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CRAIG ANTHONY COOK

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CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that on May 16, 2018, a Petition for Change of Name of a Minor was filed in the Court of Common Pleas of Adams County, Pennsylvania, requesting a Decree to change the name of the minor, Grayson Daniel Futch, to Grayson Daniel Kauffmann.

The Court has affixed the 20th day of July, 2018 at 10:30 A.M. in Courtroom No. 4, Third Floor of the Adams County Courthouse, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the request of the Petitioner should not be granted.

6/8 & 6/15

COMMONWEALTH OF PENNSYLVANIA VS.
CRAIG ANTHONY COOK

1. A warrantless search or seizure is presumptively unreasonable under the Fourth Amendment and Article I, Section 8, subject to a few specifically established, well delineated exceptions.

2. In addition, the “plain view” doctrine is often considered an exception to the general rule that warrantless searches are presumptively unreasonable.

3. Under Pennsylvania Appellate Authority, a seizure based upon the plain view doctrine must meet a three-prong test for constitutionality: (1) the police must be at a lawful vantage-point; (2) the incriminating character of the object must be immediately apparent; and (3) the police must have a lawful right of access to the object.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CP-01-CR-30-2018, COMMONWEALTH OF
PENNSYLVANIA VS. CRAIG ANTHONY COOK.

Robert A. Bain, II, Esq., Attorney for Commonwealth
Ryan W. Liggitt, Esq., Attorney for Defendant
Campbell, J., May 10, 2018

OPINION ON DEFENDANT’S OMNIBUS
PRE-TRIAL MOTION

Presently, before the Court is Defendant’s Omnibus Pre-Trial Motion. The hearing was held April 19, 2018. For the following reasons, Defendant’s Motion is Denied.

FINDINGS OF FACT

1. On October 1, 2017 at approximately 2:28 p.m. Officer Brian Weikert, a 15-year veteran of the Gettysburg Borough Police Department received a call asking him to assist the Cumberland Township Police Department with the service of an arrest warrant at the Gettysburg Inn located in Cumberland Township, Adams County.
2. Officer Weikert together with Cumberland Township Police Officer Ryan Eiker, himself a 16-year veteran of law enforcement, and Sergeant Timothy Biggins proceeded to the Gettysburg Inn in Cumberland Township. The information the officers had was that the subject of the arrest warrant, the Defendant in this case, was staying in room 6 of the motel.
3. Upon arrival at the Gettysburg Inn, Sergeant Biggins and Officer Weikert proceeded to the door of room 6 of the motel

while Officer Eiker went to the front office to inquire as to whether in fact the Defendant was staying in room 6 of the motel.

4. When Sergeant Biggins and Officer Weikert went to the door of room 6 of the motel and knocked on it, the Defendant who was the subject of the arrest warrant answered the door and backed up into this motel room upon observing the officers standing there.
5. By this time Officer Eiker had obtained confirmation from the motel owner that Defendant was staying in room 6, so he proceeded down the short exterior walkway to the door to room 6 and arrived as Sergeant Biggins and Officer Weikert were entering that room.
6. Officer Eiker testified that at no time did he ever see the Defendant step outside of the motel room onto the sidewalk and that at all times Defendant remained inside of the motel room. The room door was visible from the office door where Officer Eiker was getting information.
7. Officer Weikert followed Sergeant Biggins into room 6 of the Gettysburg Inn as the Defendant backed up. The officers then placed the Defendant into custody inside the motel room by handcuffing him to the rear. Officer Eiker followed.
8. The officers advised Defendant that he was under arrest for the warrant out of York County. Officer Eiker began talking to the Defendant, explaining what was going to happen.
9. The motel room inside of which the Defendant was apprehended was a room with dimensions at approximately 10 feet by 10 feet total. There was approximately a 3-foot space between two beds. In that space was a nightstand.
10. Officer Eiker began explaining to the Defendant the process that would occur, specifically that the Defendant would be taken to the Adams County Adult Correctional Complex to await transport or extradition to the demanding County. Officer Eiker asked the Defendant if there were any personal belongings he wanted the officers to obtain to take with them to the Correctional Complex. At that point Defendant indicated that he wanted to obtain his wallet and cellular telephone from the drawer in the nightstand located between the

two beds in the motel room. The officers clarified by further conversation with the Defendant that he wanted them to retrieve the two specified items from the nightstand before they left. After obtaining the Defendant's affirmative response that he wanted to obtain his property, Officer Weikert opened the nightstand drawer in Defendant's motel room.

11. Upon opening the drawer Officer Weikert did not initially see a wallet or cellular telephone but saw a number of items scattered inside of the drawer. While looking for Defendant's wallet and cellular telephone, Officer Weikert began to take items out of the drawer and lay them on one of the beds in the motel room until he found the wallet and cellular telephone underneath the other items of property. The wallet and cellular telephone were the same two items that Defendant specifically asked the officers to retrieve.
12. The items removed from the nightstand drawer before discovery of the wallet and cellular telephone were a paper towel with a clear cellophane bag, a clear bag with empty capsules, a glass vial with burnt residue, and a Country Crock butter container. As the butter container was removed from the drawer, Defendant informed the officers that the container contained a mixture of pancake batter and brown sugar that he would sell in the aforementioned capsules as heroin.
13. Officer Eiker has been a member of the Adams County Drug Taskforce for the majority of his career and has dealt with incidents involving controlled substances and drug paraphernalia hundreds of times. Upon observing the items that were placed on the bed, in light of Officer Eiker's Drug Taskforce experience and the statements made by Defendant to the officers, Officer Eiker immediately recognized the items as drug paraphernalia. Based upon his training and experience and those observations of the items sitting in plain view on the bed, Officer Eiker seized the items as suspected paraphernalia.
14. Defendant has crimen falsi convictions in Adams County for Theft by Unlawful Taking in 2013 and Burglary in 2015. He had other crimen falsi convictions out of York County that were not identified and specified at the time of the suppression hearing.

15. Defense acknowledged that disposition of the issues rests upon the respective credibility of experienced Law Enforcement Officers versus the Defendant who has multiple recent crimen falsi convictions.

ISSUE

1. Was the entry by police officers into Defendant's motel room lawful?
2. Was the search of the dresser/nightstand drawer in that motel room lawful?
3. Was the seizure of the paper towel with a clear cellophane bag, the clear bag with empty capsules, the glass vial with burnt residue and the Country Crock butter container lawful?

CONCLUSION OF LAW

1. The police officers had the legal right to step into Defendant's motel room to effectuate the arrest pursuant to the valid arrest warrant.
2. Officer Weikert's search of the drawer was consensual.
3. Officer Eiker was at a lawful vantage-point, immediately recognized the incriminating character of the items seized and had a lawful right of access to the objects so the seizure was constitutional under the plain view doctrine.

DISCUSSION

Both the Fourth Amendment to the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution protect the people from unreasonable searches and seizures. **In the interest of D.M.**, 781 A.2d 1161, 1163 (Pa. 2001). The Fourth Amendment and Article I, Section 8 have long been interpreted to protect the people from unreasonable government intrusions into their privacy. **Commonwealth v. McCree**, 924 A.2d 621, 626 (Pa. 2007).

A warrantless search or seizure is presumptively unreasonable under the Fourth Amendment and Article I, Section 8, subject to a few specifically established, well delineated exceptions. **Horton v. California**, 496 U.S. 128, 110 S. Ct. 2301, 110 L. Ed. 2d 112 (1990), **Commonwealth v. Petroll**, 738 A.2d 993, 998 (Pa. 1999). One such exception is consent to search. **Commonwealth v. Riedel**, 651 A.2d

135, 179 (Pa. 1994). In addition, the “plain view” doctrine is often considered an exception to the general rule that warrantless searches are presumptively unreasonable. As explained by the Pennsylvania Supreme Court there is an important difference between searches and seizures when an analysis is made under the plain view doctrine. **McCree**, 924 A.2d at 627. According to the Pennsylvania Supreme Court, a search [under the Fourth Amendment] compromises the individual interest in privacy; a seizure deprives the individual of dominion over his or her person or property. **Id.** Under Pennsylvania Appellate Authority, a seizure based upon the plain view doctrine must meet a three-prong test for constitutionality: (1) the police must be at a lawful vantage-point; (2) the incriminating character of the object must be immediately apparent; and (3) the police must have a lawful right of access to the object. **McCree** at 625.

The first issue in the instant case is whether law enforcement officers’ entry into the Defendant’s motel room was lawful. Initially it is noted that Sergeant Biggins and Officer Weikert, in furtherance of a lawful arrest warrant, entered into the room to effectuate that arrest. Both officers testified consistently that the Defendant never exited the motel room but rather stepped back into the room upon answering the door and noticing police officers standing in the doorway. There is no dispute over the validity of the arrest warrant. The room was small. A short entry of a few feet to get custody of the wanted person is reasonable. The entry into the room was lawful.

The second issue is whether the search of the nightstand drawer was lawful. Two police officers testified consistently with each other that once the Defendant was in custody, the Defendant asked the officer to retrieve his wallet and cellular telephone from the nightstand drawer upon his being arrested subject to a lawful arrest warrant. This Court finds the Defendant’s testimony, which is in contradiction of that of the police officers, to be self-serving and completely lacking in any credibility.

Upon being arrested and told he was being taken to Adams County Adult Correctional Complex, Defendant indicated that he wanted to obtain his wallet and cellular telephone from the drawer in the nightstand located between the two beds in the motel room. The officers clarified through further conversation with the Defendant that he wanted them to retrieve the two specified items from the nightstand before they left. After obtaining the Defendant’s affirmative response

that he wanted to obtain his property, Officer Weikert opened the nightstand drawer in Defendant's motel room. In order to locate the requested wallet and cellular telephone, Officer Weikert removed other items from the top of the drawer.

Therefore, it is apparent to this Court that the Defendant specifically requested Officer Weikert retrieve his property from the nightstand. Thereby, Defendant gave consent to Officer Weikert to open the nightstand drawer in order to retrieve the Defendant's wallet and cellular telephone as requested by the Defendant. That request gave Officer Weikert consent to look in the drawer to retrieve the requested items. Therefore the officers' access to and search of the nightstand drawer trying to obtain a wallet and cellular telephone at the Defendant's request was pursuant to the Defendant's consent. Therefore, the search of the nightstand drawer was constitutionally valid.

While looking for the cellular telephone and wallet, Officer Weikert removed items from the top of the drawer, placed them one by one on to the bed sitting immediately next to the drawer.

As noted, under the plain view doctrine, in order for Officer Eiker's seizure of the items of suspected drug paraphernalia to be lawful without a warrant, Officer Eiker must have been at a lawful vantage-point, the incriminating character of the items must have been immediately apparent to him and he must have had a lawful right of access to the object. **McCree**, 924 A.2d at 625. As indicated hereinabove the police officers were present in the Defendant's motel room in order to execute a lawful arrest warrant. The officers entered into the motel room in order to take the Defendant into custody. As the Court gives no credibility to the Defendant's testimony that immediately upon seeing the police officers he stepped out of the room into the breezeway in order to surrender himself, the officers had a lawful right to be present in Defendant's motel room in furtherance of their efforts to execute the arrest warrant. As the items were placed on to the bed, the officers had a lawful right to access the objects which were seen following Defendant's consent to enter in to the nightstand drawer.

Furthermore, Officer Eiker testified based upon his experience that the items seized including the paper towel with a clear cellophane bag, a clear bag with empty capsules and a glass vial with burnt residue were immediately apparent to him as being drug paraphernalia.

This was based upon his years of training and experience as a member of the Adams County Drug Task Force. He also testified that when Defendant mentioned to him that the Country Crock butter container contained brown sugar and pancake batter which he then sold pretending it to be heroin in the capsules that were discovered, Officer Eiker then had sufficient evidence to believe under the totality of those circumstances that the Country Crock container was also drug paraphernalia.

The Commonwealth has established all three prongs of the test for validity of the seizure under the plain view doctrine. The officers were lawfully in Defendant's motel room in execution of an arrest warrant. The incriminating character of the objects seized was immediately apparent to a highly trained member of the Adams County Drug Task Force. The officers also had a lawful right to access the objects as the Defendant expressly requested that the officers retrieve his cellular telephone and wallet from the nightstand drawer in which the items were located.

As noted by Defense counsel during argument on the motion, the matter comes down to a credibility determination as to whether this Court believes the multiple law enforcement officers present at the time of the incident or the Defendant's own contradictory statements with regard to the circumstances that occurred. Defendant has multiple recent *crimen falsi* convictions here in Adams County and some others out of surrounding counties. His suggestion that he asked simply that the officers retrieve his shoes for him before taking him to the Adams County Adult Correctional Complex is lacking credibility.

Therefore, the Court finds that (1) the officers' entry into the Defendant's motel room in order to execute the arrest warrant was lawful; (2) the opening and looking into and through the nightstand drawer to find Defendant's wallet and cellular telephone was based upon the Defendant's request and consent; and (3) the seizure of the items of suspected drug paraphernalia was lawful under the totality of the circumstances. Accordingly, Defendant's Omnibus Pre-Trial Motion is Denied.

ORDER

AND NOW, this 10th day of May, 2018, for the reasons set forth in the attached Opinion, Defendant's Omnibus Pre-Trial Motion is 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 MARY A. ANTHONY, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Executor: Anthony D. Wolf, 36 Sedgwick Drive, East Berlin, PA 17316

ESTATE OF JOSEPH J. DOWD a/k/a JOSEPH JAMES DOWD, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executor: Thomas B. Dowd, 4509 Kathi Drive, Bethlehem, PA 18017

Attorney: Robert L. McQuaide, Esq., Suite 204, 18 Carlisle Street, Gettysburg, PA 17325

ESTATE OF HENRY JAMES EVERETT, JR., DEC'D

Late of Straban Township, Adams County, Pennsylvania

Administratrix: Carolyn J. Heath, c/o Craig A. Hatch, Esq., Halbruner, Hatch & Guise, LLP, 2109 Market Street, Camp Hill, PA 17011

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

ESTATE OF VIOLET L. FLICKINGER, DEC'D

Late of the Borough of Arendtsville, Adams County, Pennsylvania

Executor: ACNB Bank, P.O. Box 4566, Gettysburg, PA 17325

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

ESTATE OF SANDRA T. KOONTZ, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

Executrix: Teresa M. Powell a/k/a Teresa Koontz-Hohmann, c/o Barbara Entwistle, Esq., Entwistle & Roberts, 37 West Middle Street, Gettysburg, PA 17325

Attorney: Barbara Entwistle, Esq., Entwistle & Roberts, 37 West Middle Street, Gettysburg, PA 17325

ESTATE OF ROGER V. LEATHERMAN, DEC'D

Late of the Borough of Bonneauville, Adams County, Pennsylvania

Executrix: Hope D. Leatherman, 11 North Pine Street, Gettysburg, PA 17325

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

ESTATE OF VIRGINIA M. STEENSTRA, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Carole L. Dykhouse, c/o Richard H. Mylin, III, Esq., 2025 E. Market Street York, Pennsylvania 17402

Attorney: Richard H. Mylin, III, Esq., 2025 E. Market Street, York, Pennsylvania 17402

ESTATE OF STEPHANIE JAYNE TILDEN a/k/a STEPHANIE J. TILDEN, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Mr. William David Millner, 6113 Sweetbriar Dr., Fredericksburg, VA 22407

Attorney: Torren C. Ecker, Esq., Becker & Strausbaugh, P.C., 544 Carlisle Street, Hanover, PA 17331

ESTATE OF EVELYN MARIE WOLFE a/k/a EVELYN M. WOLFE, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Co-Executors: Monica S. Mummert, Samuel A. Gates, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

SECOND PUBLICATION**ESTATE OF NANCY VIRGINIA DEATRICK, DEC'D**

Late of Mt. Pleasant Township, Adams County, PA

Executor: Jennifer L. Ross, 1762 Cemetery Road, York, PA, 17408

ESTATE OF CHAUNCEY N. J. DENT, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Rose Marie Zook, 3918 Campbell Circle, Orrstown, PA 17244

Attorney: David C. Smith, Esq., 754 Edgegrove Road, Hanover, PA 17331

ESTATE OF DONALD JOSEPH ELTZ, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Administrators: Lynn E. Wingert, 334 South Street, McSherrytown, PA 17344; Lori A. Eitz, 6 Becker Road, New Oxford, PA 17350

ESTATE OF RUSSELL C. McCLEAF, JR., a/k/a RUSSELL C. McCLEAF, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Constance M. Conrad, 6090 West Side Avenue, Spring Grove, PA 17362

Attorney: David C. Smith, Esq., 754 Edgegrove Road, Hanover, PA 17331

ESTATE OF MARY E. MENGES, a/k/a MARY ELIZABETH MENGES, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Executrix: Josephine R. Funt, 2985 Table Rock Road, Biglerville, PA 17307

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

ESTATE OF MARGARET M. SENTZ, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Andrew C. Sentz, c/c Scott J. Strausbaugh, Esq., Becker & Strausbaugh, P.C., 544 Carlisle Street, Hanover, PA 17331

Attorney: Scott J. Strausbaugh, Esq., Becker & Strausbaugh, P.C., 544 Carlisle Street, Hanover, PA 17331

ESTATE OF JOANNE C. SNYDER, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Executors: Robert Legore and Priscilla Legore, 561 Benders Church Road, Biglerville, PA 17307

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

THIRD PUBLICATION

ESTATE OF ELIZABETH ANN ANGLE-FREELAND, a/k/a ELIZABETH ANN ANGLE, a/k/a ELIZABETH ANGLE, a/k/a ANN ANGLE, a/k/a ELIZABETH A. ANGLE, a/k/a ANN FREELAND, a/k/a ANN ANGLE-FREELAND, DEC'D

Late of the Borough of Abbottstown, Adams County, Pennsylvania

Executrix: Sally A. Feeser, c/o Craig A. Hatch, Esq., Halbruner, Hatch & Guise, LLP 2109 Market Street, Camp Hill, PA 17011

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

ESTATE OF CHARLES DOBSON, SR., DEC'D

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

Administrator: Agnes M. Dobson, c/o Matthew R. Battersby, Esq., Battersby Law Office, P.O. Box 215, Fairfield, PA 17320

Attorney: Matthew R. Battersby, Esq., Battersby Law Office, P.O. Box 215, Fairfield, PA 17320

ESTATE OF GUY R. HELMAN, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor: Stephen Jack Helman, a/k/a Steven Jack Helman, 147 Latimore Road, Gardners, PA 17324

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

ESTATE OF PATRICIA ANN PITTINGER, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Co-Administrators: Charisse M. Pittinger, Pamela D. McWilliams, c/o Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

Attorney: Samuel A. Gates, Esq., Gates & Gates, P.C., 250 York Street, Hanover, PA 17331

ESTATE OF MARGUERITE ELIZABETH REX, a/k/a MARGUERITE E. REX, DEC'D

Late of Butler Township, Adams County, Pennsylvania

Co-Executors: David K. Rex and Carry O. Rex, c/o Matthew D. Menges, Esq., 145 East Market Street, York, PA 17401

Attorney: Matthew D. Menges, Esq., Trinity Law, 145 East Market Street, York, PA 17401

ATTORNEY

Becker & Strausbaugh, P.C. is seeking a dedicated, organized, and client-oriented attorney to join our team. The ideal candidate will have a strong academic background. Excellent opportunity to develop and/or expand an existing practice in the areas of business law, real estate, estate planning, estate administration, domestic law, and/or litigation. Knowledge of bankruptcy law is a plus. Interested candidates should submit a resume and cover letter to: Becker & Strausbaugh, P.C., 544 Carlisle Street, Hanover, PA 17331. All correspondence will be held in strict confidence.

Becker & Strausbaugh, P.C.
Attorneys at Law
6/15, 22, 29, & 7/6