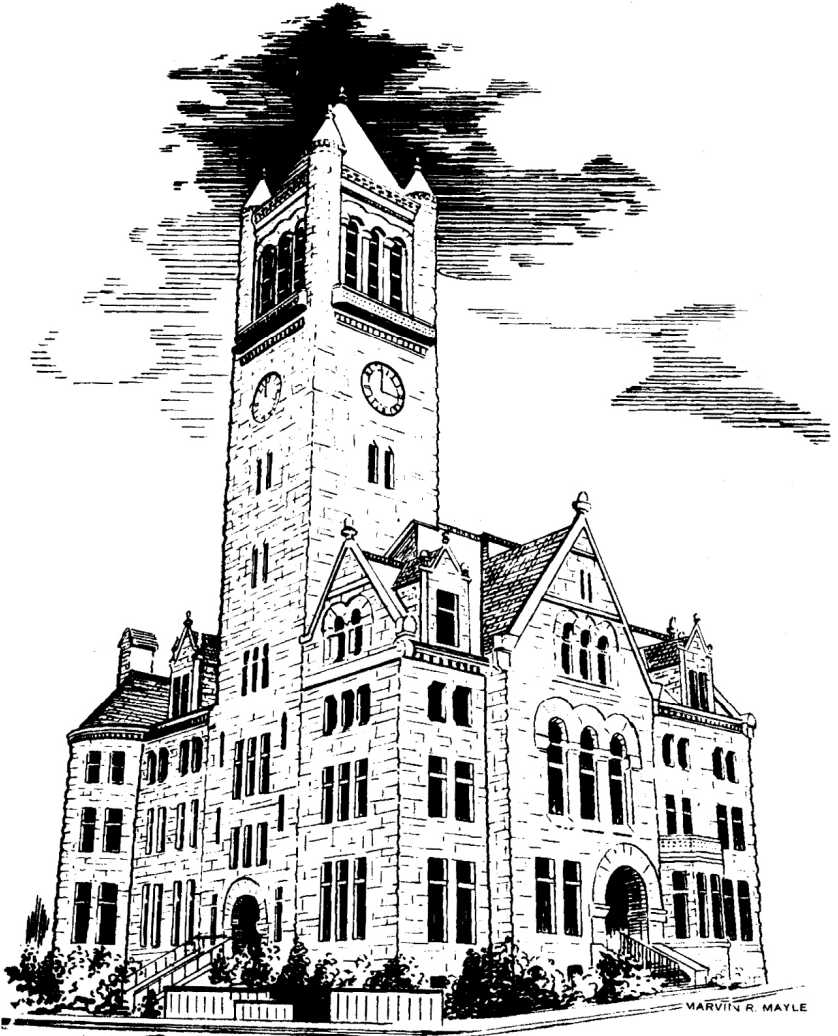


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ESTATE NOTICES

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

CHARLENE L. AUGUSTINE, late of Menallen Township, Fayette County, PA ⁽³⁾
Personal Representative: Lisa Andursky
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Timothy J. Witt

DAVID LARRY COLE, late of Georges Township, Fayette County, PA ⁽³⁾
Personal Representative: Tammy L. Cole
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Jeremy J. Davis

EDWARD A. COLEBANK, a/k/a EDWARD ALLEN COLEBANK, late of Masontown, Fayette County, PA ⁽³⁾
Administratrix: Betty Ann Colebank
 322 Fairview Avenue
 Masontown, PA 15461
 c/o 76 East Main Street
 Uniontown, PA 15401
Attorney: Douglas S. Sholtis

MERLE A. DANIELS, late of Menallen Township, Fayette County, PA ⁽³⁾
Executor: Danny R. Daniels
 c/o 39 Francis Street
 Uniontown, PA 15401
Attorney: Jack R. Heneks, Jr.

CAIRN L. FIRESTONE, late of Bullsskin Township, Fayette County, PA ⁽³⁾
Executrix: Sarah B. Landis
 215 Thompson Court
 Indian Trail, NC 28079
 c/o 749 North Church Street
 Mt. Pleasant, PA 15666
Attorney: Paul E. Toohey

RALPH A. GRECO, late of Belle Vernon, Fayette County, PA ⁽³⁾
Executrix: Bonita Greco
 416 Market Street
 Belle Vernon, PA 15012
 c/o 300 Fallowfield Avenue
 Charleroi, PA 15022
Attorney: Richard C. Mudrick

CARL EDWARD HERSHBERGER, late of Upper Tyrone Township, Fayette County, PA ⁽³⁾
Executor: Alfred P. Tofani
 134 Shelton Drive
 New Stanton, PA 15672
 c/o Timothy A. Fedele, Esq. LLC
 201 Trauger Road
 Latrobe, PA 15650
Attorney: Timothy A. Fedele

ARTHUR LEE KING, late of Lake Lynn, Fayette County, PA ⁽³⁾
Personal Representative: Scott King
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Gary J. Frankhouser

KAREN AGNES LUCAS, a/k/a KAREN A. LUCAS, late of Vanderbilt, Fayette County, PA
Executor: Richard E. Lucas ⁽³⁾
 c/o Casini & Geibig, LLC
 815B Memorial Boulevard
 Connellsville, PA 15425
Attorney: Jennifer M. Casini

MARK W. MCLAUGHLIN, late of North Union Township, Fayette County, PA ⁽³⁾
Administrator: Scott McLaughlin
 c/o 39 Francis Street
 Uniontown, PA 15401
Attorney: Jack R. Heneks, Jr.

KAREN MILLER, a/k/a KAREN H. MILLER, a/k/a KAREN HOPE MILLER, late of Franklin Township, Fayette County, PA
Administrator: Dean William Miller (3)
 c/o Goodwin Como, P.C.
 108 North Beeson Boulevard, Suite 400
 Uniontown, PA 15401
Attorney: Benjamin Goodwin

BETTY LOU RABATIN, late of Perry Township, Fayette County, PA (3)
Executor: Jacob Rabatin
 P.O. Box 171
 Star Junction, PA 15482
 c/o P.O. Box 781
 Belle Vernon, PA 15012
Attorney: Brian Pirilla

LAWRENCE W. RYAN, SR., a/k/a LAWRENCE RYAN, SR., a/k/a LAWRENCE W. RYAN, a/k/a LAWRENCE RYAN, late of Uniontown, Fayette County, PA (3)
Personal Representative: Lisa M. Martin
 c/o George & George
 92 East Main Street
 Uniontown, PA 15401
Attorney: Joseph M. George

DUSTIN SPOHN, late of Redstone Township, Fayette County, PA (3)
Administratrix: Amanda Spohn
 c/o Adams Law Offices, PC
 55 East Church Street, Suite 101
 Uniontown, PA 15401
Attorney: Jason Adams

WILLIAM H. THOMAS, JR., late of North Union Township, Fayette County, PA (3)
Administrator: Bruce Thomas
 c/o 815A Memorial Boulevard
 Connellsville, PA 15425
Attorney: Margaret Zylka House

GERALD T. YOCABET, a/k/a GERALD THOMAS YOCABET, late of Redstone Township, Fayette County, PA (3)
Personal Representative: Daniel A. Yocabet, a/k/a Daniel Anthony Yocabet
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: James T. Davis

Second Publication

MILDRED M. BARAK, a/k/a MILDRED BARAK, late of Luzerne Township, Fayette County, PA (2)
Executrix: Linda C. Ducar
 c/o John & John
 96 East Main Street
 Uniontown, PA 15401
Attorney: Simon B. John

FRANK J. BARON, a/k/a FRANK BARON, late of German Township, Fayette County, PA (2)
Personal Representatives: Brett A. Baron and Breanne L. Paull
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 92 East Main Street
 Uniontown, PA 15401
Attorney: Joseph M. George

RICHARD J. DOLATA, late of Henry Clay Township, Fayette County, PA (2)
Executrix: Audrey M. Kaercher
 265 Martin Road
 P.O. Box 185
 Markleysburg, PA 15459
 c/o Carolann A. Young and Associates
 530 North Center Avenue
 P.O. Box 344
 Somerset, PA 15501
Attorney: Carolann A. Young

WAYNE L. ETTLING, late of Connellsville, Fayette County, PA (2)
Executrix: Mary Margaret Lynch
 c/o Molinaro Law Offices
 P.O. Box 799
 Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

SHARON B. FLETCHER, late of Saltlick Township, Fayette County, PA (2)
Administrator: John B. Fletcher, Jr.
 c/o Casini & Geibig, LLC
 815B Memorial Boulevard
 Connellsville, PA 15425
Attorney: Jennifer M. Casini

WILLIAM JONES, a/k/a BILL JONES, late of Luzerne Township, Fayette County, PA (2)

Personal Representative:

John William Jones
c/o 902 First Street
P.O. Box 310
Hiller, PA 15444

Attorney: Herbert G. Mitchell, Jr.

CHARLOTTE A. KATKO, late of South Union Township, Fayette County, PA (2)

Administrator: Terry Katko
c/o P.O. Box 727

Uniontown, PA 15401

Attorney: Bernadette Tummons

THOMAS A. LONCE, a/k/a THOMAS

ALVIN LONCE, late of Uniontown, Fayette County, PA (2)

Executor: John J. Lonce

c/o 4 North Beeson Boulevard
Uniontown, PA 15401

Attorney: Sheryl R. Heid

DARLENE C. PHILLIPS, late of Uniontown, Fayette County, PA (2)

Personal Representative: Chris A. Myers
c/o Davis & Davis

107 East Main Street
Uniontown, PA 15401

Attorney: James T. Davis

JOHN H. RICHTER, late of Franklin Township, Fayette County, PA (2)

Executor: Jerry D. Richter
c/o Molinaro Law Offices
P.O. Box 799

Connellsville, PA 15425

Attorney: Carmine V. Molinaro, Jr.

PALMER FRANK SABATINE, a/k/a

PALMER F. SABATINE, late of Uniontown, Fayette County, PA (2)

Administratrix: Ruthanne S. Sabatine
c/o DeHaas Law, LLC

51 East South Street
Uniontown, PA 15401

Attorney: Ernest P. DeHaas, III

AGNES STRYCHALSKI, late of Washington, Fayette County, PA (2)

Administrator: Constance A. Strychalski
316 Perry Avenue
Belle Vernon, PA 15012
c/o P.O. Box 1

401 Sixth Street at Washington Avenue
Charleroi, PA 15022

Attorney: Alan Benyak

MILDRED SUTTON, a/k/a MILDRED IMOGENE SUTTON, a/k/a MILDRED I SUTTON, a/k/a MILDRED JEAN SUTTON, late of Georges Township, Fayette County, PA

Executrix: Carol Ann Hatfield (2)

c/o Kopas Law Offices
556 Morgantown Road
Uniontown, PA 15401

Attorney: John Kopas

LAURA E. WALTERS, late of Nicholson Township, Fayette County, PA (2)

Administrator: Sabine Gaskill
c/o P.O. Box 622

Smithfield, PA 15478

Attorney: Charity Grimm Krupa

JOHN H. WENSING, late of New Salem, Fayette County, PA (2)

Personal Representative: Sherri Hosfelt
c/o Watson Mundorff, LLP

720 Vanderbilt Road
Connellsville, PA 15425

Attorney: Timothy J. Witt

First Publication

MINERVA ALBERT, late of Newell Borough, Fayette County, PA (1)

Personal Representative: Walter A. Albert
c/o 902 First Street

P.O. Box 310
Hiller, PA 15444

Attorney: Herbert G. Mitchell, Jr.

MARY ANN BATOR, late of Redstone Township, Fayette County, PA (1)

Executrix: Frances Yoders
P.O. Box 193

Republic, PA 15475
c/o 51 East South Street

Uniontown, PA 15401

Attorney: Anthony S. Dedola, Jr.

HARRY WILLIAM COPE, late of
Uniontown, Fayette County, PA ⁽¹⁾
Administratrix: Kathleen M. Heino
203 Dally Road
Coal Center, PA 15423
c/o Bassi, Vreeland & Associates, P.C.
P.O. Box 144
111 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Bradley M. Bassi

SKYE FROST, late of Menallen Township,
Fayette County, PA ⁽¹⁾
Personal Representative:
Herbert G. Mitchell, Jr.
c/o 902 First Street
P.O. Box 310
Hiller, PA 15444
Attorney: Herbert G. Mitchell, Jr.

MARY JANE HAKY, late of South Union
Township, Fayette County, PA ⁽¹⁾
Executor: David G. Korelko
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Anne N. John

**DOROTHY HALBROOK, a/k/a DOROTHY
J. HALBROOK, a/k/a DOROTHY JEAN
HALBROOK**, late of North Union Township,
Fayette County, PA ⁽¹⁾
Executor: Charles David Halbrook
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

**SHIRLEY KARPEL, a/k/a SHIRLEY ANN
KARPEL**, late of Luzerne Township, Fayette
County, PA ⁽¹⁾
Executrix: Bernadine S. Hixon
94 Splash Drive
Falling Waters, WV 25419
c/o Law Office of Lorraine A. Smith
12 Fernwood Avenue
Pittsburgh, PA 15228
Attorney: Lorraine Smith

**HELEN LOWDEN, a/k/a HELEN D.
LOWDEN**, late of Dunbar Township, Fayette
County, PA ⁽¹⁾
Personal Representatives: Dale K. Lowden
and Linda D. Sweitzer
c/o Higinbotham Law Offices
45 East Main Street, Suite 500p
Uniontown, PA 15401
Attorney: James Higinbotham

**MARGARET E. MARGHELLA, a/k/a
MARGARET ELIZABETH MARGHELLA**,
late of Uniontown, Fayette County, PA ⁽¹⁾
Administrator: Anthony N. Marghella, Jr.
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

**HARRY E. NIEDZWECKI, a/k/a HARRY
EDWARD NIEDZWECKI**, late of Henry Clay
Township, Fayette County, PA ⁽¹⁾
Personal Representative:
Justin Adam Niedzwecki
1738 Pickford Street
Irwin, PA 15642
c/o Hajduk Law Office
22 Bierer Avenue
Uniontown, PA 15401
Attorney: Mary Lenora Hajduk

GEORGE E. PAVLOVICH, late of German
Township, Fayette County, PA ⁽¹⁾
Personal Representative:
Herbert G. Mitchell, Jr.
902 First Street
P.O. Box 310
Hiller, PA 15444
Attorney: Herbert G. Mitchell, Jr.

**GEORGE ROBERT STRAWN, a/k/a
GEORGE R. STRAWN**, late of Connellsville,
Fayette County, PA ⁽¹⁾
Executrix: Mary L. Reed
c/o P.O. Box 760
Connellsville, PA 15425
Attorney: Carolyn W. Marcondi

ELAINE E. TOMCHECK, late of
Markleysburg, Fayette County, PA ⁽¹⁾
Executor: Anthony S. Dedola, Jr.
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

LEGAL NOTICES

NOTICE OF DISBARMENT

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated March 18, 2021, DONALD B. MOREMAN, (#47805), of Connellsville, PA, has been DISBARRED from the Bar of this Commonwealth effective April 17, 2021.

Marcee D. Sloan
Board Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Organization, Domestic Limited Liability Company has been approved and filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on February 26, 2021, for a Limited Liability Company known as Galaxy Nails of Uniontown, LLC.

Said Limited Liability Company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the Limited Liability Company is manicures, pedicures and personal grooming services, and any other lawful purpose related thereto for which Limited Liability Companies may be organized under the Business Corporation Law.

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Uniontown, PA 15401

PUBLIC NOTICE

IN THE COURT OF COMMON PLEAS OF
WASHINGTON COUNTY,
PENNSYLVANIA

ORPHANS' COURT DIVISION

IN RE: HAILIE SIMMONS
D.O.B. 05/08/2018
CHILD OF: CARISSA MARIE VUONO
AND NELSON DAVID SIMMONS
NO: 63-20-1370

Take notice that a Petition for Termination of Parental Rights of Mother, Carissa Marie Vuono, and Nelson David Simmons of Hailie Simmons, shall be presented to the Orphans' Court of Washington County, Pennsylvania. Any person wishing to assert his or her parental rights should appear in Courtroom No. 7 of the Washington County Courthouse, Washington, Pennsylvania, for a hearing as to the same on May 20, 2021, at 10:00 a.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 present.

You have the right to be represented at the hearing by an attorney. You should take this notice to your attorney at once. If you do not have an attorney or cannot afford representation, contact the Southwestern Pennsylvania Legal Aid Society, 10 West Cherry Avenue, Washington, Pennsylvania, 15301, (724) 225-6170, to find out where you can obtain legal help.

Jennifer Mengle, Caseworker
Washington County Children & Youth
Social Service Agency
100 West Beau Street
502 Courthouse Square
Washington, PA 15301
Telephone: (724) 228-6884

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, April 5, 2021, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2613-0621	CHARLES PETERS	Debra Sue Sible, Executrix
2619-0903	CLARENCE E. NICHOLSON	Jean Keen, Administratrix DBNCTA
2619-0403	ROBERT L. MALLICK	Charlotte M. Stickle, Executor
2619-0711	ANNA BELLE KENNEDY	Misty Zebley, Administratrix
2687-0935	DR. GEORGE H. ROBINSON MEMORIAL TRUST UNDER THE WILL OF PAULINE M. ROBINSON	PNC Bank National Association, Trustee
2620-0041	NANCY DOMINA	Mary Grace Rulli, Executrix

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

Monday, April 19, 2021, 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 (2 of 2)

JUDICIAL OPINION

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

Commonwealth of Pennsylvania	:	
	:	
	:	
v.	:	
	:	
Roxanne Guty,	:	No. 491 of 2019
Defendant.	:	Honorable Linda R. Cordaro

OPINION

Cordaro, J.		January 19, 2021
	SUMMARY	

Before the Court is Defendant's Motion to Dismiss for Failure of a Speedy Trial. A Hearing was held on December 28, 2020. For the following reasons, Defendant's Motion is denied.

BACKGROUND

A criminal complaint was filed against Defendant, Roxanne Guty, on March 1, 2019. The Commonwealth alleges that Ms. Guty engaged in a murder-for-hire plot against her husband. Ms. Guty was originally charged with Conspiracy to Commit Homicide and Attempted Homicide. The Information was amended to add one count of Solicitation to Commit Homicide and Solicitation to Commit Aggravated Assault.

Ms. Guty posted bail on March 27, 2019 and has not been incarcerated on this case since that date.

On July 12, 2019, Ms. Guty filed an Omnibus Pretrial Motion. Included in that Motion was a Writ of Habeas Corpus arguing that the Commonwealth failed to establish a prima facie case against Ms. Guty for the charge of Conspiracy to Commit Homicide. On October 11, 2019, after a hearing on the matter, this Court granted Defendant's Omnibus Pretrial Motion and ordered that the Conspiracy to Commit Homicide charge be dismissed.

On March 16, 2020, the Pennsylvania Supreme Court declared a Judicial Emergency because of the Coronavirus pandemic. The statewide Judicial Emergency was extended multiple times until it ended on June 1, 2020. For the period of time during which it was in force, the Judicial Emergency also suspended Pennsylvania Rule of Criminal Procedure 600, which requires that the Commonwealth bring defendants to trial within a certain period of time-either 180 days for an incarcerated defendant or 365 days for a defendant who is out on bail. See, Pa.R.Crim.P. 600.

As a result of Pennsylvania's Judicial Emergency, criminal jury trials were not held in April or May of 2020.

On June 2, 2020, the Honorable John F. Wagner, Jr., President Judge of the Fayette County Court of Common Pleas, issued an Order declaring that jury trials would not be held for that month because of the pandemic. In July of 2020, the Honorable John F. Wagner, Jr. again ordered that jury trials would not be held for that month, with only a few delineated exceptions for defendants who were incarcerated and had been quarantined. Ms. Guty was not among the defendants listed because she was out of jail on bail. In August of 2020, the Honorable John F. Wagner, Jr. again ordered that jury trials would not be held for that month as a result of a COVID-19 outbreak within the Fayette County Sheriff's Office.

Criminal Jury trials resumed in September and October of 2020, with certain precautions in place to protect jurors, members of the press, court staff, defendants, law enforcement officers, and prosecutors. Among those precautions included social distancing, mandatory mask wearing, and sanitizing surfaces and seats. The precautions also included the use of only three of the six courtrooms in the Fayette County Courthouse; only the largest three courtrooms permitted enough space to provide appropriate social-distancing measures. Fewer jurors were brought in for trials and trials were staggered throughout the week. Jurys deliberated in the courtrooms after the trials rather than in the confines of the jury rooms, which were not designed with the idea of social distancing in mind.

On October 14, 2020, Defendant filed a Motion in Limine and Motion for Production of Evidence.

On November 28, 2020, Defendant filed the Motion to Dismiss that is currently before the Court. The Court originally scheduled a hearing for the Motion in Limine, the Motion for Production of Evidence, and the Motion to Dismiss for December 4, 2020.

However, the Commonwealth filed a Motion to Continue because a state police trooper imperative to the case had tested positive for COVID-19. The Hearing was continued to December 28, 2020.

DISCUSSION

The issue before this Court is whether the Commonwealth has failed to prosecute this action in violation of Defendant's right to a speedy trial, a right recognized by both the Pennsylvania and United States Constitutions.

According to Rule 600(A)(2)(a) of the Pennsylvania Rules of Criminal Procedure, "[t]rial in a court case in which a written complaint is filed against the defendant shall commence within 365 days from the date on which the complaint is filed." Further, "periods of delay at any stage of the proceedings caused by the Commonwealth when the Commonwealth has failed to exercise due diligence shall be included in the computation of the time within which trial must commence. Any other periods of delay shall be excluded from the computation." Pa.R.Crim.P. 600(C)(i). Additionally:

If the Commonwealth attempts to bring a defendant to trial beyond the 365 day-period prescribed by Rule 600, and the defendant files a Rule 600 motion to dismiss, the court must assess whether there is excludable time and/or excusable

delay. Even where a violation of Rule 600 has occurred, the motion to dismiss the charges should be denied if the Commonwealth exercised due diligence and the circumstances occasioning the postponement were beyond the control of the Commonwealth.

Commonwealth v: Hunt, 858 A.2d 1234, 1241 (Pa. Super. Ct. 2004) (internal citations, brackets, and ellipses omitted).

Here, the Criminal Complaint was filed on March 1, 2019. Based on that date, the Commonwealth would have had to call the case to trial by February 29, 2020—365 days from the date the Complaint was filed. However, additional periods of delay in 2019 attributable to Defendant added to that deadline, or Adjusted Run Date.

Defendant concedes in her Motion that 171 days should be added to the Adjusted Run Date from July 12 to December 30, 2019. This was the result of Defendant filing an Omnibus Pretrial Motion and a Motion to Continue the Pretrial Conference. This additional amount of time changed the Adjusted Run Date to August 18, 2020.

On March 16, 2020, the Pennsylvania Supreme Court issued a Judicial Emergency because of the Coronavirus pandemic. The statewide Judicial Emergency lasted until June 1, 2020, adding 77 days to the Adjusted Run Date, which would have made it November 3, 2020.

As mentioned *supra*, the President Judge John F. Wager, Jr. issued orders in June, July, and August of 2020 declaring that there would not be criminal jury trials for those months as a result of the ongoing pandemic, save for a few select trials in July for incarcerated defendants who had been quarantined. These orders effectively meant that the Commonwealth could not call Ms. Guty's case between June 2, 2020 and September 8, 2020, which is when criminal jury trials resumed in Fayette County. This added an additional 98 days to Defendant's Adjusted Run Date, which would have made it February 9, 2021. Defendant's Motion to Dismiss for Failure of a Speedy Trial was on its face premature as it was filed on November 30, 2020.

The February 9, 2021 Adjusted Run Date does not take into account that Defendant filed Motions on October 14, 2020, which required a Hearing to resolve. Criminal jury trials were again suspended in Fayette County in December of 2020 and January of 2021 due to the pandemic.

Further, even though criminal jury trials were held in July, September, October, and November of 2020, there were many precautions set in place for those trials in order to adhere to state and federal public-health recommendations. Those state and federal recommendations were in turn set in place in order to stop the spread of a deadly, highly contagious, airborne virus. The precautions also had the effect of limiting the number of criminal jury trials that could be held for those months. Fewer jurors were brought in each month. Only three of the six courtrooms were used. With jurors deliberating in the courtrooms instead of the jury rooms, those courtrooms in turn became unavailable to hold a subsequent trial.

The additional precautions also meant that the trials that were held took longer. Sanitizing surfaces and seats takes time. Masks make it harder to hear, so people have to repeat themselves-both during voir dire and during trial testimony. Social distancing requires that people are seated in specific seats in the courtroom with enough space in between them, which then takes longer to bring jurors in and out of the courtrooms. The longer trials further limited the number of cases the Commonwealth could call during those months.

The limited number of trials taking place from April 2020 until January 2021 was not the result of any delay caused by the Commonwealth, but was the result of an unprecedented public-health crisis. Although the pandemic does not deprive defendants of their, constitutional right to a speedy trial, it did make it impossible for the Commonwealth to call cases to trial during five months in 2020 and one month so far in 2021, and it also limited the number of trials called during an additional four months in 2020.

CONCLUSION

Because Defendant's Motion to Dismiss for Failure of a Speedy Trial is premature, Defendant's Motion is denied. This case shall be listed for trial.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST
Clerk of Courts

LUNCH & LEARN SERIES

The Fayette County Bar Association's next presentation in its Lunch & Learn Series will be:

- Date: **Wednesday, April 21st** from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topics: **Sheriff's Sales**
- Presenters: Anne N. John, Esquire, and Charles O. Zebley, Esquire

CLE Credit

1.5 hours of Substantive CLE credit for the program. The fees are as follows:

Members of the FCBA

- No charge for attendance without CLE Credit
- \$10 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2016

- No charge for attendance with CLE Credit

Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**** All fees to be paid at the door ****

A light lunch will be provided.

RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or by email to cindy@fcbar.org on or before Monday, April 19th.

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

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johnfranciswarman@gmail.com

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