

CUMBERLAND LAW JOURNAL

LXVI

No. 13

Carlisle, PA, March 31, 2017

65-70

COMMONWEALTH v. ROBERT WAYNE BROWN, CUMBERLAND CO., COMMON PLEAS, Nos. CP-21-CR-3516-2010, CP-21-CR-0029-2011 CRIMINAL.
Criminal Law—Opinion Pursuant to Pa. R.A.P. 1925(a)—Upon Conviction Determined to Be Sexually Deviant Predator—Appeal of Sentence Based on Abuse of Discretion—Resentenced—Broad Sentencing Discretion—**Commonwealth v. Devers**, 519 Pa. 88, 546 A.2d 12 (1988)—Departure From Sentencing Guidelines—**Commonwealth v. Mouzon**, 571 Pa. 419, 812 A.2d 617 (2002)—Reasonableness of Sentence—42 Pa. C.S. §9781(c)—Sentences Are Lawful and Reasonable.

CUMBERLAND LAW JOURNAL
(USPS 140-000)

Published every Friday by

CUMBERLAND COUNTY BAR ASSOCIATION

Editor

Lisa Marie Coyne, Esq.

Cumberland Law Journal

32 South Bedford St.

Carlisle, PA 17013

Telephone: (717) 249-3166

FAX (717) 249-2663

Toll Free PA 1-800-990-9108

www.cumberlandbar.com

Copyright © 2017, Cumberland County Bar Association
Carlisle, Pennsylvania

Containing reports of cases decided by the various Courts of Cumberland County and selected cases from other counties.

Designated by the Court of Common Pleas as the official legal publication of Cumberland County and the legal newspaper for the publication of legal notices.

Legal advertisements must be received by Friday Noon. All legal advertising must be paid in advance. Subscription \$35.00 per year.

Please note: All legal notices must be submitted in typewritten form. Neither the Law Journal nor the printer will assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes in content.

Periodical postage paid at Carlisle, PA 17013 and additional offices.

POSTMASTER: Send change of address to: Cumberland Law Journal, c/o Clare Printing, 206 S. Keystone Avenue, Sayre, PA 18840.

NOTICE

The Cumberland County Bar Association does not authorize or permit anyone, including its members, to publish, in any media, material which infers or implies it is published by, or on behalf of, the Cumberland County Bar Association, its sections, committees or divisions, without prior authorization of the Cumberland County Bar Association Board of Directors.

Cumberland Law Journal

The **Cumberland Law Journal** is the official legal publication of Cumberland County as designated by the Court of Common Pleas of the 9th Judicial District of Pennsylvania. The weekly publication by the Cumberland County Bar Association carries court opinions from the 9th Judicial District and certain public notices required by local and/or state statute, as well as news for the county's legal community.

The annual subscription rate is \$35. Single issues are \$5.00 per issue.

Publication fees for public notices are:

Estate Notices	\$90	Published three consecutive weeks
Incorporation filings	\$90	One-time publication up to 35 lines Plus—\$2.50 per line over 35 lines
Fictitious Name filings	\$90	One-time publication up to 35 lines Plus—\$2.50 per line over 35 lines
Change of Name petitions	\$90	One-time publication up to 35 lines Plus—\$2.50 per line over 35 lines
Register of Wills Notice	\$50	Per account listing—Published two consecutive weeks
Sheriff's Notice	\$350	Flat fee up to 175 lines Plus—\$2.50 per line over 175 lines
Tax Sale Notice	\$2.50 per line	
All Other Legal Notices	\$90	One-time publication up to 35 lines Plus—\$2.50 per line over 35 lines

Prepayment is required for the above public notices. Checks are to be made payable to the **Cumberland Law Journal**. The legal journal is published every Friday. The deadline for all submissions is noon Friday of the week prior to publication.

For more information, call the Cumberland County Bar Association office at (717) 249-3166 or by e-mail at CLJ@cumberlandbar.com.

Effective 1/1/2016

**EARLY DEADLINE NOTICE FOR THE
*CUMBERLAND LAW JOURNAL***

Offices will be closed for Good Friday, April 14th. Advertisements for the April 14th issue of the **Cumberland Law Journal** must be received NO LATER THAN 12:00 P.M. ON Friday, April 7th.

Notices may be faxed to the **Cumberland Law Journal** at (717) 249-2663 or e-mailed to: debbie@cumberlandbar.com.
Mar. 31; Apr. 7

LAW FIRM SEEKING ASSOCIATE

We are a 20+ attorney firm in Lancaster County, Pennsylvania seeking a talented associate with 2-4 years of experience advising clients in federal and state taxation and general corporate matters including business planning and entity formation. An LLM in taxation is strongly preferred but not required. The successful candidate is someone with ties to Lancaster County or a willingness to relocate to Lancaster County. We offer a competitive salary, immediate client contact and challenging work in a supportive environment. Interested candidates should send their resume and cover letter to Jeffrey Mills at 212 North Queen Street, Lancaster, PA 17603.

Mar. 31

LAW FIRM SEEKING ENTRY-LEVEL ASSOCIATE

We are a 20+ attorney firm in Lancaster County, Pennsylvania seeking an entry-level associate with a demonstrated interest in federal and state taxation and general corporate matters. An LLM in taxation is strongly preferred but not required. The successful candidate is someone with ties to the Lancaster County community or a willingness to relocate to Lancaster County. We offer a competitive salary, immediate client contact and challenging work in a supportive environment. Interested candidates should send their resume and cover letter to Jeffrey Mills at 212 North Queen Street, Lancaster, PA 17603.

Mar. 31

COMMONWEALTH v. ROBERT WAYNE BROWN, CUMBERLAND CO., COMMON PLEAS, Nos. CP-21-CR-3516-2010, CP-21-CR-0029-2011 CRIMINAL.

Criminal Law—Opinion Pursuant to Pa. R.A.P. 1925(a)—Upon Conviction Determined to Be Sexually Deviant Predator—Appeal of Sentence Based on Abuse of Discretion—Resentenced—Broad Sentencing Discretion—**Commonwealth v. Devers**, 519 Pa. 88, 546 A.2d 12 (1988)—Departure From Sentencing Guidelines—**Commonwealth v. Mouzon**, 571 Pa. 419, 812 A.2d 617 (2002)—Reasonableness of Sentence—42 Pa. C.S. §9781(c)—Sentences Are Lawful and Reasonable.

1. A Trial Court has broad discretion to choose a penalty from sentencing alternatives and the range of permissible confinements, provided the choices are consistent with the protection of the public, the gravity of the offense, and the rehabilitative needs of the defendant.

2. The General Assembly has enacted a process by which defendants are to be sentenced and if a court departs from Sentencing Guidelines, a court must explain its reasons for departing from the guidelines.

3. In every case where the court imposes a sentence or resentence outside the guidelines adopted by the Sentencing Guidelines, the court shall provide a contemporaneous written statement of the reason or reasons for the deviation from the guidelines and failure of the court to comply shall be grounds for vacating the sentence or resentence and resentencing the defendant.

4. Where the concise language of both sentences contained justification for the aggregate sentence and where the trial court reviewed the guidelines as evidenced by the trial court's correction of the presentence report for the deficiency of the prior convictions, and where the trial court noted the impact on the young victims and the harm to which Defendant continued to enact upon them directly in the sentences, the sentences were within the standard guideline ranges and no justification statement is required.

CHARLES J. VOLKERT, JR., ESQUIRE, CHIEF DEPUTY DISTRICT ATTORNEY, for Commonwealth.

LINDA S. HOLLINGER, ESQUIRE, FIRST ASSISTANT PUBLIC DEFENDER, for Defendant.

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

Before PLACEY, C.P.J.

PLACEY, C.P.J., February 13, 2017:—

PROCEDURAL HISTORY

Defendant was charged in December 2012 with forty-one counts of various sexual offenses committed upon his four minor stepgrandchildren over the course of several years.¹ Defendant was convicted on all counts in

¹ At docket 3516-2010 the charges are: 2 counts—Involuntary Deviate Sexual Intercourse (F1), 2 counts—Involuntary Deviate Sexual Intercourse With a Child (F1), 2 counts—Unlawful Contact With Minor (F1), 2 counts—Sexual Assault (F2), 2 counts—Indecent Assault (M1), 2 counts—Corruption of Minors (M1), and 2 counts—Indecent Assault (M2). At docket 0029-2011 the charges are: 2 counts—Rape of a Child (F1), 2 counts—Involuntary Deviate Sexual Intercourse (F1), 2 counts—Involuntary Deviate Sexual

August 2012, found to be a Sexually Violent Predator (SVP) and sentenced in April 2013. Defendant was sentenced to an aggregate sentence of forty to one hundred twenty years in a State Correctional Institute. Defendant, through newly assigned counsel, filed an appeal on July 31, 2014, which was ultimately decided by the Superior Court in December 2015.² Our Superior Court's independent review of the trial record found a clearly meritorious issue on appeal, specifically that the United States Supreme Court's decision in **Alleyne v United States**, __ U.S. __, 133 S. Ct. 2151 (2013), held that "facts that increase the mandatory minimum sentences must be submitted to the jury" and must be found beyond a reasonable doubt. **Id.** at 2162.³

The remand from the Superior Court was stayed while the Commonwealth appealed the matter to the Supreme Court of Pennsylvania, which denied the allowance of appeal in August 2016. Defendant was resentenced on November 15, 2016. Thereafter, counsel filed an appeal of the new sentence on December 14, 2016, which alleged the trial court abused its discretion at sentencing by failing to state any reasons on the record for imposing a sentence above the aggregated range of the sentencing guidelines. This Opinion is in support of the sentences imposed.

FACTS FROM SENTENCINGS

1. At the November 2016 re-sentencing, the trial court amended the Sentencing Order of April 4, 2013 to reflect the sentences imposed were not mandatory sentences.⁴

2. The April 4, 2013 Sentence specifically provided the 'aggregate sentence is for 40 to 120 years, which reflects one ten year

Intercourse With a Child (F1), 2 counts—Aggravated Indecent Assault of a Child (F1), 2 counts—Unlawful Contact With a Minor (F1), 1 count—Criminal Solicitation to IDSI With a Child (F1), 2 counts—Criminal Solicitation to Incest (F2), 2 counts—Aggravated Indecent Assault (F2), 2 counts—Aggravated Indecent Assault (F2), 2 counts—Aggravated Indecent Assault (F2), 2 counts—Indecent Assault (M1), 2 counts—Indecent Assault (M2), 2 counts—Corruption of Minors (M1), and 2 counts Indecent Assault (M2).

² Multiple extensions on appeal were granted to new counsel to allow full knowledge of the record.

³ The verdict slips for each count where age was a factor in sentencing were specifically presented to the jury for them to make findings of fact that would be applicable at sentencing. The trial court's use of the verdict slip for findings of fact at sentencing did not prospectively cure the improper sentence. As cited by the Superior Court, the case of **Commonwealth v. Wolfe**, 106 A.3d 800, 806 (Pa. Super. 2014) makes it clear that the "proof at sentence" provision contained in 42 Pa. C.S. §9718 is not separable from the section's other provision in the entire statute is facially void.

⁴ Order of Court 15 November 2016.

mandatory minimum sentence with a full maximum term for each victim.^[5]

3. In each sentence it was specifically stated that any lesser sentence would minimize the damage done to one or more of the victims and would not reflect the full extent of the harm caused by the Defendant, thereby depreciating the seriousness of the individual sentences.

4. The sentencing amendment was done pursuant to established County precedent, **see Commonwealth v. Hippensteel**, CR-2715-2013, Order of Court 23 September 2014 (President Judge KEVIN A. HESS).

5. At sentencing the impact on the victims was presented in the victim impact statements both orally and in writing.

6. Defendant, at sentencing, cast aspersions on the victims and their families indicating that they had lied on the witness stand at the preliminary hearing and again at trial.^[6]

7. At docket CR-0029-2011, the counts that had mandatory sentences associated with them are Count 1, Rape of a Child; Count 2, Involuntary Deviate Sexual Intercourse; Count 3, Involuntary Deviate Sexual Intercourse with a Child; Count 4, Aggravated Indecent Assault of a Child; and Count 9, Aggravated Indecent Assault.

8. At docket CR-3516-2010, the counts that had mandatory sentences associated with them are Count 1, Involuntary Deviate Sexual Intercourse and Count 2, Involuntary Sexual Intercourse with a Child.

9. It was noted at the April 2013 sentencing that the guidelines and report provided indicated a prior record score of zero (0), but the trial court's review of the report and sentencing guidelines indicated that there are applicable historically old convictions for burglary, theft and embezzlement.^[7]

10. At a minimum, these historical crimes would reflect a prior record score of two (2) for purposes of guidelines.^[8]

⁵ Order of Court 4 April 2013 page 24. It is noted now the aggregate sentence intended should have been 40-160 years.

⁶ Notes of testimony April 4, 2012 [sic], SVP at sentencing proceedings, at page 32 Line 17 through page 33 Line 10.

⁷ **Id.** at page 12 Line 14 through 19.

⁸ It is noted that the prior record score could be higher; however, because the presentence investigation did not note the equivalent grade of the charge in Pennsylvania by default, a point would be given for the felony charge and a point for the sum of the two misdemeanor charges.

11. The offense gravity score (OGS) for Rape of a Child (2 counts total) and Involuntary Deviate Sexual Intercourse with a Child (4 counts total) is a fourteen (14) and the standard range sentencing matrix for an OGS of 14 is the statutory limit (SL), for each of these six (6) counts, which is two-hundred and forty (240) months.^{9]}

12. The gross aggregate sentence for all the charges to which Defendant was found guilty by the jury is 309 years to 618 years.

DISCUSSION

Statement of Law: Courts have “broad discretion to choose a penalty from sentencing alternatives and the range of permissible confinements, provided the choices are consistent with the protection of the public, the gravity of the offense, and the rehabilitative needs of the defendant.” **Commonwealth v. Devers**, 519 Pa. 88, 92, 546 A.2d 12, 13 (1988).

We emphatically reject, therefore, interpretations of our law in this area which call for separate, written opinions embodying exegetical thought. Where pre-sentence reports exist, we shall continue to presume that the sentencing judge was aware of relevant information regarding the defendant’s character and weighed those considerations along with mitigating statutory factors. A pre-sentence report constitutes the record and speaks for itself. In order to dispel any lingering doubt as to our intention of engaging in an effort of legal purification, we state clearly that sentencers are under no compulsion to employ checklists or any extended or systematic definitions of their punishment procedure. Having been fully informed by the pre-sentence report, the sentencing court’s discretion should not be disturbed. This is particularly true, we repeat, in those circumstances where it can be demonstrated that the judge had any degree of awareness of the sentencing considerations, and there we will presume also that the weighing process took place in a meaningful fashion.

Id. at 101-102, 546 A.2d at 18.

Through the Sentencing Code, the General Assembly has enacted a process by which defendants are to be sentenced. 42 Pa. C.S. §9701 et seq. The guidelines must be considered and a court must explain its reasons for departure from them. **Commonwealth v. Mouzon**, 571 Pa.

⁹ 205 Pa. Code Section 303.16.

419, 425, 812 A.2d 617, 621 (2002). The Sentencing Code sets forth the requirements of review for whether a sentence is “unreasonable.” 42 Pa. C.S. §9781(c).

- (1) the sentencing court purported to sentence within the sentencing guidelines but applied the guidelines erroneously;
- (2) the sentencing court sentenced within the sentencing guidelines but the case involves circumstances where the application of the guidelines would be clearly unreasonable; or
- (3) the sentencing court sentenced outside the sentencing guidelines and the sentence is unreasonable.

Id. “In every case where the court imposes a sentence or resentence outside the guidelines adopted by the Pennsylvania Commission on Sentencing ... the court shall provide a contemporaneous written statement of the reason or reasons for the deviation from the guidelines to the commission. ... Failure to comply shall be grounds for vacating the sentence or resentence and resentencing the defendant.” 42 Pa. C.S. §9721.

Application of Law to Facts: Perspective is necessary to comprehend that this sentence is and always was within the sentencing guidelines. In Defendant’s myopic perspective this is a death sentence.¹⁰ In view of **Alleyn**, the mandatory sentence requested by the Commonwealth no longer restricts the court to a lower end of the standard guideline range for the six OGS 14 counts, and which would now result in a sentence of 240 months to 480 months for each victim or an aggregate total of 80 to 160 years, which is within the standard guideline range. Everywhere but Texas, a maximum possible sentence of 309 years to 618 years would seem draconian. In the totality of the circumstances vision of the trial court, the imposition of a completely applicable higher sentence would be punitive upon this type of procedural remand and not in step with established Cumberland County precedent.

The initial sentence, with the mandatory language removed by the amended sentence, calls for one ten-year minimum sentence with a full maximum term for each victim to be run consecutively, which recognized that any lesser sentence would minimize the damage done to one or more of the victims that would not reflect the full extent of the harm caused

¹⁰ Defendant’s terminal medical condition, which makes this sentence, indeed any sentence, a life sentence, is not grounds for the modification of the statutorily mandated and correct sentence. When Defendant’s medical condition actually reaches a terminal state he may then apply for a temporary deferral of the service of this sentence as provided for by statute 42 Pa. C.S. §9777. Motion to Modify Sentence, Order of Court 14 June 2013.

by the Defendant.¹¹ This is a top count sentence, where the Defendant was sentenced consecutively at the top count for each victim to 10 to 40 years, with the other 37 counts imposed concurrently to that top count. The top count for each victim was at an OGS of 14 that would allow the standard guideline range to go up to 240 months, for which 120 months is clearly within and no further explanation from the trial court is necessary as there is no departure from the guidelines.

To the extent that the trial court needs to explain its reasons for departure from the sentencing guidelines, the concise language of both sentences contained justification for the aggregate sentence that would apply to any consideration that the sentence was outside of the guidelines. Specifically, the trial court had reviewed the guidelines as demonstrated by the trial court's correction of the presentence report for the deficiency of the prior convictions. Further, the trial court noted the impact on the victims and the harm to which Defendant continued to enact upon them directly in the sentences. There is no need to go into a critical analysis of how Defendant took the innocence and trust from these four child victims.

Unshackled from the mandatory sentence statute, this case upon remand does not call for the trial court to act in reprisal; indeed, it is proper not to go above and beyond the mandatory prior sentence, as the sentences, then and now, were clearly within the standard guideline ranges and no justification statement is required. The sentences are lawful and reasonable.

¹¹ It is again noted that the correct maximum calculation should have been 160 years, not the stated 120 years.

ESTATE AND TRUST 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. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION**Beecher, Geraldine M.,** dec'd.

Late of Carlisle Borough.

Executor: Dennis K. Beecher c/o Bradley L. Griffie, Esquire, Griffie & Associates, P.C., 396 Alexander Spring Road, Suite 1, Carlisle, PA 17015.

Attorneys: Bradley L. Griffie, Esquire, Griffie & Associates, P.C.

Bozman, William Ross, dec'd.

Late of Camp Hill Borough.

Executrix: Grace Ellen Siguenza. Attorneys: Susan H. Confair, Esquire, Reager & Adler, PC, 2331 Market Street, Camp Hill, PA 17011, (717) 763-1383.

Cullings, John N., dec'd.

Late of South Middleton Township.

Executrix: Lisa C. Polk c/o Roger B. Irwin, Esquire, Salzmänn Hughes PC, 354 Alexander Spring Road, Suite 1, Carlisle, PA 17015. Attorneys: Salzmänn Hughes, P.C.

Delp, Arlene A., dec'd.

Late of North Middleton Township.

Executor: Dennis G. Delp c/o Landis & Black, 36 South Hanover Street, Carlisle, PA 17013.

Attorney: Robert R. Black, Esquire.

DeVanie, June M., dec'd.

Late of North Middleton Township.

Executor: Jeffrey M. DeVanie, 7 Stine Avenue, Carlisle, PA 17013.

Attorneys: Law Office of Keith O. Brenneman, P.C., 44 West Main Street, Mechanicsburg, PA 17055.

Frantz, Beatrice R., dec'd.

Late of West Pennsboro Township, Newville.

Executor: Dennis G. Mummert.

Attorneys: David M. Watts, Jr., Esquire, McNees Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166, (717) 237-5344.

Garn, Joanne M., dec'd.

Late of the Township of Hampden.

Personal Representative: Kathleen M. Huntzinger.

Attorneys: Jessica F. Greene, Esquire, Keystone Elder Law P.C., 555 Gettysburg Pike, Suite C-100, Mechanicsburg, PA 17055, (717) 697-3223.

Graff, Jane J., dec'd.

Late of Upper Allen Township.

Executor: Andrew J. Graff.

Attorneys: Michael L. Bangs, Esquire, Bangs Law Office, LLC, 429 South 18th Street, Camp Hill, PA 17011.

Herr, Robert M., Jr., dec'd.

Late of the Borough of Shiremans-town.

Co-Executrices: Patricia J. Kichman and Sharon A. Hane c/o Andrew C. Sheely, Esquire, 127 South Market Street, P.O. Box 95, Mechanicsburg, PA 17055.

Attorney: Andrew C. Sheely, Esquire, 127 South Market Street, P.O. Box 95, Mechanicsburg, PA 17055.

Jones, Martha L., dec'd.

Late of Shippensburg Borough.
 Executrix: Jeanne C. Jones c/o Thomas P. Gleason, Esquire, 49 West Orange Street, Suite 3, Shippensburg, PA 17257.
 Attorney: Thomas P. Gleason, Esquire, 49 West Orange Street, Suite 3, Shippensburg, PA 17257, (717) 532-3270.

Kinsler, Charles H., Jr., dec'd.

Late of Penn Township.
 Administrator: Jason W. Kinsler c/o Nathan C. Wolf, Esquire, 10 West High Street, Carlisle, PA 17013.
 Attorney: Nathan C. Wolf, Esquire, 10 West High Street, Carlisle, PA 17013, (717) 241-4436.

Martin, William L., dec'd.

Late of the Township of North Middleton.
 Executrix: Erika B. Martin c/o Mark A. Mateya, Esquire, Mateya Law Firm, P.C., 55 W. Church Avenue, Carlisle, PA 17013.
 Attorneys: Mark A. Mateya, Esquire, Mateya Law Firm, P.C., 55 W. Church Avenue, Carlisle, PA 17013, (717) 241-6500.

Oyster, Jean N., dec'd.

Late of Silver Spring Township.
 Executrix: Sally A. Worm c/o George W. Porter, Esquire, 909 E. Chocolate Ave., Hershey, PA 17033.
 Attorney: George W. Porter, Esquire, 909 E. Chocolate Ave., Hershey, PA 17033.

Rescorla, John F., dec'd.

Late of Mechanicsburg.

Co-Executrices: Sherry N. DiPrima and Debra K. Desso.
 Attorneys: Bruce J. Warshawsky, Esquire, Cunningham, Chernicoff & Warshawsky, P.C., 2320 North Second Street, Harrisburg, PA 17110.

Wagner, Ruth E., dec'd.

Late of the Township of South Middleton.
 Co-Executors: Steven L. Wagner and Melinda K. Crawford c/o Bradley L. Griffie, Esquire, Griffie & Associates, P.C., 396 Alexander Spring Road, Suite 1, Carlisle, PA 17015.
 Attorneys: Bradley L. Griffie, Esquire, Griffie & Associates, P.C.

Warren, Ellen M. a/k/a Ellen Warren, dec'd.

Late of the Borough of Lemoyne.
 Executor: William W. Warren, Jr., 508 Bridgeview Drive, Lemoyne, PA 17043.
 Attorneys: Gerald J. Shekletski, Esquire, Stone LaFaver & Shekletski, P.O. Box E, New Cumberland, PA 17070.

Winter, Joyce L., dec'd.

Late of Silver Spring Township.
 Executrix: Cynthia L. Hinson c/o Matthew A. McKnight, Esquire, Irwin & McKnight, P.C., 60 West Pomfret Street, Carlisle, PA 17013.
 Attorneys: Irwin & McKnight, P.C.

SECOND PUBLICATION

Brumbach, Sofia E., dec'd.

Late of South Middleton Township.
 Executor: Kenneth M. Brumbach, Jr. c/o Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.
 Attorneys: Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.

Class, John K., Jr., dec'd.

Late of Lower Allen Township.
 Executrix: Mrs. Barbara L. Kennedy.
 Attorney: Gary L. Rothschild, Esquire, 2215 Forest Hills Drive, Suite 35, Harrisburg, PA 17112.

Gati, Auguste, dec'd.

Late of Upper Allen Township.
 Co-Executrices: Joanne Williams a/k/a Josephine Ann Williams, 908 Thornton Drive, Mechanicsburg, PA 17055 and Susan G. Reyna, 135 Tuckahoe Road, Dillsburg, PA 17019.
 Attorney: Jane M. Alexander, Esquire, 148 S. Baltimore Street, Dillsburg, PA 17019-1007.

Gudalis, Victoria J., dec'd.

Late of Silver Spring Township.
 Administrator: Joseph C. Gudalis c/o Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.
 Attorneys: Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.

Henschke, William R., dec'd.

Late of the Borough of Mechanicsburg.
 Executor: William H. Henschke, II c/o Bradley L. Griffie, Esquire, Griffie & Associates, P.C., 396 Alexander Spring Road, Suite 1, Carlisle, PA 17015.
 Attorneys: Bradley L. Griffie, Esquire, Griffie & Associates, P.C.

McAlister, Dolores J., dec'd.

Late of East Pennsboro Township.
 Executrix: Beth Ann McAlister c/o Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.

Attorneys: Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.

Myers, Nancy D., dec'd.

Late of East Pennsboro Township, Summerdale.
 Executor: Kerry A. Myers.
 Attorneys: Andrew S. Rusniak, Esquire, McNeese Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601, (717) 581-3704.

Reed, Lee Elwood, Jr., dec'd.

Late of Lower Allen Township.
 Administratrix: Connie Still.
 Attorneys: Melanie Walz Scaringi, Esquire, Scaringi & Scaringi, P.C., 2000 Linglestown Road, Suite 106, Harrisburg, PA 17110.

Russell, James C., dec'd.

Late of Camp Hill.
 Executor: David A. Russell c/o Mark W. Allshouse, Esquire, Christian Lawyer Solutions, LLC, 4833 Spring Road, Shermans Dale, PA 17090.
 Attorneys: Mark W. Allshouse, Esquire, Christian Lawyer Solutions, LLC, 4833 Spring Road, Shermans Dale, PA 17090, (717) 582-4006.

Snyder, Eugene H., dec'd.

Late of the Township of Monroe.
 Executrix: Susan B. Myers.
 Attorneys: Jessica F. Greene, Esquire, Keystone Elder Law P.C., 555 Gettysburg Pike, Suite C-100, Mechanicsburg, PA 17055, (717) 697-3223.

THIRD PUBLICATION**Boggs, Norene S.,** dec'd.

Late of the Upper Allen Township.
 Executor: Edward W. Boggs, 17 Broadmoor Drive, Mechanicsburg, PA 17055.

Attorney: Marlin R. McCaleb, Esquire, 219 East Main Street, P.O. Box 230, Mechanicsburg, PA 17055.

Graham, Isabelle M. a/k/a Isabelle May Graham, dec'd.

Late of Silver Spring Township.
Co-Executors: Jeffrey Calvin Graham and Jerry Lee Graham c/o Charles E. Shields, III, Esquire, 6 Clouser Rd., Mechanicsburg, PA 17055.

Attorney: Charles E. Shields, III, Esquire, 6 Clouser Rd., Mechanicsburg, PA 17055.

Hock, Alma R., dec'd.

Late of Southampton Township.
Executrices: L. Jean Davis and Debra F. Heberlig c/o James M. Robinson, Esquire, Salzman Hughes PC, 354 Alexander Spring Road, Suite 1, Carlisle, PA 17015.
Attorneys: Salzman Hughes, P.C.

Johnston, Lester E., dec'd.

Late of Upper Allen Township.
Executor: Douglas L. Johnston c/o Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.

Attorneys: Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.

Kinback, John M. a/k/a John Kinback, dec'd.

Late of Hampden Township.
Executrix: Gloria M. Kinback.
Attorneys: David W. Reager, Esquire, Reager & Adler, PC, 2331 Market Street, Camp Hill, PA 17011, (717) 763-1383.

Landis, Richard L., dec'd.

Late of Cumberland County.
Administrator: Michael H. Landis.

Attorneys: Michael A. Scherer, Esquire, Baric Scherer, LLC, 19 West South Street, Carlisle, PA 17013, (717) 249-6873.

Mahalic, Veronica E., dec'd.

Late of Camp Hill.

Executrix: Patricia A. Bryk.

Attorney: Barbara Suple-Sullivan, Esquire, 549 Bridge Street, New Cumberland, PA 17070.

Mostellak, John, dec'd.

Late of the Borough of Newville.
Executrix: Kathleen I. Parsons c/o Marcus A. McKnight, III, Esquire, Irwin & McKnight, P.C., 60 West Pomfret Street, Carlisle, PA 17013.
Attorneys: Irwin & McKnight, P.C.

Myers, Henry S., dec'd.

Late of Mechanicsburg.

Executor: David T. Myers, 212 North Third Street, Suite 301, Harrisburg, PA 17101.

Attorneys: Beckley & Madden, P.O. Box 11998, Harrisburg, PA 17108-1998, (717) 233-7691.

Pennington, Ida M., dec'd.

Late of Monroe Township.

Executrix: Wendee S. Booher c/o Martson Law Offices, 10 East High Street, Carlisle, PA 17013.

Attorneys: Kate W. Millikan, Esquire, Martson Law Offices.

Pfalzer, William R., dec'd.

Late of Cumberland County.

Executrix: Gretchen M. Pfalzer Siy, 5820 Fawn Meadow Lane, Enola, PA 17025.

Attorneys: Elyse E. Rogers, Esquire, Saidis, Sullivan & Rogers, 100 Sterling Parkway, Suite 100, Mechanicsburg, PA 17050.

Shoemaker, Anna C., dec'd.

Late of South Middleton Township.

Executor: Stanley L. Albright c/o Marcus A. McKnight, III, Esquire, Irwin & McKnight, P.C., 60 West Pomfret Street, Carlisle, PA 17013. Attorneys: Irwin & McKnight, P.C.

Attorneys: Peter G. Howland, Esquire, Wix, Wenger & Weidner, 508 North Second Street, P.O. Box 845, Harrisburg, PA 17108-0845, (717) 234-4182.

Thurston, Constance H., dec'd.

Late of Camp Hill Borough. Administratrix: Jean Thurston, 5298 Cherry Tree Court, Mechanicsburg, PA 17055. Attorneys: Kristen Snyder, Esquire, Jackson Law Firm, PLLC, 1215 Manor Dr., Ste. 202, Mechanicsburg, PA 17055.

Weigle, Paul E. a/k/a Paul E. Weigle, Sr., dec'd.

Late of South Middleton Township. Executor: Kevin P. Weigle, 1144 Myerstown Road, Gardners, PA 17324. Attorneys: Law Office of Keith O. Brenneman, P.C., 44 West Main Street, Mechanicsburg, PA 17055.

Wildman, Richard J., dec'd.

Late of the Borough of Mechanicsburg. Executrix: Doris M. Wildman c/o Charles E. Shields, III, Esquire, 6 Clouser Rd., Mechanicsburg, PA 17055. Attorney: Charles E. Shields, III, Esquire, 6 Clouser Rd., Mechanicsburg, PA 17055.

Wolfe, William L., dec'd.

Late of Cumberland County. Executor: David D. Hukill, 265 Old Stonehouse Rd., Carlisle, PA 17013. Attorney: Taylor P. Andrews, Esquire, 78 West Pomfret Street, Carlisle, PA 17013.

Youell, Benjamin H., III, dec'd.

Late of Hampden Township. Executor: Mikell Y. Worley, 605 Highwood Dr., Baltimore, MD 21212.

NOTICE OF TAX FORECLOSURE HEARINGS

INTENTION TO SELL REAL ESTATE AT JUDICIAL SALE FOR UNPAID REAL ESTATE TAXES

Reputed Owner; Civil Docket No.; Property Desc.; Tax Parcel/VIN No.

James Geesey; 2017-00991; 205 Salem Acres, Hampden Twp., Mobile Home; 10-19-1606-018 TR09063/VIN: 15184

Gus Kratsa, Heirs; 2017-00992; 23 Kingsbury MHP, Hampden Twp., Mobile Home; 10-22-0523-024 TR09553/VIN: N/A

Gus Kratsa, Heirs; 2017-01036; 32 Kingsbury MHP, Hampden Twp., Mobile Home; 10-22-0523-024 TR08673/VIN: N/A

Douglas Lentz, Donald Parkhurst; 2017-01111; 32 Center Street, Mt. Holly Spgs., Mobile Home; 23-31-2187-054 TR08735/VIN: 2380

Brandon Ryan; 2017-01162; 1 Dranoel Drive, North Middleton, Mobile Home; 29-19-1653-021 TR01313/VIN: N/A

Melanie S. Richardson, Jordan Minium, Edward W. Mimmall, III; 2017-001196; 41 Hodges MHP, Silver Spring, Mobile Home; 38-14-0852-005 TR05809/VIN: D1226557

Lee W. Golden; 2017-01463; 1221 Mountain Rd., Upper Mifflin, Mobile Home; 44-06-0041-068 TR03046/VIN: C9492

Jennifer Grimes; 2017-01479; 68 Big Sprg. Terr., West Pennsboro, Mobile Home; 46-09-0515-005 TR06904/VIN: 312CK65G4969

Rebecca Lawrence; 2017-01504; 184A Big Sprg. Terr., West Pennsboro, Mobile Home; 46-09-0515-005 TR04820/VIN: 01110258R

 RULE TO SHOW CAUSE

AND NOW, this 9th day of February, 2017 upon consideration of the within Petition, a Rule to Show Cause is issued upon all interested parties to appear and show cause why a decree should not be made that the property which is the subject of the within Petition be sold freed and cleared of all tax and municipal claims, liens, mortgages, charges and estates, except separately taxed ground rents. Service of this Rule shall be made to all parties listed at paragraph four of the within Petition in the manner provided by Section 611 of the Real Estate Tax Sale Law 72 P.S. §5860.611. Service of this Rule shall be made to party listed at paragraph five by publication once in the Cumberland Law Journal and once in the Patriot News, at least fifteen days prior to the rule returnable date, pursuant to Pa. R.C.P. 430.

This is not a summons, you are not required to appear before the court, however, you must appear if you desire to preserve your right to any interest or value in the real estate which is the subject of this proceeding. If you do not appear you may lose any ownership interest in the property or any right to any lien or other security interest in the property.

Rule returnable April 17, 2017 at 9:00 a.m. in Courtroom Number 6, at Cumberland County Courthouse, One Courthouse Square, 4th floor, Carlisle, Pennsylvania.

Reputed Owner; Civil Docket No.; Property Desc.; Tax Parcel/VIN No.

Donald A. Blosser, Bredena Blosser; 2017-03161; 403 Fifth Street, East Pennsboro, Bldg. & Lot; 09-11-3005-050

Margaret A. McKee, Rudy L. Sylvan, Heirs; 2017-03168; 1454 High Street, West Fairview, Bldg. & Lot; 45-16-1049-034A

 RULE TO SHOW CAUSE

AND NOW, this 10th day of March, 2017 upon consideration of the within Petition, a Rule to Show Cause is issued upon all interested parties to appear and show cause why a decree should not be made that the property which is the subject of the within Petition be sold freed and cleared of all tax and municipal claims, liens, mortgages, charges and estates, except separately taxed ground rents. Service of this Rule shall be made to all parties listed at paragraph four of the within Petition in the manner provided by Section 611 of the Real Estate Tax Sale Law 72 P.S. §5860.611. Service of this Rule shall be made to the parties at paragraph five by publication once in the Cumberland Law Journal and once in the Patriot News, at least fifteen days prior to the rule returnable date, pursuant to Pa. R.C.P. 430.

This is not a summons, you are not required to appear before the court, however, you must appear if you desire to preserve your right to any interest or value in the real estate which is the subject of this proceeding. If you do not appear you may lose any ownership interest in the property or any right to any lien or other security interest in the property.

Rule returnable May 19, 2017 at 9:30 a.m. in Courtroom Number 2 at Cumberland County Courthouse, One Courthouse Square, 4th floor, Carlisle, Pennsylvania.

 NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be

entered against you without further notice for the relief requested by the Petitioner, Cumberland County Tax Claim Bureau. 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.

Cumberland County
Bar Association
32 S. Bedford Street
Carlisle, PA 17013
(717) 249-3166 or (800) 990-9108
KEITH O. BRENNEMAN,
ESQUIRE
Cumberland County Solicitor
Melissa F. Mixell, Director
Cumberland County Tax
Claim Bureau

Mar. 31

NOTICE

In the Court of Common Pleas of
Cumberland County, Pennsylvania
Orphans' Court Division

Adoption Docket
No. 10-Adopt-2017

IN RE: ADOPTION OF K.L.R.-W.
Born: December 13, 2013

TO: Desirae Nicole Rotz

A petition has been filed asking the Court to end your parental rights to your child, K.L.R.-W., and a hearing is scheduled at the Cumberland County Courthouse, Carlisle, PA, on Wednesday, May 17, 2017 at 1:30 p.m. If you do not appear at this hearing, the Court may decide that you are not interested in retaining your rights to your child and your failure

to appear may affect the Court's decision of whether to end your rights to your child. You are warned that even if you fail to appear at the hearing, the hearing will go on without you and the Court may end your rights to your child without you being present.

You have the right to be represented at the hearing by a lawyer. 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 office set forth below to find out where you can get legal help.

Cumberland County
Bar Association
32 South Bedford Street
Carlisle, PA 17013
(717) 249-3166

The Court of Common Pleas of Cumberland County is required by law to comply with the Americans with Disabilities Act of 1990. If you have a disability and require accommodations, contact the Office of Court Administrator. All arrangements must be made at least 72 hours in advance of a hearing.

Under Act 101 of 2010, there may be an option to enter into a voluntary, enforceable post-adoption contract agreement.

Mar. 31

CHANGE OF NAME

In re: Petition of Adoption and
Change of Name of
Larry Raymond Carroll, Jr.

To: all persons interested

NOTICE IS HEREBY GIVEN that an Order of said Court authorized the filing of said Petition and fixed April 12, 2017 at 9:30 a.m. as the time in Courtroom No. 4 of the Court of Common Pleas of Cumberland County, Pennsylvania, One Courthouse Square, Carlisle, Pennsylvania, as

the place for a Hearing, when and where all persons may show cause, if they have any, why said name should not be changed as prayed for.

AMY L. OWEN, ESQUIRE
2 West High Street
Carlisle, PA 17013

Mar. 31

FICTITIOUS NAME NOTICE

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name:

RED HAT FOUNDATION

for the conduct of business in Cumberland County, Pennsylvania, with the principal place of business being: 1444 Apple Circle, Mechanicsburg, PA 17055 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on January 13, 2017 pursuant to the Act of Assembly of December 16, 1982, Act 295. The name and address of the only person or persons owning or interested in the said business—Eric Northern, 1444 Apple Circle, Apt. 169, Mechanicsburg, PA 17055.

Mar. 31

NOTICE

NOTICE IS HEREBY GIVEN of the filing of Certificate of Organization in the Department of State of the Commonwealth of Pennsylvania on or about March 7, 2017, for the purpose of organizing a proposed domestic limited liability company to be organized under the Limited Liability Company Law of 1994, 15 Pa. C.S.A. 8901 et seq. The name of the limited liability company is:

BCB ENTERPRISES, LLC

And the purpose for which it is to be organized is to engage in any business permitted by law, with a

focus on ownership and management of business interest.

LAW OFFICES OF
PETER J. RUSSO, P.C.
5006 E. Trindle Road
Suite 203
Mechanicsburg, PA 17050

Mar. 31

NOTICE

NOTICE IS HEREBY GIVEN of the filing of Certificate of Organization in the Department of State of the Commonwealth of Pennsylvania on or about March 9, 2017, for the purpose of organizing a proposed domestic limited liability company to be organized under the Limited Liability Company Law of 1994, 15 Pa. C.S.A. 8901 et seq. The name of the limited liability company is:

BCB ROSSMOYNE, LLC

And the purpose for which it is to be organized is to engage in any business permitted by law, with a focus on owning and operating a coffee shop and bakery.

LAW OFFICES OF
PETER J. RUSSO, P.C.
5006 E. Trindle Road
Suite 203
Mechanicsburg, PA 17050

Mar. 31

NOTICE

NOTICE IS HEREBY GIVEN that articles of incorporation were filed with the Department of State of the Commonwealth of Pennsylvania for:

DR. KCOMT, CENTER FOR
WELLBEING, P.C.

formed pursuant to the provisions of the Pennsylvania Business Corporation Law of 1988.

CLIFTON R. GUISE, ESQUIRE
HALBRUNER, HATCH &
GUISE, LLP
2109 Market Street
Camp Hill, PA 17011

Mar. 31

**PETITION FOR
CHANGE OF NAME**

In the Court of Common Pleas of
Cumberland County, Pennsylvania

Docket No.: 2017-02858 CIVIL

NOTICE

NOTICE IS HEREBY GIVEN that
on March 17, 2017 the Petition of
Elizabeth Antoinette Colomba was
filed in the above named court,
requesting a decree to change her
name from Elizabeth Antoinette Co-

lomba to Surina Elizabeth Antoinette
Colomba.

The Court has fixed Wednes-
day, April 26, 2017 at 1:30 p.m. in
Courtroom No. 6, 4th Floor, at the
Cumberland County Courthouse, 1
Courthouse Square, Carlisle, PA, as
the time and place for the hearing
on said Petition, when and where all
persons interested may appear and
show cause if any they have, why the
prayer of the said Petition should not
be granted.

Mar. 31; Apr. 7, 14



PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Monday, April 3, 2017