

**LACKAWANNA JURIST**

**JUDICIAL OPINION**

**CASE NAME AND NUMBER:** Commonwealth v. Schuback, **2024 WL 1909036** (Lacka. Co. 2024)

**DATE OF DECISION:** April 24, 2024

**JUDGE:** Terrence R. Nealon

**ATTORNEYS INVOLVED:**

Mark Powell, Esquire, Sara Varela, Esquire and David Coyne, Esquire, *Counsel for Commonwealth*  
Bernard Brown, Esquire and Jordan Leonard, Esquire, *Counsel for Defendant*

**SUMMARY OF OPINION:**

The parties in this homicide prosecution filed three motions *in limine* seeking evidentiary rulings in advance of trial: (1) the prosecution sought to exclude evidence that two prosecution witnesses -- the murder victim's son and defendant's cousin -- submitted to polygraph examinations and a computer voice stress analyzer (CVSA) and that their answers to questions "were deemed deceptive;" (2) the defense requested the preclusion of incriminating statements that defendant made to a fellow inmate on the ground that his confessions were not knowing, intelligent, and voluntary since he and the other prisoner were both using Suboxone at the time; and (3) the defense sought leave of court to cross-examine the investigating detective and state trooper concerning questions that they posed to defendant during the final 90 minutes of his post-arrest interview, even though that portion of the interrogation was previously suppressed by an earlier ruling in this case.

Although evidence concerning polygraph examinations and CVSA tests is generally inadmissible, statements made by an examinee before, during, or after such testing may be admitted into evidence, provided that no reference or inference is made to the performance or result of the examination. Defendant's proffered questioning of the two prosecution witnesses would inevitably mention or imply the administration of the polygraph and CVSA examinations or their results, and for that reason, the requested interrogation was impermissible. Defendant's alternate proposed cross-examination of his cousin constituted improper impeachment on a collateral matter, and its probative value was outweighed by its potential for unfair prejudice. Consequently, the prosecution's motion to preclude evidence of the polygraph examinations and the CVSA test was granted.

Defendant's co-prisoner was not acting as an agent of the prosecution at the time of his prison conversations with defendant, as a result of which defendant's constitutional right to counsel was not implicated by the use of defendant's alleged jailhouse confessions at trial, and defendant's use of Suboxone did not affect the admissibility of those statements and instead bore on the weight to be accorded to that evidence. Defendant's requested impeachment of the investigators with questions that they asked during his post-arrest interrogation was not ripe for consideration until defense counsel actually posed a specific question to those witnesses at trial and they denied presenting a particular inquiry to defendant during his post-arrest interview. Therefore, the defense motion to preclude statements that defendant made to a jailhouse informant was denied, and any ruling on defendant's request to cross-examine the investigators with previously suppressed post-arrest interrogation inquiries was deferred until the time of trial.

## LACKAWANNA JURIST

### ESTATES

#### **First Notice**

**RE: ESTATE OF JAMES C. BARRETT**, late of South Abington Township, Pennsylvania (died May 12, 2024). Notice is hereby given that Letters Testamentary for the Estate of James C. Barrett have been issued to Debra F. Barrett, Executrix of the Estate. All those having claims or demands against the Estate or indebtedness owed to the Estate shall present claims or remit payment without delay to the Executrix at 2001 Elden Drive, South Abington Township, PA 18411 or to Robert T. Kelly, Jr., Myers, Brier & Kelly, LLP, Attorney for the Estate, 425 Biden Street, Suite 200, Scranton, PA 18503.

**ESTATE OF RICHARD JOHN CARIA a/k/a RICHARD J. CARIA a/k/a RICHARD CARIA** (died April 28, 2024) formerly of Throop, Pennsylvania. All persons indebted to the estate shall make payment and those having claims or demands are to present same without delay to the Executrix, Tina Dutka, or Richard A. Fanucci, Attorney for the Estate, 1711 Main Street, Blakely, PA 18447. **RICHARD A. FANUCCI, ESQ.**

**ESTATE OF THOMAS K. CHUNG**, Late of Scranton, Pennsylvania (Died March 22, 2024). Letters of Administration have been granted to Ms. Catherine K. Chung, Administratrix. All persons having claims against the Estate or indebted to the Estate shall make payment or present claims to Douglas P. Thomas, Attorney for the Estate, 345 Wyoming Avenue, Suite 200, Scranton, PA 18503.

NOTICE IS HEREBY GIVEN that Letters of Administration have been issued to Kaitlyn Ann Mulshenock, Administrator of the **ESTATE OF MARY ALICE GALLAGHER**, Deceased, who died on April 18, 2018, late of Scranton, Pennsylvania. All persons indebted to the Estate are required to make payment and those having any claims or demands are to present the same without delay to the Administrator in care of the undersigned. Bregman & Lantz, LLC, 1205 Wyoming Avenue, Forty Fort, PA 18704

**ESTATE OF AVANDRA G. McMILLAN**, late of Scranton, PA (died April 21, 2024), Edith Mary Kress, Executrix, c/o Michael F. Bailey, Esquire, 4099 Birney Avenue, Moosic, PA 18507.

Notice is hereby given that Letters Testamentary have been granted in the **ESTATE OF ROBERT MORROW**, late of Carbondale, Lackawanna County, Commonwealth of Pennsylvania (died January 8, 2024). All persons indebted to the Estate are requested to make payments and those having claims or demands are to present same, without delay to Robert Decker, Executor of the Estate or Sean P. McGraw, Esquire, Attorney for the Estate, 41 N. Main Street, 4<sup>th</sup> Floor, Carbondale, PA 18407. Sean P. McGraw, Esquire, Attorney for the Estate

**ESTATE OF LOUISE PELLIS, A/K/A LOUISE M. PELLIS**, of the Borough of Jessup, Pennsylvania (died April 22, 2024), LINDA M. BERNACKI, Executrix, PAUL SOTAK, Attorney, 410 Jefferson Avenue, Scranton, Pennsylvania 18510. NOTICE IS HEREBY GIVEN THAT Letters Testamentary have been granted in the following Estate. All persons indebted to said estate are required to make payment, and those having claims or demands to present same without delay to the Executrix named.

Notice is hereby given that Letters of Administration have been granted to Judy E. Saita, Administratrix of the **ESTATE OF LANA MAE SHERMAN**, late of Scranton, PA, who died on January 9, 2024. All persons indebted to the Estate are required to make payment and those having claims or demands are to present the same without delay to the Administratrix or to Carl J. Poveromo, Esquire, Rinaldi & Poveromo, P.C., P.O. Box 826, Scranton, PA 18501.

**ESTATE OF JUDITH ANN SKORANSKI a/k/a JUDITH A. SKORANSKI a/k/a JUDY SKORANSKI** (died April 10, 2024) formerly of Moosic, Pennsylvania. All persons indebted to the estate shall make payment and those having claims or demands are to present same without delay to the Co-Executors, Joseph D. Skoranski or Lawrence K. Lewis, or Richard A. Fanucci, Attorney for the Estate, 1711 Main Street, Blakely, PA 18447. **RICHARD A. FANUCCI, ESQ.**

**ESTATE OF NANCY SWIETNICKI**, late of Scranton, PA (died April 3, 2024), Frank John Swietnicki, Executor. Paul A. Kelly, Jr., Esq.-Attorney, 201 Lackawanna Avenue, Suite 306, Scranton, Pa. 18503.

**ESTATE OF MARY A. TOOLE, LATE OF MOOSIC, LACKAWANNA COUNTY, PA** (DIED April 1, 2024), Edward Gallagher, Executor, or to Donald J. Frederickson, Jr., Esquire, KOBAL & FREDERICKSON, Attorneys for the Estate, 435 Main Street, Moosic, PA. 18507-1017.

#### **Second Notice**

**ESTATE OF KEVIN E. BURGE**, late of Old Forge, Lackawanna County, Pennsylvania, (died March 21, 2024). Notice is hereby given that Letters of Administration have been issued to Jenna C. Burge and Sarah E. Burge, Co-Administrators. **MARIANNE M. STIVALA, ESQUIRE, BRIAN J. CALI & ASSOCIATES**, 103 EAST DRINKER STREET, DUNMORE, PENNSYLVANIA 18512.

Notice is hereby given that Letters Testamentary have been granted in the **ESTATE OF MARIO J. COLONNA**, late of Carbondale, Lackawanna County, Commonwealth of Pennsylvania (died March 22, 2024). All persons indebted to the Estate are requested to make payments and all those having claims or demands are to present same, without delay to Fredrick A. Colonna, Executor of the Estate or Sean P. McGraw, Esquire, Attorney for the Estate, 41 N. Main Street, 4<sup>th</sup> Floor, Carbondale, PA 18407. Sean P. McGraw, Esquire, Attorney for the Estate

**ESTATE OF SALVATORE N. DeANGELO, JR.**, late of Dunmore, Lackawanna County, Pennsylvania (died October 5, 2023). Notice is hereby given that Letters of Administration have been issued to Lisa D. Lamb, Administrator. **MARIANNE M. STIVALA, ESQUIRE, BRIAN J. CALI & ASSOCIATES**, 103 EAST DRINKER STREET, DUNMORE, PENNSYLVANIA 18512.

**ESTATE OF BARBARA DULNEY a/k/a BARBARA A. DULNEY**, late of the Borough of Throop, Lackawanna County, Pennsylvania, (died November 30, 2023). Notice is hereby given that Letters Testamentary on the above estate have been issued to Diane McManus, Executrix of the Estate. All persons indebted to said Estate are required to make payment and those having claims or demands to present the same without delay to the Executrix or to Guy N. Valvano, Esquire, 117 W. Drinker Street, Dunmore, PA 18512, Attorney for the Estate.

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**ESTATE OF JASON KACABA.** Kacaba, Jason late of the City of Scranton, PA. Melissa Sween, c/o David W. Crosson, Esq., Crosson & Richetti, LLC, 609 W. Hamilton St., Suite 301, Allentown, PA 18101, Administratrix. Crosson & Richetti LLC, 609 W. Hamilton St., Suite 301, Allentown, PA 18101

**ESTATE OF FRANK KOLATIS A/K/A FRANK EDWARD KOLATIS, JR.,** late of the Borough of Dunmore, Lackawanna County, Pennsylvania, (died October 12, 2023). Notice is hereby given that Letters of Administration on the above estate have been issued to Melissa Pavlowski, Administratrix of the Estate. All persons indebted to said Estate are required to make payment and those having claims or demands to present the same without delay to the Administratrix or to Guy N. Valvano, Esquire, 117 W. Drinker Street, Dunmore, PA 18512, Attorney for the Estate.

NOTICE IS HEREBY GIVEN that Letters Testamentary in the **ESTATE OF WILLIAM HALL**, late of the City of Scranton, Lackawanna County, Pennsylvania, have been granted to the undersigned. All persons indebted to said estate are required to make immediate payment and those having claims shall present them for settlement to: SUSAN STRUCKUS, EXECUTRIX, KEVIN R. GREBAS, Esquire, COLBERT & GREBAS, P.C., 210 Montage Mountain Road – Suite A, Moosic, PA 18507. Date of Death: January 12, 2024.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF JOANN KRYSCIO**, Deceased, late of Dickson City, PA who died on December 5, 2022 to CHET KRYSCIO. All persons having claims or demands against the estate of the decedent shall make them known and present them, and all persons indebted to said decedent shall make payment thereof without delay to the Executor, Chet Kryscio, 923 Dimmick Street, Dickson City, PA 18519 or to Michael J. Krushinski, Esquire, Attorney for the Estate at 418 Main Street, Dickson City, PA 18519.

**ESTATE OF JAMES T. MELLIAND A/K/A JAMES MELLIAND** late of Madison Township, Lackawanna County, Pennsylvania (died April 15, 2024). Notice is hereby given that Letters Testamentary have been issued to Kathleen Melliand, Executrix of the Estate. All those having claims or demands against the Estate or indebtedness owed to the Estate shall present claims or remit payment without delay to Estate of JAMES T. MELLIAND, c/o John J. McGee, Attorney for the Estate, PO Box 3298, Scranton, PA 18505.

### Third Notice

**ESTATE OF CAROLINE T. ANGERSON**, late of Scranton, Pennsylvania (died March 19, 2024). Notice is hereby given that Letters of Testamentary on the above Estate have been granted to Michael J. Angerson, Jr., of Dunmore, PA. All persons indebted to the said estate are required to make payment and those having claims to present the same without delay to the Personal Representative named herein, or to Nicholas D. Tellie, Esq., Tellie & Coleman, P.C., 310 East Drinker Street, Dunmore, PA 18512.

NOTICE is hereby given that Letters of Administration have been granted in the **ESTATE OF MARISSA CARMADELLA, a/k/a MARISSA R. CARMADELLA**, late of Old Forge, Lackawanna County, who died March 22, 2024. All persons indebted to said Estate are requested to make payment and those having claims to present the same, without delay to the Administrator, Anthony Carmadella, and his Attorney, DAVID CHERUNDOLO, ESQUIRE, 410 JEFFERSON AVENUE, SCRANTON, PA 18510.

**RE: ESTATE OF MARTIN CIELESS a/k/a MARTIN S. CIELESS**, late of Benton Township, County of Lackawanna, and State of Pennsylvania, deceased, who died on the 15<sup>th</sup> day of April, 2024. Letters of Administration having been granted to File No. 35-24-00619, all persons having claims or demands against the estate of the decedent shall make them known and present them, and all persons indebted to the decedent shall make payment thereof without delay to Jessica Sheruda, 181 Davison Road, Dalton, PA 18411, or to Mattes & Mattes, P.C., 201 West Main Street, P.O. Box 222, Dalton, PA 18414.

**ESTATE OF IRENE FORNASZEWSKI, DECEASED**, LATE OF SCRANTON, PENNSYLVANIA (DIED FEBRUARY 18, 2024). All persons indebted to said Estate are required to make payment, and those having claims or demands to present the same, without delay, to Randy Fornaszewski, Administrator C.T.A., c/o Attorney Joseph F. Gaughan, 1107 Oram Street, Scranton, PA 18504. LAW OFFICE OF JOSEPH F. GAUGHAN, P.C., JOSEPH F. GAUGHAN, ESQUIRE, ATTORNEY FOR THE ESTATE

**RE: ESTATE OF SARA ANN HOSIER**, late of Clarks Summit, Pennsylvania (died April 6, 2024). Notice is hereby given that Letters Testamentary for the Estate of Sara Ann Hosier have been issued to Jeffrey L. Hosier, Executor of the Estate. All those having claims or demands against the Estate or indebtedness owed to the Estate shall present claims or remit payment without delay to the Executor at 112 Ashbury Drive, South Abington Township, PA 18411 or to Kris E. Fendrock, Myers, Brier & Kelly, LLP, Attorney for the Estate, 425 Biden Street, Suite 200, Scranton, PA 18503.

**ESTATE OF EDWARD J. KULAS**, late of the Borough of Dickson City, Lackawanna County, Pennsylvania, (died, April 13, 2024). Letters Testamentary were granted to ANN MARIE KULAS. Creditors present claims and debtors make payments to John P. Pesota, Esquire, Suite 402 SNB Plaza, 108 North Washington Ave., Scranton, Pa. 18503.

**ESTATE OF ANNMARIE KURILLA**, late of Olyphant, Lackawanna County, Pennsylvania. Letters Testamentary on the above estate having been granted to Robert J. Kurilla, all persons indebted to the said estate are requested to make payment, and those having claims to present the same without delay to him c/o Joseph Kosierowski, Esq., 400 Broad Street, Milford, Pennsylvania 18337.

**ROBERT J. LOPATTO**, late of Dickson City, Lackawanna County, Pennsylvania, who died March 29, 2024, Letters Testamentary in the above Estate having been granted, all persons having claims or demands against the Estate of the decedent shall make them known, and present them, and all persons indebted to said decedent shall make payment thereof without delay to Jessica Kenley, Executor, c/o Attorney Scott Lynett, The Law Office of Scott Lynett, 310 Penn Avenue, Scranton, Pennsylvania 18503.

LETTERS TESTAMENTARY IN THE **ESTATE OF ANGELINE MALEAKAS** late of Scranton City, County of Lackawanna, Commonwealth of Pennsylvania, having been granted to Linda Marcus, Executrix, all persons being indebted to the Estate are requested to make immediate payment and those having claims to present the same without delay to: Heather D. Royer, Esquire, JOHNSON DUFFIE, 301 Market Street, Lemoyne, PA 17043

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### **ESTATE OF LUCILLE MATHEWSON a/k/a LUCILLE**

**MATTHEWSON**, DECEASED, late of 2041 NEWTON-RANSOM BLVD., CLARKS SUMMIT, PA 18411, (Died JANUARY 28, 2024). MARIA HARRIS, Executrix; Mark G. Rudalavage, 171 Scranton-Carbondale Highway, Eynon, Pennsylvania 18403-1027, Attorney. MARK G. RUDALAVAGE, ESQUIRE

**RE: ESTATE OF RICHARD C. RUSHMORE**, late of Waverly Township, County of Lackawanna, and State of Pennsylvania, deceased, who died on the 7<sup>th</sup> day of April, 2024. Letters of Administration having been granted to File No. 35-24-00588, all persons having claims or demands against the estate of the decedent shall make them known and present them, and all persons indebted to the decedent shall make payment thereof without delay to Anne Elizabeth Gershey, 104 Old Field Road, Waverly Township, PA 18411, or to Mattes & Mattes, P.C., 201 West Main Street, P.O. Box 222, Dalton, PA 18414.

NOTICE IS HEREBY GIVEN that Letters of Administration have been issued to Jennifer Marciano, Administratrix of the **ESTATE OF JAMESON MICHAEL ROBINSON**, Deceased, who died on May 14, 2022, late of Dickson City, Lackawanna County, Pennsylvania. All creditors are requested to present their claims and all persons indebted to the decedent will make payment to the aforementioned Administratrix or her attorney. ROSENN, JENKINS & GREENWALD, LLP, 1065 Highway 315, Suite 200, Wilkes-Barre, PA 18702.

**ESTATE OF ROBERT H. TANNER**, late of the City of Scranton died 04/11/2024 Letters Testamentary granted to Lisa Evans, Sean Gallagher Attorney for the Estate, 416 Jefferson Avenue, Scranton, PA 18510. Notice is hereby given that Letters of Testamentary have been granted. All persons indebted to the said estate are required to make payment, and those having claims or demands are to present the same without delay to the Executrix name.

NOTICE IS HEREBY GIVEN that Letters Testamentary have been granted in the **ESTATE OF BARBARA VITALETTI**, late of Scranton, Lackawanna County, Pennsylvania who died March 24, 2024. All persons indebted to said Estate are requested to make payment and all those with claims or demand are to present the same to the Executrices, Pamela Ann Krupski and Paula Ann Guse, in care of their attorney: c/o Maureen K. Collins, Esquire, Mahler Law Firm, LLC, 1043 Wyoming Avenue, 1<sup>st</sup> Floor, Forty Fort, PA 18704.

**JAMES P. WOLFE**, deceased, late of Scranton, PA (died November 14, 2022). Letters of Administration having been granted, all persons having claims or demands against the estate of the decedent shall make them known and present them, and all persons indebted to the decedent shall make payment thereof to Timothy J. Wolfe, Administrator, or to Raymond W. Ferrario, Attorney for the Estate, Suite 528, Scranton Life Building, 538 Biden Street, Scranton, PA 18503-1816. RAYMOND W. FERRARIO, P.C.

### **CERTIFICATE OF AUTHORITY**

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about 5/9/2024 for a foreign nonprofit corporation by the name of and with a registered address in the Commonwealth of Pennsylvania as follows: **YOUTHPRIZE** c/o Harbor Business Compliance Corporation – Lancaster County. This nonprofit corporation is incorporated under the laws of the State of Minnesota. The address of its principal office is 3001 Broadway Street NE, #330, Minneapolis, MN 55413. The corporation has been registered in Pennsylvania under the provisions 15 Pa.C.S. § 6124. T-1 5/31/24

### **FICTITIOUS NAME**

Notice is hereby given that a Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on April 3, 2024, for **Diversity Cleaning Services** with a principal place of business located at 95 Kennedy Blvd, Scranton, PA 18504 in Lackawanna County. The individual interested in this business is Yineida G Velez, also located at 95 Kennedy Blvd, Scranton, PA 18504. This is filed in compliance with 54 Pa.C.S. 311. T-1 5/31/24

### **FICTITIOUS NAME**

Notice is hereby given that a Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on April 10, 2024, for **Mundo Mercantile** with a principal place of business located at 108 Lick Road, Scott Township, PA 18447 in Lackawanna County. The individual interested in this business is Lindsey Frenchko, also located at 108 Lick Road, Scott Township, PA 18447. This is filed in compliance with 54 Pa.C.S. 311. T-1 5/31/24

## LACKAWANNA JURIST

### NOTICE

DULCE EDITH SOTELO FLORES

Plaintiff,

vs.

JOSE ALFREDO MARQUINA RODRIGUEZ

Defendant

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IN THE COURT OF COMMON PLEAS  
OF LACKAWANNA COUNTY

FAMILY DIVISION – LAW

IN CUSTODY

NO.: 24-FC-40099

### NOTICE

You, Jose Alfredo Marquina Rodriguez, (Defendant), have been sued in Court to Obtain custody of the following child: I.A.M.S. (d.o.b. 06/19/2013). You are ordered to appear in person at Lackawanna County Family Court, Lackawanna County Government Center, 123 Wyoming Avenue, 1<sup>st</sup> Floor, Scranton, Pa or via Zoom on **June 18, 2024 at 3:15 P.M.** for a Conciliation Conference before the Master in Custody, and a hearing in connection with a Petition for Special Relief scheduled for **August 6, 2024 at 1:00 PM.** YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICES SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

North Penn Legal Services  
33 North Main Street  
Pittston, PA 18640  
570-299-4100  
T-1 5/31/24

Lackawanna Pro Bono  
233 Penn Avenue  
Scranton, PA 18503  
570-961-2714

