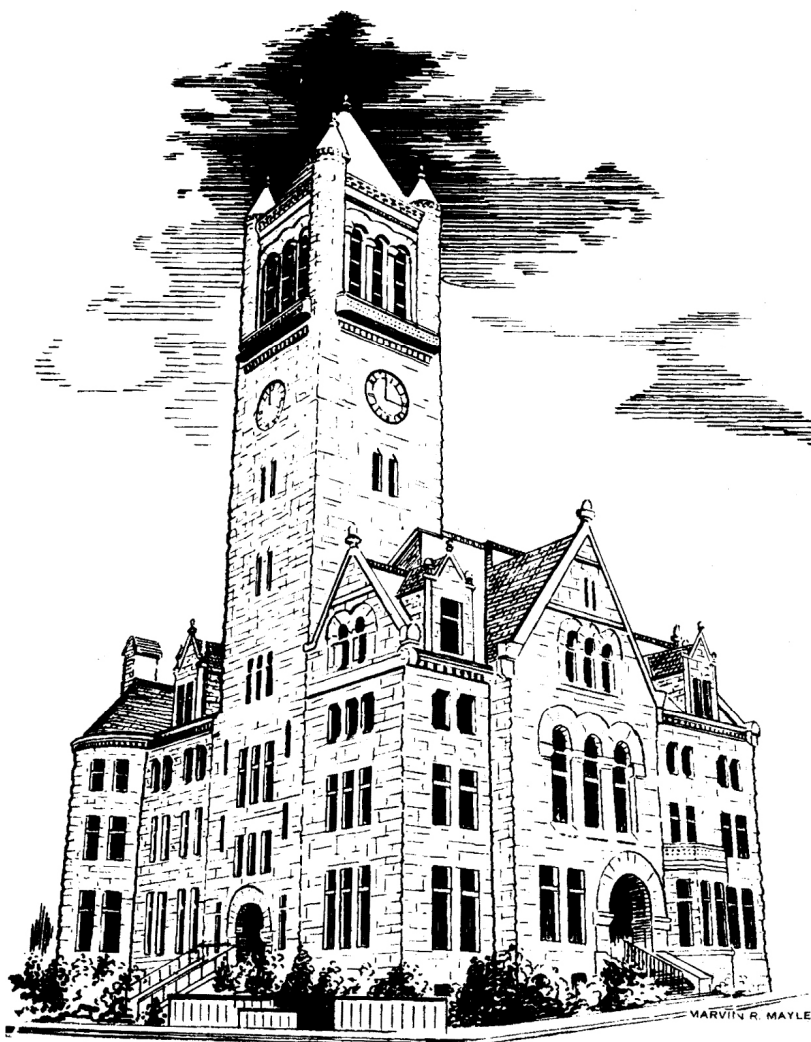


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Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

Third Publication

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Executrix: Katherine Irene Ciaramella
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99 East Main Street
Uniontown, PA 15401
Attorney: Jeffrey S. Proden

JOSEPH D. ELWELL, late of Perry Township, Fayette County, PA ⁽³⁾

Administratrix: Deborah Ann Elwell
1519 Banning Road
Dawson, PA 15428
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201 North Chestnut Street
P.O. Box 342
Scottdale, PA 15683
Attorney: James Lederach

SHIRLEY ENLOW, late of German Township, Fayette County, PA ⁽³⁾

Executrix: Jeanne Bartholomai
c/o 55 East Church, Suite 1
Uniontown, PA 15401
Attorney: Jason Adams

PHYLLIS MARLEEN GESHINSKY, a/k/a PHYLLIS M. GESHINSKY, a/k/a PHYLLIS GESHINSKY, late of Bullskin Township, Fayette County, PA ⁽³⁾

Executrix: Diane V. Walter
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

LUAN F. HUCIK, late of Uniontown, Fayette County, PA ⁽³⁾

Administratrix: Lisa H. Kranker
4441 Ivory Jade Avenue
North Las Vegas, NV 89031
c/o 111 East Main Street
Uniontown, PA 15401
Attorney: Robert R. Harper

GEORGIA A. KERR, late of Uniontown, Fayette County, PA ⁽³⁾

Executor: Jonathan D. Kerr
150 Mountain Village
Morgantown, WV 26508
c/o Ciao, Torisky & O'Connor, LLC
7240 McKnight Road
Pittsburgh, PA 15237
Attorney: Craig S. O'Connor

CHARLES LININGER, a/k/a CHARLES WILLIAM LININGER, late of Georges Township, Fayette County, PA ⁽³⁾

Executrix: Renee Lynn Lininger
185 Shadyside Road
Uniontown, PA 15401
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

MAE PAULINE LUCKEY, a/k/a MAE P. LUCKEY, a/k/a PAULINE LUCKEY, late of North Union Township, Fayette County, PA ⁽³⁾

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c/o John and John
96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

HELEN MARMOL, a/k/a HELEN L. MARMOL, late of South Union Township, Fayette County, PA ⁽³⁾

Executrix: Donna Marmol Smith
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

DONALD E. MURPHY, JR., late of Dunbar Township, Fayette County, PA (3)
Personal Representative: Dawn M. A. Siple
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 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Timothy J. Witt

EMMA L. PETERS, late of Bullskin Township, Fayette County, PA (3)
Personal Representative: Mark S. Peters
 412 Rankin Road
 Ruffs Dale, PA 15679
 c/o 208 South Arch Street
 Connellsville, PA 15425
Attorney: Richard A. Husband

SHIRLEY S. RUTHERFORD, a/k/a SHIRLEY M. RUTHERFORD, late of Vanderbilt, Fayette County, PA (3)
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 5129 Plantation Grove Lane
 Roanoke, VA 24012
 c/o 111 East Main Street
 Uniontown, PA 15401
Attorney: Robert R. Harper, Jr.

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Personal Representative: Nancy Petrosky
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: James T. Davis

Second Publication

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 Marlene Olinzock
 c/o Davis and Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Gary J. Frankhouser

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Attorney: Benjamin Goodwin

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 c/o Snyder and Snyder
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Attorney: Marvin D. Snyder

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 c/o 51 East South Street
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Attorney: Webster & Webster

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Attorney: Paul Toohey

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 Nottingham, PA 19362
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Attorney: Herbert G. Mitchell, III

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Attorney: Webster & Webster

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Executrix: Loraine Warrick
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 890 Vanderbilt Road
 Connellsville, Pa 15425
Attorney: Mark Rowan

LOIS WILSON, a/k/a LOIS JUNE WILSON, a/k/a LOIS W. WILSON, late of North Union Township, Fayette County, PA (2)

Executrix: Amy R. Leiberger
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45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

RUBY J. WILSON, a/k/a RUBY JEAN WILSON, late of Georges Township, Fayette County, PA (2)

Personal Representatives:
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c/o Davis and Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

First Publication

ANNA LOUISE FRANKS, late of Springhill Township, Fayette County, PA (1)

Administrator: Howard Franks
c/o P.O. Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

JAMES GLISAN, a/k/a JAMES E. GLISAN, late of Henry Clay Township, Fayette County, PA (1)

Executor: Leroy E. Glisan
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45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

CAROL HANKINS, late of North Union Township, Fayette County, PA (1)

Personal Representative:
John L. Hankins, III
340 Osona Lane
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c/o Gould Cooksey Fennell
979 Beachland Boulevard
Vero Beach, FL 32963
Attorney: Dillon Roberts

MARY KATHERINE LANGOR, late of Dunbar Township, Fayette County, PA (1)
Personal Representative: Mary M. Maddas
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Robert A. Gordon

JANET E. STRONCHECK, late of Dunbar Township, Fayette County, PA (1)

Executor: John J. Stroncheck
c/o Quatrini Rafferty, P.C.
550 E. Pittsburgh Street
Greensburg, PA 15601
Attorney: David S. DeRose

ROBERT LYNN WADE, late of Smithfield, Fayette County, PA (1)

Personal Representatives: Lora D. Koontz and William L. Wade
c/o P.O. Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

CAROLINE A. ZIVNOSKA, a/k/a CAROLINE ANNE ZIVNOSKA, late of South Connellsville Borough, Fayette County, PA (1)

Personal Representatives:
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720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Robert A. Gordon

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS
OF FAYETTE COUNTY, PENNSYLVANIA
CASE #671 of 2021, G.D.
JUDGE GEORGE

IN RE: CHANGE OF NAME OF
MAVERICK SHAWN WINGROVE
TO MAVERICK SHAWN KEFFER

NOTICE

Notice is hereby given that on the 15th day of April, 2021, the Petition of Sara Keffer was filed in the Fayette County Court of Common Pleas at No. 681 of 2021, G.D. seeking to change the name of Petitioner from Maverick Shawn Wingrove to Maverick Shawn Keffer. The Court has fixed August 17, 2021 at 1:30 p.m. in Courtroom No.: 5 of the Fayette County Courthouse, 61 East Main Street, Uniontown, Pennsylvania 15401 as the date for the hearing of the Petition. All persons interested in the proposed change of name may appear and show cause, if any they have, why the prayer of the Petitioner should not be granted.

Jennifer M. Casini, Esquire
Casini & Geibig, LLC
815B Memorial Boulevard
Connellsville, PA 15425

CERTIFICATE OF ORGANIZATION Limited Liability Company

Notice is hereby given that a certificate of Organization was filed with the Department of State of the Commonwealth of Pennsylvania, for a limited liability company formed under the Limited Liability Company Law of 1994. The name of the company is: her houses, LLC.

Mark E. Ramsier, Esquire
823 Broad Avenue
Belle Vernon, PA 15012

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
No. 2456 of 2019, G.D.
The Honorable Steve P. Leskinen

ROBERT LLOYD MARIETTA,
Plaintiff,
vs.

LOUIS PIKULSKY, WILLIAM SHIMKO
STANLEY SMOLACK, RONALD SHIMKO,
WALTER SMITH, PAUL R. MACAR, PAUL
MACAR, SUSAN MACAR, MARK H.
EDENFIELD, THERESA EDENFIELD,
MICHAEL M. TROSIEK, JR., DAVID
KOLONSKY, JUDITH KOLONSKY,
CHRISTIAN ANDERSON, PERSONAL
REPRESENTATIVE OF THE ESTATE OF
CHARLES KALONSKY, and CONSTANCE
NICHOLSON IRREVOCABLE TRUST,
Defendants.

**TO: LOUIS PIKULSKY, his heirs and
assigns, WILLIAM SHIMKO, his heirs and
assigns, STANLEY SMOLACK, his heirs and
assigns, and RONALD SHIMKO, his heirs
and assigns:**

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Mark D. Brooks, Esq.
Attorney for Plaintiff

LEGAL NOTICE

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
NO. 2187 OF 2020, G.D.

MICHAEL MILLER and KELLY MILLER, his
wife,
PLAINTIFF,

vs.

ANDREW M BROCCO and PRISCILLA J. BROCCO, his wife, PHILLIP BROCCO, LOUISE T. CALVACANTE, JOHN BROCCO, MARGARET CALVACANTE, ANTHONY BROCCO, GERTRUDE RAMSIER, VIOLA P. DUNCAN, CHARLES H. BROCCO, FRANK M. BROCCO, ALBERT R. BROCCO, EDNA M. BEVANS, BETTY J. COLE, ANNY M. HEADLEY, ESTHER C. BAYLES, BETTY MILAN, ALICE PANZONE, CAROLYN GAEBLER, TOM BROCCO, CHARLES BROCCO, JOHN BROCCO, DOLORES ANGELO, VIOLET LaPENTA, RHYS L. RAMSIER, BEVERLY RAMSIER. MA HLON E. RAMSIER, JAMES G. RAMSIER, DELTA P. RPIITAVINO, ROBERT L. RAMSIER, BRUCE D. RAMSIER, WILLIAM W. DUNCAN, JR., HOMER DUNCAN, CHARLES H. BROCCO, JR., EUGENE BROCCO, RICHARD L. BROCCO, SHARON L. RICH, BEVERLY J. BAKER, PHILLIP M. BROCCO, FERENE MORRIS, LORRAINE BRYNER, RONALD E. BROCCO, DOROTHY G. SWINK, GEORGANN B. ANGELO, THOMAS H. BEVANS, JR., ERNEST D. BEVANS, DENNIS BEVANS, FRANCES L. KING, CHARLES M. COLE, CHARLES HEADLEY, SUSAN P. BAYLES, DEBRA GOSSELIN, JOHN BAYL ES, ALICE SUE PATTERSON, TENA M. FRANKLIN, JOHN T. ANGELO, JAMES LaPENTA, RONALD LaPENTA, JR., SUEANN LaPENTA, MARK E. RAMSIER, LINDA SANTAMARIA, DIANA ROSS, WILLIAM W. DUNCAN, III, KRIST E N WATSON, CHARLES E. BROCCO, CHRISTOPHER S. BROCCO,

BRANDON BROCCO, SHANE M. BROCCO, and BUDDY BROCCO, and each listed individuals heirs and assigns., DEFENDANTS.

NOTICE TO DEFEND

TO: ANDREW M. BROCCO and PRISCILLA J. BROCCO, his wife, their heirs and assigns.;

You have been named as Defendants in an action to Quiet Title filed by the above Plaintiff against you wherein the Plaintiff alleges that they have acquired all of the interest in and to the surface, coal, oil and gas, mining, drilling and appurtenant rights of the following parcel or property unless otherwise of record in previous deeds:

All the following described real estate, to wit: All that piece or parcel of land situate in Perry Township, Fayette County, Pennsylvania, bounded and described as follows: Beginning at a stone, thence by land of A.C. McCune, north 49 ½ degrees East, 39 perches to stones; thence North 69 degrees Wsest, 60 perches to stones; thence by James Sharpe South 23 degrees West, 35.8 perches to stones; thence by William T. Russell South 69 ¾ degrees East 42.9 perches to the place of beginning, Containing Eleven (11) Acres and thirty-four (34) Perches more or less.

FAYETTE COUNTY TAX ASSESSMENT
MAP NO. 27-20-0042.

SUBJECT to all Rights of Ways, Exceptions, Reservations and prior conveyances as excepted and reserved or conveyed in this or prior conveyances of record, and excepting all prior conveyances of real estate as the same are recorded, Description obtained from Deed Hook Volume 229, Page 477, recorded in the Recorder of Deeds Office of Fayette County, Pennsylvania.

You are hereby notified to plead to the complaint in this case, of which the above is a brief summary, within twenty (20) days from this date. If you wish to defend, you must enter a written appearance personally or by an attorney and file your defenses or objections in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiffs. You may lose money or property or other rights important to you.

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JUDICIAL OPINION

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

Commonwealth of Pennsylvania	:	
	:	
v.	:	
	:	
David Lincoln Lee,	:	No. 32 of 2017
Appellant.	:	Honorable Linda R. Cordaro

OPINION

Linda R. Cordaro, J.	May 21, 2021
----------------------	--------------

SUMMARY

On October 29, 2016, Appellant struck and killed a pedestrian while driving under the influence of alcohol. Appellant then fled the scene. Appellant was convicted by a jury of Homicide by Vehicle while Driving Under the Influence and other related offenses and was sentenced to a period of incarceration. Appellant now challenges whether evidence of his blood draw should have been suppressed in accordance with *Birchfield v. North Dakota*, 136 S.Ct. 2160 (2016). For the following reasons, this Court respectfully requests that admission of the evidence be found to have been proper, and that Appellant's judgment and sentence be upheld.

FACTUAL.AND PROCEDURAL BACKGROUND

In the early morning hours of October 29, 2016, Appellant was driving home after drinking alcohol when he struck Christina Glisan with his truck on North Gallatin Avenue in Uniontown, Fayette County. Appellant continued driving without stopping. Ms. Glisan died that same day as a result of her injuries.

Pennsylvania State Troopers canvassed the area for the suspect vehicle, based on a description from the scene of the hit-and-run. The Troopers found a pickup truck with a matching description at 210 Youngstown Road in Lemont Furnace, Fayette County. The truck had front end damage to its passenger's side, the headlight was damaged, the antenna was bent as if something had gone over the vehicle, and there was blood and human tissue on the truck. The truck was registered to Appellant, David Lee.

The Troopers knocked on the door of the residence where the truck was parked. An occupant opened the door and let the Troopers in. The Troopers found Appellant asleep on a couch. There was a set of keys on the table near Appellant. The Troopers called Appellant's name several times before he woke up. It also appeared to the Troopers as though Appellant had wet his pants. Appellant smelled like alcohol although no alcoholic beverages or bottles were discovered near Appellant.

The Troopers took Appellant to the Uniontown State Police barracks, and eventually to Uniontown Hospital for a blood draw. Trooper Jared King of the Pennsylvania State Police read Appellant his implied consent warnings from the PennDOT DL-26B Form. Appellant signed the form and gave consent to have his blood drawn. The results of the blood draw showed that Appellant's blood alcohol level was 0.172% within 2 hours after driving.

Appellant filed an Omnibus Pretrial Motion, seeking, *inter alia*, to suppress evidence of the blood draw based on the United States Supreme Court's decision in *Birchfield v. North Dakota*, 136 S.Ct. 2160 (2016). A Hearing on the Motion was held on July 5, 2017 and additional testimony was heard on August 14, 2017. {1} At the Hearing, Trooper King testified that he did not coerce or threaten Appellant into signing the DL- 26B Form, or to having his blood drawn, and that Appellant's consent was voluntary. The DL-26B Form, which was signed by Appellant, was admitted into evidence at the Hearing as Commonwealth Exhibit 5.

Appellant's Omnibus Pretrial Motion was subsequently denied. The case proceeded to a jury trial, at the conclusion of which Appellant was convicted of Homicide by Vehicle while Driving Under the Influence {2}, Accidents Involving Death or Personal Injury {3}, and other related offenses. At Count 1-Homicide by Vehicle- Appellant was sentenced to 4-10 years of incarceration. At Count 2-Accidents Involving Death-Appellant was sentenced to 3-7 years of incarceration to run concurrent with Count 1 of this case, but consecutive to Count 1 of Case. No. 500 of 2016.

Appellant filed a timely appeal; the Superior Court affirmed Appellant's judgment and sentence (No. 1636 WDA 2017). Appellant petitioned the Pennsylvania Supreme Court for allowance of appeal; the Supreme Court denied Appellant's petition (No. 37 WAL 2018). Petitioner filed a timely PCRA Petition with this Court on May 20, 2019, arguing that evidence of his blood draw should have been suppressed under *Birchfield v. North Dakota*, *supra*. By agreement between Appellant and the Commonwealth, and by Order of this Court, Appellant's appellate rights were reinstated for the sole purpose of raising the *Birchfield* issue on appeal. Appellant filed a timely Notice of Appeal and Concise Statement of Issues on Appeal on March 23, 2021.

ISSUES ON APPEAL

Appellant raises one issue on appeal:

- 1) Whether Appellant's blood test should have been suppressed under *Birchfield v. North Dakota*?

Appellant's Concise Statement of Issues on Appeal.

{1} The Hearing on Appellant's Omnibus Pretrial Motion was presided over by the Honorable Gerald R. Solomon, who was at that time a Senior Judge of Fayette County. Judge Solomon retired in 2020. The undersigned presided over the jury trial in this matter.

{2} 75 Pa.C.S.A. § 3735(a)

{3} 75 Pa.C.S.A. § 3742(a)

DISCUSSION

Appellant's sole Issue on Appeal is without merit. {4}

In *Birchfield v. North Dakota*, *supra*, the United States Supreme Court first held that warrantless blood draws of those suspected of drunk driving are unconstitutional. *Id.* at 2185.

The second issue in *Birchfield* is more complicated. The *Birchfield* Court premised that not all blood draws are unconstitutional-when a driver voluntarily consents to a blood draw, the evidence can be properly admitted. *Id.* However, at issue before the Court were state laws that contained enhanced criminal penalties for refusing a blood draw. In other words, a person who was pulled over for suspected drunk driving faced two choices-either consent to a blood draw or face criminal charges for refusing to consent to the blood draw. The Court determined that these laws made consent involuntary. *Id.* at 2186-87.

As a result of the *Birchfield* decision, states-including the Commonwealth of Pennsylvania-amended their laws to eliminate enhanced criminal penalties for refusing a blood draw. *Commw. v. Robertson*, 186 A.3d 440, 444-45 (Pa. Super. Ct. 2018). In Pennsylvania, 75 Pa.C.S.A. § 3804 was amended on July 20, 2017 to remove any references to enhanced criminal penalties. *Robertson* at 445. Prior to that-within one week of the *Birchfield* decision-PennDOT revised its DL-26 Form to remove any warnings about enhanced criminal penalties, which were at the time mandated by 75 Pa.C.S.A. § 3804. *Robertson* at 444.

The issue in the case at hand is analogous to that in *Commonwealth v. Venable*, 200 A.3d 490 (Pa. Super. Ct. 2018). In *Venable*, the appellant was arrested for suspected drunk driving. He was asked to submit to a blood draw and the officers read him the revised DL-26B Form. At that time, enhanced criminal penalties for refusing a blood draw were still statutorily in effect; however, the revised DL-26B Form omitted any mention of them. *Id.* at 496. The Superior Court determined that because the appellant was not warned that he would be subjected to enhanced criminal penalties for refusing consent, his decision to submit to a blood draw was consensual. *Id.* at 498.

It is during this time that Appellant was arrested for the hit-and-run incident – after the *Birchfield* decision and after PennDOT amended its DL-26B Form, but before the Commonwealth of Pennsylvania amended the relevant statute to remove any reference to enhanced criminal penalties. The evidence presented by the Commonwealth at the Hearing on Appellant's Omnibus Pretrial Motion was that the Trooper read Appellant his warnings from the updated DL-26B Form, that Appellant's decision to submit to a blood draw was not forced or coerced, and that Appellant signed the DL-26B Form acknowledging his consent to the blood draw. Appellant was never informed that he would face enhanced criminal penalties if he refused to submit to the blood draw. As a result, the *Birchfield* decision does not apply to this case, as Appellant voluntarily consented to a blood draw.

{4} Because the undersigned was not the judge who presided over the Hearing on Appellant's Omnibus Pretrial Motion, this Court reviewed the Proceedings for the Hearing, the DL-26B Form, the Order from Judge Solomon denying the Omnibus Pretrial Motion, and other relevant evidence of record.


CONCLUSION

For the foregoing reasons, this Court respectfully requests that the judgment and sentence of Appellant be AFFIRMED.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Clerk of Courts

Date: May 21, 2021



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THURSDAY, JULY 29th
4:30 - 7:00 p.m.

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