

# Northampton County Reporter

(USPS 395-280)

VOL. LXI

EASTON, PA February 20, 2020

NO. 8

**Commonwealth of Pennsylvania v. Peter Medve, Defendant**

## CONTENTS

Attorney—Of Counsel Position . . . . .	20	Legal Notices . . . . .	11
Bar News . . . . .	3	Limited Liability Company Notices . . . . .	10
Estate and Trust Notices . . . . .	4	Notice of Annual Meeting . . . . .	10
Full-Time Litigation Attorney . . . . .	21	Part-Time Legal Secretary/Receptionist . . . . .	20
Legal Aid Attorney Needed for Medical-Legal Project . . . . .	21	Sheriff's Sales . . . . .	13
		Zoning Hearing Board Solicitor and Township Alternate Solicitor . . . . .	22

### INSERT: Pink: 1. Quarterly Association Meeting

2. 2020 Calendar
  3. Ethics Hotline
  4. NCBA/Miller Keystone Blood Center Blood Bank Program
- Cream: 1. "Sentencing Commission Update"
2. "Lincoln, Gettysburg and a New Moral and Constitutional Course for America"
  3. Save the Date!
  4. PA CLE Requirements
- Green: 1. "Important New Developments in Personal Injury Law"
2. NCBA welcomes five new members
  3. Hartford Wolf Pack vs. Lehigh Valley Phantoms
  4. YLD Happy Hour

### **NOTICE TO THE BAR...**

**March Quarterly Association Meeting**  
**Thursday, March 19, 2020**  
Registration form inside.

**NORTHAMPTON COUNTY BAR ASSOCIATION  
2020 BAR ASSOCIATION OFFICERS**

Robert Eyer ..... President  
Maura Zajac McGuire ..... President-Elect  
Paul J. Harak ..... Vice President  
Steven B. Molder ..... Treasurer  
Jeremy F. Clark ..... Secretary  
Lisa M. Spitale ..... Past President

**BOARD OF GOVERNORS**

Erika A. Farkas  
Richard Eugene Santee  
Douglas Jon Tkacik  
David M. Backenstoe  
Scott M. Wilhelm  
Joshua D. Fulmer  
Jill Kelly McComsey

**ZONE II DELEGATES**

Joel M. Scheer  
Michael C. Deschler  
Keri A. Schantz  
Frank W. Yandrisevits  
Lisa M. Spitale  
Jonathan M. Huerta, Zone Governor

*Northampton County Reporter*  
**Attorney Referral & Information Service**  
**155 South Ninth Street, P.O. Box 4733**  
**Easton, PA 18042**  
**Phone (610) 258-6333 Fax (610) 258-8715**  
**E-mail: [ncba@norcobar.org](mailto:ncba@norcobar.org)**  
**PBA (800) 932-0311—PBI (800) 932-4637**  
**BAR ASSOCIATION STAFF**

Mary Beth Leeson .....Executive Director  
Patti A. Gober .....Accounting  
..... Legal Journal  
Heather Rizzotto-Stefanik .....Attorney Referral  
Deborah J. Flanagan .....Attorney Referral

---

The Northampton County Reporter will be published every Thursday by the Northampton County Bar Association, 155 South Ninth St., Easton, PA 18042-4399. All legal notices relating to the business of the county, are required by rule of Court, to be published in this Journal. All legal notices must be submitted in typewritten form and are published exactly as submitted by the advertiser. Neither the Law Reporter nor the printer will assume any responsibility to edit, make spelling corrections, eliminate errors in grammar or make any changes to content.

Subscription Price—\$75.00 per year.

Periodical Postage Paid at Easton, PA and additional office.

Postmaster: Send all communications and address changes to:

**NORTHAMPTON COUNTY REPORTER**  
155 South Ninth St., Easton, PA 18042-4399  
Telephone (610) 258-6333 FAX (610) 258-8715  
Ralph J. Bellafatto, Esquire  
Editor

**NOTICE TO NCBA MEMBERS – BAR NEWS**

**Quarterly Association Meeting – Thursday, March 19, 2020**

Registration form inside.

**Save the Date!**

**Thursday, May 28, 2020 – “Foundation Libations”**

Our Second Annual Foundation Fundraiser.

5:00 – 7:30 p.m. at ArtsQuest, Bethlehem.

**Courthouse Library Copy Machine Cards**

Copy machine cards are still available at the NCBA Office. If you make any copies on the copy machine in the Law Library you may want to consider purchasing copy cards. The cards sell for \$10.00. If you use the cards, copies are 15 cents rather than the usual 25 cents.

The most common way people give up their power is by thinking they don't have any. ~ Alice Walker

**ESTATE AND TRUST NOTICES**

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

**FIRST PUBLICATION****CAPUANO, LUCY M.,** dec'd.

Late of the Borough of Hellertown, Northampton County, PA  
Executrix: Marie A. Kresge c/o Kevin F. Danyi, Esquire, Danyi Law, P.C., 133 East Broad Street, Bethlehem, PA 18018

Attorneys: Kevin F. Danyi, Esquire, Danyi Law, P.C., 133 East Broad Street, Bethlehem, PA 18018

**CYPHERS, CHARLES EDWARD,** dec'd.

Late of the Borough of Hellertown, Northampton County, PA  
Executrix: Karen R. Long c/o Mark P. Albright, Esquire, 403 Main Street, Hellertown, PA 18055-1721

Attorney: Mark P. Albright, Esquire, 403 Main Street, Hellertown, PA 18055-1721

**ENTLER, GEORGE MICHAEL,** dec'd.

Late of the Borough of Hellertown, Northampton County, PA

Administratrix: Lucia G. Spada c/o Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045-5227

Attorneys: Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045-5227

**EVANS, SALLY M.,** dec'd.

Late of the Township of Lower Nazareth, Northampton County, PA

Executor: Mr. William Edward Evans, Jr. c/o Robert A. Nitchkey, Jr., Esquire, Hemstreet, Nitchkey & Freidl, 730 Washington Street, Easton, PA 18042

Attorneys: Robert A. Nitchkey, Jr., Esquire, Hemstreet, Nitchkey & Freidl, 730 Washington Street, Easton, PA 18042

**FRENCHKO, JAYNE E. a/k/a JAYNE E. ZILKER a/k/a JAYNE E. BOGUSKY,** dec'd.

Late of Palmer Township, Northampton County, PA

Executors: Daniel Paul Zilker, Jr. and David Craig Zilker c/o Theodore R. Lewis, Esquire, Lewis and Walters, 46 S. 4th Street, Easton, PA 18042

Attorneys: Theodore R. Lewis, Esquire, Lewis and Walters, 46 South Fourth Street, Easton, PA 18042

**HOWER, PAULINE A.,** dec'd.

Late of the Township of Washington, Northampton County, PA  
Executrix: Paige Allison DePue c/o David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

Attorney: David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

**JONES, ETHEL I.,** dec'd.

Late of the Borough of Nazareth, Northampton County, PA  
Executor: Richard E. Harney c/o Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064  
Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064

**JURASITS, HERMINA R.,** dec'd.

Late of the Borough of Nazareth, Northampton County, PA  
Co-Executrices: Janet Frace and Kelly Beers Caprez c/o Stanley M. Vasiliadis, Esquire, Vasiliadis Pappas Associates, LLC, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020  
Attorneys: Stanley M. Vasiliadis, Esquire, Vasiliadis Pappas Associates, LLC, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

**KIVIAT, JACOB L.,** dec'd.**KIVIAT, IRMA,** dec'd.

Late of Northampton County, PA  
The Jacob L. Kiviat and Irma Kiviat Revocable Living Trust Dated March 23, 2011  
Co-Trustees: Robin Feldman, Belle Levine and Shelley Blumenthal c/o R. Nicholas Nanovic, Esquire, Gross McGinley, LLP, 33 South 7th Street, P.O. Box 4060, Allentown, PA 18105-4060  
Attorneys: R. Nicholas Nanovic, Esquire, Gross McGinley, LLP, 33 South 7th Street, P.O. Box 4060, Allentown, PA 18105-4060

**KOSTELNIK, GEORGE J.,** dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Kevin John Kostelnik c/o Mary Ann Snell, Esquire, 4510 Bath Pike, Suite 201, Bethlehem, PA 18017

Attorney: Mary Ann Snell, Esquire, 4510 Bath Pike, Suite 201, Bethlehem, PA 18017

**PINTANDE, NATALENA M.,** dec'd.

Late of the City of Easton, Northampton County, PA

Executor: Gary V. Ramunni c/o Dionysios C. Pappas, Esquire, Vasiliadis Pappas Associates LLC, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

Attorneys: Dionysios C. Pappas, Esquire, Vasiliadis Pappas Associates LLC, 2551 Baglyos Circle, Suite A-14, Bethlehem, PA 18020

**REHRIG, JOAN E.,** dec'd.

Late of Walnutport Borough, Northampton County, PA

Executor: Matthew J. Rehrig c/o David B. Shulman, Esquire, Shulman Law Office PC, 419 Delaware Avenue, P.O. Box 175, Palmerton, PA 18071

Attorneys: David B. Shulman, Esquire, Shulman Law Office PC, 419 Delaware Avenue, P.O. Box 175, Palmerton, PA 18071

**ROTH, GLORIA V.,** dec'd.

Late of Northampton, Northampton County, PA

Executor: Glenn M. Roth c/o Rebecca M. Young, Esquire and Lia K. Snyder, Esquire, Young & Young, 119 E. Main Street, Macungie, PA 18062

Attorneys: Rebecca M. Young, Esquire and Lia K. Snyder, Esquire, Young & Young, 119 E. Main Street, Macungie, PA 18062

**ROTH, PATRICIA A.,** dec'd.

Late of the Borough of North Catasauqua, Northampton County, PA

Executrix: Barbara Schwenk Mahoney c/o Gregory R. Reed, Esquire, Attorney-at-Law, 141 South Broad Street, P.O. Box 299, Nazareth, PA 18064-0299  
Attorney: Gregory R. Reed, Esquire, Attorney-at-Law, 141 South Broad Street, P.O. Box 299, Nazareth, PA 18064-0299

**SOBLER, CARLA JO,** dec'd.

Late of the Township of Palmer, Northampton County, PA

Executor: Benjamin Colin Sobler c/o Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045-5227

Attorneys: Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045-5227

**STOUT, ELLEN,** dec'd.

Late of Northampton, Northampton County, PA

Stout Family Trust Dated April 19, 2005

Successor Trustee: Mark J. Stout c/o R. Nicholas Nanovic, Esquire, Gross McGinley, LLP, 33 South 7th Street, P.O. Box 4060, Allentown, PA 18105-4060

Attorneys: R. Nicholas Nanovic, Esquire, Gross McGinley, LLP, 33 South 7th Street, P.O. Box 4060, Allentown, PA 18105-4060

**WELTY, ROBERT T., SR.,** dec'd.

Late of the Township of Lower Nazareth, Northampton County, PA

Co-Executors: Robert T. Welty, Jr., Deborah Elaine Miller and Jeffrey A. Welty c/o Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064

Attorneys: Peters, Moritz, Peischl, Zulick, Landes & Brienza, LLP, 1 South Main Street, Nazareth, PA 18064

**SECOND PUBLICATION****ALBERT, CAROLYN F.,** dec'd.

Late of the Township of Palmer, Northampton County, PA

Executrix: Marilyn E. Coon c/o Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042  
Attorney: Theresa Hogan, Esquire, Attorney-at-Law, 340 Spring Garden Street, Easton, PA 18042

**CHRISTMAN, OLGA V.,** dec'd.

Late of Northampton Borough, Northampton County, PA

Executor: Adam Guy Christman c/o P.O. Box 324, Northampton, PA 18067

**CORRADO, CONSTANCE B.,** dec'd.

Late of the Township of Forks, Northampton County, PA

Executor: Paul F. Corrado c/o Robert A. Nitchkey, Jr., Esquire, Hemstreet, Nitchkey & Freidl, 730 Washington Street, Easton, PA 18042

Attorneys: Robert A. Nitchkey, Jr., Esquire, Hemstreet, Nitchkey & Freidl, 730 Washington Street, Easton, PA 18042

**EVANCHO, SUZANNE M.,** dec'd.

Late of the Township of Forks, Northampton County, PA

Executor: Matthew A. Evancho c/o Jamie Michael McFadden, Esquire, 3055 College Heights Blvd., Suite 2B, Allentown, PA 18104

Attorney: Jamie Michael McFadden, Esquire, 3055

College Heights Blvd., Suite 2B,  
Allentown, PA 18104

**GEIGER, EVELYN M.,** dec'd.

Late of the Borough of Catasauqua, Northampton County, PA  
Executor: Edward Scott Rizza  
c/o Peters, Moritz, Peischl,  
Zulick, Landes & Brienza, LLP,  
1 South Main Street, Nazareth,  
PA 18064

Attorneys: Peters, Moritz, Peischl,  
Zulick, Landes & Brienza, LLP,  
1 South Main Street, Nazareth,  
PA 18064

**GILBERT, JANE L.,** dec'd.

Late of the Borough of Nazareth,  
Northampton County, PA

Executor: Quentin Robert  
Gilbert, Jr. c/o Gary Neil Asteak,  
Esquire, 726 Walnut Street,  
Easton, PA 18042

Attorney: Gary Neil Asteak,  
Esquire, 726 Walnut Street,  
Easton, PA 18042

**GRAVINA, JULIE MAY,** dec'd.

Late of Northampton County, PA  
Executrix: Terry Ripa Pavlacka  
Attorneys: Dean C. Berg Law  
Offices, 1820 Main Street, P.O.  
Box 10, Northampton, PA 18067-  
0010

**HEWKO, ELAINE R.,** dec'd.

Late of Northampton, Northamp-  
ton County, PA

Executrix: Bettyann Woyewoda  
c/o Robert B. Roth, Esquire, The  
Roth Law Firm, 123 North Fifth  
Street, Allentown, PA 18102  
Attorneys: Robert B. Roth,  
Esquire, The Roth Law Firm, 123  
North Fifth Street, Allentown, PA  
18102

**KOCH, JAY F.,** dec'd.

Late of Northampton, Northamp-  
ton County, PA

Executrix: Jayne Koch c/o T.  
Benjamin Traud, Esquire, Traud  
Law Offices, 3055 College  
Heights Blvd., Ste. 2A, Allentown,  
PA 18104

Attorneys: T. Benjamin Traud,  
Esquire, Traud Law Offices,  
3055 College Heights Blvd., Ste.  
2A, Allentown, PA 18104

**KROBOTH, ALFRED M.,** dec'd.

Late of the Township of Upper  
Nazareth, Northampton County,  
PA

Co-Executors: Ronald Kroboth  
and Tamimarie Lintner c/o  
Peters, Moritz, Peischl, Zulick,  
Landes & Brienza, LLP, 1 South  
Main Street, Nazareth, PA 18064  
Attorneys: Peters, Moritz, Peischl,  
Zulick, Landes & Brienza, LLP,  
1 South Main Street, Nazareth,  
PA 18064

**ROSAR, PAUL, JR.,** dec'd.

Late of the City of Easton, North-  
ampton County, PA

Executor: Paul Daniel Rosar c/o  
Richard P. Kovacs, Esquire,  
Pierce & Steirer, LLC, 124  
Belvidere Street, Nazareth, PA  
18064

Attorneys: Richard P. Kovacs,  
Esquire, Pierce & Steirer, LLC,  
124 Belvidere Street, Nazareth,  
PA 18064

**SERFASS, EDWARD R.,** dec'd.

Late of the Township of  
Bethlehem, Northampton  
County, PA

The Serfass Family Trust Dated  
January 17, 2001

Settlers: Edward R. Serfass and  
Helga M. Serfass

Successor Trustee: Robert A.  
Serfass c/o Mark P. Albright,  
Esquire, 403 Main Street, Heller-  
town, PA 18055-1721



Attorney: Mark P. Albright,  
Esquire, 403 Main Street, Hellertown, PA 18055-1721

**STROHE, CAROL ANN**, dec'd.

Late of the Township of East Allen, Northampton County, PA  
Executor: David John Faust c/o David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019  
Attorney: David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

**TRAPP, LESTER ALBERT, JR.**, dec'd.

Late of the Township of Upper Mt. Bethel, Northampton County, PA  
Executor: Richard Trapp c/o David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019  
Attorney: David J. Ceraul, Esquire, 22 Market Street, P.O. Box 19, Bangor, PA 18013-0019

**THIRD PUBLICATION**

**BARRY, SHADWICK ALEX**, dec'd.

Late of Bethlehem, Northampton County, PA  
Executrix: Janet Eileen Barry c/o William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517  
Attorney: William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

**ERNEY, WILLIAM H.**, dec'd.

Late of the Township of Bethlehem, Northampton County, PA  
Co-Executors: Stephen M. Szy and Kevin James Jones c/o Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726

Attorney: Bradford D. Wagner, Esquire, 662 Main Street, Hellertown, PA 18055-1726

**GIOVANNI, ALBERT M.**, dec'd.

Late of Pen Argyl, Northampton County, PA  
Co-Executrices: Lauren M. Stoudt and Andrea N. Giovanni c/o Fitzpatrick Lentz & Bubba, P.C., Two City Center, 645 W. Hamilton Street, Suite 800, Allentown, PA 18101  
Attorneys: Fitzpatrick Lentz & Bubba, P.C., Two City Center, 645 W. Hamilton Street, Suite 800, Allentown, PA 18101

**HAILPERIN, RUTH R.**, dec'd.

Late of Nazareth, Northampton County, PA  
Executrix: Jo H. Taylor c/o William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517  
Attorney: William W. Matz, Jr., Esquire, 211 W. Broad Street, Bethlehem, PA 18018-5517

**KEIM, ROBERT E.**, dec'd.

Late of Moore Township, Northampton County, PA  
Executrix: Kristin N. Evans c/o Daniel M. O'Donnell, Esquire, 901 West Lehigh Street, Bethlehem, PA 18018  
Attorney: Daniel M. O'Donnell, Esquire, 901 West Lehigh Street, Bethlehem, PA 18018

**KITTEK, ELSIE BARBARA**, dec'd.

Late of Bethlehem, Northampton County, PA  
Executor: Francis R. Kittek c/o Elizabeth Kapo, Esquire, 2123 Pinehurst Road, Bethlehem, PA 18018  
Attorney: Elizabeth Kapo, Esquire, 2123 Pinehurst Road, Bethlehem, PA 18018



**LOUPOS, JOAN M.,** dec'd.

Late of the Township of Palmer,  
Northampton County, PA

Joan M. Loupos Revocable Trust  
Dated October 29, 1993, As  
Amended

Trustee: Scott M. Loupos c/o  
Timothy J. Duckworth, Esquire,  
Mosebach, Funt, Dayton &  
Duckworth, P.C., 2045 Westgate  
Drive, Suite 404, Bethlehem, PA  
18017

Attorneys: Timothy J.  
Duckworth, Esquire, Mosebach,  
Funt, Dayton & Duckworth,  
P.C., 2045 Westgate Drive, Suite  
404, Bethlehem, PA 18017

**McCOY, MELISSA ANN,** dec'd.

Late of Forks Township, North-  
ampton County, PA

Administratrix: Melanie McCoy  
c/o Marissa R. Harper, Esquire,  
Zator Law, 4400 Walbert Avenue,  
Allentown, PA 18104

Attorneys: Marissa R. Harper,  
Esquire, Zator Law, 4400  
Walbert Avenue, Allentown, PA  
18104

**MORROW, GERALD J.,** dec'd.

Late of Northampton, Northamp-  
ton County, PA

Executors: Daniel Morrow and  
Jane Morrow c/o Steven  
Bergstein, Esquire, Engel,  
Wiener, Bergstein & Fleischaker,  
825 North 12th Street, Allentown,  
PA 18102

Attorneys: Steven Bergstein,  
Esquire, Engel, Wiener, Bergstein  
& Fleischaker, 825 North 12th  
Street, Allentown, PA 18102

**PAGOTTO, ELSA L.,** dec'd.

Late of the Borough of Pen Argyl,  
Northampton County, PA

Executrix: Kathleen Emma Scott  
c/o Hon. Leonard N. Zito (Ret.),

Florio Perrucci Steinhardt &  
Cappelli, LLC, 60 West Broad  
Street, Suite 102, Bethlehem, PA  
18018

Attorneys: Hon. Leonard N. Zito  
(Ret.), Florio Perrucci Steinhardt  
& Cappelli, LLC, 60 West Broad  
Street, Suite 102, Bethlehem, PA  
18018

**ROTH, GERALDINE M.,** dec'd.

Late of North Catasauqua, North-  
ampton County, PA

Co-Executors: Evelyn D. Paulus  
and Harrison Kline, Jr. c/o  
Noonan Law Office, 526 Walnut  
Street, Allentown, PA 18101-  
2394

Attorneys: Noonan Law Office,  
526 Walnut Street, Allentown,  
PA 18101-2394

**SENSKI, WILLIAM M.,** dec'd.

Late of the Borough of Heller-  
town, Northampton County, PA  
Executor: William M. Senski c/o  
Bradford D. Wagner, Esquire,  
662 Main Street, Hellertown, PA  
18055-1726

Attorney: Bradford D. Wagner,  
Esquire, 662 Main Street, Heller-  
town, PA 18055-1726

**SIFTAR, JEAN H.,** dec'd.

Late of Bethlehem, Northampton  
County, PA

Executrix: Katherine R. Huber  
c/o Fitzpatrick Lentz & Bubba,  
P.C., Two City Center, 645 West  
Hamilton Street, Suite 800,  
Allentown, PA 18101

Attorneys: Fitzpatrick Lentz &  
Bubba, P.C., Two City Center,  
645 West Hamilton Street, Suite  
800, Allentown, PA 18101

**SIMONS, JOANNE M.,** dec'd.

Late of Palmer Township, North-  
ampton County, PA

Executor: Claude W. Simons, Jr.  
c/o Ralph J. Bellafatto, Esquire,  
4480 William Penn Highway,  
Easton, PA 18045  
Attorney: Ralph J. Bellafatto,  
Esquire, 4480 William Penn  
Highway, Easton, PA 18045

**STOKES, ROSS V.,** dec'd.

Late of the Borough of Nazareth,  
Northampton County, PA  
Executor: Gregory P. Stokes c/o  
Goudsouzian & Associates, 2940  
William Penn Highway, Easton,  
PA 18045-5227  
Attorneys: Goudsouzian & Asso-  
ciates, 2940 William Penn  
Highway, Easton, PA 18045-  
5227

**TALPAS, MARY A.,** dec'd.

Late of the Township of Bushkill,  
Northampton County, PA  
Executor: Martin A. Talpas, Jr.  
c/o Peters, Moritz, Peischl,  
Zulick, Landes & Brienza, LLP,  
1 South Main Street, Nazareth,  
PA 18064  
Attorneys: Peters, Moritz, Peischl,  
Zulick, Landes & Brienza, LLP,  
1 South Main Street, Nazareth,  
PA 18064

**TARPEY, JAMES V.,** dec'd.

Late of Plainfield Township,  
Northampton County, PA  
Executor: David James Tarpey  
c/o Kristin M. Harvey, Esquire,  
Knafo Law Offices, LLC, 2740  
Nazareth Rd., Easton, PA 18045  
Attorneys: Kristin M. Harvey,  
Esquire, Knafo Law Offices, LLC,  
2740 Nazareth Rd., Easton, PA  
18045

**WERNER, LEO H.,** dec'd.

Late of the Township of Hanover,  
Northampton County, PA  
Executors: Kelly Lee Werner,  
9051 River Crescent, Suffolk, VA

23433 and Kristi A. Wert, 3175  
Penn Dixie Road, Nazareth, PA  
18064

Attorney: Paul J. Harak, Esquire,  
1216 Linden Street, P.O. Box  
1409, Bethlehem, PA 18016

---

**NOTICE OF ANNUAL MEETING**

NOTICE IS HEREBY GIVEN that  
the Annual Meeting of the members  
of Nazareth Mutual Insurance  
Company will be held at the office of  
the Company, 114 South Main Street,  
Nazareth, Pennsylvania, on Saturday,  
March 14, 2020 at ten o'clock a.m.,  
local time, for:

1. Election of three directors, each  
to serve for a three-year term; and

2. The transaction of such other  
business as may properly come before  
the meeting.

3. Proxy ballots are available and  
may be obtained from the company  
by policyholder request and submitted  
prior to the above date.

4. Financial statements are  
available from the company by poli-  
cyholder request.

John G. Abbott

Chairman

Attest: Kathleen Wapinski, Secretary  
Feb. 13, 20, 27

---

**LIMITED LIABILITY COMPANY  
NOTICES**

NOTICE IS HEREBY GIVEN that  
a Certificate of Organization for a  
Domestic Limited Liability Company  
has been filed on February 5, 2020  
with the Department of State of the  
Commonwealth of Pennsylvania, at  
Harrisburg, Pennsylvania, for the  
purposes of obtaining a Certificate of  
Organization of a proposed domestic  
limited liability company to be  
organized under the provisions of the  
Pennsylvania Limited Liability  
Company Law of 1994, 15 Pa. C.S.  
§8901 et seq., and any successor

statute, as amended from time to time.

The name of the limited liability company is:

**AJ COMPAGNOLA LLC**

Alfred S. Pierce, Esquire  
Pierce & Steirer, LLC  
124 Belvidere Street  
Nazareth, PA 18064

Feb. 20

NOTICE IS HEREBY GIVEN that a Certificate of Organization for a Domestic Limited Liability Company has been filed on February 5, 2020 with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purposes of obtaining a Certificate of Organization of a proposed domestic limited liability company to be organized under the provisions of the Pennsylvania Limited Liability Company Law of 1994, 15 Pa. C.S. §8901 et seq., and any successor statute, as amended from time to time.

The name of the limited liability company is:

**CLK PROPERTY  
MANAGEMENT LLC**

Alfred S. Pierce, Esquire  
Pierce & Steirer, LLC  
124 Belvidere Street  
Nazareth, PA 18064

Feb. 20

**NOTICE FOR CHANGE OF NAME**

NOTICE IS HEREBY GIVEN that on February 10, 2020, the petition of Neliz Neraida Ruiz was filed in Northampton County Court of Common Pleas at No. C-48CV2020-001289 seeking to change name of Petitioner from Neliz Neraida Ruiz to Nellie Maria Perez. The court has fixed Tuesday, April 14, 2020 at 9 a.m., in courtroom #4 at the Northampton County Courthouse as date for hearing of the Petition. All persons

interested in the proposed change of name may appear and show cause, if any, why the prayer of the Petitioner should not be granted.

Feb. 20

**IN THE COURT OF COMMON  
PLEAS OF NORTHAMPTON  
COUNTY, PENNSYLVANIA  
SHELDON D'COSTA**

vs.

TREEZA ANTHONY

**NO. C0048CV2018-10636**

Notice is given that the above was named as Defendant in a Divorce action filed by Plaintiff. Plaintiff filed an Affidavit Under 3301(d) of the Divorce Code. Should you wish, you may view a copy of this Affidavit in the Northampton County Prothonotary's Office. You are notified if you wish to deny any of the statements set forth in this affidavit, you must file a counter-affidavit within twenty days from the date of this publication or the statements in the 3301(d) Affidavit will be admitted and a divorce decree may be entered. The Counter-Affidavit may be found by visiting [nccpa.org/forms/divorce](http://nccpa.org/forms/divorce) or by contacting the attorney listed below. You are warned that should you fail to file a Counter-Affidavit, the case may proceed without you and a decree in Divorce may be entered. You may lose money, property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Northampton County  
Lawyer Referral Service  
P.O. Box 4733  
Easton, PA 18043-4733  
(610) 258-6333

LISA M. SPITALE, ESQUIRE  
680 Wolf Avenue  
Easton, PA 18042  
(610) 258-3757

Feb. 20

**COURT OF COMMON  
PLEAS, NORTHAMPTON  
COUNTY, PENNSYLVANIA  
CIVIL ACTION—LAW**

NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE  
NATIONSTAR MORTGAGE LLC  
d/b/a CHAMPION  
MORTGAGE COMPANY

Plaintiff

v.

UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS AND ALL PERSONS,  
FIRMS OR ASSOCIATIONS  
CLAIMING RIGHT, TITLE OR  
INTEREST FROM OR UNDER  
CAROL HAYDT a/k/a  
CAROL A. HAYDT a/k/a  
CAROL A. SCHAFFER

Defendants

**NO. C-48-CV-2020-00252**

COMPLAINT IN  
MORTGAGE FORECLOSURE

To: UNKNOWN HEIRS, SUCCE-  
SORS, ASSIGNS AND ALL  
PERSONS, FIRMS OR ASSOCIA-  
TIONS CLAIMING RIGHT, TITLE  
OR INTEREST FROM OR UNDER  
CAROL HAYDT a/k/a CAROL A.  
HAYDT a/k/a CAROL A.  
SCHAFFER, Defendant(s), 3890  
BANYAN DRIVE, DANIELSVILLE,  
PA 18038

You are hereby notified that  
Plaintiff, NATIONSTAR MORTGAGE  
LLC d/b/a CHAMPION MORTGAGE  
COMPANY, has filed a Mortgage  
Foreclosure Complaint endorsed with  
a Notice to Defend, against you in the  
Court of Common Pleas of NORTH-  
AMPTON County, PA docketed to No.  
C-48-CV-2020-00252, seeking to  
foreclose the mortgage secured on

your property located, 3890 BANYAN  
DRIVE, DANIELSVILLE, PA 18038.

**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 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  
THE INFORMATION ABOUT  
AGENCIES THAT MAY OFFER  
LEGAL SERVICES TO ELIGIBLE  
PERSONS AT A REDUCED FEE OR  
NO FEE.

Lawyer Referral Service  
P.O. Box 4733  
Easton, PA 18043-4733  
(610) 258-6333

JENINE DAVEY, ESQUIRE  
ID No. 87077  
RAS CITRON, LLC  
Attorneys for Plaintiff

133 Gaither Drive  
Suite F  
Mt. Laurel, NJ 08054  
(855) 225-6906

Feb. 20

### **SHERIFF'S SALE OF VALUABLE REAL ESTATE**

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on MARCH 6, 2020, at ten o'clock a.m. in the COUNCIL CHAMBERS, THIRD FLOOR, of the Northampton County Government Center, within the City of Easton, County of Northampton and State of Pennsylvania.

PLEASE TAKE NOTICE that the sale price will include only the outstanding taxes certified to the Sheriff's Office. Any taxes not reported to the Sheriff are the responsibility of the purchaser.

#### **No. C-48-CV-2009-03177**

WELLS FARGO BANK,  
NATIONAL ASSOCIATION ET AL.

vs.

EDWARD G. RULAND

#### ***Property Address:***

4155 Easton Avenue, Bethlehem,  
PA 18018

#### ***UPI/Tax Parcel Number:***

M7/14/8D/0205

All those certain tracts, pieces or parcels of land situate, lying and being in Bethlehem Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Edward G. Ruland by deed from Edward G. Ruland and Bertha A. Ruland, his wife, said deed recorded 5/20/1988 in Deed Book 747, page 1124.

Thereon being erected a ranch-style single dwelling with brick exterior/aluminum siding, shingle roof and a detached three-car garage.

#### **No. C-48-CV-2013-03022**

WELLS FARGO BANK,  
NATIONAL ASSOCIATION, AS  
TRUSTEE ET AL.

vs.

ANTRON FLOWERS, UNITED  
STATES OF AMERICA

#### ***Property Address:***

2915 Whitewood Road, Bethlehem,  
PA 18017

#### ***UPI/Tax Parcel Number:***

N6NW1/1/2/0214

All that certain lot or parcel of ground situate in Hanover Township, Northampton County, Pennsylvania.

Title to said premises is vested in Antron Flowers, unmarried, by deed from Audrey L. George, widow, said deed recorded 7/3/2002 in Deed Book 2002-1, Page 173017.

Thereon being erected a ranch-style single dwelling with wood/brick exterior, shingle roof, attached two-car garage and an in-ground pool.

#### **No. C-48-CV-2016-01399**

WELLS FARGO BANK, NA

vs.

DONALD F. MELVIN,  
RENEE M. CHADWICK-MELVIN

#### ***Property Address:***

1240 Island Park Road, Easton,  
PA 18042-9523

#### ***UPI/Tax Parcel Number:***

N8/12/4A/0836

All that certain parcel of land situate in Williams Township, Northampton County, Pennsylvania.

Title to said premises is vested in Donald F. Melvin and Renee M. Chadwick-Melvin, h/w, by deed from Larry A. Sgarlata and Sandra M. Sgarlata, said deed recorded 5/14/2013 in Deed Book 2013-1, Page 122947.

Thereon being erected a two-story single dwelling with vinyl siding/brick exterior, shingle roof and an attached two-car garage.

#### **No. C-48-CV-2017-10358**

FEDERAL NATIONAL  
MORTGAGE ASSOCIATION

vs.

LORI ANNE McGUIRE,  
MARK McGUIRE

**Property Address:**

2716 Auburn Avenue, Easton, PA  
18045

**UPI/Tax Parcel Number:**

L8NW2/7/2/0324

All that certain lot or tract of land on the south side of Auburn Avenue in Palmer Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Mark McGuire and Lori Anne McGuire, h/w, by deed from Michael R. Schultz and Karen M. Schultz, h/w, said deed recorded 10/4/1993 in Deed Book 911, page 398.

Thereon being erected a ranch-style single dwelling with brick exterior/vinyl siding, shingle roof and an attached one-car garage.

**No. C-48-CV-2018-02785**

FULTON BANK, N.A. ET AL.

vs.

EDWIN M. FELICIANO, KNOWN HEIR, ALL OF THE UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER EDWIN FELICIANO, JR., DECEASED MORTGAGOR

**Property Address:**

532 Hayes Street, Bethlehem, PA  
18015

**UPI/Tax Parcel Number:**

P6SE2D/3/15/0204

All that certain lot or piece of ground situated in Bethlehem City, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Edwin Feliciano, Jr. by deed from Housing Opportunity Counsel, Inc., a Pennsylvania non-profit corporation, said deed recorded 9/10/2009 in Deed Book 2009-1, page 235365. The said Edwin Feliciano, Jr. departed this earth on or about 5/28/2016.

Thereon being erected a two-story row home dwelling with brick exterior and shingle roof.

**No. C-48-CV-2018-03187**

PNC BANK, NATIONAL  
ASSOCIATION ET AL.

vs.

NICOLE M. TREXLER,  
GREGORY N. TREXLER, JR.

**Property Address:**

3624 Strauss Avenue, Bethlehem,  
PA 18015-5336

**UPI/Tax Parcel Number:**

Q6SW2/11/2/0719

All that certain tract of land situate on the west side of Strauss Avenue in Lower Saucon Township, Northampton County, Pennsylvania.

Title to said premises is vested in Gregory N. Trexler, Jr. and Nicole M. Trexler, as tenants by the entirety, by deed from Kay A. Kern, said deed recorded 6/6/2011 in Deed Book 2011-1, Page 117800.

Thereon being erected a bi-level single dwelling with vinyl siding/brick exterior, shingle roof and an attached two-car garage.

**No. C-48-CV-2018-05698**

PNC BANK, NATIONAL  
ASSOCIATION ET AL.

vs.

REBECCA A. GROLLER,  
ADMINISTRATRIX AND KNOWN HEIR TO THE ESTATE OF JEFFREY SCOTT GROLLER a/k/a JEFFREY S. GROLLER, DECEASED, UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER JEFFREY SCOTT GROLLER a/k/a JEFFREY S. GROLLER, DECEASED, ESTATE OF JEFFREY SCOTT GROLLER



**Property Address:**

5839 Sullivan Trail, Nazareth, PA  
18064

**UPI/Tax Parcel Number:**

H8NW3/4/10/0626

All those certain messuages or tenement and tracts or piece of land situate in Plainfield Township, Northampton County, Pennsylvania.

Title to said premises is vested in Jeffrey S. Groller, Deceased, by deed from Mark A. Stempien and Donna M. Stempien, h/w, said deed recorded 5/11/2004 in Deed Book 2004-1, Page 178152. The said Jeffrey S. Groller departed this life on 7/25/2017. Estate No. 48-17-1026 was filed with the Register of Wills of Northampton County naming Rebecca A. Groller as Administratrix to the Estate of Jeffrey Scott Groller a/k/a Jeffrey S. Groller.

Thereon being erected a two-story half-double dwelling with vinyl siding, shingle roof and a detached one-car garage.

---

**No. C-48-CV-2018-09752**

JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION

vs.

COREY WILLIAMS

**Property Address:**

316 Blaine Street, Bangor, PA  
18013-2108

**UPI/Tax Parcel Number:**

D10SW1C/5/4/0109

All that certain lot situate on the northwest corner of Sampson and Blaine Streets in East Bangor Borough, Northampton County, Pennsylvania.

Title to said premises is vested in Corey Williams by deed from Carolyn Leidy, Executrix of the Estate of Frank E. Thompson and Carolyn Leidy, individually, said deed recorded 5/4/2011 in Deed Book 2011-1, page 94356.

Thereon being erected a colonial-style single dwelling with vinyl siding, shingle roof and a detached one-car garage.

---

**No. C-48-CV-2018-11240**

NATIONS LENDING  
CORPORATION ET AL.

vs.

MICHAEL EARL FREI,  
TINALEE FREI

**Property Address:**

336 South 3rd Street, Bangor, PA  
18013-2522

**UPI/Tax Parcel Number:**

E9NE4B/3/7/0102

All that certain message, tenement and lot or piece of ground situate on the westerly side of South 3rd Street in the 3rd Ward of Bangor Borough, Northampton County, Pennsylvania.

Title to said premises is vested in Michael Earl Frei and Tinallee Frei, h/w, by deed from Mark Brown, said deed recorded 6/30/2016 in Deed Book 2016-1, page 132231.

Thereon being erected a cape cod-style single dwelling with vinyl siding and shingle roof.

---

**No. C-48-CV-2019-00928**

CARRINGTON MORTGAGE  
SERVICES, LLC

vs.

CHRISTIAN W. HORVATH,  
MISTY LEE HORVATH

**Property Address:**

1116 North New Street, Bethlehem,  
PA 18018

**UPI/Tax Parcel Number:**

N6SE4D/6/6/0204

All that certain lot or piece of land with the message or tenement, situate, lying and being in the 9th Ward of Bethlehem City, Northampton County, Pennsylvania.

Being the same premises conveyed to Christian W. Horvath and Misty L.



Horvath, h/w, by deed from Albert R. DeAngelis, Jr. and Sharon DeAngelis, h/w, said deed recorded 10/24/2008 in Deed Book 2008-1, Page 289529.

Thereon being erected a two-story townhouse dwelling with brick exterior, shingle roof and a detached two-car garage.

---

**No. C-48-CV-2019-02117**

U.S. BANK  
NATIONAL ASSOCIATION, AS  
TRUSTEE ET AL.

vs.

KENNY T. NGUYEN

***Property Address:***

3103 Applewood Drive, Bethlehem,  
PA 18020

***UPI/Tax Parcel Number:***

M7/17B/3/0205

All that certain message, tenement and lot or parcel of land situate on the east side of Washington Street and the west side of Applewood Drive in Bethlehem Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Kenny T. Nguyen by deed from Quang M. Vo, married, said deed recorded 12/19/2005 in Deed Book 2005-1, Page 510953.

Thereon being erected a two-story single dwelling with vinyl siding, slate roof, attached two-car garage and shed.

---

**No. C-48-CV-2019-03352**

LAKEVIEW LOAN SERVICING, LLC

vs.

RENEE SAYLOR

***Property Address:***

1016 Main Street, Northampton,  
PA 18067-1605

***UPI/Tax Parcel Number:***

M4NW2D/12/3/0522

All that certain message, tenement, lot or piece of ground situate in the 3rd Ward of Northamp-

ton Borough, Northampton County, Pennsylvania.

Title to said premises is vested in Renee Saylor, a single person, by deed from Dennis D. Warnken and Lisa S. Hochrine, h/w, said deed recorded 7/7/2010 in Deed Book 2010-1, Page 132217.

Thereon being erected a two-story single dwelling with aluminum siding and shingle roof.

---

**No. C-48-CV-2019-03612**

EMBRACE HOME LOANS, INC.

vs.

ROBERTO J. SANCHEZ,  
ZULMARI RIVERA

***Property Address:***

689 Long Lane Road, Walnutport,  
PA 18088

***UPI/Tax Parcel Number:***

J2/21/5A/0516

All that certain piece, parcel or tract of land situate in Lehigh Township, Northampton County, Pennsylvania.

Title vested in Roberto J. Sanchez and Zulmari Rivera, as tenants by the entirety, by deed from Joan C. Sherwood, said deed recorded 12/5/2016 in Deed Book 2016-1, Page 262737.

Thereon being erected a ranch-style single dwelling with brick exterior and slate roof.

---

**No. C-48-CV-2019-03720**

MIDFIRST BANK

vs.

NICOLE WILDONER a/k/a  
NICOLE MARIE JEDREYCZYK

***Property Address:***

462 East 10th Street, Northamp-  
ton, PA 18067

***UPI/Tax Parcel Number:***

M4NE1D/1/4/0522

All that certain piece or parcel of land situate on the south side of 10th

Street in Northampton Borough, Northampton County, Pennsylvania.

Being the same property conveyed to Nicole Wildoner by deed from Bruce L. Keefer and Patricia A. Keefer, said deed recorded 10/19/2007 in Deed Book 2007-1, Page 385361.

Thereon being erected a two-story townhouse dwelling with brick exterior, slate roof and a detached one-car garage.

---

**No. C-48-CV-2019-04266**

LPP MORTGAGE, INC. ET AL.

vs.

BRYAN P. JENNINGS

***Property Address:***

217 Chestnut Street, Bangor, PA 18013

***UPI/Tax Parcel Number:***

E9NE2D/11/15/0102

All that certain lot or piece of ground situate on the north side of Chestnut Street in Bangor Borough, Northampton County, Pennsylvania.

Being the same property conveyed to Bryan P. Jennings by deed from Betty L. Jennings, said deed recorded 5/5/2003 in Deed Book 2003-1, Page 159141.

Thereon being erected a two-story single dwelling with vinyl siding and slate roof.

---

**No. C-48-CV-2019-04674**

PNC BANK, NATIONAL  
ASSOCIATION ET AL.

vs.

TAMMY L. HECKMAN

***Property Address:***

8 Kessler Street, Nazareth, PA 18064

***UPI/Tax Parcel Number:***

J8NW4/12/2/0432

All that certain message or tenement and lots or tracts of land situate in Upper Nazareth Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Tammy L. Heckman by deed from Barry L. Rennie and Sandra K. Dague, said deed recorded 4/1/2005 in Deed Book 2005-1, Page 114753.

Thereon being erected a bi-level single dwelling with aluminum siding, shingle roof and a detached one-car garage.

---

**No. C-48-CV-2019-06041**

U.S. BANK NATIONAL  
ASSOCIATION, AS INDENTURE  
TRUSTEE ET AL.

vs.

TRACEY O'GORMAN

***Property Address:***

1439 Church Road, Wind Gap, PA 18091

***UPI/Tax Parcel Number:***

G6/13/3B/0406

All that certain tract or parcel of land situate in Bushkill Township, Northampton County, Pennsylvania.

Being the same premises conveyed to Tracey O'Gorman, unmarried, by deed from Scott A. Baltz and Deborah A. Baltz, h/w, said deed recorded 1/26/2007 in Deed Book 2007-1, Page 36340.

Thereon being erected a bi-level single dwelling with vinyl siding/brick exterior and slate roof.

---

**No. C-48-CV-2019-06048**

NATIONSTAR  
MORTGAGE LLC ET AL.

vs.

JILL J. KRATZER

***Property Address:***

4136 Butternut Drive, Walnutport, PA 18088

***UPI/Tax Parcel Number:***

H3/10/6A/0516

All that certain parcel of land or lot situate in Lehigh Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Edward S. Kratzer

and Jill J. Kratzer, h/w, by deed from Edward S. Kratzer and Jill J. Kratzer, his wife, said deed recorded 7/16/1993 in Deed Book 903, Page 5. The said Edward S. Kratzer departed this life on 1/20/2001 thereby vesting title solely to Jill J. Kratzer.

Thereon being erected a ranch-style single dwelling with aluminum siding, shingle roof and an attached one-car garage.

---

**No. C-48-CV-2019-06320**

M&T BANK ET AL.

vs.

PEDRO A. REYES

**Property Address:**

1148 East 4th Street Rear,  
Bethlehem, PA 18015

**UPI/Tax Parcel Number:**

P6SE2B/11/2A/0204

All that certain messuage, lot or piece of land situated on the south side of East 4th Street in Bethlehem City, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Pedro A. Reyes, single man, by deed from Pedro A. Reyes and Linda J. Reyes, formerly husband and wife, said deed recorded 4/9/1999 in Deed Book 1999-1, Page 49555.

Thereon being erected a two-story single dwelling with vinyl siding, shingle roof and a detached two-car garage.

---

**No. C-48-CV-2019-07007**

LOANCARE LLC

vs.

JONATHAN P. TOCCI

**Property Address:**

328 East Goepf Street, Bethlehem,  
PA 18018-4120

**UPI/Tax Parcel Number:**

P6NE2A/7/3/0204

All that certain messuage, tenement and lot or piece of ground situate in Bethlehem City, Northampton County, Pennsylvania.

Title to said premises is vested in Jonathan P. Tocci by deed from Jonathan P. Tocci and Jessica A. Vertilla a/k/a Jessica A. Tocci, said deed recorded 2/27/2017 in Deed Book 2017-1, Page 40652.

Thereon being erected a two-story townhouse dwelling with vinyl siding, shingle roof and a detached one-car garage.

---

**No. C-48-CV-2019-07759**

NATIONSTAR

MORTGAGE LLC ET AL.

vs.

RICHARD T. SEAMAN

**Property Address:**

1420 Oakwood Drive, Bethlehem,  
PA 18017

**UPI/Tax Parcel Number:**

N6NW1/2/19A/0214

All that certain lot or parcel of ground situate in Hanover Township, Northampton County, Pennsylvania.

Title to said premises is vested in Richard T. Seaman by deed from Wilma C. Seaman, widow, said deed recorded 9/8/2000 in Deed Book 2000-1, Page 117413.

Thereon being erected a ranch-style single dwelling with brick exterior, slate roof and an attached one-car garage.

---

**No. C-48-CV-2019-08201**

BANK OF NEW YORK

MELLON TRUST COMPANY, N.A.,  
AS TRUSTEE ET AL.

vs.

VICTORIA G. ROBERTS,  
EXECUTRIX OF THE  
ESTATE OF THOMAS FRANK  
FENTZLAFF, ESTATE OF  
THOMAS FRANK FENTZLAFF

**Property Address:**

680 Million Dollar Highway,  
Bangor, PA 18013

**UPI/Tax Parcel Number:**

C10/7/12A/0131

All that certain tract of land situate in Upper Mount Bethel Township, Northampton County, Pennsylvania.

Being the same premises granted and conveyed unto Thomas Frank Fentzlaff by deed from Anna Fentzlaff, said deed recorded 5/12/1988 in Deed Book 747, Page 613. The said Thomas Frank Fentzlaff departed this life on or about 3/22/2019 thereby vesting title unto Victoria G. Roberts, Executrix of the Estate of Thomas Frank Fentzlaff.

Thereon being erected a ranch-style single dwelling with vinyl siding/brick exterior, shingle roof, detached storage facility, barn and post & beam building.

**No. C-48-CV-2019-08217**

PENNSYLVANIA HOUSING  
FINANCE AGENCY

vs.

HELPYS TEJADA, MICHAEL RAM

**Property Address:**

1914 Freemansburg Avenue,  
Easton, PA 18042-5475

**UPI/Tax Parcel Number:**

L9SW3D/4/16/0837

All that certain lot of land situate, lying and being on the south side of Wilson Borough, Northampton County, Pennsylvania.

Title to said premises is vested in Helpys Tejada and Michael Ram by deed from Paul D. Ferency and Penny A. Ferency, h/w, said deed recorded 11/22/2011 in Deed Book 2011-1, Page 240927.

Thereon being erected a two-story single dwelling with white aluminum siding and shingle roof.

**No. C-48-CV-2019-08385**

BANK OF AMERICA, N.A. ET AL.

vs.

MARIA MELENDEZ-CRUZ

**Property Address:**

280 West Joseph Street, Easton,  
PA 18042

**UPI/Tax Parcel Number:**

L9SE3A/15/1/0310

All that certain lot or piece of land situate in Easton City, Northampton County, Pennsylvania.

Title to said premises is vested in Radames Melendez-Cruz and Maria Melendez-Cruz a/k/a Maria J. Melendez a/k/a Maria Melendez by deed from Regina M. Deanehan, Executrix of the Last Will and Testament of Arthur E. Bowman, Deceased and Regina M. Deanehan, Individually and Charles F. Renz and Carol Renz, his wife, said deed recorded 7/1/1997 in Deed Book 1997-1, Page 069014. The said Radames Melendez-Cruz departed this life on 7/26/2018, whereupon, title vested in Maria Melendez-Cruz a/k/a Maria J. Melendez a/k/a Maria Melendez, his wife.

Thereon being erected a two-story single dwelling with white aluminum siding, shingle roof and a detached two-car garage.

A Schedule of Distribution will be filed by the Sheriff thirty days from the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten days from the date of filing the Schedule of Distribution.

RICHARD H. JOHNSTON

Sheriff

Northampton County,

Pennsylvania

DAVID J. CERAUL, ESQUIRE

Solicitor to the Sheriff

Feb. 13, 20, 27

**ATTORNEY—OF COUNSEL POSITION**

Steckel and Stopp, a Law Firm with four offices in the suburban Lehigh Valley area, is accepting applications for an “Of Counsel” attorney to complement and/or supplement the Firm’s current practice areas. For a complete list of practice areas, please refer to our website at: [www.steckelandstopp.com](http://www.steckelandstopp.com).

Applications can be submitted confidentially to Office Manager at 125 South Walnut Street, Suite 210, Slatington, PA 18080.

Feb. 20

---

**PART-TIME LEGAL SECRETARY/RECEPTIONIST**

Part-time (3 days per week—Mon., Wed. & Fri. with potential for full-time) legal secretary/receptionist needed in a busy general practice law firm in Palmerton. Legal experience required. Must possess good telephone, typing, computer and organizational skills, and a *good work ethic*. Must be able to work independently and also have good people skills. Pay is commensurate with experience. Serious applicants only. Resumes can be sent to: P.O. Box 195, Palmerton, PA 18071.

Feb. 20

**FULL-TIME LITIGATION ATTORNEY**

KingSpry, an equal opportunity Lehigh Valley law firm, seeks a full-time Litigation Attorney for our insurance defense department. Candidate should have at least three (3) years' experience. Candidate should have a litigation background, be capable of working independently, be a self-starter, have strong resolution facilitation skills and work effectively with clients and others in the firm. Candidate must have excellent written and oral communication skills, be detail oriented and highly proficient in Microsoft Office.

Excellent benefit package available.

Resume and cover letter required, attention Sarah O'Steen at [sosteen@kingspry.com](mailto:sosteen@kingspry.com) or fax to (610) 332-0314.

Required License: PA Bar License.

Job Type: Full-time.

Feb. 13, 20

---

**LEGAL AID ATTORNEY NEEDED FOR  
MEDICAL-LEGAL PROJECT**

North Penn Legal Services is seeking an attorney for the Medical-Legal Project located in Allentown. This is a full-time North Penn staff position with an excellent benefit package. The MLP Attorney works in Allentown but is considered part of the Bethlehem staff. To apply and for more information go to [www.northpennlegal/about/careers](http://www.northpennlegal/about/careers).  
EOE.

Feb. 13, 20

**ZONING HEARING BOARD SOLICITOR AND  
TOWNSHIP ALTERNATE SOLICITOR**

Washington Township, Northampton County, will be accepting letters of interest for the Zoning Hearing Board Solicitor and the Township Alternate Solicitor.

Please indicate if you are interested in either or both positions.

Please submit your interest to [Wtbsassistant@epix.net](mailto:Wtbsassistant@epix.net) through March 6, 2020.

Feb. 20, 27



## **Lawyers Concerned For Lawyers Lawyers Only Recovery Meetings**

### **Substance Use Only Recovery Meetings**

Allegheny County  
Berks County  
Lackawanna County

### **Substance Use and Mental Health Recovery Meetings:**

Delaware County  
Erie County  
Cumberland County  
Montgomery County  
Northampton County  
Philadelphia County  
Centre County  
Washington County

*These are “closed meetings”—that is, only lawyers recovering from or trying to recover from alcohol, other drug or gambling problems may attend.*

### **Stress, Anxiety and Depression**

For more information, time and location of these meetings, call the LCL Administrative Office  
(1-800-335-2572)

or

the Confidential Lawyers’ Helpline  
(1-888-999-1941).

**COMMONWEALTH of PENNSYLVANIA v.  
PETER MEDVE, Defendant**

*Suppression—Statements—Physical Evidence—Warrant—Stale—Particularity—Overbreadth—Computer—Electronic—Child Pornography—Miranda.*

The Court denied Defendant's motion to suppress physical evidence obtained from a search of computer equipment seized at his apartment, finding that the information upon which the search warrant was based was not stale in light of the circumstances and the crimes in question. Furthermore, the Court found that the search warrant did not lack particularity, in light of the limitations inherent to a warrant application for computer equipment. Finally, the Court found that the warrant was not overbroad, insofar as only a search for specific, criminal content was permitted. The Court further denied Defendant's motion to suppress his statements to police, where he was repeatedly advised of his *Miranda* rights and made a knowing, intelligent, and voluntary waiver thereof.

In the Court of Common Pleas of Northampton County, Pennsylvania,  
Criminal Division—Law—No. CP-48-CR-01518-2016.

ANGELA RAVER, ESQUIRE, DEPUTY ATTORNEY GENERAL, for the Commonwealth.

PHILIP LAUER, ESQUIRE, for Defendant.

Order of the Court entered on October 4, 2019 on ROSCIOLI, J.

*ORDER*

AND NOW, this 4th day of October 2019, upon consideration of the Commonwealth's Motion for Leave to Amend Information, the Defendant's Omnibus Pretrial Motions, and the parties' respective responses thereto, and following a hearing, it is hereby ORDERED as follows:

1. The Commonwealth's Motion for Leave to Amend Information is GRANTED, by agreement of the Defendant;

2. Defendant's Motion to Suppress Statements is DENIED, for the reasons set forth below;

3. Defendant's Application for Production of "*Brady* Material" is DISMISSED AS MOOT, whereas counsel agree the production of all such evidence has been accomplished;

4. Defendant's Motion to Suppress Physical Evidence is DENIED, for the reasons set forth below;

5. Defendant's Motion for Supplemental Discovery is GRANTED, by agreement of the Commonwealth. The Commonwealth's reciprocal request for discovery is GRANTED. Defendant shall furnish his expert report to the Commonwealth by October 31, 2019;

6. Defendant's Petition for *Habeas Corpus* is DENIED, as Defendant waived any such motion at the time of his preliminary hearing, pursuant to Pa.R.Crim.P. 541;

7. Defendant's Motion for Return of Property is WITHDRAWN by the Defendant, WITHOUT PREJUDICE;

8. Defendant's Motion to Continue Trial is GRANTED, by agreement of the Commonwealth. The trial is continued from October 28, 2019. A new trial date, to be approved by President Judge Koury, is forthcoming;

9. Defendant's Motion for Permission to File Additional Pre-trial Motions is WITHDRAWN by the Defendant.

#### STATEMENT OF REASONS

Defendant herein is charged with one count of Sexual Abuse of Children, Distribution of Child Pornography—18 Pa. C.S. §6312(c); 315 counts of Sexual Abuse of Children, Possession of Child Pornography—18 Pa. C.S. §6312(d); and one count of Criminal Use of a Communication Facility—18 Pa. C.S. §7512(a), all of which are related to the discovery of images of child pornography contained on certain computing devices owned by him and maintained in his residence. Those images were located after a search of computer equipment seized from Defendant's home at 404 Seneca Street, Apartment B, Bethlehem, Pennsylvania on March 2, 2015, pursuant to a warrant issued that day by Magisterial District Judge Nancy Matos Gonzalez. That warrant was issued following consideration of an affidavit of probable cause authored and sworn by Special Agent Daniel Block of the Pennsylvania Office of Attorney General. In his Motion to Suppress Physical Evidence, Defendant contends that any and all evidence obtained as a result of the search of his home at 404 Seneca Street must be dismissed because the warrant was improperly obtained by law enforcement. More specifically, Defendant contends that the warrant was impermissibly issued on the basis of stale information, that the description in the affidavit of items to be seized and searched lacked sufficient particularity and was overbroad, and that the search itself was overbroad. Following the search of Defendant's residence, Special Agents Daniel Block and Justin Leri travelled to Defendant's place of business in order to speak with him. He was ultimately questioned and gave inculpatory statements. In his Motion to Suppress Statements, Defendant contends that any statements he made to law enforcement on March 2, 2015 must be suppressed, because they were made in violation of his right against self-incrimination.

*A. The Search Warrant Issued on March 2, 2015 for Defendant's Residence Was Supported by Probable Cause, and Was Neither Lacking in Particularity nor Overbroad. Accordingly, Defendant's Challenge to the Warrant Must Fail, and the Evidence Obtained As Fruits of That Search Will Not Be Suppressed.*

In reviewing Defendant's challenge to the search warrant in this case, as in each case in which a search warrant is challenged, we must determine whether there was probable cause to support the issuance of the warrant.

“Probable cause exists where the facts and circumstances within the affiant’s knowledge and of which he has reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that a search should be conducted.” *Commonwealth v. Jones*, 605 Pa. 188, 199, 988 A.2d 649, 655 (2010). In determining whether probable cause was present, we may only examine the “four corners” of the affidavit itself, and may not look to supporting information outside of the affidavit. *Commonwealth v. Ryerson*, 817 A.2d 510 (Pa. Super. 2003). Looking within those four corners, we must determine whether the totality of the circumstances stated therein naturally leads to the conclusion that a warrant should issue. Pursuant to the “totality of the circumstances” test set forth by the United States Supreme Court in *Gates*, “[t]he task of [an issuing authority] is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him [...] there is a fair probability that contraband or evidence of a crime will be found in a particular place.” *Commonwealth v. Gray*, 509 Pa. 476, 484, 503 A.2d 921, 925 (1985), citing *Illinois v. Gates*, 462 U.S. 213 (1983). It must be noted that in reviewing the issuance of the warrant, we are “not to conduct a *de novo* review of the issuing authority’s probable cause determination, but [...] determine whether or not there is substantial evidence in the record supporting the decision to issue the warrant.” *Jones*, *supra* at 200, 988 A.2d at 655.

“Settled Pennsylvania law establishes that stale information cannot provide probable cause in support of a warrant.” *Commonwealth v. Janda*, 14 A.3d 147, 158 (Pa. Super. 2011). While the age of the information is a factor in determining its staleness, age alone “does not determine staleness. The determination of probable cause is not merely an exercise in counting the days or even months between the facts relied on and the issuance of the warrant. Rather, we must also examine the nature of the crime and the type of evidence.” *Id.* at 159. In *Commonwealth v. Gomolekoff*, 910 A.2d 710 (Pa. Super. 2006), the Superior Court found that information that the defendant had sent numerous e-mails containing images of child pornography nine months prior to the issuance of the warrant was not stale, where the affiant indicated that it was typical for viewers of child pornography to maintain such images in computer files for long periods of time, and that forensic experts are often able to recover images that have been deleted by the user. In reaching this conclusion, the *Gomolekoff* court looked to Federal rulings in similar cases, citing with approval *United States v. Harvey*, 2 F.3d 1318 (3d Cir. 1993) and *United States v. Zimmerman*, 277 F.3d 426 (3d Cir. 2002): “In conducting our staleness analysis in *Harvey*, we also pointed to the fact that pedophiles rarely, if ever, dispose of child pornography. Many courts have similarly accorded weight to that fact. ... Presumably individuals will protect and retain child pornography for long periods of time because it is illegal and difficult to obtain.” *Gomolekoff*, *supra* at 714, quoting *Zimmerman*, *supra* at 434 (internal citations omitted). In *Com-*

*monwealth v. Hoppert*, 39 A.3d 358 (Pa. Super. 2012), the Superior Court again affirmed this analysis, concluding that a delay of eight months between the detection of e-mails containing child pornography and the application for a search warrant did not render the information in the application stale, where “the information sought was not easily disposable and there was a fair probability that [the internet service provider] had retained it.” *Id.* at 363. In reaching its conclusion as to the lack of staleness, the *Hoppert* court again relied upon the notions that child pornography is typically retained for lengthy periods by those who obtain it, and that even deleted images can be retrieved by forensic scientists.

Having reviewed the affidavit of probable cause sworn by Special Agent Block in this case, we believe that *Gomolekoff* and *Hoppert* compel the conclusion that the information therein was not stale. In the affidavit of probable cause, Block related, *inter alia*, that on September 14, 2019, Special Agent Smith conducted an online “investigation to identify those possessing and sharing child pornography using the eDonkey2000 file sharing network.” (Affidavit, p. 5.) During the course of that investigation, the focus was drawn to a device using IP address 64.121.125.83 to connect to the Internet. From 4:38 a.m. until 6:51 a.m. on September 15, 2014, Smith was able to connect to the computer using that IP address to download files being made publicly available by that device. Those files were part of a known, unique series of images and videos of child pornography. More specifically, Smith was able to download a video of “a prepubescent naked female child performing oral sex on an adult male. The video then transitions to the adult male masturbating while the child victim holds her tongue against his penis. [...] The child appears to be approximately 10 years old.” *Id.* After checking publicly available records through the American Registry of Internet Numbers, agents were able to determine that the IP address above was owned by RCN Telecom Services Lehigh Valley, LLC. On November 21, 2014, an Order was entered directing RCN to reveal the internet user assigned to that IP address on the date and times in question. On December 3, 2014, under the direction of RCN, Neustar, Inc. responded to the Order and indicated that IP address 64.121.125.83 was assigned to Peter Medve at 404 Seneca Street, Apartment B, Bethlehem, Pennsylvania from September 12, 2014 at 6:55 p.m. until September 19, 2014 at 6:55 p.m., which time frame included the period in question. On December 14, 2019, Block travelled to this address, and entered the large apartment building, observing a mailbox marked “MEDVE APT B.” In addition, another law enforcement officer conducted a CLEAR inquiry and determined that 404 Seneca Street, Apartment B, Bethlehem, Pennsylvania was the last known address of Peter Medve.

In addition, Block relates in his affidavit that “there are certain characteristics common to individuals involved in the receipt and collection of child pornography,” including, based upon his knowledge and experience,

the fact that “[c]ollectors of child pornography may collect sexually explicit or suggestive materials, in a variety of media,” the fact that they typically maintain these images “in the privacy and security of their home or some other secure location, such as a private office[.]” and the fact that “[c]hild pornography collectors typically retain [these items] for many years[.]” *Id.* at 8. Moreover, Block related that this particular user of the eDonkey2000 file sharing network had “a large collection of child pornography available on [the] network[.]”

Having considered the totality of this information set forth in Special Agent Block’s affidavit with a practical, common-sense eye, we believe that the issuing authority properly concluded that there was a fair probability that there would be evidence of a crime located in the Defendant’s residence. Accordingly, we will not suppress the evidence derived from the search of Defendant’s home on this basis.

Next, Defendant presents a challenge to the warrant based on lack of particularity and overbreadth. Defendant contends that the search warrant application sets forth “no particular description of the items to be searched for and seized. Rather, the application for the warrant describes the items to be searched for in a lengthy and all-inclusive listing of every possible kind of computer or electronic media, any and all computer software, any and all computer-related documentation, and any and all passwords and data security devices.” (Defendant’s Motion, p. 6.) Defendant also contends that the search itself was overbroad, insofar as “it appears that all hard drives from computer, thumb drives, and mobile devices were imaged and examined,” and “the procedure employed in the search of all of the computers and electronic storage devices violated the particularity requirements of the federal and state constitutions[.]” *Id.* at p. 7.

Article I, Section 8 of the Pennsylvania Constitution provides, in pertinent part: “[N]o warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause[.]”

It is a fundamental rule of law that a warrant must name or describe with particularity the property to be seized and the person or place to be searched. ... The particularity requirement prohibits a warrant that is not particular enough and a warrant that is overbroad. These are two separate, though related, issues. A warrant unconstitutional for its lack of particularity authorizes a search in terms so ambiguous as to allow the executing officers to pick and choose among an individual’s possessions to find which items to seize. This will result in the general ‘rummaging’ banned by the [F]ourth [A]mendment. ... A warrant unconstitutional for its overbreadth authorizes in clear or specific terms the seizure of an entire set of items, or documents, many of which will prove unrelated to the crime under inves-

tigation. ... An overboard warrant is unconstitutional because it authorizes a general search and seizure.

*Commonwealth v. Rivera*, 816 A.2d 282, 290 (Pa. Super. 2003) (internal citations omitted). However, the Pennsylvania Supreme Court has also instructed that search warrants must “be read in a common sense [sic] fashion and should not be invalidated by hypertechnical interpretations. This may mean, for instance, that when an exact description of a particular item is not possible, a generic description will suffice.” *Commonwealth v. Rega*, 593 Pa. 659, 684-85, 933 A.2d 997, 1012 (2007).

While Defendant’s arguments are well taken, they ignore the realities of search and seizure in the realm of digital evidence. In considering a challenge to a search of a USB hard drive seized upon issuance of a warrant seeking political donation lists, political handout templates, thank you notes, campaign letterhead, and judicial letterhead believed to be contained thereupon, the Superior Court found that seizure of the entire drive was appropriate where the search warrant application set forth with specificity the nature of the files sought, noting: “Given the distinctive nature of a USB flash drive, like other types of digital storage systems (e.g., a computer hard drive), it must be *seized* in its entirety first and then *searched* at a later time (typically by someone with an expertise in this area).” *Commonwealth v. Orié*, 88 A.3d 983, 1008 (Pa. Super. 2014) (emphasis in original). In contrast, the Superior Court invalidated a warrant as overbroad where it simply sought “[a]ll stored communications and other files reflecting communications” between certain e-mail addresses, noting: “Because the warrant permitted the seizure of every email in the account without any attempt to distinguish the potentially relevant emails from those unrelated to the investigation, it permitted a general search and seizure that was unconstitutionally overbroad.” *Commonwealth v. Melvin*, 103 A.3d 1, 17, 18-19 (Pa. Super. 2014). In evaluating whether a warrant lacks particularity or is overbroad,

a court must initially determine for what items probable cause existed. The sufficiency of the description must then be measured against those items for which there was probable cause. Any unreasonable discrepancy between the items for which there was probable cause and the description in the warrant requires suppression. An unreasonable discrepancy reveals that the description was not as specific as was reasonably possible.

*Commonwealth v. Rivera*, supra at 291.

In this case, the warrant at issue established probable cause to search for child pornography on any items at 404 Seneca Street, Apartment B, Bethlehem, Pennsylvania that could contain digital images or videos of child pornography. More specifically, the warrant sought all computer hardware, computer processing units, internal and peripheral storage devices, peripheral input/output devices, and related communication devices



in the premises. While such a list may seem quite open-ended, we believe that it sets forth a description of the items as nearly as may be, given the circumstances. While there was probable cause to believe that child pornography was contained on a computing device of some description, there was simply no means by which law enforcement could know where exactly that evidence was stored prior to execution of the warrant, and an appropriate general description was given in the affidavit. As recently as seven months ago, in a case substantially similar to that at issue here, the Superior Court recognized that the seizure of a broad range of generally described digital equipment was necessary in order to search for evidence of child pornography, and found that a warrant such as that in this case withstood constitutional scrutiny, noting: “a warrant may permit the seizure of electronic equipment so long as the search of the equipment is limited to looking for evidence of the specific crimes that the police had probable cause to believe the defendant committed.” *Commonwealth v. Green*, 204 A.3d 469, 481 (Pa. Super. 2019). Such a limitation was in fact in place here, where the affidavit sought to search the equipment only for “evidence relating to the possession and/or distribution of child pornography.” (Affidavit, p. 2.) Far from a general warrant, then, this warrant limited its scope to specific evidence of two specific crimes. Notably, there is no evidence of record to suggest that the search actually undertaken by the Commonwealth in this matter revealed any evidence for which there was not probable cause set forth in the warrant.

For all of these reasons, we conclude that the warrant at issue was sufficiently particular because it described the items as nearly as could be, and furthermore the warrant was not overbroad because it authorized the search of those items only for evidence relating to the crimes of possession and distribution of child pornography. Having previously concluded that there was probable cause for the issuance of the warrant, based upon information that was not stale, we therefore deny Defendant’s Motion to Suppress Physical Evidence in its entirety.

*B. Defendant Was Advised of His Miranda Rights Prior to Making Statements to Law Enforcement, and Made a Knowing, Intelligent, and Voluntary Waiver of His Right to Remain Silent. Accordingly, the Statements Are Admissible.*

Defendant contends that he was subject to a custodial interrogation on March 2, 2015 when he was questioned by police on two separate occasions, and that his waiver of his *Miranda* rights was involuntary. As a result, he argues, any statements he made to police on that date are inadmissible at trial. The Commonwealth denies that Defendant was in custody and contends that he was therefore not subject to custodial interrogation, but points out that Defendant was nonetheless advised of his *Miranda* rights and contends that he made a knowing, intelligent, and voluntary waiver of

those rights. Without reaching the question of whether Defendant was in custody at the time he was questioned, we find that Defendant made a knowing, intelligent, and voluntary waiver of his right to remain silent prior to speaking to police on March 2, 2015. Accordingly, those statements are admissible.

The Fifth Amendment to the United States Constitution has long secured to our citizens a right against self-incrimination. In order to protect that right, in the landmark case of *Miranda v. Arizona*, the United States Supreme Court held

the prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination. By custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. As for the procedural safeguards to be employed, unless other fully effective means are devised to inform accused persons of their right of silence and to assure a continuous opportunity to exercise it, the following measures are required. Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed. The defendant may waive effectuation of these rights, provided the waiver is made voluntarily, knowingly and intelligently.

384 U.S. 436, 444 (1966).

Not all encounters between police and citizens require what have become known as *Miranda* warnings, nor do they all require law enforcement to conform their actions to the same requirements. Rather, the law requires that police conform their actions to certain requirements as their interactions with citizens become more intrusive. *Commonwealth v. Barber*, 889 A.2d 587, 592 (Pa. Super. 2005). It is only when a person is “in custody” and subject to a “custodial interrogation” that he must be informed of his *Miranda* rights. Unless an individual is apprised of those rights before he is subject to custodial interrogation, any statements made by him during the interrogation are presumptively involuntary and must be suppressed at trial. *Commonwealth v. DiStefano*, 782 A.2d 574, 579 (Pa. Super. 2001). A defendant may of course waive those rights and elect to speak to law enforcement without the benefit of counsel present. Without deciding the close question of whether Defendant was in custody when he was questioned by law enforcement in this case, we are able to conclude that his statements are admissible because, regardless of the characterization of his encounter

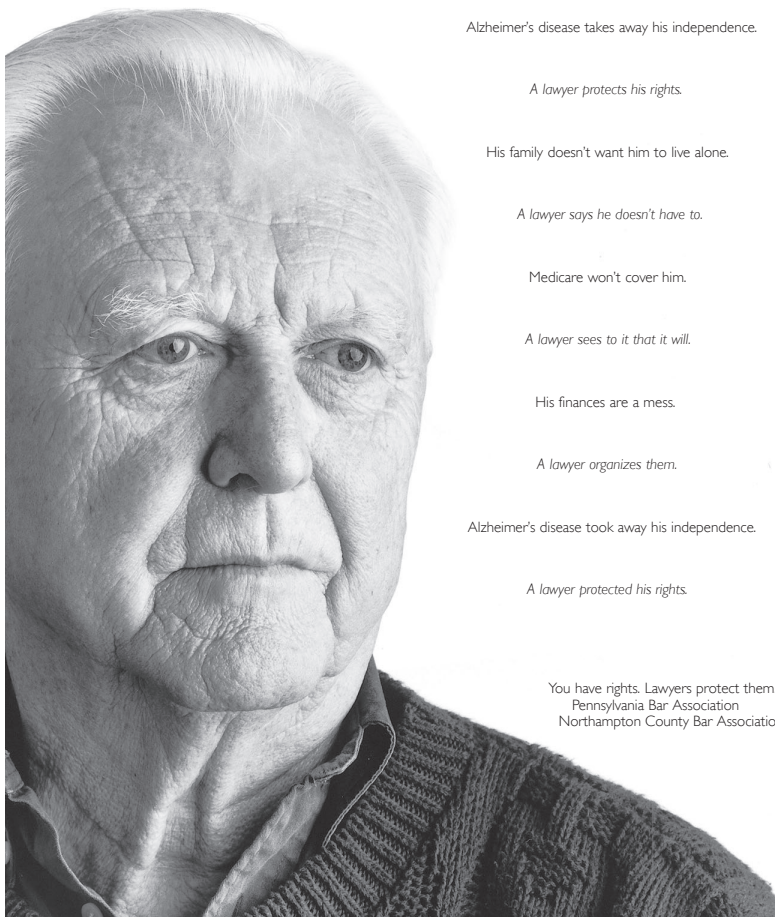
with law enforcement, Defendant was advised of and waived his *Miranda* rights.

The waiver of *Miranda* rights must be knowing, intelligent, and voluntary in order to be valid. In assessing the validity of a waiver we must engage in a two-part analysis, determining “(1) whether the waiver was voluntary, in the sense that [the] defendant’s choice was not the end result of governmental pressure[;] and (2) whether the waiver was knowing and intelligent, in the sense that it was made with full comprehension of both the nature of the right being abandoned and the consequence of that choice.” *Commonwealth v. Pruitt*, 597 Pa. 307, 325, 951 A.2d 307, 318 (2008). “It is the Commonwealth’s burden to establish whether [a defendant] knowingly and voluntarily waived his *Miranda* rights. ... In order to do so, the Commonwealth must demonstrate that the proper warnings were given, and that the accused manifested an understanding of these warnings.” *Commonwealth v. Eichinger*, 591 Pa. 1, 24, 915 A.2d 1122, 1135-36 (2007) (internal citation omitted). In determining voluntariness, the question “is not whether the defendant would have confessed without interrogation, but whether the interrogation was so manipulative or coercive that it deprived the defendant of his ability to make a free and unconstrained choice to confess.” *Commonwealth v. Nester*, 551 Pa. 157, 163, 709 A.2d 879, 882 (1998). The voluntariness of a confession must be determined after consideration of the totality of the circumstances. *Commonwealth v. Templin*, 568 Pa. 306, 795 A.2d 959 (2002). “Factors to be considered in determining whether a waiver is valid and a confession is voluntary include: the duration and means of interrogation; the defendant’s physical and psychological state; the conditions attendant to the detention; the attitude exhibited by the police during the interrogation; and any other facts which may serve to drain one’s powers of resistance to suggestion and coercion.” *Commonwealth v. Patterson*, 625 Pa. 104, 139, 91 A.3d 55, 76 (2014).

On March 2, 2015, following the execution of the search warrant at Defendant’s apartment, two Special Agents from the Office of Attorney General arrived at Defendant’s workplace, where Defendant worked in a professional office. They arrived around the lunch hour. They entered the office, asked at reception to see the Defendant, and were advised that he was out for lunch. They then exited the building and waited in their vehicle for Defendant to return. A few minutes later, Defendant returned and the agents approached him before he entered the building. None of his coworkers were in the immediate area. While Defendant was necessarily surprised, the agents’ approach of the Defendant was discreet, and they initially indicated only that they wanted to ask him some questions, to which Defendant assented. Because it was raining and cold outdoors, the agents asked Defendant to enter their vehicle for further questioning rather than conduct their conversation in the elements. Defendant was quickly patted down for officer safety, and then sat in the front seat of the agents’ vehicle. He was

told that he was free to leave and that he was not under arrest, but that he was being investigated for charges related to child pornography, and that the agents wanted to ask him some questions. He was not placed in handcuffs. Defendant was then advised of his *Miranda* rights, both orally and in writing, was given an opportunity to read the form, and was advised that he was not required to sign the form or to speak with the agents. Defendant was not threatened or given any ultimatums. Defendant indicated that he understood, and then signed the waiver form while in the parking lot, at 12:20 p.m., and proceeded to speak with the agents for about 15 minutes, during which time he continued to be very cooperative. The agents then asked Defendant if he was willing to travel to the Bethlehem Police Department to continue questioning, and Defendant agreed to be transported for that purpose. On arrival, Defendant was led to a private room for questioning, where he was again orally advised of his *Miranda* rights and told that he was free to leave. Defendant nonetheless continued to speak with officers, and at no time asked for an attorney or indicated that he wished to end the questioning. After some continued questioning, during which Defendant was cooperative and relaxed, the agents returned Defendant to his workplace. At no time during the questioning did anyone threaten the Defendant. During the entire interaction with law enforcement that day, Defendant appeared intelligent and coherent.

Again, in order for a defendant's statements to law enforcement to be admissible, "the relinquishment of the right [against self-incrimination] must have been voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion, or deception." *Colorado v. Spring*, 479 U.S. 564, 573 (1987). Examining the totality of the circumstances in this case, we can only conclude that Defendant freely and deliberately chose to speak with police on March 2, 2015, without the aid of counsel. There is nothing in the record to suggest that Defendant was intimidated or coerced in any way, and we do not find that Defendant was overborne by the circumstances in which he found himself. He was aware of the purpose for the questioning, was not made promises, threatened, or deprived in any way, and the questioning was not protracted. Moreover, Defendant clearly manifested an understanding of his rights as they were communicated to him, notably on two separate occasions, and made an explicit and unequivocal waiver thereof, both by signing a written acknowledgment and by willingly continuing to speak to officers after clear warnings. Thus, under the totality of the circumstances, we find that Defendant knowingly, voluntarily, and intelligently waived his right to remain silent. Accordingly, his statements to law enforcement on March 2, 2015 are not subject to suppression and Defendant's Motion to Suppress Statements must be denied.



Alzheimer's disease takes away his independence.

*A lawyer protects his rights.*

His family doesn't want him to live alone.

*A lawyer says he doesn't have to.*

Medicare won't cover him.

*A lawyer sees to it that it will.*

His finances are a mess.

*A lawyer organizes them.*

Alzheimer's disease took away his independence.

*A lawyer protected his rights.*

You have rights. Lawyers protect them.  
Pennsylvania Bar Association  
Northampton County Bar Association

**Northampton County Bar Association**  
**Notification of Change Form**

In order to maintain up-to-date information on all members and subscribers of the *Reporter*, complete the form below and return it to the NCBA Office whenever you have a change and/or addition to your address, telephone number, fax number or e-mail address. *Return to:* Northampton County Bar Association, 155 South Ninth Street, Easton, PA 18042-4399, FAX: (610) 258-8715.

***Previous information:***

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TELEPHONE \_\_\_\_\_ FAX \_\_\_\_\_

E-MAIL \_\_\_\_\_

***New information:***

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TELEPHONE \_\_\_\_\_ FAX \_\_\_\_\_

E-MAIL \_\_\_\_\_



---

---

**PERIODICAL PUBLICATION**

**\* Dated Material. Do Not Delay. Please Deliver Before Monday, February 24, 2020**