

# FAYETTE LEGAL JOURNAL

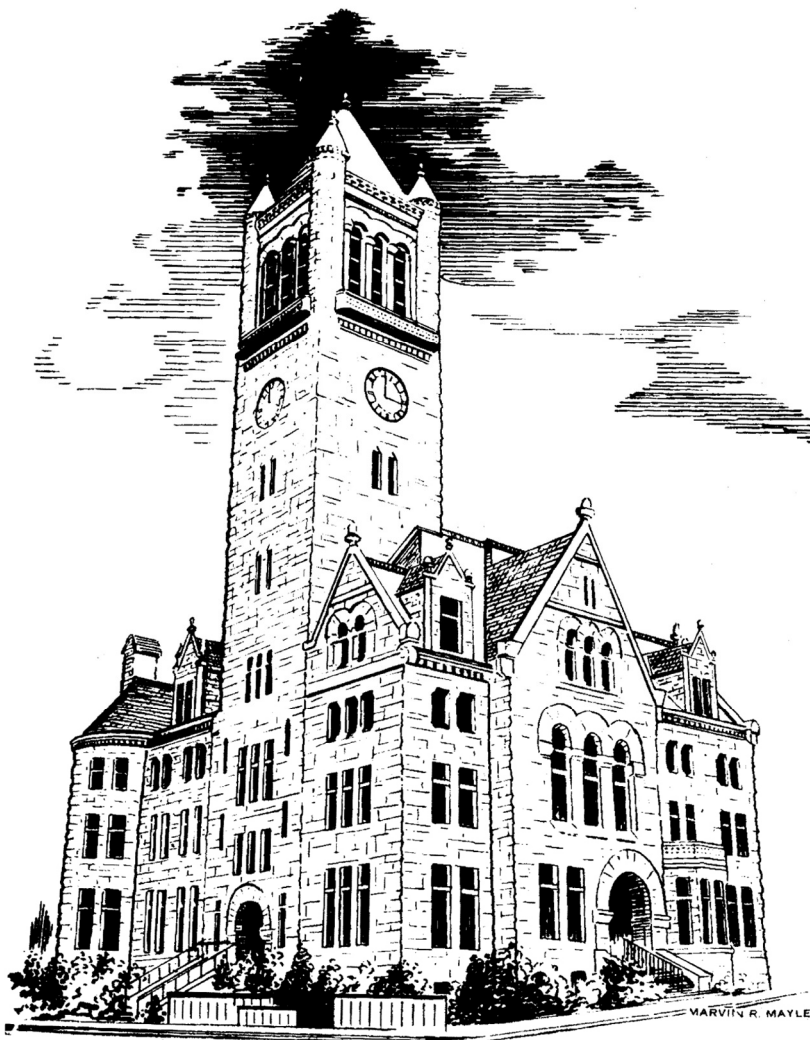
---

VOL. 85

FEBRUARY 5, 2022

NO. 6

---



## FAYETTE LEGAL JOURNAL

The FAYETTE LEGAL JOURNAL is published weekly by the Fayette County Bar Association, 45 East Main Street, Suite 100, Uniontown, Pennsylvania 15401, 724-437-7994. Legal advertisements should be submitted online at [www.fcbar.org](http://www.fcbar.org) no later than 12:00 noon on Friday for publication the following Saturday. No date of publication is promised, however. Legal notices are published exactly as submitted by the advertiser. Copyright 2001 Fayette County Bar Association. All rights reserved.

**Co-Editors:** Garnet L. Gordon and Melinda Deal Dellarose

*Cover Design by Marvin R. Mayle, 207 Lick Hollow Road, Hopwood, PA*

## FAYETTE COUNTY BAR ASSOCIATION Board of Directors

**President:** Mark D. Brooks

**President Elect:** John A. Kopas, III

**Vice-President:** Gretchen A. Mundorff

**Secretary:** Anne N. John

**Treasurer:** Louise D. Monaghan

**Past President:** Charles O. Zebley, Jr.

**Executive Director:** Garnet L. Gordon

### *Directors*

Jennifer M. Casini

Rachel A. Clark

Jeremy J. Davis

Robert A. Gordon

Sheryl R. Heid

James E. Higinbotham, Jr.

Margaret Zylka House

Douglas S. Sholtis

### ETHICS HOTLINE

The Ethics Hotline provides free advisory opinions to PBA members based upon review of a member's prospective conduct by members of the PBA Committee on Legal Ethics and Professional Responsibility. The committee responds to requests regarding the impact of the provisions of the Rules of Professional Conduct or the Code of Judicial Conduct upon the inquiring member's proposed activity. All inquiries are confidential.

Call (800) 932-0311, ext. 2214.

### LAWYERS CONCERNED FOR LAWYERS

Our assistance is confidential,  
non-judgmental, safe, and effective

To talk to a lawyer today, call:

1-888-999-1941

717-541-4360

## 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

**LORETTA M. AUL, a/k/a LORETTA MAE AUL**, late of Washington Township, Fayette County, PA <sup>(3)</sup>

*Executor:* George Francis Aul  
117 Hillman Street  
Belle Vernon, PA 15012  
c/o 1747 Rostraver Road  
Belle Vernon, PA 15012  
*Attorney:* Megan A. Kerns

**RICHARD WAYNE BITNER, a/k/a RICHARD W. BITNER**, late of Connellsville, Fayette County, PA <sup>(3)</sup>

*Personal Representative:* Seth R. Bitner  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**CHARLES S. BROWNFIELD**, late of Uniontown, Fayette County, PA <sup>(3)</sup>

*Executrix:* Ann LeReche  
c/o Proden & O'Brien  
99 East Main Street  
Uniontown, PA 15401  
*Attorney:* Wendy L. O'Brien

**TIMOTHY DAVID CHESLER, a/k/a TIMOTHY D. CHESLER**, late of Uniontown, Fayette County, PA <sup>(3)</sup>

*Executrix:* Sara Ryan Chesler  
c/o Radcliffe Law, LLC  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* William M. Radcliffe

**PHILLIP CRAIG DYE, a/k/a PHILLIP C. DYE**, late of Connellsville, Fayette County, PA  
*Co-Executors:* Ronald J. Haggerty, Jr. and Carole L. Gratchic <sup>(3)</sup>  
c/o Casini & Geigib, LLC  
815B Memorial Boulevard  
Connellsville, PA 15425  
*Attorney:* Jennifer M. Casini

**JOHN POLIDORA**, late of Connellsville, Fayette County, PA <sup>(3)</sup>  
*Personal Representative:* Anthony Polidora  
c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425  
*Attorney:* Timothy J. Witt

**ELWOOD D. RITENOUR**, late of White, Fayette County, PA <sup>(3)</sup>  
*Executor:* Ronald Alonzo Ritenour  
c/o Radcliffe Law, LLC  
648 Morgantown Road, Suite B  
Uniontown, PA 15401  
*Attorney:* William M. Radcliffe

**DIANNA JEAN ZAWACKI**, late of South Union Township, Fayette County, PA <sup>(3)</sup>  
*Executor:* Lee Zawacki  
c/o 815A Memorial Boulevard  
Connellsville, PA 15425  
*Attorney:* Margaret Z. House

### Second Publication

**ARLETT BRADDEE**, late of Nicholson, Fayette County, PA <sup>(2)</sup>  
*Executrix:* Deborah Moore  
c/o P.O. Box 427  
Quakertown, NJ 08868

**LINDA DARLENE BURKHOLDER, a/k/a LINDA D. BURKHOLDER**, late of Upper Tyrone Township, Fayette County, PA <sup>(2)</sup>  
*Administrator:* Sara Guess  
401 South Chestnut Street  
Scottdale, PA 15683  
c/o Lederach Law  
201 North Chestnut Street  
P.O. Box 342  
Scottdale, PA 15683  
*Attorney:* James Lederach

**OLIVE RUTH CHRISTMAN**, late of Dunbar Township, Fayette County, PA (2)

*Personal Representative:*

Charles D. Christman  
c/o 208 South Arch, Suite 2  
Connellsville, PA 15425

*Attorney:* Richard A. Husband

---

**CURTIS A. CROSSLAND**, late of Uniontown, Fayette County, PA (2)

*Personal Representative:*

Kevin C. Crossland  
c/o 208 South Arch Street, Suite 2  
Connellsville, PA 15425

*Attorney:* Richard A. Husband

---

**ELEANOR C. FRANKS**, late of Menallen Township, Fayette County, PA (2)

*Executor:* Steven M. Pope

116 North Main Street  
Masonstown, PA 15461  
c/o 76 East Main Street  
Uniontown, Pa 15401

*Attorney:* Douglas S. Sholtis

---

**GENEVIEVE GHRIST, a/k/a GENEVIEVE L. GHRIST**, late of South Union Township, Fayette County, PA (2)

*Personal Representative:* Michelle Nicola

c/o Watson Mundorff, LLP  
720 Vanderbilt Road  
Connellsville, PA 15425

*Attorney:* Timothy J. Witt

---

**ANNA MAE KIMMEL a/k/a ANNA M. KIMMEL**, late of Connellsville, Fayette County, PA (2)

*Executor:* Timothy A. Kimmel

c/o Casini & Geibig, LLC  
815B Memorial Boulevard  
Connellsville, PA 15425

*Attorney:* Jennifer M. Casini

---

**JEAN LUCZKA, a/k/a WILDA JEAN LUCZKA**, late of Everson Borough, Fayette County, PA (2)

*Executor:* Bernard A. Luczka, Jr.

329 Maple Street  
Everson, PA 15631  
c/o 231 South Main Street, Suite 402  
Greensburg, Pa 15683

*Attorney:* Marilyn Gaut

---

**KATHLEEN LEE MOORE, a/k/a KATHLEEN L. MOORE**, late of Masonstown, Fayette County, PA (2)

*Executrix:* Mary M. Pomeroy

1321 Haven Drive  
Oviedo, Florida 32765  
c/o Goodwin Como, P.C.  
108 North Beeson Boulevard, Suite 400  
Uniontown, PA 15401

*Attorney:* Benjamin F. Goodwin

---

**DANIEL H. MYERS**, late of Perry Township, Fayette County, PA (2)

*Executor:* Robert A. Amicone

191 Ross Road  
Ligonier, PA 15658  
c/o 32 West Third Street  
Greensburg, PA 15601

*Attorney:* Peter P. Cherellia

---

**KENNETH D. SHULTZ**, late of Dunbar Township, Fayette County, PA (2)

*Co-Administrators:* Kenneth Shultz and Julie Shultz

c/o Casini & Geibig, LLC  
815B Memorial Boulevard  
Connellsville, PA 15425

*Attorney:* Jennifer M. Casini

---

## First Publication

**RICKY LEE BALLONE**, late of East Millsboro, Fayette County, PA (1)

*Administratrix:* Carla Ballone

c/o CELA and Julian Gray Associates  
954 Greentree Road  
Pittsburgh, PA 15220

*Attorney:* Karen S. Timko

---

**EVELYN BARKLEY, a/k/a BESSIE E. BARKLEY**, late of Saltlick Township, Fayette County, PA (1)

*Personal Representative:* Sherry L. Hess

c/o 208 South Arch Street, Suite 2  
Connellsville, PA 15425

*Attorney:* Richard A. Husband

---

**LULU B. GUTHRIE, a/k/a LULU  
BLANCHE GUTHRIE**, late of Henry Clay  
Township, Fayette County, PA <sup>(1)</sup>

*Executor:* Kevin S. Guthrie  
c/o Higinbotham Law Offices  
68 South Beeson Boulevard  
Uniontown, PA 15401  
*Attorney:* James Higinbotham

**JEFFERY ALLEN HARSHMAN**, late of  
Lower Tyrone Township, Fayette County, PA

*Personal Representative:* <sup>(1)</sup>  
Stephanie M. Harshman  
c/o 208 South Arch Street, Suite 2  
Connellsville, PA 15425  
*Attorney:* Richard A. Husband

**DOROTHY E. LINDSTROM**, late of South  
Union Township, Fayette County, PA <sup>(1)</sup>

*Executor:* Steven H. Brose  
c/o DeHaas Law, LLC  
51 East South Street  
Uniontown, PA 15401  
*Attorney:* Ernest P. DeHaas, III

**NELLIE IRENE LOWRY**, late of Dunbar  
Township, Fayette County, PA <sup>(1)</sup>

*Executor:* Kimberly Gail Ritenour  
c/o Adams Law Offices  
55 East Church Street, Suite 101  
Uniontown, PA 15401  
*Attorney:* Jason Adams

## LEGAL NOTICES

NOTICE IS HEREBY GIVEN that a Petition has been filed in the Court of Common Pleas of Fayette County, Pennsylvania, seeking to change the name of Les Aaron Yauger, Jr., to Les Aaron Lovelace. A hearing on the Petition will be held on Thursday, January 27, 2022 at 11:00 o'clock a.m. in Courtroom No. 5, at the Fayette County Courthouse, Uniontown, Pennsylvania, at which time any persons interested may attend and show cause, if any, why the Petition should not be granted.

Ashley T. Lovelace for Les Aaron Yauger, Jr.  
% Dellarose Law Office, PLLC  
Melinda Deal Dellarose  
99 East Main Street  
Suite 101  
Uniontown., PA 15401  
(724) 437-3200

IN THE COURT OF COMMON PLEAS  
OF FAYETTE COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
No. 2313 of 2021

IN RE: SIERA LYNN PRINKEY

### NOTICE OF CHANGE OF NAME

Notice is hereby given that on the 27th day of December, 2021, the Petition of Siera Lynn Prinkey was filed with the Court of Common Pleas of Fayette County, Pennsylvania at No. 2313 of 2021, praying for a Decree to Change the Name of Siera Lynn Prinkey to Siera Lynn Cramer.

The Court has fixed the 15th day of March, 2022 at 1:30 p.m., in Courtroom 2 of the Fayette County Courthouse, Uniontown, Pennsylvania before the Honorable Judge John F. Wagner, Jr., as the time and place for the hearing on said Petition. Any and all persons interested and/or having lawful objections to the change of name may appear and be heard and show cause, if any they have, why the prayer of the said Petition should not be granted.

Bradley A. King, Esquire  
King Legal Group, LLC  
114 North Maple Avenue  
Greensburg, PA 15601  
(724) 836-1500

IN THE COURT OF COMMON PLEAS OF  
 FAYETTE COUNTY, PENNSYLVANIA  
 CIVIL ACTION - LAW  
**ACTION TO QUIET TITLE**  
 No. 2149 of 2021 G.D.  
 JUDGE STEVE LESKINEN

ANDY MAI and HANNAH MAI, his wife,  
 Plaintiffs,  
 v.  
 RICHARD SHIMKO, JOHN SHIMKO and  
 JULIA SHIMKO, their successors, heirs,  
 personal representatives, and assigns, generally.  
 Defendant.

**TO: RICHARD SHIMKO, JOHN SHIMKO  
 and JULIA SHIMKO their heirs,  
 successors and assigns, generally,**

You are hereby notified that Andy Mai and Hannah Mai, his wife, has filed a complaint at the above number and term in the above-mentioned court in an action to quiet title wherein it is alleged that she is the owner in possession of those certain lots of land situate in Perryopolis Borough, Fayette County, Pennsylvania having an address of Harmony Street, Lot 101 RM, having tax map number 28-08-0053-01 and 204 Harmony Street, having tax map number 28-08-0053.

Title to the above-described property known as 28-08-0053-01 was conveyed to Richard Shimko by a deed from Richard Shimko, Executor of the Estate of Julia Shimko, being recorded at the Recorder of Deeds Office at Record Book 2664, Page 152. Title to the above-described property known as 28-08-0053 was conveyed to John Shimko and Julia E. Shimko, his wife, and Richard Shimko by deed from John Shimko and Julia E. Shimko, his wife, dated September 5, 1975 and recorded in the aforesaid recorder's office in Deed Book 1187, page 896.

Said complaint sets forth that the plaintiffs are the owners in fee simple of the above-described premises. The complaint was filed for the purpose of barring all of your right, title, and interest, or claim in and to all or a portion of said premises.

NOTICE

You are hereby notified that you have been sued in court. If you wish to defend against the claim 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 claim set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may entered against you by the court without further notice or 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 NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GOT TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

PENNSYLVANIA BAR ASSOCIATION  
 PENNSYLVANIA LAWYER REFERRAL  
 100 SOUTH STREET  
 P.O. BOX 186  
 HARRISBURG, PA 17108  
 1-800-932-0311

By Jason F. Adams, Esq.  
 Adams Law Offices, PC  
 55 E. Church Street  
 Uniontown, PA 15401  
 (724) 437-2711

## **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**

**A DECADE OF EXPERIENCE**

**E&O INSURED**

**WILL TRAVEL**

**ACCEPTING NEW CLIENTS**

**JUDICIAL OPINION**

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

COMMONWEALTH OF  
PENNSYLVANIA

:  
:  
:  
:  
:

V.

ROBERT WILLIAM EBBERT,  
Defendant.

: No. 1445 of 2021  
: Honorable Judge Steve P. Leskinen

**OPINION AND ORDER**

Leskinen, J.

October 28, 2021

Before the Court is the Defendant's Motion to Suppress Evidence. After careful review of the evidence and applicable law, the Court hereby issues the following Opinion and Order:

**Factual Background**

On October 12th, 2020, Officer Joshua McVay and members of the Connellsville Police Department executed a search warrant on 203 Houston Avenue and found the Defendant and 20 pounds of marijuana in the residence. The Defendant's counsel argues, "The Affidavit of Probable Cause attached to the search warrant does not set forth facts which constitute probable cause to search the residence...As probable cause was not set forth in the affidavit to the search warrant, all evidence seized pursuant to that warrant must be suppressed." Hearings were held in this matter on August 9th, 2021 and October 26th, 2021. The Defendant's counsel submitted "Defense Exhibit #1": the APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION, which the Court now quotes in its entirety:

Your Affiant is a sworn Officer with the Department of Conservation and Natural Resources and has been employed in that capacity for approximately 9 years and also experienced in Law Enforcement since 2008.

On September 25, 2020 I, Officer McVay was called by the maintenance staff of the Braddock Division of Forbes State Forest. The staff consisting of Supervisor Tim Abraham, Ryan O'Neil, and Brody Halfhill had observed a man acting strangely in the woods near the Jones Cabin or Cole Road and Route 381 in Wharton Township, Fayette County, PA The man was bent over and appeared to be shoving something into a garbage bag and a backpack. Maintenance Supervisor Tim Abraham asked "What are you doing?" and at that time the man frantically started shoving something into the bag again. Abraham asked him again "What are you doing?" and at that time the man stated he was digging Ginseng. Abraham informed the man that digging ginseng on State Forest Land was illegal and prohibited. The man then stated he did not know and started running down the hill and towards Route 381 where he got into a Dark Gray Toyota Tundra, Double Cab, with a tall (Raised) camper style cap, and red stickers near the license plate as described by the Maintenance Staff of Forbes State Forest. The staff at the time was not able to identify a



license plate however did clearly observed[sic] features of the truck in vivid detail. I, Officer McVay issued a bolo for the truck through Fayette County 911 and shared the information with the park staff in case they saw the vehicle somewhere with instructions to take a photo of the vehicle and plate if possible. Further investigation in the area of the man's actions discovered a Marijuana grow consisting of 20 adult Marijuana plants (16 standing and 4 harvested) approximately 20-30 feet from where he was observed shoving something into the bags. One of the plants harvested was freshly cut and still wet to the touch at the stock.[sic] I also discovered an area where the man was separating the stocks[sic], stems, and leaves from the buds and discarding the plants in the leaf liter.

On September 28, 2020 Forester Ralph Campbell called me and stated he thought he observed the vehicle from the incident. He then sent me a photo of the vehicle and plate from Connellsville PA The vehicle in the photo is a Dark Gray Toyota Tundra double cab with PA plate of ZJF 8996 and did show two red stickers near the license plate. I ran the plate and obtained a photo of the owner which was Robert W. Ebbert. I then showed the photo to the maintenance crew of Forbes State Forest and they confirmed that it was the man and the truck from the incident. I asked how certain they were and they stated 100%.

At this time, I believe that Robert W. Ebbert was involved in and was in possession of Marijuana for the purpose of growing, harvesting, or selling marijuana. I believe that the residence, vehicle, or building will contain materials related to the growing, harvesting, planting, packaging, distributing, or selling of marijuana.

Ebbert's address on his license is 1315 Sycamore Street, Connellsville PA 15425 and that address is his parents house where he does not reside. Robert Ebbert has been observed staying at and parking at 203 Houston Avenue, Connellsville, PA 15425 which is also owned by his parents Sally Moore and James H Ebbert according to Fayette County Tax Maps. I have drove[sic] by the residence of 203 Houston Avenue and consistently observed the vehicle parked at the house along with Officers from Connellsville PD. At this time Robert W. Ebbert is believed to be residing at 203 Houston Avenue, Connellsville, PA 15425 due to our surveillance of that residence.

At this time, I, Officer Joshua McVay swear to all statements above to be true and valid to the best of my knowledge.

#### Legal Standard, Motion to Suppress

The Fourth Amendment protects citizens against unreasonable searches and seizures. *Com. v. Hicks*, 208 A.3d 916, 926 (2019). The Court looks to the totality of the circumstances to analyze whether an affidavit in support of a search warrant contains sufficient probable cause. *Com. v. Gray*, 503 A.2d 921 (1985) adopting *Illinois v. Gates*, 462 U.S. 213, (1983).

Pursuant to the "totality of the circumstances" test set forth by the United States Supreme Court in [*Illinois v. Gates*, 462 U.S. 213 (1983)]1. the task of an issuing authority is simply to make a practical, commonsense decision whether, given all of the circumstances set forth in the affidavit before him, including the veracity and basis of knowledge of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place...It

is the duty of a court reviewing an issuing authority's probable cause determination to ensure that the magistrate had a substantial basis for concluding that probable cause existed. In so doing, the reviewing court must accord deference to the issuing authority's probable cause determination, and must view the information offered to establish probable cause in a commonsense, non-technical manner.

*Com. v. Jones*, 988 A.2d 649, 655(2010), cert. denied, 562 U.S. 832 (2010).

An affidavit can fail to establish present probable cause if the items to be seized are of such a nature that they would likely be disposed of quickly. *Com. v. Novak*, 335 A.2d 773, 776 (1975). However, where there is continuing activity up until or near the date of the warrant, otherwise stale information may be used to establish probable cause. *Com. v. Marzel*, 436 A.2d 639, 641 (Pa.Super.1981). The nature of the criminal activity itself may serve as a reasonable basis upon which to conclude that the activity is continuing. *Com. v. Suppa*, 302 A.2d 357, 358 n.1 (1973).

#### Discussion, Motion to Suppress

Considering the totality of the circumstances and viewing the information within the four corners of the APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION in a commonsense, non-technical manner pursuant to *Com. v. Jones*, this Court finds that the issuing magistrate did have a substantial basis for concluding that probable cause existed to issue a search warrant. The nature of the Defendant's activities served as a reasonable basis upon which to conclude that his activities were continuing. The Court emphasizes the large volume of contraband described in the APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION:

Further investigation in the area of the man's actions discovered a Marijuana grow consisting of 20 adult Marijuana plants (16 standing and 4 harvested) approximately 20-30 feet from where he was observed shoving something into the bags. One of the plants harvested was freshly cut and still wet to the touch at the stock.[sic] I also discovered an area where the man was separating the stocks[sic], stems, and leaves from the buds and discarding the plants in the leaf liter the Defendant and that some of their stalks had been cut so recently that they were still moist.  
Defense Exhibit #1

In 1975, the Pennsylvania Supreme Court opined in *Com. v. Kline* that "[p]robable cause to believe that a man has committed a crime on the street does not necessarily give rise to probable cause to search his home." *Com. v. Kline*, 234 Pa.Super. 12, 335 A.2d 361, 364 (1975). In *Kline*, several witnesses testified to purchasing drugs from the defendant, but no evidence linked the defendant's drug dealing activity to his apartment. *Id.* The Defendant relies on *Com. v. Way*. In *Com. v. Way*, police followed {1} a defendant from an arranged drug transaction {2} to a location that turned out to be the defendant's home. 492 A.2d 1151 (1985). The Pennsylvania Supreme Court held the warrant to be invalid because of the lack of an evidentiary nexus between the criminal activity and the defendant's home. *Id.*

However, in this case an evidentiary nexus does exist between the criminal activity and the residence. As explained in *Com. v. Nicholson*, the distinction in *Com. v. Way* was that in *Com. v. Way* the totality of the circumstances demonstrated that the

{1} The type of vehicle was inconsequential in *Com. v. Way*, being described merely as "a blue van."

{2} 2½ grams of methamphetamine.

defendant's base of operations for his drug dealing was his vehicle and not his home. Com. v. Nicholson, 2021 PA Super 193 (Pa.Super.Ct.2021). In the instant case, the evidence articulated in the APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION indicated a major grow operation, many miles from the 203 Houston Avenue residence in Connellsville. The area described in the APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION is located over thirty miles away from the 203 Houston Avenue residence in Connellsville, on the other side of the Chestnut Ridge, requiring over an hour of driving to get there and back through the most mountainous region in Fayette County. These are commonsense, nontechnical facts which are evident from the APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION.

The APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION evinces a major grow operation requiring significant outlays of time and effort, tools, farm implements, and a vehicle appropriate for agricultural use, (i.e. a pickup truck). The drug activities described in the APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION could not possibly have had a "base of operations" in a mere vehicle. Furthermore, Com. v. Way concerned only 2½ grams of methamphetamine. The APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION in this case evinces a grow operation involving a relatively obscene volume of contraband - not on the order of grams, but of pounds. Such an operation, by its very nature, would require a large area to process said contraband: an area with tables, etc. to sort, bag, and process huge volumes of marijuana in. Namely: a house. What's more, the Defendant and the Defendant's vehicle, (a pickup truck, appropriate for long distance, agricultural operations) were observed regularly at the 203 Houston Avenue residence. These are commonsense, nontechnical inferences derived from the information within the four corners of the APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION.

In addition, the large number of marijuana plants described in the APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION and the significant amount of driving the Defendant evidently participated in indicated that the Defendant was involved in a big operation which he would not have been able to divest himself of "quickly." The Court therefore concludes that the evidence within the APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION indicated that the Defendant's activities were continuing in nature, pursuant to Com. v. Suppa, 302 A.2d 357, 358 n.1 (1973).

For all of these reasons, the Court finds that the APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION contained probable cause and the requisite nexus between the criminal activity and the residence. WHEREFORE, the Court issues the following Order:

#### ORDER

AND NOW, this 28th day of October, 2021, upon consideration of the Defendant's Motion to Suppress the evidence found during the search of 203 Houston Avenue, it is hereby ORDERED and DIRECTED that it is DENIED.

BY THE COURT:  
LESKINEN, J.

ATTEST:  
CLERK OF COURTS

*Quality... Experience... Results...  
It's what your clients deserve.*

***Medical Malpractice • Auto Accidents • Personal Injury***



**GISMONDI**  
& ASSOCIATES

**412-281-2200**

**[www.gislaw.com](http://www.gislaw.com)**

**700 Grant Bldg., 310 Grant St., Pgh., PA 15219**