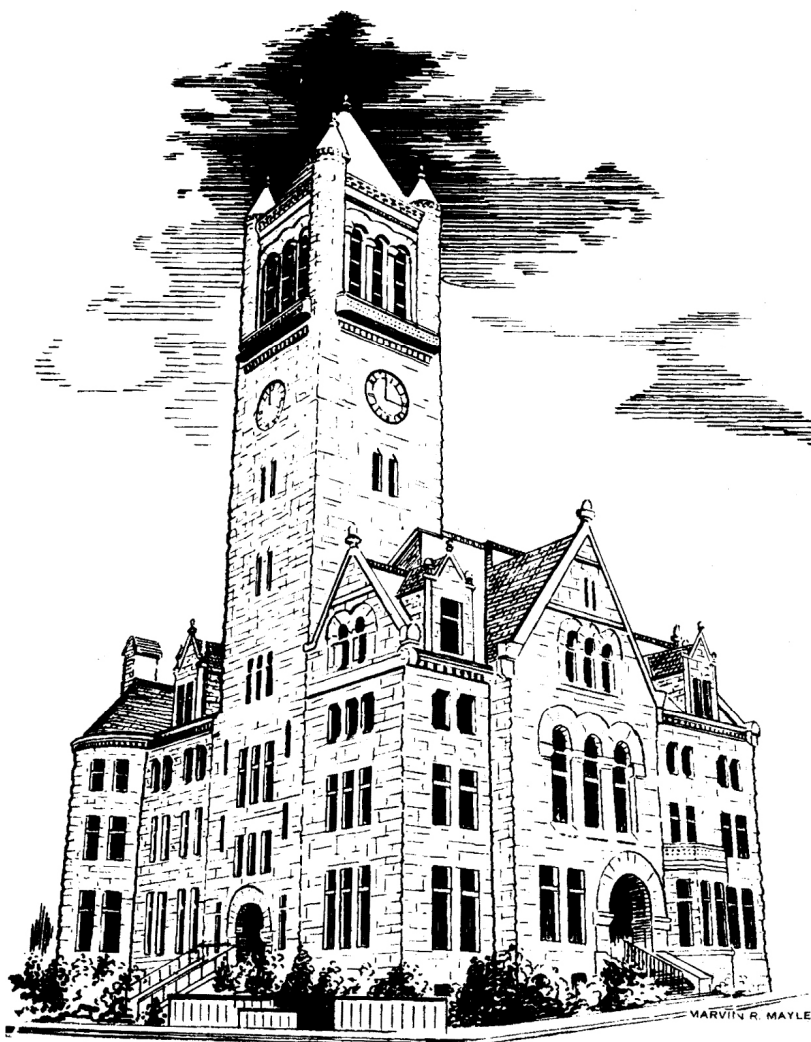


FAYETTE LEGAL JOURNAL

VOL. 83

NOVEMBER 21, 2020

NO. 47



FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 45 East Main Street, Suite 100, 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

CHERYLE J. ANSELL, late of Dunbar Township, Fayette County, PA (3)

Executor: George J. Harvey
505 Vanderbilt Road
Connellsville, PA 15425
Co John M. Ranker & Associates, P.C.
140 South Main Street, Suite 301
Greensburg, PA 15601
Attorney: John M. Ranker

ANGELINE BLACKBURN, late of Upper Tyrone Township, Fayette County, PA (3)

Co-Executors:
Gerald Kiliany
725 Locust Street
Greensburg PA 15601
Lisa Robbins
757 Narrows Road
Connellsville, PA 15425
Attorney: James Lederach
201 North Chestnut Street
P.O. Box 342
Scottdale PA 15683

DONALD E. MURPHY, SR., a/k/a DONALD E. MURPHY, late of Dunbar Township, Fayette County, PA (3)

Personal Representative: Dawn M. A. Siple
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

RONALD SECHRIST, late of Connellsville Township, Fayette County, PA (3)

Co-Executors: Robert Leiberger and Shirley Leiberger
c/o Rowan Law Offices
890 Vanderbilt Road
Connellsville, PA 15425
Attorney: Mark Rowan

JOSEPH TERRETA, late of Luzerne Township, Fayette County PA (3)

Administratrix: Judy L. Terreta
c/o 51 E South Street
Uniontown, PA 15401
Attorney: Anthony Dedola

Second Publication

PATRICK T. BALLON, late of Luzerne Township, Fayette County, PA (2)

Executrix: Bertha Ann Ballon
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony Dedola

DONALD R. JONES, a/k/a DONALD R. JONES, SR., late of Washington Township, Fayette County, PA (2)

Executrix: Lily Farquhar
c/o 300 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Richard C. Mudrick

HAROLD RAY KING, SR., late of Bullskin Township, Fayette County, PA (2)

Executrix: Ashley Dawn Ghrist
c/o Molinaro Law Offices
141 West Peach Street
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

MARGARET REGINA SIMON, a/k/a MARGARET R. SIMON, late of Luzerne Township, Fayette County, PA (2)

Executor: David M. Simon
c/o Zebley Mehalov & White, P.C.
18 Mill Street Square
P.O. Bo 2123
Uniontown, PA 15401
Attorney: Mark M. Mehalov

THOMAS E. STEPHENS, a/k/a THOMAS EDWARD STEPHENS, late of Perry

Township, Fayette County, PA (2)

Executrix: Cynthia Howser

P.O. Box 299

Perryopolis, PA 15473

c/o 300 Fallowfield Avenue

Charleroi, PA 15022

Attorney: Richard C. Mudrick**First Publication****SUSAN JOYCE ADAMS**, late of South Union Township, Fayette County, PA (1)*Executor:* Keith Adams

c/o Adams & Adams

55 East Church Street, Suite 101

Uniontown, PA 15401

Attorney: Jason Adams**DEBORAH D. GHRIST**, late of South Union Township, Fayette County, PA (1)*Personal Representative:* Michelle Nicola

c/o Watson Mundorff, LLP

720 Vanderbilt Road

Connellsville, PA 15425

Attorney: Timothy J. Witt**EDWIN PAUL HAINES, JR. a/k/a EDWIN P. HAINES, JR.**, late of Wharton Township, Fayette County, PA (1)*Administratrix:* Nicole L. Fazenbaker

c/o 39 Francis Street

Uniontown, PA 15401

Attorney: Jack R. Heneks, Jr.**JOAN HELINSKY**, late of Dunbar Township, Fayette County, PA (1)*Executor:* Michael A. Helinsky

123 Aspen Road

Acme, PA 15610

c/o Snyder and Snyder Attorneys at Law, PLLC

17 North Diamond Street

Mt. Pleasant, PA 15666

Attorney: Marvin Snyder**RUSSELL B. MECHLING, JR.**, late of Hopwood, Fayette County, PA (1)*Administratrix:* Ellen Ulmer

311 Derrick Avenue

Uniontown, PA 15401

RICHARD K. SPARKS, late of Springfield Township, Fayette County, PA (1)*Executrix:* Aimee Lynn Cain

c/o 815A Memorial Boulevard

Connellsville, PA 15425

Attorney: Margaret Zylka House**LEGAL NOTICES****IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
No. 25 Adopt 2012****Adoption of Zackery Allen Koffler a/k/a
Baby Boy Paulo****TO UNKNOWN FATHER:**

A petition has been filed asking the court to put an end to all rights you have to your child, Zackery Allen Koffler a/k/a Baby Boy Paulo. The court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No. 5 of the Fayette County Courthouse on December 21, 2020, at 1:30 p.m. 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 your being present. You have a 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.

**PENNSYLVANIA LAWYER
REFERRAL SERVICE
100 SOUTH STREET
HARRISBURG, PA 17108
TELEPHONE: 800-692-7375**

NOTICE

RE: Change of Name of Cameron Issac McCoy:

To Whom It May Concern:

Be advised that the Court of Common Pleas of Fayette County, Pennsylvania, will hear the Petition for the Change of Name of Cameron Issac McCoy, on December 23, 2020, at 10:30 a.m. in Courtroom No. 5. All interested individuals may attend at that date and time.

DAVIS & DAVIS

BY: Samuel J. Davis, Esquire
107 East Main Street
Uniontown, PA 15401

NOTICE

RE: Change of Name of Aliza Desiree McCoy:

To Whom It May Concern:

Be advised that the Court of Common Pleas of Fayette County, Pennsylvania, will hear the Petition for the Change of Name of Aliza Desiree McCoy, on December 23, 2020, at 10:30 a.m. in Courtroom No. 5. All interested individuals may attend at that date and time.

DAVIS & DAVIS

BY: Samuel J. Davis, Esquire
107 East Main Street
Uniontown, PA 15401

SHERIFF’S SALE

Date of Sale: January 21, 2021

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday, January 21, 2021, at 2:00 p.m. in Courtroom Number Five at the Fayette County Courthouse, Uniontown, Pennsylvania.

The terms of sale are as follows:

Ten percent of the purchase price, or a sufficient amount to pay all costs if the ten percent is not enough for that purpose. Same must be paid to the Sheriff at the time the property is struck off and the balance of the purchase money is due before twelve o'clock noon on the fourth day thereafter. Otherwise, the property may be resold without further notice at the risk and expense of the person to whom it is struck off at this sale who in case of deficiency in the price bid at any resale will be required to make good the same. Should the bidder fail to comply with conditions of sale money deposited by him at the time the property is struck off shall be forfeited and applied to the cost and judgments. All payments must be made in cash or by certified check. The schedule of distribution will be filed the third Tuesday after date of sale. If no petition has been filed to set aside the sale within 10 days, the Sheriff will execute and acknowledge before the Prothonotary a deed to the property sold. (1 of 3)

James Custer
Sheriff Of Fayette County

No. 1568 of 2019 GD
No. 153 of 2020 ED

PNC Bank, National Association
Plaintiff,
vs.
Roger Albaugh, AKA Roger W. Albaugh;
Joanna Albaugh, AKA Joanna R. Albaugh
Defendants.

ALL that certain parcel of land lying and being situate in the Township of Washington, County of Fayette, and Commonwealth of Pennsylvania, known as 302 Center Street, Belle Vernon, PA 15012 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 41-05-0329

BEING the same premises which Joanna R. Cerini, an individual, married, by Deed dated January 7, 2012 and recorded in and for Fayette County, Pennsylvania in Deed Book 3174, Page 1956, granted and conveyed unto Roger W. Albaugh, married.

RAS Citron, LLC - Attorneys for Plaintiff
Robert Flacco, Esquire, ID. No. 325024
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
855-225-6906
rflacco@rasnj.com

No. 213 of 2018 GD
No. 186 of 2020 ED

HSBC BANK USA, NATIONAL
ASSOCIATION, AS TRUSTEE FOR
FREMONT HOME LOAN TRUST 2006-C,
MORTGAGE- BACKED CERTIFICATES,
SERIES 2006-C
Plaintiff

v.
ALBERT CELLURALE;
KATHY CELLURALE
Defendant(s)

ALL THOSE CERTAIN LOTS OR
PIECES OF GROUND SITUATE IN SOUTH
UNION TOWNSHIP, FAYETTE COUNTY,
PENNSYLVANIA:

BEING KNOWN AS: 112 DUALL
DRIVE HOPWOOD (SOUTH UNION
TOWNSHIP), PA 15445

BEING PARCEL NUMBER: 34-12-0091
IMPROVEMENTS: RESIDENTIAL
PROPERTY

Andrew J. Marley, Esquire
Stern & Eisenberg, PC
1581 Main Street, Suite 200
The Shops at Valley Square
Warrington, PA 18976
Phone: (215) 572-8111

No. 796 of 2020 GD
No. 182 of 2020 ED

**HSBC Bank USA, N.A., as Indenture Trustee
for the registered Noteholders of Renaissance
Home Equity Loan Trust 2007-1**

**v.
Althea M. Cowan**

By virtue of Writ of Execution No 796 of 2020 GD/182 of 2020 ED, HSBC Bank USA, N.A., as Indenture Trustee for the registered Noteholders of Renaissance Home Equity Loan Trust 2007-1 v. Althea M. Cowan, 3121 Richey Road, Bullsken Township, Connellsville, PA 15425, Tax Parcel No. 04-25-010101. Improvements thereon consisting of a Residential Dwelling, sold to satisfy judgment in the amount of \$121,988.91.

Phelan Hallinan Diamond & Jones, LLP

No. 2401 of 2019 GD
No. 161 of 2020 ED

**PNC Bank, National Association
Plaintiff**

**v.
Matthew C. Craig
Defendant(s)**

By virtue of a Writ of Execution No. 2019-02401, PNC Bank, National Association v. Matthew C. Craig, owner(s) of property situate in the UPPER TYRONE TOWNSHIP, Fayette County, Pennsylvania, being 110 Penn Avenue, Connellsville, PA 15425-6021.

Parcel No.: 39-07-0131

Improvements thereon: RESIDENTIAL DWELLING

No. 1997 of 2019 GD
No. 157 of 2020 ED

**THE UNITED FEDERAL CREDIT UNION,
Plaintiff,
vs.
ELIZABETH H. CRUTCHMAN,
Defendant.**

ALL that certain tract situate in the City of Uniontown, Fayette County, Pennsylvania, described as Tax Parcel No. 38-01-0283 and more particularly described in deeds recorded in the Office of the Recorder of Deeds for Fayette County in Deed Book Volume 1163, page 159 and Record Book 3229, page 1722.

The street address of the property is 226 North Gallatin Avenue, Uniontown, Fayette County, Pennsylvania 15401.

Seized and taken in execution as the property of Elizabeth H. Crutchman, defendant, in the action filed by the United Federal Credit Union in the Court of Common Pleas of Fayette County, Pennsylvania at No. 1997 of 2019, G.D.

No. 2803 of 2020 GD
No. 160 of 2020 ED

**CORNING FEDERAL CREDIT UNION,
Plaintiff,
v.
CATARINA J. DELGIACCO,
Defendant.**

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF CATARINA J. DELGIACCO OF, IN AND TO:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE BOROUGH OF BROWNSVILLE, COUNTY OF FAYETTE, COMMONWEALTH OF PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AND NUMBERED AS 426 GREEN STREET, BROWNSVILLE, PA 15417. DEED BOOK VOLUME 2665, PAGE 160, PARCEL NUMBER 02-10-0233.

No. 2199 of 2019 GD
No. 151 of 2020 ED

Caliber Home Loans, Inc.
Plaintiff,
vs.

Ronald L. Haney, as Believed Heir and/or Administrator of the Estate of Lloyd Haney, Jr., AKA Lloyd Haney, AKA Lloyd W. Haney, Jr.; Lloyd W. Haney, III, as Believed Heir and/or Administrator of the Estate of Lloyd Haney, Jr., AKA Lloyd Haney, AKA Lloyd W. Haney, Jr.; Jennie R. Moran, as Believed Heir and/or Administrator of the Estate of Lloyd Haney, Jr., AKA Lloyd Haney, AKA Lloyd W. Haney, Jr.; Unknown Heirs and/or Administrators of the Estate of Lloyd Haney, Jr., AKA Lloyd Haney, AKA Lloyd W. Haney, Jr.
Defendants.

ALL that certain parcel of land lying and being situate in the City of Uniontown, County of Fayette, and Commonwealth of Pennsylvania, known as 64 Bailey Avenue, Uniontown, PA 15401 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 38040595

BEING the same premises which Betherin Mechling, unmarried, by Deed dated August 27, 2018 and recorded in and for Fayette County, Pennsylvania in Deed Book 3385, Page 510, granted and conveyed unto Lloyd Haney, no marital status shown.

Phelan Hallinan Diamond & Jones, LLP

No. 1942 of 2019 GD
No. 149 of 2020 ED

PNC Bank, National Association,
Plaintiff
v.

Jason L. Smith, II,
Defendant(s)

By virtue of a Writ of Execution No. 1942 OF 2019, PNC Bank, National Association v. Jason L. Smith, II, owner(s) of property situate in the CONNELLSVILLE TOWNSHIP, Fayette County, Pennsylvania, being 407 West Blake Avenue, Connellsville, PA 15425-1612.

Parcel No.: 06-03-0021

Improvements thereon: RESIDENTIAL DWELLING

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 262 of 2020 GD
No. 162 of 2020 ED

MTGLQ INVESTORS, L.P.
2001 Ross Avenue, Suite 2800
Dallas, TX 75201

Plaintiff
vs.

DEBRAH A. SMODIC
Mortgagor(s) and Record Owner(s)
119 Cross view Acres
Mcclellandtown, PA 15458
Defendant(s)

ALL THAT CERTAIN LOT OF LAND
SITUATE TN TOWNSHIP OF GERMAN,
COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 119 CROSSVIEW
ACRES, MCCLELLANDTOWN, PA 15458
TAX PARCEL #15-36-43-15

IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF:
DEBRAH A. SMODIC

BARLEY SNYDER
Shawn M. Long, Esquire
Court I.D. No. 83774
126 E. King Street
Lancaster, PA 17602
717.299.5201

No. 529 of 2020 GD
No. 159 of 2020 ED

**MID PENN BANK, SUCCESSOR BY
MERGER TO THE SCOTTDALE BANK &
TRUST COMPANY,**

Plaintiff
v.

**STRONGARM ENTERPRISES, LLC AND
J. ERIC SHOTTS, individually,**
Defendants

Mid Penn Bank, successor by merger to
The Scottsdale Bank & Trust Company v. Strong
Arm Enterprises, LLC and J. Eric Shotts,
individually

No. 529 of 2020

Property Address: 203 Railroad Street,
Borough of Dawson, Fayette County,

Pennsylvania 15428

Parcel ID Number: 07-03-0003

Judgment Amount: \$8,965.59

BEING the same premises which Mary E. Hodgkiss and Nicholas A. Hodgkiss by Deed dated October 20, 2009 and recorded November 3, 2009 in the Office of the Recorder of Deeds in and for Fayette County Pennsylvania in Record Book 3108, Page 1655, granted and conveyed unto Strong Arm Enterprises, LLC.

No. 1316 of 2020 GD

No. 155 of 2020 ED

**Nationstar Mortgage LLC d/b/a Mr. Cooper
PLAINTIFF
vs.**

**Michele Tardivo and Robert Tardivo
DEFENDANTS**

All that certain piece, parcel or lot of ground situate, lying and being in Luzerne Township, Fayette County, Pennsylvania, in the plan of lots of the Village of Isabella, as recorded in the Recorder's Office of said county, in Plan Book Volume 8 at Page 60, having erected thereon a two story frame double dwelling numbered 118-120, in said plan; said parcel or lot of ground being bounded and described as follows:

514 Second Street, Isabella, PA 15447

Tax ID; 19-33-0035

Leon P. Haller, Esquire
Purcell, Krug & Haller
1719 North Front Street
Harrisburg, PA 17104
(717) 234-4178

No. 71 of 2020 GD

No. 86 of 2020 ED

**PENNSYLVANIA HOUSING FINANCE
AGENCY,**

PLAINTIFF

vs.

**EDWARD S. WAGNER,
DEFENDANT**

By virtue of a Writ of Execution No. 71 OF 2020 GD, PENNSYLVANIA HOUSING FINANCE AGENCY, Plaintiff vs EDWARD S. WAGNER, Defendant(s)

Real Estate: 1501 SUN STREET,
CONNELLSVILLE, PA 15425

Municipality: TOWNSHIP OF

CONNELLSVILLE

Dimensions: 180 x 140 and being Lot Nos. 33, 34 and 35, Poplar Grove Plan of Lots, Plan Book 1, page 178

See Deed Book: 3124, page 843

Tax Parcel #: 06-03-0071

Improvement thereon: a residential dwelling house as identified above

TO BE SOLD AS THE PROPERTY OF EDWARD S. WAGNER UNDER FAYETTE COUNTY JUDGMENT NO. 71 OF 2020 GD.

KML LAW GROUP, P.C.

Suite 5000

701 Market Street

Philadelphia, PA 19106-1532

(215) 627-1322

No. 429 of 2020 GD

No. 163 of 2020 ED

LAKEVIEW LOAN SERVICING, LLC

5151 Corporate Drive

Troy, MI 48098

Plaintiff

vs.

ERIC R. WEAVER

Mortgagor(s) and Record Owner(s)

170 Horseshoe Bend Road

Acme, PA 15610

Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN TOWNSHIP OF BULLSKIN, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 170 HORSESHOE BEND ROAD, ACME, PA 15610

TAX PARCEL #04-14-0198

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: ERIC R. WEAVER

****End Sheriff's Sale****

Registers’ Notice

Notice by JEFFREY L. REDMAN, Register of Wills and
Ex-Officio Clerk of the Orphans’ Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans’ Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans’ Court Division of Fayette County on

Monday, December 7, 2020, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2617-0840	ROBERT B. GIGLIOTTI	Carmine V. Molinaro, Jr. and Lionel Giliotti, Executors
2619-0710	LEOLA F. BRODERICK	Robert J. Broderick, Executor
2619-0908	PAUL KRUMANACKER	Donald Lee Krumanacker, Executor

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, December 21, 2020, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable Steve P. Leskinen** or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

JEFFREY L. REDMAN
Register of Wills and Ex-Officio Clerk of the Orphans’ Court Division (1 of 2)

JUDICIAL OPINION

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

COMMONWEALTH OF :
PENNSYLVANIA :
 :
v. :
 :
DEVON FARQUHARSON, : No. 109 of 2019
Defendant. : Honorable Judge Steve P. Leskinen

OPINION

Leskinen, J. July 28, 2020

William Martin, Esq., Assistant District Attorney, for the Commonwealth
Michael Aubele, Esq. for Defendant

Before this Court is an appeal of the denial of Defendant's Post-Sentence Motion filed by Devon Farquharson, on February 14, 2020.

On February 5, 2020 a jury convicted Farquharson of one count of each of the following: (I) Failure to Register, (II) Failure to Verify Address or be Photographed, (III) Failure to Provide Accurate Information, and (IV) Failure to Comply with Counseling. On February 11, 2020, this Court sentenced Farquharson on Count I to a period of incarceration for 40 to 80 months. Farquharson immediately filed a Post-Sentence Motion, and on April 27, 2020, the Commonwealth timely filed an Answer. Defendant's Post-Sentence Motion was denied by this Court on June 11, 2020. Defendant filed Notice of Appeal on June 24, 2020. On the same day he was ordered to file a concise statement of issues, and Defendant filed his Concise Statement on July 6, 2020.

BACKGROUND

In 2003, Farquharson committed a sexual offense that required him to register monthly as a sex offender. In addition, he was found to be a sexually violent predator (SVP) in a related proceeding. As relevant in this case, Farquharson complied with his monthly registration requirements in December of 2017, January of 2018, and February of 2018. In March of 2018, however, Farquharson failed to register. On March 19, 2018, the Pennsylvania State Police sent Farquharson a letter about his registration requirements under Act 10, which Farquharson believes to be a faulty notice. (Ex. 1.) The fact that Act 10 applies to Farquharson has never been disputed.

DISCUSSION

In Farquharson's post sentence motion, he moves for judgment of acquittal, and in

the alternative, he moves for a motion in arrest of judgment and for a new trial. In support, Farquharson argues that the Commonwealth produced insufficient evidence of notice of the registration and counseling requirements under Act 10 and that the verdict is against the weight of the evidence.

In support of his insufficient evidence claim, Farquharson argues that the Commonwealth failed to present sufficient evidence to prove beyond a reasonable doubt that Farquharson had notice of the registration and counseling requirements under Act 10, and that the jury must have capriciously disregarded the evidence presented by the Commonwealth since it found Farquharson guilty.

In support of his weight of evidence claim, Farquharson argues that the verdict is so contrary to the weight of the evidence that it shocks one's sense of justice.

Farquharson argues that retroactive application of SORNA was found unconstitutional in *Commonwealth v. Muniz*, 640 Pa. 699, 757 (2017), because this retroactive applicability is punitive in nature, thus violating the ex post facto clause of the Constitution. Therefore, he claims his previous registration requirements were unconstitutional. He argues that the registration requirements under Act 10 were thus "initial." Additionally, Farquharson argues that the designation of him as a sexually violent predator (SVP) is also unconstitutional and prejudiced him at trial. For the aforementioned reasons, Farquharson moved for judgment of acquittal or for a new trial.

Even though *Muniz* makes SORNA's retroactive registration requirements unconstitutional, Farquharson continued to register monthly, specifically in December of 2017 and January and February of 2018, after *Muniz* was decided. The Commonwealth argues that because Farquharson knew to register during those three months, he knew he should have continued to register monthly, including in March of 2018. In addition, because Act 10 did not change Farquharson's registration requirements under SORNA, he must have known that he should have registered in March of 2018.

The Commonwealth also argues that Farquharson received notice of his registration requirements under Act 10 in a letter from the Pennsylvania State Police, Exhibit 1, on the basis of the presumption that properly addressed mail that is not returned to the sender was delivered. Alternatively, even if Farquharson did not receive this letter, the Commonwealth argues that Act 10, specifically 42 Pa. C.S.A. §9799.60(f), says that regardless of whether notice of the requirements under this act are received, Farquharson, as a transient, was still required to register monthly.

Farquharson's arguments are faulty. *Muniz* says SORNA's retroactive applicability is a violation of the US Constitution's ex post facto clause due to the statute being punitive in nature, and *Butler* says that designation as an SVP is unconstitutional. *Commonwealth v. Muniz*; *Commonwealth v. Butler* 173 A.3d 1212 (Pa. Super. 2017). Despite these rulings, however, Farquharson never challenged his designation as an SVP or the registration requirements. Those cases were legislatively overturned by Act 10 in 2018. Shaffer & Engle Law Offices, LLC, *SORNA I Megan's Law- Which Version Applies to You?*, (September 10, 2019), <https://www.shafferengle.com/blog/2019/september/sorna-megans-law-which-version-applies-to-you/>.

In his Concise Issues, Farquharson raises the issue of whether his conviction is unconstitutional because the Commonwealth failed to produce evidence that he was required to register and that his designation as an SVP is constitutional. In *Commonwealth v. Lippincott*, the court held that the registration law that applies to an offender is the law that was in effect at the time of the offense. *Commonwealth v. Lippincott*, 208 A.3d 143, 150 (Pa. Super. 2019).

Here, Farquharson's original sexual offense occurred in 2003. The registration law; that was in effect at that time was Megan's Law II, which required SVPs to register for life and other offenders to register for 10 years. Shaffer & Engle Law Offices, LLC, *SORNA I Megan's Law- Which Version Applies to You?* (September 10, 2019), <https://www.shafferengle.com/blog/2019/september/sorna-megans-law-which-version-applies-to-you/>.

In accordance with *Lippincott*, the registration requirements under Megan's Law II continue to apply to Farquharson. The *Muniz* and *Butler* decisions were handed down in 2017, and neither one was explicitly made retroactive. If Farquharson wanted to assert that either decision should have been made retroactive for his benefit, he could have filed a PCRA Petition after they were decided. He evidently did not. Because of Farquharson's designation as an SVP under Megan's Law II, he is required to register for life, which means his designation as an SVP, his registration requirements and his conviction at trial all remain valid.

Farquharson also poses, as issue number 5 in his Concise Issues: Whether the inclusion of erroneous testimony regarding appellant's unconstitutional designation as an SVP was so prejudicial to appellant that he is entitled to a new trial. As discussed above, Farquharson's designation as an SVP remains valid, so the testimony regarding his designation as such was not prejudicial.

When Act 10 was passed in 2018, the purpose was to "ensure that those required to register under prior registration laws in Pennsylvania will continue to do so." J.Q. As noted above, it is not disputed that Farquharson is subject to the registration requirements under Act 10. Farquharson's argument is that the Commonwealth failed to produce sufficient evidence because the Commonwealth failed to prove Farquharson was notified of the requirements he is subject to under Act 10. This argument is faulty as noted above. First, the jury could conclude that Farquharson knew of his requirement to register because he registered as a transient in December of 2017, January 2018, and February 2018, but then failed to register in March of 2018. It was reasonable for the jury to infer that he had actual knowledge of his registration requirements and knew that he should have continued to register. Furthermore, Exhibit 1 was sent to Farquharson describing Act 10's registration requirements. Even if the letter is confusing, there was no evidence he ever inquired about the letter.

Moreover, Act 10 says that a sexual offender's failure to receive notice of the monthly registration requirements does not relieve him of the requirements under the Act. §9979.60(f). That statute is presumed to be constitutional, and no showing of unconstitutionality has been made. Farquharson admitted that he was subject to Act 10 in March of 2018. As a result, he is subject to Act 10 in its entirety, which means he is subject to the registration requirements of Act 10 with

or without actual notice.

Farquharson appears to be arguing both that he did not receive the notice, but that if he did, that he was confused by it. The jury was not obligated to accept either argument; and evidently found that, one way or the other, he did have notice. The Commonwealth produced sufficient evidence from which the jury could conclude that Farquharson had notice beyond a reasonable doubt, and the verdict was not so contrary to the weight of the evidence that it shocks one's sense of justice.

Finally, Farquharson's issue number 6 poses the question as to "whether the inclusion of erroneous testimony, instruction from the trial court and argument by the Commonwealth that the jury consider whether the appellant potentially violated his registration requirement... was so prejudicial to appellant that he is entitled to a new trial." Here, Farquharson was charged with Failure to Register so the jury instructions provided and the arguments presented by the Commonwealth were necessary, and cannot be considered to be unfairly prejudicial.

CONCLUSION

Because the Commonwealth provided sufficient evidence to prove Farquharson committed the offense beyond a reasonable doubt, and the verdict was not so contrary to the weight of the evidence as to shock one's sense of justice, this Court denied his Post-Sentence Motion.

BY THE COURT:
LESKINEN

ATTEST:
Clerk of Courts

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ANNUAL MEMBERSHIP MEETING

The Annual General Membership meeting of the Fayette County Bar Association shall be held on Wednesday, December 9, 2020, at 1:30 pm in the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. Members are invited to present topics of concern or interest to the Association.

LUNCH & LEARN SERIES

The Fayette County Bar Association's next presentation in its Lunch & Learn Series will be:

- Date: **Wednesday, December 9th** from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topics: **A Primer on Personal Injury**
- Presenters: James T. Davis, Esquire
Honorable Senior Judge Gerald R. Solomon

CLE Credit

1.5 hours of Substantive CLE credit for the program. The fees are as follows:

Members of the FCBA

- No charge for attendance without CLE Credit
- \$10 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2012

- No charge for attendance with CLE Credit

Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**** All fees to be paid at the door ****

A light lunch will be provided.

RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or by email to cindy@fcbar.org on or before Monday, December 7th.



Please join your colleagues of the
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December 3 at 5:00pm

UNIONTOWN COUNTRY CLUB

RSVP by Friday, November 27th
724-437-7994 or cindy@fcbar.org

In support of the holiday season, please bring new, unwrapped toys
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