

**Comm of Pa vs \$33710.00 Us Currency
2006-1012-CD**

**06-1012-CD
Comm of PA vs \$33,710.00 US Currency**

LA

06-1012-CD

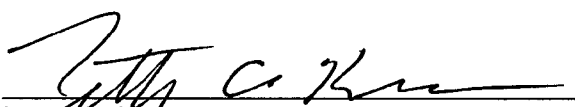
FILED 100
01/10/2011 Amy Kress
JUN 28 2006 (CK)
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
Plaintiff	:	
	:	
V.	:	<u>06-1012-CD</u>
	:	
\$33,710.00 U.S. CURRENCY	:	
	:	
Defendant	:	
	:	
To: Irvin D. Beal	:	
9 Bleeker Street	:	
New York, New York 10012	:	

**NOTICE TO ANSWER PETITION FOR
FORFEITURE AND CONDEMNATION**

TO THE CLAIMANT OF WITHIN DESCRIBED PROPERTY: YOU ARE
REQUIRED TO FILE AN ANSWER TO THIS PETITION, SETTING FORTH YOUR
TITLE IN, AND RIGHT TO POSSESSION OF, SAID PROPERTY WITHIN THIRTY (30)
DAYS FROM THE SERVICE HEREOF, AND YOU ARE ALSO NOTIFIED THAT, IF
YOU FAIL TO FILE SAID ANSWER, A DECREE OF FORFEITURE AND
CONDEMNATION WILL BE ENTERED AGAINST SAID PROPERTY.


Letty A. Kress
Chief Deputy Attorney General
Attorney ID# 44854
Office of Attorney General
2515 Green Tech Drive
State College, Pennsylvania 16803
(814) 863-6503
(814) 863-6516 (fax)

FILED *icc Atty*
m 11:52 AM
JUN 27 2006 *Any pd 85.00*

William A. Shaw
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA
Plaintiff

V.

\$33,710.00 U.S. CURRENCY

Defendant

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:
:
:
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:
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:

PETITION FOR FORFEITURE AND CONDEMNATION

COMES NOW, the Attorney General of the Commonwealth of Pennsylvania, Thomas W. Corbett, Jr., by and through Letty A. Kress, Chief Deputy Attorney General, pursuant to and under authority of the provisions of the Judicial Code, Chapter 68, Controlled Substances Forfeitures Act, Sections 6801-6802, 42 Pa. C.S.A. 6801 et seq. (hereinafter referred to as "Act") and petitions this Honorable Court setting forth a right of possession in and requesting an Order of Forfeiture for \$33,710.00 U.S. Currency, and in support thereof avers as follows:

1. Your Affiant is Trooper Dennis Regal of the Pennsylvania State Police.
2. The defendant/property is \$33,710.00 U.S. Currency, seized by the Commonwealth, pursuant to the "Act."
3. The defendant/property was seized at or about 7:50 a.m. on or about Wednesday, February 8, 2006.
4. The defendant/property was seized on SR 80 at mile marker 120 in Lawrence Township, Clearfield County, Pennsylvania.

5. The owner of the defendant/property, \$33,710.00 U.S. Currency, based upon all information currently available, is Irvin D. Beal, 9 Bleeker Street, New York.

6. At the time of seizure, on the date and at the place of seizure, hereinbefore mentioned, the defendant/property, \$33,710.00 U.S. Currency, was in the possession of Irvin D. Beal, 9 Bleeker Street, New York.

7. The defendant/property is subject to forfeiture and condemnation and no legal right, title or interest exists in it by any owners or possessors of it pursuant to Section 6801(a) of the "Act," 42 Pa. C.S.A. Section 6801, (relating to loss of property rights to the Commonwealth), based upon the following averment of material facts:

a. On February 8, 2006 at approximately 7:45 a.m., Trooper Terry Jordan was running radar at mile marker 120 westbound in Lawrence Township, Clearfield County, Pennsylvania. Trooper Jordan stopped a 1987 Mercedes Benz for traveling 82 mph in a posted 65 mph zone. Trooper Jordan approached the passenger side of the vehicle. Upon speaking with the operator, Trooper Jordan could smell marijuana emanating from within the vehicle. Trooper Jordan requested operator's information from the driver and returned to his vehicle. Backup was requested and Trooper Jordan then requested the driver exit the vehicle. The operator was issued a warning for speeding and advised he was free to leave.

b. Upon returning to his vehicle, Trooper Jordan asked the operator if he would have a moment to answer a few questions. The driver agreed and walked back to the rear of his vehicle. Trooper Jordan then asked a

series of questions pertaining to origin, destination, and travel plans. Trooper Jordan then asked the passenger, defendant, if he would also answer some questions. The passenger agreed at which time there were significant discrepancies in the operator's and the passenger's stories. This combined with the raw odor of marijuana led Trooper Jordan to request consent to search the vehicle. The owner agreed and signed a Consent to Search form

c. The passenger was then asked to step away from the vehicle. The passenger exited the vehicle holding a blue bag. The passenger was ordered to drop the bag and refused to comply. Several more attempts were made; however, he declined to release possession of the bag.

d. Trooper Michael Elder was stopped by Trooper Jordan as he was passing by at the time of the stop. Trooper Elder and Trooper Jordan again instructed the passenger to drop the bag and upon refusal, the passenger was taken into custody due to the suspicion of a possible weapon. The bag was checked for weapons at which time a large amount of U.S. Currency was observed in the bag. The passenger was then patted down at which time a small amount of marijuana was located on the passenger, defendant.

e. A search was conducted on the vehicle at which time five large duffle type bags were located. These bags also belonging to the passenger, defendant. The bags, although empty, had an odor of marijuana. The passenger was taken into custody.

f. The driver was interviewed and provided a written statement concerning his passenger. The driver related that the passenger paid him to take him to Ohio but had no knowledge of what his passenger had in his possession. After providing a statement, the driver was released.

g. The passenger, defendant, was taken to the Clearfield Hospital due to a small abrasion on his nose following being subdued.

h. Trooper Brett Hanlon was notified of the incident and responded to PSP Clearfield. The currency was counted by Corporal Dominick and Corporal Miklic and was found to total \$33,710.00 U.S. Currency. The currency was placed in an envelope and placed on the ground with similar envelopes. Trooper Hanlon's K9 alerted to the envelope containing the \$33,710.00 U.S. Currency for the presence of a controlled substance. Trooper Hanlon's K9 also alerted on all the empty large duffle bags which were also seized. All evidence was packaged and placed into the property room.

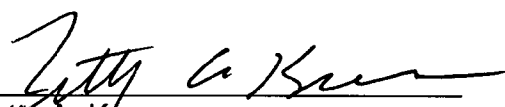
8. The defendant/property, \$33,710.00 U.S. Currency, was furnished or intended to be furnished by any person in exchange for a controlled substance, in violation of the Controlled Substance, Drug, Device and Cosmetic Act, or, is proceeds traceable to such an exchange, or used or intended to be used to facilitate any violation of said Act, or is otherwise subject to forfeiture under the "Act."

WHEREFORE, the Commonwealth through the Attorney General prays this Honorable Court to issue an Order that the \$33,710.00 U.S. Currency, defendant/property be condemned and adjudged forfeited to the Commonwealth and that all right, title or interest in the defendant/property, except that vested in the Office of Attorney General, Commonwealth of Pennsylvania, be declared null and void and that the property be used or disposed of in accordance with law.

Respectfully submitted,

Thomas W. Corbett, Jr.
Attorney General of the
Commonwealth of Pennsylvania

BY:


Letty A. Kress
Chief Deputy Attorney General
Attorney ID# 44854
Office of Attorney General
2515 Green Tech Drive
State College, Pennsylvania 16803
(814) 863-6503
(814) 863-6516 (fax)

COMMONWEALTH OF PENNSYLVANIA :
 :
COUNTY OF : SS:

AFFIDAVIT

Personally appeared before me a Notary Public in and for the said Commonwealth and County, Trooper Dennis Regal, who being duly sworn according to law, deposes and says that he is a Trooper with the Pennsylvania State Police and states that the facts averred in the foregoing petition are true and correct to the best of his personal knowledge or information and belief.


Trooper Dennis Regal

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 20th

DAY OF June, 2006


NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
Plaintiff

V.

\$33,710.00 U.S. CURRENCY

Defendant

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:
:
:
:
:
:

06-1012-CD

PROPOSED ORDER

AND NOW, this _____ day of _____, 2006, upon consideration of the foregoing petition and after hearing, it is ORDERED and DECREED as follows:

The prayer of the Petition is granted.

All claims of right, title or interest of Irvin D. Beal, and any other claimants in the defendant/property are hereby declared to be terminated, revoked and rendered null and void. The \$33,710.00 U.S. Currency is hereby condemned and forfeited to the Commonwealth of Pennsylvania, Office of Attorney General, pursuant to the Judicial Code, Chapter 68, Controlled Substances Forfeiture, Sections 6801-6802, 42 Pa. C.S.A. Section 6801 et seq., for use or disposition in accordance with law.

BY THE COURT:

J.

CA

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :

Plaintiff :

V. :

NO. 06-1012-CD

\$33,710.00 U.S. CURRENCY :

Defendant :

ORDER

AND NOW, this 18th day of July, 2006, upon
consideration of the Commonwealth's Motion to Withdraw the Petition for Forfeiture, the
Court enters the following Order:

The Petition is hereby dismissed based upon the previous Order of Forfeiture by
the Honorable Paul E. Cherry forfeiting the \$33,710.00 U.S. Currency.

BY THE COURT:



J.

FILED
0192780L
JUL 19 2006
icc
Any Kress
E10

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/19/06

FILED

JUL 19 2006

☒ You are responsible for serving all appropriate parties.
____ The Prothonotary's office has provided service to the following parties: Prothonotary/Clerk of Courts
____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other
____ Defendant(s) ____ Defendant(s) Attorney
____ Special Instructions:

William A. Shaw

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

FILED
JUL 17 2006

ICC
Aug
(6R)

William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA :

Plaintiff :

V. :

NO. 06-1012-CD

\$33,710.00 U.S. CURRENCY :

Defendant :

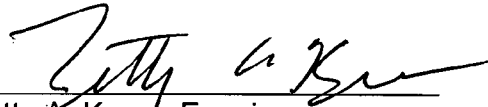
MOTION TO WITHDRAW PETITION FOR FORFEITURE

AND NOW, this 12th day of July, 2006, comes the Commonwealth of Pennsylvania, Office of Attorney General, by and through Letty A. Kress, Chief Deputy Attorney General, and files the following Motion to Withdraw the Petition for Forfeiture:

1. On or about June 28, 2006, a Petition to Forfeit the above-captioned property was filed in the Clearfield County Court of Common Pleas.
2. On or about May 23, 2006, Honorable Judge Paul E. Cherry of the Clearfield County Court of Common Pleas executed an Order forfeiting the defendant/property from Irvin Beal during his sentencing hearing. (See attached Exhibit A.)
3. As such, there is no need to pursue the above-captioned action.

WHEREFORE, it is respectfully requested that an Order be entered dismissing the Petition based upon the previous Order of Forfeiture by the Honorable Paul E. Cherry forfeiting the \$33,710.00 U.S. Currency.

Respectfully requested,

A handwritten signature in black ink, appearing to read 'Letty A. Kress', written over a horizontal line.

Letty A. Kress, Esquire
Chief Deputy Attorney General
2515 Green Tech Drive
State College, Pennsylvania 16803
(814) 863-6503
Attorney ID # 44854

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(Criminal Division)

COMMONWEALTH OF PENNSYLVANIA

v.

CP-17-CR-0203-2006

IRVIN BEAL

ORDER

NOW, this 23rd day of May, 2006, upon consideration of the plea agreement entered into in the above captioned matter wherein the Defendant has agreed to forfeit to the Office of the District Attorney of Clearfield County the amount of \$33,710.00, which amount reflects proceeds seized during the criminal investigation of this matter and the same being held as evidence by the Pennsylvania State Police it is the ORDER of this Court as follows:

1. The amount of \$33,710.00 be and is hereby forfeited to the Office of the District Attorney of Clearfield County to be used for law enforcement purposes.
2. The Pennsylvania State Police shall forthwith deliver the amount of \$33,710.00 currently being held as evidence in this matter to the Office of the District Attorney of Clearfield County.

BY THE COURT:

/s/ Paul E. Cherry

HONORABLE PAUL E. CHERRY
Judge

I hereby certify this to be true and
attested copy of the original
statement filed in this case.

JUN 30 2006

Attest:

William D. H.
Prothonotary/
Clerk of Court

724-368-3855

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

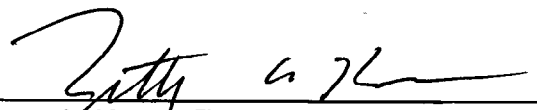
COMMONWEALTH OF PENNSYLVANIA	:	
Plaintiff	:	
	:	
V.	:	NO. 06-1012-CD
	:	
\$33,710.00 U.S. CURRENCY	:	
Defendant	:	

CERTIFICATE OF SERVICE

I hereby certify that this day I have served a copy of the foregoing Motion to Withdraw Petition for Forfeiture upon the following individual by first-class mail, postage prepaid, at the following address:

Irvin Beal
9 Bleeker Street
New York, New York 10012

7/13/06
DATE



Letty A. Kress, Esquire
Chief Deputy Attorney General
Attorney ID# 44854
Office of Attorney General
2515 Green Tech Drive
State College, Pennsylvania 16803
(814) 863-6503

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	:	
Plaintiff	:	
	:	
V.	:	MISC. NO. 06-1012-CD
	:	
\$33,710.00 U.S. CURRENCY	:	
Defendant	:	

CERTIFICATE OF SERVICE

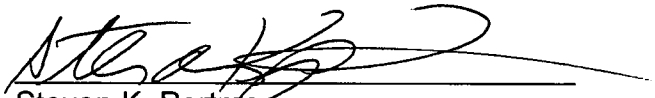
I hereby certify that this day I have served a copy of the foregoing Order to the Motion to Withdraw Petition for Forfeiture upon the following individual by first-class mail, postage prepaid, at the following address:

Irvin Beal
9 Bleeker Street
New York, New York 10012

FILED *no cc*
AUG 02 2006
WAS

William A. Shaw
Prothonotary/Clerk of Courts

7/27/06
DATE


Stevan K. Portman
Deputy Attorney General
Attorney ID# 38493
Office of Attorney General
2515 Green Tech Drive
State College, Pennsylvania 16803
(814) 863-6503
(814) 863-6516 (fax)

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :

Plaintiff :

V. :

NO. 06-1012-CD

\$33,710.00 U.S. CURRENCY :

Defendant :

ORDER

AND NOW, this 18th day of July, 2006, upon
consideration of the Commonwealth's Motion to Withdraw the Petition for Forfeiture, the
Court enters the following Order:

The Petition is hereby dismissed based upon the previous Order of Forfeiture by
the Honorable Paul E. Cherry forfeiting the \$33,710.00 U.S. Currency.

BY THE COURT:

/s/ Fredric J. Ammerman

I hereby certify this to be a true J.
and attested copy of the original
statement filed in this case.

JUL 19 2006

Attest.

William L. Brown
Prothonotary/
Clerk of Courts