

# Adams County Legal Journal

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COMMONWEALTH V. JEREMIE ALAN BAKER



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IN THE COURT OF  
COMMON PLEAS OF  
ADAMS COUNTY, PENNSYLVANIA  
ORPHANS' COURT DIVISION  
NO. RT-2-2016(A)  
RT-3-2016(A)

NOTICE

TO: TABATHA MULLER

You are hereby notified that a Petition for Involuntary Termination of Parental Rights to Child has been filed in the Orphans Court Division of the Court of Common Pleas of Adams County, Pennsylvania. A hearing has been set for May 4, 2016 at 8:30 AM in Courtroom No. 1, Fourth Floor of the Adams County Courthouse, 111-117 Baltimore St., Gettysburg, Adams County, Pennsylvania, for the purpose of determining whether or not statutory grounds exist for the involuntary termination of your parental rights with respect to the children born on September 21, 2011 and September 21, 2012.

You should contact your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Court Administrator  
Adams County Courthouse  
111-117 Baltimore Street  
Gettysburg, Pennsylvania 17325  
Telephone Number 717-337-9846 or  
1-888-337-9846

Melissa Tanguay, Esq.  
Solicitor, Adams County Children and  
Youth Services

4/8, 15 & 22

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Organization—Domestic Limited Liability Company was filed with the Commonwealth of Pennsylvania, Department of State, in Harrisburg, Pennsylvania, on March 8, 2016, under the provisions of the Pennsylvania Limited Liability Company Law of 1994 as amended.

The name of the Limited Liability Company is BUILDING PERFORMANCE SOLUTIONS, LLC.

Building Performance Solutions, LLC has as its purpose the engaging in all lawful business for which limited liability companies may be organized.

Scott J. Strausbaugh, Esq.  
Becker & Strausbaugh, P.C.  
Attorneys for Building Performance  
Solutions, LLC

4/15

NOTICE OF DISSOLUTION

NOTICE IS HEREBY GIVEN that the shareholders and directors of ZEIGLER TRUCKING, INC., a Pennsylvania Corporation, with an address at 230 Main Street, York Springs, Adams County, Pennsylvania, have approved a proposal that the Corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up the affairs of the Corporation under the provisions of §1975 of the Pennsylvania Business Corporation Law of 1988, as amended.

Robert P. Kline, Esq.  
Kline Law Office  
714 Bridge Street  
P.O. Box 461  
New Cumberland, PA 17070  
(717) 770-2540

4/15

## COMMONWEALTH V. JEREMIE ALAN BAKER

1. In order to be found guilty of criminal conspiracy, the Commonwealth must prove beyond a reasonable doubt that the defendant: (1) entered into an agreement to commit or aid in an unlawful act with another person or persons; (2) with a shared criminal intent; and (3) an overt act was done in furtherance of the conspiracy.

2. Even if an explicit or formal agreement to commit a crime cannot be proven, the conduct of the parties and circumstances surrounding their conduct may create a web of evidence establishing the elements of conspiracy beyond a reasonable doubt.

3. The path of prosecution, or non-prosecution, of a defendant's co-conspirators is irrelevant as to the prosecution of a conspiracy defendant; all that is required is proof of elements of conspiracy including the element that the defendant conspired with one or more persons to commit or plan a crime.

4. Pennsylvania law is clear that a defendant could be convicted of conspiracy even though he was the only person charged with the conspiracy.

5. Although it is reasonable to conclude from the trial evidence that the intruder other than Appellant was the more violent of the two and possessed the firearm, this distinction is immaterial. Pennsylvania law is clear that evidence of Appellant's assistance to the other intruder throughout the course of the robbery is sufficient to support a finding of shared intent to facilitate the other's actions.

IN THE COURT OF COMMON PLEAS OF ADAMS  
COUNTY, PENNSYLVANIA, CRIMINAL CP-01-CR-538-2014,  
COMMONWEALTH OF PENNSYLVANIA V. JEREMIE  
ALAN BAKER

Brian R. Sinnett, Esq., for Commonwealth  
Thomas R. Nell, Esq., for Defendant

George, J., March 11, 2016

## OPINION PURSUANT TO PA. R.A.P. 1925(a)

This direct appeal follows jury trial conviction of Appellant, Jeremie Alan Baker, of numerous charges including burglary, 18 Pa. C.S.A. § 3502(a)(1); robbery, 18 Pa. C.S.A. § 3701(a)(1)(ii); and criminal conspiracy to commit robbery, 18 Pa. C.S.A. § 903(a)(1).<sup>1</sup> In his Statement of Matters Complained of on Appeal, Appellant challenges the sufficiency of the evidence in regard to his convictions for robbery and criminal conspiracy. For the reasons set forth below, it is respectfully requested that the appeal be denied and judgment of sentence affirmed.

A claim challenging the sufficiency of the evidence asserts that there is insufficient evidence to support at least one material element of the crime for which appellant has been convicted. *Commonwealth v. Lyons*, 833 A.2d 245 (Pa. Super. 2003). With this standard in mind, each of Appellant's claims will be analyzed separately.

Initially, Appellant claims the Commonwealth presented insufficient evidence to support his conviction of criminal conspiracy to commit robbery. In order to be found guilty of criminal conspiracy, the Commonwealth must prove beyond a reasonable doubt that the defendant: (1) entered into an agreement to commit or aid in an unlawful act with another person or persons; (2) with a shared criminal intent; and (3) an overt act was done in furtherance of the conspiracy. *Commonwealth v. Fisher*, 80 A.3d 1186, 1190 (Pa. 2013). Appellant claims the evidence was insufficient in that the element of planning was not established due to the fact that no other person was charged with the conspiracy. Although it is

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<sup>1</sup> Appellant was originally convicted on December 9, 2014. Sentencing occurred on February 17, 2015. No direct appeal was filed. However, on April 9, 2015, Appellant filed pro se correspondence challenging trial counsel's performance. This Court treated the correspondence as a Post Conviction Relief Petition and appointed P.C.R.A. counsel to represent Appellant. Appointed counsel was further granted opportunity to file an Amended P.C.R.A. Petition in compliance with statutory authority. Thereafter, Amended P.C.R.A. Petition was timely filed which included a claim that trial counsel abandoned Appellant on direct appeal. After pre-hearing conference, this Court conducted hearing on October 19, 2015. By Order dated December 17, 2015, Appellant's P.C.R.A. Petition was granted to the extent trial counsel was ineffective in failing to timely perfect an appeal. Accordingly, Appellant's post sentence rights were reinstated. This direct appeal follows. See *Commonwealth v. Huddleston*, 55 A.3d 1217 (Pa. Super. 2012).

unclear whether Appellant's use of the term "planning" references lack of agreement or lack of a shared criminal intent, it is immaterial as the evidence at trial was overwhelming in regard to these elements.

The victims, owners of a motel in Fairfield Borough, each testified that they were awakened at gunpoint in the middle of the night by two individuals who were shining flashlights in their eyes. The male victim was struck in the head with a large metal flashlight and removed from the bedroom at gunpoint while being directed to take one of the intruders to the location in the motel where the money was secured. The second intruder remained upstairs with the female victim instructing her to lie on the floor and remain there or "she would get hurt." Both victims described a scenario wherein the two intruders were acting in concert with each other.<sup>2</sup> After locating the money, both intruders fled the motel.

Since direct evidence of a person's criminal intent or conspiratorial agreement with other parties is rarely available in conspiracy prosecutions, intent as well as agreement is almost always proven through circumstantial evidence by conduct, relationships, or overt acts on the part of the conspirators. *Commonwealth v. Murphy*, 844 A.2d 1228, 1238 (Pa. 2004). Thus, even if an explicit or formal agreement to commit a crime cannot be proven, the conduct of the parties and circumstances surrounding their conduct may create a web of evidence establishing the elements of conspiracy beyond a reasonable doubt. *Commonwealth v. Ruiz*, 819 A.2d 92, 97 (Pa. Super. 2003).

Instantly, Appellant's coordination of his actions with the second intruder to detain one victim while the other was forced through the residence at gunpoint creates such a web. The fact that the other intruder was unknown at the time of trial and subsequently not charged is of little import. The path of prosecution, or non-prosecution, of a defendant's co-conspirators is irrelevant as to the prosecution of a conspiracy defendant; all that is required is proof of elements of conspiracy including the element that the defendant conspired with one or more persons to commit or plan a crime.

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<sup>2</sup> The factual background recited herein is based upon this Court's trial notes as a transcript of the trial proceedings was not available at the time this Opinion was prepared.

*Commonwealth v. Fremd*, 860 A.2d 515, 521-22 (Pa. Super. 2004). Pennsylvania law is clear that a defendant could be convicted of conspiracy even though he was the only person charged with the conspiracy. *Id.*

Appellant also challenges the sufficiency of the evidence in regard to his conviction for robbery. In order to establish the crime of robbery as charged in this case, the Commonwealth must prove beyond a reasonable doubt that in the course of committing a theft, the defendant threatened another with, or intentionally put another in fear of, immediate serious bodily injury. 18 Pa. C.S.A. § 3701. Appellant claims that evidence at trial was insufficient in that there was a paucity of any evidence that he made any threat of force. Appellant's claim is meritless.

As previously mentioned, two intruders entered the home of the victims in the middle of the night. One victim was struck in the head by a heavy flashlight and led away by gunpoint. The other was forced to the ground with the instruction to lie there or she would be hurt. This instruction followed her observation of the other intruder putting a gun in her husband's face after knocking him to the floor with a flashlight blow to his head and thereafter threatening to shoot him. Although it is reasonable to conclude from the trial evidence that the intruder other than Appellant was the more violent of the two and possessed the firearm, this distinction is immaterial. Pennsylvania law is clear that evidence of Appellant's assistance to the other intruder throughout the course of the robbery is sufficient to support a finding of shared intent to facilitate the other's actions. *Commonwealth v. Everett*, 443 A.2d 1142, 1145 (Pa. 1982). Thus, even assuming Appellant did not carry a weapon, employ threats, or cause physical injury, his assistance to the other intruder is sufficient to support the elements necessary for conviction. *Id.*

For the foregoing reasons, it is respectfully requested that judgment of sentence be affirmed.

## ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary of or 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 RUTH CAROLINE BEARD, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Joe A. Detrick, 23 Longview Road, Seven Valleys, Pennsylvania 17360

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, Pennsylvania 17331

## ESTATE OF DIXIE LEE ELLIOTT, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: Suzanne A. Elliott, 1800 Buchanan Valley Road, Orttanna, PA 17353

Attorney: Teeter, Teeter & Teeter, 108 West Middle Street, Gettysburg, PA 17325

## ESTATE OF GERALD R. KELLER, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Christy L. Stokes, 2636 Emmitsburg Road, No. 34, Gettysburg, PA 17325

Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

## ESTATE OF MARY C. KESSEL, DEC'D

Late of the Borough of Fairfield, Adams County, Pennsylvania

Executor: Douglas C. Kump, 25 McGinley Drive, Fairfield, PA 17320

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF IRIS MARY PARR a/k/a IRIS M. PARR, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Wendy T. Parr, 3236 Old Route 30, Orttanna, PA 17353

## ESTATE OF MARGARET B. SMITH, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Personal Representative: Michael R. Smith, 59 Crestview Lane, Gettysburg, PA 17325

Attorney: Phillips & Phillips, 101 West Middle Street, Gettysburg, PA 17325

## ESTATE OF JANE S. SWOPE a/k/a S. JANE SWOPE, DEC'D

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Co-Executors: Margaret A. Weaver, 211 Stambach Street McSherrystown, PA 17344; Francis E. Swope, Jr., 65 Franklin Drive, Hanover, PA 17331

Attorney: David C. Smith, Esq., 754 Edgegrove Road, Hanover, PA 17331

## ESTATE OF HOWARD H. VANNOY, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Elizabeth V. Bertram, 35 Sabre Circle, Gettysburg, PA 17325

Attorney: David K. James, III, Esq., 234 Baltimore St., Gettysburg, PA 17325

## ESTATE OF JOHN W. WHITE, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Executor: Daniel J. White, 762 Goldenville Road, Gettysburg, PA, 17325

## SECOND PUBLICATION

## ESTATE OF CATHERINE CONNOLLY FITZPATRICK, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Margaret Louise Fitzpatrick, 2855 Telham Court, Hampstead, MD 21074

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

## ESTATE OF MILDRED D. GRZYBOWSKI, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Executor: Conrad J. Grzybowski, Jr., 231 Heritage Drive, Gettysburg, Pennsylvania 17325

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, Pennsylvania 17331

## ESTATE OF ESTHER E. LEPPA a/k/a ESTHER ELIZABETH LEPPA, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executors: Robert L. Leppa, 440 Brickyard Road New Oxford, PA 17350; Donna Slothour, 1701 Taxville Road, Apt. 17C York, PA 17408

Attorney: Crabbs & Crabbs, 202 Broadway, Hanover, PA 17331

## ESTATE OF BEATRICE G. NOBILE, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrices: Adrienne N. Harner, 226 Frederick Street, Hanover, Pennsylvania 17331; Margaret N. Lindsey, 950 Westminster Avenue, Hanover, Pennsylvania 17331

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, Pennsylvania 17331

## THIRD PUBLICATION

## ESTATE OF KATHY J. ADAMS a/k/a KATHY JEAN ADAMS, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Jessica K. Adams or Cameron R. Adams, 4812 Westway Drive, Bethesda, MD 20816

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

## ESTATE OF JOAN E. CAPRAROLA, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Administrator: Stephen D. Caprarola, 11 White Oak Dr., West Grove, PA 19390

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

## ESTATE OF EARL R. MARTZ, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Deborah Anne Strausbaugh, 770 Forest Drive, Abbottstown, PA 17301

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

**THIRD PUBLICATION CONTINUED**

ESTATE OF MARGARET F. REASNER,  
DEC'D

Late of Franklin Township, Adams  
County, Pennsylvania

Executors: David B. Reasner, III and  
Douglas A. Reasner, c/o Jared S.  
Childers, Esq., R. Thomas Murphy &  
Associates, P.C., 237 East Queen  
Street, Chambersburg, PA 17201

Attorney: Jared S. Childers, Esq., R.  
Thomas Murphy & Associates, P.C.,  
237 East Queen Street,  
Chambersburg, PA 17201

ESTATE OF RUTH F. SEITLER a/k/a  
RUTH FAYE SEITLER, DEC'D

Late of the Borough of Littlestown,  
Adams County, Pennsylvania

Co-Executors: Mr. Norris L. Sandridge,  
109 Morning Frost St., Taneytown,  
MD 21787; Mr. William F. Murphy,  
2601 Wilton Court, Westminster, MD  
21158

Attorney: Todd A. King, Esq., Campbell  
& White, P.C., 112 Baltimore Street,  
Suite 1, Gettysburg, PA 17325-2311

ESTATE OF ALOYSIUS J. SMITH,  
DEC'D

Late of Oxford Township, Adams County,  
Pennsylvania

Executrix: Judith A. Smith, 515 Hanover  
Street, New Oxford, Pennsylvania  
17350

Attorney: Elinor Albright Rebert, Esq.,  
515 Carlisle Street, Hanover,  
Pennsylvania 17331