

# Adams County Legal Journal

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JOSHUA BRYAN COFELICE

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## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

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**PUBLIC NOTICE TO  
BRITTNEY NICHOLE HAUF AND  
MICHAEL LYNN HINKLE, SR.**

In Re: Adoption of Jessiah Lee Hauf, A Minor

A petition has been filed asking the Court to put an end to all rights you have as a parent to your child, Jessiah Lee Hauf. A Termination of Parental Rights Hearing has been scheduled for May 20, 2022, at 9:00 a.m., in Court Room No. 6006, of the York County Judicial Center, 45 North George Street, York, Pennsylvania, to terminate your parental rights to Jessiah Lee Hauf (DOB: August 12, 2018), whose Father is Michael Lynn Hinkle, Sr. and whose Mother is Brittney Nichole Hauf. 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 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.

ATTORNEY CONNECTION/  
YCBA MODEST MEANS  
137 East Market Street  
York, Pennsylvania 17401  
717-854-8755  
<http://www.yorkbar.com/?page=YCBAFindEq>

If you cannot afford an attorney, an attorney may be appointed by the court at no cost to you if you qualify. Contact the following office for instructions and forms to complete and file.

Clerk of the Orphans' Court  
York County Judicial Center  
45 North George Street  
York, Pennsylvania 17401  
717-771-9288

<http://yorkcountypa.gov/component/jdownloads/send/100-adopt-forms/824-packet-for-court-appted-counsel-and-financial-affidavit.html>

Martin Miller, Esq.  
Solicitor for York County Offices of  
Children, Youth & Families

A prospective adoptive parent of a child may enter into an agreement with a birth relative of the child to permit continuing contact or communication between the child and the birth relative

or between the adoptive parent and the birth relative. An agency or anyone representing the parties in an adoption shall provide notification to a prospective adoptive parent, a birth parent and a child who can be reasonably expected to understand that a prospective adoptive parent and a birth relative of a child have the option to enter into a voluntary agreement for the continuing contact or communication. See 23 Pa.C.S.A Section 2731, et seq.

3/18, 3/25, & 4/1

**NOTICE OF DISSOLUTION**

NOTICE IS HEREBY GIVEN to all persons interested or who may be affected by DRUMMER BOY, INC., a Pennsylvania business corporation, that the Board of Directors is now engaged in winding up and settling the affairs of said Corporation so that its corporate existence shall be ended by the filing of Articles of Dissolution with the Department of State of the Commonwealth of Pennsylvania pursuant to the provisions of the Pennsylvania Business Corporation Law of 1988.

Barley Snyder LLP  
Attorneys

3/25

**NOTICE OF DISSOLUTION**

NOTICE IS HEREBY GIVEN to all persons interested or who may be affected by MICHAEL INVESTMENTS, INC., a Pennsylvania business corporation, that the Board of Directors is now engaged in winding up and settling the affairs of said Corporation so that its corporate existence shall be ended by the filing of Articles of Dissolution with the Department of State of the Commonwealth of Pennsylvania pursuant to the provisions of the Pennsylvania Business Corporation Law of 1988.

Barley Snyder LLP  
Attorneys

3/25

**FICTITIOUS NAME NOTICE**

NOTICE IS HEREBY GIVEN, in compliance with the requirements of Section 311 of Act 1982 – 295 (54 Pa.C.S. 311), the undersigned entity announces its intention to file in the Office of the Secretary of the Commonwealth of Pennsylvania, on approximately January 24, 2022, a certificate for the conduct of business in Adams County, Pennsylvania, under the assumed or fictitious name, style or designation of VINNY'S ITALIAN MARKET & CATERING, with its principal place of business at 120 E. Summit Drive, Littlestown, PA 17340.

The names and addresses of persons owning or interested in said business are Divino Pizzeria, LLC, residing at 120 E. Summit Drive, Littlestown, PA 17340. The character or nature of the business is food service and any other legal purpose.

3/25

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3/25

COMMONWEALTH OF PENNSYLVANIA VS.  
JOSHUA BRYAN COFELICE

1. Section 110 of the Crimes Code “bar[s] criminal prosecution for offenses arising from the same criminal episode on which a previous prosecution was based” and therefore “effectively creates a rule of compulsory joinder.”

2. Although Section 110 is a legislative enactment, it “statutorily extends Federal and Pennsylvania constitutional protections against double jeopardy and embodies the same basic purposes as those underlying the double jeopardy clauses.”

3. Under the only clearly applicable case known to this Court, a defendant who moves to dismiss criminal charges due to an alleged violation of the compulsory joinder rule bears the burden of establishing that a subsequent prosecution violates Section 110.

4. After careful analysis of the facts and applicable law, this Court is bound to conclude that all four prongs of the compulsory joinder rule are satisfied in this matter. Accordingly, the compulsory joinder rule bars the instant prosecution.

5. In further reply to the Commonwealth’s argument that Defendant is engaging in gamesmanship by seeking dismissal of the instant charges, the Court notes that it decides the close question posed by this matter only after significant research and reflection. After careful consideration, the Court finds that the law dictates the dismissal of the instant charges, and “this Court’s decision, as always, is guided by the law.”

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA, CP-01-CR-921-2021, COMMONWEALTH OF  
PENNSYLVANIA VS. JOSHUA BRYAN COFELICE

Sara P. Miller, Esquire, Attorney for Commonwealth

William Sandman, Esquire, Attorney for Defendant

Wagner, J., February 10, 2022

OPINION ON DEFENDANT’S MOTION  
TO DISMISS CHARGES

Presently before this Court is Defendant Joshua Bryan Cofelice’s Motion to Dismiss Charges, filed November 8, 2021. A hearing was held on December 6, 2021. The issue before the Court is whether the criminal charges in this case are barred by 18 Pa.C.S. § 110(1)(ii). For the reasons set forth herein, Defendant’s Motion to Dismiss charges is granted.

FINDINGS OF FACT

1. Officer Anthony Gilberto (“Officer Gilberto”) is employed with the Littlestown Borough Police Department. Officer Gilberto has been employed as a police officer in Littlestown Borough for ten years.

2. On July 11, 2021, at approximately 2:22 a.m., Officer Gilberto was on duty in Littlestown Borough, Adams County, Pennsylvania, in full uniform. Officer Gilberto was in a police vehicle parked in the 200 block of North Queen Street in Littlestown Borough.
3. Officer Gilberto observed a silver Honda pickup truck traveling south on Queen Street at an estimated speed of 40 miles per hour. Officer Gilberto observed the Honda pickup truck drift into the oncoming traffic lane.
4. Officer Gilberto pursued the Honda pickup truck and observed the Honda pickup truck pull over the curb and park on South Queen Street. Officer Gilberto stopped his vehicle and observed the Honda pickup truck pull out and travel south on South Queen Street. The Honda pickup truck again drifted into the oncoming traffic lane.
5. Officer Gilberto activated his emergency lights. Officer Gilberto observed the Honda pickup truck drift into the oncoming traffic lane and travel in the entire northbound lane of travel. Ultimately, the Honda pickup truck pulled into a driveway and stopped.
6. Officer Gilberto identified Defendant Joshua Bryan Cofelice (“Defendant”) as the driver of the Honda pickup truck. Officer Gilberto observed damage to the Honda pickup truck,<sup>1</sup> including vegetation and cornstalks embedded in the front grille and resting in the bed of the pickup truck. Upon questioning by Officer Gilberto, Defendant denied involvement in a car accident.
7. Ultimately, Officer Gilberto placed Defendant under arrest for suspicion of DUI and transported Defendant to the Gettysburg Hospital, where Defendant voluntarily consented to a blood test.
8. Officer Gilberto subsequently transported Defendant to the Adams County Adult Correctional Complex.

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<sup>1</sup> In the Affidavit of Probable Cause, Officer Gilberto also noted that, during the traffic stop, he observed that the Honda pickup truck’s airbag had deployed from the vehicle’s steering wheel.

9. On July 11, 2021, Officer Gilberto charged Defendant with two counts of DUI,<sup>2</sup> agricultural vandalism,<sup>3</sup> possession of a small amount of marijuana,<sup>4</sup> possession of drug paraphernalia,<sup>5</sup> and a summary traffic violation for careless driving.<sup>6</sup>
10. Officer Gilberto returned to Littlestown Borough and while en route observed a 200' x 6' track through a cornfield on White Hall Road, outside of Littlestown Borough in Union Township, Adams County, Pennsylvania.<sup>7</sup>
11. Officer Gilberto notified the Pennsylvania State Police concerning his observation of the damage to the cornfield on White Hall Road. Officer Gilberto did not have jurisdiction in Union Township, Adams County, Pennsylvania.
12. On July 11, 2021, Trooper Michael Gragg ("Trooper Gragg") was assigned the investigation into the damage to the cornfield on White Hall Road, Union Township, Adams County, Pennsylvania. Trooper Gragg received Defendant's name from Officer Gilberto. Trooper Gragg observed the damage to the cornfield at 1303 White Hall Road, Union Township, Pennsylvania. Trooper Gragg initiated contact with the owner of the cornfield, who advised that he did not want to pursue criminal charges. Trooper Gragg also had contact with Defendant as Defendant was leaving the Adams County Adult Correctional Complex on July 11, 2021. Defendant admitted he was driving his pickup truck and caused the damage to the cornfield on White Hall Road.
13. On July 20, 2021, Trooper Gragg filed summary traffic violations against Defendant for driving on roadways laned for traffic<sup>8</sup> and accident involving damage to unattended vehicle or property.<sup>9</sup> The summary traffic violations were filed by

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<sup>2</sup> 75 Pa.C.S. § 3802(a)(1) and 75 Pa. C.S. § 3802(d)(3).

<sup>3</sup> 18 Pa.C.S. § 3309(a)(1).

<sup>4</sup> 35 P.S. § 780-113(a)(31)(i).

<sup>5</sup> 35 P.S. § 780-113(a)(32).

<sup>6</sup> 75 Pa.C.S. § 3714(a).

<sup>7</sup> The distance between the 200 block of South Queen Street, Littlestown, Pennsylvania and 1303 White Hall Road, Union Township, Pennsylvania is approximately 2.7 miles.

<sup>8</sup> 75 Pa.C.S. § 3309(1).

<sup>9</sup> 75 Pa.C.S. § 3745(a).

Trooper Gragg based on his investigation, including the observation of damage to the cornfield at 1303 White Hall Road, Union Township, Adams County, Pennsylvania, and the statement Defendant made to Trooper Gragg.

14. On July 21, 2021, Defendant appeared for his preliminary hearing on Officer Gilberto's charges. Defendant was represented by Attorney Derek Savko of The Banks Law Group. Pursuant to agreement with the Commonwealth, the agricultural vandalism charge was withdrawn by the Commonwealth, and the remaining charges were waived to court. Officer Gilberto testified that the agricultural vandalism charge was withdrawn to let the Pennsylvania State Police "handle" the damage to the cornfield.
15. On July 28, 2021, Defendant entered pleas of guilty online to the two summary traffic citations filed by Trooper Gragg.

### LEGAL STANDARD

Section 110 of the Crimes Code "bar[s] criminal prosecution for offenses arising from the same criminal episode on which a previous prosecution was based" and therefore "effectively creates a rule of compulsory joinder." *Commonwealth v. Bracalielly*, 658 A.2d 755, 760 (Pa. 1995). "Generally speaking, the compulsory joinder statute sets forth the requirements for when a current prosecution is precluded due to a former prosecution for a different offense." *Commonwealth v. Fithian*, 961 A.2d 66, 68 (Pa. 2008). Section 110(1)(ii) of the Crimes Code, which is implicated herein, provides:

Although a prosecution is for a violation of a different provision of the statutes than a former prosecution or is based on different facts, it is barred by such former prosecution under the following circumstances:

- (1) The former prosecution resulted in an acquittal or in a conviction as defined in section 109 of this title (relating to when prosecution barred by former prosecution for the same offense) and the subsequent prosecution is for:

....

- (ii) any offense based on the same conduct or arising from the same criminal episode, if such offense

was known to the appropriate prosecuting officer at the time of the commencement of the first trial and occurred within the same judicial district as the former prosecution unless the court ordered a separate trial of the charge of such offense....

18 Pa.C.S. § 110(1)(ii). Although Section 110 is a legislative enactment, it “statutorily extends Federal and Pennsylvania constitutional protections against double jeopardy and embodies the same basic purposes as those underlying the double jeopardy clauses.” *Bracalielly*, 658 A.2d at 759; *Commonwealth v. M.D.P.*, 831 A.2d 714, 717 n.1 (Pa. Super. 2003).

The compulsory joinder rule bars “a subsequent prosecution due to a former prosecution for a different offense” if all four prongs of the following test are satisfied:

- (1) the former prosecution...resulted in an acquittal or conviction;
- (2) the current prosecution is based upon the same criminal conduct or arose from the same criminal episode as the former prosecution;
- (3) the prosecutor was aware of the instant charges before the commencement of the trial on the former charges; and
- (4) the current offense occurred within the same judicial district as the former prosecution.

*Fithian*, 961 A.2d at 72 (citing 18 Pa.C.S. § 110(1)(ii)). Section 110(1)(ii) was amended in 2002; previously, the fourth prong of the compulsory joinder rule was deemed satisfied if the current offense “was within the jurisdiction of a single court.” *Id.* at 76.

The compulsory joinder rule “serve[s] two distinct policy considerations.” E.g., *Commonwealth v. Hude*, 458 A.2d 177, 180 (Pa. 1983). First, the compulsory joinder rule “protect[s] a person accused of crimes from [the] governmental harassment of being forced to undergo successive trials for offenses stemming from the same criminal episode”; second, the rule “assure[s] finality without unduly burdening the judicial process by repetitious litigation.” *Id.*

Under the Pennsylvania Rules of Criminal Procedure, a criminal defendant may file “[a] motion to dismiss on double jeopardy grounds.” Pa.R.Crim.P. 587(B). “A [m]otion to [d]ismiss on the basis

of the compulsory joinder rule[, codified at 18 Pa.C.S.A. § 110,] embodies the same constitutional protections underlying the double jeopardy clause.” *Commonwealth v. Kemick*, 240 A.3d 214, 217–18 (Pa. Super. 2020) (quoting *Commonwealth v. Anthony*, 717 A.2d 1015, 1017 (Pa. 1998)). Under the only clearly applicable case known to this Court, a defendant who moves to dismiss criminal charges due to an alleged violation of the compulsory joinder rule bears the burden of establishing that a subsequent prosecution violates Section 110. See *Commonwealth v. Meyers*, 498 A.2d 945, 948–49 (Pa. Super. 1985), *aff’d in part, rev’d in part on other grounds*, 532 A.2d 789 (Pa. 1987) (“By arguing a violation of § 110, appellants must establish that their offenses...were based upon the same conduct or arose from the same criminal episode which resulted in their original conviction.”).

## DISCUSSION

After careful analysis of the facts and applicable law, this Court is bound to conclude that all four prongs of the compulsory joinder rule are satisfied in this matter. Accordingly, the compulsory joinder rule bars the instant prosecution. The reasons for this determination are explained herein.

The first prong of the compulsory joinder rule is satisfied if a defendant is previously acquitted or convicted of an offense as a result of a former prosecution. *Fithian*, 961 A.2d at 72. Section 110, Pennsylvania’s compulsory joinder statute, incorporates the definition of “conviction” found in 18 Pa.C.S. § 109. 18 Pa.C.S. § 110(1) (“The former prosecution resulted in an acquittal or in a conviction as defined in section 109 of this title....”). Under Section 109 of the Crimes Code, “[t]here is a conviction,” *inter alia*, “if the prosecution resulted in...a plea of guilty accepted by the court.” 18 Pa.C.S. § 109(3); see also, e.g., *Anthony*, 717 A.2d at 1018 (“A guilty plea constitutes a conviction for purposes of [18 Pa.C.S.] § 110.”). Under Section 103, the definition of a “court” encompasses “a magisterial district judge” who is “exercising criminal...jurisdiction pursuant to 42 Pa.C.S. § 1515.” 18 Pa.C.S. § 103. Section 1515 confers jurisdiction over summary offenses upon magisterial district judges. 42 Pa.C.S. § 1515(a)(1).

*Commonwealth v. Pammer*, 232 A.3d 931 (Pa. Super. 2020) indicates that the first prong of the compulsory joinder rule is often



easily satisfied. In *Pammer*, police responded to the appellant’s motor vehicle accident and discovered controlled substances in the appellant’s vehicle. 232 A.3d at 932–33. The responding officer charged the appellant with DUI and drug-related offenses; due to a computer error, he also filed a separate summary citation for reckless driving. *Id.* at 933. After pleading guilty to the summary citation “before a magisterial district judge” and “waiv[ing] her preliminary hearing on the DUI and related offenses,” the appellant subsequently moved to dismiss the DUI and other remaining charges pursuant to the compulsory joinder rule. *Id.* The trial court denied her motion, and the appellant claimed on interlocutory appeal that her guilty plea to the summary offense constituted a conviction under the compulsory joinder rule. *Id.* at 933–34. The Superior Court reversed the trial court, “conclud[ing] that the compulsory joinder statute as interpreted by [*Commonwealth v. Perfetto*], 207 A.3d 812 (Pa. 2019)] compels dismissal of the DUI and related charges.” *Id.* at 937. Because the Superior Court accepted the appellant’s entire compulsory joinder argument with little hesitation,<sup>10</sup> *Pammer* logically entails that a previous guilty plea to summary charges filed separately from related charges constitutes a previous “conviction” under the first prong of the compulsory joinder rule.

Here, Defendant was subject to a former prosecution that resulted in a conviction. On July 11, 2021, Defendant engaged in the conduct that gave rise to the instant charges filed by Officer Gilberto and the summary charges filed by Trooper Gragg. Trooper Gragg filed the summary charges on July 20, 2021, and Defendant entered guilty pleas online to the same on July 28, 2021. Defendant’s guilty plea to these summary charges, which the magisterial district judge accepted,<sup>11</sup>

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<sup>10</sup> A significant portion of the *Pammer* opinion considers whether the Commonwealth could invoke an exception to the compulsory joinder rule found in 18 Pa.C.S. § 112(1). This Superior Court’s reasoning on this point relied on an interpretation of Section 112(1) that is now untenable under *Commonwealth v. Johnson*, 247 A.3d 981 (Pa. 2021). However, *Johnson* does not affect the validity of *Pammer*’s conclusion that the compulsory joinder rule barred the appellant’s prosecution for DUI and related offenses. Rather, *Johnson* simply would have foreclosed one of the Commonwealth’s unsuccessful arguments in *Pammer*.

<sup>11</sup> See Traffic Dockets MJ-51302-TR-0001281-2021, MJ-51302-TR-0001282-2021 (indicating that Magisterial District Judge Daniel Bowman accepted Defendant’s electronically entered guilty pleas to violations of 75 Pa.C.S. § 3745(a) and 75 Pa.C.S. § 3309(1) on July 28, 2021).

constitutes a former prosecution resulting in a conviction. Accordingly, Defendant's guilty plea to the summary charges filed by Trooper Gragg satisfies the first prong of the compulsory joinder rule.

The second prong of the compulsory joinder rule is satisfied if a defendant is subject to multiple prosecutions for offenses arising from the same criminal episode. *Fithian*, 961 A.2d at 72. "[Th[e] concept of [a] criminal episode has been defined as 'an occurrence or connected series of occurrences and developments which may be viewed as distinctive and apart although part of a larger or more comprehensive series.'" *Commonwealth v. Schmidt*, 919 A.2d 241, 245–46 (Pa. Super. 2007) (quoting *Commonwealth v. Lee*, 435 A.2d 620, 621 (Pa. Super. 1981)). "The single criminal episode analysis essentially considers the totality of the circumstances." *Id.* at 246.

"[W]here a number of charges are logically or temporally related and share common issues of law and fact, a single criminal episode exists." *Commonwealth v. Kohler*, 811 A.2d 1046, 1050 (Pa. Super. 2002). The Pennsylvania Supreme Court has indicated the proper analysis for the second prong of the compulsory joinder rule:

Generally, charges against a defendant are clearly related in time and require little analysis to determine that a single criminal episode exists. However, in defining what acts constitute a single criminal episode, not only is the temporal sequence of events important, but also the logical relationship between the acts must be considered.

....

In ascertaining whether a number of statutory offenses are "logically related" to one another, the court should initially inquire as to whether there is a substantial duplication of factual, and/or legal issues presented by the offenses. If there is duplication, then the offenses are logically related and must be prosecuted at one trial. The mere fact that the additional statutory offenses involve additional issues of law or fact is not sufficient to create a separate criminal episode since the logical relationship test does not require "an absolute identity of factual backgrounds."

*Commonwealth v. Reid*, 77 A.3d 579, 582 (Pa. 2013) (quoting *Hude*, 458 A.2d at 181). Caselaw indicates that there is no substantial duplication of factual issues if "two distinct law enforcement

entities” are “independent[ly] involve[d]” in the investigation of different offenses. See *Bracalielly*, 658 A.2d at 762 (Pa. 1995) (emphasis in original). However, in certain circumstances, there may be a substantial duplication of factual issues for purposes of the compulsory joinder rule even if there is “dual involvement of two different law enforcement offices,” when such offices share information in the course of related investigations. See *Anthony*, 717 A.2d at 1019–20. “When determining if there is a duplication of legal issues, a court...should...consider whether, despite ‘the variation in the form of the criminal charges,’ there is a ‘commonality’ of legal issues within the two prosecutions.” *Reid*, 77 A.3d at 585–86 (quoting *Anthony*, 717 A.2d at 1019).

Here, there is ample indication that both the instant charges filed by Officer Gilberto and the summary charges filed by Trooper Gragg arose from the same criminal episode, namely Defendant’s operation of his vehicle while intoxicated. While intoxicated, Defendant drove his pickup truck through the cornfield and then proceeded to drive through nearby Littlestown Borough a short time later. Further analysis makes clear the temporal and logical relationship between both sets of charges.

First, Defendant’s act of driving his vehicle through the cornfield and his act of driving through Littlestown Borough while intoxicated have a close temporal connection. The totality of the circumstances strongly suggest Defendant drove his vehicle through the cornfield shortly before driving through Littlestown Borough. To begin, Defendant admitted to Trooper Gragg that he drove his vehicle through the cornfield. The cornfield is located approximately 2.7 miles from the area of the traffic stop, so it may be inferred that Defendant, while intoxicated, drove first through the cornfield and shortly thereafter through Littlestown Borough. Furthermore, Defendant’s vehicle bore signs of recent damage,<sup>12</sup> including

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<sup>12</sup> Also, the airbag of Defendant’s pickup truck was deployed from the steering wheel at the time of Defendant’s interaction with Officer Gilberto, which is consistent with recent damage to the vehicle. This information was not elicited at the hearing on Defendant’s motion but is contained in Officer Gilberto’s Affidavit of Probable Cause. This fact would lend further support to the Court’s conclusion that the cornfield incident and the Littlestown Borough incident were part of the same criminal episode. However, the Court notes that airbag’s deployment is not a decisive fact in its analysis. Indeed, the Court would reach the conclusion that both incidents were part of the same criminal episode even without considering the airbag’s deployment.

vegetation and cornstalks embedded in the front grille.<sup>13</sup> Accordingly, the Court finds that the instant charges and the summary charges filed by Trooper Gragg bear the requisite close temporal relationship for the compulsory joinder rule to apply.

There is also a clear logical relationship between the instant offenses and the summary offenses charged by Trooper Gragg such that “there is a substantial duplication of factual, and/or legal issues presented by the offenses.” See *Reid*, 77 A.3d at 582. First, there is a substantial duplication of factual issues because the investigations performed by Officer Gilberto and Trooper Gragg were parts of a coherent whole. Officer Gilberto began to investigate the damage to the cornfield<sup>14</sup> and referred the rest of the investigation to the Pennsylvania State Police only due to jurisdictional restrictions, not because he believed the damage to the cornfield and Defendant’s conduct in Littlestown Borough were unrelated. It is also of crucial importance that, *before* providing Trooper Gragg with a significant amount of probative information regarding the damage to the cornfield, including the suspect’s identity and the crime scene’s location, Officer Gilberto *charged Defendant with agricultural vandalism*. As Officer Gilberto testified, this charge was later withdrawn to let the State Police “handle” the damage to the cornfield. Accordingly, the

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<sup>13</sup> Additional cornstalks were discovered resting in the bed of Defendant’s pickup truck; if Defendant had been involved in a vehicle accident involving a cornfield in the distant past, the cornstalks likely would not have remained in the pickup truck’s bed.

<sup>14</sup> Upon stopping Defendant in Littlestown Borough, Officer Gilberto noticed damage to Defendant’s vehicle and cornstalks resting in the truck bed and embedded in the front grille. Noticing these indications of a previous accident, Officer Gilberto attempted to determine the cause of the damage by directly asking Defendant if he had hit anything. Officer Gilberto’s investigation into the cause of the damage continued following Defendant’s denial: after Officer Gilberto left Defendant at the Adams County Prison, he noticed a 200’ x 6’ track through a cornfield on White Hall Road, just north of Queen Street in Littlestown Borough. Officer Gilberto realized this location was outside of his jurisdiction but was within the jurisdiction of the Pennsylvania State Police. Accordingly, Officer Gilberto contacted the State Police concerning his observations.

instant charges and the summary charges filed by Trooper Gragg present a substantial duplication of factual issues.<sup>15</sup>

Second, the two sets of charges also present substantial duplication of legal issues. The instant charges filed by Officer Gilberto<sup>16</sup> implicate the legal issues of whether defendant was driving a vehicle, whether Defendant was intoxicated while driving the vehicle, whether Defendant possessed marijuana and drug paraphernalia, and whether Defendant operated his motor vehicle in a careless manner. Similarly, the summary charges filed by Trooper Gragg<sup>17</sup> implicate the legal issues of whether Defendant was driving a vehicle, whether Defendant's vehicle departed the roadway, whether Defendant damaged unattended property, and whether Defendant failed to report such damage. Plainly, the instant offenses charged by Officer Gilberto and the summary offenses charged by Trooper Gragg primarily concern Defendant's operation of his vehicle, the manner of this operation, and the consequences of the same. Thus, the instant offenses and the summary offenses charged by Trooper Gragg involve substantial duplication of legal issues.

Accordingly, the Court concludes the instant offenses and the summary offenses charged by Trooper Gragg are temporally and logically

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<sup>15</sup> It is not fatal to this analysis that Officer Gilberto and Trooper Gragg each could provide non-duplicative testimony concerning the effects of Defendant's operation of his vehicle while intoxicated. It must be remembered that Officer Gilberto referred his investigation due to jurisdictional restrictions, not because he determined the damage to the cornfield was unrelated to Defendant's operation of his vehicle while intoxicated. The two sets of charges are factually related because of the close connection between the investigations that gave rise to the charges. Furthermore, due to his observation of the damage to Defendant's vehicle, Officer Gilberto likely would have been a necessary witness in the trial of Defendant's summary charges had Defendant not entered pleas of guilty to the same. Accordingly, the two sets of charges present a substantial duplication of factual issues.

<sup>16</sup> Officer Gilberto charged Defendant with two counts of DUI in violation of 75 Pa.C.S. § 3802(a)(1) and 75 Pa.C.S. § 3802(d)(3), agricultural vandalism in violation of 18 Pa.C.S. § 3309(a)(1), possession of a small amount of marijuana in violation of 35 P.S. § 780-113(a)(31)(i), possession of drug paraphernalia in violation of 35 P.S. § 780-113(a)(32), and a summary traffic violation for careless driving in violation of 75 Pa.C.S. § 3714(a). The agricultural vandalism charge was withdrawn at Defendant's preliminary hearing, and the remaining charges were waived to court for trial.

<sup>17</sup> Trooper Gragg filed a citation charging Defendant with driving on roadways laned for traffic in violation of 75 Pa.C.S. § 3309(1) and accident involving damage to unattended vehicle or property in violation of 75 Pa.C.S. § 3745(a).

related and therefore are part of the same criminal episode. Careful consideration of the totality of the circumstances, see *Schmidt*, 919 A.2d at 246, compels this Court to conclude that the second prong of the compulsory joinder rule is satisfied in the instant matter.

The third prong of the compulsory joinder rule is satisfied if, at the time of trial on the former charges, the prosecutor is aware of the instant charges. *Fithian*, 961 A.2d at 72. In other words, the defendant “[must be] tried for all known offenses at the time of the first prosecution,” *Commonwealth v. Washington*, 393 A.2d 3, 4 (Pa. 1978), and cannot be re-prosecuted “for any offense which...was known to the prosecution at the commencement of [a previous] trial,” *Commonwealth v. Kysor*, 482 A.2d 1095, 1097 (Pa. Super. 1984); see also *Commonwealth v. Waters*, 418 A.2d 312, 319 (Pa. 1980). A guilty plea will constitute a “prior trial” for purposes of the third prong of the compulsory joinder rule. See *Commonwealth v. George*, 38 A.3d 893, 898–99 (Pa. Super. 2012) (finding the third prong of the compulsory joinder rule satisfied when “the appropriate prosecuting officer knew of the criminal conduct, which [was] the subject of the present prosecution, at the time of [the appellee’s] guilty plea” in a prior prosecution).

Here, at the time of Defendant’s guilty plea to the summary charges filed by Trooper Gragg, the Commonwealth was fully aware that Defendant not only had driven his vehicle through the cornfield but also had engaged in careless driving, driven through Littlestown Borough while intoxicated, and possessed marijuana and drug paraphernalia. In fact, as discussed *supra*, Officer Gilberto initially charged Defendant with agricultural vandalism on the same docket along with the instant offenses. Furthermore, Trooper Gragg began investigating Defendant for damaging the cornfield only after receiving specific inculpatory information from Officer Gilberto. This is not a situation where police were unaware of the current offenses when a defendant pled guilty to the previous offenses. Cf. *Commonwealth v. Hall*, 538 A.2d 43, 44–45, 48–49 (Pa. Super. 1988) (finding that the compulsory joinder rule did not bar the defendant’s subsequent prosecution for theft and related offenses when, at the time of the defendant’s initial guilty plea “to unlawful sale of firearms,” police had insufficient information that the defendant also had stolen the firearms). Accordingly, the third prong of the compulsory joinder rule is satisfied in the instant matter.

The fourth prong of the compulsory joinder rule is satisfied if the defendant perpetrated both the current and previous offenses in the same judicial district. *Fithian*, 961 A.2d at 72. “[F]or purposes of the compulsory joinder statute, the phrase ‘judicial district’ means the geographical area established by the General Assembly in which a court of common pleas is located.” *Id.* at 75.

Here, Defendant committed both the instant offenses and the summary offenses charged by Trooper Gragg in the same judicial district. Both Littlestown Borough, where Officer Gilberto stopped Defendant, and White Hall Road, Union Township, the location of the damaged cornfield, are located in Adams County, Pennsylvania. Adams County comprises Pennsylvania’s 51st Judicial District. Thus, the fourth prong of the compulsory joinder rule is satisfied in the instant matter.

As the above analysis has shown, the instant charges must be dismissed because all four prongs of the compulsory joinder rule are satisfied. The Court’s decision in this matter is controlled by *Commonwealth v. Perfetto (Perfetto II)*, 207 A.3d 812 (Pa. 2019), a case with a strikingly similar fact pattern. Because the compulsory joinder rule precluded further prosecution of appellant in *Perfetto II*, the same rule affords Defendant relief in the instant matter.

In *Perfetto II*, the following factual scenario unfolded:

...On July 3, 2014, Appellant was operating a motor vehicle in the City and County of Philadelphia when a Philadelphia Police Officer stopped him. The officer issued Appellant a citation for the summary offense of driving without lights when required, 75 Pa.C.S. § 4302(a)(1). The officer also charged Appellant with three counts of driving under the influence (“DUI”), 75 Pa.C.S. § 3802(a)(1), (d)(1), and (d)(2).

On September 4, 2014, a hearing officer in the Philadelphia Municipal Court - Traffic Division (“Traffic Division”) tried Appellant in absentia solely on the summary traffic offense, finding him guilty. As to Appellant’s pending DUI charges, after a preliminary hearing that resulted in the charges being held over for trial, Appellant filed in the trial court a motion to dismiss and a supporting memorandum, invoking Subsection 110(1)(ii) of the compulsory joinder statute.

*Perfetto II*, 207 A.3d at 815. The trial court found that all four prongs of the compulsory joinder rule were satisfied and granted the appellant’s motion to dismiss; the Commonwealth appealed this determination. *Id.* The Superior Court, sitting *en banc*, reversed; the majority performed “a complex jurisdictional analysis” that the Supreme Court subsequently rejected, *Id.* at 816 (citing *Commonwealth v. Perfetto (Perfetto I)*, 169 A.3d 1114, 1121–25 (Pa. Super. 2017)).

The “[a]ppellant filed a petition for allowance of appeal” to the Pennsylvania Supreme Court and challenged the Superior Court majority’s resolution of the compulsory joinder question. *Perfetto II*, 207 A.3d at 819. The Commonwealth argued in response “that Subsection 110(1)(ii) of the compulsory joinder statute does not prohibit successive prosecutions [arising out of the same criminal episode] if the first prosecution was for a summary offense and the later prosecution is for a more serious crime” under *Commonwealth v. Beatty*, 455 A.2d 1194 (Pa. 1983). *Perfetto II*, 207 A.3d at 820.

The Supreme Court of Pennsylvania rejected the Commonwealth’s arguments and reversed, finding that

it is undisputed that: (1) Appellant’s former prosecution for the summary offense of “driving without lights when required” resulted in a conviction; (2) Appellant’s current prosecution for DUI “arose during the same criminal episode, namely one traffic stop[.]” *Commonwealth v. Failor*, 564 Pa. 642, 770 A.2d 310, 313 (2001); (3) the prosecutor was aware of Appellant’s DUI charges before the commencement of Appellant’s trial on his summary offense of “driving without lights when required;” and (4) Appellant’s DUI offenses occurred within the same judicial district as the former prosecution, namely the First Judicial District, i.e., Philadelphia. Thus, as the trial court held, a straightforward application of the plain language of Subsection 110(1)(ii) of the compulsory joinder statute to the circumstances presented in this appeal makes clear that the Commonwealth is precluded from prosecuting Appellant for his DUI charges.

*Perfetto II*, 207 A.3d at 821–22.

Importantly, the Supreme Court in *Perfetto II* rejected the Commonwealth’s argument based on *Beatty*, a case that was decided



before the 2002 amendment of the compulsory joinder statute and that authorized separate litigation of summary offenses and more serious offenses arising out of the same criminal episode.<sup>18</sup> The *Perfetto II* court first explained that *Beatty* could no longer be cited for the general proposition “that summary traffic offenses are not, as a rule, subject to the compulsory joinder statute.” *Id.* at 824. The *Perfetto II* court further stated that the policy considerations that *Beatty* cited in favor of permitting separate litigation of summary offenses and more serious offenses were “tether[ed]...to the then-applicable but now-obsolete fourth prong of the compulsory joinder test, which required a jurisdictional analysis.” *Id.* Because the 2002 amendment of the compulsory joinder statute eliminated the jurisdictional analysis contemplated by *Beatty*, the *Perfetto II* court found that “the policy considerations discussed in *Beatty* and invoked by the Commonwealth...simply do not apply to the current version of the compulsory joinder statute.” *Id.* Thus, the Supreme Court in *Perfetto II* overruled *Beatty*. See *Id.*; see also *Commonwealth v.*

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<sup>18</sup> In *Beatty*, the defendant was involved in a vehicle accident and altercation and was charged with aggravated assault and a summary offense. *Beatty*, 455 A.2d at 1196. The defendant pled guilty to the summary offense before trial on the aggravated assault charge and filed a motion to dismiss, which the trial court granted. *Id.* On appeal, the Superior Court reversed. *Id.* at 1195. The Supreme Court granted allowance of appeal and, although it apparently recognized that the two charges arose from the same criminal episode, affirmed the Superior Court. *Id.* at 1197–98. The Supreme Court found the fourth prong of the pre-2002 compulsory joinder statute was not satisfied because the summary offense and the aggravated assault charge were not “in the jurisdiction of a single court”; rather, the summary offense, unlike the aggravated assault charge, “[was] a matter within the original jurisdiction of the district justice.” *Id.* The *Beatty* court also justified its decision on policy grounds, reasoning that compulsory joinder of the summary offense and the aggravated assault charge did not further Section 110(1)(ii)’s policy goals:

Our interpretation of Section 110(1)(ii) as excluding traffic violations under the Motor Vehicle Code is further bolstered by a consideration of the purposes sought to be achieved by the legislative enactment as well as our promulgation of the compulsory joinder rule. The disposition of a summary offense in a traffic matter prior to the trial of a misdemeanor or felony does not present the type of governmental harassment of a defendant that would offend double jeopardy concerns. Additionally, judicial economy is not served by requiring our Courts of Common Pleas to dispose of these matters which are regularly entrusted to the district justices for disposition. It is fundamental that a rule of law should not be applied where its application fails to serve the purposes for which it was designed.

*Id.* at 1198 (footnote omitted). Accordingly, the Supreme Court affirmed the Superior Court’s Order reversing the trial court. *Id.*

*Johnson*, 247 A.3d 981, 985 (Pa. 2021) (citing *Perfetto II*, 207 A.3d at 824) (recognizing the “displace[ment of] the *Beatty* line of decisions, which had approved of the serial litigation of summary offenses at the magisterial district court level and greater offenses in the county courts”). Although the *Perfetto II* court recognized the appeal of “resolv[ing] th[e] matter by considering [a] myriad of tangential statutes, rules, and policies,” it instead conducted “a straightforward application of the statutes...directly appl[icable] to th[e] case, particularly 18 Pa.C.S. § 110(1)(ii)” and ruled that the compulsory joinder rule barred the appellant’s “further prosecuti[on].” *Perfetto II*, 207 A.3d at 824.

*Perfetto II* controls in the instant matter. Like the appellant in *Perfetto II*, Defendant was charged with both summary offenses and more serious offenses, including DUI, arising out of the same criminal episode. Like the appellant in *Perfetto II*, Defendant had the opportunity for a preliminary hearing on his more serious charges.<sup>19</sup> Like the appellant in *Perfetto II*, Defendant resolved his summary offenses before trial on the more serious charges.<sup>20</sup> In fact, the instant matter presents a more obvious compulsory joinder problem than the situation in *Perfetto II*: the two sets of charges against Defendant were filed days apart on different dockets, whereas the charges in *Perfetto II* apparently were filed simultaneously. Nevertheless, the Supreme Court in *Perfetto II* found that the prior resolution of the appellant’s summary charge barred further prosecution. Thus, the compulsory joinder rule also bars the instant prosecution.<sup>21</sup>

In granting Defendant’s motion to dismiss, the Court declines the Commonwealth’s invitation to follow *Commonwealth v. Gimbara*, 835 A.2d 371 (Pa. Super. 2003). In *Gimbara*, the appellant received

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<sup>19</sup> Unlike the appellant in *Perfetto II*, Defendant waived his preliminary hearing. However, this is a distinction without a difference because the charges against the appellant in *Perfetto II* were bound over for court. *Perfetto II*, 207 A.3d at 815.

<sup>20</sup> It is of no import that the appellant in *Perfetto II* was convicted of a summary offense in absentia while Defendant pled guilty to summary offenses. As discussed *supra*, Defendant’s guilty plea satisfies the compulsory joinder rule just as much as a conviction at trial does. See *Anthony*, 717 A.2d at 1018; *Pammer*, 232 A.3d at 932–34, 937; *George*, 38 A.3d at 898–99.

<sup>21</sup> The Court notes that this outcome is also consistent with *Commonwealth v. Pammer*, 232 A.3d 931 (Pa. Super. 2020), discussed *supra*. *Pammer*, in fact, relied on *Perfetto II* in concluding that the compulsory joinder rule barred a subsequent prosecution. *Pammer*, 232 A.3d at 937.

citations for speeding and driving under suspension (DUS) and simultaneously “pled guilty to the speeding charge and not guilty to the [DUS] charge” by mail. *Id.* at 373. The magisterial district judge’s office accepted the appellant’s guilty plea; the district judge also convicted the appellant of DUS after a subsequent hearing. *Id.* The appellant again was convicted of DUS upon summary appeal; on appeal to the Superior Court, he claimed the compulsory joinder rule barred prosecution of the DUS charge. *Id.*

The Superior Court in *Gimbara* concluded the third prong of the compulsory joinder rule was not satisfied and affirmed. *Id.* at 376–77. The court found that “there was never a former prosecution to which this prosecution is subsequent” because the appellant simultaneously entered his pleas not before a magistrate but by mail and because only the hearing on the DUS charge occurred. *Id.* at 376. The *Gimbara* court justified its conclusion on policy grounds and cited *Beatty* in support of its decision:

Our conclusion is consistent with the purposes of Section 110.... Section 110 protects defendants from harassment by multiple prosecutions; however, Section 110 may not be used to shield a defendant from properly initiated prosecutions. Here, that purpose will not be served if summary defendants, who may mail in different pleas without input or reaction by the Commonwealth, can separate prosecutions by their unilateral act and then benefit from a situation of their making where the Commonwealth has no control over the plea process. If we were to agree with Appellant that Section 110 bars his prosecution for DUS-DUI, we would permit Appellant to use Section 110 as a shield from the properly initiated prosecution. This is not the purpose of the rule. *Commonwealth v. Beatty*, 500 Pa. 284, 455 A.2d 1194, 1198 (1983) (“It is fundamental that a rule of law should not be applied where its application fails to serve the purposes for which it was designed”). Since the purpose of Section 110 would not be served by applying it to the instant situation, Section 110 should not be applied.

*Id.* at 377.

This Court’s analysis of the Supreme Court’s *Perfetto II* decision compels the conclusion that *Gimbara* is of limited precedential value due to its reliance on *Beatty*. The *Gimbara* court justified its refusal to apply the compulsory joinder rule by reference to *Beatty*’s policy-driven compulsory joinder analysis. However, as established by *Perfetto II*, *Beatty*’s policy concerns only applied to the pre-2002 version of the compulsory joinder statute, not “the current version.” *Perfetto II*, 207 A.3d at 824; see also *Johnson*, 247 A.3d at 985 (citing *Perfetto II*, 207 A.3d at 824) (recognizing the “displace[ment of] the *Beatty* line of decisions, which had approved of the serial litigation of summary offenses at the magisterial district court level and greater offenses in the county courts”). The overruling of *Beatty* therefore vitiates *Gimbara* and fatally undermines the Commonwealth’s argument in the instant matter.<sup>22</sup>

In further reply to the Commonwealth’s argument that Defendant is engaging in gamesmanship by seeking dismissal of the instant charges, the Court notes that it decides the close question posed by this matter only after significant research and reflection. After careful consideration, the Court finds that the law dictates the dismissal of the instant charges, and “this Court’s decision, as always, is guided by the law.” *Perfetto II*, 207 A.3d at 824. This Court has considered fully the Commonwealth’s argument that Defendant is engaging in procedural maneuvering to avoid accountability. This Court is fully aware of Defendant’s condition on the night of July 11, 2021. It is clear Defendant was manifestly intoxicated while operating a motor vehicle in Adams County. This Court takes no pleasure in dismissing the DUI charges and related charges pending against Defendant. Yet,

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<sup>22</sup> Due to its heavy reliance on *Gimbara*, *Commonwealth v. Bennett*, 246 A.3d 875 (Pa. Super. 2021), *reargument denied* (Apr. 1, 2021), *appeal denied*, 263 A.3d 1137 (Pa. 2021) is also of limited precedential value. The appellant in *Bennett*, like the appellant in *Gimbara*, was stopped by police and charged, apparently contemporaneously, with summary traffic offenses and gun-related offenses. See *Bennett*, 246 A.3d at 876. The appellant successfully entered a guilty plea to one of the summary charges through counsel, who “appeared in traffic court (Philadelphia Municipal Court) on [the appellant’s] behalf,” and the Commonwealth subsequently withdrew the other summary charge. *Id.* The appellant filed a motion to dismiss the firearms offenses, which the trial court denied. *Id.* The Superior Court affirmed on appeal, basing its decision entirely on *Gimbara*. *Bennett*, 246 A.3d at 879. This Court has determined *supra* that *Gimbara* provides no guidance in the instant matter. Thus, because *Bennett* relies entirely on *Gimbara* to reach its conclusion, *Bennett* also is of limited precedential value and will not be applied herein.

this Court must follow the law and is bound by the Pennsylvania Supreme Court's decisions in *Perfetto II* and *Johnson*.

In conclusion, this Court is obliged to travel the clear path marked by the Supreme Court's decisions in *Perfetto II* and *Johnson*. Thus, as *Perfetto II* commands, the Court resolves this matter through "a straightforward application of...18 Pa.C.S. § 110(1)(ii)" and declines to follow *Gimbara* into a thicket "of tangential...policies." *Perfetto II*, 207 A.3d at 824.

For the foregoing reasons, the attached Order is entered.

#### ORDER OF COURT

AND NOW, this 10th day of February, 2022, for the reasons set forth in the attached Opinion, Defendant's Motion to Dismiss Charges is hereby granted. The charges are dismissed pursuant to 18 Pa. C.S. § 110(1)(ii).



IN THE COURT OF COMMON PLEAS  
OF ADAMS COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW  
NO. 2022-SU-0000192  
ACTION TO QUIET TITLE

250 SOUTH FRANKLIN, LLC, Plaintiff  
vs.

ANY AND ALL UNKNOWN HEIRS OR  
ASSIGNS OF HARVEY KYLE,  
Defendants

NOTICE

TO: ANY AND ALL UNKNOWN HEIRS  
OR ASSIGNS OF HARVEY KYLE and  
WILLIAM PENN

NOTICE IS HEREBY GIVEN that this is  
an action to extinguish any claims,  
rights, title, interest, estates or liens in a  
portion of real property located in the  
Borough of Gettysburg, Adams County,  
Pennsylvania, known as Tax Parcel No.  
16010-0218A-000, being the same  
premises described as Tract No. 2 in  
Deed dated May 1, 2013 and recorded  
in the Adams County Recorder of Deeds  
Office in Book 5828 at Page 475.

If you wish to defend you must enter  
an appearance personally or by attorney

and file your defenses or objections in  
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you by the court without further claim or  
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and settling the affairs of said  
Corporation so that its corporate exist-  
ence shall be ended by the filing of  
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Barley Snyder LLP  
Attorneys

3/25



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Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin PA 17316

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Co-Executrices: Tammy Arnold, 9 Kraft Lane, Lot 13, Thomasville, PA 17364, Connie Laughman, 110 Kohler Miller Road, New Oxford, PA 17350

Attorney: Robert E. Campbell, Esq., Salzmans Hughes, P.C., 112 Baltimore Street, Gettysburg, PA 17325

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Attorney: R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

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Attorney: Amy S. Loper, Esq., The Family Law Practice of Leslie S. Arzt, LLC, 2002 South Queen Street, York, PA 17403

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Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin PA 17316

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Late of Hamilton Township, Adams County, Pennsylvania

Co-Executors: Merle E. Bievenour, Jr. and Gail S. Bievenour, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin PA 17316

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin PA 17316

**ESTATE OF VERA L. COFFEY, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Duane A. Keeney, 58 North Street, McSherrystown, PA 17344

Attorney: Arthur J. Becker, Jr., Esq., Becker Law Group, P.C., 529 Carlisle Street, Hanover, PA 17331

**ESTATE OF RUTH A. CROOK, DEC'D**

Late of the Borough of New Oxford, Adams County, Pennsylvania

Executor: Eric D. Markle, c/o Rachel L. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Rachel L. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

**ESTATE OF JOSEPH A. FEAGA, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Co-Executors: Keith P. Feaga, 41 Bryan Court, Gettysburg, PA 17325; Stephen A. Feaga, 248 Vincent Drive, McSherrystown, PA 17344

Attorney: Bernard A. Yannetti, Esq., Hartman & Yannetti, Inc. Law Office, 126 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF VALERIE A. FISHER, DEC'D**

Late of Freedom Township, Adams County, Pennsylvania

Nathan F. Bortner, c/o Jessica F. Greene, Esq., Walters & Galloway, PLLC 54 East Main Street, Mechanicsburg, PA 17055

Attorney: Jessica F. Greene, Esq., Walters & Galloway, PLLC 54 East Main Street, Mechanicsburg, PA 17055

**ESTATE OF LUCIENNE FRANK, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Administrator: William E. Frank, 5599 Hanover Road, Hanover, PA 17331

Attorney: Clayton A. Lingg, Esq., Mooney Law, 230 York Street, Hanover, PA 17331

**ESTATE OF MARY CATHERINE GROFT a/k/a MARY C. GROFT, DEC'D**

Late of the Borough of McSherrystown, Adams County, Pennsylvania

Co-Executors: David J. Groft and Margaret A. Lawrence, c/o Scott J. Strausbaugh, Esq., Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2, Hanover, PA 17331

Attorney: Scott J. Strausbaugh, Esq., Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2, Hanover, PA 17331

**THIRD PUBLICATION CONTINUED****ESTATE OF KENNETH L. HARTLAUB, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Michelle L. Rineman, c/o Scott J. Strausbaugh, Esq., Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2, Hanover, PA 17331

Attorney: Scott J. Strausbaugh, Esq., Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2, Hanover, PA 17331

**ESTATE OF HELEN LOUISE MAITLAND, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Tedd A. Maitland, 1280 Herr's Ridge Road, Gettysburg, PA 17325; Eric W. Maitland, 427 Baltimore Street, Gettysburg, PA 17325

Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF THOMAS ARTHUR MERKEL a/k/a THOMAS A. MERKEL, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Lawrence R. Woltz, Jr., 240 Speelman Klinger Road, Gettysburg, PA 17325

Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF CARL H. NACE a/k/a CARL HENRY NACE, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania

Executor: Ellen Marie Shenk, 610 Fox Hollow Court, Spring Grove, PA 17362

**ESTATE OF DELORES B. SHAFFER, DEC'D**

Late of Union Township, Adams County, Pennsylvania

Mark B. Shaffer, 147 Elmwood Avenue, Hanover, PA 17331

Attorney: Thomas E. Miller, Esq., Law Office of Thomas E. Miller, Esquire LLC, 249 York Street, Hanover, PA 17331

**ESTATE OF CONNIE L. SIBERT, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Vicki M. Worley, 1009 Shafer Drive, Hanover, PA 17331; Steven A. Sibert, 670 Hunterstown Hampton Road, New Oxford, PA 17350

Attorney: Matthew L. Guthrie, Esq., Barley Snyder LLP, 14 Center Square, Hanover, PA 17331

**ESTATE OF RAY E. SIBERT, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Vicki M. Worley, 1009 Shafer Drive, Hanover, PA 17331; Steven A. Sibert, 670 Hunterstown Hampton Road, New Oxford, PA 17350

Attorney: Matthew L. Guthrie, Esq., Barley Snyder LLP, 14 Center Square, Hanover, PA 17331

**ESTATE OF CARROLL C. SLOTHOUR, JR., DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Malcolm F. Slothour, 7383 Lincoln Highway, Abbottstown, PA 17301

Attorney: Thomas R. Nell, Esq., 130 W. King Street, Box 1019, East Berlin, PA 17316

**ESTATE OF CAROLYN T. WEAVER, DEC'D**

Late of Menallen Township, Adams County, Pennsylvania

Gregory G. Weaver, 259 Prospect Street, Westfield, NJ 07090; Brenda L. Deardorff, 2075 Old Carlisle Road, Aspers, PA 17304

Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325