

# Northampton County Reporter

(USPS 395-280)

VOL. LXII EASTON, PA September 28, 2023 NO. 91  
Commonwealth of Pennsylvania v. Clement Barrington Swaby, Defendant (Part V of V)

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Cream: 1. NCBA 2023 Fall CLE Conference  
2. Registration Form

### NOTICE TO THE BAR...

**NCBA Fall CLE Conference**  
Monday, October 9, 2023  
Registration form inside.

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

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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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***E-mail: [ncba@nrcobar.org](mailto:ncba@nrcobar.org)***

**PBA (800) 932-0311—PBI (800) 932-4637**

**BAR ASSOCIATION STAFF**

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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**

**Save the Dates**

- |                  |   |
|------------------|---|
| October 9, 2023  | NCBA Fall CLE Conference @ Wind Creek<br>Conference Center<br>Registration form inside or register at:<br><a href="https://norcobar.org/product/2023-fall-cle-conference/">https://norcobar.org/product/2023-fall-cle-conference/</a> |
| October 13, 2023 | Amicus Soirée – Invitations were mailed out   |
| October 21, 2023 | CluedUpp Scavenger Hunt for members, families<br>and friends of all ages.<br>Registration form inside.  |

With freedom, books, flowers, and the Moon, who could not be happy?  
~ Oscar Wilde

**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****HERMAN, LORI L.,** dec'd.

Late of the Borough of Northampton, Northampton County, PA

Executrix: Janice Marie Breidinger 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

**LaFLEUR, CATHERINE B.,** dec'd.

Late of Moore Township, Northampton County, PA

Co-Executors: Andrew George Wheeler, Jr. and Paul Joseph Wheeler

Attorney: David E. Schwager, Esquire, 183 Market Street, Suite 100, Kingston, PA 18704-5444

**METALLO, ROSARIA,** dec'd.

Late of the Township of Forks, Northampton County, PA

Executor: Samuel J. Metallo 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

**RUTT, NANCY,** dec'd.

Late of the Township of Palmer, Northampton County, PA

Executor: Barry Rutt 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

**THOMAS, RICHARD C.,** dec'd.

Late of Walnutport, Northampton County, PA

Executor: Shawn R. Thomas c/o Keith W. Strohl, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

Attorneys: Keith W. Strohl, Esquire, Steckel and Stopp LLC, 125 S. Walnut Street, Suite 210, Slatington, PA 18080

**TRAUGHER, MARGARET E.,** dec'd.

Late of the Township of Moore, Northampton County, PA

Co-Executors: Craig E. Traugher and Carlotta Emma Horvath 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

**WELSH, MASAKO**, dec'd.

Late of Lower Mount Bethel Township, Northampton County, PA

Executor: Gregory Stolarski c/o Christopher T. Spadoni, Esquire, 1413 Easton Ave., P.O. Box 522, Bethlehem, PA 18018

Attorney: Christopher T. Spadoni, Esquire, 1413 Easton Ave., P.O. Box 522, Bethlehem, PA 18018

**YOKAI, AGNES A.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executor: Thomas A. Yeager, Jr. c/o Nancy K. Busch, Esquire, 825 North 19th Street, Allentown, PA 18104

Attorney: Nancy K. Busch, Esquire, 825 North 19th Street, Allentown, PA 18104

**SECOND PUBLICATION****ALBERT, MARGARET ELAINE**, dec'd.

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

Executors: David Keith Overdorf and Alison Roper Overdorf 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

**BRANLEY, BARBARA A.**, dec'd.

Late of Hanover Township, Northampton County, PA

Executrix: Katherine Strohl 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

**FETTERHOFF, JOYCE E.**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Executors: Dale Russell Keck and Nancy Ellen Heller 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

**HAHN, ELLEN RUTH**, dec'd.

Late of the Borough of Danielsville, Northampton County, PA

Executors: James Earl Allen, Jr., 3235 Reeve Dr. W., Bethlehem, PA 18020 and Richard T. Allen, 408 Stones Crossing Rd., Easton, PA 18045

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

**KURONYE, JUDITH ANN**, dec'd.

Late of the City of Bethlehem, Northampton County, PA

Administratrix: Ms. Karen Lynn Holzer c/o Robert A. Nitchkey, Jr., Esquire, 730 Washington Street, Easton, PA 18042

Attorney: Robert A. Nitchkey, Jr., Esquire, 730 Washington Street, Easton, PA 18042

**NYE, SANDRA J.**, dec'd.

Late of Bethlehem, Northampton County, PA

Administratrix: Debra Louise Thompson c/o Scott R. Steirer, Esquire, Pierce & Steirer, LLC, 124 Belvidere Street, Nazareth, PA 18064

Attorneys: Scott R. Steirer,  
Esquire, Pierce & Steirer, LLC,  
124 Belvidere Street, Nazareth,  
PA 18064

**O'CONNELL, THOMAS JOHN,**  
dec'd.

Late of Bethlehem Township,  
Northampton County, PA  
Executrix: Casey Lynn Stewarts  
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

**PASTERNAK, BETTY L.,** dec'd.

Late of 175 West North Street,  
Nazareth, Northampton County,  
PA  
Executor: Richard D. Pasternak  
Attorney: Richard L. Newman,  
Esquire, Park Terrace, 275 S.  
Main Street, Doylestown, PA  
18901

**REEMSNYDER, DONNA M.,** dec'd.

Late of the Borough of Nazareth,  
Northampton County, PA  
Executrix: Amy Suzanne Blair  
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

**RODGERS, HARRY C., JR.,** dec'd.

Late of Hanover Township,  
Northampton County, PA  
Executor: Nelson Edward Long,  
III c/o Larry R. Roth, Esquire,  
The Roth Law Firm, 123 N. 5th  
St., Allentown, PA 18102  
Attorneys: Larry R. Roth,  
Esquire, The Roth Law Firm, 123  
N. 5th St., Allentown, PA 18102

**ROWE, THOMAS S.,** dec'd.

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

Administratrix: Lauren Ashley  
Rowe 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

**SCHALK, SUSAN L.,** dec'd.

Late of the Township of Bushkill,  
Northampton County, PA  
Executrix: Andrea M. Beers 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

**SEARFASS, JANET H.,** dec'd.

Late of Northampton County, PA  
Executrix: Lynn M. Romig c/o  
Carolyn Frisoli Furst, Esquire,  
Reich & Furst Law Offices, 121  
N. Cedar Crest Blvd., Ste. B,  
Allentown, PA 18104  
Attorneys: Carolyn Frisoli Furst,  
Esquire, Reich & Furst Law  
Offices, 121 N. Cedar Crest  
Blvd., Ste. B, Allentown, PA  
18104

**SUPERS, CRAIG L.,** dec'd.

Late of the Township of Bushkill,  
Northampton County, PA  
Administratrix: Lillian G. Supers  
c/o Goudsouzian & Associates,  
2940 William Penn Highway,  
Easton, PA 18045-5227  
Attorneys: Goudsouzian &  
Associates, 2940 William Penn  
Highway, Easton, PA 18045-  
5227

**VILLANUEVA, MARIA M.,** dec'd.

Late of Northampton County, PA  
Executor: William Nicholas  
Argeros c/o Barbara L.  
Hollenbach, Esquire, Norris  
McLaughlin, P.A., 515 West  
Hamilton Street, Suite 502,  
Allentown, PA 18101

Attorneys: Barbara L.  
Hollenbach, Esquire, Norris  
McLaughlin, P.A., 515 West  
Hamilton Street, Suite 502,  
Allentown, PA 18101

**ZAVITSANOS, PETER SOCRATES,**  
dec'd.

Late of the Borough of Wilson,  
Northampton County, PA  
Executrix: Katherine R. Vayda,  
50 Spring Valley Rd., Easton, PA  
18042

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

**THIRD PUBLICATION****ALTEMOSE, LeROY A., SR.,** dec'd.

Late of Wind Gap Borough,  
Northampton County, PA  
Executor: David A. Altamose 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

**CONNELL, DENNIS RAYMOND,**  
dec'd.

Late of Bethlehem, Northampton  
County, PA  
Personal Representative: Paul A.  
McGinley c/o Stuart T.  
Shmookler, Esquire, Gross  
McGinley, LLP, 33 S. 7th Street,  
P.O. Box 4060, Allentown, PA  
18105-4060

Attorneys: Stuart T. Shmookler,  
Esquire, Gross McGinley, LLP,  
33 S. 7th Street, P.O. Box 4060,  
Allentown, PA 18105-4060

**CRESSMAN, R. ALLEN,** dec'd.

Late of the Borough of Nazareth,  
Northampton County, PA

Administratrix: Jennifer Lynn  
Bertrand c/o Goudsouzian &  
Associates, 2940 William Penn  
Highway, Easton, PA 18045

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

**JOHNSON, ALFORD GILMORE,  
JR.,** dec'd.

Late of the Township of Forks,  
Northampton County, PA

Executor: Alford G. Johnson, III  
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

**McGARR, PALMINIA M.,** dec'd.

Late of Wilson Borough, North-  
ampton County, PA

Executor: James Martin Connell,  
Esquire, 251 East Broad Street,  
Bethlehem, PA 18018

Attorney: James Martin Connell,  
Esquire, 251 East Broad Street,  
Bethlehem, PA 18018

**MEDENCE, RITA M.,** dec'd.

Late of North Catasauqua,  
Northampton County, PA

Personal Representative: Mark  
J. Medence c/o Robert B. Roth,  
Esquire, The Roth Law Firm,  
P.O. Box 4355, Allentown, PA  
18105



Attorneys: Robert B. Roth,  
Esquire, The Roth Law Firm,  
P.O. Box 4355, Allentown, PA  
18105

**NEGRAO, JOSEPH O.,** dec'd.

Late of Northampton County, PA  
Co-Executors: Neusa Soares  
Negrao and Joseph Charles  
Negrao c/o Dolores A. Laputka,  
Esquire, Norris McLaughlin,  
P.A., 515 West Hamilton Street,  
Suite 502, Allentown, PA 18101  
Attorneys: Dolores A. Laputka,  
Esquire, Norris McLaughlin,  
P.A., 515 West Hamilton Street,  
Suite 502, Allentown, PA 18101

**NEITH, ANNA MAE,** dec'd.

Late of the Borough of Hellertown,  
Northampton County, PA  
Executrix: Carol A. Coppie 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

**PYSHER, JOHN N.,** dec'd.

Late of the Borough of East  
Bangor, Northampton County,  
PA  
Executrix: Stacy Jo Pysher c/o  
Nancy T. Schneiderman,  
Esquire, 2704 William Penn  
Highway, P.O. Box 3443, Easton,  
PA 18043  
Attorney: Nancy T.  
Schneiderman, Esquire, 2704  
William Penn Highway, P.O. Box  
3443, Easton, PA 18043

**RECKER, JOSEPH F., III,** dec'd.

Late of Northampton, North-  
ampton County, PA  
Administratrix: Jill A. Recker c/o  
Mark C. Van Horn, Esquire, 147  
N. 10th Street, Allentown, PA  
18102

Attorney: Mark C. Van Horn,  
Esquire, 147 N. 10th Street,  
Allentown, PA 18102

**NOTICE FOR CHANGE OF NAME**

NOTICE IS HEREBY GIVEN that  
on September 22, 2023, the Petition  
of Gilberto Torres, Jr. a/k/a Gilbert  
Torres, Jr., was filed in Northampton  
County Court of Common Pleas at  
669 Washington Street, Easton, PA  
18042, seeking to change the name  
of Petitioner from Gilberto Torres, Jr.  
to Gilbert Torres, Jr. The Court has  
fixed November 21, 2023, at 9:00 a.m.  
Courtroom Check with Court Admin-  
istration at the Northampton County  
Courthouse. 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.

Sept. 28

**IN THE COURT OF COMMON  
PLEAS OF BEDFORD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION—LAW  
JURY TRIAL DEMANDED  
ROXANNE LINK**

Plaintiff

v.

DAVID REIMAN

Defendant

**NO. 2023 GN 599**

TO: DAVID REIMAN

You have been named as a  
Defendant in a civil action instituted  
by Roxanne Link, in the Court of  
Common Pleas of Bedford County, PA.  
You are hereby notified to plead to the  
above-referenced Complaint within  
twenty (20) days from the date of  
publication of this Notice 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 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Office of the Prothonotary  
Bedford County Courthouse  
Bedford, PA 15522  
(814) 623-4833

JOSEPH L. ADDINK, ESQUIRE  
Attorney for Plaintiff  
314 Allegheny Street  
Hollidaysburg, PA 16648  
(814) 317-5252

Sept. 28

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

The following real estate will be sold by the Sheriff of Northampton County, Pennsylvania, on OCTOBER 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-2019-08409**

BARCLAYS MORTGAGE TRUST  
2021-NPL1, MORTGAGE-BACKED  
SECURITIES, SERIES 2021-NPL1  
vs.

SAMUEL G. WILLIAMS

#### **Property Address:**

608 Abbe Court, Freemansburg,  
PA 18017

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

N7/2/65/0212

ALL THAT CERTAIN tract of land located in Freemansburg Borough, Northampton County, Pennsylvania, known as Lot No. 82 as shown on the "Development Plan Final" of Eastgate Townhomes as prepared by F & M Associates, Inc., said plan recorded on June 9, 1989, in Map Book 89 at page 86.

TITLE TO SAID PREMISES is vested in Samuel G. Williams by deed from Patrick H. Garren and Tanya N. Garren, his wife, said deed recorded on April 3, 2006, in the Northampton County Recorder of Deeds Office in Book 2006-1 at page 129747.

THEREON BEING ERECTED two-story residential townhouse with vinyl siding and shingle roof.

### **No. C-48-CV-2019-12194**

LAKEVIEW LOAN SERVICING, LLC  
vs.

DIODORO FANTAUZZI SOTO,  
LOURDES M. FANTAUZZI a/k/a  
LOURDES MILAGROS FANTAUZZI

#### **Property Address:**

3030 Bard Street, Bethlehem, PA  
18017-3302

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

M7SW4/4/4/0204

ALL THAT CERTAIN message or tenement and lot or piece of ground situate in the Fourteenth Ward of Bethlehem City, Northampton County, Pennsylvania, being Lot No. 123 on Plan of East Hill Section 6, which plan is recorded in Map Book 13 at page 48.

TITLE TO SAID PREMISES is vested in Lourdes Milagros Fantauzzi, unmarried, and Diodoro Fantauzzi Soto, married, by deed from Campbell Real Estate Holdings, LLC, said deed recorded August 3, 2018, in the Northampton County Recorder of Deeds Office in Book 2018-1 at page 165470.

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

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**No. C-48-CV-2022-02259**

ROCKET MORTGAGE, LLC f/k/a  
QUICKEN LOANS, LLC f/k/a  
QUICKEN LOANS, INC.

vs.

FREDERICK P. BAER,  
INDIVIDUALLY AND AS HEIR OF  
LOUISE C. BAER, ANDREW BAER,  
KNOWN HEIR OF LOUISE C.  
BAER, EMILY KITT,  
KNOWN HEIR OF LOUISE C.  
BAER, SARAH BAER, KNOWN  
HEIR OF LOUISE C. BAER,  
UNKNOWN HEIRS OF THE  
ESTATE OF LOUISE C.  
BAER, DECEASED

**Property Address:**

605 Line Street, Easton, PA 18042

**UPI/Tax Parcel Number:**

M9NE1C/7/1/0310

ALL THAT CERTAIN lot or piece of ground situate on the north side of Line Street in Easton City, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Frederick P. Baer and Louise C. Baer by deed from Frederick P. Baer, said deed recorded on August 23, 2012, in the Northampton County Recorder of Deeds Office in Book 2012-1 at page 198945. The said Louise C. Baer departed this life on November 27, 2019.

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

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**No. C-48-CV-2022-02796**

WELLS FARGO BANK, N.A.

vs.

JOSHUA VAN DOREN a/k/a  
JOSHUA VANDOREN,  
HEIR OF ROBERT R. VAN DOREN  
a/k/a ROBERT R. VANDOREN,  
DECEASED, SHANNON BEAVAN,  
HEIR OF ROBERT R. VAN DOREN  
a/k/a ROBERT R. VANDOREN,  
DECEASED, UNKNOWN HEIRS,  
SUCCESSORS, ASSIGNS AND ALL  
PERSONS, FIRMS OR  
ASSOCIATIONS CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR  
UNDER ROBERT R. VAN DOREN  
a/k/a ROBERT R. VANDOREN,  
DECEASED

**Property Address:**

1200 Blair Street, Easton, PA  
18045

**UPI/Tax Parcel Number:**

M8NE3/40/11/0324

ALL THAT CERTAIN tract or piece of land, together with the improvements thereon erected, situated in Palmer Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Robert R. Vandoren, unmarried, by deed from Robert R. Van Doren, sole trustee of the Robert R. and Eileen M. Henry-Van Doren Family Trust Dated November 21, 2011, said deed recorded on February 10, 2017, in the Northampton County Recorder of Deeds Office in Book 2017-1 at page 032025. The said Robert R. Van Doren departed this life on or about February 11, 2021.

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

**No. C-48-CV-2022-04320**

DEUTSCHE BANK  
NATIONAL TRUST COMPANY,  
AS TRUSTEE ET AL.

vs.

MICHAEL SICKELS, HEIR OF  
ROBERT C. SICKELS, DECEASED,  
STEVEN BOWEN, HEIR OF  
ROBERT C. SICKELS, DECEASED,  
JEAN SICKELS, HEIR OF ROBERT  
C. SICKELS, DECEASED,  
UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS AND ALL PERSONS,  
FIRMS OR ASSOCIATIONS  
CLAIMING RIGHT, TITLE OR  
INTEREST FROM OR UNDER  
ROBERT C. SICKELS, DECEASED

**Property Address:**

209 Old Forge Drive, Bath, PA  
18014

**UPI/Tax Parcel Number:**

K6NW4B/1/25/0503

ALL THAT CERTAIN tract of land  
situate in Section No. 1 of Old Forge  
Estates in Bath Borough, Northamp-  
ton County, Pennsylvania.

TITLE TO SAID PREMISES is  
vested in Robert C. Sickels by deed  
from Robert C. Sickels and Eleanor  
J. Sickles, husband and wife, said  
deed recorded on February 2, 2004,  
in the Northampton County Recorder  
of Deeds Office in Book 2004-1 at  
page 37953. And the said Robert C.  
Sickels departed this life on October  
10, 2019.

THEREON BEING ERECTED a  
two-story residential row home with  
vinyl siding and brick exterior, shingle  
roof and attached one-car garage.

**No. C-48-CV-2022-04517**

FREEDOM MORTGAGE  
CORPORATION

vs.

UNKNOWN HEIRS OF ROBERT N.  
BOGART, DECEASED

**Property Address:**

3306 Oakland Road, Bethlehem,  
PA 18020

**UPI/Tax Parcel Number:**

M7NW3/8/3/0205

ALL THAT CERTAIN messuage,  
tenement and lot or piece of land  
situate in Bethlehem Township,  
Northampton County, Pennsylvania,  
being Lot No. 11 on an unrecorded  
Plan of Santee Acres.

TITLE TO SAID PREMISES is  
vested in Robert N. Bogart by deed  
from Robert N. Bogart and Angeline  
O. Bogart, husband and wife, said  
deed recorded on September 13,  
2016, in the Northampton County  
Recorder of Deeds Office in Book  
2016-1 at page 194396. The said  
Robert N. Bogart died on May 22,  
2021.

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

**No. C-48-CV-2022-04993**

FREEDOM MORTGAGE  
CORPORATION

vs.

MICHAEL D. NICE

**Property Address:**

4009 Donegal Drive, Bethlehem,  
PA 18020

**UPI/Tax Parcel Number:**

M7SE1/32/15/0205

ALL THAT CERTAIN lot or parcel  
of land situate on the north side of  
Donegal Drive in Bethlehem  
Township, Northampton County,  
Pennsylvania.

TITLE TO SAID PREMISES is  
vested in Michael D. Nice by deed  
from Benigno Santiago and Maritza  
Santiago, said deed recorded on April  
21, 2016, in the Northampton County  
Recorder of Deeds Office in Book  
2016-1 at page 073632.

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

**No. C-48-CV-2022-06007**

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

vs.

TAMIE S. MAMUZICH f/k/a TAMIE  
S. GILBERT, THOMAS J. GILBERT

***Property Address:***

3201 Vermont Street, Easton, PA  
18045

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

M8NE3/4/2/0324

ALL THAT CERTAIN lot, tract or  
parcel of land and premises, heredit-  
aments and appurtenances situate  
in Palmer Township, Northampton  
County, Pennsylvania.

TITLE TO SAID PREMISES is  
vested in Thomas J. Gilbert and  
Tamie S. Gilbert, husband and wife,  
by deed from Thomas J. Gilbert and  
Tamie S. Mamuzich, n/b/m Tamie  
S. Gilbert, said deed recorded on  
November 26, 2002, in the Northamp-  
ton County Recorder of Deeds Office  
in Book 2002-1 at page 332495.

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

**No. C-48-CV-2022-07212**

U.S. BANK TRUST NATIONAL  
ASSOCIATION ET AL.

vs.

JODY L. BENNETT,  
MARLENE BENNETT

***Property Address:***

12 South Westbrook Avenue, Pen  
Argyl, PA 18072

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

E8NE2B/8/14/0625

ALL THAT CERTAIN lot or parcel  
of land, with the improvements  
erected thereon, situate in Pen Argyl  
Borough, Northampton County,  
Pennsylvania.

TITLE TO SAID PREMISES is  
vested in Jody L. Bennett, married,  
by deed from Jody L. Bennett, single,  
said deed recorded on July 20, 2015,  
in the Northampton County Recorder  
of Deeds Office in Book 2015-1 at  
page 135984.

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

**No. C-48-CV-2022-08366**

HABITAT FOR HUMANITY OF THE  
LEHIGH VALLEY, INC.

vs.

STEPHANIE MATHIS

***Property Address:***

710 Hayes Street, Bethlehem, PA  
18015

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

P6SE2D/22/3B/0204

ALL THAT CERTAIN parcel or tract  
of land situated in Bethlehem City,  
Northampton County, Pennsylvania,  
in accordance with a plan entitled  
“Preliminary/Final 710 Hayes Street,  
Minor Subdivision, Veranda Real  
Estate”, said plan prepared by Ott  
Consulting, Inc., and last revised on  
March 7, 2005.

TITLE TO SAID PREMISES is  
vested in Stephanie Mathis by deed  
from Habitat For Humanity of the  
Lehigh Valley, Inc., said deed recorded  
on August 7, 2007, in the Northamp-  
ton County Recorder of Deeds Office  
in Book 2007-1 at page 289652.

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

**No. C-48-CV-2022-09019**

US BANK TRUST NATIONAL  
ASSOCIATION NOT IN ITS  
INDIVIDUAL CAPACITY BUT  
SOLELY AS OWNER TRUSTEE  
FOR VRMTG ASSET TRUST

vs.

STEVE D'ANGELO, JR.

**Property Address:**

4321 Bedford Drive, Bethlehem,  
PA 18020

**UPI/Tax Parcel Number:**

M7NE3/3/8/0205

ALL THAT CERTAIN tract of land, with improvements thereon, situated in Bethlehem Township, Northampton County, Pennsylvania, known as Lot No. 25 as shown on Sheet 1 of 1 of a Final Subdivision/Land Development Plan of William Penn Plaza, dated November 5, 1996, and last revised March 18, 1997, by Showalter & Associates.

TITLE TO SAID PREMISES is vested in Steve D'Angelo, Jr., by deed from Rondel Development Corporation at William Penn Plaza, Inc., said deed recorded on June 3, 1999, in the Northampton County Recorder of Deeds Office in Book 1999-1 at page 081996.

THEREON BEING ERECTED a two-story residential row home with vinyl siding, shingle roof and attached one-car garage.

**No. C-48-CV-2022-09180**

SPECIALIZED LOAN  
SERVICING, LLC

vs.

DONALD M. MERCOVICH a/k/a  
DONALD MICHAEL MERCOVICH,  
INDIVIDUALLY AND AS  
EXECUTOR AND HEIR OF THE  
ESTATE OF JANET THOMPSON,  
UNKNOWN HEIRS, SUCCESSORS,  
ASSIGNS AND ALL PERSONS,  
FIRMS OR ASSOCIATION  
CLAIMING RIGHT, TITLE OR  
INTEREST FROM OR UNDER  
JANET THOMPSON

**Property Address:**

3933 Rutland Road, Bethlehem,  
PA 18020-4537

**UPI/Tax Parcel Number:**

N7NE3/5/25/0205

ALL THAT CERTAIN lot or parcel of land situate along the northerly side of Rutland Road between Hampton Road and Washington Street in Bethlehem Township, Northampton County, Pennsylvania, being Lot Number 25, Block E, as shown on Plan of Birchwood Farm according to a survey made by Leonard M. Fraivilig Co., Engineers.

TITLE TO SAID PREMISES is vested in Donald M. Mercovich and Janet Thompson by deed from Ann S. Bradley, said deed recorded on November 8, 2012, in the Northampton County Recorder of Deeds Office in Book 2012-1 at page 368033. The said Janet Thompson died on or about January 16, 2020.

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

**No. C-48-CV-2022-09289**

FREEDOM MORTGAGE  
CORPORATION

vs.

KIMBERLY HNASKO a/k/a  
KIMBERLY HOLMES a/k/a  
KIMBERLY B. HOLMES,  
JAMES HOLMES a/k/a  
JAMES G. HOLMES

**Property Address:**

308 Jubilee Drive, Easton, PA  
18040

**UPI/Tax Parcel Number:**

J8/8/10U/0429

ALL THAT CERTAIN piece, parcel or tract of land situate in Stockertown Borough, Northampton County, Pennsylvania, shown as Lot 68 on the Final Plan of Long Meadows as recorded in Map Book 1998-5 at pages 131-132.

TITLE TO SAID PREMISES is vested in James Holmes and Kimberly Holmes by deed from Michael S. East and Krista K. East, said deed recorded on February 23, 2018, in the Northampton County Recorder of Deeds Office in Book 2018-1 at page 034228.

THEREON BEING ERECTED a bi-level single residential dwelling with vinyl siding and brick exterior, shingle roof and attached one-car garage.

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**No. C-48-CV-2023-02014**

THIRD FEDERAL SAVINGS &  
LOAN ASSOCIATION OF  
CLEVELAND

vs.

LANCE C. YEAKEL

***Property Address:***

937 Jacoby Creek Road, Mount  
Bethel, PA 18343

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

C11/12/2A/0131

ALL THAT CERTAIN message, tenement and lot or parcel of land situated in Upper Mount Bethel Township, Northampton County, Pennsylvania.

TITLE TO SAID PREMISES is vested in Lance C. Yeakel, unmarried, by deed from Lance C. Yeakel,

Executor of the Estate of Roberta S. Yeakel a/k/a Roberta S. Yeakel-Cody, deceased, said deed recorded on October 6, 2020, in the Northampton County Recorder of Deeds Office in Book 2020-1 at page 257235.

THEREON BEING ERECTED a Cape Cod-style single residential dwelling with aluminum siding and stone façade, shingle roof and attached two-car garage.

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

RICHARD H. JOHNSTON  
Sheriff

Northampton County,  
Pennsylvania

DAVID J. CERAUL, ESQUIRE  
Solicitor to the Sheriff

Sept. 14, 21, 28

**IN THE COURT OF COMMON PLEAS OF  
NORTHAMPTON COUNTY  
COMMONWEALTH OF PENNSYLVANIA  
CIVIL DIVISION—LAW**

**IN RE: ADMINISTRATIVE    No.: C-48-CV-2023-07187  
ORDER 2023-17  
AMENDING LOCAL RULE  
N1302. SELECTION AND  
COMPENSATION OF  
ARBITRATORS**

***ADMINISTRATIVE ORDER***

**AND NOW**, this 18th day of September, 2023, it is **ORDERED** and **DECREED** that Northampton County Rule of Civil Procedure N1302 is hereby **AMENDED**, with the amended rule attached hereto.

It is further **DIRECTED** that the Court Administrator of Northampton County shall comply with all publishing requirements set forth in Pa.R.J.A. 103(d)(5)-(6), such as: distributing two (2) certified copies of this Order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; filing one (1) certified copy of the Order with the Administrative Office of Pennsylvania Courts; publishing a copy of this Order on the Court's website; and incorporating these procedures into the complete set of Northampton County Local Rules no later than thirty (30) days following publication in the *Pennsylvania Bulletin*.

These amendments shall become effective Monday, October 30, 2023, thirty (30) days from when publication in the *Pennsylvania Bulletin* occurs.

**BY THE COURT:**

/s/ Craig A. Dally

**CRAIG A. DALLY,  
PRESIDENT JUDGE**



**Rule N1302. *Selection and Compensation of Arbitrators***

- a) The Court Administrator or Deputy Court Administrator shall maintain a list of potential arbitrators and shall select three arbitrators for each action. One of these three arbitrators shall be designated as the chairperson.
  - 1) To qualify as a chairperson, an arbitrator must have been a member of the bar of this Court for at least five years
  - 2) Attorneys who wish to serve as an arbitrator shall inform the Court administrator
- b) If an attorney seeks to be replaced as an arbitrator in a hearing after the attorney was selected by the Court Administrator or Deputy Court Administrator, the attorney shall notify the Court Administrator in writing at least forty-eight hours before the scheduled arbitration hearing.
  - 1) If an attorney fails to provide this notice and fails to serve as an arbitrator during their assigned hearing, the attorney's name will be removed from the list of potential arbitrators
  - 2) Once removed from the list, an attorney must notify the President Judge in writing that the attorney is available as an arbitrator if the attorney seeks to remain on the list.
- c) When the Court Administrator or Deputy Court Administrator appoints an attorney for an arbitration action, the Court Administrator shall send to each attorney of record and to each appointed arbitrator a copy of the notice of appointment by first-class mail or email. If any party to the action is unrepresented, the Court Administrator shall send the copy to the party directly by first-class mail or email.
- d) The arbitrators' compensation shall be set forth in a fee schedule which will be maintained by the Court Administrator.
  - 1) The current fee schedule provides that the chairperson shall be paid \$300 and the two arbitrators shall each be paid \$250.

- 2) If an award is entered by the arbitrators pursuant to an agreed upon settlement of the parties before the hearing, each member of the Board shall receive as compensation an amount set forth by the fee schedule.
- 3) If more than one hearing is necessary, the chairperson may petition the Court for additional compensation for the chairperson and for the arbitrators.

Sept. 28

### **OFFICE SPACE AVAILABLE**

Law/Professional Office Space in existing law office for rent 1/2 block West of Courthouse. Spacious 15.5' by 14.5' office with separate secretarial area and access to conference room or, at option of Lessee, second 12' by 12' room available. Rent, utilities and access to copier negotiable, depending on option(s) chosen. Minimum one (1)-year lease with one (1) month S/D. Inquire at (610) 258-0821.

Sept. 28; Oct. 5, 12

*Part V of V continued*

“... the court later added that it believed the appellant would repeat the act of rape and further said that its sentence takes into account the trial, [the court]’s observations of the defendant and the pre-sentencing investigation.” *Id.* The Superior Court held that imposition of the statutory maximum sentence for rape was not an abuse of discretion due to the sentencing court’s observations of the appellant and its conclusion that the appellant would likely repeat the act. *See id.* at 875.

In *Commonwealth v. Mills*, the Superior Court reviewed a sentencing court’s imposition of a statutory maximum sentence for a burglary conviction. *See* 496 A.2d 752 (Pa. Super. 1985) (“... [the appellant] contends that the sentence exceeded that recommended by the sentencing guidelines ... without adequate reason.”). The court imposed the maximum sentence due to the fact that it was the appellant’s eighth burglary conviction and that appellant had “established a pattern of disrespect for the homes and property of other persons [and] he had become a threat to the public.” *See id.* at 752-53. The Superior Court affirmed the sentence, stating that “... the trial court sagely recognized that it was sentencing a career criminal who had become a menace to society. It was for this reason that the court imposed a sentence of incarceration for the maximum term allowed by the legislature.” *Id.* at 754.

In *Commonwealth v. Walls*, the Pennsylvania Supreme Court reviewed the sentence of the appellee, Theodore Walls (the “appellee”). 926 A.2d at 959. The appellee had pleaded guilty to Rape of a victim less than thirteen years old, Involuntary Deviate Sexual Intercourse with a victim less than thirteen years old and Incest as a result of his actions of sexually assaulting his granddaughter. *See id.* The trial court sentenced the appellee to the statutory maximum for each offense. *See id.* at 959-60. The court stated that the reasons for the maximum sentence were that the appellee was in a position of trust in caring for the victim, the age of the victim, the fact that the victim was the appellee’s granddaughter and that the appellee considered that his acts were “accidents” and not deliberate conduct. *See id.* at 960.

The Court held that as long as the sentencing court considered the sentencing guidelines, it was not bound by them. *See id.* at 965. Further, the Court found that the sentencing court had made an individualized sentencing decision, had taken into account the guidelines, considered the protection of the public, considered the gravity of the offense and considered the rehabilitative needs of the defendant. *See id.* at 967-68.

In contrast, in *Commonwealth v. Coulverson*, the Pennsylvania Superior Court held that a statutory maximum sentence was unreasonable. *See* 34 A.3d 135, 139 (Pa. Super. 2011). The Superior Court noted that “the record reveals scant consideration of anything other than victim impact and the court’s impulse for retribution on the victims’ behalf.” *See id.* at 148. The Court found the sentence unreasonable because the court did not adequately consider the rehabilitative needs of the defendant, including his troubled background and expression of remorse. *See id.* at 149 (“... while

a crime's impact on the victim continues to be a significant element of a sentencing judge's consideration, the court may not ignore the continuum of circumstances underlying a defendant's criminal conduct, society's need for rehabilitation, or the statutory factors ... "). As such, the Court found that the sentencing court's decision was not individualized to the defendant. *See id.* at 150.

Further, *Commonwealth v. Ramos* supports the position that a sentencing court's decision to run multiple sentences consecutively is not an abuse of discretion where the nature of the crimes are violent. *See* 241 A.3d 365 at \*1 (Pa. Super. 2020) (non-precedential decision). In *Ramos*, the appellant appealed from his sentence of 701 to 1402 months of incarceration, arguing that it was "clearly unreasonable and manifestly excessive." *See id.* Similar to Swaby, the appellant challenged the discretionary aspects of the sentence. *See id.* at \*2. Noting that the decision to run two or more sentences consecutively or concurrently is within the discretion of the trial court, the Superior Court held that the total sentence was not manifestly excessive. *See id.* at \*5.

The Superior Court also found that the sentence was not unreasonable, explaining that "it is well-established within our case law ... that burglary is a crime of violence as a matter of law [and] first-degree burglary necessarily constitutes violent behavior in all contexts." *See id.* (quoting *Commonwealth v. Chester*, 101 A.3d 56, 64 (Pa. 2014)).

Additionally, Pennsylvania courts repeatedly have held that a defendant is not entitled to a "volume discount" on their crimes, especially when the crimes occur on separate dates and involve separate defendants. *See e.g., Commonwealth v. Dodge*, 77 A.3d 1263, 1277 (Pa. Super. 2013); *Commonwealth v. Hoag*, 665 A.2d 1212, 1214 (Pa. Super. 1995).

In his Concise Statement, Swaby does not make any allegations as to why the sentence is improper. *See generally*, Concise Statement. Rather, he states generally that this court "erred" in sentencing him to 75 years to 150 years in prison. *See id.*

We submit that we provided ample explanation for deviating from the guideline range in Swaby's case. *See generally*, N.T. Mar. 15. Here, unlike *Coulverson*, we provided a thorough explanation for our sentencing that demonstrated our consideration of all the statutory factors, including Swaby's rehabilitative needs. Our explanation included details of Swaby's background and our conclusion on his ability to rehabilitate. *See id.* at 104. We said:

The record indicates that you are very brazen. You returned to the street of one of your previous assaults not even a week later in Easton on McCartney Street. The evaluations also indicate that your impulses overpower your better judgment and demonstrate a lack of remorse for others. You also committed these crimes well into adulthood.

You repeatedly report that you never struggled with education or lack of any kind of capacity to commit crimes or be aware of the gravity of what you have done. Therefore, you are a poor candidate for rehabilitation, and you will likely re-offend if you are released.

*Id.*

Part of this analysis included our finding that Swaby's history is unlikely to be as clean as his prior record score. *See id.* at 106. We reasoned:

While the Court considers that you have no prior record, that you have a prior record score of zero, the Court believes that this may be due to your sophistication in committing these crimes. If it was not for the outstanding police work by the Easton Police Department and the Bethlehem Police Department and the outstanding prosecution by the Deputy District Attorney Tatum Wilson and the Northampton County District Attorney's Office you would still be out on the streets committing rapes and preying on young college women who are sleeping in their bedrooms, Mr. Swaby.

The psychosexual evaluation indicates that you are an average risk of offense. Many of the factors that went into this [calculation] examine your prior convictions, and Dr. Salema said that if there was evidence that you had more convictions, that would change everything.

*Id.*

Our conclusion on the rehabilitative needs of Swaby was a crucial component of our decision that Swaby needs to be in prison for as long as possible. *See id.* at 107. Therefore, our decision took into consideration both the impact of Swaby's crimes on the community and Swaby's rehabilitative needs. As such, unlike *Coulverson*, the sentence is reasonable.

Rather, like *Gunderman*, we explained that due to Swaby's likelihood of reoffending, the protection of the public requires that Swaby be in prison for as long as the law allows. *See id.* We found that Swaby has established a pattern of offending and presents a danger to women, similar to *Mills*. Therefore, we conducted a highly individualized sentencing decision.

As described above, the Superior Court has affirmed maximum sentences where the defendant is extremely dangerous and violent, and the protection of the public requires that the defendant be in jail. *See Mills* at 752-53.

Additionally, we considered the guideline ranges, as required by *Walls*. *See id.* at 110. Further, Swaby threatened his victims with a knife and told them he would harm them if they did not comply with his demands. *See id.* at 103-104. Therefore, the nature of Swaby's crimes are violent, and our decision to run the sentences consecutively does not make the sentence unreasonable, pursuant to *Ramos*. Further, permitting the sentences to run

concurrently would give Swaby a volume discount for his crimes, of which Pennsylvania courts have consistently disapproved. *See e.g., Commonwealth v. Dodge*, 77 A.3d 1263, 1277 (Pa. Super. 2013) (“... persons who deal in purloined personal property over a period of time, on an extensive scale, and to the total detriment of the community and its citizens, should not be given a sentence that results in a volume discount.”); *Commonwealth v. Hoag*, 665 A.2d 1212, 1214 (Pa. Super. 1995) (“[w]e see no reason why [the defendant] should be afforded a ‘volume discount’ for his crimes by having all sentences run concurrently.”). As a result of all these considerations, we did not abuse our discretion in sentencing Swaby to serve a term of imprisonment for 75 years to 150 years.

At the sentencing hearing, we reviewed the sentencing guideline forms, detailing the standard, mitigated and aggravated sentences for the offenses of Burglary with the Intent to Commit a Bodily Injury Crime Therein, Burglary with the Intent to Commit a Crime Therein, Criminal Attempt to Commit Involuntary Deviate Sexual Intercourse, Possession of an Instrument of Crime, Rape, Involuntary Deviate Sexual Intercourse, Sexual Assault and Simple Assault. *See* N.T. Mar. 15 at 40-48. We also informed Swaby of the statutory maximum sentence for these charges. *See id.* We considered the aggravating factors. *See id.* at 109. We considered the mitigating factors. *See id.* at 110. We considered the contents of the pre-sentence evaluations, which were the pre-sentence investigation, the psychological evaluation, the psychosexual evaluation, the psychiatric evaluation and the sexually violent predator evaluation, which included the conclusion that Swaby is a sexually violent predator. *See id.* at 107. We considered the testimony presented at the sexually violent predator hearing, which included the expert testimony of Dr. Veronique Valliere, a licensed psychologist. *See id.* We considered Swaby’s misconduct in prison, which included him biting and kicking at prison guards. *See id.* at 108.

We considered the strength of the evidence, and fact that we believed that based upon the testimony presented at trial, the Commonwealth proved that Swaby is responsible for these crimes beyond all doubt. *See id.* at 109. We considered Swaby’s repeated demonstration of his lack of remorse for the crimes and lack of empathy for the victims. *See id.* at 108. We considered the impact of this lack of remorse and lack of empathy on Swaby’s chances of rehabilitation. *See id.* *See also, Commonwealth v. Begley*, 780 A.2d 605, 644 (Pa. 2001) (“[t]he fact that Appellant did not show any remorse after a jury found beyond a reasonable doubt that he [committed the crime], *even if he maintained his innocence*, was indicia of Appellant’s social conscience.”) (emphasis added); *Commonwealth v. Bullock*, 170 A.3d 1109, 1127 (Pa. Super. 2017) (Holding that the trial court did not abuse its discretion in giving a convicted defendant an aggregate sentence, because “[t]he trial court relied on several persuasive factors when deciding to deviate from even the aggravated sentencing recommendation, including

... [the defendant]’s lack of remorse, including during his allocution, which the trial court concluded ‘can indicate lack of social conscience and scant likelihood of rehabilitation ... ’); *Commonwealth v. Bowen*, 975 A.2d 1120, 1125 (Pa. Super. 2009) (“it is undoubtedly appropriate for a trial court to consider a defendant’s lack of remorse as a factor at sentencing, provided that it is specifically considered in relation to the protection of the public, the gravity of the offense, and the defendant’s rehabilitative needs.”).

We considered that Swaby’s crimes were savage and brutal. *See* N.T. Mar. 15 at 108. Swaby raped K.K. for nearly forty minutes. *See id.* He further stole K.K.’s sense of safety by looking at her identification. *See id.* at 98, 104. He physically injured two of his victims. *See id.* at 104. He took advantage of his victims when they were sleeping and at their most vulnerable. *See id.* at 109.

We considered that Swaby committed these acts on strangers. *See id.* at 104. We considered that there were multiple victims involved in Swaby’s crimes. *See id.* at 108. We considered that Swaby is a repeat offender. *See id.* We considered that Swaby’s crimes are brazen, as he returned to the same street as one of his previous assaults to assault more women not even a month later. *See id.* at 104.

We considered that Swaby is a sophisticated criminal. *See id.* at 103. The record indicates that Swaby did research on his victims. *See id.* at 108. Swaby turned his phone off during some of his offenses so that there would be no cell-phone data. *See id.* at 103. He wore all dark clothing and wore Lehigh University apparel so that his victims would not be able to identify him and would confuse him for a college student. *See id.*

We considered that Swaby was well into adulthood when he committed these crimes. *See id.* at 104. We considered Swaby’s education and that the record does not indicate that Swaby lacks the mental capacity to be culpable for his crimes or that he lacks the capacity to understand the gravity of his crimes. *See id.* We considered his spotty employment history. *See id.* at 109. We considered that he has no support system. *See id.* at 103. We considered that he presents as a psychopath and has antisocial characteristics. *See id.* We considered that he is aroused by non-consent. *See id.* at 105.

We considered the impact of Swaby’s crimes on the victims. *See id.* at 97. The victim impact testimony demonstrates that Swaby’s actions will have a lifelong impact on each of his victims. *See id.* K.K. explained that Swaby stole from her what was supposed to be an “exciting and happy time” after she graduated college, because Swaby raped her only a few days after she graduated. *See id.* at 97. K.K. described that she is “not the independent, happy young adult that [she] thought [she] would be.” *See id.* at 98. K.K. lives in a constant state of terror, and has to sleep with mace, a knife under her pillow and with the lights on. *See id.* She has many sleepless nights and often has to have someone stay with her. *See id.* She said



that “even on the lucky nights when I have someone to stay with me, I would often lie awake constantly relaying the assault in my head, and even when I forced myself to stop thinking about it, my mind would always veer back.” *See id.* Swaby further stole K.K.’s sense of security after raping her by looking at her identification with her parent’s address on it. *See id.* K.K. explained that what Swaby did to her completely changed her worldview. *See id.* at 99. She explained that Swaby stole her independent, optimistic and happy-go-lucky personality and replaced it with someone who is often pessimistic, forced to be dependent and fearful of the world around her. *See id.* at 99. K.K. said “I mourn the blissful ignorance and peace of mind that I enjoyed and that most people take for granted.” *See id.* When describing what gives her peace, she said “I find some comfort in the fact that the evidence from my case helped convict Clement Swaby so that no one else would be subject by him to the horror and torment that he put me through.” *See id.*

A.C. described feeling numb in the twenty-four hours following her assault. *See id.* at 100. She described sitting at her friend’s house at 5 a.m. “[jumping] from sobbing to laughing with the mania that only comes as a gift bag along with the near death experience. With silent tears running down [their] faces, [they] sat in the living room and watched shoddy, silly TV between gut wrenching sobs.” *See id.* A.C. had issues maintaining friendships and keeping up with school after the assault. *See id.* She said that “I drank more, desperately trying to burn out the feeling of his hands on my throat.” *See id.* A.C.’s sleeping arrangements have never returned to normal. *See id.* She sleeps with a large camping knife under her pillow and cannot sleep with the door open. *See id.* In describing the impact of the assault to her mental state, A.C. said that “[a] significant aspect of what has affected me lies within the loss of my self-autonomy—of having choice stripped from me and seeing my own control slip through my fingers.” *See id.* at 100-101.

A.S. explained that she had to move residences mid-semester due to Swaby’s actions. *See id.* at 101. The length and the seriousness of the investigation distracted A.S. from school. *See id.* Swaby’s actions also impacted her sleep. *See id.* A.S. wakes up to any noise and is terrified to go back to sleep in case she missed something. *See id.* She locks her bedroom door every night, even in her parents’ house. *See id.* She is afraid to walk outside at night. *See id.* A.S. wants Swaby to go to prison for the maximum permissible term. *See id.*

M.D. described that “Clement Swaby broke into my home, came into my bedroom while my roommate and I laid defenseless in my bed, shut the door behind him to trap us in the space and held us at knifepoint as he tried to force us to perform a sexual act on each other.” *See id.* She said that Swaby only left them alone when they became too loud for his liking. *See*

*id.* at 101-102. M.D. had to miss work for two weeks, had to move, was displaced from her college, has had to pay out of pocket for her trauma therapy. *See id.* at 102. She describes having significant post-traumatic stress. *See id.* M.D. said that “there is no amount of time Mr. Swaby could serve that I think would compensate for the damage he has caused me, my family, and countless other women.” *See id.* She thinks that Swaby is a “genuine danger to society and wishes that his sentence reflect the severity of his actions as well as address the behaviors that caused them.” *See id.*

R.T. explained that she was impacted by both what Swaby did to her neighbors, A.C. and A.S., and what he did to her and M.D. *See id.* at 102. She was already afraid for her safety after Swaby assaulted A.C. and stole from A.S. *See id.* She described that that fear became a reality when he broke into her and M.D.’s home a little over a week later. *See id.* She said that what Swaby did “indicates disgusting violations of privacy.” *See id.* She explained that how in addition to the assault that violated her and M.D., Swaby violated “the safe space that was [their] home.” *See id.* at 102-103. R.T. wishes that Swaby “serve the full sentence for every criminal act committed so that every victim may feel that justice has been served.” *See id.*

Additionally, we considered the testimony made by K.K.’s father. *See id.* at 109. We considered the impact of his crimes on the community. *See id.* at 108. He terrorized multiple college campuses. *See id.* at 110. We considered that Swaby has established a pattern of disrespect and dishonesty with authority figures. *See id.* at 88, 105.

The Court presided over the Swaby’s trial and observed Swaby, his demeanor, the evidence presented and the demeanor and credibility of the witnesses. *See id.* at 109. We conclude that Swaby presents a danger to and is a menace to society and is not a good candidate for rehabilitation. *See id.* While we considered that his prior record score is 0, we conclude that the score may be the result of his sophistication in committing crimes rather than a clean history. *See id.* at 106. We stated:

The record indicates [and] the post-sentence evaluations indicate that you are unlikely to change your behavior. Even if you engage in treatment[,] should you be released from prison, you are likely to re-offend and hurt more women. This conclusion is also consistent with the gravity of the offenses as you impose a lifelong harm on the victims and their families as well as imposing a reign of terror on multiple college campuses in Northampton County.

*Id.* at 110.

We believe that the protection of the public demands that Swaby be incarcerated. *See id.* at 107. When explaining our conclusions with respect to Swaby, we said:

After presiding over your trial, reviewing and considering everything before me, I believe that you do not have a social conscience and that you are a menace, and you're a danger to society. Your brazen and savage rapes and sexual assaults of these innocent young women who were strangers to you leads me to conclude that you should be locked away behind bars for as long as the law allows so that you can no longer rape any women.

*Id.*

After stating the sentence, we engaged in the following dialogue with Swaby:

THE COURT: Now, Mr. Swaby, I'm not done with you yet. I've got one more thing I want to tell you, so just sit tight.

THE DEFENDANT: I don't want to hear it.

MR. CONNELL: Stand there.

THE COURT: Stand there. Sheriff, you want to restrain him. I got one more thing I want to tell you. Maybe you should hold onto him pretty well when I tell him this.

So before you leave Mr. Swaby, I want to tell you something. I've been a judge for 25 years, and I've seen a lot of bad people come in front of me, but you, Mr. Swaby, you are the worst of the worst I've ever seen.

THE DEFENDANT: You're the worst.

THE COURT: You're going to have a lot of time to think about that in jail.

THE DEFENDANT: Because you were there right?

THE COURT: Yes, sir. I was at the trial. I watched it. They proved you guilty beyond all doubt. I sat through the trial, and I watched, and I listened to everyone testify and then I watched you, Mr. Swaby.

Mr. Swaby, you are every woman's worst nightmare, to be awakened while you are sleeping alone in your bedroom to a stranger with a knife who's threatening to kill you and then you brutally rape her, and it's every parent's worst nightmare, Mr. Swaby, when they send a child to college that one day they're going to receive a phone call in the middle of the night saying that something awful happened to their child.

Children sometimes wake up at night out of fear that there's a monster or something that goes bump in the night, and we as parents tell our children that monsters do not exist, but you know what Mr. Swaby. We are wrong because monsters do exist, and you, Mr. Swaby, are one of those monsters. You are the embodiment of evil, and you should never again be released into custody—into society. You should never again be

released into society. And that's why my sentence guarantees that you're going to die alone in a prison cell.

THE DEFENDANT: Me and you.

THE COURT: Yes, sir. May God have mercy on your soul.

*Id.* at 123-25.

We submit that we provided an extremely detailed explanation for our sentence. Based on the foregoing, we believe that Swaby's sentence was adequately supported by the record and should not be disturbed on appeal. We considered all relevant factors set forth in 42 Pa. C.S. §9721(b). *See id.* at 110. Swaby was sentenced to serve a minimum term of 75 years' to a maximum term of 150 years' imprisonment in a state correctional institution, followed by twelve years of additional probation. *See id.* at 123. Swaby's sentence was proportionate to his crime. We believe that based on all the considerations listed above, Swaby's case is compellingly different from typical cases involving sexual offenses, burglaries, thefts and assaults. Therefore the sentence is proper. While he may disagree with the manner in which the Court weighed the statutory factors and the sentence we imposed, this Court's decision was not unreasonable. *See Commonwealth v. Gunderman*, 407 A.2d at 875; *Commonwealth v. Mills*, 496 A.2d at 754; *Commonwealth v. Ramos*, 241 A.2d at \*5.

### CONCLUSION

For the reasons set forth above, we respectfully suggest that Swaby's appeal lacks merit and should be dismissed.

**OCTOBER 2023**

<b>MON</b>	<b>TUE</b>	<b>WED</b>	<b>THU</b>	<b>FRI</b>
2 Criminal	3 Criminal Juvenile Asbestos Pr-Tr.	4 Criminal Misc. Hrngs. Civil Call—Tr. Final PFA Hrngs.	5 ARD/ Summaries Juvenile Dependency	6 Juvenile Dependency
9 Columbus Day (No Court)	10 DRS Juvenile	11 Argument DRS Final PFA Hrngs.	12 Arraignments Juvenile Dependency	13 Juvenile Dependency
16 Civil	17 Juvenile Civil	18 Civil Misc. Hrngs. Final PFA Hrngs.	19 Juvenile Dependency	20 Juvenile Dependency
23 Non-Jury	24 Non-Jury Juvenile	25 Non-Jury Final PFA Hrngs.	26 Arraignments Juvenile Dependency O.C. Audit	27 Juvenile Dependency
30 Criminal	31 Criminal Asbestos Pr-Tr. Juvenile			



**PERIODICAL PUBLICATION**

\* Dated Material. Do Not Delay. Please Deliver Before Monday, October 2, 2023