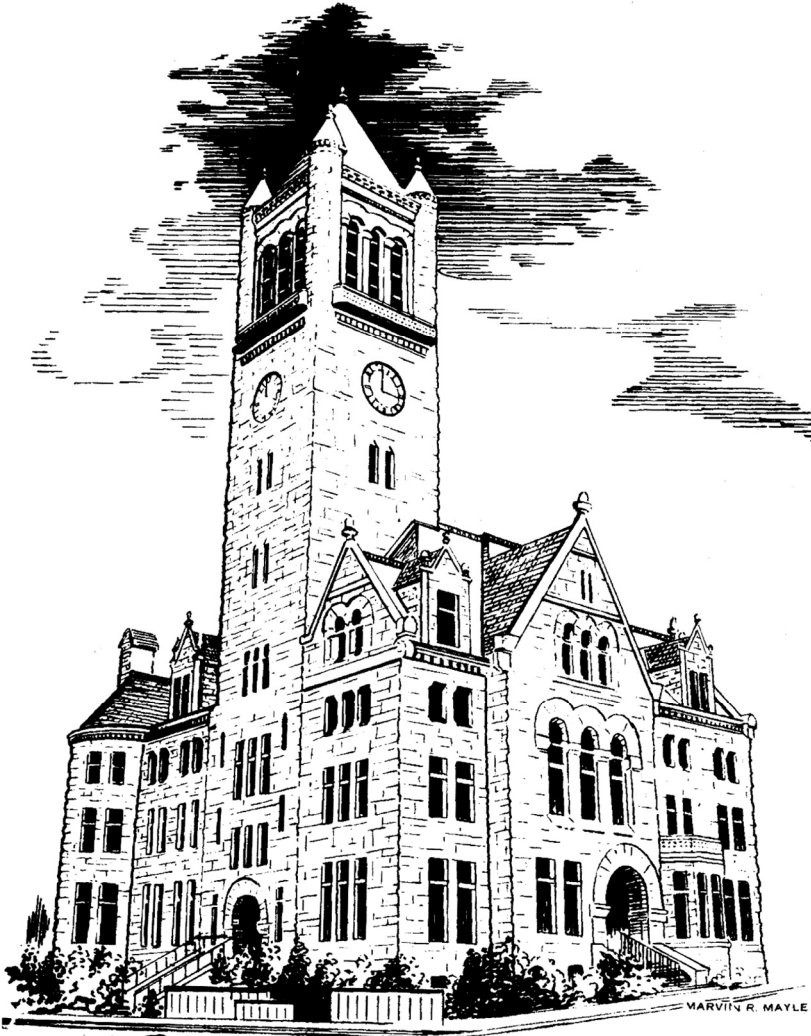


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ESTATE NOTICES

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

MILDRED BUGELLI, a/k/a MILDRED L. BUGELLI, late of Hiller, Fayette County, PA

Executor: Charles Sliger (3)

c/o P.O. Box 727

Uniontown, PA 15401

Attorney: Bernadette K. Tummons

ROBERT J. BURKHOLDER, late of Saltlick Township, Fayette County, PA (3)

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Latrobe, PA 15650

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RONALD GUNN, a/k/a RONALD L. GUNN, a/k/a RONALD LEE GUNN, late of Redstone Township, Fayette County, PA (3)

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c/o George & George

92 East Main Street

Uniontown, Pa 15401

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ERMA J. HANN, a/k/a ERMA JEAN HANN, late of Connellsville, Fayette County, PA (3)

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c/o Watson Mundorff, LLP

720 Vanderbilt Road

Connellsville, PA 15425

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GREGG HUSCROFT, late of Washington Township, Fayette County, PA (3)

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717 Henry Street

Belle Vernon, PA 15012

c/o 1747 Rostraver Road

Belle Vernon, PA 15012

Attorney: Megan Kerns

ELLA MAE JUNICK, late of Bullsskin, Township, Fayette County, PA (3)

Co-Executor: Larry M. Junick and

Jennifer L. Junick

c/o 20 North Pennsylvania Avenue,

Suite 201

Greensburg, PA 15601

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ELEANOR KOSSA, a/k/a ELEANOR J. KOSSA, late of Perryopolis, Fayette County, PA (3)

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300 Fifth Avenue, 31st. Floor

Pittsburgh, PA 15222

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Smithfield, PA 15478

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720 Vanderbilt Road

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112 Newtown Road

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c/o 823 Broad Avenue

Belle Vernon, PA 15012

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EVELYN M. SUDER, a/k/a EVELYN M. DUNLEVY, late of Fairchance, Fayette County, PA (3)

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Uniontown, PA 15401
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Uniontown, PA 15401
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Second Publication

ROBERT D. BURDEN, late of German Township, Fayette County, PA (2)

Administratrix: Frances Anderson
c/o 39 Francis Street
Uniontown, PA 15401
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WANDA F. BURNWORTH, late of Henry Clay Township, Fayette County, PA (2)

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513 Old Route 51 Road
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Uniontown, PA 15401
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Jesse J. Guseman, Jr., and
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107 East Main Street
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433 Herrington Road
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c/o 100 Ross Street, Suite 130
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 815B Memorial Boulevard
 Connellsville, PA 15425
Attorney: Jennifer M. Casini

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First Publication

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 648 Morgantown Road, Suite B
 Uniontown, PA 15401
Attorney: William Radcliffe

DOLORES E. HAVANETS, a/k/a DOLORES HAVANETS, a/k/a DELORES E. HAVANETS, late of Luzerne Township, Fayette County, PA (1)
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 18 Mill Street Square
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 Connellsville, PA 15425
Attorney: Richard Husband

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Attorney: Timothy J. Witt

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Executrix: Jeanette Klippi
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 Morgantown, West Virginia 26508
Attorney: Christopher Deegan

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 Greensburg, PA 15601
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 Wabash, Illinois 46992
 c/o 823 Broad Avenue
 Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

GAIL SCHMIDLE, late of Connellsville, Fayette County, PA (1)
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 523 Eliza South
 Connellsville, PA 15425
 c/o 749 North Church Street
 Mt. Pleasant, PA 15666
Attorney: Paul Toohey

LEGAL NOTICES

NANCY L. SOLTIS, late of Connellsville,
Fayette County, PA (1)

Administrator: Jason M. Soltis
c/o Molinaro Law Offices
141 West Peach Street
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

BILLY L. SWANK, SR., a/k/a BILLY SWANK, SR., a/k/a WILLIAM SWANK, late of Upper Tyrone Township, Fayette County, PA

Executrix: Judy B. McBeth (1)
242 Fieldstone Lane
Ruffs Dale, PA 15679
c/o 201 North Chestnut Street
P.O. Box 342
Scottdale, PA 15683
Attorney: James Lederach

RICHARD L. TRESSLER, late of South Connellsville, Fayette County, PA (1)

Administratrix: Janise Daly
c/o Molinaro Law Offices
141 West Peach Street
P.O. Box 799
Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

ROBERT LEE WARD, late of South Connellsville, Fayette County, PA (1)

Executor: Mark Ward
c/o 815 A Memorial Boulevard
Connellsville, PA 15425
Attorney: Margaret Z. House

Notice of return of Tax Sale
To Court:
General Docket
Number: 1872 of 2021 GD

NOTICE: On October 21, 2021, the Fayette County Court of Common Pleas confirmed nisi the upset sale of properties for delinquent taxes, held on September 20th, 2021.

Affected parties may file objections or exceptions to the sale immediately but no later than thirty (30) days following the confirmation nisi of the return by the court.

If you have any questions please call your attorney, this tax claim bureau at the following telephone number 724-430-1208, or the Pennsylvania Lawyer Referral Service at 800-932-0311

FAYETTE COUNTY
TAX CLAIM BUREAU
Sarah Minnick
Director

NOTICE

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on September 27, 2021, for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is The Randall, LLC having an address of 124 Sutton Road, Smithfield, PA 15478.

ADAMS LAW OFFICES, PC
Jason F. Adams, Esquire
55 East Church Street, Suite 101
Uniontown, PA 15401
724-437-2711

NOTICE

NOTICE is hereby given that Articles of Incorporation were filed on October 4, 2021 with the Department of State of the Commonwealth of Pennsylvania, at Harrisburg, Pennsylvania, for the purpose of obtaining a Certificate of Incorporation of a domestic nonprofit corporation which was organized under the Business Corporation Law of 1988 of the Commonwealth of Pennsylvania (15 Pa. C. S. A. Section 5306, et seq.). The name of the corporation is "Falcon Wrestling Association".

Timothy J. Witt, Esquire
WATSON MUNDORFF, LLP
720 Vanderbilt Road
Connellsville, PA 15425-3516
Phone: 724-626-8882

NOTICE OF NAME CHANGE

NOTICE IS HEREBY GIVEN that on the 3rd day of September, 2021, a Verified Petition to Change Name, filed by Petitioner, SHANNON WOOD, was filed in the Court of Common Pleas of Fayette County, praying for a decree to change Petitioner's surname from "Wood" to "Chapman."

The Court has fixed a Hearing on the Petition for Monday, November 29th, 2021, at 11:30 o'clock a.m., in Courtroom No. 4, Fayette County Courthouse, Uniontown, PA, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the said Petition should not be granted.

NOTICE OF NAME CHANGE OF MINOR

NOTICE IS HEREBY GIVEN that on the 3rd day of September, 2021, a Verified Petition to Change Name of Minor, filed by Petitioner, SHANNON WOOD, was filed in the Court of Common Pleas of Fayette County, praying for a decree to change the surname of her minor daughter, Jemma Rae Bendishaw, from "Bendishaw" to "Chapman."

The Court has fixed a Hearing on the Petition for Monday, November 29th, 2021, at 11:30 o'clock a.m., in Courtroom No. 4, Fayette County Courthouse, Uniontown, PA, as the time and place for the hearing of said Petition, when and where all persons interested may appear and show cause, if any they have, why the prayer of the said Petition should not be granted.

In The Court of Common Pleas of Fayette
County, Pennsylvania
Orphans' Court Division
No. 53 ADOPT 2021

In Re: Adoption of Kai'Leigh Ryane Pishko,
a minor child

To: Unknown Birth Father

A petition has been filed asking the Orphans' Court Division of the Court of Common Pleas of Fayette County, Pennsylvania, at No. 53 ADOPT 2021, to put an end to all rights you have to your child, Kai'Leigh Ryane Pishko, born February 16, 2015 in Uniontown, Pennsylvania. The court set the hearing to consider ending your rights to your child for Wednesday, December 1, 2021 at the Fayette County Courthouse, 61 East Main Street, Uniontown, Fayette County, PA, 15401, in Courtroom No. 5 10:30 a.m. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the Court without your being present. You have a right to be represented at the hearing by a lawyer.

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.

PENNSYLVANIA LAWYER REFERRAL
100 South Street
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Harrisburg, PA 17108
(800) 692-7375

Sheryl R. Heid, Esquire
4 N. Beeson Blvd.
Uniontown, PA 15401
(724) 437-4700

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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A DECADE OF EXPERIENCE

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ACCEPTING NEW CLIENTS

JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA,	:	
	:	
v.	:	
	:	
ROBERT WILLIAM EBBERT,	:	No. 415 of 2021
Defendant.	:	Honorable Judge Steve P. Leskinen

OPINION AND ORDER

Leskinen, J.

August 30, 2021

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

Factual Background

An Omnibus Pretrial Hearing was held in this matter on August 9th, 2021. At that Hearing, 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.

Officer McVay and members of the Connellsville Police Department executed the search warrant on October 12th, 2020 and found the Defendant and 20 pounds of marijuana in the residence.

A Preliminary Hearing was held in this matter on February 22nd, 2021. Abraham and McVay's testimony reflected the content of the APPLICATION FOR SEARCH WARRANT AND AUTHORIZATION, with the following exceptions: Abraham testified that when he first encountered the Defendant, he (Abraham) could smell marijuana. Abraham also testified that when he first encountered the Defendant, the Defendant was standing approximately 40 yards away from the area where the marijuana plants were eventually found.

For the events of September 25th, 2020, the Defendant was charged with Manufacture, Delivery, Or Possession With Intent To Manufacture Or Deliver 35 P.S. § 780-113(a)(30); Knowingly Or Intentionally Possessing A Controlled Or Counterfeit Substance By A Person Not Registered 35 P.S. § 780-113(a)(16); Use Of, Or Possession With Intent To Use, Drug Paraphernalia 35 P.S. § 780-113(a)(32); Agricultural Vandalism 18 Pa.C.S.A. § 3309; and Violation Of Rules Regarding Conduct On Commonwealth Property 18 Pa.C.S.A. § 7506. For the events of October 12th, 2020, the Defendant was charged at a separate docket number.

The Defendant's counsel seeks a Writ of Habeas Corpus for all of the Defendant's charges arising out of the events of September 25th, 2020. The Defendant's counsel also argues that all of the evidence found during the search of the 203 Houston Avenue residence on October 12th, 2020 must be suppressed.

Legal Standard, Habeas Corpus

To grant a petition for a Writ of Habeas Corpus, the Court must find that the Commonwealth did not establish a prima facie case. *Com. v. James*, 863 A.2d 1179, 1182 (Pa.Super.2004). To establish a prima facie case, the Commonwealth must show sufficient probable cause that the Defendant committed the offense. *Id.* The evidence should be such that, if presented at trial and accepted as true, the Court would be warranted in allowing the case to go to the jury. *Id.* Evidence is viewed in the light most favorable to the Commonwealth, and all reasonable inferences based on that evidence which could support a guilty verdict are considered. *Com. v. Packard*, 767 A.2d 1068, 1071 (Pa.Super.2001). The Commonwealth is not required to prove guilt beyond a reasonable doubt. *Id.* A prima facie case merely requires evidence of the existence of each element of the crime charged. *Com. v. Patrick*, 933 A.2d 1043 (Pa.Super.2007). The weight and credibility of the evidence is not a factor at this stage. *Com. v. Landis*, 48 A.3d 432,444 (Pa.Super.2012).

35 P.S. § 780-113(a)(30) states:

Except as authorized by this act, the manufacture, delivery, or possession with intent to manufacture or deliver, a controlled substance by a person not registered under this act, or a practitioner not registered or licensed by the appropriate State board, or knowingly creating, delivering or possessing with intent to deliver, a counterfeit controlled substance.

35 P.S. § 780-113(a)(16) states:

Knowingly or intentionally possessing a controlled or counterfeit substance by a person not registered under this act, or a practitioner not registered or licensed by the appropriate State board, unless the substance was obtained directly from, or pursuant to, a valid prescription order or order of a practitioner, or except as otherwise authorized by this act.

35 P.S. § 780-113(a)(32) states:

The use of, or possession with intent to use, drug paraphernalia for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, re-packing, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this act.

18 Pa.C.S.A. § 3309(a) states:

A person commits the offense of agricultural vandalism if he intentionally or recklessly defaces, marks or otherwise damages the real or tangible personal property of another, where the property defaced, marked or otherwise damaged is used in agricultural activity or farming.

18 Pa.C.S.A. § 7506 states:

(a) Promulgation of rules and regulations.--The Department of Environmental Resources, the Pennsylvania Game Commission and Pennsylvania Historical and Museum Commission may promulgate rules and regulations governing conduct, other than conduct regulated in section 7505 (relating to violation of governmental rules regarding traffic), on Commonwealth property within the jurisdiction of that agency. Such rules and regulations shall be reasonably related to the preservation and protection of such property for its specified or intended use, or to promote the welfare, safety or protection of those persons using such property, shall be consistent with existing law and shall be posted in a manner reasonable likely to come to the attention of persons using such property.

(b) Violation penalty.--A person who violates any of the rules and regulations promulgated pursuant to this section is guilty of a summary offense.

The Commonwealth may sustain its burden of proving every element of a crime beyond a reasonable doubt by means of wholly circumstantial evidence. *Com. v. Estep*, 17 A.3d 939, (Pa.Super.2011).

Evidence of a defendant's flight and/or concealment following a crime is admissible to establish an inference of consciousness of guilt. *Com. v. Spatz*, 870 A.2d 822, 825 n. 10 (2005). When a defendant has reason to know that he may be suspected in connection with a crime, the jury may infer a consciousness of guilt from that person's flight or other evasive conduct. *Com. v. Jones*, 570 A.2d 1338, 1349 (Pa.Super.1990).

71 P.S. § 1340.302(a)(3) states:

(a) Acquisition, establishment and disposition.--The department has the following powers and duties with respect to the acquisition, establishment and disposition of State forest lands and certain other Commonwealth- owned resources...

(3) To hold, manage, control, protect, maintain, utilize, develop and regulate the occupancy and use of all lands, heretofore or hereafter acquired,

owned, leased and maintained as State forests or for reforestation, for extending existing State forests, for the purpose of lessening soil erosion and the silting up of reservoirs, to control stream flow, to extinguish interior holdings and for fire observation tower and station purposes, together with the resources thereof.

Discussion, Habeas Corpus

35 P.S. § 780-113(a)(30)

The Court finds that the Commonwealth has provided sufficient (albeit circumstantial) evidence for each of the elements of Possession With Intent to Deliver. The Commonwealth produced two witnesses: Timothy Abraham and Officer McVay. Abraham testified that he observed the Defendant in Forbes State Forest; that the Defendant was shoving something into a garbage bag; that he could smell marijuana; that the Defendant acted strangely, that he told the Defendant that digging ginseng was illegal, that the Defendant ran away, and that there were twenty marijuana plants in the vicinity, some recently harvested. The discrepancy in the record as to the distance between the Defendant and the marijuana plants is hardly consequential considering the fact that the incident took place in a vast, outdoor setting, with no other individuals present. Officer McVay likewise testified that there were twenty marijuana plants in the area where Abraham encountered the Defendant and that some of their stalks had been cut so recently that they were still moist. The large volume of marijuana supports the delivery element. Viewing this evidence in the light most favorable to the Commonwealth and considering all reasonable inferences based on that evidence which could support a guilty verdict, the Court finds that the Commonwealth has provided sufficient probable cause that the Defendant manufactured or possessed marijuana with the intention of delivering it. The weight and credibility of the evidence is not a factor at this stage. *Com. v. Landis*, 48 A.3d 432, 444 (Pa.Super.2012). If presented at trial and accepted as true, the Court would be warranted in allowing the case to go to the jury.

35 P.S. § 780-113(a)(16)

The Court finds that the Commonwealth has likewise provided sufficient (albeit circumstantial) evidence for each of the elements of Simple Possession. Viewing the evidence in the light most favorable to the Commonwealth and considering all reasonable inferences based on that evidence which could support a guilty verdict, the Court likewise finds that the Commonwealth has provided sufficient probable cause that the Defendant possessed marijuana. If presented at trial and accepted as true, the Court would be warranted in allowing the case to go to the jury.

35 P.S. § 780-113(a)(32)

The Court finds that the Commonwealth has likewise provided sufficient (albeit circumstantial) evidence for each of the elements of Paraphernalia. Viewing the evidence in the light most favorable to the Commonwealth and considering all reasonable inferences based on that evidence which could support a guilty verdict, the Court likewise finds that the Commonwealth has provided sufficient probable cause that the Defendant possessed drug paraphernalia. If presented at trial and accepted as true, the

Court would be warranted in allowing the case to go to the jury.

18 Pa.C.S.A. § 3309(a)

Officer McVay testified that Forbes State Forest is actively involved in timbering. Viewing the evidence in the light most favorable to the Commonwealth and considering all reasonable inferences based on that evidence which could support a guilty verdict, the Court likewise finds that the Commonwealth has provided sufficient probable cause that the Defendant defaced, marked, or damaged real or tangible property of Forbes State Forest. If presented at trial and accepted as true, the Court would be warranted in allowing the case to go to the jury.

18 Pa.C.S.A. § 7506

Officer McVay testified that growing marijuana in a Pennsylvania State Forest is a violation of DCNR rules and regulations. Viewing the evidence in the light most favorable to the Commonwealth and considering all reasonable inferences based on that evidence which could support a guilty verdict, the Court likewise finds that the Commonwealth has provided sufficient probable cause that the Defendant violated DCNR rules and regulations. If presented at trial and accepted as true, the Court would be warranted in allowing the case to go to the jury.

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)]. 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, 988A.2d 649, 655(2010), cert. denied, 562 U.S. 832 (2010).

Stale information cannot provide probable cause in support of a search warrant. *Com. v. Hoppert*, 39 A.3d 358, 363 (Pa.Super.2012), with the following proviso:

Age alone, however, does not determine staleness. The determination of probable cause is not merely an exercise in counting the days or even months between the

facts relied on and the issuance of the warrant. Rather, we must also examine the nature of the crime and the type of evidence.

Id.

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 offered by Officer McVay 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 again emphasizes the large volume of contraband discovered in Forbes State Forest: Officer McVay testified that there were twenty* marijuana plants in the area where Abraham encountered the Defendant and that some of their stalks had been cut so recently that they were still moist. The Court also takes judicial notice of the fact that the area where the Defendant's activities were observed, (Elliottsville, Pa), 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. The large number of marijuana plants found at the grow site and the significant amount of driving the Defendant evidently participated in indicate to the Court that the Defendant was involved in a major operation; one which he would not have been able to divest himself of "quickly." The Court therefore concludes that the evidence indicated that the Defendant's activities were continuing in nature. The search warrant for 203 Houston Avenue therefore contained the requisite probable cause.

WHEREFORE, the Court issues the following Order:

*"...well manned, groomed trails through that thicket into five individual patches of growing marijuana with four plants in each patch." Preliminary Hearing Transcript page 45, lines 14-18.

ORDER

AND NOW, this 30th day of August, 2021, upon consideration of the Defendant's Petition for a Writ of Habeas Corpus on his charges of Manufacture, Delivery, Or Possession With Intent To Manufacture Or Deliver 35 P.S. § 780- 113(a)(30); Knowingly Or Intentionally Possessing A Controlled Or Counterfeit Substance By A Person Not Registered 35 P.S. § 780-113(a)(16); Use Of, Or Possession With Intent To Use, Drug Paraphernalia 35 P.S. § 780-113(a)(32); Agricultural Vandalism 18 Pa.C.S.A. § 3309; and Violation Of Rules Regarding Conduct On Commonwealth Property 18 Pa.C.S.A. § 7506., it is hereby ORDERED and DIRECTED that it is DENIED. The Defendant's Motion to Suppress the evidence found during the search of 203 Houston Avenue on the basis that the search warrant lacked probable cause is likewise DENIED.

BY THE COURT:
LESKINEN, JUDGE

ATTEST:
Clerk of Courts

LUNCH & LEARN SERIES

The Fayette County Bar Association's final 2021 presentation in its Lunch & Learn Series will be:

- Date: **Wednesday, December 1st** from 12:00 p.m. to 1:30 p.m.
- Location: Courtroom No. 1 of the Fayette County Courthouse
- Discussion topics: **Workers' Comp. & Social Security Disability Claims - The Essentials**
- Presenters: **Mark M. Mehalov, Esquire, and Gary D. Monaghan, Esquire**

CLE Credit

1.5 hours of Substantive CLE credit for the program. The fees are as follows:

Members of the FCBA

- No charge for attendance without CLE Credit
- \$10 fee for attendance with CLE Credit

Attorneys admitted to practice in Pennsylvania after January 1, 2016

- No charge for attendance with CLE Credit

Non-members of the FCBA

- \$10 fee for attendance without CLE Credit
- \$40 fee for attendance with CLE Credit

**** All fees to be paid at the door ****

A light lunch will be provided.

While same day registrants are welcome, lunch will be served first to those who register in advance of the program day due to the difficulty in estimating the number of walk-ins.

RSVP

If interested in attending, please call Cindy at the Bar office at 724-437-7994 or by email to cindy@fcbbar.org on or before Monday, November 29th.

ANNUAL MEMBERSHIP MEETING

The Annual General Membership meeting of the Fayette County Bar Association shall be held on Wednesday, December 1, 2021, at 1:30 pm, following the Lunch & Learn CLE, in the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. Members are invited to present topics of concern or interest to the Association.

NOTICE

A motion to amend the Fayette County Bar Association By-Laws will be made at the Annual General Membership meeting on Wednesday, December 1, 2021, at 1:30 pm in the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. The proposed revision will be sent to the membership via email and is available for review from the Bar Association Office.

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