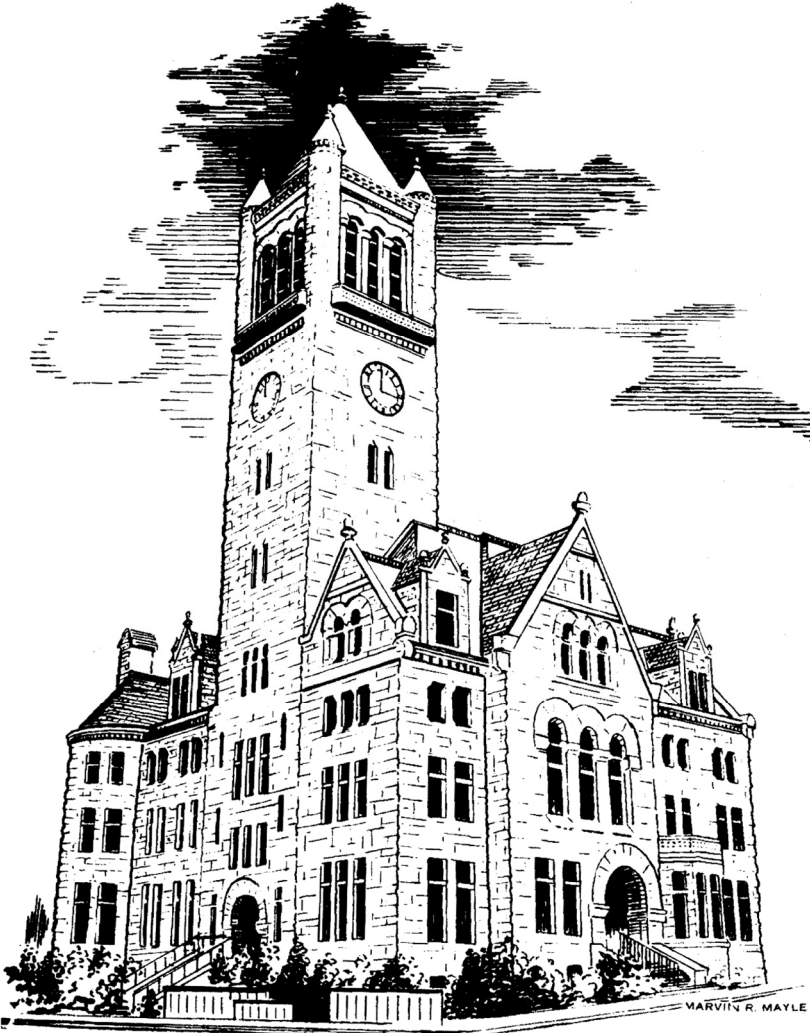


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FAYETTE LEGAL JOURNAL

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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

DOROTHY L. BROOKS, late of East Millsboro, Fayette County, PA (3)

Co-Executors: Lisa R. Carp and Glenn Andrew Brooks
301 Penncraft Road
East Millsboro, PA 15433
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

WILLIAM O. GIRARD, late of Masontown Borough, Fayette County, PA (3)

Executor: Chance Girard
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

THELMA ADELINE PERRY, a/k/a THELMA A. PERRY, a/k/a THELMA PERRY, late of Springhill Township, Fayette County, PA (3)

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

HARRY EDWARD RAMAGE a/k/a HARRY E. RAMAGE, late of Georges Township, Fayette County, PA (3)

Executrix: Sharon Ramage
c/o Kristen L. Behrens, Esquire
Dilworth Paxson LLP
1500 Market Street, #3500E,
Philadelphia, PA 19102
Attorney: Kristen L. Behrens

CHOLLY RAE TEICHERT, late of Uniontown, Fayette County, PA (3)

Executor: Jeffrey Scott Jones
c/o 11 Pittsburgh Street
Uniontown, PA 15401
Attorney: Thomas W. Shaffer

LOUIS WEEDER, late of Nicholson Township, Fayette County, PA (3)

Executor: Kathleen Strosnider
40 Woodland Avenue
Masontown, PA 15461
c/o 76 East Main Street
Uniontown, PA 15401
Attorney: Douglas S. Sholtis

Second Publication

ANNA E. BERTOVICH, a/k/a ANNA ELICABETH BERTOVICH, a/k/a ANNE E. BERTOVICH, late of Masontown, Fayette County, PA (2)

Executrix: Susan Fyock
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

CLARENCE C. CARSON, late of Perryopolis, Fayette County, PA (2)

Executrix: Karen E. Mimnaugh
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

HELEN M. EXLEY, late of Perryopolis, Fayette County, PA (2)

Executrix: Megan L. Pierce
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James E. Higinbotham, Jr.

EDYTHE C. FERENCZ, a/k/a EDYTH C. FERENCZ, late of Washington Township, Fayette County, PA (2)

Executor: Michael H. Ferencz
c/o Goodwin Como, P.C.
108 North Beeson Boulevard, Suite 400
Uniontown, PA 15401
Attorney: Benjamin Goodwin

**SHIRLEY FRANCES SMITH, a/k/a
SHIRLEY F. SMITH**, late of Jefferson

Township, Fayette County, PA (2)

Executor: Lester Smith
c/o Adams Law Offices, PC
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

P.O. Box 335
West Mifflin, PA 15122
Attorney: Eric Randolph

JERROLD R. HOLLIDAY, late of Smithfield,
Fayette County, PA (1)*Executrix:* Nancy Rockwell
c/o P.O. Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

WILLIAM H. SOISSON, III, late of Fayette
County, PA (2)*Executor:* William H. Soisson, IV
c/o 223 4th. Avenue
9th Floor Benedum Trees Building
Pittsburgh, PA 15222
Attorney: Dennis Blackwell

NANCY G. JENKINS, late of Uniontown,
Fayette County, PA (1)*Co-Executors:* Carol Jenkins and
Russell Jenkins
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

First Publication**LORNA ADCOCK, a/k/a LORNA K.
ADCOCK**, late of Franklin Township, Fayette
County, PA (1)*Co-Administrators:* Joyce C. Kutzavitch
and Sharon Neville
c/o 763 Merchant Street
Ambridge, PA 15003
Attorney: Steven Kocherzat

**CARMELLA M. LOCKE, a/k/a
CARMELLA MARIE LOCKE**, late of North
Union Township, Fayette County, PA (1)*Executrix:* Lisa Locke
c/o 39 Francis Street
Uniontown, PA 15401
Attorney: Jack R. Heneks, Jr.

ADA C. AMANDOLA, late of South Union
Township, Fayette County, PA (1)*Executor:* Carl Paroda
c/o Davis & Davis
107 East Main Street
Uniontown, Pa 15401
Attorney: Gary J. Frankhouser

BERTHA M. MONTGOMERY, late of
Uniontown, Fayette County, PA (1)*Executrix:* Anna M. Shannon
c/o Proden & O'Brien
99 East Main Street
Uniontown, PA 15401
Attorney: Wendy L. O'Brien

DANIEL DIVERS, late of Fayette County, PA*Administratrix:* Bernice Divers (1)
102 1st. Street
Confluence, PA 15424
c/o 1870A Homeville Road
P.O. Box 335
West Mifflin, PA 15122
Attorney: Eric Randolph

HARVEY J. MOUNTAIN, late of Lower
Tyrene Township, Fayette County, PA (1)*Executor:* Harry J. Mountain, Jr.
c/o Adams Law Offices, PC
55 East Church Street, Suite 101
Uniontown, PA 15401
Attorney: Jason Adams

RAYMOND HIKO, late of Fayette County, PA*Executrix:* Bernice Divers (1)
102 1st. Street
Confluence, PA 15424
c/o 1870A Homeville Road

**KENNETH OTT, a/k/a KENNETH
GEORGE OTT**, late of Acme, Fayette County,
PA (1)*Executrix:* Kimberly Myers
39801 Sunburst Drive
Dada City, Florida 33525

KHERESTINE RISHA, late of Uniontown,
Fayette County, PA (1)

Personal Representative: John J. Risha
c/o George & George
92 East Main Street
Uniontown, PA 15401
Attorney: Joseph M. George

DORIS J. REYNOLDS, late of Connellsville,
Fayette County, PA (1)

Administratrix: Penny Younkin
c/o 11 Pittsburgh Street
Uniontown, PA 15401
Attorney: Thomas W. Shaffer

LEGAL NOTICES

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL DIVISION - LAW
No. 145 of 2024 G.D.
JUDGE: NANCY D. VERNON

JAMIE HISSEM
Plaintiff,
vs.
JOHN SPRINGER,
Defendant.

NOTICE TO DEFENDANT, JOHN SPRINGER

You, John Springer, have been named as a Defendant in an action instituted by Plaintiff, Jamie Hissem, against you in this Court. Plaintiff alleges in the Complaint in Civil Action that you failed to properly complete the necessary services as part of a remodeling contract agreed to by the parties.

The service of this Complaint by publication is made pursuant to an Order of Court dated March 4, 2024 and filed at the above term and number.

You are hereby notified to plead to the Complaint in this action of which the above is a brief summary within twenty (20) days from today.

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 other 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW.

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
P. O. BOX 186
HARRISBURG, PA 17108
PHONE: 1-800-692-7375**

By: David D. Tamasy, Esquire
Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Phone: 724-626-8882

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION
NO. 673 of 2024 G.D.
JUDGE: NANCY D. VERNON

STEPHANIE M. MIGYANKO and BARRY S.
MIGYANKO,
Plaintiffs,
v.
DEBORA L. APICELLA and
MELVIN A. APICELLA,
Defendants.

**NOTICE TO DEFENDANTS, DEBORA L.
APICELLA AND MELVIN A. APICELLA**

You have been named as Defendants in an action instituted by Plaintiffs, Stephanie M. Migyanko and Barry S. Migyanko, against you in this Court. Plaintiff alleges in the Complaint in Declaratory Action and Injunction, that you should be forever barred from obstructing an unopened alley that provides sole access to the rear of their residence.

The service of this Complaint by publication is made pursuant to an Order of Court dated April 22, 2024 and filed at the above term and number.

You are hereby notified to plead to the Complaint in this action of which the above is a brief summary within twenty (20) days from today.

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 other 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, GO TO OR
TELEPHONE THE OFFICE SET FORTH
BELOW.**

IF YOU CANNOT AFFORD TO HIRE A
LAWYER, THIS OFFICE MAY BE ABLE TO
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LEGAL SERVICES TO ELIGIBLE PERSONS
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P. O. BOX 186
HARRISBURG, PA 17108
PHONE: 1-800-692-7375**

By: David D. Tamasy, Esquire
Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Phone: 724-626-8882

**NOTICE OF ACTION IN MORTGAGE
FORECLOSURE**

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO.: 463 OF 2024 G.D.

**PENNSYLVANIA EQUITY RESOURCES,
INC.,
Plaintiff,
vs.
Jennifer E. Leapline,
Defendant**

TO: Jennifer E. Leapline Jennifer E. Leapline

You are hereby notified that Plaintiff, Pennsylvania Equity Resources, Inc., 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. 463 OF 2024 G.D., seeking to foreclose the mortgage secured by the real estate located at 240 Main Street, Dickerson Run, PA 15430.

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.

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Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

**NOTICE OF REVOCABLE TRUST
PURSUANT TO
20 PA C.S. SECTION 7755(c)**

NOTICE is hereby given of the administration of the Walter R. Ferencz and Edyth C. Ferencz Revocable Living Trust dated April 1, 1998, and amended from time to time. The Settlor of the Trust, Edyth C. Ferencz, a/k/a Edythe C. Ferencz, of Washington Township, Fayette County, Pennsylvania, died on November 11, 2023. All persons having claims against Edyth C. Ferencz, a/k/a Edythe C. Ferencz, or the Trust are requested to make the same known to the Trustee or Attorney named below. All persons indebted to Edyth C. Ferencz, a/k/a Edythe C. Ferencz, or the Trust are requested to make payment without delay to the Trustee or Attorney named below. Michael H. Ferencz, 310 Naomi Road, Fayette City, PA 15438, or to Benjamin F. Goodwin, Esquire, Goodwin Como, P.C., 108 N. Beeson Blvd., Suite 400, Uniontown, PA 15401. (3 of 3)

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JUDICIAL OPINION

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

COMMONWEALTH OF PENNSYLVANIA :
 v. :
 STEVEN DWAYNE THURMOND, : No. 1312 of 2023
 Defendant. : Honorable Linda R. Cordaro

OPINION AND ORDER

Linda R. Cordaro, J.

December 6, 2023

Before this Court is Defendant's Omnibus Pretrial Motion for writ of habeas corpus. A hearing on the Motion was held on November 15, 2023. After consideration, and for the following reasons, Defendant's Motion is granted in part and denied in part.

FINDINGS OF FACT

The Commonwealth presented testimony by Officer James Garlick at the November 15, 2023 hearing on the Motion, and the following facts were established. On July 6, 2023, officers observed the Defendant walking on Fairview Avenue. Officer Garlick testified that he knew that the Defendant had an active warrant. Officer Garlick was in uniform at the time, and he exited his vehicle before approaching the Defendant on foot. Another officer, Patrolman Francis, was present in his vehicle with his lights activated. Officer Garlick announced himself as the police, and ordered the Defendant to stop. The Defendant, who had a prosthetic leg, began to walk away, and Officer Garlick followed him. Within a few seconds, he caught up to the Defendant and attempted to physically stop him in order to handcuff him. The Defendant swung his prosthetic leg away and then toward Officer Garlick, kicking him with the metal part of the prosthetic. Officer Garlick testified that he felt pain when the Defendant kicked him. Officer Garlick grabbed the Defendant and took him to the ground, and the Defendant tucked his hands under his chest. Patrolman Francis and another officer, Patrolman Brighton, assisted in subduing the Defendant, who was flailing, pulling away, and screaming. The officers ultimately had to physically force the Defendant to move his arms out from under his body in order to handcuff him. Officer Garlick testified that he saw Patrolman Brighton's hands near the Defendant's face and heard Patrolman Brighton say that the Defendant had tried to bite him but that he did not see the attempt. The Defendant sustained a head injury and was taken to the hospital.

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 was charged on nine (9) counts, but his Motion is a writ of habeas on only five (5) counts: two counts of aggravated assault - attempt to cause or causes bodily injury to designated individuals, {1} two counts of simple assault, {2} and one count of resisting arrest. {3}

The crime of aggravated assault as charged includes either an attempt to cause bodily injury to a designated individual or intentionally causing such injury. The Defendant is charged with aggravated assault against both Officer Garlick and Patrolman Brighton. According to Officer Garlick's testimony, when the Defendant kicked him, he first turned his body away and then swung his prosthetic back around toward the officer as if to gain momentum. Officer Garlick testified that he felt pain upon being kicked but that he did not sustain injury. Based upon this testimony, there is sufficient evidence to support that the Defendant did attempt to cause bodily injury to Officer Garlick. However, the only evidence of Defendant's attempt to cause bodily injury to Patrolman Brighton is Officer Garlick's testimony that Patrolman Brighton said the Defendant had tried to bite him. Hearsay evidence alone is not sufficient to establish a *prima facie* case at a preliminary hearing. *Commonwealth v. McClelland*, 233 A.3d 717, 721 (Pa. 2020). Defendant's pre-trial petition for writ of habeas has a similar purpose to that of a preliminary hearing, and therefore, here, the Commonwealth cannot rely solely on hearsay testimony to establish its *prima facie* case. Therefore, Defendant's Motion is denied as to Count 1 but granted as to Count 2.

The crime of simple assault includes either an attempt to cause bodily injury to another or intentionally or recklessly causing such injury. Here, as with the aggravated assault charges, there is evidence that the Defendant did attempt to cause injury to Officer Garlick but only hearsay testimony that he attempted to cause injury to Patrolman Brighton. Therefore, the Defendant's Motion is denied as to Count 4 but granted as to Count 5.

Finally, the crime of resisting arrest occurs when, with the intent of preventing a public servant from effecting a lawful arrest, an individual creates a substantial risk of bodily injury to the public servant or employs means requiring substantial force to overcome his resistance. Defendant's Motion does not challenge the lawfulness of the arrest and alleges that he "merely ran" from police before being taken to the ground. However, here, when Officer Garlick attempted to make an arrest, the Defendant kicked him. The Defendant also continued to flail and struggle against a total of three officers, including Officer Garlick, eventually requiring them to physically force him to move his arms out from under his body in order to arrest him. There is sufficient evidence that officers either were put at substantial risk of injury or that it required substantial force to overcome the Defendant's resistance.

{1} 18 Pa.C.S.A. § 2702(a)(3) as to Officer Garlick (Count 1) and Patrolman Brighton (Count 2)
{2} 18 Pa. C.S.A. § 2701(a)(1) as to Officer Garlick (Count 4) and Patrolman Brighton (Count 5)
{3} 18 Pa. C.S.A. § 5104 (Count 6)

Therefore, the Court enters the following:

ORDER

AND NOW, this 6th day of December, 2023, 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 is GRANTED IN PART and DENIED IN PART.

The Motion is GRANTED with respect to Information Counts 2 and 5, which are DISMISSED.

The Motion is DENIED with respect to Information Counts 1, 4, and 6.

The Commonwealth shall list this case for trial.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Clerk of Courts

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