

Adams County Legal Journal

Vol. 59

September 1, 2017

No. 17, pp. 89-100

IN THIS ISSUE

COMMONWEALTH OF PENNSYLVANIA VS.
CAITLYN CHANTEL KUHN

Invest with Experience.

The right financial partner will help you plan for the future and manage investments with you and your family's best interests first and foremost. No need to look further...you've found the right partner at ACNB Bank.

Securities and Insurance Products are: NOT FDIC INSURED - MAY LOSE VALUE - NOT BANK GUARANTEED - NOT A DEPOSIT - NOT INSURED BY ANY FEDERAL GOVERNMENT ENTITY



ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

Designated for the Publication of Court and other Legal Notices. Published weekly by Adams County Bar Association, John W. Phillips, Esq., Editor and Business Manager.

Business Office – 117 BALTIMORE STREET, ROOM 305, GETTYSBURG, PA 17325-2313. Telephone: (717) 334-1553

Copyright© 1959 by Wm. W. Gaunt & Sons, Inc., for Adams County Bar Association, Gettysburg, PA 17325.

All rights reserved.

CHANGE OF NAME NOTICE

Notice is hereby given that on July 18, a petition for name change was filed in the Court of Common Pleas of Adams County, Pennsylvania requesting a decree to change the name of Petitioner, Miley Emberlyn Miller to Miley Emberlyn Miller-Keating. The Court has affixed the 22nd day of September, 2017 at 10am in courtroom no. 4, third floor of the Adams County Courthouse as the time and place for the hearing of said petition, when and where all persons interested may appear and show cause, if any they have, why the Petitioner should not be granted.

9/1

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION NO. 2017-1210

IN RE: BABY BOY BULL, A MINOR

TERMINATION OF PARENTAL RIGHTS OF "UNKNOWN BIRTH FATHER"

TO: UNKNOWN BIRTH FATHER

You are hereby notified that a Petition to Involuntary Termination of Parental Rights has been filed against you, asking the Court to terminate all rights you have to your child(ren), Baby Boy Bull (born April 27, 2017). The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Court Room No. 6 (Orphans' Court Room), on the Third Floor of the Lancaster County Court House, situate at 50 North Duke Street, Lancaster, Pennsylvania, said hearing to be held on September 21, 2017 at 10:00 a.m. If you do not appear at this hearing, the court may decide that you are not interested in retaining your rights to your child and your failure to appear may affect the Court's decision on whether to end your rights to your child(ren). You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you, and your rights to your child may be ended by the Court without you being present.

You are also notified that following the hearing to consider ending your rights to your children, an adoption hearing may be held, as a result of which the Court may decree that an adoption take place

whereby your child(ren) shall be adopted by another and all parental rights with respect to the child(ren) shall be placed in another.

YOU HAVE THE RIGHT TO BE REPRESENTED AT THE HEARING BY A LAWYER. 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 TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator Court Administrator's Office Lancaster County Court House 50 North Duke Street Lancaster, PA 17602 Telephone No. (717) 299-8041

8/25 & 9/1

FICTITIOUS NAMES NOTICE

NM Hospitality, Inc., with a principal office at 2515 North Front Street, Harrisburg, PA 17110, Berks County did file in the Office of the Secretary of the Commonwealth of Pennsylvania, on June 29, 2017, registration of the following fictitious names: **EISENHOWER HOTEL & CONFERENCE CENTER; ASPIRE HOTEL & SUITES**, under which, they intend to do business at 2634 Emmitsburg Road, Gettysburg, PA 17325, Adams County, pursuant to the provisions of the Act of Assembly of December 21, 1988, known as the "Fictitious Names Act."

Barley Snyder LLP

9/1

FICTITIOUS NAME NOTICE

NM Hospitality, Inc., with a principal office at 2515 North Front Street, Harrisburg, PA 17110, Berks County did file in the Office of the Secretary of the Commonwealth of Pennsylvania, on June 29, 2017, registration of the fictitious name: **ALL STAR SPORT COMPLEX**, under which, it intends to do business at 2638 Emmitsburg Road, Gettysburg, PA 17325, Adams County, pursuant to the provisions of the Act of Assembly of December 21, 1988, known as the "Fictitious Names Act."

Barley Snyder LLP

9/1

FICTITIOUS NAME NOTICE

NM Hospitality, Inc., with a principal office at 2515 North Front Street, Harrisburg, PA 17110, Berks County did file in the Office of the Secretary of the Commonwealth of Pennsylvania, on June 29, 2017, registration of the fictitious name: **DEVONSHIRE VILLAGES**, under which, it intends to do business at 2636 Emmitsburg Road, Gettysburg, PA 17325, Adams County, pursuant to the provisions of the Act of Assembly of December 21, 1988, known as the "Fictitious Names Act."

Barley Snyder LLP

9/1

COMMONWEALTH OF PENNSYLVANIA VS.
CAITLYN CHANTEL KUHN

1. The standard of review on a sufficiency of the evidence claim is whether the evidence at trial, and all reasonable inferences derived therefrom, when viewed in the light most favorable to the Commonwealth as verdict [-] winner, are sufficient to establish all elements of the offense beyond a reasonable doubt.

2. The Commonwealth may sustain its burden of proving every element of the crime beyond a reasonable doubt by means of wholly circumstantial evidence.

3. Finally, the trier of fact while passing upon the credibility of witnesses and the weight of the evidence produced, is free to believe all, part, or none of the evidence.

4. Possession of a controlled substance can be proved by showing that a defendant actually possessed drugs through direct evidence, such as finding the controlled substance on the defendant's person, or it can be proved by showing that the defendant constructively possessed a controlled substance.

5. Constructive possession requires proof of the ability to exercise conscious dominion over the substance, the power to control the contraband, and the intent to exercise such control.

6. Constructive possession may be found in one or more actors where the item in issue is in an area of joint control and equal access.

7. It is well settled that all the facts and circumstances surrounding possession are relevant in making a determination of whether contraband was possessed with intent to deliver.

8. Factors to consider when determining whether a defendant intended to deliver a controlled substance include the manner in which the controlled substance was packaged, the behavior of the defendant, the presence of drug paraphernalia, and large sums of cash found in possession of the defendant. Expert opinion testimony is admissible concerning whether the facts surrounding the possession of controlled substances are consistent with an intent to deliver, rather than with an intent to possess it for personal use.

9. In determining whether an object is drug paraphernalia, a court should consider statements by an owner or by anyone in control of the object concerning its use, the proximity of the object to controlled substances, the existence of any residue of controlled substances on the object, and expert testimony concerning its use.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CRIMINAL, CP-01-CR-714-2016,
COMMONWEALTH OF PENNSYLVANIA VS. CAITLYN
CHANTEL KUHN.

Todd M. Mosser, Esq., Attorney for Defendant

Kelley Margetas, Esq., Attorney for Plaintiff

Wagner, J., August 7, 2017

OPINION PURSUANT TO PA. R.A.P. 1925(A)

Caitlyn Chantel Kuhn, (hereinafter Appellant), appeals from this Court's denial of her omnibus pre-trial motion to suppress evidence and her convictions for possession with intent to deliver a controlled substance, simple possession of cocaine, Oxycodone, and Alprazolam, and possession of drug paraphernalia. For the reasons set forth herein, it is respectfully requested this Court's denial of Appellant's omnibus pre-trial motion and her convictions on the above referenced charges be affirmed.

The relevant factual history from the suppression hearing held on February 13, 2017 and concluding on March 21, 2017¹ was set forth in this Court's Findings of Fact and Conclusions of Law filed March 21, 2017 and attached as Exhibit A to this Opinion. Testimony developed during the non-jury trial held on March 21, 2017 revealed the following events occurred.²

On May 27, 2016, Trooper Pasquale of the Pennsylvania State Police went to 2581 Biglerville Road Lot 81 to speak with Appellant's mother, Toni Kuhn, to obtain any items Appellant had provided her mother.³ Trooper Pasquale testified that during his first visit to Appellant's mother's residence, she did not give him any items.⁴ However, after Appellant spoke to her mother over the telephone,⁵ Trooper Pasquale returned to Appellant's mother's residence where Appellant's mother gave him one "plastic zip bag with a corner snipped from it."⁶

¹ By Order of Court dated March 17, 2017, this Court allowed the record from the February 13, 2017 suppression hearing to be re-opened to allow the Commonwealth an opportunity to present additional testimony and evidence regarding Appellant's "knock and announce" argument.

² Prior to commencing the non-jury trial, both parties agreed to the entry of the record from the suppression hearing held on February 13, 2017 which concluded on March 21, 2017. N.T. Non-Jury Trial, 3/21/17, at 14.

³ Id. at 16-17.

⁴ Id.

⁵ The telephone conversation between Appellant and her mother occurred while Appellant was at the Pennsylvania State Police barracks. Id. at 17-18. Trooper Pasquale and Trooper O'Shea were able to listen to the telephone conversation that occurred between Appellant and her mother as the phone was on speaker during the call. Id. at 18. Trooper Pasquale testified Appellant would have told her mother "[j]ust give the trooper whatever it was that was given to her" Id.

⁶ Id.

Trooper O'Shea testified the purse that Appellant was holding was ultimately searched by probation officers⁷, and inside the purse were four pill bottles⁸ and \$659 dollars.⁹ Two of the pill bottles were in Appellant's name, while the Oxycodone pill bottle was prescribed to Toni Kuhn (Appellant's mother), and the final pill bottle was for Alprazolam and was prescribed to Jennifer Powers.¹⁰ Trooper O'Shea testified the Oxycodone was filled in November of 2015.¹¹ The prescription was for 20 pills and the directions on the bottle indicated 1 tablet was to be taken every 6 hours for a total of 5 days.¹² Trooper O'Shea testified as of the date of the search, May 27, 2016, only 12 pills remained in the bottle.¹³ In regard to the Alprazolam, Trooper O'Shea testified the prescription was filled on May 24, 2017, which was only three days prior to the search.¹⁴ The quantity of pills prescribed was 90 and the directions stated to take 1 tablet 3 times a day.¹⁵ As of the date of the search, all 90 pills remained in the bottle.¹⁶

During the search of Appellant's apartment, probation officers found two baggie corners of suspected crack cocaine in a clutch/small purse inside of Appellant's bathroom closet.¹⁷ All of the items seized during the search were sent to the Pennsylvania State Police lab for testing.¹⁸ The lab determined the two baggie corners contained cocaine base, and the pill bottles prescribed to Toni Kuhn and Jennifer Powers contained controlled substances.¹⁹

At the conclusion of the non-jury trial, this Court found Appellant guilty of count 2, possession with intent to deliver a controlled substance (Oxycodone and Alprazolam); count 3, simple possession

⁷ Id. at 23.

⁸ Id.

⁹ Id. at 30. The denomination of those bills was as follows: one \$50 bill, one \$5 bill, four \$1 bills, and thirty \$20 bills. Id.

¹⁰ Id. at 24, 26, 31.

¹¹ Id. at 41.

¹² Id. at 42.

¹³ Id.

¹⁴ Id. at 44.

¹⁵ Id. at 45.

¹⁶ Id.

¹⁷ N.T. Suppression Hearing, 2/13/17, at 36.

¹⁸ N.T. Non-Jury Trial, 3/21/17, at 26-27.

¹⁹ Id. at 31-32, 40, 45. At the beginning of the non-jury trial, counsel stipulated to the admissibility of the lab report and the chain of custody. Id. at 15.

(cocaine); count 4, simple possession (Oxycodone and Alprazolam), and count 5, possession of drug paraphernalia.²⁰ This Court found Appellant not guilty of count 1, possession with intent to deliver controlled substance (cocaine).²¹

On May 15, 2017, this Court sentenced Appellant on count 2 to no less than three (3) months, nor more than twenty three (23) months in partial confinement at the Adams County Adult Correctional Complex. This Court imposed a probationary sentence of twelve (12) months for counts 3 and 5, but did not impose a sentence on count 4, as it merged with count 2. The sentence for counts 3 and 5 were to run concurrent with each other but consecutive to the sentence imposed on count 2. Thereafter, on June 23, 2017, Appellant filed a Motion for Bail Pending Appeal. On July 18, 2017, this Court held a hearing on Defendant's Motion for Bail Pending Appeal, which was granted with certain conditions imposed.

On June 12, 2017, Appellant filed a Notice of Appeal. By Order of Court dated June 13, 2017, Appellant was directed to file a concise statement of matters complained of on appeal. Appellant filed a Motion for Extension of Time to file her concise statement wherein counsel requested fourteen days from the date defense counsel received the notes of testimony. This Court, by Order of Court dated July 10, 2017, granted Appellant's request. Appellant timely filed her concise statement on July 31, 2017.

LEGAL STANDARD

The standard of review on a sufficiency of the evidence claim is “whether the evidence at trial, and all reasonable inferences derived therefrom, when viewed in the light most favorable to the Commonwealth as verdict [-] winner, are sufficient to establish all elements of the offense beyond a reasonable doubt.” **Commonwealth v. Jones**, 904 A.2d 24, 26 (Pa. Super. 2006) (citation omitted) (internal quotations omitted). “[T]he facts and circumstances established by the Commonwealth need not preclude every possibility of innocence.” **Commonwealth v. Hartzell**, 988 A.2d 141, 143 (Pa. Super. 2009) (internal quotations omitted). “Any doubts regarding a defendant's guilt may be resolved by the fact-finder unless the evidence is

²⁰ 35 Pa. C.S. §§§ 780-113(a)(30), 780-113(a)(16), 780-113(a)(32), respectively.

²¹ 35 Pa. C.S. § 780-113(a)(30).

so weak and inconclusive that as a matter of law, no probability of fact may be drawn from the combined circumstances . . .” **Id.**

“The Commonwealth may sustain its burden of proving every element of the crime beyond a reasonable doubt by means of wholly circumstantial evidence.” **Commonwealth v. Bowen**, 55 A.3d 1254, 1260 (Pa. Super. 2012) (quoting **Commonwealth v. Muniz**, 5 A.3d 345, 348 (Pa. Super. 2010)). “Finally, the trier of fact while passing upon the credibility of witnesses and the weight of the evidence produced, is free to believe all, part or none of the evidence.” **Id.** “In applying the above test, we may not weigh the evidence and substitute our judgment for the fact-finder.” **Hartzell**, 988 A.2d at 143 (internal quotations omitted).

DISCUSSION

I. Denial of Appellant’s Omnibus Pre-trial Motion to Suppress

All issues which have been raised on appeal regarding the denial of Appellant’s omnibus pre-trial motion were addressed in this Court’s Findings of Fact and Conclusions of Law filed on March 21, 2017 and attached as Exhibit A to this Opinion.

II. Sufficiency of the Evidence

a. Simple Possession (Cocaine)

In Appellant’s concise statement, she argues that the Commonwealth presented insufficient evidence to convict her on count 3, simple possession of cocaine. She claims, in part, that “the small amounts involved did not allow for a reasonable inference that the substances at issue were possessed with intent to deliver” See Appellant’s 1925 Statement of Matters Complained of on Appeal at 3. As the simple possession charge does not contain an intent to deliver element, Appellant’s argument that her conviction was insufficient on that basis is meritless. However, Appellant also argues the Commonwealth failed to establish Appellant exercised dominion and control over the cocaine. **Id.**

An individual is prohibited from “[k]nowingly or intentionally possessing a controlled or counterfeit substance by a person not registered under this act . . . unless the substance was obtained directly from, or pursuant to, a valid prescription order or order of a practitioner, or except as otherwise authorized by this act.” **35 Pa. C.S.**

§ 780-113(a)(16). A controlled substance is defined as “a drug, substance, or immediate precursor included in Schedules I through V of this act.” 35 Pa. C.S. § 780-102(b).

“Possession of a controlled substance can be proved by showing that a defendant actually possessed drugs through direct evidence, such as finding the controlled substance on the defendant’s person, or it can be proved by showing that the defendant constructively possessed a controlled substance.” **Commonwealth v. Jackson**, 659 A.2d 549, 551 (Pa. 1995). “Constructive possession is an inference arising from a set of facts that possession of the contraband was more likely than not.” **Commonwealth v. Mudrick**, 507 A.2d 1212, 1213 (Pa. 1986). “Constructive possession requires proof of the ability to exercise conscious dominion over the substance, the power to control the contraband, and the intent to exercise such control.” **Commonwealth v. Bricker**, 882 A.2d 1008, 0114 (Pa. Super. 2005). “Constructive possession may be established by the totality of the circumstances.” **Commonwealth v. Aviles**, 615 A.2d 398, 402 (Pa. Super. 1992). “Constructive possession may be found in one or more actors where the item in issue is in an area of joint control and equal access.” **Commonwealth v. Valette**, 613 A.2d 548, 550 (Pa. Super. 1992).

Since the cocaine was not found on Appellant’s person, the Commonwealth instead had to prove she constructively possessed the cocaine. Testimony was presented that even though Appellant was the only lessee, both Appellant and her boyfriend, Walter Brown, lived at the residence.²² Importantly, Appellant was the only adult female living in the residence at the time. The two baggie corners containing what was determined to be crack cocaine²³ were located inside a clutch/purse in Appellant’s bathroom closet.²⁴ As Appellant was the lessee of the apartment and the only adult female living there at the time of the search, it can be inferred that she had joint control and equal access to the entire residence and items inside. There was no testimony that Appellant was prevented access

²² N.T. Suppression Hearing, 2/13/17, at 31, 67, 74. In fact, Walter Brown answered the internal door of Appellant’s apartment. *Id.* at 32-33.

²³ The lab determined that the substance in the baggie corners was cocaine base which is a Schedule II substance. N.T. Non-Jury Trial, 3/21/17, at 40. The two baggie corners and powder “weighed a total of 1.49 grams . . .” *Id.*

²⁴ N.T. Suppression Hearing, 2/13/17, at 36.

to the bathroom closet.²⁵ Additionally, the two baggies containing crack cocaine were actually located inside a woman's clutch/purse.²⁶ Moreover, the fact that both women's and men's body wash were found in the closet bolster the fact that Appellant had joint access and equal control of the closet and the items inside.²⁷ Finally, the "plastic zip bag with a corner snipped from it" that Trooper Pasquale received from Appellant's mother was identical to the baggie corners found in the clutch/purse in Appellant's apartment.²⁸

A review of the evidence, in the light most favorable to the Commonwealth as verdict-winner, shows that the Commonwealth presented sufficient evidence to establish Appellant constructively possessed the crack cocaine. As such, Appellant's sufficiency of the evidence claim for count 3 is meritless.

b. Possession with Intent to Deliver Controlled Substance (Oxycodone and Alprazolam) and Simple Possession (Oxycodone and Alprazolam)

Next, Appellant argues there was insufficient evidence to sustain Appellant's conviction for count 2, possession with intent to deliver controlled substance (Oxycodone and Alprazolam) and count 4, simple possession (Oxycodone and Alprazolam). As the evidence presented bears on both counts, this Court will analyze the claims together.

The legislature has determined "[t]he following acts and the causing thereof within the Commonwealth are hereby prohibited: (30) the manufacture, delivery, or possession with intent to manufacture or deliver, a controlled substance by a person not registered under this act. . . or knowingly creating, delivering, or possessing with intent to deliver, a counterfeit controlled substance." **35 Pa. C.S. § 780-113(a) (30)**. An individual is prohibited from "[k]nowingly or intentionally possessing a controlled or counterfeit substance by a person not registered under this act . . . unless the substance was obtained directly from, or pursuant to, a valid prescription order or order of a practi-

²⁵ Id. at 36-37. Testimony revealed there was no door on the bathroom closet. Id. at 37.

²⁶ Id. at 36.

²⁷ Id. at 37.

²⁸ N.T. Non-Jury Trial, 3/21/17, at 18, 46.

tioner, or except as otherwise authorized by this act.” **35 Pa. C.S. § 780-113(a)(16)**. A controlled substance is defined as “a drug, substance, or immediate precursor included in Schedules I through V of this act.” **35 Pa. C.S. § 780-102(b)**.

“The Commonwealth establishes the offense of possession with intent to deliver when it proves beyond a reasonable doubt that the defendant possessed a controlled substance with the intent to deliver it.” **Commonwealth v. Little**, 879 A.2d 293, 297 (Pa. Super. 2005). “The Commonwealth has the option to establish actual or constructive possession.” **Commonwealth v. Perez**, 931 A.2d 703, 708 (Pa. Super. 2007). “It is well settled that all the facts and circumstances surrounding possession are relevant in making a determination of whether contraband was possessed with intent to deliver.” **Commonwealth v. Jackson**, 645 A.2d 1366, 1368 (Pa. Super. 1994).

A review of the evidence, in the light most favorable to the Commonwealth as verdict-winner, shows Appellant’s sufficiency of the evidence claim for count 2, possession with intent to deliver a controlled substance Oxycodone and Alprazolam and count 4, simple possession (Oxycodone and Alprazolam) is meritless. The Commonwealth established Appellant exercised both dominion and control over the pills as she was in actual possession of the pills at the time of the search and seizure.²⁹

Trooper O’Shea testified he was present when probation officers searched the purse on Appellant’s person³⁰ and found the four pill bottles inside. One pill bottle was in Appellant’s mother’s name and labeled as containing Oxycodone, while another pill bottle was in Jennifer Power’s name and labeled as containing Alprazolam.³¹ The pill bottles were sent to the state police crime lab for testing where it was determined that the pill bottle in Appellant’s mother’s name contained Oxycodone, which is a Schedule II substance, and the bottle issued to Jennifer Powers contained Alprazolam, a Schedule

²⁹ N.T. Non-jury Trial, 3/21/17, at 23-24.

³⁰ Id. While Appellant’s purse was ultimately removed from her person and placed on the coffee table due to safety concerns, up until that point Appellant remained in possession of the purse. N.T. Suppression Hearing, 2/13/17, at 42.

³¹ N.T. Non-Jury Trial, 3/21/17, at 26. The remaining two pill bottles were prescribed to Appellant. Id.

IV controlled substance.³²

The Commonwealth also established that the pills were possessed with the intent to deliver. “The intent to deliver can be inferred from an examination of the surrounding facts and circumstances.” **Perez**, 931 A.2d at 708. “[F]actors to consider when determining whether a defendant intended to deliver a controlled substance include the manner in which the controlled substance was packaged, the behavior of the defendant, the presence of drug paraphernalia, and large sums of cash found in possession of the defendant.” **Jackson**, 645 A.2d at 1368. “Expert opinion testimony is admissible concerning whether the facts surrounding the possession of controlled substances are consistent with an intent to deliver rather than with an intent to possess it for personal use.” **Id.** (internal quotations omitted).

Trooper O’Shea, who was “qualified as an expert in the area of narcotics, narcotic sales, and possession with intent to deliver”³³ testified that in his opinion, the pills were possessed with the intent to deliver.³⁴ In reaching that conclusion, Trooper O’Shea considered the fact that

[b]oth pill bottles contain[ed] pills which [we]re controlled substances which can easily be sold on the street. They were also possessed by someone who was not the prescribed individual of the pills. In addition to that, the pills weren’t from the same prescribed individual, they [we]re actually from two separate individuals. Then along with that, in the residence was located items of repackaging material and some of the packaging material had already been removed from the residence, I guess based on knowledge of what it appeared to be.³⁵

Additionally, Trooper O’Shea testified he considered the large number of \$20 bills found in Appellant’s purse and the fact that “[o]ften times, narcotics are sold in increments of \$20.”³⁶

³² *Id.* at 26, 31-32.

³³ *Id.* at 19-20. Appellant’s trial counsel did not object to Trooper O’Shea being qualified as an expert. *Id.*

³⁴ *Id.* at 32-33.

³⁵ *Id.* at 33.

³⁶ *Id.*

Moreover, Trooper O’Shea testified the Oxycodone was filled in November of 2015 with a quantity of 20 pills.³⁷ The directions on the bottle indicated 1 tablet was to be taken every 6 hours for a total of 5 days.³⁸ As of the date of the search, May 27, 2016, only 12 pills remained in the bottle.³⁹ In regard to the Alprazolam, Trooper O’Shea testified the prescription was filled on May 24, 2017, which was only three days prior to the search.⁴⁰ The quantity of pills prescribed was 90 and the directions stated to take 1 tablet 3 times a day.⁴¹ As of the date of the search, all 90 pills remained in the bottle.⁴²

Based on the totality of the evidence presented, and the fact that Appellant was in actual possession of the pills, the Commonwealth presented sufficient evidence to establish Appellant exercised both dominion and control over the items and possessed them with the intent to deliver.

c. Possession of Drug Paraphernalia

Finally, Appellant argues the Commonwealth failed to present sufficient evidence to support Appellant’s conviction on count 5, possession of drug paraphernalia. Specifically, Appellant argues the Commonwealth did not show Appellant exercised dominion and control over the items.

“The use of, or possession with intent to use, drug paraphernalia for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this act [is prohibited].” **35 Pa. C.S. § 780-113(a)(32)**. Drug paraphernalia is defined as “all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting It includes, but is not limited to: (9) [c]apsules, balloons, enve-

³⁷ Id. at 41-42.

³⁸ Id. at 42.

³⁹ Id.

⁴⁰ Id. at 44.

⁴¹ Id. at 45.

⁴² Id.

lopes, and other container used, intended for use, or designed for use in packaging small quantities of controlled substances.” **Id.** at § 780-102.

“To sustain a conviction for possession of drug paraphernalia, the Commonwealth must establish that items possessed by defendant were used or intended to be used with a controlled substance so as to constitute drug paraphernalia and this burden may be met by Commonwealth through circumstantial evidence.” **Little**, 879 A.2d at 300. “In determining whether an object is drug paraphernalia, a court . . . should consider . . . statements by an owner or by anyone in control of the object concerning its use . . . the proximity of the object in time and space, to a direct violation of this act, the proximity of the object to controlled substances, the existence of any residue of controlled substances on the object . . ., and expert testimony concerning its use.” **Id.** at 300 (quoting **Commonwealth v. Torres**, 617 A.2d 812, 815 n. 5 (Pa. Super. 1993)).

The Commonwealth presented sufficient evidence to establish that Appellant exercised both dominion and control over the drug paraphernalia (i.e. the plastic baggie corners). The two baggie corners which contained crack cocaine were located in the clutch/purse in Appellant’s bathroom closet and, as discussed above, Appellant had both joint access and equal control over. Trooper O’Shea also testified there was at least one additional baggie found in Appellant’s apartment.⁴³

The Commonwealth also presented evidence establishing that the items were drug paraphernalia. For example, Probation Officer Livelsberger testified what drew his attention to the baggies was “[t]he way they were cinched and . . . how I found crack cocaine in the past, commonly they are cinched in a bag.”⁴⁴ Trooper O’Shea testified “the packaging [he observed] was consistent” with crack cocaine.⁴⁵ Additionally, Appellant had given her mother “a single plastic zip bag with a corner snipped from it”⁴⁶ which Trooper

⁴³ N.T. Non-Jury Trial, 3/21/17, at 27, 29.

⁴⁴ N.T. Suppression Hearing, 2/13/17, at 37-38.

⁴⁵ **Id.** at 55. Trooper O’Shea also testified that the way the baggies were cut is “an indication of repackaging of some type of substance.” N.T. Non-Jury Trial, 3/21/17, at 30.

⁴⁶ N.T. Non-Jury Trial, 3/21/17, at 18.

O'Shea testified matched the baggie corners in the clutch.⁴⁷ This fact, as the Commonwealth argued, show Appellant's consciousness of guilt. Finally, while Trooper O'Shea provided the following information in reference to the Commonwealth's question regarding possession with intent to deliver crack cocaine, Trooper O'Shea's answer is equally applicable to the possession of drug paraphernalia charge.

The one determining factor would be that the cocaine was packaged in baggie corners that were tied off tight and cut which would also match the baggie that was given to Miss [sic] Kuhn who left the scene but they tie them off tight like this and then once it's tied off then they cut what's left and when they do that on both sides of the baggie you wind up with something that appears to be a diaper. So the cocaine is packaged similar to what the remnants of the packaging material is that was found.⁴⁸

A review of the evidence, in the light most favorable to the Commonwealth as verdict-winner, establishes that the Commonwealth presented sufficient evidence showing Appellant exercised dominion and control over the drug paraphernalia (baggie corners).

As all of Appellant's arguments are meritless, it is respectfully requested that the denial of Appellant's omnibus pre-trial motion and her convictions on counts 2 through 5 be affirmed.

⁴⁷ Id. at 46.

⁴⁸ Id. at 46-47.

SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September 2017, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.

**No. 17-SU-6
LSF9 MASTER PARTICIPATION TRUST**

vs.
DEBORAH ANN BELL, SCOTT R. BELL
PROPERTY ADDRESS: 237 HANOVER STREET, NEW OXFORD, PA 17350
By Virtue of Writ 17-SU-6
LSF9 MASTER PARTICIPATION TRUST
vs.
BELL, DEBORAH AND SCOTT
All that certain piece or parcel or Tract of land situate in Oxford Township, Adams County, Pennsylvania, and being known as:
237 Hanover Street,
New Oxford, Pennsylvania 17350.
TAX MAP AND PARCEL NUMBER:
35-008-0144-000
THE IMPROVEMENTS THEREON ARE:
Residential Dwelling
REAL DEBT: \$259,203.72
SEIZED AND TAKEN IN EXECUTION AS THE PROPERTY OF: Deborah Ann Bell a/k/a Deborah A. Bell and Scott R. Bell
McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 1400
Philadelphia, PA 19109

**No. 16-SU-1341
STONEGATE MORTGAGE CORPORATION**

vs.
ALFREDO BELTRAN, ADILENE ALVAREZ
PROPERTY ADDRESS: 6 EAST IMPERIAL DRIVE, ASPERS, PA 17304
By virtue of Writ of Execution No.: 16-SU-1341
Home Point Financial f/k/a Stonegate Mortgage Corporation (Plaintiff)
vs.
Alfredo Beltran and Adilene Alvarez (Defendant)
Property Address: 6 East Imperial Drive, Aspers, PA 17304
Parcel I.D. No.: 29F05-0223-000
Improvements thereon of the residential dwelling. Judgment Amount: \$184,416.39
Attorney for Plaintiff: Stephen M. Hladik, Esquire
Hladik, Onorato & Federman, LLP 298 Wissahickon Avenue
North Wales, PA 19454

**No. 16-SU-1052
UNITED SECURITY FINANCIAL CORP.**

vs.
ELI D. CANGANELLI, TABITHA M. CANGANELLI
PROPERTY ADDRESS: 25 CHERRY LANE, ABBOTTSTOWN, PA 17325
By virtue of Writ of Execution No. 16-SU-1052
United Security Financial Corp
vs.
Eli D. Canganelli and Tabitha M. Canganelli
25 Cherry Lane,
Abbottstown, PA 17301
situate in the Hamilton Township, Adams County Pennsylvania,
Parcel No. 17L09-0062-000
Improvements thereon consist of Residential Real Estate. Judgment amount: \$232,656.15
Stern & Eisenberg, PC Attorneys for Plaintiff
1581 Main Street, Suite 200 The Shops at Valley Square Warrington, PA 18976

**No. 16-SU-1142
JPMORGAN CHASE BANK, NATIONAL ASSOCIATION**

vs.
JOHN H. DEGENHARDT, SARA JANE DEGENHARDT
PROPERTY ADDRESS: 231 LAKE MEADE DRIVE, EAST BERLIN, PA 17316
By virtue of Writ of Execution No.: 2016-SU-0001142
JPMorgan Chase Bank, National Association Plaintiff
vs.
John H. Degenhardt and Sara Jane Degenhardt Defendants
Township or Borough:
Latimore Township PARCEL NO.: 23106-0011A--000
IMPROVEMENTS THEREON
A RESIDENTIAL DWELLING
JUDGMENT AMOUNT: \$174,729.16
ATTORNEYS FOR PLAINTIFFS
Shapiro & Denardo LLC

**No. 16-SU-1116
FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE"), A CORPORATION OR**

vs.
EARL E. HARE, DONNA L. HARE
PROPERTY ADDRESS: 849 COMPANY FARM ROAD, ASPERS, PA 17304
By virtue of Writ of execution No.: 16-SU-1116
Federal National Mortgage Association ("Fannie Mae"), A Corporation Organized and Existing Under The Laws of
The United States of America
vs.
Earl E. Hare
Donna L. Hare a/k/a Donna Hare

owner(s) of property situate in the TYRONE TOWNSHIP, ADAMS County, Pennsylvania, being 849 Company Farm Road,
Aspers, PA 17304-9434
Parcel No. 40H06-0003B
(Acreage or street address)
Improvements thereon: RESIDENTIAL DWELLING Judgment Amount: \$267,740.85
Attorneys for Plaintiff
Phelan Hallinan Diamond & Jones, LLP
Attorney for Plaintiff PA I.D. #15700

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller
Sheriff of Adams County
www.adamscounty.us
8/18, 8/25 & 9/1

SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September 2017, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.

**No. 17-SU-404
U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR CSFB
MORTGAGE-BACKED TRUST
SERIES 2005-5**

vs.
**G. LAWRENCE HARTMAN, JR., C.
ANN HARTMAN**
PROPERTY ADDRESS: 29
BRECKENRIDGE STREET, #29.5,
GETTYSBURG, PA 17325
By virtue of a Writ of Execution No.:
17-SU-404
U.S. Bank National Association, as
Trustee for CSFB Mortgage-Backed
Trust Series 2005-5

vs.
G Lawrence Hartman, Jr, C. Ann
Hartman
owner(s) of property situate in the
GETTYSBURG BOROUGH, ADAMS
County, Pennsylvania, being 29
Breckenridge Street # 29.5,
a/k/a 29 Breckenridge Street,
a/k/a 29 Breckenridge Street,
Gettysburg, PA 17325-2502
Parcel No. 16010-0267--000
(Acreage or street address)
Improvements thereon: RESIDENTIAL
DWELLING Judgment Amount:
\$78,241.89
Attorneys for Plaintiff
Phelan Hallinan Diamond & Jones, LLP
Fuhrman, Executor of the Estate of
Joan K. Fuhrman
McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 1400 P
Philadelphia, PA 19109

**No. 16-SU-455
SPRINGLEAF FINANCIAL SERVICES,
INC.**

vs.
**CHRISTINE A. HECKENDORN,
JAMES E. HECKENDORN, JR**
PROPERTY ADDRESS: 77 CHAPEL
ROAD EXT, GETTYSBURG, PA 17325
By virtue of Writ of Execution No.:
16-SU-455
Spring leaf Financial Services, Inc.
(Plaintiff)
vs.
Christine A. Heckendon and James E.
Heckendon (Defendant)
Property Address: 77 Chapel road
Extension, Gettysburg, PA 17325
Parcel I.D. No.: 09EI 7-0066H-000

Improvements thereon of the residential
dwelling. Judgment Amount:
\$162,548.42
Attorney for Plaintiff: Stephen M.
Hladik, Esquire
Hladik, Onorato & Federman, LLP 298
Wissahickon Avenue North Wales, PA
19454

**No. 17-SU-275
WELLS FARGO BANK, N.A.**

vs.
GENE R. LEPORE
PROPERTY ADDRESS: 56 EAST
LOCUST LANE, NEW OXFORD, PA
17350
By virtue of Writ of Execution No.:
17-SU-275
Wells Fargo Bank, N.A.
vs.
Gene R. Lepore
owner(s) of property situate in the
OXFORD TOWNSHIP, ADAMS
COUNTY, Pennsylvania, being 56 East
Locust Lane, New Oxford, PA 17350-
9557 Parcel No. 35008-0112--000
(Acreage or street address)
Improvements thereon: RESIDENTIAL
DWELLING Judgment Amount:
\$107,139.82
Attorneys for Plaintiff
Phelan Hallinan Diamond & Jones, LLP

**No. 16-SU-90
QUICKEN LOANS INC.**

vs.
WILLIAM P. LIVELSBERGER
PROPERTY ADDRESS: 410 SOUTH
STREET, MCSHERRYSTOWN, PA
17344
By virtue of Writ of Execution No.:
16-SU-90
QUICKEN LOANS INC.
vs.
WILLIAM P. LIVELSBERGER
410 South Street
McSherrystown, PA 17344
Parcel No: 28006-0048-000
(Acreage or street address)
IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING JUDGMENT
AMOUNT: \$102,419.10
Attorneys for Plaintiff KML Law Group,
P.C.

**No. 11-SU-1955
SELENE FINANCE LP**

vs.
**RAFAEL MORALES, VIVIAN L
MORALES**
PROPERTY ADDRESS: 27 DEER
DRIVE, HANOVER, PA 17331
By virtue of a Writ of Execution No.:
11-SU-1955
Selene Finance, LP
vs.
Rafael Morales Vivian L. Morales
owner(s) of property situate in the
CONEWAGO TOWNSHIP, ADAMS
County, Pennsylvania, being 27 Deer
Drive, Hanover, PA 17331-8829

Parcel No.: 08009-0133---000
(Acreage or street address)
Improvements thereon: RESIDENTIAL
DWELLING Judgment Amount:
\$314,530.04
Attorneys for Plaintiff
Phelan Hallinan Diamond & Jones, LLP

**No. 17-SU-216
CITIZENS BANK OF PENNSYLVANIA
vs.**

JENNIFER L. PALMER
PROPERTY ADDRESS: 29 EWELL
DRIVE, EAST BERLIN, PA 17316
By virtue of Writ of Execution No.:
17-SU-216 CITIZENS BANK OF
PENNSYLVANIA
vs.
Jennifer L. Palmer a/k/a Jennifer L.
Potter
29 Ewell Drive
East Berlin, PA 17316 Reading
Township PARCEL NO.: 36102-0097
IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING.
JUDGMENT AMOUNT: \$58,374.86
ATTORNEYS FOR PLAINTIFF
THE LAW OFFICE OF GREGORY
JAVARDIAN

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller
Sheriff of Adams County
www.adamscounty.us
8/18, 8/25 & 9/1

SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September 2017, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.

**No. 17-SU-17
BRANCH BANKING AND TRUST COMPANY**

**vs.
LUKE P. PLOTICA, EXECUTOR OF THE ESTATE OF PHILIP G. PLOTICA**

PROPERTY ADDRESS: 600 LONG ROAD, GETTYSBURG, PA 17325
By virtue of Writ of Execution No.: 2017-SU-17

Branch Banking and Trust Company
vs.

Luke P. Plotica, Executor Philip G. Plotica Deceased

All that certain piece or parcel or Tract of land situate in Mount Joy Township, Adams County, Pennsylvania, and being known as 600 Long Road, Gettysburg, Pennsylvania 17325.

TAX MAP AND PARCEL NUMBER: 30G16-0035---000

THE IMPROVEMENTS THEREON ARE: Residential Dwelling REAL DEBT: \$259,952.17

SEIZED AND TAKEN IN EXECUTION AS THE PROPERTY OF: Philip G. Plotica, Deceased

McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 1400 Philadelphia, PA 19109

**No. 15-SU-170
ACNB BANK, FORMERLY KNOWN AS ADAMS COUNTY NATIONAL BANK**

**vs.
CHRISTOPHER J POPOVICE, JENNIFER M POPOVICE**

PROPERTY ADDRESS: 128 RODES AVENUE, GETTYSBURG, PA 17325
By virtue of Writ of Execution No.: 2015-SU-170

ACNB BANK, formerly known as Adams County National Bank
vs.

CHRISTOPHER J. POPOVICE and JENNIFER M. POPOVICE

128 RODES AVENUE GETTYSBURG, PA 17325 STRABAN TOWNSHIP

Parcel ID Number: 38-002-0074---000 IMPROVEMENTS THEREON: Residential Dwelling JUDGMENT AMOUNT: \$167,461.37

Attorneys for Plaintiff Sharon E. Myers, Esquire CGA Law Firm 135 North

George Street York, PA 17401 717-848-4900

**No. 17-SU-311
QUICKEN LOANS INC.**

**vs.
JAY PRISE**
PROPERTY ADDRESS: 217 CENTER STREET, MCSHERRYSTOWN, PA 17344

By virtue of Writ of Execution No.: 17-SU-311 Quicken Loans Inc.

**vs.
Jay Prise**
217 Center Street, McSherrystown, PA 17344

situate in the Borough of McSherrystown, Adams County Pennsylvania, Parcel No. 28006-0107---000

Improvements thereon consist of Residential Real Estate. Judgment amount: \$149,660.88

Stern & Eisenberg, PC Attorneys for Plaintiff
1581 Main Street, Suite 200 The Shops at Valley Square Warrington, PA 18976

**No. 14-SU-1065
JPMORGAN CHASE BANK, NATIONAL ASSOCIATION**

**vs.
JAMES A. PRYOR, IV, JENNIFER L. PRYOR**

PROPERTY ADDRESS: 68 FRUITWOOD TRAIL, FAIRFIELD, PA 17320

By virtue of a Writ of Execution No. 14-SU-1065

JPMorgan Chase Bank, National Association
vs.

James A. Pryor, IV Jennifer L. Pryor owner(s) of property situate in the CARROLL VALLEY BOROUGH, ADAMS COUNTY, PENNSYLVANIA, being 68

Fruitwood Trail, Fairfield, PA 17320-8478 Parcel No. 43040-0035---000

(Acreage or street address) Improvements thereon: RESIDENTIAL DWELLING Judgment Amount: \$215,523.69

Attorneys for Plaintiff Phelan Hallinan Diamond & Jones, LLP

**No. 15-SU-779
WELLS FARGO BANK, NA**

**vs.
GREGORY F. SCHOFFSTALL, JR., JENNIFER E. SCHOFFSTALL**

PROPERTY ADDRESS: 5 HALLECK DRIVE, EAST BERLIN, PA 17316
By virtue of a Writ of Execution No.: 15-SU-779

Wells Fargo Bank, NA
vs.

Gregory F. Schoffstall, Jr., Jennifer E. Schoffstall

owner(s) of property situate in the READING TOWNSHIP, ADAMS COUNTY, Pennsylvania, being 5 Halleck Drive, East Berlin, PA 17316-9353 Parcel No.: 36109-0134-000

(Acreage or street address) Improvements thereon: RESIDENTIAL DWELLING Judgment Amount: \$259,747.64

Attorneys for Plaintiff Phelan Hallinan Diamond & Jones, LLP

**No. 17-SU-270
BRANCH BANKING AND TRUST COMPANY, A NORTH CAROLINA CORPORATION, AS SUCCESSOR IN INTEREST TO SUSQUEHANNA BANK**

**vs.
JON A. SERDULA, AUTUMN M. SERDULA**

PROPERTY ADDRESS: 645 MUD COLLEGE ROAD, LITTLESTOWN, PA 17340

By virtue of Writ of Execution No.: 17-SU-270

BRANCH BANKING AND TRUST COMPANY
vs.

JON SERDULA AUTUMN SERDULA All that certain piece or parcel or Tract of land situate in Mt. Joy Township,

Adams County, Pennsylvania, and being known as 645 Mud College Road, Littlestown, Pennsylvania 17340.

TAX MAP AND PARCEL NUMBER: 30H17-0048-A-000

THE IMPROVEMENTS THEREON ARE: Residential Dwelling REAL DEBT: \$111,040.79

SEIZED AND TAKEN IN EXECUTION AS THE PROPERTY OF: Autumn Serdula a/k/a Autumn M. Serdula and Jon Serdula a/k/a Jon A. Serdula

McCabe, Weisberg and Conway, P.C. 123 South Broad Street, Suite 1400 Philadelphia, PA 19109

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller
Sheriff of Adams County

www.adamscounty.us

8/18, 8/25 & 9/1

SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September 2017, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.

**No. 16-SU-139
WELLS FARGO BANK, N.A.**

vs.
JAMES F. SINGLETON
PROPERTY ADDRESS: 342 NORTH 3RD STREET, MCSHERRYSTOWN, PA 17344
By virtue of a Writ of Execution No.: 16-SU-139
Wells Fargo Bank, N.A.

vs.
James F. Singleton
owner(s) of property situate in the CONEWAGO TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA, being 342 North 3rd Street, McSherrystown, PA 17344-1101
Parcel No. 08001-0123---000
(Acreage or street address)
Improvements thereon: RESIDENTIAL DWELLING Judgment Amount: \$182,492.23
Attorneys for Plaintiff
Phelan Hallinan Diamond & Jones, LLP

**No. 17-SU-359
FIRST TENNESSEE BANK NATIONAL ASSOCIATION**

vs.
CHARLES M. STONESIFER, ETHEL D. STONESIFER
PROPERTY ADDRESS: 120 ABBOTTS DRIVE, ABBOTTSTOWN, PA 17301
By virtue of Writ of Execution No.: 2017-SU-359

First Tennessee Bank National Association Plaintiff
vs.
Charles Stonesifer a/k/a Charles M. Stonesifer and Ethel Stonesifer a/k/a Ethel D. Stonesifer Defendant(s)
Defendant's Property Address: 120 Abbots Drive, Abbottstown, PA 17301 Township or Borough: Borough of Abbottstown
PARCEL NO.: 01005-0058---000
IMPROVEMENTS THEREON: A RESIDENTIAL DWELLING
JUDGMENT AMOUNT: \$100,493.48
ATTORNEYS FOR PLAINTIFF
Shapiro and Denardo Samantha Gable, Esquire

**No. 16-SU-345
USAA FEDERAL SAVINGS BANK**

vs.
JOHN STOUTER, LINDSAY F. STOUTER
PROPERTY ADDRESS: 44 THUNDER TRAIL, FAIRFIELD, PA 17320
By virtue of Writ of Execution No.: 16-SU-345 USAA Federal Savings Bank Plaintiff,

vs.
John Stouter Lindsay F. Stouter
44 Thunder Trail
Fairfield, PA 17320 Hamiltonban Township Parcel No.: 18-BB0-0036-000
Improvements thereon: Residential Dwelling Judgment amount: \$217,033.91
MILSTEAD & ASSOCIATES, LLC
BY: Roger Fay, Esquire ID No.: 315987-1 E. Stow Road Marilton, NJ 08053 (856) 482-1400
Attorney for Plaintiff

**No. 16-SU-1223
NATIONSTAR MORTGAGE LLC**

vs.
JOHN L. SULLIVAN
PROPERTY ADDRESS: 690 BUCHANAN VALLEY ROAD, ORRTANNA, PA 17353
By virtue of Writ of Execution No.: 2016-SU-1223
Nationstar Mortgage LLC Plaintiff

vs.
John L. Sullivan Defendant(s)
Defendant's Property Address 690 Buchanan Valley Road, Orrtanna, PA 17353 Township or Borough: Township of Franklin
PARCEL NO.: 12B09-0001E-000
IMPROVEMENTS THEREON: A RESIDENTIAL DWELLING
JUDGMENT AMOUNT: \$46,939.66
ATTORNEYS FOR PLAINTIFF
SAMANTHA GABLE, ESQUIRE

**No. 16-SU-741
BANK OF AMERICA, N.A.**

vs.
RAY E. TAYLOR, BARBARA A. TAYLOR
PROPERTY ADDRESS: 20 NORTH SECOND STREET, MCSHERRYSTOWN, PA 17344
By virtue of a Writ of Execution No.: 16-SU-741
Bank of America, N.A.

vs.
Ray E. Taylor
Barbara A. Taylor a/k/a Barbara Taylor
owner(s) of property situate in the MCSHERRYSTOWN BOROUGH, ADAMS COUNTY, PENNSYLVANIA, being 20 North Second Street, a/k/a 20 Second Street, McSherrystown, PA 17344
Parcel No.: 18CI2-0102---000
(Acreage or street address)
Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$174,649.75
Attorneys for Plaintiff
Phelan Hallinan Diamond & Jones, LLP

**No. 16-SU-813
MID AMERICA MORTGAGE, INC**

vs.
TYLER THOMAS, TYLER D. THOMAS, TAYLOR THOMAS, TYLER THOMAS
PROPERTY ADDRESS: 24 DEEP POWDER TRAIL, FAIRFIELD, PA 17320
By virtue of Writ of Execution No.: 16-SU-813
Mid America Mortgage, Inc.

vs.
Tyler D. Thomas
24 Deep Powder Trail,
Fairfield, PA 17320
Situate in the Borough of Carroll Valley, Adams County Pennsylvania, Parcel No.: 43004-0035-000
Improvements thereon consist of Residential Real Estate. Judgment amount: \$231,490.95
Stern & Eisenberg, PC Attorneys for Plaintiff 1581 Main Street, Suite 200 The Shops at Valley Square Warrington, PA 18976

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller
Sheriff of Adams County
www.adamscounty.us
8/18, 8/25 & 9/1

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 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 administrators or their attorneys named below.

FIRST PUBLICATION**ESTATE OF PAULA E. CALDWELL, DEC'D**

Late of Latimore Township, Adams County, Pennsylvania

Thomas Caldwell, 210 Two Churches Rd., East Berlin, PA 17316

Attorney: Thomas R. Nell, Esq., 130 W. King Street, PO Box 1019, East Berlin, PA 17316

ESTATE OF CHARLES JOSEPH DEVETT, a/k/a CHARLES J DEVETT, a/k/a CHUCK DEVETT, DEC'D

Late of the Borough of Abbottstown, Adams County, Pennsylvania

Executrix: Mary Kause Simonovich, 6641 Deep Hollow Lane, Manassas, VA 20112.

ESTATE OF KIRK ALAN ERICKSON, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Administratrix: Susan W. Erickson, 234 Carrolls Tract Road, Fairfield, PA 17320

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF ELLEN MARIE GREENHOLT a/k/a ELLEN M. GREENHOLT, DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania

Executor: Joseph D. Greenholt, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

ESTATE OF MARY MARGARET KANE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Barbara A. Kane, 2180 Old Route 30, Orrtanna, PA 17353

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

ESTATE OF CHARLES MESSINGER, JR. a/k/a CHARLES L. MESSINGER, JR., DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administratrix: Deborah L. Messinger a/k/a Deborah Lynn Crowl, c/o Joseph E. Erb, Jr., Esq., Stonesifer and Kelley a division of Barley Snyder, 14 Center Square, Hanover, Pennsylvania 17331

Attorney: Joseph E. Erb, Jr., Esq., Stonesifer and Kelley a division of Barley Snyder, 14 Center Square, Hanover, Pennsylvania 17331

ESTATE OF CHAMPLAIN S. PACKARD, III, a/k/a CHAMPLAIN SMITH PACKARD, III, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Janet L. Packard, c/o Barbara Jo Entwistle, Esq., Entwistle & Roberts, 37 West Middle Street, Gettysburg, PA 17325

Attorney: Barbara Jo Entwistle, Esq., Entwistle & Roberts, 37 West Middle Street, Gettysburg, PA 17325

ESTATE OF NANCY A. RICE, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Janet R. Larson, 6 Papermill Street, Easton, MD 21601

Attorney: Phillips & Phillips, 101 West Middle Street, Gettysburg, PA 17325

ESTATE OF EDWARD G. SANDERS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Scott E. Sanders, 18 N. 4th St., McSherrystown, PA 17344

ESTATE OF DALE V. SPONSELLER, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Co-Executors: Wendy J. Sponseller, 409 Lincoln Way West, New Oxford, PA 17350; Steven D. Sponseller, 45 Daniel Lane, New Oxford, PA 17350

Attorney: Keith R. Nonemaker, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

ESTATE OF JOAN L. WERDEBAUGH, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Administrator: Michael P. Werdebaugh, c/o Brian J. Hinkle, Esq., Mette, Evans & Woodside, 3401 North Front St., Harrisburg, PA 17110.

Attorney: Brian J. Hinkle, Esq., Mette, Evans & Woodside, 3401 North Front St., Harrisburg, PA 17110.

SECOND PUBLICATION

ESTATE OF JAY H. CURRENS, DEC'D
Late of Franklin Township, Adams County, Pennsylvania

Executor: Brad Currens, 2318 Spring Creek Road, Decatur, GA 30033

THIRD PUBLICATION

ESTATE OF SHARON F. BYRON, DEC'D
Late of Union Township, Adams County, Pennsylvania

Executrix: Lisa A. Runk, 30 Kimberly Ann Lane, New Oxford, PA 17350

Attorney: David C. Smith, Esq., 754 Edgegrove Road, Hanover, PA 17331

ESTATE OF GRACE R. FORD, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Paul V. Ford, 9545 Carlisle Pike, York Springs, PA 17372

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF CATHERINE B. FOX , DEC'D

Late of Butler Township, Adams County, Pennsylvania

Co-Administrators: Teresa A. Berwager, 3542 Camp Woods Road, Glenville, PA 17329; Tina M. Rucker, 450 White Hall Road, Littlestown, PA 17340

Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore Street, Gettysburg, PA 17325

ESTATE OF HARVEY S. KLINE a/k/a HARVEY SWOPE KLINE , DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Administrator: H. John Kline, 1524 Ridge Rd., Elizabethtown, PA 17022

Attorney: Stanley A. Smith, Esq., Rhoads & Sinon LLP, One S. Market Square, P.O. Box 1146, Harrisburg, PA 17108-1146

ESTATE OF DOROTHY D. MILLER a/k/a DOROTHY DEELEE MILLER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Mr. William P. Miller, 120 West Broadway, Unit M, Bel Air, MD 21014

Attorney: Arthur J. Becker, Jr., Esq., Becker & Strausbaugh, P.C., 544 Carlisle Street, Hanover, PA 17331

THIRD PUBLICATION CONTINUED

ESTATE OF JANET E. REH, DEC'D

Late of the Borough of McSherrystown,
Adams County, PennsylvaniaExecutor: John B. Reh, 1067 Kohler
Mill Road, New Oxford, PA 17350Attorney: David C. Smith, Esq., 754
Edgegrove Road, Hanover, PA
17331**SHERIFF SALES**

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale on Friday, the 15th day of September 2017, at 10:00 o'clock in the forenoon at the 4th floor Jury Assembly room in the Adams County Court House, 117 Baltimore Street, Gettysburg, Adams County, PA, the following real estate, viz.

Notice directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

AS SOON AS THE PROPERTY IS DECLARED SOLD TO THE HIGHEST BIDDER 20% OF THE PURCHASE PRICE OR ALL OF THE COST, WHICHEVER MAY BE THE HIGHER, SHALL BE PAID FORTHWITH TO THE SHERIFF.

James W. Muller
Sheriff of Adams County

www.adamscounty.us

8/18, 8/25 & 9/1

.....
No. 17-SU-89

WILLIAM S. DICK, TRUSTEE

vs.

DAVID L. WETZEL, JEAN KAY**STACKHOUSE-WETZEL**PROPERTY ADDRESS: 1503 IRON
SPRINGS ROAD, FAIRFIELD, PA 17320
WILLIAMS. DICK, Trustee,

vs.

DAVID L. WETZEL and DEBORAH

JEAN KAY

STACKHOUSE-WETZEL, husband and
wife, DefendantsBy virtue of Writ of Execution No.:
17-SU-89 William S. Dick, Trustee

vs.

David L. Wetzel &

Deborah Jean Kay Stackhouse-Wetzel
1503 Iron Spring Road, Fairfield, Adams
County,
Pennsylvania, 17320situate in Hamiltonban Township, Tax
Parcel No.: 18-B-16-0021, including
any and all improvements thereon.Judgment Amount: \$19,822.83 (plus
interest from April 7, 2017 and costs)Jens C. Wagner, Attorney for Plaintiff
Dick, Stein, Scheme, Wine & Frey, LLP
119 East Baltimore Street Greencastle,
Pennsylvania 17225 P: (717) 597-0200
F: (717) 597-2542iens@dsslawyers.com PA Bar No.
201034