

CARBON COUNTY LAW JOURNAL

Publication Number (ISSN 0090-8789)

The Official Legal Newspaper for Carbon County

Containing Decisions Rendered, Legal Notices, Advertisements
in the 56th Judicial District

ROGER N. NANOVIC, President Judge

STEVEN R. SERFASS, Judge

JOSEPH J. MATIKA, Judge

Vol. XXIII Jim Thorpe, PA, Friday, April 16, 2021 No. 68

COMMONWEALTH of PENNSYLVANIA vs. BRIAN RICHARD HILL, Defendant 81
Criminal Law—Police/Citizen Interactions—Investigatory Stop—Reasonable Suspicion—Custodial Stop—Probable Cause—Collective Knowledge—Permissible Scope of Terry Frisk

COURT CALENDAR

Week of April 19

Court Calendar Submitted: April 7, 2021

For updates and revisions check courthouse webpage:

www.carboncourts.com

Criminal

Chairman Greek, Michael, Esq.

Monday, April 19

9:00 AM

1	Formal Arraignment	Com. v. Strohl, R.	(Hatton, Mousseau)	21-0069
2	Formal Arraignment	Com. v. Zechman, P.A.	(Rapa, Bender)	21-0089
3	Formal Arraignment	Com. v. Hines, G.M.	(Rapa, Mousseau)	21-0088
4	Formal Arraignment	Com. v. Steigerwalt, A.L.	(Rapa, Mousseau)	21-0085

10:00 AM

5	Formal Arraignment	Com. v. Hinline, J.W.	(Harakal)	21-0128
---	-----------------------	-----------------------	-----------	---------

11:00 AM

6	Formal Arraignment	Com. v. Galicia-Martinez, W.A.	(Hatton, Weaver)	21-0170
7	Formal Arraignment	Com. v. Olson, G.K.	(Hatton, Unassigned)	21-0172
8	Formal Arraignment	Com. v. Weed, B.M.	(Gazo, Mousseau)	21-0190
9	Formal Arraignment	Com. v. Weed, B.M.	(Gazo, Mousseau)	21-0189
10	Formal Arraignment	Com. v. Hoffert, C.	(Gazo, Mousseau)	21-0191
11	Formal Arraignment	Com. v. Faust, H.L.	(Gazo, Mousseau)	21-0188
12	Formal Arraignment	Com. v. Lane, M.J.	(Gazo, Unassigned)	21-0195

CARBON COUNTY LAW JOURNAL

13	Formal Arraignment	Com. v. Woodard, D.	(Gazo, Mousseau)	21-0196
Tuesday, April 20				
9:00 AM				
14	Formal Arraignment	Com. v. Strohl, M.C.	(Rapa, Kemmerer)	21-0052
15	Formal Arraignment	Com. v. Hafler, S.C.	(Hatton, Unassigned)	21-0079
10:00 AM				
16	Formal Arraignment	Com. v. Smith, C.	(Miller, Unassigned)	21-0117
17	Formal Arraignment	Com. v. Shemansik, J.	(Gazo, Unassigned)	21-0148
18	Formal Arraignment	Com. v. Comer, E.S.	(Gazo, Kemmerer)	21-0149
11:00 AM				
19	Formal Arraignment	Com. v. Werner, R.	(Rapa, Kemmerer)	21-0224
20	Formal Arraignment	Com. v. Haydt, T.L.	(Rapa, Unassigned)	21-0226
Thursday, April 22				
9:00 AM				
21	Formal Arraignment	Com. v. Jones, D.L.	(Hatton, Unassigned)	21-0065
22	Formal Arraignment	Com. v. Summers, L.J.	(Hatton, Unassigned)	21-0066
23	Formal Arraignment	Com. v. Nothstein, J.D.	(Rapa, Martino)	21-0060

Published by the Carbon County Bar Association, Inc.
Sheri A. Ryan, Managing Editor

Carbon County Law Journal Publication No. (ISSN 00908789) is published each Friday for \$55.00 per year or \$1.06 per copy by the Carbon County Bar Association, Inc., 811 Blakeslee Blvd. Drive East, Suite 130, Lehighton, PA 18235. Periodical postage is paid at Lehighton, PA and additional mailing offices. **All notices to be published Friday must be received by the previous Friday and must be pre-paid. Information on pricing can be found at <http://www.carbonbar.org/Carbon-County-Law-Journal.html> or by calling (610) 379-4950.** ALL INFORMATION CONTAINED HEREIN IS RECEIVED FROM THE RESPECTIVE OFFICES OF THE CARBON COUNTY COURT HOUSE. NO WARRANTY IS MADE AS TO RELIABILITY AND THIS BOOKLET IS NOT INTENDED AS A SUBSTITUTE FOR A SEARCH OF THE COURT HOUSE RECORDS.

POSTMASTER: Send all communications and address changes to:

Carbon County Law Journal, 811 Blakeslee Blvd. Drive East, Suite 130, Lehighton, PA 18235.

Printed by
Clare Printing
206 So. Keystone Ave., Sayre, PA 18840

CARBON COUNTY LAW JOURNAL

24	Formal Arraignment	Com. v. Haberle, J.L.	(Hatton, Unassigned)	21-0064
25	Formal Arraignment	Com. v. Olszwski, K.W.	(Hatton, Unassigned)	21-0099
26	Formal Arraignment	Com. v. George, C.A.	(Hatton, Wilttrout)	21-0094
27	Formal Arraignment	Com. v. George, C.A.	(Hatton, Wilttrout)	21-0093
10:00 AM				
28	Formal Arraignment	Com. v. Settle, M.C.	(Perilli, Levy)	21-0121
29	Formal Arraignment	Com. v. Gerhard, J.W.	(Perilli, Levy)	21-0105
30	Formal Arraignment	Com. v. Burgos, D.A.	(Frycklund, Levy)	21-0154
11:00 AM				
31	Formal Arraignment	Com. v. Hockenberry, J.	(Perilli, Levy)	21-0157
32	Formal Arraignment	Com. v. Borger, T.A.	(Gazo, Saurman)	21-0197
33	Formal Arraignment	Com. v. Diaz, J.	(Gazo, Kelly)	21-0198
34	Formal Arraignment	Com. v. Knauss, J.M.	(Rapa, Unassigned)	21-0200
35	Formal Arraignment	Com. v. Green, M.S.	(Gazo, Winter)	21-0199
36	Formal Arraignment	Com. v. Dilemme, A.M.	(Rapa, Quinn)	21-0201
37	Formal Arraignment	Com. v. Dilemme, A.M.	(Rapa, Quinn)	21-0205
38	Formal Arraignment	Com. v. Dilemme, A.M.	(Rapa, Quinn)	21-0231
39	Formal Arraignment	Com. v. Silfies, A.	(Rapa, Wilttrout)	21-0217
Friday, April 23				
9:00 AM				
40	Formal Arraignment	Com. v. Arner, C.E.	(Hatton, Angelo)	21-0261
41	Formal Arraignment	Com. v. Gregorec, M.J.	(Perilli, Spang)	21-0309
10:00 AM				
42	Formal Arraignment	Com. v. Garcia, J.G.	(Hatton, Cheng)	21-0246
43	Formal Arraignment	Com. v. Endy, C.L.	(Miller, Unassigned)	21-0275
44	Formal Arraignment	Com. v. Person, C.A.	(Miller, Unassigned)	21-0272
45	Formal Arraignment	Com. v. Cespedes, A.	(Gazo, Unassigned)	21-0300
46	Formal Arraignment	Com. v. Lower, B.L.	(Gazo, Gryskewicz)	21-0299
47	Formal Arraignment	Com. v. Morales, J.L.	(Gazo, Olexa)	21-0295
48	Formal Arraignment	Com. v. Erlemann, E.J., Jr.	(Hatton, Unassigned)	21-0312
49	Formal Arraignment	Com. v. Evans, J.A.	(Hatton, Aaroe)	21-0310
50	Formal Arraignment	Com. v. Schardien, L.A.	(Hatton, Wilttrout)	21-0316
1:15 PM				
51	Formal Arraignment	Com. v. Habbal, J.M.	(Frycklund, Levy)	21-0258

CARBON COUNTY LAW JOURNAL

Judge Matika, Joseph J., Hon.

Monday, April 19

9:00 AM

52 Omnibus Com. v. Merz, J.H. (Frycklund, Saurman) 20-0802
Pre-Tr. Mot.

1:15 PM

53 Omnibus Com. v. Lengyel, T.R. (Frycklund, Kemmerer) 20-1031
Pre-Tr. Mot.

54 Pet. Amend Com. v. Perich, C.D. (Gazo, Levy) 16-0927
Sentence

55 Omnibus Com. v. Samuels, C.A. (Hatton, Hinrichs) 20-0359
Pre-Tr. Mot.

Thursday, April 22

9:00 AM

56 Sentencing Com. v. Weaver, J.A. (Gazo, Mottola) 20-0494

57 Sentencing Com. v. Weaver, J.A. (Gazo, Mottola) 20-0700

58 ARD Court Com. v. Nothstein, J.D. (Rapa, Martino) 21-0060

59 Plea Court Com. v. Haberle, J.L. (Hatton, Unassigned) 21-0064

60 Plea Court Com. v. Jones, D.L. (Hatton, Unassigned) 21-0065

61 Plea Court Com. v. Summers, L.J. (Hatton, Unassigned) 21-0066

62 Plea Court Com. v. George, C.A. (Hatton, Wiltrout) 21-0093

63 Plea Court Com. v. George, C.A. (Hatton, Wiltrout) 21-0094

64 Plea Court Com. v. Olswfski, K.W. (Hatton, Unassigned) 21-0099

65 Plea Court Com. v. Werner, R.J. (Rapa, Levy) 20-0773

66 Plea Court Com. v. Cowin, W.J. (Perilli, Levy) 20-0819

10:00 AM

67 ARD Court Com. v. Burgos, D.A. (Frycklund, Levy) 21-0154

68 Sentencing Com. v. Daddino, M.V. (Hatton, Wildoner-Walbert) 19-0754

69 Sentencing Com. v. Daddino, M.J.V. (Hatton, Wildoner-Walbert) 19-0756

70 Sentencing Com. v. Daddino, M.J.V. (Hatton, Wildoner-Walbert) 19-0429

71 Plea Court Com. v. Daddino, M.V. (Hatton, Kemmerer) 20-0086

72 Plea Court Com. v. Gerhard, J.W. (Perilli, Levy) 21-0105

73 Plea Court Com. v. Settle, M.C. (Perilli, Levy) 21-0121

74 Plea Court Com. v. Berger, C.W., Jr. (Miller, Kemmerer) 20-0553

75 Plea Court Com. v. Castellon, M. (Perilli, Lermitte) 20-1079

76 Plea Court Com. v. Stevens, C.M. (Miller, Wiltrout) 20-0786

77 Plea Court Com. v. Eidem, E.M. (Perilli, Charette) 17-1459

11:00 AM

78 Plea Court Com. v. Carter, K.P. (Greek, Levy) 17-1598

79 Plea Court Com. v. Michalski, L. (Frycklund, Francis) 20-0051

80 Plea Court Com. v. McKeiver, J.M. (Miller, Unassigned) 20-1072

81 Plea Court Com. v. Bell, C.I. (Rapa, Unassigned) 20-0634

82 Plea Court Com. v. Brady, A.N. (Perilli, Unassigned) 20-0745

83 ARD Court Com. v. Hockenberry, J. (Perilli, Levy) 21-0157

84 Plea Court Com. v. Hetherington, W.J. (Greek, Levy) 18-0065

85 Plea Court Com. v. Hetherington, W.J. (Greek, Unassigned) 19-1207

86 Plea Court Com. v. Dilemme, A.M. (Rapa, Quinn) 21-0201

87 Plea Court Com. v. Dilemme, A.M. (Rapa, Quinn) 21-0205

88 Plea Court Com. v. Dilemme, A.M. (Rapa, Quinn) 21-0231

89 Plea Court Com. v. Knauss, J.M. (Rapa, Unassigned) 21-0200

90 Plea Court Com. v. Silfies, A. (Rapa, Wiltrout) 21-0217

91 ARD Court Com. v. Borger, T.A. (Gazo, Saurman) 21-0197

92 ARD Court Com. v. Diaz, J. (Gazo, Kelly) 21-0198

93 ARD Court Com. v. Green, M.S. (Gazo, Winter) 21-0199

94 Plea Court Com. v. Reynoso, N. (Frycklund, Mousseau) 20-0801

1:00 PM

95 Plea Court Com. v. Hymans, D.L. (Miller, Mousseau) 19-0351

1:15 PM

96 Plea Court Com. v. Albert, S.M., Jr. (Frycklund, Knight) 20-0918

97 Plea Court Com. v. Shah, M.R. (Gazo, Saurman) 19-1242

98 Plea Court Com. v. Shah, M.R. (Gazo, Saurman) 20-0787

99 Plea Court Com. v. Shah, M.R. (Gazo, Saurman) 19-1243

100 Plea Court Com. v. Behler, W.L. (Gazo, Quinn) 20-1025

101 Plea Court Com. v. Ross, J.L., II (Gazo, Levy) 21-0046

102 Plea Court Com. v. Bartenope, Z.J. (Hatton, Levy) 20-0459

CARBON COUNTY LAW JOURNAL

103	Plea Court	Com. v. Bartenope, Z.J.	(Greek, Unassigned)	21-0003
104	Plea Court	Com. v. Perschy, S.J.	(Perilli, Kemmerer)	19-1050
105	Plea Court	Com. v. Laberth, A.M.	(Frycklund, Mousseau)	20-0680
106	Plea Court	Com. v. Della-Vecchio, J.D.	(Frycklund, Kemmerer)	20-0267
107	Plea Court	Com. v. Albert, S.M.	(Greek, Knight)	19-0855
108	Plea Court	Com. v. Albert, S.M.	(Perilli, Knight)	19-1147
109	Plea Court	Com. v. Albert, S.M.	(Perilli, Knight)	19-0511
110	Plea Court	Com. v. Hildebrant, K.R.	(Miller, Spang)	20-0591
111	Plea Court	Com. v. Albert, S.M.	(Gazo, Knight)	20-0352
Judge Nanovic, Roger N., II, Hon.				
Monday, April 19				
9:00 AM				
112	Plea Court	Com. v. Strohl, R.	(Hatton, Mousseau)	21-0069
113	Plea Court	Com. v. Hines, G.M.	(Rapa, Mousseau)	21-0088
114	Plea Court	Com. v. Steigerwalt, A.L.	(Rapa, Mousseau)	21-0085
115	ARD Court	Com. v. Zechman, P.A.	(Rapa, Bender)	21-0089
116	Plea Court	Com. v. Hofstetter, N.R.	(Gazo, Schnell)	20-0970
117	Plea Court	Com. v. Medina-Pagan, H.R.	(Greek, Schnell)	18-1583
118	Plea Court	Com. v. Medina-Pagan, H.R.	(Greek, Schnell)	18-1584
119	ARD Court	Com. v. Sunderland, M.P.	(Frycklund, Hinrichs)	20-0782
120	ARD Court	Com. v. Josiah, C.	(Greek, Mottola)	20-1035
121	Plea Court	Com. v. Bencun, R.	(Greek, Levy)	15-0564
10:00 AM				
122	Plea Court	Com. v. Ackley, B.H.	(Hatton, Combi)	18-1472
123	Plea Court	Com. v. Ackley, B.H.	(Miller, Combi)	19-1432
124	Plea Court	Com. v. Price, M.J.	(Gazo, Kemmerer)	19-0804
125	Plea Court	Com. v. Hauser, M.M.	(Perilli, Quinn)	20-0643
126	Plea Court	Com. v. Hauser, M.M.	(Perilli, Quinn)	20-0644
127	Plea Court	Com. v. Puppo, J.	(Greek, Mottola)	19-0464
128	Plea Court	Com. v. Puppo, J.J.	(Greek, Mottola)	18-1410
129	Plea Court	Com. v. Teabo, B., Jr.	(Frycklund, Levy)	20-0777
130	ARD Court	Com. v. Himeline, J.W.	(Harakal)	21-0128
131	Plea Court	Com. v. Witcofsky, J.E.	(Perilli, Unassigned)	20-0404
11:00 AM				
132	Plea Court	Com. v. Crawford, L.	(Frycklund, Mottola)	19-0299
133	Plea Court	Com. v. Crawford, L.	(Frycklund, Mottola)	19-0410
134	ARD Court	Com. v. Fritzingler, K.	(Gazo, Rapa)	20-0667
135	Plea Court	Com. v. Gindhart, J., Jr.	(Doherty, Schnell)	19-0412
136	Plea Court	Com. v. Gindhart, J.	(Perilli, Schnell)	20-0151
137	ARD Court	Com. v. Galicia-Martinez, W.A.	(Hatton, Weaver)	21-0170
138	Plea Court	Com. v. Olson, G.K.	(Hatton, Unassigned)	21-0172
139	Plea Court	Com. v. Baldini, T.J.	(Perilli, Mottola)	20-0645
140	Plea Court	Com. v. Watkins, A.W.	(Perilli, Mottola)	18-1232
141	ARD Court	Com. v. Faust, H.L.	(Gazo, Mousseau)	21-0188
142	Plea Court	Com. v. Hoffert, C.	(Gazo, Mousseau)	21-0191
143	Plea Court	Com. v. Lane, M.J.	(Gazo, Unassigned)	21-0195
144	Plea Court	Com. v. Weed, B.M.	(Gazo, Mousseau)	21-0190
145	Plea Court	Com. v. Weed, B.M.	(Gazo, Mousseau)	21-0189
146	Plea Court	Com. v. Woodard, D.	(Gazo, Mousseau)	21-0196
147	Plea Court	Com. v. Hunter, K.R.	(Frycklund, Unassigned)	20-0518
148	Sentencing	Com. v. Crawford, L.	(Frycklund, Mottola)	19-0641
149	Mot. to Suppress	Com. v. Baldini, T.J.	(Perilli, Mottola)	20-0645
1:15 PM				
150	Plea Court	Com. v. McLaughlin, J.E.	(Perilli, Wildoner Walbert)	17-0060
151	Plea Court	Com. v. McLaughlin, J.E.	(Perilli, Wilttrout)	19-0252
152	Plea Court	Com. v. McLaughlin, J.E.	(Perilli, Wilttrout)	19-0697
153	Plea Court	Com. v. Thompson, A.	(Perilli, Mottola)	20-0658
154	Plea Court	Com. v. Kehl, R.	(Greek, Unassigned)	17-1042
155	Plea Court	Com. v. Iuspa, V.A.	(Miller, Wilttrout)	19-0312
156	Plea Court	Com. v. Osborne, C.D.	(Gazo, Kemmerer)	20-0816
157	Plea Court	Com. v. Bartenope, Z.J.	(Perilli, Levy)	19-1025
158	Plea Court	Com. v. Bartenope, Z.J.	(Perilli, Levy)	19-1028
159	Plea Court	Com. v. Bartenope, Z.J.	(Perilli, Levy)	19-1029

CARBON COUNTY LAW JOURNAL

160	Plea Court	Com. v. Bartenope, Z.J.	(Perilli, Levy)	19-1024
161	Plea Court	Com. v. Winslow, R.W., Jr.	(Greek, Rapa)	16-0450
2:15 PM				
162	Plea Court	Com. v. Baer, N.	(Greek, Unassigned)	20-0871
163	Plea Court	Com. v. Bauder, A., Jr.	(Perilli, Unassigned)	20-0660
164	Plea Court	Com. v. Daldos, C.	(Gazo, Unassigned)	20-0612
165	Plea Court	Com. v. Tagliaterra, S.M.	(Perilli, Wilttrout)	20-0342
166	Plea Court	Com. v. Sparano, M.R.	(Greek, Mousseau)	19-1211
167	Plea Court	Com. v. Rush, A.R.	(Hatton, Levy)	19-0786
168	Plea Court	Com. v. Eck, B.W.	(Perilli, Levy)	19-1013
169	Plea Court	Com. v. Canales, V.E.	(Perilli, Mottola)	18-1093
170	Plea Court	Com. v. Blum, G.A.	(Frycklund, Mottola)	19-0296
171	Plea Court	Com. v. Holtzer, S.D.	(Perilli, Unassigned)	20-0262
3:15 PM				
172	Plea Court	Com. v. Conklin, D.R., IV	(Greek, Mottola)	20-0214
173	Plea Court	Com. v. Ahner, S.	(Rapa, Schnell)	20-0179
174	Plea Court	Com. v. Conklin, D.R., IV	(Greek, Mottola)	20-0211
175	Plea Court	Com. v. Wentz, D.J.	(Frycklund, Levy)	19-0982
176	Plea Court	Com. v. Wentz, D.J.	(Gazo, Levy)	20-0355
177	Plea Court	Com. v. Wentz, D.J.	(Miller, Levy)	19-0593
178	Plea Court	Com. v. Wentz, D.J.	(Frycklund, Levy)	19-0983
179	Plea Court	Com. v. Rush, A.R.	(Hatton, Levy)	19-0685
180	Plea Court	Com. v. Montanari, A.S.	(Hatton, Kemmerer)	16-0634
181	Plea Court	Com. v. Montanari, A.S.	(Hatton, Kemmerer)	16-0898
Tuesday, April 20				
9:00 AM				
182	Omnibus Pre-Tr. Mot.	Com. v. Rodweller, R.C.	(Greek, Collins)	20-0333
183	Pet. Bail Hrg.	Com. v. Eckhart, R.	(Frycklund, Mottola)	19-0132
1:15 PM				
184	Omnibus Pre-Tr. Mot.	Com. v. Tucker, D.	(Rapa, Wilttrout)	20-0186
185	Pet. Expunge Record	In Re: Expungements	(Olexa)	20-0331
186	Pet. Expunge Record	In Re: Expungements	(Olexa)	20-0332
Friday, April 23				
9:00 AM				
187	Plea Court	Com. v. George, J., III	(Gazo, Unassigned)	19-1491
188	ARD Court	Com. v. Hauser, C.L., Jr.	(Greek, Levy)	20-0736
189	ARD Court	Com. v. McGuire, J.M.	(Miller, Rapa)	20-0693
190	Plea Court	Com. v. Simcsuk, T.C.	(Miller, Kemmerer)	20-0974
191	Plea Court	Com. v. Simcsuk, T.C.	(Gazo, Kemmerer)	20-0894
192	ARD Court	Com. v. Henritzky, K.	(Miller, Levy)	20-0288
193	Plea Court	Com. v. Kintz, W.P.	(Greek, Rapa)	20-1044
194	ARD Court	Com. v. Arner, C.E.	(Hatton, Angelo)	21-0261
195	ARD Court	Com. v. Pujol Ciprian, G.J.	(Perilli, Yeager)	20-0960
196	Plea Court	Com. v. Eichler, J.	(Hatton, Unassigned)	17-0119
197	Plea Court	Com. v. Gregorec, M.J.	(Perilli, Spang)	21-0309
10:00 AM				
198	Plea Court	Com. v. Vincent, B.M.	(Miller, Wilttrout)	20-0549
199	ARD Court	Com. v. Gonzalez, C.A.	(Perilli, Thompson)	19-0564
200	ARD Court	Com. v. Turner, W.L.	(Perilli, Rapa)	20-0958
201	ARD Court	Com. v. Lewis, J.E.	(Miller, Unassigned)	20-0785
202	ARD Court	Com. v. Person, J.C.	(Miller, Levy)	20-0692
203	ARD Court	Com. v. Dellecker, J.A.	(Hatton, Unassigned)	21-0027
204	ARD Court	Com. v. Howard, C.	(Gazo, Unassigned)	19-1309
205	Plea Court	Com. v. Bowman, B.R.	(Hatton, Rapa)	19-0387
206	Plea Court	Com. v. Bowman, B.R.	(Greek, Unassigned)	18-0476
207	Plea Court	Com. v. Bowman, B.R.	(Hatton, Rapa)	20-0951
208	ARD Court	Com. v. Garcia, J.G.	(Hatton, Cheng)	21-0246
209	ARD Court	Com. v. Endy, C.L.	(Miller, Unassigned)	21-0275
210	ARD Court	Com. v. Person, C.A.	(Miller, Unassigned)	21-0272
211	ARD Court	Com. v. Cespedes, A.	(Gazo, Unassigned)	21-0300
212	ARD Court	Com. v. Lower, B.L.	(Gazo, Gryskewicz)	21-0299

CARBON COUNTY LAW JOURNAL

213	ARD Court	Com. v. Morales, J.L.	(Gazo, Olexa)	21-0295
214	ARD Court	Com. v. Erlemann, E.J., Jr.	(Hatton, Unassigned)	21-0312
215	ARD Court	Com. v. Evans, J.A.	(Hatton, Warroe)	21-0310
216	ARD Court	Com. v. Schardien, L.A.	(Hatton, Wiltrout)	21-0316
11:00 AM				
217	ARD Court	Com. v. Humanick, R.J.	(Hatton, Waldron)	20-0724
218	ARD Court	Com. v. Pillonato, R.A.	(Perilli, Olexa)	20-0130
219	Plea Court	Com. v. Cannon, W.	(Frycklund, Mousseau)	20-0473
220	Plea Court	Com. v. Stewart, A.W.	(Gazo, Saurman)	20-0345
221	Plea Court	Com. v. Deutsch, C.	(Hatton, Rapa)	20-1090
222	Plea Court	Com. v. Welsch, J.M.	(Hatton, Munley)	20-0369
223	Plea Court	Com. v. Stuckley, A.L.	(Miller, Wildoner-Walbert)	17-1639
224	Plea Court	Com. v. Slizofski, M.J.	(Greek, Unassigned)	20-0466
225	Plea Court	Com. v. Bowen, A.	(Rapa, Bender)	20-0841
226	Plea Court	Com. v. Roe, B.D.	(Gazo, Unassigned)	19-1064
1:15 PM				
227	ARD Court	Com. v. Lawrence, V.A.	(Hatton, Levy)	19-1222
228	ARD Court	Com. v. McDaniel, D.D.	(Rapa, Levy)	20-0994
229	Plea Court	Com. v. Hosier, B.A.	(Miller, Sebelin)	17-0936
230	Plea Court	Com. v. Hinkle, A.S.	(Gazo, Wiltrout)	19-1366
231	Plea Court	Com. v. Hinkle, A.S.	(Gazo, Wiltrout)	20-0213
232	Plea Court	Com. v. Hosier, B.A.	(Miller, Sebelin)	18-1492
233	Plea Court	Com. v. Hosier, B.A.	(Miller, Sebelin)	19-0460
234	Plea Court	Com. v. Hargreaves, S.	(Perilli, Mottola)	20-0988
235	ARD Court	Com. v. Pedroza, M.	(Rapa, Kemmerer)	20-0765
236	ARD Court	Com. v. McCoy, K.V.	(Perilli, Mottola)	18-1096
237	Plea Court	Com. v. Habbal, J.M.	(Frycklund, Levy)	21-0258
238	Plea Court	Com. v. Mustacchio, J.E.	(Miller, Bender)	19-0669
239	Plea Court	Com. v. Painter, G.A.	(Perilli, Wiltrout)	17-1021
2:15 PM				
240	Sentencing	Com. v. Nguyen, H.V.	(Greek, Kellis)	20-0735
241	Sentencing	Com. v. Hernandez, S.	(Frycklund, Wiltrout)	19-1140
242	Sentencing	Com. v. Romeo, M.A.	(Frycklund, Levy)	19-1395
243	Sentencing	Com. v. Pryor, R.D.	(Gazo, Mousseau)	16-1489
244	Sentencing	Com. v. Cacciola, A.	(Frycklund, Mottola)	20-0524
245	Sentencing	Com. v. Fisher, K.K.	(Miller, Kemmerer)	19-1470
246	Sentencing	Com. v. Barna, P.S.	(Frycklund, Kemmerer)	20-0196
247	Sentencing	Com. v. Alsharif, B.M.	(Miller, Kellis)	20-0382
248	Sentencing	Com. v. Abraham, S.M.	(Rapa, Kellis)	20-0828
249	Sentencing	Com. v. Fehr, T.J.	(Gazo, Pro Se)	16-1004
Judge Serfass, Steven R., Hon.				
Tuesday, April 20				
9:00 AM				
250	Plea Court	Com. v. Strohl, M.C.	(Rapa, Kemmerer)	21-0052
251	Plea Court	Com. v. Hafler, S.C.	(Hatton, Unassigned)	21-0079
252	Plea Court	Com. v. Neace, J.J.	(Greek, Levy)	20-0648
253	Plea Court	Com. v. Graver, M.M.	(Perilli, Waldron)	16-1650
254	Plea Court	Com. v. Bennett, C.M.	(Unassigned)	20-1061
255	Plea Court	Com. v. Jasper, E.J.	(Rapa, Unassigned)	20-0760
256	Plea Court	Com. v. Hanman, A.S.	(Gazo, Levy)	20-0418
9:30 AM				
257	Plea Court	Com. v. Huxel, W.C.	(Gazo, Eyer)	20-1018
10:00 AM				
258	Plea Court	Com. v. Smith, C.	(Miller, Unassigned)	21-0117
259	Plea Court	Com. v. Chambers, J.D.	(Gazo, Mottola)	20-0697
260	Plea Court	Com. v. Comer, E.S.	(Gazo, Kemmerer)	21-0149
261	Plea Court	Com. v. Shemansik, J.	(Gazo, Unassigned)	21-0148
262	ARD Court	Com. v. Abreu, J.A.	(Rapa, Levy)	20-1085
263	ARD Court	Com. v. Bloodgood, E.F.	(Hatton, Unassigned)	20-0603
264	Plea Court	Com. v. Velazquez, C.T.	(Miller, Rapa)	20-0384
265	ARD Court	Com. v. Fritzingler, S.S.	(Perilli, Unassigned)	20-0395
266	Plea Court	Com. v. Shemansik, J.	(Gazo, Unassigned)	21-0015
267	ARD Court	Com. v. Smith, A.M.	(Frycklund, Levy)	17-0853
11:00 AM				
268	Plea Court	Com. v. Moon, P.	(Perilli, Mottola)	19-1328

CARBON COUNTY LAW JOURNAL

269	Plea Court	Com. v. Moon, P.R.	(Perilli, Mottola)	20-0068
270	Plea Court	Com. v. Tetzner-Hernandez, K.V.	(Gazo, Prendergast)	20-0862
271	Plea Court	Com. v. Kaminitzky, D.L.	(Perilli, Levy)	19-0433
272	Sentencing	Com. v. Buskirk, E.J.	(Greek, Rapa)	19-0206
273	Plea Court	Com. v. Haydt, T.L.	(Rapa, Unassigned)	21-0226
274	Plea Court	Com. v. Werner, R.	(Rapa, Kemmerer)	21-0224
275	Plea Court	Com. v. Hinkle, A.S.	(Gazo, Wiltrout)	19-1324
276	ARD Court	Com. v. Mazzella, J.T.	(Greek, Riegel)	20-0652
1:15 PM				
277	Plea Court	Com. v. Hayes, S.E.	(Perilli, Levy)	19-1387
278	Plea Court	Com. v. Dubois, T.	(Rapa, Levy)	20-0570
279	Plea Court	Com. v. Hammel, M.E.	(Miller, Wiltrout)	19-1185
280	Plea Court	Com. v. Silvers, J.C.	(Greek, Mottola)	20-0872
281	Plea Court	Com. v. Silvers, J.C.	(Greek, Mottola)	20-0877
282	Plea Court	Com. v. Jones, W.C., III	(Hatton, Mousseau)	19-0753
283	Plea Court	Com. v. Santiago, J.J.	(Hatton, Kemmerer)	19-1080
284	Plea Court	Com. v. Santiago, J.J.	(Hatton, Kemmerer)	19-1226
285	ARD Court	Com. v. Bajes, A.A.	(Gazo, Unassigned)	21-0146
2:15 PM				
286	Plea Court	Com. v. Knauff, D.L., Jr.	(Rapa, Unassigned)	20-0571
287	Plea Court	Com. v. Huxel, W.C.	(Rapa, Eyer)	20-0761
288	Plea Court	Com. v. Smith, M.J.	(Perilli, Levy)	20-0502
289	Plea Court	Com. v. Petock, M., IV	(Frycklund, Katsock)	19-0905
290	Plea Court	Com. v. Gilman, N.	(Hatton, Sebelin)	19-0686
291	Plea Court	Com. v. Smith, M.J., Jr.	(Miller, Levy)	20-0695
292	Plea Court	Com. v. Schnell, C.J., Jr.	(Miller, Wiltrout)	19-1066
293	Plea Court	Com. v. Mahoney, M.A.	(Miller, Levy)	20-0708
294	Plea Court	Com. v. Mahoney, M.	(Miller, Levy)	20-0706
3:15 PM				
295	Plea Court	Com. v. Dranginis, A.M.	(Miller, Bender)	20-0281
296	Plea Court	Com. v. Dranginis, A.M.	(Miller, Bender)	20-0282
297	Plea Court	Com. v. Dranginis, A.M.	(Miller, Bender)	20-0283
298	Plea Court	Com. v. Dranginis, A.	(Miller, Bender)	20-0284
299	Plea Court	Com. v. Dranginis, A.M.	(Miller, Bender)	20-0286
300	Plea Court	Com. v. Dranginis, A.M.	(Miller, Bender)	20-0287
301	Plea Court	Com. v. Duffy, M.	(Rapa, Levy)	20-0762
Thursday, April 22				
9:00 AM				
302	PCRA Pet.	Com. v. Carrasso, S.T.	(Gazo, Crouthamel)	20-0422
303	Misc. Court	Com. v. Bracero, J.	(Miller, Unassigned)	20-0623
304	Misc. Court	Com. v. Duffy, M.	(Rapa, Levy)	20-0762
305	Misc. Court	Com. v. Grande, T.W.	(Gazo, Sebelin)	20-0001
306	Misc. Court	Com. v. Smith, J.M.	(Rapa, Kemmerer)	20-0572
307	Misc. Court	Com. v. Parrish, B.O.	(Miller, Skaarup)	20-0972
308	Misc. Court	Com. v. Roth, K.A.	(Perilli, Weaver)	19-1448
1:15 PM				
309	Pet. Revoke Bail	Com. v. Huxel, W.C.	(Rapa, Eyer)	20-0761
310	Pet. Revoke Bail	Com. v. Wilkinson, W.T.	(Frycklund, Bender)	19-0053
311	Pet. Revoke Bail	Com. v. Wilkinson, W.T.	(Frycklund, Bender)	18-1292
Probation Officer Wall, Tammy				
Wednesday, April 21				
9:00 AM				
312	Hrg.	Com. v. Dennis, J.M.	(Greek, Unassigned)	18-0182
313	Hrg.	Com. v. Stoudt, C.M.	(Gazo, Unassigned)	18-0836
314	Hrg.	Com. v. Creveling, M.S.	(Hatton, Unassigned)	19-1088
315	Hrg.	Com. v. McBride, A.R.	(Hatton, Unassigned)	19-0062
316	Hrg.	Com. v. McBride, A.R.	(Greek, Unassigned)	20-0207
317	Hrg.	Com. v. McBride, A.R.	(Hatton, Unassigned)	18-0124

CARBON COUNTY LAW JOURNAL

Civil

Monday, April 19

Judge Serfass, Steven R., Hon.

9:00 AM

1	Mot.	Goggin, K. (Dyller) v. Strohl, G.D. (Doherty)	19-2203
2	Mot. for Sanctions	Carova Acquisitions LP (Gough) v. Henegan, L.A. (Pro Se)	20-2340
3	Pet. for Contmpt.	East Penn Township (Frycklund) v. Swartz, W.A. (Bucknum)	18-2344
4	Pet. for Contmpt.	Filloy, C.M. (Yurchak) v. Filloy, M.J., Jr. (Holman)	19-3073

1:15

5	Mot. in Limine	Yachera, S. (Weaver) v. Pauls Auto Body & Mechanical R. (Karpowich)	18-2664
6	Mot. in Limine	Yachera, S. (Weaver) v. Pauls Auto Body & Mechanical R. (Karpowich)	18-2664
7	Mot. for Summary Jdgmt.	Bethlehem Authority (DeVito) v. Palmerton Fishing & Hunting As. (Gildea)	19-0382
8	Mot.	Buskirk-Henritzky, S. (Spegar) v. Lehigh Canal Recreation Commis. (Walsh)	20-0807
9	Pet. to Dismiss	Buskirk-Henritzky, S. (Spegar) v. Lehigh Canal Recreation Commis. (Walsh)	20-0807

Tuesday, April 20

Chairman Diehl, Eileen M., Esq.

8:30 AM

1	Complnt./Pet. for Cust.	Kondash, R. (Pro Se) v. Lex, C. (Pro Se)	21-0811
2	Pre-Tr. Conf.	Harris, P.A. (Masington) v. Harris, G. (Rapa)	18-2380

9:30 AM

3	Complnt./Pet. for Cust.	Brader-Sims, T. (Masington) v. Huxel, A. (Pro Se)	21-0784
4	Cust. Count in Complnt.	Zaremba, A.J. (Beltrami) v. Zaremba, K.F. (Walbert)	21-0783

10:30 AM

5	Complnt./Pet. for Cust.	Moreira, M. (Masington) v. Kunkle, N. (Stafiuc)	20-2519
6	Complnt./Pet. for Cust.	Pranzo, F., Jr. (Kemmerer) v. Pranzo, S. (Pro Se)	21-0769

11:30 AM

7	Pet./Comp. to Mod. Cust.	Flammia, E. (Pro Se) v. Flammia, J. (Pro Se)	19-1196
8	Pet./Comp. to Mod. Cust.	Thear, B. (Frycklund) v. Thear, L. (Yurchak)	21-0437

1:00 PM

9	Pre-Tr. Conf.	Dixon, M.W. (Mills) v. Dixon, S.L. (Pro Se)	18-1408
---	---------------	---	---------

Wednesday, April 21

Judge Nanovic, Roger N., II, Hon.

9:00 AM

1	Complnt./Pet. for Cust.	Lawrence, H. (Sebelin) v. Sasso, B. (Walbert)	20-2325
---	-------------------------	---	---------

Judge Serfass, Steven R., Hon.

9:00 AM

2	Pet./Comp. to Mod. Cust.	Rassler, C.M. (Pro Se) v. Kutchera, J.V., Jr. (Pro Se)	18-3826
---	--------------------------	--	---------

1:15 PM

3	Pet. to Appoint Guardian	Liberty Healthcare Corporation (Barrasse) v. Wilkinson, H. (Gough)	21-9142
---	--------------------------	--	---------

Judge Matika, Joseph J., Hon.

1:15 PM

4	Pet. for Contmpt.	Witkowski, R. (Pro Se) v. Mizic, D. (Yurchak)	18-2307
5	Pet./Comp. to Mod. Cust.	Witkowski, R. (Pro Se) v. Mizic, D. (Yurchak)	18-2307

CARBON COUNTY LAW JOURNAL

Thursday, April 22

Judge Nanovic, Roger N., II, Hon.

9:00 AM

1	Hrg.	Blose, W.H., Dec'd. (Pro Se) v. Zelinsky, S., Exor.	94-9901
2	Hrg.	Gildner, T.G., Dec'd. (Pro Se) v. Zelinsky, S.E., Exor. (Pro Se)	97-9175
3	Mgt. Conf.	Lehigh Valley Properties Inc. (Pro Se) v. Lyon Sales Mangers & Auctionee. (Shoemaker)	19-2457
4	Mgt. Conf.	Nationstar Mortgage LLC (Myers) v. Medei, J.A., III (Pro Se)	20-0024
5	Mgt. Conf.	Wells Fargo Bank N.A. (Hong) v. Brown, G.C. (Pro Se)	20-0496
6	Mgt. Conf.	Mumie, P. (Pro Se) v. Houser, C. (Yurchak)	20-1794
7	Mgt. Conf.	Portfolio Recovery Associates (Gerding) v. O'Neill, S. (Pro Se)	20-1797
8	Mgt. Conf.	Portfolio Recovery Associates (Gerding) v. Kelly, D. (Pro Se)	20-1800

10:00 AM

9	Pet. to Sell Real Estate	Hoffman, B.J., Dec'd. (Pro Se) v. Kane, B., Exor. (Miscavige)	19-9172
10	Mgt. Conf.	O'Neill, J.R., Sr., Dec'd. (Pro Se) v. O'Neill, J.R., Jr., Admnr. (Nowak)	13-9392
11	Mgt. Conf.	Pychinka, J.L. (Pro Se) v. S.S. (Pro Se)	19-9248
12	Mgt. Conf.	Pychinka, J. (Pro Se) v. C.S. (Pro Se)	19-9250
13	Mgt. Conf.	Pychinka, J. (Pro Se) v. S.S. (Pro Se)	19-9252
14	Mgt. Conf.	Pychinka, J. (Sebelin) v. S.S. (Pro Se)	19-9254
15	Mgt. Conf.	Koch, K. (Dyrda-Hatton) v. Koch, D. (Pro Se)	20-2031

11:00 AM

16	Mgt. Conf.	Staehele, N.T. (Sebelin) v. Staehele, A. (Pro Se)	20-1710
17	Mgt. Conf.	Murphy, J. (Pro Se) v. Murphy, S.E. (Pro Se)	20-1786
18	Mgt. Conf.	Frale, P.C. (Pro Se) v. Frable, T.D. (Pro Se)	20-2369
19	Mgt. Conf.	Schafer, J.L. (Schnell) v. Schafer, R.W., Jr. (Pro Se)	20-2548

1:15 PM

20	Pet./Comp. to Mod. Cust.	Flexer, T. (Sebelin) v. Frey, L. (Kemmerer)	20-1641
----	-----------------------------	---	---------

Chairman Diehl, Eileen M., Esq.

1:00 PM

21	Complnt./Pet. for Cust.	Schaner, K. (Beltrami) v. Bates, D. (Sebelin)	20-2277
----	----------------------------	---	---------

Friday, April 23

Judge Serfass, Steven R., Hon.

9:00 AM

1	PFA Hrg.	Kapral, J.B. (Pro Se) v. Rostocki, J.J. (Schnell)	18-0989
---	----------	---	---------

1:15 PM

2	Pet. for Invol. Term.	Strohecker, H.N. (Sebelin) v. Frantz, C.M. (Pro Se)	20-9334
---	--------------------------	---	---------

Judge Matika, Joseph J., Hon.

9:00 AM

3	PFA Hrg.	Beam, M.D. (Lawser) v. Kipp, C. (Pro Se)	17-2167
4	PFA Hrg.	Beam, M.D. (Lawser) v. Kipp, L.E. (Skutnick)	17-2169
5	PFA Hrg.	Welsh, R.L. (Stafiuc) v. King, J.B. (Pro Se)	19-3505
6	PFA Hrg.	Torgersen, K. (Pro Se) v. Mabe, D. (Weaver)	21-0643
7	PFA Hrg.	Scott, V. (Stafiuc) v. Buchola, C. (Levy)	21-0668

1:15 PM

8	Mot. for Sanctions	Ayoub, J.R. (Gough) v. Butler, J. (Pro Se)	19-3398
9	Pet. for Contmpt.	Hippenstiel, C. (Pro Se) v. Olk, M. (Pro Se)	20-0406
10	Pet. for Special Relief	Neff, A.S. (Sebelin) v. Hendershot, E.W., Jr. (Gillen)	14-1091

**ESTATE AND
TRUST NOTICES**

Notice is hereby given that, in the estates of the decedents set forth below, the Register of Wills has granted letters testamentary or of administration to the persons named. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

FIRST PUBLICATION

**CHRUSCZ, JEFFREY E. a/k/a
JEFFREY CHRUSCZ a/k/a
JEFF CHRUSCZ, Dec'd.**

Late of 635 Mauch Chunk Road, Palmerton.

Executors: Jeffrey Bankos and Gail Bankos a/k/a Gail Elizabeth Bankos, 6613 Leah Drive, Slatington, PA 18080.

Attorneys: Matthew G. Schnell, Esquire, Strubinger Law, P.C., 505 Delaware Avenue, P.O. Box 158, Palmerton, PA 18071-0158.

**HUNSICKER, BERNICE I.,
Dec'd.**

Late of Lehighton.

Executors: Craig L. Hunsicker and Susan G. Hunsicker c/o

Eric J. Filer, Esquire, P.O. Box 56, Lehighton, PA 18235.

Attorney: Eric J. Filer, Esquire, P.O. Box 56, Lehighton, PA 18235.

HUTH, ANNABEL M., Dec'd.

Late of the Borough of Palmerton.

Executrix: Linda K. Transue c/o Richard Eugene Santee, Esquire, Shay, Santee & Kelhart, 44 E. Broad Street, Suite 210, Bethlehem, PA 18018.

Attorneys: Richard Eugene Santee, Esquire, Shay, Santee & Kelhart, 44 E. Broad Street, Suite 210, Bethlehem, PA 18018.

KNAUSS, PHILIP J., JR., Dec'd.

Late of 390 South Third Street, Lehighton.

Administrators: Philip Knauss, Sr. and Patricia Knauss.

Attorneys: Sebelin & Sebelin, P.C., 301 South 3rd Street, Lehighton, PA 18235.

**SMITH, JEAN L. a/k/a JEAN
SMITH a/k/a JEAN LUCILLE
SMITH, Dec'd.**

Late of 10 Wagner Street, Lehighton.

Executrix: Lori A. Porambo, 318 Fairyland Road, Lehighton, PA 18235.

Attorneys: Matthew G. Schnell, Esquire, Strubinger Law, P.C., 505 Delaware Avenue, P.O. Box 158, Palmerton, PA 18071-0158.

SECOND PUBLICATION

FRITZ, RALPH N. a/k/a RALPH

N. FRITZ, JR., Dec'd.

Late of Palmerton.

Administrator CTA: Scott L. Fisher c/o Brian R. Ott, Esquire, Barley Snyder, 50 North Fifth Street, Second Floor, P.O. Box 942, Reading, PA 19603-0942.

Attorneys: Brian R. Ott, Esquire, Barley Snyder, LLP, 50 North Fifth Street, Second Floor, P.O. Box 942, Reading, PA 19603-0942.

HERRING, BETTY JANE,
Dec'd.

Late of Packer Township.

Administrator: MacGregor J. Brillhart, Stock and Leader, 221 West Philadelphia Street, Suite 600, York, PA 17401-2991.

Attorneys: MacGregor J. Brillhart, Esquire, Stock and Leader.

STARRY, THERESA A., Dec'd.

Late of Lansford.

Executrix: Tanya Meese a/k/a Tanya Ann Starry c/o Joseph J. Velitsky, Esquire, Velitsky & Frycklund, 49 East Ludlow Street, Summit Hill, PA 18250.

Attorneys: Joseph J. Velitsky, Esquire, Velitsky & Frycklund, 49 East Ludlow Street, Summit Hill, PA 18250.

THIRD PUBLICATION

HARTMAN, ROBERT E., Dec'd.

Late of Palmerton.

Executrix: Eileen Schneider c/o The Roth Law Firm, 111

East Harrison Street, Emmaus, PA 18049.

Attorneys: Robert B. Roth, Esquire, The Roth Law Firm, 111 East Harrison Street, Emmaus, PA 18049.

MILLER, GEORGE H., SR.,
Dec'd.

Late of the Borough of Lehigh-ton.

Executor: George H. Miller, Jr. c/o James R. Nanovic, Esquire, Nanovic Law Offices, 57 Broadway, P.O. Box 359, Jim Thorpe, PA 18229.

Attorneys: James R. Nanovic, Esquire, Nanovic Law Offices, 57 Broadway, P.O. Box 359, Jim Thorpe, PA 18229.

PONDISH, GEORGE J., Dec'd.

Late of the Borough of Nesquehoning.

Executrix: Virginia Stanley, 9990 East Rugged Mountain Drive, Cold Canyon, AZ 85118.

Attorney: Robert T. Yurchak, Esquire, 1 East Catawissa Street, Nesquehoning, PA 18240.

ROSSI, GLORIA J., Dec'd.

Late of the Borough of Weatherly.

Administrator: Philip Rumbel, 22690 Hanley Lane, Apt. B, St. Robert, MO 65584.

Attorney: Cynthia S. Yurchak, Esquire, 121 Carbon Street, P.O. Box 49, Weatherly, PA 18255.

ROTH, AUSTIN E., JR., Dec'd.

Late of the Borough of Bowmanstown.

Executrix: Judy K. Roth, 780 Lincoln Avenue, Bowmantown, PA 18030.

Attorneys: Jason M. Rapa, Esquire, Rapa Law Office, P.C., 141 South First Street, Lehighton, PA 18235.

SIMMONS, MIMI M. a/k/a MIMI SIMMONS, Dec'd.

Late of Jim Thorpe.

Administrator: Joseph Simmons, Jr., 36 Indian Trail, Jim Thorpe, PA 18229.

Attorney: Barbara L. Baldo, Esquire, 2851 Baglyos Circle, Suite 200, Bethlehem, PA 18020.

STEMLER, SHIRLEY MAE a/k/a SHIRLEY M. STEMLER a/k/a SHIRLEY STEMLER, Dec'd.

Late of the Borough of Bowmanstown.

Executors: Roberta J. Younger, 10 Beverly Rd., Perkasio, PA 18944 and John W. Stemler, 536 Hamilton St., Box 94, Bowmanstown, PA 18030.

Attorneys: Thomas S. Nanovic, Esquire, Nanovic Law Offices, 57 Broadway, P.O. Box 359, Jim Thorpe, PA 18229-0359.

TRINE, MICHAEL C. a/k/a MICHAEL TRINE, Dec'd.

Late of Lehighton.

Executrix: Mary Ann Lewellyn, 180 Vaughn Acres Lane, Lehighton, PA 18235.

Attorney: Jane F. Engler, Esquire, 77 West 10th Street, Jim Thorpe, PA 18229.

REGISTER OF WILLS

ASBROCK, WILLIAM H., JR. a/k/a WILLIAM H. ASBROCK; Albrightsville, PA; Will; Timothy B. Fisher, II, Esquire (Wayne County).

BLACKWELL, CHRIS J. a/k/a CHRIS BLACKWELL a/k/a CHRIS JOHN BLACKWELL; Weatherly, PA; Admn.; Daniel Miscavige, Esquire.

BUJCS, JOHN; Weissport, PA; Admn.; Daniel Sebelin, Esquire.

DeYOUNG, STEVEN TODD a/k/a STEVEN T. DeYOUNG; Jim Thorpe, PA; Will; Anthony Roberti, Esquire.

EASTGATE, DESIREE C.; Palmerton, PA; Admn.; Angela M. Stehle, Esquire.

FAHRINGER, EMMA T.; Lehighton, PA; Will; Michael Santanasto, Esquire (Northampton County).

KATTNER, EMILY ELIZABETH; Jim Thorpe, PA; Admn.; Cynthia Dyrda-Hatton, Esquire.

MUSSELMAN, VALDA VANESSA a/k/a VALDA V. MUSSELMAN a/k/a VALDA MUSSELMAN; Palmerton, PA; Will; Jason R. Costanzo, Esquire.

STRAUSS, NATALIE R. a/k/a NATALIE STRAUSS; Weatherly, PA; Will; Daniel A. Miscavige, Esquire.

Apr. 16

SUITS BEGUN

The plaintiff's name appears first, followed by the name of the defendant, the case number, the nature of the suit, the name of the plaintiff's attorney, and the date the suit was filed.

BERGER, PAMELA JO; Michael Allen Bolinger, Sr.; 21-0930; Protect/Abuse; Pro Se; 04/06/21.

BERGER, PAMELA JO; Michael Allen Bolinger, Sr.; 21-0931; Divorce; Pro Se; 04/06/21.

CITIBANK N.A.; Bridget Currier; 21-0917; Civil Action; Robert M. Kline, Esquire; 04/05/21.

CITIBANK N.A.; Joseph P. Moravek; 21-0918; Civil Action; Robert M. Kline, Esquire; 04/05/21.

CITIBANK N.A.; Cristi Richardson; 21-0898; Civil Action; Russell Axelrod, Esquire; 04/01/21.

GASKER, HARRY J., SR.; Max E. Gasker; 21-0934; Protect/Abuse; Pro Se; 04/07/21.

HUGHART, BRITTANY BELLE; Shawn Douglas Brengel; 21-0901; Custody; William A. Watkins, Esquire; 04/01/21.

JP MORGAN CHASE BANK N.A.; Todd R. Berger; 21-0923; Civil Action; Michael A. Carruoli, Esquire; 04/06/21.

MAIELLO, ANTHONY; Cathy Maiello; 21-0936; Protect/Abuse; Pro Se; 04/07/21.

NALESKIK, BRUCE; Rick Benisk, Valerie Steigerwalt; 21-0904; DJ Appeal; Pro Se; 04/05/21.

PAUKER, PAMELA; Natasha Ertz, Nicholas D. Smith; 21-0922; Custody; Pro Se; 04/06/21.

PENNSYLVANIA HOUSING FINANCE AGENCY; Kenneth E. Charlton, IV, Jonathan E. Charlton, Nichole Marie Charlton et al.; 21-0915; Mortgage Foreclosure; Leon P. Haller, Esquire; 04/05/21.

PETITION FOR NAME CHANGE OF FRANK WILLIAM SPARACIO; 21-0929; Name Change; Pro Se; 04/06/21.

PETITION FOR NAME CHANGE BY KAITLIN ZETTLEMOYER obo P.F. (M.); 21-0938; Name Change; Pro Se; 04/08/21.

POLISHUK, LEONID, GABRIEL POLISHUK; AT PM Cacacion LLC; 21-0900; Quiet Title; Kim Roberti, Esquire; 04/01/21.

POLISHUK, LEONID, GABRIEL POLISHUK; JJ Utopia LLC; 21-0899; Quiet Title; Kim Roberti, Esquire; 04/01/21.

REINHARDT, BARBARA J.; Louis Reinhardt; 21-0932; Divorce; Pro Se; 04/06/21.

SANTIAGO, CARLOS; Luz Quiles; 21-0903; Protect/Abuse; Pro Se; 04/05/21.

WIBLE, CELESTE obo A.K.T. (M.); Stephanie Grace Williams; 21-0902; Protect/Abuse; Pro Se; 04/01/21.

CARBON COUNTY LAW JOURNAL

YOUNG, DREW B.; Bejtullah M. Mehmeti; 21-0937; Civil Action; Anthony Roberti, Esquire; 04/07/21.

Apr. 16

JUDGMENT INDEX REPORT

The information contained herein is listed in the following order: (1) party against whom judgment was entered; (2) party for whom judgment was entered; (3) docket number; (4) date of entry; and (5) amount. Subsequent entries and filings, including appeals and satisfactions, may not be reported herein and may affect the lein status of any entry.

BEHLER, DANIEL SCOTT; Carbon County Clerk of Courts; 21-6439; 04/01/21; \$6,187.33

BEHLER, DANIEL SCOTT; Carbon County Clerk of Courts; 21-6440; 04/01/21; \$2,328.60

BEHLER, DANIEL SCOTT; Carbon County Clerk of Courts; 21-6441; 04/01/21; \$2,150.18

BROWN PROPERTY GROUP LIMITED LIABILITY CO.; Lehigh Area School District; 21-0910; 04/05/21; \$1,311.91

BUSKIRK, TIFFANY KAYLEI; Carbon County Clerk of Courts; 21-6452; 04/07/21; \$1,433.68

COFFIN, MELISSA & EDWARD BARRETT; Barbara Niehoff-Janco; 21-0921; 04/06/21; \$924.90

COX, NATHANIEL, MEGAN HARTLEY; Lehigh Area School District; 21-0913; 04/05/21; \$629.37

DDK INVESTMENT GROUP LLC; Panther Valley School District; 21-0928; 04/06/21; \$697.84

DEANS, CHRISTOPHER R.; Carbon County Clerk of Courts; 21-6458; 04/07/21; \$2,707.38

DeLEO, MICHAEL PATRICK; Carbon County Clerk of Courts; 21-6457; 04/07/21; \$1,737.18

DELLA-VECCHIO, JOHN; Carbon County Clerk of Courts; 21-6442; 04/06/21; \$1,221.09

DELLA-VECCHIO, JOHN; Carbon County Clerk of Courts; 21-6443; 04/06/21; \$1,428.10

DOLLY, JACQUELINE MARIE; Carbon County Clerk of Courts; 21-6436; 04/01/21; \$486.05

ELISON, MATTHEW WARREN; Carbon County Clerk of Courts; 21-6434; 04/01/21; \$885.18

FIGUEROA, EDWIN MICHAEL; Carbon County Clerk of Courts; 21-6433; 04/01/21; \$1,456.78

FILER, BOBBI JO; Carbon County Clerk of Courts; 21-6444; 04/06/21; \$1,808.68

FLORES, MOISES, JR.; Carbon County Clerk of Courts; 21-6459; 04/07/21; \$1,334.85

CARBON COUNTY LAW JOURNAL

- FLORES, MOISES, JR.; Carbon County Clerk of Courts; 21-6460; 04/07/21; \$2,073.10
- FLORES, MOISES, JR.; Carbon County Clerk of Courts; 21-6461; 04/07/21; \$2,240.92
- FLORES, MOISES, JR.; Carbon County Clerk of Courts; 21-6462; 04/07/21; \$2,240.92
- FOX, GARRETT THOMAS; Carbon County Clerk of Courts; 21-6449; 04/07/21; \$1,042.68
- FRETS, JOSHUA N.; Carbon County Clerk of Courts; 21-6445; 04/06/21; \$891.52
- FRETS, JOSHUA N.; Carbon County Clerk of Courts; 21-6446; 04/06/21; \$976.18
- GABRIEL, GINA ROSE; Carbon County Clerk of Courts; 21-6447; 04/06/21; \$2,012.68
- GOMBERT, RAYMOND, JR.; Portfolio Recovery Associates LLC; 21-0919; 04/05/21; \$2,839.78
- HAUSER, FREDERICK, DIANE HAUSER; Panther Valley School District; 21-0927; 04/06/21; \$1,010.27
- HOLLERWAY, JERMELL A.; Carbon County Clerk of Courts; 21-6450; 04/07/21; \$1,647.35
- HUDSON, TAYSHAWN; Carbon County Clerk of Courts; 21-6437; 04/01/21; \$1,588.60
- JIMENEZ, DARWIN RUBEN; Carbon County Clerk of Courts; 21-6456; 04/07/21; \$2,400.00
- KEELEY, VERONICA L.; Carbon County Clerk of Courts; 21-6454; 04/07/21; \$2,660.80
- KLINGENSMITH, KOBI; Panther Valley School District; 21-0925; 04/06/21; \$2,035.58
- LAVOIE, NICOLE M.; Carbon County Clerk of Courts; 21-6435; 04/01/21; \$1,081.69
- LISELLA, REGINA A.; Summit Hill Borough; 21-0909; 04/05/21; \$488.55
- LONG, AARON G.; Carbon County Clerk of Courts; 21-6453; 04/07/21; \$15,377.61
- MULDOWNEY, ANDREW JOSEPH; Carbon County Clerk of Courts; 21-6448; 04/06/21; \$2,582.68
- ORD, KELLY ANN; Carbon County Clerk of Courts; 21-6455; 04/07/21; \$4,566.18
- OTTO, KIMBERLY A.; Lehighton Area School District; 21-0906; 04/05/21; \$645.96
- REHRIG, TIMOTHY, LORRIE REHRIG; Weissport Municipal Authority; 21-0905; 04/05/21; \$475.75
- REWINNERS LLC; Panther Valley School District; 21-0926; 04/06/21; \$2,235.29
- RIPOLYA, JOSEPH A.; Carbon County Clerk of Courts; 21-6438; 04/01/21; \$992.68
- SCHLEICHER, DUANE A., DONNA K. HEPTNER; Lehighton Area School District; 21-0914; 04/05/21; \$701.04
- SMITH, SUZANNE C. a/k/a SUZANNE SMITH; Borough of Lansford; 21-0920; 04/05/21; \$2,030.40
- STROHL, KERMIT C.; Lehighton Area School District; 21-0911; 04/05/21; \$1,239.35

CARBON COUNTY LAW JOURNAL

STROHL, TAMMY L.; Lehighton Area School District; 21-0912; 04/05/21; \$692.90
WILDER, RAYMOND CANO; Summit Hill Borough; 21-0908; 04/05/21; \$741.95
ZINK, AARON J.; Carbon County Clerk of Courts; 21-6451; 04/07/21; \$1,183.68
ZUBER, RONALD W.; Lehighton Area School District; 21-0907; 04/05/21; \$1,026.15

Apr. 16

DEEDS

The name of the grantor appears first, followed by name of grantee, location of premises, amount of consideration, and date of recording.

BOLLINGER, LLOYD, JR., Kuehner, Suzanne L., Low. Tow., \$1.00, 01/21/21
SCHMITZ, PAMELA A., Geritano, James G., Penn For., \$1.00, 01/21/21
GERITANO, JAMES G., Clay, Carolan, Penn For., \$6,000.00, 01/21/21
HOLLYWOOD, ANDREW J., Thomas, Victor A., Palmrtn., \$130,000.00, 01/21/21
WILLIAMS, THOMAS P., SR., Fusaro, Norman W., Penn For., \$199,900.00, 01/21/21
BOHRER, DANIEL E., Bulgakova, Agnia, Penn For., \$95,000.00, 01/21/21
SANTO, HELEN, Santo, Frank, Sum. Hill, \$1.00, 01/21/21
FEDERAL NTL. MORT. ASSN., Womer, Bruce H., Sr., Penn For., \$129,000.00, 01/22/21
LEIGHTON, THOMAS, Tian, Shan, Kidder, \$37,500.00, 01/22/21
ELIIMAR PA LLC, Verekhman, Anna, Penn For., \$182,000.00, 01/22/21
VEREKHMAN, ANNA, Verekhman, Anna, Penn For., \$1.00, 01/22/21
AASTHA HOMES LLC, Homestead Vacation Properties LLC, Kidder, \$375,00.00, 01/22/21
CMPOCONO PROPERTIES LLC, Homestead Vacation Properties LLC, Kidder, \$480,000.00, 01/22/21
SELLARE, DIANE, Sellare, Diane, Nesq., \$1.00, 01/22/21
SELLARE, DIANE, Sellare, Diane, Kidder, \$1.00, 01/22/21
FERLITA, STEVE A., Cerrato, Kellyann, Penn For., \$20,000.00, 01/22/21
WALK, LILLIAN P., Barrineau, Elizabeth Mary, Low. Tow., \$1.00, 01/22/21
FLEXER, DONALD W., Flexer, Eric R., Bowmanst., \$1.00, 01/22/21
POLLARD, ELIZABETH C., Pollard, Bryant, Palmrtn., \$1.00, 01/22/21
HODGES, MICHAEL ANTHONY, Joseph, Ruth Anne Marie, Kidder, \$1.00, 01/22/21
O'ROURKE, THOMAS J., Campbell, Regan Nathan, Kidder, \$125,000.00, 01/22/21

CARBON COUNTY LAW JOURNAL

- NATIONSTAR MORT. LLC, Pro-
sell LLC, Kidder, \$176,000.00,
01/22/21
- SIRRAKOS, GEORGE, Arroyo,
David, Jr., Penn For., \$197,000-
.00, 01/22/21
- CURRAN, DORIS J., Curran,
James P., Penn For., \$1.00, 01/
22/21
- ANDERSON, JOHN, Post, Susan,
Sum. Hill, \$1.00, 01/22/21
- ALTHOUSE, DAVID C., Kline,
Troy R., Frankl., \$1.00, 01/22/21
- SORIERO, MICHAEL J., III, Engel-
brecht, John Thomas, Penn For.,
\$283,500.00, 01/22/21
- GOOD AS NEW VENTURES
LLC, Schlosser, Keri, Penn For.,
\$175,000.00, 01/25/21
- SHARKEY, JOHN B., Kelly, Mi-
chael, Kidder, \$297,000.00, 01/
25/21
- DIANA, DOUGLAS C., Barn-
house LLC, Penn For., \$7,500.00,
01/25/21
- VAUGHN, SANDRA, Gurnari,
Matthew, Palmrtn., \$132,500.00,
01/25/21
- MANGINO, ANTONIO, Novak,
Petr, Penn For., \$95,000.00, 01/
25/21
- GEORGE, RICHARD, McCLUS-
KEY, Penn For., \$20,000.00, 01/
25/21
- RACHOMES LLC, Clowser, Rich-
ard C., Penn For., \$199,900.00,
01/25/21
- SPRINGSTEAD, THERESA
GROFF, Harding, Nathan M.,
Lansfd., \$22,000.00, 01/25/21
- PORAMBO, SHARON M., Re-
winners Inc., Sum. Hill, \$30,000-
.00, 01/25/21
- KATTNER, JOHN FRANCIS,
Chamblee, William Jesse, II,
Penn For., \$50,000.00, 01/25/21
- CIUFO, FRANCIS A., Sharp,
Philip F., Penn For., \$9,500.00,
01/25/21
- KNOBLER, JUDITH P., Fetfazis,
Michelle, Penn For., \$225,000.00,
01/25/21
- PETO, THOMAS W., Dodson,
Sean M., Lansfd., \$28,000.00,
01/25/21
- KELL, BRADLEY S., Douglas,
Katherine Cole, J. Thorpe,
\$177,500.00, 01/25/21
- RENALDI, DANIAL J., Wagner,
Jeffrey, Penn For., \$3,500.00,
01/25/21
- SHURMAITIS, JOSEPH, Tsering,
Penpa, Kidder, \$400,000.00, 01/
25/21
- HILL, HARRY M., III, Solomon,
Jake Justin, Mahoning, \$147,-
000.00, 01/25/21
- MD DEVELOPERS LLC, Pa-
chorkowsky, Joseph J., Frankl.,
\$150,000.00, 01/25/21
- BREINER, ANDREW S., Peterson,
Enchanta L., Nesq., \$1.00, 01/
25/21
- CEBULAK, JOHN J., Willing, Max
R., Lansfd., \$56,000.00, 01/25/
21
- McCALLISTER, HELEN E., Urba-
novich, Joseph, Penn For.,
\$95,000.00, 01/25/21
- MENGONI, THOMAS S., Pompa,
James A., Jr., E. Penn, \$20,000.00,
01/25/21

CARBON COUNTY LAW JOURNAL

- TAYLOR, KATHARINE E., Taylor, James R., Kidder, \$1.00, 01/25/21
- SABLE, PAUL F., Gargiule, Steven, Penn For., \$65,000.00, 01/25/21
- MURRAY, WILLIAM P., JR., Murray, Christopher J., Penn For., \$1.00, 01/25/21
- BLUERIDGE REAL ESTATE CO., Exeter Industrial Drive Route 940 Land LLC, Kidder, \$8,400,000.00, 01/26/21
- SCHWARTZ, DAVID, Miller, Joseph, Palmrtn., \$269,000.00, 01/26/21
- CARBON COUNTY ECONOMIC DEVELOPMENT CORP., Sharps Properties LLC, Nesq., \$873,000.00, 01/26/21
- GUEDES, MATTHEW LEE, Isgrigg, Charles, Palmrtn., \$309,999.00, 01/26/21
- MONAGHAN, JOAN M., Wanca, Michael J., Leh. Twp., \$47,000.00, 01/26/21
- WU, CUONG V., Aycock, Jonathan Shepard, Kidder, \$194,406.00, 01/26/21
- ADAMS, LEON G., Adams, Leon G., Lansfd., \$38,184.00, 01/26/21
- ABEL, PETER, Bekirov, Serge, Frankl., \$686,070.00, 01/26/21
- CROASDALE, STEPHEN C., Duke, Gretchen, Penn For., \$182,500.00, 01/26/21
- GEBHARDT, HEATHER M., Keller, David, Lansfd., \$1.00, 01/26/21
- SARGENT, JAMES W., JR., Dukhin, Kristina, Penn For., \$8,000.00, 01/27/21
- MOYER, STEVEN M., Lazor, Ashleigh, Weathrly., \$158,500.00, 01/27/21
- TAGA PROPERTIES LLC, Poupard, Arthur, III, Penn For., \$275,000.00, 01/27/21
- LANZA, SANTINA, Kelley, Robin, Penn For., \$55,000.00, 01/27/21
- DOUGHER, JAMES P., Gaugler, Lisa M., J. Thorpe, \$5,000.00, 01/27/21
- DRURY, DAVID K., Seaner, Joseph, J. Thorpe, \$17,500.00, 01/27/21
- WILLIAMS, BERNARD, Erickson, Eric, Penn For., \$275,000.00, 01/27/21
- DUNN, ROBERT C., Dunn, Andrea R., Kidder, \$1.00, 01/27/21
- BAKER, BETTY A., Wagner, Aaron Jordan, Penn For., \$10,000.00, 01/27/21
- McLEAN, TERRILL J., Landis, Ernest, Penn For., \$10,000.00, 01/27/21
- SPERRAZZA, CHARLES A., Donovan, John T., Kidder, \$326,000.00, 01/27/21
- LAWLER, JOSEPH F., SR., Fioravanti, Lorraine, Penn For., \$69,000.00, 01/27/21
- PENNSYLVANIA HOUSING FINANCE AGENCY, Audett, Deborah Dowd, Penn For., \$120,000.00, 01/27/21
- EDISON COURT INC., Edison Court Inc., Penn For., \$1.00, 01/27/21

CARBON COUNTY LAW JOURNAL

BROTZMAN, CHRISTY, Foster, Matthew, Palmrtn., \$130,000.00, 01/27/21

JOHNSON, BRITTANY, Elis Daydream LLC, Mahoning, \$500,000.00, 01/27/21

PETERSON, JOHN J., Ziejewski, Kenneth J., Nesq., \$900.00, 01/27/21

MECKES, DAVID S., Arthur, Jonathan E., Penn For., \$389,000.00, 01/28/21

GERHARD, PATRICIA R., Halechko, Dustin, Packer, \$111,300.00, 01/28/21

LY, THIEN, Chen, Gloria, Penn For., \$367,000.00, 01/28/21

LY, THIEN, Chen, Gloria, Kidder, \$13,320.00, 01/28/21

JOHNSTON, PAUL S., Johnston, Paul G., Mahoning, \$1.00, 01/28/21

SHERIFF OF CARBON COUNTY, Newton, Virginia, E. Penn, \$1.00, 01/28/21

SCHRAY, THOMAS PETER, Ronco, Lindsey Beth, Penn For., \$1.00, 01/28/21

GUBAYDULLINA, NAILYA, Merkel, Daniel L., Penn For., \$138,999.00, 01/28/21

BENEDETTO, VICTOR, Mansell, Jason C., Kidder, \$190,000.00, 01/29/21

KRISKTERE LLC, Pento, Jonna, Kidder, \$160,000.00, 01/29/21

COHEN, ANDREW E., Randolph, Austin L., Kidder, \$215,555.00, 01/29/21

TREIBLE, PAUL, Treible, Matthew Aaron, Frankl., \$1.00, 01/29/21

STENBERG, FLORA MARIE, Sulock, Matthew, Penn For., \$118,800.00, 01/29/21

SMITH, BARRY L., Smith, Marie A., E. Penn, \$1.00, 01/29/21

ASHIROV, MAIS, Heine, Derek Paul, Penn For., \$296,000.00, 01/29/21

CIAMPAGLIA, RALPH J., Bloemker, Raymond B., Jr., Kidder, \$90,500.00, 01/29/21

NEWHARD, BRAD W., Brotzman, Christy L., Tow. Twp., \$185,000.00, 01/29/21

STETSIV, OLEG, Gambino, Gary J., Penn For., \$159,900.00, 01/29/21

LEWELLYN, LARRY, Sytsma, Thomas, Tow. Twp., \$375,000.00, 01/29/21

MERTZ, BETTY, Fludgate, Mark, Tow. Twp., \$1.00, 01/29/21

PEFFER, COLE B., Peffer, Amber N., E. Penn, \$1.00, 01/29/21

WOODRING, MARY LOUISE, Woodring, Paul J., Lehighton, \$1.00, 01/29/21

CREATIVE INVESTING LLC, Quinones, Iris, Low. Tow., \$149,900.00, 01/29/21

CROWE, DIANE, Crowe, Diane, Kidder, \$1.00, 01/13/21

SPENCER, LOUISE R., Pope, Eugenia M., Kidder, \$1.00, 01/19/21

DAVIS, TERRY L., Fletcher, Tanya, Kidder, \$1.00, 01/25/21

DALEY, CECILIA L., Allen, Monica, Kidder, \$10.00, 01/29/21

**COMMONWEALTH of PENNSYLVANIA vs.
BRIAN RICHARD HILL, Defendant**

*Criminal Law—Police/Citizen Interactions—Investigatory Stop—
Reasonable Suspicion—Custodial Stop—Probable Cause—
Collective Knowledge—Permissible Scope of Terry Frisk*

1. Interactions between police and private citizens fall into one of three legal classifications: (1) a “mere encounter” or request for information which requires no level of suspicion by the police; (2) an “investigative detention” which must be supported by reasonable suspicion; and (3) an arrest or “custodial detention” which must be supported by probable cause.
2. When reasonable suspicion exists based on specific and articulable facts that criminal activity may be afoot, police may constitutionally stop and briefly detain the subject of their observations to obtain more information. Such detention, for investigatory purposes, can continue only so long as is necessary for the police to gather information confirming or dispelling their suspicions upon which the detention was based. The circumstances justifying an investigative detention must objectively show the detention is for investigatory purposes and not to arrest and charge the detainee.
3. An arrest is any act that evidences an intention to take a person into custody **and** which subjects him to the actual control and will of the person making the arrest. In determining whether an individual has been arrested, an objective test is applied viewed in the light of the reasonable impression conveyed to the person subjected to the seizure rather than the strictly subjective view of the officer or the person being seized. An encounter becomes an arrest when, under the totality of the circumstances, a police detention becomes so coercive as to be the functional equivalent of an arrest.
4. Probable cause to arrest requires that at the moment a suspect is arrested the facts and circumstances within the officer’s knowledge, and of which he has reasonably trustworthy information, are sufficient to support a man of reasonable caution to believe that an offense has been committed and that the person arrested has committed the offense. Where two or more officers are working as a team and at least one of them has probable cause to effect an arrest, that knowledge can be imputed to the officer making the arrest, even if such information was not actually conveyed to the arresting officer.
5. The standard for reasonable suspicion does not deal with hard certainties but with probabilities; it is based on common sense; and it takes into account the inferences a police officer may draw upon his training and experience. In assessing whether an investigative detention has crossed over to an arrest, courts should take care to consider whether the police are acting in a rapidly developing, potentially volatile situation and, in such cases, should not indulge in unrealistic second-guessing. The test for reasonable suspicion to conduct an investigative detention is less demanding than that of probable cause to support an arrest. It can arise from information that is different in quantity and quality than that required for probable cause, as well as from information less reliable than that required for probable cause.
6. In distinguishing between an investigatory and custodial detention a number of factors must be considered, including the basis for the detention (the

crime suspected and the grounds for suspicion); the duration of the detention; the location of the detention (public or private); whether the suspect was transported against his will (how far, why); the method of detention; the show, threat or use of force; and, the investigative methods used to confirm or dispel suspicions.

7. No single factor controls the determination whether an investigatory stop has escalated to a custodial arrest. The use of a firearm by police in directing a suspect to lie prone on the ground and the placing of handcuffs on the suspect does not automatically convert an investigatory detention into a custodial stop, particularly where such conduct is shown to be for an extremely brief period to preserve the status quo and primarily for the officers' safety and protection, as where the police have reason to believe the suspect is armed and dangerous. It is both prudent and safe for an officer to draw his firearm when approaching a vehicle in a criminal investigation, as opposed to a routine traffic stop

8. Where reasonable suspicion exists to support an investigative detention, police may conduct a reasonable search for weapons for the officers' protection if they have reason to believe that a suspect may be armed and dangerous. A pat-down or frisk for these purposes is limited in scope to one reasonably designed to discover weapons or other items which can harm the officers or others nearby. This standard limiting the scope of a permissible frisk is less demanding than that under the "plain feel" doctrine for the seizure of contraband which requires, *inter alia*, that the incriminating nature of the contraband be immediately apparent to the officer such that the officer perceives, without further search, that what he is feeling is contraband before the officer has a lawful right of access to the object. In contrast to the reasonable belief required to support the pat-down of a suspect who is the subject of an investigative detention for weapons, a search incident to arrest permits a search of the arrestee's person as a matter of course—and without a case-by-case adjudication of whether a search of a particular arrestee is likely to protect officer safety or evidence.

9. At a minimum, reasonable suspicion, if not probable cause, existed to detain Defendant, where police responded within ten minutes of receiving a report of shots being fired at night in a wooded area near occupied structures within borough limits; observed two men wearing camouflage flee into the woods upon their arrival, one of whom was suspected to be the Defendant; searched the wooded area into which the two had disappeared and were believed hiding for almost forty-five minutes without success; and then, upon learning that an individual was observed moments earlier exiting the woods within a half mile of where the officers were located, immediately drove to this location and spotted the Defendant, who for the safety and security of the first officer to arrive was directed at gunpoint to lie prone on the street for a brief period until the arrival of a second officer who handcuffed and frisked the Defendant, at which time a black powder pistol was found strapped to Defendant's abdominal and chest area and removed.

NO. 603 CR 2019

CYNTHIA DYRDA-HATTON, Esquire, Assistant District Attorney—Counsel for the Commonwealth.

MATTHEW J. MOTTOLA, Esquire—Counsel for the Defendant.

MEMORANDUM OPINION

NANOVIC, P.J.—June 10, 2020

Defendant herein contends the facts and circumstances surrounding his seizure establish he was subjected to a custodial detention requiring probable cause rather than a **Terry** stop requiring only a reasonable suspicion that criminal activity was afoot. Contending further that his detention was not supported by probable cause, Defendant claims that his arrest was illegal, as was the handgun seized from his person, and that this handgun and any statements he made thereafter should be suppressed. Defendant further argues that even if he was lawfully detained under **Terry** and a pat-down for weapons allowed, the scope of the **Terry** frisk conducted went beyond that permitted to discover the presence of weapons.

PROCEDURAL AND FACTUAL BACKGROUND

On November 28, 2018, at approximately 7:30 P.M., Brad Digilio heard three gunshots fired in the woods behind Boyer's Supermarket as he was exiting the store. (pp. 52-53.)¹ This wooded area lies between the Boroughs of Lansford and Coaldale, contains a walking path or trail used for pedestrian travel between the two communities, and extends into a mountainous area behind the store in the direction of Summit Hill. (pp. 6, 11, 66.) A gate is located at the Lansford end of the trail, right behind Boyer's Supermarket, where the trail meets Abbott Street. (pp. 15-16.) At the time Mr. Digilio heard the shots, the sun had set and it was dark outside. (p. 5.)

Upon leaving Boyer's Supermarket, Mr. Digilio drove directly to the Coaldale Police Station and reported the incident to Officer James Bonner. (p. 53.) Officer Bonner immediately drove to the scene and estimated he arrived there within ten minutes of when the shots were fired. (p. 53.) Upon his arrival, he observed two males wearing camouflage who, upon seeing Officer Bonner, fled into the woods heading in the direction of Lansford. (pp. 53-54, 59, 62, 66-68.) Officer Bonner gave chase but was unable to overtake or locate either individual once they entered the woods. (p. 54.) He immediately called for backup since firearms were involved and it was pitch black outside. (p. 54.)

¹All page references in this Memorandum Opinion are to the notes of testimony for the suppression hearing held on November 8, 2019.

Officers Jarrod Bulger and Anthony Campanell of the Lansford Borough Police Department were dispatched and responded to the area to assist Officer Bonner in his search for the two individuals. (pp. 4-5.) Upon their arrival, Officers Bulger and Campanell began searching the wooded area closest to Lansford, while Officer Bonner continued searching the area closest to Coaldale. After searching for perhaps ten to twenty minutes with no success, Officers Bulger and Campanell met Officer Bonner outside the wooded area to discuss how to proceed. (pp. 19-20, 38, 46.) During this meeting, Officer Bonner explained to Officers Bulger and Campanell about the reported shooting and provided them with a description of the two individuals he observed fleeing into the woods, indicating, as well, that he believed Defendant, who he was familiar with, was one of the two. (pp. 9, 27-28, 37, 39, 54.) As they were meeting, Officer Bonner spotted individuals with flashlights moving in the woods. (pp. 6, 19, 46, 61.) This prompted the three Officers to re-enter the woods where they continued to search for the individuals Officer Bonner saw when he first arrived on scene. After searching for another fifteen minutes without success, the three Officers met once again outside the woods to decide their next course of action. (pp. 19, 28, 39, 47-48, 62.)

During the entire period the Officers had been searching, they found no one else in the woods. (pp. 20, 70.) As they were conferring after the second attempt to locate the individuals responsible for the shooting, a passing motorist stopped and advised Officer Bulger that he had just seen a man wearing a jacket exit the woods from the walking trail which connected with Abbott Street in Lansford, a short distance—less than half a mile—from where the Officers were then located. (pp. 6, 20-21.) Officer Bulger, followed closely by Officers Campanell and Bonner, each in separate vehicles, immediately drove toward that location.

Officer Bulger arrived first and spotted the Defendant wearing a large camouflage jacket walking northbound on Cortright Street, close to Abbott Street. (pp. 7, 30, 41.) Officer Bulger stopped and activated his overhead lights. At this point, Officer Bulger exited his vehicle and for officer safety—being by himself and knowing that the individuals they were searching for were armed—drew his firearm and directed the Defendant at gunpoint to lie down on the ground as he waited for backup to arrive. (pp. 6-8, 31.)

Within seconds of seeing Officer Bulger activate his overhead lights, Officer Campanell arrived on the scene. (pp. 7-8, 32, 37, 48-49, 54.) As Officer Bulger continued to cover Defendant, still with his weapon drawn, but lowered and no longer pointing at the Defendant, Officer Campanell approached the Defendant, handcuffed him, and patted him down for weapons. (pp. 33, 40, 49.) During this pat-down, Officer Campanell felt something bulky beneath Defendant's jacket. (pp. 41, 50-51.) Officer Campanell unzipped Defendant's jacket, reached in, and retrieved a black powder pistol strapped to Defendant's abdominal and chest area with a belt. (pp. 41-42.) As Officer Campanell was handcuffing the Defendant and patting him down, Officer Bonner arrived on the scene. (pp. 51, 54, 63-64.) Officer Campanell handed the weapon to Officer Bonner and then placed Defendant in the rear of the Coaldale police cruiser which had been driven to this location by Officer Bonner. (pp. 7, 41-43.)

Defendant was taken to the Coaldale Police Station where he was questioned after being **Mirandized**. (p. 55.) Defendant admitted being in the woods hunting with another individual and firing three rounds into a skunk which had been trapped. (pp. 10, 43, 55.) Defendant was charged by the Lansford Police with carrying a concealed firearm without a license, a felony of the third degree. 18 Pa. C.S.A. §6106(a)(1).² No charges were filed against Defendant for violating a Coaldale Borough ordinance which prohibited the firing of a firearm within Borough limits, one of several firearm violations Officer Bonner believed may have been committed when he drove to the scene. (pp. 59-60.)

In his Omnibus Pre-Trial Motion now before us, Defendant is challenging the legality of his initial seizure by Officers Bulger and Campanell and is seeking suppression of both the firearm taken from his person and of any statements he made to police. Whether Defendant is entitled to suppress the firearm Officer Campanell found under his coat and the statements he subsequently made to the police depends on the nature of the interaction which took

²Defendant did not have a firearms carrying permit or a valid hunting license at the time. (pp. 56-58.) See 18 Pa. C.S.A. §6106(b)(9) (excluding from the license requirements of subsection (a), persons licensed to hunt, if actually hunting, or going to or returning from hunting).

place at the time the firearm was seized. Was Defendant under arrest or was he the subject of an investigative detention. If an arrest, was it supported by probable cause. If an investigative detention, did police possess “specific and articulable facts” on which to base a reasonable suspicion that he was involved in criminal activity.

DISCUSSION

(a) Nature of Detention—Investigatory Versus Custodial

The law recognizes three levels of police-citizen interactions.

The first of these is a ‘mere encounter’ (or request for information) which need not be supported by any level of suspicion, but carries no official compulsion to stop or to respond. The second, an ‘investigative detention,’ must be supported by a reasonable suspicion; it subjects a suspect to a stop and a period of detention, but does not involve such coercive conditions as to constitute the functional equivalent of an arrest. Finally, an arrest or ‘custodial detention’¹¹ must be supported by probable cause.

Commonwealth v. Ellis, 541 Pa. 285, 293-94, 662 A.2d 1043, 1047-48 (1995) (footnote and internal citations omitted). “In evaluating the level of interaction, courts conduct an objective examination of the totality of the surrounding circumstances.”

Commonwealth v. Lyles, 626 Pa. 343, 350, 97 A.3d 298, 302 (2014) (citation omitted). Not only the conduct of the police, but also the setting in which it occurs are important factors in making this determination. **Id.** at 351, 97 A.3d at 303 (citing **Michigan v. Chesternut**, 486 U.S. 567, 573-74, 108 S. Ct. 1975, 100 L. Ed. 2d 565 (1988)).

Where an individual’s freedom of movement has in some way been restrained, whether by physical force or show of authority, such that a reasonable person would believe he was not free to leave, he has been seized and is entitled to the protections of the Fourth Amendment. **United States v. Mendenhall**, 446 U.S. 544, 554, 100 S. Ct. 1870, 64 L. Ed. 2d 497 (1980). That Defendant was seized when Officer Bulger drew his weapon and ordered Defendant to the ground is not in dispute. However, while Defendant contends the totality of the circumstances evidences he was the

subject of an illegal arrest, the Commonwealth argues this was an investigative detention. A number of factors determine whether a detention is investigative or custodial, including

the basis for the detention (the crime suspected and the grounds for suspicion); the duration of the detention; the location of the detention (public or private); whether the suspect was transported against his will (how far, why); the method of detention; the show, threat or use of force; and, the investigative methods used to confirm or dispel suspicions.

Commonwealth v. Smith, 172 A.3d 26, 32 (Pa. Super. 2017) (citation omitted).

An arrest is “any act that indicates an intention to take the person into custody **and** subjects him to the actual control and will of the person making the arrest.” **Commonwealth v. Hannon**, 837 A.2d 551, 554 (Pa. Super. 2003) (citations omitted) (emphasis in original), **appeal denied**, 577 Pa. 711, 847 A.2d 1279 (2004). In contrast, while “every **Terry** stop involves a stop and period of time during which the suspect is not free to go but is subject to the control of the police officer detaining him,” **Commonwealth v. Ellis**, 379 Pa. Super. 337, 355, 549 A.2d 1323, 1331 (1988), **appeal denied**, 522 Pa. 601, 562 A.2d 824 (1989), the circumstances surrounding an investigative detention do not indicate an intention to take the person into custody. **Hannon, supra**. “It is not the subjective view of the police officer that controls in determining whether an individual is in custody; rather, it is an objective test, **i.e.**, viewed in the light of the reasonable impression conveyed to the person subjected to the seizure rather than the strictly subjective view of the officers or the persons being seized.” **Commonwealth v. Guillespie**, 745 A.2d 654, 660 (Pa. Super. 2000) (citation omitted.) In assessing whether an investigative detention has crossed over to an arrest, courts should take care to consider whether the police are acting in a rapidly developing, potentially volatile situation and, in such cases, should not indulge in unrealistic second-guessing. **Commonwealth v. Mayo**, 344 Pa. Super. 336, 341-42, 496 A.2d 824, 826 (1985).

Here, Defendant was suspected of firing a gun at night near occupied structures within Borough limits. Defendant was one of only two persons known to be in the woods at or about the time the shooting had occurred, the other being Defendant’s accomplice.

The duration of the detention was brief, literally seconds. It occurred on a public street, at night, where Defendant was free to flee in any given direction. Defendant was not transported, however, he was directed, at gunpoint, to lie on the ground and was handcuffed, for officer safety, given the likelihood that he was in possession of a firearm based on the crimes suspected. After a pat-down and the discovery of a firearm on Defendant's person, Defendant was placed in a police cruiser and **Mirandized** before questioning.

No single factor controls the determination whether an investigatory stop has escalated to a custodial arrest. An encounter becomes an arrest when, under the totality of the circumstances, a police detention becomes so coercive as to be the functional equivalent of an arrest. **Commonwealth v. Dix**, 207 A.3d 383, 388 (Pa. Super. 2019), **appeal denied**, 217 A.3d 790 (Pa. 2019). Here, while the pointing of Officer Bulger's firearm at Defendant and directing Defendant to lie prone on the ground evidenced a clear use of force and display of authority, this was done for an extremely brief moment to maintain the status quo—until backup arrived—and Officer Bulger was able to safely investigate whether Defendant was one of two persons the police were looking for. **See Commonwealth v. Johnson**, 849 A.2d 1236, 1239 (Pa. Super. 2004) (“It is both prudent and safe for an officer to draw his firearm when approaching a vehicle in a criminal investigation (as opposed to a routine traffic stop.)”); **Dix, supra** at 388-89 (holding a defendant's detention outside of his parked vehicle by two police officers with their guns drawn who believed defendant had placed a firearm in his waistband and who directed defendant to place his hands on his vehicle was an investigatory stop). Defendant's detention, at this moment, was for investigatory purposes, and not to arrest and charge Defendant.

Significantly, none of the other factors point in the direction of Defendant being arrested before being placed in the police cruiser. Prior to being placed in the police cruiser, Defendant was not transported against his will. Neither the place or duration of the detention was coercive. Nor does the fact that Defendant was handcuffed, by itself, convert an investigative detention into an arrest, especially where, as here, handcuffing and frisking Defendant served primarily for the Officers' safety and protection, and only incidentally in furtherance of an investigation to confirm or dispel

the Officers' suspicions that Defendant was one of the persons responsible for firing shots in the woods. **Smith, supra; Mayo, supra. See also, Commonwealth v. Gillespie, supra** at 660-61 (holding that "the handcuffing of [defendant] was merely part and parcel of ensuring the safe detaining of the individuals during the lawful **Terry** stop"); **Commonwealth v. Rosas**, 875 A.2d 341, 348 (Pa. Super. 2005) (holding that "for their safety, police officers may handcuff individuals during an investigative detention"), **appeal denied**, 587 Pa. 691, 897 A.2d 455 (2006).

Given these circumstances, and in particular the need for the Officers' safety and security when Defendant was initially detained, we conclude that Officers Bulger and Campanell's initial seizure of Defendant was an investigative detention and not a custodial arrest. **Cf. Commonwealth v. Revere**, 585 Pa. 262, 264, 888 A.2d 694, 696 (2005) (holding that "where exigent circumstances exist, a brief detention and transportation in a police vehicle does not automatically constitute an arrest which must be supported by probable cause"). Whether the circumstances known to these Officers at the time, when added together, support a reasonable suspicion to believe that criminal activity was afoot must now be addressed.

(b) Reasonable Suspicion

An officer may stop and briefly detain a person for investigatory purposes when that officer has 'reasonable suspicion, based on specific and articulable facts, that criminal activity may be afoot.' **Commonwealth v. Allen**, 555 Pa. 522, 725 A.2d 737, 740 (1999). '[T]he fundamental inquiry is an objective one, namely, whether the facts available to the officer at the moment of the intrusion warrant a man of reasonable caution in the belief that the action taken was appropriate.' **Commonwealth v. Gray**, 784 A.2d 137, 142 (Pa. Super. 2001). We must consider the totality of the circumstances, including such factors as 'tips, the reliability of the informants, time, location, and suspicious activity, including flight.' **Id. (citing Commonwealth v. Freeman**, 563 Pa. 82, 757 A.2d 903, 908 (2000)).

Smith, supra at 33. "In assessing all the circumstances, courts must give weight to the inferences that a police officer may draw upon their training and experience." **Commonwealth v. Ramey**,

2016 WL 153272 *6 (Pa. Super. 2016) (**citing Commonwealth v. Holmes**, 14 A.3d 89, 96 (Pa. 2011)), **appeal denied**, 636 Pa. 674, 145 A.3d 725 (2016).

An investigative detention subjects a person to a stop and a period of detention sufficient to allow police an opportunity to gather information confirming or dispelling their suspicions upon which the detention is based. “To maintain constitutional validity, an investigative detention must be supported by a reasonable and articulable suspicion that the person seized is engaged in criminal activity and may continue only so long as is necessary to confirm or dispel such suspicion[.]” **Commonwealth v. Strickler**, 563 Pa. 47, 58, 757 A.2d 884, 889 (2000). As stated in **Commonwealth v. Bryant**, 866 A.2d 1143 (Pa. Super. 2005).

[T]he Fourth Amendment does not require a policeman who lacks the precise level of information necessary for probable cause to arrest to simply shrug his shoulders and allow a crime to occur or a criminal to escape. ... On the contrary, **Terry [v. Ohio]**, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968),] and its progeny recognize that the essence of good police work is for the police to adopt an intermediate response where they observe a suspect engaging in unusual and suspicious behavior. ... A brief stop of a suspicious individual, in order to determine his identity or to maintain the **status quo** momentarily while obtaining more information, may be reasonable in light of facts known to the officer at the time. ...

Id. at 1146 (internal citations and quotation marks omitted) (brackets added) (emphasis in original), **appeal denied**, 583 Pa. 668, 876 A.2d 392 (2005).

The test for reasonable suspicion necessary to conduct an investigative detention is less demanding than the standard of probable cause for an arrest. **Commonwealth v. Holmes**, 609 Pa. 1, 12, 14 A.3d 89, 95-96 (2011). It can arise from information that is different in quantity and quality than that required for probable cause, as well as from information less reliable than that required for probable cause. **Commonwealth v. Emeigh**, 905 A.2d 995, 998 (Pa. Super. 2006). The reasonable suspicion standard “does not deal with hard certainties, but with probabilities” and “must be based on common

[] sense.” **United States v. Cortez**, 449 U.S. 411, 418, 101 S. Ct. 690, 66 L. Ed. 2d 621 (1981); **Illinois v. Wardlow**, 528 U.S. 119, 125, 120 S. Ct. 673, 145 L. Ed. 2d 570 (2000).

Here, within ten minutes of shots being heard fired in the woods an individual was seen with Defendant’s general description fleeing into the woods and evading detection. Following this sighting by Officer Bonner, a search of the woods for almost forty-five minutes by three police officers for the individuals Officer Bonner had observed was unsuccessful—notwithstanding that at one point, about halfway through the search, flashlights were observed—further suggesting the individuals the police were looking for were hiding. **See Illinois v. Wardlow, supra** at 124 (observing that “[h]eadlong flight—wherever it occurs—is the consummate act of evasion ... ”).

During the police search, no other individuals were found in the woods, the individuals Officer Bonner observed fleeing were headed in the direction of Lansford, the individual observed by the passerby exiting the woods was exiting the Lansford side of the woods near where the shots had been originally fired, and within minutes of this observation Officer Bulger found Defendant who fit the same general description provided by Officer Bonner and the passing motorist walking near the trail’s end. (pp. 8, 20-21, 62.) These facts we find are sufficient at a minimum to establish the requisite reasonable suspicion to support Officer Bulger’s detention of Defendant. **Cf. Commonwealth v. Walls**, 53 A.3d 889, 894 (Pa. Super. 2012) (concluding that unprovoked flight by a defendant, even when not in a high crime area, combined with defendant matching the gender, race and clothing of an individual observed carrying a gun near the same location, gave “rise to reasonable suspicion that criminal activity was afoot”).³

³Whether there is probable cause to arrest without a warrant depends on whether, at the moment a suspect is taken into custody, the facts and circumstances within the officer’s knowledge, and of which he has reasonably trustworthy information, are sufficient to warrant a man of reasonable caution to believe that an offense has been committed and that the person to be arrested has committed the offense.” **Commonwealth v. Stokes**, 480 Pa. 38, 43, 389 A.2d 74, 76 (1978).

In determining whether probable cause existed in a particular situation, a court will look not just at one or two individual factors, but will consider the ‘totality of the circumstances’ as they appeared to the arresting officer:

(c) Scope of Frisk Allowed

As his final issue, Defendant argues the scope of the pat-down by Officer Campanell exceeded the lawful bounds of a **Terry** frisk and, as such, Officer Campanell lacked lawful justification to seize Defendant's weapon and arrest him. We disagree.

In **Terry [v. Ohio]**, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968)], the United States Supreme Court articulated a police officer's 'narrowly drawn' authority to conduct a reasonable search for weapons for the officer's protection. ... The

When we examine a particular situation to determine if probable cause exists, we consider all the factors and their total effect, and do not concentrate on each individual element. ... We also focus on the circumstances as seen through the eyes of the trained officer, and do not view the situation as an average citizen might. ... Finally, we must remember that in dealing with questions of probable cause, we are not dealing with certainties. We are dealing with the factual and practical considerations of everyday life on which reasonable and prudent [persons] act.

Commonwealth v. Simmons, 295 Pa.Super. 72, 83, 440 A.2d 1228, 1234 (1982), quoting **Commonwealth v. Kazior**, 269 Pa.Super. 518, 522, 410 A.2d 822, 824 (1979). It is only the probability, and not a **prima facie** showing, of criminal activity that is the standard of probable cause for a warrantless arrest. **Commonwealth v. Kloch**, 230 Pa.Super. 563, 327 A.2d 375 (1974). Probable cause exists when criminality is one reasonable inference; it need not be the only, or even the most likely, inference. **See e.g. Commonwealth v. Kendrick**, 340 Pa.Super. 563, 571, 490 A.2d 923, 927 (1985) (probable cause 'does not demand any showing that ... a belief [of criminal activity] be correct or more likely true than false'); **Commonwealth v. Moss**, 518 Pa. 337, 344, 543 A.2d 514, 518 (1988) (in assessing sufficiency of probable cause, the fact that other inferences could be drawn from circumstances does not demonstrate that inference that was drawn by police was unreasonable). As Courts of this Commonwealth have repeatedly emphasized, determinations of probable cause 'must be based on common-sense non-technical analysis.' **Commonwealth v. Gray**, 509 Pa. 476, 484, 503 A.2d 921, 925 (1985).

Commonwealth v. Quiles, 422 Pa. Super. 153, 167, 619 A.2d 291, 298 (1993) (**en banc**).

In this case, it is also appropriate to ask whether Officer Bonner had probable cause to arrest Defendant since, if he did, Officer Bulger was likewise authorized to make a warrantless arrest. **See Commonwealth v. Yong**, 644 Pa. 613, 636, 177 A.3d 876, 889-90 (2018) (holding that where there is evidence two officers are working as a team, and one of them has probable cause to stop or arrest an individual, that knowledge can be imputed to the officer who makes the arrest, even without evidence that it was actually conveyed). **See also, Commonwealth v. Smith**, 172 A.3d 26 (Pa. Super. 2017), allowing an officer conducting an investigation to rely upon hearsay information provided by another officer, and stating:

It is entirely permissible for an officer to engage in the investigation of a suspect based on the observations of another officer even when the officer

officer may pat down or frisk a suspect for weapons only if he reasonably believes that criminal activity is afoot, and that the suspect may be armed and dangerous. ... The officer must be able to articulate specific facts to justify his belief that the suspect may be armed and dangerous. ... Moreover, the scope of a **Terry** search is limited. Because the ‘sole justification of the search ... is the protection of the police officer and others nearby, ... it must therefore be confined in scope to an intrusion reasonably designed to discover guns, knives, clubs, or other hidden instruments for the assault of the police officer.’ **Terry**, ... 392 U.S. at 29

Commonwealth v. Perez, 407 Pa. Super. 614, 617, 595 A.2d 1315, 1317 (1991) (internal citations omitted).

The requirements of **Terry** were met here: (1) a lawful investigatory stop supported by reasonable suspicion that Defendant had committed a criminal offense, and (2) a limited search for

conducting the investigation has not been supplied with the specific facts needed to support the seizure; however, the officer who made the observations must have the necessary facts to support the interdiction. This precept flows from the realities of police investigation, which often relies upon the cooperation of many police officers.

Id. at 33 (citation and quotation marks omitted). **Cf. Commonwealth v. Rush**, 459 Pa. 23, 26, 326 A.2d 340, 341 (1974) (stating that while “the facts and circumstances establishing probable cause must be known to the police at the time of the arrest, ... acting on the orders of an officer with probable cause obviates the need for probable cause on the part of the arresting officers.”).

It was Officer Bonner to whom the report of shots being fired in the woods was first given by Brad Digilio, which report, by an identified eyewitness—rather than an anonymous one—is deemed inherently trustworthy. **See Commonwealth v. Brogdon**, 220 A.3d 592, 600 (Pa. Super. 2019), **appeal denied**, 226 A.3d 967 (Pa. 2020). It was Officer Bonner who first arrived on the scene and witnessed firsthand the two persons the police were looking for—one of whom he believed was the Defendant—flee into the woods. (pp. 53-54.) Not only did Officer Bonner believe Defendant was one of the persons he observed fleeing into the woods, this belief was confirmed when the person Officer Bulger stopped was the very same person Officer Bonner thought he recognized, dressed in clothing of the same type Officer Bonner had described. Moreover, Officer Bonner was present as Defendant was being handcuffed and frisked by Officer Campanell. (pp. 54-56, 63.) These combined facts further establish probable cause for Defendant to be arrested and to be searched incident to that arrest. **See Commonwealth v. Simonson**, 148 A.3d 792, 798-99 (Pa. Super. 2016) (explaining “search incident to arrest” exception to the warrant requirement), **appeal denied**, 641 Pa. 608, 169 A.3d 33 (2017).

weapons based on a reasonable belief that Defendant was armed and dangerous. **Arizona v. Johnson**, 555 U.S. 323, 326-27, 129 S. Ct. 781, 172 L. Ed. 2d 694 (2009). Officer Campanell's protective pat-down of Defendant was confined to a search for weapons and, upon feeling a bulky item beneath Defendant's jacket, removal of that item for officer safety. Defendant's argument that Officer Campanell must have specifically identified this item as a weapon prior to its removal confuses the "plain feel" doctrine for the seizure of contraband with the purpose and scope of a **Terry** frisk. Whereas the seizure of non-threatening contraband detected by an officer's "plain feel" during a pat-down for weapons is permitted "if [that] officer is lawfully in a position to detect the presence of contraband, the incriminating nature of the contraband is immediately apparent and the officer has a lawful right of access to the object," with the term "immediately apparent" meaning that "the officer conducting the **Terry** frisk readily perceives, without further search, that what he is feeling is contraband[.]" **Commonwealth v. Gillespie, supra** at 657 (citations and quotation marks omitted), a pat-down for weapons permits an officer to remove items which he reasonably believes may be used to harm the officer or others nearby. **Terry v. Ohio**, 392 U.S. 1, 26, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968).

Officer Campanell's search did not go beyond that which was necessary to discover the presence of weapons which could be used to endanger the safety of police or others. **Commonwealth v. E.M.**, 558 Pa. 16, 28-29, 735 A.2d 654, 661 (1999). Moreover, Officer Campanell's concern that what he felt might be a weapon was confirmed when this "bulky item" turned out to be a black powder handgun. **Compare Commonwealth v. Taylor**, 565 Pa. 140, 155, 771 A.2d 1261, 1270 (2001) (per Newman, J., joined by Cappy and Castille, JJ.) (stating that even though the officer testified that what he felt was not a gun or knife, the officer could have reasonably believed the hard, cylinder-type, four-inch object was a weapon of some sort, even though it in fact it was a prescription bottle) with **Commonwealth v. Wilson**, 927 A.2d 279, 285-86 (Pa. Super. 2007) (finding that neither the officer's description of what he felt in the suspect's pocket, a "hard, large ball," nor the physical characteristics of what was actually seized—a round cluster of

twelve tiny knotted plastic baggie corners, which contained a net weight of 1.743 grams of cocaine—could conceivably be thought to have been a weapon).

CONCLUSION

For the reasons stated, we conclude that Officer Bulger's stop of Defendant was an investigative detention supported by reasonable suspicion for the purpose of temporarily detaining Defendant while the police investigated whether Defendant had illegally fired a firearm within Borough limits and was one of two individuals Officer Bonner had observed fleeing into the woods and who hid from the police. We also find that Officer Campanell was legitimately concerned during his pat-down of Defendant that what he felt might be a weapon, that this belief was reasonable under the totality of the circumstances, and that the removal of this bulky item for further examination was justified.



PERIODICAL PUBLICATION

* Dated Material. Do Not Delay. Please Deliver Before Monday April 19, 2021