

# *Adams County* **Legal Journal**

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No. 18

## **IN THIS ISSUE:**

COMMONWEALTH V. MCMASTER

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INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania, on August 9, 2023, for a proposed nonprofit corporation to be known as EAGLE ROCK COMMUNITY OWNERS ASSOCIATION, INC., formed pursuant to the provisions of the Nonprofit Corporation Law of 1988, 15 Pa. C.S. Section 5306, et seq.

The proposed nonprofit corporation is organized to be the Association of

Unit Owners organized pursuant to Section 5301 of the Uniform Planned Community Act, Act of December 19, 1996, P.L. 1336, No. 180, with respect to Eagle Rock, A Planned Community, pursuant to the provisions of the Uniform Planned Community Act. In furtherance of its purposes, the corporation may exercise all rights, privileges, powers, and authority of a corporation organized under the Nonprofit Corporation Law of 1988, as amended, and of an association of unit owners organized under the Uniform Planned Community Act.

BARLEY SNYDER  
Attorneys

09/01

INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation–Nonprofit were filed with the Department of State, Commonwealth of Pennsylvania on August 17, 2023.

The name of the corporation is NELL ROAD HOMEOWNERS ASSOCIATION.

The purpose of the corporation is residential homeowners association for properties situate in subdivision known as Nell Road Association in Reading Township, Adams County, Pennsylvania. The corporation has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988, as amended.

Joseph E. Erb, Jr., Esq.  
Barley Snyder

09/01

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COMMONWEALTH OF PENNSYLVANIA VS.  
DAVID A. MCMASTER, JR.

1. The issues before the Court are: (1) whether Conewago Township Police should have administered **Miranda** warning to Defendant before subjecting him to custodial interrogation and (2) whether the warrantless search of Defendant's residence violated Defendant's constitutional rights requiring the suppression of all evidence seized from Defendant's resident.

2. In addition, Officer Ammerman did not bombard Defendant with questions but instead made a limited number of inquiries concerning Defendant's drug use for purposes of aiding in the medical treatment of Defendant.

3. The handcuffing of a suspect, by itself, does not convert an investigative detention into an arrest. As such, Officer Ammerman's questions of Defendant would not rise to the level of custodial interrogation.

4. Neither Officer Ammerman nor Detective Bevenour received any information that there were other individuals located in Defendant's residence. Officer Ammerman spoke with a neighbor of Defendant at the scene, but no evidence was presented concerning a potential domestic abuse situation.

5. Notwithstanding Detective Bevenour's sincere motivation in conducting the protective sweep, given that the sweep occurred within Defendant's private residence, that there was no reasonable evidence of a domestic abuse situation, and there was no evidence that person(s) within the residence required medical attention, the protective sweep was not legally authorized under the "emergency aid exception."

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA, CP-01-CR-266-2023, COMMONWEALTH  
OF PENNSYLVANIA VS. DAVID A. MCMASTER, JR.

Robert A. Bain, Esquire, Attorney for Commonwealth  
Richard W. Fisher, III, Esquire, Attorney for Defendant  
Wagner, J., August 17, 2023.

### OPINION

Presently before this Court is David A. McMaster, Jr.'s (hereinafter "Defendant") Omnibus Pre-trial Motion for Suppression of the Evidence, filed April 20, 2023. A hearing was held on Defendant's Motion on July 20, 2023. The issues before the Court are: (1) whether Conewago Township Police should have administered **Miranda** warnings to Defendant before subjecting him to custodial interrogation and (2) whether the warrantless search of Defendant's residence violated Defendant's constitutional rights requiring the suppression of all evidence seized from Defendant's residence. For the reasons set forth herein, Defendant's Motion to Suppress Evidence is granted in part and denied in part.

### FINDINGS OF FACT

1. Officer Corey Ammerman (hereinafter "Officer Ammerman") is employed by the Conewago Township Police Department. Officer Ammerman has been a law enforcement officer for approximately fourteen years.
2. Officer Ammerman has been involved in hundreds of encounters dealing with individuals suspected to be under the influence of controlled substances.
3. Detective Burnell Bevenour (hereinafter "Detective Bevenour") is employed as a Detective with the Conewago Township Police Department and has been a police officer for approximately seventeen years.
4. Detective Bevenour has been involved in hundreds of encounters dealing with individuals suspected to be under the influence of controlled substances.
5. On December 7, 2022, at approximately 3:00 p.m., Officer Ammerman was dispatched to the residence located at 2982 Hanover Pike, Conewago Township, Adams County, Pennsylvania for the report of an unclothed male subject

screaming in the back yard of a neighbor. While traveling to the residence, Officer Ammerman was advised the male subject had moved to the front of the residence and was in the roadway on Hanover Pike.

6. When Officer Ammerman arrived at the residence, he observed Defendant walking along Hanover Pike in front of his residence, completely naked.
7. Officer Ammerman approached Defendant and observed Defendant was naked, incoherent, excited, jumping around and appeared to be under the influence of controlled substances.
8. Based on Officer Ammerman's observation of Defendant, and for Defendant's safety, Officer Ammerman secured Defendant with handcuffs. Officer Ammerman advised Defendant that an ambulance was called.
9. For proper medical treatment, Officer Ammerman questioned Defendant as to what controlled substances he had taken.
10. Defendant appeared incoherent, but eventually advised Officer Ammerman that he had consumed Ketamine and had huffed butane gas.
11. Officer Ammerman asked Defendant if anyone else was in the residence and Defendant did not respond. Officer Ammerman asked Defendant several times if he lived alone, and Defendant subsequently responded, "I live by myself".
12. Officer Ammerman did not observe any injuries on Defendant.
13. Detective Bevenour arrived at the residence approximately three minutes after Officer Ammerman.
14. In the rear of the residence, Detective Bevenour observed that a doorway to an exterior porch and a doorway into the residence through the porch were both open. From outside the porch, Detective Bevenour observed that the inside of the

house appeared to be in disarray, and there were items thrown on the floor and trash everywhere.

15. Detective Bevenour observed a butane lighter on the ground outside of the rear porch.
16. Based on Detective Bevenour's observations of Defendant, Defendant's statements that he had ingested Ketamine and inhaled butane, Defendant's lack of response to the question whether anyone else was present in the residence, and Detective Bevenour's observation that the kitchen was in disarray, Detective Bevenour conducted a protective sweep of the residence. Detective Bevenour was concerned there could be person(s) in the residence suffering from a potential overdose or medical emergency.
17. Before entering the residence, Detective Bevenour announced his presence as a police officer.
18. During the protective sweep of the residence, Detective Bevenour observed, in plain view, suspected controlled substances, drug paraphernalia and a mushroom growing operation.
19. The sweep lasted less than five minutes and no individuals were present in the residence.
20. Following the sweep, Conewago Township Police secured Defendant's residence, obtained a search warrant for the residence, and seized numerous items of suspected controlled substances and drug paraphernalia.
21. After receiving medical attention, Defendant was subsequently charged with manufacture or possession with intent to manufacture a controlled substance, possession of a controlled substance, possession of drug paraphernalia, disorderly conduct as a misdemeanor of the third degree and indecent exposure as a misdemeanor of the first degree.
22. Officer Ammerman was wearing a body camera during the incident. The video footage and audio recording were marked as Commonwealth Exhibit 1 and entered into

evidence during the suppression hearing on July 20, 2023. This Court reviewed the body camera footage, including the audio.

23. This Court finds the testimony of Officer Ammerman and Detective Bevenour credible.

### LEGAL STANDARD

“[A]t a suppression hearing, the Commonwealth has the burden of ‘establish[ing] by a preponderance of the evidence that the evidence was properly obtained.’” **Commonwealth v. Galendez**, 27 A.3d 1042, 1046 (Pa. Super. 2011) (quoting **Commonwealth v. Culp**, 548 A.2d 578, 581 (Pa. Super. 1988)). Moreover, “it is the sole province of the suppression court to weigh the credibility of the witnesses. Further, the suppression court judge is entitled to believe all, part or none of the evidence presented.” **Commonwealth v. Benton**, 655 A.2d 1030, 1032 (Pa. Super. 1995) (internal citations omitted).

Under **Miranda v. Arizona**, 384 U.S. 436 (1966), an individual subject to custodial interrogation “must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires.” **Id.** at 479. If an individual does not receive these warnings prior to custodial interrogation, “no evidence obtained as a result of interrogation can be used against him” due to the violation of his “privilege against self-incrimination.” **Id.** at 478–79. However, **Miranda** warnings “are required only where a suspect is both taken into custody and subjected to interrogation.” **Commonwealth v. Coleman**, 204 A.3d 1003, 1007–08 (Pa. Super. 2019) (quoting **Commonwealth v. Yandamuri**, 159 A.3d 503, 519–20 (Pa. 2017)). Furthermore, “[t]he procedural safeguards of **Miranda** do not apply to police interactions less intrusive than custodial detentions, such as investigatory detentions and mere encounters.” **Id.** at 1008.

In **Commonwealth v. Rowe**, 984 A.2d 524 (Pa. Super. 2009), the Superior Court of Pennsylvania set forth the criteria to justify a warrantless search of a residence:

“The Fourth Amendment to the United States Constitution and Article 1, § 8 of the Pennsylvania Constitution require that searches be conducted pursuant to a warrant issued by a neutral and detached magistrate.” **Commonwealth v. Copeland**, 955 A.2d 396, 399 (Pa. Super [2008]), appeal denied, 599 Pa. 706, 962 A.2d 1194, 2008 WL 5087421 (Pa. Dec 03, 2008). “A warrantless search or seizure is per se unreasonable unless it falls within a specifically enumerated exception.” **Commonwealth v. Wright**, 599 Pa. at 301, 961 A.2d 119 at 137 (Pa. 2008). Exigent circumstances provide one such exception to the warrant requirement. **Commonwealth v. English**, 839 A.2d 1136, 1141 (Pa. Super. 2003). In **Commonwealth v. Roland**, 535 Pa. 595, 637 A.2d 269 (1994), our Supreme Court provided the following description of the applicable constitutional principles relating to exigent circumstances:

In a private home, searches and seizures without a warrant are presumptively unreasonable. Absent probable cause and exigent circumstances, the entry of a home without a warrant is prohibited under the Fourth Amendment. In determining whether exigent circumstances exist, a number of factors are to be considered:

(1) the gravity of the offense, (2) whether the suspect is reasonably believed to be armed, (3) whether there is above and beyond a clear showing of probable cause, (4) whether there is a strong reason to believe that the suspect is within the premises being entered, (5) whether there is likelihood that the suspect will escape if not



swiftly apprehended, (6) whether the entry was peaceable, and (7) the time of entry, i.e., whether it was made at night. These factors are to be balanced against one another in determining whether the warrantless intrusion was justified.

Other factors may also be taken into account, such as whether there is hot pursuit of a fleeing felon, a likelihood that evidence will be destroyed if police take the time to obtain a warrant, or danger to police or other persons inside or outside the dwelling. Nevertheless, police bear a heavy burden when attempting to demonstrate an urgent need that might justify warrantless searches or arrests. *Id.* at 600, 637 A.2d at 270-71 (quotations and citations omitted).

**Rowe**, 984 A.2d at 526.

### DISCUSSION

Officer Ammerman was not required to advise Defendant of his **Miranda** warnings before questioning him during his investigation. Officer Ammerman's initial contact with Defendant, outside of Defendant's residence, constituted an investigative detention, similar to a traffic stop. "[T]he questioning of a motorist during a routine traffic stop is an investigative, not a custodial detention, and therefore does not trigger **Miranda** protections." **Walkden v. Commonwealth, Dep't of Transp., Bureau of Driver Licensing**, 103 A.3d 432, 439 (Pa. Commw. 2014) (citing **Berkemer v. McCarty**, 468 U.S. 420, 435–42 (1984)). Although questioning during a traffic stop may constitute a custodial detention in certain coercive circumstances, see **Commonwealth v. Meyer**, 412 A.2d 517, 521–22 (Pa. 1980); **Commonwealth v. Turner**, 772 A.2d 970, 974 (Pa. Super. 2001), in this case nothing increased the duration or coercion inherent in the stop so that it constituted a custodial interrogation. As the sound from the body camera revealed, Officer Ammerman maintained a professional demeanor throughout his contact with Defendant and did not brandish a weapon or threaten Defendant. In addition, Officer Ammerman did not bombard

Defendant with questions but instead made a limited number of inquiries concerning Defendant's drug use for purposes of aiding in the medical treatment of Defendant. This is corroborated by the fact that Officer Ammerman requested an ambulance to provide medical treatment to Defendant. Therefore, Officer Ammerman's initial questioning of Defendant occurred during an investigative detention. The handcuffing of a suspect, by itself, does not convert an investigative detention into an arrest. See **Commonwealth v. Smith**, 172 A.3d 26, 31-32 (Pa. Super. 2017). As such, Officer Ammerman's questions of Defendant would not rise to the level of custodial interrogation. Defendant's first issue is denied.

Defendant contends in his second issue that Detective Bevenour's warrantless entry into Defendant's residence violated Defendant's constitutional rights and requires the suppression of all evidence seized from the residence. The facts of this case and the applicable case law require this Court to grant this portion of Defendant's Motion to Suppress. The reasons for this determination are elaborated herein.

The Commonwealth contends that Detective Bevenour was justified in entering Defendant's residence to conduct a protective sweep to render medical aid in accordance with the "emergency aid exception". In **Michigan v. Fisher**, 558 U.S. 45, 47-48 (2019), the United States Supreme Court explained "the emergency aid exception" as follows:

"[T]he ultimate touchstone of the Fourth Amendment," we have often said, "is 'reasonableness'" **Brigham City v. Stuart**, 547 U.S. 398, 403, 126 S.Ct. 1943, 164 L.Ed.2d 650 (2006). Therefore, although "searches and seizures inside a home without a warrant are presumptively unreasonable," **Groh v. Ramirez**, 540 U.S. 551, 559, 124 S.Ct. 1284, 157 L.Ed.2d 1068 (2004) (internal quotation marks omitted), that presumption can be overcome. For example, "the exigencies of the situation [may] make the needs of law enforcement so compelling that the warrantless search is objectively

reasonable.” **Mincey v. Arizona**, 437 U.S. 385, 393-394, 98 S.Ct. 2408, 57 L.Ed.2d 290 (1978).

**Brigham City** identified one such exigency: “the need to assist persons who are seriously injured or threatened with such injury.” 547 U.S. at 403, 126 S.Ct. 1943. Thus, law enforcement officers “may enter a home without a warrant to render emergency assistance to an injured occupant or to protect an occupant from imminent injury.” **Ibid.** This “emergency aid exception” does not depend on the officer’s subjective intent or the seriousness of any crime they are investigating when the emergency arises. **Id.**, at 404-405, 126 S.Ct. 1943. It requires only “an objectively reasonable basis for believing,” **id.**, at 406, 126 S.Ct. 1943, that “a person within [the house] is in need of immediate aid,” **Mincey**, *supra*, at 392, 98 S.Ct. 2408.

**Brigham City** illustrates the application of this standard. There, police officers responded to a noise complaint in the early hours of the morning. “As they approached the house, they could hear from within an altercation occurring, some kind of fight.” 547 U.S. at 406, 126 S.Ct. 1943 (internal quotation marks omitted). Following the tumult to the back of the house whence it came, the officers saw juveniles drinking beer in the backyard and a fight unfolding in the kitchen. They watched through the window as a juvenile broke free from the adults restraining him and punched another adult in the face, who recoiled to the sink, spitting blood. **Ibid.** Under these circumstances, we found it “plainly reasonable” for the officers to enter the house and quell the violence, for they had “an objectively reasonable basis for believing both that the injured adult might need help and that the violence in kitchen was just beginning.” **Ibid.**

**Id.** at 47-48. **Commonwealth v. Edgin**, 273 A.3d 573 (Pa. Super. 2022).

“While our courts have repeatedly recognized that the Fourth Amendment does not prevent police officers from conducting a warrantless entry and search when they reasonably believe that a person is in need of immediate aid, the intrusion must be commensurate with, and limited to, the perceived need to provide immediate assistance”, **Commonwealth v. Wilmer**, 194 A.3d 564, 571 (Pa. Super. 2018).

In support of the Commonwealth’s position that Detective Bevenour’s warrantless entry into Defendant’s residence was justified under the “emergency aid exception”, the Commonwealth cites **Commonwealth v. Davidio**, 106 A.3d 611 (Pa. 2014) and **Commonwealth v. Caple**, 121 A.3d 511 (Pa. Super. 2015). In **Davidio**, Appellant’s sister called 911 from a payphone several blocks away, identified herself as a neighbor, and reported that a man was beating a woman at 26 Hager Street. Two police officers were immediately dispatched to investigate a domestic situation that involved “man hitting a woman” and were informed en route that loud screaming had been heard from inside the residence, 26 Hager Street. The officers arrived at the residence approximately eight minutes later and all was quiet. They knocked on the front and back doors, but no one answered. They opened an unsecured window in the front of the house, announced themselves, and listened for any response, but heard nothing. The officers entered the residence, conducted a floor-to-floor, room-to-room sweep of the residence and found the victim naked under a sheet on a mattress on the floor, seriously injured, with bruises and cuts visible on her face and body, including her pelvic region, and severe bruising on both sides of her throat and around both eyes. The victim ultimately died from her injuries.

In **Caple**, the facts show that officers were dispatched to a motel located in Pottstown, Montgomery County, Pennsylvania for a report of a domestic assault. The victim called 911 and sounded extremely hysterical. The victim advised that she had been assaulted by a male named “Flip”, that the assault had occurred in room 115 of the motel, and that she had been in rooms 115 and 215. Upon arrival at the motel, the officers spoke with two women who were

occupying room 115 and learned that an assault had just occurred. The women directed the officers to room 210; the officers received another radio transmission that the victim could possibly be in room 215. The officers knocked loudly on the door of room 215 and announced “police”, attempting to locate the victim, to no avail. The officers asked the manager to open the door. A female was located within the room who was not the assault victim. The officers observed two metal crack pipes on top of a dresser in room 215. Room 215 was secured, and a search warrant was obtained for the room. The assault victim was identified, and it was determined that the domestic assault occurred in room 115 of the motel. When police encountered the victim, they observed her face was swollen, she had a cut on her lip, and she was visibly upset.

The factual backgrounds in both **Davidio** and **Caple** involved credible reports of domestic abuse or domestic assault. In **Davidio**, the Pennsylvania Supreme Court stated:

“It is widely recognized that the potential for imminent physical harm in the domestic context implicates exigencies that may justify a limited police intrusion into a dwelling. **Commonwealth v. Wright**, 560 Pa. 34, 742 A.2d 661, 664-65 (1999) (collecting cases). The U.S. Court of Appeals for the Ninth Circuit has recognized that “the exigencies of domestic abuse cases present dangers that, in an appropriate case, may override considerations of privacy.” **U.S. v. Black**, 482 F.3d 1035, 1040 (9<sup>th</sup> Cir. 2007) (quoting **U.S. v. Brooks**, 367 F.3d 1128, 1136 (9<sup>th</sup> Cir. 2004)). Moreover, “[c]ourts have recognized the combustible nature of domestic disputes, and have accorded great latitude to an officer’s belief that warrantless entry was justified by exigent circumstances when the officer had substantial reason to believe that one of the parties to the dispute was in danger.” **Brooks**, 367 F.3d at 1136 (citing **Tierney v. Davidson**, 133 F.3d 189 (2d Cir. 1998)).

We do not suggest that domestic abuse cases create a per se exigent need for warrantless entry; rather, a reviewing

court must assess the totality of the circumstances presented to the officer before the entry in order to determine if exigent circumstances relieved the officer of the duty to secure a warrant. We do recognize, however, that the police have a duty to respond seriously to reported domestic conflict situations, and in doing so, they must be accorded some latitude in making on-the-spot judgments as to what actions to take and what actions are reasonably necessary to protect themselves and potential victims of abuse.”

**Id.** at 623-624.

The Commonwealth’s reliance on **Davidio** and **Caple** to support Detective Bevenour’s protective sweep of Defendant’s residence is misplaced and not supported by the facts. In both **Davidio** and **Caple**, the facts provided to the police officers clearly established that a domestic assault had occurred prior to the officers conducting a protective sweep of the residence or motel room. As such, the facts known to the officers in both cases clearly justified the warrantless entry based on the exigency in each case that an act of domestic violence had occurred; such information created an “objective basis for believing that a person within the residence was in need of immediate aid.”

Officer Ammerman and Detective Bevenour did not receive any information or facts that Defendant was involved in a domestic abuse situation or that an assault had occurred in Defendant’s residence prior to their arrival. The 911 dispatch initially advised Officer Ammerman that an unclothed male subject was screaming in the back yard of a neighbor. A subsequent dispatch advised Officer Ammerman that the unclothed male subject had moved to the front of the residence and was in the roadway on Hanover Pike. Upon arrival, Officer Ammerman observed Defendant was naked, walking on the roadway on Hanover Pike in front of his residence, was incoherent, was physically jumping around and was clearly under the influence of a controlled substance. Neither Officer Ammerman nor Detective Bevenour received any information that there were other individuals located in Defendant’s residence. They

did not hear any sounds or screams from the residence. Officer Ammerman spoke with a neighbor of Defendant at the scene, but no evidence was presented concerning a potential domestic abuse situation. Defendant advised Officer Ammerman that he lived alone in the residence. The only potential, relevant information Detective Bevenour developed was his observation of the kitchen inside the residence in disarray, with garbage on the floor, and other items thrown about. It is equally plausible that the condition of the kitchen could have been caused solely by Defendant given Defendant's condition. The officers had no reasonable evidence that there was anyone within the residence needing medical attention.

This Court finds the testimony of Officer Ammerman and Detective Bevenour credible. This Court finds that Detective Bevenour's motive for conducting the protective sweep of Defendant's residence was sincere to ensure there was no one in the residence who needed medical attention or was suffering from a potential overdose. Notwithstanding Detective Bevenour's sincere motivation in conducting the protective sweep, given that the sweep occurred within Defendant's private residence, that there was no reasonable evidence of a domestic abuse situation, and there was no evidence that person(s) within the residence required medical attention, the protective sweep was not legally authorized under the "emergency aid exception".

Therefore, for the reasons set forth herein, the attached Order is entered.

### ORDER OF COURT

AND NOW, this 17<sup>th</sup> day of August, 2023, for the reasons set forth in the attached Opinion, Defendant's Omnibus Pre-Trial Motion for Suppression of Evidence is granted in part and denied in part. Defendant's Motion for Suppression of Evidence concerning statements provided by Defendant without Miranda warnings is denied. Defendant's Motion for Suppression of Evidence based on the warrantless entry into Defendant's residence is granted. All evidence subsequently seized from Defendant's residence is suppressed.

SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale online auction conducted by Bid4Assets, 8757 Georgia Ave., Suite 520, Silver Springs, MD 20910. On September 15<sup>th</sup>, 2023, at 10:00 a.m.

No. 23-SU-225

Loancare, LLC

vs.

Scott J Alwine, II

Property Address: 12 North Peter Street, New Oxford, PA 17350  
UPI/Tax Parcel Number:  
34005-0042--000

Owner(s) of Property Situate in New Oxford Borough, Adams County, Pennsylvania

Improvements Thereon:

Residential Dwelling

Judgment Amount: \$62,862.57

Attorney for Plaintiff:

KML Law Group, P.C.

No. 22-SU-416

Pennymac Loan Services, LLC

vs.

Angela R. Barakati, Ahmed Barakati

Property Address: 2224 Hunterstown Hampton Road, New Oxford, PA 17350  
UPI/Tax Parcel Number:  
38031-0015--000

Owner(s) of Property Situate in Straban Township, Adams County, Pennsylvania

Improvements Thereon:

Residential Dwelling

Judgment Amount: \$174,607.67

Attorney for Plaintiff:

McCabe, Weisberg & Conway, LLC  
1420 Walnut Street, Suite 1501  
Philadelphia, PA 19102

No. 22-SU-143

HMC Assets, Solely in its Capacity as Separate Trustee of Cam Xi Trust  
vs.

Lesa M. Ferris a/k/a Lesa M. Cavicchio

Property Address: 430 Onyx Road, New Oxford, PA 17350  
UPI/Tax Parcel Number:  
35J12-0238--000

Owner(s) of Property Situate in Oxford Township, Adams County, Pennsylvania

Improvements Thereon:

Residential Dwelling

Judgment Amount: \$435,624.78

Attorney for Plaintiff:

Pincus Law Group, PLLC  
Jerome Blank, Esquire (49736)  
2929 Arch Street, Suite 1700  
Philadelphia, PA 19104  
Phone: (484) 575-2201

No. 22-NO-1198

Borough of Littlestown

vs.

Corey Kauffman

Property Address: 319 East King Street, Littlestown, PA 17340  
UPI/Tax Parcel Number:  
27009-0009--000

Owner(s) of Property Situate in Littlestown Borough, Adams County, Pennsylvania

Improvements Thereon:

Residential Dwelling and Lot

Judgment Amount: \$715.22

Attorney for Plaintiff:

Salzmann Hughes, P.C.  
Justin M. George, Esquire  
Attorney ID Number 322515  
79 St. Paul Drive  
Chambersburg, PA 17201  
(717) 263-2121

No. 22-SU-887

Freedom Mortgage Corporation

vs.

Scott L. Krumrine, Jr., Rachel L. Krumrine

Property Address: 155 Filbert Street, Hanover, PA 17331  
UPI/Tax Parcel Number:  
08010-0068-000

Owner(s) of Property Situate in Conewago Township, Adams County, Pennsylvania

Improvements Thereon:

Residential Dwelling

Judgment Amount: \$212,130.71

Attorney for Plaintiff: Brock & Scott, PLLC

No. 22-SU-1226

Beltway Capital LLC, ET AL.

vs.

Michael Eader, Known Surviving Heir of Larry H. Eader, Unknown Heirs of Larry H. Eader

Property Address: 325 Lexington Way, Littlestown, PA 17340  
UPI/Tax Parcel Number:  
27011-0224-000

Owner(s) of Property Situate in Littlestown Borough, Adams County, Pennsylvania

Improvements Thereon:

Residential Dwelling

Judgment Amount: \$261,293.88

Attorney for Plaintiff:

Buchanan Ingersoll & Rooney, P.C.  
50 S. 16th Street, Suite 3200  
Philadelphia, PA 19102  
Phone: (215) 665-3921

NOTICE directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

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James W. Muller  
Sheriff of Adams County  
www.adamscounty.us

08/18, 08/25, & 09/01



SHERIFF SALES

IN PURSUANCE of writs of execution issuing out of the Court of Common Pleas of Adams County, Pennsylvania, and to me directed, will be exposed to Public Sale online auction conducted by Bid4Assets, 8757 Georgia Ave., Suite 520, Silver Springs, MD 20910. On September 15<sup>th</sup>, 2023, at 10:00 a.m.

**No. 22-SU-541**  
**Truist Bank Successor by Merger to Branch Banking & Trust Company vs.**  
**Amanda Mirabile, James Mirabile**  
Property Address: 14 Yvonne Trail, Fairfield, PA 17320  
UPI/Tax Parcel Number: 43022-0176--000  
Owner(s) of Property Situate in Carroll Valley Borough, Adams County, Pennsylvania  
Improvements Thereon: Residential Dwelling  
Judgment Amount: \$219,025.59  
Attorney for Plaintiff: McCabe, Weisberg & Conway, LLC  
1420 Walnut Street, Suite 1501 Philadelphia, PA 19102

**No. 23-SU-334**  
**Pennsylvania Housing Finance Agency, Its Successors and Assigns vs.**  
**Susan Jane Roth**  
Property Address: 20 Westview Drive, McSherrystown, PA 17344  
UPI/Tax Parcel Number: 28002-0220-000  
Owner(s) of Property Situate in the Borough of McSherrystown, Adams County, Pennsylvania  
Improvements Thereon: Residential Dwelling or Lot  
Judgment Amount: \$103,001.08  
Attorney for Plaintiff: Barley Snyder, LLP

**No. 22-SU-1061**  
**Amerihome Mortgage Company, LLC vs.**  
**Scott A. Dutterer, Executor of the Estate of Carole Jean Dutterer, Steven L. Dutterer, Loreen A. Topper, Unknown Heirs, Successors, Assigns and All Persons, Firms Associations Claiming Right, Title or Interest from Under Carole, Dutterer, Deceased**  
Property Address: 317 Parkway Drive, Littlestown, PA 17340  
UPI/Tax Parcel Number: 27005-014A-000  
Owner(s) of Property Situate in Littlestown Borough, Adams County, Pennsylvania  
Improvements Thereon: Residential Dwelling  
Judgment Amount: \$215,386.45  
Attorney for Plaintiff: Brock & Scott, PLLC

**No. 22-SU-723**  
**Mclean Mortgage Corporation vs.**  
**Scott E Stambaugh**  
Property Address: 135 Chapel Road, Hanover, PA 17331  
UPI/Tax Parcel Number: 08K14-0001O-000  
Owner(s) of Property Situate in Conewago Township, Adams County, Pennsylvania  
Improvements Thereon: Residential Dwelling  
Judgment Amount: \$126,785.21  
Attorney for Plaintiff: Manley Deas Kochalski, LLC  
P.O. Box 165028  
Columbus, OH 43216-5028  
(614) 220-5611

**No. 19-SU-1005**  
**The Bank of New York Mellon f/k/a The Bank of New York, As Trustee for the Certificate Holders of the Cwabs Inc., Asset-Backed Certificates, Series 2005-16 vs.**  
**Kimberly Wolfgang, Known Heir and Administratrix of the Estate of Thomas E. Wolfgang a/k/a Thomas Eugene Wolfgang, Deceased, Sarah K. Wolfgang a/k/a Sarah Kay Wolfgang, Known Heir of Thomas E. Wolfgang a/k/a Thomas Eugene Wolfgang, Deceased**  
Property Address: 330 McSherry Wood Drive, Littlestown, PA 17340  
UPI/Tax Parcel Number: 27011-0124-000  
Owner(s) of Property Situate in Borough of Littlestown, Adams County, Pennsylvania  
Improvements Thereon: Residential Dwelling  
Judgment Amount: \$173,816.88  
Attorney for Plaintiff: Pincus Law Group, PLLC  
Chris Cummins, Esquire (331304)  
2929 Arch Street, Suite 1700 Philadelphia, PA 19104  
Phone: (484) 575-2201

NOTICE directed to all parties in interest and claimants that a schedule of distribution will be filed by the Sheriff in his office no later than (30) thirty days after the date of sale and that distribution will be made in accordance with that schedule unless exceptions are filed thereto within (10) ten days thereafter.

Purchaser must settle for property on or before filing date. ALL claims to property must be filed with Sheriff before sale date.

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.

James W. Muller  
Sheriff of Adams County  
www.adamscounty.us

08/18, 08/25, & 09/01

**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 JASON P. BROOKS, DEC'D**

Late of Germany Township, Adams County, Pennsylvania  
 Administratrix: Angela Brooks, 1040 Teeter Road, Littlestown, PA 17340  
 Attorney: John A. Wolfe, Esq., Wolfe, Rice, & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

**ESTATE OF VAN A. COLLEY, DEC'D**

Late of Cumberland Township, Adams County, Pennsylvania  
 Administratrix: Morgan Elson, 11101 Dumbarton Drive, Dunkirk, MD 20754  
 Attorney: Bernard A. Yannetti, Hartman & Yannetti, Inc., Law Office, 126 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF CHERYL F. ENGEL a/k/a CHERYL FRANCES ENGEL, DEC'D**

Late of Littlestown Borough, Adams County, Pennsylvania  
 Executor: Todd Haynie, 6559 Davis Road, Mount Airy, MD 21771  
 Attorney: Clayton A. Lingg, Esq., Mooney Law, 230 York Street, Hanover, PA 17331

**ESTATE OF DONALD G. KUHN a/k/a DONALD GARY KUHN, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania  
 Co-Executrices: Cindy L. Lawver, 6373 Ninth View, Fayetteville, PA 17222; Diane Z. Fox, 20705 Ashburn Valley Court, Ashburn, VA 20147  
 Attorney: Teeter Law Office, 108 West Middle Street, Gettysburg, PA 17325

**ESTATE OF JOHN ROBERT LUNTZ, DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania  
 Administrator: Garrett Luntz, 1109 Barlow Two Taverns Road, Gettysburg, PA 17325  
 Attorney: John J. Murphy III, Esq., Patrono & Murphy, LLC, 28 West Middle Street, Gettysburg, PA 17325

**ESTATE OF VIRGINIA M. McCLEAF, DEC'D**

Late of Franklin Township, Adams County, Pennsylvania  
 Personal Representatives: Shirley A. McCleaf, 75 White Run Lane, Gettysburg, PA 17325; David M. McCleaf, 7 Brysonia School Road, Biglerville, PA 17307  
 Attorney: Teeter Law Office, 108 West Middle Street, Gettysburg, PA 17325

**ESTATE OF MILDRED M. MCGLAUGHLIN, DEC'D**

Late of Hamiltonban Township, Adams County, Pennsylvania  
 Co-Executrices: Karen L. Fitz, Gina M. McGlaughlin, and Carole A. Ditch, c/o R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201  
 Attorney: Jared S. Childers, Esq., R. Thomas Murphy & Associates, P.C., 237 East Queen Street, Chambersburg, PA 17201

**ESTATE OF ISAAC L. SANTOS, DEC'D**

Late of Butler Township, Adams County, Pennsylvania  
 Co-Executrices: Melanie L. Donovan, 5203 Garner Lane, Merriam, KS 66203; Julie A. Lindaberry, 648 Locke Heights Road, Bangor, PA 18013  
 Attorney: Bernard A. Yannetti, Hartman & Yannetti, Inc., 126 Baltimore Street, Gettysburg, PA 17325

**ESTATE OF VIRGINIA A. WARNER, DEC'D**

Late of East Berlin Borough, Adams County, Pennsylvania  
 Executor: John R. Warner, c/o CGA Law Firm, P.C., 106 Harrisburg Street, P.O. Box 606, East Berlin, PA 17316  
 Attorney: Sharon E. Myers, Esq., CGA Law Firm, P.C., 106 Harrisburg Street, P.O. Box 606, East Berlin, PA 17316

**SECOND PUBLICATION**

**ESTATE OF FAYE M. BAKER, DEC'D**  
 Late of Carroll Valley Borough, Adams County, Pennsylvania  
 Co-Executrices: Brenda M. Riley, 119 Gentry Court, Palmyra, PA 17078; Donna K. Schadel, 122 Jacks Mountain Road, Fairfield, PA 17320  
 Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

**ESTATE OF DAVID W. COSHUN, DEC'D**  
 Late of Straban Township, Adams County, Pennsylvania  
 Executrix: Geraldine D. Lohuis, 125 Cavalry Field Road, Gettysburg, PA 17325  
 Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

**ESTATE OF PATRICIA CARR FERGUSON, DEC'D**

Late of Leesburg Borough, Loudoun County, Virginia  
 Administrator: Mark E. Ferguson, c/o Gates & Gates, P.C., 250 York Street, Hanover, PA 17331  
 Attorney: Rachel L. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

**ESTATE OF RUTHANN SELBY, DEC'D**

Late of Conewago Township, Adams County, Pennsylvania  
 Executrix: Deborah A. Greenholt, c/o 1147 Eichelberger Street, Suite F, Hanover, PA 17331  
 Attorney: Ann C. Shultis, Esq., Salzmann Hughes, P.C., 1147 Eichelberger Street, Suite F, Hanover, PA 17331

**ESTATE OF FLORENCE M. SMITH, DEC'D**

Late of Straban Township, Adams County, Pennsylvania  
 Administrator: Ronald C. Smith, 372 E. Water Street, Gettysburg, PA 17325  
 Attorney: John J. Murphy III, Esq., Patrono & Murphy, LLC, 28 West Middle Street, Gettysburg, PA 17325

Continued on page 19

**SECOND PUBLICATION CONTINUED**

ESTATE OF DONALD CHRISTIAN  
WALSH, DEC'D

Late of Franklin Township, Adams  
County, Pennsylvania

Administrator: Brendan Banford, c/o  
Trinity Law, 1681 Kenneth Road, Suite  
2, York, PA 17408

Attorneys: Patrick J. Schaeffer, Esq., and  
Laura E. Bayer, Esq., Trinity Law, 1681  
Kenneth Road, Suite 2, York, PA  
17408

**THIRD PUBLICATION**

ESTATE OF MAYETTA C. BLACK, DEC'D

Late of Menallen Township, Biglerville,  
Adams County, Pennsylvania

Executrix: Linda Black Miller, 1329  
Brysonia-Wenksville Road, Biglerville,  
PA 17307

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

ESTATE OF JOHNNY F. JAKO, DEC'D

Late of Conewago Township, Adams  
County, Pennsylvania

Executrix: Jennifer L. Gaylord, c/o Barley  
Snyder, LLP, 14 Center Square,  
Hanover, PA 17331

Attorney: Scott L. Kelley, Esq., Barley  
Snyder, LLP, 14 Center Square,  
Hanover, PA 17331

ESTATE OF PATRICIA M. SPRENGEL,  
DEC'D

Late of Conewago Township, Adams  
County, Pennsylvania

Executrix: Jennifer Richardson, 456  
Hartman Avenue, Hanover, PA 17331

Attorney: Clayton A. Lingg, Esq.,  
Mooney Law, 230 York Street,  
Hanover, PA 17331

