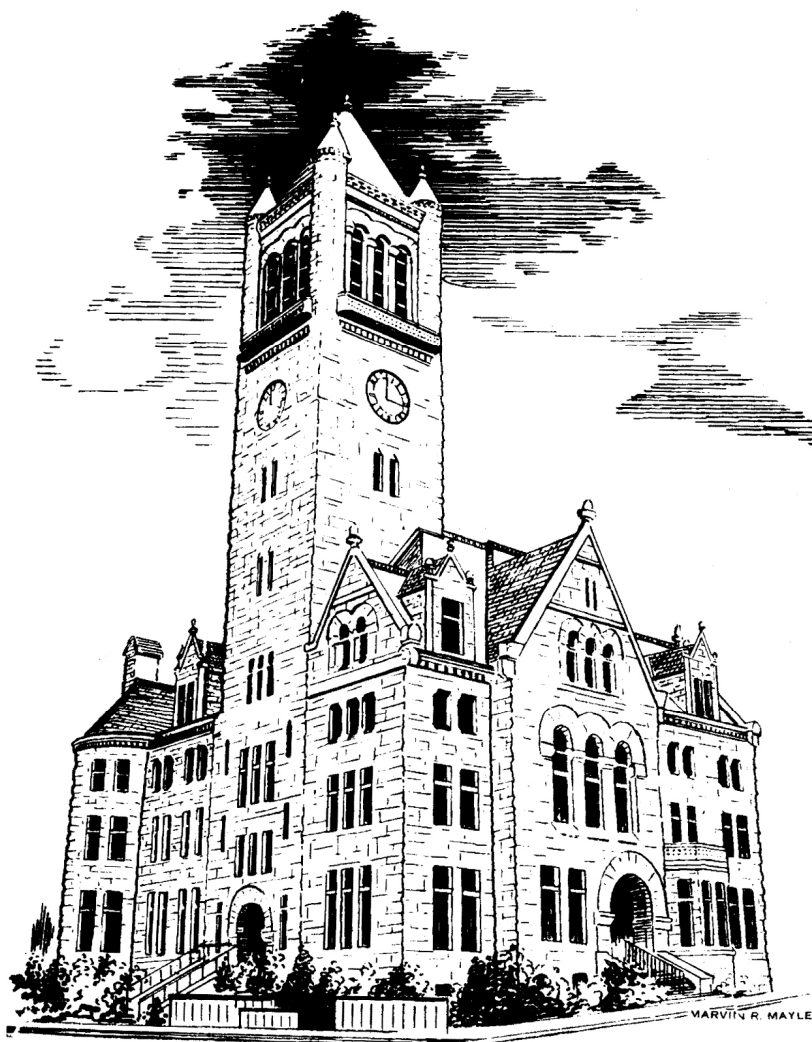


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Third Publication

EDWARD HUSSAR, late of Fayette City Borough, Fayette County, PA ⁽³⁾

Executor: Barbara Weible
748 Skurkay Avenue
Monessen, PA 15062
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark Ramsier

STELLA M. MCALLISTER, a/k/a STELLA MCALLISTER, late of Masontown, Fayette County, PA ⁽³⁾

Executor: Joseph Takacs
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

DIANE E. PARIS, late of Washington Township, Fayette County, PA ⁽³⁾

Administrator: Neil Paris
231 Van Meter Road
Rostraver, PA 15062
c/o Shire Law Firm
1711 Grand Boulevard
Park Centre
Monessen, PA 15062
Attorney: Mark J. Shire

EMILIE F. SMITH, late of Belle Vernon, Fayette County, PA ⁽³⁾

Executrix: Regina B. Flanner
1177 Connellsville Road
Fayette City, PA 15438
c/o 300 Fallowfield Avenue

Charleroi, PA 15022
Attorney: Richard C. Mudrick

CONNIE L. WILSON, late of North Union Township, Fayette County, PA ⁽³⁾

Personal Representative: Harry J. Nedley
c/o George & George, LLP
92 East Main Street
Uniontown, PA 15401
Attorney: Joseph M. George

Second Publication

CHARLES BASINGER, late of Connellsville, Fayette County, PA ⁽²⁾

Executor: Dora Hager
357 West Catherine Street
Somerset, PA 15501
c/o Stewart McArdle Sorice Whalen Farrell
Finoli & Cavanaugh, LLC
229 South Maple Avenue
Greensburg, PA 15601
Attorney: J. Douglas Farrell

IRENE A. FILIAGGI, late of Uniontown, Fayette County, PA ⁽²⁾

Executor: Michael Hanzes
c/o 4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Carl E. Micarelli

MICHAEL SIMON JOHN, a/k/a MICHAEL S. JOHN, late of North Union Township, Fayette County, PA ⁽²⁾

Personal Representative: Kathleen Miller
c/o George & George, LLP
92 East Main Street
Uniontown, PA 15401
Attorney: Joseph M. George

HAROLD L. KING, late of German Township, Fayette County, PA ⁽²⁾

Executrix: Christina L. Keffer
c/o 51 South Street
Uniontown, Pa 15401
Attorney: Anthony S. Dedola, Jr.

MARGARET J. KING, late of South Union Township, Fayette County, PA (2)
Executor: Stephen B. King
 c/o Radcliffe Law, LLC
 648 Morgantown Road, Suite B
 Uniontown, PA 15401
Attorney: William M. Radcliffe

SARAH E. KUHS, late of Melcroft, Fayette County, PA (2)
Executor: Brian K. Swaney
 9 Guthrie Avenue
 Fairchance, PA 15436
 c/o 76 East Main Street
 Uniontown, PA 15401
Attorney: Douglas S. Sholtis

MARY JEAN LACONA, late of Masontown, Fayette County, PA (2)
Executrix: June Lacona
 374 Thomas Road
 McMurray, PA 15317
 c/o Pion, Nerone, Girman, Winslow & Smith, P.C.
 1500 One Gateway Center
 Pittsburgh, PA 15222
Attorney: Angela R. Winslow

MILDRED IRENE ORAVETS, a/k/a MILDRED I. ORAVETS, late of Nicholson Township, Fayette County, PA (2)
Personal Representatives:
 Fred J. Oravets, Jr. and James E. Oravets
 c/o George & George, LLP
 92 East Main Street
 Uniontown, PA 15401
Attorney: Joseph M. George

WALTER E. RIPKO, JR., late of Cardale, Fayette County, PA (2)
Personal Representative: Patricia A. Ripko
 c/o 111 East Main Street
 Uniontown, Pa 15401
Attorney: Robert R. Harper, Jr.

JACK RAY RUSKO, a/k/a JACK R. RUSKO, late of Hopwood, Fayette County, PA
Executors: Jack M. Rusko (2)
 c/o 4 North Beeson Boulevard

Uniontown, PA 15401
Attorney: Carl E. Micarelli

ELIZABETH WYATT, a/k/a MARY E. WYATT, late of Luzerne Township, Fayette County, PA (2)
Co-Executors: David Lee Wyatt and Dixie L. Bennett
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 Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

First Publication

JOSEPH BERCINI, a/k/a JOSEPH M. BERCINI, late of South Union Township, Fayette County, PA (1)
Executor: Jo Ann Bercini
 c/o Higinbotham Law Offices
 45 East Main Street, Suite 500
 Uniontown, PA 15401
Attorney: James Higinbotham

TERESE BURKETT, late of Wharton Township, Fayette County, PA (1)
Administrator: Robert Burkett
 c/o 42944 National Pike Road
 P.O. Box 2P.O. Box 245
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Attorney: Charles C. Gentile

PATRICIA PEPERAK, a/k/a PATRICIA L. PEPERAK, late of Connellsville, Fayette County, PA (1)
Personal Representatives:
 Cynthia D. Peperak and Donald R. Peperak
 c/o Riverfront Professional Center
 2008 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

PAUL E. REED, late of Connellsville, Fayette County, PA (1)
Executor: Christopher M. Roley
 c/o Molinaro Law Offices
 P.O. Box 799
 Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

LOUISE E. ZELINA, late of Masontown,
Fayette County, PA ⁽¹⁾

Executrix: Marilyn L. Butcho
603 Main Street
Masontown, PA 15401
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

LEGAL NOTICES

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on February 13, 2019, for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is Mountain Car Wash LLC, having an address of 420 Meadow Run Road, Ohiopyle, Pennsylvania 15470.

James E. Higinbotham, Jr., Esq.
HIGINBOTHAM LAW OFFICES
45 East Main Street, Suite 500
Uniontown, PA 15401
Telephone: 724-437-2800

NOTICE

Notice is hereby given that Articles of Dissolution has been approved. and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on March 5, 2019, for corporation known as D&M Construction Group, Inc.

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

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

NOTICE

NOTICE IS HEREBY GIVEN that a Certificate of Organization, Domestic Limited Liability Company has been approved and filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on February 22, 2019, for a Limited Liability Company known as RACCE, 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 operation of a bar/restaurant and any other lawful purpose related thereto for which Limited Liability Companies may be organized under the Business Corporation Law.

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

NOTICE

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about February 22, 2019, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Live Wire Reloaded with the principal place of business at: 1411 McClellandtown Road, McClellandtown, PA 15458.

The name or names and addresses of persons owning and interested are: RACCE, LLC, 224 Shepard Lane, Uniontown, PA 15401.

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

NOTICE

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about February 4, 2019, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of Connellsville Rural King with the principal place of business at: 1952 University Dr., Connellsville, PA 15425.

The name or names and addresses of persons owning and interested are: Alex Melvin, 4216 Dewitt Avenue, Mattoon, IL 61938

Fictitious Name Registration

Notice is hereby given that an Application for Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on January 17, 2019 for Justin Michael Construction at 139 E. Coffee St. Uniontown, PA 15401. The name and address of each individual interested in the business is Justin Michael Bowling at 139 E. Coffee St. Uniontown, PA 15401. This was filed in accordance with 54 Pa.C.S. 311.

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA

CIVIL DIVISION
NO. 2745 of 2018 G.D.

COMPLAINT IN MORTGAGE
FORECLOSURE

First Federal Savings & Loan Association of
Greene County, a corporation,
Plaintiff,
v.
RUPERT SMITLEY
Defendant.

TO: RUPERT SMITLEY, Defendant.

You are hereby notified that on December 14, 2018, First Federal Savings & Loan Association of Greene County, a corporation, filed a Complaint in Action of Mortgage

Foreclosure endorsed with a Notice to Defend, at Number 2745 of 2018 G.D. This mortgage foreclosure action has been instituted to foreclose upon property located at RD # 1 Box 132, a/k/a 297 Ruble Mill Road, Smithfield, PA 15478, Tax Map No. 14-33-0078, and proceed to Sheriff's Sale.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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Anne N. John, Esquire
Attorney for Plaintiff
PA ID Number 38961
96 East Main Street
Uniontown, PA 15401
(724) 438-8560

JUDICIAL OPINION

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

COMMONWEALTH OF	:
PENNSYLVANIA	:
	:
vs.	: No. 704 of 2018
CHRISTOPHER SHELLHAMMER,	: No. 987 of 2018
Defendant.	: Honorable Senior Judge Gerald R. Solomon

OPINION AND ORDER

SOLOMON, SJ.

March 14, 2019

Before the Court is the Omnibus Pre-Trial Motion filed by Christopher Shellhammer, Defendant, who has been charged with Criminal Homicide, Aggravated Assault, and Recklessly Endangering Another Person, at Case Number 704 of 2016, and violations of the Controlled Substances Act at Case Number 987 of 2018. The Commonwealth has filed a Notice of Intent to Consolidate. The Defendant filed an Omnibus Pre-Trial Motion on May 16, 2018, and a full hearing was held before the Honorable Nancy D. Vernon, Judge. Thereafter, Judge Vernon recused herself and the Motion was assigned to this Judge for decision.

In his Omnibus Pre-Trial Motion, Defendant raises a Motion to Suppress Evidence, contending that there was no probable cause to search Defendant; a Motion to Suppress Statements, contending Defendant was not given his Miranda warnings; and a Motion to Dismiss, contending that there was no showing of Criminal Intent to commit the crimes of Criminal Homicide and/or Aggravated Assault.

We have reviewed the transcript of the hearing held on the Omnibus Pre-Trial Motion, and the transcript of the preliminary hearing, which was admitted as an exhibit at the hearing held on the Omnibus Pre-Trial Motion. From those transcripts, and the exhibits, we make the following findings of fact.

FINDINGS OF FACT

1. The transcript of the preliminary hearing held in this matter was admitted without objection at the time of the hearing on the Omnibus Pre-Trial Motion. OPT Hearing, 8/20/2018, at 3.
2. On January 15, 2018, Officer Thomas O’Barto of the Masontown Police Department arrived at the police station. After being advised that Defendant had come to the station with blood on his hands and reporting that he had just shot another male, Officer

O'Barto gave Defendant his Miranda warnings. Id. at 7, 9.

3. Sergeant Scott Miller, also of the Masontown Police Department, received a call from Fayette County 911 that a male had called and stated he had just shot a man on Peach Street and was going to the Masontown Police Station. Id. at 14.

4. A gray Dodge van arrived at the station and the Defendant, who had blood on his hands, told Sergeant Miller he had just shot someone. Id. at 23.

5. The Defendant also told Sergeant Miller that the weapon was in the van and gave consent to retrieve the weapon. Id. at 24.

6. The Defendant's person was checked, and no major trauma was found. Id. at 25.

7. A search warrant was executed on the van and a green, leafy substance was found in an overhead compartment between the driver and passenger seats that was later tested and determined to be marijuana. Id. at 27-28.

8. At the preliminary hearing held in this matter, Kelly French testified that the victim, Michael Henrick, was the father of her three children and that she knew Defendant. Preliminary Hearing, 3/21/18, at 24.

9. On January 13, 2018, two days before the shooting, French and the victim had an argument and he left the residence, Id. at 33.

10. On January 15, 2018, French asked Defendant to come to her home so that she could buy some marijuana from him. Id. at 26-27.

11. Shortly after Defendant arrived at French's home, the victim returned to the home and asked Defendant, "What are you doing near my old lady?" Id. at 33.

12. Although the victim was still standing by the door, seven or eight feet from Defendant, Defendant pulled a gun and pointed it at the victim. Id. 33, 48-49.

13. Staying between Defendant and the victim, French told Defendant to go into the living room where the door was located. Id. at 34-36.

14. French then struck Defendant in the face with her fist and he responded by punching her in the side. Id. at 38.

15. The victim then stated to Defendant, "So you're going to hit my old lady" and, while reaching across a chair, struck Defendant. Id. at 39.

16. The Defendant then shot the victim twice, once in the chest and once in the back. Id. at 39; Autopsy report; Record.

17. At the time the first shot was fired, the victim was five feet away from Defendant. *Id.* at 52.

18. According to French, who is the only person at the scene to testify, the victim was not the aggressor. *Id.* at 55.

19. The Defendant has offered no sworn testimony in this matter. Record.

20. The manner of death was homicide. Autopsy report; Record.

DISCUSSION

Defendant first raises a Motion to Suppress Evidence, contending that there was no probable cause to search Defendant. From the record, the only possible reference to a search of Defendant was of his hands by the administration of a gunshot residue test. However, in his Memorandum of Law in support of his Motion, Defendant concedes that the search warrant issued for the test was valid. Thus, this issue is without merit.

Although not raised in his Omnibus Pre-trial Motion, in his Memorandum of Law in Support of his Motion, Defendant challenges the search of his van. As to this issue, even though Defendant did not raise it in his Omnibus Pre-trial Motion, we note that Defendant voluntarily stated to Sergeant Miller that the weapon was in his van and gave consent to retrieve it. OPT Hearing, 8/20/18, at 24. Finding the weapon in the van certainly gave probable cause to obtain the search warrant that was subsequently obtained to search the van for further evidence.

Next, Defendant raises a Motion to Suppress Statements, contending Defendant was not given his Miranda warnings. Initially, we note that Defendant was given his Miranda warnings. OPT Hearing, 8/20/18, at 9. Although the sequence of certain statements made by Defendant in relation to his Miranda warnings being given is unclear from the record, it is of no moment.

From the record, Defendant made several incriminating statements. Initially, he made a call to Fayette County 911 and stated he had just shot a male on Peach Street and was going to the Masontown Police Station. That incriminating statement was spontaneously and voluntarily made by Defendant and not subject to suppression.

The second incriminating statement made by Defendant was made upon his arrival at the Masontown Police Station. At the station, without being questioned, Defendant stated to Sergeant Miller that he had just shot someone. Once again, Defendant spontaneously and voluntarily made this incriminating statement. The third, and last, incriminating statement of record made by Defendant was also made to Sergeant Miller, when Defendant spontaneously and voluntarily stated that the weapon was in the van. None of the incriminating statements made by Defendant were the product of police interrogation or coercion and, hence, this issue is without merit.

The final issue raised is a Motion to Dismiss, contending that there was no showing of criminal intent to commit the crimes of Criminal Homicide and/or Aggravated Assault. "Like all of the other elements of an offense, the Commonwealth may prove the existence of a specific intent to kill wholly by circumstantial evidence." *Commonwealth v. Meredith*, 416 A.2d 481, 481 (Pa. 1980). The inferred fact must flow, beyond a reasonable doubt, from the proven fact where the inferred fact is relied upon to establish the guilt of the accused or the existence of one of the elements of the offense. *Commonwealth v. DiFrancisco*, 329 A.2d 204 (Pa. 1974).

A well-recognized and generally accepted inference to establish state of mind is that an actor intends the natural and probable consequences of his acts. An off-shoot of this principle is that a specific intent to kill may be inferred from the use of deadly force upon a vital part of the human body. Where one does not verbalize the reason for his actions, we are forced to look to the act itself to glean the intentions of the actor. Where the intention of the actor is obvious from the act itself, the finder of fact is justified in assigning the intention that is suggested by the conduct. If a deadly force is knowingly applied by the actor to the person of another, the intent to take life is as evident as if the actor stated the intent to kill at the time the force was applied.

Meredith, supra., 416 A.2d at 485.

Instantly, Defendant knowingly applied deadly force upon the victim by firing two bullets into his body, with one perforating the heart of the victim. See, Autopsy report; Record. From this act itself, the finder of fact is justified in assigning the intention that is suggested by the conduct of the Defendant. The number of bullets inflicted by Defendant, and where the bullets entered the body of the victim, establish a basis that a deadly force was applied to a vital part of the body of the victim. Thus, under such circumstances, a jury would be free to infer that Defendant intended to cause the death that resulted from his actions.

As to this issue, Defendant has argued in this Motion, as he has in other motions of record, that this killing was committed in self-defense. A claim of self-defense requires evidence establishing three elements: " (a) [that the defendant] reasonably believed that he was in imminent danger of death or serious bodily injury and that it was necessary to use deadly force against the victim to prevent such harm; (b) that the defendant was free from fault in provoking the difficulty which culminated in the slaying; and (c) that the [defendant] did not violate any duty to retreat." *Commonwealth v. Samuel*, 590 A.2d 1245, 1247-48 (Pa. 1991). Although Defendant has no burden to prove self-defense, before the defense is properly in issue, "there must be some evidence, from whatever source, to justify such a finding." *Commonwealth v. Black*, 376 A.2d 627, 630 (1977).

However, the only testimony of record as to the events that occurred on that fatal day are set forth, supra. The Defendant has yet to testify under oath and, at this stage of the proceedings, there is no evidence from any source that would support his contention.

Wherefore, we will enter the following order.

ORDER

AND NOW, this 14th day of March, 2019, upon consideration of the record, and after hearing, it is hereby ORDERED and DECREED that the Omnibus Pre-Trial Motion filed by Christopher Shellhammer, Defendant, is DENIED.

BY THE COURT,
GERALD R. SOLOMON,
SENIOR JUDGE

Attest:
Clerk of Courts

LUNCH & LEARN SERIES

FCBA LUNCH & LEARN SERIES

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

- Date: **Wednesday, April 17th** from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topic: **Family Law Duo: The 2019 Changes in Alimony Pendente Lite & How to Prepare for a Master's Conference in a Divorce Case**
- Presenter: Sheryl R. Heid, Esquire, and Chris Edenfield, D.R. Hearing Officer

Topics will include: major changes to Alimony Pendente Lite; a system's approach to preparing for a Master's hearing; how to collect and organize your client's financial materials before the Master's prehearing conference making settlement more likely and the best use of the Master's time; etc.

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A light lunch will be provided.

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or by email to cindy@fcbar.org on or before Monday, April 15th.

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