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NOTICE BY THE ADAMS COUNTY CLERK OF COURTS

NOTICE IS HEREBY GIVEN to all heirs, legatees and other persons concerned that the following accounts with statements of proposed distribution filed therewith have been filed in the Office of the Adams County Clerk of Courts and will be presented to the Court of Common Pleas of Adams County—Orphans' Court, Gettysburg, Pennsylvania, for confirmation of accounts entering decrees of distribution on Thursday, October 3, 2019 at 8:30 a.m.

PENTLICKI—Orphans' Court Action Number OC-97-2019. The First and Final Account of Stephen J. Pentlicki, Executor of the Chester J. Pentlicki, late of Adams County, Pennsylvania.

Kelly A. Lawver
Clerk of Courts

9/20 & 9/27

FICTITIOUS NAME REGISTRATION

An application for registration of the fictitious name FOOD ADVENTURES, 990 Forest Drive, Abbottstown, PA 17301 has been filed in the Department of State at Harrisburg, PA, File Date 08/27/2019 pursuant to the Fictitious Names Act, Act 1982-295. The name and address of the person who is a party to the registration is Jessica Ah Grim, 990 Forest Drive, Abbottstown, PA 17301.

9/27

COMMONWEALTH OF PENNSYLVANIA VS.
SHAWN ANTHONY MCCLINTIC

1. 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.

2. [W]hen 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.

3. After Officer Hilliard exited the traffic circle onto Baltimore Street, he observed a black pickup truck leave the southbound parking lane of Baltimore Street and enter the travel lane one and a half car lengths in front of Officer Hilliard's vehicle. Officer Hilliard had to apply his vehicle's brakes rather heavily to avoid colliding with the black pickup truck, bringing his marked patrol vehicle to a stop in the travel lane.

4. Section 333 of the Motor Vehicle Code provides that "No person shall move a vehicle which is stopped, standing or parked unless and until the movement can be made with safety."

5. Officer Hilliard articulated specific facts possessed by him at the time of the questioned stop which provided probable cause to believe that Defendant violated 75 Pa. C.S. § 333. Therefore, Defendant's Motion to Suppress is denied.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, CP-01-CR-248-2019, COMMONWEALTH OF
PENNSYLVANIA VS. SHAWN ANTHONY MCCLINTIC

Roy A. Keefer, Esquire, Attorney for Commonwealth

Kristin L. Rice, Esquire, Attorney for Defendant

Wagner, J., August 9, 2019

OPINION ON DEFENDANT'S MOTION TO SUPPRESS

Presently before this Court is Defendant Shawn Anthony McClintic's Motion to Suppress filed May 28, 2019. This Court held a suppression hearing on July 8, 2019. The issue before the Court is whether there was probable cause to stop Defendant's vehicle. Based upon the following findings of fact and conclusions of law, the Defendant's Motion to Suppress is Denied.

FINDINGS OF FACT

1. Officer Shannon Hilliard is a Police Officer at the Gettysburg Borough Police Department with thirteen (13) years of experience as a law enforcement officer.
2. On February 9, 2019 at around 7PM, Officer Hilliard was on duty in uniform in a marked patrol vehicle.

3. At that time, Officer Hilliard was driving his marked patrol vehicle through the Lincoln Square traffic circle in Gettysburg Borough, Adams County, Pennsylvania.
4. Officer Hilliard exited the traffic circle southbound onto Baltimore Street.
5. The area immediately off the traffic circle on Baltimore Street was well illuminated by street lights.
6. After Officer Hilliard exited the traffic circle onto Baltimore Street, he observed a black pickup truck leave the southbound parking lane of Baltimore Street and enter the travel lane one and a half car lengths in front of Officer Hilliard's vehicle.
7. Officer Hilliard had to apply his vehicle's brakes rather heavily to avoid colliding with the black pickup truck, bringing his marked patrol vehicle to a stop in the travel lane.
8. If Officer Hilliard had not applied his brakes, he would have struck the rear end of the black pickup truck.
9. Officer Hilliard followed the vehicle and initiated a traffic stop at Baltimore Street and Breckenridge Street for the vehicle's failure to yield to on-coming traffic as it merged into the roadway from a parking space.¹
10. Defendant was identified as the operator of the black pickup truck.

CONCLUSIONS OF LAW

1. Officer Hilliard had probable cause to stop Defendant's vehicle for a violation of 75 Pa.C.S. § 3333.

LEGAL STANDARD

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 protects citizens from unreasonable searches and seizures. **U.S. Const. Amend. IV; Pa. Const. art. I, § 8**. Under the Fourth Amendment and Article I,

¹ 75 Pa. C.S. § 3333.

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 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.**

DISCUSSION

Officer Hilliard had to heavily apply the brakes on his patrol vehicle, bringing it to a stop in the travel lane, to avoid striking the rear end of Defendant's vehicle when Defendant pulled into the travel lane on Baltimore Street. Section 3333 of the Motor Vehicle Code provides that "No person shall move a vehicle which is stopped, standing or parked unless and until the movement can be made with safety." Given the totality of the circumstances, Officer Hilliard articulated specific facts possessed by him at the time of the questioned stop which provided probable cause to believe that Defendant violated 75 Pa. C.S. § 3333. Therefore, Defendant's Motion to Suppress is Denied.

ORDER OF COURT

AND NOW, this 9th day of August, 2019, for the reasons set forth in the attached Opinion, Defendant's Motion to Suppress 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 ROBERT L. MILLER, DEC'D
Late of Cumberland Township, Adams County, Pennsylvania

Administratrix: Katherine E. Miller, 725 Chambersburg Road, Apt. E, Gettysburg, PA 17325

ESTATE OF SHIRLEY M. SHAEFFER a/k/a SHIRLEY MAE SHAEFFER, DEC'D

Late of Mount Joy Township, Adams County, Pennsylvania

Co-Executors: Tony L. Shaeffer, 35 California Road, Littlestown, PA 17340; Jo Ann Crouse, 1924 Whitehall Road, Littlestown, PA 17340

Attorney: Todd A. King, Esq., Salzmans Hughes, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325-2311

ESTATE OF LINDELL CARL SMITH, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Personal Representative: Lindell C. Smith, Jr., P.O. Box 106, East Berlin, PA 17316

Attorney: John J. Murphy III, Esq., Patrono & Murphy, LLC, 28 West Middle Street, Gettysburg, PA 17325

ESTATE OF DORIS L. STAUB, DEC'D

Late of Germany Township, Adams County, Pennsylvania

Wayne B. Staub, P.O. Box 4487, Camp Connell, CA 95223

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

ESTATE OF FRANCHOT E. STRICKHOUSER, DEC'D

Late of Menallen Township, Adams County, Pennsylvania

Executor: Michael W. Strickhouser, c/o R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C. 237 East Queen Street, Chambersburg, PA 17201

Attorney: R. Thomas Murphy, Esq., R. Thomas Murphy & Associates, P.C. 237 East Queen Street, Chambersburg, PA 17201

SECOND PUBLICATION

ESTATE OF REGINA M. LOBINGIER, DEC'D

Late of Cumberland Township, Adams County, Pennsylvania

James S. Dillman, 53 Meadow Lane, Gettysburg, PA 17325

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

ESTATE OF EDWIN H. MYERS, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executors: Mary L. Borger, 134 Crooked Creek Road, Gettysburg, PA 17325; Rose M. Gebhart, 893 White Hall Road, Littlestown, PA 17340; Robert E. Myers, 1271 Storms Store Road, Gettysburg, PA 17325

Attorney: Keith R. Nonemaker, Esq., Barley Snyder LLP, 14 Center Square, Hanover, PA 17331

ESTATE OF CLIFFORD W. RICE, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Co-Executors: David C. Rice, P.O. Box 219, 170 Rampike Hill Road, Bendersville, PA 17306; Victor L. Rice, 729 Stouffer Avenue, Chambersburg, PA 17201

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

ESTATE OF MARY CHRISTINE RICE, a/k/a CHRISTINE M. RICE, DEC'D

Late of the Borough of Bendersville, Adams County, Pennsylvania

Co-Executors: David C. Rice, P.O. Box 219, 170 Rampike Hill Road, Bendersville, PA 17306; Victor L. Rice, 729 Stouffer Avenue, Chambersburg, PA 17201

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

THIRD PUBLICATION

ESTATE OF DOROTHY T. BURKHARDT, a/k/a DOROTHY THERESA BURKHARDT, DEC'D

Late of Sykesville, Carroll County, Maryland

Frances Ann Starlings, 2248 Bollinger Mill Road, Finksburg, MD 21048; Mary T. Unglesbee, 2250 Bollinger Mill Road, Finksburg, MD 21048

Attorney: Ann C. Shultis, Esq., Salzmans Hughes, P.C., 1147 Eichelberger Street, Suite F, Hanover, PA 17331

ESTATE OF CYPRIAN N. GEBHART, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Scott L. Kelley, Esq., Barley Snyder, LLP, 14 Center Square, Hanover, PA 17331

Attorney: Scott L. Kelley, Esq., Barley Snyder, LLP, 14 Center Square, Hanover, PA 17331

ESTATE OF ARTHUR EARL GLAZIER, JR., DEC'D

Late of the Borough of East Berlin, Adams County, Pennsylvania

Julia Glazier, 206 East King Street, East Berlin, PA 17316

Attorney: Thomas R. Nell, Esq., 130 W. King Street, P.O. Box 1019, East Berlin, PA 17316

ESTATE OF EDWARD HARBAUGH, SR., a/k/a EDWARD LESTER HARBAUGH, DEC'D

Late of Hamiltonban Township, Adams County, Pennsylvania

Executrix: Geneva Harbaugh, 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 THEODORE EUGENE KREITZ, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Christina M. Bowers, 11 Berkey Road, East Berlin, PA 17316

Attorney: Arthur J. Becker, Jr., Esq., Becker Law Group, P.C., 529 Carlisle Street, Hanover, PA 17331



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