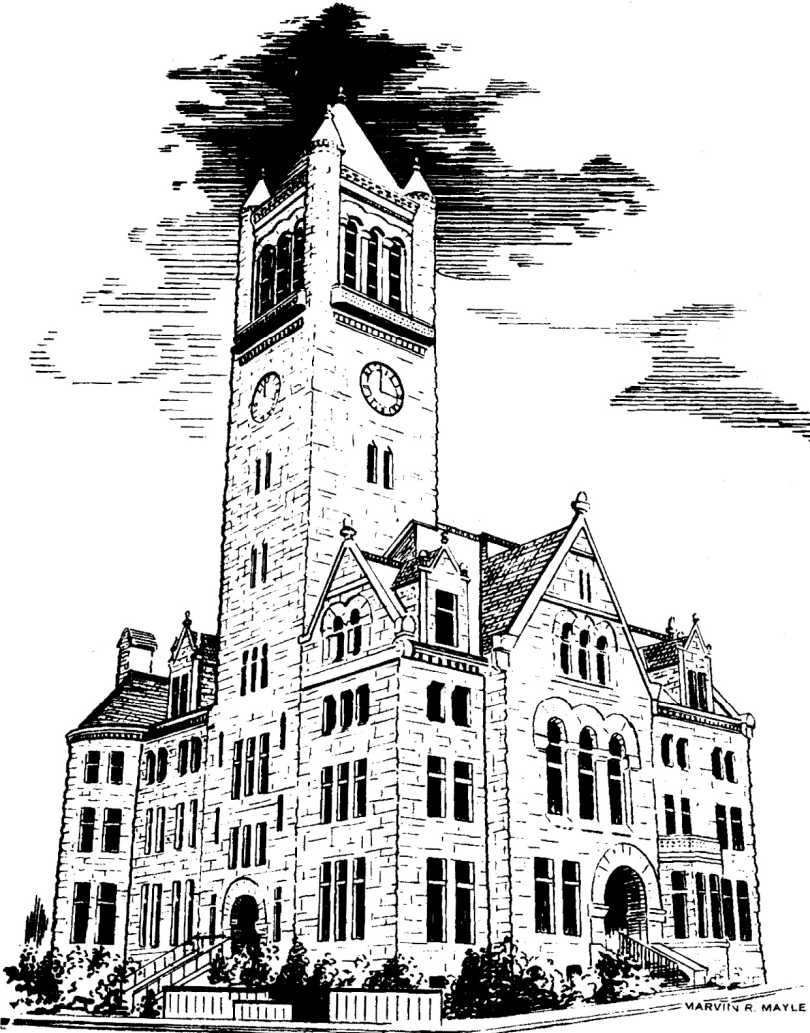


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FAYETTE LEGAL JOURNAL

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ESTATE NOTICES

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

Third Publication

JOSEPH EDWARD BOLIBON, SR., a/k/a JOSEPH E. BOLIBON, late of Franklin Township, Fayette County, PA ⁽³⁾

Personal Representative:

Joseph E. Bolibon, Jr.
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425

Attorney: Charles W. Watson

ANN CHAW, a/k/a ANN E. CHAW, Fayette County, PA ⁽³⁾

Executor: Dennis Chaw

P.O. Box 379
Perryopolis, PA 15473
c/o P.O. Box 718
1310 Cross Street
Belle Vernon, PA 15012

Attorney: Brian G. Pirilla

BENITA J. JEFFRIES, late of North Union Township, Fayette County, PA ⁽³⁾

Administrator: Keith J. Jeffries

c/o Fitzsimmons and Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401

Attorney: James N. Fitzsimmons, Jr.

ANNA E. KRESHO, a/k/a ANNA ELIZABETH KRESHO, late of Franklin Township, Fayette County, PA ⁽³⁾

Executor: David M. Kresho

c/o P.O. Box 760
Connellsville, PA 15425

Attorney: Carolyn W. Maricondi

MARK ANDREW MAGAZINE, late of Luzerne Township, Fayette County, PA ⁽³⁾

Personal Representative:

Rosemarie Magazine
c/o Davis and Davis
107 East Main Street
Uniontown, PA 15401

Attorney: James T. Davis

NORMAN SHAFFER, late of Las Vegas, Nevada ⁽³⁾

Administratrix: Robyn Kennedy

114 Cemetery Road Extension
Perryopolis, PA 15473
c/o 823 Broad Avenue
Belle Vernon, PA 15012

Attorney: Mark Ramsier

MARY L. WORRY, late of Washington, Fayette County, PA ⁽³⁾

Executor: Sharon W. McCalmont, a/k/a

Sharon M. Worry
117 Beaver Creek Court
Sewickley, PA 15143
c/o 823 Broad Avenue
Belle Vernon, PA 15012

Attorney: Mark E. Ramsier

Second Publication

JANET R. ARISON, a/k/a JANET RUTH ARISON, a/k/a JANET RUTH DUFF ARISON, late of Franklin Township, Fayette County, PA ⁽²⁾

Executor: Jeffrey A. Arison

c/o John & John
96 East Main Street
Uniontown, PA 15401

Attorney: Simon B. John

WILLIAM C. PRINKEY, a/k/a WILLIAM CLARK PRINKEY, late of Saltlick Township, Fayette County, PA ⁽²⁾

Administrator: Wilmer Prinkey

c/o Fitzsimmons and Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401

Attorney: Ralph K. Barclay, Jr.

DOUGLAS RICHARD PROUD, a/k/a DOUG PROUD, late of Georges Township, Fayette County, PA (2)

Personal Representative: Jodee A. Proud
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

WAYNE A. SHAFFER, SR., late of German Township, Fayette County, PA (2)

Personal Representative: Russell M. Shaffer
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

EARL B. SHIPLEY, late Saltlick Township, Fayette County, PA (2)

Personal Representative: Cynthia Skorice
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

First Publication

JOYCE N. ACTON, a/k/a JOYCE NAOMI ACTON, late of Brownsville, Fayette County, PA (1)

Executor: Mark A. Acton
c/o Radcliffe Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
Attorney: William M. Radcliffe

EARL E. CALHOUN, a/k/a EARL EDWIN CALHOUN, late of Bullsken Township, Fayette County, PA (1)

Co-Executors: Barbara Casini and
Donna Zimmerman
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

AUDREY J. CRISLIP, a/k/a AUDREY JANE CAVANAUGH CRISLIP, late of Bullsken Township, Fayette County, PA (1)

Administrator: Jack Crislip
c/o 815A Memorial Boulevard
Connellsville, Pa 15425
Attorney: Margaret Zylka House

CLARE L. GEARY, late Champion, Fayette County, PA (1)

Personal Representatives: Thomas Geary
and Carolee Hart
146 Stanton Road
Champion, PA 15106
c/o 312 California Avenue
Carnegie, PA 15106
Attorney: Kimberley Geary

DOLORES JONES, a/k/a DOLORES HARRIS, a/k/a DOLORES J. HARRIS, a/k/a DOLORES J. CALLAHAN, a/k/a DOLORES CALLAHAN, late of Dunbar Township, Fayette County, PA (1)

Executor: Kurt Callahan
25C Greenwood Heights
Connellsville, PA 15425
c/o Tremba, Kinney, Greiner & Kerr, LLC
120 South Third Street
Connellsville, PA 15425
Attorney: John Greiner

GLORIA L. KAUCHUK, late of South Union Township, Fayette County, PA (1)

Personal Representative: Rosemarie Lawler
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

EMILY JEANNETTE LONG, a/k/a E. JEANNETTE LONG, late of Fairchance, Fayette County, PA (1)

Executrix: Debra Long Priel
c/o 815A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret Zylka House

CAROL L. REINHARD, late of South Union Township, Fayette County, PA (1)

Personal Representatives:

Robert C. Reinhard and William A. Reinhard
 c/o George & George, LLP
 92 East Main Street
 Uniontown, PA 15401
Attorney: Joseph M. George

DALE M. SMITH, late of Saltlick Township, Fayette County, PA (1)

Co-Executrix: Kelly L. Kruper
 112 Country Club Drive
 P.O. Box 42
 Jones Mills, PA 15646
Co-Executrix: Lori J. Schwerzler
 222 McNary Street
 McMurray, PA 15317
 c/o Suite 207, 1700 N. Highland Road
 Pittsburgh, PA 15241
Attorney: William M. Thomson

LEGAL NOTICES

NOTICE OF CERTIFICATE OF ORGANIZATION - LIMITED LIABILITY COMP ANY

Notice is hereby given that Certificate of Organization was filed and approved with the Department of State of the Commonwealth of Pennsylvania for a limited liability company formed under the Limited Liability Company Law of 1994 on the 10th day of June, 2019. The name of the company is MW Management, Limited Liability Company.

Margaret Zylka House, Esq.
 815A Memorial Boulevard
 Connellsville PA 15425
 724-628-4955

IN THE COURT OF COMMON PLEAS
 Fayette COUNTY
 CIVIL ACTION - LAW
 ACTION OF MORTGAGE FORECLOSURE
 Term No. 2623 of 2018 GD
 NOTICE OF ACTION IN MORTGAGE FORECLOSURE

USAA FEDERAL SAVINGS BANK

Plaintiff

vs.

EILEEN FELKER Solely in her Capacity as Heir of Michael Joseph Felker Deceased, WILLIAM FELKER Solely in his Capacity as Heir of Michael Joseph Felker Deceased & The Unknown Heirs of Michael Joseph Felker Deceased Mortgagor and Real Owner Defendant

The Unknown Heirs of Michael Joseph Felker Deceased, MORTAGOR AND REAL OWNER, DEFENDANT whose last known address is 249 McConnell Road Mount Pleasant, PA 15666 THIS FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THE PURPOSE OF COLLECTING THE DEBT.

You are hereby notified that Plaintiff USAA FEDERAL SAVINGS BANK, has filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of Fayette County, Pennsylvania, docketed to No. 2623 of 2018 GD wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 249 McConnell Road Mount Pleasant, PA 15666 whereupon your property will be sold by the Sheriff of Fayette.

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice

for any money claim in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS 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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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SERVICE

Pennsylvania Bar Association
100 South Street, PO Box 186
Harrisburg, PA 17108
800-692-7375

Michael T. McKeever
Attorney for Plaintiff
KML Law Group, P.C., PC
Suite 5000, BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

SHERIFF'S SALE

Date of Sale: August 15, 2019

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday, August 15, 2019, at 2:00 p.m. in Courtroom Number Five at the Fayette County Courthouse, Uniontown, Pennsylvania.

The terms of sale are as follows:

Ten percent of the purchase price, or a sufficient amount to pay all costs if the ten percent is not enough for that purpose. Same must be paid to the Sheriff at the time the property is struck off and the balance of the purchase money is due before twelve o'clock noon on the fourth day thereafter. Otherwise, the property may be resold without further notice at the risk and expense of the person to whom it is struck off at this sale who in case of deficiency in the price bid at any resale will be required to make good the same. Should the bidder fail to comply with conditions of sale money deposited by him at the time the property is struck off shall be forfeited and applied to the cost and judgments. All payments must be made in cash or by certified check. The schedule of distribution will be filed the third Tuesday after date of sale. If no petition has been filed to set aside the sale within 10 days, the Sheriff will execute and acknowledge before the Prothonotary a deed to the property sold. (2 of 3)

James Custer
Sheriff Of Fayette County

PARKER McCAY P.A.
By: Patrick J Wesner, Esquire
Attorney ID# 203145
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, NJ 08054-1539
(856) 810-5815

No. 67 of 2019 GD

No. 117 of 2019 ED

Deutsche Bank National Trust Company, as Trustee for Morgan Stanley Capital I Inc. Trust 2006-NC2, Mortgage Pass- Through Certificates, Series 2006-NC2 c/o Specialized Loan Servicing LLC

Plaintiff,

v.

Doris Anne Boord a/k/a Doris Foley

Mark Foley

Defendants.

By virtue of a Writ of Execution, No. 67 of 2019 GD Deutsche Bank National Trust Company, et al vs. Doris Anne Boord a/k/a Doris Foley, owner of property situate in the TOWNSHIP OF NEW GENEVA, NICHOLSON TOWNSHIP, Fayette County, Pennsylvania

133 Ferry Street, New Geneva, PA 15467
Parcel No. 24-16-000-8

Improvements thereon: RESIDENTIAL SINGLE FAMILY DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2542 of 2018 GD

No. 151 of 2019 ED

PNC Bank, National Association, Successor by Merger to National City Mortgage, A Division of National City Bank

Plaintiff

v.

Larry O. Boyd

Defendant(s)

By virtue of a Writ of Execution No. 2018-02542, PNC Bank, National Association, Successor by Merger to National City Mortgage, A Division of National City Bank v. Larry O. Boyd, owner(s) of property situate in the WASHINGTON TOWNSHIP, Fayette County,

Pennsylvania, being 109 Perry Avenue, A/K/A
111 Perry Avenue, Belle Vernon, PA 15012
Parcel No.: 41070095
Improvements thereon: RESIDENTIAL
DWELLING

Phelan Hallinan Diamond & Jones, LLP

No. 2296 of 2018 GD
No. 100 of 2019 ED

The Money Source, Inc.
Plaintiff
v.

Timothy D. Cramer, Jr a/k/a Timothy D. Cramer
Defendant(s)

By virtue of a Writ of Execution No. 2296-OF-2018-GD, The Money Source, Inc. v. Timothy D. Cramer, Jr a/k/a Timothy D. Cramer, owner(s) of property situate in the HENRY CLAY TOWNSHIP, Fayette County, Pennsylvania, being 344 Braddock Road, Markleysburg, PA 15459-1120
Parcel No.: 16-15-001705
Improvements thereon: RESIDENTIAL DWELLING

KML Law Group, P.C.
Suite 5000 - BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

No. 2328 of 2018 GD
No. 118 of 2019 ED

BANK OF AMERICA, N.A.
7105 Corporate Drive
Plano, TX 75024
Plaintiff

vs.
CAMERON E. CONN
Mortgagor(s) and Record Owner(s)
222 East Fairview Avenue
Connellsville, PA 15425
Defendant(s)

ALL THAT CERTAIN tract of land situate on the south side of east Fairview Avenue, Formerly Grave Street, City of Connellsville,

Fayette County, Pennsylvania.
TAX PARCEL# 05110010
PROPERTY ADDRESS: 222 East
Fairview Avenue Connellsville, PA 15425
IMPROVEMENTS: A residential
dwelling.

SOLD AS THE PROPERTY OF:
CAMERON E. CONN

RAS Citron, LLC
Robert Crawley, Esq. ID No. 319712
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
855-225-6906
rcrawley@rasnj.com

No. 2733 of 2012 GD
No. 97 of 2019 ED

JAMES B. NUTTER & COMPANY
Plaintiff

v.
KENNETH DANIELS, IN HIS CAPACITY AS HEIR OF BETTY DANIELS, DECEASED; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER BETTY DANIELS, DECEASED; SCOTT OHLER
Defendant(s)

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN STEWART TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA:
BEING KNOWN AS: 441 MAPLE SUMMIT RD MILL RUN, PA 15464
BEING PARCEL NUMBER: 37-08-0034
IMPROVEMENTS: RESIDENTIAL PROPERTY

No. 2720 of 2018 GD
No. 154 of 2019 ED

CNB BANK,
Plaintiff,
vs.
DETWILER HOLDINGS, LLC,
a Pennsylvania limited liability company,
Defendant.

All that certain piece or parcel of land, together with any buildings and improvements which may be erected thereon, situate in the Borough of South Connellsville, Fayette County, Pennsylvania, Being 1508 S. Pittsburgh Street, Connellsville, PA 15425, Tax Parcel ID No. 33-04-0092.

STERN AND EISENBERG, PC
EDWARD J. MCKEE, ESQ.

No. 322 of 2019 GD
No. 140 of 2019 ED

DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for MORGAN STANLEY HOME EQUITY LOAN TRUST SERIES 2006-3

Plaintiff

v.

Richard R. DuMontier a/k/a Richard DuMontier

Defendant(s)

SITUATE IN THE THIRD WARD OF THE BOROUGH OF SOUTH CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 1714 South Pittsburgh Street, Connellsville, PA 15425

PARCEL NO. 33-06-0101

IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF- Richard R. DuMontier a/k/a Richard DuMontier

McCABE, WEISBERG & CONWAY, LLC
123 South Broad Street, Suite 1400
Philadelphia, PA 19109
(215) 790-1010

No. 256 of 2019 GD
No. 114 of 2019 ED

Lakeview Loan Servicing, LLC.

Plaintiff

v.

Joseph M. Edwards

Defendant

FIRST: ALL THAT CERTAIN TRACT OF LAND SITUATE IN THE BOROUGH OF EVERSON, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA,

BEING KNOWN AS LOT NO. 465 IN LIVENGOOD'S ADDITION TO SAID BOROUGH, AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST SIDE OF MAPLE STREET 120 FEET FROM VANCE STREET; THENCE ALONG SAID STREET 30 FEET TO LOT NO. 466; THENCE ALONG SAID LOT EASTWARDLY 110 FEET TO AN ALLEY; THENCE ALONG SAID ALLEY NORTHERLY 30 FEET TO A POINT; THENCE ALONG LOT NO. 464 WESTWARDLY 110 FEET TO MAPLE STREET, THE PLACE OF BEGINNING.

SECOND: ALL THAT CERTAIN PIECE OF GROUND SITUATE IN THE BOROUGH OF EVERSON, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERN SIDE OF MAPLE STREET 120 FEET SOUTH FROM VANCE STREET; THENCE BY THE LINE BETWEEN LOT NO. 464 AND 465 EASTERLY 110 FEET TO AN ALLEY; THENCE ALONG SAID ALLEY NORTHERLY A DISTANCE OF 6 INCHES; THENCE BY A LINE PARALLEL TO AND 6 INCHES DISTANT FROM THE DIVIDING LINE OF LOTS 464 AND 465 IN A WESTERLY DIRECTION 110 FEET; THENCE IN A SOUTHERLY DIRECTION ALONG MAPLE STREET 6 INCHES TO THE PLACE OF BEGINNING. BEING THE SOUTHERLY 6 INCHES OF LOT NO. 464.

THE ABOVE TWO TRACTS ARE UNDER AND SUBJECT TO SUCH EXCEPTIONS, RESERVATIONS, CONDITIONS, EASEMENTS, RIGHTS OF WAY AND COVENANTS AS MAY HAVE BEEN EXCEPTED, RESERVED, GRANTED OR CONVEYED BY PREDECESSORS IN TITLE BY INSTRUMENTS OF RECORD INsofar AS THEY MAY AFFECT THE PREMISE HEREBY CONVEYED.

Being known as: 110 Maple Street, Everson, Pennsylvania 15631

Title vesting in Joseph M. Edwards by Deed from David F. Banaszak and Linda S. Banaszak, his wife; dated September 12, 2014 and recorded September 22, 2014 in Deed Book 3259, Page 1195 Instrument Number 201400009648.

Tax Parcel Number: 10-03-0020

MATTLEMAN, WEINROTH & MILLER, P.C.
401 Route 70 East, Suite 100
Cherry Hill, NJ 08034
(856) 429-5507

No. 465 of 2017 GD
No. 143 of 2019 ED

BAYVIEW LOAN SERVICING, LLC
PLAINTIFF

vs.

RAYMOND I. FALLECKER, JR.,
INDIVIDUALLY AND AS CO-EXECUTOR
OF THE ESTATE OF JOSEPH E.
GEORGE, DECEASED; ANGELA
GEORGE, INDIVIDUALLY AND AS CO-
EXECUTRIX OF THE ESTATE OF
JOSEPH E. GEORGE, DECEASED;
JOSEPH A. GEORGE, KNOWN HEIR ;
DEANNA MILLIRON, KNOWN HEIR;
MELANIE GOOD, KNOWN HEIR ;
CHRISTOPHER ALAN GEORGE, KNOWN
HEIR; TIMOTHY GEORGE, KNOWN
HEIR

DEFENDANT(S)

By virtue of a Writ of Execution No.: 465 of 2017, G.D., Bayview Loan Servicing, LLC v. Raymond I. Fallecker, Jr. et al, Owner(s) of property situate in the REDSTONE TOWNSHIP, Fayette County, Pennsylvania, being 480 2nd Street, Chestnut Ridge, PA 15422 Parcel No: 30-20-0080

KML Law Group, P.C.
Suite 5000 - BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

No. 118 of 2019 GD
No. 152 of 2019 ED

KEYBANK NA S/B/M FIRST NIAGARA
BANK
4224 Ridge Lea Road
Amherst, NY 14226
Plaintiff

vs.

RICHARD M. GRESH SR. AKA RICHARD
GRESH
Mortgagor(s) and Record Owner(s)

214 Hogsett Street
North Union, PA 15401
Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN NORTH UNION TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 214 HOGSETT STREET, NORTH UNION, PA 15401 TAX PARCEL# 25230119

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: RICHARD M. GRESH SR. AKA RICHARD GRESH ATTORNEY: KML LAW GROUP, P.C.

KML Law Group, P.C.
Suite 5000 - BNY Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

No. 1570 of 2018 GD
No. 137 of 2019 ED

BAYVIEW LOAN SERVICING, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY

4425 Ponce de Leon Blvd
Coral Gables, FL 33146
Plaintiff

vs.

The Unknown Heirs of Anita L. Harvey
Deceased

GEORGE HARVEY Solely in His Capacity
as Heir of Anita L. Harvey Deceased
JAMES HARVEY Solely in His Capacity as
Heir of Anita L. Harvey Deceased
MICKEY HARVEY Solely in His Capacity as
Heir of Anita L. Harvey Deceased
TERRI A. HARVEY Individually, and in her
capacity as Heir of Anita L. Harvey, Deceased
444 High Street
Brownsville, PA 15417
Defendant(s)

ALL THAT CERTAIN lot or piece of land, situate in the Borough of Brownsville (formerly Borough of South Brownsville), Fayette County, Pennsylvania

TAX PARCEL # 02-10-0059

PROPERTY ADDRESS: 444 High Street
 Brownsville, PA 15417

IMPROVEMENTS: A residential
 dwelling.

SOLD AS THE PROPERTY OF: The Unknown
 Heirs of Anita L. Harvey Deceased, GEORGE
 HARVEY Solely in His Capacity as Heir of
 Anita L. Harvey Deceased, JAMES HARVEY
 Solely in His Capacity as Heir of Anita L.
 Harvey Deceased, MICKEY HARVEY Solely
 in His Capacity as Heir of Anita L. Harvey
 Deceased and TERRI A. HARVEY
 Individually, and in her capacity as Heir of Anita
 L. Harvey, Deceased

ALL that certain parcel of land lying and
 being situate in the Township of German,
 County of Fayette, and Commonwealth of
 Pennsylvania, known as 312 Second Street,
 Adah, PA 15410 having erected thereon a
 dwelling house.

Being known and designated as Tax ID
 No.: 15210078

BEING the same premises which John L.
 Hixenbaugh and Frances M. Hixenbaugh, his
 wife, by Deed dated August 31, 2007 and
 recorded in and for Fayette County,
 Pennsylvania in Deed Book 3039, Page 332,
 granted and conveyed unto John L. Hixenbaugh.

Edward T. Harvey, Esquire
 Ryan G. Lemke, Esquire
 HERGENROEDER REGA EWING &
 KENNEDY, LLC
 Centre City Tower, Suite 1700
 650 Smithfield Street
 Pittsburgh, PA 15222
 (412) 281-7724

No. 224 of 2019 GD
 No. 145 of 2019 ED

DEFENDANT: LAWRENCE HERMAN, JR.

CASE NO.: 224 of 2019 GD

DEBT: \$20,438.61

SHORT DESCRIPTION: In the Commonwealth
 of Pennsylvania, County of Fayette, City of
 Connellsville:

HAVING ERECTED THEREON A
 DWELLING BEING KNOWN AND
 NUMBERED AS 801 FRANKLIN AVENUE,
 CONNELLSVILLE, PA 15425. TAX PARCEL
 ID 05-11-0080.

No. 2646 of 2018 GD
 No. 109 of 2019 ED

PNC Bank, National Association
Plaintiff,
vs.

John L. Hixenbaugh, AKA John Hixenbaugh
Defendant.

No. 60351 of 2019 GD
 No. 120 of 2019 ED

UNITED BANK, a Virginia banking
corporation

Petitioner,
v.

APRIL J. HULL and MICHAEL BRANT,
Respondents.

An undivided one-half (1/2) interest in all
 of that certain lot or parcel of real estate, lying
 and being situate in Wharton Township, Fayette
 County, Pennsylvania, and being more
 particularly bounded and described as follows,
 to wit:

Beginning at an iron pin on the eastern
 margin of Legislative Route 26073 leading
 from Gibbons Glade, Pennsylvania to Clifton
 Mills, West Virginia, said iron pin is located at
 the Northwest corner of a 1.5 acre tract
 conveyed by predecessors in title to Dale A.
 Savage by deed dated May 21, 1979, and
 recorded in the Office of the Recorder of Deeds
 of Fayette County, in Deed Book Volume 1254,
 at Page 385; thence along the eastern margin of
 said Legislative Route, N. 8° 15' East, a
 distance of 522.5 feet to an iron pin; thence due
 East for a distance of 297 feet to an iron pin
 corner; thence along line of land now or
 formerly of Raymond and Betty Hager, S. 8° 15'
 West a distance of 522.5 feet to an iron pin at
 the Northeast corner of said land of Dale A.
 Savage; thence along line of said land due West
 for a distance of 297 feet to the iron pin at the
 place of beginning, containing an area of 3.5
 acres, as per survey of Walter R. Hager and

Delbert R. Hager, Surveyors, made May 8, 1979, of record in the aforesaid Recorder's office in Deed Book 1259, at Page 763.

EXCEPTING AND RESERVING, however, from this conveyance all of the coal, mining rights and privileges that were reserved in the conveyance from William Thomas et ux., to John W. Seese by deed dated October 28, 1907, and recorded in the Recorder's Office of Fayette County, Pennsylvania, in Deed Book Volume 277, Page 177.

BEING the same interest in real estate as conveyed to Michael Brant from Arnold Brant by deed dated the 4th day of October, 2002, recorded in the aforesaid Recorder's office in Book 284 1, at Page 1986.

DEED DATE: October 4, 2002

RECORDED in Record Book 2841, at Page 1986

TAX IDENTIFICATION: 42-36-0020

BEING 756 Canaan Church Road, Gibbon Glade, PA 15440-1206

STERN & EISENBERG PC
Andrew J. Marley, Esquire

No. 1998 of 2018 GD
No. 141 of 2019 ED

Quicken Loans Inc.

Plaintiff

v.

Steven Jenkins

Defendants

SITUATE IN REDSTONE TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 610 DAVIDSON ROAD, GRINDSTONE, PA 15442.

PARCEL NO. 30-06-0244

IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF - STEVEN JENKINS

No. 1973 of 2018 GD
No. 115 of 2019 ED

The Huntington National Bank
Plaintiff,

vs.

Robin A. Keffer, as believed Heir and/or Administrator to the Estate of Kevin E. Keffer; Unknown Heirs and/or Administrators to the Estate of Kevin E. Keffer

Defendants.

ALL that certain parcel of land lying and being situate in the Township of Washington, County of Fayette, and Commonwealth of Pennsylvania, known as 130 Branthoover Street, Belle Vernon, PA 15012 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 4104004101

BEING the same premises which Catherine Gamer, unmarried, by Deed dated March 7, 2014 and recorded in and for Fayette County, Pennsylvania in Deed Book 3244, Page 977, granted and conveyed unto Kevin E. Keffer, married.

No. 638 of 2018 GD
No. 93 of 2019 ED

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company

PLAINTIFF

vs.

Kathryn Laymon a/k/a Kathryn F. Laymon and Pamela S. Laymon

DEFENDANTS

ALL THAT CERTAIN tract or parcel of land situate in Saltlick Township, Fayette County, Pennsylvania, more particularly bound and described as follows:

COMMONLY KNOWN AS: 436 White Road assessed as 434 White Road, Normalville, PA 15469

TAX PARCEL NO. 31-07-0161

KML Law Group, P.C.
 Suite 5000 - BNY Independence Center
 701 Market Street
 Philadelphia, PA 19106-1532
 215-627-1322

No. 257 of 2019 GD
 No. 99 of 2019 ED

**PNC BANK, NATIONAL ASSOCIATION,
 SUCCESSOR BY MERGER TO
 NATIONAL CITY BANK
 3232 Newmark Drive
 Miamisburg, OH 45342**

Plaintiff

vs.

JANET L. LUBISH AKA JANET L.

WROBLE

Mortgagor(s) and Record Owner(s)

1579 Mcclellandtown Road aka Route 21

Mcclellandtown Road Masontown, PA 15461

Defendant(s)

ALL THAT CERTAIN tract of land situate on the South side of State Highway Route No. 21 in German Township, County of Fayette and Commonwealth of Pennsylvania.

TAX PARCEL # 15-22-0271-01

PROPERTY ADDRESS: 1579 Mcclellandtown Road aka Route 21 Mcclellandtown Road Masontown, PA 15461

IMPROVEMENTS: A residential dwelling.

SOLD AS THE PROPERTY OF: JANET L. LUBISH AKA JANET L. WROBLE

Ontario Avenue, Point Marion, PA 15474 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 29020262

BEING the same premises which Lois C. Miracle, single, by Deed dated October 5, 2005 and recorded in and for Fayette County, Pennsylvania in Deed Book 2963, Page 47, granted and conveyed unto Elizabeth Miracle.

No. 1343 of 2018 GD

No. 112 of 2019 ED

The Huntington National Bank

Plaintiff,

vs.

Unknown Heirs and/or Administrators of the Estate of John R. Muller

Defendant.

ALL that certain parcel of land lying and being situate in the Township of Washington, County of Fayette, and Commonwealth of Pennsylvania, known as 315 Perry Avenue, Belle Vernon, PA 15012 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 41070272

BEING the same premises which Warner J. Wisyanski and Patricia Wisyanski, husband and wife, by Deed dated April 21, 2014 and recorded in and for Fayette County, Pennsylvania in Deed Book 3247, Page 500, granted and conveyed unto John R. Muller, unmarried.

No. 1938 of 2018 GD

No. 144 of 2019 ED

Nationstar Mortgage LLC d/b/a Mr. Cooper
Plaintiff,

vs.

Unknown Heirs and/or Administrators to the Estate of Elizabeth Miracle; James Cottrell, Jr., as believed Heir and/or Administrator to the Estate of Elizabeth Miracle

Defendants.

ALL that certain parcel of land lying and being situate in the ***PropertyCityBoroughOrTownship MC*** of Point Marion, County of Fayette, and Commonwealth of Pennsylvania, known as 403

No. 1793 of 2017 GD

No. 106 of 2019 ED

Wells Fargo Bank, NA

Plaintiff,

vs.

Matthew B. Nutt; Amanda Bernot, AKA Amanda R. Bernot

Defendants.

ALL that certain parcel of land lying and being situate in the Borough of Brownsville, County of Fayette, and Commonwealth of Pennsylvania, known as 121 Blaine Avenue, Brownsville, PA 15417 having erected thereon a dwelling house.

Being known and designated as Tax ID

No.: 02110072, 0211007201

BEING the same premises which John B. Harvey and Rebecca A. O'shea, now known as Rebecca A. Harvey, husband and wife, by Deed dated October 7, 2015 and recorded in and for Fayette County, Pennsylvania in Deed Book 3292, Page 615, granted and conveyed unto Matthew B. Nutt and Amanda Bernot.

No. 294 of 2019 GD
No. 132 of 2019 ED

FIRST NATIONAL BANK OF PENNSYLVANIA,
Plaintiff,
vs.
MICHELE L. PANEPINTO,
Defendant.

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF MICHELE L. PANEPINTO, OF, IN AND TO THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT CERTAIN REAL ESTATE SITUATED IN THE BOROUGH OF PERRYOPOLIS, FAYETTE COUNTY, PENNSYLVANIA. HAVING ERECTED THEREON A DWELLING KNOWN AS 501 KING STREET, PERRYOPOLIS, PA 15473. DEED BOOK VOLUME 3326, PAGE 722 AND PARCEL NUMBER 28-09-0051.

STERN & EISENBERG PC
EDWARD J. MCKEE, ESQUIRE

No. 2732 of 2018 GD
No. 131 of 2019 ED

Wells Fargo Bank, N.A. as Trustee for Option One Mortgage Loan Trust 2007-FXD1
Plaintiff
v.
Anthony Reno
Defendant

SITUATE IN WHARTON TOWNSHIP, AND PARTLY IN HENRY CLAY TOWNSHIP, FAYETTE COUNTY, AND COMMONWEALTH OF PENNSYLVANIA, BEING KNOWN AS 335 DINNER BELL OHIOPYLE ROAD, FARMINGTON, PA 15437

PARCEL NO. 16-06-000107

IMPROVEMENTS - RESIDENTIAL REAL ESTATE
SOLD AS THE PROPERTY OF - ANTHONY RENO

No. 159 of 2019 GD
No. 124 of 2019 ED

COMMUNITY BANK,
Plaintiff,
vs.
EDWARD L. RUGG
Defendant.

ALL THE RIGHT, TITLE AND INTEREST OF EDWARD L. RUGG, OWNER OR REPUTED OWNER, IN AND TO:

ALL those two certain lots of land situate in Henry Clay Township, Fayette County, Pennsylvania, more particularly bounded and described as follows:

FOR PRIOR TITLE the same property conveyed to Edward L. Rugg, by deed of Susan L. Guthrie, a widow and unmarried, Vickie Schroyer and Gary Guthrie, her Attorneys-in-Fact by Power of Attorney dated January 16, 2009, recorded in Record Book 3285, Page 1034, deed dated November 18, 2015 and recorded in the Fayette County Recorder of Deeds Office on December 14, 2015, at Instrument Number: 201500013913.

Which has an address of 906 Flat Rock Road, Markleysburg, PA 15459.

Tax Parcel No: 16-11-0087

No. 1041 of 2018 GD
No. 104 of 2019 ED

PNC Bank, National Association, Successor By Merger To National City Bank
Plaintiff,
vs.
Leonard B. Sampson, Executor of the Estate of Charmaine L. Sampson; Faycohome I, LLC
Defendants.

ALL that certain parcel of land lying and being situate in the City of Uniontown, County of Fayette and Commonwealth of Pennsylvania, known 317 Evans Street, Uniontown, PA 15401 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 38030332

BEING the same premises which Fayette County Tax Claim Bureau, Fayette County, Pennsylvania, as Trustee, by Deed dated December 5, 2017 and recorded in and for Fayette County, Pennsylvania in Deed Book 3358, Page 1579, granted and conveyed unto Faycohome I, LLC.

MARTHA E. VON ROSENSTIEL, P.C.
649 South Ave, Ste 7, Secane, PA 19018
(610) 328-2887

No. 618 of 2019 GD
No. 149 of 2019 ED

WILMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR MFRA TRUST 2014-1

Plaintiff,

v.

CHARLES SAMUEL SMITH AND VALERIE SUZANNE SMITH

Defendant(s).

DOCKET # 2019-618

FIRST

ALL that certain tract of land situate on the South side of Georges Creek in Springhill Township, Fayette County, Pennsylvania, and more particularly bounded and described as follows, viz:

BEGINNING at a point on the South bank of aforesaid Georges Creek near the road leading formerly from Weaver 's Mill to Morton 's Mill; thence South 28 ½ degrees West, to a stone (being a continuation of a line extending from a willow tree on the opposite side of said creek, 84.15 feet to said stone); thence along the aforesaid road and land now or formerly of John Beighley, North 30 ¾ degrees West, 179.86 feet to a stone; thence South 33 ¾ degrees West, 321.75 feet to a stone; thence South 8 1/4 degrees West, 161.7 feet to a stone; thence North 31 1/4 degrees West, 892.65 feet to a stone; thence by land now or formerly of Samuel Morton, North 56 degrees East, 269.65 feet to a stone; thence North 89 1/2 degrees East, 191.4 feet to a stone; thence North 24 1/2 degrees East to the South bank of aforesaid Georges Creek; thence following the South bank of said creek in

a Southeasterly direction to the place of beginning, and containing 8 acres, more or less.

SECOND

ALL that certain piece or parcel of land situate and lying in Springhill Township, Fayette County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the center of the public road leading from Mortons Mill to Weavers Mill at the intersection of the northern line of the right of way of the Baltimore and Ohio Railway; thence along the center of said road, the following courses and distances: N. 6 degrees 16 minutes East, 130.70 feet; thence N. 31 degrees 46 minutes East, 128.30 feet to a point; thence S. 47 degrees 38 minutes East, a distance of 123.26 feet to a point in the Northern line of the right of way of the Baltimore and Ohio Railway; S. 47 degrees 57 minutes West, 232.82 feet along the same by a curve to the left, with a radius of 15-17-7. Containing .395 acres as per survey of Charles F. Grimm, a copy of which is recorded in the deed recorded in the Recorder's Office of Fayette County, Pennsylvania in Deed Book 1269, page 307.

TAX PARCEL# 36-05-0029

PROPERTY: 127 Georges Creek Road F/K/A 126 Georges Creek Road, Smithfield, PA 15478

IMPROVEMENTS: Residential Dwelling

TO BE SOLD AS THE PROPERTY OF:

Charles Samuel Smith and Valerie Suzanne Smith

ANNE N. JOHN Esq.
ATTORNEY AT LAW

No. 2745 of 2018 GD
No. 177 of 2019 ED

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF GREENE COUNTY, a corporation,

vs.

RUPERT SMITLEY, Defendant.

ALL those two certain lots or parcels of land situate near Ruble in Georges Township, Fayette County, Pennsylvania consisting of Parcel one containing 6.138 acres and Parcel Two containing 4.795 acres.

FOR prior title see Record Book 174, page

94.
 Tax Assessment Map No.: 14-33-0078.
 UPON which there is erected a residential single- family brick dwelling known locally as RD #1 Box 132, a/k/a 297 Ruble Mill Road, Smithfield PA 15478.

KML Law Group, P.C.
 Suite 5000 - BNY Independence Center
 701 Market Street
 Philadelphia, PA 19106-1532
 215-627-1322

No. 193 of 2019 GD
 No. 102 of 2019 ED

PACIFIC UNION FINANCIAL, LLC
1603 LBJ Freeway
Suite 500
Farmers Branch, TX 75234
Plaintiff,
vs.

JASON STARK
Mortgagor(s) and Record Owner(s)
596 Liberty Street
Perryopolis, PA 15473
Defendant(s)

ALL THAT CERTAIN lots or parcels of land situate in the borough of Perryopolis, formerly the Township of Perry County of Fayette and Commonwealth of Pennsylvania.
 TAX PARCEL# 28-03-0016
 PROPERTY ADDRESS: 596 Liberty Street Perryopolis, PA 15473
 IMPROVEMENTS: A residential dwelling.
 SOLD AS THE PROPERTY OF: JASON STARK

No. 2696 of 2018 GD
 No. 103 of 2019 ED

PNC Bank, National Association
Plaintiff,
vs.
Nicki M. Todaro
Defendant.

ALL that certain parcel of land lying and being situate in the Borough of Newell, County of Fayette, and Commonwealth of Pennsylvania,

known as 736 2nd Street, Newell, AKA Fayette City, PA 15466 having erected thereon a dwelling house.
 Being known and designated as Tax ID No.: 23-02-0007.

BEING the same premises which Nicki M. Todaro and Vincent D. Todaro, her husband, by Deed dated June 7, 1990 and recorded in and for Fayette County, Pennsylvania in Deed Book 0696, Page 0140, granted and conveyed unto Nicki M. Todaro and Vincent D. Todaro, husband and wife.

KML Law Group, P.C.
 Suite 5000 - BNY Independence Center
 701 Market Street
 Philadelphia, PA 19106-1532
 215-627-1322

No. 1658 of 2017 GD
 No. 138 of 2019 ED

PNC BANK, NATIONAL ASSOCIATION
c/o PNC Bank, N.A.
3232 Newmark Drive
Miamisburg, OH 45342
Plaintiff
vs.

UNKNOWN HEIRS, SUCCESSOR,
ASSIGNS AND ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
DAISY L. WEAVER
ERIKA WEAVER Known Heir of Daisy L. Weaver
SONYA WEAVER Known Heir of Daisy L. Weaver
LAWRENCE D. WEAVER Known Heir of Daisy L. Weaver
7 Plum Street
Masontown, PA 15461
Defendant(s)

ALL THAT CERTAIN LOTS OF LAND situate in the Borough of Masontown, County of Fayette and Commonwealth of Pennsylvania.
 TAX PARCEL #21-08-0101
 PROPERTY ADDRESS: 7 Plum Street Masontown, PA 15461
 IMPROVEMENTS: A residential dwelling.
 SOLD AS THE PROPERTY OF:
 UNKNOWN HEIRS, SUCCESSOR, ASSIGNS

AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER DAISY L. WEAVER, ERIKA WEAVER KNOWN HEIR OF DAISY L. WEAVER, SONYA WEAVER KNOWN HEIR OF DAISY L. WEAVER AND LAWRENCE D. WEAVER KNOWN HEIR OF DAISY L. WEAVER

No. 97 of 2019 GD
No. 101 of 2019 ED

U.S. Bank National Association, not in its individual capacity but solely as Trustee for the CIM Trust 2018-R5 Mortgage-Backed Notes, Series 2018-R5

Plaintiff,
vs.

Lon D. Welsh, AKA Lon Welsh; Dawna C. Welsh, AKA Dawna Welsh
Defendants.

ALL that certain parcel of land lying and being situate in the Borough of Dunbar, County of Fayette, and Commonwealth of Pennsylvania, known as 14 Hancock Street, Dunbar, PA 15431 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 08030069

BEING the same premises which Charles R. Neighbors and Cecilia A. Neighbors, his wife, by Deed dated June 13, 2001 and recorded in and for Fayette County, Pennsylvania in Deed Book 2769, Page 173, granted and conveyed unto Lon D. Welsh and Dawna C. Welsh, his wife.

JOHN AND JOHN
ATTORNEYS AT LAW

No. 2613 of 2017 GD
No. 139 of 2019 ED

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF GREENE COUNTY, a corporation,
Plaintiff

vs.

JOHN M. ZEGLEN and DIANE L. ZEGLEN, his wife, Defendants and Real Owners and UNITED STATES OF AMERICA, Additional Defendant and

Lienholder

ALL that certain lot of land situate in South Union Township, Fayette County, Pennsylvania, being numbered and designated as Lot No. 153 in the plan of lots laid out by Highland Realty Co. called "Plan No. 5 Heritage Hills", a plot of which is of record in the Office of the Recorder of Deeds of Fayette County, Pennsylvania in Plan Book Vol. 31, page 28; CONTAINING an area of 0.8274 acres.

See Record Book 829 page 182.

UPON which is erected a single -family dwelling known locally as 439 Independence Court, Uniontown, Pennsylvania 15401.

Tax Assessment Map No.: 34-27-0042-45.

*** END SHERIFF'S SALE ***

JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
vs.	:	
	:	
BRODERICK HARRIS,	:	No. 1639 of 2014
Defendant.	:	Honorable Nancy D. Vernon

OPINION IN SUPPORT OF JURY VERDICT

VERNON, J.

June 4, 2019

Following a trial by jury, the Appellant, Broderick Harris, was found guilty of three counts aggravated assault, three counts unlawful restraint – serious bodily injury, one count unlawful restraint of a minor, three counts false imprisonment, one count false imprisonment of a minor, three counts robbery, two counts burglary, two counts criminal trespass, two counts theft by unlawful taking, one count unauthorized use of motor vehicle, four counts kidnapping to facilitate a felony, four counts terroristic threats, and fifteen counts conspiracy.

Thereafter, Appellant was sentenced consecutively at (1) Count 16 – Robbery – not less than seven and one half years nor more than fifteen years; (2) Count 17 – Robbery – not less than seven and one half years nor more than fifteen years; (3) Count 18 – Robbery – not less than seven and one half years nor more than fifteen years; (4) Count 11 – Unlawful Restraint of a Minor Victim – not less than two and one half years nor more than five years; and (5) Count 15 – False Imprisonment of a Minor; – not less than two and one half years nor more than five years.

On July 29, 2015, Appellant filed a Notice of Appeal to the Superior Court of Pennsylvania through counsel Attorney Jason Taylor. Upon receipt of the Notice of Appeal, on July 30, 2015, this Court entered an Order pursuant to Pa.R.A.P. 1925(b) directing Appellant to file of record a concise statement of the errors complained of on appeal. In response to this Order, Appellant filed the following:

CONCISE STATEMENT OF ERRORS COMPLAINED OF ON APPEAL

1. Was Jonathan Byers’ identification of the defendant at trial unreliable?
2. Did the Commonwealth present evidence not provided to the defendant through discovery when it introduced the testimony of Jonathan Byers’ identifica-

tion of the defendant?

3. Did the Trial Court err in denying the defendant's motion for mistrial when the Commonwealth presented evidence not provided to the defendant through discovery, specifically, the testimony of Jonathan Byers' identification of the defendant?

4. Was the verdict against the weight of the evidence because the Commonwealth failed to prove that the Defendant was one of the actors who committed the alleged crimes?

5. Did the trial court err in denying the Defendant's post-sentence motion for a new trial as the jury verdict was against the weight of the evidence?

Thereafter, on August 20, 2015, Appellant filed a pro se Motion for Post Conviction Collateral Relief, and the same was denied and dismissed by Order of this Court, dated October 1, 2015, as prematurely filed pending the direct appeal.

On October 2, 2015, this Court rendered an Opinion in Support of Jury Verdict disposing of Appellant's five errors complained of on appeal. Thereafter, by Order dated September 18, 2015, but received in the Clerk of Courts of Fayette County on October 27, 2015 for filing, the appeal of Appellant was dismissed in the Superior Court of Pennsylvania for his failure to comply with Pa.R.A.P. 3517.

On May 15, 2017, Appellant filed a second pro se Motion for Post Conviction Collateral Relief. The Court initially appointed Attorney James Natale, to which a conflict required the subsequent appointment of Attorney Michael Ford on July 17, 2017. Following an unexplained period of no response, the Court again, by Order dated October 18, 2018, reappointed Attorney Ford. An Amended Petition for Post-Conviction Relief Pursuant to the Post Conviction Relief Act was filed by Attorney Ford on Appellant's behalf on February 7, 2019. By Order, dated March 7, 2019, and filed March 11, 2019, the PCRA was granted and Appellant's direct appeal rights were reinstated. Appellant was granted thirty days to perfect an appeal before the Superior Court of Pennsylvania.

On March 28, 2019, Appellant timely filed a Notice of Appeal purporting to appeal the Order entered on March 11, 2019. Appellant complied with the Court's Concise Statement Order, by filing a Concise Statement of Issues Complained of on Appeal, on April 24, 2019, wherein the contents clarify the Notice of Appeal relates to the guilty verdicts and sentence of this Court. In his Concise Statement, Appellant repeats the same five allegations of error initially raised in his first appeal and adds one additional allegation:

6. Did the evidence presented at trial fail to sufficiently establish beyond a reasonable doubt that the Defendant was one of the actors who committed the alleged crimes?

Wherefore, we believe that all six issues have been addressed by Opinion dated October 2, 2015, and accordingly, we will hereby incorporate the following:

STATEMENT OF FACTS

On January 14, 2014, Ronald Packroni was home at 613 North Water Street, Masontown, Pennsylvania, with his brother, Jonathan Packroni, his nephew, Connor Packroni, and John Byers. N.T., 3/2-3/4/2015, at 26-28. Connor Packroni is the son of Jonathan Packroni and was four years old at the time. Id. at 28, 107. Ronald Packroni and Misty Dawn Danko are the parents of two children who maintained a sexual relationship, but were not living together on that date. Id. at 26-29.

Approximately 2:00 or 3:00 in the morning, Misty Dawn Danko telephoned Ronald Packroni and asked if she could come to his house. Id. at 29-30. She arrived shortly thereafter whereupon Ronald Packroni let her inside, shut the door behind them, and locked the door. Id. at 29-30. When Misty Danko arrived, John Byers was asleep on the couch in the living room and Jonathan Packroni and Connor Packroni were asleep in their own bedrooms. Id. at 30-31. Ronald Packroni escorted Misty Danko to his bedroom where they “started to get sexual” when Misty said she needed a drink and went to the kitchen. Id. at 30-31. From his bed, Ronald could see Misty in the kitchen and observed her pacing back in and forth and looking at John Byers. Id. at 31. Ronald stated that he “just got a bad feeling” and walked towards the kitchen. While he was walking down the hallway wearing only a sweatshirt and socks, he watched Misty rush toward the front door and heard the door unlock and the doorknob open. Id. at 32.

When Ronald entered the kitchen, he was “greeted by a man with a mask or with a bandana on his face with a .38 snubnose [pointed] in [his] face.” Id. at 32. The man with the gun screamed at him to “get down, get down” then hit Ronald in the side of the head multiple times with the gun. Id. at 33. The man was described as a black male with a “hoody” pulled down as far as it would go and a bandana up over his nose. Id. at 34. This man took Ronald to his bedroom with Misty standing behind them. Id. at 34. Ronald saw two other men beating John Byers and saw that his brother, Jonathan Packroni, had been brought from his room. Id. at 35. Ronald was then brought to the living room where the men tied his wrists with his sweatpants and was told to keep his face in the floor Id. at 35-36. The phone cords and jacks were ripped from the walls and used to tie-up the victims. Id. at 50-51. When he lifted or turned his head, Ronald was hit in the back of his head with a gun. The men threatened to “shoot [Ronald] in the ass, threatened to kill all of [them].” Id. at 36. Ronald described that “it was just constant kicking and getting hit with the gun.” Id. at 36.

Ronald explained that the men used Misty to ransack rooms for them so that they did not have to touch anything. Id. at 37. Misty was observed smiling and the intruders allowed Misty to wander around the house referring to her as “shorty.” Id. at 37-39, 95. Misty was excited, real calm, and just kept telling them to give them what they want. Id. at 42. Ronald Packroni identified there being at least three intruders, all of who were

black males. *Id.* at 38. While they were being held hostage in the living room, the intruders were discussing whether to kill the men and specifically stated they were going to “kill the baby.” *Id.* at 38-39. Ronald heard the men talking about taking John Byers to a “MAC” machine to withdraw money and Ronald observed John Byers absent from the residence for about fifteen minutes. *Id.* at 40.

Ronald was again taken to his room by one man and accompanied by Misty. *Id.* at 44. Misty was being “too delicate” going through Ronald’s things when the man said “this is how you do it” and “just knocked everything, started breaking everything, just ripping drawers out of the chest of drawers and just dumping them.” *Id.* at 45. Ronald was able to look at the man’s eyes and part of his forehead while they were in his bedroom and identified in Court the Appellant, Broderick Harris, as being that man. *Id.* at 46; 77-78. The intruders took a knife, two watches, and car keys that belonged to Ronald. *Id.* at 48. A firearm belonging to Ronald’s father was taken. *Id.* at 49. Two cell phones belonging to John Byers and Jonathan Packroni were also stolen. *Id.* at 51.

While he was restrained face-down on the living room floor, Ronald heard the men state they could not find the money because it was in the baby’s room. *Id.* at 43. Ronald heard the men then go into the bedroom of Connor Packroni and question him, “where’s your daddy’s money?” *Id.* at 43.

The intruders were not satisfied with the amount of money they were able to take from the men, even after taking John Byers to the ATM machine. *Id.* at 52. The intruders began discussing that they would kill the men unless they were able to get more money. *Id.* at 52. At that point, John Byers gave the intruders a key for his parents’ house and told them he had money there. *Id.* at 52.

Ronald Packroni was struck at least seven times in the head with a gun and kicked numerous times; he described his head as “busted open” and suffered a “couple lumps.” *Id.* at 53. Ronald described that he was struck hard and that he was suffering an eight or nine on a pain scale of one to ten. *Id.* at 54. Ronald felt as though he was not free to leave his own home because the intruders threatened to kill him. *Id.* at 58. All three intruders were armed with a gun. *Id.* at 44. The intruders left his home ransacked; the drawers were pulled out of the dressers and dumped; the living room was covered in blood; and all phone cords and cable cords were ripped out. *Id.* at 58. Ronald explained the situation finally ended when the intruders arrived back to his home and yelled, “Let’s go, we’ve been here long enough, we got what we wanted.” *Id.* at 54. The next day, Ronald noted that his car seat was moved all the way up and that position was the way Misty used to drive his car. *Id.* at 41.

Jonathan Packroni confirmed that Misty Danko called their residence in the early morning hours of January 14, 2014, and requested that she may come to the home to visit Ronald Packroni. *Id.* at 85-86. Ronald closed Jonathan and Connor’s bedroom doors. *Id.* at 86. The next thing Jonathan Packroni woke up to was a barrel of a gun in his right eye and a black man telling him to get out of bed. *Id.* at 86-87. The man com-

manded him into the living and to not look at them. *Id.* at 88-89. The intruders repeatedly threatened to kill his son, Connor. *Id.* at 88-91. One man took Jonathan Packroni to his room for his keys and wallet, when Jonathan opened the wallet too slowly, the man counted “three, two, one” with the barrel of the gun pointed at Jonathan’s head. *Id.* at 92.

After the men ransacked Jonathan Packroni’s bedroom, but did not find any money, one man moved into his son, Connor’s room believing that to be where the money was hidden. *Id.* at 97. Jonathan said that Connor has since talked about a gun, but Jonathan couldn’t see into the room while the intruder questioned Connor. *Id.* at 98. The intruder moved Connor into Jonathan’s room and asked him where the money is. *Id.* at 98.

Jonathan suffered a kick to the face and a gash on the back of his head from where he was hit with the gun. *Id.* at 104. He was “completely hogtied” by his wrists and ankles and was directed around the house at gun-point. *Id.* at 104-106. The intruders took \$60.00 cash, his cellphone, and his PlayStation 3. *Id.* at 109.

John Byers confirmed that he went to sleep on the couch in the living room of the Packroni residence about 1:30 a.m. on January 14, 2014. *Id.* at 138-140. He was awoken by being hit in the face with a gun and with the Appellant pointing a gun in his face. *Id.* at 141-143. John Byers witnessed two other black men ordering the Packroni brothers to the floor in the living room at gunpoint and by striking them in the head with the guns. *Id.* at 144-145.

Two of the men together began striking John Byers and John was able to identify the men as Appellant and as Keith Johnson. *Id.* at 147. Keith Johnson kneeled down by John Byers holding the gun in his face and asked if he remembered what it looked like. *Id.* at 147. John Byers explained this was a direct reference to a month prior when his house in Uniontown, Pennsylvania was robbed by two unmasked men with a gun, one being Keith Johnson who used the same weapon on that occasion. *Id.* at 147. Keith Johnson and Appellant were threatening John Byers saying that they would shoot him and kill his friends if they didn’t get what they wanted, namely money. *Id.* at 148-149. Keith Johnson rifled through John Byers’ wallet that was located inside a coat and took his bank card, identification, and the key to his parents’ house. *Id.* at 150.

The intruders led John Byers to the bathroom to clean the blood from his face so that he could be taken to an ATM machine to withdraw cash. *Id.* at 150. Keith Johnson and the third intruder, identified as Bernard Richardson, took John Byers at gunpoint in the vehicle belonging to Ronald Packroni to the ATM machine. *Id.* at 153-154. John Byers was able to identify Bernard Richardson by the way he spoke, being a slower speech, broken sentences, and hard to understand. *Id.* at 155. John Byers identified Appellant as the sole intruder who remained at the residence with the Packroni brothers and Misty Danko. *Id.* at 156. John Byers attempted to withdraw money while Keith Richardson stood to the right of the ATM machine with a gun hidden in his sleeve. *Id.* at 156-158. When they arrived back to the Packroni residence, Appellant was still in-

side continuing to make threats and searching around the house. *Id.* at 160-161. The intruders put the men back into the living room where they pointed the guns into the men's faces and made more threats about killing them. *Id.* at 161. Out of fear and exhaustion, John Byers told the intruders that his belongings could be found in the basement of his parents' home. *Id.* at 162-163. Keith Johnson located the address of the Byers' residence from John Byers' identification and had the Packroni brothers describe the location and appearance of the house. *Id.* at 163-164. Keith Johnson left with Misty Danko after giving instructions to Appellant and Bernard Richardson that if they did "not find what they want to just execute [them]." *Id.* at 164.

Keith Johnson and Appellant tied John Byers and the Packroni brothers and left them on the living room floor. *Id.* at 164. Bernard Richardson and Appellant stood guard with their guns and continued to rummage through the Packroni residence. *Id.* at 165. Appellant told John Byers that "no matter what the outcome was that night, that he was gonna kill [John] before he left." *Id.* at 166. A phone call came to Bernard Richardson and Appellant telling them it was time to leave. *Id.* at 166. The intruders then left and John Byers, Ronald Packroni, and Jonathan Packroni were able to free themselves from the restraints and seek assistance. *Id.* at 166-168. From a neighbor's house, John Byers telephoned his father to advise him someone may have broken into his home. *Id.* at 168-169. Afterwards, John Byers returned to his parents' home and found the basement living area to be in disarray and that \$50,000.00 cash and a watch had been stolen. *Id.* at 169-170.

Misty Dawn Danko testified on behalf of the Commonwealth. *Id.* at 191. She related that in January 2014 she was the mother of two children with Ronald Packroni and that she was engaged in a sexual relationship at that time with both Ronald Packroni and Keith Johnson. *Id.* at 192-193. On the evening in question, Misty Danko had a phone conversation that she claimed Ronald Packroni asked for sex in exchange for diaper and gas money. *Id.* at 195. Keith Johnson overheard Misty talking to Ronald Packroni and told Misty to unlock the door when she went inside so that he could take the money and marijuana and that Misty deserved this money because Ronald was her kids' father. *Id.* at 196. After several days of Keith Johnson "nagging" Misty, she agreed to unlock the door to the Packroni residence. *Id.* at 197. During the daytime on January 13, 2014, Keith Johnson told Misty that the plan was for her to unlock the door after she entered, that he would enter the home and take the drugs and money from the Packronis, and that Misty was to wait down the road. *Id.* at 200. Misty overheard Keith Johnson having conversations with Bernard Richardson and one other man about there being money and marijuana at a location in Masontown and that Keith needed assistance to rob the residence. *Id.* at 201-202.

Misty Danko and Keith Johnson left Uniontown with the intention of robbing the Packroni residence; they stopped to pick up Bernard Richardson and then Appellant, Broderick Harris. *Id.* at 206-207. When they arrived at the location of Appellant, Keith and Bernard went inside for "a good fifteen minutes." *Id.* at 207. While driving to Masontown, Appellant questioned Misty Danko whether she knew if the men in the house

would be armed. *Id.* at 209. Appellant also asked Keith Johnson “what it was hitting for, meaning, like exactly how much he thought – how much drugs and money was out there at the location in Masontown.” *Id.* at 209. In the car, the four discussed their plans, being that Misty was to unlock the door and they were going to enter the house to get drugs and money. *Id.* at 210. Appellant participated in this conversation. *Id.* at 210. Keith Johnson also confirmed with Appellant and Bernard Richardson that they “had their masks [...] to make sure they didn’t forget them.” *Id.* at 210. Appellant responded that he had his mask, that he had it in his hand. *Id.* at 211.

Misty Danko, Keith Johnson, Bernard Richardson, and Appellant arrived at the Packroni residence. *Id.* at 211. Misty remained in the car while the three men surveyed the property. *Id.* at 211. When they returned from checking out the house, Misty telephoned to Ronald Packroni because the men thought they saw a “black man in there.” *Id.* at 211-213. Ronald Packroni confirmed that he was home with only John Byers and Jonathan Packroni, who were both asleep. *Id.* at 213. Misty and the men left the Packroni residence and drove to a gas station discussing on the way that the men would enter the residence wearing their masks, take the drugs and money, and leave. *Id.* at 214-215. Appellant questioned Keith Johnson whether Misty Danko would tell on them, to which Misty responded that she would not. *Id.* at 219. Misty dropped the three men off before arriving at the Packroni residence. *Id.* at 217-218. They were each wearing hoodies and dark clothes and were carrying their masks. *Id.* at 218.

Ronald Packroni led Misty into his house and into his bedroom; after three or four minutes, Misty said she needed a drink from the kitchen. *Id.* at 222-225. Misty unlocked the door after a phone conversation with Keith Johnson and she watched as Keith, Bernard Richardson, and Appellant entered the house carrying guns with masks on their faces. *Id.* at 226. The three ordered Misty and Ronald Packroni to the floor and Appellant stayed hovered over them with a gun to their heads. *Id.* at 227. Ronald Packroni, Jonathan Packroni, and John Byers were taken into the living and hit with guns while the intruders screamed looking for weapons and money and threatened to kill the men. *Id.* at 227-228. Misty observed Appellant with a mask covering a portion of his face and a gun pointed at the men. *Id.* at 229.

Misty confirmed that Appellant, Keith Johnson, and Bernard Richardson corralled Ronald Packroni, Jonathan Packroni, and John Byers into the living room, kept them face down on the floor, and threatened to kill them while holding them at gunpoint. *Id.* at 230-233. When questioned about what she heard Appellant say, Misty responded that he was “telling the guys to give me your money or I’ll kill you and just cussing at them, threatening them over and over until John Byers just gave him his ATM card and told him that he had money at the bank.” *Id.* at 234. Keith Johnson and Bernard Richardson told Misty to remain at the home with Appellant while they took John Byers to the bank. *Id.* at 234. Misty watched as they took John Byers at gunpoint out of the residence. *Id.* at 235.

Appellant stood guard over the Packroni brothers at gunpoint threatening to kill them while the men begged for their lives. *Id.* at 236-237. When Keith Johnson and Bernard Richardson returned, Appellant directed Misty to go into Jonathan Packroni's bedroom where Appellant and Misty located a handgun. *Id.* at 237-238. Appellant and Misty then went into Ronald Packroni's room where Appellant took watches and saw a locked chest. *Id.* at 238-239. Appellant brought Ronald into his room to open the chest which contained a knife collection. *Id.* at 239.

The intruders were angry that Byers was unable to retrieve money from the ATM machine and "proceeded to beat him up more." *Id.* at 240. John Byers was pleading for his life when Appellant told him that if he did not give more money that he was going to kill him. *Id.* at 241. John Byers eventually gave Keith Johnson the key to his parents' house and told him that he could find money there. *Id.* at 242. Misty accompanied Keith Johnson to the Byers' residence and stole a watch and money from inside. *Id.* at 243-244.

Randy Byers, his wife, Judy Byers, and their son, John Byers, reside on Fairview Avenue, Masontown, Pennsylvania. *Id.* at 123-125. In the early morning hours of January 14, 2014, the Byers were asleep in their home and did not give permission to anyone to enter therein. *Id.* at 124-125. Between 3:00 and 4:00 a.m., Randy Byers received a telephone call from his son, John Byers, notifying him that he was the victim of a home invasion at the Packroni residence and that the intruders may have entered into the Byers' home. *Id.* at 132-133. Randy Byers investigated his basement, where John Byers resided in the home, and found his things were strewn all over the floor and money belonging to John Byers was missing. *Id.* at 133-134, 137.

On the way back to the Packroni residence, Keith Johnson assured Misty the police would not be called because "it was to do with drugs." *Id.* at 245. Keith Johnson then called Appellant and Bernard Richardson to tell them he had the money and they were on their way back. *Id.* at 246. After retrieving Bernard Richardson and Appellant from the Packroni residence, all of the actors left together. *Id.* at 247. While driving, Misty discarded the cell phones and masks out of the car window. *Id.* at 248.

Keith Johnson, Bernard Richardson, and Appellant returned to a residence in Uniontown, Pennsylvania, where the money was split four ways with over \$7,000.00 to each of the men and Misty Danko. *Id.* at 249, 252. Keith Johnson instructed Misty to take the car to her sister's house and that she was to tell the police that she didn't know who the men were and that she could not identify them. *Id.* at 251. If questioned, Misty was supposed to say that the men kidnapped her, blindfolded her, and took her down the road and left her in the car. *Id.* at 251. Around 8:00 or 9:00 o'clock that morning, Ronald Packroni called Misty's cell phone to tell her that the police wanted to speak with her. *Id.* at 253. Misty Danko met with Officer Metros of the Masontown Police Department and denied knowing Keith Richardson. *Id.* at 253-254. Misty Danko also met with Officer O'Barto and lied about her involvement. *Id.* at 254-255.

Afterwards, Keith Johnson called Bernard Richardson and Appellant to Misty Danko's house to "get the story straight." *Id.* at 259. Appellant told Misty Danko that she "better not open [her] mouth and if so that he would take care of [her]." *Id.* at 260. On two other occasions, Appellant confronted Misty Danko regarding her talking to the police. *Id.* at 260-264.

DISCUSSION

Appellant's first three issues for review relate to the trial testimony of Jonathan Byers wherein he identified Appellant as the perpetrator. Appellant alleges that (1) Jonathan Byers' identification of Appellant at trial was unreliable; (2) the Commonwealth presented evidence not provided in discovery being the testimony of Jonathan Byers' identification of Appellant; and (3) the Trial Court erred in denying Appellant's motion for a mistrial when the Commonwealth presented evidence not provided in discovery being the testimony of Jonathan Byers' identification of Appellant.

In determining whether a particular identification was reliable, the court "should consider the opportunity of the witness to view the criminal at the time of the crime, the witness' degree of attention, the accuracy of [his or her] prior description of the criminal, the level of certainty demonstrated at the confrontation, and the time between the crime and the confrontation. The opportunity of the witness to view the actor at the time of the crime is the key factor in the totality of the circumstances analysis." *Commonwealth v. Bruce*, 717 A.2d 1033, 1037 (Pa.Super. 1998). It is also well-settled that "[a] witness may testify to a person's identity from his voice alone." *Commonwealth v. Fromal*, 392 Pa.Super. 100, 572 A.2d 711, 716 (1990). Any indefiniteness and uncertainty in the identification testimony goes to its weight. *Commonwealth v. Orr*, 38 A.3d 868, 874 (Pa.Super. 2011).

At trial, the prosecutor asked Jonathan Byers to describe the man who struck him and woke him up with a gun pointed in his face. N.T., 3/2-3/4/2015, at 142. Byers described the man's height, clothing, gender, and race, and was able to confirm that he viewed facial features and heard the man's voice. *Id.* at 142-143. Byers then, for the first time on record, identified Appellant by name. *Id.* at 143.

Based upon this identification, being the first time it was made by Byers in a courtroom, defense counsel rigorously cross-examined Byers. Defense counsel impeached Byers' testimony pointing to the inconsistencies at two prior court hearings at which Byers could only identify Keith Johnson by name. *Id.* at 174-177, 182-186. Byers explained the discrepancy stating that he did not "necessarily" know them, "but just after their names had come out, you know, that they were caught." *Id.* at 182. Byers admitted that at the time of the incident, he was not able to identify Appellant. *Id.* at 183. Byers testified that "over the last year [he has] been able to think about what happened and remember that night and [he] can clearly remember being able to look up and see what people looked like." *Id.* at 183. The substance of Byers' testimony goes to the weight the jury should afford Byers' testimony and does not affect the admissibility.

As such, the reliability of Jonathan Byers' identification of Appellant was reliable, with the believability of such submitted to the jury. The jury was in the best position to assess the credibility of each of the witnesses and to determine the reliability of testimony.

Further, the Commonwealth committed no discovery violation when the change in substance of Byers' testimony was not known to the prosecution, and no evidence existed that Byers would change his testimony. Appellant supplied no indication this information was deliberately withheld by the Commonwealth, nor has he demonstrated he was prejudiced by not being able to move for suppression of this testimony. Nothing in the record warrants the conclusion this identification was obtained by suggestive means or by any other means in violation of Appellant's constitutional rights; therefore, a motion to suppress would have been futile. Finally, defense counsel vigorously cross-examined Byers concerning his initial inability to identify him and his subsequent identification of Appellant as the perpetrator. Accordingly, Appellant has not demonstrated he is entitled to relief on this issue.

Lastly, with regards to Appellant's assertion that this Court erred in not granting a mistrial, the law acknowledges that "a perfect trial is a rarity." *Commonwealth v. Hill*, 301 A.2d 587 (Pa. 1973). Thus, the law employs mechanisms to preserve a fundamentally fair trial in the wake of unforeseen identification issues, including cross-examination. Additionally, cross-examination elucidates for the jury the potential unreliability of an unexpected, first-time in-court identification. *Commonwealth v. Silver*, 393 A.2d 1239, 1242 (Pa.Super. 1978). Here, this Court did not err in denying Appellant's motion for a mistrial since Appellant's counsel cross-examined and impeached Byers with his prior inconsistent testimony. "Mistrials should be granted only when an incident is of such a nature that its unavoidable effect is to deprive appellant of a fair trial." *Commonwealth v. Johnson*, 815 A.2d 563, 576 (Pa. 2002).

In his final two issues, Appellant alleges that the verdict was against the weight of the evidence because the Commonwealth failed to prove that he was one of the actors who committed the alleged crimes and that the trial court erred in denying his post-sentence motion for a new trial as the jury verdict was against the weight of the evidence.

The weight of the evidence is exclusively for the finder of fact, which is free to believe all, part, or none of the evidence, and to assess the credibility of the witnesses. *Commonwealth v. Johnson*, 542 Pa. 384, 668 A.2d 97, 101 (1995). The jury heard, and believed, the testimony of Misty Danko who testified that Appellant was a participant as more fully described above, the testimony of Ronald Packroni and Jonathan Packroni who described the series of events, and John Byers who identified Appellant. As we may not disturb the jury's credibility determinations in this regard, this claim, must fail.

At Appellant's fifth issue, he alleges the Court erred in denying his post-sentence motion regarding the weight of the evidence. A review of Appellant's post-sentence motion establishes that he alleged the verdict was against the weight of the evidence in four regards:

- (1) All three (3) of the alleged adult victims testified previously under oath that they could not identify the Defendant as one of the actors;
- (2) The Commonwealth could produce no tangible evidence of the Defendant's presence in the victims' houses or vehicles;
- (3) The testimony of the alleged adult victims contradicted their previous sworn testimony;
- (4) The Commonwealth produced testimony from an alleged co-defendant, Misty Danko, which contradicted numerous statements that she made about the alleged crimes to the Police, who determined her to be an untruthful person.

See, Record.

The first, third, and fourth issues relate to the credibility or believability of witness testimony. The jury was free to believe all, some, or none of the testimony that was presented at trial. *Commonwealth v. Solano*, 906 A.2d 1180, 1186 (Pa. 2006). The jury was also in the best position to assess the credibility of each of the witnesses and to determine the reliability of testimony. In assessing the credibility of a witness, jurors must rely on their ordinary experiences of life, common knowledge of the tendencies of human behavior, and observations of the witness' character and demeanor. *Commonwealth v. Miner*d, 753 A.2d 225 (Pa. 2000). The truthfulness of a witness is solely within the province of the jury. *Id.* A verdict is against the weight of the evidence "only when the jury's verdict is so contrary to the evidence as to shock one's sense of justice." *Commonwealth v. Cousar*, 928 A.2d 1025, 1036 (Pa. 2007).

The second allegation of the post-sentence motion argues that the Commonwealth produced no "tangible evidence" of Appellant's presence at the scene of the crime. This Court is unaware of any requirement of "tangible evidence" in Pennsylvania jurisprudence. The Commonwealth may sustain its burden of proving every element of the crime beyond a reasonable doubt by relying wholly on circumstantial evidence. *Commonwealth v. Davalos*, 779 A.2d 1190 (Pa.Super. 2001).

In light of the foregoing analysis with regard to the charges for which defendant was convicted, it cannot be said that the verdicts were against the weight of evidence. Thus, these claims fail.

Lastly, Appellant alleges the evidence presented at trial failed to sufficiently establish beyond a reasonable doubt that he was one of the actors who committed the alleged crimes. Based on the foregoing analysis, and without citation from Appellant as to what evidence is lacking as to which charge, the Court disagrees.

Wherefore, it is respectfully submitted that this appeal is without merit and should be denied.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
CLERK

FCBA SUMMER PICNIC INVITATION*FCBA Summer Picnic*

The Fayette County Bar Association invites you and your family to a Summer Picnic hosted by Judge Steve and Shanon Leskinen

Saturday July 20, 2019, at 6:00 p.m.

Entertainment by the Cellar Dwellers
Catering by Stone House BBQ



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