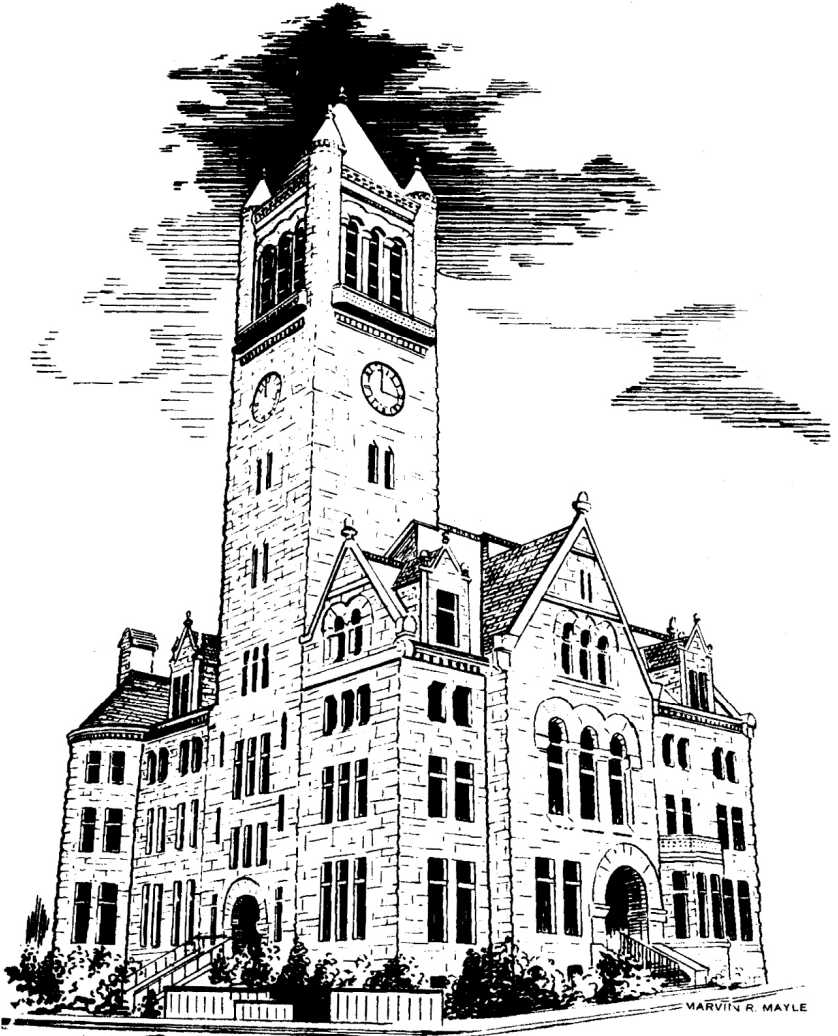


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ESTATE NOTICES

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

CHARLOTTE M. BROWN, late of Fayette City, Fayette County, PA ⁽³⁾

Executrix: Joni L. Powell

P.O. Box 599

Perryopolis, PA 15473

c/o 300 Fallowfield Avenue

Charleroi, Pa 15022

Attorney: Richard C. Mudrick

GEORGE W. COOPER, late of Uniontown, Fayette County, PA ⁽³⁾

Administratrix: Kathy Austin

c/o 51 East South Street

Uniontown, PA 15401

Attorney: Anthony S. Dedola, Jr.

MERRIE JANE DAVID, late of North Union Township, Fayette County, PA ⁽³⁾

Executrix: Amy Lynch

c/o 815A Memorial Boulevard

Connellsville, Pa 15425

Attorney: Margaret Zylka House

ROSS GIRARD, JR., late of North Union Township, Fayette County, PA ⁽³⁾

Personal Representative:

Angela Marie Yowler

9218 Randal Park Boulevard

Orlando, FL 32832

c/o Newcomer Law Offices

4 North Beeson Boulevard

Uniontown, PA 15401

Attorney: Ewing D. Newcomer

RILEY HARBARGER, a/k/a RILEY D. HARBARGER, late of Georges Township, Fayette County, PA ⁽³⁾

Administratrix: Ida M. Harbarger

101 High Street

Fairchance, PA 15436

c/o Kopas Law Office

556 Morgantown Road

Uniontown, PA 15401

Attorney: John Kopas

RONALD EUGENE HARDING, late of New Salem, Fayette County, PA ⁽³⁾

Personal Representative:

Gloria Jean Robinson

c/o Davis and Davis

107 East Main Street

Uniontown, PA 15401

Attorney: Gary J. Frankhouser

LAIRD MAY, a/k/a LAIRD N. MAY, late of Springfield Township, Fayette County, PA ⁽³⁾

Executrix: Audrey M. Cain

234 Imel Road

Normalville, PA 15469

c/o Law Office of Mackenzie A. Kline, LLC

188 Skinner Road

P.O. Box 55

Mill Run, PA 15464

Attorney: Mackenzie Kline

Second Publication

CARL E. CIARAMELLA, late of Nicholson Township, Fayette County, PA ⁽²⁾

Executrix: Katherine Irene Ciaramella

c/o Proden & O'Brien

99 East Main Street

Uniontown, PA 15401

Attorney: Jeffrey S. Proden

JOSEPH D. ELWELL, late of Perry Township, Fayette County, PA ⁽²⁾

Administratrix: Deborah Ann Elwell

1519 Banning Road

Dawson, PA 15428

c/o Lederach Law

201 North Chestnut Street

P.O. Box 342

Scottdale, PA 15683

Attorney: James Lederach

SHIRLEY ENLOW, late of German Township,
Fayette County, PA (2)

Executrix: Jeanne Bartholomai
c/o 55 East Church, Suite 1
Uniontown, PA 15401
Attorney: Jason Adams

**PHYLLIS MARLEEN GESHINSKY, a/k/a
PHYLLIS M. GESHINSKY, a/k/a PHYLLIS
GESHINSKY**, late of Bullskin Township,
Fayette County, PA (2)

Executrix: Diane V. Walter
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

LUAN F. HUCIK, late of Uniontown, Fayette
County, PA (2)

Administratrix: Lisa H. Kranker
4441 Ivory Jade Avenue
North Las Vegas, NV 89031
c/o 111 East Main Street
Uniontown, PA 15401
Attorney: Robert R. Harper

GEORGIA A. KERR, late of Uniontown,
Fayette County, PA (2)

Executor: Jonathan D. Kerr
150 Mountain Village
Morgantown, WV 26508
c/o Ciao, Torisky & O'Connor, LLC
7240 McKnight Road
Pittsburgh, PA 15237
Attorney: Craig S. O'Connor

**CHARLES LININGER, a/k/a CHARLES
WILLIAM LININGER**, late of Georges
Township, Fayette County, PA (2)

Executrix: Renee Lynn Lininger
185 Shadyside Road
Uniontown, PA 15401
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

**MAE PAULINE LUCKEY, a/k/a MAE P.
LUCKEY, a/k/a PAULINE LUCKEY**, late of
North Union Township, Fayette County, PA (2)

Executrix: Susan Lynn Wallace
c/o John and John
96 East Main Street
Uniontown, PA 15401

Attorney: Simon B. John

**HELEN MARMOL, a/k/a HELEN L.
MARMOL**, late of South Union Township,
Fayette County, PA (2)

Executrix: Donna Marmol Smith
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

DONALD E. MURPHY, JR., late of Dunbar
Township, Fayette County, PA (2)

Personal Representative: Dawn M. A. Siple
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

EMMA L. PETERS, late of Bullskin
Township, Fayette County, PA (2)

Personal Representative: Mark S. Peters
412 Rankin Road
Ruffs Dale, PA 15679
c/o 208 South Arch Street
Connellsville, PA 15425
Attorney: Richard A. Husband

**SHIRLEY S. RUTHERFORD, a/k/a
SHIRLEY M. RUTHERFORD**, late of
Vanderbilt, Fayette County, PA (2)

Executrix: Mark Alan Rutherford
5129 Plantation Grove Lane
Roanoke, VA 24012
c/o 111 East Main Street
Uniontown, PA 15401
Attorney: Robert R. Harper, Jr.

DOROTHY M. SKUFCA, late of Perry
Township, Fayette County, PA (2)

Personal Representative: Nancy Petrosky
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

First Publication

ALBERT BONIELLA, late of Uniontown,
Fayette County, PA ⁽¹⁾

Personal Representative:

Marlene Olinzock
c/o Davis and Davis
107 East Main Street
Uniontown, PA 15401

Attorney: Gary J. Frankhouser

**EDWARD A. CHIPPS, a/k/a EDWARD
ASHTON CHIPPS, SR.**, late of Springhill
Township, Fayette County, PA ⁽¹⁾

Executor: Edward A. Chipps, Jr.

c/o Goodwin Como, P.O.
108 North Beeson Boulevard, Suite 400
Uniontown, PA 15401

Attorney: Benjamin Goodwin

RANDY GOWTON, late of Bullskin
Township, Fayette County, PA ⁽¹⁾

Administrator: Sydney Carns

143 Williams Road
Stahlstown, PA 15687
c/o Snyder and Snyder
17 North Diamond Street
Mount Pleasant, PA 15666

Attorney: Marvin D. Snyder

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

Executor: Andrew Raymond Lister

c/o 51 East South Street
Uniontown, PA 15401

Attorney: Webster & Webster

NAOMA MCCAULEY, late of Bullskin
Township, Fayette County, PA ⁽¹⁾

Administratrix: Mary Jones

6 Chestwood Drive
Connellsville, PA 15425
c/o 749 North Church Street
Mount Pleasant, Pa 15425

Attorney: Paul Toohey

ANNA MARIE MIKITA, late of Jefferson
Township, Fayette County, PA ⁽¹⁾

Executor: Frank R. Grahek

225 Buck Run Drive
Nottingham, PA 19362

c/o P.O. Box 310

Hiller, PA 15444

Attorney: Herbert G. Mitchell, III

ALLEN D. MORGAN, late of Washington,
Fayette County, PA ⁽¹⁾

Executor: Kerry Lee Morgan

c/o 51 East South Street
Uniontown, PA 15401

Attorney: Webster & Webster

WILLIAM WARRICK, SR., late of Dunbar
Township, Fayette County, PA ⁽¹⁾

Executrix: Loraine Warrick

c/o Rowan Law Office
890 Vanderbilt Road
Connellsville, Pa 15425

Attorney: Mark Rowan

**LOIS WILSON, a/k/a LOIS JUNE WILSON,
a/k/a LOIS W. WILSON**, late of North Union
Township, Fayette County, PA ⁽¹⁾

Executrix: Amy R. Leibinger

c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401

Attorney: James Higinbotham

**RUBY J. WILSON, a/k/a RUBY JEAN
WILSON**, late of Georges Township, Fayette
County, PA ⁽¹⁾

Personal Representatives:

Terry S. Wilson, Sr. and Sandra J. Hall
c/o Davis and Davis
107 East Main Street
Uniontown, PA 15401

Attorney: Gary J. Frankhouser

LEGAL NOTICES

NO: 63-21-0847

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO. 801 of 2020, G. D.

IN RE: NAME CHANGE OF BRITTANY
LATOYA MACHESNEY

NOTICE

Notice is hereby given that on May 1, 2021, the Petition of Brittany Latoya Machesney was filed with the above named Court, requesting an order of Court to change the name of Brittany Latoya Machesney to Brittany Jayde Machesney.

The Court has fixed the day of 19th day of July, 2021, at 1:30 P.M., in Court Room Number 3 of the Fayette County Court House, Uniontown, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

Watson Mundorff Brooks, LLP
720 Vanderbilt Road
Connellsville, PA 15425-6218

PUBLIC NOTICE

IN THE COURT OF COMMON PLEAS OF
WASHINGTON COUNTY,
PENNSYLVANIA

ORPHANS' COURT DIVISION

IN RE: DEMETRICK MONTGOMERY, III
a/k/a DEMETRICK RAY MONTGOMERY,
III

CHILD OF DEMETRICK
MONTGOMERY, SR a/k/a, DEMETRICK
R. MONTGOMERY, SR. a/k/a
DEMETRICK MONTGOMERY, a/k/a
DEMETRICK RAY MONTGOMERY a/k/a
DEMETRICK R. MONTGOMERY, a/k/a
D. MONTGOMERY, a/k/a DEMETRICK
R. MONTGOMERY a/k/a, DEMETRICK
MONTGOMERY a/k/a MONTGOMERY
DEMETRICK, a/k/a MONTGOMERY
DEMETRICK, a/k/a MONTGOMERY R.
DEMETRICK a/k/a DEMETRICK
MONTGOMERY, JR.

Take notice that a Petition for Involuntary Termination of Parental Rights of Demetrick Montgomery, Sr a/k/a, Demetrick R. Montgomery, Sr. a/k/a Demetrick Montgomery, a/k/a Demetrick Ray Montgomery a/k/a Demetrick R. Montgomery, a/k/a D. Montgomery, a/k/a Demetrick R. Montgomery a/k/a, Demetrick Montgomery a/k/a Montgomery Demetrick, a/k/a Montgomery R. Demetrick a/k/a Demetrick Montgomery, Jr. to Demetrick Montgomery, III a/k/a Demetrick Ray Montgomery, III will be presented to the Orphans' Court of Washington County, Pennsylvania. Any person wishing to assert his/her parental right should appear in Courtroom No. 7 of the Washington County Courthouse, Washington, Pennsylvania, for a hearing as to the same on July 29, 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 children 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 can not 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.

This is also to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact or communication following an adoption between an adoptive parent, a child, a birth parent, and/or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the court. If you are interested in learning more about this option for a voluntary agreement, contact your attorney or the Southwestern Pennsylvania Legal Aid Society.

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

PUBLIC NOTICE**IN THE COURT OF COMMON PLEAS OF
WASHINGTON COUNTY,
PENNSYLVANIA****ORPHANS, COURT DIVISION**

**IN RE: DESTINY LEE CHAFANT a/k/a
DESTINY CHALFANT; SOFIA RUTH
DAVIS a/k/a SOFIA DAVIS; and
SAVANNAH LYNN CHALFANT a/k/a
SAVANNAH CHALFANT**

D.O.B. 10/02/2004 10/04/2021 and 10/06/2007

**CHILD OF: FRANK DAVIS, JR. A/K/A
FRANK EDWARD DAVIS, JR. A/K/A
FRANK E. DAVIS A/K/A FRANK E.
DAVIS, JR. A/K/A FRANK DAVIS A/K/A
FRANK EDWARD DAVIS**

NO: 63-21-0845, 63-21-0846 and 63-19-1457

Take notice that a Petition for Involuntary Termination of Parental Rights of Frank Davis, Jr. a/k/a Frank Edward Davis, Jr. a/k/a Frank E. Davis a/k/a Frank E. Davis, Jr. a/k/a Frank Davis a/k/a Frank Edward Davis, father of Destiny Lee Chalfant a/k/a Destiny Chalfant; Sofia Ruth Davis a/k/a Sofia Davis; and Savannah Lynn Chalfant a/k/a Savannah Chalfant, will be presented to the Orphans' Court of Washington County, Pennsylvania. Any person wishing to assert his parental rights should appear in Courtroom No. 7 of the Washington County Courthouse, Washington, Pennsylvania, for a hearing as to the same on August 5, 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.

Karly Steele, Casework Supervisor
Washington County Children & Youth
Social Service Agency
100 West Beau Street
502 Courthouse Square

Washington, PA 15301
Telephone: (724) 228-6884

NOTICE

Notice is hereby given that the Articles of Incorporation - Non-Profit has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on May 19, 2021, for a Non-Profit Corporation known as Won't You Be My Village Inc.

Said Non-Profit Corporation 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/are: to assist low income families with children with special needs gain to gluten-free, dairy free, organic foods, assist with medical expenses and other lawful purpose related thereto for which the non-profit corporation may be organized under the Business Corporation Law.

DAVIS & DAVIS
BY: Gary J. Frankhouser, Esquire
107 East Main Street
Uniontown, PA 15401

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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JUDICIAL OPINION

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

COMMONWEALTH OF :
 PENNSYLVANIA, :
 APPELLANT, :
 V. : No. 592 of 2020
 JASON J. BRAUN, : No. 287 WDA 2021
 APPELLEE. : Honorable President Judge John F. Wagner, Jr.

OPINION

Wagner, P.J.

May 7, 2021

Before the Court is the Commonwealth's appeal of the Court's order granting the Motion to Dismiss Pursuant to the Interstate Agreement on Detainers.

BACKGROUND

On September 17, 2018, Pennsylvania State Trooper Doriguzzi filed the charges of Robbery, Theft by Unlawful Taking, Receiving Stolen Property, Terroristic Threats, Simple Assault, Recklessly Endangering Another Person, and Harassment. The charges resulted from an incident that occurred on September 15, 2018, when the Appellee entered the Foodland Grocery Store located at 1176 National Pike, South Union Township, Fayette County, stole money from the office and threatened a store employee with a gun. The Appellee learned of these pending charges while incarcerated at the North Central Regional Jail located in Greenwood, West Virginia. Appellee completed and signed a Notice of Untried Indictment, Information or Complaint and of Right to Request Disposition form pursuant to the Interstate Agreement on Detainers.

On February 11, 2019, the Certificate of Inmate Status was completed and signed by the North Central Regional Jail Superintendent Timothy L. Bowen. The documentation states that the Appellee was incarcerated for a period of one (1) to three (3) years with one hundred and fifty-six (156) days served. The certificate documents that a detainer from Fayette County was on file for the Appellee.

Attached to the Request for Disposition was the Offer to Deliver Temporary Custody and the this documentation was sent to Richard Bower, Fayette County District Attorney with the documentation having been mailed and/or faxed on or about February 11, 2019.

Trooper Doriguzzi documented that he was notified by the Moundsville, West Virginia Police Department on September 17, 2018, that the Appellee had been arrested and had additional charges. On April 11, 2019, the Trooper further documented that the Appellee was incarcerated at the North Central Regional Jail. On November 21, 2019,

the Trooper verified that Appellee was in Saint Mary's Correctional Center in St. Mary's, West Virginia.

On December 6, 2018 a Fugitive Declaration was filed for the Appellee. On March 25, 2020, the Appellee was back in Pennsylvania and bond was set but not posted by the Appellee. A preliminary hearing was held on April 22, 2020. On June 22, 2020 an Omnibus Pretrial Motion was filed and after a hearing on the issues, it was denied on August 24, 2020.

On September 28, 2020, the Appellee rejected the plea offer and the case was listed by the District Attorney for trial. On January 28, 2021, the Motion to Dismiss was filed.

ISSUES COMPLAINED OF ON APPEAL

1. Whether the trial court erred in granting the Defendant's Motion to Dismiss under the Interstate Agreement on Detainers ("IAD") when the Defendant waived his claim under the IAD by calling his case for trial?

2. Whether the trial court erred in granting the Defendant's Motion to Dismiss under the Interstate Agreement on Detainers ("IAD") when the time limits under the IAD did not apply as the Commonwealth did not assume custody of the Defendant until after his sentence in West Virginia was completed?

DISCUSSION

The Interstate Agreement on Detainers (hereinafter "IAC") is a compact entered into by forty-eight states, the United States, Puerto Rico, the Virgin Islands, and the District of Columbia establishes procedures for transfer of prisoners incarcerated in one jurisdiction to the temporary custody of another jurisdiction which has lodged a detainer against the prisoner. *Commonwealth v. Thurston*, 834 A.2d 595 (Pa. Super 2003). A detainer is a notification filed with the correctional institution in which a prisoner is serving a sentence, advising that the prisoner is wanted to face pending criminal charges in another jurisdiction. The IAD gives a prisoner incarcerated in one state the right to demand the speedy disposition of any untried indictment, information, or complaint that is the basis of the detainer lodged against the prisoner by another state. 42 Pa.C.S. 9101 (Art. III(a)). The prisoner shall be brought to trial within 180 days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition of the charges in the other state. *Id.* The request of the prisoner shall be accompanied by a certificate of the official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, and other basic information regarding his commitment. *Id.* The request for final disposition acts as a waiver of extradition and also constitutes the prisoner's voluntary consent to be returned to the original place of imprisonment. *Id.* The IAD is to be liberally construed in favor of the prisoner. *Commonwealth v. Thurston*, 834 A.2d 595 (Pa. Super. 2003).

The Commonwealth is required to request a continuance of the 120 day and 180 day periods to bring the prisoner to trial under the IAD although no trial date had been set, where the Commonwealth knew the trial of the prisoner could not occur until after

the expiration of the periods set by the IAD. *Commonwealth v. Mayle*, 780 A.2d 677 (Pa. Super. 2001).

On February 11, 2019, the Appellee complied with the procedures set forth in the IAD. The Certificate of Inmate Status and offer to Deliver Temporary Custody were completed and signed by the Superintendent of the North Central Regional Jail in Greenwood, West Virginia as required under the IAD and were mailed to the Office of the District Attorney on February 12, 2019.

On September 27, 2018, the prosecuting officer was aware that the Appellee was incarcerated at the North Central Regional Jail. He subsequently learned that there was a detainer filed in this case. On March 25, 2020, the Appellee was returned to Fayette County, Pennsylvania. During the period after the documents were received by the Commonwealth, there was no continuance requested nor was there any delay caused by the Appellee which could be considered as excludable time under the IAD. Once the Commonwealth received his IAD documents, the 180 day period began to run. *Commonwealth v. Thurston*, 834 A.2d 595 (Pa. Super. 2003). The Commonwealth failed to request a continuance in order to extend the run-date of the Interstate Agreement on Detainers' 180 day or 120 day periods in which the Commonwealth must try the case. The Appellee's case was not called for trial nor was any specific trial date set. As the Commonwealth failed to return the Appellee to Pennsylvania for more than 365 days from the date the IAD documents were mailed to the Commonwealth, the delay that occurred in this case is the very type of delay which the IAD was enacted to prevent.

In *New York v. Hill*, 528 U.S. 110, 120 S.Ct. 659, 145 L.Ed.2d 460 (2000), the United States Supreme Court held that the defense could waive its rights under the IAD by agreeing to a trial day outside the time periods mandated by statute. In that case, both defense counsel and the prosecution agreed on a trial date, which fell outside of the Article III 180 day period. Counsel for Hill, after the expiration of the 180 day period, and prior to trial filed a motion to dismiss the charges on Article III grounds. The Supreme Court held that the prior agreement to set a trial date beyond the 180 day period waived any subsequent Article III objection. By contrast, in this case, counsel rejected the plea offer and the case was called for trial, however, no specific trial date was set for this case prior to the Appellee filing his motion. Therefore, Appellant's issue is without merit and should be dismissed.

The second issue raised by the Commonwealth is that the trial court erred because the time limits under the IAD did not apply as the Commonwealth did not assume custody of the Defendant until after his sentence in West Virginia was completed. The Commonwealth is in error when it states that the Appellee was brought back to Pennsylvania only after his sentence was completed. When the Commonwealth has filed a detainer pursuant to the Interstate Agreement on Detainers and the prisoner requests that the outstanding charges be expeditiously resolved under the IAD, Pennsylvania as the receiving jurisdiction, has 180 days to bring the prisoner to trial pursuant to the article authorizing the prisoner's request. 42 Pa. C.S. A. § 9101 Arts III and IV. It remains incumbent upon the Commonwealth to request a continuance prior to the expiration of the applicable time period of the IAD. *Commonwealth v. Mayle*, 780 A.2d 677 (Pa. Super. 677 2001).

On the Agreement on Detainers: Form III of the West Virginia documentation, the Superintendent of the North Central Regional Jail certified that the Appellee had been sentenced to a term of one (1) to three (3) years and had served one hundred and fifty-six (156) days as of February 11, 2019. The Appellee was returned to Pennsylvania on March 25, 2020 as he was arraigned and had bail set on that date.

The Appellee was held in West Virginia for approximately 548 days, with one hundred and fifty-six days having elapsed prior to the IAD Notice to Pennsylvania and three hundred and eighty-two days having passed after the Commonwealth received the IAD Notice. The Appellee was incarcerated for approximately only half of the time he was sentenced to in West Virginia. He served more than his minimum but less than his maximum of three years or one thousand and ninety-five days. His West Virginia sentence was not complete when the Appellee was finally brought back to Pennsylvania. During the additional time that the Appellee was incarcerated in West Virginia, the Commonwealth did not request any continuance, nor did counsel for the Appellee. It is the Commonwealth's responsibility to bring the Appellee in a compliance with the IAD statute. It was appropriate under the circumstances of this case, with the violation of the Appellee's rights that the charges be dismissed. Therefore, his issue is without merit.

For the reasons stated above the Court requests that the order in this case be sustained.

BY THE COURT,
WAGNER, P.J.

ATTEST:
Clerk of Courts

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