

Lawrence Law Journal

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THE LAWRENCE COUNTY BAR ASSOCIATION

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Lawrence Law Journal

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FAMILY MOTION COURT

Family Motion Court will be held on emergency basis only the following dates. Please contact Lisa Hazen, Assistant Court Administrator.
July 1, July 5, August 5, August 12, November 8 through 15.

OFFICE SPACE AVAILABLE

Professional office space is available for rent in downtown New Castle.
For more information, please call 724-333-3461.

Lawrence Law Journal

Pennsylvania Bar Institute - New Castle

The New Castle site capacity is six (6) individuals.
You must pre-register through PBI at 800-932-4637

Gray Divorce - Issues and Considerations

Wednesday, June 22 9:00 a.m. – 1:30 p.m.
3 substantive/1 ethics (integrated ethics must attend entire program)
\$249.00 standard

Dealing with Difficult Opposing Counsel

Thursday, July 7 9:00 a.m. – 12:15 p.m.
0 substantive/3 ethics
\$249.00 standard

Estates and Creditor Claims

Tuesday, July 26 9:00 a.m. – 12:15 p.m.
3 substantive/0 ethics
\$249.00 standard

Vehicle Stops and Searches in Pennsylvania

Wednesday, August 3 9:00 a.m. – 12:15 p.m.
3 substantive/0 ethics
\$249.00 standard

Remote Online Notarization - Lessons Learned

Tuesday, August 9 9:00 a.m. – 10:30 a.m.
1.5 substantive/0 ethics
\$149.00 standard

Cross Examination Strategies

Tuesday, August 16 9:00 a.m. – 1:15 p.m.
3 substantive/1 ethics (integrated ethics must attend entire program)
\$249.00 standard

Third Parties in Custody Cases

Wednesday, August 24 9:00 a.m. – 12:15 p.m.
3 substantive/0 ethics
\$249.00 standard

Ethics Refresher

Wednesday, August 31 9:00 a.m. – 12:20 p.m.
3 substantive/0 ethics
\$249.00 standard

ESTATE 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. All persons having claims against the estate of the decedent shall make known the same to the person(s) named or to his/her/their attorney and all persons indebted to the decedent shall make payment to the person(s) named without delay.

FIRST PUBLICATION

Campbell, Howard P.

Late of Ellwood City, Lawrence County, Pennsylvania

Executrix: Kathleen E. Lutz, Ellwood City, Pennsylvania

Attorney: Ryan C. Long, Leymarie Clark Long, P.C., 423 Sixth St., Ellwood City, PA 16117

Morella, August J.

Late of Ellwood City, Lawrence County, Pennsylvania

Executor: Stephen Raymond Beyers, Ellwood City, Pennsylvania

Attorney: Edward Leymarie, Leymarie Clark Long, P.C., 423 Sixth St., Ellwood City, PA 16117

Moyer, Dorothy Jean

Late of New Castle, Lawrence County, Pennsylvania

Executor: James Robert Irvine, 1319 North Croton Ave., New Castle, PA 16101

Attorney: Louis Pomerico, 2910 Wilmington Rd., New Castle, PA 16105, 724-658-7759

Seth, Marilyn E.

Late of Union Township, Lawrence County, Pennsylvania

Administratrix C.T.A.: Elaine A. Mitchell

Attorney: John J. DeCaro, Jr., Cusick DeCaro & Langer, P.C., 100 Decker Dr., P.O. Box 5137, New Castle, PA 16105, 724-658-2525

Swihart, Thomas Charles, Jr.

Late of New Castle, Lawrence County, Pennsylvania

Executor: Thomas Charles Swihart III, Pittsburgh, Pennsylvania

Attorney: Phillip L. Clark, Jr., Leymarie Clark Long, P.C., 423 Sixth St., Ellwood City, PA 16117

Wallace, Nelson D.

Late of Lawrence County, Pennsylvania

Executor: Frank J. Wallace, 910 Old State Rd., New Castle, PA 16101

Attorney: none

SECOND PUBLICATION

Buly, Harry

Late of Lawrence County, Pennsylvania

Executor: John S. Buly

Attorney: LeeAnn A. Fulena, Robb Leonard Mulvihill, BNY Mellon Center, 500 Grant St., Suite 2300, Pittsburgh, PA 15219

Carney, Gerald R.

Late of West Pittsburg, Lawrence County, Pennsylvania

Executor: Richard Carney, 3545 Orders Rd., Grove City, OH 43123

Attorney: Louis M. Perrotta, Louis M. Perrotta, P.C., 229 S. Jefferson St., New Castle, PA 16101, (724) 658-9980

Kursel, Ruth E.

Late of Bessemer Borough, Lawrence County, Pennsylvania

Executrix: Sylvia A. Huff, 3505 Meadowview Blvd., New Castle, PA 16105

Attorney: John R. Seltzer, 713 Wilmington Ave., New Castle, PA 16101, 724-652-0821

Lewis, William M., Sr.

Late of New Castle, Lawrence County, Pennsylvania

Administrator: William M. Lewis, Jr., 116 W. Wabash Ave., New Castle, PA 16101

Attorney: Louis M. Perrotta, Louis M. Perrotta, P.C., 229 S. Jefferson St., New Castle, PA 16101, (724) 658-9980

Magno, Wanda M.

Late of New Castle, Lawrence County, Pennsylvania

Executors: Veronica Phillips and Nick Magno

Attorney: Clark & Clark Law, P.C., Robert D. Clark, Jr., 201 N. Market St., New Wilmington, PA 16142

THIRD PUBLICATION

McCready, James Brian

Late of New Castle, Lawrence County, Pennsylvania

Administrator: Kathleen McCready, 206 South Wayne St., New Castle, PA 16102

Attorney: none

McQuiston, Paul Scott

a/k/a McQuiston, P. Scott

Late of North Beaver Township, Lawrence County, Pennsylvania

Executor: Casey Lynn Van Pelt

Attorney: Clark & Clark Law, P.C., Robert D. Clark, Jr., 201 N. Market St., New Wilmington, PA 16142

Shook, Jacob C.

Late of Neshannock Township, Lawrence County, Pennsylvania

Executor: Stephen S. Shook, 71 Weatherboard Court, Pawleys Island, SC 29585

Attorney: Michael C. Bonner, 713 Wilmington Ave., New Castle, PA 16101

**Stastny, Richard Joseph
a/k/a Stastny, Richard J.**

Late of New Castle, Lawrence County, Pennsylvania

Executrix: Monica Stastny, 2524 Old Pittsburgh Rd., New Castle, PA 16101

Attorney: Joseph J. Kearney, 29 East North St., P.O. Box 51, New Castle, PA 16103-0051

**NOTICE OF CERTIFICATE OF ORGANIZED
DOMESTIC LIMITED LIABILITY COMPANY**

Notice is hereby given that on June 8, 2022, a Certificate of Organization of a Domestic Limited Liability Company was filed with the Pennsylvania Department of State for **EverAfter Decor, LLC**, which Domestic Limited Liability Company has been duly organized under the provisions of the PA Limited Liability Company Law of 1994, Dec. 7, P.L. 703, No. 106, §4 as amended. It was organized June 8, 2022.

Shawn A. Sensky, Esquire
809 Wilmington Ave.
New Castle, PA 16101

L.C.L.J. - June 20, 2022

**NOTICE OF CERTIFICATE OF ORGANIZED
DOMESTIC LIMITED LIABILITY COMPANY**

Notice is hereby given that on March 13, 2014, a Certificate of Organization of a Domestic Limited Liability Company was filed with the Pennsylvania Department of State for **Kingdom Couture, LLC**, which Domestic Limited Liability Company has been duly organized under the provisions of the PA Limited Liability Company Law of 1994, Dec. 7, P.L. 703, No. 106, §4, as amended. It was organized March 13, 2014.

Shawn A. Sensky, Esquire
809 Wilmington Ave.
New Castle, PA 16101

L.C.L.J. - June 20, 2022

NOTICE OF INCORPORATION

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania in Harrisburg, Pennsylvania on May 12, 2022, were approved and Articles of Incorporation

were granted under the provisions of the Pennsylvania Business Corporation Law of 1988, 15 Pa.C.S.A. §1101, et seq., as amended. The name of the corporation is **Mitsos Restaurant Group, Inc.** located at 2712 Wilmington Road, New Castle, Pennsylvania 16105. The purpose for which the Corporation is and has been organized is to engage in and to do any lawful act or acts concerning any or all lawful business for which corporations may be incorporated under the provisions of the Pennsylvania Business Corporation Law, as amended.

John J. DeCaro, Jr.
Cusick, DeCaro & Langer, P.C.
100 Decker Dr.
P.O. Box 5137
New Castle, PA 16105

L.C.L.J. - June 20, 2022

NOTICE

Notice is hereby given that on May 3, 2022, the petition of Samantha Locke, Natural Parent and Legal Guardian of Wren Christine Russell was filed in the above-named Court, requesting an order to change the name of **Wren Christine Russell to Wren Christine Locke**.

The Court has fixed the 11th day of July, 2022 at 2:30 P.M. in Courtroom No. 4 of the Lawrence County Government Center, New Castle, Pennsylvania as the time and place for the hearing on said petition, when and where all parties interested may appear and show cause, if any, why the prayer of the petitioner should not be granted.

Ryan C. Long, Esquire
Leymarie Clark Long, P.C.
423 Sixth St.
Ellwood City, PA 16117

L.C.L.J. - June 20, 2022

SHERIFF SALES

Wednesday, July 13, 2022 at 10:00 AM

By virtue of various Writs of Execution issued out of the Court of Common Pleas of Lawrence County, Pennsylvania, there will be exposed to sale by public auction at the Lawrence County Government Center, Commissioners Meeting Room, First Floor, 430 Court St., New Castle, PA 16101 at the above date and time, the following described real estate, subject to the following TERMS OF SALE:

The following terms shall be complied with for each sale or continuation thereof:

1. All bidders must identify themselves prior to submitting a bid. Attorneys of record shall be presumed to be bidding for their client(s). No bid may be withdrawn.

2. If the defendant intends to bid, prior to the bidding they must submit to the Sheriff satisfactory proof that they will be able to comply with the bid. No bids will be accepted in excess of the submitted proof.

3. At the request of the plaintiff, any sale may be continued, postponed or cancelled.

4. All bids must be paid in full. The successful bidder shall pay unto the Sheriff, by cash, certified or cashiers' check, 10% within one hour after the sale and the balance within 7 days thereafter. If terms of sale are not met within the required time period, the property will be resold at 12:00 noon on the Third business day following the payment deadline at the Lawrence County Sheriff's Office, Government Center, 430 Court Street, New Castle, PA at the expense and risk of the person to whom it was struck off, who in case of deficiency on such sale shall make good the same.

5. Prior to the delivery of the Sheriff's deed, a successful bidder may assign their bid to a third party, in which case the realty transfer taxes shall be paid as if the assignee were the original successful bidder.

6. If a Third Party is the successful bidder, a Schedule of Distribution will be filed by the Sheriff in the Prothonotary's Office on the Wednesday following the date of sale and that distribution will be made in accordance with the Schedule unless exceptions are filed within TEN days thereafter.

7. Anyone placing a bid should check with an attorney for legal advice. The property you are bidding upon may be subject to unpaid taxes, liens or mortgages.

8. Any current & delinquent real estate taxes will be paid as part of the costs and before distribution to the plaintiff or any other party.

Sale No. 1

No. 10948-2021; The Huntington National Bank, Plaintiff vs. Louis Rossano, AKA Lou Rossano, Defendant. All that certain piece or parcel of land situate in the Township of Union, County of Lawrence and Commonwealth of Pennsylvania, bounded and described as follow to wit: Being the same property conveyed to Lou Rossano, unmarried, who acquired title by virtue of a deed from Anna Rossano, a widow, by Lou Rossano,

her Attorney-in-fact, dated May 10, 2005, recorded May 10, 2005, at Instrument Number 005212, and recorded in Book 2030, Page 484, Office of the Recorder of Deeds, Lawrence County, Pennsylvania. Property address: 473 West Harbor Road, New Castle, PA 16101. Parcel ID: #34-279600 (Union Township). Judgment amount: \$71,075.05 plus interest, costs and attorney fees. Attorney: Manley Deas Kochalski

Sale No. 2

No. 10465-2018; Northwest Bank, Plaintiff vs. Camilla J. Crawford, Defendant. All the right, title, interest and claim of Camilla J. Crawford of, in and to the following described property: All the following described real estate situated in the City of New Castle, Lawrence County, Pennsylvania. Having erected thereon a dwelling. Document No. 2013-014886. Property address: 520 East Reynolds Street, New Castle, PA 16101. Parcel ID: #05-145300 (New Castle 5th Ward). Judgment amount: \$33,093.71 plus interest, costs and attorney fees. Attorney: David W. Raphael, Esq.

Sale No. 3

No. 10574-2017; The Bank of New York Mellon f/k/a The Bank of New York, successor in Interest to JPMorgan Chase Bank, N.A. as Trustee for Bear Stearns Asset Backed Securities Trust 2005-SD4, Mortgage Pass-Through Certificates, Series 2005-SD4, Plaintiff vs. Barb Bohizic; Theodore J. Bohizic, in Capacity as heir as Mary R. Bohizic, Deceased and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Mary R. Bohizic, deceased, Defendants. All the right title, interest and claim of: Mary R. Bohizic and Barb Bohizic. Deed Book Vol. 1503, Page 252. Improvements: Residential. Property address: 47 Portersville Road, Ellwood City, PA 16117. Parcel ID: #36-013000 (Wayne Township). Judgment amount: \$83,080.24 plus interest, costs and attorney fees. Attorney: Patrick J. Wesner, Esquire, Parker McCay P.A.

Sale No. 4

No. 10070-2022; New REZ LLC D/B/A Shellpoint Mortgage Servicing, Plaintiff vs. Deborah A. Quinn, Defendant. All those certain lots or pieces of ground situate in the Township of Slippery Rock, Lawrence County, PA. Improvements: Residential Property. Property address: 3242 Shaffer Road a/k/a 3264 Shaffer Road, Ellwood City, PA

16117. Parcel ID: #32-072401 & 32-072402 (Slippery Rock Township). Judgment amount: \$213,021.27 plus interest, costs and attorney fees. Attorney: Robert Crawley

Sale No. 5

No. 10643-2019; PNC Bank, National Association successor by merger to National City Bank, Plaintiff vs. Joan E. Trimble, Defendant. Improvements consists of a residential dwelling. Property address: 505 Shenango Park Drive, New Castle, PA 16101. Parcel ID: #31-374000 (Shenango Township). Judgment amount: \$40,790.21 plus interest, costs and attorney fees. Attorney: KML Law Group

Sale No. 6

No. 50748-2019. Wilmington Area School District, Plaintiff vs. Nancy F. Reese, Defendant. Nancy F. Reese, owner(s) of property situate in Pulaski Township, Lawrence County, Pennsylvania, Property address: 3201 Evergreen Road, Pulaski Township, Pennsylvania, 16143. Improvements thereon: Residential 1 Family Property. Parcel No. 29-108000. Debt: \$2,383.09 plus interest, costs and attorney fees. Attorney: Portnoff Law Associates, Ltd.

Sale No. 7

No. 50733-2016. City of New Castle, Plaintiff vs. Vakia J. Armstrong and United States of America, Defendants. Vakia J. Armstrong and United States of America, owner(s) of property situate in New Castle, Lawrence County, Pennsylvania, Property address: 6 Culbertson, New Castle, Pennsylvania. Improvements thereon: Residential property. Parcel No. 04-076500. Debt: \$1,266.50 plus interest, costs and attorney fees. Attorney: Portnoff Law Associates, Ltd.

Sale No. 8

No. 50640-2019. Wilmington Area School District, Plaintiff vs. Christopher L. Widmyer, Defendant. Christopher L. Widmyer, owner(s) of property situate in Pulaski Township, Lawrence County, Pennsylvania, Property address: 605 State Route 208, Pulaski Township, Pennsylvania, 16143. Improvements thereon: Residential property. Parcel No. 29-092000. Debt: \$2,370.46 plus interest, costs and attorney fees. Attorney: Portnoff Law Associates, Ltd.

Sale No. 9

No. 50373-2019. Wilmington Area School District, Plaintiff vs. Scott P. Leonard and

Heather E. Leonard, Defendants. Scott P. Leonard and Heather E. Leonard, owner(s) of property situate in Wilmington Township, Lawrence County, Pennsylvania, Property address: 507 Wilson Mill Road, Wilmington Township, Pennsylvania, 16142. Improvements thereon: Residential property. Parcel No. 37-049500. Debt: \$2,576.77 plus interest, costs and attorney fees. Attorney: Portnoff Law Associates, Ltd.

Sale No. 10

No. 10831-2021. Pennsylvania Housing Finance Agency, Plaintiff vs. Michael Lee Murphy, Defendant. Lots Nos. 157-B and 159-B on Section 21 of the Official Survey of the City of New Castle. See Instrument: 2010-007013. Improvements thereon: a residential dwelling house. Property address: 11 East Edison Avenue, New Castle, PA 16101. Parcel No. 01-036200 (1st Ward City of New Castle). Debt: \$49,720.58 plus interest, costs and attorney fees. Attorney: Purcell Krug & Haller

Sale No. 11

No. 10050-2022. Pennsylvania Housing Finance Agency, Plaintiff vs. Stacey M. Campbell, Defendant. Unit D of Plot U in Shenango Greens Townhouse Development, as recorded in the Recorder's Office of Lawrence County Book 3, Page 28. See Instrument: 2015-005131. Improvements thereon: a residential dwelling house. Property address: 21 Links Drive, New Castle, PA 16101. Parcel No. 31-361603 (Shenango Township). Debt: \$130,387.02 plus interest, costs and attorney fees. Attorney: Purcell Krug & Haller

Sale No. 12

No. 10125-2022. Pennsylvania Housing Finance Agency, Plaintiff vs. Jason E. Scott and Maureen M. Scott, Defendants. Lot No. 8, Plot of Lots of William Ryan, City Lot No. 244, Section 69 Official Survey of the City of New Castle. See Instrument: 2018-005859. Improvements thereon: a residential dwelling house. Property address: 912 Rose Avenue, New Castle, PA 16101. Parcel No. 04-023600 (4th Ward City of New Castle). Debt: \$47,191.94 plus interest, costs and attorney fees. Attorney: Purcell Krug & Haller

Sale No. 13

No. 10086-2022. First National Bank of Pennsylvania, Plaintiff vs. Diane E. Berkebile, a/k/a Diane E. Stickle, Defendant. All the right, title, interest and claim of Diane E.

Berkebile, a/k/a Diane E. Stickle of, in and to the following described property: All that certain real estate situated in the 2nd Ward of The City of New Castle, County of Lawrence and Commonwealth of Pennsylvania per deed dated September 15, 1992 and recorded on September 24, 1992 in The Office of the Recorder of Deeds of Lawrence County, Pennsylvania at Deed Book Volume 1048, Page 408 and per certain Quit Claim Deed dated March 16, 2016, and recorded on March 30, 2016 in the Office of the Recorder of Deeds of Lawrence County Pennsylvania at Instrument No. 2016-002329. Having erected thereon a dwelling. Property address: 142 East Garfield Avenue, New Castle, PA 16105. Parcel No. 02-016800 (2nd Ward City of New Castle). Debt: \$29,101.62 plus interest, costs and attorney fees. Attorney: David W. Raphael

Sale No. 14

No. 10699-2018. U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMTP Trust, Series 2019-C, Plaintiff vs. John McCloskey a/k/a John T. McCloskey; Kenneth J. McCloskey, Defendants. All that certain piece, parcel or lot of land situate in Ellwood City Borough, Lawrence County, Pennsylvania. Improvements: erected thereon. Property address: 408 Crescent Avenue, Ellwood City, PA 16117. Parcel No. 12-042900 (2nd Ward Ellwood City Borough). Debt: \$49,345.63 plus interest, costs and attorney fees. Attorney: Bernadette Irace, Esquire

Sale No. 15

No. 10107-2022. Temple View Capital Funding, LP, Plaintiff vs. Elite Interior Design, LLC, Defendant. All that property situated in the second ward of the City of New Castle in the County of Lawrence and Commonwealth of Pennsylvania, being described as follows: Being more fully described in a Deed dated 07/14/2020 and recorded 08/07/2020, among the land records of the county and state set forth above in Instrument No. 2020-005173. Property address: 213 E. Garfield Avenue, New Castle, PA 16105. Parcel No. 02-177800 (2nd Ward City of New Castle). Debt: \$38,662.14 plus interest, costs and attorney fees. Attorney: Hill Wallack LLP

Sworn to and subscribed before me this
25th day of May 2022.

Perry L. Quahliero, Sheriff

L.C.L.J.: June 6, 13 and 20, 2022

Lawrence Law Journal

Lawrence County Bar Association Annual Essay Contest

The Lawrence County Bar Association has awarded scholarships to two local 2022 high school graduates.

Juliana Evans, graduate of New Castle High School, and Rachel Lego, graduate of Wilmington High School, both received \$2,000.00 scholarships. They presented their winning essays at the Annual Law Day Program in Courtroom # 1 on May 2, 2022.

The winning students had submitted essays answering the question: *"Whether a state's denial of a person's application for a concealed carry license for self-defense violates the 2nd Amendment to the Constitution."*

Juliana Evans, graduate of New Castle High School will be attending Allegheny College and is undecided on a major has received a \$2,000.00 scholarship.

Juliana Evans' Essay:

Ratified on December 15, 1791, the Second Amendment to the Constitution grants Americans the right to keep and bear arms. It has been challenged over 1,400 times throughout its long history,¹ with different interpretations fueling ongoing debate regarding the delicate balance between our right to self-defense and the safety of all Americans, amid rising gun violence.² While certain gun control measures have been upheld by the courts, the debate rages on. Concealed carry permits are one such gun control measure that have generally been upheld, but in some cases, they may be struck down as unconstitutional. In fact, there is a current Supreme Court case, *New York State Rifle and Pistol Association Inc. (NYSRPA) v. Bruen*, which will address the complex question of whether a state's denial of a person's application for a concealed carry license for self-defense violates the Second Amendment to the Constitution.³ The correct response to this question is that it depends on many different factors, especially past precedent and the details of any particular firearm legislation. Let us now consider some of these factors.

When addressing any question regarding the constitutionality of a law, it is important to understand the concept of *stare decisis*. *Stare decisis* is a legal principle in which courts must base their rulings on precedents set in previous court cases.⁴ Therefore, in order to determine whether the case *NYSRPA v. Bruen* will find New York's denial of concealed carry permits to be unconstitutional, we must look to prior cases that have laid the foundation for our Second Amendment rights.

One of the most recent cases that established precedent in the interpretation of the Second Amendment was *District of Columbia v. Heller*.⁵ D.C. special police officer, Dick Anthony Heller, was authorized to carry handguns while on duty. Heller applied for a one-year license for a handgun he desired to keep in his home, but he was denied. Heller then took action by suing the District of Columbia for violating his Second Amendment right to keep a firearm in his home. The case ultimately escalated to the Supreme Court, which concluded 3 things:

1. The Second Amendment does in fact protect an individual's right to keep and bear arms for self-defense.
2. "Like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever: For example, concealed weapons prohibitions have been upheld under the Amendment. The Court's opinion should not be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on...arms."⁶
3. Bans on entire categories of firearms that may otherwise be used for legal purposes are unconstitutional. The District of Columbia's ban on handguns in public and assembled handguns in the home was overturned.

In the years that followed, a second landmark case, *McDonald v. City of Chicago*,⁷ relied on stare decisis to extend statements 1 and 2 to all states. The takeaway is that while individuals do have the right to bear arms for their own protection, the government is allowed to place valid restrictions on gun ownership.

Following the decisions in these two cases, courts at all levels throughout the country have upheld many laws to regulate the purchase and possession of firearms. While gun control remains a polarizing issue, certain types have been widely accepted. For example, "Under federal law, a person is generally prohibited from acquiring or possessing firearms if, among other things, they have been convicted of certain crimes or become subject to certain court orders related to domestic violence or a serious mental condition."⁸ . Another widespread restriction is the complete ban of firearms in certain protected spaces, which are known as 'gun-free zones'. Gun-free zones include places where people are particularly vulnerable, such as schools, churches, stadiums, bars, and airports.⁹ A third commonly accepted regulation is the requirement to obtain a permit for concealed carry of a firearm outside the home. Based on the principle of stare decisis, these types of firearm regulations are likely to be found constitutional.

Now that we have taken time to explore past precedent for gun control laws through key Supreme Court cases, we should consider how these findings apply to our initial question: Does a state's denial of a person's application for a concealed carry license for self-defense violate the Second Amendment to the Constitution? Simply put, it depends.

In the case of the *NYSRPA v. Bruen*, the government is allowed to require citizens to obtain a license for concealed carry. We have already established that this is a common and widely accepted law; however, the New York law takes the requirements for obtaining the concealed carry license beyond what many other states do. It requires the applicant to prove that they have a special need to carry a firearm for self-defense. It is not clear exactly what constitutes a special need for self defense, but regardless, this is an unreasonably strict limitation.¹⁰ Since the Second Amendment applies to all citizens, there should be no such requirement. Having this requirement and leaving it so vague puts the power of who can and cannot bear arms in the hands of the government officials who approve the permits. This type of power is exactly what our Founding Fathers wrote the Second Amendment to prevent. Any American who wishes to obtain a concealed carry permit is constitutionally guaranteed the right to do so by the Second Amendment, so long as they do not violate the safety restrictions discussed thus far.

In conclusion, a state requiring a person to obtain a license for concealed carry does not violate the Second Amendment; however, denying the person's application for reasons beyond felonies or mental illness is unconstitutional.

Notes

¹ See Blocher, J and Ruben, E.

² *Ibid.*

³ See Cornell Law School, "New York State Rifle & Pistol Association Inc. v. Bruen."

⁴ Cornell Law School. "Stare Decisis."

⁵ Cornell Law School. "District of Columbia v. Heller."

⁶ *Ibid.*

⁷ See "Amdt2.1 Second Amendment: Doctrine and Practice."

⁸ See "Who Can Have a Gun: Firearm Prohibitions." *Giffords Law Center*.

⁹ See Gjelten, E.A.

¹⁰ See Blocher, J and Ruben, E.

Works Cited

"Amdt2.1 Second Amendment: Doctrine and Practice." *Constitution Annotated: Analysis and Interpretation of the U.S. Constitution*. https://constitution.congress.gov/browse/essay/amdt2_1/.

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Rachel Lego's Essay:

Over the years, Americans have constantly debated the meaning of the Second Amendment. The Second Amendment states that "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."¹ Although the Second Amendment does protect a person's right to own a gun, it is not a violation of the Second Amendment for the state to deny a person's application for a concealed carry license for self-defense. The difference is that the denial does not stop a person from owning a gun, it stops mentally unfit people from carrying around a gun in public spaces, and like most other amendments, the Second Amendment has limitations to its language.

A concealed weapon can be defined as "Any deadly weapon, including a firearm, carried on or about a person hidden from the ordinary view of another person."² A person may own a gun without having a concealed carry license, and this simply means that they are legally unable to have it concealed on them while in public. In most states, it also is required that a person pass different background checks and tests in order to receive a concealed carry license. Even after a concealed carry permit is obtained, there are many rules and regulations surrounding what kind of weapon can be carried and where it can be carried. The current court ruling that has defined what the Second Amendment means is found in the majority opinion of *District of Columbia v. Heller*, written by the late Justice Anthony Scalia. In this court case, Dick Anthony Heller argued that the District of Columbia had "violated his Second Amendment right to keep a functional firearm in his home without a license"³ because of legislation and bans DC had put into place. This case was tremendously important in redefining the meaning of the Second Amendment.

The *Heller* ruling states that under the Second Amendment, individuals have a protected right to "possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home."⁴ One of the most important words in this opinion is the word "traditionally." This word implies that one can possess a firearm where it has been needed in the past- the home. Typically, firearms are needed for self-defense in the home if an assailant should threaten oneself, one's family, and one's property; however, Justice Scalia includes no distinct ruling on whether or not firearms should be able to be lawfully carried around. Because of this current ruling, it is lawful for all people in the United States to own a gun for self-defense within the home with proper permits.²

Another way in which the denial of a concealed carry license is not a violation of the Second Amendment is the fact that the denial stops certain kinds of people from owning a gun. There are many reasons why someone may be denied a concealed carry license, but most of them deal with past infringements of the law. This list of disqualifiers includes low-level misdemeanors, a felony conviction, juvenile record, past mental health treatment, or if someone is deemed as "an individual whose character and reputation is such that the individual would be likely to act in a manner dangerous to public safety."⁵ These restrictive laws are necessary because they serve as preventative measures. Although there is the possibility that a person deemed mentally unfit to own a gun would, in reality, not cause anyone harm, these measures risk such outcomes because their absence could cause much more fatal outcomes. The denial of a concealed carry license is ordered to provide protection to stop citizens from being in unsafe environments.

Like most other constitutional amendments, there are limitations to the rights created

through the Second Amendment . One restriction already placed upon the Second Amendment is the inability to own or carry certain kinds of weapons. Under the ruling of *United States v. Miller*, the justices found that weapons that do not “have a reasonable relationship to the preservation or efficiency of a well-regulated militia”⁶ are not protected by the Second Amendment . These limitations on the Second Amendment allow the government to pass gun control laws. An upcoming court case, *New York State Rifle & Pistol Association v. Bruen*, looks to redefine what limitations the government can place on the Second Amendment . According to the state, “there is a right to carry a gun outside the home for self-defense... however, that the right is not absolute.”⁷ The state also argues that if this legislation were to be changed, meaning that all people are able to conceal carry in public without a permit, it could lead to the end of “state and federal regulations ‘adopted to protect the public in sensitive places where people typically congregate — settings like courthouses, airports, subways, sports arenas, bars, gaming facilities, houses of worship, and schools.’”⁷ The current limitation of having to be approved for a concealed carry license stops other limitations from happening.

Overall, the current interpretation of the Second Amendment has led the court to redefine what rights are guaranteed through the amendment. Citizens have the right to own a gun, but that is not absolute. Denying a person a concealed carry license is not a denial of the Second Amendment because it does not take away a person’s right to own a gun, it stops people from carrying around guns if they have a past record, and the Second Amendment does allow for some restrictions on gun rights, despite its “Congress shall make no law” language. The government plays a critical role in gun control laws because it is responsible for both protecting the rights of its citizens and for protecting the safety and security of its citizens, as well. The denial of a concealed carry license does not deny a citizen of his or her Second Amendment rights, but it does ensure citizens a safer environment to live in.

Notes

¹ United States of America 1789 (rev. 1992) constitution. Constitute. (n.d.). Retrieved March 3, 2022, from https://www.constituteproject.org/constitution/United_States_of_America_1992

² Legal Information Institute. (n.d.). Concealed weapon. Legal Information Institute. Retrieved March 3, 2022, from https://www.law.cornell.edu/wex/concealed_weapon

³ District of Columbia v. Heller. Oyez. (n.d.). Retrieved March 3, 2022, from <https://www.oyez.org/cases/2007/07-290>

⁴ Scalia, A. (n.d.). District of Columbia v. Heller. SCOTUSblog. Retrieved March 3, 2022, from <https://www.scotusblog.com/case-files/cases/dc-v-heller/>

⁵ Denied the Right to Carry in Pennsylvania?! U.S. LawShield . (2020, June 15). Retrieved March 3, 2022, from <https://www.uslawshield.com/denied-the-right-to-carry-in-pennsylvania/#:~:text=The%20main%20reason%20%20see,Under%2018%20Pa.&text=C2%A7%206109%2C%20a%20person%20is,manner%20dangerous%20to%20public%20safety>

⁶ United States v. Miller. Oyez . (n.d.). Retrieved March 3, 2022, from <https://www.oyez.org/cases/1900-1940/307us174>

⁷ Howe, A. (2021, October 27). In major second amendment case, court will review limits on carrying a concealed gun in public. SCOTUSblog. Retrieved March 3, 2022, from <https://www.scotusblog.com/2021/10/in-major-second-amendment-case-court-will-review-limits-on-carrying-a-concealed-gun-in-public/>

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