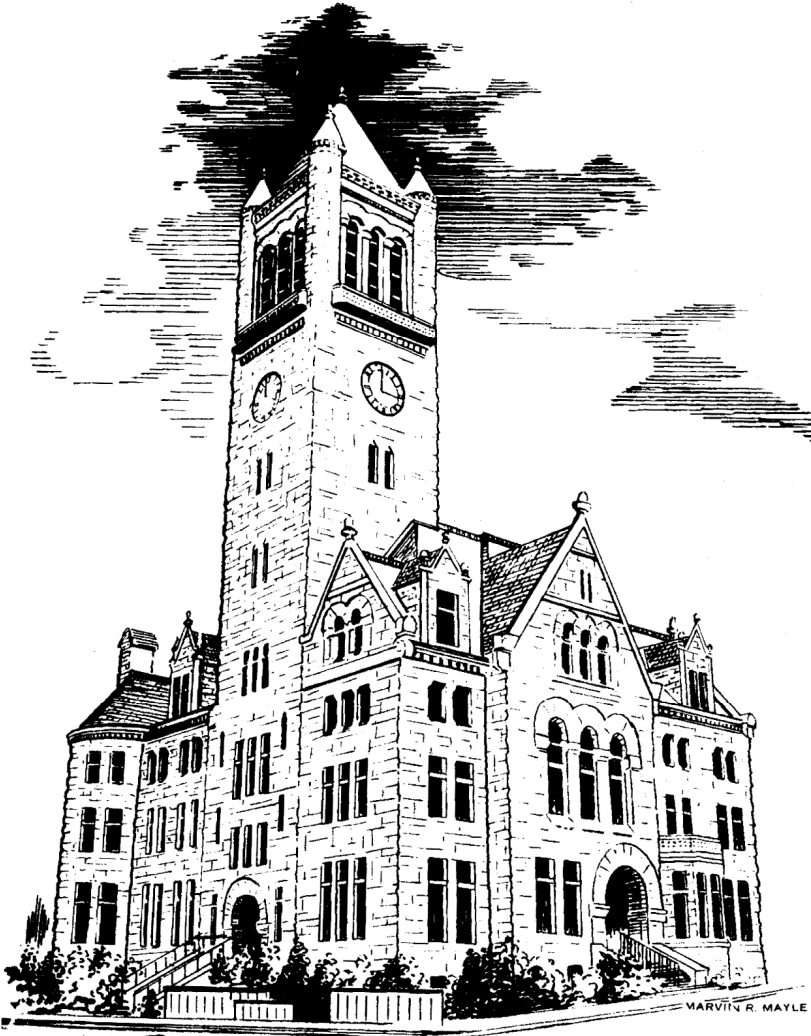


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Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

DORIS W. COLDREN, a/k/a DORIS WRIGHT COLDREN, late of Uniontown, Fayette County, PA ⁽³⁾

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107 East Main Street
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Second Publication

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 a/k/a Sherry L. Kasievich
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 436 Airway Inn Road
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First Publication

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 1077 Township Drive
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 304 Ross Street, Suite 600
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 2937 Moorings Parkway
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 c/o 411 Washington Avenue
 Charleroi, PA 15022
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MARY LOU KOPACKO, late of Menallen
Township, Fayette County, PA (1)

Executrix: Lu Ann Prah
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Uniontown, PA 15401
Attorney: Simon B. John

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LYNN WILLIAMS**, late of Uniontown, Fayette
County, PA (1)

Co-Administrators: Cory Williams and
James Williams
c/o PO Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

LEGAL NOTICES

NOTICE

Notice is hereby given that Articles of Incorporation - For Profit have been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on May 16, 2018, for a corporation known as Solomon Chevrolet, Inc.

Said corporation has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the corporation is/are: car sales and any other lawful purpose related thereto for which the corporation may be organized under the Business Corporation Law.

DAVIS & DAVIS
BY: James T. Davis, Esquire
107 East Main Street
Uniontown, PA 15401

NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Organization, Domestic Limited Liability Company has been approved and filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on February 15, 2018, for a Limited Liability Company known as Coal Hill Tavern, LLC.

Said Limited Liability Company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the Limited Liability Company is operation of a bar/restaurant and any other lawful purpose related thereto for which Limited Liability Companies may be organized under the Business Corporation Law.

DAVIS & DAVIS
BY: Gary Frankhouser, Esquire
107 East Main Street
Uniontown, PA 15401

JUDICIAL OPINION

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

COMMONWEALTH OF :
PENNSYLVANIA :
 :
VS. :
 :
BRANDON MARCEL CRABLE, :
 : No. 1769 of 2017
Defendant. : Judge Nancy D. Vernon

OPINION AND ORDER

VERNON, J.

June 7, 2018

Following a trial by jury, Appellant, Brandon Marcel Crable, was found guilty of Possession Firearm with Manufacturer Number Altered {1}; Possession of Firearm Prohibited {2}; Flight to Avoid Apprehension {3}; Marijuana - Small Amount Personal Use {4}; Use/Possession of Drug Paraphernalia {5}; and Escape {6}. Appellant was sentenced to a term of incarceration of five to ten years on the Possession Firearm with Manufacturer Number Altered conviction at Count 1 and no further penalty was imposed for the remaining convictions. Appellant has appealed to the Superior Court and this Opinion is in support of the jury verdict and sentence imposed.

On appeal, the Appellant raises the following issues:

Issue No. 1: Whether the Suppression Court committed reversible error in denying the Defendant’s request to suppress the search of the cell phone, for which the Commonwealth lacked probable cause.

Issue No. 2: Whether the evidence was legally and factually sufficient to prove that Defendant committed the crime of possession of a firearm prohibited.

As to his first issue, Appellant filed an Omnibus Pretrial Motion on November 3, 2017, and the same was assigned to the Honorable Senior Judge Gerald R. Solomon for disposition. By Opinion and Order, dated February 5, 2018, the Motion to Suppress Evidence was denied. Upon the sound reasoning of the Honorable Senior Judge Solomon, we will rely on the Opinion and Order, dated February 5, 2018, for disposition of Appellant’s first issue.

{1} 18 Pa.C.S.A. §6110.2(a)
{2} 18 Pa.C.S.A. §6105(a)(1)
{3} 18 Pa.C.S.A. §5126(a)
{4} 35 Pa.C.S.A. 780-113(a)(31)(i)
{5} 35 Pa.C.S.A. 780-113(a)(32)
{6} 18 Pa.C.S.A. §5121(a)

STATEMENT OF THE CASE

Corporal Patrick Bouch of the Pennsylvania State Police was patrolling the City of Uniontown on February 11, 2017, when a dark blue SUV pulled out in front of him from the Pershing Court Housing Development with an inoperable license plate light. N.T., 3/5-6/2018, at 12-19. Corporal Bouch initiated a traffic stop whereupon he immediately smelled marijuana. He identified three occupants in the car being a female driver, Appellant in the front seat passenger, and another female in the backseat. *Id.* at 19-21. When the Corporal asked for registration and insurance information, the female driver looked to Appellant, who then opened the glove box “just very little.” *Id.* at 21-22. Concerned for his own safety, Corporal Bouch told Appellant to let the glove box hang open, to which Appellant only responded by showing him a brown cigar wrapper rolled into a marijuana blunt. *Id.* at 23. Corporal Bouch asked again for the glove box to be opened and for Appellant to put his hands on the dashboard. *Id.* at 23-24. As the Corporal moved toward the passenger side door to conduct a Terry frisk on Appellant’s person, Appellant exited the vehicle and fled on foot. *Id.* at 25. As Appellant ran away, he kept his right hand rigid against his body, as though he were holding an object, and his left hand swung in a normal running motion, leading Corporal Bouch to believe Appellant may have a weapon on his person. *Id.* at 26-27.

Corporal Bouch returned his attention to the vehicle and saw a cell phone was left on the front passenger seat where Appellant was located, which prompted him to ask the two remaining female occupants to identify Appellant by name. *Id.* at 27. One female provided the incorrect name of Josh Neal. *Id.* at 27-28. Corporal Bouch confronted the females advising them the name was false, but they refused to correctly identify Appellant and both denied ownership of the cell phone. *Id.* at 28-30. Concerned that Appellant was fleeing and posing a safety concern for the Uniontown City Policemen patrolling in the area, Corporal Bouch took the abandoned cell phone into evidence. *Id.* at 30. Corporal Bouch believed it imperative for public safety concerns to identify Appellant. *Id.* In pursuance of that goal, he activated the cell phone screen and scrolled through the camera roll looking for a “selfie” to identify Appellant. *Id.* As he loaded the photographs on the phone, Corporal Bouch observed a picture of Appellant holding an AR style 15 weapon with an “obliterated” serial number and photographs of the gun. *Id.* at 33; see Exhibit 2-7.

Corporal Bouch showed the photograph of Appellant to Officer Eric Hanula of the Uniontown Police Department and Officer Hanula was able to correctly identify Appellant by his name. *Id.* at 44, 58. Corporal Bouch applied for and received a search warrant for the contents of the cell phone which revealed the date and time that the photograph was taken as being on February 9, 2017, at 9:05 p.m. *Id.* at 46-49.

Corporal Alex Grote of the Pennsylvania State Police was recognized as an expert in the field of firearms and firearm identification. *Id.* at 69. Corporal Grote testified from his training and experience as to the characteristics of the firearm in the picture which Appellant was holding which included the modifications made to the weapon leading to his opinion that the pictured weapon is a “real firearm.” *Id.* at 69-79. Corporal Grote also opined that the serial number was removed from the weapon. *Id.* at 80.

The Commonwealth also admitted into evidence one rolled marijuana blunt and one plastic bag containing marijuana. *Id.* at 50; see Exhibit 11. Casey Castle, a Forensic Scientist employed by the Pennsylvania State Police Bureau of Forensic Services Drug Identification Section, was accepted as an expert in the field of drug identification. *Id.* at 86. Ms. Castle confirmed the cigarette “blunt” weighed 1.71 grams and contained marijuana and the plastic baggie contained 22.06 grams of marijuana. *Id.* at 90.

Patrolman Jamie Holland of the Uniontown City Police Department testified that as an officer employed nine years with the department, he is familiar with the decor in the Pershing Court housing project. *Id.* at 95-97. Based on his knowledge of being in the Pershing Court apartments more than one hundred times, Patrolman Holland testified the carpeting and linoleum match the decor in the Pershing Court apartments in Uniontown, Pennsylvania. *Id.* at 97. Patrolman Holland also testified that Appellant lives in the Pershing Court area. *Id.* at 99.

Lastly, Sharon Crissman, Fayette County Chief Deputy Clerk of Courts, testified as to Appellant’s prior convictions and the Court took judicial notice that the enumerated offenses made Appellant a person who is not to possess a firearm. *Id.* at 104-107.

DISCUSSION

Appellant claims the evidence presented at trial was legally and factually insufficient to find him guilty of possession of a firearm prohibited. The Court disagrees.

Initially, we note Appellant does not identify which element he alleges to be lacking for the possession of a firearm prohibited offense. With such a blank, indistinct, and vague Concise Statement, this Court is left with mere speculation as to what specifically Appellant complains of on appeal as insufficient. Nonetheless, we will examine the sufficiency of the evidence of his conviction for Count 2 - Possession of Firearm Prohibited.

When a party challenges the sufficiency of the evidence, the critical inquiry on review does not require a court to ask itself whether it believes that the evidence at the trial established guilt beyond a reasonable doubt. *Commonwealth v. McCurdy*, 943 A.2d 299, 301 (Pa.Super. 2008). Instead, it must determine simply whether the evidence believed by the fact-finder was sufficient to support the verdict. All of the evidence and any inferences drawn therefrom must be viewed in the light most favorable to the Commonwealth as the verdict winner. *Id.* at 301-302. While it is true that the Commonwealth must prove every essential element of a crime beyond a reasonable doubt, it is well established that the Commonwealth may sustain this burden by means of wholly circumstantial evidence. *Commonwealth v. Richardson*, 357 A.2d 671, 673 (Pa.Super. 1976). The Commonwealth need not preclude every possibility of innocence or establish the Appellant’s guilt to a mathematical certainty. *Commonwealth v. Williams*, 871 A.2d 254, 259 (Pa.Super. 2005).

Further, any doubts regarding an appellant’s guilt may be resolved by the fact-finder unless the evidence is so weak and inconclusive that no probability of fact may be drawn from the combined circumstances. The trier of fact while passing upon

the credibility of the witnesses and the weight of the evidence produced, is free to believe all, part or none of the evidence. *Commonwealth v. Robertson-Dewar*, 829 A.2d 1207, 1211 (Pa. Super. Ct. 2003).

With the above principles in mind, we now consider whether the Commonwealth presented sufficient evidence to sustain Appellant's conviction of Possession of Firearm Prohibited. The Crimes Code prohibits a person who has been convicted, in this Commonwealth or elsewhere, of a crime of violence from having a firearm in his possession or under his control. 18 Pa.C.S § 6105. The Commonwealth must present evidence of a prior conviction of a crime of violence in order to sustain a conviction under Section 6105. *Commonwealth v. Payne*, 316 Pa.Super. 453, 463 A.2d 451, 456 (1983). The Commonwealth did so through the testimony of Sharon Crissman, Fayette County Chief Deputy Clerk of Courts.

The Commonwealth presented evidence believed by the jury, sufficient in kind and quality, that the weapon was a functional, "real" firearm through the testimony of the Corporals of the Pennsylvania State Police. Since Appellant had also previously been convicted of a triggering offense, he was in violation of §6105 by his mere possession of the weapon. Thus, sufficient evidence existed to establish the conviction of Possession of Firearm Prohibited. Finally, we note that the Court accepted the guilty verdict as to Count 2 - Possession of Firearm Prohibited without further penalty being imposed.

Wherefore, it is respectfully submitted that the entire appeal is without merit and should be denied.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
Clerk of Courts

D'Andrea Collision Investigation and Reconstruction LLC**D'Andrea Collision Investigation and
Reconstruction LLC**

Pennsylvania State Police Lieutenant Joseph D'Andrea with over 30 years of experience and former collision Analysis and Reconstruction Specialist recently retired and is now conducting investigations. Investigations range from: obtain/review police crash report through collision reconstruction primarily for civil litigation. Criminal defense work done on case by case basis.

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