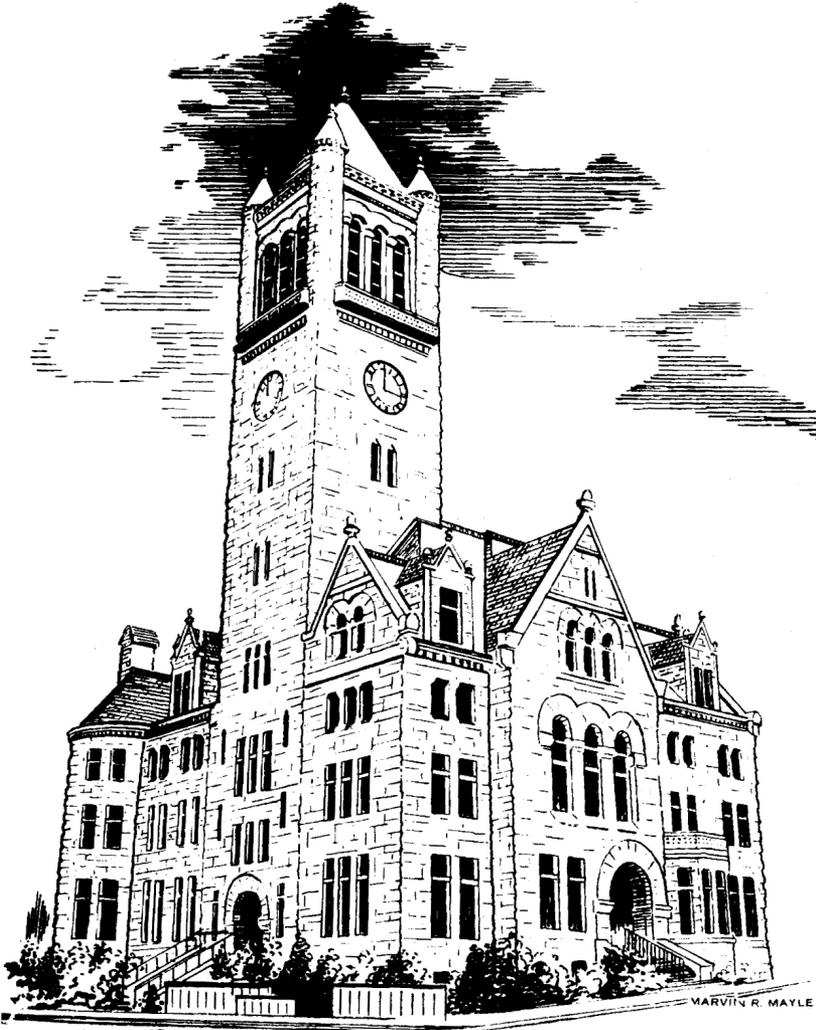


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Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay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

Third Publication

JANET SUE BILL, late of Uniontown, Fayette County, PA (3)

Executor: Richard D. Lee
c/o Zerega Law Office
212 North Gallatin Avenue
Uniontown, PA 15401
Attorney: Dianne H. Zerega

BETTY JEAN DURSO, late of Menallen Township, Fayette County, PA (3)

Administrator: Charles Durso
c/o Dellarose Law Office
111 East Main Street
Uniontown, PA 15401
Attorney: Melinda D. Dellarose

EDWARD METZGAR, late of Connellsville, Fayette County, PA (3)

Co-Executors: Elaine Krinock and
Joseph A. Canada, Jr.
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

Second Publication

JOHN M. JONES, late of South Union Township, Fayette County, PA (2)

Executrix: Terral K. Armstrong
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

ANNE J. KNOEBEL, late of Bullskin Township, Fayette County, PA (2)

Executor: L. William Knoebel, Jr.
4166 LaTache Court
Allison Park, PA 15101
c/o Houston Harbaugh, P.C.
Three Gateway Center
401 Liberty Avenue, 22nd Floor
Pittsburgh, PA 15222-1005
Attorney: Heidi Rai Stewart

First Publication

MARY ANN BOSHINSKY, a/k/a MARY BOSHINSKY, late of Everson Borough, Fayette County, PA (1)

Executrix: John R. Boshinsky
225 Pritts Town Road
Mount Pleasant, PA 15666
c/o 201 North Chestnut Street
P.O. Box 342
Scottsdale, PA 15683
Attorney: James S. Lederach

BESSIE A. GABELT, a/k/a BESSIE GABELT, late of Connellsville, Fayette County, PA (1)

Administratrix: Mary Ann Baysinger
c/o Zebley Mehalov & White, P.C.
18 Mill Street Square
P.O. Box 2123
Uniontown, PA 15401
Attorney: Daniel R. White

MARY R. GEORGE, late of South Union Township, Fayette County, PA (1)

Co-Executors: Larrie C. George and
Victoria George
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

LESTER E. MARTIN, late of Dunbar Township, Fayette County, PA (1)

Administratrix: Samantha D. Yokes
312 Kingin Hill Road
Dunbar, PA 15431
c/o 39 Francis Street

Uniontown, PA 15401
Attorney: Jack R. Heneks, Jr.

LOUISE MASTOWSKI, late of Saltlick
 Township, Fayette County, PA (1)

Personal Representatives: Cynthia A. Frye
 and Clarence M. Mastowski, Jr.
 c/o Watson Mundorff Brooks & Sepic, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Charles W. Watson

VERDA P. MILLER, late of Bullskin
 Township, Fayette County, PA (1)

Personal Representative: Bently D. Miller
 c/o Watson Mundorff Brooks & Sepic, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Charles W. Watson

GENEVIEVE M. MYERS, late of
 McClellandtown, Fayette County, PA (1)

Executrix: Linda J. Franczyk
 c/o 84 East Main Street
 Uniontown, PA 15401
Attorney: Vincent M. Tiberi

PATRICIA A. PIERNO, late of Uniontown,
 Fayette County, PA (1)

Executrix: Shawn A. Goralzick
 627 Glowood Drive
 Pittsburgh, PA 15227

JAMES R. SHANABERGER, late of
 Perryopolis, Fayette County, PA (1)

Personal Representative: Bonnie S. Pasquale
 c/o George Port & George
 92 East Main Street
 Uniontown, PA 15401
Attorney: Joseph M. George

GUY B. SNYDER, late of Connellsville,
 Fayette County, PA (1)

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

LEGAL NOTICES

Notice is hereby given that Articles of Incorporations [were/will be] filed with the Department of State of the Commonwealth of Pennsylvania, for a business corporation which has been incorporated under the provisions of the Business Corporation Law of 1988. The name of the corporation is BSJ&P Transportation, Inc.

NOTICE

NOTICE is hereby given that Articles of Incorporation were filed on October 6, 2017 with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a domestic nonprofit business corporation which was organized under the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania (15 Pa. C. S. A. Section 5306, et sec). The name of the corporation is "Connellsville Area High School Band Boosters Association".

Timothy Witt
 Watson Mundorff Brooks & Sepic, LLP
 720 Vanderbilt Road
 Connellsville, Pennsylvania 15425

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on October 12, 2017, for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is New Salem Glass & Construction LLC having an address of 100 South Mill Street, New Salem, PA 15468.

ADAMS & ADAMS
 Jason F. Adams, Esquire
 55 East Church Street, Suite 101
 Uniontown, PA 15401
 724-437-2711

NOTICE

NOTICE OF INCORPORATION
Nonprofit Business Corporation

NOTICE is hereby given that Articles of Incorporation were filed with and approved by the Department of State of the Commonwealth of Pennsylvania at Harrisburg, PA, on the 13th day of October, 2017 for the purpose of obtaining a Certificate of Incorporation for a nonprofit business corporation organized under the Nonprofit Business Corporation Law of 1988, as amended. The name of the corporation is MT. PINES BINGO ASSOCIATION, INC.

Bradley King
114 N. Maple Avenue
Greensburg, Pennsylvania 15601

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

Brett A. Solomon, Esquire Pa. I.D. #83746
Michael C. Mazack, Esquire Pa. I.D. #205742
Tucker Arensberg, P.C. 1500 One PPG Place
Pittsburgh, PA 15222
412-566-1212

Attorneys for PNC Bank, National Association,
Plaintiff

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
1476 of 2017 GD

**PNC BANK, NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO
NATIONAL CITY BANK,**

Plaintiff,

vs.

**ERNEST A. WALTERS AND SHERRY L.
WALTERS,**

Defendants.

TO: ERNEST A. WALTERS AND
SHERRY L. WALTERS, Defendants.

You are hereby notified that on July 10, 2017, PNC Bank, National Association filed a Complaint in Action of Mortgage Foreclosure, endorsed with a Notice to Defend, against the

above Defendants at the above number.

Property Subject to Foreclosure: RR 13
Dukat Street, Uniontown, PA 15401

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 this 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 or for any other claim or relief requested 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
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ABOUT AGENCIES THAT MAY OFFER
LEGAL SERVICES TO ELIGIBLE PERSONS
AT A REDUCED FEE OR NO FEE.**

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JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA :
vs. :
ANDRE JACOBS, : No. 265 OF 2005
Defendant. : Honorable Linda R. Cordaro

OPINION AND ORDER

Linda R. Cordaro, J.

This matter comes before this Court through a Post-Conviction Relief Act Petition ("PCRA") filed by Petitioner, Andre Jacobs. After hearing, and full consideration of the record and applicable law, this Court finds that Petitioner has not established that trial counsel was ineffective. Therefore, Petitioner's PCRA Petition is hereby DENIED.

BACKGROUND

On December 4, 2007, a jury convicted Petitioner of, inter alia, aggravated assault. (Trial T., 140, December 3, 2007). On May 9, 2014, Petitioner filed his first PCRA Petition raising multiple issues. Ineffective assistance of counsel was one of the issues raised by Petitioner in the original PCRA. On July 7, 2014, James Natale, Esq., was appointed to represent Petitioner in the PCRA proceeding. On November 3, 2014, Dr. Bruce Wright ("Dr. Wright") was appointed to assess whether Petitioner was competent to stand trial and whether he suffered from a mental illness at the time Petitioner committed the offense for which he was convicted. After Dr. Wright reviewed the Petitioner's medical records from May 15, 2003 to November 29, 2004, Dr. Wright concluded that, at the time of the offense, Petitioner suffered from several mental illnesses, including: intermittent explosive disorder, major depression with psychosis, and bipolar disorder.

On April 21, 2016, and based on Dr. Wright's evaluation, Attorney James Natale filed an Amended PCRA. The Amended PCRA raised, as the sole issue, that trial counsel should have requested that Petitioner undergo a mental health evaluation, by a mental health professional, to determine whether Petitioner was competent to stand trial and whether he was insane at the time he committed the offense. Attorney Natale argued that trial counsel's ineffective representation prejudiced Petitioner because Petitioner was "probably not competent and he was denied the opportunity to assert a defense of insanity at trial."

The Court held a hearing on September 30, 2016. Attorney James Natale appeared for the Petitioner. Attorney Natale asserted that he reviewed a letter provided by Dr. Bruce A. Wright, which was offered as "Commonwealth Exhibit 1", and upon review of Dr. Wright's letter, Attorney Natale doubted the merits of the Petitioner's PCRA. Attor-

ney Natale informed the Court that Dr. Wright opines that the Petitioner was not insane at the time he committed the incident which resulted in his conviction. Based on Dr. Wright's opinion, Attorney Natale informed the Court he could not proceed on the Amended PCRA, and he would merely assist the Petitioner during the remainder of the hearing. Attorney Natale confirmed that the only arguable issue to be heard is the claim of ineffectiveness of counsel for failing to secure a psychiatric evaluation of the Petitioner prior to trial.

At the September 2016 hearing, there was no evidence presented relative to the issue of defendant's competency to stand trial. Therefore, the Court scheduled a subsequent hearing date for March 31, 2017.

DISCUSSION

To grant ineffective assistance of counsel claims, Pennsylvania courts require that Petitioners set forth facts sufficient to meet a three-prong test, and Petitioner must establish the following: (1) the claim is of arguable merit; (2) counsel had no reasonable basis for his or her action or inaction; and (3) but for the errors and omissions of counsel, there is a reasonable probability that the outcome of the proceedings would have been different. *Commonwealth v. Thomas*, 44A.3d 12 (Pa.2012); *Commonwealth v. Moore*, 569 Pa. 508, 805 A.2d 1212 (Pa.2002). There is a strong presumption that counsel was competent, and the Defendant has the burden of showing counsel was ineffective. *Commonwealth ex rel. Washington v. Maroney*, 427 Pa. 599, 235 A.2d 349 (1967); *Commonwealth v. Meadows*, 567 Pa. 344, 787 A.2d 312 (20 01). Lastly, it is an established legal principle that appointed counsel possesses the prerogative of declining to litigate a meritless post-conviction petition. *Commonwealth v. Albrecht*, 554 Pa. Super. 31, 720 A.2d 693 (1998).

Pennsylvania's Legislation has determined a defendant is incompetent to stand trial when the defendant is "substantially unable to understand the nature or object of the proceeding against him or to participate and assist in his defense." 50 Pa. Stat. Ann. §7402. By contrast, the Legislation defines legal insanity as an event in which, "at the time of the commission of the offense, the actor was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing or, if the actor did know the quality of the act, that he did not know that what he was doing was wrong." 18 Pa. C.S.A. 315(b).

At the essence of Petitioner's PCRA Petition is his claim of ineffective assistance of counsel based on the allegation that his trial counsel failed to request a mental health evaluation, prior to trial, to determine Petitioner's competency to stand trial and whether Petitioner was insane at the time he committed the offense. This failure prevented him from raising a defense of insanity at trial. Petitioner argues that he was prejudiced by counsel's ineffectiveness because had an evaluation been requested, and he had been found incompetent to stand trial and/or insane at the time of the offense, the case could have potentially reached a different outcome. This allegation of ineffectiveness falls under 42 Pa.C.S.A. §9543(2)(ii), which provides that the Petitioner is eligible for relief if his conviction or sentence resulted from "ineffective assistance of counsel which, in the circumstances of the particular case, so undermined the truth-determining process

that no reliable adjudication of guilt or innocence could have taken place."

The first prong to establish ineffective assistant of counsel, as enumerated in *Com. v. Thomas*, supra, requires Petitioners to set forth facts sufficient to find that the claim is of arguable merit. As it applies to Petitioner's claim of insanity, this Court has carefully reviewed Dr. Wright's medical opinion, the acknowledgments of Counsel, and arguments at the PCRA hearings. After careful review, this Court finds that Petitioner did not meet the first prong necessary to sustain that counsel was ineffective by failing to request an evaluation of Petitioner to determine whether he was insane at the time of the offense. There is no evidence whatsoever that Petitioner was insane at the time he committed the offense. On the contrary, Dr. Wright concluded that, to a reasonable degree of medical certainty, Petitioner knew the nature and quality of his acts at the time he committed the offense. Therefore, this claim has no arguable merit.

During the hearing on September 30, 2016, other than the opinion of Dr. Wright that the Petitioner was not insane at the time of commission of the criminal offense, there was no testimony concerning the competency of the Petitioner to stand trial. Due to the absence of any such evidence, this Court scheduled a subsequent hearing for March 31, 2017, to address the sole issue of ineffectiveness of counsel in connection with Petitioner's competency to stand trial. At the hearing on March 31, 2017, the Petitioner was represented by Attorney Martha Conley. It was very clear at the commencement of the hearing on March 31, 2017, that the sole issue was whether trial counsel was ineffective for failing to obtain a mental health evaluation to determine the Petitioner's competency to stand trial. (See Tr. Of 3/31/17 hearing, p. 6). {1}

The Commonwealth presented testimony from Attorney Jeremy Davis, who represented the Petitioner during two trials. During the first trial of this matter, Attorney Davis met the Petitioner outside of the courtroom, and the Petitioner was in prison coveralls at the time. The Petitioner requested that Attorney Davis ask the Court to permit him to change into street clothes for trial. In addition, Attorney Davis testified that the Petitioner assisted in his own defense. He would write notes and discuss the evidence with counsel. He discussed with Attorney Davis the witnesses he wished to present. This first trial ended with a hung jury, and a mistrial was declared. The second trial commenced in December 2017, and again Attorney Davis represented the Petitioner. Attorney Davis testified that the Petitioner again assisted in his own defense. Attorney Davis engaged in discussions with the Petitioner about the nature of the charges and the witnesses who would be called. As a seasoned Public Defender, Attorney Davis has experience in identifying defendants who exhibit cause to request a mental health evaluation to determine competency to stand trial. The Petitioner did not exhibit any indication that he may not be competent to stand trial.

During the March 2017 hearing, the Commonwealth established that the Petitioner in fact represented himself in the United States District Court in a case he filed

{1} Counsel for the Commonwealth did raise the argument that this PCRA Petition is untimely, and both counsel were instructed to review the docket and provide their respective arguments with regard to timeliness. This Court's review of the docket indicates this to be Petitioner's first PCRA.

against SCI Pittsburgh. The Complaint was filed by the Petitioner prior to his second trial in this matter, and the jury trial in federal court took place after he was convicted in this case. The Petitioner acted pro se and opened and closed for the jury and conducted the entire trial on his own in federal court. This added to the already established compelling evidence of the Petitioner's competency.

Counsel for Petitioner called Dr. Zigmond, an expert in the field of neurology. Dr. Zigmond rendered a report dealing with the effects of isolation on the behavior and brain of animals. Dr. Zigmond did not render an opinion as to the effects of isolation on the human brain, and he was unable to give any opinion as to the state of mind or competency of the Petitioner at the time of Petitioner's trial.

At the conclusion of the hearing in March 2017, Counsel for Petitioner requested time to brief the issue of timeliness of the PCRA Petition. Counsel requested thirty days to file a brief, and the Commonwealth was instructed to file a responsive brief twenty days thereafter. After several requests for extensions, Petitioner's Memorandum was filed on July 31, 2017. {2}

As it pertains to the claim of Petitioner's competency to stand trial, the testimony of Attorney Jeremy Davis is credible and compelling. Attorney Davis testified that the Petitioner had the ability to assist in his own defense. There was no indication that Petitioner was not competent to stand trial. The focal time for evaluating a defendant's competency is at the time of trial. Commonwealth vs. Bracey, 568 Pa. 264,795 A.2d 935 (2001) Attorney Davis was familiar with the Petitioner, having represented him during a previous trial that ended with a hung jury, and Attorney Davis had no reason to question the Petitioner's competency to stand trial.

For the reasons set forth herein, the Petition before the Court is hereby DENIED.

ORDER

AND NOW, this 11th day of October, 2017, after full consideration of the Post Conviction Relief Act Petition filed by the Defendant, Andre Jacobs, the said petition is DENIED in accordance with the preceding Opinion.

Defendant is advised that he can appeal this Order to the Superior Court by filing a proper Notice of Appeal within thirty (30) days of this date. The Fayette County Clerk of Courts shall serve the Defendant a copy of this Order and the preceding Opinion by sending the same to the Defendant by certified mail, return receipt requested, and shall also send a copy of this Order and the preceding Opinion to counsel of record for the Defendant.

BY THE COURT:
LINDA R. CORDARO, JUDGE

Attest:
Clerk of Courts

{2} This Court notes that Counsel's Memorandum on behalf of Petitioner's PCRA far exceeds the scope and issue of the hearing.

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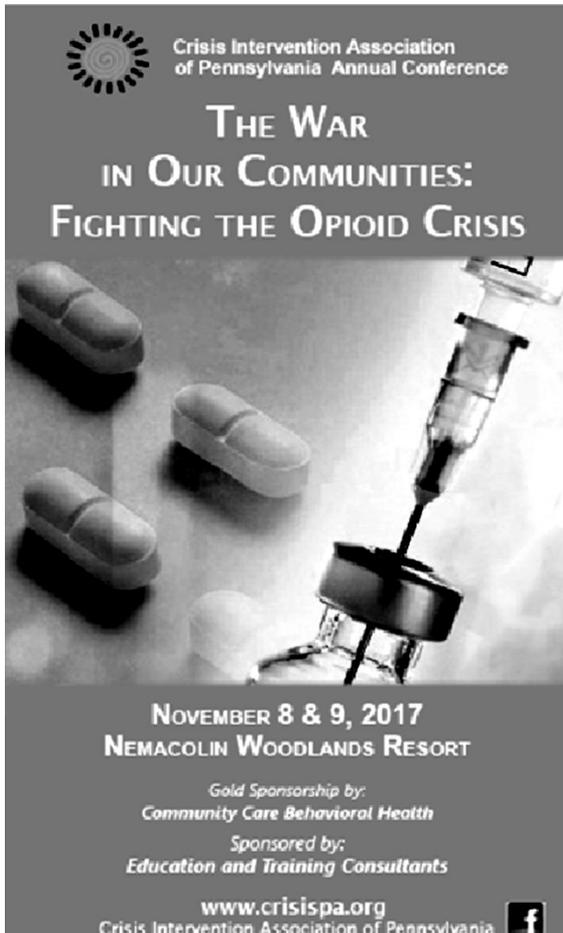
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ANNUAL MEMBERSHIP MEETING

The regular annual meeting of the full membership of the Fayette County Bar Association will be held on **Thursday, November 30, 2017, at 12:00 pm** at the Bar Association's Office Building in the basement conference room located at 2 West Main Street, Uniontown, PA 15401.

Committees are invited to present topics of concern or interest to the Association. Lunch will be provided to attendees who register in advance.

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