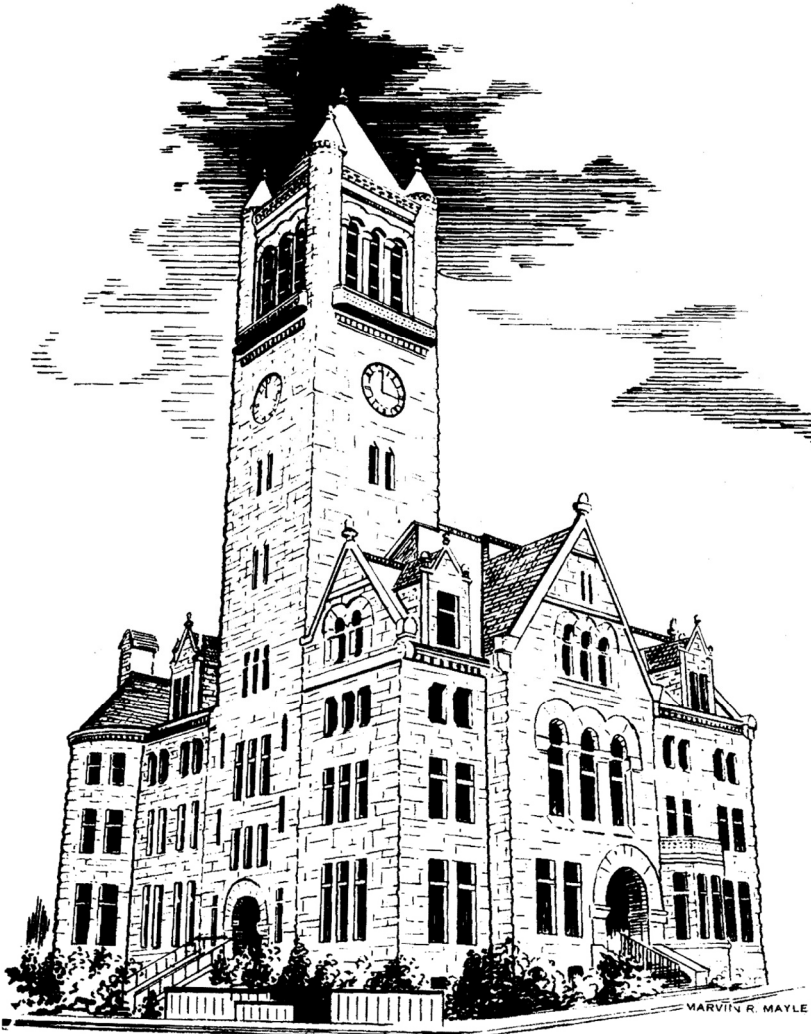


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ESTATE NOTICES

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

DEBRA BRATTON, a/k/a DEBRA L. SAVAGE BRATTON, late of Wharton Township, Fayette County, PA (3)
Executor: Thomas A. Bratton
 c/o Kopas Law Offices
 556 Morgantown Road
 Uniontown, PA 15401
Attorney: John Kopas

NINA CULVER, late of Dunbar Township, Fayette County, PA 15401 (3)
Co-Executrix: Connie L. Sewchek and Perry Culver, Jr.
 c/o Rowan Law Office
 890 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Mark Rowan

EUGENE A. SPOTTO, late of Connellsville Township, Fayette County, PA (3)
Personal Representative: Ignatius Spotto
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Timothy J. Witt

EDWARD T. STEVENSON, late of Newell, Fayette County, PA (3)
Personal Representative:
 Herbert G. Mitchell, Jr.
 c/o Mitchell Law Office
 902 First Street
 P.O. Box 310
 Hiller, PA 15444
Attorney: Herbert G. Mitchell, Jr.

Second Publication

RUTH L. BARNEY, late of North Union Township, Fayette County, PA (2)
Executrix: Wendy Schiffbauer
 c/o Webster & Webster
 51 East South Street
 Uniontown, PA 15401
Attorney: Webster & Webster

CLARENCE BROWN, a/k/a CLARENCE L. BROWN, JR., late of Connellsville, Fayette County, PA (2)
Administrator: Gregory A. Brown
 208 Elm Drive
 Mt. Pleasant, PA 15666
 c/o 749 North Church Street
 Mt. Pleasant, PA 15666
Attorney: Paul Toohey

ARTHUR SAMUEL CERULLO, SR., late of Masontown, Fayette County, PA (2)
Administrator: Arthur Samuel Cerullo, Jr.
 91 Devan Avenue
 Uniontown, PA 15401
 Co-Administrator: Faith Sandra Riggin
 c/o Pollock Morris Belletti & Simms, LLC
 54 South Washington Street
 Waynesburg, PA 15370
Attorney: Amber N. Shipley

FREDERICK DEVOND DANTZLER, a/k/a FREDERICK D. DANTZLER, late of German Township, Fayette County, PA (2)
Executrix: Marilyn L. Calloway
 315 Footedale Road
 Uniontown, PA 15401
 c/o Newcomer Law Offices
 4 North Beeson Boulevard
 Uniontown, PA 15401
Attorney: Ewing D. Newcomer

MICHAEL J. DAVIDSON, a/k/a MICHAEL JOE DAVIDSON, late of Uniontown, Fayette County, PA (2)
Executrix: Josephine M. Davidson
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: James T. Davis

THERESA A. DORSEY, a/k/a THERESA ANN DORSEY, late of Redstone Township, Fayette County, PA (2)

Administrator: John P. Dorsey
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

DORIS M. ERNEST, late of Point Marion, Fayette County, PA (2)

Executor: Douglas Ernest
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

MARILYN E. KIRKPATRICK, late of Jefferson Township, Fayette County, PA (2)

Personal Representatives: Sherry R. Askey and Teri L. Kirkpatrick
c/o Dellarose Law Office, PLLC
99 East Main Street, Suite 101
Uniontown, PA 15401
Attorney: Melinda Deal Dellarose

FRANCES KLINK, late of Uniontown, Fayette County, PA (2)

Co-Executors: Jerry Robert Klink and Janis L. McGee
c/o 6000 Brooktree Road, Suite 301
Wexford, PA 15090
Attorney: Bradley Dornish

BEATRICE J. MARUCCI, late of South Union Township, Fayette County, PA (2)

Executor: Francesco L. Nepa
c/o Webster & Webster
51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

LOIS OLEXA, a/k/a LOIS A. OLEXA, late of Jefferson Township, Fayette County, PA (2)

Personal Representative: Joseph P. Olexa
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James Higinbotham

HERBERT WAYNE REESE, a/k/a H. WAYNE REESE, late of Georges Township, Fayette County, PA (2)

Executrix: Linda Lu Reese Kosal
321 Rubles Mill Road
Smithfield, PA 15478
c/o Jackson Kelly, PLLC
P.O. Box 619
Morgantown, WV 26507-0619
Attorney: Martha M. Hall

WILMA G. REESE, late of Georges Township, Fayette County, PA (2)

WILMA G. REESE TRUST, an existing revocable trust that became irrevocable upon the death of its settlor

Personal Representative:
United Bank, Inc., Successor Trustee
P.O. Box 393
Charleston, WV 25322
c/o Jackson Kelly, PLLC
P.O. Box 619
Morgantown, WV 26507-0619
Attorney: Martha M. Hall

JANET L. SNOWDON, a/k/a JANET LEE SNOWDON, late of Uniontown, Fayette County, PA (2)

Co-Administrators: Jamie Lee Snowdon-Hibbs and Jacqueline Kay Miller
c/o 39 Francis Street
Uniontown, PA 15401
Attorney: Jack R. Heneks, Jr.

C. MERWIN SUMEY, a/k/a CYLDE MERWIN SUMEY, a/k/a CYLDE M. SUMEY, a/k/a CLYDE SUMEY, a/k/a MERWIN SUMEY, late of North Union Township, Fayette County, PA (2)

Executors: Jeffrey Scott Sumey and Lisa Jo Sproul
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

MARTHA E. WOODS, late of Redstone Township, Fayette County, PA (2)

Administrator: Michael Moody
c/o 39 Francis Street
Uniontown, PA 15401
Attorney: Jack R. Heneks, Jr.

First Publication

RAYMOND E. BIDDLE, a/k/a RAYMOND E. BIDDLE, JR., a/k/a RAYMOND BIDDLE, late of North Union Township, Fayette County, PA ⁽¹⁾

Administratrix: Belinda L. Smith
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

MACE C. COUGHENOUR, late of Bullskin Township, Fayette County, PA ⁽¹⁾

Executrix: Dorothy J. Faith
439 Johnson Lane
Connellsville, PA 15425
c/o 32 West Third Street
Greensburg, PA 15601
Attorney: Peter P. Cherellia

JOHN E. KAVULICK, a/k/a JOHN EDWARD KAVULICK, late of Perry Township, Fayette County, PA ⁽¹⁾

Administrator: John Everett Kavulick
1593 Banning Road
Dawson, PA 15428
c/o Bassi, Vreeland & Associates, P.C.
P.O. Box 144
111 Fallowfield Avenue
Charleroi, PA 15022
Attorney: David B. Bassi

JOHN PRITTS, late of Saltlick Township, Fayette County, PA ⁽¹⁾

Executor: Marvin D. Snyder
c/o Snyder & Snyder Law, PLLC
17 North Diamond Street
Mt. Pleasant, PA 15666
Attorney: Marvin Snyder

KENNETH LEE SHAW, SR., a/k/a KENNETH L. SHAW, SR., late of Connellsville Township, Fayette County, PA ⁽¹⁾

Executor: Kenneth L. Shaw, Jr.
1613 South Pittsburgh Street
Connellsville, PA 15425
c/o 201 North Chestnut Street
P.O. Box 342
Scottdale, PA 15683
Attorney: James S. Lederach

JOSEPH E. SMITHLEY, a/k/a JOSEPH EDWARD SMITLEY, late of Dunbar Borough, Fayette County, PA ⁽¹⁾

Personal Representative:
Angela Jo Smitley
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

WILLIAM SUFFERN, a/k/a WILLIAM EDWARD SUFFERN, late of Connellsville, Fayette County, PA ⁽¹⁾

Administrators: Linda R. McCabe and Kathleen A. Nicholson
519 Tukosh Street
Tarrs, PA 15688
c/o 749 North Church Street
Mount Pleasant, PA 15666
Attorney: Paul Toohey

LEGAL NOTICES

*** NO LEGAL NOTICES ***

SHERIFF'S SALE

Date of Sale: March 16, 2023

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 March 16, 2023, 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. 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.

(3 of 3)

James Custer
Sheriff of Fayette County

No. 1842 of 2022 GD
No. 257 of 2022 ED

**KeyBank, NA, s/b/m First Niagara Bank, NA
Plaintiff,
vs.
Daniel S. Baran, as Executor of the Estate of
Joseph E. Baran, AKA Joseph Edward Baran
Defendant**

ALL that certain parcel of land lying and being situate in the Township of Dunbar, County of Fayette, and Commonwealth of Pennsylvania, known as 235 Little Summit Road, Dunbar, PA 15431 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 09-20-0057

BEING the same premises which Edwina Joy Baran, no marital status shown, by Deed dated July 7, 1995 and recorded in and for Fayette County, Pennsylvania in Deed Book 1563, Page 0264, granted and conveyed unto Joseph E. Baran.

SHNAYDER LAW FIRM, LLC

By: Jennie Shnyder, Esquire
ID. No. 315213

148 East Street Road, Suite 352

Feasterville, PA 19053

Phone: 215-834-3103

Fax: 215-565-2679

jennie@shnyderlawfirm.com

No. 2002 of 2022 GD

No. 284 of 2022 ED

EDWARD BROWN

vs.

**HOLLY BRINKER, ADMINSTRATOR OF
THE ESTATE OF SHARON L. DANIELS,
DECEASED**

ALL THAT CERTAIN parcel of land in Dunbar Township, Fayette County, Commonwealth of Pennsylvania.

TAX PARCEL # 09-20-0058

PROPERTY ADDRESS: 233 Little Summit Road, Dunbar, PA 15431

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
 A Florida Limited Liability Company
 133 Gaither Drive, Suite F
 Mt. Laurel, NJ 08054
 Phone: (855) 225-69006
 Fax: (866) 381-9549
 No. 1053 of 2022 GD
 No. 258 of 2022 ED

Brock & Scott, PLLC
 No. 1932 of 2022 GD
 No. 251 of 2022 ED

LAKEVIEW LOAN SERVICING, LLC
Plaintiff
 v.
RITA A. BRITT A/K/A RITA BRITT
Defendant(s)

ALL THOSE CERTAIN LOTS OR
 PIECES OF GROUND SITUATE IN THE
 SOUTH UNION TOWNSHIP, FAYETTE
 COUNTY, PENNSYLVANIA:
 BEING KNOWN AS: 128 HUTCHINSON
 STREET UNIONTOWN (SOUTH UNION), PA
 15401
 BEING PARCEL NUMBER: 34-34-0028

FREEDOM MORTGAGE CORPORATION
 v.
STEPHEN B HIGBY

By virtue of a Writ of Execution No. 2022-01932

FREEDOM MORTGAGE CORPORATION
 v.
 STEPHEN B HIGBY

owner(s) of property situate in the GEORGES
 TOWNSHIP, FAYETTE County, Pennsylvania,
 being 74 Sheldon Avenue, Fairchance, PA
 15436

Tax ID No. 14-31-0103
 Improvements thereon: RESIDENTIAL
 DWELLING
 Judgment Amount: \$176,140.05

Vitti Law Group, Inc.
 BY: Lois M. Vitti, Esquire
 PA ID #209865
 663 Fifth Street
 Oakmont PA 15139
 (412) 281-1725

No. 126 of 2022 GD
 No. 256 of 2022 ED

Richard M. Squire & Associates, LLC
 By: M. Troy Freedman, Esquire
 ID. Nos. 85165
 One Jenkintown Station, Suite 104
 115 West Avenue
 Jenkintown, PA 19046
 Telephone: 215-886-8790
 Fax: 215-886-8791

No. 1229 of 2022 GD
 No. 288 of 2022 ED

Pennsylvania Housing Finance Agency,
Plaintiff,
 vs.
Gerald J. Henschell and Selena Shockley,
Defendants.

Luzerne Twp, Cty of Fayette, Cmwltth of
 PA, HET a dwg k/a 657 Main Street,
 Merrittstown, PA 15463. Parcel No. 19-29-0093

**U.S. Bank National Association, not in its
 individual capacity but solely as trustee for
 the RMTP Trust, Series 2019-C**

PLAINTIFF
 v.
Gail Dickison Jacobs
DEFENDANT.

TAX PARCEL NO.: 38-13-0013
 PROPERTY ADDRESS: 13 Edgemont
 Drive, Uniontown, PA 15401
 IMPROVEMENTS: Single Family
 Dwelling

SEIZED AND TAKEN in execution as the
 property of Gail Dickison Jacobs
 BEING Parcel ID 38-13-0013
 Being the same premises that Dewayne
 Jacobs Sr. by deed dated 8/22/2007 and recorded
 9/4/2007 in the office of the Recorder of Deeds

in the County of Fayette, Commonwealth of Pennsylvania in Book 3038, Page 225 and as Instrument No. 200700012756

Dewayne Jacobs Sr. departed this life on 5/6/2011 thereby vesting title to Gail Dickison Jacobs

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

No. 317 of 2018 GD
No. 262 of 2022 ED

Vitti Law Group, Inc.
BY: Lois M. Vitti, Esquire
PA ID #209865
663 Fifth Street
Oakmont PA 15139
(412) 281-1725

No. 648 of 2022 GD
No. 255 of 2022 ED

Pennsylvania Housing Finance Agency,
Plaintiff,
vs.

Justin D. Knopsnider and Jessica Knopsnider,
Defendants.

Twp of Bullskin, Cty of Fayette, Cmwlth of PA, HET a dwg k/a 718 Breakneck Road, Connellsville, PA 15425. Parcel No. 04-36-0147

No. 1694 of 2022 GD
No. 248 of 2022 ED

PNC Bank, National Association
Plaintiff,
vs.

Patricia L. Mitchell; John Mitchell
Defendants.

ALL that certain parcel of land lying and being situate in the City of Uniontown, County of Fayette, and Commonwealth of Pennsylvania, known as 1 Veech Street, Uniontown, PA 15401 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 38-10-0130

BEING the same premises which E. Louise Bartruff, an unmarried widow, by Deed dated August 17, 2018 and recorded in and for Fayette County, Pennsylvania in Deed Book 3381, Page 686, granted and conveyed unto Patricia L. Mitchell and John Mitchell, her husband.

M&T BANK
1 Fountain Plaza
Buffalo, NY 14203
Plaintiff
vs.

HAROLD N. PENNINGTON III
JULIE A PENNINGTON A/K/A JULIA A. PENNINGTON
Mortgagor(s) and Record Owner(s)
132 North 6th Street
Connellsville, PA 15425
Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN CITY OF CONNELLSVILLE, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 132 NORTH 6TH STREET, CONNELLSVILLE, PA 15425 132 NORTH SIXTH STREET, CONNELLSVILLE, PA 15425 132N 6TH STREET, CONNELLSVILLE, PA 15425 132N 6TH STREET, CONNELLSVILLE, PA 15425 132N 6TH STREET, CONNELLSVILLE, PA 15425 132 NORTH 6TH STREET, CONNELLSVILLE, PA 15425 132N 6TH STREET, CONNELLSVILLE, PA 15425

TAX PARCEL #05-06-0562 & 05-06-0563 IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: HAROLD N. PENNINGTON III AND JULIE A PENNINGTON A/K/A JULIA A. PENNINGTON

ATTORNEY: KML LAW GROUP, P.C.

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
 A Florida Limited Liability Company
 133 Gaither Drive, Suite F
 Mt. Laurel, NJ 08054
 Phone: (855) 225-69006
 Fax: (866) 381-9549

No. 847 of 2022 GD
 No. 269 of 2022 ED

LAKEVIEW LOAN SERVICING, LLC,
Plaintiff
v.

JACQUELINE PERRYMAN, IN HER CAPACITY AS ADMINISTRATRIX AND HEIR OF THE ESTATE OF TRAVIS R. PERRYMAN A/K/A TRAVIS RAY PERRYMAN; HARRY R. PERRYMAN, IN HIS CAPACITY HEIR OF TRAVIS R. PERRYMAN A/K/A TRAVIS RAY PERRYMAN; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, AND ALL PERSONS, FIRMS, OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER TRAVIS R. PERRYMAN A/K/A TRAVIS RAY PERRYMAN

Defendant(s)

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

BEING KNOWN AS: 815 HIGH RD DUNBAR, PA 15431

BEING PARCEL NUMBER: 09310299

Jill M. Fein, Esquire
 Hill Wallack LLP
 777 Township Line Road, Suite 250
 Yardley, PA 19067
 (215) 579-7700

No. 618 of 2019 GD
 No. 271 of 2022 ED

Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-1

Plaintiff

v.

Charles Samuel Smith and Valerie Suzanne Smith

Defendant

By virtue of a writ of execution case number: 2019-618

Plaintiff: Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-1
 v.

Defendant: Charles Samuel Smith and Valerie Suzanne Smith
 owners of property situate in the Springhill Township, Fayette County, Pennsylvania, being pin number 36-05-0029

Property being known as: 126 a/k/a 127 Georges Creek Road, Smithfield, PA 15478

Improvements thereon: Residential Property

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

No. 130 of 2022 GD
 No. 252 of 2022 ED

PENNYMAC LOAN SERVICES, LLC
3043 Townsgate Road
Suite 200

Westlake Village, CA 91361
Plaintiff

vs.

SAMUEL D. SNYDER
Mortgagor(s) and Record Owner(s)
102 South Liberty Street
Masontown, PA 15461

Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN MASONTOWN BORO, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 102 SOUTH LIBERTY STREET, MASONTOWN, PA 15461

TAX PARCEL #21-07-0067
 IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: SAMUEL D. SNYDER

ATTORNEY: KML LAW GROUP, P.C.

No. 233 of 2018 GD
No. 254 of 2022 ED

No. 1138 of 2022 GD
No. 264 of 2022 ED

STONE & COMPANY,

Plaintiff

vs

DONALD M. VERNEY and JOANN F. VERNEY,

Defendants

Longbridge Financial, LLC

PLAINTIFF

vs.

Paul Zitney, known Heir of Paul Zitney, deceased and Michele Kenney, known Heir of Paul Zitney, deceased and Barbara Zitney, known Heir of Paul Zitney, deceased and Steve Zitney, known Heir of Paul Zitney, deceased and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Paul Zitney, deceased

DEFENDANTS

ALL that certain piece, parcel or tract of land situate in Menallen Township, Fayette County, Pennsylvania, known as Lot No. 7 in the Yoder Plan of Lots #4 which plan is recorded in the Recorder of Deeds Office of Fayette County, Pennsylvania, in Plan Book Volume 49, Page 24, said Lot No. 7 being more particularly bounded and described as follows:

BEGINNING at a 5/8 inch rebar located on the southerly sideline of a certain public highway known locally as Township Road 509, being corner common to the lot herein described and land now or formerly owned by Robert Provance; thence by a line dividing the lot herein described and lands now or formerly owned by Robert Provance and Frank A. Yoder South 68 degrees 46 minutes 45 seconds West a distance of 300.70 feet to a 5/8 inch rebar; thence by a line dividing the land herein described and land now or formerly owned by Frank A. Yoder North 17 degrees 19 minutes 15 seconds West a distance of 170.45 feet to a 5/8 inch rebar; thence by a line dividing the land herein described and Lot No. 6 in said plan North 72 degrees 40 minutes 45 seconds East a distance of 300.00 feet to a 5/8 inch rebar located on the aforesaid southerly sideline of Township Road 509; thence by a line running along the southerly sideline of said Township Road 509 South 17 degrees 19 minutes 15 seconds East a distance of 150.00 feet to a 5/8 inch rebar, the place of beginning. CONTAINING an area of 1.103 acres.

THE See Deed Book Volume 3255 page 16
PROPERTY TAX MAP NO.: 22-21-0173

COMMONLY KNOWN AS: 117 Zitney Road, Vanderbilt, PA 15486
TAX PARCEL NO. 13140028

*** END SHERIFF SALES ***

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, February 6, 2023, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2621-0785	KATHLEEN J. ZAPOTOSKY a/k/a KATHLEEN J. ZAPOTOSKY	Lois R. Frazee, Executrix

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

Tuesday, February 21, 2023, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable 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.

JEFFREY L. REDMAN
Register of Wills and Ex-Officio Clerk of the Orphans' Court Division (2 of 2)

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

A DECADE OF EXPERIENCE E&O INSURED WILL TRAVEL ACCEPTING NEW CLIENTS



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43 S. Beeson Boulevard, Uniontown, PA 15401
www.FayetteLegacy-Janney.com | 724.425.1018

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JUDICIAL OPINION

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

COMMONWEALTH OF	:
PENNSYLVANIA,	:
	:
vs.	:
	:
EUGENE KASIEWICZ,	: No. 37 of 2022
Defendant.	: Honorable Steve P. Leskinen

OPINION AND ORDER

LESKINEN, J.

November 8, 2022

Before the Court is the Defendant's Omnibus Pre-trial Motion in the form of a Motion To Suppress an oral statement and a Motion To Suppress a written statement. After a careful review of the record and applicable case law, the Court hereby issues the following Opinion and Order:

Factual Background

An Omnibus Pre-Trial Hearing was held in this matter on October 19th, 2022. The Commonwealth presented the testimony of Pennsylvania State Trooper Robert Wilson. Trooper Wilson testified that on April 27th, 2021, he was working on the second floor of the Pennsylvania State Police Barracks in Uniontown when he was summoned by his dispatcher to come downstairs to the first floor lobby to speak with an individual who had walked into the Barracks and had asked to speak to someone. Trooper Wilson arrived on the first floor accompanied by Trooper Justin Handlin, where they made contact with the individual: the Defendant, Eugene Kasiewicz. Trooper Wilson testified that he, Trooper Handlin, and the Defendant walked from the lobby to an interview room. Trooper Wilson testified that at this time he did not know who the Defendant was or why he was there. Trooper Wilson testified that he thought that the Defendant might have been the victim of a crime.

Trooper Wilson testified that he asked the Defendant why he was there. The Commonwealth submitted the DVD video recording of the interview. The recording depicts the Defendant giving Troopers Wilson and Handlin information about his living situation. It is unclear in the beginning whether the Defendant is reporting a crime or confessing to one. Troopers Wilson and Handlin asked the Defendant to clarify and the Defendant volunteers, "I assaulted him," "I had his prick in my mouth" (referring to a child).

Troopers Wilson and Handlin provided the Defendant with a standard NONCUSTODIAL WRITTEN STATEMENT form to write on. The Defendant chose to use the

NONCUSTODIAL WRITTEN STATEMENT form. Trooper Wilson testified that he and Trooper Handlin told the Defendant that he was not under arrest. Troopers Wilson and Handlin then left the room. Trooper Wilson testified that he left the door unlocked.

The Commonwealth submitted a copy of the Defendant's NONCUSTODIAL WRITTEN STATEMENT form. The form includes the following questions before the blank lines for the "Narrative" portion; the questions are followed by check marks:

1. Do you understand that you are NOT IN CUSTODY, are free to leave at any time, and that the statement you wish to provide is completely voluntary?
2. Do you now wish to make a formal statement?
3. Are you able to read and write the English language?

The Defendant checked "Yes" to all three questions.

The Defendant remained in the room and wrote his statement. When the Defendant finished writing his statement, Troopers Wilson and Handlin did not arrest the Defendant.

Legal Standard, Motions To Suppress

If a person in custody is to be subjected to interrogation, he must first be informed in clear and unequivocal terms that he has the right to remain silent. *Miranda v. Arizona*, 384 U.S. 436, 467-68, (1966). A custodial interrogation for purposes of *Miranda* occurs when there is a questioning initiated by the police after a person has been taken into custody or otherwise deprived of his or her freedom of action in any significant way. *Com. v. Clinton*, 905 A.2d 1026, 1032 (Pa.Super.2006).

The Fourth Amendment protects citizens against unreasonable searches and seizures; a mere encounter need not be supported by any level of suspicion, an investigative detention must be supported by reasonable suspicion, and an arrest must be supported by probable cause. *Com. v. Hicks*, 208 A.3d 916, 926 (2019). The Pennsylvania Supreme Court summarily articulated the mechanism which distinguishes a mere encounter from an investigative detention in *Com. v. Mathis*:

In fixing the moment at which a detention has occurred, "the pivotal inquiry is whether, considering all the facts and circumstances evidencing the exercise of force, a reasonable [person] would have thought he was being restrained." *Com. v. Mendenhall*, 715 A.2d 1117, 1120 (1998) (citing *Com. v. Jones*, 378 A.2d 835, 840 (1977)); see also *United States v. Mendenhall*, 446 U.S. 544 (1980) ("[A] person has been 'seized' ... only if, in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave"). In *Com. v. Strickler*, 757 A.2d 884 (2000), the Court set forth a non-exhaustive list of factors deemed relevant in assessing whether a seizure has occurred: the presence of police excesses; physical contact with the suspect; police direction of the subject's movements; the demeanor of the officer; the location of the confrontation; the manner of expression directed to the citizen; and the content of statements or inter-

rogatories. See *id.* at 72-73, 757 A.2d at 897- 98 (citations omitted). Strickler cautioned, though, that no single factor dictates the ultimate conclusion as to whether a detention occurred, see *id.* at 59, 757 A.2d at 890, and this Court has recognized that the line between a mere encounter, which requires no suspicion, and an investigative detention, "cannot be precisely defined 'because of the myriad of daily situations in which police[] and citizens confront each other on the street.'" *Mendenhall*, 715 A.2d at 1120 (quoting *Jones*, 474 Pa. at 371, 378 A.2d at 839). Ultimately, it is the "nature of the confrontation" that informs the assessment of the totality of the circumstances. *Com. v. Lewis*, 636 A.2d 619,623 (1994).

Com. v. Mathis, 173 A.3d 699, 712 (2017).

Investigative detentions must be supported by reasonable suspicion. *Com. v. Hicks*, 208 A.3d 916, 926 (2019). Reasonable suspicion exists only where the officer is able to articulate specific observations which, in conjunction with reasonable inferences derived from those observations, led him reasonably to conclude, in light of his experience, that criminal activity was afoot and that the person he stopped was involved in that activity. *Com. v. Chambers*, 55 A.3d 1208, 1215 (Pa.Super.2012). The reasonable suspicion standard is less demanding than probable cause, as "reasonable suspicion can be established with information that is different in quantity or content than that required to establish probable cause" and "can arise from information that is less reliable than that required to show probable cause." *Com. v. Moore*, 805 A.2d 616, 620 (Pa.Super.2002) (quoting *Alabama v. White*, 496 U.S. 325, 330, (1990)).

Discussion, Motions To Suppress

A custodial interrogation for purposes of Miranda occurs when there is a questioning initiated by the police after a person has been taken into custody or otherwise deprived of his or her freedom of action in any significant way. *Com. v. Clinton*, 905 A.2d 1026, 1032 (Pa.Super.2006), emphasis added.

The Court finds that the inculpatory statement in this case was initiated by the Defendant, that the Defendant was not in custody, and that the Defendant was not deprived of his freedom of action in any significant way. The Defendant arrived at the Uniontown State Police Barracks of his own free will. Trooper Wilson testified that when he first began interacting with the Defendant, he did not know who the Defendant was or why he was there. Trooper Wilson testified that he even thought that the Defendant might have been the victim of a crime. The Defendant volunteered, "I assaulted him" and "I had his prick in my mouth" (referring to the Child). The Court, viewing of all of the circumstances surrounding the incident, finds that a seizure did not occur, that the Troopers were not required to Mirandize the Defendant, and that the oral statement is fully admissible.

The written statement was made on a standard NONCUSTODIAL WRITTEN STATEMENT form. The Defendant checked the "Yes" box next to "Do you understand that you are NOT IN CUSTODY, are free to leave at any time, and that the statement you wish to provide is completely voluntary?" Trooper Wilson testified that he and Trooper Handlin left the door unlocked. The Court, viewing all of the circumstances surrounding the incident, finds that a seizure did not occur, that the Troopers were not

required to Mirandize the Defendant, and that the written statement is, likewise, admissible.

WHEREFORE, the Court issues the following Order:

ORDER

AND NOW, this 8th day of November, 2022, upon consideration of the Defendant's Omnibus Pre-Trial Motion in the Form of a Motion To Suppress an oral statement and a Motion To Suppress a written statement, the Court concludes that the Defendant was not subject to Miranda at the time that either statement was made, that the Defendant initiated contact with the police, and that both statements were made voluntarily. It is therefore ORDERED and DIRECTED that both the oral statement and the written statement are fully admissible and that the Defendant's Omnibus Pre-Trial Motion is hereby DENIED.

BY THE COURT:
STEVE P. LESKINEN, JUDGE

ATTEST:
Clerk of Courts

COURT APPOINTMENTS

Fayette County Judges need to know which attorneys are willing to be appointed by the Court in various types of matters.

Remember that Court appointments are considered Pro Bono Publico (public service) as required by the Rules of Professional Conduct (Rule 6.1 and 6.2). Some matters will be paid by the County, others will be paid by the parties. Some matters are routine, while others require significant experience. We will appreciate any constructive input you may offer, including evaluations of other attorneys who have been appointed in the past. Comments may be on a separate sheet of paper and need not be signed. The comments will be held in strict confidence.

Please be sure to return the form even if you are currently being appointed regularly. Several of the lists have not been updated since 2017!

Please reply on or before Tuesday, January 31, 2023, indicating your willingness to serve on any of the following lists (next page) and include the following information:

Attorney Name:	PA ID Number:
Telephone:	Email:

Return to: President Judge Steve Leskinen
c/o Richard Lee, Tipstaff/Office Administrator

Email rlee@fayettepa.org, mail to Courtroom One Chambers, 61 E. Main St. Uniontown, PA 15401, or deliver to the President Judge's mail slot in the Court Administrator's Office

-
1. Criminal Defense
 - _____ Willing to accept any appointment
 - _____ Willing to accept occasional appointment in serious or complex cases
 - _____ Death Penalty Certified

 2. Children and Youth Dependency
 - _____ Parent Representation
 - _____ Guardian Ad Litem
 - _____ Attorney for child
 - _____ (where “legal interests” and “best interests” are inconsistent).

 3. Private Termination of Parental Rights
 - _____ Parent Representation
 - _____ Guardian Ad Litem
 - _____ Attorney for child
 - _____ (where “legal interests” and “best interests” are inconsistent).

 4. Child Custody
 - _____ Guardian Ad Litem
 - _____ Attorney for child
 - _____ (where “legal interests” and “best interests” are inconsistent).

 5. _____ Divorce Hearing Officer (previously known as Divorce Master)

 6. Guardianships
 - _____ Adults over age sixty
 - _____ Adults under age sixty
 - _____ Children

 7. _____ Civil Mediator (per FCR 212.5)

 8. _____ Board of View (Condemnation)

 9. _____ Partition Hearing Officer

 10. _____ Trustee

 11. _____ Estate Administrator

 12. _____ Receiver

 13. _____ Conservator

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