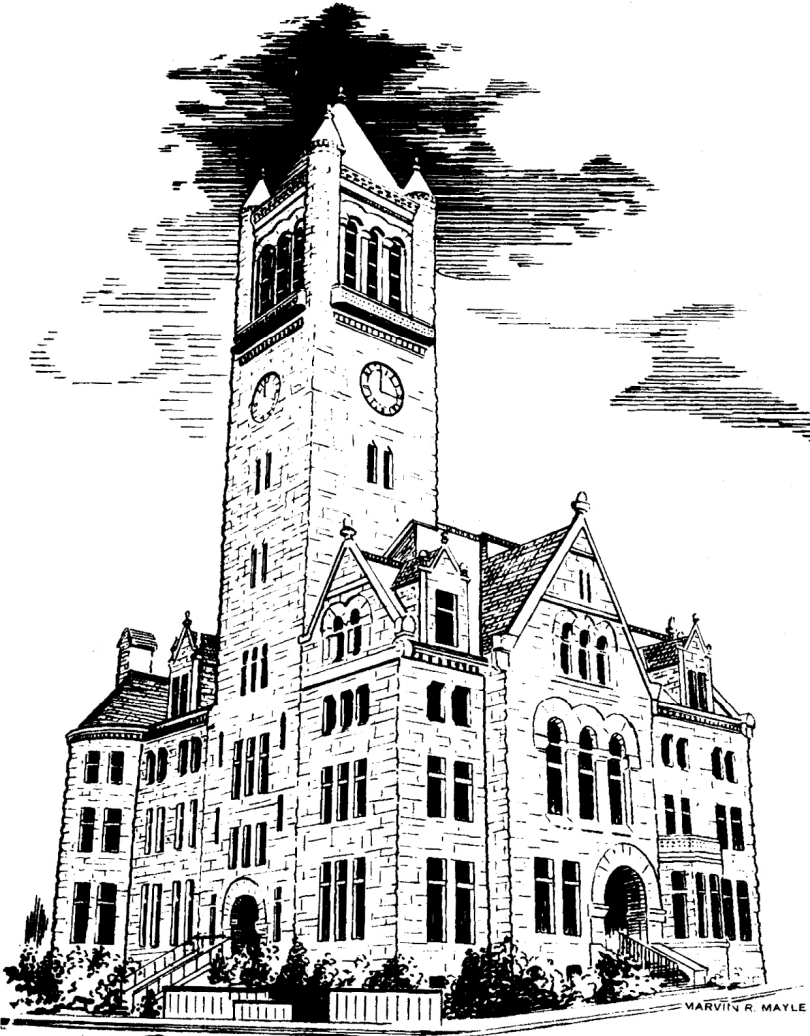


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ESTATE NOTICES

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

MANSFIELD BRANSON, late of Uniontown, Fayette County, PA ⁽³⁾

Administratrix: Brandy Whitehead
175 Seven Road
Sewickley, PA 15143
c/o 320 South Maple Avenue
Greensburg, PA 15601
Attorney: James M. Fox

FRANCES T. COLDREN, late of Uniontown, Fayette County, PA ⁽³⁾

Executor: Fred C. Adams
c/o Adams and Adams
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason F. Adams

MILDRED G. HACKETT, late of Uniontown, Fayette County, PA ⁽³⁾

Personal Representative: John R. Hackett
c/o Davis and Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary F. Frankhouser

HARRY JAMES STAFFORD, III, a/k/a HARRY J. STAFFORD, III, a/k/a HARRY J. STAFFORD, late of Dunbar Township, Fayette County, PA ⁽³⁾

Administratrix: Kimberly Murphy
114 Jimtown Road
Dawson, PA 15428
c/o 201 North Chestnut Street
P.O. Box 342
Scottdale, PA 15683
Attorney: James S. Lederach

LINDA TUTTLE, a/k/a LINDA K. TUTTLE, late of Wharton Township, Fayette County, PA ⁽³⁾

Executor: Allen W. Tuttle, Jr.
c/o 556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

STEPHEN J. UTLAK, late of Uniontown, Fayette County, PA ⁽³⁾

Executrix: Jackie Wilhelm
c/o Adams and Adams
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason F. Adams

Second Publication

JOHN A. BODNAR, JR., late of Perryopolis Borough, Fayette County, PA ⁽²⁾

Executor: Brian J. Bodnar
c/o 4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Sheryl R. Heid

LOIS ANN BOHNA, a/k/a LOIS A. BOHNA, late of Luzerne Township, Fayette County, PA

Executrix: Danielle A. Bohna ⁽²⁾
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

JOSEPH JOHN BORSODY, a/k/a JOSEPH J. BORSODY, SR., late of Luzerne Township, Fayette County, PA ⁽²⁾

Personal Representative: Bethanne Natali
c/o Davis and Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

EDNA E. DAWSON, late of Masontown Borough, Fayette County, PA (2)
Personal Representative: Joann Peshko
 c/o Davis and Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Gary J. Frankhouser

THERESA L. DIEHL DUNSTON, a/k/a THERESA L. DIEHL, a/k/a THERESA LORRAINE DIEHL DUNSTON, late of Redstone Township, Fayette County, PA (2)
Executrix: Susan Lynn Mullen Ledford
 c/o 9 Court Street
 Uniontown, PA 15401
Attorney: Vincent J Roskovensky, II

SAMANTHA S. GALLENTINE, a/k/a SAMANTHA S. STICKEL GALLENTINE, late of Connellsville, Fayette County, PA (2)
Executor: Gary M. Gallentine
 c/o P.O. Box 760
 Connellsville, PA 15425
Attorney: Carolyn W. Maricondi

First Publication

JOHN HOWARD RIFFLE, JR., late of Uniontown, Fayette County, PA (1)
Administrator: Blaine Homistek
 c/o Monaghan and Monaghan
 57 East Main Street
 Uniontown, PA 15401
Attorney: Gary D. Monaghan

LOUISE PATRICIA KANAR, a/k/a LOUISE P. KANAR, late of Franklin Township, Fayette County, PA (1)
Personal Representative: James P. Kanar
 c/o George & George, LLP
 92 East Main Street
 Uniontown, PA 15401
Attorney: Joseph M. George

WALTER P. NOVINSKY, late of Redstone Township, Fayette County, PA (1)
Executrix: Geraldine Helisek
 1101 First Street
 Hiller, PA 15417
 c/o 304 Chamber Plaza
 Charleroi, PA 15022
Attorney: Kathleen A. Gustine

HELYN LUCILLE OSHNACK, a/k/a HELYN OSHNACK, late of South Union Township, Fayette County, PA (1)
Personal Representative: William W. Oshnack, Jr.
 c/o 2 West Main Street, Suite 110
 Uniontown, PA 15401
Attorney: Ricardo J. Cicconi

HANNABELLE PHARES, late of Washington Township, Fayette County, PA (1)
Administratrix: Carole A. Phares
 215 Mikula Road
 Belle Vernon, PA 15012
 c/o Shire Law Firm
 1711 Grand Boulevard
 Park Centre
 Monessen, PA 15062
Attorney: Mark J. Shire

DOROTHY S. SLATER, a/k/a DOROTHY E. SLATER, a/k/a DOROTHY SLATER, late of North Union Township, Fayette County, PA (1)
Co-Executors: Jarred E. Slater and Janet E. Kettering
 c/o John & John
 96 East Main Street
 Uniontown, PA 15401
Attorney: Simon B. John

LEGAL NOTICES

NOTICE

Notice is hereby given that Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on April 12, 2018, for a limited liability company known as George & Ryan Auto Repair, LLC.

Said limited liability company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the limited liability company is/are: auto repair and service and any other lawful purpose related thereto for which limited liability company may be organized under the Business Corporation Law.

DAVIS & DAVIS

BY: Gary J. Frankhouser, Esquire
107 East Main Street
Uniontown, PA 15401

NOTICE

Notice is hereby given that a hearing is scheduled for Tuesday, May 1, 2018, at 9:30 a.m., before The Honorable Joseph M. George, Jr., in Courtroom No. 5, of the Fayette County Courthouse, for the sale of the South Side Elementary School by the Connellsville Area Board of School Directors.

Interested persons may appear at the aforementioned hearing to offer testimony in favor of or in opposition to the proposed sale.

(3 of 3)

Fayette County
Court of Common Pleas
Number 2228 of 2017, G.D.
Notice of Action in Mortgage Foreclosure

Ditech Financial, LLC,
Plaintiff,
v.
Robert J. Smith, Jr.,
Defendant.

To: Robert J. Smith Jr.,

You have been named as a Defendant in an action in Replevin concerning a certain manufactured home being a 1998 Renaissance 28 x 48 mobile home. NOTICE. If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objection in writing with the court. You are warned that if you failure to do so, the case may proceed without you and judgment may be entered against you without further notice for the 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, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee. **Pennsylvania Lawyer Referral Service, Pennsylvania Bar Association, 100 South Street, P.O. Box 186, Harrisburg, Pennsylvania 17108, (800)692-7375.**

McCabe, Weisberg & Conway, LLC.

Attorneys for Plaintiff

123 S. Broad St. Ste. 1400, Phila, PA 19109
215-790-1010.

IN RE: Joseph Cellurale, Jr.
Case No. 15-21253-GLT
Chapter 7

Real Property:

Vacant 61.99 acres

Tax ID#09-31-0043-01

Vacant 13.47 acres

Tax ID #09-31-0036

Date of Sale: 5/17/2018 @ 10:00 a.m.

Courtroom A, 54th Floor

600 Grant Street

Pittsburgh, PA 15219

Responses due by: 4/30/2018

Initial Offer: \$150,000.00 Higher and better

offers will be considered at the hearing

Hand money required: \$5,000.00

(Cash or Certified Funds)

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223 South Maple Avenue

Greensburg, PA 15601

Ph #(724) 834-2990

E-mail: robertslone223@gmail.com

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www.pawb.uscourts.gov/easi.htm

Robert H. Slone, Esquire

Bankruptcy Trustee

JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
vs.	:	
SHADD ALEXANDER MATTHEWS	:	No. 1639 of 2017
Defendant.	:	Judge Steve P. Leskinen

OPINION AND ORDER

Linda R. Cordaro, J.

April 9, 2018

Before the Court is the Omnibus Pre-Trial Motion of Defendant , Shadd A. Matthews, in the nature of a Motion to Suppress Blood Test Results. A hearing on the Motion was held on March 26, 2018. Upon consideration of the testimony presented, as well as a review of current Pennsylvania law on the matter, Defendant's Motion to Suppress Blood Test Results is denied.

FINDING OF FACTS

On April 2, 2017, at 3:15 AM, Trooper Jared King of the Pennsylvania State Police observed a Dodge Challenger parked on the eastbound shoulder of State Route 21 facing westbound. Trooper King approached the vehicle to see what the operator was doing. The operator of the vehicle was Defendant, Shadd Matthews.

While speaking with Mr. Matthews, Trooper King detected a strong odor of alcohol on the breath of Mr. Matthews. The eyes of Mr. Matthews were bloodshot and glassy in appearance. Trooper King asked Mr. Matthews if he had anything to drink, to which Mr. Matthew replied that he had a few beers. Trooper King then asked Mr. Matthews to step out of the vehicle to perform a field sobriety test. Following the results of that test, Trooper King suspected that Mr. Matthews was under the influence of alcohol, placed him under arrest, and asked him if he would consent to a blood draw to determine his blood alcohol content. Mr. Matthew initially refused the blood draw. However, Mr. Matthews changed his mind and consented to the blood draw. Trooper King then transported Mr. Matthews to Uniontown Hospital. There, Trooper King read the DL-26B Form to Mr. Matthews, who then signed the form. A nurse drew blood from Mr. Matthews.

Mr. Matthews now challenges the admittance of the blood draw results into evidence, claiming that his consent was not voluntary.

DISCUSSION

A blood draw constitutes a search under the Fourth Amendment, as it implicates privacy concerns. *Birchfield v. North Dakota*, 136 S.Ct. 2160, 2163 (2016). In Pennsylvania, a search conducted without a warrant is unreasonable and unconstitutional, unless an exception applies. *Commonwealth v. Strickler*, 757 A.2d 884,888 (Pa. 2000). One exception to this rule is voluntary consent. *Id.* However, the Supreme Court in *Birchfield* held that consent is not voluntary when states impose criminal penalties for refusing to submit to a blood draw. *Birchfield* at 2185. While the threat of criminal penalties renders consent involuntary, it is lawful to impose civil and evidentiary penalties for refusing to submit to a blood draw. *Id.*

Pa. C.S.A. §1547(b)(2)(ii), which was enacted before *Birchfield*, required police officers to inform those who were suspected of driving under the influence of the possibility of enhanced criminal penalties. However, after *Birchfield*, Pennsylvania courts held that a defendant could not be subjected to enhanced criminal penalties for refusing a blood draw. *Commonwealth v. Evans*, 153 A.3d 323, 331 (Pa. Super. 2016). In *Evans*, the court held that even a threat of enhanced criminal penalties for denying a blood draw is grounds for suppression of the results. *Id.* The rulings in *Birchfield* and *Evans* rendered Pa. C.S.A. §1547(b)(2)(ii) unenforceable, effectively severing that section from the rest of the Vehicle Code. *Garlick v. Commonwealth, Dept. of Trans., Bureau of Driver Licensing*, 176 A.3d 1030, 1036 (Pa. Commw. 2018). As a result, police officers no longer have a duty to warn of the unconstitutional criminal penalties, since they no longer exist. *Id.* at 1037.

In his Motion, Mr. Matthews makes three arguments as to why his consent was not voluntary. First, Mr. Matthews argues that an officer requesting someone to submit to a blood draw still has a duty under Pa. C.S.A. §1547(b)(2)(ii) to warn that person of enhanced criminal penalties- even though those penalties no longer exist. This argument is invalid based on the ruling in *Garlick*.

Prior decisions in criminal cases have also held that a defendant's signing of the DL-26B Form, which does not warn of enhanced criminal penalties, is sufficient to establish voluntary consent. See *Commonwealth v. Smith*, 177 A.3d 915, 921-922 (Pa. Super. 2017) ("This form does not contain any reference to enhanced criminal penalties"). In *Smith*, the court found that a defendant's blood draw results could be admitted as evidence when the defendant: 1) signed the DL-26B Form, 2) was not told of enhanced criminal penalties by the arresting officer, and 3) gave consent to the blood draw. *Id.* Mr. Matthews was not told that there would be enhanced criminal penalties as a result of refusing a blood draw, and so his consent was voluntary.

Second, Mr. Matthews argues that consent was coerced because "all citizens are presumed to know the law and therefrom that enhanced sentencing penalties automatically occur if the test is refused, then consent is coerced." Defendant's Motion to Suppress Blood Test Results, No. 9. This argument is unconvincing. At the time of Mr.

Matthews's arrest, the Pennsylvania laws that provided for enhanced criminal penalties were already held to be unconstitutional. (The ruling in Evans was published in December, 2016; Mr. Matthews was arrested in April, 2017.) If "all citizens are presumed to know the law," as Defendant suggests, then Mr. Matthews should have known that the enhanced criminal penalties were no longer in force. Therefore, his consent was not coerced, but voluntary.

Mr. Matthews additionally argues that Trooper King did not inform him of a right to refuse a blood draw. This argument is based on *Commonwealth v. Myers*. In that case, the defendant was arrested for suspicion of driving under the influence, and taken to a hospital for a blood draw. *Commonwealth v. Myers*, 164 A.3d 1162, 1165 (Pa. 2017). At the hospital, the defendant was administered with medication that rendered him unconscious. *Id.* While the defendant was unconscious, a police officer attempted to communicate with him and give him his warnings, and then instructed a nurse to draw blood. *Id.* The court in *Myers* held that the blood tests results were to be suppressed because an unconscious person cannot give affirmative consent to a blood draw. *Id.* at 1181. The present case is factually distinct from that in *Myers*. Mr. Matthews was conscious at the time he was asked to consent to a blood draw, so he had a chance to refuse the blood draw.

Mr. Matthews does not provide any other reasons as to why his consent was otherwise coerced or involuntary.

CONCLUSION

For the foregoing reasons, this Court finds that Mr. Matthews voluntarily gave consent to the blood draw, and that his consent was not coerced or in any way unconstitutional. Therefore, Court enters the following:

ORDER

AND NOW, this 9th day of April, 2018, inconsideration of Defendant's Motion to Suppress Blood Test Results, and after a hearing on said Motion, it is hereby ORDERED and DIRECTED that said Motion is DENIED.

BY THE COURT:
LINDA R. CORDARO, JUDGE

ATTEST:
Janice Snyder
Clerk of Court

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