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Court Of Common Pleas of Lancaster County  
**Criminal Action – Post Conviction Collateral Relief**

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Commonwealth v. Denzel Nichols  
 Evidence

Trial counsel was not ineffective for failing to argue the corroboration rule of evidence set forth in *Opper v. United States*, 348 U.S. 84 (1954) concerning extrajudicial statements when Pennsylvania has not adopted the rule and continues to use the *corpus delicti* rule.

Opinion. Commonwealth of Pennsylvania v. Denzel Nichols. No. CP-36-CR-5099-2020.

OPINION BY SPONAUGLE, J., December 12, 2023.

**I. INTRODUCTION**

Before the Court is a Petition for Post-Conviction Collateral Relief under the Post-Conviction Relief Act (“PCRA”), 42 Pa.C.S.A. § 9541, *et seq.* from Denzel Nichols (“Petitioner”). This Court concludes the petition is without merit, and as such, intends to dismiss the petition without a hearing.

**II. RELEVANT PROCEDURAL AND FACTUAL HISTORY**

On June 29, 2021, following trial, a jury found Appellant guilty on the following charges: Count I: Rape—Person Unconscious/Unaware; Count II: Statutory Sexual Assault—Person Under 16; Count III: Aggravated Indecent Assault—Person Under 16; Count IV: Corruption of Minors; Count V: Corruption of Minors; and Count VI: Indecent Assault—Person Under 16. Sentencing Order, 6/29/2021. On January 4, 2022, Appellant was sentenced to seven to fifteen years’ incarceration. *Id.*

On February 3, 2022, Petitioner timely filed a Notice of Appeal and filed a Statement of Errors Complained of on Appeal on March 7, 2022, alleging the court erred in denying Petitioner’s request for a mistrial after statements made by the Commonwealth in their opening statement violated Petitioner’s Fifth Amendment rights, and that the court abused its discretion by admitting Appellant’s inculpatory statements in violation of the *corpus delicti* rule. Def.’s Concise Statement of Errors Complained of on Appeal, 3/7/2022. In its opinion, this Court denied Petitioner’s claims on appeal, and on September 30, 2022, the determinations were affirmed by the Superior Court. Affirmed – Superior Court, 9/30/2022. On August 23, 2023, Petitioner filed a counseled PCRA Petition alleging (1) ineffective assistance of counsel for failure to argue the corroboration rule of evidence set forth in *Opper v. United States*, 348 U.S. 84 (1954); (2) Petitioner’s Pennsylvania Constitutional rights were violated when law enforcement illegally accessed Petitioner’s cell phone; and (3) Petitioner’s due process rights were violated when a witness for the Commonwealth informed the jury of Petitioner’s prior incarceration. Petition for Post Conviction Relief Under the Pennsylvania Post Conviction Relief Act (“Petition”), 8/23/2023, at 2-3. For the reasons stated herein Petitioner’s claims are without merit and

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denied.

### III. DISCUSSION

#### a. *Extrajudicial Statements*

“To obtain relief [on an ineffective assistance of counsel claim], the defendant must demonstrate that counsel’s performance was constitutionally deficient and that the deficient performance prejudiced him.” *Commonwealth v. Daniels*, 104 A.3d 267, 281 (Pa. 2014) (citing *Strickland v. Washington*, 466 U.S. 668, 687 (1984)). “It is well-settled that counsel is presumed to have been effective and that the petitioner bears the burden of proving counsel’s alleged ineffectiveness.” *Commonwealth v. Reid*, 259 A.3d 395, 405 (Pa. 2021).

To overcome this presumption, a petitioner must establish that: (1) the underlying substantive claim has arguable merit; (2) counsel did not have a reasonable basis for his or her act or omission; and (3) the petitioner suffered prejudice as a result of counsel’s deficient performance, that is, a reasonable probability that but for counsel’s act or omission, the outcome of the proceeding would have been different. A PCRA petitioner must address each of these prongs on appeal. A petitioner’s failure to satisfy any prong of this test is fatal to the claim.

*Id.* (citations and quotations omitted).

In his first claim, Petitioner asserts that trial counsel was ineffective for failure to argue the evidence standard, the corroboration rule, found in *Opper v. United States*, 348 U.S. 84 (1954). Petition at 2. In *Opper*, the question before the federal court was whether, and to what extent, a defendant’s inculpatory statements must be corroborated by other evidence before the statements could be admitted. *Opper v. United States*, 348 U.S. 84 (1954). In that case, the defendant was accused of violating federal criminal statutes and was therefore tried in federal court with federal jurisdiction. *Id.* at 85-86. The Supreme Court of the United States granted *certiorari* due to conflicting federal opinions concerning the corroboration rule that had, at the time, been recently handed down. *Id.* at 86. Ultimately, the High Court held, “[i]t is necessary, therefore, to require the Government to introduce substantial independent evidence which would tend to establish the trustworthiness of the statement.” *Id.* at 93. Further, “[i]t is sufficient if the corroboration supports the essential facts admitted sufficiently to justify a jury inference of their truth.” *Id.* Petitioner asserts that his extrajudicial statements were admitted at trial in violation of the corroboration rule as he believes there was no independent corroboration establishing the trustworthiness of his statements. Petition at 2.

In response, the Commonwealth asserts that Pennsylvania has not adopted the corroboration rule, also known as the trustworthiness doctrine, and continues to follow to the corpus delicti rule, which determines when an inculpatory statement can be admitted into evidence. Commonwealth’s Answer to the Defendant’s Motion for Post-Convic-

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tion Collateral Relief (“Answer”), 9/13/2023, at 3. The Commonwealth further states that *Opper* is not binding precedent on Pennsylvania courts deciding evidentiary matters under Pennsylvania state law. *Id.* Petitioner asserts in part, that pursuant to the Supremacy Clause of the United States Constitution, *Opper* is the law of the United States and must be followed regardless of Pennsylvania law. Response to Commonwealth’s Brief Opposing Petition for Post Conviction Collateral Relief Under the Pennsylvania Post Conviction Relief Act (“Reply”), 9/28/2023, at 3.

*Commonwealth v. Taylor* is the seminal case in Pennsylvania concerning the admission of extrajudicial inculpatory statements. *Taylor*, 831 A.2d at 587. In *Taylor*, the Pennsylvania Supreme Court examined the disparities between two cases, *Commonwealth v. Verticelli*, 706 A.2d 820 (Pa. 1998) and *Commonwealth v. Bardo*, 709 A.2d 871 (Pa. 1998) concerning the admissibility of extrajudicial inculpatory statements made by a defendant under the corpus delicti rule. *Id.* at 592.

The corpus delicti rule requires the Commonwealth to present evidence that: (1) a loss has occurred; and (2) the loss occurred as a result of a criminal agency. Only then can the Commonwealth rely upon statements and declarations of the accused to prove that the accused was, in fact, the criminal agent responsible for the loss.

*Commonwealth v. Taylor*, 574 Pa. 390, 831 A.2d 587, 590 (2003).

In *Verticelli*, police arrived at the scene of an accident where a motorcycle had struck mailbox and telephone pole and the motorcycle was abandoned at the scene. *Id.* 592-93. After locating Verticelli at his home he admitted he abandoned his motorcycle on the way to a bar. *Id.* at 593. Officers noticed the smell of alcohol on Verticelli and had him perform field sobriety tests, which he failed; he was then arrested and charged with leaving the scene of an accident and driving under the influence of alcohol. *Id.* At trial Verticelli argued the Commonwealth had not established the crime of driving under the influence of alcohol occurred because the only evidence that he was under the influence when he operated his motorcycle was his own confession. *Id.* The court agreed that Commonwealth had not independently established the corpus delicti of the driving under the influence of alcohol, but asserted the Commonwealth had met the closely related crime exception to the corpus delicti rule. *Id.* The court explained that the “closely related crime exception applies where the crimes at issue share a common element and are temporally related.” *Id.* The court then held that the driving under the influence of alcohol charge arose from the same incident as the offense of leaving the scene of the accident and that they had a common element of operation of a motor vehicle as to fit the closely related crime exception. *Id.* (citing *Verticelli*, 706 A.2d at 821, 826).

Less than a month later the Pennsylvania Supreme Court decided *Commonwealth v. Bardo*, 709 A.2d 871 (Pa. 1998). *Id.* In *Bardo*, the

defendant confessed to police to sexually molesting and murdering his three-year-old niece. *Id.* The Commonwealth produced evidence sufficient to establish a murder had occurred, but no independent evidence of aggravated indecent assault was admitted before Bardo's confession was introduced. *Id.* There, the court ruled the confession was admissible for both crimes as the relationship between the crimes was sufficiently close as to not violate the corpus delicti rule. *Id.* In *Taylor*, the Court was confronted with two separate standards for the same issue; *Verticelli* seemed to require that the crimes in question have a common element and be temporally related to satisfy the closely related crimes exception, while *Bardo* did not require a common element between the crimes, only that the relationship between the crimes was sufficiently close as to avoid violating the purpose of the corpus delicti rule. *Id.* at 593-94. Ultimately, the court held,

[w]e now clarify that the standard articulated in *Bardo*, requiring the relationship between the crimes to be sufficiently close so as to avoid admitting a confession for a crime that did not occur, is the proper test for determining whether the closely related crimes exception to the corpus delicti rule applies.

*Id.* As such, *Verticelli* was abrogated, and *Taylor* became, and remains, the standard concerning the corpus delicti rule.

Petitioner argues that regardless of *Taylor*, or any Pennsylvania law, *Opper* must apply pursuant to the Supremacy Clause of the United States Constitution. Reply at 3. Petitioner is mistaken. The Supremacy Clause reads,

[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

U.S. Const. art. VI, cl. 2. Evidentiary issues such as the corpus delicti and corroboration rules are not in fact constitutional matters and therefore, are not subject to the Supremacy Clause. See *Commonwealth v. Stultz*, 114 A.3d 865, 877-78 (Pa. Super. 2015) ("Importantly, nothing in the federal constitution specifically prohibits a state from delegating to its high court the authority to craft procedural or evidentiary rules."). Because the right to establish evidentiary rules is not a Constitutional matter, the right to create such rules belongs to the states. See U.S. Constitution amend. X. ("The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."). As such, in the nearly 70 years since *Opper* was decided, Pennsylvania has not adopted the corroboration rule, or trustworthiness doctrine, and has no duty to do so now. As such, trial counsel was not ineffective for failure to argue *Opper*, an evidentiary rule not followed by Penn-

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sylvania, and since the matter of corpus delicti has been previously litigated, the claim is without merit and denied.

**b. Warrantless Search of Cell Phone**

In his next issue Petitioner alleges law enforcement opened his cell phone without his consent or a warrant and asserts the action was not harmless as all evidence introduced at trial was extracted from his cell phone. Petition at 3. It is unclear from Petitioner's filings whether Petitioner is making a claim for unlawful search and seizure by law enforcement or an ineffective assistance of counsel claim for trial counsel's failure to assert that the search was illegal. If Petitioner is asserting a constitutional claim for an illegal search and seizure by law enforcement, the issue has been waived. "[A]n issue is waived if the petitioner could have raised it but failed to do so before trial, at trial, during unitary review, on appeal or in a prior state postconviction proceeding." 42 Pa.C.S.A. § 9544(b). At no point before trial, during trial, or on appeal did Petitioner raise the issue of a search of his cell phone and Petitioner cannot raise the issue for the first time on PCRA review. If Petitioner is claiming ineffective assistance of counsel for failure to challenge the search of the cell phone, the issue is without merit. As stated,

a petitioner must establish that: (1) the underlying substantive claim has arguable merit; (2) counsel did not have a reasonable basis for his or her act or omission; and (3) the petitioner suffered prejudice as a result of counsel's deficient performance, that is, a reasonable probability that but for counsel's act or omission, the outcome of the proceeding would have been different.

*Reid*, 259 A.3d at 405. Petitioner's claim is without merit because there is nothing of record and nothing supplied by the Petitioner to show that his phone was ever opened or operated by law enforcement. Pa.R.Crim.P. Rule 902(D) states "[t]he defendant shall attach to the petition any affidavits, records, documents, or other evidence which show the facts stated in support of the grounds for relief, or the petition shall state why they are not attached." In his Reply to the Commonwealth's opposition, Petitioner references "Incident Report Form EH-20-01791" which allegedly includes a statement by Detective Bender stating, "I brought Denzel's phone into the interview room, had Denzel unlock it with his passcode and then Denzel allowed me to take control of his phone. . . ." Reply at 6. This incident report is not part of the record, has not been attached to the Petition or the Reply, nor has Petitioner explained why it was not attached as required by Rule 902(D). Regardless, this statement wholly contradicts Petitioner's claim that law enforcement unlocked Petitioner's phone with his passcode and accessed the phone without Petitioner's consent.

In addition to failing to show that the claim has merit, Petitioner has also failed to show prejudice. Petitioner baldly claims that all evidence admitted at trial was obtained as a result of an illegal search of his

cell phone; Petitioner is incorrect. At trial four pieces of evidence were admitted into trial, all four through the victim's testimony. Notes of Testimony – Trial ("NT") at 2-3, 102, 105, 114, 183. All of the evidence obtained, two recorded calls and two sets of text messages, were obtained from the victim and/or her cell phone, not the Petitioner's. Petitioner has failed to supply any evidence at all that would suggest there was a search of his phone, legal or otherwise, or that any information or evidence was used or admitted as evidence at trial. Petitioner has failed to show that this claim has merit or that he has been prejudiced, and as such it is denied.

**c. Testimony of Tyree Berry**

In his final issue, Petitioner asserts that the testimony of Tyree Berry denied him due process of law and that the only purpose of the testimony was to inform the jury that Petitioner had been incarcerated. As Petitioner makes clear this is a substantive due process claim, and not an ineffective assistance of counsel claim, the issue has been waived. See 42 Pa.C.S.A. § 9544(b). Assuming, *arguendo*, that the claim is not waived, it is belied by the record.

The Commonwealth: Mr. Berry, is it fair to say that my office currently has charges pending against you?

Mr. Berry: Yes.

The Commonwealth: For endangering the welfare of children?

Mr. Berry: Yes.

The Commonwealth: Amongst other things I believe?

Mr. Berry: Yes.

The Commonwealth: And is it fair to say that you have a prior conviction for burglary?

Mr. Berry: Yes.

The Commonwealth: Okay. Have you been offered anything from the Commonwealth to testify here today?

Mr. Berry: No.

The Commonwealth: Were you made any promises?

Mr. Berry: I came forth myself.

The Commonwealth: Were you in fact told you would not get anything for this?

Mr. Berry: Yes.

The Commonwealth: And at some point just telling us the contents of the conversation, at some point were you part of or overhear a conversation that the defendant was part of?

Mr. Berry: Say that one more time.

The Commonwealth: Without telling us where it oc-

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- curred, can you tell us the – what brings you here today, what do you have to tell this jury?
- Mr. Berry: I would like to tell the jury that in so many words I was confessed to about Denzel having sex with an underage woman, underage child.
- The Commonwealth: And can you tell us what you heard Denzel say?
- Mr. Berry: Well, it started off a different conversation where he confessed to being in prison –
- The Commonwealth: Hold on. Can you tell use what-  
Defense Counsel: Judge can we approach?
- Mr. Berry: He said that –
- The Commonwealth: Hold on.
- The Court: Hold on.  
(A sidebar conversation was held as follows.)
- Defense Counsel: That testimony is exactly what we're trying to prevent. I would ask for a mistrial.
- The Commonwealth: Judge, I understand he's been told not to say anything but you can tell how much I'm trying not to elicit – it wasn't purposefully elicited. There's no basis for a mistrial. We can – we quickly talked over him and moved on.
- The Court: I'll give them a curative instruction and tell them to disregard what was said.
- The Commonwealth: Would you like me to remind him?
- The Court: Yes. I don't want to go down that road again.  
(The sidebar discussion concluded.)
- The Court: You just heard some testimony as to where an alleged conversation may have taken place that the defendant had or was overheard by with Mr. Berry. I'm telling you to disregard where that conversation may have taken place. It's of no



matter to you. Just take it out of your mind. It is not relevant to what this case is about and what these charges are and the fact that the defendant is here.

As I told you before, the defendant is presumed innocent, like we all are, if we're charged with a crime. He's presumed innocent at this point. So disregard what you just heard about where this conversation may have taken place. It's of no matter. Let's proceed.

NT at 174-76.

"[A]lthough generally no reference may be made at trial in a criminal case to a defendant's arrest or incarceration for a previous crime, there is no rule in Pennsylvania which prohibits reference to a defendant's incarceration awaiting trial or arrest for the crimes charged." *Commonwealth v. Johnson*, 838 A.3d 663, 680 (Pa. 2003) (citation omitted). "In Pennsylvania, 'evidence of crimes other than those charged in the case before the jury may not be presented at trial to prove the defendant's 'criminal character' or his tendency toward committing criminal acts.'" *Commonwealth v. Padilla*, 923 A.2d 1189, 1194 (Pa. Super. 2007) (quoting *Commonwealth v. Howard*, 749 A.2d 941, 952 (Pa. Super. 2000)). However, passing references will not generally require a mistrial. *Padilla*, 923 A.2d at 1195. "The nature of the reference and whether the remark was intentionally elicited by the Commonwealth are additional factors to be considered in determining whether a mistrial is necessary. Moreover, "[a]n immediate curative instruction to the jury may alleviate [the] harm [which would otherwise result] from reference to prior criminal conduct." *Commonwealth v. Sattazahn*, 631 A.2d 597,608 (Pa. Super. 1993) (quoting *Commonwealth v. Bonace*, 571 A.2d 1079, 1082 (Pa. Super. 1990)) (citations omitted).

As shown by the testimony above, the Commonwealth went out of its way not to elicit testimony concerning Petitioner's location or incarceration at the time the witness heard a conversation concerning the present criminal matter. The purpose of the testimony was not to inflame the jury but to introduce statements made by the Petitioner concerning the crimes for which he was on trial. The statement was made in passing and in error by the witness. Moreover, an immediate curative instruction was issued to the jury thus alleviating the harm, if any, caused by the witness's passing comment. Petitioner's statement that the only reason for Mr. Berry's testimony was "to inform the jury and inflame the passions of the jury by informing them that Petitioner was in prison, and obviously a bad person more likely to commit crimes



than a person not in prison” is baseless, belied by the record, without merit, and waived.

**IV. CONCLUSION**

Petitioner has failed to overcome the presumption that trial counsel was effective, or that his constitutional or due process rights were violated. For the reasons set forth above, the undersigned hereby provides notice of intent to dismiss the PCRA Petition without a hearing. Pursuant to Rule 907 of the Pennsylvania Rules of Criminal Procedure, Petitioner is allowed twenty days from the date of this Notice to file a response and show good cause why the PCRA motion petition should not be dismissed.

BY THE COURT:

THOMAS B. SPONAUGLE, JUDGE

**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**

**Bear, Evelyn L. a/k/a Evelyn Lorraine Bear, dec'd.**

Late of West Hempfield Township.

Administrator: Rick A. Bear c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.

Attorney: Jeffrey P. Ouellet, Esquire.

**Boylan, Sharon L., dec'd.**

Late of Manheim Township.

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Attorneys: Gibbel Kraybill & Hess LLP.

**Brinkman, Judith A., dec'd.**

Late of Manheim Township.

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rin N. Brinkman c/o Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603.

Attorney: James R. Clark.

**Burkholder, Scott F., dec'd.**

Late of West Lampeter Township.

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**Cocker, Jean A., dec'd.**

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**Cornette, Patricia Ann a/k/a Patricia A. Cornette, dec'd.**

Late of Lancaster Township.

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**Donley, Sandra E., dec'd.**

Late of East Hempfield Township.

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Attorney: Gibbel Kraybill & Hess, LLP.

**Duvall, Robert L. a/k/a Robert L. Duvall, Sr., dec'd.**

Late of West Lampeter Township.

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**Fryberger, Ronald E., Sr.**, dec'd.

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**Graybill, Marian M. a/k/a Marian Graybill a/k/a Marian Meck Graybill**, dec'd.

Late of East Drumore Township.

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Attorney: Frank A. Nardo, Jr.

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**Hartranft, Judith A.**, dec'd.

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**Hoover, Elizabeth B.**, dec'd.

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**Houck, Mary Jane**, dec'd.

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**Hummer, Grant W., Sr.**, dec'd.

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**Kaufman, Lois J.**, dec'd.

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Administratrix: Lindsay M. Comerer c/o RKG Law, 101 North Pointe Blvd, Suite 202, Lancaster, PA 17601.

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**King, Mattie L.**, dec'd.

Late of East Lampeter Township.

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Attorney: Ashley A. Glick, Esq., Kling, Deibler & Glick, LLP.

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**Kline, Barbara M.**, dec'd.

Late of Warwick Township.

Personal Representative: David R. Kline c/o John S. May, Esquire, 49 North Duke Street, Lancaster, PA 17602.

Attorney: May, Herr & Grosh, LLP.

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**Lambert, Steven B.**, dec'd.

Late of Lititz Borough.

Administrators: Austen H. Lambert, Alexandra D. Rittase c/o Justin J. Bollinger, Attorney, P.O. Box 5349, Lancaster, PA 17606.

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**Mallalieu, Cynthia Y.**, dec'd.

Late of Lancaster City.

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**Martin, Margaret Jane**, dec'd.

Late of Warwick Township.

Administratrix: Patrice J. Martin c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.

Attorney: Kurt A. Gardner.

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**Martin, Paul Z.**, dec'd.

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**Orfanella, Shirley J.**, dec'd.

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**Rogers, Joyce A.**, dec'd.

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**Rozanski, Helen L. a/k/a Helen L. Snyder a/k/a Helen L. Wet- zler**, dec'd.

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**Shutt, Jay H.**, dec'd.

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**Simpson, Scott S.**, dec'd.

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**Weaber, Kathryn J.**, dec'd.

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**Yatwin, Roseann**, dec'd.

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**Young, James F.**, dec'd.

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**Young, Leonard W.**, dec'd.

Late of Columbia Borough.  
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**SECOND PUBLICATION**

**Bair, Douglas A.**, dec'd.

Late of Lancaster Township.  
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lap, Kelly L. Blair c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.

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**Becker, Marlin E., Jr.**, dec'd.

Late of Rapho Township.  
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Attorneys: Smoker Gard Associates LLP.

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**Bender, Carol A.**, dec'd.

Late of Lancaster City.  
Administratrix: Michelle Lynn LoCicero, 1837 Harrow Ln., Lancaster, PA 17602.  
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**Blose, Chiquita F.**, dec'd.

Late of Warwick Township.  
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Attorneys: Gibbel Kraybill & Hess LLP.

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**Chronister, Richard E.**, dec'd.

Late of Akron Borough.  
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Attorney: Gibbel Kraybill & Hess, LLP.

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**England, Mark E.**, dec'd.

Late of West Earl Township.  
Executrix: Tammy I. Rooker c/o Valocchi & Fischer, 342 East

Lancaster Avenue, Downingtown, PA 19335.

Attorney: Jay G. Fischer, Esquire.

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**Gifford, Allan R. a/k/a Allan Randall Gifford**, dec'd.

Late of West Lampeter Township.

Co-Executors: Jill G. Green, Timothy P. Gifford c/o Blakinger Thomas, PC, 28 Penn Square, Lancaster, PA 17603.

Attorneys: Blakinger Thomas, PC.

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**Gilbert, Richard S. a/k/a Richard Gilbert**, dec'd.

Late of West Lampeter Township.

Co-Executors: Bruce C. Micchiche, Brian S. Micchiche c/o Kluxen, Newcomer & Dreisbach, Attorneys-at-Law, 2221 Dutch Gold Drive, Dutch Gold Business Center, Lancaster, PA 17601.

Attorney: Melvin E. Newcomer, Esq.

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**Gossert, Harry D., Jr.**, dec'd.

Late of Lancaster Township.

Co-Executrices: Donna E. Sheffer, Sharon K. Williams c/o Robert F. Musser, Esq., 408 West Chestnut Street, Lancaster, PA 17603.

Attorney: Clymer Musser & Sarno, PC.

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**Hershey, Jhoanne S.**, dec'd.

Late of Millersville Borough.

Executrix: Diane M. Kile c/o Law Office of Gretchen M. Curran, LLC, 1337 Byerland Church Road, P.O. Box 465, Willow Street, PA 17584.

Attorney: Gretchen M. Curran.

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**Hoffer, Kay J.**, dec'd.

Late of Penn Township.

Executrix: Debra Hoffer c/o Emily Watkins Marzock, Esquire, Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602.

Attorney: Emily Watkins Marzock - Barley Snyder LLP.

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**Hoover, Mary B. a/k/a Mary Hoover**, dec'd.

Late of Bart Township.

Executor: Michael Frank Hoover c/o Nikolaus & Hohenadel, LLP, 303 West Fourth Street, Quarryville, PA 17566.

Attorney: Jeffrey S. Shank, Esquire.

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**Knight, Joseph A., Sr.**, dec'd.

Late of Manor Township.

Co-Administrators: Joseph A. Knight, Jr., Amber L. Zink c/o Law Office of Gretchen M. Curran, LLC, 1337 Byerland Church Road, P.O. Box 465, Willow Street, PA 17584.

Attorney: Gretchen M. Curran.

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**Little, Verla J. a/k/a Verla Jane Little**, dec'd.

Late of West Lampeter Township.

Executor: James J. Little, II c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.

Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

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**McDonie, Carolyn M.**, dec'd.

Late of Manheim Township.

Executor: Patrick B. McDonie c/o Marci S. Miller, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorney: Gibbel Kraybill & Hess LLP.

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**Musselman, Diane E.**, dec'd.

Late of Strasburg Borough.  
Executor: Donna I. Musselman c/o Law Office of Gretchen M. Curran, LLC, 1337 Byerland Church Road, P.O. Box 465, Willow Street, PA 17584.  
Attorney: Gretchen M. Curran.

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**Pacinnelli, Ralph N.**, dec'd.

Late of West Lampeter Township.  
Executor: Barry Piersol c/o May Herr & Grosh, LLP, 234 North Duke Street, Lancaster, PA 17602.  
Attorney: Matthew A. Grosh.

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**Peden, Richard Samuel**, dec'd.

Late of Denver Borough.  
Administratrix: Joan Peden c/o Alice Hart Hughes, Esq., 4 Terry Dr., Ste. 3, Newtown, PA 18940.  
Attorney: Alice Hart Hughes, Esq.

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**Schanz, Grace A. a/k/a Grace Ann Schanz**, dec'd.

Late of Manheim Township.  
Executrix: Laura L. Schanz c/o Vance E. Antonacci, Esquire, McNeese Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601.  
Attorney: McNeese Wallace & Nurick LLC.

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**Sharpe, Cynthia Ann**, dec'd.

Late of Millersville Borough.  
Administrator: Kenneth R. Flosser c/o Golin & Bacher, 53 N. Duke St., Suite 309, Lancaster, PA 17602.  
Attorney: Robert Bacher, Esquire.

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**Sheetz, Martha L.**, dec'd.

Late of East Hempfield Township.  
Executor: Richard A. Sheetz, Jr. c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.  
Attorney: James K. Noel, IV, Esq.

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**Sieck, Margaret T.**, dec'd.

Late of West Lampeter.  
Executrix: Marian T. Moore c/o Blakinger Thomas, PC, 28 Penn Square, Lancaster, PA 17603.  
Attorneys: Blakinger Thomas, PC.

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**Slaymaker, Steven C.**, dec'd.

Late of Lancaster.  
Executor: Joshua S. Slaymaker.  
Attorney: Lindsay Casadei, Esq., Byler & Winkle, P.C., 363 West Roseville Road, Lancaster, PA 17601.

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**Stork, H. Robert a/k/a Harry Robert Stork**, dec'd.

Late of Adamstown Borough.  
Executors: H. Robert Stork, Jr., Denise L. Rickenbach c/o A. Anthony Kilkuskie, 117A West Main Street, Ephrata, PA 17522.  
Attorney: A. Anthony Kilkuskie, 117A West Main Street, Ephrata, PA 17522.

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**Teachworth, Corris Lloyd**, dec'd.

Late of West Lampeter Township.  
Executor: Robert M. Teachworth c/o RKG Law, 101 North Pointe Blvd, Suite 202, Lancaster, PA 17601.  
Attorney: Lindsay M. Schoeneberger, Esquire.

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**Wadsworth, Thomas D.**, dec'd.



Late of Manheim Township.  
Administrator: William H. Wadsworth c/o Law Office of Elizabeth A. Bartlow, 8 N. Queen Street, Suite 700-H, Lancaster, PA 17603.  
Attorney: Elizabeth A. Bartlow, Esquire.

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**Weicksel, Glen L.,** dec'd.

Late of East Drumore Township.  
Executrix: Susan E. Mull c/o Nikolaus & Hohenadel, LLP, 303 West Fourth Street, Quarryville, PA 17566.  
Attorney: Jeffrey S. Shank, Esquire.

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**Wike, Vera,** dec'd.

Late of Clay Township.  
Executor: Durrell E. Wike c/o Bellomo & Associates, LLC, 3198 East Market Street, York, PA 17402.  
Attorney: Daniel D. Hill, Esquire.

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**THIRD PUBLICATION**

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**Becker, M. Beatrice a/k/a Mary Beatrice Becker,** dec'd.

Late of Manheim Township.  
Executor: Sheila B. Jones c/o Samuel M. Mecum, Esquire, 33 North Duke Street, Lancaster, PA 17602.  
Attorneys: Appel, Yost & Zee LLP.

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**Creamer, David R.,** dec'd.

Late of Manheim Township.  
Executor: Eugene M. Creamer c/o Law Office of Shawn Pierson, 105 East Oregon Road, Lititz, PA 17543.  
Attorney: Shawn M. Pierson, Esq.

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**DiSalvi, R. Daniel,** dec'd.

Late of West Lampeter Township.  
Executor: Lawrence R. DiSalvi c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.  
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

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**Dourte, Lamar F.,** dec'd.

Late of East Hempfield Township.  
Executor: Susie E. Dourte c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.  
Attorney: Young and Young.

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**Dunlap, Shirley E.,** dec'd.

Late of East Drumore Township.  
Executrix: Karen M. Dougherty c/o Keen Keen & Good, LLC, 3460 Lincoln Highway, Thornedale, PA 19372.  
Attorney: William T. Keen, Esq., Keen Keen & Good, LLC.

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**Elliot, Helen H.,** dec'd.

Late of Lancaster City.  
Executrix: Mary Ann Ivanowicz, 1514 Pecan Plantation Ct., Loganville, GA 30052.  
Attorney: Stacey Willits McConnell, Esq., Lamb McErlane, PC, 24 E. Market St., P.O. Box 565, West Chester, PA 19381-0565.

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**Fisher, Stephen S., Sr. a/k/a Stephen S. Fisher,** dec'd.

Late of Pequea Township.  
Executor: Stephen S. Fisher, Jr. c/o Blakinger Thomas, PC, 28 Penn Square, Lancaster, PA 17603.  
Attorneys: Blakinger Thomas, PC.

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**Fisher, William D. a/k/a William Daniel Fisher**, dec'd.

Late of West Lampeter Township.

Executor: David Charles Fisher c/o Vance E. Antonacci, Esquire, McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601.

Attorney: McNees Wallace & Nurick LLC.

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**Gentzler, Mary Lou**, dec'd.

Late of Columbia Borough.

Executor: Janice Stauffer c/o 327 Locust Street, Columbia, PA 17512.

Attorney: John F. Markel, Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia, PA 17512.

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**Good, Harold R.**, dec'd.

Late of Earl Township.

Executrices: Jo Ann M. Kerek, Gloria J. Sandoe c/o E. Richard Young, Jr., Esq., 1248 W. Main St., Ephrata, PA 17522.

Attorney: E. Richard Young, Jr., Esq.

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**Heinly, Harvey J.**, dec'd.

Late of Manheim Township.

Personal Representatives: Allen H. Heinly, Gary K. Heinly c/o Michele A. Werder, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

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**Henderson, Caroline E.**, dec'd.

Late of East Hempfield Township.

Executor: Anne Harman-Menke c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

Attorney: Young and Young.

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**Himmelberger, Karl B.**, dec'd.

Late of Manor Township.

Executor: John P. Himmelberger c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

Attorney: Young and Young.

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**Kendig, David M.**, dec'd.

Late of West Hempfield Township.

Executor: Kathryn M. Kendig c/o 327 Locust Street, Columbia, PA 17512.

Attorney: John F. Markel, Nikolaus & Hohenadel, LLP, 327 Locust Street, Columbia, PA 17512.

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**Koch, Joanne D.**, dec'd.

Late of West Lampeter Township.

Executors: Kathleen J. Langdon, 82 Downing Drive, Wyomissing, PA 19610; Jeffrey D. Koch, 3301 East De Bazan Ave., St. Pete Beach, FL 33706.

Attorney: Mark H. Koch, Esq., Koch & Koch, 217 North Sixth Street, P.O. Box 8514, Reading, PA 19603.

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**Kurtz, Paula J.**, dec'd.

Late of Ephrata Township.

Executor: Brian S. Kurtz c/o Marci S. Miller, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorney: Gibbel Kraybill & Hess LLP.

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**Landis, Lynn M. a/k/a Lynn Marie Landis a/k/a Lynn Landis**, dec'd.

Late of Rapho Township.

Executor: Theodore L. Brubaker c/o Theodore L. Brubaker, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA

17602.

Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

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**Lauthers, Charles H.**, dec'd.

Late of Penn Township.

Administrators: Charles H. Lauthers, Jr., Amy L. Natale c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

Attorney: Young and Young.

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**Malcolm, Doris B.**, dec'd.

Late of Manheim Township.

Executor: Harry Neal Buckley c/o Keen Keen & Good, LLC, 3460 Lincoln Highway, Thorn-dale, PA 19372.

Attorney: Kathleen K. Good, Esq., Keen Keen & Good, LLC.

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**Miller, Elizabeth L.**, dec'd.

Late of Manheim Township.

Executor: Timothy J. Miller c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.

Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

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**Nauss, Alice F. a/k/a Alice Faye Nauss**, dec'd.

Late of Conoy Township.

Executors: Randy K. Nauss and Roger K. Nauss c/o Eric L. Winkle, Esq., Byler & Winkle, P.C., 363 West Roseville Road, Lancaster, PA 17601.

Attorney: Eric L. Winkle, Esquire.

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**Noll, Robert B.**, dec'd.

Late of East Hempfield Township.

Executor: C. Robert Noll c/o RKG Law, 101 North Pointe Blvd, Suite 202, Lancaster, PA

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17601.

Attorney: Lindsay M. Schoeneberger, Esquire.

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**Roesler, Kevin Matthew**, dec'd.

Late of Fulton Township.

Executor: Charles W. Roesler c/o Jeanne M. Millhouse, Esq., 53 N. Duke Street, Ste. 204, Lancaster, PA 17602.

Attorney: Jeanne M. Millhouse, Esquire.

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**Schlenbaker, Theresa M.**, dec'd.

Late of Providence Township.

Executor: Donald C. Schlenbaker c/o Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603.

Attorney: James R. Clark.

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**Schott, Elizabeth Anne**, dec'd.

Late of Manheim Township.

Executrix: Nancy J. Schott c/o Matthew C. Samley, Esquire, 33 North Duke Street, Lancaster, PA 17602.

Attorney: Appel, Yost & Zee LLP.

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**Taylor, Lisa E.**, dec'd.

Late of Lancaster Township.

Executor: Paul Miller c/o George C. Deeney, Esq., 100 N. 18th St., #1825, Phila., PA 19103.

Attorney: George C. Deeney, Esq., Gilboy & Gilboy LLP, 100 N. 18th St., #1825, Phila., PA 19103.

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**Tymon, Teresa I. a/k/a Tersa I. Tymon**, dec'd.

Late of Lancaster Township.

Executor: Timothy P. Tymon c/o Nikolaus & Hohenadel, LLP, 212 North Queen Street, Lancaster, PA 17603.

Attorney: Barbara Reist Dillon.

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**Ziemer, Mildred S.**, dec'd.

Late of Earl Township.  
Executor: Sara E. Hassis c/o  
Kling, Deibler & Glick, LLP, 131  
W. Main Street, New Holland,  
PA 17557.  
Attorney: Patrick A. Deibler,  
Esq., Kling, Deibler & Glick,  
LLP.

**Zimmerman, Barry a/k/a Barry  
James Zimmerman**, dec'd.

Late of Rapho Township.  
Executor: Cynthia Holden c/o  
Young and Young, 44 S. Main  
Street, P.O. Box 126, Manheim,  
PA 17545.  
Attorney: Young and Young.

**Zug, Jean D.**, dec'd.

Late of Manheim Borough.  
Executor: Darrell Robert Zug  
c/o Young and Young, 44 S.  
Main Street, P.O. Box 126, Man-  
heim, PA 17545.  
Attorney: Young and Young.

**ANNUAL MEETING NOTICES**

Notice is hereby given that the annual meeting of the policyholders of **GOODVILLE MUTUAL CASUALTY COMPANY** will be held at 625 West Main Street, New Holland, PA, on February 27, 2024 beginning at 1:00 p.m. for the purpose of electing members to the Board of Directors and conducting such other business as may be properly brought before this meeting.

James M. Harder  
Chairman  
Kevin Filler  
Corporate Secretary

J-26; F-2, 9

Notice is hereby given that the annual meeting of the policy-

holders of **LANCASTER MUTUAL INSURANCE COMPANY** will be held at 625 West Main Street, New Holland, PA, on February 27, 2024 beginning at 1:00 p.m. for the purpose of electing members to the Board of Directors and conducting such other business as may be properly brought before this meeting.

James M. Harder  
Chairman  
Kevin Filler  
Corporate Secretary

J-26; F-2, 9

**ARTICLES OF INCORPORATION**

NOTICE IS HEREBY GIVEN that a nonprofit corporation known as **WORKFORCE LIVE** was incorporated on January 30, 2024 with the Pennsylvania Department of State under the provisions of the Nonprofit Corporation Law of 1988, as amended.

BARLEY SNYDER LLP  
Attorneys

F-9

**CORPORATE NOTICE**

NOTICE IS HEREBY GIVEN that a Certificate of Organization was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on January 1, 2024 for:

**FASNACHT'S GARAGE, LLC**

The said entity has been organized under the provisions of the Pennsylvania Limited Liability Company Law of 1994 of the Commonwealth of Pennsylvania, as amended.

F-9

**MISCELLANEOUS NOTICE**

There is a petition filed for an involuntary transfer of title on a **2001 Volkswagen, VIN 3VWCT21C81M411649, title number 55079131**, filed with the Court of Common Pleas of Lancaster County, Pennsylvania. The court hearing is scheduled for March 7, 2024, at 9 am in courtroom number 4, located in the Court of Common Pleas of Lancaster County, 50 N. Duke Street, Lancaster, Pennsylvania 17602.

F-9

### SUITS ENTERED

Defendant's name appears first in capitals, followed by plaintiff's name, number and plaintiff's or appellant's attorney.

—————  
**January 25, 2024  
to January 31, 2024**  
—————

BEATTY, JOSHUA R.; Solanco School District; 00725; Leininger  
BROMMER, JAMES D.; Atlantic States Insurance Company; 00707; McElhaney

Christ Fischer Stoltzfus; 00706  
FISCHER, JAMIE M., HAGEN, KOBE; Sun East Federal Credit Union; 00594; Allard

KAUFFMAN, FREDERICK; Barbara Reich; 00653

MARTIN, GLENN B., MARTIN, CHRISTOPHER D.; PPL Electric Utilities Corporation; 00560; Manley

MARTIN, OREN M.; Frances Benedict; 00601; Ferris, Swartz

NGENGE, AMINA; Bryan Kocher; 00563; Landis

NIKOLOFF, JANICE; Accelerated Inventory Management LLC; 0056; Tsarouhis

RODRIGUEZ, KATHERINE M.; Citadel Federal Credit Union; 00629; Dougherty

SANTIAGO, KEVIN; Citibank NA; 00709; Zion

SIERK, CYNTHIA; Citibank NA; 00710; Stevens

SWINGLYNE LLC; KC; 00745; Sophocles

TROOP, CARL G., SOLANCO VETERINARY CLINIC, SOLANCO VETERINARY SERVICES; Midwest Veterinary Supply Inc.; 00719; Keiffer

UPSHER, RODNEY; Gifford-Upscher Estate Of, Karen L.; 00754; Deibler

WACKER BREWING COMPANY LLC; City of Lancaster; 00734

WEINSTEIN, MICHAEL; Discover Bank; 00613; Loewy

WEISS, TRICIA; Axiom Acquisition Ventures LLC; 00622; Tsarouhis