



# Chester County Law Reporter

(USPS 102-900)

The Official Legal Publication for Chester County

Vol. 68

WEST CHESTER, PENNSYLVANIA, MAY 21, 2020

No. 21

## TABLE OF CONTENTS

### 68 CHESTER COUNTY REPORTS

#### Commonwealth v. Desper Part I

*Sentencing factors - Sentencing guidelines - Discretionary aspects of sentence - Abuse of discretion - Pre-sentence investigation - Malice . . . . .* 189 (2020)

**Classified Ads. . . . . 6**      **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)

*Reporting the Decisions of the Divisions of the Court of the Fifteenth Judicial District of Pennsylvania, Composed of Chester County, Officially Designated by the Rule Thereof as the Legal Periodical for the Publication of Legal Notices*

Owned and Published by  
**CHESTER COUNTY BAR ASSOCIATION**  
15 West Gay Street, 2nd Floor, West Chester, Pennsylvania 19380

[www.chescobar.org](http://www.chescobar.org)  
[lawreporter@chescobar.org](mailto:lawreporter@chescobar.org)

Telephone: 610/692-1889 Fax: 610/692-9546

**Richard Meanix, Editor**

*Assistant Editor*

Patrick M. McKenna, Esquire  
Richard Meanix, Chairperson-Publications Committee

Subscription Rate \$50.00 for CCBA Members; \$70.00 for Nonmembers CCBA  
Periodicals Postage Paid at West Chester, Pennsylvania

POSTMASTER: Send address changes to  
Chester County Law Reporter, 15 West Gay Street, 2nd Floor, West Chester, PA 19380

The **CHESTER COUNTY LAW REPORTER** is published every Thursday. **The Deadline for submission of all notices is 12:00 noon on Tuesday, 10 days prior to the following Thursday publication.** Notices must be submitted in typewritten form OR form provided by the Office of the **Law Reporter** and are published exactly as submitted by the advertiser. Neither the Law Reporter nor the printer will assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content.

Copyright ©2020 CCBA — All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form by electronic, mechanical, photocopy, or any other means without the prior written permission of the copyright holder.

---

---

## 2020 CCBA Officers

Sam Cortes, *President*  
John Fiorillo, *Vice President*  
Michelle Bernardo-Rudy, *Treasurer*  
Brian Nagle, *Secretary*  
Patrick McKenna  
*Immediate Past President*

## CEO

Wendy Leeper

## Executive Director

Matt Holliday

## 2020 CCBA Directors

Ashley Beach  
Chuck Gaza  
Maria Janoski  
Ryan Jennings  
Christin Kubacke  
Wes Legg  
A.J. Ober  
Hon. Allison B. Royer

## 2020 YLD Division

James Doyle, *Chair*  
Michelle Barone, *Chair-Elect*  
Basil Joy, *Immediate Past Chair*

**Commonwealth v. Desper**

Sentencing factors - Sentencing guidelines - Discretionary aspects of sentence - Abuse of discretion - Pre-sentence investigation - Malice

1. It is the general rule that sentencing is a matter vested in the sound discretion of the sentencing court.
2. Deference is given to the sentencing court as it is the sentencing judge that is in the best position to view an appellant's character, displays of remorse, defiance, or indifference, and the overall effect and nature of the crime.
3. Reversal of a sentencing court's sentence is not appropriate unless an appellant can demonstrate manifest abuse of discretion by the sentencing judge.
4. An appellant does not have an automatic right to appeal the discretionary aspects of a sentence. Before an appeal on the discretionary aspects of a sentence may be reviewed, an appellant has the burden to show that: (a) the appeal is timely filed; (b) the issues raised on appeal were preserved before the trial court at the time of sentencing or a post-trial motion; (c) the concise statement pursuant to Pa.R.A.P. 2119 (f) stating the reasons supporting the challenge to the discretionary aspects of the sentence is set forth in his appellate brief; and (d) the reasons stated raise a substantial question that the sentence imposed is not appropriate under the Sentencing Code.
5. A substantial question exists only when the appellant advances a colorable argument that the sentencing judge's actions were either: (a) inconsistent with a specific provision of the Sentencing Code; or (b) contrary to the fundamental norms which underlie the sentencing process.
6. A trial court has a duty to impose a sentence that is consistent with the gravity of the offense as it relates to the impact on the life of the victim and on the community.
7. It is presumed that when a pre-sentence investigation report is before the court, the sentencing court is aware of the relevant information regarding an appellant's character and weighs those considerations along with any mitigating factors. This presumption cannot be rebutted by Defendant.
8. A claim that a court did not weigh the factors as defendant wished does not raise a substantial question.
9. An abuse of discretion may not be found merely because an appellate court might have reached a different conclusion, but requires a result of manifest unreasonableness, or partiality, prejudice, bias, or ill-will, or such lack of support so as to be clearly erroneous.
10. Malice may be found to exist not only in an intentional killing, but also in an unintentional homicide where the perpetrator consciously disregarded an unjustified and extremely high risk that his actions might cause death or serious bodily harm.
11. When a sentence is within the standard range of the guidelines, the sentence is deemed appropriate under the Sentencing Code.

12. Witnesses reported that prior to the shooting, the two vehicles were jostling before Defendant aimed his firearm out his open passenger window, fired a shot into the victim's head, and sped away. Under oath, at the time he entered his guilty plea, Defendant agreed he had no lawful justification or excuse and that he acted with malice.
13. Although the court of public opinion concluded that the shooting was a road rage incident and/or was racially motivated, there was no evidence found or presented to this court that race played a part in why Defendant shot his gun at the victim. Defendant's contention that the court was swayed by the references to racism when imposing the sentence is not supported by the facts and is not a colorable argument. Thus, Defendant cannot meet his burden to show this claim gives rise to a substantial question, and it is improper for the appellate court to review this claim on appeal. Further, at sentencing, the court disregarded the references to racism because that was not a motive alleged by the Commonwealth. There can be no error for an abuse of discretion on the part of the court for considering references to racism when the court did not consider this factor at all.
14. Defendant claims his sentence was not tailored to him as an individual. The court understood this claim to be that the court erred in not considering the mitigating factors presented in this case: his age, background, lack of a prior criminal record, or his "good" character. The court specifically noted that it accepted as credible Defendant's claims of deep remorse and the court complied with its duty regarding the purposes of imposing a sentence and gave due consideration to Defendant's characteristics as an individual. The court had no legal obligation to give characteristics the weight Defendant desired. It is within this court's sole discretion to weigh the information provided as it deems appropriate for the purposes of fashioning its sentence.
15. Defendant does not claim that the court erroneously applied the guidelines or imposed an unreasonable sentence outside of the sentencing guidelines. As a result, Appellant must demonstrate that although we imposed a sentence within the guidelines, the application of the guidelines was unreasonable under the circumstances of this case, resulting in an abuse of discretion by the court.
16. With the sentencing enhancement of "deadly weapon used", the standard guideline range was 90 months – SL (Statutory Limit). The standard guidelines address the fact that in some cases a sentence of 240 months (20 years) is warranted and is thus considered to be in the standard range. Appellant pleaded guilty to Murder of the Third Degree and Possessing Instruments of Crime. Appellant was sentenced to a standard range sentence of 20 to 40 years of incarceration on the Third Degree Murder offense, and a concurrent sentence of 1 to 2 years of incarceration on the offense of Possessing Instruments of a Crime.
17. This court found there is no mitigating or other factors present in this case that can support a finding that the sentence imposed is unreasonable.

18. In his Sentencing Memorandum, it is stated that Defendant was afraid when he fired the gun. The court did not fail to consider Defendant's contention that he acted out of fear; rather, it found his explanation lacked credibility and was an attempt to justify the inexcusable and radical act of firing his weapon at the driver of the car next to him while travelling on a busy highway.
19. The court was aware from the beginning of this case that Defendant was in lawful possession of the firearm used at the time of the incident. The questioning of Defendant by the court about his reasons for carrying a weapon was a means of understanding his thought processes to better understand him. The point of the court's comment was that carrying the gun in the vehicle was a regretful choice, not an illegal one. The court could not ignore he chose to reach for his gun and fire it out of his window at another car to resolve a traffic dispute. The court found his actions were malicious and reflect a complete disregard of the risks involved with firing his weapon, the most probable being that he would kill or wound the driver causing a major accident that could involve numerous other motorists on the highway. Defendant's choices resulted in the tragic and avoidable death of the victim.
20. The court *Held* Defendant failed to meet his burden to show an abuse of discretion and respectfully requested the Superior Court affirm the judgment of sentence.

R.E.M.

C.C.P., Chester County, Pennsylvania; Criminal Action No. 2771-2017;  
Commonwealth of Pennsylvania v. David Desper

Nicholas J. Casenta, Jr. for the Commonwealth  
Vincent P. DiFabio for the Defendant  
Wheatcraft, J., March 26, 2019:-

[Editor's note: Affirmed by the Superior Court on October 29, 2019.]

<p><b>COMMONWEALTH OF PENNSYLVANIA</b></p> <p style="text-align: center;">v.</p> <p><b>DAVID DESPER</b></p> <p style="text-align: right;"><b>Appellant</b></p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p><b>: IN THE COURT OF COMMON PLEAS</b></p> <p><b>: CHESTER COUNTY, PENNSYLVANIA</b></p> <p><b>: CRIMINAL ACTION</b></p> <p><b>: No. CP-15-CR-0002771-2017</b></p> <p><b>: 373 EDA 2019</b></p>
--	---	--

Nicholas J. Casenta, Jr., Esquire for the Commonwealth  
 Vincent P. DiFabio, Esquire for Appellant

**RULE 1925(a) OPINION**

**BY: WHEATCRAFT, J. MARCH 26, 2019**

David Desper (“Appellant”), appeals this court’s December 13, 2018 judgment of sentence. Appellant submits the court abused its discretion by imposing an unreasonable sentence, and that there is a substantial question as to whether the sentence imposed violates a provision of the sentencing code, or is contrary to the fundamental norms of the sentencing process. Specifically, Appellant submits that the court committed error when it (1) failed to impose an individualized sentence for Appellant, (2) failed to consider Appellant’s rehabilitative needs; (3) focused on Appellant having a firearm in his possession when such possession was legal; (4) commented that Appellant acted out of anger when Appellant stated that he acted out of fear; and (5) heard and considered the victim’s mother’s testimony and the Commonwealth’s argument that Appellant’s actions were an expression of racism. For the reasons stated below, we find no errors.

**PROCEDURAL BACKGROUND**

On July 2, 2017 Appellant, in the company of his attorney, surrendered to police and was charged with Murder of the First Degree (18 Pa.C.S.A. §2502(a)), Murder of the Third Degree (18 Pa.C.S.A. §2502(c)), Criminal Homicide (18 Pa.C.S.A. §2501(a)), Recklessly Endangering Another Person (18 Pa.C.S.A. §2705), and Possessing Instruments of Crime (18 Pa.C.S.A. §907(a)). Those charges arose from the shooting death of Bianca Roberson, an 18 year old young woman. Appellant waived his arraignment. On September 12, 2017 Appellant filed an Omnibus Pre-Trial Motion including the following requests for relief: *habeas corpus*, suppression of any statements and/or seized property, and requests for discovery. The suppression, seizure, and discovery issues were resolved between the parties. The *habeas corpus* claim was withdrawn without prejudice.

Due to the complexities of this case, the court issued a scheduling order on January 12, 2018. Pursuant to that Order, Appellant filed a second *Habeas Corpus*

Motion and a Motion to Exclude Photographs. A pre-trial hearing on the motions was held on March 22, 2018. We denied the *Habeas Corpus* Motion and the court entered an order related to the admissibility of the crime scene and autopsy photographs. We informed the parties that any objections to this determination would be heard on the record immediately prior to trial.

On March 30, 2018 the Commonwealth filed a Motion in *Limine* seeking permission to use computer-generated demonstrative evidence during trial. A hearing was scheduled for April 25, 2018. That hearing was continued to May 21, 2018 when the Commonwealth was unprepared to proceed on April 25, 2018. After the hearing on May 25, 2018, the court issued an Order restricting the admission of the computer-generated evidence to still images showing the alleged view of Appellant into Roberson's vehicle and the possible trajectories of the bullet that struck Roberson in the left side of her head. Upon further consideration, we amended our May 25, 2018 Order on June 9, 2018 and instructed the Commonwealth to redact the rendering of a hand holding a firearm from the still images that were to be used at trial. By agreement of the parties, counsel was attached for a date certain for a jury trial to begin on September 24, 2018.

On September 5, 2018 Appellant waived his right to a jury trial and pleaded guilty to Murder of the Third Degree (18 Pa.C.S.A. §2502(c)) and Possessing Instruments of Crime (18 Pa.C.S.A. §907(a)). The court ordered the preparation of a pre-sentence investigation ("PSI"). Appellant was sentenced on December 13, 2018 to a standard range sentence of 20 to 40 years of incarceration on the Third Degree Murder offense, and a concurrent sentence of 1 to 2 years of incarceration on the offense of Possessing Instruments of a Crime. He was given credit for time served in Chester County Prison from July 2, 2017 to December 13, 2018.

On December 21, 2018 Appellant filed a Motion for Reconsideration of Sentence. We denied the Motion on January 2, 2018. Appellant filed a timely Notice of Appeal on January 29, 2018. We issued our Rule 1925(b)(1) Order on February 1, 2019 and Appellant's "Statement of Matters Complained on Appeal" was filed on February 19, 2018.

### FACTUAL BACKGROUND

On June 28, 2017 Appellant was driving his 2011 Chevy Silverado truck approaching southbound ("SB") Route 202 in the left lane of SB Route 100, in West Goshen Township, Chester County. Both Route 202 and Route 100 are two lane divided highways. Bianca Roberson ("Roberson") was operating a 2009 Chevy Malibu in the right lane of SB Route 100. Before Route 100 ends and merges onto SB Route 202, the two lanes merge into one lane with the left lane narrowing and forcing the vehicles in that lane to merge into the right lane. Witnesses reported that prior to the shooting, the two vehicles were "jostling" for position just prior to the merge. At that point, Appellant aimed his firearm<sup>1</sup> out his open passenger

---

<sup>1</sup> At all times pertinent in this case, Appellant was in lawful possession of the firearm.

window and fired it striking Roberson in the left side of her head. The Chevy Malibu went off the road striking trees bordering the highway. Appellant did not stop and according to witnesses sped away on SB Route 202.

When emergency vehicles arrived at the scene, it was initially believed that Roberson died as a result of the motor vehicle accident. It was discovered during the autopsy performed the following day that the cause of death was a gunshot wound to the head. Area police began an immediate investigation to identify the driver of the truck observed leaving the scene of the incident. As a result of obtaining eye witness testimony, and photographs and video from traffic cameras on Routes 100, 202 and on side roads, Appellant's truck was identified and a search for Appellant began. Four days after the incident, July 2, 2017, after a thorough investigation but before police could make an arrest, Appellant surrendered himself, his truck, and his firearm to the police.

At the time Appellant entered the guilty plea on September 5, 2018, he signed a statement of the facts that was attached to the guilty plea colloquy, and under oath he agreed that the following facts were true:

On or about June 28, 2017 at approximately 1730 hours in the County of Chester, the [Appellant] was operating a [r]ed [p]ickup truck on the highway at the same time Bianca Roberson was operating her Chevy Malibu. Bianca Roberson was in the right lane of travel and the [Appellant] was to her left. When approaching the merge of Rts. 100 & 202, the [Appellant's] lane of travel ended. The [Appellant] pointed his .40 caliber pistol, a deadly weapon, and intentionally shot the firearm at Bianca Roberson one time. The bullet struck her in the left side of her head. At the time he shot Bianca Roberson, the [Appellant] had no lawful justification or excuse and acted with malice. The gunshot wound to the head of Bianca Roberson was the cause of her death. The [Appellant] did not stop or call for assistance and instead fled the area. The [Appellant] left his red pickup truck at a friend's house and went to Delaware. After several days, the [Appellant] voluntarily surrendered to authorities. The [Appellant] consented to a search of his residence, where police recovered the .40 caliber firearm used in the murder.

(Appellant's Guilty Plea Colloquy, 09/05/18, p. 2(a)).

In the Defendant's Sentencing Memorandum submitted by counsel on behalf of Appellant, however, it is stated that:

[j]ust prior to the tragic incident [he] was travelling home from work in his usual route. He had finished work earlier than usual that day and did not have any specific plans and was therefore in no rush. He saw the ... Chevy Malibu come up quickly behind him and it swerved abruptly at him from his right towards his lane. He moved [his truck] over to get out of the way and then saw [the Chevy] swerve at him again, forcing him onto the left shoulder. He was afraid, pulled his gun from the top of the console area, and fired one shot out of the passenger side [window] of his truck.



(Appellant’s Sentencing Memorandum, 12/11/18, pp. 2-3).

Appellant explained that he was afraid when he took the gun out and fired it. He stated he did not know who the driver of the Chevy Malibu was or that the other driver had been struck by his bullet until the incident was reported later on social media.

There was much about the homicide, open guilty plea, and sentencing published on social media. The horrific nature of her family’s loss and the specifics of the crime were indeed a tragedy that garnered tremendous attention and commentary. Roberson, a young African American woman, looking forward to her first year in college at Jacksonville University in Florida where she had earned a four year merit scholarship, was shot and killed while driving on a highway. Appellant was identified as a white male in his late twenties with no history of any contact with the police prior to this incident. Quickly, the court of public opinion concluded that the shooting was a road rage incident and/or was racially motivated. A firestorm erupted urging the Commonwealth to treat this matter as a hate crime. In response, a comprehensive investigation into Appellant’s family and social contacts was initiated to determine if the shooting may have been racially motivated. There was no evidence found or presented to this court that race played a part in the reason Appellant fired his weapon at Roberson.

Prior to sentencing, the court considered the sentencing guidelines and reviewed the PSI, Appellant’s Sentencing Memorandum filed December 11, 2018, the Commonwealth’s Sentencing Memorandum filed December 12, 2018, and hundreds of letters submitted on behalf of the victim and Appellant. The sentencing hearing was moved to a large courtroom that could accommodate the number of people who were expected to appear on behalf of the parties. Close attention was paid to the testimony presented, arguments made, and Appellant’s statement to the court at the two and one half hour sentencing hearing.

The statutory maximum sentence for Murder of the Third Degree is 40 years. The sentencing guidelines considered by the court took into account Appellant’s prior record score of “0” and the offense gravity score of “14”. With the sentencing enhancement of “deadly weapon used”, the standard guideline range was 90 months – SL (Statutory Limit). The standard guidelines address the fact that in some cases a sentence of 240 months (20 years) is warranted and is thus considered to be in the standard range.

### **ERRORS CLAIMED BY APPELLANT**

In his Concise Statement of Matters Complained of on Appeal, Appellant challenges the discretionary aspects of the sentence. Appellant submits the court abused its discretion and that his complaints raise a substantial question: that the sentence imposed by the court violates the provisions of the Sentencing Code, or is contrary to the fundamental norms of the sentencing process as follows:

1. The court failed to impose an individualized sentence.<sup>2</sup>

<sup>2</sup>We find that this claim of error has been waived. *Commonwealth v. Moury*, 992 A.2d 162, 170 (Pa. Super.2010). In this Opinion, we address the waiver and the claim on its merits.

2. The court failed to consider Appellant’s rehabilitative needs.
3. The court gave undue negative weight to Appellant’s lawful possession of a firearm.
4. The court found Appellant acted out of anger when Appellant stated he acted out of fear.
5. The court considered references to racism made by the Commonwealth and Roberson’s mother at the sentencing hearing.<sup>3</sup>

## DISCUSSION

### A. Standard of Appellate Review (Trial Court’s Imposition of Sentence)

It is the general rule that “[s]entencing is a matter vested in the sound discretion of the [sentencing court].” *Commonwealth v. Barnes*, 167 A.3d 110, 122 (Pa.Super. 2017) (*en banc*) (citations omitted); see also *Commonwealth v. Allen*, 24 A.3d 1058 (Pa. Super. 2011) (The sentencing court has broad discretion in sentencing a defendant.). Deference is given to the sentencing court as it is the sentencing judge that is in the best position to view an appellant’s character, displays of remorse, defiance, or indifference, and the overall effect and nature of the crime. *Id.* at 1065 *citing Commonwealth v. Fish*, 752 A.2d 921, 923 (Pa.Super. 2000), see also *Commonwealth v. Stokes*, 38 A.3d 846, 858 (Pa.Super. 2011). Reversal of a sentencing court’s sentence is not appropriate unless Appellant can demonstrate manifest abuse of discretion by the sentencing judge. *Commonwealth v. Hermanson*, 674 A.2d 281 (Pa.Super. 1996).

### B. Standard of Appellate Review - Jurisdiction (Discretionary Aspects of Sentence Claim of Error)

Appellant does not have an automatic right to appeal the discretionary aspects of a sentence. See 42 Pa.C.S.A. §9781(b). Before an appeal on the discretionary aspects of a sentence may be reviewed, Appellant has the burden to show that: (1) the appeal is timely filed;<sup>4</sup> (2) the issues raised on appeal were preserved before the trial court at the time of sentencing or a post-trial motion (Pa.R.Crim.P. 720);<sup>5</sup> (3) the concise statement pursuant to Pa.R.A.P. 2119(f) stating the reasons supporting the challenge to the discretionary aspects of the sentence is set forth in his appellate brief;<sup>6</sup> and (4) the reasons stated raise a substantial question that the sentence imposed is not appropriate under the Sentencing Code. (42 Pa.C.S.A. § 9781(b)). See *Commonwealth v. Moury*, 992 A.2d 162,170 (Pa.Super. 2010).

<sup>3</sup> *Id.*

<sup>4</sup> Appellant filed a timely Notice of Appeal.

<sup>5</sup> Appellant filed a Motion for Reconsideration of Sentence preserving certain claims of errors.

<sup>6</sup> For the purposes of this Opinion, we presume that Appellant will comply with Pa.R.A.P.2119(f).

## 1. Claims Waived for Appellate Review

Appellant set forth five claims of error in his Concise Statement of Errors Complained of on Appeal. However, only three of those claims were preserved in his Motion for Reconsideration of Sentence. *Id.* The two claims that were not preserved are: (1) that the court improperly considered references to Appellant's actions being motivated by racism; and (2) that the court did not impose an individualized sentence. Consequently, these two claims are waived. *Commonwealth v. Shugars*, 895 A.2d 1270, 1273–74 (Pa.Super. 2006); see also *Commonwealth v. Kennedy*, 868 A.2d 582, 593 (Pa.Super. 2005) (declining to address challenges to the discretionary aspects of the sentence when the challenges were not specifically preserved in a motion to modify sentence).

If the Superior Court finds these two claims were preserved by Appellant, we submit that Appellant cannot meet the last jurisdictional burden to show that these claims raise a substantial question. “A substantial question exists only when the appellant advances a colorable argument that the sentencing judge’s actions were either: (1) inconsistent with a specific provision of the Sentencing Code; or (2) contrary to the fundamental norms which underlie the sentencing process.” *Commonwealth v. Griffin*, 65 A.3d 932, 935 (Pa.Super. 2013). We find there are no colorable arguments of any kind related to these two claims.

### a. References to Racism

Suspicions and allegations that Appellant's behavior was motivated by racism were made a part of this case the instant Appellant was identified as a white male and Roberson was identified an African American woman. The Commonwealth began investigating the possibility that racism motivated Appellant's behavior in this incident and continued to investigate every claim and allegation of racism until the time Appellant entered his guilty plea. The Commonwealth indicated that at no time was there any evidence supporting the allegation that Appellant was motivated by racism. This was known by the court at the time of sentencing.

The court permitted Roberson's family, friends, and advocates to speak their minds and inform the court of any information they felt was pertinent to describe the person Roberson was and aspired to be, and how they were affected by her death. This was the only opportunity the victim's family had to address the court and provide it with the information required for the court to meet its duty in imposing a sentence that is consistent with “the gravity of the offense as it relates to the impact on the life of the victim and on the community”. 42 Pa.C.S.A. § 9721(b).

At the time of Appellant's sentencing, we were mindful of what information could be considered for the purposes of sentencing. We listened to the testimony and arguments presented by the parties, but in determining a sentence, we disregarded the references to racism because that was not a motive alleged by the Commonwealth. Consequently, we made no reference to racism when stating our reasoning in imposing Appellant's sentence. See N.T., 12/12/18, p. 86, l. 21 – p. 90, l. 20.

**TABLE OF CONTENTS**  
**LEGAL NOTICES**

Change of Name Notice . . . . . 2  
Estate Notices **1st Publication** . . . . . 2  
Estate Notices **2nd Publication** . . . . . 3  
Estate Notices **3rd Publication** . . . . . 3  
Fictitious Notice . . . . . 4  
Trust Notice **3rd Publication** . . . . . 5  
Trust Death Notice **1st Publication** . . . . . 5

**NOTICES**

*Please note: All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser unless otherwise specified. Neither the **Law Reporter** nor the printer will assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content. The use of the word "solicitor" in the advertisements is taken verbatim from the advertiser's copy and the **Law Reporter** makes no representation or warranty as to whether the individual or organization listed as solicitor is an attorney or otherwise licensed to practice law. The **Law Reporter** makes no endorsement of any advertiser in this publication nor is any guarantee given to quality of services offered.*

**CHANGE OF NAME NOTICE**

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

**LAW NO. 2020-02484-NC**

NOTICE IS HEREBY GIVEN that the name change petition of Joann M. DiFederico on behalf of minor child Hope Antoinette Meltz was filed in the above-named court and will be heard on Monday, June 15, 2020 at 9:30 AM, in Courtroom 15 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Friday, March 6, 2020

Name to be changed from: Hope Antoinette Meltz to: Hope Antoinette DiFederico

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. 2020-02483-NC**

NOTICE IS HEREBY GIVEN that the name change petition of Joann M. DiFederico on behalf of minor child Justin Avery Meltz was filed in the above-named court and will be heard on Monday, June 15, 2020 at 9:30 AM, in Courtroom 15 at the Chester County Justice Center, 201 West Market Street, West Chester, Pennsylvania.

Date of filing the Petition: Friday, March 6, 2020

Name to be changed from: Justin Avery Meltz to: Justin Avery Meltz DiFederico

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

**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**

**AMES, JR.**, Ralph G., late of Warwick Township. Joann M. Ames, care of J. MICHAEL RYAN, Esquire, 300 North Pottstown Pike. Suite 150, Exton, PA 19341, Executrix. J. MICHAEL RYAN, Esquire, Law Office of J. Michael Ryan, 300 North Pottstown Pike. Suite 150, Exton, PA 19341, atty.

**CORCORAN**, Ellanora Foreman, late of Tredyfrin Township. Karen A Burns, 427 Dean Drive, Kennett Square, PA 19348, Executor.

**HENNEKE**, Emily J., late of West Whiteland Township. Norman J. Pine, Esquire, 104 S. Church Street, West Chester, PA 19382, Administrator. **NORMAN J. PINE**, Esquire, Pine & Pine, LLP, 104 S. Church Street, West Chester, PA 19382, atty.

**KAY, II**, Louis William, a/k/a L. William Kay, II, late of East Brandywine Township. L. William Kay, III and Thomas A. Kay, care of MARC S. MASER, Esquire, 80 W. Lancaster Avenue, 4th Floor, Devon, PA 19333, Executors. MARC S. MASER, Esquire, McCausland, Keen & Buckman, 80 W. Lancaster Avenue, 4th Floor, Devon, PA 19333, atty.

**McDONALD**, Elizabeth Marie, a/k/a Elizabeth M. McDonald, late of East Caln Township. Bonnie M. Costello, care of NANCY W. PINE, Esquire, 104 S. Church Street, West Chester, PA 19382, Executrix. NANCY W. PINE, Esquire, Pine & Pine, LLP, 104 S. Church Street, West Chester, PA 19382, atty.

**WILK**, Mary W., a/k/a Maire R. Wilk, late of Wilklistown Township. Gerald M. Wilk, care of NINA B. STRYKER, Esquire, Centre Square West, 1500 Market Street, Suite 3400, Philadelphia, PA 19102-2101, Executor. NINA B. STRYKER, Esquire, Obermayer,

Rebmann, Maxwell & Hippel, LLP, Centre Square West, 1500 Market Street, Suite 3400, Philadelphia, PA 19102-2101, atty.

**WRIGHT**, Virginia Ruth, a/k/a Green, late of Phoenixville. Karen Wright Dice, 1160 Bateman Drive, Phoenixville, PA 19460, Administrator.

### 2nd Publication

**CHAMBERS**, Susan Louise, late of Westtown Township. Jessica Chambers, 323 Tarbert Drive, West Chester, PA 19382 care of RICK MORTON, Esquire, 220 West Gay Street, West Chester, PA 19380, Administratrix. RICK MORTON, Esquire, Ryan, Morton & Imms, LLC, 220 West Gay Street, West Chester, PA 19380, atty.

**FLOWERS**, Martin Eugene, late of Cochranville. Brown Hanaway, care of ALBERT M. SARDELLA, Esquire, 1240 East Lincoln Highway, Coatesville, PA 19320, Executor. ALBERT M. SARDELLA, Esquire, 1240 East Lincoln Highway, Coatesville, PA 19320, atty.

**FUCHS**, Patricia Ann, late of Penn Township. Brian Fuchs, care of JAMES S. MCCLELLAN, Esquire, 113 S. Broad Street, Kennett Square, PA 19348, Personal Representative. JAMES S. MCCLELLAN, Esquire, McClellan Legal LLC, 113 S. Broad Street, Kennett Square, PA 19348, atty.

**FUCHS**, Dietmar, late of Penn Township. Brian Fuchs, care of JAMES S. MCCLELLAN, Esquire, 113 S. Broad Street, Kennett Square, PA 19348, Personal Representative. JAMES S. MCCLELLAN, Esquire, McClellan Legal LLC, 113 S. Broad Street, Kennett Square, PA 19348, atty.

**GOTTSHALL**, Margie A., late of West Sadsbury Township. Pamela Hershey, care of JANIS M. SMITH, Esquire, 4203 West Lincoln Highway, Parkersburg, PA 19365, Executor. JANIS M. SMITH, Esquire, Janis M. Smith, Attorney At Law, 4203 West Lincoln Highway, Parkersburg, PA 19365, atty.

**HUGHES**, Susan, a/k/a Susan Honeywell Hughes, late of Uwchlan Township. Bonnie Hughes Sabbi, care of JEAN WHITE E. JONES, Esquire, 130 West Lancaster Avenue, Wayne, PA 19087, Executrix. JEAN WHITE E. JONES, Esquire, Butera & Jones, 130 West Lancaster Avenue, Wayne, PA 19087, atty.

**RUBY**, Rosemarie A., late of Easttown Township. Edward J. Ruby, William G. Ruby and Rosemarie Ruby, care of JAMES J. RUGGIERO, JR., Esquire, 16 Industrial Boulevard, Suite 211 Paoli, PA 19301, Executors. JAMES J. RUGGIERO, JR., Esquire, Ruggiero Law Offices, LLC, 16 Industrial Boulevard, Suite 211 Paoli, PA 19301, atty.

**SIMMINGTON**, Barbara, late of Easttown Township. Nicholas Simmington, Administrator, care of THOMAS E. WYLER, Esquire, 22 East Third Street, Media, PA 19063. THOMAS E. WYLER, Esquire, Falzone & Wyler, 22 East Third Street, Media, PA 19063, atty.

**STEWART**, Ursula H., late of Honey Brook Township. Joanne M. Stewart & David M. Frees, III, care of DAVID M. FREES, III, Esquire, 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, co-Executors. DAVID M. FREES, III, Esquire, Unruh, Turner, Burke & Frees, P.C., 120 Gay Street, P.O. Box 289, Phoenixville, PA 19460, atty.

**TETI**, Theresa R., late of Malvern Borough. Jason E. Teti, 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.

### 3rd Publication

**ARTZ**, Boann W., a/k/a Katherine Boann Artz, late of Pennsbury Township. Steven Powell Artz, care of DAVID T. SCOTT, Esquire, 1528 McDaniel Drive, West Chester, PA 19380, Executor. DAVID T. SCOTT, Esquire, Delaney & Scott, P.C., 1528 McDaniel Drive, West Chester, PA 19380, atty.

**ATLEY**, Audrea, late of West Chester. Sharon McNeil, care of CLINTON L. JOHNSON, Esquire, 1010 West Seventh Street, Chester, PA 19013, Administratrix. CLINTON L. JOHNSON, Esquire, Law Offices of Clinton L. Johnson, 1010 West Seventh Street, Chester, PA 19013, atty.

**BAUER**, Ilona E., late of West Whiteland Township. Turrey A. Kepler and Kathleen G. Bacon, 534 Swede Street, Norristown, PA 19401-4807, Executors. TURREY A. KEPLER, Esquire, 534 Swede Street, Norristown, PA 19401-4807, atty.

**GIACCHINO**, Carmen T., late of Thornbury Township. Larry Giacchino and Joseph Giacchino, care of DANIEL J. PACI, Esquire, 104 S. 6th Street, P.O. Box 215, Perkasio, PA 18944-0215, co-Executors. DANIEL J. PACI, Esquire, Grim, Biehn & Thatcher, 104 S. 6th Street, P.O. Box 215, Perkasio, PA 18944-0215, atty.

**HOFFMAN**, Dorothy B., a/k/a Dorothy Hoffman, late of Honey Brook Township. Jerry C. Buckley, Jr., 710 Steelville Mill Road, Atglen, PA 19310, Executor. KATHLEEN K. GOOD, Esquire, Keen, Keen & Good, LLC, 3460 Lincoln Highway, Thorndale, PA 19372, atty.

**KOLOTELLO**, Ronald Louis, a/k/a Ronald Kolotello, a/k/a Ron Kolotello, late of Spring City Borough. Michael Paul Kolotello, care of JEFFREY P. BARNES, Esquire, 111 E. 17th Street, Suite 100, North Wildwood, NJ 08260, Administrator. JEFFREY P. BARNES, Esquire, Barnes Law Group LLC, 111 E. 17th Street, Suite 100, North Wildwood, NJ 08260, atty.

**LABAT**, Catharina M., a/k/a Catharine Labat, late of Easttown Township. Christyn J. Moran, care of THEODORE S. COXE, JR., Esquire, 919 Conestoga Road, Building Two, Suite 309, Rosemont, PA 19010-1353, Executrix. THEODORE S. COXE, JR., Esquire, 919 Conestoga Road, Building Two, Suite 309, Rosemont, PA 19010-1353, atty.

**MULL**, Thomas Dissinger, a/k/a Thomas D. Mull, late of East Goshen Township. Bryn Mawr Trust Company, care of JOSEPH A. BELLINGHERI, Esquire, 17 West Miner Street, West Chester, PA 19382, Executor. JOSEPH A. BELLINGHERI, Esquire, MacElree Harvey, LTD, 17 West Miner Street, West Chester, PA 19382, atty.

**PFEIFFER**, George F., late of East Whiteland Township. Karen Resendiz, care of JOHN F. CORDISCO, Esquire, 900 Northbrook Drive, Suite 120, Trevoise, PA 19053, Executrix. JOHN F. CORDISCO, Esquire, Cordisco & Saile LLC, 900 Northbrook Drive, Suite 120, Trevoise, PA 19053, atty.

**RYAN**, Stella, late of West Vincent Township. Cheryl R. Rorke and Robert E. Ryan, Jr., care of BRUCE A. HERALD, Esquire, 120 John Robert Thomas Drive, Exton, PA 19341, co-Executors. BRUCE A. HERALD, Esquire, Bruce Alan Herald, A Professional Corporation, 120 John Robert Thomas Drive, Exton, PA 19341, atty.

**SPRENKLE**, Dorothy Patricia, a/k/a Dorothy Sprenkle, a/k/a Dorothy P. Sprenkle, late of Phoenixville. George F. Sprenkle, 1914 Firethorn Lane, Villanova, PA 19085 and Janice A. O'Brien, 200 Sommers Road, Oley, PA 19547, Administrators.

**STOCK**, Robert J., late of East Goshen Township. Gregory E. Stock, care of MICHAEL S. DINNEY, Esquire, 919 Conestoga Road, Ste 3-114, Bryn Mawr, PA 19010, Executor. MICHAEL S. DINNEY, Esquire, Shea Law Offices, 919 Conestoga Road, Ste 3-114, Bryn Mawr, PA 19010, atty.

**WASSERLEBEN**, Steven Craig, late of Coatesville. Bernadene Wasserleben, 88 Timacula Road, Coatesville, PA 19320, Executrix. 9380, 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*

An application for registration of the fictitious name Photo Image Creation Service, 285 N. Guernsey Rd., West Grove, PA 19390-1028 has been filed in the Department of State at Harrisburg, PA, File Date 03/14/2020 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Joseph Dixon, 285 N. Guernsey Rd., West Grove, PA 19390-1028.

**Transportation Technology**, with its principal place of business at 633 Jeffers Circle, Bldg. A, Exton, PA 19341. The application has been (or will be) filed on: Thursday, April 30, 2020. The name(s) and address(es) of the individual(s) or entity(ies) owning or interested in said business: Globe-Connect, LLC, 633 Jeffers Circle, Bldg. A, Exton, PA 19341.

Stuart J. Magdule, Esquire  
Smigel, Anderson & Sacks, LLP  
4431 North Front Street, 3rd Floor  
Harrisburg, PA 17110

**3rd Publication of 3****TRUST NOTICE**

Notice of the death of Helen L. Lutz, late of Penn Township, Chester County, Pennsylvania, Settlor of The Edward C. Lutz and Helen L. Lutz Revocable Living Trust, Dated 7/31/2000 is hereby given. All persons indebted to said Trust are requested to make prompt payment and those having claims to present the same, without delay to:

**Successor Trustee:** Regina M. Waters  
**c/o Attorney:** David A. Peckman  
Peckman Chait LLP  
29 Mainland Road  
Harleysville, PA 19438

---

**1st Publication of 3****TRUST DEATH NOTICE**

TRUST OF JACQUELINE BOHLENDER, late of Elverson Borough, deceased.the same, without delay to:

Jacqueline Bohlender having passed on February 10, 2020 with Letters Testamentary pending and a Trust administered by Bank of America, Trustee. All persons having claims or demands against the Trust of the said decedent are requested to make known the same without delay to:

Trustee: Bank of America, NA  
Darlene Leakeas, Trust Officer  
One Town Center Road, Suite 701  
Boca Raton, FL 33486

---