NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA, Appellee v. LEWIS CLEVELAND BOGGS, Appellant	IN THE SUPERIOR COURT OF PENNSYLVANIA No. 1903 EDA 2011

Appeal from the PCRA Order July 1, 2011
In the Court of Common Pleas of Montgomery County
Criminal Division at No(s): CP-46-CR-0008265-2003
CP-46-CR-0008934-2003

BEFORE: STEVENS, P.J., BOWES, J., and FITZGERALD, J.*

MEMORANDUM BY STEVENS, P.J. Filed: March 5, 2013

Lewis Boggs (hereinafter "Appellant") appeals from the Order entered in the Court of Common Pleas of Montgomery County on July 1, 2011, denying his petition filed pursuant to the Post Conviction Relief Act (PCRA).[1] Upon our review of the record, we affirm.

In our memorandum decision filed on December 16, 2008, this Court reiterated the trial court's statement of the relevant facts as follows:

> [O]n or about September 9, 2003, Trooper Bradley Getz, Pennsylvania State Police, Skippack Station, received information from his crime unit supervisor relating to the instant case. The information was conveyed by two Philadelphia Homicide Unit members. (N.T. Trial 8/01/06, at 32, 33). On

---

* Former Justice specially assigned to the Superior Court.
[1] 42 Pa.C.S.A. §§ 9541-9546.

September 12, 2003, Trooper Getz met with the two Philadelphia homicide detectives who had been working with informant, Pamfilio Dacua ("Dacua" or "informant"), on an unsolved murder case since the middle of August, 2003. (N.T. Trial, 8/1/06, at 33). Trooper Getz learned from the homicide detectives that [Appellant] had approached Dacua, about having Francine Hansen ("Ms. Hansen[") or "Franny"), his former girlfriend, murdered. (N.T. Trial, 8/1/06, at 34). Dacua and [Appellant] were inmates at SCI Graterford at the time.

Trooper Getz met with Dacua at SCI Graterford on September 23, 2003, to conduct an interview. Dacua told Trooper Getz that [Appellant] had approached him about arranging to have Ms. Hansen killed, because she testified against him at a parole hearing. (N.T. Trial, 8/01/06, at 35. After verifying the information that Dacua had given to him, Trooper Getz immediately requested internal security at SCI Graterford to monitor [Appellant's] incoming and outgoing mail, and his phone calls. (N.T. Trial, 8/01/06, at 36).

[Appellant] sent approximately (20) letters between September 28, 2003 and January 1, 2004. [Appellant's] letters were monitored by SCI Graterford by internal security and were subsequently turned over to Trooper Getz. (N.T. Trial 8/01/06, at 38, 39). In those letters, [Appellant] told his daughter he needed a picture of Ms. Hansen, and that it was all over for her. (N.T. Trial 8/01/06 at 42). [Appellant] sent a reminder to [h]is [m]other to get his clothes and not to forget to send the picture of Franny. (N.T. Trial 8/01/2006 at 44). To his brother Nate Boggs, [Appellant] wrote "…I need you to take care of something for me. I need you to give my man Jose a quarter ounce to take care of something important for me. I need this done. I really need this. This is important. This is something serious I need done." (N.T. Trial 8/01/2006 at 44, 45). [Appellant] wrote to Trooper Santiago, an undercover Pennsylvania State Trooper, enclosing a picture of Ms. Hansen's daughter stating that she and Ms. Hansen were always together. "If you see the daughter, you will see Franny." [Appellant] continued with the letters until the time of his arrest.

On September 26, 2003, a recorded conversation took place at SCI Graterford between Dacua, wearing a consensual wire, and [Appellant]. After Dacua's conversation with [Appellant], Trooper Getz arranged for an undercover State Police Trooper to

act as a "hit man" and to meet with, and record a conversation with [Appellant]. "Hit man", Jose Santiago, (Trooper Wilfredo Moreno) met with [Appellant] on September 30, 2003. (N.T. Trial, 8/2/06, at 39, 40).

[Appellant] and Jose Santiago (Trooper Moreno) met in the visitor's area at SCI Graterford, after [Appellant] added Moreno to his visitor's list. [Appellant] and Moreno moved to a more secluded area of the room to engage in conversation about the "hit" on Francine Hansen. (N.T. Trial, 8/2/06 at 8). [Appellant] told Moreno that he wanted to kill Francine Hansen because she "ratted him out" on a prior occasion, and she had testified against him in court. (N.T. Trial, 8/02/06 at 8). [Appellant] said that Francine Hansen was "a cancer and she needed to go". (N.T. Trial, 8/02/06 at 8). Moreno said, "You want me to do it like straight up clean and out. Boom, boom, done? How much you hate the bitch? You want her to suffer a little bit"? [Appellant] said, "No. Just kill the bitch". "Fuck it". "You know what I mean". "Bang, that's it". "You know what I mean"? Moreno said, "Right". "I got to feel it from you though, for real, for real." [Appellant] said, "I want the bitch killed man". "Come on man". "She got to go man". "Because if I get out man, if I get home, whoever the fuck she sees me with she gonna try to cause fucking problems so that's a problem for me". (N.T. Trial 8/02/06 at 43).

Moreno told [Appellant] that he would need some form of payment to carry out this act. (N.T. trial 8/02/06 at 9) [Appellant] asked what Moreno's preference was as a method of payment. Moreno responded that a few thousand dollars would get things started, or several ounces of cocaine. [Appellant] indicated that his brother, Nate, could be the person to furnish that payment, but he would need to make the arrangements with his brother. Moreno asked [Appellant] to supply him with a picture of Ms. Hansen, to clarify who the intended target would be. (N.T. Trial 8/02/06 at 9). [Appellant] said that he would ask his daughter to retrieve a picture of Ms. Hansen and give the picture to his brother, Nate, so that Nate could pass it along to Moreno with the "up front" payment. (N.T. Trial 8/02/06 at 9). At that point, [Appellant] retrieved a pencil and paper from a corrections officer to explain and draw a diagram of where Ms. Hansen resided. He also wrote down her specific address and described her vehicle. Moreno said that at least five to ten times during his conversation with [Appellant] he gave Appellant every

> opportunity to back out of the situation. Trooper Moreno testified that he was wearing a body wire during the conversation with [Appellant] and that the entire conversation was recorded.
>
> On the evening of September 30, 2003, [Appellant] made a call to his [m]other, Alice Boggs asking her to obtain a picture of Ms. Hansen. [Appellant] sent a letter dated September 30, 2003 to his daughter, Nigeria King, asking her to take care of securing a picture of Ms. Hansen. In the postscript, [Appellant] added:
>
> > "Once you send the picture of Franny, it's all over for her, so take care of this for your daddy. Love always, Daddy, One love us. Write me back with the picture". (N.T. Trial 8/01/06 at 40).
>
> Trooper Moreno, identifying himself as Jose Santiago placed several phone calls to [Appellant's] brother, Nate Boggs. Nate Boggs spoke with Moreno on two occasions. Nate Boggs acknowledged that he knew who "Santiago" was but he did not have whatever payment he was going to give him at the first conversation. Nate Boggs told "Santiago" to call him back. The second time Moreno called, Nate Boggs said he had nothing for him.

Commonwealth v. Boggs, 3187 EDA 2006, unpublished memorandum at 1-4 (Pa. Super. filed December 16, 2008) (citing Trial Court Opinion, 2/1/08 at 2-6).

Appellant was arrested on solicitation to commit murder charges on November 3, 2002, while an inmate at SCI Graterford. On October 22, 2004, Appellant entered into a "cooperation agreement" with the Montgomery County District Attorney. Appellant and his then counsel reviewed the agreement, and both initialized each page and signed the final page thereof. Appellant also provided a written statement wherein he admitted he had attempted to hire someone to kill Ms. Hansen, and once

again, he and his counsel reviewed the statement, initialed and signed it after each question, and signed the bottom of each page.

On October 25, 2004, Appellant entered into an open guilty plea before the trial court. He later moved to withdraw the plea on May 18, 2005, averring that he was innocent of all charges and that his plea had not been knowing and voluntary. The trial court granted the motion on May 19, 2005. A four-day jury trial ensued after which Appellant was convicted of one count of criminal solicitation to commit murder, two counts of criminal use of a communication facility, and possession of a controlled substance (cocaine).[2] At the outset of trial, the trial court informed the jury that Appellant and the Commonwealth would be entering into the following stipulation:

> So this is the stipulation, the agreement: That [Appellant], who has been identified here in court, was involved in a domestic altercation with Francine Hansen, his then girlfriend. And Francine Hansen called the police department regarding the altercation.
>
> When [Appellant] was arrested for that, he was found to have nine bags of cocaine in his pants pocket, which was approximately 2.06 grams of cocaine. And this happened in the Borough of Norristown in Montgomery County.
>
> That Francine Hansen testified at a hearing regarding this domestic altercation that I referred to. And as a result of that hearing, [Appellant] received a sentence of incarceration.

N.T., 8/1/06, at 24-25.

---

[2] 18 Pa.C.S.A. §§902(a), 2502(a), 7512(a) and 35 Pa.C.S.A. § 780-113, respectively.

On October 12, 2006, Appellant was sentenced to an aggregate term of eleven (11) years to twenty-two (22) years in prison. Appellant filed a timely notice of appeal, and a panel of this Court affirmed his judgment of sentence on February 25, 2009.

On September 4, 2009, Appellant filed a timely PCRA petition *pro se* wherein he alleged the ineffectiveness of trial and appellate counsel. On September 29, 2009, PCRA counsel was appointed, and he filed an Amended Petition for Post-Conviction Relief on November 27, 2009. A PCRA hearing was held on May 5, 2010, at which time both Appellant and trial counsel testified regarding the issue of severance and joinder. In its Order filed on July 1, 2011, the trial court denied Appellant's Amended Petition for Post-Conviction Relief.

Appellant filed a timely notice of Appeal and a concise statement of matters complained of on appeal on July 19, 2011. In his brief, Appellant presents a single issue for our review:

> Did the [t]rial [c]ourt err by finding [t]rial [c]ounsel effective when [t]rial [c]ounsel failed to request severance of the charges against [Appellant] insofar as the the [sic] two charges were completely unrelated, one from the other?

Brief for Appellant at 2.

We begin our analysis with our well-settled standard of review:

> This Court's standard of review regarding an order denying a petition under the PCRA is whether the determination of the PCRA court is supported by the evidence of record and is free of legal error. ***Commonwealth v. Halley***, 582 Pa. 164, 870 A.2d 795, 799 n. 2 (2005). The PCRA court's findings will not be

> disturbed unless there is no support for the findings in the certified record. ***Commonwealth v. Carr***, 768 A.2d 1164, 1166 (Pa. Super. 2001).
>
> ***Commonwealth v. Turetsky***, 925 A.2d 876, 879 (Pa. Super. 2007), *appeal denied,* 596 Pa. 707, 940 A.2d 365 (2007).

Commonwealth v. Reed, 42 A.3d 314, 319 (Pa. Super. 2012).

> To be entitled to relief on an ineffective assistance of counsel claim, a PCRA petitioner must plead and prove facts establishing that: (1) the underlying claim has arguable merit; (2) counsel's actions or omissions lacked a reasonable basis; and (3) counsel's actions resulted in prejudice. ***Commonwealth v. Cox***, 603 Pa. 223, 983 A.2d 666, 678 (2009); ***Commonwealth v. Pierce***, 515 Pa. 153, 527 A.2d 973, 975 (1987). In the PCRA context, prejudice means that, absent counsel's actions or omissions, there is a reasonable probability that the outcome of the proceedings would have been different. ***Cox***, 983 A.2d at 678. Counsel is presumed to be effective; the burden lies upon the petitioner to demonstrate otherwise. ***Id***.

Commonwealth v. Johnson, 51 A.3d 237, 248 (Pa. Super. 2012) (footnote omitted).

In his brief, Appellant argues:

> [c]ounsel[’s] failing to request severance of the unrelated charges against [Appellant], clearly an issue of arguable merit under Criminal Rule 583, had no reasonable basis designed to promote, protect, or otherwise advance [Appellant’s] interests. On trial for Solicitation (to commit murder) [Appellant] had introduced against him at trial the extremely prejudicial evidence of drug dealing which activity was, as stated, unrelated in time, place, factual circumstances and *modus operandi* to the charge of Solicitation.

Brief for Appellant at 5. Appellant further reasons that if trial counsel had moved to sever the charges, and the trial court had granted that motion, the fact that Appellant had been charged with a violation of the Controlled

Substance, Drug, Device and Cosmetic Act, would not have been introduced. ***Id***. at 7. Appellant ultimately admits that "[i]t goes without saying that even if the charge of drug dealing had been severed out, [Appellant] may still have been convicted of Solicitation," but claims that trial counsel's failure to move to sever "provided the Commonwealth an opportunity not to shoot a fish in a barrel but, rather, an opportunity to shoot a fish in a pickle jar." ***Id***. at 8.

After a thorough review of the record, the briefs of the parties, the applicable law, and the well-reasoned opinion of the Honorable Thomas P. Rogers, we conclude Appellant's issue merits no relief. The trial court opinion comprehensively discusses and properly disposes of the question presented. (***See*** Trial Court Opinion, filed 11/1/12, at 9-24) (finding trial counsel had a reasonable basis for proceeding in her chosen manner and Appellant failed to demonstrate that the filing of a motion to sever the drug charge from the solicitation charge before trial would have afforded him a greater likelihood of success at trial). Accordingly, we affirm on the basis of the trial court's opinion. ***See Commonwealth v. Lauro***, 819 A.2d 100, 108 (Pa. Super. 2003) (finding that where, based upon the evidence adduced at the PCRA hearing, the PCRA court concluded that trial counsel had a reasonable basis for not seeking a severance and having the two cases tried together and where this conclusion is supported by the record and free of legal error, we must affirm (citing ***Commonwealth v. Fricke***, 378 A.2d

982, 984 (1977) (stating that a court's inquiry into counsel's effectiveness ceases once it determines he or she had some reasonable basis for his or her actions designed to effectuate the defendant's interests)).[3]

Order affirmed.

---

[3] We further note that Appellant has failed to prove his claim has arguable merit, for in fact, the trial court has indicated that based upon the record, it would not have granted a motion to sever had trial counsel filed one. ***See*** Trial Court Opinion, 11/1/12, at n. 8. Moreover, by acknowledging that even had such a motion been granted Appellant "may still have been convicted of Solicitation," Appellant has, in essence, failed to establish there was a reasonable probability that the outcome of the proceedings would have been different if the charges had been severed. ***See Johnson***, ***supra***. "If it is clear that Appellant has not demonstrated that counsel's act or omission adversely affected the outcome of the proceedings, the claim may be dismissed on that basis alone and the court need not first determine whether the first and second prongs [of the ineffectiveness test] have been met." ***Commonwealth v. Rainey***, 593 Pa. 67, 96-97, 928 A.2d 215, 233 (2007) (citation omitted).

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA	: SUPERIOR COURT : NO. 1903 EDA 2011
v.	:
LEWIS CLEVELAND BOGGS	: LOWER COURT : NOS (08265-03; : 08934-03

ROGERS, J. **NOVEMBER 1, 2012**

OPINION

I. INTRODUCTION

Lewis Cleveland Boggs ("Petitioner") has appealed to the Superior Court of Pennsylvania ("Superior Court") from the undersigned's June 30, 2011 Order denying relief and dismissing his Amended Petition pursuant to the Post Conviction Relief Act ("PCRA"), 42 Pa.C.S.A. §§ 9541-9546. Petitioner's appeal merits no relief.

II. FACTS AND PROCEDURAL HISTORY

Following a four-day trial from July 31, 2006 through August 3, 2006, a jury convicted Petitioner of one (1) count of criminal solicitation to commit murder,[1] two (2) counts of criminal use of a communication facility,[2] and one

[1] 18 Pa.C.S.A. §§ 902 (a), 2502(a).

[2] 18 Pa C.S.A. § 7512(a)

(1) count of possession of a controlled substance (cocaine).[3] On October 12, 2006, the undersigned sentenced Petitioner to a term of incarceration for not less than nine (9) years nor more than eighteen (18) years on the conviction for criminal solicitation to commit murder, a consecutive term of one (1) to two (2) years on one of the convictions for criminal use of a communication facility, a concurrent term of one (1) to two (2) years on the other conviction for criminal use of a communication facility, and a consecutive term of one (1) to two (2) years on the conviction for possession of a controlled substance.

The relevant facts underlying this appeal are as follows. On August 1, 2003, Petitioner's then girlfriend, Francine Hansen ("Ms. Hansen or "Franny"), contacted the Ambler Police Department to report a domestic altercation with Petitioner, who was on parole. (N.T. Trial 8/1/06, at 24). State Parole Agent Kenneth Brown supervised Petitioner at one point during his parole. Agent Brown investigated the circumstances surrounding the alleged dispute and determined Petitioner may have violated his parole. (N.T. Sentencing 10/12/06, at 12-13). When Agent Brown and another parole agent arrested Petitioner on August 4, 2003, for the alleged parole violation and conducted a search incident to arrest, the agents found nine (9) small baggies of cocaine in Petitioner's pants pocket. (N.T. Trial 8/1/06, at 24-25; N.T. Sentencing 10/12/06 at 47). At Petitioner's parole revocation hearing, Ms Hansen testified concerning the domestic dispute. (N.T. Trial 8/1/06, at 25). As a result of that hearing, the court revoked Petitioner's parole and remanded

[3] 35 P.S. § 780-113.

Petitioner to serve his sentence at SCI Graterford. On or about September 9, 2003, Trooper Bradley Getz, Pennsylvania State Police, Skippack Station, received information from his crime unit supervisor conveyed by two Philadelphia Homicide Unit members relating to the instant case. (N.T. Trial 8/01/06, at 32, 33). On September 12, 2003, Trooper Getz met with the two Philadelphia homicide detectives who had been working with informant, Pamfilio Dacua ("Dacua" or "Informant"), on an unsolved murder case since the middle of August, 2003. (N.T. Trial 8/1/06, at 33). Trooper Getz learned from the homicide detectives that Petitioner had approached Dacua, about having Ms Hansen, his former girlfriend, murdered. (N.T. Trial 8/1/06, at 34). Dacua and Petitioner were inmates at SCI Graterford at the time.

Trooper Getz met with Dacua at SCI Graterford on September 23, 2003, to conduct an interview. Dacua told Trooper Getz that Petitioner had approached him about arranging to have Ms. Hansen killed, because she had testified against him at his parole hearing. (N.T. Trial 8/01/06, at 35). After verifying the information that Dacua had given to him, Trooper Getz immediately requested internal security at SCI Graterford to monitor Petitioner's incoming and outgoing mail, as well as his phone calls. (N.T. Trial 8/01/06, at 36).

Petitioner sent approximately twenty (20) letters between September 28, 2003 and January 1, 2004. SCI Graterford internal security monitored Petitioner's letters and subsequently turned the letters over to Trooper Getz. (N.T. Trial 8/01/06, at 38, 39). In those letters, Petitioner told his daughter

that he needed a picture of Ms. Hansen, and that it was all over for her. (N.T. Trial 8/01/06, at 42). Petitioner sent a reminder to his Mother to get his clothes and to not forget to send the picture of Franny. (N.T. Trial 8/01/2006, at 44). To his brother Nate Boggs, Petitioner wrote, "I need you to take care of something for me. I need you to give my man Jose a quarter ounce to take care of something important for me. I need this done. I really need this. This is important. This is something serious I need done." (N.T. Trial 8/01/2006, at 44, 45). Petitioner wrote to Trooper Santiago, an undercover Pennsylvania State Police Trooper, enclosing a picture of Ms. Hansen's daughter stating that she and Ms. Hansen were always together. "If you see the daughter, you will see Franny." Petitioner continued with the letters until the time of his arrest.

On September 26, 2003, a recorded conversation took place at SCI Graterford between Dacua, wearing a consensual wire, and Petitioner. After Dacua's conversation with Petitioner, Trooper Getz arranged for an undercover State Police Trooper to act as a "hit man" and to meet with, and record a conversation with Petitioner. "Hit man", Jose Santiago, (Trooper Wilfredo Moreno) met with Petitioner on September 30, 2003. (N.T Trial 8/2/06, at 39, 40).

Petitioner and Jose Santiago (Trooper Moreno) met in the visitor's area at SCI Graterford, after Petitioner had added Moreno to his visitor's list. Petitioner and Moreno moved to a more secluded area of the room to engage in conversation about the "hit" on Francine Hansen. (N.T. Trial 8/2/06, at 8). Petitioner told Moreno that he wanted to kill Ms. Hansen because she "ratted

him out" on a prior occasion, and she had testified against him in court. (N.T. Trial 8/02/06, at 8). Petitioner said that Francine Hansen was "a cancer and she needed to go." (N.T. Trial 8/02/06, at 8). Moreno said, "You want me to do it like straight up clean and out. Boom, boom, done? How much you hate the bitch? You want her to suffer a little bit?" Petitioner replied, "No. Just kill the bitch" "Fuck it". "You know what I mean". "Bang, that's it". "You know what I mean?" Moreno said, "Right". "I got to feel it from you though, for real, for real." Petitioner said, "I want the bitch killed man". "Come on man". "She got to go man". "Because if I get out man, if I get home, whoever the fuck she sees me with she gonna try to cause fucking problems so that's a problem for me." (N.T. Trial 8/02/06, at 43).

Moreno told Petitioner that he would need some form of payment to carry out this act. (N.T. Trial 8/02/06, at 9). Petitioner asked what Moreno's preference was as a method of payment. Moreno responded that a few thousand dollars would get things started, or several ounces of cocaine. Petitioner indicated that his brother, Nate, could be the person to furnish that payment, but that he would need to make the arrangements with his brother. Moreno asked Petitioner to supply him with a picture of Ms. Hansen, to clarify who the intended target would be. (N.T. Trial 8/02/06, at 9). Petitioner said that he would ask his daughter to retrieve a picture of Ms. Hansen and give the picture to his brother, Nate, so that Nate could pass it along to Moreno with the "up front" payment. (N.T. Trial 8/02/06, at 9). At that point, Petitioner retrieved a pencil and paper from a corrections officer to explain and draw a

diagram of where Ms. Hansen resided. He also wrote down her specific address and described her vehicle. Moreno said that at least five to ten times during his conversation with Petitioner, he gave Petitioner every opportunity to back out of the situation. Trooper Moreno testified that he wore a body wire during his conversation with Petitioner and recorded the entire conversation.

On the evening of September 30, 2003, Petitioner made a call to his Mother, Alice Boggs asking her to obtain a picture of Ms. Hansen. Petitioner sent a letter dated September 30, 2003, to his daughter, Nigeria King, asking her to take care of securing a picture of Ms. Hansen. In the postscript, Petitioner added: "Once you send the picture of Franny, it's all over for her, so take care of this for your daddy. Love, always, Daddy, One love us. Write me back with the picture". (N.T. Trial 8/01/06, at 40).

Trooper Moreno, identifying himself as Jose Santiago placed several phone calls to Petitioner's brother, Nate Boggs. Nate Boggs spoke with Moreno on two occasions. Nate Boggs acknowledged that he knew who "Santiago" was but that he did not have whatever payment he was going to give to him at the first conversation. Nate Boggs told "Santiago" to call him back. The second time Moreno called, Nate Boggs said he had nothing for him.

Trooper Getz arrested Petitioner on November 3, 2003, while an inmate at SCI Graterford. Petitioner entered into an open guilty plea before the Honorable Steven T. O'Neill on October 25, 2004.[4] Petitioner then filed a

[4] Petitioner originally pled guilty to two of the charges on the separate bills of information. He pled guilty to solicitation to commit murder, a felony of the first degree, under Bill 8265-03, and

Motion to Withdraw his Guilty Plea. On May 19, 2005, Judge O'Neill entered an order granting Defendant's Motion to Withdraw his Guilty Plea. The undersigned presided over a Suppression Hearing on January 17, 2006, at which time Petitioner's counsel informed the court that the defense had made the decision not to seek severance of the two files involved in the case. (N.T. Suppression Hearing 1/17/06, at 2). By order filed on June 23, 2006, the court denied Petitioner's Motion to Suppress. The matter was then scheduled for a jury trial before the undersigned.

On the first day of trial testimony, the undersigned conveyed the following information to the jury:

> [A] stipulation simply means that there's an agreement. And when there is an agreement, then it's not a fact for you to have to determine, because counsel has agreed that that is a fact.
>
> And I'm going to give you the fact that counsel has agreed to, so it will not be an issue that you will have to decide whether it is a fact or not. All right? Does everybody understand that?
>
> So this is the stipulation, the agreement: That [Petitioner], Lewis Boggs, who has been identified here in court, was involved in a domestic altercation with Francine Hansen, his then girlfriend. And Francine Hansen called the police department regarding the altercation.
>
> When Mr. Boggs was arrested for that, he was found to have nine bags of cocaine in his pants pocket, which was approximately 2.06 grams of cocaine. And this happened in the Borough of Norristown in Montgomery County.
>
> That Francine Hansen testified at a hearing regarding this domestic altercation that I referred to. And as a result of that hearing, Mr. Boggs received a sentence of incarceration.

---

to possession of cocaine, an ungraded misdemeanor, under Bill 8934-03 (N T. Open Guilty Plea 10/25/04, at 3-5).

They are the agreed upon facts as I understand them.

* * * *

All right, counsel, is that the agreed upon stipulation?

MR. SANDER: Yes, Your Honor.

MS. TOSTA: Yes, Your Honor.

(N.T. Trial 8/1/06, at 24-25).

Following sentencing, Petitioner filed a timely notice of appeal. Petitioner then filed a concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b), and the Court issued its Rule 1925(a) opinion. The Superior Court affirmed the judgment of sentence by memorandum opinion filed December 16, 2008.

On September 4, 2009, Petitioner filed a timely *pro se* PCRA petition alleging ineffectiveness of his privately retained trial and appellate counsel, Diane S. Tosta, Esquire. On September 29, 2009, the undersigned appointed John J. Hylan, Esquire to represent Petitioner as PCRA counsel. On November 27, 2009, Attorney Hylan filed an Amended Petition for Post-Conviction Relief. This Court held a PCRA Hearing on May 5, 2010, at which Petitioner and Diane S. Tosta, Esquire testified. Counsel then filed memoranda of law upon completion of the notes of testimony.

After reviewing Petitioner's Amended Petition for Post-Conviction Relief, the Commonwealth's Answer thereto, the memoranda of law submitted by Counsel and the testimony and argument presented at the PCRA Hearing as well as the relevant and applicable law, this Court denied relief and dismissed

the Petition by Order dated June 30, 2011. Petitioner filed a timely notice of appeal to the Superior Court. By order dated July 19, 2011, the undersigned directed Petitioner to file a concise statement pursuant to Pa.R.A.P. 1925(b). Petitioner filed his concise statement on the same day.

III. ISSUE

Petitioner presents a single issue on appeal:

> By way of the Amended PCRA Petition, [Petitioner] alleged that he was denied the effective assistance of counsel when counsel failed to request that the charges pending against [Petitioner] be severed on the grounds that the charges on File 8934-03 were completely unrelated to the charges on File 8265-03. In addition, there was no explanation of record how counsel's failure to request severance advanced, in any way, [Petitioner's] interests.

(Concise Statement of Matters Complained of on Appeal, filed July 19, 2011).

IV. DISCUSSION

Appellate review of an order denying PCRA relief is limited to examining whether the record supports the PCRA court's findings of fact and whether the court's conclusions of law are free from legal error. *Commonwealth v. Busanet*, 2012 WL 5077556, at *3 (Pa. Oct. 19, 2012) (citing *Commonwealth v. Colavita*, 606 Pa. 1, [21], 993 A.2d 874, 886 (2010)); *Commonwealth v. Hanible*, __ Pa. __, __, 30 A.3d 426, 438 (2011), *petition for cert. filed* (June 4, 2012) (citing *Colavita, supra*); *Commonwealth v. Johnson*, 51 A.3d 237, 242 (Pa.Super. 2012) (*en banc*) (citation omitted). The scope of review is limited to the PCRA court's findings and the evidence of record, viewed in the light most favorable to the prevailing party in the PCRA court proceedings. *Busanet, supra*; *Johnson*,

supra. When supported by the record, the PCRA court's credibility determinations are binding. *Johnson, supra* (citing *Commonwealth v. Spotz*, 610 Pa. 17, [43-44], 18 A.3d 244, 259 (2011)).

In his only issue on appeal, Petitioner contends that he was denied effective assistance of counsel because Attorney Tosta failed to file a motion to sever the drug charge from the solicitation charge prior to trial. Petitioner claims that counsel's failure to request severance of the two charges had no reasonable basis designed to advance his interest and that the jury would not have convicted him on the solicitation charge if the drug charge had been severed. Petitioner also avers that the record contains no explanation as to how Attorney Tosta's failure to move to sever the charges advanced his interests. Accordingly, Petitioner concludes that he is entitled to a new trial. Petitioner is mistaken.

Analysis of an ineffective assistance of counsel claim always begins with the fundamental presumption that counsel is effective. *Busanet, supra* at 4 (citing *Strickland v. Washington*, 466 U.S. 668, 687-91, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)); *Spotz, supra* at 44, 18 A.3d at 259-60 (citation omitted). To prevail, a petitioner must plead and prove three elements by a preponderance of the evidence. The petitioner must demonstrate: 1) the underlying substantive claim has arguable merit; 2) his counsel's action or inaction lacked an objective reasonable basis; and 3) as a result, the petitioner suffered prejudice. *Busanet, supra (*citing *Commonwealth v Pierce*, 515 Pa. 153, 158-59, 527 A.2d 973, 975 (1987)); *Hanible, supra* at __, 30 A.3d at 439

(citing same). The Commonwealth bears no burden of proof. *Colavita, supra* at 38, 993 A.2d at 897. Should the petitioner's evidence fail to meet any one of the three prongs, the inquiry ends and the claim denied. *Busanet, supra*; *Hanible, supra* (citing *Pierce, supra*).

Additionally, counsel's performance should be assessed without "the distortion of hindsight;" rather, on review a court is to reconstruct the circumstances under which counsel's decisions were made and evaluate counsel's conduct from her perspective at that time. *Commonwealth v. Birdsong*, __ Pa.__, __, 24 A.3d 319, 333 (2011) (citing *Strickland, supra*); *accord Commonwealth v. Reed*, 42 A.3d 314, 324 (Pa.Super. 2012) (citation omitted); *Commonwealth v. Boyd*, 461 A.2d 1294, 1297 (Pa.Super. 1983).

"[B]efore a claim of ineffectiveness can be sustained, it must be determined that, in light of all the alternatives available to counsel, the strategy actually employed was so unreasonable that no competent lawyer would have chosen it." *Reed, supra* (citation omitted); *accord Commonwealth v. Chmiel*, 585 Pa. 547, 614, 889 A.2d 501, 540-41 (2005); *Commonwealth v. Rivera-Rodriguez*, 39 A.3d 439, 443 (Pa.Super. 2012) (concluding counsel made a reasonable tactical decision when they advised the defendant to proceed nonjury to avoid the death penalty). The petitioner must prove that the alternative not chosen offered a potential for success substantially greater than the course counsel actually pursued before any court may conclude that counsel's chosen strategy lacked a reasonable basis. *Busanet, supra*; *Hanible, supra*. In other words, only where counsel's course of action was in no way

reasonably designed to further her client's interests, may a court find that she provided ineffective assistance. *Boyd, supra* Once the court is able to conclude that counsel's course of action had some reasonable basis designed to effectuate her client's interests, the inquiry ceases and counsel's assistance is deemed effective. *Reed, supra* (citing *Commonwealth v. Abdul-Salaam*, 570 Pa. 79, 84, 808 A.2d 558, 561 (2001)).

To establish the prejudice prong, the petitioner must establish that there is a reasonable probability that the outcome of the relevant proceedings would have been different but for counsel's action or inaction. *Busanet, supra*; *Hanible, supra*; *Spotz, supra*. "A 'reasonable probability' is defined as 'a probability sufficient to undermine confidence in the outcome.'" *Reed, supra* at 319 (citing *Commonwealth v. Jones*, 811 A.2d 1057, 1060 (Pa.Super. 2002)).

Instantly, Petitioner claims that he received ineffective assistance of counsel because Attorney Tosta failed to move to sever for purposes of trial the charges indexed at 08265-03 from the charges indexed at 08934-03.[5]

---

[5] The applicable rules provide as follows:

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.

Petitioner cites *Boyd, supra* in support of his contention that Attorney Tosta's failure to move to sever charges can constitute ineffective assistance of counsel. While the general proposition is certainly true, the facts underlying the holding in *Boyd* are easily distinguished from the case *sub judice*

In *Boyd*, the Superior Court determined that counsel provided ineffective assistance when he filed a late motion to sever possession and delivery of

---

(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.

(B) Procedure

(1) Notice that offenses or defendants charged in separate indictments or informations will be tried together shall be in writing and filed with the clerk of courts. A copy of the notice shall be served on the defendant at or before arraignment.

(2) When notice has not been given under paragraph (B)(1), any party may move to consolidate for trial separate indictments or informations, which motion must ordinarily be included in the omnibus pretrial motion

Pa.R.Crim P. 582

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.

Comment: This rule provides the procedure whereby the court may, because of prejudice to a party, order separate trials of offenses or defendants that otherwise would be properly tried together under Rule 582. A defendant may also request severance of offenses or defendants on the ground that trying them together would be improper under Rule 582
Under Rule 578 (Omnibus Pretrial Motion for Relief), any request for severance must ordinarily be made in the omnibus pretrial motion or it is considered waived unless a later filing is permitted under the exceptions enumerated in Rule 579 See Rules 578 and 579.

Pa.R.Crim P. 583.

narcotics charges that the trial court denied and then failed to object at any stage of the subsequent trial. The Commonwealth tried the appellant on three (3) separate informations, one for delivery of heroin, one for possession of a misbranded controlled substance (preludin), and one for possession of a controlled substance (preludin). The basis for the heroin delivery charge arose four months prior to the second and third charges, which occurred upon the defendant's arrest. Ultimately, the Superior Court dismissed the charge for possession of a misbranded controlled substance because the plastic bottle containing the preludin was, in fact, not branded at all.

In addition, the Court reasoned that proof of the appellant's possession of preludin at the time of his arrest would have been inadmissible and prejudicial at a separate trial on the heroin delivery charge. The *Boyd* Court reiterated the three types of prejudice that may arise when a defendant is tried at one trial for several offenses: (1) the defendant may be embarrassed or confounded in presenting his defense, such as when one defense is inconsistent with others; (2) the jury may use evidence of one offense to infer criminal disposition and thus find guilt; or (3) the jury may cumulate evidence to find guilt were it would not if it had considered evidence of each offense in separate trials. *Id.* at 1299. Thus, a trial court must weigh the interest of judicial economy served by consolidation against the danger of prejudice to a defendant tried at one trial for several offenses. *Id.* As it related specifically to the appellant's case, the Superior Court stated:

> [t]he possibility that the jury might have used the evidence of preludin possession to infer criminal disposition, or that they

> might have cumulated the evidence to find a general inclination on appellant's part to involve himself with drugs, is apparent. Appellant's defenses to the separate charges were entirely consistent with each other, and so the danger of prejudice of type (1) was minimal. But a review of the Commonwealth's case and appellant's defense on the delivery charge convinces us that none of the 'other crimes' exceptions would have allowed the Commonwealth to introduce evidence of appellant's preludin possession at a separate trial on that charge.

Boyd, supra at 317.

More recently, however, the Superior Court explained the prejudice prong of the balancing inquiry with the following caveat:

> Under Rule 583, the prejudice the defendant suffers due to the joinder must be greater than the general prejudice any defendant suffers when the Commonwealth's evidence links him to a crime.
>
> > The prejudice of which Rule [583] speaks is, rather, that which would occur if the evidence tended to convict appellant 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. Additionally, the admission of relevant evidence connecting a defendant to the crimes charged is a natural consequence of a criminal trial, and it is not grounds for severance by itself.

Commonwealth v. Dozzo, 991 A.2d 898, 902 (Pa.Super. 2010) (citing *Commonwealth v. Lauro*, 819 A.2d 100, 107 (Pa.Super. 2003)). The defendant seeking severance bears the burden of establishing prejudice. *Commonwealth v. Melendez-Rodriguez*, 856 A.2d 1278, 1282 (Pa.Super. 2004) (*en banc*) (citation omitted); *Commonwealth v. Mollett*, 5 A.3d 291, 305 (Pa.Super. 2010), *appeal denied*, 609 Pa. 686, 14 A.3d 826 (2011) (citing *Dozzo, supra*).

Here, Petitioner argues that none of the drug case evidence would have been admissible in the criminal solicitation case, and none of the criminal

solicitation evidence would have been admissible in the drug possession trial. (Petitioner's Memorandum of Law in Support of Request for PCRA Relief at 3). Although he concedes that the evidence was capable of separation by the jury, Petitioner contends, "the prejudice occasioned by the consolidation was nothing less than toxic. *Would be-wife killer* is an inflammatory allegation standing alone as is *drug dealer*; however, by reason of the consolidation, *drug-dealing would be-wife killer* AND *murderous drug dealer* became the operative allegations and, when considered together, were even more inflammatory." (*Id.*).[6] Therefore, Petitioner posits, Attorney Tosta should have moved to sever the charges. Because she did not, Petitioner contends that Attorney Tosta provided ineffective assistance of counsel.

In response, the Commonwealth asserts that the evidence supporting Petitioner's drug possession charge would have been admissible in a separate trial for Petitioner's charge of solicitation to commit murder to show motive under Pa.R.E. 404(b)(2).[7] In addition, the Commonwealth maintains that this

---

[6] This court notes that contrary to Counsel's postulate, the Commonwealth did not charge Petitioner with drug dealing, nor did the Stipulation the undersigned read to the jury indicate as much The Commonwealth charged Petitioner with possession, an ungraded misdemeanor, for which the undersigned sentenced him to one (1) to two (2) years' imprisonment.

[7] Rule 404 provides:

> **Rule 404. Character evidence not admissible to prove conduct; exceptions; other crimes**
>
> (a) **Character evidence generally.** Evidence of a person's character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion, except:

evidence of another crime would have been admissible to furnish the context or complete story of the events surrounding the crime of solicitation. (Commonwealth's Memorandum of Law in Opposition at 11). Indeed, the Commonwealth continues, "the entire theory of the Commonwealth's case was that [Petitioner] sought to have Ms. Hansen murdered because she caused him to be arrested on August 4, 2003, at which time he was found to have drugs in his pocket, and then later testified against him at a parole revocation hearing emanating from that arrest. These same facts also form part of the natural

---

(1) *Character of accused.* In a criminal case, evidence of a pertinent trait of character of the accused is admissible when offered by the accused, or by the prosecution to rebut the same. If evidence of a trait of character of the alleged victim of the crime is offered by an accused and is admitted under subsection (2), evidence of the same trait of character of the accused is admissible if offered by the prosecution

* * * *

(b) **Other crimes, wrongs, or acts.**

(1) Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith.

(2) Evidence of other crimes, wrongs, or acts may be admitted for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident.

(3) Evidence of other crimes, wrongs, or acts proffered under subsection (b)(2) of this rule may be admitted in a criminal case only upon a showing that the probative value of the evidence outweighs its potential for prejudice.

(4) In criminal cases, the prosecution shall provide reasonable notice in advance of trial, or during trial if the court excuses pretrial notice on good cause shown, of the general nature of any such evidence it intends to introduce at trial.

Pa R.E. 404

development of the solicitation to commit murder case and, thus, would have been admissible in a separate trial on that basis as well." (*Id.*). We agree with the Commonwealth.

Pursuant to Rule 404, evidence of prior bad acts may not be admitted to prove character or show propensity to commit a crime. Pa.R.E. 404(a). However, that same evidence may be admitted as proof of motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident. Pa.R.E. 404(b). Evidence of other crimes may also be admitted where such evidence is part of the history of the case, part of a natural chain of events or forms part of the natural development of the story, or the *res gestae*. *Commonwealth v. Martin*, 607 Pa. 165, 188, 5 A.3d 177, 190 (2010), *cert. denied*, 131 S.Ct. 2960, 180 L Ed.2d 250 (2011) (citation omitted); *Commonwealth v. Powell*, 598 Pa. 224, 246, 956 A.2d 406, 419 (2008) (citation omitted); *Commonwealth v. Passmore*, 857 A.2d 697, 711 (Pa.Super. 2004) (citation omitted); *Lauro, supra* at 107 (citation omitted).

At the PCRA Hearing, Attorney Tosta explained her rationale behind the decision to proceed to trial with the charges consolidated. The Commonwealth had indicated an intention to offer evidence of Petitioner's prior bad acts in its case-in-chief in the trial on the solicitation charge. Given the Commonwealth's likelihood of success,[8] Attorney Tosta consulted with Petitioner on a strategy.

[8] Based on the record, the undersigned would not have granted a motion to sever had Petitioner filed one. *See Lauro, supra* at 108 (affirming trial court's conclusion that counsel had a reasonable basis for not seeking a severance and having the two cases tried together).

Although Petitioner's recounting of the events differs from Counsel's, both agree that they discussed severance of the charges.

Specifically, Petitioner testified at the PCRA Hearing as follows:

BY MR. HYLAN:

* * * *

Q. Now, was the charge of violating the Controlled Substance, Drug, Device and Cosmetic Act and the charges of Criminal Solicitation to Commit Murder tried at the same time?

A. Yes.

Q. And do you recall when the incident giving rise to the drug charge occurred?

A. When it occurred?

Q. Yes, the incident.

A. August 4th.

Q. 2003?

A. Yes.

Q. And that occurred, if I can summarize, when you were arrested, by the state parole agents; is that correct?

A. Yes.

Q. And during the course of that arrest, a quantity of cocaine was found, correct?

A. Correct.

Q. Now, when did the incidents giving rise to the solicitation to commit murder charge occur?

A. Around -- I think it was like September or October, 2003.

Q. Of 2003?

A. Right.

Q. After the drug charge?

A. Right.

Q. Now, with regard to the drug charge, Mr. Boggs, where did that incident occur?

A. Main and Markley Streets.

Q. And that's in the Borough of Norristown?

A. Yes.

Q. And with regard to the criminal solicitation to commit murder charge, where did those incidents occur?

A. Graterford.

Q. And was Graterford the institution to which you were remanded after your arrest by parole agents?

A. Yes.

Q. To your understanding, Mr. Boggs, did the charge -- did the drug charge have anything to do with the criminal solicitation charge?

A. No, sir.

Q. Now, these two incidents resulted in charges that were tried together?

A. Yes.

Q. Okay. Did Ms. Tosta ever discuss with you the possibility of moving to sever the charges one from the other?

A. I spoke to her about it, because I wanted them severed, you know what I mean, because I ain't [sic] understand how they could put them together, you know what I mean, because the case was dismissed, I had it dismissed at a preliminary hearing, so...

Q. In discussing the issue of severing the charges, did Ms. Tosta ever give you any reason why she didn't move to sever the charges?

A. No.

(N.T. PCRA Hearing, 5/5/2010, at 8-10).

Also at that hearing, Attorney Tosta testified as follows:

BY MS. JAPPE:

Q. Ms. Tosta, you mentioned that you discussed severance and joinder with your client?

A. I did.

Q. Could you please relay to the Court what your discussions were?

A. Mr. Boggs admitted that we did discuss it. I told him it would be prejudicial to have evidence of prior crimes or other crimes in his trial. He understood that. That was one of the objections that I had raised in preliminary motions, pretrial.

At a certain point in time before the commencement of the trial, Mr. Sander, the prosecuting attorney, presented me with notice of evidence going to prior bad acts, specifically the drug charges. This led to a volley of communications with the Judge trying to figure out what the motions would be and what would be consented to by Mr. Boggs and how we could handle that issue.

As a result of the notice, the letter notice, and the resultant arguments with the Judge, and also consultation with Mr. Boggs, it was decided that we would do a stipulation on the drug charges.

Mr. Boggs referred to the drug charges as small potatoes. He wasn't worried about them, and the stipulation was consented to.

Q. And were there any other factors that came into play in not requesting severance?

A. Absolutely. Mr. Sander indicated that he was going to call Parole Officer Brown in his case in chief.

Q. Mr. Sander, meaning Assistant District Attorney Bob Sander?

A. The Assistant District Attorney, the prosecuting attorney, was going to call Parole Officer Brown.

Now, Mr. Boggs and I discussed this. He knows that Parole Officer Brown does not care for him. In fact, at sentencing, his testimony was very pejorative. I did not want this parole officer's testimony in this case in chief under any situation, under any pretext, under any legitimate purpose. I did not want him in this case, in the case in chief.

Lew agreed with that. He did not want Parole Officer Brown testifying against him, either.

The resolution that we achieved through the stipulation prevented, in my opinion, Parole Officer Brown being called in[,] in that case in chief.

* * * *

Q. And in light of that stipulation, that obviated the need for ADA Sander to call Agent Brown as a witness, correct?

A. Correct. That was the arrangement.

Q. Were there any other reasons that went into play in the decision not to sever the two cases?

A. Again, there was [sic] the prosecutor wanted to bring Brown in for the purpose of telling the story as it evolved and the role of Hansen in this and what the motive for the charge of murder was.

The motive was that she had testified against him at a probation violation hearing. And in the natural course and development of the story, I believed, as Mr. Sander argued, that some of this testimony was going to be permissible in the case in chief.

The stipulation was the only way to succinctly reduce all of that to something that was manageable and less prejudicial to Mr. Boggs. And Mr. Boggs did agree to it.

Q. And in the stipulation, there was no mention of the arresting individual being a parole agent, correct?

A. Yes. In fact, that was part of the arrangement, was that we agreed that would be eliminated, any reference to parole or

probation, we would make every attempt to eliminate that from the prosecution's telling of the evolution of the case.

Q. And were there any other factors that came into play in deciding not to move to sever the matters?

A. I can only emphasize the fact that Mr. Boggs did not care about the drug charges. And I did my best to keep information about the pejorative prior acts out.

Q. And you explained to him the pros and cons for moving for joinder and moving for severance?

A. I did explain to him the prejudice. The prejudice that could emanate from testimony about prior bad acts, yes, would be the drug charge.

Q. So it was a strategical decision you made not to sever the two matters, correct?

A. Absolutely. I did not want Brown's testimony in the case in chief.

(*Id.* at 16-20).

The record in this case establishes unequivocally that Attorney Tosta had a reasonable basis for proceeding in the chosen manner. To circumvent Parole Agent Brown's testimony in the Commonwealth's case-in-chief concerning Agent Brown's investigation of the reported domestic dispute as well as the resulting arrest and discovery of cocaine in Petitioner's pocket in a case already replete with substantial evidence of Petitioner's guilt on the solicitation charge, Attorney Tosta entered into a stipulation. Because of this stipulation, the Commonwealth did not call Agent Brown for his testimony and any reference to the domestic dispute, the fact that Petitioner was on parole for a prior conviction, and Petitioner's arrest was *de minimis*. Indeed, Counsel's trial

strategy was a sound one. Whether or not the strategy resulted in an acquittal is not the issue. *See Reed, supra* at 325.

Petitioner has failed to demonstrate that filing a motion to sever the charges prior to trial would have had a greater likelihood of success. Accordingly, Attorney Tosta cannot be found to have provided ineffective assistance of counsel and the inquiry ceases.

V. *CONCLUSION*

For all of the reasons set forth above, we respectfully request that the Order dated June 30, 2011, denying Petitioner's Amended Petition for Post-Conviction Relief be affirmed.

BY THE COURT:

THOMAS P. ROGERS, J.
Court Of Common Pleas
Montgomery County, Pennsylvania
38th Judicial District

Copies sent on 11/01/12 to:
By Interoffice Mail:
Deputy District Attorney Robert M. Falin, Chief of Appeals Division,
Office of the Montgomery County District Attorney
By First-Class Mail:
Joseph John Hylan, Esquire, Defense Counsel
Lewis Cleveland Boggs, JY1181,
SCI Somerset, 1600 Walters Mill Road, Somerset, PA 15510

Judicial Secretary