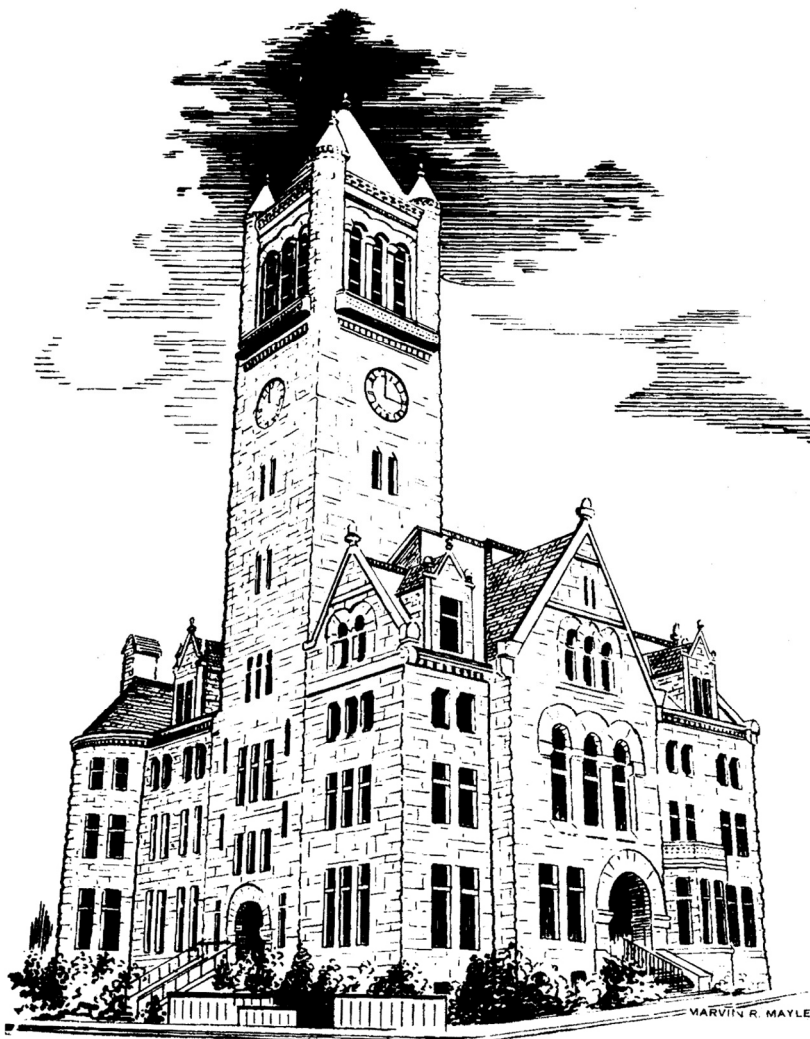


# FAYETTE LEGAL JOURNAL

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## FAYETTE LEGAL JOURNAL

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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 M. LAUGHERY**, late of North Union Township, Fayette County, PA (3)

*Co-Executrix:*

Jamie Kline and Tonya Luckey  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401

*Attorney:* James E. Higinbotham, Jr.

**MARY EDNA SCHVARCZKOPF**, late of Uniontown, Fayette County, PA (3)

*Personal Representative:* Lisa Zeller  
c/o Davis & Davis

107 East Main Street  
Uniontown, PA 15401

*Attorney:* Gary J. Frankhouser

**MARION CAROL TRIMBATH a/k/a CAROL TRIMBATH**, late of Dunbar Township, Fayette County, PA (3)

*Personal Representative:* Marti Pletcher  
c/o Watson Mundorff, LLP

720 Vanderbilt Road  
Connellsville, PA 15425

*Attorney:* Timothy J. Witt

### Second Publication

**FRANCES BELL, a/k/a FRANCES LA BELLA**, late of Uniontown, Fayette County, PA

*Executor:* Harold Bell (2)

c/o Webster & Webster  
51 East South Street  
Uniontown, PA 15401

*Attorney:* Webster & Webster

**VINCENT CAPOZZA**, late of Masontown, Fayette County, PA (2)

*Administratrix:* Rebecca Capozza  
c/o Pratt Law Offices, LLC  
223 East High Street  
Waynesburg, PA 15370

*Attorney:* Kimberly Simon-Pratt

**DENNIS J. CARINI**, late of Belle Vernon Borough, Fayette County, PA (2)

*Executrix:* Chelsea Carini  
71 Sampson Street

Belle Vernon, PA 15012  
c/o 823 Broad Avenue

Belle Vernon, PA 15012

*Attorney:* Mark E. Ramsier

**NANCY J. DEMARK**, late of Fairchance, Fayette County, PA (2)

*Executor:* Charles Enos, III  
c/o 815A Memorial Boulevard  
Connellsville, PA 15425

*Attorney:* Margaret Zylka House

**ALFRED E. DUBOIS, JR.**, late of South Union Township, Fayette County, PA (2)

*Executrix:* Renee L. DuBois  
c/o Webster & Webster

51 East South Street  
Uniontown, PA 15041

*Attorney:* Webster & Webster

**ALBERTA J. GALLIK, a/k/a ALBERTA JEAN GALLIK**, late of Grindstone, Fayette County, PA (2)

*Personal Representative:* Alicia M. Johnson  
c/o Davis & Davis

107 East Main Street  
Uniontown, PA 15401

*Attorney:* Michael A. Aubele

**TEDDY FRANK LACH**, late of Luzerne Township, Fayette County, PA (2)

*Personal Representative:* Gary Ciesielczyk  
c/o Davis & Davis

107 East Main Street  
Uniontown, PA 15401

*Attorney:* Jeremy J. Davis

**CATHERINE E. REGETS, a/k/a  
CATHERINE REGETS**, late of South Union  
Township, Fayette County, PA (2)  
*Executrix:* Judith R. Queen  
c/o Zebley Mehalov & White, P.C.  
18 Mill Street Square  
*Attorney:* Mark M. Mehalov

---

**TIMOTHY RAY RITENOUR, a/k/a  
TIMOTHY RITENOUR**, late of Melcroft,  
Fayette County, PA (2)  
*Administratrix:* Joyce Ritenour  
1731 Indian Creek Valley Road  
Melcroft, PA 15462  
c/o Nakles and Nakles  
1714 Lincoln Avenue  
Latrobe, PA 15650  
*Attorney:* Ryan P. Cribbs

---

**JOAN P. SCHAFFER**, late of South Union  
Township, Fayette County, PA (2)  
*Administrator:* Gregory L. Schaffer, Sr.  
c/o 11 Pittsburgh Street  
Uniontown, PA 15401  
*Attorney:* Thomas W. Shaffer

---

**DOLORES A. SERINKO**, late of Perryopolis  
Borough, Fayette County, PA (2)  
*Executor:* Regis Serinko, Jr.  
124 Cambridge Lane  
Bellefonte, PA 16823  
c/o 823 Broad Avenue  
Belle Vernon, PA 15012  
*Attorney:* Mark R. Ramsier

---

**DAVID S. THOMAS**, late of Smock, Fayette  
County, PA (2)  
*Executrix:* Betty L. Kashuba  
P.O. Box 113  
Waltersburg, PA 15488  
c/o Radcliffe Law, LLC  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* William M. Radcliffe

---

## First Publication

**LARRY R. MARKER**, late of Bullskin  
Township, Fayette County, PA (1)  
*Co-Executors:* Jarrad R. Marker and  
Shawnee L. Smith  
c/o Proden & O'Brien  
99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Wendy L. O'Brien

---

**MARGARET MAST**, late Belle Vernon,  
Fayette County, PA (1)  
*Executrix:* Carol Lynn Rhodes  
205 Water Street  
Belle Vernon, PA 15012  
c/o Nathan J. Zarichnak & Associates, LLC  
601 ½ Broad Avenue  
Belle Vernon, PA 15012  
*Attorney:* Nathan Zarichnak

---

**JAMES E. OLESKO**, late of Redstone  
Township, Fayette County, PA (1)  
*Personal Representatives:*  
Anthony J. Olesko and John Olesko, Sr.  
c/o Davis and Davis  
107 East Main Street  
Uniontown, PA 15041  
*Attorney:* James T. Davis

---

**KRISTIN YUCHA, a/k/a KRISTIN L.  
YUCHA**, late of Masontown Borough, Fayette  
County, PA (1)  
*Administrator:* Michael E. Yucha, Jr.  
c/o John & John  
96 East Main Street  
Uniontown, PA 15401  
*Attorney:* Anne N. John

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## LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF  
FAYETTE COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW  
No. 1128 of 2022, G.D.

The Honorable Judge Steve P. Leskinen

**IN RE: CHANGE OF NAME OF  
CHARLES RICHARD NAHAR**

### NOTICE

Notice is hereby given that on June 23, 2022 the petition of Charles Richard Nahar was filed in the above named Court, requesting an Order to change the name of Charles Richard Nahar to Charles Richard McKnight.

The Court has fixed October 20, 2022 at 10:00 A.M. in Courtroom Number 1, 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.

Sheryl R. Heid, Esquire  
4 N. Beeson Blvd.  
Uniontown, PA 15401  
(724)437-4700

LOGS LEGAL GROUP LLP BY:  
CHRISTOPHER A. DeNARDO, PA I.D. NO.  
78447 ELIZABETH L. WASSALL, PA I.D.  
NO. 77788 LESLIE J. RASE, PA I.D. NO.  
58365 SAMANTHA GABLE, PA I.D. NO.  
320695 HEATHER RILOFF, PA I.D. NO.  
309906 3600 HORIZON DRIVE, SUITE 150  
KING OF PRUSSIA, PA 19406 TELEPHONE:  
(610) 278-6800 E-  
MAIL: PAHELP@LOGS.COM LLG FILE NO.  
21-066626 Longbridge Financial, LLC  
PLAINTIFF VS. Paul Zitney, known Heir of  
Paul Zitney, deceased; Michele Kenney, known  
Heir of Paul Zitney, deceased; Barbara Zitney,  
known Heir of Paul Zitney, deceased; Steve  
Zitney, known Heir of Paul Zitney, deceased;  
and Unknown Heirs, Successors, Assigns and  
All Persons, Firms or Associations Claiming  
Right, Title or Interest from or under Paul  
Zitney, deceased DEFENDANTS COURT OF  
COMMON PLEAS CIVIL DIVISION  
FAYETTE COUNTY NO: 2022-01138 To the  
Defendants, Unknown Heirs, Successors,  
Assigns and All Persons, Firms or Associations  
Claiming Right, Title or Interest from or under  
Paul Zitney, deceased: TAKE NOTICE THAT  
THE Plaintiff, Longbridge Financial, LLC has  
filed an action Mortgage Foreclosure, as  
captioned above. NOTICE IF YOU WISH TO  
DEFEND, YOU MUST ENTER A WRITTEN  
APPEARANCE PERSONALLY OR BY  
ATTORNEY AND FILE YOUR DEFENSE OR  
OBJECTIONS WITH THE COURT. YOU ARE  
WARNED THAT IF YOU FAIL TO DO SO  
THE CASE MAY PROCEED WITHOUT YOU  
AND A JUDGMENT MAY BE ENTERED  
AGAINST YOU WITHOUT FURTHER  
NOTICE FOR THE RELIEF REQUESTED BY  
THE PLAINTIFF. YOU MAY LOSE MONEY  
OR PROPERTY OR OTHER RIGHTS  
IMPORTANT TO YOU. YOU SHOULD  
TAKE THIS NOTICE TO YOUR LAWYER  
AT ONCE. IF YOU DO NOT HAVE A  
LAWYER GO TO OR TELEPHONE THE  
OFFICE SET FORTH BELOW. THIS OFFICE  
CAN PROVIDE YOU WITH INFORMATION  
ABOUT HIRING A LAWYER. IF YOU  
CANNOT AFFORD TO HIRE A LAWYER,  
THIS OFFICE MAY BE ABLE TO PROVIDE  
YOU WITH INFORMATION ABOUT  
AGENCIES THAT MAY OFFER LEGAL  
SERVICES TO ELIGIBLE PERSONS AT A  
REDUCED FEE OR NO FEE.  
SOUTHWESTERN PA LEGAL SERVICES 45  
EAST MAIN STREET UNIONTOWN, PA  
15401 724-439-3591 800-846-0871 (TOLL  
FREE)

## SHERIFF'S SALE

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 November 17, 2022 at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:

All bidders must complete the Realauction on-line registration process at <https://fayette.pa.realforeclose.com> to participate in the auction.

All bidders must place a 10% deposit equal to the successful bid for each property purchased to Realauction via wire transfer or ACH. 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.

(1 of 3)

James Custer  
Sheriff of Fayette County

McCABE, WEISBERG & CONWAY, LLC  
123 South Broad Street, Suite 1400  
Philadelphia, PA 19109  
(215) 790-1010

No. 2196 of 2021, G.D.  
No. 131 of 2022, E.D.

**Reverse Mortgage Funding, LLC**  
**Plaintiff**  
v.  
**Carolyn Allen**  
**Defendant**

All that certain piece or parcel or Tract of land situate in Redstone Township, Fayette County, Pennsylvania, and being known as 237 Filbert Orient Road, Cardale, Pennsylvania 15420.

Being known as: 237 Filbert Orient Road, Cardale, Pennsylvania 15420

Title vesting in Earl Allen Jr. and Carolyn J. Allen, husband and wife by deed from EARL ALLEN, JR. dated August 21, 2013 and recorded September 3, 2013 in Deed Book 003230, Page 0140 Instrument Number 201300010721. The said Earl Allen Jr. died on February 14, 2017 thereby vesting title in his surviving spouse Carolyn J. Allen by operation of law.

Tax Parcel Number: 30-27-0043 & 30-27-0044

No. 79 of 2022, G.D.  
No. 136 of 2022, E.D.

**KeyBank, NA, s/b/m First Niagara Bank, NA**  
**Plaintiff,**

vs.

**David Richard Clark, Jr., as believed Heir and/or Administrator to the Estate of Janice Clark, AKA Janice K. Clark; John Michael Clark, as believed Heir and/or Administrator to the Estate of Janice Clark, AKA Janice K. Clark; Unknown Heirs and/or Administrators to the Estate of Janice Clark, AKA Janice K. Clark**  
**Defendants.**

ALL that certain parcel of land lying and being situate in the Township of North Union, County of Fayette, and Commonwealth of Pennsylvania, known as 570 Coolspring Street, Uniontown, PA 15401 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 25-47-0088

BEING the same premises which Louise Gregor Silbaugh and John W. Silbaugh, her husband, Dolores A. Gregor, single, and Robert J. Gregor, single, by Deed dated July 10, 1973 and recorded in and for Fayette County, Pennsylvania in Deed Book 1150, Page 337, granted and conveyed unto David R. Clark and Janice K. Clark, his wife.

McCABE, WEISBERG & CONWAY, LLC  
123 South Broad Street, Suite 1400  
Philadelphia, PA 19109  
(215) 790-1010

No. 562 of 2022, G.D.  
No. 162 of 2022, E.D.

**Reverse Mortgage Funding LLC**

**Plaintiff**

**v.**

**Diane Hillen**

**Defendant**

All that certain piece or parcel or Tract of land situate in Jefferson Township, Fayette County, Pennsylvania, and being known as 9 Bedner Lane, Perryopolis, Pennsylvania 15473.

Being known as: 9 Bedner Lane, Perryopolis, Pennsylvania 15473

Title vesting in Diane Hillen by deed from Diane Hillen dated March 7, 2007 and recorded May 3, 2007 in Deed Book 3024, Page 407.

Tax Parcel Number: 17050046

Matthew C. Failings, Esquire  
Stern & Eisenberg, PC  
1581 Main Street, Suite 200  
The Shops at Valley Square  
Warrington, PA 18976  
Phone: (215) 572-8111

No. 1532 of 2013, G.D.  
No. 153 of 2022, E.D.

**Wilmington Savings Fund Society, FSB d/b/a Christiana Trust, not in its individual capacity but Solely as the Trustee for the Brougham Fund I Trust**

**v.**

**Susan Carol Johnson and Robert W. Johnson**

By virtue of Writ of Execution No. 1532 of 2013 GD

Wilmington Savings Fund Society, FSB d/b/a Christiana Trust, not in its individual capacity but Solely as the Trustee for the

Brougham Fund I Trust v. Susan Carol Johnson and Robert W. Johnson, 694 Woodside Oldframe Road fka R.D. 2 Box 337 A, Nicholson Township, Smithfield, PA 15478, Tax Parcel No. 24-05-0009. Improvements thereon consisting of a Residential Dwelling, sold to satisfy judgment in the amount of \$106,505.54.

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

No. 1599 of 2018, G.D.  
No. 160 of 2022, E.D.

**LAKEVIEW LOAN SERVICING, LLC**

**5151 Corporate Drive  
Troy, MI 48098**

**Plaintiff**

**vs.**

**BRYAN K. KELLY**

**Mortgagor(s) and Record Owner(s)**

**514 Washington Street aka**

**514 Washington Avenue**

**Belle Vernon, PA 15012**

**Defendant(s)**

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

BEING KNOWN AS: 514 WASHINGTON STREET AKA 514 WASHINGTON AVENUE, BELLE VERNON, PA 15012

TAX PARCEL #01-04-0065 AND 01-04-0226

IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: BRYAN K. KELLY

ATTORNEY: KML LAW GROUP, P.C.

McCABE, WEISBERG & CONWAY, LLC  
123 South Broad Street, Suite 1400  
Philadelphia, PA 19109  
(215) 790-1010

No. 985 of 2022, G.D.  
No. 170 of 2022, E.D.

**Caliber Home Loans, Inc.**  
**Plaintiff**  
**v.**

**Ronald Kenny, Administrator d.b.n.c.t.a. of  
the Estate of Eugene Stanley Edwards**  
**Defendant**

ALL THAT CERTAIN PIECE OR  
PARCEL OR TRACT OF LAND SITUATE IN  
THE CITY OF UNIONTOWN, FAYETTE  
COUNTY, PENNSYLVANIA, AND BEING  
KNOWN AS 28 MAPLE STREET,  
UNIONTOWN, PENNSYLVANIA 15401.

BEING KNOWN AS: 28 MAPLE  
STREET, UNIONTOWN, PENNSYLVANIA  
15401

TITLE VESTING IN EUGENE  
STANLEY EDWARDS BY DEED FROM  
REDEVELOPMENT AUTHORITY OF THE  
CITY OF UNIONTOWN DATED  
DECEMBER 21, 2011 AND RECORDED  
DECEMBER 21, 2011 IN DEED BOOK 3173,  
PAGE 64 INSTRUMENT NUMBER  
201100015335. CORRECTIVE DEED IS  
RECORDED ON 03/05/2012, IN BOOK 3180,  
PAGE 1430, INSTRUMENT 201200003536.  
THE SAID EUGENE STANLEY EDWARDS  
DIED ON JANUARY 22, 2021. LETTERS OF  
ADMINISTRATION WERE GRANTED TO  
RONALD KENNY, NOMINATING AND  
APPOINTING HIM AS THE  
ADMINISTRATOR OF THE ESTATE OF  
EUGENE STANLEY EDWARDS.

TAX PARCEL NUMBER: 38040257

No. 1873 of 2019, G.D.  
No. 137 of 2022, E.D.

**Wells Fargo Bank, N.A.**  
**Plaintiff,**  
**vs.**

**Kimberly Mackey, AKA Kimberly D.  
Mackey, AKA Kim Mackey**  
**Defendant.**

ALL that certain parcel of land lying and  
being situate in the Township of Redstone,  
County of Fayette, and Commonwealth of  
Pennsylvania, known as 10 Kennedy Street,

Republic, PA 15475 having erected thereon a  
dwelling house.

Being known and designated as Tax ID  
No.: 30-26-0003

BEING the same premises which Deborah  
Harmen, also known as Deborah Harmen, by  
Deed dated February 20, 2004 and recorded in  
and for Fayette County, Pennsylvania in Deed  
Book 2896, Page 788, granted and conveyed  
unto Kimberly Mackey.

No. 131 of 2022, G.D.  
No. 138 of 2022, E.D.

**J.P. Morgan Mortgage Acquisition Corp.**  
**PLAINTIFF**  
**VS.**

**Joshua J. Monosky and Krystal L. Monosky**  
**DEFENDANTS**

ALL that certain lot or piece of ground  
situate in the Borough of South Connellsville,  
Fayette County, Pennsylvania, being Lot No.  
371 in Plan of Lots laid out by Connellsville  
Extension company, said Plan being recorded in  
the Recorder's Office of Fayette County in Plan  
Book Volume 1, page 114 and 115, and said lot  
being more particularly bounded and described  
as follows:

Fronting 40 feet on the west side of Second  
Street and extending back of equal width 120  
feet to a twenty-foot alley, bounded on the North  
by Lot No. 370 and on the South by Lot No. 372  
in said Plan.

There is also hereby conveyed all Grantors  
interest in and to Lot 370 in Block 20 of said  
Connellsville Extension Company Plan, South  
Connellsville, Fayette County, Pennsylvania  
PARCEL# 33-07-0098

FOR INFORMATIONAL PURPOSES  
ONLY: Being known as 2216 Second Street,  
Connellsville, PA 15425

COMMONLY KNOWN AS: 2216 Second  
Street, South Connellsville, PA 15425  
TAX PARCEL NO. 33-07-0098



No. 975 of 2022, G.D.  
 No. 161 of 2022, E.D.

**PENNSYLVANIA HOUSING FINANCE  
 AGENCY,  
 PLAINTIFF  
 VS.  
 MARY ANN MYERS,  
 DEFENDANT**

ALL those certain lots of land in German Township, Fayette County, Pennsylvania, known as Lot Nos. 2, 3, 4, 5, 6, 7 and 8 in the Frank Lutkowska Plan of Lots, Fayette Plan Book No. 4, page 135.

HAVING THEREON ERECTED DWELLING KNOWN AND NUMBERED AS: 14 LONG STREET, McCLELLANDTOWN, PA 15458.

TAX PARCEL#: 15-25-0066  
 FAYETTE DEED BOOK 2932, PAGE 1221

TO BE SOLD AS THE PROPERTY OF MARY ANN MYERS

STERN & EISENBERG PC  
 KENYA BATES, ESQUIRE

No. 669 of 2022, G.D.  
 No. 152 of 2022, E.D.

**Nations Lending Corporation, an Ohio Corporation  
 Plaintiff  
 v.  
 William Shaheen  
 Defendant(s)**

SITUATE IN REDSTONE TOWNSHIP, FAYETTE COUNTY, PENNSYLVANIA, BEING KNOWN AS 327 WIRSING ROAD, GIBBON GLADE, PA 15440.

PARCEL NO. 42-36-000101  
 IMPROVEMENTS - RESIDENTIAL REAL ESTATE

SOLD AS THE PROPERTY OF WILLIAM SHAHEEN

Robertson, Anschutz, Schneid, Crane & Partners, PLLC  
 A Florida professional limited liability company  
 133 Gaither Drive, Suite F  
 Mt. Laurel, NJ 08054  
 855-225-6906

No. 1791 of 2021, G.D.  
 No. 157 of 2022, E.D.

**CASCADE FUNDING MORTGAGE TRUST HB5  
 Plaintiff  
 v.  
 DONNA M. WELCH  
 Defendant(s)**

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

BEING KNOWN AS: 106 WELCH LANE, MARKLEYSBURG, PA 15459  
 BEING PARCEL NUMBER: 20-01-0007-01

IMPROVEMENTS: RESIDENTIAL PRQPERTY

\*\*\* END SHERIFF SALES \*\*\*

# 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**

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- \$160.1 million average assets under advisement per Financial Advisor
- 400,000 individual and 160,000 household accounts



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MEMBER: NYSE, FINRA, SIPC • REF. 787801-0822



**JUDICIAL OPINION**

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY  
CRIMINAL DIVISION

COMMONWEALTH OF	:
PENNSYLVANIA,	:
	:
v.	:
	:
ALEXANDER SAMUEL HUFFMAN,	: No. 270 of 2022
Defendant.	: Honorable Steve P. Leskinen

OPINION AND ORDER

Leskinen, J.

July 18, 2022

Before the Court is the Defendant's Omnibus Pre-Trial Motion in which the Defendant argues that his charges should be dismissed on Due Process grounds, that his charges should be dismissed on Rule 600 grounds, that the identity of the Confidential Informant should be revealed, and that the Commonwealth has not presented a prima facie case. After a careful review of the evidence and applicable case law, the Court hereby issues the following Opinion and Order:

Factual Background

An Omnibus Pre-Trial Hearing was held in this matter on June 14th, 2022. Detective Alexis Metros testified that on May 16th, 2017 she witnessed the Defendant sell drugs to a Confidential Informant during a controlled buy. Detective Metros testified that the controlled buy took place in the Sweet Peas parking lot on North Main Street in Masontown in broad daylight and that she had a clear view of the Defendant. Detective Metros testified that she witnessed a hand-to-hand exchange between the Confidential Informant and the Defendant and that, after the Defendant left the area, the Confidential Informant immediately handed her three Subutex Pills. (Detective Metros testified that the Confidential Informant had been searched immediately before the controlled buy and had been free of contraband). Detective Metros testified that the Confidential Informant remained in her sight throughout the controlled buy. Detective Metros testified that Detective Steve Cooper was also present during the controlled buy and that Detective Cooper observed the incident from a different vantage point. Detective Metros testified that the hand-to-hand exchange took place adjacent to a building in the parking lot and that Detective Cooper was located on the same side of the building that the hand-to-hand exchange took place on.

Detective Metros testified that she knew the Defendant. Detective Metros testified that the car the Defendant drove to the controlled buy was a car that the Defendant was known to use. Detective Metros testified that the Defendant has violent tendencies and that his history in the community involves domestic disputes (during which police have been called), assault charges, charges involving firearms, terroristic threats, attempted assault with a motor vehicle, and (at the time of the Omnibus Pre-Trial Hearing) an active arrest warrant. Detective Metros testified that she would fear for the Confidential Informant's safety if the Confidential Informant's identity was released.

## Legal Standard

Pa.R.Crim.P. Rule 573(8) states:

(2) Discretionary With the Court.

(a) In all court cases, except as otherwise provided in Rules 230 (Disclosure of Testimony Before Investigating Grand Jury) and 556.10 (Secrecy; Disclosure), if the defendant files a motion for pretrial discovery, the court may order the Commonwealth to allow the defendant's attorney to inspect and copy or photograph any of the following requested items, upon a showing that they are material to the preparation of the defense, and that the request is reasonable:

- (i) the names and addresses of eyewitnesses;

In *Com. v. Carter*, the Pennsylvania Supreme Court formally adopted the standard delineated in *Roviaro v. U.S.* concerning the circumstances under which the identity of a confidential informant should be disclosed to a criminal defendant:

Where the disclosure of an informer's identity, or of the contents of his communication, is relevant and helpful to the defense of an accused, or is essential to a fair determination of a cause, the privilege must give way. In these situations the trial court may require disclosure and, if the Government withholds the information, dismiss the action... We believe that no fixed rule with respect to disclosure is justifiable. The problem is one that calls for balancing the public interest in protecting the flow of information against the individual's right to prepare his defense. Whether a proper balance renders nondisclosure erroneous must depend on the particular circumstances of each case, taking into consideration the crime charged, the possible defenses, the possible significance of the informer's testimony, and other relevant factors.

*Com. v. Carter*, 233 A.2d 284, 287 (1967) quoting *Roviaro v. United States*, 353 U.S. 53, 62 (1957).

The Pennsylvania Supreme Court recently provided greater clarity regarding the circumstances under which the identity of a confidential informant should be disclosed to a criminal defendant:

The Commonwealth enjoys a qualified privilege to withhold the identity of a confidential source. *Com. v. Bing*, *supra* at 58; *Com. v. Roebuck*, 545 Pa. 471, 681 A.2d 1279, 1283 n. 6 (1996). In order to overcome this qualified privilege and obtain disclosure of a confidential informant's identity, a defendant must first establish, pursuant to Rule 573(B)(2)(a)(i), that the information sought is material to the preparation of the defense and that the request is reasonable. *Roebuck*, *supra* at 1283. Only after the defendant shows that the identity of the confidential informant is material to the defense is the trial court required to exercise its discretion to determine whether the information should be revealed by balancing relevant factors, which are initially weighted toward the Commonwealth. *Bing*, *supra* at 58; *Com v. Herron*, 475 Pa. 461, 380A.2d 1228 (1977).

*Com. v. Marsh*, 997 A.2d 318, 321 (2010).

To prove the information sought is material, the defendant must lay an evidentiary basis or foundation that the confidential informant possesses relevant information that will materially aid the defendant in presenting his or her defense and that the information is not obtainable from another source. *Com. v. Hritz*, 663 A.2d 775, 780 (1995). The balance is initially weighted toward the Commonwealth, which holds a qualified privilege to maintain an informant's confidentiality to preserve the public's interest in effective law enforcement. *Com. v. Bing*, 713 A.2d 56, 58 (1998). "However, the balance tips in favor of disclosure where guilt is found solely on police testimony from a single observation and testimony from a disinterested source, such as the informant, is available." *Id.* (citing *Carter* at 287). It is a reasonably specific type of danger which justifies keeping an informant's identity confidential. *Id.* at 60.

#### Discussion

Detective Metros testified that both she and Detective Cooper observed the controlled buy, that the controlled buy took place in broad daylight, that she (Detective Metros) observed a hand-to-hand exchange between the Defendant and the Confidential Informant, that the Confidential Informant handed Detective Metros Subutex Pills immediately after the exchange, and that Detective Cooper had been observing the controlled buy on the same side of the building that the hand-to-hand exchange took place on. Detective Metros further testified that she feared for the Confidential Informant's safety should her identity be revealed and provided the Court with specific information about the Defendant's violent tendencies, including a recent attempted assault with a motor vehicle. The Court therefore concludes that identification evidence is available from multiple sources and that the Commonwealth has met its burden of establishing a reasonably specific type of danger which justifies keeping the Informant's identity confidential.

As to the Defendant's Due Process, Rule 600, and Habeas Corpus arguments, the Court notes that the Defendant's charges were brought within the statute of limitations period, that the Commonwealth presented testimony at the Omnibus Pre-Trial Hearing establishing that the Defendant's 365th day for purposes of Rule 600 will not take place until December, 2022, and that the Commonwealth has established a prima facie case.

WHEREFORE, the Court hereby issues the following Order:

#### ORDER

AND NOW, this 18th day of July, 2022, the Court finds that identification evidence is available from multiple sources and that the Commonwealth has established a reasonably specific type of danger such that the identity of the Confidential Informant shall remain withheld. The Court further finds that the Defendant's charges were brought within the Statute Of Limitations period, that the case has not expired pursuant to Rule 600, and that the Commonwealth has presented a prima facie case. The Defendant's Omnibus Pre-Trial Motion is therefore DENIED.

BY THE COURT:  
STEVE P. LESKINEN, JUDGE

ATTEST:  
Clerk of Courts

## LUNCH & LEARN SERIES

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

- Date: **Wednesday, September 21st from 12:00 p.m. to 1:30 p.m.**
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topics: **Auto Stops and Searches**
- Presenter: Professor Bruce A. Antkowiak, J.D.

### CLE Credit

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

#### Members of the FCBA

- No charge for attendance without CLE Credit
- \$10 fee for attendance with CLE Credit

#### Attorneys admitted to practice in Pennsylvania after January 1, 2017

- No charge for attendance with CLE Credit

#### Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**\*\* All fees to be paid at the door \*\***  
A light lunch will be provided.

### RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or email to [cindy@fcbar.org](mailto:cindy@fcbar.org) on or before Monday, September 19th.

**BENCH BAR CONFERENCE**

**FCBA Bench Bar Conference** will be held on

**Wednesday, October 12th** from  
8:30 a.m. to 1:00 p.m. at

**The Historic Summit Inn**

Agenda to follow

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