

# Adams County Legal Journal

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ROBERT EUGENE FORSYTHE, JR.

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NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Upper Adams School District Board of Directors shall hold a public hearing pursuant to the provisions of the Pennsylvania School Code of 1949, as amended, for the purpose of receiving testimony and comment from residents and taxpayers of the District, on the proposal to permanently close the Bendersville Elementary School located at 137 Rampike Hill Road, Bendersville Borough. The hearing shall be held on March 9, 2020, at 6:30 o'clock p.m. in the Auditorium of the Biglerville High School, at 161 North Main Street, Biglerville Borough.

If you are a person with a disability and wish to attend the public hearing noted above and require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact the Business Office at 717-677-7191, Ext. 2751, to discuss how the Upper Adams School District may best accommodate your needs.

2/14

IN THE COURT OF COMMON  
PLEAS OF LANCASTER COUNTY,  
PENNSYLVANIA ORPHANS'  
COURT DIVISION  
NO. 2019-1070

IN RE: BABY BOY SCOTT a/k/a QUEST  
CHARLES SCOTT, a minor

TERMINATION OF PARENTAL RIGHTS  
OF BRANTLEY SPEELMAN

TO: BRANTLEY SPEELMAN

You are hereby notified that a Petition to Involuntary Termination of Parental Rights has been filed against you, asking the Court to terminate all rights you have to your child(ren), Baby Boy Scott aka Quest Charles Scott (born April 4, 2019). The Court has set a hearing to consider ending your rights to your child. That hearing will be held in Court Room No. 11 (Orphans' Court Room), on the Fourth Floor of the Lancaster County Court House, situate at 50 North Duke Street, Lancaster, Pennsylvania, said hearing to be held on March 4, 2020 at 10:00 o'clock a.m. If you do not appear at this hearing, the court may decide that you are not interested in retaining your rights to your child and

your failure to appear may affect the Court's decision on whether to end your rights to your child(ren) . You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you, and your rights to your child may be ended by the Court without your being present.

You are also notified that following the hearing to consider ending your rights to your children, an adoption hearing may be held, as a result of which the Court may decree that an adoption take place whereby your child(ren) shall be adopted by another and all parental rights with respect to the child(ren) shall be placed in another.

YOU HAVE THE 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.

Court Administrator  
Court Administrator's Office  
Lancaster County Court House  
50 North Duke Street  
Lancaster, PA 17602  
Telephone No. (717) 299-8041

2/7 & 2/14

COMMONWEALTH OF PENNSYLVANIA VS.  
ROBERT EUGENE FORSYTHE, JR.

1. The issues before the Court are whether there was probable cause for Officer Owens to effectuate a traffic stop of Defendant Robert Eugene Forsythe's vehicle, and whether Officer Owens had probable cause to arrest Defendant.

2. At approximately 11:00 p.m. Officer Owens was traveling north in the 200 block of South Queen Street, looked west on Crystal Springs Lane and observed a Kia parked/standing in the travel lane of the first block of Crystal Springs Lane. Officer Owens circle back and observed the Kia still parked/standing in the travel lane of Crystal Springs Lane.

3. The Kia began to drive on Crystal Springs Lane and turned right onto Ebaugh Alley without using a turn signal. Officer Owens conducted a traffic stop and the Kia pulled into the rear parking lot of Pub 217.

4. Officer Owens observed Defendant's eyes were glassy, his movements were slow and methodical, and when asked for identification, Defendant attempted to hand Officer Owens a credit card. Officer Owens also observed the odor of an alcoholic beverage coming from Defendant's breath.

5. Defendant admitted to drinking four beers at a friend residence and several beers at a social club prior to the four beers.

6. After hearing the testimony from Officer Owens, it is clear Officer Owens had probable cause to stop Defendant's vehicle for violation of § 334(a) of the Pennsylvania Vehicle Code, turning movements and required signals, and violation of § 3354(a) of the Pennsylvania Vehicle Code, additional parking requirements. That the violation was de minimis and the stop appears to be pretextual is immaterial.

7. Clearly, Officer Owens had probable cause to arrest Defendant based on the totality of the circumstances.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,  
PENNSYLVANIA, CP-01-CR-1242-2019, COMMONWEALTH  
OF PENNSYLVANIA VS. ROBERT EUGENE FORSYTHE, JR.

Brian R. Sinnott, Esq., Attorney for Commonwealth  
Christian J. DeFilippo, Esq., Attorney for Defendant  
Wagner, J., January 27, 2020

OPINION ON DEFENDANT'S MOTION TO SUPPRESS

Presently before the Court is Defendant's Motion to Suppress, filed on December 16, 2019. A hearing was held on January 10, 2020. The issues before the Court are whether there was probable cause for Officer Owens to effectuate a traffic stop of Defendant Robert Eugene Forsythe's vehicle, and whether Officer Owens had probable cause to arrest Defendant. For the reasons set forth herein, Defendant's Motion to Suppress is denied.

## FINDINGS OF FACT

1. Officer Nathaniel Owens is employed with Littlestown Police Department. Officer Owens has been employed with Littlestown Police Department for four years. Officer Owens has made approximately 40 DUI arrests and has assisted in an additional 100 DUI investigations.
2. Officer Owens has undergone training for DUI investigations through the police academy at Harrisburg Area Community College. Officer Owens is trained in the Standardized Field Sobriety Test (SFST).
3. On October 8, 2019 Officer Owens was on patrol in Littlestown Borough in a marked police vehicle. At approximately 11:00 p.m. Officer Owens was traveling north in the 200 block of South Queen Street, looked west on Crystal Springs Lane and observed a Kia parked/standing in the travel lane of the first block of Crystal Springs Lane.
4. Officer Owens circled back and observed the Kia still parked/standing in the travel lane of Crystal Springs Lane. Officer Owens turned down Crystal Springs Lane, followed another vehicle and both vehicles had to stop because the Kia was still parked/standing in the travel lane of Crystal Springs Lane.
5. The Kia began to drive on Crystal Springs Lane and turned right onto Ebaugh Alley without using a turn signal. Officer Owens conducted a traffic stop and the Kia pulled into the rear parking lot of Pub 217.
6. Defendant was driving the Kia. Officer Owens observed Defendant's eyes were glassy, his movements were slow and methodical, and when asked for identification, Defendant attempted to hand Officer Owens a credit card. Officer Owens also observed the odor of an alcoholic beverage coming from Defendant's breath.
7. Defendant admitted to drinking four beers at a friend's residence and several beers at a social club prior to the four beers.
8. Defendant exited his vehicle and performed the SFST for Officer Owens. Officer Owens testified concerning Defendant's failure to successfully complete the SFST.

9. Defendant performed a PBT test for Officer Owens which resulted in a .184 blood alcohol concentration.
10. Officer Owens was of the opinion that Defendant was under the influence of alcohol to a degree which rendered him incapable of safe driving.
11. Based on the totality of the circumstances presented to Officer Owens, Defendant was placed under arrest on suspicion of driving under the influence of alcohol.

### CONCLUSIONS OF LAW

1. Officer Owens had probable cause to effectuate a traffic stop on Defendant's vehicle for a violation of § 3334(a) of the Pennsylvania Vehicle Code, turning movements and required signals and a violation of § 3354(a) of the Pennsylvania Vehicle Code, additional parking regulations.
2. Officer Owens had probable cause to place Defendant under arrest for driving under the influence of alcohol.

### DISCUSSION

In a suppression hearing, the Commonwealth has the burden to establish, by a preponderance of the evidence, the admissibility of those items the accused seeks to preclude, **Commonwealth v. Ruey**, 892 A.2d 802, 807 (Pa. 2006).

The Fourth Amendment of the United States Constitution, and Article I, Section 8 of the Pennsylvania Constitution protect citizens from unreasonable searches and seizures. **U.S. Const. Amend. IV; Pa. Const. art. I, § 8**. Under the Fourth Amendment and Article I, Section 8 of the Pennsylvania Constitution, three levels of interaction between citizens and police are applicable – a mere encounter, an investigative detention, and a custodian detention (arrest). **Commonwealth v. Chase**, 960 A.2d 108, 117 (Pa. 2008). The first category is a mere encounter (or request for information) which need not be supported by any level of suspicion because it carries no official compulsion to stop or to respond. **Id.** The second category is an investigative detention, which must be supported by reasonable suspicion. **Id.** An investigative detention 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. **Id.** Finally, the

last category is a custodial detention or an arrest, which must be supported by probable cause. **Id.**

Section 6308(b) of the Pennsylvania Motor Vehicle Code provides:

Whenever a police officer is engaged in a systematic program of checking vehicles or drivers or has reasonable suspicion that a violation of this title is occurring or has occurred, he may stop a vehicle, upon request or signal, for the purpose of checking the vehicle's registration, proof of financial responsibility, vehicle identification number or engine number or the driver's license, or to secure such other information as the officer may reasonably believe to be necessary to enforce the provisions of this title.

The Supreme Court of Pennsylvania, when interpreting Section 6308(b), held that traffic stops based on reasonable suspicion of either criminal activity or a violation of the Motor Vehicle Code must serve a stated investigatory purpose. **Chase**, 960 A.2d at 116. To establish reasonable suspicion, an officer must articulate specific observations which, in conjunction with reasonable inferences derived from those observations, led him to reasonably conclude, in light of his experience that criminal activity was afoot and that the person he stopped was involved in that activity. **Commonwealth v. Anthony**, 1 A.3d 914, 919 (Pa. Super. 2010). The determination of whether an officer had reasonable suspicion is an objective determination, which must be considered in light of the totality of the circumstances. **Commonwealth v. Holmes**, 14 A.3d 89, 96 (Pa. 2011).

However, mere reasonable suspicion will not justify a vehicle stop when the driver's detention cannot serve an investigatory purpose. **Commonwealth v. Feczko**, 10 A.3d 1285, 1291 (Pa. Super. 2010). When a vehicle stop is based on offenses that are not "investigable," an officer must have probable cause to make a constitutional vehicle stop for such offenses. **Chase** 960 A.2d at 116. Stated differently, when a non-investigable vehicle offense has occurred, an officer must articulate specific facts possessed by him at the time of the questioned stop, which would provide probable cause to believe that the vehicle or driver was in violation of some provision of the Vehicle Code. **Feczko** 10 A.3d at 1291. Probable cause exists where

the facts and circumstances within the knowledge of the officer are based on reasonably trustworthy information and are sufficient to warrant a man of reasonable caution in the belief that the suspect has committed or is committing a crime. **Commonwealth v. Joseph**, 34 A.3d 855, 863 (Pa. Super. 2011). Probable cause is evaluated based on the totality of the circumstances. **Id.**

The first question presented before this Court is whether Officer Owens had probable cause that Defendant violated the Pennsylvania Motor Vehicle Code, before Officer Owens effectuated the traffic stop. After hearing the testimony from Officer Owens, it is clear Officer Owens had probable cause to stop Defendant's vehicle for violation of § 3334(a) of the Pennsylvania Vehicle Code, turning movements and required signals and violation of § 3354(a) of the Pennsylvania Vehicle Code, additional parking regulations. That the violation was de minimis and the stop appears to be pretextual is immaterial. **Commonwealth v. Harris**, 176 A.3d 1009, 1020 (Pa. Super. 2017). As such, Officer Owens had probable cause to stop Defendant's vehicle.

The second question presented before this Court is whether Officer Owens had probable cause to arrest Defendant on suspicion of driving under the influence. Officer Owens testified that Defendant's eyes were glassy, his movements were slow and methodical, Defendant provided a credit card when asked for his driver's license, an odor of alcoholic beverage emitted from Defendant's breath, Defendant admitted drinking four beers at a friend's house prior to the vehicle stop and several beers prior to that, and Defendant performed a PBT test for Officer Owens which resulted in .184 blood alcohol concentration. Officer Owens was of the opinion, based on his training and experience, that Defendant was under the influence of alcohol which rendered him incapable of safe driving. Clearly, Officer Owens had probable cause to arrest Defendant based on the totality of the circumstances.

Therefore, Defendant's Motion for Suppression of Evidence is denied. Accordingly, the attached Order will be entered.

#### ORDER OF COURT

AND NOW, this 27th day of January, 2020, Defendant's Motion to Suppress is hereby denied.





## 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 administrators or their attorneys named below.**

## FIRST PUBLICATION

## ESTATE OF LOIS J. OWINGS, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Executrix: Heidi O. Rehder, 1046 Headwater Cove Lane, Wilmington, NC 28403

## ESTATE OF GRACE A. THORPE, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executor: Barbara A. Martz, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin PA 17316

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin PA 17316

## ESTATE OF WILLIAM E. TROXELL, SR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

William E. Troxell, Jr., 684 Green Ridge Road, Oртanna, PA 17353; Penny Ann Monforte, 256A Thomas Drive, Gettysburg, PA 17325

Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF RONALD E. WISHARD, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Executor: Larry E. Wishard, 256 E. Middle Street, Gettysburg, PA 17325

Attorney: Bernard A. Yannetti, Jr., Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF THEODORE T. ZINNA, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Gary W. Blau, 5716 Wolf Lake Road, Sebring, FL 33875

Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

## SECOND PUBLICATION

## ESTATE OF WILLIAM F. COSTON, JR., DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: William F. Coston, III, 50 Charmed Circle Drive, Gettysburg, PA 17325

Attorney: Teeter Law Office, 108 West Middle Street, Gettysburg, PA 17325

## ESTATE OF JEAN M. FOX, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executrix: Susan J. Fox, 204 Hospital Road, Gettysburg, PA 17325

Attorney: Teeter Law Office, 108 West Middle Street, Gettysburg, PA 17325

## ESTATE OF EDGAR E. HESS, a/k/a EDGAR E. HESS, JR., DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Lisa Brilhart-Keiser, 905 Low Dutch Road, Gettysburg, PA 17325

Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

## ESTATE OF SARA ALICE HOFFMAN, DEC'D

Late of Mount Pleasant Township, Adams County, Pennsylvania

Executrix: Nina L. Redding, 600 Cavalry Field Road, Gettysburg, PA 17325

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF ALICE M. MORELAND a/k/a ALICE MARIE MORELAND, DEC'D

Late of the Borough of Carroll Valley, Adams County, Pennsylvania

Co-Executrices: Rebecca J. Moreland and Melissa L. Moreland, c/o Rachel Dodson Hamme, Esq., The Hamme Law Firm, LLC, 1946 Carlisle Road, York, PA 17408

Attorney: Rachel Dodson Hamme, Esq., The Hamme Law Firm, LLC, 1946 Carlisle Road, York, PA 17408

## ESTATE OF JOHN E. WATSON a/k/a JOHN E. WATSON, SR., DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor: John E. Watson, Jr., 66 Red Run Church Road, East Berlin, PA 17316

Attorney: John C. Zepp, III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

## THIRD PUBLICATION

## ESTATE OF MARIAN L. BENCHOFF a/k/a MARIAN STINE BENCHOFF, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Executrix: Suzanne E. Benchoff, 119 Conewago Street, Biglerville, PA 17307

Attorney: Gary E. Hartman, Esq., Hartman & Yannetti, 126 Baltimore Street, Gettysburg, PA 17325

## ESTATE OF VIRGINIA M. BLOCHER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Bruce P. Blocher, c/o Bruce C. Bankenstein, Esq., 48 South Duke Street, York, PA 17401

Attorney: Bruce C. Bankenstein, Esq., 48 South Duke Street, York, PA 17401

## ESTATE OF RUTH R. CARPENTER a/k/a RUTH REGINA CARPENTER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Jeffrey A. Carpenter, Sr. and Wesley E. Carpenter, Jr., c/o Scott J. Strausbaugh, Esq., Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2, Hanover, PA 17331

Attorney: Scott J. Strausbaugh, Esq., Strausbaugh Law, PLLC, 1201 West Elm Avenue, Suite #2, Hanover, PA 17331

## ESTATE OF CHARLES R. CLINE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Charles R. Cline Jr., c/o Jack L. Graybill II, Esq., 940 South Queen Street, York, PA 17403

Attorney: Jack L. Graybill II, Esq., 940 South Queen Street, York, PA 17403

## ESTATE OF ETHLYN IRENE LEHMAN, a/k/a ETHLYN THOMSON LEHMAN, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Allison M. Lehman-Boman, 23801 Rolling Fork Way, Gaithersburg, MD 20882



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