

Northampton County Reporter

(USPS 395-280)

VOL. LXII

EASTON, PA August 31, 2023

NO. 87

Commonwealth of Pennsylvania v. Clement Barrington Swaby, Defendant (Part I)

CONTENTS

Bar News	3	Estate and Trust Notices	4
Court Calendar	24	Legal Notices	8
		Sheriff's Sales	11

INSERT: Yellow: 1. Annual Memorial Service

2. 2023 Calendar

3. Journey to Holland: Law and Culture in the Netherlands

4. Holiday Hope Chests Project/Save the Dates

Cream: 1. "Representing Your Clients at a Mediation"

2. Quarterly Association Meeting Registration

3. "Update on Changes to State and Local Custody Rules"

4. "Nuts & Bolts of Pennsylvania's Ignition Interlock Program"

NOTICE TO THE BAR...

Quarterly Association Meeting

Thursday, September 14, 2023

Registration form inside

**NORTHAMPTON COUNTY BAR ASSOCIATION
2023 BAR ASSOCIATION OFFICERS**

Steven B. Molder President
Jeremy F. Clark President-Elect
Rebecca Kulik Vice President
Michael A. Santanasto Treasurer
Richard Eugene Santee Secretary
Paul J. Harak Past President

BOARD OF GOVERNORS

Syzane Arifaj
Abigail Bellafatto
Gary A. Brienza
David J. Ceraul
Isaac A. Hof
Mark B. Stanziola
Dennis W. Winegar

ZONE II DELEGATES

Jill McComsey
Keri A. Schantz
Joel M. Scheer
Michael P. Shay
Frank W. Yandrisevits

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@nrcobar.org

PBA (800) 932-0311—PBI (800) 932-4637

BAR ASSOCIATION STAFF

Mary Beth Leeson Executive Director
Rose Wedde Accounting
..... Legal Journal
Deborah J. Flanagan Attorney Referral
Jessica M. Bosco 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**Save the Dates**

September 6, 2023	Annual Memorial Service
September 14, 2023	Quarterly Association Meeting Registration form inside
October 9, 2023	NCBA Fall CLE Conference @ Wind Creek Conference Center
October 13, 2023	Amicus Soirée
October 21, 2023	CluedUpp Scavenger Hunt for members, families and friends of all ages.

The only thing that feels better than winning is winning when nobody thought you could. ~ Hank Aaron

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**BACHMAN, GREGORY R.,** dec'd.

Late of the Township of Lehigh, Northampton County, PA
Executor: Matthew A. Nowik
Attorneys: Gladys E. Wiles, Esquire, Snyder & Wiles, P.C., 7731 Main Street, Fogelsville, PA 18051

DRONEY, MICHAEL L., dec'd.

Late of Bethlehem, Northampton County, PA
Administratrix: Michele Marie Turner 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

EVANS, RICHARD EDWIN, dec'd.

Late of the Borough of Hellertown, Northampton County, PA
Executrix: Janice Evans Swah 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

FRITZ, MARY A., dec'd.

Late of Williams Township, Northampton County, PA
Administrator: Albert W. Frasier c/o Steven B. Molder, Esquire, 904 Lehigh St., Easton, PA 18042

Attorney: Steven B. Molder, Esquire, 904 Lehigh St., Easton, PA 18042

GREATSINGER, JAMES R., dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Administratrix: Cynthia A. Greatsinger c/o Richard Eugene Santee, Esquire, Shay, Santee, Kelhart & Deschler LLC, 44 E. Broad Street, Suite 210, Bethlehem, PA 18018

Attorneys: Richard Eugene Santee, Esquire, Shay, Santee, Kelhart & Deschler LLC, 44 E. Broad Street, Suite 210, Bethlehem, PA 18018

KOLOWITZ, EUGENE F., dec'd.

Late of Northampton, Northampton County, PA

Administrator: Joseph Kolowitz c/o Joshua D. Shulman, Esquire, Shulman Law Office PC, 1935 Center Street, Northampton, PA 18067

Attorneys: Joshua D. Shulman, Esquire, Shulman Law Office PC, 1935 Center Street, Northampton, PA 18067

MANDELL, SUZANNE M., dec'd.

Late of the Borough of Nazareth, Northampton County, PA
Administratrix: Mollie M. Santee c/o Richard Eugene Santee, Esquire, Shay, Santee, Kelhart & Deschler LLC, 44 E. Broad Street, Suite 210, Bethlehem, PA 18018

Attorneys: Richard Eugene Santee, Esquire, Shay, Santee, Kelhart & Deschler LLC, 44 E. Broad Street, Suite 210, Bethlehem, PA 18018

MILLER, DONNA MARIA, dec'd.

Late of Northampton County, PA
Executor: Paul Miller c/o Leonard M. Mellon, Esquire, 151 South 7th Street, Easton, PA 18042

Attorney: Leonard M. Mellon, Esquire, 151 South 7th Street, Easton, PA 18042

NORTH, SAMUEL W., dec'd.

Late of the Township of Bethlehem, Northampton County, PA

Administratrix: Savannah Landis North c/o Joseph F. Leeson, III, Esquire, 70 East Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

Attorney: Joseph F. Leeson, III, Esquire, 70 East Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

O'KEEFE, NANCY D., dec'd.

Late of the City of Bethlehem, Northampton County, PA
Executor: Sean Edward O'Keefe c/o Joseph F. Leeson, III, Esquire, 70 East Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

Attorney: Joseph F. Leeson, III, Esquire, 70 East Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

PEARSON, CLARK L., dec'd.

Late of Moore Township, Northampton County, PA

Co-Executors: Raymond Pearson and William J. Ohlandt 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

SCHUBERT, CONSTANCE H., dec'd.

Late of Bethlehem Township, Northampton County, PA
Trust of The Schubert Family dated 08/09/1994

Trustee: Laurie Ann Dougherty c/o Jon A. Swartz, Esquire, Prokup & Swartz, 7736 Main Street, Fogelsville, PA 18051

Attorneys: Jon A. Swartz, Esquire, Prokup & Swartz, 7736 Main Street, Fogelsville, PA 18051

SKOPAL, THOMAS EDWARD, SR., dec'd.

Late of Hanover Township, Northampton County, PA

Executrix: Karen P. McLaughlin c/o Michael D. Recchiuti, Esquire, 60 W. Broad Street, Ste. 303, Bethlehem, PA 18018

Attorney: Michael D. Recchiuti, Esquire, 60 W. Broad Street, Ste. 303, Bethlehem, PA 18018

VARGA, PAUL R., dec'd.

Late of the Township of Plainfield, Northampton County, PA

Executrix: Susan Traci Burcaw c/o Carla J. Thomas, Esquire, 716 Washington St., Easton, PA 18042

Attorney: Carla J. Thomas, Esquire, 716 Washington St., Easton, PA 18042

WICKETT, JEAN M., dec'd.

Late of the Borough of East Bangor, Northampton County, PA

Executors: Anthony D. Gregory, Steven M. Gregory and Douglas Allen Gregory

Attorneys: Alan B. McFall, Esquire, McFall Law, LLC, 31 West First Street, Suite J, Wind Gap, PA 18091

SECOND PUBLICATION**DAVIS, ALAN D., SR.,** dec'd.

Late of Freemansburg Borough, Northampton County, PA

Administrator: Charles A.J. Halpin, III, The Landing Title Bldg., 100 S. Broad St., Ste. 1830, Philadelphia, PA 19110

Attorney: Charles A.J. Halpin, III, Esquire, The Landing Title Bldg., 100 S. Broad St., Ste. 1830, Philadelphia, PA 19110

FRASER, DOLORES F., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Craig R. Fraser c/o Joseph F. Leeson, III, Esquire, 70 East Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

Attorney: Joseph F. Leeson, III, Esquire, 70 East Broad Street, P.O. Box 1426, Bethlehem, PA 18016-1426

HAHN, EILEEN A., dec'd.

Late of the Township of Moore, Northampton County, PA

Co-Executors: Debra Kay Budge and Michael Jay Hahn 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

KELDANOWICZ, JOSEPH PAUL, III, dec'd.

Late of the Township of Forks, Northampton County, PA

Executrix: June Ann Brereton
Attorneys: Garrett R. Benner, Esquire, Benner & Trovato, 2005 City Line Road, Suite 106, Bethlehem, PA 18017

LONG, JEANETTE S., dec'd.

Late of the Township of Hanover, Northampton County, PA

Executrix: Brigit J. Silvestri 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

PATTON, JULIANNE M., dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Michael Joseph Patton c/o Laura M. Mercuri, Esquire, Duffy, North, 104 North York Road, Hatboro, PA 19040

Attorneys: Laura M. Mercuri, Esquire, Duffy, North, 104 North York Road, Hatboro, PA 19040

PINSLEY, DONNA G., dec'd.

Late of Northampton County, PA

Executors: Mark Pinsley and Rachael Pinsley c/o Zator Law, 4400 Walbert Ave., Allentown, PA 18104

Attorneys: Zator Law, 4400 Walbert Ave., Allentown, PA 18104

WERKHEISER, MATTHEW G., dec'd.

Late of the Township of Plainfield, Northampton County, PA

Executrix: Jacqueline M. Lee-Werkheiser 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

THIRD PUBLICATION

BASOVSKY, JOSEPH C., dec'd.

Late of Upper Nazareth
Township, Northampton County,
PA

Executor: Thomas A. Basovsky
c/o Joseph J. Velitsky, Esquire,
Velitsky & Frycklund, 49 East
Ludlow Street, Summit Hill, PA
18250

Attorneys: Joseph J. Velitsky,
Esquire, Velitsky & Frycklund,
49 East Ludlow Street, Summit
Hill, PA 18250

DROGO, ANTONIETTA DATO, dec'd.

Late of Easton, Northampton
County, PA

Executor: Anthony Joseph Drogo
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

GEISBERGER, JOSEPH E., dec'd.

Late of the Borough of Wilson,
Northampton County, PA

Executor: Kirk A. Geisberger c/o
Robert C. Brown, Jr., Esquire,
Fox, Oldt & Brown, 940 W.
Lafayette Street, Suite 100,
Easton, PA 18042

Attorneys: Robert C. Brown, Jr.,
Esquire, Fox, Oldt & Brown, 940
W. Lafayette Street, Suite 100,
Easton, PA 18042

JONES, FREDERICK S., dec'd.

Late of Northampton, North-
ampton County, PA

Administratrix: Holly A. Gusick,
2330 Packhouse Road, Fogels-
ville, PA 18051

LOWE, LINDA MAE, dec'd.

Late of the Township of Mount
Bethel, Northampton County, PA
Executrix: Mary Ellen Bingman
c/o Barbara Rush Renkert,
Esquire, 2120 Northampton
Street, Easton, PA 18042

Attorney: Barbara Rush Renkert,
Esquire, 2120 Northampton
Street, Easton, PA 18042

MINNICH, BETTY JANE, dec'd.

Late of the Borough of Bath,
Northampton County, PA

Executor: Franklin A. Keller c/o
Theresa Hogan, Esquire, 340
Spring Garden Street, Easton,
PA 18042

Attorney: Theresa Hogan,
Esquire, 340 Spring Garden
Street, Easton, PA 18042

MUFFLEY, DAVID E., dec'd.

Late of the Township of Wash-
ington, Northampton County, PA
Administratrix: Genevieve R.
Rose

Attorney: Nicholas R. Sabatine,
III, Esquire, 16 S. Broadway,
Suite 1, Wind Gap, PA 18091

ORTIZ, MIGDALIA, dec'd.

Late of Forks Township, North-
ampton County, PA

Administrators: Sandra Trevejo
and Sergio J. O'Neill 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

PAULES, WILLARD A. a/k/a **WILLARD PAULES,** dec'd.

Late of 443 Washington Drive,
Walnutport, Northampton
County, PA

Executor: Dwain A. Paules
Attorneys: William C. Cannon,
Esquire, The Cannon Law Firm,
PLLC, P.O. Box 171, Bloomsburg,
PA 17815

PAYONK, JOHN F., JR., dec'd.

Late of the Borough of Nazareth,
Northampton County, PA
Co-Executrices: Samaria W.
Knutson and Shirley Jean
Payonk 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

PIPIPVEL, MARY, dec'd.

Late of Bethlehem, Northampton
County, PA
Executrix: Diane Marie Reese
Attorney: Daniel G. Dougherty,
Esquire, 881 3rd St., Suite B-3,
Whitehall, PA 18052

RESAR, JOANN, dec'd.

Late of the Township of Williams,
Northampton County, PA
Administrator: Larry R. Resar,
Jr. c/o Joseph F. Leeson, III,
Esquire, 70 East Broad Street,
P.O. Box 1426, Bethlehem, PA
18016-1426
Attorney: Joseph F. Leeson, III,
Esquire, 70 East Broad Street,
P.O. Box 1426, Bethlehem, PA
18016-1426

NOTICE FOR CHANGE OF NAME

NOTICE IS BEING GIVEN that on
August 23, 2023, the Petition of
Savannah Lee Foster was filed in
Northampton County Court of
Common Pleas at No. C-0048-CV-
2023-06251, seeking to change the
name of Petitioner from Savannah Lee
Foster to Parker Lee Foster. The Court
has fixed October 18, 2023, at 9:00
a.m. in Courtroom #4 at the North-

ampton County Courthouse as the
date and time 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.

Aug. 31

NOTICE FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that
on June 8, 2023, the Petition of John
Carrick MacDonald was filed in
Northampton County Court of
Common Pleas at No. C-48-CV-2023-
03864, seeking to change the name
of Petitioner from John Carrick
MacDonald to John Carrick Fitz. The
Court has fixed Monday, October 16,
2023 at 9:00 a.m., in Motions' Court
at the Northampton County Court-
house as the date for hearing of the
Petition. 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.

Aug. 31

NOTICE FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that
on August 17, 2023, the Petition of
Christine Stanton was filed in
Northampton County Court of
Common Pleas at No. C-48-CV-2023-
06121, seeking to change the name
of minor child from McKenzie Riley
Nava to McKenzie Riley Stanton. The
court has fixed Thursday, October 19,
2023 at 9:00 a.m., in courtroom no.
TBD at the Northampton County
Courthouse as the date for hearing of
the Petition. 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.

Aug. 31

NOTICE FOR CHANGE OF NAME

NOTICE IS HEREBY GIVEN that on August 17, 2023, the Petition of Christine Stanton was filed in Northampton County Court of Common Pleas at No. C-48-CV-2023-06122, seeking to change the name of minor child from Kaitlyn Marie Stanton to Jayden Torres-Stanton. The court has fixed Thursday, October 19, 2023 at 9:00 a.m., in courtroom no. TBD at the Northampton County Courthouse as the date for hearing of the Petition. 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.

Aug. 31

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

IN RE: TAKING IN EMINENT
DOMAIN OF CERTAIN PARCEL
OF REAL ESTATE BY THE
REDEVELOPMENT AUTHORITY
OF EASTON, PENNSYLVANIA,
KNOWN AS 360 WEST
WILKES BARRE STREET
LOCATED IN THE CITY OF
EASTON, NORTHAMPTON
COUNTY, PA

NO. 4823-3598

Premises: 360 W. Wilkes Barre;
Parcel ID No. L9SE3D-11-4; Parcel ID
No. L9SE3D-11-3.

Condemnees: Victor S. Levens, Jr.,
and Mary E. Levens.

NOTICE

To: The Known and Unknown Heirs
and/or Administrators of the
Estates of Victor S. Levens, Jr.,
and Mary E. Levens

You are hereby notified that the
Redevelopment Authority of Easton,
Pennsylvania, has filed a Declaration
of Taking against Victor S. Levens,
Jr., and Mary E. Levens with the
intention of taking by eminent domain

the property located at and known as
360 West Wilkes Barre Street in the
City of Easton, Northampton County,
Pennsylvania, the said property also
being known as Parcel ID Nos.
L9SE3D-11-4 and L9SE3D-11-3.

You have the right to file prelimi-
nary objections within 30 days after
the last publication of this notice. If
you do not do so, then the condemnor
Redevelopment Authority of Easton,
Pennsylvania, will pay into court the
estimated just compensation as
determined by its real estate
appraiser, the said sum to be
deposited into court after adjustment
for present and delinquent real estate
taxes and municipal liens.

If you wish to defend, you must
enter a written appearance person-
ally or by attorney and file your
defenses or objections in writing with
the court. You are warned that if you
fail to do so the case may proceed
without you and a judgment may be
entered against you without further
notice for the relief requested by the
condemnor, i.e. transfer of title to the
Redevelopment Authority of Easton,
Pennsylvania. 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 OR
CANNOT AFFORD ONE, GO TO OR
TELEPHONE THE OFFICE SET
FORTH BELOW, THIS OFFICE CAN
PROVIDE YOU WITH INFORMATION
ABOUT HIRING A LAWYER. IF YOU
CANNOT AFFORD TO HIRE A
LAWYER THIS OFFICE MAY BE
ABLE TO PROVIDE YOU WITH
INFORMATION ABOUT AGENCIES
THAT MAY OFFER LEGAL SERVICES
TO ELIGIBLE PERSONS AT A
REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
P.O. Box 4733
Easton, PA 18043-4733
(610) 258-6333

Aug. 31; Sept. 7

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

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
U.S. Bank National Association
Plaintiff

v.

Joseph Andrew Michael;
Matthew James Michael;
Amanda Ruch; William Michael;
Estate of Jean Marie Michael and
Any and All Known and Unknown
Heirs, Successors and Assigns,
Representatives and Devisees and
All persons, firms or associations
claiming right title or interest from
or under the Estate of
Jean Marie Michael, Deceased
Defendants

**NO. C-48-CV-2023-03029
COMPLAINT IN MORTGAGE
FORECLOSURE**

To: Joseph Andrew Michael; Matthew
James Michael; Amanda Ruch;
William Michael; Estate of Jean
Marie Michael and Any and All
Known and Unknown Heirs,
Successors and Assigns, Repre-
sentatives and Devisees and All
persons, firms or associations
claiming right title or interest from
or under the Estate of Jean Marie
Michael, Deceased

You are hereby notified that
Plaintiff, U.S. Bank National Associa-
tion, has filed a Mortgage Foreclosure
Complaint endorsed with a Notice to
Defend, against you in the Court of
Common Pleas of Northampton
County, PA docketed as C-48-CV-
2023-03029 seeking to foreclose the
mortgage secured on property located
at 1433 Deer Path Drive, Walnutport,
Pennsylvania 18088.

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
Telephone: (610) 258-6333

JACQUELINE F.
McNALLY, ESQUIRE
PADGETT LAW GROUP
Attorneys for Plaintiff

700 Darby Road
Ste. 100
Havertown, PA 19083
(850) 422-2520

Aug. 31

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on SEPTEMBER 8, 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-2014-10438

BANK OF NEW YORK MELLON
f/k/a BANK OF NEW YORK ET AL.
vs.

JAMES LEWIS, LOUADA LEWIS

Property Address:

1404 Fairmount Street,
Bethlehem, PA 18017

UPI/Tax Parcel Number:

N7SW1C/6/1/0204

ALL THAT CERTAIN lot or piece of ground, with improvements thereon erected, situate in the 15th Ward of Bethlehem City, Northampton County, Pennsylvania, and being known as Lot No. 61 on Plan of Section No. 1, Bayard Park, said plan made by Allan G. Zoll and Charles D. Remaly, Registered Surveyors, dated October 21, 1952, and recorded in Map Book 13 at page 10.

TITLE TO SAID PREMISES is vested in James Lewis and Louada Lewis, as tenants by the entireties, by deed from James Lewis, said deed recorded on March 2, 2005, in the Northampton County Recorder of Deeds Office in Book 2005-1 at page 075035.

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

No. C-48-CV-2018-10467

FREEDOM MORTGAGE
CORPORATION

vs.

JOHN M. YANKAUSKAS

Property Address:

4005 Cedar Drive, Walnutport, PA
18088

UPI/Tax Parcel Number:

J3/3/2A-1/0516

ALL THAT CERTAIN parcel or tract of land, together with the improvements thereon erected, on the southerly side of Township Road T-511 in Lehigh Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in John M. Yankauskas by deed from Bank of America, N.A., for the benefit of HSBC Bank USA, National Association, said deed recorded on December 17, 2014, in the Northampton County Recorder of Deeds Office in Book 2014-1 at page 220869.

THEREON BEING ERECTED a bi-level single residential dwelling with aluminum siding and stucco exterior, shingle roof and attached two-car garage.

No. C-48-CV-2019-03677

FREEDOM MORTGAGE
CORPORATION

vs.

MICHAEL E. HUDAK

Property Address:

303 East 10th Street, Northampton, PA 18067-1700

UPI/Tax Parcel Number:

M4NW2C/1A/7/0522

ALL THAT CERTAIN lot or piece of land situate in the Third Ward of Northampton Borough, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Michael E. Hudak by deed from Susan A. Fatzinger, Executrix of the Estate of Anna S. Sacks, deceased, said deed recorded on August 25, 2010, in the Northampton County Recorder of Deeds Office in Book 2010-1 at page 167675.

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

No. C-48-CV-2020-06586

USAA FEDERAL SAVINGS BANK
vs.

ADAM R. HOWARD, OCCUPANTS

Property Address:

480 Sandy Shore Drive, Mount Bethel, PA 18343

UPI/Tax Parcel Number:

E12/6/6H/0131

ALL THAT CERTAIN lot, piece or parcel of land lying and being in Upper Mount Bethel Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMIES is vested in Adam R. Howard by deed from Charles J. Knecht and Deborah Knecht, husband and wife, said deed recorded on August 28, 2017, in the Northampton County Recorder of Deeds Office in Book 2017-1 at page 185728.

THEREON BEING ERECTED a ranch-style single residential dwelling with T1-11 wood siding and shingle roof.

No. C-48-CV-2022-00075

FREEDOM MORTGAGE
CORPORATION

vs.

THOMAS D. BROWN, II, IN HIS CAPACITY AS HEIR OF THOMAS A. BROWN, DECEASED, UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER THOMAS A. BROWN, DECEASED, KERRY BROWN DYE

a/k/a KERRY A. BROWN a/k/a KERRY A. CHAPMAN, IN HER CAPACITY AS HEIR OF THOMAS A. BROWN, DECEASED

Property Address:

1814 Ironwood Drive, Easton, PA 18040

UPI/Tax Parcel Number:

K9/16/77/0311

ALL THAT CERTAIN lot or parcel of land situate on the southerly corner of the northerly intersection of Ramblewood Drive and Ironwood Drive in Forks Township, Northampton County, Pennsylvania, indicated as Lot No. 209 Ramblewood Drive or Lot No. 1814 Ironwood Drive on the subdivision plan of Ramblewood recorded in Plan Book 46 at page 45.

TITLE TO SAID PREMISES is vested in Thomas A. Brown and Angela J. Brown, husband and wife, by deed from Alexander Patullo, said deed recorded on August 28, 1998, in the Northampton County Recorder of Deeds Office in Book 1998-1 at page 115914. The said Angela J. Brown died on or around March 20, 2021, whereby title became vested solely in Thomas A. Brown. And the said Thomas A. Brown died on or around March 31, 2021.

THEREON BEING ERECTED a two-story single residential dwelling with vinyl siding and brick exterior, shingle roof and attached three-car garage.

No. C-48-CV-2022-06352

21ST MORTGAGE
CORPORATION ET AL.

vs.

UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER WILLIAM G. FLAGMEIER, DECEASED, AND JUDITH I. FLAGMEIER, DECEASED,

TRUSTEES OF THE FLAGMEIER
FAMILY TRUST, DATED
SEPTEMBER 28, 2001

Property Address:

2934 Roosevelt Street, Bethlehem,
PA 18020

UPI/Tax Parcel Number:

N7NW3/38/2/0205

ALL THAT CERTAIN lot, tract or
piece of ground situate in Bethlehem
Township, Northampton County,
Pennsylvania.

TITLE TO SAID PREMISES is
vested in Flagmeier Family Trust,
dated September 28, 2001, by deed
from William G. Flagmeier and Judith
I. Flagmeier, husband and wife, said
deed recorded on October 23, 2001,
in the Northampton County Recorder
of Deeds Office in Book 2001-1 at
page 220168.

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

No. C-48-CV-2022-07712

LOANCARE, LLC

vs.

ROBERT C. THORNE, JR., AS
EXECUTOR OF THE ESTATE OF
ROBERT C. THORNE, SR.,
DECEASED

Property Address:

145 Mapo Hollow Road, Bangor,
PA 18013

UPI/Tax Parcel Number:

C9/3/4L/0131

ALL THAT CERTAIN tract of land
situate in Upper Mount Bethel
Township, Northampton County,
Pennsylvania, and being Lot #10 of
Mapo Hollow Plan, said map dated
July 20, 1962, last revised July 20,
1967, drawn by Al S. Nittle, owner,
and recorded in Map Book 23 at page
30.

THEREON BEING ERECTED a
ranch-style single residential dwelling
with vinyl siding and shingle roof.

Property Address:

149 Mapo Hollow Road, Bangor,
PA 18013

UPI/Tax Parcel Number:

C9/3/4N/0131

ALL THAT CERTAIN tract of land
situate in Upper Mount Bethel
Township, Northampton County,
Pennsylvania, and being Lot #11 of
Mapo Hollow Plan, said map dated
July 20, 1962, last revised July 20,
1967, drawn by Al S. Nittle, owner,
and recorded in Map Book 23 at page
30.

THEREON BEING ERECTED a
detached two-car garage with vinyl
siding and shingle roof.

TITLE TO BOTH PARCELS is
vested in Robert C. Thorne, Sr., by
deed from Shayne Deemer a/k/a
Shayne L. Frable, Executrix of the
Last Will and Testament of Astrid
Staples, deceased, said deed recorded
on December 8, 2008, in the
Northampton County Recorder of
Deeds Office in Book 2008-1 at page
319869.

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

Aug. 17, 24, 31

**COMMONWEALTH of PENNSYLVANIA v.
CLEMENT BARRINGTON SWABY, Defendant**

Motion for Severance—Joinder—Motion for Continuance—Accomplice Liability—Waiver—Sentencing.

Defendant filed a notice of appeal to the Pennsylvania Superior Court challenging the trial court's order permitting all three matters to be heard in a single trial, challenging the trial court's order denying defendant's motion for a continuance, challenging the trial court's order denying defendant's motion to dismiss a charge of criminal attempt to commit involuntary deviate sexual intercourse, and challenging his sentence of 75-150 years. The trial court held that defendant's motion for severance was untimely, and that defendant waived his severance argument. The trial court also held that joinder of the matters was proper because the evidence of each of the matters would be admissible in all three trials if the matters were tried separately, and that the evidence was capable of separation by the jury. Defendant was not prejudiced by the consolidation of the trials. The trial court did not abuse its discretion by denying defendant's motion for a continuance and any error in denying the continuance was harmless. The trial court did not err by not dismissing the remaining charge of criminal attempt to commit involuntary deviate sexual intercourse because defendant was guilty through accomplice liability. Defendant waived his argument that the sentence was unreasonable because he failed to make specific objections to the sentence. The sentence was not unreasonable because it was supported by the record and the trial court considered all of the required factors set forth in 42 Pa. C.S. §9721(b).

In the Court of Common Pleas of Northampton County, Pennsylvania,
Criminal Division—Nos. C-48-CR-1319-2021, C-48-CR-2065-2021, C-48-CR-2793-2021.

TATUM WILSON, ESQUIRE, for the Commonwealth.

JAMES CONNELL, ESQUIRE and JOSEPH LEESON, III, ESQUIRE, for Defendant.

Order of the Court entered on June 14, 2023 by KOURY, J.

*PENNSYLVANIA RULE OF APPELLATE
PROCEDURE 1925(a) STATEMENT*

AND NOW, this 14th day of June, 2023, the Court issues the following statement:

On April 20, 2023, Defendant Clement Barrington Swaby ("Swaby") filed a notice of appeal to the Superior Court of Pennsylvania from the judgment of sentence entered on March 20, 2023. *See* Notice of Appeal, *Commonwealth v. Swaby*, No. C-48-CR-1319-2021, C-48-CR-2065-2021, C-48-CR-2793-2021 (C.P. Northampton Co. Apr. 20, 2023). For the reasons set forth below, we respectfully suggest that Swaby's appeal lacks merit and should be dismissed.

*BACKGROUND**I. Factual Background**A. Rape of K.K.*

During the early hours of May 19, 2020, Swaby parked his rented Jeep Compass Trailhawk in the vicinity of 563 Hillside Avenue, Bethlehem, Pennsylvania. *See* Notes of Testimony at 189, *Commonwealth v. Swaby*, No. C-48-CR-1319-2021, C-48-CR-2065-2021, C-48-CR-2793-2021 (C.P. Northampton Co. Nov. 1, 2022) (“N.T. Nov. 1”). At approximately 5 a.m., Swaby, wearing all dark clothing, gloves and a neck gaiter style mask, entered K.K.’s home and climbed the stairs to the second floor. *See id.* at 60. K.K. was a twenty-two year old student at Lehigh University. *See id.* at 50-51. K.K. was sleeping in her bedroom on the second floor and awoke to the sight of Swaby in her doorframe. *See id.* at 60. K.K. used the flashlight application on her phone to shine a light on Swaby. *See id.* Once K.K. noticed Swaby, he jumped up. *See id.* He ran toward K.K. holding a big knife that was serrated on one side. *See id.* at 60-61. As he ran toward her with the knife, Swaby told K.K. to “shut the fuck up.” *See id.*

K.K. told Swaby that he could take anything he wanted. *See id.* Swaby told K.K. that he did not want her money and to “shut the fuck up.” *See id.* at 61. He asked K.K. if her roommates were home and whether the “one who cooks” was home. *See id.* He told K.K. that he had a friend downstairs who would kill her if she tried anything. *See id.*

Swaby then got on to K.K.’s bed with her and put his body on top of hers. *See id.* He held a knife to her throat. *See id.* He told her to remove her pants and “show him her ass.” *See id.* K.K. did as he instructed. *See id.* He then told to her place her finger inside her vagina. *See id.* K.K. told Swaby that she had a sexually transmitted disease and that he did not want to go through with this. *See id.* In response, Swaby asked K.K. if she had a condom. *See id.* at 61-62. K.K. told him that she did not. *See id.* at 62. Swaby then told her to “shut the fuck up” and that she did not have a sexually transmitted disease. *See id.* He instructed her again to place her finger inside her vagina. *See id.* Next, Swaby got on top of K.K., held the knife to her head and put his penis into her vagina. *See id.* He penetrated her for approximately five minutes while facing her. *See id.* Then, Swaby forced K.K. to turn around and penetrated her from behind for another five to ten minutes while holding the knife to her back. *See id.* After this, Swaby stood up and forced K.K. to get on her knees. *See id.* He forced his penis into her mouth while holding the knife to her throat and moved her head back and forth. *See id.* K.K. told Swaby to “please stop” and that the knife was hurting her. *See id.* Swaby then forced K.K. back onto the bed and started penetrating her from behind again for approximately fifteen minutes. *See id.* at 62-63.

K.K. told Swaby that she was tired and needed water. *See id.* at 63. Swaby ignored her and continued to penetrate her for another five minutes. *See id.* K.K. told Swaby that she needed water again. *See id.* Swaby then stood up and told K.K. to put her pants back on. *See id.* She did as he said. *See id.* He told her to get back in bed. *See id.* Swaby asked K.K. if she knew him and she said that she did not. *See id.* He told her that her friend owes him money for drugs and that he knew her friends. *See id.* at 64. Next, Swaby asked to see her identification and stared at it for a while. *See id.* He told her to give him her phone and instructed her to sit in her room for thirty minutes and to not try anything or he and his friend would kill her. *See id.* Finally, after discarding K.K.'s phone downstairs, Swaby left the apartment and slammed the downstairs door. *See id.*

B. Assault of A.C.

Around 3 a.m. on February 22, 2021, Swaby parked a rental white Mazda SUV in the vicinity of 416 McCartney Street, Easton, Pennsylvania. *See* Notes of Testimony at 134, *Commonwealth v. Swaby*, No. C-48-CR-1319-2021, C-48-CR-2065-2021, C-48-CR-2793-2021 (C.P. Northampton Co. Nov. 2, 2022) ("N.T. Nov. 2"). Swaby entered A.C.'s home and climbed the stairs to the second floor, wearing clothing covering his face, gloves and athletic shorts. *See id.* at 92-93. A.C. was a twenty-two year old student at Lafayette College. *See id.* at 80-81. A.C. was sleeping in her bedroom on the second floor. *See id.* at 85, 89. Feeling that there were eyes on her and having a bad feeling crawling up her spine, A.C. woke up to seeing Swaby's silhouette in her doorframe holding a knife. *See id.* at 89-90. A.C. made a startled sound. *See id.* at 89. Swaby started walking toward her with the knife. *See id.* Swaby asked A.C., "where is Abigail," and "where is the weed." *See id.* Swaby repeated these questions several times. *See id.* Gesturing with the knife, Swaby told A.C. to "shut the fuck up." *See id.* at 90.

A.C. attempted to get out of bed several times. *See id.* Each time, Swaby grabbed A.C. by the neck and by the shoulders, pushed her down and held a knife to her throat. *See id.* Swaby waved the knife around, got behind A.C., put the knife to her neck and asked her whether she knew "what the fuck this is." *See id.* Swaby threatened to rape and kill her, and told her that he had a friend downstairs with a gun and demanded that she did not scream. *See id.* at 94. Swaby told A.C. that "you got a pretty piece of ass." *See id.* at 97.

A.C. kicked Swaby and started physically fighting him. *See id.* During the assault, Swaby touched A.C.'s arms, throat, shoulders, stomach, legs and buttocks. *See id.* at 96. During the fight, Swaby scratched A.C. on her forearm. *See id.* at 101. A.C. continued screaming and kicking Swaby. *See id.* at 97. Looking annoyed, Swaby told A.C. that he was going downstairs to get a knife, and then went downstairs. *See id.* at 99. Then, A.C.

started screaming and banging on the walls. *See id.* at 99-100. A.C. eventually hid in a closet. *See id.* at 100.

Swaby took A.C.'s cell phone, discarding it in the living room on the first floor. *See id.* at 110. Swaby took cash from the wallet of A.C.'s roommate, A.S., before leaving the residence. *See* Notes of Testimony at 20, *Commonwealth v. Swaby*, No. C-48-CR-1319-2021, C-48-CR-2065-2021, C-48-CR-2793-2021 (C.P. Northampton Co. Nov. 3, 2022) ("N.T. Nov. 3").

C. Attempted Assault of R.T. and M.D.

On March 5, 2021, Swaby drove a rented white Mazda SUV to the vicinity of 417 McCartney Street, Easton, Pennsylvania. *See id.* at 163, 168-71. This was the same street where Swaby had burglarized 416 McCartney street, assaulted A.C. and stolen from A.S. *See id.* at 171. Around 6:30 a.m. on that day, Swaby entered 417 McCartney Street. *See id.* at 172-73. He first climbed into Apartment 1 through O.P.'s bedroom window. *See id.* at 173. After looking around the apartment and discovering that no one was home, Swaby left Apartment 1 and climbed the stairs to Apartment 2. *See id.* at 173-74.

The victims, R.T. and M.D., were sleeping in a bedroom on the second floor. *See id.* at 36, 174. M.D. woke up to the sound of Swaby opening a door at the bottom of the stairs. *See id.* at 37. M.D. heard footsteps come up the stairs to another bedroom in the house. *See id.* at 37-38. Expecting to see her roommate's face when the door opened, M.D. instead saw Swaby. *See id.* at 38. She also saw that he was holding a knife. *See id.*

M.D. sat up. *See id.* Swaby then walked into the room with M.D. and R.T. *See id.* In a hushed voice, Swaby told them to "shut up" in an aggressive tone. *See id.* M.D. started waking up R.T. *See id.* Swaby shut the bedroom door behind him. *See id.* M.D. told Swaby to "please, take anything, please don't hurt us." *See id.* Swaby told her that he didn't want anything. *See id.* Swaby told them that there was somebody in the kitchen with a gun that would hurt them and told them to be quiet or else he would hurt them. *See id.* at 38-39.

Swaby advanced toward them with a knife. *See id.* at 39. He then held M.D. and R.T. at knife point and said to M.D., "I want you to eat her out." *See id.* M.D. was terrified and thought the only way out of the situation was to comply with Swaby's demands, even though she did not want to. *See id.* M.D. started tugging on R.T.'s shorts. *See id.* Not able to imagine letting that happen, R.T. pushed M.D.'s hands away and said "no." *See id.* at 78.

M.D. tried to get her phone but was stopped when Swaby came toward her with the knife. *See id.* at 39. Swaby grabbed M.D.'s phone and put it behind him. *See id.* R.T. stood up and went to a corner off the bed. *See id.* at 40. M.D. joined her. *See id.* Swaby cornered them, repeating his demand that M.D. "eat her out." *See id.*

R.T. told Swaby that she was going to pass out. *See id.* M.D. and R.T. started getting louder, telling him to please leave and to take whatever he wants. *See id.* This did not work. *See id.* M.D. tried tugging R.T.'s shorts again because Swaby continued making the demand that M.D. "eat her out." *See id.*

R.T. and M.D. continued to be loud, which made Swaby nervous. *See id.* Then, Swaby took M.D.'s phone and started quickly exiting the room without turning away and without dropping the knife. *See id.* He shut the bedroom door, went downstairs and discarded the cell phone in the living room. *See id.* at 40, 51. Before leaving the residence, Swaby took cash from M.D.'s wallet and a Starbucks gift card from R.T.'s wallet. *See id.* at 50, 88.

D. Surveillance Footage from May 19, 2020

Detective Sean Molony of the Bethlehem Police Department was the lead investigator for the incident on May 19, 2020 involving K.K. *See* N.T. Nov. 1 at 180. Following the events at 563 Hillside Avenue, the Lehigh University Police Department obtained a surveillance video from May 19, 2020 of the area surrounding K.K.'s home. *See id.* at 184. In this video, the police observed a dark colored Jeep Compass Trailhawk travel into the vicinity of K.K.'s home and park. *See id.* at 185, 192. At approximately 5:41 a.m., the video showed an individual exiting the walkway between 561 and 563 Hillside Avenue and enter the dark colored Jeep Compass Trailhawk. *See id.* at 221. Around 5:51 a.m., the vehicle drove away. *See id.* at 222. The police noticed stickers and a white rectangular object affixed to the inside of the windshield of the Trailhawk. *See id.* at 196, 216.

E. Swaby was in Possession of the Dark Colored Jeep Compass Trailhawk

Avis Car Rental records confirm that Swaby was in possession of the Jeep Compass Trailhawk on May 19, 2020. *See id.* at 217. Additionally, a photograph of the Jeep Compass Trailhawk taken on May 21, 2020 shows two bicycles affixed to the roof. *See id.* at. 207-208. During his interview with Swaby, Detective Sean Molony confirmed that those bicycles belonged to Swaby. *See id.* at 208.

After identifying Swaby as a suspect in the investigation and identifying the 2018 Jeep Compass Trailhawk with the license plate number PA KTG-4206 as a vehicle of interest, Detective Molony went to Avis Car Rental in Philadelphia, Pennsylvania to investigate the vehicle. *See id.* at 214-15. The photographs from this investigation demonstrate the presence of a white box adjacent to the rearview mirror and stickers in the lower portion of the car, consistent with what the police observed in the surveillance footage from May 19, 2020. *See id.* at 216.

F. Cell Phone Evidence from May 19, 2020

During Swaby's trial, Tom Beiser from LATRO services testified. *See* N.T. Nov. 3 at 160. LATRO services is a private company that specializes in telecommunication fraud investigations. *See id.* at 161. Mr. Beiser has special training with respect to forensic analysis of cell phones and historical cell cite information based on cell records. *See id.*

On the morning of May 19, 2020, when K.K. was raped, the cell phone records show a gap of communication on Swaby's cell phone from late May 18, 2020 to mid-morning of May 19, 2020. *See id.* at 180-81. The account was suspended in the morning. *See id.* at 181.

G. K.K.'s Sexual Assault Exam

After her rape and assault, K.K. went to St. Luke's Hospital and submitted to a sexual assault examination the same morning of her attack. *See* N.T. Nov. 1 at 87, 147, 150. Nurse Amy Gehris testified that she noticed a small nick above K.K.'s right elbow and tearing in K.K.'s external genitalia, which she explained occurs usually due to lack of lubrication or excessive force. *See id.* at 151-52. Ms. Gerhis testified that this kind of injury is consistent with a report of sexual assault. *See id.* at 152. During this exam, Ms. Gehris took swabs from K.K.'s vagina, cervix, external genitalia and mouth. *See id.* at 153. The swabs from K.K.'s vagina tested positive for sperm. *See id.* at 170.

On June 30, 2020, the Pennsylvania Police Bureau of Forensic Services obtained an unidentified DNA profile of a male from the items in the sexual assault exam. *See id.* at 198. Then, on May 19, 2020, exactly one year after Swaby raped K.K., DNA results determined that the unidentified profile belonged to Swaby. *See id.* at 217. The police obtained the DNA profile from a buccal swab they took pursuant to a search warrant issued for the 1319-2021 matter. *See* N.T. Nov. 1 at 209, 217; N.T. Nov. 2 at 139.

H. K.K. Identified Swaby

During trial, K.K. identified Swaby as her assailant. *See id.* at 99, 101.

I. Surveillance Footage From February 22, 2021

Inspector John Piperato of the Easton Police Department was the lead investigator for incident taking place on February 22, 2021 involving A.C. and A.S. *See* N.T. Nov. 2 at 125. Inspector Piperato obtained surveillance footage from behind a Wawa food store two blocks from 416 McCartney Street and surveillance footage from 501 McCartney Street, which is down the street from 416 McCartney Street. *See id.* 127. The footage demonstrated a white Mazda with license plate NJ E37-JYJ going toward the 400 block of McCartney Street. *See id.* at 128-29. The surveillance shows the

Mazda turning onto West Monroe Street, begin slowing, and parked out of range at approximately 3:08 a.m. on February 22, 2021, the day of the assault. *See id.* at 134. The footage shows a figure at 3:20 a.m. walking into 416 McCartney Street and exiting at 3:36 a.m. *See id.* at 135. The footage then showed the White Mazda traveling again at 3:54 a.m. *See id.*

J. Swaby in Possession of a White Mazda

The police ran the Mazda registration and discovered that it was an Avis rental. *See id.* Avis records confirmed that Swaby was in possession of the White Mazda on February 22, 2021. *See id.* at 135-36.

K. Cell Phone Records From February 22, 2021

On February 22, 2021, the morning of A.C.'s assault, Swaby used seven different cell phone towers during the twelve hour window between 9 p.m. on February 21, 2021 to 9 a.m. on February 22, 2021. *See* N.T. Nov. 3 at 182. Mr. Beiser explained that these records indicate that Swaby was traveling in this twelve hour period. *See id.* at 182. The cell phone records are consistent with the fact that on February 22, 2021, Swaby crossed the bridge from Phillipsburg into Easton at around 2:07 a.m. *See id.* at 188. The records also indicated that Swaby was in a close radius of 416 McCartney Street in between 3:20 a.m. and 3:36 a.m. *See id.* at 190.

L. A.C. Identified Swaby

During trial, A.C. identified Swaby as her assailant. *See* N.T. Nov. 2 at 112. Additionally, Inspector Jon Piperato showed her a recording of Swaby's voice in the prison, and A.C. said that it was similar to Swaby's voice and recognized it due to the cadence and inflection in the voice. *See id.* at 112-13.

M. Surveillance Footage

Detective Benjamin Mastrofilippo of the Easton Police Department was the lead investigator for the incident that took place on March 5, 2021. *See id.* at 157-58. Surveillance footage showed that around 6:08 a.m. a white Mazda SUV with the license plate NJ E37-JYJ slowed down and parked across the street from 417 McCartney Street. *See id.* at 162-63. The footage further showed that Swaby walked toward Parsons Street at 6:12 a.m. after parking at 6:08 a.m. *See id.* at 169. At this time, Swaby was wearing moccasins, dark colored sweats and a dark colored jacket walking toward McCartney Street. *See id.*

The footage showed Swaby checking the door handles to 417 McCartney Street at around 6:20 a.m. *See id.* at 172. Then, Swaby walked toward the window to Apartment 1. *See id.* At 6:22 a.m., the footage shows Swaby crawling into the window. *See id.* at 173. The window leads into

O.P.'s bedroom. *See id.* The footage shows Swaby walking back and forth in Apartment 1. *See id.* at 173. He opened the door and closed it again. *See id.* at 173. Then, Swaby walked out of Apartment 1 at 6:36 a.m. and went up the stairs to Apartment 2 at 6:37 a.m. *See id.* at 174. The footage then showed Swaby exiting the residence at 6:41 a.m. wearing dark clothing, a dark ski mask and holding a Lehigh University jacket. *See id.* at 174-75. Swaby crouched down, looked back, took off his gloves and pulled out his phone. *See id.* at 175-76.

N. Swaby's Cell Phone

Detective Mastrofilippo found Swaby's significant other, Ashley Christman, on Facebook. *See id.* at 186. On Ms. Christman's page, he saw a photograph of Swaby holding a dark phone with a black silver metallic like object on the back of the phone, consistent with what was in the surveillance footage. *See id.*

O. Cell Phone Records from March 5, 2021

On March 5, 2021, the morning of the attempted assault of R.T. and M.D., the records indicated that at the beginning of the night, Swaby was in Suffern, New York. *See* N.T. Nov. 3 at 195. There was no cell data between 3:11 a.m. and 7:03 a.m. *See id.* This signified that the cell phone could have been turned off during this time period. *See id.* at 196. The record indicated that the cell phone was turned on at 7:08 a.m., and that Swaby utilized a cell phone tower outside Pohatcong Township, New Jersey. *See id.* at 197. This is about 5 to 10 minutes from 417 McCartney Street. *See id.* Earlier, Swaby told the police that he had a 7 a.m. pickup in New York for his job as an Uber driver. *See id.* Swaby's statement to the police is inconsistent with this data. *See id.*

P. Ms. Christman Identified Swaby

The Commonwealth showed Ms. Christman photos of the individual in the surveillance footage of the early morning of March 5, 2021. *See id.* at 113-14. Ms. Christman identified the person in the footage as being Swaby. *See id.* She said that she recognized his face and shoes, and pointed out that Swaby was wearing her socks. *See id.* at 114.

Q. Use of Starbucks Gift Card

Lieutenant Matthew Gerould of the Easton Police Department testified that the records demonstrated that R.T.'s Starbucks card was used in Oakland, New Jersey and then on Airport Road in the Lehigh Valley area. *See id.* at 129-30. Footage showed that a dark SUV with "possibly a Chevrolet emblem" on the front of the vehicle was present for both transactions. *See id.* at 130.

R. Swaby's Confession

Lieutenant Gerould interviewed Swaby regarding the events that took place at 417 McCartney Street after he was arrested. *See id.* at 132. Swaby started out by denying that he did anything. *See id.* at 145. However, as the interview progressed and Lieutenant Gerould used interrogation techniques on Swaby, he started giving more details and became more candid. *See id.* Initially, Swaby said that he was in the area because he needed to “take a leak” and that he found the Starbucks gift card on the street. *See id.* at 143-44. However, during the interview he eventually admitted that he found the gift card in a wallet on the couch and found the knife in the kitchen. *See N.T. Nov. 3 (Exhibit 104).* He also admitted to interacting with R.T. and M.D. *See id.*

S. Maura Identified Swaby

Prior to trial, M.D. identified Swaby in a photo array. *See id.* at 60. M.D. also identified Swaby as her assailant in the courtroom. *See id.* at 57.

T. Search of Swaby's Home

On March 13, 2021, pursuant to a search warrant, the police searched Swaby's residence, 638 Hayes Street in Bethlehem, Pennsylvania. *See N.T. Nov. 2 at 191-92.* At the time, Swaby had rented a Chevrolet Equinox from Enterprise. *See id.* at 192. Ms. Christman was present at the residence when the police searched the residence. *See id.* at 193. Ms. Christman also wanted the police to search the car. *See id.* Detective Mastrolillo informed her that the search warrant only extended to the house and not the car, but she was free to search the car. *See id.*

Ms. Christman started searching the Equinox. *See id.* Detective Mastrolillo then saw Ms. Christman down on the passenger side of the vehicle with the door open holding a dark colored jacket and looking “hysterical.” *See id.* at 194. The item that she was holding was a dark brown Lehigh University soccer jacket with a pair of black gloves in one pocket and a black neck gaiter with a head covering in the other pocket. *See id.*

Additionally, when the police searched Swaby's residence they found the pair of moccasins that were seen in the surveillance video as well as a pair of pants that matched the ones in the surveillance footage. *See id.* at 241. Significantly, the moccasins located in the residence had a paint mark on them, which was also present on the moccasins from the surveillance footage. *See id.* at 243.

Ms. Christman testified that she found the Lehigh University jacket in Swaby's rental car. *See N.T. Nov. 3 at 112.* Ms. Christman said that she had never seen this jacket in the sixteen years that they had been together. *See id.* Ms. Christman recognized the moccasins and the sweatpants as belonging to Swaby. *See id.* at 113.

U. Ms. Christman's Testimony

Ms. Christman further testified that Swaby was a Lyft driver and did not have a predictable work schedule. *See id.* at 109. She said that he would be away for days at a time and often would not come home at night. *See id.*

V. Consistent Description of Swaby

The victims described their assailant very similarly. K.K. described Swaby as a black man, approximately 5'11" tall, a medium build, wearing a brown Lehigh University hooded sweatshirt, dark pants, a black neck gaiter covering the bottom of his face and black gloves. *See* N.T. Nov. 1 at 66-67. K.K. initially described her assailant as being in his twenties, but explained on cross-examination that this was because he was wearing a Lehigh University jacket. *See id.* at 95. K.K. also recognized Swaby in the courtroom because she recognized his eyes. *See id.* at 101.

A.C. described her assailant as around 5'10", dark skinned, average build and striking eyes. *See* N.T. Nov. 2 at 92. A.C. described him as wearing athletic shorts, something covering his face with his eyes showing and gloves. *See id.* A.C. said that she speculated that he was not a college student because he had smile lines on his eyes. *See id.* at 93.

M.D. described her assailant as being just under 6 feet, black skin color, leaner size build, bulging eyes and wearing a ski mask, gloves and black joggers. *See* N.T. Nov. 3 at 41-42.

R.T. described her assailant as 5'11" to 6 feet, black, not skinny but thinner and "maybe older than college." *See id.* at 74-75.

II. Procedural History

On May 17, 2021, the Commonwealth filed a criminal complaint against Swaby for the attempted assault of M.D. and R.T. that took place at 417 McCartney Street. *See* Complaint, *Commonwealth v. Swaby*, No. C-48-CR-1319-2021 (C.P. Northampton Co. May 17, 2021). This matter was assigned docket number C-48-CR-1319-2021 (the "1319-2021 matter"). *See id.* The complaint for the 1319-2021 matter charged Swaby with Burglary with the Intent to Commit a Bodily Injury Crime therein,¹ Burglary with the Intent to Commit a Crime Therein,² two counts of Criminal Attempt to Commit Involuntary Deviate Sexual Intercourse,³ two counts of Criminal Attempt to Commit Indecent Assault,⁴ two counts of Terroristic Threats,⁵ Theft⁶ and Possession of an Instrument of Crime.⁷ *See id.*

¹ 18 Pa. C.S.A. §3502(a)(1)(i).

² 18 Pa. C.S.A. §3502(a)(2).

³ 18 Pa. C.S.A. §3123(a)(2); 18 Pa. C.S.A. §901.

⁴ 18 Pa. C.S.A. §3126(a)(3); 18 Pa. C.S.A. §901.

⁵ 18 Pa. C.S.A. §2706.

⁶ 18 Pa. C.S.A. §3921(a).

⁷ 18 Pa. C.S.A. §907(a).



TO:

PERIODICAL PUBLICATION

*** Dated Material. Do Not Delay. Please Deliver Before Tuesday, September 5, 2023**

SEPTEMBER 2023

MON	TUE	WED	THU	FRI
				1 Arraignments Juvenile Dependency
4 Labor Day (Observed)	5 DRS Civil Call—Tr. Asbestos Pr-Tr. Juvenile	6 Argument Memorial Svc. DRS Final PFA Hrngs.	7 Arraignments Juvenile Dependency	8 Juvenile Dependency
11 Non-Jury	12 Non-Jury Juvenile	13 Non-Jury Final PFA Hrngs.	14 Juvenile Dependency	15 Juvenile Dependency
18 Civil	19 Civil Juvenile O.C. Audit	20 Civil Misc. Hrngs. Final PFA Hrngs.	21 Arraignments Juvenile Dependency	22 Juvenile Dependency
25 ARD/ Summaries	26 Juvenile Civil Pretrials	27 Misc. Hrngs. Final PFA Hrngs.	28 Juvenile Dependency	29 Juvenile Dependency