

The Greene Reports

Official Legal Publication for Greene County, Pennsylvania
Owned and operated by Greene County Bar Association
Greene County Courthouse, Waynesburg, PA 15370

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March 16, 2023



Table of Contents

Deed Notices	Page 3
Estate Notices	Page 4
Legal Notices	Page 6
Sheriff Sales	Page 7
Supreme Court Notice	Page 9

Serving the Legal Community of Greene County
Since October 1982

The Greene Reports

2-----3/16/23-----

COURT OF COMMON PLEAS
Honorable Louis Dayich, President Judge
Honorable Jeffry N. Grimes, Judge

MOTIONS

Criminal & Civil & O.C.:
March 20 and 22, 2023

CRIMINAL

Arraignments: March 20, 2023
ARDs: April 10, 2023
ARD Revocations: April 10, 2023
Parole Violations: March 20, 2023
Plea Court: April 11-13, 2023
License Suspension Appeals: April 18, 2023
Argument Court: March 15, 2023

ORPHANS

Accounts Nisi: March 6, 2023
Accounts Absolute: March 16, 2023

SUPREME COURT
SUPERIOR COURT
COMMONWEALTH COURT

Convenes in Pgh.: April 17-21, 2023
Convenes in Pgh.: February 27-March 3, 2023
Convenes in Pgh.: May 8-12, 2023

THE GREENE REPORTS

Owned and published by the GREENE COUNTY BAR ASSOCIATION
Editor: Kayla M. Sammons
E-mail address: editor.greenerreports@yahoo.com

EDITORIAL POLICY

All articles published in The Greene Reports are intended to inform, educate or amuse. Any article deemed by the editorial staff to be reasonably interpreted as offensive, demeaning or insulting to any individual or group will not be published.

The views expressed in the articles represent the views of the author and are not necessarily the views of The Greene Reports or the Greene County Bar Association.

The Greene Reports welcomes letters to the Editor both for publication and otherwise. All letters should be addressed to: Editor, The Greene Reports, Greene County Courthouse, 10 East High Street, Waynesburg, PA 15370. Letters must include signature, address and telephone number. Anonymous correspondence will not be published. All letters for publication are subject to editing and, upon submission, become the property of The Greene Reports.

THE GREENE COUNTY BAR ASSOCIATION

Christopher M. Simms, President
Timothy M. Ross, Vice-President
Allen J. Koslovsky, Secretary
Lukas B. Gatten, Treasurer
Jessica L. Phillips, Ex-Officio

ARGUMENTS

Argument Court: March 27, 2022

CIVIL

Domestic Relations Contempts: March 28, 2023
Domestic Relations Appeals: March 28, 2023

JUVENILE

Plea Day: April 20, 2022

The Greene Reports

-----3/16/23-----3

DEED TRANSFERS

The following property transfers have been recorded in the Greene County Recorder of Deeds office.

ALEPPO TOWNSHIP

Ruth E. Grim to Dirk R Tedrow, et ux., 4.483 Acres, \$153,000.00 (3-8-23)
Michael P. Chiodo, et ux., to John B. Williams, 62 Acres, \$160,000.00 (3-14-23)

ALEPPO & SPRINGHILL TOWNSHIPS

Gilbert W Buckbee to The Mineral Company, et ux., 373.2132 Acres, O&G, \$21,517.61 (3-13-23)

CENTER TOWNSHIP

Jeffrey W. McClure to Iron Pennsylvania Land LLC, .905 Acre, Coal, \$2,500.00 (3-14-23)
Mark E. McClure, et ux., to Iron Pennsylvania Land LLC, .905 Acre, Coal, \$2,500.00 (3-14-23)
Martha L. McClure to Iron Pennsylvania Land LLC, .905 Acre, Coal, \$2,500.00 (3-14-23)
Donna J. Elliott to George W. Ellis, et ux., Tract, \$65,000.00 (3-14-23)

CUMBERLAND TOWNSHIP

Mark D. Gaydos to Ridgetop Ten LLC, 220 Acres, O&G, \$461,208.00 (3-15-23)

FRANKLIN TOWNSHIP

Barbara K Fischer by Agent, et ux., to Joshua M. Dieffenbach, et ux., 2 Tracts, \$120,000.00 (3-8-23)

Nicholas G. Drizos TDBA, et al., to Drizos Brothers LLC, 260 Acres, \$142,035.00 (3-10-23)
Carl E. Long, Jr., Estate A/K/A Carl E. Long Estate, et ux., to Brandon H. Barna, 1.034 Acres, \$155,000.00 (3-15-23)

FREEPORT TOWNSHIP

CB Energy LLC to C4J Investments LLC, et ux., 172.48 Acres, O&G, \$20,000.00 (3-10-23)

FREEPORT & ALEPPO TOWNSHIPS

Rock Creek Royalty LLC to EQT Production Company, 42.99 Acres, O&G, \$2,373.19 (3-13-23)

GILMORE & WAYNE TOWNSHIPS

Lorraine Hoy Cline to The Mineral Company, et ux., 348.172739 Acres, O&G, \$28,993.69 (3-13-23)

JACKSON TOWNSHIP

Wolsey Coleman LLC, et ux., to The Mineral Company, et ux., 110.70 Acres, O&G, \$4,674.00 (3-13-23)

JEFFERSON TOWNSHIP

Randy Teagarden, et al., to Robin Rank, Lot 14 & 15, Acklin Plan, \$5,000.00 (3-14-23)

MORGAN TOWNSHIP

Dolores Bobko By Agent, et al., to Terry Lee Victor, Sr., Lot 437, Mather, \$110,000.00 (3-9-23)

James D Gillin, et ux., to Heather M. Dennis, Lot, Emerald Land Company, No 1 Plan, \$195,000.00 (3-14-23)

MORRIS TOWNSHIP

Donna L. Lamb to CNX Gas Company LLC, 39.16875 Acres, O&G, \$6,994.44 (3-9-12)
Marilyn L. Day, et ux., to CNX Gas Company LLC, 39.16875 Acres, O&G, \$6,994.44 (3-9-23)

RICHHILL TOWNSHIP

TSAR WV LLC to C4J Investments LLC, et ux., 24.98 Acres, O&G, \$30,000.00 (3-10-23)

SPRINGHILL TOWNSHIP

Randall W Yoss to The Mineral Company, et ux., .995 Acre, O&G, \$3,077.63 (3-13-23)

The Greene Reports

4-----3/16/23-----

WAYNE TOWNSHIP

Sheila K. Filbey, et ux., to Three Rivers Royalty III LLC, 13 Tracts, O&G, \$11,531.43 (3-10-23)

Davi L. Walker, et ux., to Three Rivers Royalty III LLC, 75.532 Acres, O&G, \$13,595.78 (3-13-23)

McNay Rentals LP, et al., to Vicki H. Gill A/K/A Vicki T. Heredy Gill, 133 Acres, \$65,000.00 (3-14-23)

WHITELEY TOWNSHIP

Mark Gordon Mooney to The Mineral Company, et ux., 214.553 Acres, O&G, \$104,195.21 (3-10-23)

ESTATE NOTICES

NOTICE is hereby given of the grant of letters by the Register of Wills to the Estates of the following named decedents. All persons having claims are requested to make known the same and all persons indebted to the decedent are requested to make payment to the personal representative or his attorney without delay.

FIRST PUBLICATION

DAERR, TOBIAS EDWARD

Late of Carmichaels, Greene County, Pennsylvania

Administratrix: Mary Lou Nichols, 400 Hewitt Avenue, Carmichaels, PA 15320

Attorney: Amber N. Shipley, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

LATTA, ROBERT S.

Late of Jefferson Township, Greene County, Pennsylvania

Administratrix: Rose Ann Latta C/O Lukas B. Gatten, Esquire, Logan & Gatten Law Offices, 54 N. Richhill Street, Waynesburg, PA 15370

Attorney: Lukas B. Gatten, Esquire, Logan & Gatten Law Offices, 54 N. Richhill Street, Waynesburg, PA 15370

LIGHTNER, NOLA H.

Late of Center Township, Greene County, Pennsylvania

Co- Executor: Marti L. Kern, 334 Kennel Road, Waynesburg, PA 15370

Co-Executor: Jon Richard Lightner, PO Box 373, Rogersville, PA 15359

Attorney: David F. Pollock, Esquire, Pollock Morris Belletti & Simms LLC, 54 South Washington Street, Waynesburg, PA 15370

Attorney: Timothy N. Logan, Esquire, Logan & Gatten Law Offices, 54 North Richhill Street, Waynesburg, PA 15370

RANSLEM, BONNIE LEE

Late of Herman Township, Washington County, Nebraska

Executor: Jack Ranslem, 11322 So Avenue 12 E #144, Yuma, Az 85367

Attorney: Timothy N. Logan, Esquire, Logan & Gatten Law Offices, 54 N. Richhill Street, Waynesburg, PA 15370

The Greene Reports

-----3/16/23-----5

SECOND PUBLICATION

BRYAN, KAREN ANN

Late of Perry Township, Greene County, Pennsylvania

Administrator, C.T.A.: Jeremy Bryan, 1327 Gallus Road, Morgantown, WV 26501

Attorney: Chirstopher Michael Simms, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

DAVISON, WILLIAM ALLEN A/K/A WILLIAM A. DAVISON

Late of Waynesburg, Greene County, Pennsylvania

Executrix: Patricia Walko, 1907 Kirby Road, Waynesburg, PA 15370

Attorney: Kirk A. King, Esquire, 77 South Washington Street, Waynesburg, PA 15370

WHIPKEY, VIOLET M.

Late of Cumberland Township, Greene County, Pennsylvania

Executrix: Lottie Jane Whipkey n/k/a Lottie Jane Davis, 78 Krewe Circle, Santa Rosa Beach, FL 32459

Attorney: Adam J. Belletti, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

THIRD PUBLICATION

BEHM, PEGGY J.

Late of Jefferson Township, Greene County, Pennsylvania

Executor: Mark E. Behm, 1565 Jefferson Road, PO Box 126, Jefferson, PA 15344

Attorney: Phillip C. Hook, Attorney, 430 East Oakview Drive, Suite 101, PO Box 898, Waynesburg, PA 15370

BOWSER, HERMAN C.

Late of Cumberland Township, Greene County, Pennsylvania

Co-Executrix: Tammy Watson, C/O Joseph I. Brodak, Esquire, Brodak Law, LLC, 6 South Main Street, Washington Trust Building, Suite 214, Washington, PA 15301

Co-Executrix: Justine Lynn Tift, C/O Joseph I. Brodak, Esquire, Brodak Law, LLC, 6 South Main Street, Washington Trust Building, Suite 214, Washington, PA 15301

Attorney: Joseph I. Brodak, Esquire, Brodak Law, LLC, 6 South Main Street, Washington Trust Building, Suite 214, Washington, PA 15301

WISE, KEITH L.

Late of Morris Township, Greene County, Pennsylvania

Executor: Wayne Wise, 4105 St. Johns Way, Pittsburgh, PA 15201

Attorney: Christopher M. Simms, Esquire, Pollock Morris Belletti & Simms, LLC, 54 South Washington Street, Waynesburg, PA 15370

The Greene Reports

6-----3/16/23-----

LEGAL NOTICE

IN THE COURT OF COMMON PLEAS OF GREENE COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE:) MISC. NO. 7 of 2023
NAME CHANGE OF)
BRENDAN BADY HOWARD)

NOTICE is hereby given that on February 7, 2023, the Petition of BRENDAN
BADY HOWARD was filed in the above-named Court, requesting an Order to change the
name BRENDAN BADY HOWARD to SERGEY SERGEEVICH VINOGRADOV.

The Court has fixed Monday, May 15, 2023, at 1:00 o'clock P.M. in Courtroom No.
1, Greene County Courthouse, 10 East High Street, Waynesburg, 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.

Adam J. Belletti, Esquire
POLLOCK MORRIS BELLETTI & SIMMS LLC
Attorney for Petitioner
54 S. Washington Street
Waynesburg, PA 15370
Phone: (724) 627-6156

LEGAL NOTICE

IN THE COURT OF COMMON PLEAS OF GREENE COUNTY, PENNSYLVANIA
CIVIL DIVISION

IN RE:) MISC. NO. 152 of 2022
NAME CHANGE OF)
LIAM MICHAEL CLEARY,)
Petitioner,)

NOTICE is hereby given that on December 9, 2022, the Petition of REBECCA
THARP was filed in the above-named Court, requesting an Order to change the name LIAM
MICHAEL CLEARY to LIAM MICHAEL THARP-CLEARY.

The Court has fixed Tuesday, March 29, 2023, at 1:00 o'clock P.M. in Courtroom
No. 1, Greene County Courthouse, 10 East High Street, Waynesburg, Pennsylvania, as the time

The Greene Reports

-----3/16/23-----7

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.

Adam J. Belletti, Esquire
POLLOCK MORRIS BELLETTI & SIMMS LLC
Attorney for Petitioner
54 S. Washington Street
Waynesburg, PA 15370
Phone: (724) 627-6156

SHERIFF'S SALE

By Virtue of a Writ of Execution (Mortgage Foreclosure)
No. ED-2-2023 AD-622-2022

Issued out of the Court of Common Pleas of Greene County, Pennsylvania and to me directed, I
will expose the following described property at public sale at the Greene County Courthouse in
the City of Waynesburg, County of Greene, Commonwealth of Pennsylvania on:

FRIDAY, APRIL 14, 2023
AT 10:00 O'CLOCK A.M.

All parties in interest and claimants are further notified that a proposed schedule of distribution
will be on file in the Sheriff's Office no later than twenty (20) days after the date of the sale of
any property sold hereunder, and distribution of the proceeds will be made in accordance with
the schedule ten (10) days after said filing, unless exceptions are filed with the Sheriff's Office
prior thereto.

ALL THAT CERTAIN REAL ESTATE SITUATED IN THE TOWNSHIP OF
CUMBERLAND, COUNTY OF GREENE, COMMONWEALTH OF PENNSYLVANIA
HAVING ERECTED THEREON A DWELLING KNOWN AS 1185 Crucible Road, Rices
Landing, PA 15357, PER A CERTAIN DEED DATED NOVEMBER 22, 2002 AND
RECORDED NOVEMBER 25, 2002 IN GREENE COUNTY RECORDER OF DEEDS AT
DEED BOOK VOLUME 268, PAGE 79. TAX PARCEL INDEX NO.:05-23-227 &05-23-228.
JESS S, BRADMON DIED ON OCTOBER 16, 2016 VESTING TITLE IN PHYLLIS A.
BRADMONBY OPERATION OF LAW. PHYLLIS A. BRADMON DIED ON JANUARY 9,
2022. NO FORMAL ESTATE COULD BE LOCATED OF RECORD FOR PHYLLIS A.
BRADMON.
TAX PARCEL INDEX NO.: 05-23-227 & 05-23-228.

PROPERTY ADDRESS: 1185 Crucible Road, Rices Landing, Pa 15357

UPI/TAX PARCEL NUMBER: 05-23-227 05-23-228

Seized and taken into execution to be sold as the property of ALL UNKNOWN HEIRS,
SUCCESSORS, ASSIGNS, AND ALL PERSONS FIRMS OR ASSOCIATIONS

CLAIMING RIGHT, TITLE OR INTEREST, FROM OR UNDER PHYLLIS A BRADMON, DECEASED in suit of FIRST NATIONAL BANK.

Attorney for the Plaintiff:
First National Bank of Pennsylvania
Pittsburgh, PA 412-465-9718

MARCUS N. SIMMS, Sheriff
Greene County, Pennsylvania

SHERIFF’S SALE

By Virtue of a Writ of Execution (Mortgage Foreclosure)
No. ED-1-2023 AD-640-2022

Issued out of the Court of Common Pleas of Greene County, Pennsylvania and to me directed, I will expose the following described property at public sale at the Greene County Courthouse in the City of Waynesburg, County of Greene, Commonwealth of Pennsylvania on:

FRIDAY, APRIL 14, 2023
AT 10:00 O’CLOCK A.M.

All parties in interest and claimants are further notified that a proposed schedule of distribution will be on file in the Sheriff’s Office no later than twenty (20) days after the date of the sale of any property sold hereunder, and distribution of the proceeds will be made in accordance with the schedule ten (10) days after said filing, unless exceptions are filed with the Sheriff’s Office prior thereto.

ALL THAT CERTAIN PIECE, PARCEL OF LOT OF GROUND SITUATE IN THE BOROUGH OF WAYNESBURG, GREENE COUNTY, PENNSYLVANIA, IN THE ILLIG ADDITION, WHICH PLAN IS RECORDED IN DEED BOOK VOL. 379, PAGE 1077-1079, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOW, TO WIT:
26/02/147/
Hillcrest Ave. Waynesburg, PA 15370

PROPERTY ADDRESS: 665 Hillcrest Ave., Waynesburg, PA 15370

UPI/TAX PARCEL NUMBER: 26/02/147

Seized and taken into execution to be sold as the property of VICTOR SPOTLE, ANDREA K SPOTLE in suit of WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF STANWICH MORTGAGE LOAN TRUST F.

Attorney for the Plaintiff:
Hill Wallack LLP
Yardley, PA 215-790-1010

MARCUS N. SIMMS, Sheriff
Greene County, Pennsylvania

SUPREME COURT NOTICE

SUPREME COURT OF PENNSYLVANIA
CRIMINAL PROCEDURAL RULES COMMITTEE

NOTICE OF PROPOSED RULEMAKING

Proposed Amendment of Pa.R.Crim.P. 632.

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pa.R.Crim.P. 632 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Joshua M. Yohe, Counsel
Criminal Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: (717) 231-9521
criminalrules@pacourts.us

All communications in reference to the proposal should be received by **Monday, May 1, 2023**. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Criminal Procedural Rules Committee,
Stefanie Salavantis
Chair

Rule 632. Juror Information Questionnaire.

[(A)](a)Prior to *voir dire*:

(1) Each prospective juror shall complete and verify the standard, confidential juror information questionnaire required by [paragraph (H)] subdivision (i) of this rule, and any supplemental questionnaire provided by the court.

(2) The president judge shall designate the method for distributing and maintaining the juror information questionnaires.

The Greene Reports

10-----3/16/23-----

(3) The trial judge and the attorneys shall receive copies of the completed questionnaires for use during *voir dire*, and the attorneys shall be given a reasonable opportunity to examine the questionnaires.

[(B)](b)The information provided by the jurors on the questionnaires shall be confidential and limited to use for the purpose [of jury selection only] or pursuant to subdivision (h). Except for disclosures made during *voir dire*, or unless the trial judge otherwise orders pursuant to [paragraph (F) this] subdivision (f), non-aggregated, personally identifiable information shall only be made available to the trial judge, the defendant[(s)] and the attorney[(s)] for the defendant[(s)], and the attorney for the Commonwealth.

[(C)](c)The original and any copies of the juror information questionnaires shall not constitute a public record.

[(D)](d)Juror information questionnaires shall be used in conjunction with the examination of the prospective jurors conducted by the judge or counsel pursuant to Rule 631(E), or for the purposes of subdivision (h).

[(E)](e)If the court adjourns before *voir dire* is completed, the trial judge may order that the attorneys be permitted to retain their copies of the questionnaires during the adjournment. When copies of the questionnaires are permitted to be taken from the courtroom, the copies:

(1) shall continue to be subject to the confidentiality requirements of this rule, and to the disclosure requirements of [paragraph (B)] subdivision (b); and

(2) shall not be duplicated, distributed, or published.

The trial judge may make such other order to protect the copies as is appropriate.

[(F)](f)The original questionnaires of all impeached jurors shall be retained in a sealed file and shall be destroyed upon completion of the jurors' service, unless otherwise ordered by the trial judge or retained for the purposes of subdivision (h). Upon completion of *voir dire*, all copies of the questionnaires shall be returned to the trial judge and destroyed, unless otherwise ordered by the trial judge at the request of the defendant[(s)], the attorney[(s)] for the defendant[(s)], or the attorney for the Commonwealth, or unless retained for the purposes of subdivision (h).

[(G)](g)Subject to subdivision (h), [The] the original and any copies of questionnaires of all prospective jurors not impeached or not selected for any trial shall be destroyed upon completion of the jurors' service.

(h) Nothing in this rule shall prevent judicial districts from individually electing to retain the information provided by prospective or impaneled jurors on their questionnaires for the purpose of assessing their district's juror demographics as it relates to the constitutional guarantee that juries be drawn from a representative cross-section of the community, provided that such information may only be retained or published by the districts in the aggregate and in a manner that does not contain or reveal any personally identifiable information of the prospective or impaneled jurors.

[(H)](i)The form of the juror information questionnaire shall be as follows:

JUROR INFORMATION QUESTIONNAIRE CONFIDENTIAL; NOT PUBLIC RECORD

NAME: LAST FIRST MIDDLE INITIAL

The Greene Reports

-----3/16/23-----11

CITY/TOWNSHIP

COMMUNITIES IN WHICH YOU RESIDED OVER THE PAST 10 YEARS:

MARITAL STATUS:

MARRIED SINGLE SEPARATED DIVORCED
WIDOWED

OCCUPATION

OCCUPATION(S) PAST 10 YEARS

OCCUPATION OF SPOUSE/OTHER

PAST 10 YEARS OCCUPATION OF SPOUSE/OTHER

NUMBER OF CHILDREN

[RACE:

WHITE BLACK HISPANIC
 OTHER]

RACE (Circle all that apply)

American Indian or Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American: A person having origins in any of the Black racial groups of Africa.

Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

ETHNICITY (Circle One)

Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Not Hispanic or Latino.

GENDER (Circle One)

The Greene Reports

12-----3/16/23-----

Male
Female
Other

LEVEL OF EDUCATION

YOURS SPOUSE/OTHER CHILDREN

	YES	NO
1. Have you ever served as a juror before?	<input type="radio"/>	<input type="radio"/>
If so, were you ever on a hung jury?	<input type="radio"/>	<input type="radio"/>
2. Do you have any religious, moral, or ethical beliefs that would prevent you from sitting in judgment in a criminal case and rendering a fair verdict?	<input type="radio"/>	<input type="radio"/>
3. Do you have any physical or psychological disability that might interfere with or prevent you from serving as a juror?	<input type="radio"/>	<input type="radio"/>
4. Have you or anyone close to you ever been the victim of a crime?	<input type="radio"/>	<input type="radio"/>
5. Have you or anyone close to you ever been charged with or arrested for a crime, other than a traffic violation?	<input type="radio"/>	<input type="radio"/>
6. Have you or anyone close to you ever been an eyewitness to a crime, whether or not it ever came to court?	<input type="radio"/>	<input type="radio"/>
7. Have you or anyone close to you ever worked in law enforcement or the justice system? This includes police, prosecutors, attorneys, detectives, security or prison guards, and court related agencies.	<input type="radio"/>	<input type="radio"/>
8. Would you be more likely to believe the testimony of a police officer or any other law enforcement officer because of his or her job?	<input type="radio"/>	<input type="radio"/>
9. Would you be less likely to believe the testimony of a police officer or other law enforcement officer because of his or her job?	<input type="radio"/>	<input type="radio"/>
10. Would you have any problem following the court's instruction that the defendant in a criminal case is presumed to be innocent unless and until proven guilty beyond a reasonable doubt?	<input type="radio"/>	<input type="radio"/>
11. Would you have any problem following the court's instruction that the defendant in a criminal case does not have to take the stand or present evidence, and it cannot be held against the defendant if he or she elects to remain silent or present no evidence?	<input type="radio"/>	<input type="radio"/>
12. Would you have any problem following the court's instruction in a criminal case that just because someone is arrested, it does not mean	<input type="radio"/>	<input type="radio"/>

The Greene Reports

-----3/16/23-----13

that the person is guilty of anything?	<input type="radio"/>	<input type="radio"/>
13. In general, would you have any problem following and applying the judge's instruction on the law?	<input type="radio"/>	<input type="radio"/>
14. Would you have any problem during jury deliberations in a criminal case discussing the case fully but still making up your own mind?	<input type="radio"/>	<input type="radio"/>
15. Are you presently taking any medication that might interfere with or prevent you from serving as a juror?	<input type="radio"/>	<input type="radio"/>
16. Is there any other reason you could not be a fair juror in a criminal case?	<input type="radio"/>	<input type="radio"/>

I hereby certify that the answers on this form are true and correct. I understand that false answers provided herein subject me to penalties under 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

SIGNATURE _____ DATE _____

Comment: This rule requires that, prior to *voir dire* in any criminal case, the prospective jurors, including prospective alternate jurors, must complete the standard, confidential juror information questionnaire required in **[paragraph (H)] subdivision (i)**, and that the trial judge and attorneys must automatically be given copies of the completed questionnaires in time to examine them before *voir dire* begins. *Compare* Rule 625, which provides that attorneys must request copies of juror qualification forms for the jurors summoned in their case.

Under **[paragraph (A)(2)] subdivision (a)(2)**, it is intended that the president judge of each judicial district may designate procedures for submitting the questionnaire to the jurors and maintaining them upon completion. For example, some districts may choose to mail them along with their jury qualification form, while others may desire to have the questionnaire completed by the panel of prospective jurors when they report for jury service. This rule, however, mandates that the questionnaires be completed by each prospective juror to a criminal case.

Each judicial district must provide the jurors with instructions for completing the form[,] and inform them of the procedures for maintaining confidentiality of the questionnaires. It is expected that each judicial district will inform the jurors that the questionnaires will only be used for jury selection **or for the limited purposes provided in subdivision (h)**.

Pursuant to **[paragraph (C)] subdivision (c)**, the juror information questionnaire is not a public record and therefore may not be combined in one form with the qualification questionnaire required by Rule 625. However, nothing in this rule would prohibit the distribution of both questionnaires in the same mailing.

Under **[paragraph (B)] subdivision (b)**, the **disaggregated** information provided by the jurors that **contains their individualized, personally identifiable information** is confidential and may be used only for the purpose of jury selection. Except for disclosures made during *voir dire*, **[the] such** information in the completed questionnaires may not be disclosed to anyone except the trial judge, the attorneys and any persons assisting the attorneys in jury selection, such as a member of the trial team or a consultant hired to assist in jury

The Greene Reports

14-----3/16/23-----

selection, the defendant, and any court personnel designated by the judge. Even once disclosed to such persons, however, the information in the questionnaires remains confidential. **Nothing in this rule is intended to prohibit or discourage the collection and retention of aggregated juror demographic data pursuant to subdivision (h).**

Although the defendant may participate in *voir dire* and have access to information from the questionnaire, nothing in this rule is intended to allow a defendant to have a copy of the questionnaire.

[**Paragraph (D)**] **Subdivision (d)** makes it clear that juror information questionnaires are to be used in conjunction with the oral examination of the prospective jurors[,] and are not to be used as a substitute for the oral examination. Juror information questionnaires facilitate and expedite the *voir dire* examination by providing the trial judge and attorneys with basic background information about the jurors, thereby eliminating the need for many commonly asked questions. Although nothing in this rule is intended to preclude oral questioning during *voir dire*, the scope of *voir dire* is within the discretion of the trial judge. See, e.g., *Commonwealth v. McGrew*, 100 A.2d 467 (Pa. 1953) and Rule 631(E).

[**Paragraph (E)**] **Subdivision (e)** provides, upon order of the trial judge, that only attorneys in the case, subject to strict limitations imposed by the court, may retain their copies of the juror information questionnaires during adjournment.

[**Paragraph (F)**] **Subdivision (f)** provides the procedures for the collection and disposition of the original completed questionnaires and copies for impaneled jurors. Once *voir dire* is concluded, all copies of the completed questionnaires are returned to the official designated by the president judge pursuant to [paragraph (A)(2),] **subdivision (a)(2)** and destroyed promptly **or retained for the limited purposes of subdivision (h)**. The original completed questionnaires of the impaneled jury must be retained in a sealed file in the manner prescribed pursuant to [paragraph (A)(2),] **subdivision (a)(2)** and destroyed upon the conclusion of the juror's service, unless the trial judge orders otherwise **or unless retained for the limited purposes of subdivision (h)**. Because the information in the questionnaires is confidential, the trial judge should only order retention of the original questionnaires under unusual circumstances. Such a circumstance would arise, for example, if the questionnaires were placed at issue for post-verdict review. In that event, the judge would order the preservation of the questionnaires in order to make them part of the appellate record. **Nothing in this rule is intended to prevent the trial or president judge, court administrator, or other relevant official from retaining the original questionnaires for the limited purposes of subdivision (h).**

Under [paragraph (G)] **subdivision (g)**, the original and any copies of the questionnaires of those jurors not impaneled and not selected for any jury must be destroyed [without exception] upon completion of their service **unless retained for the limited purposes of subdivision (h)**.

There may be situations in which the attorneys and judge would want to prepare an individualized questionnaire for a particular case. In this situation, a supplemental questionnaire, **as permitted by subdivision (a)(1)**, would be used together with the standard juror information questionnaire, and the disclosure and retention provisions in [paragraphs (B) and (F)] **subdivisions (b) and (f)** would apply. [See paragraph (A)(1).]

The Greene Reports

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[NOTE: Former Rule 1107 rescinded September 28, 1975. Present Rule 1107 adopted September 15, 1993, effective January 1, 1994; suspended December 17, 1993 until further Order of the Court; the September 15, 1993 Order is superseded by the September 18, 1998 Order, and present Rule 1107 adopted September 18, 1998, effective July 1, 1999; renumbered Rule 632 and amended March 1, 2000, effective April 1, 2001; amended May 2, 2005, effective August 1, 2005; amended July 7, 2015, effective October 1, 2015.

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COMMITTEE EXPLANATORY REPORTS:

Final Report explaining the September 18, 1998 adoption of new Rule 1107 concerning juror information questionnaires published with the Court's Order at 29 Pa.B. 4887 (October 3, 1999).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the May 2, 2005 amendments to the mandatory juror information questionnaire form published at 35 Pa.B. 2870 (May 14, 2005).

Final Report explaining the July 7, 2015 amendments correcting cross-references to Rules 625 and 631 published with the Court's Order at 45 Pa.B. 3985 (July 25, 2015).]

SUPREME COURT OF PENNSYLVANIA CRIMINAL PROCEDURAL RULES COMMITTEE

PUBLICATION REPORT

Proposed Amendment of Pa.R.Crim.P. 632.

The Criminal Procedural Rules Committee is considering proposing to the Supreme Court the amendment of Pa.R.Crim.P. 632. The proposed amendment would revise the juror information questionnaire by increasing the number of categories of race and ethnicity from which a juror may choose and by including a query for gender. The rule would also be amended to explicitly permit judicial districts to retain information provided by prospective and impaneled jurors so long as such information is only retained in the aggregate.

Currently, Pa.R.Crim.P. 632(H) sets forth the juror information questionnaire. Among sections seeking biographical information, e.g., name, city, and marital status, there is a section soliciting prospective jurors to identify their race. The form presents the juror with four choices: "white," "black," "Hispanic," and "other." Each choice is accompanied by a corresponding checkbox. The "other" checkbox, however, does not have an accompanying space for the juror to disclose a specific race. The questionnaire does not solicit prospective or impaneled jurors to identify their ethnicity or their gender. This current version of the juror information questionnaire containing a "race box" was first adopted in 1998. See 28 Pa.B. 4883 (October 3, 1998). The purpose of the questionnaire was to "reduce otherwise lengthy *voir dire* practices [] and ensure that basic information about the jurors is known to the parties." As governed by Pa.R.Crim.P. 632, the information contained in the questionnaires is made available only to the

The Greene Reports

trial judge, the defendant, the defendant's attorney, and the attorney for the Commonwealth and only for the purpose of jury selection. Pa.R.Crim.P. 632(B). The questionnaires are to be returned to the judge at the completion of a juror's service and destroyed.

The Committee's review was prompted by an observation that the questionnaire's options for race and ethnicity were too limited. Additionally, the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness requested that the rule be amended to permit judicial districts to retain aggregated, non-identifiable juror demographic information for the purpose of assessing that juries are drawn from a representative cross-section of the community.

With respect to increasing the number of categories of race and ethnicity from which a juror may choose, the proposed amendment was informed, in part, by the importance of gathering such information for Batson challenges. In *Batson v. Kentucky*, 476 U.S. 79 (1986), the Supreme Court of the United States held that "the Equal Protection Clause forbids the prosecutor to challenge potential jurors solely on account of their race or on the assumption that black jurors as a group will be unable impartially to consider the State's case against a black defendant." *Batson*, 476 U.S. at 89. See *Commonwealth v. Reid*, 99 A.3d 470, 484 (Pa. 2014). The Equal Protection Clause of the 14th Amendment to the United States Constitution forbids the exercise of peremptory challenges to potential jurors on the basis of gender or ethnicity as well. See *J.E.B. v. Alabama ex rel. T.B.*, 511 U.S. 127, 129 (1994) ("We hold that gender, like race, is an unconstitutional proxy for juror competence and impartiality."); *Commonwealth v. Uderra*, 862 A.2d 74, 84 (Pa. 2004) (ethnicity). Beyond *Batson*, litigants have the right to be informed concerning the make-up of the jury and to be tried by a jury of their peers.

In crafting new categories, the Committee reviewed the 2020 U.S. Census questionnaire as well as the practices of other jurisdictions and courts. The Committee acknowledged that there are a variety of categories and subcategories in use based on the purpose of the data collection. Ultimately, the Committee concluded that the questionnaire should include sufficient categories of race and ethnicity for use in a *Batson* challenge and include gender to provide potentially relevant *Batson* information.

To permit the retention of data from the questionnaires, the Committee proposes subdivision (h), which would permit retention of juror data, provided the data is retained in the aggregate and in a manner that does not contain or reveal any personally identifiable information of the prospective or impaneled jurors. Please note, subdivision (h) is intended to permit the retention of this information; it is not intended to require retention. Whether that data is retained is an administrative, rather than procedural, matter.

The Committee invites all comments, concerns, and suggestions.