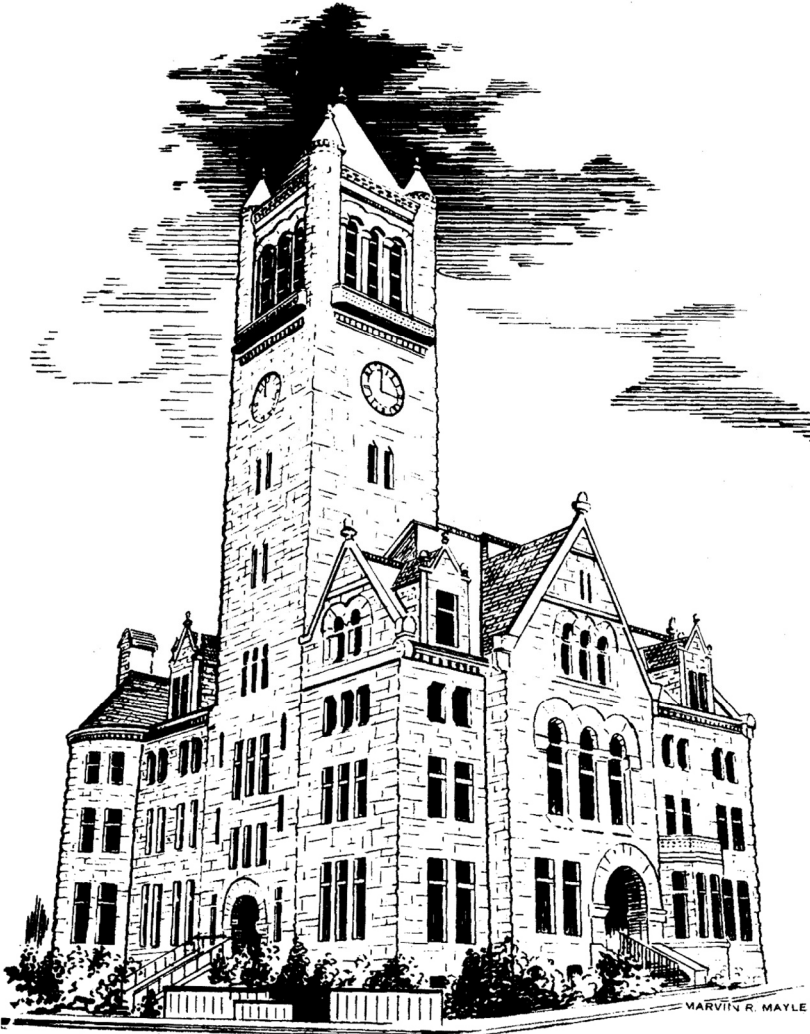


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ESTATE NOTICES

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

NEIL R. BUTLER, SR., late of Dunbar Township, Fayette County, PA (3)
Administratrix: Brittany Reigh Butler
 c/o 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

JOHN CLARKE FOX, SR., late of Connellsville, Fayette County, PA (3)
Administrator: John C. Fox, II
 c/o 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

LISA BETH CURRY, late of Bullskin, Fayette County, PA (3)
Executor: George O. Curry
 c/o 815A Memorial Boulevard
 Connellsville, PA 15425
Attorney: Margaret Z. House

LAWREN R. DUNN, a/k/a LAWREN H. DUNN, late of Hopwood, North Union Township, Fayette County, PA (3)
Executrix: Mary E. Coon
 c/o Radcliffe Martin Law, L.L.C.
 648 Morgantown Road, Suite B
 Uniontown, PA 15401
Attorney: William M. Radcliffe

WILLARD R. JONES, late of Washington Township, Fayette County, PA (3)
Executrix: Dianne Carol Jones
 1145 Connellsville Road
 Fayette City, PA 15438
 c/o 823 Broad Avenue
 Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

JOSEPH R. RYGIEL, JR., late of Perryopolis Borough, Fayette County, PA (3)
Executor: Stanley A. Rygiel
 P.O. Box 278
 Fayette City, PA 15438

GEORGE J. STINER, JR., late of Redstone, Fayette County, PA (3)
Administratrix: Helen R. Stiner
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: James T. Davis

ELVA K. WEIR, late of Bullskin Township, Fayette County, PA (3)
Personal Representative: Brenda E. Quinn
 c/o 208 South Arch Street
 Connellsville, PA 15425
Attorney: Richard A. Husband

Second Publication

JOANNE DOMER, late of Connellsville, Fayette County, PA (2)
Personal Representative: James Domer
 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
 Connellsville, PA 15425
Attorney: Robert A. Gordon

MARLENE T. SCARRY, late of Connellsville, Fayette County, PA (2)
Personal Representative: Sean Scarry
 c/o 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

GAYLE ANN TRIMBLE, a/k/a GAYLE A. TRIMBLE, late of South Union Township, Fayette County, PA (2)
Personal Representative: Karen L. Trimble and Barbara J. Rockwell
 276 Hopwood-Fairchance Road
 Uniontown, PA 15401
 c/o Newcomer Law Offices
 4 North Beeson Boulevard
 Uniontown, PA 15401
Attorney: Ewing D. Newcomer

GARY WEASENFORTH, a/k/a GARY LEE WEASENFORTH, late of Uniontown, Fayette County, PA (2)

Administratrix: Doris Weasenforth
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John A. Kopas, III

ROGER TERRANCE YOUNG, JR., late of Point Marion, Fayette County, PA (2)

Personal Representatives: Chelsea Ray
Young and Roger T. Young, III
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

c/o 1747 Rostraver Road
Belle Vernon, PA 15012
Attorney: Megan Kerns

SAVANNAH M. STIMMELL, late of Brownsville Borough, Fayette County, PA (1)

Administratrix: Deborah Martelli
615 Green Street
Brownsville, PA 15417
c/o Newcomer Law Offices
4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Ewing D. Newcomer

First Publication

CHERYL A. COOKE, late of Upper Tyrone Township, Fayette County, PA (1)

Executrix: Jennifer L. Wadsworth
2069 Mt. Pleasant Road
Greensburg, PA 15601
c/o Fike, Cascio & Boose
124 North Center Avenue
P.O. Box 431 Somerset, PA 15501-0431
Attorney: Jeffrey L. Berkey

JAMES F. DAUGHERTY, late of South Connellsville, Fayette County, PA (1)

Executrix: Kathy Walker
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

THOMAS S. PISZCZOR, late of Menallen Township, Fayette County, PA (1)

Personal Representative: Joseph Piszczor
c/o George & George
92 East Main Street
Uniontown, PA 15401
Attorney: G.T. George

JOHN ROUDABUSH, a/k/a JOHN M. ROUDABUSH, late of Vanderbilt Borough, Fayette County, PA (1)

Executrix: Lisa Wood
615 6th Avenue
Sutersville, PA 15083

LEGAL NOTICES

CORPORATE DISSOLUTION

NOTICE IS HEREBY GIVEN that the directors of Penn Highlands Volleyball Club, a Pennsylvania nonprofit corporation, with an address of 12 Cecil Drive, Dunbar, PA 15431, (Fayette County), have unanimously approved a proposal that the corporation voluntarily dissolve and are now engaged in winding up and settling affairs of the corporation under the provisions of Section 5975 of the Pennsylvania Nonprofit Corporation Law of 1988, as amended.

SHERIFF'S SALE

Date of Sale: January 18, 2024

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 January 18, 2024, 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.

(3 of 3)

James Custer
 Sheriff of Fayette County

No. 314 of 2021 GD
 No. 252 of 2023 ED

INFIRST BANK, formerly, INDIANA FIRST SAVINGS BANK,
Plaintiff,
 v.
GINA MARIE CELLURALE,
Defendant.

ALL that certain piece or parcel of land situate in the City of Uniontown, formerly the Borough of Uniontown, Fayette County, Pennsylvania:

Known as 246 W. Main Street, Uniontown, PA 1540,

Parcel No. 38-06-0111, and being more fully described in Deed recorded in RBV 33343, Page 857.

Richard M. Squire & Associates, LLC
 One Jenkintown Station, Suite 104
 115 West Avenue
 Jenkintown, PA 19046

No. 493 of 2023 GD
 No. 232 of 2023 ED

Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust as Trustee for PNPMS
Trust III
PLAINTIFF
 v.
Mildred D. Danko
DEFENDANT

TAX PARCEL NO.: 19-29-14
 PROPERTY ADDRESS: 617 Hill Street, Tower Hill, PA 15475
 IMPROVEMENTS: Single Family Dwelling

SEIZED AND TAKEN in execution as the property of Mildred D. Danko

ALL that undivided one-half interest in and to all that certain piece or parcel of land situate in Luzern Township, Fayette County, Pennsylvania, being Lot. No. 607 in a certain Plan of Lots known as the Tower Hill No. 2 Plan of Lots, recorded in the Recorder's Office of Fayette County, Pennsylvania, in Plan Book Vol. 6, page 56, having a frontage of 48.63 feet on Spruce Street and extending back at right angles thereto and maintaining the same width, a distance of approximately 59.00 feet to a 10.00 foot alley, and having erected thereon a frame dwelling house.

Parcel No. 19-29-14

Being the same premises that George A. Danko and Eloise Danko, his wife, by deed dated 10/10/1979 and recorded 10/10/1979 in the office of the Recorder of Deeds in the County of Fayette, Commonwealth of Pennsylvania in Book 1262, Page 236 granted and conveyed to Mildred D. Danko

No. 1484 of 2023 GD
No. 256 of 2023 ED

New American Funding, LLC
PLAINTIFF
vs.
Dale E. Davis, III
DEFENDANT

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN SOUTH UNION TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

ASSESSOR'S PARCEL NO: 34-38-0099
Being known as 139 Pine Knob Road, Hopwood, PA 15445
BEING THE SAME PREMISES which Dale Davis, II Administrator of the Estate of Elizabeth A. Johnson, by Deed dated August 15, 2016 and recorded August 16, 2016 in the Office of the Recorder of Deeds in and for the County of Fayette, Pennsylvania in Book 3316, 1860, Instrument No. 201600008684 granted and conveyed unto Dale Davis, III in fee.

No. 1126 of 2023 GD
No. 244 of 2023 ED

PNC Bank, National Association
Plaintiff,
vs.
Charles T. Green, as Executor of the Estate of Ronald J. Malone
Defendant.

ALL that certain parcel of land lying and being situate in the Township of Connellsville, County of Fayette, and Commonwealth of Pennsylvania, known as 520 East Francis Avenue, Connellsville, PA 15425 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 05-02-0006, 06-05-0110
BEING the same premises which James N. Sample, a single man, by Deed dated May 6, 1981 and recorded in and for Fayette County,

Pennsylvania in Deed Book 1287, Page 589, granted and conveyed unto Ronald J. Malone and Carol A. Malone, husband and wife.

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532

No. 591 of 2023 GD
No. 245 of 2023 ED

VAK CAPITAL TRUST I
8180 East Kaiser Blvd
Anaheim Hills, CA 92808
Plaintiff,
vs.
DEBRA GRIEST
REX GRIEST
Mortgagor(s) and Record Owner(s)
552 Fifth Avenue
Brownsville, PA 15417
Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN BROWNSVILLE TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.
BEING KNOWN AS: 552 FIFTH AVENUE, BROWNSVILLE, PA 15417
TAX PARCEL #03-02-0029
IMPROVEMENTS: A RESIDENTIAL DWELLING
SOLD AS THE PROPERTY OF: DEBRA GRIEST AND REX GRIEST
ATTORNEY: KML LAW GROUP, P.C.

No. 1436 of 2023 GD
No. 231 of 2023 ED

PENNSYLVANIA HOUSING FINANCE
AGENCY,
PLAINTIFF
VS.
LESSLIE E. HALL,
DEFENDANT

ALL that certain lot of ground German Township, Fayette County, Pennsylvania, being approximately 146 x 49 x 144 x 49. HAVING THEREON ERECTED A TWO-STORY, SINGLE-FAMILY DWELLING KNOWN AND NUMBERED AS: 224 HILL STREET, NEW SALEM, PA 15468.
TAX PARCEL# 15-17-0074
Instrument No. 2010-00001313

No. 2392 of 2022 GD
 No. 225 of 2023 ED

**KeyBank, NA, s/b/m First Niagara Bank, NA
 Plaintiff,
 vs.
 Tabitha A. Johnson Settle, as Believed Heir
 and/or Administrator of the Estate of Cathy
 A. Johnson; Unknown Heirs and/or
 Administrators of the Estate of Cathy A.
 Johnson (if any)
 Defendants.**

ALL that certain parcel of land lying and being situate in the Township of North Union, County of Fayette, and Commonwealth of Pennsylvania, known as 172 Bute Road, Uniontown, PA 15401 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 25-17-0127

BEING the same premises which Edward Daniel Snyder and Charlene Snyder, his wife, by Deed dated March 30, 1984 and recorded in and for Fayette County, Pennsylvania in Deed Book 1335, Page 1055, granted and conveyed unto Patrick A. Johnson and Cathy A. Johnson, his wife.

No. 2112 of 2010 GD
 No. 1083 of 2019 GD
 No. 254 of 2023 ED

**FAIRPORT ASSET MANAGEMENT, LLC
 Plaintiff,
 vs.
 CHRISTY KING a/k/a CHRISTY A. KING,
 Defendant.**

ALL that tract of land situate Perry Township, Fayette County, Pennsylvania, known as 133 Cemetery Road, Vanderbilt, Pennsylvania 15486 having erected thereon a dwelling house.

PARCEL BEING KNOWN AND DESIGNATED AS TAX MAP 27-16-0085-010

BEING the same premises which CMF Industries, Inc., by their Deed Dated December 31, 1987 and recorded in the Recorder's Office of Fayette County on January 25, 1988 in Deed Book Volume 381, Page 114, granted and conveyed unto Christy A. King, the grantor herein.

KML LAW GROUP, P.C.
 Suite 5000
 701 Market Street
 Philadelphia, PA 19106-1532

No. 1651 of 2021 GD
 No. 255 of 2023 ED

**ROCKET MORTGAGE, LLC F/K/A
 QUICKEN LOANS, LLC F/K/A QUICKEN
 LOANS INC.
 1050 Woodward Avenue
 Detroit, MI 48226-1906
 Plaintiff**

**vs.
 MICHAEL KING
 Mortgageor(s) and Record Owner(s)
 1736 Georges Fairchance Road
 Smithfield, PA 15478
 Defendant(s)**

ALL THAT CERTAIN LOT OF LAND SITUATE IN GEORGES TOWNSHIP, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 1736 GEORGES FAIRCHANCE ROAD, SMITHFIELD, PA 15478

TAX PARCEL #14-40-0100
 IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF:
 MICHAEL KING

ATTORNEY: KML LAW GROUP, P.C.

No. 845 of 2023 GD
 No. 238 of 2023 ED

**Carrington Mortgage Services LLC
 PLAINTIFF
 vs.**

**Michael Ozorowski, known Heir of Eileen Todd, deceased
 Debbie Halbritter, known Heir of Eileen Todd, deceased
 Diane Todd, known Heir of Eileen Todd, deceased and Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Title or Interest from or under Eileen Todd, deceased
 DEFENDANTS**

ALL OF HER ONE-HALF (1/2) INTEREST IN THAT CERTAIN PIECE, PARCEL OR LOT OF LAND SITUATE IN THE CITY OF CONNELLSVILLE, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, BOUNDED AND

DESCRIBED AS FOLLOWS:

BEGINNING AT A STAKE, NORTH 81 DEGREES 06 MINUTES EAST, A DISTANCE OF 59.95 FEET FROM THE INTERSECTION OF THE EAST LINE OF SOUTH PROSPECT STREET AND THE SOUTH LINE OF EAST FAIRVIEW AVENUE; THENCE BY THE SOUTH LINE OF EAST FAIRVIEW AVENUE, NORTH 81 DEGREES 06 MINUTES EAST, A DISTANCE OF 34.75 FEET TO THE INTERSECTION OF EAST FAIRVIEW AVENUE AND A NINE FOOT ALLEY; THENCE BY THE WEST LINE OF SAID ALLEY, SOUTH 9 DEGREES 19 MINUTES EAST, A DISTANCE OF 81.39 FEET TO A FENCE POST; THENCE ALONG LOT NOW OR FORMERLY OF I.V. RUSH AND A HEDGE FENCE, SOUTH 79 DEGREES 56 MINUTES WEST, A DISTANCE OF 30.16 FEET TO A STAKE; THENCE ALONG LAND OF WHICH THIS WAS FORMERLY A PART, THE FOLLOWING THREE COURSES AND DISTANCES: NORTH 9 DEGREES 02 MINUTES WEST, 32.25 FEET TO A STAKE; SOUTH 81 DEGREES 06 MINUTES WEST, 5.0 FEET TO A STAKE; AND NORTH 9 DEGREES 02 MINUTES WEST, 49.75 FEET TO THE PLACE OF BEGINNING; BEING PART OF LOTS NOS. 24 AND 32 IN THE ZACHARIAH CONNELL PLAN OF LOTS.

EXCEPTING AND RESERVING ALL GRANTS, RESERVATIONS, CONVEYANCES OR LEASES OF COAL, GAS, OIL OR MINERAL RIGHTS WITH THE PRIVILEGES TO MINE THE SAME AS CONTAINED IN PRIOR INSTRUMENTS OF RECORD.

UNDER AND SUBJECT TO ALL EXCEPTIONS, RESERVATIONS, EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY CONTAINED IN PRIOR INSTRUMENTS OF RECORD.

No. 1503 of 2023 GD
 No. 247 of 2023 ED

SOMERSET TRUST COMPANY

v.

George Spencer, Executor of the Estate of Clifford G. Bowers a/k/a Clifford Bowers, deceased

All the real property described in the Writ of Execution the following of which is a summary.

SOMERSET TRUST COMPANY v. George Spencer, Executor of the Estate of Clifford G. Bowers a/k/a Clifford Bowers, deceased

Docket Number: 1503 of 2023 GD

Property of: Clifford G. Bowers a/k/a Clifford Bowers

Located in: TOWNSHIP OF WHARTON, FAYETTE COUNTY

Street Address: 2216 DINNER BELL FIVE FORKS ROAD, FARMINGTON, FAYETTE COUNTY, PENNSYLVANIA 15437.

Brief Description of Property: Residential, Single-Family home

Improvements thereon: RESIDENTIAL DWELLING

Record book Volume: 2096, Page 88

Tax Assessment Number(s): MAP NO.: 42-28-0009

STERN & EISENBERG, PC
 1581 MAIN STREET, SUITE 200
 WARRINGTON, PENNSYLVANIA 18976

No. 546 of 2023 GD
 No. 250 of 2023 ED

Mortgage Assets Management, LLC,
Plaintiff,

v.

The Unknown Heirs of William K. McGill A/K/A William McGill, deceased
Defendant(s)

RE: PREMISES: 105 Raineytown Road, Dawson, PA 15428

DEAR SHERIFF: SHOULD PLAINTIFF BE SUCCESSFUL BIDDER, TITLE WILL BE VESTED IN: Mortgage Assets Management, LLC

No. 1005 of 2023 GD
No. 253 of 2023 ED

CHRISTOPHER PIWOWAR, SR. AND PATRICIA A. GALIE, HUSBAND AND WIFE, by Deed dated JUNE 30, 2015 and recorded in the Office of the Recorder of Deeds of Fayette County on JULY 2, 2015 in Deed Book Volume 3281 , Page 1579, Instrument No. 20150000694 7 granted and conveyed unto Carl E. Johnson. Sr.

Upon information and belief Carl E. Johnson, Sr. Departed this life on January 24, 2021.

BEING known as 139 Old Furnace Road, Hopwood, Pennsylvania 15445
PARCEL #34-27-0125

*** END SHERIFF'S SALE ***

Carrington Mortgage Services LLC

PLAINTIFF

vs.

Danielle Tobusto, known Heir of Clinton D. Anderson, deceased

Renetta Anderson, known Heir of Clinton D. Anderson, deceased

Janeen Anderson Houck, known Heir of Clinton D. Anderson, deceased

Unknown Heirs, Successors, Assigns and All Persons, Finns or Associations Claiming Right, Title or Interest from or under Clinton D. Anderson, deceased

DEFENDANTS

ALL that certain lot or parcel of land situated in the Village of Revers, South Union Township, Fayette County, Pennsylvania, more particularly bounded and described as follows:

COMMONLY KNOWN AS: 114 Ball Street, Uledi, PA 15484
TAX PARCEL NO. 34-08-0035

No. 1005 of 2023 GD
No. 253 of 2023 ED

PENNYMAC LOAN SERVICES, LLC

Plaintiff

vs.

Unknown Heirs, Successors, Assigns and All Persons, Firms or Associations Claiming Right, Interest from or under Carl E. Johnson, Sr., Deceased

Margretta Austin, solely in her capacity as heir of Carl E. Johnson, Sr., Deceased

Carl Johnson, Jr., solely in his capacity as heir of Carl E. Johnson, Sr., Deceased

Makka Johnson, solely in his capacity as heir of Carl E. Johnson, Sr., Deceased

Clayton Johnson, solely in his capacity as heir of Carl E. Johnson, Sr. Deceased

Corey Johnson, solely in his capacity as heir of Carl E. Johnson, Sr. Deceased

Christa Johnson, solely in his capacity as heir of Carl E. Johnson, Sr. Deceased

Defendant(s)

ALL THAT CERTAIN
BEING THE SAME PREMISES which
CHRISTOPHER PIWOWAR AKA

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



DiBella Weinheimer

Geer McAllister Best Coco Lloyd Whalen



Holly Whalen ◊ Amy Coco ◊ Bethann Lloyd

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JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA,	:	
v.	:	
ANTAWAINRASHAD OLIVER,	:	NO 922 OF 2023
Defendant.	:	Judge Joseph M. George, Jr.

OPINION

GEORGE, J.

November 9th, 2023

This matter comes before the Court on Defendant's Omnibus Pre-Trial Motion for 1) Petition for Writ of Habeas Corpus/Motion to Dismiss; and 2) Motion to Suppress based on Flawed and Invalid Search Warrant. At the time of the hearing the parties entered the transcript of the Preliminary Hearing and the Search Warrant.

FACTUAL BACKGROUND

On September 27, 2022, at approximately 1:37 a.m, a German Township Police Officer observed a vehicle being operated with an "inoperable driver side headlight." After a brief chase, the officer located the vehicle and removed the operator and three (3) other passengers. Defendant was seated in the front passenger seat.

After obtaining a search warrant, the following five (5) items were seized: (1) a black Ruger LCN 9mm SN: 325-30216; (2) three (3) Alprazolam Blue Pills; (3) black touch screen phone Orbic; (4) three pieces of burnt chore boy; and (5) one (1) green grinder lid. The black Ruger firearm was recovered under the front passenger seat where the defendant was seated.

DISCUSSION

In Pennsylvania, "[p]ossession can be found by proving actual possession, constructive possession, or joint constructive possession." *Commonwealth v. Heidler*, 741 A.2d 213, 215 (Pa. Super. 1999). Where a defendant is not in actual possession of the prohibited items, the Commonwealth must establish that the defendant had constructive possession to support the conviction. *Commonwealth v. Hopkins*, 67 A.3d 817, 820 (Pa. Super. 2013).

"Constructive possession is a legal fiction, a pragmatic construct to deal with the realities of criminal law enforcement. Constructive possession is an inference arising from a set of facts that possession of the contraband was more likely than not. We have defined constructive possession as "conscious dominion." (citation omitted). We subsequently defined "conscious dominion" as "the power to control the contraband and the intent to exercise that control." (citation omitted). To aid appli-

cation, we have held that constructive possession may be established by the totality of the circumstances."

Com. v. Parker, 2004 PA Super 113,847 A.2d 745, 750 (Pa. Super. Ct. 2004) (quoting Commonwealth v. Thompson, 779 A.2d 1195, 1199 (Pa. Super. 2001)).

"As with any other element of a crime, constructive possession may be proven by circumstantial evidence." Commonwealth v. Macolino, 503 Pa. 201, 469 A.2d 132 (1983).

Here, the firearm was recovered under the front passenger seat, the place where the Defendant was sitting within the car. In Pennsylvania, "[t]he fact that the contraband is located in an area usually accessible only to the defendant may lead to an inference that defendant placed it there or knew of its presence." Commonwealth v. Ferguson, 231 Pa. Super. 327, 331 A.2d 856 (1974). Additionally, "[w]here contraband has been found within the reach of a defendant, as it was here, our Court has concluded that there was sufficient evidence to find constructive possession." See Commonwealth v. McGraw, 961 MDA 2018, 2020 WL 754857 (Pa. Super. Ct. Feb. 14, 2020); See also Commonwealth v. Samuels, 235 Pa. Super. 192, 340 A.2d 880 (1975). (Overruled on other grounds). In viewing the circumstantial evidence and applying the standard for establishing a prima facie case, the Commonwealth has produced evidence of each of the material elements of the crimes charged and establishes probable cause to warrant the belief that the accused committed the offenses charged. Therefore, Count 1 of the Omnibus Pre-Trial Motion shall be denied.

Next the defendant argues that the evidence should be suppressed based on a flawed and invalid search warrant. In Pennsylvania, the bedrock standard for search warrants is that "the issuing authority is bound by the 'four corners' of the affidavit." Commonwealth v. Dukeman, 917 A.2d 338, 341 (Pa. Super. 2007). "In determining whether the warrant is supported by probable cause, the magistrate may not consider any evidence outside the four-corners of the affidavit." Commonwealth v. Sharp, 453 Pa. Super. 349, 683 A.2d 1219, 1223 (1996). The authority who issues the warrant must determine, under the totality of the circumstances, whether there is a "fair probability" that evidence of a criminal activity or contraband will be found in a particular place. Commonwealth v. Housman, 986 A.2d 822, 843 (Pa. 2003) (quoting Illinois v. Gates, 462 U.S. 213, 238-39 (1960)). The assessment by the issuing authority must be rooted in common sense as to the "fair probability," and generally, the assessment and decision must be accorded deference. Commonwealth v. Huntington, 924 A.2d 1252, 1255 (Pa. Super. 2007). Further, "[s]earch warrants should be read in a common sense fashion and should not be invalidated by hypertechnical interpretations; this may mean that when an exact description of a particular item is not possible, a generic description will suffice." Com. v. Johnson, 2011 PA Super 256, 33 A.3d 122 (Pa. Super. Ct. 2011) (referencing U.S.C.A. Const. Amend. 4; Const. Art. 1, § 8.).

Here, the search warrant obtained by was not fatally flawed nor invalid. A search warrant is considered overbroad and unconstitutional under the 4th amendment "if it is broader than can be justified by the probable cause on which the warrant is based." Com. v. Santner, 308 Pa. Super. 67, 454 A.2d 24 (1982). The officer observed findings of suspected contraband in the car as they spotted the top of a marijuana grinder and

pieces of "chore boy". Courts have generally allowed for search warrants with plainly tailored language when they were was enough probable cause to believe that evidence of a crime would be found. See *Com. v. Rega*, 593 Pa. 659, 933 A.2d 997 (2007); See also *Commonwealth v. Dominguez*, 262 A.3d 548 (Pa. Super. Ct. 2021).

A common sense reading of the facts in the application for a search warrant and based upon the totality of the circumstances within the four corners, the Court finds there is a fair probability to believe that contraband could be found within the car.

Accordingly, Defendant's Motion to Suppress shall also be denied. Wherefore, we will enter the following order:

ORDER

AND NOW, this 9th day of November, 2023, after hearing, it is hereby ORDERED and DECREED that the Omnibus Pre-Trial Motion is DENIED, in its entirety. The District Attorney is DIRECTED to list this matter for trial.

BY THE COURT:
JOSEPH M. GEORGE, JR. JUDGE

ATTEST:
Clerk of Courts

ANNUAL MEMBERSHIP MEETING

The Annual General Membership meeting of the Fayette County Bar Association shall be held on **Thursday, December 14, 2023, at 12:00 pm** in Courtroom Two at the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. Members are invited to present topics of concern or interest to the Association.

PLEASE JOIN THE
FAYETTE COUNTY BAR ASSOCIATION
FOR A

Christmas
PARTY

THURSDAY
12/7

4:30-7:30
in the evening

Titlow Tavern

RSVP BY 12/4

724-437-7994 OR CINDY@FCBAR.ORG

GUESTS WELCOME

In support of the holiday season, please bring new unwrapped toys for donation to Fayette County CYS. Monetary Donations payable to "CYS Advisory Board."

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