

# FAYETTE LEGAL JOURNAL

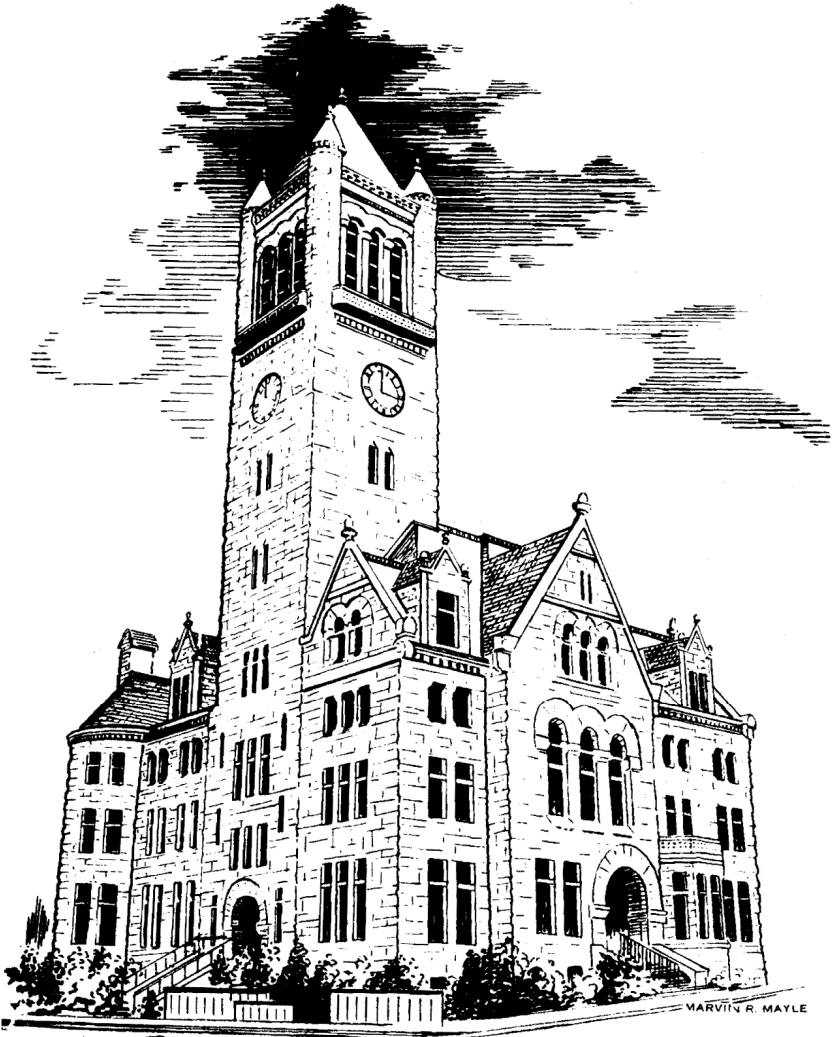
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## FAYETTE LEGAL JOURNAL

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Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

### Third Publication

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*Attorney:* John Greiner

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*Attorney:* Wendy L. O'Brien

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c/o Schwartz Montoya Legal, LLC  
424 South 27th Street, Suite 230  
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*Attorney:* Matthew F. Schwartz

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*Executor:* Marc Henshaw  
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*Attorney:* Anthony S. Dedola Jr.

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*Attorney:* Gerious T. George

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Ellwood City, PA 16117  
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*Attorney:* David K. Lucas

## Second Publication

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*Attorney:* Joseph Massaro

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*Attorney:* Anthony Dedola

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1375 East 9th Street, Suite 900  
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## First Publication

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c/o 125 Constitution Street  
Perryopolis, PA 15473

**PATRICIA ANN HULL, a/k/a PATTI ANN HULL, a/k/a PATTI A. HULL**, late of Stewart Township, Fayette County, PA (1)

*Personal Representative:* Holly D. Hull  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
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*Attorney:* Timothy J. Witt

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*Personal Representative:*  
Gregory M. Krofcheck  
c/o Watson Mundorff, LLP

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720 Vanderbilt Road  
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*Attorney:* Timothy J. Witt

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**CHARLES LEO MARKIEWICZ**, late of  
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281 Third Street  
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Kingston, PA 18704-5444  
*Attorney:* David E. Schwager

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**LARRY DALE SALISBURY, a/k/a LARRY  
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Fayette County, PA (1)

*Executor:* Dave Salisbury  
c/o Higinbotham Law Offices  
68 S. Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

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**LINDA MARIE SMITH**, late of Georges  
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Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

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## LEGAL NOTICES

### NONPROFIT - NOTICE OF ARTICLES OF INCORPORATION

Notice is hereby given that FAYETTE Mennonite Fellowship was incorporated on 4/15/26, under the provisions of the PA Nonprofit Corporation Law of 1988, as amended. The corporation is organized exclusively for charitable, religious, and educational purposes within the meaning of IRC Section 501(c)(3). NEVIN D. BEILER, Solicitor, BEILER LEGAL SERVICES PC, 105 S. Hoover Ave., New Holland, PA 17557

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[grahamm@somersetcountypa.gov](mailto:grahamm@somersetcountypa.gov)

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## JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA : CP-26-CR-0001304-2024  
vs. : No. 140 WDA 2026  
JESSE LEE BLACKBURN, JR. : Senior Judge Michael A. George

OPINION PURSUANT TO Pa. R.A.P. 1925(a)

In this appeal, Appellant, Jesse Lee Blackburn, Jr. raises four (4) claims of error by the Trial Court. Initially, the Court will address his final claim as the same relates directly to the undersigned's ability to author this 1925 Opinion. In his final claim, Appellant argues that the Trial Court abused discretion and committed reversible error by acting upon his Second Post-Sentence Motion following this Court's recusal from further proceedings.

On April 10, 2024, Appellant was charged by criminal complaint with two (2) Counts of Official Oppression pursuant to Section 5301 of the Pennsylvania Crimes Code, 18 Pa.

C.S.A. § 5301, one Count of False Imprisonment pursuant to Section 2903 of the Crimes Code, 18 Pa. C.S.A. § 2903, one Count of Propulsion of Missiles into an Occupied Vehicle, 18 Pa. C.S.A. § 2707, and two Summary Offenses. The affidavit of probable cause alleges that Appellant, who at the time was a Pennsylvania Constable, was involved in an incident resulting in his stop of a motor vehicle for a stop sign violation. The affidavit alleges Blackburn stopped the vehicle while on foot; refused to let the operator leave until he "apologized"; and ripped the doorhandle off of the vehicle and threw it at the vehicle as the vehicle was leaving the scene. Ultimately, after a jury trial held on September 11, 2025, the Appellant was convicted on one Count of Official Oppression as a misdemeanor of the second degree. Additionally, the Court entered verdicts of guilty on the two summary offenses. {1}

On November 17, 2025, the Appellant was ultimately sentenced on his conviction to 12 months of probation. Thereafter, on November 24, 2025, Appellant timely filed post-sentence motions. Without Opinion, the post-sentence motions were denied by the undersigned on December 18, 2025. On December 22, 2025, Detectives with the Adams County District Attorney's Office filed a criminal complaint against Appellant alleging harassment against Court staff for the 51st Judicial District (Adams County, Pennsylvania). {2} The affidavit of probable cause describes an electronic correspondence

{1} The Allegheny County District Attorney's Office prosecuted the Appellant due to conflicts on the part of the Pennsylvania Attorney General's Office and Fayette County District Attorney's Office. Apparently, the conflicts stemmed from various social media posts by Appellant which some might consider to be personal attacks on prosecutors from those respective offices. Additionally, the entire Fayette County Bench recused, and two Senior Judges appointed by the Pennsylvania Supreme Court withdrew as presiding Judges in this matter prior to the undersigned's appointment as a Senior Judge.

{2} The matter is docketed in the Adams County Court of Common Pleas at CP-01-CR-84-2026.

between the Appellant and 51st Judicial District Court Staff referencing the undersigned writer. {3} The affidavit alleges the interaction occurred on December 4, 2025. On December 31, 2025, Appellant filed his Second Post-Sentence Motion, essentially raising the same claims in his initial Post-Sentence Motion, with an additional claim that the undersigned improperly ruled upon his first Post-Sentence Motion at a time subsequent to being identified as a victim in a pending criminal action against Appellant. On January 22, 2026, this Court denied Appellant's Second Post-Sentence Motion, as it essentially sought reconsideration of the initial Post-Sentence Motion which was previously denied by the Court. Additionally, the undersigned recused himself from further proceedings in this matter and requested the appointment of another Senior Judge. {4}

Initially, it is important to note that your undersigned was unaware of the Adams County criminal charges against the Appellant, or the potential for such charges, until after they were actually filed. As of this writing, your undersigned has never spoken with representatives from the Adams County District Attorney's Office, nor any other investigator or prosecutor involved with the Adams County charges. Your undersigned was aware through Court Administration in both Adams and Fayette Counties that the Appellant had been forwarding emails to those entities; however, your undersigned specifically advised that he did not want to know the content of the emails or any other interaction with Appellant unless there was an immediate threat of physical harm. Any actions on the part of representatives of the 51st Judicial District to initiate an investigation against Appellant was not prompted by your undersigned nor was your undersigned aware of how or why the investigation was commenced. As of this writing, your undersigned has not read any email or audio exchanges between Appellant and the 51st Judicial District, other than what is in the public record in the affidavit of probable cause which this Court reviewed in writing this current Opinion. As such, Appellant's Second Post-Sentence Motion and the related current issue raised in appeal is meritless as this Court did not have any knowledge of the matters which might necessitate recusal until after Appellant's first Post-Sentence Motion was ruled upon.

Moreover, the principal purpose of a post-sentence motion is to provide the sentencing Court with the first opportunity to correct any alleged errors. *Commonwealth v. Cottman*, 476 A.2d 40, 44 (Pa. Super. 1984). Currently, Appellant's Second Post-Sentence Motion was an effort to gain a second bite at the apple from a Judge who had no involvement, nor was aware of the reasoning, for decisions made by the presiding judge. The Rules of Criminal Procedure simply do not authorize such a process. Appellant's claim that he was prejudiced by such action is meritless, as this Court's ruling on his Second Post-Sentence Motion does not impact in any way the finding of his guilt rendered by the jury. Just as importantly, any allegations of alleged trial error have been preserved, thereby permitting an independent evaluation of the trial proceedings by an Appellate Court. As such, this claim is meritless.

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{3} This Judge was formerly the President Judge of the 51st Judicial District prior to taking Senior Judge status in January, 2025.

{4} Although this Judge believed recusal was not necessary in addressing issues raised on appeal as the same concerned the Court's actions prior to the criminal charges being filed against Appellant, it was apparent that future litigation in this case would be necessary as the new criminal charges in Adams County constitute a potential probation violation of Appellant's Fayette County sentence.

Relatedly, although not raised, the undersigned finds it necessary to comment on my authorship of this 1925 Opinion after having previously recused in this matter. The purpose of the rule requiring a trial court to issue an opinion in support of its order is to provide the appellate court with a reasonable basis for the trial court's prior action. *Lemon v. Commonwealth, Dept. of Transp., Bureau of Driver Licensing*, 763 A.2d 534, 538 n.2 (Pa. Cmwlth. 2000). As this Opinion does not constitute a current discretionary act impacting the Appellant's guilt or sentence, the Opinion serves no further purpose than to assist the Appellate Court in identifying and focusing upon prior decisions made by the Trial Court. Pennsylvania Rule of Appellate Procedure 1925 requires the Judge whose Order is in question to explain the reasons for the Order. See Pa. R.A.P. 1925(a) (1). If this Court is in error in issuing such an Opinion, it can simply be disregarded by the Appellate Court.

In Appellant's 1925 Statement of Errors Complained Of on Appeal, Appellant next raises Trial Court error in failing to grant his Petition for Writ of Habeas Corpus and the Motion for Judgment of Acquittal. Appellant also raises as a separate claim this Court's partial grant of the Commonwealth's Pre-Trial Motion in Limine. All three issues relate to this Court's determination that Appellant, as a constable, did not possess legal authority as a matter of law to conduct the traffic stop at issue.

The cornerstone of Appellant's position is his claim that a constable has the right to conduct a vehicle stop for a stop sign violation under the theory that such a violation amounts to a breach of the peace. Unquestionably, Pennsylvania caselaw has confirmed, to some extent, the common law power of constables to arrest for felonies and breaches of the peace committed in their presence. *Commonwealth v. Allen*, 206 A.3d 1123 (Pa. Super. 2019). On the other hand, constables are clearly prohibited from enforcing motor vehicle code violations as they do not possess the legal authority to do so. See *Commonwealth v. Roose*, 710A.2d 1129, 1130(Pa.1998). Thus, Appellant's argument rests on the general proposition that stop sign violations under the Vehicle Code constitute per se breaches of the peace authorizing a constable to detain the motor vehicle operator. Absent Appellate Court adoption of such a broad claim, this Court rejected Appellant's position.

In *Commonwealth v. Roose*, supra, the Supreme Court instructed that in the absence of specific identifiable risks to public safety, a constable does not have the authority to detain a motorist for a violation of the Vehicle Code under the ruse of "breach of the peace." Instantly, there was no evidence of such a risk by the motorist's action in committing what was essentially described as a "California stop": slowing at a stop sign without making a complete stop where no other motorists are present at the intersection. In the absence of such an identifiable risk beyond that of a routine motor vehicle violation, this Court prohibited Appellant's claims that his actions were legal as a matter of law.

The final issue raised by Appellant is a claim that the verdict was against the weight of the evidence. The standard for reviewing whether a jury verdict is against the weight of the evidence is well established in Pennsylvania Law. "A new trial should not be granted because of a mere conflict in the testimony or because the judge on the same facts would have arrived at a different conclusion." *Commonwealth v. Clay*, 619 Pa. 423, 64 A.3d 1049, 1055 (2013). Rather, a new trial should only be awarded when the

jury's verdict is so contrary to the evidence so "as to shock one's sense of justice and the award of a new trial is imperative so that right may be given another opportunity to prevail." *Commonwealth v. Brown*, 538 Pa. 410,435, 648A.2d 1177, 1189 {1994}.

The elements necessary to prove a charge of official oppression require proof that a person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity, knowing that his conduct is illegal, subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights. 18 Pa. C.S. § 5301. With regard to the mens rea required to commit an act of official oppression, the Superior Court has noted that "knowing" means the accused must have been acting in bad faith when he subjected the other to the prescribed activities. See *Commonwealth v. Eisemann*, 453 A.2d 1045, 1048 (Pa. Super. 1982).

Instantly, trial testimony reflected that Appellant stepped in front of a moving vehicle from in between cars parked in the middle of a neighborhood block. Appellant was wearing black pants and a constable t-shirt, fully armed with a firearm and a ASP Baton and displayed a constable badge. After a brief discussion, the operator of the vehicle asked him if he was a police officer, to which he said no, claiming that he was a constable. Thereafter, Appellant demanded a personal apology from the operator of the vehicle. When the operator asked him if he was going to issue a traffic citation, Appellant responded that he was not permitted to do so, but that he was not going to allow the vehicle to leave unless he received an apology. When the operator attempted to put his vehicle in reverse to leave the scene the Appellant ripped the doorhandle from the vehicle and threw it at the operator's vehicle. The operator indicated that there were no other vehicles, pedestrians or safety hazards in the area of the stop sign. When Appellant was subsequently interviewed by the police, he acknowledged that he was not permitted to stop vehicles for summary offenses; however, he claimed he had the authority to do so if a breach of the peace was committed in his presence. Appellant testified at trial that he believed he had the authority to conduct a traffic stop as the same constituted a breach of the peace: Alternatively, he claimed to be performing traffic control duties pursuant to Section 3102 of the Pennsylvania Motor Vehicle Code (related to obedience to authorized persons directing traffic).

Appellant's self-serving claims that he believed he had legal authority to conduct the traffic stop was rejected by the jury. That determination does not offend this Court's conscience. Rather, the jury's verdict is consistent with a fair reading of the evidence. Appellant's own statements indicated awareness that he was not legally authorized to enforce the motor vehicle code. His attempt to bootstrap a "breach of the peace" justification is undermined by his trial testimony that he had authority to conduct the stop under Section 3102 of the Vehicle Code. Indeed, by his own admission he was aware of Appellate Court authority which prohibited constables from conducting vehicle stops for motor vehicle code violations. His claim of "breach of the peace" is belied by his request for apology and acknowledgement that he could not issue a citation. Indeed, had such a breach of the peace occurred sufficient to authorize his vehicle stop, one might rationally conclude that the only appropriate action in such a situation is to detain the operator and contact lawful authorities who could effectuate arrest if necessary. Appellant, however, did not do so. Rather, he unlawfully insisted that the operator of the vehicle remain in his custody until an apology was provided. His subsequent actions in rip-

ping the doorhandle from the vehicle and throwing it at the operator further corroborate his irrational and illegal behavior. Accepting Appellant's incredible claim that he believed he was acting within his legal authority under these circumstances in essence, nullifies a reasonable finding made by the jury based upon the evidence. Such a conclusion is contrary to appellate authority and therefore, lacks merit.

BY THE COURT:  
MICHAEL A. GEORGE  
Senior Judge

Date: April 2, 2026

## LUNCH & LEARN SERIES

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

- Date: **Tuesday, April 28th from 12:00 p.m. to 1:30 p.m.**
- Location: **Fayette County Courthouse - Courtroom Four**
- Discussion topic: **Introduction to Restoring a Pennsylvania Driver's License**
- Presenter: **Pamela Enck, Esquire - Summit Legal Aid**

On Friday, May 15th, the Fayette County Bar Association is partnering with Summit Legal Aid and PA State Representative Charity Grimm Krupa to hold a Driver's License Restoration Clinic at One Voice One Community in Uniontown.

Volunteer attorneys can help individuals regain their independence by providing one-on-one legal consultations to navigate driver's license restoration requirements. Attorneys can also provide personalized guidance on whether clinic attendees can be eligible for a suspension appeal, or limited licenses including Occupational Limited Licenses, Ignition Interlock Licenses, or Probationary Licenses.

The CLE presented by Summit Legal Aid will equip volunteer clinic attorneys with the knowledge to analyze individual circumstances from PennDOT Driver's License Suspension Letters, Driver History Records, and potential criminal records to provide guidance on how to move forward, and whether additional legal assistance beyond the clinic may be required.

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### **Attendance Fees**

Members of the FCBA - \$15

Attorneys admitted after January 1, 2021 - \$5

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**\*\* All fees to be paid at the door \*\***

Lunch will be provided.

### **RSVP**

If interested in attending, please call Leslie at the Bar office at 724-437-7994 or email to [admin@fcbar.org](mailto:admin@fcbar.org) on or before Monday, April 27th.