

Erie County Legal Journal

December 25, 2020

Vol. 103 No. 52



103 ERIE 111-115
Commonwealth v. Berry

Erie County Legal Journal

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

Managing Editor: Megan E. Anthony

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Erie County Bar Association Calendar of Events and Seminars

FRIDAY, DECEMBER 25, 2020

Christmas Holiday
ECBA Office Closed
Erie County and Federal Courthouses Closed

FRIDAY, JANUARY 1, 2021

New Year's Day
ECBA Office Closed
Erie County and Federal Courthouses Closed

TUESDAY, JANUARY 26, 2021

WEDNESDAY, JANUARY 27, 2021

THURSDAY, JANUARY 28, 2021

PBA/ECBA Mock Trial Competition
1:00 and 3:00 p.m.
via Zoom



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In Memoriam

Lawrence "Larry" Charles Bolla

May 14, 1948 - December 11, 2020

Attorney Lawrence "Larry" Charles Bolla passed away on Friday, December 11, 2020, surrounded by his loving family, after a lengthy but valiant battle with cancer. Larry was born on May 14, 1948, to Leonard and Geraldine Bolla.

Born and raised on Erie's Eastside, he attended Holy Rosary Grade School before going on to Cathedral Prep, graduating in 1966. Larry went to college at Gannon University where he became a brother of the Sigma Gamma Phi fraternity. After graduating from Gannon University, Larry attended the University of Akron School of Law, earning his law degree in 1975. He returned to Erie and joined the Quinn Law Firm, where he became partner in 1985. Larry officially retired from practicing law in September 2019.

He will be remembered as a generous, caring and kind person who would do whatever he could to help a friend in need. He was known as the master of ceremonies and pied piper who made sure there was fun wherever he went. He loved fireworks, fishing, the beach, the Cleveland Browns, his friends and family.

On October 10, 1970, Larry married Carlene Elizabeth Larson. Together they had three children, Daniel, Mary Jane, and Ann. They shared a beautiful life full of travel, family and good friends until her death on December 1, 2019.

Lawrence is survived by their three children, Daniel (Lisa) Bolla of Erie, Mary Jane (Doug) Keffer of Erie, and Ann (Adam) Link of Huron, Ohio, and his seven beautiful grandchildren, Colin, Margaret, Casey, Lauren, Caitlyn, Connor and Kendon. In addition, Lawrence is survived by his siblings, Mimi (Sal) Tripodi of Denver, Colorado, Edward (Linda) Bolla of Erie and Ann (Jack) Quinn also of Erie. He also leaves behind his loyal pup and walking companion, Oliver.

He was preceded in death by his wife, Carlene (Larson) Bolla, his father, Leonard Bolla, and his mother, Geraldine (Hammann) Bolla.

Due to COVID-19 restrictions, services and burial will be held privately. A proper celebration of his life will take place at a later date when it is safe to gather again.

Memorial contributions can be made to the Saint Mary's Home of Erie, 607 E. 26th St., Erie, PA 16504 or the Barber National Institute, 100 Barber Place, Erie, PA 16507.



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COMMONWEALTH OF PENNSYLVANIA

v.

TYUNE BERRY

STATUTES / CONSTRUCTION

A basic tenet of statutory construction is words of a statute shall be construed according to their plain meaning. 1 Pa.C.S.A. §1903(a).

CRIMINAL PROCEDURE / MOTOR VEHICLE CODE /
DRIVING VEHICLE AT SAFE SPEED

75 Pa.C.S.A. §3361, Driving Vehicle At Safe Speed, provides: “No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, nor at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.” 75 Pa.C.S.A. §3361.

CRIMINAL PROCEDURE / MOTOR VEHICLE CODE /
DRIVING VEHICLE AT SAFE SPEED

The language of Section 3361 of the Vehicle Code is clear and unambiguous. The first sentence of Section 3361 sets forth two general and alternate types of conduct that, when a person is driving, constitute a violation: first, at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing; second, nor at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead.

CRIMINAL PROCEDURE / MOTOR VEHICLE CODE /
DRIVING VEHICLE AT SAFE SPEED

Under the second type of conduct specified in the first sentence of Section 3361 of the Vehicle Code, “assured clear distance” are the key words. In this regard, Section 3361 is usually the charging statute when the operator “rear-ends” another vehicle or crashes into some stationary object, circumstances not present in the instant case.

CRIMINAL PROCEDURE / MOTOR VEHICLE CODE /
DRIVING VEHICLE AT SAFE SPEED

The second sentence of Section 3361 begins with the phrase “consistent with the foregoing” and sets forth several specific examples of conditions and hazards further defining when the general conduct — unreasonable or imprudent speed — constitutes a violation. Section 3361 concludes with the phrase “and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.” (Emphasis added).

CRIMINAL PROCEDURE / MOTOR VEHICLE CODE /
DRIVING VEHICLE AT SAFE SPEED

There is no question that speeding alone does not constitute a violation of 75 Pa.C.S.A. §3361, Driving Vehicle At Safe Speed.

CRIMINAL PROCEDURE / MOTOR VEHICLE CODE /
DRIVING VEHICLE AT SAFE SPEED

Under 75 Pa.C.S.A. §3361, Driving Vehicle At Safe Speed, absent facts bringing into play the alleged operation of a vehicle at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead, there must be proof of speed that is unreasonable or imprudent under the circumstances, even if the driver has adhered to the posted speed limit.

CRIMINAL PROCEDURE / MOTOR VEHICLE CODE / MAXIMUM SPEED LIMITS

75 Pa.C.S.A. Section 3362, Maximum Speed Limits, is the provision of the Vehicle Code that specifically addresses speeding violations.

CRIMINAL PROCEDURE / MOTOR VEHICLE CODE /
DRIVING VEHICLE AT SAFE SPEED

In the case at bar, where Defendant was not charged with a violation of 75 Pa.C.S.A. Section 3362, Maximum Speed Limits, and where the second type of conduct specified in the first sentence of Section 3361 (travel at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead) is not in question, in the absence of proof of circumstances, conditions or actual and potential hazards then existing in the vicinity of the stop, the police lacked probable cause or reasonable suspicion to stop Defendant’s vehicle for a violation of 75 Pa.C.S.A. §3361, Driving Vehicle At Safe Speed.

CRIMINAL PROCEDURE / MOTION TO SUPPRESS / BURDEN OF PROOF

“Once a motion to suppress has been filed, it is the Commonwealth’s burden to prove, by a preponderance of the evidence, that the challenged evidence was not obtained in violation of the defendant’s rights.” *Commonwealth v. Wallace*, 42 A.3d 1040, 1047-1048 (Pa. 2012). *See also*, *Pa.R.Crim.P.* 581(H).

CRIMINAL PROCEDURE / MOTION TO SUPPRESS / BURDEN OF PROOF /
MANNER OF OPERATION OF VEHICLE

Where the Commonwealth contends the manner in which Defendant operated the vehicle violated Section 3361 of the Motor Vehicle Code, probable cause was required to justify the traffic stop. *See Commonwealth v. Feczko*, 10 A.3d 1285, 1290-1291 (Pa.Super. 2010).

CRIMINAL PROCEDURE / MOTION TO SUPPRESS / BURDEN OF PROOF /
PROBABLE CAUSE

“Probable cause to arrest exists ‘when the facts and circumstances within the police officer’s knowledge and of which the officer has reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution in the belief that an offense has been committed by the person to be arrested. Probable cause justifying a warrantless arrest is determined by the totality of the circumstances. It is the facts and circumstances within the personal knowledge of the police officer that frames the determination of the existence of probable cause.’” *Commonwealth v. Salter*, 121 A.3d 987, 996-997 (Pa.Super 2015), citing *Commonwealth v. Williams*, 941 A.2d 14, 27 (Pa.Super. 2008).

CRIMINAL PROCEDURE / MOTION TO SUPPRESS / BURDEN OF PROOF NOT MET
/ FRUIT OF POISONOUS TREE

The “fruit of the poisonous tree” doctrine dictates that the tangible evidence in this case must be suppressed.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION
NO. 2589 of 2019

Appearances: Eric Hackwelder, Esq., counsel for Defendant
Molly Anglin, Esq., Assistant District Attorney for the Commonwealth

OPINION

Brabender, Jr., J.

November 25, 2020

The matter is before the Court on the Defendant's Omnibus Pre-Trial Motion *Nunc Pro Tunc*. Following an evidentiary hearing and submission of briefs, the Motion shall be **GRANTED**.

FINDINGS OF FACT

The Defendant, TYUNE BERRY, is charged with Persons Not to Possess Firearms (F2), 18 Pa.C.S.A. §6105 (a)(1); Firearms Not to be Carried Without a License (F3), 18 Pa.C.S.A. §6106 (a)(1); Receiving Stolen Property (F2), 18 Pa.C.S.A. §3925 (a); Possession of Small Amount (M), 35 P.S. §780-113 (a)(31)(i); Possession of Small Amount (M), 35 P.S. §780-113 (a)(32); and Driving Vehicle at Safe Speed, 75 Pa.C.S.A. §3361. The charges arise from the stop of a vehicle operated by the Defendant and his arrest on May 25, 2019, at the 500 block of West 11th Street, City of Erie, Erie County, Pennsylvania, by the City of Erie Police Department.

On March 30, 2020, the Defendant filed an Omnibus Pre-Trial Motion *Nunc Pro Tunc*, alleging that the stop and arrest of the Defendant was pre-textual and without probable cause or reasonable suspicion and made in violation of the Fourth and Fourteenth Amendments of the United States Constitution; by Article I, Section 8 of the Pennsylvania Constitution; and thus, all evidence obtained pursuant to the illegal stop should be suppressed as the fruit of the poisonous tree.

A suppression hearing on the motion was held on August 25, 2020. The Commonwealth presented the testimony of EPD Corporal Jason Russell, who stated that on the date in question, he received information from a confidential informant that an individual had been refused entry to a club because he was in possession of a firearm. Corporal Russell observed an individual matching the CI's description enter a vehicle which he eventually stopped after measuring, per his own speedometer, that said vehicle was traveling at 40 mph in a 25 mph zone. After smelling an odor of marijuana, Corporal Russell conducted a search of the vehicle, producing items which led to the filing of the above-mentioned charges. This Court finds Corporal Russell's testimony to be credible.

The Commonwealth asserts Corporal Russell had probable cause that a violation of the traffic code occurred because of the evidence of record introduced at the suppression hearing noted that the Defendant was traveling at a rate 15 mph over the speed limit, and, therefore, the stop and search was lawful. It must be noted, however, that the Defendant was not charged with Maximum Speed Limits (speeding), 75 Pa.C.S.A. §3362, but with Driving Vehicle at Safe Speed, 75 Pa.C.S.A. §3361.

Section 3361 of the Vehicle Code provides:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, nor at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

The language of Section 3361 is clear and unambiguous. The basic tenet of statutory construction requires a court to construe the words of the statute according to their plain meaning. 1 Pa.C.S.A. §1903(a).

The first sentence of Section 3361 sets forth two general and alternate types of conduct that, when a person is driving, constitute a violation: first, at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing; second, nor at a speed greater than will permit the driver to bring his vehicle to a stop within the assured clear distance ahead. "Assured clear distance" are the key words. In this regard, this section is usually the charging statute when the operator "rear-ends" another vehicle or crashes into some stationary object. The second sentence of Section 3361 begins with the phrase "consistent with the foregoing" and sets forth several specific examples of conditions and hazards that further define when the general conduct — unreasonable or imprudent speed — constitutes a violation. The section concludes with the phrase "*and* when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions." (Emphasis added.)

There is no question that speeding alone does not constitute a violation of this section. It is Section 3362 that specifically addresses speeding violations. There must be proof of speed that is unreasonable or imprudent under the circumstances, even if the driver has adhered to the posted speed limit. Here, in the case at bar, there are no proof of circumstances, conditions or actual and potential hazards then existing on the 500 block of West 11th Street. There was no probable cause or reasonable suspicion for the Defendant's vehicle to be stopped for a violation of Section 3361. *See Commonwealth v. Heberling*, 360 Pa. Super. 481, 520 A.2d 1192 (1987).

The "fruit of the poisonous tree" doctrine dictates that the tangible evidence in this case must be suppressed. It is not necessary for this Court to address the issues of whether or not the alleged traffic violation was *de minimis*; or whether 75 Pa.C.S.A. §3368 (Speedometers authorized) be examined. Furthermore, this Court need not address the issue of whether or not this was an illegal pre-textual stop.

CONCLUSIONS OF LAW

1. "Once a motion to suppress has been filed, it is the Commonwealth's burden to prove, by a preponderance of the evidence, that the challenged evidence was not obtained in violation of the defendant's rights." *Commonwealth v. Wallace*, 42 A.3d 1040, 1047-1048 (Pa. 2012). *See also, Pa.R.Crim.P. 581(H)*.

2. As the Commonwealth contends the manner in which Defendant operated the vehicle violated Section 3361 of the Motor Vehicle Code, probable cause was required to justify the traffic stop. *See Commonwealth v. Feczko*, 10 A.3d 1285, 1290-1291 (Pa.Super. 2010).

3. “Probable cause to arrest exists ‘when the facts and circumstances within the police officer’s knowledge and of which the officer has reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution in the belief that an offense has been committed by the person to be arrested. Probable cause justifying a warrantless arrest is determined by the totality of the circumstances. It is the facts and circumstances within the personal knowledge of the police officer that frames the determination of the existence of probable cause.’” *Commonwealth v. Salter*, 121 A.3d 987, 996-997 (Pa.Super. 2015), citing *Commonwealth v. Williams*, 941 A.2d 14, 27 (Pa.Super. 2008).

4. Under all of the circumstances, EPD Corporal Jason Russell lacked probable cause to stop the Defendant’s vehicle. The Commonwealth failed to meet its burden of proof in establishing probable cause and/or reasonable suspicion that a violation of Section 3361 of the Motor Vehicle Code occurred.

The Defendant’s Omnibus Pre-Trial Motion *Nunc Pro Tunc* is hereby granted **GRANTED** and the tangible evidence in this matter is hereby **SUPPRESSED**.

ORDER

AND NOW, to-wit, this 25th day of November 2020, upon consideration of Defendant’s Omnibus Pretrial Motion *Nunc Pro Tunc*, and following an evidentiary hearing and submission of briefs, it is **ORDERED** said motion is **GRANTED**.

BY THE COURT

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

CHANGE OF NAME NOTICE

In the Court of Common Pleas of Erie County, Pennsylvania 12315-2020 Notice is hereby given that a Petition was filed in the above named court requesting an Order to change the name of Haley Cecelia Little to Teddie Cecelia Dombrowski-Little. The Court has fixed the 29th day of December, 2020 at 2:00 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.

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FIRST PUBLICATION

BAJGAI, HEM L., deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Administrator: Govinda Bajgai, 4215 Longview Avenue, Erie, Pennsylvania 16510-3537
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

FESMIRE, JANE S., deceased

Late of Lawrence Park Township, County of Erie, Pennsylvania
Co-Executors: Gerald T. Fesmire and Sherron P. Brinker, 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

FIRMAN, JOHN A., deceased

Late of the Township of Harborcreek, County of Erie and Commonwealth of Pennsylvania
Executrix: Laurie A. Gottschling, 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

GALLAGHER, THOMAS J., deceased

Late of North East Township, County of Erie, Pennsylvania
Administrator: Timothy P. Gallagher, 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

GARDNER, THOMAS L., a/k/a THOMAS GARDNER JR., a/k/a THOMAS L. GARDNER, a/k/a THOMAS GARDNER, a/k/a TOM GARDNER, deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Heather Scully, c/o 504 State Street, Suite 300, Erie, PA 16501
Attorney: Alan Natalie, Esq., 504 State Street, Suite 300, Erie, PA 16501

GUNSELMAN, VELMA J. a/k/a VELMA JEAN GUNSELMAN, deceased

Late of Millcreek Township, Erie County, PA
Executor: John W. Gunselman, 21 Berry Lane, Big Flats, NY 14814
Attorney: Valerie H. Kuntz, Esq., 24 Main Street East, P.O. Box 87, Girard, PA 16417

HAND, SHIRLEY RAY, deceased

Late of Millcreek Township, Erie County
Executrix: Betsy Leonhard
Attorney: William J. Kelly, Jr., Esquire, 230 West 6th Street, Suite 201, Erie, PA 16507

HONARD, JUDITH A., deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Mary P. Kutzmas, c/o Natalie M. Ruschell, Esquire, Ruschell & Associates, LLC, P.O. Box 577, Midway, PA 15060
Attorney: Natalie M. Ruschell, Esquire, Ruschell & Associates, LLC, P.O. Box 577, Midway, PA 15060

HRINDA, DENNIS E. a/k/a DENNIS HRINDA, deceased

Late of the Borough of Lake City, County of Erie and Commonwealth of Pennsylvania
Executrix: Lindsay S. Adams, 8705 Valley View Circle, Erie, Pennsylvania 16509
Attorney: Grant M. Yochim, Esq., 24 Main St. E., P. O. Box 87, Girard, PA 16417

JONES, JEREMY ANTHONY, deceased

Late of McKean Township, Erie County
Administratrix: May Pat Holly-Cathy
Attorney: William J. Kelly, Jr., Esquire, 230 West 6th Street, Suite 201, Erie, PA 16507

MARSCHAK, MARY C., deceased

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Joanne Massello, 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

MENNECKE, DEBRA ANN, deceased

Late of North East Township
Administrator: Salvatore M. Vella
Attorney: Steven E. George, Esq., Marsh Schaaf, LLP, 300 State Street, Suite 300, Erie, PA 16507

PEDERSEN, GERALD A, a/k/a GERALD PEDERSEN deceased

Late of the Township of Summit, County of Erie and Commonwealth of Pennsylvania
Executors: Mary Elizabeth Holt and David A. Pedersen, c/o James E. Marsh, Jr., Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: James E. Marsh, Jr., Esq., MARSH SCHAAF, LLP, Suite 300, 300 State Street, Erie, PA 16507

PRIZINSKY, HELEN M. a/k/a HELEN PRIZINSKY, deceased

Late of City of Erie, Erie, PA
Executrix: Carol Prizinsky, 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

RANDALL, L. IRENE, a/k/a LILLIAN IRENE RANDALL, a/k/a LILLIAN RANDALL, a/k/a IRENE RANDALL, deceased

Late of Springfield Township, PA
Executor: Ronald D. Randall, 2882 Holman Drive, Erie, Pennsylvania 16509
Attorney: Grant M. Yochim, Esq., 24 Main Street East, P.O. Box 87, Girard, PA 16417

STOCKHAUSEN, MARY LOUISE, deceased

Late of Corry, Erie County
Executrix: Christine Hammer
Attorney: William J. Kelly, Jr., Esquire, 230 West 6th Street, Suite 201, Erie, PA 16507

WARUS, ANTOINETTE P., deceased

Late of the Township of Harborcreek
Executor: John P. Warus, 622 Nagle Road, Erie, PA 16510
Attorney: David J. Mack, Esquire, 510 Parade Street, Erie, PA 16507

WIECZOREK, BERNICE Y., deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executor: Thomas E. Casner, 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

ALLEN, AGNES KOMLOS, a/k/a AGNES KOMLOS, a/k/a AGNES K. ALLEN, a/k/a AGNES ALLEN, deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Gabriella K. Hamilton, 1803 Sabrina Ct., Charlotte, NC 28210
Attorney: Valerie H. Kuntz, Esq., 24 Main St. E., P.O. Box 87, Girard, PA 16417

KEEFE, HAROLD N., deceased

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Donna J. Keefe, 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

LAMACCHIA, LAWRENCE J., JR., a/k/a LAWRENCE J. LAMACCHIA, deceased

Late of the City of Erie, Erie County, PA
Executrix: Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507
Attorney: Mary Alfieri Richmond, Esq., 502 Parade Street, Erie, PA 16507

MORTON, JAMES PAUL, a/k/a JAMES P. MORTON, deceased

Late of the City of Erie, Erie County, Commonwealth of Pennsylvania
Executor: David S. Morton, 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

NATHER, TIMOTHY RYAN, deceased

Late of the City of Erie, County of Erie
Executor: Kevin Nather, 1316 Oakmont Avenue, Erie, PA 16505
Attorney: John C. Melaragno, Esquire, MELARAGNO, PLACIDI & PARINI, 502 West Seventh Street, Erie, Pennsylvania 16502

PHELPS, JUSTINE B., deceased

Late of Fairview Township, County of Erie and Commonwealth of Pennsylvania
Executor: Terrence A. Phelps, c/o W. Atchley Holmes, Esq., Suite 300, 300 State Street, Erie, PA 16507
Attorney: W. Atchley Holmes, Esq., MARSH, SCHAAF, LLP., Suite 300, 300 State Street, Erie, PA 16507

**PULAKOS, GEORGE C., a/k/a
GEORGE CONSTANTINE
PULAKOS,
deceased**

Late of Fort Mill, SC
Executor: Dean Pulakos, 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

THIRD PUBLICATION

**BULLERS, CLARK A., a/k/a
CLARK BULLERS,
deceased**

Late of Harborcreek Township,
County of Erie and Commonwealth
of Pennsylvania
Administratrix: Jessica L. Dessauer,
c/o Zanita A. Zacks-Gabriel, Esq.,
402 West Sixth Street, Erie, PA
16507
Attorney: Zanita A. Zacks-Gabriel,
Esq., 402 West Sixth Street, Erie,
PA 16507

**CRAMER, JOHN P.,
deceased**

Late of Summit Township, Erie
County, Commonwealth of
Pennsylvania
Personal Representative: Sandra
L. Cramer, 145 Marchmont Dr.,
Erie, PA 16509
Attorney: None

**FILIPPO, ALBERT F.,
deceased**

Late of the City of Erie, County
of Erie and Commonwealth of
Pennsylvania
Executrix: Annette M. Heinrich,
5307 Jason Drive, Erie,
Pennsylvania 16506-6019
Attorneys: MacDonald, Illig, Jones
& Britton LLP, 100 State Street,
Suite 700, Erie, Pennsylvania
16507-1459

**GRAB, BEVERLY J., a/k/a
BEVERLY GRAB-ROSENBAUM,
a/k/a BEVERLY J. GRAB-
ROSENBAUM, a/k/a BEVERLY
GRAB ROSENBAUM,
deceased**

Late of the City of Erie, County
of Erie and Commonwealth of
Pennsylvania
Co-Executors: Harry A. Grab,
III and Suzan E. Grab, c/o James
J. Bruno, Esquire, 3820 Liberty
Street, Erie, PA 16509
Attorney: James J. Bruno, Esquire,
3820 Liberty Street, Erie, PA
16509

**JENCO, JOANNA.,
deceased**

Late of the City of Erie, County
of Erie, Commonwealth of
Pennsylvania
Executrix: Cynthia Cook 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

**McCARTY, DOLORES R.,
deceased**

Late of Harborcreek Township,
Erie County, Harborcreek, PA
Executor: Robert J. Jeffery, c/o
33 East Main Street, North East,
Pennsylvania 16428
Attorney: Robert J. Jeffery, Esq.,
Knox McLaughlin Gornall &
Sennett, P.C., 33 East Main Street,
North East, Pennsylvania 16428

**PUSCHER, ELSA,
deceased**

Late of the City of Erie, County of
Erie, State of Pennsylvania
Executor: Roland K. Puscher,
c/o 337 West 10th Street, Erie,
PA 16502
Attorneys: THE FAMILY LAW
GROUP, 337 West 10th Street,
Erie, PA 16502

**SMITH, JAMES R.,
deceased**

Late of Erie, County of Erie and
Commonwealth of Pennsylvania
Executor: Michael J. Smith, 5302
Windcrest Drive, Erie, PA 16510
Attorney: None

**SOLVEDT, BEVERLY A., a/k/a
BEVERLY ANN SOLVEDT,
deceased**

Late of the Township of Fairview,
County of Erie and Commonwealth
of Pennsylvania
Executor: Terrence John Solvedt,
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

**WITTENBERG, WILLIAM
A., a/k/a WILLIAM ALBERT
WITTENBERG,
deceased**

Late of the Borough of Wesleyville,
County of Erie, Commonwealth of
Pennsylvania
Executor: Karl A. Fisher, c/o John
J. Shimek, III, Esquire, 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

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CHANGES IN CONTACT INFORMATION OF ECBA MEMBERS

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PAUL J. SUSKO814-451-1189
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Erie, PA 16501paul@ksslawfirm.com

Change of email address
MARIA GOELLNER.....mariajoellner@gmail.com

Effective Monday, December 28, 2020, members listed below from the Public Defender’s Office, will be located at 210 East Second Street, Erie, PA 16507. Phone/fax/emails will not change.

JASON CHECQUE
MICHAEL DEJOHN
WAYNE JOHNSON
RACHAEL GILASOE
PATRICIA KENNEDY
GARY KERN
ALISON SCARPITTI
NICOLE SLOAN
CELENA SIDUN

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