IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	:	
	:	
vs.	:	NO. 249-2006; 551-2006;
	:	552-2006
DARNELL JOHNSON,	:	
	:	
Defendant	:	1925(a) OPINION

Date: April 23, 2007

OPINION IN SUPPORT OF THE ORDER OF FEBRUARY 6, 2007 IN COMPLIANCE WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE

Defendant Darnell Johnson has appealed from his sentence of February 6, 2007. On appeal, Johnson challenges the consolidation for trial of the three above referenced cases, the court's exclusion of evidence related to the witnesses' pre-trial identifications of him as the individual who robbed them, and trial counsel's ineffectiveness with regard to suppression of the pre-trial identifications. Johnson's appeal should be denied and the sentence of February 6, 2007 affirmed.

On December 15, 2006, a jury found Johnson guilty of numerous charges in the above referenced three cases. On February 6, 2007, this court sentenced Johnson as to those charges. On March 8, 2007, Johnson filed a notice of appeal. On March 9, 2007, this court issued an order in compliance with Pennsylvania Rules of Appellate Procedure Rule 1925(b) directing Johnson to file a concise statement of matters complained of on appeal within fourteen days of the order. On March 20, 2007, Johnson filed his concise statement of matters.

In his statement of matters, Johnson asserts four issues on appeal. They are:

1. Did the court err in consolidating all three cases for trial?

2. Did the court err in prohibiting Johnson from questioning Agent Raymond Kontz of the Williamsport Bureau of Police, who conducted all of the photo arrays, regarding his understanding of scientific procedure?

3. Did the court err in prohibiting Johnson from calling a witness to testify as to her past experience with a photo array where the police allegedly made leading and improper suggestions in order to affect the outcome?

4. Was trial counsel ineffective in failing to seek suppression of the photo array identifications of Johnson when the witnesses likely only had a brief glimpse of the alleged robber and the photo arrays did not take place until almost two months after the incidents?

The court will address each issue in turn.

I. Facts

A. Robbery of Richard Picozzi

On October 16, 2005, Richard Picozzi was at his apartment located at 1218 Memorial Avenue, Williamsport, Pennsylvania. He heard a knock at the door and went to answer it. Johnson, Antwon Murphy, and another associate were waiting on the other side of the door. When Picozzi opened the door, Johnson pulled out a semi-automatic handgun and stuck it in Picozzi's face. As Johnson pointed the handgun at Picozzi, he demanded that Picozzi give him money. Picozzi gave Johnson his wallet containing $100. Johnson demanded more, and Picozzi gave him an additional $1100. Johnson took the wallet and the money and started to leave. As he did, Johnson threatened Picozzi by telling him that he knew where he lived and that he should not tell the police what had just happened. Johnson, Murphy, and their associate then exited the apartment. Picozzi waited a few minutes, and then he too left the apartment.

B. Robbery of Eichinger *et al*

On December 1, 2005, Shane Eichinger and his friends were in his apartment located at 1031 Memorial Avenue, Williamsport, Pennsylvania when he heard a knock on the door. He answered it, and Johnson and Murphy barged into the apartment. Johnson had Eichinger and the other occupants of the apartment get down on the floor. Johnson told Eichinger and the occupants to pull out their wallets and take out the money. Johnson collected the money from everyone. Johnson then told Eichinger and the occupants that if they go to the police and tell them what happened, then he and Murphy would come back. After this, Johnson and his cohort exited the apartment.

C. Robbery of Matthew Jackson

On January 9, 2006, at approximately 2:30 p.m., Matthew Jackson arrived at the residence of a female friend located at 604 Maple Street, Williamsport, Pennsylvania. Jackson parked the vehicle he was driving and made his way toward the residence. As he did this, Jackson was approached by two men. These two men were Johnson and Murphy. Johnson and Murphy displayed handguns to Jackson, and ushered him into the vehicle he had just exited.

Murphy and Jackson got into the front of the vehicle and Johnson sat in the back. Johnson held a black handgun to Jackson's head and demanded that Jackson give him money. Jackson complied and gave Johnson $1600 in cash. Johnson and Murphy exited the vehicle with the money and left the area. Jackson then exited the vehicle and went to his friend's residence. Once there, Jackson called the police and told them what had happened.

II. DISCUSSION

Johnson's appeal must be denied because none of the four issues he raises entitles him to the relief he seeks. The court did not err in consolidating the three robbery cases for trial because the evidence related to each robbery would have been admissible in a separate trial for each offense, the evidence related to each robbery was capable of separation, and Johnson was not prejudiced by the consolidation. The court did not err in prohibiting Johnson from questioning Agent Kontz as to his understanding of scientific procedure or from calling a witness to testify as to her experience with photo array identifications since both were irrelevant to the issues in the case. The ineffectiveness of trial counsel is not an issue that is ripe for consideration on direct appeal and must wait until collateral review to be raised and addressed.

A. The Consolidation of the Three Robbery Cases

1. General Rules and Principles Regarding Joinder of Offenses

The determination as to whether separate indictments or informations should be joined in a single trial is within the sole discretion of the trial court. ***Commonwealth v. Burton***, 770 A.2d 771, 777 (Pa. Super. 2001), *app. denied*, 868 A.2d 1197 (Pa. 2005). The Pennsylvania Rules of Criminal Procedure set forth the procedures and standards governing the consolidation and severance of offenses. ***Commonwealth v. Lark***, 543 A.2d 491, 496 (Pa. 1988) In that regard, the Rules provide, in relevant parts, as follows:

> **Rule 563. Joinder of Offenses in Information**
>
> (A) Two or more offenses, of any grade, may be charged in the same information if:

(1) the evidence of each of the offenses would be admissible in a separate trial for the other and is capable of separation by the jury so that there is no danger of confusion: or

(2) the offenses charged are based on the same act or transaction.

Rule 582. Joinder - Trial of Separate Indictments or Informations

(A) Standards

(1) Offenses charged in separate indictments or informations may be tried together if:

(a) the evidence of each of the offenses would be admissible in a separate trial for the other and is capable of separation by the jury so that there is no danger of confusion: or

(b) the offenses charged are based on the same act or transaction.

(2) Defendants charged in separate indictments or informations may be tried together if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses.

Rule 583. Severance of Offenses or Defendants

The court may order separate trials of offenses or defendants, or provide other appropriate relief, if it appears that any party may be prejudiced by offenses or defendants being tried together.

Pa.R.Crim.P. 563; Pa.R.Crim.P. 582(A); Pa.R.Crim.P. 583.

Reading these rules *in pari materia*, when determining whether offenses in separate informations should be joined in a single trial, a court must determine:

(1) whether the evidence of each of the offenses would be admissible in a separate trial for the other;

(2) whether such evidence is capable of separation by the jury so as to avoid danger of confusion; and if the answers to these two inquiries are in the affirmative

(3) whether the defendant will be unduly prejudiced by the consolidation of offenses.

See, ***Lark***, 543 A.2d at 496; ***Commonwealth v. Lauro***, 819 A.2d 100, 107 (Pa. Super. 2003), *app. denied*, 830 A.2d 975 (Pa. 2003).

2. <u>The Joinder of the Three Robbery Cases was Appropriate</u>

The joinder of all three robbery cases in a single trial was appropriate. The evidence related to each of the robberies would have been admissible in a separate trial for the other robberies. The evidence related to each of the robberies was distinct enough so as to be capable of separation by the jury. Johnson did not suffer prejudice as a result of the joinder of the three robbery cases.

a. <u>The Evidence Related to the Three Robberies would have been Admissible in a Separate Trial for each Robbery</u>

In general, "[e]vidence of other crimes wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith." Pa.R.E. 404(b)(1), *see also*, ***Commonwealth v. Watkins***, 843 A.2d 1203, 1215 (Pa. 2003) ("Evidence of a defendant's prior criminal activity may not be admitted solely to establish his bad character or criminal propensity."); ***Commonwealth v. Richter***, 711 A.2d 464, 466 (Pa. 1998) ("Evidence of prior bad acts are generally not admissible if offered merely to show bad character or a propensity for certain bad acts."). "An exception to the general prescription exists in special circumstances where the evidence is relevant for some other legitimate purpose and not merely

designed generally to prejudice the defendant by showing him to be a person of bad character." ***Richter***, 711 A.2d at 466. Evidence of other crimes is admissible to demonstrate: (1) motive; (2) intent; (3) absence of mistake or accident; (4) a common scheme, plan or design embracing the commission of two or more crimes so related to each other that proof of one tends to prove the others; or (5) the identity of the person charged with the commission of the crime on trial. ***Lauro***, 819 A.2d at 107; *see also*, Pa.R.E. 404(b)(2).

The common plan exception embraces the commission of two or more crimes so related to each other that proof of one tends to prove the other. ***Commonwealth v. Murphy***, 657 A.2d 927, 932 (Pa. 1995). Other crimes or acts are admissible under the common plan exception if a comparison of the crimes and acts establishes a logical connection between them. ***Commonwealth v. Strong***, 825 A.2d 658, 665 (Pa. Super. 2003), *app. denied*, 847 A.2d 59 (Pa. 2004), *cert. denied*, 544 U.S. 927 (2005). The determination regarding the admissibility of evidence under the common plan exception must be made under the following analysis:

> '[A] determination of whether evidence is admissible under the common plan exception must be made on a case by case basis in accordance with the unique facts and circumstances of each case. However, we recognize that in each case, the trial court is bound to follow the same controlling, albeit general, principles of law. When ruling upon the admissibility of evidence under the common plan exception, the trial court must first examine the details and surrounding circumstances of each criminal incident to assure that the evidence reveals criminal conduct which is distinctive and so nearly identical as to become the signature of the same perpetrator. Relevant to such a finding will be the habits or patterns of action or conduct undertaken by the perpetrator to commit crime, as well as the time, place, and types of victims typically chosen by the perpetrator. Given this initial determination, the court is bound to engage in a careful balancing test to assure that the common plan evidence is not too remote in time to be probative. If the evidence reveals that the details of each criminal incident are nearly identical, the fact that the

> incidents are separated by a lapse of time will not likely prevent the offer of the evidence unless the time lapse is excessive. Finally, the trial court must assure that the probative value of the evidence is not outweighed by its potential prejudicial impact upon the trier of fact. To do so, the court must balance the potential prejudicial impact of the evidence with such factors as the degree of similarity established between the incidents of criminal conduct, the Commonwealth's need to present evidence under the common plan exception, and the ability of the trial court to caution the jury concerning the proper use of such evidence by them in their deliberations.'

Commonwealth v. Smith, 635 A.2d 1086, 1089 (Pa. Super. 1993) (quoting ***Commonwealth v. Frank***, 577 A.2d 609, 614 (Pa. Super. 1990), *app. denied*, 584 A.2d 312 (Pa. 1990)).

The evidence related to the three robberies would have been admissible in separate trials for each offense under the common plan exception. All three robberies were sufficiently similar so as to establish a logical connection between them. The Picozzi and Eichinger robberies were very similar, almost identical. Johnson knew that the targets of these robberies had been involved in drug transactions and were likely to have money on hand. Both robberies occurred inside the apartment of the victim. In both cases, Johnson gained access to the apartment by knocking on the door and waiting for someone to answer. In both cases, Johnson employed the threat of overwhelming force to gain control over and compliance from his victims. Johnson did this in both the Picozzi and Eichinger robberies by having at least one associate accompany and assist him and by brandishing and then threatening his victims with a handgun. Also, in each case, Johnson used force in the form of a threat of physical harm to conceal his crime by intimidating the victims into keeping quiet about the robbery.

At first glance, the Jackson robbery would appear different from the Picozzi and Eichinger robberies since it occurred on a city street. But, despite occurring on a city street,

Johnson still employed the same method as he had in the Picozzi and Eichinger robberies. Just like those two robberies, Johnson targeted a victim he knew who had been involved in drug transactions and was likely to have money on hand. As in the Picozzi and Eichinger robberies, force would be Johnson's principal tool, and he would use that tool in the same manner. As with the two previous robberies, Johnson had back up with him – Antwon Murphy, who had been his back up on the Picozzi and Eichinger robberies. Added to this, Johnson and Murphy had handguns with them, which they displayed to Jackson to gain his compliance. Johnson used the threat of violence posed by his handgun to corral Jackson into the vehicle he had just exited. Similar to the two apartments in the Picozzi and Eichinger robberies, Johnson used the confined space of the vehicle to control the situation and the victim. Also, like the two other robberies, Johnson used the handgun to threaten Jackson with bodily harm to gain money from him. Thus, in all three robberies, Johnson developed and employed the same method to rob his victims – Johnson targeted victims he knew would likely have money on hand and controlled and gained their compliance by choosing a location that provided him control over them and by threatening the use of overwhelming force.

Furthermore, all three robberies were sufficiently similar in that they all occurred within a short time span and within the same geographic location. All three robberies occurred within a four month period. All three robberies occurred within a one mile radius, and the Picozzi and Eichinger robberies occurred within two blocks of each other.

Accordingly, the combination of the same method being used, the short time span, and the same geographic location demonstrates that the evidence related to the three robberies is

sufficiently similar to demonstrate a common plan and would therefore be admissible in separate trials for each offense.

b. <u>The Evidence Related to the Three Robberies was Capable of Separation</u>

The evidence related to the three robberies was capable of separation by the jury. "Where a trial concerns distinct criminal offenses that are distinguishable in time, space, and the characters involved, a jury is capable of separating the evidence." ***Burton***, 770 A.2d at 779. The robberies occurred on different dates – the Picozzi robbery on October 26, 2005, the Eichinger robbery on December 1, 2005, the Jackson robbery on January 9, 2006. The robberies occurred at different locations – the Picozzi robbery at 1218 Memorial Avenue, the Eichinger robbery at 1031 Memorial Avenue, the Jackson robbery at 604 Maple Street. The robberies involved different principles – the victim in the Picozzi robbery was Richard Picozzi, the victims in the Eichinger robbery were Shane Eichinger and the occupants of his apartment, the victim in the Jackson robbery was Matthew Jackson Although the robberies employed a similar method, the evidence related to each particular robbery was distinct enough so as to allow the jury to separate the facts concerning each robbery and apply them to that robbery. As such, the evidence related to each robbery was capable of separation.

c. <u>The Joinder of the Three Robberies did not Prejudice Johnson</u>

The joinder of the three robberies for trial did not prejudice Johnson. The prejudice that concerns Rules 563, 583, and 586 is not simply "'prejudice in the sense that [a defendant] will be linked to the crimes for which he is being prosecuted, for that sort of prejudice is ostensibly the purpose of *all* Commonwealth evidence.'" ***Lauro***, 819 A.2d at 107 (quoting ***Commonwealth v. Collins***, 703 A.2d 418, 423 (Pa. Super. 1997)) (emphasis in original). The

prejudice envisioned by these Rules is "that which would occur if the evidence tended to convict [a defendant] only by showing his propensity to commit crimes, or because the jury was incapable of separating the evidence or could not avoid cumulating the evidence." ***Lark***, 543 A.2d at 499. Such prejudice did not exist here.

The evidence related to the three robberies did not merely demonstrate Johnson's propensity to commit crimes. The evidence related to the three robberies demonstrated a common plan Johnson had developed and employed to commit robberies. The evidence related to the three robberies was capable of separation and there was little risk of the jury cumulating the evidence. Each robbery entailed specific and distinct facts that permitted the jury to examine each robbery individually. The jury was then able to evaluate this evidence and determine Johnson's guilt with regard to each individual robbery. As such, Johnson suffered no prejudice from the joinder of the three robberies and related offenses in a single trial.

Accordingly, the court did not err in joining the three robberies and related offenses for trial.

B. <u>The Admission of Evidence Regarding the Pre-trial Identifications</u>

1. <u>Admission of Evidence General Rules and Principles</u>

The admission of evidence is reserved to the sound discretion of the trial court. ***Commonwealth v. Lewis***, 885 A.2d 51, 54 (Pa. Super. 2005); ***Commonwealth v. Whitacre***, 878 A.2d 96, 100 (Pa. Super. 2005), *app. denied*, 892 A.2d 823 (Pa. 2005). A trial court's decision regarding the admission of evidence will not be overturned absent an abuse of discretion. ***Commonwealth v. Miller***, 897 A.2d 1281, 1286 (Pa. 2006). An abuse of discretion occurs

when the decision is the result of manifest unreasonableness, partiality, prejudice, bias, ill-will, or such lack of support so as to be clearly erroneous. ***Ibid***.

The relevancy of evidence is a threshold requirement to its admissibility. ***Commonwealth v. Eubanks***, 512 A.2d 619, 623 (Pa. 1986). Generally, relevant evidence is admissible, but irrelevant evidence is inadmissible. Pa.R.E. 402; *see also*, ***Commonwealth v. McClintock***, 639 A.2d 1222, 1225 (Pa. Super. 1994). Relevant evidence is "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Pa.R.E. 401. Evidence is relevant if it logically tends to establish a material fact in the case or supports a reasonable inference or presumption regarding the existence of a material fact. ***Miller***, 897 A.2d at 1288; ***Commonwealth v. Maloney***, 876 A.2d 1002, 1006 (Pa. Super. 2005).

Determining the relevancy of evidence is a two-step analysis. ***Commonwealth v. Stewart***, 335 A.2d 282, 285 (Pa. 1975). The court must assess the evidence's materiality and its probative value. "'Materiality looks to the relation between the propositions for which the evidence is offered and the issues in the case. If evidence is offered to help prove a proposition which is not a matter in issue, the evidence is immaterial.'" ***Commonwealth v. McNeeley***, 534 A.2d 778, 779 (Pa. Super. 1987), *app. denied*, 549 A.2d 915 (Pa. 1988) (quoting McCormick, *Evidence* § 185, 541 (Cleary 3d ed. 1984)). "'Probative value, on the other hand, deals with the tendancy [sic] of the evidence to establish the proposition that it is offered to prove.'" ***Ibid***.

2. <u>Agent Kontz's Familiarity with Scientific Procedure</u>

At trial, Johnson's counsel asked Agent Kontz during cross examination whether he was familiar with double blind studies. The Commonwealth objected to this question, and we

sustained that objection. Presumably, defense counsel's question concerning double blind studies was designed to probe whether Agent Kontz was familiar with double blind photo array procedures. In such procedures, the police officer conducting the photo array and the witness do not know whether the suspect's picture is included in the photo array. The idea being that if the officer does not know if the suspect's photo is included he will not give any suggestions and the identification will be the product of the witness's recollection.

The likely purpose of defense counsel's question was to place the validity of the pre-trial identifications at issue. Defense counsel likely wanted to lay the groundwork for the proposition that photo arrays conducted using the double blind procedure are more accurate since there is less suggestiveness. This in turn would lay the groundwork for the contrary proposition that photo arrays conducted without using the double blind procedure are less accurate because they are more subject to suggestiveness. Defense counsel could then argue that since the photo arrays here were not conducted pursuant to the double blind procedure the photo arrays were unduly suggestive and the pre-trial identifications inadmissible.

Agent Kontz's familiarity with and use of the double blind procedure was not relevant evidence. Johnson wanted to use this evidence to establish that the photo arrays were unduly suggestive because the double blind procedure was not used. However, the failure to use a double blind procedure in the pre-trial identifications is not probative of this proposition.

First, the law of this Commonwealth does not require that the double blind method be employed in photo arrays. A pre-trial identification that has been obtained by an unduly suggestive procedure denies a defendant due process of law and will be suppressed. ***Burton***, 770 A.2d at 782. "A photographic identification is unduly suggestive if, under the totality of

the circumstances, the identification procedure creates a substantial likelihood of misidentification." ***Commonwealth v. Harris***, 888 A.2d 862, 866 (Pa. Super. 2006). "Photographs utilized in lineups will not be deemed unduly suggestive if the suspect's picture does not stand out more than those of the other individuals included in the array and the people depicted in it all exhibit similar facial characteristics." ***Ibid***. Here, Agent Kontz prepared two photo arrays containing eight photographs each. The photographs were similar in size and displayed images of African–American males with similar facial characteristics to Johnson. This type of pre-trial identification procedure has been held not to be overly suggestive. *See*, ***Harris***, 888 A.2d 862 (photo array utilizing eight photographs of African-American males with similar facial characteristics and nothing related to the photo of the defendant made it stand out was not unduly suggestive); ***In re Love***, 646 A.2d 1233 (Pa. Super. 1994), *app. denied*, 655 A.2d 511 (Pa. 1995), *cert. denied*, 515 U.S. 1126 (1995) (photo array was not overly suggestive where all the photographs had been taken with a Polaroid, had the same background, and were of young African-American males who had relatively short hair and appeared to be of the same age, and there was nothing about the defendant's photograph that made it stand out); ***Commonwealth v. Thomas***, 575 A.2d 921 (Pa. Super. 1990) (photo array was not overly suggestive where it contained six photographs of African-American males with similar facial features and the photographs were all the same size and used similar backgrounds).

Second, the failure to use the double blind procedure did not result in any undue suggestiveness during the photo arrays. Each of the witnesses who made pre-trial identifications of Johnson testified that Agent Kontz did not engage in any conduct which would have suggested that Johnson's photograph was the one to choose. All of the witnesses

testified that they examined the photo arrays and identified Johnson as the individual who robbed them on their own without any assistance form Agent Kontz. As such, Agent Kontz's familiarity with and use of the double blind procedure was not relevant evidence.

Finally, defense counsel did not offer any evidence to support the proposition that pre-trial identifications that use double blind photo arrays are more accurate. If any such evidence existed, defense counsel could have attempted to introduce this evidence through appropriate witnesses. Defense counsel did not do this; therefore, there was no foundation for defense counsel's question as to Agent Kontz's familiarity with double blind studies.

Accordingly, it was proper to sustain the objection.

3. <u>Witness's Experience with Photo Arrays and Pre-trial Identifications</u>

Johnson's second attempt to place the validity of the pre-trial identifications at issue came when he tried to introduce a witness that would testify as to her experience with photo arrays and pre-trial identifications. The thrust of Johnson's proposed witness's testimony would have been that when she took part in a pre-trial identification of a suspect in a criminal matter the police officers involved made leading and improper suggestions that influenced her in identifying the wrong individual. The implication of this type of testimony is that sometimes police engage in suggestive conduct that leads to a witness making a pre-trial identification of an individual that he does not recognize as the alleged perpetrator of the criminal offense.

The court did not err in prohibiting Johnson from calling this witness because her testimony was irrelevant and inadmissible. Even if the court were to concede that the police officers involved in the witness's pre-trial identification did engage in suggestive activity that influenced her identification of the suspect, this one incident does not establish a universal truth

that all police officers engage in suggestive conduct in all pre-trial identification procedures and all such identifications are invalid as a result. Rather, each case must be evaluated on its own facts. Here, the facts demonstrate that there was no suggestive conduct on the part of the police that would have influenced the witnesses' pre-trial identification of Johnson as the individual who robbed them. As such, there is no conduct to compare and contrast with the alleged conduct that was suggestive in the witness's experience that would allow the jury to conclude that the pre-trial identifications of the witnesses in this case were the result of improper suggestion by Agent Kontz. Accordingly, the proposed witness's testimony was irrelevant, and the court did not err in prohibiting Johnson from calling this witness.

C. Trial Counsel's Ineffectiveness

The court will not address the merits of Johnson's fourth issue as it is not ripe for decision. As a general rule, claims of ineffective assistance of counsel must wait to be raised until collateral review. ***Commonwealth v. Fowler***, 893 A.2d 758, 763 (Pa. Super. 2006); ***Commonwealth v. Fitzgerald***, 877 A.2d 1273, 1274 (Pa. Super. 2005), *app. denied*, 891 A.2d 730 (Pa. 2005). Claims of ineffectiveness of counsel will not be addressed on direct appeal unless: (1) the ineffective claims were presented to the trial court in the first instance; (2) a record devoted to the ineffectiveness claims was developed in the trial court; and (3) the trial court addressed the merits of the ineffectiveness claims. ***Commonwealth v. Whitaker***, 878 A.2d 914, 924 (Pa. Super. 2005). Johnson first raised the ineffectiveness claim in his statement of matters. As such, the court did not conduct an evidentiary hearing addressing the ineffectiveness claim thereby creating a record devoted to the claim. Therefore, the exception

to the general rule does not apply and Johnson's ineffectiveness claim must wait until collateral review to be addressed.

III. CONCLUSION

Accordingly, Johnson's appeal should be denied and the sentence of February 6, 2007 affirmed.

BY THE COURT,

William S. Kieser, Judge

cc: Jay Stillman, Esquire
DA
Judges
Christian Kalaus, Esquire
Gary L. Weber, Esquire (Lycoming Reporter)