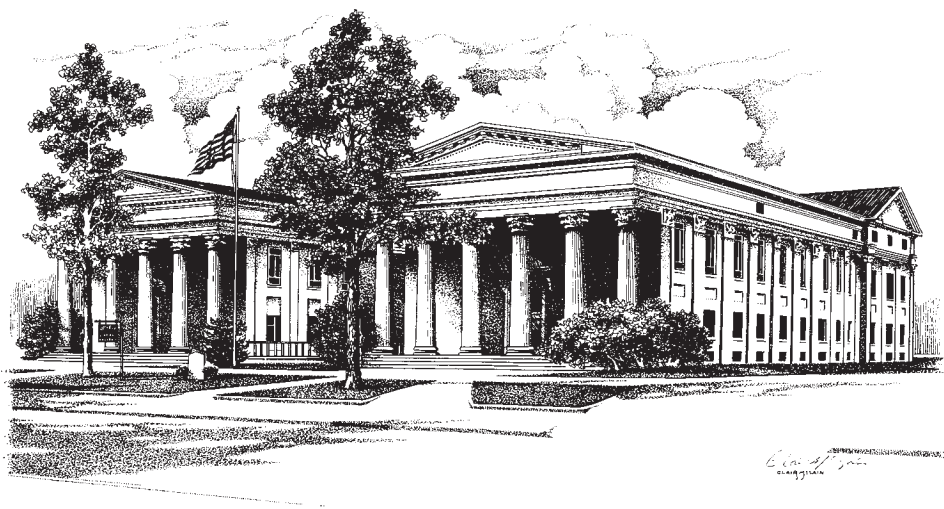


Erie
County
Legal
Journal

May 25, 2018

Vol. 101 No. 21



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Commonwealth v. Wiley

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, MAY 28, 2018

Memorial Day Holiday
ECBA Office Closed
Erie County and Federal Courthouses Closed

THURSDAY, JUNE 7, 2018

ECBA Live Seminar
*Fundamentals of Understanding the Pennsylvania
Inheritance and Estate Tax Act*
Manufacturers & Business
Association Conference Center
8:30 a.m. - 12:15 p.m.
(8:15 a.m. registration/breakfast)
\$164 (ECBA members/their non-attorney staff)
\$210 (non-members)
3.5 hours substantive CLE/CJE credits

MONDAY, JUNE 11, 2018

Workers' Compensation Section Meeting
Noon
ECBA Headquarters

THURSDAY, JUNE 14, 2018

Flag Day Holiday
Erie County Courthouse Closed

THURSDAY, JUNE 14, 2018

AKT Kid Konnection Event
8:00 a.m. - 3:45 p.m.
Pymatuning Deer Park

THURSDAY, JUNE 14, 2018

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

MONDAY, JUNE 18, 2018

Bankruptcy Section Meeting
Noon
Calamari's

MONDAY, JUNE 18, 2018

Estates & Trusts Section
Leadership Committee Meeting
Noon
ECBA Headquarters

THURSDAY, JUNE 21, 2018

ECBA Annual Charity Golf Tournament
Venango Valley Inn & Golf
12:00 p.m. Shotgun Start

MONDAY, JUNE 25, 2018

ECBA Board of Directors Meeting
Noon
ECBA Headquarters

TUESDAY, JUNE 26, 2018

ECBA Live Seminar
*Powers of Attorney: Review the Recent Cases
(2014 to the present)*
ECBA Carriage House/Education Center
12:15 p.m. - 1:15 p.m.
(11:45 a.m. registration/lunch)
\$47 (ECBA members/their non-attorney staff)
\$60 (non-members)
1 hour substantive CLE/CJE credit



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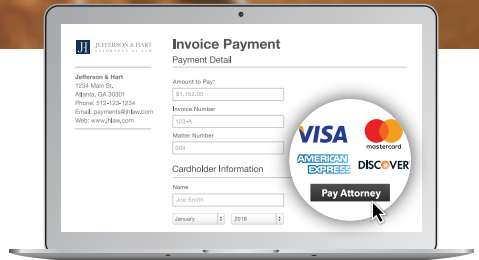
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COMMONWEALTH OF PENNSYLVANIA

v.

ROBERT BENJAMIN WILEY, III, Defendant*CRIMINAL PROCEDURE / PRE-TRIAL MOTIONS / SUPPRESSION MOTIONS*

At a hearing on a motion to suppress evidence, the Commonwealth has the burden of moving forward with the evidence and establishing the challenged evidence was not obtained in violation of the defendant's rights. Pa.R.Crim.P. 581(H).

CRIMINAL PROCEDURE / PRE-TRIAL MOTIONS / SUPPRESSION MOTIONS

At a hearing on a motion to suppress evidence, the suppression court's role as factfinder is to pass on the credibility of witnesses and the weight given to their testimony.

CRIMINAL PROCEDURE / PRE-TRIAL MOTIONS / SUPPRESSION MOTIONS

In order for a defendant accused of a possessory crime to prevail in a challenge to the search and seizure which provided the evidence used against him, he must, as a threshold matter, establish he has a legally cognizable expectation of privacy in the premises which were searched.

CRIMINAL PROCEDURE / WARRANTLESS SEARCHES / EXCLUSIONARY RULE

Under the exclusionary rule, evidence obtained pursuant to an unconstitutional search or seizure is inadmissible against a defendant. However, exclusion of evidence is not automatic for every violation of the defendant's rights concerning searches and seizures since exclusion of seized evidence may be appropriate only where the violation also touches upon fundamental, constitutional concerns, is conducted in bad faith, or has substantially prejudiced the defendant.

CRIMINAL PROCEDURE / WARRANTLESS SEARCHES / EXCLUSIONARY RULE / INDEPENDENT SOURCE DOCTRINE

The independent source doctrine serves as an exception to the exclusionary rule, which states that where evidence is discovered without any reliance on information gleaned from a constitutional violation, such evidence may be admissible against the defendant.

CRIMINAL PROCEDURE / WARRANTLESS SEARCHES / EXCLUSIONARY RULE / INDEPENDENT SOURCE DOCTRINE

Under the independent source rule, the Pennsylvania Superior Court has held that any taint applicable to evidence seized from a defendant's vehicle due to police removing said vehicle from the defendant's private property will be purged if police secure a constitutional canine sniff and warrant not premised on facts gathered during removal but rather on facts learned prior to removal of the vehicle.

CRIMINAL PROCEDURE / AUTOMOBILE SEARCHES / WARRANTLESS / CONTROLLED SUBSTANCES

Under the Pennsylvania Constitution, a narcotics detection dog may be used to test for the presence of narcotics where the police (1) are able to articulate reasonable grounds for believing drugs may be present in the place they seek to test and (2) are lawfully present in the place where the canine sniff is conducted.

CRIMINAL PROCEDURE / PRE-TRIAL MOTIONS / HABEAS CORPUS

A defendant may challenge the sufficiency of the Commonwealth's evidence presented at a preliminary hearing by filing a petition for writ of *habeas corpus*.

CRIMINAL PROCEDURE / PRE-TRIAL MOTIONS / HABEAS CORPUS

When reviewing a petition for writ of *habeas corpus* and deciding whether a *prima facie*

case has been established, a trial court must view the evidence and all reasonable inferences to be drawn from the evidence in a light most favorable to the Commonwealth.

CRIMINAL PROCEDURE / PRE-TRIAL MOTIONS / HABEAS CORPUS

The Commonwealth must demonstrate sufficient probable cause that the defendant committed the offense, and the evidence should be such that, if presented at trial and accepted as true, the trial judge would be warranted in allowing the case to go to the jury.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION
No. CR 2729 of 2017

Appearances: Gene P. Placidi, Esquire, on behalf of Defendant
Jessica L. Lasley, Esquire, on behalf of the Commonwealth

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Domitrovich, J.

May 7, 2018

After thorough consideration of the entire record regarding Defendant Robert Benjamin Wiley, III's Omnibus Pre-Trial Motion, including, but not limited to, the testimony and evidence presented during the Suppression Hearing held on April 11, 2018 and the Preliminary Hearing held on August 31, 2017, as well as the Memoranda of Law submitted by both counsel for the Commonwealth and Defendant Robert Benjamin Wiley, III; and after an independent review of the relevant statutory and case law, and pursuant to Pa.R.Crim.P. 581(I), this Trial Court hereby enters the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Within approximately two months prior to July 25, 2017, Detective Jason Triana ("Detective Triana"), as well as other members of the Drug and Vice Unit of the City of Erie Police Department, began to conduct surveillance of the residence located at 245 West 16th, Street, Erie, Pennsylvania ("Residence").
2. Detective Triana engaged a confidential informant, who stated to Detective Triana that Defendant was supplying the confidential informant with crack cocaine. Said confidential informant made three controlled narcotics purchases from Defendant in exchange for dollar bills marked by Erie Police.
3. Based on said surveillance as well as the several controlled narcotics purchases, on July 25, 2017, Detective Triana applied for a search warrant for the Residence as well as Defendant. Said Search Warrant ("House Search Warrant") was authorized and issued by Magisterial District Judge Suzanne C. Mack on the same day of July 25, 2017.
4. At the time the House Search Warrant was issued, Defendant was required to wear an ankle monitor as a result of Defendant's conviction and sentence for driving under suspension.
5. Detective Triana learned Defendant was leaving his Residence to meet with his probation officer at the Erie County Courthouse on July 26, 2017 around 10:00 a.m., and waited until Defendant departed from his Residence to meet with his probation officer to serve the House Search Warrant.

6. On July 26, 2017, Detective Triana, as well as other members of the Drug and Vice Unit and members of the SWAT team, conducted surveillance at Defendant's Residence. Defendant was observed exiting his Residence at approximately 10:05 a.m. with a light-colored bag and entering the passenger side of a Buick Regal Sedan ("Buick") parked facing westbound on West 16th Street.
7. Detective Triana observed the Buick proceed westbound on West 16th Street, turn south on Myrtle Street, and turn east onto West 17th Street. The Buick then parked on the south side of West 17th Street before reaching SassafRAS Street, and Defendant was observed exiting the passenger side of the Buick.
8. Detective Triana observed Defendant walking between two houses on West 17th Street where a Silver Ford Fusion was parked. Detective Michael Chodubski, another member of the Drug and Vice Unit, observed Defendant at the trunk of the Ford Fusion with the trunk door ajar. Three of the Ford Fusion's tires were observed as being flat.
9. Defendant then returned from the Ford Fusion and reentered the Buick but was no longer carrying the light-colored bag. Defendant was not actually observed placing said bag inside the Ford Fusion. However, based on Detective Triana's experience and a sweep of the area, Detective Triana concluded there was nowhere else Defendant could have concealed the bag.
10. Erie Police effectuated a stop of the Buick near the Erie County Court of Common Pleas. Defendant and Alyssa Wiley were found inside the vehicle, and Defendant was taken into investigative custody pursuant to the House Search Warrant. After Defendant was Mirandized, Defendant claimed the Ford Fusion "belonged" to him. However, Erie Police learned the vehicle is registered in the name of Desmond Martin. Defendant alleges Desmond Martin is Defendant's uncle. Moreover, Defendant made a statement to Erie Police to the effect of: "There's no drugs in the house so take me to county."
11. The House Search Warrant was served and Defendant's Residence was searched, whereupon cash in the amount of \$6,480.00 was recovered, including dollar bills marked by Erie Police from the confidential informant's controlled narcotics purchases from Defendant, as well as five white pills, which tested positive as MDMA (also commonly known as ecstasy). The MDMA as well as the cash were both found in the same coat pocket.
12. However, no crack cocaine, packaging, digital scales, or any other like items were recovered from the search of Defendant's Residence.
13. Subsequent to the search of Defendant's Residence, the Ford Fusion was seized by Erie Police and towed from private property to a City of Erie garage in order to place the Ford Fusion in a secure location for Erie Police to conduct a canine sniff and ensure the safety of Erie police officers until the certified canine arrived to perform the canine sniff. No evidence was gleaned from this removal procedure as Erie Police did not view any incriminating evidence from their observation of the outside of the Ford Fusion.
14. Detective Triana stated he had reasonable suspicion to conduct a canine sniff of the Ford Fusion based on facts obtained prior to the removal of the vehicle. First, Detective Triana knew Defendant was engaged in controlled narcotic purchases with a confidential informant. Also, Detective Triana knew Defendant was arrested as a result of a previous search warrant executed at another residence in 2011 resulting in the seizure of a large quantity of narcotics. Moreover, Detective Triana knew Defendant's mother and brother

- had previously been arrested with seventy-eight grams of cocaine and stolen firearms inside the subject Residence. Lastly, Detective Triana, based on his experience with individuals involved in the drug trade, believed Defendant likely removed the narcotics from his Residence before meeting with his probation officer to protect his mother and other members of his Residence.
15. Trooper J. Casey from the Pennsylvania State Police, as well as his certified dog, arrived to perform a canine sniff of the Ford Fusion. When Trooper J. Casey and his canine performed a sniff for narcotics on the Ford Fusion, the certified canine made a positive indication to the vehicle's trunk as well as both the driver and passenger sides of the vehicle.
 16. On July 26, 2017, Detective Triana applied for a second search warrant to search the Ford Fusion based on the aforementioned ("Car Search Warrant"). Magisterial District Judge Suzanne C. Mack authorized and issued the Car Search Warrant on the same day of July 26, 2017.
 17. Detective Triana served said Car Search Warrant and searched the Ford Fusion, whereupon Detective Triana recovered the light-colored bag resembling the bag Defendant previously wore on his person on July 25, 2017 before visiting the Ford Fusion. Detective Triana also recovered thirty-two grams of crack cocaine, twelve one-ounce bags of marijuana, three bags containing approximately eighteen grams of marijuana, a bag containing approximately six grams of powder cocaine, and a digital scale.
 18. On January 16, 2018, Defendant, by and through his counsel, Gene P. Placidi, Esq., filed his Omnibus Pre-Trial Motion wherein Defendant moved to suppress the evidence seized from the Ford Fusion. Attorney Placidi also filed Defendant's Motion for Writ of Habeas Corpus requesting this Court to dismiss the charges of Possession With Intent to Deliver the eighteen grams of marijuana and Possession With Intent to Deliver the five MDMA pills.
 19. A hearing on Defendant's Omnibus Pre-Trial Motion was held on April 11, 2018, at which Defendant appeared and was represented by his counsel, Attorney Gene P. Placidi. Assistant District Attorney Jessica L. Lasley appeared on behalf of the Commonwealth. During the hearing, this Trial Court heard credible testimony from Detective Triana. Defendant also chose to testify at said hearing. Defendant testified the Ford Fusion was parked on a driveway of a house belonging to Defendant's grandmother and the Ford Fusion "belonged" to him despite his admission the Ford Fusion is titled in the name of Desmond Martin.
 20. Also at said hearing, both Attorneys Placidi and Lasley agreed to submit Memoranda of Law regarding the issues presented in Defendant's Omnibus Pre-Trial Motion. On April 20, 2018, Attorney Placidi submitted his Memorandum in Support of Defendant's Omnibus Pre-Trial Motion, and on May 2, 2018, Attorney Lasley filed the Commonwealth's Response to Defendant's Brief of Omnibus Pre-Trial Motion.

CONCLUSIONS OF LAW

Under Pennsylvania Rule of Criminal Procedure 581, the Commonwealth has the burden of moving forward with the evidence and establishing the challenged evidence was not obtained in violation of the defendant's rights. Pa.R.Crim.P. 581(h). The Commonwealth's burden is by a preponderance of the evidence. *Commonwealth v. Bonasorte*, 486 A.2d 1361, 1368 (Pa.Super.1984). Moreover, "[i]t is within the suppression court's sole province as factfinder to pass on the credibility of witnesses and the weight to be given their testimony."

Commonwealth v. Dutrieville, 932 A.2d 240, 242 (Pa. Super. 2007). In order for a defendant accused of a possessory crime to prevail in a challenge to the search and seizure which provided the evidence used against him, he must, as a threshold matter, establish he has a legally cognizable expectation of privacy in the premises which were searched. *Commonwealth v. Carlton*, 701 A.2d 143, 145–46 (Pa. 1997).

Under the Fourth Amendment of the United States Constitution as well as Article I, Section 8 of the Pennsylvania Constitution, individuals are protected from unreasonable searches and seizures by police in places where individuals have a reasonable expectation of privacy. *Commonwealth v. Enimpah*, 106 A.3d 695, 699 (Pa. 2014). “An expectation of privacy exists if a person has a subjective expectation of privacy that society is willing to recognize as legitimate and reasonable.” *Commonwealth v. Loughnane*, 173 A.3d 733, 741 (Pa. 2017) (citing *Commonwealth v. Gordon*, 683 A.2d 253, 256 (Pa. 1996)). The registered owner of a vehicle has a reasonable expectation of privacy supporting a challenge to a police search of the owner’s vehicle. See *Commonwealth v. Randolph*, 151 A.3d 170, 179 (Pa. Super. 2016); see also *United States v. Ryan*, 128 F.Supp.2d 232, 235 (E.D. Pa. 2000) (internal quotations omitted) (“While outright ownership is not required for a defendant to assert a reasonable and actual expectation of privacy in a motor vehicle, there must be clear evidence of continuing possession and control, as well as no evidence that the driver obtained the car illegitimately.”). Regarding the seizure of an automobile, the Pennsylvania Supreme Court has stated:

It is reasonable . . . for constitutional purposes, for police to seize and hold a car until a search warrant can be obtained, where the seizure occurs after the user or owner has been placed into custody, where the vehicle is located on public property, and where there exists probable cause to believe that evidence of the commission of a crime will be obtained from the vehicle.

Commonwealth v. Holzer, 389 A.2d 101, 106 (Pa. 1978) (citing *Cardwell v. Lewis*, 417 U.S. 583, 593-94, 94 S.Ct. 2464, (1974). Nevertheless, “[w]here the vehicle is located on the defendant’s private property (garage or driveway), it becomes more difficult, although not impossible, to find the police conduct reasonable, since there has been a greater infringement upon defendant’s expectations of privacy.” *Id.* at n.7.

Under the exclusionary rule, evidence obtained pursuant to an unconstitutional search or seizure is inadmissible against a defendant. *Commonwealth v. Whitaker*, 336 A.2d 603, 606 (Pa. 1975). However, exclusion of evidence is not automatic for every violation of the Pennsylvania Rules of Criminal Procedure concerning searches and seizures since “exclusion of seized evidence *may* be appropriate only where the violation also touches upon fundamental, constitutional concerns, is conducted in bad-faith or has substantially prejudiced the defendant.” *Commonwealth v. Balliet*, 542 A.2d 1000, 1003 (1988) (emphasis in original); see e.g., *Commonwealth v. Mason*, 490 A.2d 421, 426 (Pa. 1985) (quoting *United States v. Johnson*, 660 F.2d 749, 753 (9th Cir. 1981)) (noting that for a defendant to establish prejudice arising from a rule violation, the defendant must show “(1) there was ‘prejudice’ in the sense that the search might not have occurred or would not have been so abrasive if the Rule had been followed, or (2) there is evidence of intentional and deliberate disregard of a provision of the Rule”).

Moreover, the independent source doctrine serves as an exception to the exclusionary rule, which states that where evidence is discovered without any reliance on information gleaned from a constitutional violation, then such evidence may be admissible against the defendant. *Commonwealth v. Berkheimer*, 57 A.3d 171, 183 (Pa. Super. 2012) (quoting *Nix v. Williams*, 467 U.S. 431, 443-44, 104 S.Ct. 2501 (1984)). Under the independent source rule, the Pennsylvania Superior Court has held that any taint applicable to evidence seized from a defendant's vehicle due to police removing said vehicle from the defendant's private property will be purged if police secure a constitutional canine sniff and warrant not premised on facts gathered during removal but rather on facts learned prior to removal of the vehicle. See *Commonwealth v. Williams*, 2 A.3d 611 (Pa. Super. 2010).

Specifically, in *Commonwealth v. Williams*, a police officer received a tip from a confidential informant, who had assisted the officer obtain convictions in the past, that the defendant was selling crack cocaine from an Expedition vehicle. *Id.* at 614. The police officer knew the defendant from prior contact, knew defendant drove a black Expedition vehicle, and had observed the defendant engage in drug-related activity in the area. *Id.* The police officer responded to the confidential informant's tip and followed the defendant to defendant's driveway, arrested defendant, and another police officer drove the Expedition vehicle back to the police department garage so a canine drug dog could perform a canine sniff of the vehicle. *Id.* at 614-15. While driving the Expedition vehicle, the police officer neither searched the vehicle nor recovered any evidence from the vehicle. *Id.* at 615. After the canine made a positive indication on the Expedition vehicle, police obtained a search warrant, executed said search warrant, and recovered crack cocaine from the vehicle. *Id.* After the defendant was charged with possession of crack cocaine, the defendant moved to suppress the evidence seized from the vehicle based on the police officer's seizure the vehicle from the defendant's driveway, and the suppression court denied the defendant's motion. *Id.*

The Superior Court of Pennsylvania in *Williams* affirmed the suppression court and specifically held the independent source rule applied as a basis to admit the evidence obtained from the vehicle. In particular, the Pennsylvania Superior Court concluded the defendant could not "obtain relief based upon the improper seizure of his vehicle because no evidence resulted from that seizure. Rather, [the defendant's] conviction [was] premised entirely upon evidence completely untainted by the police misconduct at issue herein." *Id.* at 621. The Superior Court of Pennsylvania further noted the "information supporting the canine sniff and the warrant was not derived to any extent from the singular act of taking the Expedition from the driveway to the police station to secure it. Rather, those two searches were based upon facts learned prior to the act of transporting the vehicle." *Id.* at 620. Thus, the Superior Court of Pennsylvania concluded the suppression court properly refused to suppress the evidence found in the Expedition vehicle. *Id.* at 621.

In this instant case, even assuming *arguendo* Defendant had a legally cognizable expectation of privacy in the Ford Fusion despite the vehicle not being titled in Defendant's name, the independent source rule applies. Similar to the police in *Williams*, here the Erie Police towed the Ford Fusion from private property in a very busy and visible area to a city garage in order to place the Ford Fusion in a secure location and ensure the safety of Erie police officers until the certified canine arrived. Moreover, Erie Police recovered no

evidence in the process of removing the Ford Fusion to the city garage as Erie Police did not observe any incriminating evidence from their view of the outside of the Ford Fusion, and no information gleaned from the removal procedure was utilized to support the issuance of the Car Search Warrant. Thus, although the Ford Fusion was seized without Erie Police procuring a warrant, the removal of the Ford Fusion from private property “did not result in the discovery of a scintilla of evidence used by the government in any aspect of this prosecution.” See *Williams*, A.3d at 620.

Furthermore, assuming *arguendo* the Ford Fusion was illegally seized and removed from the property, Defendant “cannot obtain relief . . . because no evidence resulted from that seizure” and the evidence obtained from the Ford Fusion is untainted by any misconduct of the Erie Police pursuant to the independent source rule. See *id.* at 621. Specifically, after Erie Police removed the Ford Fusion from private property, Erie Police conducted a canine sniff of the Ford Fusion in order to obtain probable cause to secure the Car Search Warrant to search the interior of the vehicle. Under Pennsylvania law, “a narcotics detection dog may be deployed to test for the presence of narcotics, on the facts of this case where: 1. the police are able to articulate reasonable grounds for believing that drugs may be present in the place they seek to test; and 2. the police are lawfully present in the place where the canine sniff is conducted.” *Commonwealth v. Johnston*, 530 A.2d 74, 79 (Pa.1987). In *Williams*, for example, the Superior Court of Pennsylvania held the canine sniff of the defendant’s Expedition vehicle was permissible since the Expedition vehicle was transported from private property to the police station where police were unquestionably permitted to be present and the canine sniff was conducted. *Williams*, 2 A.3d at 622. Additionally, facts supporting reasonable suspicion to perform the canine sniff existed in *Williams*. Particularly, the police officer had supportive information obtained prior to removing the vehicle from the driveway from the confidential informant regarding the defendant’s drug-related activities and the police officer had previously observed the defendant engage in said activities. *Id.*

In this instant case, as in *Williams*, Erie Police were permitted to be present at the city garage where the Ford Fusion was towed to perform a canine sniff of the Ford Fusion. Moreover, Detective Triana articulated reasonable grounds for believing crack cocaine was present in the Ford Fusion based on facts learned before removing the Ford Fusion from private property. In particular, and as noted above, Detective Triana stated he knew Defendant was engaged in controlled crack cocaine purchases with a confidential informant, and Defendant’s mother and brother had previously been arrested with seventy-eight grams of cocaine and stolen firearms inside Defendant’s Residence. Significantly, Detective Triana also stated, based on his experience with individuals involved in the drug trade, Defendant more than likely removed the drugs from his Residence before meeting with his probation officer to protect his mother and other members in and of his Residence. As no crack cocaine was recovered from Defendant’s Residence pursuant to the House Search Warrant, even though Defendant had engaged in controlled crack cocaine purchases with the confidential informant, and since Defendant made only one stop before proceeding to meet with his probation officer, Detective Triana reasonably concluded Defendant more than likely stashed crack cocaine in the otherwise immobile Ford Fusion. Thus, this Trial Court finds and concludes the canine sniff of the Ford Fusion was proper and the evidence recovered pursuant to the Car Search Warrant is not subject to suppression.

Defendant on the other hand argues *Commonwealth v. Loughnane* applies to invalidate any evidence recovered from the Ford Fusion since Erie Police illegally seized the Ford Fusion from private property in the first place. In *Loughnane*, the Supreme Court of Pennsylvania recently held the automobile exception to the warrant requirement cannot serve as a basis for police to seize a defendant's vehicle parked in the driveway of the defendant's property. *Loughnane*, 173 A.3d at 745. In this instant case, however, as stated above, the search of the interior of the Ford Fusion is valid under the independent source rule pursuant to the holding in *Commonwealth v. Williams* notwithstanding whether Erie Police officers were permitted to remove the Ford Fusion without a search warrant. Moreover, *Loughnane* is distinguishable from *Williams* in other respects. Specifically, unlike *Williams* and the case *sub judice*, in *Loughnane*, the evidence suppressed was not evidence recovered from the vehicle but rather the evidence was the vehicle itself, and no additional search warrant was obtained by police to remove the taint from the previous, illegal seizure of the vehicle. Thus, in this instant case, like *Williams*, but unlike *Loughnane*, Defendant used the otherwise immobile Ford Fusion merely as a container to store illegal narcotics, which was seized for the purpose of preservation to later perform a canine sniff rather than seized as evidence itself.

In sum, and as articulated in *Commonwealth v. Williams*, the independent source rule applies to this instant case. Specifically, Erie Police gleaned no evidence from the removal of the Ford Fusion from private property. Rather, Erie Police obtained the Car Search Warrant based on probable cause pursuant to the properly executed canine sniff, which was based on facts learned prior to removal of the vehicle. Accordingly, the evidence obtained from the Ford Fusion, including thirty-two grams of crack cocaine, twelve one-ounce bags of marijuana, three bags containing approximately eighteen grams of marijuana, the bag containing approximately six grams of powder cocaine, and the digital scale, are not subject to suppression.

Lastly, Defendant's Motion for Writ of Habeas Corpus requests this Trial Court dismiss the charges of Possession With Intent to Deliver the eighteen grams of marijuana and Possession With Intent to Deliver the five MDMA pills. Specifically, Defendant contends the Commonwealth presented no evidence that possession of five MDMA pills or the eighteen grams of marijuana will serve as a basis to charge Defendant with two counts of Possession With Intent to Deliver rather than mere possessory charges. Under Pennsylvania law, a defendant may challenge the sufficiency of the Commonwealth's evidence presented at a preliminary hearing by filing a petition for writ of *habeas corpus*. *Commonwealth v. Landis*, 48 A.3d 432, 222 (Pa. Super. 2012). When reviewing a petition for writ of *habeas corpus* and deciding whether a *prima facie* case has been established, a trial court must view the evidence and all reasonable inferences to be drawn from the evidence in a light most favorable to the Commonwealth. *Commonwealth v. Santos*, 876 A.2d 360, 363 (Pa. 2005). The Commonwealth must "show sufficient probable cause that the defendant committed the offense, and the evidence should be such that, if presented at trial and accepted as true, the trial judge would be warranted in allowing the case to go to the jury." *Commonwealth v. James*, 863 A.2d 1179, 1182 (Pa. Super. 2004).

In this instant case, Detective Triana stated at the Preliminary Hearing on this matter that the marijuana found in the Ford Fusion was separately packaged into approximately twelve

one-ounce baggies in addition to three baggies separately weighing eighteen and a half grams. (See Notes of Testimony, Preliminary Hearing, Aug. 31, 2017, at pg. 11:4-7; 11:16-12:9). Detective Triana indicated, based on his training and experience, the marijuana was intended to be sold based on the large quantity and since the marijuana was separated for ease of sale. (*Id.*). Regarding the MDMA, Detective Triana stated the MDMA was for delivery since the MDMA “was also in one baggie with five different pills in it, which it was also contained in the same pocket with a large amount of money that also contained [controlled] buy money.” (*Id.* at 13:12-19). Detective Triana also stated that “[u]sually an MDMA or ecstasy user wouldn’t have several pills on them. Usually one dose will last hours upon hours for use when they’re on it.” (*Id.* at 16:7-9). Moreover, Detective Triana indicated, in his experience, MDMA users do not have five ecstasy pills “just for personal possession.” (*Id.* at 16:8-9). Accordingly, this Trial Court finds and concludes the Commonwealth has established a *prima facie* case against Defendant for Possession With Intent to Deliver the eighteen grams of marijuana and the five MDMA pills.

Consistent with the foregoing analysis, this Trial Court issues the following Order of Court:

ORDER

AND NOW, to wit, this 7th day of May, 2018, after thorough consideration of the entire record regarding Defendant’s Omnibus Pre-Trial Motion, including, but not limited to, the testimony and evidence presented during the April 11, 2018 Suppression Hearing and the August 31, 2017 Preliminary Hearing, the Memoranda of Law submitted by both counsel for the Commonwealth and Defendant, as well as an independent review of the relevant statutory and case law, and this Trial Court’s accompanying Findings of Fact and Conclusions of Law, incorporated herein pursuant to Pennsylvania Rule of Criminal Procedure 581, it is hereby **ORDERED, ADJUDGED AND DECREED** that Defendant’s Omnibus Pre-Trial Motion is **DENIED**.

BY THE COURT

/s/ Stephanie Domitrovich, Judge

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**ACTION TO QUIET TITLE
IN THE COURT OF COMMON
PLEAS OF ERIE COUNTY,
PENNSYLVANIA
CIVIL ACTION
NO. 2018-10118
SUZAN S. NASSER, Plaintiff**

**v.
AARON B. COLLINS, Defendant
NOTICE**

To: Aaron B. Collins
Plaintiff is the owner of certain real property located in the City of Erie, Erie County, Pennsylvania, identified as 2517 East Avenue, Erie, Pennsylvania and bearing Erie County Tax Index No. (18) 5042-122. The defendant may have some interest in the above described property. Plaintiff has filed this action to quiet title to the property and seeks to bar the defendant from ever asserting any right, title, interest, lien or claim against the property.

NOTICE

You have been sued in court. 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 within twenty (20) days of the date this notice is published. 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 PAPER 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.

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Jenna Bickford, Esq.
PA I.D. No. 306653
MacDONALD, ILLIG, JONES
& BRITTON LLP
100 State Street, Suite 700
Erie, Pennsylvania 16507-1498
(814) 870-7762
Attorneys for Plaintiff, Suzan S. Nasser

May 25

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 11301-2018 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Noh Abreham Birhane to Noah Abraham Berhane.

The Court has fixed the 2nd day of July, 2018 at 11:00 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.

May 25

FICTITIOUS NAME NOTICE

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

FICTITIOUS NAME NOTICE

1. The fictitious name is: J. Francis Consulting
2. The address of the principal place of business is: 6021 Pine Valley Lane, Fairview, PA 16415
3. The name(s) of the party to the registration are: Joseph F. Chiprean
4. The application for registration of the fictitious name was filed with the Department of State under the Fictitious Name Act on May 11, 2018.

Thomas V. Myers, Esquire
Marsh Schaaf Law Firm
300 State Street, Suite 300
Erie, PA 16507

May 25

**FOREIGN WITHDRAWAL
NOTICE**

NE FOODS INC. with a registered office located at 1640 Freeport Rd., North East, PA 16428 in Erie County does hereby give notice of its intention to withdraw from doing business in this Commonwealth. The address to which any proceeding may be sent is PO Box 349, North East, PA 16428. This shall serve as official notice to creditors and taxing authorities.

May 25

INCORPORATION NOTICE
ASSISTANCE, HOUSING, ACCESS, VOLUNTEERS has been incorporated under the provisions of the Nonprofit Corporation Law on May 9, 2018.

Elliott J. Ehrenreich, Esq.
KNOX McLAUGHLIN GORNALL
& SENNETT, P.C.
120 West Tenth Street
Erie, Pennsylvania 16501-1461

May 25

LEGAL NOTICE
THE SCHOOL DISTRICT
CITY OF ERIE, PA

Dr. James E. Barker Leadership Center, 148 West 21st Street, Erie, PA 16502

The School District of the City of Erie, PA, 148 West 21st Street, Erie, PA 16502 will receive SEALED BIDS for Bid on FOUR (4) BLUE BIRD GASOLINE POWERED 72-PASSENGER VISION CONVENTIONAL SCHOOL BUSES or approved equals up to Friday, June 8, 2018, at 1:30 p.m., at which time they will be opened in the Board Room, in accordance with the bid forms and specifications to be obtained from the Purchasing Department.

May 25 and June 1



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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, May 9, 2018** and confirmed Nisi.

June 20, 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.

2018 ESTATE

ACCOUNTANT

ATTORNEY

- | | | |
|-------------------------------------|----------------------------------|-------------------------|
| 132. Virginia E. Stull..... | Lisa M. Bair, Executrix | Robert J. Jeffery, Esq. |
| 133. Ronald R. Salhoff | Brent Salhoff, Executor | Melissa L. Larese, Esq. |
| 134. Ralph M. Suscheck..... | David J. Suscheck, Executor..... | Grant M. Yochim, Esq. |
- a/k/a Ralph Michael Suscheck

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

May 18, 25

LOOKING FOR ESTATE NOTICES

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IN A PA LEGAL JOURNAL?

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ATTENTION ALL ATTORNEYS

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ESTATE NOTICES

Notice is hereby given that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same and all persons indebted to said estates are requested to make payment without delay to the executors or their attorneys named below.

FIRST PUBLICATION

BILLMAN, JASON JAMES, deceased

Late of City of Erie, Erie County
Administrator: Charles R. Billman, Jr., 145 Main Street, Rimersburg, PA 16248
Attorney: Terry R. Heeter, Esquire, P.O. Box 700, Clarion, PA 16214

BRUNO, SHARON M., deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Megan A. McCormick, 3429 West 40th Street, Erie, PA 16506-4215
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

BULES, MARGARET D., a/k/a MARGARET BULES, deceased

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Co-Executrices: Marion M. Tucker and Polly S. Momeyer, c/o Eugene C. Sundberg, Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: Eugene C. Sundberg, Jr., Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAFF, LLP., Suite 300, 300 State Street, Erie, PA 16507

CIPRIANI, PETER, deceased

Late of the Township of Harborcreek, Erie County, Pennsylvania
Co-Executors: Dario Cipriani and Paula Baughman, c/o 510 Cranberry Street, Suite 301, Erie, Pennsylvania 16507
Attorney: Raymond A. Pagliari, Esquire, 510 Cranberry St., Suite 301, Erie, Pennsylvania 16507

COMBITCHI, NICHOLAS, deceased

Late of the Township of Fairview, County of Erie, Commonwealth of Pennsylvania
Co-Executors: Mary-Helen Wentzell and Daniel Combitsis, D.O., 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

DiFABRIZIO, SYLVIO R., deceased

Late of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania
Executrix: Lucia T. Salvia, 5060 Wolf Run Drive, Erie, PA 16505
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

DiMARCO, ANN M., deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Phyllis Tarasovich
Attorney: Kenneth G. Vasil, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

DRUSHEL, PATRICIA A., deceased

Late of the Borough of Girard, Erie County, Commonwealth of Pennsylvania
Executor: George P. Drushel, 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

DUVAL, MARY, a/k/a MARY T. DUVAL, deceased

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania
Co-Executors: Robert C. Duval and Carolyn M. Helderman, 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

GLOEKLER, JOAN L., deceased

Late of the City of Erie, County of Erie, and Commonwealth of Pennsylvania
Co-Executors: Ellen B. Gloekler and Mary J. Phillips
Attorney: Thomas J. Buseck, Esquire, The McDonald Group, L.L.P., 456 West Sixth Street, Erie, PA 16507-1216

GROH, CARLA., a/k/a CARL GROH, deceased

Late of the Township of Millcreek, County of Erie, State of Pennsylvania
Administrator D.B.N. C.T.A.: Grant M. Yochim, 24 Main Street E, PO Box 87, Girard, PA 16417
Attorney: Grant M. Yochim, Esq., 24 Main Street E, PO Box 87, Girard, PA 16417

**HICKEY, VIRGINIA C.,
deceased**

Late of Erie County, Pennsylvania
Executor: Nancy Harrison, 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

**KONOPA, JOSEPH, JR.,
deceased**

Late of the Township of West Springfield, County of Erie, Commonwealth of Pennsylvania
Executor: John W. Konopa, 7951 Griffey Road, West Springfield, PA 16443
Attorney: None

**LEONE, DOMINIC, a/k/a
DOMENICO LEONE,
deceased**

Late of Green Township
Co-Administrators: Dominic Leone and Concettina Leone
Attorney: Steven E. George, Esquire, George Estate and Family Law, 305 West 6th Street, Erie, PA 16507

**MAZZONE, EVELYN,
deceased**

Late of the Township of Fairview, County of Erie and Commonwealth of Pennsylvania
Executor: Peter M. Mazzone
Attorney: David J. Rhodes, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

**MERRITT, LAWRENCE R.,
deceased**

Late of the City of Corry, County of Erie, Commonwealth of Pennsylvania
Executrix: Janet Sabol, c/o Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407
Attorney: Thomas J. Ruth, Esq., 224 Maple Avenue, Corry, PA 16407

**NYBERG, MARILYN, a/k/a
MARILYN L. NYBERG,
deceased**

Late of the Township of Millcreek, County of Erie, State of Pennsylvania
Executrix: Diane Sheffer, 9526 Lake Road, North East, Pennsylvania 16428
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**OCHS, RONALD, a/k/a
RONALD J. OCHS, JR.,
deceased**

Late of City of Erie, Erie County, Pennsylvania
Executor: Dawn Pettit, 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

**VELCHOFF, SIMONE M.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: Maurice Roussel-Dupre, c/o Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507
Attorney: John J. Shimek, III, Esquire, Sterrett Mott Breski & Shimek, 345 West 6th Street, Erie, PA 16507

**WAGONER, RICHARD A., SR.,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Administrator: Sheryl D. Dunn, c/o The McDonald Group, L.L.P., 456 West 6th Street, Erie, PA 16507-1216
Attorney: Gary D. Bax, The McDonald Group, L.L.P., 456 West 6th Street, Erie, PA 16507-1216

**WELTY, DOROTHY L.,
deceased**

Late of Millcreek Township, County of Erie, Commonwealth of Pennsylvania
Executrix: Rebecca W. Kaminsky, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508
Attorney: Colleen R. Stumpf, Esquire, Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506-4508

SECOND PUBLICATION

**CHRISTOPH, DOROTHY M.,
a/k/a DOROTHY MOGNET
CHRISTOPH,
deceased**

Late of Millcreek Township, Erie County Pennsylvania
Executrix: Attorney Elizabeth Brew Walbridge, 1001 State St., Suite 1400, Erie, PA 16501
Attorney: Elizabeth Brew Walbridge, Esquire, 1001 State St., Suite 1400, Erie, PA 16501

**COYLE, JAMES ARTHUR, a/k/a
JAMES A. COYLE,
deceased**

Late of Springfield Township, Erie County, Pennsylvania
Administrator: Todd A. Coyle, c/o Mary Alfieri Richmond, Esq., Jones School Square, First Floor, 150 East 8th Street, Erie, PA 16501
Attorney: Mary Alfieri Richmond, Esq., Jones School Square, First Floor, 150 East 8th Street, Erie, PA 16501

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

Late of the Township of Springfield, County of Erie, State of Pennsylvania
Executrix: Deborah L. Lawson, 13168 West Lake Road, East Springfield, PA 16411
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

**DONIKOWSKI, RICHARD F.,
a/k/a RICHARD DONIKOWSKI,
deceased**

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

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

**FROST, WILLIAM C.,
deceased**

Late of the Township of Harborcreek, County of Erie, Commonwealth of Pennsylvania
Administratrix: Debra A. Woodel, 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

**GANGEMI, DOMINIC C., a/k/a
DOM GANGEMI,
deceased**

Late of the City of Erie, Erie County, Commonwealth of Pennsylvania
Executor: Janice M. Gangemi, c/o Thomas C. Hoffman, II, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**NIEDZIELSKI, ELLA R.,
deceased**

Late of City of Erie
Executrix: Carole A. Graml, c/o 246 West 10th Street, Erie, PA 16501
Attorney: Evan E. Adair, Esq., 246 West 10th Street, Erie, PA 16501

**PAPROCKI, CLARENCE J.,
deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania

Executor: Gregory J. Paprocki, c/o Thomas C. Hoffman, II, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**RICHEY, EVANNA M.,
deceased**

Late of the Town of Ripley, Chautauqua County, New York
Executrix: Gayle Mowers, c/o 33 East Main Street, North East, Pennsylvania 16428
Attorney: Robert J. Jeffery, Esq., KNOX LAW, 33 East Main Street, North East, Pennsylvania 16428

**RUMBERGER, ANNA P.
KAUFMAN, a/k/a ANNA P.
FOSTER,
deceased**

Late of the Millcreek Township, Erie County, Pennsylvania
Executor: Gerald H. Kaufman, c/o 150 East 8th Street, Erie, PA 16501
Attorney: Gregory L. Heidt, Esquire, 150 East 8th Street, Erie, PA 16501

**TONELLI, LILLIAN,
deceased**

Late of the City of Erie
Executor: Theresa Tonelli
Attorney: Edwin W. Smith, Esquire, Shapira, Hutzelman and Smith, 305 West 6th Street, Erie, PA 16507

**VOGT, MARY O.,
deceased**

Late of the Township of North East, County of Erie and Commonwealth of Pennsylvania
Executor: Rev. Joseph V. Wardanski, 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

**WARREN, GLADYS M.,
deceased**

Late of Harborcreek Township, Erie County, Erie, PA
Administrator: Robert J. Jeffery, 33 East Main Street, North East, Pennsylvania 16428

Attorney: Robert J. Jeffery, Esq., KNOX LAW, 33 East Main Street, North East, Pennsylvania 16428

**WEIGEL, JOAN IRETA, a/k/a
JOAN I. WEIGEL,
deceased**

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Norma J. Whaley, 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

**WESCHLER, MARY A.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executor: David J. Rhodes
Attorney: Thomas J. Minarcik, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

THIRD PUBLICATION**BECKMAN, ELIZABETH S.,
deceased**

Late of Township of Millcreek, Erie County, Commonwealth of Pennsylvania
Executrix: Barbara R. Beckman, c/o 120 W. 10th Street, Erie, PA 16501
Attorney: Thomas C. Hoffman, II, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

**BENZO, LAMONT C., a/k/a
TALIB C. BENZO, a/k/a
TALIB C. ABDULQUADIR,
deceased**

Late of City of Erie
Administratrix: Janette Benzo, 3418 Burton Ave., Erie, PA 16504
Attorney: None

FIRCH, EDWARD LAWRENCE, a/k/a EDWARD L. FIRCH, a/k/a LARRY FIRCH, deceased

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

Executor: William Gerard Firch, 930 West 51st Street, Erie, PA 16509-2520

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

FURNAL, BEVERLY F., deceased

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

Executrix: Sarah M. Pochey, 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

GOSSAGE, ELIZABETH GRIFFIN, a/k/a ELIZABETH G. GOSSAGE, a/k/a ELIZABETH G. DALEY, deceased

Late of Lawrence Park Township, Erie County, Commonwealth of Pennsylvania

Administrator: Richard W. Perhaps, c/o Jerome C. Wegley, Esq., 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

HIGHAM, WENDY LEE, deceased

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

Executrix: Lisa L. Frampton, c/o 120 W. 10th Street, Erie, PA 16501

Attorneys: Knox McLaughlin Gornall & Sennett, P.C., 120 West 10th Street, Erie, PA 16501

KELLER, JAMES ELMER, SR., a/k/a JAMES E. KELLER, SR., deceased

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

Co-Executors: James Elmer Keller, Jr. and Michele Lin Ventrello, c/o Michael A. Agresti, Esq., Suite 300, 300 State Street, Erie, PA 16507

Attorney: Michael A. Agresti, Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP, Suite 300, 300 State Street, Erie, PA 16507

KUHL, MARGARET J., a/k/a MARGARET KUHL, a/k/a MARGARET JANE KUHL, deceased

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

Executrix: Judith A. Kosterman
Attorney: Thomas J. Minarcik, Esquire, ELDERKIN LAW FIRM, 150 East 8th Street, Erie, PA 16501

LITTLE, JOHN MICHAEL, a/k/a JOHN M. LITTLE, deceased

Late of Township of Summit, County of Erie, and Commonwealth of Pennsylvania

Executor: Bonnie Jean Swackhamer, 8181 Timberwood Lane, Erie, PA 16509

Attorney: Thomas S. Kubinski, Esquire, The Conrad - F.A. Brevillier House, 502 Parade Street, Erie, PA 16507

MACERATA, IGINO J., a/k/a IGINO MACERATA, a/k/a IGINO MACERATA, deceased

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

Executrix: Domenica Macerata, c/o Quinn, Buseck, Leemhuis, Toohy & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Melissa L. Larese, Esq., Quinn, Buseck, Leemhuis, Toohy & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

ORE, VINCENT H., deceased

Late of Summit Township, Erie County, Commonwealth of Pennsylvania

Executor: Stephen J. Ore, 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

PACANSKY, PETER P., deceased

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

Executor: David P. Pacansky, c/o Eugene C. Sundberg Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507

Attorney: Eugene C. Sundberg Jr., Esq., MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP, Suite 300, 300 State Street, Erie, PA 16507

ROSE, GARY R., deceased

Late of Harborcreek Township, City of Erie

Administratrix: Rebecca Rose
Attorney: John F. Mizner, 311 West Sixth Street, Erie, PA 16507

SCHMITTLE, S. JAMES, SR., a/k/a S. JAMES SCHMITTLE, deceased

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

Executor: S. James Schmittle, Jr., 4680 Noland Blvd., Williamsburg, VA 23188

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

**TURNER, ALMA E.,
deceased**

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

Executrix: Darlene F. Dick, 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

Erie County Bar Association

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\$235/hour - M-F, All other times; weekends

ECBA Members:

\$150/hour - M-F, 8:30 a.m. - 5:00 p.m.
\$200/hour - M-F, all other times, weekends



When we talk about IT, we mean business.

featuring:

IT Services

Internet

Voice

HDTV

*Matt Wiertel
Director of Sales & Marketing*

VNET
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With our vast fiber optic network, we deliver scalable internet, voice services, and HDTV to empower businesses to compete in a global market.

And with our team's broad range of expertise and cutting-edge solutions, we offer IT assurance to business owners across the region allowing them to focus on one thing – running their business.

Contact us at (814) 833-9111 or sales@velocitynetwork.net