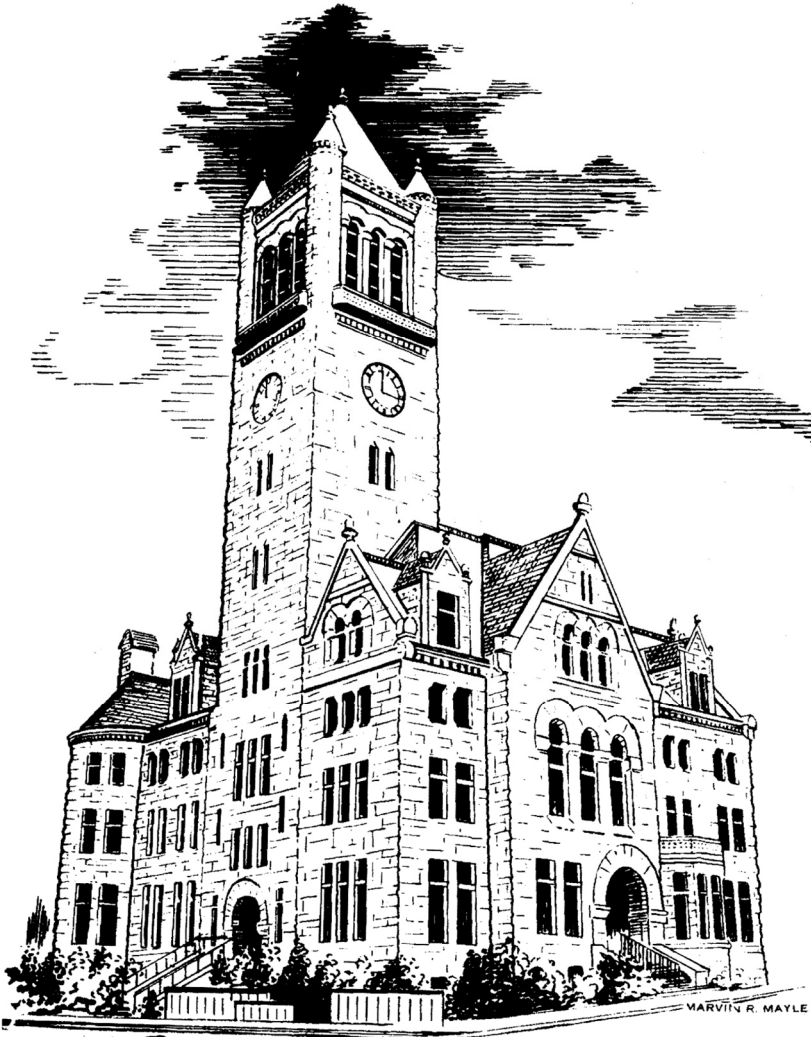


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FAYETTE LEGAL JOURNAL

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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

HERMAN BARTLEY, a/k/a HERMAN RUFUS BARTLEY, late of Bullskin Township, Fayette County, PA (3)

Executrix: Larna Lilley
106 Kennedy Lane
Dubois, PA 15801
c/o 92 East Main Street, Suite 24
Uniontown, PA 15401
Attorney: Michelle Kelley

HAROLD HENNING, late of Markleysburg, Fayette County, PA (3)

Administrator: William Henning
P.O. Box 73
Markleysburg, PA 15459
c/o 92 East Main Street, Suite 24
Uniontown, PA 15401
Attorney: Michelle Kelley

HERBERT E. JORDAN, a/k/a HERBERT EDISON JORDAN, late of Connellsville, Fayette County, PA (3)

Personal Representative: Mark W. Jordan
c/o 208 South Arch Street Suite 2
Connellsville, PA 15425
Attorney: Richard Husband

CECELIA F. KAPARIC, a/k/a CECELIA KAPARIC, late of Brownsville Township, Fayette County, PA (3)

Executrix: Cathleen Divizie Frost
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

ADELINE KIEC, a/k/a ADELINE ROSE KIEC, late of North Union Township, Fayette County, PA (3)

Co-Executrix: Francene Weimer and Angela Georgiana
c/o Higinbotham Law Offices
68 South Beeson Boulevard
Uniontown, PA 15401
Attorney: James Higinbotham

GREGORY DOUGLAS MATTY, a/k/a DOUGLAS MATTY, late of Perry Township, Fayette County, PA (3)

Executor: Brian Matty
c/o Adams Law Offices, PC
55 East Church Street, Suite 10
Uniontown, PA 15401
Attorney: Jason Adams

LOREN W. MCFADDEN, a/k/a LOREN WAYNE MCFADDEN, late of Bullskin Township, Fayette County, PA (3)

Personal Representative:
Barry Lee McFadden
c/o Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425
Attorney: Timothy J. Witt

EDNA MYERS, a/k/a EDNA RUTH MYERS, late of Markleysburg, Fayette County, PA (3)

Executor: Wendell E. Myers
4351 National Pike
Markleysburg, PA 15459
c/o 92 East Main Street, Suite 24
Uniontown, PA 15401
Attorney: Michelle Kelley

DANIEL W. YAUGER, late of North Union Township, Fayette County, PA (3)

Executrix: Margaret L. Wheeler
c/o Adams Law Offices, PC
55 East Church Street, Suite 10
Uniontown, PA 15401
Attorney: Jason Adams

Second Publication

THOMAS M. ANDREWS, SR., late of Uniontown, Fayette County, PA (2)
Administratrix: Nancy Lee Andrews
 c/o 9 Court Street
 Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

LISA GAIL CARPENTER, late of Henry Clay Township, Fayette County, PA (2)
Administrator: Kyle Bradley Hilling
 c/o Goodwin Como, P.C.
 108 North Beeson Boulevard, Suite 400
 Uniontown, PA 15401
Attorney: Amanda M. Como

LARRY G. CHALFANT, late of Perryopolis, Fayette County, PA (2)
Administratrix: Leslie Marie Chalfant
 c/o P.O. Box 727
 Uniontown, PA 15401
Attorney: Bernadette Tummons

VALERIA L. CODDINGTON, late of Menallen Township, Fayette County, PA (2)
Executrix: Hope I. Coddington Haywood
 c/o Molinaro Law Offices
 P.O. Box 799
 Connellsville, PA 15425
Attorney: Carmine V. Molinaro, Jr.

ERIKA L. CROSSLAND, a/k/a ERIKA LEE CROSSLAND, late of South Union Township, Fayette County, PA (2)
Personal Representative: Lori M. Hough and Terri L. Speelman
 c/o Goodwin Como, P.C.
 108 North Beeson Boulevard, Suite 400
 Uniontown, PA 15401
Attorney: Benjamin F. Goodwin

ROBERT DANIEL DARNEY, late of Menallen Township, Fayette County, PA (2)
Personal Representative: Natasha Sigwalt
 c/o Davis and Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Jeremy J. Davis

DAVID DICKERSON, a/k/a DAVID JONATHAN DICKERSON, late of Perryopolis, Fayette County, PA (2)
Administratrix: Martha M. Jenkins
 c/o Higinbotham Law Offices
 68 South Beeson Boulevard
 Uniontown, PA 15401
Attorney: James Higinbotham

WILLIAM GDOSKY, a/k/a WILLIAM EUGENE GDOSKY, late of Saltlick Township, Fayette County, PA (2)
Executrix: Mary Jo Ruschel
 175 Clifton Road
 Bethel Park, PA 15102

EDWARD RAY HILL, late of Smithfield, Fayette County, PA (2)
Administratrix: Dorothy Satullo
 c/o Goodwin Como, P.C.
 108 North Beeson Boulevard, Suite 400
 Uniontown, PA 15401
Attorney: Benjamin F. Goodwin

JACK KALP, a/k/a JACK LEE KALP, late of Saltlick Township, Fayette County, PA (2)
Executrix: Brenda Lee Kalp
 240 Pine Slope Road
 Acme, PA 15610
 c/o King Legal Group
 114 North Maple Avenue
 Greensburg, PA 15610
Attorney: Robert W. King

JOHN LUCKEY MILLER, a/k/a JOHN LUCKEY MILLER, SR., a/k/a JOHN L. MILLER, late of Springfield, Fayette County, PA (2)
Administratrix: Susan G. Stoner
 1455 West Pittsburgh Street
 Scottdale, PA 15683
 c/o Lederach Law
 201 North Chestnut Street
 P.O. Box 342
 Scottdale, PA 15683
Attorney: James Lederach

ROBIN MARIE PATTERSON, a/k/a ROBIN VANEK, late of South Union Township, Fayette County, PA (2)

Administratrix: Cheryl Kraynal
P.O. Box 14
Martin, PA 15460
c/o Fieschko & Associates, Inc.
436 7th Avenue, Suite 2230
Pittsburgh, PA 15243
Attorney: Joseph Fieschko

TERRELL POOLE, a/k/a TERRELL ANTHONY POOLE, SR., late of Uniontown, Fayette County, PA (2)

Administratrix: Diane Poole
c/o Anderson & Labovitz, LLC
429 Fourth Avenue, Suite 602
Pittsburgh, PA 15219
Attorney: Esther Evans

CONZELIA LENA SHASHURA, a/k/a LENA SHASHURA, late of Luzerne Township, Fayette County, PA (2)

Executrix: Mary Theresa Voytek
c/o 51 East South Street
Uniontown, PA 15401
Attorney: Anthony S. Dedola, Jr.

First Publication

DOUGLAS R. KURNAVA, late of Redstone Township, Fayette County, PA (1)

Administrator: Douglas Roger Kurnava, Jr.
c/o P.O. Box 953
Uniontown, PA 15401
Attorney: Ricardo J. Cicconi

SARAH E. LIVINGSTON, late of Perry Township, Fayette County, PA (1)

Administrators: Sharon Zampatti
P.O. Box 774
Perryopolis, PA 15473
Adona Martini
P.O. Box 224
Perryopolis, PA 15473
Barbara Lichliter
18 Chapel Street
Perryopolis, PA 15473
c/o P.O. Box 718
1310 Cross Street
Rostraver, PA 15012
Attorney: Brian G. Pirilla

SHAWN ALLEN NICOLA, late of Point Marion Borough, Fayette County, PA (1)

Administratrix: Taresa Nicola
c/o Kristen L. Behrens, Esq.
Dilworth Paxson LLP
457 Haddonfield Road, Ste. 700
Cherry Hill, NJ 08002
Attorney: Kristen L. Behrens

LISA GAY ORRIS, late of Brownsville, Fayette County, PA (1)

Personal Representatives: Colleen Orris and Bernard Kubitzka
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: Gary J. Frankhouser

KAY J. TRUMP, a/k/a KAY JOANN TRUMP, a/k/a KAY JOAN TRUMP, a/k/a KAY HOLLENBAUGH TRUMP, late of South Connellsville, Fayette County, PA (1)

Personal Representatives: Karla R. Bradley and Robert Keith Trump
c/o Dellarose Law Offices, PLLC
99 East Main Street, Suite 101
Uniontown, PA 15401
Attorney: Melinda Deal Dellarose

LEGAL NOTICES

Notice is hereby given that Articles of Incorporation were filed on January 21, 2022 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. sec.) as from time to time amended. The name of the Corporation is Independent Brethren Church of Fairchance, Inc.

James E. Higinbotham, Jr., Esq.
HIGINBOTHAM LAW OFFICES
68 South Beeson Boulevard
Uniontown, PA 15401
Telephone: 724-437-2800

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO. 2087 OF 2022, G.D

IN RE: CHANGE OF NAME OF
LANE CATHELL-PENNINGTON, A MINOR,
BY CASEY LYNNE CATHELL

NOTICE

Notice is hereby given that on October 28, 2022, the Petition of Casey Lynn Cathell was filed with the above-named Court, requesting an order of Court to change the name Lane Cathell-Pennington to Lane Cathell Pennington.

The Court has fixed the day of the 21st day of December 2022, at 1:30 P.M., in Court Room Number 5 of the Fayette County Courthouse, Uniontown, Pennsylvania, as the time and place for the hearing on said Petition, when and where all interested parties may appear and show cause, if any, why the request of the petitioner should not be granted.

Robert A. Gordon, Esquire
Watson Mundorff, LLP
720 Vanderbilt Road
Connellsville, PA 15425-6218

IN THE COURT OF COMMON PLEAS OF
FAYETTE COUNTY,
PENNSYLVANIA - CIVIL DIVISION
CIVIL ACTION - LAW
NO. 1157 of 2022 G.D.
JUDGE LINDA R. CORDARO

WILLIAM E. LOWRY,
Plaintiff
vs.
C.C. NICHOLSON AND MAUDE
NICHOLSON, his wife,
Defendants

LEGAL NOTICE AND ORDER OF COURT TO THE DEFENDANTS, take notice that the named Plaintiff filed an Action to Quiet Title at No. 1157 of 2022, G.D. in the Court of Common Pleas of Fayette County, Pennsylvania, averring that he is the owner in fee and in possession of real estate located at Main Street, Redstone Township, Fayette County known as Tax Map No. 30-23-0003, and described in Fayette County Deed Book Vol. 412, Page 15. Plaintiff is asking the Court to enter a decree terminating any and all rights which Defendants may have in

the said premises, to declare that Plaintiff has all ownership and possessory rights, and forever discharge of any right, lien, title or interest in any Defendants herein.

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the Court or commence an action in ejectment. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the Plaintiff. You may lose money, property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. 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.

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REFERRAL SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 South St., P.O. Box 186,
Harrisburg, PA 17108
Phone: 1-800-692-7375

Sepic Law
892 Vanderbilt Rd., Connellsville, PA 15425
724-628-4625

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, December 5, 2022, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2620-0525	JOHN G. HALL a/k/a JOHN GARY HALL, deceased	Rachelle F. Hall, Executrix
2621-1085	DAVID LEONARD LANCOS, deceased	Deborah Lancos Decostro, Administratrix
2620-0413	ROSE MOSLEY, deceased	Bernadette Gosha, Administratrix

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

Monday, December 19, 2022, at 9:30 A.M.

in Courtroom No. 5 of the **Honorable 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.

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, December 5, at 9:30 A.M.

<u>Estate Number</u>	<u>Estate Name</u>	<u>Accountant</u>
2621-1186	SHIRLEY R. GOODWIN, deceased	Ronald R. Goodwin, Executor
2621-0452	M. KATHLEEN BURNS, a/k/a MARY KATHLEEN BURNS, deceased	Joni Richardson Basescu, Executrix

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

Monday, December 19, 2022, at 9:30 A.M.

in Courtroom No. 1 of the **Honorable 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.

JEFFREY L. REDMAN

Register of Wills and Ex-Officio Clerk of the Orphans' Court Division (2 of 2)

SHERIFF'S SALE

Date of Sale: January 19, 2023

By virtue of the below stated writs out of the Court of Common Pleas of Fayette County, Pennsylvania, the following described properties will be exposed to sale by James Custer, Sheriff of Fayette County, Pennsylvania on Thursday January 19, 2023, at 2:00 pm at <https://fayette.pa.realforeclose.com>.

The Conditions of sale are as follows:

All bidders must complete the Realauction on-line registration process at <https://fayette.pa.realforeclose.com> to participate in the auction.

All bidders must place a 10% deposit equal to the successful bid for each property purchased to Realauction via wire transfer or ACH. Upon the auction's close, buyer shall have 10 business days to pay the remaining balance to the Fayette County Sheriff's Office via cashier's check. No cash will be accepted. Failure to comply with the Conditions of Sale, shall result in a default and the down payment shall be forfeited by the successful bidder and applied to the costs and judgments. The schedule of distribution will be filed no later than 30 days after the sale of real property. If no petition has been filed to set aside the sale or objections to the distribution are filed within 10 days of filing the distribution, the Sheriff will prepare and record a deed transferring the property to the successful bidder.

(2 of 3)

James Custer
Sheriff of Fayette County

McCABE, WEISBERG & CONWAY, LLC
123 South Broad Street, Suite 1400
Philadelphia, PA 19109
(215) 790-1010

No. 329 of 2022 GD
No. 235 of 2022 ED

Citizens Bank, N.A.

Plaintiff

v.

Bryan L. Black and Jessica L. Tissue

Defendants

All that certain piece or parcel or Tract of land situate in Georges Township, Fayette County, Pennsylvania, and being known as 573 Madison Drive, Smithfield, Pennsylvania 15478.

Being known as: 573 Madison Drive, Smithfield, Pennsylvania 15478

Title vesting in Bryan L. Black and Jessica L. Tissue by deed from THOMAS P. DETRICK and JANA DETRICK, husband and wife, dated February 9, 2018 and recorded February 22, 2018 in Deed Book 3365, Page 400 Instrument Number 201800001974.

Tax Parcel Number: 14-25-030432

No. 51 of 2022 GD
No. 174 of 2022 ED

Trinity Financial Services, LLC

4521 PGA Blvd. Suite# 295

Palm Beach Gardens, FL 33418

Plaintiff

v.

Terry A. Bodes

136 West Apple Street

Connellsville, PA 15425

Jeffrey S. Wallace

136 West Apple Street

Connellsville, PA 15425

United States of America

700 Grant Street, Suite 4000

Pittsburgh, PA 15219

Defendants

ALL THE RIGHT, TITLE, INTEREST AND CLAIM OF TERRY A. BODES AND JEFFREY S. WALLACE OF, IN AND TO THE FOLLOWING DESCRIBED PROEPRTY:

ALL THE FOLLOWING DESCRIBED REAL ESTATE SITUATED IN THE COMMONWEALTH OF PENNSYLVANIA, COUNTY OF FAYETTE, AND CITY OF CONNELLSVILLE,

HAVING ERECTED THEREON A DWELLING BEING KNOWN AND NUMBERED AS 136 WEST APPLE STREET, CONNELLSVILLE, PA 15425, TAX PARCEL NO. 05-06-0418 AND A COMMERCIAL VACANT LOT BEING KNOWN AS TAX PARCEL NO. 05-06-0417-02.

DEED BOOK VOLUME 2823 PAGE 1011.

DWALDMANLAW, P.C.,
 ATTORNEY FOR PLAINTIFF
 BY: JENNIE C. SHNAYDER, ESQUIRE
 ID #315213
 4900 CARLISLE PIKE, #182
 MECHANICSBURG, PA 17050
 TELEPHONE: (844) 899-4162
 FACSIMILE: (844) 882-4703

No. 1231 of 2022 GD
 No. 240 of 2022 ED

LIMOSA, LLC
 vs.
JAMIE L. BRANGARD
WANDA R. MEYERS

All That Certain lot of land situate in German Township, Fayette County, Commonwealth of Pennsylvania.
 TAX PARCEL # 15-29-0020
 PROPERTY ADDRESS: 179 Balsinger Road, Uniontown, PA 15401

No. 819 of 2022 GD
 No. 205 of 2022 ED

MidFirst Bank
Plaintiff,
 vs.
Tina Renee Bryner, FKA Tina Renee Stutler,
AKA Tina Renee Stutler
Defendant.

ALL that certain parcel of land lying and being situate in the Township of North Union, County of Fayette, and Commonwealth of Pennsylvania, known as 1435 Connellsville Road, Lemont Furnace, PA 15456 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 25-12-0171

BEING the same premises which Clayton Wade Stutler and Tina Renee Stutler, his wife, by Deed dated March 11, 2005 and recorded in and for Fayette County, Pennsylvania in Deed

Book 2939, Page 296, granted and conveyed unto Tina Renee Stutler.

KML LAW GROUP, P.C.
 Suite 5000
 701 Market Street
 Philadelphia, PA 19106-1532
 (215) 627-1322

No. 2745 of 2019 GD
 No. 179 of 2022 ED

ROCKET MORTGAGE, LLC, F/K/A
QUICKEN LOANS, LLC FKA QUICKEN
LOANS INC.
635 Woodward Avenue
Detroit, MI 48226
Plaintiff
 vs.
MICHAEL D. COLLAGE
Mortgagor(s) and Record Owner(s)
112 Leggs Street
Belle Vernon, PA 15012
Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN TOWNSHIP OF WASHINGTON, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 112 LEGGS STREET, BELLE VERNON, PA 15012

TAX PARCEL #41-15-0031
 IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF:
 MICHAEL D. COLLAGE
 ATTORNEY: KML LAW GROUP, P.C.

No. 986 of 2022 GD
 No. 178 of 2022 ED

PNC Bank, National Association
Plaintiff,
 vs.
Carol Detone, AKA Carol A. Detone
Defendant.

ALL that certain parcel of land lying and being situate in the Township of Dunbar, County of Fayette, and Commonwealth of Pennsylvania, known as 349 Upper Sandy Hollow Road, Vanderbilt, PA 15486 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 09100052

BEING the same premises which John O. Hillen and Alicia Hillen, his wife, by Deed dated August 17, 1998 and recorded in and for Fayette County, Pennsylvania in Deed Book 2176, Page 210, granted and conveyed unto Frank Detone and Carol Detone, his wife.

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 1054 of 2022 GD
No. 212 of 2022 ED

LAKEVIEW LOAN SERVICING, LLC
4425 Ponce DeLeon Blvd Mail StopMs5/251
Coral Gables, FL 33146

Plaintiff
vs.

ERIKA HARRIS
Mortgagor(s) and Record Owner(s)
352 Morgantown Street
Uniontown, PA 15401
Defendant(s)

ALL THAT CERTAIN LOT OF LAND SITUATE IN CITY OF UNIOTOWN, COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 352 MORGANTOWN STREET, UNIOTOWN, PA 15401

TAX PARCEL #38-11-0122
IMPROVEMENTS: A RESIDENTIAL DWELLING

SOLD AS THE PROPERTY OF: ERIKA HARRIS

ATTORNEY: KMLLAWGROUP,P.C.

No. 1385 of 2022 GD
No. 214 of 2022 ED

Wintrust Mortgage, a division of Barrington Bank & Trust Co., N.A.
Plaintiff,
vs.
Charles Derrick Hook, AKA Charles D. Hook
Defendant.

ALL that certain parcel of land lying and being situate in the Township of Stewart, County of Fayette, and Commonwealth of Pennsylvania, known as 298 Bell Grove Road, Ohiopyle, PA 15470 having erected thereon a

dwelling house.

Being known and designated as Tax ID No.: 37-15-0004-05

BEING the same premises which Stephanie J. Plume and Devin R. Plume, wife and husband, by Deed dated October 16, 2019 and recorded in and for Fayette County, Pennsylvania in Deed Book 3419, Page 524, granted and conveyed unto Charles Derrick Hook, unmarried.

No. 1542 of 2022 GD
No. 236 of 2022 ED

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, FOR CARRINGTON MORTGAGE LOAN TRUST, SERIES 2005-NC3 ASSET BACKED PASS-THROUGH CERTIFICATES C/O CARRINGTON MORTGAGE SERVICES, LLC

vs.

Ronald J. Hucik Donna M. Hucik

ALL THAT CERTAIN lot of land situate in North Union Township, Fayette County, Pennsylvania, and being Lot No. 128 in Plan of Industrial Realty Company as recorded in the Recorder's Office of Fayette County, Pennsylvania.

BEING THE SAME PREMISES which Ronald J. Hucik and Donna M. Hucik f/k/a Donna M. Georgiana, by Deed dated February 25, 1976 and recorded February 26, 1976 in the Office of the Recorder of Deeds in and for Fayette County in Deed Book Volume 1193, Page 719, granted and conveyed unto Ronald J. Hucik and Donna M. Hucik.

BEING KNOWN AS: 329 Pittsburgh Street, Uniontown, PA 15401
PARCEL #25-22-0008

No. 1063 of 2022 GD
No. 196 of 2022 ED

Caliber Home Loans, Inc.
Plaintiff,
vs.
Cheryl A. Huey, AKA Cheryl Ann Huey
Defendant.

ALL that certain parcel of land lying and being situate in the City of Connellsville, County of Fayette, and Commonwealth of Pennsylvania, known as 806 Franklin Avenue, Connellsville, PA 15425 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 05110070

BEING the same premises which Dale E. Clark and Luan Yanzhi Clark, his wife, both by Ronald J. Haggerty, Jr., their agent by power of attorney, by Deed dated July 6, 2016 and recorded in and for Fayette County, Pennsylvania in Deed Book 3313, Page 863, granted and conveyed unto Cheryl A. Huey, a single woman.

No. 974 of 2022 GD
No. 177 of 2022 ED

PNC Bank, National Association
Plaintiff,
vs.

Donna M. Kaydo, as Executrix of the Estate of Donald L. Pepper
Defendant.

ALL that certain parcel of land lying and being situate in the Township of North Union, County of Payette, and Commonwealth of Pennsylvania, known as 22 Crabapple Lane, West Leisenring, PA 15489 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 25-03-0006, 09-30-0010

BEING the same premises which Donna M. Pepper, single, by Deed dated April 1, 2015 and recorded in and for Fayette County, Pennsylvania in Deed Book 3274, Page 2143, granted and conveyed unto Donald L. Pepper.

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
A Florida Limited Liability Company
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
Phone: (855) 225-6906
Fax: (866) 381-9549

No. 1607 of 2022 GD
No. 220 of 2022 ED

NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER
Plaintiff
v.
GEORGE A. KERSHEY, JR.
Defendant(s)

ALL THOSE CERTAIN LOTS OR PIECES OF GROUND SITUATE IN THE TOWNSHIP OF CONNELLSVILLE,

COUNTY OF FAYETTE,
COMMONWEALTH OF PENNSYLVANIA:
BEING KNOWN AS: 1012 ROY ST
CONNELLSVILLE, PA 15425
BEING PARCEL NUMBER: 06040132
IMPROVEMENTS: RESIDENTIAL
PROPERTY

No. 682 of 2022 GD
No. 195 of 2022 ED

PNC Bank, National Association
Plaintiff,
vs.
David S. Lynn, Jr.; Jessica M. Richey
Defendants.

ALL that certain parcel of land lying and being situate in the Municipality of Connellsville, County of Fayette, and Commonwealth of Pennsylvania, known as 214 West Morton Avenue, Connellsville, PA 15425 having erected thereon a dwelling house.

Being known and designated as Tax ID No.: 05-07-0197

BEING the same premises which Timothy F. Doppelheuer and Teresa L. Kushner-Doppelheuer, his wife, by Deed dated May 16, 2008 and recorded in and for Fayette County, Pennsylvania in Deed Book 3062, Page 124, granted and conveyed unto David S. Lynn, Jr., single and Jessica M. Richey, single.

Robertson, Anschutz, Schneid, Crane & Partners, PLLC
A Florida Limited Liability Company
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
Phone: (855) 225-6906
Fax: (866) 381-9549

No. 503 of 2022 GD
No. 222 of 2022 ED

PHH MORTGAGE CORPORATION
Plaintiff
v.
TOMMY MAUST, IN HIS CAPACITY AS HEIR OF CAROL L. MAUST; AMANDA MAUST MOLLOY, IN HER CAPACITY AS HEIR OF CAROL L. MAUST; UNKNOWN HEIRS, SUCCESSORS, ASSIGNS AND ALL PERSONS, FIRMS OR ASSOCIATIONS CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER CAROL L. MAUST
Defendant(s)

ALL THOSE CERTAIN LOTS OR
PIECES OF GROUND SITUATE IN THE
UNIONTOWN, FAYETTE COUNTY,
PENNSYLVANIA:

BEING KNOWN AS: 188 BURGESS
FIELD RD UNIONTOWN, PA 15401
BEING PARCEL NUMBER: 14170092

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 1007 of 2022 GD
No. 176 of 2022 ED

PNC BANK, NATIONAL ASSOCIATION
3232 Newmark Drive
Miamisburg, OH 45342
Plaintiff

vs.

LORI M METTS A/K/A LORI METTS
Mortgagor(s) and Record Owner(s)
320 Main Street House 10 a/k/a
320 Main Street
Hopwood, PA 15445
Defendant(s)

ALL THAT CERTAIN LOT OF LAND
SITUATE IN SOUTH UNION TOWNSHIP,
COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 320 MAIN STREET
HOUSE 10 A/K/A 320 MAIN STREET,
HOPWOOD, PA 15445

TAX PARCEL #34-32-0014
IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF: LORI M
METTS A/K/A LORI METTS
ATTORNEY: KML LAW GROUP, P.C.

Robertson, Anschutz, Schneid, Crane &
Partners, PLLC
A Florida Limited Liability Company
133 Gaither Drive, Suite F
Mt. Laurel, NJ 08054
Phone: (855) 225-6906
Fax: (866) 381-9549

No. 1436 of 2022 GD
No. 231 of 2022 ED

**AMERIHOM MORTGAGE COMPANY,
LLC**

Plaintiff

v.

**STEVEN MEYOKOVICH; AMANDA
MEYOKOVICH**
Defendant(s)

ALL THOSE CERTAIN LOTS OR
PIECES OF GROUND SITUATE IN SOUTH
UNION TOWNSHIP, FAYETTE COUNTY,
PENNSYLVANIA:

BEING KNOWN AS: 131 HUTCHINSON
ST UNIONTOWN, PA 15401
BEING PARCEL NUMBER: 34-27-0165

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 2505 of 2018 GD
No. 187 of 2022 ED

**ROCKET MORTGAGE, LLC, F/K/A
QUICKEN LOANS, LLC FKA QUICKEN
LOANS INC.**

635 Woodward Avenue
Detroit, MI 48226
Plaintiff

vs.

**THOMAS A. ROGERS
AMANDA J. ROGERS**
Mortgagor(s) and Record Owner(s)
14 Degregory Circle
Republic, PA 15475
Defendant(s)

ALL THAT CERTAIN LOT OF LAND
SITUATE IN TOWNSHIP OF REDSTONE,
COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 14 DEGREGORY
CIRCLE, REPUBLIC, PA 15475 TAX
PARCEL #30-24-0118
IMPROVEMENTS: A RESIDENTIAL

DWELLING

SOLD AS THE PROPERTY OF:
THOMAS A. ROGERS AND AMANDA J
ROGERS

ATTORNEY: KML LAW GROUP, P.C.

Jill M. Fein, Esquire
Hill Wallack LLP
777 Township Line Road, Suite 250
Yardley, PA 19067
(215) 579-7700

No. 1116 of 2019 GD
No. 182 of 2022 ED

Carrington Mortgage Services, LLC

Plaintiff

v.

Tammy M. Shipley

Defendant

By virtue of a writ of execution case
number: 2019-01116

Plaintiff: Carrington Mortgage Services,
LLC v. Defendant: Tammy M. Shipley owners
of property situate in the Masontown Borough,
Fayette County, Pennsylvania, being pin number
21-08-0110

Property being known as: 309 Locust
Street, Masontown, PA 15461

Improvements thereon: Residential
Property

No. 560 of 2022 GD
No. 201 of 2022 ED

Reverse Mortgage Funding, LLC

PLAINTIFF

vs.

**Brenda Sinsley, known Heir of Anna Marie
Farquhar, deceased and George Farquhar,
Jr., known Heir of Anna Marie Farquhar,
deceased and Unknown Heirs, Successors,
Assigns and All Persons, Firms or
Associations Claiming Right, Title or Interest
from or under Anna Marie Farquhar,
deceased**

DEFENDANTS

All that tract of land situate in Fayette City
(formerly Washington Township), Fayette
County, Pennsylvania, designated as follows:

BEGINNING at a stone in the edge of the
road along James Wycoff's heirs farm in
Washington Township; thence with the lands
described as Lot No. 1 in Deed between
Elizabeth H. Miller, Executrix of the Last Will

and Testament of James E. Hamer, deceased,
and Martha T. Hamer, a widow, dated March 24,
1977, and recorded in the Recorder's Office in
and for Fayette County, Pennsylvania, in Deed
Book Volume 1213, Page 767; South 29.75
degrees East, 135.30 feet to a stone near the run;
thence with lands now or formerly of Edward
Mansfield heirs, North 52.75 degrees East, 87.45
feet to a stone; thence with the same, North 11
degrees West, 59.40 feet to a stone in the edge
of the road above mentioned; thence by land
now or formerly of Joseph Brown and along said
road North 87.25 degrees West, 125.40 feet to
the place of beginning.

CONTAINING .21875 acres of land.
PARCEL# 1203019601

FOR INFORMATIONAL PURPOSES
ONLY: Being known as 476 Cook Street.
Fayette City, PA, 15438

COMMONLY KNOWN AS: 476 Cook
Street, Fayette City, PA 15438

TAX PARCEL NO. 1203019601

STERN & EISENBERG PC
Matthew C. Fallings, Esquire

No. 968 of 2022 GD
No. 185 of 2022 ED

**Wilmington Savings Fund Society, FSB not
individually, but solely as trustee for
Residential Mortgage Aggregation Trust**

Plaintiff

v.

Michael Sipe

Defendants

SITUATE IN BULLSKIN TOWNSHIP,
FAYETTE COUNTY, PENNSYLVANIA,
BEING KNOWN AS 108 SPAUGY HOLLOW
ROAD, CONNELLSVILLE, PA 15425

PARCEL NO. 04260078

IMPROVEMENTS- RESIDENTIAL
REAL ESTATE

SOLD AS THE PROPERTY OF- Michael
Sipe

KML LAW GROUP, P.C.
Suite 5000
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

No. 427 of 2020 GD
No. 189 of 2021 ED
No. 186 of 2022 ED

BANK OF AMERICA, N.A.
7105 Corporate Drive
Plano, TX 75024
Plaintiff

vs.

AMANDA WILSON
Mortgagor(s) and Record Owner(s)
359 Hopwood Coolspring Road
Hopwood, PA 15445
Defendant(s)

ALL THAT CERTAIN LOT OF LAND
SITUATE IN NORTH UNION TOWNSHIP,
COUNTY OF FAYETTE AND
COMMONWEALTH OF PENNSYLVANIA.

BEING KNOWN AS: 359 HOPWOOD
COOLSPRING ROAD, HOPWOOD, PA 15445
TAX PARCEL #25-46-0011-01

IMPROVEMENTS: A RESIDENTIAL
DWELLING

SOLD AS THE PROPERTY OF:
AMANDA WILSON

ATTORNEY: KML LAW GROUP, P.C.

*** END SHERIFF SALES ***

ANNUAL MEMBERSHIP MEETING

The Annual General Membership meeting of the Fayette County Bar Association shall be held on **Wednesday, November 30, 2022**, at 1:00 pm in Courtroom Two at the Fayette County Courthouse, 61 East Main Street, Uniontown, PA 15401. Members are invited to present topics of concern or interest to the Association.



PLEASE JOIN THE
FAYETTE COUNTY BAR ASSOCIATION
FOR A

Christmas Party

WEDNESDAY, DECEMBER 7TH
4:30 PM - 7:00 PM

MARILYN'S ON MAIN

In support of the holiday season, please bring new unwrapped toys for donation to Fayette County CYS. Monetary donations payable to "CYS Advisory Board."

*RSVP by Friday, December 2nd
724-437-7994 or cindy@fcbbar.org
Guests Welcome*

WARMAN ABSTRACT & RESEARCH LLC

JOHN F. WARMAN

518 Madison Drive

Smithfield, PA 15478

724-322-6529

johnfranciswarman@gmail.com

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- \$160.1 million average assets under advisement per Financial Advisor
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DiBella Weinheimer

Geer McAllister Best Coco Lloyd Whalen



Holly Whalen ◊ Amy Coco ◊ Bethann Lloyd

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JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
v.	:	No. 298 of 2022
	:	No. 306 of 2022
KRYSTAL DARNELL,	:	No. 307 of 2022
Defendant.	:	Honorable Linda R. Cordaro

OPINION AND ORDER

Linda R. Cordaro, J.

September 14, 2022

SUMMARY

Currently before this Court is Defendant's Omnibus Pretrial Motion (OPT). Count 1 of the OPT is a motion to suppress several pieces of evidence, including: various potentially incriminating statements made by the Defendant; the results of a blood test; and evidence discovered while the Defendant was in custody at Uniontown Hospital. Count 2 is a motion for habeas corpus. The Defendant has multiple charges at each of the above-captioned matters, including possession of controlled substances and paraphernalia at No. 298 of 2022; criminal homicide at No. 306 of 2022; and burglary at No. 307 of 2022. The three cases are consolidated, but although Defendant's OPT is a single filing, it challenges only evidence at Case Nos. 298 of 2022 and 306 of 2022.

BACKGROUND

The following events were presented in both testimony and factual stipulations made at the August 17, 2022 OPT hearing and in the preliminary hearing transcript admitted into evidence at the hearing.

On May 3, 2021, shortly after 6:00 p.m., witness Joshua Fazenbaker was traveling in his vehicle along Morgantown Street when he came upon two vehicles in the road that appeared to have been in an accident. A silver car was sitting across the opposite lane of travel, still smoking. Inside was one occupant - a female who was in the driver's seat but was trapped under the dashboard. Mr. Fazenbaker called 911 and went to the other vehicle. That vehicle had a damaged driver's side door and front end. Mr. Fazenbaker observed two occupants inside, a male driver and female passenger. This vehicle had been pushed out of its lane of travel, and the male driver was sitting up in the driver's seat, conscious but unable to exit the vehicle. The female passenger, according to Mr. Fazenbaker, was injured, was not breathing, and did not have a pulse. Others began to arrive on the scene, including emergency services, and, as stipulated at the OPT hearing, police were dispatched to the accident around 6:14 p.m.

As Mr. Fazenbaker continued to observe the scene, he saw a truck arrive with two men inside. By that time, the female occupant of the silver vehicle had pulled free of the dashboard but still could not open her vehicle door. One of the men exited the truck and used a crowbar or other tool to break the window of the vehicle and release her. Mr. Fazenbaker saw the seat of her pants was torn, and she was bleeding. She did not remain at the scene, and Mr. Fazenbaker identified the Defendant as the woman he saw escape the vehicle and leave.

Witness Edna Petrosky testified that she heard the sound of an accident and began walking toward her neighbor's house to ask if he also had heard it. There she saw a woman, whom she identified as the Defendant, on her neighbor's porch, knocking on his door. The Defendant approached Ms. Petrosky and asked to use her phone. Ms. Petrosky gave her a mobile phone, and the Defendant attempted to make calls for approximately ten minutes. She then returned the phone to Ms. Petrosky, who later gave a written statement to the police and consented to a search of the phone by Trooper Sutton. Trooper Sutton obtained the numbers the Defendant had dialed on the phone and forwarded that information to Trooper Garrett (nee Daerr). Trooper Garrett spoke with the Defendant's mother, Katherine Stump, who disclosed that the Defendant was at her house.

Trooper Garrett's partner, Trooper Tidholm, informed Troopers Yarzab and Loughner of the Defendant's alleged whereabouts, and the troopers went to Ms. Stump's house around 8:55 p.m. Ms. Stump permitted them to enter, and they encountered the Defendant. Trooper Loughner asked her to identify herself, which she did. Trooper Yarzab then asked her to turn and place her hands behind her back and proceeded to handcuff her. The Defendant asked, "Did I kill that person?" before being placed in Trooper Loughner's vehicle and transported to the Uniontown police station.

According to another factual stipulation at the OPT hearing, around 9:50 p.m., the Defendant was advised of her Miranda rights, and she invoked her right to counsel. However, after that, Trooper Garrett asked the Defendant if she wanted to speak to her and Trooper Tidholm because there was not going to be another opportunity to do so. The Defendant responded by asking if "that person" was dead, to which Trooper Garrett responded she could not give her an answer. The Defendant asked the trooper whether she investigated vehicular homicide, and Trooper Garrett answered that she typically did not. The Defendant then told the trooper that she was an addict and had had a bad few months. She afterward was transported from the police station to Uniontown Hospital.

On May 3, 2021, around 11:45 p.m., Troopers Garrett and Tidholm went to the hospital with a search warrant for a blood draw and buccal swab of the Defendant. After midnight on May 4, 2021, at 12:21 a.m., the Defendant's blood was drawn and submitted for testing. About that same time, Trooper Jarzynka and his partner went to Uniontown Hospital to relieve Troopers Garrett and Tidholm. While in the emergency room of the hospital, around 12:35 a.m., Trooper Jarzynka observed an interaction between a hospital nurse, Kimberly Watt, and the Defendant, in which Ms. Watt asked the Defendant if she had taken any drugs or if she was under the influence of alcohol. The Defendant stated she had taken five (5) Percosets a few hours before the accident.

Around 1:50 a.m., the Defendant was taken for a CT scan. Trooper Jarzynka was present when technician Ann Morris observed something unusual on the scan. Ms. Morris asked the Defendant if she was sitting on anything, and the Defendant responded that she was afraid that she had killed someone, so she had hidden a lighter and pipe in her vagina. The technician asked her to remove the items, which the Defendant did in the trooper's presence, removing a clear plastic bag with choreboy, two bags of suspected tobacco, a lighter, and a glass smoking device. The Defendant gave the items to the technician, who put them in another bag and then handed that bag to the trooper.

Around 3:40 a.m., after the Defendant had been taken back to the emergency room, the trooper spoke with another nurse, Nicole Brown, who stated that she had found a clear plastic bag with a number of suspected drugs inside it on a gurney beside the Defendant. Ms. Brown took those items and gave them to Trooper Jarzynka. Lab testing showed the items were Schedule II and IV drugs.

The Defendant remained hospitalized for a week, during which time she was transported to UPMC Presbyterian Hospital in Pittsburgh. On May 10, 2021, Troopers Harris and Wietrzykowski picked up the Defendant there after she was discharged, and they transported her to Fayette County Jail. The MVR of the ride was admitted into evidence at the OPT hearing as Commonwealth's Exhibit A. At approximately 4:39 p.m., the Defendant opined aloud about upcoming prosecution and stated that she was still "relatively young." She asked the troopers what they thought would happen to her. Trooper Wietrzykowski stated she did not know, and the Defendant then offered to tell the troopers what happened so they could tell her what their experience with other cases had been. She then stated that she had gotten behind the wheel of a vehicle under the influence of Xanax, she crossed over the line, and she killed a seventy-seven year old woman.

DISCUSSION

At Case No. 298 of 2022, Defendant seeks to suppress evidence associated with the possession and paraphernalia charges on the grounds that they are the results of warrantless searches and/or illegal interrogation while the Defendant was at Uniontown Hospital. Defendant also argues that the Commonwealth has failed to make a prima facie case at this caption.

At Case No. 306 of 2022, Defendant seeks to suppress statements the Defendant made to Troopers Yarzab and Loughner on May 3, 2021 as she was placed under arrest at her mother's house; statements the Defendant made to Trooper Garrett on May 3, 2021 at the police station after receiving Miranda warnings and before being transported to the hospital; statements the Defendant made to a nurse at Uniontown Hospital in the presence of Trooper Jarzynka; and statements the Defendant made on May 10, 2021 to Troopers Harris and Wietrzykowski while she was being transported from Pittsburgh to Fayette County Jail. In addition, Defendant challenges the admissibility of the blood draw results as unreliable because the test was performed more than six hours from the time of the accident. Finally, Defendant also argues that the Commonwealth has failed to make a prima facie case at this caption as well.

Legal Standards

The exclusionary rule functions as a "judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect." *United States v. Leon*, 468 U.S. 897, 906 (1984). The exclusion (suppression) of evidence may be warranted if there has been a violation of fundamental constitutional protections. *Commonwealth v. Balliet*, 542 A.2d 1000, 1003 (Pa. Super. Ct. 1988) (citing *Commonwealth v. Morgan*, 534 A.2d 1054, 1056 n. 2 (Pa. 1987)).

A petition for a writ of habeas corpus is the proper means for testing a pretrial finding that the Commonwealth has sufficient evidence to establish a prima facie case against a defendant. *Commonwealth v. Scott*, 578 A.2d 933, 936-37 (Pa. Super. Ct. 1990). The question of the sufficiency of evidence is one of law. *Commonwealth v. Huggins*, 836 A.2d 862,865 (Pa. 2003)). In order to establish a prima facie case, the Commonwealth must present evidence as to each material element of the crimes charged and sufficient probable cause that the accused is the person who committed the offenses. *Commonwealth v. McBride*, 595 A.2d 589, 591 (Pa. 1991) (citations omitted).

Suppression - Case No.298 of 2022

At Case No. 298 of 2022, Defendant challenges that she was subjected to an illegal search while she was at Uniontown Hospital when Nurse Morris noticed an unusual CT scan result, asked the Defendant about the items, and the Defendant produced them in the presence of the trooper. Defendant also disputes the legality of the events which led to Nurse Brown turning over items to Trooper Jarzynka after the nurse allegedly discovered them on the gurney with the Defendant. Defendant also contests that questions posed to her by Nurse Watt during a medical examination while the trooper was present were suspiciously "convenient" insofar as the nurse asked specifically whether she had taken any substances before the crash. According to the Defendant, the illegality of the searches and questioning mean any evidence procured as a result should be suppressed.

However, there is no indication that any hospital staff were working on behalf of the police. In *Commonwealth v. Bordner*, the Pennsylvania Supreme Court found that incriminating statements made by the accused to his mother and father while he was in the hospital and in the presence of police were inadmissible when circumstances showed there was a plan by police to use the accused's mother in interrogating him, and the father actively collaborated with police in obtaining information, making him a third party agent of the police. 247 A2d 612 (Pa. 1968).

Here, the items discovered by CT Technician Morris were the result of what she saw on an anomalous CT scan, which would have showed the same unusual results regardless of whether a trooper was present. Once discovered, the items surely would not have been allowed to remain where they were, regardless of the trooper's presence. There is no evidence that Ms. Morris asked the Defendant to remove and turn over the items at the trooper's direction or command. Similarly, the items discovered by Nurse Brown on the gurney which she gave to Trooper Jarzynka do not represent a search or seizure at the request of the police, nor is there any indication that a trooper was even present when these items were found. Finally, while the trooper did overhear Defendant's responses to Nurse Watt during the medical examination, there is no evidence that

the nurse was working on behalf of the police or at their direction. Therefore, none of the evidence procured while Defendant was at Uniontown Hospital was the result of an illegal search, nor were any disclosures the result of police interrogation and so shall not be suppressed.

Habeas - Case No. 298 of 2022

As discussed, the evidence procured while the Defendant was at Uniontown Hospital is not to be suppressed. Therefore, the Commonwealth has met its burden to present at least a prima facie case for possession of controlled substances and paraphernalia.

Suppression - Case No. 306 of 2022

Defendant challenges the results of the blood test taken at the hospital because the blood draw occurred just over six hours after the accident, longer than the "two hour" rule set forth by 75 Pa.C.S.A. § 3802. However, the statute provides for a two-hour limit only in the subsections related to alcohol consumption and blood alcohol levels, not controlled substances. In *Commonwealth v. Wilson*, the Pennsylvania Superior Court found that "the lack of any specific time frame in subsection 3802(a)(1) to be indicative that the legislature did not intend to impose a two-hour time limit. ..." 101 A.3d 1151, 1156 (Pa. Super. Ct. 2014).

Here, the blood draw was performed pursuant to a warrant and as soon as reasonably possible after the Defendant was apprehended, and any delay was directly caused by the Defendant herself. Furthermore, the statute prohibits the presence of any amount of an unprescribed controlled substance, unlike the subsections related to alcohol, which set forth specific thresholds for blood alcohol levels. The results of the blood test shall not be suppressed although the blood draw exceeded the "two-hour" rule of 75 Pa.C.S.A. § 3802.

Defendant also challenges that statements or questions Defendant made to troopers while she was being taken into custody at her mother's house should be suppressed. "When a defendant challenges the admission of a statement made during a custodial interrogation, the Commonwealth bears the burden to prove by a preponderance of the evidence that the defendant's Miranda waiver was knowing, intelligent, and voluntary." *Commonwealth v. Smith*, 210 A.3d 1050, 1058 (Pa. Super. Ct. 2019).

However, although the Defendant had not yet been given her Miranda rights at the time, there is no indication that troopers posed any questions to her or attempted to elicit any incriminating statements. Therefore, any statements made or questions asked while being taken into custody at her mother's house were spontaneous and voluntary and shall not be suppressed.

Defendant also disputes the admission of statements she made to Trooper Garrett at the police station after she was read her Miranda rights and had invoked her right to counsel. The waiver of the right to counsel must be "not only be voluntary, but must also constitute a knowing and intelligent relinquishment or abandonment of a known right or privilege ... " *Commonwealth v. Frein*, 206 A.3d 1049, 1065 (Pa. 2019) (quoting *Edwards v. Arizona*, 451 U.S. 477,482 (1981)). Once an accused has invoked

the right to counsel, further interrogation must stop until counsel is made available to the accused, unless he initiates the communication. *Id.* at 1065-66.

According to the factual stipulation agreed to at the OPT hearing, around 9:50 p.m., Defendant was read her Miranda rights and invoked her right to counsel. Therefore, after that point, all interrogation should have ceased until counsel was present. Nevertheless, after Defendant's invocation, Trooper Garrett invited the Defendant to speak with her, telling her it was her last opportunity to talk with the troopers. This invitation certainly can be construed as an attempt to elicit incriminating information. As Defendant had already invoked her right to counsel, any statements or questions the Defendant made in response to the trooper's clear invitation to speak shall be suppressed.

Finally, based on the recorded audio and video from the MVR admitted into evidence at the August 17, 2022 hearing, the statements that Defendant made to troopers on May 10, 2021 as she was being transported from Pittsburgh to Fayette County were not the result of questions to elicit incriminating information. The Defendant herself repeatedly initiated various topics of conversation, and her disclosure of the details of what occurred on May 3, 2022 was part of the questioning she put to the troopers in an attempt find out what the outcome of her prosecution might be.

Therefore, the statements Defendant made to troopers on May 10, 2021 during her transport were voluntary and shall not be suppressed.

Habeas - Case No. 306 of 2022

Under 18 Pa.C.S.A. § 2501; "[a] person is guilty of criminal homicide if he intentionally, knowingly, recklessly or negligently causes the death of another human being." Based on preliminary hearing testimony, the Defendant was in the driver's seat of a vehicle sitting in the opposite lane of traffic after colliding with another vehicle. She was its sole occupant, and the passenger of the other vehicle did not have a discernable pulse at the scene. The Commonwealth also has evidence to show that the Defendant drove while under the influence of a controlled substance. This is sufficient *prima facie* evidence that it was the Defendant's negligence or recklessness that caused an accident leading to another's death.

CONCLUSION

The only evidence subject to suppression is at Case No. 306 of 2022 and consists of all of Defendant's statements or questions made after invoking her right to counsel and after Trooper Garrett disregarded this and invited her to speak. All other evidence at Case No. 298 of 2022 shall not be suppressed

Furthermore, the Commonwealth has made a *prima facie* case at both captions.

ORDER

AND NOW, this 14th day of September, 2022, inconsideration of Defendant's Omnibus Pretrial Motion and after a hearing on the matter and consideration of exhibits, including the preliminary hearing transcript and MVR, it is ORDERED and DIRECTED that the motion is GRANTED IN PART and DENIED IN PART.

As discussed in the accompanying Opinion, at Case No. 306 of 2022, Defendant's motion is granted with respect to any statements or questions the Defendant made to troopers at the police station after invoking her right to counsel and in response to Trooper Garrett's invitation to speak anyway.

However, the motion is denied with respect to all other evidence in dispute.

The Commonwealth has met its prima facie burden and shall list these cases for trial.

BY THE COURT:
Linda R. Cordaro, Judge

ATTEST:
Clerk of Courts

COURT ANNOUNCEMENT**MOTIONS COURT ASSIGNMENTS
AS OF
JANUARY 1, 2023**

In accordance with the Fayette County Motions Court Procedure Rules, the assigned judge for daily Motions Court, is as follows:

Monday	Judge Nancy D. Vernon	Courtroom No. 4	9:00 AM
Tuesday	Judge Joseph M. George, Jr.	Courtroom No. 5	9:00 AM
Wednesday	Judge Linda R. Cordaro	Courtroom No. 3	9:00 AM
Wednesday	Judge John F. Wagner, Jr.	Courtroom No. 2	9:30 AM
Thursday	Judge Steve P. Leskinen	Courtroom No. 1	9:00 AM
Friday	Emergency Motions Only	Courtroom No. 1	9:00 AM

Priority motions are to be presented to the assigned judge in accordance with F.C.R. 208.3 and F.C.R. Crim. P. 575(k).

The Administrative Office of Fayette County Courts will not, after 8:30 AM, accept any motions, emergency or otherwise, personally delivered or faxed for that day's Motions Court. You may, if you wish, proceed directly to Motions Court and attempt to personally present the Motions to the Motions Court Judge. He or she may or may not accept the same.

Judge Steve P. Leskinen

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