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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

DORIS MAY FOUCH, a/k/a DORIS W. FOUCH, late of North Union Township, Fayette County, PA (3)

Administrator: Ronald Lee Fouch
118 Foxchase Drive
Canonsburg, PA 15317
c/o Anthon Legal Services, LLC
165 McClelland Road
Canonsburg, PA 15317
Attorney: Emmanuel Anthon

THOMAS A. OSTROWSKI, late of Everson, Fayette County, PA (3)

Co-Executors: Thomas E. Ostrowski and Michael J. Ostrowski
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

KATHRYN C. RISHEL, a/k/a KATHRYN COLETTE RISHEL, late of North Union Township, Fayette County, PA (3)

Executor: Thomas G. Rishel
97 Grant Avenue
Etna, PA 15223
c/o Newcomer Law Offices
4 North Beeson Boulevard
Uniontown, PA 15401
Attorney: Ewing D. Newcomer

GREGORY A. RUSSIN, late of Upper Tyrone Township, Fayette County, PA (3)

Administratrix: Amber Pravlik
906 Kingview Road
Scottdale, PA 15683
c/o Lederach Law
201 North Chestnut Street

P.O. Box 342
Scottdale, PA 15683
Attorney: James S. Lederach

DIBRELL C. STEWART, a/k/a DIBRELL STEWART, a/k/a DIBRELL CARROLL STEWART, late of Masontown, Fayette County, PA (3)

Executor: Dennis C. Stewart
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Anne N. John

SAMUEL TOM, a/k/a SAMUEL PETER TOM, SR., a/k/a SAMUEL P. TOM, a/k/a SAMUEL P. TOM, SR., late of Georges Township, Fayette County, PA (3)

Executor: Michael J. Tom
c/o Kopas Law Office
556 Morgantown Road
Uniontown, PA 15401
Attorney: John Kopas

LINDA WEAVER, a/k/a LINDA ANN WEAVER, late of Henry Clay Township, Fayette County, PA (3)

Administrator: Timothy Thompson
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

Second Publication

BEATRICE M. EUTSEY, a/k/a BEATRICE MAE EUTSEY, late of Springfield Township, Fayette County, PA (2)

Personal Representative:
Nathan Wayne Eutsey
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

RANDY HAWK, late of Bullskin Township, Fayette County, PA (2)

Administratrix: Mary Katherine Hawk
124 Kathleen Circle
Acme, PA 15610
c/o 749 North Church Street

Mount Pleasant, PA 15666
Attorney: Paul Toohey

Mount Pleasant, PA 15666
Attorney: Marvin Snyder

AURA LOZAR, late of Masontown Borough,
 Fayette County, PA (2)
Executor: Ralph Burchianti
 1259 South Eighty-Eight Road
 Greensboro, PA 15338
 c/o Pollock Morris Belletti & Simms, LLC
 54 South Washington Street
 Waynesburg, PA 15370
Attorney: David Pollock

FRANKLIN C. MULICH, late of North Union
 Township, Fayette County, PA (1)
Administratrix: Frances Y. Mulich
 c/o Higinbotham Law Offices
 68 South Beeson Boulevard
 Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

KRISTINE E. MCCAIN, late of Smithfield,
 Fayette County, PA (2)
Administrator: David Harrison
 c/o Molinaro Law Offices
 P.O. Box 799
 Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

PETER E. OSTRANDER, late of Uniontown,
 Fayette County, PA (1)
Personal Representative: Polly J. Ostrander
 37 Kensington Cr.
 Uniontown, PA 15401
 c/o Finoli Law, LLC
 229 Maple Avenue
 Greensburg, PA 15601
Attorney: Vincent J. Finoli

FRANCIS A. ORAVETS, late of Masontown,
 Fayette County, PA (2)
Executor: Joseph J. Oravets
 224 West Cross Avenue
 Masontown, PA 15461
 c/o 76 East Main Street
 Uniontown, PA 15401
Attorney: Douglas S. Sholtis

**CONNIE M. WILLIAMS, a/k/a CONNIE
 MAY WILLIAMS**, late of Masontown, Fayette
 County, PA (1)
Executor: John J. Williams
 649 Marion Avenue
 Springdale, PA 15144
 c/o 76 East Main Street
 Uniontown, PA 15401
Attorney: Douglas S. Sholtis

First Publication

**SHERRY CLARK, a/k/a SHERRY LYNN
 CLARK**, late of Masontown, Fayette County,
 PA (1)
Executor: Matthew James Clark
 496 Laureldale Road
 Grindstone, PA 15442
 c/o Myers Duffy Dansak & Clegg, LLC
 1416 Lincoln Way
 White Oak, PA 15131
Attorney: Ryan L. Dansak

**LENNETTE KISTNER, a/k/a LENNETTE
 ANNETTE KISTNER**, late of Saltlick
 Township, Fayette County, PA (1)
Personal Representative:
 Clair Edward Kistner
 1252 Route 711
 Stahlstown, PA 15687
 c/o Snyder & Snyder
 17 North Diamond Street

LEGAL NOTICES

WATSON MUNDORFF, LLP

Notice of Revocable Trust Pursuant to
20 Pa. C.S. § 7755(c)

The Janice M. Haggerty Revocable Trust
dated 9/9/2008

Notice is hereby given of the administration of THE JANICE M. HAGGERTY REVOCABLE TRUST, DATED SEPTEMBER 9, 2008. JANICE M. HAGGERTY, settlor of the trust, of Bullskin Township, County of Fayette and Commonwealth of Pennsylvania, died on October 7, 2023. All persons indebted to the said decedent are requested to make payment to the undersigned without delay, and all persons having claims or demands against said estate are requested to make known the same.

Paul R. Haggerty and Jane M. Crissinger,
Successor Trustees
c/o WATSON MUNDORFF, LLP
720 Vanderbilt Road
Connellsville, PA 15425-6218
Phone: 724-626-8882

(3/3)

**NOTICE OF REVOCABLE TRUST
PURSUANT TO 20 PA C.S. SECTION 7755(c)**

NOTICE is hereby given of the administration of the Paul J. Homer, Sr. and Evelyn I. Homer Revocable Living Trust dated April 11, 1994, and amended on February 17, 2023. Evelyn I. Homer, Settlor of the Trust of Dunbar Township, Fayette County, Pennsylvania, died on December 4, 2023. All persons having claims against Evelyn I. Homer or the Trust are requested to make known the same to the Trustee or Attorney named below. All persons indebted to Evelyn I. Homer or the Trust are requested to make payment without delay to the Trustee or Attorney named below. Mark S. Homer, 614 Flatwoods Road, Vanderbilt, PA 15486, or to Richard A. Husband, Esquire, 208 South Arch Street, Suite 2, Connellsville, PA 15425.

(2/3)

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
ORPHAN'S COURT DIVISION

Judge: George
No. 67 ADOPT 2023

IN RE: ADOPTION OF
GANNON RHETT MIHOK,
D.O.B. MAY 22, 2015
MALE CHILD OF:
THERESA NICOLE KEEFER

PUBLIC NOTICE

TO: The father of the Gannon Rhett Mihok

Please take notice that a Petition for Involuntary Termination of Parental Rights has been filed against the father of Ganett Rhett Mihok and will be presented in the Court of Common Pleas of Fayette County, Pennsylvania, Orphan's Division.

The court has set a hearing to consider ending your rights to your child. That hearing will be held at the Fayette Countv Courthouse, Uniontown, Pennsylvania, in Courtroom No. 5, on Monday, January 22, 2024, at 1:30 p.m. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper 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.

Pennsylvania Lawyer Referral Services
Pennsylvania Bar Association
100 South Street, P.O. Box 186
Harrisburg, Pennsylvania 17108
1-800-692-7375

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 2346 of 2023, G.D.
JUDGE LINDA R. CORDARO

P.O. Box 186
Harrisburg, PA 17108
1.800.692.7375

IN RE: 2005 Champion Series SC902-C
Manufactured Home Serial No: 007-05-902-
15745AB

Robert R. Harper, Jr., Esquire
Radcliffe Martin Law, LLC
648 Morgantown Road, Suite B
Uniontown, PA 15401
(724) 439-3939

TO: JED, LLC, t/d/b/a Hopwood Village Mobile
Home Sales, Inc.

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY PENNSYLVANIA
ORPHAN'S COURT DIVISION
NO. 81 ADOPT 2023

You are hereby notified that Marlene
Ripko Martin, n/k/a Marlene Ripko, the
Petitioner, has filed a Petition at the above-
referenced court in an action to have the
certificate of origin for her 2005 Champion
Series SC902- C Manufactured Home bearing
Serial Number 007-05-902-15745AB assigned
to her.

**IN RE: ADOPTION AND NAME CHANGE
OF NEALA MOLLIE SCOTTODILUZIO**

NOTICE

Said Petition sets forth that Petitioner is the
lawful owner and is in possession of the above-
described manufactured home. The Petition 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 manufactured home and to assign
the certificate of origin.

Notice is hereby given that on Thursday,
December 28th, 2023, the Petition of Robert L
Mehalek was filed with the above-named Court,
requesting an order of Court to adopt and change
the name of Neala Mollie Scottodiluzio to Neala
Mollie Stacy.

NOTICE

You are hereby notified to plead to the
Petition in this case, of which the above is a
brief summary, within twenty (20) days from
this date. If you wish to defend, you must enter a
written appearance personally or by an attorney
and file your defenses of objections in writing
with the Court. You are warned that if you fail to
do so, the case may proceed without you and a
judgment may be entered against you without
further notice for the relief requested by the
plaintiffs. You may lose money or property or
other rights important to you.

The Court has fixed the day of Tuesday,
January 16th, 2024 at 09:00 EST time in
Courtroom Number 5 of the Fayette County
Courthouse, Uniontown, Pennsylvania, as the
time and place for the hearing on said Petition,
when and where all interested parties may
appear to show cause, if any, why the request of
the petitioner should not be granted.

Robert L Mehalek
37 N Mill St Ext
New Salem, PA 15468

**YOU SHOULD TAKE THIS PAPER
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. THIS
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JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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Holly Whalen ◊ Amy Coco ◊ Bethann Lloyd

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JUDICIAL OPINION

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

COMMONWEALTH OF	:
PENNSYLVANIA	:
v.	:
RICHARD YOUNG,	: Honorable President Judge Steve P. Leskinen
Petitioner.	: No. 1274 of 2020

Leskinen, P.J.

August 1, 2023

Before the Court is the Petitioner's Omnibus Pretrial Motion for suppression of items seized during the search of the Petitioner's person during a Terry frisk, and a writ of habeas corpus as to possession of drug paraphernalia. A hearing on the motion was held on March 15, 2023, at which a mobile vehicle recording (hereinafter "MVR") of the encounter was admitted into evidence.

FACTUAL BACKGROUND

On February 17, 2020, Pennsylvania State Troopers Rukat and Dillon were on routine patrol. After observing a white Ford F150 truck, the troopers ran the registration on the vehicle and it came up with the owner having a suspended operator's license. The Troopers made a traffic stop of the vehicle and the information and suspended license were for the Petitioner's father who was the operator of the vehicle. The Petitioner was the passenger in the vehicle. While Trooper Dillon had contact with the operator, Trooper Rukat had contact with the Petitioner. The Petitioner initially remained in the vehicle while answering the Trooper's questions. The Trooper testified that he remained with the passenger for officer safety. (N.T. of 3/15/23 at pg. 7). Trooper Dillon remained with the operator and then began a search of the vehicle with the consent of the owner/operator.

The Petitioner answered general questions but became more nervous as the Trooper continued questioning. The Trooper noticed that the Petitioner's eyes were dilated, which he recognized as indicative of possible drug use. Id. Based on his observations, the Trooper questioned the Petitioner about his drug use. The Petitioner became even more nervous, began to avoid eye contact, and denied using drugs. Considering that the Petitioner might be under the influence of drugs or had some in the vehicle, the Trooper asked the Petitioner to exit the vehicle. The Trooper then conducted a Terry search of the Petitioner for weapons. (N.T. at pg. 8). When the Trooper conducted the Terry frisk, he felt a cylinder type object in the pocket of the Petitioner's pants. The Trooper then asked the Petitioner what was in his pocket. Rather than responding, the Petitioner reached into his pocket and pulled out a small metal smoking device commonly used to inhale "crack" cocaine. (N.T. at pg. 9). The Trooper then placed him under arrest but subsequently let him go and informed him that he was free to leave but would need to be processed for the incident at a later date. Id.

DISCUSSION

The Petitioner is charged with possession of paraphernalia that the Petitioner turned over to the Trooper after he conducted a Terry frisk. The Petitioner asserts that a warrant must be issued prior to a search. A search or seizure without a warrant is presumptively unreasonable subject to a few specifically established, well-delineated exceptions. In the Interest of T.W, 261 A.3d 409 (Pa. 2021). For a Terry frisk to be constitutionally sound, the stop must be lawful and the officer must reasonably suspect that the person is armed and dangerous. The purpose of the Terry frisk is to dispel any fear that the individual is armed and dangerous.

In this case, the Trooper developed an evolving belief as he conversed with the Petitioner that he might be under the influence of drugs and that there could be drugs in the vehicle. Since guns frequently accompany drugs, the Trooper became concerned for the safety of his partner and himself. The Trooper was aware that the operator was being charged and that Trooper Dillon was searching the vehicle. Combining all of this information with this Defendant's increasingly nervous behavior, the Trooper decided to do a Terry frisk for weapons, but did not seize the cylindrical item he felt in his pocket.

In cases involving the companion of an arrested person, the Trooper need not be absolutely certain that the companion is armed, the issue is whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or the safety of others was in peril. The existence of reasonable suspicion to frisk an individual must be judged in light of the circumstances confronting the officer. *Commonwealth v. Reed*, 19 A.3d 1163(Pa. Super 2011) citing *Commonwealth v. Taylor*, 771 A.2d 1261, 1268-69 (Pa. 2001). In this case, the Troopers determined that the operator was driving under suspension, the passenger exhibited evidence of possible drug use, and the passenger's increasing nervousness caused the Troopers to become concerned for officer safety.

In light of the extreme risks police face in performing arrests, it is reasonable for officers to take some prophylactic actions to insure their safety concerning companions of persons who are or may be arrested. *Commonwealth v. Reed*, 19 A.3d 1163 (Pa. Super. 2011). The minimal intrusion on the companion of a person who is engaged in criminal activity, who is subjected to a Terry frisk is outweighed by the need to address the risks otherwise posed to the officer's well- being. *Id.* Based on the circumstances, the Trooper had a reasonable suspicion to frisk the passenger.

The Trooper did not direct the Petitioner to remove the item from his pants or attempt to remove it himself. Rather the Petitioner was only asked what the object was. The Petitioner removed the item from his pocket and displayed it to the Trooper. As the Petitioner voluntarily turned over the item from his pants pocket, there was no search warrant required. The Defendant could have simply said it was a pill bottle. The Trooper did not attempt to remove the item from the Petitioner's pants, nor did he order or direct him to remove the item from his pants. The protective frisk was proper under the totality of the circumstances presented.

A petition for a writ of habeas corpus is "the proper means for testing a pre-trial finding that the Commonwealth has sufficient evidence to establish a prima facie case"

against a defendant. *Commonwealth v. Scott*, 578 A.2d 933, 936 (Pa. Super. 1990). A pre-trial petition for writ of habeas corpus is similar in its purpose to a preliminary hearing in that it seeks to prevent unlawful detention for a crime which was never committed, or for a crime for which there is no evidence of the accused connection. *Id.* To establish a prima facie case, the Commonwealth must present evidence as to each material element of the crimes charged and establish sufficient probable cause that the accused is the person who committed the offense. *Commonwealth v. McBride*, 595 A.2d 589, 591 (Pa. 1991).

The Defendant is charged with one count of Possession of Paraphernalia, 35 Pa. C.S. § 780-113(a)(32). To sustain a conviction for paraphernalia, the Commonwealth must establish that the item was possessed by the defendant and was used for or intended to be used with a controlled substance. *Id.* The evidence presented may be circumstantial to establish the use of the item.

In this case, the Trooper identified the device as a "metal smoking device you use for crack cocaine" (N.T. of 3/15/23 at of, 9). At this level, the evidence is sufficient to support the elements of the charge.

For the above stated reasons, the Petitioner's Omnibus Pretrial Motion is DENIED and the Commonwealth is directed to place this case on the list.

BY THE COURT:
STEVE P. LESKINEN
PRESIDENT JUDGE

ATTEST:
Clerk of Courts

MOTIONS COURT**MOTIONS COURT ASSIGNMENTS AS OF
JANUARY 1, 2024**

In accordance with the Fayette County Motions Court Procedure Rules, the assigned judge for daily Motions Court, is as follows:

Monday	Judge Nancy D. Vernon	Courtroom No. 4	9:00 AM
Tuesday	Judge Joseph M. George, Jr.	Courtroom No. 5	9:00 AM
Wednesday	Judge Linda R. Cordaro	Courtroom No. 2	9:00 AM
Wednesday	Judge John F. Wagner, Jr.	Annex	9:00 AM
Thursday	Judge Steve P. Leskinen	Courtroom No. 1	9:00 AM
Friday	Judge Mark M. Mehalov	Courtroom No. 3	9:00 AM

Priority motions are to be presented to the assigned judge in accordance with F.C.R. 208.3 and F.C.R. Crim. P. 575(k).

The Administrative Office of Fayette County Courts will not, after 8:30 AM, accept any motions, emergency or otherwise, personally delivered or faxed for that day's Motions Court. You may, if you wish, proceed directly to Motions Court and attempt to personally present the Motions to the Motions Court Judge. He or she may or may not accept the same.

President Judge Steve P. Leskinen

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