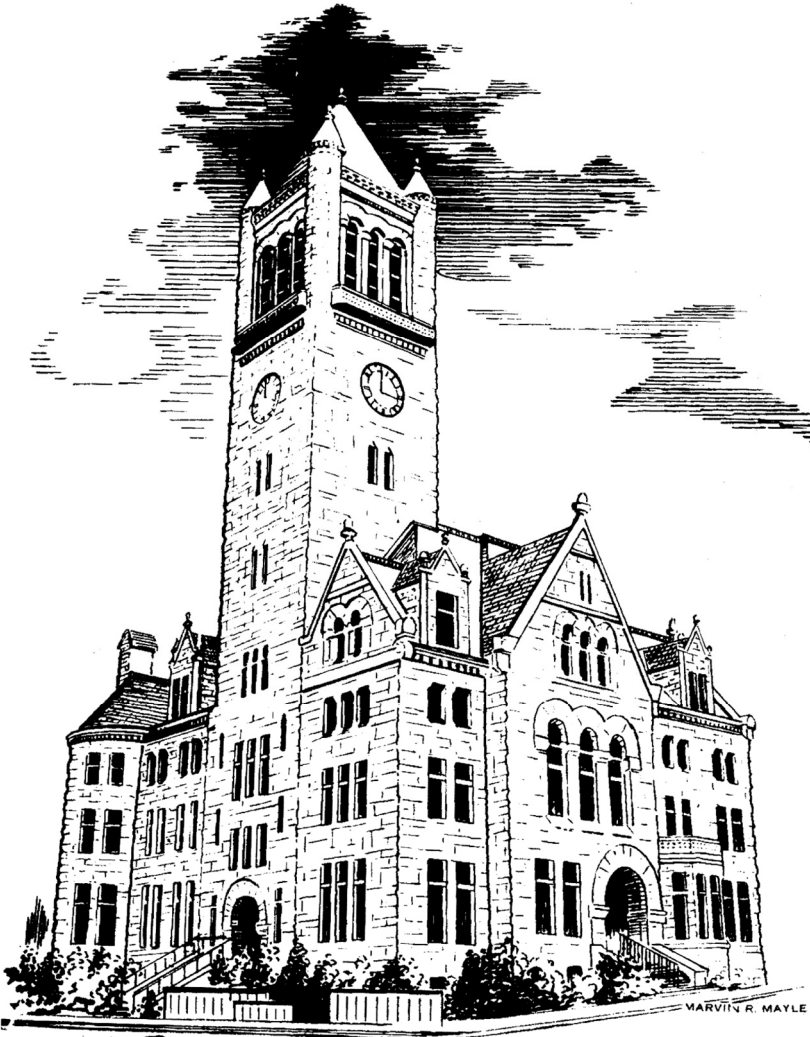


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ESTATE NOTICES

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

LORAIN POREMBA, late of North Union Township, Fayette County, PA ⁽³⁾

Personal Representatives: Deborah A. Kelley, Andrew R. Poremba, Jr., and Renay Krause
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James Higinbotham

DON PAUL TRAEGER, a/k/a DON P. TRAEGER, late of Perry Township, Fayette County, PA ⁽³⁾

Personal Representative: Henry L. Croft
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

CHARLIE V. WILLIAMS, late of South Connellsville Borough, Fayette County, PA ⁽³⁾

Personal Representative: John Edwards
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

Second Publication

CHRISTA H. BIGHAM, late of Connellsville, Fayette County, PA ⁽²⁾

Personal Representative: Lisa Andursky
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

ROBERT E. BRASHEAR, a/k/a R.E. BRASHEAR, JR., late of Washington Township, Fayette County, PA ⁽²⁾

Administratrix: Beverly Brashear
304 First Avenue
Belle Vernon, PA 15012
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

RUTH D. FLEMING, late of Dawson, Fayette County, PA ⁽²⁾

Executrix: Janice R. Mong
c/o Molinaro Law Offices
141 West Peach Street
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

LORRAINE JANESKO, late of Springhill Township, Fayette County, PA ⁽²⁾

Administrator: Cheryl Ranyak
9203 Davis Way
Twinsburg, Ohio 44087
c/o Seamon Law Offices
2101 About Town Place
Morgantown, WV 26508
Attorney: Christopher Deegan

DAVID E. KING, a/k/a DAVID E. KING, SR., late of Redstone Township, Fayette County, PA ⁽²⁾

Executrix: Susan M. Blanda
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James Higinbotham

ZACHARY THOMAS KROMER, late of Masontown Borough, Fayette County, PA ⁽²⁾

Administrators: Thomas Paul Kromer and Sandra Kay Morris
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

JANET L. KUREK, late of Luzerne Township, Fayette County, PA ⁽²⁾

Executrix: Cynthia L. Despot
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

**CHRISTINE ELAINE MARELLA, a/k/a
CHRISTINE E. MARELLA**, late of Redstone
Township, Fayette County, PA (2)
Executrix: Damaris Ester
c/o Goodwin Como, P.C.
108 North Beeson Boulevard, Suite 400
Uniontown, PA 15401
Attorney: Amanda M. Como

RICHARD L. ROBBINS, late of Washington
Township, Fayette County, PA (2)
Administrator: Richard L. Robbins, II
c/o Rafferty Legal, PLLC
1600 Lincoln Avenue
Latrobe, PA 15650
Attorney: Jessica L. Rafferty

**JAMES SICKLES, a/k/a JAMES WILLIAM
SICKLES**, late of South Union Township,
Fayette County, PA (2)
Personal Representative:
James E. Higinbotham, Jr.
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James Higinbotham

ALBERTA SKOWRONEK, late of Bullskin
Township, Fayette County, PA (2)
Co-Executors: Joseph A. Skowronek and
Patricia A. Stvek
137 Kings Pointe Road
Mt. Pleasant, PA 15666
c/o 749 North Church Street
Mt. Pleasant, PA 15666
Attorney: Paul Toohey

First Publication

STEPHEN A. BARAN, late of Bullskin
Township, Fayette County, PA (1)
Administratrix: Wendy L. O'Brien
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy O'Brien

RICKY CRAIG, late of Lower Tyrone
Township, Fayette County, PA (1)
Administrator: Jeremy D. Craig
1109 Labelle Road
LaBelle, PA 15450
c/o The Nichols Law Group
35 West Pittsburgh Street, Suite 311
Greensburg, PA 15601
Attorney: Gregory Nichols

ELSIE GARDNER, late of Fayette City,
Fayette County, PA (1)
Administratrix: Wendy L. O'Brien, Esquire
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy O'Brien

JAMES P. GARDNER, late of Fayette City,
Fayette County, PA (1)
Administratrix: Wendy O'Brien, Esquire
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

CHARLOTTE L. HATLAPATKA, late of
Uniontown, Fayette County, PA (1)
Executrix: Terri L. Gunnoe-Wilburn
149 Edison Street
Uniontown, PA 15401-2580

**BRENDA SUE MARKLE, a/k/a BRENDA
MARKLE**, late of Connellsville, Fayette
County, PA (1)
Administratrix: Brittany Butler
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

MARILYN MCVEY, late of Uniontown,
Fayette County, PA (1)
Administrator: Geoffrey McVey
c/o Halbruner, Hatch & Guise, LLP
2109 Market Street
Camp Hill, PA 17011
Attorney: Jacqueline A. Kelly, CELA

LENORA RUSH, a/k/a LENORA MARIE RUSH, late of Uniontown, Fayette County, PA
Executrix: Kelley Rush-Wilhelm (1)
 c/o Kopas Law Office
 556 Morgantown Road
 Uniontown, PA 15401
Attorney: John Kopas

JANE A. SEBECK, a/k/a JANE ANN SEBECK, a/k/a JANE ANN GOLDSBORO SEBECK, late of Dawson, Fayette County, PA
Personal Representative: (1)
 Richard A. Husband
 c/o 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

NANCY L. TROMBINO, late of Washington Township, Fayette County, PA (1)
Executrix: Cindy Lou Smithhammer
 629 Walnut Street
 Latrobe, PA 15650
 c/o 438 Depot Street
 Latrobe, PA 15650
Attorney: Joseph Govi

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
 FAYETTE COUNTY, PENNSYLVANIA
 NO. 1612-2022 TERM, 2022
 EMINENT DOMAIN PROCEEDING
 IN REM

IN RE: CONDEMNATION BY THE COUNTY
 OF FAYETTE, OF THE RIGHT-OF-WAY
 FOR TOWNSHIP ROUTE T-907 SECTION
 M0Y R/W IN THE TOWNSHIP OF
 BULLSKIN

**NOTICE OF CONDEMNATION AND
 DEPOSIT OF ESTIMATED JUST
 COMPENSATION**

Notice is hereby given that the County of Fayette, by its Board of Commissioners, whose address is 61 East Main Street, Uniontown, PA 15401, pursuant to the provisions of Section 2003(e) of the Administrative Code of 1929, P.L. 177, 71 P.S. 513(e), as amended (County Code, 16 P.S. §§ 2601-2603), has filed on August 19, 2022 a Declaration of Taking to the above term and number, condemning the

property shown on the plans of the parcels listed on the Schedule of Property Condemned which have been recorded in the Recorder's Office of the above county at the places indicated on the said schedule. The name(s) of the owner(s) of the property interest(s) condemned is (are) also shown on the aforesaid Schedule. The County of Fayette and the Fayette County Commissioners have approved the within condemnation by signing on 2/1/2021 a plan entitled DRAWINGS AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR TOWNSHIP ROAD T-907 SECTION M0Y R/ W IN FAYETTE COUNTY, a copy of which plan was recorded in the Recorder's Office of the aforesaid county on 3/24/2022, in HW BOOK 16 PAGE 41.

The purpose of the condemnation is to acquire property for transportation use.

Plans showing the property condemned from the parcels listed on the Schedule of Property Condemned have been recorded in the aforesaid Recorder's Office at the places indicated on the Schedule, where they are available for inspection. The Property Interest thereby condemned is designated on the Declaration of Taking heretofore filed. The County of Fayette is not required to post security, in as much as it has the power of taxation.

Because the identity or the whereabouts of the condemnee(s) listed below is (are) unknown or for other reasons he (they) cannot be served, this notice is hereby published in accordance with Section 305(b) of the Eminent Domain Code (26 Pa.C.S. §305(b)).

Parcel No. Name
 3 David L. Widdowson, II
 Address
 Tax ID No. 04-28-0067; DBV 3541 Page 2469

Parcel No. Name
 10 Estates of Elmer A. Snyder and Pearl Snyder
 Address
 Tax ID No. 04-28-0128; DBV 3541 Page 2475

Parcel No. Name
 12 Estate of John Halfhill
 Address
 Tax ID No. 04-28-0129; DBV 3541 Page 2472

Parcel No. Name
 13 Estate of R.R. Grim
 Address
 Tax ID No. 04-28-0130; DBV 3541 Page 2478

Parcel No. Name
 14 Estate of John S. Detwiler
 Address
 Tax ID No. 04-28-0131; DBV 3541 Page 2466

The power or right of the County of Fayette to appropriate the property condemned, the procedure followed by the County of Fayette or the Declaration of Taking may be challenged by filing preliminary objections within thirty (30) days of the date of this notice.

FURTHERMORE, NOTICE IS GIVEN THAT the County of Fayette, pursuant to Section 522 of the Eminent Domain Code (26 Pa.C.S. §522), will, at the end of the above-referenced thirty (30) day time period within which to file preliminary objections to the Declaration of Taking, present a petition to the Court of Common Pleas of the above county to deposit into court the just compensation estimated by the County of Fayette to be due all parties in interest for damages sustained as the result of the condemnation of the property herein involved.

The petition to deposit estimated just compensation may not be presented to the court if the owner(s) of the property herein involved inform the County of Fayette noted below of their existence and/or whereabouts prior to the expiration of the noted period. After estimated just compensation has been deposited into court, the said monies may be withdrawn by the persons entitled thereto only upon petition to the court. If no petition is presented within a period of six years of the date of payment into court, the court shall order the fund or any balance remaining to be paid to the County without escheat.

Timothy J. Witt, Esquire
 Assistant Solicitor for Fayette County


DiBella Weinheimer
 Geer McAllister Best Coco Lloyd Whalen



Holly Whalen ◊ Amy Coco ◊ Bethann Lloyd

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SHERIFF'S SALE

Date of Sale: May 18, 2023

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday May 18, 2023, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:

All bidders must complete the Realauction on-line registration process at <https://fayette.pa.realforeclose.com> to participate in the auction.

All bidders must place a 10% deposit equal to the successful bid for each property purchased to Realauction via wire transfer or ACH per Realauction requirements. Upon the auction's close, buyer shall have 10 business days to pay the remaining balance to the Fayette County Sheriff's Office via cashier's check. No cash will be accepted. Failure to comply with the Conditions of Sale, shall result in a default and the down payment shall be forfeited by the successful bidder and applied to the costs and judgments. The schedule of distribution will be filed no later than 30 days after the sale of real property. If no petition has been filed to set aside the sale or objections to the distribution are filed within 10 days of filing the distribution, the Sheriff will prepare and record a deed transferring the property to the successful bidder.

(2 of 3)

James Custer
 Sheriff of Fayette County

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
 A Florida Limited Liability Company
 133 Gaither Drive, Suite F Mt. Laurel, NJ 08054
 Phone: (855) 225-6906
 Fax: (866) 381-9549

No. 847 of 2022 GD
 No. 269 of 2022 ED

LAKEVIEW LOAN SERVICING, LLC
Plaintiff

v.

JACQUELINE PERRYMAN, IN HER CAPACITY AS ADMINISTRATRIX AND HEIR OF THE ESTATE OF TRAVIS R. PERRYMAN A/K/A TRAVIS RAY PERRYMAN; HARRY R. PERRYMAN, IN HIS CAPACITY HEIR OF TRAVIS R. PERRYMAN A/K/A TRAVIS RAY PERRYMAN; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER TRAVIS R. PERRYMAN A/K/A TRAVIS RAY PERRYMAN

Defendant(s)

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE TOWNSHIP OF DUNBAR, FAYETTE COUNTY, PENNSYLVANIA:

BEING KNOWN AS: 815 HIGH RD DUNBAR, PA 15431

BEING PARCEL NUMBER: 09-31-0209 and 09-31-0299

IMPROVEMENTS: RESIDENTIAL PROPERTY and VACANT LAND

(2 of 3)

*** END OF SHERIFF'S SALE ****

Registers' Notice

Notice by JEFFREY L. REDMAN, Register of Wills and
Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, April 3, 2023, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2615-0843	RONALD G. DREUCCI, deceased	Ronald J. Dreucci, Executor
2622-0601	DANIEL JOSEPH LOYA, deceased	Alex E. Loya, Executrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, April 17, 2023, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Joseph M. George, Jr.** or his chambers, Third Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

Monday, April 3, 2023, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2621-0526	RODNEY CRAIG KING, SR., a/k/a RODNEY C. KING, deceased	Vicki L. King, Administratrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, April 17, 2023, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable Steve P. Leskinen** or his chambers, Second Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

JEFFREY L. REDMAN
Register of Wills and Ex-Officio Clerk of the Orphans' Court Division (2 of 2)

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
vs.	:	
	:	
SARA HILLEGAS,	:	No. 396 of 2020
Defendant.	:	Honorable Linda R. Cordaro

OPINION AND ORDER

Linda R. Cordaro, J.

March 3, 2023

Before this Court is the Defendant's Omnibus Pretrial Motion for suppression of blood test results on the grounds that the Defendant did not voluntarily consent to a blood draw. This Court heard testimony and argument on February 13, 2023, and the mobile video recording (MVR) of the incident was admitted into evidence. For the following reasons, Defendant's Motion is granted.

FINDINGS OF FACT

The following facts were established via testimony and MVR evidence. The Defendant was the driver involved in a vehicle accident, and police afterward arrived on the scene. They made contact with the Defendant, after which standard field sobriety tests were performed. The Defendant appeared to have difficulty maintaining her balance, and according to her, she was wearing her son's father's shoes, which did not fit her properly. {1} The Defendant then was taken into custody and placed in the police vehicle. Shortly afterward, she became emotionally distraught, then began struggling to stay awake. Eventually, she slumped forward, her head hanging down. She remained in this position while officers searched for a DL-26 form in the trunk of their vehicle. When the officers opened the vehicle door, they had to call the Defendant's name several times and shake her to wake her up. One officer asked if he could read the form, and the Defendant said yes. He then proceeded to read, and the Defendant slowly began slumping forward again. The officer did not pause in his reading, and his partner shook the Defendant awake again. The officer then asked if she would "give blood," and she responded to the effect of "whatever is best." The officers stated that it was a "yes or no" question and asked again if she wanted to give blood. She then said "Yes, yes, yes, to you two, I'm sorry." One officer asked the other if the Defendant had to sign the form and was told that she did not because a signature was only necessary if she refused.

{1} There is no audio recording of the encounter until after the Defendant was handcuffed and placed in the police vehicle.

The Defendant testified that she panicked after the accident because there were drugs in her vehicle, and she had a prior DUI. She was afraid the bag of drugs would be found, so she swallowed it. She said things got "blurry" after the police arrived, and she did not recall what happened while she was in the back of the police vehicle. She asserts that she could not have knowingly consented to a blood draw at that time. She did not recall where the police took her for the blood draw.

LEGAL PRINCIPLES

The exclusionary rule functions as a "judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect..." *United States v. Leon*, 468 U.S. 897, 906 (1984) (quoting *United States v. Calandra*, 414 U.S. 338,348 (1974)). The purpose of this "exclusionary rule" is to discourage law enforcement officers from constitutionally violative conduct by suppressing evidence obtained by unconstitutional means. *Commonwealth v. Santiago*, 160 A.3d 814, 827-28 (Pa. Super. Ct. 2017).

A warrantless search is deemed to be unreasonable, subject to specific exceptions, which include consent to the search. *Commonwealth v. Strickler*, 757 A.2d 884, 888 (Pa. 2000). If the underlying encounter is lawful, then the voluntariness of the consent becomes the exclusive focus. *Id.* at 888-89. The Commonwealth must establish that consent was "the product of a essentially free and unconstrained choice ... under the totality of the circumstances." *Id.* at 901. The results of a warrantless search performed without a valid exception therefore are subject to the exclusionary rule.

DISCUSSION

The Defendant is charged with one count each of DUI under 75 Pa.C.S.A. §§ 3802 (d)(1)(ii), 3802(d)(1)(iii), and 3802(d)(2) and several summary offenses. She challenges that the results of the blood test should be suppressed because she was not advised of her right to refuse a blood draw; she was not provided with the DL-26 form to sign; and she did not knowingly, voluntarily, and intelligently consent to the blood draw.

In general, the driver of a vehicle is deemed to have given consent to a chemical test of the blood for the purpose of determining the presence of a controlled substance if a police officer has reasonable grounds to believe the driver is under the influence. 75 Pa.C.S.A. § 1547(a). However, upon arrest, an individual possesses an express statutory right to refuse chemical testing. *Commonwealth v. Myers*, 164 A.3d 1162, 1181 (Pa. 2017). The language of the implied consent statute does not constitute an independent exception to the warrant requirement, and an arrestee must have the opportunity to choose whether to exercise the right to refuse or to give consent to a blood draw, and the choice must be "knowing and conscious." *Id.* at 1180 (quoting *Commonwealth v. O'Connell*, 555 A.2d 873, 877 (Pa. 1989)).

The police officer in *Myers* attempted to communicate with the unconscious defendant prior to reading him the required warnings by speaking his name and tapping him on the shoulder. *Id.* at 1165. However, when the defendant remained unresponsive, the officer proceeded to read the implied consent (*O'Connell*) warnings anyway. *Id.* When the defendant still did not respond, the officer instructed a nurse to draw the de-

fendant's blood. Id. As the Pennsylvania Supreme Court observed:

Indeed, [the officer's] decision to read O'Connell warnings and to request a response from an unconscious and supine patient represents the antithesis of an opportunity to make a knowing and conscious choice. Because [the defendant] was deprived of this choice, the totality of the circumstances unquestionably demonstrates that he did not voluntarily consent to the blood draw.

Here, the Defendant was not completely unconscious and unresponsive. However, the MVR evidence clearly shows she did not remain fully conscious while being read the warnings and drifted into sleep/unconsciousness soon after the officer began reading. The Defendant testified that she does not remember what happened while she was in the back of the police vehicle, which is entirely credible given that she was visibly struggling to remain conscious. Therefore, despite her assent, the Defendant's condition was such that she cannot be said to have understood the warnings read to her nor did she have the opportunity to make a knowing and conscious choice.

CONCLUSION

For the foregoing reasons, this Court finds that the Defendant did not give voluntary consent to a blood draw. Therefore, the Court enters the following:

ORDER

AND NOW, this 3rd day of March, 2023, inconsideration of Defendant's Omnibus Pretrial Motion to suppress and after a hearing on said Motion, it is hereby ORDERED and DIRECTED that said Motion is GRANTED.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Clerk of Courts

LUNCH & LEARN SERIES

The Fayette County Bar Association's next presentation in its Lunch & Learn Series will be:

- Date: **Wednesday, April 19th from 12:00 p.m. to 1:30 p.m.**
- Location: **Courtroom No. 2 of the Fayette County Courthouse**
- Discussion topics: **Employment Law Tips for Small Businesses**
- Presenters: **Rachel McElroy, Esquire**

CLE Credit

1.5 hours of Substantive CLE credit for the program. The fees are as follows:

Members of the FCBA

- \$5 fee for attendance without CLE Credit
- \$15 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2018

- \$5 fee for attendance with CLE Credit

Non-members of the FCBA

- \$15 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**** All fees to be paid at the door ****
A light lunch will be provided.

RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or email to cindy@fcbar.org on or before Monday, April 17th.

Join us for an evening of camaraderie with your colleagues at the

128th ANNUAL
FAYETTE COUNTY BAR ASSOCIATION

Bar Banquet

FRIDAY, APRIL 28, 2023

5:30 COCKTAIL RECEPTION
6:30 DINNER

The Mansion at Linden Hall

432 LINDEN HALL ROAD
DAWSON, PA 15428

KINDLY REPLY BY FRIDAY, APRIL 14TH
WITH MENU SELECTION:

prime rib, chicken marsala, or gulf shrimp with lump crabmeat

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