

07-127-CD
Comm of PA vs \$13,118.00

Comm of Pa vs \$13118.00 Us Currency et al
2007-127-CD

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
Plaintiff :
V. : No. 07-127-CD
\$13,118.00 U.S. CURRENCY, :
Defendant : FORFEITURE ACTION

RULE TO SHOW CAUSE

AND NOW, this 25 day of Jan, 2007, a rule is issued upon Brent A. Shaffer, owner and/or possessor, of the within defendant/property, to show cause why the prayer and order of the attached Petition of Forfeiture and Condemnation should not be granted.

Rule returnable, for the purpose of filing an Answer only, within thirty (30) days from the date of service of the attached Petition upon Brent A. Shaffer, owner and/or possessor.

Failure to Answer this Petition within 30 days of service hereof will result in an Order of Forfeiture being entered against said property, any law or rule of Court to the contrary notwithstanding.

Notice shall be given in accordance with law.

FILED *CC Atty*
9/11/05 cm *Portman*
JAN 26 2007 *GR*

BY THE COURT:

William A. Shaw
Prothonotary/Clerk of Courts

William A. Shaw
J.

DATE: 1-26-2007

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

JAN 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

UN

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
Plaintiff :
V. : No. 07-127-CD
: FORFEITURE ACTION
\$13,118.00 U.S. CURRENCY, :
Defendant :

To: **Brent A. Shaffer**
c/o Clearfield County Prison
115 21st Street
Clearfield, PA 16830

FILED ^{cc} ^{Atty}
MT 139/61
JAN 25 2007 ^{Atty pd.}
William A. Shaw ^{UN} ^{85.00}
Prothonotary/Clerk of Courts

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.



Stevan Kip Portman
Deputy Attorney General
Attorney I.D. #38493
Office of Attorney General
106 Lowther Street
Lemoyne, PA 17043
(717) 712-1206

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
Plaintiff :
: :
V. : No. _____
: :
\$13,118.00 U.S. CURRENCY, :
Defendant :
FORFEITURE ACTION

PETITION FOR FORFEITURE AND CONDEMNATION

COMES NOW, the Attorney General of the Commonwealth of Pennsylvania, Thomas W. Corbett, Jr. through Stevan Kip Portman, 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 \$13,118.00 U.S. currency, and in support thereof avers as follows:

1. Your Affiant is Trooper Dennis M. Regal of the Pennsylvania State Police.
2. The Commonwealth seized the defendant/property, \$13,118.00 U.S. currency (Property), pursuant to the Act.
3. The Commonwealth seized the Property at or about 2:10 PM, on or about Tuesday, October 17, 2006.
4. The Commonwealth seized the Property at 2238 Belsena Road, Madera, Bigler Township, Clearfield County, Pennsylvania.

5. The owner of the Property, based upon all information currently available, is Brent A. Shaffer (Shaffer), c/o Clearfield County Prison, 115 21st Street, Clearfield, Clearfield County, Pennsylvania.

6. At the time of seizure, on the date and at the place of seizure, hereinbefore mentioned, the Property was in the possession of Shaffer, c/o Clearfield County Prison, 115 21st Street, Clearfield, Clearfield County, Pennsylvania.

7. The 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 October 17, 2006, a search warrant was executed on Shaffer at his residence located at 2238 Belsena Road, Madera, Bigler Township, Clearfield County, Pennsylvania, following three (3) purchases of controlled substances from Shaffer, as outlined below:

(i) On September 12, 2006, Shaffer sold 15 grams of cocaine for \$740.00;

(ii) On October 4, 2006, Shaffer sold 3.5 grams of cocaine for \$280.00;

(iii) On October 17, 2006, Shaffer sold Trooper Litak one 1 ounce of marijuana for \$175.00;

(iv) The monies used in the above-described deals were official funds of the Pennsylvania State Police.

b. Service of the search warrant resulted in the seizure of \$13,118.00 U.S. currency, drug paraphernalia, approximately seven (7) pounds of marijuana, one (1) ounce of cocaine and various prescription drugs.

c. Shaffer was taken into custody and arraigned before District Justice James L. Hawkins. Shaffer was committed to Clearfield County Prison in lieu of \$100,000.00 straight bail.

8. The Property was furnished or intended to be furnished by any person in exchange for a controlled substance, in violation of the Act, or, is proceeds traceable to such an exchange, or is proceeds used or intended to be used to facilitate any violation of said Act, or was in close proximity to controlled substances in violation of the 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 \$13,118.00 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:

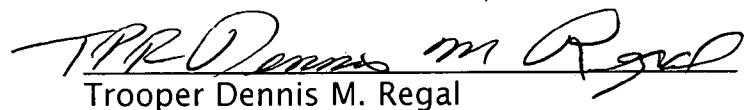

Stevan Kip Portman
Deputy Attorney General
Attorney I.D. #38493

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF Butler

: SS:

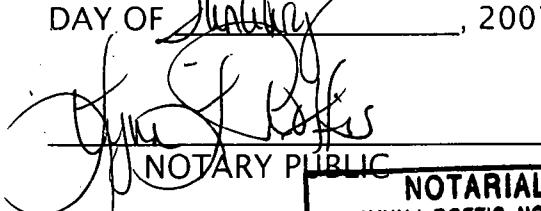
AFFIDAVIT

Personally appeared before me a Notary Public in and for the said Commonwealth and County, Dennis M. 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 M. Regal

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 14th
DAY OF January, 2007


NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :
Plaintiff :
V. : No. 07-127-CD
: FORFEITURE ACTION
\$13,118.00 U.S. CURRENCY, :
Defendant :

ORDER

AND NOW, this _____ day of _____, 2007, 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 Bent Shaffer and any other claimants in the defendant/property, \$13,118.00 U.S. currency, is hereby declared to be terminated, revoked and rendered null and void. The defendant/property, \$13,118.00 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.

Stephen B. Jarrett, Esquire
Atty. ID No. 63007
32 N.W. 4th Ave.
Clearfield, PA.
814-496-8243

'Extremism in pursuit of liberty is no vice; moderation in pursuit of justice is not a virtue'

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
COUNTY-CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

NO. 07-127-CD

VS.

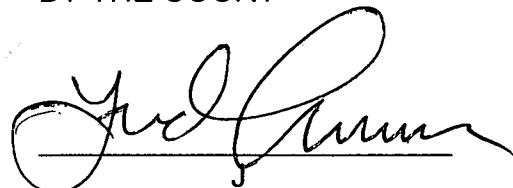
\$13,118.00 U.S.C.

RULE

NOW THIS 27 day of Feb, 2007 a rule is ORDERED
returnable on the Attorney General of Pennsylvania to show cause why the relief
sought herein should not be granted.

Rule returnable the 30th day of March, 2007 Courtroom 1, Clearfield
County Courthouse at 10:00; a.m./p.m.

BY THE COURT



FILED

FEB 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

Special Instructions:

Plaintiff(s) Defendant(s) Plaintiff(s) Attorney Defendant(s) Attorney
 Plaintiff(s) Plaintiff(s) Attorney Other
The Probationer's office has provided service to the following parties:

You are responsible for serving all appropriate parties.

DATE: 2-27-07

3 court to file
William A Shaw
Probationary/Clerk of Courts
0111551C
FEB 27 2007

FILED

UA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD
COUNTY CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

NO.07-127-CD

VS.

\$13,118.00 U.S.C.

MOTION FOR RETURN OF PROPERTY
MOTION CONTRA ASSET FORFEITURE

FILED

FEB 23 2007

1345 ✓
William A. Shaw
Prothonotary/Clerk of Courts

3 cent to Party

Janzen

NOW COMES Brent A. Shaffer the aggrieved party in the above captioned matter and files this, his answer to the Attorney General's Forfeiture Petition As well as his Motion for Return of Property. In support thereof respondent states as follows:

ANSWER to COMMONWEALTH PETITION:

1. Agreed.
2. Agreed as far as actual seizure. Respondent does not know the act nor reason for seizure and demands specific proof thereof.
3. Agreed.
4. Agreed.
5. Disputed. The property is actually that of several different parties but was located on the premises.
6. Disputed. See (5) above.
7. Disputed, the property in whole or in part is legal in origin use and intended use; and does not derive from criminal activity.
 - a. Agreed as to date and execution of warrant only.
(I) Denied

7. Disputed, the property in whole or in part is legal in origin use and intended use; and does not derive from criminal activity.

a. Agreed as to date and execution of warrant only.

(I) Denied

(ii) Denied.

(iii) Denied.

(iv) Denied.

(iv) Respondent lacks the knowledge necessary to furnish an Answer.

b. Agreed as far as seizure of currency assets. Denied as to other averments.

8. Denied.

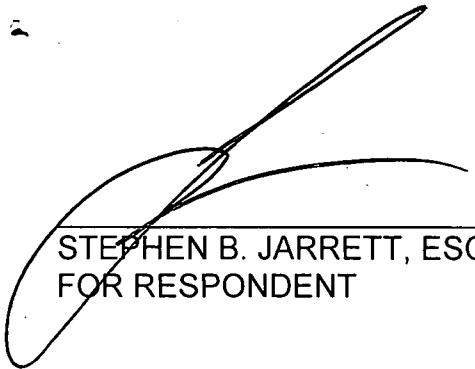
WHEREFORE, respondent prays this Honorable Court to deny the Commonwealths Motion.

MOTION FOR RETURN OF PROPERTY

Respondent Shaffer respectfully requests this Honorable Court to return the property which is the subject of this petition and in support thereof states as follows:

1. Respondent incorporates his answers to Commonwealth's petition as if same were set forward here in full.
2. Any United States Currency seized the lawful property of respondent and or his family and grandparents who were living in the residence at the time of seizure.
3. Said property was not the fruit of, nor intended for use in any illegal activity.

WHEREFORE Brent Shaffer respectfully requests that the Commonwealth immediately returned any and all U.S.C. wrongfully seized.



STEPHEN B. JARRETT, ESQUIRE
FOR RESPONDENT

CERTIFICATE of SERVICE

THE ATTACHED MOTION HAS BEEN SERVED ON THE ATTORNEY GENERAL OF PENNSYLVANIA, ASSET FORFEITURE DIVISION BY CERTIFIED MAIL ON NOVEMBER 23, 2007 BY CERTFIED MAIL TO:

ASSET FORFEITURE DIVISION
ATTORNEY GENERAL'S OFFICE
DRUG STRIKE FORCE
2515 GREEN TECH DRIVE
SUITE B
STATE COLLEGE, PA 16803

STEPHEN B. JARRETT, ESQUIRE

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

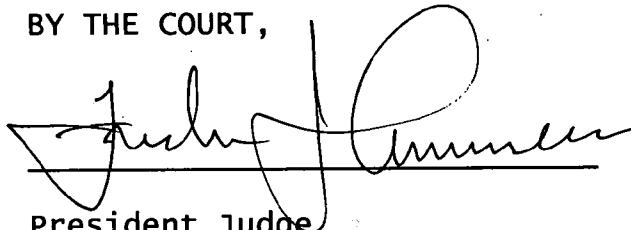
COMMONWEALTH OF PENNSYLVANIA :

-VS- : No. 07-127-CD
\$13,118.00 U.S.C. :

O R D E R

AND NOW, this 30th day of March, 2007, this
being the date set for argument relative the Motion for
Return of Property, with the Court noting that neither the
Respondent, Defense counsel or legal representative of the
Attorney General's Office has appeared, it is the ORDER of
this Court that the Motion for Return of Property be and is
hereby dismissed.

BY THE COURT,



President Judge

FILED

APR 02 2007

0/9:30 AM

William A. Shaw
Prothonotary/Clerk of Courts

sent to Janessa

+

A/G's OFF

Stephen B. Jarrett, Esquire
Attorney ID No. 63007
PO Box 1068
Clearfield, PA. 16830
814-496-8243

IN THE COURT OF COMMON PLEAS FOR CLEARFIELD COUNTY PENNSYLVANIA

COMMONWEALTH of PENNSYLVANIA :NO. 07-127-CD

VS.

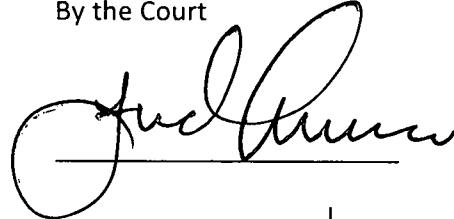
\$13,118.00 U.S.C.

RULE

NOW this 25 day of June, 2007; a RULE is ordered returnable on the
Attorney general of PA./ Asset Forfeiture Division to show cause why Petitioner not be
permitted to amend the original MOTION FOR RETURN OF PROPERTY.

Rule returnable the 24th day of July, 2007 in Courtroom 1,
Clearfield County Courthouse at 1:30 a.m./p.m.

By the Court



J.

FILED *5cc*
06/15/07 Atty Jarrett
JUN 25 2007



William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUN 25 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 01/25/07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

Stephen B. Jarrett, Esquire
Attorney ID No. 63007
PO Box 1068
Clearfield, PA. 16830
814-496-8243

UA

IN THE COURT OF COMMON PLEAS FOR CLEARFIELD COUNTY PENNSYLVANIA

COMMONWEALTH of PENNSYLVANIA : NO. 07-127-CD

VS.

\$13,118.00 U.S.C.

AMENDED MOTION FOR RETURN OF PROPERTY

NOW COMES Mrs. V.M. Dixie Lixey, by and through counsel, Stephen B. Jarrett, Esquire, and respectfully files this Amended Petition Contra Forfeiture and Motion for Return of Property. In support thereof Ms. Lixey states as follows:

1. The Commonwealth of PA., through the Office of Attorney General; filed A Petition for Forfeiture and Condemnation on Jan. 25, 2007.
2. Counsel Jarrett filed a Motion for Return of Property/ Contra asset forfeiture on Feb. 23, 2007.
3. Both of the above-referenced Motions refer to forfeiture of drug proceeds which were the property of Brett Shaffer.
4. Although Counsel Jarrett's petition set forth the fact that a portion of the money seized at the time of Shaffer's arrest (approximately \$6,000.00) was the lawful property of Shaffer's MGM; Mrs. V.M. Dixie Lixey: in an abundance of caution and to avoid any confusion counsel hereby amends the original petition and response to reflect the following:
5. Counsel Jarrett represents Mrs. Lixey ONLY in this action.
6. Mrs. Lixey was loaned money from a cousin in order to pay for needed repairs to the roof of the home.
7. These funds were not the result of illegal activity, but were loaned by the cousin who received a sizable insurance settlement.
8. These funds are legal, traceable and are not subject to forfeiture.

FILED

JUN 22 2007

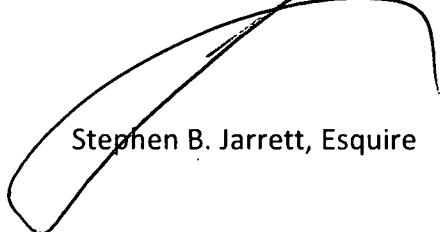
07/11/07

William A. Shaw
Prothonotary/Clerk of Courts

5 Cents to Attn

WHEREFORE Counsel respectfully requests that the original petition be amended so as to avoid undue confusion, and clarify the ultimate issue to be litigated.

Respectfully Submitted,



Stephen B. Jarrett, Esquire

CERTIFICATE OF SERVICE

Stephen B. Jarrett, Esquire has served a copy of the attached motion via first class mail on:

S. Kip Portman, Esquire

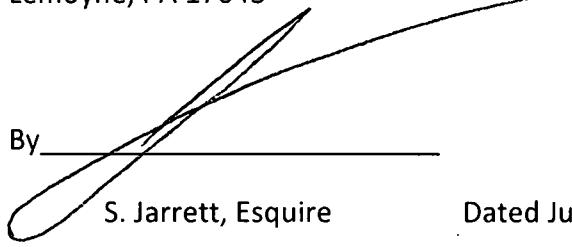
Office of the Attorney General

Asset Forfeiture Division

106 Lowther Street

Lemoyne, PA 17043

By

S. Jarrett, Esquire

Dated June 23, 2007

J.

Stephen B.
Jarrett

P.O. BOX 1068, Clearfield PA. 16830

814-496-8243

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

COMMONWEALTH of PENNSYLVANIA : NO 07 127 CD

VS

\$13,118.00 USC

FILED 4CC ATT
03:15pm JUL 12 2007
JARRETT
W.S.

William A. Shaw
Prothonotary/Clerk of Courts

**MOTION to CONSOLIDATE HEARINGS and to
QUASH INTERROGATORIES**

NOW COMES, Mrs. Verna Mae Lixie, cross-petitioner for Return of Property in the above captioned-action and files this Motion to Quash Interrogatories and Motion to Consolidate Hearings. In support thereof she states as follows:

1. Cross petitioner; Ms. Lixie is the grandmother of Brett Shaffer.
2. Ms. Lixie resided with Brett Shaffer at 2238 Belsen Road, Madera ,PA.at the time of Shaffer's arrest
3. Shaffer was arrested on PWID and related charges pursuant to a warrant at the Belsen Road residence.
4. Ms. Lixie was not arrested nor charged with any offense.
5. During the arrest police seized \$13,118.00 U.S.C. at the residence and confiscated same.
6. Shaffer pled guilty to the charges against him and is currently incarcerated in state prison.

7. The Attorney General's Office of PA. Filed a forfeiture action on January 12, 2007-prior to Shaffer's plea.
8. A Return of Property Action was filed within 30 days of the commonwealth's petition.
9. Interrogatories were served on Shaffer on or about May 3, 2007.
10. By this point, investigation had yielded the following information:
 - A. Mr. Shaffer acknowledged his offenses.
 - B. Mr. Shaffer asserted no claim as to any portion of the currency seized.
 - C. Shaffer's grandmother, with whom he lived, did have a legitimate claim to approximately \$7000.00 of the seized funds, which were traceable proceeds to a legitimate loan and to be used for a legal purpose.
11. Upon discovering (A through C) above, counsel filed an Amended Petition for Return of Property concisely setting forth the above. Said petition was filed on June 22, 2007.
12. The Amended Petition is listed for hearing on July 24, 2007 before this court.
13. The interrogatories are still outstanding.
14. The interrogatories are all directed at Shaffer, his income, and activities which have no relevance to any claim by Ms. Lixie.
15. Answering interrogatories directed at someone who has abandoned any claim to the disputed property will yield no useful information, which will advance any relevant inquiry. Shaffer, (the intended deponent) is incarcerated, has admitted guilt, and has no interest in the litigation or the outcome of same.
16. Counsel respectfully argues that interrogatories directed at a party not in interest, and who makes no claim are by their nature obdurate, vexatious and dilatory , and are the functional legal equivalent of tits on a bull.
17. Counsel, who is mindful of the Clearfield County Rules of Civil Procedure which requires opposing counsel to try to resolve such issues

pre-litigation, has been thus far unable to make contact with Mr. Portman of the Attorney General's Office.

18. In the interest of judicial economy counsel asserts that, barring agreement by the party opponents, all matters may be efficiently resolved at the next listing of this matter.

WHEREFORE, cross-petitioner respectfully requests this Honorable Court to consolidate all matters currently at issue for resolution at the pending court hearing on this matter at the next listing of same.

Respectfully Submitted,

Stephen B. Jarrett, Esquire

For Cross Petitioner

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA

*

vs.
\$13,118.00 U.S. CURRENCY

*

*

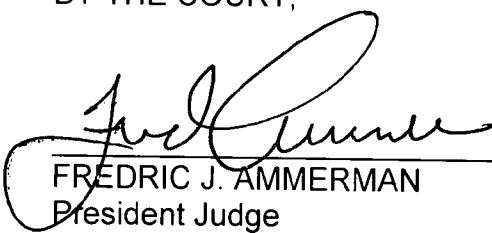
NO. 07-127-CD

*

O R D E R

NOW, this 16th day of July, 2007, it is the ORDER of this Court that the Rule returnable on the Attorney General of Pennsylvania, Asset Forfeiture Division to show cause why the Petitioner may not be permitted to amend the original Motion for Return of Property scheduled for July 24, 2007 at 1:30 p.m. is hereby rescheduled to the **24th day of September, 2007 at 2:00 p.m. in Hearing Room # 3 of the Clearfield County Courthouse, Clearfield, Pennsylvania.**

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
07/19/2007
JUL 19 2007
Portman
Jarrett

William A. Shaw
Prothonotary/Clerk of Courts

(6K)

FILED

JUL 19 2007

William A. Shaw,
Prothonotary/Clerk of Courts

DATE: 7/19/07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

Stephen B.

Jarrett

P.O. BOX 1068, Clearfield PA. 16830

814-496-8243

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

COMMONWEALTH of PENNSYLVANIA : NO 07 127 CD

VS

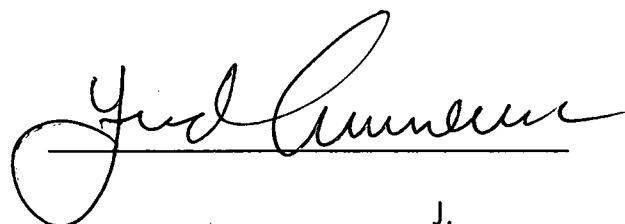
\$13,118.00 USC

RULE

NOW this 18th day of July, 2007 after consideration of the foregoing motion, a rule is ORDERED returnable on The Attorney General of Pennsylvania, Asset Forfeiture Division to show cause why cross-petitioner's **MOTION to CONSOLIDATE HEARINGS and to QUASH INTERROGATORIES** should not be granted.

Rule returnable the 24th day of September, 2007 in Hearing Room # 3, Clearfield County courthouse at 2 : 00 a.m./p.m.

By the Court,



J.

FILED 4CC
07/19/2007 Atty Jarrett
JUL 19 2007 Atty Jarrett
6K

FILED

12m
AUG 10 2007

11:25 AM

William A. Shaw
Prothonotary/Clerk of Courts
1 cent to MTC

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

COMMONWEALTH OF PENNSYLVANIA, :
Plaintiff :
V. : No. **07-127-CD**
: FORFEITURE ACTION
\$13,118.00 U.S. CURRENCY, :
Defendant :

MOTION TO COMPEL COMPLIANCE WITH REQUEST PRETRIAL DISCOVERY

Movant, the Commonwealth of Pennsylvania, by and through Thomas W. Corbett, Jr., Attorney General, Commonwealth of Pennsylvania, by and through Stevan Kip Portman, Deputy Attorney General, moves this Court to compel compliance with its request for pretrial discovery and in support hereof avers as follows:

1. On or about January 25, 2007, the Commonwealth filed the Petition for Forfeiture and Condemnation (Petition).
2. On or about February 7, 2007, the Commonwealth personally served claimant Brent A. Shaffer (claimant Shaffer) with a copy of the Petition.
3. On or about February 23, 2007, claimant Shaffer, by Stephen B. Jarrett, Esquire, filed a combined answer to the Petition, Motion for Return of Property and Motion Contra Asset Forfeiture.

4. On or about May 3, 2007, the Commonwealth served claimant Shaffer with a set of Interrogatories by mailing it by Stephen B. Jarrett, Esquire, by first class mail, postage prepaid.

5. By letter dated May 21, 2007, Stephen B. Jarrett, Esquire confirmed that the Commonwealth provided claimant Shaffer with a twenty day extension by which to respond to the Interrogatories.

6. By letter dated June 20, 2007, Stephen B. Jarrett, Esquire indicated that his client would not be responding to the Interrogatories. A copy of the letter is marked as Exhibit "A", attached hereto and incorporated herein.

7. By letter dated July 2, 2007, the Commonwealth advised Stephen B. Jarrett, Esquire that it expected his client to respond to the Interrogatories in the time allotted. A copy of the letter is marked as Exhibit "B", attached hereto and incorporated herein.

8. Claimant Shaffer has failed to respond to the Interrogatories.

WHEREFORE, the Commonwealth prays that this Honorable Court compel claimant Brent A. Shaffer to respond to the Interrogatories within ten days or be precluded from presenting a defense, or enter such other relief, as the Court deems appropriate.

Respectfully submitted,

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

BY:


Stevan Kip Portman
Deputy Attorney General
Attorney I.D. #38493

Office of Attorney General
2515 Green Tech Drive
State College, PA 16803
(814) 863-1061

VERIFICATION

I verify that the statements made in the foregoing Motion to Compel are true and correct.

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Date: August 9, 2007



Stevan Kip Portman
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on the date first indicated below I caused the within Motion to Compel to be served by first class mail, postage prepaid, on the following:

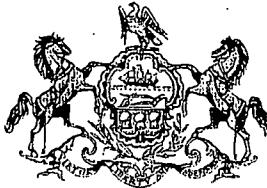
Stephen B. Jarrett, Esquire
32 N.W. 4th Avenue
Clearfield, PA 16830
Attorney for Respondent

Date: August 9, 2007



Stevan Kip Portman
Deputy Attorney General

Exhibit "A"



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

May 3, 2007

TOM CORBETT
ATTORNEY GENERAL

Office of Attorney General
Asset Forfeiture & Money Laundering
106 Lowther Street
Lemoyne, PA 17043
(717) 712-1206

Stephen B. Jarrett, Esquire
32 N.W. 4th Avenue
Clearfield, PA 16830

Re: *Commonwealth v. \$13,118.00 U.S. Currency*
Brent A. Shaffer
No. 07-127-CD

Dear Stephen:

Enclosed are Commonwealth's Interrogatories. You are required to answer all the questions on the Interrogatories under oath.

You will note that you have thirty days from the date of service to produce the information requested by these documents pursuant to Pa. R.C.P. 4006(a)(2).

Very truly yours,

Kip Portman
Stevah Kip Portman
Deputy Attorney General

SKP:smd
Enclosures

Exhibit "B"



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

TOM CORBETT
ATTORNEY GENERAL

July 2, 2007

Office of Attorney General
Asset Forfeiture & Money Laundering Unit
106 Lowther Street
Lemoyne, Pennsylvania 17043
Office: (717) 712-1206
Fax: (717) 712-1249

Stephen B. Jarrett, Esquire
P.O. Box 1068
Clearfield, PA 16830

**Re: Commonwealth v. \$13,118.00 U.S. Currency
Your Client: Brent A. Shaffer**

Dear Mr. Jarrett:

I am responding to your letter of June 20, 2007 regarding the above-referenced matter and the Interrogatories sent to your client. I expect your client to answer the Interrogatories and to provide them to me within the time allotted.

Thank you.

Sincerely,

Kip Portman/oma
Stevan Kip Portman
Deputy Attorney General

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

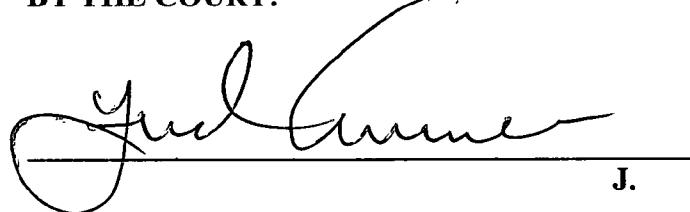
COMMONWEALTH OF PENNSYLVANIA, :
Plaintiff :
V. : No. 2007-127-CO
: FORFEITURE ACTION
\$13,118.00 U.S. CURRENCY, :
Defendant :

ORDER

AND NOW, this 10th day of August, 2007, upon
consideration of the foregoing Motion to Compel ~~and after hearing~~, it is ORDERED and
DECREED as follows:

Brent A. Shaffer shall answer the Commonwealth's First Set of Interrogatories
within ten days and shall provide his answers to the Commonwealth's attorney by personal
service or by first class mail, postage prepaid.

BY THE COURT:



J.

FILED
10/4/07
AUG 13 2007
AnyPortman
Clerk
William A. Shaw
Prothonotary/Clerk of Courts

FILED

AUG 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/13/07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney C

Special Instructions:

Stephen B. Jarrett, Esquire
Attorney ID No. 63007
PO Box 1068 * Clearfield, PA. , 16830
814-496-8243

FILED 3cc
01/24/07 Atty @
SEP 21 2007 Jarrett
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS FOR CLEARFIELD COUNTY
CRIMINAL DIVISION

COMMONWEALTH of PA. : NO. 07-127-CD

v

\$13,118.00 USC

MOTION to CONSOLIDATE OUTSTANDING ISSUES and to
CONTINUE SCHEDULED HEARING
(Joint Request)

NOW COMES Petitioner V.M. Lixie and respectfully requests this Honorable Court Consolidate all Outstanding Issues (thus far raised) and Continue the hearing currently scheduled for September 24, 2007In support thereof petitioner states as follows:

1. This matter is forfeiture action, with a cross filed Motion to Return Property.
2. The forfeiture is being litigated by the Attorney General, forfeiture division.
3. The Return of Property is litigated by Attorney Jarrett.

4. There is a current listing on to Jarrett's Motion to Amend Return of Property, Jarrett's Motion to Quash Interrogatories, and The Attorney General's Petition to Compel Answers listed on 24 September, 2007.
5. This is a joint request to continue this listing for the following reasons:
6. New counsel has taken over this file for the A.G.'s Office.
7. New counsel was not able to ascertain the status or facts from the file left by her predecessor.
8. New counsel and attorney Jarrett have spoken and agree on the following:
 - A. This matter has potential to settle without hearing.
 - B. The issues to be litigated at the next listing may be moot, and the parties are seeking to work these issues out without hearing.
9. Neither counsel wishes to waste the court's time through needless litigation during hearing.

WHEREFORE, petitioner and respondent respectfully request this Honorable Court to continue this matter until the next Motions Date.

Respectfully Submitted,

Stephen Jarrett, Esquire

FILED 3cc
01/15/2007 Atty
SEP 25 2007 Jarrett
60

William A. Shaw
Prothonotary/Clerk of Courts

Stephen B. Jarrett, Esquire
Attorney ID No. 63007
PO Box 1068
Clearfield, PA. , 16830
814-496-8243

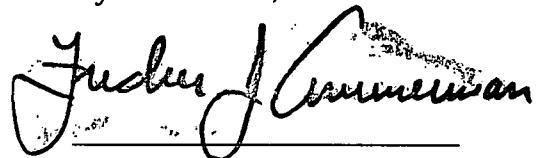
IN THE COURT OF COMMON PLEAS FOR CLEARFIELD COUNTY
CRIMINAL DIVISION

COMMONWEALTH of PA. : NO. 07-127-CD
VS
\$13,118.00 U.S.C.

Scheduling Order

NOW THIS 24th day of September, 2007 a The above-captioned matter, having been the subject of a Motion to Consolidate and Continue Previously Scheduled Hearings is relisted for hearing on the following day and time: The 15th day of November, 2007 in Courtroom 1, Clearfield County Courthouse at 2:30 a.m./p.m.

By the Court,



J.

FILED

SEP 25 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/25/07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)

Plaintiff(s), Attorney

Other

Defendant(s)

Defendant(s), Attorney

Other

Special Instructions:

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

Plaintiff

No. 07-127-CD

v.

\$13,118.00 U.S. CURRENCY

Defendant

ORDER

AND NOW, this 15 day of November, 2007, upon consideration of the
within Stipulation, IT IS HEREBY ORDERED as follows:

The \$13,118.00 U.S. Currency, defendant/ property, shall be forfeited to the Commonwealth of Pennsylvania, Office of Attorney General, pursuant to the Controlled Substances Forfeitures Act, 42 Pa. C.S.A. §6801 et seq., in accordance with the attached Stipulation.

All claims of right, title and interest of Brent Shaffer and any other claimants in the above-captioned defendant/property are hereby revoked and rendered null and void.

Funds received from the sale of forfeited property and/or from forfeited cash shall be deposited into an interest-bearing account held by the Office of Attorney General and the interest generated therefrom shall be used in accordance with the Controlled Substances Forfeitures Act, 42 Pa C.S.A. 6801 et seq.

BY THE COURT:

FILED ^{acc}
01/11/01 5:01 PM
NOV 15 2007 Atty Kress

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
Plaintiff :
: No. 07-127-CD
V. :
: :
\$13,118.00 U.S. CURRENCY :
Defendant :

FILED 2cc
d/l/07/07 NOV 15 2007 Atty Kress

William A. Shaw
Prothonotary/Clerk of Courts

STIPULATION

AND NOW, this 15th day of November, 2007, come the parties to the within action, the Commonwealth of Pennsylvania, Office of Attorney General, by and through Letty A. Kress, Chief Deputy Attorney General, and Brent Shaffer, represented by Stephen B. Jarrett, Esquire, owner of the defendant/property, and agree to the following:

1. The defendant/property, \$13,118.00 U.S. Currency, was seized at 2238 Belsena Road, Madera, Bigler Township, Clearfield County, Pennsylvania, on or about Tuesday, October 17, 2006, at 2:10 PM.
2. The owner of the defendant/property, the \$13,118.00 U.S. Currency, based upon all current information is Brent Shaffer, Clearfield County Prison, 115 21st Street, Clearfield, Clearfield County, Pennsylvania.
3. The Commonwealth of Pennsylvania, Office of Attorney General, and Brent Shaffer, by and through his attorney, Stephen B. Jarrett, Esquire, have agreed to settle this matter under the following terms:

Brent Shaffer agrees only for purposes of this civil matter that the \$13,118.00 U.S. Currency, is subject to forfeiture under the Controlled Substances Forfeitures Act, 42 Pa. C.S.A. §§6801 et seq. Brent Shaffer is also withdrawing his Answer filed in this matter contesting the forfeiture thereof.

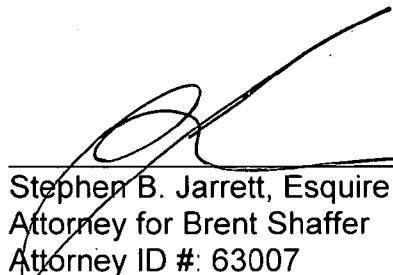
4. Brent Shaffer, by and through his attorney, Stephen B. Jarrett, Esquire, agrees to waive his right to a jury trial and all defenses in this matter under the Controlled Substances Forfeitures Act, 42 Pa. C.S.A. §6801 et seq., so that the attached Order may be entered by the Court.

5. Brent Shaffer, by and through his attorney, Stephen B. Jarrett, Esquire, agrees and states that he is waiving his right to a forfeiture hearing with full knowledge of the consequences of his action and without any duress or coercion placed upon him.

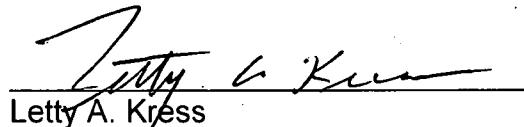
6. Brent Shaffer, by and through his attorney, Stephen B. Jarrett, Esquire, releases and forever discharges the Commonwealth of Pennsylvania, Office of Attorney General, its agents, servants and employees from any and all actions, causes of actions, suits, and claims whatsoever in law or equity which claimants, his heirs, or successors, now may have or may have in the future in connection with the seizure, detention and forfeiture of the above property.

WHEREFORE, the parties, through their signatures below, agree and stipulate to the above terms.

Nov 15, 2007
DATE


Stephen B. Jarrett, Esquire
Attorney for Brent Shaffer
Attorney ID #: 63007

11/15/07
DATE


Letty A. Kress
Chief Deputy Attorney General
Attorney ID# 44854
Office of Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120
(717) 783-6289