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

COMMONWEALTH OF PENNSYLVANIA,

v.

JADEN DWAYNE HOWELL,
Defendant

No. 1087 CR 2025

APPEARANCES

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OPINION

Ronald D. Amrhein, Jr., J.,

Before the Court is an Omnibus Pre-Trial Motion for Relief filed by Jaden Dwayne Howell (“Defendant”), seeking suppression of evidence obtained following a traffic stop of a vehicle in which Defendant was a passenger. For the reasons set forth herein, Defendant’s Omnibus Pre-Trial Motion is denied.

I. FINDINGS OF FACT AND PROCEDURAL HISTORY

Following the testimony presented at an approximately two-hour evidentiary hearing before this Court on June 18, 2026, this Court enters the following findings of fact.

On April 9, 2025, at approximately 10:50 p.m., Sergeant Anthony Martwinski of the City of Sharon Police Department was dispatched to the 300 block of Quimby Street in the City of Sharon following reports of multiple shots fired.¹ Upon his arrival, Sergeant Martwinski observed a large crowd gathered around an injured male victim, later identified as Tayvon McCoy (“Victim”), who was lying on the ground suffering from multiple gunshot wounds to his leg.² Sergeant Detective Justin Wiley (“Detective Wiley”) was also dispatched to the scene to lead the shooting investigation and was soon informed Victim’s sister, Alexis McCoy (“Ms. McCoy”), was at the police station wishing to speak with law enforcement.³ During an audio and video-recorded interview, Ms. McCoy informed Detective Wiley her brother (i.e., Victim) and his friend, Delonte Moore (“Moore”), had been involved in an active social media feud with an individual known by the street name “Turtle,” whom she identified as Defendant.⁴ Ms. McCoy further stated the gunshots had originated from a black Chevrolet Cruze.⁵

At approximately midnight on April 10, 2025, while the on-scene investigation was actively unfolding, a phone call was received at the Sharon police station from an identified citizen, Samantha Harris (“Ms. Harris”).⁶ Ms. Harris reported her stepson, Macon Dawson (“Mr. Dawson”), had contacted her via FaceTime just minutes prior to voice concerns for his safety.⁷ She explicitly stated Mr. Dawson was currently traveling through the Borough of Greenville inside a silver or gray 2016 Honda Accord driven by a female named Josette Hall (“Ms. Hall”), and Defendant (“Turtle”) was riding in the front passenger seat.⁸ According to Ms. Harris, Mr. Dawson overheard Defendant confessing he had stolen a black Chevrolet Cruze earlier in the day and had just shot at Moore and struck Victim on Quimby Street.⁹ Ms. Harris added she had personally witnessed Defendant operating a black Chevrolet Cruze earlier in the day and noted the Honda Accord was currently traveling toward Ms. Hall’s residence near Omar’s convenience store in Greenville.¹⁰ Based upon this information provided by Ms. Harris, Sharon Police broadcasted a county-wide “Be On the Lookout” (“BOLO”) alert at approximately 12:47 a.m. with

¹ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 4-6.

² See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 5.

³ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 42-44.

⁴ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 44-45.

⁵ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 44.

⁶ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 6, 45-46.

⁷ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 7, 46.

⁸ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 8-9, 47-48.

⁹ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 11, 47-48.

¹⁰ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 21, 48-49.

instructions to stop and hold the vehicle.¹¹

Officer Tyler McKinney of the Borough of Greenville Police Department received the radio BOLO, which supplemented a parallel public service request logged on his patrol terminal.¹² Shortly thereafter, Officer McKinney observed the silver Honda Accord at the intersection of South Mercer Street and Clinton Street in Greenville, roughly a thirty-second drive from Omar's convenience store.¹³ Officer McKinney immediately recognized the driver as Ms. Hall from prior professional interactions.¹⁴ As he followed the vehicle, he observed distinct movements in the passenger compartment, which appeared to indicate an occupant was attempting to conceal themselves.¹⁵ Given the nature of the reported firearm offense, Officer McKinney requested emergency backup to execute a "felony stop."¹⁶ Upon the arrival of backup units from the Hempfield Township Police Department and the Pennsylvania State Police, the vehicle's occupants (i.e., Ms. Hall, Mr. Dawson, and Defendant) were ordered out of the vehicle at gunpoint, immediately handcuffed, separated, and secured in the back of separate police cruisers.¹⁷

Greenville authorities maintained physical custody of the occupants to preserve the status quo until City of Sharon police officers arrived on the scene at approximately 1:17 a.m. to take over the investigation.¹⁸ The three occupants were subsequently transported to the Sharon police station, arriving at approximately 2:00 a.m., while the silver Honda Accord was towed and impounded at the Sharon Police Department.¹⁹ At approximately 2:10 a.m., while Defendant remained handcuffed, Detective Wiley administered a non-invasive Gunshot Residue ("GSR") swab test to Defendant's hands.²⁰ Following the test, Defendant was advised of his *Miranda* rights, at which time he invoked his right to remain silent and requested legal counsel, terminating further interaction.²¹ During a search of Defendant's person incident to his placement in custody, officers discovered an electronic key fob in his pocket, which was later scanned and linked directly to the stolen black Chevrolet Cruze identified at the shooting scene.²²

The driver, Ms. Hall, remained in continuous police custody for approximately six hours until 7:23 a.m., when Detective Wiley and Detective Ryan Chmura initiated an interview with her.²³ At approximately 8:25 a.m., Ms. Hall executed

¹¹ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 49–50.

¹² See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 18–21.

¹³ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 22.

¹⁴ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 22–23.

¹⁵ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 23.

¹⁶ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 23–24.

¹⁷ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 25–26.

¹⁸ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 26, 51.

¹⁹ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 51–52.

²⁰ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 52–53.

²¹ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 55–56.

²² See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 88–89.

²³ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 57, 84.

a written City of Sharon “Consent to Search” form for her vehicle.²⁴ Though initially handcuffed and under detention, Ms. Hall appeared cooperative, indicated she fully understood her rights, and signed the document in the absence of any physical coercion, threats, or explicit promises.²⁵ With this written authorization, Detective Wiley conducted a preliminary search of the Honda Accord.²⁶ Upon opening the front passenger door and looking beneath the seat, he observed a firearm.²⁷ Detective Wiley immediately ceased the physical search, closed the door, and secured a formal search warrant for the vehicle.²⁸ Upon executing the search warrant, law enforcement officially seized a black Walther PP semiautomatic 9mm handgun, bearing serial number FD01249, from beneath the front passenger seat.²⁹

On November 21, 2025, Defendant was charged with two counts of Criminal Attempt - Murder of the First Degree, in violation of 18 Pa. C. S. §901(a) /18 Pa. C. S. §2502(a); two counts of Aggravated Assault, felonies of the first degree in violation of 18 Pa. C. S. §2702(a)(1); two counts of Aggravated Assault with a Deadly Weapon, felonies of the second degree in violation of 18 Pa. C. S. §2702(a)(4); Person not to Possess Firearms, a felony of the second degree in violation of 18 Pa. C. S. §6105(a)(1); and Firearms not to be carried without a License, a felony of the third degree in violation of 18 Pa. C. S. §6106(a)(1).

On May 28, 2026, Defendant filed the instant Omnibus Pre-Trial Motion seeking suppression of the evidence recovered from the vehicle and as a result of the GSR swab.

II. LAW AND ANALYSIS

Ability to Challenge the Legality of the Traffic Stop

In *Brendlin v. California*, the Supreme Court of the United States held:

“A traffic stop necessarily curtails the travel a passenger has chosen just as much as it halts the driver, diverting both from the stream of traffic to the side of the road, and the police activity that normally amounts to intrusion on ‘privacy and personal security’ does not normally (and did not here) distinguish between passenger and driver. An officer who orders one particular car to pull over acts with an implicit claim of right based on fault of some sort, and a sensible person would not expect a police officer to allow people to come and go freely from the physical focal point of an investigation into faulty behavior or wrongdoing. If the likely wrongdoing is not the driving, the passenger will reasonably feel subject to suspicion owing to close association; but even when the wrongdoing is only bad driving, the passenger will expect to be subject to some scrutiny, and his attempt to leave the scene would be so obviously likely to prompt an objection from the officer that no passenger would feel free to leave in the first place.

It is also reasonable for passengers to expect that a police officer at the scene of a crime, arrest, or investigation will not let people move around in ways that could jeopardize his safety. In *Maryland v.*

²⁴ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 56–58, 84; See also Commonwealth’s Exhibit 1.

²⁵ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 58.

²⁶ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 59.

²⁷ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 59-60.

²⁸ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 60–62; See also Commonwealth’s Exhibit 2.

²⁹ See Notes of Testimony, Hearing on Omnibus Pretrial Motions, June 18, 2026, p. 62.

Wilson, 519 U.S. 408, 117 S.Ct. 882, 137 L.Ed.2d 41 (1997), we held that during a lawful traffic stop an officer may order a passenger out of the car as a precautionary measure, without reasonable suspicion that the passenger poses a safety risk. In fashioning this rule, we invoked our earlier statement that ‘ ‘[t]he risk of harm to both the police and the occupants is minimized if the officers routinely exercise unquestioned command of the situation.’ ‘ What we have said in these opinions probably reflects a societal expectation of ‘ ‘unquestioned [police] command’ ‘ at odds with any notion that a passenger would feel free to leave, or to terminate the personal encounter any other way, without advance permission.

Our conclusion comports with the views of all nine Federal Courts of Appeals, and nearly every state court, to have ruled on the question. And the treatise writers share this prevailing judicial view that a passenger may bring a Fourth Amendment challenge to the legality of a traffic stop.” [citations omitted][emphasis added]³⁰

In the present case, Defendant was a passenger in a silver Honda Accord driven by Ms. Hall when Police initiated a traffic stop. Under *Brendlin*, this traffic stop constituted a simultaneous seizure of both the driver and Defendant as a passenger. Because the inherent authority of Police curtails the travel and personal liberty of everyone inside the vehicle, Defendant was subjected to an assertion of police authority and would not have felt free to leave the scene or otherwise terminate the encounter. Consequently, Defendant possesses constitutional standing to challenge the initial legality of the traffic stop.

The Legality of the Traffic Stop

In *Commonwealth v. Swartz*, the Superior Court of Pennsylvania held:

“It is well established ‘when the police stop a vehicle in this Commonwealth for investigatory purposes, the vehicle, and its occupants are considered ‘seized’ and this seizure is subject to constitutional constraints.’ An investigatory stop of an automobile is justified only when it is based upon objective facts creating a reasonable suspicion the vehicle’s occupants are presently involved in criminal activity. To meet this standard, the officer must point to specific articulable facts which, together with the rational inferences therefrom, reasonably warrant the intrusion.

To have reasonable suspicion, police officers need not personally observe the illegal or suspicious conduct, but may rely upon the information of third parties, including ‘tips’ from citizens. Naturally, ‘if a tip has a relatively low degree of reliability, more information will be required to establish the requisite quantum of suspicion than would be required if the tip were more reliable.’ Thus, in *Commonwealth v. Wilson*, 424 Pa.Super. 110, 622 A.2d 293 (1993), alloc. denied, 536 Pa. 623, 637 A.2d 283 (1993), we examined the requirements surrounding reasonable suspicion for automobile stops emanating from information provided by a tipster and explained:

Reasonable suspicion, like probable cause, is dependent upon both the content of information possessed by police and its degree of reliability. Both factors—quantity and quality—are considered in the ‘totality of the circumstances—the whole picture,’ that must be taken into account when evaluating whether there is reasonable suspicion. Thus, if a tip has a relatively low degree of reliability, more information will be required to establish the requisite quantum of suspicion than would be required if the tip were reliable.

When the underlying source of the officer’s information is an anonymous call, the tip should be treated with particular suspicion. However, a tip from an informer known to the police may carry enough indicia of

³⁰ *Brendlin v. California*, 551 U.S. 249, 257–60, 127 S. Ct. 2400, 2407–09, 168 L. Ed. 2d 132 (2007).

reliability for the police to conduct an investigatory stop, even though the same tip from an anonymous informant would likely not have done so. Indeed, ‘a known informant places himself at risk of prosecution for filing a false claim if the tip is untrue, whereas an unknown informant faces no such risk.’” [citations omitted]³¹

In *Alabama v. White*, the Supreme Court of the United States held:

“The opinion in *Gates* recognized that an anonymous tip alone seldom demonstrates the informant’s basis of knowledge or veracity inasmuch as ordinary citizens generally do not provide extensive recitations of the basis of their everyday observations and given that the veracity of persons supplying anonymous tips is ‘by hypothesis largely unknown, and unknowable.’ This is not to say that an anonymous caller could never provide the reasonable suspicion necessary for a Terry stop. But the tip in *Gates* was not an exception to the general rule, and the anonymous tip in this case is like the one in *Gates*: ‘[It] provides virtually nothing from which one might conclude that [the caller] is either honest or his information reliable; likewise, the [tip] gives absolutely no indication of the basis for the [caller’s] predictions regarding [an individual’s] criminal activities.’ By requiring ‘[s]omething more,’ as *Gates* did, we merely apply what we said in *Adams*: ‘Some tips, completely lacking in indicia of reliability, would either warrant no police response or require further investigation before a forcible stop of a suspect would be authorized,’ Simply put, a tip such as this one, standing alone, would not ‘warrant a man of reasonable caution in the belief’ that [a stop] was appropriate.’

As there was in *Gates*, however, in this case there is more than the tip itself. The tip was not as detailed, and the corroboration was not as complete, as in *Gates*, but the required degree of suspicion was likewise not as high. We discussed the difference in the two standards last Term in *United States v. Sokolow*, 490 U.S. 1, 7, 109 S.Ct. 1581, 1585, 104 L.Ed.2d 1 (1989):

‘The officer [making a Terry stop] ... must be able to articulate something more than an ‘inchoate and unparticularized suspicion or ‘hunch.’ ‘ [Terry, 392 U.S.,] at 27 [88 S.Ct., at 1883]. The Fourth Amendment requires ‘some minimal level of objective justification’ for making the stop. That level of suspicion is considerably less than proof of wrongdoing by a preponderance of the evidence. We have held that probable cause means ‘a fair probability that contraband or evidence of a crime will be found,’ [Gates, 462 U.S., at 238, 103 S.Ct., at 2332], and the level of suspicion required for a Terry stop is obviously less demanding than for probable cause.’” [citations omitted]³²

In *Commonwealth v. Barber*, the Superior Court of Pennsylvania held:

“Indeed, identified citizens who report their observations of criminal activity to police are assumed to be trustworthy, in the absence of special circumstances, since a known informant places himself at risk of prosecution for filing a false claim if the tip is untrue, whereas an unknown informant faces no such risk.

When an identified third party provides information to the police, we must examine the specificity and reliability of the information provided. The information supplied by the informant must be specific enough to support reasonable suspicion that criminal activity is occurring. To determine whether the information provided is sufficient, we assess the information under the totality of the circumstances. The informer’s reliability, veracity, and basis of knowledge are all relevant factors in this analysis.” [citations omitted]³³

In the present case, Defendant argues the double-hearsay tip from a known citizen (i.e., Ms. Harris) is not enough for reasonable suspicion to perform the initial traffic stop. However, the citizen in question is an identified citizen, not an

³¹ *Com. v. Swartz*, 2001 PA Super 340, 787 A.2d 1021, 1024–25 (2001).

³² *Alabama v. White*, 496 U.S. 325, 329–30, 110 S. Ct. 2412, 2415–16, 110 L. Ed. 2d 301 (1990).

³³ *Com. v. Barber*, 2005 PA Super 406, 889 A.2d 587, 593 (2005).

anonymous tipster. As articulated in *Barber*, when a regular citizen calls 911, gives her name, explains her relationship to the parties, and reports an emergency (e.g., her stepson was in a car with a suspect to a recent attempted murder), her information is treated as inherently reliable.

The police did not need to witness a traffic violation. They had a named, reliable citizen explicitly stating a shooting suspect named “Turtle” (a.k.a., Defendant) was currently inside a silver Honda Accord driven by Ms. Hall heading to a specific location. The difference in vehicle color between the shooting scene (black Chevrolet) and the stop (silver Honda) is easily explained by the tip itself as Ms. Harris explained “Turtle” (a.k.a., Defendant) had been in the black sedan earlier but had switched into Ms. Hall’s silver Honda. This provides a clear, articulable basis for reasonable suspicion to stop the Honda.

Police confirmed the car description and location from the “tip.” When stopping the car, police confirmed the presence of the individuals as described in the “tip.” Also, the detailed information provided granted police cause to act in the interest of the safety of Mr. Dawson. Additionally, the information provided by Ms. Harris is not solely double hearsay as Ms. Harris witnessed Defendant riding in the black Chevrolet Cruze which was allegedly utilized in the shooting of the Victim earlier in the day and Ms. McCoy stated same.

Arguendo, even in the event the police did not know the identity of the informant, the totality of the circumstances and detail of the information provided by the informant established a fair probability contraband or evidence of the crime would be found within the vehicle. Thus, the police possessed the requisite level of suspicion to legally effectuate the traffic stop.

The Use of a “Felony Stop” and De Facto Arrest

Regarding warrantless felony arrest, Pa.R.Crim.P. 502 provides:

“Criminal proceedings in court cases shall be instituted by:

...

(2) an arrest without a warrant:

(a) when the offense is a murder, felony, or misdemeanor committed in the presence of the police officer making the arrest; or

(b) upon probable cause when the offense is a felony or murder...”³⁴

In *Commonwealth v. Rosas*, the Superior Court of Pennsylvania held:

“An investigative detention, which must be supported by reasonable suspicion, subjects a person to a stop

³⁴ Pa. R. Crim. P. 502.

and period of detention in order for the law enforcement officer to obtain more information.

We have held consistently that the 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 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.

...

While we acknowledge that [Police] ordered [the suspect] out of the car and placed him in handcuffs, such facts, by themselves, do not support the conclusion that [the suspect] was under arrest. It is well-established that ‘when an officer detains a vehicle for violation of a traffic law, it is inherently reasonable that he or she be concerned with safety and, as a result, may order the occupants of the vehicle to alight from the car.’ Furthermore, for their safety, police officers may handcuff individuals during an investigative detention.” [citation omitted]³⁵

In *Commonwealth v. Lovette*, the Supreme Court of Pennsylvania held, “In this jurisdiction it is clear that one may not be arrested without probable cause. We have defined an arrest as 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.” [citations omitted]³⁶

In the present case, the defense claims ordering the occupants out at gunpoint and immediately handcuffing them turned a simple traffic stop into a “de facto arrest” without probable cause. However, this Court disagrees with said assertion. When police have reasonable suspicion a suspect is armed and dangerous, the use of firearms, ordering occupants to exit, and placing them in handcuffs temporarily does not automatically convert an investigative detention into an arrest. It is a reasonable measure to preserve the status quo and ensure officer safety. The police were stopping a vehicle suspected of carrying an individual who had just shot a man in the leg less than two hours prior. Handcuffing Defendant and placing the occupants in separate cruisers was not an arrest; it was a strictly necessary safety protocol while officers sorted out an active violent crime investigation.

However, once Defendant was kept in continuous handcuffs, placed into a transport vehicle, and moved from the Borough of Greenville to the City of Sharon Police Department to be placed in an interrogation room, the interaction legally matured from an investigative detention into a warrantless de facto arrest.

The legality of the arrest hinges on whether the police possessed the requisite probable cause to justify a warrantless felony arrest at said moment. Probable cause requires only a probability of criminal activity based on the totality of the circumstances known to Police. Before Defendant ever arrived at the Sharon Police Station, law enforcement possessed

³⁵ Com. v. Rosas, 2005 PA Super 183, 875 A.2d 341, 348 (2005).

³⁶ Com. v. Lovette, 498 Pa. 665, 671, 450 A.2d 975, 978 (1982).

sufficient probable cause for Defendant's arrest based on the facts set forth above.

Accordingly, because the collective knowledge of the Police established probable cause Defendant had committed a felony, his de facto arrest was entirely constitutional.

Admissibility of the Gunshot Residue Test

In *Commonwealth v. Simonson*, the Superior Court of Pennsylvania held:

"We first examine 'the degree to which [the gunshot residue swab test] intrudes upon an individual's privacy.' With respect to this concern, we initially note that, when the gunshot residue swab test was performed upon Appellant, Appellant was under a lawful arrest. As the United States Supreme Court has held, '[t]he expectations of privacy of an individual taken into police custody necessarily are of a diminished scope.' Thus, at the time of the search, Appellant's reasonable expectation of privacy was already curtailed.

Second, the physical intrusion in this case was negligible. To be sure, Detective Kraeer testified that he merely '[took] a swab[] and [he] swab[bed] four different parts of [Appellant's] two hands.' As [Police] testified, the swab had a 'sticky substance' that he just 'brush[ed] against the hand' and the test did not 'use any liquid.' The test was thus quick, non-invasive, and innocuous—and far less intrusive than a breathalyzer test (which requires the defendant to insert a 'straw-like mouthpiece' into his mouth and 'blow continuously for [four] to 15 seconds'), a buccal swab test (which requires another individual to rub a swab on the inside of a defendant's cheek), or a fingernail scrape (which requires another individual to scrape the inside of the defendant's fingernails). Moreover, with respect to the breathalyzer, buccal swab, and fingernail scrape, the United States Supreme Court has characterized the scope of the intrusions as, respectively: an 'almost negligible' physical intrusion; a 'negligible' physical intrusion; and, a 'very limited intrusion.' [citations omitted]³⁷

In the present case, the defense points to *Easter*,³⁸ to argue the GSR evidence must be suppressed as the product of an illegal, warrantless arrest. However, the defense's reliance is misplaced as *Easter* dictates a GSR swab is impermissible when it is derived from an unlawful detention lacking constitutional justification.

Defendant's stationhouse detention constituted a valid, constitutional de facto arrest supported by ample probable cause, and the warrantless GSR swab performed on Defendant's hands is not subject to suppression. Under controlling precedent in *Simonson*, Defendant was lawfully in custody, his expectation of privacy was diminished, the physical intrusion of the swab was legally negligible, and the Commonwealth maintained a compelling interest in preserving highly transient forensic evidence before it could be degraded or destroyed. The GSR test results are admissible.

The Driver's Consent and Passenger Standing

In *Schneekloth v. Bustamonte*, the Supreme Court of the United States held:

"It is well settled under the Fourth and Fourteenth Amendments that a search conducted without a warrant issued upon probable cause is 'per se unreasonable ... subject only to a few specifically established and well-delineated exceptions.' It is equally well settled that one of the specifically established exceptions to the requirements of both a warrant and probable cause is a search that is conducted pursuant to consent."

³⁷ *Commonwealth v. Simonson*, 2016 PA Super 207, 148 A.3d 792, 800 (2016).

³⁸ *Commonwealth v. Easter*, 331 A.3d 675 (Pa. Super. 2025)

[citations omitted]³⁹

In *Commonwealth v. Reid*, the Supreme Court of Pennsylvania held:

“The Fourth Amendment to the United States Constitution protects the right of people in this country to be secure against ‘unreasonable searches and seizures.’ Thus, pursuant to the protections of the Fourth Amendment, before a police officer may conduct a search, he must generally obtain a warrant that is supported by probable cause and authorizes the search. A search warrant is not required, however, where a person with the proper authority unequivocally and specifically consents to the search.

To establish a valid consensual search, the prosecution must first prove that the consent was given during a legal police interaction, or if the consent was given during an illegal seizure, that it was not a result of the illegal seizure; and second, that the consent was given voluntarily. With regard to the prosecution’s first burden of proof, we note that:

Fourth Amendment jurisprudence has led to the development of three categories of interactions between citizens and the police. 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’ must be supported by probable cause.” [citations omitted]⁴⁰

In *Alderman v. United States*, the Supreme Court of the United States held:

“The established principle is that suppression of the product of a Fourth Amendment violation can be successfully urged only by those whose rights were violated by the search itself, not by those who are aggrieved solely by the introduction of damaging evidence. Coconspirators and codefendants have been accorded no special standing.

...

‘In order to qualify as a ‘person aggrieved by an unlawful search and seizure’ one must have been a victim of a search or seizure, one against whom the search was directed, as distinguished from one who claims prejudice only through the use of evidence gathered as a consequence of a search or seizure directed at someone else. * * *

‘Ordinarily, then, it is entirely proper to require of one who seeks to challenge the legality of a search as the basis for suppressing relevant evidence that he allege, and if the allegation be disputed that he establish, that he himself was the victim of an invasion of privacy.’

...

We adhere to these cases and to the general rule that Fourth Amendment rights are personal rights which, like some other constitutional rights, may not be vicariously asserted... We adhere to these cases and to the general rule that Fourth Amendment rights are personal rights which, like some other constitutional rights, may not be vicariously asserted.” [citations omitted]⁴¹

In *Byrd v. United States*, the Supreme Court of the United States held, “The concept of standing in Fourth Amendment cases can be a useful shorthand for capturing the idea that a person must have a cognizable Fourth Amendment

³⁹ *Schneckloth v. Bustamonte*, 412 U.S. 218, 219, 93 S. Ct. 2041, 2043–44, 36 L. Ed. 2d 854 (1973).

⁴⁰ *Com. v. Reid*, 571 Pa. 1, 25–26, 811 A.2d 530, 544–45 (2002).

⁴¹ *Alderman v. United States*, 394 U.S. 165, 174, 89 S. Ct. 961, 967, 22 L. Ed. 2d 176 (1969).

interest in the place searched before seeking relief for an unconstitutional search...”⁴²

In *Rakas v. Illinois*, the Supreme Court of the United States held:

“[The defendants] asserted neither a property nor a possessory interest in the automobile, nor an interest in the property seized. And as we have previously indicated, the fact that they were ‘legitimately on [the] premises’ in the sense that they were in the car with the permission of its owner is not determinative of whether they had a legitimate expectation of privacy in the particular areas of the automobile searched. It is unnecessary for us to decide here whether the same expectations of privacy are warranted in a car as would be justified in a dwelling place in analogous circumstances. We have on numerous occasions pointed out that cars are not to be treated identically with houses or Apartments for Fourth Amendment purposes. But here petitioners’ claim is one which would fail even in an analogous situation in a dwelling place, since they made no showing that they had any legitimate expectation of privacy in the glove compartment or area under the seat of the car in which they were merely passengers. Like the trunk of an automobile, these are areas in which a passenger qua passenger simply would not normally have a legitimate expectation of privacy.” [citations omitted]⁴³

Defendant has no standing to challenge whether the driver’s consent was voluntary. Assuming for the purpose of argument Defendant has standing to challenge the volition of the consent, Ms. Hall was held for 7.5 hours before giving consent. However, even if the initial detention of the driver was excessive in length, her subsequent consent can be validated if it was sufficiently an act of free will to purge the primary taint.

Ms. Hall was read her *Miranda* rights twice by Police. There is no evidence demonstrating she was subjected to physical coercion. Furthermore, during her hours at the station, she gave a detailed interview revealing Defendant and Victim had been feuding. The only evidence suggesting the consent was not voluntary is the length of the detention. However, Ms. Hall signed a form stating her consent to search the vehicle was voluntary.

The gun was located under the front passenger seat of Ms. Hall’s vehicle. While a passenger has standing under *Brendlin* to challenge the initial stop of a vehicle, they do not possess a reasonable or legitimate expectation of privacy in the common access zones of a vehicle owned and operated by a third party. As established in *Rakas*, areas such as the glove compartment, the trunk, or the area underneath a seat are zones in which “a passenger qua passenger simply would not normally have a legitimate expectation of privacy.”

As set forth in *Alderman*, because Fourth Amendment rights are personal and cannot be vicariously asserted, a defendant cannot seek the suppression of evidence by asserting an alleged violation of a third party’s constitutional rights. In this case, Defendant argues extensively Ms. Hall’s consent to search was involuntary due to the coercive nature of her 7.5-hour stationhouse detention. Ms. Hall did not testify, no audio or video of her consent to police was presented, and there is

⁴² Terrence Byrd v. United States, 584 U.S. 395, 410, 138 S. Ct. 1518, 1530, 200 L. Ed. 2d 805 (2018).

⁴³ *Rakas v. Illinois*, 439 U.S. 128, 148–49, 99 S. Ct. 421, 433, 58 L. Ed. 2d 387 (1978).

no evidence of coercive police action. The firearm was hidden underneath the front passenger seat (a common access area of someone else's vehicle). Thus, Defendant held no personal, cognizable privacy interest or property interest in the place searched.

Defendant lacks standing to challenge the voluntariness or validity of Ms. Hall's consent and the consent is valid.

Hence this Order:

**IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA,

v.

JADEN DWAYNE HOWELL,
Defendant

No. 1087 CR 2025

ORDER

AND NOW, this _____ day of _____, upon consideration of Defendant's Omnibus Pretrial Motion for Relief, and after a hearing held thereon, it is hereby ORDERED, ADJUDGED, and DECREED Defendant's Motion to Suppress is DENIED.

BY THE COURT,

_____, J.
Ronald D. Amrhein, Jr., Judge

ESTATE 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. All persons having claims or demands against said estates are requested to make known the same and all persons indebted to said estates are requested to make payment without delay to the executors or their attorneys named below

FIRST PUBLICATION

BUSCO, ELIZABETH

2026-462

Late of Hermitage, Mercer Co., PA
Executrix : Lisa Connelly, 902 Linden Street, Sharon, PA 16146
Attorney: Kenneth K .McCann, Esq.
MCLJ – July 14, 21, 28, 2026

CLARK, RICHARD LEROY

2026-461

Late of Stoneboro Boro., Mercer Co., PA
Executor: Larry J Clark, 380 Griffin Road, Stoneboro, PA 16153
Attorney: James E. Douglas, Esq.
MCLJ – July 14, 21, 28, 2026

GREXA, GEORGE P.

2026-469

Late of Greenville Borough, Mercer Co., PA

Executrix: Kathryn A. Parker, 304 Clinton Street, Greenville, PA 16125

Attorney: Jason R. Dibble, Esq.

MCLJ – July 14, 21, 28, 2026

PETRUCCI, REBA JANE, A/K/A PETRUCCI, REBA J.

2026-474

Late of Shenango Township, Mercer Co., PA
Executrix(s): Michele L. Petrucci, 274 Mitchell Road, West Middlesex, PA 16159 & Amy L. Effinite, A/K/A Amy L. Petrucci-Effinite, 27 Dogwood Lane, West Middlesex, PA 16159

Attorney: Melissa Merchant-Calvert, Esq.

MCLJ – July 14, 21, 28, 2026

SHANNON, MARYETT KAREN

2026-465

Late of Hermitage, Mercer Co., PA
Administratrix: Joan P. Merz, 1790 Highland Road, Hermitage, PA 16148
Attorney: Michael S. Barr, Esq.

MCLJ – July 14, 21, 28, 2026

SPERRING, MARY AGNES, A/K/A SPERRING, MARY A.

2023-366

Late of Hermitage, Mercer Co., PA
Administrator
Arthur L. Sperring, 1776 S. Neshannock Road, Hermitage, PA 16148

Attorney: William J. Moder III., Esq.

MCLJ – July 14, 21, 28, 2026

SECOND PUBLICATION

COOPER, ELIZABETH STANTON, A/K/A COOPER, BETTY, A/K/A COOPER, ELIZABETH GETRUDE STANTON

2026-406

Late of New Wilmington Twp., Mercer Co., PA
Executrix: Beth A. Cooper, A/K/A Reverend Dr. Betty A. Cooper, P.O. Box 19291, San Diego, CA 92159
No Attorney

MCLJ – July 7, 14, 21, 2026

CSONKA, SAMUEL T.

2026-443

Late of Greene Twp., Mercer Co., PA
Administratrix: Christine M. Csonka, 62 Mud College Road, Greenville, PA 16125
Attorney: Jason R. Dibble, Esq.
MCLJ – July 7, 14, 21, 2026

DUNCAN, RICHARD SCOTT

2026-343

Late of Sharon, Mercer Co., PA
Administratrix: Anna-Marie Duncan, 172 Third Ave., Sharon, PA 16146
Attorney: James E. Douglas, Esq.
MCLJ – July 7, 14, 21, 2026

EDINGER, SHERRY LEE, A/K/A EDINGER, SHERRY L., A/K/A EDINGER, SHERRY

2026-337

Late of Mercer Boro., Mercer Co., PA

Administratrix: Clarice Ann Filer, 42 N. Hope Rd., Mercer, PA 16137
Attorney: James M. Goodwin, Esq.
MCLJ – July 7, 14, 21, 2026

HINDMAN, JOHN RANDALL, A/K/A HINDMAN, JOHN R. 2026-441
Late of Hermitage, Mercer Co., PA
Executor: Frank T. Discristina, 625 Richmond Drive, Hermitage, PA 16148
Attorney: Wade M. Fisher, Esq.
MCLJ – July 7, 14, 21, 2026

KELLEY, PATRICK JOSEPH, A/K/A KELLEY, PATRICK J., A/K/A KELLEY, PATRICK 2026-447
Late of West Middlesex Boro., Mercer Co., PA
Executor: James C. Ginther, 3931 Longview Road, West Middlesex, PA 16159
Attorney: James M. Goodwin, Esq.
MCLJ – July 7, 14, 21, 2026

LAWHEAD, JOHN W., A/K/A LAWHEAD, JOHN WALTER, A/K/A LAWHEAD, JOHN 2026-435
Late of West Middlesex Boro., Mercer Co., PA
Executrix: Carol A. Lawhead, 124 Hewitt Road, West Middlesex, PA 16159
Attorney: David A. Ristvey, Esq.
MCLJ – July 7, 14, 21, 2026

MAGEE, PEGGY J., A/K/A MAGEE, PEGGY JOAN 2026-440
Late of Pine Twp., Mercer Co., PA
Executrix: Kimberly S. Royer, 921 Columbia Avenue, Grove City, PA 16127
Attorney: Timothy L. McNickle, Esq.
MCLJ – July 7, 14, 21, 2026

MCTAGUE CRAWSHAW, JOAN ALICE, A/K/A CRAWSHAW, JOAN A. 2026-408
Late of Greenville Boro., Mercer Co.
Executor: Frank L. Crawshaw, 15254 Pine Point Dr., P O Box 2, Linesville, PA 16424
Attorney: Sean J. Carmody, 801 Vinial St., 3rd Floor, Pgh, PA 15212
MCLJ – July 7, 14, 21, 2026

NOBLE, SARA K. 2026-217
Late of Greenville Boro., Mercer Co., PA
Executrix: Heather Bair, 268 Leech Road, Greenville, PA 16125
Attorney: Tracy L. Zihmer, Esq., 3244 Washington Road, Ste 210, McMurry, PA 15317
MCLJ – July 7, 14, 21, 2026

REED, ELAINE MARIE, A/K/A REED, ELAINE M., A/K/A REED, ELAINE, A/K/A REED, E.M. 2026-434
Late of Grove City Boro., Mercer Co., PA
Executrix(s): April Anthony, 15 College Avenue, P.O. Box 97, Fredonia, PA 16124 & Tammy Guyette, 518 N. Broad Street, Grove City, PA 16127
Attorney: Ted Isoldi, Esq.
MCLJ – July 7, 14, 21, 2026

SCHMID, DOROTHY S. 2026-311
Late of West Salem Twp., Mercer Co., PA
Executor: Bradley W. Schmid, 326 Gatemere Court, Katy, TX 77450
Attorney: Barabara Seman Ochs, Esq.
MCLJ – July 7, 14, 21, 2026

WILSON, GLORIA A., A/K/A WILSON, GLORIA 2026-437
Late of Sharon, Mercer Co., PA
Administrator: Robert J. Dillon, 4667 Crew Hood Rd, Girard, OH 44420
Attorney: Chester B. Scholl, Esq.

MCLJ – July 7, 14, 21, 2026

WILSON, PATRICIA ANN, A/K/A WILSON, PATRICIA A., A/K/A WILSON, PATRICIA 2026-438
Late of Sharon, Mercer Co., PA
Administrator: Robert J. Dillon, 4667 Crew Hood Rd, Girard, OH 44420
Attorney: Chester B. Scholl, Esq.
MCLJ – July 7, 14, 21, 2026

THIRD PUBLICATION

BERBERICK, DEBRA S. 2026-362
Late of Greenville Boro., Mercer Co., PA
Administrator: Geoffrey Mattocks, 8435 Cartledge Rd., Box Springs, GA 31801
Attorney: Lois Vitti, 663 5th St., Oakmont, PA 15139
MCLJ – June 30, July 7, 14, 2026

BROMLEY, CHAD WILLIAM 2026-313
Late of Greenville Boro., Mercer Co., PA
Administrator: Bruce W. Bromley, 3294 Perry Highway, Hadley, PA 16130
Attorney: Charles T. Rosen, Esq., 112 Center Street, Oil City, PA 16301
MCLJ – June 30, July 7, 14, 2026

CHURCH, JERRY E. A/K/A CHURCH, JERRY EDWARD, A/K/A CHURCH, JERRY 2026-432
Late of Stoneboro Boro., Mercer Co., PA
Executrix: Jean Gander, P O Box 12, Stoneboro, PA 16153
Attorney: Stephen L. Kimes, Esq.
MCLJ – June 30, July 7, 14, 2026

COOPER, ELEANOR A., A/K/A COOPER, ELEANOR ANNE 2026-427
Late of Grove City Boro., Mercer Co., PA
Executor: Daniel J. O'Leary, 145 Oak Ridge Drive, Butler, PA 16002
Attorney: Timothy R. Bonner, Esq.
MCLJ – June 30, July 7, 14, 2026

GAUGH, RICHARD L., A/K/A GAUGH, RICHARD 2026-415
Late of Hempfield Twp., Mercer Co., PA
Executrix: Judy Lester, 3941 Erica Circle, Douglasville, GA 30135
Attorney: Douglas M. Watson, Esq.
MCLJ – June 30, July 7, 14, 2026

GRAY-ODEM, MARY FRANCIS, A/K/A ODEM, MARY F. 2026-425
Late of Farrell, Mercer Co., PA
Administratrix: Saneka M. Barro, 3986 Newton Abbey Lane, Groveport, OH 43125
Attorney: K. Jennifer Muir, Esq.
MCLJ – June 30, July 7, 14, 2026

MAYNE, GARY, A/K/A MAYNE, GARY L. 2026-426
Late of Pine Twp., Mercer Co., PA
Executor: Justin Mayne, 538 East Mercer Street, Harrisville, PA 16038
Attorney: James A. Stranahan, Esq.
MCLJ – June 30, July 7, 14, 2026

MCKEEL, ROBERT LEROY 2026-331
Late of Sharpsville, Mercer Co., PA
Administrator: Charles R. McKeel, 218 S. 1st St., Sharpsville, PA 16150
Attorney: Kenneth K. McCann, Esq.
MCLJ – June 30, July 7, 14, 2026

SHEARER, DONNA M., A/K/A SHEARER, DONNA MAE, A/K/A SHEARER, DONNA 2026-429

Late of Hermitage, Mercer Co., PA
Executor/Executrix: Brian G. Budd, 875 Cove Point Dr., Columbus, OH 43228 & Lori L. Crawford, 1487 E. State St., Sharon, PA 16146
Attorney: James M. Goodwin, Esq.
MCLJ – June 30, July 7, 14, 2026

STAFFORD, THOMAS M. JR. 2026-416
Late of Sharpsville, Mercer Co., PA
Administratrix: Margaret G. Stafford, 9 Penn Avenue, Apt 703, Greenville, PA 16125
Attorney: Michael A. Joanow, Esq.
MCLJ – June 30, July 7, 14, 2026

SVERCHEK, ELIZABETH J., A/K/A SVERCHEK, ELIZABETH 2026-414
Late of Hermitage, Mercer Co., PA
Executrix: Betsy J. Carroll, A/K/A Betsy S. Carroll, 207 E. 6th Street, Oil City, PA 16301
Attorney: Douglas M. Watson, Esq.
MCLJ – June 30, July 7, 14, 2026

LEGAL NOTICE

RESOLUTION OF THE BOARD OF DIRECTORS OF MERCER COUNTY HOUSING AUTHORITY

A meeting of the Board of Directors of **MERCER COUNTY HOUSING AUTHORITY**, a corporation organized under the laws of the State of PENNSYLVANIA, was held on June 17, 2026, at which a quorum was present and acting throughout.

WHEREAS, the Board of Directors has determined it to be in the best interests of the organization to amend the Articles of Incorporation/Organization filed with the State of PA to update the organization's records and add Holly Nogay as Executive Director;

NOW, THEREFORE, BE RESOLVED, that the Board of Directors hereby approves and authorizes the amendment of the Articles of Incorporation/Organization and any related filings required by the State of PA to reflect the appointment and inclusion of Holly Nogay as Executive Director of the organization;

FURTHER RESOLVED, that any officer or authorized representative of the organization is hereby authorized and directed to prepare, execute, and file all necessary documents with the appropriate state agency and to take any further actions necessary to carry out the intent of these resolutions.

This resolution was adopted by the Board of Directors on the 17th day of June, 2026.

CERTIFICATION

I, the undersigned, hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Board of Directors of MERCER COUNTY HOUSING AUTHORITY and that such resolution is now in full force and effect.

Name: /Signature/
Title: Secretary / Authorized Officer
Date: June 17, 2026
MCLJ – July 14, 2026

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA

LESTER PAUL MATHIESON, JR., :
EXECUTOR OF THE ESTATE OF :
LESTER P. MATHIESON A/K/A :
LESTER PAUL MATHIESON A/K/A :
LESTER PAUL MATHIESON, SR. A/K/A: :
LESTER P. MATHIESON, SR., :
DECEASED, and CYNTHIA L. :

MATHIESON N/K/A CYNTHIA L. :
REBEL, :
Plaintiffs, :
 :
vs. : NO. 2026-01682
 :
ASSOCIATES CONSUMER DISCOUNT:
COMPANY, TRANSAMERICA :
FINANCIAL CONSUMER DISCOUNT :
COMPANY, and COMMERCIAL :
CREDIT CORPORATION, THEIR :
HEIRS, SUCCESSORS AND ASSIGNS,:
 :
Defendants. :

**TO ASSOCIATES CONSUMER DISCOUNT COMPANY,
TRANSAMERICA FINANCIAL CONSUMER DISCOUNT
COMPANY, AND COMMERCIAL CREDIT CORPORATION,
THEIR HEIRS, SUCCESSORS AND ASSIGNS:**

ORDER OF COURT

AND NOW, this 7th day of July, 2026, it appearing that an action in the above-stated case has been brought by Lester Paul Mathieson, Jr., Executor of the Estate of Lester P. Mathieson a/k/a Lester Paul Mathieson a/k/a Lester Paul Mathieson, Sr. a/k/a Lester P. Mathieson, Sr., deceased, and Cynthia L. Mathieson, now known as Cynthia L. Rebel against Associates Consumer Discount Company, Transamerica Financial Consumer Discount Company, and Commercial Credit Corporation, their heirs, successors and assigns, to quiet title to the following described real estate, to wit:

U.P.I. NO. 34 153 003 001

TAX CONTROL NO. 60680

**PROPERTY ADDRESS: 311 KILGORE ROAD, JACKSON
CENTER, PA 16133**

ALL that certain piece or parcel of land known as Lot No. 1 of the Final Plat of Leslie C. Kriebel Subdivision, as surveyed by R.P. Bittler, PLS, said Plan being recorded in the Recorder's Office of Mercer County, Pennsylvania, at 1991 PL 06401-100, situate in Worth Township, Mercer County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin at the southeast corner of the land herein described, said pin being situate at a point along McCurdy Road; thence South 88 degrees 44' West, along McCurdy Road and lands now or formerly of Lewis F. Geiger, 417.42 feet, to an iron pin; thence North 1 degree 00' West, along lands now or formerly of Leslie C. Kriebel, 208.71 feet, to an iron pin; thence North 88 degrees 30' East, along lands now or formerly of Leslie Kriebel, 417.42 feet, to an iron pin; thence South 1 degree 00' East, along lands now or formerly of Leslie C. Kriebel, 208.71 feet to an iron pin; said pin being the place of beginning, and containing 2.00 acres.

BEING the same conveyed to Lester P. Mathieson by Deed of Lester P. Mathieson and Cynthia L. Mathieson, Husband and Wife, dated the 3rd day of March, 2003, and recorded in the Recorder's Office of Mercer County, Pennsylvania, on March 6, 2003, at 2003-4730.

WHEREFORE, judgment is entered in this case in favor of Lester Paul Mathieson, Jr., Executor of the Estate of Lester P. Mathieson a/k/a Lester Paul Mathieson a/k/a Lester Paul Mathieson, Sr. a/k/a Lester P. Mathieson, Sr., deceased, and Cynthia L. Mathieson, now known as Cynthia L. Rebel against Associates Consumer Discount Company, Transamerica Financial Consumer Discount Company, and Commercial Credit Corporation, their heirs, successors and assigns, Defendants, and **IT IS NOW DECREED** that said Defendants are and shall ever be barred from asserting any right, title, interest and claim

in the property described above inconsistent with the interest of the Plaintiffs, their heirs and assigns as set forth in the Complaint unless the Defendants shall within thirty (30) days of the date of advertisement bring an action or take other appropriate legal action to assert any such right, title, interest or claim.

BY THE COURT:

Raymond H. Bogaty, Esquire
BOGATY LAW OFFICE, P.C.
101 S. Center Street, P.O. Box 825
Grove City, PA 16127
(724) 450-5000

MCLJ – July 14, 2026