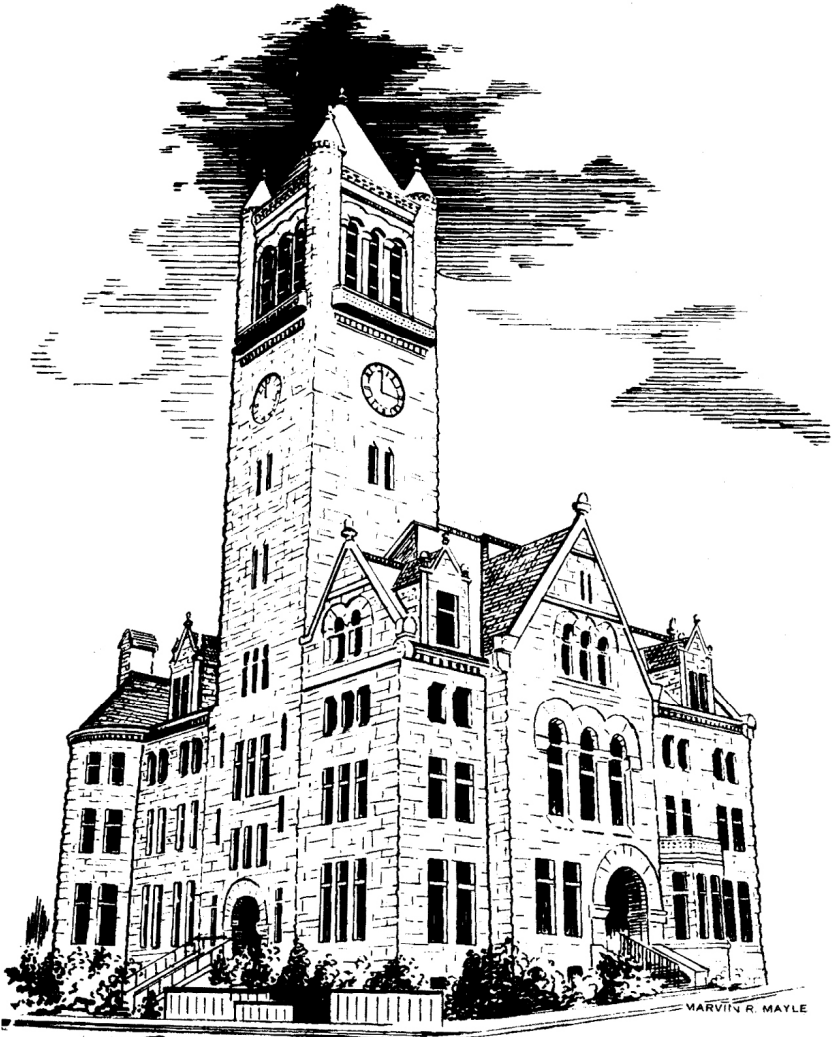


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ESTATE NOTICES

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

MARK HILTABIDEL, late of Uniontown,
Fayette County, PA (3)

Administratrix: Paula Piasecky
38 Fourth Avenue
Scottdale, PA 15683
c/o Snyder & Snyder, PLLC
17 North Diamond Street
Mt. Pleasant, PA 15666
Attorney: Marvin Snyder

CARRIE KLETZING, late of Scottdale,
Fayette County, PA (3)

Administrator: S. Dennis Kletzing
122 Scottdale Everson Road
Everson, PA 15631
c/o Snyder & Snyder, PLLC
17 North Diamond Street
Mt. Pleasant, PA 15666
Attorney: Marvin Snyder

EDITH A. POPIK, a/k/a EDITH A. LYNN,
a/k/a EDITH ANN LYNN, late of Belle
Vernon, Fayette County, PA (3)

Executrix: Pamela Ambrose
616 Henry Street
Belle Vernon, PA 15012
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

JAMES H. RITENOUR, late of Perry
Township, Fayette County, PA (3)

Executrix: Barbara Stanley
177 Francis Road
Perryopolis, PA 15473
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

DANIEL CHARLES SCHIFFBAUER, late of
Uniontown, Fayette County, PA (3)

Executrix: Rosa M. Schiffbauer
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Jeffrey S. Proden

**RONALD WAGNER, a/k/a RONALD L.
WAGNER, SR., a/k/a RONALD LEE
WAGNER**, late of Markleysburg,
Fayette County, PA (3)

Executor: Ronald L. Wagner, Jr.
c/o Spina Law Associates, P.C.
1002 Fifth Avenue
Pittsburgh, PA 15219
Attorney: F. Christopher Spina

JAY SCOTT WROBLE, late of Masontown,
Fayette County, PA (3)

Administratrix: Annette Wroble
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James Higinbotham

Second Publication

DEBORAH A. BARAN, late of Bullskin
Township, Fayette County, PA (2)

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

**DONNA KAY BRANT, a/k/a DONNA
BRANT**, late of Redstone Township, Fayette
County, PA (2)

Personal Representatives: Michele Renee
Vasiloff and Frank Angelilli
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

LYNN PAUL COULTER, late of Uniontown,
Fayette County, PA (2)

Administratrix: Stephanie Coulter
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

JUDY T. LANDMAN, a/k/a JUDY T. HAMMETT, late of Stewart Township, Fayette County, PA (2)

Personal Representatives: Dorsey Ray Hammett and Constance M. Joseph
c/o 208 Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard Husband

LILLIAN L. ROGERS, a/k/a LILLIAN LOUISE ROGERS, late of South Union Township, Fayette County, PA (2)

Executor: Michael James Rogers
c/o DeHaas Law, LLC
51 East South Street
Uniontown, PA 15401
Attorney: Ernest P. DeHaas, III

RONALD WAGNER, a/k/a RONALD L. WAGNER, SR., a/k/a RONALD LEE WAGNER, late of Markleysburg, Fayette County, PA (2)

Executor: Ronald L. Wagner, Jr.
c/o Spina Law Associates, P.C.
1002 Fifth Avenue
Pittsburgh, PA 15219
Attorney: F. Christopher Spina

First Publication

JOHN S. CAVALIER, SR., late of Connellsville, Fayette County, PA (1)

Executrix: Jacqueline M. Cavalier
140 Prospect Street
Mt. Washington
Pittsburgh, PA 15211

SHIRLEY A. CHRISTOPHER, late of German Township, Fayette County, PA (1)

Executor: Jeffrey A. Christopher
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James Higinbotham

ROBERT L. MARIETTA, late of Ohiopyle, Fayette County, PA (1)

Executor: Gary Leonard
c/o 2944 National Pike Road
P.O. Box 245
Chalk Hill, PA 15421
Attorney: Charles C. Gentile

MARION E. OPENBRIER, a/k/a MARION OPENBRIER, late of Dunbar, Fayette County, PA (1)

Co-Executors: Marion E. Bradley and Danny Openbrier
c/o Donald McCue Law Firm, P.C.
Colonial Law Building
813 Blackstone Road
Connellsville, PA 15425
Attorney: Donald J. McCue

SYLVIA M. SPARROW, late of Dunbar Township, Fayette County, PA (1)

Personal Representative:
John William Sparrow
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard Husband

HAROLD W. WILSON, III, a/k/a HAROLD WILSON, late of South Union Township, Fayette County, PA (1)

Administrator: Richard Wilson
c/o Adams Law Offices, PC
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason F. Adams

LEGAL NOTICES

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

No. 386 of 2023

Tax Assessment Map No. 04-25-0020

RICHARD HOVANEC,

Plaintiff,

vs.

HAROLD ANGEL, HELEN ANGEL and THE
HEIRS OF HAROLD ANGEL AND HELEN
ANGEL,

Defendants.

**PUBLIC NOTICE TO: THE HEIRS OF
HAROLD ANGEL AND HELEN ANGEL
CLAIMING ANY INTEREST IN THE
REAL ESTATE IDENTIFIED AS Tax Map
No.: 04-25-0020**

TEN DAY NOTICE OF INTENT TO DEFAULT

You are in default because you have failed to enter a written appearance personally or by an attorney and you have not filed in writing with the court your defenses or objections to the claims set forth against you. Unless you act within ten (10) days from the date of this notice, a judgment may be entered against you without a hearing and you may lose your property or other important rights.

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LEGAL SERVICES TO ELIGIBLE
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NOTICE

TO: MARCIA POST, an individual, and her
unknown heirs and assigns,

You have been sued in Court. In accordance with Pennsylvania Rules of Civil Procedures 430(b)(1) and (2), you are being served by publication. In accordance with said Rule, the following is the caption of the action:

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW
No. 810 of 2023 G.D.

RICHARD HOVANEC, an individual, Plaintiff
vs.

MARCIA POST, an individual, and her
unknown heirs and assigns, Defendant

The nature of the action is that Plaintiff, Richard Hovanec, is the owner of the following described property:

ALL that certain piece, parcel or tract of land situate in Perry Township, Fayette County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the northerly line of a certain private road 30 feet wide, said point being North 7° 55' East, 30.02 feet from an iron pin marking a corner common to tract now or formerly of M. Browneller of 43 acres 66 perches and the original tract (the same being included in what is known as the Blackburn, et al. tracts of 130.36 acres) of which the herein described tract is a part; thence by a line through said original tract, North 10° 38' East 185 feet to a point; thence by a similar line, South 79° 22' East, 70 feet to a point; thence by a similar line, South 10° 38' West, 185 feet to a point on the northerly line of said private road, 30 feet wide; thence by a line through said original tract and along the northerly line of said 30 foot private road, North 79° 22' West, 70 feet to the place of beginning. Containing 0.297 acres.

UNDER AND SUBJECT to the exceptions, reservations, easements, rights and privileges as contained in prior deeds of record.

BEING known and designated as Fayette County Tax Map Number 27-01-0065.

You are further notified that Plaintiff, Richard Hovanec, has caused to be filed a Complaint in

Action to Quiet Title, setting forth the basis upon which he claims title to said parcel of land described above. Plaintiff's counsel has filed an Affidavit with the Court, indicating that the existence and correct address of the Defendant is unknown. They are seeking a decree be entered against you and any others claiming under you, requesting that the Defendant or her unknown heirs and assigns have no estate, right, title, claim or interest whatsoever in or to or against the above described property, and that the Defendant and her unknown heirs and assigns be forever barred from asserting any claim, estate, right, title or interest whatsoever adverse to Plaintiff in or to the above described real estate. This service by publication is made pursuant to an Order of Court dated the 24th day of May, 2023, at the above number and term.

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Joseph R. Govi, Esquire
 Attorney for the Plaintiff
 438 Depot Street
 Latrobe, PA 15650
 (724) 804-5185

YOU ARE FURTHER NOTIFIED that in the event you do not appear and plead to the said Complaint within twenty (20) days from the date of this publication, judgment will be entered against you, which judgment shall be absolute thirty (30) days after entry.

NOTICE

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 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 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 A LAWYER, THIS OFFICE MAY BE ABLE TO

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, July 3, 2023, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2619-0410	NORMA J. COFFMAN, deceased	Pamela Glassburn, Executrix

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

Monday, July 17, 2023, 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, July 3, 2023, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2619-0639	BRINLEY LOWHIGH, deceased	Leslie G. Ritenour, Executrix

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

Monday, July 17, , 2023, 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.



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JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA :
v. :
JOSEPH EVANS, : No. 806 of 2022
Defendant. : Honorable Linda R. Cordaro

OPINION

Linda R. Cordaro, J.

April 27, 2023

Before this Court is Defendant's Omnibus Pretrial Motion for writ of habeas corpus and a supplemental motion for suppression. A hearing on the original Motion was held on March 15, 2023, at which the parties consented to admission of the preliminary hearing transcript for review and disposition. Commonwealth witness Levi Pintirsch testified at the March 15, 2023 hearing, after which Defendant's counsel made an oral motion for additional time to file a supplemental motion, which was granted. Counsel thereafter filed a supplemental motion for suppression of the in-court identification of the Defendant on March 29, 2023.

For the following reasons, Defendant's original Motion for writ of habeas and the supplemental motion both are denied.

FINDINGS OF FACT

The following facts were established in the transcript of the preliminary hearing, at which Officer Nicholas Zocco and Corporal Jeremy Shult testified, and in testimony as given at the March 15, 2023 hearing by Levi Pintirsch.

On January 25, 2022, Officer Nicholas Zocco responded to a call reporting an accident on Route 21 near Uniontown Hospital. Upon arrival, he saw three vehicles were involved: a Toyota, a Ford, and a Subaru. Bystanders informed him that the driver of the Toyota had been taken to the emergency room, and that the driver of the Ford had left the scene through the hospital parking lot. Officer Zocco noted the license plate number of the Ford and obtained a description of the driver from bystanders: a white male wearing a bandanna, jeans, and a sweatshirt. The officer radioed that information to other responding officers. After speaking with witnesses at the scene, Officer Zocco entered the Ford to locate identification and insurance information. He detected a strong odor of alcohol and observed a 12-ounce cart of beer between the gear shift and the dashboard. The registration for the Ford showed the address 197 Easy Street.

Levi Pintirsch was one of the witnesses at the scene that provided a description of the driver to Officer Zocco, and he was the driver of the Subaru involved in the accident. The Subaru had damage to its rear-end, and Mr. Pintirsch informed the officer that his vehicle was struck from behind by the Ford, which then crossed into oncoming traf-

fic and struck the Toyota. He also confirmed that the driver of the Toyota had been carried to the hospital, and the driver of the Ford had left the scene through the hospital parking lot. During the March 15, 2023 hearing, Mr. Pintirsch also testified that he and another bystander had pried open the Defendant's vehicle-door at the scene while the Defendant was still inside, and Mr. Pintirsch spoke to the Defendant about what had happened. He also identified the Defendant in court at the hearing on March 15, 2023.

Corporal Shult testified at the preliminary hearing that he went to the address to which the Ford was registered, after receiving the information from Officer Zocco. On arriving, he saw an individual matching the physical description of the alleged actor inside. He knocked at the door multiple times before the individual came to the door and was identified as Joseph Evans, the Defendant. Corporal Shult observed that the Defendant had very slow, slurred speech, appeared to be disoriented, and had difficulty maintaining his balance such that he required assistance to walk to the patrol vehicle. Corporal Shult placed the handcuffed Defendant in the vehicle and took him back to the accident scene to attempt a positive identification. At the scene, Mr. Pintirsch identified the Defendant as the actor that had fled. At the March 15, 2023 hearing, Mr. Pintirsch confirmed that he did recognize the Defendant when he was brought back to the scene that day. The Defendant refused to consent to a blood draw after his arrest.

DISCUSSION

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).

The Defendant is charged with one count of DUI - 18 Pa.C.S.A. § 3802(a)(1); one count of Aggravated Assault by Vehicle while DUI - 75 Pa.C.S.A. § 3735.1(a); one count of Driving with License Suspended/Revoked - 75 Pa.C.S.A. § 1543(b)(1)(iii); and three summary charges.

Defendant first argues that testimony at the preliminary hearing is insufficient for a prima facie case since Mr. Pintirsch himself did not testify and Officer Zocco and Corporal Shult's testimony as to his positive identification of the Defendant at the scene is hearsay.

The "full panoply" of trial rights do not apply at a preliminary hearing, but the hearing is intended to be more than a mere formality. *Commonwealth v. McClelland*, 233 A.3d 717, 736 (Pa. 2020). While the Commonwealth cannot rely "exclusively and only" on evidence that would be inadmissible at trial, some use of hearsay is permissible. *Id.* at 735-36.

Here, even if the testimony by Officer Zocco and Corporal Shult as to identification of the Defendant were hearsay, this was not the sole basis for the Commonwealth's case. Testimony also established that: bystanders provided a description of the Defendant; the vehicle was registered to an address; and when Corporal Shult went to that address, he observed an individual matching the reported physical description. In addition, Corporal Shult identified the Defendant at the preliminary hearing as the same individual he arrested that day. Finally, Officer Zocco also identified the Defendant in a still photograph taken from hospital surveillance footage showing an individual walking through the hospital parking lot after the time of the accident, which was consistent with bystander witness reports at the scene. Therefore, the Commonwealth presented more than mere hearsay evidence to support that the Defendant was probably the driver of the Ford and that he fled the scene.

Defendant then argues that the video/photographic evidence purporting to show the Defendant walking through the hospital parking lot is insufficient since it does not show the Defendant driving a vehicle or walking near the scene of the accident. However, as discussed, the presence of the Defendant in that location was consistent with bystander accounts that the driver of the Ford left the scene through the hospital parking lot. Furthermore, this is not the only evidence to support the identification of the Defendant as the actor.

Finally, Defendant argues that despite Corporal Shult's "lay opinion" as to whether Defendant was under the influence of alcohol when he was arrested, no field sobriety tests were administered, and the Defendant refused to submit to a blood test. Although no field sobriety tests were performed, "[t]he appearance of capacity of safe driving is as much a matter of common knowledge as is the appearance of intoxication." *Commonwealth v. Neiswonger*, 488 A.2d 68, 70 (Pa. Super. Ct. 1985). If an officer observes the actions and appearance of an individual, he is competent to testify to his opinion as to that individual's intoxication and ability to safely drive." *Id.* Here, Corporal Shult testified at the preliminary hearing that the Defendant's speech was slurred, he appeared to be disoriented, and he was unable to walk to the patrol vehicle without assistance. These multiple, specific observations sufficiently support his opinion that the Defendant was intoxicated to the point of being unable to safely operate a vehicle. Based on the totality of evidence presented, the Commonwealth established a *prima facie* case for the charges, and Defendant's original Motion is denied.

Defendant's supplemental motion argues that Mr. Pintirsch's identification of the Defendant at the March 15, 2023 hearing should be suppressed because, as Mr. Pintirsch testified at the March 15, 2023 hearing, an assistant district attorney showed him a single photograph of the Defendant about two months prior to the hearing and told him it was the individual charged. In support of the motion, Defendant's counsel provided a recent Fayette County case in which the Commonwealth's motion to reconsider suppression of a victim's identification of a defendant was denied. {1}

{1} *Commonwealth v. Logan Miller*, No. 1617 of 2022 (March 15, 2023).

In-court identifications are admissible if there is an independent basis for them. *Commonwealth v. Abdul-Salaam*, 678 A.2d 342, 349 (Pa. 1996). In order to determine if such a basis exists, the court must consider: (1) the opportunity of the witness to view the criminal at the time of the crime; (2) the witness' degree of attention; (3) the accuracy of the witness' prior description of the criminal; (4) the level of certainty demonstrated by the witness at the confrontation; and (5) the length of time between the crime and the confrontation. *Commonwealth v. Carter*, 643 A.2d 61, 71 (Pa. 1994). “[A]n in-court identification following a suggestive out of court identification will be admissible only if, considering the totality of the circumstances, it is determined that the in-court identification had an origin sufficiently distinguishable to be purged of the primary taint.” *Id.* The Commonwealth must establish by clear and convincing evidence that witness identification was not induced by events that occurred between the offense and the in-court identification. *Id.*

Here, Mr. Pintirsch testified that he saw the Defendant in the Ford at the time of the accident; that he pried open the door of the Defendant's vehicle; that he spoke to the Defendant about what happened; and that he was able to identify the Defendant when Corporal Shult brought him back to the scene. Mr. Pintirsch did testify that he had just completed a 12-hour shift at the hospital before the accident occurred, but he did not indicate that he was distracted or inattentive at the time. Finally, while it is true that the accident occurred approximately 14 months before Mr. Pintirsch's in-court identification, and the display of the photograph occurred only 2 months before, there still is sufficient evidence in the totality of circumstances that the identification is reliable and has an independent basis. {2} *Commonwealth v. Kendricks*, 30A.3d 499,506 (Pa. Super. Ct. 2011). Defendant's supplemental motion for suppression of the in-court identification of the Defendant therefore also is denied.

ORDER

AND NOW, this 27th day of April, 2023, in consideration of Defendant’s Omnibus Pretrial Motion for writ of habeas and supplemental motion for suppression, after a review of the preliminary hearing transcript and consideration of testimony and argument, Defendant’s motions are DENIED.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Clerk of Courts

{2} This case is readily distinguishable from the prior Fayette County case which involved a victim that (1) was intoxicated at the time of the incident; (2) admitted he was not paying attention; {3} could not give a reasonably detailed description; and (4) did not know his attackers until he was shown a single photograph by the police.

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