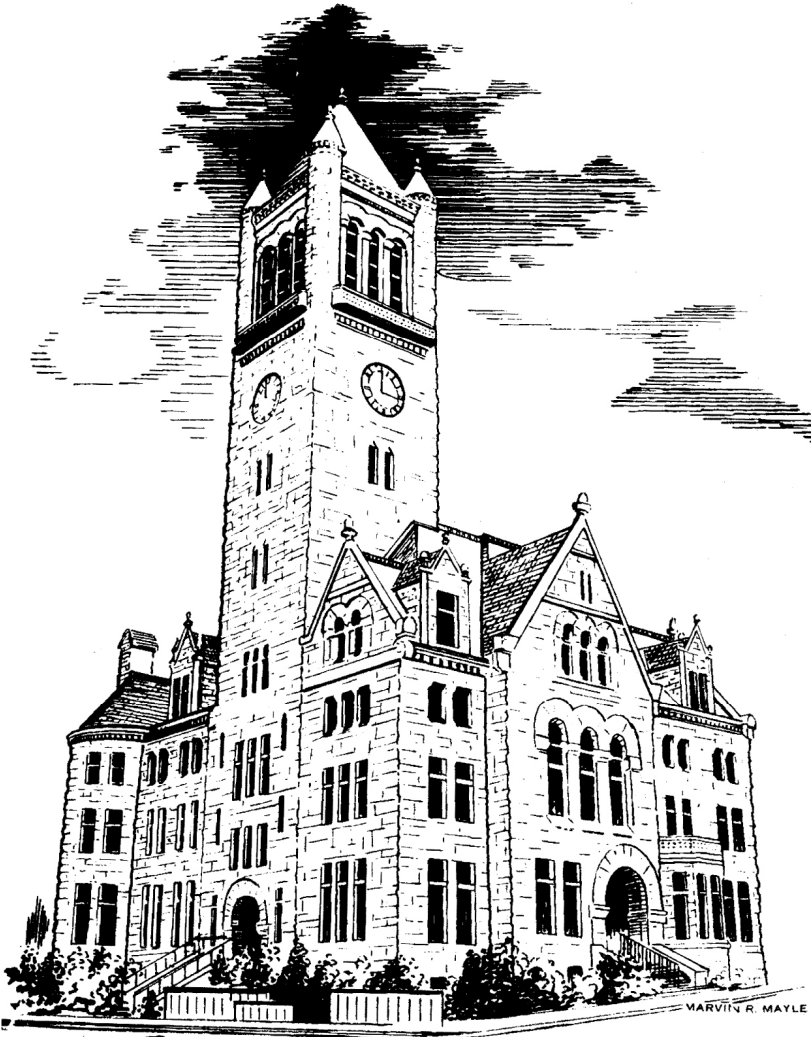


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ESTATE NOTICES

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

MARY F. DAUGHERTY, MARY FRANCES DAUGHERTY, late of North Union Township, Fayette County, PA ⁽³⁾

Executor: Carlyle J. Engel
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

JEROME L. GRIGLAK, late of Uniontown Fayette County, PA ⁽³⁾

Administrator: Michael J. Kosco
5 Burlington Avenue
Uniontown, PA 15401
c/o 111 East Main Street
Uniontown, PA 15401
Attorney: Robert Harper, Jr.

COURTNEY S. KNOPSNIDER, late of Saltlick Township, Fayette County, PA ⁽³⁾

Administratrix: Heidi Knopsnider
c/o Davis and Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

VIOLA G. MCDONOUGH, late of Uniontown, Fayette County, PA ⁽³⁾

Executrix: Katherine M. Ryan
c/o 11 Pittsburgh Street
Uniontown, PA 15401
Attorney: Thomas W. Shaffer

Second Publication

CHARLES CAMPBELL, a/k/a CHARLES B. CAMPBELL, JR., late of North Union Township, Fayette County, PA ⁽²⁾

Executor: Joshua T. Campbell
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

GEORGE M. KRUCKVICH, late of White Township, Fayette County, PA ⁽²⁾

Personal Representative: David J. Kruckvich
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, Pa 15425
Attorney: Timothy J. Witt

CATHERINE D. LIZZA, late of Dunbar, Fayette County, PA ⁽²⁾

Personal Representative: Cathleen A. Muzika
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

CAROL L. MILBY, a/k/a CAROL LYNN MILBY, late of South Connellsville Borough, Fayette County, PA ⁽²⁾

Personal Representative: Donald L. Mahokey
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

ARNOLD C. PETERSON, JR., a/k/a ARNOLD C. PETERSON, late of Bullskin Township, Fayette County, PA ⁽²⁾

Personal Representative: Jeffrey A. Peterson
c/o Watson Mundorff & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

ALBERT M. RUSKO, a/k/a ALBERT M. RUSKO, JR., late of Uniontown, Fayette County, PA (2)

Executor: Andrew C. Miller
52 East Gay Street
Columbus, OH 43216
c/o Lovett, Bookman, Harmon and Marks, LLP
Liberty Center, Suite 1150
1001 Liberty Avenue
Pittsburgh, PA 15222-3714
Attorney: Andrew C. Miller

First Publication

MARY CHECK, late of German Township, Fayette County, PA (1)

Co-Executor: Paul Robert Check and Donald Lloyd Check
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

SAMUEL E. CORELLA, late of Luzerne Township, Fayette County, PA (1)

Executor: Juliet Corella
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

PAUL MAMMARELLA, PAUL N. MAMMARELLA, late of Luzerne Township, Fayette County, PA (1)

Executor: Mark A. Mammarella
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

SANDRA MARY MCCLEAD, late of Masontown Borough, Fayette County, PA (1)

Executor: Jason Robert McClead
300 4th Street
Monessen, PA 15062
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

DOROTHY F. RESETAR, late of South Union Township, Fayette County, PA (1)

Executor: Rev. Eugene Yackanich
c/o Adams & Adams
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

SARAH REYNOLDS, late of Washington Township, Fayette County, PA (1)

Administratrix: Kathy M. Sedlock
c/o Adams & Adams
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

ANTHONY K. SUNDAY, late of Smithfield Borough, Fayette County, PA (1)

Executor: Shirley Johns
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

LEGAL NOTICES

NOTICE

RE: Change of Name of Kristin Martin, an adult individual:

To Whom It May Concern:

Be advised that the Court of Common Pleas of Fayette County, Pennsylvania, will hear the Petition for the Change of Name of Kristin Martin to Kristin Frey-Martin, an adult individual, on October 15, 2019, at 11:00 a.m. in Courtroom No. 1 Annex. All interested individuals may attend at that date and time.

DAVIS & DAVIS

BY: Samuel J. Davis, Esquire
107 East Main Street
Uniontown, PA 15401

ARTICLES OF INCORPORATION

Notice is hereby given that a corporation is to be or has been incorporated under the Business Corporation Law of 1988. Lin's Cuisine Inc has been incorporated under the provisions of the Pennsylvania Business Corporation Law of 1988, approved December 21, 1988, P.L. 1444, No. 177, effective October 1, 1989, as amended.

FICTITIOUS NAME REGISTRATION

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on July 11, 2019 for The Smitten Shop at 235 Hague Lane Uniontown, PA 15401. The names and addresses of each individual interested in the business are Kaitlyn Alyssa Johnson located at 483 Laurel Hill Road Smock, PA 15480 and Corin Ray Mascioli location at 235 Hague Lane Uniontown, PA 15401. Thjs was filed in accordance with 54 Pa.C.S. 311.

NOTICE OF SUSPENSION

Notice is hereby given that on September 6, 2019, pursuant to Rule 208(f), Pa.R.D.E., the Supreme Court of Pennsylvania ordered that John William Eddy (#209046), whose registered address is in Uniontown, PA be placed on Temporary Suspension from the practice of law until further definitive action by the Court, to be effective October 6, 2019.

Marcee D. Sloan
Board Prothonotary
The Disciplinary Board of the
Supreme Court of Pennsylvania

CIVIL ACTION
COURT OF COMMON PLEAS
FAYETTE COUNTY, PA
CIVIL ACTION-LAW
NO. 2018-02472
NOTICE OF ACTION IN MORTGAGE
FORECLOSURE

WILMINGTON SAVINGS FUND SOCIETY,
FSB, AS TRUSTEE OF FINANCE OF
AMERICA STRUCTURED SECURITIES
ACQUISITION TRUST 2018-HB1, Plaintiff
v.
TINA UNDERWOOD, IN HER CAPACITY
AS HEIR OF NANCY L. ROBERTS; et al,
Defendants

To: TINA UNDERWOOD, IN HER
CAPACITY AS HEIR OF NANCY L.
ROBERTS Defendant(s), 801 BROADFORD
ROAD, CONNELLSVILLE, PA 15425

COMPLAINT IN MORTGAGE
FORECLOSURE

You are hereby notified that Plaintiff, WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF FINANCE OF AMERICA STRUCTURED SECURITIES ACQUISITION TRUST 2018-HB1, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of FAYETTE County, PA docketed to No. 2018-02472, seeking to foreclose the mortgage secured on your property located, 801 BROADFORD ROAD, CONNELLSVILLE, PA 15425.

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 PAPER 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 THE 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, PA 17108
 800-692-7375

RAS CITRON, LLC
 ATTORNEYS FOR PLAINTIFF
 Jenine Davey, Esq. ID No. 87077
 133 Gaither Drive, Suite F
 Mt. Laurel, NJ 08054
 855-225-6906

CIVIL ACTION
 COURT OF COMMON PLEAS
 FAYETTE COUNTY, PA
 CIVIL ACTION-LAW
 NO. 2019-00064
 NOTICE OF ACTION IN
 MORTGAGE FORECLOSURE

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR RESIDENTIAL ASSET MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-EFC5, Plaintiff

v.
 RAECYNE BECHTOLD A/K/A RAECYNE W. BECHTOLD; TIMOTHY BECHTOLD A/K/A TIMOTHY J. BECHTOLD, Defendants

To: TIMOTHY BECHTOLD A/K/A TIMOTHY J. BECHTOLD Defendant(s),
 504 SOUTH PITTSBURGH STREET
 CONNELLSVILLE, PA 15425
 504 NORTH PITTSBURGH STREET
 CONNELLSVILLE, PA 15425
 627 DUNMORE ROAD, PITTSBURGH,
 PA 15206

UNIV. OF PITTSBURGH AT
 GREENSBURG 150 FINOLI DR.,
 GREENSBURG, PA 15601

COMPLAINT IN MORTGAGE
 FORECLOSURE

You are hereby notified that Plaintiff, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR RESIDENTIAL ASSET

MORTGAGE PRODUCTS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2005-EFC5, has filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of FAYETTE County, PA docketed to No. 2019-00064, seeking to foreclose the mortgage secured on your property located, 504 SOUTH PITTSBURGH STREET CONNELLSVILLE, PA 15425.

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in this notice you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims 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 for 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 PAPER 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 THE INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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 P.O. Box 186
 Harrisburg, PA 17108
 800-692-7375
 RAS CITRON, LLC
 ATTORNEYS FOR PLAINTIFF
 Jenine Davey, Esq. ID No. 87077
 133 Gaither Drive, Suite F
 Mt. Laurel, NJ 08054
 855-225-6906

Registers' Notice

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, October 7, 2019, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2618-0226	RUTH LOHR (Trust under the will for Mark L. Lohr)	Cindy H. Jesso, Executrix and Trustee
2611-0918	KENNETH LINDSAY MURPHY JR. a/k/a KENNETH L. MURPHY, JR.	Samantha Stouffer and Ora Murphy, Administratrixes DBNCTA

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

Monday, October 21, 2019, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable STEVE P. LESKINEN**, or his chambers, 2nd 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 also 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, October 7, 2019, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2618-0249	VIRGINIA MAE EBERHARTER	Wanda Brooks and James O. Rowan, Co-Executors
2616-0105	VINCENT P. WIRBICKI	Jackie L. Wirbicki, Executor

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

Monday, October 21, 2019, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable JOSEPH M. GEORGE, JR.**, or his chambers, 3rd 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.

JEFFREY L. REDMAN

Register of Wills and Ex-Officio Clerk of the Orphans' Court Division (1 of 2)

JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
vs.	:	
	:	
ROY CUMMINGS,	:	No. 1373 of 2018
Defendant/Appellant.	:	Honorable Nancy D. Vernon

OPINION IN SUPPORT OF JURY VERDICT

VERNON, J.

September 5, 2019

Following a trial by jury, Appellant, Roy Cummings, was found guilty of Possession of Firearm Prohibited [18 Pa.C.S.A. §6105(a)(1)], Firearm Not to be Carried without License [18 Pa.C.S.A. §6106(a)(2)], and two counts summary Harassment. Appellant was acquitted of Terroristic Threats, Recklessly Endangering Another Person, and Simple Assault. Appellant was sentenced to a term of incarceration of five to ten years on Count 1 - Possession of Firearm Prohibited and no further penalty was imposed for the remaining convictions. Appellant has appealed to the Superior Court and this Opinion is in support of the jury verdict and sentence imposed.

On appeal, Appellant raises the following issues:

Issue No. 1: Did the Commonwealth fail to present sufficient evidence to prove beyond a reasonable doubt that Appellant possessed a loaded firearm?

Issue No. 2: Did the Commonwealth fail to present sufficient evidence to prove beyond a reasonable doubt that Appellant concealed a firearm on his person?

STATEMENT OF THE CASE

On April 6, 2018, Alexis Spiker and Appellant Roy Cummings were residing in Uniontown, Pennsylvania, with their two-week old son, when the two began arguing in the early afternoon about the infant. N.T. Volume 1, 5/6-7/2019, at 25-29. Spiker testified that Appellant threw something “wet” at her, possibly a rag from the kitchen sink, hitting her stomach area while she was holding the baby. Id. at 29-30. Spiker turned to walk towards the bathroom when something else hit her in the back of the head causing a lump. Id. at 30. Spiker testified Appellant was just screaming at her when she told

him to leave stating that “he would return.” *Id.* at 30. When Spiker turned around, a neighbor, Sara Lester, and Spiker’s older son, Isaiah, were standing there between her and Appellant. *Id.* at 31. Appellant was arguing with Sara Lester and Isaiah too, telling them, “just wait” and that he was “going to kill them too.” *Id.* at 31. Sara Lester pushed Appellant outside, locked the door, and called the police. *Id.* at 32.

Sara Lester testified that she babysat Alexis Spiker and Appellant’s infant on the morning of April 6, 2018, and the two returned home in the early afternoon, fighting on and off with each other. *Id.* at 41-44. She could hear the arguments from upstairs through the thin floor and when it escalated, she went back downstairs. *Id.* at 45. Lester observed Appellant standing in the kitchen with his back to her, and on his side, Appellant was holding a gun in his left hand. Appellant stated to Alexis Spiker, “Just wait till I see you.” *Id.* at 45-46.

Lester testified that she panicked upon seeing the silver handgun and that she and Isaiah got between Appellant and Spiker. *Id.* at 47. Lester called the police and observed as Appellant put the weapon inside of the front pocket of his hooded sweatshirt. *Id.* at 48-49. Lester pushed Appellant out the door as he was threatening that “if he was going down everyone’s going down” and yelling that he would “kill everybody in the home and stuff like that.” *Id.* at 49-50. Lester latched the door and Appellant started kicking it to break back into the home. *Id.* at 51.

Patrolman James Sabo of the Uniontown City Police responded to the scene and observed Appellant dressed in all black walking on the basement stairs. *Id.* at 60-61. Patrolman Sabo told Appellant to stop but he continued walking toward the back of the house and rounded the corner out of the officer’s sight. *Id.* at 62. Appellant came back around the house with his hands up and said to the officer, “I don’t have anything.” *Id.* Appellant was detained and handcuffed while Patrolman Sabo ensured he did not have a weapon on his person. *Id.* at 62-63. Patrolman Sabo walked around the back of the house to see if he could locate a gun, but on quick inspection, he did not. *Id.* at 63.

Officer Matthew Painter arrived with a canine who was able to locate the gun in the back yard. *Id.* at 65-67. The handgun was loaded with one live round of ammunition. *Id.* at 70. Office Painter testified as to the procedures that were used with his canine to locate the weapon. *Id.* at 85-89. The dog indicated to the officers that he located the source of the odor in the wood line approximately sixty to seventy feet from the residence. *Id.* at 90.

Appellant voluntarily gave his DNA sample for comparison to the sample found on the firearm. *Id.* at 72-73. During his investigation, Patrolman Sabo determined Appellant was not licensed to carry a firearm. *Id.* at 75. Appellant stipulated that he is in a classification of people that is prohibited from owning or possessing a firearm. *Id.* at 77.

Ashlee Mangan works as a Forensic Scientist in the Serology Section for the Bu-

reau of Forensic Services for the Pennsylvania State Police Greensburg Regional Crime Lab and was recognized as an expert in the field of forensic science with a specialization in serology. *Id.* at 93-96. Mangan received for testing a Hopkins and Allen .32 caliber revolver with serial number 4655 with a detached grip, one live round head stamped R-P 32 Auto, and two buccal collectors from Appellant. *Id.* at 97. Mangan noted fibrous material and debris on the revolver and one human hair. *Id.* at 99. Mangan did not perform any testing on the ammunition so as to not destroy any potential fingerprints. *Id.* at 102. Mangan prepared the buccal collectors from Appellant for DNA analysis. *Id.* at 103.

Hang Shen Li is employed with the Pennsylvania State Police DNA Division as a Forensic DNA Analyst and was accepted by the Court as an expert in the filed of Forensic DNA Analysis. N.T. Volume 2, 5/6-7/2019, at 4-6. Li opined that the swabs from the muzzle or inside the barrel of the Hopkins and Allen .32 caliber revolver was a mixture of two individuals and one of the two individuals left more DNA on that gun than the other person. *Id.* at 11. Li identified the major component from the handgun matched the DNA profile from the buccal sample from Appellant. *Id.* at 11. Li also identified the major component from the partial profile from the handgun belonged to Appellant. *Id.* at 12-13.

Corporal Randy Mocello works as a Latent Print Examiner for the Pennsylvania State Police and was recognized as an expert in the field of Latent Print Identification. *Id.* at 18-22. Mocello performed a latent print analysis on the handgun and determined there were no identifiable latent prints. *Id.* at 28.

Corporal Robert M. Hagins of the Pennsylvania State Police was recognized as an expert in the field of Forensic Firearm and Tool Mark Examination. *Id.* at 32-34. Hagins testified the handgun is functional and capable of discharging the type of ammunition for which it was designed. *Id.* at 37.

DISCUSSION

Appellant claims the evidence presented at trial was insufficient to prove his guilt beyond a reasonable doubt that he had possessed a loaded firearm and that he concealed the firearm on his person. The Court disagrees.

Initially, we note Appellant does not identify which elements of which counts that he alleges to be lacking. With such a blank, indistinct, and vague Concise Statement, this Court is left with mere speculation as to what specifically Appellant complains of on appeal as insufficient. Nonetheless, we will examine the sufficiency of the evidence of his conviction for of Possession of Firearm Prohibited and Firearm Not to be Carried without License.

When a party challenges the sufficiency of the evidence, the critical inquiry on review does not require a court to ask itself whether it believes that the evidence at the

trial established guilt beyond a reasonable doubt. *Commonwealth v. McCurdy*, 943 A.2d 299, 301 (Pa.Super. 2008). Instead, it must determine simply whether the evidence believed by the fact-finder was sufficient to support the verdict. All of the evidence and any inferences drawn therefrom must be viewed in the light most favorable to the Commonwealth as the verdict winner. *Id.* at 301-302. While it is true that the Commonwealth must prove every essential element of a crime beyond a reasonable doubt, it is well established that the Commonwealth may sustain this burden by means of wholly circumstantial evidence. *Commonwealth v. Richardson*, 357 A.2d 671, 673 (Pa.Super. 1976). The Commonwealth need not preclude every possibility of innocence or establish the Appellant's guilt to a mathematical certainty. *Commonwealth v. Williams*, 871 A.2d 254, 259 (Pa.Super. 2005).

Further, any doubts regarding an appellant's guilt may be resolved by the fact-finder unless the evidence is so weak and inconclusive that no probability of fact may be drawn from the combined circumstances. The trier of fact while passing upon the credibility of the witnesses and the weight of the evidence produced, is free to believe all, part or none of the evidence. *Commonwealth v. Robertson-Dewar*, 829 A.2d 1207, 1211 (Pa.Super. 2003).

With the above principles in mind, we now consider whether the Commonwealth presented enough evidence to sustain Appellant's convictions of Possession of Firearm Prohibited and Firearm Not to be Carried without License.

The Crimes Code prohibits a person who has been convicted, in this Commonwealth or elsewhere, of a crime of violence from having a firearm in his possession or under his control. 18 Pa.C.S § 6105. The Commonwealth must present evidence of a prior conviction of a crime of violence in order to sustain a conviction under Section 6105. *Commonwealth v. Payne*, 316 Pa.Super. 453, 463 A.2d 451, 456 (1983). The Commonwealth did so through stipulation.

The Commonwealth presented evidence believed by the jury, sufficient in kind and quality, that the weapon was a functional, "real" firearm through the testimony of the Corporals of the Pennsylvania State Police. Possession was established through direct evidence from the report of the eyewitness that saw Appellant place the handgun in his hooded black sweatshirt and from DNA analysis of the gun, and also, through circumstantial evidence of Appellant walking away from the police officer and out of sight in the direction that the handgun was located. Since Appellant had also previously been convicted of a triggering offense, he was in violation of §6105 by his mere possession of the weapon. Thus, sufficient evidence existed to establish the conviction of Possession of Firearm Prohibited.

As to the Firearm Not to be Carried without License conviction, Section 6106 of the Crimes Code prohibits, in pertinent part, a person who "carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license."

“[T]o establish a violation of section 6106, the Commonwealth must establish that a defendant acted intentionally, knowingly or recklessly with respect to each element[.]” Commonwealth v. Scott, 176 A.3d 283, 291 (Pa.Super. 2017). The evidence clearly established that Appellant intentionally carried a firearm in Alexis Spiker’s residence and curtilage without a valid and lawfully issued license.

Wherefore, it is respectfully submitted that the entire appeal is without merit and should be denied.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
Clerk of Courts

REAL MEN WEAR PINK 5K RUN/WALK

Real Men Wear Pink 5K Run/Walk
Saturday, October 5, 2019
Hutchison Park Sheepskin Trail
9:00 AM

All proceeds benefit the American Cancer Society
and the Real Men Wear Pink Campaign of Bobby Gordon

Registration: Eventbrite
Facebook: Real Men Wear Pink 5K Run/Walk
Email: bgordon@gordon-legal.com

Please join us for a family friendly 5K run/walk with prizes to the top runners and walkers. Please indicate your shirt size when registering.

Here in the Pittsburgh area, donating to the American Cancer Society is a great investment. The American Cancer Society in Pittsburgh actually spends more dollars in this community on research and programs than we raise. The American Cancer Society's mission is to save lives, celebrate lives, and lead the fight for a world without cancer.



BENCH BAR CONFERENCE

Fayette County Bar Association
Bench Bar Conference
Wednesday, October 16, 2019
The Historic Summit Inn

Agenda

- 8:30 Meet the Sponsors & Breakfast Buffet
- 9:00 **Avoiding Legal Malpractice**
Amy J. Coco, Esquire
Pennsylvania Bar Association
1.0 ethics credit
- 10:00 **A Call for Action - Impairment in the Legal Profession
and What You Can do About it**
Brian S. Quinn, Esquire
Lawyers Concerned for Lawyers
1.0 ethics credit
- 11:00 Break
- 11:15 **Working with Social Service Providers:
What Attorneys Should Know**
Stacey Papa, Esquire - Moderator
1.0 substantive credit
- 12:30 Lunch

Cost to attend - \$75 members and \$125 non-members
RSVP due October 9th to Cindy 724-437-7994 or cindy@fcbar.org

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& ASSOCIATES

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