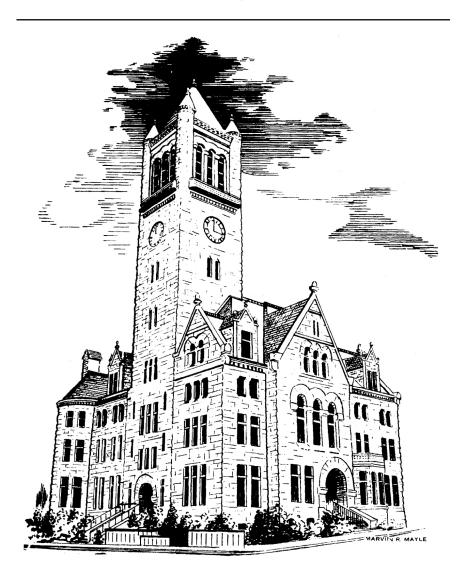
# FAYETTE LEGAL JOURNAL

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# FAYETTE LEGAL JOURNAL

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

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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**

#### FRANCES ANTOLIK, late of Uniontown,

Fayette County, PA (3) Administrator: James Antolik c/o 84 East Main Street Uniontown, PA 15401 Attorney: Vincent M. Tiberi

#### ANTHONY LAZZARI, late of Springfield

Township, Fayette County, PA (3) Administratrix: Mary G. Winkleblech 123 Union Street New Eagle, PA 15067 c/o 1202 West Main Street Monongahela, PA 15063 Attorney: James W. Haines, Jr.

#### BERNARD D. LEWIS, late of Uniontown,

Fayette County, PA (3) *Executrix*: Tina Bendishaw 115 Evans Street Uniontown, PA 15401

#### **ROGER LUPPOLD**, late of Dunbar Township, Fayette County, PA (3)

Personal Representative: Mark D. Luppold c/o 208 South Arch Street, Suite 2 Connellsville, PA 15425 Attorney: Richard Husband

#### JOHN PLEVA, late of Franklin Township,

Fayette County, PA (3) *Executor*: Frank Pleva 1413 Greensburg Pike West Newton, PA 15089 c/o Watson Mundorff, LLP 720 Vanderbilt Road Connellsville, PA 15425 *Attorney*: Timothy J. Witt

#### MARY M. TRESSLER, late of South

Connellsville Borough, Fayette County, PA (3) Personal Representative: Donna Sage c/o Watson Mundorff, LLP 720 Vanderbilt Road Connellsville, PA 15425 Attorney: Timothy J. Witt

## **Second Publication**

#### CORA GILMORE, late of Uniontown, Fayette

County, PA (2) Administratrix: Debra Downs 62 Alderman Drive Morgantown, WV 26508 c/o Mears, Smith, Houser & Boyle, P.C. 127 North Main Street Greensburg, PA 15601 Attorney: Jon M. Lewis

#### CATHERINE M. KELLY, late of Redstone

Township, Fayette County, PA (2) *Executrix*: Jennifer Kovach c/o Davis & Davis 107 East Main Street Uniontown, PA 15401 *Attorney*: Jeremy J. Davis

#### JOSEPH F. SCHUBERT, JR., late of Luzerne

Township, Fayette County, PA (2) Administrator: Bruce Davis 200 Krepps Lane East Millsboro, PA 15433 c/o Logan & Gatten Law Offices 54 North Richhill Street Waynesburg, PA 15370 Attorney: Lukas B. Gatten

#### KATHLEEN SHROPSHIRE, late of Bullskin

Township, Fayette County, PA (2) Administratrix: Robin G. Villi 238 Horse Shoe Bend Road Acme, PA 15610 c/o Henderson Law Offices, PC 319 Pittsburgh Street Scottdale, PA 15683 Attorney: Kevin Henderson

#### MARIE A. TONARELLI, a/k/a MARIE

TONARELLI, late of Washington Township,

Fayette County, PA (2) *Executor*: Dennis Tonarelli 927 Conway Avenue Belle Vernon, PA 15012 c/o 823 Broad Avenue Belle Vernon, PA 15012 *Attorney*: Mark E. Ramsier

## **First Publication**

#### FRANCES A. ANTOLIK, late of Uniontown,

Fayette County, PA (1) Administrator: James Antolik 64 Euclid Avenue Uniontown, PA 15401 c/o Tiberi Law 84 East Main Street Uniontown, PA 15401 Attorney: Vincent M. Tiberi

#### CLIFFORD BOWERS, late of Farmington,

Fayette County, PA (1) *Executor*: George Spencer 185 Smith Street Canonsburg, PA 15317 c/o 17 North Diamond Street Mount Pleasant, PA 15666 *Attorney*: Marvin D. Snyder

#### FRANCES D. CICCONI, a/k/a FRANCES

CICCONI, late of Smock, Franklin Township, Fayette County, PA (1) Administrator: Gary D. Cicconi c/o P.O. Box 953 Uniontown, PA 15401 Attorney: Ricardo J. Cicconi

#### WILLIAM CONWAY, late of Nicholson

Township, Fayette County, PA (1) *Administrator*: William Conway, Jr. 162 Holbert Stretch Dilliner, PA 15327

#### ALBERT EUGENE CORE, SR, a/k/a ALBERT E. CORE, a/k/a ALBERT E. CORE SR., late of Fairchance Borough, Fayette

County, PA (1) Administratrix dbncta: Rhonda Core c/o 9 Court Street Uniontown, PA 15401 Attorney: Vincent J. Roskovensky, II

#### DARLENE MAE DOMINICK, a/k/a DARLENE M. DOMINICK, a/k/a DARLENE DOMINICK, late of North Union

Township, Fayette County, PA (1) *Co-Executors*: Renee Custer and James Custer c/o 9 Court Street Uniontown, PA 15401 *Attorney*: Vincent J. Roskovensky, II

#### LEONA LEA GALLOWAY, a/k/a LEA

GALLOWAY, late of Masontown, Fayette County, PA (1)

*Executrix*: Heidi S. Ezzi c/o Tiberi Law 84 East Main Street Uniontown, PA 15401 *Attorney*: Vincent M. Tiberi

#### LAWRENCE S. GEORGIANA, late of South

Union Township, Fayette County, PA (1) *Executrix*: Harriet J. Georgiana c/o 51 East South Street Uniontown, PA 15401 *Attorney*: Webster & Webster

#### JAMES A. HILEMAN, late of Washington

Township, Fayette County, PA (1) *Co-Executrix*: Laurel Colelli 924 Lynn Avenue Belle Vernon, PA 15012 Jamie Hileman Butz 105 Kimberly Court Rostraver Township, PA 15012 c/o 1747 Rostraver Road Belle Vernon, PA 15012 *Attorney*: Megan Kerns

#### JUDITH DIANE KEYSER, a/k/a JUDITH D.

**KEYSER**, late of North Union Township,

Fayette County, PA (1) *Executrix*: Pamela Zagorski 357 Coltart Avenue, #1 Pittsburgh, PA 15213 c/o Carolann A. Young and Associates 530 North Center Avenue P.O. Box 344 Somerset, PA 15501 *Attorney*: Carolann A. Young

#### JOHN D. MAY, a/k/a JOHN DEWAYNE

MAY, late of Springfield Township, Fayette County, PA (1) Administratrix: Judith A. May c/o 51 East South Street Uniontown, PA 15401 Attorney: Webster & Webster

#### MELVA RATH, a/k/a MELVA J. RATH, late

of Upper Tyrone Township, Fayette County, PA *Personal Representative*: Krista J. Loucks c/o Watson Mundorff, LLP (1) 720 Vanderbilt Road Connellsville, PA 15425 *Attorney*: Timothy J. Witt

#### ANN SANTA, a/k/a ANN A. SANTA, late of

Uniontown, Fayette County, PA (1) *Executrix*: Milica Jane DeFabbo 149 Lacy Road Uniontown, PA 15401 c/o Pavina Law, LLC 834 Main Street P.O. Box 108 Keisterville, PA 15449 *Attorney*: Bryan Pavina, Jr.

ALVIN SPADE, late of Wharton Township, Fayette County, PA (1) *Executor:* Justin Spade 757 Kirby Road Farmington, PA 15401 c/o Kovach Law Office 9 Court Street, Second Floor Uniontown, PA 15401 *Attorney:* Kim Kovach

#### DALE B. STEWART, a/k/a DALE

**STEWART**, late of Jefferson Township, Fayette County, PA (1)

*Executor*: George Lovich 7424 Provincial Road Canton, Michigan 48187 c/o 6253 Highway Drive Rostraver Township, PA 15012 *Attorney*: Albert C. Gaudio

#### PATRICIA LOU WARREN, a/k/a PATRICIA H. WARREN, a/k/a PATRICIA REISCH, late of Wharton Township, Fayette County, PA (1) Executor: Vincent J. Roskovensky, II

c/o 9 Court Street Uniontown, PA 15401 Attorney: Vincent J. Roskovensky, II

# LEGAL NOTICES

#### PENNSYLVANIA NON PROFIT CORPORATION

NOTICE IS HEREBY GIVEN, of the filing of an Application for Registration of a Domestic Non-Profit Corporation, as follows: The name of the Corporation is Riverfront Park Associates. The address and principal office or principal place of business to be carried on under or through the corporation is 209 Boulevard Street, Point Marion, Fayette County, Pennsylvania, The names and addresses of the persons operating said business are: Wendy Cottrell, of 209 Boulevard Street, Point Marion, Fayette County, Pennsylvania and Luwana Carr, of277 Crow Hollow Road, Point Marion, Fayette County, Pennsylvania. An application for Articles of Incorporation - Non-Profit, was filed on April 5, 2023 with the Pennsylvania Department of State, Corporations Bureau, under the provisions of the Pennsylvania Business Corporations Law of 1988, 15 Pa.C.S.A. 5101 et seq.,

Douglas S. Sholtis, Esq. 76 East Main Street Uniontown, Pa 15401 (724) 550-4217 Laurel Highlands Mustangs Wrestling has been incorporated under the provisions of the Pennsylvania Nonprofit Corporation Law of 1988.

Douglas S. Sepic, Esquire Sepic Law 892 Vanderbilt Road Connellsville, PA 15425

#### Fictitious Name Registration

Notice is hereby given that a Registration of Fictitious Name was filed in the Department of State of the Commonwealth of Pennsylvania on March 21, 2023, for Keystone Reptile Expos with a principal place of business located at 190 Kibe Road, Acme, PA 15610 in Fayette County. The individual interested in this business is Kolby Leverenz, also located at 190 Kibe Road, Acme, PA 15610. This is filed in compliance with 54 Pa.C.S. 311.417

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA CIVIL DIVISION No. 316 of 2023, G.D.

#### VISION REAL ESTATE HOLDINGS L.L.C., Plaintiff,

vs.

#### CAROLINE ELIZABETH SMITH, individually, and as Administratrix of the ESTATE OF CATHERINE E. SPAUGY, also known as CATHERINE SPAUGY, deceased, Defendants.

TO: CAROLINE ELIZABETH SMITH, individually, and as Administratrix of the ESTATE OF CATHERINE E. SPAUGY, also known as CATHERINE SPAUGY, deceased

#### NOTICE

TAKE NOTICE that, on February 16, 2023, the Plaintiff filed a Praecipe for Writ of Summons and Entry of Lis Pendens and, on May 12, 2023, the Plaintiff filed a Complaint averring that the Plaintiff's Deed and each prior Deed in the Plaintiff's chain of title should be reformed to convey title to the parcel of real estate, more particularly described in Deed dated July 21, 1970, and recorded on July 21, 1970 in the Office of the Recorder of Deeds in and for Fayette County, Pennsylvania in Deed Book

Volume 1096, at page 513, to the Plaintiff and Plaintiff's predecessors in title and to quiet any claims of the Defendant to the title to above parcel.

YOU ARE HEREBY NOTIFIED that you have been sued in court. If you wish to defend against the claims set forth in the Writ of Summons, Lis Pendens and the Complaint, you must take action within thirty (30) days after the last advertisement of the Writ of Summons Lis Pendens and Complaint, and 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 in the Writ of Summons, Lis Pendens and Complaint or appear and make your objections to the Plaintiff's Complaint known in Motions Court at the presentation of the Motion for Entry of Default Judgment on Tuesday, July 18, 2023, at 9:00 a.m. at Fayette County Courthouse, 61 E. Main Street, Uniontown, PA 15401 before the Honorable Judge Joseph M. George, Jr.. 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 Writ of Summons, Lis Pendens and the Complaint or for any 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, TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ON AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

> Pennsylvania Lawyer Referral Service Pennsylvania Bar Association 100 South Street, P.O. Box 186 Harrisburg, PA 17108 Telephone: 1-800-692-7375

KING LEGAL GROUP, LLC Bradley A. King, Esquire Attorney for Plaintiff 114 North Maple Avenue Greensburg, PA 15601 (724)-836-1500

#### IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION NO. 16 ADOPT 2023

#### IN RE: ADOPTION OF BABY BOY RENKO a/k/a LUKE OHLER

#### NOTICE

#### TO: Amanda Renko and Justin Ohler

A petition has been filed asking the Court to put an end to all rights you have to your child, Baby Boy Renko, a/k/a Luke Ohler. The court has set a hearing to consider ending your rights to your child. That hearing has been scheduled for Wednesday, June 14, 2023 at 1:30 p.m., and will be held in Courtroom No. 3 of the Fayette County Courthouse, 61 East Main St., Uniontown, Fayette County, Pennsylvania, before the Honorable Linda R. Cordaro. Your presence is required at the hearing. You should contact Fayette County Children and Youth Services or their counsel Ewing D. Newcomer, Esq., to obtain a copy of the petition prior to the hearing.

YOU ARE WARNED THAT EVEN IF YOU FAIL TO APPEAR AT THE SCHEDULED HEARING, THE HEARING WILL GO ON WITHOUT YOU.

YOU ARE ALSO NOTIFIED OF THE ACT 101 OF 2010 WHICH ALLOWS FOR AN ENFORCEABLE VOLUNTARY AGREEMENT FOR CONTINUING CONTACT COMMUNICATION OR FOLLOWING AN ADOPTION BETWEEN AN ADOPTIVE PARENT, A CHILD, A BIRTH PARENT, AND/OR A BIRTH RELATIVE OF THE CHILD, IF ALL PARTIES AGREE AND THE WRITTEN VOLUNTARY AGREEMENT IS APPROVED BY THE COURT 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 HAVE PREVIOUSLY BEEN RPERESENTED BY A LAWYER IN DEPENDENCY COURT PROCEEDINGS, YOUR LAWYER WILL NOT BE AWARE OF THIS HEARING UNLESS YOU CONTACT YOUR LAWYER. YOU MUST CALL YOUR LAWYER AND INFORM YOUR LAWYER OF THE DATE OF THIS HEARING.

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.

PENNSYLVANIA LAWYER REFERRAL SERVICE PENNSYLVANIA BAR ASSOCIATION 100 SOUTH STREET PO BOX 186 HARRISBURG, PA 17108 (800) 692-7375

COURT OF COMMON PLEAS - FAYETTE COUNTY, PA - NO. 743 OF 2023 G.D. -CIVIL ACTION - LAW - MORTGAGE FORECLOSURE - Pennsylvania Housing Finance Agency, Plaintiff vs. Micah E. Spaugy, Defendant - To: Micah E. Spaugy, Defendant -You are hereby notified that on 4/20/23, Plaintiff filed a mortgage foreclosure complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Fayette County, PA, docketed to No. 743 of 2023 G.D., wherein Plaintiff seeks to foreclosure its mortgage securing your property located at 110 Long Street, Newell, PA 15466, whereupon the Sheriff of Fayette County would sell your property. You are hereby notified to plead to the above-referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you. NOTICE You have been sued in Court. If you wish to defend, you must enter a written appearance personally or by an 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. 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. NAME. Fayette County Lawyer Referral Service Pennsylvania Lawyer Referral Service Penna Bar Assn., 100 South St., P.O. BOX 186, Harrisburg PA 17108, 800.692.7375. Leon P. Haller, Atty. for Plaintiff, 1719 N. Front St., Harrisburg, PA 17102, 717.234.4178

#### NOTICE OF ACTION IN MORTGAGE FORECLOSURE

#### IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA CIVIL ACTION – LAW NO.: 2022-02392

#### KEYBANK, NA, S/B/M FIRST NIAGARA BANK, NA, Plaintiff, vs.

Tabitha A. Johnson Settle, as Believed Heir and/ or Administrator of the Estate of Cathy A. Johnson; Unknown Heirs and/or Administrators of the Estate of Cathy A. Johnson (if any), Defendants

TO: Unknown Heirs and/or Administrators of the Estate of Cathy A. Johnson (if any)

You are hereby notified that Plaintiff, KeyBank, NA, s/b/m First Niagara Bank, NA, filed an Action in Mortgage Foreclosure endorsed with a Notice to Defend, in the Court of Common Pleas of Fayette County, Pennsylvania, docketed to No. 2022-02392, seeking to foreclose the mortgage secured by the real estate located at 172 Bute Road, Uniontown, PA 15401.

A copy of the Action in Mortgage Foreclosure will be sent to you upon request to the Attorney for the Plaintiff, Manley Deas Kochalski LLC, P. O. Box 165028, Columbus, OH 43216-5028. Phone 614-220-5611.

You have been sued in court. If you wish to defend against the claims in this notice, you must take action within twenty (20) days after this publication, 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 NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. LAWYER REFERRAL SERVICE Pennsylvania Lawyer Referral Service Pennsylvania Bar Association P.O. Box 186 Harrisburg, PA 17108 (800) 692-7375 Pennsylvania Lawyer Referral Service Pennsylvania Bar Association P.O. Box 186 Harrisburg, PA 17108 (800) 692-7375





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# JUDICIAL OPINION

## IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA

CRIMINAL ACTION

:
:
: No. 1769 of 2022
: Judge Joseph M. George, Jr.

COMMONIVE AT THOE DENNIQUE VANUA

#### OPINION AND ORDER

April 26, 2023

#### GEORGE, J.

This matter comes before the Court on Defendant's Omnibus Pretrial Motion in form of a motion to suppress evidence and a motion to suppress the search warrant. On April 18, 2023, a hearing was held on Defendant's Omnibus Pretrial Motion. The parties stipulated to the admission of the transcript from the preliminary hearing and brief testimony of Trooper Kezmarsky. After the hearing and reviewing the Preliminary Hearing Transcript, this motion is DENIED, in its entirety.

#### **ISSUES PRESENTED**

Defendant's motion presents the following issues: whether there was probable cause to initiate the traffic stop and effectuate a custodial detention of the Defendant and whether the four corners of the search warrant contain sufficient probable cause.

#### FACTS

Pennsylvania State Police VICE with the help of an informant orchestrated a controlled buy of two kilograms of cocaine to be delivered to the Fayette County area by a man named David Stewart. (Prelim. Hr'g Tr. p. 6). The informant had arranged the date, time, and place of the purchase for Troopers to execute a "buy bust". On the date set, Troopers positively identified Defendant at the Sheetz located in Uniontown. (Prelim. Hr'g Tr. p. 6). Another man was driving and Defendant was seated in the passenger side. Troopers followed the vehicle from the Sheetz to the Quality Inn on McClellandtown Road in South Union Township. (Prelim. Hr'g Tr. p. 6-7). When the vehicle attempted to leave the Quality Inn parking lot Troopers stopped the vehicle. Troopers then used a drug dog to sweep the vehicle and the dog alerted to the presence of narcotics. (Prelim. Hr'g Tr. p. 7). After obtaining a sealed warrant they searched the vehicle. (Prelim. Hr'g Tr. p. 7). The search resulted in approximately two kilograms of cocaine, a large scale, loaded Glock 9mm model 26 with an extra loaded magazine, and several other items. (Prelim. Hr'g Tr. p. 8).

#### DISCUSSION

#### Count I: Motion to Suppress

The Defendant argues that the Police did not have probable cause to initiate the traffic stop or effectuate a custodial detention of the Defendant and as such all evidence found as a result of the illegal search and seizure must be suppressed. The Defendant argues that the stop was only effectuated because of a Confidential Informant tip and that was not enough for probable cause.

However, an informant's tip may constitute probable cause where police independently corroborate the tip, or where the informant has provided accurate information of criminal activity in the past, or where the informant himself participated in the criminal activity. Commonwealth v. Manuel, 194 A.3d 1076, (Pa. Super. 2018), citing Commonwealth v. Clark, 611 Pa. 601, 28 A.3d 1284, (2011).

Here, the informant was a participant in the purchase and at the direction of the police, arranged the details. At the Preliminary Hearing, Defense Attorney, Shane Gannon asked Trooper Kezmarsky "You indicated that this was a controlled purchase, a set up so to speak." (Prelim. Hr'g Tr. p. 13). Trooper responded, "It would have been referred to as a buy bust." (Prelim. Hr'g Tr. p. 14). Attorney Gannon further questioned Trooper Kezmarsky regarding the information Troopers had about the buy. Trooper Kezmarsky testified that the informant gave information regarding the type and amount of drugs, the seller of the drugs and that it was to take place in the parking lot of the Quality Inn on McClellandtown Road in South Union Township. Clearly, the informant was involved in the criminal activity and as such the involvement of the informant in the criminal activity of setting up the purchase of illegal drugs is sufficient to establish probable cause.

#### Count II: Motion to Suppress Search Warrant

The Defendant argues that the four corners of the search warrant lack probable cause and all evidence obtained from the vehicle should be suppressed.

The standard for evaluating whether probable cause exists for the issuance of a search warrant is the same under both the Fourth Amendment and Article I, § 8: the "totality of the circumstances" test set forth in Illinois v. Gates, 462 U.S. 213, 103 S.Ct. (1983). This Court specifically adopted that standard as a matter of Pennsylvania constitutional law in Commonwealth v. Gray, 509 Pa. 476, 503 A.2d 921 (1985). Pursuant to the "totality of the circumstances," the task of an issuing authority is "simply to make a practical, common-sense 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." Gray, 509 Pa. at 484, 503 A.2d at 925 (quoting Gates, 462 U.S. at 238-39, 103 S.Ct. at 2332). Thus, the totality of the circumstances test "permits a balanced assessment of the relative weights of all the various indicia of reliability (and unreliability) attending an informant's tip." Gates, 462 U.S. at 234, 103 S.Ct. 2317, Commonwealth v. Smith, 2001 PA Super 284, 784 A.2d 182, 187 (2001).

Here, we have an informant that told the police he/she was able to purchase two kilograms of cocaine from a man he/she knew as David and supplied a phone number at which he/she was communicating regarding this transaction. When the phone number was queried it returned to Defendant, David Stewart. Then the informant identified the Defendant from a photo provided by the police after verifying his phone number. The informant continued to be in contact with Defendant regarding the transaction. They established a date, time, and place which the transaction was to take place. Additionally, the informant knew where the Defendant was traveling from. Thus, the totality of the circumstances weighed toward finding the informant's information was reliable enough to issue a search warrant. Therefore, the underlying basis of the informant's knowledge showed that there was a fair probability that contraband or evidence of a crime would be found in the vehicle with Defendant and the search warrant contains sufficient probable cause.

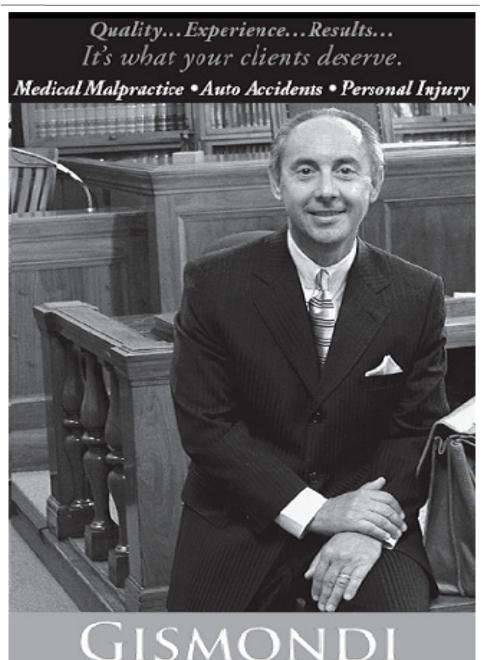
WHEREFORE, we will enter the following order:

#### ORDER

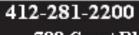
AND NOW, this 26th day of April, 2023, it is hereby ORDERED and DECREED that the Omnibus Pre-Trial Motion is DENIED, in its entirety, for the reasons set forth in our Opinion. The District Attorney is DIRECTED to list this matter for trial.

BY THE COURT: JOSEPH M. GEORGE, JR., JUDGE

ATTEST: Clerk of Courts







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