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Court of Common Pleas of Lancaster County**Criminal**

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Commonwealth v. David Lausell

Ineffective Assistance of Counsel — Failure to Obtain Sealed Warrant  
for GPS Tracking Device — No Prejudice

Opinion. Commonwealth of Pennsylvania v. David Lausell — Nos.  
3033-2016; 3034-2016.

Andrew J. Gonzalez, Esquire for the Commonwealth  
Daniel C. Bardo, Esquire for Defendant

OPINION BY: ASHWORTH, P.J., MAY 20, 2022. Before the Court is David Lausell, Jr.'s amended petition filed pursuant to the Post Conviction Relief Act (PCRA), 42 Pa.C.S.A. §§ 9541-46. For the reasons set forth below, this petition will be denied without a hearing.

**I. BACKGROUND**

The relevant facts and procedural background are as follows. On June 7, 2016, members of the Lancaster County Drug Task Force conducted a search pursuant to a warrant at the residence of Defendant David Lausell, Jr. (Lausell), and his girlfriend, Jaelle Maja Ndamage (Ndamage). During the search, police seized approximately 540 grams of suspected heroin, along with \$4,703.00, a digital scale, and other assorted drug paraphernalia.

While executing the warrant, police located Lausell outside the residence in his vehicle, a GMC Terrain, and immediately placed him under arrest. Police seized property in Lausell's possession, including a car key belonging to a 2006 Ford Taurus. The Ford Taurus, which was parked at Lausell's residence, was seized by the police as a narcotics asset. A search warrant for the Taurus was executed and a 9 millimeter Glock semi-automatic pistol and a Ruger .357 revolver plus ammunition were found in the trunk. Lausell was subsequently charged at Information No. 3033-2016 with two counts each of person not to possess, use or control of firearms and firearms not to be carried without a license.<sup>1</sup> At Information No. 3034-2016, Lausell was charged with possession with intent to deliver a controlled substance (heroin), criminal conspiracy, and possession of drug paraphernalia.<sup>2</sup>

On July 6, 2016, the Commonwealth gave notice of its intent to consolidate Lausell's case with co-defendant Ndamage's charges at Information No. 3041-2016.<sup>3</sup> A counseled motion to sever Ndamage's case from Lausell's two cases was filed on January 13, 2017. The Commonwealth ultimately agreed that all three dockets should be severed and separately tried. See Notes of Testimony (N.T.), Suppression/ Stipulated Bench Trial, No. 3034-2016, at 3.

A counseled omnibus pre-trial motion was filed by Lausell on August 8, 2016, seeking to suppress certain physical evidence and state-

<sup>1</sup> 18 Pa.C.S.A. § 6105(a)(1), and 18 Pa.C.S.A. § 6106(a)(1), respectively.

<sup>2</sup> 35 P.S. § 780-113(A)(30), 18 Pa.C.S.A. § 903(A)(1), and 35 P.S. § 780-113(A)(32), respectively.

<sup>3</sup> Ndamage was charged with the crimes of possession with intent to deliver a controlled substance (heroin), criminal conspiracy, and possession of drug paraphernalia.

ments as the fruit of an allegedly unconstitutional and illegal search of Lausell's person and property.<sup>4</sup> A suppression hearing was held on January 17, 2017, at the conclusion of which the Court denied the motion in its entirety on the record. N.T., Suppression/Stipulated Bench Trial, No. 3034-2016, at 59. Lausell waived his right to a jury trial on the drug possession charges at No. 3034-2016, and after a recess during which Lausell conferred extensively with counsel, the case proceeded to a stipulated bench trial immediately following the suppression hearing on January 17, 2017. *Id.* at 61-63. The trial concluded with a verdict of guilty on all charges. *Id.* at 74. Following the verdict at No. 3034-2016, sentencing was deferred pending a pre-sentence investigation. *Id.* at 74-75. On January 19, 2017, Lausell testified in support of his co-conspirator and paramour, Ndamage, during the trial of her charges at Docket No. 3041-2016.

A jury trial for Lausell was scheduled for April 17, 2017, on the person not to possess firearms charges at Information No. 3033-2016.<sup>5</sup> After a day and a half of testimony, the jury convicted Lausell of both firearms charges on April 18, 2017. N.T., Trial, No. 3033-2016, at 301.

On July 21, 2017, Lausell was sentenced at No. 3033-2016 to concurrent terms of 10 to 20 years' incarceration in a state correctional institution for each of the two firearms convictions. At No. 3034-2016, Lausell received consecutive sentences of 7-1/2 to 15 years' incarceration for PWID and criminal conspiracy, as well as a concurrent sentence of 6 to 12 months for possession of drug paraphernalia. The 10-to-20-year sentence at No. 3033-2016 was made consecutive to the 15-to-30-year sentence at No. 3034-2016 for an aggregate sentence of 25 to 50 years' incarceration. Lausell was ineligible for a recidivism risk reduction incentive (RRRI) sentence due to the quantity of drugs found. Lausell was represented at trial and sentencing by private counsel, Edwin G. Pfur-sich, Esquire (trial counsel).

An entry of appearance was filed on July 24, 2017, by Thomas D. Kenny, Esquire, as privately-retained counsel for Lausell. On July 31, 2017, counsel filed a timely post sentence motion for reconsideration of sentence, requesting a mental health valuation and drug and alcohol evaluation for purposes of resentencing. That post sentence motion was denied by Order of November 21, 2017.<sup>6</sup>

A timely *pro se* appeal to the Superior Court of Pennsylvania was filed on December 15, 2017.<sup>7</sup> The Superior Court affirmed the judgment of sentence on November 15, 2018. *Commonwealth v. Lausell*, 201 A.3d 853 (Table) (Pa. Super. Ct. 2018); *see also Commonwealth v.*

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<sup>4</sup> In the suppression motion, Lausell claimed that the search and arrest were illegal, and violated Lausell's rights as guaranteed by the United States Constitution, as well as the Pennsylvania Constitution, on the following grounds: (1) there was no valid warrant; (2) the police lacked reasonable suspicion or probable cause to search or to conduct an unlawful arrest; and (3) the arrest was the result of and the fruit of the illegal search of the residence and vehicle. Additionally, Lausell sought to suppress certain statements made by him to the police while in custody without having received the benefit of *Miranda* warnings.

<sup>5</sup> The two charges of firearms not to be carried without a license were *nolle prossed* prior to trial.

<sup>6</sup> The Clerk of Courts failed to notify Chambers that a motion for reconsideration of sentence had been filed by counsel. I only became aware of that motion when Lausell wrote me personally on November 14, 2017, inquiring as to the status of counsel's motion.

<sup>7</sup> Attorney Kenny did not file a motion to withdraw, as mandated by Pa.R.Crim.P. 120(B). The record suggests, however, that he was retained by Lausell for post-sentence purposes only and not for appellate purposes.

*Lausell*, No. 408 MDA 2018, 2018 WL 7284267 (Memo. Op.) (Pa. Super. Ct. 2018). Lausell filed a timely petition for allowance of appeal, which was denied by the Pennsylvania Supreme Court. *Commonwealth v. Lausell*, 652 Pa. 301, 208 A.3d 459 (Table) (2019).

On May 29, 2020,<sup>8</sup> Lausell, acting *pro se*, filed a timely<sup>9</sup> petition for post conviction collateral relief raising no less than six ineffective assistance of counsel claims. Pursuant to Rule 904(A) of the Pennsylvania Rules of Criminal Procedure, Daniel C. Bardo, Esquire (PCRA counsel), was appointed on June 5, 2020,<sup>10</sup> to represent Lausell on his collateral claims and was granted 90 days leave to file an amended petition, if appropriate. After receiving an extension of time in order to complete a conscientious and thorough review of the entire record, Attorney Bardo concluded that the petition did not present any issues of arguable merit and was frivolous as a matter of law. Accordingly, on November 3, 2021, he submitted a “no merit” letter to Lausell and filed with the Court a motion for withdrawal as counsel. After reviewing the *pro se* PCRA petition and counsel’s “no merit letter,” the Court conducted its own independent review of the record and found there to be no disputed issues of material fact, that Lausell was not entitled to post conviction collateral relief, and that no purpose would be served by any further proceedings. Therefore, pursuant to Pa. R.Crim.P. 907(1), the Court gave notice to Lausell of its intent to deny his PCRA petition for these reasons. Lausell was given 30 days to respond to the Rule 907 Notice, and on January 4, 2021, he filed an Objection to the Court’s 907 Notice of Intent to Dismiss (“Objection”). In the Objection, Lausell raised for the first time the argument that his decision to forego a favorable plea agreement with the Commonwealth on Docket No. 3034-2016 was based on the ineffective assistance of counsel. Specifically, Lausell alleged in the Objection that he relied on an erroneous belief, which trial counsel failed to correct, that police officers had not obtained a valid warrant for placement of a GPS tracker on his automobile that had yielded data law enforcement used, in part, to obtain the search warrants at issue in Lausell’s pre-trial motion to suppress.<sup>11</sup> He claims this erroneous belief was “[o]ne of the major factors” in his decision to reject a plea offer which, if accepted by the Court, would have resulted in substantially less incarceration.

On January 29, 2021, the Court directed PCRA counsel to review the

<sup>8</sup> The pleading is deemed filed on the date of mailing, May 29, 2020, rather than the date of docketing, June 1, 2020, pursuant to the “prisoner mailbox rule.” *Commonwealth v. Crawford*, 17 A.3d 1279, 1281 (Pa. Super. 2011) (“Under the prisoner mailbox rule, we deem *pro se* document filed on the date it is placed in the hands of prison authorities for mailing.”).

<sup>9</sup> Under the PCRA, “any petition, including a second or subsequent petition, shall be filed within one year (plus 30 days) of the date the judgment becomes final.” 42 Pa. C.S.A. §9545(b)(1). Lausell’s petition to the Pennsylvania Supreme Court for allowance of appeal was denied on May 14, 2019, and his judgment became final on August 14, 2020, when his time for petitioning for review in the United States Supreme Court expired. Lausell timely filed his PCRA petition on May 29, 2020.

<sup>10</sup> It should be noted that Lausell filed his petition approximately two months after the Court issued its first in a series of administrative orders declaring a judicial emergency in response to the COVID-19 pandemic. Since that time, the administrative orders have been continuously revised and extended, allowing the Court to operate under varying degrees of restriction in order to meet the needs of both its employees and the public as safely and efficiently as possible. Any gaps in the timeline of the procedural history in this matter are attributable to these extraordinary circumstances.

<sup>11</sup> In his original PCRA filing, Lausell alleges trial counsel rendered ineffective assistance by failing to object to the search warrants whose validity was based, in part, on information obtained from a GPS tracker installed by investigators on Lausell’s vehicle. Lausell originally stated “[t]here is no record of any Order or warrant authorizing this tracking, therefore, it was illegal and/or unconstitutional.” See PCRA Petition at 6-7. While investigating this claim, however, Attorney Bardo obtained a copy of a valid, sealed Order, dated June 1, 2016, which authorized the installation and use of the mobile tracking device at issue. Based on the existence of the warrant, Attorney Bardo determined Lausell’s claim to be meritless.

new issue raised by Lausell in the Objection and to respond appropriately. Consequently, PCRA counsel filed a Second Amended Petition for Post-Conviction Relief on March 3, 2021. The Commonwealth filed a response on March 26, 2021, and the Court held an evidentiary hearing on August 4, 2021, limited to the sole issue of whether trial counsel was ineffective for failing to obtain and discuss with Lausell the underlying warrant for the GPS tracker. Both Lausell and his trial counsel testified at the PCRA hearing, at the conclusion of which the Court established a briefing schedule for argument. See N.T., PCRA Hearing, August 4, 2021. Lausell filed his counseled Brief in Support of PCRA Relief on September 13, 2021, and the Commonwealth filed its Brief in Opposition on January 7, 2022.

## II. ELIGIBILITY FOR PCRA RELIEF

A defendant seeking relief pursuant to the PCRA is eligible only if he pleads and proves, by a preponderance of the evidence, that (1) he has been convicted of a crime and is currently serving a sentence of imprisonment, probation or parole for the crime, (2) his conviction has resulted from one or more of the enumerated errors or defects found in § 9543(a)(2) of the PCRA, (3) he has not waived or previously litigated the issues he raises, and (4) the failure to litigate the issue prior to and during trial, or on direct appeal could not have been the result of any rational, strategic, or tactical decision by counsel. 42 Pa.C.S.A. § 9543(a)(2), (3), (4).

In order to prevail on a claim of ineffective assistance of counsel made in the post conviction context, a defendant must overcome the presumption that counsel is effective by establishing by a preponderance of the evidence that: the underlying claim has arguable merit; trial counsel had no reasonable basis for proceeding as he did; and the defendant suffered prejudice. See 42 Pa.C.S.A. § 9543(a)(2)(ii); *Spotz*, 616 Pa. at 187, 47 A.3d at 76 (citing *Commonwealth v. Pierce*, 515 Pa. 153, 158-59, 527 A.2d 973, 975-76 (1987)).

To establish the prejudice prong, the defendant must show a reasonable probability that the outcome of the proceedings would have been different but for counsel's ineffectiveness. *Commonwealth v. Chmiel*, 612 Pa. 333, 362-63, 30 A.3d 1111, 1127-28. "We stress that boilerplate allegations and bald assertions of no reasonable basis and/or ensuing prejudice cannot satisfy a defendant's burden to prove that counsel was ineffective." *Id.* (quoting *Commonwealth v. Paddy*, 609 Pa. 272, 292, 15 A.3d 431, 443 (2011)).

A petitioner's failure to establish any of the three prongs will defeat his claim of ineffective assistance. *Commonwealth v. Mason*, 130 A.3d 601, 618 (Pa. 2015). Our Supreme Court has held this three-pronged analysis may be conducted in any order, and a PCRA court may begin its analysis with any element where a claim may fail. *Commonwealth v. Hannibal*, 156 A.3d 197, 207 (Pa. 2016). Therefore, if a PCRA court finds that a petitioner cannot establish the prejudice prong because he has failed to show a reasonable probability that the outcome of the proceedings would have been different but for counsel's alleged inef-

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fectiveness, the PCRA court may dismiss the claim on that basis alone without inquiry into the first two prongs of the analysis. *Chmiel*, 889 A.2d at 540 (Pa. 2005).

### III. DISCUSSION

#### A. *Pro se Claims*

Lausell's original, *pro se* PCRA petition claimed his trial counsel rendered ineffective assistance based on the following:

1. failing to challenge the use of a GPS tracing device on Lausell's vehicle;
2. withdrawing several suppression claims related to the search of Lausell's vehicle;
3. failing to strike Juror 19;
4. failing to challenge testimony about the meaning of the word "jawn"; and
5. failing to object to prior bad acts evidence.

Finally, Lausell alleged that his sentences were illegal because they exceeded the lawful maximum penalty.

Upon appointment by the Court, PCRA counsel conducted a careful review and analysis of each of the above stated issues Lausell wished to raise. Finding that each issue lacked merit, PCRA counsel explained his analysis and conclusions in a *Finley/Turner* letter<sup>12</sup> to Lausell dated November 3, 2020. Upon receipt and review of PCRA counsel's subsequently filed petition to withdraw as counsel, along with a copy of the *Finley/Turner* letter, the Court conducted its independent analysis of the issues Lausell raised and agreed with PCRA counsel's conclusions that based on the record, each issue lacked merit, Lausell was not entitled to post conviction collateral relief, and no purpose would be served by any further proceedings. Therefore, the Court filed its notice pursuant to Pa. R.Crim.P. 907(a). Responding to the 907 Notice, Lausell alleged that it was only upon reading PCRA counsel's *Turner/Finley* letter that he learned that a valid warrant (GPS warrant) existed for placement of the GPS tracker on his vehicle. He maintained that had he known of that valid warrant, he would have accepted a favorable plea offer from the Commonwealth and not proceeded with a stipulated bench trial at Docket No. 3034-2016. Lausell's response prompted the Court to re-examine his ineffective assistance of counsel claim with regard to the suppression hearing and to order PCRA counsel to respond to that issue specifically. After PCRA counsel filed an Amended Petition on the issue and the Commonwealth responded thereto, the Court granted a limited evidentiary hearing upon that issue alone. It is that issue alone, therefore, that the Court will address in this Opinion as the Court remains firm in its prior conclusion that the remaining four issues raised in the original *pro se* PCRA are meritless and must be denied for the reasons stated in PCRA counsel's *Finley/Turner* letter, the reasoning and analysis of which this Court hereby adopts as its own.

#### B. *The GPS Tracking Device*

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<sup>12</sup> PCRA counsel filed this letter pursuant to *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988) and *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988) because the petition was meritless and could not be amended to state a meritorious claim.

As set forth above, Lausell alleges that he learned for the first time during these PCRA proceedings that the Commonwealth did indeed have a valid GPS warrant for the vehicle in question, and he contends that such missing information “was material to his decision to proceed to a stipulated bench trial on [No. 3034-2016].” 9/13/2021 Br. of Def. at 1. Lausell maintained prior to the evidentiary hearing that had he known there was a valid GPS warrant, he would have chosen to accept a plea offer from the Commonwealth rather than submit to a stipulated bench trial. At the PCRA hearing, however, Lausell amended his argument to claim instead that if he had known there was a valid GPS warrant, he would have chosen to proceed to a jury trial rather than submit to the stipulated bench trial as he did.<sup>13</sup> This amended argument, however, completely lacks merit for the straightforward reason the Court explained at the PCRA hearing: Lausell simply cannot demonstrate that the outcome of the proceedings would have been different had he known about the GPS warrant. Whether he knew of the GPS warrant or not, he would have been precluded from challenging that warrant before a jury at a jury trial, and thus he could not have suffered prejudice. N.T., PCRA Hearing at 19-20.

For the sake of efficiency, the Court will assume, *arguendo*, that trial counsel should have requested a copy of the GPS warrant upon learning at the suppression hearing that the two search warrants at issue were supported, at least in part, by data retrieved from a GPS device.<sup>14</sup> The fact that trial counsel did not obtain the GPS warrant, however, could not have caused prejudice to Lausell; the GPS warrant itself as well as the two search warrants were indisputably supported by probable cause. In fact, with regard to the search warrants, testimony at both the suppression hearing and the PCRA hearing showed that even if data from the GPS tracking device had been excluded from the suppression court’s analysis, the suppression motion would still have been denied because the two search warrants at issue were supported by adequate independent probable cause. N.T. PCRA Hearing at 26. The Court agrees. Thus, even if trial counsel had obtained the GPS warrant and successfully challenged its validity at the suppression hearing, its invalidation would have had no effect on the suppression court’s ultimate finding that the search warrants were valid. The suppression motion would still have been denied.

Based on the foregoing analysis, this Court finds it implausible that Lausell would have made a different decision regarding the type of trial he chose based solely on possession of the GPS warrant, and his testimony to the contrary lacks any credibility.<sup>15</sup> Even if he had chosen a

<sup>13</sup> The record at the PCRA hearing established that the Commonwealth had not ever, in fact, extended a plea offer to Lausell for the drug charges at No. 3034-2016.

<sup>14</sup> Without belaboring the point, the Court notes briefly that while trial counsel admitted that in retrospect he should have requested the GPS warrant in order to make “a complete file,” he also articulated a perfectly valid and reasonable basis for his decision not to do so: he had examined the affidavit in support of the search warrants and believed those warrants to be sufficiently supported by probable cause, even without any of the data from the GPS tracking device. N.T., PCRA Hearing at 24-25. Thus, the Court finds it a stretch even to assume, *arguendo*, that counsel was ineffective in this regard.

<sup>15</sup> To the contrary, testimony established that Lausell had no interest in pursuing a trial because his main objective was to litigate his own charges in a manner that would place his then-paramour and co-defendant, Ms. Ndamage, in the most advantageous position for her own trial. N.T. PCRA Hearing at 26-27, 29, 33, 36-37.

jury trial, the existence of the valid GPS warrant would have had zero effect on the outcome of Lausell's case. Lausell labors under the mistaken belief that had he chosen a jury trial, he would have been permitted to challenge the validity of the GPS warrant a second time, before his jury. As the Court explained during the PCRA Hearing, this is simply could not and would not have occurred. Any use of the GPS warrant and/or data at trial would only have weakened Lausell's defense while bolstering the Commonwealth's case against him. In short, Lausell's ineffective assistance of counsel claim on the issue of the GPS warrant fails for lack of prejudice. N.T. PCRA Hearing at 19-20.

*C. Motion to Amend PCRA Petition*

Finally, Lausell filed a *pro se* motion on December 6, 2021,<sup>16</sup> entitled motion Seeking Leave to Amend Pending PCRA Petition. The Clerk of Courts stamped the motion on December 8, 2021, but unfortunately and for reasons unknown to this Court, that motion was neither docketed, mailed to PCRA counsel, nor brought to the Court's attention by the Clerk of Courts until sometime in March, 2022. Typically, the Court would be forbidden from considering this *pro se* motion as Lausell is represented by court-appointed PCRA counsel, and a criminal defendant has no constitutional right to hybrid representation. Such hybrid representation has been expressly precluded by our Supreme Court, whether at trial, on appeal, or during PCRA proceedings. See *Commonwealth v. Jette*, 611 Pa. 166, 23 A.3d 1032, 1038-40 (2011); *Commonwealth v. Pursell*, 555 Pa. 233, 724 A.2d 293, 302 (1999); *Commonwealth v. Ellis*, 534 Pa. 176, 626 A.2d 1137, 1139 (1993). See also *Commonwealth v. Willis*, 29 A.3d 393, 400 (Pa. Super. 2011). Pennsylvania Rule of Criminal Procedure 576(A)(4) addresses hybrid representation before the courts of common pleas, mandating that the *pro se* filing be received and docketed, but then forwarded to counsel: "In any case in which a defendant is represented by an attorney, if the defendant submits for filing a written motion, notice, or document that has not been signed by the defendant's attorney, the clerk of courts shall accept it for filing" and send a copy to the attorney of record in the case within ten days of receipt. *Id.*

In this case, however, not only did the Clerk of Courts' office neglect to docket the *pro se* motion for three months, it failed altogether to send a copy of the motion to PCRA counsel of record in compliance with Rule 576(A)(4). In the interests of justice, therefore, the Court has reviewed the motion to amend and found it lacking in merit. Lausell alleges, without support, that since the time of filing his PCRA petition, he has come into possession of documents reflecting allegations filed by the Commonwealth's Attorney against Lancaster Police Officer John Burkhart, accusing Officer Burkhart of various acts of misconduct.<sup>17</sup> Lausell maintains that Officer Burkhart's alleged misconduct somehow also casts aspersions on the conduct and character of Detective Vance, who was the lead investigator and a key witness against Lausell at his

<sup>16</sup> See "prisoner mailbox rule", *supra* n.8.

<sup>17</sup> Lausell refers in his filing to two exhibits that allegedly contain documentation of this investigation, yet the Court cannot locate either exhibit in the official file maintained by the Clerk of Courts.

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trials. Based on this information, Lausell asks the Court to “Order discovery compelling the Commonwealth to provide [Lausell] with all investigations, statements, evidence and reports of conclusions and/or discipline or charges connected to the investigation of the [Lancaster County Drug Task Force].”

To be entitled to relief under the PCRA on the basis of “after-discovered” evidence, the petitioner must plead and prove by a preponderance of the evidence “[t]he unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced.” 42 Pa. C.S.A. § 9543(a)(2)(vi). As our Supreme Court has summarized:

To obtain relief based on after-discovered evidence, [defendant] must demonstrate that the evidence: (1) could not have been obtained prior to the conclusion of the trial by the exercise of reasonable diligence; (2) is not merely corroborative or cumulative; (3) will not be used solely to impeach the credibility of a witness; and (4) would likely result in a different verdict if a new trial were granted. *Commonwealth v. Pagan*, 597 Pa. 69, 106, 950 A.2d 270, 292 (2008). This test is conjunctive; “the defendant must show by a preponderance of the evidence that each of these factors has been met in order for a new trial to be warranted.”

*Commonwealth v. Padillas*, 997 A.2d 356, 363 (Pa. Super. 2010).

After careful review, the Court finds that Lausell cannot meet this burden. Based on the content of Lausell’s motion, the alleged “after-discovered evidence” he wishes to explore is irrelevant to his guilt or innocence. Lausell wishes to gain access to documents pertaining to the investigation of a Lancaster police officer who, based on the established record, had no involvement in the investigation, arrest, prosecution, or trial of Lausell on either docket. It appears that Lausell hopes to find within the requested materials some indications or evidence he might use to impugn the character and good name of Detective Vance, the lead law enforcement officer who actually did participate in the investigation and prosecution of Lausell’s criminal endeavors. Given the total lack of a connection between Officer Burkhart and Lausell’s case, along with the purely speculative nature of Lausell’s allegations regarding Detective Vance’s supposed misconduct, the Court cannot and will not grant discovery. Even assuming, based on the limited information Lausell has provided, that there may be statements about Detective Vance somewhere in the files relating to Officer Burkhart, the only possible use of the type of evidence Lausell seeks would be impeachment of Detective Vance’s credibility. This type of evidence fails to satisfy the standard for granting PCRA relief or a new trial. See *Pagan*, 950 A.2d at 292. Therefore, Lausell’s motion to amend his PCRA will be denied.

#### **IV. CONCLUSION**

For the reasons set forth above, the Court finds that Petitioner David Lausell’s counseled Amended PCRA petition is meritless and must be denied. Accordingly, the Court enters the following:

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**ORDER**

AND NOW, this 20th day of May, 2022, upon consideration of Petitioner David Lausell's petition for post conviction collateral relief, the briefs filed by the parties, and after a hearing in this matter, it is hereby ORDERED that said petition is DENIED.

It is further ORDERED that Petitioner's subsequently filed pro se motion to amend is DENIED.

Pursuant to Pa. R.Crim.P. 907(4), this Court advises Petitioner that he has the right to appeal from this Order. **Petitioner shall have 30 days from the date of this final Order to appeal to the Superior Court of Pennsylvania. Failure to appeal within 30 days will result in the loss of appellate rights.**

BY THE COURT:

DAVID L. ASHWORTH  
PRESIDENT JUDGE

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**ESTATE AND TRUST NOTICES**

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

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**FIRST PUBLICATION**

**Bonholtzer, Elizabeth D. a/k/a Elizabeth Bonholtzer**, dec'd.

Late of Providence Township.  
Executor: Mary Ellen Peffley c/o Barbara Reist Dillon, Esquire, 212 North Queen Street, Lancaster, PA 17603.  
Attorney: Nikolaus & Hohenadel, LLP.

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**Cline, Janet W.**, dec'd.

Late of Colerain Township.  
Executor: Randy Adams c/o Nikolaus & Hohenadel, LLP, 303 West Fourth Street, Quarryville, PA 17566.  
Attorney: John C. Hohenadel, Esquire.

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**Cullen, Linda S.**, dec'd.

Late of Lancaster Township.  
Executor: Dustin C. Carl c/o Vance E. Antonacci, Esquire, McNeese Wallace & Nurick LLC, 570 Lausch Lane, Suite 200,

Lancaster, PA 17601.  
Attorney: McNeese Wallace & Nurick LLC.

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**DiPaolo, Anthony B.**, dec'd.

Late of Lancaster.  
Executrix: Beth D. DiPaolo, 419 Lewisville Road, Lincoln University, PA 19352.  
Attorney: None.

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**Doster, Shirley A.**, dec'd.

Late of West Donegal Township.  
Executors: Rochelle Ann Darrenkamp, Diane Marie Burns c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.  
Attorney: James W. Appel, Esquire.

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**Etter, Thelma S.**, dec'd.

Late of the Township of Earl.  
Executor: Daniel V. Etter c/o Douglas A. Smith, Attorney, P.O. Box 5349, Lancaster, PA 17606.  
Attorneys: Gibbel Kraybill & Hess LLP.

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**Fracica, Julia Theresa**, dec'd.

Late of Ephrata Township.  
Executrix: Laura E. Castelli.  
Attorney: Steven D.W. Miller, Esq., CELA, Miller Law Firm PC, 718 Poplar Street, Suite 1, Lebanon, PA 17042.

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**Gingerich, Gladys R.**, dec'd.

Late of Manheim Township.  
Executor: Duane E. Gingerich c/o Blakinger Thomas, PC, 28 Penn Square, Lancaster, PA 17603.  
Attorneys: Blakinger Thomas, PC.

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**Grover, Earle H.**, dec'd.

Late of East Drumore Township.  
Executor: Edward Hallowell c/o

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Angelo J. Fiorentino, Attorney,  
P.O. Box 5349, Lancaster, PA  
17606.  
Attorney: Gibbel Kraybill & Hess  
LLP.

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**Hemingway, Robert M.**, dec'd.  
Late of Ephrata Borough.  
Executor: Shawn M. Hemingway  
c/o Steven R. Blair, Attorney at  
Law, 650 Delp Road, Lancaster,  
PA 17601.  
Attorney: Steven R. Blair, Esq.

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**Hillegas, Sally A.**, dec'd.  
Late of Pequea Township.  
Executor: Keith Hillegas c/o  
Bellomo & Associates, LLC,  
3198 East Market Street, York,  
PA 17402.  
Attorney: Daniel D. Hill, Es-  
quire.

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**Holowaty, Luba A.**, dec'd.  
Late of West Lampeter Town-  
ship.  
Executor: Gloria Tartock c/o  
Kling, Deibler & Glick, LLP, 131  
W. Main Street, New Holland, PA  
17557.  
Attorney: Patrick A. Deibler,  
Esq., Kling, Deibler & Glick,  
LLP.

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**Horton, Joanne M.**, dec'd.  
Late of West Lampeter Twp.  
Executor: Kenneth W. Horton  
c/o Appel Yost & Zee LLP, 33  
North Duke Street, Lancaster,  
PA 17602.  
Attorney: Jeffrey P. Ouellet, Es-  
quire.

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**Jones, Joseph F.**, dec'd.  
Late of West Donegal Township.  
Executor: Matthew Jones c/o  
James D. Cameron, Esq., 1325  
North Front Street, Harrisburg,  
PA 17102.

Attorney: James D. Cameron,  
Esq., 1325 North Front Street,  
Harrisburg, PA 17102.

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**Keinard, Jay W. a/k/a Jay Wil-  
bur Keinard**, dec'd.  
Late of Manor Township.  
Executor: Kenneth J. Keinard  
c/o Steven R. Blair, Attorney at  
Law, 650 Delp Road, Lancaster,  
PA 17601.  
Attorney: Steven R. Blair, Esq.

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**Keiser, Judith A.**, dec'd.  
Late of Manheim Township.  
Executor: Karen Young, Joseph  
K. Keiser c/o May Herr & Grosh,  
LLP, 49 North Duke Street, Lan-  
caster, PA 17602.  
Attorney: John Hartman May.

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**King, Benjamin Z.**, dec'd.  
Late of East Lampeter Township.  
Executor: Henry Z. King c/o  
Nevin D. Beiler, Esq., 105 S.  
Hoover Ave., New Holland, PA  
17557.  
Attorney: Nevin D. Beiler, Esq.

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**Kreider, Betsy A.**, dec'd.  
Late of West Earl Township.  
Executor: Lori D. Eckert c/o  
Good & Harris, LLP, 132 West  
Main Street, New Holland, PA  
17557.  
Attorneys: Good & Harris, LLP.

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**LaBow, Cheryl A. a/k/a Cheryl  
Ann LaBow**, dec'd.  
Late of Mountville Borough.  
Executor: Alan J. LaBow c/o  
Randy R. Moyer, Esquire, Bar-  
ley Snyder LLP, 126 East King  
Street, Lancaster, PA 17602.  
Attorneys: Barley Snyder LLP.

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**Lawrence-Shirk, Grace Thorn-  
ton a/k/a Grace L. Shirk a/k/a**

**Grace T. Lawrence Shirk a/k/a Grace Shirk**, dec'd.

Late of Manheim Township.  
Executor: Eric J. Lawrence, 1814 Powder Mill Road, York, PA, 17402.  
Attorney: Terence J. Barna, Esquire, BENN LAW FIRM, 103 East Market Street, P.O. Box 5185, York, PA 17405-5185.

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**Leaman, Shirley Anne**, dec'd.

Late of Pequea Township.  
Executor: Christine E. Waidley c/o Jennifer L. Mejia, Mejia Law Group, LLC, 1390 W. Main Street, Ephrata, PA 17522.  
Attorney: Mejia Law Group, LLC.

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**Lefever, Shirley A.**, dec'd.

Late of Lancaster.  
Executor: Dawn M. Wiker, 2536 S. Cherry Lane, Ronks, PA 17572.  
Attorney: R. Douglas Good, Esq., 132 West Main Street, New Holland, PA 17557.

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**Lick, John H., III**, dec'd.

Late of Elizabethtown.  
Executor: Kenneth C. Long, Jr. c/o David C. Miller, Jr., Esq., 1846 Bonnie Blue Lane, Middletown, PA 17057.  
Attorney: David C. Miller, Jr., Esq.

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**Little, Margaret E. a/k/a Betty Little, a/k/a Elizabeth Little a/k/a Margaret Elizabeth Little**, dec'd.

Late of Eden Township.  
Executrix: Mary Beth Hellberg c/o Mongiovi Law, LLC, 235 North Lime Street, Lancaster, PA 17602.  
Attorney: Michael J. Mongiovi.

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**MacVaugh, Thomas W.**, dec'd.

Late of Manor Township.  
Executrix: Janice H. MacVaugh c/o Russell, Krafft & Gruber, LLP, 101 North Pointe Blvd, Suite 202, Lancaster, PA 17601.  
Attorney: Aaron K. Zeamer, Esquire.

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**McComsey, Ralph B., Jr.**, dec'd.

Late of West Lampeter Township.  
Executors: Douglas Alan McComsey, Victoria A. Hines c/o Appel, Yost & Zee LLP, 33 N. Duke St., Lancaster, PA 17602.  
Attorney: Michael J. Rostolsky.

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**McGinley, Joseph C.**, dec'd.

Late of East Lampeter Township.  
Executor: Kim A. Smith c/o Belomo & Associates, LLC, 3198 East Market Street, York, PA 17402.  
Attorney: Daniel D. Hill, Esquire.

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**Molloy, Ann J.**, dec'd.

Late of Manheim Township.  
Executor: Kevin R. Molloy c/o Law Office of Shawn Pierson, 105 East Oregon Road, Lititz, PA 17543.  
Attorney: Shawn M. Pierson, Esq.

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**Moquin, Ross Bassett a/k/a Ross B. Moquin, M.D. a/k/a Ross B. Moquin**, dec'd.

Late of Columbia.  
Executor: Robert Daniel Moquin c/o Stock and Leader, 221 West Philadelphia Street, Suite 600, York, PA 17401-2991.  
Attorney: MacGregor J. Brillhart, Esq.

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**Mumma, Ruth W.**, dec'd.

Late of Brecknock Township.

Executor: Donna E. Trusty, Dawn M. Smith c/o Anthony P. Schimaneck, 700 North Duke Street, P.O. Box 4686, Lancaster, PA 17604-4686.

Attorney: Morgan, Hallgren, Crosswell & Kane, P.C.

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**Murrey, Calvin Kyle**, dec'd.

Late of Lancaster Township.  
Administrator: Leslie Cradic c/o John H. May, Esquire, 49 North Duke Street, Lancaster, PA 17602.

Attorney: May, Herr & Grosh, LLP.

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**Neff, Ellen R.**, dec'd.

Late of Paradise Township.  
Executors: Richard J. Neff, Susan A. Smoker c/o Law Office of James Clark, 277 Millwood Road, Lancaster, PA 17603.  
Attorney: James R. Clark.

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**Ober, Robert E.**, dec'd.

Late of Penn Township.  
Executors: Bette Jane Foreman c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.  
Attorney: Young and Young.

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**Pack, Shelly A.**, dec'd.

Late of Warwick Township.  
Co-Executors: Ashley Weatherlow, Aaron Weatherlow c/o Angelo J. Fiorentino, Attorney, P.O. Box 5349, Lancaster, PA 17606.  
Attorney: Gibbel Kraybill & Hess LLP.

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**Petersheim, Isaac John a/k/a Isaac J. Petersheim**, dec'd.

Late of East Lampeter Township.  
Administrators: Christian B. Petersheim, Esther Petersheim c/o Nevin D. Beiler, Esq., 105

S. Hoover Ave., New Holland, PA 17557.

Attorney: Nevin D. Beiler, Esq.

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**Root, Esther M. a/k/a Esther Root**, dec'd.

Late of Manheim Township.  
Executor: Troy W. Root c/o Robert M. Going, Jr., Esq., Going & Plank, 140 E. King Street, Lancaster, PA 17602.

Attorney: Robert M. Going, Jr., Esq.

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**Rothschild, J. David, Sr. a/k/a J. David Rothschild a/k/a J.D. Rothschild**, dec'd.

Late of Terre Hill Borough.  
Executor: Judy P. Rothschild c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.  
Attorney: Linda Kling, Esq., Kling, Deibler & Glick, LLP.

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**Saylor, Allan C.**, dec'd.

Late of Est Earl Township.  
Executrix: Janet D. Saylor, 325 Hilltop Dr., W. Earl Township, PA 17522.  
Attorney: Joseph D. Silvaggio, Esq., 5500 Corporate Drive, Suite 150, Pittsburgh, PA 15237.

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**Shenk, Patricia Anne**, dec'd.

Late of West Lampeter Township.  
Executrix: Nichole M. Baer c/o Russell, Krafft & Gruber, LLP, 101 North Pointe Blvd, Suite 202, Lancaster, PA 17601.  
Attorney: Lindsay M. Schoeneberger, Esquire.

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**Tomlinson, John F.**, dec'd.

Late of Penn Township.  
Executor: Ian Ashley Tomlinson c/o Pyfer, Reese, Straub, Gray & Farhat, P.C., 128 N. Lime Street,

Lancaster, PA 17602.  
Attorney: Pyfer, Reese, Straub,  
Gray & Farhat, P.C.

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**Villanueva, Cecilio**, dec'd.  
Late of West Lampeter Town-  
ship.  
Administratrix: Francisca Ville-  
nueva DeJesus c/o Jeremy D.  
Wagner, Esq., P.O. Box 323, Pal-  
myra, PA, 17078.  
Attorney: Jeremy D. Wanger,  
Esq.

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**Ward, Fred L. a/k/a Fred Lee  
Ward**, dec'd.  
Late of Lancaster County.  
Administrator: Nancy A. Ward,  
335 Walter Ave., Lancaster, PA  
17602.  
Attorney: None.

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**Weigher, Mary H. a/k/a Mary  
Weigher**, dec'd.  
Late of Christiana City.  
Executor: Steve M. Moore c/o  
Patrick J. Schaeffer, Esquire and  
Laura E. Bayer, Esquire, Trinity  
Law, 1681 Kenneth Road, Build-  
ing 2, York, PA 17408.  
Attorneys: Patrick J. Schaeffer,  
Esq., Laura E. Bayer, Esq.

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**Wilburn, Carlos R.**, dec'd.  
Late of West Lampeter Town-  
ship.  
Administrators: Carla W. Dru-  
mond, William C. Wilburn c/o  
Law Office of James Clark, 277  
Millwood Road, Lancaster, PA  
17603.  
Attorney: James R. Clark.

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**SECOND PUBLICATION**

**Allgyer, J. Emanuel a/k/a John  
Emanuel Allgyer**, dec'd.  
Late of Salisbury Township.  
Co-Executors: Emanuel J.

Allgyer, Samuel Blank c/o Nich-  
olas T. Gard, Esquire, 121 E.  
Main Street, New Holland, PA  
17557.  
Attorneys: Smoker Gard Associ-  
ates LLP.

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**Bradford, Kenneth R, Jr. a/k/a  
Kenneth R. Bradford**, dec'd.  
Late of West Donegal Township.  
Executor: Daniel R. Loraw, Jr.  
c/o Nikolaus & Hohenadel, LLP,  
222 South Market Street, Suite  
201, Elizabethtown, PA 17022.  
Attorney: Jeffrey S. Shank, Es-  
quire.

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**Brosius, Marjorie A. a/k/a Mar-  
jorie Anne Brosius**, dec'd.  
Late of West Donegal Township.  
Executor: Phillip D. Kuntz c/o  
Nikolaus & Hohenadel, LLP, 222  
S. Market St., Suite 201, Eliza-  
bethtown, PA 17022.  
Attorney: John M. Smith, Es-  
quire.

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**Budusky, Mary T. a/k/a Mary C.  
Budusky**, dec'd.  
Late of Lancaster Township.  
Co-Executors: Charles Kevin  
Budusky, Bruno Tucci  
Mary T. Budusky Revocable  
Trust dtd. 08/08/2013.  
Co-Trustees: Charles Kevin Bu-  
dusky, Bruno Tucci c/o Jeffrey  
C. Goss, Esquire, 480 New Hol-  
land Avenue, Suite 6205, Lan-  
caster, PA 17602.  
Attorneys: Brubaker Connaugh-  
ton Goss & Lucarelli LLC.

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**Costello, Kenneth**, dec'd.  
Late of the Borough of Lancast-  
er.  
Executor: Scott Huyard, 101-3  
New Street, Blue Ball, PA 17506.  
Attorney: Clayton A. Lingg, Es-  
quire, Mooney Law, 230 York

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Street, Hanover, PA 17331.

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**Cottingham, Muriel E.**, dec'd.

Late of Lancaster.

Executor: Stephen Cottingham  
c/o Legacy Law, PLLC., 147 W.  
Airport Road, Suite 300, Lititz,  
PA 17543.

Attorney: Neal A. Rice, Esq.

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**Duroni, Charlene D.**, dec'd.

Late of West Lampeter Town-  
ship.

Executor: Charles E. Duroni  
c/o Jeffrey C. Goss, Esquire,  
480 New Holland Avenue, Suite  
6205, Lancaster, PA 17602.

Attorneys: Brubaker Connaugh-  
ton Goss & Lucarelli LLC.

---

**Frybarger, Jane S.**, dec'd.

Late of New Holland.

Executor: Michael I. Frybarg-  
er c/o Good & Harris, LLP, 132  
West Main Street, New Holland,  
PA 17557.

Attorneys: Good & Harris, LLP.

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**Frymoyer, Richard E.**, dec'd.

Late of East Cocalico Township.

Executrix: Cheryl F. Morris, 231  
Cragmont Road, Black Moun-  
tain, NC 28711.

Attorney: Jonathan B. Batdorf,  
Esq., 317 East Lancaster Ave.,  
Shillington, PA 19607.

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**Galiley, Leonard E.**, dec'd.

Late of New Holland Borough.

Executrix: Susan B. Salzman,  
29 Brookside Avenue, Living-  
ston, NJ 07039.

Attorney: None.

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**Gerhart, David S.**, dec'd.

Late of East Cocalico Township.

Administrator: Mark A. Gerhart  
c/o Zimmerman Law Office, 466

Jonestown Road, Jonestown, PA  
17038.

Attorney: Caleb J. Zimmerman,  
Esquire.

---

**Getz, Troy G.**, dec'd.

Late of Ephrata Township.

Executor: Teresa Yoder c/o A.  
Anthony Kilkuskie, 117A West  
Main Street, Ephrata, PA 17522.

Attorney: A. Anthony Kilkuskie,  
117A West Main Street, Ephra-  
ta, PA 17522.

---

**Glick, Elmer S.**, dec'd.

Late of Ephrata Borough.

Executors: Raymond D. Glick,  
John E. Glick c/o Kling, Deibler  
& Glick, LLP, 131 W. Main  
Street, New Holland, PA 17557.

Attorney: Linda Kling, Esq.,  
Kling, Deibler & Glick, LLP.

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**Good, Jeffrey Paul**, dec'd.

Late of Elizabethtown Borough.

Personal Representative: Taylor  
W. Good c/o Megan C. Huff, Es-  
quire, Nestico Druby, P.C., 1135  
East Chocolate Avenue, Suite  
300, Hershey, PA 17033.

Attorney: Megan C. Huff, Es-  
quire.

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**Heim, Richard D.**, dec'd.

Late of Lancaster City.

Executrix: Kimberly A. Gruber  
c/o Jeffrey C. Goss, Esquire,  
480 New Holland Avenue, Suite  
6205, Lancaster, PA 17602.

Attorneys: Brubaker Connaugh-  
ton Goss & Lucarelli LLC.

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**Heisey, Ruth Ann**, dec'd.

Late of the Borough of Lititz.

Executors: Joel R. Heisey,  
Jolynn R. Wickmann c/o John  
R. Gibbel, Attorney, P.O. Box  
5394, Lancaster, PA 17606.

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Attorney: Gibbel Kraybill & Hess, LLP.

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**Hoefner, Katherine S.**, dec'd.

Late of Ephrata Borough.  
Executor: Grace A. Hoefner c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.  
Attorney: Linda Kling, Esq., Kling, Deibler & Glick, LLP.

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**Hoffman, Blanche B.**, dec'd.

Late of Manheim.  
Executor: Tammy J. Tshudy, 916 Hager Street, Lancaster, PA 17603.  
Attorney: Rebecca Batdorf Stone, Esq., 301 East Lancaster Avenue, Shillington, PA 19607.

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**Hoover, Mary Elizabeth**, dec'd.

Late of East Earl Township.  
Administrator: LeRoy H. Hoover c/o Kling, Deibler & Glick, LLP, 131 W. Main Street, New Holland, PA 17557.  
Attorney: Patrick A. Deibler, Esq., Kling, Deibler & Glick, LLP.

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**Lapp, Sarah L.**, dec'd.

Late of Upper Leacock Township.  
Executor: Gideon Lapp c/o Nicholas T. Gard, Esquire, 121 E. Main Street, New Holland, PA 17557.  
Attorneys: Smoker Gard Associates LLP.

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**Lyet, Catherine Marie**, dec'd.

Late of East Hempfield Township.  
Executrix: Judy S. Ware c/o Randy R. Moyer, Esquire, Barley Snyder LLP, 126 East King Street, Lancaster, PA 17602.

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Attorneys: Barley Snyder LLP.

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**Marks, Barbara S.**, dec'd.

Late of Manheim Township.  
Executor: John F. Marks c/o Barbara Reist Dillon, Esquire, 212 North Queen Street, Lancaster, PA 17603.  
Attorney: Nikolaus & Hohe-nadel, LLP.

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**McCune, Richard H.**, dec'd.

Late of West Hempfield Township.  
Executor: Douglas L. Ednie c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, PA 17033.  
Attorney: George W. Porter, Esq.

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**Millisock, Toni Marie a/k/a Toni M. Romig**, dec'd.

Late of East Cocalico Township.  
Administratrix: Yvonne M. Wagner c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.  
Attorney: Kurt A. Gardner.

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**Myers, Ralph L. a/k/a Ralph Leo Myers**, dec'd.

Late of Quarryville Borough.  
Executrix: Marion E. Brooks c/o Jeffrey C. Goss, Esquire, 480 New Holland Avenue, Suite 6205, Lancaster, PA 17602.  
Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

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**Neff, Beverly H. a/k/a Beverly Ann Neff a/k/a Beverly Helnzman Neff**, dec'd.

Late of Manheim Township.  
Executor: William R. Neff, Jr. c/o Steven R. Blair, Attorney at Law, 650 Delp Road, Lancaster, PA 17601.  
Attorney: Steven R. Blair, Esq.

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**Nikodemski, Jeffery J. a/k/a Jeffrey J. Nikodemski**, dec'd.

Late of Clay Township.  
Executor: Joseph C. Nikodemski c/o Gardner and Stevens, P.C., 109 West Main Street, Ephrata, PA 17522.  
Attorney: Kurt A. Gardner.

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**Palguta, Shirley H.**, dec'd.

Late of East Lampeter Township.  
Personal Representative: Michael P. Palguta c/o John S. May, Esquire, 49 North Duke Street, Lancaster, PA 17602.  
Attorney: May, Herr & Grosh, LLP.

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**Reinhart, Lois M.**, dec'd.

Late of Manheim Borough.  
Executor: Randy G. Sweitzer c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.  
Attorney: Young and Young.

---

**Rineer, Joan B.**, dec'd.

Late of Manheim Township.  
Executor: Martin J. Rineer c/o John R. Gibbel, Attorney, P.O. Box 5394, Lancaster, PA 17606.  
Attorney: Gibbel Kraybill & Hess, LLP.

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**Sandoe, Elizabeth M.**, dec'd.

Late of Caernarvon Township.  
Executrix: Mary Jane Buckwalter c/o Nicholas T. Gard, Esquire, 121 E. Main Street, New Holland, PA 17557.  
Attorneys: Smoker Gard Associates LLP.

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**Saupp, Kenneth W., Jr.**, dec'd.

Late of East Lampeter Township.  
Administratrix: Susan E. McNamara Saupp c/o Jeffrey Gon-

ick P.O. Box 604, East Petersburg, PA 17520.

Attorney: Jeffrey Gonick.

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**Schaufert, Florence L.**, dec'd.

Late of East Cocalico Township.  
Co-Executors: Marshall L. Oberholtzer, Robert K. Oberholtzer c/o Douglas A. Smith, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

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**Shue, Vivian Jean a/k/a V. Jean Shue**, dec'd.

Late of Mount Joy Borough.  
Co-Executors: Susan L. Rice-dorf, Sandra J. Schmoel, James M. Shue, Mary L. Shue c/o Scott E. Albert, Esq., 50 East Main Street, Mount Joy, PA 17552.  
Attorney: Scott E. Albert, Esq.

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**Snook, Elisabeth a/k/a Elisabeth C. Snook a/k/a Elizabeth Snook**, dec'd.

Late of Salisbury Township.  
Executrix: Gabriela B. Jaramillo c/o Appel Yost & Zee LLP, 33 North Duke Street, Lancaster, PA 17602.  
Attorney: Jeffrey P. Ouellet, Esquire.

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**Snyder, Ralph M.**, dec'd.

Late of Mount Joy Township.  
Executor: Benjamin D. Snyder c/o Stacey W. Betts, Esq., 75 East Main Street, Mount Joy, PA 17552.  
Attorney: Stacey W. Betts, Esq.

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**Way, Betsy A. a/k/a Betsy Ann Way**, dec'd.

Late of Manheim Township.  
Executrix: Melissa L. Brackbill c/o Theodore L. Brubaker, Esquire, 480 New Holland Ave-

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nue, Suite 6205, Lancaster, PA 17602.

Attorneys: Brubaker Connaughton Goss & Lucarelli LLC.

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**Will, Susan V. a/k/a Susan Beth Vought**, dec'd.

Late of Lancaster City.

Executors: Alexander D. Will, Felina Tilli, Bianca Hydutsky, 108 Remington Way, West Grove, PA 19390.

Attorney: None.

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**Williams, Kenneth F.**, dec'd.

Late of the Township of Manheim.

Executrix: Jacquelyn J. Rinehart c/o Douglas A. Smith, Attorney, P.O. Box 5349, Lancaster, PA 17606.

Attorneys: Gibbel Kraybill & Hess LLP.

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**THIRD PUBLICATION**

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**Aughey, Lester B.**, dec'd.

Late of Manor Township.

Co-Executors: Jeffrey L. Aughey, Pamela E. Showers c/o Karl Kreiser, Esquire, 553 Locust Street, Columbia, PA 17512.

Attorney: Mountz & Kreiser, 553 Locust Street, Columbia, PA 17512.

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**Bean, Nancy A.**, dec'd.

Late of the Borough of Lititz.

Executor: Harry H. Bean c/o Gible Law Offices, P.C., 126 East Main Street, Lititz, PA 17543.

Attorney: Stephen R. Gible.

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**Bowers, John M.**, dec'd.

Late of the Borough of Ephrata.

Executors: Jan S. Bowers and John D. Bowers c/o Lindsay M.

Schoeneberger, Russell, Krafft & Gruber, LLP, 108 West Main Street, Ephrata, PA 17522.

Attorney: Lindsay M. Schoeneberger.

---

**Bullock, Sarah C.**, dec'd.

Late of Millersville Borough.

Executors: Jane E. Pinkerton, Elizabeth Bullock c/o Lucy F. Dowd, Lucy Dowd Law LLC, 342 N. Queen Street Rear, Lancaster, PA 17603.

Attorney: Lucy F. Dowd.

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**Butt, Richard E., Jr.**, dec'd.

Late of Lancaster Township.

Administratrix: Mary Butt, 129 Timber Lane, Denver, PA 18517.

Attorney: None.

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**Dohner, David L.**, dec'd.

Late of East Donegal Township.

Executrix: Miriam M. Dohner c/o Randall K. Miller, Esquire, 659 E. Willow Street, Elizabethtown, PA 17022.

Attorney: Morgan, Hallgren, Crosswell & Kane, P.C.

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**Eder, Joseph A.**, dec'd.

Late of Warwick Township.

Executors: John A. Eder, Joseph P. Eder c/o Young and Young, 44 S. Main Street, P.O. Box 126, Manheim, PA 17545.

Attorney: Young and Young.

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**Elliott, Kristen S.**, dec'd.

Late of Ephrata Township.

Executrix: Amanda N. Elliott, 5948 S. Kurtz Road, Hales Corners, WI 53130.

Attorney: None.

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**Fisher, John W. a/k/a John William Fisher**, dec'd.

Late of Clay Township.

Executor: Raymond Clifford

c/o Jeffrey C. Goss, Esquire,  
480 New Holland Avenue, Suite  
6205, Lancaster, PA 17602.  
Attorneys: Brubaker Connaugh-  
ton Goss & Lucarelli LLC.

---

**Haser, Anne L.**, dec'd.

Late of Millersville Borough.  
Co-Executrices: Joanne Madona,  
Mary Anne Haser c/o Jeffrey  
C. Goss, Esquire, 480 New Hol-  
land Avenue, Suite 6205, Lan-  
caster, PA 17602.  
Attorneys: Brubaker Connaugh-  
ton Goss & Lucarelli LLC.

---

**Haverstick, Laura M.**, dec'd.

Late of East Donegal Township.  
Executor: Joyce E. Simmers  
c/o Kluxen, Newcomer &  
Dreisbach Attorneys-at-Law,  
2221 Dutch Gold Drive,  
Dutch Gold Business Center,  
Lancaster, Pennsylvania 17601.  
Attorney: Melvin E. Newcomer,  
Esquire.

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**Hellmann, Matthew S.**, dec'd.

Late of Lancaster.  
Administrators: Michael Hell-  
mann, Lynne Hellmann c/o  
Legacy Law, PLLC., 147 W. Air-  
port Road, Suite 300, Lititz, PA  
17543.  
Attorney: Evan H. Denlinger,  
Esq.

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**Kauffman, Loretta Louise a/k/a  
Loretta L. Kauffman**, dec'd.

Late of East Drumore Township.  
Executor: Sharon Neff c/o Ni-  
kolaus & Hohenadel, LLP, 222  
South Market Street, Suite 201,  
Elizabethtown, PA 17022.  
Attorney: Jeffrey S. Shank, Es-  
quire.

---

**King, Philip**, dec'd.

Late of Martic Township.  
Personal Representative: Alan  
R. Sage c/o Eric Schelin Rother-  
mel, Esquire, 49 North Duke  
Street, Lancaster, PA 17602.  
Attorney: May, Herr & Grosh,  
LLP.

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**Kraus, Mary Ann a/k/a Maryann  
Kraus**, dec'd.

Late of Mount Joy Borough.  
Executor: Charles M. Kraus,  
III c/o Scott E. Albert, Esq., 50  
East Main Street, Mount Joy, PA  
17552.  
Attorney: Scott E. Albert, Esq.

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**Lisinski, Georgia L.**, dec'd.

Late of Warwick Township.  
Executor: Jennifer M. Buch c/o  
Law Office of Shawn Pierson,  
105 East Oregon Road, Lititz,  
PA 17543.  
Attorney: Shawn M. Pierson,  
Esq.

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**McCarthy, Tracy Ann a/k/a Tra-  
cy A. McCarthy**, dec'd.

Late of Warwick Township.  
Executor: Robert K. Callaway  
c/o Lucy F. Dowd, Lucy Dowd  
Law LLC, 342 N. Queen Street  
Rear, Lancaster, PA 17603.  
Attorney: Lucy F. Dowd.

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**Medina, Lucia**, dec'd.

Late of Lancaster City.  
Executor: David Irizarry c/o Jef-  
frey C. Goss, Esquire, 480 New  
Holland Avenue, Suite 6205,  
Lancaster, PA 17602.  
Attorneys: Brubaker Connaugh-  
ton Goss & Lucarelli LLC.

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**Merkey, Kenneth E.**, dec'd.

Late of West Lampeter Town-  
ship.  
Executor: Robert L. Sensenig

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c/o Ann L. Martin, Attorney,  
P.O. Box 5349, Lancaster, PA  
17606.

Attorneys: Gibbel Kraybill &  
Hess LLP.

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**Ogden, Sharon E.**, dec'd.

Late of Mount Joy Borough.

Executor: Robin W. Sico c/o  
Law Office of Shawn Pierson,  
105 East Oregon Road, Lititz, PA  
17543.

Attorney: Shawn M. Pierson,  
Esq.

---

**Omlor, Joseph F.**, dec'd.

Late of Martic Township.

Executor: Joseph R. Omlor,  
3560 Williams Wharf Rd., Saint  
Leonard, MD 20685.

Attorney: None.

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**Pitt, Nancy B.**, dec'd.

Late of Lancaster.

Executor: Penny Orner, 720  
Norway Road, Chadds Ford, PA  
19317.

Attorney: None.

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**Podlesny, Charles J.**, dec'd.

Late of Penn Township.

Executrix: Christine M. Podle-  
sny, 1604 Helmsdale Drive, Hen-  
rico, VA 23238.

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

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**Sawatzkey, Emma C.**, dec'd.

Late of Clay Township.

Executor: Robert J. Cummings,  
Jr., 7 Fox Hollow Drive, Lancast-  
er, PA 17602.

Attorney: None.

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**Scaricamazza, Steven J.**, dec'd.

Late of Penn Township.

Executor: Betsy A. Swartz, 435  
Lititz Road, Manheim, PA 17545.

Attorney: None.

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**Shallis, Elthera M.**, dec'd.

Late of Warwick Township.

Executor: George Clarence To-  
bler c/o Gibble Law Offices, P.C.,  
126 East Main Street, Lititz, PA  
17543.

Attorney: Stephen R. Gibble.

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**Smith, Robert W. a/k/a Robert  
W. Smith, Sr.**, dec'd.

Late of Earl Township.

Executor: Robert W. Smith, Jr.  
c/o Kling, Deibler & Glick, LLP,  
131 W. Main Street, New Hol-  
land, PA 17557.

Attorney: Patrick A. Deibler,  
Esq., Kling, Deibler & Glick, LLP.

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**Snyder, Kathryn E.**, dec'd.

Late of West Hempfield Town-  
ship.

Executor: James G. Snyder c/o  
Karl Kreiser, Esquire, 553 Locust  
Street, Columbia, PA 17512.

Attorney: Mountz & Kreiser, 553  
Locust Street, Columbia, PA  
17512.

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**Spangenberg, Arthur C. a/k/a  
Arthur Castle Spangenberg, Jr.**,  
dec'd.

Late of Hempfield Township.

Executors: Scott A. Spangen-  
berg, Kristin A. Brown c/o Pyfer,  
Reese, Straub, Gray & Farhat,  
P.C., 128 N. Lime Street, Lan-  
caster, PA 17602.

Attorney: Pyfer, Reese, Straub,  
Gray & Farhat, P.C.

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**Weaver, James A., Jr. a/k/a  
James Weaver**, dec'd.

Late of the Township of East  
Earl.

Executrix: Bobbi Lou Boose c/o  
Nichole M. Baer, Russell, Krafft

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& Gruber, LLP, 108 West Main Street, Ephrata, PA 17522.  
Attorney: Nichole M. Baer.

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**White, Terry Francis**, dec'd.

Late of Lancaster County.  
Administrator: Corey Twyman,  
125 Market St., Apt 155, Manas-  
sas Park, VA 20111.  
Attorney: Karen E. Eichman,  
Esq., Eichman Law, PLLC.

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**Wilson, Robert J.**, dec'd.

Late of Christiana.  
Executrix: Tracy N. Wilson,  
4705 Twisted Oaks Rd. Apt. 202,  
Charlotte, NC 28212.  
Attorney: None.

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**ARTICLE OF INCORPORATION**

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, on or about January 17, 2023, for a nonprofit corporation to be known as:

**Millersville Woman's Club**

Formed pursuant to the provisions of the Nonprofit Business Corporation Law Act of 1988, Commonwealth of Pennsylvania, on December 21, 1988, P.L. 1444, No. 177, as amended.

Matthew A. Grosh, Esquire  
May Herr & Grosh, LLP  
234 North Duke Street  
Lancaster, PA 17602.

M-17

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**CHANGE OF NAME NOTICE**

A hearing will be held on June 8, 2023 at 2:15 p.m., in Courtroom No.4, 3rd floor of the Lancaster County Courthouse, 50 N. Duke St., Lancaster, PA, regarding the request of **Jacqueline Christine**

**Torres-Soto** to change the name from Jacqueline Christine Torres-Soto to Jacqueline Christine Soto. Any person with objections may attend and show cause why the request should not be granted.

M-17

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**CORPORATE NOTICES**

Registration of Foreign Nonprofit Corporation: Notice is hereby given that **MISSION: PRE-BORN, INC.** filed articles of foreign registration on 03/06/2023 under the Pennsylvania Nonprofit Corporation law of 1988. Commercial registered office provider is Harbor Business Compliance Corporation, Lancaster, PA.

M-17

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Notice is hereby given that **Wilsch** Incorporated filed a foreign registration statement to do business in the Commonwealth of Pennsylvania. The mailing address of the association's principal office is 303 Highway 35, Eatontown, NJ 07724-2158. The commercial registered office provider is in care of Cogency Global Inc. in Dauphin County. The Corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa. C.S. 412.

M-17

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**FICTITIOUS NAME NOTICES**

Notice is hereby given that a Registration of Fictitious Name was filed in the Commonwealth of Pennsylvania for **Angelo's Soccer Corner** with a principal place of business located at 303 Highway 35, Eatontown, NJ 07724-2158. The association in-

terested in this business is Wilsch Incorporated with an address of 303 Highway 35, Eatontown, NJ 07724-2158 and a commercial registered office provider in care of Cogency Global Inc. in Dauphin County. This is filed in compliance with 54 Pa.C.S. 311.

M-17

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NOTICE IS HEREBY GIVEN, pursuant to Section 311 of Act 1982-295 (54 Pa C.S. §311), there was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, on March 6, 2023, a certificate for the conduct of business in Lancaster County, Pennsylvania, under the assumed or fictitious name) style or designation of

**Illuminate Advanced Skin Care**, with its principal place of business at The Meadowbrook Business Suites, 352 W. Main Street, Leola, PA 17540,

The name and address of the entity owning and interested in the aforementioned fictitious name and business is:

Health by Design Body Contouring, LLC

352 East Main Street, Suite 100  
Leola, PA 17540

McNERNEY PAGE VANDERLIN & HALL

433 Market Street  
Williamsport, PA 17701

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An application for registration of the fictitious name **Lady J's Bawdy Butter**, 1400 HARRISBURG PIKE Lancaster, PA 17604 has been filed in the Department of State at Harrisburg, PA, File Date 02/04/2019 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the per-

son who is a party to the registration is: Jenova Y. Fiers, 337 Hampden Drive, Lancaster PA 17603.

M-17

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Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on December 5, 2022 for **Lori Anne Canine Behavior Coach** at 105 North Jackson Street, Apt 15, Strasburg, PA 17579. The name and address of each individual interested in the business is Loria Ann McKeague at 105 North Jackson Street, Apt 15, Strasburg, PA 17579 in Lancaster County. This was filed in accordance with 54 PaC.S. 311.417.

M-17

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Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on November 14, 2022 for **tallow** at 2934 Lincoln Highway East, Gordonville, PA 17529. The name and address of each individual interested in the business is Tammy Lowry at 2934 Lincoln Highway East, Gordonville, PA 17529 in Lancaster County. This was filed in accordance with 54 PaC.S. 311.417.

M-17

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TruBuild Construction Co., 327 May Post Office Road, Strasburg, PA 17579, did file in the office of the Secretary of the Commonwealth of Pennsylvania on or about 2/22/2023 registration of the name: **TruFloors** under which they intend to do business at: 327 May Post Office Road, Strasburg, PA 17579 pursuant to the provision of

the Act of Assembly of December 16, 1982, Chapter 3, known as the "Fictitious Name Act".

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**NOTICE OF A SPECIAL MEETING**

**NOTICE OF THE ANNUAL MEETING OF CLOISTER MUTUAL CASUALTY INSURANCE COMPANY**

Notice is hereby given that the Annual Meeting of the Policyholders of Cloister Mutual Casualty Insurance Company will be held at the Corporate Office, 1 East Main Street, Ephrata, PA, on Tuesday, April 18th, 2023 commencing at 10:00 A.M., for the purpose of Election of Directors and/or the transaction of other business.

Douglas L. Underwood  
President/CEO  
Ephrata PA

ATTEST: Jacob M. Klinefelter  
Chief Risk Officer/Vice President/Secretary  
PO Box 587  
Ephrata PA 17522

M-17, 24, 31

The Court has fixed March 29, 2023 at 11:00 a.m. in Court Room 11 at Lancaster County Courthouse, Lancaster County Court House, 50 North Duke Street, Lancaster, Pennsylvania, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

PALANGE & ENDRES, P.C.  
Dawn M. Palange, Esquire  
Attorney I.D.# 55041  
720 Centre Avenue  
Reading, PA 19601  
Attorney for Petitioner

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**SUITS ENTERED**

Defendant's name appears first in capitals, followed by plaintiff's name, number and plaintiff's or appellant's attorney.

March 02, 2023  
to March 08, 2023

**ORPHANS' COURT NOTICE**

IN THE COURT OF COMMON PLEAS ORPHANS' COURT DIVISION

**IN RE: B.R.H.**

**Case No. 2022-02748**

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that a Petition for Adult Adoption with Name Change has been filed in the Court of Common Pleas of Lancaster County, Pennsylvania, praying for a Decree to change the name **Brianna Rose Hafner** to Ari Charles Hafner.

ACEDO-CISNEROS, YANIRI; DNF Associates LLC; 01468; Tsarouhis

AROCHA, MARK; George J Grove & Son Inc; 01481

BENNETT, RHONDA S., KEYSTONE TERMITE & PEST CONTROL SERVICES INC, KEYSTONE TERMITE & PEST CONTROL INC, KEYSTONE TERMITE AND PEST CONTROL, KNABLE, THOMAS L., KIRCHOFF, WILLIAM K.; Doris A. Fortney; 01482; Durlofsky

BLUE DUCK LLC; First National Bank of Pennsylvania; 01514; Donaher

FERGUSON MUSSER ESTATE OF, SAM, HEMPFIELD SHOPPING CENTER, CVS HEALTH, CVS #2053, HSC PARTNERS, HOY, BARBARA M., HSC PARTNERS, ROSE, CAROLA., HSC PARTNERS, HEMPFIELD SHOPPING CENTER; Lena Wrona; 01484; Bello

FOSMIRE, JESSICA, FOSMIRE, ANDREW; Michael Kelly; 01463; Gray

FROZEN FOOD DEVELOPMENT INC; Pennsylvania Growers LLC; 01496; Casadei

GENERAL RV CENTER INC; Kimberly Vaillancourt; 01483; McBeth

HERR, ANDREW H.; Jennah M. Fisher; 01438; Sarno

HERSHEY COMPANY; Erica Ringler; 01527; Mahan

HOLZBAUER, REMY R.; BSRE Holdings LLC; 01439; Sarno

MANHEIM TOWNSHIP POLICE DEPARTMENT, HIKINS, TROY J., JOHN DOE1, JOHN DOE2; Keith Holland; 01505; Parks

MEDIA EMPIRE INC; First National Bank of Pennsylvania; 01521; Donaher

MGS INCORPORATED; Derrick Means; 01563; Lemieux-Fillery

MILLER, TODD R., MILLER, HOLLY A.; Ally Bank; 01440; Denardo

MITCHELL, FREDERICK; DNF Associates LLC; 01473; Tsarouhis

PARRINELLO, ARTHUR, PARRINELLO, TAYLOR, PARRINELLO, CHRIS, OLD WORLD PAINTING; Dawn Y Vanburen-Bates; 01592; Ward

PATRUSHEV, NIKITA, PATRUSHEV, PETR, PETR'S AUTO CENTER; Deonah Jordan; 01501; Roth

PATRUSHEV, NIKITA, PATRUSHEV, PETR, PETR'S AUTO CENTER; Tiandra Miller; 01503; Roth

PIETSCH, ERIC D, GIPSON FOSTER, SOYALA; Peninsula Insurance Company; 01594; Abatemarco

RAYSOR, HEATHER L., RAYSOR, JUSTIN R.; Belco Community Credit Union; 01565; Miller

RISBERG, KYLE; Goldman Sachs Bank USA; 01511; Loewy

SCHMIDT, MELISSA A., SCHMIDT, MELISSA, NABOZNY, RONALD J.; David Agramonte; 01491; Durllofsky

SIMS, SHANNON; DNF Associates LLC; 01474; Tsarouhis

SKIADAS, NICHOLAS E., SKIADAS, HOLLY M.; First National Bank of Pennsylvania; 01519; Donaher

SKIADAS-MCFARLAND, ANGELO E.; First National Bank of Pennsylvania; 01512; Donaher

SLAYMAKER, JOHN, SLAYMAKER, DONNA; Citadel Federal Credit Union; 01488; Dougherty

WILLOW RENOVATIONS LLC; George J. Berdiner; 01559; Gingrich

YOUNG, JAMES; Distelfink Inn Inc; 01593; Ward