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ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

JOANNE DOMER, late of Connellsville,
Fayette County, PA (3)

Personal Representative: James Domer
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Robert A. Gordon

MARLENE T. SCARRY, late of Connellsville,
Fayette County, PA (3)

Personal Representative: Sean Scarry
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

GAYLE ANN TRIMBLE, a/k/a GAYLE A. TRIMBLE, late of South Union Township,
Fayette County, PA (3)

Personal Representative: Karen L. Trimble
and Barbara J. Rockwell
276 Hopwood-Fairchance Road
Uniontown, PA 15401
c/o Newcomer Law Offices
4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Ewing D. Newcomer

GARY WEASENFORTH, a/k/a GARY LEE WEASENFORTH, late of Uniontown, Fayette
County, PA (3)

Administratrix: Doris Weasenforth
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

ROGER TERRANCE YOUNG, JR., late of
Point Marion, Fayette County, PA (3)

Personal Representatives: Chelsea Ray
Young and Roger T. Young, III
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

Second Publication

CHERYL A. COOKE, late of Upper Tyrone
Township, Fayette County, PA (2)

Executrix: Jennifer L. Wadsworth
2069 Mt. Pleasant Road
Greensburg, PA 15601
c/o Fike, Cascio & Boose
124 North Center Avenue
P.O. Box 431 Somerset, PA 15501-0431
Attorney: Jeffrey L. Berkey

JAMES F. DAUGHERTY, late of South
Connellsville, Fayette County, PA (2)

Executrix: Kathy Walker
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

THOMAS S. PISZCZOR, late of Menallen
Township, Fayette County, PA (2)

Personal Representative: Joseph Piszczor
c/o George & George
92 East Main Street
Uniontown, PA 15401
Attorney: G.T. George

JOHN ROUDABUSH, a/k/a JOHN M. ROUDABUSH, late of Vanderbilt Borough,
Fayette County, PA (2)

Executrix: Lisa Wood
615 6th Avenue
Sutersville, PA 15083
c/o 1747 Rostraver Road
Belle Vernon, PA 15012
Attorney: Megan Kerns

SAVANNAH M. STIMMELL, late of
 Brownsville Borough, Fayette County, PA (2)
Administratrix: Deborah Martelli
 615 Green Street
 Brownsville, PA 15417
 c/o Newcomer Law Offices
 4 North Beeson Boulevard
 Uniontown, PA 15401
Attorney: Ewing D. Newcomer

First Publication

**THERESA J. HOIST, a/k/a THERESA
 JOAN HOIST**, late of German Township,
 Fayette County, PA (1)
Administratrix: Jennifer Huseman
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Gary J. Frankhouser

**ETHEL IRENE SWANEY, a/k/a ETHEL I.
 SWANEY**, late of Georges Township, Fayette
 County, PA (1)
Executrix: Sarah Lynn Rider-Skoric
 c/o Webster & Webster
 51 East South Street
 Uniontown, PA 15401
Attorney: Webster & Webster

**BARBARA WILBURN, a/k/a BARBARA
 GAYLE WILBURN**, late of Henry Clay
 Township, Fayette County, PA (1)
Administratrix: Michele Guthrie
 c/o Higinbotham Law Offices
 68 South Beeson Boulevard
 Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 CIVIL DIVISION
 NO. 2317 of 2023 G.D.
 JUDGE NANCY D. VERNON

JAMES E. FREY, JR., an adult individual
 Plaintiff
 vs.

JAMES R. CRAMER, his heirs, personal
 representatives, successors and/or assigns,
 generally
 Defendant

**TO: JAMES R. CRAMER, his heirs,
 personal representatives, successors and/or
 assigns, generally**

You are hereby notified that James E. Frey, Jr., has filed a complaint at the above number and term in the above-mentioned court in an action to Quiet Title wherein it is alleged that James E. Frey, Jr. is the owner of ALL that certain piece, parcel or lot of land situate in South Union Township, Fayette County, Pennsylvania more particularly identified as Lot vacant situated in Brownfield, Formerly House # 26, Map Reference 34-35-0023/RB 1136-244.

BEING the same premises conveyed to James E. Frey, Jr. by deed of James E. Frey, Sr., a/k/a James E. Frey, a single man, and Cheryl Frey, a single woman, dated August 17, 2022, and recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania in Record Book Volume 3524, page 395.

Said complaint sets forth that Plaintiff is the owner in fee simple of the above-described premises. A complaint was filed for the purpose of barring all of your rights, title and interest or claim in and to all or a portion of said premises.

NOTICE

You are hereby notified that you have been sued in court. If you wish to defend against the claim set forth in the complaint and in the within advertisement, you must take action within twenty (20) days after the last advertisement of this notice by entering a written appearance personally or by attorney and filing if writing with the court your defenses or objections to the claim set forth against you. You are warned that

if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice or any money claimed in the complaint, or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO 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.

**PENNSYLVANIA BAR ASSOCIATION
PENNSYLVANIA LAWYER REFERRAL
100 SOUTH STREET, P.O. BOX 186
HARRISBURG, PA 17108
TELEPHONE: 1-800-932-0311**

James E. Higinbotham, Jr., Esquire
68 South Beeson Avenue
Uniontown, PA 15401
Date: December 1, 2023

PUBLIC NOTICE

**IN THE COURT OF COMMON PLEAS OF
WASHINGTON COUNTY,
PENNSYLVANIA**

ORPHANS' COURT DIVISION

**IN RE: ADRIANA CORDERO RECKART
a/k/a ADRIANA EARLINE CORDERO
RECKART**

D.O.B. SEPTEMBER 21, 2006

**FEMALE CHILD OF: MISTY LEE
RECKART a/k/a MISTY L RECKART a/k/a
MISTY RECKART a/k/a MISTY RECKERT
and JOSE DE JESUS CORDERO-DIAZ a/k/
a HOSE DEJESUS CORDERRO-DIAZ**

NO: 63-23-0954

Take notice that a Petition for Involuntary Termination of Parental Rights of Misty Lee Reckart a/k/a Misty L Reckart a/k/a Misty Reckart a/k/a Misty Reckert and Jose de Jesus Cordero-Diaz a/k/a Jose Dejesus Cordero-Diaz a/k/a Jose D Cordero-Diaz will be presented to the Orphans' Court of Washington County, Pennsylvania. Any person wishing to assert his parental rights should appear in Courtroom No.

5 of the Washington County Courthouse, Washington, Pennsylvania, for a hearing as to the same on December 21, 2023, at 10:00 a.m.

You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present.

You have the right to be represented at the hearing by an attorney. You should take this notice to your attorney at once. If you do not have an attorney or cannot afford representation, contact the Southwestern Pennsylvania Summit Legal Aid, 10 West Cherry Avenue, Washington, Pennsylvania, 15301, (724) 225-6170, to find out where you can obtain legal help.

You have a right to obtain a copy of the Petition for Involuntary Termination of Parental Rights prior to the hearing. To obtain a copy of the petition, contact Washington County Children & Youth Social Services Agency, Legal Department, 95 West Beau Street, suite 300, Washington, PA 15301, Telephone: (724) 228-6884.

Misty Caldwell, Caseworker
Washington County Children & Youth
Social Service Agency
95 West Beau Street, Suite 300
Washington, PA 15301
Telephone: (724) 228-6884

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

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JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA	:	
Appellant/ Cross-Appellee,	:	
v.	:	
MICHAEL LYNN WRIGHT, JR.,	:	No. 870 of 2016
Appellee/ Cross-Appellant.	:	Honorable Linda R. Cordaro

SUPPLEMENTARY OPINION

Linda R. Cordaro, J.

November 22, 2023

On August 29, 2023, this Court issued an Order granting Appellee a new trial after consideration of Appellee's Amended PCRA Petition (which expressly incorporated by reference the entirety of his initial PCRA Petition) and review of the evidence presented at an evidentiary hearing held on March 16, 2023. In its accompanying Opinion, this Court discussed the reasoning supporting its finding that Appellee had established ineffectiveness of trial counsel.

The Commonwealth filed notice of appeal on September 27, 2023, and Appellee Wright filed a timely cross-appeal on October 10, 2023. Both parties now have filed their respective concise statement of errors on appeal, and both statements raise at least one issue related to Appellee's assertion that there is newly discovered evidence in the case. As mentioned in the August 29, 2023 Opinion, because this Court determined that the evidence in question supported a finding of ineffectiveness of counsel, it did not proceed to also consider the alternative of newly discovered evidence. {1} However, it now will more fully analyze that alternative.

Appellee's Amended Petition asserted that it was discovered after trial that the weight of the victim in the case was measured incorrectly, and that this constituted newly discovered evidence. Appellee supplemented his Amended Petition with a copy of a September 15, 2022 email allegedly from Dr. Cyril Wecht stating that, based on a review of photographs, the child's weight was more than 10 pounds. The alternative theory presented in the Amended PCRA Petition was that counsel was ineffective for having failed to sufficiently challenge the weight measurement.

In order to succeed on a claim of newly discovered evidence, a petitioner must establish that (1) the evidence was discovered after trial and could not have been obtained at or prior to trial through reasonable diligence; (2) the evidence is not cumulative; (3) it is not being used solely to impeach credibility; and (4) it would likely compel a different verdict. *Commonwealth v. D'Amato*, 856 A.2d 806, 823 (Pa. 2004).

{1} Opinion, 8/29/23, at 4-5, 19 n.14.

Here, Appellee's claim of newly discovered evidence fails at the first prong. First, the expert witness testimony presented at the March 19, 2023 evidentiary hearing was not based on any new data, reports, measurements, or other information. At the hearing, Appellee's witness, Dr. Jennifer Hammers, testified that she reviewed the autopsy report by Dr. Wecht, the Commonwealth's expert witness in forensic pathology, who testified at trial. Tr. of Post Conviction Relief Act Proceedings, 3/16/23, at 88. She also testified that she reviewed the autopsy photographs and the coroner's report. Id. All of this information was available prior to trial.

Second, although Dr. Hammers' testimonial opinion did contradict the Commonwealth's expert witnesses' testimony given at trial, this demonstrated that it would have been possible to obtain such an opinion prior to trial. For example, Dr. Hammers testified that the child's appearance in the autopsy photographs did not support the conclusion that the child weighed only 10 pounds. Id. at 91-92. In addition, as discussed in Court's earlier Opinion, Dr. Hammers also testified that she believed the child weighed more than 10 pounds based on the weight of the child's organs in combination with the weight of other body parts. {2} This does not constitute new evidence; it is a different conclusion based on the same evidence.

Finally, as this Court also discussed in its earlier Opinion, there was evidence that Appellee himself suspected the weight measurement was incorrect at least one year prior to trial, yet there was no indication that trial counsel investigated the matter even to a point at which effective cross-examination of the Commonwealth's witnesses could have been employed. {3}

Here, the alternative theories of newly discovered evidence and ineffectiveness of counsel are mutually exclusive since, if the evidence could not have been obtained before with reasonable diligence, then counsel could not also be deemed ineffective for failing to obtain it. Conversely, and as this Court found, because reasonable diligence by trial counsel could have addressed the matter of the weight measurement, the same could not also be newly discovered evidence.

This Court respectfully requests that its Order be AFFIRMED.

BY THE COURT:
LINDA R. CORDARO, JUDGE

ATTEST:
Clerk of Courts

{2} Trial Court Opinion, 8/29/23, at 16.

{3} Id. at 18.

ANNUAL MEMBERSHIP MEETING

The Annual General Membership meeting of the Fayette County Bar Association shall be held on **Thursday, December 14, 2023, at 12:00 pm** in Courtroom Two 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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