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Commonwealth v. Chavious

300

Bar Association Page

Inside Back Cover

INTELLECTUAL PROPERTY LAW

- * Patents
- * Trademarks
- * Copyrights
- * Unfair Competition
- * Trade Secrets
- * Internet Matters

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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 ANGEL GABRIEL ESTRADA, late of Lower Paxton Township, Dauphin County, Pennsylvania, (died June 21, 2013). Executrix: Ariel Estrada, 27 S. 24th Street, Harrisburg, Pennsylvania 17103. Attorney: Ronald L. Finck, Esq., Mette, Evans & Woodside, 3401 North Front Street, Harrisburg, PA 17110.

j10-j24

ESTATE OF BECHTEL, JAMES EDWIN A/K/A BECHTEL, JAMES E. late of the Township of Conewago, County of Dauphin and Commonwealth of Pennsylvania. Administratrix: Debra K. Neidinger, c/o Gingrich, Smith, Klingensmith & Dolan, 222 S. Market St., Suite 201, P.O. Box 267, Elizabethtown, PA 17022. Attorney: Julie M. Cooper, Esq., Gingrich, Smith, Klingensmith & Dolan, 222 S. Market St., Suite 201, P.O. Box 267, Elizabethtown, PA 17022.

j10-j24

ESTATE JANET STINE, late of Susquehanna Township, Dauphin County, Pennsylvania, (died September 26, 2013). Executor: Gerald Stine, c/o Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. Attorney: Hazen Elder Law, 2000 Linglestown Road, Suite 202, Harrisburg, PA 17110. j10-j24

ESTATE OF RALPH R. WOLF, JR., late of Swatara Township, Dauphin County, Pennsylvania. Executrix: Gale Ann Hill, 6161 Pine Street, Harrisburg, PA 17112-1850. Attorney: Steve C. Nicholas, Esq., Nicholas Law Offices, PC, 2215 Forest Hills Drive, Suite 37, Harrisburg, PA 17112-1099.

j10-j24

ESTATE OF ANNA T. GRABAR, of Swatara Township, Dauphin County, Pennsylvania. Executor: Gregory M. Pogasic, 330 Spruce Street, Steelton, PA 17113. Attorney: Elizabeth B. Place, Esq., SkarlatosZonarich LLC, 17 South 2nd Street, Floor 6, Harrisburg, PA 17101.

j10-j24

ESTATE OF STEVEN C. MAHEK, JR., late of the Township of Lower Paxton, County of Dauphin and Commonwealth of Pennsylvania. Executor: Thomas A. Mahek, 125 Holloway Drive, Smithfield, VA 23430. Attorney: Johanna H. Rehkamp, Esq., Turner and O'Connell, 4701 North Front Street, Harrisburg, PA 17110.

j10-j24

FIRST PUBLICATION

Estate Notices

ESTATE OF EDWARD M. RITTER, A/K/A EDWARD M. RITTER, JR., late of Swatara Township, Dauphin County, Pennsylvania. Executor: Stephen A. Ritter, Placey & Wright, 3621 North Front Street, Harrisburg, PA 17110.

j10-j24

ESTATE OF LINDA C. VANSICKLE, late of Harrisburg, Pennsylvania, (died September 4, 2013). Executrix: Laura L. VanSickle, 116 Short Street, Harrisburg, PA 17111. Attorney: Amy M. Moya, Esq., 5011 Locust Lane, Harrisburg, PA 17109.

j10-j24

ESTATE OF HELEN ELIZABETH FOLTZ, late of Swatara Township, Dauphin County, Pennsylvania, (died December 16, 2013). Co-Executors: Deborah K. Ginter, 1258 Highland Street, Oberlin, PA 17113, and Dennis J. Foltz, 1941 Stony Creek Road, Dauphin, PA 17018. Attorney: Terrence J. Kerwin, Esq., Kerwin & Kelwin, LLP, 4245 State Route 209, Elizabethville, PA 17023.

j10-j24

ESTATE OF LAWRENCE H. MILLER late of the Borough of Lykens, County of Dauphin, Pennsylvania, (died December 8, 2013). Executrix: Patricia L. Smeltz, 209 Market Street, P.O. Box 95, Pillow, Pennsylvania 17080. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, Pennsylvania 17023.

j10-j24

SECOND PUBLICATION

Estate Notices

ESTATE OF M. KATURA WITMER, late of Wiconisco Township, Dauphin County, Pennsylvania, (died November 8, 2013). Executor: Barry L. Witmer, Sr., 1895 State Route 209, Millersburg, PA 17061. Attorney: Terrence J. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023.

j3-j17

ESTATE OF WILLIAM E. ALBERT, JR., late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: LeMarie Mahoney, 163 Hiddenwood Drive, Harrisburg, PA 17110. Attorney: Butler Law Firm, 1007 Mumma Road, Suite 101, Lemoyne, PA 17043.

j3-j17

ESTATE OF MAY Y. LIPSITT, late of Harrisburg, Dauphin County, Pennsylvania. Executor: James A. Miller, 4 S 17th Street, Camp Hill, PA 17011.

j3-j17

ESTATE OF VERNA M. GEORGE, late of Lykens Borough, Dauphin County, Pennsylvania (died December 15, 2013). Executrix: Fossie Graham, 770 Main Street, Lykens, PA 17048. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, Attorneys at Law, 4245 State Route 209, Elizabethville, PA 17023.

j3-j17

ESTATE OF BETTY L. SCHADLE, late of Lower Paxton Township, Dauphin County, Pennsylvania (died December 13, 2013). Executrix: Virginia D. Guest, 4011 Pine Needles Drive, Harrisburg, PA 17112. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethville, PA 17023.

j3-j17

Stelter v. Stelter

also permitted, in the context of orders for child and spousal support/alimony pendente lite, where a support obligor is precluded from filing for modification due to a significant physical or mental disability or other compelling reason, so long as modification is promptly sought. Pa.R.C.P. 1910.17(a).

Husband has not suggested that his delay in filing was caused by misrepresentation or by a physical or mental disability; the only reasons cited by husband are that he initially thought he would be returning to work shortly after his September 2010 layoff and that he had unsuccessfully sought a modification in 2005 and therefore questioned his chances for success. (N.T. 8-9, 13) Neither of these reasons for delay are legally compelling and as such, husband is not entitled to a retroactive termination of alimony.

Accordingly, I enter the following:

ORDER

AND NOW, this 2nd day of July, 2013, upon consideration of Larry Stelter's Petition to Modify Alimony, and following a hearing thereon, it is directed that the Petition is GRANTED. Petitioner's alimony obligation is hereby modified to \$800 per month, as of July 27, 2012.

_____o_____

Commonwealth v. Chavious

**Crimes and Criminal Procedure - Post Conviction Collateral Relief Act
(PCRA) Petition – Ineffective Assistance of Counsel - Destroyed Evidence**

Despite Petitioner's request, his trial attorney failed to obtain allegedly exculpatory phone records which the Commonwealth later destroyed. The attorney admitted that there was no reasonable basis for not requesting or obtaining the records. The Court vacated Petitioner's judgment of sentence and ordered a new trial.

1. In order to succeed on a claim of ineffective assistance of counsel, the petitioner must prove: (1) that the claim is of arguable merit; (2) that counsel had no reasonable strategic basis for his or her inaction; and (3) that, but for the errors and omissions of counsel, there is a reasonable probability that the outcome of the proceedings would have been different. *Commonwealth v. Simpson*, 66 A.3d 253, 260 (Pa. 2013).

2. The law provides that where evidence which would properly be part of a case is within the control of the party whose interest it would naturally be to produce it, and, without satisfactory explanation that party fails to do so, the fact finder may draw an inference that such evidence would have been unfavorable to the nonproducing party. *Commonwealth v. Gibson*, 369 A.2d 314, 315 (Pa. Super. 1976).

PCRA Petition. C.P., Dau. Co., No. CP-22-CR-2415-2009.
Petition granted.

Commonwealth v. Chavious

Andrew J Jarbola IV and Kristyne M. Sharpe,
for the Commonwealth
Jennifer E. Tobias, for the Petitioner

OPINION

Turgeon, J., October 23, 2013 – Daniel Chavious has filed a petition under the Post-Conviction Collateral Relief Act (PCRA)¹ as supplemented by court-appointed counsel. Petitioner’s primary claim is that his trial attorney failed to obtain his phone records to prove that the number he allegedly used to arrange the alleged drug transactions was not activated until after the transactions occurred. Unfortunately, this case also now involves Commonwealth agents destroying relevant phone evidence after the PCRA hearing, in possible direct violation of my post-hearing order that the Commonwealth provide such evidence to petitioner’s PCRA attorney. The destroyed evidence would have most likely provided dispositive proof of whether petitioner’s underlying claim was true or not. Inasmuch as the Commonwealth is responsible for depriving petitioner of the only means to prove his claim, and given the applicable inference that the fact finder can consider that the destroyed evidence would have been unfavorable to the Commonwealth, I grant his request for a new trial and vacate his judgment of sentence.

BACKGROUND

Following a trial held December 14-16, 2009, a jury found petitioner guilty of three counts of unlawful delivery of a controlled substance. These convictions arose from petitioner’s alleged sale of crack cocaine on two occasions to a confidential informant and on a third occasion to an undercover officer. Following trial, I sentenced petitioner to an aggregate term of 66 to 240 months confinement. Petitioner filed a timely appeal to the superior court arguing that this court erred by failing to give a missing witness instruction and also that the evidence was insufficient. The superior court denied petitioner’s appeal and his request for discretionary review before the supreme court was subsequently denied. *Commonwealth v. Chavious*, No. 158 MDA 2010 (Pa. Super. Feb. 2, 2011) (mem.); petition for allowance of appeal denied, No. 138 MAL 2011 (Pa. July 12, 2011).

1. 42 Pa.C.S.A. § 9541-9551.

Commonwealth v. Chavious

In addressing petitioner's claims on appeal, I recited the relevant evidence supporting petitioner's convictions, as follows:

... Dauphin County Detective Corey Dickerson testified that around 6:30 p.m. on February 3, 2009, he was working undercover with the Harrisburg Police vice unit. At the time, Detective Dickerson had been working with Dauphin County CID for two months. (N.T. [Trial] 32) Detective Dickerson, operating on information he acquired from his supervisor, Detective David Lau, became acquainted with a confidential informant and he arranged with the confidential informant to purchase \$40 of crack cocaine from a man known as Dog or Duke. (N.T. 21, 33, 116)

Detective Dickerson was present when the confidential informant was searched to make sure she had nothing other than what she was provided by police. (N.T. 22) After the confidential informant contacted Dog by phone, in Detective Dickerson's presence, Dog instructed the confidential informant where to meet. Detective Dickerson drove with the confidential informant to 17th and Carnation Streets in Harrisburg in an undercover vehicle. Upon their arrival, the confidential informant called Dog to let him know they were there. Dog approached the confidential informant but, upon noticing a third party, walked ahead about ten yards to an alleyway. Detective Dickerson described [petitioner] as wearing a gray and yellow Rocawear jacket. A few moments later, the [petitioner] called the confidential informant and told the confidential informant he didn't want to meet her driver so they arranged to meet in the alleyway. Detective Dickerson gave the confidential informant \$40 and the confidential informant walked to the alleyway, out of Detective Dickerson's sight, for about 15 seconds. She then returned to the car, with [petitioner] following behind. The confidential informant immediately handed Detective Dickerson crack cocaine wrapped in plastic wrap. Detective Dickerson drove directly into the alleyway and noticed that it was clear of people. He then drove to a secure location where he handed the drugs to Detective Lau and observed as the confidential informant was searched. (N.T. 21-25, 27, 42, 45, 52)

Two days later, around 5:00 p.m., Detective Dickerson and the confidential informant arranged for a second drug deal

Commonwealth v. Chavious

with [petitioner]. The confidential informant called to purchase \$40 of crack cocaine and [petitioner] again directed the confidential informant to the same location. After they parked, [petitioner] approached the confidential informant who rolled down her window at which point [petitioner] spit out from his mouth three small plastic wrapped baggies of crack cocaine. The confidential informant handed \$40 to [petitioner]. According to Detective Dickerson, [petitioner] was wearing the same Rocawear jacket. Detective Dickerson then observed [petitioner] go into a building at 66 North 17th Street after the transaction. (N.T. 25-27, 30, 58)

On February 11, 2009, Detective Dickerson working alone and upon Detective Lau's direction, called [petitioner]'s phone number and asked to purchase \$40 of crack cocaine. [Petitioner] directed the undercover officer to 17th and Walnut Streets. Upon Detective Dickerson's arrival, [petitioner], wearing head phones and the Rocawear jacket, got into the vehicle. While Detective Dickerson drove around the block, [petitioner] gave him crack cocaine and Detective Dickerson gave [petitioner] \$40, after which [petitioner] got out of the car. Detective Dickerson drove to a secure location and turned the drugs over to Detective Lau. At trial, Detective Dickerson identified the man known as Dog to be Daniel Chavious. (N.T. 28-31)

Sergeant Brenda Holmes, a vice unit supervisor with the Harrisburg Police, testified that she performed the searches on the confidential informant before and after the February 3 and 5, 2009 drug transactions and confirmed that she found no contraband or cash on the confidential informant. (N.T. 74-77) Detective Dickerson testified that after each initial search, he never lost sight of the confidential informant except for the 15 seconds she disappeared into the alleyway during the first transaction. (N.T. 79-80)

Detective Dickerson testified that during each of the three transactions, he was able to provide about five minutes' notice to other police officers involved in the operation of the planned location of the transactions so they could conduct surveillance and provide backup. (N.T. 38-39, 49-50, 54-56, 66) Harrisburg Police Officer Levell Jenkins, who worked in the vice unit, testified that he provided such backup and surveil-

Commonwealth v. Chavious

lance. (N.T. 81) He stated that during the surveillance operations, he was in constant communication with the other officers, including the undercover officer who would provide a description of the suspect and his location during the course of events. (N.T. 94) He testified that while providing surveillance on February 3, 2009, after [petitioner] had completed the transaction with the confidential informant and Detective Dickerson, he observed [petitioner] go into a building at 66 North 17th Street. (N.T. 81) Officer Jenkins testified that regarding the third transaction on February 11, 2009, he also provided surveillance and again observed [petitioner] after the transaction walk into 66 North 17th Street. (N.T. 82)

Officer Jenkins also testified that, based upon information provided by the undercover officer including a description of what [petitioner] was wearing, police were able to video record [petitioner's] movements shortly following both the first and third transactions. (N.T. 82, 94) Those video recordings were played for the jury. The earlier video, taken at 6:38 p.m. showed [petitioner] walk into a house at 66 North 17th Street. (N.T. 84) The latter video showed [petitioner] walking west on Carnation Street, then south on 17th Street to Regina Street where he walked into a store. The video follows him walking west and north on 17th Street and into the home at 66 North 17th Street. (N.T. 86) [Petitioner] is shown in this video wearing a gray Rocawear jacket and headphones. (N.T. 86) This video was taken between 3:34 and 3:38 p.m.²

Harrisburg Police Detective David Lau, who was in charge of the undercover operation, testified that he was not present at the three drug transactions but did receive evidence from Detective Dickerson within about twenty minutes after they had concluded. (N.T. 97) He testified that the contraband purchased from [petitioner] was later tested to be crack cocaine in the amounts of .041, .042 and .036 grams, respectively. (N.T. 98-105)

Detective Lau testified that the confidential informant had been arrested prior to providing information to the police and that she worked for the police either to help reduce her charges

2. The video recordings were shown to the jury; however, they were never requested to be entered or admitted as exhibits.

Commonwealth v. Chavious

or for money. (N.T. 115) He stated that the confidential informant received cash, probably \$40, for each of the two transactions she helped set up. (N.T. 116) Detective Lau testified that all of the deals were made with recorded money though none of that money was recovered from [petitioner]. (N.T. 140)

[Petitioner] was arrested and charged with three counts of unlawful delivery on April 14, 2009. (N.T. 134, 142) He was listed in the criminal complaint as being homeless. (N.T. 136-37) The Commonwealth's attorney read into the record a stipulation reached by the parties which was that in January 2009, [petitioner] reported his address as 66 North 17th Street. The parties also stipulated that in April 2009 the booking officer reported [petitioner] as homeless but that also at another point in April 2009, [petitioner] reported his address as 66 North 17th Street. (N.T. 149)

Commonwealth v. Daniel Chavious 2415 CR 2009, pp. 1-4 (Dauph. Co. C. P. May 25, 2010).

Additional trial evidence relevant to the issues currently raised are as follows: Detective Lau testified that while he knew the phone number used by the confidential informant he made no effort to obtain the confidential informant's phone records. (N.T. 140-41) Because the Commonwealth failed to produce the confidential informant's phone records supporting its evidence that phone calls setting up the drug deals had been placed between the confidential informant and petitioner,³ I provided the jury with an adverse inference instruction. (N.T. 157-58)⁴

Petitioner filed a timely pro se PCRA petition on May 15, 2012. His attorney Jennifer Tobias later filed a motion to withdraw which I denied

3. Neither the confidential informant's phone number nor the phone number allegedly used by petitioner were revealed at trial. (*See N.T. 34*) Petitioner asserted in a second PCRA petition (filed January 14, 2013) that his number was 717-370-8630.

4. My instruction was as follows:
There was an argument that the prosecution failed to present the written records of the telephone. If three factors are present and there is no satisfactory explanation for their failure to produce an item, the jury is allowed to draw an inference that the item would have been unfavorable to that party but in order to draw that adverse inference it must be established that the item was available to them, that it would include special information material to the issue in the case, and that the item wouldn't merely be cumulative of other evidence that was received. So if you would find those three factors present and you think that there is no explanation for failure to produce it, you may chose, if you wish to, that the evidence would have been unfavorable to the Commonwealth. (N.T. 166-67)

Commonwealth v. Chavious

on the basis that counsel had not reviewed all of the claims asserted in the pro se petition. I directed that she fully address them in a supplemental filing. In response, Ms. Tobias filed a PCRA petition April 3, 2013 seeking an evidentiary hearing for the purpose of determining whether petitioner's trial attorney was ineffective for having failed to obtain phone records, which would have presumably and definitively revealed that the phone number which petitioner allegedly used to contact the confidential informant and Detective Dickerson had not been activated until a month after the alleged drug deals. (PCRA Petition ¶ 17) Petitioner claimed that the evidence supporting his convictions was completely fabricated and these phone records would so prove. Petitioner's trial counsel also sought an evidentiary hearing in order to determine whether petitioner's other broadly stated claims (discussed below) had any merit. (PCRA Petition ¶¶ 18-23, 25) PCRA counsel had not sought to obtain the phone or the phone records. Therefore, following the evidentiary hearing, I issued an order, August 2, 2013, directing that the record be held open for thirty days during which petitioner's attorney would make all reasonable efforts to obtain any and all phone records necessary to fully pursue petitioner's PCRA claim alleging ineffective assistance of trial counsel for failure to obtain said records. I directed as well that the Commonwealth "provide petitioner's attorney with all relevant evidence available to it of phone numbers and/or records relevant to the three drug transactions at issue." I also directed the parties to submit briefs on the phone record issue.

POST-PCRA HEARING

Petitioner's attorney, in her brief, stated that after the PCRA hearing, and pursuant to my order, she reviewed Detective Dickerson's undercover officer worksheets, which showed he recorded in his paperwork that the phone number allegedly used by petitioner during the drug buys was 717-370-8630. These worksheets had been identified as Commonwealth Exhibits (#1-#3) for trial, though they were not admitted. (Petitioner's Brief (9/6/13), Exbt. B; *See* N.T. Trial at 54) Petitioner's attorney further noted that she contacted the cell phone provider, Boost Mobile, but was informed that it stores records for only eighteen months and thus no longer had access to them; however, it would have had the records from the alleged drug transaction calls, made in February 2009, at the time of trial, held in December 2009. (Petitioner's Brief, p. 4)

Because petitioner's attorney was unable to obtain Boost Mobile's records, she requested from the lead detective in the case, Detective

Commonwealth v. Chavious

David Lau, that he provide her with petitioner's phone so she could attempt to obtain records of all phone calls made to and from the phone (as well as its period of activation), which are recorded on a chip in the phone. Police had confiscated petitioner's phone at the time of his arrest. Incredibly, counsel was informed that the phone had been destroyed just one week prior to her request.⁵ The Commonwealth has not disputed that the phone was destroyed in the manner represented by Attorney Tobias.⁶

LEGAL DISCUSSION

In his pro se PCRA petition, and as further outlined in counsel's supplemental petition and addressed at the evidentiary hearing, petitioner raised numerous claims of ineffective assistance of counsel (outlined below). In order to succeed on a claim of ineffective assistance of counsel, the petitioner must prove: (1) that the claim is of arguable merit; (2) that counsel had no reasonable strategic basis for his or her action or inaction; and (3) that, but for the errors and omissions of counsel, there is a reasonable probability that the outcome of the proceedings would have been different. *Commonwealth v. Simpson*, 66 A.3d 253, 260 (Pa. 2013). The failure to satisfy any prong of this test will cause the entire claim to fail. *Id.* Finally, counsel is presumed to be effective and petitioner has the burden of proving otherwise. *Id.*

Petitioner's first ineffective assistance of counsel claim is that his trial attorney Elizabeth Pasqualini failed to obtain the phone records which

5. Ms. Tobias stated in her brief as follows:

[I] contacted Detective Dave Lau, of the Harrisburg Police Department, who was the case officer on this docket. [I] requested that the evidence in this case be pulled to see if the actual cell phone with the chip was still in existence. Unfortunately, Detective Lau indicated that it was destroyed only one week prior to [my] request. (Petitioner's Brief, pp. 4-5)

6. In its brief, the Commonwealth failed to address Attorney Tobias' claim that the police had destroyed the phone. My staff thereafter contacted the attorney who represented the Commonwealth at the PCRA hearing by email and requested if he could confirm that the phone had been destroyed as indicated by Ms. Tobias. The email response provided by the Commonwealth attorney was that he could not confirm or deny Ms. Tobias' representation.

The destruction of the phone could be considered in direct violation of my August 2, 2013 Order, by which I directed that the Commonwealth "provide petitioner's attorney with all relevant evidence available to it of phone numbers and/or records relevant to the three drug transactions at issue." The issue of whether the Commonwealth acted in contempt of my order has been assigned to President Judge Todd Hoover for resolution. Furthermore, even absent court order, the fact that petitioner had a pending request for PCRA relief, including a request for a new trial, was easily discoverable to those within the criminal justice system and should have precluded such destruction. The principle that any relevant evidence should not be destroyed in a pending case is beyond obvious.

Commonwealth v. Chavious

would have revealed that the phone number police allegedly used to contact him to set up the three drug transactions (number 717-370-8630) was not activated until March 2009, a month after the alleged February 2009 drug transactions. At the July 2013 hearing, Ms. Pasqualini testified that petitioner had requested the phone records prior to trial. She also admitted she had no reasonable basis for not requesting or obtaining the records. As such, petitioner proved the first two prongs of his ineffectiveness claim.

Petitioner proved that he was prejudiced by his attorney's failure; that is, there is a reasonable probability that the outcome of the proceedings would have been different had the phone record information been presented at trial. The law provides that where evidence which would properly be part of a case is within the control of the party whose interest it would naturally be to produce it, and, without satisfactory explanation that party fails to do so, the fact finder may draw an inference that such evidence would have been unfavorable to the non-producing party.⁷ *Commonwealth v. Gibson*, 369 A.2d 314, 315 (Pa. Super. 1976) (citations omitted). The evidence not produced must be within the power of the party to produce. *Id.* (citations omitted). Furthermore, the inference is not proper if the missing evidence would have been merely cumulative. *Id.* (citation omitted).

The facts before the court reveal that Commonwealth agents destroyed the phone and the records contained therein, which were within its exclusive control, and that the Commonwealth has offered no satisfactory explanation for the destruction. In addition, the information which would have been available from examination of the phone chip, including of the call logs and dates of activation, is furthermore not cumulative evidence. As noted above, the Commonwealth failed to produce any call log information at trial, including of the confidential informant's phone records. In fact, at this point, it would appear that the phone itself, was the last remaining piece of evidence available to prove or disprove such facts. Given that the law permits the fact finder discretion to fairly infer under such circumstances that the destroyed evidence would have been unfavorable to the Commonwealth, I find the adverse inference applicable and conclude that the destroyed evidence would

7. This inference is included as Instruction 3.21B of the Pennsylvania Suggested Standard Criminal Jury Instructions. Pa. SSJI (Crim) 3.21B. (Failure To Produce Document Or Other Tangible Evidence At Trial). This is the same instruction I supplied to the jury during petitioner's trial due to the Commonwealth having failed to produce the confidential informant's phone records. (*See footnote 4*)

Commonwealth v. Chavious

have revealed his phone was not activated until after the drug deals in question allegedly took place.

Assuming that the phone number allegedly used was not active until March 2009, this evidence would have been exculpatory in nature since it would have directly contradicted the Commonwealth's evidence by showing petitioner was not a party to the transactions in the manner asserted by the Commonwealth. The failure of petitioner's trial attorney to obtain the exculpatory evidence, and of the Commonwealth to later produce it for petitioner's PCRA attorney, caused prejudice to petitioner.

In addition, the phone evidence would have provided devastating impeachment evidence against the Commonwealth inasmuch as it would have seriously undermined Detective Dickerson's credibility. The detective testified at trial that he arranged the three drug deals in early February 2009, through the confidential informant, by contacting petitioner at his cell phone number 717-370-8630. He also filled out worksheets contemporaneous with each transaction identifying petitioner's cell phone number as the contact number used. (Petitioner's Brief, Exbt. B) He was the only eyewitness to the three drug deals who testified at trial. The confidential informant, who also allegedly participated in the first two transactions, was not called to testify. No other eyewitness evidence supporting the existence of the transactions was presented. The videotape recordings presented at trial (but not offered as an exhibit) showed no drug transaction activities; instead, it merely showed petitioner walking on the street, going into a store and into his home.

The Commonwealth argues that even if the phone record evidence had been produced for trial and revealed that the petitioner's cell phone number was not in existence at the time of the alleged drug transactions, petitioner suffered no prejudice because the jury still would have convicted him of the crimes charged. In support, the Commonwealth relies upon the jury finding Detective Dickerson's testimony credible. As discussed above, however, because Detective Dickerson's credibility was a significant component leading to petitioner's conviction, and because the destroyed evidence would have seriously undermined his credibility to the extent of revealing substantive portions of it to be untrue, the failure to have presented this impeachment evidence caused prejudice to petitioner. *See, Commonwealth v. Feese*, 2013 PA Super 255, 2013 WL 5229843 *3 (Sept. 18, 2013) (in the context of an alleged violation of *Brady v. Maryland*, a claim that the prosecution suppressed impeachment evidence favorable to an accused is encompassed within the Brady mandate because "the reliability of a witness may ultimately affect a finding of guilt or innocence").

Commonwealth v. Chavious

For all the reasons set forth above, petitioner has proven his claim of ineffective assistance of counsel and is entitled to a new trial.

For the sake of judicial economy, I will also address petitioner's remaining claims, none of which warrant PCRA relief. Petitioner's second claim is that his trial attorney was ineffective for failing to object to inadmissible hearsay evidence at trial. At the evidentiary hearing, petitioner elaborated that it was hearsay for the Commonwealth to be permitted to present, through police testimony, laboratory evidence as to the substance and weight of the contraband sold by petitioner, citing *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009). At petitioner's trial, Detective Lau testified that he had packaged the contraband collected by Detective Dickerson and sent it to the Pennsylvania State Police lab for evaluation. (N.T. 97; Com. Exbt. 7) The State Police generated three lab reports which concluded the substances petitioner allegedly sold were crack cocaine weighing .041, .042 and .036 grams, respectively. (N.T. 99-105; Com. Exbts. 4-6) The lab report results were entered by stipulation and the results testified to through Detective Lau. (N.T. 98) Petitioner claims the lab technician should have testified and that it was hearsay for Detective Lau to essentially testify on the technician's behalf.

In *Melendez-Diaz*, which was decided before petitioner's trial, the U.S. Supreme Court held that the admission of certificates of forensic analysis against a criminal defendant without allowing the defendant the opportunity to cross-examine the scientists who prepared the out-of-court testimonial statements violated the defendant's right of confrontation in the Sixth Amendment and the Supreme Court's prior decision in *Crawford v. Washington*, 541 U.S. 36, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004). *Commonwealth v. Leggett* 16A.3d 1144, 1147 (Pa. Super. 2011). Thus, under *Melendez-Diaz*, petitioner had a right to confront the lab technician(s) who authored the lab reports in his case. As such, petitioner raises a claim of arguable merit.

As noted, petitioner's attorney agreed to stipulate with the Commonwealth as to the veracity of the lab reports, foregoing any need to present the lab technician's testimony. Petitioner's attorney explained at the PCRA hearing that she agreed to the stipulation because she thought that such testimony would bolster the credibility of the Commonwealth's case. This was a reasonable trial strategy and as such, counsel was not ineffective for making this decision.

Commonwealth v. Chavious

Petitioner's third claim is that his attorney was ineffective for failing to contest the Commonwealth's sentence manipulation and entrapment. He explained the nature of his claim at the hearing, which was that the Commonwealth deliberately waited to arrest him following multiple drug buys in order that his sentence would be enhanced for having committed multiple crimes. He claims his trial attorney was ineffective for failing to seek to sever the charges. Ms. Pasqualini testified that controlled buys are often done multiply, targeting a single dealer and that it would have been unlikely she could have successfully obtained a severance. This court agrees and finds his trial attorney's decision not to seek severance a reasonable decision as such a motion would have failed.

Petitioner's fourth claim is that his trial attorney was ineffective for failing to know applicable laws, defenses or strategies, specifically her failure to obtain phone records. Similarly, in his fifth claim, petitioner asserts Ms. Pasqualini's ineffectiveness for failing to investigate a defense alibi which he would have proved through phone record evidence. Issues concerning the failure to obtain phone records are addressed above.

Petitioner's final ineffectiveness claim is that his trial attorney failed to file a pre-trial suppression motion. He expounded upon this allegation at the hearing, claiming that the video footage should have been suppressed because it failed to show any drug transaction activity. Even though the video did not capture any drug transactions, it was relevant to the extent it depicted petitioner in the vicinity of where the first and third drug transactions allegedly occurred, near the time when they occurred. The footage also verified petitioner's identity inasmuch as it shows him twice entering his residence. Because the evidence was relevant, petitioner's trial attorney cannot be considered ineffective for failing to file a frivolous suppression motion.

Petitioner finally argues that the verdict was contrary to evidence and also that there was a violation of the constitution and laws which so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place. With regard to the first claim, it was previously litigated on appeal before the superior court. With regard to the latter, petitioner failed to produce any specific claims of violations of the constitution or laws, and as such, the claim lacks merit.

Commonwealth v. Chavious

Accordingly, I enter the following:

ORDER

AND NOW, this 23rd day of October, 2013, following an evidentiary hearing, and for the reasons set forth above, Petitioner Daniel Chavious' request for PCRA relief petition is hereby GRANTED. Petitioner's judgment of sentence, entered December 16, 2009, is hereby VACATED and a new trial ordered.

BY THE COURT

Jeannine Turgeon, Judge

_____o_____

SECOND PUBLICATION

Estate Notices

ESTATE OF JOANNA SEITZ STAHL, late of the Borough of Williamstown, Dauphin County, Pennsylvania (died November 29, 2013). Administrator: Michael R. Stahl, 119 Charles Street, Rockville, Maryland 20850; Attorney: Terrence J. Kerwin, Esq., Kerwin & Kerwin, LLP, 4245 State Route 209, Elizabethtown, PA 17023. j3-j17

ESTATE OF IDELLE ROCHMAN SCHWARTZ, A/K/A IDELLE S. SCHWARTZ, late of Susquehanna Township, Dauphin County, Pennsylvania, (died November 28, 2013). Attorney: Sharon R. Paxton, Esq., McNees Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166, (717) 232-8000. j3-j17

ESTATE OF BRIDGET P. KENNEDY, late of Lower Paxton Township, Dauphin County, Pennsylvania, (died December 2, 2013). Co-Executrices: Erin Kennedy Margerum and Mary Rose Wright. Attorney: Timothy M. Finnerty, Esq., McNees Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166, (717) 232-8000. j3-j17

ESTATE OF ELIZABETH A. MILLER, late of Susquehanna Township, Dauphin County, Pennsylvania. Executor: Jeffrey D. Miller. Attorney: John E. Feather, Jr., Esq., Feather and Feather, P.C., 22 West Main Street, Annville, PA 17003. j3-j17

THIRD PUBLICATION

Estate Notices

ESTATE OF JEAN R. DRAPER, A/K/A JEAN R. WILSON, A/K/A JEAN R. WILSON DRAPER, late of Susquehanna Township, Dauphin County, Pennsylvania. Executrix: Janis A. Johnson, 16 Craig Run Road, Duncannon, PA 17020. Attorney: Earl Richard Etzweiler, Esq., 105 N. Front Street, Harrisburg, PA 17101. d27-j10

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that **Beldon Technologies, Inc.**, a foreign business corporation incorporated under the laws of Texas, with its prince. office located at 5039 W. Ave., PO Box 100840, San Antonio, TX 78201-8840, has applied for a Certificate of Authority in Pennsylvania under the PA Bus. Corp. Law of 1988. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. j10

NOTICE IS HEREBY GIVEN that **Rock Creek Pharmaceuticals, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 55 Blackburn Center, Gloucester, MA 01930, has applied for a Certificate of Authority in Pennsylvania under the PA Bus. Corp. Law of 1988. The commercial registered office provider in PA is c/o: Corporation Service Co., and shall be deemed for venue and official publication purposes to be located in Dauphin County. j10

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Corporation Bureau of the Pennsylvania Department of State, at Harrisburg, Pennsylvania, for the purpose of forming a domestic business corporation under the Pennsylvania Business Corporation Law of 1988 (P.L. 1444, No. 177), 15 Pa.C.S.A. § 1301 *et seq.*, as amended, having unlimited power to engage in and do any lawful act permitted thereunder.

The name of the corporation is **Paytees Place, Inc.**

Thomas J. Weber, Esq.
Goldberg Katzman, P.C.
4250 Crums Mill Rd, Suite 301
P.O. Box 6991
Harrisburg, PA 17112

j10

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **Lowe's Home Centers, Inc.**, a corporation incorporated under the laws of the State of North Carolina with its principal office located at 1000 Lowe's Blvd., Morrisville, NC 28117 and a registered office in PA at c/o: Corporation Service Co., Dauphin County, which on 1/9/1974, was granted a Certificate of Authority to transact business in the Commonwealth of PA, intends to file an Application for Termination of Authority with the Dept. of State. j10

NOTICE IS HEREBY GIVEN to all creditors and claimants of **Commercial Aviation Insurance, Inc.**, a Pennsylvania (PA) business corporation, that said corporation has filed Articles of Dissolution under the provisions of PA Business Corporation Law on 12/19/2013.

j10

NOTICE IS HEREBY GIVEN that **MODULAR STEEL SYSTEMS INC.** has filed a certificate of Incorporation on 12/12/2013 in the commonwealth of Pennsylvania under the provisions of Pennsylvania business corporation law of 1988.

j10

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 **AP Exhaust Technologies, Inc.** The address of its principal office under the laws of its jurisdiction is 300 Dixie Trail Goldsboro North Carolina 27530. The name of this corporation's commercial registered office provider 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). j10

NOTICE IS HEREBY GIVEN that **Baxano, Inc.** with a registered office located at CT Corporation System in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth. The address to which any proceeding may be sent before this filing is 110 Horizon Dr., Ste. 200, Raleigh, NC 27615. This shall serve as official notice to creditors and taxing authorities. j10

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 **Unicon, Inc.** The address of its principal office under the laws of its jurisdiction is 6313 Marshville Blvd., Highway 74W, Wingate, NC 28174. The name of this corporations Commercial Registered Office Provider is Capitol Corporate Services, 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). j10

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed in the Department of State of the Commonwealth of Pennsylvania to obtain a Certificate of Incorporation for a corporation organized under the Business Corporation Law of 1988. The name of the corporation is **S&G Homes, Inc.**

Lloyd R. Persun, Esq.
Persun & Heim, P.C.
P.O. Box 659

j10 Mechanicsburg, PA 17055-0659

NOTICE IS HEREBY GIVEN that **CHAMBERS ENGINEERING, PA, Inc.**, a foreign business corporation under the laws of the North Carolina, where its principal office is located at 129 North First Street Albemarle, NC 28001, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at clo InCorp Services, Inc. Dauphin County. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania.

j10

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 19, 2013, by **SSI Cross, Inc.**, a foreign corporation formed under the laws of the State of Maine, where its principal office is located at 74 Gilman Rd., Bangor, ME 04401, 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 at c/o CT Corporation System, Dauphin County.

j10

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, on December 27, 2013, by **THE BINDING SITE, INC.**, a foreign corporation formed under the laws of the State of California, where its principal office is located at 5889 Oberlin Dr., Ste. 101, San Diego, CA 92121, 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 at c/o CT Corporation System, Dauphin County.

j10

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on December 11, 2013, by **Alcoa Defense Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 1209 Orange St., Wilmington, DE 19801, 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 at c/o CT Corporation System, Dauphin County.

j10

NOTICE IS HEREBY GIVEN to all creditors and claimants of **Sub 1-211, Inc.**, a business corporation, that the shareholders have approved a proposal that the corporation dissolve voluntarily 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.

j10

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that on December 24, 2013, Articles of Incorporation were filed with the Department of State for **The Freedom Fund**, a nonprofit corporation organized under the Pennsylvania Nonprofit Corporation Law of 1988, exclusively for charitable purposes.

Fox Rothschild LLP
747 Constitution Dr. Ste. 100
P.O. Box 673
Exton, PA 19341-0673

j10

NOTICE IS HEREBY GIVEN that **Enserv Pennsylvania, Inc.**, a foreign business corporation incorporated under the laws of the State of Virginia, where its principal office is located at 3601 La Grange Parkway, Toano, VA 23168, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at 116 Pine Street, 3rd Floor, Suite 320, Harrisburg, PA 17101.

The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. j10

NOTICE IS HEREBY GIVEN that **Lean Construction Institute, Inc.**, a foreign nonprofit corporation incorporated under the laws of the State of Virginia, where its principal office is located at 1400 N. 14th Street, 12th Floor, Arlington, Virginia 22209, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at 116 Pine Street, Suite 320, Harrisburg, Pennsylvania 17101. The purposes for which it has been organized are to educate and reform the management of the design, engineering, and construction of capital facilities. The registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania. j10

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority was filed with the PA Dept. of State on 12/27/2013 by **RE Community Holdings II, Inc.**, a foreign corporation formed under the laws of the jurisdiction of DE with its principal office located at 809 West Hill St., Charlotte, NC 28208, to do business in PA under the provisions of the Business Corporation Law of 1988. The registered office in PA shall be deemed for venue and official publication purposes to be located in Dauphin County. j10

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4129/6129 of the Pennsylvania (PA) Bus. Corp. Law of 1988, **Specialty Granules Sales Inc.**, a corporation incorporated under the laws of the State of Delaware with its principal office located at Corporation Service Co., 2595 Interstate Dr., Ste. 103, Harrisburg, PA 17110 and a registered office in PA at c/o: Corporation Service Co., Dauphin County, which on 6/26/1991, was granted a Certificate of Authority to transact business in the Commonwealth of PA, intends to file an Application for Termination of Authority with the Dept. of State. j10

FIRST PUBLICATION

Fictitious Notices

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Commonwealth of Pennsylvania on October 4, 2013 for **Ron Stanton Trucking** located at 3020 N 4th St Harrisburg PA 17110. The name and address of each individual interested in the business is Ron Stanton 3020 N 4th St Harrisburg PA 17110. This was filed in accordance with 54 PaC.S.311. j10

FIRST PUBLICATION

Fictitious Notices

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Paulus Trucking LLC**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 4623 Ridge Rd., Elizabethtown, PA 17022 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 17th day of December, 2013 pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person or persons owning or interested in the said business are: Jason D. Paulus, 4623 Ridge Rd, Elizabethtown, PA 17022.

j10

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Your Essential Associate**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 5805 Jonestown Rd, Harrisburg PA 17112 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 1st day of January, 2014 pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person or persons owning or interested in the said business are: Tammie Wood, 5805 Jonestown Rd., Harrisburg PA 17112.

j10

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Fictitious Name Act, Act No. 1982-295, of the filing, with the Department of State of the Commonwealth of Pennsylvania, on December 23, 2013 of an application for a certificate for the conducting of a business under the assumed fictitious name of **Balanced Body Chiropractic**. The person interested in said business is Zdrowic, Inc., 6301 Grayson Road, Space A-130, Harrisburg, PA 17111.

SHARPE & SHARPE, LLP
257 Lincoln Way East
Chambersburg, PA 17201

j10

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Enserv Pennsylvania, Inc.**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 116 Pine Street, 3rd Floor, Suite 320, Harrisburg, PA 17101 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 2nd day of January, 2014 pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the only person or persons owning or interested in the said business are: Vicki O'Neal O'Dell, 9304 Stafford Ln., Toano VA 23168, Mark W. Doughty, 13600 Northwich Terrace, Midlothian, VA 23112.

j10

FIRST PUBLICATION

Miscellaneous Notices

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY
PENNSYLVANIA

NO. 2013 CV 9428 NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on December 23, 2013, the Petition of **Awuraakua Larko Boateng** was filed in the above named court, requesting a decree to change her name from **Awuraakua Larko Boateng** to **Angela Awuraakua Larko Odjidja Boateng**.

The Court has fixed February 24, 2014 in Courtroom No. 11, at the Juvenile Justice Center, 25 South Front Street, 7th Floor, Harrisburg, PA 17101, Dauphin County Courthouse, Front and Market Streets, Harrisburg, PA as the time and place for the hearing on said Petition, when and where all persons interested may appear and show cause if any they have, why the prayer of the said Petition should not be granted.

j10

FIRST PUBLICATION

Miscellaneous Notices

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY,
PENNSYLVANIA

NO. 2013-CV-3787-MF

NOTICE OF SHERIFF'S SALE

WELLS FARGO BANK, N.A.,

Plaintiff

vs.

LARONN SINGLETON,

Defendant

NOTICE TO: LARONN SINGLETON

**NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY**

BEING PREMISES: 1915 PARK STREET,
HARRISBURG, PA 17103-2539.

BEING in HARRISBURG CITY, County of
DAUPHIN, Commonwealth of Pennsylvania,
09-075-009-000-0000.

IMPROVEMENTS consist of residential
property.

SOLD AS the property of LARONN SIN-
GLETON.

YOUR HOUSE (real estate) at 1915 PARK
STREET, HARRISBURG, PA 17103-2539 is
scheduled to be sold at the Sheriff's Sale on
04/17/2014 at 10:00 AM, at the DAUPHIN
County Courthouse, 101 Market Street,
Harrisburg, PA 17107-2012, to enforce the
Court Judgment of \$62,476.78 obtained by,
WELLS FARGO BANK, N.A. (the mortgagee),
against the above premises.

j10

PHELAN HALLINAN, LLP

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY,
PENNSYLVANIA

NO. 2011-CV-10418-MF

NOTICE OF SHERIFF'S SALE

CITIMORTGAGE, INC.,

Plaintiff

vs.

MICHAEL L. BRASHEARS, SR.,

Defendant

NOTICE TO: MICHAEL L.

BRASHEARS, SR

**NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY**

BEING PREMISES: 607 NORTH 2ND
STREET, STEELTON, PA 17113-2106.

BEING in BOROUGH OF STEELTON
County of DAUPHIN, Commonwealth of
Pennsylvania, 60-013-013-000-0000.

IMPROVEMENTS consist of residential
property.

SOLD AS the property of MICHAEL L.
BRASHEARS, SR.

YOUR HOUSE (real estate) at 607
NORTH 2ND STREET, STEELTON, PA
17113-2106 is scheduled to be sold at the
Sheriff's Sale on 03/06/2014 at 10:00 AM, at
the DAUPHIN County Courthouse, 101
Market Street, Harrisburg, PA 17107-2012, to
enforce the Court Judgment of \$37,546.21 ob-
tained by, CITIMORTGAGE, INC. (the mort-
gagee), against the above premises.

j10

PHELAN HALLINAN, LLP

FIRST PUBLICATION

Miscellaneous Notices

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY,
PENNSYLVANIA

NO. 2011-CV-1175-MF

NOTICE OF SHERIFF'S SALE

**PHH MORTGAGE CORPORATION
F/K/A PHH MORTGAGE SERVICES
CORPORATION,**

Plaintiff

vs.

DORITA L. BYRD,

Defendant

NOTICE TO: DORITA L. BYRD

**NOTICE OF SHERIFF'S SALE OF
REAL PROPERTY**

BEING PREMISES: 411 RADNOR STREET,
HARRISBURG, PA 17110-1919.

BEING in HARRISBURG CITY, County of
DAUPHIN, Commonwealth of Pennsylvania,
10-036-027-000-0000.

IMPROVEMENTS consist of residential
property.

SOLD AS the property of DORITA L.
BYRD.

YOUR HOUSE (real estate) at 411 RADNOR
STREET, HARRISBURG, PA 17110-1919 is
scheduled to be sold at the Sheriff's Sale on
03/06/2014 at 10:00 AM, at the DAUPHIN
County Courthouse, 101 Market Street,
Harrisburg, PA 17107-2012, to enforce the
Court Judgment of \$45,593.91 obtained
by, PHH MORTGAGE CORPORATION
F/K/A PHH MORTGAGE SERVICES COR-
PORATION (the mortgagee), against the above
premises.

j10

PHELAN HALLINAN, LLP

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY,
PENNSYLVANIA

ORPHANS' COURT DIVISION

LEGAL NOTICE

**NOTICE OF TERMINATION OF
PARENTAL RIGHTS**

A Petition for Involuntary Termination of
Parental Rights Hearing was filed with the
Dauphin County Court of Common Pleas on
October 17, 2013. A hearing was held before
the Court on December 5, 2013, in Courtroom
Number Five, Dauphin County Courthouse,
Front and Market Streets, Harrisburg, Penn-
sylvania.

**To: Jose Bonilla, father of a child born to
A.M.D. In Re: Male child - Baby Boy
D. born February 18, 2013.**

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. The
Court has conducted a hearing to consider
ending your rights to your child. That hearing
was held in Dauphin County Courthouse,
Front and Market Streets, Harrisburg,
Pennsylvania, in Courtroom 5, on December
5, 2013. You did not attend the hearing, and
therefore, if you do not respond or otherwise
file an objection with the Orphans' Court of
the Dauphin County Court of Common Pleas
within 30 days of the date of this notice, then
your rights to your child will be terminated by
the Court. You are warned that should you fail
to respond in writing or in person to the
Orphans' Court, then your rights will be termi-
nated and you will have no further rights re-
garding the subject minor child. You have a
right to be represented by a lawyer. 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 to find out where
you can get legal help.

FIRST PUBLICATION

Miscellaneous Notices

You are also warned that if you fail to file an objection or written response, or fail to have an attorney appear on your behalf, then your rights will be permanently terminated under 23 Pa. C.S.A. Section 2503(d) or Section 2504(c) of the Adoption Act.

Please be advised you also have the right under Pennsylvania Act 101 to negotiate an ongoing visitation agreement with the Petitioners, should there be agreement thereto.

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

j10-j17

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

CIVIL ACTION-LAW

NO. 2013-CV-08005-MF

**NOTICE OF ACTION IN MORTGAGE
FORECLOSURE**

**Wells Fargo Bank, N.A., as Trustee for
the Certificateholders of Park Place
Securities, Inc., Asset-Backed Pass-
Through Certificates, Series 2004-MCWI,
c/o Bank of America, N.A., as Successor
by Merger to BAC Home Loans Servicing,
LP,
Plaintiff
vs.**

**Grace E. Boyer and Joelle L. Kocher a/k/a
Joelle L. Embrick,
Defendants**

**TO: Grace E. Boyer, Defendant, whose
last known addresses are
530 West Broad Street,
Williamstown, PA 17098
and
316 North Street,
Williamstown, PA 17098
P.O. Box 338,
Gratz, PA 17030
and
12843 County Road 355,
Sidney, MT 59270**

**COMPLAINT IN MORTGAGE
FORECLOSURE**

YOU ARE HEREBY NOTIFIED that Plaintiff, Wells Fargo Bank, N.A., as Trustee for the Certificateholders of Park Place Securities, Inc., Asset-Backed Pass-Through Certificates, Series 2004-MCWI, c/o Bank of America, N.A., as Successor by Merger to BAC Home Loans Servicing, LP, 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 2013-CV-08005-MF, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 530 West Broad Street, Williamstown, PA 17098, whereupon your property would be sold by the Sheriff of Dauphin County.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the notice above, 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.

FIRST PUBLICATION

Miscellaneous Notices

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 St.
Harrisburg, PA 17101
717.232.7536.

Mark J. Udren, Esq.
Stuart Winneg, Esq.
Lorraine Gazzara Doyle, Esq.
Sherri J. Braunstein, Esq.
Salvatore Carollo, Esq.
Harry B. Reese, Esq.
Elizabeth L. Wassall, Esq.
John Eric Kishbaugh, Esq.
Nicole B. Tabletta, Esq.
David Neeren, Esq.
Jordan David, Esq.
Udren Law Offices, P.C.
111 Woodcrest Rd., Ste. 200
Cherry Hill, NJ 08003
856.669.5400

j10

IN THE COURT OF COMMON PLEAS
OF DAUPHIN COUNTY,
PENNSYLVANIA

NO.: 2013 CV 6438-MF

CIVIL ACTION/AMENDED
COMPLAINT IN
MORTGAGE FORECLOSURE

NATIONSTAR MORTGAGE, LLC,
Plaintiff

vs.

Shawn Williams and
Mary Williams,
Defendants

TO: Shawn Williams

CIVIL ACTION/AMENDED
COMPLAINT IN MORTGAGE
FORECLOSURE

PREMISES SUBJECT TO FORECLOSURE: 18 North 20th 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.

FIRST PUBLICATION

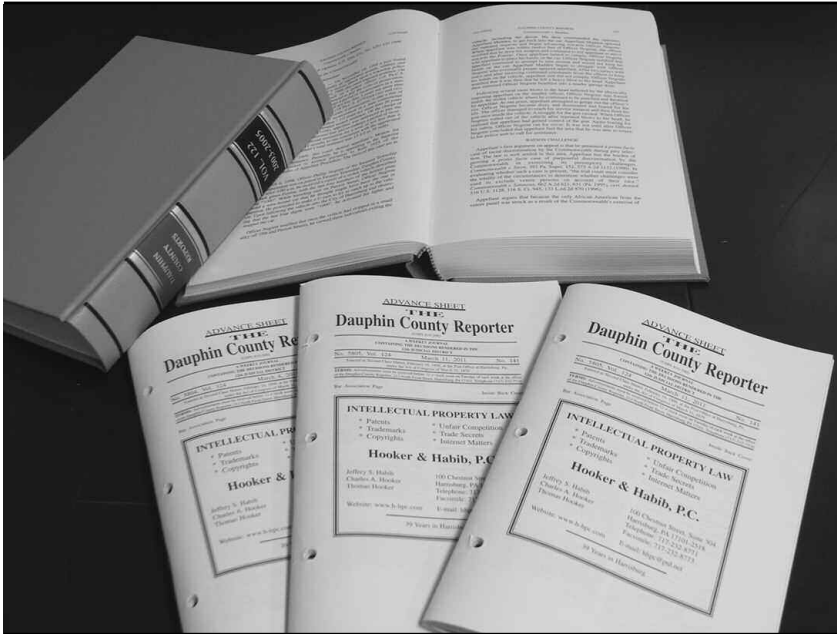
Miscellaneous Notices

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 PER-
SONS AT A REDUCED FEE OR NO FEE.

DAUPHIN COUNTY
LAWYER REFERRAL SERVICE
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CUMULATIVE TABLE OF CASES

Borough of Middletown v. Pappas	214
Brabham-Lawrence, Commonwealth v.	188
Central Dauphin School District v. Garisto	111
Chavious, Commonwealth v.	300
Commonwealth v. Brabham-Lawrence	188
Commonwealth v. Chavious	300
Commonwealth v. Lee	232
Commonwealth v. Schildt	169
Commonwealth v. Tolbert	144
Country Meadows of Hershey, Wade v. Field v.	259
Dialysis Properties, LP et al., Williams v.	270
Doctor's Choice Physical Medicine & Rehabilitation Center, P.C. v. Travelers Personal Insurance Company	163
F.B., v. M.R.	277
Field v. Country Meadows of Hershey, Wade v.	259
Garisto, Central Dauphin School District v.	111
Immanuel v. Members 1 st Federal Credit Union	245
J.E.F v. K.J.F.	196
Jewish Home of Greater Harrisburg, Laffe v.	94
K.J.F., J.E.F v.	196
Laffe v. Jewish Home of Greater Harrisburg	94
Lee, Commonwealth v.	232

Cumulative Table of Cases

M.R., F.B., v.	277
Members 1 st Federal Credit Union, Immanuel v.	245
Myshin v. Myshin	128
Myshin, Myshin v.	128
Pappas, Borough of Middletown v.	214
Pennsylvania State Board of Nursing, Poskin v.	222
Porter, Price v.	78
Poskin v. Pennsylvania State Board of Nursing	222
Price v. Porter	78
Schildt, Commonwealth v.	169
Stelter v. Stelter	293
Stelter, Stelter v.	293
Tolbert, Commonwealth v.	144
Travelers Personal Insurance Company, Doctor's Choice Physical Medicine & Rehabilitation Center, P.C. v.	163
Wade v. Field v. Country Meadows of Hershey	259
Wagner v. Wagner	1
Wagner, Wagner v.	1
Williams v. Dialysis Properties, LP et al.	270

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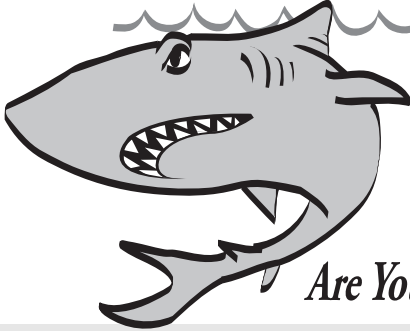
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BAR ASSOCIATION PAGE
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The Board of Directors of the Bar Association meets on the third Thursday of the month at the Bar Association headquarters. Anyone wishing to attend or have matters brought before 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

Opinions Not Yet Reported

November 25, 2013 – Turgeon, J., P.D.D v. K.M.D., C.P. Dau.Co., No. 2007 CV 9358 DV

BAR ASSOCIATION PAGE – Continued

MISCELLANEOUS SECTION

Dauphin County Bar Association Annual Membership Meeting

The Annual Dinner Meeting of the Dauphin County Bar Association will be held **Wednesday, January 22, 2014**, at 6:30 p.m. in the second floor dining room of the National Civil War Museum. The meeting will be preceded by a Social Hour in the first floor atrium beginning at 5:30 p.m. The cost of the dinner is \$35.00 per person.

The Nominating Committee of the Dauphin County Bar Association, in accordance with Article V. Section 2 of the By-Laws, submits the following nominations for officers and directors of the Board for the term of one year or as otherwise indicated, beginning February 1, 2014:

President Elect:	Pamela C. Polacek
Vice President:	J. Michael Sheldon
Secretary:	Edward F. Spreha, Jr.
Treasurer:	John J. McCarthy
Directors (2-year term):	Peter M. Good Tina L. Orndorff Kimberly A. Selemba Bradley A. Winnick

By virtue of Article V, Section 1 of the By-Laws, John D. Sheridan will automatically succeed to the office of President.

j10-j17

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