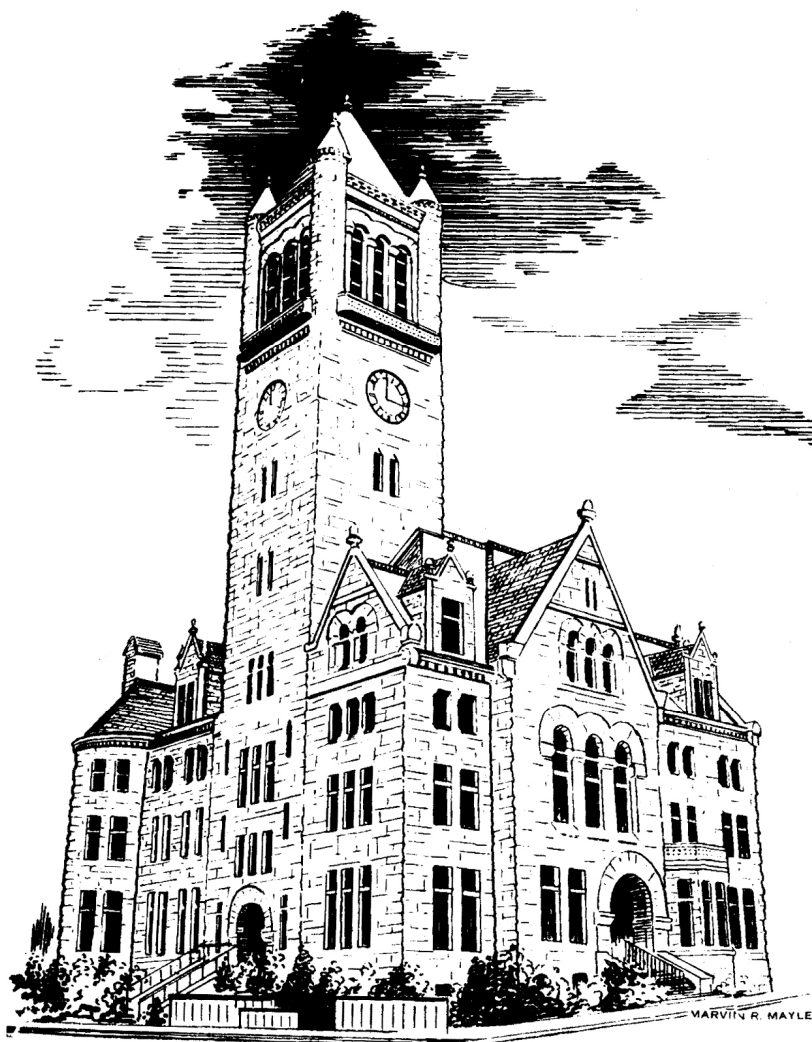


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ESTATE NOTICES

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

THEODORE E. HART, late of Bullskin Township, Fayette County, PA (3)

Administratrix: Teddie R. Watson
2135 Oxley Drive
Waterford, Michigan 48328
c/o 231 South Main Street, Suite 402
Greensburg, PA 15601
Attorney: Marilyn N. Gaut

ALLEN MONROE ARBOGAST, late of Smithfield, Fayette County, PA (3)

Administrator: Scott A. Arbogast
1 North Walnut Street
Masontown, PA 15461
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

**CHRISTOPHER P. MORROW, a/k/a
CHRISTOPHER PAUL MORROW**, late of Bullskin Township, Fayette County, PA (3)

Executor: Richard Morrow
3220 Country Club Road
Connellsville, PA 15245
c/o Peacock Keller, LLP
70 East Beau Street
Washington, PA 15301
Attorney: Susan M. Key

Second Publication

BETTY ANN BARKLEY, late of Uniontown, Fayette County, PA (2)

Co-Executrix: Marcia Lynn Ross
Co-Executrix: Linda Susan Garcia
c/o 11 Pittsburgh Street

Uniontown, PA 15401
Attorney: Thomas W. Shaffer

ALBERTA BYERS, late of Uniontown, Fayette County, PA (2)

Administratrix: Mary M. Rushin
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

PATRICIA A. CHECK, late of Dunbar Township, Fayette County, PA (2)

Executor: Mary Shubert
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

ELSIE M. DOMONKOS, late of Perryopolis, Fayette County, PA (2)

Executor: Eric J. Domonkos
126 Harding Drive
Fayette City, PA 15438
c/o Vanderman Law Offices
142 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Kris A. Vanderman

ARLENE JOHNSON, late of Uniontown, Fayette County, PA (2)

Administration: Harry Johnson
c/o Rosen Louik & Perry, P.C.
The Frick Building, Suite 200
437 Grant Street
Pittsburgh, PA 15219
Attorney: Andrew G. Rothey

WILLIAM JOSEPH KIEL, late of Georges Township, Fayette County, PA (2)

Executor: Michael R. Kiel
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

ALICE LEWANDOWSKI, late of Everson, Fayette County, PA (2)

Executrix: Diane M. Lewandowski
c/o 815A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret Zylka House

BETTY RUTH STEWART, late of South Union Township, Fayette County, PA (2)

Executor: Carol J. Glover
1257 Woodstock Avenue
Hopwood, PA 15445
c/o Newcomer Law Offices
4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Ewing D. Newcomer

RALPH SWANTEK, a/k/a RALPH M. SWANTEK, late of Washington Township, Fayette County, PA (2)

Executor: Maryann Swantek
45 Vreeland Avenue
East Rutherford, NJ 07073
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

JOHN J. TUCHOLSKI, late of Bullskin Township, Fayette County, PA (2)

Executor: James S. Tucholski
113 Deer Creek Drive
Mt. Pleasant, PA 15666
c/o 749 North Church Street
Mt. Pleasant, PA 15666
Attorney: Paul E. Toohey

First Publication

JOANN CLINGAN, late of Redstone Township, Fayette County, PA (1)

Executor: Kimberly Ann Shinkle, a/k/a Kimberly Ann Wellington
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy O'Brien

WENDELL L. GASKILL, a/k/a WENDELL LARRY GASKILL, late of Fayette County, PA

Administratrix: Nancy C. Chatlas (1)
c/o DeHaas Law, LLC
51 East South Street
Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

THOMAS E. HOLLOMAN, JR., a/k/a THOMAS E. HOLLOMAN, late of Redstone Township, Fayette County, PA (1)

Executor: Ronald Holloman
c/o Newcomer Law Offices
4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Ewing D. Newcomer

PAULA A. PETTY, late of Luzerne Township, Fayette County, PA (1)

Personal Representative: Travis P. Petty
316 Adams Avenue
Brownsville, PA 15417
c/o Dellarose Law Office, PLLC
99 East Main Street, Suite 101
Uniontown, PA 15401
Attorney: Melinda Dellarose

STELLA SLOVAK, a/k/a STELLA MARIE SLOVAK, a/k/a STELLA M. SLOVAK, late of Georges Township, Fayette County, PA (1)

Personal Representatives: Susan Pinto and Anthony J. Sloak
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

GARNET A. STULL, late of Connellsville, Fayette County, PA (1)

Executor: Susan M. Stull
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

JAMES E. WANDEL, late of Hopwood, Fayette County, PA (1)

Executor: Shawna K. Gardner
c/o DeHaas Law, LLC
51 East South Street
Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

LEGAL NOTICES

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on January 28, 2014 for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is FayWest Properties, LLC, having an address of 524 Morgantown Road, Suite E, Uniontown, PA 15401.

John A. Kopas III, Esquire
556 Morgantown Road
Uniontown, PA 15401
Telephone: 724-437-1111

NOTICE IS HEREBY GIVEN TO ALL persons interested or who may be affected Point Marion Area Lions Club Community Center, Inc., with its registered office at 29 Jane Street, Point Marion, Fayette County, Pennsylvania 15474, a nonprofit corporation, has filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on the 11th day of October, 2019, Articles of Election by its members to dissolve said corporation, and that the board of directors is now engaged in winding up and settling the affairs of said corporation so that its corporate existence shall be ended under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.

DATE: October 21, 2019

James N. Fitzsimmons, Jr.
Solicitor
55 East Church Street, Suite 102
Uniontown, PA 15401

NOTICE OF WINDING UP PROCEEDINGS OF **Rendu Services, Inc.**

A PENNSYLVANIA CORPORATION

TO ALL CREDITORS/LOCAL TAXING
AUTHORITIES OF Rendu Services:

This is to notify you that Rendu Services, a Pennsylvania corporation with its registered office located at 453 Pechin Road, Dunbar, PA 15431, is dissolving and winding up its business.

Date: September 30, 2019

By: Rosemary Reagan, Secretary

JUDICIAL OPINION

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

COMMONWEALTH OF
PENNSYLVANIA,

vs.

EUGENE M. PRATT,
Petitioner.

:
:
:
:
:
:
:

No. 1261 of 2014
Honorable Joseph M. George, Jr.

ATTORNEYS AND LAW FIRMS

Ms. Wendy O'Brien, Esquire, Assistant District Attorney, For the Commonwealth
Mr. Vincent Tiber i, Esquire, Court Appointed Counsel, For the Petitioner

OPINION

GEORGE, J.

October 16, 2019

Following a trial by jury, Petitioner, Eugene M. Pratt, was found guilty of Terroristic Threats, Simple Assault, and Harassment. On March 23, 2016, Petitioner was sentenced to an aggregate term of imprisonment of not less than thirty-three (33) months nor more than ninety (90) months. Petitioner filed a direct appeal to the Superior Court of Pennsylvania. The judgment of sentence was affirmed at 1246 WDA 2017. Petitioner then filed a Post Conviction Relief Act Petition. Counsel was appointed and an amended petition was filed. A hearing was held on June 7, 2019. The petition was denied on August 15th, 2019. This opinion is in support of the denial of the amended P.C.R.A. Petition.

CONCISE ISSUES

Petitioner filed the following Statement of Errors Complained of on Appeal:

1. Whether the Trial Court erred in not granting the Petitioner's P.C.R.A. Petition, as Counsel at the trial level was ineffective in representing the client by not researching and calling to particular witnesses that would aide in the Defendant's defense?
2. Whether the Trial Court erred in not granting the Petitioner 's P.C.R.A. Petition when the Magisterial District Court refused to give the Defendant a continuance of his Preliminary Hearing forcing him to represent himself?

FACTS

The pertinent trial facts have been summarized by the Pennsylvania Superior Court in Commonwealth v. Eugene M. Pratt, No. 1246 WDA 2017.

Petitioner testified at the P.C.R.A. Hearing that he informed Ms. Zerega that Debbie Call is a potential witness with possible exculpatory evidence. (P.C.R.A. T. Pg. 6).

Petitioner testified that her testimony would demonstrate that Petitioner was innocent and the incident never occurred. After consulting with Ms. Call, Ms. Zerega determined that her proposed testimony would not be beneficial to the Petitioner. Attorney Zerega testified that she informed the Petitioner of her conversation with Ms. Call and that a joint decision was made not to call her as a witness for the defense. (P.C.R.A. T. Pg. 21).

Petitioner also testified that he informed Attorney Zerega that Bernard Richardson may also provide exculpatory evidence in the form of testimony that would show that Petitioner did not commit a theft during the incident. (P.C.R.A. T. Pg. 6). Attorney Zerega testified that Petitioner never asked her to contact Bernard Richardson as a potential witness in this case. (P.C.R.A. T. Pg. 21).

DISCUSSION

The purpose of the P.C.R.A. is to prevent a fundamentally unfair conviction and to provide an action whereby a person convicted of a crime he did not commit, or who is serving an illegal sentence, may obtain collateral relief. *Commonwealth v. Carbone*, 707 A.2d 1145 (Pa.Super. 1998).

In order for Petitioner to prevail on an ineffective assistance of counsel claim, he must show, by a preponderance of the evidence, 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), *Commonwealth v. Kimball*, 724 A.2d 326, 333 (Pa. 1999). To sustain his burden, Petitioner must demonstrate: (1) his underlying claim is of arguable merit; (2) the particular course of conduct pursued by counsel did not have some reasonable basis designed to effectuate his interests; and (3) but for counsel's ineffectiveness, there is a reasonable probability that the outcome of the challenged proceedings would have been different. *Commonwealth v. Miller*, 868 A.2d 578, 581-582 (Pa.Super. 2005). A failure to satisfy any prong of the test for ineffectiveness will require rejection of the claim. *Id.*

The first claim of Petitioner is for trial counsel's failure to research and call two witnesses who would have supposedly aided in the defense. The first witness is Debbie Call. Petitioner testified that Ms. Call would have testified that the alleged incident never occurred and that Petitioner was innocent. The second proposed witness was Bernard Richardson who Petitioner alleges would have testified that he observed the alleged victim with a cellular phone and a truck belonging to Petitioner and that such evidence was exculpatory in that it showed that Petitioner did not steal these items from the alleged victim.

Attorney Zerega testified that a joint decision was made between her and the Defendant not to call Debbie Call as a witness and that the Defendant never asked her to contact Bernard Richardson to testify. The Court finds the testimony of Attorney Zerega to be credible and credits her testimony over the testimony of the Petitioner.

The second issue raised on appeal is that the Trial Court erred in not granting the P.C.R.A. Petition because the Magisterial District Court refused to give the Defendant a continuance of a Preliminary Hearing thereby forcing him to represent himself. We note

that there was no testimony offered by the Petitioner from any representative of the Magisterial District Court nor was any record of the proceedings provided to this Court to review.

This Court finds that these bald allegations are too general to entitle the Petitioner to relief. In the absence of more specific assertions regarding the prejudice suffered by Petitioner due to representing himself at a Preliminary Hearing, we find no basis upon which to grant his petition. See *Commonwealth v. Thomas*, 539 A.2d 829 (Pa. Super-1988).

Therefore, this Court finds that Petitioner has failed to meet his burden by a preponderance of the evidence and his appeal is without merit.

BY THE COURT:
GEORGE, J.

ATTEST:
Clerk of Courts



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9 a.m. to 11 a.m.
2 substantive |
| November 19 | How to Close an Estate
9 a.m. to 12 p.m.
3 substantive |
| December 5 | Family Law 101 2019
8:30 a.m. to 4 p.m.
5 substantive/1 ethics |
| December 12 | Criminal Law Update 2019
12 p.m. to 4:15 p.m.
3 substantive/1 ethics |
| December 18 | The Year in Review for the General Practitioner 2019
8:30 a.m. to 3:45 p.m.
5 substantive/1 ethics |
| December 19 | Essential Ethics 2019
9 a.m. to 4:15 p.m.
6 ethics |



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