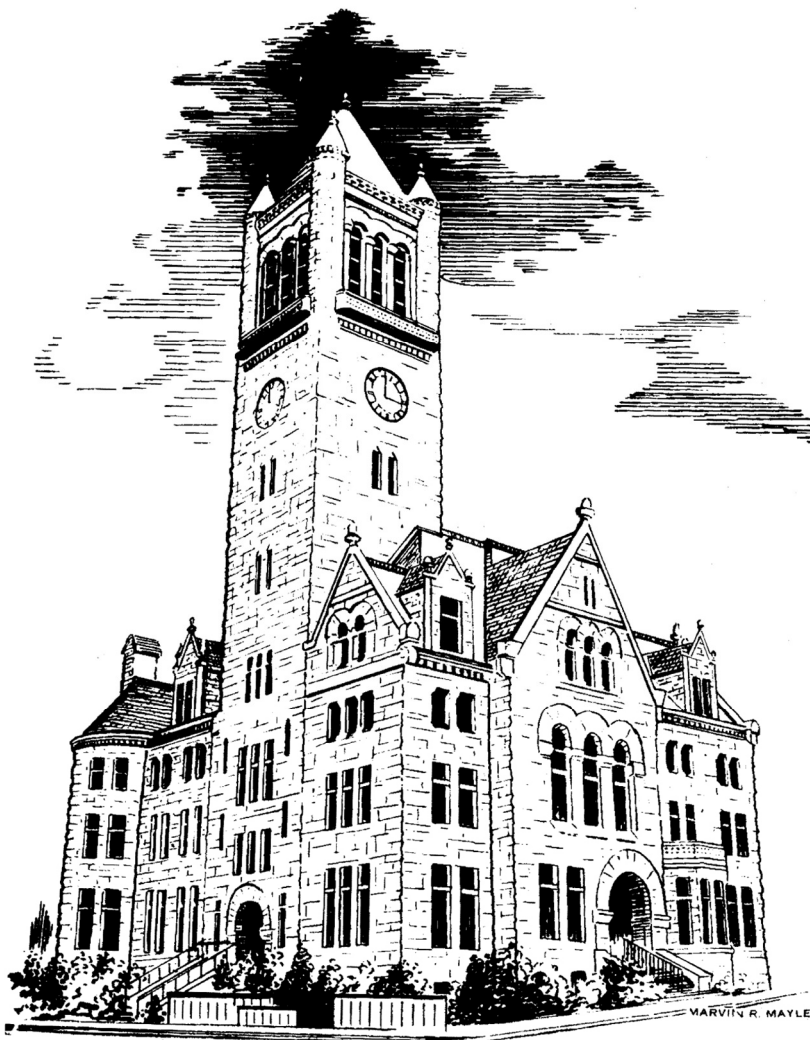


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ESTATE NOTICES

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

IVAN E. MILLER, late of Belle Vernon Borough, Fayette County, PA (3)

Executrix: Terri Miller
121 Pennsylvania Boulevard
Monessen, PA 15062
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

JAY MITCHELL, late of South Union Township, Fayette County, PA (3)

Executor: Jay R. Mitchell
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

RONALD PHILLIPS, late of Brownsville, Fayette County, PA (3)

Executrix: Kathryn A. Phillips
147 Prospect Street
Brownsville, PA 15417
c/o 257 Driftwood Road
Brownsville, PA 15417
Attorney: William Worthington

Second Publication

JAMES BIELECKI, late of Connellsville, Fayette County, PA (2)

Administratrix: Barbara S. Bielecki
507 West Francis Street
Connellsville, PA 15425
c/o 111 East Main Street
Uniontown, PA 15401
Attorney: Robert R. Harper, Jr.,

ELIZABETH BROOKS, a/k/a ELIZABETH C. BROOKS, late of McClellandtown, Fayette County, PA (2)

Personal Representative:
Bernadette Brooks
828 Main Street
McClellandtown, PA 15458
c/o 50 East Main Street
Blackstone Building
Uniontown, PA 15401
Attorney: Patrick McDaniel

MARIE CLARK, late of Uniontown, Fayette County, PA (2)

Personal Representative: Kathleen A. Ryan
117 Carnation Street
Uniontown, PA 15401
c/o 50 East Main Street
Blackstone Building
Uniontown, PA 15401
Attorney: Patrick McDaniel

DOLORES J. GALAND, a/k/a DOLORES JEAN GALAND, late of South Union Township, Fayette County, PA (2)

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

DOROTHY HAGERTY, a/k/a DOROTHY JANE HAGERTY, late of South Union Township, Fayette County, PA (2)

Executrix: Linda Hagerty
c/o Higinbotham Law Offices
45 East Main Street, Suite 500
Uniontown, PA 15401
Attorney: James Higinbotham

ELIZABETH LEVADA LOWRY, a/k/a ELIZABETH L. LOWRY, late of Nicholson Township, Fayette County, PA (2)

Personal Representative: Candace Lowry
c/o Davis & Davis
107 East Main Street
Uniontown, PA
Attorney: Jeremy J. Davis

JOANN L. SMITH, a/k/a JOANN SMITH,
late of North Union Township, Fayette County,
PA (2)

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

TIMOTHY B. THEAKSTON, late of Newell,
Fayette County, PA (2)

Administratrix: Marissa Dreucci
P.O. Box 164
Newell, PA 15466

ELIZABETH S. URICK, late of Redstone
Township, Fayette County, PA (2)

Executor: Kevin Urick
c/o Monaghan & Monaghan, L.L.P.
57 East Main Street
Uniontown, PA 15401
Attorney: Gary D. Monaghan

First Publication

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

Executor: Charles Sliger (1)
c/o P.O. Box 727
Uniontown, PA 15401
Attorney: Bernadette K. Tummons

ROBERT J. BURKHOLDER, late of Saltlick
Township, Fayette County, PA (1)

Executor: Jason T. Burkholder
c/o 430 Depot Street
Latrobe, PA 15650
Attorney: John M. Leonard

**RONALD GUNN, a/k/a RONALD L. GUNN,
a/k/a RONALD LEE GUNN**, late of Redstone
Township, Fayette County, PA (1)

Personal Representative: Patricia L. Gunn
c/o George & George
92 East Main Street
Uniontown, Pa 15401
Attorney: Joseph M. George

ERMA J. HANN, a/k/a ERMA JEAN HANN,
late of Connellsville, Fayette County, PA (1)

Personal Representative: Thomas E. Hann
c/o Watson Mundorff, LLP

720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

GREGG HUSCROFT, late of Washington
Township, Fayette County, PA (1)

Executrix: Beth Ann Coccari
717 Henry Street
Belle Vernon, PA 15012
c/o 1747 Rostraver Road
Belle Vernon, PA 15012
Attorney: Megan Kerns

ELLA MAE JUNICK, late of Bullskin,
Township, Fayette County, PA (1)

Co-Executor: Larry M. Junick and
Jennifer L. Junick
c/o 20 North Pennsylvania Avenue,
Suite 201
Greensburg, PA 15601
Attorney: Eric Elia Bononi

**ELEANOR KOSSA, a/k/a ELEANOR J.
KOSSA**, late of Perryopolis, Fayette County,
PA (1)

Executor: Sharon L. Whitney
300 Fifth Avenue, 31st. Floor
Pittsburgh, PA 15222
c/o 3244 Washington Road, Suite 210
McMurray, PA 15317
Attorney: Tracy Zihmer

KAI NISHUAN MCCARGO, late of
Uniontown, Fayette County, PA (1)

Personal Representative: Nikki McCargo
c/o P.O. Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

ANN L. POPA, late of Connellsville, Fayette
County, PA (1)

Personal Representative:
Vicki Ellen Fierschnaller
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

GENEVIEVE STANEC, late of Perry
Township, Fayette County, PA (1)

Administratrix: Lisa Cunningham
112 Newtown Road

Star Junction, PA 15012
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

EVELYN M. SUDER, a/k/a EVELYN M. DUNLEVY, late of Fairchance, Fayette County, PA ⁽¹⁾

Executor: Terry Lee DeChessero
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

MARY JO UPHOLD, a/k/a MARY JO E. UPHOLD, late of Point Marion, Fayette County, PA ⁽¹⁾

Executor: Alfred E. DuBois
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Webster & Webster

LEGAL NOTICES

** NO LEGAL NOTICES **

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, November 1, 2021, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2612-0898	ROBERT LEE EVANS	Gabriella A. Locke, Administrator

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

Monday, November 15, 2021, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable Steve P. Leskinen** or his chambers, 2nd 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 also 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, November 1, 2021, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2619-0539	SARAH KATHERINE BARTUCH	Gina G. Barrett, Executrix

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

Monday, November 15, 2021, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable Joseph M. George, Jr.** or his chambers, 3rd 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.

JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
v.	:	
JAYMIE LYNN BROOKS,	:	No. 1620 of 2020
Defendant	:	Honorable Steve P. Leskinen

OPINION AND ORDER

Before the Court is the Defendant's Omnibus Pretrial Motion. After careful review of the evidence and applicable law, the Court hereby issues the following Opinion and Order.

Factual Background

The Affidavit of Probable Cause and the testimony given at the Omnibus Pretrial Hearing on May 18th, 2021 establish the following facts: On September 5th, 2019, Troopers Kramer, Gregg, Reaghard, and Sherpa conducted a traffic stop and served a felony arrest warrant for strangulation on an individual named Robert Johnston in the parking lot of the Melody Motor Lodge Hotel in Connellsville, PA. The Pennsylvania State Police had received information from a reliable confidential informant that Johnston had been staying with a female named Jaymie Lynn Brooks, (the Defendant), at the Melody Motor Lodge. The confidential informant had also described Johnston and Brooks' vehicle. Earlier that day, Trooper Kramer had observed a vehicle matching the description of Johnston and Brooks' vehicle parked in front of Room 39 of the Melody Motor Lodge. (The vehicle subsequently left the Hotel parking lot and, upon it's return, the Troopers conducted the traffic stop and arrested Johnston). A search incident to arrest of Johnston yielded a large amount of cash, twelve pills in a plastic baggie, a cell phone, and a key to Room 39. The Troopers also observed multiple corner baggies on the ground immediately in front of the door to Room 39.

The Defendant was an occupant of the vehicle during the traffic stop. Upon Johnston's arrest, Trooper Kramer asked the Defendant if she was staying at the Melody Motor Lodge. The Defendant told him that she was hot, but that she had come there to visit a friend. However, Trooper Kramer testified that:

[S]he went into the lobby and I heard her asking about getting in the room and if the state police could secure her room without a warrant. She kept, she had a lot of questions about a search warrant.

Trooper Gregg later determined from a worker at the Melody Motor Lodge that Room 39 was registered in the Defendant's name.

The Troopers knocked on the door to Room 39 and received no response. The Troopers also observed that the blinds in the window of Room 39 were completely closed and that they could not see into Room 39, in any way. Trooper Reaghard began the process of obtaining a search warrant for Room 39. Troopers Kramer and Gregg then entered Room 39 using a pass key, without the Defendant's consent. Troopers Kramer and Gregg testified that they entered Room 39 at this time to ensure that no other individuals were inside Room 39 who could either destroy evidence or cause them harm. Troopers Kramer and Gregg cleared Room 39; no additional persons were found. Troopers Kramer and Gregg then exited Room 39 and remained outside, waiting for the search warrant to arrive. In the meantime, according to the Affidavit of Probable Cause:

[The Defendant] [came] back to the scene several times[,], insisting she be allowed in the [R]oom to retriever all her belongings.

The search warrant arrived, Troopers Gregg and Sherpa executed it, and a search of Room 39 yielded 30 grams of cocaine, 15 grams of crack cocaine, two purple and pink pills marked "A 45," a black scale with cocaine residue, letters addressed to both Johnston and the Defendant, a prescription bottle with the Defendant's name on it, and womens' clothing. The Defendant was arrested and charged with 35 P.S. § 780-113(a) (30) Manufacture, Delivery, or Possession With Intent To Manufacture Or Deliver; 35 P.S. § 780-113(a)(16) Knowingly Or Intentionally Possessing A Controlled Or Counterfeit Substance By A Person Not Registered; and 35 P.S. § 780-113(a)(32) Use Of, Or Possession With Intent To Use, Drug Paraphernalia.

Legal Standard

The Fourth Amendment protects citizens against unreasonable searches and seizures. *Com. v. Hicks*, 208 A.3d 916, 926 (2019). Warrantless searches and seizures of a hotel room are presumptively unreasonable, unless the occupant consents or probable cause and exigent circumstances exist to justify intrusion. *Com. v. Fill*, 1132 WDA 2020, 2021 WL 2905370, at *5 (Pa.Super.2021) citing *Com. v. Dean*, 940 A.2d 514, 521 (Pa.Super.2008). The existence of probable cause is measured by examining the totality of the circumstances. *Com. v. Jacoby*, 170 A.3d 1065, 1081 (2017). Probable cause exists where the facts and circumstances within the police officer's knowledge, and of which the police officer has reasonably trustworthy information, are sufficient, in and of themselves, to warrant a person of reasonable caution in the belief that a search should be conducted. *Com. v. Johnson*, 42 A.3d 1017, 1031 (2012).

In determining whether exigent circumstances are present, a Court shall assess the following factors:

- (1) The gravity of the offense;
- (2) Whether the suspect is reasonably believed to be armed;
- (3) Whether there is a clear showing of probable cause;
- (4) Whether there is a strong reason to believe that the suspect is within the premises being entered;

- (5) Whether there is a likelihood that the suspect will escape if not swiftly apprehended;
- (6) Whether the entry is peaceable;
- (7) The timing of the entry;
- (8) Whether there is hot pursuit of a fleeing felon;
- (9) Whether there is a likelihood that evidence will be destroyed if police take the time to obtain a warrant; and
- (10) Whether there is a danger to police or other persons inside or outside of the dwelling to require immediate and swift action.

Com. v. Dean, 940 A.2d 514,522 (Pa.Super.2008) citing Com. v. Demshock, 854 A.2d 553, 556 (Pa.Super.2004).

Evidence that inevitably would have been recovered by lawful means should not be suppressed despite the fact that its actual recovery was accomplished in situations where police misconduct was present. Com. v. Gonzalez, 979 A.2d 879, 890 (Pa.Super.2009). The purpose of the inevitable discovery doctrine is to block setting aside convictions that would have been obtained without police misconduct. Nix v. Williams, 467 U.S. 431,444 (1984).

Discussion

The Court begins its analysis by determining if both probable cause and exigent circumstances were present when Troopers Kramer and Gregg originally entered Room 39, without the Defendant's consent. At the time Troopers Kramer and Gregg entered Room 39, they had personal knowledge of the following facts:

That Johnston had had an active felony arrest warrant for strangulation;

That Johnston had been associating with the Defendant;

That Johnston and the Defendant had both been in the vehicle that had been parked in front of Room 39;

That Johnston had been in the possession of a large amount of cash, twelve unknown pills in a plastic baggie, a cell phone, and a key to Room 39;

That there were multiple corner baggies on the ground immediately in front of the door to Room 39.

That the Defendant had gone into the lobby of the Hotel and asked a Hotel staff member whether the Troopers could enter her room without a search warrant;

And that Room 39 was registered in the Defendant's name.

The Court concludes that, based on the totality of the circumstances, Troopers Kramer and Gregg possessed knowledge of facts which were sufficient, in and of themselves, to warrant a person of reasonable caution to believe that a search of Room 39 should be conducted due to the significant indicia of drug activity, therein. The Court therefore finds that probable cause was present.

The Court next considers the issue of exigent circumstances and begins by assessing the ten factors articulated by the Pennsylvania Superior Court in *Dean and Demshock*.

(1) The gravity of the offense

This incident arose out of the service of a felony arrest warrant on the Defendant's confederate for a strangulation charge: a grave offense if ever there was one. Though the crimes with which the Defendant was eventually charged were not grave, Troopers Kramer, Gregg, Reaghard, and Sherpa were justified in exercising utmost caution throughout the incident. The Defendant had told Trooper Kramer that she had come to Room 39 to visit a friend. This information, in the context of the strangulation charge, reasonably supported the supposition that Room 39 contained additional, possibly violent persons.

(2) Whether the suspect is reasonably believed to be armed

No testimony was given on this; issue.

(3) Whether there is a clear showing of probable cause

As articulated above, the totality of the circumstances established a clear showing of probable cause due to the significant indicia of drug activity in Room 39.

(4) Whether there is a strong reason to believe that the suspect is within the premises being entered;

The Troopers observed that the blinds in the window of Room 39 were completely closed, and that they could not see into Room 39, in any way. The Troopers also knocked on the door of Room 39 and received no response.

Trooper Gregg testified:

[B]ased on my training, experience, education, and drug investigations, it is common for drug traffickers to utilize motel rooms for the purpose of distributing narcotics out. And it's common for them to be occupied by persons more than just those who are renting it and residing there.

Trooper Kramer testified:

[W]hen the blinds are completely closed, numerous times when we identify, knock and we identify as State Police, we rarely will get an answer by individuals. I've been on multiple search warrants that we have knocked and attempted to gain ac-

cess to those inside the room with us with a search warrant and, upon entry, there were individuals located in the house who never identified themselves or came to the door.

The Defendant had told Trooper Kramer that she had come to Room 39 to visit a friend. This information also reasonably supported the supposition that another person, or persons, were present inside Room 39.

(5) Whether there is a likelihood that the suspect will escape if not swiftly apprehended;

No testimony was given on the issue of whether or not the Troopers believed entry into Room 39 was necessary to prevent the escape of additional suspects.

(6) Whether the entry is peaceable;

Troopers Kramer and Gregg entered Room 39 peaceably, using a pass key.

(7) The timing of the entry;

Troopers Kramer and Gregg entered Room 39 without any delay.

(8) Whether there is hot pursuit of a fleeing felon;

Hot pursuit of a fleeing felon was not a factor in this case.

(9) Whether there is a likelihood that evidence will be destroyed if police take the time to obtain a warrant;

Both Trooper Kramer and Trooper Gregg testified that they entered Room 39 to ensure that no other individuals were inside Room 39 who could destroy evidence. Most of the contraband which was eventually recovered from Room 39 was small and, for lack of a better term, flushable. Had additional persons been inside Room 39, and had those additional persons attempted to destroy the contraband which was eventually recovered, it is highly likely that they could have successfully destroyed most of it by flushing it down the Room's sink or toilet before the search warrant arrived.

(10) Whether there is a danger to police or other persons inside or outside of the dwelling to require immediate and swift action.

Both Trooper Kramer and Trooper Gregg testified that they entered Room 39 to ensure that no other individuals were inside Room 39 who could cause them harm. The Defendant had told Trooper Kramer that she had come to Room 39 to visit a friend. This information, in the context of the strangulation charge, reasonably supported the supposition that Room 39 contained additional, possibly violent persons.

Conclusions of Law

Based on the above assessment, the Court finds that exigent circumstances were present to justify Trooper Kramer's and Gregg's entry into Room 39 without the Defendant's consent. However, even if the initial entry of Room 39 had constituted some sort of police misconduct, the cocaine, crack, pills, scale, letters, prescription bottle, and clothing, would still have been admissible under the inevitable discovery doctrine. The contraband was found during the second search of Room 39, made under the authority of the search warrant. No additional persons had been in the Room after all. All of the contraband would have remained in Room 39 until the search warrant was executed, whether Room 39 had been cleared initially, or not.

WHEREFORE, the Court issues the following Order:

ORDER

AND NOW, this 10th day of August, 2021, upon consideration of the Defendant's Omnibus Pretrial Motion, it is hereby ORDERED and DIRECTED that it is DENIED.

BY THE COURT:
LESKINEN, J.

ATTEST:
Clerk of Courts

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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