

# FAYETTE LEGAL JOURNAL

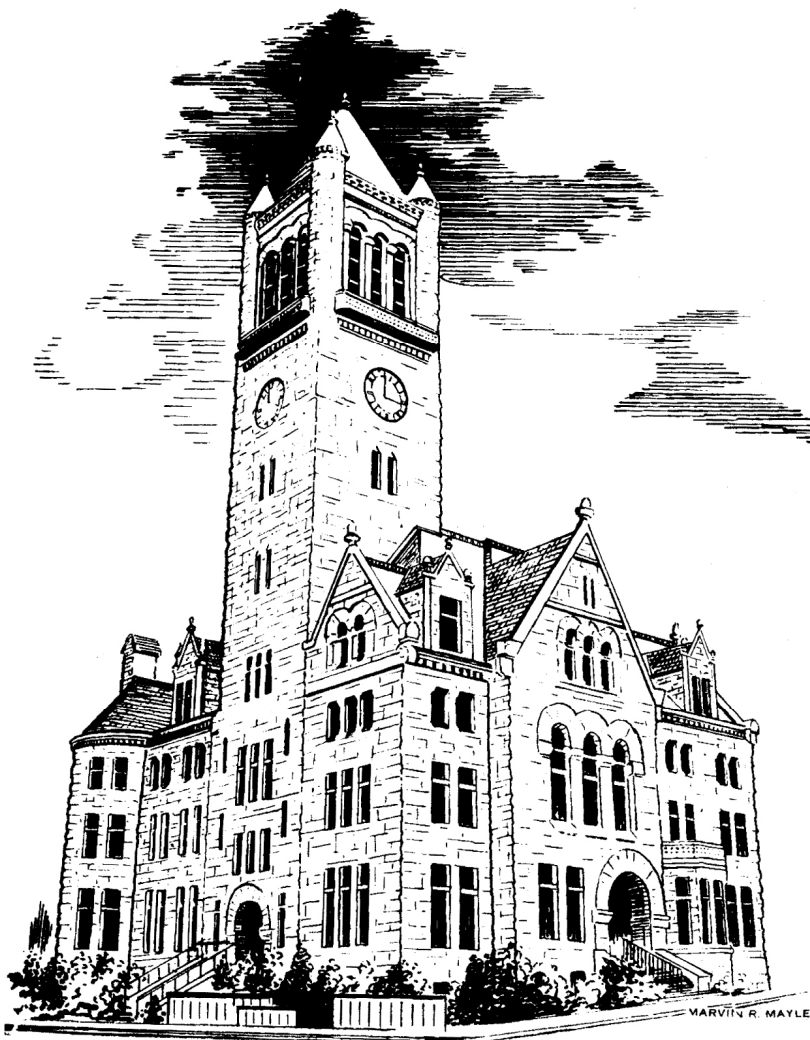
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VOL. 89

JUNE 6, 2026

NO. 23

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## FAYETTE LEGAL JOURNAL

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

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

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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

**JOSEPH BARAUSKAS, a/k/a JOSEPH WALTER BARAUSKAS, a/k/a JOSEPH W. BARAUSKAS**, late of Acme, Fayette County, PA (3)

*Executor:* Chad J. Miller  
c/o Morocco, Morocco & Specht, P.C.  
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Trafford, PA 15085  
*Attorney:* Robert Specht

**VIVIAN JOYCE BRICKER, a/k/a VIVIAN J. BRICKER**, late of Fairchance Borough, Fayette County, PA (3)

*Executrix:* Jacqueline David  
c/o Jones Gregg Creehan & Gerace  
20 Stanwix Street, Suite 1100  
Pittsburgh, PA 15222  
*Attorney:* Addison L. Walter

**JOSEPH JAMES CHOMIAK, JR.**, late of Dunbar Township, Fayette County, PA (3)

*Administratrix:* Colleen Chomiak  
c/o Davis & Davis Attorneys at Law  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

**MILES CRAGO, a/k/a MILES J. CRAGO, JR.**, late of Pittsburgh, PA (3)

*Administrator:* Derrick D. Crago  
303 W Lancaster Avenue, Suite 123  
Wayne, PA 19087

**REGINA LALLY, a/k/a REGINA R.**

**LALLY**, late of Uniontown, Fayette County, PA

*Executor:* Michael J. Burke, Jr. (3)  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**ROBERT MAY**, late of Springfield Township, Fayette County, PA (3)

*Executor:* Ronald Long  
c/o Tremba, Greiner & Brooks  
1310 Morrell Avenue, Suite C  
Connellsville, PA 15425  
*Attorney:* John Greiner

**JOHN PATRICK MORAN, a/k/a JOHN P. MORAN**, late of Georges Township, Fayette County, PA (3)

*Administratrix:* Michelle L. Harper  
c/o 9 Court Street  
Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**KATHLEEN PUZAK, a/k/a KATHLEEN PUZAK**, North Union Township, Fayette County, PA (3)

*Executor:* David J. Puzak  
c/o Puzak Law Offices, LLC  
101 South Third Street  
Youngwood, PA 15697  
*Attorney:* David J. Puzak

**MILISSA STOUT**, late of German Township, Fayette County, PA (3)

*Executrix:* Linda E. Scott  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**MARY LOU ULMER**, late of South Union Township, Fayette County, PA (3)

*Executrix:* Claire A. Standish  
c/o Webster & Webster  
51 East South Street  
Uniontown, PA 15401

**RUTH I. WALTERS, a/k/a RUTH ILENE WALTERS**, late of Georges Township, Fayette County, PA (3)

*Personal Representatives:* Richard Allen Walters and Eugene Edward Walters  
c/o Davis & Davis Attorneys at Law  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Gary J. Frankhouser

## Second Publication

**JAMES ELLIS, a/k/a JAMES EDWARD ELLIS**, late of McClellandtown, Fayette County, PA (2)

*Administratrix:* Laura Ellis  
c/o Entrusted Legacy Law  
P.O. Box 130  
Bradford Woods, PA 15015  
*Attorney:* Ashley Sharek

**DAVID E. GADD**, late of Uniontown, Fayette County, PA (2)

*Personal Representative:* Pamela Gadd  
c/o Dellarose Law Office, PLLC  
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Uniontown, PA 15401  
*Attorney:* Melinda Deal Dellarose

**DONALD J. HALL, a/k/a DONALD JAMES HALL**, late of Luzerne Township, Fayette County, PA (2)

*Executrix:* Joyce L. Hall  
c/o Webster & Webster  
51 East South Street  
Uniontown, PA 15401

**SHELDA KOZARES, a/k/a SHELDA JEAN KOZARES**, late of Uniontown, Fayette County, PA (2)

*Executrix:* Diane Donati  
c/o Radcliffe Martin Law, LLC  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* William M. Martin

**TERRY L. WILLIAMS SR.**, late of Menallen Township, Fayette County, PA (2)

*Administrator:* Terry L. Williams, Jr.  
c/o Davis & Davis Attorneys at Law  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* Jeremy J. Davis

## First Publication

**CARL GEYER**, late of Fayette County, PA (1)

Administrator: Christopher Geyer  
553 Hickory Square Road  
Connellsville, PA 15425

**LEDA GISMONDI, a/k/a LEDA FLORENCE GISMONDI**, late of Uniontown, Fayette County, PA (1)

Executrix: Julie A. Gismondi  
c/o Law Offices of George B. Handelsman  
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Pittsburgh, PA 15221  
*Attorney:* George B. Handelsman

**ROSALIE MARRA**, late of North Union Township, Uniontown, Fayette County, PA (1)

Executor: Alexander Charles Marra  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**STANLEY P. MILLER**, late of South Union Township, Fayette County, PA (1)

*Personal Representatives:* Cyndi L. Pryce and Douglas S. Miller  
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68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James E. Higinbotham, Jr.

**GRAYLING SANDERS**, late of Uniontown, Fayette County, PA (1)

Administratrix:  
Carol Louise Calloway Sanders  
c/o Willman & Silvaggio LLP  
5500 Corporate Drive, Suite 150  
Pittsburgh, PA 15237  
*Attorney:* Joseph Silvaggio

**CHRISTINA SANNER, a/k/a CHRISTINA LYNN SANNER**, late of Connellsville, Fayette County, PA (1)

Executor: Eugene David Sanner  
Radcliffe Martin Law, LLC  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* William Radcliffe

---

**JAMES SKRABSKI**, late of Bullskin  
Township, Fayette County, PA (1)  
Executrix: Kimberly J. Skrabski  
c/o 4535 Lincoln Avenue  
Jeannette, PA 15644  
Attorney: Robert Domenick

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## LEGAL NOTICES

IN THE COURT OF COMMON PLEAS  
OF FAYETTE COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW  
No. 1134 of 2026, G.D.

RE: PETITION FOR CHANGE  
OF NAME OF SCOUT WITT

### NOTICE

Notice is hereby given that on May 15, 2026 the petition of Kaitlin Hess was filed in the above-named Court, requesting an Order to change the name of Scout Witt to Scout Hess. The Court has fixed July 13, 2026 at 1:00 p.m. in Courtroom No. 2 of the Fayette County Courthouse, 61 East Main Street, Uniontown, Pennsylvania, as the time and place for a hearing on the merits of said Petition, when and where all interested parties may appear and show cause, if any they have, why the prayer of said Petition should not be granted.

Jennifer M. Casini, Esquire  
815B Memorial Blvd.  
Connellsville, PA 15425  
(724) 628-7799

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### NOTICE OF REVOCABLE TRUST PURSUANT TO 20 PA C.S. SECTION 7755(c)

NOTICE is hereby given of the administration of the Larry L. Fosbrink and Sally R. Fosbrink Revocable Living Trust dated November 27, 1995, as amended and restated June 1997 and by First Amendment dated February 8, 2022. Sally R. Fosbrink, surviving settlor of the Trust of the City of Uniontown, , Fayette County, Pennsylvania, died on March 27, 2026. All persons having claims against Sally R. Fosbrink or the Trust are requested to make known the same to the Successor Trustees or Attorney named below. All persons indebted to Sally R. Fosbrink or the Trust are requested to make payment without delay to the Successor Trustees or Attorney named herein: Richard L. Fosbrink, 338 Woodside Road, Pittsburgh, PA 15221 and Donna J. Fosbrink, 1924 Baldrige Avenue, South Connellsville, PA 15425, or to Richard A. Husband, Esquire, 208 South Arch Street, Suite 2, Connellsville, PA 15425.

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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, June 1, 2026, at 9:30 A.M.**

<u>Estate Number</u>	<u>Estate Name</u>	<u>Representative</u>
2624-0496	SHIRLEY B. EVANS	Patricia Evans Heidt, Executor
2624-0966	WILMA A. FRANKO	John Ball, Executor

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

**Wednesday, June 10, 2026, 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.

## WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

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[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**

**JUDICIAL OPINION**

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

COMMONWEALTH OF PENNSYLVANIA :  
 Plaintiff, :  
 v. :  
 RONALD WHETHERS : No. 1890 of 2025  
 Defendant. : Honorable Linda R. Cordaro

OPINION

Linda R. Cordaro, J.

May 11, 2026

Before this Court is Defendant's Omnibus Pretrial ("OPT") motion for suppression of the victim's out-of-court identification, in-court identification, and habeas corpus. At a hearing on April 27, 2026, this Court received the preliminary hearing transcript, a USB device containing body camera footage of the police interviewing the victim, and heard argument from both the Commonwealth and the Defendant.

After consideration, and for the following reasons, Defendant's motion is DENIED to all counts.

SUMMARY

The following facts were established via the testimony from the preliminary hearing and the body camera footage offered to this Court. On September 26, 2025, Justina Huffman was driving in Uniontown with her 15-year-old daughter, 6-year-old daughter, and 3-year-old grandson in the vehicle. Ms. Huffman gestured at a white sedan to "go," but she realized the sedan driver was not paying attention. Upon turning onto East Main Street in Uniontown, the sedan began honking and barreling towards Ms. Huffman's vehicle. Ms. Huffman's window was slightly open, and she was able to hear the sedan driver yelling at her. Ms. Huffman fully rolled her window down and realized the driver was yelling "I am going to kill you. I am going to fucking kill you" and "you stupid bitch." In an attempt to get away from the sedan, Ms. Huffman veered right onto the Pennsylvania Avenue extension. The sedan also turned and attempted to hit Ms. Huffman's vehicle. The sedan attempted to hit Ms. Huffman's vehicle two more times prior to the stop sign. Upon reaching the stop sign, the driver of the sedan put the car in park and began to get out of the vehicle. Ms. Huffman observed the driver of the sedan reach into his back and retrieve a black firearm. Ms. Huffman's 15-year-old daughter was able to write down the license plate number. Ms. Huffman quickly turned up the hill onto Bailey Avenue, and the white sedan did not follow her. Three Uniontown police officers spoke with Ms. Huffman outside her residence. During this interaction, Corporal Curtis Defoor asked Ms. Huffman to describe the sedan driver.

Ms. Huffman stated that the driver was about as tall as one of the officers, to which that officer responded "six foot," and that the driver was stocky. Before Ms. Huffman

could proceed with her description, Corporal Defoor informed her that he was going to show her a photo of the registered owner of the sedan. Defoor informed her that she must be 100% positive that was the driver. Defoor showed her a photo of the Defendant, to which Ms. Huffman confidently responded, "that's him! That's him!" At the preliminary hearing on October 28, 2025, Ms. Huffman positively identified the Defendant as the driver of the white sedan.

Mr. Whethers is charged with four counts of terroristic threats, four counts of simple assault, and four counts of recklessly endangering another person. {1}

## DISCUSSION

There are three issues before this Court in Defendant's OPT motion. First, the Defendant contends that Ms. Huffman's identification of the Defendant in response to Corporal Defoor showing her the photo of Defendant should be suppressed because it was impermissibly suggestive. Second, the Defendant contends that Ms. Huffman's identification at the preliminary hearing should be suppressed as it stemmed from the out-of-court identification, and further contends that the in-court identification was impermissibly suggestive because Defendant was seated at counsel table in an orange jumpsuit. Third, the Defendant contends that for these reasons, the Commonwealth cannot establish a prima facie case against Defendant. The Court disagrees.

### Out-of-Court Identification

Pre-trial identification may be inadmissible if it was "obtained by a procedure so unnecessarily suggestive and conducive to irreparable mistaken identification as to deny the accused due process." *Commonwealth v. Voss*, 482 A.2d 593, 596 (Pa. Super. 1984). Single photo identification has been held to be suggestive. See *Commonwealth v. Bradford*, 451 A.2d 1035, 1036 (Pa. Super. 1982). Suggestiveness does not warrant exclusion, if there are factors present that "clearly and convincingly establish that the witness's identification has an 'independent origin' in the witness's observations at the time of the crime." *Commonwealth v. Fowler*, 352 A.2d 17, 20 (Pa. 1976). To determine whether there was an independent origin, the Court considers (1) "the opportunity of the witness to view the criminal at the time of the crime," (2) "the witness' degree of attention," (3) "the accuracy of the witness' prior description of the criminal," (4) "the level of certainty demonstrated by the witness at the confrontation," (5) "and the length of time between the crime and the confrontation." *Commonwealth v. James*, 486 A.2d 376, 380 (Pa. 1985).

At the OPT hearing, the Commonwealth relied on *Miller*. In *Miller*, the Superior Court reversed suppression based on suggestive identification relying on the above-mentioned factors. *Commonwealth v. Miller*, 307 A.3d 784,790 (Pa. Super. 2023).

Applying these factors to the present case, the Court finds that Ms. Huffman had a sufficient independent origin in observing the Defendant. As to the opportunity to view the Defendant, Ms. Huffman testified at the preliminary hearing that the Defendant's vehicle was directly beside hers at a point.

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{1} 18 Pa. C.S.A. § 2706(a)(1); 18 Pa. C.S.A. § 2701(a)(3); 18 Pa. C.S.A. § 2705.

ATTY. GANNON: And then he comes next to you at some point? Yes.

MS. HUFFMAN: Yes.

ATTY. GANNON: When?

MS. HUFFMAN: Immediately after I pulled out.

Prelim. Hr'g. Tr. 15: 22-25. October 28, 2025.

Additionally, at one point, both Ms. Huffman and the Defendant had their windows fully rolled down.

ATTY. GANNON: Is your window completely down at that point?

MS. HUFFMAN: Yes.

ATTY. GANNON: And is his window completely down?

MS. HUFFMAN: Yes.

ATTY. GANNON: And you are able to see him?

MS. HUFFMAN: Yes.

Prelim. Hr'g. Tr. 16: 15-20. October 28, 2025.

The Defendant contends that Ms. Huffman would not be able to clearly view the Defendant because her SUV sat higher than the Defendant's sedan. The Court does not find this persuasive. Ms. Huffman testified that she was able to see the Defendant in his vehicle, but even if the height of each vehicle affected her view, the Defendant got out of his vehicle. Ms. Huffman testified:

MS. HUFFMAN: And that's when I seen his driver door open and he started to get out and put his hand up behind his back and he was pulling out an object that looked like a gun.

Prelim. Hr'g. Tr. 10: 14-17. October 28, 2025.

As to Ms. Huffman's degree of attention, the Defendant contends that Ms. Huffman testified that she was distracted during this encounter because her young daughter and grandson were arguing in the backseat of the vehicle. Ms. Huffman's testimony does not reflect this. She testified:

MS. HUFFMAN: I had looked over and I gestured for him to go while I continued messing with my six-year-old and three-year-old to get them to calm down.

Based on her testimony, Ms. Huffman may have been mildly distracted at the initiation of this encounter, but her testimony does not suggest that she remained distracted

due to the children. Similarly in Miller, the trial court found the victim to have been distracted. However, the victim's testimony reflected that the victim was not paying attention to what the defendant said when the victim was running away, rather than that the victim was not paying attention to the perpetrator's appearance. See Miller, 307 A.3d at 788.

As to the third factor, the Court finds that Ms. Huffman's description of the Defendant was accurate. When officers spoke with Ms. Huffman, she stated that the driver of the sedan was "maybe about as tall as you," pointing to one of the officers. That officer responded, "6 foot." Ms. Huffman continued stating that the driver was "really stocky." Before Ms. Huffman could continue with her description, Corporal Defoor showed her the photo of the Defendant. Defoor Body Cam 5:22. The Court finds this to be an accurate description of the Defendant. Even if this is not the most thorough description possible, the victim's description is only one factor among the others. Further, the description Ms. Huffman provided goes to the Defendant's height and weight, which are both useful identifiers.

With respect to Ms. Huffman's level of certainty, her testimony demonstrates certainty. Throughout the course of her testimony, Ms. Huffman repeatedly states that she was able to see the Defendant. For example:

ADA: And as you sit here today, you are sure that it was the Defendant who was driving the vehicle that day?  
MS. HUFFMAN: Yes.

Prelim. Hr'g. Tr. 12: 1-3. October 28, 2025.

Further, in Corporal Defoor's body camera footage that was offered to this Court, when Ms. Huffman is shown the photo of Defendant, she appears incredibly confident in her identification. In her testimony, Ms. Huffman reaffirmed her identification with confidence:

MS. HUFFMAN: As soon as he turned the phone around and I seen the guy's face, that was him.

Prelim. Hr'g. Tr. 22: 12-13.

As for the length of time between the crime and the confrontation, when Ms. Huffman made her initial identification of the Defendant, it was soon after the incident occurred. Ms. Huffman initially drove to the police station, but due to some confusion, she spoke to the officers at her residence immediately after leaving the police station. Thus, there was a short amount of time that passed from the incident to Ms. Huffman's initial identification.

The Defendant relies on McGaghey in support of his position that Ms. Huffman was unable to identify him. McGaghey is easily distinguishable from the present case for numerous reasons. First, the victim was intoxicated at the time of the crime. See *Commonwealth v. McGaghey*, 507 A.2d 357, 358 (Pa. 1986). Ms. Huffman was not intoxicated. Prelim. Hr'g. Tr. 12: 19-25. October 28, 2025. Additionally, in McGaghey,

the defendant approached the victim from the back, and the victim only saw the defendant for approximately two seconds. *Id.* at 358. According to Ms. Huffman's testimony, this interaction lasted "about a minute, maybe two minutes." Prelim. Hr'g. Tr. 16: 14. October 28, 2025. The Defendant also relies on *Robinson*, which again is too distinguishable from the facts of the present case. In *Robinson*, the assailants approached the victim from behind, and the interaction only last five to ten seconds. *Commonwealth v. Robinson*, 541 A.2d 1387, 1389 (Pa. 1988). Thus, these two cases are inapplicable here.

For these reasons, the Court finds that Ms. Huffman had a sufficient independent origin for her identification of Mr. Whethers as the driver of the sedan. Therefore, Count I of Defendant's OPT Motion is hereby DENIED.

#### In-Court Identification

Courtroom confrontation is inherently suggestive, as the Defendant has been clearly designated the suspected perpetrator. See *Commonwealth v. Sexton*, 400 A.2d 1289, 1291 (Pa. 1979). Suggestiveness in itself does not warrant exclusion, so long as an independent origin for the identification exists. See *Commonwealth v. Johnson*, 451 A.2d 263, 265 (Pa. Super. 1982). The same factor-based test is applied. For the reasons stated above, the Court finds that Ms. Huffman had a sufficient independent origin for both her out-of-court identification and her in-court identification. As to the length of time between the crime and the confrontation at the preliminary hearing, just over a month had passed. Therefore, the Defendant's OPT motion is hereby DENIED as to Count II.

#### Habeas Corpus

The Court finds that Ms. Huffman's identification of the Defendant is permissible, and for that reason, the Commonwealth has sufficient evidence to establish a prima facie case against Mr. Whethers. Therefore, Count III of Defendant's OPT motion is hereby DENIED.

For these reasons, Defendant's OPT motion is hereby DENIED and the case shall be listed for trial.

#### ORDER

AND NOW, this 11th day of May, 2026, upon consideration of Defendant's Omnibus Pretrial Motion, and for the reasons set forth in this Court's opinion, it is hereby ORDERED and DIRECTED that Defendant's Motion is DENIED.

The Commonwealth shall list this case for trial.

BY THE COURT:  
Linda R. Cordaro, Judge

ATTEST:  
Clerk of Courts



*131st Annual*

# BAR BANQUET

FRIDAY, JUNE 19, 2026

5:30 COCKTAILS – 6:45 DINNER

*Latrobe Country Club*

346 ARNOLD PALMER DRIVE

LATROBE, PA 15650

RSVP BY MAY 22 TO [ADMIN@FCBAR.ORG](mailto:ADMIN@FCBAR.ORG)

No charge for FCBA members | \$125 guest fee

*50 Year Member Honorees:*

*James T. Davis, Samuel J. Davis,*

*James N. Fitzsimmons, Jr., Carolyn W. Maricondi*

Recommended Accommodations:

SpringHill Suites by Marriott Latrobe