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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

CHERYL A. COOKE, late of Upper Tyrone Township, Fayette County, PA (3)

Executrix: Jennifer L. Wadsworth
2069 Mt. Pleasant Road
Greensburg, PA 15601
c/o Fike, Cascio & Boose
124 North Center Avenue
P.O. Box 431 Somerset, PA 15501-0431
Attorney: Jeffrey L. Berkey

JAMES F. DAUGHERTY, late of South Connellsville, Fayette County, PA (3)

Executrix: Kathy Walker
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

THOMAS S. PISZCZOR, late of Menallen Township, Fayette County, PA (3)

Personal Representative: Joseph Piszczor
c/o George & George
92 East Main Street
Uniontown, PA 15401
Attorney: G.T. George

JOHN ROUDABUSH, a/k/a JOHN M. ROUDABUSH, late of Vanderbilt Borough, Fayette County, PA (3)

Executrix: Lisa Wood
615 6th Avenue
Sutersville, PA 15083
c/o 1747 Rostraver Road
Belle Vernon, PA 15012
Attorney: Megan Kerns

SAVANNAH M. STIMMELL, late of Brownsville Borough, Fayette County, PA (3)

Administratrix: Deborah Martelli
615 Green Street
Brownsville, PA 15417
c/o Newcomer Law Offices
4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Ewing D. Newcomer

Second Publication

THERESA J. HOIST, a/k/a THERESA JOAN HOIST, late of German Township, Fayette County, PA (2)

Administratrix: Jennifer Huseman
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

ETHEL IRENE SWANEY, a/k/a ETHEL I. SWANEY, late of Georges Township, Fayette County, PA (2)

Executrix: Sarah Lynn Rider-Skoric
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

BARBARA WILBURN, a/k/a BARBARA GAYLE WILBURN, late of Henry Clay Township, Fayette County, PA (2)

Administratrix: Michele Guthrie
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

First Publication

EUGENE COWSERT, a/k/a EUGENE W. COWSERT, late of North Union Township, Fayette County, PA (1)

Co-Executors: Kenneth E. Cowsert, Donald L. Cowsert and Marlin T. Cowsert
c/o Zebley Mehalov & White, P.C.
18 Mill Street Square
P.O. Box 2123
Uniontown, PA 15401
Attorney: Charles O. Zebley, Jr.

JOAN DOHANICH, late of Washington Township, Fayette County, PA (1)

Executrix: Cynthia Rollings
101 Morgan Street
Canonsburg, PA 15317
c/o E.J. Julian, Esquire
71 North Main Street
Washington, PA 15301
Attorney: E.J. Julian

RAY A. GRAY, SR., a/k/a RAY ALVIN GRAY, SR., late of Georges Township, Fayette County, PA (1)

Executrix: Joy L. Williams
c/o 440 Ruble Mill Road
Smithfield, PA 15478
c/o P.O. Box 430
Smithfield, PA 15478
Attorney: Robert Grimm

MARTIN HOSPODAVIS, late of North Union Township, Fayette County, PA (1)

Co-Executors: Ronald M. Hospodavis and Jeffery N. Hospodavis
c/o Zebley Mehalov & White, P.C.
18 Mill Street Square
P.O. Box 2123
Uniontown, PA 15401
Attorney: Charles O. Zebley, Jr.

BERNADETTE M. KROLL, late of Footedale, Fayette County, PA (1)

Executrix: Bernadette Tummons
c/o P.O. Box 727
Uniontown, PA 15401
Attorney: Bernadette Tummons

MAXINE MCCABE, a/k/a MAXINE M. MCCABE, late of South Union Township, Fayette County, PA (1)

Administrator: Scott Irwin Basescu
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

LEGAL NOTICES

NOTICE

Notice is hereby given that the Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on December 2, 2023, for a limited liability company known as Woodglen 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/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

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about December 1, 2023, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Anime Card Guy with the principal place of business at: 416 Windy Hill rd. New Salem, PA 15468. The name or names and addresses of persons owning and interested are: Jonathan Nesnec.

NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO.: 2022-01074

(800) 692-7375
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

ALLIED FIRST BANK, SB DBA SERVBANK,
Plaintiff,
vs.
Edward A. Bugai; Damara J. Bugai,
Defendants

TO: Edward A. Bugai

You are hereby notified that Plaintiff, Allied First Bank, SB DBA Servbank, filed an Action in Mortgage Foreclosure endorsed with a Notice to Defend, in the Court of Common Pleas of Fayette County, Pennsylvania, docketed to No. 2022-01074, seeking to foreclose the mortgage secured by the real estate located at 810 York Street, Brownsville, PA 15417.

A copy of the Action in Mortgage Foreclosure will be sent to you upon request to the Attorney for the Plaintiff, Manley Deas Kochalski LLC, P. O. Box 165028, Columbus, OH 43216-5028. Phone 614-220-5611.

You have been sued in court. If you wish to defend against the claims in this notice, you must take action within twenty (20) days after this publication, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE
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IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
Case No. 619 OF 2023, G.D.
IN DIVORCE

ALYCIA JONES,
PLAINTIFF
vs.
JUSTIN C. KING,
DEFENDANT

NOTICE OF INTENTION TO FILE THE
PRAECIPE TO TRANSMIT RECORD
UNDER SECTION 3301(c)(2) OR SECTION
3301(d) OF THE DIVORCE CODE

TO: JUSTIN C. KING
(PLAINTIFF/DEFENDANT)

You have been sued in an action for divorce. You have failed to answer the complaint or file a counter-affidavit to the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code or the Affidavit under Section 3301(d) of the Divorce Code. Therefore, on or after December, 28, 2023, the other party can request the court to enter a final decree in divorce or, if there are unresolved ancillary claims, an order approving grounds for divorce as indicated on the proposed Praecipe to Transmit Record, which is attached.

If you do not file an answer with your signature notarized or verified by the above date, the court can enter a final decree in divorce or, if there are unresolved ancillary claims, an order approving grounds for divorce.

Unless you have already filed with the court a written claim for economic relief, you must do so by the above date, or the court may grant the divorce or an order approving grounds for divorce and you may lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR

TELEPHONE THE OFFICE SET FORTH BELOW. 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.

SAMUEL J. DAVIS, ESQ.
107 E. MAIN STREET,
UNIONTOWN, PA 15401
(724) 437-2799

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

Tuesday, January 2, 2024, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2621-1050	NANCY L. SOLTIS, deceased	Jason M. Soltis, Administrator

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

Tuesday, January 16, 2024, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable President Judge 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.

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

Tuesday, January 2, 2024, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2602-0631	BESSIE G. SEMBOWER, deceased	Karen L. Sembower and Lance R. Sembower, Administrators
2622-0357	FLOYD A. STANGROOM, deceased	Floyd A. Stangroom, Jr., Executor
2622-0281	BRENDA P. NICKELSON, deceased	C. Thomas Nickelson, Executor

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

Tuesday, January 16, 2024, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Judge 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.

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	:	
v.	:	
RYAN MICHAEL MICIOTTO,	:	No. 278 of 2023
Defendant.	:	Honorable Linda R. Cordaro

OPINION AND ORDER

Linda R. Cordaro, J.

September 25, 2023

Before this Court is Defendant's Omnibus Pretrial Motion. A hearing on the Motion was held on August 23, 2023, at which the February 16, 2023 preliminary hearing transcript and other exhibits were entered into evidence, including: a copy of the search warrant for the residence, the inventory log of seized property, photographs, and a copy of a criminal complaint against another individual.

After consideration of the evidence and the arguments of counsel for the Commonwealth and for the Defendant, for the following reasons, Defendant's Motion is denied.

FINDINGS OF FACT

The following facts were established in the transcript of the February 16, 2023 preliminary hearing and in testimony at the August 23, 2023 hearing on Defendant's Motion.

According to the testimony of Trooper Kelsey Landberg, on February 4, 2023, she was dispatched to 270 Pittsburgh Street in response to an open line 911 call that someone needed an ambulance. When Trooper Landberg arrived on the scene, around 10:16 a.m., Fayette EMS were already there. Through conversation with EMS, the trooper determined that a firearm had been discharged. She also found two spent 9 mm rounds near a vehicle parked at the scene and one live .40 mm round near the corner of the garage.

The Defendant approached, coming down from the residence and passing beside the detached garage. A second individual, Natalie Marshall, also was present at the scene. When the trooper asked the Defendant what happened, he reported that two black males in an Audi had shot at his brother, Stephen Baker, then fled. However, he later retracted this and stated that his brother had wanted heroin and when the Defendant refused, Mr. Baker shot twice into the air. The Defendant said he did not want his brother to get in trouble as his brother had active warrants. The Defendant was detained and allowed a search of the bag he carried, which contained only cash.

Trooper Landberg testified that other troopers responded to the scene, and one of them, Corporal Simko, went to the rear door of the residence where he spoke with a third individual, Ms. Nessa Teets. Corporal Simko went into the house, and Trooper

Landberg went in sometime after that to ascertain whether anyone in the house was in need of medical attention. When Trooper Landberg entered the house, she saw Stephen Baker sitting at the kitchen table. As she walked through the house, she observed a bullet on the floor in an upstairs bedroom next to the bed. The occupants of the house were taken to the police station and the house, garage, and vehicles on the scene were secured.

Trooper Landberg applied for, and was granted, a search warrant for the residence (Defendant's Exhibit A). The warrant was granted on February 4, 2023 at 3:31 p.m. and executed at approximately 4:09 p.m. According to the inventory log (Defendant's Exhibit B), the following were among the seized items: three (3) 9 mm Luger casings; two (2) 9 mm cartridges; a Glock -40 magazine; a Glock 23 Gen 4 with extended magazine; nine (9) .40 S&W cartridges.; a Davis Industries pistol; and a Glock 9x19 19X. Trooper Landberg testified that she checked property records for the residence that day, and the Defendant was listed as one of the owners.

Trooper Jason Churney testified at the August 23, 2023 hearing as the individual that logged and photographed the evidence found at the residence. His testimony was that a lone cartridge was found in a bedroom under the edge of the bed. The inventory log indicates that the only loose ammunition found in a bedroom was on the floor "under air mattress." On cross-examination, Trooper Churney clarified that the mattress was on a bed frame and the bullet was underneath, on the floor.

Trooper Landberg also testified at the preliminary hearing that the Defendant has prior convictions for possession with intent to distribute, a crime that carries a punishment of incarceration for more than two years, making it an enumerated offense prohibiting the Defendant from possession of a firearm.

DISCUSSION

The Defendant is charged with three counts of possessing a firearm while being a person prohibited from possession of firearms. {1} He also is charged with making a false report to law enforcement, {2} although the Motion relates only to the firearms charges.

The Defendant's Motion presents a motion for discovery as "Count II," which was not addressed at the August 23, 2023 hearing. The Motion also takes the position (presumably as a catch-all Count I) that (1) troopers entered the residence without probable cause or valid exception to the warrant requirement; (2) the Defendant's Second Amendment rights were violated; (3) a search warrant was entered that authorized a DNA sample from the Defendant without probable cause and as a purely anticipatory action, thereby constituting a general warrant. The relief requested was a grant of habeas corpus and/or suppression of any and all evidence from the petitioner's residence.

{1} 18 Pa.C.S.A. § 6105(a)(1). At Count 1, the charge is for possession of a Glock 23 Gen 4 firearm; at Count 2, the charge is for possession of a Davis Industries pistol; at Count 3, the charge is for possession of a Glock SX1919X firearm.

{2} 18 Pa.C.S.A. § 4906(b)(1).

The presentation of evidence and argument at the August 23, 2023 hearing deviated somewhat from the content of the Motion. First, counsel for the Defendant did not address the issue of the authorization of a DNA sample. Second, defense counsel acknowledged that there was justification for the initial entry of troopers into the residence based on their need to ascertain if there were any individuals in need of medical attention. Third, Defendant's counsel questioned the validity of the search warrant for the residence, a challenge which raises an issue of suppression. Fourth, counsel argued that there is no evidence that the Defendant possessed the weapons found in the residence, but only that he co-owned the residence, a challenge which raises an issue of habeas. Finally, Defendant's counsel raised the issue of the legitimacy and validity of gun laws given the opinion in the federal case *Bryan David Range v. Attorney General of the United States of America*, 69 F-4th 96 (3d Cir. 2023) (en banc). Therefore, based upon what was actually presented and argued during the hearing, the issues for consideration are (1) whether the search warrant of Defendant's property was based upon sufficient probable cause; (2) whether there is sufficient evidence for a prima facie case of Defendant's possession of firearms; and (3) the relevance and import of Range.

Suppression

Any evidence obtained by police conduct that violates an individual's constitutional rights may be subject to suppression. The purpose of this "exclusionary rule" is to discourage law enforcement officers from constitutionally violative conduct. *Commonwealth v. Santiago*, 160 A.3d 814, 827-28 (Pa. Super. Ct. 2017) (citing *Commonwealth v. Edmunds*, 586 A.2d 887, 908 (Pa. 1991)).

With respect to the validity of a search warrant, a reviewing court's duty is merely to ensure the issuing authority had a substantial basis for concluding that probable cause existed, while exercising deference to that authority and viewing the information in a "common-sense, non-technical manner." *Commonwealth v. Johnson*, 240 A.3d 575, 585 (Pa. 2020) (quoting *Commonwealth v. Torres*, 764 A.2d 532, 537-38 (Pa. 2001)).

During the August 23, 2023 hearing, defense counsel focused heavily on calling into question Trooper Landberg's testimony that she observed a bullet on the floor in the upstairs bedroom. The trooper testified that she observed a bullet on the floor by the bed, and, according to the affidavit of probable cause, the bullet was observed "on the floor next to the bed." Defense counsel contrasted this with the inventory log completed by Trooper Churney, which described the bullet as being "under air mattress." Counsel challenged the veracity of the claim that Trooper Landberg saw a bullet "under" a mattress. However, Trooper Churney's testimony and the photographs admitted into evidence clarified any apparent discrepancy - the mattress was on a bed frame elevated off the floor. Based on testimony and photographic exhibits, it is reasonable to understand that, during her walk-through, Trooper Landberg noticed a bullet lying on the bedroom floor under a bed frame and described it as "next to the bed" whereas the inventory log described it as "under" an air mattress.

Trooper Landberg's affidavit of probable cause for the search warrant describes that (1) an open-line 911 call requested an ambulance to the residence; (2) Fayette EMS informed her that they learned there may be a firearm involved in the situation and had waited for her to arrive; (3) the Defendant exited the house and confirmed there had

been gunfire; (4) the Defendant changed his story; (5) the trooper observed two spent rounds next to the driver's side of a vehicle at the scene and one live bullet near the garage; (6) the trooper saw one live ammunition round on the floor next to the bed. Here, there are sufficient facts alleged to support probable cause, and Defendant's Motion with respect to suppression of evidence on the grounds that the affidavit of probable cause was insufficient is denied.

Habeas

A petition for a writ of habeas is "the proper means for testing a pre-trial finding that the Commonwealth has sufficient evidence to establish a prima facie case" against a defendant. *Commonwealth v. Scott*, 578 A.2d 933, 936 (Pa. Super. Ct. 1990). In order to establish its prima facie case, the Commonwealth must present evidence as to each material element of the crimes charged and establish sufficient probable cause that the accused is the person who committed the offenses. *Commonwealth v. McBride*, 595 A.2d 589, 591 (Pa. 1991). If evidence is subject to suppression, the Commonwealth may be unable to sustain its burden when insufficient evidence remains to establish a prima facie case.

In order to establish a prima facie case for the firearms charges, the Commonwealth must present evidence that the Defendant was prohibited from possessing a firearm and that he did so. Trooper Landberg testified at the preliminary hearing that the Defendant has prior convictions for possession with intent to deliver, a crime that carries a punishment of incarceration for more than two years, making it an enumerated offense prohibiting the Defendant from possession of a firearm.

The Defendant argues that the Commonwealth has not presented sufficient evidence to show that he possessed any firearms, only that he is one of the owners of the residence where the firearms were found. The inventory log (Defendant's Exhibit B) indicates that ammunition, firearms, and pieces were found throughout the residence at 270 Pittsburgh Street, including on shelving in a bedroom (Glock -40 magazine); a plastic tote in a bedroom (Glock 23); and in attic insulation (Davis Industries pistol and Glock 9x19 19X). There was no testimony or other evidence as to any indicia found near the firearms. Furthermore, there were no laboratory results presented to link the Defendant to one or more firearms. Since there is no evidence to show that the Defendant actually possessed the firearms, the Commonwealth must present evidence of constructive possession in order to establish a prima facie case. Mere presence or proximity to a contraband item is not sufficient in itself. *Commonwealth v. Peters*, 218 A.3d 1206, 1209 (Pa. 2019). However, constructive possession may be established based on inferences derived from a totality of the circumstances. *Id.* Constructive possession may be proven where one or more individuals has the power and intent to exercise control of the item. *Commonwealth v. Jackson*, 659 A.2d 549, 551 (Pa. 1995). The possession of the item need not be exclusive; two or more individuals can possess an item at the same time. *Id.* (citation omitted).

As mentioned, firearms and ammunition were found in different locations throughout the Defendant's home, including a bedroom and the attic. According to preliminary hearing testimony, the attic was accessible from the second floor, and according to testimony at the August 23, 2023 hearing, there were at least three individuals in the resi-

dence at or around that time: the Defendant, Nessa Teets, and Stephen Baker. {3} However, here, the totality of circumstances supports an inference of constructive possession because although the Defendant was not the only individual in the residence, there is evidence that he owned the home and, more persuasively, firearms and ammunition were discovered in more private and hidden areas of that home, such as within the insulation in the attic. Therefore, there is sufficient evidence for a prima facie case, and Defendant's motion for writ of habeas is denied.

Second Amendment Violation

By way of briefly addressing the Defendant's claim of a Second Amendment violation, the Commonwealth correctly summarized the facts of the case cited by the Defendant: *Range v. Attorney Gen. United States of Am.*, 69 F.4th 96 (3d Cir. 2023). In *Range*, the appellant was prohibited from owning a weapon under federal statute 18 U.C.S.A. § 922(g)(1) because he had a prior conviction for making a false statement in order to obtain food stamps, a crime classified as a misdemeanor punishable by up to five years' imprisonment by Pennsylvania statute 62 P.S. § 481. *Id.* at 98. The Third Circuit decision held that this prohibition was a constitutional violation as applied to *Range*. *Id.* at 106. The court also specifically expressed that:

[o]ur decision today is a narrow one. Bryan Range challenged the constitutionality of 18 U.S.C. § 922(g)(1) only as applied to him given his violation of 62 Pa. Stat. Ann. § 481(a). Range remains one of "the people" protected by the Second Amendment, and his eligibility to lawfully purchase a rifle and a shotgun is protected by his right to keep and bear arms. Because the Government has not shown that our Republic has a longstanding history and tradition of depriving people like Range of their firearms, § 922(g)(1) cannot constitutionally strip him of his Second Amendment rights.

Id. at 106.

Unlike the appellant in *Range*, here, the Defendant has been convicted of multiple drug-related felonies. This makes his circumstances easily distinguishable, and he is not entitled to relief on his claim of a Second Amendment violation based on the narrow holding in *Range*.

Therefore, the Court enters the following:

ORDER

AND NOW, this 25th day of September, 2023, in consideration of Defendant's Omnibus Pretrial Motion, it is hereby ORDERED and DIRECTED that Defendant's Motion is DENIED.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Clerk of Courts

{3} There was no testimony that the fourth person, Natalie Marshall, was inside the residence.

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