

# FAYETTE LEGAL JOURNAL

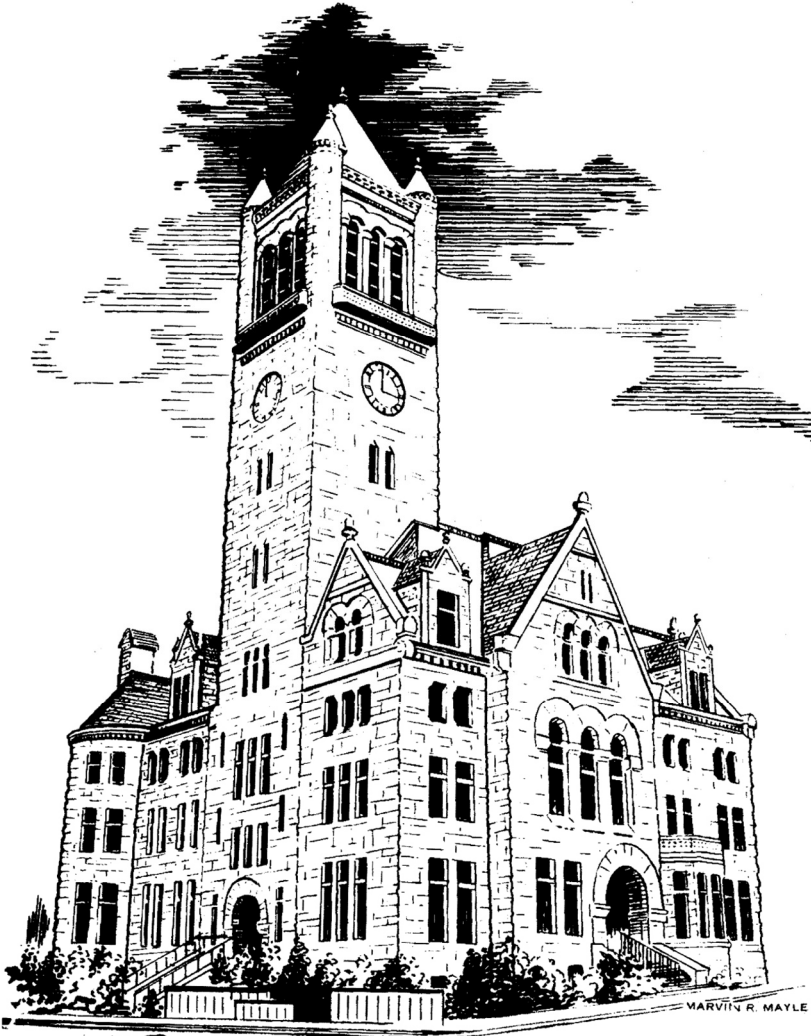
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## FAYETTE LEGAL JOURNAL

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

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*Personal Representative:* Betty K. Cramer  
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99 East Main Street, Suite 101  
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**ANTOINETTE MAE GUERRIERI, a/k/a ANTOINETTE M. GUERRIERI, a/k/a ANTOINETTE GUERRIERI**, late of Redstone Township, Fayette County, PA (3)

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**LORETTA S. MARTIN, a/k/a LORETTA SARAH MARTIN, a/k/a LORETTA MARTIN**, late of Dunbar Township, Fayette County, PA (3)

*Personal Representative:* Nancy Hoover  
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*Attorney:* Timothy J. Witt

**JAMES N. MCKEVITT**, late of Washington Township, Fayette County, PA (3)

*Executor:* Brian Sean McKeVitt  
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Somerset, PA 15501  
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Charleroi, PA 15022  
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**BETTY RAE MOYER**, late of Dunbar Borough, Fayette County, PA (3)

*Personal Representative:* Daniel L. Moyer  
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**GWENDOLYN TAKACS, a/k/a GWENDOLYN O. TAKACS**, late of Uniontown, Fayette County, PA (3)

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**EMERYETTA MARIE TIMMS**, late of West Brownsville, Washington County, PA (3)

*Administrator:* Colette M. Brady  
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California, PA 15419  
*Attorney:* Lisa J. Buday

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*Personal Representative:*  
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c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
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## Second Publication

**WILLIAM GATES BROWN, JR., a/k/a WILLIAM G. BROWN**, late of German Township, Fayette County, PA (2)

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c/o Adams Law Offices, PC  
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*Attorney:* Jason Adams

**MARTIN COSIMATTO, a/k/a MARTIN A. COSIMATTO**, late of Redstone Township, Fayette County, PA (2)

*Executrix:* Paula Batt  
7796 Belvale Drive  
Alexandria, Virginia 22315  
c/o Newcomer Law Offices  
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Uniontown, PA 15401  
*Attorney:* Ewing Newcomer

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*Personal Representative:*  
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c/o Watson Mundorff, LLP  
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Connellsville, PA 15425  
*Attorney:* Robert A. Gordon

**FRANKLIN DELANO KENNISON, a/k/a FRANKLIN D. KENNISON**, late of South Union Township, Fayette County, PA (2)

*Executrix:* Terry Jean Kennison Williams  
c/o Adams Law Offices, PC  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason Adams

**JANET R. KINNEER**, late of Bullskin Township, Fayette County, PA (2)

*Personal Representative:* Gary R. Kinneer  
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720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**GEORGE E. KOLESSAR, JR.**, late of Menallen Township, Fayette County, PA (2)

*Executrix:* Gwen A. Shoaf  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**ANNA LESKO**, late of Brownsville, Fayette County, PA (2)

*Executrix:* Linda Ritsko  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**ALFRED Z. PALANKEY**, late of Dunbar Township, Fayette County, PA (2)

*Executrix:* Lynne Palankey May, a/k/a Lynne E. May  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Anthony S. Dedola, Jr.

**DARRELL VAUGHN RHODES**, late of Smithfield, Fayette County, PA (2)

*Executor:* Darrell V. Rhodes, Jr.  
c/o Radcliffe Law, LLC  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* Robert R. Harper, Jr.

**THOMAS SAVELL, a/k/a THOMAS CHARLES SAVELL**, late of Bullskin Township, Fayette County, PA (2)

*Executor:* James S. Tucholski  
113 Deer Creek Drive  
Mt. Pleasant, PA 15666  
c/o 749 North Church Street  
Mt. Pleasant, PA 15666  
*Attorney:* Paul Toohey

## First Publication

**HAZEL C. BAKER, a/k/a HAZEL L. BAKER, a/k/a HAZEL BAKER**, late of North Union Township, Fayette County, PA (1)

*Executrix:* Brenda Banko  
c/o John & John  
96 East Main Street  
Uniontown, PA 15401  
*Attorney:* Simon B. John

**NEVILLE BREWER, a/k/a NEVILLE ERNEST BREWER, a/k/a NEVILLE E. BREWER**, late of South Union Township, Fayette County, PA (1)

*Executor:* John Scott Brewer  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James Higinbotham

**KRISTEN BROWN, a/k/a KRISTEN EKAS BROWN**, late of Uniontown, Fayette County, PA (1)

*Administratrix:* Cindy Ekas-Brown  
c/o 84 East Main Street  
Uniontown, PA 15401  
*Attorney:* Vincent Tiberi

**RICHARD E. DAVIS, SR.**, late of Uniontown, Fayette County, PA (1)

*Personal Representatives:*  
Margaret A. Davis, Co-PRs  
3702 Clairton Drive  
Bowie, Maryland 20721  
Marilyn Bailey, Co-PR  
9864 NW 15th. Street  
Pembroke Pines, FL 33024  
c/o 7843 Belle Point Drive  
Greenbelt, Maryland 20770  
*Attorney:* Archie L. Palmore, Esq.

**FRANCES JOHNS, a/k/a FRANCES EDITH JOHNS**, late of Smithfield, Fayette County, PA

*Executor:* Daniel A. Johns (1)  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**FERNE E. MORRIS**, late of Vanderbilt, Fayette County, PA (1)

*Executrix:* Rhonda L. Lonce  
1164 Nellie Road  
Vanderbilt, PA 15486  
c/o 4 North Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* Sheryl R. Heid

**HELEN LUCILLE PUZAK, a/k/a HELEN L. PUZAK**, late of North Union Township, Fayette County, PA (1)

*Executrix:* Kathleen M. Puzak  
5252 Pittsburgh Road  
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c/o Puzak Law Offices, LLC  
101 South Third Street  
Youngwood, PA 15697  
*Attorney:* David J. Puzak

**PAULETTE RADOCK**, late of Washington Township, Fayette County, PA (1)

*Executor:* James C. Radock  
1969 Shady Oak Drive  
Allison Park, PA 15101  
c/o P.O. Box 718 1310 Cross Street  
Rostraver, PA 15012  
*Attorney:* Brian Pirilla

**GERALDINE W. RAFFLE**, late of Hopwood, North Union Township, Fayette County, PA (1)

*Executor:* Mark W. Raffle  
c/o Radcliffe Law, LLC  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* William M. Radcliffe

**MELVA P. ROLAND, a/k/a MELVA ROLAND, a/k/a MELVA PAULINE ROLAND**, late of Dunbar Township, Fayette County, PA (1)

*Executrix:* Carolyn W. Maricondi  
c/o P.O. Box M  
Dawson, PA 15428

**BETTY LOU TESKA, a/k/a BETTY TESKA**, late of Jefferson Township, Fayette County, PA

*Personal Representative:* Jeffery H. Teska  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

**IRENE VENSKO-DEATON**, late of North Union Township, Fayette County, PA (1)

*Executor:* David Lynch  
9207 North 103rd, East Avenue  
Owasso, OK 74055

**LEGAL NOTICES**

IN THE COURT OF COMMON PLEAS  
FAYETTE COUNTY PENNSYLVANIA  
CIVIL DIVISION  
NO 113 OF 2023 GD  
JUDGE NANCY D. VERNON

DIANA HINES, a widow,  
Plaintiff  
vs.

JEROME FORDYCE,  
his heirs, successors, and assigns generally,  
Defendant

You are hereby notified that Diana Hines has filed a Complaint at the above number and term in the above-mentioned court in an Action of Quiet Title wherein it is alleged that she is the owner of property situate in Smithfield Borough, Fayette County, Pennsylvania, being more fully described in deed of record in the Office of the Recorder of Deeds of Fayette County, Pennsylvania, in Deed Book Volume 300 page 232. The property which is the subject of said Quiet Title Action is part of the property identified on the Fayette County Tax Assessment Maps as having Tax Map Parcel Number 32-02-0021.

Said Complaint sets forth that the Plaintiff is owner 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**

James E. Higinbotham, Jr., Esquire  
68 South Beeson Boulevard  
Date: February 8, 2023  
Uniontown, PA 15401

Date: February 8, 2023

Notice is hereby given that pursuant to the applicable provisions of 15 Pa.C.S Section 415 or 417, Trident Systems Incorporated, a corporation incorporated under the laws of the State of Virginia with its registered office in PA at 1004 Industrial Park Dr., Mt. Braddock, PA 15431, Fayette County, intends to file a Statement of Withdrawal of Foreign Registration with the Dept. of State.

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about October 17, 2022, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Hospitality Furniture USA with the principal place of business at: 711 Kingview Road Scottdale, PA 15683.

The name or names and addresses of persons owning and interested are: James Fratto Jr, 1334 Dellview Drive, Greensburg, PA 15601

Peter Fratto  
410 Spring Street  
Scottdale, PA 15683

Fayette County  
 Court of Common Pleas  
 Number: 2365 OF 2022

Notice of Action in Mortgage Foreclosure

PennyMac Loan Services, LLC, Plaintiff v. Timothy Rison, Known Surviving Heir of Russell D. Rison and Unknown Surviving Heir of Russell D. Rison, Defendants  
 TO: Unknown Surviving Heir of Russell D. Rison. Premises subject to foreclosure: 43 Mifflin Avenue, Uniontown, Pennsylvania 154010000. NOTICE: If you wish to defend, you must enter a written appearance personally or by 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 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, 1420 Walnut St., Ste. 1501, Phila., PA 19102, 215-790-1010.

  
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Notice by JEFFREY L. REDMAN, Register of Wills and Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

**Monday, March 6, 2023, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2621-0887	JESSE L. DAYTON, deceased	Emily Dayton, Executor
2621-0513	LAIRD N. MAY, deceased	Audrey M. Cain, Executrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

**Monday, March 20, 2023, at 9:30 A.M.**

in Courtroom No. 5 of the **Honorable Joseph M. George, Jr.** or his chambers, Third Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

**Monday, March 6, 2023, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2621-0268	DOLORES E. HAVANETS, a/k/a DOLORES HAVANETS, a/k/a DELORES E. HAVANETS, deceased	Rose M. Fantini, Executrix
26210-0700	WILLIAM R. HARDY, JR., deceased	Jennifer L. Maraugh, Administratrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

**Monday, March 20, 2023, at 9:30 A.M.**

in Courtroom No. 1 of the **Honorable Steve P. Leskinen** or his chambers, Second Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.



# WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

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	:	
	:	
v.	:	
	:	
DESTINY LEEANNE SWANEY,	:	No. 919 of 2022
Defendant.	:	Honorable Linda R. Cordaro

**OPINION**

Linda R. Cordaro, J.

January 10, 2023

**SUMMARY**

Currently before this Court is the Defendant's Omnibus Pretrial Motion for suppression of evidence and writ of habeas. This Court heard testimony and argument on December 21, 2022, and the motor vehicle recording (MVR) of the traffic stop was admitted into evidence. For the following reasons, Defendant's Motion is granted.

**BACKGROUND**

The following facts were established via testimony and MVR evidence. On November 7, 2021, Trooper Michael Oplinger was on routine patrol. He observed the Defendant's vehicle and queried its registration, {1} finding that it was suspended for lack of insurance. Trooper Oplinger thereafter executed a traffic stop. The Defendant was the driver, and there was another individual in the passenger seat.

Trooper Oplinger approached the driver's side of the vehicle while his partner, Trooper Rukat, approached the passenger's side. Trooper Oplinger asked whether the Defendant had insurance, and she stated that she did not. The trooper then asked for her license, insurance, and registration. While the Defendant searched for her documents, he observed that she was not wearing shoes. She explained she had a medical condition that sometimes caused her feet to swell.

The Defendant provided her license to the trooper but could not locate other documentation. The trooper told her, "That's all right if you can't find it right now," and asked her to exit her vehicle to stand in front of the patrol vehicle with him. The other trooper remained at the vehicle with the passenger still inside.

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{1} There is no testimony as to why the trooper decided to check the vehicle registration.

Trooper Oplinger confirmed with the Defendant that she was the vehicle's registered owner, and he asked for her address. She explained that she was in transition and sleeping on her ex-husband's couch for the time being. The trooper went on to ask other questions which the Defendant answered, including when she had separated from her husband, how old her children were, and about her relationship with the passenger. The trooper testified at the December 21, 2022 hearing that at that time, the Defendant was not free to leave, and he characterized their interaction as general conversation.

After the exchange about the Defendant's relationship to the passenger, the trooper asked if there was anything illegal in the vehicle. The Defendant stated she had a hatchet and a couple of pocket knives. The trooper asked if there were any "needles, drugs, bombs" or a "machine gun" in the vehicle. The Defendant denied all of this, and the trooper then asked, "Would you mind if we gave a quick search of the vehicle, and then we'll get you guys on your way?" The Defendant hesitated briefly before agreeing, opining aloud that a friend had borrowed her vehicle that morning, but she did not believe he left anything illegal in it. The passenger then was asked to exit the vehicle, and a search of the vehicle was performed. Ultimately, the search yielded a glass pipe, and a white substance which lab results showed to be methamphetamine.

After taking down the Defendant's information and advising her that she would be charged, the trooper returned her license. He asked if she had any questions, and she asked if she could get back into her car where it was warm. He agreed and said he would not hold them up anymore and would be in touch. As she walked to her vehicle, she said she was going to her grandfather's house, and the trooper admonished her that "technically" she should not be driving, and she could continue to be pulled over until the insurance matter was taken care of.

### LEGAL PRINCIPLES

The exclusionary rule functions as a "judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect ...." *United States v. Leon*, 468 U.S. 897,906 (1984) (quoting *United States v. Calandra*, 414 U.S. 338, 348 (1974)). The purpose of this "exclusionary rule" is to discourage law enforcement officers from constitutionally violative conduct by suppressing evidence obtained by unconstitutional means. *Commonwealth v. Santiago*, 160 A.3d 814, 827-28 (Pa. Super. Ct. 2017).

A warrantless search is deemed to be unreasonable, subject to specific exceptions, including consent to the search. *Commonwealth v. Strickler*, 757 A.2d 884, 888 (Pa. 2000). If the underlying encounter is lawful, then the voluntariness of the consent becomes the exclusive focus. *Id.* at 888-89. The Commonwealth must establish that the consent was "the product of an essentially free and unconstrained choice under the totality of the circumstances." *Id.* at 901.

A petition for a writ of habeas is "the proper means for testing a pre-trial finding that the Commonwealth has sufficient evidence to establish a prima facie case" against a defendant. *Commonwealth v. Scott*, 578 A.2d 933,936 (Pa. Super. Ct. 1990). A pre-trial petition writ of habeas corpus is similar in its purpose to a preliminary hearing in that it seeks to prevent unlawful detention for a crime which was never committed, or for a

crime for which there is no evidence of the accused's connection. *Id.* at 937.

Accordingly, to establish its prima facie case, the Commonwealth must present evidence as to each material element of the crimes charged and establish sufficient probable cause that the accused is the person who committed the offenses. *Commonwealth v. McBride*, 595 A.2d 589, 591 (Pa. 1991).

### DISCUSSION

The Defendant does not challenge the legality of the initial stop. She argues at Count I of the Motion that her consent to a search was not voluntary and therefore the search was invalid and the fruits of the search should be suppressed. She further argues at Count II that if the evidence procured from that invalid search is indeed suppressed, the Commonwealth cannot sustain its burden to present a prima facie case for the charge of possession under 35 Pa.C.S.A. § 780-113(a)(16) and possession of paraphernalia under 35 Pa.C.S.A. § 780-113(a)(32).

Here, the Defendant's consent to a search was not the product of a "free and unconstrained choice" in the totality of circumstances. The analysis of voluntariness of consent should include: (1) establishing whether the accused was seized at the time of the request; and (2) whether the accused had knowledge of the right to refuse consent, taking into account factors such as maturity, sophistication, and mental/emotional state. *Strickler*, 757 A.2d at 901. Other factors to consider are those as analyzed in *Commonwealth v. Acosta*, including: (1) a prior, lawful detention; (2) withholding of documentation; (3) the presence of other officers and marked police cars with flashing lights in close proximity; (4) the absence of an express endpoint to the detention. 815 A.2d 1078, 1085 (Pa. Super. Ct. 2003). In *Acosta*, the defendant's consent to a vehicle search was found not to be the product of a free choice because of these coercive factors. *Id.* at 1087.

Here, there are several factors that weigh in favor of the claim that the Defendant's consent was not voluntary: (1) the trooper withheld the Defendant's documentation so she could not have been free to leave, and he also confirmed in testimony that she was not free to leave; (2) the Defendant asked the trooper's permission to return to her vehicle, demonstrating that she believed she had to remain where she was until the trooper allowed otherwise; (3) the traffic stop was conducted at night, with patrol vehicle lights activated throughout the encounter; (4) the trooper directed the Defendant to exit her vehicle while he stood beside her at the front of the patrol vehicle, testifying that this was to "get her out of her comfort zone"; (5) the trooper did not advise the Defendant that she had the right to refuse consent; and (6) the trooper did not indicate in any way that the traffic stop had concluded (and according to his testimony, it had not concluded). The facts here are somewhat distinguishable from *Acosta* in that here there was one (1) patrol vehicle and an equal ratio of citizens to law enforcement officers while in *Acosta* there were three (3) police vehicles and three (3) officers to the unaccompanied *Acosta*. However, this does not outweigh the other factors. The Commonwealth has not shown that the Defendant's consent was voluntary and of her own unconstrained choice in the totality of circumstances. Count I of the Motion is therefore granted and any evidence obtained from the search shall be suppressed.

Since the evidence obtained from the search is suppressed because the Defendant's consent was not voluntary, the Commonwealth is not able to show a prima facie case of possession of a controlled substance or paraphernalia. Count II of the Motion is therefore granted and Counts 1 and 2 of the Information under 35 Pa.C.S.A. § 780-113(a) (16) and (a)(35) are dismissed.

Furthermore, although the Defendant does not dispute the legality of the stop itself, the facts indicate that the initial traffic stop was extended in length and scope without reasonable suspicion of a crime.

Under 75 Pa.C.S.A. § 6308(b) a police officer may stop a vehicle on reasonable suspicion of a violation "for the purpose of checking the vehicle's registration, proof of financial responsibility, vehicle identification number or engine number or the driver's license, or to secure such other information as the officer may reasonably believe to be necessary to enforce the provisions of this title." An officer is permitted to inquire into matters unrelated to the justification for the traffic stop, as this will not convert the encounter into "something other than a lawful seizure, so long as those inquiries do not measurably extend the duration of the stop." *Arizona v. Johnson*, 555 U.S. 323,333 (2009) (emphasis added).

In *Commonwealth v. Lopez*, the officer executing the traffic stop concluded that the defendant's documentation was in order and explained the traffic violation to the defendant. 609 A.2d 177, 262 (Pa. Super. Ct. 1992). However, rather than terminate the encounter, the officer instead withheld the defendant's documents and, based on his "policeman's intuition," continued to pose questions to the defendant before asking if he could look inside his vehicle. *Id.* The defendant gave consent and even signed a consent form. *Id.* at 256. However, the court found that, "[n]o objective circumstances suggested that [the defendant] ... had committed any crime more serious" than the traffic violation for which the officer initiated the stop, and it concluded that the defendant's consent was "tainted" by the illegality of the detention. *Id.* at 262. The defendant's consent in *Lopez* did not justify the search, despite the Commonwealth's claim that the search was thereby "legitimized." *Id.* (citing *Florida v. Royer*, 460 U.S. 491 (1983)).

Here, the purpose of the traffic stop was to resolve the issue of the Defendant's suspended registration. Therefore, the trooper was authorized under 75 Pa.C.S.A § 6308(b) to perform checks on the Defendant's information and then to take relevant and appropriate action. Although the circumstances here are distinguishable from those in *Lopez* in that here the Defendant's documentation was not all in order, the trooper still withheld her documents beyond the time in which the stop could have been resolved. There are no facts in evidence that support a reasonable suspicion of criminal activity, and the trooper ultimately permitted the Defendant to drive away from the scene, a resolution that could have occurred as soon as he had verified her information and administered any warnings or citations. The validity of the traffic stop ended when the trooper was able to resolve the reasons for the stop, and a detention beyond this in time or scope lacked constitutional basis.

## ORDER

AND NOW, this 10th day of January, 2023, in consideration of Defendant's Omnibus Pretrial Motion, after a hearing on the Motion and consideration of the MVR footage admitted into evidence, it is ORDERED and DIRECTED that the Motion is GRANTED.

Counts 1 and 2 of the Information are hereby DISMISSED.

BY THE COURT:  
Linda R. Cordaro, Judge

ATTEST:  
Clerk of Courts

## CRIMINAL COURT NOTICES

### CRIMINAL TRIAL CONTINUANCES

Pursuant to Pennsylvania Rule of Criminal Procedure 106(D), a timely Motion for Continuance of trial must be heard on or before 4:30 p.m. on the Wednesday preceding Criminal Court Week. The Fayette County Court of Common Pleas will not entertain criminal trial continuances after that without a showing that “the *opportunity therefor did not previously exist, or the defendant was not aware of the grounds for the motion, or the interests of justice require it.*” See, Pa.R.Crim.P. Rule 106(D).

### GENERAL PLEAS ONLY DURING CRIMINAL TRIAL WEEK

In addition, the purpose of the Criminal Pretrial Status Conferences held on the Monday preceding Criminal Court Week is to arrange for the orderly disposition of the cases listed. In pursuit of that purpose, *guilty pleas during trial week while jurors are present and available to start a trial will be restricted to general (open) pleas only as to all cases that expire before the end of the following Criminal Court Week.* As the sole exception, the Plea Judge may pre-schedule specific plea bargains during Criminal Court Week for the convenience of the parties.

The District Attorney and the Court do not want to inconvenience jurors who are compelled to be present because of matters that could have and should have been fully resolved the previous week. Therefore, all counsel and all defendants should be prepared to enter pleas pursuant to plea bargains (in cases that expire) before the end of the week preceding Criminal Trial Week, and Motions for Continuance should be scheduled before the end of the day on Wednesday preceding Criminal Trial Week. Counsel's inability to confer with the client ahead of time will not be accepted as an excuse, so contact information should be updated now.

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