

# FAYETTE LEGAL JOURNAL

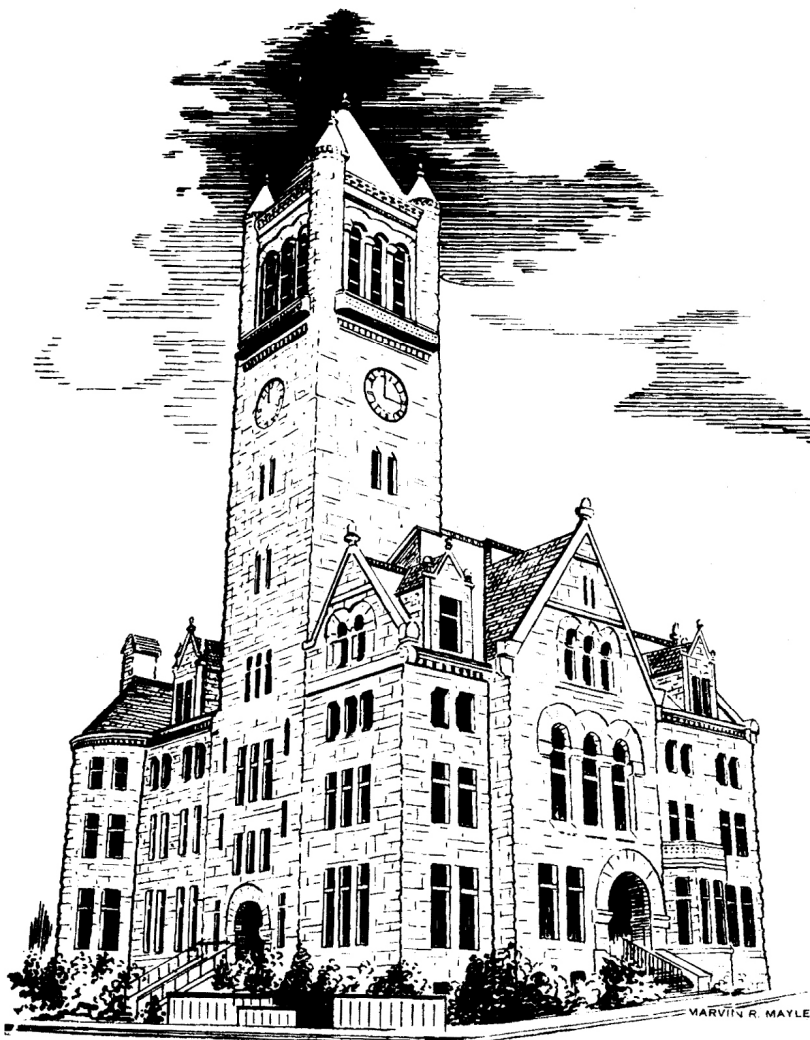
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## FAYETTE LEGAL JOURNAL

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## ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

### Third Publication

**ELEANOR LEE BAILEY, a/k/a ELEANOR L. BAILEY**, late of Connellsville, Fayette County, PA <sup>(3)</sup>

*Executor:* Gregory E. Bailey  
1435 Spyglass Hill  
Greensburg, PA 15601  
c/o Fike, Cascio & Boose  
Scully Building  
124 North Center Avenue  
P.O. Box 431  
Somerset, PA 15501-0431  
*Attorney:* Lois W. Caton

**FRANK JOHN BOBECK, JR., a/k/a FRANK J. BOBECK, JR., a/k/a FRANK J. BOBECK**, late of Luzerne Township, Fayette County, PA

*Executor:* Scott E. Bobeck <sup>(3)</sup>  
32 Meadows Creek Lane  
Senoia, GA 30276  
c/o 55 South Main Street, 2nd. Floor  
Washington, PA 15301  
*Attorney:* Karen Hassinger

**MARY BOYZA, a/k/a MARY R. BOYZA**, late of Luzerne Township, Fayette County, PA

*Executrix:* Beth A. Lindey <sup>(3)</sup>  
175 Arensburg Road  
East Millsboro, PA 15433  
c/o Law Office of Lisa J. Buday  
P.O. Box 488  
California, PA 15419  
*Attorney:* Lisa Buday

**JOAN DILLOW, a/k/a JOAN E. DILLOW**, late of Masontown, Fayette County, PA <sup>(3)</sup>

*Executrix:* Jennifer E. Westbrook  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**CLARE J. VALIGORE, a/k/a CLARE VALIGORE, a/k/a CLARA J. VALIGORE, a/k/a CLARA VALIGORE**, late of North Union Township, Fayette County, PA <sup>(3)</sup>

*Executrix:* Kimberly A. Valigore  
c/o John & John  
96 East Main Street  
Uniontown, PA 15401  
*Attorney:* Anne N. John

### Second Publication

**ALBERT J. APICELLA, a/k/a ALBERT JOSEPH APICELLA, SR.**, late of Redstone Township, Fayette County, PA <sup>(2)</sup>

*Executor:* Albert J. Apicella, Jr.  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**CECELIA S. ARTHUR**, late of North Union Township, Fayette County, PA <sup>(2)</sup>

*Personal Representatives:* Rita A. Byers and Nancy L. Myers  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

**HARRY CHARLES FEE, a/k/a HARRY C. FEE**, late of Uniontown, Fayette County, PA <sup>(2)</sup>

*Executor:* Susan Miller  
68 Nell Street  
Hopwood, PA 15445  
c/o The Lynch Group  
501 Smith Drive, Suite 3  
Cranberry Township, PA 16066  
*Attorney:* Charles B. Hadad

**DANIEL S. KORDICH**, late of Perryopolis, Fayette County, PA <sup>(2)</sup>

*Executrix:* Deborah A. Morgan  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**ELLEN M. MACKEY**, late of Upper Tyrone Township, Fayette County, PA <sup>(2)</sup>

*Personal Representative:* John R. Mackey

c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**MERCEDES TYLER MECOZZI, a/k/a  
MERCEDES MECOZZI**, late of Uniontown,  
Fayette County, PA (2)  
*Administratrix:* Nicole Brown  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Jeremy J. Davis

**DOLORES L. RANDOLPH, a/k/a  
DOLORES LORRIANE RANDOLPH**, late of  
Luzerne Township, Fayette County, PA (2)  
*Co-Executrix:* Deborah Bowser and  
Martha Biddle  
c/o Adams Law Offices, PC  
55 East Church Street, Suite 10  
Uniontown, PA 15401  
*Attorney:* Jason Adams

**First Publication**

**FRANCES FRITZ, a/k/a FRANCES JANE  
FRITZ**, late of Nicholson Township, Fayette  
County, PA (1)  
*Administratrix:* Lori Byrd  
c/o Kopas Law Office  
556 Morgantown Road  
Uniontown, PA 15401  
*Attorney:* John Kopas

**MAX GALES, a/k/a MAXIE GALES**, late of  
Saltlick Township, Fayette County, PA (1)  
*Executrix:* Sherry L. Witt  
P.O. Box 266  
603 Indian Creek Valley Road  
Indian Head, PA 15446  
c/o John M. Ranker & Associates, P.C.  
140 South Main Street, Suite 301  
Greensburg, PA 15601  
*Attorney:* John M. Ranker

**BARRY HERBERT, a/k/a BARRY LEE  
HERBERT**, late of Fayette County, PA (1)  
*Administrator:* Shaun E. O'Toole  
c/o 220 Pine Street  
Harrisburg, PA 17101  
*Attorney:* Shaun O'Toole

**LAWRENCE E. LOYAL**, late of  
Connellsville, Fayette County, PA (1)  
*Personal Representative:* Todd E. Loyal  
c/o 208 South Arch Street, Suite 2  
Connellsville, PA 15425  
*Attorney:* Richard Husband

**EVA JOY NICOLETTE**, late of Bullskin  
Township, Fayette County, PA (1)  
*Executor:* Brett Nicolette  
723 Kreinbrook Hill Road  
Mt. Pleasant, PA 15666  
c/o 749 North Church Street  
Mt. Pleasant, PA 15666  
*Attorney:* Paul Toohey

**DAVID STAIRS**, late of Bullskin Township,  
Fayette County, PA (1)  
*Executrix:* Laura Stairs  
126 White Bridge Road  
Mt. Pleasant, PA 15666  
c/o 749 North Church Street  
Mt. Pleasant, PA 15666  
*Attorney:* Paul Toohey

**LEGAL NOTICES**

**NOTICE**

RE: Change of Name of  
Madison Grace Stowe, a minor:

To Whom It May Concern:

Be advised that the Court of Common Pleas of Fayette County, Pennsylvania, will hear the Petition for the Change of Name of Madison Grace Stowe, a minor, on Friday, September 8, 2023, at 1:30 p.m. in Courtroom No. 1. All interested individuals may attend at that date and time.

DAVIS & DAVIS  
BY: Samuel J. Davis, Esquire  
107 East Main Street  
Uniontown, PA 15401

IN THE COURT OF COMMON PLEAS  
FAYETTE COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
No. 1516 of 2023, G.D.  
JUDGE LESKINEN

JEFFRIES ESTATES LLC,  
Plaintiff

vs.

ELLEN WALL, GARRETT WINGARD  
A/K/A WINGARD GARRETT  
ANNA F. HILLIARD, THOMAS J. GILLEN  
ALLEN GILLEN and JEAN GILLEN  
their heirs, successors and assigns, generally,  
Defendants

TO: ELLEN WALL, GARRETT WINGARD  
AND A/K/A WINGARD GARRETT, ANNA F.  
HILLIARD, THOMAS J. GILLEN, JEAN  
GILLEN and ALLEN GILLEN, their heirs,  
successors and/or assigns, generally.

You are hereby notified that Andrew Getsie, has filed a Complaint at the above number and term in the above-mentioned Court in an Action of Quiet Title wherein it is alleged that he is the owner of two parcels of land situate in Redstone Township, Fayette County, Pennsylvania, being more fully described as follows: 1) Fayette County Tax Map Number 30-22-0117, more fully described in deed from the Fayette County Tax Claim Bureau to Andrew Getsie dated December 11, 2012 and recorded in Record Book Volume 3206, page 1853 and 2) Fayette County Tax Map Number 30-22-0129, more fully described in deed from the Orient Coal and Coke Company to Anna F. Hilliard dated July 2, 1949 and recorded in Deed Book Volume 693, page 319.

Said Complaint sets forth that the Plaintiff is the owner in fee simple of the above-described premises. A Complaint was filed for the purpose of barring all of your right, title and interest or claim in and to all or a portion of said premises.

**NOTICE**

You are hereby notified that you have been sued in court. If you wish to defend against the claim set forth in the Complaint and in the within advertisement, you must take action within twenty (20) days after the last advertisement of this Notice by entering a written appearance personally or by attorney and filing if writing with the Court your defenses or objections to the claim set forth against you.

You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint, or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

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James E. Higinbotham, Jr., Esquire  
68 South Beeson Boulevard  
Uniontown, PA 15401  
Date: August 21, 2023

**NOTICE**

Notice is hereby given that the Certificate of Organization has been approved and filed with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on August 18, 2023, for a limited liability company known as Sara Joseph LLC.

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

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

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



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518 Madison Drive

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**JUDICIAL OPINION**

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

COMMONWEALTH OF :  
PENNSYLVANIA :  
V. :  
PHILLIP MOSLEY, : No. 317 OF 2023  
DEFENDANT. : Honorable Judge Joseph M. George, Jr.

**OPINION AND ORDER**

GEORGE, J.

June 13, 2023

This matter comes before the Court on Defendant's Omnibus Pretrial Motion in the form of a petition for writ of habeas corpus. On May 23, 2023; a hearing was held on Defendant's Omnibus Pretrial Motion. The parties stipulated to the admission of the transcript from the preliminary hearing and brief legal argument. After the hearing and reviewing the Preliminary Hearing Transcript, this motion is DENIED in its entirety.

**ISSUES PRESENTED**

Defendant's motion presents the following issue whether the Commonwealth has established a prima facie case for Aggravated Assault {1}, Simple Assault {2}, and Terroristic Threats {3}.

**FACTS**

On January 19, 2023, Pennsylvania State Police responded to the Albert Gallatin School District for a report of a disturbance. Upon arrival at the school, School Police Officer Carl Guthrie and School Police Officer James Pierce relayed to the State Police information regarding an incident that occurred with Defendant, Phillip Mosley. Officer Guthrie and Officer Pierce testified at the Preliminary Hearing that the Defendant came to the school with his 'girlfriend to pick up her son. Officer Guthrie told the Defendant and his girlfriend to empty their pockets and proceed through a metal detector'. (Prelim. Hr'g Tr. p. 12). When the Defendant emptied his pockets a clear plastic baggie of what appeared to be marijuana fell on to the ground. (Prelim. Hr'g Tr. p. 12-13). Officer Guthrie pointed out to the Defendant that he had dropped something. (Prelim. Hr'g Tr. p. 12-13). The Defendant picked up the baggie and put it back into his pocket. (Prelim. Hr'g Tr. p. 12-13).

Officer Guthrie then took Defendant and his girlfriend into the office waiting area and notified Officer Pierce of the suspected marijuana. Officer Pierce then confronted the Defendant and asked him if he had a bag of marijuana on his person. (Prelim. Hr'g Tr. p. 4). Defendant confirmed that he did. (Prelim. Hr'g Tr. p. 4). When Officer Pierce asked the Defendant to turn over the marijuana the Defendant declined to do so. (Prelim. Hr'g Tr. p. 4-5). The Defendant yelled multiple threats at Officer Pierce, including

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{1} 18 § 2702 (A)(6)  
{2} 18 § 2701 (A)(3)  
{3} 18 § 2706 (A)(1)

"I will kill you." (Prelim. Hr'g Tr. p. 5). As the Defendant left the building, he again threatened Officer Pierce saying "look me up, I know where to find you, I will kill you." (Prelim. Hr'g Tr. p. 5). At some point during this aggressive exchange the Defendant took his shirt off and postured himself as if to initiate a fight with Officer Pierce, bumping his chest into Officer Pierce multiple times. Officer Pierce testified on direct examination that he heard the Defendant say "I will shoot you" and the Defendant's actions and threats put him in fear of imminent bodily injury. (Prelim. Hr'g Tr. p. 6).

DISCUSSION

Petition for Writ of Habeas Corpus

In an Omnibus Pretrial Petition for Habeas Corpus relief, the Court must determine whether the Commonwealth established a prima facie case for the charged offenses. *Com. v. Packard*, 767 A.2d 1068, 1070 (Pa. Super. 2001). "When deciding whether a prima facie case was established, [the Court] must view the evidence in the light most favorable to the Commonwealth, and ... consider all reasonable inferences based on that evidence which could support a guilty verdict." *Com. v. James*, 863 A.2d 1179, 1182 (Pa. Super. Ct. 2004) (citation omitted). Unlike the beyond a reasonable doubt standard, a prima facie case is merely a degree of evidence "that if presented at the trial in court, and accepted as true, the judge would be warranted in allowing the case to go to the jury." *Com. v. Wojdak*, 466 A.2d 991, 996 (Pa. 1983); see *James*, 863 A.2d at 1182.

A person is guilty of aggravated assault if he or she attempts by physical menace to put any of the officers, agents, employees or other persons enumerated in subsection (c), while in the performance of duty, in fear of imminent serious bodily injury {4}.

A person is guilty of simple assault if he or she attempts by physical menace to put another in fear of imminent serious bodily injury.

A person is guilty of terroristic threats if he or she communicates, either directly or indirectly, a threat to commit any crime of violence with the intent to terrorize another. At the preliminary hearing, Officer Pierce testified that the Defendant: 1) shouted numerous threats to kill him; 2) took off his shirt and gestured to initiate a fight; 3) aggressively bumped his chest into him; and 4) threatened to shoot him. Officer Pierce also testified on direct examination that he was in fear of imminent bodily injury from the Defendant. This testimony viewed in a light most favorable to the Commonwealth establishes a prima facie case for aggravated assault, simple assault and terroristic threats.

WHEREFORE, we will enter the following order:

ORDER

AND NOW, this 13th day of June, 2023, in accordance with our foregoing opinion, it is hereby ORDERED and DECREED that the Omnibus Pre Trial Motion is DENIED, in its entirety. The District Attorney is DIRECTED to list this matter for trial.

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

ATTEST:  
Clerk of Courts

{4} In the Defendant's petition for writ of habeas corpus he concedes that a school officer constitutes one of the positions enumerated in subsection (c).



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## **Save the Date**

**FCBA Bench Bar Conference** will be held on

**Wednesday, October 18th** from  
8:30 a.m. to 1:00 p.m. at

**The Historic Summit Inn**

Agenda to follow

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