

# FAYETTE LEGAL JOURNAL

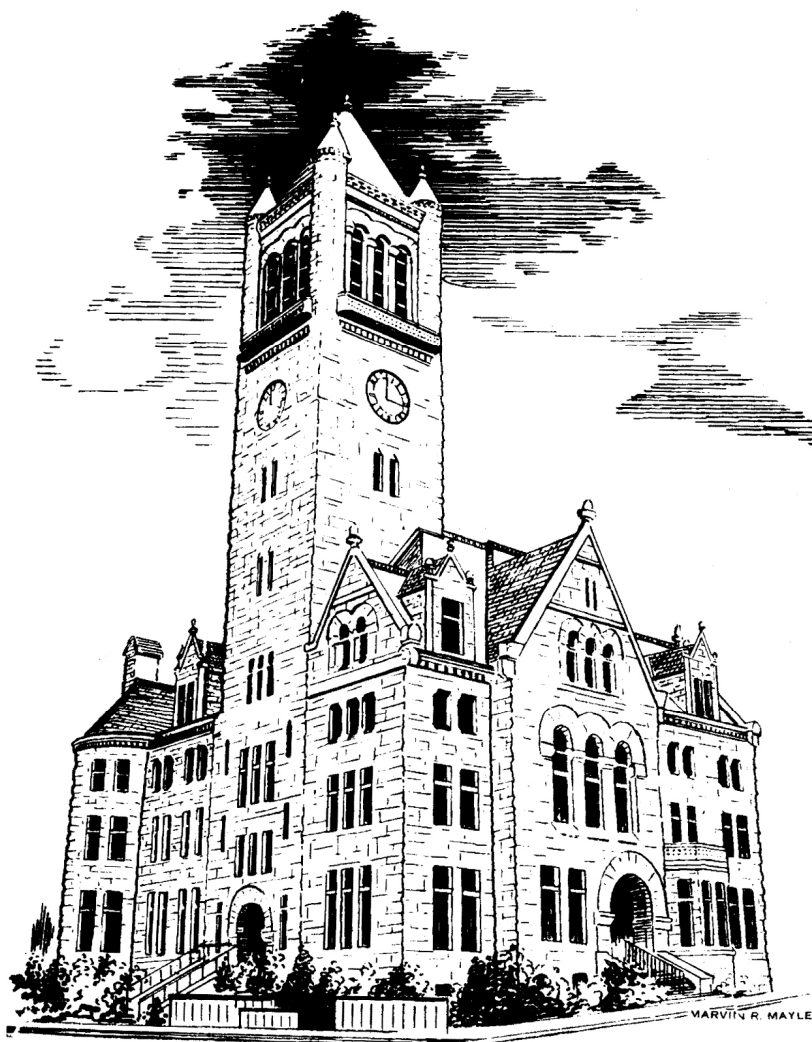
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## FAYETTE LEGAL JOURNAL

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**Co-Editors:** Garnet L. Gordon and Melinda Deal Dellarose

*Cover Design by Marvin R. Mayle, 207 Lick Hollow Road, Hopwood, PA*

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The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding, the impact of the provisions of the Rules of Professional Conduct or the Code of Judicial Conduct upon the inquiring member's proposed activity. All inquiries are confidential.

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## ESTATE NOTICES

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

**MAXINE GIBBS**, late of North Union Township, Fayette County, PA (3)  
*Personal Representative:* Robert A. Gibbs  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**CARMEN JENKINS, a/k/a CARMEN LOUISE JENKINS**, late of North Union Township, Fayette County, PA (3)  
*Executrix:* Nicole L. Broome  
16209 Penn Manor Lane  
Bowie, Maryland 20716  
c/o 84 East Main Street  
Uniontown, PA 15401  
*Attorney:* Vincent M. Tiberi

**DAVID A. KASHURA**, late of Perry Township, Fayette County, PA (3)  
*Personal Representative:* James D. Kashura  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**SUSAN N. KAYLOR**, late of Connellsville, Fayette County, PA (3)  
*Executor:* Nina L. Norton  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**DOROTHY J. KOSTELAC**, late of Washington Township, Fayette County, PA (3)  
*Executrix:* Laura Maxwell Lees  
706 Dunkirk Road  
Baltimore, Maryland 21212  
c/o 823 Broad Avenue  
Belle Vernon, PA 15012  
*Attorney:* Mark E. Ramsier

**JUDITH ANN NESTOR, a/k/a JUDITH ANN SMITH**, late of Georges Township, Fayette County, PA (3)  
*Administrator:* Martin S. Nestor  
c/o 51 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**WILLIAM RIFFLE, a/k/a WILLIAM H. RIFFLE, JR.**, late of German Township, Fayette County, PA (3)  
*Personal Representative:* William Craig Riffle and Marisa D. Springer  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**LINDA MAE WEAVER**, late of Uniontown, Fayette County, PA (3)  
*Executor:* David Sullivan  
1032 Olivia Way  
Morgantown, WV 26508  
c/o Newcomer Law Offices  
4 North Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* Ewing D. Newcomer

### Second Publication

**BARBARA E. AMEND**, late of Chalkhill, Fayette County, PA (2)  
*Executor:* William D. Amend  
P.O. Box 141  
Chalkhill, PA 15421  
c/o Tiberi Law Office  
84 East Main Street  
Uniontown, PA 15401  
*Attorney:* Vincent M. Tiberi

**DOLORES BUCHKO, a/k/a DOLORES A. BUCHKO, a/k/a DOLORES ANN BUCHKO,**

late of Uniontown, Fayette County, PA (2)

*Administratrix:* Patricia A. Buchko

c/o Higinbotham Law Offices

68 South Beeson Boulevard

Uniontown, PA 15401

*Attorney:* Christian E. Seseck

---

**MARY BURKHART, late of Lower Tyrone**

Township, Fayette County, PA (2)

*Executor:* David Burkhart

c/o 815A Memorial Boulevard

Connellsville, PA 15425

*Attorney:* Margaret Zylka House

---

**BARBARA E. CHUSKA, late of South Union**

Township, Fayette County, PA (2)

*Executor:* James E. Emory

c/o 815A Memorial Boulevard

Connellsville, PA 15425

*Attorney:* Margaret Zylka House

---

**GARY L. CRAYTON, late of Wharton**

Township, Fayette County, PA (2)

*Executrix:* Sondra L. Crayton*Executor:* Gary R. Crayton

c/o 815A Memorial Boulevard

Connellsville, PA 15425

*Attorney:* Margaret Zylka House

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**WILMA J. LOHR, a/k/a WILMA JEAN****LOHR, late of Dawson, Fayette County, PA (2)***Executrix:* Linda Mellinger

386 School Road

Dawson, PA 15428

c/o 201 North Chestnut Street

P.O. Box 342

Scottdale, PA 15683

*Attorney:* James Lederach

---

**DONALD MALASPINO, a/k/a DONALD J.****MALASPINO, late of Wharton Township,**

Fayette County, PA (2)

*Executor:* Jeffrey S. Malaspino

c/o Higinbotham Law Offices

68 South Beeson Boulevard

Uniontown, PA 15401

*Attorney:* James E. Higinbotham, Jr.

---

**ALICE JEAN MITCHELL, late of**  
Uniontown, Fayette County, PA (2)*Executor:* Randall W. Mitchell

c/o 815A Memorial Boulevard

Connellsville, PA 15425

*Attorney:* Margaret Zylka House

---

**KENNETH J. OZANICK, late of North Union**

Township, Fayette County, PA (2)

*Executrix:* Paulette J. Ozanick

c/o Fitzsimmons and Barclay

55 East Church Street, Suite 102

Uniontown, PA 15401

*Attorney:* James N. Fitzsimmons, Jr.

---

**HELEN B. RUGG, late of Connellsville,**

Fayette County, PA (2)

*Executrix:* Christine M. Habina

c/o 815A Memorial Boulevard

Connellsville, PA 15425

*Attorney:* Margaret Zylka House

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**VINCENT M. SANTAREL, JR., a/k/a****MARCO SANTAREL, late of Everson**

Borough, Fayette County, PA (2)

*Executrices:* Michele Horan and

Sharee Keffer

c/o 814A Memorial Boulevard

Connellsville, PA 15425

*Attorney:* Margare Zylka House

---

**DAVID L. SKILES, late of German Township,**

Fayette County, PA (2)

*Administratrix:* Debra Sue Skiles

c/o Davis &amp; Davis

107 East Main Street

Uniontown, PA 15401

*Attorney:* James T. Davis

---

**ELIZABETH M. YASENOSKY, late of**

Nicholson Township, Fayette County, PA (2)

*Executor:* Jerome J. Yasenosky

c/o Fitzsimmons and Barclay

55 East Church Street, Suite 102

Uniontown, PA 15401

*Attorney:* James N. Fitzsimmons, Jr.

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**First Publication**

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**FRANK W. BELL**, late of Bullskin Township,  
Fayette County, PA <sup>(1)</sup>

*Executor:* Mark W. Bell  
c/o Snyder & Snyder at Law PLLC  
17 North Diamond Street  
Mount Pleasant, PA 15666  
*Attorney:* Marvin Snyder

---

**TERRY FURAJTER, SR.**, late of North Union  
Township, Fayette County, PA <sup>(1)</sup>

*Administrator:* Terry L. Furajter, Jr.  
11417 Woodview Drive  
Hagerstown, Maryland 21742  
c/o P.O. Box 488  
California, PA 15419  
*Attorney:* Lisa Buday

---

**CALVIN L. HUGHES**, late of Bullskin  
Township, Fayette County, PA <sup>(1)</sup>

*Executor:* Barry Stoots  
c/o Molinaro Law Offices  
141 West Peach Street  
P.O. Box 799  
Connellsville, PA 15425  
*Attorney:* Carmine V. Molinaro, Jr.

---

**LISA KREPPS**, late of Acme, Fayette County,  
PA <sup>(1)</sup>

*Executrix:* Jennifer Grisenthwaite  
225 County Line Road  
Acme, PA 15610  
c/o Bononi & Company PC  
20 North Pennsylvania Avenue  
Greensburg, PA 15601  
*Attorney:* Eric Bononi

---

**CLEO KEVIN MCLEE**, late of Uniontown,  
Fayette County, PA <sup>(1)</sup>

*Administratrix:* Adrienne D. McLee  
c/o Radcliffe Martin Law, LLC  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* William M. Radcliffe

---

**MARY LOUISE OMATICK, a/k/a MARY L. OMATICK, a/k/a MARY OMATICK**, late of  
Dunbar Township, Fayette County, PA <sup>(1)</sup>

*Executor:* Michael J. Omatick, Jr.  
201 Kimberly Drive  
Dunbar, PA 15431  
c/o John M. Ranker & Associates PC  
140 South Main Street, Suite 301  
Greensburg, PA 15601  
*Attorney:* John M. Ranker

---

**GLORIA JEAN SCHMIDT**, late of South  
Connellsville, Fayette County, PA <sup>(1)</sup>

*Administrator:* James William Schmidt  
1018 Brinton Avenue  
Pitcairn, PA 15140  
c/o John B. Zonarich, Mette  
3401 North Front Street  
P.O. Box 5950  
Harrisburg, PA 17110-0950  
*Attorney:* John B. Zonarich

---

**ROSS PRESLEY STICKLE**, late of  
Uniontown, Fayette County, PA <sup>(1)</sup>

*Executrix:* Charlotte Stickle  
c/o P.O. Box 727  
Uniontown, PA 15401  
*Attorney:* Bernadette Tummons

---

**DONNA JEAN TEWELL**, late of South Union  
Township, Fayette County, PA <sup>(1)</sup>

*Administrator:* Wade Tewell  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

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LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
No. 228 of 2025 GD  
JUDGE MARK M. MEHALOV

In Re: Change of Name of  
Tyler Pickford

ORDER

AND NOW, June 12, 2025, it is hereby ORDERED and DIRECTED that the hearing is continued to Monday, August 18, 2025, at 8:30 A.M. in Courtroom No. 3 of the Fayette County Courthouse, Uniontown, Pennsylvania.

Further, it is Ordered that a notice of filing of the within Petition and of the aforesaid date of hearing be published in the Official Legal Journal of Fayette County and the Herald Standard Newspaper at least thirty (30) days before the hearing. Proof of publication shall be submitted at the hearing.

BY THE COURT:  
MARK M. MEHALOV, JUDGE

ATTEST:  
Prothonotary

SHERIFF’S SALE

Date of Sale: September 18, 2025

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday September 18, 2025, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:  
All bidders must complete the Realauction on-line registration process at <https://fayette.pa.realforeclose.com> to participate in the auction.

All bidders must place a 10% deposit equal to the successful bid for each property purchased to Realauction via wire transfer or ACH per Realauction requirements. Upon the auction’s close, buyer shall have 10 business days to pay the remaining balance to the Fayette County Sheriff’s Office via cashier’s check. No cash will be accepted. Failure to comply with the Conditions of Sale, shall result in a default and the down payment shall be forfeited by the successful bidder and applied to the costs and judgments. The schedule of distribution will be filed no later than 30 days after the sale of real property. If no petition has been filed to set aside the sale or objections to the distribution are filed within 10 days of filing the distribution, the Sheriff will prepare and record a deed transferring the property to the successful bidder.

(3 of 3)

James Custer  
Sheriff of Fayette County

Orlans Law Group PLLC

No. 1036 of 2025 G.D.  
No. 152 of 2025 E.D.

**Freedom Mortgage Corporation**

v.

**Carl D. Chipps Jr. and Nicole L. Chipps**

By virtue of a Writ of Execution No. 1036 of 2025 GD, Freedom Mortgage Corporation v. Carl D. Chipps Jr. and Nicole L. Chipps, owner (s) of property situate in the Borough of Fairchance, Fayette County, Pennsylvania, being 15 N Morgantown Street, Fairchance, PA 15436 Parcel No. 11060121

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$131,801.24

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Brock & Scott, PLLC

No. 1037 of 2025 G.D.  
No. 151 of 2025 E.D.

**FREEDOM MORTGAGE CORPORATION**

v.

**NICOLE N. CHUN**

By virtue of a Writ of Execution No. 1037 OF 2025 GD, FREEDOM MORTGAGE CORPORATION v. NICOLE N. CHUN, owner (s) of property situate in the 8TH WARD OF CITY OF UNIONTOWN, FAYETTE County, Pennsylvania, being 196 MORGANTOWN ST, UNIONTOWN, PA 15401

Tax ID No. 38-10-0455 a/k/a 38100455

Improvements thereon: RESIDENTIAL DWELLING

Judgment Amount: \$191,102.06

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ANNE N. JOHN, Esq.  
ATTORNEY AT LAW

No. 2148 of 2022 G.D.  
No. 42 of 2023 E.D.

**FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF GREENE COUNTY, a corporation,**

vs.

**MARK W. DECARLO, SR., a/k/a MARK W. DECARLO and MARY F. DECARLO, n/k/a MARY F. WILSON,**

**Defendants and Real Owners.**

ALL that certain tract of land situate in Menallen Township, Fayette County, Pennsylvania, more particularly bounded and described as follows.

UPON WHICH is erected a ranch dwelling known and designated as 7401 National Pike, Uniontown, Fayette County, Pennsylvania.

FOR PRIOR title see Record Book 957 page 255.

Assessment Map No.: 22-17-0017.

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Hladik, Onorato & Federman, LLP  
298 Wissahickon Avenue  
North Wales, PA 19454

No. 2385 of 2024 G.D.  
No. 145 of 2025 E.D.

**U.S. Bank National Association, not in its individual capacity but solely in its capacity as Indenture Trustee of CIM Trust 2021--NR4**

**(Plaintiff)**

vs.

**David Lee Finfrock, as Surviving Heir of Linda K. Metts, Deceased, Dianna Lynn Campbell-Newcomer, as Surviving Heir of Linda K. Metts, Deceased, Donald William Metts, as Surviving Heir of Linda K. Metts, Deceased, Dwayne Emerson Metts, as Surviving Heir of Linda K. Metts, Deceased and Unknown Surviving Heirs of Linda K. Metts, Deceased**

**(Defendants)**

Property Address 176 Center Street, Uniontown, PA 15401

Parcel I.D. No. 25-08-0037

Improvements thereon consist of a residential dwelling.

Judgment Amount: \$12,421.23

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ANNE N. JOHN, Esq.  
ATTORNEY AT LAW

No. 2230 of 2024 G.D.  
No. 153 of 2025 E.D.

**FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF GREENE COUNTY, a corporation,**

**Plaintiff**

vs.

**DAVID GREGOR and AMANDA GREGOR,**  
**Defendants.**

All that certain tract of land situate in

Wharton Township, Fayette County, Pennsylvania, containing an area of 1.9935 acres according to survey of Ramesh B. Shah dated June, 2004, upon which is erected a residential single-family dwelling known locally as 232 Wharton Furnace Road, Farmington, PA 15437.

FOR prior title see Record Book 3453 page 1664.

Upon which is erected a residential single-family dwelling known locally as 232 Wharton Furnace Road, Farmington, PA 15437.

Assessment Map No.: 42-05-0104.

No. 2728 of 2024 G.D.  
No. 150 of 2025 E.D.

SOMERSET TRUST COMPANY

v.

Edward D. Kostelnik and  
Mariah L. Kostelnik

Property of: Edward D. Kostelnik and  
Mariah L. Kostelnik

Located in: TOWNSHIP OF SOUTH  
UNION, FAYETTE COUNTY

Street Address: 4 HOOKTOWN  
AVENUE, UNIONTOWN, FAYETTE  
COUNTY, PENNSYLVANIA 15437.

Brief Description of Property: Residential,  
Single-Family home

Improvements thereon: RESIDENTIAL  
DWELLING

Record book Volume: 3397, Page 633

Tax Assessment Number(s):

MAP NO.: 34-13-0095

No. 1267 of 2023 G.D.  
No. 117 of 2025 E.D.

PNC Bank, National Association

Plaintiff,

vs.

Bruce A. Roberts; Highland Property, LLC  
Defendants.

ALL that certain parcel of land lying and being situate in the Borough of Belle Vernon, County of Fayette, and Commonwealth of Pennsylvania, known as 302 and 304 Market Street, Belle Vernon, PA 15012 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 01-02-0064

BEING the same premises which Bruce A. Roberts, unmarried, by Deed dated March 31, 2017 and recorded in and for Fayette County,

Pennsylvania in Deed Book 3337, Page 1028, granted and conveyed unto Highland Property, LLC.

KML LAW GROUP, P.C.  
701 Market Street Suite 5000  
Philadelphia, PA 19106-1532  
(215) 627-1322

No. 184 of 2020 G.D.  
No. 116 of 2023 E.D.  
No. 125 of 2025 E.D.

PNC BANK, NATIONAL ASSOCIATION,  
SUCCESSOR BY MERGER TO  
NATIONAL CITY BANK

3232 Newmark Drive  
Miamisburg, OH 45342

Plaintiff

vs.

EUGENE ROUSE

MELISSA ROUSE

Mortgagor(s) and Record Owner(s)

213 Stone Church Road  
Merrittstown, PA 15463

Defendant(s)

ALL THAT CERTAIN LOT OF LAND  
SITUATE IN REDSTONE TOWNSHIP,  
COUNTY OF FAYETTE .AND  
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 213 STONE  
CHURCH ROAD, MERRITTSTOWN, PA  
15463

TAX. PARCEL #30-17-0035

IMPROVEMENTS: A RESIDENTIAL  
DWELLING

SOLD AS THE PROPERTY OF:  
EUGENE ROUSE AND MELISSA ROUSE

ROBERTSON, ANSCHUTZ, SCHNEID,  
CRANE & PARTNERS, PLLC

A Florida professional limited liability company  
133 Gaither Drive, Suite F  
Mt. Laurel, NJ 08054  
(855)225-6906

No. 2502 of 2024 G.D.  
No. 140 of 2025 E.D.

WELLS FARGO BANK, N.A.

Plaintiff

v.

CARRIE TROUT, IN HER CAPACITY AS  
HEIR OF ROBERT H. VAN  
GROOTENBRUEL; CRAIG VAN  
GROOTENBRUEL, IN HIS CAPACITY AS



**HEIR OF ROBERT H. VAN  
GROOTENBRUEL; CARYN WATSON, IN  
HER CAPACITY AS HEIR OF ROBERT H.  
VAN GROOTENBRUEL; UNKNOWN  
HEIRS, SUCCESSORS, ASSIGNS, AND  
ALL PERSONS, FIRMS, OR  
ASSOCIATIONS CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR UNDER  
ROBERT H. VAN GROOTENBRUEL**  
Defendant(s)

ALL THOSE CERTAIN LOTS OR  
PIECES OF GROUND SITUATE IN THE  
TOWNSHIP OF BULLSKIN, FAYETTE  
COUNTY, PENNSYLVANIA:

BEING KNOWN AS: 2059 ROCKY  
RIDGE ROAD ACME, PA 15610-1213

BEING PARCEL NUMBER: 04-21-0028  
IMPROVEMENTS: RESIDENTIAL  
PROPERTY

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Robert Flacco, Esq.  
1325 Franklin Avenue, Suite 160  
Garden City, NY 11530  
(212) 471-5100

No. 279 of 2025 G.D.  
No. 139 of 2025 E.D.

**Wilmington Savings Fund Society, FSB, as  
Indenture Trustee with respect to CIM Trust  
2023-RI**

v

**Lon D. Welsh, Dawna C. Welsh**

Docket Number: 279 of 2025 GD

Property to be sold is situated in the  
borough/township of Dunbar, County of Fayette  
and State of Pennsylvania.

Commonly known as: 14 Hancock Street,  
Dunbar, PA 15431

Parcel Number: 08-03-0069 and 08-03-  
0069-01

Improvements thereon of the residential  
dwelling or lot (if applicable):

Judgment Amount: \$105,478.63 Attorneys  
for the Plaintiff:

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\*\*\* END SHERIFF'S SALE \*\*\*

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Registers’ Notice

Notice by JEFFREY L. REDMAN, Register of Wills and  
Ex-Officio Clerk of the Orphans’ Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans’ Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans’ Court Division of Fayette County on

Monday, August 4, 2025, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2625-0730	LARY WAYNE MIKESELL	Lewis Sweitzer, Executor

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, August 18, 2025, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable President Judge Steve P. Leskinen** or his chambers, Second Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans’ Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans’ Court Division of Fayette County on

Monday, August 4, 2025, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2624-0161	EDWARD MALDOVAN a/k/a EDWARD L. MALDOVAN	Jason F. Adams, Executor

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, August 18, 2025, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Judge Joseph M. George, Jr.** or his chambers, Third Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.



## WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

[johnfranciswarman@gmail.com](mailto:johnfranciswarman@gmail.com)

COMMERCIAL/RESIDENTIAL/CURRENT OWNER/MINERAL TITLE

A DECADE OF EXPERIENCE

E&O INSURED

WILL TRAVEL

ACCEPTING NEW CLIENTS

  
**DiBella Weinheimer**  
**Geer McAllister Best Coco Lloyd Whalen**



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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
VS.	:	Nos. 1406 of 2024
	:	1407 of 2024
KENDRICK MAURICE PRATT,	:	1408 of 2024
Defendant.	:	Honorable Nancy D. Vernon

**OPINION AND ORDER**

VERNON, J.

July 14, 2025

Before the Court are the Omnibus Pretrial Motions filed by Defendant, Kendrick Maruice Pratt in the nature of Petitions for Writ of Habeas Corpus. At Case Number 1408 of 2024, the record reflects that the alleged victim, Jason Clark, resides on Lemon Street in City of Uniontown. N.T., 8/8/2024, at 5. On February 12, 2024, Clark was in his garage when he heard a woman screaming from the house of his neighbor, Defendant Kendrick Pratt. Id. at 7-8. Clark observed Defendant beating Clark's wife, Samantha Clark, through the window and yelled for Defendant to stop. Id. at 8-9. Defendant "stormed" out of the back door towards Clark in the yard "running at [him] with a silver and black .380 pistol, pointed it dead center at [his] chest" from four to five feet away. Id. at 9-11. Defendant threatened to shoot Clark saying that "he was going to put [him] to rest." Id. at 19. Jason Clark turned to walk away, and Defendant pointed the gun at his back. Id. at 10, 12, 19. Samantha Clark was screaming and physically attempting to stop Defendant. Id. at 30. Defendant was charged with aggravated assault – attempts to cause serious bodily injury with extreme indifference, aggravated assault – attempt to cause bodily injury with deadly weapon, possession of firearm prohibited, terroristic threats, possession of a weapon, recklessly endangering another person, and harassment.

At Case Number 1407 of 2024, on April 1, 2024, around 2:30 in the afternoon, Jason Clark was standing in his front lawn with his granddaughter, nephew, and cousin's boyfriend. Id. at 13-14. A Jeep pulled up to his yard when from inside the vehicle Defendant Pratt "puts his window down and he stares." Id. Clark testified that Defendant "is pump faking" but then pulls an actual gun out of his hoodie pocket. Id. at 14. Clark again describes the handgun as a silver and black .380. Id. at 15. Clark asked Defendant if there was a problem and Defendant responded, "yea you want one." Id. at 17. Clark ran after the Jeep causing Defendant to speed off. Id. at 15. Defendant then stopped further down the alley, jumped out of his Jeep, and started waving the gun. Id. at 15. Clark denies that Defendant pointed the gun at him but stated that Defendant "brandished it" and "showed it." Id. at 18. Defendant was charged with aggravated assault – attempt to cause bodily injury with deadly weapon, terroristic threats, recklessly endangering another person, simple assault, disorderly conduct, and harassment.

At Case Number 1406 of 2024, after these incidents, Clark was asked by his wife, Samantha Clark, not to testify. Id. at 19. Samantha Clark “came down ranting and raving” asking Jason Clark to drop the charges against Defendant “because he is not going to get to see his dad die.” Id. at 20. Jason Clark testified that he and Samantha got into an argument about it, that he called the cops, but denied that she made any threats to him regarding his testimony as a witness or victim. Id. at 20-22.

Officer Jerrell Hanley of the Uniontown City Policy Department testified that he reviewed audio visual recordings of facetime calls placed by Defendant from the Fayette County Jail and Defendant told Samantha Clark to “walk her happy ass down there and talk, make sure the charges go away.” Id. at 57-59. Defendant stated that he did not care what Samantha Clark had to do, that this would be turned into “street shit,” that she should call Jason Clark and tell him to leave Kendrick alone. Id. at 59-60. Defendant stated to Samantha Clark, “look at the shit you caused [...]. If [Defendant] gets sentenced, meaning Kendrick, people are going to come at you and do you think these people are a joke.” Id. at 59-60. The conversation continued with Defendant telling Samantha Clark to “con Jason into dropping the charges,” to tell him what he wants to hear, and that Defendant would pay Jason five hundred dollars. Id. at 60. Defendant told Samantha Clark “that she is not participating in Court, not going to testify.” Id. at 61. Defendant was charged with intimidating a witness/victim, Samantha Clark, to withhold testimony, criminal solicitation of intimidating a witness/victim, Jason Clark, to withhold testimony, and criminal conspiracy with Samantha Clark for engaging a witness/victim, Jason Clark, to withhold testimony.

In his motions filed at Case Numbers 1407 of 2024 and 1408 of 2024, Defendant petitions for a writ of habeas corpus as to the charges of aggravated assault and recklessly endangering another person. As to the aggravated assault charges, Defendant alleges that pointing a gun at another person in a threat to cause serious bodily injury does not constitute an aggravated assault. As to the recklessly endangering another person charges, Defendant argues that precedent requires actual present ability to inflict death or serious bodily harm by showing either that the gun was loaded, or the surrounding circumstances were inherently dangerous.

A person may be convicted of Aggravated Assault graded as a first-degree felony if he “attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life.” 18 Pa.C.S.A. § 2702(a)(1). “Serious bodily injury” has been defined as “[b]odily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.” 18 Pa.C.S.A. § 2301. For aggravated assault purposes, an “attempt” is found where an “accused who possesses the required, specific intent acts in a manner which constitutes a substantial step toward perpetrating a serious bodily injury upon another.” *Commonwealth v. Gray*, 867 A.2d 560, 567 (Pa. Super. 2005). An intent ordinarily must be proven through circumstantial evidence and inferred from acts, conduct or attendant circumstances. *Commonwealth v. Thomas*, 65 A.3d 939, 944 (Pa. Super. 2013).

Evidence may be sufficient to prove aggravated assault based upon attempt even though serious bodily injury is not actually inflicted. *Commonwealth v. Lopez*, 654

A.2d 1150, 1154-55 (Pa. Super. 1995). When no serious bodily injury results from the accused's actions, the Commonwealth must prove that he attempted to cause another to suffer such injuries. *Commonwealth v. Elrod*, 572 A.2d 1229, 1231 (Pa. Super. 1990). Attempt, in the context of an assault, is established when the accused intentionally acts in a manner which constitutes a substantial or significant step toward perpetrating serious bodily injury upon another. This intent need not be directed at a specific person. *Commonwealth v. Mosley*, 585 A.2d 1057, 1065 (Pa. Super. 1991). The Pennsylvania Superior Court has held that the action of pointing a firearm at a person, when considered in conjunction with other threatening words and actions, is sufficient to convict for aggravated assault. *Commonwealth v. Fortune*, 68 A.3d 980, 986-87 (Pa. Super. 2013).

The crime of recklessly endangering another person is committed if a person "recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury." 18 Pa.C.S. § 2705. The Superior Court has held that an individual is guilty of REAP if she "(1) possessed 'a mens rea [of] recklessness,' (2) committed a wrongful deed or guilty act ('actus reus'), and (3) created by such wrongful deed the danger of death or serious bodily injury to another person." *Commonwealth v. Emler*, 903 A.2d 1273, 1278 (Pa. Super. 2006). The reckless mental state required for a REAP conviction has been defined as "a conscious disregard of a known risk of death or great bodily harm to another person." *Id.* REAP "requires the creation of danger, so the Commonwealth must prove the existence of an actual present ability to inflict harm to another." *Commonwealth v. Shaw*, 203 A.3d 281, 284 (Pa. Super. 2019).

As to the incident on February 12, 2024, at Case Number 1408 of 2024, Jason Clark testified that Defendant brandished a silver and black .380 pistol, pointed it "dead center at [his] chest" from four to five feet away, and threatened to shoot Clark saying that "he was going to put [him] to rest." Jason Clark retreated from Defendant while Samantha Clark physically and verbally intervened to stop Defendant. Defendant's action of pointing a gun at Jason Clark's chest from an arm's length away while threatening to shoot him constitutes a substantial step towards inflicting serious bodily injury. The fact that Jason Clark escaped without harm does nothing to negate a prima facie factual finding that Defendant could have possessed the proper mens rea at the time he pointed the gun. "The only remaining step [defendant] would have had to take to inflict serious bodily injury upon [the victim] would have been to pull the trigger on the gun, which would have obviously caused serious bodily injury." *Commonwealth v. Matthew*, 909 A.2d 1254, 1259 (Pa. 2006). Accordingly, the petitions for a writ of habeas corpus as to the charges of aggravated assault and recklessly endangering another person at Case Number 1408 of 2024 are DENIED.

Alternatively, as to the incident on April 1, 2024, at Case Number 1407 of 2024, Jason Clark testified that Defendant brandished a firearm from within his vehicle and performed a "pump fake" motion, but did not point the gun at Clark or make threatening statements to shoot him. The same substantial steps are lacking as to this incident and the petitions for a writ of habeas corpus as to the charges of aggravated assault and recklessly endangering another person at Case Number 1407 of 2024 are GRANTED and the charges DISMISSED at Count 1 – Aggravated Assault and Count 3 – Recklessly Endangering Another Person.

Turning to Case Number 1406 of 2024, and the charges of witness intimidation, criminal solicitation to intimidate a witness, and criminal conspiracy for engaging in witness intimidation.

The crime of intimidation of witnesses or victims, which is codified at 18 Pa.C.S.A. § 4952, provides the following pertinent definition of the offense:

(a) OFFENSE DEFINED.-- A person commits an offense if, with the intent to or with the knowledge that his conduct will obstruct, impede, impair, prevent or interfere with the administration of criminal justice, he intimidates or attempts to intimidate any witness or victim to:

\* \* \*

(3) Withhold any testimony, information, document or thing relating to the commission of a crime from any law enforcement officer, prosecuting official or judge.

18 Pa.C.S.A. § 4952(a)(3).

The two elements of this crime are (a) that a defendant had the ‘intent or ... knowledge that his conduct will obstruct, impede, impair, prevent or interfere with the administration of criminal justice,’ and, (b), that he intimidated or attempted to intimidate a witness or victim to withhold testimony or information relating to a crime. *Commonwealth v. Beasley*, 138 A.3d 39, 48 (Pa. Super. 2016). Actual intimidation is not required; the Commonwealth may prove an attempt to intimidate. See *id.* A defendant’s intent or knowledge may be shown by circumstantial evidence. See *id.*

*Commonwealth v. Baker*, 313 A.3d 1112, 1117 (Pa. Super. 2024).

Pursuant to 18 Pa.C.S. § 902, a defendant is guilty of criminal solicitation to commit a crime if:

with the intent of promoting or facilitating its commission he commands, encourages or requests another person to engage in specific conduct which would constitute such crime or an attempt to commit such crime or which would establish his complicity in its commission or attempted commission.

18 Pa.C.S. § 902(a).

The crime of criminal conspiracy is defined by statute:

(a) Definition of conspiracy.—A person is guilty of conspiracy with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he:

(1) agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or

\* \* \*

(e) Overt act.—No person may be convicted of conspiracy to commit a crime unless an overt act in pursuance of such conspiracy is alleged and proved to have been



done by him or by a person with whom he conspired.

18 Pa.C.S. § 903(a)(1).

At Count 1, Defendant is charged with intimidating Samantha Clark to withhold her testimony and at Count 2, criminal solicitation to intimidate Samantha Clark to speak with Jason Clark about dropping charges against him. The Commonwealth presented sufficient evidence in the form of audio/video recordings that Defendant made from the Fayette County Jail to Samantha Clark telling her that she was not going to testify and implied that his connections would turn this in to “street shit” if he was convicted. Further, Defendant directed Samantha Clark what to say to Jason Clark to “con” him into dropping the charges or not testifying against Defendant. Defendant, through his own recorded words, satisfy the elements of intimidation and criminal solicitation of Samantha Clark.

At Count 3, Defendant is charged with criminal conspiracy for engaging in witness intimidation, alleging Defendant conspired with Samantha Clark to attempt to get Jason Clark to drop charges or not testify against him. Defendant directed Samantha Clark to “walk her happy ass down there and talk, make sure the charges go away.” Jason Clark testified that Samantha Clark asked him to drop the charges, which led to an argument between them. As a result of this argument, Jason Clark called the police to report her behavior. He denied that Samantha Clark had “threatened” him. However, it is important to note that a “threat” is not an element of the offense.

“[A]ctual intimidation of a witness is not an essential element of the crime.” *Commonwealth v. Sexton*, 222 A.3d 405, 417 (Pa. Super. 2019). “The statute proscribes an attempt to intimidate a witness into withholding evidence, without reference to whether the attempt actually succeeds.” *Commonwealth v. Lynch*, 72 A.3d 706, 710 (Pa. Super. 2013). “[T]he facts of each case and the history between the actor and the witness will determine whether such communications, without more, qualify as ‘intimidation.’” *Id.* Conduct calculated to influence a witness, even if the attempt ultimately fails, is sufficient to establish witness intimidation. *Id.*

Clearly, intimidation may be accomplished with no words at all, for a mere look or posture can bully, threaten, coerce, frighten, or intimidate beyond question. See, e.g., *Clint Eastwood*. It is equally true that an offer of benefit can be presented in such a Machiavellian manner as to contain an unarticulated act of intimidation. See, e.g., *The Godfather* (Paramount Pictures 1972) (“I’m gonna make him an offer he can’t refuse.”). Indeed, one need not go to the movies to understand that people may purposely intimidate in any number of ways, without manifesting bullying or fearsome words, and if they do so with the requisite mens rea, the crime is made out.

*Commonwealth v. Doughty*, 633 Pa. 539, 549–50, 126 A.3d 951, 957 (2015). “[I]ntimidation is to be determined by the fact finder and assessed under the totality of the circumstances, cognizant that proof of manifest threats is not required.” *Id.*

The Commonwealth has presented sufficient evidence that Defendant and Samantha Clark conspired to intimidate Jason Clark into withholding his testimony, as demon-

strated by their agreement during a prison recording from the Fayette County Jail. Defendant directed Samantha Clark to talk with Jason Clark to make the charges “go away.” Defendant threatened this would turn into “street shit” if he was convicted. This conspiracy was further corroborated by Jason Clark’s testimony that Samantha Clark asked him not to testify, which led to a “fight” between them and his calling the authorities. The factfinder may consider the nature of the underlying crime and the relationship between the defendant and the witness to evaluate whether the defendant intended to intimidate the witness. *Commonwealth v. Doughty*, 126 A.3d 951 (Pa. 2015). The petition for writ of habeas corpus is DENIED.

WHEREFORE, we will enter the following Order.

ORDER

AND NOW, this 14th day of July, 2025, upon consideration of the Omnibus Pretrial Motions filed by Defendant, Kendrick Maruice Pratt in the nature of Petitions for Writ of Habeas Corpus, and in accordance with the foregoing Opinion, it is hereby ORDERED and DECREED that

1. at Case Number 1406 of 2024, the Petition is DENIED;
2. at Case Number 1407 of 2024, the Petition is GRANTED, and Count 1 – Aggravated Assault and Count 3 – Recklessly Endangering Another Person is DISMISSED; and
3. at Case Number 1408 of 2024, the Petition is DENIED.

BY THE COURT:  
NANCY D. VERNON, JUDGE

ATTEST:  
CLERK OF COURTS

## LUNCH & LEARN SERIES

The Fayette County Bar Association's next presentation in its Lunch & Learn Series will be:

- Date: **Wednesday, August 20th from 12:00 p.m. to 1:30 p.m.**
- Location: **Fayette County Courthouse - Courtroom Four**
- Discussion topic: **Architect of a Legal Career: Tips for Practice Management, Financial Planning, and Career Transitions**

This virtual tour of Falling Water will be used to provide inspiration for a presentation on creating a career filled with meaning and a retirement filled with comfort and security. A practical primer to build or strengthen your career!

- Presenter: **Jay N. Silberblatt, Esquire**

### CLE Credit

1.5 hours of Substantive CLE credit for the program. The fees are as follows:

#### Members of the FCBA

- \$5 fee for attendance without CLE Credit
- \$15 fee for attendance with CLE Credit

#### Attorneys admitted to practice in Pennsylvania after January 1, 2020

- \$5 fee for attendance with CLE Credit

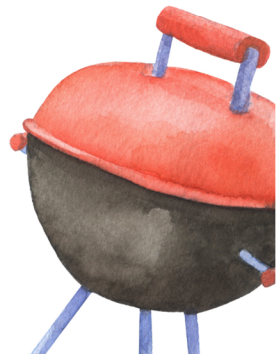
#### Non-members of the FCBA

- \$15 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**\*\* All fees to be paid at the door \*\***  
Lunch will be provided.

### RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or email to [cindy@fcbar.org](mailto:cindy@fcbar.org) on or before Monday, August 18th.



JOIN US FOR A

Summer  
PICNIC

AT

Rizz's

FRIDAY, AUGUST 8TH  
5:00 PM  
84 WEST MAIN STREET

GUESTS WELCOME

RSVP 724-437-7994  
or [cindy@fcbar.org](mailto:cindy@fcbar.org)