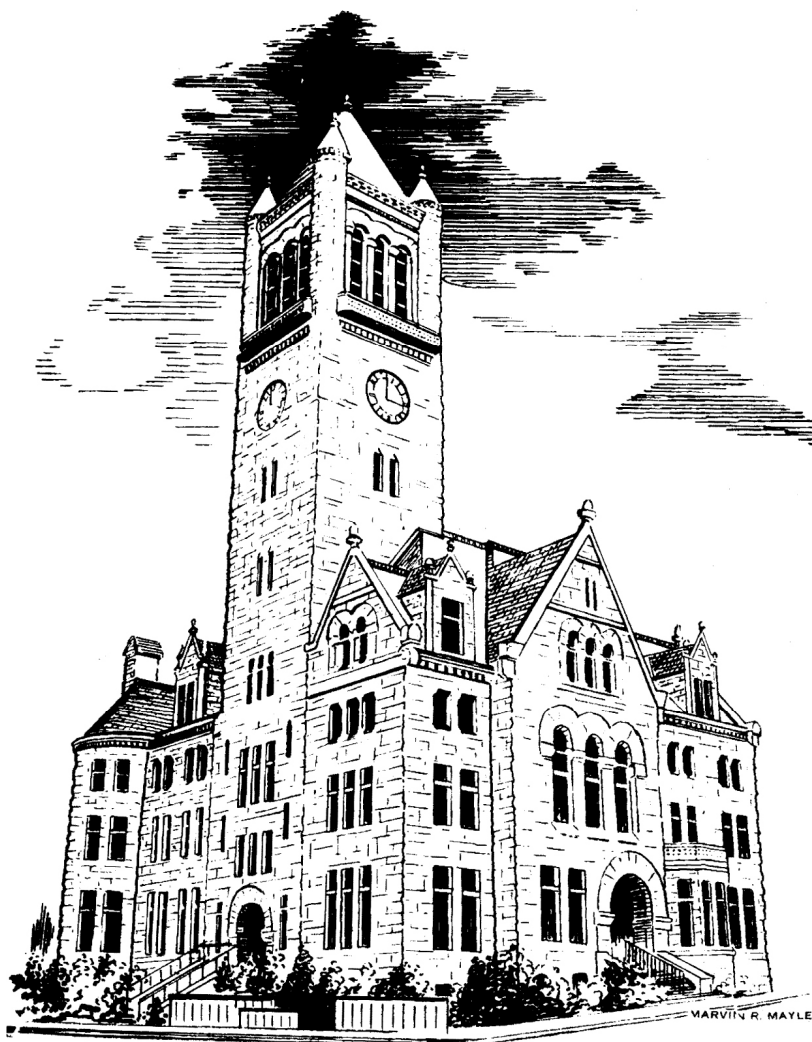


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Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay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

Third Publication

JOSEPH HERBERT MEREDITH, a/k/a JOSEPH H. MEREDITH, late of Georges Township, Fayette County, PA (3)
Executor: Harry Jefferson Strauser, III
 c/o Webster & Webster
 51 East South Street
 Uniontown, PA 15401

CHARLOTTE ANNE MILLER, late of Dunbar Township, Fayette County, PA (3)
Executor: Lawrence L. Miller
 c/o PO Box 463
 1600 Morrell Avenue
 Connellsville, PA 15425
Attorney: Richard E. Bower

DENNIS ORDWAY, late of South Union Township, Fayette County, PA (3)
Executrix: Janice Rocks
 73 Connor Street
 Uniontown, PA 15401

ADA M. ROCKWELL, late of North Union Township, Fayette County, PA (3)
Executrix: Colleen M. Smitley
 c/o Radcliffe Martin Law, LLC
 648 Morgantown Road, Suite B
 Uniontown, PA 15401
Attorney: William M. Martin

NIKKI JO RUGG, late of Henry Clay Township, Fayette County, PA (3)
Administratrix: Joy Rugg
 c/o Law Offices of Philip H. Rubenstein
 312 2nd Avenue
 Carnegie, PA 15106
Attorney: Philip H. Rubenstein

THOMAS E. SANKOVICH, late of Vanderbilt, Fayette County, PA (3)
Co-Executors: Thomas A. Sankovich and Brian E. Sankovich
 c/o Loftis Law Firm
 1650 Broadway Avenue
 Pittsburgh, PA 15216
Attorney: Megan Loftis

MARK SUTTON, a/k/a MARK A. SUTTON, North Union Township, Fayette County, PA (3)
Administrator: Richard A. Grimm
 c/o DeHaas Law, LLC
 51 East South Street
 Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

WAYNE H. SWARTZ, late of Menallen Township, Fayette County, PA (3)
Executrix: Martha O. Swartz
 c/o Goodwin Como, P.C.
 92 East Main Street, Suite 1
 Uniontown, PA 15401
Attorney: Benjamin F. Goodwin

BARBARA A. ZAYAK, late of Labelle, Fayette County, PA (3)
Personal Representative: Nicholas Zayak
 c/o Dellarose Law Office PLLC
 111 East Main Street, Second Floor
 Uniontown, PA 15401
Attorney: Melinda Deal Dellarose

JOAN A. ZEPPPO, late of South Union Township, Fayette County, PA (3)
Executrix & Successor of Trustee:
 Sandra Yezbak
 c/o Webster & Webster
 51 East South Street
 Uniontown, PA 15401

Second Publication

BETTY E. BURNSWORTH, late of South Union Township, Fayette County, PA (2)
Personal Representative:
 Darrell Edward Harper
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Timothy J. Witt

LENA GARCHER, late of Franklin Township,
Fayette County, PA (2)
Executor: Joseph P. Garcher
c/o Davis & Davis Attorneys at Law
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

GAYFORD KERNS, late of Uniontown,
Fayette County, PA (2)
Personal Representative: Faye Kerns
c/o 178 Oakland Avenue
Uniontown, PA 15401

SANDRA LEE SHOEMAKER, late of South
Union Township, Fayette County, PA (2)
Executrix: Susan R. Shoemaker
c/o Goodwin Como, P.C.
92 East Main Street, Suite 1
Uniontown, PA 15401
Attorney: Benjamin F. Goodwin

STEPHEN SKALA, late of McClellandtown,
Fayette County, PA (2)
Executrix: April Shuman
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

EDWARD JOSEPH SULLIVAN, late of
Nicholson Township, Fayette County, PA (2)
Administrator: Terrance Sullivan
c/o 4 North Beeson Bouvard
Uniontown, PA 15401
Attorney: Sheryl R. Heid

DELBERT ALLEN VALENTINE, late of
Adah, German Township, Fayette County, PA
Administrator: Shelly Marie Valentine (2)
c/o 650 Riffle Hollow Road
McClellandtown, PA 15458

First Publication

**RUBY CATHERINE BONNEY, a/k/a
CATHERINE BONNEY, a/k/a RUBY C.
BONNEY**, late of South Union Township,
Fayette County, PA (1)
Executor: Thomas E. Bonney
224 East Street Road, Suite 1
Kennett Square, PA 19348
Attorney: John R. Twombly, Jr.

JOSEPHINE C. HAGER, late of Menallen
Township, Fayette County, PA (1)
Administratrix: Janet Marie Smearcheck
c/o Newcomer Law Offices
4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Ewing D. Newcomer

JAMES KLINK, late of Uniontown, Fayette
County, PA (1)
Executrix: Ashley Zebro
c/o 401 First Street
Chestnut Ridge, PA 15422

**PATRICIA TATE, a/k/a PATRICIA A.
TATE, a/k/a PATRICIA ANN TATE**, late of
Redstone Township, Fayette County, PA (1)
Administrator: Paul J. Tate
c/o DePaulis Law, LLC
1711 Lincoln Way
White Oak, PA 15131
Attorney: Amanda DePaulis

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
No. 791 of 2026, G.D.

ROBIN WALTERS and RONALD
WALTERS, JR.,
Plaintiffs,
vs.

TISHA ALLEN, JERICA ALLEN,
ASHLEY ALLEN, and PATRICIA BARNES,
Defendants.

NOTICE

TO: TISHA ALLEN

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JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA :
Plaintiff, :
v. :
ROBERT RICE : No. 1983 of 2024
Defendant. : Honorable Linda R. Cordaro

OPINION

Linda R. Cordaro, J. April 13, 2026

Before this Court is Defendant's Omnibus Pretrial ("OPT") motion for suppression and habeas corpus. At a hearing on March 11, 2026, the Court received body camera footage from Pennsylvania State Police Trooper Ally Wilson and the Affidavit of Probable Cause. Additionally, the Court has reviewed memoranda of law from both the Commonwealth and the Defendant.

After consideration, and for the following reasons, Defendant's Motion is GRANTED IN PART AND DENIED IN PART to Count 1, suppression of statements and suppression of chemical blood tests, and DENIED as to Count 2, habeas corpus.

SUMMARY

The following facts were established via the body camera footage and Affidavit of Probable Cause. On May 27, 2024, Trooper Ally Wilson responded to a vehicle accident in the Borough of Brownsville. Upon arriving at the scene, Trooper Wilson spoke with passengers of the other vehicles involved. She learned that the driver of a Kia involved in the accident had already been transported to the hospital. Other first responders on the scene suggested to Trooper Wilson that the driver of the Kia, the Defendant, appeared to be under the influence. The trooper also spoke with Defendant's girlfriend and the vehicle's owner, Alisha Symcheck. Ms. Symcheck informs Trooper Wilson that the Defendant takes methadone. After discussing insurance and registration with Ms. Symcheck, Trooper Wilson says to other first responders at the scene that "she's alright to drive, but she's not all there either." Axon Body Cam 3 at 18:40. Trooper Wilson further discussed the Defendant's demeanor with first responders. She was informed that the Defendant could not answer all the questions the first responders had asked him, and he had a "wobbly gait." 19:02. After hearing a loud noise, Trooper Wilson stated, "if she can make it home, that's all I care about," in regard to Ms. Symcheck. 20:06.

Trooper Wilson then goes to the hospital where the Defendant was taken. The Defendant is in a hospital bed, wearing a hospital gown, and connected to a monitor. The trooper tells the Defendant that she is there investigating the crash and she inquires about what happened. The Defendant tries to explain, but he is having difficulty recalling what exactly happened. Trooper Wilson asks him whether he hit his head, to

which the Defendant responds that he did not, and the trooper says "then why are you having so much trouble remembering where the crash is?" Axon Body Cam 3 at 8:33. Trooper Wilson begins questioning the Defendant about what prescriptions he is on, and she informs him that she already knows he is on methadone. Throughout the rest of the video, Trooper Wilson inquires about Defendant's past and current drug use. She asks why the Defendant is on methadone and about the last time he used heroin. Following a HGN test, Trooper Wilson tells Defendant that she believes he is impaired. 15:18. She questioned whether methadone was the only possible substance the Defendant could be impaired by, to which he responds that is correct. Trooper Wilson states, "it just doesn't make sense, I don't understand how you just drove into the back of a car and you can't even tell me where it was. We're a block from your house." The Defendant remains silent, to which the trooper continues "I'm telling you, I am seeing signs of impairment here, and I think it is more than methadone." 16:01. At this point, Trooper Wilson explains that she is requesting a blood draw from Defendant, and she states, "if the levels show impairment, then you are going to be charged with DUI." 17:24. The footage continues with Trooper Wilson repeatedly expressing her belief that the Defendant must be impaired. Additionally, she continues to ask questions to the Defendant, including how he used heroin, whether he shot it up, whether Ms. Symcheck is clean, if she is on methadone, and when was the last time she used. The Defendant mentions he has had relapses since getting clean, and Trooper Wilson inquired into when those relapses occurred. The Defendant was never provided Miranda warnings.

DISCUSSION

The first issue of Defendant's OPT motion is that the Defendant's statements at the hospital should be suppressed because this was a custodial interrogation and the Defendant was never Mirandized. The Court agrees.

It is well-established jurisprudence that a custodial interrogation triggers the need for Miranda warnings. See *Commonwealth v. Mannion*, 725 A.2d 196, 200 (Pa. Super. 1999). "Custodial interrogation has been defined as 'questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his [or her] freedom of action in any significant way.'" *Id.* quoting *Miranda v. Arizona*, 384 U.S. 436,444 (1966).

The Commonwealth and the Defendant both presented this Court with memoranda of law in consideration of whether this was a custodial interrogation. The Defendant relied on *Whitehead*. There, the Court affirmed the suppression of statements under nearly identical circumstances to Mr. Rice. See *Commonwealth v. Whitehead*, 629 A.2d 142 (Pa. Super. 1993). Identical to *Whitehead*, Trooper Wilson went to the hospital with the understanding that there was a high probability the Defendant was under the influence. Whereas, the Commonwealth contends that the purpose of the Trooper's questioning was merely for the purpose of completing the accident report. Here, Trooper Wilson had been told by other first responders at the scene that the Defendant appeared under the influence, and she had been informed by Ms. Symcheck that he was on methadone. The Commonwealth relies on *Fento*, in which the Court found statements made by a defendant at the hospital did not need suppressed. See *Commonwealth v. Fento*, 526 A.2d 784 (Pa. Super. 1987). However, there, the questioning only lasted five minutes, and it was only upon speaking with the defendant that the officer become suspicious of

possible impairment. Fento is quite distinguishable from the present case. The interaction between Trooper Wilson and the Defendant lasted for approximately 55 minutes. Additionally, Trooper Wilson was well-aware of the possibility of impairment, and the purpose of her questioning was accusatory, much like a criminal investigation rather than for the mere purpose of completing an accident report. She repeatedly told the Defendant that she believed that he was impaired. Within the first 15 minutes of this 55-minute-long interaction, the trooper assured the Defendant that he would be arrested if his blood results showed impairment. Further, Trooper Wilson's questioning far exceeded the scope of the kinds of questioning necessary to complete an accident report. She asked the Defendant about his prior drug use, whether he "shot up" heroin, whether his girlfriend was clean and on methadone, and how long it had been since he last relapsed.

For these reasons, the Defendant should have been Mirandized, and because he was not, any statements that he made at the hospital must be suppressed. Thus, Defendant's motion to suppress statements is hereby GRANTED.

The Defendant also contends the chemical blood test results must be suppressed because they are the fruit of the poisonous tree. The Court disagrees. It is well-established that "the fruit of the poisonous tree doctrine does not extend to physical evidence revered due to Miranda violations." *Commonwealth v. Jones*, 193 A.3d 957, 965 (Pa. Super. 2018). Further, in *Funk*, the Court held, "blood samples are not testimonial evidence, and come under the protection of the fourth, not the fifth, amendment ... and therefore, do not get Miranda protections." *Commonwealth v. Funk*, 385 A.2d 995, 1000 (Pa. Super. 1978). Even in *Whitehead*, the Court found that the blood results did not need suppressed, even though the Defendant consented subsequent to an unconstitutional interrogation. *Whitehead*, 629 A.2d 142, 146.

For law enforcement to ask for blood testing, there must be "reasonable grounds" to suspect such impairment. 75 Pa. C.S.A. § 1547(a). Here, it was reasonable for Trooper Wilson to suspect impairment. She was aware of the fact the Defendant was on methadone. Based on her observation, which is apparent in the video, the Defendant seemed impaired. He had difficulty recalling the accident, even where it occurred, and his statements were not cohesive. Defendant's consent to the blood test was voluntary, and Trooper Wilson gave him a choice to refuse the test.

For these reasons, the blood results do not need suppressed. Thus, Defendant's motion to suppress the chemical blood testing is hereby DENIED.

Defendant requests habeas corpus because without the statements or the blood results, the Commonwealth does not have a prima facie case against him. The blood results are admissible, and therefore, Count 2 of Defendant's OPT motion is hereby DENIED.

ORDER

AND NOW, this 13th day of April, 2026, in consideration of the Defendant's Omnibus Pretrial Motion and for the reasons set out in this Court's opinion, the Defendant's motion is GRANTED in part and DENIED in part.

The motion is GRANTED as to the suppression of the Defendant's statements at the hospital. The motion is DENIED as to the suppression of the blood test results and the petition to habeas corpus.

The Commonwealth shall list this case for trial.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Prothonotary