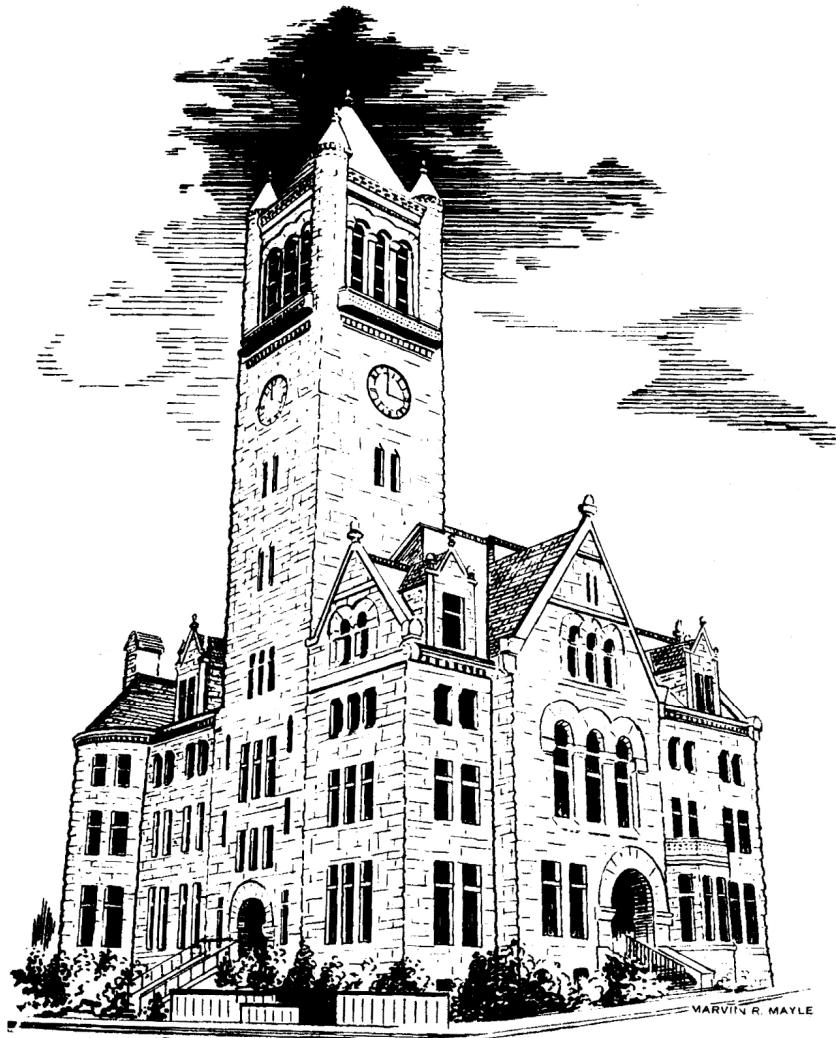


# FAYETTE LEGAL JOURNAL

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## FAYETTE LEGAL JOURNAL

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**Co-Editors:** Garnet L. Gordon and Melinda Deal Dellarose

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The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding, the impact of the provisions of the Rules of Professional Conduct or the Code of Judicial Conduct upon the inquiring member's proposed activity. All inquiries are confidential.

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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

**SHIRLEY A. CHAMBERS**, late of Dunbar Township, Fayette County, PA (3)

*Personal Representative:* Amy R. Johnson  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**MARY JO REINELT**, late of Washington Township, Fayette County, PA (3)

*Executrix:* Catherine M. Holderbaum  
c/o MacDonald, Illig, Jones & Britton, LLP  
100 State Street, Suite 700  
Erie, PA 16507-1459  
*Attorney:* S. Craig Shamburg

**DORIS LOUISE SMITH, a/k/a DORIS L. SMITH**, late of Upper Tyrone Township, Fayette County, PA (3)

*Personal Representatives:* Karen Louise Christner and Anita Jean Smith  
c/o Davis & Davis Attorneys At Law  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

### Second Publication

**LINDA RAE BOOR**, late of North Union Township, Fayette County, PA (2)

*Executor:* Emery Jerome Boor  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**BRUCE PAPICK**, late of South Union Township, Fayette County, PA (2)

*Personal Representative:* Nancy J. Paptick  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**MARK WARREN, a/k/a MARK EDWARD WARREN**, late of Mill Run, Fayette County, PA (2)

*Administrator:* Richard G. Warren  
c/o Casini & Geibig, LLC  
815B Memorial Blvd.  
Connellsville, PA 15425  
*Attorney:* Jennifer M. Casini

### First Publication

**SHARON FARKAS**, late of Perry Township, Fayette County, PA (1)

*Executor:* Jack Farkas  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**SARAH E. HUDAQ, a/k/a SALLY HUDAQ**, late of Uniontown, Fayette County, PA (1)

*Administratrix:* Suzanne Jones  
c/o Tiberi Law Office  
84 East Main Street  
Uniontown, PA 15401  
*Attorney:* Vincent M. Tiberi

**MARGARET KALP, a/k/a MARGARET LOUISE KALP**, late of Bullskin Township, Fayette County, PA (1)

*Co-Executors:* Darren E. Kalp and Brett G. Kalp  
749 North Church Street  
Mt. Pleasant, PA 15666  
*Attorney:* Michael Johnson

**SHEILA RAE WILSON**, late of Georges Township, Fayette County, PA (1)

*Personal Representative:*  
Richard Franklin Wilson  
76 East Main Street  
Uniontown, PA 15401  
*Attorney:* Douglas S. Sholtis

## LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
NO. 2317 OF 2024 G.D.  
JUDGE LESKINEN

LOUIS J. CONGELIO  
Plaintiff

v.

MARK CONGELIO, ET. AL.  
Defendants

**TO:** Mark Congelio, Louis G. Congelio, Donald Angelone, Rosemarie Thompson, John Tokarcik, Alicia Blayner, Seanasey Johnston Overton, Racheal Johnston, Frank Congelio, Michelle Garofalo, Robert Congelio, Donald Congelio, Judith McClead, Antionette Farkus, Deborah Hess, Janet Wade, Anthony R. Gennaro, Paul Gennaro, Michelle Gennaro, Lisa Martini, Shawnie Brobeck, Michelle Sebastian, Robert Roman, Mary Jo Pelletier, and Janice Papalia, as the collective, lawful and respective heirs, assigns, and/or successors in interest of Merco Congelio, Nicholas Congelio, Belle Congelio Angelone, Nellie Congelio Gennaro, Michael Congelio, Anthony Congelio, Mary Congelio Tokarcik, and Pauline Congelio Roman, respectively, who are all deceased, and who collectively, were the surviving siblings and heirs of Jennie Congelio, who was also known as Jennie Di Concilio, and their heirs, successors, and assigns, generally

You are hereby notified that Louis J. Congelio has filed a complaint at the above number and term in the above-mentioned court in an action to Quiet Title wherein it is alleged that Louis J. Congelio, his heirs, successors, and assigns is the owner of property situate in Luzerne Township, Fayette County, Pennsylvania, being known and designated on the Fayette County Tax Assessment Maps as Tax Identification Number 19-29-0130.

The lots which are the subject of this quiet title action are more fully described and recorded in the Office of the Recorder of Deeds of Fayette County, Pennsylvania in Deed Book Volume 6, Page 56.

Said complaint sets forth that Plaintiffs are the owners in fee simple of the above-described Premises. A complaint was filed for the purpose of barring all of your right, title, and interest or claim in and to all or a portion of said premises.

## NOTICE

You are hereby notified that you have been sued in court. If you wish to defend against the claim set forth in the complaint and in the within advertisement, you must take action within twenty (20) days after the last advertisement of this notice by entering a written appearance personally or by attorney and filing if writing with the court your defenses or objections to the claim 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 or 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 A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

**PENNSYLVANIA BAR ASSOCIATION  
PENNSYLVANIA LAWYER REFERRAL  
100 SOUTH STREET, P.O. BOX 186  
HARRISBURG, PA 17108  
TELEPHONE: 1-800-932-0311**

Herbert G. Mitchell, III, Esquire  
902 First St. P.O. Box 102  
Hiller, PA 15444  
Date: January 9, 2026

## SHERIFF'S SALE

Date of Sale: March 19, 2026

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 March 19, 2026, 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.

(1 of 3)

James Custer  
Sheriff of Fayette County

PARKER McCAY P.A.  
By: Daniel J. Capecci, Esquire  
Attorney ID# 319193  
9000 Midlantic Drive, Suite 300  
P.O. Box 5054  
Mount Laurel, NJ 08054-1539

No. 940 of 2024 G.D.  
No. 284 of 2025 E.D.

**Valley Strong Credit Union  
c/o NewRez LLC d/b/a Shellpoint Mortgage  
Servicing**  
**75 Beattie Place, Ste. 300  
Greenville, SC 29601**  
**Plaintiff,**  
**vs**  
**Avery Beamish and  
Jennifer Lynn Beamish  
605 Maple Street  
Brownsville, PA 15417**  
**Defendants**

By virtue of a Writ of Execution, No. 940 of 2024 GD, Valley Strong Credit Union vs. Avery Beamish and Jennifer Lynn Beamish, owner of property situated in Luzerne Township, Fayette County, Pennsylvania  
605 Maple St, Brownsville, PA 15417  
Parcel No. 19-29-0061  
Improvements thereon: Residential Single-Family Dwelling

KML LAW GROUP, P.C.  
Suite 5000  
701 Market Street  
Philadelphia, PA 19106-1532  
(215) 627-1322

No. 976 of 2025 G.D.  
No. 285 of 2025 E.D.

**ROCKET MORTGAGE, LLC F/K/A  
QUICKEN LOANS, LLC F/K/A QUICKEN  
LOANS INC.**  
**1050 Woodward Ave  
Detroit, Michigan 48226-1906**  
**Plaintiff**  
**vs.**  
**C J A MINOR AKA C J J, A MINOR, Solely  
in His/Her Capacity as Heir of Curtis L.  
Johnson, Deceased AKA Curtis James  
Johnson**  
**CYNTHIA L. JOHNSON Solely in Her  
Capacity as Heir of Curtis L. Johnson,  
Deceased**  
**The Unknown Heirs of Curtis L. Johnson  
Deceased**

**1003 Wharton Furnace Road Farmington,  
PA 15437**  
Defendant(s)

ALL THAT CERTAIN LOT OF LAND  
SITUATE IN WHARTON TOWNSHIP,  
COUNTY OF FAYETTE AND  
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 1003 WHARTON  
FURNACE ROAD, FARMINGTON, PA 15437  
TAX PARCEL #42-20-000901

IMPROVEMENTS: A RESIDENTIAL  
DWELLING

SOLD AS THE PROPERTY OF: C J A  
MINOR AKA C J J, A MINOR, SOLELY IN  
HIS/HER CAPACITY AS HEIR OF CURTIS  
L. JOHNSON, DECEASED AKA CURTIS  
JAMES JOHNSON, CYNTHIA L. JOHNSON  
SOLELY IN HER CAPACITY AS HEIR OF  
CURTIS L. JOHNSON, DECEASED AND  
THE UNKNOWN HEIRS OF CURTIS L.  
JOHNSON DECEASED

Brock & Scott, PLLC

No. 1311 of 2025 G.D.  
No. 289 of 2025 E.D.

**ROCKET MORTGAGE, LLC F/K/A  
QUICKEN LOANS, LLC**  
v.  
**CALEB COCKRELL**

By virtue of a Writ of Execution No. 2025-01311, ROCKET MORTGAGE, LLC F/K/A QUICKEN LOANS, LLC v. CALEB COCKRELL, owner(s) of property situate in the TOWNSHIP OF BULLSKIN, FAYETTE County, Pennsylvania, being 219 EVERSON VALLEY ROAD, CONNELLSVILLE, PA 15425

Tax ID No. 04240008 a/k/a 04-24-0008  
Improvements thereon: RESIDENTIAL  
DWELLING  
Judgment Amount: \$94,676.96

1325 Franklin Avenue, Suite 160  
Garden City, NY 11530  
(212) 471-5100

No. 2000 of 2025 G.D.  
No. 302 of 2025 E.D.

**LSF9 Master Participation Trust**

v.  
**Jenny R. Dean, Jeffrey K. Dean A/K/A  
Jefferey L. Dean**

By virtue of Writ of Execution No. 302 of 2025, E.D.

LSF9 Master Participation Trust v Jenny R. Dean, Jeffrey K. Dean A/K/A Jefferey L. Dean Docket Number: 2000 of 2025GD

Property to be sold is situated in the Township of Stewart, County of Fayette and Commonwealth of Pennsylvania.

Commonly known as: 380 Burnworth Road, Mill Run, PA 15464

Parcel Number: 37-13-0014-06  
Improvements thereon of the residential dwelling or lot (if applicable):  
Judgment Amount: \$75,494.50

Brock & Scott, PLLC

No. 1317 of 2025 G.D.  
No. 272 of 2025 E.D.

**DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR GSAMP  
TRUST 2006-SEAL, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES 2006-  
SEAL**

v.  
**ROBERT DICE; KIM MARCINKO A/K/A  
KIMBERLY MARCINKO**

By virtue of a Writ of Execution No. 1317 of 2025 GD, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR GSAMP TRUST 2006-SEAL, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-SEAL v. ROBERT DICE; KIM MARCINKO A/K/A KIMBERLY MARCINKO, owner(s) of property situate in the GEORGES TOWNSHIP, FAYETTE County, Pennsylvania, being 103 COOLEY ESTATE RD, SMITHFIELD, PA 15478

Tax ID No. 14360127 a/k/a 14-36-0127  
a/k/a 14-36-127

Improvements thereon: RESIDENTIAL  
DWELLING  
Judgment Amount: \$51,467.43

Brock & Scott, PLLC

No. 1393 of 2025 G.D.  
No. 297 of 2025 E.D.

**ROCKET MORTGAGE, LLC F/K/A  
QUICKEN LOANS, LLC**

v.

**LISA EBERLE, KNOWN HEIR OF DENNIS PRITTS, DECEASED; CORY PRITTS A/K/A DENNIS CORY PRITTS, KNOWN HEIR OF DENNIS PRITTS, DECEASED; CARRIE PRITTS, KNOWN HEIR OF DENNIS PRITTS, DECEASED; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE, OR INTEREST FROM OR UNDER DENNIS PRITTS, DECEASED**

By virtue of a Writ of Execution No. 1393 OF 2025 GD

ROCKET MORTGAGE, LLC F/K/A QUICKEN LOANS, LLC v. LISA EBERLE, KNOWN HEIR OF DENNIS PRITTS, DECEASED; CORY PRITTS A/K/A DENNIS CORY PRITTS, KNOWN HEIR OF DENNIS PRITTS, DECEASED; CARRIE PRITTS, KNOWN HEIR OF DENNIS PRITTS, DECEASED; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE, OR INTEREST FROM OR UNDER DENNIS PRITTS, DECEASED, owner(s) of property situate in the TOWNSHIP OF NORTH UNION, FAYETTE County, Pennsylvania, being 228 HOPWOOD COOLSPRING ROAD, HOPWOOD, PA 15445

Tax ID No. 25460172 a/k/a 25-46-0172

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$153,828.35

Padgett Law Group

HAYDN MELTON, ESQUIRE (335430)  
700 Darby Road, Suite 100  
Havertown, PA 19083  
(850) 422-2520

No. 1824 of 2025 G.D.

No. 311 of 2025 E.D.

**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, FOR MANUFACTURED HOUSING CONTRACT SENIOR/ SUBORDINATE PASS-THROUGH CERTIFICATE TRUST 1997-7**

v.

**ESTATE OF KAREN HLATKY, DECEASED, SAMUEL T. HLATKY, AS ADMINISTRATOR AND KNOWN HEIR OF THE ESTATE OF KAREN HLATKY, DECEASED.**

By virtue of Writ of Execution No. 2025-01824

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, FOR MANUFACTURED HOUSING CONTRACT SENIOR/ SUBORDINATE PASS-THROUGH CERTIFICATE TRUST 1997-7 v. ESTATE OF KAREN HLATKY, DECEASED, SAMUEL T. HLATKY, AS ADMINISTRATOR AND KNOWN HEIR OF THE ESTATE OF KAREN HLATKY, DECEASED.

Property Address: 819 Smithfield New Geneva Road, Smithfield, PA 15478

Township of Nicholson, County of Fayette, Commonwealth of Pennsylvania

Tax Parcel Number: 24190006

Improvements thereon: Single family residential dwelling

Judgment Amount: \$30,484.20

KML LAW GROUP, P.C.

Suite 5000

701 Market Street

Philadelphia, PA 19106-1532

(215) 627-1322

No. 1419 of 2025 G.D.

No. 288 of 2025 E.D.

**LAKEVIEW LOAN SERVICING, LLC**

**4425 Ponce De Leon Blvd**

**Mail Stop Ms5/251**

**Coral Gables, FL 33146**

**Plaintiff**

vs.

**CLIFFORD FISHER AKA**

**CLIFFORD E. FISHER**

**TIFFANY FISHER AKA**

**TIFFANY L. FISHER**

**Mortgagor(s) and Record Owner(s)**

**212 214 North Jefferson Street**

**Connellsville, PA 15425**

**Defendant(s)**

ALL THAT CERTAIN LOT OF LAND SITUATE IN CITY OF CONNELLSVILLE, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 212 214 NORTH JEFFERSON STREET, CONNELLSVILLE, PA 15425

TAX PARCEL #05-09-0097

IMPROVEMENTS: A RESIDENTIAL DWELLING  
SOLD AS THE PROPERTY OF:  
CLIFFORD FISHER AKA CLIFFORD E.  
FISHER AND TIFFANY FISHER AKA  
TIFFANY L. FISHER

1325 Franklin Avenue, Suite 160  
Garden City, NY 11530  
(212) 471-5100

No. 397 of 2025 G.D.  
No. 300 of 2025 E.D.

**U.S. Bank Trust Company, National Association, not in its individual capacity but solely as Indenture Trustee of CIM Trust 2023-R2**

Vs.

**Robert C. Grimes, Known Heir of Andrea E. Frey A/K/A Andrea Frey Grimes, Deceased; Damian Frey, Known Heir of Andrea E. Frey A/K/A Andrea Frey Grimes, Deceased; Caitlyn Grimes, Known Heir of Andrea E. Frey A/K/A Andrea Frey Grimes, Deceased; Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Andrea E. Frey A/K/A Andrea Frey Grimes, Deceased**

By virtue of Writ of Execution No. 300 of 2025 ED, U.S. Bank Trust Company, National Association, not in its individual capacity but solely as Indenture Trustee of CIM Trust 2023-R2 Vs. Robert C. Grimes, Known Heir of Andrea E. Frey A/K/A Andrea Frey Grimes, Deceased; Damian Frey, Known Heir of Andrea E. Frey A/K/A Andrea Frey Grimes, Deceased; Caitlyn Grimes, Known Heir of Andrea E. Frey A/K/A Andrea Frey Grimes, Deceased; Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Andrea E. Frey A/K/A Andrea Frey Grimes, Deceased

Docket Number: 397 of 2025 GD

Property to be sold is situated in the Township of North Union, County of Fayette and Commonwealth of Pennsylvania.

Commonly known as: 133 Ruskin Street, Uniontown, PA 15401

Parcel Number: 25-38-0053

Improvements thereon of the residential dwelling or lot (if applicable): Residential Dwelling

Judgment Amount: \$63,542.30

Brock & Scott, PLLC  
No. 2300 of 2025 G.D.  
No. 291 of 2025 E.D.

**FREEDOM MORTGAGE CORPORATION v. JOSH HAJDUK**

By virtue of a Writ of Execution No. 2300 of 2025 GD, FREEDOM MORTGAGE CORPORATION v. JOSH HAJDUK, owner(s) of property situate in the BOROUGH OF MASONTOWN, FAYETTE County, Pennsylvania, being 118 DEBOLT AVENUE. MASONTOWN, PA 15461

Tax ID No. 2108013602 A/K/A 21-08-0136-02 A/K/A 21-08-013602

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$148,571.44

Orlans Law Group PLLC

No. 2000 of 2017 G.D.  
No. 312 of 2025 E.D.

**Anthium, LLC**

v.

**Lenora S. Harford, Thomas E. Wingard, in his capacity as Heir of Wilma Jean Wingard, Deceased, Tammy M. Lynch, in her capacity as Heir of Wilma Jean Wingard, Deceased, Richard A. Wingard, in his capacity as Heir of Wilma Jean Wingard, Deceased and Unknown Heirs, Successors, Assigns, and all Persons, Firms, or Associations Claiming Right, Title or Interest from or Under Wilma Jean Wingard, Deceased**

By virtue of a Writ of Execution No. 2000-OF-2017-GD, Anthium, LLC v. Lenora S. Harford, Thomas E. Wingard, in his capacity as Heir of Wilma Jean Wingard, Deceased, Tammy M. Lynch, in her capacity as Heir of Wilma Jean Wingard, Deceased, Richard A. Wingard, in his capacity as Heir of Wilma Jean Wingard, Deceased and Unknown Heirs, Successors, Assigns, and all Persons, Firms, or Associations Claiming Right, Title or Interest from or Under Wilma Jean Wingard, Deceased, owner(s) of property situate in the Township of LUZERNE, Fayette County, Pennsylvania, being 636 Palmer Adah Road, Adah, PA 15410

Parcel No. 19320017

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$105,872.67

KML LAW GROUP, P.C.  
Suite 5000  
701 Market Street  
Philadelphia, PA 19106-1532  
(215) 627-1322

No. 2473 of 2025 G.D.  
No. 309 of 2025 E.D.

**ROCKET MORTGAGE, LLC F/K/A  
QUICKEN LOANS, LLC F/K/A QUICKEN  
LOANS INC.**

1050 Woodward Avenue  
Detroit, MI 48226-1906

Plaintiff

vs.

**JASON HARVEY  
ELLIE PINARDI AKA  
ELEANOR PINARDI**

Mortagor(s) and Record Owner(s)  
637 Stone Church Road  
New Salem, PA 15468

Defendant(s)

ALL THAT CERTAIN LOT OF LAND  
SITUATE IN TOWNSHIP OF REDSTONE,  
COUNTY OF FAYETTE AND  
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 637 STONE  
CHURCH ROAD, NEW SALEM, PA 15468  
TAX PARCEL #30-31-003001

IMPROVEMENTS: A RESIDENTIAL  
DWELLING

SOLD AS THE PROPERTY OF: JASON  
HARVEY AND ELLIE PINARDI AKA  
ELEANOR PINARDI

Jill M. Fein, Esquire  
Hill Wallack LLP  
1000 Floral Vale Blvd., Suite 300  
Yardley, PA 19067  
(215) 579-7700

No. 2009 of 2023 G.D.  
No. 281 of 2025 E.D.

**Plaintiff: Wilmington Savings Fund  
Society, FSB, as trustee of Upland Mortgage  
Loan Trust A**

v.

**Defendant: Phyllis E. Kimmel**

By virtue of a writ of execution case  
number: 2023-02009, Plaintiff: Wilmington  
Savings Fund Society, FSB, as trustee of Upland  
Mortgage Loan Trust A v. Defendant: Phyllis E.  
Kimmel, owners of property situate in the

Borough of South Connellsville, Fayette County,  
Pennsylvania, being pin number 33-03-0090.

Property being known as: 1419 East  
Gibson Ave, Connellsville, PA 15425  
Improvements thereon: Residential  
Property

Padgett Law Group  
**WILLIAM MILLER, ESQUIRE (308951)**  
700 Darby Road, Suite 100  
Havertown, PA 19083  
(850) 422-2520

No. 1731 of 2025 G.D.  
No. 313 of 2025 E.D.

**DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR GSAMP  
TRUST 2004-WF, MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES 2004-  
WF**

v.  
**NANCY J. KNOPSNIDER,  
JESSE R. KNOPSNIDER, JR.**

By virtue of Writ of Execution No. 2025-  
01731, DEUTSCHE BANK NATIONAL  
TRUST COMPANY, AS TRUSTEE FOR  
GSAMP TRUST 2004-WF, MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES  
2004-WF v. NANCY J. KNOPSNIDER, JESSE  
R. KNOPSNIDER, JR.

Property Address: 191 Connor Road,  
Indian Head, PA 15446  
Township of Saltlick, County of Fayette,  
Commonwealth of Pennsylvania

Tax Parcel Number: 31-15-0175  
Improvements thereon: Single family  
residential dwelling  
Judgment Amount: \$39,093.56

Brock & Scott, PLLC

No. 2147 of 2023 G.D.  
No. 312 of 2023 E.D.

**FREEDOM MORTGAGE CORPORATION**  
v.  
**PAUL WILSON LONG III**

By virtue of a Writ of Execution No. 2023-  
02147, FREEDOM MORTGAGE  
CORPORATION v. PAUL WILSON LONG III,  
owner(s) of property situate in the BOROUGH  
OF POINT MARION, FAYETTE County,  
Pennsylvania, being 1093 MORGANTOWN

RD, POINT MARION, PA 15474  
 Tax ID No. 29030104 aka 29-03-0104  
 Improvements thereon: RESIDENTIAL  
 DWELLING  
 Judgment Amount: \$167,124.53

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PERRYOPOLIS, PA 15473  
 Tax ID No. 41200037 a/k/a 41-20-0037  
 a/k/a 41-20-37  
 Improvements thereon: RESIDENTIAL  
 DWELLING  
 Judgment Amount: \$33,832.50

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Brock & Scott, PLLC  
 No. 2166 of 2025 G.D.  
 No. 263 of 2025 E.D.

**STOCKTON MORTGAGE  
 CORPORATION**

v.  
**MEGAN RACHELLE MCCARTY**

By virtue of a Writ of Execution No. 2025-02166, STOCKTON MORTGAGE CORPORATION v. MEGAN RACHELLE MCCARTY, owner(s) of property situate in the NORTH UNION TOWNSHIP, FAYETTE County, Pennsylvania, being 201 PARK AVE, UNIONTOWN, PA 15401

Tax ID No. 25430076 AKA 25-43-0076  
 Improvements thereon: RESIDENTIAL  
 DWELLING  
 Judgment Amount: \$68,042.20

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Brock & Scott, PLLC  
 No. 2361 of 2025 G.D.  
 No. 290 of 2025 E.D.

**DEUTSCHE BANK TRUST COMPANY  
 AMERICAS AS INDENTURE TRUSTEE  
 FOR THE REGISTERED HOLDERS OF  
 SAXON ASSET SECURITIES TRUST 2004-  
 1 MORTGAGE LOAN ASSET BACKED  
 NOTES AND CERTIFICATES, SERIES  
 2004-1**

v.  
**FREDRICK R. MOLLARD A/K/A  
 FREDERICK R. MOLLARD**

By virtue of a Writ of Execution No. 2361 of 2025 G.D., DEUTSCHE BANK TRUST COMPANY AMERICAS AS INDENTURE TRUSTEE FOR THE REGISTERED HOLDERS OF SAXON ASSET SECURITIES TRUST 2004-1 MORTGAGE LOAN ASSET BACKED NOTES AND CERTIFICATES, SERIES 2004-1 v. FREDRICK R. MOLLARD A/K/A FREDERICK R. MOLLARD, owner(s) of property situate in the WASIDNGTON TOWNSIDP, FAYETTE County, Pennsylvania, being 209 REDSTONE CHURCH RD,

1325 Franklin Avenue, Suite 160  
 Garden City, NY 11530  
 (212) 471-5100

No. 2285 of 2025 G.D.  
 No. 301 of 2025 E.D.

**U.S. Bank Trust Company, National  
 Association, as Trustee, as successor-in-  
 interest to U.S. Bank National Association,  
 not in its individual capacity but solely as  
 indenture trustee, for the holders of the CIM  
 Trust 2021-RI, Mortgage-Backed Notes,  
 Series 2021-RI**

v.  
**Gary L. Murray**

By virtue of Writ of Execution No. 301 of 2025 ED, U.S. Bank Trust Company, National Association, as Trustee, as successor-in-interest to U.S. Bank National Association, not in its individual capacity but solely as indenture trustee, for the holders of the CIM Trust 2021-RI, Mortgage-Backed Notes, Series 2021-RI v Gary L. Murray

Docket Number: 2285 of 2025 GD  
 Property to be sold is situated in the Township of North Union, County of Fayette and Commonwealth of Pennsylvania.

Commonly known as: 140 Victoria Avenue, Hopwood, PA 15445

Parcel Number: 25-46-013710  
 Improvements thereon of the residential dwelling or lot (if applicable):  
 Judgment Amount: \$57,751.86

---

KML LAW GROUP, P.C.  
Suite 5000  
701 Market Street  
Philadelphia, PA 19106-1532  
(215) 627-1322

No. 2564 of 2025 G.D.  
No. 308 of 2025 E.D.

**M&T BANK**  
One Fountain Plaza  
Buffalo, NY 14203

**Plaintiff**  
vs.  
**RACHAEL REAM AKA  
RACHAEL A. REAM**  
Mortgagor(s) and Record Owner(s)  
545 East Main Street  
Uniontown, PA 15401  
**Defendant(s)**

ALL THAT CERTAIN LOT OF LAND  
SITUATE IN NORTH UNION TOWNSHIP,  
COUNTY OF FAYETTE AND  
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 545 EAST MAIN  
STREET, UNIONTOWN, PA 15401

TAX PARCEL #25-43-0155

IMPROVEMENTS: A RESIDENTIAL  
DWELLING

SOLD AS THE PROPERTY OF:  
RACHAEL REAM AKA RACHAEL A. REAM

ROBERTSON, ANSCHUTZ, SCHNEID,  
CRANE & PARTNERS, PLLC  
A Florida professional limited liability company

ATTORNEYS FOR PLAINTIFF

133 Gaither Drive, Suite F  
Mt. Laurel, NJ 08054  
(855)225-6906

No. 2179 of 2025 G.D.  
No. 278 of 2025 E.D.

**FIFTH THIRD BANK, N.A.**

**Plaintiff**  
vs.  
**JEREMY COLE RICE A/K/A  
JEREMY C. RICE; LYNDSAY RICE**  
**Defendant(s)**

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

BEING KNOWN AS: 37 CANAAN  
CHURCH RD FARMINGTON, PA 15437

BEING PARCEL NUMBER: 42-31-0010  
IMPROVEMENTS: RESIDENTIAL  
PROPERTY

McCalla Raymer Leibert Pierce, LLP  
485F Route 1 South, Suite 300  
Iselin, NJ 08830-3072

No. 2178 of 2025 G.D.  
No. 276 of 2025 E.D.

**LAKEVIEW LOAN SERVICING, LLC**  
v.  
**TADD RICHTER**

By virtue of a Writ of Execution No. 2025-02178, LAKEVIEW LOAN SERVICING, LLC V. TADD RICHTER, ALL THAT CERTAIN TRACT OF LAND SITUATE IN DUNBAR TOWNSHIP, FAYETTE COUNTY, COMMONWEALTH OF Pennsylvania.

Parcel ID: 09-31-0200

Property Address: 542 High St, Dunbar,  
PA 15431

Improvements thereon: Residential  
Dwelling  
Judgment Amount: \$108,160.07

No. 2306 of 2025 G.D.  
No. 294 of 2025 E.D.

**NewRez LLC dba Shellpoint Mortgage  
Servicing**

**Plaintiff**,  
vs.

**Robin A. Royer, as Executor to the Estate of  
Donald P Shrum**  
**Defendant.**

ALL that certain parcel of land lying and  
being situate in the Township of Bullskin,  
County of Fayette, and Commonwealth of  
Pennsylvania, known as 164 Rock Pool Road,  
Acme, PA 15610 having erected thereon a  
dwelling house.

Being known and designated as Tax ID  
No.: 04120093

BEING the same premises which James  
Boggs and Brenda Lee Boggs, his wife, by Deed  
dated May 20, 1994 and recorded in and for  
Fayette County, Pennsylvania in Deed Book  
1371, Page 53, granted and conveyed unto  
Donald P. Shrum and Patricia J. Shrum, his  
wife.

ROBERTSON, ANSCHUTZ, SCHNEID,  
CRANE & PARTNERS, PLLC  
A Florida professional limited liability company  
ATTORNEYS FOR PLAINTIFF  
133 GAITHER DRIVE, SUITE F  
MT. LAUREL, NJ 08054  
855-225-6906

No. 948 of 2024 G.D.  
No. 262 of 2025 E.D.

**U.S. BANK TRUST NATIONAL  
ASSOCIATION, NOT IN ITS INDIVIDUAL  
CAPACITY BUT SOLELY AS OWNER  
TRUSTEE FOR RCF 2 ACQUISITION  
TRUST,**

Plaintiff

v.

**CANDY S. SCOTT; ROBERT H. SCOTT**  
Defendant(s)

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

BEING KNOWN AS: 232 MADISON  
AVENUE HOPWOOD, PA 15445

BEING PARCEL NUMBER: 25530066

IMPROVEMENTS: RESIDENTIAL  
PROPERTY

Padgett Law Group

WILLIAM MILLER, ESQURE (308951)  
700 Darby Road, Suite 100  
Havertown, PA 19083  
(850) 422-2520

No. 2454 of 2025 G.D.  
No. 314 of 2025 E.D.

**MARLIN MORTGAGE CAPITAL, LLC**

v.

**ADAM J. SHAFFER SR AKA  
ADAM J. SHAFFER**

By virtue of Writ of Execution No. 2025-  
.02454, MARLIN MORTGAGE CAPITAL,  
LLC v. ADAM J. SHAFFER SR AKA ADAM  
J. SHAFFER

Property Address: 365 Melcroft Road,  
White, PA

Township of Saltlick, County of Fayette,  
Commonwealth of Pennsylvania

Tax Parcel Number: 31-08-0112-01

Improvements thereon: Single family  
residential dwelling

Judgment Amount: \$113,378.69

No. 332 of 2025 G.D.  
No. 296 of 2025 E.D.

**FIRST NATIONAL BANK OF  
PENNSYLVANIA,**

Plaintiff,

vs.

**DUANE SMITH and CYNTHIA WANDELL**  
a/k/a **CYNTHIA A. SMITH,**  
Defendants.

ALL THAT CERTAIN PIECE, PARCEL  
OR TRACT OF LAND BEING SITUATE AND  
LAYING IN THE BOROUGH OF  
BROWNSVILLE, FORMERLY BOROUGH  
OF SOUTH BROWNSVILLE, COUNTY OF  
FAYETTE AND COMMONWEALTH OF  
PENNSYLVANIA, AS MORE FULLY  
DESCRIBED IN A CERTAIN DEED DATED  
MAY 6, 2013 FROM DELMAR SMITH AND  
LORAINE SMITH, TO DUANE SMITH,  
UNMARRIED AND CYNTHIA WANDELL,  
UNMARRIED, AND RECORDED IN THE  
OFFICE OF THE RECORDER OF DEEDS OF  
FAYETTE COUNTY, PA ON MAY 15, 2013  
IN DBV 3219, PG 1191.

IMPROVEMENT THEREON: A  
RESIDENTIAL DWELLING

BEING COMMONLY KNOWN AS 441  
High Street, Brownsville, PA 15417.

BEING KNOWN AND DESIGNATED  
AS TAX PARCEL NO.: 02-10

No. 1197 of 2023 G.D.  
No. 295 of 2025 E.D.

**Nationstar Mortgage LLC**

PLAINTIFF

VS.

**Kenneth S. Whitlock, Administrator of the  
Estate of Margaret J. Hibbs, deceased and  
DEFENDANT**

ALL that certain parcel of land situate in  
the situate in the Township of Luzerne, County  
of Fayette, Commonwealth of Pennsylvania,  
located in a plan of Lots prepared by AM.  
Shaffer, Registered Engineer, dated November  
26, 1955, and more particularly bounded and  
described as follows:

COMMONLY KNOWN AS: 215  
Telegraph Road, Brownsville, PA 15417

TAX PARCEL NO. 19-06-0076

TOGETHER with such rights and  
SUBJECT to any exceptions, restrictions,  
reservations and conditions as exist by virtue of  
prior recorded instruments, deeds or  
conveyances.

Robertson, Anschutz, Schneid, Crane & Partners, PLLC  
A Florida Professional Limited Liability Company  
ATTORNEYS FOR PLAINTIFF  
Danielle A. Coleman, Esquire,  
PA ID No. 323583  
133 Gaither Drive, Suite F  
Mount Laurel, NJ 08054  
(855) 225-6906

No. 2715 of 2018 G.D.  
No. 283 of 2025 E.D.

**BANK OF AMERICA N.A.**,  
Plaintiff  
v.  
**RICHARD E. WOLFE**  
Defendant(s)

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

BEING KNOWN AS: 19 KIGER STREET  
SMITHFIELD, PA 15478

BEING PARCEL NUMBER: 32-07-0011  
IMPROVEMENTS: RESIDENTIAL PROPERTY

No. 286 of 2024 G.D.  
No. 307 of 2025 E.D.

**AMOS FINANCIAL LLC**  
Plaintiff,  
vs.  
**LEIGH YATSKO**  
Defendant(s).

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND BEING SITUATE AND LAYING IN THE TOWNSHIP OF MENALLEN, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, AS MORE FULLY DESCRIBED IN A CERTAIN DEED DATED MAY 29, 2015 FROM ROBERT C. YATSKO AND JUNE E. YATSKO TO ROBERT C. YATSKO AND LEIGH YATSKO, HIS WIFE, RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF FAYETTE COUNTY ON JUNE 1, 2015, IN DEED BOOK VOLUME 3278, PAGE 1714. ROBERT C. YATSKO DIED ON JULY 8, 2022 AND UPON HIS DEATH TITLE VESTED IN LEIGH YATSKO AS SURVIVING OWNER BY OPERATION OF LAW.

IMPROVEMENT THEREON: A frame residential dwelling being known and numbered 130 Carr Street, New Salem, PA 15468.

TAX PARCEL NUMBER: 22-10-0046.  
Property seized and taken in Execution as the property of LEIGH YATSKO.

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\*\*\* END SHERIFF'S SALE\*\*\*

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## WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

[johnfranciswarman@gmail.com](mailto:johnfranciswarman@gmail.com)

COMMERCIAL/RESIDENTIAL/CURRENT OWNER/MINERAL TITLE

A DECADE OF EXPERIENCE E&O INSURED WILL TRAVEL ACCEPTING NEW CLIENTS



**DiBella Weinheimer**  
Geer McAllister Best Coco Lloyd Whalen



Holly Whalen ♀ Amy Coco ♀ Bethann Lloyd

INSIST UPON OUR EXPERIENCED TEAM

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## JUDICIAL OPINION

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

COMMONWEALTH OF :  
PENNSYLVANIA, :  
Appellee, :  
v. : 1432 WDA 2025  
SYLVESTER CONAWAY, JR., : NO. 296 OF 2024  
Appellant. : Honorable Joseph M. George, Jr.

### ATTORNEYS AND LAW FIRMS

Michael Aubele, District Attorney, For the Commonwealth of Pennsylvania  
Phyllis Jin, Court-Appointed Counsel, For Sylvester Conaway, Jr.

### OPINION

GEORGE, J.

January 2, 2026

Following a trial by jury that commenced on August 4, 2025, Sylvester Conaway, Jr. ("Appellant"), was found guilty of Count 1: Criminal Homicide/Third-Degree Murder, {1} Count 2: Aggravated Assault - Attempts to Cause Serious Bodily Injury or Causes Injury with Extreme Indifference, {2} and Count 3: Tamper With/Fabricate Physical Evidence. {3} Transcript of Trial held from August 4, 2025, to August 6, 2025 ("T.T."), at 387.

On August 18, 2025, Appellant was sentenced at Count 1 to not less than twenty years, nor more than forty years, and at Count 2, to not less than two years, nor more than eight years, to run consecutively to Count 1. On August 28, 2025, Appellant filed his post-sentence motion. On September 22, 2025, the post-sentence motion was denied. On November 5, 2025, Appellant filed a notice of appeal from the judgment of sentence. Appellant filed and served his concise statement of the errors complained of on appeal on December 1, 2025, and this opinion is in support of the judgment of sentence and the verdicts of the jury.

### CONCISE ISSUES

Appellant asserted the following five issues in his concise statement of errors complained of on appeal. {4}

- I. The verdict was against the weight of the evidence as to Count 1: Criminal Homicide/Third-Degree Murder.

{1} 18 Pa.C.S. § 2501(a); 18 Pa.C.S. § 2502(c). Victim - Shawn Hriscisce, II ("Hriscisce").

{2} 18 Pa.C.S. § 2702(a)(1). Victim - Joshua Kelly.

{3} 18 Pa.C.S. § 4910(1).

- II. This Court erred by denying the suppression of Appellant's statements to the police after he was taken into custody.
- III. This Court erred by allowing Appellant's statements to the police while in custody to be admitted into evidence during the trial.
- IV. The evidence presented by the Commonwealth of Pennsylvania ("Commonwealth") was insufficient to prove that Appellant committed third-degree murder.
- V. This Court erred by allowing a photograph of the victim, even though the photograph was in black and white, to be shown to the jury and admitted into evidence because the photograph was more prejudicial to Appellant than probative.

### FACTS

The Commonwealth's first witness called was Susan Griffith, an employee of Fayette County Emergency Management. Ms. Griffith produced a report of the 911 call, which was received on January 23, 2024. *Id.* at 42-46.

Next, Paul Pellick, the assistant chief of the Grindstone Volunteer Fire Department, testified that rescue vehicles responded to 529 Hilltop Road, Grindstone, Fayette County, Pennsylvania, where a victim was stabbed and then died before the first emergency personnel could arrive to the scene despite responding in three minutes. *Id.* at 48-51.

Eric McFeely was called as a witness and stated he overheard an escalating altercation become physical with a woman exclaiming that a male had a knife. *Id.* at 61-62, 66-70. Mr. McFeely called 911 after he saw Hriscisce walk through the front door with a stab wound to his chest. *Id.* at 62-64, 70-71.

Nathan Musisko affirmed he tried to save Hriscisce, but Hriscisce died from a stab wound to his chest. *Id.* at 72-73, 79-81.

Joshua Kelly asserted Hriscisce was already at the scene when Appellant arrived at the scene during that night. *Id.* at 82-83. Joshua Kelly testified only Appellant fought with Hriscisce on the porch when he was stabbed in the chest. *Id.* at 85-86, 93. Joshua Kelly also affirmed he tried to save Hriscisce. *Id.* at 86.

Heather Hollis said there was an argument over money and Appellant was asked to leave when she saw a knife in his hand. *Id.* at 97-98, 101-02.

---

{4} Only the five primary issues asserted are listed since Appellant's entire concise statement of the errors complained of on appeal is too lengthy to fully recite.

Emmanuel Jordan ("Jordan"), also known as Manny, knew and identified Appellant. Id. at 105. Jordan indicated he went with Appellant to the scene to acquire drugs that night. Id. at 106, 108, 119-20. Jordan asserted he owed money to someone in the residence and a fight ensued while being removed, during which time he saw Appellant make a stabbing motion toward Hriscisce and then Hriscisce dropped to the ground. Id. at 109, 114-16, 125-26. Further, he knew Appellant was carrying a knife prior to the stabbing, and after leaving the scene he watched Appellant throw the knife out of his car window. Id. at 112.

Carrie Mattie ("Mattie") went to the residence with Appellant and Jordan in the hopes of acquiring drugs. Id. at 132-33, 137. Mattie detailed a fight broke out because Jordan owed someone money, they were told to leave, and she later told the police where to look for the knife that she watched Appellant throw out of the car window. Id. at 135-36, 141-43.

Charles Morrison, Jr., formerly a supervisor of a forensic unit for the state police, detailed that the police photographed and collected an extensive amount of incriminating evidence, including the suspected knife. Id. at 157-205.

Dr. Jennifer Hammers, a physician specializing in forensic pathology, performed an autopsy on Hriscisce and found he had a stab wound to the chest that she determined within a reasonable degree of scientific certainty was the primary cause of death. Id. at 214, 218-20.

Trooper Tyler Shutterly collected surveillance video from Sheetz and executed a search warrant for Appellant's DNA and clothing. Id. at 228-30.

Brittni Andaloro, a forensic DNA scientist, stated within a reasonable degree of scientific certainty that Appellant's DNA was on the handle of the knife. Id. at 245, 247, 252-54.

Trooper Brandon Madden ("Trooper Madden") of the Pennsylvania State Police interviewed Appellant for approximately one hour and informed him of his right to remain silent, that he had the right to counsel, and that anything he said could be used against him in future criminal proceedings. Id. at 259.

Lastly, Trooper Austin Weaver ("Trooper Weaver") interviewed Appellant and also read him his Miranda rights. Id. at 273-75, 286.

## DISCUSSION

Appellant's first issue addresses whether the verdict was against the weight of the evidence as to Count 1: Criminal Homicide/Third-Degree Murder. This issue will be discussed with Appellant's fourth issue, which alleges the evidence presented was insufficient to prove that Appellant committed third-degree murder. In *Commonwealth v. Widmer*, 744 A.2d 745 (Pa. 2000), our Supreme Court highlighted the distinction between a challenge to the sufficiency of the evidence, which contests the quantity of the evidence presented at trial, and a challenge to the weight of the evidence, which attacks the quality of that evidence.

The distinction between these two challenges is critical. A claim challenging the sufficiency of the evidence, if granted, would preclude retrial under the double jeopardy provisions of the Fifth Amendment to the United States Constitution, and Article I, Section 10 of the Pennsylvania Constitution, whereas a claim challenging the weight of the evidence if granted would permit a second trial.

A claim challenging the sufficiency of the evidence is a question of law. Evidence will be deemed sufficient to support the verdict when it establishes each material element of the crime charged and the commission thereof by the accused, beyond a reasonable doubt. Where the evidence offered to support the verdict is in contradiction to the physical facts, in contravention to human experience and the laws of nature, then the evidence is insufficient as a matter of law. When reviewing a sufficiency claim the court is required to view the evidence in the light most favorable to the verdict winner giving the prosecution the benefit of all reasonable inferences to be drawn from the evidence.

A motion for new trial on the grounds that the verdict is contrary to the weight of the evidence, concedes that there is sufficient evidence to sustain the verdict. Thus, the trial court is under no obligation to view the evidence in the light most favorable to the verdict winner. An allegation that the verdict is against the weight of the evidence is addressed to the discretion of the trial court. A new trial should not be granted because of a mere conflict in the testimony or because the judge on the same facts would have arrived at a different conclusion. A trial judge must do more than reassess the credibility of the witnesses and allege that he would not have assented to the verdict if he were a juror. Trial judges, in reviewing a claim that the verdict is against the weight of the evidence do not sit as the thirteenth juror. Rather, the role of the trial judge is to determine that notwithstanding all of the facts, certain facts are so clearly of greater weight that to ignore them or to give them equal weight with all the facts is to deny justice.

*Id.* at 751-52 (citations, footnotes, and quotation marks omitted).

A weight of the evidence claim concedes the evidence is sufficient to sustain the verdict, but it seeks a new trial on the ground that the evidence was so one-sided or so weighted in favor of acquittal that a guilty verdict shocks one's sense of justice. *Commonwealth v. Lyons ("Lyons")*, 79 A.3d 1053, 1067 (Pa. 2013); *Commonwealth v. Johnson* at 101.

The Court's sense of justice was not shocked by the guilty verdict. The jury returned with verdicts consistent with the substantial amount of inculpatory evidence presented by the Commonwealth as discussed above. *Lyons* at 1067; *Commonwealth v. Johnson* at 101. Accordingly, the verdict was not against the weight of the evidence as to Count 1: Criminal Homicide/Third-Degree Murder. Therefore, this Court finds Appellant's first issue to be without merit.

Appellant's fourth issue addresses whether the evidence presented by the Commonwealth was insufficient to prove that Appellant committed third-degree murder. The standard of review for a challenge to the sufficiency of the evidence is to determine whether, when viewed in a light most favorable to the verdict winner, the evidence at

trial and all reasonable inferences therefrom is sufficient for the trier of fact to find that each element of the crimes charged is established beyond a reasonable doubt. Commonwealth v. Wanner, 158 A.3d 714, 717-18 (Pa. Super. 2017). The Commonwealth may sustain its burden of proving every element beyond a reasonable doubt by means of wholly circumstantial evidence. *Id.* at 718. The facts and circumstances established by the Commonwealth need not preclude every possibility of innocence. The fact-finder is entitled to credit all, part, or none of the evidence presented at trial. Lyons at 1062. Any doubt raised as to the accused's guilt is to be resolved by the fact-finder. Commonwealth v. Wanner at 718. Appellate courts do not assess credibility nor assign weight to any of the testimony of record. Thus, the verdict will not be disturbed unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances.

A person may be convicted of third-degree murder where the murder is neither intentional nor committed during the perpetration of a felony but contains the requisite malice aforethought. Commonwealth v. Gooding, 818 A.2d 546, 550 (Pa. Super. 2003). Malice consists of a wickedness of disposition, hardness of heart, cruelty, recklessness of consequences, and a mind regardless of social duty, although a particular person may not be intended to be injured. Further, malice may be inferred from the use of a deadly weapon on a vital part of the victim's body, consistent with the evidence in this case where Appellant used a knife to stab the victim in the chest.

In this case, the jury's verdict was supported by overwhelming evidence. Lyons at 1062; Commonwealth v. Wanner at 717-18; Commonwealth v. Gooding at 550. As discussed above, multiple witnesses and exhibits demonstrated there was sufficient evidence to find Appellant committed third-degree murder. See generally *T.T.* Furthermore, the jury was permitted to conclude that Appellant acted with malice and committed third-degree murder because evidence demonstrated that Hriscisce died after Appellant stabbed him in his chest with a knife. Lyons at 1062; Commonwealth v. Wanner at 717-18; Commonwealth v. Gooding at 550.

The Commonwealth was allowed to sustain the burden of proving Appellant committed third-degree murder beyond a reasonable doubt even by means of wholly circumstantial evidence. Commonwealth v. Wanner at 718. The facts and circumstances established by the Commonwealth did not need to preclude every possibility of innocence here, and any doubt raised as to Appellant's guilt was resolved by the jury. Lyons at 1062; Commonwealth v. Wanner at 718. Accordingly, the evidence presented by the Commonwealth was sufficient to prove that Appellant committed third-degree murder. Therefore, this Court finds Appellant's fourth issue to be without merit.

Appellant's second issue addresses whether this Court erred by denying the suppression of Appellant's statements to the police after he was taken into custody. Because of the inherently coercive nature of police custodial interrogation, statements elicited from an accused in that environment are inadmissible unless the accused was informed of and voluntarily waived his privilege against self-incrimination and his right to counsel. *Miranda v. Arizona*, 384 U.S. 436, 471-79 (1966); Lyons at 1066. Waiver is made voluntarily if the decision to make it is the product of a free and unconstrained choice. Lyons at 1066. In determining whether a waiver is valid, a suppression court looks to the totality of the circumstances surrounding the waiver, including but not limited to the

declarant's physical and psychological state, the attitude exhibited by the police during the interrogation, and any other factors which may serve to drain one's powers of resistance to suggestion and coercion.

Appellant was informed of and voluntarily waived his privilege against self-incrimination and his right to counsel. *Miranda v. Arizona* at 471-79; *Lyons* at 1066. This Court reviewed the totality of the circumstances surrounding Appellant's waiver. *Lyons* at 1066. The interview began at a reasonable time of day, around 7:15 P.M., and lasted approximately one hour. Exhibit 49 at 0:07:40, 1:18:40. Appellant was informed multiple times and consented that the interview would be recorded. *Id.* at 0:00:00, 0:06:50, 0:07:00, 1:14:30. Trooper Madden took some time to preliminarily explain to Appellant his rights and told him his rights would be explained more fully soon. *Id.* at 0:05:25.

Appellant agreed to speak with the police, and Trooper Weaver likewise began to explain to Appellant his rights. *Id.* at 0:08:05. This Court considered that Appellant stated he made it to twelfth grade with special education. *Id.* at 0:08:20. However, this Court also considered that Trooper Weaver carefully explained to Appellant his rights and Appellant stated he understood what he was told by Trooper Weaver multiple times. *Id.* at 0:08:30, 0:09:00, 0:09:20. Appellant volunteered to speak with the police, signed the waiver form, and claimed he had nothing to hide. *Id.* at 0:09:25, 0:09:40. Appellant made incriminating statements during the interview, had suspicious lapses in his memory, and frequently kept adjusting the details of his story to minimize his culpability as the police questioned him. Accordingly, we found that Appellant's waiver was made voluntarily and was his free and unconstrained choice, and Appellant's second issue is therefore without merit. *Lyons* at 1066.

Appellant's third issue addresses whether this Court erred by allowing Appellant's statements to the police while in custody to be admitted into evidence during the trial. An opposing party's statement is not excluded by the rule against hearsay regardless of whether the declarant is available as a witness. Pa.R.E. 803. The admission of evidence is solely within the discretion of the trial court, and a trial court's evidentiary rulings will be reversed on appeal only upon an abuse of that discretion. *Commonwealth v. Woodard*, 129 A.3d 480, 494 (Pa. 2015); *Commonwealth v. Lehman* ("Lehman"), 275 A.3d 513, 518 (Pa. Super. 2022). An abuse of discretion will not be found based on a mere error of judgment but rather occurs where the court has reached a conclusion that overrides or misapplies the law or where the judgment exercised is manifestly unreasonable or the result of partiality, prejudice, bias, or ill-will. *Commonwealth v. Woodard* at 494; *Lehman* at 518-19.

Evidence is relevant if it has any tendency to make a fact more or less probable than it would be without the evidence and the fact is of consequence in determining the action. Pa.R.E. 401; *Lehman* at 519. All relevant evidence is admissible except as otherwise provided by law; evidence that is not relevant is not admissible. Pa.R.E. 402; *Lehman* at 519. The court may exclude relevant evidence if its probative value is outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence. Pa.R.E. 403; *Lehman* at 519. Absent evidence to the contrary, the jury is presumed to have followed the trial court's instructions. *Commonwealth v. O'Hannon*,

732 A.2d 1193, 1196 (Pa. 1999). Evidence will not be prohibited merely because it is harmful to the defendant. Commonwealth v. Dillon, 925 A.2d 131, 141 (Pa. 2007); Commonwealth v. Page, 965 A.2d 1212, 1220 (Pa. Super. 2009).

In this case, the recording of Appellant's interview, Exhibit 49, was admitted into evidence. T.T. at 261. As discussed above, the recording showed Appellant, the opposing party, voluntarily making incriminating statements to the police during his interview. Pa.R.E. 803; Commonwealth v. Woodard at 494; Lehman at 518-19. This Court found that Exhibit 49 was relevant and admissible because its probative value was not outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence. Pa.R.E. 401; Pa.R.E. 402; Pa.R.E. 403; Commonwealth v. Woodard at 494; Commonwealth v. Dillon at 141; Lehman at 518-19; Commonwealth v. Page at 1220; T.T. at 261.

We decided to admit Exhibit 49 into evidence and to provide a cautionary jury instruction on the voluntariness of the confession. Standard Jury Instruction 3.04(C), Pa.R.E. 803; Commonwealth v. Woodard at 494; Commonwealth v. O'Hannon at 1196; Lehman at 518-19; T.T. at 297-98, 355-56. For these reasons, there was no error in allowing Appellant's statements to the police while in custody and Appellant's third issue is without merit.

Appellant's fifth issue addresses whether this Court erred by allowing a photograph of the victim, even though the photograph was in black and white, to be shown to the jury and admitted into evidence because the photograph was allegedly more prejudicial to Appellant than probative. Our analysis of the fifth issue is similar to the analysis of the third issue above. However, we additionally note the following issue of waiver.

A concise statement shall concisely identify each error that the appellant intends to assert with sufficient detail to identify the issue to be raised for the trial court. Pa.R.A.P. 1925(b)(4). Issues not included in the concise statement and/or not raised in accordance with the provisions of Pa.R.A.P. 1925(b)(4) are waived. The appellant failed to identify which photograph he is referring to. Since this issue will not be developed for the appellant by the Court and the exhibit was not identified with specificity, Appellant's fifth issue is waived. To the extent the appellate court determines it is not waived, we believe the only exhibits that Appellant could take issue with are Exhibit 18, Exhibit 19, and Exhibit 20.

Where a photograph possesses gruesome or inflammatory qualities likely to inflame the passions of the viewer, a trial court must not merely exclude them based on those qualities but must determine whether their essential evidentiary value clearly outweighs the likelihood of inflaming the minds and passions of the jurors. Lyons at 1069. A trial court's determination in that regard must be affirmed unless the trial court has abused discretion. A criminal homicide trial is, by its very nature, unpleasant, and the photographic images of the injuries inflicted are merely consonant with the brutality of the subject of inquiry. *Id.* at 1069-70. To permit the disturbing nature of the images of the victim to rule the question of admissibility would result in exclusion of all photographs of the homicide victim and would defeat one of the essential functions of a criminal trial, inquiry into the intent of the actor. *Id.* at 1070.

Exhibit 18, Exhibit 19, and Exhibit 20 were relevant and admissible because their probative values were not outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence. Pa.R.E. 401; Pa.R.E. 402; Pa.R.E. 403; Commonwealth v. Woodard at 494; Commonwealth v. Dillon at 141; Lehman at 518-19; Commonwealth v. Page at 1220; T.T. at 167-69, 171-72, 206-10.

The exhibits were properly admitted, and a cautionary jury instruction was provided. Standard Jury Instruction 3.18, (Commonwealth v. Woodard at 494; Lyons at 1069-70; Commonwealth v. O'Hannon at 1196; Lehman at 518-19; T.T. at 325-26. Therefore, to the extent Appellant did not waive his fifth issue, this Court finds same to be without merit.

Wherefore, this Court respectfully submits that this appeal is without merit and should be denied.

BY THE COURT:  
JOSEPH M. GEORGE, JR., JUDGE

ATTEST:  
CLERK OF COURTS



