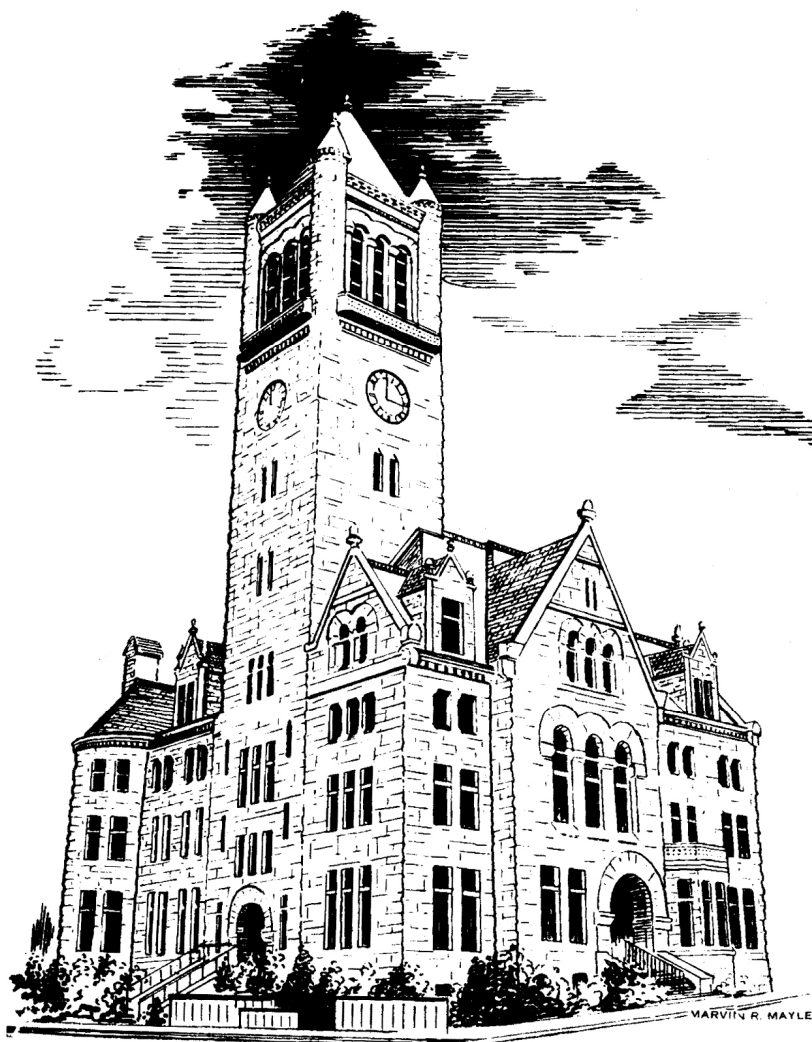


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ESTATE NOTICES

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

ELEANOR M. BABUSCAK, late of
Uniontown, Fayette County, PA (3)
Administratrix: Rita Nichols, a/k/a
Rita Nicole Nichols
580 Nemacolin Street
Carmichaels, PA 15320
c/o Mitchell Law Group, LLC
17 South College Street
Washington, PA 15301
Attorney: Clark A. Mitchell

**REBECCA RENEE BALENTINE, a/k/a
REBECCA R. BALENTINE**, late of
Connellsville, Fayette County, PA (3)
Administrator: Robert Balentine, Jr.
P.O. Box 244
Perryopolis, PA 15473
c/o 300 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Richard C. Mudrick

HARRY FRANEY, late of Springfield
Township, Fayette County, PA (3)
Executrix: Rebecca L. Page
482 Church Street
P.O. Box 323
Delmont, PA 15626
c/o Bumbaugh/George/Prather/DeDiana
10526 Old Trail Road
North Huntingdon, PA 15642
Attorney: John Bumbaugh, Jr.

KENNETH FRENCH, a/k/a KENNETH M. FRENCH, late of Connellsville, Fayette
County, PA (3)

Personal Representative: Evelyn G. French
120 East Peach Street, Apt. 201
Connellsville, PA 15425
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James Higinbotham

LUKE KNAPP, a/k/a LUKE J. KNAPP, late
of Dawson, Fayette County, PA (3)

Executrix: Kristy L. Krilosky
257 Lucky Lane
Dawson, PA 15428
c/o Tremba Kinney Greiner & Kerr
1310 Morrell Avenue, Suite C
Connellsville, PA 15425
Attorney: John Greiner

EDWARD SENIOR, late of Melcroft, Fayette
County, PA (3)

Executrix: Judith Edgell
545 Dogwood Drive
New Brighton, PA 15066
c/o Law Offices of
Michael J. Hummel, Jr., LLC
1140 3rd. Street
Beaver, PA 15009
Attorney: Michael Hummel, Jr.

**JERRY R. VANSICKLE, a/k/a JERRY RAY
VANSICKLE**, late of Nicholson Township,
Fayette County, PA (3)

Executor: Jerry R. VanSickle, Jr.
617 Fourth Avenue
Masontown, PA 15461
c/o Newcomer Law Offices
4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Ewing D. Newcomer

Second Publication

MAXINE GIBBS, late of North Union
Township, Fayette County, PA (2)

Personal Representative: Robert A. Gibbs
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

CARMEN JENKINS, a/k/a CARMEN LOUISE JENKINS, late of North Union Township, Fayette County, PA (2)
Executrix: Nicole L. Broome
 16209 Penn Manor Lane
 Bowie, Maryland 20716
 c/o 84 East Main Street
 Uniontown, PA 15401
Attorney: Vincent M. Tiberi

DAVID A. KASHURA, late of Perry Township, Fayette County, PA (2)
Personal Representative: James D. Kashura
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Timothy J. Witt

SUSAN N. KAYLOR, late of Connellsville, Fayette County, PA (2)
Executor: Nina L. Norton
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Timothy J. Witt

DOROTHY J. KOSTELAC, late of Washinton Township, Fayette County, PA (2)
Executrix: Laura Maxwell Lees
 706 Dunkirk Road
 Baltimore, Maryland 21212
 c/o 823 Broad Avenue
 Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

JUDITH ANN NESTOR, a/k/a JUDITH ANN SMITH, late of Georges Township, Fayette County, PA (2)
Administrator: Martin S. Nestor
 c/o 51 East South Street
 Uniontown, PA 15401
Attorney: Webster & Webster

WILLIAM RIFFLE, a/k/a WILLIAM H. RIFFLE, JR., late of German Township, Fayette County, PA (2)
Personal Representative: William Craig Riffle and Marisa D. Springer
 c/o Higinbotham Law Offices
 68 South Beeson Boulevard
 Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

LINDA MAE WEAVER, late of Uniontown, Fayette County, PA (2)
Executor: David Sullivan
 1032 Olivia Way
 Morgantown, WV 26508
 c/o Newcomer Law Offices
 4 North Beeson Boulevard
 Uniontown, PA 15401
Attorney: Ewing D. Newcomer

First Publication

BARBARA E. AMEND, late of Chalkhill, Fayette County, PA (1)
Executor: William D. Amend
 P.O. Box 141
 Chalkhill, PA 15421
 c/o Tiberi Law Office
 84 East Main Street
 Uniontown, PA 15401
Attorney: Vincent M. Tiberi

DOLORES BUCHKO, a/k/a DOLORES A. BUCHKO, a/k/a DOLORES ANN BUCHKO, late of Uniontown, Fayette County, PA (1)
Administratrix: Patricia A. Buchko
 c/o Higinbotham Law Offices
 68 South Beeson Boulevard
 Uniontown, PA 15401
Attorney: Christian E. Seseck

MARY BURKHART, late of Lower Tyrone Township, Fayette County, PA (1)
Executor: David Burkhardt
 c/o 815A Memorial Boulevard
 Connellsville, PA 15425
Attorney: Margaret Zylka House

BARBARA E. CHUSKA, late of South Union Township, Fayette County, PA (1)
Executor: James E. Emory
 c/o 815A Memorial Boulevard
 Connellsville, PA 15425
Attorney: Margaret Zylka House

GARY L. CRAYTON, late of Wharton Township, Fayette County, PA (1)
Executrix: Sondra L. Crayton
Executor: Gary R. Crayton
 c/o 815A Memorial Boulevard
 Connellsville, PA 15425
Attorney: Margaret Zylka House

WILMA J. LOHR, a/k/a WILMA JEAN LOHR, late of Dawson, Fayette County, PA ⁽¹⁾
Executrix: Linda Mellinger
386 School Road
Dawson, PA 15428
c/o 201 North Chestnut Street
P.O. Box 342
Scottsdale, PA 15683
Attorney: James Lederach

DONALD MALASPINO, a/k/a DONALD J. MALASPINO, late of Wharton Township, Fayette County, PA ⁽¹⁾
Executor: Jeffrey S. Malaspino
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

ALICE JEAN MITCHELL, late of Uniontown, Fayette County, PA ⁽¹⁾
Executor: Randall W. Mitchell
c/o 815A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret Zylka House

KENNETH J. OZANICK, late of North Union Township, Fayette County, PA ⁽¹⁾
Executrix: Paulette J. Ozanick
c/o Fitzsimmons and Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401
Attorney: James N. Fitzsimmons, Jr.

HELEN B. RUGG, late of Connellsville, Fayette County, PA ⁽¹⁾
Executrix: Christine M. Habina
c/o 815A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret Zylka House

VINCENT M. SANTAREL, JR., a/k/a MARCO SANTAREL, late of Everson Borough, Fayette County, PA ⁽¹⁾
Executrices: Michele Horan and Sharee Keffer
c/o 814A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret Zylka House

DAVID L. SKILES, late of German Township, Fayette County, PA ⁽¹⁾
Administratrix: Debra Sue Skiles
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

ELIZABETH M. YASENOSKY, late of Nicholson Township, Fayette County, PA ⁽¹⁾
Executor: Jerome J. Yasenovsky
c/o Fitzsimmons and Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401
Attorney: James N. Fitzsimmons, Jr.

LEGAL NOTICES

*** NO LEGAL NOTICES ***

SHERIFF’S SALE

Date of Sale: September 18, 2025

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday September 18, 2025, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:

All bidders must complete the Realauction on-line registration process at <https://fayette.pa.realforeclose.com> to participate in the auction.

All bidders must place a 10% deposit equal to the successful bid for each property purchased to Realauction via wire transfer or ACH per Realauction requirements. Upon the auction’s close, buyer shall have 10 business days to pay the remaining balance to the Fayette County Sheriff’s Office via cashier’s check. No cash will be accepted. Failure to comply with the Conditions of Sale, shall result in a default and the down payment shall be forfeited by the successful bidder and applied to the costs and judgments. The schedule of distribution will be filed no later than 30 days after the sale of real property. If no petition has been filed to set aside the sale or objections to the distribution are filed within 10 days of filing the distribution, the Sheriff will prepare and record a deed transferring the property to the successful bidder.

(2 of 3)

James Custer
Sheriff of Fayette County

Orlans Law Group PLLC

No. 1036 of 2025 G.D.
No. 152 of 2025 E.D.

**Freedom Mortgage Corporation
v.**

Carl D. Chipps Jr. and Nicole L. Chipps

By virtue of a Writ of Execution No. 1036 of 2025 GD, Freedom Mortgage Corporation v. Carl D. Chipps Jr. and Nicole L. Chipps, owner (s) of property situate in the Borough of Fairchance, Fayette County, Pennsylvania, being 15 N Morgantown Street, Fairchance, PA 15436 Parcel No. 11060121

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$131,801.24

Brock & Scott, PLLC

No. 1037 of 2025 G.D.
No. 151 of 2025 E.D.

**FREEDOM MORTGAGE CORPORATION
v.**

NICOLE N. CHUN

By virtue of a Writ of Execution No. 1037 OF 2025 GD, FREEDOM MORTGAGE CORPORATION v. NICOLE N. CHUN, owner (s) of property situate in the 8TH WARD OF CITY OF UNIONTOWN, FAYETTE County, Pennsylvania, being 196 MORGANTOWN ST, UNIONTOWN, PA 15401

Tax ID No. 38-10-0455 a/k/a 38100455

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$191,102.06

ANNE N. JOHN, Esq.
ATTORNEY AT LAW

No. 2148 of 2022 G.D.
No. 42 of 2023 E.D.

**FIRST FEDERAL SAVINGS AND LOAN
ASSOCIATION OF GREENE COUNTY, a
corporation,**

vs.

**MARK W. DECARLO, SR., a/k/a MARK W.
DECARLO and MARY F. DECARLO, n/k/a
MARY F. WILSON,**

Defendants and Real Owners.

ALL that certain tract of land situate in Menallen Township, Fayette County, Pennsylvania, more particularly bounded and described as follows.

UPON WHICH is erected a ranch dwelling known and designated as 7401 National Pike, Uniontown, Fayette County, Pennsylvania.

FOR PRIOR title see Record Book 957 page 255.

Assessment Map No.: 22-17-0017.

Hladik, Onorato & Federman, LLP
298 Wissahickon Avenue
North Wales, PA 19454

No. 2385 of 2024 G.D.
No. 145 of 2025 E.D.

U.S. Bank National Association, not in its individual capacity but solely in its capacity as Indenture Trustee of CIM Trust 2021--NR4

(Plaintiff)

vs.

David Lee Finrock, as Surviving Heir of Linda K. Metts, Deceased, Dianna Lynn Campbell-Newcomer, as Surviving Heir of Linda K. Metts, Deceased, Donald William Metts, as Surviving Heir of Linda K. Metts, Deceased, Dwayne Emerson Metts, as Surviving Heir of Linda K. Metts, Deceased and Unknown Surviving Heirs of Linda K. Metts, Deceased
(Defendants)

Property Address 176 Center Street,
Uniontown, PA 15401

Parcel I.D. No. 25-08-0037

Improvements thereon consist of a residential dwelling.

Judgment Amount: \$12,421.23

ANNE N. JOHN, Esq.
ATTORNEY AT LAW

No. 2230 of 2024 G.D.
No. 153 of 2025 E.D.

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF GREENE COUNTY, a corporation,
Plaintiff

vs.

DAVID GREGOR and AMANDA GREGOR,
Defendants.

All that certain tract of land situate in

Wharton Township, Fayette County, Pennsylvania, containing an area of 1.9935 acres according to survey of Ramesh B. Shah dated June, 2004, upon which is erected a residential single-family dwelling known locally as 232 Wharton Furnace Road, Farmington, PA 15437.

FOR prior title see Record Book 3453 page 1664.

Upon which is erected a residential single-family dwelling known locally as 232 Wharton Furnace Road, Farmington, PA 15437.

Assessment Map No.: 42-05-0104.

No. 2728 of 2024 G.D.
No. 150 of 2025 E.D.

SOMERSET TRUST COMPANY

v.

Edward D. Kostelnik and
Mariah L. Kostelnik

Property of: Edward D. Kostelnik and Mariah L. Kostelnik

Located in: TOWNSHIP OF SOUTH UNION, FAYETTE COUNTY

Street Address: 4 HOOKTOWN AVENUE, UNIONTOWN, FAYETTE COUNTY, PENNSYLVANIA 15437.

Brief Description of Property: Residential, Single-Family home

Improvements thereon: RESIDENTIAL DWELLING

Record book Volume: 3397, Page 633

Tax Assessment Number(s):

MAP NO.: 34-13-0095

No. 1267 of 2023 G.D.
No. 117 of 2025 E.D.

PNC Bank, National Association
Plaintiff,

vs.

Bruce A. Roberts; Highland Property, LLC
Defendants.

ALL that certain parcel of land lying and being situate in the Borough of Belle Vernon, County of Fayette, and Commonwealth of Pennsylvania, known as 302 and 304 Market Street, Belle Vernon, PA 15012 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 01-02-0064

BEING the same premises which Bruce A. Roberts, unmarried, by Deed dated March 31, 2017 and recorded in and for Fayette County,

Pennsylvania in Deed Book 3337, Page 1028,
granted and conveyed unto Highland Property,
LLC.

KML LAW GROUP, P.C.
701 Market Street Suite 5000
Philadelphia, PA 19106-1532
(215) 627-1322

No. 184 of 2020 G.D.
No. 116 of 2023 E.D.
No. 125 of 2025 E.D.

**PNC BANK, NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO
NATIONAL CITY BANK
3232 Newmark Drive
Miamisburg, OH 45342
Plaintiff**

vs.

**EUGENE ROUSE
MELISSA ROUSE
Mortgagor(s) and Record Owner(s)
213 Stone Church Road
Merrittstown, PA 15463
Defendant(s)**

ALL THAT CERTAIN LOT OF LAND
SITUATE IN REDSTONE TOWNSHIP,
COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.
BEING KNOWN AS: 213 STONE
CHURCH ROAD, MERRITTSTOWN, PA
15463

TAX. PARCEL #30-17-0035
IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF:
EUGENE ROUSE AND MELISSA ROUSE

ROBERTSON, ANSCHUTZ, SCHNEID,
CRANE & PARTNERS, PLLC
A Florida professional limited liability company
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
(855)225-6906

No. 2502 of 2024 G.D.
No. 140 of 2025 E.D.

**WELLS FARGO BANK, N.A.
Plaintiff**

v.

**CARRIE TROUT, IN HER CAPACITY AS
HEIR OF ROBERT H. VAN
GROOTENBRUEL; CRAIG VAN
GROOTENBRUEL, IN HIS CAPACITY AS**

**HEIR OF ROBERT H. VAN
GROOTENBRUEL; CARYN WATSON, IN
HER CAPACITY AS HEIR OF ROBERT H.
VAN GROOTENBRUEL; UNKNOWN
HEIRS, SUCCESSORS, ASSIGNS, AND
ALL PERSONS, FIRMS, OR
ASSOCIATIONS CLAIMING RIGHT,
TITLE OR INTEREST FROM OR UNDER
ROBERT H. VAN GROOTENBRUEL
Defendant(s)**

ALL THOSE CERTAIN LOTS OR
PIECES OF GROUND SITUATE IN THE
TOWNSHIP OF BULLSKIN, FAYETTE
COUNTY, PENNSYLVANIA:

BEING KNOWN AS: 2059 ROCKY
RIDGE ROAD ACME, PA 15610-1213
BEING PARCEL NUMBER: 04-21-0028
IMPROVEMENTS: RESIDENTIAL
PROPERTY

Robert Flacco, Esq.
1325 Franklin Avenue, Suite 160
Garden City, NY 11530
(212) 471-5100

No. 279 of 2025 G.D.
No. 139 of 2025 E.D.

**Wilmington Savings Fund Society, FSB, as
Indenture Trustee with respect to CIM Trust
2023-RI
v
Lon D. Welsh, Dawna C. Welsh**

Docket Number: 279 of 2025 GD
Property to be sold is situated in the
borough/township of Dunbar, County of Fayette
and State of Pennsylvania.

Commonly known as: 14 Hancock Street,
Dunbar, PA 15431

Parcel Number: 08-03-0069 and 08-03-
0069-01

Improvements thereon of the residential
dwelling or lot (if applicable):

Judgment Amount: \$105,478.63 Attorneys
for the Plaintiff:

*** END SHERIFF'S SALE ***

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, August 4, 2025, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2625-0730	LARY WAYNE MIKESELL	Lewis Sweitzer, Executor

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

Monday, August 18, 2025, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable President Judge 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.

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, August 4, 2025, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2624-0161	EDWARD MALDOVAN a/k/a EDWARD L. MALDOVAN	Jason F. Adams, Executor

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

Monday, August 18, 2025, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Judge 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.

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

COMMERCIAL/RESIDENTIAL/CURRENT OWNER/MINERAL TITLE

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JUDICIAL OPINION

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

COMMONWEALTH OF
PENNSYLVANIA

v.

W. R. B., SR.,
DEFENDANT.

:

:

:

: No. 792 of 2022

: Honorable President Judge Steve P. Leskinen

OPINION AND ORDER

Leskinen, P.J.

June 3, 2025

Before the Court is the competency hearing on the Defendant's "Taint Motion."

The Defendant questions the competency of the child victim, S.A.B., to testify in this case. The child victim, born on April 27, 2015, is the great granddaughter of the Defendant. On March 3, 2020, about two months before she turned five years-old, S.A.B. was with her mother, [...], in their vehicle, when they got milk at the Speedway on Route 21. After getting the milk, the child's mother asked her if she knew that milk came from a cow's boobies. The child responded that she thought milk came from a cow's pee-pee because that's where Pappy Bill's milk came from. S.A.B. calls the Defendant herein Pappy Bill. The child further informed her Mother that she wrestles with Pappy Bill while both are naked and they have to listen for grandma when they wrestle because it was their secret game. She stated that they started playing this game when she was four (4) years old. She further related that Pappy Bill has her touch his peepee. After these disclosures by the child, the Mother became hysterical and telephoned the child's Paternal Grandparents and the child's Father. The Mother took the child to the Paternal Grandparents home after the child disclosed the information.

The child's parents contacted Fayette County CYS and then took her to Uniontown Hospital where she underwent a physical examination. At the direction of CVS, the Mother took the child for a forensic interview about two weeks later at A Child's Place in Pittsburgh. The physical examination performed at Uniontown Hospital found no evidence of sex abuse evident on the child, which was consistent with the disclosures of the child.

The Mother explained that she and the child's Father, [...], get along well and she frequently lets the child stay with his parents at their house and the child visits the Paternal Great Grandparents also. The Mother related that a few weeks prior to the preceding disclosure, the child pulled down the Defendant's pants when she was visiting them.

On March 16, 2020, a forensic interview was conducted by Brittany Locke with the child. The interviewer asked no leading questions during the interview and the child disclosed that she and Pappy Bill go downstairs and he would take off his pants and have her touch his peepee. This was their game. The child denied that he did anything to her body.

As a result of her disclosures, the Defendant was charged with two counts of Indecent Assault--Person Less than 13 Years, 18 Pa. C.S. §3126(a)(7); and two counts of Corruption of Minors, 18 Pa. C.S. 6301(a)(1)(ii).

After the Preliminary Hearing, the Defendant filed a Competency Motion alleging that the child's testimony was tainted and a competency hearing was held. As noted, the Defendant is the child's paternal great grandfather. His son is [W. C. B.], who is the child's paternal grandfather and the child's Father is [...]. At the hearing, the child's paternal grandfather, [W. C. B.] testified that the Mother, [...], had called their home, and had spoken with [T. B.], his wife. The Paternal Grandfather heard [Mother] hysterically tell his wife that child had disclosed information that Pappy Bill, the Paternal Grandfather's Father and the child's Great Grandfather, had told the child's Mother, [...], that milk came out of Pappy Bill's peepee and that he had her play games where he had her touch his peepee. Approximately fifteen minutes later the Mother and the child arrived at the Grandparent's house. The Mother telephoned the child's Father, [...]. As the Mother was upset, the Grandfather stated that he and his wife took the child into their bedroom and questioned her about the games she played with Pappy Bill. The child initially denied playing any games with Pappy Bill. The child said they didn't play games. Approximately fifteen minutes after the Mother arrived at the Grandparent's house, the child's Father arrived. While with his parents, the Father told the child to tell the Grandparents about the game she was playing with Pappy Bill and touching his pee pee. The child responded by saying something similar to what her Father had said. The child responded that she touches Pappy's pee pee. Initially, the Grandfather said the child used the exact words that her father had used but then he stated that she may have said she plays with Pappy's pee pee. He thought this was odd. Then the parents talked about what they should do and decided to contact Fayette County Children and Youth.

DISCUSSION

In a child sex assault case, "taint" refers to the corruption of a child's memory and ability to testify truthfully due to unduly suggestive or coercive interview techniques. The core belief underlying the theory of taint is that a child's memory is peculiarly susceptible to suggestibility. Taint is the implantation of false memories or the distortion of real memories caused by interview techniques of law enforcement, social service personnel and other interested adults, that are so unduly suggestive and coercive as to infect the memory of the child, rendering that child incompetent to testify. *Commonwealth v. Delbridge*, 859 A.2d 1245 (Pa. 2004).

Some of the facts that are relevant in this analysis are: (1) the age of the child; (2) the existence of a motive hostile to the defendant on the part of the child's primary custodian; (3) the possibility that the child's primary custodian is unusually likely to read abuse into a normal interaction; (4) whether the child was subjected to repeated interviews by various adults in positions of authority; (5) whether an interested adult was present during the course of the interviews; and (6) the existence of independent evidence regarding the interview techniques employed. *Commonwealth v. Judd*, 897 A.2d 1224 (Pa. Super. 2006).

The proponent of allegations that a child's memory is tainted first bears the burden of establishing some evidence of taint, once the party meets that threshold requirement,

the proponent must then meet the ultimate burden of demonstrating taint by clear and convincing evidence. *Commonwealth v. Smith*, 167 A.3d 782 (Pa. Super. 2017).

The critical inquiry in deciding the issue of taint of a child witness's memory at a competency hearing is whether the memory of the child has been corrupted. *Id.* In analyzing whether a party has met the "some evidence of taint" standard by proving taint of a child witness's memory, the court must consider the totality of the circumstances around the child's allegations.

In considering the circumstances surrounding the child's disclosures in this case about the defendant, the child was with her mother when she made statements which included information that would not be in the realm of a young child's general knowledge. The child disclosed this information to her Mother and there was no indication that there was any hostile relationship between the Mother and the Defendant. The Mother became upset by the child's disclosures and contacted the child's Paternal Grandparents, of which the child's grandfather is the son of the Defendant, and then drove to their residence. While the child allegedly heard the Mother's statements on the telephone, these statements were made within an hour of her disclosures to the Mother. The Father's statements to the child about her disclosures were within that one hour time period also. There was no evidence presented of any repeated interviews or coercive or suggestive interview techniques that occurred after the initial disclosure.

A careful review of the taped interview with the forensic evaluator from A Child's Place demonstrated that the evaluator asked no suggestive or coercive questions. The child appeared calm and comfortable as she played and responded to questions. The evaluator asked open ended questions, no parent or other party was in the interview room. The child denied anyone had told her what to say, she was asked to only to tell the truth and her language was appropriate for a four-year-ten-month old child. Her memory appeared to be good, and her understanding of the obligation to tell the truth was apparent. Her statements during the evaluation were consistent with her prior disclosures but did not mimic her earlier statements. Even her statement to the Grandparents, the Grandfather, initially stated that the child repeated his words but then the Grandfather stated she may have said she "played" with Pappy Bill's peepee.

There was no evidence presented that the parents were attempting to influence the child's statements against her Great Grandfather. No evidence was presented that the child's memory was influenced by either parent. There was no evidence presented that there were repeated interviews or that coercive or suggestive interview techniques influenced the child's memory. The evidence presented was insufficient to support that there was any attempt to corrupt the child's memory or that her memory was corrupted.

For those reasons, the Defendant's motion is DENIED.

BY THE COURT:
STEVE P. LESKINEN,
PRESIDENT JUDGE

ATTEST:
Clerk of Courts

LUNCH & LEARN SERIES

The Fayette County Bar Association's next presentation in its Lunch & Learn Series will be:

- Date: **Wednesday, July 23rd from 12:00 p.m. to 2:00 p.m.**
- Location: **Fayette County Courthouse - Courtroom Four**
- Discussion topics: **Avoiding Legal Malpractice Seminar**
- Presenters: **Bethann R. Lloyd, Esquire and James T. Davis, Esquire**

CLE Credit

2.0 hours of Ethics CLE credit for the program. The fees are as follows:

Members of the FCBA

- \$5 fee for attendance without CLE Credit
- \$15 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2020

- \$5 fee for attendance with CLE Credit

Non-members of the FCBA

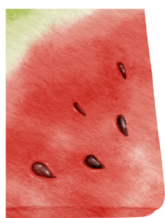
- \$15 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**** All fees to be paid at the door ****
Lunch will be provided.

RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or email to cindy@fcbar.org on or before Monday, July 21st.

Attorneys who are insured through the Pennsylvania Bar Association Insurance Program, advised and administered by USI Affinity, have the ability to earn up to a 7.5% discount on their malpractice insurance based on one's attendance at this CLE. Questions regarding your LPL insurance should be directed to USI Affinity at 610-537-1368.



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