

# FAYETTE LEGAL JOURNAL

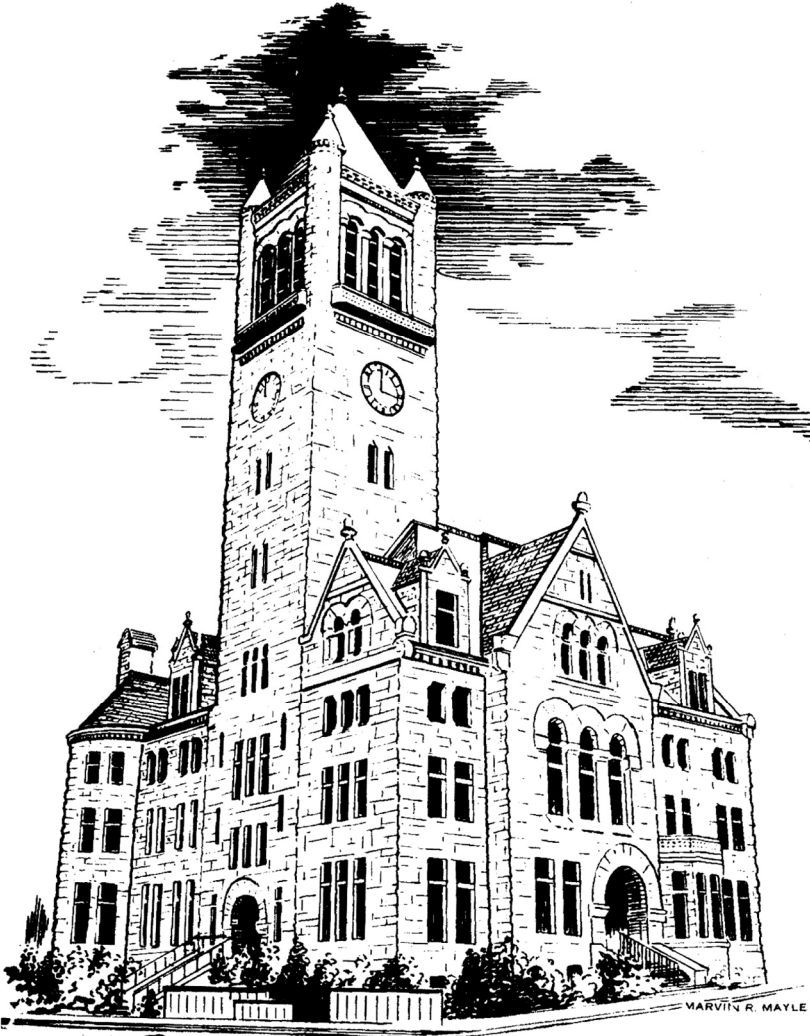
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## FAYETTE LEGAL JOURNAL

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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

**MARGARET K. CONN**, late of Uniontown, Fayette County, PA <sup>(3)</sup>

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## Second Publication

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## First Publication

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*Attorney:* Ewing Newcomer

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Mt. Pleasant, PA 15666

*Attorney:* Paul Toohey

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*Attorney:* Vincent J. Roskovensky, II

**MELVIN THOMAS SHULTZ, a/k/a MELVIN T. SHULTZ, a/k/a TOM SHULTZ**, late of Springfield Township, Fayette County, PA (1)

*Co-Executrices:* Stacie L. Keefer and Anna K. Upton

c/o Molinaro Law Offices  
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Connellsville, PA 15425

*Attorney:* Carmine V. Molinaro, Jr.

## LEGAL NOTICES

### NOTICE

Notice is hereby given that Phil Detweiler, Inc., a Pennsylvania business corporation with its principal office at 1777 McClellandtown Road, McClellandtown, Pennsylvania 15458, and its registered office address at Route 21, P.O. Box 727, Masontown, Pennsylvania 15461, has elected to dissolve and will file Articles of Dissolution in the Office of the Department of State of the Commonwealth of Pennsylvania under the provisions of the Pennsylvania Business Corporation Law, 15 Pa.C.S.A. §1977. Submitted by:

William M. Radcliffe, Esquire  
RADCLIFFE LAW, L.L.C.  
648 Morgantown Road, Suite B  
Uniontown, PA 15401

### CORPORATION NOTICE

NOTICE is hereby given that Articles of Incorporation were filed and approved by the Commonwealth of Pennsylvania, Department of State, Harrisburg, Pennsylvania, on April 28, 2022, for the purpose of obtaining a Certificate of Incorporation of a business corporation which was organized under the Commonwealth of Pennsylvania Business Corporation Law of 1988, as amended.

The name of the corporation is IDEAL LEVELS, INC.

The purpose or purposes for which it was organized: To engage in and do any lawful act concerning any or all lawful business for which corporations may be incorporated under the Pennsylvania Business Corporation Law.

TIMOTHY M. MAATTA  
ATTORNEY AT LAW  
513 Schoonmaker Avenue  
Monessen, PA 15062  
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NOTICE

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE YOUR DEFENSE OR OBJECTIONS 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 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.

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TELEPHONE: (610) 278-6800  
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LLG FILE NO. 21-066525

Reverse Mortgage Funding, LLC  
PLAINTIFF

VS.

Brenda Sinsley, known Heir of Anna Marie Farquhar, deceased; George Farquhar, Jr., known Heir of Anna Marie Farquhar, deceased; and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Anna Marie Farquhar, deceased  
DEFENDANTS

COURT OF COMMON PLEAS  
CIVIL DIVISION  
FAYETTE COUNTY

NO: 2022-00560

To the Defendants, Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Anna Marie Farquhar, deceased: TAKE NOTICE THAT THE Plaintiff, Reverse Mortgage Funding, LLC has filed an action Mortgage Foreclosure, as captioned above.

## **WARMAN ABSTRACT & RESEARCH LLC**

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**Smithfield, PA 15478**

**724-322-6529**

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**JUDICIAL OPINION**

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

COMMONWEALTH OF :  
PENNSYLVANIA, :  
 :  
 vs. :  
 :  
 FATIQUE SNEAD, :  
 Defendant. : No. 311 of 2021

OPINION

Linda R. Cordaro, J.

May 4, 2022

SUMMARY

Currently before the Court is the Defendant's Omnibus Pretrial Motion for suppression of evidence. This Court heard argument on the matter on April 13, 2022 and reviewed a copy of the affidavit of probable cause admitted into evidence. For the following reasons, Defendant's Motion is denied.

BACKGROUND

The Defendant is charged in the above matter with two counts of Possession with Intent to Deliver - 35 Pa.C.S.A. § 780-113(A)(30); two counts of Possession of a Controlled Substance - 35 Pa.C.S.A. § 780-113(A)(16); and one count of Use/Possession of Drug Paraphernalia - 35 Pa.C.S.A. § 780-113(A)(32).

The sole count of Defendant's Motion argues for suppression of evidence because the search warrant did not adequately establish the reliability of the confidential informant, police did not independently corroborate the information, and the facts listed were obtained through investigation by someone other than the affiant. No testimony was given at the hearing on the Motion, nor was the preliminary hearing transcript admitted into evidence. A consideration of the facts is therefore limited to the circumstances as set forth in Commonwealth's Exhibit 1, a copy of the affidavit of probable cause used to procure the search warrant.

DISCUSSION

Defendant argues there was insufficient support for probable cause to issue a search warrant for Room 304 of the Super 8 Hotel at 701 West Main Street, Uniontown because the affidavit of probable cause 1) did not adequately establish the credibility of the confidential informant; 2) did not adequately establish that the informant purchased heroin at a specific hotel room; and 3) the affidavit was completed by a trooper with the



Pennsylvania State Police - Criminal Investigation Unit in Uniontown, but included facts and information obtained through investigation conducted by an unnamed trooper with the Pennsylvania State Police - Washington Vice Unit.

When a confidential informant supplies the facts supporting an affidavit, a determination of probable cause requires analysis of the totality of the circumstances. *Commonwealth v. Gray*, 503 A.2d 921, 926 (Pa. 1985). This approach "permits a balanced assessment of the relative weight of all the various indicia of reliability or unreliability of an informant's tip" *Commonwealth v. Clark*, 28 A.3d 1284, 1291 (Pa. 2011). However, "there is no talismanic recitation of a particular phrase that will either be required or will suffice to conclusively establish, or conclusively disaffirm, the existence of probable cause." *Id.* at 1292.

The task of the issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the veracity and basis of knowledge of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place.

*Gray*, 503 A.2d at 926. The issuing authority is bound by the facts within the "four corners" of the affidavit, see *Commonwealth v. Dukeman*, 917 A.2d 338, 342 (Pa. Super. Ct. 2007), and a magistrate's finding of probable cause must be accorded deference. *Commonwealth v. Huntington*, 924 A.2d 1252, 1255 (Pa. Super. Ct. 2007).

An admission of one's own involvement in criminal activity can support a finding of probable cause. *United States v. Harris*, 403 U.S. 573, 583-84 (1971). Under Pennsylvania law, information garnered from an informant may be sufficient for probable cause "where police independently corroborate the tip, or where the informant has provided accurate information of criminal activity in the past, or where the informant himself participated in the criminal activity." *Commonwealth v. Manuel*, 194 A.3d 1076, 1083 (Pa. Super. Ct. 2018) (emphasis omitted).

Here, the trooper with the Washington Vice Unit had been working with the informant for a relatively short period of time. {1} There is no averment that the informant had provided accurate information in the past, nor does the affidavit detail independent police corroboration (such as observing the actual exchange of money and drugs). However, here, the informant gave information about their own involvement in criminal activity and actually participated in the (authorized) criminal activity. The informant provided information about where, when, and how they had committed a crime, claimed they could do so again, and then did just that. This tends to support their credibility and therefore, supports a finding of probable cause. {2}

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{1} The affidavit is dated October 23, 2020 and states the Washington Vice trooper had worked with the informant since September 2020. Ex. 1 at ¶ 3,

{2} As described by the affidavit, the informant told police: 1) they knew the Defendant; 2) the Defendant sold heroin out of the Super 8 Hotel; 3) they could purchase heroin directly from the Defendant; and 4) they had done so in the past. Ex. 1 at ¶ 3. The informant then arranged and completed the purchase at the place and time specified, for the amounts specified. *Id.* at 5-8.

The Defendant also argues that because Paragraph 7 of the affidavit states the controlled purchase took place at the side door of the hotel and no law enforcement officials observed the actual transaction, this is insufficient to establish that contraband would be found in the specific hotel room listed on the affidavit.

Paragraph 7 of the affidavit does state, in part: "CI once at said location would go to the side door where they would purchase the predetermined amount of heroin from [the Defendant]. CI would then leave the location and travel directly to a predetermined location while under constant law enforcement surveillance."

Nevertheless, Paragraph 4 of the affidavit states that the purchase was made from the "above listed address," which includes the room number at the hotel. In addition, under the statement of belief that illegal substances will be at the stated location is an averment that "[a] controlled purchase of heroin occurred at this hotel room within the last 72 hours." Under the "four corners" approach, it is not possible to ignore these specific statements that the transaction took place at Room 304. {3}

Finally, Defendant emphasizes that the affidavit was based on investigation performed by an unnamed trooper with the Washington Vice Unit, not the affiant. Hearsay information can be sufficient for a search warrant. See *United States v. Ventresca*, 380 U.S. 102, 108 (1965). Under Pennsylvania law,

[h]earsay information is sufficient to form the basis of a search warrant as long as the issuing authority has been provided with sufficient information to make a neutral and detached decision about whether there is a fair probability that contraband or evidence of a crime will be found in a particular place.

Huntington, 924 A.2d at 1255.

Here, when considering the affidavit as a whole, there was sufficient information for a finding of "a fair probability." As discussed, the reliability of the confidential informant's own self-incriminating claims was supported by their completion of a controlled purchase. These claims and the facts surrounding the controlled purchase were relayed to Trooper Vernail via the unnamed Washington Vice trooper. Trooper Vernail discloses her own association with the Criminal Investigation Unit in Uniontown and provides details about where the unnamed trooper was based, that the informant was known to the trooper, how long the trooper had worked with the informant, and that the information had been gleaned through that unnamed trooper's investigation. The informant and the trooper are not anonymous, merely unnamed, and there is nothing in the affidavit that could be taken as speculation or untested rumor. Trooper Vernail's sworn statement affirms that the facts presented are true and correct to the best of her knowledge, information, and belief. Implicit in this is her attestation that the information had been faithfully reported to her by the unnamed trooper and that the unnamed trooper is credible. This is sufficient to meet the "fair probability" threshold.

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{3} If the specific room number was part of the information the informant provided, then the issue is the informant's credibility (or lack of it) and has already been discussed.

## CONCLUSION

A practical and common-sense reading of the affidavit, in the totality of circumstances and with deference to the magistrate's finding, shows that the affidavit included sufficient facts for a finding of probable cause to search Room 304 of the Super 8 Hotel. Defendant's Motion is denied.

BY THE COURT:  
Linda R. Cordaro, Judge

ATTEST:  
Clerk of Courts

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