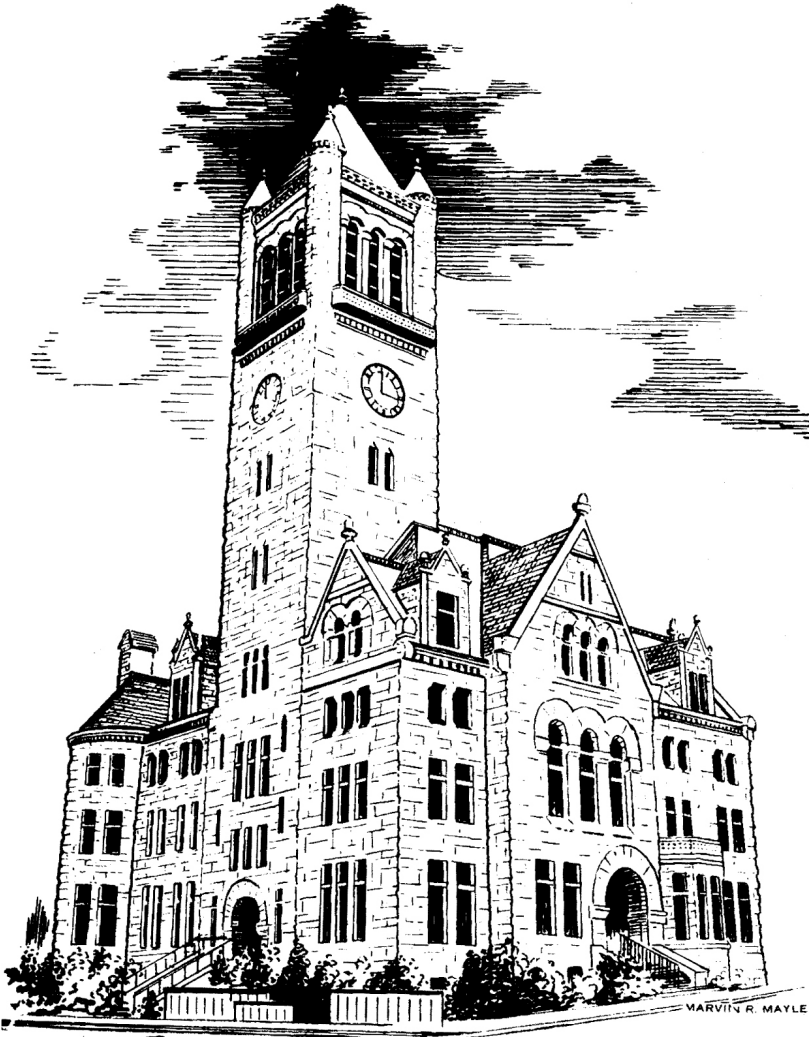


# FAYETTE LEGAL JOURNAL

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## FAYETTE LEGAL JOURNAL

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## ESTATE NOTICES

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

**JOANN ALTOMONTE**, late of Hiller, Fayette County, PA (3)

*Administratrix:* Stephanie Altomonte  
739 Shady Drive  
Pittsburgh, PA 15228  
c/o 1322 Fifth Avenue  
Corapolis, PA 15108  
*Attorney:* Max C. Feldman

**RAYMOND SCOTT BARNHART, a/k/a RAYMOND S. BARNHART, a/k/a SCOTT BARNHART**, late of Connellsville, Fayette County, PA (3)

*Executrix:* Brenda Barnhart  
c/o Casini & Geibig, LLC  
615 West Crawford Avenue  
Connellsville, PA 15425  
*Attorney:* Jennifer M. Casini

**MARGARET BROESICKE**, late of Uniontown, Fayette County, PA (3)

*Executor:* Han-Joachim Broesicke  
2320 Bill Howard Place  
El Paso, TX 79936  
c/o 189 West High Street  
Waynesburg, PA 15370  
*Attorney:* J. William Hook

**IRENE P. DEMARCHI**, late of Bullskin Township, Fayette County, PA (3)

*Personal Representative:*  
Kimberly A. DeMarchi  
c/o 17 North Diamond Street  
Mount Pleasant, PA 15666  
*Attorney:* Marvin D. Snyder

**FRANK J. KOPOSKO**, late of North Union Township, Fayette County, PA (3)

*Personal Representatives:* Brenda L. Kopusko and Christine D. Dayton  
c/o George Port & George  
92 East Main Street  
Uniontown, PA 15401  
*Attorney:* Joseph M. George

**DAVID E. MARSHALL**, late of LaBelle, Fayette County, PA (3)

*Administrator:* Cynthia Marshall  
1041 LaBelle Road  
LaBelle, PA 15450  
c/o Phillips, Phillips & Smith-DeLach, P.C.  
29 East Beau Street  
Washington, PA 15301  
*Attorney:* William D. Phillips

**ANN MURPHY, a/k/a ANN CARYL MURPHY**, late of Jefferson Township, Fayette County, PA (3)

*Executor:* William F. Lilley  
c/o Adams & Adams  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason F. Adams

**DELORES REKRUT**, late of Menallen Township, Fayette County, PA (3)

*Executor:* Thomas W. Hunter  
c/o 99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Robert A. Gordon

**JOHN M. RELOVSKY, a/k/a JOHN M. RELOVSKY, SR.**, late of Luzerne Township, Fayette County, PA (3)

*Executor:* John M. Relovsky, Jr.  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**RICHARD VARGO**, late of Luzerne Township, Fayette County, PA (3)

*Co-Executors:*  
Kathleen Rowe and Angela Stiner  
c/o 99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Robert A. Gordon

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**MARY JO ZAGAR**, late of Perryopolis  
Borough, Fayette County, PA (3)  
*Executor:* Edward A. Barker, Jr.  
15201 Grace Place  
Waterford, VA 20197  
c/o Shire Law Firm  
1711 Grand Boulevard  
Park Centre  
Monessen, PA 15062  
*Attorney:* Mark J. Shire

## Second Publication

**ERNEST D. ARNOLD, a/k/a ERNEST  
ARNOLD**, late of Perryopolis Borough, Fayette  
County, PA (2)  
*Executor:* Daniel J. Arnold  
c/o Zebley Mehalov & White, P.C.  
18 Mill Street Square  
P.O. Box 2123  
Uniontown, PA 15401  
*Attorney:* Daniel R. White

---

**ROSE A. KODRIC**, late of South Union  
Township, Fayette County, PA (2)  
*Executor:* Steve A. Andrasz  
c/o 4 North Beeson Boulevard  
Uniontown, Pa 15401  
*Attorney:* Sheryl R. Heid

---

**BLANCHE DASCANI, a/k/a BLANCHE W.  
DASCANI**, late of Bullskin Township, Fayette  
County, PA (2)  
*Executor:* Paul Dascani  
P.O. Box 805  
Connellsville, PA 15425  
c/o 4312 Old William Penn Highway  
Murrysville, PA 15668  
*Attorney:* Thomas Earhart

---

## First Publication

**DENNIS JAMES CHIPPS**, late of Smithfield,  
Fayette County, PA (1)  
*Administrator:* James Lee Chipps  
c/o 2944 National Pike Road  
Box 245  
Chalk Hill, PA 15421  
*Attorney:* Charles C. Gentile

---

**JOSEPH DUPPE, a/k/a JOSEPH F. DUPPE**,  
late of Menallen Township, Fayette County, PA  
*Personal Representatives:* (1)  
Katherine M. Feaganes and Andrew P. Duppe  
c/o Higinbotham Law Office  
45 East Main Street, Suite 500  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

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**OTTO C. STRINER, a/k/a OTTO C.  
STRINER, JR.**, late of Upper Tyrone  
Township, Fayette County, PA (1)  
*Personal Representatives:*  
David Striner and Helen Gilpin  
c/o Watson Mundorff Brooks & Sepic  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Charles W. Watson

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## LEGAL NOTICES

### NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on December 11, 2017 for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is Relax Realty, LLC, having an address of 172 Oakland Avenue, Uniontown, PA 15401.

John A. Kopas III, Esquire  
556 Morgantown Road  
Uniontown, PA 15401  
Telephone: 724-437-1111

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### 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 January 15, 2018, for a corporation known as Charmed Properties, 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: acquiring real estate, rehabilitation of real estate, remodeling and related activities and any other lawful purpose related thereto for which the corporation may be organized under the Business Corporation Law.

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

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**JUDICIAL OPINION**

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

COMMONWEALTH OF PENNSYLVANIA :  
vs. :  
: :  
RANDALL SCOTT BROOKS, :  
Defendant. : No. 1154 of 2017

*Attorneys:* Jack Connor, Esquire for Defendant  
Christina DeMarco-Breedon, Esquire for the Commonwealth

**OPINION AND ORDER**

SOLOMON, SJ January 22, 2018

Before the Court is the Omnibus Pre-Trial Motion of Randall Scott Brooks, Defendant, in the nature of a Motion to Suppress Blood Test Results. Under what Defendant lists as “Count II,” he also contends that there was no probable cause, or any other reason, to effect a stop of Defendant’s vehicle.

A full hearing on the Motion was held on October 18th, 2017. At the conclusion of the hearing, the Defendant requested, and was granted, leave of Court to submit a memorandum of law in support of his motion. The Commonwealth also submitted a memorandum of law in opposition to the motion.

With regard to the issue of probable cause for the stop, in his Memorandum of Law submitted to the Court in support of his Motion to Suppress, Counsel for Defendant, at page 7, states that “the challenge to the stop is without merit and is withdrawn.” Therefore, we will only address the Motion to Suppress Blood Test Results.

**STATEMENT OF THE CASE**

On March 14, 2017, Pennsylvania State Police Trooper Steven Moyemont, while on duty, came into contact with Defendant. N.T. 10/18/17, at 9. After observing Defendant travel from the right hand lane onto an exit without using a turn signal, the Trooper activated his emergency lights and conducted a traffic stop. Id. at 10. In speaking with Defendant, Moyemont observed that his eyes were glassy and bloodshot, and that there was a strong odor of an alcoholic beverage emanating from his person. Id. at 11. He then asked Defendant “how much he had to drink” and Defendant replied “a few.” Id.

After Defendant consented to perform, and did perform, a field sobriety test, the Trooper observed all six clues during the test which would indicate signs of intoxication. Id. at 11-12. Due to the weather conditions, no other field tests were performed by Defendant. Id. at 12. At that time, Defendant was placed under arrest for DUI and transported to the Uniontown Hospital. Id. at 12-13. At the Hospital, Defendant verbally consented to a blood draw. Id. at 13. The Trooper did not read Form DL-26B to him since the Defendant had no questions and the consent was voluntary. Id.

On cross-examination, Moyemont was questioned only as to the reasons for the stop. Id. at 15-21. Likewise, when Defendant testified, his testimony was limited to the operation of his vehicle. Id. at 23-27.

## DISCUSSION

In his Motion to Suppress Blood Test Results, Defendant submits that his “consent which lead (sic) to production of the warrantless blood sample was coerced or otherwise not knowingly or intelligently made.” Record, ¶4. The crux of the Motion of Defendant is that since he was not read the language in form DL-26B, his consent was unconstitutionally obtained and, therefore, his blood was obtained illegally since it was obtained without a search warrant. *Id.* at ¶¶ 9, 10.

Blood tests constitute searches under the Fourth Amendment as they implicate privacy concerns. *Birchfield v. North Dakota*, 136 S.Ct. 1535 (2016). See also, *Commonwealth v. Ellis*, 608 A.2d 1090, 1091 (Pa.Super. 1992) (providing that “the administration of a blood test is a search within the meaning of the Fourth Amendment if it is performed by an agent of the government”).

“A search conducted without a warrant is deemed to be unreasonable and therefore constitutionally impermissible, unless an established exception applies.” *Commonwealth v. Strickler*, 563 Pa. 47, 56, 757 A.2d 884, 888 (2000) (citations omitted). Those exceptions include voluntary consent. *Id.* “The central Fourth Amendment inquiries in consent cases entail assessment of the constitutional validity of the citizen/police encounter giving rise to the consent; and, ultimately, the voluntariness of consent.” *Id.*

Here, the decision in *Birchfield* is inapplicable since Defendant was never advised that he would be subject to any penalties upon refusal of blood testing. With regard to the issue of consent, the fact that Form DL-26B was not read to Defendant before he gave his consent is, in this Court’s opinion, of no moment. He was simply asked if he would submit to a blood test and, thereafter, voluntarily agreed to a draw of his blood. Further, it is important to note that during the testimony of Defendant at the Omnibus Pre-Trial hearing, Defendant did not take issue with the testimony of Trooper Moyemont and made no mention of the blood test. N.T. 10/18/17.

From the testimony offered at the Omnibus Pre-Trial hearing concerning the surrounding circumstances of the consent of Defendant, it is clear that there was no coercion by Trooper Moyemont with regard to the blood test, and that the consent of Defendant was voluntary. As such, the Commonwealth was not required to obtain a search warrant to administer the blood test.

Wherefore, we will enter the following Order.

## ORDER

AND NOW, this 22nd day of January, 2018, after full hearing, it is hereby ORDERED and DECREED that the Omnibus Pre-Trial Motion of Randall Scott Brooks, Defendant, in the nature of a Motion to Suppress Blood Test Results and Lack of Probable Cause to Stop, is DENIED.

BY THE COURT,  
GERALD R. SOLOMON  
SENIOR JUDGE

ATTEST:  
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