

# FAYETTE LEGAL JOURNAL

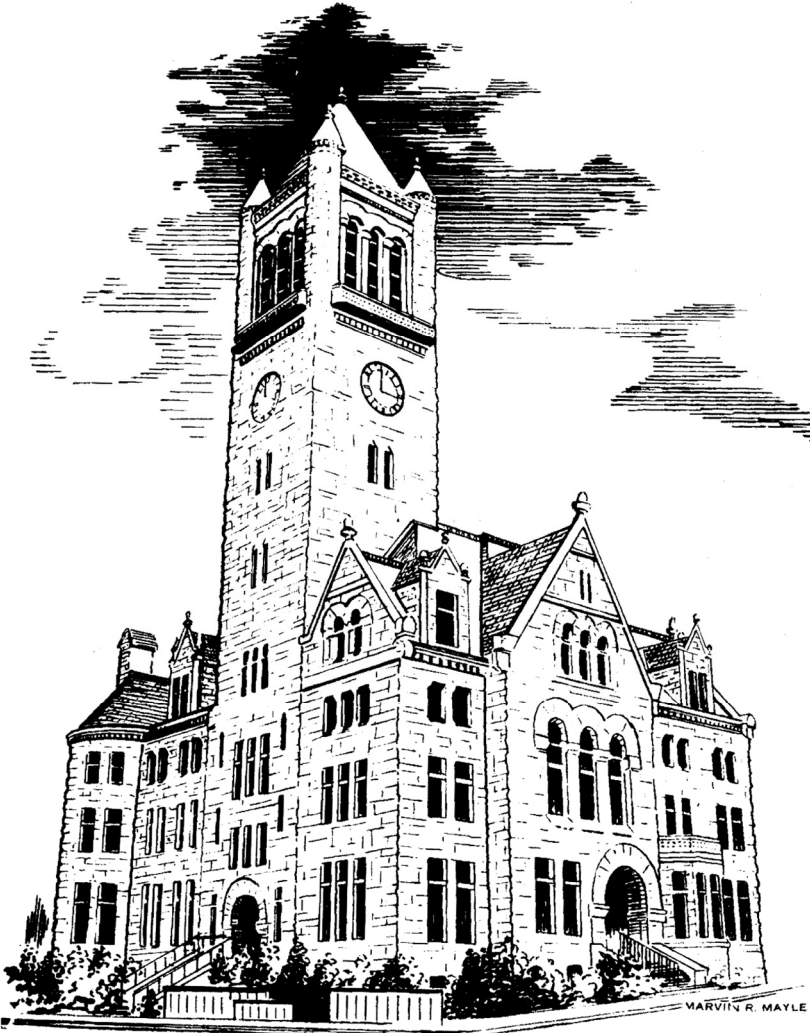
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VOL. 87

JUNE 8, 2024

NO. 23

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## 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.

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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

**PATRICIA ANN BROWN**, late of Dunbar Borough, Fayette County, PA (3)  
*Administrator:* Amy Lynn Gallagher  
 c/o 815A Memorial Boulevard  
 Connellsville, PA 15425  
*Attorney:* Margaret Zylka House

**JAMES DONALD BUNGARD**, late of Wharton Township, Fayette County, PA (3)  
*Executor:* Troy Allen Bungard  
 c/o 815A Memorial Boulevard  
 Connellsville, PA 15425  
*Attorney:* Margaret Zylka House

**LOUIS DALESSIO**, late of Connellsville, Fayette County, PA (3)  
*Administrator:* Roseanna Knisley  
 1955 South Creek Front Lane  
 P.O. Box 359  
 Hatch, Utah 87435  
 c/o Sepic Law  
 892 Vanderbilt Road  
 Connellsville, PA 15425  
*Attorney:* Douglas Sepic

**DOROTHY L. DUNLAP**, late of Dunbar Township, Fayette County, PA (3)  
*Executor:* Daniel Mark Dunlap and George Thomas Dunlap  
 519 Donatello Drive  
 Irwin, PA 15642  
 c/o Bononi & Company  
 20 North Pennsylvania Avenue, Suite 201  
 Greensburg, PA 15601  
*Attorney:* Keegan E. Miller

**WILBUR E. FELTON**, late of Connellsville, Fayette County, PA (3)  
*Executrix:* Mary Catherine Piper  
 c/o Casini & Geibig, LLC  
 815B Memorial Boulevard  
 Connellsville, PA 15425  
*Attorney:* Jennifer M. Casini

**ROBERT FESTOG**, late of Uniontown, Fayette County, PA (3)  
*Executrix:* Cathryn Giffin  
 997 Treasure Lake  
 DuBois, PA 15801

**EMIL GEORGE HAMBURG**, late of Saltlick Township, Fayette County, PA (3)  
*Administrator:* Mary Lou Kuhns  
 c/o 815A Memorial Boulevard  
 Connellsville, PA 15425  
*Attorney:* Margaret Zylka House

**IVAN HAYDEN**, late of Farmington, Fayette County, PA (3)  
*Administrator:* Richard Hayden  
 2187 Dinnerbell  
 Five Forks Road  
 Farmington, PA 15437  
 c/o Tremba Kinney, LLC  
 1310 Morrell Avenue, Suite C  
 Connellsville, PA 15425  
*Attorney:* John Greiner

**JOHN HUDOCK, a/k/a JOHN M. HUDOCK, a/k/a JOHN MICHAEL HUDOCK**, late of Uniontown, Fayette County, PA (3)  
*Personal Representative:* Leslie A. Hudock  
 c/o George & George  
 92 East Main Street  
 Uniontown, PA 15401  
*Attorney:* Joseph M. George

**OPAL JORDAN, a/k/a OPAL K. JORDAN**, late of Masontown Borough, Fayette County, PA (3)  
*Executrix:* Robin S. Jordan  
 c/o 9 Court Street  
 Uniontown, PA 15401  
*Attorney:* Vincent J. Roskovensky, II

**CYNTHIA MIHALKO**, late of Uniontown,  
Fayette County, PA (3)

*Administratrix:* Katherine A. Lacek  
506 Stonebridge Court  
Uniontown, PA 15401  
c/o Tremba, Kinney, Greiner & Kerr  
1310 Morrell Avenue, Suite C  
Connellsville, PA 15425  
*Attorney:* John Greiner

**BEATRICE WAITE, a/k/a BEATRICE C. WAITE**, late of Acme, Fayette County, PA (3)

*Executor:* John R. Waite  
80 Ballard Road  
Bervard, North Carolina 28712  
c/o Sebring & Associates  
339 Old Haymaker Road, Suite 1101  
Monroeville, PA 15146  
*Attorney:* Brenda Sebring

## Second Publication

**MARION BASINGER**, late of 1250 Anderson  
Highway, Cumberland, Virginia 23040 (2)

*Co-Executors:* James Basinger and  
John Basinger  
122 Sweitzer Road  
Acme, PA 15610  
c/o 17 North Diamond Street  
Mount Pleasant, PA 15666  
*Attorney:* Marvin Snyder

**CHARLES JEFFREY BAXTER**, late of South  
Union Township, Fayette County, PA (2)

*Executor:* Jeffrey Joshua Baxter  
c/o DeHaas Law, LLC  
51 East South Street  
Uniontown, PA 15401  
*Attorney:* Ernest P. DeHaas, III

**WILLIAM FRANCIS BILLER, III**, late of  
South Connellsville, Fayette County, PA (2)

*Administrator:* Babbette Miele  
140 Lower Oliver 3  
Uniontown, PA 15401  
c/o Tremba, Kinney, Greiner & Kerr, LLC  
302 West Otterman Street  
Greensburg, PA 15601  
*Attorney:* Timothy B. Kinney

**JESSIE J. HUSAK**, late of Bullsken Township,  
Fayette County, PA (2)

*Executor:* Richard S. Husak  
243 Sweitzer Road  
Mount Pleasant, PA 15666  
c/o 17 North Diamond Street  
Mount Pleasant, PA 15666  
*Attorney:* Marvin D. Snyder

**CONNIE A. MYERS**, late of German  
Township, Fayette County, PA (2)

*Executrix:* Shauna R. Smith  
c/o 52 East South Street  
Uniontown, PA 15401  
*Attorney:* Webster & Webster

**PAUL ALLEN SANDUSKY**, late of  
Connellsville, Fayette County, PA (2)

*Personal Representative:*  
Susan Jane Sandusky  
c/o 208 South Arch Street, Suite 2  
Connellsville, PA 15425  
*Attorney:* Richard A. Husband

**RALPH SUTTON, a/k/a RALPH EVERETT SUTTON, a/k/a RALPH E. SUTTON**, late of  
Georges Township, Fayette County, PA (2)

*Executrix:* Jacqueline J. Sutton  
c/o Kopas Law Offices  
556 Morgantown Road  
Uniontown, PA 15401  
*Attorney:* John Kopas

**SUSAN M. WAITE**, late of Bullsken Township,  
Fayette County, PA (2)

*Co-Executors:* Lydia A. Snyder and  
Courtney A. Snyder  
730 Maxwell Avenue  
Boulder, Colorado 80304  
c/o 231 South Main Street, Suite 402  
Greensburg, PA 15601  
*Attorney:* Marilyn M. Gaut

**First Publication**

**CAROL A. ASSAD, a/k/a CAROL ANN ASSAD**, late of East Brownsville Township, Fayette County, PA <sup>(1)</sup>

*Executor:* Andrew G. Assad  
c/o Davis & Davis  
107 East Main Street  
Uniontown, PA 15401  
*Attorney:* James T. Davis

---

**ROBERT M. CHUEY, a/k/a ROBERT M. KENNEDY-CHUEY**, late of South Union Township, Fayette County, PA <sup>(1)</sup>

*Administrator:* David F. Chuey  
c/o Goodwin Como, P.C.  
108 North Beeson Boulevard, Suite 400  
Uniontown, PA 15401  
*Attorney:* Benjamin F. Goodwin

---

**LORRAINE KOSCHOCK, a/k/a LORRAINE J. KOSCHOCK**, late of Wharton Township, Fayette County, PA <sup>(1)</sup>

*Administratrix:* Melissa R. Minko  
P.O. Box 123  
Gibbon Glade, PA 15440  
c/o Tremba, Kinney, Greiner & Kerr  
1310 Morrell Avenue, Suite C  
Connellsville, PA 15425  
*Attorney:* John Greiner

---

**ROBERT L. NAGY, a/k/a ROBERT NAGY**, late of Holiday, Pesco County, Florida <sup>(1)</sup>

*Administratrix:* Carole Morgan Nagy  
c/o Goodwin Como, P.C.  
108 North Beeson Boulevard, Suite 400  
Uniontown, PA 15401  
*Attorney:* Benjamin F. Goodwin

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**LEGAL NOTICES**

\*\*\* NO LEGAL NOTICES \*\*\*

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## JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA	:	
v.	:	
ANTOINE DEVAUGHN BAKER, JR.,	:	No. 1250 of 2023
Defendant.	:	Honorable Linda R. Cordaro

### OPINION AND ORDER

Linda R. Cordaro, J.

April 16, 2024

Before this Court is Defendant's Omnibus Pretrial Motion for suppression. A hearing on the Motion was held on March 27, 2024. After consideration, and for the following reasons, Defendant's Motion is denied.

#### FINDINGS OF FACT

The following facts were established according to testimony at the March 27, 2024 hearing. On February 27, 2023, Patrolman Frederick Kampert came to 124 South Beeson Avenue in Uniontown, Fayette County to conduct a code enforcement inspection of the inside and outside of the residence. Patrolman Kampert did so at the request of the owner of the property, Ben Venick, who had leased one unit to Mark Lint. Mr. Lint did reside at the address, and he let the officer into the unit to perform the inspection. While inspecting the interior of the unit, Patrolman Kampert went to the basement which was used for storage and laundry and was not a livable space.

As Patrolman Kampert was inspecting the furnace, he heard a noise and looked over to see a male individual, the Defendant, stand up in the corner of the basement. The officer approached the Defendant, attempted to find out who he was and why he was there, and informed him of his own identity and reason for being there. The Defendant did not respond and instead began ascending the stairs. The officer followed him and grabbed his arm, but the Defendant pulled away, and the officer grabbed his arm again. As the two reached the living room, the officer attempted to handcuff the Defendant, who struggled. During the struggle, the Defendant pulled out a plastic baggie with suspected drugs from his pocket. The officer eventually got the Defendant on the ground and informed him he was under arrest. During a search incident to arrest, the officer found another baggie with suspected drugs, a mobile phone, and over \$1,000 currency in the Defendant's pocket. According to Patrolman Kampert, Mr. Lint had not informed him there were any other individuals in the residence.

Mr. Lint testified that he had let the Defendant stay with him, and he believed the Defendant was not in the house when he let the officer enter. He did not tell the officer about the Defendant staying with him, nor did he accompany Patrolman Kampert into the basement, and only came in from the outside during the scuffle in the living room.

## DISCUSSION

Defendant's Motion posits that he was seized by Patrolman Kampert without sufficient cause and that the subsequent formal arrest and search therefore constituted an illegal seizure. Accordingly, Defendant has moved for suppression of evidence obtained as a result of the unlawful seizure(s).

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) (citing *Commonwealth v. Edmunds*, 586 A.2d 887, 908 (Pa. 1991)).

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)). "In order to determine whether the police officer had reasonable suspicion, the totality of the circumstances must be considered." *Commonwealth v. Fulton*, 921 A.2d 1239, 1243 (Pa. Super. Ct. 2007) (quoting *Commonwealth v. Hughes*, 908 A.2d 924,927 (Pa. Super. Ct. 2006)). The determination must give due weight to specific reasonable inferences that an officer is entitled to draw from the facts in light of his own experience. *Id.* Furthermore, the determination is not limited only to consideration of facts that clearly indicate criminal conduct but also includes a combination of "innocent facts" that, when taken together, may warrant further investigation by the police. *Id.*

This case involves two levels of detention. First, when the officer could not ascertain the Defendant's identity or reason for being in the basement, and the Defendant began to leave the scene, the officer attempted an investigatory detention. Second, when the Defendant continued attempting to avoid the officer and removed suspected contraband from his own pocket, the officer formally arrested him. Therefore, the analysis here must be whether, in the totality of circumstances, there were facts to support at least reasonable suspicion of criminal activity in order to briefly detain the Defendant for investigation and, subsequently, facts to support at least probable cause in order to arrest him.

First, it is reasonable that because Mr. Lint did not tell Patrolman Kampert anyone else was in the residence, the officer did not expect to encounter anyone else in the basement. The basement was not a livable space, so unexpectedly finding the Defendant there would, reasonably, lead the officer to make inquiries. It also was reasonable for the officer to directly ask the Defendant questions about his identity and purpose, since Mr. Lint was not present in the basement at the time. When the Defendant instead avoided interaction and attempted to leave the scene without responding, even though the officer had informed him of his own identity and reason for being at the scene, it is reasonable that the officer would suspect that some criminality may be afoot. Here, the



combination of "innocent facts," taken together, warranted further investigation. The officer's attempt to briefly detain the Defendant to investigate therefore was justified.

Second, when the officer did attempt to investigate, the Defendant continued to pull away and his efforts to avoid the officer eventually resulted in a physical struggle. During that struggle, the Defendant pulled suspected contraband out of his own pocket. Therefore, while the officer was investigating his suspicions, additional evidence of criminality was revealed, and this established a sufficient basis for probable cause to make a full arrest.

Consequently, any evidence obtained as a result of a search incident to arrest was validly obtained.

Therefore, the Court enters the following:

ORDER

AND NOW, this 16th day of April, 2024 in consideration of Defendant's Omnibus Pretrial Motion and after a hearing on the matter it is hereby ORDERED and DIRECTED that Defendant's Motion for suppression of the evidence is DENIED. The Commonwealth shall list this case for trial.

BY THE COURT:  
Linda R. Cordaro, Judge

ATTEST:  
Clerk of Courts



## LUNCH & LEARN SERIES

The Fayette County Bar Association's next presentation in its Lunch & Learn Series will be:

- Date: **Wednesday, June 26th from 12:00 p.m. to 1:30 p.m.**
- Location: **Courtroom No. 4 of the Fayette County Courthouse**
- Discussion topics: **Avoiding Problems in the Preparation of Prenuptial Agreements and Marital Settlement Agreements**
- Presenters: **Samuel J. Davis, Esquire**

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#### Non-members of the FCBA

- \$15 fee for attendance without CLE Credit
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