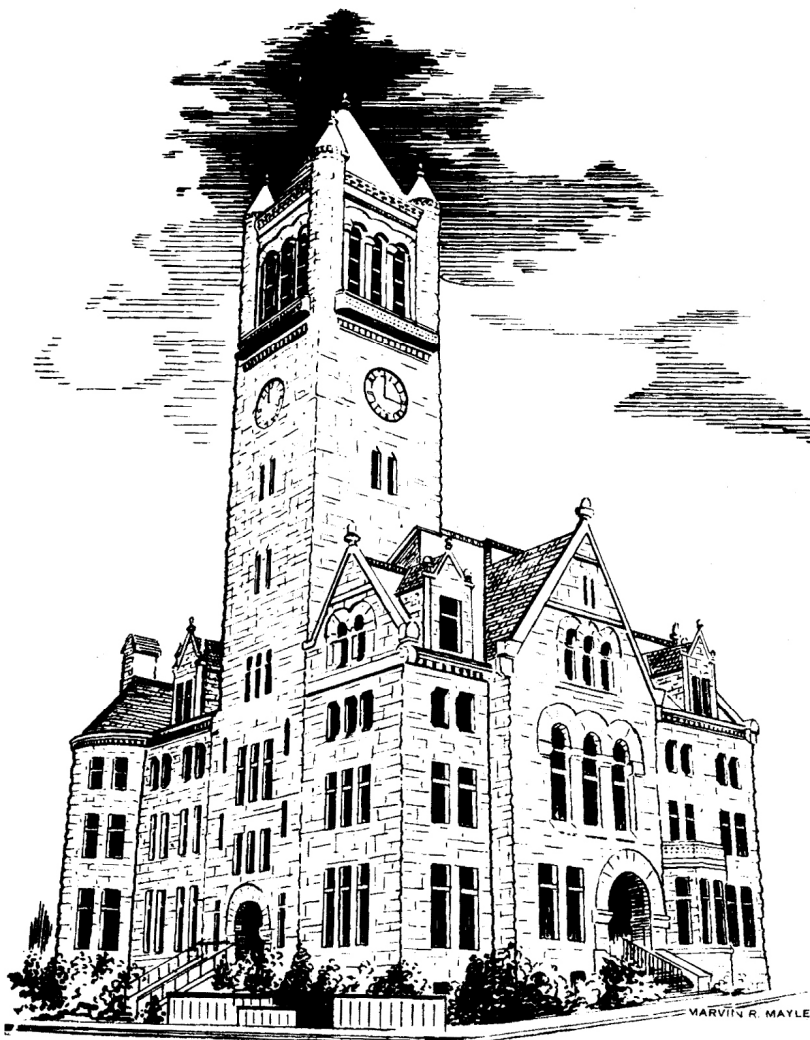


# FAYETTE LEGAL JOURNAL

VOL. 82

JUNE 15, 2019

NO. 24



## FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 45 East Main Street, Suite 100, Uniontown, Pennsylvania 15401, 724-437-7994. Legal advertisements should be submitted online at [www.fcbar.org](http://www.fcbar.org) no later than 12:00 noon on Friday for publication the following Saturday. No date of publication is promised, however. Legal notices are published exactly as submitted by the advertiser. Copyright 2001 Fayette County Bar Association. All rights reserved.

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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

**DENNIS PAUL HUGHES**, late of  
Connellsville, Fayette County, PA (3)

*Executrix:* Pamela S. Hughes  
c/o Casini & Geibig, LLC  
815B Memorial Boulevard  
Connellsville, PA 15425  
*Attorney:* Jennifer M. Casini

**ALTA PHILLIPS KAMP**, late of  
Markleysburg, Fayette County, PA (3)

*Executor:* Brett Phillips  
342 Washington Road  
Waynesburg, PA 15370

**ELZIE LAVERY, a/k/a ELZIE E. LAVERY, SR.**, late of South Union Township, Fayette County, PA (3)

*Administratrix:* Nicole Renee Lavery-Behlke  
c/o Higinbotham Law Offices  
45 East Main Street, Suite 500  
Uniontown, PA 15401  
*Attorney:* James Higinbotham

**KENNETH MILLER, a/k/a KENNETH DARWIN MILLER**, late of Luzerne Township, Fayette County, PA (3)

*Administratrix:* Candy Cunningham  
c/o Goodwin Como, P.C.  
108 North Beeson Boulevard, Suite 400  
Uniontown, PA 15401  
*Attorney:* Benjamin Goodwin

**THEODORE SOBEK, a/k/a THEODORE A. SOBEK**, late of Perryopolis, Fayette County, PA (3)

*Personal Representatives:* Greg N. Sobek

and Lisa Sobek  
c/o Proden & O'Brien  
99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Wendy L. O'Brien

**SONDRA JILL WHITMAN**, late of North Union Township, Fayette County, PA (3)

*Executrix:* Sondra Denise Johns  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

### Second Publication

**MILDRED H. DOMONKAS, a/k/a MILLIE DOMONKOS**, Fayette County, PA (2)

*Executors:* Gerald R. Domonkos, Jr.,  
Renee Smith and Wendy McGee  
P.O. Box 688  
Perryopolis, PA 15473  
c/o P.O. Box 718  
Belle Vernon, PA 15012  
*Attorney:* Brian G. Pirilla

**CHARLES MELLON GOWER**, late of Smithfield, Fayette County, PA (2)

*Administratrix:* Diana Gower  
1164 Walnut Hill Road  
Smithfield, PA 15478  
c/o P.O. Box 727  
Uniontown, PA 15401  
*Attorney:* Bernadette K. Tummons

**RACHEL E. LAWRENCE**, late of Jefferson Township, Fayette County, PA (2)

*Co-Executors:* Joseph S. Lawrence and  
Pamela Sauritch, n/k/a Pamela Seykoski  
c/o Casini & Geibig, LLC  
815B Memorial Boulevard  
Connellsville, PA 15425  
*Attorney:* Jennifer M. Casini

**HELEN M. LEGAS, a/k/a HELEN MARGARET LEGAS, a/k/a HELEN MARGARET NIETFELD**, late of Saltlick Township, Fayette County, PA (2)

*Administratrix:* Joann H. Valetti  
507 Firearms Lane  
Greensburg, PA 15601

c/o 35 West Pittsburgh Street  
Greensburg, PA 15601  
*Attorney:* Kenneth B. Burkley

---

**JANET A. PETLEVICH**, late of South Union Township, Fayette County, PA (2)  
*Administratrix:* Rosemary Wesdock  
c/o Radcliffe Law, LLC  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* William M. Radcliffe

---

**DOUGLAS EUGENE SHOW, a/k/a DOUGLAS E. SHOW**, late of Springfield Township, Fayette County, PA (2)  
*Personal Representative:* Lisa D. Show  
c/o George & George, LLP  
92 East Main Street  
Uniontown, PA 15401  
*Attorney:* Joseph M. George

## First Publication

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**JOSEPH EDWARD BOLIBON, SR., a/k/a JOSEPH E. BOLIBON**, late of Franklin Township, Fayette County, PA (1)  
*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 (1)  
*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 (1)  
*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 (1)  
*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 (1)  
*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 (1)  
*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 (1)  
*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

## LEGAL NOTICES

### NOTICE

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about April 17, 2019, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Kathy's Family Hair Salon with the principal place of business at: 649 Mill Run Road, MILL RUN, PA 15464. The name or names and addresses of persons

owning and interested are: Katherine Fulton, 192 Fowl Hill Road, Champion, PA 15622.

**NOTICE**

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about April 1, 2019, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Shark’s Burritos with the principal place of business at: 9 Morgantown, Uniontown, PA 15401. The name or names and addresses of persons owning and interested are: tengowski llc, 52 Union St., Uniontown, PA 15401

Burke Family Trust U/A/D 4/27/2000  
late of South Connellsville Borough,  
Fayette County, Pennsylvania  
Donald A. Burke, Deceased

in the above Trust having been granted to the undersigned, notice is hereby given to all persons indebted to the said decedent to make payment to the undersigned without delay, and all persons having claims or demands against said estate are requested to make known the same.

Donald L Burke, Successor Trustee  
c/o WATSON MUNDORFF & SEPIC, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425-6218  
Phone: 724/626-8882 (2 of 3)

**NOTICE OF ACTION IN MORTGAGE  
FORECLOSURE  
IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW**

COURT OF COMMON PLEAS  
CIVIL DIVISION  
FAYETTE COUNTY  
No. 833-OF-2019-GD

PNC BANK, NATIONAL ASSOCIATION  
Plaintiff  
vs.

UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS, AND ALL PERSONS, FIRMS, OR  
ASSOCIATIONS CLAIMING RIGHT, TITLE  
OR INTEREST FROM OR UNDER JOSEPH  
M. MISSELLI A/K/A JOSEPH M. MISSELLI,  
JR, DECEASED  
Defendant

**NOTICE**

To UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS, AND ALL PERSONS, FIRMS, OR  
ASSOCIATIONS CLAIMING RIGHT, TITLE  
OR INTEREST FROM OR UNDER JOSEPH  
M. MISSELLI A/K/A JOSEPH M. MISSELLI,  
JR, DECEASED

You are hereby notified that on April 22, 2019, Plaintiff, PNC BANK, NATIONAL ASSOCIATION, 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. 833-OF-2019-GD. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 174 BETHANN ROAD, ACME, PA 15610-1244 whereupon your property would be sold by the Sheriff of FAYETTE County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

**NOTICE**

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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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 Pennsylvania Bar Association  
 100 South Street.  
 P.O. Box 186  
 Harrisburg, PA 17108  
 Telephone (800) 692-7375

**MARSHAL'S SALE:** By virtue of a Writ of Execution issued out of the United States District Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the real property located at 100 High Street, Brownsville, PA 15417 being more fully described at Fayette County deed Book Volume 110, Page 154. **SAID SALE** to be held at the Fayette County Courthouse, 61 E. Main Street, Uniontown, PA 15401 at 10:00 a.m. prevailing, standard time, on June 26, 2019. All that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Identification No. 02060008 recorded in Fayette County, Pennsylvania. Seized and taken in execution as the property of Sage Partners, LP successor by merger to Sage Associates at the suit of the United States of America, acting through the Secretary of Housing and Urban Development, to be sold on Writ of Execution as Civil Action No. 2:18-CV-01622. **TERMS OF SALE:** Successful bidder will pay ten percent (10%) by certified check or money order upon the property being struck down to such bidder, and the remainder of the bid within thirty (30) days from the date of the sale and in the event bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Sheila Blessing, 700 Grant Street, Suite 2360, Pittsburgh, PA 15219. Bidder must have deposit funds immediately available and on his person in order to bid, bidder will not be permitted to leave the sale and return with deposit funds. Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's

costs, fees and commissions are to be borne by seller. Michael Baughman, Acting United States Marshal. For additional information, please contact Holly Maloy at 817-978-5556. (4 of 4)

IN THE COURT OF COMMON PLEAS OF  
 FAYETTE COUNTY, PENNSYLVANIA  
 ORPHANS' COURT DIVISION  
 NO.21 ADOPT 2019

IN RE: ADOPTION OF  
 JULIANA BROOKS

NOTICE

TO: Unknown Unknown (Father)

A petition has been filed asking the Court to put an end to all rights you have to your child, Juliana Brooks. The court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No. 4 of the Fayette County Courthouse, Uniontown, Fayette County, Pennsylvania, on Thursday, **June 27, 2019 at 1:30 p.m.** You are warned that even if you fail to appear at the scheduled hearing the hearing will go on without you and your rights to your child may be ended by the court without your being there.

YOU HAVE A RIGHT TO BE REPRESENTED AT THE HEARING BY A LAWYER. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. 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.

PENNSYLVANIA BAR ASSOCIATION  
 100 SOUTH STREET  
 PO BOX 186  
 HARRISBURG, PA 17108  
 (800) 932-0313

## Registers' Notice

Notice by JEFFREY L. REDMAN, Register of Wills and  
Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

**Monday, July 1, 2019, at 9:30 A.M.**

| <u>Estate Number</u> | <u>Estate Name</u>                          | <u>Accountant</u>               |
|----------------------|---|---------------------------------|
| 2614-0112            | EILEEN KRAWCZYK a/k/a<br>EILEEN M. KRAWCZYK | Carolyn W. Maricondi, Executrix |

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

**Monday, July 15, 2019, at 9:30 A.M.**

in Courtroom No. 1 of the **Honorable STEVE P. LESKINEN**, or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

Notice is also hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

**Monday, July 1, 2019, at 9:30 A.M.**

| <u>Estate Number</u> | <u>Estate Name</u> | <u>Accountant</u>           |
|----------------------|--------------------|-----------------------------|
| 2617-0883            | JACK C. MOORE      | Jack C. Moore, II, Executor |

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

**Monday, July 15, 2019, at 9:30 A.M.**

in Courtroom No. 5 of the **Honorable JOSEPH M. GEORGE, JR.** or his chambers, 3rd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

JEFFREY L. REDMAN

Register of Wills and Ex-Officio Clerk of the Orphans' Court Division (1 of 2)

**JUDICIAL OPINION**

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

COMMONWEALTH OF PENNSYLVANIA :  
v. :  
BOBBI JO MACK , : No. 947 of 2016  
Defendant. : Honorable Joseph M. George, Jr.

ATTORNEYS AND LAW FIRMS  
Melinda Dellarose, Esquire, Assistant District Attorney, For the Commonwealth  
Amanda Como, Esquire, Court Appointed Attorney, For the Appellant

**OPINION**

GEORGE, J. May 31, 2019

On December 11th, 2017, Appellant, Bobbi Jo Mack, filed a petition for post-conviction relief pursuant to the Post -Conviction Relief Act (PCRA) {1}. Appellant was appointed counsel and an Amended Petition was filed on September 26th, 2018. A hearing was held on December 6th, 2018. On March 5th, 2019, this Court denied Appellant's Amended Petition. Appellant filed a direct appeal to the Superior Court of Pennsylvania. This Opinion is in support of this Court's Order denying Appellant's Amended PCRA Petition.

**CONCISE ISSUES**

Appellant filed a Statement of Matters Complained of on Appeal raising the following two issues:

1. Whether the PCRA Court erred in refusing to set aside Defendant's plea on the basis of ineffective assistance of counsel when Defendant's counsel failed to advise the Defendant that her conviction would require her to register as a sex offender and the Defendant requested to withdraw her plea on that basis prior to sentencing, in a post sentence motion, and in her Petition for post-conviction relief and no evidence to the contrary appears of record?
2. Whether the PCRA Court erred in refusing to reinstate Defendant's right to appeal when the Defendant directed her plea counsel to appeal the plea Court's denial of her request to withdraw her plea prior to sentencing and no evidence to the contrary appears of record?

**FACTS**

On September 30, 2016, Appellant entered a plea of Guilty to a charge of Attempted Homicide {2} and other related offenses. On January 10, 2017, Appellant was sentenced on the Attempted Homicide charge to a term of incarceration for not less than twenty (20) years nor more than forty (40) years. Appellant was sentenced to incarceration for not less than five (5) years nor more than ten (10) years on the charge of

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{1} 18 Pa.C.S. § 3121(a)(1)



Conspiracy to Commit Rape by Forcible Compulsion. The Court accepted the guilty pleas for all additional charges with no further penalty imposed.

Thereafter, on January 11, 2017, Appellant filed through her Attorney, a Petition for Reconsideration of Sentence/Motion to Allow Defendant to Withdraw Plea. The Court granted the Petition for Reconsideration of Sentence and reduced the sentence to not less than seventeen and one half (17.5) years nor more than thirty- five (35) years of incarceration. The Court denied the motion to allow Appellant to withdraw her plea. No direct appeal was filed.

Plea counsel, Attorney Mary Campbell Spegar, died on November 12th, 2017. Appellant filed a PCRA petition on December 11th, 2017. Counsel was appointed and an amended petition was filed on September 26th, 2018. A hearing was held on December 6th, 2018. The amended petition was denied on March 5th, 2019. This appeal followed.

### DISCUSSION

Appellant appeals from this Court's Order denying his PCRA petition. The Appellate Court standard of review is limited to determining whether the findings of the PCRA court are supported by the record and free from legal error. *Commonwealth v. Johnson*, 600 Pa. 329, 345, 966 A.2d 523, 532 (2009). The reviewing court pays great deference to the findings of the PCRA court. *Commonwealth v. G.Y.*, 63 A.3d 259, 265 (Pa. Super. 2013). Moreover, in conducting a review of a PCRA matter, the Superior Court considers the record in light most favorable to the prevailing party at the PCRA level. *Commonwealth v. Stultz*, 114 A.3d 865, 872 (Pa. Super. 2015).

Both of Appellant's concise issues relate to counsel ineffectiveness. To be eligible for relief under the PCRA, a petitioner must plead and prove, by a preponderance of the evidence, that the challenged conviction or sentence resulted from ineffective assistance of counsel which so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place. 42 Pa. C.S. § 9543(a)(2)(ii). To meet this standard, a petitioner must establish: (1) that the underlying claim is of arguable merit; (2) that counsel's course of conduct was without a reasonable basis designed to effectuate her client's interest; and (3) that she was prejudiced by counsel's ineffectiveness, i.e., that there is a reasonable probability that but for the act or omission in question the outcome of the proceeding would have been different. *Commonwealth v. Brace*, 568 Pa. 264, 276, 795 A.2d 935, 942 (2001). All three prongs must be satisfied and the failure to even meet one prong of the test would not entitle the petitioner to relief on the basis of ineffective assistance of counsel. *Commonwealth v. Gonzalez*, 858 A.2d 1219, 1222 (Pa. Super. 2004).

Finally, counsel is presumed to be effective unless the petitioner proves otherwise. *Commonwealth v. Hanible*, 612 Pa. 183, 205, 30 A.3d 426, 439 (2011). The alleged

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{2} 18 Pa. C.S. § 901 §§A

ineffectiveness must be evaluated in light of the circumstances at the time of counsel's

actions rather than in hindsight. *Commonwealth v. Hardcastle*, 549 Pa. 450, 464, 701 A.2d 541, 547 (1997).

Appellant's first concise issue alleges that defense counsel was ineffective for failing to advise the defendant of the collateral consequences of her sentence. On January 17th, 2017, Ms. Spegar appeared before the Court on the Petition for Reconsideration of Sentence/Motion to Allow Defendant to Withdraw Plea. She informed the Court that she explained the ramifications of the plea as they would pertain to registration requirements. {3} The Court, being familiar with Ms. Spegar for many years, has no doubt as to her credibility. We find the testimony of the Appellant not credible in this regard. However, even if we were to find that Ms. Spegar did not inform Appellant of the collateral civil consequences of the plea, Appellant would still not be entitled to relief.

It is settled law that failure to inform a defendant of the collateral civil consequences of a guilty plea does not invalidate that guilty plea. *Commonwealth v. Englert*, 457 A.2d 121 (Pa. Super. 1983). In *Commonwealth v. Wall*, 867 A.2d 578, 582 (Pa. Super. 2005), the Superior Court favorably cited *United States v. Romero-Vilca*, 850 F.2d 177, 179 (3d Cir. 1988), for the definition of a collateral consequence: a collateral consequence is "one that is not related to the length or nature of the sentence imposed on the basis of the plea." *Wall*, supra at 582. In *Wall*, the Court cited numerous examples of collateral consequences. See e.g., *Commonwealth v. Duffey*, 639 A.2d 1174 (Pa. 1994) (suspension of drivers' licenses); 42 Pa.C.S. §§ 9791- 9799.7 (the requirement that sexual offenders register.) Accordingly, we find Appellant's first issue to be without merit.

Appellant's second issue alleges that this Court erred in refusing to reinstate direct appeal rights when the Appellant directed plea counsel to appeal the denial of her request to withdraw her plea.

Preliminarily, we recognize that at "any time before the imposition of sentence, the Court may, in its discretion, permit, upon motion of the defendant, or direct sua sponte, the withdrawal of a plea of guilty or nolo contendere and the substitution of a plea of not guilty." Pa.R.Crim.P 591 (A). "The decision to grant or deny a motion to withdraw a guilty plea rests within the trial court's discretion, and we will not disturb the court's decision on such motion unless the court abused that discretion." *Commonwealth v. Gordy*, 73 A.3d 620, 624 (Pa. Super. 2013).

With respect to pre-sentence motions to withdraw a guilty plea, our Supreme Court, in *Commonwealth v. Carrasquillo*, 115 A.3d 1284 (Pa. 2015), explained:

There is no absolute right to withdraw a guilty plea; trial courts have discretion in determining whether a withdrawal request will be granted; such discretion is to be administered liberally in favor of the accused; and any demonstration by a defendant of a fair-and-just reason will suffice to support a grant, unless withdrawal would work substantial prejudice to the Commonwealth. The perfunctory

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{3} A transcript of the Motions Court proceedings dated January 17th, 2017 was filed of record on January 19th, 2017.

fashion in which these principles were applied... lent the impression that this court had required acceptance of a bare assertion of innocence as a fair-and-just reason.

\* \* \*

The proper inquiry on consideration of such a withdrawal motion is whether the accused has made some colorable demonstration, under the circumstances, such that permitting withdrawal of the plea would promote fairness and justice. The police of liberality remains extant but has its limits, consistent with the affordance of a degree of discretion to the common pleas courts.

Id. At 1291-92.

Appellant made an oral motion at the time of sentence to withdraw her plea as well as a written motion that was filed after sentencing. The written motion states no grounds as to why the Appellant wishes to withdraw her plea and states that the Appellant believes her sentence is "harsh, severe and excessive." At the time of sentencing and after the oral motion to withdraw was made, the Court asked several questions attempting to ascertain the reason why the defendant wished to withdraw her plea. The responses given by Appellant were inconsistent with her sworn testimony at the plea proceedings.

"A defendant is bound by the statements made during the plea colloquy, and a defendant may not later offer reasons for withdrawing the plea that contradicts statements made when he or she pled." *Commonwealth v. Brown*, 48 A.3d 1275 (Pa. Super. 2012).

Moreover, it is apparent to the Court that although Appellant was vague in her reasons, she sought the withdraw of her plea in part, because of her concern with the potential length of the sentence and/or the registration requirements. We have previously addressed that the failure to inform the defendant of the collateral civil consequences of a guilty plea do not invalidate that plea. Additionally, the "desire to avoid a more lengthy prison term is not grounds for withdrawing a plea." *Commonwealth v. Baez* {4}, 169 A.3d 35 (Pa. 2017). Accordingly, Appellant has failed to credibly establish that she requested a direct appeal to be filed by plea counsel and failed to demonstrate that permitting the withdrawal of the plea would have promoted fairness and justice. Therefore plea counsel was not ineffective in this regard and Appellant's second and final issue is without merit.

BY THE COURT:  
JOSEPH M. GEORGE, JR., JUDGE

ATTEST:  
Clerk of Courts

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{4} Defendant's written request to withdraw the plea was combined with a petition for reconsideration of sentence and the only reasons to withdraw the plea outlined in said request were due to the "harsh, severe and excessive" sentence.

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