

Erie County Legal Journal

February 5, 2021

Vol. 104 No. 6



104 ERIE 15-23
Commonwealth v. Jones

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

TUESDAY, FEBRUARY 9, 2021

Family Law Section Meeting
Noon
via Zoom

TUESDAY, FEBRUARY 9, 2021

Erie County Law Foundation Board Meeting
4:00 p.m.
via Zoom

THURSDAY, FEBRUARY 11, 2021

ECBA Section/Division Chair Orientation
Noon
via Zoom

THURSDAY, FEBRUARY 11, 2021

Bench Bar Committee Meeting
4:00 p.m.
via Zoom

FRIDAY, FEBRUARY 12, 2021

Workers' Compensation Section Meeting
Noon
ECBA Boardroom (must RSVP) or via Zoom

MONDAY, FEBRUARY 15, 2021

Presidents' Day
Erie County and Federal Courthouses closed

FRIDAY, FEBRUARY 19, 2021

Wintertime in the Woods
A socially-distanced, family-friendly event
Asbury Woods Nature Center
4105 Asbury Road, Erie

MONDAY, FEBRUARY 22, 2021

ECBA Board of Directors Meeting
Noon
via Zoom

TUESDAY, FEBRUARY 23, 2021

Solo/Small Firm Section Meeting
Noon
via Zoom

WEDNESDAY, FEBRUARY 24, 2021

ECBA Live Seminar
Making Sense of Medicare
View William McKendree, JD, MPA
via Zoom Conferencing at
The Will J. Schaaf & Mary B. Schaaf Education Center
10:15 a.m. - Registration
10:30 a.m. - Noon - Seminar
\$70 (ECBA members/their non-attorney staff)
\$90 (non-members)
1.5 hours substantive

WEDNESDAY, FEBRUARY 24, 2021

Women's Division Meeting
Noon
via Zoom

WEDNESDAY, FEBRUARY 24, 2021

PBA/ECBA Mock Trial District Semi Final
1:30 and 3:30 p.m.
via Zoom

THURSDAY, FEBRUARY 25, 2021

Defense Bar Section Meeting
4:00 p.m.
via Zoom



Erie County Bar
Association



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

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The Travis Law Firm, P.C. is seeking an experienced personal injury paralegal for our Erie, Pennsylvania office. Please email a resumé, cover letter, and references to olivia@thetravislawfirm.net.

Feb. 5, 12, 19

OFFICE BUILDING FOR RENT

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Feb. 5

LIVE
SEMINAR

ECBA
ERIE COUNTY BAR ASSOCIATION

Making Sense of Medicare

Wednesday, February 24, 2021

View William McKendree, JD, MPA via Zoom
Conferencing at The Will J. Schaaf & Mary B.
Schaaf Education Center,
429 West 6th Street, Erie, PA 16507

Registration: 10:15 a.m.
Seminar: 10:30 a.m. - Noon
Cost: \$70.00 (ECBA Members and
their Non-attorney Staff)
\$90.00 (Non-members)

Due to Gov. Tom Wolf's COVID-19 facility restrictions, the ECBA will hold programs live when possible, via Zoom or a combination of both. The Will J. Schaaf & Mary B. Schaaf Education Center can **ONLY seat 16 people**. Once that limit has been reached, the remaining registrants can participate in the CLE via Zoom.



1.5 hours Substantive CLE credit

Speaker:

**William McKendree,
JD, MPA**

Bill McKendree is Executive Director of the Pennsylvania Healthcare Benefit Support Program, a non-profit agency helping people access affordable healthcare services through counseling, education and advocacy. In addition to his work at PHBSP, Mr. McKendree teaches at the University of Pittsburgh's School of Law and School of Pharmacy, and is Preceptor for the School of Pharmacy's Experiential Learning Program at the Birmingham Free Health Clinic (on Pittsburgh's South Side).

Seminar:

This presentation is an overview of the Medicare system. The goal is to provide a basic understanding of how Medicare functions and how it can be effectively used to obtain affordable quality health services. We will examine the purpose and design of Medicare; Medicare's eligibility and enrollment criteria; and the various components that comprise the Medicare system — how they function and interact with each other and coordinate with non-Medicare health care coverage.

Objectives:

1. Recognize the basic function and utilization of the Medicare System.
2. Identify the multiple components of the Medicare System and their specific characteristics.
3. Recognize the decisions that individuals eligible for Medicare need to make, and be able to evaluate which options are most effective for an individual's specific needs.
4. Identify other programs that provide assistance for health care costs and recognize how Medicare coordinates and integrates with these other health care benefit programs.

Reservations due to the ECBA office by Wednesday, February 17, 2021.



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COMMONWEALTH OF PENNSYLVANIA

v.

DEANDRE LEVON JONES

CRIMINAL LAW / POST-CONVICTION RELIEF

A [PCRA] petitioner must meet all four requirements of [42 Pa.C.S. § 9543(a)] to be eligible for relief.

CRIMINAL LAW / VOLUNTARY CHARACTER

In determining whether a guilty plea is valid, the court must examine the totality of the circumstances surrounding the plea.

CRIMINAL LAW / VOLUNTARY CHARACTER

The law does not require that a defendant be pleased with the outcome of his decision to plead guilty; the law requires only that a defendant's decision to plead guilty be made knowingly, voluntarily, and intelligently.

CRIMINAL LAW / VOLUNTARY CHARACTER

A valid guilty plea must be made knowingly, voluntarily, and intelligently.

CRIMINAL LAW / WITHDRAWAL OF GUILTY PLEA

In order to withdraw a guilty plea, a defendant must make a showing of prejudice which resulted in manifest injustice. A defendant must demonstrate that his guilty plea was entered involuntarily, unknowingly, or unintelligently.

CRIMINAL LAW / DEFICIENT REPRESENTATION AND PREJUDICE

To prevail on a claim of ineffective assistance of counsel, a PCRA petitioner must prove each of the following: 1) the underlying legal claim was of arguable merit, 2) counsel had no reasonable strategic basis for his action or inaction, and 3) the petitioner was prejudiced — that is, but for counsel's deficient stewardship, there is a reasonable likelihood the outcome of the proceedings would have been different.

*CRIMINAL LAW / EFFECT OF ILLEGAL DETENTION
OR VIOLATION OF CONSTITUTIONAL RIGHTS*

Allegations of ineffectiveness in connection with the entry of a guilty plea will serve as a basis for relief only if the ineffectiveness caused the defendant to enter an unknowing or involuntary plea.

CRIMINAL LAW / VOLUNTARY CHARACTER

Where the defendant enters his plea on the advice of counsel, the voluntariness of the plea depends on whether counsel's advice was within the range of competence demanded of attorneys in criminal cases.

CRIMINAL LAW / PLEA

Thus, to establish prejudice, the defendant must show that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial.

CRIMINAL LAW / EVIDENCE AS TO VOLUNTARINESS

In Pennsylvania, once a Defendant enters a guilty plea, it is presumed that he was aware of what he was doing. Consequently, defendants are bound by statements they make during their guilty plea colloquies and may not successfully assert any claims that contradict those statements.

IN THE COURT OF COMMON PLEAS OF ERIE COUNTY, PENNSYLVANIA
Criminal Court
No. 1457 of 2017

Appearances: William J. Hathaway, Esq. appeared on behalf of Defendant
Grant T. Miller, Assistant District Attorney, appeared on behalf of the
Commonwealth

OPINION AND ORDER

Domitrovich, J.,

December 4, 2020

AND NOW, to wit, on this 4th day of December, 2020, after conducting an evidentiary hearing on September 21, 2020, regarding Defendant Deandre Levon Jones' [hereinafter Petitioner] Petition for Post-Conviction Collateral Relief, wherein Petitioner was represented by court-appointed PCRA counsel Attorney William J. Hathaway; Commonwealth was represented by Assistant District Attorney Grant T. Miller; this Trial Court weighed the credibility of the testimony from Petitioner, Mrs. Linda Pope, Ms. Mercedes Brown, and Attorney Jason Checque, who was Petitioner's plea and direct appeal counsel, in the instant hearing; after a thorough review of Petitioner's *pro se* Motion for Post-Conviction Collateral Relief, filed on March 5, 2020; Petitioner's court-appointed counsel's, Attorney William J. Hathaway's, Supplement to Motion for Post-Conviction Collateral Relief, filed on June 1, 2020; Commonwealth's Response to Petitioner's Supplement to Motion for Post-Conviction Collateral Relief, filed on July 7, 2020, by Assistant District Attorney Grant T. Miller; Petitioner's Supplemental Brief in Support of Motion for Post-Conviction Collateral Relief; and Commonwealth's Supplemental Reply Brief to Petitioner's Supplemental Brief in Support of Motion for Post-Conviction Collateral Relief; in full consideration of the entire record in the instant case and the credible testimony offered by Mrs. Linda Pope, Ms. Mercedes Brown, and Attorney Jason Checque directly refuting Petitioner's PCRA claims that his plea was not entered knowingly and voluntarily due to alleged misrepresentations made by Attorney Jason A. Checque to Petitioner, Mrs. Pope, and Ms. Brown regarding Petitioner's sentence, as well as claims that Attorney Jason A. Checque indicated to Petitioner he would abandon his representation if Petitioner did not plead guilty, it is hereby **ORDERED, ADJUDGED, AND DECREED** Petitioner's PCRA Petition is **DENIED** as said PCRA Petition states no ground for which relief may be granted under the Post-Conviction Relief Act, 42 Pa.C.S. §§ 9541 *et seq.*, for the reasons stated below.

The instant PCRA Petition stems from Petitioner's arrest on or about April 6, 2017 for charges related to Petitioner's delivery of illegal narcotics to a confidential informant of the Erie City Police Dept. The Erie County District Attorney's Office filed a Criminal Information against Petitioner on June 16, 2017, charging him with the following eleven (11) offenses: two (2) counts of Possession With Intent to Deliver, 35 P.S. § 780-113(a) (30); two (2) counts of Possession of Controlled Substances, 35 P.S. § 780-113(a)(16); two (2) counts of Possession of Drug Paraphernalia, 35 P.S. § 780-113(a)(32); two (2) counts of Criminal Use of a Communication Facility, 18 Pa.C.S. § 7512(a); two (2) counts of Recklessly Endangering Another Person, 18 Pa.C.S. § 2705; and one (1) count of Driving While Operating Privileges Suspended or Revoked, 75 Pa.C.S. § 1543(a).

Following Petitioner's Preliminary Hearing on June 26, 2017, Petitioner, with the assistance of counsel, Attorney Jason A. Checque, Esq., entered a guilty plea before this Trial Court on August 8, 2017 to three (3) charges: 1) Possession with Intent to Deliver, 35 P.S. § 780-113(a) (30); 2) Criminal Use of a Communication Facility, 18 Pa.C.S. § 7512(a); and 3) Driving While Operating Privileges Suspended or Revoked, 75 Pa.C.S. § 1543(a), while the remaining charges were nolle prossed. On September 26, 2017, Petitioner was sentenced to six (6) years to fourteen (14) years of incarceration for the three offenses. On October 6, 2017, Petitioner filed a Post-Sentence Motion arguing his sentence should be reduced, which, following an October 24, 2017 hearing, was denied by this Trial Court on October 25, 2017.

Petitioner filed a Notice of Appeal with the Pennsylvania Superior Court and Erie County Prothonotary on November 22, 2017. Petitioner argued this Trial Court erred by considering Petitioner's juvenile record when sentencing Petitioner and that Petitioner was entitled to fifty-eight (58) days of credit time he did not receive at sentencing. On November 26, 2018, in a non-precedential decision, the Pennsylvania Superior Court affirmed this Trial Court's use of Petitioner's juvenile record during sentencing and, only "out of an abundance of caution," remanded Petitioner's case to this Trial Court to determine within thirty (30) days if Petitioner was entitled to said credit time. *See Commonwealth v. Jones*, 1781 WDA 2017 at 6 (Pa. Super. Ct., 2/26/18). On November 29, 2018, this Trial Court granted Petitioner fifty-eight (58) days of credit time. On January 11, 2019, this Trial Court's judgment of sentence was affirmed by the Pennsylvania Superior Court. Petitioner filed for allowance of appeal in the Pennsylvania Supreme Court on February 11, 2019, which was denied on August 26, 2019.

On March 5, 2020, Petitioner filed *pro se* a Motion for Post-Conviction Relief. On March 12, 2020, this Trial Court appointed Attorney William J. Hathaway to represent Petitioner regarding the instant PCRA Petition. On June 1, 2020, Attorney Hathaway filed Petitioner's Supplement to Motion for Post-Conviction Collateral Relief. On July 7, 2020, the Commonwealth filed its Response to Petitioner's Supplement to Motion for Post-Conviction Collateral Relief. On September 7, 2020, this Trial Court conducted a hearing regarding Petitioner's PCRA Petition. During said hearing, Petitioner was represented by Attorney Hathaway; the Commonwealth was represented by District Attorney Grant T. Miller; and Petitioner, Petitioner's Grandmother Mrs. Linda Pope, Petitioner's Sister Ms. Mercedes Brown, and Petitioner's plea and direct appeal counsel, Attorney Jason A. Checque, all provided testimony.

Under the Post-Conviction Collateral Relief Act, a petitioner must plead and prove by a preponderance of the evidence the following four (4) prongs:

- (1) That the petitioner has been convicted of a crime under the laws of this Commonwealth and is at the time relief is granted:
 - i. Is currently serving a sentence of imprisonment, probation or parole for the crime;
 - ii. Awaiting execution of a sentence of death for the crime; or
 - iii. Serving a sentence which must expire before the person may commence serving the disputed sentence;

- (2) That the conviction or sentence resulted from one or more of the following:
 - i. A violation of the Constitution of this Commonwealth or the Constitution or laws of the United States, which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place;
 - ii. Ineffective assistance of counsel which in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place;
 - iii. A plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused the petitioner to plead guilty and the petitioner is innocent;
 - iv. The improper obstruction by government officials of the petitioner's right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court;
 - v. The unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced;
 - vi. The imposition of a sentence greater than the lawful maximum;
 - vii. A proceeding in a tribunal without jurisdiction;

(3) That the allegation of error has not been previously litigated or waived; and

(4) That the failure to litigate the issue prior to or during trial, during unitary review or on direct appeal could not have been the result of any rational, strategic or tactical decision by counsel.

42 Pa.C.S. § 9543(a). A petitioner must meet all four requirements of the statute to be eligible for relief. *Commonwealth v. Rachak*, 62 A.3d 389, 394 (Pa. Super. 2012).

Petitioner's PCRA Petition alleges Petitioner's plea and direct appeal counsel, Attorney Checque, caused Petitioner to enter an unknowing and involuntary plea when Attorney Checque allegedly counseled Petitioner he would be sentenced to two (2) years of incarceration for all of Petitioner's charges if he pled guilty. Petitioner does not allege Attorney Checque promised Petitioner personally he would receive a two (2) year sentence; rather, Petitioner alleges Attorney Checque promised Petitioner's Grandmother, Mrs. Linda Pope, and Sister, Ms. Mercedes Brown, he would receive said sentence. Petitioner alleges Attorney Checque enlisted Mrs. Pope and Ms. Brown to convince Petitioner to plead guilty after Petitioner allegedly rebuked Attorney Checque's efforts to convince Petitioner to plead guilty. Moreover, Petitioner alleges he maintained his innocence before counsel at all times but, despite Petitioner's insistence, Attorney Checque allegedly told Petitioner he would abandon Petitioner's representation and Petitioner would receive a twenty (20) year sentence if he did not plead guilty. Petitioner requests this Trial Court grant him leave to withdraw his guilty plea due to Attorney Checque's ineffective assistance of counsel.

"In determining whether a guilty plea is valid, the court must examine the totality of circumstances surrounding the plea." *Commonwealth v. Jabbie*, 200 A.3d 500, 505 (Pa.

Super. 2018). “The law does not require that a defendant be pleased with the outcome of his decision to plead guilty; the law requires only that a defendant’s decision to plead guilty be made knowingly, voluntarily, and intelligently.” *Id.* “A valid guilty plea must be made knowingly, voluntarily, and intelligently.” *Commonwealth v. Kelley*, 136 A.3d 1007, 1013 (Pa. Super. 2016). In order to withdraw a guilty plea, a defendant “must make a showing of prejudice which resulted in manifest injustice.” *Commonwealth v. Culsoir*, 209 A.3d 433, 437 (Pa. Super. 2019) (quoting *Commonwealth v. Flick*, 802 A.2d 620, 623 (Pa. Super. 2002)). A defendant must “demonstrate that his guilty plea was entered involuntarily, unknowingly, or unintelligently.” *Culsoir*, 209 A.3d at 437 (quoting *Commonwealth v. Stork*, 737 A.2d 789, 790 (Pa. Super. 1999)).

Petitioner is alleging Attorney Checque’s ineffective assistance of counsel caused him to enter an invalid guilty plea. “To prevail on a claim of ineffective assistance of counsel, a PCRA petitioner must prove each of the following: 1) the underlying legal claim was of arguable merit, 2) counsel had no reasonable strategic basis for his action or inaction, and 3) the petitioner was prejudiced — that is, but for counsel’s deficient stewardship, there is a reasonable likelihood the outcome of the proceedings would have been different.” *Commonwealth v. Pier*, 182 A.3d 476, 478 (Pa. Super. 2018) (quoting *Commonwealth v. Simpson*, 112 A.3d 1194, 1197 (Pa. 2015)). In all ineffective assistance of counsel claims, counsel is initially presumed to be effective. *Id.*

“Allegations of ineffectiveness in connection with the entry of a guilty plea will serve as a basis for relief only if the ineffectiveness caused the defendant to enter an unknowing or involuntary plea. Where the defendant enters his plea on the advice of counsel, the voluntariness of the plea depends on whether counsel’s advice was within the range of competence demanded of attorneys in criminal cases.” *Pier*, 182 A.3d at 478-79 (quoting *Commonwealth v. Moser*, 921 A.2d 526, 531 (Pa. Super. 2007)). “Thus, to establish prejudice, the defendant must show that there is a reasonable probability that, but for counsel’s errors, he would not have pleaded guilty and would have insisted on going to trial.” *Pier*, 182 A.3d at 479 (quoting *Commonwealth v. Barndt*, 74 A.3d 185, 192 (Pa. Super. 2013)); *see also Hill v. Lockhart*, 474 U.S. 52, 59 (1985).

In the instant case, this Trial Court conducted an evidentiary hearing to examine fully Petitioner’s PCRA claims of ineffective assistance of counsel. However, each witness’ testimony, including Petitioner’s, contradicted Petitioner’s PCRA claims. Petitioner testified he never discussed his case with Attorney Checque prior to entering his guilty plea on August 8, 2017. “Q: So the first opportunity you had to speak with [Attorney Checque] before you entered a guilty plea was at [the plea hearing] ... ? A: Yes, sir.” N.T., Evidentiary Hearing, 9/21/20, at 7:8-11. “Q: So you never gave any factual account to Attorney Checque before entering the plea? A: No, sir. Q: You never professed your innocence to him of the charges? A: No, sir.” *Id.* at 8:1 — 10; *see also* 20:5 — 10.¹

Petitioner testified he was made aware during his plea colloquy the maximum penalty he could receive if convicted of the charges he faced was twenty-two (22) years. *See id.* at 8:25 — 9:1-5. Petitioner further testified Attorney Checque told his grandparents only

¹ Petitioner contradicted this testimony when he stated later in the hearing “Well, after [the preliminary hearing], [Petitioner’s grandparents] tried to get me to take a plea. And Mr. Checque, he wanted me to take a plea at my preliminary hearing.” N.T., Evidentiary Hearing, 9/21/20, at 17:15 — 17.

what Petitioner could face if convicted, and Petitioner testified it was this potential exposure that motivated his decision to plead guilty. “Well, actually, he told my grandparents that if I didn’t take a plea that I could be facing up to 22 years if I get found guilty for all the charges. So after that, my grandparents talked to me and I took a plea thinking I would get a lighter sentence to my understanding.” *Id.* at 8: 15 — 19; *see also* 19:18 — 21. “[Petitioner’s grandparents] told me that after my preliminary hearing [Attorney Checque] came and talked to them in the hallway and basically if I didn’t take the plea that I would be facing up to 22 years. And, you know, to talk to me to make a better choice for myself.” *Id.* at 10:18 — 22.

Petitioner testified Attorney Checque informed his grandparents there was a possibility Petitioner could receive boot camp if he pled guilty. “Taking a guilty plea, I could be — there’s a possibility of me getting boot camp.” *Id.* at 11:15 — 17; *see also* 21:19 — 21. Petitioner testified he was made aware it was not certain he would receive boot camp if he pled guilty. “Q: And are you saying that you relied on [the possibility of boot camp] ... was that the reason why you entered your plea? A: Yes, sir. Q: Even though you knew that boot camp would not be a guarantee? A: Yes, sir.” *Id.* at 12 — 18.

Petitioner’s Grandmother’s, Mrs. Linda Pope’s, testimony further contradicted many of Petitioner’s PCRA claims. Mrs. Pope stated she had requested to speak with Attorney Checque following Petitioner’s preliminary hearing. “Yes. I asked to speak to [Attorney Checque] as he was leaving the courtroom.” *Id.* at 9 — 10. Mrs. Pope stated Attorney Checque told Mrs. Pope he thought Petitioner’s best outcome would be if Petitioner pled guilty. “Q: Did he advise you that he thought his best option was to enter guilty pleas? A: Yes.” *Id.* at 27:8 — 10. “... I think I remember asking him, you know, if he go [sic] for trial what was the chance of him, you know, getting off. [Attorney Checque] just said it didn’t look good.” *Id.* at 28:15 — 18. Mrs. Pope stated Attorney Checque did not make any promises regarding Petitioner’s sentence nor did he attempt to convince Petitioner to plead guilty. “Q: Did [Attorney Checque] promise you anything in terms of your grandson entering pleas? A: No.” *Id.* at 28:3 — 5; *see also* 34:21 — 35:1. “Q: Did you make any effort to convince your grandson to enter the guilty pleas? A: No. I just basically told him, you know, to speak what he feels in his heart was right and be truthful and just speak from his heart and say what he had to say, you know, to the judge.” *Id.* at 31 :6 — 11.

Petitioner’s Sister’s, Ms. Mercedes Brown’s, testimony also contradicted Petitioner’s PCRA claims. First, Ms. Brown was unclear as to which hearing she attended where she spoke with Attorney Checque. Ms. Brown stated, although she was unsure, that she attended the sentencing hearing, but also stated Attorney Checque was still recommending Petitioner accept a plea prior to this hearing. *See id.* at 37:1 — 7; 20 — 22. Ms. Brown stated Attorney Checque never promised her or Mrs. Pope Petitioner would receive a certain sentence if he pled guilty. “Q: Did [Attorney Checque] ever make any promises to you or your grandmother as to what your brother would receive if he accepted the plea deal? A: No. I just told him, like, this is what it is. And if you feel this is the best choice for you, then that’s what you need to make. But if it’s not the best choice then you need to make your decision.” *Id.* at 38:23 — 39:4.

During Attorney Checque’s testimony, he directly refuted Petitioner’s ineffective assistance claims. Attorney Checque testified to his recollection of Petitioner’s preliminary hearing, and stated his general policy of discussing with his clients their options concerning taking a plea or going to trial. “I believe I would have, at least, discussed the possibility of a plea at

the preliminary hearing ... Obviously, at that time, I also explained to Deandre and the other clients that I'm here to help you with your case. You tell me what you want to do and then we'll kind of go from there." *Id.* at 42:6 — 12. Attorney Checque stated that he believed Petitioner's best option was to plead guilty upon evaluating the Commonwealth's evidence against Petitioner during the preliminary hearing. *See id.* at 43:8 — 44:7. Attorney Checque stated he never promised Petitioner or any of Petitioner's family members Petitioner would receive a specific sentence if he pled guilty. "Q: Do you recall ever promising to any of [Petitioner's family] what sentence [Petitioner] would receive if he entered a plea? A: I would not promise the sentence." *Id.* at 45:2 — 4; *see also* 46:12 — 14; 47:16 — 18. Attorney Checque stated he believed Petitioner's best option would be to plead guilty hoping to receive a low enough sentence for the instant charges, combined with his sentence from another criminal case he had been convicted and sentenced for, to become eligible for boot camp. *See id.* at 45:5 — 46:11. Attorney Checque stated this was what he recommended to Petitioner. *See id.* at 46:6 — 11. Attorney Checque stated Petitioner was receptive to the plea deal, and that he never pressured Petitioner, or any of Petitioner's family, to accept, or encourage Petitioner to accept, a plea deal. *See id.* at 51:22 — 52:5; 55:6 — 15; 55:16 — 56:11.

During the evidentiary hearing, none of the witnesses, including Petitioner, confirmed Petitioner's allegation Attorney Checque told Petitioner he would abandon Petitioner's representation or that Petitioner would be convicted and sentenced to twenty (20) years in prison if he did not plead guilty. Instead, the testimony established Attorney Checque informed Petitioner of the maximum number of years he could be sentenced to if he was convicted at trial. None of the witnesses confirmed Petitioner's allegation that Attorney Checque ignored Petitioner's assertion he was innocent of all charges. The testimony credibly demonstrated Attorney Checque recommended Petitioner plead guilty after examining the evidence Commonwealth would offer against Petitioner if he proceeded to trial. Most importantly, none of the witnesses confirmed Attorney Checque told them Petitioner would be sentenced to two (2) years in prison if he pled guilty or encouraged them to pressure Petitioner to plead guilty. Petitioner alleged he was told by his grandparents he would be sentenced to two (2) years in prison if he pled guilty, which Mrs. Pope, Petitioner's Grandmother, denied. Ms. Brown, Petitioner's Sister, stated she never heard Attorney Checque promise Petitioner would be sentenced to only two (2) years in prison and she did not pressure Petitioner into pleading guilty. This Trial Court notes Petitioner himself called these witnesses to testify on his behalf.

In order to grant Petitioner PCRA relief for ineffective assistance of counsel regarding the entry of a guilty plea, Petitioner must be able to show Attorney Checque's ineffectiveness caused Petitioner to enter his guilty plea. However, Petitioner's alleged claims of Attorney Checque's misrepresentation of Petitioner were not supported by any witnesses, including Petitioner, and were directly refuted by Mrs. Pope, Ms. Brown, and Attorney Checque. Petitioner failed to provide sufficient evidence to sustain his claims of ineffective assistance of counsel against Attorney Checque, and, therefore, Petitioner's PCRA claims must be denied. This Trial Court finds and concludes Petitioner has not provided credible evidence his underlying legal claims are of arguable merit or Petitioner was in any way prejudiced by Attorney Checque's actions during his representation of Petitioner.

Attorney Checque encouraged Petitioner to accept a guilty plea given the evidence

Commonwealth would have offered against Petitioner and in order for Petitioner to receive a sentence qualifying him for boot camp and this Trial Court's recommendation for the same.² While Petitioner's sentence ultimately made him ineligible for boot camp, Petitioner received a six (6) year to fourteen (14) year sentence from a possible maximum sentence of twenty-two (22) years — a sentence affirmed by the Pennsylvania Superior Court. *See Jones*, 1781 WDA 2017 at 6. Regardless of Petitioner's not receiving a sentence that would qualify for boot camp and this Trial Court's recommendation for boot camp, this Trial Court finds and concludes counseling Petitioner to plead guilty was sound legal advice given Petitioner's potential conviction and subsequent sentence. For these reasons, this Trial Court finds and concludes Attorney Checque had a reasonable basis for his actions in the instant case, and Attorney Checque's advice to Petitioner was within the range of competence demanded of attorneys in criminal cases.

Moreover, Petitioner acknowledged during his guilty plea colloquy the possibility that regardless of what Attorney Checque allegedly promised Petitioner, Petitioner's sentence was at the discretion of this Trial Court. In Pennsylvania, "[o]nce a Defendant enters a guilty plea, it is presumed that he was aware of what he was doing." *Culsoir*, 209 A.3d at 437 (quoting *Stork*, 737 A.2d at 790). "Consequently, defendants are bound by statements they make during their guilty plea colloquies and may not successfully assert any claims that contradict those statements." *Culsoir*, 209 A.3d at 437 (quoting *Commonwealth v. Muhammad*, 794 A.2d 378, 384 (Pa. Super. 2002)).

Assistant District Attorney of Erie County Michael Garcia informed Petitioner of the following during his August 8, 2017 plea hearing: "Paragraph 5 contains the plea bargain in your case, the charges you're going to plead guilty to, and what charges may be going away as a result of your plea bargain. Paragraph 4 contains the maximum possible penalty you could face ... Understand the Judge could choose to impose that maximum penalty if she wanted to, though it is unlikely. Also understand the Judge is not bound by the terms of any plea bargain and she is free to reject any plea if she chooses to. The judge is also free to reject any recommendations that are made by our office on your behalf. If the judge were to reject a recommendation that's made by our office on your behalf, that would not be grounds to withdraw your guilty plea." N.T., Plea, 8/8/17, at 4:8 — 12; 4:18 — 5:3. Assistant District Attorney Garcia then asks Petitioner if he understood the rights he would give up should he plead guilty: "Sir, did you understand those rights?" *Id.* at 7:21 — 22. To which Petitioner responds "Yes." *Id.* at 7:23. Petitioner is then informed of the maximum sentences for the three charges he pled guilty to and informed of the cumulative maximum sentence he could receive for all three charges, to which Petitioner acknowledged he understood. *See id.* at 7:24 — 8:20. Petitioner also affirmed his understanding by signing a statement to that effect before this Trial Court. *See id.* at 8: 17 — 21.

In the instant PCRA Petition, Petitioner claims his plea was involuntary and should be withdrawn due to Attorney Checque's alleged statements that Petitioner would receive a two (2) year sentence if he pled guilty and that Petitioner would be sentenced to twenty (20) years in prison if he did not. Petitioner's claims, however, are directly contradicted by statements

² In addition to finding Attorney Checque's testimony credible on this issue, this Trial Court notes the transcript of Petitioner's plea hearing confirms Attorney Checque's efforts to secure boot camp for Petitioner. *See N.T., Plea*, 8/8/17, at 9:3 — 9.

Petitioner made during his guilty plea colloquy. Petitioner stated he understood any plea bargain may be rejected by this Trial Court, this Trial Court makes the determination as to Petitioner's sentence, and Petitioner could be sentenced to a maximum of twenty-two (22) years in prison even if he pled guilty. Furthermore, Petitioner was also informed of his right to file a Post-Sentence Motion challenging his plea, which Petitioner instructed Attorney Checque to do following his sentencing. Petitioner's actions here provide additional support for concluding Petitioner fully understood what he was informed of during the instant plea colloquy.

Pennsylvania law presumes Petitioner was aware of what he was doing during the instant plea colloquy. Petitioner is held to the statements he made during the instant plea colloquy, and Petitioner may not assert claims that contradict those statements. Petitioner's acknowledgement of this Trial Court's discretion as well as Petitioner's exercise of his post-sentence rights in accordance with what he was informed during the instant colloquy indicate he understood what was being explained to him, and indicate he knowingly, intelligently, and voluntarily pled guilty. This Trial Court finds and concludes the totality of the circumstances indicate Petitioner's guilty plea was valid.

Petitioner failed to provide credible evidence Attorney Checque promised Petitioner would receive a two (2) year sentence, told Petitioner he would abandon Petitioner's representation, or told Petitioner he would receive a twenty (20) year sentence if he did not plead guilty. Petitioner failed to provide credible evidence Attorney Checque's actions prejudiced Petitioner in any way or caused Petitioner to enter an unknowing or involuntary guilty plea. Attorney Checque had a reasonable basis and acted within the range of reasonable competence in representing Petitioner by counseling Petitioner to plead guilty, and the totality of the circumstances indicate Petitioner's guilty plea was valid. For all of these reasons, this Trial Court enters the following Order:

ORDER

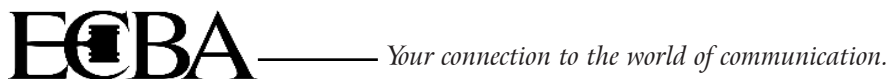
AND NOW, to wit, on this 7th day of December, 2020, for the reasons set forth in the Opinion attached above, it is hereby **ORDERED, ADJDUGED, AND DECREED** Petitioner Deandre Levon Jones' PCRA Petition is **DENIED**.

BY THE COURT

/s/ **Hon. Stephanie Domitrovich, Judge**

Erie County Bar Association

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INCORPORATION NOTICE

NOTICE is hereby given that Allin/ Rose Consulting, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988.

Craig A. Zonna, Esq.
ELDERKIN LAW FIRM
456 West 6th St.
Erie, PA 16507

Feb. 5

INCORPORATION NOTICE

NOTICE is hereby given that Presque Isle Paddlesports, Inc. has been incorporated under the provisions of the Business Corporation Law of 1988.

Craig A. Zonna, Esq.
ELDERKIN LAW FIRM
456 West 6th St.
Erie, PA 16507

Feb. 5

INCORPORATION NOTICE

Notice is hereby given that PurpleOne was incorporated under the provisions of the Nonprofit Corporation Law of 1988 on December 18, 2020 for the purpose of relieving domestic violence.

Norman A. Stark, Esquire
Marsh Schaaf, LLP
300 State Street, Suite 300
Erie, PA 16507

Feb. 5



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SHERIFF SALES

Notice is hereby given that by virtue of sundry Writs of Execution, issued out of the Courts of Common Pleas of Erie County, Pennsylvania, and to me directed, the following described property will be sold at the Erie County Courthouse, Erie, Pennsylvania on

FEBRUARY 19, 2021

AT 10 A.M.

All parties in interest and claimants are further notified that a schedule of distribution will be on file in the Sheriff's Office no later than 30 days after the date of sale of any property sold hereunder, and distribution of the proceeds made 10 days after said filing, unless exceptions are filed with the Sheriff's Office prior thereto.

All bidders are notified prior to bidding that they **MUST** possess a cashier's or certified check in the amount of their highest bid or have a letter from their lending institution guaranteeing that funds in the amount of the bid are immediately available. If the money is not paid immediately after the property is struck off, it will be put up again and sold, and the purchaser held responsible for any loss, and in no case will a deed be delivered until money is paid.

John T. Loomis

Sheriff of Erie County

Jan. 29 and Feb. 5, 12

SALE NO. 2

Ex. #11517 of 2017

MARQUETTE SAVINGS

BANK, Plaintiff

v.

ZONYA A. FLEMINGS,

Defendant

DESCRIPTION

By virtue of a Writ of Execution filed at No. 11517-2017, Marquette Savings Bank vs. Zonya Flemings, owner of the property situate in the City of Erie, Erie County, Pennsylvania being: 319 German Street, Erie, Pennsylvania.

Approx. 40' X 123.75' X 40' X 123.75'

Assessment Map Number:

(14) 1012-127

Assessed Value Figure: \$61,630.00

Improvement Thereon: Residence
Eugene C. Sundberg, Jr., Esq.
Marsh Schaaf, LLP
300 State Street, Suite 300
Erie, Pennsylvania 16507
(814) 456-5301

Jan. 29 and Feb. 5, 12

SALE NO. 4

Ex. #10019 of 2020

QUICKEN LOANS LLC F/K/A

QUICKEN LOANS INC.,

Plaintiff

v.

WILLIAM ADAMS AKA

WILLIAM R. ADAMS,

Defendant

DESCRIPTION

By virtue of a Writ of Execution filed to No. 10019-20, QUICKEN LOANS LLC F/K/A QUICKEN LOANS INC. vs. WILLIAM ADAMS AKA WILLIAM R. ADAMS, owner(s) of the property situated in Erie County, Pennsylvania being 5458 GARDNER DRIVE, ERIE, PA 16509

Assessment Map Number:

33145463001800

Assessment Value Figure:

\$152,410.00

Improvement Thereon:

A Residential Dwelling

KML LAW GROUP, P.C.

ATTORNEY FOR PLAINTIFF

701 MARKET STREET,

SUITE 5000

PHILADELPHIA, PA 19106

(215) 627-1322

Jan. 29 and Feb. 5, 12

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

**ALLEN, GAYLE E.,
deceased**

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

**BEVERIDGE, GINGER L., a/k/a
GINGER LEE BEVERIDGE,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Administrator: Tory J. Shatto, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Melissa L. Larese, Esq., Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**BIZZARRO, SHIRLEY A., a/k/a
SHIRLEY BIZZARRO,
deceased**

Late of the Township of Millcreek
Executrix: Angelina M. Bizzarro
Attorney: Andrew J. Sisinni, Esquire, 1314 Griswold Plaza, Erie, PA 16501

**CULVER, RANDY R.,
deceased**

Late of the Boro of North East, County of Erie, Commonwealth of Pennsylvania
Administratrix C.T.A.: Miranda Culver, c/o Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506
Attorney: Melissa L. Larese, Esq., Buseck, Leemhuis, Toohey & Kroto, Inc., 2222 West Grandview Blvd., Erie, PA 16506

**DIEHL, DOROTHY A., a/k/a
DOROTHY DIEHL, a/k/a
DOROTHY AGNES DIEHL,
deceased**

Late of the Township of Girard
Co-Executors: Gregory Glazier, 945 Weber Lane, Erie, Pennsylvania 16509 and Kathleen Skelton, 40 Heather Lane, Staunton, VA 24401
Attorney: Grant M. Yochim, Esq., 24 Main Street East, P.O. Box 87, Girard, PA 16417

**KARLINCHAK, PETER,
deceased**

Late of Lawrence Park Township, Erie County, Commonwealth of Pennsylvania
Co-Executors: Kara A. Whitman and Timothy Karlinchak, 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

**LAIRD, JUNE E.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Susanne C. Wolper
Attorney: David J. Rhodes, Esquire, ELDERKIN LAW FIRM, 456 West 6th Street, Erie, PA 16507

**OSIECKI, DOLORES N.,
deceased**

Late of Millcreek Township, Erie County, Commonwealth of Pennsylvania
Executrix: Camille Vahey, 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

**POSTLER, DENNIS RAYMOND,
a/k/a DENNIS R. POSTLER, a/k/a
DENNIS POSTLER,
deceased**

Late of the City of Erie, County of Erie, Commonwealth of Pennsylvania
Executrix: Heather Amendola, 3046 Harvest Bend, Erie, PA 16506
Attorney: None

**POTTS, ARLENE N.,
deceased**

Late of Millcreek Township, County of Erie and Commonwealth of PA
Executor: Jeffrey N. Potts, 2015 Andover Lane, Erie, PA 16509
Attorney: None

**SHEPHERD, THELDA M., a/k/a
THELDA SHEPHERD, a/k/a
REBECCA SHEPHERD,
deceased**

Late of the City of Erie
Executrix: Sharon Alberstadt, 1405 East 36th Street, Erie, Pennsylvania 16504
Attorney: Valerie H. Kuntz, Esq., 24 Main Street East, P.O. Box 87, Girard, PA 16417

**STANKIEWICZ, EDWIN S., a/k/a
EDWIN V. STANKIEWICZ,
deceased**

Late of the City of Erie, Erie County, Pennsylvania
Executor: Jeffrey A. Stankiewicz, c/o Jeffrey J. Cole, Esq., 2014 West 8th Street, Erie, PA 16505
Attorney: Jeffrey J. Cole, Esq., 2014 West 8th Street, Erie, PA 16505

**STRONG, DONNA L.,
deceased**

Late of the Township of McKean,
County of Erie and Commonwealth
of Pennsylvania
Executor: David J. Strong, c/o
Timothy D. McNair, Esquire,
McNair Law Offices, 821 State
Street, Erie, Pennsylvania 16501
Attorney: Timothy D. McNair,
Esquire, McNair Law Offices,
821 State Street, Erie, Pennsylvania
16501

**WHITFORD, DOROTHY L.,
a/k/a DOROTHY LOUISE
WHITFORD,
deceased**

Late of Harborcreek Township,
Erie County, Pennsylvania
Executrix: April M. Schwab, 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

**WILCZEWSKI, RICHARD L.,
a/k/a RICHARD WILCZEWSKI,
deceased**

Late of Millcreek Township,
County of Erie and Commonwealth
of Pennsylvania
Executrix: Rebecca J. Stilwell,
c/o Michael A. Agresti, Esq.,
Suite 300, 300 State Street, Erie,
PA 16507
Attorney: Michael A. Agresti,
Esq., MARSH SCHAAF, LLP.,
Suite 300, 300 State Street, Erie,
PA 16507

SECOND PUBLICATION

**BENNETT, IRA L., a/k/a
IRA LORENZO BENNETT,
deceased**

Late of Harborcreek Township,
County of Erie and Commonwealth
of Pennsylvania
Executor: Craig Bennett, c/o
Michael A. Agresti, Esq., Suite 300,
300 State Street, Erie, PA 16507
Attorney: Michael A. Agresti, Esq.,
Marsh Schaaf, LLP., Suite 300, 300
State Street, Erie, PA 16507

**CROSBY, BLAIR E.,
deceased**

Late of the Borough of North
East, County of Erie and State of
Pennsylvania
Executrix: Brenda J. Ruggiero, c/o
Justin L. Magill, Esq., 821 State
Street, Erie, PA 16501
Attorney: Justin L. Magill, Esq.,
821 State Street, Erie, PA 16501

**GUTMANN, ELIZABETH J.,
a/k/a ELIZABETH GUTMANN,
deceased**

Late of the Township of Fairview
Executor: Thomas McVicker,
413 Columbia Road, Bay Village,
Ohio 44140
Attorney: Grant M. Yochim, Esq.,
24 Main Street East, P.O. Box 87,
Girard, PA 16417

**KESTLE, SHIRLEY ANN, a/k/a
SHIRLEY A. KESTLE,
deceased**

Late of Millcreek Township, Erie
County, PA
Executor: Terrence N. Kestle,
c/o Mary Alfieri Richmond, Esq.,
502 Parade Street, Erie, PA 16507
Attorney: Mary Alfieri Richmond,
Esq., 502 Parade Street, Erie, PA
16507

**McCRACKEN,
MICHAEL JOHN, a/k/a
MICHAEL J. McCRACKEN,
deceased**

Late of the Borough of Waterford,
Erie County, Commonwealth of
Pennsylvania
Executrix: Dianne McCracken, c/o
Knox Law Firm, 120 W. 10th St.,
Erie, PA 16501
Attorney: Christine Hall McClure,
Esq., Knox McLaughlin Gornall &
Sennett, P.C., 120 West 10th Street,
Erie, PA 16501

**McGAHEN, RUTH A., a/k/a
RUTH ALLENE McGAHEN,
a/k/a RUTH McGAHEN,
deceased**

Late of the Borough of Edinboro
Executor: John K. McGahen,
1011 Conewango Avenue, Warren,
Pennsylvania 16365
Attorney: Grant M. Yochim, Esq.,
24 Main Street East, P.O. Box 87,
Girard, PA 16417

**MILANO, DAVID J.,
deceased**

Late of Millcreek Township,
County of Erie and Commonwealth
of Pennsylvania
Executor: Michael D. Milano, c/o
Michael A. Agresti, Esq., Suite 300,
300 State Street, Erie, PA 16507
Attorney: Michael A. Agresti, Esq.,
Marsh Schaaf, LLP., Suite 300, 300
State Street, Erie, PA 16507

**OMNIEWSKI, ROSEMARY A.,
deceased**

Late of Erie County
Executor: Daniel J. Omniewski,
c/o Andrew F. Gornall, Esq., 246
West 10th Street, Erie, PA 16501
Attorney: Andrew F. Gornall,
Esq., 246 West 10th Street, Erie,
PA 16501

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

Late of the Borough of Albion
Co-administratrix: Dawn M.
Hayes, 48 Harthan Way, Albion,
PA 16401 and Shannon Roemer,
55 3rd Avenue, Albion, PA 16401
Attorney: Valerie H. Kuntz, Esq.,
24 Main Street East, P.O. Box 87,
Girard, PA 16417

**SULKOWSKI, JEAN H.,
deceased**

Late of Union Township, Erie
County, Pennsylvania
Executrix: Susan A. Sulkowski,
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

**VINCENT, BETTIE J. JONES,
a/k/a BETTIE JEAN JONES
VINCENT, a/k/a
BETTIE J. VINCENT,
deceased**

Late of the City of Erie, Erie County, Commonwealth of Pennsylvania
Executrix: Angela Celeste Vincent, c/o Nadia A. Havard, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Nadia A. Havard, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**WEYAND, MARION Z., a/k/a
MARION ZOE WEYAND, a/k/a
MARION WEYAND,
deceased**

Late of Greene Township, County of Erie and Commonwealth of Pennsylvania
Co-executors: Donna Z. Niedzwecki and David C. Weyand, c/o James J. Bruno, Esquire, 3820 Liberty Street, Erie, PA 16509
Attorney: James J. Bruno, Esquire, 3820 Liberty Street, Erie, PA 16509

**ZIMMERMAN, CATHERINE L.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Executrix: Susan L. Young, 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

**ZMYSLINSKI, ROSE ANN,
deceased**

Late of the Township of Millcreek, County of Erie and Commonwealth of Pennsylvania
Executor: Norman R. Zmyslinski, Jr., c/o 504 State Street, 3rd Floor, Erie, PA 16501
Attorney: Michael J. Nies, Esquire, 504 State Street, 3rd Floor, Erie, PA 16501

THIRD PUBLICATION

**AGOSTINO, MARTHA J.,
deceased**

Late of the City of Erie, County of Erie and Commonwealth of Pennsylvania
Administrator: Robert W. Agostino, 150 Newell Avenue Ext., St. Clairsville, OH 43950-1227
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**AGOSTINO, VINCENT A., a/k/a
VINCENT AGOSTINO, a/k/a
VINCENT AGUSTINO, a/k/a
VINCENT AGOSTINI,
deceased**

Late of the Millcreek Township, County of Erie and Commonwealth of Pennsylvania
Administrator c.t.a.: Robert W. Agostino, 150 Newell Avenue Ext., St. Clairsville, OH 43950-1227
Attorneys: MacDonald, Illig, Jones & Britton LLP, 100 State Street, Suite 700, Erie, Pennsylvania 16507-1459

**COOK, DARREN SCOTT,
deceased**

Late of the Township of Waterford, County of Erie and Commonwealth of Pennsylvania
Executrix: Kimberly Cook, c/o Anthony Angelone, Esquire, Law Office of Gery T. Nietupski, Esquire, LLC, 818 State Street, Suite A, Erie, PA 16501
Attorney: Anthony Angelone, Esquire, Law Office of Gery T. Nietupski, Esquire, LLC, 818 State Street, Suite A, Erie, PA 16501

**DAILEY, NORA F.,
deceased**

Late of the City of Erie
Executor: William C. Dailey, Jr., c/o 731 French Street, Erie, PA 16501
Attorney: Angelo P. Arduini, Esquire, 731 French Street, Erie, PA 16501

**DIBBLE, DOROTHEA A., a/k/a
DOROTHEAANN DIBBLE, a/k/a
DAISY DIBBLE,
deceased**

Late of Greene Township, Erie County, Pennsylvania
Executrix: Lisa Matthews, c/o Frances A. McCormick, Esq., 120 West Tenth Street, Erie, PA 16501
Attorney: Frances A. McCormick, Esq., Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501

**DOMBROWSKI, IRENE,
deceased**

Late of the City of Erie, County of Erie and State of Pennsylvania
Executrix: Cathleen Golonka, 616 Shenley Drive, Erie, Pennsylvania 16505
Attorney: Ronald J. Susmarski, Esq., 4030 West Lake Road, Erie, PA 16505

**GEHRLEIN, DONALD E., JR.,
a/k/a DONALD E. GEHLEIN,
a/k/a DON GEHRLEIN,
deceased**

Late of the Township of Girard, County of Erie, Commonwealth of Pennsylvania
Co-executors: James Mattson and Edward Mattson, 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

**HENDERSON, NORMA J.,
deceased**

Late of the Township of Millcreek
Executrix: Marie A. Siegel, c/o 731 French Street, Erie, PA 16501
Attorney: Angelo P. Arduini, Esquire, 731 French Street, Erie, PA 16501

**KOBYs, LILLIAN B., a/k/a
LILLIAN BERNICE KOBYs,
a/k/a LILLIAN KOBYs,
deceased**

Late of the Township of Conneaut
Executor: John Kobys, Jr.,
9143 Ferndale Court, Girard,
Pennsylvania 16417

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

**MICHALAK, HELEN,
deceased**

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

Executrix: Darlene M. O'Sullivan,
c/o Joseph B. Spero, Esquire,
3213 West 26th Street, Erie,
Pennsylvania 16506

Attorney: Joseph B. Spero,
Esquire, 3213 West 26th Street,
Erie, Pennsylvania 16506

**O'HARA, JAMES T.,
deceased**

Late of the City of Erie
Administrator: Keith E. Gregory
Attorney: Norman A. Stark,
Esquire, Marsh Schaaf, LLP,
300 State Street, Suite 300, Erie,
PA 16507

**REES, PATRICIA CORRINE,
a/k/a PATRICIA C. REES,
deceased**

Late of Millcreek Township, Erie
County, Pennsylvania

Executor: Christopher B. Rees, c/o
Robert G. Dwyer, Esq., 120 West
Tenth Street, Erie, PA 16501

Attorney: Robert G. Dwyer, Esq.,
Knox McLaughlin Gornall &
Sennett, P.C., 120 West Tenth
Street, Erie, PA 16501

TRUST NOTICES

Notice is hereby given of the
administration of the Trust set forth
below. All persons having claims
or demands against the decedent
are requested to make known the
same and all persons indebted to
said decedent are required to make
payment without delay to the trustees
or attorneys named below:

**WILEY, VIRGINIA P., a/k/a
VIRGINIA P. HUSTER,
deceased**

Late of Millcreek Township,
Erie County, Commonwealth of
Pennsylvania

Trustee: PNC Bank, National
Association, c/o Paul J. Palko,
Vice President, 300 Fifth Avenue,
31st Floor, Pittsburgh, PA 15222,
Mailstop: PT-PTWR-31-1

Attorney: Mario Santilli, Jr.,
Esquire, Dentons Cohen &
Grigsby P.C., 625 Liberty Avenue,
7th Floor, Pittsburgh, PA 15222-
3152



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