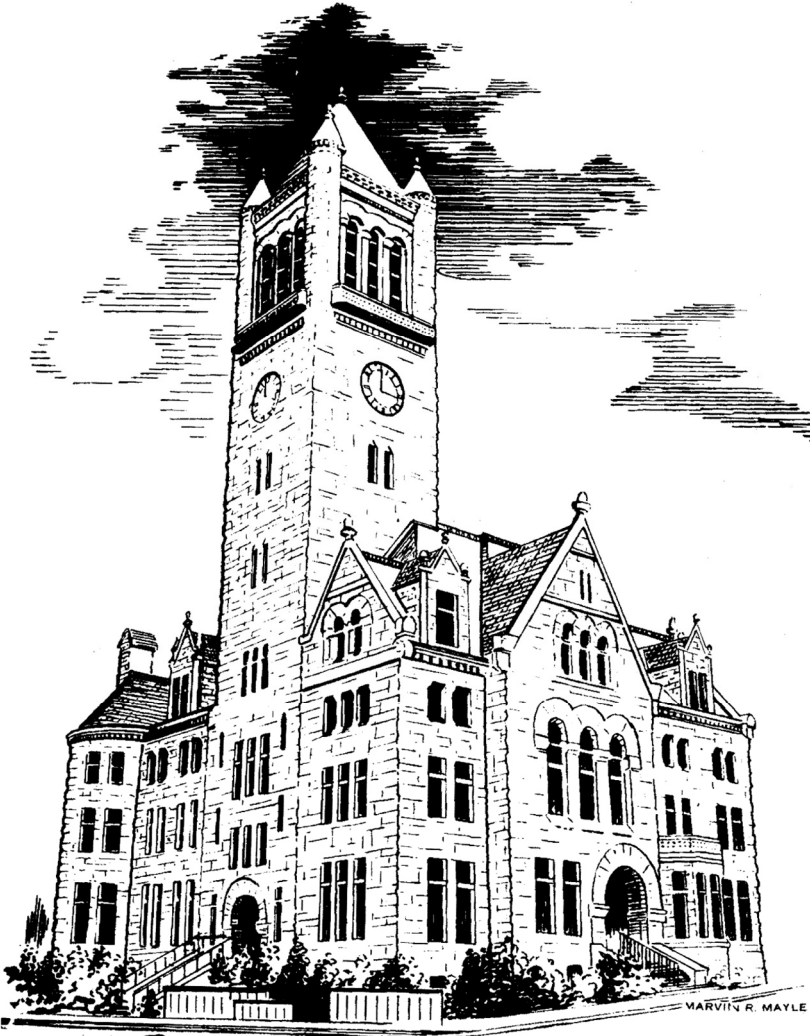


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ESTATE NOTICES

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

CAROL A. CABLE, late of Dawson, Fayette County, PA (3)

Administrator: George S. Cable
c/o Molinaro Law Offices
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Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

ROBERT I. CONFER, JR., late of South Union Township, Fayette County, PA (3)

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Attorney: James T. Davis

LEONA MAZZOCCO, a/k/a LEONA ANGELINE MAZZOCCO, late of Redstone Township, Fayette County, PA (3)

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Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

MICHAEL C. MILLER, late of Uniontown, Fayette County, PA (3)

Personal Representative:
James E. Higinbotham, Jr.
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68 South Beeson Boulevard
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Attorney: James E. Higinbotham, Jr.

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Second Publication

DONNA J. BLAIR, late of Connellsville, Fayette County, PA (2)

Executor: Gregg Blair
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815B Memorial Boulevard
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107 East Main Street
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Attorney: James T. Davis

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201 North Chestnut Street
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Administrator: Marshall Fike
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Attorney: Vincent M. Tiberi

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c/o 84 East Main Street
Uniontown, PA 15401
Attorney: Vincent M. Tiberi

TRACY C. HALL, late of Dunbar, Fayette County, PA (2)

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Uniontown, PA 15401
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MARY JANE PECK, late of Bullskin Township, Fayette County, PA (2)

Personal Representative: Kathy Trump
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WILLIAM G. ROSTICH, late of German Township, Fayette County, PA (2)

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68 South Beeson Boulevard
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107 East Main Street
Uniontown, PA 15401
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First Publication

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RAE CONAWAY**, late of Menallen Township,
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68 South Beeson Boulevard

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Attorney: Elizabeth A. Becker

PETER EDWARD HEGYES, late of
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Perryopolis, PA 15473

c/o 4660 State Route 51 S

Belle Vernon, PA 15012

Attorney: Jill Devine

**ROBERT A. MILLER, a/k/a ROBERT
ARTHUR MILLER**, late of Georges
Township, Fayette County, PA (1)

Executrix: Kim Swaney, a/k/a

Kimberly S. Swaney

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Attorney: Thomas W. Shaffer

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Mitchell P. Mongell

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Greensburg, PA 15601

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c/o Houston Harbaugh

Three Gateway Center

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Pittsburgh, PA 15222

Attorney: Rebecca Winge

WILMA RHODES, late of Nicholson
Township, Fayette County, PA (1)

Administratrix: Carol J. Zapotosky

11 West Uniontown Street

P.O. Box 114

Martin, PA 15460

c/o 407 Oak Spring Road

Canonsburg, PA 15317

Attorney: Roger Gaydos

LEGAL NOTICES

TO: CHARLES PEGG, MARIE HENNESSEY, DOROTHY PEGG, HARRY PEGG, PAULINE PEGG, CHARLES PEGG JR., ERNEST PEGG, SARAH PEGG, LILLIAN PEGG, CHESTER HILTABIDEL, LARRY HILTABIDEL, WILMA J. PARKS, HOPE HARR, CAROLYUN STIRLING, THOMAS HENSEL, JAMES HENSEL, GLADYS PRINKEY, BETTY VANGEISEN, PATRICIA A. HENSEL, JANECE DANISON, CHUCK K. HENSEL, SAMANTHA H. BUCH, LILLIAN HENSEL, ROBERT HENSEL, MARGARET TERJAK, MARY ANN HENSEL, DEMPSEY FISCH, GENE FISCH, WILLIAM FISCH AND THEODOSIA YOUNKIN, THEIR HEIRS AND ASSIGNS:

You are hereby notified that Claudia Jacquillard filed her Complaint at No. 257 of 2024 GD, G.D., in the Court of Common Pleas of Fayette County, Pennsylvania, in an Action to Quiet Title wherein it is alleged that she is the owner in possession of a certain tract of land situate in Springfield Township, Fayette County, Pennsylvania, more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of State Route 381 on the southerly side of Otties Lane, thence along the westerly side of State Route 381 South 10° 27' 44" West 158.79 feet to a point in line of land now or formerly of Ronald Miner, then along land now or formerly of Ronald Miner North 82° 43' 26" West 127.52 feet to a rebar and cap set, thence continuing South 3° 24' 02" 233.32 feet to a pipe found in line of line now or formerly of Douglas Show, thence along lands now or formerly of Douglas Show, North 82° 42' 44" West 193.47 feet to a rebar and cap set at corner of land now or formerly of Kevin Fulton; thence along lands now or formerly of Kevin Fulton, North 0° 43' 14" East 353.35 feet to the point at the place of beginning according to survey of Beaver Creek Land Services dated March 20, 2022 a plot of which is recorded in Plan Book 108, page 28

The Complaint asks the Court to decree that title to said real estate is in the plaintiff and to enjoin the defendants and their heirs and assigns, from setting up any title to said real estate and from impeaching, denying, or in any way attacking the plaintiffs title to the same.

You are hereby notified that you have been sued in court. If you wish to defend against the claims set forth in the Complaint and in the within advertisement, you must take action within twenty (20) days after the last advertisement of this notice 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). THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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Vincent J. Roskovensky, II
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
Case No.: 922 of 2023 GD

JENNA ANSEL, parent and legal guardian of
minor, RAI'LYNN ANSEL,
Plaintiff,

v.
DANIEL L. FITZPATRICK and
MARY RILEY,
Defendants.

NOTICE TO DEFEND DIRECTED
TO MARY RILEY

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 an 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 Plaintiffs. 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.

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Phone: 724-437-7994

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310 Grant Street Suite 720
Pittsburgh PA 15219

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, March 4, 2024, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2623-0186	WILLIAM JOSEPH SIMMEN	Richard E. Bower, Administrator CTA
2620-0544	LENORA R. MEHAULIC	Brenda Ann Lynn, Executrix

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

Monday, March 18, 2024, 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.

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, March 4, 2024, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2619-0741	BEATRICE J. BALABAN	Margaret Hurst and Eileen McDowell, Co-Executrix
2622-0586	RODNEY T. BANKS	Carole Robbins, Executrix

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

Monday, March 18, 2024, at 9:30 A.M.

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

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

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Smithfield, PA 15478

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JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA :
v. :
BRENT J. MARSH, : No. 181 of 2023
Defendant. : Honorable Linda R. Cordaro

OPINION AND ORDER

Linda R. Cordaro, J.

January 31, 2024

Before this Court is Defendant's Omnibus Pretrial Motion for suppression and writ of habeas corpus. A hearing on the Motion was held on January 17, 2024. After consideration, and for the following reasons, Defendant's Motion is granted in part and denied in part.

FINDINGS OF FACT

The following facts were established according to the testimony of Detective Thomas Patton and Officer James Garlick as given at the January 17, 2024 hearing on the Motion. {1} At that hearing, this Court recognized both witnesses as experts in drug identification and drug investigation.

Detective Patton testified that, on November 19, 2021, he received information from a confidential informant whom the police had used at least three times previously, including during one major investigation. The informant had been proven to give reliable information, and this time, indicated that the Defendant had just picked up drugs from a residence on East Fairview Avenue, Connellsville, Pennsylvania and was riding in his vehicle with two other individuals: Michael Griffiths and John Hall. The vehicle was expected to drop off Mr. Hall at his nearby residence on Porter Avenue within about a half hour. Detective Patton requested assistance from Officer Garlick and parked his vehicle near Mr. Hall's residence to wait. The detective was familiar with the Defendant's vehicle, a blue Dodge pickup truck with a white cap on the back. Within a half hour, he saw the Defendant's vehicle travelling down Porter Avenue. The vehicle stopped, and Mr. Hall and another male individual exited the vehicle. Mr. Hall walked up the stairs to his residence, and the other individual got back into the vehicle in the front passenger seat. Detective Patton then pulled over the vehicle. He approached the vehicle on the driver's side, and Officer Garlick approached the passenger side. The detective ascertained that Mr. Griffiths was driving, and the Defendant was the passenger. Detective Patton testified that he heard the Defendant speaking in an agitated, nervous voice as he approached.

{1} Both witnesses testified that they were employed by the Connellsville Police and the Fayette County Bureau of Investigation.

Officer Garlick testified that he saw white powder in plastic baggies in Defendant's pocket as the Defendant sat inside the vehicle. Officer Garlick then had the Defendant exit the vehicle, placed him in handcuffs, and during a search of the Defendant's person, he found suspected contraband. Detective Patton testified that the items found on the Defendant included: two (2) plastic baggie corners of suspected cocaine; six (6) folded envelopes of suspected cocaine; and fourteen (14) stamp bags of suspected heroin. The detective testified that the substances were tested and confirmed to be cocaine² and two types of fentanyl, and that the method of packaging the cocaine in particular tended to indicate an intent to deliver/distribute.

In addition to the items found on the Defendant, at the scene, the detective saw a cigarette pack located between the two front seats of the vehicle. He removed the pack and looked inside to find a baggie of suspected cocaine and two bundles of suspected heroin. Detective Patton testified that in total, thirty-seven (37) bags of suspected heroin were confiscated. He also testified that the Defendant did not give consent for a vehicle search.

Detective Patton administered a verbal Miranda warning at the scene, and testified that the Defendant was in an agitated state and "rambling" during the transport. Once at the police station, before Miranda was administered again, the Defendant continued making statements, including that he had only been doing "it" for the last two days to support a deadbeat mother and to make money. The Defendant ultimately was given verbal and written Miranda warnings at the police station. The Defendant signed the Miranda waiver and gave a verbal and written statement. His verbal statement included an admission that he sold crack due to financial hardship, but he did not disclose where he obtained drugs. His written statement attested that he was pulled over for an unknown reason and was caught with several bags of crack.

DISCUSSION

The Defendant is charged with three (3) counts of possession with intent to deliver a controlled substance {3} and three (3) counts of possession of a controlled substance. {4} Defendant's Motion alleges that there was insufficient cause to stop the Defendant's vehicle and so any evidence procured as a result of the stop should be suppressed. The Motion also challenges that, even if the stop itself is found to be valid, a search of the vehicle was conducted without consent and without a warrant, so that evidence from the vehicle should be suppressed. The Motion also alleges that the Commonwealth cannot sustain its burden to establish a prima facie case even if the motion to suppress is denied.

{2} One baggie corner contained 0.32 grams of cocaine; the six envelopes contained 1.83 grams of cocaine. The stamp bags in total contained 0.67 grams, but the lab results did not distinguish between the fourteen bags found on the Defendant and the rest of the stamp bags ultimately recovered. Detective Patton did not testify as to the weight of the other baggie corner of cocaine.

{3} 35 P.S. § 780-113(a)(30); Count 1 - cocaine; Count 2 - fentanyl; Count 3 - fluorofentanyl

{4} 35 P.S. § 780-113(a)(16); Count 4 - cocaine; Count 5 - fentanyl; Count 6 - fluorofentanyl

Suppression

Any evidence obtained by police conduct that violates an individual's constitutional rights may be subject to suppression. The purpose of this "exclusionary rule" is to discourage law enforcement officers from constitutionally violative conduct. *Commonwealth v. Santiago*, 160 A.3d 814, 827-28 (Pa. Super. Ct. 2017). The exclusion (suppression) of evidence may be appropriate if there has been a violation of fundamental constitutional protections. *Commonwealth v. Balliet*, 542 A.2d 1000, 1003 (Pa. Super. Ct. 1988) (citing *Commonwealth v. Morgan*, 534 A.2d 1054, 1056 n. 2 (Pa. 1987)).

The Fourth Amendment to the United States Constitution and Article 1, Section 8 of the Pennsylvania Constitution prohibit unreasonable searches and seizures. A warrantless seizure is presumptively unreasonable but for a few specific exceptions, which include circumstances in which police have reasonable suspicion that criminal activity is afoot. *Commonwealth v. Chase*, 960 A.2d 108, 113 (Pa. 2008). In those circumstances, police may briefly detain an individual for an investigation. *Id.* (citing *Terry v. Ohio*, 392 U.S. 1 (1968)). An informant's tip may constitute probable cause for a warrant if police independently corroborate the tip or if informant has provided accurate information of criminal activity in the past. *Commonwealth v. Clark*, 28 A.3d 1284, 1288 (Pa. 2011).

Here, Defendant alleges that officers did not have sufficient cause to stop the Defendant. However, Detective Patton testified that the information he relied upon came from an informant that had given accurate information previously. He also testified that, according to that informant, the Defendant, Mr. Griffiths, and Mr. Hall would be at Mr. Hall's house within a half hour, which proved to be exactly what occurred. An informant's tip may constitute probable cause for a warrant, and so therefore it stands to reason that it also may constitute the lower threshold of reasonable suspicion to support stopping the Defendant's vehicle to investigate the matter. Furthermore, when Officer Garllick approached the vehicle, he saw baggies with suspected drugs in the Defendant's pocket, which gave rise to sufficient cause to continue investigating. The previous reliability of the confidential informant, and the proven accuracy of his/her information as to where, when, and with whom the Defendant would arrive supports at least a reasonable suspicion of criminal activity to justify Detective Patton's initial stop of the Defendant's vehicle to investigate. Therefore, any evidence procured from the search of the Defendant as a result of that vehicle stop was legally obtained.

However, the same is not the case for evidence procured as a result of the search of the vehicle itself. A warrantless search of a vehicle is presumptively unreasonable, with a few specific exceptions, including: "the consent exception, the plain view exception, the inventory search exception, the exigent circumstances exception, the automobile exception, ... the stop and frisk exception, and the search incident to arrest exception." *Commonwealth v. Smith*, 285 A.3d 328,332 (Pa. Super. Ct. 2022) (quoting *Commonwealth v. Simonson*, 148 A.3d 792,797 (Pa. Super. Ct. 2016)). As to the automobile exception, a warrantless search may be conducted if there is 1) probable cause to believe that criminal activity is occurring or has occurred; and 2) exigent circumstances are present. *Commonwealth v. Alexander*, 243 A.3d 177,207 (Pa. 2020). As to the plain view exception, a warrantless seizure may occur if an officer sees an object from a law-

ful vantage point, it is immediately apparent that the object is incriminating, and the officer has a lawful right to access the object. *Smith*, 285 A.3d at 332.

Here, Detective Patton testified that he saw the cigarette pack, removed it from the vehicle, looked inside, and then found suspected contraband. However, there is no evidence of exigent circumstances that would qualify for an automobile search exception. The consent exception does not apply since the Defendant did not give consent. Furthermore, the plain view exception does not apply since there is no evidence that Detective Patton saw the contents of the cigarette pack from a lawful vantage point. His testimony was that he saw contents after removing the pack from the vehicle and looking inside. There is no evidence that the circumstances here justify any exception to the warrant requirement, and therefore, any evidence obtained as a result of a search of the vehicle at the scene shall be suppressed.

Habeas

A petition for a writ of habeas is "the proper means for testing a pre-trial finding that the Commonwealth has sufficient evidence to establish a prima facie case" against a defendant. *Commonwealth v. Scott*, 578 A.2d 933, 936 (Pa. Super. Ct. 1990). A pre-trial petition for writ of habeas corpus is similar in its purpose to a preliminary hearing in that it seeks to prevent unlawful detention for a crime which was never committed, or for a crime for which there is no evidence of the accused's connection. *Id.* at 937. Accordingly, to establish its prima facie case, the Commonwealth must present evidence as to each material element of the crimes charged and establish sufficient probable cause that the accused is the person who committed the offenses. *Commonwealth v. McBride*, 595 A.2d 589, 591 (Pa. 1991).

In order to satisfy the elements of the charges, the Commonwealth must present evidence to show that Defendant did possess a controlled substance or substances and that he did so with the intent to deliver. The intent to deliver may be inferred from the facts and circumstances of the case, including the particular method of packing, the form of the drug, and the behavior of the defendant. *Commonwealth v. Aguado*, 760 A.2d 1181, 1185 (Pa. Super. Ct. 2000). Expert testimony that the facts are consistent with an intent to deliver rather than an intent to possess, while not sufficient to conclusively establish intent, still may support an inference of intent to deliver. *Commonwealth v. Ratsamy*, 934 A.2d 1233, 1237 (Pa. 2007).

According to the testimony of both Detective Patton and Officer Garlick, here, cocaine and two kinds of fentanyl were found on the Defendant's person, which would constitute actual possession and satisfy the prima facie requirement for possession of a controlled substance. As to the intent to deliver, according to testimony, the substances were packaged in various ways, including in two (2) baggie corners, six (6) folded envelopes, and fourteen (14) stamp bags. In addition, according to Detective Patton, after the first verbal administration of a Miranda warning, the Defendant continued "rambling," during which he referred to doing "it" for a couple of days in order to earn money. After the second administration of Miranda at the police station, the Defendant also verbally admitted to selling crack. There is sufficient evidence for a prima facie case of both possession with intent to deliver a controlled substance and possession of controlled substance.

Therefore, the Court enters the following:

ORDER

AND NOW, this 31st day of January, 2024, in consideration of Defendant's Omnibus Pretrial Motion, it is hereby ORDERED and DIRECTED that Defendant's Motion is GRANTED IN PART and DENIED IN PART.

Defendant's Motion is GRANTED only with respect to the suppression of evidence procured as a result of the search of Defendant's vehicle.

Defendant's Motion with respect to suppression of any other evidence is DENIED.

Defendant's Motion for writ of habeas corpus also is DENIED.

The Commonwealth shall list this case for trial.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Clerk of Courts

BAR BANQUET SAVE THE DATE

Fayette County Bar Association
129th Annual Bar Banquet

Friday, April 26, 2024
Grayson House

Save the date for a relaxed evening with
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