

# FAYETTE LEGAL JOURNAL

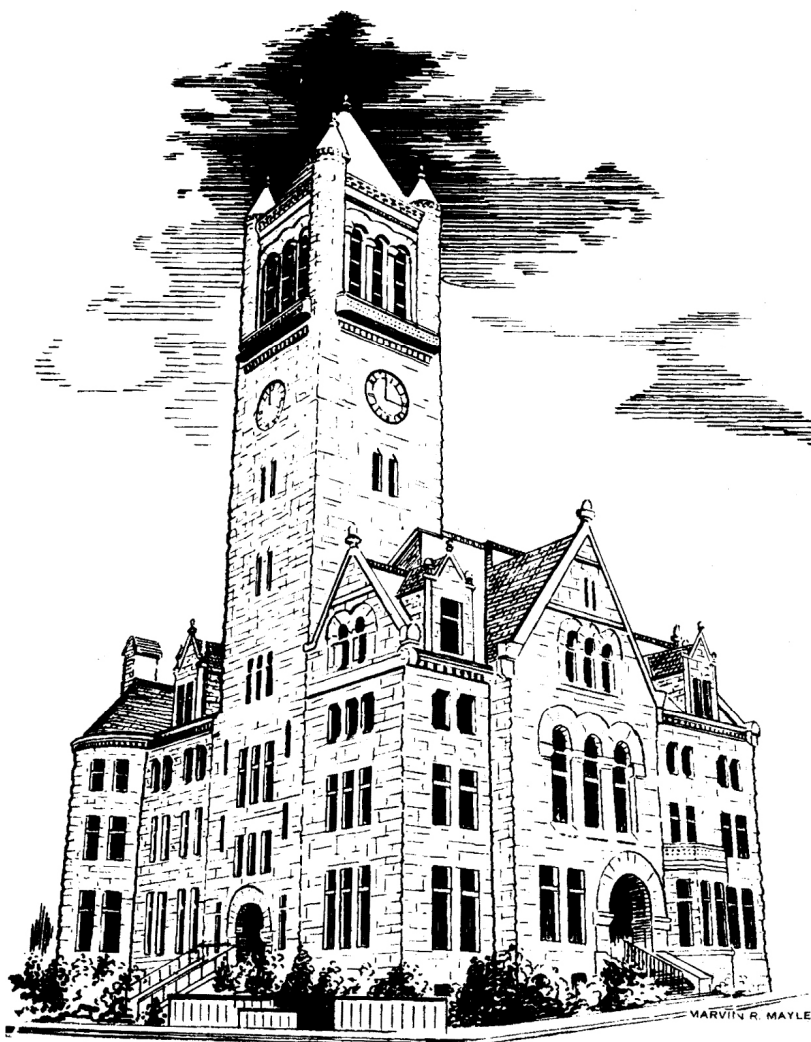
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## FAYETTE LEGAL JOURNAL

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Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on November 4, 2025, 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 WATERVIEW TRAIL GROUP LLC, having an address of 210 Ridge Road, Pittsburgh, Pennsylvania 15238

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IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA

PLANET HOME LENDING, LLC

Plaintiff,

vs.

KATHERINE R. ULERY

MELMO INC. LLC

Defendants.

NO. 2044 of 2024 GD

TO: Katherine Ulery and MELMO Inc. LLC  
NOTICE OF SHERIFF'S SALE OF REAL  
PROPERTY

OWNER(s): Katherine R. Ulery and MELMO  
INC. LLC

PROPERTY: 815 Florence St, La Belle, PA  
15450

Improvements: Residential Dwelling

Judgment Amount: \$130,996.00 plus interest  
from 09/19/2024 to Date of Sale

The above-captioned property is scheduled to be  
sold at the Fayette County Sheriff's Sale on  
January 15, 2026 at 2:00 P.M., located online  
at <https://fayette.pa.realforeclose.com>.

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court. You are warned that if you fail to do so,  
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IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF :  
PENNSYLVANIA :  
v. :  
LAWRENCE SERATTA, JR. : No. 1696 of 2024  
Appellant. : Honorable Judge Linda R. Cordaro

## Linda R. Cordaro, J.

November 21, 2025

## SUMMARY

Appellant, Lawrence Seretta, Jr. was tried before this court in a jury trial and found guilty of: Aggravated Assault- Victim Less Than 13 and Defendant 18 or Older; Endangering Welfare of Children- Parent/ Guardian/ Other Commits Offense, Recklessly Endangering Another Person; Manufacture, Deliver or Possession with Intent to Manufacture or Deliver; 3 counts of Possession of a Controlled Substance. The appellant was sentenced to seven to fourteen years of incarceration. He now appeals his conviction.

## PROCEDURAL BACKGROUND

The appellant was arrested following an incident that occurred on September 5, 2024, in the city of Connellsville, Fayette County, Pennsylvania. As a result of the incident, he was charged with seven counts: 1) Aggravated Assault- Victim Less than 13-18 Pa.C.S.A. § 2702 §§(a)(9); 2) Endangering Welfare of Children- Parent Commits Offense-18 Pa.C.S.A. § 4304 §§(a)(1); 3) Recklessly Endangering Another Person- 18 Pa.C.S.A. § 2705; 4) Manufacture, Deliver, or Possession with Intent to Manufacture or Deliver 35 Pa.C.S.A. § 780-113 §§(a)(30); 5) Intentional Possession of Controlled Substance, Heroin- 35 Pa.C.S.A. § 780-113 §§(a)(16); 6) Intentional Possession of Controlled Substance, Cocaine- 35 Pa.C.S.A. § 780-113 §§(a)(16); 7) Intentional Possession of Controlled Sub-stance, Methamphetamine- 35 Pa.C.S.A. § 780-113 §§(a)(16). A criminal jury trial was held before the undersigned on June 2 through June 3, 2025.

At the conclusion of trial, the appellant was found guilty on all charges and was sentenced on August 15, 2025, to seven to fourteen years incarceration. He filed a post sentence motion on August 28, 2025, which was denied. The appellant filed a timely Notice of Appeal on September 25, 2025. On that same day, the undersigned entered an order directing the appellant to file a Statement of Errors Complain<sup>ed</sup> of within twenty-one days. The appellant filed a timely concise statement on October 16, 2025, raising three issues. The Court submits the 1925(b) Opinion in Support of its Order.



## FACTUAL BACKGROUND

On September 5, 2025, the appellant and his friend Blake Coliny, purchased a brick of heroin from an individual at a nearby residence, located just down the street from the appellant's home. The two men walked from the appellant's home, located at 104 Porter Avenue, Connellsville, Fayette County, Pennsylvania to the residence while the appellant pushed a stroller occupied by his eighteen-month-old son, L.S. The appellant did purchase the brick, which consisted of approximately fifty stamp baggies of heroin that were individually packaged in stamp baggies and bundled.

The appellant, Mr. Coliny and L.S. returned to the appellant's residence at 104 Porter Avenue, with the heroin. Once home, the appellant snorted heroin and Mr. Coliny injected heroin. After injecting himself, Mr. Coliny began to "nod off," and dropped some number of stamp baggies onto the floor. The appellant attended to Mr. Coliny and directed his attention to Mr. Coliny and away from J.S., who was nearby, inside the home.

During the commotion, J.S. picked up one of the baggies on the floor, put it in his mouth, bit into the bag and ingested heroin. The appellant then noticed that J.S. had a baggie in his mouth. The appellant removed the baggie from L.S.'s mouth and placed the bitten baggie into the kitchen sink. Id. Thereafter, J.S. became unconscious and unresponsive as a result of having ingested heroin, and the appellant called 911.

Multiple police officers were first to arrive at the scene on a report of a young child in cardiac arrest. Upon arrival, the officers observed L.S. lying unresponsive accompanied by the appellant in the yard outside of the residence. The appellant admitted to the responding officers that L.S. ingested heroin belonging to the appellant, while in the appellant's supervision. The child was overdosing on heroin at this time. As an emergency, life-saving measure, a police officer administered Narcan before the EMS arrived to administer further care. L.S. was then life flighted to Children's Hospital of Pittsburgh for further treatment. EMS paramedics had to perform multiple lifesaving medical interventions during their treatment at the scene and during transport to the hospital. L.S. was treated for his injuries at the intensive care unit and, according to medical testimony, he has fully recovered from the incident.

## ISSUES ON APPEAL

1. DID THE COMMONWEALTH FAIL TO PRESENT SUFFICIENT EVIDENCE TO PROVE BEYOND A REASONABLE DOUBT THAT APPELLANT COMMITTED THE OFFENSES OF AGGRAVATED ASSAULT, ENDANGERING THE WELFARE OF A CHILD, AND POSSESSION WITH INTENT TO DELIVER?
2. WAS IT AN ERROR TO ALLOW THE COMMONWEALTH'S MEDICAL EXPERT TO TESTIFY ABOUT THE CHILD'S MEDICAL DIAGNOSIS WHEN THAT EXPERT HAD NO FIRSTHAND KNOWLEDGE OF THE CHILD'S INJURIES?

### 3. WAS IT A VIOLATION OF THE CONFRONTATION CLAUSE OF THE U.S. CONSTITUTION TO ALLOW THE COMMONWEALTH'S MEDICAL EXPERT TO TESTIFY BASED SOLELY ON THE HEARSAY OF MEDICAL REPORTS AUTHORED BY THIRD PARTIES?

#### DISCUSSION

The appellant's first issue challenges the sufficiency of evidence for the crimes of aggravated assault (count 1), endangering the welfare of a child (count 2), and possession with the intent to deliver (count 4). The appellant's concise statement does not specify which elements were not supported by sufficient evidence; it merely lists the crimes- Aggravated Assault, Endangering the Welfare of a Child, and Possession with the Intent to Deliver.

To sustain a challenge to the sufficiency of evidence, which is a question of law, an appellant must show that the Commonwealth failed to produce evidence that establishes each material element of the crime charged, and the omission thereof beyond a reasonable doubt. *Commonwealth v. Widmer*, 744 A.2d 745, 751 (Pa. 2000). The standard of review is "whether, viewing all the evidence in the light most favorable to the Commonwealth as verdict winner, a jury could find every element of the crime beyond a reasonable doubt." *Commonwealth v. Bryant*, 574 A.2d 590, 592 (Pa. 1990). The deference to the credibility determinations and fact-finding of the trial court is such that a conviction will be unable to stand only if the "entire body of evidence introduced at trial which furnished the basis for an appellant's conviction is so deficient that it does not reasonably support a finding of guilt beyond a reasonable doubt, as a matter of law." In *Int. of J.B.*, 189 A.3d 390, 408 (Pa. 2018).

The record clearly demonstrates that the Commonwealth presented sufficient evidence at trial to prove beyond a reasonable doubt that the appellant committed count one, aggravated assault. The elements of Aggravated Assault- Victim Less Than 13 are: (1) The Defendant intentionally, knowingly or recklessly causes (2) serious bodily injury to a child less than 13 years of age; (3) by a person 18 years of age or older. 18 Pa.C.S.A. § 2702 §§ (a)(9). The jury heard the credible, detailed testimony of multiple first responders including police officers and paramedics, expert medical testimony, and testimony of the appellant. The physical evidence submitted including body camera footage, photographs as well as witness and expert testimony were clearly sufficient for a jury to convict the appellant of aggravated assault.

Noah Hough, police officer with the City of Connellsville Police Department testified that on the day of the incident, he was dispatched to the appellant's home at 104 Porter Avenue in the city of Connellsville on a report of an unresponsive 18-month-old child. N.T. pg. 35. Officer Hough arrived on scene and observed L.S. laying on his back, listless and unresponsive. *Id.* He observed the child being administered Narcan by another officer, after which the child began agonal, gasping breathing. N.T. pg. 34. He and Detective Patton spoke with the appellant who stated that he was inside the home with Mr. Coliny and a stamp bag of heroin fell out of Mr. Coliny's pocket, and the child ingested it. *Id.* at 38-39. Upon search of the house, he found a "multitude of marked stamp bags," and a spoon covered with white residue. *Id.* at 40-41.

Patrolman Ryan Layton with the City of Connellsville Police Department testified that when he arrived at the scene, the child was laying lifeless on the ground. N.T. pg. 45. Patrolman Layton administered 4 milligrams of Narcan to which the child began to respond, positively. The Narcan revived the child, and he began to breathe though with difficulty, and opened his eyes. Id. at 45, 48.

Sergeant Bryan Kendi of the Connellsville Police Department testified that he responded to a 911 call on a report of an unconscious juvenile with a possible overdose. N.T. pg. 55. He arrived at the scene and observed L.S. laying listless on the ground. Id. at 56. The child was administered Narcan and began breathing again, though still seemingly unconscious. Id. A baggie of heroin was found in the sink which he believed had been the baggie ingested by the child. N.T. pg. 57. Sergeant Kendi also observed several other stamp bags on the kitchen countertop and floor as well as a syringe. Id. at 58. He authenticated photographs of the heroin baggies which were admitted into evidence. Id. A brown box containing suspected cocaine, methamphetamine and a smoking device were found in the home. Id. at 63. Sergeant Kendi testified that baggies of heroin were located on the floor in the home. Id. at 66. He testified that the petitioner admitted that the child ingested a stamp bag and showed the police the chewed stamp bag. N.T. pg. 68.

Matthew McKnight, paramedic with Fayette EMS testified that he arrived on scene and observed the child lying in the front yard of the appellant's home, on his right side, and "was unresponsive with snoring type gurgling respirations." N.T. pg. 71. Mr. McKnight carried the child to the ambulance. Id. The child had, at that point, already been administered Narcan and was breathing, but unresponsive. Id. The paramedics administered additional Narcan, and the child immediately woke up and began crying. N.T. pg. 77. He testified that he believed the child had suffered an opioid overdose. N.T. pg. 78. The ambulance transported the child to a life flight helicopter landing zone to be transported to a hospital. N.T. pg. 82.

Dale Barnhart, paramedic at Fayette County EMS testified regarding the emergency medical treatment administered to the child. Mr. Barnhart testified that the child was breathing agonally, gasping for air. N.T. pg. 85. The paramedics provided assisted breathing, and the child received two separate doses of Narcan- one by the police and later, one by the paramedics. Id. at 86. The second was necessary as L.S. was unresponsive and in critical condition. Id. Paramedic Barnhart testified that based on his treatment of the child and the child's reaction to Narcan, he believed the child had overdosed on heroin. Id. at 88. Mr. Barnhart testified:

Q: What happened next?

A: All right. So at that point the patient responded to painful stimulus after the initial does of Narcan.

Q: What is, what was that stimulus?

A: It was the pushing of the medication which would cause severe pain response... in the case of this patient, waking up.

Id. at 90. L.S.'s heart began to slow, and he was slipping out of consciousness, during transport. N.T. pg. 94. He testified that paramedics had to perform multiple lifesaving medical interventions. N.T. pg. 95. L.S. was air transported to Children's Hospital of

Pittsburgh for further treatment.

Detective Thomas Patton with the City of Connellsville Police Department testified that he responded to the scene on a call that a one-year-old child was in cardiac arrest and possibly ingested heroin. N.T. Vol. 2, pg. 8. Upon arrival, he observed the child laying in the front yard of appellant's home and observed the child to be unresponsive with shallow breathing. Id. at 9-10. Officer Patton testified that upon inquiry, the appellant admitted that he had removed a stamp bag of heroin from the child's mouth and the child had likely ingested the heroin therein. Id. at 10. The EMS had not yet arrived, and the child was losing consciousness and at imminent risk of death. Id. After some deliberation with other police officers on the scene, the child was administered four milliliters of Narcan. Id. at 12. The child responded, positively, within seconds after the Narcan was administered. Id. at 13. He testified that EMS then arrived and began to administer additional treatment. Id. at 14. Detective Patton observed the stamp heroin bag located in the sink that was removed from the child's mouth with bite marks, and that bag was collected into evidence. N.T. Vol. 2, pg. 14-15.

Detective Patton interviewed the appellant, and the appellant told him that he and Mr. Coliny took the child up to 214 East South Street where he and Mr. Coliny purchased a brick of heroin, consisting of fifty stamp bags. Id. at 40. The appellant stated that he and Mr. Coliny returned to his home and the appellant snorted heroin and Mr. Coliny injected heroin. Id. at 45. Mr. Coliny began to "nod," during which time the stamp bags of heroin he had on him fell onto the floor. The child put one of the bags into his mouth and ingested heroin. The appellant then called 911. Id. at 46.

The jury heard a reading from the transcript of a recording of a phone call placed from the Fayette County Jail between the appellant and an unidentified female wherein the appellant admitted, "[I]like I really fucked up and I know that," and admitted that the child could have died during the incident. N.T. Vol. 2, pg. 61, 62. He stated "I can't admit in court anything. I am not going to come out in court and be like, yeah, I did this, I did that. . . I was running somebody out of my house that was robbing shit that led to him picking that up." Id. at 63. He admitted that "I am guilty of the drugs, and I admit to everything that I had, the drugs, and I bought, I brought the drugs into the house. I am guilty of that." Id.

The jury heard testimony from Dr. Michelle Clayton, physician at Children's Hospital of Pittsburgh. Dr. Clayton testified as an expert in the field of child abuse pediatrics. N.T. Vol. 2, pg. 84. She was consulted by the intensive care unit at the children's hospital for concerns of child abuse and neglect. Id. at 86. Dr. Clayton reviewed the child's medical records and performed a physical examination including a comprehensive urine drug screen which tested positive for cocaine, fentanyl, and morphine metabolites and xylazine, a veterinary tranquilizer which is a contaminant that is often mixed into illicit drugs. Id. at 94. She testified that heroin metabolizes into morphine. Id. Dr. Clayton testified, in her expert opinion there was supervisory neglect due to the presence of cocaine and heroin and their metabolites in the child's urine, and the case is classified as a near fatality. Id. at 102. She testified that the child absolutely could have died as a result of the ingestion of the illicit substances, Id. at 103.

The jury heard testimony from the appellant, who admitted that on the night of the incident he took L.S. with him when he and Mr. Coliny purchased a brick of heroin at a nearby residence, down the street from his home. N.T. Vol. 2, pg. 117. He testified that when they returned back to the home, he snorted a bag of heroin in the kitchen and put the child to bed. Id. When he returned, he testified that Mr. Coliny was slumped over and nodding after injecting heroin Id. at 119. He testified that Mr. Coliny dropped some bags of heroin on the floor and he attempted to wake Mr. Coliny. Id. at 120. He then observed L.S. with a bag of heroin in his mouth. Id. at 121. The child became unconscious, and the appellant called 911. Id. at 122. He acknowledged that he had a legal duty of protection and care to L.S. Id. at 132. He testified that he believed heroin, fentanyl, methamphetamine and cocaine are dangerous substances to have in the presence of a child: Id. at 133. He acknowledged that all the seized items in his home were his except for the syringe which belonged to Mr. Coliny. Id. at 137. He did not deny that L.S. ingested and had heroin, fentanyl and xylazine in his system. Id. at 139. Clearly, the jury was presented sufficient evidence to support a conviction of aggravated assault beyond a reasonable doubt.

The appellant also challenges whether the Commonwealth presented sufficient evidence at trial for the jury to convict him of count two, recklessly endangering the welfare of children. The elements of Endangering the Welfare of Children, charged as a felony are (1) a supervising parent; (2) knowingly endangers the child; (3) by violating a duty of care, protection or support. 18 Pa.C.S.A. § 4304 §§(a)(l). If, in the commission of the offense under subsection (a)(1), the actor created a substantial risk of death or serious bodily injury, the offense constitutes a felony of the third degree. 18 Pa.C.S.A. § 4304 §§(a)(1)(iii). The same evidence that the Commonwealth presented to establish that appellant committed aggravated assault was also sufficient to establish that the appellant recklessly endangered the welfare of his child, L.S.

The final insufficiency challenge in issue one is to count four, possession with intent to deliver. To sustain a conviction for possession of a controlled substance with intent to deliver, the Commonwealth must establish that the defendant knowingly possessed a controlled substance with the intent to manufacture, distribute, or deliver it. Commonwealth v. Dix, 207 A.3d 383 (Pa. Super. 2019).

Regarding the possession with intent to deliver charge, the jury heard testimony from Detective Patton, a detective with the Connellsville Police Department with seventeen years' experience. He testified that during that time, he has been involved with the drug task force and has participated in thousands of drug investigations. N.T. Vol. 2, pg. 23. Detective Patton was recognized by the Court as an expert in drug trafficking and drug investigations. Id. at 28. Defense counsel did not object or further inquire about his qualifications. Id. at 28.

Detective Patton secured and executed a search warrant at appellant's home N.T., Vol. 2, pg. 14-15. He described, in detail, the drugs and drug paraphernalia seized in the home. A large number of stamp heroin bags were found throughout the home, including forty-three stamp bags located in the sink. Id. at 35. A used bag of heroin was located as well as a used syringe, smoking device, and suspected cocaine and methamphetamine. Id. at 18. The stamp heroin bag that was ingested by the child had the same markings as the other heroin found in the home. Id. at 19.

A sum of cash with a suspected "owe sheet"- piece of paper with names and dollar amounts written on it was also found in the appellant's home. Id. Detective Patton testified that in his experience, he recognized the owe sheet as an indication of the sale of illegal drugs. Id. at 29. He testified that the appellant was the only known resident of the searched premises, 104 Porter Avenue. N.T. Volume 2, pg. 18. Detective Patton testified that, based on his expertise and within a reasonable degree of certainty, the appellant possessed the narcotics found in his home with the intent to deliver. Id. at 30. He testified that the appellant was read his Miranda rights and placed under arrest. Id.

Clearly, based on the plethora of evidence including Detective Patton's expert testimony, a jury could reasonably find that the petitioner was guilty of possession with the intent to deliver beyond a reasonable doubt.

The second concise issue claims it was an error to allow the Commonwealth's medical expert to " ... TESTIFY ABOUT THE CHILD'S MEDICAL DIAGNOSIS WHEN THAT EXPERT HAD NO FIRSTHAND KNOWLEDGE OF THE CHILD'S INJURIES." See Concise Issues. Commonwealth medical expert, Dr. Michelle Clayton is a board-certified ex-pert in child abuse pediatrics. She obtained the board certification after completing training or residence as a general pediatrician in 2003 followed by a period of specialized training, or fellowship in child abuse pediatrics. N.T. Vol. 2, pg. 85. Dr. Clayton was recognized by the Court as an expert in the field of child abuse pediatrics. Id. When given the opportunity to challenge Dr. Clayton's qualifications via cross-examination, counsel for the appellant declined to ask any questions. Id.

Dr. Clayton was consulted on September 6, 2024, the day after the subject incident, by the intensive care unit at the Children's Hospital of Pittsburgh. Id. On that day she performed an in person, bedside evaluation at the intensive care unit. Id. at 87. She observed the child, in person, and performed a physical examination, as well as reviewed diagnostic imaging studies, urine drug analysis, and medical record from the EMS and hospital stemming from the incident. Id. at 91. Clearly, the appellant's argument that Dr. Clayton had no first-hand knowledge of L.S.'s injuries is without merit as she evaluated the child, in person, the day after the incident, while he was still in the intensive care unit. While there she performed a physical examination and reviewed all relevant medical records to form the basis of her diagnosis.

Finally, the appellant claims it was a violation of the Confrontation Clause of the U.S. Constitution to allow the Commonwealth's medical expert to testify "BASED SOLELY ON THE HEARSAY MEDICAL REPORTS AUTHORED BY THIRD PARTIES" See Concise Issues. In Pennsylvania, business records are admissible as evidence under the hearsay exception, if they were made at or near the time of the event by someone with knowledge, kept in the court of a regularly conducted business activity, and were a regular practice of that business. Pa.R.Evid. Rule 803(6). In the Commonwealth, medical records fall squarely within the business records hearsay exception in Rule 803 (6). Commonwealth v. Xiong, 630 A2d 446 (Pa. Super. 1993). Medical records may be admitted without affording the appellant the opportunity to cross-examine the physician who prepared the report. Id. This is not violative of a defendant's constitutional right to confrontation and cross-examination as provided in the United States Constitution, Amendment VI and the Pennsylvania Constitution, Article I, Section 9. Id. at 453. Thus, the Court finds the appellant's argument- that it was improper to allow the Common-

wealth's medical expert, Dr. Clayton, to rely on medical records from other providers in making her diagnosis- to be meritless and contrary to controlling case law.

### CONCLUSION

For the foregoing reasons, it is respectfully submitted that the judgment and sentence of Appellant, Lawrence Seratta, should be AFFIRMED.

BY THE COURT:  
Linda R. Cordaro, Judge

ATTEST:  
Clerk of Courts

Dated: November 21, 2025

ANNUAL MEMBERSHIP MEETING

The Annual General Membership meeting of the Fayette County Bar Association will be held on Wednesday, December 17, 2025, at 12:00 pm at the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. Members are invited to present topics of concern or interest to the Association.

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Interested candidates should e-mail a cover letter, resume, supporting documentation to:

Somerset County Human Resources Director, Michelle Graham  
[grahamm@somersetcountypa.gov](mailto:grahamm@somersetcountypa.gov)

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