

ADVANCE SHEET

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Estate Notices

DECEDENTS ESTATES

NOTICE IS HEREBY GIVEN that letters testamentary or of administration have been granted in the following estates. All persons indebted to the estate are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors or their attorneys named below.

FIRST PUBLICATION

ESTATE OF SUSAN W. HOOVER, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Ronald L. Hoover, R.R. 1, Box 488, Port Royal, PA 17082. Attorney: John R. Beinhaul, Esq., 3964 Lexington Street, Harrisburg, PA 17109. y14-y28

ESTATE OF GRANT E. BILLOW, late of Upper Paxton Township, Dauphin County, Pennsylvania (died June 24, 2006). Co-Executors: Thomas G. Billow, 221 Savidge Road, Millersburg, PA 17061 and Patty L. Straub (Ferrari), 311 Lebanon Road, Manheim, PA 17545. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Phone (717) 234-5600. y14-y28

ESTATE OF BARRY R. POTTEIGER, late of Swatara Township, Dauphin County, Pennsylvania (died June 9, 2006). Administratrix: Betty L. Potteiger, 7400 Chambers Hill Road, Harrisburg, PA 17111. Attorney: Francis A. Zulli, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. y14-y28

ESTATE OF ANN C. SNYDER, late of the Borough of Middletown, Dauphin County, Pennsylvania (died June 20, 2006). Executor: Charles I. Snyder, Jr., 960 Castle Pond Drive, York, PA 17402-7515. Attorney: Jean D. Seibert, Esq., Wion, Zulli & Seibert, 109 Locust Street, Harrisburg, PA 17101. y14-y28

ESTATE OF NICHOLAS RAPAPOLUS, late of Dauphin County, Pennsylvania (died May 31, 2006). Executor: Mark N. Raptapolus. Attorney: Michael Cherewka, Esq., 624 North Front Street, Wormleysburg, PA 17043. y14-y28

ESTATE OF HERMAN A. RAZZIS, late of Harrisburg, Dauphin County, Pennsylvania (died April 16, 2006). Attorney: William J. Peters, Esq., Peters & Wasilefski, 2931 North Front Street, Harrisburg, PA 17110. y14-y28

ESTATE OF AUGUSTINE A. SACCHET, late of Lower Paxton Township, Dauphin County, Pennsylvania. Administrator: Anthony J. Sacchet, 7321 Chambers Hill Road, Harrisburg, PA 17111. Attorney: Melanie Walz Scaringi, Esq., Scaringi & Scaringi, P.C., 2000 Linglestown Road, Suite 103, Harrisburg, PA 17110. y14-y28

FIRST PUBLICATION

Estate Notices

ESTATE OF MARILYN SCOLLON AUBITZ, late of Dauphin County, Pennsylvania. Executor: John J. Ferry, Jr., 46 East Main Street, Palmyra, PA 17078. Attorney: Daryl J. Gerber, Esq., Gerber, Ferry & Tanner, 46 E. Main Street, Palmyra, PA 17078. y14-y28

SECOND PUBLICATION

ESTATE OF DENNIS SPEIGELHALDER, late of Upper Paxton Township, Dauphin County, Pennsylvania. Administrator: Ronald D. Butler, 500 North Third Street, P.O. Box 1004, Harrisburg, PA 17108. Attorneys: Butler Law Firm, 500 North Third Street, P.O. Box 1004, Harrisburg, PA 17108. y7-y21

ESTATE OF GOITON K. TEWELDEBERHAN, late of the City of Harrisburg, Dauphin County, Pennsylvania. Administratrix: Asli A. Kidane, 618 South 20th Street, Harrisburg, PA 17104. Attorney: John R. Beinhaus, Esq., Beinhaus & Curcillo, 3964 Lexington Street, Harrisburg, PA 17109. y7-y21

ESTATE OF MARGARET V. MAXWELL, late of Harrisburg, Dauphin County, Pennsylvania (died December 30, 2003). Executrix: Bonnie L. Weisenford, 21 Genesis Court, Middletown, PA 17057. Attorney: Herschel Lock, Esq., 3107 North Front Street, Harrisburg, PA 17110-1310. y7-y21

ESTATE OF RUDY H. TRENN, late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Mary Ruth Kovak, 2195 Ridge Drive, Mars, PA 16046. Attorney: Bridget M. Whitley, Esq., Skarlatos & Zonarich, LLP, 17 South Second Street, 6th Floor, Harrisburg, PA 17101. y7-y21

ESTATE OF FRANK M. HERR, late of Derry Township, Dauphin County, Pennsylvania. Administrator C.T.A.: Frankie H. Herr. Attorney: Thomas C. Clark, Esq., 431 East Main Street, P.O. Box 57, Middleburg, PA 17842. y7-y21

ESTATE OF ROBERT F. HAGUE, late of the City of Harrisburg, Dauphin County, Pennsylvania (died May 29, 2005). Executrix: Barbara Bailey, 116 Summit Street, Steelton, PA 17113. Attorney: James D. Cameron, Esq., 1325 North Front Street, Harrisburg, PA 17102. y7-y21

ESTATE OF JEAN LORETTA SCHOFFSTALL, late of Elizabethtown Borough, Dauphin County, Pennsylvania. Co-Executrices: Carol E. Tyler, 70 Fairview Street, Carlisle, PA 17013 and June Warfel, 930 Mountain House Road, Halifax, PA 17032. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 Route 209, Elizabethtown, PA 17023. y7-y21

ESTATE OF ALLEN MICHAEL HUBER, JR., late of Derry Township, Dauphin County, Pennsylvania. Executrix: Bonnie Crow, 1407 Keener Road, Bainbridge, PA 17502. Attorney: Jan M. Wiley, Esq., Wiley, Lenox, Colgan & Marzocco, P.C., 130 W. Church Street, Suite 100, Dillsburg, PA 17019. y7-y21

ESTATE OF JOSEPH H. CAPLAN, late of Susquehanna Township, Dauphin County, Pennsylvania (died May 2, 2006). Executrix: Betty N. Caplan. Attorney: David M. Watts, Jr., Esq., McNees Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166. Phone (717) 237-5344. y7-y21

THIRD PUBLICATION

ESTATE OF RUBY M. ROMANO, late of the City of Harrisburg, Dauphin County, Pennsylvania (died May 31, 2006). Executor: James A. Romano. Attorney: Richard W. Stevenson, Esq., McNees Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108. Phone (717) 237-5208. j30-y14

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Crimes and criminal procedure — Custodial interrogation — Sixth Amendment right to counsel — Waiver — Police-initiated conversation.

The Commonwealth appealed a Court order granting a suppression motion. The Court had determined that incriminating statements were the product of police-initiated discussions occurring after the defendant had invoked his right to counsel.

1. Once a criminal defendant invokes his Sixth Amendment right to counsel, a subsequent waiver of that right - even if voluntary, knowing and intelligent under traditional standards - is presumed invalid if secured pursuant to police-initiated conversation. Statements obtained in violation of that rule may not be admitted as substantive evidence in the prosecution's case in chief. *Michigan v. Jackson*, 475 U.S. 625, 636 (1986).

2. In Pennsylvania, arrest triggers the Sixth Amendment right to counsel. *Commonwealth v. Karash*, 518 A.2d 537, 541 (Pa. 1986); *Commonwealth v. Laney*, 729 A.2d 598, 601 (Pa. Super. 1999), *appeal denied*, 751 A.2d 187 (Pa. 2000). Indeed, after a formal accusation has been made - and a person who had previously been just a "suspect" has become an "accused" within the meaning of the Sixth Amendment - the constitutional right to the assistance of counsel is of such importance that the police may no longer employ techniques for eliciting information from an uncounseled defendant that might have been entirely proper at an earlier stage of their investigation. *Commonwealth v. Cornelius*, 856 A.2d 62, 72 (Pa. Super. 2004), *alloc. denied*, 895 A.2d 548 (Pa. 2006) (quoting, *Michigan v. Jackson* at 632).

Pa.R.A.P. 1915 Opinion. C.P., Dau. Co., No. 2005 CR 1314.

Shannon M. Kerwin, for the Commonwealth

Paul J. Kovatch, for Defendant

TURGEON, J., June 6, 2006. – Before the court is the Commonwealth's appeal from this court's March 7, 2006 order granting defendant Christopher Stevenson's suppression motion. In granting the motion, I suppressed defendant's incriminating statements made to police detectives as the product of police-initiated discussions occurring after defendant had invoked his right to counsel. This opinion is written in support of that order, pursuant to Pa.R.A.P. 1925.

FINDINGS OF FACTS

On March 8, 2005, Harrisburg Police Detective David Lau and another officer arrested defendant on a parole violation capias at his girlfriend Shontel Lewis' home. (N.T. 49, 65) Defendant was brought to the Criminal Investigation Division of the Harrisburg Police Department at 9:52 a.m. (N.T. 7-8) At 10:30 a.m., Detective Lau and fellow Detective Donald Heffner met with defendant in a conference room. Detective

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Heffner told defendant he was a suspect in the murder of Stephen Paddon on March 4, 2005, and that if defendant wanted to talk about it he would have to “Mirandize” the defendant. (N.T. 9, 23) Detective Heffner proceeded to read a Waiver of Rights form advising defendant of his right to remain silent and right to an attorney. (N.T. 9, 23; Commonwealth Exbt. 1) Defendant had questions about his rights and ultimately decided, at 11:10 a.m., that he did not wish to speak with police. (N.T. 8-9) Detective Heffner thus noted on the form that defendant had “nodded no” when asked if he wished to speak without a lawyer present. (N.T. 9-10; Commonwealth Exbt. 1) As a result of defendant’s refusal to speak, the interview concluded and defendant was taken for booking and processing on the parole capias.

During this same time period, police detectives had or were in the process of interviewing Shontel Lewis and Deidra Evans, who was also described as defendant’s girlfriend. (N.T. 24-25) During the course of the day, Detective Heffner attended parts of Deidra Evans’ interview conducted by another detective. (N.T. 25) Defendant claimed that he was aware police were interviewing Deidra Evans about the Paddon murder. (N.T. 70-71) Detective Heffner had also spoken that morning with Tammy Evans, Deidra’s mother. (N.T. 24-25) Tammy Evans had earlier provided police with a bag of clothing defendant had allegedly worn on the day of the murder and which was taken from the Evans’ residence. (N.T. 29, 31)

At 12:20 p.m., Detective Heffner contacted the defendant and advised him that he was being arrested and charged with criminal homicide. Detective Heffner subsequently informed him of his rights. (N.T. 10-11, 39-40) Detective Lau thereafter prepared a search warrant seeking samples of defendant’s hair, blood and saliva to be used for DNA comparison for the homicide charge and authored the probable cause affidavit. (N.T. 57; Commonwealth Exbt. 3) At the same time, Detective Heffner prepared a separate warrant seeking to search the bag of clothing that defendant had dropped off with Deidra Evans and which Tammy Evans had given to police. (N.T. 29, 43) Both search warrants were presented together to a magisterial district judge who signed them both around 3:05 p.m. (N.T. 13, 29; Commonwealth Exbt. 3)

The search warrant for the clothing was executed by Detective Heffner at 3:40 p.m. in the forensic unit of the police department, and outside of defendant’s presence. (N.T. 29-30) Detective Heffner later served the clothing warrant upon defendant at 3:55 p.m., by

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personally handing it to him. (N.T. 31-32) Detective Heffner did not read any portion of that warrant to defendant. (N.T. 29-30, 44) Simultaneous with service of the warrant for the clothing, Detectives Heffner and Lau also informed defendant, who was still in the booking area, that they were going to take him to a hospital to execute the other search warrant for his blood, hair and saliva. (N.T. 11, 50) Though Detective Heffner had just handed defendant a copy of the clothing search warrant, neither he nor Detective Lau served upon the defendant a copy of the warrant/affidavit for the blood, hair and saliva at this time.

Detective Heffner told defendant that “we are not going to talk to you about this incident. What we are going to do is take you down to the hospital. We are going to take your blood, your saliva, and your hair and then we are going to bring you back.” (N.T. 34) At 3:59, after placing defendant in shackles, a belt and handcuffs, the detectives escorted him by police vehicle to Harrisburg Hospital, a few blocks from the police station. (N.T. 11) During transport, Detective Heffner explained to defendant the procedure that would occur at the hospital. (N.T. 34, 42)

Once at the hospital, the detectives waited for a short time with defendant in a public area while defendant was registered. (N.T. 60) The detectives and the defendant then went to a private room where Detective Lau read to the defendant the entire portion of the probable cause affidavit of the search warrant, as follows:

Your affiant is Detective David A. Lau, Sr. I have been employed by the Harrisburg Police Department since 1991 and have worked on numerous violent crime incidents.

On 3-4-05, at approximately 0232 hrs., the Harrisburg Police Dept. received a phone call advising of a vehicle accident that was to have occurred in the area of Cameron and Magnolia Streets. Shortly after receiving the call, several police officers and medical personnel were dispatched to the scene to provide aid to any possible victim(s) and to investigate the circumstances which led to the accident.

After arriving on the scene, officers and medical personnel determined that the apparent driver of the

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vehicle at the time of the accident was Stephen Paddon in that Paddon was found in the driver seat area of the vehicle in question (Jeep Cherokee, bearing Pa. registration, DSW-6019). Stephen Paddon was determined to be deceased.

During search of the area, officers found a nokia cellular phone in close proximity (approximately 10 feet or so) to the vehicle that Paddon was driving. This phone was secured for the purpose of identifying its owner so that it could be returned.

During further investigation into this matter, it was later determined that Stephen Paddon sustained what appeared to be a single gunshot wound to the lower right side of his neck. This injury apparently caused Stephen Paddon's death.

While at the police dept., I briefly accessed the nokia phone database to determine the phone number assigned to same. The phone number was found to be 717-557-4396. Upon calling this number, the account was found to belong to a customer of the Sprint Cellular Phone Company.

Based on the information contained above, a search warrant was obtained so that the owner of the phone in question could be identified. Sprint Cellular Phone Company subsequently identified the owner of the phone as being Christopher Stevenson.

During further investigation into this matter, Deidra Evans was interviewed by police. Deidra advised that on 3-7-05, at approx. 1300 hrs., Christopher Stevenson appeared at her residence (2506 Greenwood St., Hbg.) and dropped off a black in color Jersey and a pair of black in color dickey pants. Both of these items of clothing appeared to be blood stained and were later seized by police as possible evidence in this case. Deidra told police that Christopher Stevenson admitted to her that he shot the driver of the vehicle described in this affidavit and that shortly thereafter, the vehicle crashed.

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During search of listed vehicle, a knit cap was also recovered. Said cap is to be forwarded to PSP lab for possible recovery of body hairs and/or body fluid.

(N.T. 50, 61; Commonwealth Exbt. 3)

Upon reading the portion of the affidavit involving defendant's girlfriend Deidra, defendant appeared "stunned" and "blurted out" that "he could not believe his white girl told on him." Defendant then admitted he had shot the victim but that he had done so in self defense. (N.T. 13-14, 51) Detective Heffner agreed that defendant's statements were clearly made in response to Detective Lau's recitation of the probable cause affidavit. (N.T. 38) At this point, one of the detectives told him to stop talking. (N.T. 14) Defendant told the detectives he wanted to be truthful and Detective Heffner said "because [defendant] had invoked his right to counsel that he would have to initiate with us, that we were not going to approach him about this and I said is that what you are doing? Are you re-initiating the conversation with police because we are not going to start this and he said, yes, that is what he is doing." (N.T. 14) Detective Lau told defendant they would re-Mirnadize him after the search warrant was executed. (N.T. 14, 51-52)

After a nurse took defendant's samples, he was transported back to the police station around 5:15 p.m. (N.T. 15-16) Upon his arrival, he was provided with food and beverage for the first time since his arrival at 9:52 a.m. (N.T. 15, 28) Around 5:30 p.m., defendant was re-read his Miranda rights and signed a second Waiver of Rights form, indicating he wished to speak to the police without the presence of a lawyer. (N.T. 16, 52-53; Commonwealth Exbt. 2) Defendant then proceeded to make a recorded, incriminating statement.¹ (N.T. 19, 54)

Following lengthy argument and consideration of the legal authority submitted by counsel, I granted defendant's suppression motion. (N.T. 87-113)

1. Defendant admitted, among other things, that on March 4, 2005, he had gotten in Mr. Paddon's vehicle ostensibly, to sell him drugs. Since defendant had no drugs and needed money, he planned to steal from Mr. Paddon. Defendant snatched \$40 from Mr. Paddon and defendant tried to exit the vehicle, Mr. Paddon, who defendant believed to be drunk, told him "no you ain't" and began driving very fast. Defendant became fearful and pulled his gun, planning to shoot Mr. Paddon in the shoulder to slow him down. He claimed his gun discharged when Mr. Paddon hit a bump. The vehicle then went out of control and rolled over five times. Defendant also described the clothing he was wearing, the gun he used and his movements over the next few days prior to his arrest, including contact with both Shontel Lewis and Deidra Evans.

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LEGAL DISCUSSION

In *Commonwealth v. Davis*, our superior court outlined the law concerning a defendant's invocation of his or her right to counsel under the Fifth Amendment of the United States Constitution and subsequent police interrogation, as follows:

In the landmark case of *Miranda v. Arizona*, [...], the U.S. Supreme Court held that where an "individual states that he wants an attorney, the interrogation must cease until an attorney is present." *Id.*, 384 U.S. at 474, 86 S.Ct. at 1627. Fifteen years later, in *Edwards v. Arizona*, [...], the Supreme Court, as a corollary to its earlier decision in *Miranda*, adopted a bright-line rule "that when an accused has invoked his right to have counsel present during custodial interrogation, a valid waiver of that right cannot be established by showing only that he responded to further police-initiated custodial interrogation even if he has been advised of his rights. ... [and that an accused having] expressed his desire to deal with the police only through counsel, is not subject to further interrogation by the authorities until counsel has been made available to him, unless the accused himself initiates further communication, exchanges, or conversations with the police." *Edwards v. Arizona*, 451 U.S. at 484-485, 101 S.Ct. at 1884-1885.

In the post-*Miranda* and post-*Edwards* case of *Smith v. Illinois*, 469 U.S. 91, 105 S.Ct. 490, 83 L.Ed.2d 488 (1984), the Supreme Court noted that the rigid prophylactic rule of *Edwards* ...

embodies two distinct inquiries. First, courts must determine whether the accused actually invoked his right to counsel. Second, if the accused invoked his right to counsel, courts may admit his responses to further questioning only on finding that he (a) initiated further discussions with the police, and (b) knowingly and intelligently waived the right he had invoked.

Id. at 95, 105 S.Ct. at 492-493.

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Commonwealth v. Davis, 565 A.2d 458, 459-60 (Pa. Super. 1989).

In *Michigan v. Jackson*, the United States Supreme Court extended the bright line, prophylactic rule set forth in *Edwards* to the Sixth Amendment context, holding that “if police initiate interrogation after a defendant’s assertion ... of his [Sixth Amendment] right to counsel, any waiver of the defendant’s right to counsel for that police-initiated interrogation is invalid.” *Commonwealth v. Cornelius*, 856 A.2d 62, 73 (Pa. Super. 2004), *alloc. denied*, 895 A.2d 548 (Pa. 2006) (quoting, *Michigan v. Jackson*, 475 U.S. 625, 636 (1986)). *See also*, *Michigan v. Harvey*, *supra*, at 345. (*Michigan v. Jackson* “established a prophylactic rule that once a criminal defendant invokes his Sixth Amendment right to counsel, a subsequent waiver of that right — even if voluntary, knowing, and intelligent under traditional standards — is presumed invalid if secured pursuant to police-initiated conversation ... [and] that statements obtained in violation of that rule may not be admitted as substantive evidence in the prosecution’s case in chief”); *Commonwealth v. Wyatt*, 669 A.2d 954, 956 (Pa. Super. 2000). The supreme court has accordingly concluded that “[j]ust as written waivers are insufficient to justify police-initiated interrogation after the request for counsel in a Fifth Amendment analysis, so too they are insufficient to justify police-initiated interrogations after the request for counsel in a Sixth Amendment analysis.” *Michigan v. Jackson* at 635.

In Pennsylvania, arrest triggers the Sixth Amendment right to counsel, *Commonwealth v. Karash*, 518 A.2d 537, 541, (Pa. 1986); *Commonwealth v. Laney*, 729 A.2d 598, 601 (Pa. Super. 1999), *appeal denied*, 751 A.2d 187 (Pa. 2000). Thus, in this case, since the defendant had been formally arrested and charged with homicide prior to his making statements at the hospital, his Sixth Amendment right to counsel had attached.

The applicable legal standard is thus clear in this case; where an accused invokes his right to counsel, any subsequent statements made to police are presumed invalid under the rigid prophylactic rule adopted in *Michigan v. Jackson*, unless the accused (a) initiated further discussions with the police, and (b) knowingly and intelligently waived the right he had invoked. *Smith v. Illinois*, *supra*.

CONCLUSIONS OF LAW

In granting the suppression motion, I relied upon *Michigan v. Jackson* for the proposition that subsequent waiver of the right to

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counsel after it has been invoked, even if voluntary, knowing, and intelligent, is presumed invalid if secured pursuant to a police-initiated conversation. (See, N.T. 105-06, citing, *Michigan v. Harvey, supra* (relying upon *Michigan v. Jackson*)). Furthermore, I held that Detective Lau's reading of the probable cause affidavit to the defendant was the equivalent of a police-initiated conversation rendering defendant's subsequent waiver of his right to counsel invalid. (See, N.T. 106-107, citing, *Commonwealth v. Mercier*, 302 A.2d 337 (Pa. 1973)).

In *Mercier*, our state supreme court held that after an individual has invoked his right to counsel under the Fifth Amendment, all interrogation must cease and that the reading of a third party statement to the defendant, which implicated the individual in a crime, was an interrogation. *Id.* at 339-40. As further described by our superior court in the Fifth Amendment context, "the term 'interrogation' under *Miranda* refers not only to express questioning, but also to any words or actions on the part of the police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect." *Commonwealth v. Ramos*, 532 A.2d 465, 468 (Pa. Super. 1988) (quoting, *Rhode Island v. Innis*, 446 U.S. 291, 300 (1980)). Case law has clarified that the police interaction with the defendant need not amount to "interrogation" as characterized in *Michigan v. Jackson* at 637. The prohibited police-initiated contact is indeed broader, encompassing police-initiated "further discussions" (*Smith v. Illinois* at 95), "police-initiated conversation" or "discussion," or any statements made by the defendant "deliberately elicited" by police (*Michigan v. Harvey* at 345, 348, 349).

In this case, the reading by the detective of the probable cause affidavit, during execution of the search warrant, was a police-initiated discussion that was designed and likely to elicit an incriminating response from the defendant since it contained the third party statement by Deidra Evans, implicating defendant in the crime for which he was accused. *Mercier; supra*. It is important to note that police are under no legal obligation to **read** any portion of a search warrant to the person from whom property is to be taken, much less the entire contents of a probable cause affidavit. Instead, the law requires only that the police "**leave**" with the person from whom property is to be taken pursuant to a search warrant, a copy of the search warrant and attached affidavits, as well as a receipt of property taken. Pa.R.C.P. 208(A); *see also, Commonwealth v. Walls*, 386 A.2d 105, 107 (Pa. Super. 1978)

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(en banc).² It is also notable that the detectives executed both search warrants within a few hours of one another and that in the case of the search warrant for the clothing, the detectives did not read any portion of that warrant to the defendant and did not in fact “leave” a copy with the defendant until after the search warrant had been executed.³

As noted above, police are permitted to act and communicate with an accused who has invoked his right to counsel where such actions or words are those normally attendant to arrest and custody. *Ramos, supra*. The detectives were entirely within their rights, and were in fact required by Rule 208, to “leave” a copy of the search warrant and affidavit with the defendant. Pa.R.Cr.P. 208(A). However, since the defendant had invoked his right to counsel, and since he had been formally charged

2. The application for and execution of search warrants is governed by the Pennsylvania Rules of Criminal Procedure, 200-210. Specifically, Rule 208(A) requires as follows:

Rule 208. Copy of Warrant; Receipt for Seized Property

(A) A law enforcement officer, upon taking property pursuant to a search warrant, shall leave with the person from whom or from whose premises the property was taken a copy of the warrant and affidavit(s) in support thereof, and a receipt for the property seized. A copy of the warrant and affidavit(s) must be left whether or not any property is seized.

The complete text of Rule 208, as well as other relevant rules related to search warrant execution, were included in the search warrant form used in this case. (Commonwealth Exbt. 3, Return of Service and Inventory)

The failure by a law enforcement officer to provide a copy of the warrant to the person from whom or from whose premises are to be searched, as required under Rule 208 (formerly Rule 208), does not even warrant exclusion of the evidence, absent a showing of prejudice to the defendant since the rights encompassed in this Rule are not constitutional requirements. *Commonwealth v. Musi*, 404 A.2d 378 (Pa. 1979) (adopting federal jurisprudence holding that the procedures required for execution and return of a warrant are ministerial and irregularities can not void an otherwise valid search absent a showing of prejudice) (citations omitted); *Commonwealth v. Johnson*, 462 A.2d 743, 748 (Pa. Super. 1983) (“Where a [R]ule [of Criminal Procedure] represents a codification of Fourth Amendment requirements, e.g., the knock and announce rule [current Rule 207], its violation will result in exclusion of evidence. Where, however, the rule goes beyond the requirements of the Fourth Amendment, e.g., verification of inventory rule [current Rule 209] or rule requiring police to leave a copy of the search warrant and affidavit [current Rule 208], its violation will not result in suppression *unless* (1) there is a particular rule mandating suppression, or (2) the defendant’s constitutional rights have been otherwise violated.”)

3. There is no constitutional requirement that a warrant be served before the search and seizure occurs. *See, State v. Aase*, 89 P3d 721 (2004 Wis.) (Fourth Amendment does not compel suppression of evidence where a copy of warrant was not given to the defendant resident before commencing an otherwise lawful search).

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with homicide, the detectives were under an obligation to initiate no conversation or discussion beyond those encompassed within their ministerial duties of executing the search warrant. The court in *Michigan v. Jackson* stressed the import of invocation of the right to counsel under the Sixth Amendment, as follows:

Indeed, after a formal accusation has been made - and a person who had previously been just a "suspect" has become an "accused" within the meaning of the Sixth Amendment - the constitutional right to the assistance of counsel is of such importance that the police may no longer employ techniques for eliciting information from an uncounseled defendant that might have been entirely proper at an earlier stage of their investigation.

Commonwealth v. Cornelius at 72 (quoting, *Michigan v. Jackson* at 632). There may be occasions when police may properly read some portion of a search warrant to a suspect or an accused in custody. Under the circumstances of this case, however, police violated defendant's Sixth Amendment right to counsel by reading the probable cause affidavit to the defendant while executing the search warrant.

Because defendant's statements were the result of the police-initiated statements, defendant's statements both at the hospital and later, after he formally waived his right to counsel back at the police station, must be suppressed. *Michigan v. Jackson, supra. Compare, Commonwealth v. Fisher*, 769 A.2d 1116, 1125 (Pa. 2001) (arrestee's remarks, made after invoking right to counsel, were voluntary statements not subject to suppression since they were unsolicited, spontaneous and not the result of custodial interrogation).

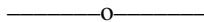
The Commonwealth proffered two arguments against suppression. Its principal argument was that voluntariness was the court's sole inquiry and that under the traditional totality of the circumstances test, defendant's incriminating statements and confession were clearly voluntary. (N.T. 93-95, 104-105, 107) *See, e.g., Commonwealth v. Watkins*, 750 A.2d 308, 314 (Pa. Super. 2000) (in evaluating voluntariness, a court must consider the duration and means of the interrogation; the physical and psychological state of the accused; the conditions attendant to the detention; the attitude of the interrogator; and any and all other factors that could drain a person's ability to withstand suggestion and coercion). Indeed, "[n]othing in the Sixth Amendment prevents a suspect charged with a crime and represented by counsel from voluntarily choosing, on his own, to speak with police in the absence of an attorney." *Michigan v. Harvey* at 352. As set forth above, however, voluntariness is the second

Commonwealth v. Stevenson

part of the two-part test under *Smith v. Illinois, supra*, for determining whether defendant's statements must be suppressed after he has invoked his Sixth Amendment right to counsel; the first part of the inquiry is whether defendant's statements were the product of a police-initiated, discussion. Since they were, that defendant's statements were otherwise voluntary, knowing and intelligent, does not alter the result.⁴ See, *Commonwealth v. Ramos, supra* at 469 (applying prophylactic rule of *Michigan v. Jackson*, holding that defendant's waiver of his Sixth Amendment right to counsel, which was seemingly knowing, intelligent and voluntary, was nonetheless invalid where defendant had initially invoked his right to counsel and proceeded to confess following a police-initiated interview); see also, *Commonwealth v. Templin*, 795 A.2d 959, 965 (Pa. 2002) (confessions obtained in violation of *Miranda* right under the Fifth Amendment must be excluded "irrespective of their voluntariness")

The Commonwealth's other argument was that since defendant had testified at the suppression hearing that he could not remember if police had read the probable cause affidavit to him at the hospital, his incriminating statements (that he could not believe his girlfriend told on him and that he shot the victim) were spontaneously made. (N.T. 91-92, 109) As noted above, both detectives credibly testified that defendant blurted out the incriminating statements in clear response to the police-initiated recitation of that portion of the probable cause affidavit summarizing his girlfriend Deidra Evans' statement to police.

Accordingly, I granted defendant's suppression motion.



4. During the course of my discussions with counsel, I initially indicated that I felt that defendant's statements to police were voluntary, though ultimately invalid since they were the product of police-initiated interrogation/discussion. (N.T. 107-108) Later, I noted that if a statement is initiated by police following invocation of the right to counsel, there can be no voluntary, knowing and intelligent waiver of the right against self-incrimination/right to counsel. (N.T. 112-113) The latter is not an accurate statement of law. See, *Michigan v. Harvey, supra*. As such, a police-initiated statement must be suppressed but can still be considered voluntarily made and used by the Commonwealth other than as substantive evidence in the prosecution's case in chief. *Id.* at 345; see also, *United States v. Spencer*; 955 F.2d 814, 819 (2d Cir. 1992) (recognizing that while a waiver of the right to counsel as a result of police-initiated conduct is invalid under *Michigan v. Jackson*, such a waiver might still be considered "knowing and voluntary" for purpose of using the statement as non-substantive evidence). Thus, I would note for the record that while the statement must be suppressed, I nevertheless find it was voluntarily given.

THIRD PUBLICATION

Estate Notices

ESTATE OF FLOYD G. MAJETTE, late of the Borough of Middletown, Dauphin County, Pennsylvania. Executrix: Yvette Johnson, 3109 Beethoven Way, Silver Spring, MD 20704. Attorney: James H. Rowland, Jr., Esq., 812 North 17th Street, Harrisburg, PA 17103. j30-y14

ESTATE OF BILLIE M. BASTI, late of Hummelstown, Dauphin County, Pennsylvania (died June 5, 2006). Co-Executors: Fae Kireta, 796 Highland Street, Steelton, PA 17113 and Donald L. Staub, P.O. Box 14, Wellsville, PA 17365. Attorney: Paul Taneff, Esq., Ricci & Taneff, 4219 Derry Street, Harrisburg, PA 17111. j30-y14

ESTATE OF A. MOLLIE McINTOSH a/k/a AMALIE McINTOSH a/k/a MOLLIE O. McINTOSH, late of Harrisburg, Dauphin County, Pennsylvania (died March 15, 2006). Executor: Thomas W. McIntosh. Attorney: Elizabeth P. Mullaugh, Esq., McNees Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166. Phone (717) 237-5243. j30-y14

ESTATE OF MARY MARGARET SEGERT-RAINEY A/K/A MARY RAINEY, late of Susquehanna Township, Dauphin County, Pennsylvania. Administrator: Joseph M. Rainey, 1801 North Center Street, Ebensburg, PA 15931. Attorney: Timothy J. Sloan, Esq., 107 East Lloyd Street, P.O. Box 330, Ebensburg, PA 15931. Phone (814) 471-6771. j30-y14

ESTATE OF BEVERLY ANN MILLER, late of Dauphin County, Pennsylvania. Administrator: Violet H. Miller, 501 Pine Swamp Road, Elverson, PA 19520. Attorney: John J. Ferry, Jr., Esq., Gerber, Ferry & Tanner, 46 E. Main Street, Palmyra, PA 17078. j30-y14

ESTATE OF ELWOOD E. MICHAEL, late of the Borough of Gratz, Dauphin County, Pennsylvania. Executrix: Helen M. Michael, 114 W. South Second Street, Gratz, PA 17030. Attorney: Joseph C. Michetti, Jr., Esq., Dulge & Michetti, 921 Market Street, Trevorton, PA 17881. j30-y14

ESTATE OF WOODROW W. REBER, late of the Borough of Middletown, Dauphin County, Pennsylvania. Executor: Barry J. Reber, 2900 Oley Turnpike Road, Apt. C-5, Reading, PA 19606. Attorney: Bridget M. Whitley, Esq., Skarlatos & Zonarich LLP, 17 South Second Street, 6th Floor, Harrisburg, PA 17101. j30-y14

ESTATE OF CONRAD J. KRAFT, late of Harrisburg, Dauphin County, Pennsylvania (died May 23, 2006). Executrix: Anna Marie Kraft, 1316 North Sixth Street, Harrisburg, PA 17102. Attorney: Jan L. Brown, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. j30-y14

ESTATE OF MARGARET L. MILLER, late of Swatara Township, Dauphin County, Pennsylvania. Administratrix: Lisa A. Ritter. Attorney: Shelly J. Kunkel, Esq., 3464 Trindle Road, Camp Hill, PA 17011. j30-y14

ESTATE OF ROBERT B. SMITH, late of South Hanover Township, Dauphin County, Pennsylvania (died April 19, 2006). Executrix: JoAnn Smith. Attorney: Robert R. Church, Esq., Keefer Wood Allen & Rahal, LLP, P.O. Box 11963, Harrisburg, PA 17108-1963. j30-y14

ESTATE OF MARY A. SHORTER, late of Susquehanna Township, Dauphin County, Pennsylvania (died May 20, 2006). Executrix: Barbara J. Waxman. Attorney: Marielle F. Hazen, Esq., 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. j30-y14

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that on June 13, 2006, Articles of Incorporation were filed with the Department of State for **Lee Freeman, Inc.** organized under the provisions of the Pennsylvania Business Corporation Law of 1988.

R. ERIC PIERCE, Esq.
753 Fishburn Road
P.O. Box 775
Hershey, PA 17033
(717) 533-8652

y14

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Commonwealth of Pennsylvania, Department of State, at Harrisburg, Pennsylvania for the purpose of obtaining a Certificate of Incorporation.

The name of the corporation organized under the Pennsylvania Business Corporation Law of 1988, Act of December 21, 1988, P.L. 1444, No. 177, as amended and supplemented, is **H & V HOLDING COMPANY**.

JOHN P. MANBECK, Esq.
Rhoads & Sinon LLP
12th Floor
One South Market Square
P.O. Box 1146
Harrisburg, PA 17108-1146

y14

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 26, 2006, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **MARKETPRO SOUTH INC**, c/o Registered Agent Solutions.

This corporation is incorporated under the laws of the State of Maryland. The principal office is 609 Oak Knoll Tera, Rockville, MD 20850. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988 as amended.

y14

NOTICE IS HEREBY GIVEN that **Smart Beep, Inc.**, a foreign business corporation incorporated under the laws of the State of Delaware, received a Certificate of Authority in Pennsylvania on April 22, 1998 and surrenders its Certificate of Authority to do business in Pennsylvania.

Its last registered office in this Commonwealth was located at: 600 North Second Street, Suite 500, Harrisburg, PA 17101, and its last registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania.

Notice of its intention to withdraw from Pennsylvania was mailed by certified or registered mail to each municipal corporation in which the registered office or principal place of business of the corporation in Pennsylvania is located.

The post office address, including street and number, if any, to which process may be sent in an action or proceeding upon any liability incurred before any liability incurred before the filing of the application for termination of authority is 840 Greenbrier Circle, Chesapeake, VA 23320.

y14

NOTICE IS HEREBY GIVEN that a Certificate of Organization of Domestic Limited Liability Company was filed on January 11, 2006, with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Organization of a proposed domestic limited liability company to be organized under the 1988 Pennsylvania Business Corporation Law of the Commonwealth of Pennsylvania. The name of the company is **Giddings Acupuncture Practice, LLC**. The registered office is at 2315 Patton Road, Harrisburg, Dauphin County, Pennsylvania 17112-9153. The purpose of the company is: to provide acupuncture and related services and all other lawful business in the Commonwealth of Pennsylvania and elsewhere for which corporations may be incorporated under the Pennsylvania Business Corporation Law.

STEVE C. NICHOLAS, Esq.
Nicholas Law Offices, P.C.
2215 Forest Hills Drive, Suite 37
Harrisburg, PA 17112-1099
(717) 540-7746

y14

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Business Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **Springs Window Fashions Manufacturing Co. USA, Inc.** on June 22, 2006. The address of its principal office under the laws of its jurisdiction is 7549 Graber Road, Middleton, WI 53562. The address of this corporation's proposed registered office is National Registered Agents, Inc. in the County of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa.C.S. 4124(b). y14

NOTICE IS HEREBY GIVEN that **ABC LANDSCAPE CONSTRUCTION, INC.** has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988.

KEVIN D. DOLAN, Esq.
Gingrich, Smith, Klingensmith & Dolan
222 South Market Street
Suite 201
y14 Elizabethtown, PA 17022

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Business Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **DLC Management Corporation (NY)** on June 21, 2006. The address of its principal office under the laws of its jurisdiction is 580 White Plains Rd., Tarrytown, NY 10591. The address of this corporation's proposed registered office is National Registered Agents, Inc. in the County of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa.C.S. 4124(b). y14

NOTICE IS HEREBY GIVEN that **AIDCO, INC.**, a California Corporation intends to file an Application for Termination of Authority and the registered office is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. y14

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a foreign business corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **Budget Lawn Care, Inc.** on May 8, 2006. The address of its principal office under the laws of the jurisdiction in which it is incorporated is 4208 Riverdale Avenue, Glen Allen, Virginia 23060. The registered office for this business is: Nauman, Smith, Shissler & Hall, LLP, Dauphin County, Pennsylvania. The corporation is filed in compliance with the requirements of the applicable provisions of 15 Pa.C.S. 4124. y14

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a Foreign Business Corporation was filed in the Department of State of the Commonwealth of Pennsylvania for **Protection Advantage, Inc.** on June 21, 2006. The address of its principal office under the laws of its jurisdiction is 160 Greentree Drive, Suite 101, Dover, DE 19904. The address of this corporation's proposed registered office is National Registered Agents, Inc., in the County of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa.C.S. 4124(b). y14

NOTICE IS HEREBY GIVEN that **MicroNet Technology, Inc.**, a foreign business corporation formerly incorporated under the laws of the State of Delaware, was dissolved in Delaware effective as of July 27, 2005, and intends to withdraw its authority to do business in Pennsylvania. The address of its principal office under the laws of its jurisdiction of incorporation is 1228 Douglas Avenue, Redwood City, CA 94063, Attn: General Counsel. Its last registered office in this Commonwealth is c/o Corporation Service Company, which is deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. y14

NOTICE IS HEREBY GIVEN, to all persons interested or who may be affected by **PIEZO CRYSTAL COMPANY**, a Pennsylvania business corporation, has approved a proposal that the corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended. y14

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Corporation Bureau of the Department of State of the Commonwealth of Pennsylvania:

(1) The name of the corporation is:

PENNSYLVANIA BUILDERS AND REMODELING, INC.

(2) The corporation has been organized under Title 15 of the *Pennsylvania Consolidated Statutes* §§ 1101-4162 (the Business Corporation Law, as amended).

ROBERT C. MAY, Esq.
The Law Firm of May & May, P.C.
4330 Carlisle Pike
Camp Hill, PA 17011
(717) 612-0102

y14

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, **TotalCare Clinical Laboratories, Inc.**, a corporation of the State of Delaware, with principal office located at 1209 Orange Street, Wilmington, DE 19801, and having a Commercial Registered office Provider and county of venue as follows: CT Corporation System, Dauphin County, which on June 19, 1991, was granted a Certificate of Authority, to transact business in the Commonwealth, intends to file an Application for Termination of Authority with the Department of State. y14

NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on June 27, 2006, for the purpose of obtaining a charter of a Nonprofit Corporation organized under the Nonprofit Corporation Law of 1988 of the Commonwealth of Pennsylvania. The name of the corporation is: **ACA'S DOG WALK TO FIGHT CHILDREN'S CANCER, INC.** The purposes for which it was organized are as follows: a non-profit corporation created to raise money to fight children's cancer through marathons.

y14

NOTICE IS HEREBY GIVEN, to all persons interested or who may be affected by **PENNSYLVANIA BROKERAGE AGENCY**, a Pennsylvania business corporation, has approved a proposal that the corporation voluntarily dissolve, and that the Board of Directors is now engaged in winding up and settling the affairs of the corporation under the provisions of Section 1975 of the Pennsylvania Business Corporation Law of 1988, as amended. y14

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, that on June 26, 2006, **BADGER AMERICA, INC.**, a corporation incorporated under the laws of the State of Delaware, with principal office at c/o Washington Group International, 720 Park Boulevard., Boise, ID 83712, and registered office in Pennsylvania at c/o Corporation Service Company, Dauphin County, which on October 20, 1980, was granted a Certificate of Authority to transact business in the Commonwealth of Pennsylvania, intends to file an Application for Termination of Authority with the Department of State. y14

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129 of the Business Corporation Law of 1988, that on June 27, 2006, **MEC CONSTRUCTORS, INC.**, a corporation incorporated under the laws of the State of Delaware, with principal office at c/o EMCOR Group, Inc., 301 Merritt Seven, Norwalk, CT 06851, and registered office in Pennsylvania at c/o Prentice Hall Corp. System, Dauphin County, which on March 30, 1995, was granted a Certificate of Authority to transact business in the Commonwealth of Pennsylvania, intends to file an Application for Termination of Authority with the Department of State. y14

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **KACKLEY & HARRINGTON GIFTS CAROUSEL, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. y14

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on June 23, 2006, by **THOMAS PINK INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located c/o Corporation Service Company, Dauphin County, Pennsylvania. y14

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on June 20, 2006, by **MIDLANTIC ACQUISITION CO.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 2240 Bethlehem Pike, Hatfield, PA 19440, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located c/o Corporation Service Company, Dauphin County, Pennsylvania. y14

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **LA DEMIJO INVESTMENTS, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. y14

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **MJ MORTGAGE & TAX SERVICES, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. y14

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on June 20, 2006, by **MVC ERECTORS INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located c/o Corporation Service Company, Dauphin County, Pennsylvania. y14

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on May 22, 2006, by **CORTIVA EDUCATION, INC.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at c/o Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located c/o Corporation Service Company, Dauphin County, Pennsylvania. y14

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on June 27, 2006, by **SYNTERACT, INC.**, a foreign corporation formed under the laws of the State of California, where its principal office is located at 5759 Fleet Street, Suite 100, Carlsbad, CA 92008, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located c/o Corporation Service Company, Dauphin County, Pennsylvania. y14

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on June 27, 2006, by **GMAC MORTGAGE USA CORPORATION**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 100 Witmer Road, Horsham, PA 19044, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located c/o Corporation Service Company, Dauphin County, Pennsylvania. y14

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on June 12, 2006, by **NeuroTherm, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at c/o CSC, 2711 Centerville Road, Suite 400, Wilmington, DE 19808, for a Certificate of Authority to do business in Pennsylvania under the provisions of the Pennsylvania Business Corporation Law of 1988.

The registered office in Pennsylvania shall be deemed for venue and official publication purposes to be located c/o Corporation Service Company, Dauphin County, Pennsylvania. y14

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **THE BIG GAME HUNTER, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. y14

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **CARDI INTERNATIONAL, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. y14

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **PRIORITY SALES, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. y14

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **ITG CONSULTANTS, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. y14

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **EXECUTIVE FUNDING, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. y14

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **DREAMLAND TOYWORKS, INC.**, a Business-Statutory Close corporation organized under the Pennsylvania Business Corporation Law of 1988. y14

NOTICE IS HEREBY GIVEN that a Certificate of Authority for a foreign business entity was filed in the Department of State of the Commonwealth of Pennsylvania for **New Life Agency, Inc.** on June 19, 2006. The address of its principal office under the laws of the jurisdiction in which it is incorporated is 8383 Wilshire Blvd. #333, Beverly Hills, CA 90211. The registered office for this business is: Nauman, Smith, Shissler & Hall, LLP, Dauphin County, PA. The corporation is filed in compliance with the requirements of the applicable provision of 15 Pa.C.S. 4124. y14

FIRST PUBLICATION

Miscellaneous Notices

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

**IN RE: ADOPTION OF E.R.,
A MINOR CHILD**

No. 6479-2006

**TO: AN ALLEGED UNKNOWN FATHER
AND ANY OTHER POTENTIAL
FATHER**

NOTICE IS HEREBY GIVEN that a petition has been filed asking the Court to put an end to all rights you have to your child, born July 25, 2001, in Harrisburg, Pennsylvania. You met the minor child's mother at Croc 'n Berrys in October, 2000. The Court has set a hearing to consider ending your rights to your child. That hearing will be held on the 18th day of August, 2006, at 10:45 o'clock, a.m. in Courtroom No. 5 in the Dauphin County Courthouse at Front and Market Streets, Harrisburg, Dauphin County, Pennsylvania. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

**ADDITIONAL NOTICE
TO PUTATIVE FATHER**

NOTICE IS HEREBY GIVEN that your rights may also be subject to termination pursuant to Section 2503(d) of the Adoption Act if you fail to file either an acknowledgment of paternity or claim of paternity pursuant to Section 5103 of the Adoption Act (relating to acknowledgment and claim of paternity) and fail to either appear at the hearing for the purpose of objection to the termination of your rights or file written objection to such termination with the Court prior to the hearing.

y14

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

No. 1665 OC 2006

**NOTICE OF PETITION FOR
APPOINTMENT OF A GUARDIAN
OF THE PERSON AND THE ESTATE
OF TEAGAN ALLANAH WALTON**

TO: CHAD M. WALTON

NOTICE

NOTICE IS HEREBY GIVEN that a Petition to appoint Judy A. Smith as guardian of the person and Estate of Teagan Allanah Walton has been filed to No. 1665 OC 2006 and that a hearing on that Petition has been set before the Honorable Todd A. Hoover on August 18, 2006 at 10:00 a.m. in Courtroom No. 5, Third Floor, Dauphin County Courthouse, Front and Market Streets, Harrisburg, PA 17101.

IF YOU WISH TO DEFEND, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

LAWRENCE J. NEARY, Esq.
108-112 Walnut Street
Harrisburg, PA 17101-1609
(717) 238-4798

FIRST PUBLICATION

Miscellaneous Notices

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION – LAW

No. 2006 CV 2073 MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
LONG BEACH MORTGAGE LOAN
TRUST 2002-4, Plaintiff**

vs.

**NORMA R. NEELY Mortgageor and
Real Owner, Defendant**

**TO: NORMA R. NEELY, MORTGAGOR
AND REAL OWNER, Defendant
whose last known address is
1714 Carnation Street
Harrisburg, PA 17103**

**THIS FIRM IS A DEBT COLLECTOR
AND WE ARE ATTEMPTING
TO COLLECT A DEBT
OWED TO OUR CLIENT.
ANY INFORMATION OBTAINED FROM
YOU WILL BE USED FOR THE PURPOSE
OF COLLECTING THE DEBT.**

YOU ARE HEREBY NOTIFIED that Plaintiff DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR LONG BEACH MORTGAGE LOAN TRUST 2002-4, has filed a Mortgage Foreclosure Complaint endorsed with a notice to defend against you in the Court of Common Pleas of Dauphin County, Pennsylvania, docketed to No. 2006 CV 2073 MF wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 1714 Carnation Street, Harrisburg, PA 17103 whereupon your property will be sold by the Sheriff of Dauphin County.

NOTICE

NOTICE IS HEREBY GIVEN that you have been sued in court. If you wish to defend against the claims set forth in the following, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or

objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claim in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW, THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

CENTRAL PENNSYLVANIA
LEGAL SERVICES
213A North Front Street
Harrisburg, PA 17101
(717) 232-0581

JOSEPH A. GOLDBECK, JR., Esq.
Goldbeck McCafferty & McKeever, PC
Suite 5000, Mellon Independence Center
701 Market Street
Philadelphia, PA 19106-1532

y14

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

**CIVIL ACTION – LAW
CIVIL DIVISION**

No. 2006 CV 0316 MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**WELLS FARGO BANK, N.A., S/B/M TO
WELLS FARGO HOME MORTGAGE,
INC., Plaintiff**

vs.

**BRADLEY D. MORIO and
HEATHER S. MILLER, Defendants**

FIRST PUBLICATION

Miscellaneous Notices

NOTICE

TO: HEATHER S. MILLER

YOU ARE HEREBY NOTIFIED that on January 24, 2006, Plaintiff, WELLS FARGO BANK, N.A., S/B/M TO WELLS FARGO HOME MORTGAGE, INC., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Dauphin County Pennsylvania, docketed to No. 2006 CV 0316 MF. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 665 HIGHLAND STREET, HARRISBURG, PA. 17113 whereupon your property would be sold by the Sheriff of Dauphin County.

YOU ARE HEREBY NOTIFIED to plead to the above referenced Complaint on or before twenty (20) days from the date of this publication or a Judgment will be entered against you.

NOTICE

IF YOU WISH TO DEFEND, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL ACTION

No. 580 CV 2005

FIRST AMENDED COMPLAINT IN
MORTGAGE FORECLOSURE

EQUITY ONE, INC., Plaintiff
vs.

TRACEY FINLEY, Known Surviving Heir of
Leola Steele, Deceased Mortgagor and Real
Owner,

VICTOR STEELE, Known Surviving Heir of
Leola Steele, Deceased Mortgagor and Real
Owner,

ALEXANDRIA SIZER, Known Surviving
Heir of Leola Steele, Deceased Mortgagor
and Real Owner,

ALEXANDER STEELE, JR., Known
Surviving Heir of Leola Steele, Deceased
Mortgagor and Real Owner,

UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS and ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
LEOLA STEELE, DECEASED
MORTGAGOR and REAL OWNER,
Defendants

**TO: Alexander Steele, Jr., Known Surviving
Heir of Leola Steele, Deceased
Mortgagor and Real Owner, and
Victor Steele, Known Surviving Heir of
Leola Steele, Deceased Mortgagor and
Real Owner**

PREMISES SUBJECT
TO FORECLOSURE
1931 BRIGGS STREET
HARRISBURG, PA 17103

NOTICE

IF YOU WISH TO DEFEND, you must enter a written appearance personally or by attorney and file your defenses or objections in writing to the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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Miscellaneous Notices

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PINA S. WERTZBERGER, Esq.
Milstead & Associates, LLC
Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

y14

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

CIVIL ACTION

No. 581 CV 2005

**FIRST AMENDED COMPLAINT IN
MORTGAGE FORECLOSURE**

EQUITY ONE, INC., Plaintiff
vs.

**TRACEY FINLEY, Known Surviving Heir of
Leola Steele, Deceased Mortgagor and Real
Owner,**

**VICTOR STEELE, Known Surviving Heir of
Leola Steele, Deceased Mortgagor and Real
Owner,**

**ALEXANDRIA SIZER, Known Surviving
Heir of Leola Steele, Deceased Mortgagor
and Real Owner,**

**ALEXANDER STEELE, JR., Known
Surviving Heir of Leola Steele, Deceased
Mortgagor and Real Owner,**

**UNKNOWN HEIRS, SUCCESSORS,
ASSIGNS and ALL PERSONS, FIRMS,
OR ASSOCIATIONS CLAIMING
RIGHT, TITLE OR INTEREST FROM
OR UNDER LEOLA STEELE,
DECEASED MORTGAGOR and
REAL OWNER, Defendants**

**TO: Alexander Steele, Jr., Known Surviving
Heir of Leola Steele, Deceased
Mortgagor and Real Owner, and
Victor Steele, Known Surviving Heir of
Leola Steele, Deceased Mortgagor and
Real Owner**

**PREMISES SUBJECT
TO FORECLOSURE
1931 BRIGGS STREET
HARRISBURG, PA 17103**

NOTICE

IF YOU WISH TO DEFEND, you must enter a written appearance personally or by attorney and file your defenses or objections in writing to the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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Miscellaneous Notices

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

**CIVIL ACTION
MORTGAGE FORECLOSURE**

No. 2006 CV 1479 MF

**AURORA LOAN SERVICES, LLC, Plaintiff
vs.**

**ESME STUBBS
220 South 13th Street
Harrisburg, PA 17104, Defendant**

**COMPLAINT - CIVIL ACTION
NOTICE TO DEFEND**

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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**DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536**

AVISO

USTED HA SIDO DEMANDADO/A EN CORTE. Si usted desea defenderse de las demandas que se presentan más adelante en las siguientes páginas, debe tomar acción dentro de los próximos veinte (20) días después de la notificación de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aquí en contra suya. Se le advierte de que si usted falla de tomar acción como se describe anteriormente, el caso puede proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier otra reclamación o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin más aviso adicional. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO.

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LAWYER REFERRAL SERVICE
213 North Front Street
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(717) 232-7536**

**RICHARD M. SQUIRE, Esq.
M. TROY FREEDMAN, Esq.
Richard M. Squire & Associates, LLC
One Jenkintown Station, Suite 104
115 West Avenue
Jenkintown, PA 19046
Telephone: 215-886-8790
Fax: 215-886-8791**

y14

FIRST PUBLICATION

Miscellaneous Notices

**IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA**

**CIVIL ACTION
MORTGAGE FORECLOSURE**

No. 06-CV-1804

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, as trustee of Argent Mortgage
Securities, Inc. asset-backed through certifi-
cates series 2004-WI 1, under the pooling and
servicing agreement dated as of October 1,
2004, Without Recourse, Plaintiff**

vs.

**JOSEPH M. HARDING and
LISA M. HARDING
3503 Hillcrest Road
Harrisburg, PA 17109, Defendants**

**COMPLAINT - CIVIL ACTION
NOTICE TO DEFEND**

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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AVISO

USTED HA SIDO DEMANDADO/A EN CORTE. Si usted desea defenderse de las demandas que se presentan más adelante en las siguientes páginas, debe tomar acción dentro de los próximos veinte (20) días después de la notificación de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aquí en contra suya. Se le advierte de que si usted falla de tomar acción como se describe anteriormente, el caso puede proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier otra reclamación o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin más aviso adicional. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO.

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Jenkintown, PA 19046
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FIRST PUBLICATION
Miscellaneous Notices

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

CIVIL DIVISION

No. 4583 CV 2005

DISCOVER BANK, Plaintiff

vs.

DAVID E. BOYER a/k/a DAVID BOYER,
Defendant

NOTICE

YOU SHOULD TAKE THIS NOTICE TO
YOUR LAWYER AT ONCE. IF YOU DO NOT
HAVE A LAWYER OR CANNOT AFFORD
ONE, GO TO OR TELEPHONE THE OFFICE
SET FORTH BELOW TO FIND OUT WHERE
YOU CAN GET LEGAL HELP.

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2718 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 434-7955

y14

NOTICE OF AUDIT

**TO LEGATEES, NEXT OF KIN,
CREDITORS AND ALL
OTHER PERSONS CONCERNED**

NOTICE IS HEREBY GIVEN that the follow-
ing accounts have been filed by the respective
accountants in the Office of the Register of Wills
or with the Clerk of the Orphans' Court Division
of the Common Pleas of Dauphin County, as the
case may be, and that the same shall be duly pre-
sented to the said Orphans' Court Division at the
Office of the Court Administrator for Audit,
Confirmation and Distribution of the said ascer-
tained balances to and among those legally enti-
tled there to *on Tuesday, August 22, 2006*.
Pursuant to Dauphin County Orphans' Court
Rule 6.10.1, objections to an account must be
filed in writing with the Register or Clerk *no
later than the close of business on Tuesday,
August 15, 2006*.

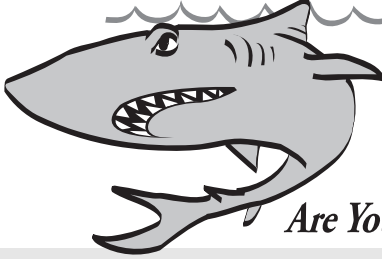
1. ALLISON, EDWARD L., Deceased, First and Final Account of Kim L. Allison-Cruz, Executrix.
2. BACKENSTOSE, DOROTHY H., Settlor now Deceased, First and Final Account of George W. Porter, Sole Surviving Co-Trustee (Trust Under Agreement dated September 15, 1998).
3. HUNTER, JAMES M., Deceased, First and Final Account of R. Daniel Hunter and Donna Holland, Executors.
4. KRASEVIC, DEBORAH J., Deceased, First and Final Account of Angela L. Barrett, Administratrix.
5. SANAGORSKI, LINDA J., Incapacitated, Fourth and Final Account of Hershey Trust Company, Successor Guardian.
6. STABLER FOUNDATION, DONALD B. & DOROTHY L., Donald B. Stabler, Settlor now Deceased, First and Partial Account of Cyril C. Dunmire, Jr., David H. Schaper, Paul B. Shannon, Richard A. Zimmerman, and Sherill T. Moyer, Trustees (Trust Under Agreement dated September 16, 1966, as Amended and Restated May 28, 1980).

Dated: July 7, 2006

/s/ SANDRA C. SNYDER
Register of Wills and

y14-y21 Clerk of the Orphans' Court Division

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The Board of Directors of the Bar Association meets on the third Thursday of the month at the Bar Association headquarters. Anyone wishing to attend or have matters brought before the Board should contact the Bar Association office in advance.

REPORTING OF ERRORS IN ADVANCE SHEET

The Bench and Bar will contribute to the accuracy in matters of detail of the permanent edition of the Dauphin County Reporter by sending to the editor promptly, notice of all errors appearing in this advance sheet. Inasmuch as corrections are made on a continuous basis, there can be no assurance that corrections can be made later than thirty (30) days from the date of this issue but this should not discourage the submission of notice of errors after thirty (30) days since they will be handled in some way if at all possible. Please send such notice of errors to: Dauphin County Reporter, Dauphin County Bar Association, 213 North Front Street, Harrisburg, PA 17101-1493.

DAUPHIN COUNTY COURT SECTION

Motion Judge of the Month

JULY 2006

Judge Bruce F. BRATTON

AUGUST 2006

Judge John F. CHERRY

Opinions Not Yet Reported

June 13, 2006 – Clark, J., **Susquehanna Area Regional Airport Authority v. Middletown Area School District** (No. 2005 CV 2052)

June 21, 2006 – Kleinfelter, J., **Peterson v. State Farm Fire & Casualty Company, et al.** (No. 2003 CV 4018)

BAR ASSOCIATION PAGE – Continued

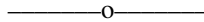
MISCELLANEOUS SECTION

Opinions Not Yet Reported

June 27, 2006 – Clark, J., **Control Board of the Harrisburg School District, et al. v. School Directors of the Harrisburg School District, et al.**
(No. 2006 CV 2489)

June 29, 2006 – Bratton, J., **Commonwealth v. Miller** (No. 1618 CR 2005)

June 29, 2006 – Clark, J., **Eastern Atlantic Insurance Company v. Swiss Reinsurance America Coporation** (No. 2004 CV 5514)



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BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

PeoplesBank, A Codorus Valley Company

TRUST COUNSEL

PeoplesBank, A Codorus Valley Company established in 1864 and headquartered at 105 Leader Heights Road in York, Pennsylvania, is seeking Trust Counsel to work in our Trust and Investment Services Division.

The position is responsible for reviewing all legal documents such as trust documents, wills, powers of attorney, etc. prior to the bank accepting such appointments and recommending revisions as deemed appropriate. The position will work closely with outside attorneys regarding acceptance of appointments as trustee or executor and will work closely with attorneys from the United States Department of Justice regarding acceptance of appointments as trustee for trusts administered under various federal statutes. Administrative responsibilities will include tax reporting and other reporting and research required to administer trust accounts; assists with estate settlements, to include accountings, inventories, review of tax returns, collection and distribution of assets, and payment of debt; and meeting with beneficiaries.

If you are interested in securing additional information, please contact Matt Clemens, Senior Vice President - Human Resources at (717) 747-1507 or e-mail at mclemens@peoplesbanknet.com. PeoplesBank is an Affirmative Action/Equal Opportunity Employer. j30-y14

ASSISTANT COUNSEL — There is currently a vacancy for an Assistant Counsel in the Navy Office of General Counsel, Naval Inventory Control Point, Mechanicsburg, PA. The personnel notice announcing this vacancy is published on www.ogc.navy.mil, under the “OGC Job Vacancy” link. The Personnel Notice is 62-06. Information concerning the job and how to apply for the position are detailed in the Personnel Notice. Applications must be received by 4 August 2006 to be considered. y14-y28

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BAR ASSOCIATION PAGE – Continued

MISCELLANEOUS SECTION

ASSOCIATE ATTORNEY — BennLawFirm, of York, Pennsylvania, seeks an associate attorney with 1-5 years litigation experience. Salary commensurate with experience. Send resume, writing sample and salary requirements to: Niles S. Benn, Esquire at BennLawFirm, 103-107 East Market Street, P.O. Box 5185, York, PA 17405, Fax No. (717) 852-8797 or e-mail: nbenn@bennlawfirm.com. j30-y14

PENNSYLVANIA PROJECTS STAFF ATTORNEY

The Pennsylvania Coalition Against Domestic Violence (PCADV) has an opening for the position of Pennsylvania Projects Staff Attorney. This full-time position will be responsible for providing training and technical assistance, including information, referral, problem-solving assistance, legal research, analysis, systems and organizational development, networking, and resource development, for Pennsylvania's STOP teams, prosecutors, domestic violence advocates, law enforcement, sheriffs, judges and court personnel, the minor judiciary, masters and conciliators. The Staff Attorney will develop and provide training on domestic violence legal issues, develop practice tools, including case law summaries, legislative updates and analyses, system and representation guidelines and promising practices to the above listed constituents. The Staff Attorney will also participate in Pennsylvania Domestic Violence Attorney Network Meetings, and other internal and external groups addressing the issues of domestic violence in the courtroom and communities.

Position requires a Law degree, admitted to practice in Pennsylvania. Direct representation practice experience is strongly preferred. Thorough knowledge and understanding of Pennsylvania civil law and practice related to domestic violence and sexual assault, particularly protection order, custody, support, and divorce law, criminal law and privileged communications law, as well as an understanding of the access and representation issues confronted by victims of domestic violence and sexual assault in civil courts. Experience in appellate advocacy desirable. Experience in systems-based advocacy and community-based efforts to address violence against women. Experience in providing problem-solving technical assistance; experience in curriculum development and training and excellent written and oral communication skills.

PCADV offers competitive salaries and an excellent benefits package.

Qualified candidates should forward resumes with cover letters and salary requirements to:

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PCADV
6400 Flank Drive, Suite 1300
Harrisburg, PA 17112
Or Fax: (717) 671-8149
Email: hr@pcadv.org
EOE

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BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

CIVIL LEGAL REPRESENTATION STAFF ATTORNEY

The Pennsylvania Coalition Against Domestic Violence (PCADV) has an opening for the position of PA Civil Legal Representation (CLR) **Staff Attorney**. This full-time position will be responsible for providing training and technical assistance, including information, referral, problem-solving assistance, legal research, analysis and resource development for CLR grantees, the PA Domestic Violence Attorney Network, civil attorneys and civil justice personnel. The CLR Project provides organizational, networking, research, training and technical assistance to the CLR project attorneys, civil attorneys, and the PA Domestic Violence Attorney Network. The Project convenes meetings of the PA Domestic Violence Attorney Network; develops and delivers Continuing Legal Education programs on domestic violence legal issues to Pennsylvania attorneys, develops and provides training to advocates and domestic relations staff on support issues; and provides technical assistance and practical tools, including case law summaries, legislative updates and analysis, system and representation guidelines and promising practices to civil attorneys.

Position requires a Law degree, admitted to practice before the Pennsylvania State Bar. Direct representation practice experience is strongly preferred. Thorough knowledge and understanding of civil law and practice related to domestic violence and sexual assault, particularly protection order, custody, support, and divorce law required. Appellate practice, tort and privileged communications law, as well as an understanding of the access and representation issues confronted by victims of domestic violence and sexual assault in civil courts also preferred. Experience in providing problem-solving technical assistance; experience in development and implementation of professional education and training programs and excellent written and oral communications skills.

PCADV offers competitive salaries and an excellent benefits package.

Qualified candidates should forward resumes with cover letters and salary requirements to:

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PCADV
6400 Flank Drive, Suite 1300
Harrisburg, PA 17112
Or Fax: (717) 671-8149
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BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

SUPREME COURT OF PENNSYLVANIA
CIVIL PROCEDURAL RULES COMMITTEE

NOTICE OF PROPOSED RECOMMENDATION No. 214

**Proposed New Rule 229.2 Governing Petitions to Transfer
Structured Settlement Payment Rights**

The Civil Procedural Rules Committee is proposing that new Rule 229.2 governing petitions to transfer structured settlement payment rights be promulgated as set forth in this recommendation.

The recommendation is published in full in the *Pennsylvania Bulletin*, the advance reports of *West's Atlantic* and *Pennsylvania Reporters*, the *Pennsylvania Law Weekly*, the *Philadelphia Legal Intelligencer* and the *Pittsburgh Legal Journal*. The recommendation is also published electronically as part of the Home Page of the Administrative Office of Pennsylvania Courts at "<http://www.aopc.org>".

The proposed recommendation has not been submitted to the Supreme Court of Pennsylvania for review but rather is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court. All communications should be sent not later than **August 31, 2006** to:

Harold K. Don, Jr.,
Counsel
Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055

or E-Mail to
civil.rules@pacourts.us

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BAR ASSOCIATION PAGE – Continued
MISCELLANEOUS SECTION

SUPREME COURT OF PENNSYLVANIA
CIVIL PROCEDURAL RULES COMMITTEE

NOTICE OF PROPOSED RECOMMENDATION No. 215

Rules Governing Exemption from Levy and Attachment
Upon Enforcement of a Money Judgment

The Civil Procedural Rules Committee is proposing the promulgation of new Rule 3111.1 and the amendment of other rules of civil procedure governing exemption from levy and attachment upon enforcement of a money judgment.

The recommendation is published in full in the *Pennsylvania Bulletin*, the advance reports of *West's Atlantic* and *Pennsylvania Reporters*, the *Pennsylvania Law Weekly*, the *Philadelphia Legal Intelligencer* and the *Pittsburgh Legal Journal*. The recommendation is also published electronically as part of the Home Page of the Administrative Office of Pennsylvania Courts at "<http://www.aopc.org>".

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Harold K. Don, Jr.
Counsel
Civil Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055

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