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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

JOHN M. BLYSTONE, late of Brownsville Township, Fayette County, PA ⁽³⁾

Administratrix: Yvonne Della Daniels
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

WILLIAM B. CAPTAIN, late of Jefferson Township, Fayette County, PA ⁽³⁾

Executrix: Sandra E. Captain
126 Troytown Road
Fayette City, PA 15438
c/o P.O. Box 1388
Uniontown, PA 15401
Attorney: James Natale

FREDA E. CONN, late of Uniontown, Fayette County, PA ⁽³⁾

Executor: Ronald Johnson
c/o 9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

R. NILES DODSON, late of South Union Township, Fayette County, PA ⁽³⁾

Executrix: Michele R. Howard
508 Outcrop Road
Smithfield, PA 15478
c/o Fitzsimmons and Barclay, Jr.
55 East Church Street, Suite 102
Uniontown, PA 15401
Attorney: Ralph K. Barclay, Jr.

SHERRY LYNN FISHER, a/k/a SHERRY L. FISHER, late of Henry Clay Township, Fayette County, PA ⁽³⁾

Administratrices CTA: Jessilynn M. Miller
and Kayla R. Miller
9 Court Street
Uniontown, PA 15401
Attorney: Vincent J. Roskovensky, II

HARRY KEEFER, a/k/a HARRY A. KEEFER, late of Bullskin Township, Fayette County, PA ⁽³⁾

Executor: Gregory A. Keefer
384 Middlecreek Road
Rockwood, PA 15557
c/o Barbera, Melvin & Svonavec, LLP
146 West Main Street
P.O. Box 775
Somerset, PA 15501
Attorney: Matthew Melvin

HAROLD MICHAEL MEDVED, late of Springhill Township, Fayette County, PA ⁽³⁾

Executor: Michael Medved
c/o P.O. Box 622
Smithfield, PA 15478
Attorney: Charity Grimm Krupa

VINCENT PAUL STEFAN, late of Dunbar Township, Fayette County, PA ⁽³⁾

Administratrix: Lucy Stefan
1365 Jollytown Road
New Freeport, PA 15352
c/o Pollock Morris Belletti & Simms, LLC
54 South Washington Street
Waynesburg, PA 15370
Attorney: David Pollock

FRANK L. THOMAS, late of Fayette City, Fayette County, PA ⁽³⁾

Administratrix: Pamela Thomas
132 California Street
P.O. Box 479
Fayette City, PA 15438
c/o 823 Broad Avenue
Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

JAMES H. UPHOLD, JR., a/k/a JAMES HOWARD UPHOLD, JR., late of Henry Clay Township, Fayette County, PA (3)
Executrix: Harmony J. Swaney
 c/o 51 East South Street
 Uniontown, PA 15401
Attorney: Webster & Webster

THOMAS R. WELCH, late of Uniontown, Fayette County, PA (3)
Co-Executors: Thomas H. Welch and Lynn Dupain
 c/o Casini & Geibig, LLC
 815B Memorial Boulevard
 Connellsville, PA 15425
Attorney: Jennifer M. Casini

MARY LEE YOUNKIN, late of Connellsville, Fayette County, PA (3)
Co-Executors: Joseph A. Acey and Erika Shedlock
 c/o Casini & Geibig, LLC
 815B Memorial Boulevard
 Connellsville, PA 15425
Attorney: Jennifer M. Casini

Second Publication

RUTH E. BAUGHMAN, late of South Union Township, Fayette County, PA (2)
Personal Representative:
 Timothy Neal Baughman
 c/o Davis & Davis
 107 East Main Street
 Uniontown, PA 15401
Attorney: Gary J. Frankhouser

PATRICIA BEAL, late of Upper Tyrone Township, Fayette County, PA (2)
Executor: Edward A. Beal
 c/o 815A Memorial Boulevard
 Connellsville, PA 15425
Attorney: Margaret Z. House

VINCENT J. FICARA, late of Uniontown, Fayette County, PA (2)
Executrix: Teresa E. Ficara
 c/o 84 East Main Street
 Uniontown, PA 15401
Attorney: Vincent M. Tiberi

MARIE MORGAN, a/k/a MARIE C. MORGAN, late of South Union Township, Fayette County, PA (2)
Executrix: Cynthia Chesler
 c/o Higinbotham Law Offices
 68 South Beeson Boulevard
 Uniontown, PA 15401
Attorney: James Higinbotham

DORIS RANDOLPH, a/k/a DORIS E. RANDOLPH, a/k/a DORIS EVELYN RANDOLPH, late of Menallen Township, Fayette County, PA (2)
Executor: Douglas Thomas
 310 Diamond Road
 Grove City, PA 16127
 c/o Molloy Law, LLC
 15 Woodland Center Drive
 P.O. Box 687
 Grove City, PA 16127
Attorney: Amy E. Molloy

HELEN J. STANISH, late of Washington Township, Fayette County, PA (2)
Executrix: Rose M. Young
 106 Orchard Valley Lane
 Harmony, PA 16037
 c/o 823 Broad Avenue
 Belle Vernon, PA 15012
Attorney: Mark E. Ramsier

First Publication

JOHN F. CATLETT, a/k/a JOHN FARRELL CATLETT, late of Smithfield, Fayette County, PA (1)
Personal Representative: Allen Catlett
 c/o P.O. Box 622
 Smithfield, PA 15478
Attorney: Charity Grimm Krupa

LUANA M. CATLETT, a/k/a LUANA GAY CATLETT, late of Smithfield, Fayette County, PA (1)
Personal Representative: Allen Catlett
 c/o P.O. Box 622
 Smithfield, PA 15478
Attorney: Charity Grimm Krupa

**LORETTA M. COLACONE, a/k/a
LORETTA MAE COLACONE**, late of
Uniontown, Fayette County, PA (1)
Executor: George Muzika
c/o Goodwin Como, P.C.
108 North Beeson Boulevard, Suite 400
Uniontown, PA 15401
Attorney: Benjamin Goodwin

**CATHERINE R. IMHOFF, a/k/a
CATHERINE ROSE IMHOFF**, late of
Redstone Township, Fayette County, PA (1)
Personal Representative: Robert Duke
c/o Davis & Davis
107 East Main Street
Uniontown, PA 15401
Attorney: James T. Davis

**JOYCE KATHRYN MILLER, a/k/a JOYCE
K. MILLER**, late of Springfield Township,
Fayette County, PA (1)
Co-Administratrix C.T.A.: Susan G. Stoner
1455 West Pittsburgh Street
Scottdale, PA 15683
Co-Administrator C.T.A.: John L. Miller
710 Mill Run Road
Mill Run, PA 15464
c/o 201 North Chestnut Street
P.O. Box 342
Scottdale, PA 15683
Attorney: James S. Lederach

**HUBERT L. REED, a/k/a HUBERT L.
REED, JR.**, late of Upper Tyrone Township,
Fayette County, PA (1)
Personal Representative: Wayne Peffer
c/o 208 South Arch Street, Suite 2
Connellsville, PA 15425
Attorney: Richard A. Husband

LEGAL NOTICES

NOTICE

IN THE COURT OF COMMON PLEAS
OF FAYETTE COUNTY, PENNSYLVANIA
No. 465 of 2022, G. D.,

**Kimberly A. Hawkins and Dale D'Angelo,
her husband, Plaintiffs**

vs.

**Jacob Cope Estate, c/o Helen Tressler, his
heirs, successors and/or assigns, Defendants**

TAKE NOTICE that Plaintiffs filed a
Complaint in an Action to Quiet Title in the
Court of Common Pleas of Fayette County,
Pennsylvania, averring that they are the owner in
fee and in possession of, all rights title and
interest, in and to:

A tract of land situated in Dunbar
Township, Fayette County, Pennsylvania, and
which premises are described as containing
10.0533 acres according to the survey plat of
John P. Logan, Registered Professional Land
Surveyor, dated March 2008, and identified as
Tax Parcel No. 09-31-0206 and known as 568
High Street.

Plaintiffs acquired said land by deed of
Timothy A. Hawkins and Darlene G. Hawkins,
his wife, dated March 18, 2021, and recorded in
the Recorder of Deeds Office of Fayette County,
Pennsylvania, in Record Book 3467, Page 253.

The service of this Complaint by
publication is made pursuant to an Order of
Court dated December 15, 2022 and filed at the
above number and term.

You are hereby notified to plead to the
complaint in this case, of which the above is a
brief summary, within twenty (20) days from
this date. 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. 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 or property or
other rights important to you.

YOU SHOULD TAKE THIS PAPER TO
YOUR LAWYER AT ONCE. IF YOU DO

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JUDICIAL OPINION

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

COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
vs.	:	
	:	
KEVIN LEE YAUGER,	:	No. 2171 of 2021
Defendant.	:	Honorable Nancy D. Vernon

OPINION AND ORDER

VERNON, J.

September 30, 2022

Before the Court is the Omnibus Pretrial Motion filed by Defendant Kevin Lee Yauger in the nature of a Petition for Writ of Habeas Corpus.

FACTS

Defendant is charged with False Reports of Child Abuse [18 Pa.C.S.A. §4906.1], False Report – Falsely Incriminate Another [18 Pa.C.S.A. §4906(A)], and Harassment [18 Pa.C.S.A. §2709(A)(3)]. At the time set for hearing, the Commonwealth admitted the record of the preliminary hearing from October 26, 2021, into evidence, and the recording of a ChildLine report made telephonically by Defendant on April 13, 2021.

At the preliminary hearing, William Connors testified that he is the Defendant’s neighbor. N.T., 10/26/2021, at 4. Connors was accused by Defendant of assaulting his wife, abusing his children, use of drugs, and theft from his employer, UPS. Id. at 5. As a result of the accusations, he has been investigated at work and his children were interviewed and physically examined by CYS. Id. at 6-7. According to Connors, the accusations are false and stem from an incident with Defendant in September 2020. Id. at 8. Connors has not spoken to Defendant since September 2020. Id.

Corporal Michael Doraguzi of the Pennsylvania State Police testified that he received a Pennsylvania Department of Health and Human Services Report which outlined that Defendant was the informant of a report of child abuse made to ChildLine against Connors. Id. at 10-11. Corporal Doraguzi relayed that he, along with CYS, investigated the allegations to include a physical examination of the alleged child victim at a Child’s Place. Id. at 12. The report of the physician indicated no signs or physical evidence of any sexual abuse. Id. at 13. The CYS investigation resulted in the allegations being unfounded. Id. at 15. The investigation by Pennsylvania State Police did not lead to any finding of abuse, neglect, or wrongdoing by Connors. Id.

Corporal Doraguzi contacted UPS and was advised that Defendant made allegations against Connors regarding his work to his employer, UPS. Id. at 13-14. UPS pro-

vided three reports to Corporal Doraguzi of times that Defendant called UPS to make allegations against Connors. *Id.* at 19.

In the audio recording of the ChildLine report, Defendant alleges that Connors “said some stuff to [him] Sunday night [...] that Connors has a couple of children [...] it bothered [him] what he said and he knows it’s illegal [...]” Defendant alleged to ChildLine that Connors told him at the Dollar General that he was “sticking his finger in his daughter’s thing.” Defendant further reported that Connors was “bragging about molesting a GD three-year-old child.” Defendant said this is the second or third time he has reported this.

DISCUSSION

As to the charge of False Reports of Child Abuse, Defendant alleges that the Commonwealth has failed to prove that he “intentionally or knowingly” made the false report of child abuse. 18 Pa.C.S.A. § 4906.1 - False reports of child abuse provides, “A person commits a misdemeanor of the second degree if the person intentionally or knowingly makes a false report of child abuse under 23 Pa.C. S. Ch. 63 (relating to child protective services).”

In determining an offender’s mental state, the court must look to the offender’s conduct and the surrounding circumstances. *Commonwealth v. Falana*, 696 A.2d 126 (Pa. 1997). Intent can be proven by direct or circumstantial evidence; it may be inferred from acts or conduct or from the attendant circumstances. *Commonwealth v. Landis*, 48 A.3d 432 (Pa.Super. 2012). Intent being subjective, often unsusceptible of direct proof, it must be found in the implications of objective manifestations. *Commonwealth v. O’Searo*, 352 A.2d 30 (Pa. 1976). A person acts intentionally with respect to a material element of an offense when it is the person’s conscious object to engage in conduct of that nature or to cause such a result. *Commonwealth v. Martuscelli*, 54 A.3d 940 (Pa.Super. 2012).

Here, William Connors testified credibly that he had not spoken to Defendant since September 2020. Yet, in Defendant’s report to ChildLine in April 2021, Defendant alleged that he spoke with Connors “two nights earlier at the Dollar General” where Connors admitted to sexually abusing his daughter.” The investigation by Children and Youth Services and the Pennsylvania State Police found no wrongdoing. As such, the Commonwealth has established the *mens rea* element for this crime and Defendant’s Motion to dismiss this charge is DENIED.

Defendant next argues that he did not make a report to “law enforcement.” 18 Pa.C.S.A. § 4906(a) - False reports to law enforcement authorities provides, “Falsely incriminating another.—[...] a person who knowingly gives false information to any law enforcement officer with intent to implicate another commits a misdemeanor of the second degree.” The Commonwealth presented evidence that Defendant called ChildLine in April 2021 and Defendant’s employer, UPS. Clearly, UPS is not law enforcement. The relevant question to sustain this charge is whether a ChildLine operator is a law enforcement officer.

The Crimes Code defines “Law Enforcement Officer” as any person who is by law given the power to enforce the law when acting within the scope of that person’s employment. Pa. R. Crim. P. 103.

The Child Protective Services Law defines “law enforcement official” to include the following: (i) the Attorney General; (ii) a county district attorney; (iii) a State Police officer; (iv) a county sheriff; (v) a county police officer; (vi) a county detective; or (vii) a local or municipal police officer. 55 Pa. Code § 3490.4.

The Child Protective Services Law also defines “ChildLine” as “An organizational unit of the Department which operates a Statewide toll-free system for receiving reports of suspected child abuse established under section 6332 of the CPSL (relating to establishment of Statewide toll-free telephone number), refers the reports for investigation and maintains the reports in the appropriate file. In addition, it also receives reports of student abuse under Subchapter C.1 of the CPSL (relating to students in public and private schools).” 55 Pa. Code § 3490.4.

A review of these definitions leads this Court to determine that a ChildLine operator is not a law enforcement officer. The Commonwealth has failed to establish that Defendant made the false reports to “any law enforcement officer” and thus, the Court is constrained to GRANT Defendant’s Motion to Dismiss this charge.

As to the final charge, 18 Pa.C.S.A. § 2709(a)(3) - Harassment provides, “A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose.” Here, Defendant called Connors’ employer, UPS, three times making reports that Connors was stealing from his work. UPS provided the Pennsylvania State Police internal investigation reports that showed the allegations by Defendant were unfounded. As such, the Commonwealth has established harassment and Defendant’s Motion to Dismiss is DENIED.

WHEREFORE, we will enter the following Order.

ORDER

AND NOW, this 30th day of September, 2022, upon consideration of the Omnibus Pretrial Motion filed by Defendant Kevin Lee Yauger in the nature of a Petition for Writ of Habeas Corpus, the record, and after hearing, it is hereby ORDERED and DECREED that the Motion is DENIED as to Count 1 - False Reports of Child Abuse [18 Pa.C.S.A. §4906.1] and Count 3 - Harassment [18 Pa.C.S.A. §2709(A)(3)].

The Motion is GRANTED as to Count 2 - False Report – Falsely Incriminate Another [18 Pa.C.S.A. §4906(A)] and this charge is DISMISSED.

BY THE COURT:
NANCY D. VERNON, JUDGE

ATTEST:
Clerk of Courts

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