

CARBON COUNTY LAW JOURNAL

Publication Number (ISSN 0090-8789)

The Official Legal Newspaper for Carbon County

Containing Decisions Rendered, Legal Notices, Advertisements
in the 56th Judicial District

ROGER N. NANOVIC, President Judge

STEVEN R. SERFASS, Judge

JOSEPH J. MATIKA, Judge

Vol. XXII Jim Thorpe, PA, Friday, August 24, 2018 No. 34

COMMONWEALTH of PENNSYLVANIA vs. ZACHARY MICHAEL
PENICK, Defendant 91

*Criminal Law—Imposition of Consecutive Sentences on Separate
and Unrelated Criminal Offenses Occurring While Defendant Was
on State Parole—Automatic Aggregation—Failure to Post Bail
on New Criminal Charges—Time Spent in Custody on State De-
tainer—Allocating Credit for Time Spent in Custody by and Between
Original State Sentence and New Criminal Charges*

Notice to Bar

The Carbon County Court of Common Pleas is seeking any other interested attorneys who are willing to serve as Conflict Counsel under an hourly basis, effective October 1, 2018. The Court maintains a current list of attorneys who are part of the conflict counsel program. Please feel free to confirm your current membership on that list.

Contact Greg Armstrong, District Court Administrator, at (570) 325-8556 x3200, or via e-mail at garmstrong@carboncourts.com to confirm that you are on the current list, or to add your name to the list (please include areas of interest).

Aug. 24

COURT CALENDAR

Week of August 27

Court Calendar Submitted: August 15, 2018

For updates and revisions check courthouse webpage:

www.carboncourts.com

Criminal

Chairman Engler, Jean A., Esq.

Thursday, August 30

8:30 AM

1	Formal Arrestment	Com. v. Blair, D.R.	(Hatton, Unassigned)	18-0812
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1:00 PM

2	Formal Arrestment	Com. v. Hydro, P.	(Hatton, Unassigned)	18-0799
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3	Formal Arraignment	Com. v. Hydro, P.	(Hatton, Unassigned)	18-0802
4	Formal Arraignment	Com. v. Bonetsky, D.E.	(Hatton, Unassigned)	18-0807
5	Formal Arraignment	Com. v. Sellare, C.J.	(Hatton, Unassigned)	18-0809
Judge Matika, Joseph J., Hon.				
Monday, August 27				
9:00 AM				
6	Permanency Rev. Hrg.	Restricted Case Caption	(Unassigned)	15-0020
7	Permanency Rev. Hrg.	Restricted Case Caption	(Unassigned)	15-0027
8	Adjudicatory Hrg.	Restricted Case Caption	(Sebelin)	17-0002
9	Adjudicatory Hrg.	Restricted Case Caption	(Unassigned)	18-0022
10	Adjudicatory Hrg.	Restricted Case Caption	(Unassigned)	18-0023
11	Adjudicatory Hrg.	Restricted Case Caption	(Unassigned)	18-0024
12	Adjudicatory Hrg.	Restricted Case Caption	(Unassigned)	18-0025
13	Init. Perm. Rev. Hrg.	Restricted Case Caption	(Unassigned)	18-0016
14	Permanency Rev. Hrg.	Restricted Case Caption	(Hatton)	00-0179
15	Permanency Rev. Hrg.	Restricted Case Caption	(Unassigned)	13-0041
16	Permanency Rev. Hrg.	Restricted Case Caption	(Combi)	16-0024

Published by the Carbon County Bar Association, Inc.
 Sheri A. Ryan, Managing Editor

Carbon County Law Journal Publication No. (ISSN 00908789) is published each Friday for \$50.00 per year or \$1.00 per copy by the Carbon County Bar Association, Inc., 811 Blakeslee Blvd. Drive East, Suite 130, Lehighton, PA 18235. Periodical postage is paid at Lehighton, PA and additional mailing offices. **All notices to be published Friday must be received by the previous Friday.** ALL INFORMATION CONTAINED HEREIN IS RECEIVED FROM THE RESPECTIVE OFFICES OF THE CARBON COUNTY COURT HOUSE. NO WARRANTY IS MADE AS TO RELIABILITY AND THIS BOOKLET IS NOT INTENDED AS A SUBSTITUTE FOR A SEARCH OF THE COURT HOUSE RECORDS.

POSTMASTER: Send all communications and address changes to: Carbon County Law Journal, 811 Blakeslee Blvd. Drive East, Suite 130, Lehighton, PA 18235.

Printed by
 Clare Printing
 206 So. Keystone Ave., Sayre, PA 18840

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17	Permanency Rev. Hrg.	Restricted Case Caption	(Unassigned)	17-0019
18	Permanency Rev. Hrg.	Restricted Case Caption	(Unassigned)	17-0026
19	Permanency Rev. Hrg.	Restricted Case Caption	(Unassigned)	17-0036
20	Permanency Rev. Hrg.	Restricted Case Caption	(Unassigned)	17-0039
21	Permanency Rev. Hrg.	Restricted Case Caption	(Unassigned)	16-0006
22	Permanency Rev. Hrg.	Restricted Case Caption	(Unassigned)	16-0007
1:15 PM				
23	Adjudicatory Hrg.	Restricted Case Caption	(Unassigned)	18-0021
Judge Nanovic, Roger N., II, Hon.				
Monday, August 27				
9:00 AM				
24	Pet. Revoke ARD	Com. v. Behler, T.	(Miller, Pro Se)	17-0542
25	Pet. Revoke Parole	Com. v. Schembri, J.L.	(Perilli, Unassigned)	17-0300
26	Pet. Revoke ARD	Com. v. Leisure, S.	(Miller, Pasqualini)	16-1219
27	Pet. Revoke Parole	Com. v. Evans, W.P.	(Greek, Unassigned)	16-0273
28	Pet. to Revoke Parole	Com. v. Bartenope, Z.D.	(Hatton, Unassigned)	15-0333
29	Pet. to Revoke Parole	Com. v. Bartenope, Z.D.	(Perilli, Unassigned)	16-0858
30	Pet. to Revoke Parole	Com. v. Bartenope, Z.D.	(Perilli, Unassigned)	16-0856
31	Pet. to Revoke Parole	Com. v. Bartenope, Z.D.	(Perilli, Unassigned)	16-0857
32	Pet. to Revoke Parole	Com. v. Bartenope, Z.	(Miller, Unassigned)	16-0040
1:15 PM				
33	Pet. Special Relief	Com. v. Nieroda, G.G.	(Perilli, Mousseau)	16-0893
34	Pet. Expunge Record	Com. v. Cromley, T.	(Engler, Pro Se)	98-0009
Tuesday, August 28				
9:00 AM				
35	Sentencing	Com. v. Watkins, S.T.	(Hatton, Collins)	16-0798
36	Sentencing	Com. v. Howard, N.T.	(Gazo, Unassigned)	17-1394
37	Sentencing	Com. v. Everett, J.A.	(Gazo, McLain)	17-1261
38	Sentencing	Com. v. Pasternak, D.T.	(Greek, Rapa)	18-0473
Wednesday, August 29				
9:00 AM				
39	PCRA Pet.	Com. v. Vega, J.A.	(Engler, McMahon)	09-0395
Thursday, August 30				
9:00 AM				
40	Plea Court	Com. v. DeKorte, A.D.	(Perilli, Dorward)	15-1284
41	Plea Court	Com. v. Schloff, J.A.	(Gazo, Rapa)	18-0546
42	ARD Court	Com. v. Solt, G.	(Miller, Rapa)	18-0630
43	Plea Court	Com. v. Davis, J.J.	(Mottola)	18-0259
44	Plea Court	Com. v. Smith, E.D.	(Hatton, Unassigned)	18-0160
45	ARD Court	Com. v. Russo, J.M.	(Miller, Rapa)	18-0409
46	ARD Court	Com. v. Ruff, J.L.	(Greek, Rapa)	18-0469
47	Plea Court	Com. v. Snyder, J.F.	(Hatton, Mottola)	14-1093
48	Plea Court	Com. v. Snyder, J.F.	(Hatton, Mottola)	15-0414
49	ARD Court	Com. v. Wasako, M.S.	(Hatton, Mottola)	17-1437
50	ARD Court	Com. v. Pearson, C.A.	(Perilli, Unassigned)	16-1387
51	Plea Court	Com. v. Nenscel, J.S.	(Hatton, Vlossak)	18-0579
52	Plea Court	Com. v. Shook, W.D., III	(Gazo, Maher)	17-0189

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53	Plea Court	Com. v. Schaeffer, C.M.	(Gazo, Wilttrout)	18-0545
54	Plea Court	Com. v. Zerby, J.E.	(Frycklund, Unassigned)	17-1414
55	Plea Court	Com. v. Sexton, C.	(Perilli, Levy)	17-1226
56	Plea Court	Com. v. Coulson, M.R.	(Miller, Rapa)	18-0508
57	Plea Court	Com. v. Grimm, A.M.	(Gazo, Unassigned)	18-0552
58	Plea Court	Com. v. Blair, D.R.	(Hatton, Unassigned)	18-0812
59	Plea Court	Com. v. Montgomery, R.R.	(Frycklund, Unassigned)	17-1403
60	Plea Court	Com. v. Holler, L.F.	(Perilli, Unassigned)	15-0110
61	Plea Court	Com. v. Hess, R.W.	(Gazo, Aaroe)	18-0309
62	Plea Court	Com. v. Coulson, B.M.W.	(Hatton, Wilttrout)	17-1000
63	Plea Court	Com. v. McQueen, T.M.	(Gazo, Wilttrout)	18-0837
64	Plea Court	Com. v. Altemose, L.M.	(Frycklund, Rapa)	18-0675
65	Plea Court	Com. v. Altemose, L.M.	(Miller, Rapa)	18-0646
1:15 PM				
66	Plea Court	Com. v. Smith, C.T.	(Perilli, Mottola)	17-0374
67	Plea Court	Com. v. Smith, C.T.	(Perilli, Mottola)	17-0774
68	ARD Court	Com. v. Nickel, C.M.	(Greek, Aaroe)	18-0468
69	ARD Court	Com. v. Keegan, Z.J.	(Perilli, Unassigned)	18-0655
70	ARD Court	Com. v. Regan, J.W.	(Perilli, Unassigned)	18-0664
71	Plea Court	Com. v. Schafer, J.L.	(Miller, Mousseau)	16-1024
72	Plea Court	Com. v. Hydro, Q.R.	(Frycklund, Unassigned)	18-0573
73	Plea Court	Com. v. Leslie, D.S., Jr.	(Gazo, Rapa)	17-1397
74	Plea Court	Com. v. Leslie, D.S., Jr.	(Gazo, Rapa)	17-1162
75	ARD Court	Com. v. Arner, L.M.	(Miller, Mousseau)	18-0760
76	Plea Court	Com. v. Olmstead, C.R.	(Hatton, Rapa)	18-0525
77	Plea Court	Com. v. Cormier, W.E.	(Hatton, Rapa)	17-0876
78	Plea Court	Com. v. Harrell, J.G., III	(Perilli, Weidenbaum)	16-0717
79	Plea Court	Com. v. Coulson, B.M.W.	(Hatton, Wilttrout)	17-0779
80	Plea Court	Com. v. Mattucci, C.V.	(Frycklund, Unassigned)	18-0577
81	ARD Court	Com. v. Evert, K.A.	(Hatton, Mousseau)	17-1537
82	Plea Court	Com. v. Sellare, C.J.	(Hatton, Unassigned)	18-0809
83	Plea Court	Com. v. Bonetsky, D.E.	(Hatton, Unassigned)	18-0807
84	Plea Court	Com. v. Hydro, P.	(Hatton, Unassigned)	18-0802
85	Plea Court	Com. v. Hydro, P.	(Hatton, Unassigned)	18-0799
Judge Serfass, Steven R., Hon.				
Monday, August 27				
9:00 AM				
86	Forfeiture Pet.	In Re: Armstead, S.	(Perilli)	17-0163
87	Mot. to Suppress	Com. v. Eckhart, R.	(Perilli, Mottola)	17-1485
88	Habeas Corp. Pet.	Com. v. McFarland, K.W.	(Gazo, Wilttrout)	18-0392
89	Pet. for Parole	Com. v. Soldridge, S.M.	(Dobias, Wilttrout)	13-0667
90	Pet. for Parole	Com. v. Billings, T.R.	(Gazo, Unassigned)	15-1403
91	Pet. Reconsider. Sentence	Com. v. Mooney, C.L.	(Gazo, Mottola)	17-1283
92	Pet. Reconsider. Sentence	Com. v. Mooney, C.L.	(Gazo, Mottola)	17-0754
93	Pet. Reconsider. Sentence	Com. v. Bottomley, G.T., Jr.	(Elo, Hughes)	17-0633
1:15 PM				
94	Pet. Revoke Probation	Com. v. McCants, J.M.	(Dobias, Unassigned)	13-0830
95	Pet. Revoke ARD	Com. v. Patel, C.	(Ossont, Unassigned)	16-0287
96	Pet. Revoke Parole	Com. v. Hemerly, R.S.	(Frycklund, Unassigned)	17-0661
97	Pet. Revoke Parole	Com. v. Osborn, T.L.	(Perilli, Unassigned)	15-0958
98	Pet. to Revoke Probation	Com. v. Billings, T.R.	(Gazo, Unassigned)	15-1403
99	Pet. Revoke ARD	Com. v. Sasso, B.D.	(Frycklund, Pro Se)	17-0666
100	Pet. to Revoke Probation	Com. v. Gruber, B.W.	(Hatton, Unassigned)	18-0118
101	Pet. to Revoke Parole	Com. v. McFarland, H.T.	(Miller, Wilttrout)	14-0909

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102	Pet. to Revoke Parole	Com. v. McFarland, H.T., Jr.	(Miller, Wiltrout)	15-1359
103	Pet. Revoke Parole	Com. v. Hosier, A.J.	(Gazo, Pro Se)	16-0672
Tuesday, August 28				
9:00 AM				
104	Mot. to Suppress	Com. v. Schwoyer, J.R.	(Gazo, Wiltrout)	18-0339
105	Mot. to Suppress	Com. v. Doyne, A.S.	(Perilli, Wiltrout)	17-1032
106	Misc. Court	Com. v. Corkery, R.P.	(Hatton, Yurchak)	11-0527
107	Pet. Amend Sentence	Com. v. Corkery, R.P.	(Hatton, Yurchak)	11-0527
1:15 PM				
108	Mot. to Suppress	Com. v. Wentz, K.W.	(Perilli, Weaver)	17-1029
109	Omnibus Pre-Tr. Mot.	Com. v. Kingsley, A.K.	(Elo, Riegel)	18-0399
110	Omnibus Pre-Tr. Mot.	Com. v. Cawley, E.K.	(Elo, Swetz)	18-0398
111	Pet. Amend Sentence	Com. v. Ringler, D.A.	(Gazo, Mousseau)	18-0606
Thursday, August 30				
9:00 AM				
112	Permanency Rev. Hrg.	Restricted Case Caption	(Unassigned)	15-0029
113	Permanency Rev. Hrg.	Restricted Case Caption	(Unassigned)	15-0030
114	Permanency Rev. Hrg.	Restricted Case Caption	(Unassigned)	15-0031
115	Permanency Rev. Hrg.	Restricted Case Caption	(Unassigned)	15-0032
116	Permanency Rev. Hrg.	Restricted Case Caption	(Unassigned)	15-0033
Friday, August 31				
9:00 AM				
117	Sentencing	Com. v. Pituch, D.J.	(Gazo, Almonti)	18-0311
118	Sentencing	Com. v. Pituch, D.J.	(Gazo, Almonti)	18-0312
1:15 PM				
119	Sentencing	Com. v. Moore, T.L.	(Hatton, Mottola)	16-0209
120	Sentencing	Com. v. Moore, T.L.	(Frycklund, Mottola)	17-0968
121	Sentencing	Com. v. Neff, J.J.	(Greek, Levy)	17-1335
122	Sentencing	Com. v. Neff, J.J., Jr.	(Perilli, Levy)	17-0532
123	Sentencing	Com. v. Neff, J.J.	(Perilli, Mousseau)	18-0077
124	Sentencing	Com. v. Neff, J.J.	(Perilli, Mousseau)	18-0078
125	Sentencing	Com. v. Neff, J.J.	(Perilli, Mousseau)	18-0079
126	Sentencing	Com. v. Wardell, B.A.	(Miller, Levy)	17-1552
127	Sentencing	Com. v. Neff, J.J.	(Perilli, Unassigned)	17-0831
128	Sentencing	Com. v. Fairchild, S.M.	(Frycklund, Pro Se)	17-0801
129	Sentencing	Com. v. Fairchild, S.M.	(Frycklund, Rapa)	17-0315
130	Sentencing	Com. v. Cebrosky, R.	(Miller, Rapa)	17-1643
131	Sentencing	Com. v. Cebrosky, R.S.	(Hatton, Rapa)	18-0119
132	Sentencing	Com. v. Amey, T.R.	(Perilli, Mousseau)	16-0289
133	Sentencing	Com. v. Gartner, J.	(Frycklund, Unassigned)	17-1509
134	Sentencing	Com. v. West, J.R.L.	(Perilli, Mottola)	16-0814
135	Sentencing	Com. v. West, J.R.L.	(Hatton, Mottola)	17-0086
136	Sentencing	Com. v. West, J.R.L.	(Gazo, Mottola)	16-1604
137	Sentencing	Com. v. West, J.R.L.	(Perilli, Mottola)	16-1381
138	Sentencing	Com. v. West, J.R.L.	(Greek, Mottola)	16-1295
139	Sentencing	Com. v. West, J.R.L.	(Greek, Mottola)	16-0582
140	Sentencing	Com. v. Begel, B.A.	(Gazo, Mottola)	16-1511
141	Sentencing	Com. v. Begel, B.A.	(Gazo, Mottola)	16-1292
142	Sentencing	Com. v. Moss, J.L.	(Miller, Mottola)	16-1202
143	Sentencing	Com. v. Schleicher, A.	(Hatton, Kemmerer)	17-1028
144	Plea Court	Com. v. West, J.R.L.	(Miller, Mottola)	17-0929
Probation Officer Wall, Tammy				
Monday, August 27				
9:00 AM				
145	Hrg.	Com. v. Snyder, C.L.	(Gazo, Gillen)	17-0433

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146	Hrg.	Com. v. Molle, K.A.	(Miller, Unassigned)	15-1269
147	Hrg.	Com. v. Heckman, D.F., Jr.	(Rapa)	17-1319
148	Hrg.	Com. v. Gangaware, J.	(Gazo, Unassigned)	17-1570
149	Hrg.	Com. v. Sexton, C.W.	(Gazo, Unassigned)	16-0495
150	Hrg.	Com. v. Oliver, G.R.	(Hatton, Unassigned)	16-1208
151	Hrg.	Com. v. Hartranft, T.C.	(Gazo, Mottola)	16-1062
152	Hrg.	Com. v. Hartranft, T.C.	(Perilli, Levy)	16-0344
153	Hrg.	Com. v. Stewart, S.A.	(Miller, Unassigned)	16-1318
154	Hrg.	Com. v. Safianow, E.M.	(Dobias, Unassigned)	15-0055
155	Hrg.	Com. v. Mooney, J.P.	(Gazo, Weaver)	17-0745
156	Hrg.	Com. v. Mooney, J.P.	(Greek, Mousseau)	18-0046
157	Hrg.	Com. v. Peters, T.W., Jr.	(Perilli, Unassigned)	14-0680
158	Hrg.	Com. v. Vogel, V.L.	(Miller, Unassigned)	17-1056
159	Hrg.	Com. v. Lakata, S.F.	(Hatton, Unassigned)	15-1386
160	Hrg.	Com. v. Zimmerman, P.J.	(Gazo, Nanovic)	17-1167
161	Pet. Revoke ARD	Com. v. Rodriguez, J.A.	(Miller, Unassigned)	17-1569
162	Hrg.	Com. v. Fisher, K.K.	(Miller, Levy)	16-1727

Civil

Tuesday, August 28

Judge Matika, Joseph J., Hon.

9:00 AM

1	Mot. to Compel Answer	Lehigh Anthracite LP (Sterns) v. Panther Creek Power Operating (Laughlin)		16-0572
2	Mot. to Strike	Lehigh Anthracite LP (Sterns) v. Panther Creek Power Operating (Laughlin)		16-0572
3	Pet. for Contmpt.	McLeod, M.J. (Pro Se) v. Snyder, S.A. (Pro Se)		18-1388
4	Pet. for Contmpt.	McLeod, M.J. (Pro Se) v. Snyder, S.A. (Pro Se)		18-1388

1:15 PM

5	Pet. to Appeal Tax Assess.	Panther Valley School District (Yurchak) v. Board of Assessment (Frycklund)		17-2639
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Chairman Diehl, Eileen M., Esq.

8:30 AM

6	Pre-Tr. Conf.	Gjokaj, S. (Frycklund) v. Gjokaj, S. (Palubinsky)		16-0553
7	Pre-Tr. Conf.	Gjokaj, S. (Frycklund) v. Gjokaj, S. (Palubinsky)		16-0553

9:30 AM

8	Complnt./Pet. for Cust.	Hartman, R.L. (Walbert) v. Hartman, K.M. (Rismiller)		18-1379
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10:30 AM

9	Complnt./Pet. for Cust.	Paff, A. (Pro Se) v. Paff, C.G. (Pro Se)		18-1252
10	Pet./Comp. to Mod. Cust.	Mitchem, M. (Pro Se) v. Mitchem, B. (Pro Se)		14-2084

11:30 AM

11	Complnt./Pet. for Cust.	Harmady, J. (Pro Se) v. Clewell, B. (Pro Se)		18-1897
12	Pet./Comp. to Mod. Cust.	Kunkle, J., Sr. (Pro Se) v. Kunkle, D. (Pro Se)		05-3003

1:00 PM

13	Complnt./Pet. for Cust.	Dolecek, C. (Pro Se) v. Parr, C. (Pro Se)		18-1918
14	Pet./Comp. to Mod. Cust.	Schlier, B.L. (Pro Se) v. Williams, C. (Pro Se)		07-2571

2:00 PM

15	Pet./Comp. to Mod. Cust.	Sklodowski, K. (Pro Se) v. Snyder, R.W., Jr. (Pro Se)		15-1465
16	Pet./Comp. to Mod. Cust.	Stianche, R.M. (Quinn) v. Muffley, M.T. (DeSanto)		15-2691

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Wednesday, August 29

Judge Serfass, Steven R., Hon.

9:00 AM

1	Pet. for Contmpt.	Solt, D.M. (Kemmerer) v. Solt, L.M. (Greek)	07-3930
2	Pet. for Contmpt.	Reich, A. (Pro Se) v. Behler, S. (Pro Se)	16-2432
3	Pet. for Contmpt.	Green, O. (Pro Se) v. Cruz, L. (Pro Se)	18-1023

Thursday, August 30

Judge Serfass, Steven R., Hon.

1:15PM

1	Pre-Tr. Conf.	Gaetano, M. (Laynas) v. Rochette, M. (Pulcini)	14-2447
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Chairman Velitsky, Joseph J., Esq.

1:15 PM

2	Arbitration Ready	First Commonwealth Federal Cre. (Nesfeder) v. Devitt, D. (Stevens)	18-1413
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Judge Matika, Joseph J., Hon.

9:00 AM

3	Post-Tr. Mot.	M4 Holdings LLC (Nanovic) v. Lake Harmony Estates Property (Kelly)	14-0132
4	Mot. for Summary Jdgmt.	Apanavage, D. (Munley) v. Schmalzel, A.J. (Baker)	16-2817
5	Mot. for Summary Jdgmt.	Specialized Loan Servicing LLC (Brunner) v. Hinkson, S.H. (Van Horn)	17-0842

1:15 PM

6	Mot. to Compel Answer	Palmerton Community Ambulance (Frantz) v. Borrell, G.G. (Weaver)	15-2145
7	Mot. for Jdgmt. on Pldgs.	U.S. Bank National Association (Hladik) v. Weichman, P.S. (Yurchak)	17-2261
8	Mot. for Sanctions	Greek, M.S. (Greek) v. Kemfort, C.M. (Pro Se)	17-2361

Chairman Shulman, Joshua D., Esq.

9:00 AM

9	Arbitration Ready	Lake Harmony Estates Property (DeAngelo) v. M4 Holdings (Nanovic)	16-0472
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Friday, August 31

Judge Matika, Joseph J., Hon.

9:00 AM

1	PFA Hrg.	Beam, M.D. (Lawser) v. Kipp, C. (Pro Se)	17-2167
2	PFA Hrg.	Beam, M.D. (Lawser) v. Kipp, L.E. (Skutnik)	17-2169

1:15 PM

3	Complnt./Pet. for Cust.	Korutz, J. (Pro Se) v. Fochtman, L., Jr. (Pro Se)	18-0830
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Chairman Diehl, Eileen M., Esq.

8:30 AM

4	Pet./Comp. to Mod. Cust.	Papay, A. (Gillen) v. Papay, R. (Cordts)	17-1337
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9:30 AM

5	Pet./Comp. to Mod. Cust.	Howells, E.J., II (Pro Se) v. Strohl, J. (Pro Se)	18-0297
6	Pet./Comp. to Mod. Cust.	Feliciano, S. (Pro Se) v. Feliciano, J. (Pro Se)	18-0582

10:30 AM

7	Complnt./Pet. for Cust.	Gott, B.G. (Gillen) v. Gott, T.S.R. (Pro Se)	18-1955
8	Pet./Comp. to Mod. Cust.	Reich, J.A. (Pro Se) v. Behler, S. (Pro Se)	17-2204

11:30 AM

9	Complnt./Pet. for Cust.	Fisher, D. (Pro Se) v. Branz, M. (Pro Se)	18-2001
10	Pet./Comp. to Mod. Cust.	Leiby, B. (Pro Se) v. Hughes, T. (Pro Se)	07-1244

1:00 PM

11	Complnt./Pet. for Cust.	Moyer, D.T. (Pro Se) v. Myers, A.M. (Pro Se)	18-1953
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ESTATE AND TRUST 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. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION

BEHLER, ANDREW D., Dec'd.

Late of Palmerton Borough.
Executrix: Elsa Ann Behler, 925 Charles St., Palmerton, PA 18071.

Attorneys: Steven H. Abel, Esquire, Law Offices of James J. Laman, LLC, 1235 Westlakes Dr., #295, Berwyn, PA 19312.

BROWN, ROBERT D., Dec'd.

Late of the Township of Kinder.

Executor: William Driscoll, 37 Tall Wood Drive, P.O. Box 2146, Albrightsville, PA 18210.
Attorneys: James A. Wimmer, Esquire, Philip & Wimmer, 419 Delaware Avenue, P.O. Box 157, Palmerton, PA 18071.

HARTMAN, MICHAEL G., Dec'd.

Late of the Borough of Lehigh-
ton.

Administratrix: Elizabeth K. Hartman, 326 South First Street, Lehigh-
ton, PA 18235.

Attorneys: Jason M. Rapa, Esquire, Rapa Law Office, P. C., 141 South First Street, Lehigh-
ton, PA 18235.

MONGELLI, BARBARA a/k/a BARBARA A. MONGELLI, Dec'd.

Late of the Borough of Jim
Thorpe.

Executors: Michael Mongelli, 920 SE 32nd Street, Cape Coral, FL 33904 and Barbara Mongelli, now known as Barbara Sauers, P.O. Box 347, Lake Harmony, PA 18624.

Attorney: Joseph J. Velitsky, Esquire, 49 East Ludlow Street, Summit Hill, PA 18250.

REHRIG, MILDRED C., Dec'd.

Late of Lehigh-
ton.

Co-Executors: Scott R. Rehrig and Nina A. Rehrig.

Attorney: David M. Backenstoe, Esquire, 148 Main Street, Hellertown, PA 18055.

SECOND PUBLICATION

BAKER, PAUL A., Dec'd.

Late of the Township of East
Penn.

Executrix: Brenda L. Baker, 1849 Municipal Road, Lehigh-
ton, PA 18235.

Attorneys: Jason M. Rapa, Esquire, Rapa Law Office, P. C., 141 South First Street, Lehigh-
ton, PA 18235.

CARPENTER, LYNWOOD G.,
Dec'd.

Late of the Township of Franklin.

Executrix: Cora Ann Carpenter, 1180 Main Road, Lehigh-
ton, PA 18235.

Attorneys: James A. Wimmer,
Esquire, Philip & Wimmer, 419
Delaware Avenue, P.O. Box
157, Palmerton, PA 18071.

DAVIS, RUTHANN a/k/a
RUTH A. O'NEILL, Dec'd.

Late of the Township of Kid-
der.

Administrator: Howard Davis,
7 Holiday Court, P.O. Box
1662, Albrightsville, PA 18210.

Attorneys: Jenny Y.C. Cheng,
Esquire, Cheng Law Offices,
P.C., 314 Delaware Avenue,
P.O. Box 195, Palmerton, PA
18071.

GANLY, JEAN A. a/k/a JEAN
ANN GANLY, Dec'd.

Late of the Borough of Lehigh-
ton.

Executrix: Marian Shellhamer
c/o Dionysios C. Pappas, Es-
quire, Vasiliadis Pappas As-
sociates LLC, 2551 Baglyos
Circle, Suite A-14, Bethlehem,
PA 18020.

Attorneys: Dionysios C. Pap-
pas, Esquire, Vasiliadis Pappas
Associates LLC, 2551 Baglyos
Circle, Suite A-14, Bethlehem,
PA 18020.

THIRD PUBLICATION

DADERKO, PETER, Dec'd.

Late of the Borough of Summit
Hill.

Executrix: Anna Williams, 138
West Fell Street, Summit Hill,
PA 18250.

Attorney: Joseph J. Velitsky,
Esquire, 49 East Ludlow Street,
Summit Hill, PA 18250.

RONEMUS, MARTHA J., Dec'd.
Late of the Borough of Lehigh-
ton.

Executor: Robert E. Zimmer-
man, 1436 North 40th Street,
Allentown, PA 18104.

Attorneys: Jason M. Rapa, Es-
quire, Rapa Law Office, P.C.,
141 South First Street, Lehigh-
ton, PA 18235.

REGISTER OF WILLS

Da**COSTA, NANCY L.;** Lehigh-
ton, PA; Will; Anthony Rober-
ti, Esquire.

GUIDOTTI, MARION E. a/k/a
MARION GUIDOTTI; Le-
high-
ton, PA; Will; Matthew G.
Schnell, Esquire.

MONGELLI, BARBARA a/k/a
BARBARA A. MONGELLI;
Jim Thorpe, PA; Will; Joseph
J. Velitsky, Esquire.

STRICKLAND, VIOLET J.; Bow-
manstown, PA; Will; Jenny
Y.C. Cheng, Esquire.

Aug. 24

SUITS BEGUN

The plaintiff's name appears
first, followed by the name of the
defendant, the case number, the
nature of the suit, the name of the
plaintiff's attorney, and the date
the suit was filed.

ALLSTATE INSURANCE COM-
PANY a/s/o ERVIN HAUPT;

CARBON COUNTY LAW JOURNAL

- Michael Petock; 18-2388; Civil Action; Douglas G. Aaron, Esquire; 08/16/18.
- ALLY BANK; Sheila M. Finney-Rehrig; 18-2372; Civil Action; Frederic I. Weinberg, Esquire; 08/13/18.
- ALLY FINANCIAL INC. f/k/a GMAC; Debra A. Wright; 18-2386; Civil Action; Frederic I. Weinberg, Esquire; 08/16/18.
- CACH LLC; Randolph M. Gursky; 18-2375; Civil Action; Michelle L. Sanginiti, Esquire; 08/13/18.
- CAMPBELL, ELIZABETH SUSAN SEO; Laura Seo Scheier; 18-2394; Protect/Abuse; Pro Se; 08/16/18.
- DALESSIO, KELLY; Alicia Dalessio-Serina & Alphonso Dalessio; 18-2340; Custody; Pro Se; 08/10/18.
- EAST PENN TOWNSHIP; William A. Swartz & Sarah L. Swartz; 18-2344; Civil Action; Robert S. Frycklund, Esquire; 08/10/18.
- GUEDES, JOANNE MARIE; Jeffrey E. Fisher; 18-2385; Protect/Abuse; Pro Se; 08/16/18.
- HANDWERK, JULIE; Robert Schafer; 18-2376; Protect/Abuse; Pro Se; 08/13/18.
- HARRIS, PATRICIA A.; George Harris; 18-2380; Divorce; Jorge M. Pereria, Esquire; 08/15/18.
- JCA LOGISTICS INC.; James Brooks; 18-2384; Civil Action; Steven E. Hoffman, Esquire; 08/16/18.
- KHAN, IRFAN A.; Safeco Liberty Mutual; 18-2383; DJ Appeal; Pro Se; 08/16/18.
- KRICK, ROBERT LEON, II, obo KLK; Robert Pierce; 18-2343; Protect/Abuse; Pro Se; 08/10/18.
- KRIEGER, RACHEL ANN, PETITION OF, ON BEHALF OF J.A.L. (M) FOR NAME CHANGE; John Anthu Le; 18-2377; Name Change; Jacqueline Zabresky, Esquire; 08/14/18.
- MM(M) BY ROBERT MILLARD GUARDIAN; County of Carbon of Commonwealth of Pennsylvania et al.; 18-2341; Civil Action; Katie Nealon, Esquire; 08/10/18.
- MAY, ANN M. QUINN; William C. May; 18-2395; Divorce; Angela M. Stehle, Esquire; 08/16/18.
- MIDLAND FUNDING LLC; Albert Masella, III; 18-2381; DJ Appeal; Daniel Santucci, Esquire; 08/15/18.
- MISSAL, BARBARA K.; John P. Missal; 18-2378; Divorce; Arley L. Kemmerer; 08/14/18.
- PAPP, ROSE MARIE; Richard Thomas Hardy, Jr.; 18-2351; Protect/Abuse; Pro Se; 08/13/18.
- RING, THOMAS R.; Heather D. Ring; 18-2345; Divorce; Michael J. Vargo, Esquire; 08/10/18.
- RING, THOMAS R.; Heather D. Ring; 18-2346; Custody; Michael J. Vargo, Esquire; 08/10/18.

CARBON COUNTY LAW JOURNAL

WEAVER, RHONDELLA; Michael Weaver; 18-2382; Divorce; Nicholas J. Masington, III, Esquire; 08/15/18.

Aug. 24

JUDGMENT INDEX REPORT

The information contained herein is listed in the following order: (1) party against whom judgment was entered; (2) party for whom judgment was entered; (3) docket number; (4) date of entry; and (5) amount. Subsequent entries and filings, including appeals and satisfactions, may not be reported herein and may affect the lien status of any entry.

ANDREW, NELSON P., KERMIT R. ANDREW & DYLAN J. ANDREW; Leighton Area School District; 18-2389; 08/16/18; \$2,759.61

ARGIROS, VASILIOS A., INDIVIDUALLY & AS VICE PRES. TAMAQUA DINER INCORPORATED; Commonwealth of Pennsylvania Department of Revenue; 18-2365; 08/13/18; \$17,283.07

BECK, WALTER J.; Commonwealth of Pennsylvania Department of Revenue; 18-2357; 08/13/18; \$1,725.24

BOYLE, SEAN B.; Commonwealth of Pennsylvania Department of Labor & Industry; 18-2349; 08/13/18; \$3,558.40

BRAK, JACEK; Commonwealth of Pennsylvania Department of Revenue; 18-2369; 08/13/18; \$18,477.02

BRYANT, RODNEY; Commonwealth of Pennsylvania Department of Revenue; 18-2366; 08/13/18; \$1,409.25

CARBONARO, VICTORIA; LVNV Funding LLC; 18-2371; 08/13/18; \$1,154.95

CLAYPOOLE, GLENN F. & DOROTHY M. CLAYPOOLE; Leighton Area School District; 18-2393; 08/16/18; \$2,164.86

CONCUR NEW MEDIA INC.; Commonwealth of Pennsylvania Department of Labor & Industry; 18-2347; 08/13/18; \$1,138.05

DeMATTE, JOHN J., INDIVIDUALLY & OWNER OF DeMATTE CHIROPRACTIC LLC; 18-2370; 08/13/18; \$1,040.56

EIS, CHARLES R.; Panther Valley School District; 18-2374; 08/13/18; \$1,377.11

FIELD, CHARLES; Capital One Bank USA N.A.; 18-2387; 08/16/18; \$2,124.45

FISCHER, HARRY; Commonwealth of Pennsylvania Department of Revenue; 18-2360; 08/13/18; \$4,099.94

GREEN, KRISTOPHER; Cavalry SPV I LLC As Assignee of Synchrony Bank Old Navy; 18-232; 08/13/18; \$1,506.11

GREEN, TINA M.; Panther Valley School District; 18-2391; 08/16/18; \$736.83

HABER, JOHN J., CATHRYN HABER; Commonwealth of Pennsylvania Department of

CARBON COUNTY LAW JOURNAL

- Revenue; 18-2368; 08/13/18; \$17,327.68
- HILL, RONALD; Commonwealth of Pennsylvania Department of Revenue; 18-2364; 08/13/18; \$800.89
- HOFFMAN, RANDI; Commonwealth of Pennsylvania Department of Revenue; 18-2359; 08/13/18; \$5,044.54
- KEPLER, DANIEL E.; United States Internal Revenue Service; 18-2373; 08/13/18; \$26,918.61
- LAWLESS, PATRICK; Commonwealth of Pennsylvania Department of Revenue; 18-2367; 08/13/18; \$1,126.04
- LIPFERT, CHRISTOPHER M.; Commonwealth of Pennsylvania Department of Revenue; 18-2358; 08/13/18; \$1,389.35
- MARKITTY LLC; Panther Valley School District; 18-2392; 08/16/18; \$4,339.46
- MARSDEN, THOMAS, INDIVIDUALLY & ASPRESIDENT OF BLUE MOUNTAIN SPORTS INC.; Commonwealth of Pennsylvania Department of Revenue; 18-2362; 08/13/18; \$44,900.70
- MATTSON, KEVIN; United States Department of Justice; 18-2350; 08/13/18; \$2,600.00
- MILLER, BARBARA A.; Commonwealth of Pennsylvania Department of Revenue; 18-2356; 08/13/18; \$1,581.66
- PANDOLFO, MICHAEL A.; Commonwealth of Pennsylvania Department of Revenue; 18-2355; 08/13/18; \$3,853.16
- PICCIANO, JEFFREY J., CHRISTINA PICCIANO; Commonwealth of Pennsylvania Department of Revenue; 18-2361; 08/13/18; \$564.65
- ROMERO, ALEXANDER; River Run Apartments LP; 18-2379; 08/15/18; \$2,849.51
- STEINHEUSER, BRYAN S.; Commonwealth of Pennsylvania Department of Revenue; 18-2353; 08/13/18; \$2,215.37
- SWINK, LAWRENCE R., JR.; Commonwealth of Pennsylvania Department of Revenue; 18-2363; 08/13/18; \$6,393.59
- TOMSIC, TIFFANY; Paul Brennan; 18-2396; 08/16/18; \$2,223.15
- TUMBIOLO, MATTHEW; Hel- lers Gas; 18-2342; 08/10/18; \$421.20
- WILLIAMS, CHARLES A.; Pan- ther Valley School District; 18-2390; 08/16/18; \$1,209.56
- WOOD, RAFFAEL & SALLIE WOOD; Weissport Municipal Authority; 18-2348; 08/13/18; \$6,250.75
- YOSTYS AUTO SERVICE INC.; Commonwealth of Pennsylvania Department of Revenue; 18-2354; 08/13/18; \$2,338.72

Aug. 24

NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Organization—Domestic Limited Liability Company has been filed with the Department of State for the Commonwealth of Pennsylvania at

Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Organization under the provisions of the Pennsylvania Limited Liability Company Act of 2016 (15 Pa. C.S. §8811 et seq.).

The name of the domestic limited liability company is:

RUSTIC ROOTS SALON LLC

The Certificate of Organization was filed on August 15, 2018.

KARL F. LONGENBACH

Attorney at Law

425 W. Broad Street

Bethlehem, PA 18018

Aug. 24

PUBLIC NOTICE

**NOTICE OF CONFIRMATION
OF FIDUCIARIES'
ACCOUNTS**

To all claimants, beneficiaries, heirs, next-of-kin, and all other parties in interest:

NOTICE IS HEREBY GIVEN that the following named fiduciaries of the respective estates designated below have filed their Accounts and Statements of Proposed Distribution in the office of the Register of Wills in and for the County of Carbon, Pennsylvania, and the same will be presented to the Orphans' Court Division, Courtroom No. 1, Carbon County Courthouse, Jim Thorpe, Pennsylvania, on October 1, 2018 for confirmation. All objections must be filed in writ-

ing in the office of the Clerk of Orphans' Court Division, Court of Common Pleas, Jim Thorpe, Pennsylvania, prior to the foregoing stated date and time: 9:00 A.M.

ESTATE; Fiduciary; Attorney
GEORGE O. PATON a/k/a
GEORGE O. PATON, SR., Dec'd.;
Carole F. Paton, Administratrix
CTA; Cynthia Dyrda-Hatton,
Esq.

JOSEPH V. REMMEL, Dec'd.;
Mauch Chunk Trust, Trustee;
James R. Nanovic, Esq.

JEAN A. PAPAY

Register of Wills &
Clerk of Orphans' Court
Carbon County, PA

Aug. 24, 31

NOTICE OF EJECTMENT

**COURT OF COMMON PLEAS
CARBON COUNTY
CIVIL ACTION—LAW**

No. 18-0944

Nationstar REO SUB 1B LLC
Plaintiff

vs.

Jeffrey Reabold Lentz
and/or Any and All
Current Occupant(s)
Defendant(s)

To: Jeffrey Reabold Lentz and/
or Any and All Current
Occupant(s), Defendant(s),
807 Center Avenue, Jim
Thorpe, PA 18229

CARBON COUNTY LAW JOURNAL

This firm is a debt collector and we are attempting to collect a debt owed to our client. Any information obtained from you will be used for the purpose of collecting the debt. You are hereby notified that Plaintiff, Nationstar REOSUB 1B LLC, has filed a Complaint in Ejectment endorsed with a notice to defend against you in the Court of Common Pleas of Carbon County, PA, wherein Plaintiff seeks possession of the property located, 807 Center Avenue, Jim Thorpe, PA 18229.

—————
NOTICE
—————

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint for any other claim or relief re-

quested 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 or cannot afford one, 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.

Carbon County Lawyer Referral

811 Blakeslee Blvd. Dr. East
Ste. 130

Lehighton, PA 18235
(610) 379-4950

- or -

North Penn Legal Services
101 W. Broad St.
Ste. 713

Hazleton, PA 18201
(877) 953-4250

NORA C. VIGGIANO
KML LAW GROUP, P.C.

Attys. for Plaintiff
701 Market St.

Ste. 5000
Philadelphia, PA 19106
(215) 627-1322

Aug. 24

CARBON COUNTY LAW JOURNAL

COMMON PLEAS OF CARBON COUNTY
SHERIFF'S SALE OF VALUABLE REAL ESTATE
Sheriff's Office, Courthouse Building, Jim Thorpe, PA

SHERIFF'S NOTICE: The Sheriff shall not be liable for loss or damage to the premises sold resulting from any cause whatsoever and makes no representation or warranty regarding the condition of the premises.

Notice is hereby given and directed to all parties in interest and claimants that a Schedule of Distribution will be filed by the Sheriff on September 24, 2018 and that distribution will be made in accordance with that Schedule unless exceptions are filed thereto within ten (10) days thereafter.

ANTHONY C. HARVILLA
Sheriff, County of Carbon
www.carboncountysheriff.com
Aug. 24, 31; Sept. 7

Sale of the real estate described below shall be held on Friday, September 14, 2018 at 11:00 a.m. at the Carbon County Courthouse.

SALE #1

Writ of Execution No.: 18-0999.

Property Address: 12 Race Street, Jim Thorpe, PA 18229.

Location: Jim Thorpe Borough.

Improvements: Building structure.

Defendant: American Logistics Group, LLC.

SALE #2

Writ of Execution No.: 18-1144.

Property Address: 143 Alum Street, Lehighton, PA 18235.

Location: Borough of Lehighton.

Improvements: Residential dwelling.

Defendants: Carol J. Andrejczik and Linda L. Fuentes.

SALE #3

Writ of Execution No.: 16-3390.

Property Address: 380 W. Snyder Avenue, Lansford, PA 18232.

Location: Borough of Lansford.

Improvements: Twin (half-double) 2 story frame.

Defendant: Adam Banks.

SALE #4

Writ of Execution No.: 16-3655.

Property Address: 376 W. Snyder Avenue, Lansford, PA 18232.

Location: Borough of Lansford.

Improvements: Residential duplex.

Defendant: Solomon J. Banks.

CARBON COUNTY LAW JOURNAL

SALE #5

Writ of Execution No.: 16-1496.

Property Address: 327 W. Water Street, Lansford, PA 18232.

Location: Borough of Lansford.

Improvements: Two story frame (conventional).

Defendant: Christine Bittner.

SALE #6

Writ of Execution No.: 15-1869.

Property Address: 11 Cedar Street, Nesquehoning, PA 18240.

Location: Borough of Nesquehoning.

Improvements: Unknown.

Defendant: Broadway Properties, L.L.C.

SALE #7

Writ of Execution No.: 15-1870.

Property Address: 602 E. Front Street, Lansford, PA 18232.

Location: Borough of Lansford.

Improvements: Twin (half-double) 2 story frame.

Defendant: Broadway Properties, L.L.C.

SALE #8

Writ of Execution No.: 17-1036.

Property Address: 53 Woodland Road, Albrightsville, PA 18210-3834.

Location: Penn Forest Township.

Improvements: Residential dwelling.

Defendants: Matelin J. Dawkins and Sintora M. Bullock-Dawkins.

SALE #9

Writ of Execution No.: 17-2709.

Property Address: 813 Delaware Avenue, Palmerton, PA 18071-2006.

Location: Borough of Palmerton.

Improvements: Residential dwelling.

Defendants: Jeffrey S. Dixon and Stephanie A. Dixon.

SALE #10

Writ of Execution No.: 14-1618.

Property Address: 251 W. Patterson Street, Lansford, PA 18232.

Location: Borough of Lansford.

Improvements: Twin (half-double) 2 story frame.

Defendant: Justin P. Dunn.

SALE #11

Writ of Execution No.: 15-1940.

Property Address: 11 E. High Street, Nesquehoning, PA 18240.

Location: Borough of Nesquehoning.

Improvements: Twin (half-double) 2 story frame.

Defendant: Jason J. Gombert.

CARBON COUNTY LAW JOURNAL

SALE #12

Writ of Execution No.: 13-2270.

Property Address: 1385 Buck Mountain Road, Weatherly, PA 18255.

Location: Township of Lausanne.

Improvements: Residential dwelling.

Defendants: Mary Tina A. Gurnari and James Koloski.

SALE #13

Writ of Execution No.: 18-1215.

Property Address: 75 Oak Ridge Drive, Albrightsville, PA 18210.

Location: Partly in the Township of Polk, Monroe County and partly in the Township of Penn Forest.

Improvements: Unknown.

Defendant: Robert Kosko.

SALE #14

Writ of Execution No.: 16-3029.

Property Address: 227-229 White Street, Weissport, PA 18235.

Location: Borough of Weissport.

Improvements: Two family dwelling.

Defendant: Roberta K. Kunkle.

SALE #15

Writ of Execution No.: 14-1674.

Property Address: 308 E. Bertsch Street, Lansford, PA 18232.

Location: Borough of Lansford.

Improvements: Residential duplex.

Defendant: Janice Levan.

SALE #16

Writ of Execution No.: 18-0964.

Property Address: 205 Pine Cove Court, Lehighton, PA 18235.

Location: Franklin Township.

Improvements: Residential dwelling.

Defendants: Michael T. Lucas and Sandra Marie Lucas.

SALE #17

Writ of Execution No.: 18-1283.

Property Address: 106 Lenape Trail, Albrightsville, PA 18210.

Location: Township of Penn Forest.

Improvements: Residential dwelling.

Defendant: Gail Marotto a/k/a Gail M. Marotto.

SALE #18

Writ of Execution No.: 18-1104.

Property Address: 2586 Buck Mountain Road, Weatherly, PA 18255.

Location: Lausanne Township.

Improvements: Unknown.

Defendants: Vernon S. Parsons and Sherry L. Betsock-Parsons.

—————
SALE #19

Writ of Execution No.: 15-1656.

Property Address: 340 W. Kline Avenue, Lansford, PA 18232.

Location: Borough of Lansford.

Improvements: Residential row house.

Defendants: Michael R. Peake and Robin Peake.

—————
SALE #20

Writ of Execution No.: 15-1659.

Property Address: 340 1/2 W. Kline Avenue, Lansford, PA 18232.

Location: Borough of Lansford.

Improvements: Row.

Defendants: Michael R. Peake and Robin E. Peake.

—————
SALE #21

Writ of Execution No.: 15-1680.

Property Address: 343 W. Kline Avenue, Lansford, PA 18232.

Location: Borough of Lansford.

Improvements: Twin (half-double) 2 story frame.

Defendants: Michael R. Peake and Robin E. Peake.

SALE #22

Writ of Execution No.: 17-2300.

Property Address: 606 K-2 Sycamore Circle a/k/a 104 Sycamore Circle, Albrightsville, PA 18210.

Location: Township of Penn Forest.

Improvements: Residential dwelling.

Defendant: Betty Mae V. Planer.

—————
SALE #23

Writ of Execution No.: 17-0079.

Property Address: 119 W. Ridge Street, Nesquehoning, PA 18240.

Location: Borough of Nesquehoning.

Improvements: Two story frame (conventional).

Defendants: Diane Roldan and Georgia Roldan.

—————
SALE #24

Writ of Execution No.: 15-2731.

Property Address: 253 E. Abbott Street, Lansford, PA 18232.

Location: Borough of Lansford.

Improvements: Residential duplex.

Defendant: Kimberly Anne Rossi.

—————
SALE #25

Writ of Execution No.: 18-1102.

CARBON COUNTY LAW JOURNAL

Property Address: 201 Buckhill Rd., Albrightsville a/k/a Albrightsville, PA 18210.

Location: Township of Penn Forest.

Improvements: Residential dwelling.

Defendants: Michael D. Rossi and Julie P. Rossi.

SALE #26

Writ of Execution No.: 18-1241.

Property Address: 83 Bluebell Lane a/k/a 131 Bluebell Lane, Jim Thorpe, PA 18229-2608.

Location: Penn Forest Township.

Improvements: Residential dwelling.

Defendant: Susan D. Schwentner.

SALE #27

Writ of Execution No.: 18-1155.

Property Address: 555 West Tenth Street, Jim Thorpe, PA 18229.

Location: Jim Thorpe Borough.

Improvements: Residential dwelling.

Defendants: Gerald F. Strubinger and Karen J. Strubinger.

SALE #28

Writ of Execution No.: 18-0715.

Property Address: 740 Station Street, Lehighton, PA 18235.

Location: Township of Towa-
mensing.

Improvements: Unknown.

Defendants: Kelly B. Warner
and Eric M. Warner.

DEEDS

The name of the grantor appears first, followed by name of grantee, location of premises, amount of consideration, and date of recording.

CARBON JUDICIAL 2014 TRUST, Roldan, Diane, Nesq., \$14,900.00, 03/23/18

MID ATLANTIC ACQUISITIONS INC., Torgensen, Marty, Weathrly., \$24,900.00, 03/23/18

PARGAS, NATALIE M., Palmer-ton Rod & Gun Club, Tow. Twp., \$1.00, 03/23/18

KNIELE, GERARD J., Castiglia, Robert J., Penn For., \$1.00, 03/23/18

LEDENEVA, LARISA N., Shir-yaev, Andrei, J. Thorpe, \$1.00, 03/23/18

WILMINGTON SAVINGS FUNDSOCIETY FSB, Enderes, Emily, Penn For., \$170,000.00, 03/23/18

KRALIK, MARGUERITE E., Hed-rick, David M., Palmrtn., \$1.00, 03/23/18

MAUCH ENTERPRISES LLC, Levy, Paul J., J. Thorpe, \$1.00, 03/23/18

MAUCH ENTERPRISES LLC, Levy, Paul J., J. Thorpe, \$1.00, 03/23/18

CARBON COUNTY LAW JOURNAL

PRICE, DAVID WATKINS, Bartholomew, Dean, J. Thorpe, \$1.00, 03/23/18

BRISLIN, ROBERT, Harris, Nicole Marie, Banks, \$1.00, 03/26/18

GREEN, WILLIAM T. Frontifour LLC, Tow. Twp., \$1.00, 03/26/18

SELERT, DANIELLE M., Biles, Thomas, Weathrly., \$118,000.00, 03/26/18

BITTORF, MURIEL JO, Yaworsky, Nicholas P., Packer, \$110,000.00, 03/26/18

KLING, TIFFANY A., Montefour, Vincent J., Sr., Penn For., \$1.00, 03/26/18

MERVES, MICHAEL M., Murugan, Prabagar, Kidder, \$182,000.00, 03/26/18

McCORMICK, BRIAN K., Aastha Real Estate Investments LLC, Kidder, \$175,000.00, 03/26/18

BAYVIEW LOAN SERVICING LLC, Morales, Danielle, Penn For., \$119,000.00, 03/26/18

SCHLEICHER, CARL K., Schleicher, George T., E. Penn, \$1.00, 03/26/18

CONTINO, MARIE E., Contino, Laurie A., Penn For., \$1.00, 03/26/18

SHERIFF OF CARBON COUNTY, Pennymac Loan Services LLC, J. Thorpe, \$1.00, 03/26/18

FIRST NORTHERN BK. AND TRUST CO., Jasmine Homes LLC, Kidder, \$47,500.00, 03/26/18

BERGER, ERIC, DeFrancesco, Anthony S., Tow. Twp., \$1.00, 03/26/18

JJMD REALTY LLC, Williams, Richard P., Palmrtn., \$96,500.00, 03/27/18

YUKNEK, ERIC J., Andrews, Susan L., Tow. Twp., \$22,000.00, 03/27/18

AHNER, KEVIN S., McGowan, Deborah K., Mahoning, \$127,500.00, 03/27/18

GILBERT, MICHAEL D., Gilbert, Michael D., Penn For., \$1.00, 03/27/18

JOHNSON, DOUGLAS, Salerno, Jennifer M., Low. Tow., \$79,000.00, 03/27/18

GREEN, WILLIAM T., Dalinda Property Management Inc., Low. Tow., \$1.00, 03/27/18

SECRETARY OF HOUSING & URBAN DEVELOPMENT, Bank of America N.A., Penn For., \$1.00, 03/27/18

GILBERT, DERON, Houser, Jason J., Lehighnton, \$205,000.00, 03/27/18

SHERIFF OF CARBON CUNTY, Wells Fargo Bk. N.A., Lehighnton, \$1.00, 03/27/18

SHERIFF OF CARBON COUNTY, Federal Ntl. Mort. Assn., Sum. Hill, \$1.00, 03/27/18

SHERIFF OF CARBON COUNTY, JPMorgan Chase Bk. N.A., E. Penn, \$1.00, 03/27/18

SHERIFF OF CARBON COUNTY, Federal Ntl. Mort. Assn., Palmrtn., \$1.00, 03/27/18

U.S. BK. NTL. ASSN., Cruz, Jorge Luis, Sr., Penn For., \$500.00, 03/27/18

FORINO, ALEX, Schmidt, Michael, Penn For., \$1,800.00, 03/27/18

as an accomplice, the defendant must have actively and purposely engaged in criminal activity: that he must be an active participant in committing the crime and must share the principal's intent to commit the crime), **appeal denied**, 564 Pa. 709, 764 A.2d 1069 (2000).

CONCLUSION

In summary, the evidence supports Y.F.'s commission of the offense of aggravated assault either as an accomplice or as the principal actor. That Y.F. was not charged as an accomplice does not preclude Y.F.'s responsibility as an accomplice since Y.F. was on notice in the affidavit of probable cause and the evidence presented in the Commonwealth's case-in-chief of the potential for accomplice liability.

COMMONWEALTH of PENNSYLVANIA vs. ZACHARY MICHAEL PENICK, Defendant

Criminal Law—Imposition of Consecutive Sentences on Separate and Unrelated Criminal Offenses Occurring While Defendant Was on State Parole—Automatic Aggregation—Failure to Post Bail on New Criminal Charges—Time Spent in Custody on State Detainer—Allocating Credit for Time Spent in Custody by and Between Original State Sentence and New Criminal Charges

1. By statute, a criminal defendant is entitled to credit for all time spent in prison on the offense for which he is sentenced. 42 Pa. C.S.A. §9760(1).
2. Time credit on a sentence may only be granted when it has not already been credited toward another sentence. The "operative rule" of cases addressing credit for time served is that a defendant should receive credit only once for time served before sentencing.
3. When a sentencing court imposes a consecutive sentence, aggregation with other consecutive sentences is "automatic and mandatory" under Section 9757 of the Sentencing Code. 42 Pa. C.S.A. §9757.
4. When a criminal defendant is incarcerated on both a state detainer issued by the Pennsylvania Board of Probation and Parole ("Board"), and on new criminal charges, all time spent in confinement must be credited to either the sentence the defendant receives on the new criminal charges or to the original state sentence for which the detainer was issued.
5. All time served by a state parole violator while awaiting disposition on new criminal charges must be credited to the original state sentence if the defendant remains in custody solely on a Board detainer. If the defendant is being held in custody on both a Board detainer and for failing to satisfy for any reason the requirements of bail on his new criminal charges, credit for time served is to be applied first to the new sentence by the sentencing court and, if the new sentence is shorter than the time served, any unused balance is to be applied to the original state sentence.

6. In the instant proceedings, Defendant was incarcerated in Northampton County on a detainer for a parole violation issued by the Pennsylvania Board of Probation and Parole. Following his incarceration on this state detainer and having failed to post bail on the charges filed in Northampton County, he was given a credit of 60 days for time served on a 30- to 60-day sentence imposed in Northampton County consecutive to his original state sentence. Seven days later he was sentenced in Lehigh County to a sentence of not less than one month nor more than 12 months' imprisonment consecutive to his state sentence, which sentence expressly provided that Defendant be given credit "as required by law, for all time spent in custody, as a result of these criminal charges for which sentence is imposed." As of September 19, 2017, the date on which Defendant was sentenced in Carbon County on two separate offenses, which sentences ran consecutive to one another and consecutive to any existing sentence Defendant was then serving, Defendant had been in prison since May 7, 2017 when he was first detained on the Board detainer, a total of 136 days. Because Defendant had been given a time served 60-day credit against the sentence he received in Northampton County, was entitled to have any unused credit applied to the sentence he received in Lehigh County since he had failed to meet the bail conditions on the underlying Lehigh County charges, and had yet to be paroled on the Lehigh County sentence at the time of his sentencing in Carbon County four days after his sentencing in Lehigh County, Defendant was entitled to no additional credit against the sentence he received in Carbon County.

NO. 413 CR 2016

BRIAN B. GAZO, Esquire—Counsel for the Commonwealth.

ELEANOR M. BRESLIN, Esquire—Counsel for the Defendant.

MEMORANDUM OPINION

NANOVIC, P. J.—June 5, 2018

The question presented in this case is how credit for Defendant's time spent in prison awaiting disposition on three separate and unrelated criminal offenses, each occurring in a different county on different dates while Defendant was on state parole, should be allocated among the sentences Defendant received on these new charges, where the entire time Defendant was in prison awaiting disposition, he was also incarcerated on a detainer for a parole violation issued by the Pennsylvania Board of Probation and Parole ("Board").

PROCEDURAL AND FACTUAL BACKGROUND

On February 3, 2016, the above-named Defendant, Zachary Michael Penick, was charged, *inter alia*, with accidents involving damage to attended vehicle or property,¹ a misdemeanor of the third degree, and driving while operating privilege is suspended

¹75 Pa. C.S.A. §3743.

or revoked,² his sixth or subsequent violation of this offense, for an incident which occurred on December 27, 2015. Bail was set at \$500.00, unsecured. When Defendant failed to appear for a pretrial conference scheduled for March 27, 2017, a bench warrant was issued which resulted in the May 10, 2017 placement of a detainer against Defendant, who was then being held in the Northampton County Prison on a state parole detainer. (N.T., 9/19/17, pp. 32-33.)

On September 19, 2017, Defendant pled guilty to the two Vehicle Code violations identified in the preceding paragraph and was immediately sentenced at his request. (N.T., 9/19/17, pp. 29-30.) On the misdemeanor offense, Defendant was sentenced to a period of imprisonment of not less than sixty days nor more than one year, and on the summary offense, to a period of imprisonment of not less than thirty days, the mandatory minimum required as a six-time repeat offender,³ nor more than six months. These sentences ran consecutive to one another and consecutive to any existing sentence Defendant was then serving. (N.T., 9/19/17, p. 31.)

Before Defendant's sentencing in Carbon County, he was sentenced in Northampton County on September 8, 2017, to a mandatory period of imprisonment of not less than thirty nor more than sixty days on another conviction of driving under suspension, for which he was given a credit of sixty days' time served and maxed out.⁴ Additionally, on September 15, 2017, Defendant was sentenced in Lehigh County to a period of imprisonment of not less than one nor more than twelve months for making false reports to law enforcement authorities, 18 Pa. C.S.A. §4906(b)(2), a misdemeanor of the third degree, for which Defendant claimed he was given a credit of seventy days. (N.T., 9/19/17, pp. 11-12, 36-37; N.T., 1/29/18, Defendant Exhibit Nos. 1, 2.) The sentences Defendant received in Northampton and Lehigh Counties were each made consecutive to the same state sentence ("original sentence") for which he had earlier been confined in Northampton County on a state parole detainer.

²75 Pa. C.S.A. §1543(a).

³75 Pa. C.S.A. §6503(a.1).

⁴On this same date, Defendant was also sentenced in Northampton County to twelve months' probation, again for a violation of 75 Pa. C.S.A. §3743(a) (Accidents involving damage to attended vehicle or property), a third-degree misdemeanor offense.

At the time of Defendant's sentencing in Carbon County he had not yet been paroled on the Lehigh County sentence. (N.T., 9/19/17, p. 37.) Because of the credit Defendant received against the sentences imposed in Northampton and Lehigh Counties and the fact that Defendant had not been paroled on his Lehigh County sentence before being sentenced in Carbon County, and because the sentences in Lehigh and Carbon Counties ran consecutive to one another and aggregated, Defendant was given no credit against his Carbon County sentence. (N.T., 9/19/17, pp. 37-38.)

On October 2, 2017, Defendant filed a Post-Sentence Motion to Reconsider and/or Modify ("Motion") the sentence imposed in Carbon County on the basis that the sentences in Northampton and Lehigh Counties did not grant Defendant immediate parole upon Defendant serving the minimum term of each sentence, which Defendant alleged was the intention of the sentencing court in each instance; that he then had pending in Northampton and Lehigh Counties motions to reconsider and/or modify the sentences imposed by those courts; and that with such modification, Defendant would be entitled to credit against his Carbon County sentence. (Motion, paragraphs 6-9.) A hearing on Defendant's Motion was held on January 29, 2018.

At this hearing, Defendant testified he was arrested and taken into custody in Northampton County on May 7, 2017, on a state parole violation, and that a Carbon County detainer was lodged against him on May 10, 2017, and a Lehigh County detainer on June 24, 2017. (N.T., 1/29/18, pp. 4-5.) Defendant also testified that since his sentencing on September 19, 2017 in Carbon County, a petition to modify his September 8, 2017 sentence in Northampton County was filed on September 21, 2017, that it was allowed to proceed **nunc pro tunc**, and that the sentence was modified on October 6, 2017 granting Defendant parole after serving the thirty-day mandatory minimum sentence. (N.T., 1/29/18, pp. 5-6, 20-21; Defense Exhibit No. 2.) With respect to Defendant's September 15, 2017 sentencing in Lehigh County, Defendant testified that a motion to reconsider that sentence was filed on October 9, 2017 and scheduled for hearing on November 6, 2017, when it was withdrawn. (N.T., 1/29/18, pp. 6, 16.) Notwithstanding this withdrawal, Defendant contended that somehow his credit against this sentence was reduced from seventy days to thirty days and he was paroled effective July 7, 2017. (N.T.,

1/29/18, pp. 6, 10.) Based on these claimed retroactive revisions of the sentences he received in Northampton and Lehigh Counties, Defendant requested credit against his Carbon County sentence for the period from July 7, 2017 to September 19, 2017. (N.T., 1/29/18, p. 7.) Defendant's request was denied by this court on the same date. (N.T., 1/29/18, p. 36; **see also**, January 29, 2018 Order of Court.)

On or about February 28, 2018, Defendant filed electronically through PACFile an appeal from the January 29, 2018 order denying his motion to modify his sentence.⁵ Unfortunately, because a copy of this appeal was not served on the court as required by Pa. R.A.P. 906(a)(2), the court did not become aware of the appeal until defense counsel's motion to withdraw her appearance was received by the court on or about April 3, 2018, wherein counsel states that a notice of appeal was filed on February 28, 2018. Upon learning of this appeal, the court immediately issued a Rule 1925(b) order pursuant to Pa. R.A.P. 1925(b) directing Defendant to provide the court with a concise statement of the errors complained of on appeal within twenty-one days from the date of the order's entry on the docket. As of this date, no concise statement has been filed.⁶

⁵This appeal was rejected by the Carbon County Clerk of Courts' Office for reasons we have been unable to ascertain and which the Clerk's Office indicates it is unable to access. The electronic filing contains a certificate of service certifying that a true and correct copy of the Notice of Appeal was also being mailed to Court Administration—Criminal Division on the same date by first-class mail. Upon receipt, the Notice of Appeal was time stamped as having been filed on March 5, 2018 and appears in the case file for this case. Because the order appealed from was entered on January 30, 2018, an appeal was required to be filed on or before March 1, 2018. Pa. R.A.P. 903(a). Given the uncertainty as to whether Defendant's appeal was timely filed, for purposes of this opinion we have accepted that it was.

⁶With reference to defense counsel's motion to withdraw her appearance, a rule to show cause was issued on the Defendant on April 3, 2018 as to why this request should not be granted, with Defendant to provide a response within twenty days. On April 23, 2017, Defendant filed a **pro se** request for the court to allow defense counsel to withdraw provided, as the court understands Defendant's request, that new counsel be appointed for Defendant within sufficient time for a concise statement to be timely filed. Because we do not know whether Defendant qualifies for the appointment of counsel, no IFP-verified statement having been filed by Defendant, and because the time constraints resulting from Defendant's filing made it a practical impossibility to appoint new counsel to timely file a concise statement and defense counsel was under a continuing obligation to represent Defendant through direct appeal pending approval of her withdrawal (**see** Pa. R.Crim.P. 120(A)(4)), no further action was taken on counsel's motion to withdraw, the court anticipating that defense counsel would file the requested concise statement.

Without any clear explanation from Defendant as to what issue he intends to raise on appeal, and accepting for the moment that Defendant has not waived his right to raise issues on appeal, the only viable issue of which we are aware is Defendant's apparent belief that he is entitled to credit against his Carbon County sentence and none was given.⁷ We therefore address this issue below.

DISCUSSION

Fundamental to sentencing is that a defendant be granted credit for all time spent in prison on the offense for which a sentence is imposed. **See** 42 Pa. C.S.A. §9760(1);⁸ **Commonwealth v. Mann**, 957 A.2d 746, 749 (Pa. Super. 2008) (**citing** 42 Pa. C.S.A. §9760). A secondary principle is that time credit on a sentence may be granted only when it has not already been credited toward another sentence. **Bright v. Pennsylvania Board of Probation**

⁷Although Defendant states in his April 23, 2018 **pro se** filing that his appeal is premised on "Breech of contract signed on the 27th day of July 2018," an apparent reference to Defendant's guilty plea stipulation filed on July 26, 2017, that stipulation provided only that the Commonwealth had no objection to a probationary sentence, not that this was an agreed-upon sentence that the court had to accept or reject. Moreover, that the court retained its discretion in imposing a sentence and that the sentence necessarily would include jail time given the mandatory minimum Defendant was facing for his sixth or subsequent driving under suspension conviction was made clear to Defendant during his guilty plea colloquy. (N.T., 9/19/17, pp. 3-4, 7, 9; **see also**, Written Guilty Plea Colloquy, questions 26, 27, 38.)

⁸Section 9760 of the Sentencing Code provides in relevant part as follows:

§ 9760. Credit for time served

After reviewing the information submitted under section 9737 (relating to report of outstanding charges and sentences) the court shall give credit as follows:

(1) Credit against the maximum term and any minimum term shall be given to the defendant for all time spent in custody as a result of the criminal charge for which a prison sentence is imposed or as a result of conduct on which such a charge is based. Credit shall include credit for the time spent in custody prior to trial, during trial, pending sentence, and pending the resolution of an appeal.

(4) If the defendant is arrested on one charge and later prosecuted on another charge growing out of an act or acts that occurred prior to his arrest, credit against the maximum term and any minimum term of any sentence resulting from such prosecution shall be given for all time spent in custody under the former charge that has not been credited against another sentence.

42 Pa. C.S.A. §9760(1), (4).

and Parole, 831 A.2d 775, 778 (Pa. Commw. 2003) (citing 42 Pa. C.S.A. §9760(4)). To this end, the court is to be provided at the time of sentencing a summary of those sentences the defendant is then serving and any credit to which he is entitled. **See** 42 Pa. C.S.A. §§9737, 9760. Additionally, “once a sentencing court imposes a consecutive sentence, aggregation with other consecutive sentences is ‘automatic and mandatory’ under Section 9757 of the Sentencing Code, [42 Pa.C.S.A. § 9757].” **Forbes v. Pennsylvania Department of Corrections**, 931 A.2d 88, 92 (Pa. Commw. 2007), **affirmed**, 596 Pa. 492, 946 A.2d 103 (2008).

Where a defendant is incarcerated on both a state detainer issued by the Board and new criminal charges, “all time spent in confinement must be credited to either the new sentence or the original sentence.” **Martin v. Pennsylvania Board of Probation and Parole**, 576 Pa. 588, 605, 840 A.2d 299, 309 (2003). In addressing how to allocate such credit between a defendant’s original state sentence for which a parole board detainer has been lodged and the new criminal charges, and by whom the decision is to be made, the Pennsylvania Superior Court in **Mann** stated:

[A]ll time served by a parole violator while awaiting disposition on new charges must be credited to the original sentence if [the inmate] remains in custody solely on a Board detainer. ... If the [inmate] is incarcerated prior to disposition and has both a detainer and has failed for any reason to satisfy bail, the credit must be applied to the new sentence by the sentencing court. ... If the new sentence is shorter than the time served, the balance can be applied to the original sentence, ... but the sentencing court must specify ‘time served’ in the sentencing order for the new offense, so that the Board will be able to apply the credit.

Commonwealth v. Mann, *supra* at 751 (citations omitted); **see also, Commonwealth v. Gibbs**, 181 A.3d 1165, 1167 (Pa. Super. 2018).

Defendant was arrested and detained in Northampton County on May 7, 2017 on a state parole detainer. Although the record does not reveal for what new offense Defendant was detained by the Board—the date of the offense in Carbon County was December 27, 2015; in Northampton County, April 5, 2017; and in Lehigh County, May 7, 2017 (N.T., 9/19/17, pp. 11-13)—after Defendant

was arrested in Northampton County, Carbon County lodged a detainer on May 10, 2017 and Lehigh County lodged its detainer on June 24, 2017, thus ensuring Defendant's incarceration until the disposition of his new charges. (N.T., 1/29/18, pp. 4-5.)⁹ Additionally, although the terms of Defendant's bail in Northampton and Lehigh Counties does not appear in the record, it is clear that Defendant did not meet the conditions of his bail in either of those counties and therefore was technically incarcerated on both of these new criminal charges as well as the parole board detainer. (N.T., 9/19/17, p. 34.)

Therefore, as of September 19, 2017, the date of Defendant's sentencing in Carbon County, Defendant had been in jail a total of 136 days, from May 7, 2017 through September 19, 2017. The record reflects, however, that Defendant was given full credit for this time: sixty days were applied to his driving under suspension sentence in Northampton County (*i.e.*, May 7, 2017 through July 5, 2017), resulting in a full credit time served sentence, and the Lehigh County September 15, 2017 sentence expressly provided that Defendant be given credit "as required by law, for all time spent in custody, as a result of these criminal charges for which sentence is imposed." (N.T., 9/19/17, pp. 36-37; N.T., 1/29/18, Defendant Exhibit Nos. 1 and 2.) Since the period from July 6, 2017 through September 15, 2017 represents a total of 72 days, Defendant was entitled to receive 72 days' credit against his Lehigh County sentence. **See also, Melhorn v. Pennsylvania Board of Probation and Parole**, 589 Pa. 250, 908 A.2d 266 (2006) (holding that where the period of presentence confinement does not exceed the sentence on the new charges, the sentencing court must credit the time served related to the new charges to the new sentence and that defendant's remedy, if the sentencing court fails to provide such credit, is with the sentencing court and through the direct appeal process, not through the Board).¹⁰ The period

⁹No detainer was placed against Defendant arising from the criminal charges filed against him in Northampton County. (N.T., 9/19/17, p. 33.)

¹⁰In **Gaito v. Pennsylvania Board of Probation and Parole**, the Pennsylvania Supreme Court stated:

[I]f a defendant is being held in custody solely because of a detainer lodged by the Board and has otherwise met the requirements for bail on the new criminal charges, the time which he spent in custody shall be credited against his original sentence. If a defendant, however, remains incarcerated

after Defendant's sentencing in Lehigh County was then followed by four additional days—from September 15, 2017 through September 19, 2017—during which time Defendant was not released on parole and continued to serve his sentence in Lehigh County before being sentenced in Carbon County. (N.T., 9/19/17, p. 37.)

These figures totaling 136 days—60 days, 72 days, and 4 days—provide Defendant full credit for the time he was incarcerated before being sentenced in Carbon County. Further, under the rules applicable to aggregation of sentences, since the sentence imposed in Carbon County was consecutive and subsequent to that imposed in Lehigh County, any additional presentence credit to which Defendant was entitled—if any existed—would in any event be applied first against the Lehigh County sentence. “The operative rule” of cases addressing credit for time served “is that a defendant should receive credit only once for time served before sentencing.” **Commonwealth v. Merigris**, 452 Pa. Super. 78, 81, 681 A.2d 194, 195 (1996), **appeal denied**, 548 Pa. 616, 693 A.2d 587 (1997.)

To the extent Defendant sought to retroactively reapportion time-served credit applied to the sentences he received in Northampton and Lehigh Counties after he was sentenced in Carbon County, Defendant has unnecessarily and inappropriately sought to convert what was a legal sentence when imposed into an illegal one after the fact. **Commonwealth v. Gibbs, supra** at 1166 (“A claim asserting that the trial court failed to award credit for time served implicates the legality of the sentence.”). This court, we believe, was not only entitled, but required, by Section 9737 of the Sentencing Code, 42 Pa. C.S.A. §9737, to determine, before sentencing, the status and disposition of all criminal charges brought against Defendant and what credit, if any, Defendant had been granted for time served on these charges in order to determine if Defendant was entitled to any credit on the sentence we imposed. Defendant's attempt to reallocate these credits after his

prior to trial because he has failed to satisfy bail requirements on the new criminal charges, then the time spent in custody shall be credited to his new sentence.¹¹

488 Pa. 397, 403-404, 412 A.2d 568, 571 (1980) (footnote omitted) (citations omitted).

sentencing in Carbon County and without having first addressed the issue with the sentencing courts in Northampton and Lehigh Counties can only create havoc.¹¹

CONCLUSION

In accordance with the foregoing, because Defendant was entitled to no additional credit at the time of his sentencing in Carbon County on September 19, 2017, our order dated January 29, 2018 denying Defendant's Motion to Reconsider and/or Modify his sentence was properly entered.

¹¹Parenthetically, we note that Defendant's Motion to Reconsider and/or Modify the sentences he received in Northampton and Lehigh Counties were both filed beyond the ten-day time period permitted to file a post-sentence motion to modify a sentence. **See** Pa. R.Crim.P. 720(A)(1), (B)(1)(c). Additionally, even though we understand the court in Northampton County granted Defendant's motion **nunc pro tunc**, because the sentence modified was consecutive to a state sentence, we are uncertain how the trial court was able to grant parole. **See Commonwealth v. Ford-Bey**, 404 Pa. Super. 281, 284-85, 590 A.2d 782, 784 (1991) (holding that consecutive sentences automatically aggregate and where the total aggregated sentence exceeds two years in a state correctional institution, the exclusive power to parole a defendant is vested in the State Board of Probation and Parole; a trial judge's grant of parole under these circumstances is void **ab initio**).

CARBON COUNTY LAW JOURNAL

NOTES



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*** Dated Material. Do Not Delay. Please Deliver Before Monday, August 27, 2018**