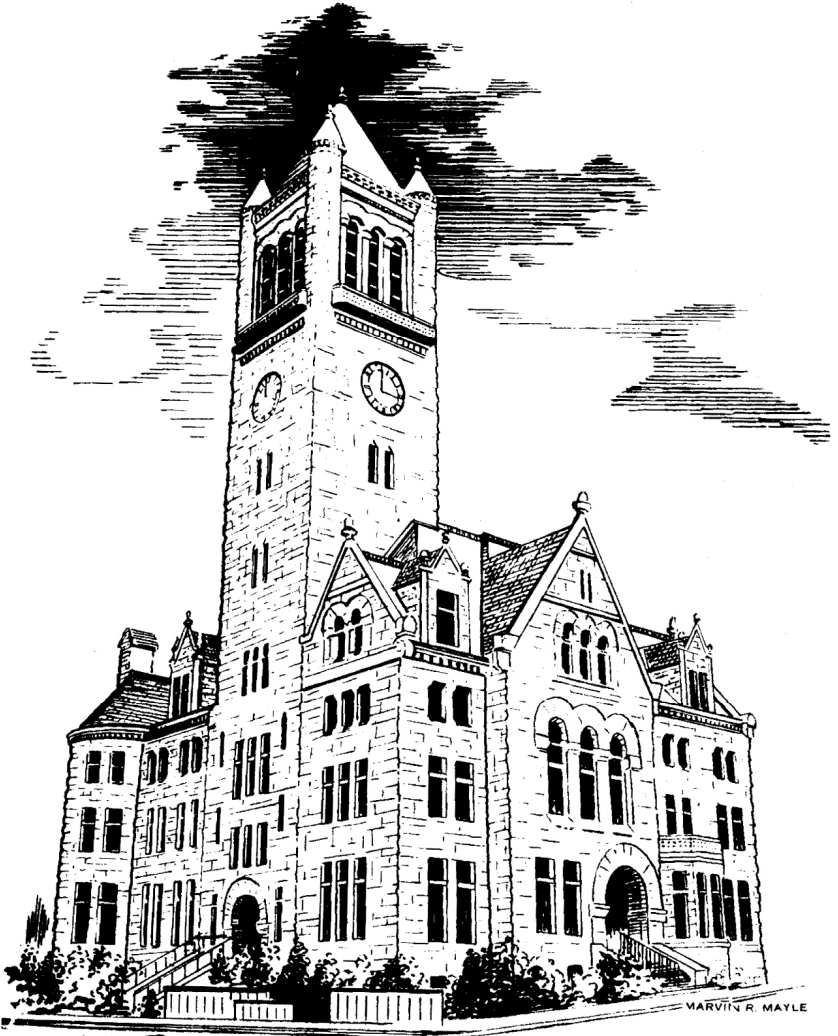


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ESTATE NOTICES

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

ROBERT M. BERISH, SR., late of Masontown, Fayette County, PA (3)
Co-Executors: Robert M. Berish, Jr.
 David A. Berish, and Samuel T. Berish
 c/o 9 Court Street
 Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

ERMA JEAN CARROLL, late of Washington Township, Fayette County, PA (3)
Co-Executor: Dennis R. Carroll
 1408 Leeds Avenue
 Monessen, PA 15062
 c/o 1202 West Main Street
 Monongahela, PA 15063
Attorney: James W. Haines, Jr.

SANDRA KAY KANUCH, late of Ronco, Fayette County, PA (3)
Personal Representative:
 Shawn Marie Warnick Fisher
 c/o Dellarose Law Office, PLLC
 99 East Main Street, Suite 101
 Uniontown, PA 15401
Attorney: Melinda Deal Dellarose

MARY ANN KILGORE, a/k/a MARY KILGORE, late of Menallen Township, Fayette County, PA (3)
Executrix: Susan Dzurmak
 c/o Zebley Mehalov & White, P.C.
 18 Mill Street Square
 P.O. Box 2123
 Uniontown, PA 15401
Attorney: Charles O. Zebley, Jr.

BETTY JEAN LAWSON, a/k/a BETTY J. LAWSON, late of German Township, Fayette County, PA (3)

Administrator: Leonard A. Lawson
 c/o Webster & Webster
 51 East South Street
 Uniontown, PA 15401
Attorney: Webster & Webster

WENDELL PATTERSON, a/k/a WENDELL HOWARD PATTERSON, late of South Union Township, Fayette County, PA (3)

Executor: Harry E. Doyle
 c/o Goodwin Como, P.C.
 108 North Beeson Boulevard, Suite 400
 Uniontown, PA 15401
Attorney: Benjamin Goodwin

GREGORY SCHROYER, late of Connellsville, Fayette County, PA (3)

Executrix: Linda S. Schroyer
 1311 Ridge Boulevard
 Connellsville, PA 15425
 c/o Snyder & Snyder
 17 North Diamond Street
 Mount Pleasant, PA 15666
Attorney: Marvin D. Snyder

WILLIAM W. WILSON, late of Markleysburg, Fayette County, PA (3)

Personal Representatives: Patricia Diane Humbert, Donna M. Dennis and William W. Wilson
 c/o Dellarose Law Office, PLLC
 99 East Main Street, Suite 101
 Uniontown, PA 15401
Attorney: Melinda Deal Dellarose

Second Publication

BEVERLY ASPINALL, a/k/a BEV ASPINALL, late of North Union Township, Fayette County, PA (2)

Administratrix: Michele D. Swink
 250 Crowe Road
 Acme, PA 15610
 c/o 140 South Main Street #301
 Greensburg, PA 15601
Attorney: John Cochran

JEFFREY W. BASINGER, late of
Connellsville, Fayette County, PA (2)
Personal Representative: Paul Banko
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

EVELYN BUNTING a/k/a EVELYN B. BUNTING, late of Dunbar Borough, Fayette County, PA (2)
Personal Representative:
Salene Ann Callahan
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville Pennsylvania 15425
Attorney: Robert A. Gordon

JOHN WINTHROP BURKLAND, a/k/a JOHN W. BURKLAND, late of Lemont Furnace, Fayette County, PA (2)
Administratrix: Patricia Burkland
c/o 11 Pittsburgh Street
Uniontown, PA 15401
Attorney: Thomas W. Shaffer

LOUIS A. COLETTI, late of Redstone Township, Fayette County, PA (2)
Personal Representative: Joanne Coletti
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

LEROY WILSON J. FRANTZ, JR., late of Uniontown, Fayette County, PA (2)
Administrator: Andrea Frantz
233 Tryon Drive
Blairsville, PA 15717
c/o France, Lint & Associates, P.C.
308 Fallowfield Avenue
Charleroi, PA 15022
Attorney: David N. Lint

RICKY E. HULL, a/k/a RICK E. HULL, a/k/a RICKY HULL, late of Springfield Township, Fayette County, PA (2)
Executrix: Martha Richter
392 Clinton Road
Normalville, PA 15469
c/o 201 North Chestnut Street
P.O. Box 342
Scottdale, PA 15683
Attorney: James Lederach

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Personal Representative:
Charlene Ann DeCarlo
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Michael A. Aubele

RICHARD JAMES LONG, a/k/a RICHARD J. LONG, a/k/a RICHARD LONG, late of South Union Township, Fayette County, PA (2)
Co-Executors: Daniel A. Long and Linda Gail Collins
c/o John & John
96 East Main Street
Uniontown, PA 15401
Attorney: Simon B. John

THOMAS H. LUCAS, JR., late of North Union Township, Fayette County, PA (2)
Personal Representative:
Thomas H. Lucas, III
c/o 902 First Street
P.O. Box 310
Hiller, PA 15444
Attorney: Herbert G. Mitchell, Jr.

DENNIS ALLAN ONDREJKO, a/k/a DENNIS ONDREJKO, late of Washington Township, Fayette County, PA (2)
Executrix: Darlene Helen Ondrejko
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Belle Vernon, PA 15012
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1711 Grand Boulevard Park Centre
Monessen, PA 15062
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107 East Main Street
Uniontown, PA 15401
Attorney: Jeremy J. Davis

First Publication

THOMAS S. ADDIS, JR., a/k/a THOMAS SEARIGHT ADDIS, JR., late of Masontown, Fayette County, PA (1)

Administrator: Tonya L. Halbert
124 Hillman Street
Greensboro, PA 15338
c/o 189 West High Street
Waynesburg, PA 15370
Attorney: Gregory C. Hook

PAUL MCKINLEY CARROLL, a/k/a PAUL M. CARROLL, late of New Salem, Fayette County, PA (1)

Executrix: Roxanne J. Gmutza
P.O. Box 614
New Salem, PA 15468
c/o 1725 Washington Road, Suite 503
Pittsburgh, PA 15241
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107 East Main Street
Uniontown, Pa 15401
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EUGENE STANLEY EDWARDS, a/k/a EUGENE S. EDWARDS, a/k/a EUGENE EDWARDS, late of Uniontown, Fayette County, PA (1)

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92 East Main Street
Uniontown, PA 15401
Attorney: Joseph M. George, Sr.

JAMES HAMMACK, late of Point Marion, Fayette County, PA (1)

Administrator: Rich Hammack
5 Allamong Lane
Morgantown, WV 26508

ROSALIE HAMMACK, late of Point Marion, Fayette County, PA (1)

Administrator:
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42 Broadway, Apt.#1
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DOROTHY D. HUGHS, late of Fairchance, Fayette County, PA (1)

Executor: Larry B. Wilson
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Uniontown, PA 15401
Attorney: Thomas W. Shaffer

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Uniontown, PA 15401
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115 Beach Drive
Charleroi, PA 15022
c/o 300 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Richard C. Mudrick

CAROL SHULTZ, late of South Union Township, Fayette County, PA (1)

Executrix: Georgina Herilla
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55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

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Personal Representative:
Matthew K. Miner
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

KAREN L. WISE, late of Monessen, Fayette County, PA (1)

Administratrix: Stacey Madzey
1435 Lincoln Street
Monessen, PA 15062
c/o 300 Fallowfield Avenue
Charleroi, PA 15022
Attorney: Richard C. Mudrick

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
NO. 13 ADOPT 2021 and NO. 14 ADOPT 2021

IN RE: ADOPTION OF
STEVEN WILTROUT JR. and
GAGE BLYSTONE

NOTICE

TO: Steven Wilttrout Sr.

A petition has been filed asking the Court to put an end to all rights you have to your children, Steven Wilttrout Jr. and Gage Blystone. The court has set a hearing to consider ending your rights to your children. That hearing will be held in Courtroom No. 4 of the Fayette County Courthouse, Uniontown, Fayette County, Pennsylvania, on Thursday, May 27, 2021 at 1:30 p.m. You are warned that even if you fail to appear at the scheduled hearing the hearing will go on without you and your rights to your children may be ended by the court without your being there.

YOU HAVE A RIGHT TO BE REPRESENTED AT THE HEARING BY A LAWYER. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. 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.

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LEGAL NOTICES

NOTICE

The Albert Gallatin Area School District will receive sealed bids for the purchase of a vacant parcel of ground located in Point Marion Borough. The property is an estimated land area of 0.63 acres, located on Union Street, Point Marion Borough, Fayette County, Pennsylvania. This property is designated by the Fayette County Assessment office as Parcel ID No. 29-02-0279.

Bids must be received on or before 3:00 p.m., June 1, 2021. Bids shall be submitted to Vincent M. Belczyk, Business Manager, at the Albert Gallatin Area School District Administrative Offices, 2625 Morgantown Road, Uniontown, Pennsylvania, 15401-6703. Bids will be publicly opened at said time and place. Sealed bids must be submitted on bid forms provided by the School District. Copies of the sale conditions and bid forms may be obtained by contacting Mr. Belczyk at the Administrative Offices, or at (724) 564-7185 Ext. 8112 or vincent.belczyk@agasd.org. The Albert Gallatin Area School District reserves the right to reject any and all bids.

Vincent M. Belczyk, Business Manager

(1 of 3)

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 338 OF 2021 G.D.
PRESIDENT JUDGE JOHN F. WAGNER

MINDY R. FRANKS,
Plaintiff,
vs.

KENDALL R. PRATT, her heirs, beneficiaries,
successors and/or assigns generally, and
MERITAGE MORTGAGE CORPORATION,
Defendants.

TO: KENDALL R. PRATT, her heirs,
beneficiaries, successors and/or assigns
generally, and MERITAGE MORTGAGE
CORPORATION.

Take notice that on February 25, 2021, the
Plaintiff, above mentioned, by and through her
attorneys, Davis & Davis, filed their Complaint
averring that they are the owners of the
following described parcel of real estate. Said
Complaint being filed in Quiet Title.

ALL that certain tract of land with
appurtenances situate in North Union Township,
Fayette County, Pennsylvania, and being Lot 78
and part of Lot 77 at 2 Spaulding Street,
Uniontown, more particularly bounded and
described as follows:

Tax Parcel No.: 25-39-0154

The within named Defendants appear to
have an interest in said premises which creates a
cloud upon Plaintiff's title, whereupon the
Plaintiff has filed their Complaint as aforesaid
asking the Court to enter a Decree terminating
all rights that the Defendants may have in said
premises and decree that the Plaintiff has the full
and free use and occupancy of said premises,
released and forever discharged on any right,
lien title or interest of said Defendants herein.

The service of this Complaint by
publication is made pursuant to an Order of
Court dated April 20, 2021, and filed at the
above number and term.

NOTICE

You have been sued in Court. If you wish
to defend against the claims set forth in the
following pages, you must take action within
twenty (20) days after this complaint and notice
are served, by entering a written appearance

personally or by attorney and filing in writing
with the Court your defenses or objections to
the claims set forth against you. You are warned
that if you fail to do so the case may proceed
without you and a judgment may be entered
against you by the Court without further notice
for any money claimed in the complaint or for
any other claim or relief requested by the
plaintiff. You may lose money or property or
other rights important to you.

YOU SHOULD TAKE THIS PAPER TO
YOUR LAWYER AT ONCE. IF YOU DO
NOT HAVE A LAWYER OR CANNOT
AFFORD ONE, GO TO OR TELEPHONE THE
OFFICE SET FORTH BELOW TO FIND OUT
WHERE YOU CAN GET LEGAL HELP.

THE FAYETTE COUNTY BAR
ASSOCIATION OF LAWYER REFERRAL
84 East Main Street
Uniontown, PA 15401

JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA, :
 :
v. :
 :
LANCE JUSTIN CAMPBELL, : No. 1348 of 2020
Defendant. : Honorable Judge Steve P. Leskinen

OPINION AND ORDER

Leskinen, J.

April 9, 2021

Before the Court is the Defendant's Omnibus Pretrial Motion in the form of a Motion To Suppress Evidence and a Petition for a Writ of Habeas Corpus. After careful review of the evidence and applicable law, the Court hereby grants the Motion.

Factual Background

The Affidavit of Probable Cause and the testimony given at the Omnibus Pretrial Hearing on December 10th, 2020 establish the following: On January 13th, 2020, Narcotics Agents Castagna and Biricocchi were conducting surveillance on Mifflin Avenue in Uniontown from a parked vehicle. Agent Castagna described Mifflin Avenue as a "high crime area." Agent Castagna testified at the Omnibus Pretrial Hearing that at approximately 3:40 p.m. he and Agent Biricocchi observed an individual enter the area on a bicycle, dismount, access his cell phone, and continue to stand in the area. Agent Castagna testified that at approximately 3:43 p.m. he and Agent Biricocchi observed the Defendant enter the area and approach the other individual on foot. Agent Castagna testified that the Defendant and the other individual "connected eyes" and then began walking down Mifflin Avenue together, away from Agents Castagna's and Biricocchi's parked vehicle. Agent Castagna testified that the Defendant then moved his left hand toward his left pocket and that the other individual "had his hands inside of his jacket and he was more or less motioning around." Agent Castagna testified that he and Agent Biricocchi then drove their vehicle past the Defendant and the other individual, stopped the vehicle in their path, exited the vehicle, and identified themselves as police officers. Agent Castagna testified:

That Is when Mr. Campbell was, with his left hand near his waistband, he actually began to back away from us and he was looking around, he picked up the pace. I would not say he was going to run from us, but he was certainly trying to create distance from us. This is when we grabbed him, in the course of him picking up his speed getting away from us.

Agent Castagna testified that the Defendant then admitted to having marijuana on his person. The Defendant was arrested and a search incident to arrest yielded crack cocaine. The Defendant was charged with two counts of Possession With Intent to Deliver, two counts of Possession, one count of Possession Of Marijuana, and one count of Criminal Use of Communication Facility.

Legal Standard. Motion to Suppress

The Fourth Amendment protects citizens against unreasonable searches and seizures; a mere encounter need not be supported by any level of suspicion, an investigative detention must be supported by reasonable suspicion, and an arrest must be supported by probable cause. *Com. v. Hicks*, 208 A.3d 916, 926 (2019). The Pennsylvania Supreme Court summarily articulated the mechanism which distinguishes a mere encounter from an investigative detention in *Com. v. Mathis*:

In fixing the moment at which a detention has occurred, "the pivotal inquiry is whether, considering all the facts and circumstances evidencing the exercise of force, a reasonable [person] would have thought he was being restrained." *Com. v. Mendenhall*, 715 A.2d 1117, 1120 (1998) (citing *Com. v. Jones*, 378 A.2d 835, 840 (1977)); see also *United States v. Mendenhall*, 446 U.S. 544 (1980) ("[A] person has been 'seized'... only if, in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave"). In *Com. v. Strickler*; 757 A.2d 884 (2000), the Court set forth a non-exhaustive list of factors deemed relevant in assessing whether a seizure has occurred: the presence of police excesses; physical contact with the suspect; police direction of the subject's movements; the demeanor of the officer; the location of the confrontation; the manner of expression directed to the citizen; and the content of statements or interrogatories. See *id.* at 72-73, 757 A.2d at 897- 98 (citations omitted). *Strickler* cautioned, though, that no single factor dictates the ultimate conclusion as to whether a detention occurred, see *id.* at 59, 757 A.2d at 890, and this Court has recognized that the line between a mere encounter, which requires no suspicion, and an investigative detention, "cannot be precisely defined 'because of the myriad of daily situations in which police[] and citizens confront each other on the street.'" *Mendenhall*, 715 A.2d at 1120 (quoting *Jones*, 378 Pa. at 371, 378 A.2d at 839). Ultimately, it is the "nature of the confrontation" that informs the assessment of the totality of the circumstances. *Com. v. Lewis*, 636 A.2d 619, 623 (1994).

Com. v. Mathis, 173 A.3d 699, 712 (2017).

Investigative detentions must be supported by reasonable suspicion. *Com. v. Hicks*, 208 A.3d 916, 926 (2019). Reasonable suspicion exists only where the officer is able to articulate specific observations which, in conjunction with reasonable inferences derived from those observations, led him reasonably to conclude, in light of his experience, that criminal activity was afoot and that the person he stopped was involved in that activity. *Com. v. Chambers*, 55 A.3d 1208, 1215 (Pa.Super.2012). The reasonable suspicion standard is less demanding than probable cause, as "reasonable suspicion can be established with information that is different in quantity or content than that required to establish probable cause" and "can arise from information that is less reliable than

that required to show probable cause." *Com. v. Moore*, 805 A.2d 616, 620 (Pa.Super.2002) (quoting *Alabama v. White*, 496 U.S. 325, 330, (1990)). However; Pennsylvania Courts have consistently ruled that in the context of suspected drug exchanges, general suspicion does not equate to reasonable suspicion. In *Com. v. Carter*, the Pennsylvania Superior Court ruled that reasonable suspicion did not exist when a police officer detained an individual after observing him approach two other individuals in a high crime area, place his left hand in his pocket, and begin to remove his hand. *Com. v. Carter*, 779 A.2d 591 (Pa.Super.2001). In *Com. v. Donaldson*, the Pennsylvania Superior Court ruled that reasonable suspicion did not exist when a police officer conducted a traffic stop on a vehicle after observing an individual speak briefly with the driver in a high crime area. *Com. v. Donaldson*, 786 A.2d 279 (Pa.Super.2001). The Court explained:

While certain activity may seem generally suspicious or "fishy," it does not necessarily equate to "reasonable suspicion" for purposes of search and seizure law. The term "reasonable" relates to a level deemed sufficient to justify the intrusion that accompanies being stopped and questioned by the police. In *Carter*, after observing what Officer Kinavey observed, many would presume that they had just witnessed the beginning of a drug exchange... It could then be surmised that *Carter* was in possession of narcotics. Yet, the observations, while perhaps reasonably supporting this presumption, or educated hunch, were not definitive enough of the proposition to rise to "reasonable" suspicion for purposes of the Fourth Amendment or Article One, Section Eight.

Id. at 282.

Conclusions of Law, Motion to Suppress

The Court finds that Agents Castagna's and Biricocchi's actions constituted an investigative detention. Agents Castagna and Biricocchi drove their vehicle past the Defendant, parked their vehicle directly in the Defendant's path, exited their vehicle, immediately identified themselves as police officers, and gave chase to the Defendant when he began to back away. The relevant factors in this fact pattern are police direction of the subject's movements and the manner of expression directed to the citizen, Agents Castagna and Biricocchi directed the Defendant's movements by parking their vehicle directly in his path. Agents Castagna and Biricocchi exhibited an escalatory manner of expression by immediately thereon exiting their vehicle and identifying themselves as police officers. The Court finds that considering all the facts and circumstances evidencing the exercise of force in this case, a reasonable person would have thought that they were being restrained; the Agents' actions in driving their vehicle past the Defendant, parking their vehicle directly in his path, and exiting their vehicle and immediately identifying themselves as police officers therefore constituted an investigative detention.

The Court further finds that Agents Castagna and Biricocchi did not possess the requisite reasonable suspicion to initiate an investigative detention on the Defendant. Agent Castagna testified that he observed the Defendant make eye contact with another individual in a high crime area, begin walking down the street with that individual, and then move his left hand toward his pocket while the other individual, motioned his

hands within his own pockets. The Court finds that this fact pattern is analogous to *Com. v. Carter*, in which the Pennsylvania Superior Court ruled that reasonable suspicion was not present when a police officer observed an individual approach other individuals in a high crime area, place his left hand in his pocket, and begin to remove his hand. *Com. v. Carter*, 779 A.2d 591 (Pa.Super.2001). Rather, this fact pattern falls within the category of "general suspicion" articulated by the Pennsylvania Superior Court in *Com. v. Donaldson*. The Court finds that since reasonable suspicion was not present, the investigative detention of the Defendant was unreasonable under the Fourth Amendment and that all evidence derived thereafter must be suppressed. {1} The Court, therefore, need not address the Habeas Corpus issue.

WHEREFORE, the Court issues the following Order:

ORDER

AND NOW, this 9th day of April, 2021, upon consideration of tile Defendant's Omnibus Pretrial Motion in the form of a Motion To Suppress Evidence and a Petition for a Writ of Habeas Corpus, it is hereby ORDERED and DIRECTED that it is GRANTED. All evidence derived from the unlawful investigative detention of the Defendant is suppressed and all charges are DISMISSED.

BY THE COURT:
STEVE P. LESKINEN, JUDGE

ATTEST:
Clerk of Courts

{1} The Court is familiar with the modern drug delivery. technique of "tripping," where a dealer arranges to meet with a prospective customer and brings only the precise amount of drugs ordered. This encounter, in retrospect, meets that paradigm. However, there were not enough observed circumstances to satisfy the "reasonable suspicion" standard before the Defendant was detained.

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

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LUNCH & LEARN SERIES

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

- Date: **Tuesday, May 11th** from 12:00 p.m. to 2:00 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topics: **PACFile for Attorneys**
- Presenters: Dave McDonald, Administrative Office of Pennsylvania Courts

CLE Credit

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

Members of the FCBA

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Attorneys admitted to practice in Pennsylvania after January 1, 2016

- 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 by email to cindy@fcbbar.org on or before Monday, May 10th.

LUNCH & LEARN SERIES

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

- Date: **Wednesday, May 19th** from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topics: **Searches & Seizures**
- Presenters: Richard Bower, Fayette County District Attorney, Susan Harper, Fayette County Public Defender, and the Honorable Judge Steve P. Leskinen

CLE Credit

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Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
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**** 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 by email to cindy@fcbbar.org on or before Monday, May 17th.

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