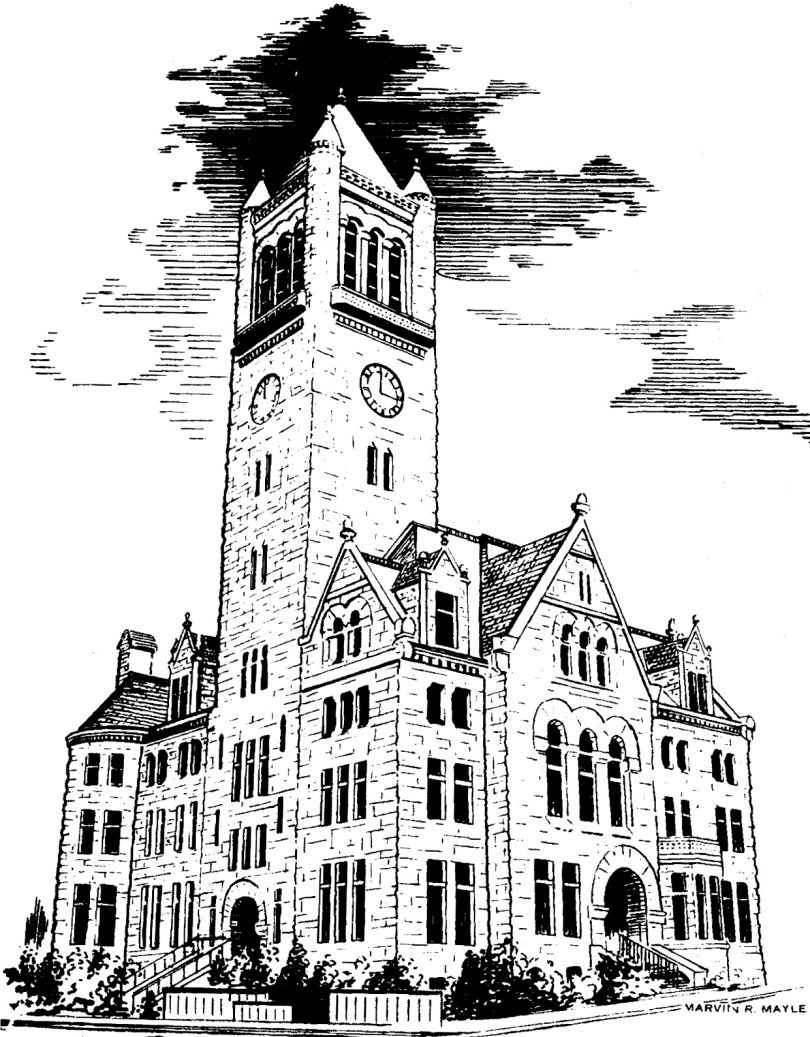


FAYETTE LEGAL JOURNAL

VOL. 80

AUGUST 5, 2017

NO. 31



FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 2 West Main Street, Suite 711, Uniontown, Pennsylvania 15401, 724-437-7994. Legal advertisements should be submitted online at www.fcbar.org no later than 12:00 noon on Friday for publication the following Saturday. No date of publication is promised, however. Legal notices are published exactly as submitted by the advertiser. Copyright 2001 Fayette County Bar Association. All rights reserved.

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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

**JEANNETTE J. BALLING, a/k/a
JEANNETTE JONES BALLING**, late of
Uniontown, Fayette County, PA (3)

Personal Representative: James G. Balling
c/o Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

MICHAEL A CAVALIER, late of Uniontown,
Fayette County, PA (3)

Administrator: Jana Cavalier
c/o Meyers Evans Lupetin & Unatin, LLC
707 Grant Street
Gulf Tower, Suite 3200
Pittsburgh, PA 15219
Attorney: Gregory R. Unatin

**THELMA FEDOR, a/k/a THELMA LOUISE
FEDOR, a/k/a THELMA L. FEDOR**, late of
Uniontown, Fayette County, PA (3)

Administratrix: Kimberly A. Duckett
564 Woodruff Lane
Culpeper, VA 22701

**ROBERT N. OBER, a/k/a ROBERT NEVIN
OBER**, late of Lower Tyrone Township, Fayette
County, PA (3)

Executrix: Lisa M. Negich
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

MARY MARGARET PIERCE, late of
Uniontown, Fayette County, PA (3)

Executrix: Betty Ackincloss
c/o One Oxford Centre, Suite 4300
301 Grant Street
Pittsburgh, PA 15219
Attorney: Amy Acheson

**JOHN JEROME POMPURA, a/k/a JOHN
POMPURA**, late of Connellsville, Fayette
County, PA (3)

Executrix: Kathleen Donaldson
c/o Donald McCue Law Firm, P.E.
Colonial Law Building
813 Blackstone Road
Connellsville, PA 15425
Attorney: Donald J. McCue

CHARLES SWEDA, late of Masonstown,
Fayette County PA (3)

Executor: George M. Wallace
c/o Adams & Adams
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason F. Adams

Second Publication

**PAUL CAPOZZA, a/k/a PAUL BEN
CAPOZZA**, late of Belle Vernon, Fayette
County, PA (2)

Administratrix c.t.a.: Janet Bricker
Box 179
Barr Road
Mather, PA 15346
c/o Shire Law Firm
1711 Grand Boulevard
Park Centre
Monessen, PA 15062
Attorney: Mark J. Shire

**LUCY PEARL DENNIS, a/k/a LUCY P.
DENNIS**, late of Georges Township, Fayette
County, PA (2)

Executrix: Linda Bittinger
1488 Connellsville Road
Lemont Furnace, PA 15456
c/o Higinbotham Law Offices
45 East Main Street, Suite 500

Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

DANIEL J. LUKOTCH, a/k/a DANIEL J. LUKOTCH, SR., late of South Union Township, Fayette County, PA (2)
Executrix: Doreen M. Detweiler
 c/o Radcliffe & DeHaas, L.L.P
 2 West Main Street, Suite 700
 Uniontown, PA 15401
Attorney: William M. Radcliffe

JEAN A. PEPERAK, late of Connellsville City, Fayette County, PA (2)
Personal Representatives: Rita P. Peters, Charles A. Peperak, Daniel L. Peperak and Cynthia D. Peperak,
 c/o Attorney Richard A. Husband
 Riverfront Professional Center
 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

First Publication

DORIS K. CLEARAGE, a/k/a DORIS CLEARAGE, a/k/a DORIS KATHLEEN CLEARAGE, late of Uniontown, Fayette County, PA (1)
Executrix: Patricia Ann Rice
 c/o 9 Court Street
 Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

BETTY FELL, a/k/a BETTY JEAN FELL, late of South Union Township, Fayette County, PA (1)
Executor: Donald Keith Fell
 2473 Wheatfield Lane
 Furlong, PA 18925
 c/o Higinbotham Law Offices
 45 East Main Street, Suite 500
 Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

DOUGLAS BRENT FOREMAN, late of Mill Run, Fayette County, PA (1)
Administratrix: Maureen Foreman
 c/o Fieschko & Associates, Inc.
 436 7th. Avenue, Suite 2230
 Pittsburgh, PA 15219
Attorney: Joseph E. Fieschko, Jr.

LLOYD KENNARD HOOVER, a/k/a LLOYD K. HOOVER, late of South Union, Fayette County, PA (1)
Administrator: Craig K. Hoover
 c/o Zebley Mehalov & White, P.C.
 18 Mill Street Square
 P.O. Box 2123
 Uniontown, PA 15401
Attorney: Daniel R. White

FLOYD A. LEASURE, JR., late of North Union Township, Fayette County, PA (1)
Personal Representative:
 Matthew Trey Leasure
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Gary J. Frankhouser

MICHAEL G. NAHAJ, a/k/a MICHAEL GEORGE NAHAJ, SR., late of North Union Township, Fayette County, PA (1)
Personal Representative:
 Michael G. Nahaj, Jr.
 c/o George Port & George
 92 East Main Street
 Uniontown, PA 15401
Attorney: Joseph M. George

HARRY NAYMICK, a/k/a HARRY J. NAYMICK, late of Uniontown, Fayette County, PA (1)
Administrator: Mark Naymick
 c/o Law Office of J. Dustin Barr Law, LLC
 300 North Market Street
 Ligonier, PA 15658
Attorney: J. Dustin Barr

LEGAL NOTICES

NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF FAYETTE COUNTY, PENNSYLVANIA
NO. 556 OF 2016 GD

WELLS FARGO BANK, NA,
Plaintiff,
vs.
HOLLY M. MURRAY,
Defendant.

NOTICE TO: HOLLY M. MURRAY A/K/A
HOLLY MURRAY
NOTICE OF SHERIFF'S SALE OF REAL
PROPERTY

Being Premises: 201 NORTH
HIGHLAND AVENUE, A/K/A 201
HIGHLAND AVENUE, POINT MARION, PA
15474-1024

Being in POINT MARION BOROUGH,
County of FAYETTE, Commonwealth of
Pennsylvania, 29-02-0184

Improvements consist of residential
property.

Sold as the property of HOLLY M.
MURRAY

Your house (real estate) at 201 NORTH
HIGHLAND AVENUE, A/K/A 201
HIGHLAND AVENUE, POINT MARION, PA
15474-1024 is scheduled to be sold at the
Sheriff's Sale on 10/12/2017 at 02:00 PM, at the
FAYETTE County Courthouse, 61 E. Main
Street, Uniontown, PA 15401, to enforce the
Court Judgment of \$72,667.00 obtained by,
WELLS FARGO BANK, NA (the mortgagee),
against the above premises.

PHELAN HALLINAN DIAMOND & JONES,
LLP

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
MISC. NO. 1078 OF 2017
JUDGE STEVE P. LESKINEN

**IN THE MATTER OF PETITION FOR
CHANGE OF NAME OF REBECCA
MARIE SKIRPAN**

NOTICE

NOTICE is hereby given that, on the 30th
day of June, 2017, the Petition of Rebecca Marie
Skirpan, Petitioner, was filed in the above-
named court requesting an order to change her
name from Rebecca Marie Skirpan to Rebecca
Skirpan Cardona.

THE Court has fixed the 14th day of
September, 2017, at 9:15 o'clock A.M. in
Courtroom Number 1 of the Fayette County
Courthouse, 61 East Main Street, Uniontown,
Pennsylvania, as the time and place of the
hearing on said Petition, when and where all
interested parties may appear and show cause, if
any, why the request of the Petitioner should
not be granted.

BY THE COURT:
JUDGE STEVE P. LESKINEN

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,
PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF
PENNSYLVANIA,

vs.

PARIS RAYMONT MURPHY,
Appellant

:
:
:
:
:
:
: No. 1494 of 2016
: JUDGE JOSEPH M. GEORGE, JR.

OPINION

George, J.

July 20, 2017

Following a trial by jury, Appellant, Paris Raymont Murphy, was found guilty of three counts: (1) Possession of Controlled Substance-Contraband/Inmate^{1}; (2) Intentionally Possessing a Controlled Substance by a Person Not Registered ^{2}; and (3) Use/Possession of Drug Paraphernalia ^{3}. Appellant was sentenced to serve a term of imprisonment of not less than twenty-seven (27) months nor more than seven (7) years, consecutive to Allegheny County Case No. 3730 of 2012. He filed a direct appeal to the Superior Court of Pennsylvania. This Opinion is in support of the verdict of the jury.

CONCISE ISSUES

Defendant filed the following Concise Issues:

1. Did the trial court abuse its discretion by admitting into evidence a prior plea of guilt to the charges in question by the Appellant at an administrative hearing within the State Correctional Institute?
2. Did the trial court abuse its discretion in allowing the Commonwealth to cross examine the Appellant concerning a prior conviction of Possession of a Controlled Substance, 35 P.S. § 780-113(A)(16)?

^{1} 18 § 5123 (A) (2)
^{2} 35 § 780-113 (A) (16)
^{3} 35 § 780-113 (A) (32)

FACTS

On February 22nd, 2016, while an inmate at SCI-Fayette, the Appellant was engaged in an altercation with another inmate. Upon being restrained by several officers, the Appellant was searched and found to have in his possession heroin, cocaine and a synthetic cannabinoid known as "K2" (T.T. pp. 24, 26, 74 and 75). Appellant's jury trial took place on Monday, May 3, 2017. He was the only witness for the defense. On direct examination, defense counsel asked the Appellant if he currently uses cocaine, heroin, or marijuana. (T.T. p. 84) The Appellant answered in the negative. (T.T. p. 84) On cross-examination, the prosecution asked the Appellant if he had ever used those types of drugs before. (T. T. p. 84) The Appellant again answered in the negative.

The prosecution then sought to impeach the Appellant by asking him if he had ever been convicted of possession of a controlled substance and if he had previously admitted to possessing the controlled substances in question during an administrative hearing within the Department of Corrections. (T. T. p. 87) Defense counsel objected to both questions. The Court permitted the Commonwealth to inquire concerning the conviction and allowed no further evidence on this issue. After the Appellant denied previously admitting to possession of the controlled substances at the Administrative Hearing, the Court permitted the Commonwealth to elicit testimony to the contrary. (T. T. p. 87)

The prosecution was permitted to call Frank Salvay as a rebuttal witness who introduced a disciplinary hearing report verifying that the Appellant pled guilty to possession of the same contraband and controlled substance during an Administrative Hearing within SCI-Fayette (T.T. pp. 91, 92).

DISCUSSION

Appellant's first issue raised alleges the Trial Court abused its discretion by admitting into evidence a prior plea of guilt to the charges at an Administrative Hearing within SCI-Fayette. {4} The Appellant testified at the time of the trial that he made no admissions regarding the Administrative Hearing within the Department of Corrections pertaining to the underlying charge and denied taking responsibility for possessing the items in question. (T. T. p. 88)

Pa. R.E. 613 (a), Witness's Prior Inconsistent Statement to Impeach, provides:

A witness may be examined concerning a prior inconsistent statement made by the witness to impeach the witness's credibility. The statement need not be shown or its contents disclosed to the witness at that time, but on request the statement or contents must be shown or disclosed to an adverse party's attorney.

{4} Appellant objected once at trial on relevancy grounds and once on hearsay relative to this issue and has not specifically stated which is raised on appeal. The Court determined that the evidence was relevant to impeach and Commonwealth's Exhibit #7 was properly admitted under Pa. R.E. 803 (6).

Once the Appellant denied accepting responsibility for the charges, the Court properly permitted the impeachment testimony pursuant to Pa. R.E. 613 of the plea of guilty to possession for contraband, controlled substance.

Appellant's second and final issue raised is whether the Trial Court abused its discretion in allowing the Commonwealth to cross examine the Appellant concerning a prior conviction. At the time of trial, the defense called the Appellant as their only witness. The defense examination of the Appellant included the following:

Q. Do you use cocaine?

A. No, sir.

Q. Do you use heroin?

A. No, sir.

Q. Do you use marijuana?

A. No, sir.

The prosecution then sought to elicit testimony of prior convictions of possession of marijuana, cocaine, or heroin. The Court permitted the prosecution to ask related questions. The prosecution asked the following:

Q: Mr. Murphy, have you ever been convicted of simple possession or possession of marijuana or paraphernalia?

A. I might have been charged with it. I know I had a case back in two thousand and I wanna say eleven. Them charges got withdraw and that's all I could think back to.

Q: That's your recollection?

A: Yes.

(T. T. p. 87)

The scope of cross-examination of a defendant in a criminal case is one of great latitude. *Commonwealth vs. Charleston*, 16 A.3d 505 (Pa. Super. 2011). The scope of permissible cross-examination will depend on the testimony of the defendant and what, in the discretion of the Trial Court, becomes relevant by virtue of that testimony. *Commonwealth vs. Marinelli*, 910 A.2d 672 (2006).

Unlike other witnesses, a criminal defendant may not be cross examined about any prior convictions unless he or she has placed his or her character in issue by testifying to his or her character or offering other evidence tending to prove character or a trait of character. See 42 Pa. C.S. § 5918, 42 Pa. C.S. § 6224. See also Pa. R.E. 404.

In the instant matter, Appellant, by denying using controlled substances, offered evidence of his good character and effectively "opened the door" for the prosecution to question him concerning same. See *Commonwealth vs. Hernandez*, 862 A.2d 647, 651 (Pa. Super. 2004) (where defendant asserted he did not sell drugs, Commonwealth was permitted to question defendant about prior convictions that contradicted this assertion); *Commonwealth vs. Fletcher*, 561 Pa. 266, 750 A.2d 261 (Pa. 2000) (In rebuttal, the prosecution was permitted to impeach defendant with evidence of defendant's prior drug

conviction when defendant had testified on direct examination that he earned money as a boxer and not as a drug dealer).

In *Michelson vs. United States*, 335 U.S. 469 (1948), the U.S. Supreme Court held that "[t]he price a defendant must pay for attempting to prove his good name is to throw open the entire subject which the law has kept closed for his benefit and to make himself vulnerable where the law otherwise shields him." The Court provided that shield by keeping these matters closed throughout the Commonwealth's case. However, the defendant then threw open the entire subject at his own peril.

For the reasons set forth herein, the judgment of sentence should be AFFIRMED.

BY THE COURT,
Joseph M. George, Jr., Judge

Janice Snyder
Clerk of Courts

UPCOMING EVENTS**SUMMER PICNIC**

hosted by
JUDGE STEVE & SHANON LESKINEN
THURSDAY, AUGUST 10TH
4:30 PM

Acoustic Entertainment by Cellar Dwellers

Guest welcome with Bar Member
PLEASE REPLY

on or before August 7th
724-437-7994 or cindy@fcbbar.org

FEDERAL COURTS 101

Wednesday, September 20, 2017

Save the date to join your fellow Fayette County Bar colleagues at “Federal Courts 101”, presented by a distinguished panel of Judges from the Western District of Pennsylvania, including: Chief Judge Joy Flowers Conti; Judge Mark R. Hornak, Judge Cathy Bissoon, Magistrate Judge Cynthia Reed Eddy, and Chief Bankruptcy Judge Jeffery A. Deller.

Moderated by Fayette’s own Anne N. John, Esquire and Samuel J. Davis, Esquire, this event will introduce you to federal court procedures, and a reception following the CLE will provide you with an opportunity to introduce yourselves and chat with the Judges.

Please mark your calendars to join us on Wednesday, September 20, 2017 at 3:30 at Nemacolin Woodlands Resort for this unique and informative session. Attendees will receive one complimentary Substantive CLE credit.

SAVE THE DATE

Fayette County Bar Association
Bench Bar Conference

The Historic Summit Inn
Wednesday, October 11, 2017
9:00 a.m.

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