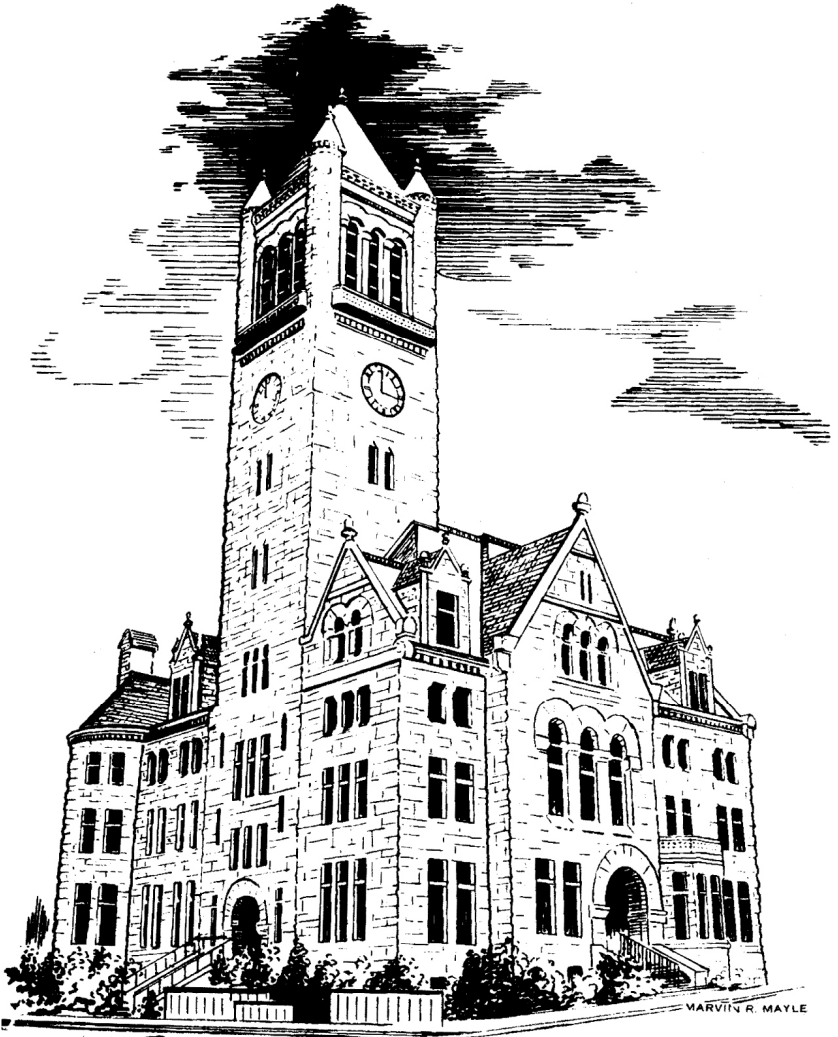


# FAYETTE LEGAL JOURNAL

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## FAYETTE LEGAL JOURNAL

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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

**HUNTER K. BRADDEE**, late of Smithfield, Fayette County, PA (3)

*Personal Representative:* Amber Gibbs  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**NORMA COVILLE, a/k/a NORMA J. COVILLE**, late of South Union Township, Fayette County, PA (3)

*Executor:* Tanya Bartelo  
16804 Dunswood Road  
Northville, MI 48168  
c/o Fitzsimmons and Barclay  
55 East Church Street, Suite 102  
Uniontown, PA 15401  
*Attorney:* Ralph Barclay, Jr.

**BETTY LOU DAVIS, a/k/a BETTY L. DAVIS, a/k/a BETTY DAVIS**, late of Fairchance, Fayette County, PA (3)

*Administrator:* Grant A. Adams  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**ANDREW DUDA, a/k/a ANDREW M. DUDA**, late of Washington Township, Fayette County, PA (3)

*Executor:* Andrew Mark Duda  
320 Nomi Road  
Fayette City, PA 15438  
c/o 566 Donner Avenue  
Monessen, PA 15062  
*Attorney:* Aaron Bialon

**MARIE MCKENNEY**, late of Dunbar Borough, Fayette County, PA (3)  
*Administrator:* Michele A. Pagen  
696 Liberty Street  
California, PA 15419  
c/o P.O. Box 488  
California, PA 15419  
*Attorney:* Lisa Buday

**BETTY MAE RABLE, a/k/a BETTY M. RABLE**, late of Luzerne Township, Fayette County, PA (3)

*Executor:* James E. Rable, Jr.  
c/o Webster & Webster  
51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**DOLORES A. ROTH, a/k/a DOLORES ANN ROTH**, late of South Union Township, Fayette County, PA (3)

*Personal Representative:* James E. Roth  
c/o George & George, LLP  
92 East Main Street  
Uniontown, PA 15401  
*Attorney:* Joseph M. George

**MADELINE R. SMITLEY, a/k/a MADELINE SMITLEY**, late of Uniontown, Fayette County, PA (3)

*Co-Executors:* Laura Leasure and Randy L. Smitley  
c/o John & John  
96 East Main Street  
Uniontown, PA 15401  
*Attorney:* Simon B. John

**FAYE M. SPRINGER, a/k/a FAYE SPRINGER, a/k/a LULA FAYE SPRINGER**, late of South Union Township, PA (3)

*Executrix:* Debora Lynne Springer  
c/o Zebley Mehalov & White, P.C.  
18 Mill Street Square  
P.O. Box 2123  
Uniontown, PA 15401  
*Attorney:* Charles O. Zebley, Jr.

**MARGARET A. ZDEHOVAN, a/k/a  
MARGARET ZEDHOVAN**, late of Perry  
Township, Fayette County, PA (3)  
*Executor:* Stephane J. Gourn  
628 Jefferson Road  
Perryopolis, PA 15473  
c/o 4 North Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* Sheryl R. Heid

## Second Publication

**JAMES BOYD, a/k/a JAMES S. BOYD**, late  
of North Union Township, Fayette County, PA (2)  
*Administratrix:* Melanie L. Boyd  
c/o Kopas Law Office  
556 Morgantown Road  
Uniontown, PA 15401  
*Attorney:* John Kopas

**LEOLA F. BRODERICK**, late of North Union  
Township, Fayette County, PA (2)  
*Executor:* Robert J. Broderick  
c/o Molinaro Law Offices  
P.O. Box 799  
Connellsville, PA 15425  
*Attorney:* Carmine V. Molinaro, Jr.

**ALICE W. JEFFERYS**, late of Uniontown,  
Fayette County, PA (2)  
*Executor:* Lisa A. Jefferys  
7706 Cypress Walk  
Fort Myers, FL 33966  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Anthony Dedola

**ROBERT LOWE, a/k/a ROBERT  
STANTON LOWE, a/k/a R. STANTON  
LOWE**, late of Masontown Borough, Fayette  
County, PA (2)  
*Executor:* Susan L. Kunkle  
c/o Higinbotham Law Offices  
45 East Main Street, Suite 500  
Uniontown, PA 15401  
*Attorney:* James Higinbotham

**BETTY A. MCMANUS**, late of Fairchance,  
Fayette County, PA (2)  
*Administrator:* Brian E. McManus  
93 Sutton Avenue, Ext.  
Hopwood, PA 15445

c/o 76 East Main Street  
Uniontown, PA 15401  
*Attorney:* Douglas S. Sholtis

**CHARLES F. PORTER**, late of South  
Connellsville, Fayette County, PA (2)  
*Executrix:* Michelle Pisarski  
c/o Molinaro Law Offices  
P.O. Box 799  
Connellsville, PA 15425  
*Attorney:* Carmine V. Molinaro, Jr.

**DOROTHY M. YAKIMICK**, late of  
Connellsville, Fayette County, PA (2)  
*Executrix:* Karen Y. Fish  
c/o Molinaro Law Offices  
P.O. Box 799  
Connellsville, PA 15425  
*Attorney:* Carmine V. Molinaro, Jr.

## First Publication

**THEODORE E. HART**, late of Bullskin  
Township, Fayette County, PA (2)  
*Administratrix:* Teddie R. Watson  
2135 Oxley Drive  
Waterford, Michigan 48328  
c/o 231 South Main Street, Suite 402  
Greensburg, PA 15601  
*Attorney:* Marilyn N. Gaut

**ALLEN MONROE ARBOGAST**, late of  
Smithfield, Fayette County, PA (2)  
*Administrator:* Scott A. Arbogast  
1 North Walnut Street  
Masontown, PA 15461  
c/o 76 East Main Street  
Uniontown, PA 15401  
*Attorney:* Douglas S. Sholtis

**CHRISTOPHER P. MORROW, a/k/a  
CHRISTOPHER PAUL MORROW**, late of  
Bullskin Township, Fayette County, PA (2)  
*Executor:* Richard Morrow  
3220 Country Club Road  
Connellsville, PA 15245  
c/o Peacock Keller, LLP  
70 East Beau Street  
Washington, PA 15301  
*Attorney:* Susan M. Key

## LEGAL NOTICES

### NOTICE

Notice is hereby given that Articles of Incorporation - For Profit have been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on September 23, 2019, for a corporation known as Kodiak Manufacturing, Inc.

Said corporation has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the corporation is/are: machining and fabricating and any other lawful purpose related thereto for which the corporation may be organized under the Business Corporation Law.

DAVIS & DAVIS

BY: James T. Davis, Esquire  
107 East Main Street  
Uniontown, PA 15401

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### NOTICE

Notice is hereby given that the Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on October 7, 2019, for a limited liability company known as ABBPRE Properties LLC.

Said limited liability company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the limited liability company is/are: real estate and related investment activity and any other lawful purpose related thereto for which the corporation may be organized under the Business Corporation Law.

DAVIS & DAVIS

BY: Gary J. Frankhouser, Esquire  
107 East Main Street  
Uniontown, PA 15401

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### NOTICE

Notice is hereby given that the Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on October 7, 2019, for a limited liability company known as Serenity Ridge LLC.

Said limited liability company has been organized under the provisions of the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania.

The purpose or purposes of the limited liability company is/are: real estate and investments and any other lawful purpose related thereto for which the corporation may be organized under the Business Corporation Law.

DAVIS & DAVIS

BY: Gary J. Frankhouser, Esquire  
107 East Main Street  
Uniontown, PA 15401

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# 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, November 4, 2019, at 9:30 A.M.**

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

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2616-0778	ANN MARIE GRUESER	Annette Frey, Executrix

**Monday, November 18, 2019, at 9:30 A.M.**

in Courtroom No. 1 of the **Honorable STEVE P. LESKINEN**, or his chambers, 2nd Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

Notice is also 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, November 4, 2019, at 9:30 A.M.**

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

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2666-0115	FLORENCE SHERBONDY BIGHAM a/k/a FLORENCE SHERBONDY BIGAM	Robert Bigham and L. Glen Shearer, Co-Administrators DBNCTA

**Monday, November 18, 2019, at 9:30 A.M.**

in Courtroom No. 5 of the **Honorable JOSEPH M. GEORGE, JR.**, or his chambers, 3rd 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.







**JUDICIAL OPINION**

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
vs.	:	
	:	Nos. 704 of 2018
CHRISTOPHER C. SHELLHAMMER,	:	987 of 2018
Defendant.	:	Honorable President Judge John F. Wagner, Jr.

**ORDER**

AND NOW, this 30th day of September, 2019, upon consideration of the Motion in Limine to Exclude Expert Witness Testimony, Conclusions, and Report of James E. Baranowski Proffered by Defendant, it is hereby ORDERED and DECREED the Motion is GRANTED.

A claim of self-defense under 18 Pa.C.S. §505 requires that a defendant present evidence that he had a bona fide belief that he was in fear of serious bodily injury or death when he employed deadly force. See *Commonwealth v. Mouzon*, 53 A.3d 728, 752 (Pa. 2012). The requirement of a reasonable belief encompasses two aspects, one subjective and one objective. First, the defendant “must have acted out of an honest, bona fide belief that he was in imminent danger,” which involves consideration of the defendant’s subjective state of mind. Second, the defendant’s belief that he needed to defend himself with deadly force, if it existed, must be reasonable in light of the facts as they appeared to the defendant, a consideration that involves an objective analysis. *Id.* at 752.

Psychiatric testimony has long been held admissible to prove a defendant’s subjective belief that he or she is in danger of imminent death or serious bodily injury. *Commonwealth v. McCloud*, 455 A.2d 177, 179 (Pa.Super. 1983); accord, *Commonwealth v. Light*, 326 A.2d 288 (Pa. 1974)(finding that psychiatric testimony was admissible to show whether defendant acted out of an honest, bona fide belief that he was in imminent danger at time he killed victim for purposes of establishing defense of self-defense).

Even if this Court were to allow testimony concerning justifiable use of deadly force, the Commonwealth’s Motion in Limine seeks to prohibit Defendant’s purported expert, James E. Baranowski, from being qualified as an expert in this area.

“The decision to admit or refuse expert testimony lies within the sound discretion of the trial court,” whose decision will not be reversed absent a clear abuse of that discretion. *Commonwealth v. Johnson*, 582 A.2d 336 (Pa.Super. 1990). Pennsylvania Rule of Evidence 702, pertaining to testimony by expert witnesses, states the following:

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a) the expert's scientific, technical, or other specialized knowledge is beyond that possessed by the average layperson;
- (b) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; and
- (c) the expert's methodology is generally accepted in the relevant field.

Pa.R.E. 702.

Rule 702 directs that a witness be qualified as an expert based upon “knowledge, skill, experience, training, or education.” Pa.R.E. 702. Thus, we must determine whether James E. Baranowski is qualified as an expert in the field of justifiable use of deadly force.

The Court has reviewed the curriculum vitae submitted on behalf of Mr. Baranowski and takes note of his lengthy and prestigious career with the United States Army and the Pennsylvania State Police. With regard to self-defense, Mr. Baranowski has provided, “Instruction in Self Defense Classes for women, children and men.” He has also instructed on “Police Use of Force, Baton and Self Defense Tactics.” Mr. Baranowski recites that he has “testified as an expert witness in the areas of crime scene processing/photography, traffic collision reconstruction and/or police use of force.”

Despite his extensive criminal investigation and police background, the Court is unable to identify any knowledge, skill, experience, training, or education that would permit him to offer opinions on Defendant’s subjective belief that he was in danger of imminent death or serious bodily injury. A review of Baranowski’s curriculum vitae discloses no evidence of expertise in the areas of mental health, psychology, or psychiatry as required by Pennsylvania case law. Accord, McCloud and Light, *supra*.

Specifically, Mr. Baranowski opined, “If we were to compare this to the use of force by a police officer, we would see that even at the much higher standards for a trained police officer, the use of force would be justified.” This opinion recites a standard, being that of a police officer, that is irrelevant to the instant action of this Defendant, who is not a police officer.

As such, Defendant is not permitted to present the testimony of Mr. Baranowski as an expert witness because he lacks any specialized knowledge, training, education or experience on Defendant’s subjective belief that he was in danger of imminent death or serious bodily injury such that his actions constituted justifiable use of deadly force.

BY THE COURT:  
JOHN F. WAGNER, JR.  
PRESIDENT JUDGE

ATTEST:  
Clerk of Courts



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