

THE
Dauphin County Reporter

(USPS 810-200)

A WEEKLY JOURNAL
CONTAINING THE DECISIONS RENDERED IN THE
12th JUDICIAL DISTRICT

No. 5788, Vol. 124 November 12, 2010 No. 124

Entered as Second Class Matter, February 16, 1898, at the Post Office at Harrisburg, Pa.,
under the Act of Congress of March 31, 1879

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39 Years in Harrisburg

**THE
DAUPHIN COUNTY REPORTER**
Edited and Published
by the
DAUPHIN COUNTY BAR
ASSOCIATION
213 North Front Street
Harrisburg, PA 17101-1493
(717) 232-7536

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Printed by
KURZENKNABE PRESS
1424 Herr St., Harrisburg, PA 17103

THE DAUPHIN COUNTY REPORTER (USPS 810-200) is published weekly by the Dauphin County Bar Association, 213 North Front Street, Harrisburg, PA 17101. Periodical postage paid at Harrisburg, PA. POSTMASTER: Send address changes to THE DAUPHIN COUNTY REPORTER, 213 North Front Street, Harrisburg, PA 17101.

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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 JOSEPH D. ZULLO, late of Harrisburg, Dauphin County, Pennsylvania (died April 14, 2009). Administratrix: Denise Zullo, 4801 Sweetbrier Drive, Harrisburg, PA 17111. Attorney: Donald G. Karpowich, Esq., 85 Drasher Road, Drums, PA 18222. n12-n26

ESTATE OF WILLIAM J. VOGEL, late of Swatara Township, Dauphin County, Pennsylvania (died August 12, 2010). Executor: Beverly L. Zerby, 212 North Third Street, Harrisburg, PA 17101. Attorneys: Beckley & Madden, 212 North Third Street, Post Office Box 11998, Harrisburg, PA 17108-1998. Telephone (717) 233-7691. n12-n26

ESTATE OF ERMA I. LENKER, late of Upper Paxton Township, Dauphin County, Pennsylvania. Executrix: Donna L. Stone, 502 Center Street (L), Millersburg, PA 17061. Attorney: Earl Richard Etzweiler, Esq., 105 North Front Street, Harrisburg, PA 17101. Telephone (717) 234-5600. n12-n26

ESTATE OF DONALD R. ZIMMERMAN, SR., late of Wayne Township, Dauphin County, Pennsylvania (died October 15, 2010). Personal Representative: Donald R. Zimmerman, Jr., 419 Herman Avenue, Lemoyne, PA 17043. n12-n26

ESTATE OF FRANK H. SCHMIDT, late of Williams Township, Dauphin County, Pennsylvania (died October 5, 2010). Executrix: Janet L. Arts, 120 East 6th Street, Williamstown, PA 17098. Attorney: Gregory M. Kerwin, Esq., Kerwin & Kerwin, 4245 State Route 209, Elizabethtown, PA 17023. n12-n26

ESTATE OF DOROTHY E. E. HORVAT, late of Swatara Township, Dauphin County, Pennsylvania. Executrix: Yvonne M. James, 635 Bosler Avenue, Lemoyne, PA 17043. Attorney: Michael Sedor, Esq., Beinhour & Curcillo, 3964 Lexington Street, Harrisburg, PA 17109. Telephone (717) 651-9100. n12-n26

ESTATE OF BARBARA A. FINK, late of Elizabethtown, Dauphin County, Pennsylvania. Executrix: Cindy L. Boldosser. Attorney: Randall K. Miller, Esq., 1255 South Market Street, Suite 102, Elizabethtown, PA 17022. n12-n26

FIRST PUBLICATION

Estate Notices

ESTATE OF WILLIAM F. FINKBONE, SR., late of Lower Swatara Township, Dauphin County, Pennsylvania (died October 15, 2010). Co-Executors: William F. Finkbone, Jr., 933 Oberlin Road, Middletown, PA 17057 and Kathy M. Kruleski (Weiser), 5618 Stradford Drive, Harrisburg, PA 17112. Attorney: Ann E. Rhoads, Esq., Cleckner and Fearen, 119 Locust Street, P.O. Box 11847, Harrisburg, PA 17108-1847. n12-n26

ESTATE OF LOUISE E. HOFFMAN, late of Harrisburg, Dauphin County, Pennsylvania. Executrix: Susan Elisabeth Eareckson, 1403 Indiana Avenue, Lansing Michigan 48906. Attorney: Stuart S. Sacks, Esq., Smigel, Anderson & Sacks, LLP, 4431 North Front Street, Third Floor, Harrisburg, PA 17110. n12-n26

ESTATE OF PATRICIA M. MIDKIFF, late of Derry Township, Dauphin County, Pennsylvania. Executrix: Patricia Millner. Attorney: Anthony J. Nestico, Esq., Nestico, Druby & Hildabrand, P.C., 840 East Chocolate Avenue, Hershey, PA 17033. n12-n26

SECOND PUBLICATION

ESTATE OF JOSEPH JACENKO, late of Lower Paxton Township, Dauphin County, Pennsylvania (died July 29, 2010). Executrix: Kathryn Bainbridge, 6330 Blue Stone Avenue, Harrisburg, PA 17112. Attorney: Jeffrey M. Mottern, Esq., 28 East Main Street, Hummelstown, PA 17036. n5-n19

ESTATE OF EUGENE F. SMITH, late of Harrisburg, Dauphin County, Pennsylvania (died September 14, 2010). Executor: Steve Gregorits, III, 4929 Colorado Avenue, Harrisburg, PA 17109-3006. Attorney: Richard S. Friedman, Esq., Richard S. Friedman, P.C., 300 N. Second Street, Suite 402, Harrisburg, PA 17101. n5-n19

ESTATE OF DANIEL YAZAWICH, JR., late of the Township of Swatara, Dauphin County, Pennsylvania. Executrix: Jeanne M. Yazawich. Attorney: Lisa Marie Coyne, Esq., Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227. n5-n19

THIRD PUBLICATION

ESTATE OF GEORGE IRA KATZ, late of Lower Paxton Township, Dauphin County, Pennsylvania (died February 25, 2010). Administratrix: Deborah M. Katz, 426 Trudy Road, Harrisburg, PA 17109. Attorney: James D. Cameron, Esq., 1325 North Front Street, Harrisburg, PA 17102. o29-n12

ESTATE OF NICOLA PATTERSON, late of Dauphin County, Pennsylvania. Executor/ Attorney: Gregory R. Reed Esq., 3120 Parkview Lane, Harrisburg, PA 17111. o29-n12

ESTATE OF IRA D. DEARDORFF, late of West Hanover Township, Dauphin County, Pennsylvania (died September 25, 2010). Executor: Ronald C. Deardorff. Attorney: Christa M. Aplin, Esq., Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109. o29-n12

ESTATE OF ESTHER M. ALEXANDER, late of the City of Harrisburg, Dauphin County, Pennsylvania. Executrix: Maronetta F. Miller, c/o Saul Ewing LLP, Post Office Box 1291, Harrisburg, PA 17108. Attorney: Ryan R. Gager, Esq., Saul Ewing LLP, Post Office Box 1291, Harrisburg, PA 17108. o29-n12

Commonwealth v. Veon
Commonwealth v. Perretta-Rosepink

**Crimes and Criminal Procedure — Weight of the Evidence — Selective Prosecution
— Substitution of Alternate Juror — Juror Misconduct.**

Following a seven week trial, the Defendants were convicted, *inter alia*, of Conflict of Interest and Theft of Services. Those convictions stemmed from Defendants' use of public resources to further Defendant Veon's political campaign objectives. Both Defendants subsequently filed Motions for a New Trial on the basis of alleged trial errors. The Court denied the motions.

1. A motion for a new trial on the grounds that the verdict is contrary to the weight of the evidence concedes that there is sufficient evidence to sustain the verdict. *Commonwealth v. Widmer*, 560 Pa. 308, 309, 744 A.2d 745, 751 (2000).

2. The elements of a *prima facie* claim of selective prosecution are well settled; first, that others similarly situated were not prosecuted for similar conduct, and, second, that the Commonwealth's discriminatory prosecutorial selection was based on impermissible grounds such as race, religion, the exercise of some constitutional right, or any other such arbitrary classification. *Commonwealth v. Murphy*, 2002 Pa. Super. 83, P4, 795 A.2d 997, 1000 (2002). A defendant must establish that he was prosecuted for an incorrect reason, not that the Commonwealth failed to prosecute another guilty person. *Commonwealth v. Childress*, 2002 Pa. Super. 154, P14, 799 A.2d 805, 811 (2002). So long as the prosecutor has probable cause to believe that the accused committed an offense defined by statute, the decision whether or not to prosecute, and what charge to file or bring before a grand jury, generally rests entirely in his discretion. *Bordenkircher v. Hayes*, 98 S. Ct. 663, 668, 434 U.S. 357, 364 (1978).

3. In cases where the trial court has substituted an alternate juror after deliberations have begun, there is a presumption of prejudice to the defendant. Further, this presumption may only be rebutted by evidence which establishes that sufficient protective measures were taken to insure the integrity of the jury function. First, the trial court must extensively question the alternate and remaining jurors. The trial court must insure that the alternate has not been exposed to any improper influences and that the remaining jurors are able to begin their deliberations anew. Second, the recomposed jury must be informed that the discharge of the original juror was entirely personal and had nothing to do with that juror's views on the case or the juror's relationship with fellow jurors. Third and finally, the recomposed jury must be directed to begin deliberations anew. These instructions serve to eliminate the impact of the influence of the excused juror and allow the regular jurors to consider the evidence in the context of full and complete deliberations with the new juror. *Commonwealth v. Saunders*, 454 Pa. Super. 561, 686 A.2d 25 (1996).

4. A new trial will be granted in cases where there is an allegation of *ex parte* communication only where there is a reasonable likelihood of prejudice. In determining the reasonable likelihood of prejudice, the trial judge should consider: 1) whether the extraneous influence relates to a central issue in the case or merely involves a collateral issue; 2) whether the extraneous influence provided the jury with information they did not have before them at trial; and 3) whether the extraneous influence was emotional or

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inflammatory in nature. It has been widely recognized that the test for determining the prejudicial effect of an extraneous influence is an objective one. *Carter v. United States Steel Corp.*, 529 Pa. 409, 422 (Pa. 1992).

Post Sentence Motions. C.P., Dau. Co., No. 4656 CR 2008 and No. 4663 CR 2008. Motions denied.

Frank G. Fina, James M. Reeder, Anthony Krastek, Jr., Christopher D. Carusone, and Patrick Blessington, for the Commonwealth

Joel S. Sansone and Daniel R. Raynak, for Defendant Veon

Michael O. Palermo, Jr., for Defendant Perretta-Rosepink

LEWIS, J., October 25, 2010. – Presently before this court are the Defendants’ Post Sentence Motions, filed July 2, 2010 by Defendant Veon and June 28, 2010 by Defendant Rosepink in the above captioned matter. For the reasons set forth below, this court finds that the proceedings in this matter were proper and that Defendants’ objections are without merit. This court is, therefore, constrained to DENY the instant Motions.

The instant Motions follow the seven week trial and ultimate conviction of Defendants for, *inter alia*, Conflict of Interest and Theft of Services. Those convictions stem from Defendants use of public resources to further Defendant Veon’s political campaign objectives. Defendant Veon also diverted taxpayer monies to pay his staffers what were characterized as ‘bonuses.’ Those payments were awarded to Defendant Veon’s campaign and legislative staff for campaign related work, work which was often performed during the legislative working day and which consumed public assets.

Because Defendant Veon’s Motion comprises those issues raised by Defendant Rosepink, this court will address both parties’ Motions simultaneously.

I. WEIGHT OF THE EVIDENCE

Defendants first contend that the jury verdicts in this matter were against the weight of the evidence presented. This court cannot agree. The standard for evaluating claims that a verdict was returned against the weight of the evidence is well settled.

A motion for a new trial alleging that the verdict was against the weight of the evidence is addressed to the discretion of the trial court. ...The factfinder is free to

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believe all, part, or none of the evidence and to determine the credibility of the witnesses. The trial court will award a new trial only when the jury's verdict is so contrary to the evidence as to shock one's sense of justice.

Commonwealth v. Diggs, 597 Pa. 28, 39, 949 A.2d 873, 879 (2008).

Defendants argue that “there was no direct evidence to support the conclusion that Defendant[s] failed to perform the necessary duties of [their] office[s], and that any legitimate legislative function did not get accomplished.” Defendants continue “[t]he Jury’s verdict was contrary to the weight of the evidence which *cannot support*¹ the notion that campaign work was performed on purely ‘state time’ as that concept is never defined.” (Post-Sentence Motions of Michael Veon, July 2, 2010, para. ’s 5, 10) (emphasis added.)

The jury in this matter carefully considered the voluminous evidence with respect to each charge brought against the Defendants. It is the exclusive province of the jury to weigh the evidence and decide what testimony to credit. As this court has noted elsewhere, this jury was attentive, painstaking, and circumspect. This court cannot conclude the jury’s verdict shocks one’s sense of justice. For this reason, Defendants’ motion for a new trial on the grounds that the verdict was contrary to the weight of the evidence must be denied.

II. SELECTIVE PROSECUTION

Defendants next argue for a new trial on the basis of selective prosecution. This court addressed this issue at length in its Memorandum Opinion and Order filed July 22, 2009. Defendants do not present new argument in the instant Motion, but rather incorporate “[a]ll of the arguments and case law presented at the omnibus hearing. . . .” (Def.’s Mot. 3, para. 15.)

As this court wrote at the time, Defendants fail to make out a *prima facie* case of selective prosecution. The elements of a *prima facie* claim of selective prosecution are well settled; “first, that others similarly situated were not prosecuted for similar conduct, and, second, that the Commonwealth’s discriminatory prosecutorial selection was based on

1. This court notes that, despite Defendants’ argument that there was insufficient evidence to support the jury’s verdict “[a] motion for new trial on the grounds that the verdict is contrary to the weight of the evidence, concedes that there is sufficient evidence to sustain the verdict,” *Commonwealth v. Widmer*, 560 Pa. 308, 319, 744 A.2d 745, 751 (2000) (internal citations omitted).

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impermissible grounds such as race, religion, the exercise of some constitutional right, or any other such arbitrary classification.” *Commonwealth v. Murphy*, 2002 Pa. Super. 83, P4, 795 A.2d 997, 1000 (2002). (internal citations omitted). Importantly, “[a defendant] must establish that he was prosecuted for an incorrect reason, not that the Commonwealth failed to prosecute another guilty person.” *Commonwealth v. Childress*, 2002 Pa. Super. 154, P14, 799 A.2d 805, 811 (2002). It is this latter requisite which this court cannot find Defendants have substantiated.

As a preliminary matter, “[t]he burden is on the defense to establish the claim; it is error to shift the burden to the prosecution to establish or refute the claim. Because of the doctrine of separation of powers, the courts will not lightly interfere with an executive’s decision of whom to prosecute.” *Murphy*, 2002 Pa. Super. 83, P4, 795 A.2d 997 (internal citations omitted). The threshold which must be met is high; “[o]ur cases delineating the necessary elements to prove a claim of selective prosecution have taken great pains to explain that the standard is a demanding one.” *United States v. Armstrong*, 116 S. Ct. 1480, 1486, 517 U.S. 456, 463 (1996). The United States Supreme Court continued “[t]he justifications for a rigorous standard for the elements of a selective prosecution claim thus require a correspondingly rigorous standard for discovery in aid of such a claim.” Indeed the heavy burden placed on the defendant in making a *prima facie* showing of selective prosecution is meant to thwart spurious claims. *See, Id.* 1486, 517 U.S. at 463-64. Moreover, “so long as the prosecutor has probable cause to believe that the accused committed an offense defined by statute, the decision whether or not to prosecute, and what charge to file or bring before a grand jury, generally rests entirely in his discretion.” *Bordenkircher v. Hayes*, 98 S. Ct. 663, 668, 434 U.S. 357, 364 (1978).

As to the first element of selective prosecution, Defendants submit an extensive list of persons they believe engaged in conduct similar to that for which they were charged and who were not prosecuted². But, persuasive or not, that showing is not dispositive without a demonstration that Defendants were themselves prosecuted for a constitutionally impermissible reason.

2. This court notes the concomitant requirement that such persons be ‘similarly situated.’ It is by no means clear that the individuals Defendants believe ought to have been prosecuted are so situated. However, this court need not reach that question since, as will be discussed, Defendants have failed to demonstrate the necessary discriminatory intent.

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Turning then to the second element of the claim, there is no allegation that Defendants are part of a protected class based on race, religion, or the exercise of a constitutional right. Indeed, at argument on Defendants' pre-trial motions defense counsel emphasized that there is no requirement that Defendants be part of such a class. This argument must then be predicated on the last clause of the test, "or any other such arbitrary classification." The only classification common to all Defendants is affiliation with a particular political party. The question of whether such affiliation is a sufficient basis upon which to make out a claim for selective prosecution appears to be one of first impression. But this court need not reach that question since Defendants cannot show the requisite discriminatory intent.

Assuming, *arguendo*, that party affiliation constitutes an illicit "arbitrary classification," Defendants still must show that they were vindictively prosecuted³ based upon it. Defendants allege the "invidious" reason for their prosecution was "because a Republican⁴ wanted to get re-elected (and more) on the backs of Democrats whose conduct was neither illegal nor unusual." (Defendant Veon's Supplemental Omnibus Pretrial Motions 7.) Defendants then refer this court to *Baumgardner Oil Co. v. Commonwealth*, 146 Pa. Commw. 530, 606 A.2d 617 (1992) and *Commonwealth v. Murphy*⁵ (*See, supra*).

In *Baumgardner*, defendants specialized in the reprocessing of used oil for resale as fuel oil. They were prosecuted for failure to comply with the Solid Waste Management Act and for violations of the crimes code. Defendants sought to dismiss or quash the criminal information on eight grounds, the fifth of which was selective prosecution.

Defendants claimed that a confrontation had occurred between its staff and an inspector sent to its facility by the Department of Environmental Resources. This confrontation, defendants claimed, led

3 "The Supreme Court cases dealing with vindictive prosecution have recognized two distinct situations in which the appearance of vindictiveness may require inquiry and judicial intervention. The first is where a prosecutive decision is based on discriminatory grounds of race, religion, national origin or other impermissible classification. The other situation is where the accused is treated more harshly because he has successfully exercised a lawful right, *e.g.* the right to seek a new trial." *Commonwealth v. Rocco*, 375 Pa. Super. 330, 34, 544 A.2d 496, 98 (1988) (internal citations omitted).

4. This court believes Defendants' reference is to Pennsylvania Attorney General Tom Corbett.

5. This court notes that in neither of these cases was a finding of selective prosecution made.

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to vindictive and selective prosecution. In rejecting the selective prosecution claim, the court noted “The Commonwealth conceded below that no other oil recycling facilities have been prosecuted. [Defendant’s] claim, however, that the Commonwealth prosecuted it due to spite and ill will on the part of the DER is a mere allegation, unsupported by any evidence.” *Baumgardner*, 146 Pa. Commw. 530, 545, 606 A.2d 624 (1992).

In *Murphy*, the defendant was prosecuted for various violations of the Wiretap Act when it was discovered he had placed an illegal wiretap on his girlfriend’s phone. He raised three issues on appeal, one of which was selective prosecution based on race.

The Superior Court dismissed the selective prosecution claim, stating Appellant failed to prove that his prosecution was racially motivated. “[The District Attorney] stated he did not know the race of Appellant when he made the decision to prosecute, and he expressed specific, non-invidious reasons for filing charges against Appellant.” *Murphy*, 2002 Pa. Super. 83, P9, 795 A.2d 997, 1002 (2002).

The instant case is analogous to *Baumgardner* and *Murphy*; but only in that Defendants have similarly fallen short of a *prima facie* showing. Unlike *Baumgardner*, Defendants do not cite any particular confrontation or altercation as the origin of the Commonwealth’s alleged vindictiveness. Instead, they point to the generalized antipathy it is, unhappily, assumed exists between members of different political parties. As in *Baumgardner*, Defendants here cannot point to any specific evidence that they were singled out for prosecution based on a constitutionally impermissible reason.

As in *Murphy*, the Commonwealth here has submitted a host of non-invidious reasons for the charges brought against Defendants. As the Commonwealth rightly points out the “decision to file charges . . . was based upon the recommendation of *two* statewide investigating grand juries. . . . The resulting presentments explain in excruciating detail the reasons why [Defendant] should be prosecuted, and there is nothing in either presentment even remotely suggesting a partisan purpose.” (Commonwealth’s Reply to Defendant [Veon’s] Omnibus Pretrial Motions 3.) As in *Murphy*, the bald assertion of discriminatory intent is wholly insufficient to overcome the presumption of prosecutorial propriety where probable cause exists to believe violations of our criminal law have occurred.

For these reasons, Defendants' claim of selective prosecution must fail.

III. POST-SUBMISSION SUBSTITUTION OF AN ALTERNATE JUROR

Defendants next move for a new trial on the basis that alternate jurors were improperly retained and that an alternate juror was improperly seated after deliberations had begun. For the reasons which follow, this court finds the retention of alternate jurors and the subsequent seating of one of these jurors was proper.

Before addressing the relevant substantive law, a brief overview of the circumstances surrounding the seating of the alternate juror may be helpful.

When the jury in this matter was charged on March 12, 2010, following nearly forty days of trial testimony, a decision was taken, with the participation and ultimate consent of counsel for all parties, that the three alternate jurors were to be conditionally released. It was understood and agreed to that, should the necessity arise, these alternates would be available to replace a sitting juror and participate in deliberations.

The alternate jurors were explicitly admonished, on the record, that they were to avoid media coverage of any type from any source regarding the case. They were further ordered not to discuss the case with anyone or allow any person to discuss the case with them. Additionally, they were cautioned not even to discuss the case amongst themselves. Finally, the alternate jurors were informed that, in the event they were required to return, they would be questioned on the record and under oath as to whether they had violated any of the above conditions.

This court must emphasize that counsel not only agreed to this protocol but suggested it; no objection was heard either before or after the above instructions were given.

On March 19, 2010, just the kind of exigency occurred which the retention of the alternate jurors was meant to redress. This court first received a note from the Foreperson indicating that he wished to discuss issues "beyond [his] ability to handle."

Shortly thereafter, this court received a note from Juror Number 10, requesting that she be excused for "tremendous mental and physical illness." This court immediately advised all counsel of its receipt of the two notes described above and requested that counsel report to chambers.

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Upon the arrival of counsel for the Commonwealth and for the Defendants, an off-the-record discussion concerning how best to proceed took place. All present agreed that Juror Number 10 would need to be interviewed on the record to determine whether her dismissal would indeed be necessary. Further, this court was apprised by counsel for Defendants that, in the event this juror was excused, they did not desire to continue with a jury of fewer than twelve. This court paused to request that counsel confer with their respective clients to ensure that this was the manner in which their clients wished to proceed. Counsel responded emphatically that no Defendant wished to continue with a jury comprising fewer than twelve. Rather, counsel for Defendants preferred that one of the alternates be seated.

This court questioned Juror Number 10 on the record and found her illness legitimate and of a severity requiring that she be excused, Counsel for all parties concurred in this action.

Following the release of Juror Number 10, the second alternate (as the first alternate had been seated during trial) was called to chambers to be examined on the record regarding his compliance with this court's earlier instructions. Following this colloquy, this court was satisfied that the alternate juror had not been exposed to media coverage of the case, discussed it with any person, or in any other way been rendered unfit to serve on the jury. All counsel agreed he should be seated so that deliberations might continue; again, no objection was made by any attorney present.

At 10:30 A.M., in open court and on the record, this court announced to those present in the gallery that it was necessary to excuse one of the jurors and that an alternate would be taking that juror's place. Shortly thereafter, the jury was brought in and the alternate juror seated in the tenth position. The jury was notified that a juror had been excused for personal reasons relating to illness and that her release had nothing whatever to do with her views as a juror or her relationship with any fellow juror. This court then explicitly informed the jury that the seating of an alternate juror would require the reconstituted jury to disregard all past deliberations, set aside any conclusions they had individually or collectively drawn, and *begin their deliberations anew*. The jury was polled as to whether each member understood this instruction and felt capable of beginning his or her deliberations anew; all members agreed they understood and would so proceed. The jury was then instructed to take all the time they wished to deliberate. At no point throughout this process was any objection heard.

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Defendant contends that Pa.R.Crim.P. 645 precludes the retention of alternate jurors and the seating of an alternate juror after deliberations have begun. Specifically, Defendant argues these practices are proscribed by *Commonwealth v. Saunders*, 454 Pa. Super. 561, 686 A.2d 25 (1996). This court cannot agree.

The Superior Court of Pennsylvania in *Saunders* frames the issue concisely: “May a trial court substitute an alternate juror once the original jury has commenced deliberations?” *Saunders*, 454 Pa. Super. at 563, 686 A.2d at 26. The Superior Court continues “until now, [this] question has remained unanswered in our Commonwealth. The instant case, however, provides us with the vehicle in which to definitively address the issue.” *Id.* at 564, 686 A.2d at 26.

In *Saunders*, the jury in a criminal homicide case was prepared to begin its deliberations on a Friday afternoon. After the jury retired, the trial judge asked the two alternate jurors to “stand by” in the event that a sitting juror might need to be replaced. *Id.* Following an afternoon of deliberations with no verdict, all jurors were excused for the weekend.

The following Monday, the trial court was informed that one of the sitting jurors was ill and that “the likelihood of her returning before the week ended was extremely slim.” *Id.* at 564-65, 686 A.2d at 26. In order to avert the “drastic consequence” of a mistrial, the trial court, over defendant’s objections, seated the first alternate juror. *Id.* at 565, 686 A.2d at 26-27. The defendant argued the trial court erred by so impaneling the alternate; the Superior Court agreed and laid out a framework by which to review instances of that practice.

The Superior Court began by concluding that the plain language of former Pa.R.Crim.P. 1108(a)⁶ prohibited the seating of an alternate after deliberations had begun. Critically, the Superior Court then moved immediately to a reversible error analysis, eschewing a *per se* finding of fatal error. *Id.* at 566, 686 A.2d at 27.

The court surveyed caselaw from sister states and federal jurisdictions on the question of juror substitution following the commencement of deliberations. It found courts divided between permitting and prohibiting the procedure. *Id.* In deciding what test to employ the court wrote:

Our tireless research, however, has revealed that the majority of courts which have examined this issue are

6. Current Pa.R.Crim.P. 645 is “derived from the last two sentences of former Rule 1108(a).” *See*, Pa.R.Crim.P. 645, Official Comment.

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positioned in between these two opposing views. If a post-submission substitution has been found to be erroneous, the bulk of courts next focus on the extent to which the error is prejudicial. After carefully pondering the issue, we agree that this approach is most sound and best effectuates justice for our state. A *per se* rule of reversible error ignores the dictates of Pa.R.Crim.P. 2, which states that Pennsylvania's Rules of Criminal Procedure "shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay." Conversely, by providing blanket authorization to our trial courts for post-submission substitution, we would be rendering the provisions of Pa.R.Crim.P. 1108(a) ineffective. Neither of these results is acceptable.

Id. at 568, 686 A.2d at 28.

Next, the Superior Court took up the question of who ought to carry burden of demonstrating prejudice. Following another thorough examination of approaches taken in different jurisdictions, the court found "in cases where the trial court has substituted an alternate juror after deliberations have begun, there is a presumption of prejudice to the defendant. Further, this presumption may only be rebutted by evidence which establishes that sufficient protective measures were taken to insure the integrity of the jury function." *Id.* at 569, 686 A.2d at 28.

The court then defines the "protective measures" necessary to rebut the presumption of prejudice. They distill into three essential steps: First, the trial court must "extensively question[] the alternate and remaining jurors. The trial court must insure that alternate has not been exposed to any improper influences and that the remaining jurors are able to begin their deliberations anew." *Id.* at 569, 686 A.2d at 29. Second, "the recomposed jury must be informed that the discharge of the original juror was entirely personal and had nothing to do with [that] juror's views on the case or the juror's relationship with fellow jurors." *Id.* (internal citations omitted). Third and finally, "the recomposed jury must be directed to begin deliberations anew . . . [t]hese instructions serve to eliminate the impact of the influence of the excused juror and allow the regular jurors to consider the evidence in the context of full and complete deliberations with the new juror." *Id.* at 570, 686 A.2d at 29. (internal citations omitted).

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The court in *Saunders* found that the trial court had taken none of these essential prophylactic steps. In fact, the trial court had resolved to impanel the alternate “even if the defendant objects.” Of particular concern to the appellate court were the trial judge’s instructions to the reconstituted jury. The following instructions were emphasized in the Superior Court’s opinion “I would like you to advise the new juror . . . as to what your deliberations were. . . . I would like you to briefly tell [the] new juror . . . exactly what went on in your deliberations so far, what the position of each person might be and then sit down and proceed as though you were just starting over.” *Id.* at 571, 686 A.2d at 30.

The Superior Court found that this instruction to bring the new juror up to speed, so to speak, had the effect of trying the defendant before a panel of thirteen. The court wrote “[t]hus the court’s instructions to the recomposed jury not only failed to insure the integrity of the jury function, but, quite antithetically, served to compromise this integrity. Consequently, the views and comments of [the discharged juror] may very well have remained a part of this trial when the final verdict was rendered.” *Id.* It was because of this failure to preserve the integrity of the jury function that the Superior Court vacated the sentence and remanded the matter for a new trial⁷.

In the instant case, this court proceeded with the post-submission substitution of the alternate juror with the mandates of *Saunders* very much in mind. First, and perhaps most importantly and most unlike the trial court in *Saunders*, this court sought and obtained the consent of defense counsel at every juncture. This court was given to understand, on numerous occasions, that it was the desire of defense counsel that a properly vetted alternate juror should be seated in the event a sitting juror could not continue. Indeed, from the delivery to this court of the Foreperson’s notes, to the examination of Juror Number 10, to the colloquy with the alternate, to the ultimate instructions given to the reconstituted jury in open court and on the record, defense counsel offered no objection whatsoever. To the extent Defendant argues this consent was based on an incomplete understanding of *Saunders*, this court is obliged to agree with the Commonwealth that it is incumbent upon counsel to be familiar with controlling caselaw.

7. This court notes that *Saunders* does not address the constitutionality of post submission substitution. “Whether a violation of Rule 1108(a) also constitutes a violation of our state and federal constitutions is a question left for another day.” *Saunders*, 454 Pa. Super. 561, 572, 686 A.2d 25, 30.

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But the issue of consent is not the *sine qua non* of *Saunders*' mandate. This court proceeded to observe each of the steps outlined in *Saunders* to protect the integrity of the jury's deliberations. As outlined above, this court examined the alternate to ensure no improper influence had reached him. The remaining jurors were informed of the reasons for Juror Number 10's discharge, and that those reasons had nothing to do with her relationship to her fellow jurors or any other aspect of her service. The remaining jurors were polled to determine their willingness and ability to begin their deliberations anew. Every precaution was taken to maintain the integrity of the jury function and this court is satisfied the jury adhered to the instructions it received and that its verdict was the product of sound and proper deliberations.

Defendant's final argument with respect to the substitution of the alternate juror is that it created a *per se* violation of the United States and Pennsylvania Constitutions. (Post-Sentence Motion of Annamarie Perretta-Rosepink, June 28, 2010, para.'s 23, 24.) However, as noted above, *Saunders* deliberately defers the constitutional question and this court is unaware of binding authority on the issue.

This court must emphasize that, over the course of a seven week trial, defense counsel were not chary of voicing objections. That none were made to the prospect of seating an alternate under exigent circumstances is illuminating.

This court must also underscore the stark prospect of aborting a trial of this scope and length at the eleventh hour. That it is proper for a trial court to consider the consequences and costs of such a forfeiture is evinced by *Saunders*' rejection of a *per se* rule of reversible error for post-submission substitution.

For all these reasons, this court concludes that the post-submission substitution of the alternate was proper and not in derogation of *Saunders*.

Defendants next contend they are entitled to a new trial based on 'time limitations' placed on cross-examination by this court. All parties agree Pa.R.Evid. 611(a) empowers a trial court to "exercise reasonable control over the mode and order of interrogating witnesses. . . ." *Id.* Far from seeking to truncate any party's cross-examination, this court made every effort to provide latitude in that respect given the extraordinary volume of evidence presented and number of witnesses called. This court could not, however, abdicate its responsibility to avoid needless

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delay and ensure each party's presentation was "effective for the ascertainment of the truth." *Id.* The parameters placed on cross-examination by this court sought to effectuate that purpose; they are not grounds for a new trial.

Defendants next argue the Commonwealth violated a "trial court evidentiary order." (Def.'s Post-Sentence Mot., para.'s 26-31.) They point to this court's Order of January 21, 2010, instructing that "[c]opies of all emails and relevant documents the Commonwealth intends to use in direct examination of those witnesses scheduled to testify after February 2, 2010, shall be disclosed to the defendants at least forty-eight (48) hours before the start of the day they are scheduled to testify."

Defendants argue that the presentation by the Commonwealth of certain campaign finance reports on the last day of trial caused unfair surprise and prejudice. Specifically, Defendants contend that these reports were not produced to her by the Commonwealth in accordance with this court's Order.

This court must agree with the Commonwealth that said reports were prepared by the Defendant Veon himself and their contents undoubtedly known to him. Moreover, these reports were also a matter of public record and available to any party. This court cannot conclude that the presentation of these reports caused surprise and prejudice of a sort which would warrant a new trial.

Defendants next assert that Pennsylvania's Conflict of Interest statute⁸, under which they were convicted, is unconstitutional. This court is constrained to disagree.

Defendants' argument is based on an analogy to the federal 'honest services'⁹ statute and on the recent United States Supreme Court decision in *Skilling v. United States*, 561 U.S. ____ (2010), in which the Court considered the scope of that statute. The Commonwealth is correct that the analogy between Pennsylvania's Conflict of Interest statute and the federal law is not perfect. However, even if the two laws shared a greater facial similarity, the simple fact is that *Skilling* interprets the federal law only and is of no moment in the instant Motion.

8. 65 Pa. C. S. §1103 (a).

9. 18 U.S.C. §1346.

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Most importantly to this court's determination, our Superior Court's decision in *Commonwealth v. Habay*, 934 A.2d 732 (Pa. Super. 2007) controls both 'facial' and 'as applied' challenges for vagueness and over breadth. *Habay* remains good law and any revisitation of it is reserved to our appellate courts.

Defendants next seek to 'renew' a Motion for Judgment of Acquittal on the charges of Theft by Unlawful Taking, Theft by Deception, and Theft of Services, filed by a co-defendant and subsequently joined by Defendants. (Def.'s Post-Trial Mot. para.'s 46-50.)

Defendants simply resurrect this Motion; they submit no new facts or argument which would require that it now be granted.

Defendants next move for a new trial on the basis exhibits were improperly marked. This court finds exhibits were satisfactorily marked and admitted.

IV. JUROR MISCONDUCT

Defendants next request a new trial on the grounds of juror misconduct. Defendants maintain an "[un]authorized site visit" by the jurors to the Pennsylvania State Capitol requires that the verdict be set aside.

As this court noted in a previous Memorandum Order filed April 15, 2010, when considering the potential prejudicial effect of extraneous influences upon a jury this court looks to the guidance provided by the Pennsylvania Supreme Court in, *Carter v. United States Steel Corp.*, 529 Pa. 409, 422 (Pa. 1992). There, our Supreme Court addressed the rule to be applied in both civil and criminal cases where there is an allegation of *ex parte* communication and also adopted the same rule for instances of extraneous influence.

A new trial will be granted in such cases only where there is a reasonable likelihood of prejudice. Given the similar concerns inherent in *ex parte* communications and extraneous influences, such a standard is appropriate whenever the existence of an extraneous influence has been established by competent evidence, and we now adopt this standard for all such cases, with the understanding that the burden of proof is upon the moving party.

Id. at 421 (internal citations omitted). The Court went on to explain:

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[i]n determining the reasonable likelihood of prejudice, the trial judge should consider 1) whether the extraneous influence relates to a central issue in the case or merely involves a collateral issue; 2) whether the extraneous influence provided the jury with information they did not have before them at trial; and 3) whether the extraneous influence was emotional or inflammatory in nature.

Id. at 421-422. Additionally, “it has been widely recognized that the test for determining the prejudicial effect of an extraneous influence is an objective one.” *Id.* at 420.

In *Carter*, the young plaintiff was injured when he trespassed onto the grounds of a steel mill and was electrocuted by an exposed wire. It came to light that, during deliberations in the subsequent lawsuit, two jurors had seen a television newscast which reported on a very similar incident involving another child. That newscast included a statement by parents of the second victim that defendant steel mill operator should have taken remedial measures after the injuries suffered by plaintiff. The jurors indicated this story had been discussed during deliberations. The Supreme Court found that the instruction given by the trial judge admonishing the jury to base their deliberations only upon “the evidence and the law of the case” was sufficient to prevent any likelihood of prejudice. *Carter*, 509 Pa. 409, 424.

In *United States v. Fumo*, 639 F. Supp. 2d 544 (E.D. Pa. 2009), the court considered the possibility of prejudice in the context of two admissions “(1) the admission that all jurors were privy to media reports regarding juror [a juror’s] use of Facebook, Twitter, and personal web pages; and (2) the admission by one juror that she learned, from co-workers at her place of employment, of [Defendant’s] previous overturned conviction and [an associate’s] conviction.” *Id.* at 555.

Federal courts employ a different standard than our courts and add several additional factors when evaluating the prejudicial effect of extraneous influence. As the court wrote:

A new trial is warranted if the defendant likely suffered “substantial prejudice” as a result of the jury’s exposure to the extraneous information. To examine for prejudice, this Court must conduct an objective analysis by considering the probable effect of the allegedly

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prejudicial information on a hypothetical average juror. We look to see whether the allegedly prejudicial information influenced the jury when it deliberated and delivered its verdict, as we are concerned with the information's effect on the verdict rather than the information in the abstract. The party seeking the new trial bears the burden of demonstrating the likelihood of prejudice. Several factors relevant to the determination include: (1) whether the extraneous information relates to an element of the case decided against the moving party; (2) the extent of the jury's exposure to the extraneous information; (3) the time at which the jury receives the extraneous information; (4) the length of the jury's deliberations and the structure of its verdict; (5) whether the district court properly instructed the jury to consider only evidence presented at trial; and (6) whether there is a heavy volume of incriminating evidence. None of these factors is dispositive. Our determination of whether the defendant was prejudiced turns on all of the surrounding circumstances.

Id. at 554 (internal citations and quotations omitted).

The court concluded that the juror's musings on Facebook and Twitter were of no import and that knowledge of the defendant's prior overturned conviction and the conviction of his associate could just as easily have accrued to defendant's benefit. Here, the alleged prejudice stems from a visit taken by some number of jurors to the State Capitol. In his blog, posted after the trial, one juror gives the reason for this excursion: "we wanted to see room 626 which was talked about so much during the trial." He goes on to report, "[w]ell we didn't make it to 626. But we did see the large painting of Bill Deweese [*sic*] hanging on the wall. Very creepy, I must say¹⁰." *See*, <http://www.smithcreate.com/2010/03/23/being-a-juror-on-the-bonusgate-trial>¹¹. This court cannot conclude that this trip, ill-advised though it may have been, creates a reasonable likelihood of prejudice.

10. On the subject of the portrait, this court notes that any sense of menace it may have instilled could well have bolstered Defendants theory of the case that Mr. DeWeese was the sinister architect of the bonus scheme.

11. This court notes that, as of this writing, the blog in question can no longer be viewed at the web address cited by the parties.

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The facts of this case are dissimilar to those of *Carter*. The likelihood of prejudice was greater in that case, where jurors learned a remarkably similar misfortune had befallen a second child at the mill. They then heard that this latter boy's parents blamed defendant for failing to learn from plaintiff's accident. Here, no similar inflammatory or emotional influence was evident from the blog. Indeed the court in *Carter* concluded that, even in the presence of arguably inflammatory information and where jurors expressly conceded they had discussed that information during deliberations, no reasonable likelihood of prejudice existed. Moreover, it must be emphasized that jurors in the instant case *did not gain access to the room in question*. It requires some imagination to transform the sight of a closed door into an emotional or inflammatory experience.

This trip, and the activities and events attendant to it, certainly does not reach the 'substantial prejudice' standard articulated in *Fumo*. All of the factors there listed weigh against a finding of a prejudice in this case. The first element recalls the 'central issue' factor set out in *Carter*. Here it cannot be said that the edifice of 626 or Mr. DeWeese's portrait touched on issues central to the resolution of the case. The second factor, the extent of the jury's exposure to the extraneous information, also argues against a hearing or new trial. The jury did not access the room and their exploration of the Capitol, if that can be said to constitute extraneous influence, lasted no longer than a long lunch. There is no indication jurors acquired any additional material information on their tour. The third factor is the time at which the jury receives the extraneous information. Here, the parties agree that the tour in question took place before deliberations began. However, the extremely limited nature of any information gleaned, and the absence of any indication improper discussion took place militate against placing too much emphasis on the timing. The fourth element is the length of the jury's deliberations and the structure of its verdict. The length of the deliberations in this matter was extraordinary. Lasting more than a business week, they comprised the longest deliberations in this court's memory. There is no suggestion that any extraneous influence expedited or truncated an exhaustively thorough and circumspect evaluation of the evidence. Indeed, the blog itself discloses the meticulous manner in which the jury reviewed the complex verdict slips. The overwhelming number of not guilty verdicts supports the propriety of the deliberations. One defendant most associated with 626 was acquitted outright, while others stationed elsewhere in state offices do not appear to have been harmed by association with it. The fifth element addresses the instructions given to the jury. As in *Carter*, the jury here was painstakingly admonished to eschew outside

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information and consider only the evidence adduced at trial. Finally, the sixth factor looks to whether there existed a ‘heavy volume’ of incriminating evidence. While the parties vigorously disputed the nature of the evidence introduced, there can be no doubt the evidence was voluminous, and in the case of the convictions rendered, easily met the Commonwealth’s burden of proof.

Defendant Veon argues that the location of 626 *vis-a-vis* his offices, one floor below, or the impression given by the portrait may have affected a juror’s reasoning. But, as in *Fumo*, they may just as well have benefited Defendants; and in no case can they be said to rise to the level of creating a reasonable likelihood of prejudice such as would require vitiating the jury’s verdict.

Neither can this court accept Defendants’ analogy to *Commonwealth v. Price*, 463 Pa. 200 (1975). Although *Price* involves a visit by a juror to the ‘scene of the crime,’ the physical layout of the scene in that case was critically important to both sides’ theory of the case. Here, the layout of the Capitol or ‘626,’ even had jurors accessed the room, is tangential at best.

Similarly, this court cannot agree that *Pratt v. St. Christopher’s Hosp.*, 581 Pa. 524 (Pa. 2005), requires either a hearing in the instant matter or the summary grant of a new trial. *Pratt* is chiefly concerned with the so-called “no-impeachment” rule which governs the admissibility of post-verdict testimony by jurors. In *Pratt*, two weeks after the verdict was rendered, the court received a letter from a juror alleging juror misconduct. *Pratt* was a medical malpractice action, and the letter stated jurors had “spoken to . . . relatives and friends in the medical profession and their own personal physicians to get their opinions” on whether certain tests should have been performed and what constituted the relevant standard of care. *Id.* at 527. Moreover, the letter indicated the jurors had discussed these opinions during deliberations and volunteered that they had been influenced by them.

The Supreme Court held the trial court erred in not granting an evidentiary hearing. However, *Pratt* and the instant matter are very different indeed. *Pratt* concerns affirmative evidence of extraneous influence which concerns a matter central to the case and supplies the jury with information it did not otherwise have. It is clear that this type of extraneous influence would affect the deliberations of a reasonable juror¹².

12. This court notes that, even where the allegation was of highly improper conduct, the Court declined to summarily order a new trial.

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In the instant case, the analogy to *Pratt* breaks down. There is no express allegation of misconduct; indeed, the blog reflects justifiable pride in long service faithfully rendered. The information gathered by jurors on their tour, if any, was decidedly collateral.

Finally, it cannot be said that information or influence is inflammatory or emotional. Importantly, *Pratt* notes that “the procedure for development of such claims [of extraneous influence] and their ultimate disposition remain vested in . . . the sound discretion of the trial courts.” *Id.* at 542.

For these reasons this court cannot agree that an evidentiary hearing was warranted or that a new trial is required.

Defendants next seek to ‘renew’ the Motion to Suppress Evidence contained in their Omnibus Pre-Trial Motion filed May 6, 2009. Again, Defendants present no new argument which would require a different result.

Defendants’ subsequent argument with respect to prosecutorial misconduct is another instance of recapitulation of a pre-trial motion. Defendants, with one exception, present no new evidence or argument, but simply incorporate the contents of their May 2009 omnibus pleading. The only new conduct addressed by defense counsel concerns the manner by which they familiarized themselves with the *Saunders* case. As noted above, this court cannot agree with their characterization of events.

Defendants next request a restitution hearing; such a hearing was held before this court on Friday, October 8, 2010. The issue of restitution is addressed by a separate Order filed this day.

Finally, Defendant Veon moves this court to reconsider his sentence. This court finds the sentence imposed was proper given the gravity of Defendant’s crimes.

For all the preceding reasons this court is constrained to DENY Defendants’ Post Sentence Motions.

THIRD PUBLICATION

Estate Notices

ESTATE OF GERALDINE E. MCKEE, late of South Hanover Township, Dauphin County, Pennsylvania (died October 3, 2010). Executor: Irene M. McKee, 115 Merlin Drive, Hummelstown, PA 17036. Attorney: Kendra A. Mohr, Esq., Pannebaker & Mohr, P.C., 4000 Vine Street, Middletown, PA 17057. Telephone (717) 944-1333. o29-n12

ESTATE OF PATRICIA CHAMBERS GERHART a/k/a PATRICIA F. GERHART, late of Dauphin County, Pennsylvania (died July 1, 2010). Personal Representative: Shannon O'Shea, 1917 New Dawn Drive, Harrisburg, PA 17110. Attorney: Elizabeth J. Goldstein, Esq., Dilworth Paxson, Suite 800, 112 Market Street, Harrisburg, PA 17101. o29-n12

ESTATE OF ROBERT T. MILLER, late of Lower Paxton Township, Dauphin County, Pennsylvania (died September 8, 2010). Co-Executors: John J. and Julie A. Miller, 9 Hilltop Road, Grantville, PA 17028. Attorney: Elyse E. Rogers, Esq., Keefer Wood Allen & Rahal LLP, 635 North 12th Street, Suite 400, Lemoyne, PA 17043. o29-n12

ESTATE OF LARRY RUSSELL KITZMILLER, late of the Borough of Elizabethville, Dauphin County, Pennsylvania (died October 6, 2010). Administrator: Kevin R. Kitzmiller, 235 Railroad Street, Elizabethville, PA 17023. Attorney: Joseph D. Kerwin, Esq., Kerwin & Kerwin, 4245 State Route 209, Elizabethville, PA 17023. o29-n12

ESTATE OF JAMES W. LAY, late of Harrisburg, Dauphin County, Pennsylvania (died February 10, 2010). Personal Representative: Phyllis J. Joppy-Lay, 631-E Hillendale Road, Chadds Ford, PA 19317. o29-n12

ESTATE OF MARIAN M. CLAWSON a/k/a MARIAN D. CLAWSON, late of Susquehanna Township, Dauphin County, Pennsylvania (died September 13, 2010). Administrator: John Rothermel. Attorney: Cara A. Boyanowski, Esq., Serratelli Schiffman & Brown, 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110. o29-n12

ESTATE OF EDWARD E. COOL, late of the City of Harrisburg, Dauphin County, Pennsylvania (died February 17, 2010). Executrix: Ann Miller, 3 Lockwood Drive, Enola, PA 17025. Attorney: Ann E. Rhoads, Esq., Cleckner and Fearen, 119 Locust Street, P.O. Box 11847, Harrisburg, PA 17108-1847. o29-n12

ESTATE OF HARRY A. TURPIN, late of Swatara Township, Dauphin County, Pennsylvania (died August 8, 2010). Executor: Ronald Turpin, 62B Brighton Street, Steelton, PA 17113. Attorney: Gary J. Imblum, Esq., Kodak & Imblum, P.C., 407 North Front Street, P.O. Box 11848, Harrisburg, PA 17108. o29-n12

ESTATE OF HELEN M. DONNELLY, late of the Township of Susquehanna, Dauphin County, Pennsylvania (died August 30, 2010). Executrix: Patricia Garcia. Attorney: David H. Radcliff, Esq., 1011 Mumma Road, Suite 201, Lemoyne, PA 17043. o29-n12

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **Tonina Enterprises Inc.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. n12

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that an Application for Certificate of Authority was filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on November 1, 2010, by **Bion Environmental Technologies, Inc.**, a foreign corporation formed under the laws of the State of Colorado, where its principal office is located at 1775 Summitview Way, Crestone, CO 10022. The Commercial Registered Office Provider is Corporation Service Company in the County of Dauphin. The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

n12

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on September 22, 2010 with respect to a proposed non-profit corporation, **TLC Work-based Training Program, Inc.**, which has been incorporated under the nonprofit Corporation Law of 1988.

A brief summary of the purposes for which said corporation is organized is: to provide, work-based training and stabilized housing for "hard to place individuals."

n12

NOTICE IS HEREBY GIVEN that **Energy Advantage, Inc.**, a foreign business corporation incorporated under the laws of the State of Connecticut, where its principal office is located at One Muller Avenue, Norwalk, CT 06851, has applied for a Certificate of Authority in Pennsylvania, where its registered office is located at: 7208 Red Top Road, Hummelstown, PA 17036.

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

n12

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a Domestic Limited Liability Company has been filed, October 20, 2010, with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, pursuant to the provisions of the Limited Liability Company Law of the Commonwealth of Pennsylvania, Act of December 7, 1994 (P.L. 703 No. 106) for the following company: **PuraLife, LLC**, 213 Francis L. Cadden Parkway, Harrisburg, PA 17110. n12

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for **Cardiology Practice, Inc.** on November 2, 2010. The said corporation has been incorporated under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

McNEES WALLACE & NURICK LLC
100 Pine Street
Harrisburg, PA 17101

n12

NOTICE IS HEREBY GIVEN that **The Marjack Company, Inc.** with a commercial registered agent in care of National Registered Agents, Inc. in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth as per 15 Pa. C.S. 4129(b). The address of its principal office under the laws of its jurisdiction is 12500 West Creek Parkway, Richmond, VA 23238.

This shall serve as official notice to creditors and taxing authorities. n12

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a Domestic Limited Liability Company has been filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, pursuant to the provisions of the Limited Liability Company Law of the Commonwealth of Pennsylvania, Act of December 7, 1994 (P.L. 703 No. 106) for the following company: **Legacy Hospice and Palliative Care, LLC.**

TURNER AND O'CONNELL
4701 North Front Street
Harrisburg, PA 17110

n12

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania on November 4, 2010 with respect to a proposed nonprofit corporation, **Friends of the Pennsylvania Farm Show Foundation Inc.**, which has been incorporated under the Nonprofit Corporation Law of 1988.

A brief summary of the purpose or purposes for which said corporation is organized is: to stimulate, facilitate, and support educational programs, incentives, and events relating to the annual Pennsylvania Farm Show.

MARVIN BESHORE, Esq.
Law Offices of Marvin Beshore
130 State Street, P.O. Box 946
Harrisburg, PA 17108-0946

n12

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 **Jefferson Audio Video Systems, Inc.** The address of its principal office under the laws of its jurisdiction is 13020 Middletown Industrial Blvd., Louisville, KY 40223. The Commercial Registered Office Provider is National Corporate Research, Ltd. 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). n12

NOTICE IS HEREBY GIVEN that **FERENC, INC.** with a commercial registered agent in care of United Corporate Services Inc. in Dauphin County does hereby give notice of its intention to withdraw from doing business in this Commonwealth as per 15 Pa. C.S. 4129(b). The address of its principal office under the laws of its jurisdiction is 1925 Century Park East, 22nd Floor, Los Angeles, CA 90067.

This shall serve as official notice to creditors and taxing authorities. n12

NOTICE IS HEREBY GIVEN that an Application was filed with the PA Dept. of State at Harrisburg, PA on 10/29/10 by **Proseal America, Inc.**, a foreign corporation formed under the laws of the State of VA with its principal office located at 7413 Whitepine Road, Richmond, VA 23237, for a Certificate of Authority to do business in PA under the provisions of the PA 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. n12

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 October 22, 2010, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Process Pump & Seal, Inc.**, c/o AAAgent Services, LLC.

This corporation is incorporated under the laws of the State of Ohio.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 2993 Woodsdale Road, Trenton, OH 45067-9222.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

n12

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 October 21, 2010, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Government Employees Mutual Benefit Association**, c/o AAAGENT Services, LLC.

This corporation is incorporated under the laws of the State of Maryland.

The address of its principal office under the laws of its jurisdiction in which it is incorporated is 9900 Savage Road, OPS2A, VCC Room 201, Fort Meade, MD 20755-6104.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended.

n12

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **Imagination Systems, Inc.**, a business corporation organized under the Business Corporation Law of 1988.

FOX ROTHSCHILD LLP, Solicitors
747 Constitution Drive, Suite 100
P.O. Box 673
Exton, PA 19341-0673

n12

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 09/30/2010, by **NPAS, Inc.**, a foreign corporation formed under the laws of the State of Tennessee, where its principal office is located at One Park Plaza, Nashville, TN 37203, 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 in Dauphin County. n12

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 09/30/2010, by **NPAS CA, Inc.**, a foreign corporation formed under the laws of the State of Tennessee, where its principal office is located at One Park Plaza, Nashville, TN 37203, 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 in Dauphin County. n12

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on November 4, 2010, by **Heartland Dental Care, Inc.**, a foreign corporation formed under the laws of the State of Delaware, where its principal office is located at 1200 Network Centre Drive, Suite 2, Effingham, IL 62401, 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 is located at c/o CT Corporation System, Dauphin County, Pennsylvania. n12

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on November 1, 2010, by **E-Gain Technologies, Inc.**, a foreign corporation formed under the laws of the State of Nevada, where its principal office is located at 800 N. Rainbow Boulevard, Suite 208, Las Vegas, NV 89107, 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 is located at c/o National Registered Agents, Inc., Dauphin County, Pennsylvania. n12

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on September 30, 2010, by **Allocation Services, Inc.**, a foreign corporation formed under the laws of the State of Florida, where its principal office is located at 280 Wekiva Springs Road, Suite 3000, Longwood, FL 32779, 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 is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. n12

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 November 5, 2010, by **SKYPE 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 is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. n12

NOTICE IS HEREBY GIVEN of the filing of Articles of Incorporation as follows:

1. The name of the corporation is **Constitutional Champions Foundation**.
 2. The location of the registered office of the corporation is: 328 Kent Drive, Harrisburg, PA 17111.
 3. The Articles of Incorporation were filed under the provisions of the Business Corporation Law of 1988.
 4. The corporation shall have unlimited power to engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law.
 5. The Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania and approved by said Department on the 14th day of October, 2010. n12
-

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **NANRICK DELIVERY, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. n12

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on November 3, 2010, by **DIGITAL PROCEDURE 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 is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. n12

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on November 2, 2010, by **Chartis Global Services, 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 is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. n12

NOTICE IS HEREBY GIVEN that an Application was made to the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on November 4, 2010, by **Adaptik Corporation**, a foreign corporation formed under the laws of the State of New Jersey, where its principal office is located at 630 Fairmont Avenue, Westfield, NJ 07090, 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 is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. n12

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 November 4, 2010, by **HCN Development Services Group, Inc.**, a foreign corporation formed under the laws of the State of Indiana, where its principal office is located at 251 East Ohio Street, Suite 500, Indianapolis, IN 46204, 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 is located at c/o Corporation Service Company, Dauphin County, Pennsylvania. n12

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 October 22, 2010, for the purpose of obtaining a charter of a nonprofit corporation organized under the Nonprofit Corporation Law of the Commonwealth of Pennsylvania. The name of the corporation is: **William B. Dietrich Foundation.**

The purposes for which it was organized are: exclusively for charitable, religious, scientific, literary and educational purposes within the purview of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

DUANE MORRIS LLP, Solicitors
30 S. 17th Street
n12 Philadelphia, PA 19103-4196

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State for **CDM CLIPS, INC.**, a corporation organized under the Pennsylvania Business Corporation Law of 1988. n12

FIRST PUBLICATION

Fictitious Notices

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Happy Saver**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 203 South Market Street, Millersburg PA 17061, was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 20th day of October, 2010, pursuant to the Act of Assembly of December 16, 1982, Act 295.

The name and address of the entity owning or interested in said business is: Crownhouse LLC, 203 South Market Street, Millersburg, PA 17061. n12

FIRST PUBLICATION

Miscellaneous Notices

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

CIVIL ACTION – LAW

No. 2010-CV-05637-MF

**COMPLAINT IN
MORTGAGE FORECLOSURE**

**FINANCIAL FREEDOM
ACQUISITION LLC, Plaintiff**

vs.

**MAYMIE STEELE, Known Surviving
Heir of M. ELLABELL STEELE,
a/k/a MARY ELLABELL STEELE,
Deceased Mortgagor and Real Owner
PEGGY STEELE, Known Surviving
Heir of M. ELLABELL STEELE,
a/k/a MARY ELLABELL STEELE,
Deceased Mortgagor and Real Owner
RONALD STEELE, Known Surviving
Heir of M. ELLABELL STEELE,
a/k/a MARY ELLABELL STEELE, Deceased
Mortgagor and Real Owner
Unknown Surviving Heirs of M. ELLABELL
STEELE, a/k/a MARY ELLABELL
STEELE, Deceased Mortgagor and Real
Owner, Defendants**

FIRST PUBLICATION
Miscellaneous Notices

**TO: UNKNOWN SURVIVING HEIRS
OF M. ELLABELL STEELE,
a/k/a MARY ELLABELL STEELE,
DECEASED MORTGAGOR AND
REAL OWNER**

**PREMISES SUBJECT
TO FORECLOSURE:
2632 REEL STREET
HARRISBURG, PENNSYLVANIA 17110**

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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TERRENCE J. McCABE, Esq.
MARC S. WEISBERG, Esq.
EDWARD D. CONWAY, Esq.
MARGARET GAIRO, Esq.
McCabe, Weisberg and Conway, P.C.
123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109
(215) 790-1010

NOTICE OF AUDIT

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

NOTICE IS HEREBY GIVEN that the following 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 presented to the said Orphans' Court Division at the Office of the Court Administrator for Audit, Confirmation and Distribution of the said ascertained balances to and among those legally entitled there to *on Tuesday, December 21, 2010*. 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, December 14, 2010*.

1. ALLEN, PORTER, Deceased, Third and Final Account of Manufactures and Traders Trust Company, Successor Surviving Co-Trustee, (Trust under the Will F/B/O Ellen Allen Martin).
2. BEARD, WILLIAM S., Deceased, First and Final Account of Tracey A. Howard, Executrix.
3. HEATON, RICHARD B., Deceased, First and Final Account of Nancy L. Heaton, Executrix.
4. PRY, Rum E., Deceased, First and Final Account of Kevin B. Pry and Kimberly A. Pry, Executors.
5. SINON, DOROTHY J., Deceased, First and Final Account of William R. Powell, Agent, (Under a Power of Attorney dated February 28, 2008).

Dated: November 5, 2010

/s/ SANDRA C. SNYDER
Register of Wills and
n12-n19 Clerk of the Orphans' Court Division

NOTICE

FIRST PUBLICATION

Miscellaneous Notices

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

CIVIL ACTION – LAW

No. 2010 CV 11483 MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**GREEN TREE SERVICING, LLC,
Plaintiff**

vs.

**RABAB SHAMAA, Mortgagor and
Real Owner, Defendant**

**TO: RABAB SHAMAA, MORTGAGOR
AND REAL OWNER, DEFENDANT,
whose last known address is
258 East Water Street
Middletown, PA 17057**

**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, GREEN TREE SERVICING, LLC, 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. 2010 CV 11483 MF, wherein Plaintiff seeks to foreclose on the mortgage secured on your property located, 258 East Water Street, Middletown, PA 17057, whereupon your property will be sold by the Sheriff of Dauphin County.

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.

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MICHAEL T. McKEEVER, Esq.
Goldbeck, McCafferty & McKeever, P.C.
Suite 5000, Mellon Independence Center
701 Market Street
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(215) 627-1322

FIRST PUBLICATION

Miscellaneous Notices

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

No. 2010-CV-10668-NC

**PETITION FOR
CHANGE OF NAME**

NOTICE

NOTICE IS HEREBY GIVEN that on November 2, 2010, the Petition of **Andrew John Wilmarth a/k/a Andrew John Hershey** (birth to age 6) was filed in the above named court, requesting a decree to change his/her name from **Andrew John Wilmarth to Andrew John Hershey**.

The Court has fixed January 11, 2011 in Courtroom No. 9, at 10:00 a.m., 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. n12

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

CIVIL ACTION – LAW

No. 2010-CV-6094-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR THE
REGISTERED HOLDERS OF THE
SOUNDVIEW HOME LOAN TRUST
2006-NLC1, ASSET-BACKED
CERTIFICATES, SERIES 2006, NLC1,
Plaintiff**

vs.

CHARLES RUE, Defendant

**NOTICE OF SALE
OF REAL PROPERTY**

**TO: Charles Rue, Defendant
2004 Green Street, Apt 2F
Harrisburg, PA 17102**

and

**2004 Green Street
Harrisburg, PA 17102**

and

**2311 N. Front Street #517
Harrisburg, PA 17110**

YOU ARE HEREBY NOTIFIED that your house (real estate) at 2004 Green Street, Harrisburg, PA 17102, is scheduled to be sold at the Sheriff's Sale on January 13, 2011 at 10:00 a.m. in the Dauphin County Administration Building, 4th Floor, Second and Market Streets, Commissioners Hearing Room, Harrisburg, PA, to enforce the court judgment of \$141,781.75, obtained by Plaintiff above (the mortgage) against you. If the sale is postponed, the property will be relisted for the Next Available Sale.

PROPERTY DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in the 11th Ward of the City of Harrisburg, County of Dauphin and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING on the western line of Green Street ninety-eight (98) feet, more or less, south of the southwest corner of Green and Geiger Streets, at the center of the partition wall between houses Nos. 2006 and 2004 Green Street; thence westwardly through the center of said partition wall and beyond, ninety (90) feet, more or less, to a four (4) feet wide private alley; thence southwardly along the eastern line of said alley sixteen (16) feet more or less, to another alley four (4) feet wide, parallel with Pepper Street; thence eastwardly along the northern line of said last mentioned alley ninety (90) feet more or less to Green Street; thence northwardly along the western line of Green Street sixteen (16) feet, more or less, to the place of BEGINNING.

THE IMPROVEMENTS thereon being known as 2004 Green Street, Harrisburg, Pennsylvania 17102.

BEING KNOWN AS: 2004 Green Street, Harrisburg, PA 17102.

FIRST PUBLICATION

Miscellaneous Notices

PROPERTY ID No. 11-002-104.
TITLE TO SAID PREMISES IS VESTED IN
CHARLES RUE BY DEED FROM BETHANY
A. VENDITTI DATED 9/1/2006 RECORDED
9/25/2006 INSTRUMENT No. 20060039427.

MARK J. UDREN, Esq.
STUART WINNEG, Esq.
LORRAINE DOYLE, Esq.
ALAN M. MINATO, Esq.
CHANDRA M. ARKEMA, Esq.
LOUIS A. SIMONI, Esq.
ADAM L. KAYES, Esq.
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Udren Law Offices, P.C.
Woodcrest Corporate Center
111 Woodcrest Road, Suite 200
Cherry Hill, NJ 08003
(856) 482-6900

n12

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

CIVIL ACTION – LAW

No. 2010-CV-4666-MF

**NOTICE OF ACTION IN
MORTGAGE FORECLOSURE**

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR THE
REGISTERED HOLDERS OF THE
SOUNDVIEW HOME LOAN TRUST
2006-EQ1, ASSET-BACKED
CERTIFICATES, SERIES 2006-EQ1,
Plaintiff**

vs.

**RAY MALBROUGH
a/k/a RAY T. MALBROUGH, Defendant**

**NOTICE OF SALE
OF REAL PROPERTY**

**TO: Ray Malbrough
a/k/a Ray T. Malbrough, Defendant
2447 Reel Street
Harrisburg, PA 17110**

YOU ARE HEREBY NOTIFIED that your house (real estate) at 2447 Reel Street, Harrisburg, PA 17110, is scheduled to be sold at the Sheriff's Sale on January 12, 2011 at 10:00 a.m. in the Dauphin County Administration Building, 4th Floor, Second and Market Streets, Commissioners Hearing Room, Harrisburg, PA, to enforce the court judgment of \$60,310.13, obtained by Plaintiff above (the mortgagee) against you. If the sale is postponed, the property will be relisted for the Next Available Sale.

PROPERTY DESCRIPTION

ALL THAT CERTAIN tract of ground situate in the 10th Ward of the City of Harrisburg, County of Dauphin, state of Pennsylvania, more particularly bounded and described according to a survey of Gerrit J. Betz, Registered Surveyor, dated January 20, 1976, as follows, to wit:

BEGINNING at a point on the Eastern line of Reel Street said point being by same measured in a southeasterly direction a distance of 206.0 feet from the southeastern corner of Reel Street and Schuylkill Street; THENCE North 77 degrees East along the south line of lands now or late of William K. Kingsboro, et ux. and being along and through the center line of a partition wall and beyond a distance of 110.0 feet to a PK nail on the western line of Turner Street; THENCE South 13 degrees East along said western line of Turner Street a distance of 15.0 feet to a PK nail; THENCE South 77 degrees 0 minutes West along the northern line of lands now or late of Edward L. Orsinger, et ux. and being along and through the center line of a partition wall and beyond a distance of 110.0 feet to a point on the eastern line of Reel Street; THENCE North 13 degrees 0 minutes West along said eastern line of Reel Street a distance of 15.0 feet to a drill hole; the point and place of BEGINNING.

HAVING THEREON ERECTED, a three story brick dwelling known and numbered as 2447 Reel Street.

FIRST PUBLICATION

Miscellaneous Notices

BEING Parcel No. 10-023-039.

BEING KNOWN AS: 2447 Reel Street,
Harrisburg, PA 17110.

PROPERTY ID No. 10-023-039.

TITLE TO SAID PREMISES IS VESTED IN
RAY T. MALBROUGH BY DEED FROM W.
DEAN WILLIAMS DATED 6/30/2006
RECORDED 7/14/2006 INSTRUMENT No.
20060028296.

MARK J. UDREN, Esq.
STUART WINNEG, Esq.
LORRAINE DOYLE, Esq.
ALAN M. MINATO, Esq.
CHANDRA M. ARKEMA, Esq.
LOUIS A. SIMONI, Esq.
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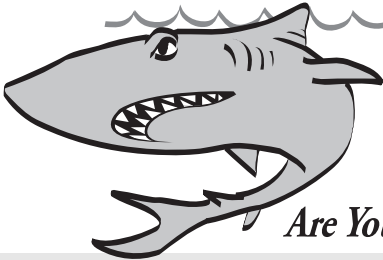
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REPORTING OF ERRORS IN ADVANCE SHEET

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

NOVEMBER 2010
DECEMBER 2010

Judge Lawrence F. CLARK, JR.
Judge John F. CHERRY

Opinions Not Yet Reported

November 3, 2010 – Cherry, J., **Consoli v. Elias**, No. 2008 CV 15365
November 5, 2010 – Turgeon, J., **Commonwealth v. Adams**, No. CP 22 CR 4696-2005

BAR ASSOCIATION PAGE – Continued

MISCELLANEOUS SECTION

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o29-n19

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o29-n12

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o22-n12

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n5-n19

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