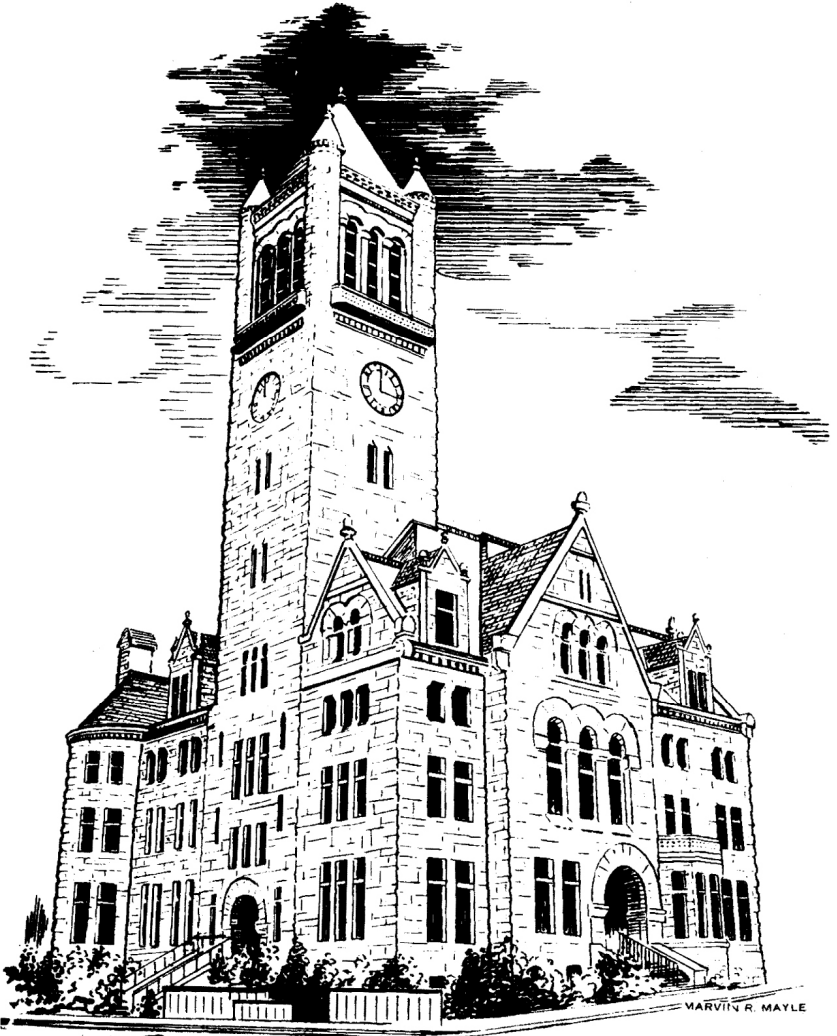


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ESTATE NOTICES

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

MILLYS N. ALTMA, late of South Union Township, Fayette County, PA ⁽³⁾

Executor: Dan N. Altman
c/o 206 Derrick Avenue
Uniontown, PA 15401
Attorney: Gary N. Altman

ARLINE CUNNINGHAM, late of Georges Township, Fayette County, PA ⁽³⁾

Co-Executors: Marcia Martin,
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28 West Elm Street
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Pittsburgh, PA 15219
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RICHARD DUHON, late of Menallen Township, Fayette County, PA ⁽³⁾

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55 East Church Street, Suite 101
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Attorney: Jason R. Adams

**JOSEPH T. FIERSCHNALLER, a/k/a
JOSEPH FIERSCHNALLER, a/k/a JOE
FIERSCHNALLER, JR.**, late of Connellsville,
Fayette County, PA ⁽³⁾

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96 East Main Street
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Administrator: Thomas Hancheck
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402 East Francis Avenue
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c/o 815A Memorial Boulevard
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Second Publication

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Perryopolis, PA 15473

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First Publication

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Connellsville, PA 15425
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Attorney: Todd M. Pappaserg

BILLIE SUE SANDUSKY, late of Connellsville, Fayette County, PA (1)

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Attorney: Charles W. Watson

CHRISTIAN D. STEWART, late of Jefferson Township, Fayette County, PA (1)

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146 Washington Drive
Fayette City, PA 15438
c/o 1747 Rostraver Road
Belle Vernon, PA 15012
Attorney: Megan A. Kerns

LEGAL NOTICES

NOTICE OF DISSOLUTION

Notice is hereby given that Radcliffe & DeHaas, L.L.P., intends to dissolve. Pursuant to 15 Pa.C.S.A. §8242(b), you are hereby notified that should you want to make a claim against Radcliffe & DeHaas, L.L.P., you must do so in writing, giving your name, address, and the basis for your claim including the time and date the alleged claim occurred. Such claim must be mailed to Radcliffe & DeHaas, L.L.P., Post Office Box 2012, Uniontown, Pennsylvania 15401.

Any claim against Radcliffe & DeHaas, L.L.P., will be barred unless an action to enforce the claim is commenced within two (2) years after publication of this notice.

Submitted by:
RADCLIFFE & DEHAAS, L.L.P.
P.O. Box 2012
Uniontown, PA 15401

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 August 24, 2018, for a corporation known as Farmington Commons 103 Corp.

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: real estate holdings 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

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
NO. 47 ADOPT 2018

**IN RE: ADOPTION OF
AVEN KOVACH**

NOTICE

TO: Unknown, Unknown (Father)

A petition has been filed asking the Court to put an end to all rights you have to your child, Aven Kovach. The court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom No. 4 of the Fayette County Courthouse, Uniontown, Fayette County, Pennsylvania, on Thursday, **November 29, 2018 at 1:30 p.m.** You are warned that even if you fail to appear at the scheduled hearing the hearing will go on without you and your rights to your child may be ended by the court without your being there.

YOU HAVE A RIGHT TO BE REPRESENTED AT THE HEARING BY A LAWYER. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
PO BOX 186
HARRISBURG, PA 17108
(800) 932-0313

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
PENNSYLVANIA
CIVIL NO. 2:17-CV-01376-DSC

IN RE:

UNITED STATES OF AMERICA,

Plaintiff

vs.

DOUGLAS S. KATONA and

KIMBERLY A. MILLER,

Defendants

MARSHAL'S SALE: By virtue of a Writ of Execution issued out of the United States District Court for the Western District of Pennsylvania and to me directed, I shall expose to public sale the real property located at and being more fully described at Fayette County Deed Book 813 Page 292.

SAID SALE to be held at the Fayette County Courthouse in the hallway outside of the Sheriff's Office, 61 East Main Street, Uniontown, PA 15401 at **10:00 a.m.** prevailing standard time, on **November 2, 2018**.

ALL that certain tract of land, together with the buildings, and improvements erected thereon described as Tax Parcel No. 33-07-002901 recorded in Fayette County, Pennsylvania, commonly known as: **204 Mentzer Street, South Connellsville, Pennsylvania 15425.**

IDENTIFIED as Tax/Parcel #: 33-07-002901 in the Deed Registry Office of Fayette County, Pennsylvania. **HAVING** erected a dwelling thereon known as 204 MENTZER STREET, SOUTH CONNELLSVILLE, PA 15425. **BEING** the same premises conveyed to Douglas S. Katona and Kimberly A. Miller, dated April 17, 1991, and recorded on April 18, 1991 in the office of the Recorder of Deeds in and for Fayette County, Pennsylvania. Seized and taken in execution as the property of Douglas S. Katona and Kimberly A. Miller at the suit of the United States of America, acting through the Under Secretary of Rural Development on behalf of Rural Housing Service, United States Department of Agriculture, to be sold on Writ of Execution as Civil Action No. 2:17-cv-01376.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by certified check or money order upon the property being struck down to such bidder, and the remainder of the

bid within thirty (30) days from the date of the sale and in the event the bidder cannot pay the remainder, the property will be resold and all monies paid in at the original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office c/o Sheila Blessing, 700 Grant Street, Suite 2360, Pittsburgh, PA 15219. Bidder must have deposit funds immediately available and on his person in order to bid, bidder will not be permitted to leave the sale and return with deposit funds.

Notice is hereby given that a Schedule of Distribution will be filed by me on the thirtieth (30th) day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. Purchaser must furnish State Realty Transfer Tax Stamps, and stamps required by the local taxing authority. Marshal's costs, fees and commissions are to be borne by seller. Michael Baughman, Acting United States Marshal. For additional information, please contact Cathy Diederich at 314-457-5514 or the USDA foreclosure website at www.resales.usda.gov.

(3 of 4)

JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
vs.	:	
	:	
CARLOS BOTTOMS,	:	No. 23 of 2018, G.D.
Defendant.	:	Honorable Linda R. Cordaro

OPINION

CORDARO, J.

September 4, 2018

SUMMARY

Before the Court is Defendant's Omnibus Pretrial Motion to Suppress Evidence. This Court heard testimony and argument on the matter on August 28, 2018. For the reasons set forth hereafter, Defendant's Motion is granted.

BACKGROUND

On March 11, 2017, Pennsylvania State Police Corporal Patrick Bouch was driving a marked patrol vehicle traveling south into Uniontown. He observed a tan GMC Tahoe traveling into the city, which he followed for about two miles. The Tahoe had a registration sticker dated December 2016. Corporal Bouch tried to run a computer check of the vehicle to see if the registration was current; however, the computer in the patrol unit was not working. Corporal Bouch then conducted a traffic stop on the vehicle, based on the date of the registration sticker.

The Tahoe was driven by Defendant, Carlos Bottoms. Corporal Bouch asked Mr. Bottoms for his license, registration, and proof of insurance. Mr. Bottoms provided Corporal Bouch with his license and registration, but could not produce proof of insurance. Corporal Bouch went back to his vehicle, but was still unable to determine whether the registration was valid. Corporal Bouch also looked up Mr. Bottoms's address on his phone. The address was in Wilkinsburg, which Corporal Bouch testified to having known from prior experience to be a "high-crime area." Based on this, Corporal Bouch ran a background check on Mr. Bottoms, learning that he had been charged with a prior drug offense.

At this point, Corporal Bouch requested backup from Trooper Ronald Harris of the Pennsylvania State Police. Corporal Bouch then went back to Mr. Bottoms's Tahoe and asked him to step out of the vehicle. Corporal Bouch conducted a Terry Frisk for weapons and found a pistol in Mr. Bottoms's front waistband. Mr. Bottoms produced a valid concealed-carry permit.

After Trooper Harris arrived at the scene, Corporal Bouch asked Mr. Bottoms if he could search the vehicle. Mr. Bottoms did not object, and Corporal Bouch discovered a Ziploc bag with a substance that he believed to be illegal narcotics. Corporal Bouch then placed Mr. Bottoms under arrest and searched his person. Mr. Bottoms had a large amount of cash on him.

Based on the contents of the Ziploc bag and the large amount of money, Corporal Bouch charged Mr. Bottoms with Possession with Intent to Deliver, among other offenses. Defendant filed this Omnibus Pretrial Motion, asking the Court to suppress the evidence, as well as statements made by the Defendant, based on the illegality of the traffic stop.

DISCUSSION

In order to constitutionally stop a vehicle, the nature of a suspected violation determines whether an officer needs reasonable suspicion or probable cause. *Commonwealth v. Satler*, 121 A.3d 987, 993 (Pa. Super. Ct. 2015). The Superior Court explained the difference:

If it is not necessary to stop the vehicle to establish that a violation of the Vehicle Code has occurred, an officer must possess probable cause to stop the vehicle. Where a violation is suspected, but a stop is necessary to further investigate whether a violation has occurred, an officer need only possess reasonable suspicion to make the stop.

Id.

The *Satler* Court illustrated this difference by comparing a traffic stop for speeding to one for a DUI. *Id.* In order to stop a vehicle for a speeding violation, an officer must have probable cause that a violation occurred. *Id.* This is because once the officer pulls the vehicle over, there is nothing further that can be determined about the speed the vehicle was traveling that led the officer to believe there was a speeding violation. *Id.* On the other hand, in order to stop a vehicle for a suspected DUI, an officer only needs to have reasonable suspicion that a violation occurred. *Id.* In that case, the officer needs an opportunity to further investigate whether the driver was operating under the influence of alcohol or a controlled substance. *Id.*

In order to conduct a traffic stop based on expired registration, an officer would only need to have reasonable suspicion-not probable cause-that there is a violation of the Motor Vehicle Code. This is because the officer would be able to further investigate the validity of the registration by asking the driver for proof of registration.

To establish that there is reasonable suspicion for pulling over a vehicle, an officer must be able to "articulate specific observations [that], in conjunction with reasonable inferences derived from those observations," led the officer to reasonably conclude, based on experience, that criminal activity was afoot and the person stopped was involved in that activity. *Commonwealth v. Reppert*, 814 A.2d 1196, 1204 (Pa. Super. Ct. 2002). The reasonable suspicion standard is statutory and is found at 75 Pa.C.S.A.

§6308(b), which provides:

Whenever a police officer is engaged in a systematic program of checking vehicles or drivers or has reasonable suspicion that a violation of this title is occurring or has occurred, he may stop a vehicle, upon request or signal, for the purpose of checking the vehicle's registration, proof of financial responsibility, vehicle identification number or engine number or the driver's license, or to secure such other information as the officer may reasonably believe to be necessary to enforce the provisions of this title.

75 Pa.C.S.A. §6308(b).

Stops based on reasonable suspicion of criminal activity or a violation of the Vehicle Code must serve a stated investigatory purpose. *Commonwealth v. Feczko*, 10 A.3d 1285, 1291 (Pa. Super. Ct. 2010). The investigatory purpose must be relevant to the suspected violation to justify a vehicle stop. *Id.*

Importantly, "[a]n officer may not make a traffic stop based on improper reasons." *Commonwealth v. Benton*, 655 A.2cl 1030, 1034 (Pa. Super. Ct. 1995).

In the present case, Corporal Bouch lacked reasonable suspicion of criminal activity or a violation of the Vehicle Code when he stopped Mr. Bottoms. Corporal Bouch testified that the only reason he pulled over Mr. Bottoms was because the registration sticker on his license plate read December 2016, and the stop occurred in March 2017. This alone could not possibly be a violation of the Vehicle Code, because PennDOT stopped issuing registration stickers after December 31, 2016.

In 2013, the Pennsylvania Legislature passed Act 89, which amended Section 1332 of Title 75 of the Pennsylvania Consolidated Statutes. H.B. 1060, 197th Gen. Assemb., Reg. Sess. (Pa. 2013). The Act added Subsection (d) to 75 Pa.C.S.A. 1332, which reads, "Validating registration stickers.-Validating registration stickers shall not be issued or required to be displayed." *Id.* at Section 19.1. The Act also states that the amendment or addition of 75 Pa.C.S.A. §1332(d) shall take effect December 31, 2016. *Id.* at Section 48(6).

As a result, there was no longer a requirement in Pennsylvania for drivers to display a registration sticker on their license plates after December 2016. After that date, drivers would not have been able to display a sticker verifying their vehicle's registration even if they wanted to, because PennDOT stopped issuing the stickers as well.

Corporal Bouch testified that he tried to use a computer in his patrol vehicle to verify Mr. Bottoms's registration, but the computer was not working. The Assistant District Attorney for the Commonwealth argued that this gave the Corporal a reasonable basis for conducting the stop. This Court disagrees. Based on the logic offered by the Commonwealth, if an officer's equipment is not working properly, the officer would have the ability to pull over any vehicle to check for valid registration. This would clearly be an unrealistic and unjustified intrusion of Pennsylvanians' privacy, as delineated by the Fourth and Fourteenth Amendments to the U.S. and Pennsylvania Constitutions. See, e.g., *Delaware v. Prouse*, 440 U.S. 648, 663 (1979) (Holding that stopping

an automobile in order to check driver's license and registration, absent reasonable suspicion of a violation of law, is unreasonable under the Fourth Amendment); but cf., *Michigan Dept. of State Police v. Sitz*, 496 U.S. 444, 453-55 (1990) (Holding that there is a limited exception for sobriety checkpoints that are subjected to certain guidelines), *Commonwealth v. Tarbert*, 535 A.2d 1035, 1041-45 (Pa. 1987) (Holding that sobriety checkpoints that follow certain guidelines are allowed under the Fourth Amendment to the Pennsylvania Constitution).

Corporal Bouch did not have reasonable suspicion that Mr. Bottoms was committing a crime or a violation of the Vehicle Code that would allow the officer to conduct a traffic stop. Further, Corporal Bouch did not provide any other reasons for conducting the traffic stop other than for the outdated registration sticker. There was no testimony or evidence that Corporal Bouch was engaged in a systematic program of checking vehicles or drivers when this incident occurred. For these reasons, the traffic stop was unlawful.

In Pennsylvania, any evidence seized pursuant to an unlawful stop must be suppressed. See, e.g., *Commonwealth v. Anthony*, 1 A.3d 914, 921 (Pa. Super. Ct. 2010). As a result, the evidence seized during the traffic stop of Mr. Bottoms, as well as any statements made by Mr. Bottoms, shall be suppressed.

In his Omnibus Pretrial Motion, Defendant raises other concerns with the basis that the officer articulated for probable cause to arrest the Defendant and search the vehicle. However, because the entire traffic stop was unlawful based on the fact that there was no law requiring Defendant to display an up-to-date registration sticker, this Court will not address any other issues in this matter.

CONCLUSION

In March 2017, there was no longer any law in effect in Pennsylvania requiring drivers to display registration stickers on their license plates. Because Corporal Bouch conducted a traffic stop of Mr. Bottoms based on a law that no longer existed, there was no reasonable suspicion that Mr. Bottoms was in violation of a crime or the Vehicle Code. As a result, the traffic stop was unlawful. All evidence seized as a result of the stop shall be suppressed and the charges against Mr. Bottoms shall be dismissed.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Janice Snyder
Clerk of Courts

LUNCH & LEARN SERIES

FCBA LUNCH & LEARN SERIES

The Fayette County Bar Association will present the second of its monthly Lunch & Learn Series:

- **Date:** Wednesday, October 17th from 12:00 p.m. to 1:00 p.m.
- **Location:** Courtroom No. 1 of the Fayette County Courthouse
- **Discussion topic:** **BAIL PRACTICE IN FAYETTE COUNTY**
- **Presenters:** Mitch Mitchell, Mitch's Bail Bonds, and a local Magisterial District Judge.

After the presentation, attendees will have the opportunity to ask questions and discuss issues and practice tips with Mitch Mitchell, members of the Fayette County bench and a local magisterial district judge.

CLE Credit

1.0 hour of Substantive CLE credit for the program. The fees are as follows:

Members of the FCBA

- No charge for attendance without CLE Credit
- \$10 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2012

- No charge for attendance with CLE Credit

Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
- \$20 fee for attendance with CLE Credit

**** All fees to be paid at the door ****

A light lunch will be provided.

REGISTER

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or by email to cindy@fcbar.org on or before Monday, October 15th.

Professional Ethics Committee of the Fayette Bar Association

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