Beaver County Legal Journal

A Weekly Publication Containing Decisions of the 36th Judicial District of Pennsylvania.

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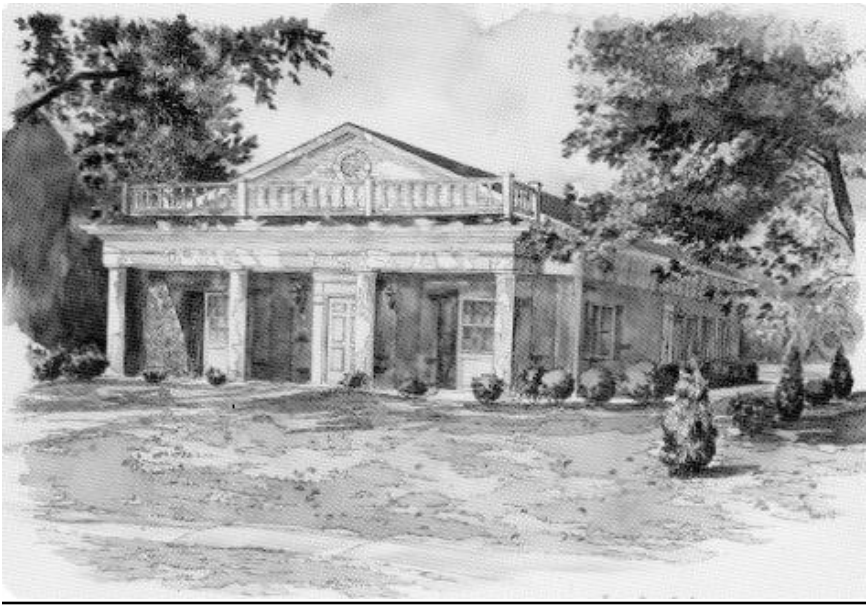

Established March 25, 1939

BEAVER COUNTY BAR ASSOCIATION

788 Turnpike Street, Beaver, Pennsylvania 15009

COMMONWEALTH OF PENNSYLVANIA v. JAELIN HOWARD YELLOCK, Defendant . . . . . Page 1

BEAVER COUNTY LEGAL JOURNAL

BEAVER COUNTY BAR ASSOCIATION, PUBLISHER
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MerryBeth Sylvester, Publications/Subscriptions

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The Beaver County Legal Journal
publishes all notices exactly as submitted.

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COURT CALENDAR

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Mortgage Foreclosures . . . . . January 25
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NOTICES TO THE BAR

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA
CIVIL DIVISION - LAW

IN RE:
CIVIL MOTIONS COURT Miscellaneous No. 10055 of 2023

ADMINISTRATIVE ORDER

AND NOW, this 14th day of January, 2023, the Court's schedule is changed to reflect that Protection from Abuse Intake and Final Hearings will be before Judge Ross, in Courtroom No. 6, during the week of February 6, 2023, and before Judge Fouse, in Courtroom No. 8, during the week of February 13, 2023.

BY THE COURT,
James J. Ross, J.

PBI CLE VIDEO SEMINARS IN BEAVER

The following PBI video seminars will be shown at the Beaver County Bar Association Building, 788 Turnpike Street, Beaver, PA. **Please register directly with PBI at 1-800-932-4637 or online at www.pbi.org**. For course descriptions & tuition, go to www.pbi.org. Visa and Mastercard are accepted. These seminars have been approved by the PA Supreme Court Continuing Legal Education Board for the stated hours of credit. Registrations received more than 3 days before the presentation qualify for an Early Registration discount.

***Commentators needed for these video seminars. Please call the Bar Association if you are interested in being the commentator for a particular seminar.*

"LIVE via SIMULCAST" PBI SEMINARS SCHEDULED AT BCBA

The following PBI Live via Simulcast seminars will be offered at the Beaver County Bar Association Building, 788 Turnpike Street, Beaver, PA. **Please register directly with PBI at 1-800-932-4637 or online at www.pbi.org**. For course descriptions & tuition, go to www.pbi.org. Visa and Mastercard are accepted. These seminars have been approved by the PA Supreme Court Continuing Legal Education Board for the stated hours of credit. Registrations received more than 3 days before the presentation qualify for an Early Registration discount.

Tuesday, February 28, 2023 **"Practical Cyber Security Strategies for You and Your Firm 2023"**
Registration: 8:30 a.m.
Live Groupcast Seminar: 9:00 a.m. - 12:15 p.m. 3 substantive 0 ethics

Wednesday, March 22, 2023 **"Protecting Seniors in the Age of Scams 2023"**
Registration: 8:30 a.m.
Live Groupcast Seminar: 9:00 a.m. - 12:15 p.m. 2 substantive 1 ethics

Tuesday, April 11, 2023 **"Ethics Compliance Crusher 2023"**
Registration: 8:30 a.m.
Live Groupcast Seminar: 9:00 a.m. - 12:15 p.m. 0 substantive 3 ethics

BEAVER COUNTY BAR ASSOCIATION
Continuing Legal Education Committee
Seminar Series:

The Beaver County Bar Association will present the following CLE seminars at the Beaver County Bar Association, 788 Turnpike Street, Beaver, PA. Each seminar has been or will be approved by the Pennsylvania Supreme Court Continuing Legal Education Board for one (1) hour of substantive or (1) hour of ethics credit. Please register with the Bar Association at 724-728-3769.

Registration	11:30 a.m.
Seminar	12:00 p.m. - 1:00 p.m.
Tuition/Seminar Only.	Member - $10/Non-Member - $20
Tuition/Seminar and Lunch	Member - $20/Non-Member - $30

NOTICE
TRACEY ANTOLINE-PATTON
REGISTER OF WILLS AND CLERK OF THE ORPHANS' COURT

The following Executors, Administrators, Guardians, and Trustees, as the case may be, have filed their Accounts and Statements of Proposed Distribution in the office of the Register of Wills and Clerk of the Orphans' Court Division of the Court of Common Pleas of Beaver County, Pennsylvania.

All parties interested are hereby notified that the same will be presented to the Orphans' Court Division of the Court of Common Pleas of Beaver County, Pennsylvania, on ***FEBRUARY 2, 2023*** **in JUDGE'S CHAMBERS** for confirmation and Audit of said Accounts, scheduling of hearing on written objections to accounts (which must be filed before the date of Audit) and ordering Distribution of the balance ascertained to be in the hands of the Accountant.

Judge's Chambers

ESTATE	ACCOUNTANT	ATTORNEY
Charlotte Dugina	Kathryn Copenhaver & Steven Dugina	Jorden P. Colalella
Jeffrey Walter Gatehouse	W. Wesley Gatehouse	Michael William Nalli
Albert Camp	W. John Rackley	W. John Rackley
Victor Allego	Joann Bozigar	Craig E. Wynn

jan. 21, 28

NEW LEGAL NOTICES

NOTICE

The following Trustee requests all persons having claims against the estate of the Decedent to make known the same in writing to them or their attorney, and all persons indebted to the decedent to make payment to them without delay.

Charlene M. Cogley, deceased of Chippewa Township, Beaver County, Pennsylvania. Laurie C. Morrison, Trustee of the Charlene M. Cogley Trust, dated December 3, 2013, or to Joseph R. "Jay" West, Esquire, West & Zuberbuhler, P.C., 2605 Nicholson Road, Suite 3200, Sewickley, Pennsylvania 15143.

jan. 21, 28, feb. 4

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA
AGUDATH ACHIM HEBREW CONGREGATION OF THE BOROUGH OF BEAVER FALLS,
Plaintiff
v.
THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF LABE SALMON, A/K/A LEIB A. SALMON; LESTER WILKOFSKY, THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF LENA WILKOFSKY; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF S. NELSON WILKOFSKY, A/K/A NELSON WILKOFSKY; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRSENTATIVES OF ELI WILKOFSKY; REVA WILKOFSKY, HER UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF SARAH RINEWASSER A/K/A SARAH REINWASSER; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF EUGENE REINWASSER; HUNTINGTON BANK, N.A. (formerly Beaver Trust Company) TRUSTEE UNDER THE WILL OF GOLDIE RUDOLPH; BEATRICE JANE BENDER AND HER UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES; MARCIA LOU BENDER, HER UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES; ROCHELLE WASBUTSKY, HER UNKNOWN HEIRS, BENEFICIARES AND PERSONAL REPRESENTATIVES; GERTRUDE BERNICE WASBUTSKY, HER UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF NELLIE S. ALTMAN; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF GOLDIE S. BROWM; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF WILLIAM WOLFE; THE SUCCESSORS AND ASSIGNS OF CARL WOLFE AND JACOB WOLFE, TRUSTEES UNDER THE LAST WILL AND TESTAMENT OF WILLIAM WOLFE; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRE-

SENTATIVES OF ISAAC W. SOLOMAN; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF WILLIAM S. BROWM; SYLVIA M. LANZ; PAULINE H. GREENE; JANET F. HOSTINE; MINNIE M. HOSTINE,

Defendants

CIVIL ACTION – LAW

No. 10995 of 2022

Action to Quiet Title

NOTICE OF ACTION TO QUIET TITLE

TO: The Defendants, THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF LABE SALMON, A/K/A LEIB A. SALMON; LESTER WILKOFSKY, HIS UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF LENA WILKOFSKY; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF S. NELSON WILKOFSKY, A/K/A NELSON WILKOFSKY; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF ELI WILKOFSKY; REVA WILKOFSKY, HER UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF SARAH RINEWASSER A/K/A SARAH REINWASSER; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF EUGENE REINWASSER; HUNTINGTON BANK, N.A. (formerly Beaver Trust Company) TRUSTEE UNDER THE WILL OF GOLDIE RUDOLPH; BEATRICE JANE BENDER AND HER UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES; MARCIA LOU BENDER, HER UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES; ROCHELLE WASBUTSKY, HER UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES; GERTRUDE BERNICE WASBUTSKY, HER UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF NELLIE S. ALTMAN; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF GOLDIE S. BROWM; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF WILLIAM WOLFE; THE SUCCESSORS AND ASSIGNS OF CARL WOLFE AND JACOB WOLFE, TRUSTEES UNDER THE LAST WILL AND TESTAMENT OF WILLIAM WOLFE; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF ISAAC W. SOLOMAN; THE UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES OF WILLIAM S. BROWM; SYLVIA M. LANZ, HER UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES; PAULINE H. GREENE, HER UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES; JANET F. HOSTINE, HER UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES; MINNIE M. HOSTINE, HER UNKNOWN HEIRS, BENEFICIARIES AND PERSONAL REPRESENTATIVES, and any other person or persons, corporations, partnerships, or associations, having or claiming to have any right, title or interest in and to the real estate described herein as an heir, legatee, executor, administrator, successor or assign.

You are hereby notified that AGUDATH ACHIM HEBREW CONGREGATION OF THE BOROUGH OF BEAVER FALLS has filed a Complaint to Quiet Title at No. 10995 of 2022, in the Court of Common Pleas of Beaver County, Pennsylvania, averring that it is the owner in fee simple and claim title to the following real estate:

All that certain tract of land situate in the Township of Patterson, County of Beaver and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

Beginning at a post at the southeastern corner of said tract and running thence westward along line of land of Martsolf Brothers four hundred fifty-seven (457) feet to a stake at the southwest corner; thence in a northwestwardly direction along land now or late of John W. Corcoran one hundred six (106) feet to a stake; thence north along land now or late of Wilson B. Merriman and R. C. Garvin three hundred thirty-seven (337) feet to a post; thence east along land of Agudath Achim Hebrew Congregation five hundred twenty-seven and five tenths (527.5) feet to a post; thence south along an alley laid out by Martsolf Brothers four hundred twenty three (423) feet to the place of beginning. Containing five acres more or less.

This service by publication is made pursuant to an Order of Court entered in this proceeding on January 5, 2023. You are further notified that you are required to plead to the Complaint within twenty (20) days from this date of publication. Your failure to do so within said twenty (20) day period will result in the entry of a judgment granting the relief requested by the Plaintiff, and barring you from asserting any estate, title, lien, or interest in or to said property.

NOTICE

IF YOU WISH TO DEFEND, YOU MUST ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AN 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 YOU LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL SERVICE
788 TURNPIKE STREET
BEAVER, PENNSYLVANIA 15009
Telephone No.: (724) 728-4888
http://bcba-pa.org/lawyer-referral-service/

W. JOHN RACKLEY, ESQ.
345 COMMERCE STREET
BEAVER, PA 15009
Attorney for Plaintiff

jan. 21

LEGAL NOTICES

NOTICE OF SALE OF
COUNTY OWNED REAL PROPERTY

Notice is hereby given that the Board of County Commissioners of the County of Beaver has filed a petition in the Court of Common Pleas of Beaver County, Pennsylvania at No. 11671 of 2022 requesting Court approval of sale of County owned land situate in the Township of White to William and Christina Townsend. Said sale made pursuant to section 612-1 of the Real Estate Tax Sale Law, Act of July 7, 1947, P. L. 1361 No. 542 as amended (72 P. S. §5860.612.1). The purchase price of said land shall be the sum of ($25.00) Twenty -Five Dollars, and is the lowest amount which the County of Beaver is prepared to accept for the sale of said property, the same being sold free and clear of all liens and charges, except ground rents, if any.

The aforesaid real property is described as follows:

Tax Parcel Number (s): 78-001-0114.000

Description: PTLOTS 74 75 BARNARD PL

The Board of Commissioners for and in behalf of the County acquired the aforesaid land pursuant to law by Judicial Sale conducted on October 30, 1980.

A hearing will be held on the aforesaid petition in Court Room Number 6, Beaver County Court House, 810 Third Street, Beaver, Pennsylvania at 2:00 P.M. on February 3, 2023, at which time the Court of Common Pleas will be requested to approve such sale. Terms are cash at the time of sale and the purchaser shall assume all costs relevant to consummation.

jan. 7, 21

NEW ESTATE NOTICES

Letters Testamentary or of Administration having been granted in the following Estates of decedents domiciled in Beaver County, Pennsylvania, unless otherwise indicated, all persons having claims or demands against the estates of the said decedents are requested to make known the same and all persons indebted to the said decedents are requested to make payment without delay to the respective executors, administrators or counsel.

1st Publication

ROBERT H. BARRICKMAN, late of Brighton Township. Mary Louise Smalley, Executrix, c/o Bea Diaz-Cothen, Esquire, 1122 Third Street, Beaver, PA 15009. Bea Diaz-Cothen, Atty.

JANET ELLEN BEIK, late of Economy. David Beik, Executor, 2106 Delancey Place, Philadelphia, PA 19103. Adam Garret, Atty.

CINDY L. CORRADO, late of Center Township. Nicollette C. Corrado, Executrix, 2006 Nippert Avenue, Beaver Falls, PA 15010. Sarah G. Hancher, Atty.

VINCENT D. CUDDY, late of Chippewa Township. Jonathan H. Cuddy, Executor, 118 Timothy Trail, Beaver, PA 15009. Joseph R. "Jay" West, Atty.

EMMETT L. DEVORE, late of Brighton Township. Ronald C. Jayne, Jr., Executor, 1511 Third Street, Moundsville, WV 26041.

KEITH ALLAN DUNBAUGH, late of the Township of New Brighton. Rebecca Dunbaugh, Administratrix, c/o Chad F. McMillen, Esquire, 2131 Brodhead Road, Aliquippa, PA 15001. Chad F. McMillen, Atty.

MARY ANN KNIGHT, a/k/a MARY A. KNIGHT, late of Industry Borough. David Charles Knight, Executor, c/o Alfred L. Steff, Jr., Esquire, 664 Fourth Street, Beaver, PA 15009. Alfred L. Steff, Jr., Atty.

ROBERT E. KOSTER, late of New Sewickley Township. Robert H. Koster, Executor, c/o Joseph Cafaro, Jr., Esquire, 205 McKnight Park Drive, Pittsburgh, PA 15237. Joseph Cafaro, Jr., Atty.

STEPHEN M. KOTY, a/k/a STEPHEN M. KOTY, SR., a/k/a STEPHEN MICHAEL KOTY, SR., late of the Borough of Ohioville. Samantha Koty, Executrix, c/o Steven Kocherzat, Esquire, 763 Merchant Street, Ambridge, PA 15003. Steven Kocherzat, Atty.

OLIN A. MAKLEY, late of Beaver Boro. Terry R. Whitling, Executor, c/o Nathan L. Bible, Esquire, 650 Corporation Street, Suite 304, Beaver, PA 15009. Nathan L. Bible, Atty.

JOSEPHINE D. SARNACKI, a/k/a JOSEPHINE DELORES SARNACKI, late of Baden. Eugene Sarnacki, Administrator, 909 Rose Street, Baden, PA 15005-1335. James Benedek, Atty.

JOHN W. SPEARS, a/k/a JOHNNY W. SPEARS, late of Ambridge Borough. Nora L. Spears, Administratrix, c/o Craig E. Wynn, Esquire, 2002 McMinn Street, Aliquippa, PA 15001. Craig E. Wynn, Atty.

SONJA R. THOMPSON, late of North Sewickley Township. Scot T. Refsland, Executor, c/o Nathan L. Bible, Esquire, 650 Corporation Street, Suite 304, Beaver, PA 15009. Nathan L. Bible, Atty.

NANCY K. VALLECORSA, late of Brighton Township. Linda Yankello, Executrix, c/o James J. Loll, Esquire, 1122 Third Street, Beaver, PA 15009. James J. Loll, Atty.

LINDA L. VIDIC, a/k/a LINDA LEE VIDIC, late of New Sewickley Township. Jeremy S. Vidic, Administrator, c/o W. John Rackley, Esquire, 345 Commerce Street, Beaver, PA 15009. W. John Rackley, Atty.

JOANNE M. WOZNIAK, late of Beaver Falls. Richard E. Wozniak, Executor, c/o Cathy D. Campbell, Esquire, 2777 Darlington Road, Beaver Falls, PA 15010. Cathy D. Campbell, Atty.

2nd Publication

GEORGE J. BEAUMONT, late of Daugherty Township. Joyce M. Brieck, Executrix, c/o James R. Fenchel, II, Esquire, 472 Constitution Boulevard, New Brighton, PA 15066. James R. Fenchel, II, Atty.

PAUL R. CENDROSKI, late of Chippewa Township. Thomas Rimbey and Kathleen Sue Rimbey, Co-Executors, c/o W. John Rackley, Esquire, 345 Commerce Street, Beaver, PA 15009. W. John Rackley, Atty.

ANNA M. KNOX, late of Rochester Township. Arthur R. Knox & Tammy Jo Knox, Co-Administrators, c/o Allen Andrascik, Esquire, 2777 Darlington Road, Beaver Falls, PA 15010. Allen Andrascik, Atty.

GEORGE RICHARD MEHALIC, SR., late of Clinton. George Richard Mehalic, Jr., Executor, 119 Campbell Drive, Clinton, PA 15026. Frederich E. Liechti, Atty.

JERROLD G. ROBERTS, late of Brighton Township. Jessica L. Nickel, 5393 Hardt Road, Gibsonia, PA 15044 and Jeremy N. Roberts, 271 Harkins Mill Road, Rochester, PA 15074, Co-Executors. Joseph R. West, Atty.

ANNA K. WRIGHT, late of Franklin Township. Jennifer L. LaPrade, 382 N. Tower Road, Fombell, PA 16123 and Kathy A. Hoyman, 2718 Lake Grassmere Court, Zellwood, FL 32798, Co-Executrices. Darla J. Hancher, Atty.

3rd Publication

JOSEPH ALFRED BASILE, a/k/a JOSEPH A. BASILE, JR., late of the Township of Center. Michael J. Basile, Administrator dbncta, c/o Nalli, Elias & Associates, PC, 150 Pleasant Drive, Suite 101, Aliquippa, PA 15001. Michael W. Nalli, Atty.

VICKI LYNN BASILE, late of the Township of Center. Michael J. Basile, Administrator, c/o Nalli, Elias & Associates, PC, 150 Pleasant Drive, Suite 101, Aliquippa, PA 15001. Michael W. Nalli, Atty.

WILLIAM E. GRAY, JR., a/k/a WILLIAM ERWIN GRAY, JR., late of the Borough of Bridgewater. Nancy L. Gray, Executrix, c/o Nalli, Elias & Associates, PC, 150 Pleasant Drive, Suite 101, Aliquippa, PA 15001. Ashley M. Elias, Atty.

WILLIAM M. JUSTUS, late of Economy Boro. Scott B. Justus, Executor, 108 Chestnut Court, Sewickley, PA 15143. Charles R. Reis, Atty.

ROSELENA THORPE, late of the Township of Patterson. Floribel Apparicio, Executor, c/o Nalli, Elias & Associates, PC, 150 Pleasant Drive, Suite 101, Aliquippa, PA 15001. Ashley M. Elias, Atty.

DOCKET ENTRIES

From The Office Of
The Prothonotary

It is understood that the accuracy of these entries is not guaranteed and no responsibility attaches for any errors or omissions in this report.

DIVORCES GRANTED

KELLY B. CHRISTIE from William Christie, 20236-22
ROBERT RAYMOND BADGER from Trina Vladimirovna-Badger, 20210-22
MATT SHAULIS FROM Danielle Flara, 20178-22
NATASHA M. BLAKE from Bret M. Cooper, 20307-22
CRISTOBAL LEOPARDI from Teresa Leopardi, 20250-22
LEANNE KUNNEKE from Armandt Kunneke, 20248-22
MICHAEL S. PATRISIAN from Dawn M. Patrisian, 20266-22
SHANAE SPARKS from Andre Christian, 20170-20
MICHELLE SZELL from Jonathan Stickel, 20289-20
ELIZABETH A. SIMPSON from William R. Simpson, 20366-20

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SUSAN JANE FRAGOMENI vs Stephen Anthony Fragomeni, 20376-22-Pro Se
KATI PODNAR vs Christopher Podnar, 20377-22-T.F. Dukovich
JONATHAN SHEFFIELD vs Jamie Sheffield, 20378-22-R.D. Rojas
DON D. FEATHERSTONE JR. vs Victoria Ann Featherstone, 20379-22-R.D. Rojas

APPEARANCE DOCKET

KELSEY GRECO vs Spanky D's Restaurant and Catering al, 11680-22-Employment Dispute-J.P. Ward
NEW ALLIANCE FCU vs Martin Gorecki al, 11681-22-Mortgage Foreclosure-B.N. Hoen
DOLLAR BANK vs Megan M. Theys, 11682 -22-Mortgage Foreclosure-K.M. Anthou
AMERICAN EXPRESS NA. BANK vs Alyssa Bryant, 11683-22-Debt Collection-J.W. Felzer
MAHONING CON. DISC. CO. vs Tammie Craft al, 11684-22-Debt Collection-D.H. Tsarouhis
MAHONING CON. DISC. CO. vs Suliciti Price, 11685-22-Debt Collection-D.H. Tsarouhis
JPMORGAN CHASE BANK vs James L. Wilkinson II, 11686-22-Debt Collection -R. Kline
JOHN E. HALL vs Danielle Hall, 11687-22-Civil Appeals-Self
ADAM KLIMKOWSKI vs Troy Gump al, 11688-22-Civil Appeals-Self
NOCHOLAS J. OLIMPI al vs Com. of PA, Dept. of Transp., 11689-22-Civil Appeals-J.M. Olimpi
US BANK NA. ASSN. al vs RCF 2 Acq. Trust al, 11690-22-Mortgage Foreclosure-A. Hunsberger
TREVOR ANDERSON vs Alexandra Anderson, 11691-22-Custody/Visitation -B. Eberle
JASON EVANS vs David Krznar al, 11692-22-Buyer Plaintiff-C.R. McHenry
HOUSING AUTH. OF B.C. vs Louise Tiffany Plum, 11693-22-Landlord/Tenant Dispute-Self
LAURA FARR vs Melissa L. Gilliam, 11694-22-Motor Vehicle-M.E. Megrey
MTG. ASSETS MANAG. vs Alice J. Allman al, 11695-22-Mortgage Foreclosure-M.C. Fallings
GARY VASKO vs Chemstream Inc. al, 11696-22-Motor Vehicle-C.F. Bowers, III
PATRICIA KING vs Baden Plaza Co. al, 11697-22-Other-C.F. Bowers, III
HUNTINGTON NA. BANK vs Bethann Booher al, 11698-22-Mortgage Foreclosure-K.J. Hong
BANK OF AMERICA vs Angel M. Koppel, 11699-22-Debt Collection-D.E. Shean
COM. OF PA, DEPT. OF TRANSP. vs Jeffrey Barr, 11700-22-Civil Appeals-N.D. Mertens
BEEMAC INC. vs JMG Haulers, 11701-22-Civil Appeals-M. Schmierer
TRICIA BAURLE vs Cameron Brown, 11702-22-Motor Vehicle-A.P. Murdock
JOSEPH R. BOCK vs Anthony Frelin al, 11703-22-Civil Appeals-J.R. Bock
TOWD POINT MTG. TRUST 2019 vs Renee A. St Esprit al, 11704-22-Mortgage Foreclosure-M.T. McKeever

PROTECTION FROM ABUSE PETITIONS

ALEXA THOMSON vs John Portman, 70498-22
CYNTHIA MARION vs Salena Krepps, 70499-22
DOMINIC FRICCHIONE vs Ryann Tillman, 70500-22
JOSEPH MAMULA vs Juanita Mamula, 70501-22
DENIS WARD SR. vs Linda Ward, 70502-22

BRAD KIDD vs Amber Kidd, 70503-22
MADISON SNYDER vs Tevin Lay, 70504-22

DEEDS

W. SELBY al to NES Equity, N.B. $500
SOFIS CO. INC. to Westwood Heights Prop., Indep. Twp. $5,083.52
S.J. GETZ to Bay Holdings 18, Amb. $900
S.R. SANTIA to M.N. Kimbrough, Aliq. $25
K.J. FISHER al to H.T. McGinnis Sr. ux, Amb. $710
E.A. BOZZA ux to J.A. Cipriani, Hope. Twp. $3,250
KINETIK RES. al to A.E. Gonzalez, Baden
AES RLTY. to Geneva Fac., B.F. $32,468.28
E.M. BROOKMAN to R.J. Rice, Economy
J. NELSON to N.D. Whalen, Big Beaver $150
D. MARANDO al to D. Marando al, Harmony Twp.
D.L. BERND to J.W. Trautman ux, No. Sew. Twp. $2,600
F. YESKO to V.E. Mangano, Big Beaver $420
L. CISCO to A. Dippolito, Baden $1,300
M. WILLIAMS ux to H.F. Murphy Jr., Roch. Twp. $560
H.E. STUBER ux to Toma Invest., Roch. Twp. $3,050
T.E. SUTTON al to T.E. Sutton al, Aliq.
C.A. KELLNER al to J.M. DiBiasi, Freedom $50
D.C. BUTCHER JR. al to C.A. Barnes ux, So. Beaver Twp. $1,700
C.A. PLETZ al to Boyleston LLC, Amb. $2,855
M.H. BOWEN al to A.R. Dewhirst II, B.F.
R.A. SCHRINER ux to Townsend Prop. Inc., White Twp. $350
E.H. NEY to J.E. Jaszcar, Chip. Twp. $1,200
NVR INC. to K.M. Matzke al, Chip. Twp. $2,650
M.R. LOCKE to K. Locke al, Hanover Twp.
K.L. BASTIAN al to G.H. Marshall ux, Koppel
R.L. TRIMBLE ux to D.M. McLaughlin ux, Center Twp. $3,850
M.C. THOMPSON ux to Thompson Trust al, No. Sew. Twp.
M.J. UNIS ux to M.J. Unis al, Center Twp.
C.M. ROWE to C. Rowe al, Economy
S.E. DESIMONE al to S.E. DeSimone, New Sew. Twp.
A.E. JOHNSON BY SHERIFF al to Citizens Bank, Roch. Twp.
G.D. JAVA al to P.A. Ware, Hanover Twp. $50
SHEA GK PROP. BY TAX CLAIM to C. Messina, B.F. $726.70
E. HARPER BY TAX CLAIM al to Housing Oppor. of B.C. Inc., Aliq. $743.60
O. THOMAS BY TAX CLAIM ux to Housing Oppor. of B.C. Inc., Aliq. $743.60
BANK OF N.Y. TRUST CO. BY TAX CLAIM to S. Anderson, B.F. $682.76
K.J. PLESS al to R. Perkins, Brigh. Twp. $910
P.J. SIGMUND ux to J. Waibel ux, New Sew. Twp. $5,950
A. GROVES ux to J. Eshenbaugh al, No. Sew. Twp. $2,100
G. THIEL al to G.J. Hickly Jr. al, Economy $2,500
R.G. MACA ux to Na. Res. Nom. Serv. Inc., No. Sew. Twp. $2,405
K.W. KAISER al to C.N. Nesmith, Midland $1,350
NA. RES. NOM. SERV. INC. to J.E. Cumberledge, No. Sew. Twp. $2,405
Z. STITT to A. Morris, Homewood $800
M. GAUDINO to J.P. Keally ux, N.B. $174
D. VIGNOLINI to J.G. Stewart ux, N.B. $1,150
D.A. LITTLE to R.L. Jeter, Aliq. $280
F.L. YEAGER al to M.A. Misquez al, Roch. Twp. $1,390
R.L. MCDADE al to M.E. McDade al, Baden
P. ROBINSON ux to S. Olash, Midland $5
L. RAMBO III ux to S. Tinklepaugh, N.B. $100
P.L. PARRA to M. Vera, Harmony Twp. $1,080
BLUE WOOD INVEST. al to Silver Laurel, Baden $1,500
W. ANDERSON al to W. Anderson al, Koppel
L. FOLEY al to T.F. Alexander ux, New Galilee $50
E.S. LEVATO ux to E.S. Levato al, B.F.
M.M. KAUFMAN al to J.H. Spiker ux, Frank. Twp.
J.R. BOSWELL JR. to J.R. Boswell al, Daugh. Twp.
W.J. DEBO III to C.J. Veon, N.B. $1,640
B.N. ROWE al to D.C. Podolinsky al, N.B. $850
J.J. EDDS ux to W.D. Kostial Jr., Ohioville $3,200
K. CASTLE PROP. BY TAX CLAIM to City of B.F., B.F.
F.E. GUILFORD BY TAX CLAIM to City of B.F., B.F.
J.P. RICHARD BY TAX CLAIM ux to City of B.F., B.F.
T.M. DAVIS BY TAX CLAIM ux to City of B.F., B.F.
F. GAUS BY TAX CLAIM ux to City of B.F., B.F.
F. GAUS BY TAX CLAIM to City of B.F., B.F.
S.B. SHIELDS BY TAX CLAIM to City of B.F., B.F.

D.B. BONACCI BY TAX CLAIM ux to City of B.F., B.F.
J.C. BY TAX CLAIM al to City of B.F., B.F.
V.L. ROBINSON BY TAX CLAIM ux to City of B.F., B.F.
J.E. WALLACE BY TAX CLAIM to City of B.F., B.F.
N. BEAUFORD BY TAX CLAIM ux to City of B.F., B.F.
B. MAGLICCO BY TAX CLAIM to City of B.F., B.F.
M. MCKINNEY BY TAX CLAIM to City of B.F., B.F.
T.E. WHEELER BY TAX CLAIM to City of B.F., B.F.
CASTLEVIEW FIN. CORP. BY TAX CLAIM to City of B.F., B.F.
T. CAMPBELL BY TAX CLAIM to City of B.F., B.F.
J.E. WALLACE BY TAX CLAIM to City of B.F., B.F.
J.E. WALLACE BY TAX CLAIM to City of B.F., B.F.
J.C. WALL SR. BY TAX CLAIM ux to City of B.F., B.F.
SOUTHWEST CAP. INVEST. BY TAX CLAIM to City of B.F., B.F.
T.L. GIBSON BY TAX CLAIM to City of B.F., B.F.
A. MOORE BY TAX CLAIM to City of B.F., B.F.
I. HOJECKI BY TAX CLAIM al to City of B.F., B.F.
JA ESTATES al to K.T. Luong, N.B. $1,490
S.C. BOBAK al to Orange Rose LLC, Amb. $660
K. FERRICK ROMAN al to Hoffman Bros. Prop. Manag., B.F. $340
HOFFMAN BROS. PROP. MANAG. al to JBZ Prop. and Cons., Amb. $1,757.60
R. LINGENFELTER al to W. Sullivan ux, Beaver $1,000
M.M. RUCKERT ux to J.A. Bailey ux, Chip. Twp. $700
O.M. SA'DE al to D.S.K. Dantas al, Aliq. $400
T.W. ELLISON to T. Pipkins Jr. ux, Hope. Twp. $650
1N1 ENTER. al to Angeli LLC, Bridgewater $6,000
P.A. TACY to P. Kamenar Jr. ux, Hanover Twp.
D. WOOD al to L. Dugan, Hope. Twp. $1,200
M.P. KRAJCOVIC al to C.R. Maurer ux, Hope. Twp. $2,650
R.J. ADAMS ux to R.J. Adams, Midland
RICASSI PROP. al to A.J. Anderson, Aliq. $1,600
J.A. BILOTTO ux to T.A. Smith ux, Beaver
CALACO INC. to G.W. McNary ux, Big Beaver $1,090
G.J. FORNATARO ux to D.J. Speicher al, No. Sew. Twp. $2,000
D. WALTERS to M.J. Gardner ux, Center Twp. $2,390
J.G. BOBAK ux to J. Bobak ux, No. Sew. Twp.
R.J. CASEY ux to R.J. Casey, Conway
M.J. MALLOY to M.J. Malloy al, Economy
P.M. STRANO ux to E.M. Porco ux, Freedom $1,370
S. YOUNES al to S. Younes ux, Chip. Twp.
T.E. WEIMERSKIR al to T.E. Weimerskir, Monaca
L.M. MCDERMOTT to L.M. McDermott, Harmony Twp.
L.M. MCDERMOTT to L.M. McDermott, Amb.
L.M. MCDERMOTT to L.M. McDermott, Harmony Twp.
L.M. MAY al to L.M. McDermott, Amb.
L.M. MAY al to L.M. McDermott, Economy
N.J. MUNTEAN al to C.M. Diianni, Frank. Twp. $1,580
D.L. HARTLEY to M.J. Flook, Conway $425
T.P. DAVIS al to NPG PA1, B.F. $375
H. MOTTES al to H. Mottes, Aliq.

MORTGAGES

G. STROUPE ux to PNC Bank, Economy $100,000
C. PRISUTA to BVFCU, Chip. Twp. $68,289.38
J.A. CIPRIANI to West Penn Fin. Serv. Cntr. Inc., Hope. Twp. $260,000
S. LE al to West-Aircomm FCU, Midland $112,000
WEST PENN POWER CO. to US Bank Tr. Co., Out of Co. $300,000,000
P.A. HUBERT al to Dollar Bank, Monaca $98,575.60
J.A. MELLOR ux to Dollar Bank, Harmony Twp. $105,000
D.D. WITHROW to Dollar Bank, Hope. Twp. $48,500
C.N. TRAUTMAN al to Nations Lending Corp., No. Sew. Twp. $238,095
R. SZYMONIAK ux to Friendly FCU, Economy $49,000
M.L. DAVID al to Friendly FCU, Hope. Twp. $132,000
A. BOUTERSE al to Premier Bank, Chip. Twp. $55,000
TOMA INVEST. al to H.E. Stuber ux, Roch. Twp. $155,000
J.M. DELRUSSO al to Hancock Co. Sav. Bank, Center Twp. $228,000
A.V. SILVER al to PNC Bank, Hope. Twp. $250,000
W.D. DUKE ux to PNC Bank, Economy $200,000
K. BLACKBURN al to Secr. of HUD, Brigh. Twp. $7,571.45
C.A. BARNES ux to Guild Mtg. Co., So. Beaver Twp. $170,000

BOYLESTON LLC al to First Cmwlth. Bank, Amb. $228,400
J.E. JASZCAR to Mtg. Electr. Reg. Systems, Chip. Twp. $95,000
K.M. MATZKE al to Mtg. Electr. Reg. Systems, Chip. Twp. $265,000
S.E. KOSELA to Secr. of HUD, Harmony Twp. $8,685.84
J.A. HUBERT ux to Dollar Bank, Monaca $25,000
G.H. MARSHALL ux to Mutual of Omaha Mtg. Inc., Koppel $84,000
D.M. MCLAUGHIN ux to Union Sav. Bank, Center Twp. $305,000
K.N. RUMMER to Secr. of HUD, So. Beaver Twp. $7,477.19
L.M. PASQUALE to Farmers B&S Bank, Greene Twp. $160,000
J.M. LINDER al to Milend Inc., Chip. Twp. $277,472
R. PERKINS to Wesbanco Bank Inc., Brigh. Twp. $89,351
C.L. MINE to Mtg. Electr. Reg. Systems, N.B. $92,000
E.J. HAUNSTEIN al to Wells Fargo Bank, No. Sew. Twp. $189,000
R.M. ARD ux to Huntington Na. Bank, Marion Twp. $225,000
J. WAIBEL al to Citizens Bank, New Sew. Twp. $395,000
C.N. NESMITH to Devel. Mtg. Co., Midland $109,890
J.E. CUMBERLEDGE al to Nations Lending Corp., No. Sew. Twp. $228,475
J.E. CUMBERLEDGE al to PA Housing Fin. Agency, No. Sew. Twp. $12,025
A. MORRIS to Seven Seventeen Cr. Un. Inc., Homewood $76,000
J.G. STEWART ux to PA Equity Res. Inc., N.B. $116,161
M.A. MISQUEZ al to Howard Hanna Mtg. Serv., Roch. Twp. $136,482
M.A. MISQUEZ al to PA Housing Fin. Agency, Roch. Twp. $6,950
M.E. MCDADE al to JPMorgan Chase Bank, Baden $105,843
J.A. WAGURAK to Wesbanco Bank Inc., So. Beaver Twp. $70,000
M. VERA to Citizens Bank, Harmony Twp. $106,043
L.A. MASWADEH al to CFSBANK, Baden $175,100
M.A. KLESSER ux to West-Aircomm FCU, Hope. Twp. $80,000
R.A. ESHOM al to Clearview FCU, Center Twp. $54,000
T.L. PUSHINSKY JR. al to Clearview FCU, No. Sew. Twp. $38,375
D. NAILON to Clearview FCU, Center Twp. $20,000
F. OFORI-ACHEAMPONG al to New Alliance FCU, Brigh. Twp. $27,000
J.M. MONTGOMERY to Secr. of HUD, Roch. $12,982.92
C.H. FONSECA ux to Mtg. Electr. Reg. Systems, N.B. $105,774
C.J. VEON to Devel. Mtg. Co., N.B. $159,080
M.A. MULRONEY to BVFCU, Conway $85,000
D.C. PODOLINSKY al to Holland Mtg. Advisors, N.B. $82,450
W.D. KOSTIAL JR. to Fairway Indep. Mtg. Corp., Ohioville $272,000
M.A. SOBOCINSKI al to Secr. of HUD, Brigh. Twp. $3,842.46
K.T. LUONG to Mtg. Electr. Reg. Systems, N.B. $146,301
ORANGE ROSE LLC to S&T Bank, Amb. $52,800
S.L. WAGNER to Huntington Na. Bank, Frank. Twp. $106,400.85
S.D. DUGAS ux to Mtg. Electr. Reg. Systems, Frank. Twp. $152,625
NYXQ31201 LLC to Omega FCU, Roch. $52,000
L.M. MAZZOCCA to Bayer Heritage FCU, Hope. Twp. $50,000
VANPORT HOLDINGS to First Na. Bank, Vanport Twp. $2,431,500
VANPORT HOLDINGS to First Na. Bank, Vanport Twp. $1,702,050
HOUSING AUTH. OF THE CO. OF BEAVER to Co. of Beaver, B.F. $40,000
ANGELI LLC al to Brentwood Bank, Bridgewater $562,500
S.A. MAURER al to Mtg. Electr. Reg. Systems, Hope. Twp. $242,673
A.J. ANDERSON to Mtg. Electr. Reg. Systems, Aliq. $157,102
T.A. SMITH al to Northwest Bank, Beaver $236,000
DIOBONAVENTURA LLC to Clearview FCU, Monaca $600,000
N.P. CONLEY to USA, Roch. Twp. $7,826.42
K.N. GARDNER al to Mtg. Electr. Reg. Systems, Center Twp. $239,000
R.E. EMBAUGH al to West-Aircomm FCU, Beaver $62,500
E.M. PORCO al to Wells Fargo Bank, Freedom $130,950
T.E. WEIMERSKIR to Mtg. Electr. Reg. Systems, Monaca $87,000
D.K. JOSAPAK to Armco Cr. Un., New Sew. Twp. $304,000
A.C. PETERS al to Brentwood Bank, Monaca $11,000
C.A. YOTHERS ux to Citizens Bank, Industry $100,000
M.J. FLOOK to Mtg. Electr. Reg. Systems, Conway $42,929
NPG PA1 al to SJW Invest., B.F. $62,500

COMMONWEALTH OF PENNSYLVANIA
v.
JAELIN HOWARD YELLOCK, Defendant

COMMONWEALTH OF PENNSYLVANIA v. JAELIN HOWARD YELLOCK, Defendant. Criminal Division. No. 107 of 2022. In the Court of Common Pleas of Beaver County, Pennsylvania. Filed October 20, 2022 by Judge Dale M. Fouse.

Attorney for the Commonwealth: Bart Wischnowski, Esquire

Attorney for Jaelin Howard Yellock: Steven Colafella, Esquire

D. FOUSE, J. October 20, 2022

OPINION

As a result of the execution of a search warrant on his New Brighton residence on October 26, 2021, Defendant Jaelin Howard Yellock was charged with possession with intent to deliver marijuana, possession of drug paraphernalia, and possession of a firearm by a prohibited person. On April 13, 2022, Defendant filed an Omnibus Pretrial Motion including a Motion to Suppress which challenged the validity of the search warrant. On August 2, 2022, the Court held a suppression hearing at which the parties presented oral argument on whether the search warrant should stand based on the information contained within the affidavit of probable cause. For the reasons set forth below, the Motion to Suppress is granted.

FACTUAL BACKGROUND

On October 26, 2021, Corporal Stephen Kelch of the New Brighton Police Department signed an affidavit of probable cause in support of a search warrant application for 1618 3rd Street, New Brighton, a single-family residence. The affidavit was primarily based upon information provided by two confidential informants and Corporal Kelch's own observations during surveillance of Defendant. *See* Search Warrant Application, Affidavit of Probable Cause at 14-17.

As to each of the two confidential informants, Corporal Kelch alleged that their reliability was established through prior controlled purchases and through information provided to law enforcement, which have led to arrests and large seizures of narcotics and currency. *Id.* at 14-15. The affidavit stated that Corporal Kelch interviewed the informants in May and June of 2021 and that each informant "has continued to provide information concerning this investigation" through the date of the search warrant application. *Id.* at 14-15.

Corporal Kelch interviewed the first confidential informant ("CI1") in May 2021 and alleged that CI1 provided the following information:

> According to CI1, Yellock obtained a marijuana and cocaine source from Marco Harris, whom is known to your affiant as being a large scale drug trafficker that has invested money in numerous businesses throughout Beaver County. CI1 advised that Yellock has numerous marijuana sources including local suppliers and ones in Detroit, Michigan. CI1 further

> advised that Yellock has recently begun to utilize "runners" to deliver pound quantities of marijuana to individuals throughout Beaver County. CI1 advised that he/she was told, in the past few weeks, that Yellock is currently in possession of a large amount of U.S. currency in excess of $500,000.00.

Id. at 14-15.

Corporal Kelch interviewed the second confidential informant ("CI2") in June 2021 and alleged that CI2 provided the following information:

> According to CI2, Yellock obtained a marijuana source from Marco Harris. CI2 further advised that Yellock only delivers multiple pound quantities of marijuana. CI2 advised that based upon the amount of dealing Yellock is doing he should currently [be] in possession of a large amount of U.S. currency in excess of $250,000.00. CI2 advised that during the week of October 17, 2021, he/she met with a relative of Yellock that advised that Yellock was in possession of a large amount of high grade marijuana.

Id. at 15.

On June 2, 2021, Corporal Kelch conducted surveillance of Defendant in Beaver Falls, observing him get out of his truck with a backpack, get into a vehicle occupied by Marco Harris and, a few minutes later, exit the vehicle without the backpack and return to his residence. *Id.* at 15-16. Corporal Kelch alleged that he advised CI1 of this information and, on a later date, CI1 "called and advised that on that date Yellock gave Harris $60,000.00 in small bills for him to exchange for larger bills." *Id.* at 16.

On October 26, 2021, Corporal Kelch surveilled Defendant leaving his residence in his truck and traveling to a Washington County residence owned by an individual alleged to have a pending charge for possession with intent to deliver controlled substances. *Id.* Corporal Kelch observed Defendant "enter the residence with a yellow grocery store bag with what appeared to be a large amount of U.S. currency inside it" and leave four minutes later without the bag. *Id.* Corporal Kelch followed Defendant back to his residence, "where he exited the truck and retrieved a white drawstring trash bag from the bed of the truck" and entered the residence. *Id.*

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JAELIN HOWARD YELLOCK, Defendant

Relying on the above information, on October 26, 2021, Corporal Kelch applied for a search warrant for Defendant's residence at 1618 3rd Street in New Brighton, listing the items to be searched for and seized in a lengthy attachment identifying assets (including money), books, records, receipts, notes, ledgers, and other items—but, notably, not including drugs or drug paraphernalia. *See* Search Warrant Application at Attachment A. The application was granted by a magisterial district justice.[1]

The warrant was executed on the same day, October 26, 2021, at approximately 8:40 p.m. *See* Police Criminal Complaint, Affidavit of Probable Cause at 2. Defendant was inside the residence with his girlfriend and their children. *Id.* In the course of clearing the residence of individuals, officers observed large amounts of marijuana throughout the residence. *Id.* On the basis of those observations, before conducting a further search, the officers stopped and applied for a second search warrant for marijuana. *Id.* That application was granted by a magisterial district judge, and officers completed their search of the residence. *Id.* They found approximately fifty-two pounds of marijuana as well as large amounts of THC wax, THC syrup, THC edibles, $67,000 in U.S. currency, and a 9mm handgun. *Id.* Due to a prior conviction for possession with intent to deliver, Defendant was prohibited from possessing a firearm. *Id.*

DISCUSSION

"The issuance of a constitutionally valid search warrant requires that police provide the issuing authority with sufficient information to persuade a reasonable person that there is probable cause to conduct a search based upon information that is viewed in a commonsense manner." *Com. v. Nicholson*, 262 A.3d 1276, 1280 (Pa. Super. 2021) (*citing Com. v. Housman*, 986 A.2d 822, 843 (Pa. 2009)). "The issuing authority must determine whether, given the totality of the circumstances presented, there is a fair probability that evidence of a crime or contraband will be found in a particular location." *Id.* "[T]he law does not require that the information in a warrant affidavit establish with absolute certainty that the object of the search will be found at the stated location, nor does it demand that the affidavit information preclude all possibility that the sought after article is not secreted in another location." *Com. v. Davis*, 595 A.2d 1216, 1222 (Pa. Super. 1991).

[1]At the suppression hearing, the parties agreed that the affidavit's allegation that Defendant was charged with and pled guilty to possession with intent to deliver in 2021 was inaccurate (Affidavit at 13-14), and stipulated to amend the affidavit to reflect that those events occurred in 2016, not 2021. The affidavit also alleged that Defendant owned a 2021 GMC Sierra truck worth $60,000 with no lien on it and suggested that Defendant could not have purchased such a vehicle with his limited legitimate income. *Id.* at 13. At the hearing, Defendant submitted an exhibit showing that he co-purchased the vehicle with another individual and, after ac[1]counting for a trade-in, the purchase price was $23,000. *See* Defendant's Exhibit A.

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1. Reliance on confidential informants

Defendant argued that the information provided by the confidential informants was vague, generalized speculation and could not properly form a basis for probable cause. The Commonwealth relied on *Com v. Luv*, which states that "[a]n informant's tip may constitute probable cause where police independently corroborate the tip, or where the informant has provided accurate information of criminal activity in the past, or where the informant himself participated in the criminal activity." 735 A.2d 87, 90 (Pa. 1999). Here, the affidavit of probable cause stated that each of the two informants had previously provided information leading to arrests and seizures of drugs and money.

However, even if the informants' reliability is established, the inquiry does not end there, as the issuing authority must consider an "informant's reliability ***and basis of knowledge***… in a common sense, non-technical manner." *Luv* at 90 (emphasis added). In *Com. v. Wallace*, 42 A.3d 1040, 1050 (Pa. 2012), our Supreme Court upheld a trial court's invalidation of a search warrant for a defendant's home where the "affidavit of probable cause contained a paucity of information concerning the basis of knowledge for the informant's assertion," even though the informant's reliability had been established through a prior tip:

> The means by which the confidential informant learned of "Greg's" cocaine sales and the use of his car to deliver narcotics was not set forth in the affidavit, and there was no other evidence provided in the affidavit which would tend to corroborate the truth of these allegations. There was no factual basis in the affidavit which established that the confidential informant had any past relationship with "Greg," ever witnessed "Greg" in possession of drugs, or, critically, had been inside of Appellant's home recently and observed drugs stored there. Furthermore, there were no facts in the affidavit which suggested that the confidential informant had, at any time, personally purchased drugs from "Greg," or witnessed "Greg" selling drugs at any location, let alone at Appellant's home...

Wallace at 1050. In the instant case, the affidavit of probable cause suffers from a similar "paucity of information concerning the basis of knowledge" for the informants' assertions.

The affidavit does not state any basis for CI1's alleged knowledge that Defendant "obtained a marijuana and cocaine source from Marco Harris," or "has numerous marijuana sources including local suppliers and ones in Detroit, Michigan," or "has recently begun to utilize 'runners' to deliver pound quantities of marijuana to individuals throughout Beaver County." Affidavit at 14-15. CI1 is not alleged to have had any personal contact with Defendant or his associates or any direct knowledge of these activities. The affidavit goes on to state that "CI1 advised ***that he/she was told***, in the past few weeks, that Yellock is currently in possession of a large amount of U.S. currency in excess of $500,000.00." *Id.* at 15 (emphasis added). The affidavit does not state who

told CI1 this information, leaving the issuing authority unable to evaluate that person's own reliability or basis of knowledge. The affidavit also states no basis for CI1's alleged knowledge that the June 2, 2021 interaction that Corporal Kelch observed between Defendant and Marco Harris involved Defendant giving Harris "$60,000.00 in small bills for him to exchange for larger bills." *Id.* at 16.

As to CI2, the affidavit states no basis for CI2's alleged knowledge that Defendant "obtained a marijuana source from Marco Harris" or "only delivers pound quantities of marijuana." *Id.* at 15. It does not state how CI2 knows "the amount of dealing Yellock is doing," which is the basis given for CI2's conclusion that Defendant "should currently be in possession of a large amount of U.S. currency in excess of $250,000.00." *Id.* As with CI1, there is no allegation that CI2 had any personal contact with Defendant or his associates or had any direct knowledge of the facts alleged. Similarly, when the affidavit alleged that "a relative of Yellock advised" CI2 "that Yellock was in possession of a large amount of high grade marijuana," the issuing authority has no ability to evaluate that unspecified relative's reliability or basis of knowledge. *Id.*

At oral argument, Defendant's counsel characterized the informants' tips as "street-level scuttlebutt," and the affidavit provides the Court little grounds for concluding otherwise. The affidavit does not allege that either informant ever saw Defendant in possession of drugs or money or that either informant ever talked to any person who had seen Defendant in possession of drugs or money. Even if the informants are presumed to be truthfully reporting what they've heard, their tips, standing alone, can contribute little to a probable cause determination.

2. Police corroboration of informants' tips

The Commonwealth argued that the informants' tips did not have to stand alone because Corporal Kelch corroborated the tips through his surveillance of Defendant on June 2, 2021 and October 26, 2021. Independent corroboration by police is one of the three bases stated in *Luv* by which an informant's tip may constitute probable cause. *Luv* at 90. However, a close reading of the affidavit of probable cause shows that corroboration of the tips was quite limited in this case.

On June 2, 2021, Corporal Kelch observed Defendant get out of his truck with a backpack, get into a vehicle occupied by Marco Harris and, a few minutes later, exit the vehicle without the backpack. Affidavit at 15-16. The informants had reported that Harris was Defendant's source for drugs, but Defendant appeared to leave this interaction empty-handed, and no drugs or money were actually observed. Only a later (uncorroborated) tip from CI1 alleged that the backpack contained money, and even that later tip stated that the money was not in exchange for drugs. Corporal Kelch's June 2, 2021 surveillance confirmed that Defendant did in fact have some relationship with Harris, but did not corroborate the remainder of the informants' assertions.

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On October 26, 2021, Corporal Kelch followed Defendant to a Washington County residence owned by an individual alleged to have a pending possession with intent to deliver charge. *Id.* at 16. He observed Defendant "enter the residence with a yellow grocery store bag with what appeared to be a large amount of U.S. currency inside it" and leave four minutes later without the bag. *Id.* Corporal Kelch followed Defendant back to his residence, "where he exited the truck and retrieved a white drawstring trash bag from the bed of the truck" and entered the residence. *Id.* A few points are necessary to demonstrate the limited value of these observations.

First, at oral argument, the Commonwealth characterized the Washington County residence as "the house of a known drug dealer," but nothing in the affidavit alleged that the homeowner was known by Corporal Kelch to be a drug dealer. The affidavit stated only that the homeowner "has a pending possession with the intent to deliver in Washington County." Nothing suggests that Corporal Kelch was familiar with this individual through prior investigations or was familiar with the circumstances underlying the alleged pending charge against him. The axiom that a person is innocent until proven guilty dictates that the mere pendency of a charge, without more, cannot support a conclusion that a person is a drug dealer. Also, Corporal Kelch did not observe the homeowner to be present on the date in question and it is unknown who, if anyone, Defendant interacted with.

Second, the affidavit does not affirmatively allege that Corporal Kelch actually saw a large amount of currency in Defendant's possession. At oral argument, Defendant's counsel took issue with the language "a yellow grocery store bag with ***what appeared to be*** a large amount of U.S. currency inside it," arguing that "you either saw currency in his possession or you did not—it's what they would like to believe…" Viewing an affidavit of probable cause in a commonsense manner, an issuing authority must take such hedging language with a grain of salt and, accordingly, adjust the probative value afforded to such an ambiguous observation.

Third, the affidavit does not allege that Defendant acquired the white drawstring trash bag from the Washington County residence. Corporal Kelch did not see Defendant come out of the Washington County residence with the white bag, and did not observe it until Defendant returned to his own residence, at which time he retrieved the white bag from the bed of his truck. On the basis of these observations, the Court has difficulty drawing the conclusion Corporal Kelch drew—that Defendant exchanged the yellow bag for the white bag—with any degree of confidence. Also, Corporal Kelch's belief that the white bag contained marijuana appears to be unsupported by any direct observation.

Viewing the October 26, 2021 surveillance in light of the above, the Court cannot agree that it served to corroborate the informants' tips in any substantial manner. Despite the police's efforts at corroboration, the affidavit of probable cause can point to no one—not the informants, their sources, or the police—who can say with any certainty that they ever saw Defendant with drugs or money.

3. Nexus between Defendant's residence and the alleged criminal activity

Even if the Court were inclined to give greater weight to the informants' tips and the police's observations, there would remain the issue of connecting Defendant's alleged criminal activity to the place to be searched—his residence. As our Supreme Court has held, "probable cause to believe that a man has committed a crime on the street does not necessarily give rise to probable cause to search his home." *Wallace* at 1049-50. "The affidavit of probable cause must establish a 'substantial nexus' between the suspect's home and the criminal activity or contraband sought to permit the search of the home." *Nicholson* at 1280.

Here, the informants provided no information connecting Defendant's alleged criminal activity to his residence. Their tips did not mention Defendant's residence at all, nor did they provide any hint as to any particular location where Defendant may conduct his illicit business or keep his drugs or drug money.

Corporal Kelch's surveillance efforts established little connection between Defendant's residence and his alleged criminal activities. On June 2, 2021, the surveillance appeared to begin in Beaver Falls and Defendant was not seen leaving his house before his meeting with Harris. The backpack allegedly containing drug money can therefore never be placed at Defendant's residence. Corporal Kelch surveilled Defendant back to his residence after the meeting with Harris, but Defendant was apparently empty-handed at the time. Nothing about the June 2, 2021 surveillance points to Defendant's residence as his base of operations for his alleged drug activity.

On October 26, 2021, Corporal Kelch did observe Defendant exiting his residence and entering his truck before driving to Washington County, but the affidavit does not state that Defendant was carrying the yellow bag when he left his house. The yellow bag was observed only when Defendant exited his truck at the Washington County residence. Corporal Kelch followed Defendant back to his residence and observed him carry the white bag inside but, as set forth above, the affidavit failed to establish the illicit character of the white bag or its connection to Defendant's Washington County errand.

In *Nicholson*, the Superior Court upheld the invalidation of a search warrant for a residence where police failed to surveil the defendant "proceeding directly from his residence to the location of" two controlled drug buys. *Nicholson* at 1281. The Superior Court held that "[i]t does not logically follow that Nicholson had the drugs stashed at his home just because he went there after each sale was completed… [T]he police, at most, had probable cause to believe the drugs were kept in Nicholson's car, which he used as his main base of operations." *Id.* In the instant case, this Court cannot conclude that a substantial nexus existed between Defendant's residence and his alleged criminal activity. Neither informant ever stated that any criminal activity occurred at the residence and, other than the white bag, police never observed any suspicious items or persons going into or out of the residence. The fact that

Defendant returned to the residence after his two encounters with suspected drug dealers is insufficient to establish the requisite nexus. Per *Nicholson*, there would have been a better case for probable cause to search Defendant's truck, as the suspicious backpack and yellow bag could both be placed there.[2]

CONCLUSION

For the seasons set forth above, the Court finds that there was insufficient basis to establish probable cause to search Defendant's residence for the items sought. Therefore, Defendant's Motion to Suppress is granted. The first October 26, 2021 search warrant (referred to as a "document warrant") is invalidated. Because the affidavit of probable cause in support of the second October 26, 2021 search warrant (the "drug warrant") was based solely on observations made during the execution of the first warrant, the second warrant must be invalidated as well. Any and all evidence obtained pursuant to either of those search warrants is suppressed.

ORDER

AND NOW, this 20th day of October, 2022, after hearing and argument on Defendant's Motion to Suppress, it is hereby ORDERED that the Motion is GRANTED. Any and all evidence obtained pursuant to the search warrants issued for Defendant's residence on or about October 26, 2021 is hereby suppressed.

[2]The *Nicholson* search warrant, which involved the same affiant as the instant case, contained many pages of general allegations as to common drug trafficker *modus operandi* which the Superior Court found to be too expansive to contribute to a probable cause determination. *Nicholson* at 1282. The affidavit in this case contains substantially identical general allegations which, for the reasons set forth in *Nicholson*, the Court did not consider in reaching its decision.

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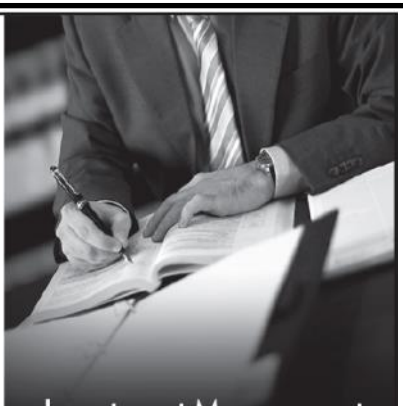

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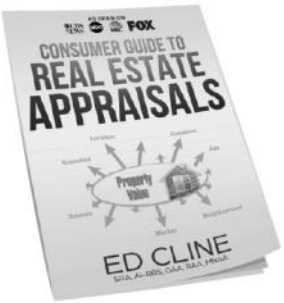

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