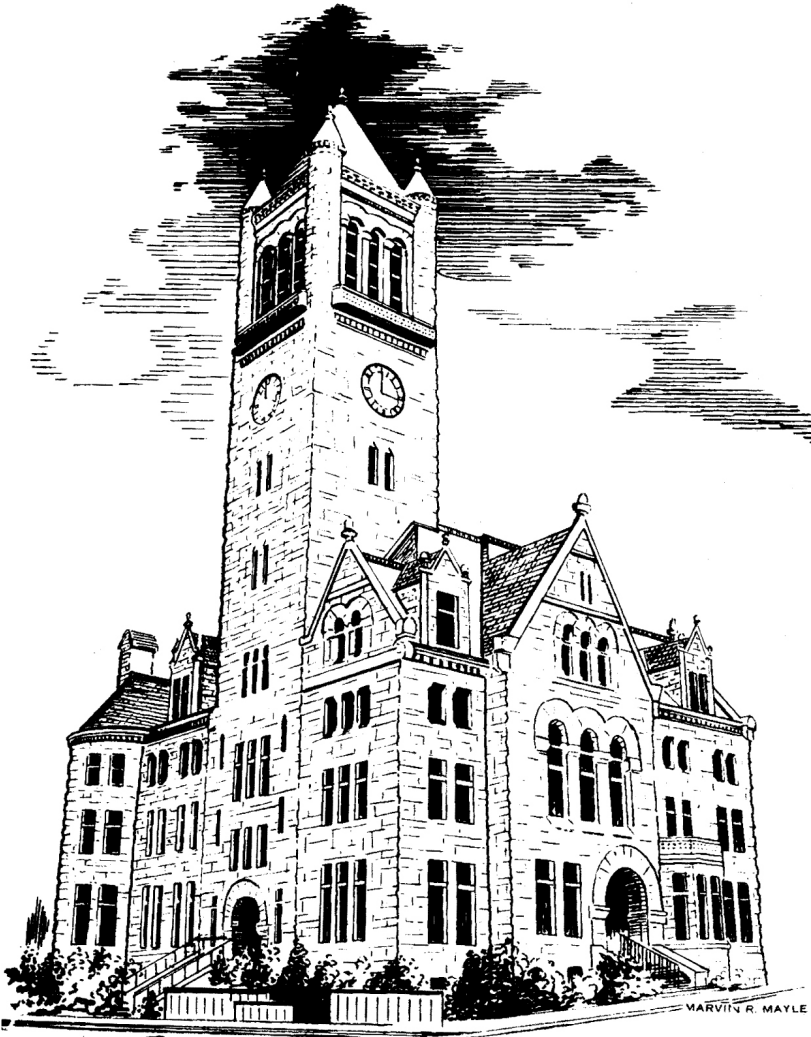


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ESTATE NOTICES

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

PAUL RICHARD CHESS, a/k/a PAUL R. CHESS, late of Georges Township, Fayette County, PA (3)

Administrator: Craig S. Chess
c/o PO Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

JOHN J. HRUTKAY, late of Brownsville, Fayette County, PA (3)

Personal Representative: Carol L. Baniak
220 Raymond Avenue
Brownsville, PA 15417
c/o P.O. Box 488
California, PA 15419
Attorney: Lisa J. Buday

STEPHEN RAYMOND, late of North Union Township, Fayette County, PA (3)

Executrix: Deborah Raymond
c/o Adams & Adams
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason F. Adams

EMILY JEAN LINCOLN, late of South Union Township, Fayette County, PA (3)

Co-Executors: Sara Dell Metz and
Ronald Mark Metz
c/o P.O. Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

MILLIE (NMI) ROBINSON, late of Connellsville, Fayette County, PA (3)

Personal Representative: Henry Robinson
c/o 815A Memorial Boulevard
Connellsville, Pa 15425
Attorney: Margaret Zylka House

BARBARA H. SHOEMAKER, late of Brookville, Jefferson County, PA (3)

Executrix: Mary Ann Brown
c/o Fitzsimmons & Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401
Attorney: James N. Fitzsimmons, Jr.

Second Publication

DAVID KEISTER, a/k/a DAVID ALLEN KEISTER, late of Georges Township, Fayette County, PA (2)

Administratrix: Kim Keister
c/o Fitzsimmons & Barclay
55 East Church Street, Suite 102
Uniontown, PA 15401

ERMINIA LASCALA, late of Newell Borough, Fayette County, PA (2)

Executor: Jason F. Adams
c/o Adams & Adams
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason F. Adams

CHARLES R. MADORE, late of Dunbar Township, Fayette County, PA (2)

Personal Representative: Barbara A. Madore
c/o Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

PATRICK J. RUCK, late of Bullskin Township, Fayette County, PA (2)

Personal Representative: Susan A. Ruck
c/o Watson Mundorff Brooks & Sepic, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Charles W. Watson

First Publication

**BENJAMIN F. BREAKIRON, SR., a/k/a
BENJAMIN F. BREAKIRON**, late of Bullsken
Township, Fayette County, PA (1)
Executor: Albert R. Breakiron
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

IDA MAE BUFFALO, late of Point Marion
Borough, Fayette County, PA (1)
Executrix: Margaret Burns
216 Fayette Avenue
Point Marion, PA 15474
c/o 84 East Main Street
Uniontown, PA 15401
Attorney: Vincent M. Tiberi

**KATHERINE FAY DEANS, a/k/a FAY
KATHERINE DEANS**, late of Springhill
Township, Fayette County, PA (1)
Administrator: Jane Elizabeth Fitzpatrick
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy O'Brien

DONNA L. DELUCA, late of Upper Tyrone
Township, Fayette County, PA (1)
Executor: Guy C. Deluca
109 Trestle Lane Scottdale, PA 15683
c/o 231 South Main Street, Suite 402
Greensburg, PA 15601
Attorney: Marilyn M. Gaut

EUGENE EVERLY SR., late of Georges
Township, Fayette County, PA (1)
Executor: Eugene Everly Jr.
138 Prison Camp Road
Smithfield, PA 15478

SANDRA FARIS, late of Uniontown, Fayette
County, PA (1)
Executor: Barry E. Faris
125 Regency Drive
Uniontown, PA 15401
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Kimberly D. Kovach

ROBERT B. GIGLIOTTI, late of
Connellsville, Fayette County, PA (1)
Co-Executor: Lionel Giliotti
Co-Executor: Carmine V. Molinaro, Jr.
c/o Molinaro Law Offices
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

**ROBERT SCOTT, a/k/a ROBERT A.
SCOTT**, late of North Union Township, Fayette
County, PA (1)
Administrator: Robert F. Scott
c/o Kovach Law Office
9 Court Street
Uniontown, PA 15401
Attorney: Kimberly D. Kovach

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 2324 of 2017 G.D.

COMPLAINT IN MORTGAGE
FORECLOSURE

**First Federal Savings & Loan
Association of Greene County,**
a corporation,
Plaintiff,

v.

**TOLBERT THOMAS LUKACS, WHITNEY
GAYLE LUKACS, a/k/a WHITNEY
TUTTLE**
Defendants.

**TO: WHITNEY GAYLE LUKACS, a/k/a
WHITNEY TUTTLE, Defendant.**

You are hereby notified that on October 31, 2017, First Federal Savings & Loan Association of Greene County, a corporation, filed a Complaint in Action of Mortgage Foreclosure endorsed with a Notice to Defend, at Number 2324 of 2017 G.D. This mortgage foreclosure action has been instituted to foreclose upon property located at 113 Lopez Drive, Uniontown, PA 15401, Tax Map No. 34-05-0077-53, and proceed to Sheriff's Sale.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing 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 PAPER 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.

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Anne N. John, Esquire
Attorney for Plaintiff
PA ID Number 38961
96 East Main Street
Uniontown, PA 15401
(724) 438-8560

JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA, :
 :
 v. :
 :
 BRANDON CRABLE, :
 Defendant. : No. 1769 of 2017

OPINION AND ORDER

SOLOMON, S.J. February 5, 2018

Before the Court is the Omnibus Pretrial Motion of Defendant, Brandon Crable, in the nature of a Motion to Suppress Evidence, Motion to Suppress Statements, and Writ of Habeas Corpus/Motion to Dismiss.

Defendant is charged with Possession of Firearm W/Manufacturer Number Altered, Possession Of Firearm Prohibited, Flight To Avoid Apprehension, Marijuana-Small Amount Personal Use, and Use/Possession of Drug Paraphrenalia. Following hearing, we make the following:

FINDINGS OF FACT

1. On February 11, 2017, Corporal Patrick Bouch of the Pennsylvania State Police conducted a traffic stop at approximately 2:40 a.m. N.T. 1/10/18, at 5-6.
2. The reason for the stop was he observed that the vehicle had an inoperable license plate light and dark tinted windows. Id. at 6.
3. Approaching the vehicle, Corporal Bouch directed the occupants to roll down the windows. Id. at 7.
4. After the windows were rolled down, he observed a female driver, a female passenger behind the driver, the Defendant in the front passenger seat, and that there was a distinct odor of marijuana coming from within the vehicle. Id. at 7-8.
5. When Bouch asked for the license, registration and insurance information, the driver looked to the Defendant who “slightly cracked the glove box.” Id. at 9.
6. Because of the surrounding circumstances, the Corporal became concerned that Defendant was trying to conceal a weapon. Id.
7. Bouch ordered Defendant to remove his hands from the glove box and let it hang open, but Defendant continued to hold it up. Id. at 10.

8. Although Defendant continued to hold the glove box up, it was open enough for Bouch to observe a plastic bag containing marijuana. Id.

9. Bouch then told everyone to remain in the car, at which point Defendant opened his door and fled. Id. at 10-11.

10. Fearing that he would lose the contraband in the vehicle as well as the two females, Bouch did not pursue Defendant although he noticed that as Defendant ran he kept his right arm pinned against his body in a rigid fashion. Id. at 11.

11. Based upon his training, Bouch believed Defendant could be concealing a weapon. Id.

12. After Defendant fled the scene, the Corporal observed a cell phone on the passenger side seat which he considered to be abandoned by virtue of Defendant fleeing the scene. Id. at 12.

13. Knowing that other police officers had made a stop in the area, Bouch was concerned Defendant might come into contact with them; as a result he believed that an exigency existed to identify Defendant. Id.

14. Because he believed that an exigency existed to identify Defendant, Bouch looked into the phone in an attempt to get a photo of Defendant to provide to the other officers. Id. at 12-13.

15. In doing so, Bouch observed a photo of Defendant holding an AR15 style rifle with clear after-market modification, and with its serial number removed. Id. at 13-14.

16. Corporal Bouch applied for and received a search warrant for the phone, and a search of the phone revealed a photo of Defendant holding the firearm in question Id. 14, 17.

17. A criminal history check revealed that Defendant was a person not to possess a firearm. Id. at 24, 38.

18. There was no testimony offered as to the issue of a statement made by Defendant.

DISCUSSION

A Petition for Writ of Habeas Corpus contends that the Commonwealth failed to establish a prima facie case that Defendant committed the charged offenses and tests a pre-trial finding that the Commonwealth has sufficient evidence to establish a prima facie case to each of the charged offenses *Commonwealth v. Engle*, 847 A.2d 88 (Pa.Super. 2004). A prima facie case requires evidence that sufficiently establishes both the commission of a crime and that the accused is probably the perpetrator. *Commonwealth v. Hendricks*, 927 A.2d 289 (Pa.Super. 2007).

In his Omnibus Pre-Trial Motion, Defendant first contends in his Motion to Suppress Evidence that there was no probable cause to request to search him or the vehicle. Initially we note from the evidence adduced at the Omnibus Pre-Trial hearing, there was no request to search Defendant, and he was not searched. As to a search of the

vehicle, Defendant was a passenger in the vehicle who fled from the vehicle. However, from the questions asked by Counsel for Defendant at the Omnibus Pre-Trial hearing, Defendant now contends, outside his Motion, that there was an illegal search of his telephone.

It is settled law that, unless an exception can be shown, a warrant is required to search a cell phone. *Commonwealth v. Stem*, 96 A.3d 407 (Pa. Super. 2014). Certainly, abandonment is an exception to the search warrant requirement. Another exception to the requirement that a search warrant be obtained in order to search a cell phone is the existence of exigent circumstances. *Kentucky v. King*, 131 S. Ct. 1849 (2011). From the testimony offered at the Omnibus Pre-Trial hearing, it is clear that both exceptions exist here. Not only did Defendant abandon the phone, exigent circumstances existed to search the phone. Thus, this issue is without merit.

Defendant, in his Omnibus Pre-Trial Motion, next moves to suppress statements. Since no statements were offered by the Commonwealth, this motion will be granted.

The last issue set forth in the Omnibus Pre-Trial Motion is a Writ of Habeas Corpus/Motion to Dismiss. The gist of this issue is that there was “no showing that the Defendant had said drugs with the intent to deliver said drugs.” However, this issue is without merit since Defendant has not been charged with this offense.

Although not contained in his Omnibus Pre-Trial Motion, at the Omnibus Pre-Trial hearing, through questioning, Defendant contended that the firearm offenses must be dismissed because there was no showing that the firearm was operable. However, the Commonwealth is not required to prove that it was operable. *Commonwealth v. Batty*, 169 A.3d 70 (Pa. Super. 2017).

Wherefore, we will enter the following Order.

ORDER

AND NOW, this 5th day of February, 2018, following full hearing, it is Hereby Ordered and Decreed that the Omnibus Pretrial Motion of Defendant, Brandon Crable, in the nature of a Motion to Suppress Evidence, Motion to Suppress Statements, and Writ of Habeas Corpus/Motion to Dismiss is Denied with the exception that the Motion to Suppress Statements is Granted

BY THE COURT,
GERALD R. SOLOMON,
SENIOR JUDGE

ATTEST:
Clerk of Courts

CLE**The Importance of the ALTA/NSPS Land Title Survey**

Tuesday, March 20, 2018

9:00 AM - 12:00 PM

Penn State Fayette, The Eberly Campus

Room: CTC Eberly 116

This workshop was designed to provide insight into why these surveys are needed and would be beneficial to the legal community, bankers, surveyors, engineers, and developers.

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Gary Kent, PS

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Friday, April 20, 2018

5:30 PM

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