

ADVANCE SHEET

The Dauphin County Reporter

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THE DECISIONS RENDERED IN THE
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**THE
DAUPHIN COUNTY REPORTER**

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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 Notices

ESTATE OF CHESTER F. SHUEY aka CHESTER FRANKLIN SHUEY, late of Derry Township, Dauphin County, Pennsylvania, (died: December 18, 2018). Executor: Esther S. Eckenroth. Attorney: Jean D. Seibert, Esquire, CALDWELL & KEARNS, PC, 3631 North Front Street, Harrisburg, PA 17110. jy26-a9

NOTICE OF TRUST ADMINISTRATION of the **RICHARD W. DEILING LIVING TRUST** dated 2/11/1997, as amended (the "Trust"), following the death of Richard W. Deiling, late of Derry Township, Dauphin County, Pennsylvania on May 20, 2019 (the "Decedent"), is hereby given. **ESTATE OF RICHARD W. DEILING**, late of Derry Township, Dauphin County, Pennsylvania (died: May 20, 2019), Successor Death Co-Trustees and Co-Executors: Lora L. Rogers and Brian G. Deiling, 142 Mine Road, Hershey, PA 17033 or to Attorney: Neil W. Yahn, Esquire, JSDC Law Offices, 11 East Chocolate Avenue, Suite 300, Hershey, PA 17033, (717) 533-3280. jy26-a9

ESTATE OF FREDERICK O. HAMILTON, late of Steelton Borough, Dauphin County, Pennsylvania. Administrator: MARVA E. HAMILTON, 1140 5th Avenue, Steelton, PA 17113 or to Attorney: KATHLEEN B. MURREN, ESQ., SkariatosZonarich, LLC, 320 Market Street, Suite 600 West, Harrisburg, PA 17101. jy26-a9

ESTATE OF CHARLOTTE Y. CHAPLIN, late of Derry Township, Dauphin County, Pennsylvania, (died May 23, 2019). Administrator: Kenneth D. Martin. Attorney: Elizabeth H. Feather, Esquire, Caldwell & Kearns, P.C., 3631 North Front Street, Harrisburg, PA 17110, (717) 232-7661. jy26-a9

ESTATE OF LAI LE a/k/a LAI THI NGOC LE, late of Lower Swatara Township Dauphin County, Pennsylvania (died: May 27, 2019). Executor/Administrator: Ha Thi Thu Nguyen, 1320 Carriage House Road, Middletown, PA 17057. Attorney: Stacey Lindsay, P.O. Box 40, Silver Spring, 17575. jy26-a9

ESTATE OF PAIGE ANNE ROBINSON, late of East Hanover Township, Dauphin County, Pennsylvania (died: June 9, 2019). Executrix: Patricia Lynn Thompson, c/o Edward P. Seeber, Esquire, JSDC Law Offices, Suite C-400, 555 Gettysburg Pike, Mechanicsburg, PA 17055, 717-533-3280. jy26-a9

This was not the case in Staub, where the father never objected to homeschooling, particularly for many years prior to the parties' separation. In any event, even with a history of homeschooling, my decision to grant Father sole authority to decide educational issues and end homeschooling as of 2019-2020, was made upon careful consideration of all factors relevant to the children's best interests, as fully set forth above.

Accordingly, I issued the March 14, 2019 custody order from which Mother has appealed.

Jeannine Turgeon, Senior Judge

Commonwealth v. Walker

Crimes and Criminal Procedure - Post Conviction Relief Act Petition - Timeliness - *Brady v. Maryland* Violations - Cumulative Effect of Suppressed Evidence

Petitioner was convicted of First-Degree Murder and sentenced to life in prison. He then sought relief for prosecution failures to disclose evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963).

1. A PCRA petition, including a second or subsequent one, must be filed within one year of the date that the petitioner's judgment of sentence became final, unless he pleads and proves one of the three enumerated exceptions outlined in 42 Pa.C.S.A. § 9545(b)(1). *Commonwealth v. Jones*, 54 A.3d 14, 16 (Pa. 2012). This time requirement is jurisdictional in nature and applies to all PCRA petitions, regardless of the merits or legality of any claims raised therein. The three exceptions are: (1) interference by government officials in the presentation of the claim; (2) newly discovered facts that could not have been previously discovered by the petitioner through the exercise of due diligence; and (3) an after-recognized constitutional right that has been held to apply retroactively.

2. Under *Brady* and its progeny, a prosecutor has an obligation to disclose all exculpatory information material to the guilt or punishment of an accused, including evidence of an impeachment nature. *Commonwealth v. Roney*, 79 A.3d 595, 607 (Pa. 2013).

3. To establish a *Brady* violation, a defendant must show that: (1) the evidence was favorable to the defendant, either because it was exculpatory or it could have been used for impeachment; (2) the evidence was suppressed by the prosecution, either willfully or inadvertently; and (3) the evidence was material, in that its omission resulted in prejudice to the defendant. *Id.*; see also *Commonwealth v. Willis*, 46 A.3d 648, 656 (Pa. 2012).

4. If the verdict is already of questionable validity, additional evidence of relatively minor importance might be sufficient to create a reasonable doubt. *U.S. v. Agurs*, 427 U.S. 97, 113

PCRA Petition. C.P., Dau. Co., No. 2739 CR 1996. Petition Granted.

William R. Stoycos, for the Commonwealth

Jonathan W. Crisp, for the Petitioner

Patrick J. Egan, for the Petitioner

Clark, S.J., July 17, 2019.

Presently before this Court¹ is Petitioner Corey Walker's ("Petitioner") Petition for Relief pursuant to the Pennsylvania Post Conviction Relief Act ("PCRA"), 42 Pa.C.S.A. § 9541 et al. A Hearing on said Petition was held on May 15, 2018. The parties have submitted post-Hearing briefs, and the Petition is now ripe for disposition.

I. Factual Background.

A. *Night of the Murder.*

In the early morning hours of December 15, 1995, Officer Laura Davis ("Officer Davis") of the Harrisburg Police Department was on patrol around the 1400 block of Market Street, traveling west, when she heard a large booming sound which scared her. (Notes of Testimony, Trial, 3/13-3/17/97, hereinafter "N.T. Trial", at 47). After hearing the sound, Officer Davis saw no activity in the immediate vicinity. (N.T. Trial, at 48). Officer Davis then made a U-turn and began traveling east on Market Street. (N.T. Trial, at 49). As she approached 15th Street, she observed an African-American male and female crossing Market Street southbound at 15th Street. (*Id.*) Officer Davis stopped her vehicle and spoke with them through the passenger window. (*Id.*) The male had a limp and the female looked frightened and appeared to be shaking. (*Id.*) The female stated that "someone was shot in that alley behind the houses" (indicating to the northbound side of Market Street). (N.T. Trial, at 49-50). Officer Davis did not identify either of those individuals, nor did she ask them to remain on scene while she continued her investigation. (N.T. Trial, at 62).

Based on the information from the unidentified female, Officer Davis made another U-turn and began traveling west again towards the area where she heard the sound. (N.T. Trial, at 50). When she arrived at 14th and Market Streets, she turned north onto 14th Street, and observed approximately seven (7) people on the sidewalk near Midnight Special (also known as Fab's), a neighborhood bar. (*Id.*) Officer Davis pulled over to a male and female standing in front of the bar, and inquired as to whether they saw or heard anything. (*Id.*) The male, later identified as Jesse Davis, stated that he heard a shot and pointed toward the 1400 block of Market Street. (*Id.*) Officer Davis continued traveling around the area while awaiting the arrival of backup units. (N.T. Trial, at 50-51). When backup officers arrived, they searched

¹ The Trial Judge and Original PCRA Judge for this case was our distinguished colleague, the late Judge Todd A. Hoover. On Judge Hoover's untimely illness and subsequent passing, this matter was re-assigned to the undersigned.

the area for a period of time and were unable to locate anyone with a gunshot wound; therefore, they cleared the call. (N.T. Trial at 51). Although the call was cleared, Officer Davis continued to investigate on her own. (N.T. Trial at 51-52). Officer Davis returned to the area where she heard the sound, and the man she spoke to outside the bar (Jesse Davis) motioned her over to where a body was laying on the ground in the alleyway between 1420 and 1422 Market Street.² (N.T. Trial, at 52). Emergency medical services arrived shortly thereafter, but were unable to find any signs of life. (N.T. at 53).

At approximately 1:10 a.m. on December 15, 1995, Officer Leroy Lucas (“Officer Lucas”) of the forensic unit of the Harrisburg Police Department arrived on scene. (N.T. Trial, at 71). He observed and photographed footprints in the snow that appeared to be from an individual(s) traveling north of the victim, between the buildings. (N.T. Trial, at 72). In addition, on the northern side of the fence, Officer Lucas collected a partial shotgun with its barrel missing. (N.T. Trial, at 72-73). Although Officer Lucas testified that he found no fingerprint evidence on the gun, missing pages of the police report turned over to Petitioner in 2014 indicate that there were positive results for prints at the scene.

B. Police Investigation.

a. Statement of Jesse Davis on December 15, 1995.

Jesse Davis (hereinafter “Mr. Davis”) was interviewed and provided a statement to Detective Richard Curtis (“Detective Curtis”) on the night of the shooting. Mr. Davis stated that he had seen the victim shortly before the shooting, and at that time, the victim was wearing blue jeans and a black coat. Mr. Davis was outside the Midnight Special Bar (hereinafter “the Bar”) with his girlfriend when they heard the gunshot. Shortly after, Officer Davis arrived and had a brief conversation with Mr. Davis and his girlfriend. Soon thereafter, Mr. Davis left the Bar, and walked around the corner to Market Street heading toward 15th Street. While walking on Market Street, Mr. Davis encountered a body, later identified to be that of the victim, lying motionless on the ground. He signaled for Officer Davis to come over, and was immediately detained for questioning.

In addition to questions regarding the shooting, Detective Curtis asked Mr. Davis various questions about drug trafficking that occurred in the area of 14th and Market Streets. Specifically, Mr. Davis was asked questions about the victim’s activity running drugs for “the New York Boys” and other individuals. Mr. Davis described one of the “New York Boys” as a five-foot seven-inch brown-skinned

² The alleyway was described as four (4) feet wide, and was the entire length of the buildings located at 1420 and 1422 Market Street. (N.T. Trial, at 60). There was a fence approximately five (5) to six (6) feet from the front of the buildings and eight (8) to ten (10) feet from the sidewalk on Market Street. (N.T. Trial, at 61).

male, who weighed approximately 160 pounds and walked as if he was handicapped. Mr. Davis did not see that individual with the victim specifically; however, he did observe that individual in the vicinity of the shooting site.

b. Statement of Brian Ramsey on December 15, 1995.

Brian Ramsey (“Ramsey”) was interviewed and provided a statement to Detective Robert Dillard (“Detective Dillard”). As with Mr. Davis, Ramsey’s interview occurred on the night of the shooting. Ramsey stated that he saw the victim go into the alley with three individuals—two males wearing coats similar to the victim, and a female wearing a white coat. One of the males was described as being five-foot seven-inches, dark-skinned, approximately 150 pounds, and with one leg shorter than the other (known on the street as the “cripple guy”). The other male was described as being five-foot ten inches, approximately 160 pounds, and brown-skinned. He did not have a description of the female, but he did state that he had not seen the female’s white coat on Market Street before. After the shooting, Ramsey saw the two males described, and based on their demeanor, Ramsey believed that they knew something about the shooting.

c. Statement of Darrell Williams on December 15, 1995.

Darrell Williams (“Williams”) was also interviewed and gave a statement to police on the night of the shooting. Williams worked at a charitable organization called Visions which was located at 1422 Market Street. Williams arrived for work around 12:35 a.m. and encountered a man standing in front of Visions by himself. Williams noted that what stood out most to him was the fact that the man’s pants were down around his ankles. Williams had been inside Visions for only a few minutes when he heard the gunshot. He looked out the front third-floor window and saw a man and woman walking on Market Street from 15th Street towards 14th Street. He heard the woman yell, “Oh my God.” Additionally, he observed Officer Davis approach the two individuals as described above. Williams’ coworker Aaron Dews, who was leaving Visions at the time, called for Williams to come down to the front door because the police were taping off the area. Williams then looked outside and saw the victim’s body lying in the alleyway with his pants around his ankles. Williams indicated that the victim was the same man that he saw standing in front of Visions when he arrived for work.

d. Statement of Robin Blackston on January 29, 1996.³

³ This statement was not disclosed to Petitioner prior to trial. It was disclosed by the Commonwealth on or about September 12, 2014.

Robin Blackston (“Blackston”) was interviewed and gave a handwritten statement to Detective Dillard. Blackston said in her statement that she was in the area of 14th and Market Streets on the night of the shooting. She observed that the victim was running drugs for the “New York Boys” that night. She further saw Carla Brown go into the Bar and come back outside with the victim. Carla Brown and the victim walked around the corner to 14th and Market Streets, and approximately five (5) to ten (10) minutes later, Blackston heard the gunshot.

In addition to Blackston’s handwritten statement, the police records include Detective Dillard’s handwritten notes from his interview with Blackston. According to Detective Dillard’s notes, Blackston stated that Carl “Doc” Clark was on the street at the time of the shooting, but Blackston could not place him in the immediate vicinity of the shooting.

e. Statement of Carla Brown on March 27, 1996.⁴

Carla Brown (“Brown”) was interviewed and gave a statement to Detective Dillard and Detective Kevin Duffin (“Detective Duffin”). In her statement, Brown relayed that she saw the victim standing by the jukebox inside the Bar arguing with two African-American males that she knew as “Remek”⁵ and Lorenzo.⁶ Brown stated that she knew the three individuals were arguing because they became loud. She further stated that she did not see any of the three individuals moving or flailing their arms. She believed that the argument pertained to a jacket that the victim was wearing but which did not belong to him. Two employees of the Bar told the three of them to leave. Brown stated that she followed the three individuals outside, and she saw the three of them walk down 14th Street and make a left on Market Street—Remek was walking in the front, the victim in the middle, and Lorenzo in the back. Brown continued to follow them and saw them walk single file into the alleyway with Lorenzo appearing to stand guard. Brown stated that the victim turned around and said, “Go ahead.” Brown kept walking, and two to three seconds later, she heard a gunshot and ran. Brown stated that while she was running, she heard another gunshot.

Brown stated that she had her eye on the victim that night because she knew he was in possession of drugs. Brown claimed that she knew the victim had drugs because he was wearing an off-white leather jacket with fur around the collar, which she said belonged to Remek. According to Brown, on

⁴ This statement was not disclosed to Petitioner prior to trial. As with Robin Blackston’s statement, Carla Brown’s statement was disclosed by the Commonwealth on or about September 12, 2014.

⁵ Brown ultimately identified Petitioner as the individual that she knew as “Remek” or “Remeke.”

⁶ Brown later identified Lorenzo as Lorenzo Johnson, Petitioner’s co-defendant.

the night of the shooting, Remek was wearing a bulky, black jacket and carrying something under his left arm. Brown described Johnson as wearing a long, black leather coat. In the March 27, 1996 statement, Brown acknowledged that she spoke with Detective Curtis at least one time prior to the instant statement. Additionally, Brown stated that she spoke with her father, Carl “Doc” Clark, about the incident, and he told her to tell police that she did not see, hear, or know anything about the shooting.

f. Statement of Carl “Doc” Clark on March 27, 1996.⁷

Carl “Doc” Clark (“Clark”) was interviewed and gave a statement to Detective Dillard and Detective Duffin. On the night of the shooting, Clark was with the victim at OD’s Restaurant at 14th and Market Streets until 11:00 p.m. when the victim left to take a walk. Clark was still at OD’s when he learned of police activity in the area of 14th and Market Streets. Thereafter, Clark went to the area of 16th and Market Streets where he saw his daughter, Carla Brown, and a girl named Red who apprised him that there had been a shooting.

g. Statement of Gary Miller on January 30, 1997.

Gary Miller (“Miller”) was interviewed and gave a statement to Detective Duffin. Miller stated that he was working in the Bar on the night of the shooting and observed the victim and Petitioner outside the front door of the Bar. Miller stated that Petitioner was wearing a white or light leather coat, and he did not observe anyone around the Petitioner except for the victim.

II. Procedural History.

After a three-day jury trial held on March 13, 14 and 17, 1997, Petitioner was convicted of First-Degree Murder on March 17, 1997, and he was sentenced to life in prison. On September 23, 1997, Petitioner filed a Notice of Appeal to the Superior Court, which affirmed his conviction and sentence on September 28, 1998 (909 HBG 1997). Then, on October 26, 1998, Petitioner filed a Petition for Allowance of Appeal to the Supreme Court of Pennsylvania, which denied said Petition on February 25, 1999.

After exhaustion of his direct appeal, Petitioner filed his first PCRA Petition on December 10, 1999. Therein, Petitioner raised the following claims: (1) ineffective assistance of trial counsel for counsel’s failure to impeach Commonwealth witness Victoria Doubs’s (“Doubs”) testimony on the basis that Doubs was to receive a plea deal in exchange for testifying for the Commonwealth; (2) ineffective

⁷ This statement was not disclosed to Petitioner prior to trial. Carl “Doc” Clark’s statement was disclosed by the Commonwealth on or about September 12, 2014.

assistance of trial counsel for failure to request cautionary instructions regarding Doubs's pending plea agreement; (3) ineffective assistance of trial counsel for failure to object to Doubs's hearsay testimony regarding what Carla Brown told her about the murder; and (4) ineffective assistance of direct-appellate counsel for failure to appeal the trial court's decision to sustain the Commonwealth's objection to questioning Doubs with information that showed she had a reputation for lying. On October 2, 2000, the PCRA court dismissed Petitioner's first PCRA Petition, and Petitioner filed a Notice of Appeal to the Superior Court on October 30, 2000 (1965 MDA 2000).

In appealing the PCRA court's dismissal of his first PCRA Petition to the Superior Court, Defendant alleged that trial counsel was ineffective for failing to call an individual named Adrian Fluellan ("Fluellan") as a witness for the defense, and he contended that his first PCRA counsel (Elizabeth Hoffman, Esquire) was ineffective for failing to raise that issue and preserve it for appeal. The Superior Court thus directed the PCRA court to appoint new PCRA counsel (Bradley Winnick, Esquire) for Petitioner and remanded the matter to the PCRA court with a directive that the PCRA court hold an evidentiary hearing as to whether trial counsel and first PCRA counsel were ineffective with respect to Petitioner's Fluellan-related claims. After conducting an evidentiary hearing, the PCRA court found that trial counsel was not ineffective for failing to call Fluellan as a witness, and dismissed the PCRA Petition December 14, 2004.

After the PCRA court's second dismissal of his first PCRA Petition, Petitioner again appealed to the Superior Court of Pennsylvania (66 MDA 2005), which affirmed the PCRA court's dismissal on December 2, 2005. On January 3, 2006, Petitioner filed a Petition for Allowance of Appeal to the Supreme Court of Pennsylvania, which denied said Petition on March 28, 2006.

On July 18, 2006, Petitioner, proceeding *pro se*, filed a second PCRA Petition. A review of the second PCRA Petition reveals that Petitioner, in essence, raised the following claims therein: (1) ineffectiveness of trial counsel for failure to impeach Doubs's testimony on the basis that she had been offered a plea deal, and ineffectiveness of appellate counsel for failing to raise this claim on direct appeal; (2) ineffectiveness of trial counsel for failure to conduct an independent investigation of exculpatory evidence and witnesses (including the failure to interview Fluellan), as well as ineffectiveness of appellate counsel for failing to raise this claim on direct appeal; (3) ineffectiveness of trial counsel for failure to secure alibi witnesses, and ineffectiveness of appellate counsel for failing to raise this issue on direct appeal; (4) ineffectiveness of trial counsel for failing to request that an accomplice charge be filed against Brown, and ineffectiveness of appellate counsel for failing to raise this claim on direct appeal; (5)

ineffectiveness of trial counsel for failure to seek discovery evidence regarding an alleged promise made to Brown in exchange for Brown's testimony against Petitioner; (6) ineffectiveness of trial counsel for failing to challenge the composition of the jury pool, and ineffectiveness of appellate counsel for failing to raise this claim on direct appeal; (7) a claim that the Commonwealth committed a Brady violation by failing to provide various evidence including powder residue testing of Petitioner's clothing, hairs and blood taken from the victim, and a shotgun piece that was found at the scene; and (8) a claim of actual innocence.

On March 7, 2007, the PCRA court, without holding a hearing, dismissed Petitioner's second PCRA Petition as untimely, and Petitioner filed a Notice of Appeal to the Superior Court on April 13, 2007 (761 MDA 2007). On September 24, 2007, the Superior Court subsequently dismissed Petitioner's appeal for failure to file a brief.

Pertinent to this opinion is Petitioner's instant and third PCRA Petition, time-stamped on June 27, 2014, as well as the various supplements thereto. The instant PCRA Petition and supplements will be discussed in further detail below.

III. Discussion.

A. *Timeliness.*

A PCRA petition, "including a second or subsequent one, must be filed within one year of the date that the petitioner's judgment of sentence became final, unless he pleads and proves one of the three enumerated exceptions outlined in 42 Pa.C.S.A. § 9545(b)(1)." Commonwealth v. Jones, 54 A.3d 14, 16 (Pa. 2012). A judgment becomes final at the conclusion of direct review, including discretionary review in the Supreme Court of Pennsylvania and the Supreme Court of the United States, or at the expiration of time for seeking such review. 42 Pa.C.S.A. § 9545(b)(3); *see also Jones*, 54 A.3d at 17.

This time requirement is jurisdictional in nature and applies to all PCRA petitions, regardless of the merits or legality of any claims raised therein. Jones, 54 A.3d at 17; *see also Commonwealth v. Abdul-Salaam*, 812 A.2d 497, 500 (Pa. 2002); Commonwealth v. Cintora, 69 A.3d 759, 760 (Pa. Super. 2013). A court may not address the merits of an untimely PCRA petition unless one of three enumerated exceptions outlined in 42 Pa.C.S. § 9545(b)(1) is satisfied. Jones, 54 A.3d at 17; *see also Commonwealth v. Copenhefer*, 941 A.2d 646, 648-49 (Pa. 2007).

The three exceptions are: (1) interference by government officials in the presentation of the claim; (2) newly discovered facts that could not have been previously discovered by the petitioner through

the exercise of due diligence; and (3) an after-recognized constitutional right that has been held to apply retroactively. 42 Pa.C.S.A. § 9545(b)(1)(i)-(iii). Moreover, any claims asserted within this provision must be made within sixty (60) days of when they became known. 42 Pa.C.S.A. § 9545(b)(2); *see also Jones*, 54 A.3d at 17.⁸

In the instant case, the Superior Court of Pennsylvania affirmed Petitioner's judgment of sentence on September 28, 1998. Petitioner filed a Petition for Allowance of Appeal to the Supreme Court of Pennsylvania, which was subsequently denied on February 25, 1999. Therefore, his judgment of sentence became final on May 25, 1999, when the time for seeking such review with the Supreme Court of the United States expired. Accordingly, Petitioner had one (1) year – or until May 25, 2000 – to file a timely PCRA petition. The instant *pro se* PCRA petition was filed on June 27, 2014, which is approximately fifteen (15) years and one (1) month after the date upon which Petitioner's judgment of sentence became final. Petitioner filed a *pro se* supplemental PCRA petition on August 15, 2014, a counseled second supplemental PCRA petition on November 14, 2014 (which was re-filed with Petitioner's verification on April 18, 2016), and a counseled third supplemental PCRA petition on October 18, 2016. Therefore, Petitioner's PCRA petition is untimely unless he can plead and prove, by a preponderance of the evidence, one of the three aforementioned exceptions. *Commonwealth v. Chmiel*, 173 A.3d 617, 625 (Pa. 2017).

Petitioner raises both the governmental interference and newly discovered fact exceptions to the PCRA timeliness requirement. Specifically, Petitioner asserts that “not only has new information been discovered, the discovery of that new information is directly tied to the Commonwealth's failure to discharge its constitutional obligation to provide the defense with the referenced witness interviews and police reports [which] constituted ‘governmental interference.’” (Petitioner's Third Supplemental PCRA Petition, 10/18/16, ¶ 9).

The governmental interference exception to the PCRA's one-year time bar requires a petitioner to plead and prove that: (1) the failure to previously raise the claim was the result of interference by government officials; and (2) the information could not have been obtained earlier with the exercise of due diligence. *Commonwealth v. Abu-Jamal*, 941 A.2d 1263, 1268 (Pa. 2008); 42 Pa.C.S.A. § 9545(b)(1)(ii). The newly discovered fact exception requires a petitioner to establish that: (1) the facts upon which the

⁸ The Court notes that during the pendency of this PCRA petition, the Pennsylvania Legislature adopted an amendment to the PCRA statute which increases the time in which a claim must be brought if invoking one of the exceptions. As of December 24, 2018, a petitioner has one year from which the claim could have been presented to invoke one of the timeliness exceptions.

claim was predicated upon were unknown; and (2) the facts could not have been ascertained by the exercise of due diligence. Commonwealth v. Bennett, 930 A.2d 1264, 1272 (Pa. 2007). “Due diligence requires neither perfect vigilance nor punctilious care, but rather it requires reasonable efforts by a petitioner, based on the particular circumstances, to uncover facts that may support a claim for collateral relief.” Commonwealth v. Burton, 121 A.3d 1063, 1071 (Pa. Super. 2015), *affirmed*, 158 A.3d 618 (Pa. 2017).

In the instant case, Petitioner alleges that on or about April 25, 2014, he received a copy of a PCRA petition recently filed by his co-defendant, Lorenzo Johnson (hereinafter “Johnson”). Johnson’s PCRA contained newly discovered information about a close familial relationship between Detective Duffin and Commonwealth witness Doubs. On June 27, 2014, Petitioner filed the instant *pro se* PCRA petition. While the PCRA was technically filed sixty-three (63) days after Petitioner learned of the potential for new information, the cover letter of the PCRA, as well as the certificate of service, were dated June 24, 2014 and both state that the PCRA petition was placed in the mailbox at State Correctional Institute Dallas (“SCI Dallas”) on that date. Therefore, pursuant to the prisoner mailbox rule, this Court deems the petition timely filed on June 24, 2014. Commonwealth v. Jordan, 182 A.3d 1046, 1048 n.3 (Pa. Super. 2018).

On June 19, 2014, Petitioner obtained pages numbered one (1) through eight (8) of the Harrisburg Area Police Information Resource System Report (hereinafter “Eight Pages”) regarding the investigation into the death of Tarajay Williams, the victim in this matter. Allegedly, the Eight Pages had not previously been disclosed prior to June 13, 2014.⁹ Thereafter, Petitioner filed a *pro se* supplemental PCRA petition on August 15, 2014. On September 12, 2014, the Commonwealth released further information that allegedly had not previously been disclosed: Petitioner’s arrest report, a ten (10) page statement of Brown, written statement of Blackston, and the statement of Clark (Brown’s father). Petitioner’s counsel obtained this newly discovered information on September 18, 2014, and filed a second supplemental PCRA petition on November 14, 2014.¹⁰ On May 17, 2016, this Court issued an Order that: (1) granted Attorneys J. Michael Farrell and Rachel Wolkenstein’s petition to withdraw as counsel for Petitioner; (2) dismissed the Commonwealth’s Motion to Vacate Pro Hac Vice Order as moot; (3) appointed Jonathan Crisp as PCRA counsel for Petitioner; and (4) granted Attorney Crisp thirty (30) days

⁹ On or about June 13, 2014, the Commonwealth released the Eight Pages to counsel for Johnson, who in turn provided a copy to Petitioner.

¹⁰ Petitioner re-filed the second supplemental PCRA petition with his verification on April 18, 2016.

to file a supplemental PCRA petition. Petitioner filed his third counseled supplemental PCRA petition on October 18, 2016.¹¹

Seven (7) of Petitioner's claims allege violations of Brady v. Maryland, 373 U.S. 83 (1963). Specifically, Petitioner asserts the Commonwealth violated Brady by failing to disclose prior to trial: (1) the March 27, 1996 police interview and written statement of Brown; (2) the Eight Pages of the police record; (3) the fact that Doubs had a close personal relationship with Detective Duffin and that he protected her when she was arrested or investigated for criminal activity; (4) the March 27, 1996 police interview and written statement of Clark; (5) the Harrisburg Police Department arrest report of Petitioner; (6) the January 29, 1996 interview of Blackston and Detective Dillard's notes relating to that interview; and (7) documentation that Williams spoke with the victim shortly before the shooting.

Petitioner asserts that the facts upon which his Brady claims are based derive from documents disclosed by the Commonwealth on or about June 13, 2014 and September 12, 2014. Those documents were not previously known to Petitioner, and he could not have ascertained the existence of them with the exercise of due diligence. "[S]o long as the facts set forth in the police file were not otherwise known to [petitioner], the Brady claims he asserts are "timely" under the newly discovered [fact] exception." Commonwealth v. Lambert, 884 A.2d 848, 852 (Pa. 2005). Additionally, the Commonwealth's failure to discharge its constitutional obligation to provide the defense with the referenced witness interviews and statements, as well as the police report, constitute governmental interference with the presentation of the Brady claims. As the Supreme Court of the United States opined:

A rule thus declaring "prosecutor may hide, defendant must seek" is not tenable in a system constitutionally bound to accord defendants due process. Ordinarily, we presume that public officials have properly discharged their official duties. We have several times underscored the special role played by the American prosecutor in the search for truth in criminal trials. Courts, litigants, and juries properly anticipate that obligations to refrain from improper methods to secure a conviction . . . plainly resting upon the prosecuting attorney, will be faithfully observed. Prosecutors' dishonest conduct or unwarranted concealment should attract no judicial approbation.

Banks v. Dretke, 540 U.S. 668, 696 (2004) (internal citations and quotations omitted).

Accordingly, this Court finds that Petitioner has met its burden of proving the applicability of the governmental interference and newly discovered fact exceptions to the PCRA timeliness requirement

¹¹ Attorney Crisp had requested, and was granted, three (3) extensions of time to file a supplemental PCRA petition. Attorney Crisp's third and final extension had required him to file a supplemental petition by October 19, 2016.

to the following Brady claims: (1) the March 27, 1996 police interview and written statement of Brown; (2) the Eight Pages of the police record; (3) the fact that Doubs had a close personal relationship with Detective Duffin and that he protected her when she was arrested or investigated for criminal activity; and (4) the March 27, 1996 police interview and written statement of Clark.

B. Merits

Since this Court has determined that some of the claims raised in Petitioner’s PCRA petition, and all supplemental petitions are timely, we now move on to an analysis of the merits. Under Brady and its progeny, “a prosecutor has an obligation to disclose all exculpatory information material to the guilt or punishment of an accused, including evidence of an impeachment nature.” Commonwealth v. Roney, 79 A.3d 595, 607 (Pa. 2013). The duty to disclose such evidence is applicable even if there has been no request by the accused, and may encompass impeachment evidence. Lambert, 884 A.2d at 853-54. Further:

Brady does not require the disclosure of information that is not exculpatory but might merely form the groundwork for possible arguments or defenses, nor does *Brady* require the prosecution to disclose every fruitless lead considered during a criminal investigation. The duty to disclose is limited to information in the possession of the government bringing the prosecution, and the duty **does** extend to exculpatory evidence in the files of police agencies of the government bringing the prosecution.

Roney, 79 A.3d at 608 (emphasis in original).

To establish a Brady violation, a defendant must show that: (1) the evidence was favorable to the defendant, either because it was exculpatory or it could have been used for impeachment; (2) the evidence was suppressed by the prosecution, either willfully or inadvertently; and (3) the evidence was material, in that its omission resulted in prejudice to the defendant. Id.; see also Commonwealth v. Willis, 46 A.3d 648, 656 (Pa. 2012).

The test of materiality in a case . . . in which specific information has been requested by the defense is not necessarily the same as in a case in which no such request has been made. Where the request is a **specific** one, the materiality test is whether the evidence might have affected the outcome of the trial. Where the request is **general**, . . . evidence is material if the omitted evidence creates a reasonable doubt that did not otherwise exist.

Commonwealth v. Moose, 602 A.2d 1265, 1272 (Pa. 1992) (citing U.S. v. Agurs, 427 U.S. 97, 104, 106, 112 (1976)) (internal citations and quotations omitted) (emphasis added).

a. *Claim No. 1 – Carla Brown Statement*

It is undisputed that the testimony of Brown – the sole witness tying Petitioner to the murder in the absence of any physical evidence – was fundamental to the Commonwealth’s conviction of Petitioner. At trial, the Commonwealth did not present any physical evidence – no ballistic evidence, no forensic evidence, no fingerprint evidence, no blood spatter, no DNA evidence, no identifiable clothing, and no firearm or other weapon that connected Petitioner to the shooting. Brown’s testimony was the only evidence linking Petitioner to the murder.

In her trial testimony, Brown: (1) placed Petitioner and Johnson with the victim before he was killed; (2) recounted witnessing an argument between Petitioner and the victim in the Bar shortly before the shooting; (3) stated Petitioner and Johnson left the bar with the victim, walked toward Market Street to an alleyway and then entered that alleyway; and (4) described Petitioner as wearing a long coat and walking as though he had something hidden under that coat. The statement provided by Brown on March 27, 1996 contradicts her trial testimony on multiple, critical points.

With regard to the argument between Petitioner and the victim, Brown testified at trial that she was unable to hear, but knew that the men were arguing due to their hand motions. (N.T. Trial at 105-06). In contrast, the following excerpt is from Brown’s March 26, 1997 statement:

Q: How could you tell they were arguing?

A: When the argument **started to get loud**, but I could tell that they didn’t like his response.

Q: Did they flail their arms, threaten themselves with weapons, how could you tell they were arguing?

A: Only way I knew they were arguing was because **they got loud**, there was **no movements by no hands** . . .

(Petitioner’s Exhibit 3, PCRA Hearing 5/15/18, Carla Brown Statement 3/27/96 (“Brown Statement”) at 5) (emphasis added). As to Petitioner’s alleged possession and concealment of the murder weapon, Brown testified at trial that Petitioner was wearing a long black coat and walking in a manner that suggested he was hiding something. (N.T. Trial at 106-07). In contrast, the following excerpt is from Brown’s March 26, 1997 statement:

Q: Did you actually see Remek with a weapon?

A: I seen him carry something under the left arm.

Q: Was it bulky?

A: Yea, and with the bulky black jacket.

* * * *

Q: Okay, let's take a moment and describe what everyone was wearing?

A: Remek had on like a white shirt, jeans, sneakers, and the bulky black jacket, with a big black hood, bubble feather down with the buttons come across under your nose and you just see that part (face eyes).

Q: What was **Lorenzo** wearing?

A: A **long leather black** ah, I guess I would say a **coat**, a coat, it was not buttoned, and he had on jeans and sneakers.

(Brown Statement at 7-8) (emphasis added).

During trial, Brown testified that she spoke to no one other than Detective Duffin prior to March 27, 1996 (the date of her statement) about the events of December 15, 1995. (N.T. Trial at 117).

However, the statement directly contradicts her testimony:

Q: What role does your father, Carl Clark play in this?

A: He told me to shut up. When [Detective] Curtis came the last time, well the first time, the first time, and **when I got back from talking to Curtis**, I called my Dad. He told me if they had something, you'd be in jail, they don't know nothing, you don't know nothing, you ain't seen nothing, and ain't heard nothing and mind my damn business.

Q: So **you told your dad**, Carl Clark how the incident transpired?

A: **Yeah.**

(Brown Statement at 9) (emphasis added). Absent the trial testimony of Brown, the Commonwealth's case against Petitioner is weak, if not non-existent! Accordingly, Brown's voluntary statement of March 27, 1996 is favorable to Petitioner because it goes to the heart of Petitioner's guilt or innocence and may alter the jury's judgment of credibility of a crucial prosecution witness, i.e. Brown. Additionally, Brown's statement provides impeachment value.

On October 14, 1996, Attorney Jeffrey Yoffe¹² (hereinafter "Mr. Yoffe") sent a written request for all mandatory and discretionary discovery relative to Petitioner to Attorney General Christopher Abruzzo (hereinafter "Mr. Abruzzo"). Mr. Abruzzo responded via letter dated October 17,

¹² Mr. Yoffe was Petitioner's first appointed trial counsel.

1996, enclosing all requested discovery materials, along with a list specifying the items enclosed¹³. The report of Detective Duffin is listed as item seven (7); however, does not contain a notation or other detail describing Brown's statement as attached to the report. Notably, Mr. Abruzzo includes a number of other voluntary statements as standalone items (item 13 – statement of Jesse Davis; item 14 – statement of Brian Ramsey; item 15 – statement of Darrell Williams).

During the evidentiary hearing on May 15, 2018, the Commonwealth was asked to explain its representation that it had provided Petitioner's trial counsel with Brown's statement. The following dialogue occurred on the record:

Q: Do you see in your letter there's a reference to the report of Detective Kevin Duffin but there's not a reference to the voluntary statement of Carla Brown? Do you see that?

A: Right. As I review the letter, I can see that there is no separate reference.

Q: Do you have any recollection as to why the Carla Brown witness statement was not referenced in this letter, given your belief that it was provided in pretrial discovery?

A: Yeah. I believe that when I forwarded Detective Duffin's report, I did so in its entirety, which included the attached statement. While I didn't delineate that in this letter, that's my belief.

(Notes of Testimony, PCRA Hearing 5/15/18 (“N.T. PCRA 5/15/18”) at 201). Admittedly, the Commonwealth could not conclusively establish that it provided a copy of the Brown statement to Petitioner's counsel prior to trial. Upon receiving Mr. Abruzzo's letter and enclosures of October 14, 1996, Petitioner was entitled to presume that prosecutors had discharged their official duties to provide the requested materials. However, the Commonwealth failed at that time to provide Brown's statement. Therefore, this Court finds that the Brown statement was suppressed, at the very least inadvertently, by the Commonwealth.

As stated above, Mr. Yoffe sent a general request for discovery to Mr. Abruzzo on October 17, 1996, to which Mr. Abruzzo responded on October 17, 1996. “Where the request is general . . . evidence is material if the omitted evidence creates a reasonable doubt that did not otherwise exist.” Moose, 602 A.2d at 1265 (citing Agurs, 427 U.S. at 112) (internal quotation marks omitted).

¹³ It should be noted that “list” enclosed with Mr. Abruzzo's responsive letter, did **not** contain (or otherwise indicate), the number of pages of each document referenced on such list or any other document(s) otherwise referenced on such list. Thus, it was impossible to ascertain with any degree of reasonable certainty the volume of materials being so referenced on such list.

The government's lack of physical evidence connecting Petitioner to the shooting renders the testimony of Brown indispensable in reaching the conviction since (1) Brown was the only witness to place Petitioner and Johnson with the victim immediately prior to the shooting; (2) Brown was the only witness to the alleged argument between Petitioner and the victim inside the Bar shortly before the shooting; and (3) Brown's testimony is the only evidence as to Petitioner's alleged possession and concealment of a shotgun under a long black coat. Additionally, Brown testified at trial that she did not speak to anyone other than Detective Duffin prior to March 27, 1996, and that she only heard one shot.

Brown's statement, which was suppressed by the Commonwealth prior to trial, creates a reasonable doubt that did not otherwise exist. First, Brown's statement undermines her trial testimony as to a motive for the shooting, i.e. the argument between Petitioner and the victim inside the Bar. At trial, Brown testified that although she could not hear what Petitioner and the victim were saying, she knew they were "arguing" because of their hand movements. (N.T. Trial at 105-06). However, Brown's statement directly contradicts her trial testimony in that she claimed to know there was an argument because Petitioner and the victim had become loud. When asked specifically about hand movements, Brown denied seeing any whatsoever. In the hands of effective counsel, these contradictions would have provided impeachment value, as well as significant exculpatory value to Petitioner's defense by undermining key facts as to potential motive.

Second, Brown's statement undermines her trial testimony as to Petitioner's alleged possession and concealment of the shotgun used in the shooting. At trial, Brown testified that Petitioner was wearing a long, black leather coat and was walking as if he was concealing something under it. (N.T. Trial at 106-07). However, Brown's statement contradicts her trial testimony in that she stated that Johnson was wearing a long, black leather coat and Petitioner was wearing a bulky black coat. Additionally, while Brown testified at trial that Petitioner appeared to be concealing something under his long leather coat, Brown indicated in her statement that Petitioner appeared to be carrying something in his left arm rather than under a coat. (Brown Statement at 7). In the hands of effective counsel, these contradictions would have provided further impeachment value of Brown's testimony.

Third, Brown's statement undermines her trial testimony that she spoke to no one other than Detective Duffin prior to March 27, 1996, about the events of December 15, 1995. At trial, Brown testified that she only spoke to Detective Duffin and Mr. Abruzzo about the personal knowledge she had of the shooting. (N.T. Trial at 117). However, Brown's statement directly contradicts her trial testimony in that

she stated she spoke with her father (Clark) shortly after speaking with Detective Curtis. Her father apparently told her to mind her own business and that “you don’t know nothing, you ain’t seen nothing, and ain’t heard nothing.” (Brown Statement at 9). In the hands of effective counsel, these contradictions would have provided further impeachment value of Brown’s testimony.

Additionally, Detective Dillard provided a signed and notarized affidavit to Johnson’s counsel.¹⁴ In the affidavit, Detective Dillard states:

5. We brought Carla down to the station on the night Tarajay was killed to question her. I remember her face and I can recall even now what she looked like when we asked her questions at the station. She pretended not to know anything, but we didn’t believe her. We questioned aggressively that night to get the truth. I don’t remember exactly what she came up with next, but whatever it was, we didn’t believe it. From what I recall, **we officers had to work on her over the course of a few months** to get her to tell the truth about what happened to Tarajay.

* * * *

8. **After we saw Carla a few times**, she finally gave us a truthful statement about what had really happened when Tarajay was killed. Even though Carla was an eyewitness, based on her serious drug problem, it would be difficult to bring the case before a jury.

(Affidavit of Detective Dillard, July 2, 2013, attached as Exhibit J to Petition for Post Conviction Collateral Relief, filed June 27, 2014) (emphasis added). Detective Dillard’s affidavit is additional evidence that significantly undermines the credibility of Brown’s testimony at Petitioner’s trial.

Lastly, Brown’s statement undermines her trial testimony as to how many shots she heard on December 15, 1995. At trial, Brown testified consistent with all other witnesses that she only heard one shot. (N.T. Trial at 111). However, Brown’s statement directly contradicts her trial testimony in that she definitely stated that she heard *two* shots. (Brown Statement at 8). This discrepancy is particularly disturbing given that Brown was allegedly only a few feet from the site of the shooting when it occurred and would have been in the position to best recall the number of shots. In the hands of effective counsel, these contradictions would have provided further impeachment value of Brown’s testimony.

Accordingly, the previously suppressed Brown statement is material because it would have created a reasonable doubt that otherwise did not exist. Therefore, this Court finds the Commonwealth committed a Brady violation by failing to disclose the Brown statement to Petitioner prior to trial.

¹⁴ This affidavit was turned over to Petitioner on or about May 13, 2014, when Johnson’s counsel provided Petitioner a copy of Johnson’s PCRA petition.

b. *Claim No. 2 - Eight Pages of Police Report*

Petitioner next asserts that the Commonwealth failed to disclose the Eight Pages of the police report prior to trial. He asserts that the first time he saw the Eight Pages was after it was disclosed by the Commonwealth to Johnson's PCRA counsel. The Eight Pages are documents that form the initial crime report from the Harrisburg Area Police Information Resource System numbered one (1) through eight (8). The relevant portions of the Eight Pages are as follows:

- On page one (1), it states "positive results from a crime scene evidence search for prints: Y".
- Pages two (2) through seven (7) lists the names of twenty-one (21) individuals who were either witnesses or suspects. Of significance, four (4) individuals other than Petitioner and Johnson were named as suspects: Carla Brown, Ben Harris, Scott Holloway, and Juan Addison.
- Page eight (8) contains a description of the scene when first responders arrived. Significantly, it indicates that EMT Kevin Gorman could have contaminated the scene by removing the hood and a hat from the victim's head.

(Petitioner's Exhibit 4, Harrisburg Area Police Information Resource System, p. 1-8). The evidence as described above is favorable to the petitioner as it could have been used for impeachment. This evidence could have also been exculpatory if defense counsel were given the opportunity to conduct an independent investigation into the four (4) individuals named as suspects. Significantly, this evidence shows that Brown, who was the Commonwealth's primary witness placing Petitioner at the scene of the shooting, was originally a suspect for the same crime. In the hands of effective counsel, the Eight Pages could have been used to impeach Brown's testimony, as well as call into question the validity of the police investigation.

Based upon the signed and notarized affidavits of John Shugars, Esquire (hereinafter "Mr. Shugars"), Petitioner's trial counsel; Elizabeth Hoffman, Esquire (hereinafter "Ms. Hoffman"), first PCRA counsel for Petitioner; and Bradley Winnick, Esquire (hereinafter "Mr. Winnick"), second PCRA counsel for Petitioner, the Eight Pages were not provided to petitioner prior to trial. At the evidentiary hearing, Mr. Winnick testified that he was not in possession of the Eight Pages prior to 2014 when he received a copy from Ms. Wolkenstein. (N.T. PCRA 5/15/18 at 125-26). Additionally, a review of the trial transcript does not reveal any questions on cross-examination of Brown, or any other witness, that would have been based upon the Eight Pages. Therefore, the Court finds that the Eight Pages were inadvertently suppressed by the Commonwealth.

As stated above, Mr. Yoffe sent a written general request for all mandatory and discretionary discovery relative to Petitioner to Mr. Abruzzo. The Eight Pages was not included on the cover letter sent

by Mr. Abruzzo in response. The Eight Pages is material as it creates a doubt that did not otherwise exist. Specifically, the Eight Pages names four (4) individuals (other than Petitioner and Johnson) as suspects in the shooting. Significantly, the Commonwealth's star witness, Brown, is one of the individuals named as a suspect. In the hands of effective counsel, the fact that Brown was named as a suspect undermines her credibility, as well as provides a motive for her to lie. Defense counsel could have conducted an investigation into the other three (3) named individuals and called them as defense witnesses.

Additionally, the Eight Pages indicates that there were "positive results from a crime scene evidence search for prints." A reasonable person would assume that "prints" refers specifically to fingerprints. However, there was no testimony during trial that the Harrisburg Police Department collected any prints from the scene. Likewise, Officer Lucas testified that the fingerprint analysis on the partial shotgun found at the scene was negative. (N.T. Trial at 74). The only testimony or evidence regarding "prints" found at the scene was a photograph of footprints in the snow in the alleyway between 1420 and 1422 Market Street.

Lastly, the Eight Pages includes a narrative authored by Officer Robert Zglenski that indicates an EMT had removed the hood and a knit hat from the victim. During the trial, Officer Lucas was questioned about a bag of suspected cocaine found at the scene. Officer Lucas testified that "I didn't find it on him. There was a black knit hat that was at the crime scene. I don't know if the hat belonged to him or who it belonged to. . . . two small packets of some hard white substance was inside the hat." (N.T. Trial at 85). Officer Lucas testified that he was unsure exactly where the knit hat was located, but that it was lying somewhere between the victim and the fence in the alleyway. (Id.) However, Officer Lucas was not questioned about the information contained in Officer Zglenski's report. Therefore, the absence of questions relative to Officer Zglenski's report that an EMT could have contaminated the crime scene indicates that defense counsel was not in possession of the Eight Pages.

Accordingly, the previously suppressed Eight Pages is material because it would have created a reasonable doubt that otherwise did not exist. Therefore, this Court finds the Commonwealth committed a Brady violation by failing to disclose the Eight Pages to Petitioner prior to trial.

c. *Claim No. 3 – Duffin/Doubs Relationship*

Petitioner further asserts that the Commonwealth failed to disclose the close, personal relationship between the lead detective, Detective Duffin, and Commonwealth witness Doubs. To support this claim, Petitioner attached a declaration signed by Freddie Jay Williams, **brother** of Detective Duffin

and **step-brother** of Doubs, and a signed and notarized declaration of James Bowman, natural **brother** of Doubs. The relevant portions of Freddie Jay Williams' declaration are as follows:

My brother, Kevin Duffin, was a Harrisburg police homicide detective for over 20 years. . . . [Doubs] was my step-sister. . . . [Doubs] lived at my mom's house with us for four to five years. [Doubs] called my mother "mom" and always called me and my siblings her "sister" or "brother". Everyone in my family loved [Doubs] as if she were our blood relative.

(Declaration of Freddie Jay Williams, February 24, 2014, attached as Exhibit C to Petition for Post Conviction Collateral Relief, filed June 27, 2014). The relevant portions of James Bowman's declaration are as follows:

1. . . . I have two natural siblings . . . , Ulysses Doubs, and Victoria 'Vicky' Doubs. Ulysses and Vicky also used the last name Bowman at various times. . . .

* * * *

5. [Doubs's] addiction led to her getting into a lot of trouble with the police. **Harrisburg Police officer Kevin Duffin was [Doubs's] god-brother.** His mother, Ruby Duffin, had been [Doubs's] god-mother when she was a kid. [Doubs] would stay at their house when she was growing up. They would take care of her when my mom need them to. [Doubs] called [Duffin] "my brother" or "Duffy". . . .

6. Duffin looked out for [Doubs] and for his brother, Freddie J, who also had a big drug problem. **[Duffin] got [Doubs] and Freddie out of a lot of trouble.** . . . There were so many times when Duffin would bring [Doubs] to my house at 2 or 3 in the morning. . . . I can't say how many times this happened because it happened so many times. A couple of times when he dropped her off, he would say, "You need to keep [Doubs] out the streets" or "These streets ain't doing her no good." He would say, "I love her, you love her. We don't want anything bad happening to her." . . .

7. All the cops in Harrisburg knew [Doubs]. She stayed in trouble. **When she got arrested, most of the time, the cops would call Duffin. He would come down and talk the other cops into letting her go.** Then he would bring her to my house or to my mother's house. . . . Sometimes, though, other cops didn't call Duffin and put [Doubs] in jail. When that happened, she would have to give them information on someone else to get released. [Doubs] testified against a bunch of people. She had to do it in order to get out of jail.

(Declaration of James Bowman, January 31, 2014, attached as Exhibit D to Petition for Post Conviction Collateral Relief, filed June 27, 2014) (emphasis added).¹⁵

It is undisputed that the testimony of Doubs – the primary witness who provided a motive for the shooting – was fundamental to the Commonwealth’s conviction of Petitioner. At trial, the Commonwealth did not present any physical evidence – no ballistic evidence, no forensic evidence, no fingerprint evidence, no blood spatter, no DNA evidence, no identifiable clothing, and no firearm or other weapon that connected Petitioner to the shooting. Doubs’s testimony was the primary evidence as to Petitioner’s alleged motive for shooting the victim.

The information provided through the declarations of Freddie Jay Williams and James Bowman are favorable to Petitioner because it could have been used to (1) show a potential conflict of interest in the

¹⁵ Although not raised as an independent claim by Petitioner, the Court notes that the declaration of James Bowman contains the following:

10. I remember the first time [Doubs] talked about Tarajay’s murder. She said, “I know who did it.” I asked who had done it and she said, “D did that shit.” I asked her, “How do you know?” She said, “It happened out in the back of my house.” I think [Doubs] lived at about 1414 Market Street with a friend. I believed her and didn’t question her any further about it because the talk on the street was that D had done it.

* * * *

12. I don’t know D’s real name, but he was one of the New Yorkers who hung out at 14th and Market. . . . People said that Tarajay’s friends had messed up some money or something on a run for D or something. That led to one of Tarajay’s friends being killed. I heard that Tarajay saw the shooting. He was marked because he was a witness to the murder. The night he was killed, I guess they finally caught up to him.

13. I remember another time when [Doubs] came to the house and we were talking about Tarajay again. She told me that she just had been downtown and made a statement. I assumed that she had given a statement about D and I didn’t ask her to go into detail about it.

14. . . . I had no idea that [Doubs] had testified against [Petitioner] and his friend, or that [Petitioner] and his friend were convicted of Tarajay’s murder. . . . If I had known that [Doubs] had testified against other people accused of the murder, I would have come forward years ago. I feel terrible that other people may have been convicted on the strength of her testimony.

(Declaration of James Bowman, January 31, 2014, attached as Exhibit D to Petition for Post Conviction Collateral Relief, filed June 27, 2014).

investigation of the homicide and (2) impeach Doubs's testimony. The fact that the Commonwealth's witness is the god-sister of the lead detective, and that Duffin continually helped Doubs avoid going to jail for her criminal activities, is a fact that should have been disclosed to defense counsel for Petitioner and Johnson prior to trial. In the hands of effective counsel, that information could have been used to challenge the overall investigation into the homicide, as well as provide a motive for Doubs to lie.

The relationship between Detective Duffin and Doubs was clearly suppressed. Had that information been provided to defense counsel, it is reasonable to assume that defense counsel would have utilized it during cross-examination both Detective Duffin and Doubs during the trial.

There is no indication in any of the evidence provided during the PCRA hearing, as well as a review of the trial transcripts that Mr. Abruzzo informed defense counsel of the close, familial-like relationship between Detective Duffin and Doubs. "Where the request is general . . . evidence is material if the omitted evidence creates a reasonable doubt that did not otherwise exist." Commonwealth v. Moose, 602 A.2d 1265, 1272 (Pa. 1992) (quoting Agurs, 427 U.S. at 112) (internal quotation marks omitted). "[I]f the verdict is already of questionable validity, additional evidence of relatively minor importance might be sufficient to create a reasonable doubt." Agurs, 427 U.S. at 113.

Here, it is undisputed that the Commonwealth's case-in-chief relied exclusively on the testimony of Doubs and Brown. It is important to note that Doubs was initially identified as an alibi witness for Johnson. However, at some point prior to trial, Doubs became the Commonwealth's "motive" witness. At trial, Doubs testified that she initially provided a statement to police that she was with Johnson in New York the night of the shooting, i.e. the alibi. (N.T. Trial at 227). She further testified that she provided a second statement to police wherein she indicated she lied about being in New York on the night of the shooting. (N.T. Trial at 227-28). Doubs explained that she lied in her first statement because one of her friends would post her bail if she told police she was with Johnson in New York on the night of the shooting. (N.T. Trial at 228).

It is certainly conceivable that the relationship with Detective Duffin influenced Doubs's decision to retract her alibi statement. It is also conceivable that the relationship influenced Doubs's story regarding Petitioner's motive for the shooting, i.e. an alleged fight at Kentucky Fried Chicken between the victim and Petitioner earlier in the day. Therefore, the omitted evidence, i.e. the relationship between Duffin and Doubs, creates a reasonable doubt as to Petitioner's culpability that did not otherwise exist.

Therefore, this Court finds the Commonwealth committed a Brady violation by failing to disclose the relationship between Detective Duffin and Doubs.

d. *Claim No. 4 – Carl “Doc” Clark Statement*

Petitioner also asserts that the Commonwealth failed to disclose the voluntary written statement of Brown’s father, Clark. The statement was taken the same day as Brown’s, March 27, 1996, by Detectives Duffin and Dillard. The statement is favorable to Petitioner because it could have been used to further impeach Brown’s trial testimony.

As discussed above, at trial, Brown testified that she only spoke to Detective Duffin and Mr. Abruzzo about her knowledge of the events that occurred between December 14 and 15, 1995. However, Clark states that between 12:30 and 1:00 A.M. on December 15, 1995, Brown and a woman named ‘Red’ told him the name of the shooting victim. (Commonwealth’s Exhibit 2, PCRA Hearing 5/15/18, Carl ‘Doc’ Clark Statement 3/27/96 “Clark Statement” at 3). He also states that an individual by the name of Charles Bullock comforted Brown as she was visibly upset. (Clark Statement at 3).

Although Clark does not state whether he spoke with Brown about what she may or may not have known about the shooting, his statement undermines Brown’s trial testimony regarding what she did immediately following the shooting. At trial, Brown stated that as soon as she heard the shot that she took off running, “never turned around, never even did nothing, just kept running” until she ended up at Mike Johnson’s residence. (N.T. Trial at 111-12). In the hands of effective counsel, Clark’s statement could have been used to further impeach Brown’s testimony regarding who she spoke to about the incident, as well as her movements immediately following the shooting.

In Mr. Abruzzo’s October 17, 1996, letter in response to Mr. Yoffe’s request for discovery, the voluntary statement of Carl ‘Doc’ Clark is not listed. Further, there is no indication in any of the police records submitted at the PCRA Hearing as Commonwealth’s Exhibit 2 that Clark was ever interviewed and provided a statement. However, there is an eight (8) page written voluntary statement attached to the police records. As a result, this Court finds that the Clark statement was suppressed by the Commonwealth prior to trial.

“Where the request is general . . . evidence is material if the omitted evidence creates a reasonable doubt that did not otherwise exist.” Commonwealth v. Moose, 602 A.2d 1265, 1272 (Pa. 1992) (quoting Agurs, 427 U.S. at 112) (internal quotation marks omitted). “[I]f the verdict is already of questionable validity, additional evidence of relatively minor importance might be sufficient to create a reasonable doubt.” Agurs, 427 U.S. at 113. Here, it is undisputed that the Commonwealth’s case in chief

relied almost exclusively upon the testimony of Brown, as well as the testimony of Doubs. Clark's statement undermines Brown's trial testimony as to who she spoke to about the shooting and what exactly she did immediately after hearing the shot(s). Therefore, the Clark statement, the Brown statement and the Eight Pages, considered cumulatively, creates a reasonable doubt that otherwise did not exist. Therefore, this Court finds the Commonwealth committed a Brady violation by failing to disclose the Clark statement to Petitioner prior to trial.

e. *Cumulative Effect of Suppressed Evidence*

While the suppression of the Brown statement, the Eight Pages, the relationship between Detective Duffin and Doubs, and the Clark statement certainly support ordering a new trial, the **cumulative effect** of their suppression commands it! Both the Supreme Court of the United States and the Supreme Court of Pennsylvania have recognized that the materiality of suppressed evidence must be "considered collectively, not item by item." Commonwealth v. Natividad, 200 A.3d 11, 39 (Pa. 2019) (citing Kyles v. Whitley, 514 U.S. 419, 436 (1995)). Moreover, because the collective consideration of suppressed evidence is "the very nature of how a *Brady* claim is required to be reviewed," such a claim cannot be waived. Natividad, 200 A.3d at 39.

In the instant matter, the cumulative impeachment value of the suppressed evidence discussed above would have significantly undermined the Commonwealth's case-in-chief, if not neutralized it altogether. The Brown statement would have impeached the Commonwealth's "eyewitness" on several key pieces of information, i.e. the alleged argument between Petitioner and the victim in the Bar, whether Petitioner was wearing a long black leather coat, how many shots were fired, who Brown talked to about the shooting, and Brown's movements immediately following the shooting. Similarly, the Clark statement would have further impeached Brown's trial testimony that she talked to no one other than Detective Duffin and Mr. Abruzzo about the shooting. The relationship between Detective Duffin and Doubs would have impeached Doubs's testimony regarding the reason for changing her story from being an alibi witness to becoming the Commonwealth's "motive" witness.

Additionally, the suppressed evidence, considered cumulatively, provided ample material to challenge the manner of the investigation following the shooting. Had defense counsel been made aware of the relationship between Detective Duffin and Doubs, it would have cast serious doubt on the integrity of the investigation as Detective Duffin was the lead investigator assigned to the case. Likewise, the Eight Pages could have further called into question the integrity of the investigation as it names four (4) other

individuals as suspects (including Brown), indicates that prints may have actually been found at the scene despite Officer Lucas' trial testimony to the contrary, and states that an EMT potentially contaminated the crime scene by removing a hat and hood from the victim's head.

The withheld Brady material would have given defense counsel unique ability to discredit the Commonwealth's primary witnesses, called into question the integrity of the investigation, and perhaps pointed to another perpetrator. The cumulative effect of the suppression of this evidence requires, indeed demands, PCRA relief.

IV. Conclusion.

For the foregoing reasons, this Court finds that Petitioner is entitled to post-conviction relief. Accordingly, we have entered of even date herewith, an appropriate Order **GRANTING** Petitioner PCRA relief, as contained therein.

ISSUED AT HARRISBURG, the date first above written.

AND NOW, to wit, this 17th day of July, 2019, following an Evidentiary Hearing and submission of post-hearing briefs, **IT IS HEREBY ORDERED** that Petitioner's Supplemental Petition for Relief Pursuant to the Post Conviction Relief Act, 42 Pa.C.S.A. § 9541 et. seq., is **GRANTED** and Petitioner's sentence of March 17, 1997 is hereby **VACATED**. Petitioner's conviction is hereby **OVERTURNED** based upon numerous Brady violations, as more fully set forth in the accompanying PCRA Court Opinion, of even date herewith.

IT IS HEREBY ORDERED that Petitioner shall be promptly remanded to the Dauphin County Prison pending trial.

ISSUED AT HARRISBURG, the date above first written.

BY THE COURT:

Lawrence F. Clark, Jr., S.J.

SECOND PUBLICATION

Estate Notices

ESTATE OF ERNEST L. DAVIS, late of East Hanover Township, Dauphin County, Pennsylvania. Administrator: MARSHA RICHARDS, 810 W. Commercial Street, Oberlin, KS 67749 or to Attorney: ROBERT FREEDENBERG, ESQ., SkarlatosZonarich, LLC, 320 Market Street, Suite 600 West, Harrisburg, PA 17101. jy19-a2

ESTATE OF CARMELIA URICH, late of Highspire, Dauphin County, Pennsylvania, (died: April 1, 2019). Executor: Scott N. Urich, c/o George W. Porter, Esquire, 909 East Chocolate Avenue, Hershey, Pennsylvania 17033. jy19-a2

ESTATE OF GREGORY R. DILLMAN, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executor: Eric A. Dillman. Attorney: Michael L. Bangs, Esquire, Bangs Law Office, LLC, 429 South 18th Street, Camp Hill, PA 17011. jy19-a2

ESTATE OF LOUIS C. FIOCCHI, late of Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Joyce DeMuro, 4265 Wimbledon Drive, Harrisburg, Pennsylvania 17112, or to Attorney: James J. McCarthy, Jr., Esquire, 2041 Herr Street, Harrisburg, Pennsylvania 17103. jy19-a2

ESTATE OF EMANUEL GUTGOLD, late of Dauphin County, Pennsylvania, (died). Executor: Morgan Cassel. Michael Cherewka, 624 North Front Street, Wormleysburg, PA 17043. jy19-a2

ESTATE OF DAVID SAMUEL WISE, late of Harrisburg City, Dauphin County, Pennsylvania, 17103, (died: May 22, 2019). Executor: David S Wise Jr., 1221 N 3rd St. Harrisburg, PA. 17102. j19-a2

ESTATE OF WILLIAM CHARLES GOODMAN a/k/a WILLIAM C. GOODMAN, late of 143 Leonard Lane, Harrisburg, Dauphin County, Commonwealth of Pennsylvania. Executrix: Jayne M. Razick c/o Heather D. Royer, Esquire, Smigel, Anderson & Sacks, LLP, 4431 N. Front Street, 3rd Floor, Harrisburg, PA 17110. jy19-a2

ESTATE OF RONALD G. ZIMMERMAN, a/k/a RONALD GRANT ZIMMERMAN, SR., late of Swatara Township, County of Dauphin and Commonwealth of Pennsylvania. Executrix: Melissa Renee Young, 433 Parkwynne Road, Lancaster, PA 17601 or to Attorney: James H. Turner, Esquire, TURNER AND O'CONNELL, 915 N. Mountain Road, Suite D, Harrisburg, PA 17112. jy19-a2

ESTATE OF ROSEMARY F. WELKER, late of Pillow Borough, Dauphin County, Pennsylvania. Executor: Raymond E. Welker, P.O. Box 6551, Helena, MT 59604. Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. jy19-a2

ESTATE OF THOMAS I. MANNION, late of Harrisburg City, Dauphin County, Pennsylvania 17109 (died: November 25, 2018). Executor: Robert M. Mannion, c/o Robert A. Bull, Esquire, Law Offices of Bull & Bull, LLP, 106 Market Street, Berwick, PA 18603, Attorney. jy19-a2

ESTATE OF MARIE E. IARIA, late of City of Harrisburg, Dauphin County, Pennsylvania (died: May 26, 2019). Executrix: Julie A. Iaria, 308 S. River Street, Harrisburg, PA 17101. Attorney: Karen M. Balaban LLC, 223 State Street, Harrisburg, PA 17101. jy19-a2

ESTATE OF MORTON SPECTOR, late of Susquehanna Township, Dauphin County, Pennsylvania. Settlor under a certain Agreement of Trust dated October 13, 1989, as amended and restated. All persons having claims against the decedent or the trust shall present them for settlement to: The Bryn Mawr Trust Company, Successor Trustee, Attn: Lisa L. Piergallini, Senior Vice President, One East Chocolate Avenue, Suite 200, Hershey, PA 17033 or to Attorney: Elyse E. Rogers, Esquire, Saidis Sullivan & Rogers, 100 Sterling Parkway, Suite 100, Mechanicsburg, PA 17050. jy19-a2

ESTATE OF RIITTA M. LUKKARI, late of Middle Paxton Township, Dauphin County, Pennsylvania. Executrix: Nancy L. Datre, 169 Hiddenwood Drive, Harrisburg, PA 17110. Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600. jy19-a2

ESTATE OF PAULINE E. HERB, a/k/a PAULINE EMMA HERB, late of Wayne Township, Dauphin County, Pennsylvania (died: June 20 22, 2019). Executor: Gary Heim, 55 Fairview Road, Pitman, PA 17964. Attorney: Gregory M. Kerwin, Esquire, 4245 State Route 209, Elizabethtown, PA 17023. jy19-a2

ESTATE OF FRANCES J. WOLFGANG, late of Middletown Borough, Dauphin County, Pennsylvania, (died: June 25, 2019). Executor: Christopher A. Okerberg, c/o Pannebaker & Mohr, P.C., 4000 Vine St, Suite 101, Middletown, PA 17057 or to Attorney: Kendra A. Mohr, Esq., Pannebaker & Mohr, P.C., 4000 Vine St, Suite 101 Middletown, PA 17057. jy19-a2

SECOND PUBLICATION

Estate Notices

ESTATE OF LARRY M. BUFFENMEYER, SR., last of the County of Dauphin and Commonwealth of Pennsylvania. Executor: Larry M. Buffenmeyer, Jr., 10321 Jonestown Road, Grantville, PA 17028. jy19-a2

THIRD PUBLICATION

Estate Notices

ESTATE OF FRANCIS DONALD MARSHALL, late of West Hanover Township, Dauphin County, Pennsylvania (died: June 10, 2019). Executrix: Linda Bogdanovic. Attorney: Diane S. Baker, P.O. Box 6443, Harrisburg, PA 17112-0443. jy12-26

ESTATE OF DELPHIN E. KLINEPETER aka DELPHIN E. KLINEPETER, JR., late of Middletown Borough, Dauphin County, Pennsylvania. Executor: DONALD R. KLINEPETER, 135 Poplar Lane, Elizabethtown, PA 17022 or to Attorney: KATHLEEN B. MURREN, ESQ., SkarlatosZonarich, LLC, 320 Market Street, Suite 600W, Harrisburg, PA 17101. jy12-26

ESTATE OF MARY V. DIGGS a/k/a MARY S. DIGGS, late of Harrisburg, Dauphin County, Pennsylvania, (died: November 25, 2018). Executor: Ernest J. Diggs, Jr., c/o Amy L. Owen, Attorney, Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043. jy12-26

ESTATE OF NOVEL ROOSEVELT WILLIAMS, a/k/a NOEL WILLIAMS, late of Harrisburg, Dauphin County, Pennsylvania (died: May 23, 2019). Executor: Cleo Williams, 2016 Holly St., Harrisburg PA 17104. Attorney: Charles J. Hartwell, Esquire, Dethlefs-Pykosh Law Group, LLC, 2132 Market Street, Camp Hill, PA 17011. jy12-26

ESTATE OF ELAINE M. MURPHY a/k/a ELAINE MARIE MURPHY, late of Harrisburg, Dauphin County, Pennsylvania, (died: June 22, 2019). Executor: Matthew D. Murphy, 1947 Rebecca Drive, Clearwater, FL 33764. Attorney: Susan E. Lederer, Esquire, 5011 Locust Lane, Harrisburg, PA 17109. jy12-26

ESTATE OF NORMAN A. BRANDT, JR., late of South Hanover Township, Dauphin County, Pennsylvania. Executor: Robert J. Lawrence, c/o Craig A. Hatch, Esquire, Halbruner, Hatch & Guise, LLP, 2109 Market Street, Camp Hill, PA 17011. jy12-26

ESTATE OF ROSALIE A. PASQUINI, late of 418 M. Street, Harrisburg, Lower Paxton Township, Dauphin County, Pennsylvania. Executrix: Angela R. Burg, c/o Wayne M. Pecht, Esquire, Smigel, Anderson & Sacks, LLP, 4431 North Front Street, 3rd Floor, Harrisburg, PA 17110. jy12-26

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN **Progressive Fastening Systems, Inc.** filed a Foreign Registration Statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 1190 N. Del Rio Place Ontario CA 91764. The Commercial Registered Agent Provider is in care of Paracorp Incorporated in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 412. jy26

NOTICE IS HEREBY GIVEN that **Bard Peripheral Vascular, Inc.**, a foreign corporation formed under the laws of the State of Arizona and with its principal office located 1415 West Third Street, Ste 109, Tempe, AZ 85281 has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 6/24/19, 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. jy26

NOTICE IS HEREBY GIVEN that **Bard Access Systems, Inc.**, a foreign corporation formed under the laws of the State of Utah and with its principal office located 605 N. 5600 West, Salt Lake City, UT 84116, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 6/21/19, 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. jy26

NOTICE IS HEREBY GIVEN that **Wheeler Financial from Pitney Bowes Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 27 Waterview Dr., Shelton, CT 06484, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 7/11/19, 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. jy26

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN **Waste Connections of Pennsylvania, Inc.**, a foreign business corporation incorporated under the laws of the State of Delaware, intends to withdraw from doing business in this Commonwealth. The address, including street and number, if any, of its principal office under the laws of its jurisdiction is c/o Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808. Its last registered office in this Commonwealth is c/o Corporation Service Company and is deemed for venue and official publication purposes to be located in Dauphin County. jy26

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 26, 2019, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Eden Health Medical, P.C.** c/o Capitol Corporate Services, Inc.

This corporation is incorporated under the laws of New York.

The address of its principal office is 335 Madison Ave., Suite 6E, New York, NY 10017.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. jy26

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about June 26, 2019, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Acivilate, Inc.** c/o Registered Agent Solutions, Inc.

This corporation is incorporated under the laws of Delaware.

The address of its principal office is 75 5th Street NW, Suite 2310, Atlanta, GA 30308.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. jy26

NOTICE IS HEREBY GIVEN that **TAXA INC.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 1830 W. 15th St. Houston, TX 77008, will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, 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. jy26

NOTICE IS HEREBY GIVEN that **Davol, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 100 Crossings Blvd, Warwick, WI 02886 has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 6/21/19, 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. jy26

NOTICE IS HEREBY GIVEN that **Caterpillar Financial Aftermarket Solutions Corporation**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 2120 West End Avenue, Nashville, TN 37203, will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, 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. jy26

NOTICE IS HEREBY GIVEN **Strategic Health Alliance II, Inc.**, a foreign business corporation incorporated under the laws of Delaware, with its princ. office located at 6535 State Hwy. 161, Irving, TX 75039, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. 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. jy26

NOTICE IS HEREBY GIVEN that, pursuant to the Business Corporation Law of 1988, **IGATE Global Solutions Limited**, a corporation incorporated under the laws of the Country of India, will withdraw from doing business in Pennsylvania. The address of its principal office in its jurisdiction of incorporation is 100 Somerset Corporate Blvd., Bridgewater, NJ 08807 and the name of its commercial registered office provider in Pennsylvania is CT Corporation System. jy26

NOTICE IS HEREBY GIVEN **ShipChain, Inc.** filed a Foreign Registration Statement with the Commonwealth of Pennsylvania. The address of its principal office under the laws of its jurisdiction is 101 N Main St Suite 316 Greenville, SC 29601. The Commercial Registered Agent Provider is in care of COGENCY GLOBAL INC. in the county of Dauphin. The Corporation is filed in compliance with the requirements of the applicable provision of 15 Pa. C.S. 412. jy26

FIRST PUBLICATION

Corporate Notices

NOTICE IS HEREBY GIVEN that a Foreign Registration Statement has been filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA on or about March 18, 2019, for a foreign corporation with a registered address in the state of Pennsylvania as follows: **Northeast Sweepers & Rentals, Inc. c/o AAAgent Services, LLC**

This corporation is incorporated under the laws of New Jersey.

The address of its principal office is 16 Passaic Ave., Unit 9, Fairfield, NJ 07004.

The corporation has been qualified in Pennsylvania under the provisions of the Business Corporation Law of 1988, as amended. jy26

NOTICE IS HEREBY GIVEN that **Totah Rental & Equipment Co., Inc.**, a foreign business corporation incorporated under the laws of the State of New Mexico, received a Certificate of Authority in Pennsylvania on January 03, 2011 and surrenders its certificate of authority to do business in Pennsylvania.

Its last registered office in this Commonwealth was located at: 116 Pine St #320, Harrisburg, Pennsylvania 17101, and its last registered office of the corporation shall be deemed for venue and official publication purposes to be located in Dauphin County, Pennsylvania.

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

The post office address, including street and number, if any, to which process may be sent in an action or proceeding upon any liability incurred before any liability incurred before the filing of the application for termination of authority is P.O. Box 100, Aztec, New Mexico 87410. jy26

NOTICE IS HEREBY GIVEN that **K1 Productions, Inc.**, a foreign corporation formed under the laws of the State of California and with its principal office located 2700 Colorado Ave, Santa Monica, CA 90404, has registered to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, on 7/16/19, 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. jy26

NOTICE IS HEREBY GIVEN that **OMH-HealthEdge Holdings, Inc.**, a foreign corporation formed under the laws of the State of Delaware and with its principal office located 2424 North Federal Hwy, Ste 205 Boca Raton, FL 33431, will register to do business in Pennsylvania with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, PA, 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. jy26

NOTICE IS HEREBY GIVEN **Lesson Nine GmbH**, a foreign business corporation incorporated under the laws of Germany, with its principal office located at Max-Beer Strasse, 2, Berlin, Germany 10119, has applied for a Statement of Registration to do business in Pennsylvania under the provisions of Chapter 4 of the Association Transactions Act. Fictitious Name: Lesson Nine Inc.. 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. Filed 7/16/19, effective 8/1/19. jy26

FIRST PUBLICATION

Fictitious Name Notices

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Loan Surfer**, for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 12140 Woodcrest Executive Drive, Ste. 150, Saint Louis, MO 63141 was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 9th day of July, 20 19 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: DAS Acquisition Company, LLC 12140 Woodcrest Executive Drive, Ste. 150, Saint Louis, MO 63141. jy26

NOTICE IS HEREBY GIVEN that a Registration of Fictitious Name was filed in the Commonwealth of Pennsylvania for **Hydro-X** with a principal place of 2720 Dogwood Drive 8E, Conyers, GA 30013-1588. The name and address of the entity interested in the business is HydroExcavators, LLC with a principal office address of 3434 Kildaire Farm Road, Ste. 395, Cary NC 27518. Its registered office provider is National Registered Agents, Inc. in Dauphin County. This is filed in compliance with 54 Pa.C.8. 311. jy26

FIRST PUBLICATION

Fictitious Name Notices

NOTICE IS HEREBY GIVEN, pursuant to the provisions of 54 Pa.C.S. 311 and 54 Pa.C.S. Ch.3, that an Application for Registration of Fictitious Name for the conduct of a business in Dauphin County, PA, under the assumed or fictitious name, style or designation of **Insurance Care Direct** was filed in the office of the Secy. of the Commonwealth of Pennsylvania (PA), Dept. of State, on 7/19/2019. Purpose: health and life plan sales. Principal place of business: 1002 E. Newport Center Dr., Ste. 200, Deerfield Beach, FL 33442. The names and addresses of the persons/entities owning or interested in said business is Health Option One, LLC, (a Limited Liability Company organized in Florida), and ABS Healthcare Services, LLC (a Limited Liability Company organized in Florida), both located at 1002 E. Newport Center Dr., Ste. 200, Deerfield Beach, FL 33442. The PA reg'd office is c/o: Corporation Service Co.
jy26

NOTICE IS HEREBY GIVEN that, under 54 Pa.C.S. Ch. 3, an Application for Registration of Fictitious Name for **Wesco Aircraft**, conducting business in Dauphin County, PA with its principal office located at 1475 Phoenixville Pike, Ste. 101, West Chester, PA 19380, was filed with the PA Dept. of State on 07/02/2019. The name and address of each entity interested in the business is: Haas Group International, LLC, 1475 Phoenixville Pike, Ste. 101, West Chester, PA 19380. jy26

NOTICE IS HEREBY GIVEN that an application for registration of a fictitious name, **Keller Williams Realty** for the conduct of business in Dauphin County, Pennsylvania, with the principal place of business being 530 North Lockwill Avenue, Harrisburg, PA was made to the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on the 27th day of June, 2019 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: Patrick Smith, 530 North Lockwillow Ave., Harrisburg, PA 17112. jy26

FIRST PUBLICATION

Miscellaneous Notices

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

NO. 2019-CV-00303-MF

NOTICE OF SHERIFF'S SALE

**U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR MASTR ASSET BACKED
SECURITIES TRUST 2006-NC1,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-NC1,
PLAINTIFF
VS.
MATTHEW D. ARTZ AND MICHELLE L.
ARTZ, DEFENDANT(S)**

NOTICE TO: MATTHEW D. ARTZ and
MICHELLE L. ARTZ

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

Being Premises: 422 WEST MARKET STREET, WILLIAMSTOWN, PA 17098-1513
Being in WILLIAMSTOWN BOROUGH, County of DAUPHIN, Commonwealth of Pennsylvania, 71-004-051-000-0000

Improvements consist of residential property.
Sold as the property of MATTHEW D. ARTZ and MICHELLE L. ARTZ

Your house (real estate) at 422 WEST MARKET STREET, WILLIAMSTOWN, PA 17098-1513 is scheduled to be sold at the Sheriff's Sale on 10/10/2019 at 10:00 AM, at the DAUPHIN County Courthouse, 101 Market Street, Room 104, Harrisburg, PA 17107-2012, to enforce the Court Judgment of \$57,719.63 obtained by, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MASTR ASSET BACKED SECURITIES TRUST 2006-NC1, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-NC1 (the mortgagee), against the above premises.

**PHELAN HALLINAN DIAMOND
& JONES, LLP
Attorney for Plaintiff**

jy26

FIRST PUBLICATION

Miscellaneous Notices

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

NO. 2019-CV-2809-QT

NOTICE OF QUIET TITLE ACTION

**REDEVELOPMENT AUTHORITY OF
CITY OF HARRISBURG, A
PENNSYLVANIA REDEVELOPMENT
AUTHORITY, PLAINTIFF
VS.**

**DIALLO MOUMAR, A/K/A DIALLO D.
MOUMAR, MANUFACTURES AND
TRADES TRUST COMPANY, THE CITY
HARRISBURG, THE COUNTY OF
DAUPHIN, AND THE HARRISBURG
SCHOOL DISTRICT, DEFENDANTS**

TO: UNKNOWN HEIRS, SUCCESSORS, AS-
SIGNS, AND ALL PERSONS, FIRMS, OR AS-
SOCIATIONS CLAIMING RIGHT, TITLE OR
INTEREST FROM OR UNDER:

DIALLO MOUMAR, a/k/a DIALLO D.
MOUMAR

NOTICE

YOU ARE HEREBY NOTIFIED that an Action to Quiet Title was brought against you in the Court of Common Pleas of Dauphin County, filed to No. 2019-CV-2809-QT requesting that you be forever barred from asserting any right, title or interest in and to the real property described herein and that Redevelopment Authority of City of Harrisburg has extinguished any right, lien, title or interest claimed by you or any other person or persons to the premises as follows:

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

BEGINNING at the Southwest corner of Walnut and Sixteenth Streets; thence extending along the Western line of Sixteenth Street South 20 degrees 1 minute east 98.14 feet to the Northern line of Bombaugh Avenue; thence along the same South 37 degrees 33 minutes West 10 feet to a point; thence extending North 31 degrees West and passing through the center of the partition wall separating the house erected on the land herein described and the house adjoining the same on the West a distance of 100 feet to a point on the Southern line of Walnut Street thence along the same North 59 degrees East 28 feet to the point and place of Beginning.

HAVING thereon erected a three story brick dwelling known as No. 1561 Walnut Street Harrisburg PA 17103.

BEING Parcel Number 09-016-036.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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 RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER 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.

LAWYER REFERRAL SERVICE
Dauphin County
213 North Front Street
Harrisburg, PA 17101
Phone (717) 232-7536

Stuart J. Magdole, Esquire
Attorney for Plaintiff
Smigel, Anderson & Sacks, LLP
4431 North Front Street
Harrisburg, PA 17110
(717) 234-2401

jy26

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

NO. 2019-CV-3653-QT

NOTICE OF QUIET TITLE ACTION

**REDEVELOPMENT AUTHORITY OF
CITY OF HARRISBURG, A
PENNSYLVANIA REDEVELOPMENT
AUTHORITY, PLAINTIFF
VS.**

**LULA M. CLARK, ACCO LEMOYNE
FEDERAL CREDIT UNION, PUN
COLLECTIONS V, LLC, THE CITY
HARRISBURG, THE COUNTY OF
DAUPHIN, AND THE HARRISBURG
SCHOOL DISTRICT, DEFENDANTS**

FIRST PUBLICATION

Miscellaneous Notices

TO: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER:

LULA M. CLARK
ACCO LEMOYNE FEDERAL CREDIT UNION

NOTICE

YOU ARE HEREBY NOTIFIED that an Action to Quiet Title was brought against you in the Court of Common Pleas of Dauphin County, filed to No. 2019-CV-3653-QT requesting that you be forever barred from asserting any right, title or interest in and to the real property described herein and that Redevelopment Authority of City of Harrisburg has extinguished any right, lien, title or interest claimed by you or any other person or persons to the premises as follows:

ALL THAT CERTAIN tract or parcel of land with the buildings and improvements thereon erected situate in the 9th Ward of the City of Harrisburg, Dauphin County, Pennsylvania, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the Westerly line of 16th Street, which point is 52 feet South of the Southwesterly corner of Bombaugh Avenue and 16th Street; THENCE along the Westerly line of 16th Street aforesaid, South 26 degrees 30 minutes East 14 feet to a point; THENCE through the center of a partition wall and beyond South 63 degrees 30 minutes West 71.08 feet to a point on the Easterly line of a four feet wide private alley; THENCE along the same North 57 degrees 8 minutes West 16.22 feet to a point; THENCE North 63 degrees 30 minutes East 80 feet to a point the place of BEGINNING.

BEING premises known as 62 N 16th Street, Harrisburg, Pennsylvania.

BEING Parcel Number 09-016-039.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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 RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER 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.

LAWYER REFERRAL SERVICE
Dauphin County
213 North Front Street
Harrisburg, PA 17101
Phone (717) 232-7536

Stuart J. Magdule, Esquire
Attorney for Plaintiff
Smigel, Anderson & Sacks, LLP
4431 North Front Street
Harrisburg, PA 17110
(717) 234-2401

jy26

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY PENNSYLVANIA

NO. 2019-CV-3657-QT

NOTICE OF QUIET TITLE ACTION

**REDEVELOPMENT AUTHORITY OF
CITY OF HARRISBURG, A
PENNSYLVANIA REDEVELOPMENT
AUTHORITY, PLAINTIFF
VS.**

**SDL WELFARE TRUST, SMITH
REVOCABLE TRUST, DENNIS S. SHORT,
JR., ROSE A. BECKEY, JP CHASE
MORGAN, DAUPHIN COUNTY BOARD OF
COMMISSIONERS, PENNSYLVANIA
DEPARTMENT OF REVENUE,
PUN COLLECTIONS V, LLC, THE CITY
HARRISBURG, THE COUNTY OF
DAUPHIN, AND THE HARRISBURG
SCHOOL DISTRICT, DEFENDANTS**

TO: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER:

SDL WELFARE TRUST
SMITH REVOCABLE TRUST
DENNIS S. SHORT, JR.
ROSE A. BECKEY

NOTICE

YOU ARE HEREBY NOTIFIED that an Action to Quiet Title was brought against you in the Court of Common Pleas of Dauphin County, filed to No. 2019-CV-3657-QT requesting that you be forever

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barred from asserting any right, title or interest in and to the real property described herein and that Redevelopment Authority of City of Harrisburg has extinguished any right, lien, title or interest claimed by you or any other person or persons to the premises as follows:

ALL THAT CERTAIN piece or parcel of land with the building thereon erected, situate in the Eighth Ward, City of Harrisburg, County of Dauphin and State of Pennsylvania, being numbered thirty four (34) on the plan of lots laid out by William M. Hoerner, and which plan is recorded in the Recorder's Office in Plan Book "F", Page 1, more particularly bounded and described as follows, to wit:

BEGINNING at a point on the west side of Summit Street, said point being sixty one and seventy five (61.75) feet, more or less, southwardly from the southwest corner of Summit and King Street, and being the center of a partition wall between properties Number 126 and 128 Summit Street; thence in a westerly direction and through the center of the above mentioned partition wall, seventy three (73) feet, more or less, to a point at the eastern of a five (5) foot private alley way; thence southwardly along the line of said alley way, nineteen (19) feet, more or less, to a point on the northern line of Lot No. 35 on the above mentioned Plan; thence eastwardly seventy three (73) feet, more or less, along the line of Lot No. 35 to a point the western side Summit Street; thence northwardly along the line of Summit Street, nineteen (19) feet, more or less, to a point at the place of BEGINNING.

BEING known as 126 N Summit Street, Harrisburg, PA.

BEING Parcel Number 08-028-024.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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 RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER 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.

LAWYER REFERRAL SERVICE

Dauphin County
213 North Front Street
Harrisburg, PA 17101
Phone (717) 232-7536

Stuart J. Magdole, Esquire

Attorney for Plaintiff
Smigel, Anderson & Sacks, LLP

4431 North Front Street
Harrisburg, PA 17110

(717) 234-2401

jy26

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY PENNSYLVANIA

NO. 2019-CV-3656-QT

NOTICE OF QUIET TITLE ACTION

**REDEVELOPMENT AUTHORITY OF
CITY OF HARRISBURG, A
PENNSYLVANIA REDEVELOPMENT
AUTHORITY, PLAINTIFF
VS.**

**CHARLES S. MILLER, EDWARD L.
MILLER, KENNETH L. MILLER, BARBARA
REICH, PUN COLLECTIONS V, LLC, THE
CITY OF HARRISBURG, THE COUNTY OF
DAUPHIN, AND THE HARRISBURG
SCHOOL DISTRICT, DEFENDANTS**

TO: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER:

CHARLES S. MILLER
BARBARA REICH

NOTICE

YOU ARE HEREBY NOTIFIED that an Action to Quiet Title was brought against you in the Court of Common Pleas of Dauphin County, filed to No. 2019-CV-3656-QT requesting that you be forever barred from asserting any right, title or interest in and to the real property described herein and that Redevelopment Authority of City of Harrisburg has extinguished any right, lien, title or interest claimed by you or any other person or persons to the premises as follows:

ALL THAT CERTAIN piece or parcel of land situate in the Second Ward of the City of Harrisburg, County of Dauphin and State of Pennsylvania, more particularly bounded and described as follows, to wit:

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BEGINNING on the south side of Swatara Street at a point forty-four (44) feet westwardly from the southwest corner of 15th Street; the line of property numbered 1433 Swatara Street; thence more or less through the center of a partition wall dividing No. 1431 and 1433 Swatara Street south 9 degrees 30 minutes east along the line of said last mentioned property one hundred five (105) feet nine (9) inches to Compas Alley; thence south 80 degrees 30 minutes west along the line of Said Alley sixteen and three tenths (16.3) feet to line of property numbered 1429 Swatara Street; thence north 9 degrees 30 minutes west along the eastern line of last mentioned property one hundred five (105) feet nine (9) inches to Swatara Street; thence north 80 degrees 30 minutes east along the southern line of Swatara Street sixteen and three tenths (16.3) feet to a point, the Place of BEGINNING.

HAVING thereon erected a three (3) story frame dwelling house numbered 1431 Swatara Street; Harrisburg; Pennsylvania.

BEING Parcel Number 02-030-03.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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 RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER 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.

LAWYER REFERRAL SERVICE

Dauphin County
213 North Front Street
Harrisburg, PA 17101
Phone (717) 232-7536

Stuart J. Magdule, Esquire
Attorney for Plaintiff
Smigel, Anderson & Sacks, LLP
4431 North Front Street
Harrisburg, PA 17110
(717) 234-2401

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY PENNSYLVANIA

NO. 2019-CV-3647-QT

NOTICE OF QUIET TITLE ACTION

**REDEVELOPMENT AUTHORITY OF
CITY OF HARRISBURG, A
PENNSYLVANIA REDEVELOPMENT
AUTHORITY, PLAINTIFF
VS.**

**JONATHAN M. TORRES, PHYLLIS D.
ALSTON, LEONARD A. YODER,
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND
INDUSTRY, THE CITY HARRISBURG, THE
COUNTY OF DAUPHIN, AND THE
HARRISBURG SCHOOL DISTRICT,
DEFENDANTS**

TO: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER:

PHYLLIS D. ALSTON

NOTICE

YOU ARE HEREBY NOTIFIED that an Action to Quiet Title was brought against you in the Court of Common Pleas of Dauphin County, filed to No. 2019-CV-3647-QT requesting that you be forever barred from asserting any right, title or interest in and to the real property described herein and that Redevelopment Authority of City of Harrisburg has extinguished any right, lien, title or interest claimed by you or any other person or persons to the premises as follows:

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

BEGINNING at a point on the South side of Market Street, said point being 38.5 feet West of the Southwest corner of Market and Summit Street, as Summit Street was narrowed and adopted by an Ordinance of the City of Harrisburg in the Sessions of 1912-13, changing the line of part of Summit Street South of Market, said Ordinance having been approved by the Mayor of Harrisburg on April 30, 1913, and duly recorded in the City Ordinance Book; THENCE Southwardly parallel with Summit Street and along land of Alfred Sieber, 85 feet, more or less, to the line of lands of the Right Reverend John W. Shanahan, Trustee; THENCE in a Northwesterly direction along the line of lands of the Right Reverend John W. Shanahan, Trustee, 27 feet, more or less, to a point at the line of other lands of Luther Minter; THENCE

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Northwardly along the line of other lands of Luther Minter and through the center of a brick partition wall between houses Nos. 1167 and 1169 Market Street, 73-5 feet, more or less, to a point on the south side of Market Street; THENCE Eastwardly along the South side of Market Street, 21.83 feet to a point, the place of BEGINNING.

HAVING thereon erected a three-story mansard roof brick dwelling house, known as No. 1169 Market Street, Harrisburg, Pennsylvania.

BEING Parcel Number 09-039-019.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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 RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER 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.

LAWYER REFERRAL SERVICE

Dauphin County
213 North Front Street
Harrisburg, PA 17101
Phone (717) 232-7536

Stuart J. Magdole, Esquire
Attorney for Plaintiff
Smigel, Anderson & Sacks, LLP
4431 North Front Street
Harrisburg, PA 17110
(717) 234-2401

jj26

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA

NO. 2019-CV-04115-MF

CIVIL ACTION-LAW

NOTICE OF ACTION IN MORTGAGE FORECLOSURE

**U.S. BANK NATIONAL ASSOCIATION, NOT
IN ITS INDIVIDUAL CAPACITY BUT
SOLELY AS INDENTURE TRUSTEE FOR
THE CIM TRUST 2017-8 MORTGAGE-
BACKED NOTES, SERIES 2017-8,
PLAINTIFF
VS.
DEBORAH KISIC, IN HER CAPACITY AS
HEIR OF BETTY F. RICE; ET AL,
DEFENDANTS**

To: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER BETTY F. RICE Defendant(s), 557 NORTH 2ND STREET STEELTON, PA 17113

COMPLAINT IN MORTGAGE FORECLOSURE

You are hereby notified that Plaintiff, U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS INDENTURE TRUSTEE FOR THE CIM TRUST 2017-8 MORTGAGE-BACKED NOTES, SERIES 2017-8, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of DAUPHIN County, PA docketed to No. 2019-CV-04115-MF, seeking to foreclose the mortgage secured on your property located, 557 NORTH 2ND STREET STEELTON, PA 17113.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in this notice 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 claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE

FIRST PUBLICATION

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CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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LAWYERS REFERRAL SERVICE
Dauphin County Lawyer Referral Service
213 North Front Street
Harrisburg, PA 17101
717-232-7536

RAS CITRON, LLC
ATTORNEYS FOR PLAINTIFF
Jenine Davey, Esq. ID No. 87077
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
855-225-6906

jy26

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 thereto **August 28, 2019**. Pursuant to Pennsylvania Orphans' Court Rule 2.7(b) (formerly 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 August 27, 2019*.

1. WALTER L. BRENNEMAN TRUST, Settlor, First and Final Account of Manufacturers and Traders Trust Company, Successor to Allfirst Trust Company of Pennsylvania, N.A., Successor to Dauphin Deposit Bank and Trust Company, Trustee (Trust Under Agreement f/b/o Walter Brennehan, Jr.).

2. ETNOYER, DOROTHY J., Deceased, First and Final Account of Larry L. Etnoyer, Executor.

3. FACKLER, ARLENE F., Principal now Deceased, First and Final Account of Eric W. Fackler, Agent.

4. MECAUGHEY, WILLIAM G., Deceased, Second and Final Account of Manufacturers and Traders Trust Company, Successor to Allfirst Trust Company of Pennsylvania, N.A., Successor to Dauphin Deposit Bank and Trust Company, Trustee (Trust Under Will f/b/o William G. Mecaughey, III).

5. SHAFFER, ALLEN, Deceased, Second and Final Account of Branch Banking and Trust Company Successor to Susquehanna Trust & Investment Company, Executor.

6. YOUNG, EDGAR J. SR., Deceased, First and Final Account of Kathleen A. Stallsmith and Jane E. Shelly, Executrices.

July 19, 2019
Jean Marfizo King
Register of Wills & Clerk of the Orphans' Court
jy26-a2

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY PENNSYLVANIA

NO. 2019-CV-5421-QT

NOTICE OF QUIET TITLE ACTION

**ROBERT D. HEINL, JR.
AND BRIDGET P. HEINL
PLAINTIFFS
VS.**

**AMERICAN MORTGAGE
REDUCTION, INC., DEFENDANT**

TO: UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER:

AMERICAN MORTGAGE REDUCTION, INC.

NOTICE

YOU ARE HEREBY NOTIFIED that an Action to Quiet Title was brought against you in the Court of Common Pleas of Dauphin County, filed to No. 2019-CV-5421-QT requesting that you be forever barred from asserting any right, title or interest in and to the real property described herein and that Robert D. Heidl, Jr. and Bridget P. Heidl, husband and wife, extinguished any right, lien, title or interest claimed by you or any other person or persons to the premises as follows:

ALL THAT CERTAIN lot or piece of land situate in Derry Township, Dauphin County, Pennsylvania, known as Lot No. 1, Block A, on Plan of Lots known as South Hills Addition, bounded and described as follows:

BEGINNING at a point, said point being a distance of 44.04 feet in a westerly direction from the southwesterly street corner of Forest Avenue and Middletown Road; thence along a curve to the

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Miscellaneous Notices

right having a radius of 30 feet, a chord of South 38 degrees 01 minute 20 seconds East for a distance of 49.59 feet and an arc distance of 58.37 feet to a point at the end of said curve; thence along the westerly street line of Middletown Road (T-566) South 17 degrees 40 minutes 50 seconds West for a distance of 125 feet to a point; thence along Lot No. 21 North 71 degrees 07 minutes 40 seconds West for a distance of 148.94 feet to a point; thence along Lot No. 2, North 03 degrees 45 minutes West for a distance of 100 feet to a point on the southerly street line of Forest Avenue; thence along the southerly street line of Forest Avenue, North 86 degrees 15 minutes East for a distance of 155.31 feet to a point, the place of BEGINNING.

HAVING thereon erected a split-level brick and aluminum-sided dwelling known as No. 12 Forest Avenue.

BEING Parcel Number 24-072-035-000-0000.

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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 RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

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LAWYER REFERRAL SERVICE

Dauphin County
213 North Front Street
Harrisburg, PA 17101
Phone (717) 232-7536

Stuart J. Magdule, Esquire
Attorney for Plaintiff
Smigel, Anderson & Sacks, LLP
4431 North Front Street
Harrisburg, PA 17110
(717) 234-2401

jy26

SECOND PUBLICATION

Miscellaneous Notices

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

NO.: 2019-CV-1767-MU

CIVIL DIVISION

**LOWER PAXTON TOWNSHIP AUTHORITY
425 PRINCE STREET, SUITE 139
HARRISBURG, PA 17109, PLAINTIFF**

VS.

**RONALD M. PAYNE AND DAWN G. PAYNE
5891 PALM STREET
HARRISBURG, PA 17112
PARCEL# 35-016-070, DEFENDANTS**

WRIT OF SCIRE FACIAS

**TO: RONALD M. PAYNE AND DAWN G.
PAYNE:**

WHEREAS, Lower Paxton Township Authority, on March 12, 2019, filed its claim in the Court of Common Pleas of Dauphin County at Municipal Claim No. 2019-CV-1767-MU for the sum of \$2,595.30, plus interest, penalties, additional sewer charges, additional attorneys fees and costs and collection fees, for sewer rents due said Lower Paxton Township Authority, said Claim filed against property owned by you in Lower Paxton Township, located at 5891 Palm Street, Harrisburg, Pennsylvania 17111, as more particularly described in said Claim, and said property being further described in the Office of the Recorder of Deeds in and for Dauphin County, Pennsylvania, Record Book 4046, page 178, owned or reputed to be owned by you;

WHEREAS, we have been given to understand that said Claim is still due and unpaid in the amount of \$2,595.30, and remains a lien against the said property;

NOW, you are hereby notified to file your Affidavit of Defense to said Claim, if defense you have thereto, in the Office of the Prothonotary of our said Court, within fifteen (15) days after the service of this Writ upon you. If no Affidavit of Defense is filed within said time, Judgment may be entered against you for the whole Claim, and the property described in the Claim be sold to recover the amount thereof.

WITNESS the Honorable Richard A. Lewis, President Judge of our said court this 2nd day of May 2019.

/s/ Matthew R. Krupp (SEAL)

PROTHONOTARY

jy12-a2

SECOND PUBLICATION

Miscellaneous Notices

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

NO.: 2018-CV-6493-MU

CIVIL DIVISION

**LOWER PAXTON TOWNSHIP AUTHORITY
425 PRINCE STREET, SUITE 139
HARRISBURG, PA 17109, PLAINTIFF
VS.
KIM M. STAMBAUGH
5867 PALM STREET
HARRISBURG, PA 17112
PARCEL# 35-016-065, DEFENDANTS**

WRIT OF SCIRE FACIAS

TO: KIM M. STAMBAUGH:

WHEREAS, Lower Paxton Township Authority, on October 2, 2018, filed its claim in the Court of Common Pleas of Dauphin County at Municipal Claim No. 2018-CV-6493-MU for the sum of \$3,173.49, plus interest, penalties, additional sewer charges, additional attorneys fees and costs and collection fees, for sewer rents due said Lower Paxton Township Authority, said Claim filed against property owned by you in Lower Paxton Township, located at 5867 Palm Street, Harrisburg, Pennsylvania 17112, as more particularly described in said Claim, and said property being further described in the Office of the Recorder of Deeds in and for Dauphin County, Pennsylvania, Record Book 5507, page 273, owned or reputed to be owned by you;

WHEREAS, we have been given to understand that said Claim is still due and unpaid in the amount of \$3,173.49, and remains a lien against the said property;

NOW, you are hereby notified to file your Affidavit of Defense to said Claim, if defense you have thereto, in the Office of the Prothonotary of our said Court, within fifteen (15) days after the service of this Writ upon you. If no Affidavit of Defense is filed within said time, Judgment may be entered against you for the whole Claim, and the property described in the Claim be sold to recover the amount thereof.

WITNESS the Honorable Richard A. Lewis, President Judge of our said court this 2nd day of May 2019.

/s/ Matthew R. Krupp (SEAL)
PROTHONOTARY

jy12-a2

FIRST PUBLICATION

Name Change Notices

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

DOCKET NO: 2019-CV-04928-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on July 16, 2019, the Petition of Elva Chase on behalf of minor child, D.T.W., JR. was filed in the above named court, requesting a decree to change the minor child's name from **D.T.W., JR.** to **K.E.C.**.

The Court has fixed Monday, August 26, 2019 at 9:30am. in Courtroom No. 9, Dauphin County Courthouse, 101 Market Street, 2nd Floor, 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. jy26

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

DOCKET NO: 2019-CV-04927-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on July 16, 2019, the Petition of Elva Chase on behalf of minor child, P.S.W. was filed in the above named court, requesting a decree to change the minor child's name from **P.S.W.** to **S.E.C.**.

The Court has fixed Monday, August 26, 2019 at 9:30am. in Courtroom No. 9, Dauphin County Courthouse, 101 Market Street, 2nd Floor, 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. jy26

FIRST PUBLICATION

Name Change Notices

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

DOCKET NO: 2019-CV-03885-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on July 10, 2019, the Petition of Allan John Rothrock was filed in the above named court, requesting a decree to change his name from **Allan John Rothrock** to **Elizabeth Anne Rothrock**.

The Court has fixed Monday, August 26, 2019 at 9:30am. in Courtroom No. 9, Dauphin County Courthouse, 101 Market Street, 2nd Floor, 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. jy26

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

DOCKET NO: 2019-CV-04362-NC

PETITION FOR CHANGE OF NAME

NOTICE

NOTICE IS HEREBY GIVEN that on July 8, 2019, the Petition of Darin Herbert Holden Warren was filed in the above named court, requesting a decree to change his name from **Darin Herbert Holden Warren** to **Darin Herbert Holden**.

The Court has fixed Monday, August 26, 2019 at 9:30am. in Courtroom No. 9, Dauphin County Courthouse, 101 Market Street, 2nd Floor, 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. jy26

**INCORPORATION AND
LIMITED LIABILITY COMPANY
FORMATION**

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SAME DAY SHIPMENT OF YOUR ORDER

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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.

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jy19-a2

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jy26-a9

ATTORNEY: The Pennsylvania Legal Aid Network, Inc. (PLAN) seeks an attorney to serve as its next Executive Director. PLAN is a nonprofit organization, based in Harrisburg, established to improve the availability and quality of civil legal aid for low income people and victims of domestic violence in Pennsylvania. For more information and to apply, please see the attached or visit <https://palegalaid.net/>.

jy26-a9

U.S. BANKRUPTCY JUDGESHIP VACANCY: Eastern District of Pennsylvania (Reading): Chief Judge D. Brooks Smith of the United States Court of Appeals for the Third Circuit announces the application process for a bankruptcy judgeship in the Eastern District of Pennsylvania, seated in Reading. A bankruptcy judge is appointed to a 14-year term pursuant to 28 U.S.C. §152. The application process is entirely automated. No paper applications will be accepted. Applications must be submitted electronic call by noon on August 22, 2019. Applications must be submitted only by the potential nominee personally. To apply, go <https://www.ca3.uscourts.gov/> for more information or call the Circuit Executive's Office at 215-597-0718.

jy26-a9

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