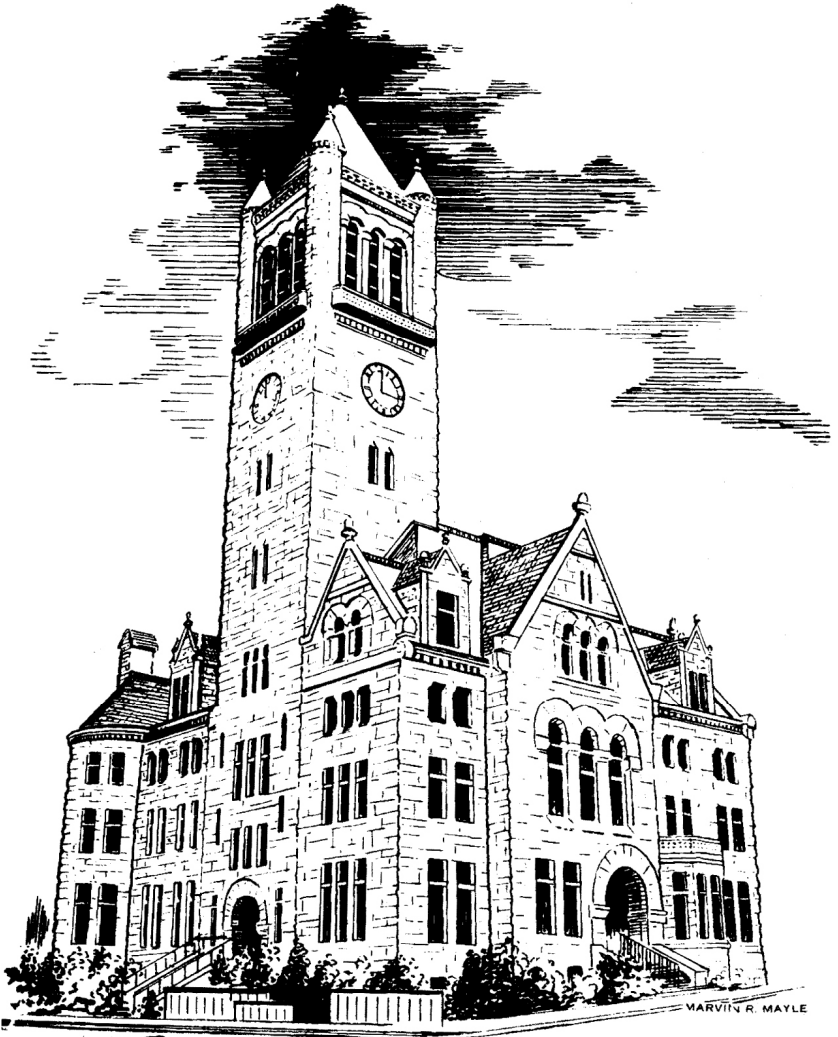


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Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay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

Third Publication

WINDEL R. HAYES, late of Lower Tyrone Township, Fayette County, PA ⁽³⁾
Personal Representatives: Jesse O. Ansell
 711 N. Bell View Road
 Connellsville, PA 15425
 Mr. Lon A. Hayes
 289 School Road
 Dawson, PA 15428
 c/o 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

VIOLA H. HUGHES, a/k/a VIOLA J. HUGHES, a/k/a VIOLA JAYNE HUGHES, late of Connellsville, Fayette County, PA ⁽³⁾
Executor: Martin Halfhill
 c/o Molinaro Law Offices
 P.O. Box 799
 Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

AUDREY M. MCDOWELL, a/k/a AUDREY M. WADE, a/k/a AUDREY M. KING, late of Uniontown, Fayette County, PA ⁽³⁾
Executrix: Shelly Skomra
 c/o Fitzsimmons and Barclay
 55 East Church Street, Suite 102
 Uniontown, PA 15401
Attorney: James N. Fitzsimmons, Jr.

PHYLLIS TRINGES, a/k/a PHYLLIS J. TRINGES, late of Georges Township, Fayette County, PA ⁽³⁾
Personal Representative: Kathleen Ditmore
 c/o George and George, LLP
 92 East Main Street, Suite 1
 Uniontown, PA 15401
Attorney: G.T. George

RUTH B. WILKINSON, late of Uniontown, Fayette County, PA ⁽³⁾
Executrix: Myra B. Wilkinson
 c/o Webster and Webster
 51 East South Street
 Uniontown, PA 15401
Attorney: Webster & Webster

Second Publication

MARY E. BROOKS, a/k/a MARY ELLEN BROOKS, late of Waltersburg, Fayette County, PA ⁽²⁾
Personal Representatives: Robert Rowan and Laura L. Moore
 c/o Davis and Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Gary J. Frankhouser

MARTIN DENNIS YURCHISON, late of Saltlick Township, Fayette County, PA ⁽²⁾
Executor: Matthew J. Yurchison
 c/o Casini and Geibig, LLC
 815B Memorial Boulevard
 Connellsville, PA 15425
Attorney: Jennifer M. Casini

First Publication

CHERYLE J. ANSELL, late of Dunbar Township, Fayette County, PA ⁽¹⁾
Executor: George J. Harvey
 505 Vanderbilt Road
 Connellsville, PA 15425
 Co John M. Ranker & Associates, P.C.
 140 South Main Street, Suite 301
 Greensburg, PA 15601
Attorney: John M. Ranker

ANGELINE BLACKBURN, late of Upper Tyrone Township, Fayette County, PA ⁽¹⁾
Co-Executors:
 Gerald Kiliany
 725 Locust Street
 Greensburg PA 15601

 Lisa Robbins
 757 Narrows Road
 Connellsville, PA 15425

Attorney: James Lederach
201 North Chestnut Street
P.O. Box 342
Scottsdale PA 15683

LEGAL NOTICES

NOTICE

NOTICE is hereby given pursuant to the provisions of Act 295 of December 16, 1982, P.L. 1309, that a Certificate was filed in the Office of the Secretary of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, on or about October 1, 2020, to conduct a business in Fayette County, Pennsylvania, under the assumed or fictitious name of EDGE Ovens with the principal place of business at: 119 Icmi Road, Building #3, Dunbar, Fayette County, PA, 15431.

The name or names and addresses of persons owning and interested are: MF&B Restaurant Systems, Inc., 119 Icmi Road, Building #3, Dunbar, Fayette County, PA, 15431

Timothy Witt, Esquire
Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville Pennsylvania 15425

DONALD E. MURPHY, SR., a/k/a DONALD E. MURPHY, late of Dunbar Township, Fayette County, PA (1)

Personal Representative: Dawn M. A. Siple
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

RONALD SECHRIST, late of Connellsville Township, Fayette County, PA (1)

Co-Executors: Robert Leiberger and Shirley Leiberger
c/o Rowan Law Offices
890 Vanderbilt Road
Connellsville, PA 15425
Attorney: Mark Rowan

JOSEPH TERRETA, late of Luzerne Township, Fayette County PA (1)

Administratrix: Judy L. Terreta
c/o 51 E South Street
Uniontown, PA 15401
Attorney: Anthony Dedola

JUDICIAL OPINION

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

Commonwealth of Pennsylvania	:	
	:	
v.	:	
	:	
Craig Robert Gates,	:	No. 380 of 2020
Defendant.	:	Honorable Linda R. Cordaro

OPINION

Linda R. Cordaro, Judge	June 30, 2020
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BACKGROUND

According to the Affidavit of Probable Cause in this matter, Trooper Zachary Santoro was following a Chevy Silverado for approximately half a mile. The Trooper observed the Silverado-driven by Defendant-cross over the fog line approximately three times. Based on this observation, Trooper Santoro stopped the Silverado. Defendant displayed signs of intoxication and was charged with DUI: High Rate of Alcohol (75 Pa.C.S.A. § 3802(b)), Disregarding Traffic Lanes (75 Pa.C.S.A. § 3309(1)), and Careless Driving (75 Pa.C.S.A. § 3714(a)).

Defendant filed an Omnibus Pretrial Motion, challenging that the stop was unconstitutional because the Trooper did not have probable cause, and that the evidence collected as a result of the stop must be suppressed. This Court agrees.

At the Hearing on the Motion, Trooper Santoro testified that he observed the Defendant drive over the center line three times (which was different than what was written in his Affidavit of Probable Cause). A Motor Vehicle Recording was submitted to the Court. The Commonwealth admitted that the video does not show the vehicle crossing the center line or the fog line. The Trooper testified that this was because the video shows only the 30 seconds before he activated his lights, and that the alleged violations occurred more than 30 seconds before his lights were activated.

This Court viewed the video after the Hearing. The video shows Defendant's vehicle within the traffic lines at all times. It also shows Defendant's vehicle come to a complete stop at a stop sign, use a proper turn signal, and make a proper left turn. Based on the Motor Vehicle Recording, Defendant appears to have been driving in accordance with the laws at all time.

DISCUSSION

In order to constitutionally stop a vehicle for a non-investigative detention, an officer must be able to articulate specific facts that would constitute probable cause that the driver violated the Motor Vehicle Code. *Commonwealth v. Feczko*, 10 A.3d 1285, 1291 (Pa. Super. Ct. 2010) (citing *Commonwealth v. Gleason*, 785 A.2d 983, 989 (Pa.

2001)). In Feczko, the issue was whether an officer had probable cause for stopping a vehicle that had crossed the center line twice and the fog line two or three times and was weaving in its lane, based on an alleged violation of Section 3309(1). Id. at 1286-92. The Superior Court held that the officer did have probable cause. Id. However, the officer in Feczko also observed traffic in the oncoming lane. Id. The Superior Court specifically noted that because there was oncoming traffic when the driver crossed the center line, the driver created a "significant safety hazard on the roadway." Id.

Contrary to Feczko, the facts in this case are analogous to *Commonwealth v. Malone*, 19 Pa. D. & C. 4th 41 (Cumberland County 1993), which this Court finds to be persuasive in its reasoning. In *Malone*, a driver was stopped for crossing the center line once and the fog line once. *Malone* at 42-43. There were no other vehicles on the road, there was no oncoming traffic, and the vehicle did not create a safety hazard by crossing the lines. Id. at 42-45. The *Malone* Court found that such minor deviations did not rise to a violation of Section 3309(1) of the Vehicle Code because that Section requires drivers to drive "as nearly as practicable" within a single lane of traffic. Id. at 44-45. Section 3309(1) does not require absolute compliance. Id. at 45. The *Malone* Court found that the officer did not have probable cause to stop the vehicle and ordered that all evidence discovered from the stop must be suppressed. Id. at 45-46.

Here, even if this Court were to credit Trooper Santoro's testimony as credible and find that Defendant crossed either the center line or the fog line three times before the video began recording, the Trooper still did not have probable cause to stop Defendant's vehicle. There was no evidence presented by the Commonwealth that Defendant created any safety hazards by crossing the center line. There were no other vehicles on the road or oncoming traffic during the time the Trooper was following Defendant. The video of the incident shows 30 seconds of Defendant driving in accordance with the Vehicle Code. Likewise, there was no evidence that Defendant's conduct constituted Careless Driving.

This Court finds that the evidence presented by the Commonwealth was insufficient to establish that the Trooper had probable cause to stop Defendant's vehicle based on any violations of the Vehicle Code. As a result, the stop was unconstitutional.

CONCLUSION

For the foregoing reasons, Defendant's Omnibus Pretrial Motion is GRANTED, and all evidence collected as a result of the stop shall be suppressed.

ORDER

AND NOW, this 30th day of June, 2020, in consideration of Defendant's Omnibus Pretrial Motion to Suppress Evidence and after a Hearing on the matter, it is ORDERED that the Motion is GRANTED. All evidence collected as a result of the stop shall be SUPPRESSED. Counts 1-3 against Defendant shall be DISMISSED.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Clerk of Courts

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The Annual General Membership meeting of the Fayette County Bar Association shall be held on Wednesday, December 9, 2020, at 1:30 pm in the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. Members are invited to present topics of concern or interest to the Association.



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