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## TABLE OF CONTENTS 68 CHESTER COUNTY REPORTS

### Commonwelth v. Fellenbaum

*PCRA hearing - Plea unlawfully induced – Withdrawal of guilty plea – Statement by defendant in court* ..... 324 (2020)

**Classified Ads. .... 12**      **Legal Notices**  
Attorney To Take Over Practice - *Chester County*      **See Table of Contents. ....1**  
Meeting Space - *West Chester*

# Chester County Law Reporter

(USPS 102-900)

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**Commonwelth v. Fellenbaum**

PCRA hearing - Plea unlawfully induced – Withdrawl of guilty plea – Statement by defendant in court

1. A PCRA court may decline to hold a hearing on the petition if the court determines that the petitioner's claim is patently frivolous and is without a trace of support in either the record or from other evidence.
2. Eligibility for PCRA relief is dependent upon the petitioner currently serving a sentence of imprisonment, probation, or parole for the crime.
3. To be eligible for PCRA relief a petitioner must also plead and prove by a preponderance of the evidence that the conviction resulted from one or more of the following: (i) a violation of the Constitution of this Commonwealth or the Constitution or laws of the United States 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; (ii) 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; (iii) a plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused the petitioner to plead guilty and the petitioner is innocent; (iv) the improper obstruction by government officials of the petitioner's right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court; (v) the unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced; (vi) the imposition of a sentence greater than the lawful maximum; (vii) a proceeding in a tribunal without jurisdiction.
4. To be eligible for relief under the PCRA, a petitioner must also prove by a preponderance of the evidence that an issue has not been previously litigated. An issue has been previously litigated where the highest appellate court in which review was available as of right has ruled on the merits of the issue.
5. Post-conviction relief cannot be obtained by presenting new theories to support previously litigated claims. A court will find waiver of any issue presented in a PCRA petition which the petitioner could have raised it but failed to do so before trial, at trial, during unitary review, on appeal or in a prior state PCRA proceeding.
6. The filing mandates of the PCRA are jurisdictional in nature and are strictly construed by the courts, such that no court has jurisdiction to consider an untimely PCRA petition.
7. A PCRA petition must be filed within one year of the date judgment becomes final. The one-year period, in which a defendant has to file a timely PCRA petition, begins to run upon the conclusion of direct review. If a defendant does not seek appellate review of his sentence, the judgment of sentence becomes final when the appeal period expires, that is, thirty days after the date of the judgment of sentence.

8. When a defendant enters a guilty plea and is sentenced subsequently, PCRA proceedings may only examine the propriety of jurisdiction, the validity of the plea and the legality of the sentence. A defendant who enters a guilty plea waives all potential trial defenses and non-jurisdictional defects.
9. A plea agreement is quasi-contractual in nature and must be analyzed under the terms of contract law. Assuming the plea agreement is legally possible to fulfill, when the parties enter the plea agreement on the record, and the court accepts and approves the plea, then the parties and the court must abide by the terms of the agreement.
10. A defendant does have an absolute right to withdraw a guilty plea.
11. A request to revoke a guilty plea after sentencing is subject to a higher scrutiny than a pre-sentence request since courts strive to discourage entry of guilty pleas as sentence-testing devices.
12. In order to withdraw a post-sentence guilty plea, a defendant must demonstrate prejudice that results in manifest injustice such as a showing that the guilty plea was involuntary or given without knowledge of the charge.
13. A defendant who pleads guilty bears a special burden to prove ineffective assistance of counsel because the PCRA statute is designed to remedy cases in which the ineffective assistance of counsel so undermined the truth determining process that no reliable adjudication of guilt or innocence could have taken place.
14. Claims of ineffectiveness in connection with a guilty plea will provide a basis for relief only if the ineffectiveness caused an involuntary or unknowing plea. However, the law does not require that defendant be pleased with the outcome of his decision to enter a plea of guilty; all that is required is that defendant's decision to plead guilty be knowingly, voluntarily, and intelligently made.
15. A defendant cannot claim manifest injustice based on purported assurances from counsel as to what a sentence would be when the actual sentence turns out to be more severe.
16. Where the defendant enters his plea on the advice of counsel, the voluntariness of the plea depends on whether counsel's advice was within the range of competence demanded of attorneys in criminal cases.
17. Because a defendant who voluntarily enters a plea waives defenses and non-jurisdictional defects, the PCRA court may only address issues impacting the validity of the plea itself and whether the sentence the defendant received was legal.
18. A defendant who elects not to contest the charges against him is bound by the statements he makes in open-court and in the written guilty plea colloquy and may not later make statements that contradict his prior representations. When a defendant states in a written guilty plea colloquy that he is satisfied with his counsel, he is precluded from later asserting that he was not. Because a defendant has a duty to answer questions truthfully, he may not challenge his guilty plea by alleging that he lied while under oath even if he contends that

his counsel induced the lies.

19. To determine if a plea is voluntarily and understandingly tendered, a trial court must conduct an on-the-record examination of at least: (i) does the defendant understand the nature of the charges to which he or she is pleading guilty?; (ii) is there a factual basis for the plea?; (iii) does the defendant understand that he or she has the right to trial by jury?; (iv) does the defendant understand that he or she is presumed innocent until he is found guilty?; (v) is the defendant aware of the permissible range of sentences and/or fines for the offenses charged?; and (vi) is the defendant aware that the judge is not bound by the terms of any plea agreement tendered unless the judge accepts such agreement?
20. In evaluating claims of ineffective assistance of counsel, we begin our analysis with the presumption that counsel was effective. To overcome this presumption, a defendant must establish three factors: first, a defendant must demonstrate that the underlying claim has arguable merit; second, a defendant must establish that counsel had no reasonable basis for his action or inaction; and third, a defendant must establish that he has been actually prejudiced by counsel's ineffectiveness. In order to meet this burden, the defendant must show that but for the act or omission in question, the outcome of the proceedings would have been different.
21. In the context of a PCRA proceeding, a defendant must establish that the ineffective assistance of counsel was of the type 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.
22. As to advice on whether a defendant should plead guilty or contest a criminal charge, counsel may and must give the defendant the benefit of his professional advice on this crucial decision, and often he can protect the defendant adequately only by using a considerable amount of persuasion to convince the defendant that one course or the other is in the defendant's best interest. Such persuasion is most often needed to convince the defendant to plead guilty in a case where a not guilty plea would be totally destructive. Defense counsel has a duty to communicate to a defendant, not only the terms of a plea bargain offer, but also the relative merits of the offer compared to the defendant's chances at trial.
23. Defendant entered into a negotiated guilty plea agreement to the offense of First Degree Murder and related charges and the Court imposed the agreed-upon sentence of life in prison without the possibility of parole, plus a consecutive ten to twenty years in prison. The facts of the case involved defendant beating a three-year-old to death and severely assaulting a six-year-old. Defendant did not file any post-sentence motions or appeal, but filed a PCRA, wherein he alleged that trial counsel was ineffective in his representation and that his guilty plea was unlawfully coerced.
24. Defendant seeks to withdraw his guilty plea after sentencing by claiming ineffective assistance of counsel unlawfully induced him to plead guilty. We

find that the record is devoid of any coercion supporting Defendant's claim that his guilty plea was unlawfully induced. After consideration of the defendant's *pro se* Petition for Post-Conviction Collateral Relief, this Court Held there were no genuine issues concerning any material fact; that the defendant was not entitled to relief, and, as a result, provided defendant with notice of the Court's intent to dismiss the defendant's PCRA petition without a hearing.

R.E.M.

C.C.P. Chester County, Pennsylvania, Criminal Action-PCRA, No. 4386-2014;  
Commonwealth of Pennsylvania vs. Gary Lee Fellenbaum

Nicholas Casenta, Jr. for the Commonwealth  
C. Curtis Norcini for the Defendant  
Mahon, J., May 7, 2018:-

COMMONWEALTH OF PENNSYLVANIA	:	IN THE COURT OF COMMON PLEAS
	:	
	:	CHESTER COUNTY, PENNSYLVANIA
	:	
vs.	:	CRIMINAL ACTION – PCRA
	:	
GARY LEE FELLENBAUM	:	NO. 4386-2014

Nicholas Casenta, Jr., Esquire, Chief Deputy District Attorney for the Commonwealth  
 C. Curtis Norcini, Esquire, Attorney for the Defendant

**NOTICE OF INTENT TO DISMISS PCRA PETITION**  
**PURSUANT TO Pa.R.Crim.P. 907(1)**

**AND NOW**, this 7th day of May, 2018, upon consideration of the defendant’s *pro se* Petition for Post-Conviction Collateral Relief, court-appointed counsel’s Motion to Withdraw, and after an independent review of the record, pursuant to standards set forth in Commonwealth v. Turner, 544 A.2d 927 (Pa. 1988) and Commonwealth v. Finley, 550 A.2d 213 (Pa. Super. 1988), this Court finds that there are no genuine issues concerning any material fact, that the defendant is not entitled to post-conviction collateral relief, and that no purpose would be served by any further proceedings. Accordingly, pursuant to Pa.R.Crim.P. 907(1), the defendant is hereby given NOTICE of the Court’s intent to dismiss the defendant’s PCRA petition without a hearing.

The defendant may respond to this NOTICE within twenty (20) days of the docketing of this Order. If the defendant has not responded, a subsequent Order will be entered dismissing the defendant’s PCRA petition. The subsequent Order shall be a final appealable Order disposing of the defendant’s PCRA petition.

If the defendant responds to this NOTICE, the Court will: either dismiss defendant’s PCRA petition; or, if warranted, direct that further proceedings be held.

The Clerk of Courts of Chester County is **ORDERED** to serve a copy of this Order upon the following:

- (a) District Attorney of Chester County.
- (b) Defense Counsel.
- (c) Defendant – by **Certified Mail, Return Receipt Requested.**

BY THE COURT:

William P. Mahon, J.<sup>1</sup>

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## PROCEDURAL AND FACTUAL HISTORY

<sup>1</sup> On September 8, 2017, Gary Lee Fellenbaum (“Defendant”) entered into a negotiated guilty plea agreement to the offenses of First Degree Murder, Criminal Conspiracy to Commit First Degree Murder, Aggravated Assault and Possession of an Instrument of Crime (“PIC”). In conjunction with Defendant’s guilty plea, the Commonwealth withdrew its notice to pursue the death penalty, which permitted Defendant to plead guilty to First Degree Murder and the related offenses and the Court to subsequently impose a life sentence without the possibility of parole. That same day, the Court imposed the agreed upon sentence of life in prison without the possibility of parole, plus a consecutive ten (10) to twenty (20) years in prison. Defendant was represented at the guilty plea hearing and sentencing proceedings by George S. Yacoubian, Jr, Esquire. Defendant was deemed ineligible for the Recidivism Risk Reduction Incentive (“RRRI”) program because of the nature of the convictions and he received credit for time served on his sentence.

Defendant did not file any post-sentence motions or a direct appeal from the judgment of sentence. On February 8, 2018, Defendant filed a *pro se* Post-Conviction Relief Act (“PCRA”) Petition, wherein he alleged that trial counsel was ineffective in his representation and that his guilty plea was unlawfully coerced. As this was the indigent Defendant’s first PCRA petition, C. Curtis Norcini, Esquire was appointed to represent him in all matters pertaining to the PCRA petition. On April 24, 2018, Mr. Norcini petitioned the Court for leave to withdraw as PCRA counsel, filing a “No-Merit” letter pursuant to the dictates outlined in Commonwealth v. Turner, 544 A.2d 927 (Pa. 1988) and Commonwealth v. Finley, 550 A.2d 213 (Pa. Super. 1988).

The salient facts in support of Defendant’s convictions are that from October 28, 2014 until November 4, 2014, at the address of 96 Hope Lane, located in West Caln Township, Chester County, Pennsylvania, Defendant beat three-year-old S.M. to death and physically assaulted S.M.’s six-year-old brother, R.M. The tortious beatings included Defendant repeatedly striking S.M. with closed fists to his head and body, repeatedly striking S.M. with a metal rod, a homemade whip, a wooden spoon and a frying pan. Defendant also hung S.M. upside down from a door while beating him and repeatedly threw S.M. into an interior wall of the residence. On November 4, 2014, S.M. finally succumbed to the physical violence and died from blunt force trauma in the presence of R.M.

Defendant also repeatedly beat six-year-old R.M. with a closed fist to his head and body and repeatedly struck him with homemade weapons. Defendant also hung R.M. upside down from a door while beating him. R.M. was also thrown against an interior wall in the residence.

Codefendants, Jillian Tait and Amber Fellenbaum also resided at 96 Hope Lane with Defendant, both victims, and eleven month old S.F. Defendant and the co-defendants owed the minor children a duty of care. All three defendants attempted to cause serious bodily injury to both victims, understood that their actions could lead to the death of one or both of the children and intentionally continued their pervasive assaults.

Defendant was, at all relevant times, still married to co-defendant Amber Fellenbaum but was estranged from his wife and was in a romantic relationship with co-defendant, Jillian Tait. Ms. Tait is the biological mother of both S.M. and R.M. Defendant and Amber Fellenbaum are the biological parents of S.F., who is not a victim in this case.

See N.T., 9/8/17 at 9-12; Written Guilty Plea Colloquy, 9/8/17, at 1-3.



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## DISCUSSION

We now independently review Defendant's PCRA Petition, PCRA's counsels "No-Merit" letter and all matters of record to determine whether Defendant's PCRA petition should be summarily dismissed. In considering the instant Petition, the Court agrees with PCRA counsel and finds that Defendant's claims lack arguable merit and can form no successful basis for PCRA relief.

Although Defendant requests an evidentiary hearing in this matter, it is well-settled that the PCRA court may decline to hold a hearing on the petition if the court determines that the petitioner's claim is patently frivolous and is without a trace of support in either the record or from other evidence. Commonwealth v. Hart, 911 A.2d 939, 941 (Pa. Super. 2006). Because the instant petition lacks arguable merit, no purpose would be served by any further proceedings. Accordingly, Defendant is not entitled to an evidentiary hearing in this matter.

It is well-established that eligibility for PCRA relief is dependent upon the petitioner currently serving a sentence of imprisonment, probation, or parole for the crime. 42 Pa.C.S.A. § 9543(a)(1)(i); Commonwealth v. Turner, 80 A.3d 754 (Pa. 2013). To be eligible for PCRA relief a petitioner must also plead and prove by a preponderance of the evidence that the conviction resulted from one or more of the following:

- (i) A violation of the Constitution of this Commonwealth or the Constitution or laws of the United States 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.
- (ii) **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.**
- (iii) **A plea of guilty unlawfully induced where the circumstances make it likely that the inducement caused the petitioner to plead guilty and the petitioner is innocent.**
- (iv) The improper obstruction by government officials of the petitioner's right of appeal where a meritorious appealable issue existed and was properly preserved in the trial court.
- (v) The unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced.
- (vi) The imposition of a sentence greater than the lawful maximum.
- (vii) A proceeding in a tribunal without jurisdiction.

42 Pa.C.S.A. § 9543(a)(2) (emphasis added).

To be eligible for relief under the PCRA a petitioner must also prove by a preponderance of the evidence that an issue has not been previously litigated. 42 Pa.C.S.A. § 9543(a)(3). An issue has been previously litigated where the highest appellate court in which review was available as of right has ruled on the merits of the issue. 42 Pa.C.S.A. § 9544(a)(2); Commonwealth v. Albrecht, 720 A.2d

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693, 703. Post-conviction relief cannot be obtained by presenting new theories to support previously litigated claims. Commonwealth v. Christy, 656 A.2d 877 (Pa. 1995). Furthermore, a court will find waiver of any issue presented in a PCRA petition which the petitioner could have raised it but failed to do so before trial, at trial, during unitary review, on appeal or in a prior state PCRA proceeding. See 42 Pa.C.S.A. § 9544 (b).

#### **Defendant's PCRA Petition was Timely Filed.**

Having set forth the relevant authority governing PCRA review, we must now determine whether Defendant's PCRA petition is timely. The filing mandates of the PCRA are jurisdictional in nature and are strictly construed by the courts. Commonwealth v. Stokes, 959 A.2d 306, 309 (Pa. 2008). Pennsylvania law makes clear that no court has jurisdiction to consider an untimely PCRA petition. See Commonwealth v. Robinson, 837 A.2d 1157, 1161 (Pa. 2003).

Pursuant to 42 Pa.C.S. §9545 (b)(1)(i)-(iii), a PCRA petition must be filed within one year of the date judgment becomes final. The one year period, in which a defendant has to file a timely PCRA petition, begins to run upon the conclusion of direct review. See 42 Pa.C.S.A. § 9545(b)(3). If a defendant does not seek appellate review of his sentence, the judgment of sentence becomes final when the appeal period expires, thirty (30) days after the date of the judgment of sentence. Pa.R.A.P. 903(a); Commonwealth v. Guthrie, 749 A.2d 502, 504 (Pa. Super. 2000); Commonwealth v. Crider, 735 A.2d 730, 732 (Pa. Super. 1999).

In the present case, Defendant was sentenced on September 8, 2017 and he did not file a direct appeal from the judgment of sentence. Defendant's sentence became final on October 8, 2017, and to be timely a PCRA petition would have to be filed on or before October 8, 2018. On February 8, 2018, Defendant filed the instant PCRA petition. Therefore, under no circumstances can the Court find that the instant Petition is untimely.

Having determined that Defendant's PCRA petition is timely, the Court has jurisdiction to review the claims therein. However, we note that when a defendant enters a guilty plea and is sentenced subsequently, PCRA proceedings may only examine the propriety of jurisdiction, the validity of the plea and the legality of the sentence. Commonwealth v. Flood, 627 A.2d 1193, 1198-99 (Pa. Super. 1993); Commonwealth v. Moyer, 444 A.2d 101, 102 (Pa. 1982). Stated differently, a defendant who enters a guilty plea waives all potential trial defenses and non-jurisdictional defects. See Commonwealth v. Tareila, 895 A.2d 1266 (Pa. Super. 2006).

In the present case, Defendant seeks to withdraw his guilty plea after sentencing by claiming ineffective assistance of counsel unlawfully induced him to plead guilty. "[A] plea agreement is quasi-contractual in nature and must be analyzed under the terms of contract law." Commonwealth v. Lutz, 788 A.2d 993, 1000 (Pa. Super. 2001). "Assuming the plea agreement is legally possible to fulfill, when the parties enter the plea agreement on the record, and the court accepts and approves the plea, then the parties and the court must abide by the terms of the agreement." Commonwealth v. Anderson, 995 A.2d 1184, 1191 (Pa. Super. 2010).

Pennsylvania law is well-defined concerning the withdrawal of guilty pleas. The law provides that a defendant does have an absolute right to withdraw her guilty plea. Commonwealth v. Flick, 802 A.2d 620, 623 (Pa. Super. 2002). A request to revoke a guilty plea after sentencing is subject to

a higher scrutiny than a pre-sentence request since courts strive to discourage entry of guilty pleas as sentence-testing devices. Commonwealth v. Broaden, 980 A.2d 124, 129 (Pa. Super. 2009). In order to withdraw a post-sentence guilty plea, a defendant must demonstrate prejudice that results in manifest injustice such as a showing that the guilty plea was involuntary or given without knowledge of the charge. Commonwealth v. Holbrook, 629 A.2d 154 (Pa. Super. 1993); Commonwealth v. Blackwell, 647 A.2d 915 (Pa. Super. 1994). A showing of “manifest injustice” in regard to a guilty plea can be shown in two ways. Either the defendant must plead and prove by a preponderance of the evidence that the guilty plea was unlawfully induced where the circumstances made it likely the inducement caused him to plead guilty or the defendant must prove that ineffective assistance of counsel caused the entry of an involuntary or unknowing plea. Commonwealth v. Young, 695 A.2d 414, 416 (Pa. Super. 1997).

A defendant who pleads guilty bears a special burden to prove ineffective assistance of counsel because the PCRA statute is designed to remedy cases in which the ineffective assistance of counsel so undermined the truth determining process that no reliable adjudication of guilt or innocence could have taken place. 42 Pa.C.S. § 9543(2)(ii); Commonwealth ex rel. Dadario v. Goldberg, 773 A.2d 126 (Pa. 2001). “Claims of ineffectiveness in connection with a guilty plea will provide a basis for relief only if the ineffectiveness caused an involuntary or unknowing plea.” Commonwealth v. Mendoza, 730 A.2d 503, 505-06 (Pa. Super. 1999) (citation omitted). However, “[t]he law does not require that [defendant] be pleased with the outcome of his decision to enter a plea of guilty; all that is required is that defendant’s decision to plead guilty be knowingly, voluntarily, and intelligently made.” Commonwealth v. Diaz, 913 A.2d 871, 872 (Pa. Super. 2006) (citation omitted).

A defendant cannot claim manifest injustice based on purported assurances from counsel as to what a sentence would be when the actual sentence turns out to be more severe. Commonwealth v. Rogers, 483 A.2d 990 (Pa. Super. 1990). Where the defendant enters his plea on the advice of counsel, the voluntariness of the plea depends on whether counsel’s advice was within the range of competence demanded of attorneys in criminal cases. Commonwealth v. Hickman, 799 A.2d 136, 141 (Pa. Super. 2002). Because a defendant who voluntarily enters a plea waives defenses and non-jurisdictional defects, the PCRA court may only address issues impacting the validity of the plea itself and whether the sentence the defendant received was legal. Commonwealth v. Martinez, 539 A.2d 399 (Pa. Super. 1998).

More importantly, a defendant who elects not to contest the charges against him is bound by the statements he makes in open-court and in the written guilty plea colloquy and may not later make statements that contradict his prior representations. Commonwealth v. Pollard, 832 A.2d 517, 523 (Pa. Super. 2003). When a defendant states in a written guilty plea colloquy that he is satisfied with his counsel, he is precluded from later asserting that he was not. Commonwealth v. Stork, 737 A.2d 789, 791 (Pa. Super. 1999). Once a defendant has entered a plea of guilty, it is presumed that he was aware of what he was doing. Commonwealth v. Moser, 921 A.2d 526, 531 (Pa. Super. 2007); Stork, 737 A.2d at 790. Because a defendant has a duty to answer questions truthfully, **he may not challenge his guilty plea by alleging that he lied while under oath even if he contends that his counsel induced the lies.** See Commonwealth v. Cappelli, 489 A.2d 813 (Pa. Super. 1985) (Emphasis added).

In cases involving pleas, the court must examine the totality of the circumstances surrounding the plea to determine its validity. Specifically, the court will look to the written guilty plea colloquy as well as the transcript of the plea/sentencing hearing. Thus, the focus of the inquiry becomes the plea hearing in order to determine whether the defendant was mislead or misinformed and acted under misguided

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influence on a material point. Flood, 627, A.2d at 1193. A deficient plea does not *per se* establish prejudice on the order of manifest injustice. Commonwealth v. Carter, 656 A.2d 463 (Pa. 1995).

To help ensure that a defendant understands the nature of the charges to which he is pleading guilty, a trial court must conduct an on-the-record examination of the defendant as outlined in the comments to Pa.R.Crim.P. 590(a). Rule 590(a) sets forth the procedure governing pleas and plea agreements, and provides that a trial court “shall not accept [a plea] unless the judge determines after inquiry of the defendant that the plea is voluntarily and understandingly tendered.” Pa.R.Crim.P. 590(a).

The comments to the Rule recommend that “at a minimum” the judge should ask questions to elicit the following information:

- (1) Does the defendant understand the nature of the charges to which he or she is pleading guilty?
- (2) Is there a factual basis for the plea?
- (3) Does the defendant understand that he or she has the right to trial by jury?
- (4) Does the defendant understand that he or she is presumed innocent until he is found guilty?
- (5) Is the defendant aware of the permissible range of sentences and/or fines for the offenses charged?
- (6) Is the defendant aware that the judge is not bound by the terms of any plea agreement tendered unless the judge accepts such agreement?

See Pa. R.Crim. P. 590 Comments; Commonwealth v. Flanagan, 854 A.2d 489, 513-514 (Pa. 2004).

These areas of inquiry are “mandatory during a guilty plea colloquy and the failure to satisfy these minimal requirements will result in reversal.” See Commonwealth v. Willis, 369 A.2d 1189, 1190 (Pa. 1977) (reversing judgment of sentence where record plea colloquy did not inform defendant of presumption of innocence); see also Commonwealth v. Chumley, 394 A.2d 497, 501 (Pa. 1978) (holding that “failure to inquire into defendant’s understanding of these subjects generally requires reversal.”); Commonwealth v. Tabb, 383 A.2d 849, 852 (Pa. 1978) (stating “absent such a dialogue on the record, [the court] cannot conclude that the plea was entered voluntarily, intelligently, knowingly, and understandingly ... and a judgment of sentence cannot stand on such a plea.”).

In the present case, Defendant contends that he is entitled to withdraw his guilty plea because trial counsel’s ineffectiveness unlawfully coerced him into pleading guilty. 42 Pa.C.S.A. § 9543(a) (2)(ii). In evaluating claims of ineffective assistance of counsel, we begin our analysis with the presumption that counsel was effective. Commonwealth v. Rollins, 738 A.2d 435, 441 (Pa. 1999). To overcome this presumption, a defendant must establish three factors. First, a defendant must demonstrate that the underlying claim has arguable merit. Commonwealth v. Travaglia, 661 A.2d 352, 356 (Pa.1995). Second, a defendant must establish that counsel had no reasonable basis for his action or inaction. Id. In determining whether counsel’s actions was reasonable, courts do not question wheth-

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er there were superior courses of action which counsel could have pursued; rather, we examine whether counsel's decisions had any reasonable basis. Rollins, 738 A.2d at 441 (quotation and citation omitted); Commonwealth v. Pierce, 527 A.2d 973, 975 (Pa. 1987). Finally, a defendant must establish that he has been actually prejudiced by counsel's ineffectiveness; in order to meet this burden, he must show that but for the act or omission in question, the outcome of the proceedings would have been different. Rollins, 738 A.2d at 441 (quotation and citation omitted).

A claim of ineffectiveness may be denied by a showing that the petitioner's evidence fails to meet any of these prongs. Pierce, 786 A.2d at 221-22; Commonwealth v. Basemore, 744 A.2d 717, 738 n. 23 (Pa. 2000); Albrecht, 720 A.2d at 701 (stating that "if it is clear that the [defendant] has not demonstrated that counsel's act or omission adversely affected the outcome of the proceedings, the claim may be dismissed on that basis alone and the court need not first determine whether the first and second prongs have been met."). In the context of a PCRA proceeding, a defendant must establish that the ineffective assistance of counsel was of the type "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." 42 Pa.C.S. § 9543(a)(2)(ii); Pierce, 786 A.2d at 221-22; Commonwealth v. Kimball, 724 A.2d 326, 333 (Pa.1999).

#### **Defendant's Claims for Relief Fail.**

We will now substantively review Defendant's claims for relief. In his PCRA petition, Defendant alleges that he pled guilty under the direction of his trial counsel. Defendant further alleges that trial counsel told Defendant to lie under oath at the guilty plea hearing to obtain PCRA relief and the opportunity to relitigate a previously filed motion which trial counsel was unsuccessful in suppressing Defendant's pre-trial statement. As we will explain, Defendant's contentions are clearly belied by the record.

In the case at bar, we emphasize that a conscientious review of the record reveals that Defendant unequivocally stated in writing or orally at his plea hearing and sentencing as follows:

1. He had not taken any drugs, controlled-substance medications, or alcohol within the last 24 hours of the plea and was not suffering from any mental illness that would prevent him from understanding what he was doing during the proceedings. (Written Guilty Plea Colloquy, 9/8/17, at 6-7; N.T., 9/8/17, at 2-3).
2. He is able to read, write and understand the English language. (Written Guilty Plea Colloquy, 9/8/17, at 6; N.T., 9/8/17, at 2).
3. He was satisfied with his trial counsel and had sufficient time to work with counsel to discuss the charges against him and possible defenses. (Written Guilty Plea Colloquy, 9/8/17, at 6-7, 10; N.T., 9/8/17, at 4-5, 9, 13-17, 18-19).
4. He understood what he was doing when he entered the plea and that he was doing so voluntarily and of his own free will. (Written Guilty Plea Colloquy, 9/8/17, at 6-7; N.T., 9/8/17, at 14, 17).
5. He understood the maximum sentences, the guideline implications and his prior record

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score. He further understood that if the Court accepted the guilty plea, it would be obligated to impose the agreed upon sentence. (Written Guilty Plea Colloquy, 9/8/17, at 4, 6-7, 9; N.T., 9/8/17, at 4-9).

6. He clearly stated that other than what was contained in the guilty plea colloquy, no one had promised him anything or threatened him in any way to get him to plead guilty. (Written Guilty Plea Colloquy, 9/8/17, at 7; N.T., 9/8/17, at 14).
7. He acknowledged his right to a jury trial and all of the rights pertaining thereto were explained to him and that he was waiving those rights by pleading guilty. (Written Guilty Plea Colloquy, 9/8/17, at 7-8; N.T., 9/8/17, at 4-5).
8. He admitted to the horrific facts as placed on the record by the prosecutor and specifically admitted to the guilt of the charged offenses. (Written Guilty Plea Colloquy, 9/8/17, at 6; N.T., 9/8/17, at 13-14).
9. He was specifically informed of the elements of the crimes to which he pled guilty. (Written Guilty Plea Colloquy, 9/8/17, at 1-3).
10. He twice stated in open-court that he did not have any questions concerning the entry of the guilty pleas or any of the rights that he was giving up by pleading guilty. (N.T., 9/8/17, at 3, 17).
11. He understood all of his post-sentence and appellate rights. (Written Guilty Plea Colloquy, 9/8/17, at 9-10; N.T., 9/8/17, at 18-19, 28).

The Court recognizes that the decision whether to plead guilty or contest a criminal charge is one of the most important single decisions in any criminal case. This decision must ultimately be left to the defendant's wishes; counsel cannot plead a defendant guilty, or not guilty, against his will. However, counsel may and must give the defendant the benefit of his professional advice on this crucial decision, and often he can protect the defendant adequately only by using a considerable amount of persuasion to convince the defendant that one course or the other is in the defendant's best interest. Such persuasion is most often needed to convince the defendant to plead guilty in a case where a not guilty plea would be totally destructive. Defense counsel has a duty to communicate to a defendant, not only the terms of a plea bargain offer, but also the relative merits of the offer compared to the defendant's chances at trial. See Commonwealth v. Copeland, 554 A.2d 54, 60 (Pa. Super. 1988) (citations omitted); see also Meyers vs. Gillis, 142 F3d 664 (3rd. Cir. 1998).

We start our analysis with the presumption that trial counsel was effective, and the burden is in on the defendant to prove otherwise. Defendant fails to set forth any credible evidence that trial counsel was ineffective. Defendant's bare assertion that trial counsel was ineffective deprives of meaningful review on the issue. However this does not end our analysis. Our review of the record evidences that trial counsel was competent and represented Defendant in accordance with the law. Counsel filed approximately twenty-five (25) pre-trial motions on Defendant's behalf. Furthermore, counsel was prepared during every stage of the proceedings to zealously represent his client's interest. Accordingly, Defendant's self-serving and unfounded allegation of ineffectiveness fails.

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Because a defendant has a duty to answer questions truthfully, he may not challenge his guilty plea by alleging that he lied while under oath even if he contends that his counsel induced the lies. *See Commonwealth v. Cappelli*, 489 A.2d 813 (Pa. Super. 1985). Defendant's claim that he was instructed to lie by trial counsel fails not only pursuant to *Cappelli*, but the claim is also substantively undeveloped. Defendant fails to state what lies or deceitful acts by counsel induced him to plead guilty or how the outcome of the proceedings would have been different if he did not lie. Notwithstanding Defendant's bare assertion, the record reveals that trial counsel did not neglect his duty to give Defendant the benefit of his professional advice on the crucial decision of whether to accept the plea bargain. It is beyond dispute that trial counsel's actions were reasonably designed to effectuate Defendant's interests. Phrased differently, it cannot be said that no competent lawyer would have chosen this particular course of action. The record establishes that the Commonwealth had a very strong case against Defendant. It was in Defendant's best interest to accept responsibility and plead guilty, thereby taking the death penalty off the table and potentially mitigate the sentence imposed. Consequently, this claim for relief is devoid of arguable merit.

Similarly, Defendant's contention that trial counsel coerced him into pleading guilty is equally belied by the record. We reiterate that Defendant is bound by the unequivocal statements contained in the written guilty plea colloquy and that he verbally made during the plea hearing. The following written and verbal representations by Defendant evidence that he entered a knowing, voluntary, and intelligent guilty plea. Specifically, the record establishes that Defendant was advised at the guilty plea of the factual basis for the guilty pleas. He was also extensively questioned regarding his completion of the written guilty plea colloquy, which addresses the other five of the six critical areas articulated in the Commentary to Pa.R.Crim.P. 590(a) and the *Flanagan* case. The executed guilty plea colloquy evidences that Defendant understood the nature of the charges to which he pled guilty; understood that he had the right to a trial by jury; understood that he is presumed innocent until proven guilty; was aware of the permissible range of sentences for the offenses charged; and understood that the Court was not bound by the sentencing guidelines.

The record further evidences that Defendant clearly answered all of the questions posed to him in open-court and stated that he had no questions for the Court about what he was doing. Defendant repeatedly stated that he understood all of the information contained in the guilty plea colloquy, had the opportunity to review the document with his counsel before executing it of his own free will. At the plea hearing, Defendant was again advised of the content of the plea agreement, and he indicated that he understood and voluntarily accepted the terms contained therein. Defendant further admitted that he can read, write and understand the English language, that he was not under the influence of drugs or alcohol which would impair his ability to comprehend the proceedings; and that he does not suffer from any mental or physical ailments that would prevent him from understanding what he was doing.

We find that the record is devoid of any coercion supporting Defendant's claim that his guilty plea was unlawfully induced. It is important to point out that Defendant testified that other than what was contained in the plea agreement, no one had threatened him or forced him to plead guilty. We conclude that Defendant's verbal testimony is consistent with the written guilty plea colloquy, which also reflects that the Defendant was not forced or coerced into entering into the guilty pleas, that he was pleading guilty of his own free will, and that he understood that the decision to plead guilty was his alone. Defendant also repeatedly acknowledged that he was satisfied with the legal representation that he had received and acknowledged that he was able to work with his trial counsel, had sufficient time to discuss the case with counsel, was satisfied with the representation of counsel, and the decision to plead

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guilty was Defendant’s and not that of counsel.

Based on our review of the record, Defendant may not now assert grounds for withdrawing his guilty pleas that contradict his sworn statements made when he pled guilty. The guilty pleas cannot be deemed invalid as the circumstances surrounding the entry of the pleas disclose that Defendant had a full understanding of the nature and consequences of pleading guilty. Commonwealth v. Fluharty, 932 A.2d 312, 315 (Pa. Super. 1993). Accordingly, Defendant is not entitled to relief on these claims.

We write further only to point out that our findings are also consistent with Mr. Norcini’s representations in his Turner/Finley letter. Mr. Norcini stated that in disposing of the instant Petition, he reviewed Defendant’s claims with trial counsel. Trial counsel informed Mr. Norcini that he never instructed Defendant to lie, plead guilty, or to file the instant PCRA petition. Not only is an evidentiary hearing not required, it would most likely reveal evidence not supportive of Defendant’s PCRA claims.

Because Defendant’s PCRA petition lacks arguable merit, no purpose would be served by any further proceedings. Therefore, Defendant is hereby given NOTICE of the Court’s intent to dispose of the instant PCRA petition without an evidentiary hearing.



TABLE OF CONTENTS  
LEGAL NOTICES

Change of Name Notice . . . . . 2

Corporation Notice . . . . . 2

Estate Notices **1st Publication** . . . . . 3

Estate Notices **2nd Publication** . . . . . 5

Estate Notices **3rd Publication** . . . . . 6

Fictitious Notice . . . . . 8

NonProfit Corporation Notice . . . . . 8

Orphans’ Court Notice . . . . . 9

Public Notice of ReAppointment . . . . . 10

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**CHANGE OF NAME NOTICE  
IN THE COURT OF COMMON PLEAS  
CHESTER COUNTY, PENNSYLVANIA  
CIVIL ACTION**

**LAW NO. 2020-05128-NC**

NOTICE IS HEREBY GIVEN that the name change petition of Katheryn Johanna Avila was filed in the above-named court and will be heard on Monday, November 9, 2020 at 9:30 AM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Friday, August 7, 2020

Name to be changed from: Katheryn Johanna Avila to: Katheryn Johanna Avila Kotch

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

**CHANGE OF NAME NOTICE  
IN THE COURT OF COMMON PLEAS  
CHESTER COUNTY, PENNSYLVANIA  
CIVIL ACTION**

**LAW NO. 2020-05137-NC**

NOTICE IS HEREBY GIVEN that the name change petition of Jeffrey Edward Holmes was filed in the above-named court and will be heard on Saturday, November 7, 2020 at 9:30 AM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Friday, August 7, 2020

Name to be changed from: Jeffrey Edward Holmes to: Angel Judith Holmes

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

**CHANGE OF NAME NOTICE  
IN THE COURT OF COMMON PLEAS  
CHESTER COUNTY, PENNSYLVANIA  
CIVIL ACTION**

**LAW NO. 2020-05133-NC**

NOTICE IS HEREBY GIVEN that the name change petition of James Michael D'Arcy on behalf of minor child William Delore D'Arcy was filed in the above-named court and will be heard on Monday, November 9, 2020 at 9:30 AM, in Courtroom 3 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Friday, August 7, 2020

Name to be changed from: William Delore D'Arcy to: Winter Rose D'Arcy

Any person interested may appear and show cause, if any they have, why the prayer of the said petitioner should not be granted.

**CORPORATION NOTICE**

**LENNY-PETE LUMBER CO. INC.**

has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

Eugene J. Malady, Esquire  
211-213 North Olive St.  
Suite 1  
Media, PA 19063

**ESTATE NOTICES**

*Letters Testamentary or of Administration having been granted in the following Estates, all persons having claims or demands against the estate of the said decedents are requested to make known the same and all persons indebted to the said decedents are requested to make payment without delay to the respective executors, administrators, or counsel.*

**1st Publication**

**AMMARELL**, Shirley, late of Tredyffrin Township. Sharon Shuman, 3 Shepherd Rd., Malvern, PA 19355, Executrix. JENNIFER FELD, Esquire, Colliton Elder Law Associates, PC, 790 E. Market St., Ste. 250, West Chester, PA 19382, atty.

**ANISH**, Bessie, late of Tredyffrin Township. Marc Anish, 88 Amity Dr., Wayne, PA 19087, Executor. GREGORY A. BARONI, Esquire, 13 E. Central Ave., Paoli, PA 19301, atty.

**AUMAN**, Hazel Evelyn, late of Honey Brook Township. Judith Ann Smith, care of JANIS M. SMITH, Esquire, 4203 West Lincoln Highway, Parkesburg, PA 19365, Executor. JANIS M. SMITH, Esquire, Janis M. Smith, Attorney at Law, 4203 West Lincoln Highway, Parkesburg, PA 19365, atty.

**BASEHORE**, Glenn H., late of East Goshen Township. Thomas Basehore, 16 Lamplight Lane, Shamong, NJ 08088, Executor. KEVIN J. RYAN, Esquire, Ryan, Morton & Imms, LLC, 220 West Gay Street, West Chester, PA 19380, atty.

**CAMPBELL**, Jeanne M., late of East Goshen Township. Dianne C. Kuchlak, care of DENISE M. ANTONELLI, Esquire, 17 E. Gay Street, Suite 100 P.O. Box 562 West Chester, PA 19381-0562, Executor. DENISE M. ANTONELLI, Esquire, Gawthrop Greenwood, PC, 17 E. Gay Street, Suite 100 P.O. Box 562 West Chester, PA 19381-0562, atty.

**CLARK**, Ann Stavert, a/k/a Ann S. Clark, late of Downingtown Borough. Dorothy A. Carlton, 415 N. Franklin St., West Chester, PA 19380, Executrix.

**CONWAY**, Margaret V., late of Uwchlan Township. Kathleen Dunkerley, 176 N. Madison Avenue, Upper Darby, PA 19082 and Patricia Conway Callow, 120 First Avenue, Broomall, PA 19008, Executors. ROBERT J. BRESLIN, JR., Esquire, Pappano & Breslin, 3305 Edgmont Avenue, Brookhaven, PA 19015, atty.

**CORDIVARI**, George C., George C. Cordivari Sr., late of West Chester. David A. Cordivari, 56 Founders Way, Downingtown, PA 19335, Executor.

**DANDREA**, Sarah A., late of East Goshen Township. Karen A. Brown, care of WILLIAM J. LUT-

TRELL, Esquire, 11 S Olive Street, Fl. 4, Media, PA 19063, Executor. WILLIAM J. LUTTRELL, Esquire, 11 S Olive Street, Fl. 4, Media, PA 19063, atty.

**DANNA**, John, late of Penn Township. Vivian R. Danna, care of STEPHEN J. KELLY, Esquire, 213 E. State Street, Kennett Square, PA 19348, Executrix. STEPHEN J. KELLY, Esquire, Brutscher Foley Milliner Land & Kelly, LLP, 213 E. State Street, Kennett Square, PA 19348, atty.

**DIPIERO**, Barbara M., late of Pottstown Borough. Andrea Elsier, care of HARRIET R. LITZ, Esquire, 3881 Skippack Pike, PO Box 1368, Skippack, PA 19474, Executrix. HARRIET R. LITZ, Esquire, Mullaney & Mullaney LLC, 3881 Skippack Pike, PO Box 1368, Skippack, PA 19474, atty.

**DIStEFANO**, Samuel T., late of West Chester Borough. Tina A. Burke, care of STACEY WILLITS MCCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executrix. STACEY WILLITS MCCONNELL, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

**GITZENDANNER**, Mary Ann, late of Caln Township. Catherine McClatchy, care of ANDREW H. DOHAN, Esquire, 460 E. King Road, Malvern, PA 19355-3049, Executor. ANDREW H. DOHAN, Esquire, Lentz, Cantor & Massey, LTD., 460 E. King Road, Malvern, PA 19355-3049, atty.

**GOULDNER**, Mary Ann, late of East Fallowfield Township. Linda L. Horst, care of NANCY W. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Administratrix. NANCY W. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

**GREEN**, Dorothy E., a/k/a Dorothy Ellen Green, late of South Coventry Township. John S. Green, 413 Oakland Dr., Downingtown, PA 19335 and Bruce E. Green, 101 Iron Bark Court, Collegeville, PA 19426, Executors. JAMES C. KOVALESKI, Esquire, O'Donnell, Weiss & Mattei, P.C., 41 E. High St., Pottstown, PA 19464, atty.

**HALBERG**, Gary Evan, a/k/a Gary Halberg, late of Upper Uwchlan Township. Paul Gregg, care of SEAMUS M. LAVIN, Esquire, 122 S. Church St., West Chester, PA 19382, Administrator. SEAMUS M. LAVIN, Esquire, Wetzel Gagliardi Fetter & Lavin LLC, 122 S. Church St., West Chester, PA 19382, atty.

**HELMS**, JR., Harry N., late of West Brandywine Township. Marylou Starner, care of JOSEPH S. NESCIO, Esquire, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, Execu-

trix. **JOSEPH S. NESCIO**, Esquire, Nescio & Seace, LLP, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, atty.

**JACKSON**, Cleona Mae, late of West Chester. Nechelle L. Oxendine, 123 Ridge Avenue, Coatesville, PA 19320, Administratrix.

**KIRKALDY**, Martha A., late of Thornbury Township. Mark Ricci, care of **STANLEY E. LUONGO, JR.**, Esquire, 126 West Miner Street, West Chester, PA 19382, Executor. **STANLEY E. LUONGO, JR.**, Esquire, Luongo Bellwoar LLP, 126 West Miner Street, West Chester, PA 19382, atty.

**MacCAUGHERN**, Marie C., late of East Goshen Township. Virginia Quinn, care of **W. MARSHALL PEARSON**, Esquire, 311 Exton Commons, Exton, PA 19341-2450, Executor. **W. MARSHALL PEARSON**, Esquire, 311 Exton Commons, Exton, PA 19341-2450, atty.

**MENTO**, Karen A., late of Coatesville. Jason Lee Hilyard, 2255 Longleaf Drive W., Pinehurst, NC 28374, Administrator. **DEIRDRE A. AGNEW**, Esquire, Law Offices of Deirdre A. Agnew, 1450 East Boot Road, Bldg 400A, West Chester, PA 19380, atty.

**MENTO**, Benjamin D, late of Coatesville. Jason Lee Hilyard, 2255 Longleaf Drive W., Pinehurst, NC 28374, Administrator. **DEIRDRE A. AGNEW**, Esquire, Law Offices of Deirdre A. Agnew, 1450 East Boot Road, Bldg 400A, West Chester, PA 19380, atty.

**MURRAY**, Edward C., a/k/a Edward Conley Murray, late of Schuylkill Township. Edward Collin Murray, care of **RUSSELL J. RESSLER**, Esquire, 30 Valley Stream Parkway, Malvern, PA 19355-1481, Executor. **RUSSELL J. RESSLER**, Esquire, Stradley, Ronon, Stevens & Young, LLP, 30 Valley Stream Parkway, Malvern, PA 19355-1481, atty.

**OWENS**, Clifford Bentley, late of New London Township. Barbara O. Ledezma, care of **L. PETER TEMPLE**, Esquire, P. O. Box 384 Kennett Square, PA 19348, Executrix. **L. PETER TEMPLE**, Esquire, Larmore Scarlett LLP, P. O. Box 384 Kennett Square, PA 19348, atty.

**REID**, Helen Grace, a/k/a Helen Reid Eichelberger, a/k/a Dr. Helen G. Reid, late of Honey Brook Township. Russell K. Rickert, Jr., 817 S. New St., West Chester, PA 19382, Executor.

**SCHNORR**, Jean R., late of Easttown Township. Peter C. Schnorr, care of **DAVID J. WINKOWSKI**, Esquire, 30 Valley Stream Parkway, Malvern, PA 19355, Executor. **DAVID J. WINKOWSKI**, Esquire, Stradley, Ronon, Stevens & Young, LLP, 30 Valley Stream Parkway, Malvern, PA 19355, atty.

**SGRO**, Jason Matthew, late of Coatesville. Samuel Sgro and Janine Sgro, care of **DAVID M. ROTH**, Esquire, 123 North Fifth Street, Allentown, PA 18102, Administrators. **DAVID M. ROTH**, Esquire, The Roth Law Firm, 123 North Fifth Street, Allentown, PA 18102, atty.

**TACEY**, Charles Frederick, a/k/a Charles F. Tacey, late of West Chester Borough. Charles P. Tacey, care of **NANCY W. PINE**, Esquire, 104 S. Church St., West Chester, PA 19382, Executor. **NANCY W. PINE**, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

**THOMAS**, Dudley J., late of West Goshen Township. Karen M. Tooke, care of **SEAMUS M. LAVIN**, Esquire, 122 S. Church St., West Chester, PA 19382, Executrix. **SEAMUS M. LAVIN**, Esquire, Wetzel Gagliardi Fetter & Lavin LLC, 122 S. Church St., West Chester, PA 19382, atty.

**TROUCHE**, Carol A., late of West Chester Borough. Deborah M. Baker, care of **NANCY W. PINE**, Esquire, 104 S. Church St., West Chester, PA 19382, Executrix. **NANCY W. PINE**, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

**WACKER**, III, Russell E., a/k/a Russell E. Wacker, late of East Vincent Township. Esther Comer, care of **JOSEPH N. FRABIZZIO**, Esquire, 2200 Renaissance Blvd., Ste. 270, King of Prussia, PA 19406, Executrix. **JOSEPH N. FRABIZZIO**, Esquire, Frabizzio Law LLC, 2200 Renaissance Blvd., Ste. 270, King of Prussia, PA 19406, atty.

**WELCH**, Gregory J., a/k/a Gregory Welch, a/k/a Gregory John Welch, late of West Caln Township. Kevin Robert Welch, care of **CARRIE A.S. KENNEDY**, Esquire, 171 W. Lancaster Ave., Paoli, PA 19301-1775, Administrator. **CARRIE A.S. KENNEDY**, Esquire, Connor, Weber & Oberlies, 171 W. Lancaster Ave., Paoli, PA 19301-1775, atty.

**WILLIAMSON**, Howard R., a/k/a Howard R. Williamson, Jr., late of North Coventry Township. Keith E. Williamson and John H. Williamson, care of **JESSICA R. GRATER**, Esquire, 400 Creekside Drive, Suite 409, Pottstown, PA 19464, Executors. **JESSICA R. GRATER**, Esquire, Monastra & Grater, LLC, 400 Creekside Drive, Suite 409, Pottstown, PA 19464, atty.

**WINDLE**, Margaret Evelyn, a/k/a Evelyn Boyd Windle, late of Highland Township. Mary W. McKee, 331 Gum Tree Road, Coatesville, PA 19320 and Donald Windle, Jr., 433 Gum Tree Road, Coatesville, PA 19320, Executors. **W. BRYAN BYLER**, Esquire, Byler & Winkle, P.C., 363 West Roseville Road Lancaster, PA 17601, atty.

**2nd Publication**

**ALEXANDER, JR.**, Lester James, late of Kennett Township. L. Peter Temple, care of DONALD B. LYNN, JR., Esquire, P. O. Box 384, Kennett Square, PA 19348, Executor. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P. O. Box 384, Kennett Square, PA 19348, atty.

**BALISTRERI**, Ethel, late of Coatesville City. John Balistreri, care of NANCY W. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executor. NANCY W. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

**BAROT**, Ravikant, late of Tredyffrin Township. David Schoch, care of RYAN M. BORNSTEIN, Esquire, 800 Lancaster Avenue, Suite T-2 Berwyn, Pennsylvania 19312, Executor. RYAN M. BORNSTEIN, Esquire, Harvey Ballard and Bornstein, LLC, 800 Lancaster Avenue, Suite T-2 Berwyn, Pennsylvania 19312, atty.

**BILODEAU**, Paige M., late of Spring City Borough. Gordon Bilodeau, care of JOHNA. GAGLIARDI, Esquire, 122 S. Church St., West Chester, PA 19382, Administrator. JOHN A. GAGLIARDI, Esquire, Wetzel Gagliardi Fetter & Lavin LLC, 122 S. Church St., West Chester, PA 19382, atty.

**BONADUCE**, Joseph J., late of West Sadsbury Township. Nancy R. Bonaduce, 40 Rabbit Run Road, Parkesburg, PA 19365, Executor. VINCENT CAROSELLA, JR., Esquire, Carosella & Associates, P.C., 882 South Matlack Street, Suite 101 West Chester, PA 19382-4505, atty.

**BRENNAN**, Edwina, late of East Goshen Township. Jeffrey J. Brennan, care of ERIC R. HAGUE, Esquire, 30 S. 17 St., Philadelphia, PA 19103, Executor. ERIC R. HAGUE, Esquire, Duane Morris LLP, 30 S. 17 St., Philadelphia, PA 19103, atty.

**BRICKUS**, Catherine, a/k/a Catherine Rudolph Brickus, late of Valley Township. Cheryl Y. Brickus-Flemming, care of JAMES N. CLYMER, Esquire, 408 West Chestnut Street Lancaster, PA 17603, Executor. JAMES N. CLYMER, Esquire, 408 West Chestnut Street Lancaster, PA 17603, atty.

**BRYER**, Betty Jane, late of East Marlborough Township. Donna J. Greg, 3808 Weywood Pl., Bowie, MD 20715, Executrix. WILLIAM E. HOWELL III, Esquire, Law Office of WEH III, 110 E. State St., Suite 1, Kennett Square, PA 19348, atty.

**BUDZIK**, Joanne M., late of Valley Township. Dorothy Ann Budzik, 112 Beacon St., Coatesville, PA 19320 & Mary Ann Hoover, 5 Brandywine Dr.,

Glenmoore, PA 19343, Executors. KATHLEEN K. GOOD, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway Thorndale, PA 19372, atty.

**de MELLO**, Douglas, late of London Britain Township. Sharon de Mello, care of LISA COMBER HALL, Esquire, 27 S. Darlington Street, West Chester, PA 19382, Administratrix. LISA COMBER HALL, Esquire, Hall Law Offices, PC, 27 S. Darlington Street, West Chester, PA 19382, atty.

**DiCOLA**, Mildred C., late of West Goshen Township. LuAnn DiCola, 314 Martin Drive, New Castle, DE 19720, Administrator. JANE SMEDLEY ANZALONE, Esquire, Anzalone Law Offices, LLC, 98 S. Franklin Street Wilkes-Barre, PA 18701, atty.

**DOWNS**, Robyn C., late of Strafford. Florence Downs, 523 Upper Gulph Road, Strattford, PA 19087, Administratrix. NICHOLAS M. ORLOFF, Esquire, Orloff Law, 1 West Third Street, Suite 201, Media, PA 19063, atty.

**ELEK, III**, Steven, late of Tredyffrin Township. Katharine Elek, care of GEORGE M. RITER, Esquire, 400 Maryland Dr., P.O. Box 7544, Ft. Washington, PA 19034-7544, Executrix. GEORGE M. RITER, Esquire, Timoney Knox, LLP, 400 Maryland Dr., P.O. Box 7544, Ft. Washington, PA 19034-7544, atty.

**GREPPS**, Robert H., late of Phoenixville. Sherry L. Grepps, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P. O. Box 289 Phoenixville, PA 19460, Executor. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P. O. Box 289 Phoenixville, PA 19460, atty.

**HACKMAN**, Michael Robert, late of Paoli. Charlene Hackman, 54 Jolind Road, Paoli, PA 19301, Executrix.

**HIPPLE**, Walter J., late of East Goshen Township. Heidi Bjornson-Pennell, 422 Arlington Street, San Francisco, CA 94131, Executor. VINCENT CAROSELLA, JR., Esquire, Carosella & Associates, P.C., 882 South Matlack Street, Suite 101 West Chester, PA 19382-4505, atty.

**JARVIS, JR.**, Arthur R., late of Honey Brook Township. Alan J. Jarvis, 101 Birch Drive, Downingtown, PA 19335, Executor. ALAN J. JARVIS, Esquire, 101 Birch Drive, Downingtown, PA 19335, atty.

**LAFFEY**, Lois T., a/k/a Lois Thomson Laffey, late of West Fallowfield Township. Norman G. Laffey, Sr., care of WINIFRED MORAN SEBASTIAN, Esquire, PO Box 381, 208 E. Locust Street, Oxford,

PA 19363, Executor. WINIFRED MORAN SEBASTIAN, Esquire, McMichael, Heiney & Sebastian, LLC, PO Box 381, 208 E. Locust Street, Oxford, PA 19363, atty.

**MITCHELL**, James Edgar, late of West Chester. Stephanie Donofry, 319 Joy Lane, West Chester, PA 19380, Executor.

**MOORE**, Mildred Badum, a/k/a Mildred B. Moore, late of West Goshen Township. Kenneth Moore, care of STACEY WILLITS McCONNELL, Esquire, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, Executor. STACEY WILLITS McCONNELL, Esquire, Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565, atty.

**ORLANDO**, Susan M., late of Honey Brook Township. Michelle Robinson, care of STEPHEN J. KELLY, Esquire, 213 E. State Street, Kennett Square, PA 19348, Administratrix. STEPHEN J. KELLY, Esquire, Brutscher Foley Milliner Land & Kelly, LLP, 213 E. State Street, Kennett Square, PA 19348, atty.

**RICHEY**, Margie Ann, late of West Whiteland Township. Carol Y. Sellers, care of DONALD B. LYNN, JR., Esquire, P.O. Box 384, Kennett Square, PA 19348, Executrix. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P.O. Box 384, Kennett Square, PA 19348, atty.

**RUTKOWSKI**, Dorothy H., late of Phoenixville Borough. James Rutkowski, 107 N. Kelly Drive, Birdsboro, PA 19508 & Michael Rutkowski, 420 Riverview Road, Swarthmore, PA 19081, Executors. JERRY L. JOHNSON, Esquire, Jerry I. Johnson Attorney at Law, P.O. Box 218 114 W. Lancaster Avenue Downingtown, PA 19335, atty.

**SMITH**, Sara Coulter, a/k/a Sara C. Smith, late of Tredyffrin Township. Shirley A. Smith, 15 W. Orchard Lane, Audubon, PA 19403, Executrix.

**TRAINER**, Nicholas P., late of West Chester. Nicholas P. Trainer, Jr., care of GEORGE S. DONZE, Esquire, 674 Unionville Road, Suite 105, Kennett Square, PA 19348, Executor. GEORGE S. DONZE, Esquire, Donze & Donze, 674 Unionville Road, Suite 105, Kennett Square, PA 19348, atty.

**WARFIELD**, Edith F., late of Caln Township. Mary E. Warfield, 900 Woodview Dr., Coatesville, PA 19320, Executor. GORDON W. GOOD, Esquire, Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

**WEBSTER**, Barbara G., late of East Pikeland Township. Nancy L. Olsson and Michelle L. Ros-tick, care of W. PETER BARNES, Esquire, 218 West

Miner Street West Chester, PA 19382, Executors. W. PETER BARNES, Esquire, Klein, Head, Barnes & Wood, LLP, 218 West Miner Street West Chester, PA 19382, atty.

**WHEELER, JR.**, Frederic Collins, late of East Marlborough Township. Winifred Wheeler, care of DEVIN S. FOX, Esquire, 910 Harvest Dr., P.O. Box 3037, Blue Bell, PA 19422, Executrix. DEVIN S. FOX, Esquire, Kaplin Stewart, 910 Harvest Dr., P.O. Box 3037, Blue Bell, PA 19422, atty.

**WRIGHT**, Robert Allen, late of East Vincent Township. Christine Maser, 123 Kindt Corner Rd., Shoemakersville, PA 19555, Executor.

**WYSZYNSKI**, Fiona Clare, late of Malvern. Alexander Cullen Wyszynski, 2308-651 Nootka Way, Port Moody, British Columbia V3H0A1, Executor.

### 3rd Publication

**BERSTLER, JR.**, Walter F., late of West Goshen Township. Carlee D. Mokshefsky and Walter F. Berstler, III, care of NANCY W. PINE, Esquire, 104 S. Church St., West Chester, PA 19382, Executors. NANCY W. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

**BOWIE**, Betty Anne, a/k/a Elizabeth Anne Bowie, late of Kennett Township. Brian P. Bowie, care of D. SELAINE KEATON, Esquire, 21 W. Front Street, P.O. Box 1970, Media, PA 19063, Executor. D. SELAINE KEATON, Esquire, Halligan & Keaton P.C., 21 W. Front Street, P.O. Box 1970, Media, PA 19063, atty.

**BUCK**, Dagmar, late of West Chester. Frauke Vogel, 1361 Boot Road, Apt. 262, West Chester, PA 19380, Executrix. JOSEPH KENNEY, Esquire, Kulzer & DiPadova, 76 E. Euclid Avenue, Suite 300, Haddonfield, NJ 08033, atty.

**BUHAYAR**, Eric, late of Kennett Township. L. Peter Temple, care of DONALD B. LYNN, JR., Esquire, P. O. Box 384, Kennett Square, PA 19348, Executor. DONALD B. LYNN, JR., Esquire, Larmore Scarlett LLP, P. O. Box 384, Kennett Square, PA 19348, atty.

**CHANCE**, Elisabeth R., late of Kennett Township. Steven K. Chance, Mark R. Chance and Barbara C. Stone, care of L. PETER TEMPLE, Esquire, P. O. Box 384, Kennett Square, PA 19348, Executors. L. PETER TEMPLE, Esquire, Larmore Scarlett LLP, P. O. Box 384, Kennett Square, PA 19348, atty.

**COCHRANE**, Sarah G., late of East Nantmeal Township. Neil W. Head, Esquire, 218 West Miner Street West Chester, PA 19382, Executor. NEIL W. HEAD, Esquire, Klein, Head, Barnes & Wood, LLP,



218 West Miner Street West Chester, PA 19382, atty.

**CONNOR, JR.**, William F., late of West Brandywine Township. William F. Connor, III and Suzanne C. Frederick, care of DOUGLAS L. KAUNE, Esquire, 120 Gay Street, P. O. Box 289, Phoenixville, PA 19460, Co-Executors. DOUGLAS L. KAUNE, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P. O. Box 289, Phoenixville, PA 19460, atty.

**CROW**, Dorothy H., a/k/a Dottie Crow, late of Tredyffrin Township. Sandra Crow Zopf, care of GEORGE H. ELSEY, Esquire, 130 W. Lancaster Ave., Ste. 203, Wayne, PA 19087, Executrix. GEORGE H. ELSEY, Esquire, 130 W. Lancaster Ave., Ste. 203, Wayne, PA 19087, atty.

**DiNORSICIA**, Mary Margaret, late of Kennett Square. Janet M. Girolami, 131 Sunset View Dr., Glen Mills, PA 19342, Executrix.

**DOUGHERTY**, Janet S., late of Willistown Township. Richard A. Spencer, 84 Marginal Way, Ste. 660, Portland, ME 04101-2480, Executor. HEIKE K. SULLIVAN, Esquire, Ballard Spahr, LLP, 1735 Market St., 51st Fl., Philadelphia, PA 19103-7599, atty.

**ERICKSON**, Robert W., a/k/a Robert Walter Erickson, a/k/a Robert W. Erickson, II, a/k/a Robert Walter Erickson, II, late of West Bradford Township. Richard D. Erickson, care of JAY G. FISCHER, Esquire, 342 East Lancaster Avenue, Downingtown, PA 19335, Administrator. JAY G. FISCHER, Esquire, Valocchi & Fischer Law Office, 342 East Lancaster Avenue, Downingtown, PA 19335, atty.

**FEDELE**, Rebekah, late of East Bradford Township. Alan E. Trimble, care of ANN L. MARTINO FRAZIER, Esquire, 3711 Kennett Pike, Suite 100 Wilmington, DE 19807, Executor. ANN L. MARTINO FRAZIER, Esquire, Gawthrop Greenwood, PC, 3711 Kennett Pike, Suite 100 Wilmington, DE 19807, atty.

**FURY**, Rosemarie G., a/k/a Rosemarie Fury, a/k/a Rosemarie Gunning, late of West Goshen Township. James Gunning IV and Kimberlee Myles, care of BRUCE A. HERALD, Esquire, 120 John Robert Thomas Drive Exton, PA 19341, Executors. BRUCE A. HERALD, Esquire, Bruce Alan Herald, A Professional Corporation, 120 John Robert Thomas Drive Exton, PA 19341, atty.

**GALLAGHER**, James J., late of Exton. Philip C. Riley, 118 Allen Drive, Exton, PA 19341, Personal Representative.

**GINGRAS**, Antonio T., late of Willistown Township. Annette Barone, 153 Hegerow, West Chester,

PA 19380, Executor. JOHN A. PRODOEHL, JR., Esquire, P.O. Box 147, Broomall, PA 19008-0147, atty.

**GLANZMANN**, Richard A., late of Caln Township. Norman J. Pine, 104 S. Church St., West Chester, PA 19382, Executor. NORMAN J. PINE, Esquire, Pine & Pine, LLP, 104 S. Church St., West Chester, PA 19382, atty.

**GRUNWALDT**, Judith Ann, late of East Goshen Township. Joan M. Leahy, care of CAROL R. LIVINGOOD, Esquire, 130 W. Lancaster Ave., P.O. Box 191, Wayne, PA 19087-0191, Executrix. CAROL R. LIVINGOOD, Esquire, Davis Bennett Spiess & Livingood LLC, 130 W. Lancaster Ave., P.O. Box 191, Wayne, PA 19087-0191, atty.

**HARTWICK**, Peggy R., late of Exton. Helen Ann Brickles, 418 Balderston Dr., Exton, PA 19341-2003, Executrix.

**HOLLIFIELD**, Lynne, late of East Goshen. Katherine A. Sand and Isaac D. Weiner, care of GUY F. MATTHEWS, Esquire, 300 W. State St., Ste. 300, Media, PA 19063, Administrators. GUY F. MATTHEWS, Esquire, Eckell, Sparks, Levy, Auerbach, Monte, Sloane, Matthews & Auslander, PC, 300 W. State St., Ste. 300, Media, PA 19063, atty.

**ISAAC**, Jean Marie Johnson, a/k/a Jean J. Isaac, a/k/a Jean Isaac, a/k/a Jean Johnson Isaac, a/k/a Jeanne J. Isaac, late of West Whiteland Township. Elisa Wiah, care of THOMAS J. BURKE, JR., Esquire, 15 Rittenhouse Place, Ardmore, PA 19003, Executrix. LAWYER, Esquire, THOMAS J. BURKE, JR., 15 Rittenhouse Place, Ardmore, PA 19003, atty.

**JUDSON, II**, Arthur, late of West Pikeland Township. Virginia Judson McNeil, care of BRETT W. SENIOR, Esquire, 125 Strafford Ave., Ste. 112, Wayne, PA 19087, Executrix. BRETT W. SENIOR, Esquire, Brett Senior & Associates, P.C., 125 Strafford Ave., Ste. 112, Wayne, PA 19087, atty.

**KELLY**, Patrick Ryan, late of West Chester. Marjorie A. Kelly, 963 Embree Lane, West Chester, PA 19380, Administrator.

**LABOWITZ**, Lewis, late of West Goshen Township. Florence Labowitz, care of MICHAEL A. CIANCI, Esquire, 617 Swede St., Norristown, PA 19401, Administratrix. MICHAEL A. CIANCI, Esquire, Cianci Law Offices, 617 Swede St., Norristown, PA 19401, atty.

**McELVENNY**, John P., a/k/a John P. McElvenny Jr., a/k/a Jack McElvenny, late of East Goshen. John P. McElvenny III, 400 Grand Oak Lane, Exton, PA 19341, and Eileen M. Gatti, 113 Hanover Avenue, North Wales, PA 19454, Executors. JENNIFER H.

WALKER, Esquire, Peak Legal Group, Ltd., 31 S. High Street, Suite 200, West Chester, PA 19382, atty.

**PLUEDDEMANN**, Albert John, late of Conchranville. Pamela Meek, 4012 Homeville Road, Conchranville, PA 19330, Executrix. **JOSH BODENE**, Esquire, Trinity Law, 1586 Lititz Pike, Lancaster, PA 17601, atty.

**QUINLISK**, Mary Jane, late of East Goshen Township. Francis Quinlisk, care of **ROBERT S. LEVY**, Esquire, 1204 Township Line Rd., Drexel Hill, PA 19026, Executor. **ROBERT S. LEVY**, Esquire, Cooper Schall & Levy, 1204 Township Line Rd., Drexel Hill, PA 19026, atty.

**RHODES**, Corinne, late of Oxford Borough. Deborah Cozzone, care of **WINIFRED MORAN SEBASTIAN**, Esquire, PO Box 381, 208 East Locust Street, Oxford, PA 19363, Administratrix. **WINIFRED MORAN SEBASTIAN**, Esquire, PO Box 381, 208 East Locust Street, Oxford, PA 19363, atty.

**SCHEIDT**, David, late of Exton. John Scheidt and Carol Scheidt, 1309 Amstel Way, West Chester, PA 19380, Administrator. **KEVIN J. RYAN**, Esquire, Ryan Morton & Imms LLC, 220 West Gay Street, West Chester, PA 19380, atty.

**SCHOCK**, Ernestine, late of East Coventry Township. Andrew J. Schock, 437 Brianna Circle, Pottstown, PA 19465, Administrator. **LEE F. MAUGER**, Esquire, Mauger & Meter, 1401 East High Street P.O. Box 698 Pottstown, PA 19464, atty.

**SKURKA**, Luanne Irene, a/k/a Luanne I. Skurka, late of East Pikeland Township. Edward Davis & Sophia Davis, care of **DOUGLAS L. KAUNE**, Esquire, 120 Gay Street, P. O. Box 289 Phoenixville, PA 19460, Co-Executors. **DOUGLAS L. KAUNE**, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P. O. Box 289 Phoenixville, PA 19460, atty.

**TRAINER**, Kathryn Elaine, late of Tredyffrin Township. Suzanne Trainer, care of **THOMAS J. BURKE, JR.**, Esquire, 15 Rittenhouse Place, Ardmore, PA 19003, Executrix. **THOMAS J. BURKE, JR.**, Esquire, Haws & Burke, P.C., 15 Rittenhouse Place, Ardmore, PA 19003, atty.

**WHITEHEAD**, Richard D., late of West Goshen Township. Doris K. Whitehead, care of **KARYN L. SEACE**, Esquire, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, Executrix. **KARYN L. SEACE**, Esquire, Nescio & Seace, LLP, 105 East Evans Street, Evans Building, Suite A, West Chester, PA 19380, atty.

## FICTITIOUS NOTICE

*NOTICE is hereby given, pursuant to Fictitious Names Act of 1982, 54 Pa.C.S. Section 301 et seq., which repealed prior laws on the subject, any entity or entities (including individuals, corporations, partnership or other groups, which conduct any business in Pennsylvania under an assumed or fictitious name shall register such name by filing an application for registration of fictitious name with the Department of State for the conduct of a business in Chester County, Pennsylvania under the assumed or fictitious name, style or designation of*

**Author of Books**, with its principal place of business at 1261 Audubon Road, West Chester, PA 19382. The application has been (or will be) filed on: 4/24/2020. The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Martin Machowski, 1261 Audubon Road, West Chester, PA 19382.

**Alex Health Jewelry**, with its principal place of business at 116 Nassau Ln., Coatesville, PA 19320. The application has been (or will be) filed on: Thursday, August 6, 2020. The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Alexandra N Schroeder, 116 Nassau Ln., Coatesville, PA 19320.

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## NONPROFIT CORPORATION NOTICE

*NOTICE IS HEREBY GIVEN that an application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a charter of a Nonprofit Corporation which was organized under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.*

The name of the corporation is **Butterfly Baskets Inc.**

Articles of Incorporation were filed on Wednesday, July 22, 2020

The purpose or purposes for which it was organized are: Butterfly Baskets Inc is a nonprofit whose mission is to support women and their families enduring pregnancy or baby loss in the Main Line and Chester County area of Pennsylvania. We provide gift baskets and resources to women experiencing a loss.

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CLERK OF THE ORPHANS' COURT  
DIVISION OF THE COURT OF COMMON PLEAS  
CHESTER COUNTY, PENNSYLVANIA

**NOTICE OF FILING ACCOUNTS**

**ACCOUNTS LISTED FOR AUDIT ON  
WEDNESDAY, SEPTEMBER 2, 2020**

**Courtroom 15 at 9:00 A.M. PREVAILING TIME**

**THE HONORABLE MARK L. TUNNELL**

Notice is hereby given to all parties interested, that accounts in the following matters have been filed in the Office of the Clerk of the Orphans' Court, Division of the Court of Common Pleas of Chester County, Pennsylvania for AUDIT, CONFIRMATION AND DISTRIBUTION at the above date, time and place. At that time and place interested parties, claimants and objectors to the same will be heard.

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**IN RE: GEOFFREY BROMLEY CROWELL, TRUST**

**1519-1670**

A/K/A GEOFFREY B. CROWELL

AMENDED AND SUPPLEMENTAL FIRST ACCOUNT

OF: CHRISTOPHER B. CROWELL, TRUSTEE

ATTORNEY(S):

MELISSA SIRAVO HENSINGER, ESQUIRE

JAMES FRANCIS MANNION, ESQUIRE

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**IN RE: ROBERT AND JUDITH PEARLMAN, TRUST**

**1520-1503**

FIRST AND FINAL ACCOUNT

OF: VANGUARD NATIONAL TRUST COMPANY, TRUSTEE

ATTORNEY(S):

LAURA M. TOBEY, ESQUIRE

KAREN M. STOCKMAL, ESQUIRE

# UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

## PUBLIC NOTICE FOR REAPPOINTMENT OF AN INCUMBENT MAGISTRATE JUDGE

The current term of office of United States Magistrate Judge Timothy R. Rice at Philadelphia, Pennsylvania and Reading, Pennsylvania is due to expire on March 21, 2021. The United States District Court is required by law to establish a panel of citizens to consider the reappointment of the Magistrate Judge to a new eight-year term.

The duties of a Magistrate Judge in this court include the following: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial matters and evidentiary proceedings on delegation from a district judge; and (4) trial and disposition of civil cases upon consent of the litigants.

Comments from members of the bar and the public are invited as to whether the incumbent magistrate judge should be recommended by the panel for reappointment by the court and should be directed to:

Kate Barkman, Clerk of Court  
2609 United States Courthouse  
601 Market Street  
Philadelphia, PA 19106

***ATTN: Human Resources Department  
Magistrate Judge Reappointment***

Comments must be received by August 31, 2020.

Juan R. Sánchez  
Chief Judge

Dated: July 13, 2020

# UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

## PUBLIC NOTICE FOR REAPPOINTMENT OF AN INCUMBENT MAGISTRATE JUDGE

The current term of office of United States Magistrate Judge David R. Strawbridge at Philadelphia, Pennsylvania is due to expire on April 25, 2021. The United States District Court is required by law to establish a panel of citizens to consider the reappointment of the Magistrate Judge to a new eight-year term.

The duties of a Magistrate Judge in this court include the following: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial matters and evidentiary proceedings on delegation from a district judge; and (4) trial and disposition of civil cases upon consent of the litigants.

Comments from members of the bar and the public are invited as to whether the incumbent magistrate judge should be recommended by the panel for reappointment by the court and should be directed to:

Kate Barkman, Clerk of Court  
2609 United States Courthouse  
601 Market Street  
Philadelphia, PA 19106

***ATTN: Human Resources Department  
Magistrate Judge Reappointment***

Comments must be received by August 31, 2020.

Juan R. Sánchez  
Chief Judge

Dated: July 13, 2020