

# CUMBERLAND LAW JOURNAL

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**No. 20**

**Carlisle, PA, May 19, 2017**

**104-109**

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COMMONWEALTH v. ABU BAKAR NABIE, CUMBERLAND CO., COMMON PLEAS,  
No. CP-21-CR-0046-2016 CRIMINAL.  
Criminal Law—Defendant’s Omnibus Pretrial Motion—Traffic Stop—75 Pa. C.S. §6308  
—Reasonable Suspicion—Invalid Inspection and Emissions Stickers on Vehicle—  
Reasonable Expectation of Privacy—Fruit of the Poisonous Tree Doctrine—**Commonwealth v. Brown**, 700 A.2d 1310 (Pa. Super. 1997)—Motion Granted.

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### CUMBERLAND LAW JOURNAL (USPS 140-000)

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**CUMBERLAND COUNTY BAR ASSOCIATION**

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May 5, 12, 19

**COMMONWEALTH v. ABU BAKAR NABIE, CUMBERLAND CO., COMMON PLEAS, No. CP-21-CR-0046-2016 CRIMINAL.**

Criminal Law—Defendant’s Omnibus Pretrial Motion—Traffic Stop—75 Pa. C.S. §6308—Reasonable Suspicion—Invalid Inspection and Emissions Stickers on Vehicle—Reasonable Expectation of Privacy—Fruit of the Poisonous Tree Doctrine—**Commonwealth v. Brown**, 700 A.2d 1310 (Pa. Super. 1997)—Motion Granted.

1. To initiate a traffic stop, a police officer must possess at least reasonable suspicion that a violation of the Motor Vehicle Code has occurred.

2. Where Defendant was lawfully in the emergency crossover which was the safest place to be under the circumstances, his presence there was not sufficient to provide reasonable suspicion that criminal activity was afoot.

3. Where the outside of the inspection and emissions stickers alone were not sufficient to indicate that the stickers were invalid, the officer’s act of putting his head inside of Defendant’s vehicle was an unconstitutional search as it invaded Defendant’s reasonable expectation of privacy inside the vehicle.

4. Where the officer’s search of Defendant’s vehicle was unconstitutional, the law requires that all evidence obtained as a result of that search be suppressed as fruit of the poisonous tree.

DANIEL SODUS, ESQUIRE, SR. ASSISTANT DISTRICT ATTORNEY, for the Commonwealth.

NATHAN WOLF, ESQUIRE, for the Defendant.

IN RE: DEFENDANT’S OMNIBUS PRETRIAL MOTION

Before BREWBAKER, J.

OPINION AND ORDER OF COURT

BREWBAKER, J., March 21, 2017:—

Before the Court is Defendant Abu Bakarr Nabie’s Omnibus Pretrial Motion, filed February 6, 2017. For the reasons that follow, the motion will be granted.

FACTS

The facts of the present case were previously set forth in this Court’s August 26, 2016 opinion, and repeated in our January 6, 2017 opinion, and may be summarized as follows. On November 13, 2015, at approximately 1:00 p.m., Pennsylvania State Police Officers Joseph Manning and Trooper Lane (née Black) came across Abu Bakarr Nabie<sup>1</sup> (hereinafter “Defendant”) when he was standing next to his vehicle in the median of Interstate 81 near mile marker 52.2. Defendant’s vehicle was in a small paved area between the northbound and southbound lanes of Interstate 81, which is a restricted crossover area for emergency vehicles. Upon approach, the Troopers saw Defendant getting ready to pour something

<sup>1</sup>The Criminal Information incorrectly spells Defendant’s last name as Nabbie. Defendant’s last name is Nabie. An order correcting the caption was entered on September 19, 2016.

into his gas tank from a clear plastic bottle; Defendant affirmed that it was gasoline. Trooper Manning noticed that, from the outside, the inspection and registration stickers on Defendant's vehicle appeared to be "not right," as they were crumbled and not flush on the windshield. Before talking to Defendant, Trooper Manning walked around Defendant's open driver's door and stuck his head inside the vehicle in an effort to see the back of the stickers, which he then noticed appeared to be blank. The Troopers requested Defendant's driver's license, registration, and proof of insurance, to which Defendant asked why and proceeded to indicate that he did not need to provide such information to them.

Subsequently, Trooper Manning attempted to grab Defendant to prevent him from entering his vehicle, and Defendant resisted. It took four officers and significant pushing, pulling and struggling for Defendant to be taken into custody. Defendant testified that his car had run out of gas, lost power steering, and the median was the only location where he could safely pull over.

The procedural history of this case is rather convoluted, beginning with the termination of defense counsel's employment with the Cumberland County Public Defender's Office approximately three weeks prior to Defendant's bench trial. After Defendant's original counsel was fired, Attorney Toomey was appointed in her place and represented Defendant at his trial. Following the trial on August 26, 2016, Defendant was found guilty of Counts I, II, III, and IV, and not guilty of Count V.<sup>2</sup> In the opinion, this Court noted that "[w]hile there were significant issues presented and argued regarding the Troopers looking inside the vehicle and actually physically touching Defendant, the proper forum for addressing those issues would be a suppression motion and not during a trial." Trial Ct. Op., August 26, 2016, at 3 ¶3.

Defendant was directed to appear for sentencing on October 18, 2016. On September 22, 2016, Attorney Toomey, recognizing ineffective counsel claims against his former colleague, filed a motion to withdraw, which this Court granted on October 4, 2016. Sentencing was continued until November 7, 2016, at which time Defendant was sentenced to unsupervised probation for six months. Defendant's new counsel, Attorney Wolf, then filed a Post-Sentence Motion alleging prior counsel's ineffectiveness for failure to file a suppression motion. A hearing on the post-sentence motion occurred on December 20, 2016, after which this

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<sup>2</sup>Defendant was charged at Count I with resisting arrest, at Count II with obedience to traffic control devices, at Count III with operation of vehicle without official certificate of inspection, at Count IV with prohibition on expenditures for emission inspection program, and at Count V with violations of use of certificate of inspection.

Court granted the motion and reinstated Defendant's right to file pretrial motions. Defendant filed the instant Omnibus Pretrial Motion on February 3, 2017, requesting a decision on the basis of the prior testimony from the nonjury trial; the Commonwealth's Answer to Defendant's Motion was filed on February 28, 2017. On March 10, 2017, this Court issued a Rule to Show Cause as to why the Defendant's motion should not be decided on the record already developed; counsel for both parties agreed that another hearing was unnecessary.

#### ANALYSIS

It is well-established law that an interaction between a police officer and a citizen can be classified under one of three categories measuring the degree of intrusion: (1) a mere encounter, (2) an investigative detention, and (3) a custodial detention. A "mere encounter" (or request for information) does not require any level of suspicion but carries no official compulsion to stop or to respond. An "investigative detention" must be supported by reasonable suspicion because 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, a "custodial detention" (or arrest) must be supported by probable cause. **Commonwealth v. Collins**, 950 A.2d 1041, 1046 (Pa. Super. 2008) (citations omitted).

To initiate a traffic stop, a police officer must possess at least reasonable suspicion that a violation of the Motor Vehicle Code has occurred. 75 Pa. C.S. §6308. The reasonable suspicion standard is less stringent than probable cause, and depends upon the information possessed by the officer at the time of the stop. **Commonwealth v. Brown**, 606 Pa. 198, 204, 996 A.2d 473, 477 (2010). Specifically, the officer must be able to point to "specific and articulable facts" leading him to believe that criminal activity is afoot. **Id.** An actual violation need not be established if the officer has a reasonable basis for the stop. **Commonwealth v. Benton**, 440 Pa. Superior Ct. 441, 446, 655 A.2d 1030, 1033 (1995).

We begin by noting that while Defendant's vehicle was already physically stopped, the Troopers could not initiate a traffic stop absent reasonable suspicion. The interaction thus began as a mere encounter. **Commonwealth v. DeHart**, 745 A.2d 633, 636 (Pa. Super. 2000) ("We are unaware of any search and seizure law that treats a police officer approaching a stopped vehicle as a 'traffic stop.'"). Trooper Manning testified that the reasons for his request for Defendant's license and registration were that the inspection sticker was not valid and that Defendant's vehicle was stopped in the emergency crossover. Notes of Testimony, In Re: Tran-

script of Proceedings Nonjury Trial, August 26, 2016, 31, 45 (hereinafter “N.T. at \_\_”). Consequently, we reject the Commonwealth’s assertion that Defendant’s use of an improper container to pour gasoline into his vehicle would have justified a stop, as the Trooper did not consider that a justification for why he approached Defendant. Moreover, contrary to the Commonwealth’s argument, Defendant was not charged with failure to provide identification to the Troopers, and the failure to provide documentation is an issue only if there was a lawful stop. **Commonwealth v. Lyles**, 626 Pa. 343, 351, 97 A.3d 298, 303 (2014) (noting that police may request identification during a mere encounter, but individual retains right to decline). Therefore the proper focus for the analysis is on the reasons that Trooper Manning presented for having approached Defendant: the location of the vehicle in the emergency crossover of the highway and the invalid inspection and emissions stickers.

Regarding the presence of Defendant’s vehicle in the emergency crossover, Trooper Manning testified that the area in which Defendant had stopped was an emergency crossover for emergency and authorized vehicles only and not for regular vehicular use. N.T. 5. However, according to Pennsylvania law, while stopping or standing in a highway crossover is a violation of 75 Pa. C.S. §3353(a)(1)(ix), an exception exists where it is necessary “to protect the safety of any person or vehicle.” 75 Pa. C.S. §3353(a). Moreover, under section 3351(b) of the Motor Vehicle Code, an exception exists for a vehicle that is “disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle in that position.” 75 Pa. C.S. §3351(b). Defendant testified that his car ran out of gas and the emergency crossover was the only place for him to stop safely. This testimony was supported by the video recording and the testimony of the Troopers that when they found Defendant, he was pouring liquid into his gas tank. If Defendant had stopped in the middle of the highway, or attempted to pull over on the narrow right-hand shoulder, it is likely he would have put himself and others in danger. Therefore, this Court holds that Defendant was lawfully in the emergency crossover, the safest place for him to be, and that his presence was therefore not sufficient to provide reasonable suspicion that criminal activity was afoot.

Next, we examine whether the Troopers possessed reasonable suspicion that Defendant’s vehicle’s inspection stickers were invalid. Trooper Manning testified that from the outside the stickers appeared not to be flush to the windshield, “as if they had been removed prior and placed on a different vehicle or somehow been tampered with.” N.T. at 6. He further stated that he observed tape that was holding the stickers

to the windshield. N.T. 9-10. On cross-examination, Trooper Manning admitted that he has seen valid stickers that have strange wear, and that **the front of the sticker alone was not enough to determine that the sticker was invalid.** N.T. 27. It was not until he put his head inside Defendant's vehicle and saw that the back of the stickers were blank that it became apparent that the stickers were invalid.

An examination of all of the evidence, including this Court's review of the video recording of the entire interaction, leads to the conclusion that Trooper Manning lacked reasonable suspicion to conduct a traffic stop prior to sticking his head inside the vehicle, and therefore the search of the vehicle was unconstitutional. The outside of the stickers alone was not sufficient to indicate that the stickers were invalid, and therefore Trooper Manning's act of putting his head inside Defendant's vehicle was an unconstitutional search, as it invaded Defendant's reasonable expectation of privacy inside the interior of his vehicle. Consequently, because the Troopers lacked reasonable suspicion to detain Defendant, the interaction between the Troopers and Defendant constituted a mere encounter, and Defendant was therefore not required to provide any identifying information to the Troopers.

Having concluded that Trooper Manning's search of Defendant's vehicle was unconstitutional, the law requires that all evidence obtained as a result of that search be suppressed as fruit of the poisonous tree. **Commonwealth v. Brown**, 700 A.2d 1310, 1318 (Pa. Super. 1997) (citing **Wong Sun v. United States**, 371 U.S. 471 (1963) (holding that statements made as part of an illegal arrest should be suppressed as "fruit of the poisonous tree")). The Court recognizes that the Troopers were doing their best to serve a citizen that they believed was in trouble when they stopped to talk to Defendant, and that the situation escalated quickly and unfortunately. Although the Troopers were acting in good faith when they approached Defendant, Pennsylvania jurisprudence does not recognize a "good faith" exception to search and seizure requirements.<sup>3</sup> Because Defendant was not lawfully arrested, the resisting arrest charge will be dismissed as the evidence is insufficient as a matter of law to prove that Defendant resisted a lawful arrest.

<sup>3</sup>See e.g., **Commonwealth v. Edmunds**, 526 Pa. 374, 399, 586 A.2d 887, 899 (1991) ("[c]itizens in this Commonwealth possess such rights, even where a police officer in 'good faith' carrying out his or her duties inadvertently invades the privacy or circumvents the strictures of probable cause. To adopt a 'good faith' exception to the exclusionary rule, we believe, would virtually emasculate those clear safeguards which have been carefully developed under the Pennsylvania Constitution over the past 200 years.").



For the above stated reasons, Defendant's Omnibus Pretrial Motion will be granted.

**ORDER**

AND NOW, this 31st day of March, 2017, upon consideration of Defendant's Omnibus Pretrial Motion, the Motion is hereby GRANTED. All evidence obtained by the police as a result of the search of Defendant's vehicle will be suppressed, and Count I, Resisting Arrest, is hereby dismissed for legal insufficiency.

**ESTATE AND TRUST 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. Notice is also hereby given of the existence of the trusts of the deceased settlors set forth below for whom no personal representatives have been appointed within 90 days of death. All persons having claims or demands against said estates or trusts are requested to make known the same, and all persons indebted to said estates or trusts are requested to make payment, without delay, to the executors or administrators or trustees or to their attorneys named below.

**FIRST PUBLICATION****Brandt, Mary A.,** dec'd.

Late of Shippensburg Borough.  
 Executrix: Susie J. Walls, 4518 Race Track Road, Saint Thomas, PA 17252.  
 Attorney: Jerrold A. Sulcove, Esquire, 82 West Queen Street, Chambersburg, PA 17201.

**Broadley, Geraldine V.,** dec'd.

Late of Hampden Township.  
 Executrix: Jacalyn K. Broadley c/o Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.  
 Attorneys: Lisa Marie Coyne, Esquire, Coyne & Coyne, P.C., 3901 Market Street, Camp Hill, PA 17011-4227.

**Broccolo, Maria G.,** dec'd.

Late of Monroe Township.  
 Executrix: Pichitra Lawson c/o Martson Law Offices, 10 East High Street, Carlisle, PA 17013.  
 Attorneys: Hubert X. Gilroy, Esquire, Martson Law Offices.

**Cornman, Madalyn Kough a/k/a Madalyn K. Cornman,** dec'd.

Late of Penn Township.  
 Executrix: Catherine J. Cornman c/o Landis & Black, 36 South Hanover Street, Carlisle, PA 17013.  
 Attorney: Robert R. Black, Esquire.

**Crouse, William E.,** dec'd.

Late of Lower Allen Township.  
 William E. Crouse Living Trust dated 1/11/2008 as amended.  
 Successor Death Trustee: Clermont Wealth Strategies, Attn.: Sandra Drummond, P.O. Box 1189, Harrisburg, PA 17108.  
 Attorneys: Gregory K. Richards, Esquire, James Smith Dietterick & Connelly, LLP, P.O. Box 650, Hershey, PA 17033, (717) 533-3280.

**Detweiler, Florence S. a/k/a Florence Strong Detweiler,** dec'd.

Late of Upper Allen Township.  
 Executrix: Ruth D. Leshner c/o J. Elvin Kraybill, Esquire, P.O. Box 5349, Lancaster, PA 17606.  
 Attorneys: Gibbel Kraybill & Hess LLP.

**Hone, Patricia Ann,** dec'd.

Late of North Middleton Township.  
 Executor: Michael A. Hone, 960 Cranes Gap Road, Carlisle, PA 17013.  
 Attorney: Stephen J. Hogg, Esquire, 19 S. Hanover Street, Suite 101, Carlisle, PA 17013.

**Jacobs, Kimberle Ann,** dec'd.

Late of Upper Allen Township.  
 Executrix: Helen F. Jacobs, 479 Stonehedge Lane, Mechanicsburg, PA 17055.  
 Attorneys: Law Office of Keith O. Brenneman, P.C., 44 West Main Street, Mechanicsburg, PA 17055.

**Kendle, Thomas M.**, dec'd.

Late of North Middleton Township.  
 Executrix: Susie V. Miller c/o  
 Flower Law, LLC, 10 West High  
 Street, Carlisle, PA 17013.  
 Attorneys: Flower Law, LLC.

**LeDane, John T.**, dec'd.

Late of Penn Township.  
 Administratrix: Ingrid A. Ranney.  
 Attorney: Andrew H. Shaw, Es-  
 quire, 2011 W. Trindle Road,  
 Carlisle, PA 17013, (717) 243-  
 7135.

**Masland, John C. a/k/a John Carpenter Masland a/k/a John Masland**, dec'd.

Late of Cumberland County.  
 Executrix: Elizabeth G. Masland.  
 Attorneys: David A. Baric, Es-  
 quire, Baric Scherer LLC, 19 West  
 South Street, Carlisle, PA 17013,  
 (717) 249-6873.

**Peffer, Charles E.**, dec'd.

Late of Wormleysburg Borough.  
 Executors: Joseph C. Peffer and  
 Frank J. Peffer c/o Placey &  
 Wright, 3621 North Front Street,  
 Harrisburg, PA 17110.  
 Attorneys: Placey & Wright, 3621  
 North Front Street, Harrisburg,  
 PA 17110.

**Pogue, Clifford G.**, dec'd.

Late of the Borough of New Cum-  
 berland.  
 Executor: Clifford L. Pogue, 4330  
 Crestview Road, Harrisburg, PA  
 17112.  
 Attorneys: Theresa L. Shade Wix,  
 Esquire, Wix, Wenger & Weidner,  
 4705 Duke Street, Harrisburg, PA  
 17109.

**Quigley, Shirley A.**, dec'd.

Late of West Pennsboro Township.  
 Executor: Alex S. Quigley, Jr. c/o  
 Richard L. Webber, Jr., Esquire,  
 Weigle & Associates, P.C., 126  
 East King Street, Shippensburg,  
 PA 17257.

Attorneys: Richard L. Webber, Jr.,  
 Esquire, Weigle & Associates,  
 P.C., 126 East King Street, Ship-  
 pensburg, PA 17257.

**Rice, Mary E.**, dec'd.

Late of Cumberland County.  
 Executrix: Carol A. Brandt.  
 Attorneys: Michael A. Scherer,  
 Esquire, Baric Scherer LLC, 19  
 West South Street, Carlisle, PA  
 17013, (717) 249-6873.

**Rumpf, Robert H.**, dec'd.

Late of Carlisle.  
 Executrix: Rebecca A. Moyer, 206  
 Shepherd Street, Jonestown, PA  
 17038.  
 Attorney: Wayne F. Shade, Es-  
 quire, 53 West Pomfret Street,  
 Carlisle, PA 17013.

**Schultz, Stephen H. a/k/a Stephen Harvey Schultz**, dec'd.

Late of the Borough of Camp Hill.  
 Executor: David L. Schultz, 161  
 S. 32nd Street, Camp Hill, PA  
 17011.  
 Attorneys: Stanley A. Smith, Es-  
 quire, Rhoads & Sinon LLP, At-  
 torneys at Law, One S. Market  
 Square, P.O. Box 1146, Harris-  
 burg, PA 17108-1146.

**Stine, Mildred V.**, dec'd.

Late of Southampton Township.  
 Co-Executors: Barry L. Stine and  
 Myrcetas L. Swartz.  
 Attorneys: Jerry A. Weigle, Es-  
 quire, Weigle & Associates, P.C.,  
 126 East King Street, Shippens-  
 burg, PA 17257.

**SECOND PUBLICATION****Barone, Deborah Lynne**, dec'd.

Late of Hampden Township.  
 Executrix: Ellen Haines, 4627 S.  
 Clearview Drive, Camp Hill, PA  
 17011.

Attorneys: John S. Davidson, Esquire, Yost & Davidson, P.O. Box 437, Hershey, PA 17033.

**Beissel, Irvin W.,** dec'd.

Late of Hampden Township, Camp Hill.

Executrix: Charmaine Y. O'Hara. Attorneys: Elizabeth P. Mullaugh, Esquire, McNeese Wallace & Nurick LLC, 100 Pine Street, P.O. Box 1166, Harrisburg, PA 17108-1166, (717) 237-5243.

**Bower, Florence J. a/k/a Florence I. Bower,** dec'd.

Late of Lower Allen Township.

Executrix: Bridget A. Calvin a/k/a Bridget Ann Bower.

Attorneys: Jacqueline A. Kelly, Esquire, Jan L. Brown & Associates, 845 Sir Thomas Court, Suite 12, Harrisburg, PA 17109, (717) 541-5550.

**Burlison, Jack R.,** dec'd.

Late of Mechanicsburg Borough. Executrix: Brooke A. Catalano, 5010 McDonald Drive, Mechanicsburg, PA 17050.

Attorney: Earl Richard Etzweiler, Esquire, 105 N. Front Street, Harrisburg, PA 17101, (717) 234-5600.

**Chubb, Marie,** dec'd.

Late of Upper Allen Township, Mechanicsburg.

Executor: Edward A. Chubb, 3 Oakwood Avenue, Mechanicsburg, PA 17055.

Attorneys: Jan M. Wiley, Esquire, Of Counsel, Stone, Wiley & Linsenbach, P.C., 3 N. Baltimore Street, Dillsburg, PA 17019, (717) 432-2089.

**Hoover, George C.,** dec'd.

Late of Camp Hill.

Trustee: Erma V. Hoover, 11 Center Drive, Camp Hill, PA 17011.

Attorney: Susan E. Lederer, Esquire, 5011 Locust Lane, Harrisburg, PA 17109.

**Jumper, Darlene M.,** dec'd.

Late of North Middleton Township.

Executor: John E. Jumper.

Attorney: Andrew H. Shaw, Esquire, 2011 W. Trindle Road, Carlisle, PA 17013, (717) 243-7135.

**Keller, Jane G. a/k/a Jane Grosz Keller,** dec'd.

Late of Cumberland County.

Executor: John Grosz, 1373 Old Willow Mill Road, Mechanicsburg, PA 17050.

Attorneys: Elyse E. Rogers, Esquire, Saidis, Sullivan & Rogers, 100 Sterling Parkway, Suite 100, Mechanicsburg, PA 17050.

**Lewis, Martha J.,** dec'd.

Late of Upper Allen Township.

The Martha J. Lewis Trust.

Trustee: Rick H. Leedy c/o Craig A. Hatch, Esquire, Halbruner, Hatch & Guise, LLP, 2109 Market Street, Camp Hill, PA 17011.

Attorneys: Craig A. Hatch, Esquire, Halbruner, Hatch & Guise, LLP, 2109 Market Street, Camp Hill, PA 17011.

**Miller, Donald C.,** dec'd.

Late of Camp Hill Borough.

Executrices: Michele T. Miller and Cheryl L. Gordon.

Attorney: Michael L. Bangs, Esquire, 429 South 18th Street, Camp Hill, PA 17011.

**Piper, Larry J., Sr.,** dec'd.

Late of the Township of Middlesex. Personal Representative: Larry J. Piper, Jr.

Attorneys: Jessica F. Greene, Esquire, Keystone Elder Law P.C., 555 Gettysburg Pike, Suite C-100, Mechanicsburg, PA 17055, (717) 697-3223.

**Ryder, H. Charles**, dec'd.

Late of Mechanicsburg.  
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 Mark W. Allshouse, Esquire,  
 Christian Lawyer Solutions, LLC,  
 4833 Spring Road, Shermans  
 Dale, PA 17090.  
 Attorneys: Mark W. Allshouse,  
 Esquire, Christian Lawyer Solu-  
 tions, LLC, 4833 Spring Road,  
 Shermans Dale, PA 17090, (717)  
 582-4006.

**Saphore, Richard C.**, dec'd.

Late of Carlisle Borough.  
 Administrator: Jeffrey D. Saphore.  
 Attorney: Andrew H. Shaw, Es-  
 quire, 2011 W. Trindle Road,  
 Carlisle, PA 17013, (717) 243-  
 7135.

**Stambaugh, Merle L.**, dec'd.

Late of Upper Allen Township.  
 Executrix: Jill Kramer.  
 Attorneys: Robert Clofine, Es-  
 quire, Elder Law Firm of Robert  
 Clofine, 340 Pine Grove Com-  
 mons, York, PA 17403.

**Taylor, Doris B.**, dec'd.

Late of Camp Hill Borough.  
 Co-Executors: Gary L. Taylor and  
 Debra J. Eslinger.  
 Attorney: Andrew H. Shaw, Es-  
 quire, 2011 W. Trindle Road,  
 Carlisle, PA 17013, (717) 243-  
 7135.

**Wise, Paul W.**, dec'd.

Late of Cumberland County.  
 Executrix: Linda Sunday.  
 Attorney: Debra K. Wallet, Es-  
 quire, 24 North 32nd Street,  
 Camp Hill, PA 17011.

**Woods, Eleanor M.**, dec'd.

Late of Mechanicsburg.  
 Trustees: Kevin J. Woods, 5125  
 Kylock Road, Mechanicsburg, PA  
 17055 and Diane E. Sable, 1  
 Carothers Circle, Mechanicsburg,  
 PA 17050.

Attorney: Susan E. Lederer, Es-  
 quire, 5011 Locust Lane, Harris-  
 burg, PA 17109.

**THIRD PUBLICATION****Beam, Diane L.**, dec'd.

Late of Cumberland County.  
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 52 Clouds Way, Hockessin, DE  
 19707.  
 Attorneys: Elyse E. Rogers, Es-  
 quire, Saidis, Sullivan & Rogers,  
 100 Sterling Parkway, Suite 100,  
 Mechanicsburg, PA 17050.

**Blaisdell, Frances E. a/k/a Frances Elizabeth Blaisdell**, dec'd.

Late of Bethany Village Nursing  
 Home, 5225 Wilson Lane, Me-  
 chanicsburg.  
 Executor: Richard Boyajian, 88  
 Logan Road, Dillsburg, PA 17019.  
 Attorneys: Stephen M. Grecher,  
 Jr., Esquire, Tucker Arensberg,  
 P.C., 2 Lemoyne Drive, Suite 200,  
 Lemoyne, PA 17043.

**Blasco, Joan C.**, dec'd.

Late of E. Pennsboro Twp.  
 Executrix: Jennifer L. Blasco,  
 3501 Beech Run Ln., Mechanics-  
 burg, PA 17050.  
 Attorney: Kenneth F. Lewis, Es-  
 quire, 1101 N. Front St., Harris-  
 burg, PA 17102.

**Conway, Patricia J.**, dec'd.

Late of Cumberland County.  
 Executrix: Joann F. Conway-  
 Boyer c/o Adam R. Deluca, Es-  
 quire, Allied Attorneys of Central  
 PA, LLC, 61 West Louthier St.,  
 Carlisle, PA 17013.  
 Attorneys: Adam R. Deluca, Es-  
 quire, Allied Attorneys of Central  
 PA, LLC, 61 West Louthier St.,  
 Carlisle, PA 17013.

**Divens, Helen F.**, dec'd.

Late of Cumberland County.  
 Executrix: Deborah J. Dickey c/o  
 Adam R. Deluca, Esquire, Allied

Attorneys of Central PA, LLC, 61 West Louther St., Carlisle, PA 17013.

Attorneys: Adam R. Deluca, Esquire, Allied Attorneys of Central PA, LLC, 61 West Louther St., Carlisle, PA 17013.

**Harvey, Vivian Marie**, dec'd.

Late of Upper Allen Township.  
Executrix: James A. Smiley, 1781 S. Meadow Drive, Mechanicsburg, PA 17055.

Attorneys: Jeffrey A. Ernico, Esquire, Mette, Evans and Woodside, 3401 N. Front Street, Harrisburg, PA 17110, (717) 232-5000.

**Hipple, Sara F.**, dec'd.

Late of West Pennsboro Township.  
Executrix: Janet L. Parthemer, 30 Bittersweet Lane, Eppers, PA 17319.

Attorneys: John S. Davidson, Esquire, Yost & Davidson, P.O. Box 437, Hershey, PA 17033.

**Lecrone, Mark S.**, dec'd.

Late of Camp Hill Borough.  
Administrator: Bruce Lecrone c/o Mark A. Mateya, Esquire, Mateya Law Firm, P.C., 55 W. Church Avenue, Carlisle, PA 17013.

Attorneys: Mark A. Mateya, Esquire, Mateya Law Firm, P.C., 55 W. Church Avenue, Carlisle, PA 17013, (717) 241-6500.

**Leighton, James M.**, dec'd.

Late of Cumberland County.  
Executrix: Lynn G. Leighton, 34 Mayberry Lane, Mechanicsburg, PA 17050.

Attorneys: John A. Feichtel, Esquire, Saidis, Sullivan & Rogers, 100 Sterling Parkway, Suite 100, Mechanicsburg, PA 17050.

**Lucas, James D., Jr.**, dec'd.

Late of Hampden Township.  
Co-Executrices: Rae Helen Triplett, 135 Imperial Court, Car-

lisle, PA 17013 and Roberta Anne Spahr a/k/a Roberta Anne Lucas-Spahr, 127 Quail Drive, Dillsburg, PA 17019.

Attorney: None.

**MacDowell, Alison H.**, dec'd.

Late of Hampden Township.  
Executrix: Martha M. Groene.  
Attorneys: Bangs Law Office, LLC, 429 South 18th Street, Camp Hill, PA 17011.

**Mellott, Cynthia A.**, dec'd.

Late of Dickinson Township.  
Administratrix: Jayne E. Buterbaugh.

Attorney: Stanley J. Kerlin, Esquire, 204 North Second Street, McConnellsburg, PA 17233, (717) 485-4151.

**Motter, Joan A.**, dec'd.

Late of the Township of West Pennsboro.  
Executrix: Barbara A. Newby, 621 Crown Point Drive, Martinez, GA 30907.

Attorney: None.

**Neidigh, Romaine M. a/k/a Romaine V. Neidigh**, dec'd.

Late of Lower Allen Township.  
Executrix: Dorothy J. Ewing c/o Edmund G. Myers, Esquire, Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043.

Attorneys: Edmund G. Myers, Esquire, Johnson, Duffie, Stewart & Weidner, 301 Market Street, P.O. Box 109, Lemoyne, PA 17043.

**Nemir, Michael A. a/k/a Michael Alan Nemir**, dec'd.

Late of the Borough of Mechanicsburg.

Executrix: Dian M. Estep, 15019 Hicksville Road, Clear Spring, MD 21722.

Attorneys: Paul T. Schemel, Esquire, Dick, Stein, Schemel, Wine & Frey, LLP, 119 East Baltimore Street, Greencastle, PA 17225.

**Nolt, Thomas L.**, dec'd.

Late of Dickinson Township.  
Thomas L. Nolt and Marion S. Nolt Revocable Trust Agreement dated June 26, 1995 as amended.  
Successor Death Trustees: Linda Lea Naugle and Cynthia Ann Lep-perd c/o JSDC Law Offices, P.O. Box 650, Hershey, PA 17033.  
Attorneys: Christa M. Aplin, Esquire, JSDC Law Offices, P.O. Box 650, Hershey, PA 17033, (717) 533-3280.

**Norris, Joan L.**, dec'd.

Late of Shippensburg.  
Executor: Anthony B. Norris, 102 Baker and Russell Drive, Shippensburg, PA 17257.  
Attorney: Barbara B. Townsend, Esquire, 32 West Queen Street, Chambersburg, PA 17201.

**Rhoads, Sylvan D.**, dec'd.

Late of Carlisle Borough.  
Executrix: Mildred J. Rhoads c/o Roger B. Irwin, Esquire, Salzman Hughes PC, 354 Alexander Spring Road, Suite 1, Carlisle, PA 17015.  
Attorneys: Salzman Hughes P.C.

**Rutherford, Shirley A. a/k/a Shirley Ann Rutherford**, dec'd.

Late of Cumberland County.  
Executor: David L. Rutherford c/o Adam R. Deluca, Esquire, Allied Attorneys of Central Pennsylvania, LLC, 61 West Louther St., Carlisle, PA 17013.  
Attorneys: Adam R. Deluca, Esquire, Allied Attorneys of Central Pennsylvania, LLC, 61 West Louther St., Carlisle, PA 17013.

**Schmauch, Berniece L. a/k/a Berniece L. Schmauch**, dec'd.

Late of Camp Hill Borough.

Executor: Sheldon Mock, 209 W. Siddonsburg Rd., Dillsburg, PA 17019.

Attorneys: Jennifer M. Merx, Esquire, Skarlatos Zonarich LLC, 17 S. 2nd St., 6th Fl., Harrisburg, PA 17101.

**Sunday, Jeffrey Andrew**, dec'd.

Late of Upper Allen Twp.  
Administratrix: Dawn S. Sunday, 789 E. Lancaster Ave., Ste. 220, Villanova, PA 19085.  
Attorneys: Marc H. Jaffe, Esquire, Fromhold Jaffe & Adams, 789 E. Lancaster Ave., Ste. 220, Villanova, PA 19085.

**Yeingst, Elmer M.**, dec'd.

Late of Carlisle Borough.  
Executor: Dennis E. Yeingst c/o Robert C. Saidis, Esquire, Saidis, Sullivan & Rogers, 100 Sterling Parkway, Suite 100, Mechanicsburg, PA 17050.  
Attorneys: Robert C. Saidis, Esquire, Saidis, Sullivan & Rogers, 100 Sterling Parkway, Suite 100, Mechanicsburg, PA 17050, (717) 612-5800.

**NOTICE OF SHERIFF'S SALE**

In the Court of  
Common Pleas of Cumberland  
County, Pennsylvania

NO. 2016-07375-CV

WELLS FARGO BANK, NA  
v.  
DAVID T. STATT

**NOTICE OF SHERIFF'S SALE OF  
REAL PROPERTY**

**NOTICE TO: DAVID T. STATT**  
Being Premises: 440 BOSLER AV-  
ENUE, LEMOYNE, PA 17043-1931.  
Being in LEMOYNE BOROUGH,  
County of CUMBERLAND, Com-  
monwealth of Pennsylvania, 12-21-  
0265-261A.

Improvements consist of residential property.

Sold as the property of DAVID T. STATT.

Your house (real estate) at 440 BOSLER AVENUE, LEMOYNE, PA 17043-1931 is scheduled to be sold at the Sheriff's Sale on June 14, 2017 at 10:00 A.M. at the CUMBERLAND County Courthouse, 1 Courthouse Square, Room 303, Carlisle, PA 17013 to enforce the Court Judgment of \$118,251.29 obtained by WELLS FARGO BANK, NA (the mortgagee) against the above premises.

PHELAN HALLINAN DIAMOND  
& JONES, LLP  
Attorneys for Plaintiff

May 19

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**NOTICE**

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NOTICE IS HEREBY GIVEN that Articles of Incorporation have been filed with the Department of State of the Commonwealth of Pennsylvania for the purpose of obtaining a Certificate of Incorporation pursuant to the provisions of the Pennsylvania Business Corporation Law of 1988, as amended.

The name of the proposed corporation is:

jumbleThink Inc.

Address: 1348 Boiling Springs Road, Boiling Springs, PA 17007.

May 19

**NOTICE**

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NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the department of the Commonwealth of Pennsylvania on June 1, 2016 with respect to a proposed nonprofit corporation:

WCAN, INC.

which has been incorporated under the Nonprofit Corporation Law of 1988.

A brief summary of the purpose or purposes for which said corporation is organized is to connect professional women in the capital area, to use the group's resources to further promote women's professional development, and for any other lawful nonprofit purpose.

MELISSA L. KELSO, ESQUIRE  
KELSO LAW, LLC

2 West High Street  
Carlisle, PA 17013

May 19



**LCL-PA**

Lawyers Concerned for Lawyers of Pennsylvania, Inc. has a free confidential helpline accessible 24 hours, 7 days a week, including holidays:

**1-888-999-1941**

Helpline services include assistance with:

- stress,
- anxiety,
- burnout,
- career or job dissatisfaction,
- marital or health problems,
- alcohol and drug use,
- gambling,
- depression, and
- other emotional or mental health problems.

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**PERIODICAL PUBLICATION**

\* Dated Material. Do Not Delay. Please Deliver Before Monday, May 22, 2017