

# The Road To Justice Starts Here

April 2020



**PURCHASE GEORGE  
& MURPHEY P.C.**  
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## REFERRALS

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## hangin' with your Peeps!

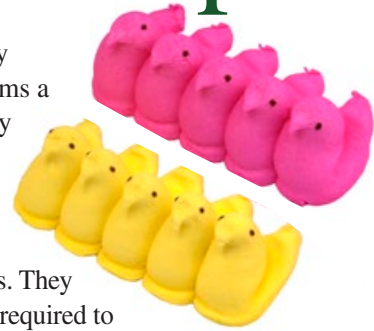
Peeps® top the list of non-chocolate Easter candy favorites. The soft, gooey marshmallow chicks, bunnies, and eggs are rolled in colored sugar that forms a less-soft outer coating. For some connoisseurs, stale is better. They expertly “age” their Peeps to make them crunchier.

Peeps were first produced by the Rodda Candy Company in Lancaster, Pennsylvania in the late 1940s. Just Born, a candy company located in Bethlehem, Pennsylvania, acquired Rodda in 1953 and was intrigued by Peeps. They quickly introduced an automated manufacturing system that reduced the time required to produce a Peep from 27 hours (everything handmade) to six minutes. Peeps were ready to take flight.

Speaking of which, the original Peeps were yellow chicks with wings. However, Just Born clipped those wings in 1955 to further streamline the manufacturing process. Flapping appendages got in the way.

Yellow chicks are still the favorite among Peeps varieties, which also come in pink, white, lavender, and blue. The sequels rarely outdo the original. Nearly 2 billion Peeps are produced each year. Roughly 700 million of those are snatched up during Easter season.

Peeps have a two-year shelf life and are nearly impervious to chemical assaults. In 1999, scientists at Emory University gauged their vulnerability to tap water, boiling water, acetone, sodium hydroxide, and sulfuric acid. Peeps survived them all. Phenol turned out to be Peeps' kryptonite, but even phenol couldn't dissolve Peeps' eyes, which lived to see another day. ■



## we're here for you!

At Purchase, George & Murphey, P.C. we are committed to following all CDC recommendations and Governor Wolf's Order to help prevent the spread of COVID-19 throughout this great nation of ours.

During this time, we also remain committed to our clients and others who need our help. The fact is that people will continue to be harmed by car, truck & motorcycle accidents, medical errors, and other kinds of accidents. Others will be accused of felonies, DUI, and other misdemeanors, placing their freedom in jeopardy.

Our entire team is here to protect your legal rights, defend your freedom, and press your cases to a fair and just result. Rest assured that we will continue to use our cutting-edge technology and case management systems to serve you. We are available by telephone, video conference, and email to ensure that you continue to receive the same great service that you and many others have come to expect from us.

If you or someone you care about needs a lawyer, call us at (814) 833-7100. We're here for you. ■

# SLOW COOKER Mediterranean stew

This meatless stew is not thin on flavor!

## Ingredients

- 2 14-ounce cans of fire-roasted diced tomatoes (no salt added)
- 3 c. low-sodium vegetable broth
- 1 c. coarsely chopped onions
- ¾ c. chopped carrots
- 4 cloves of garlic, minced
- 1 tsp. dried oregano
- ¾ tsp. salt
- ½ tsp. crushed red pepper
- ¼ tsp. ground pepper
- 1 15-ounce can of chickpeas (no salt added), rinsed and divided
- 1 bunch Lacinato kale, stemmed and chopped
- 1 Tbsp. lemon juice
- 3 Tbsp. extra-virgin olive oil
- Fresh basil leaves
- 6 lemon wedges (optional)



## Preparation

- Combine tomatoes, broth, onion, carrot, garlic, oregano, salt, crushed red pepper and pepper in a 4-quart slow cooker. Cover and cook on low setting for 6 hours.
- Measure ¼ cup of the liquid from the slow cooker into a small bowl. Add 2 Tbsp. chickpeas, and mash with a fork until smooth.
- Add the mashed chickpeas, kale, lemon, juice, and remaining chickpeas to the mixture in the slow cooker. Stir to combine. Cover and cook on low setting for about 30 minutes or until kale is tender.
- Ladle evenly into bowls (should make 6) and drizzle with oil. Garnish with basil. Serve with lemon wedges, if desired. ■

# a DUI in Pennsylvania

## COULD COST YOU YOUR SECOND AMENDMENT RIGHTS



A DUI conviction could mean losing the right to buy and own firearms in Pennsylvania, the U.S. Court of Appeals has decided.

The precedent-setting opinion handed down recently hinged on the federal government's definition of a "serious crime" — the level a crime must reach to trigger an individual being barred from buying firearms.

Under federal law, a serious crime is one that can carry a state-prison sentence of two or more years. In the case of Raymond Holloway Jr., a Montgomery County resident, that came in the form of a DUI.

In 2016, Holloway tried to buy a firearm and was told that his DUI conviction in 2005 meant he was barred from doing so, according to the court opinion written by Judge Patty Shwartz. Holloway had filed a lawsuit against the U.S. Attorney General, the FBI, and other officials, claiming a violation of his Second Amendment rights.

In 2002, Holloway was first charged with a DUI with a blood-alcohol concentration (BAC) at least twice the legal limit of .08%. That charge was wiped from his record after he completed the accelerated rehabilitation program (ARD).

Three years later in 2005, Holloway pleaded guilty to another DUI, court records show — with another BAC reading of at least twice the legal limit. The second time a person is convicted of DUI at the highest rate, it is a first-degree misdemeanor that carries up to five years in prison. Holloway was sentenced to 90 days — the mandatory minimum — after he pleaded guilty to the 2005 charge.

"The Legislature's mandate that repeat DUI offenders receive at least three months in jail reflects its judgment that such offenses are serious," Judge Shwartz wrote in the split opinion.

The 2-1 decision overturned a lower court ruling that would have reinstated Holloway's right to buy and own firearms. The U.S. District Court in central Pennsylvania initially sided with Holloway, agreeing that the DUI was "a non-serious crime" and that disarming Holloway would not "promote the public safety, particularly given his decade of crime-free behavior." ■



## ELEMENTS OF A

# wrongful death claim

A wrongful death claim can be brought against a defendant whose negligence, or carelessness, caused or contributed to someone's death.

If the victim had a will, a personal representative may pursue a wrongful death claim on behalf of the victim's estate. Otherwise, typically a close family member — a spouse, parents who lost a minor child, or minor child who lost a parent — can initiate an action. Laws concerning other relatives and scenarios vary from state to state.

The personal representative, or plaintiff, must show that the defendant, had a duty of care toward the victim (e.g., a motorist must drive responsibly and follow the rules of the road) and breached it; demonstrate how the defendant's negligence caused or contributed to the victim's death; and detail the economic damages resulting from the defendant's negligence, a sometimes complex process.



Since a wrongful death lawsuit is a civil action, the plaintiff must show that it's more likely than not that the defendant caused the wrongful death ("preponderance of evidence"), which is a lower threshold than a criminal trial's "beyond a reasonable doubt."

A plaintiff may seek compensation for medical expenses, funeral costs, loss of future earnings, financial support, and loss of care, comfort, and consortium. In addition to wrongful death damages, a plaintiff might be able to pursue a "survival action" — personal injury damages for the deceased's conscious pain and suffering (physical and emotional) for the time between their injury and their death.

If you lose a close family member due to negligent conduct, contact Purchase, George & Murphey, P.C. at (814) 833-7100 or learn more at [www.YourErieLawyers.com](http://www.YourErieLawyers.com). ■

## April 2020 – Mark Your Calendars

April 2 – National Ferret Day: Keep your shiny objects out of reach!

April 4 – National Walk Around Things Day: Can take this figuratively, but literally is better!

April 8 – National Zoo Lovers Day: There are about 350 in the country to visit.

April 11 – National Barbershop Quartet Day: A harmonious day, indeed.

April 16 – National High Five Day: Up high!

April 19 – National Garlic Day: Perhaps have some breath mints on hand.

April 25 – National Telephone Day: Do you have a landline?

April 28 – National Zipper Day: Modern version invented in 1913!



# Free Books



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# take my income. please!

The income tax came into existence in 1913 with the ratification of the 16th Amendment. Prior to 1913, excise taxes, tariffs, customs duties, and public land sales were enough to fund the U.S. government.

The groundwork for the income tax was laid in 1861 when President Abraham Lincoln signed into law the Revenue Act of 1861, which included a temporary income tax in order to pay for Civil War expenditures. The legislation was revised in 1862 and created the position of Commissioner of Internal Revenue (sound familiar?).

The income tax was repealed in 1872. Congress got nostalgic and attempted to enact it again in 1894. However, the legislation was challenged, the Supreme Court ruled it unconstitutional, and Congress was left bewildered, as the court reversed their ruling from a similar 1881 case. Congress took 15 years to regroup and then mounted their 16th Amendment effort.

The income tax was supported by the people because lower-income citizens were hit hardest by consumption taxes (taxes on goods and services). Most felt an income tax would force higher-income citizens to shoulder a fairer portion of the tax burden. The amendment pitched a shutout in the Senate, 77-0, and passed overwhelmingly in the House, 318-14. By 1913, the required 36 states had ratified it.

The 16th Amendment dramatically broadened the scope of the federal government — for better or worse. In 1913, the tax code was 15 pages in length; today, it's over 4,000 pages (70,000 if you count past statutes and case law). ■

