

# FAYETTE LEGAL JOURNAL

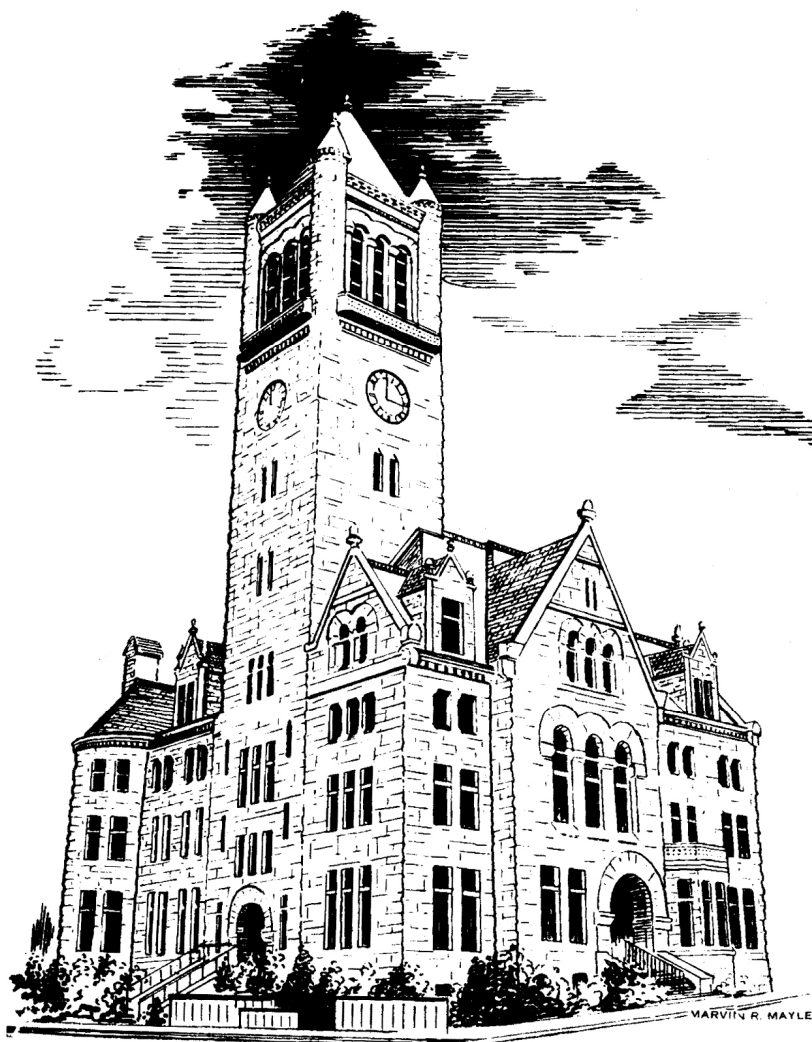
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VOL. 88

APRIL 12, 2025

NO. 15

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## FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 45 East Main Street, Suite 100, Uniontown, Pennsylvania 15401, 724-437-7994. Legal advertisements should be submitted online at [www.fcbar.org](http://www.fcbar.org) no later than 12:00 noon on Friday for publication the following Saturday. No date of publication is promised, however. Legal notices are published exactly as submitted by the advertiser. Copyright 2001 Fayette County Bar Association. All rights reserved.

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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

**JOSEPH W. BAKER, JR.**, late of Bullskin Township, Fayette County, PA <sup>(3)</sup>  
*Personal Representative:* Susan L. Clark  
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Second Publication

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**LUCILLE M. HRANEC, a/k/a LUCILLE MARIE HRANEC**, late of German Township, Fayette County, PA (2)  
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**ANTHONY JOHN PHILLIPS**, late of Saltlick Township, Fayette County, PA (2)  
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First Publication

**JOYCELYNN M. ANDROSIK**, late of German Township, Fayette County, PA (1)  
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*Co-Executors:* Mark C. Cockfield and  
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**DOLORES MAZUR**, late of Washington Township, Fayette County, PA <sup>(1)</sup>

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**DARWIN MILLER, a/k/a DARWIN L. MILLER, a/k/a DARWIN LEE MILLER**, late of Georges Township, Fayette County, PA

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*Attorney:* John A. Kopas, III

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*Personal Representatives:* Mary E. Snyder  
and Nancy R. Prinkey  
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*Attorney:* Timothy J. Witt

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James Edward Spicola  
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*Attorney:* Timothy J. Witt

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**LEGAL NOTICES**

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
ORPHAN'S COURT DIVISION  
Judge: GEORGE  
No: 71 ADOPT 2024

IN RE: ADOPTION OF I. H. L.

**NOTICE**

**To: CHARLIE LOWRY**

A petition has been filed asking the court to put an end to all rights you have to your child, I. H. L., the Court has set a hearing to consider ending your rights to your child. That hearing will be held in the Fayette County Courthouse, Courtroom No. 5, on Monday, May 12, 2025, at 1:30 p.m. You are warned that 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  
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JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA	:	
vs.	:	
DEVON DARRELL,	:	No. 1502 of 2024
Defendant.	:	Honorable Nancy D. Vernon

ORDER

AND NOW, this 27th day of January, 2025, upon consideration of the Omnibus Preliminary Motion of Defendant Devon Darrell in the nature of a Petition to Suppress Evidence Found During Illegal Search and Dismiss Count 1 (Firearms Not to be Carried without License) and Count 2 (Receiving Stolen Property) and Petition to Dismiss Count 3 (Resisting Arrest) Due to an Unlawful Arrest it is hereby ORDERED and DECREED that the Motion is DENIED.

At the time set for hearing, the Commonwealth submitted a transcript of the Preliminary Hearing and video recording of the incident as evidence. At the Preliminary Hearing, Detective James Garlick of the Connellsville Police Department testified that on July 10, 2024, he was dispatched to South Arch Street for a report that a woman was threatened with a gun by Devon Darrell who was in a vehicle with Jayden Nobles. N.T., 8/22/2024, at 3-5. A second call was received at 12:30 a.m. that Darrell and Nobles were outside of the complainant’s house in a silver sedan with a gun. Id. at 5. Detective Garlick observed a matching silver sedan in the rear of 125 East Crawford Avenue and witnessed Darrell exiting the front passenger’s seat of the vehicle. Id. at 5-6. Detective Garlick testified that Patrolman Douglas Brighton ordered Darrell to stop, to which he ignored the command, proceeding into Apartment C. Id. at 6. The officers followed Darrell who was standing in the apartment’s doorway and saw a gun “right inside the doorway.” Id. Detective Garlick grabbed Darrell from the doorway, who pulled away from him prior to being forced to the ground and into handcuffs. Id. Detective Garlick testified that Darrell did not stop upon the police command to do so and they “had to go in to the residence to detain him.” Id. at 10. The officer’s body camera footage confirmed that Darrell was ordered to stop and that the gun was visible by the officers from their position in the doorway once the door was fully opened.

Patrolman Brighton testified confirming that he is familiar with Darrell, that he called to him by name commanding him to stop, that Darrell continued to his mother’s apartment, banged on the door and the door opened. Id. at 13-14. Patrolman Brighton observed the door open, Darrell go behind the doorway, and heard a loud thud. Id. at 14. Darrell returned to the doorway, the patrolman asked what he threw, Darrell responded, “nothing.” Id. Darrell’s mother attempted to close the door, the patrolman prevented her from doing so, and observed a firearm sitting upside down in a stroller. Id. The body came footage confirmed the stroller was parked at the doorway and visible when the door was fully opened. The firearm was a tan semi-automatic that matched the description from the complainant. Id. at 15. Patrolman Brighton yelled “gun” to alert Detective Garlick and proceeded into the house to secure the firearm. Id. The gun was registered as stolen. Id. Darrell did not have a valid license to carry a concealed firearm. Id. 18.

The Fourth Amendment to the United States Constitution and Article 1, Section 8 of the Pennsylvania Constitution protect citizens against unreasonable searches and seizures. Both constitutions forbid police to enter a private home without a warrant absent probable



cause and an exception to the warrant requirement, such as exigent circumstances or consent. *Commonwealth v. Johnson*, 68 A.3d 930, 935 (Pa.Super. 2013).

Exigent circumstances arise only where “the need for prompt police action is imperative, either because the evidence sought to be preserved is likely to be destroyed or secreted from investigation, or because the officer must protect himself from danger ....” *Commonwealth v. Lee*, 972 A.2d 1, 5 (Pa.Super. 2009). Various factors need to be taken into account to assess the presence of exigent circumstances; for example: (1) the gravity of the offense; (2) whether the suspect is reasonably believed to be armed; (3) whether there is a clear showing of probable cause; (4) whether there is a strong reason to believe that the suspect is within the premises being entered; (5) whether there is a likelihood that the suspect will escape if not swiftly apprehended; (6) whether the entry is peaceable; (7) the timing of the entry; (8) whether there is hot pursuit of a fleeing felon; (9) whether there is a likelihood that evidence will be destroyed if police take the time to obtain a warrant; and (10) whether there is a danger to police or other persons inside or outside of the dwelling to require immediate and swift action. In analyzing exigent circumstances, courts must balance the needs of law enforcement against the rights and liberties of private citizens. *Commonwealth v. Dean*, 940 A.2d 514, 522 (Pa.Super. 2008). The Pennsylvania Supreme Court has stated “that ‘hot pursuit’ and ‘fresh pursuit’ require some sort of investigation and tracking of the perpetrator and that that pursuit be immediate, continuous and uninterrupted.” *Commonwealth v. Peters*, 600 Pa. 268, 965 A.2d 222, 225 (Pa. 2008).

The Commonwealth bears the burden of presenting clear and convincing evidence that the circumstances surrounding the opportunity to search were truly exigent and that the exigency was in no way attributable to the decision by the police to forego seeking a warrant. *Commonwealth v. Bostick*, 958 A.2d 543, 556-557 (Pa.Super. 2008). Moreover, all decisions made pursuant to the exigent circumstance exception must be made cautiously because it is an exception that by its nature can very easily swallow the rule unless applied in only restricted circumstances. *Id.* at 557.

In this case, an examination of the above delineated factors reveals that there were exigent circumstances in this case sufficient to justify the warrantless entry of the police into 125 East Crawford Avenue to retrieve the firearm. Darrell was reported on two dispatch calls to be brandishing a weapon. Upon approach, Darrell ignored the officers’ commands to stop, instead proceeding into his mother’s residence. Patrolman Brighton while pursuing Darrell immediately observed a firearm from his position at the doorway to his mother’s apartment. Upon seeing the firearm, the officer entered the residence to directly collect and secure the firearm, immediately returning to the sidewalk.

Where the initial intrusion that brings the police within plain view of such an article is supported, not by a warrant, but by one of the recognized exceptions to the warrant requirement, the seizure is also legitimate. Thus the police may inadvertently come across evidence while in ‘hot pursuit’ of a fleeing suspect. And an object that comes into view during a search incident to arrest that is appropriately limited in scope under existing law may be seized without a warrant. Finally, the ‘plain view’ doctrine has been applied where a police officer is not searching for evidence against the accused, but nonetheless inadvertently comes across an incriminating object.

*Coolidge v. New Hampshire*, 403 U.S. 443, 465-6 (1971).

WHEREFORE, the Omnibus Pretrial Motion must be DENIED.

BY THE COURT:  
NANCY D. VERNON, JUDGE

ATTEST:  
CLERK OF COURTS





## FAYETTE COUNTY BAR ASSOCIATION

Bar Banquet Weekend Itinerary May 16-19

### SUGGESTED ACCOMMODATIONS:

Casa Marina or Southernmost Beach Resort

### FRIDAY

#### SUGGESTED FLIGHT:

Allegiant Flight 991

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8:30 PM - GHOSTS & GRAVESTONES TOUR (\$40)



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10:00 AM - BUTTERFLY CONSERVATORY (\$18)

12:00 PM - ERNEST HEMINGWAY HOME (\$19)

6:00 PM - 130TH ANNUAL BAR BANQUET  
First Flight Island Restaurant

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