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SHERIFF'S SALE

AUG 5TH SALE CONTINUED TO:

IN PURSUANCE of a Writ of Execution, Judgment No. 11-S-0308 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 7th day of October 2011, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

SHORT DESCRIPTION

By virtue of Writ of Execution
No. 11-S-0308

U.S. BANK NATIONAL ASSOCIATION

vs.

CLAUDE E. CARMAN

211 SCHOOL HOUSE HILL ROAD

FAYETTEVILLE, PA 17222

FRANKLIN TOWNSHIP

Parcel No.: 12-110-7A

IMPROVEMENTS THEREON:
RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$66,637.24

Attorneys for Plaintiff

PURCELL, KRUG & HALLER

717-234-4178

SEIZED and taken into execution as the property of **Claude E. Carman** and to be sold by me.

James W. Muller-Sheriff
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on October 28, 2011, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale date.

As soon as the property is declared sold to the highest bidder, 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

8/5, 12 & 19

CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on May 18, 2011, the Petition of Keith Ryder, was filed in the Court of Common Pleas of Adams County, Pennsylvania, requesting an Order be entered to change the name of Keith Ryder to Keifer Ryder Rogers.

The Court has scheduled a hearing on the Petition to be held on September 9, 2011, at 8:30 o'clock a.m. in the assigned Courtroom of the Adams County Courthouse, Gettysburg, Pennsylvania when and where all interested parties may appear and show cause, if any, why the relief requesting in the Petition should not be granted.

Matthew R. Battersby, Esq.
Battersby Law Office
P.O. Box 215
Fairfield, PA 17320
717-642-6260

8/19

NOTICE

NOTICE IS HEREBY GIVEN that W. SCOTT SANDUSKY, ESQUIRE, intends to apply in open court for admission to the Bar of the Court of Common Pleas of Adams County, Pennsylvania, on the 7th day of October 2011, and that he intends to practice law as an Assistant Public Defender in the Office of the Public Defender, County of Adams, 23 Baltimore Street, Gettysburg, Pennsylvania.

8/19, 26 & 9/2

COMMONWEALTH VS. ADAMS

1. When a trial court is impeded in its preparation of a legal analysis due to an appellant's failure to identify the issues raised on appeal, the issues are deemed waived.

2. When the appellant provides a concise statement which is too vague to allow the trial court an opportunity to identify the issues raised on appeal, he/she has provided the functional equivalent of no Concise Statement at all.

3. In the absence of extraordinary circumstances, the failure to file a timely motion challenging the validity of a guilty plea will constitute a waiver of the issues which might have been raised therein and will bar consideration of the validity of the plea on appeal.

In the Court of Common Pleas of Adams County, Pennsylvania,
Criminal, No. CP-01-CR-492-2010, COMMONWEALTH OF
PENNSYLVANIA VS. TROY LYNN ADAMS.

Shawn C. Wagner, Esq., District Attorney, for Commonwealth
Kristin L. Rice, Esq., Public Defender, for Defendant
George, J., March 17, 2011

OPINION PURSUANT TO Pa. R.A.P. 1925(a)

By Criminal Complaint dated May 5, 2010, Appellant, Troy Lynn Adams, was charged with two counts of failure to comply with registration of sexual offender requirements, 18 Pa. C.S.A. § 4915. Following preliminary arraignment, Appellant was released on unsecured bail. On August 23, 2010, Appellant entered a counseled plea of guilty to a single count of the charges against him. Sentencing was scheduled for November 22, 2010. As the plea was entered without any sentencing agreement, the Court directed that a pre-sentence investigation be completed.

On November 22, 2010, the Appellant appeared for sentencing. Prior to sentencing, however, he moved to withdraw his guilty plea alleging a fair and just reason for doing so. Appellant's request was granted as the Commonwealth was unable to establish any prejudice. The Appellant was placed on the trial term for the term commencing January 24, 2011. Additionally, Appellant's bail was modified to reflect that it was set in the amount of \$2,000 cash. The modification was based upon Appellant being charged in York County for a second violation of failure to comply with registration of sexual offender requirements, 18 Pa. C.S.A. § 4915, while on bail in this jurisdiction. At the time he was produced before this Court, Appellant was in custody in York County based upon the new charges.

On January 10, 2011, Appellant appeared with counsel and once again entered a plea of guilty to a single count of the charges against him. Once again, the Appellant's plea was entered without agreement. Following the guilty plea, the matter immediately proceeded to sentencing as the Court had access to the pre-sentence investigation which had previously been completed at the time of Appellant's first guilty plea. Following review of the pre-sentence investigation, and after taking into account the comments of counsel and the Appellant, Appellant was sentenced to serve no less than 21 months nor more than 48 months in a State Correctional Institution. The sentence imposed was at the very bottom of the standard Sentencing Guidelines.¹

Appellant did not file post sentence motions. However, on February 9, 2011, Notice of Appeal was filed with the Superior Court. On February 10, 2011, Appellant was directed to file a Concise Statement of Matters Complained of on Appeal within 21 days of the date of the Order in compliance with Pa. R.C.P. 1925. The Order advised Appellant that failure to file such an answer will result in waiver of all issues.

In response to the Court Order, Appellant raises no specific issues, however, includes a rambling correspondence from Appellant to counsel. Additionally, the Concise Statement includes a claim by counsel that Appellant "appears to be asserting his innocence and a mental health defense, hence an unknowing and involuntary guilty plea."

Initially, I note that the information in the Concise Statement is insufficient to permit this Court to offer meaningful comment. When a trial court is impeded in its preparation of a legal analysis due to an appellant's failure to identify the issues raised on appeal, the issues are deemed waived. *Commonwealth v. McCree*, 857 A.2d 188, 192 (Pa. Super. 2004). "[W]hen the appellant provides a concise statement which is too vague to allow the trial court an opportunity to identify the issues raised on appeal, he/she has provided 'the functional equivalent of no Concise Statement at all.'" *Id.* citing *Commonwealth v. Dowling*, 778 A.2d 683, 686 (Pa. Super. 2001). Moreover, when the trial court has to guess what issues an appellant

¹ The pre-sentence investigation indicated that Appellant had an offense gravity score of eight and a prior record score of four resulting in a minimum standard guideline range of 21-27 months.

is raising, that is not enough for a meaningful review. *Commonwealth v. Cannon*, 954 A.2d 1222, 1228 (Pa. Super. 2008). Instantly, the Appellant's Concise Statement not only requires the Court to guess as to the issues intended to be raised by the Appellant, but also asks the Court to guess as to counsel's guess as to the intended issues. Under these circumstances, waiver is appropriate.

Even if counsel's speculation as to the intended issue is correct, a finding of waiver is still appropriate. As indicated, counsel speculates that Appellant wishes to challenge his guilty plea as being unknowingly and involuntarily entered. Appellant, however, has failed to file post sentence motions challenging the validity of his guilty plea. In the absence of extraordinary circumstances, the failure to file a timely motion challenging the validity of a guilty plea will constitute a waiver of the issues which might have been raised therein and will bar consideration of the validity of the plea on appeal. *Commonwealth v. Martinez*, 539 A.2d 399 (Pa. Super. 1988).

Instantly, following the imposition of sentence, the Appellant was advised both orally and in writing of his right to file post sentence motions including a challenge to the validity of his plea. He was also advised that failure to file those motions would result in waiver of any such challenges. Since this Court has not had the opportunity to consider the merits of his claim, the claim is waived. Appellant's recourse, if any, is through post conviction petition under the Post Conviction Relief Act, 42 Pa. C.S.A. § 9541 et seq.

Therefore, it is respectfully requested that the appeal in this matter be quashed.

ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION**ESTATE OF KIMBERLEE JOANNE LEISTER COX, DEC'D**

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Administrator: Joanne Leister, 22 Deer Trail, Fairfield, PA 17320

Attorney: John J. Murphy III, Esq., Patrono & Associates, LLC, 28 West Middle Street, Gettysburg, PA 17325

ESTATE OF SARAH R. FUSS, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Personal Representative: John M. Fuss, 76 E. Broadway, Gettysburg, PA 17325

Attorney: G. Steven McKonly, Esq., 119 Baltimore Street, Hanover, PA 17331

ESTATE OF DONALD L. HALL a/k/a DONALD LESTER HALL, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Ralph N. Hall, c/o Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

Attorney: Douglas H. Gent, Esq., Law Offices of Douglas H. Gent, 1157 Eichelberger Street, Suite 4, Hanover, PA 17331

ESTATE OF MEILE HORJUS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administratrix c.t.a.: Sandra S. Kehr, 440 Kuhn Fording Rd., East Berlin, PA 17316

Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF JAMES S. KRICHTEN, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Executors: James S. Krichten, Joan M. Riley and Kay Noble, c/o James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

Attorney: James T. Yingst, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

SECOND PUBLICATION**ESTATE OF PATRICIA A. JOYNER, DEC'D**

Late of the Borough of Littlestown, Adams County, Pennsylvania

Executor: Earl W. Joyner, 287 S. Columbus Ave., Littlestown, PA 17340

THIRD PUBLICATION**ESTATE OF THELMA W. BLOCHER, DEC'D**

Late of Menallen Township, Adams County, Pennsylvania

Co-Executors: Jeanne A. Bunty, 796 Mt. Tabor Rd., Gardners, PA 17324; Timothy E. Willman, 3 Clear Spring Rd., Dillsburg, PA 17019

Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF FRANCES M. BOLLINGER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executor: Charles W. Knox, 561 SW Whitetail Circle, Lake City, FL 32024

Attorney: Chester G. Schultz, Esq., 145 Baltimore Street, Gettysburg, PA 17325

ESTATE OF E. GEORGE COLEMAN, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Larry D. Coleman, 3286 Carlisle Rd., Gardners, PA 17324

ESTATE OF JAMES THOMAS GIST a/k/a JAMES T. GIST, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Executor: Allen G. Harris, 2627 Charity Way, Hanover, PA 17331

ESTATE OF HELEN M. SMITH, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrices: Helen L. Lentz and Barbara A. Gotwalt, c/o D.J. Hart, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

Attorney: D.J. Hart, Esq., Guthrie, Nonemaker, Yingst & Hart, LLP, 40 York Street, Hanover, PA 17331

ESTATE OF RUTHANNA I. WALLACE, DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania

Co-Executors: Charles B. Wallace II and Suzanne I. Myers, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

ESTATE OF JOAN E. WOLF a/k/a JOAN ELIZABETH WOLF, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executor: Guy Bream, 225 Conewago Road, New Oxford, PA 17350

Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

