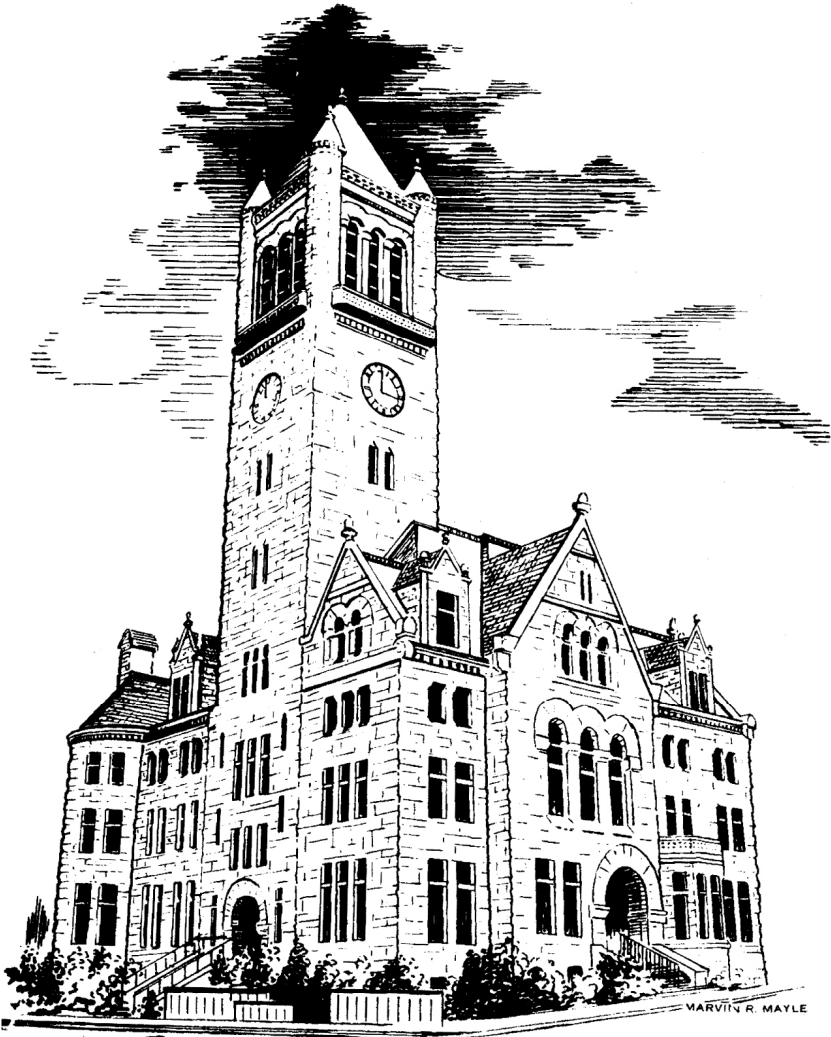


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ESTATE NOTICES

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

**MICHAEL KEVIN FARRELL, a/k/a
MICHAEL K. FARRELL**, late of Bullskin
Township, Fayette County, PA ⁽³⁾

Executrix: Michele C. Farrell
111 The Boulevard
Pittsburgh, PA 15210
c/o 1227 South Braddock Avenue
Pittsburgh, PA 15218
Attorney: Kathleen D. Schneider

**MICHAEL GENUA, a/k/a MICHAEL S.
GENUA**, late of South Union Township, Fayette
County, PA ⁽³⁾

Administrator: Paul Genua
c/o George & George
92 East Main Street
Uniontown, PA 15401
Attorney: G.T. George

**JAMES EUGENE GORDON, a/k/a JAMES
E. GORDON**, late of Uniontown, Fayette
County, PA ⁽³⁾

Personal Representative: Gayle L. Gordon
c/o Dellarose Law Office, PLLC
99 East Main Street, Suite 101
Uniontown, PA 15401
Attorney: Melinda Deal Dellarose

JERRY EUGENE KOLOSKY, late of North
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Personal Representative: Khris S. Kolosky
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107 East Main Street
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Attorney: Gary J. Frankhouser

Second Publication

DORETTA F. BROWN, late of Saltlick
Township, Fayette County, PA ⁽²⁾

Personal Representative:
Gregory Ray Brown
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

**ROBERT J. DIBIASE, a/k/a ROBERT
JAMES DIBIASE**, late of Springfield
Township, Fayette County, PA ⁽²⁾

Executor: James C. DiBiase
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

**RONALD GALLO, a/k/a RONALD LEO
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PA ⁽²⁾

Administratrix: Cindy Lou Gallo
102 Eighty Acres Road
Dunbar, PA 15431
c/o Earhart Law Office, PC
4312 Old William Penn Highway
Murrysville, PA 15668
Attorney: Thomas Earhart

**ADRIENNE SUE ROBINSON, a/k/a
ADRIENNE S. ROBINSON**, late of Springhill
Township, Fayette County, PA ⁽²⁾

Executor: William M. Uhler
590 Fallen Timbers Road
Point Marion, PA 15474
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

First Publication

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Executrix: Barbara Antoon
 c/o John and John
 96 East Main Street
 Uniontown, PA 15401
Attorney: Simon B. John

DORETTA F. BROWN, late of Saltlick Township, Fayette County, PA (1)
Personal Representative:
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 c/o Watson Mundorff, LLP
 720 Vanderbilt Road
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 c/o Riverfront Professional Center
 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

WILLIAM F. HOGAN, a/k/a WILLIAM F. HOGAN, JR., late of Bullskin Township, Fayette County, PA (1)
Co-Executors: Amy Marie Booher Sage and Ronald A. Hogan
 c/o 9 Court Street
 Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

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 c/o Davis & Davis
 107 East Main Street
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HARRY WILLIAM MCFERN, SR., a/k/a HARRY MCFERN, late of Upper Tyrone Township, Fayette County, PA
Personal Representative:
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Connellsville, PA 15425
Attorney: Timothy J. Witt

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 45 East Main Street, Suite 500
 Uniontown, PA 15401
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 c/o 11 Pittsburgh Street
 Uniontown, PA 15401
Attorney: Thomas W. Shaffer

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Executor: Walter J. Scheller, III
 2083 Blairmont Drive
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 c/o Family Legal Center, LLC
 4372 Old William Penn Highway
 Monroeville, PA 15146
Attorney: Laura Cohen

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Administratrix: Robin A. Royer
 164 Rock Pool Road
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 c/o Pribanic & Pribanic, LLC
 1735 Lincoln Way
 White Oak, PA 15131
Attorney: Matthew R. Doebler

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 208 South Arch Street, Suite 2
 Connellsville, PA 15425
Attorney: Richard A. Husband

**MARTHA LYNN THOMAS SMITH, a/k/a
MARTHA T. SMITH, a/k/a MARTHA
THOMAS SMITH**, late of Perry Township,
Fayette County, PA (1)

Administratrix: Merritt R. Stefancik
c/o Zebley Mehalov & White, P.C.
18 Mill Street Square
P.O. Box 2123
Uniontown, PA 15401
Attorney: Mark M. Mehalov

DIRK W. VANSICKLE, late of Uniontown,
Fayette County, PA (1)

Co-Administrators: Logan VanSickle and
Shelby VanSickle
c/o 39 Francis Street
Uniontown, PA 15401
Attorney: Jack R. Heneks, Jr.

**NORMA R. WILLIAMS, a/k/a NORMA
RUTH WILLIAMS**, late of Springfield
Township, Fayette County, PA (1)

Co-Administrators CTA: John W. Cole, Jr.
and Emma D. Cole
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

ROBERTA B. WILSON, late of North Union
Township, Fayette County, PA (1)

Executrix: Donna L. Wilson
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

MICHAEL J. YATSKO, late of South
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Personal Representative: Jordan Yatsko
160 South Hanover Street, Apt. 2
Carlisle, PA 17013
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO. 1243 of 2021, G. D.

ANGELA M. STEIMLE,
Plaintiff,

Vs.

THOMAS RAY WILSON, JR.,
Defendant.

NOTICE TO DEFENDANT, THOMAS RAY WILSON, JR.

You have been named as a defendant in a custody action instituted by plaintiff, Angela M. Steimle, against you in this Court. Plaintiff alleges in the Complaint in this action that the best interest and permanent welfare of the minor child will be served by granting legal and physical custody to plaintiff, Angela M. Steimle.

The service of this Complaint by publication is made pursuant to an Order of Court dated August 12, 2021 and filed at the above term and number.

You are hereby notified to plead to the Complaint in this action of which the above is a brief summary within twenty (20) days from today.

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, GO TO OR
TELEPHONE THE OFFICE SET FORTH
BELOW.**

**IF YOU CANNOT AFFORD TO HIRE
A LAWYER, THIS OFFICE MAY BE ABLE
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ABOUT AGENCIES THAT MAY OFFER
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P. O. BOX 186
HARRISBURG, PA 17108
PHONE: 1-800-692-7375

IN RE: Arnold, Delbert L. Jr and Madeline M.
Case No. 21-21515-CMB, Chapter 7

Real Estate Located at 402 N. Main Street
Masontown, Fayette County, PA
Parcel No. 21-02-0148
Date of Sale 9/15/2021 at 1:30 p.m.
A *Zoom Video Conference Hearing* will be held
on 9/15/2021 at 1:30 p.m. via the Zoom
Video Conference Application.
To participate in and join a Zoom Hearing,
please initiate and use the following link at least
15 minutes prior to the scheduled Zoom Hearing
time:

<https://www.zoomgov.com/j/16143800191>,
or alternatively, you may use the following:

Meeting ID: 161 4380 0191.

Objections due by: 8/30/2021

Initial Offer \$ 60,000.00

Higher and better offers will be
considered at the hearing

Hand money required: \$2,500.00

(Cash or Certified Funds Only)

Contact: Robert H. Slone, Trustee

223 South Maple Avenue

Greensburg, PA 15601

Ph# (724) 834-2990

For more information:

www.pawb.uscourts.gov/easi.htm

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

Tuesday, September 7, 2021, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2619-0376	JOSEPH EDWARD BOLLIBON SR. a/k/a JOSEPH E. BOLLIBON	Joseph E. Bollibon, Jr., ADMR
2619-0736	BENJAMIN J. HAILE	Robin R. O'Neil, Executrix
2620-0448	HAROLD R. KING, SR.	Ashley Dawn Ghrist, Executrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, September 20, 2021, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable Steve P. Leskinen** or his chambers, 2nd 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.

Notice is also 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

Tuesday, September 7, 2021, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2619-0823	THOMAS D. SCHOMER	Mary E. Shugarts, Executrix

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

Monday, September 20, 2021, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Joseph M. George, Jr.** or his chambers, 3rd 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.

JUDICIAL OPINION

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY,
PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
VS.	:	
	:	
DEMETRIUS GIPSON,	:	
Defendant.	:	No. 597 of 2020

OPINION AND ORDER

VERNON, J.

August 9, 2021

Before the Court is the Omnibus Pretrial Motion of Defendant Demetrius Gipson seeking the Commonwealth to provide the name and address of the alleged confidential informant. By Amended Motion, Defendant Gipson provided notice of his intention to offer an alibi defense.

The parties submitted the transcript of the Preliminary Hearing and did not submit further testimony or evidence to the Court. Trooper Jeffrey Tihey of the Pennsylvania State Police testified that on March 2, 2017, he met with a confidential informant who advised that he or she could purchase crack cocaine from Defendant. Preliminary Hearing N.T., 5/12/2020, at 3-5. Trooper Tihey directed the CI to call the phone number for Defendant and make arrangements to purchase crack cocaine. Id. at 5. Around three o'clock in the afternoon, Trooper Tihey met with and searched the CI finding him or her to be free of any money or contraband. Id. Trooper Tihey testified that the CI never left his sight from the time of the search until the time of the buy. Id. at 5-6.

According to Trooper Tihey, he traveled in the car with the confidential informant to 21 Collins Avenue in Uniontown which was the PennDOT registered address for Defendant. Id. at 6. The CI exited the vehicle and walked to the driver's side of a black Nissan sedan. Id. Trooper Tihey was in the vehicle directly behind the Nissan. Id. Trooper Tihey observed a hand-to-hand transaction from the driver's window of the Nissan. Id. The CI turned from the Nissan and walked directly back to the car the trooper was waiting in. Id. Trooper Tihey observed Defendant then exit the Nissan vehicle and walk directly into 21 Collins Avenue. Id.

Trooper Tihey denied that anything impeded his view. Id. at 6-7. The CI walked from the Nissan without putting his or her hands in their pockets, keeping the drugs in their hand. Id. at 7. The CI was searched again and found to be free and clear of any other contraband or money. Id. Trooper Tihey did not observe anyone else exit the

black Nissan and when he drove past, no one was seated in the car. Id. The substance was laboratory tested and found to be 2.16 grams of cocaine. Id. at 7-8.

On cross-examination, Trooper Tihey clarified, “The defendant, Mr. Gipson, puts his hand out the window and I’m sitting behind him. The informant exchanges something with him which I can see because its out the window.” Id. at 17. As to what he saw, Trooper Tihey testified, “So, yes, I observed that transaction. When the hand came out, I observed that. I saw that with my eyes. From a car length’s away, I was parked directly behind. [...] We were facing the same direction. I observed that with my eyes. The defendant, Mr. Gipson’s hand and my confidential informant’s hand, I observed that. I saw that.” Id. at 17.

At the time of the transaction, Trooper Tihey could not ascertain the identity of the person in the driver’s seat of the Nissan. Id. at 18. Trooper Tihey testified that Defendant “exited the driver’s door [...], he stepped out of the Nissan and turned and walked behind his car and across the street so I would have watched him exit the driver’s door, take a few steps towards me, go behind his vehicle [...] across the sidewalk, up the steps, open the door, go inside. But I observed him walk toward me a few feet from about a car length’s distance and I could one hundred percent say that it was [...] Mr. Gipson.” Id. at 20.

Under Pennsylvania Rule of Criminal Procedure 573, a trial court has the discretion to require the Commonwealth to reveal the names and addresses of all eyewitnesses, including confidential informants, where a defendant makes a showing of material need and reasonableness:

(B)(2)(a) In all court cases, [...] 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....

Pa.R.Crim.P. 573(B)(2)(a)(i).

The Commonwealth enjoys a qualified privilege to withhold the identity of a confidential informant. To overcome the Commonwealth’s qualified privilege, a defendant must make a showing “that the information sought is material to the preparation of the defense and that the request is reasonable.” *Commonwealth v. Roebuck*, 681 A.2d 1279, 1283 (1996).

“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.” *Commonwealth v. Marsh*, 997 A.2d 318, 321-322 (Pa. 2010).

In weighing the factors, the court must consider:

A further limitation on the applicability of the privilege arises from the fundamental requirements of fairness. 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.

[N]o 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.

Id. citing *Commonwealth v. Carter*, 233 A.2d 284, 287 (Pa 1967) quoting *Roviaro v. United States*, 353 U.S. 53, 60–62, (1957).

The defendant must espouse a defense theory which would plausibly be aided by the identity of an informant. *Commonwealth v. Herrick*, 660 A.2d 51 (Pa.Super. 1995). Here, Defendant Gipson alleges an alibi, that he was in Columbus, Ohio on March 2, 2017, at 3:45 p.m. As such, Defendant Gipson's defense theory is that the person observed selling crack cocaine to the confidential informant could not have been him.

Defendant submitted for the Court's consideration the Opinion and Order, dated December 9, 2020, of the Honorable Steve P. Leskinen in the matter of *Commonwealth of Pennsylvania v. Janet Marie Shaw* in the Court of Common Pleas of Fayette County, Pennsylvania, Criminal Division at Case Number 334 of 2020. In his well-reasoned Opinion, Judge Leskinen directed the Commonwealth to provide the name and address of a confidential informant upon the facts that "the controlled buy took place at night; only the confidential informant made close physical contact with the individual; the individual never left her vehicle [...]" and that the "Commonwealth can provide no eyewitness who can satisfactorily provide a positive identification of the individual, other than the confidential informant."

The instant matter is factually distinct. Trooper Tihey observed the transaction from only a car length away during the daylight hours. Trooper Tihey observed Defendant exit his vehicle and walk past the Trooper into a house with an address registered to Defendant. Trooper Tihey testified that no one else was in Defendant Gipson's car. Importantly, Trooper Tihey testified, "I could one hundred percent say that it was [...] Mr. Gipson."

The argument that the identity of the CI should be revealed when the CI is the only eyewitness to the crime aside from a police officer was rejected by the Pennsylvania Supreme Court in *Commonwealth v. Marsh*, 997 A.2d 318, 323-24 (Pa. 2010).

Defendant Gipson has not demonstrated that the identity of the CI and his or her subsequent testimony would be material to the preparation of a defense because the

charges were not based upon only testimony or evidence provided to the police officers by the CI. Rather, Trooper Tihey is a competent eyewitness to testify as to the drug transaction and identity of Defendant Gipson. The credibility afforded to Trooper Tihey's identification versus the credibility of Defendant Gipson's alibi is a matter for determination by the jury as fact finder.

Therefore, Defendant Gipson is unable to overcome the threshold to pierce the qualified privilege the Commonwealth maintains in protecting the identity of the CI. Based on the application of the law and the facts of this case, the Court determines that the scales do not tip in favor of disclosure of the identity of the confidential informant.

WHEREFORE, we will enter the following Order denying Defendant's Motion.

ORDER

AND NOW, this 9th day of August, 2021, upon consideration of the Omnibus Pre-trial Motion of Defendant Demetrius Gipson seeking the Commonwealth to provide the name and address of the alleged confidential informant, and the record, it is hereby ORDERED and DECREED the Motion is DENIED.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
Clerk of Courts

FCBA BENCH BAR CONFERENCE

Save the Date

FCBA Bench Bar Conference will be held on

Wednesday, October 13th from
8:30 a.m. to 1:00 p.m. at

The Historic Summit Inn

Agenda to follow



FAYETTE COUNTY
BAR ASSOCIATION

Thank you to all the Presenters in the 2021 FCBA Lunch & Learn Series for your excellent presentations, your generous time and insight, and your support of our program.

2021 LUNCH & LEARN SERIES

March 17th	Lawyers Concerned for Lawyers Your Time to Thrive	Laurie Besden, Esquire, Executive Director Lawyers Concerned for Lawyers, and the Honorable Judge Linda R. Cordaro
April 21st	Sheriff's Sales	Anne N. John, Esquire, and Charles O. Zebley, Esquire
May 11th	PACFile for Attorneys	Dave McDonald, Administrative Office of Pennsylvania Courts
May 19th	Searches & Seizures	Nicholas M. Clark, Esquire, Richard Bower, Fayette County District Attorney, Susan R. Harper, Fayette County Public Defender, and the Honorable Judge Steve P. Leskinen
June 16th	ODC Practice and Procedure and Rule 8.4(g)	Thomas A. Farrell, Chief Disciplinary Counsel, Disciplinary Board of the Supreme Court of Pennsylvania, and Anne N. John, Esquire

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