

# Adams County Legal Journal

Vol. 51

January 8, 2010

No. 34, pp. 222-231

## IN THIS ISSUE

COMMONWEALTH VS. CARELLA

Helping families achieve  
their long-range financial  
goals is our business.

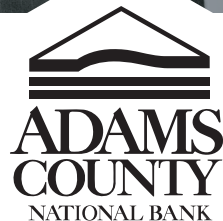
Ryan Fox  
*Trust Investment Manager*



**Trust and investment services from  
a bank with a long history of trust.**

For more information or a free  
consultation, please call 717.339.5178.

Member FDIC



## ADAMS COUNTY LEGAL JOURNAL (USPS 542-600)

Designated for the Publication of Court and other Legal Notices. Published weekly by Adams County Bar Association, John W. Phillips, Esq., Editor and Business Manager.

Subscribers should send subscriptions direct to the business office. Postmaster: Send address changes to Adams County Legal Journal, 117 BALTIMORE ST RM 305 GETTYSBURG PA 17325-2313.

Business Office – 117 BALTIMORE ST RM 305 GETTYSBURG PA 17325-2313. Telephone: (717) 334-1553

Periodicals postage paid at Gettysburg, PA 17325.

Copyright© 1959 by Wm. W. Gaunt & Sons, Inc., for Adams County Bar Association, Gettysburg, PA 17325.  
All rights reserved.

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1325 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of January, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following described tract of mountain land situate, lying and being in both Tyrone and Menallen Townships, County of Adams, and State of Pennsylvania, bounded and limited as follows, to wit:

BEGINNING at a p.k. nail set six (6) feet North of the center line of Township Road T-651 (Reservoir Road) at corner of lands now or formerly of David P. Nelson; thence continuing by lands now or formerly of David P. Nelson and through an existing rebar set 76.16 feet back from the beginning of this course, South 00 degrees 09 minutes 02 seconds West, 1,518 feet to a rebar set at existing planted stone and oak stump along line of lands now or formerly of Ray H. Flint; thence continuing by lands now or formerly of Ray H. Flint and proceeding out of Tyrone Township and into Menallen Township, North 82 degrees 44 minutes 22 seconds West, 381.88 feet to a rebar set in existing stones at corner of lands now or formerly of Lenore S. Rex; thence continuing by lands now or formerly of Lenore S. Rex and proceeding out of Menallen Township and back into Tyrone Township, North 00 degrees 31 minutes 42 seconds West, 1,013.23 feet to a rebar set in existing stones along line of lands now or formerly of Albert F. Hinkle; thence continuing by lands now or formerly of Albert E. Hinkle and through a reference rebar set 40 feet back from the next reference point, North 40 degrees 39 minutes 40 seconds East, 601.85 feet to Ap.k. nail set six (6) feet North of the centerline of Township Road 1-651, (Reservoir Road) at corner of lands now or formerly of David P. Nelson, the place of BEGINNING. CONTAINING 11.212 Acres.

The above description was taken from a draft of survey prepared by Mark A. Kuntz, Surveyor, dated October 24, 1994.

TITLE TO SAID PREMISES IS VESTED

IN Edger L. Wetzel and Kristina A. Wetzel, h/w, by Deed from Hildred Sowers, widow, dated 12/21/1999, recorded 03/08/2000 in Book 2011, Page 110.

Tax Parcel: (40) F 04 - 0021

Premises Being: 670 Reservoir Road, Gardners, PA 17324

SEIZED and taken into execution as the property of **Edgar L. Wetzel & Kristina A. Wetzel** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 12, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

12/23, 31 & 1/8

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment No. 09-S-1031 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 22nd day of January, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL THAT CERTAIN tract of land, situate, lying and being in Franklin Township, Adams County, Pennsylvania, bounded and described as follows:

BEGINNING at a mark in the center of the New Lincoln Highway at other lands of Lamont Kane on the East and at corner of land of Victor Re on the North; thence by lands of Lamont Kane South 01 degree East, 280.5 feet to a mark in the center of the Old Lincoln Highway; thence by same North 87 degrees West, 351.8 feet to mark in the center of the Old Lincoln Highway at the southeast corner of lands of Philip A. Haler; thence

by said Haler lands North 03 degrees 05 minutes East, 224.7 feet to a mark in the center of said highway; thence by other lands of Victor Re North 83 degrees 30 minutes East, 336.3 feet to a mark in the center of the highway, the place of BEGINNING.

CONTAINING 1 acre and 159 perches.

UNDER AND SUBJECT to covenants, conditions, reservations, restrictions, easements and right of ways of record.

TITLE TO SAID PREMISES IS VESTED IN Stephen B. Shank and Holly M. Shank, h/w, by Deed from Frances M. Hallmayer Topper, unmarried, dated 03/01/2006, recorded 03/08/2006 in Book 4337, Page 309.

Tax Parcel: 12, B09-0142-000

Premises Being: 3145 Old Route 30, Orttanna, PA 17353

SEIZED and taken into execution as the property of **Stephen B. Shank & Holly M. Shank** and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on February 12, 2010, and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

12/23, 31 & 1/8

## COMMONWEALTH VS. CARELLA

1. In a suppression proceeding, the burden is on the Commonwealth to establish by a preponderance of the evidence the admissibility of those items the accused seeks to preclude.

2. Reasonable suspicion exists when the officer is able to articulate specific observations which lead him to reasonably conclude, in light of his experience, that criminal activity was afoot and that the person he stopped was involved in that activity.

3. Under the Municipal Police Jurisdiction Act (MPJA), 42 Pa.C.S.A. §§8951-8954, municipal police officers acting outside their jurisdiction may, in some circumstances, have the same power to act as they do within their jurisdiction.

4. Conduct raising an officer's suspicion and prompting investigation is not enough to justify an out of jurisdiction stop. Probable cause exists where the officer has knowledge of sufficient facts and circumstances to warrant a prudent person to believe that the driver has been driving under the influence of alcohol.

5. The MPJA is to be construed liberally to give effect to its purposes. The purpose is not to "erect" impenetrable jurisdictional walls benefiting only criminals hidden in their shadows. Courts take a case by case approach in determining whether a technical violation of the MPJA requires suppression.

6. For reasonable suspicion to exist an officer need not personally observe illegal or suspicious conduct, but may rely upon information from third parties, including "tips" from citizens. A tip from an informer known to the police may carry enough indicia or reliability for the police to conduct an investigatory stop, even though the same tip from an anonymous informant would likely not have done so.

7. When an identified party provides information to the police, we must examine the specificity and reliability of the information provided. The information supplied by the informant must be specific enough to support reasonable suspicion that criminal activity is occurring. To determine whether the information provided is sufficient, we assess the information under the totality of the circumstances. The informer's reliability, veracity, and basis of knowledge are all relevant factors in this analysis.

In the Court of Common Pleas of Adams County, Pennsylvania, Criminal, No. CR-1144-2008, COMMONWEALTH OF PENNSYLVANIA VS. DOMENICO CARELLA.

Andrew Stage, Esq., for Commonwealth

David Erhard, Esq., for Defendant

Kuhn, P.J., March 19, 2009

### ORDER

AND NOW, this 19th day of March, 2009, after hearing on Defendant's Omnibus Pretrial Motion filed January 16, 2009 the Court enters the following:

#### FINDINGS OF FACT

1. On August 6, 2008 at approximately 2:20 a.m. Officer Keith Stambaugh of the Gettysburg Borough Police Department received a call from Adams County Control that a named

individual was reporting a tan minivan parked on the Square with an occupant who appeared unconscious and had vomited in the van. During the conversation the named individual observed the van depart the Square, travel west on Chambersburg Street and then north on to North Washington Street.

2. The Court takes judicial notice that “the Square” is the center of the Borough of Gettysburg and is the intersection of four streets. Chambersburg Street exits the Square in a westerly direction and after one block intersects with Washington Street. North Washington Street continues in a northerly direction for several blocks and intersects with Lincoln Avenue. Carlisle Street exits the Square in a northerly direction and continues to the borough’s municipal boundary with Cumberland Township.
3. Officer Stambaugh was operating his patrol vehicle north on Carlisle Street and observed a tan minivan at the intersection of West Lincoln Avenue and Carlisle Street.
4. The van turned left and began traveling north on Carlisle Street at a speed faster than the posted 25 miles-per-hour limit.
5. The distance from West Lincoln Avenue to the Cumberland Township line is two blocks.
6. Officer Stambaugh followed the van and “paced” it traveling approximately 40 miles-per-hour.
7. Shortly past the borough line the officer activated his overhead lights.
8. The minivan abruptly pulled off the roadway at a point approximately 0.3 miles from the West Lincoln Avenue-Carlisle Street intersection.
9. Officer Stambaugh has been a police officer for 8 years.
10. Officer Stambaugh has been involved in approximately 20 D.U.I. arrests.
11. Officer Stambaugh was aware that there are approximately 5 bars in and near the Square which close at 2:00 a.m.
12. Officer Stambaugh was given the name and cell phone number of the individual who first reported the person in the van to Adams County Control.

13. The Borough of Gettysburg and Cumberland Township have police mutual aid agreements.
14. Officer Stambaugh testified that he stopped Defendant's vehicle because of the report from the person who called Adams County Control, the hour (approximately 20-30 minutes after bars close), and the vehicle's "excessive" speed. He testified that he was concerned that the driver might be intoxicated and concerned about the safety of the driver and others on the roadway.

### ISSUES

1. Did the officer have jurisdiction to effectuate the vehicle stop in Cumberland Township?
2. Did the officer have reasonable suspicion to effectuate the vehicle stop?

### CONCLUSIONS OF LAW

1. This Court has jurisdiction.
2. The officer did not have jurisdiction to effectuate the vehicle stop in Cumberland Township.
3. The officer's violation of the Municipal Police Jurisdiction Act was a technical violation and suppression is not appropriate.
4. The officer had reasonable suspicion to effectuate the vehicle stop.

### DISCUSSION

In a suppression proceeding, the burden is on the Commonwealth to establish by a preponderance of the evidence the admissibility of those items the accused seeks to preclude. *Com. v. Ruey*, 892 A.2d 802, 807 (Pa. 2006). Section 6308 of the Pennsylvania Vehicle Code constitutionally permits an officer to stop a vehicle if the officer has reasonable suspicion that the driver is operating under the influence of alcohol or that a provision of the Vehicle Code has been violated. *Com. v. Sands*, 887 A.2d 261 (Pa. Super. 2005); 75 Pa.C.S.A. § 6308(b). Reasonable suspicion exists when the officer is able to articulate specific observations which lead him to reasonably conclude, in light of his experience, that criminal activity was afoot and that the person he stopped was involved in that activity. *Com. v. Johnson*, 833 A.2d 755, 763 (Pa. Super. 2003). "[R]easonable suspicion does not require that the activity in question is unquestionably criminal before an officer may investigate further...Courts are to

give due weight to the specific reasonable inferences the police officer is entitled to draw from the facts in light of his or her experience.” *Com. v. Ulman*, 902 A.2d 514, 518 (Pa. Super. 2006). To determine if an officer had reasonable suspicion, the totality of the circumstances must be considered. *Com. v. Hughes*, 908 A.2d 924, 927 (Pa. Super. 2006).

Before determining whether Officer Stambaugh had reasonable suspicion to stop Defendant’s vehicle the Commonwealth must first establish that the officer had jurisdiction to initiate the stop. Officer Stambaugh, acting in his capacity as a Gettysburg Borough Police Officer, began pursuing Defendant in the Borough of Gettysburg. However the vehicle stop was not initiated until Defendant entered Cumberland Township.

Under the Municipal Police Jurisdiction Act (MPJA), 42 Pa.C.S.A. §§ 8951-8954, municipal police officers acting outside their jurisdiction may, in some circumstances, have the same power to act as they do within their jurisdiction. There was testimony from the officer at the suppression hearing that a mutual aid agreement exists between Gettysburg Borough and Cumberland Township. Such agreements, which may allow Officer Stambaugh to effectuate the vehicle stop in Cumberland Township, are permitted by the Judicial Code. § 8953(e). However, as the Commonwealth stipulates, the record is insufficient to support Officer Stambaugh’s extra-territorial stop on mutual aid grounds.<sup>1</sup>

An officer may also execute a vehicle stop outside of his primary jurisdiction when in “hot pursuit.” The MPJA provides;

[w]here the officer is in hot pursuit of any person for any offense which was committed, or which he has probable cause to believe was committed, within his primary jurisdiction and for which offense the officer continues in fresh pursuit of the person after commission of the offense.

42 Pa.C.S.A. § 8953(a)(2). Defendant alleges that Officer Stambaugh lacked probable cause to execute the vehicle stop.

---

<sup>1</sup> The Commonwealth has not produced the Agreement that exists between the Borough of Gettysburg and Cumberland Township, therefore, there is no way for this Court to determine whether Officer Stambaugh was authorized to make a traffic stop in Cumberland Township.

Officer Stambaugh was in “hot pursuit” of Defendant’s vehicle and Defendant does not raise an issue as to this element. Section 8953(a)(2) requires both “hot pursuit” and “fresh pursuit.” *Com. v. Peters*, 2009 WL 413738 (Pa. 2009). This requires some sort of investigation and pursuit that is immediate, continuous and uninterrupted. *Id.* Officer Stambaugh was investigating the report from the informant and upon observing a vehicle matching the description provided, his pursuit began immediately and was continuous and uninterrupted until he effectuated the traffic stop.

However, Officer Stambaugh did not have probable cause to effectuate a vehicle stop. Conduct raising an officer’s suspicion and prompting investigation is not enough to justify an out of jurisdiction stop. *Com. v. Donton*, 654 A.2d 580, 586 (Pa. Super. 1995). (citation omitted). Probable cause exists where the officer has knowledge of sufficient facts and circumstances to warrant a prudent person to believe that the driver has been driving under the influence of alcohol. *Com. v. Hilliar*, 941 A.2d 984, 994 (Pa. Super. 2008). Officer Stambaugh only had the information he obtained from the informant and his knowledge about the closing times of bars in the Square. While this was enough information to give rise to a suspicion of drunk driving by Defendant, (see discussion below) it was not enough to rise to the level of probable cause. Therefore, there has been a clear violation of the MPJA.

Nevertheless, Superior Court has recognized that,

Suppression of evidence may or may not be the appropriate remedy for a violation of section 8953 of the Act, depending on all of the circumstances of the case including the intrusiveness of the police conduct, the extent of deviation from the letter and spirit of the Act, and the prejudice to the accused.

*Com. v. O’Shea*, 567 A.2d 1023, 1030 (Pa. Super. 1990). “[T]he MPJA is to be construed liberally to give effect to its purposes. *Peters*, 2009 WL 413738 at \*3. One purpose is to promote public safety while maintaining police accountability to local authority. *Id.* The purpose is not to “erect ‘impenetrable jurisdictional walls benefit[ing] only criminals hidden in their shadows.’” *Id.* (citation omitted). Another purpose is to allow police to act outside their jurisdiction under the circumstances set forth in the act. *Com. v. Chernosky*,

874 A.2d 123, 129 (Pa. Super. 2005). Courts take a case by case approach in determining whether a technical violation of the MPJA requires suppression. *Hilliar*, 943 A.2d at 990.

The *Hilliar* court recognized that often claims of an MPJA violation involve a DUI suspect who crosses into a bordering municipality followed by the officer who leaves his primary jurisdiction and stops the driver a brief time later. *Id.* at 991. In most instances the activity that leads the officer out of the jurisdiction is not the DUI itself but some other activity that warrants investigation. *Id.* In most DUI pursuit cases probable cause is not established until after the vehicle stop has been executed. *Id.* That situation exists here because Officer Stambaugh had reasonable suspicion while both he and Defendant were still in Gettysburg Borough.

In *Hilliar* the officer formed a reasonable suspicion to conclude Appellant was driving under suspension while he was still in his primary jurisdiction. *Id.* at 992. It would have been legal for the officer to execute a traffic stop within his primary jurisdiction. *Id.* However, because of traffic concerns at the location where reasonable suspicion was established, the officer waited for the vehicle to proceed to a less congested area which was just past the jurisdictional line. *Id.* The Court held that to permit suppression would allow the Appellant a technical windfall for no good reason. *Id.*

While there were no stated traffic concerns in the present matter, the same reasoning as above applies. Officer Stambaugh had reasonable suspicion, as discussed further below, to execute a traffic stop within his own jurisdiction. There is no evidence that Officer Stambaugh was “engaged in an extrajurisdictional fishing expedition nor an attempt to expand his sphere of power.” *See, Chernosky*, 874 A.2d at 129 (citation omitted). Because the pursuit of Defendant did not begin until approximately 2 blocks before the jurisdictional boundary between Gettysburg Borough and Cumberland Township it was not unreasonable for the officer to continue to follow Defendant for an additional period of time to observe his driving prior to initiating the traffic stop. Therefore, this technical violation of the MPJA does not warrant suppression.

I now turn to whether there was reasonable suspicion to effectuate a vehicle stop of Defendant’s vehicle. I conclude that there was. Initially, the Commonwealth recognizes that the officer’s alleged



observation of speeding in a two-block area between the intersection of Lincoln Ave. and Carlisle Street and the borough line does not, in and of itself, rise to a level of reasonable suspicion nor was it sufficient to establish a violation of the Vehicle Code. Officer Stambaugh testified that he “paced” the van traveling approximately 40 miles-per-hour in a 25 miles-per-hour zone. Under Section 3368 of the Vehicle Code;

**(a) Speedometers authorized.**--The rate of speed of any vehicle may be timed on any highway by a police officer using a motor vehicle equipped with a speedometer. In ascertaining the speed of a vehicle by the use of a speedometer, the speed shall be timed for a distance of not less than three-tenths of a mile.

75 Pa.C.S.A. § 3368(a). The Commonwealth acknowledges “the record clearly discloses that the officer did not follow Defendant for three-tenths of a mile before activating the lights atop his patrol car.” Com. Brief. 11. Furthermore, Officer Stambaugh acknowledged that he did not know whether his speedometer had been tested and certified in accordance with 75 Pa.C.S.A. § 3368(b). Accordingly, Officer Stambaugh did not have reasonable suspicion to stop Defendant’s vehicle based on suspected speeding.

However, the Commonwealth asserts that “the circumstantial evidence of Defendant’s speeding...should be viewed in conjunction with [the named informant’s] report as justification for a DUI-related stop.” The evidence shows that a named informant reported to Adams County Control that a tan minivan was parked at the Square with an apparently unconscious occupant who had vomited in the van. During the informant’s conversation with Adams County Control he observed the van depart the square and travel west on Chambersburg Street and north onto North Washington Street.

For reasonable suspicion to exist an officer need not personally observe illegal or suspicious conduct, but may rely upon information from third parties, including “tips” from citizens. *Com. v. Barber*, 889 A.2d 587, 593 (Pa. Super. 2005) (citation omitted). “[A] tip from an informer known to the police may carry enough indicia or reliability for the police to conduct an investigatory stop, even though the same tip from an anonymous informant would likely not have done so.” *Id.* Identified citizens are assumed to be trustworthy

since a known informant places himself at risk for prosecution for filing a false claim if the tip is untrue. *Id.* The following standard applies when evaluating a “tip” from a known informant:

When an identified party provides information to the police, we must examine the specificity and reliability of the information provided. The information supplied by the informant must be specific enough to support reasonable suspicion that criminal activity is occurring. To determine whether the information provided is sufficient, we assess the information under the totality of the circumstances. The informer’s reliability, veracity, and basis of knowledge are all relevant factors in this analysis.

*Id.* at 593-94.

In *Com. v. Janiak*, 534 A.2d 833 (Pa. Super. 1987), officers received a dispatch that an identified informant reported to a county communication facility that an intoxicated person was standing at the gas pumps at a convenience store one “long block south” and one “long block west” of the officer’s location. *Id.* at 833. The first dispatch indicated the person was about to drive away. *Id.* The officers immediately turned in a southerly direction and headed towards the intersection of the east-west street wherein they received another dispatch that the individual was driving in an easterly direction on West Third Street. *Id.* at 833-34. The officers saw no other traffic on the north-south street and saw only one other vehicle on the east-west street. *Id.* The officers waited for the vehicle to pass and then proceeded to follow it. *Id.* They immediately activated the emergency lights and stopped the vehicle at the next intersection. The officers indicated their reasons for stopping the vehicle were the report of an intoxicated individual operating a vehicle and their belief that the vehicle could only be the one in question. *Id.* The Superior Court reversed the trial court’s decision to suppress the evidence against the operator of the vehicle, finding that “the officers...were informed by two radio communications that a crime, i.e. driving while under the influence, was being committed and, within minutes of the reports, while acting in response to the reports, the officers saw a vehicle driving on the exact roadway and coming from the exact direction the vehicle was reported to be proceeding from.” *Id.*

In *Com. v. Lohr*, 715 A.2d 459 (Pa. Super. 1998), an officer received a report from county control that a citizen informant had reported that he watched appellant erratically drive his red and white Ford Bronco into a store parking lot and enter the store. *Id.* at 460. The caller reported that he followed appellant into the store and smelled alcohol coming from his general direction. *Id.* The caller remained on the line while the officer proceeded to the scene. *Id.* As the informant reported that appellant was getting into his vehicle, the officer arrived on the scene. *Id.* Based on the dispatch message, the officer initiated a traffic stop of appellant's vehicle. *Id.* Superior Court upheld the appellant's conviction, reasoning:

The information implicating the vehicle was provided by a citizen caller who specifically detailed the incident to police, indicating it was from ongoing personal observation. Thus the police knew how the caller knew what he averred, and that he had corroborated his visual conclusion with olfactory senses; the police knew the subject of intoxication was within the ken of the average citizen. The caller's description of the vehicle as well as its location matched the officer's observation.

*Id.* at 462.

In *Com. v. Korenkiewicz*, 743 A.2d 958 (Pa. Super. 1999) an officer was provided information from a named informant that an ill or intoxicated person in a dark colored convertible was parked at his service station. *Id.* at 964. The informant described the vehicle and its exact location. *Id.* A short time later the informant called again and reported that the driver of the vehicle was about to pull out onto the road. *Id.* The officer arrived at the location within minutes and observed a vehicle matching the description at the exact location provided by the informant. *Id.* at 965. Superior Court held that because the description and location matched the report, the officer had sufficient reason to believe the appellant and vehicle were the subjects of the informant's report. *Id.*

In the matter sub judice, a named informant reported seeing an unconscious male in a tan van that had vomit on the side. The informant reported the exact location of the van and remained on the line with Adams County Control long enough to inform them that the van was leaving and the direction it was going. Officer Stambaugh

was well aware of the time and that all five bars located near the Square in Gettysburg closed at 2:00 a.m. Based on the information received from the dispatch that the suspect vehicle had turned onto Washington Street, Officer Stambaugh proceeded north on Carlisle Street, a parallel street, to the intersection of Carlisle Street and Lincoln Avenue where he observed a tan minivan make a left turn onto Carlisle Street. He then observed the vehicle rapidly increase its speed.

Officer Stambaugh had more information than the officers in *Janiak*. In *Janiak* the officers did not have any description of the vehicle and based their decision to stop the vehicle on the fact that it was the only vehicle on the roadway and it was on the same roadway and coming from the exact location where it was reported the vehicle had been observed. Here, Officer Stambaugh had a description of the vehicle as being a tan minivan, which was no more detailed than the vehicle descriptions provided in *Korenkiewicz* (a “dark colored convertible) or *Lohr* (a red and white Ford Bronco). Furthermore, although there was no description provided about the Defendant’s person, other than he was a male, it was certainly no less deficient than the descriptions provided in *Korenkiewicz* (a person that was either ill or intoxicated) or *Janiak* (an individual in an intoxicated condition). Further, Defendant’s vehicle was first observed while it was on Lincoln Avenue (which intersects with Washington Street, the street onto which the informant reported seeing Defendant turn) one block west of the intersection with Carlisle Street (where Officer Stambaugh first observed Defendant’s vehicle). Based on reports that the driver of the vehicle was perhaps unconscious and vomiting, the time of day, and the fact that the vehicle was seen parked in an area with at least 5 bars that had recently closed, and the tan minivan’s proximity to the initial location reported by the informant, reasonable suspicion existed to effectuate a traffic stop.

Accordingly, Defendant’s Omnibus Pre-Trial Motion to Suppress is denied.

**ESTATE NOTICES**

**NOTICE IS HEREBY GIVEN** that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

**FIRST PUBLICATION****ESTATE OF LUCY M. DAY, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Dale L. Heiner, Sr. and Jean E. Heiner, 8961 Orchard Road, Spring Grove, PA 17362

Attorney: Joseph C. Korsak, Esq., Law offices of Josephhh C. Korsak, 33 North Queen Street, York, PA 17403

**ESTATE OF DOROTHY A. DUNKLE-BERGER, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Executrix: Kelly M. Sneeringer

Attorney: Jeffrey M. Motten, Esq., 28 East Main Street, P.O. Box 87, Hummelstown, PA 17036

**ESTATE OF HELEN E. MACHACEK, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Daune Evans, 90 Clearview Place, Carlisle, PA 17015

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF FRANCIS L. MILLER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Mary L. Kuhn, 981 Hickory Road, Littlestown, PA 17340

Attorney: Wendy Weikal-Beauchat, Esq., 63 West High Street, Gettysburg, PA 17325

**ESTATE OF ROSALIE C. MILLER, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Executor: Mary L. Kuhn, 981 Hickory Road, Littlestown, PA 17340

Attorney: Wendy Weikal-Beauchat, Esq., 63 West High Street, Gettysburg, PA 17325

**SECOND PUBLICATION****ESTATE OF CINDY M. BLACK, DEC'D**

Late of Menallen Township, Adams County, Pennsylvania

Executrix: Joy K. Cline, 150 Old Railroad Road, Biglerville, PA 17307

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF RAYMOND K. DAY, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Administrators d.b.n.c.t.a.: Dale L. Heiner, Sr. and Jean E. Heiner, 8961 Orchard Road, Spring Grove, PA 17362; Larry Augustus Day and Shirley Day, 7414 Kopp Road, Spring Grove, PA 17362

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF MILTON C. GASTON, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Dorothy Davis, 60 2nd Avenue, Emmitsburg, MD 21727

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF ONEIDA HAWBAKER, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Charlotte Carey, 571 Old Carlisle Road, Biglerville, PA 17307 and Marshall Hawbaker, 1980 Biglerville Road, Gettysburg, PA 17325

**ESTATE OF VERNON E. REED, DEC'D**

Late of Butler Township, Adams County, Pennsylvania

Executrix: Dorothy E. Reed, c/o James P. Sheppard, Esq., 2201 North Second Street, Harrisburg, PA 17110

Attorney: James P. Sheppard, Esq., 2201 North Second Street, Harrisburg, PA 17110

**ESTATE OF CHARLES RICHARD SANDERS a/k/a C. RICHARD SANDERS, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania

Carol Hawbaker Kelley, 259 Clapsaddle Road, Gettysburg, PA 17325

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF DORIS C. SCHAFER, DEC'D**

Late of Straban Township, Adams County, Pennsylvania

Executrix: Emilie L. Shoemaker, 8 Loop Drive, Hanover, PA 17331

Attorney: George W. Swartz, II, Esq., Mooney & Associates, 230 York Street, Hanover, PA 17331

**THIRD PUBLICATION****ESTATE OF DAVID L. BUCKLEY, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Executrice: Jamie L. Chapman, 9 Wargo Lane, Dillsburg, PA 17019

Attorney: John A. Wolfe, Esq., WOLFE & RICE, LLC, 47 West High Street, Gettysburg, PA 17325

**ESTATE OF WILLIAM LOUIS BUSBEY, JR., DEC'D**

Late of New Oxford Borough, Adams County, Pennsylvania

Administratrix: Michele R. Busbey, 250 Marsh Creek Heights, Gettysburg, Pennsylvania 17325

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

**ESTATE OF GLADYS M. FLICKINGER, DEC'D**

Late of McSherrystown Borough, Adams County, Pennsylvania

Executrix: Regina M. Harms, a/k/a Regina M. McCracken, 130 Gun Club Road, York Springs, PA 17372

Attorney: Stonesifer and Kelley, P.C., 209 Broadway, Hanover, PA 17331

**ESTATE OF HAROLD L. KING, DEC'D**

Late of Huntington Township, Adams County, Pennsylvania

Co-Executors: Cindy L. (King) Sowers, 1366 White Oak Tree Road, Gardners, PA 17324, and Jeffrey L. King, 60 Cherry Hill Road, Gardners, PA 17324

Attorney: John R. White, Esq., Campbell & White, P.C., 112 Baltimore St., Gettysburg, PA 17325

**ESTATE OF PHYLLIS Q. PITTENTURF, a/k/a PHYLLIS Y. PITTENTURF, DEC'D**

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administratrix c.t.a.: Debra Kay Pittenturf, 64 E. Water St., Gettysburg, PA 17325

Attorney: Phillips & Phillips, 101 West Middle Street, Gettysburg, PA 17325

## SHERIFF'S SALE

IN PURSUANCE of a Writ of Execution, Judgment Number, 09-S-763 issuing out of Court of Common Pleas Adams County, and to me directed, will be exposed to Public Sale on Friday, the 19th day of February, 2010, at 10:00 o'clock in the forenoon at the Sheriff's Office located in the Courthouse, Borough of Gettysburg, Adams County, PA, the following Real Estate, viz.:

ALL the following two (2) tracts of land, situate, lying and being in the Borough of East Berlin, Adams County, Pennsylvania, bounded and described as follows, to wit:

TRACT NO. 1: FRONTING on the North side of Locust Street in said Borough for a distance of fifty (50) feet, more or less, adjoining lot now or formerly of Brethren Church on the Northwest side thereof lot now or formerly of H. J. March on the East; and a twenty (20) foot alley on the Northeast side thereof.

TRACT NO. 2: BEGINNING at a point at a public alley and Locust Street; thence West along said Locust Street; 40 feet, more or less, to a point at lands now or formerly of John W. Lerew; 200 feet, more or less to a public alley; thence East along said public alley, 30 feet more or less, to a point at another public alley, thence South by said public alley 200 feet, more or less, to a point at said public alley and Locust Street, the place of BEGINNING.

UNDER AND SUBJECT, NEVERTHELESS, to easements, restrictions, reser-

vations, conditions and rights of way of record or visible upon inspection of the premises.

TITLE TO SAID PREMISES IS VESTED IN James A. Deardorff, Jr. and Lisa A. Deardorff, h/w, by Deed from Michael J. Fabrizio and Tern L. Fabrizio, h/w, dated 05/15/2008, recorded 05/19/2008 in Book 5210, Page 287.

Tax Parcel: (10) 004-0214-000

Premises Being: 103 Locust Street, East Berlin, PA 17316-7801

SEIZED and taken into execution as the property of **Lisa A. Deardorff & James E. Deardorff, Jr. a/k/a James E. Deardorff**, and to be sold by me.

James W. Muller-Sheriff  
Sheriff's Office, Gettysburg, PA

TO ALL PARTIES IN INTEREST AND CLAIMANTS: You are notified that a schedule of distribution will be filed by the Sheriff in his office on March 12, 2010 and distribution will be made in accordance with said schedule, unless exceptions are filed thereto within 20 days after the filing thereof. Purchaser must settle for property on or before filing date.

ALL claims to property must be filed with Sheriff before sale.

As soon as the property is declared sold to the highest bidder 20% of the purchase price or all of the cost, whichever may be the higher, shall be paid forthwith to the Sheriff.

1/8, 15 & 22

## LEGAL NOTICE-ANNUAL MEETING

The annual meeting of the policyholders of the Protection Mutual Insurance Company of Littlestown will be held at the office located at 101 South Queen Street in Littlestown, PA, between the hours of 1:00 and 2:00 p.m., on January 16th, 2010 to elect directors and to transact any other business properly presented.

Attest: Marilyn Q. Butt  
President & Treasurer; Director

12/18, 23, 31 & 1/8

## DISSOLUTION NOTICE

NOTICE IS HEREBY GIVEN that ADAMS COUNTY CONSTRUCTION, INC., a Pennsylvania business corporation with its principal place of business at 828 Biglerville Road, Gettysburg, PA 17325 has elected to dissolve voluntarily and has commenced winding up proceedings under the Pennsylvania Business Corporation Law of 1988.

Robert T. Teeter, Esq.  
Teeter, Teeter and Teeter

1/8 & 15

# REMACERE LTD.

**REALTY CONSULTANTS  
RESIDENTIAL & COMMERCIAL  
REAL ESTATE APPRAISAL SERVICES**

Estate & Tax Planning  
Divorce & Action in Partition  
Business Succession Planning & Dissolution  
Condemnation  
Diminution, Easement, and Restrictive Covenant Valuation  
Tax Assessment Appeals  
Litigation Appraisal & Qualified Expert Testimony

**PA State Certified Appraisers  
Serving South Central Pennsylvania**

439 West Market Street, York, PA 17401  
Phone: (717) 843-5104 or 888-811-8196  
Fax: (717) 848-5393 • Web: [www.remacere.com](http://www.remacere.com)