

# FAYETTE LEGAL JOURNAL

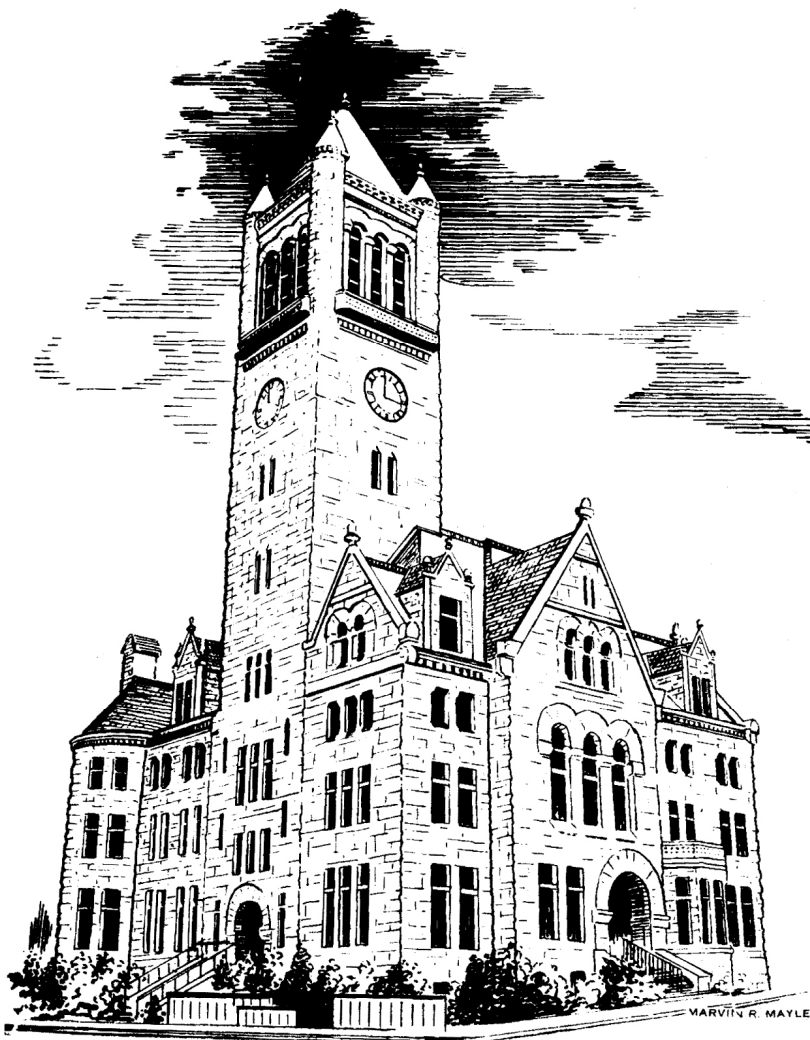
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## FAYETTE LEGAL JOURNAL

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

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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

**JAMES J. BOHATCH, a/k/a JIM BOHATCH**, late of Perry Township, Fayette County, PA (3)

*Personal Representative:* Lyons Bohatch  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Robert A. Gordon

**LOUISE E. GERBER, a/k/a LOUISE EVELYN GERBER**, late of Menallen Township, Fayette County, PA (3)

*Executor:* Rudolph Gerber, Jr.  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* Christian E. Sesek

**JUDY ANN HUMPHREYS**, late of North Union Township, Fayette County, PA (3)

*Executrix:* William Null  
c/o Fitzsimmons and Barclay  
55 East Church Street, Suite 102  
Uniontown, PA 15401  
*Attorney:* James N. Fitzsimmons, Jr.

**DIANA LEE RYAN, a/k/a DIANA L. RYAN**, late of North Union Township, Fayette County, PA (3)

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

**EDITH M. SHIERY**, late of South Connellsville Borough, Fayette County, PA (3)  
*Personal Representative:* Samuel M. Groff  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

### Second Publication

**JOSEPH BARAUSKAS, a/k/a JOSEPH WALTER BARAUSKAS, a/k/a JOSEPH W. BARAUSKAS**, late of Acme, Fayette County, PA (2)

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

**VIVIAN JOYCE BRICKER, a/k/a VIVIAN J. BRICKER**, late of Fairchance Borough, Fayette County, PA (2)

*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 (2)

*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 (2)

*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. (2)  
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 (2)

*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 (2)

*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 (2)

*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 (2)

*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 (2)

*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 (2)

*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

## First Publication

**JAMES ELLIS, a/k/a JAMES EDWARD ELLIS**, late of McClellandtown, Fayette County, PA (1)

*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 (1)

*Personal Representative:* Pamela Gadd  
c/o Dellarose Law Office, PLLC  
111 East Main Street, Second Floor  
Uniontown, PA 15401  
*Attorney:* Melinda Deal Dellarose

**DONALD J. HALL, a/k/a DONALD JAMES HALL**, late of Luzerne Township, Fayette County, PA (1)

*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 (1)

*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 (1)

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

## LEGAL NOTICES

### Articles of Incorporation

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, for a nonprofit corporation which has been incorporated under the provisions of the Nonprofit Corporation Law of 1988. The name of the corporation is Uniontown JR Red Raider Youth Football.

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IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
Case No. 836 of 2026, G.D.

IN RE: CHANGE OF NAME OF MINOR  
FROM: BRYAN JASON HICE, JR.  
TO: BRYAN JASON MORRIS

NOTICE OF HEARING ON PETITION FOR CHANGE OF NAME OF MINOR  
NOTICE IS HEREBY GIVEN that a Petition has been filed in the above captioned matter seeking a Name Change for a Minor. A hearing on said Petition is scheduled for June, 9th, 2026 at 9:00 A.M. in Courtroom 4, at the Fayette County Courthouse, located at 61 East Main Street, Uniontown, PA 15401. Any person having an interest in this has the right to appear at the hearing, to be heard, and to be represented by counsel.

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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.

**SHERIFF'S SALE**

Jill M. Fein, Esquire Hill Wallack LLP  
 1000 Floral Vale Blvd., Suite 300  
 Yardley, PA 19067  
 (215) 579-7700

Date of Sale: July 16, 2026

No. 2751 of 2024 G.D.  
 No. 72 of 2026 E.D.

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 July 16, 2026, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

**Carrington Mortgage Services, LLC**  
**Plaintiff**  
 v.  
**Beau T. Angelo**  
**Defendant**

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.

By virtue of a writ of execution case number: 2751 of 2024 GD  
 Plaintiff: Carrington Mortgage Services, LLC  
 v.  
 Defendant: Beau T. Angelo

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)

Owners of property situate in the township of South Union, Fayette County, Pennsylvania, being pin number 34-04-0037 and 34-04-0036-01.

Property being known as: 116 Santa Maria Lane, Uniontown, PA 15401  
 Improvements thereon: Residential Property

James Custer  
 Sheriff of Fayette County

ROBERTSON, ANSCHUTZ, SCHNEID,  
 CRANE & PARTNERS, PLLC  
 133 GAITHER DRIVE, SUITE F  
 MT. LAUREL, NJ 08054  
 855-225-6906

No. 304 of 2026 G.D.  
 No. 76 of 2026 E.D.

**PLAZA HOME MORTGAGE, INC.,**  
**Plaintiff**  
 v.  
**MARKUS J. BROWN**  
**Defendant(s)**

ALL THOSE CERTAIN LOTS OR  
 PIECES OF GROUND SITUATE IN DUNBAR  
 BOROUGH, FAYETTE COUNTY,  
 PENNSYLVANIA:  
 BEING KNOWN AS: 12 1ST ST  
 DUNBAR, PA 15431 BEING PARCEL  
 NUMBER: 08-08-0136 IMPROVEMENTS:  
 RESIDENTIAL PROPERTY

STERN & EISENBERG, PC  
STEVEN P. KELLY, ESQ.

No. 539 of 2024 G.D.  
No. 93 of 2026 E.D.

**Deutsche Bank National Trust Company, as  
Trustee for Morgan Stanley ABS Capital I  
Inc. Trust 2005-HE2 Mortgage Pass-Through  
Certificate, Series 2005-HE2  
Plaintiff**

v.

**Jerry Lee Glisan Sr A/K/A Jerry Lee  
Glisan and Michelle Glisan  
Defendant(s)**

SITUATE IN MARKLEYSBURG,  
FAYETTE COUNTY, PENNSYLVANIA,  
TOWNSHIP OF HENRY CLAY BEING  
KNOWN AS 312 CLOVER TOP RD,  
MARKLEYSBURG, PA 15459-1160

PARCEL NO. 16-15-1-3

IMPROVEMENTS- RESIDENTIAL  
REAL ESTATE

SOLD AS THE PROPERTY OF- Jerry  
Lee Glisan Sr and Betty Jo Glisan

Brock & Scott, PLLC

No. 2432 of 2025 G.D.  
No. 68 of 2026 E.D.

**FREEDOM MORTGAGE CORPORATION  
v.  
JEREMY R. HAINES; JULIE HAINES;  
KRISTEN HAINES**

FREEDOM MORTGAGE  
CORPORATION v. JEREMY R. HAINES;  
JULIE HAINES; KRISTEN HAINES owner(s)  
of property situate in the JEFFERSON  
TOWNSHIP, FAYETTE County, Pennsylvania,  
being 149 WASHINGTON DRIVE, FAYETTE  
CITY, PA 15438 Tax ID No. 17030055 A/K/A  
17-03-0055

Improvements thereon: RESIDENTIAL  
DWELLING

Judgment Amount: \$84,793.53

Jill M. Fein, Esquire  
Hill Wallack LLP  
1000 Floral Vale Blvd., Suite 300  
Yardley, PA 19067  
(215) 579-7700

No. 1336 of 2026 G.D.  
No. 73 of 2026 E.D.

**Wilmington Savings Fund Society, FSB, as  
owner trustee of the Residential Credit  
Opportunities Trust X-C  
Plaintiff**

v.

**Robin Lynn Hall-Emery, as believed heir  
and/or Administrator to the Estate of James  
D. Emery and Unknown Heirs, and/or  
administrators to the Estate of James D.  
Emery  
Defendant**

By virtue of a writ of execution case  
number: 2025-01336 GD

Plaintiff: Wilmington Savings Fund  
Society, FSB, as owner trustee of the Residential  
Credit Opportunities Trust X-Cv.

Defendant: Robin Lynn Hall-Emery, as  
believed heir and/or Administrator to the Estate  
of James D. Emery and Unknown Heirs, and/or  
administrators to the Estate of James D. Emery

Owners of property situate in the Township  
of Menallen, Fayette County, Pennsylvania,  
being pin number 22-06-012401.

Property being known as: 216 Baer Rd,  
Smock, PA 15480

Improvements thereon: Residential Property

No. 2798 of 2025 G.D.  
No. 81 of 2026 E.D.

**SOMERSET TRUST COMPANY  
v.  
JASPER J. HAWKER**

Docket Number: 2798 of 2025 GD  
Property of: Jasper J. Hawker  
Located in: CITY OF UNIONTOWN,  
FAYETTE COUNTY

Street Address: 50 UNION STREET,  
UNIONTOWN, FAYETTE COUNTY,  
PENNSYLVANIA 15401.

Brief Description of Property: Residential,  
Single-Family home

Improvements thereon: RESIDENTIAL  
DWELLING

Record book Volume: 3400, Page 623  
Tax Assessment Number(s): MAP NO.:  
38-12-0080

Brock & Scott, PLLC

No. 2758 of 2025 G.D.  
No. 88 of 2026 E.D.

**NATIONSTAR MORTGAGE LLC D/B/A  
MR COOPER OR RIGHTPATH  
SERVICING  
v.  
NANCY J HOLSING**

By virtue of a Writ of Execution No. 2758 OF 2025 G.D.  
NATIONSTAR MORTGAGE LLC D/B/A MR COOPER OR RIGHTPATH SERVICING v. NANCY J HOLSING owner(s) of property situate in the BOROUGH OF DUNBAR, FAYETTE County, Pennsylvania, being 226 CONNELLSVILLE ST, DUNBAR, PA 15431  
Tax ID No. 08-03-0048 aka 08030048  
Improvements thereon: RESIDENTIAL DWELLING  
Judgment Amount: \$20,530.80

No. 229 of 2026 G.D.  
No. 100 of 2026 E.D.

**MMG INVESTMENTS VI, LLC,  
Plaintiff,  
vs.  
KEITH J. MARILUNGO, individually  
And DBA OVER THE ROAD TRUCKING  
Defendant.**

ALL that tract of land situate German Township, Fayette County, Pennsylvania, known as 1025 McClellandtown Road, McClellandtown, Pennsylvania 15458, having erected thereon a dwelling house.  
PARCEL BEING KNOWN AND DESIGNATED AS TAX MAP 15-28-0174.  
BEING the same premises conveyed to Keith Marilungo, by deed from Keith Marilungo and Emily C. Marilungo, now known as Emily C. Gilleland, formerly husband and wife, dated November 14, 2013, which deed is of record in the Office of the Recorder of Deeds of Fayette County, Pennsylvania as Instrument Number 201300013831.

STERN & EISENBERG, PC  
STEVEN P. KELLY, ESQ.

No. 3016 of 2025 G.D.  
No. 71 of 2026 E.D.

**The Bank of New York Mellon as Trustee for  
CWABS, Inc. Asset-Backed Certificates,  
Series 2005-4  
Plaintiff  
v.  
Daniel L. Morgan  
Defendant(s)**

SITUATE IN UNIONTOWN, FAYETTE COUNTY, PENNSYLVANIA, TOWNSHIP OF MENALLEN BEING KNOWN AS 7725 NATIONAL PIKE, UNIONTOWN, PA 15401-5106  
PARCEL NO. 22170070  
IMPROVEMENTS- RESIDENTIAL REAL ESTATE  
SOLD AS THE PROPERTY OF- Daniel L. Morgan

No. 2964 of 2025 G.D.  
No. 67 of 2026 E.D.

**Brighthouse Life Insurance Company  
vs.  
Donald G. Moser, Jr. and Jennifer L. Moser**

As the attorney for the Plaintiff, in the matter of Brighthouse Life Insurance Company vs. Donald G. Moser, Jr. and Jennifer L. Moser, I submit the following information with the request that it be used FOR ADVERTISEMENT PURPOSES.  
ALL THAT CERTAIN piece or parcel or tract of land containing 272 Main Street situate in the Township of North Union, County of Fayette, and State of Pennsylvania  
Tax Parcel No. 25-19-0105  
TITLE TO SAID PREMISES IS VESTED IN Donald G. Moser, Jr., and Jennifer L. Moser, husband and wife, from Jennifer L. Moser, married, by Deed dated June 19, 2008, and recorded on July 7, 2008 in Book 3066, Page 793  
Sold as the property of Donald G. Moser, Jr. and Jennifer L. Moser

ROBERTSON, ANSCHUTZ, SCHNEID,  
CRANE & PARTNERS, PLLC  
133 Gaither Drive, Suite F  
Mt. Laurel, NJ 08054  
855 225-6906

No. 96 of 2026 G.D.  
No. 57 of 2026 E.D.

**DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR  
SOUNDVIEW HOME LOAN TRUST 2004-1  
ASSET-BACKED CERTIFICATES, SERIES  
2004-1**

**Plaintiff**

**v.**

**GARY J. OSWALD; JODY A. OSWALD**  
**Defendant(s)**

ALL THOSE CERTAIN LOTS OR  
PIECES OF GROUND SITUATE IN  
BULLSKIN TOWNSHIP, FAYETTE  
COUNTY, PENNSYLVANIA:  
BEING KNOWN AS: 619  
ENGLISHMAN HILL RD CONNELLSVILLE,  
PA 15425  
BEING PARCEL NUMBER: 04-29-0252-01  
IMPROVEMENTS: RESIDENTIAL  
PROPERTY

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Brock & Scott, PLLC

No. 14 of 2026 G.D.  
No. 70 of 2026 E.D.

**FREEDOM MORTGAGE CORPORATION**  
**v.**  
**JOSHUA D PATRICK; SHELBY L  
PATRICK**

By virtue of a Writ of Execution No. 14 OF  
2026 GD  
FREEDOM MORTGAGE  
CORPORATION v. JOSHUA D PATRICK;  
SHELBY L PATRICK owner(s) of property  
situate in the THIRD WARD OF THE CITY OF  
UNIONTOWN, FAYETTE County,  
Pennsylvania, being 7 JACOB ST,  
UNIONTOWN, PA 15401  
Tax ID No. 38-04-0603  
Improvements thereon: RESIDENTIAL  
DWELLING  
Judgment Amount: \$77,470.03

McCalla Raymer Leibert Pierce, LLP  
485F Route 1 South, Suite 300  
Iselin, NJ 08830-3072

No. 35 of 2026 G.D.  
No. 86 of 2026 E.D.

**NATIONSTAR MORTGAGE LLC**  
**v.**  
**DUSTIN M. PAXON AND SECRETARY OF  
HOUSING AND URBAN DEVELOPMENT**

By virtue of a Writ of Execution No. 2026-  
0035

NATIONSTAR MORTGAGE LLC v.  
DUSTIN M. PAXON AND SECRETARY OF  
HOUSING AND URBAN DEVELOPMENT

ALL that certain piece or parcel of land  
located in Luzerne Township, Fayette County,  
Commonwealth of Pennsylvania.

Parcel ID: 19-17-0068

Property Address: 220 Creek Road,  
Merrittstown, PA 15463

Improvements thereon: Residential  
Dwelling

Judgment Amount: \$171,035.16

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Brock & Scott, PLLC

No. 2138 of 2022 G.D.  
No. 52 of 2026 E.D.

**KEYBANK, NA, S/B/M FIRST NIAGARA  
BANK, NA**  
**v.**  
**MARK V. SANGSTON A/K/A MARK  
SANGSTON; MARTHA SANGSTON**

By virtue of a Writ of Execution No. 2138  
of 2022 GD

KEYBANK, NA, S/B/M FIRST  
NIAGARA BANK, NA v. MARK V.  
SANGSTON A/K/A MARK SANGSTON;  
MARTHA SANGSTON owner(s) of property  
situate in the DUNBAR TOWNSHIP,  
FAYETTE County, Pennsylvania, being 2052  
UNIVERSITY DRIVE, LEMONT FURNACE,  
PA 15456

Tax ID No. 09-31-0036-03

Improvements thereon: RESIDENTIAL  
DWELLING

Judgment Amount: \$155,119.93

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

No. 101 of 2026 G.D.  
No. 58 of 2026 E.D.

**PENNYMAC LOAN SERVICES, LLC**  
**3043 Townsgate Road**  
**Suite 200**  
**Westlake Village, CA 91361**  
**Plaintiff**

vs.

**SAMUEL D. SNYDER**  
**Mortgagor(s) and Record Owner(s)**  
**102 South Liberty Street**  
**Masontown, PA 15461**  
**Defendant(s)**

ALL THAT CERTAIN LOT OF LAND  
SITUATE IN BOROUGH OF MASONTOWN,  
COUNTY OF FAYETTE AND  
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 102 SOUTH  
LIBERTY STREET, MASONTOWN, PA  
15461

TAX PARCEL #21-07-0067  
IMPROVEMENTS: A RESIDENTIAL  
DWELLING

SOLD AS THE PROPERTY OF:  
SAMUEL D. SNYDER

REAL ESTATE  
SOLD AS THE PROPERTY OF- Arthur  
C. Wells, Jr.

No. 2704 of 2025 G.D.  
No. 75 of 2026 E.D.

**PNC BANK, NATIONAL ASSOCIATION**  
**PLAINTIFF**

vs.

**Madison R. Zimcosky, Executrix of the Estate**  
**of Barbara A. Zimcosky, deceased**  
**DEFENDANT**

ALL THAT CERTAIN PIECE OR  
PARCEL OF LAND SITUATED IN  
REDSTONE TOWNSHIP, FAYETTE  
COUNTY, PENNSYLVANIA, BEING PART  
OF THE COLONIAL NO. 3 MINING  
VILLAGE, BOUNDED AND DESCRIBED AS  
FOLLOWS: AND AS SHOWN BY PLAN  
EXHIBIT "D" RECORDED WITH DEED  
FROM H. C. FRICK COKE COMPANY TO  
MARK SUGARMAN AND ADA  
SUGARMAN, HIS WIFE;

BEING PARCEL NO. 30-10-0093

BEING KNOWN AS 3308 3rd Street.  
Grindstone. PA 15442.

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

STERN & EISENBERG, PC  
STEVEN P. KELLY, ESQ.

No. 1509 of 2026 G.D.  
No. 43 of 2026 E.D.

**PHH Mortgage Corporation**  
**Plaintiff**

v.

**Aaron Wells, solely in his capacity as known**  
**heir of Arthur C. Wells, Jr., deceased and**  
**Curtis Wells, solely in his capacity as known**  
**heir of Arthur C. Wells, Jr., deceased and**  
**Nicole Wells Berkich, solely in her capacity as**  
**known heir of Arthur C. Wells, Jr., deceased**  
**Defendant(s)**

SITUATE IN BROWNSVILLE,  
FAYETTE COUNTY, PENNSYLVANIA,  
BOROUGH OF BROWNSVILLE BEING  
KNOWN AS 236 CADWALLADER ST,  
BROWNSVILLE, PA 15417

PARCEL NO. 02-06-0049  
IMPROVEMENTS- RESIDENTIAL

**WARMAN ABSTRACT & RESEARCH LLC**

**JOHN F. WARMAN**

**518 Madison Drive**

**Smithfield, PA 15478**

**724-322-6529**

**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 :  
Appellee, :  
v. :  
RIH'MEAR HARRIS : No. 375 of 2024  
Appellant. : Honorable Linda R. Cordaro

OPINION

Linda R. Cordaro, J.

April 17, 2026

SUMMARY

Following a jury trial from November 3 to November 4, 2025, the Appellant, Mr. Rih'mear Harris, was convicted on robbery, possession of a firearm by a minor, firearms not to be carried without a license, terroristic threats, simple assault, and evading arrest or detention on foot {1}. He was sentenced on January 12, 2026, to four to six years incarceration.

FACTUAL BACKGROUND

On January 31, 2024, Matthew Swope met up with two acquaintances known to him as "Miz" and "Squill" to smoke marijuana. These two acquaintances were Appellant, Rih'mear Harris, and co-defendant William Floyd, respectively. Upon meeting up, the men walked around Uniontown, and at some point, walked down an alleyway. Mr. Harris and Mr. Floyd pulled out guns and held them against Mr. Swope. Mr. Harris demanded Mr. Swope give them the backpack he was carrying, which contained marijuana and other personal items.

Drew Deberry was at his home getting ready for work when he heard a disturbance outside. Upon looking at his security cameras and then out the window, he saw an altercation occurring. Mr. Deberry saw two men holding guns against the male victim, one with the gun pressed against the victim's stomach and the other against his back. Mr. Deberry recalled that the perpetrators were wearing sweatpants, one of them had a mask on, and the victim had on a red backpack. Seeing this interaction, Mr. Deberry called the police.

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{1} 18 Pa. C.S.A. § 3701(a)(1)(ii); 18 Pa. C.S.A. § 6110.1(a); 18 Pa. C.S.A. § 6106(a)(1); 18 Pa. C.S.A. § 2706(a)(1); 18 Pa. C.S.A. § 2701(a)(1); 18 Pa. C.S.A. § 5104.2(a)

## PROCEDURAL BACKGROUND

On the day of the incident, Mr. Harris was arrested and charged with 23 counts, including robbery, aggravated assault, possession of a firearm by a minor, and related conspiracy charges. At the preliminary hearing on February 27, 2024, before Magisterial District Judge Jason Cox, all charges, except Count 18 - flight to avoid apprehension, were held for court. On December 23, 2024, a hearing was held on Defendant's Omnibus Pre-Trial motion for the Court to transfer the proceedings to juvenile court. This Court provided an opinion and order denying this motion on January 17, 2025. On November 4, 2025, Count 11, Receiving Stolen Property, was nol prossed, and Count 18, Evading Arrest, was graded as a second-degree misdemeanor. After a jury trial, Mr. Harris was convicted on six charges - robbery, possession of firearm by a minor, firearms not to be carried without a license, terroristic threats, simple assault, and evading arrest. On January 12, 2026, the Appellant was sentenced to four to six years incarceration.

## ISSUES ON APPEAL

Appellant raises five issues on appeal:

- 1) Whether the Court erred by denying Defendant's motion to transfer the proceedings to juvenile court?
- 2) Whether the Court erred by denying cross-examination of witness Drew Deberry regarding the contents of a 911 call transcript?
- 3) Whether the Court erred by admitting testimony from forensic scientist Gabriel Llinas?
- 4) Whether the Commonwealth failed to present sufficient evidence to prove beyond a reasonable doubt that the Appellant committed the offenses of robbery, possession of a firearm by a minor, firearms not to be carried without a license, terroristic threats, and simple assault?
- 5) Whether the Court's sentence complied with the Eighth Edition of the Pennsylvania Sentencing Guidelines, and whether the sentence was unduly harsh and punitive?

## DISCUSSION

The first issue Mr. Harris asserts is this Court's denial of his motion to transfer the proceedings to juvenile court. Following a hearing held December 23, 2024, this issue was decided by this Court. In its order and opinion dated January 17, 2025, the Court denied the requested transfer to juvenile court. This Court incorporates herein its opinion of January 17, 2025, setting forth the reasons for the Court's denial to transfer this case to juvenile court.

The second issue Mr. Harris asserts is that this Court erred by barring witness Drew Deberry from testifying about the contents of a 911 call log. The Defendant attempted to impeach this witness about a 911 call log that the witness did not prepare, nor did he have any control over what was written in the call log.

The Appellant argues that the prosecution "opened the door" by eliciting testimony about the call during Mr. Deberry's testimony. The record shows that the prosecution

merely inquired what Mr. Deberry did upon seeing the interaction:

A.D.A. SHULTZ: What did you do upon seeing that interaction?

DEBERRY: Called 911.

Trial Tr. 24: 21-22 Nov. 3, 2025.

The prosecution did not make any further inquiries as to the contents of the call. "An inconsistent statement can also be admissible to impeach a witness' credibility. However, it must be established that the witness, in fact, made the allegedly inconsistent statement." *Commonwealth v. Woods*, 710 A.2d 626, 630 (Pa. Super. 1998). "... there must be evidence that the statement was made or adopted by the witness whose credibility is being impeached." *Commonwealth v. Brown*, 448 A.2d 1097, 1102 (Pa. Super. 1982) quoting *Commonwealth v. Baez*, 431 A.2d 909, 912 (1981). Here, there was no evidence that Mr. Deberry adopted what the 911 dispatcher wrote down in the 911 call log.

Further, it is well-established that this was within the Court's discretion. "The admission or exclusion of evidence is within the sound discretion of the trial court, and in reviewing a challenge to the admissibility of evidence, we will only reverse a ruling by the trial court upon a showing that it abused its discretion or committed an error of law." *B.K. v. J.K.*, 823 A.2d 987, 991 (Pa. Super. 2003). The Court found that the attempted impeachment of Mr. Deberry on what was written in a 911 call log that he did not adopt, that he had no control over, nor that he ever reviewed was inappropriate, and for those reasons, it was excluded.

The third issue Mr. Harris asserts is that this Court erred by admitting the testimony of Gabriel Llinas, over hearsay and lack of foundation objections, because it was a violation of the Defendant's confrontation right. This issue is clearly erroneous. After a review of the record, the Appellant never objected to Mr. Llinas's testimony. In Appellant's discussion of the issue, it is clear he is raising an issue as to Justina Nichols's and Officer Travis Shandor's testimony. Nonetheless, the statement of issue is to Gabriel Llinas's testimony, for which the Appellant never raised any objection.

Despite this erroneous statement, the Court will briefly discuss the issue the Appellant intended to raise, per his discussion of the issue. The essence of Appellant's argument is that evidence regarding the Ruger firearm was improperly admitted because of an alleged break in the chain of custody. Justina Nichols testified that she was not aware of who collected the swab on the firearm. Trial Tr. 146: 22-24 Nov. 4, 2025. It is well-established that "gaps in chain of custody go to the weight that is to be afforded evidence, not to its admissibility." *Commonwealth v. Copenhefer*, 719 A.2d 242, 312 (1998). The Appellant fails to explain how this alleged defect would have caused the jury to weigh the evidence any differently. Additionally, the Appellant objected to Officer Shandor testifying about whether the firearm had been given an evidence number because he was not the one who created the number. Here, again, the Appellant has failed to establish how this alleged gap would have led the jury to evaluate the evidence in a different manner. It has been made clear that the prosecution is not required to call every single witness who has "laid hands on the evidence." See *Commonwealth v. Walker*, 350 A.3d 54, 124 n. 36 (Pa. 2026) quoting *Melendez-Diaz v. Massachusetts*, 557 U.S. 305, 311 n.1 (2009).

Mr. Harris's fourth contention is that the evidence presented was insufficient to find that he was guilty of robbery, possession of a firearm by a minor, firearms not to be carried without a license, terroristic threats, and simple assault.

Evidence is insufficient as a matter of law when the evidence offered to support the verdict is in contradiction to the physical facts, or in contravention to human experience and the laws of nature. See *Commonwealth v. Widemer*, 744 A.2d 745, 751 (Pa. 2000) (citing *Commonwealth v. Santana*, 333 A.2d 876,878 (Pa. 1975)). The Pennsylvania Supreme Court has held that "[e]vidence will be deemed sufficient to support the verdict when it establishes each material element of the crime charged and the commission thereof by the accused, beyond a reasonable doubt." *Id.* at 751. The fact-finder may resolve any doubts regarding a defendant's guilt "unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances." *Commonwealth v. Fortson*, 165 A.3d 10, 14 (Pa. Super. Ct. 2017).

The Defendant's basis for this contention is that there was insufficient evidence to prove he was even involved in this incident. The Appellant argues that the actors in the video (Comm. Ex. #1) have their faces covered, and thus, there was no way for the jury to identify if any of the actors were Mr. Harris. After a review of the video, only one of the perpetrators has a face mask on. Further, this face mask only covers the bottom portion of his face. Additionally, Mr. Swope positively identified Mr. Harris during his testimony. Trial Tr. 39: 7-18 Nov. 3, 2025. Mr. Swope was previously acquainted with Mr. Harris, as this incident was not their first time interacting. *Id.* 46: 6-11. Mr. Swope's positive identification of Mr. Harris is credible. The jury was also shown body cam footage from arresting officer Travis Shandor, which depicts a clearer picture of the Appellant's face. Ex. 4. Even without the positive identifications, a reasonable juror could have compared the perpetrator in Commonwealth's Exhibit 1 and Exhibit 4 and found it to be the same person.

The Appellant further argues that there is insufficient evidence on the basis the DNA evidence does not prove beyond a reasonable doubt the Appellant is one of the actors in the video, as the clothing items are available at different retail stores throughout the county. The discarded sweatshirt and facemask were found right off the alley where a suspect was found. *Id.* 67: 1-8. The red backpack containing the marijuana was found in the same alley. *Id.* 89: 10-13. Further, forensic scientist Justina Nichols testified that the DNA profile on the sweatshirt is 720 trillion {2} times more likely to have originated from the Appellant and three unknown, unrelated individuals rather than four unknown, unrelated individuals. Trial Tr. 139: 11-16 Nov. 4, 2025. Ms. Nichols testified that the DNA profile from the facemask is 19 octillion times more likely if it originated from Appellant and two unknown, unrelated individuals than three unknown, unrelated individuals. *Id.* 140: 9-13.

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{2} 720 trillion is a number with 12 zeros. Written out 720,000,000,000,000.

There is strong evidence, in support of the verdict, to prove that Appellant was involved in this incident.

The Appellant's final issue is that this Court failed to comply with the Eighth Edition of the Pennsylvania Sentencing Guidelines. The Appellant argues that this Court erred by applying a three-point Offense Gravity Score increase on the basis this crime was drug-related because he robbed Mr. Swope of marijuana.

18 Pa. C.S.A. § 3701(b)(2) provides a clear distinction when the object of the robbery is a controlled substance, as it was here. Specifically, it states that "if the object under paragraph (1) is a controlled substance or designer drug ... robbery is a felony of the first degree." 18 Pa. C.S.A. § 3701(b)(2). What drug-related means for contexts of this is best demonstrated in the sentencing guidelines under 18 Pa. C.S.A. 3701(a)(1)(v). Generally, this offense, robbery - taking of property, is graded as a F-3. However, according to the guidelines, when it is "(drug-related)," it rises to a F-1, pursuant to § 3701 (b)(2). Thus, it is evident that when the guidelines list a robbery offense as drug-related, then it is because the object of the robbery was drugs. The Appellant is correct in asserting that no evidence existed for the criminal gang enhancement nor the school zone/youth enhancement. {3} However, these enhancements were not considered for Appellant's sentence.

The Appellant further argues that this Court did not take into consideration that the Defendant was a juvenile at the time of the offense and that another juvenile was involved in the crime. The Court did, in fact, take into consideration that Appellant was a minor at the time of the incident. Sentencing Tr. 4: 18 Jan. 12, 2026. The Court also took into consideration the seriousness of this offense, that the Appellant used a firearm, the potential harm to the victim, and the rehabilitative needs of the Defendant. Id. 4: 13-20. It was based on these considerations that the sentence was imposed.

Specifically, the Court stated:

COURT: The Court has considered the presentence investigation report, the Court considered the nature of this offense, this was a violent offense that included threats with a handgun to the victim in this case. The Court has considered the protection of the public, it has considered the potential harm to the victim, the, again the nature of the offenses, the rehabilitative needs of the defendant. I've considered his age, and the Court believes that any lesser sentence would depreciate the serious nature of the events and believes that the defendant's rehabilitative needs will be addressed most appropriately by his incarceration.

Id. 4: 11-22.

The Appellant cites Goggins, in that this Court focused exclusively on retribution rather than taking into account Defendant's age, maturity, remorsefulness, or his rehabilitative needs. The issue in Goggins is that the trial court there improperly "double counted" certain factors in the sentencing guidelines. See *Commonwealth v. Goggins*, 748 A.2d 721,732 (Pa. Super. 2000). However, the Superior Court held that the trial court had properly implemented a harsher sentence than the minimum on the basis of the impact on the public. *Id.* Here, the Court did not "double count" any factors, but rather, it made findings on permissible factors.

The Appellant also states that the Court failed to comply with 42 Pa. C.S.A. § 9721 (b) by not taking into consideration the Defendant's family and personal background, and his rehabilitative needs. The Court did take into consideration the Appellant's rehabilitative needs. Sentencing Tr. 4:17-18 Jan. 12, 2026. The Court fails to see where it is required to take Defendant's family and personal background into consideration in the statute the Appellant cites.

Even if the Court exceeded the Guidelines recommendations, "it is well established that the Sentencing Guidelines are purely advisory in nature." *Commonwealth v. Yuhasz*, 923 A. 2d 1111, 1118 (2007).

#### CONCLUSION

For the foregoing reasons, this Court respectfully submits that it has committed no abuse of discretion or error of law, and that there was sufficient evidence to support the jury's verdict.

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

