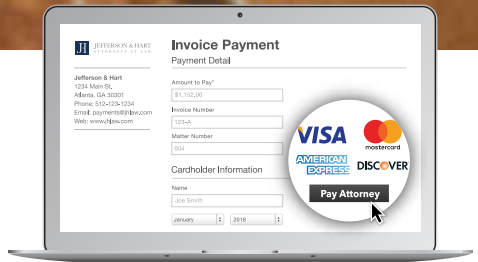
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an evidentiary abuse of discretion standard of review. The admission of evidence is committed to the sound discretion of the trial court, and a trial court's ruling regarding the admission of evidence will not be disturbed on appeal unless that ruling reflects manifest unreasonableness, or partiality, prejudice, bias, or ill-will, or such lack of support to be clearly erroneous.

*Commonwealth v. Moser*, 999 A.2d 602, 605 (Pa. Super. 2010) (citation omitted).

Pursuant to Pennsylvania Rule of Evidence 901, authentication is required prior to admission of evidence. The proponent of the evidence must introduce sufficient evidence that the matter is what it purports to be. *See* Pa.R.E. 901(a). Testimony of a witness with personal knowledge that a matter is what it is claimed to be can be sufficient. *See* Pa.R.E. 901(b)(1). Evidence that cannot be authenticated by a knowledgeable person, pursuant to subsection (b) (1), may be authenticated by other parts of subsection (b), including circumstantial evidence pursuant to subsection (b)(4).<sup>6</sup> *See* Pa.R.E. 901(b)(4).

The question of what proof is necessary to authenticate social media evidence, such as Facebook postings and communications, appears to be an issue of first impression in Pennsylvania. Facebook is a social networking site where “[u]sers of that Web site may post items on their Facebook page that are accessible to other users, including Facebook ‘friends’ who are notified when new content is posted.” *Nicolaou v. Martin*, 153 A.3d 383, 387 n.2 (Pa. Super. 2016) (*en banc*) (citing *Elonis v. United States*, 135 S. Ct. 2001, 2004, 192 L. Ed. 2d 1 (2015)). Additionally, Facebook “requires users to provide a name and e[-]mail address to establish an account. Account holders can, among other things, add other users to their “friends” list and communicate with them through Facebook chats, or messages.” *Browne*, 834 F.3d at 405. In determining what is required to authenticate social media evidence, such as Facebook postings and communications, we look first to the treatment accorded other types of electronic communications.

Pennsylvania appellate courts have considered the authentication of computerized instant messages and cell phone text messages. *See In the Interest of F.P., a Minor*, 878 A.2d 91, 96 (Pa. Super. 2005) (computerized instant messages); *Commonwealth v. Koch*, 39 A.3d 996, 1005 (Pa. Super. 2011), *affirmed by an equally divided court*, 106 A.3d 705 (Pa. 2014) (cell phone text messages).<sup>7</sup> In *In re. F.P.*, this Court examined the issue of whether computerized instant message transcripts had been appropriately authenticated. The Commonwealth sought to introduce instant messages from screen name “Icp4Life30” to “WHITEBOY Z.” *In re. F.P.*, 878 A.2d at 94. The victim identified himself as “WHITEBOY Z” and testified (1) that he thought “Icp4Life30” was the defendant; and (2) about the events that had occurred involving defendant. *Id.* The defendant had threatened the victim via instant messages, and when this was reported to the school counselor, there was a meeting between defendant and school officials. *Id.* A mediation between both students was conducted by a school

<sup>6</sup> Pursuant to Rule 901(b)(4), evidence may be authenticated by “*Distinctive Characteristics and the Like*. The appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.” Pa.R.E. 901(b)(4).

<sup>7</sup> Because an equally divided Supreme Court affirmed this Court's grant of a new trial in *Koch*, our Supreme Court's decision is not binding in this case. *See Commonwealth v. Mosley*, 114 A.3d 1072, 1082 n.11 (Pa. Super. 2015) (holding that “[w]hen a judgment of sentence is affirmed by an equally divided court, as in the *Koch* case, no precedent is established and the holding is not binding on other cases.”) (citation omitted).

guidance counselor. *Id.* The contents of the instant messages referred to these ongoing events and, in one instance, the defendant referred to himself by his first name. *Id.* The defendant never denied sending the instant messages. *Id.* The *In re. F.P.* Court concluded that this circumstantial evidence sufficiently identified defendant as “Icp4Life30,” and authenticated the instant message transcripts, such that the trial court did not abuse its discretion in admitting them. *Id.* at 95.

Notably, the *In re. F.P.* Court rejected the argument that electronic communications, such as text messages or e-mails, are inherently unreliable due to their relative anonymity and the difficulty connecting them to their author, noting that the same uncertainties exist with written documents: “[a] signature can be forged; a letter can be typed on another’s typewriter; distinct letterhead stationary can be copied or stolen.” *In re. F.P.*, 878 A.2d at 95. The *In re. F.P.* Court also rejected the notion that unique rules for admissibility of electronic communications should be created, stating “[w]e believe that e-mail messages and similar forms of electronic communication can be properly authenticated within the existing framework of Pa.R.E. 901 and Pennsylvania case law[.]” *Id.* Additionally, the *In re. F.P.* Court concluded that the admissibility of an electronic communication is to be evaluated on a case-by-case basis, as any other document, to determine whether or not there has been an adequate foundational showing of its relevance and authenticity. *See id.* at 96.

In *Koch*, this Court examined whether cell phone text messages had been appropriately authenticated prior to their admission into evidence. In that case, the Commonwealth sought the admission of text messages retrieved from a cell phone taken during the execution of a search warrant on the defendant’s residence. *Koch*, 39 A.3d at 1000. During the raid, police found two cell phones, marijuana, scales, a bong, pipes for smoking marijuana, and other drug paraphernalia. *Id.* The defendant admitted to owning one of the cell phones. *Id.* Thirteen text messages were retrieved from the defendant’s cell phone, the content of which indicated drug sale activity. *Id.* At trial, a detective testified that he had transcribed the text messages and identifying information from the cellular phone belonging to the defendant. *Id.* However, the detective conceded that he could not confirm that the defendant was the author of the text messages, and that it was apparent that the defendant did not write some of the messages. *Id.* at 1003.

The *Koch* Court looked to this Court’s prior holding in *In re. F.P.*, as well as cases from other jurisdictions wherein courts had examined the authentication of text messages, and concluded that “[i]mplicit in these decisions is the realization that e-mails and text messages are documents and subject to the same requirements for authenticity as non-electronic documents generally. *Koch*, 39 A.3d at 1004 (citations omitted). The *Koch* Court additionally observed that “electronic writings typically show their source, so they can be authenticated by contents in the same way that a communication by postal mail can be authenticated.” *Id.* at 1003.

However, the *Koch* Court was mindful of the various challenges presented in authenticating electronic communications:

[T]he difficulty that frequently arises in e-mail and text message cases is establishing authorship. Often more than one person uses an e-mail address and accounts can be accessed without permission. In the majority of courts to have considered the question,

the mere fact that an e-mail bears a particular e-mail address is inadequate to authenticate the identity of the author; typically, courts demand additional evidence.

*Id.* at 1004.<sup>8</sup> Accordingly, the *Koch* Court ruled, “authentication of electronic communications, like documents, requires more than mere confirmation that the number or address belonged to a particular person. Circumstantial evidence, which tends to corroborate the identity of the sender, is required.” *Id.* at 1005.

Applying these considerations to the evidence in the record, the *Koch* Court concluded that the testimony of the detective was insufficient to authenticate the text messages in question, noting that there was no testimony from any person who had sent or received the text messages, nor any contextual clues in the drug-related text messages that tended to reveal the identity of the sender. *Id.* at 1005. On this basis, the *Koch* Court concluded that the admission of the text messages constituted an abuse of discretion. *Id.*<sup>9</sup>

Recently, in *Browne*, the United States Court of Appeals for the Third Circuit addressed the authentication of Facebook chat logs, and concluded that “it is no less proper to consider a wide range of evidence for the authentication of social media records than it is for more traditional documentary evidence[.]” and that “the Rules of Evidence provide the courts with the appropriate framework within which to conduct that analysis.” *Browne*, 834 F.3d at 412. In *Browne*, under the Facebook account name “Billy Button,” Browne began exchanging messages with one of his female victims, with whom he eventually met in person and exchanged sexually explicit photographs through Facebook chats. *Id.* at 405. Browne then threatened to publish her photos online unless she engaged in oral sex, and promised to delete the photos only if she provided him with the password to her Facebook account. *Id.* Using the first victim’s Facebook account, Browne made contact with four of her Facebook “friends,” all minors, and solicited explicit photographs from them. *Id.* Once he had the minor’s photos, Browne repeated the pattern he had established with his first victim. *Id.* Browne threatened the minors with public exposure of their images unless they agreed to engage in various sexual acts, and sent additional explicit photos of themselves to his “Billy Button” Facebook account or to his “998” cell phone number. *Id.* at 405-06. At trial, the district court permitted the government to introduce five Facebook chat logs and a certificate of authenticity into evidence at trial. *Id.* at 406. Four of the chat logs involved communications between the “Billy Button” Facebook account and four of the five victims. *Id.* The fifth chat log involved Facebook communications between two of the victims, in which one victim discussed her sexual assault by Browne. *Id.*

In concluding that the Facebook records were properly authenticated under F.R.E. 901,<sup>10</sup>

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<sup>8</sup> In *In re. F.P.*, the Court noted that “[t]here is a paucity of cases involving authentication of e-mails or instant messages, none in the Commonwealth of Pennsylvania.” Based on our review, it appears that there have been no further intermediate court developments in the specific area of authentication of social media evidence since the *In re. F.P.* Opinion was published.

<sup>9</sup> Also at issue in *Koch* was whether the text messages constituted inadmissible hearsay under Pa.R.E. 802. *See Koch*, 39 A.3d at 1005-06 (holding that there was no exception to the hearsay rule that would render the text messages admissible, and their admission constituted an abuse of discretion). However, the issue of whether the Facebook communications in question constitute hearsay is not before us in this case.

<sup>10</sup> Pa.R.E. 901 is substantially identical to F.R.E. 901. *See Pa.R.E. 901*, cmt. Relevant to this analysis, Pa.R.E. 901(b)(4) is identical to F.R.E. 901(b)(4). *See id.*

the *Browne* Court looked to the following factors: (1) the victims provided detailed testimony about the Facebook communications they had with “Button,” which were consistent with the content of the chat logs that the government had introduced into evidence; (2) three of the victims testified that after conversing with the defendant’s “Billy Button” Facebook account, they met in person with “Button,” whom they were able to identify in open court as Browne; (3) Browne testified that he owned the “Billy Button” Facebook account on which the search warrant had been executed, and that he had conversed on that account with three of the victims; (4) Browne testified that he owned the phone with the “998” number that was seized from his residence and from which certain images were recovered—which the victims identified as those they sent in response to commands from the “Billy Button” Facebook account or the “998” number; (5) in his post-arrest statement, Browne provided the passwords to the “Billy Button” Facebook account; (6) the personal information that Browne confirmed on the stand was consistent with the personal details that “Button” interspersed throughout his Facebook conversations with certain of the victims (i.e., that his first name was “Tony,” he resided at Lovenlund, was a plumber and had a fiancé); and (7) the government supported the accuracy of the chat logs by obtaining them directly from Facebook and introducing a certificate attesting to their maintenance by the company’s automated systems. *Browne*, 834 F.3d at 413-14. Based on this evidence, the *Browne* Court ruled that the government had provided sufficient evidence from which the jury could reasonably find the authenticity of the records by a preponderance of the evidence. *Id.* at 413.

In our view, the same authorship concerns, as expressed by the *Koch* Court in relation to e-mails and instant messages, exist in reference to Facebook and other social media platforms, that can be accessed from any computer or smart phone with the appropriate user identification and password. *See Koch*, 39 A.3d at 1004; *see also In re. F.P.*, 878 A.2d at 95 (stating that “anybody with the right password can gain access to another’s email account and send a message ostensibly from that person.”). Social media evidence presents additional challenges because of the great ease with which a social media account may be falsified, or a legitimate account may be accessed by an imposter. *See Browne*, 834 F.3d at 412. Nevertheless, social media records and communications can be properly authenticated within the existing framework of Pa.R.E. 901 and Pennsylvania case law, similar to the manner in which text messages and instant messages can be authenticated. Initially, authentication social media evidence is to be evaluated on a case-by-case basis to determine whether or not there has been an adequate foundational showing of its relevance and authenticity. *See In re. F.P.*, 878 A.2d at 96. Additionally, the proponent of social media evidence must present direct or circumstantial evidence that tends to corroborate the identity of the author of the communication in question, such as testimony from the person who sent or received the communication, or contextual clues in the communication tending to reveal the identity of the sender. *See Koch*, 39 A.3d at 1005. Other courts examining the authentication of social media records have ruled that the mere fact that an electronic communication, on its face, purports to originate from a certain person’s social networking account is generally insufficient, standing alone, to authenticate that person as the author of the communication. *See United States v. Vayner*, 769 F.3d 125, 131 (2d Cir. 2014) (holding that the government failed to authenticate what it alleged was a printout of the defendant’s profile page from a Russian social networking site where it offered no evidence to show that the defendant had created

the page); *United States v. Jackson*, 208 F.3d. 633, 636-37 (7th Cir. 2000) (holding that in order to authenticate a website posting, the proponent had to show that the group in question had actually authored the post, rather than merely someone improperly accessing the group's website); *Griffin v. State*, 19 A.3d 415, 423-24 (Md. 2011) (holding that MySpace account profile bearing a photograph of an individual, coupled with her location and birthdate, were insufficient to authenticate a posting from the account, as having been made by the individual); *Commonwealth v. Purdy*, 945 N.E.2d 372, 381 (Mass. 2011) (explaining that an e-mail sent from a Facebook account bearing the defendant's name was not sufficiently authenticated without additional confirming circumstances); *Smith v. State*, 136 So. 3d 424, 434 (Miss. 2014) (holding that the name and photo on a Facebook printout were not sufficient to link the communication to the alleged author, where the state failed to make a *prima facie* case that the messages were actually sent by the defendant); *Deering v. State*, 465 S.W.3d 668, 672 (Tex. 2015) (holding that Facebook posts on a third party's account by other third parties were not authenticated, where the sponsoring witness was neither the owner of the account onto which the posts were made, nor the owner of any of the accounts of the alleged posters).

Turning to the record before us, the trial court, in reliance upon *Koch*, explained that it had denied the Commonwealth's Motion *in Limine* on the basis that it had failed to present sufficient evidence that tended to corroborate that Mangel was the sender of the Facebook communications in question. *See* Trial Court Opinion, 7/10/17, at 9. As explained by the trial court,

... Mangel did not himself state at any time that the Facebook account in question was his own personal Facebook account and/or that he authored the posts and messages on the Facebook account, and the Commonwealth did not introduce subsequent testimony from any other knowledgeable party to substantiate that the Facebook page (and, by association, the posts and messages contained therein) belonged to [] Mangel. Moreover, the Commonwealth did not obtain the username or password for the Facebook account to confirm its authenticity. Although the Commonwealth did produce evidence allegedly linking [] Mangel to the Facebook page in question, including a name, hometown, school district and certain pictures, this information has generally been held to be insufficient to connect a defendant to posts and messages authored on a Facebook page. In fact, following a search on Facebook for the name of "Tyler Mangel" by [defense counsel], five (5) "Tyler Mangel" Facebook accounts appeared in response to the search, one of which has the same hometown of "Meadeville, Pennsylvania," which contradicts Detective Styn's testimony that only one (1) "Tyler Mangel" Facebook account appeared during her search.

A thorough review of the Facebook posts and messages themselves raises specific issues. First, the evidence presented by the Commonwealth does not indicate the exact time the posts and messages were made. The incident which brought about the instant criminal charges occurred allegedly on June 26, 2016, according to the Criminal Information. The lack of a date and timestamps raises a significant question regarding the connection of the posts and messages to the alleged incident on June 26, 2016. Furthermore, the "Tyler Mangel" who allegedly authored the Facebook posts and messages does not specifically reference himself in the incident on June 26, 2016;



rather, other individuals, many of them who are not directly involved in the instant criminal case, reference a “Tyler Mangel” in response to a post made and in subsequent conversations about an alleged assault. Moreover, the Facebook posts and messages are very ambiguous, containing slang and other nonsensical words with “Like” replies, and do not specifically and directly relate to the alleged incident on June 26th, 2016. Finally, the Commonwealth did not produce evidence as to the distinct characteristics of the posts and messages which would indicate [that] Mangel was the author.

Also, as part of the Commonwealth’s Exhibit 2, the Commonwealth introduced a black and white copy of a Facebook picture of a hand, which is allegedly bloody and bruised. However, this picture was posted by a Facebook user named “Justin Jay Sprejum Hunt,” who makes no reference to [] Mangel or Craft. Therefore, this Facebook exhibit offered by the Commonwealth is not relevant regarding the authentication of the Facebook posts and messages.

Trial Court Opinion, 7/10/17, at 9-10 (internal citations and footnote omitted).<sup>11</sup>

Based on its explanation, it is clear that the trial court, in recognizing *Koch* as the controlling legal precedent in Pennsylvania for the authentication of electronic communications, applied the proper standard in determining whether the Commonwealth had presented sufficient direct or circumstantial evidence that Mangel had authored the Facebook messages in question.<sup>12</sup> Here, the Commonwealth presented no evidence, direct or circumstantial, tending to substantiate that Mangel created the Facebook account in question, authored the chat messages, or posted the photograph of bloody hands. The mere fact that the Facebook account in question bore Mangel’s name, hometown and high school was insufficient to authenticate the online and mobile device chat messages as having been authored by Mangel. Moreover, there were no contextual clues in the chat messages that identified Mangel as the sender of the messages. Accordingly, the trial court did not abuse its discretion in denying the Commonwealth’s Motion *in Limine* to admit such items into evidence at trial.

Order affirmed.

Judgment Entered.

/s/ **Joseph D. Seletyn**

Joseph D. Seletyn, Esq.

Prothonotary

Date: 3/15/2018

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<sup>11</sup> We further observe that the Commonwealth did not produce any evidence that Mangel had created, or had access to, the email accounts associated with the Facebook account (mangel17@facebook and tylerkm@hotmail.com), per the Facebook subscriber records. Nor did the Commonwealth produce any evidence that Mangel had access the cellular phone with the number (814) 573-4409, associated with the Facebook account, or any relationship with the individual who owned that number (“Stacy Mangel”).

<sup>12</sup> The Commonwealth appears to conflate the authentication of evidence standard applied by the trial court, with the expert testimonial standard employed during the trial court’s questioning of Detective Styn. As Detective Styn had been qualified as an expert, the trial court properly inquired whether she could state her opinions with a reasonable degree of certainty. *See Commonwealth v. Gonzalez*, 109 A.3d 711, 727 (Pa. Super. 2015) (holding that an expert must base her opinion on a reasonable degree of certainty instead of mere speculation).

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania 10450-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Fredrick Henry Scruggs Jr. to Fredrick Juice Scruggs.

The Court has fixed the 29th day of March, 2018 at 10:15 a.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.

Mar. 23

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania 10674-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Warren to Charles Edward Warren.

The Court has fixed the 2nd day of May, 2018 at 8:45 a.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.

Mar. 23

**CHANGE OF NAME NOTICE**

In the Court of Common Pleas of Erie County, Pennsylvania 10368-18 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Chunlei Xing to Michael Shing.

The Court has fixed the 27th day of March, 2018 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.

Mar. 23

**FICTITIOUS NAME NOTICE**

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

**FICTITIOUS NAME NOTICE**

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania October 30, 2017 for Iron Eagle Products at 14026 Route 8 89 Wattsburg, PA 16442. The name and address of each individual interested in the business is James York at 14026 Route 8 89 Wattsburg, PA 16442. This was filed in accordance with 54 Pa.C.S. 311.

Mar. 23

**FICTITIOUS NAME NOTICE**

1. The fictitious name is Red Letter Hospitality.
2. The address of the principal office is 19 West Main Street, North East, PA 16428, Erie County.
3. The names and address of all persons or parties to the registration are Eastwood Group, LLC, 19 West Main Street, North East, PA 16428, Erie County.
4. An application for registration of a fictitious name has been filed under the Fictitious Names Act.

Mar. 23

**FICTITIOUS NAME NOTICE**

1. The fictitious name is: Red Sky Working Siberians
2. The address, including number and street, if any, of the principal place of business: 5780 Dobler Rd., Girard, PA 16417, Erie County.
3. The name and address, including number and street, if any, of each individual interested in the business is: Jenifer A. Maksin and Mark A. Maksin, 5780 Dobler Rd., Girard,

PA 16417

4. An application for registration of the fictitious name was filed with the Department of State under the Fictitious Name Act on or about February 22, 2018.

Mar. 23

**INCORPORATION NOTICE**

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with the Department of State for Heberling Distribution Inc, a corporation organized under the Pennsylvania Business Corporation Law of 1988.

Mar. 23

**INCORPORATION NOTICE**

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with the Department of State for Neff Distribution Inc, a corporation organized under the Pennsylvania Business Corporation Law of 1988.

Mar. 23

**INCORPORATION NOTICE**

SUMMIT COMMUNITY FOOD PANTRY, INC. has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.

KNOX McLAUGHLIN GORNALL & SENNETT, P.C.  
120 West 10th Street  
Erie, PA 16501

Mar. 23

**LEGAL NOTICE**

**MARSHAL'S SALE:** By virtue of a Writ of Execution issued out of the United States District Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the real property located at and being more fully described at Erie County Deed Book Volume 1116, Page 2054.

**SAID SALE** to be held at the Erie County Courthouse, Room 209, 140 West Sixth Street, Erie, PA 16501 at **10:00 a.m.** prevailing standard time, on **April 5, 2018.**

**ALL** that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Parcel No. (28) 16-21-19.31 recorder in Erie County,

Pennsylvania, commonly known as **2635 Acorn Drive, Lake City, PA 16423**. IDENTIFIED as Tax/Parcel #: (28) 16-21-19.31 in the Deed Registry Office of Erie County, Pennsylvania. HAVING erected a dwelling thereon known as 2635 ACORN DRIVE, LAKE CITY, PA 16423. BEING the same premises conveyed to Jeremy J. Lazar, dated March 18, 2004, and recorded on March 19, 2004 in the office of the Recorder of Deeds in and for Erie County, Pennsylvania, at Instrument # 2004-009398. Seized and taken in execution as the property of Jeremy J. Lazar at the suit of the United States of America, acting through the Under Secretary of Rural Development on behalf of Rural Housing Service, United States Department of Agriculture, to be sold on Writ of Execution as Civil Action No. 1:16-cv-00168.

**TERMS OF SALE:** Successful bidder will pay ten percent (10%) by certified check or money order upon the property being struck down to such bidder, and the remainder of the bid within thirty (30) days from the date of the sale and in the event the bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Sheila Blessing, 700 Grant Street, Suite 2360, Pittsburgh, PA 15219. Bidder must have deposit funds immediately available and on his person in order to bid, bidder will not be permitted to leave the sale and return with deposit funds. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth (30th) day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Steve Frank, United States Marshal. For additional

information, please contact Cathy Diederich at 314-457-5514 or the USDA foreclosure website at [www.resales.usda.gov](http://www.resales.usda.gov).

Mar. 2, 9, 16, 23



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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 7, 2018** and confirmed Nisi.

**April 18, 2018** 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>2018</u> <u>ESTATE</u>	<u>ACCOUNTANT</u>	<u>ATTORNEY</u>
<b>60.</b> John L. Walker.....	Jeffrey Klemm, Executor .....	Grant M. Yochim, Esq.

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

Mar. 16, 23

**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**

**AMON, THELMA J.,  
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania  
*Co-Executors:* Karen L. Haffley, Joyce E. Moon and Pamela R. Fisher  
*Attorney:* James H. Richardson, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

**BOMBA, JEFFREY R., a/k/a  
JEFFREY RYAN BOMBA,  
deceased**

Late of the City of Erie  
*Executor:* James R. Bomba, c/o 246 West 10th Street, Erie, PA 16501  
*Attorney:* Anthony R. Himes, Esq., 246 West 10th Street, Erie, PA 16501

**BRZEZICKI, STANLEY J.,  
deceased**

Late of Township of Girard, Erie County, Pennsylvania  
*Executor:* Erin Scheele, 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

**DAY, JANET,  
deceased**

Late of Boro of Edinboro, Erie County, Pennsylvania  
*Executor:* Debbie Murray, 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

**HREHA, CECILE R.,  
deceased**

Late of Erie County, PA  
*Executrix:* Christine R. Magee, c/o Elizabeth Brew Walbridge, Esq., 1001 State St., Suite 1400, Erie, PA 16501  
*Attorney:* Elizabeth Brew Walbridge, Esq., 1001 State St., Suite 1400, Erie, PA 16501

**LYDICA, VELMA J., a/k/a  
VELMA JEAN LYDIC,  
deceased**

Late of the City of Erie, County of Erie, Pennsylvania  
*Executor:* Roy E. Lydic, c/o 3939 West Ridge Road, Suite B-27, Erie, PA 16506  
*Attorney:* James L. Moran, Esquire, 3939 West Ridge Road, Suite B-27, Erie, PA 16506

**PASTEWKA, ROSEMARY L.,  
deceased**

Late of the City of Erie  
*Executor:* Kevin Pastewka  
*Attorney:* Steven E. George, Esquire, George Estate and Family Law, 305 West 6th Street, Erie, PA 16507

**PERRY, FRANCES E.,  
deceased**

Late of the Township of Lawrence Park, County of Erie, Commonwealth of Pennsylvania  
*Executor:* James A. Perry, 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

**SANDIFF, DAVID L.,  
deceased**

Late of the Township of Fairview, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Susan E. Sandiff, c/o James E. Marsh, Jr., Esquire, Suite 300, 300 State Street, Erie, PA 16507  
*Attorney:* James E. Marsh, Jr., Esquire, MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

**SOSNOWSKI, JOSEPH L.,  
deceased**

Late of Harborcreek Township, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Edward J. Sosnowski, 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

**STADLER, KATHLEEN L.,  
deceased**

Late of Erie, Pennsylvania  
*Executrix:* Susan E. Schrag, 4280 Old William Penn Highway, Monroeville, PA 15146  
*Attorney:* Susan E. Schrag, Esq., 4280 Old William Penn Highway, Monroeville, PA 15146

**SZOSZOREK, LINDA L.,  
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* Tammy L. Polanski, c/o Norman A. Stark, Esquire, Suite 300, 300 State Street, Erie, PA 16507  
*Attorney:* Norman A. Stark, Esquire, MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

**WEBB, SIGNE E.,  
deceased**

Late of Fairview Township, Erie County, Pennsylvania  
*Co-Executors:* Linda E. Soles and Sharon L. Gornall, c/o Jeffrey D. Scibetta, Esq., 120 West Tenth Street, Erie, PA 16501  
*Attorney:* Jeffrey D. Scibetta, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**WILLIAMS, EDITH M.,  
deceased**

Late of the Borough of Edinboro, County of Erie and State of Pennsylvania  
*Administrator:* James S. Williams, c/o David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412  
*Attorney:* David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412

**WILLIAMS, RICHARD L., JR.,  
deceased**

Late of the City of Erie, County of Erie, Pennsylvania  
*Personal Representative:* Annette A. Williams, c/o 3939 West Ridge Road, Suite B-27, Erie, PA 16506  
*Attorney:* James L. Moran, Esquire, 3939 West Ridge Road, Suite B-27, Erie, PA 16506

**SECOND PUBLICATION**

**ETHRIDGE, JUSTIN  
THEODORE, a/k/a JUSTIN T.  
ETHRIDGE,  
deceased**

Late of the Township of Washington, County of Erie and State of Pennsylvania  
*Executrix:* Lindsay Grignol, c/o David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412  
*Attorney:* David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412

**FIESLER, ROSE M., a/k/a  
ROSE K. FIESLER, a/k/a ROSE  
FIESLER,  
deceased**

Late of the Borough of Girard, County of Erie, State of Pennsylvania  
*Administratrix:* Kathy Britt, 322 Barker Street, Girard, PA 16417  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**LAKIN, MARY LOUISE, a/k/a  
MARY L. LAKIN,  
deceased**

Late of the Borough of Albion, County of Erie and State of Pennsylvania  
*Executrix:* Sandra Lynn Lakin Allen, c/o David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412  
*Attorney:* David R. Devine, Esq., 201 Erie Street, Edinboro, PA 16412

**ORNELAS, ALFREDO, a/k/a  
FREDDIE ORNELAS, a/k/a  
FRED ORNELAS,  
deceased**

Late of LeBoeuf Township, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Diane S. Johnson  
*Attorney:* Jessica A. Fiscus, Esquire, 1001 State Street, Suite 1400, Erie, PA 16501

**PIOTROWSKI, ANTHONY  
JOSEPH, a/k/a ANTHONY J.  
PIOTROWSKI,  
deceased**

Late of the Township of North East  
*Administrator:* Darlene L. Piotrowski, P.O. Box 232, Harborcreek, PA 16421  
*Attorney:* None

**RUSSELL, CLAIRE C.,  
a/k/a CLAIRE CATHERINE  
RUSSELL, a/k/a CLAIRE  
C. HENRY, a/k/a CLAIRE  
CATHERINE HENRY,  
deceased**

Late of the City of Erie  
*Executrix:* Veronica M. Ferrara, 153 East 6th Street, Unit 115, Erie, PA 16501  
*Attorney:* None

**TANNER, JOSEPHINE C., a/k/a  
JOSEPHINE TANNER,  
deceased**

Late of Township of Harborcreek, Erie County, Commonwealth of Pennsylvania  
*Executrix:* Doris T. Cipolla, 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

**WETZEL, CONNIE REESE,  
a/k/a CONNIE WETZEL, a/k/a  
CONNIE R. WETZEL,  
deceased**

Late of the Township of Fairview, County of Erie, State of Pennsylvania  
*Executrix:* Reese A. Wetzel, 10634 Hemlock Lane, Girard, Pennsylvania 16417  
*Attorney:* Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**WIECZOREK, ESTHER E.,  
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania  
*Executrix:* David R. Wieczorek, 6211 Stonebrook Drive, Unit 141, Fairview, PA 16415-3501  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**THIRD PUBLICATION**

**AMOROSO, PHILIP P., a/k/a PHILIP AMOROSO, deceased**

Late of the City of Corry, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Debra A. Comitz, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

**ARRIAGA, OSCAR VENTURA, a/k/a OSCAR VENTURA, a/k/a OSCAR V. ARRIAGA, deceased**

Late of the City of Erie, Commonwealth of Pennsylvania  
*Executrix:* Lucelva Galindo, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509  
*Attorney:* Mario A. Medina, Esq., Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509

**BLAKELY, JOAN E., a/k/a JOAN E. SITTER BLAKELY, a/k/a JOAN BLAKELY, deceased**

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Cheryl Lynn Owens, c/o John J. Shimek, III, Esquire, Sterrett Mott Breski & Shimek, 345 West Sixth Street, Erie, PA 16507  
*Attorney:* John J. Shimek, III, Esquire, Sterrett Mott Breski & Shimek, 345 West Sixth Street, Erie, PA 16507

**BROWN, JAMES W., deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania  
*Administratrix:* Irene D. Brown, c/o 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Thomas E. Kuhn, Esquire, QUINN, BUSECK, LEEMHUIS, TOOHEY & KROTO, INC., 2222 West Grandview Blvd., Erie, PA 16506

**BURRELLI, GILDA PACE, a/k/a GILDA PACE BORRELLI, deceased**

Late of the City of Erie, County of Erie, and State of Pennsylvania  
*Executrix:* Mary Marucci  
*Attorney:* Gerald J. Villella, Esquire, Dailey, Karle & Villella, 150 East Eighth Street, 2nd Floor, Erie, PA 16501

**CAPWILL, BETTY J., deceased**

Late of Erie County, PA  
*Executor:* Wayne S. Capwill, 3008 Auburn St., Erie, PA 16508  
*Attorney:* None

**COCO, DAVID P., a/k/a DAVID PAUL COCO, deceased**

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania  
*Executor:* Leonard J. Rzdokiewicz  
*Attorney:* Thomas J. Buseck, Esquire, The McDonald Group, L.L.P., 456 West Sixth Street, Erie, PA 16507-1216

**DAVIS, ERMA M., deceased**

Late of the City of Corry, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Jeffery Davis, c/o Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407  
*Attorney:* Paul J. Carney, Jr., Esq., 224 Maple Avenue, Corry, PA 16407

**FARRELL, FLORENCE C. TRAINOR, a/k/a FLORENCE C. TRAINOR, a/k/a FLORENCE C. FARRELL, deceased**

Late of the Township of Summit, County of Erie, Commonwealth of Pennsylvania  
*Executrix:* Penny E. Young, 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

**FERNANDES, SHIRLEY A., deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania  
*Administratrix:* Linda K. Fernandes, 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

**FERRALLI, MICHAEL W., deceased**

Late of the Township of Fairview, County of Erie and Commonwealth of Pennsylvania  
*Executor:* Ian F. Ferralli, c/o 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Thomas E. Kuhn, Esquire, QUINN, BUSECK, LEEMHUIS, TOOHEY & KROTO, INC., 2222 West Grandview Blvd., Erie, PA 16506

**HAMPY, JOSEPH, a/k/a JOSEPH J. HAMPY, a/k/a JOSEPH JAMES HAMPY, deceased**

Late of the Township of Millcreek, County of Erie, and Commonwealth of Pennsylvania  
*Executrix:* Emily M. Hampy  
*Attorney:* Thomas J. Buseck, Esquire, The McDonald Group, L.L.P., 456 West Sixth Street, Erie, PA 16507-1216

**HARRIS, GERTRUDE M., deceased**

Late of the Township of Fairview, County of Erie, Commonwealth of Pennsylvania  
*Executor:* James M. Harris, 7046 East Jefferson Drive, Mentor, OH 44060  
*Attorneys:* MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459



**HOFFMAN, GARY,  
deceased**

Late of Erie, Erie County, Pennsylvania

*Administratrix:* Mary E. Hoffman, c/o Andrew G. Rothey, Esq., Rosen Louik & Perry, P.C., The Frick Building, Suite 200, 437 Grant Street, Pittsburgh, PA 15219

*Attorney:* Andrew G. Rothey, Esquire, Rosen Louik & Perry, P.C., The Frick Building, Suite 200, 437 Grant Street, Pittsburgh, PA 15219

**KIRSCH, THOMAS A.,  
deceased**

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

*Executor:* Thomas J. Kirsch, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506  
*Attorney:* Melissa L. Larese, Esq., Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**LAUGHNER, JEAN L.,  
deceased**

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

*Administrator:* Edward L. Brink, c/o 2222 West Grandview Blvd., Erie, PA 16506

*Attorney:* Thomas E. Kuhn, Esquire, QUINN, BUSECK, LEEMHUIS, TOOHEY & KROTO, INC., 2222 West Grandview Blvd., Erie, PA 16506

**NEWELL, CHAUNCEY J., a/k/a  
C. JACKSON NEWELL,  
deceased**

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

*Executor:* Scott Newell, 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

**NICHOLLS, WILMA G., a/k/a  
WILMA G. HAIR,  
deceased**

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

*Executrix:* Andree Hair, 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

**PAGE, MERRILL ELLEN  
MITCHELL, a/k/a MERRILL  
E. PAGE,  
deceased**

Late of the City of Erie, Commonwealth of Pennsylvania

*Executor:* Ferris L. Page, c/o Vendetti & Vendetti, 3820 Liberty Street, Erie, Pennsylvania 16509  
*Attorney:* Richard A. Vendetti, Esquire, Vendetti & Vendetti, 3820 Liberty Street, Erie, PA 16509

**PRESTON, CATHY J.,  
deceased**

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

*Executor:* John R. Preston, 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

**SILATA, HELEN H.,  
deceased**

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

*Executrix:* Jean A. Pepicello, c/o 2222 West Grandview Blvd., Erie, PA 16506

*Attorney:* Thomas E. Kuhn, Esquire, QUINN, BUSECK, LEEMHUIS, TOOHEY & KROTO, INC., 2222 West Grandview Blvd., Erie, PA 16506

**WARD, FELICIA ANNE,  
deceased**

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

*Executor:* Jerome R. Englert, 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

**WEAVER, ETHEL C.,  
deceased**

Late of Girard Township, County of Erie

*Co-Executors:* Louella M. Brown and Kenneth S. Brown, 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

**WEYAND, DOLORES E., a/k/a  
DOLORES WEYAND, a/k/a  
DOLORES ELAINE BURNS  
WEYAND,  
deceased**

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

*Administrator:* Rodney M. Burns, 5441 Heidt Avenue, Erie, Pennsylvania 16509

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

**WHITE, JAMES D.,  
deceased**

Late of Millcreek Township, Erie County, Pennsylvania

*Executrix:* Rebecca S. White-Andrews, 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

**ZARZECZNY, CONNIE C.,  
deceased**

Late of the Township of Harborcreek, County of Erie, Commonwealth of Pennsylvania  
*Executor:* Kevin Zarzeczny, 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

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## CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

JAMES S. BRYAN .....814-725-9657  
Knox McLaughlin Gornall & Sennett, P.C. ....(f) 814-725-3582  
33 E. Main St.  
North East, PA 16428.....*jbryan@kmgslaw.com*

ROBERT J. JEFFERY .....814-725-9657  
Knox McLaughlin Gornall & Sennett, P.C. ....(f) 814-725-3582  
33 E. Main St.  
North East, PA 16428.....*rjeffery@kmgslaw.com*

### NEW CELLPHONE NUMBER

A.J. ADAMS .....(814) 528-8724

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