

08-1080-CD  
Jeffrey Rice vs Susan Sehring al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA  
(CIVIL DIVISION)

JEFFREY W. RICE,

Petitioner

vs.

SUSAN E. SEHRING and  
JOHN SEHRING, III,

Defendants

No. 08-1080-CD

Type of Pleading: Petition for Special  
Relief

Filed on behalf of: Jeffrey Rice,  
Petitioner

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE  
Attorney at Law  
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE  
Attorney at Law  
Supreme Court No. 83998

100 Meadow Lane, Suite 5  
DuBois, Pennsylvania 15801

(814) 375-0300

FILED 6 CC Atty Hopkins

06/10/2008

JUN 12 2008 Atty pd. \$95.00

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA  
(CIVIL DIVISION)

JEFFREY W. RICE, :  
Petitioner :  
vs. :  
No.  
SUSAN E. SEHRING and :  
JOHN SEHRING, III, :  
Defendants :

**PETITION FOR SPECIAL RELIEF**

AND NOW COMES the Petitioner, Jeffrey Rice, by and through his attorneys, Hopkins Heltzel LLP, and files the within Petition for Special Relief and says as follows:

1. Petitioner is Jeffrey W. Rice whose business address is 90 Beaver Drive, Suite A, DuBois, Pennsylvania 15801.
2. Defendants Susan E. Sehring is an adult individual who resides at 1224 Joseph Road, Clearfield, Pennsylvania 16830. Defendant John Sehring III is an adult individual who resides at 1224 Joseph Road, Clearfield, Pennsylvania 16830.
3. Defendants are mother and son.
4. Petitioner is the sole owner of Black Thai Restaurant, LLC, a Pennsylvania limited liability company organized on June 21, 2007. Black Thai Restaurant, LLC operates a bar and jazz club known as the House of Jazz located at 34-36 North Brady Street, DuBois, Clearfield County, Pennsylvania.

5. Defendants operate a restaurant known as the Black Thai Restaurant. The name "Black Thai Restaurant" is not registered with the Pennsylvania Department of State.

6. Petitioner is the owner of real property and improvements known as 34-36 North Brady Street, DuBois, Pennsylvania.

7. Petitioner had an oral agreement with Defendants to rent half of the space in 34-36 North Brady Street to Defendants which includes a dining room and kitchen.

8. The bar and jazz club are owned by the Black Thai Restaurant, LLC which is owned by petitioner.

9. All of the equipment located within 34-36 North Brady Street is owned by the petitioner. Petitioner is the owner of refrigerators, stoves, blenders, glassware, silverware and dining room settings.

10. Respondents only own the food and cooking utensils.

11. Respondents leased a portion of 34-36 North Brady Street from Petitioner under an oral month-to-month lease.

12. In or about May 2008, Petitioner learned defendants had committed various acts against defendant and the Black Thai Restaurant, LLC that constitute crimes under the Pennsylvania Crimes Code, 18 Pa.C.S. 101 et seq.

13. On May 9, 2008 Petitioner served a Notice to Quit on Defendants (See Exhibit "A") and on June 12, 2008 Petitioner filed a complaint to evict Defendants from 34-36 North Brady Street in the District Magistrate Office for DuBois, Pennsylvania (See Exhibit "B").

14. Petitioner reported the criminal acts of the Defendants to the City of DuBois Police Department.

15. On June 10, 2008, Defendants were arrested by the City of DuBois Police Department on a warrant and were arraigned before District Justice Richard Ireland and released on \$50,000.00 unsecured bail.

16. Defendants were charged with criminal conspiracy, 18 Pa.C.S. 903(a)(1), felony-3; theft by deception 18 Pa.C.S. 3922(a)(1), felony-3; receiving stolen property 18 Pa.C.S. 3925(a), felony-3; theft by failure to make required disposition of funds received, 18 Pa.C.S. 3927(a), felony-3; and forgery 18 Pa.C.S. 4101(a)(3), felony-3.

17. A photocopy of the police complaint is attached hereto and incorporated by reference as if set forth at length at Exhibit "C."

18. In the intervening time since May 9, 2008, when Petitioner presented Defendants with a notice to quit, Defendants have removed nearly all of the liquor from the House of Jazz which is owned by the Petitioner and have removed various neon beer signs from the bar.

19. As the criminal complaint sets forth, Defendants have acted boldly and with complete disregard for the rights of petitioner and in violation of the Crimes Code of the Commonwealth of Pennsylvania.

20. Since Petitioner filed the notice to quit, Defendants have attempted to cause the Pennsylvania Liquor Control Board to transfer the liquor license belonging to the Black Thai Restaurant, LLC to a different location notwithstanding Defendants' have no authority to act on behalf of Black Thai Restaurant, LLC.

21. Petitioner believes that if Defendants are permitted to remain in 34-36 North Brady Street while an eviction action is pending, they will continue their blatantly criminal activity and remove property of the petitioner.

22. In light of the substantial felony charges filed by the City of DuBois Police, Petitioner requests the court enter an order prohibiting Defendants from entering upon 34-36 North Brady Street during the pendency of the eviction action in the District Magistrate's Office and any subsequent appeals thereafter.

23. A copy of this Petition together with exhibits was sent by facsimile to Frederick M. Neiswender, Esquire, who has previously contacted counsel for Petitioner advising that he represented Defendants. Prior to presenting this Petition to the Court, counsel for the Petitioner will telephone Frederick M. Neiswender, Esquire's office and attempt to speak with him on the issues raised in this Petition.

WHEREFORE, Petitioner requests the Court enter an Order prohibiting Defendants from entering upon 34-36 North Brady Street during the pendency of the eviction action in the District Magistrate's Office and any subsequent appeals thereafter.

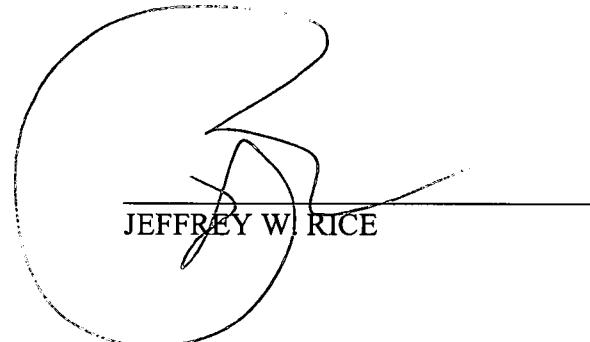
Respectfully submitted,



\_\_\_\_\_  
David J. Hopkins, Esquire  
Attorney for Petitioner  
100 Meadow Lane, Suite 5  
DuBois, PA 15801

**V E R I F I C A T I O N**

I hereby verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.



JEFFREY W. RICE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA  
(CIVIL DIVISION)

JEFFREY W. RICE,	:	
		Petitioner
	:	
vs.	:	No.
	:	
SUSAN E. SEHRING and	:	
JOHN SEHRING, III,	:	
		Defendants
	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the within Petition for Special Relief, filed on behalf of Petitioner, Jeffrey Rice, was served by facsimile to the following counsel:

814-765-7205

Frederick M. Neiswender, Esquire  
211 ½ E. Second Street  
Clearfield, PA 16830

HOPKINS HELTZEL LLP

  
David J. Hopkins, Esquire  
100 Meadow Lane, Suite 5  
DuBois, PA 15801

# HOPKINS HELTZEL LLP

900 Beaver Drive • DuBois, PA 15801

**David J. Hopkins**  
Licensed in PA & NJ  
Masters in Taxation

**Lea Ann Heltzel**  
Licensed in PA

- Voice: (814) 375 - 0300
- Fax: (814) 375 - 5035
- Email: [hopkinslaw@adelphia.net](mailto:hopkinslaw@adelphia.net)

May 9, 2008

Susan E. Davis  
a/k/a Susan E. Sehring  
34-36 N. Brady Street  
DuBois, PA 15801

John Davis  
a/k/a John Sehring  
34-36 N. Brady Street  
DuBois, PA 15801

Re: 34-36 N. Brady Street, DuBois, PA 15801

## NOTICE TO QUIT

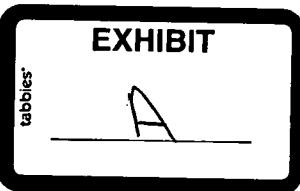
Please be advised this law firm represents your landlord, Jeffrey Rice. Your lease with Jeffrey Rice is a month to month tenancy inasmuch as there is not a written lease. As such, either the landlord or the tenant may terminate the lease with thirty (30) days notice. Please accept this letter as notice that Jeffrey Rice is terminating the lease.

NOTICE IS HEREBY GIVEN TO YOU TO VACATE 34-36 NORTH BRADY STREET,  
DUBOIS, PENNSYLVANIA BY JUNE 9, 2008 BECAUSE THE TENANCY WILL  
TERMINATE ON JUNE 9, 2008.

HOPKINS HELTZEL LLP

By: \_\_\_\_\_

David J. Hopkins



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF: **CLEARFIELD**

Mag. Dist. No.:

**46-3-01**

MDJ Name: Hon.

**PATRICK N. FORD**Address: **309 MAPLE AVENUE**  
**PO BOX 452**  
**DUBOIS, PA****15801**

Telephone: (814) 371-5321

	Amount	Date Paid
Filing Costs	\$ _____	/ /
Postage	\$ _____	/ /
Service Costs	\$ _____	/ /
Constable Ed.	\$ _____	/ /
Total	\$ _____	/ /

Pa.R.C.P.D.J. No. 206 sets forth those costs recoverable by the prevailing party.

**LANDLORD AND  
TENANT COMPLAINT**

NAME and ADDRESS

PLAINTIFF:

Jeffrey W. Rice  
90 Beaver Drive, Suite A  
DuBois, PA 15801

VS.

DEFENDANT:

Susan E. Sehring  
John Sehring, III  
1224 Joseph Road  
Clearfield, PA 16830

NAME and ADDRESS

Docket No.:  
Date Filed:

TO THE DEFENDANT: The above named plaintiff(s) asks judgment together with costs against you for the possession of real property and for:

- Lease is  Residential  Nonresidential.
- Damages for injury to the real property, to wit: removal of neon signage and theft from landlord in the amount of: \$ 5,000.00
- Damages for the unjust detention of the real property in the amount of \$ \_\_\_\_\_
- Rent remaining due and unpaid on filing date in the amount of \$ \_\_\_\_\_
- And additional rent remaining due and unpaid on hearing date \$ \_\_\_\_\_
- Attorney fees in the amount of \$ \_\_\_\_\_

THE PLAINTIFF FURTHER ALLEGES THAT:

Total: \$ \_\_\_\_\_

1. The location and the address, if any, of the real property is: 34-36 N. Brady Street, DuBois, PA
2. The plaintiff is the landlord of that property.
3. He leased or rented the property to you or to \_\_\_\_\_ under whom you claim.
4.  Notice to quit was given in accordance with law, or  
 No notice is required under the terms of the lease.
5.  The term for which the property was leased or rented is fully ended, or  
 A forfeiture has resulted by reason of a breach of the conditions of the lease, to wit: removal of neon signage and theft from landlord or,
- Rent reserved and due has, upon demand, remained unsatisfied.

6. You retain the real property and refuse to give up its possession.

I, David J. Hopkins, Esquire verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C. S. § 4904) relating to unsworn falsification to authorities.

David J. Hopkins, Esquire, 100 Meadow Lane, Suite 5, DuBois, PA 814-375-0300  
(Plaintiff's Attorney) (Address) (Phone)

IF YOU HAVE A DEFENSE to this complaint you may present it at the hearing. If you do not appear at the hearing, a judgment for possession may result in your EVICTION. If you are disabled and require a reasonable accommodation, please contact the Magisterial District Court at the AOPC 310A-05.

**EXHIBIT**

tabby

The plaintiff arising out of the occupancy of the premises. File it on a complaint form at this office BEFORE THE TIME set for the hearing. If you do not appear at the hearing, a judgment for possession may result in your EVICTION. If you are disabled and require a reasonable accommodation, please contact the Magisterial District Court at the AOPC 310A-05.

The Magisterial District Court and its services, number. We are unable to provide transportation. Summary of testimony may be recorded on reverse side.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Magisterial District Number: 46-3-01

MDJ: Hon. PATRICK N. FORD

Address: 309 MAPLE AVE  
DUBOIS, PA 15801

Telephone: 814-371-5321

POLICE CRIMINAL COMPLAINT  
COMMONWEALTH OF PENNSYLVANIA

VS.

(NAME and ADDRESS)

DEFENDANT:

SUSAN

First Name

E

Middle Name

SEHRING

Last Name

Gen.

1224 JOSEPH ROAD  
CLEARFIELD, PA 16830

- 1-Felony Full  
 2-Felony Ltd.  
 3-Felony Surrounding States  
 Distance: \_\_\_\_\_

- 4-Felony No Ext.  
 5-Felony Pend.  
 A-Misdemeanor Full

- B-Misdemeanor Limited  
 C-Misdemeanor Surrounding States  
 D-Misdemeanor No Extradition

- E-Misdemeanor Pending

NCIC Extradition Code Type

DEFENDANT IDENTIFICATION INFORMATION					
RACE	ETHNICITY	Docket Number	Date Filed	OTN/LiveScan Number	Complaint/Incident Number
<input checked="" type="checkbox"/> White	<input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown	CR 21308	6-10-08	K812996-2	20080508M2884
Asian		DOB	POB		
Black		12/21/1952			
Native American	GENDER	Add'l. DOB	SSN	Add'l. SSN	
Unknown	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	/ /	161-40-8394		
AKA		First Name	Middle Name	Last Name	Gen.
HAIR COLOR		<input type="checkbox"/> GRY (Gray) <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green)	<input checked="" type="checkbox"/> RED (Red/Aubn) <input type="checkbox"/> ONG (Orange) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> SDY (Sandy)	BLN (Blonde / Strawberry) WHI (White) XXX (Unk./Bald)	EYE COLOR
					<input type="checkbox"/> GRN (Green) <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> BRO (Brown)
					<input type="checkbox"/> PNK (Pink) <input type="checkbox"/> GRY (Gray) <input checked="" type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon)
Driver License	State	License Number	Expires	WEIGHT (lbs.)	
DNA	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DNA Location	12/22/2011	0	
FBI Number			MNU Number	HEIGHT	
Fingerprint Classification:				5	4

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat	Registration Sticker (MM/YY)	Comm'l Veh. Ind.	School Veh.	Oth. NCIC Veh. Code
VIN		<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
		Year	Make	Model	Style	Color
		0				

Office of the attorney for the Commonwealth  Approved  Disapproved because:

(The attorney for the Commonwealth may require the complaint, arrest warrant affidavit, or both, be approved by the attorney for the Commonwealth prior to filing. See P.A.R.Crim.P 307).

F. Cetec Br. II. III Dubois Atty

(Name of the attorney for the Commonwealth-Please Print or Type)

(Signature of the attorney for the Commonwealth)

6-10-08

(Date)

I, OFC. RONALD A. LAROTONDA

(Name of the Affiant)

of DuBois City Police

(Identify Department or Agency Represented and Political Subdivision)

do hereby state:

1.  I accuse the above named defendant who lives at the address set forth above  
 I accuse the defendant whose name is unknown to me but who is described as

I accuse the defendant whose name and popular designation are unknown to me and whom I have therefore designated as John Doe or Jane Doe

with violating the penal laws of the Commonwealth of Pennsylvania at [301] CITY OF DUBOIS  
34-36 N. BRADY ST DUBOIS BLACK THIA REST. & HOUSE OF JAZZ

in CLEARFIELD County [ 17 ] on or about January through April 2008  
(County Code)

EXHIBIT

tables

 POLICE CRIMINAL COMPLAINT

Docket Number: <b>CR-212-08</b>	Date Filed: <b>6-10-08</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20080508M2884</b>
Defendant Name <b>SUSAN</b>	First: <b>SUSAN</b>	Middle: <b>E</b>	Last: <b>SEHRING</b>

2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA C.C. 4904) relating to unsworn falsification to authorities.
4. This complaint is comprised of the preceding Page, as well as the attached pages that follow, numbered 3 through 9 specifying the offenses and Participants, if any.

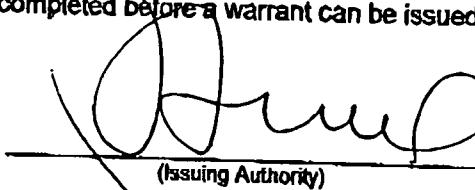
The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of Assembly, or in violation of the statutes cited. (Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

6-10-08  
(Date)

Ronald A. Zitlakow  
(Signature of Affiant)

AND NOW, on this date 6-10-08 I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed before a warrant can be issued.

46-3-01  
(Magisterial District Court Number)

  
(Issuing Authority)

  
SEAL

**POLICE CRIMINAL COMPLAINT**

Docket Number: <b>CR 213-08</b>	Date Filed: <b>6-10-08</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20080508M2884</b>
Defendant Name	First: <b>SUSAN</b>	Middle: <b>E</b>	Last: <b>SEHRING</b>

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate: (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	Conspiracy 18 903	<input checked="" type="checkbox"/> A1 (Engaging)	<input checked="" type="checkbox"/> A2 (Aiding)	<input checked="" type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A
Lead? Offense #	<b>1</b>	<b>0903</b>	<b>A-1</b>	of the <b>18</b>	<b>1</b>	<b>F3</b>	<b>01A/09A</b>
PennDOT Data (if applicable)	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
					<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone

Acts of the accused associated with this Offense:

**CRIMINAL CONSPIRACY**

The Actor, Susan E. SERHING, on or about, January 18 through March 29, 2008, in the City of DuBois, County of Clearfield, State of Pennsylvania, with the intent of promoting or facilitating the crime of, Theft By Deception, Receiving with, John SERHING III, that they or one or more of them would engage in conduct constituting such crime or crimes and in furtherance thereof did commit the overt act(s), in violation of Section 903(a)(1) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 903(a)(1), Felony - 3.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	Conspiracy 18 903	<input type="checkbox"/> A1 (Engaging)	<input type="checkbox"/> A2 (Aiding)	<input type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A
Lead? Offense #	<b>2</b>	<b>0903</b>	<b>A-2</b>	of the <b>18</b>	<b>1</b>	<b>F3</b>	<b>01A/09A</b>
PennDOT Data (if applicable)	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
					<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone

Acts of the accused associated with this Offense:

**CRIMINAL CONSPIRACY**

The Actor, Susan E. SERHING, on or about, January 18 through March 29, 2008, in the City of DuBois, County of Clearfield, State of Pennsylvania, with the intent of promoting or facilitating the crime of, Theft By Deception, Receiving to aid, John SERHING III, in the planning or commission of the aforesaid crime or crimes and in furtherance thereof did commit the overt act(s), in violation of Section 903(a)(2) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 903(a)(2), Felony - 3.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	Conspiracy 18 903	<input type="checkbox"/> A1 (Engaging)	<input type="checkbox"/> A2 (Aiding)	<input type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A
Lead? Offense #	<b>3</b>	<b>3922</b>	<b>A1</b>	of the <b>18</b>	<b>1</b>	<b>F3</b>	<b>110/26A</b>
PennDOT Data (if applicable)	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
					<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone

Acts of the accused associated with this Offense:

**THEFT BY DECEPTION**

The Actor, Susan E. SERHING, on or about, January 18 through March 29, 2008, in the City of DuBois, County of Clearfield, State of Pennsylvania, intentionally obtained or withheld property, belonging to, Dr. Jeffrey RICE, by creating or reinforcing a false impression, namely, issuing altered or false receipts for payment or reimbursement to Dr. Jeffrey RICE, for the payment of bands at the Black Thai Rest. & House of Jazz on seven different occasions from January 18 through March 29, 2008, totaling \$2,650.00, in violation of Section 3922(a)(1) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 3922(a)(1), Felony - 3.

**POLICE CRIMINAL COMPLAINT**

Docket Number: <i>CR-213-08</i>	Date Filed: <i>6-10-08</i>	OTN/LiveScan Number	Complaint/Incident Number <b>20080508M2884</b>
Defendant Name <b>SUSAN</b>	First: <b>SUSAN</b>	Middle: <b>E</b>	Last: <b>SEHRING</b>

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate:  
(Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	Conspiracy 18 903	<input type="checkbox"/> A1 (Engaging)	<input type="checkbox"/> A2 (Aiding)	<input type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A
Lead? <input type="checkbox"/>	Offense # <b>4</b>	3922	Section <b>A3</b>	of the <b>18</b>	Counts <b>1</b>	Grade <b>F3</b>	NCIC Offense Code <b>110/26A</b>
PennDOT Data (If applicable)	Accident Number					<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone

Acts of the accused associated with this Offense:

**THEFT BY DECEPTION**

The Actor, Susan E. SERHING, on or about, January 18 through March 29, 2008, in the City of DuBois, County of Clearfield, State of Pennsylvania, intentionally obtained or withheld property, belonging to Dr. Jeffrey RICE, by failing to correct a false impression which the deceiver previously created or reinforced, or which the deceiver knows to be influencing another to whom he stands in fiduciary or confidential relationship, namely, issuing altered or false receipts for payment or reimbursement to Dr. Jeffrey RICE, for the payment of bands at the Black Thai Rest. & House of Jazz on seven different occasions from January 18 through March 29, 2008, totaling \$2,650.00, in violation of Section 3922(a)(3) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 3922(3), Felony - 3.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	Conspiracy 18 903	<input type="checkbox"/> A1 (Engaging)	<input type="checkbox"/> A2 (Aiding)	<input type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A
Lead? <input type="checkbox"/>	Offense # <b>5</b>	3925	Section <b>A</b>	of the <b>18</b>	Counts <b>1</b>	Grade <b>F3</b>	NCIC Offense Code <b>130/280</b>
PennDOT Data (If applicable)	Accident Number					<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone

Acts of the accused associated with this Offense:

**RECEIVING STOLEN PROPERTY**

The Actor, Susan E. SERHING, on or about, January 18 through March 29, 2008, in the City of DuBois, County of Clearfield, State of Pennsylvania, intentionally received, retained or disposed of movable property, namely, issuing altered or false receipts for payment or reimbursement to Dr. Jeffrey RICE, for the payment of bands at the Black Thai Rest. & House of Jazz on seven different occasions from January 18 through March 29, 2008, totaling \$2,650.00, belonging to, Dr. Jeffrey RICE, with no intent to restore it to the owner, knowing that such property was stolen or believing that it had probably been stolen, in violation of Section 3925(a) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 3925(a), Felony - 3.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	Conspiracy 18 903	<input type="checkbox"/> A1 (Engaging)	<input type="checkbox"/> A2 (Aiding)	<input type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A
Lead? <input type="checkbox"/>	Offense # <b>6</b>	3927	Section <b>A</b>	of the <b>18</b>	Counts <b>1</b>	Grade <b>F3</b>	NCIC Offense Code <b>120/270</b>
PennDOT Data (If applicable)	Accident Number					<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone

Acts of the accused associated with this Offense:

**THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF FUNDS RECEIVED**

The Actor, Susan E. SERHING, on or about, January 18 through March 29, 2008, in the City of DuBois, County of Clearfield, State of Pennsylvania, obtained property, namely, \$2,650.00, belonging to, Dr. Jeffrey RICE, upon agreement, or subject to a known legal obligation to make specified payments or other disposition of the property or its proceeds or from his own property to be reserved in an equivalent amount, namely, \$2,650.00, and said actor intentionally dealt with the property so obtained as his own and failed to make the required disposition or payment, in violation of Section 3927(a) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 3927(a), Felony - 3.

# POLICE CRIMINAL COMPLAINT

Docket Number: CR 213-08	Date Filed: 6-15-08	OTN/LiveScan Number	Complaint/Incident Number 20080508M2884
Defendant Name	First: SUSAN	Middle: E	Last: SEHRING

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate:  
 (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	<input type="checkbox"/> A1 (Engaging)	<input type="checkbox"/> A2 (Aiding)	<input type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 76 Only) 75 1575 A
Lead? <input type="checkbox"/>	Offense # 7	Section 4101	Subsection A3	of the 18	Counts 7	Grade F3	NCIC Offense Code 100/250
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone				<input type="checkbox"/> Work Zone	

Acts of the accused associated with this Offense:

FORGERY

The Actor, Susan E. SERHING, on or about, January 18 through March 29, 2008, in the City of DuBois, County of Clearfield, State of Pennsylvania, unlawfully uttered a writing or writings, namely, Receipts #'s 186503 on 01/18/08, #186508 on 02/22/08, #186508 on 03/07/08, #115116 on 03/14/08, #115117 on 03/29/08, and receipts #115121 & 115122 on 03/29/08, and invoice for February 2008 charging three false band payments. Totaling amount is \$2,650.00, in the amount of which said actor knew to be forged, namely, \$2,650.00, with intent to defraud or injure, Dr. Jeffrey RICE, in violation of Section 4101(a)(3) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 4101(a)(3), Felony -3.

## CRIMINAL COMPLAINT

Case Number: CQ 213-08	Date Filed: 11	OTN/LiveScan Number	Complaint/Incident Number 20080508M2884
Defendant Name SUSAN	First: SUSAN	Middle: E	Last: SEHRING

## AFFIDAVIT of PROBABLE CAUSE

On Thursday, 05/08/2008 at approximately 18:10 hours, I, OFC. RONALD A. LAROTONDA received a complaint from Dr. Rice over the phone and later in person on March 12, 2008, in reference possible theft occurring at the Black Thai LLC, which includes the Black Thai Restaurant and the House of Jazz, at 34-36 N. Brady Street, DuBois City, Clearfield County, Pennsylvania, 15801.

Dr. Rice advised that he owns 100% of the stock of the Black Thai LLC. and has an agreement with John Serhing III and Susan E. Serhing who are renting half of the space, which includes the dining room and kitchen. The bar is owned by the Black Thai LLC. Dr. Rice and his bookkeeper, Irene LaBance, discovered that there were discrepancies in monies received and monies paid out that covered all revenue and expenses from the Liquor(Bar & Conference Room), Dining (Restaurant & Conference Room) sales, as well as, the payments made out to several bands by receipts that were either forged, altered and modified showing the bands playing on days that they were not playing or the bands receipts being alter showing different amounts being paid out to the bands and submitted to Dr. Rice for payment. The band involved or effected were the Dos Hombres Band and the Keystone Kats Jazz Band.

In checking the receipts, statements from the band members, and receipts and invoices turned into Dr. Rice's Office by both John Serhing III and Susan E. Serhing for payment of the expenses from the Black Thai Rest. and House of Jazz clearly show numerous discrepancies in the receipts turned in.

Dr. Rice's bookkeeper, Irene LaBance advised that both John and Susan SERHING turned in the receipts and invoices in question from January 18 through March 29, 2008, showing their expenses and monies brought into the Black Thai Rest. and House of Jazz. LaBance even confronted John Serhing about the Dos Hombres Band receiving and increase from \$200.00 a night to being paid \$400.00 a night, and John advised that they added another band member and that he would attempt to get them to take \$200.00 a night. In checking with the band members they never added another member and they never received more than \$200.00 a night for playing at the House of Jazz.

On January 18, 2008, receipt # 186503 was issued showing that the Dos Hombres Band played from 9:00pm till midnight and received payment of \$200.00, signed by Tom Frech. In speaking with both band members, they advised that they did not play that evening and Thomas Frech advised that his signature was forged on the receipt.

On February 22, 2008, receipt # 186508 was issued showing the Dos Hombres Band playing at the House of Jazz for \$400.00 and signed by Chris Salad, the wife of one of the band members. Both band members said that they did not play that evening and Mrs. Salad advised that her signature was forged.

At the end of February 2008, a hand written form called "Pay Outs" was turned into Irene LaBance from Susan E. Serhing showing several band payments being paid during the month of February. On February 8, 2008, the Keystone Kats Jazz Band was being shown as playing for \$650.00. In checking with all three band members of the Keystone Kats, they all advised that they were not at the House of Jazz. On February 9 & 15, 2008, the invoice also showed that the Dos Hombres Band was playing; however, one again in checking with the band members they both advised that they did not play either date for the \$200.00 quoted for each night. Total loss on invoice was \$1,050.00.

On March 7, 2008, receipt # 186506 was issued showing the Dos Hombres Band playing at the House of Jazz for \$400.00 and signed by Chris Salad, the wife of one of the band members. Both band members said that they did not play that evening and again Mrs. Salad advised that her signature was forged.

On March 14, 2008, receipt # 115116 was issued and on March 22, 2008, receipt # 115117 was issued showing that the Dos Hombres Band was playing at the House of Jazz for \$200.00 each night. The receipts when turned into Dr. Rice's Office was changed showing that they were paid \$400.00 each night. The bands receipts clearly show that the top copy

**CRIMINAL COMPLAINT**

Docket Number: <b>C 2213-08</b>	Date Filed: <b>11</b>	OTM/LiveScan Number	Complaint/Incident Number <b>20080508M2884</b>
Defendant Name	First: <b>SUSAN</b>	Middle: <b>E</b>	Last: <b>SEHRING</b>

**AFFIDAVIT of PROBABLE CAUSE**

was signed by the wives of the band members but the amount was wrote in on their yellow copy to show they received \$200.00 and \$400.00 was wrote on the top copy, which was turned into Dr. Rice for reimbursement.

On March 29, 2008, receipt # 115121 was issued to the Dos Hombres Band showing that they played that night for \$200.00; however again the yellow copy of the receipt showed the amount being altered to show \$200.00. This receipt was never turned in for that evening. Another receipt # 115122 was turned into Dr. Rice's Office showing payment for that night in the amount of \$400.00 with Mrs. Salad's signature being forged on that receipt.

The total monies involved with the above receipts and invoice that was submitted to Dr. Rice for reimbursement or shown as expenses that were not incurred or altered was \$2,650.00.

In speaking with the members of the Keystone Kats Jazz Band and the Dos Hombres Band members and Chris Salada, they advised that they would receive payment from either John Serhing III or Susan E. Serhing when they played at the House of Jazz.

Based on the above facts, information, and statement received, this officer believes that the information provided is true and correct to best of his knowledge, information and belief.

I, OFC. RONALD A. LAROTONDA (308), BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FORGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Sworn to me and subscribed before me this

01-10-08

Date

*Ronald A. LaRotonda*  
(Signature of Affiant)

day of

01-10-08

, Magisterial District Judge

My commission expires first Monday of January,

**SEAL**

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

Magisterial District Number: 46-3-01

MDJ: Hon. PATRICK N. FORD

Address: 309 MAPLE AVE  
DUBOIS, PA 15801

Telephone: 814-371-5321

POLICE CRIMINAL COMPLAINT  
COMMONWEALTH OF PENNSYLVANIA

VS.

(NAME and ADDRESS)

DEFENDANT:

JOHN

First Name

Middle Name

Last Name

Gen.

SEHRING III

1224 JOSEPH ROAD  
CLEARFIELD, PA 16830

NCIC Extradition Code Type

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> 1-Felony Full               | <input type="checkbox"/> 4-Felony No Ext.   | <input type="checkbox"/> B-Misdemeanor Limited            | <input type="checkbox"/> E-Misdemeanor Pending |
| <input type="checkbox"/> 2-Felony Ltd.               | <input type="checkbox"/> 5-Felony Pend.     | <input type="checkbox"/> C-Misdemeanor Surrounding States |  |
| <input type="checkbox"/> 3-Felony Surrounding States | <input type="checkbox"/> A-Misdemeanor Full | <input type="checkbox"/> D-Misdemeanor No Extradition     |  |
| <input type="checkbox"/> Distance: _____             |   |   |  |

DEFENDANT IDENTIFICATION INFORMATION

RACE <input checked="" type="checkbox"/> White	ETHNICITY <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic	Docket Number <b>C021208</b>	Date Filed <b>06/06/2008</b>	OTN/LiveScan Number <b>K812995-1</b>	Complaint/Incident Number <b>20080508M2884</b>		
Asian	Black	DOB <b>06/30/1978</b>	POB				
Black	Native American	Add'l. DOB <b>/ /</b>	SSN <b>200-58-1804</b>	Add'l. SSN			
Native American	Unknown	GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	First Name AKA	Middle Name	Last Name		
Unknown					Gen.		
SID:		HAIR COLOR <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLU (Blue) <input checked="" type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green)	<input type="checkbox"/> GRY (Gray) <input type="checkbox"/> ONG (Orange) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> SDY (Sandy)	<input type="checkbox"/> RED (Red/Aubn) <input type="checkbox"/> BLN (Blonde / Strawberry) <input type="checkbox"/> WHT (White) <input type="checkbox"/> XXX (Unk./Bald)	EYE COLOR <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> BRO (Brown)	<input type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon)	<input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL <input type="checkbox"/> (Multicolored) <input type="checkbox"/> UNK-(Unknown)
Request Lab Service? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		License Number <b>24636025</b>			Expires <b>07/01/2010</b>	WEIGHT (lbs.) <b>0</b>	
Driver License	State <b>PA</b>						
DNA	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DNA Location					
FBI Number	MINU Number			HEIGHT Pt. In. <b>5 7</b>			
Fingerprint Classifications							

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY)	Comm'l Veh. Ind.	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code
VIN	Year <b>0</b>	Make	Model	Style	Color	

Office of the attorney for the Commonwealth  Approved  Disapproved because: \_\_\_\_\_

(The attorney for the Commonwealth may require the complaint, arrest warrant affidavit, or both, be approved by the attorney for the Commonwealth prior to filing. See P.A.R.Crim.P 507.)

F. Carter Bell III *F. Carter*  
(Name of the attorney for the Commonwealth-Please Print or Type)

(Signature of the attorney for the Commonwealth)

F. Carter Bell III *F. Carter*  
(Signature of the attorney for the Commonwealth)

(Date)

I, OFC. RONALD A. LAROTONDA

(Name of the Affiant)

of Dubois City Police

(Identify Department or Agency Represented and Political Subdivision)

do hereby state:

- I accuse the above named defendant who lives at the address set forth above  
 I accuse the defendant whose name is unknown to me but who is described as

I accuse the defendant whose name and popular designation are unknown to me and whom I have therefore designated as John Doe or Jane Doe

with violating the penal laws of the Commonwealth of Pennsylvania at **[301]** **1 CITY OF DUBOIS**  
**34-36 N. BRADY ST DUBOIS BLACK THIA REST. & HOUSE OF JAZZ** **(Subdivision Code)** **(Place-Political Subdivision)**

in CLEARFIELD County **[ 17 ]** on or about January through April 2008  
**(County Code)**

 POLICE CRIMINAL COMPLAINT

Docket Number: <u>C.R.212-08</u>	Date Filed: 06/06/2008	OTN/LiveScan Number	Complaint/Incident Number 20080508M2884
Defendant Name	First: <b>JOHN</b>	Middle:	Last: <b>SEHRING III</b>

2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA C.C. 4904) relating to unsworn falsification to authorities.
4. This complaint is comprised of the preceding Page, as well as the attached pages that follow, numbered 3 through 9 specifying the offenses and Participants, if any.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of Assembly, or in violation of the statutes cited. (Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

6/10/08

(Date)

Frankie a Yorkdale

(Signature of Affiant)

AND NOW, on this date 6.10.08 I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed before a warrant can be issued.

46-3-01

(Magisterial District Court Number)

Deuel

(Issuing Authority)

SEAL

**POLICE CRIMINAL COMPLAINT**

Docket Number: <b>CR 212-08</b>	Date Filed: <b>06/06/2008</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20080508M2884</b>
Defendant Name	First: <b>JOHN</b>	Middle:	Last: <b>SEHRING III</b>

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate:  
(Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	Conspiracy 18 903	<input checked="" type="checkbox"/> A1 (Engaging)	<input checked="" type="checkbox"/> A2 (Aiding)	<input checked="" type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A
Lead? Offense #	<b>1</b>	<b>0903</b>	<b>A-1</b>	of the PA Statute (Title)	<b>18</b>	<b>1</b>	<b>F3</b>
PennDOT Data (if applicable)	Accident Number				<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	

Acts of the accused associated with this Offense:

**CRIMINAL CONSPIRACY**

The Actor, John SERHING III, on or about, January 18, through March 29, 2008, in the City of DuBois, County of Clearfield, State of Pennsylvania, with the intent of promoting or facilitating the crime of, Theft By Deception, Receiving Stolen Property, Theft By Failure To Make Required Disposition Of Funds Received and Forgery, conspired and agreed with, Susan E. SERHING, that they or one or more of them would engage in conduct constituting such crime or crimes and in furtherance thereof did commit the overt act(s), in violation of Section 903(a)(1) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 903(a)(1), Felony -3.

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	Conspiracy 18 903	<input checked="" type="checkbox"/> A1 (Engaging)	<input checked="" type="checkbox"/> A2 (Aiding)	<input checked="" type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A
Lead? Offense #	<b>2</b>	<b>0903</b>	<b>A-2</b>	of the PA Statute (Title)	<b>18</b>	<b>1</b>	<b>F3</b>
PennDOT Data (if applicable)	Accident Number				<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	

Acts of the accused associated with this Offense:

**CRIMINAL CONSPIRACY**

The Actor, John SERHING III, on or about, January 18, through March 29, 2008, in the City of DuBois, County of Clearfield, State of Pennsylvania, with the intent of promoting or facilitating the crime of, Theft By Deception, Receiving Stolen Property, Theft By Failure To Make Required Disposition Of Funds Received and Forgery, conspired and agreed to aid, Susan E. SERHING, in the planning or commission of the aforesaid crime or crimes and in furtherance thereof did commit the overt act(s), in violation of Section 903(a)(2) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 903(a)(2), Felony - 3.

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	Conspiracy 18 903	<input type="checkbox"/> A1 (Engaging)	<input type="checkbox"/> A2 (Aiding)	<input type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A
Lead? Offense #	<b>3</b>	<b>3922</b>	<b>A1</b>	of the PA Statute (Title)	<b>18</b>	<b>1</b>	<b>F3</b>
PennDOT Data (if applicable)	Accident Number				<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone	

Acts of the accused associated with this Offense:

**THEFT BY DECEPTION**

The Actor, John SERHING III, on or about, January 18 through March 29, 2008, in the City of DuBois, County of Clearfield, State of Pennsylvania, intentionally obtained or withheld property, belonging to, Dr. Jeffrey RICE, by creating or reinforcing a false impression, namely, issuing altered or false receipts for payment or reimbursement to Dr. Jeffrey RICE for the payment of bands at the Black Thia Rest. & House of Jazz on seven different occasions from January 18 through March 29, 2008, totaling \$2,650.00, in violation of Section 3922(a)(1) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 3922(a)(1), Felony - 3.

**POLICE CRIMINAL COMPLAINT**

Docket Number: <i>CE 212-C8</i>	Date Filed: <b>06/06/2008</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20080508M2884</b>
Defendant Name	First: <b>JOHN</b>	Middle:	Last: <b>SEHRING III</b>

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate: (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	Conspiracy 18 903	<input type="checkbox"/> A1 (Engaging)	<input type="checkbox"/> A2 (Aiding)	<input type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A	
Lead?	<input type="checkbox"/> 4	Offense # Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code <b>110/26A</b>
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Safety Zone			<input type="checkbox"/> Work Zone	

Acts of the accused associated with this Offense:

**THEFT BY DECEPTION**

The Actor, John SERHING III, on or about, January 18 through March 29, 2008, in the City of DuBois, County of Clearfield, State of Pennsylvania, intentionally obtained or withheld property, belonging to, Dr. Jeffrey RICE, by failing to correct a false impression which the deceiver previously created or reinforced, or which the deceiver knows to be influencing another to whom he stands in fiduciary or confidential relationship, namely, issuing altered or false receipts for payment or reimbursement to Dr. Jeffrey RICE for the payment of bands at the Black Thia Rest. & House of Jazz on seven different occasions from January 18 through March 29, 2008, totaling \$2,650.00, in violation of Section 3922(a)(3) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 3922(a)(1), Felony - 3.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	Conspiracy 18 903	<input type="checkbox"/> A1 (Engaging)	<input type="checkbox"/> A2 (Aiding)	<input type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A	
Lead?	<input type="checkbox"/> 5	Offense # Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code <b>130/280</b>
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Safety Zone			<input type="checkbox"/> Work Zone	

Acts of the accused associated with this Offense:

**RECEIVING STOLEN PROPERTY**

The Actor, John SERHING III, on or about, January 18 through March 29, 2008, in the City of DuBois, County of Clearfield, State of Pennsylvania, intentionally received, retained or disposed of movable property, namely, issuing altered or false receipts for payment or reimbursement to Dr. Jeffrey RICE for the payment of bands at the Black Thia Rest. & House of Jazz on seven different occasions from January 18 through March 29, 2008, totaling \$2,650.00, belonging to, Dr. Jeffrey RICE, with no intent to restore it to the owner, knowing that such property was stolen or believing that it had probably been stolen, in violation of Section 3925(a) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 3925(a), Felony - 3.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	Conspiracy 18 903	<input type="checkbox"/> A1 (Engaging)	<input type="checkbox"/> A2 (Aiding)	<input type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A	
Lead?	<input type="checkbox"/> 6	Offense # Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code <b>120/270</b>
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Safety Zone			<input type="checkbox"/> Work Zone	

Acts of the accused associated with this Offense:

**THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF FUNDS RECEIVED**

The Actor, John SERHING III, on or about, January 18 through March 29, 2008, in the City of DuBois, County of Clearfield, State of Pennsylvania, obtained property, namely, \$2650.00 in monies, belonging to, Dr. Jeffrey RICE, upon agreement, or subject to a known legal obligation to make specified payments or other disposition of the property or its proceeds or from his own property to be reserved in an equivalent amount, namely, \$2650.00 in monies, and said actor intentionally dealt with the property so obtained as his own and failed to make the required disposition or payment, in violation of Section 3927(a) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S.

**POLICE CRIMINAL COMPLAINT**

Docket Number: <i>CE 212-cy</i>	Date Filed: <b>06/06/2008</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20080508M2884</b>
Defendant Name	First: <b>JOHN</b>	Middle:	Last: <b>SEHRING III</b>

The acts committed by the accused are described below with each Act of Assembly or statute violated, if appropriate:  
(Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged: A citation to the statute(s) violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated.)

3927(a), Felony - 3.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	Conspiracy 18 903	<input type="checkbox"/> A1 (Engaging)	<input type="checkbox"/> A2 (Aiding)	<input type="checkbox"/> B (Knowledge)	<input type="checkbox"/> Permitting (Title 75 Only) 75 1575 A
Lead?	<input type="checkbox"/> 7	<b>4101</b>	<b>A3</b>	of the	<b>18</b>	<b>1</b>	<b>F3</b>
Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone	

Acts of the accused associated with this Offense:

**FORGERY**

The Actor, John SERHING III, on or about, January 18 through March 29, 2008, in the City of DuBois, County of Clearfield; State of Pennsylvania, unlawfully uttered a writing or writings, namely, Receipts #'s 186503 on 01/18/08, #186508 on 02/22/08, #186506 on 03/07/08, #115116 on 03/14/08, #115117 on 03/22/08, and receipts #115121 & #115122 on 03/29/08, and Invoice for February 2008 charging three false band payments. Total amount is \$2,650.00, in the amount of which said actor knew to be forged, namely, \$2,650.00, with intent to defraud or injure, Dr. Jeffrey RICE, in violation of Section 4101(a)(3) of the Pennsylvania Crimes Code, Act of December 6, 1972, as amended, 18 Pa. C.S. 4101(a)(3), Felony - 3.

**CRIMINAL COMPLAINT**

Docket Number: <b>CR22-08</b>	Date Filed: <b>06/06/2008</b>	OTN/LiveScan Number	Complaint/Incident Number <b>20080508M2884</b>
Defendant Name	First: <b>JOHN</b>	Middle:	Last: <b>SEHRING III</b>

**AFFIDAVIT of PROBABLE CAUSE**

On Thursday, 05/08/2008 at approximately 18:10 hours, I, OFC. RONALD A. LAROTONDA received a complaint from Dr. Rice over the phone and later in person on March 12, 2008, in reference possible theft occurring at the Black Thai LLC, which includes the Black Thia Restaurant and the House of Jazz, at 34-36 N. Brady Street, DuBois City, Clearfield County, Pennsylvania, 15801.

Dr. Rice advised that he owns 100% of the stock of the Black Thai LLC. and has an agreement with John Serhing III and Susan E. Serhing who are renting half of the space, which includes the dinning room and kitchen. The bar is owned by the Black Thia LLC. Dr. Rice and his bookkeeper, Irene LaBance, discovered that there were discrepancies in monies received and monies paid out that covered all revenue and expenses from the Liquor(Bar & Conference Room); Dinning (Restaurant & Conference Room) sales, as well as, the payments made out to several bands by receipts that were either forged, altered and modified showing the bands playing on days that they were not playing or the bands receipts being alter showing different amounts being paid out to the bands and submitted to Dr. Rice for payment. The band involved or effected were the Dos Hombres Band and the Keystone Kats Jazz Band.

In checking the receipts, statements from the band members, and receipts and invoices turned into Dr. Rice's Office by both John Serhing III and Susan E. Serhing for payment of the expenses from the Black Thai Rest. and House of Jazz clearly show numerous discrepancies in the receipts turned in.

Dr. Rice's bookkeeper, Irene LaBance advised that both John and Susan SERHING turned in the receipts and invoices in question from January 18 through March 29, 2008, showing their expenses and monies brought into the Black Thai Rest. and House of Jazz. LaBance even confronted John Serhing about the Dos Hombres Band receiving an increase from \$200.00 a night to being paid \$400.00 a night, and John advised that they added another band member and that he would attempt to get them to take \$200.00 a night. In checking with the band members they never added another member and they never received more than \$200.00 a night for playing at the House of Jazz.

On January 18, 2008, receipt # 186503 was issued showing that the Dos Hombres Band played from 9:00pm till midnight and received payment of \$200.00, signed by Tom Frech. In speaking with both band members, they advised that they did not play that evening and Thomas Frech advised that his signature was forged on the receipt.

On February 22, 2008, receipt # 186508 was issued showing the Dos Hombres Band playing at the House of Jazz for \$400.00 and signed by Chris Salad, the wife of one of the band members. Both band members said that they did not play that evening and Mrs. Salad advised that her signature was forged.

At the end of February 2008, a hand written form called "Pay Outs" was turned into Irene Labance from Susan E. Serhing showing several band payments being paid during the month of February. On February 8, 2008, the Keystone Kats Jazz Band was being shown as playing for \$650.00. In checking with all three band members of the Keystone Kats, they all advised that they were not at the House of Jazz. On February 9 & 15, 2008, the invoice also showed that the Dos Hombres Band was playing; however, one again in checking with the band members they both advised that they did not play either date for the \$200.00 quoted for each night. Total loss on invoice was \$1,050.00.

On March 7, 2008, receipt # 186506 was issued showing the Dos Hombres Band playing at the House of Jazz for \$400.00 and signed by Chris Salad, the wife of one of the band members. Both band members said that they did not play that evening and again Mrs. Salad advised that her signature was forged.

On March 14, 2008, receipt # 115116 was issued and on March 22, 2008, receipt # 115117 was issued showing that the Dos Hombres Band was playing at the House of Jazz for \$200.00 each night. The receipts when turned into Dr. Rice's Office was changed showing that they were paid \$400.00 each night. The bands receipts clearly show that the top copy

**CRIMINAL COMPLAINT**

Docket Number: <i>4-212-08</i>	Date Filed: 06/06/2008	OTN/LiveScan Number	Complaint/Incident Number 20080508M2884
Defendant Name	First: JOHN	Middle:	Last: SEHRING III

**AFFIDAVIT of PROBABLE CAUSE**

was signed by the wives of the band members but the amount was wrote in on their yellow copy to show they received \$200.00 and \$400.00 was wrote on the top copy, which was turned into Dr. Rice for reimbursement.

On March 29, 2008, receipt # 115121 was issued to the Dos Hombres Band showing that they played that night for \$200.00; however again the yellow copy of the receipt showed the amount being altered to show \$200.00. This receipt was never turned in for that evening. Another receipt # 115122 was turned into Dr. Rice's Office showing payment for that night in the amount of \$400.00 with Mrs. Salad's signature being forged on that receipt.

The total monies involved with the above receipts and invoice that was submitted to Dr. Rice for reimbursement or shown as expenses that were not incurred or altered was \$2,650.00.

In speaking with the members of the Keystone Kats Jazz Band and the Dos Hombres Band members and Chris Salada, they advised that they would receive payment from either John Serhing III or Susan E. Serhing when they played at the House of Jazz.

Based on the above facts, information, and statement received, this officer believes that the information provided is true and correct to best of his knowledge, information and belief.

I, OFC. RONALD A. LAROTONDA (306), BEING DULY SWEORN ACCORDING TO THE  
LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FORGOING AFFIDAVIT ARE TRUE AND  
CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

(Signature of Affiant)

Sworn to me and subscribed before me this

*6-10-08*

Date

day of

*6-10-08*

Magisterial District Judge

My commission expires first Monday of January,

SEAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA  
(CIVIL DIVISION)

JEFFREY W. RICE,

Petitioner

vs.

: No. 08-1080-CD

SUSAN E. SEHRING and  
JOHN SEHRING, III,

Defendants

**ORDER**

AND NOW, this 12<sup>th</sup> day of June, 2008, upon consideration of the Petition for Special Relief, it is hereby ORDERED that:

1. A Rule is issued upon Respondent to show cause why the moving party is not entitled to the relief requested.
2. The Respondent shall file an Answer to the Petition within \_\_\_\_ days of this date;
3. The Petition shall be decided under Pa.R.C.P. §206.7;
4. An Evidentiary Hearing on disputed issues of material fact shall be held on the 17<sup>th</sup> day of June, 2008, at 1:30 o'clock 9.M., in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania;
5. Notice of the entry of this Order shall be provided to all parties by the moving party.

BY THE COURT,

  
\_\_\_\_\_  
JUDGE

FILED *6cc*  
01/10/55301 Atty Hopkins  
JUN 12 2008  
*jm*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JEFFREY W. RICE, \*  
Plaintiff \*  
vs. \* NO. 08-1080-CD  
SUSAN E. SEHRING and \*  
JOHN SEHRING, III, \*  
Defendants \*

O R D E R

NOW, this 18<sup>th</sup> day of June, 2008, following the taking of testimony, it is the  
ORDER of this Court that the Plaintiff's Petition for Special Relief be and is hereby  
DISMISSED.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

FILED 1CC R/Hy Hopkins  
07/23/08 2CC defts @  
JUN 18 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
1224 Joseph Rd  
Clearfield PA 16830  
G/R