



Northampton County Reporter

(USPS 395-280)

VOL. LXII

EASTON, PA March 30, 2023

NO. 65

Commonwealth of Pennsylvania v. Jeremiah Sivonda, Defendant

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INSERT: Cream: 1. 2023 Calendar
2. "Important New Developments in Personal Injury Law"
3. "Immigration Law's Intersection with Nearly Every Other Practice Area:
What You Need to Know"
4: PA Legal Ads

NOTICE TO THE BAR...

Quarterly Association Meeting

Thursday, May 18, 2023

Louise Moore Park, 5:00 p.m.

**NORTHAMPTON COUNTY BAR ASSOCIATION
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Northampton County Reporter

**Attorney Referral & Information Service
155 South Ninth Street, P.O. Box 4733
Easton, PA 18042**

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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.

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Ralph J. Bellafatto, Esquire
Editor**

NOTICE TO NCBA MEMBERS – BAR NEWS

2023 Committees are meeting

Committees are meeting. Return your Committee Preference Form so you are included on the meeting notice distribution lists.

Save the Dates

May 18, 2023

May Quarterly Association Meeting – Louise Moore Park

June 29, 2023

Annual Summer Outing – Louise Moore Park

Never allow a person to tell you no who doesn't have the power to say yes.
~ Eleanor Roosevelt

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**BURBES, MIRIAM M.,** dec'd.

Late of Northampton County, PA
The Henry L. Burbes and Miriam M. Burbes Revocable Living Trust Agreement U/A 1/28/1998

Successor Trustee: Charlene M. Mast c/o Eric R. Strauss, Esquire, Worth, Magee & Fisher, P.C., 2610 Walbert Avenue, Allentown, PA 18104

Attorneys: Eric R. Strauss, Esquire, Worth, Magee & Fisher, P.C., 2610 Walbert Avenue, Allentown, PA 18104

BUTTILLO, MARY FRANCES, dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executor: Carl J. Buttillo, Jr. c/o Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045

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

CANELLA, SUSAN, dec'd.

Late of Palmer Twp., Northampton County, PA

Administratrix CTA: Theresa Cuozzo c/o Amanda M. Kita, Esquire, Stradley Ronon Stevens & Young, LLP, 30 Valley Stream Pkwy., Malvern, PA 19355

Attorneys: Amanda M. Kita, Esquire, Stradley Ronon Stevens & Young, LLP, 30 Valley Stream Pkwy., Malvern, PA 19355

CATERA, CHARLOTTE L., dec'd.

Late of Allentown City/Borough, Lehigh County, PA

Executrix: Charlene Rauscher, Esquire, P.O. Box 427, Fogelsville, PA 18051

Attorney: Charlene D. Rauscher, Esquire, P.O. Box 427, Fogelsville, PA 18051

CHECHO, CHRISTOPHER S., dec'd.

Late of the Borough of Bangor, Northampton County, PA

Administrator: Salvatore Checho, 287 Park Avenue, Bangor, PA 18013

Attorneys: Gretchen Marsh Weitzmann, Esquire, Weitzmann, Weitzmann & Huffman, LLC, 700 Monroe Street, Stroudsburg, PA 18360

CHIAPPA, ANNA MARIA, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Alan R. Chiappa 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

CLARK, ANN W., dec'd.

Late of Bethlehem City, Northampton County, PA

Executor: William Allison Clark, Jr., 3236 Darien Rd., Bethlehem, PA 18020

Attorneys: Angela Titus McEwan, Esquire, Day Pitney LLP, One Jefferson Rd., Parsippany, NJ 07054-2891

GRAF, THERESA, dec'd.

Late of the Township of Bushkill, Northampton County, PA

Executrix: Lanie E. Yaswinski a/k/a Lanie E. Graf-Williamson c/o Alfred S. Pierce, Esquire, Pierce & Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064

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

HUFFMAN, FRANCIS M., JR., dec'd.

Late of Lower Saucon Township, Northampton County, PA

Co-Executors: Michael L. Huffman and William B. Huffman 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

KONRATH, ELEANOR R., dec'd.

Late of the Township of Bushkill, Northampton County, PA

Administrator C.T.A.: Bryan F. Konrath 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

LISTER, MARY LEE, dec'd.

Late of the City of Easton, Northampton County, PA

Executrix: Karen Annette Ladner, 1088 W. Berwick St., Easton, PA 18042

Attorneys: Steven D. Brown, Esquire, Spengler Brown Law Offices, 110 East Main Street, Bath, PA 18014

LYNCH, KENNETH A., SR., dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Administrator: Mr. Kenneth A. Lynch, 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

MILES, CYNTHIA, dec'd.

Late of Moore Township, Northampton County, PA

Administrator: David Miles, 1155 Skunk Rd., Bath, PA 18014

O'DONNELL, KATHLEEN M., dec'd.

Late of Bethlehem, Northampton County, PA

Executrix: Paula Marie Thomas c/o Daniel M. O'Donnell, Esquire, Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18018

Attorneys: Daniel M. O'Donnell, Esquire, Maloney, Danyi & O'Donnell, 901 West Lehigh Street, Bethlehem, PA 18018

REICHART, NANCY J., dec'd.

Late of Northampton Borough, Northampton County, PA

Executrix: Joni L. Siegele, 5145 Corbett Drive, Fort Collins, CO 80528

Attorneys: Jason R. Costanzo,
Esquire, ARM Lawyers, 115 E.
Broad Street, Bethlehem, PA
18018

**SEYER, JOHN J. a/k/a JOHN J.
SEYER, JR.,** dec'd.

Late of the Borough of Chapman,
Northampton County, PA
Executrix: Robin S. Smith c/o
Alfred S. Pierce, Esquire, Pierce
& Steirer, LLC, 124 Belvidere
Street, Nazareth, PA 18064
Attorneys: Alfred S. Pierce,
Esquire, Pierce & Steirer, LLC,
124 Belvidere Street, Nazareth,
PA 18064

WARNER, ELINOR HOPE, dec'd.

Late of the City of Easton,
Northampton County, PA
Executrix: Lori Frances Warner
c/o Theresa Hogan, Esquire, 340
Spring Garden Street, Easton,
PA 18042
Attorney: Theresa Hogan,
Esquire, 340 Spring Garden
Street, Easton, PA 18042

SECOND PUBLICATION

BEAN, YVONNE DENISE, dec'd.

Late of the Township of Williams,
Northampton County, PA
Executor: John Adam Parr c/o
Daniel E. Cohen, Attorney, Hof
& Reid, LLC, 3101 Emrick Blvd.,
Suite 205, Bethlehem, PA 18020
Attorneys: Daniel E. Cohen,
Attorney, Hof & Reid, LLC, 3101
Emrick Blvd., Suite 205,
Bethlehem, PA 18020

BENSON, CHARLES S., dec'd.

Late of the Borough of Northamp-
ton, Northampton County, PA
Administrator: Robert Charles
Benson c/o Goudsouzian &
Associates, 2940 William Penn
Highway, Easton, PA 18045
Attorneys: Goudsouzian &
Associates, 2940 William Penn
Highway, Easton, PA 18045

BUSH, WARREN J., dec'd.

Late of Wind Gap, Northampton
County, PA
Administratrix: Judith G. Bush
c/o Timothy B. Fisher, II,
Esquire, Fisher & Fisher Law
Offices, P.O. Box 396, Goulds-
boro, PA 18424
Attorneys: Timothy B. Fisher, II,
Esquire, Fisher & Fisher Law
Offices, P.O. Box 396, Goulds-
boro, PA 18424

EASTERDAY, LLOYD G., dec'd.

Late of Bethlehem, Northampton
County, PA
Executrix: Doris Ruth Barclay
c/o Theodore R. Lewis, Esquire,
Lewis and Walters, 46 S. 4th
Street, P.O. Box A, Easton, PA
18044-2099
Attorneys: Theodore R. Lewis,
Esquire, Lewis and Walters, 46
S. 4th Street, P.O. Box A, Easton,
PA 18044-2099

FREY, HOWARD LEROY, dec'd.

Late of the Township of Williams,
Northampton County, PA
Executrix: Linda Jeanette Frey
c/o Brian M. Monahan, Esquire,
831 Lehigh Street, Easton, PA
18042
Attorney: Brian M. Monahan,
Esquire, 831 Lehigh Street,
Easton, PA 18042

GRABER, JOYCE A., dec'd.

Late of Bethlehem, Northampton
County, PA
Executor: Jeffrey William
Scheirer c/o Michael J. Fina,
Esquire, 1271 Biafore Ave.,
Bethlehem, PA 18017
Attorney: Michael J. Fina,
Esquire, 1271 Biafore Ave.,
Bethlehem, PA 18017

GUBISH, CHARLES LOUIS, dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Executrix: Susan Lynn Donchez
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

HARDIN, BARBARA J., dec'd.

Late of Bethlehem City, North-
ampton County, PA
Executor: Christopher Alexander
Hardin c/o Vivian I. Zumas,
Esquire, 742 Main St.,
Bethlehem, PA 18018
Attorney: Vivian I. Zumas,
Esquire, 742 Main St.,
Bethlehem, PA 18018

LAI, STELLA H., dec'd.

Late of Palmer Township, North-
ampton County, PA
Executrix: Jennifer Lai Bromley,
2213 High Point Court, Easton,
PA 18045

LONGLEY, VERNA MAE, dec'd.

Late of the Township of Moore,
Northampton County, PA
Executor: Timothy Alan Teel 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

**MASIADO, MARGARET
CAROLINE,** dec'd.

Late of the Borough of Hellertown,
Northampton County, PA
Executrix: Karen Lou Masiado
c/o Goudsouzian & Associates,
2940 William Penn Highway,
Easton, PA 18045
Attorneys: Goudsouzian &
Associates, 2940 William Penn
Highway, Easton, PA 18045

MILLER, GRETE EDITH, dec'd.

Late of Easton, Northampton
County, PA
Executrix: Monika V. Egberts
c/o Taylor R.D. Briggs, Esquire,

210 E. Broad Street, Bethlehem,
PA 18018

Attorney: Taylor R.D. Briggs,
Esquire, 210 E. Broad Street,
Bethlehem, PA 18018

MILLS, RICHARD W., dec'd.

Late of the City of Bethlehem,
Northampton County, PA
Executor: Roy R. Mills, Sr.
Attorneys: Brandon M. Benner,
Esquire, Benner & Trovato, 2005
City Line Road, Suite 106,
Bethlehem, PA 18017

MOULTON, ROY EDWARD, dec'd.

Late of Bethlehem Township,
Northampton County, PA
Executor: Daniel Michael
O'Donnell c/o Law Office of
Maloney, Danyi & O'Donnell,
901 West Lehigh Street,
Bethlehem, PA 18018
Attorneys: Law Office of Maloney,
Danyi & O'Donnell, 901 West
Lehigh Street, Bethlehem, PA
18018

PETERSEN, IRMA C., dec'd.

Late of the Township of
Bethlehem, Northampton
County, PA
Executrix: Kay Lynn Parks, 3660
Magnolia Drive, Easton, PA
18045

POLANSKI, LOUIS A., dec'd.

Late of the Borough of Nazareth,
Northampton County, PA
Executors: Thomas John
Polanski, 207 N. New Street,
Nazareth, PA 18064 and Daniel
Anthony Polanski, 226 S. New
Street, Nazareth, PA 18064
Attorneys: Daniel G. Spengler,
Esquire, Spengler Brown Law
Offices, 110 East Main Street,
Bath, PA 18014

ZIMPFER, JUNE V., dec'd.

Late of Bethlehem, Northampton
County, PA
Executor: Renee S. Gover c/o
Douglas J. Tkacik, Esquire, 18

East Market Street, Bethlehem,
PA 18018

Attorney: Douglas J. Tkacik,
Esquire, 18 East Market Street,
Bethlehem, PA 18018

THIRD PUBLICATION

BLANAR, JOHN, JR., dec'd.

Late of the Township of Palmer,
Northampton County, PA
Executor: David John Blonar, Jr.
c/o John E. Kotsatos, Esquire,
717 Washington Street, Easton,
PA 18042

Attorney: John E. Kotsatos,
Esquire, 717 Washington Street,
Easton, PA 18042

DALRYMPLE, THOMAS R., JR., dec'd.

Late of the Township of Williams,
Northampton County, PA
Co-Administrators: Katie Lynn
Dalrymple Derr and Thomas
Richard Dalrymple, III c/o Beth
A. Knickerbocker, Esquire, 601
Stones Crossing, Suite A5,
Easton, PA 18045

Attorney: Beth A. Knickerbocker,
Esquire, 601 Stones Crossing,
Suite A5, Easton, PA 18045

DAWE, CHARLES WILLIAM, SR., dec'd.

Late of Easton, Northampton
County, PA

Administratrix: Brooke Mariah
Dillman c/o Hilleary D. Nguyen,
Esquire, 3415 Moore Lane,
Huntingdon Valley, PA 19006
Attorney: Hilleary D. Nguyen,
Esquire, 3415 Moore Lane,
Huntingdon Valley, PA 19006

GIANGIULIO, MARIAN, dec'd.

Late of Walnutport, Northampton
County, PA

Executor: William J. Giangiulio,
Jr., 664 Overlook Circle,
Walnutport, PA 18088

GONTAR, DENISE A., dec'd.

Late of the City of Bethlehem,
Northampton County, PA

Administratrix: Jenny Rebecca
Gontar 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

HUNT, LOIS M., dec'd.

Late of the Township of Hanover,
Northampton County, PA
Executor: Craig P. Hunt 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

JANUSZKIEWICZ, LYNNE S., dec'd.

Late of Bethlehem Township,
Northampton County, PA
Executrix: Amie Cathryn
Januszkiewicz c/o Vaughn A.
Terrinoni, Esquire, 3976
Township Line Road, Bethlehem,
PA 18020

Attorney: Vaughn A. Terrinoni,
Esquire, 3976 Township Line
Road, Bethlehem, PA 18020

LA FLEUR, CATHERINE B., dec'd.

Late of Moore Township, North-
ampton County, PA
Executors: Paul Wheeler and
Andrew Wheeler, 230 Chincoppee
Ave., Hopatcong, NJ 07843
Attorney: James M. Pierce,
Esquire, 688 Miles Rd., Gilberts-
ville, PA 19525

LESHER, MARION E., dec'd.

Late of Plainfield Township,
Northampton County, PA
Executrix: Sharon Elizabeth
Schmauder c/o Law Office of
David A. Martino, Esquire, 1854
PA Rte. 209, P.O. Box 420,
Brodheads-ville, PA 18322
Attorneys: Law Office of David A.
Martino, Esquire, 1854 PA Rte.
209, P.O. Box 420, Brodheads-
ville, PA 18322

O'GRADY, DANIEL GEORGE,
dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Executrix: Kathleen Jane Cassidy c/o Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045
Attorneys: Goudsouzian & Associates, 2940 William Penn Highway, Easton, PA 18045

PARR, ROBERT C., dec'd.

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

Administrator: Henry Newton, 127 N. 4th Street, Easton, PA 18042

REMENYI, MARIA, dec'd.

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

Executors: Stephen Leslie Remenyi and Marianne Yocum c/o Robert V. Littner, Esquire, Littner & Littner Law Offices, PLLC, 512 North New Street, Bethlehem, PA 18018

Attorneys: Robert V. Littner, Esquire, Littner & Littner Law Offices, PLLC, 512 North New Street, Bethlehem, PA 18018

SHIVE, RICHARD, dec'd.

Late of Bethlehem Township, Northampton County, PA

Executrix: Brittany Shive, 13811A Countryside Drive, Maugansville, MD 21767

Attorneys: Brad M. Russo, Esquire, Russo Law Offices, LLC, 633 Belvidere Road, Phillipsburg, NJ 08865

SILMAN, HARRIET KENTON,
dec'd.

Late of Forks Township, Northampton County, PA

Co-Executrices: Sue S. Pappas, Kay S. Falcinelli and Ann S. Minnich 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

FICTITIOUS NAME**REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on December 5, 2022 for:

HOMICK WOODWORKS

at: 2911 Stephens Street, Easton, PA 18045. The name and address of the individual interested in the business are Jarryd A. Homick at 2911 Stephens Street, Easton, PA 18045 in Northampton County. This was filed in accordance with 54 Pa. C.S. 311.417.

Mar. 30

**CORPORATE FICTITIOUS NAME
REGISTRATION NOTICE**

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Act 295 of 1982, as amended, of intention to file, or the filing of, in the Office of the Secretary of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, a certificate for the conduct of a business in Pennsylvania, under the assumed or fictitious name, style or designation of:

LEARNING | INCLUSION |**NETWORKING | COMMUNITY**

with its principal place of business at: 306 S. New Street, Suite 110, Bethlehem, PA 18015.

The name and address of the entity owning or interested in said business are: Lehigh Valley Inter-Regional Networking and Connecting Consortium with its principal place of business at 306 S. New Street, Suite 110, Bethlehem, PA 18015.

NORRIS McLAUGHLIN, P.A.
515 W. Hamilton Street
Suite 502
Allentown, PA 18101
Telephone: (610) 391-1800

Mar. 30

NOTICE FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on March 27, 2023, the Petition of Tamyla Dejanyra Hernandez was filed in Northampton County Court of Common Pleas at NO. C-48-CV-2023-1568, seeking to change the name of Petitioner from Tamyla Dejanyra Hernandez to Jamyla Dejanyra Hernandez. The Court has fixed Monday, May 1, 2023, at 9:00 a.m., in courtroom NO. Motions, at the Northampton County Courthouse as the date for the petition hearing. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Mar. 30

TRANSFER OF OWNERSHIP NOTICE

Blue Ridge Auto Center, 2005 Chevrolet Silverado 2500HD, VIN# 1GBHC24U25E155926. Transfer of ownership action to be taken in Northampton County, PA by Lisa Lockley, (484) 553-1597, 96 Hickory Hills Dr., Bath, PA 18014.

Mar. 30

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

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
WELLS FARGO BANK, N.A.

Plaintiff

vs.

Karen E. Schoeller f/k/a
Karen S. Denenberg,
David Denenberg, solely in capacity
as heir of Joshua A. Denenberg
a/k/a Joshua Alan
Denenberg, Deceased,
Adrianna Bailey, solely in capacity
as heir of Joshua A. Denenberg
a/k/a Joshua Alan
Denenberg, Deceased,
Daniel Denenberg, solely in capacity
as heir of Joshua A. Denenberg
a/k/a Joshua Alan
Denenberg, Deceased,
Unknown Heirs, Successors,
Assigns and All Persons, Firms or
Associations Claiming Right, Title or
Interest from or under Joshua A.
Denenberg a/k/a Joshua Alan
Denenberg, Deceased

Defendants

NO. C-48-CV-2022-6469

NOTICE

TO: Unknown Heirs, Successors,
Assigns and All Persons, Firms or
Associations Claiming Right, Title
or Interest from or under Joshua
A. Denenberg a/k/a Joshua Alan
Denenberg

You are hereby notified that on September 14, 2022, Plaintiff, WELLS FARGO BANK, N.A. filed a Mortgage Foreclosure Complaint and filed an Amended Complaint in Mortgage Foreclosure on February 6, 2023 endorsed with a Notice to Defend, against you in the Court of Common Pleas of Northampton County, Pennsylvania, docket to TERM, No. C-48-CV-2022-6469. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 739 Pine Street, Easton, PA 18042 whereupon your property would be sold by the Sheriff of Northampton County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

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

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

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

Mar. 30

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on APRIL 6, 2023, 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-2016-03250

PARAMOUNT RESIDENTIAL
MORTGAGE GROUP, INC.

vs.

MONICA BORJA,
ROGER G. BORJA

Property Address:

913 Constitution Avenue, Pen
Argyl, PA 18072

UPI/Tax Parcel Number:

E8/1/5B/0626

ALL THAT CERTAIN piece or parcel of land situate in Plainfield Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Roger G. Borja and Monica Borja by deed from Howard Gordon and Monika Gordon, said deed recorded on May 19, 2015, in the Northampton County Recorder of Deeds Office in Book 2015-1 at page 86873.

THEREON BEING ERRECTED a ranch-style single residential dwelling with stone exterior, shingle roof, attached one-car garage and in-ground swimming pool.

No. C-48-CV-2017-00129

THE BANK OF
NEW YORK MELLON ET AL.

vs.

KIM L. MALIA

Property Address:

202 Hamilton Avenue, Bethlehem,
PA 18017

UPI/Tax Parcel Number:

N6SE1C/9/1/0204

ALL THAT CERTAIN messuage, tenement and lot or piece of ground situate in the 14th Ward of Bethlehem City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Frank C. Malia and Kim L. Malia by deed from James J. Frankenfield and Margaretta S. Frankenfield, said deed recorded on July 10, 1997, in the Northampton County Recorder of Deeds Office in Book 1997-1 at page 072524. The said Frank C. Malia departed this life on September 30, 2012, thereby vesting title solely to Kim L. Malia.

THEREON BEING ERECTED a two-story A-frame single residential dwelling with brick exterior, shingle roof and one-car garage.

No. C-48-CV-2017-10161

WELLS FARGO BANK, N.A. s/b/m
TO WACHOVIA BANK,
NATIONAL ASSOCIATION

vs.

JAMES S. DeHART,
JUDY DeHART

Property Address:

2207 Whitehead Road, Nazareth,
PA 18064

UPI/Tax Parcel Number:

J6/13/1B/0520

ALL THAT CERTAIN tract, lot or piece of ground situate on the southerly side of Whitehead Road (TR 567) in Moore Township, Northampton County, Pennsylvania, and being Lot No. 2 on a subdivision plan titled Final Minor Subdivision Plan for Walter Sterner and John Serencsics, prepared by Kenneth R. Hahn, PLS, on drawing 94-14 dated and last revised on August 15, 1994.

TITLE TO SAID PREMISES is vested in James S. DeHart and Judy DeHart, husband and wife, by deed from Walter A. Sterner, married, and John Serencsics, married, said deed recorded on December 15, 1994, in the Northampton County Recorder of Deeds Office in Book 1994-6 at page 107222.

THEREON BEING ERECTED a ranch-style single residential dwelling with brick exterior and shingle roof.

No. C-48-CV-2019-08111

US BANK, NATIONAL
ASSOCIATION

vs.

JUSTIN MYERS a/k/a
JUSTIN K. MYERS

Property Address:

844 Kossuth Street, Freemans-
burg, PA 18017

UPI/Tax Parcel Number:

N7SW4C/13/2/0212

ALL THAT CERTAIN lot or piece of ground situate in Freemansburg Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Justin K. Myers by deed from Ilaiza Rodriguez, said deed recorded on June 30, 2017, in the Northampton County Recorder of Deeds Office in Book 2017-1 at page 136856.

THEREON BEING ERECTED a two-story single residential dwelling with vinyl siding, shingle roof and detached one-car garage.

No. C-48-CV-2019-09279

PENNSYLVANIA HOUSING
FINANCE AGENCY

vs.

JASON P. ZIEGLER,
LAURA R. ZIEGLER

Property Address:

228 Northampton Street, Heller-
town, PA 18055

UPI/Tax Parcel Number:

Q7SW3B/11/6/0715

ALL THAT CERTAIN lot, piece or parcel of land and tenement situated on the west side of Northampton Street in Hellertown Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Laura R. Ziegler by deed from Jason P. Ziegler and Laura R. Ziegler, said deed recorded on June 26, 2015, in the Northampton County Recorder of Deeds Office in Book 2015-1 at page 116040.

THEREON BEING ERECTED a two-story half-double residential dwelling with vinyl siding and shingle roof.

No. C-48-CV-2022-00381

SPECIALIZED LOAN
SERVICING, LLC

vs.

GREGORY A. PAHOUNTIS,
JESSICA D. PAHOUNTIS

Property Address:

1219 Main Street, Northampton,
PA 18067

UPI/Tax Parcel Number:

M4NW2D/5/4/0522

ALL THAT CERTAIN lot or piece of ground, with improvements thereon, situate in the Fourth Ward of Northampton Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Gregory A. Pahountis and Jessica D. Pahountis, husband and wife, as tenants by the entirety, by deed from Loretta M. Kimak, widow, by her power-of-attorney Geraldine Skrapits, said deed recorded on June 7, 2007, in the Northampton County Recorder of Deeds Office in Book 2007-1 at page 209631.

THEREON BEING ERECTED a two-story half-double residential dwelling with aluminum siding and shingle roof.

No. C-48-CV-2022-01461

JP MORGAN CHASE BANK
NATIONAL ASSOCIATION

vs.

MANUEL JIMENEZ,
SUSAN JIMENEZ

Property Address:

617 Christian Street, Bethlehem,
PA 18017

UPI/Tax Parcel Number:

P6SW3A/5/6/0204

ALL THAT CERTAIN lot or piece of ground situate on the east side of Christian Street in Bethlehem City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Manuel Jimenez and Susan Jimenez by deed from Chester J. Petchonka and Christine M. E. Petchonka, husband and wife, said deed recorded on July 22, 1997, in the Northampton County Recorder of Deeds Office in Book 1997-1 at page 76614.

THEREON BEING ERECTED a three-story half-double residential dwelling with brick exterior and shingle roof.

No. C-48-CV-2022-01497

MIDFIRST BANK

vs.

ALYSSA E. BENNETT

Property Address:

704 Main Street, Easton, PA
18040

UPI/Tax Parcel Number:

H8SE4/4/6/0429

ALL THAT CERTAIN message or tenement and lot or piece of land situate in Stockertown Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Alyssa E. Bennett by deed from Brian P. Jones and Kathleen J. McKelvey-Jones, husband and wife, said deed recorded on December 4, 2012, in the Northampton County Recorder of Deeds Office in Book 2012-1 at page 291894.

THEREON BEING ERECTED a two-story single residential dwelling with wood shake exterior, shingle roof and detached one-car garage.

No. C-48-CV-2022-02066

MORTGAGE ASSETS
MANAGEMENT, LLC

vs.

SCOTT HEFFELFINGER,
SOLELY IN HIS CAPACITY AS HEIR
OF ARTHUR T.

HEFFELFINGER, DECEASED

Property Address:

624 East 8th Street, Northamp-
ton, PA 18067

UPI/Tax Parcel Number:

M4/3/9A-15/0522

ALL THAT CERTAIN lot or parcel
of land situate in Northampton
Borough, Northampton County,
Pennsylvania.

TITLE TO SAID PREMISES is
vested in Sally Ann Heffelfinger, now
deceased, and Arthur T. Heffelfinger,
now deceased, husband and wife, by
deed from Sally Ann Heffelfinger,
married, said deed recorded on May
12, 1989, in the Northampton County
Recorder of Deeds Office in Book 768
at page 559.

THEREON BEING ERECTED a
two-story half-double residential
dwelling with vinyl siding and brick
exterior and shingle roof.

No. C-48-CV-2022-02548

NATIONSTAR MORTGAGE, LLC
d/b/a MR. COOPER

vs.

LOUIS E. LEGUIA
a/k/a LUIS E. LEGUIA

Property Address:

1341 Sullivan Trail, Easton, PA
18040

UPI/Tax Parcel Number:

K9SE4/15/7/0311

ALL THAT CERTAIN messuage,
tenement, tract, piece or lot of land
situated in Forks Township,
Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is
vested in Luis E. Leguia by deed from
Lloyd F. Best, Jr., Executor of the
Estate of Virginia F. Hahn, deceased,
said deed recorded on August 7,

2009, in the Northampton County
Recorder of Deeds Office in Book
2009-1 at page 204283.

THEREON BEING ERECTED a
ranch-style single residential dwelling
with brick exterior, shingle roof and
attached two-car garage.

No. C-48-CV-2022-02845

U.S. BANK TRUST NATIONAL
ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY BUT
SOLELY AS OWNER TRUSTEE
FOR RCF-2

ACQUISITION TRUST

vs.

DAVID M. VITOVITCH,
TINA M. VITOVITCH

Property Address:

3331 Buckskin Lane, Danielsville,
PA 18038

UPI/Tax Parcel Number:

H4/22/4C-18/0520

ALL THAT CERTAIN tract, piece
or parcel of land situated in Moore
Township, Northampton County,
Pennsylvania, being Lot 18 as shown
on subdivision map of The Estates at
Mink Hollow, said map recorded in
Plat Book Volume 2006-5 at page
795.

TITLE TO SAID PREMISES is
vested in David M. Vitovitch and Tina
M. Vitovitch by deed from S and S
Home Builders, Inc., said deed
recorded on August 23, 2007, in the
Northampton County Recorder of
Deeds Office in Book 2007-1 at page
310872.

THEREON BEING ERECTED
two-story single residential dwelling
with vinyl siding and stone façade,
shingle roof and attached two-car
garage.

No. C-48-CV-2022-03914

LNV CORPORATION

vs.

HAROLD H. POWELL,
JEANNE S. POWELL

Property Address:

2505 9th Street, Bethlehem, PA
18020

UPI/Tax Parcel Number:

N7NE1/9/1A/0205

ALL THAT CERTAIN message or tenement and lot or piece of land situate in Bethlehem Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Harold H. Powell and Jeanne S. Powell, his wife, as tenants by the entirety, by deed from F. A. S. Builders, Inc., said deed recorded on September 16, 1974, in the Northampton County Recorder of Deeds Office in Book 497 at page 413.

THEREON BEING ERECTED a ranch-style single residential dwelling with brick exterior, shingle roof, attached two-car garage and in-ground swimming pool.

No. C-48-CV-2022-03965

CALIBER HOME LOANS, INC.

vs.

SAMUEL R. BROTZMAN a/k/a
SAM BROTZMAN

Property Address:

722 Market Street, Bangor, PA
18013

UPI/Tax Parcel Number:

E9NE1C/1/6/0102

ALL THAT CERTAIN message, tenement, tract, piece or parcel of land situated in the third ward of Bangor Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Samuel R. Brotzman by deed from Nicholas Kornafel, said deed recorded on July 3, 2017, in the Northampton County Recorder of Deeds Office in Book 2017-1 at page 138694.

THEREON BEING ERECTED a two-and-one-half-story half-double residential dwelling with brick exterior, slate roof and detached one-car garage.

No. C-48-CV-2022-04841

AMERICAN NEIGHBORHOOD
MORTGAGE ACCEPTANCE
COMPANY, LLC

vs.

DAVID P. GAREY

Property Address:

4470 Henry Street, Easton, PA
18045

UPI/Tax Parcel Number:

M8SE1/1E/4/0205

ALL THAT CERTAIN lot or piece of land, together with the improvements thereon erected, situate in Bethlehem Township, Northampton County, Pennsylvania, and shown on Plan of Portion No. 2, County Club Manor, drawn by Walter F. Auch on October 25, 1958, and filed in Map Book 14 at page 27.

TITLE TO SAID PREMISES is vested in David P. Garey, unmarried, as sole owner, by deed from Michael Armao, married, and Anthony Armao, unmarried, said deed recorded on June 5, 2017, in the Northampton County Recorder of Deeds Office in Book 2017-1 at page 114868.

THEREON BEING ERECTED a ranch-style single residential dwelling with brick exterior, shingle roof and attached one-car garage.

No. C-48-CV-2022-05596**No. C-48-CV-2002-05173**

4WAY JUNCTION, LLC

vs.

NAZARETH PIKE, LLC,
ARMINDER SINGH

Property Address:

4063 Nazareth Pike, Bethlehem,
PA 18020

UPI/Tax Parcel Number:

M7/4/4A/0205

ALL THAT CERTAIN tract or piece of land situate on the western side of Route 191 in Bethlehem Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Nazareth Pike, LLC, by Sheriff's deed from Arminder Singh, said Sheriff's deed recorded on January 6, 2022, in the Northampton County Recorder of Deeds Office in Book 2022-1 at page 008953.

THEREON BEING ERECTED a commercial gas station with vinyl siding and brick exterior, flat roof and an attached three-car garage.

No. C-48-CV-2022-05915

FREEDOM MORTGAGE
CORPORATION

vs.

MARIA I. AGOSTO

Property Address:

145 South 12th Street, Easton, PA
18042

UPI/Tax Parcel Number:

L9SE1D/12/10/0310

ALL THAT CERTAIN messuage, tenement and lot or piece of land situated on the west side of 12th Street in Easton City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Maria I. Agosto by deed from Maged Mehanni and Eihab Riad, said deed recorded on May 15, 2019, in the Northampton County Recorder of Deeds Office in Book 2019-1 at page 90517.

THEREON BEING ERECTED a two-story residential row home with vinyl siding and shingle roof.

No. C-48-CV-2022-05917

FREEDOM MORTGAGE
CORPORATION

vs.

ZANA NASSAR

Property Address:

502 East North Street, Bethlehem,
PA 18018

UPI/Tax Parcel Number:

P6NE2A/28/1/0204

ALL THAT CERTAIN lot or piece of ground, with the messuage or tenement thereon erected, located in Bethlehem City, Northampton

County, Pennsylvania, and designated as Lot No. 65 on the plan of lots of Elmwood Park which is recorded in Map Book No.6 at page 27 and in Map Book No. 7 at page 8.

TITLE TO SAID PREMISES is vested in Zana Nassar by deed from Steven V. Splett, said deed recorded on April 2, 2019, in the Northampton County Recorder of Deeds Office in Book 2019-1 at page 56703.

THEREON BEING ERECTED a two-story half-double residential dwelling with vinyl siding and shingle roof.

No. C-48-CV-2022-06156

JIM THORPE

NEIGHBORHOOD BANK

vs.

77 W. BROAD ST., LLC,
SHANNA L. MARKS

Property Address:

77 West Broad Street, Unit 10C,
Bethlehem, PA 18018-3881

UPI/Tax Parcel Number:

P6NE1D/10/5-10A/0204

ALL THAT CERTAIN unit, designated as No. 10C, retail, of Payson House, a condominium located in Bethlehem City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in 77 W. Broad St, LLC, by deed from Brian Kemmerer and Connie Kemmerer, a married couple, said deed recorded on October 11, 2017, in the Northampton County Recorder of Deeds Office in Book 2017-1 at page 221816.

THEREON BEING a one-story commercial storefront in a three-story shopping center/apartment building complex with brick exterior and shingle roof.

No. C-48-CV-2022-06295

WELLS FARGO BANK, N.A.

vs.

ETHAN M. MEDGIE

Property Address:

1723 Snyder Street, Bethlehem,
PA 18017

UPI/Tax Parcel Number:

N7SW1D/1/1A/0204

ALL THAT CERTAIN message, tenement and lot or piece of ground situate on the southerly side of Chester and Snyder Streets, between Hunter and Fisher Streets, in the Fifteenth Ward of Bethlehem City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Ethan M. Medgie by deed from Alexander J. Fartel and Nancy A. Zdravec, Executor and Executrix of the Estate of Rose E. Fartel, deceased, said deed recorded on July 6, 2012, in the Northampton County Recorder of Deeds Office in Book 2012-1 at page 154039.

THEREON BEING ERECTED a Cape Cod-style single residential dwelling with brick exterior, shingle roof and two-car garage.

No. C-48-CV-2022-06709

FREEDOM MORTGAGE
CORPORATION

vs.

JOHN JOSEPH McKERNAN,
ROBIN McKERNAN

Property Address:

502 Pennsylvania Avenue,
Portland, PA 18351

UPI/Tax Parcel Number:

C11NE2B/2/6/0127

ALL THAT CERTAIN lot or piece of land, together with the improvements thereon erected, situate in Portland Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in John McKernan and Robin McKernan, husband and wife, by deed from Ronald L. Angle, said deed recorded on September 21, 2005, in the Northampton County Recorder of Deeds Office in Book 2005-1 at page 366850.

THEREON BEING ERECTED a two-story single residential dwelling with aluminum siding, shingle roof and detached one-car garage.

No. C-48-CV-2022-08090

WELLS FARGO BANK, N.A. ET AL.
vs.

MICHAEL SHANNON,
AS EXECUTOR AND DEVISEE
OF THE ESTATE OF
FREDERICK H. SHANNON

Property Address:

1216 Railroad Street, Bethlehem,
PA 18015

UPI/Tax Parcel Number:

P6NE3C/6/7/0204

ALL THAT CERTAIN piece or parcel of land situate in Bethlehem City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Frederick H. Shannon, unmarried, by deed from Carlos H. Garzon, Sr., and Teresa Garzon, husband and wife, said deed recorded on September 27, 1999, in the Northampton County Recorder of Deeds Office in Book 1999-1 at page 146559. The said Frederick H. Shannon departed this life on or about November 6, 2020.

THEREON BEING ERECTED a two-story single residential dwelling with aluminum siding and shingle roof.

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

Mar. 16, 23, 30



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APRIL 2023

MON	TUE	WED	THU	FRI
3 Criminal	4 Criminal Juvenile	5 Criminal Misc. Hrings. Final PFA Hrings.	6 Juvenile Dependency	7 Good Friday (Observed)
10 Civil	11 Civil Juvenile	12 Civil Misc. Hrings. Final PFA Hrings.	13 Arraignments Juvenile Dependency	14 Juvenile Dependency
17 ARD/ Summaries DRS Juvenile	18 Argument DRS	19 Misc. Hrings. Final PFA Hrings.	20 Civil Pre-Tr. Juvenile Dependency	21 Juvenile Dependency
24 Non-Jury	25 Non- Jury Juvenile	26 Non-Jury Final PFA Hrings.	27 Arraignments Juvenile Dependency O.C. Audit	28 Juvenile Dependency

**COMMONWEALTH of PENNSYLVANIA v.
JEREMIAH SIVONDA, Defendant**

*Attempted Homicide—Aggravated Assault—Habeas Corpus—Deadly
Weapon—Intent—Conspiracy.*

In considering the Defendant’s motion to dismiss, the Court found that the Commonwealth had presented sufficient *prima facie* evidence of the Defendant’s intent to commit both attempted homicide and aggravated assault, based upon his use of a firearm along with other attendant circumstances. However, because the Commonwealth lacked sufficient evidence to support a finding that the Defendant had any agreement with others to commit these crimes, the charges of conspiracy were dismissed.

In the Court of Common Pleas of Northampton County, Pennsylvania,
Criminal Division—No. CP-48-CR-00150-2022.

PATRICIA TURZYN, ESQUIRE, for the Commonwealth.

AMANDA BERNIER, ESQUIRE, for the Defendant.

Order of the Court entered on September 29, 2022 by ROSCIOLI, J.

ORDER

AND NOW, this 29th day of September 2022, upon consideration of Defendant’s *habeas corpus* motion to dismiss, and following a hearing, it is hereby ORDERED that the motion is DENIED IN PART and GRANTED IN PART, for the reasons set forth below. The charges in Count II and Count IV of the information are DISMISSED.

STATEMENT OF REASONS

Presently before the Court is Defendant’s *habeas corpus* motion to dismiss the charges of Attempted Homicide—18 Pa. C.S. §901(a), 18 Pa. C.S. §2501(a); Aggravated Assault—18 Pa. C.S. §2702(a)(1); and charges of conspiracy with respect to both of those crimes—18 Pa. C.S. §903(a)(1). In his *habeas corpus* motion, Defendant contends that the Commonwealth lacks sufficient evidence to support a *prima facie* finding that he committed either of these four offenses. A hearing was scheduled on the matter for September 20, 2022, at which time the Commonwealth offered the transcript and exhibits from the January 18, 2022 preliminary hearing in opposition to the motion. Both parties were afforded an opportunity to brief their respective positions, and have done so.

“A *prima facie* case consists of evidence, read in the light most favorable to the Commonwealth, that sufficiently establishes both the commission of a crime and that the accused is probably the perpetrator of that crime.” *Commonwealth v. Miller*, 810 A.2d 178, 181 (Pa. Super. 2002). In order to sustain its burden to establish a *prima facie* case against the De-

fendant on the charge at issue herein, “the Commonwealth must show the presence of every element necessary to constitute each offense charged and the defendant’s complicity in each offense. Proof beyond a reasonable doubt is not required[.]” *Commonwealth v. Snyder*, 483 A.2d 933, 935 (Pa. Super. 1984) (internal citations omitted). “However, proof, which would justify a trial judge submitting the case to the jury at the trial of the case, is required. Inferences reasonably drawn from the evidence of record which would support a verdict of guilty are to be given effect, and the evidence must be read in the light most favorable to the Commonwealth’s case.” *Id.* Having viewed the evidence offered by the Commonwealth through this lens, we find that it has met its burden on the charges of Attempted Homicide and Aggravated Assault, but not on the charges of conspiracy that are at issue.

The first charge that Defendant asks this Court to dismiss for lack of evidentiary sufficiency is Count I of the information, Attempted Homicide—18 Pa. C.S. §901(a), 18 Pa. C.S. §2501(a). In order to prove this charge, the Commonwealth must prove that the Defendant “had the specific intent to kill and took a substantial step towards that goal.” *Commonwealth v. Blakeney*, 946 A.2d 645, 652 (Pa. 2008). It is on this first element, the *mens rea*, that Defendant contends the Commonwealth lacks sufficient evidence. “The *mens rea* element of the offense is specific intent to kill, which is identical to the *mens rea* element of murder in the first degree.” *Commonwealth v. Predmore*, 199 A.3d 925 (Pa. Super. 2018).

In *Predmore*, the Superior Court examined a factually similar case in which the defendant was charged with attempted homicide for shooting a victim. The defendant shot at the retreating victim three times from 2-3 feet away, striking him twice in the calves. Under those facts, the Superior Court found inapplicable the axiom that the “use of a deadly weapon directed at a vital organ of another human being justifies a factual presumption that the actor intended the death unless the testimony contains additional evidence that would demonstrate a contrary intent,” given that the defendant did not shoot the victim in or about a vital organ. *Id.* at 931, quoting *Commonwealth v. Alston*, 317 A.2d 229, 231 (Pa. 1974). Under the facts of *Predmore*, the Superior Court concluded that it would be unreasonable to infer that the victim was not killed simply because of poor aim on the part of the defendant, and that the *presumption* of intent to kill was therefore inapplicable. The *Predmore* court contrasted the facts of that case with those in *Commonwealth v. Cross*, 331 A.2d 813 (Pa. Super. 1974), wherein the victim did not sustain any injuries after being shot at by the defendant, but intent to kill was found nevertheless, given evidence that was presented of a longstanding feud between the defendant and the victim’s brother, the defendant shouted, “This is for your brother,” and the bullet fired hit the victim’s car door at a height near his stomach.

In the matter now before us, the Defendant is accused of an intent to kill Malik Maxwell. In support of this charge, the Commonwealth offers

evidence that Defendant inserted himself into an argument between Mr. Maxwell and codefendant Malachi Williams, at the conclusion of which Defendant fired a gun at Mr. Maxwell. N.T. 1/18/22, pp. 29, 31, 33. Both shots missed Mr. Maxwell. *Id.* at 34. Mr. Maxwell testified that one of the shots missed him by a fair margin, and that the other nearly struck him in the leg. *Id.* While, on these facts alone, we might be constrained to conclude that the reasoning in *Predmore* requires our conclusion that there is insufficient evidence of an intent by Defendant to kill Mr. Maxwell, the Commonwealth has presented additional evidence upon which we believe an inference of intent may be reasonably based. First, unlike in *Predmore*, the shots fired by Defendant herein were fired from a distance of approximately 15-20 feet. *Id.* at 33. Therefore, an inference that poor aim accounted for the lack of injury is far more reasonable than in *Predmore*. In addition, Defendant is observed on the video evidence holding his gun at chest height pointed at Mr. Maxwell—and therefore at the vital organs of Mr. Maxwell—when firing the weapon, unlike the defendant in *Predmore*. Commonwealth Ex. 1 (1/18/22). Furthermore, at one point during the argument, while Defendant was wielding the gun, Mr. Maxwell asked the Defendant if he intended to kill him, and Defendant failed to deny that that was his intent. *Id.*

Taken together and viewed in the light most favorable to the Commonwealth, we believe that these facts are sufficient to support a *prima facie* case that Defendant intended to kill Mr. Maxwell at the time that he took a substantial step towards doing so in firing a gun at Mr. Maxwell. Accordingly, Defendant's motion to dismiss this charge must be denied.

The second charge that Defendant asks this Court to dismiss for lack of evidentiary sufficiency is Count III of the information, Aggravated Assault—18 Pa. C.S. §2702(a)(1). Pursuant to that statute, an individual commits the crime of Aggravated Assault when he “attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life.” The term “serious bodily injury” is defined, for purposes of this statute, as “bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.” 18 Pa. C.S. §2301. Where, as here, “the victim does not suffer serious bodily injury, the charge of aggravated assault can be supported only if the evidence supports a finding of an attempt to cause such injury. ‘A person commits an attempt when, with intent to commit a specific crime, he does any act which constitutes a substantial step toward the commission of that crime.’” *Commonwealth v. Martuscelli*, 54 A.3d 940, 948 (Pa. Super. 2012), quoting 18 Pa. C.S. §901(a). “The intent to cause serious bodily injury may be proven by direct or circumstantial evidence.” *Id.*

In this case, there is evidence that the Defendant pointed a firearm at the victim and fired two shots. N.T. 1/18/22, pp. 23, 44; Commonwealth Ex. 1 (1/18/22). While the victim was fortunate to not suffer injury as a result of the Defendant's actions, the firing of a weapon at a person is certainly a substantial step towards causing serious bodily injury to that person, and can be circumstantial evidence of the Defendant's intent to cause such injury. "Where one does not verbalize the reasons for his actions, we are forced to look to the act itself to glean the intentions of the actor. Where the intention of the actor is obvious from the act itself, the finder of fact is justified in assigning the intention that is suggested by the conduct." *Commonwealth v. Meredith*, 416 A.2d 481, 485 (Pa. 1980). Had either of Defendant's shots hit the victim, the victim would very likely have been injured in such a manner that created a substantial risk of death or caused serious, permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ. For the reasons discussed above with respect to the charge of Attempted Homicide, we find that the evidence supports a *prima facie* finding that, at a minimum, Defendant intended serious bodily injury to Mr. Maxwell when he fired a gun at him two times at chest height. Accordingly, Defendant's motion to dismiss the charge of Aggravated Assault must be denied.

Finally, Defendant asks this Court to dismiss two charges of conspiracy—one for conspiracy to commit Homicide, and one for conspiracy to commit Aggravated Assault. Defendant is accused of conspiring with codefendant Malachi Williams to commit these crimes.

To establish a *prima facie* case of conspiracy, the Commonwealth must provide sufficient evidence that the defendant (1) entered into an agreement to commit or aid in an unlawful act with another person or persons; (2) with a shared criminal intent; and (3) an overt act was done in furtherance of the conspiracy. The essence of a criminal conspiracy is a common understanding, no matter how it came into being, that a particular criminal objective be accomplished. Because an explicit or formal agreement to commit an unlawful act is difficult to prove, such an act may be proved inferentially by circumstantial evidence. The agreement may be inferred from a variety of circumstances including, but not limited to, the relation between the parties, knowledge of and participation in the crime, and the circumstances and conduct of the parties surrounding the criminal episode.

Commonwealth v. Munson, 261 A.3d 530, 542 (Pa. Super. 2021) (internal citations omitted).

Critically, a conspiracy to commit any crime requires a meeting of the minds of two or more persons.

The agreement need not be formal, nor must it even be expressly communicated. It can be established instantaneously, or it can be the product of drawn-out deliberations. [...] A conspiracy can form after one of the actors begins committing a substantive crime, such as an assault. Yet, as is the case here, determining if and when such a conspiracy arose can be difficult. Consider a case in which two people engage in a fight and another person joins in after the fight has begun. If the intervening person decided, entirely upon her own accord, to join the fight, no conspiracy would exist, regardless of her relationship to either combatant. The conspirators must at some point agree (and intend) to commit—or solicit or aid in the planning of—an assault. One joining the fight, but acting only upon her own volition and motivation, does not make a conspiracy.

Nonetheless, even if no conspiracy existed when the third party initially intervened, subsequent events can create a criminal conspiracy. For example, imagine two men fighting each other outside of a bar. A third man, a friend of one of the combatants, sees the fight and decides, on his own, to jump into the fight to help his friend. At that point, because there has not yet been a meeting of the minds, no conspiracy exists. But, imagine next that the original fighter grabs and holds his opponent by the arms and then nods to the intervening friend, who then starts repeatedly punching the restrained man. In that scenario, a conspiracy has formed when the original fighter holds his opponent and nods to the intervening man, even though no conspiracy yet existed at the point when the third man first joined the fight.

Commonwealth v. Chambers, 188 A.3d 400, 411 (Pa. 2018).

With these principles in mind, our review of the evidence supplied by the Commonwealth at the preliminary hearing, and in particular the evidence cited to by the Commonwealth in its brief in opposition to the motion, leads us to conclude that there is insufficient evidence to support a *prima facie* case of conspiracy to commit either Homicide or Aggravated Assault. Rather, the evidence supplied by the Commonwealth merely demonstrates two individuals engaging in assaultive conduct towards Mr. Maxwell. Nothing about the evidence suggests any express or implied agreement, either before or during the altercation, between Defendant and Mr. Williams.

First, the Commonwealth's evidence in no way suggests that there was a prior agreement between Defendant and Mr. Williams to engage in any conduct towards Mr. Maxwell. According to Mr. Maxwell's testimony, on the night in question, he was walking through the alleyway where the incident took place, travelling from the house of one friend to the house of

another. N.T. 1/18/22, pp. 39-40. While he was walking, a vehicle driven by his friend Jasmine approached, and she stopped and the two spoke. *Id.* at 41-42, 48. Mr. Williams was in the vehicle with Jasmine, and an argument between him and Mr. Maxwell ensued. *Id.* at 49-50. Shortly thereafter, Defendant—who lived down the street with his mother—appeared on the scene and became involved in the argument, siding with Mr. Williams. *Id.* at 42-44, 50, 103. Mr. Maxwell was surprised to see Defendant and Mr. Williams, as he had never seen them in that area before and had no plans to see them that night. *Id.* at 40. Police later interviewed Jasmine, and she likewise related that while she was driving the car with Mr. Williams, they happened upon Mr. Maxwell, and that she had no expectation that they would run into either Mr. Maxwell or the Defendant that night. *Id.* at 97. In an analysis of text messages between Defendant and Mr. Williams, police found no mention of Mr. Maxwell or an intention by either men of engaging with him. *Id.* at 95-96.

Based upon this record, we cannot find that the Commonwealth has *prima facie* evidence of any prior agreement between the Defendant and Mr. Williams to engage with Mr. Maxwell. Furthermore, our review of the video evidence of the incident reveals no words spoken, and no gesture or look between Defendant and Mr. Williams that would suggest the formation of any express or implied agreement during the fight that they would conspire together to harm Mr. Maxwell. Rather, the evidence merely suggests that Defendant joined, of his own independent motivation, an ongoing argument between Mr. Maxwell and Mr. Williams and escalated same by brandishing and later using a firearm. Such is not the basis for a charge of conspiracy, and accordingly the charges to which Defendant now objects in Count II and Count IV of the information must be dismissed for want of *prima facie* evidence.

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