

**07-157-CD**  
**Comm of PA vs \$970.00 al**

**Comm of PA vs \$970 Us Currency et al**  
**2007-157-CD**

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 479 WDA 2009

Page 1 of 3

March 19, 2009



Commonwealth of Pennsylvania  
v.  
\$970.00 U.S. Currency and A 1996 Chevrolet Tahoe,  
VIN # 1GNEK13R1TJ306498

**FILED**

MAR 23 2009

*William A. Chew*

Prothonotary/Clerk of Courts

Appeal of: Lee R. Harris

Initiating Document: Notice of Appeal IFP

Case Status: Active

Case Processing Status: March 19, 2009

Awaiting Original Record

Journal Number:

Case Category: Civil

CaseType: Forfeiture

Consolidated Docket Nos.:

Related Docket Nos.:

**SCHEDULED EVENT**

Next Event Type: Receive Docketing Statement

Next Event Due Date: April 2, 2009

Next Event Type: Original Record Received

Next Event Due Date: May 18, 2009

#45

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 479 WDA 2009

Page 2 of 3

March 19, 2009



## COUNSEL INFORMATION

**Appellant** Harris, Lee R  
 Pro Se: Appoint Counsel Status:  
 IFP Status: Yes

**Appellant Attorney Information:**

Attorney: Harris, Lee R.  
 Bar No.: Law Firm:  
 Address: SCI Chester, #3749  
 500 East Fourth Street  
 Chester, PA 19013  
 Phone No.: Fax No.:  
 Receive Mail: Yes  
 E-Mail Address:  
 Receive E-Mail: No

**Appellee** Commonwealth of Pennsylvania  
 Pro Se: Appoint Counsel Status:  
 IFP Status:

**Appellee Attorney Information:**

Attorney: Shaw Jr., William A.  
 Bar No.: 78007 Law Firm: Clearfield County District Attorney's Office  
 Address: 230 E Market St Ste 210  
 Clearfield, PA 16830  
 Phone No.: (814)765-2641 Fax No.:  
 Receive Mail: Yes  
 E-Mail Address:  
 Receive E-Mail: No

## FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number

## TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas  
 County: Clearfield Division: Civil  
 Date of Order Appealed From: May 19, 2008 Judicial District: 46  
 Date Documents Received: March 19, 2009 Date Notice of Appeal Filed: March 13, 2009  
 Order Type: Order Entered OTN:  
 Judge: Cherry, Paul E. Lower Court Docket No.: No. 07-157-CD  
 Judge

## ORIGINAL RECORD CONTENTS

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 479 WDA 2009

Page 3 of 3

March 19, 2009



Original Record Item	Filed Date	Content/Description
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Date of Remand of Record:

BRIEFS

DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Party Type	Filed By
March 19, 2009	Notice of Appeal IFP	Appellant	Harris, Lee R
March 19, 2009	Docketing Statement Exited (Civil)		Western District Filing Office

CERTIFICATE AND TRANSMITTAL OF RECORD UNDER PENNSYLVANIA  
RULE OF APPELLATE PROCEDURE 1931(c)

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To the Prothonotary of the Appellate Court to which the within matter has been appealed:

THE UNDERSIGNED, Clerk (or Prothonotary) of the Court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the original papers and exhibits, if any, on file, the transcript of the proceeding, if any, and the docket entries in the following matter:

No. 07-157-CD  
Commonwealth of Pennsylvania  
Vs.  
\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe

Re: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic

In compliance with Pa. R.A.P. 1931 (c).

The documents comprising the record have been numbered from No. 1 to 47, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages comprising the document.

The date on which the record had been transmitted to the Appellate Court is April 30, 2009.



William A. Shaw  
Prothonotary/Clerk of Courts

(seal)

## Civil Other-COUNT

Date		Judge
1/31/2007	New Case Filed. Filing: Petition for Forfeiture and Condemnation. Paid by: Portman, Stevan Kip (attorney for Commonwealth of Pennsylvania) Receipt number: 191746 Dated: 01/31/2007 Amount: \$85.00 (Check) 1CC Atty.	No Judge No Judge
2/2/2007	Rule, NOW, this 1st day of Feb., 2007, a rule is issued upon Lee Robert Harris, Marc Anthony Frederic, and Jai Freeman. rule returnable, for the purpose of filing an answer only, within thirty days from the date of service of the attached Petition. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman	Paul E. Cherry
3/5/2007	Answer to Petition For Forfeiture And Condemnation, filed by s/ Joseph M. Devecka, Esquire. 5CC atty	No Judge
3/14/2007	Motion to Withdraw as Counsel, filed by Atty. Devecka 1 Cert. to Atty. Certificate of Service, filed Atty. Devecka no cert. copies. Served copy of Motion to Withdraw as Counsel on Atty. Portman, Dan Nelson & Jai Freeman.	No Judge No Judge
	Order, NOW, this 14th day of March, 2007, Ordered that the Motion to Withdraw as Counsel is granted. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC: Joseph M. Devecka 301 S. Allen St. Ste 108 State College, PA 16801  Stevan Kip Portman Office of Attorney General 106 Lowther St. Lemoyne, PA 17043  Jai Freeman 500 Blanchard Street Osceola Mills, PA 16666  Jai Freeman 318 N. 9th St. Philipsburg, PA 16866  Lee Robert Harris GP - 3749 SCI Dallas 1000 Follies Road Dallas PA 18612  Marc Anthony Frederic 500 Blanchard St. Osceola Mills, PA 16666	Fredric Joseph Ammerman
3/19/2007	Return mail; Order dated March 14, 2007 to Marc Anthony Fredric, no further address in file.	No Judge
4/11/2007	Defendant's Answer to Petition for Forfeiture and Condemnation, filed by Lee Robert Harris 1 Cert. to Lee Harris.	No Judge

## Civil Other-COUNT

Date		Judge
4/13/2007	Order, NOW, this 13th day of april, 2007, upon review of the above-captioned case, the Court noting that the Commonwealth has failed to file an Affidavit of Certificate of Service relative the Petition for Forfeiture and Condemnation filed with the Court on Jan. 31, 2007 as to the three respondents, it is the Order of this Court that Stevan Kip Portman, Deputy Attorney General, file a appropriate Affidavit of Service relative the said Petition within no more than 10 days from this date. Upon receipt and review of the Affidavit of Service, the Court shall thereafter issue an appropriate Order relative the matter. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Portman, Devecka; 1CC Def. Frederic, 500 Blanchard St., Osceola Mills, PA 16666; 1CC Def. Harris, GP 3749, SCI Dallas	Fredric Joseph Ammerman
4/17/2007	Returned mail, Order, dated April 13, 2007 on Marc A. Frederic @ 500 Blanchard Street, Osceola Mills, PA 16666, unable to forward.	Fredric Joseph Ammerman
4/25/2007	Certificate of Service, filed by s/ Stevan Kip Portman, Deputy Attorney General. No CC. (In Re: service of the Peition for Forfeiture and Condemnation)	Fredric Joseph Ammerman
7/2/2007	Commonwealth's Motion for Hearing Date, filed by s/Stevan Kip Portman One CC Attorney Portman	Fredric Joseph Ammerman
7/19/2007	Order, NOW, this 16th day of July, 2007, upon Motion, a hearing is scheduled on the Petition for Forfeiture and Condemnation for the 24th day Sept., 2007, at 1:30 p.m. in Hearing Room 3. by The Court, /s/ Fredric J. Ammerman, pres. Judge. 1CC Atty. Portman	Fredric Joseph Ammerman
8/13/2007	Certificate of Service, filed. That on August 10, 2007 the Order dated July 16, 2007 to be served to Lee Robert Harris, filed by s/ Stevan Kip Portman Esq. NO CC.	Fredric Joseph Ammerman
9/7/2007	Motion to Strike Hearing Date, filed by s/ Letty A. Kress Esq. 2CC Atty. Order, this 7th day of Sept., 2007, upon Motion of the Commonwealth of Pennsylvania, Office of Attorney General, the hearing scheduled for Sept. 2, 2007, at 1:30 p.m. is hereby stricken pending subsequent motions. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Kress	Fredric Joseph Ammerman Fredric Joseph Ammerman
9/14/2007	Certificate of Service, on 9-12-07 served a copy of the Order to Strike Hearing Date by first class mail, upon: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic. filed by s/ Letty A. Kress, Chief Deputy Attorney General. 1CC to Atty.	Fredric Joseph Ammerman
9/21/2007	Motion to Suppress Physical Evidence to The Honorable Paul E. Cherry, filed by s/ Lee R. Harris. No CC Objections to Forfeiture Motion, filed by s/ Lee R. Harris. No CC	Fredric Joseph Ammerman Fredric Joseph Ammerman
9/26/2007	Order, this 25th day of Sept., 2007, the Court being in receipt of the Motion to Suppress Physical Evidence and Objections to Forfeiture Motion filed by Lee R. Harris, pro se, it is Ordered that the Commonwealth of Pennsylvania has 20 days from the date of this Order to file an Answer. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Portman, Devecka; 1CC M Frederic, 500 Blanchard St., Osceola Mills, PA 16666; 1DD Lee Harris, GP 3749, SCI Rockview	Fredric Joseph Ammerman
10/1/2007	Motion For Order of Forfeiture, filed by s/ Letty A. Kress, Esquire. 2CC Atty. Kress	Fredric Joseph Ammerman

## Civil Other-COUNT

Date		Judge
10/8/2007	Mail Returned, copy of Order dated Sept. 25th, 2007, addressed to: Marc Anthony Frederic 500 Blanchard Street Osceola Mills PA 16666	Fredric Joseph Ammerman
10/12/2007	Answer to Objections to Foreiture Motion and Motion to Suppress Physical Evidence, filed by s/ Letty A. Kress Esq. 2CC Atty Kress.	Fredric Joseph Ammerman
11/1/2007	Order, this 1st day of Nov., 2007, upon Motion for Forfeiture filed on behalf of the Commonwealth of PA., it is Ordered: All claims of right, title or interest of Marc Anthony Frederic in the above captioned defendant/property is hereby declared to be terminated, revoked and rendered null and void (see original); By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Kress  Application to Proceed In Forma Pauperis, Notice of Appeal Nunc Pro Tunc and Request for Transfer of Transcripts to Appellate Court, filed by s/ Lee Harris, Appellant. No CC  Order, this 1st day of Nov., 2007, it is Ordered that the application to proceed in forma pauperis and request for a transcript (which does not exist) is denied. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty: Kress, Devecka; 1CC Lee Robert Harris - GP 3749; 1CC Marc Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Fredric Joseph Ammerman  Fredric Joseph Ammerman
11/7/2007	Return mailed. Order, dated November 1, 2007, to Marc A. Frederic at 500 Blanchard Street, Osceola Mill, PA 16666, no further address in file.	Fredric Joseph Ammerman
11/21/2007	Order, this 21st day of Nov., 2007, pro se Objections to Forfeiture Motion filed by Lee R. Harris are Dismissed. The Court will hear testimony relative to the Motion to Suppress Physical Evidence at the time of the Forfeiture Hearing. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Atty. Portman & Def.	Fredric Joseph Ammerman
2/8/2008	Commonwealth's Motion For Hearing Date, filed by s/ Robert B. Stewart, III, Senior Deputy Attorney General. 1CC Atty. Stewart	Fredric Joseph Ammerman
2/11/2008	Order, this 11th day of Feb., 2008, a hearing is scheduled on the Petition for Paul E. Cherry Forfeiture and Condemnation, for the 27th day of March, 2008, at 2:30 p.m. in Courtroom 2. by The court, /s/ Paul E. Cherry, Judge. 1CC Atty. Stewart	
2/28/2008	Certificate of Service, filed. Served a copy of the foregoing Order and Motion for Hearing Date by first class mail to Lee Robert Harris and by personal service on Jai Freeman, filed by s/ Robert B. Stewart III Esq. NO CC.	Fredric Joseph Ammerman
3/10/2008	Motion For Continuance, filed by s/ Robert B. Stewart, III, Esquire. 1CC to Atty.  Order, this 6th day of March, 2008, upon motion, the hearing scheduled for March 27, 2008 at 2:30 p.m. is continued and a new hearing is scheduled on the Petition for Forfeiture and Condemnation of the above-captioned matter, for the 19th day of May, 2008, at 3:00 p.m. in courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 1CC to Atty.	Fredric Joseph Ammerman  Paul E. Cherry
4/29/2008	Affidavit of Service of Notice of Hearing, on March 17, 2008, notice of forfeiture hearing was attempted to be served by personal service and by certified mail upon Jai Freeman. On March 17, 2008, notice of the hearing was sent by regular mail to Lee Robert Harris. Filed by s/ Robert B. Stewart, III, Senior Deputy Attorney General. 1CC to Atty.	Fredric Joseph Ammerman
5/19/2008	Motion For Continuance, filed by s/ Lee R. Harris. no CC	Fredric Joseph Ammerman

## Civil Other-COUNT

Date		Judge
5/22/2008	Order, this 19th day of May, 2008, Motion to Suppress Evidence is Denied. By The court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman; 1CC Lee Harris, GP 3749, SCI Chester; 1CC Jai Freeman, Marc A. Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Paul E. Cherry
	Order, this 19th day of May, 2008, following hearing on the Petition for Forfeiture and condemnation; it is Ordered that the prayer of said Petition shall be and is hereby granted. All claims of right, title and interest of Lee Robert Harris and Jai Freeman, and any other claimants, in the Defendant/properties are hereby declared to be terminated, revoked and rendered null and void. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman; 1CC Lee Harris, GP 3749, SCI Chester; 1CC Jai Freeman, Marc / Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Paul E. Cherry
5/27/2008	Returned mail, Orders (2) dated May 19, 2008 to Marc Anthony Fredric @ 500 Blanchard St., Osceola Mills, PA 16666, unable to forward, no further address in file.	Fredric Joseph Ammerman
	Returned mail, Order (2) dated May 19, 2008 to Jai Freeman, remailed to 318 North 9th Street, Apt. D, Philipsburg, PA 16866	Fredric Joseph Ammerman
6/20/2008	Application to Proceed In Forma Pauperis, RE: Notice of Appeal filed.	Fredric Joseph Ammerman
	Order, filed Cert. to Lee R. Harris NOW, this 20th day of June, 2008, IFP DENIED CC to Portman & Lee Harris	Paul E. Cherry
3/5/2009	Motion for Order Directing Clerk of Courts to Transmit Lee Robert Harris' Notice of Appeal to the Commonwealth Court of Pennsylvania. 1 Cert. copy to Atty.	Paul E. Cherry
3/13/2009	Notice of Appeal, filed Mailed Cert. copies to Superior Court and Commonwealth Court.	Paul E. Cherry
	Order, filed. Cert. to Atty. Jennifer A. Buck, D.A.G., Lee Robert Harris at Albion & Erie Community corrections Center. NOW, this 13th day of March, 2009, having been notified of Appeal to the Superior Court, ORDER of this Court that Appellant file a concise statement	Paul E. Cherry
3/23/2009	Appeal Docket Sheet, filed Docket Number from Superior Court 479 WDA 2009	Fredric Joseph Ammerman
4/6/2009	Statement of Matters Complained of on Appeal, filed by Lee R. Harris no cert. copies.	Fredric Joseph Ammerman
4/30/2009	April 30, 2009, Mailed Appeal to Superior Court. April 30, 2009, Letters, Re: Notification of mailing appeal mailed to Stevan Kip Portman, Esq., Jennifer A. Buck, Esq., Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	Fredric Joseph Ammerman

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

APR 30 2009

Attest,

*William L. Sher*  
Prothonotary/  
Clerk of Courts

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

**No. 07-157-CD**

**Commonwealth of Pennsylvania**

**Vs.**

**\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe**

**Re: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic**

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
01	01/31/07	Petition for Forfeiture and Condemnation	07
02	02/02/07	Rule issued, Rule returnable for answer only	01
03	03/05/07	Answer to Petition for Forfeiture and Condemnation	05
04	03/14/07	Motion to Withdraw as Counsel	04
05	03/14/07	Certificate of Service, Motion to Withdraw as Counsel	02
06	03/14/07	Order, Re: Motion to Withdraw as Counsel granted	02
07	03/19/07	Return mail, Re: Marc Anthony Frederic	03
08	04/11/07	Defendant's Answer to Petition for Forfeiture and Condemnation	09
09	04/13/07	Order, Re: Commonwealth has failed to file an Affidavit or Certificate of Service	01
10	04/17/07	Return mail, Re: Marc Anthony Frederic	03
11	04/25/07	Certificate of Service, Re: Petition for Forfeiture and Condemnation	04
12	07/02/07	Commonwealth's Motion for Hearing Date	03
13	07/19/07	Order, Re: hearing scheduled on the Petition for Forfeiture and Condemnation	01
14	08/13/07	Certificate of Service, Re: Order	02
15	09/07/07	Motion to Strike Hearing Date	30
16	09/07/07	Order, Re: hearing is stricken pending subsequent motions	01
17	09/14/07	Certificate of Service, Re: Order to Strike Hearing Date	02
18	09/21/07	Motion to Suppress Physical Evidence	03
19	09/21/07	Objections to Forfeiture Motion	03
20	09/26/07	Order, Re: Commonwealth has 20 days from the date of this Order to file Answer	01
21	10/01/07	Motion for Order of Forfeiture	10
22	10/08/07	Return mail, Re: Marc Anthony Frederic	03
23	10/12/07	Answer to Objections to Forfeiture Motion and Motion to Suppress Physical Evidence	03
24	11/01/07	Order, Re: rights to property	01
25	11/01/07	Application to Proceed In Forma Pauperis, Notice of Appeal Nunc Pro Tunc, and Request for Transfer of Transcripts to Appellate Court	06
26	11/01/07	Order, Re: IFP and request for transcript denied	01
27	11/07/07	Return mail, Re: Marc Anthony Frederic	03
28	11/21/07	Order, Re: Objections to Forfeiture Motion filed by Lee R. Harris are Dismissed	01
29	02/08/08	Commonwealth's Motion for Hearing Date	03
30	02/11/08	Order, Re: hearing scheduled	01
31	02/28/08	Certificate of Service, Re: Order and Motion for Hearing Date	06
32	03/10/08	Motion for Continuance	03
33	03/10/08	Order, Re: hearing is continued	01
34	04/29/08	Affidavit of Service	05
35	05/19/08	Motion for Continuance	03
36	05/22/08	Order, Re: Motion to Suppress Evidence is Denied	01
37	05/22/08	Order, Re: Petition for Forfeiture and Condemnation Granted	02
38	05/27/08	Return mail, Re: Marc Anthony Frederic	06
39	05/27/08	Return mail, Re: Jai Freeman; re-mailed	06
40	06/20/08	Application to Proceed In Forma Pauperis, Re: Notice of Appeal	09
41	06/20/08	Order, Re: IFP Denied	01
42	03/05/09	Motion for Order Directing Clerk of Courts to Transmit Lee Robert Harris' Notice of Appeal to the Commonwealth Court	09

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-157-CD

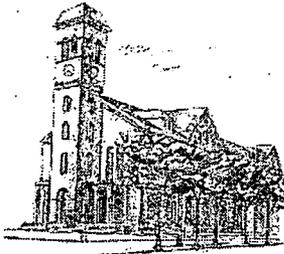
Commonwealth of Pennsylvania

Vs.

\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe

Re: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
43	03/13/09	Notice of Appeal	07
44	03/13/09	Order, Re: Appellant to file a concise statement	01
45	03/23/09	Appeal Docket Sheet, Superior Court Number 479 WDA 2009	03
46	04/06/09	Statement of Matters Complained of on Appeal	03
47	04/30/09	Letters, Re: Notification of mailing appeal mailed to Stevan Kip Portman, Esq., Jennifer A. Buck, Esq., Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic with certified copies of docket sheet and Document listing required by Pa.R.A.P. 1931(c).	07



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw  
Prothonotary/Clerk of Courts

Jacki Kendrick  
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson  
Administrative Assistant

David S. Ammerman  
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ www.clearfieldco.org

Fredric J. Ammerman, President Judge  
Court of Common Pleas  
230 E. Market Street  
Clearfield, PA 16830

Paul E. Cherry, Judge  
Court of Common Pleas  
230 E. Market Street  
Clearfield, PA 16830

Stevan Kip Portman, Esq.  
Office of Attorney General  
106 Lowther Street  
Lemoyne, PA 17043

Jennifer A. Buck, Esq.  
Office of Attorney General  
16<sup>th</sup> Floor-Strawberry Square  
Harrisburg, PA 17120

Lee Robert Harris  
GP3749  
Erie Community Corrections Center  
137 West 2<sup>nd</sup> Street  
Erie, PA 16507

Lee Robert Harris  
GP3749  
SCI Albion  
10745 Route 18  
Albion, PA 16475-0001

Jai Freeman  
318 North 9<sup>th</sup> Street, Apt. D  
Philipsburg, PA 16866

Marc Anthony Frederic  
500 Blanchard Street  
Osceola Mills, PA 16666

Commonwealth of Pennsylvania  
Vs.  
\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe

Re: Lee R. Harris, Jai Freeman, and Marc Anthony Frederic

Court No. 2007-157-CD; Superior Court No. 479 WDA 2009

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on April 30, 2009.

Sincerely,

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**  
014:00/STY  
APR 30 2009

William A. Shaw  
Prothonotary/Clerk of Courts

COPY

#47

Civil Other-COUNT

Date		Judge
1/31/2007	New Case Filed. Filing: Petition for Forfeiture and Condemnation. Paid by: Portman, Stevan Kip (attorney for Commonwealth of Pennsylvania) Receipt number: 191746 Dated: 01/31/2007 Amount: \$85.00 (Check) 1CC Atty.	No Judge No Judge
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01/1/2007	Motion For Order of Forfeiture, filed by s/ Letty A. Kress, Esquire. 2CC Atty. Kress	Fredric Joseph Ammerman

## Civil Other-COUNT

Date		Judge
10/8/2007	Mail Returned, copy of Order dated Sept. 25th, 2007, addressed to: Marc Anthony Frederic 500 Blanchard Street Osceola Mills PA 16666	Fredric Joseph Ammerman
10/12/2007	Answer to Objections to Foreiture Motion and Motion to Suppress Physical Evidence, filed by s/ Letty A. Kress Esq. 2CC Atty Kress.	Fredric Joseph Ammerman
11/1/2007	Order, this 1st day of Nov., 2007, upon Motion for Forfeiture filed on behalf of the Commonwealth of PA., it is Ordered: All claims of right, title or interest of Marc Anthony Frederic in the above captioned defendant/property is hereby declared to be terminated, revoked and rendered null and void (see original); By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Kress  Application to Proceed In Forma Pauperis, Notice of Appeal Nunc Pro Tunc and Request for Transfer of Transcripts to Appellate Court, filed by s/ Lee Harris, Appellant. No CC	Fredric Joseph Ammerman  Fredric Joseph Ammerman
11/7/2007	Order, this 1st day of Nov., 2007, it is Ordered that the application to proceed in forma pauperis and request for a transcript (which does not exist) is denied. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty: Kress, Devecka; 1CC Lee Robert Harris - GP 3749; 1CC Marc Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Fredric Joseph Ammerman
11/7/2007	Return mailed. Order, dated November 1, 2007, to Marc A. Frederic at 500 Blanchard Street, Osceola Mill, PA 16666, no further address in file.	Fredric Joseph Ammerman
11/21/2007	Order, this 21st day of Nov., 2007, pro se Objections to Forfeiture Motion filed by Lee R. Harris are Dismissed. The Court will hear testimony relative to the Motion to Suppress Physical Evidence at the time of the Forfeiture Hearing. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Atty. Portman & Def.	Fredric Joseph Ammerman
1/8/2008	Commonwealth's Motion For Hearing Date, filed by s/ Robert B. Stewart, III, Senior Deputy Attorney General. 1CC Atty. Stewart	Fredric Joseph Ammerman
1/11/2008	Order, this 11th day of Feb., 2008, a hearing is scheduled on the Petition for Forfeiture and Condemnation, for the 27th day of March, 2008, at 2:30 p.m. in Courtroom 2. by The court, /s/ Paul E. Cherry, Judge. 1CC Atty. Stewart	Fredric Joseph Ammerman
1/28/2008	Certificate of Service, filed. Served a copy of the foregoing Order and Motion for Hearing Date by first class mail to Lee Robert Harris and by personal service on Jai Freeman, filed by s/ Robert B. Stewart III Esq. NO CC.	Fredric Joseph Ammerman
1/10/2008	Motion For Continuance, filed by s/ Robert B. Stewart, III, Esquire. 1CC to Atty.  Order, this 6th day of March, 2008, upon motion, the hearing scheduled for March 27, 2008 at 2:30 p.m. is continued and a new hearing is scheduled on the Petition for Forfeiture and Condemnation of the above-captioned matter, for the 19th day of May, 2008, at 3:00 p.m. in courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 1CC to Atty.	Fredric Joseph Ammerman  Paul E. Cherry
1/29/2008	Affidavit of Service of Notice of Hearing, on March 17, 2008, notice of forfeiture hearing was attempted to be served by personal service and by certified mail upon Jai Freeman. On March 17, 2008, notice of the hearing was sent by regular mail to Lee Robert Harris. Filed by s/ Robert B. Stewart, III, Senior Deputy Attorney General. 1CC to Atty.	Fredric Joseph Ammerman
1/19/2008	Motion For Continuance, filed by s/ Lee R. Harris. no CC	Fredric Joseph Ammerman



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

**No. 07-157-CD**

**Commonwealth of Pennsylvania**

**Vs.**

**\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe**

**Re: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic**

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
01	01/31/07	Petition for Forfeiture and Condemnation	07
02	02/02/07	Rule issued, Rule returnable for answer only	01
03	03/05/07	Answer to Petition for Forfeiture and Condemnation	05
04	03/14/07	Motion to Withdraw as Counsel	04
05	03/14/07	Certificate of Service, Motion to Withdraw as Counsel	02
06	03/14/07	Order, Re: Motion to Withdraw as Counsel granted	02
07	03/19/07	Return mail, Re: Marc Anthony Frederic	03
08	04/11/07	Defendant's Answer to Petition for Forfeiture and Condemnation	09
09	04/13/07	Order, Re: Commonwealth has failed to file an Affidavit or Certificate of Service	01
10	04/17/07	Return mail, Re: Marc Anthony Frederic	03
11	04/25/07	Certificate of Service, Re: Petition for Forfeiture and Condemnation	04
12	07/02/07	Commonwealth's Motion for Hearing Date	03
13	07/19/07	Order, Re: hearing scheduled on the Petition for Forfeiture and Condemnation	01
14	08/13/07	Certificate of Service, Re: Order	02
15	09/07/07	Motion to Strike Hearing Date	30
16	09/07/07	Order, Re: hearing is stricken pending subsequent motions	01
17	09/14/07	Certificate of Service, Re: Order to Strike Hearing Date	02
18	09/21/07	Motion to Suppress Physical Evidence	03
19	09/21/07	Objections to Forfeiture Motion	03
20	09/26/07	Order, Re: Commonwealth has 20 days from the date of this Order to file Answer	01
21	10/01/07	Motion for Order of Forfeiture	10
22	10/08/07	Return mail, Re: Marc Anthony Frederic	03
23	10/12/07	Answer to Objections to Forfeiture Motion and Motion to Suppress Physical Evidence	03
24	11/01/07	Order, Re: rights to property	01
25	11/01/07	Application to Proceed In Forma Pauperis, Notice of Appeal Nunc Pro Tunc, and Request for Transfer of Transcripts to Appellate Court	06
26	11/01/07	Order, Re: IFP and request for transcript denied	01
27	11/07/07	Return mail, Re: Marc Anthony Frederic	03
28	11/21/07	Order, Re: Objections to Forfeiture Motion filed by Lee R. Harris are Dismissed	01
29	02/08/08	Commonwealth's Motion for Hearing Date	03
30	02/11/08	Order, Re: hearing scheduled	01
31	02/28/08	Certificate of Service, Re: Order and Motion for Hearing Date	06
32	03/10/08	Motion for Continuance	03
33	03/10/08	Order, Re: hearing is continued	01
34	04/29/08	Affidavit of Service	05
35	05/19/08	Motion for Continuance	03
36	05/22/08	Order, Re: Motion to Suppress Evidence is Denied	01
37	05/22/08	Order, Re: Petition for Forfeiture and Condemnation Granted	02
38	05/27/08	Return mail, Re: Marc Anthony Frederic	06
39	05/27/08	Return mail, Re: Jai Freeman; re-mailed	06
40	06/20/08	Application to Proceed In Forma Pauperis, Re: Notice of Appeal	09
41	06/20/08	Order, Re: IFP Denied	01
42	03/05/09	Motion for Order Directing Clerk of Courts to Transmit Lee Robert Harris' Notice of Appeal to the Commonwealth Court	09

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-157-CD

Commonwealth of Pennsylvania

Vs.

\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe

Re: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
43	03/13/09	Notice of Appeal	07
44	03/13/09	Order, Re: Appellant to file a concise statement	01
45	03/23/09	Appeal Docket Sheet, Superior Court Number 479 WDA 2009	03
46	04/06/09	Statement of Matters Complained of on Appeal	03

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

COMMONWEALTH OF PENNSYLVANIA :  
: Vs. : No. 07-157-CD  
: \$970.00 UNITED STATES CURRENCY AND :  
: A 1996 CHEVROLET TAHOE :  
: VIN # 1GNEK13R1TJ306498 :

FILED *Free*

APR 06 2009

*S* *Mr. 9:30/way*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*No C/c*

STATEMENT OF MATTERS COMPLAINED OF ON APPEAL

TO THE HONORABLE, Paul E. Cherry, THE JUDGE OF THE SAID COURT:

Appellant, **LEE R. HARRIS**, Pro se, complains of the following matters on appeal:

1. The Trial Court dismissed the Appellants motion for return of property without a hearing.
2. The Trial Court failed to respond to the Appellant's motion for appointed Counsel.
3. The Trial Court failed to transport the appellant for the purpose of the forfeiture Hearing as the Appellant is an incarcerated person.
4. The Trial Court denied the appellant's Motion to suppress property / evidence unlawfully seized when testimony was not given on behalf of the Defendant / Property for reasons contained in issue number 3 of this statement.
5. The Defendant / Property was obtained illegally and in violation of the Appellant's rights under Article 1, Section of the Pennsylvania Constitution, and under the fourth and fourteenth Amendments to the United States Constitution when the Police conducted a warrantless, consentless search and seizure of the Defendant / Property outside 500 Blanchard Street, Osceola Mills, Pennsylvania on December 6, 2005. Both the Federal and State Constitutions required a warrant to search the Defendant / Property, and none of the circumstances providing the limited exceptions to the warrant requirement were present in this case.

*#116*

6. Appellant respectfully requests that permission be granted to supplement this Statement of Matters Complained of on Appeal, if necessary, when the notes of testimony from the relevant proceedings are obtained.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lee R. Harris". The signature is written in dark ink and is positioned above a horizontal line.

Lee R. Harris  
(Appellant)

4/1/09

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

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 Vs. : No. 07-157-CD  
 :  
 \$970.00 UNITED STATES CURRENCY :  
 AND A 1996 CHEVROLET TAHOE :  
 VIN # 1GNEK13R1TJ306498 :  
  
 Attorney for Commonwealth : Jennifer A. Buck, Esq.

---

DATED, THIS DAY, APRIL 1, 2009.

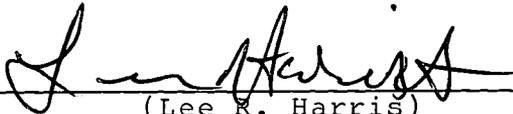
CERTIFICATE OF SERVICE

I, LEE R. HARRIS, Appellant herein, certify that I am this Day serving the foregoing STATEMENT OF MATTERS COMPLAINED OF ON APPEAL upon the following persons below which service satisfies the requirements pursuant to, (Pa. R.A.P. 121):

To: William a Shaw Sr., Prothonotary & Clerk of Courts  
Clearfield County Courthouse  
P.O. Box 549 Clearfield, Pa.  
16830

To: Jennifer A. Buck, Esq. Attorney for the Commonwealth  
Deputy Attorney General  
16 th Floor, Strawberry Square  
Harrisburg, Pa.  
17120

To: The Honorable Judge, Paul E. Cherry  
230 East Market Street  
Clearfield Pa. 16830

  
\_\_\_\_\_  
(Lee R. Harris)  
Appellant

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 479 WDA 2009

Page 1 of 3

March 19, 2009

Commonwealth of Pennsylvania

v.

\$970.00 U.S. Currency and A 1996 Chevrolet Tahoe,  
VIN # 1GNEK13R1TJ306498

Appeal of: Lee R. Harris

Initiating Document: Notice of Appeal IFP

Case Status: Active

Case Processing Status: March 19, 2009

Awaiting Original Record

Journal Number:

Case Category: Civil

CaseType:

Forfeiture

Consolidated Docket Nos.:

Related Docket Nos.:

  
**COPY FILED**  
MAR 23 2009  
*M. A. Chew*  
William A. Chew  
Prothonotary/Clerk of Courts

SCHEDULED EVENT

Next Event Type: Receive Docketing Statement

Next Event Due Date: April 2, 2009

Next Event Type: Original Record Received

Next Event Due Date: May 18, 2009

#45

## Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 479 WDA 2009

Page 2 of 3

March 19, 2009



## COUNSEL INFORMATION

**Appellant** Harris, Lee R  
 Pro Se: Appoint Counsel Status:  
 IFP Status: Yes

**Appellant Attorney Information:**

Attorney: Harris, Lee R.  
 Bar No.: Law Firm:  
 Address: SCI Chester, #3749  
 500 East Fourth Street  
 Chester, PA 19013  
 Phone No.: Fax No.:  
 Receive Mail: Yes  
 E-Mail Address:  
 Receive E-Mail: No

**Appellee** Commonwealth of Pennsylvania  
 Pro Se: Appoint Counsel Status:  
 IFP Status:

**Appellee Attorney Information:**

Attorney: Shaw Jr., William A.  
 Bar No.: 78007 Law Firm: Clearfield County District Attorney's Office  
 Address: 230 E Market St Ste 210  
 Clearfield, PA 16830  
 Phone No.: (814)765-2641 Fax No.:  
 Receive Mail: Yes  
 E-Mail Address:  
 Receive E-Mail: No

## FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number

## TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas  
 County: Clearfield Division: Civil  
 Date of Order Appealed From: May 19, 2008 Judicial District: 46  
 Date Documents Received: March 19, 2009 Date Notice of Appeal Filed: March 13, 2009  
 Order Type: Order Entered OTN:  
 Judge: Cherry, Paul E. Lower Court Docket No.: No. 07-157-CD  
 Judge

## ORIGINAL RECORD CONTENTS

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 479 WDA 2009

Page 3 of 3

March 19, 2009



Original Record Item	Filed Date	Content/Description
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Date of Remand of Record:

BRIEFS

DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Party Type	Filed By
March 19, 2009	Notice of Appeal IFP	Appellant	Harris, Lee R
March 19, 2009	Docketing Statement Exited (Civil)		Western District Filing Office

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

COMMONWEALTH OF PENNSYLVANIA : NO. 07-157-CD

V. :

\$970.00 UNITED STATES CURRENCY AND :  
A 1996 CHEVROLET TAHOE :  
VIN #1GNEK13R1TJ306498 :

**FILE**

MAR 13 2009

William A. Prothonotary/Clerk

**ORDER**

AND NOW, this 13<sup>th</sup> day of March, 2009, the Court having been notified of  
Appeal to the Superior Court of Pennsylvania in the above captioned matter, it is the

ORDER of this Court that Appellant file a concise statement of the matters complained of  
on said Appeal no later than twenty-one (21) days herefrom, as set forth in Rule 1925(b)  
of the Rules of Appellate Procedure. It is the further ORDER of this Court that the  
Statement shall be filed of record and shall be served upon the Judge pursuant to  
paragraph (b)(1).

Any issue not properly included in the Statement timely filed and served pursuant  
to subdivision (b) shall be deemed waived.

BY THE COURT,

  
PAUL E. CHERRY,  
JUDGE

12

4

APPEAL TO  
L. HANNIS  
COMM. COURT  
SUPERIOR COURT

441

**FILED**

**MAR 13 2009**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 3-13-09

\_\_\_\_ 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 nt AUBIOU

\_\_\_\_ Special Instructions:

FRIR COMMUNIT

+

SUPERIOR COURT

+

COURT

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

COMMONWEALTH OF PENNSYLVANIA

Vs.

\$970.00 U.S. CURRENCY AND A  
1996 CHEVROLET TAHOE,  
VIN # 1GNEK13R1TJ306498

:  
: No. 07-157-CD  
:  
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:

FILED <sup>(e)</sup>

MAR 13 2009

William A. Shaw  
Prothonotary/Clerk of Courts

SENT TO

Commonwealth

+

Superior Court

Attorney for the Commonwealth :

Stevan K. Portman

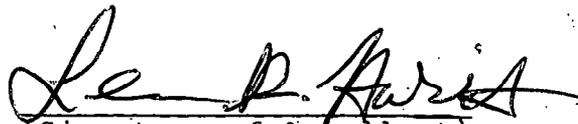
DATED THIS 13TH DAY OF JUNE, 2008

Dear Clerk of Court,

Enclosed please find the appellant's NOTICE of APPEAL which I would like to have filed in this Honorable Court in relation to the above captioned matter. Please inform me as to the date in which my enclosed documents are received by the Court at my address provided, infra.

Respectfully,

Lee R. Harris  
S.C.I. Chester, Inmate Number, GP-3749  
500 East Fourth St..  
Chester, Pa.  
19013

  
(Signature of Appellant)

#43

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

COMMONWEALTH OF PENNSYLVANIA

Vs.

\$970.00 U.S. CURRENCY AND A  
1996 CHEVEROLET TAHOE,  
VIN # 1GNEK13R1TJ306498

:  
: No. 07-157-CD  
:  
:  
:  
:  
:

Attorney for the Commonwealth :

Stevan K. Portman

---

DATED THIS 13TH DAY OF JUNE, 2008

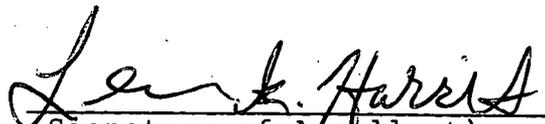
ORDER FOR TRANSCRIPTS  
TRANSFER OF TRANSCRIPTS TO APPELLATE COURT

A NOTICE OF APPEAL HAVING BEEN FILED, APPELLANT, LEE R. HARRIS,  
requests that the transcripts in relation to the above captioned  
matter be sent to the Superior Court of Pennsylvania, Western  
District.

TRANSCRIPTS TO BE SENT:

ALL RELATING DOCUMENTS SURROUNDING THE ABOVE CAPTIONED MATTER:

RESPECTFULLY SUBMITTED,

  
(Signature of Appellant)

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

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 Vs. : No. 07-157-CD  
 :  
 \$970.00 U.S. CURRENCY AND A :  
 1996 CHEVEROLET TAHOE, :  
 VIN # 1GNEK13R1TJ306498. :

Attorney for the Commonwealth : Stevan K. Portman

---

DATED THIS 13TH DAY OF JUNE, 2008

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT, LEE R. HARRIS, HEREBY APPEALS TO  
THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, FROM  
THE FINAL ORDER, ENTERED IN THIS MATTER ON MAY 19th, 2008,  
BY THE HONORABLE JUDGE PAUL E. CHERRY.

By, Lee R. Harris  
S.C.I. Chester, Inmate Number, GP-3749  
500 East Fourth St.  
Chester, Pa.  
19013

  
(Signature of Appellant)

NOTICE OF APPEAL AND PROOF OF SERVICE, SERVICED UPON THE  
FOLLOWING PERSON(S):  
WILLIAM A. SHAW SR. PROTHONOTARY AND CLERK OF COURT, CLEARFIELD  
COUNTY, PENNSYLVANIA.  
ATTORNEY FOR THE COMMONWEALTH, STEVAN K. PORTMAN.

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

COMMONWEALTH OF PENNSYLVANIA :  
 : No. 07-157-CD  
 Vs. :  
 :  
 \$970.00 U.S. CURRENCY AND A :  
 CHEVEROLET TAHOE, :  
 VIN # 1GNEK13R1TJ306498 :

Attorney for the Commonwealth : Stevan K. Portman

---

DATED, THIS 13TH DAY OF JUNE, 2008

APPLICATION TO PROCEED IN FORMA PAUPERIS FOR PURPOSES OF FILING INSTANT NOTICE OF APPEAL, FILING OF APPELLANT BRIEF IN THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, AND TO HAVE THE COURT STENOGRAPHER TRANSFER THE TRANSCRIPTS IN THIS MATTER TO THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT.

---

I LEE R. HARRIS, states under penalty of perjury provided by (18 Pa. C.S.A. § 4904), that:

- (1). I am the appellant in the above captioned action and because of my financial condition I am unable to retain counsel and to pay fees and costs of appellate filings, in the instant matter the appellant is proceeding pro-se.
- (2). Prior to this instant Notice of Appeal, appellant has been granted leave to proceed in forma pauperis in the filing of the instant actions.
- (3). Appellant owns no Motor Vehicles, Property, Stocks, Bonds, or any tangible items that could be exchanged for the purposes of paying for the fees incurred herein.
- (4) Appellant is currently employed within the prison system and earns nominal wages for inmate labor.
- (5). Appellant requests leave from this Honorable Court to permit him to file the instant Notice of Appeal and Appellate brief in the Superior Court of Pennsylvania and all relating documents in forma pauperis.

Wherefore, Appellant prays that he is granted the requested relief.

RESPECTFULLY SUBMITTED,

  
(Signature of Appellant)

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

COMMONWEALTH OF PENNSYLVANIA

Vs.

\$970.00 U.S. CURRENCY AND A  
1996 CHEVEROLET TAHOE,  
VIN # 1GNEK13R1TJ306498

:  
: No. 07-157-CD  
:  
:  
:  
:  
:

Attorney for the Commonwealth : Stevan K. Portman

---

DATED, THIS 13TH DAY OF JUNE, 2008

CERTIFICATE OF SERVICE

I, LEE R. HARRIS, appellant herein, certify that I am this day serving the foregoing NOTICE OF APPEAL upon the following persons below which satisfies the requirements pursuant to, (Pa. R.A.P. 121):

To: Wiliam A. Shaw Sr., Prothonotary & Clerk of Courts  
Clearfield County Courthouse  
P.O. Box 549 Clearfield, Pa.  
16830-(Serviced (1) Copy)

To: Stevan K. Portman, Attorney for the Commonwealth  
(Deputy Attorney General)  
Office of the Attorney General  
106 Lowther Street  
Lemoyne, Pa.  
17043-(Serviced (1) Copy)

By, Lee R. Harris, Appellant  
S.C.I. Chester, Inmate Number GP-3749  
500 E. Fourth St.  
Chester, Pa. 19013

Lee Harris

Date: 11/3/2008

Time: 03:50 PM

Page 4 of 4

Clearfield County Court of Common Pleas

ROA Report

Case: 2007-00157-CD

Current Judge: Fredric Joseph Ammerman

User: BILLSHAW

Commonwealth of Pennsylvania vs. \$970.00 U.S. Currency, et al

Civil-Other-COUNT

Date		Judge
5/22/2008	Order, this 19th day of May, 2008, Motion to Suppress Evidence is Denied. By The court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman; 1CC Lee Harris, GP 3749, SCI Chester; 1CC Jai Freeman, Marc A. Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Paul E. Cherry
	Order, this 19th day of May, 2008, following hearing on the Petition for Forfeiture and condemnation; it is Ordered that the prayer of said Petition shall be and is hereby granted. All claims of right, title and interest of Lee Robert Harris and Jai Freeman, and any other claimants, in the Defendant/properties are hereby declared to be terminated, revoked and rendered null and void. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman; 1CC Lee Harris, GP 3749, SCI Chester; 1CC Jai Freeman, Marc A. Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Fredric Joseph Ammerman
5/27/2008	Returned mail, Orders (2) dated May 19, 2008 to Marc Anthony Fredric @ 500 Blanchard St., Osceola Mills, PA 16666, unable to forward, no further address in file.	Fredric Joseph Ammerman
	Returned mail, Order (2) dated May 19, 2008 to Jai Freeman, remailed to 318 North 9th Street, Apt. D, Philipsburg, PA 16866	Fredric Joseph Ammerman
6/20/2008	Application to Proceed In Forma Pauperis, RE: Notice of Appeal filed. Order, filed Cert. to Lee R. Harris NOW, this 20th day of June, 2008, IFP DENIED CC to Portman & Lee Harris	Fredric Joseph Ammerman Paul E. Cherry

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

FILED <sup>10</sup>

MAR 05 2009  
m/3:20/cw  
William A. Shaw  
Prothonotary/Clerk of Courts

5  
A COURT COPIES  
TO MARY

COMMONWEALTH OF PENNSYLVANIA, : No. 07-157  
: :  
v. : :  
: :  
\$970.00 UNITED STATES CURRENCY AND :  
A 1996 CHEVROLET TAHOE :  
VIN #1GNEK13R1TJ306498, :  
Defendant :

**MOTION FOR ORDER DIRECTING CLERK OF COURTS TO TRANSMIT  
LEE ROBERT HARRIS' NOTICE OF APPEAL TO THE  
COMMONWEALTH COURT OF PENNSYLVANIA**

TO THE HONORABLE PAUL E. CHERRY:

NOW COMES the Commonwealth of Pennsylvania, by and through its attorneys, who presents this motion for an order directing the Clearfield County Clerk of Courts to transmit Lee Robert Harris' June 20, 2008 notice of appeal to the Commonwealth Court of Pennsylvania, and in support thereof, avers:

1. On February 1, 2007, the Commonwealth of Pennsylvania, through the Office of Attorney General ("OAG") filed a petition for forfeiture and condemnation of: 1) \$970.00 in United States Currency ("\$970.00"); and 2) a 1996 Chevrolet Tahoe, VIN #1GNEK13R1TJ306498 ("Chevy Tahoe"), which were seized by law enforcement officials on December 6, 2005 pursuant to the Controlled Substances Forfeitures Act found at 42 Pa.C.S. §§ 6801-6802.

2. The owner of \$350.00 in United States Currency was listed as Lee Robert Harris ("Harris") who is currently incarcerated at the State Correctional Institution at Albion following his 2006 convictions of possession with intent to deliver a controlled substance and possession of a controlled substance.

#48

3. The owner of \$620.00 in United States Currency was listed as Marc Anthony Frederic ("Frederic")

4. The owner of the Chevy Tahoe was listed as Jai Freeman ("Freeman").

5. In its forfeiture petition, the OAG averred that the defendant/property \$970.00 was furnished or intended to be furnished by any person in exchange for a controlled substance, or were proceeds traceable to such an exchange. It was further averred that the defendant/property Chevy Tahoe was used, or intended for use, to transport, or in any manner facilitate the transportation, sale, receipt possession or concealment of drug paraphernalia, controlled substances, or other drugs.

6. On February 1, 2007, this Court issued a rule upon Harris, Frederic and Freeman to show cause why the prayer and order of the forfeiture petition should not be granted.

7. On April 11, 2007, Harris filed an answer wherein he requested that the Chevy Tahoe be returned to Freeman because Freeman had no knowledge of the contraband and/or controlled substances found in the vehicle and was not charged with any crimes relating to possession of contraband and/or controlled substances.

8. On September 14, 2007, Harris filed objections to the OAG's forfeiture petition.

9. Harris also filed a motion on September 21, 2007 wherein he sought to suppress evidence seized from his residence and vehicle.

10. On November 1, 2007, the Honorable Judge Ammerman entered an order terminating all claims of right, title or interest of Frederic in the defendant/properties and forfeiting such interest to the OAG.

11. On November 21, 2007, Judge Ammerman entered an order dismissing Harris' objections to the forfeiture petition. A hearing on the Commonwealth's forfeiture petition and Harris' motion to suppress evidence was ultimately scheduled for May 19, 2008.

12. On May 13, 2008, Harris filed a motion requesting that the hearing be continued due to the fact that he was unable to locate Freeman, his necessary witness.

13. The hearing commenced on May 19, 2008 as scheduled and Harris did not appear. At the conclusion of the hearing, this Court entered an order terminating all claims of right, title and interest of Harris and Freeman in the defendant/properties. The properties were subsequently condemned and forfeited to the OAG.

14. On June 20, 2008, Harris' notice of appeal was received by the Clearfield County Clerk of Courts along with an application to proceed *in forma pauperis* ("IFP"). This Court denied the application to proceed *IFP* that same day.

15. Harris' notice of appeal was never transmitted to the Commonwealth Court of Pennsylvania.<sup>1</sup>

16. Your undersigned contacted the Clearfield County Clerk of Courts office and was advised that the appeal was not forwarded to the appellate court because Harris failed to pay the filing fee.

---

<sup>1</sup> In his notice of appeal, Harris indicated that he was appealing to the Pennsylvania Superior Court. However, since the order appealed from is a final order in a forfeiture proceeding, proper jurisdiction lies with the Commonwealth Court of Pennsylvania. See 42 Pa.C.S. § 762 (vesting jurisdiction in the Commonwealth Court in appeals from final orders of the courts of common pleas in civil actions commenced by the Commonwealth government); see also *Sugalski v. Cochran*, 529 A.2d 1104, 1107 (Pa. Super. 1987) ("[f]orfeiture proceedings have been held to be civil in rem proceedings, which are quasi criminal in nature").

17. Rule 905(b) of the Pennsylvania Rules of Appellate Procedure directs the Clerk of Courts to “immediately transmit to the prothonotary of the appellate court named in the notice of appeal a copy of the notice of appeal showing the date of receipt, the related proof of service and a receipt showing collection of any docketing fee in the appellate court required under Subdivision (c).” Pa.R.A.P. 905(b).

18. Although Harris did not pay the filing fee, payment is not required in order to perfect an appeal. See *First Union National Bank v. F.A. Realty Investors Corp*, 812 A.2d 719 (Pa. Super. 2002)). In *First Union*, the Pennsylvania Superior Court stated:

The Trial Court and Appellee contend that this provision establishes that the appeal is not perfected until the fee is paid. We must disagree. While we agree that Rule 905(c) imposes an absolute duty on an appellant to either pay the required filing fee, or to attempt to obtain leave to proceed *in forma pauperis* at the time when the notice of appeal is filed, a breach of that duty does not automatically render the appeal invalid. Under Pa.R.A.P. 902, an appeal is perfected merely if it is filed within the time period allowed for filing an appeal under Pa.R.A.P. 903. The date of the appeal's filing, for purposes of Pa.R.A.P. 903, is established by Pa.R.A.P. 905(a). Thus, the perfection of the appeal does not depend in any way on the payment of the filing fee.

Indeed, Pa.R.A.P. 902 specifically states that “Failure of an appellant to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but it is subject to such action as the appellate court deems appropriate . . . .” Reading all of these provisions together compels the conclusion that an appeal will not be rendered automatically invalid by an Appellant's *initial* failure to comply with the financial obligations of Pa.R.A.P. 905 and Pa.R.A.P. 2701. An appeal filed within the allowed time period without the requisite fee will still be considered valid.

*Id.* at 722-723.

19. Based on the foregoing, the Commonwealth submits that the Clerk of Courts should be instructed to transmit Harris' notice of appeal to the Commonwealth

Court of Pennsylvania despite his failure to initially comply with the financial obligations of Pa.R.A.P. 905 and Pa.R.A.P. 2701.

20. This Court has authority pursuant to Pa.R.A.P. 1701 to direct the Clerk of Courts to transmit Harris' notice of appeal to the appellate court. The Rule provides in relevant part that:

**(b) Authority of a trial court or agency after appeal.** After an appeal is taken or review of a quasijudicial order is sought, the trial court or other government unit may:

(1) Take such action as may be necessary to preserve the status quo, correct formal errors in papers relating to the matter, cause the record to be transcribed, approved, filed and transmitted, grant leave to appeal in forma pauperis, grant supersedeas, and take other action permitted or required by these rules or otherwise ancillary to the appeal or petition for review proceeding.

Pa.R.A.P. 1701(b)(1).

WHEREFORE, the Commonwealth respectfully requests this Court to enter an order directing the Clearfield County Clerk of Courts to transmit Harris' notice of appeal to the Commonwealth Court of Pennsylvania for further action.

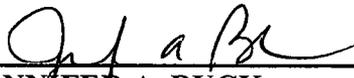
**Respectfully submitted,**

**THOMAS W. CORBETT, JR.**  
**Attorney General**

**RICHARD A. SHEETZ, JR.**  
**Executive Deputy Attorney General**  
**Director, Criminal Law Division**

**CHRISTOPHER D. CARUSONE**  
**Chief Deputy Attorney General**  
**Appeals and Legal Services Section**

**OFFICE OF ATTORNEY GENERAL**  
**Appeals & Legal Services Section**  
**16<sup>th</sup> Floor – Strawberry Square**  
**Harrisburg, PA 17120**  
**(717) 783-6273**

  
\_\_\_\_\_  
**JENNIFER A. BUCK**  
**Deputy Attorney General**  
**Attorney I.D. #84357**  
**[jbuck@attorneygeneral.gov](mailto:jbuck@attorneygeneral.gov)**

**Date: March 4, 2009**

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

COMMONWEALTH OF PENNSYLVANIA, : No. 07-157

v. :

\$970.00 UNITED STATES CURRENCY AND :  
A 1996 CHEVROLET TAHOE :  
VIN #1GNEK13R1TJ306498, :

Defendant :

VERIFICATION

I, Jennifer A. Buck, hereby verify that the facts set forth in the foregoing **Motion For Order Directing Clerk of Courts to Transmit Lee Robert Harris' Notice of Appeal to the Commonwealth Court of Pennsylvania** are true and correct to the best of my knowledge or information and belief. This verification is given subject to the penalties of 18 PA.C.S. § 4904 relating to unsworn falsification to authorities.



---

JENNIFER A. BUCK  
Deputy Attorney General  
Attorney I.D. #84357  
[jbuck@attorneygeneral.gov](mailto:jbuck@attorneygeneral.gov)

Date: March 4, 2009

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

COMMONWEALTH OF PENNSYLVANIA, : No. 07-157  
 :  
v. :  
 :  
\$970.00 UNITED STATES CURRENCY AND :  
A 1996 CHEVROLET TAHOE :  
VIN #1GNEK13R1TJ306498, :  
Defendant :

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving a copy of the foregoing document upon the person(s) and in the manner indicated below which service satisfies the requirements of Pa.R.A.P. 121:

**Service by first class mail addressed as follows:**

*Lee Robert Harris*  
Inmate No. GP3749  
State Correctional Institution at Albion  
10745 Route 18  
Albion, PA 16475-0001

*Lee Robert Harris*  
Erie Community Corrections Center  
137 West 2<sup>nd</sup> Street  
Erie, PA 16507

  
\_\_\_\_\_  
JENNIFER A. BUCK  
Deputy Attorney General  
Attorney I.D. #84357  
[jbuck@attorneygeneral.gov](mailto:jbuck@attorneygeneral.gov)

Date: March 4, 2009

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

COMMONWEALTH OF PENNSYLVANIA, : No. 07-157

v. :

\$970.00 UNITED STATES CURRENCY AND :  
A 1996 CHEVROLET TAHOE :  
VIN #1GNEK13R1TJ306498, :

Defendant :

**ORDER**

AND NOW, this \_\_\_\_\_ day of March, 2009, it is hereby ORDERED  
and DIRECTED that the Clerk of Courts shall immediately transmit the notice of appeal  
filed by Lee Robert Harris on June 20, 2008 to the Commonwealth Court of Pennsylvania  
for further action.

\_\_\_\_\_  
The Honorable Paul E. Cherry

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

COMMONWEALTH OF PENNSYLVANIA

NO. 07-157-CD

V.

\$970.00 U.S. CURRENCY AND A  
CHEVROLET TAHOE,  
VIN #1GNEK13R1TJ306498

**FILED**

JUN 20 2008

0/420/cw  
William A. Shaw  
Prothonotary/Clerk of Courts

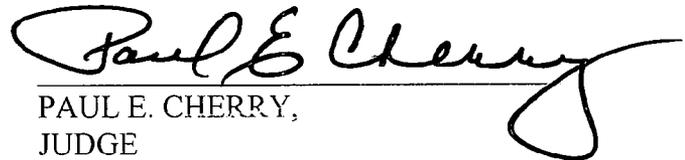
ORDER

CRIM TO PAPPAS  
&  
LEA HARRY

AND NOW, this 20<sup>th</sup> day of June, 2008 upon consideration of the foregoing

Affidavit in Support of Petition to Proceed in Forma Pauperis filed by the Plaintiff, it is  
the ORDER of this Court that said Petition be and is hereby DENIED.

BY THE COURT,

  
PAUL E. CHERRY,  
JUDGE

(41)

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

COMMONWEALTH OF PENNSYLVANIA

Vs.

\$970.00 U.S. CURRENCY AND A  
CHEVEROLET TAHOE,  
VIN # 1GNEK13R1TJ30649B

:  
: No. 07-157-CD  
:  
:  
:  
:  
:

FILED

JUN 20 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Attorney for the Commonwealth :

Stevan K. Portman

---

DATED, THIS 13TH DAY OF JUNE, 2008

APPLICATION TO PROCEED IN FORMA PAUPERIS FOR PURPOSES  
OF FILING INSTANT NOTICE OF APPEAL, FILING OF APPELLANT BRIEF  
IN THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, AND  
TO HAVE THE COURT STENOGRAPHER TRANSFER THE TRANSCRIPTS IN  
THIS MATTER TO THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN  
DISTRICT.

---

I LEE R. HARRIS, states under penalty of perjury provided  
by (18 Pa. C.S.A. § 4904), that:

(1). I am the appellant in the above captioned action and because  
of my financial condition I am unable to retain counsel and  
to pay fees and costs of appellate filings, in the instant  
matter the appellant is proceeding pro-se.

(2). Prior to this instant Notice of Appeal, appellant has  
been granted leave to proceed in forma pauperis in the filing  
of the instant actions.

(3). Appellant owns no Motor Vehicles, Property, Stocks, Bonds,  
or any tangible items that could be exchanged for the purposes  
of paying for the fees incurred herein.

(4) Appellant is currently employed within the prison system  
and earns nominal wages for inmate labor.

(5). Appellant requests leave from this Honorable Court to  
permit him to file the instant Notice of Appeal and Appellate  
brief in the Superior Court of Pennsylvania and all relating  
documents in forma pauperis.

Wherefore, Appellant prays that he is granted the requested relief.

RESPECTFULLY SUBMITTED,

  
(Signature of Appellant)

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

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 Vs. : No. 07-157-CD  
 :  
 :  
 \$970.00 U.S. CURRENCY AND A :  
 1996 CHEVEROLET TAHOE, :  
 VIN # 1GNEK13R1TJ306498 :

Attorney for the Commonwealth : Stevan K. Portman

---

DATED, THIS 13TH DAY OF JUNE, 2008

CERTIFICATE OF SERVICE

I, LEE R. HARRIS, appellant herein, certify that I am this day serving the foregoing NOTICE OF APPEAL upon the following persons below which satisfies the requirements pursuant to, (Pa. R.A.P. 121):

To: William A. Shaw Sr., Prothonotary & Clerk of Courts  
Clearfield County Courthouse  
P.O. Box 549 Clearfield, Pa.  
16830--(Served (1) Copy)

To: Stevan K. Portman, Attorney for the Commonwealth  
(Deputy Attorney General)  
Office of the Attorney General  
106 Lowther Street  
Lemoyne, Pa.  
17043--(Served (1) Copy)

By, Lee R. Harris, Appellant  
S.C.I. Chester, Inmate Number GP-3749  
500 E. Fourth St.  
Chester, Pa. 19013

Lee Harris

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

COMMONWEALTH OF PENNSYLVANIA

Vs.

\$970.00 U.S. CURRENCY AND A  
1996 CHEVROLET TAHOE,  
VIN # 1GNEK13R1TJ306498

:  
: No. 07-157-CD  
:  
:  
:  
:  
:

Attorney for the Commonwealth :

Steven K. Portman

---

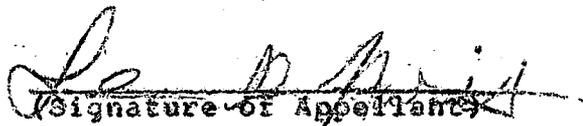
DATED THIS 13TH DAY OF JUNE, 2008

Dear Clerk of Court,

Enclosed please find the appellant's NOTICE of APPEAL which I would like to have filed in this Honorable Court in relation to the above captioned matter. Please inform me as to the date in which my enclosed documents are received by the Court at my address provided, infra.

Respectfully,

Lee R. Harris  
S.C.I. Chester, Inmate Number, GP-3749  
500 East Fourth St..  
Chester, Pa.  
19013

  
(Signature of Appellant)

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

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 Vs. : No. 07-157-CD  
 :  
 \$970.00 U.S. CURRENCY AND A :  
 1996 CHEVEROLET TAHOE, :  
 VIN # 1GNEK13R1TJ306498 :

Attorney for the Commonwealth : Stevan K. Portman

---

DATED THIS 13TH DAY OF JUNE, 2008

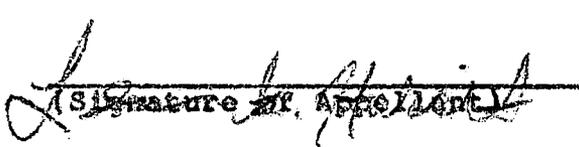
ORDER FOR TRANSCRIPTS  
TRANSFER OF TRANSCRIPTS TO APPELLATE COURT

A NOTICE OF APPEAL HAVING BEEN FILED, APPELLANT, LEE R. HARRIS,  
requests that the transcripts in relation to the above captioned  
matter be sent to the Superior Court of Pennsylvania, Western  
District.

TRANSCRIPTS TO BE SENT:

ALL RELATING DOCUMENTS SURROUNDING THE ABOVE CAPTIONED MATTER:

RESPECTFULLY SUBMITTED,

  
(Signature of Appellant)

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

COMMONWEALTH OF PENNSYLVANIA :  
: No. 07-157-CD  
Vs. :  
: :  
\$970.00 U.S. CURRENCY AND A :  
1996 CHEVEROLET TAHOE, :  
VIN # 1GNEK13R1TJ306498 :  
Attorney for the Commonwealth : Stevan K. Portman

---

DATED THIS 13TH DAY OF JUNE, 2008

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT, LEE R. HARRIS, HEREBY APPEALS TO  
THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, FROM  
THE FINAL ORDER, ENTERED IN THIS MATTER ON MAY 19th, 2008,  
BY THE HONORABLE JUDGE PAUL E. CHERRY.

By, Lee R. Harris  
S.C.I. Chester, Inmate Number, GP-3749  
500 East Fourth St.  
Chester, Pa.  
19013

  
(Signature of Appellant)

NOTICE OF APPEAL AND PROOF OF SERVICE, SERVICED UPON THE  
FOLLOWING PERSON(S):  
WILLIAM A. SHAW SR. PROTHONOTARY AND CLERK OF COURT, CLEARFIELD  
COUNTY, PENNSYLVANIA.  
ATTORNEY FOR THE COMMONWEALTH, STEVAN K. PORTMAN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH

:

VS.

:

NO. 07-157-CD

\$970.00 U.S. CURRENCY and a

:

1996 CHEVROLET TAHOE,

:

VIN #1GNEK13R1TJ306498

:

O R D E R

AND NOW, this 19th day of May, 2008, this being the date set for Motion to Suppress Evidence filed by the Defendant; the Defendants having failed to appear despite having received due and proper notice thereof; upon consideration of same, it is the ORDER of this Court that said Motion be and is hereby denied.

BY THE COURT,

/s/ Paul E. Cherry

Judge

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

MAY 22 2008

Attest.



*William E. Cherry*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH :  
VS. : NO. 07-157-CD  
\$970.00 U.S. CURRENCY and a :  
1996 CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

ORDER

AND NOW, this 19th day of May, 2008, following hearing on the Petition for Forfeiture and Condemnation; and after hearing, taking of testimony and upon consideration of same, it is hereby ORDERED and DECREED that the prayer of said Petition shall be and is hereby granted.

All claims of right, title and interest of Lee Robert Harris and Jai Freeman, and any other claimants, in the Defendant/properties are hereby declared to be terminated, revoked and rendered null and void. The \$970.00 in U.S. currency and a 1996 Chevrolet Tahoe, VIN #1GNEK13R1TJ306498, shall be and are hereby condemned and forfeited to the Commonwealth of Pennsylvania, Office of Attorney General, pursuant to the Judicial Code, Chapter 68, Controlled Substances Forfeiture, Section 6801 to 6802, Title 42. Pa.C.S.A. Section 6801, et seq., for use or disposition in accordance with law.

The registration heretofore issued by the Commonwealth of Pennsylvania for the above vehicle is hereby

declared to be terminated and revoked, and the Department of Transportation is directed to reissue said registration in the name of the Department of General Services for official use, sale or disposition by the Office of Attorney General.

BY THE COURT,

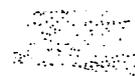
***/s/ Paul E. Cherry***

Judge

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

MAY 22 2008

Attest.



*William L. Cherry*  
Prothonotary/  
Clerk of Courts

WILLIAM A. SHAW  
PROTHONOTARY  
and CLERK of COURTS  
P.O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

9 FILED  
3/10:43  
MAY 27 2008

William A. Shaw  
Prothonotary/Clerk of Courts

remailed to  
318 North 9th St Apt D  
Philipsburg PA 16866

(2) order dated 5/19/2008

Jai Freeman  
500 Blanchard St.  
Osceola Mills, PA 16666

1593000549

NIXIE 185 DE 1 00 05/24/08

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 159300054949 \*1179-21443-22-38



Hasler

016H16505405  
\$00.420  
05/22/2008  
Mailed From 16830  
US POSTAGE

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

COMMONWEALTH :  
VS. : NO. 07-157-CD  
\$970.00 U.S. CURRENCY and a :  
1996 CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

O R D E R

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The registration heretofore issued by the Commonwealth of Pennsylvania for the above vehicle is hereby

declared to be terminated and revoked, and the Department of Transportation is directed to reissue said registration in the name of the Department of General Services for official use, sale or disposition by the Office of Attorney General.

BY THE COURT,

/s/ Paul E. Cherry

Judge

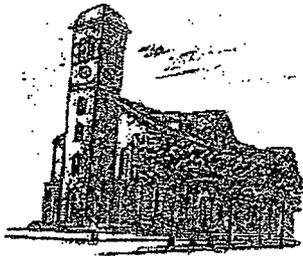
I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

MAY 22 2008

Attest.



*William A. Khan*  
Prothonotary/  
Clerk of Courts



# Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammern**  
Solicitor

PO Box 549, Clearfield, PA 16830 ▪ Phone: (814) 765-2641 Ext. 1330 ▪ Fax: (814) 765-7659 ▪ www.clearfieldco.or

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 5/22/08

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:

Attorney Stewan Portman  
Lee R. Harris  
Jai Freeman  
Marc A. Frederic

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH

:

VS.

:

NO. 07-157-CD

\$970.00 U.S. CURRENCY and a

:

1996 CHEVROLET TAHOE,

:

VIN #1GNEK13R1TJ306498

:

O R D E R

AND NOW, this 19th day of May, 2008, this being the date set for Motion to Suppress Evidence filed by the Defendant; the Defendants having failed to appear despite having received due and proper notice thereof; upon consideration of same, it is the ORDER of this Court that said Motion be and is hereby denied.

BY THE COURT,

*/s/ Paul E. Cherry*

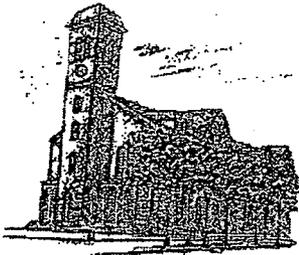
Judge

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

MAY 22 2008

Attest.

*William A. Cherry*  
Prothonotary/  
Clerk of Courts



# Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammern**  
Solicitor

PO Box 549, Clearfield, PA 16830 ▪ Phone: (814) 765-2641 Ext. 1330 ▪ Fax: (814) 765-7659 ▪ www.clearfieldco.or

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 5/22/08

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

Attorney Stewan Portman  
Lee R. Harris  
Jai Freeman  
Marc A. Frederic

Special Instructions:

WILLIAM A. SHAW  
PROTHONOTARY  
and CLERK of COURTS  
P. O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

5 FILED

m/10:43 Lm  
MAY 27 2008

William A. Shaw  
Prothonotary/Clerk of Courts

No further address  
in file

(2) orders dated 5/19/2008

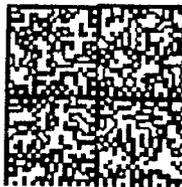
Marc Anthony Frederic  
500 Blanchard St.  
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1663000549

NIXIE 165 DE 1 00 03/24/08

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BC: 166300054949 \*2343-17879-22-38



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

COMMONWEALTH :  
VS. : NO. 07-157-CD  
\$970.00 U.S. CURRENCY and a :  
1996 CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

ORDER

AND NOW, this 19th day of May, 2008, this being the date set for Motion to Suppress Evidence filed by the Defendant; the Defendants having failed to appear despite having received due and proper notice thereof; upon consideration of same, it is the ORDER of this Court that said Motion be and is hereby denied.

BY THE COURT,

*/s/ Paul E. Cherry*

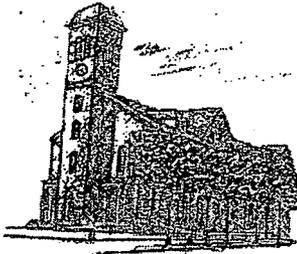
Judge

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

MAY 22 2008

Attest.

*William A. Brown*  
Prothonotary/  
Clerk of Courts



# Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerma**  
Solicitor

PO Box 549, Clearfield, PA 16830 ▪ Phone: (814) 765-2641 Ext. 1330 ▪ Fax: (814) 765-7659 ▪ www.clearfieldco.org

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 5/22/08

         You are responsible for serving all appropriate parties.

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

<u>        </u> Plaintiff(s)	<u>        </u> Plaintiff(s) Attorney	<u>  X  </u> Other
<u>        </u> Defendant(s)	<u>        </u> Defendant(s) Attorney	Attorney Stewan Portman
		Lee R. Harris
		Jai Freeman
		Marc A. Frederic

         Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH :  
VS. : NO. 07-157-CD  
\$970.00 U.S. CURRENCY and a :  
1996 CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

O R D E R

AND NOW, this 19th day of May, 2008, following hearing on the Petition for Forfeiture and Condemnation; and after hearing, taking of testimony and upon consideration of same, it is hereby ORDERED and DECREED that the prayer of said Petition shall be and is hereby granted.

All claims of right, title and interest of Lee Robert Harris and Jai Freeman, and any other claimants, in the Defendant/properties are hereby declared to be terminated, revoked and rendered null and void. The \$970.00 in U.S. currency and a 1996 Chevrolet Tahoe, VIN #1GNEK13R1TJ306498, shall be and are hereby condemned and forfeited to the Commonwealth of Pennsylvania, Office of Attorney General, pursuant to the Judicial Code, Chapter 68, Controlled Substances Forfeiture, Section 6801 to 6802, Title 42. Pa.C.S.A. Section 6801, et seq., for use or disposition in accordance with law.

The registration heretofore issued by the Commonwealth of Pennsylvania for the above vehicle is hereby

declared to be terminated and revoked, and the Department of Transportation is directed to reissue said registration in the name of the Department of General Services for official use, sale or disposition by the Office of Attorney General.

BY THE COURT,

**/s/ Paul E. Cherry**

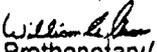
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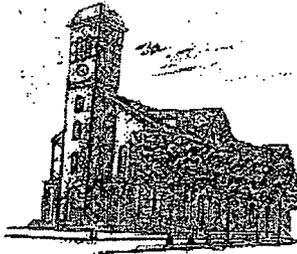
Judge

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

**MAY 22 2008**

Attest.

  
Prothonotary/  
Clerk of Courts



# Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerman**  
Solicitor

PO Box 549, Clearfield, PA 16830 ▪ Phone: (814) 765-2641 Ext. 1330 ▪ Fax: (814) 765-7659 ▪ www.clearfieldco.org

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 5/22/08

         You are responsible for serving all appropriate parties.

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

<u>        </u> Plaintiff(s)	<u>        </u> Plaintiff(s) Attorney	<u>  X  </u> Other
<u>        </u> Defendant(s)	<u>        </u> Defendant(s) Attorney	Attorney Stewan Portman
		Lee R. Harris
		Jai Freeman
		Marc A. Frederic

         Special Instructions:

FILED  
0/10:08/01  
MAY 22 2008

William A. Shaw  
Prothonotary/Clerk of Courts

icc Amy Postman  
icc Lee Harris (G10)  
GP 3749  
SEI Chester  
icc Jai Freeman  
Marc A. Frederic  
500 Blanchard St.  
Osceola Mills, PA 16066

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

COMMONWEALTH :  
VS. : NO. 07-157-CD  
\$970.00 U.S. CURRENCY and a :  
1996 CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

O R D E R

AND NOW, this 19th day of May, 2008, following hearing on the Petition for Forfeiture and Condemnation; and after hearing, taking of testimony and upon consideration of same, it is hereby ORDERED and DECREED that the prayer of said Petition shall be and is hereby granted.

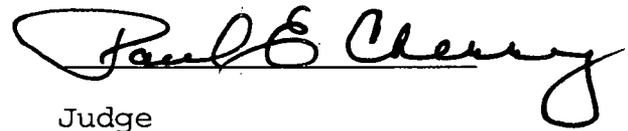
All claims of right, title and interest of Lee Robert Harris and Jai Freeman, and any other claimants, in the Defendant/properties are hereby declared to be terminated, revoked and rendered null and void. The \$970.00 in U.S. currency and a 1996 Chevrolet Tahoe, VIN #1GNEK13R1TJ306498, shall be and are hereby condemned and forfeited to the Commonwealth of Pennsylvania, Office of Attorney General, pursuant to the Judicial Code, Chapter 68, Controlled Substances Forfeiture, Section 6801 to 6802, Title 42. Pa.C.S.A. Section 6801, et seq., for use or disposition in accordance with law.

The registration heretofore issued by the Commonwealth of Pennsylvania for the above vehicle is hereby

#37

declared to be terminated and revoked, and the Department of Transportation is directed to reissue said registration in the name of the Department of General Services for official use, sale or disposition by the Office of Attorney General.

BY THE COURT,

A handwritten signature in cursive script, reading "Paul E. Cherry". The signature is written in black ink and is positioned above the printed name "Judge".

Judge

**FILED**

MAY 22 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: *5/22/08*

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:

*Attorney Steven Portman*  
*Lae R. Harris*  
*Sai Freeman*  
*Marc A. Fredaric*

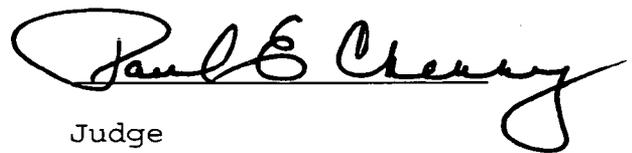
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

COMMONWEALTH :  
VS. : NO. 07-157-CD  
\$970.00 U.S. CURRENCY and a :  
1996 CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

O R D E R

AND NOW, this 19th day of May, 2008, this being the date set for Motion to Suppress Evidence filed by the Defendant; the Defendants having failed to appear despite having received due and proper notice thereof; upon consideration of same, it is the ORDER of this Court that said Motion be and is hereby denied.

BY THE COURT,

  
Judge

5  
**FILED**  
01 10:11 AM  
MAY 22 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
1cc Amy Portman  
1cc Lee Harris  
GP 3749  
SCZ Chester (60)  
1cc Jai Freeman  
Marc A. Frederic  
500 Blanchard St.  
Oseola Mills, PA 16066  
#210

FILED

MAY 22 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 5/22/08

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  
Attorney Steven Polina  
 Defendant(s)  Defendant(s) Attorney Lee R. Harris  
 Special Instructions: Jai Freeman  
Marc A. Frederic

Q

UA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

VS.

No. 07-157-CD

\$970.00 U.S. CURRENCY AND A 1996  
CHEVROLET TAHOE,  
VIN # 1GNEK13R1TJ306498

DEFENDANT

MOTION FOR CONTINUANCE

Defendant, LEE R. HARRIS, by and through this Pro Se Motion, respectfully moves this Court to continue the above captioned proceeding for Sixty Days, and represents:

1. The above matter is scheduled for a hearing on May 19, 2008 at 3:00 P.M. before the Honorable Paul E. Cherry.
2. The moving party for said proceeding is the Commonwealth of Pennsylvania, Office of the Attorney General.
3. The opposing party is Lee R. Harris, Inmate No. GP-3749, presently located at S.C.I. Chester, 500 E. Fourth Street, Chester, Pennsylvania 19013. Mr. Harris is not represented.
4. The other opposing party is Jai Freeman, last to be located at 318 N. 9th Street, Apt. D, Philipsburg, Pennsylvania 16866. Mrs. Freeman is not represented.
5. The proceeding was scheduled by order dated February 11, 2008.

FILED No. CC  
MAY 19 2008 @

William A. Shaw  
Prothonotary/Clerk of Courts

#35

6. The continuance is sought because Respondent, Jai Freemon an absolutely necessary witness for the Defense can not currently be located and will not be available to testify on her own behalf or behalf of the defense for this reason on May 19, 2008.

7. Mr. Harris requests a continuance of the May 19, 2008 hearing date and the setting of a new hearing date following July 19, 2008.

WHEREFORE, respondent, Harris requests that a new date for hearing be ordered after July 19, 2008.

Respectfully submitted,



Lee R. Harris  
Inmate # GP-3749  
500 E. Fourth St.  
Chester, Pa. 19013

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
 :  
 VS. : No. 07-157-CD  
 :  
 \$970.00 U.S. CURRENCY AND A 1996 :  
 CHEVROLET TAHOE, :  
 VIN # 1GNEK13R1TJ306498 :  
 DEFENDANT :

Attorney for the Commonwealth : Robert B. Stewart. III

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DATED THIS 13TH DAY OF MAY, 2008.

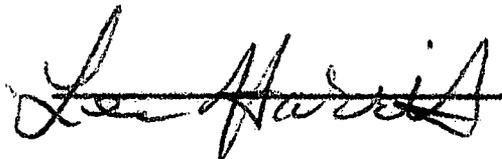
CERTIFICATE OF SERVICE

I, LEE R. HARRIS, certify that I am this day serving the foregoing motion for continuance upon the following persons listed below which service satisfies the requirements pursuant to (Pa. R.A.P. 121) :

To: William A. Shaw Sr., Prothonotary & Clerk of Courts  
Clearfield County Courthouse  
P.O. Box 549 Clearfield, Pa.  
16830-(served (1) copy)

To: Robert B. Stewart III  
Deputy Attorney General (Attorney for the Commonwealth)  
2515 Green Tech Drive, Suite D  
State College, Pennsylvania  
16803-(served (1) copy)

By, Lee R. Harris  
S.C.I Chester, Inmate Number GP-3749  
500 E. Fourth St.  
Chester, Pa. 19013



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

V. :

\$970.00 U.S. CURRENCY and a :  
1996 CHEVROLET TAHOE :  
VIN 1GNEK13R1TJ306498 :

Defendant :

NO. 07-157-CD  
FORFEITURE ACTION

**FILED**

APR 29 2008

William A. Shaw

Prothonotary/Clerk of Courts

I sent to Mr  
(610)

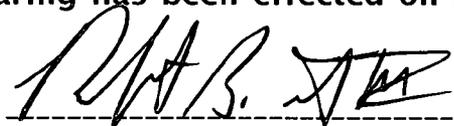
**AFFIDAVIT OF SERVICE OF NOTICE OF HEARING**

ROBERT B. STEWART, III Senior Deputy Attorney General, being duly sworn according to law, does hereby depose and say that he caused notice of the forfeiture hearing in this matter to be transmitted to Jai Freeman by both attempted personal service and by certified mail, return receipt requested at 318 N. 9<sup>th</sup> Street Philipsburg, PA 16686 on March 17, 2008. Attached hereto and made a part hereof are copies of the return of service and the certified mail documents.

However, when the notice was left at that address, on March 6, 2008 by Tpr. Dennis Regal he noted that there was mail in that mailbox addressed to Jai Freeman and that it was only one day old. this writer also notes that Hon Carmine Prestia, Jr. on March 10, 2008 issued a bench warrant for the arrest of said Jai Freeman in case no. TR-391-08.

As to claimant Lee Robert Harris, notice of the hearing was sent to him by regular mail at SCI Chester on March 17, 2008. Attached hereto and made a part hereof is a copy of the letter sent to him.

THEREFORE, service of notice of the hearing has been effected on both of the claimants.



Robert B. Stewart III  
Senior Deputy Attorney General

SWORN TO AND SUBSCRIBED  
BEFORE ME, A NOTARY PUBLIC  
THIS 25 DAY OF APRIL 2008  
WITNESS MY HAND AND NOTARIAL  
SEAL

*Brenda Colleen Stringer*

NOTARIAL SEAL  
Brenda Colleen Stringer, Notary Public  
State College, Centre County  
My Commission Expires May 18, 2008

#34



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

TOM CORBETT  
ATTORNEY GENERAL

March 17, 2008

Asset Forfeiture and Money Laundering Section  
2515 Green Tech Drive, Suite D  
State College, Pennsylvania 16803

Jai Freeman  
318 N. 9<sup>th</sup> Street, Apt. D  
Philipsburg, Pennsylvania 16866

**Re: Motion and Order for Hearing Date  
Commonwealth v. \$970.00 U.S. Currency, etal  
Misc. No. 07-157-CD; Claimant: Jai Freeman/Lee Harris**

Dear Mr. Freeman:

Enclosed please find a copy of the Commonwealth's Motion and Order for a Hearing Date. The hearing has been scheduled for May 19, 2008 at 3:00 p.m. in Courtroom no. 2 of the Clearfield County Courthouse.

Very truly yours,

*Robert B. Stewart, III*

Robert B. Stewart, III  
Senior Deputy Attorney General

RBSIII:bcs

Attachment

OFFICE OF ATTORNEY GENERAL  
ASSET FORFEITURE AND MONEY  
LAUNDERING SECTION  
2515 GREEN TECH DR., SUITE D  
STATE COLLEGE, PA 16803

**RECEIVED**

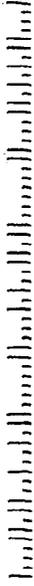
MAR 31 2008  
Office of Attorney General  
AF&MLS



Jai Freeman  
318 N. 9th Street, Apt. D  
Philipsburg PA 16801

165 DFE 1 309C 00 03/29/08  
RETURN TO SENDER  
FREEMAN  
MOVED LEFT NO ADDRESS  
UNABLE TO FORWARD  
RETURN TO SENDER  
DC: 16003290115

160032901



IN THE COURT OF COMMON PLEAS  
SPEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,  
Plaintiff

v.

\$970.00 U.S. CURRENCY AND A 1996  
CHEVROLET TAHOE,  
VIN #1GNEK13R1TJ306498

Defendant

No. 07-157-CD  
FORFEITURE ACTION

AFFIDAVIT

~~I. The undersigned certifies that he/she personally served Jai Freeman with a true and correct copy of the above-captioned Motion and Order for Hearing Date at 318 N 9TH ST, APT D, PHILIPSBURG, PA 16866, on 03/06, 2008, at 12:20 a.m./p.m.~~

II. The undersigned certifies that he/she attempted to personally service Jai Freeman with a true and correct copy of the above-captioned Motion and Order for Hearing Date at 318 N 9TH ST, APT D, PHILIPSBURG, PA 16866 on 03/06, 2008, at 12:30 a.m./p.m. that the claimant was not at this address at the time of attempted personal service, and that a copy of the Motion and Order for Hearing Date was left at the claimant's last known address.

Signature of Person Served

Refused to Sign

SPR Dennis M. Reed  
NAME

TRUCKER PDP  
TITLE

03/06/08  
DATE

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 6th

DAY OF March, 2008

[Signature]  
NOTARY PUBLIC





COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

TOM CORBETT  
ATTORNEY GENERAL

March 17, 2008

Asset Forfeiture and Money Laundering Section  
2515 Green Tech Drive, Suite D  
State College, Pennsylvania 16803

Lee Robert Harris, Inmate # GP-3749  
SCI Chester  
500 East Fourth Street  
Chester, Pennsylvania 19013

**Re: Motion and Order for Hearing Date  
Commonwealth v. \$970.00 U.S. Currency, etal  
Misc. No. 07-157-CD; Claimant: Lee Harris/Jai Freeman**

Dear Mr. Harris:

Enclosed please find a copy of the Commonwealth's Motion and Order for a Hearing Date. The hearing has been scheduled for May 19, 2008 at 3:00 p.m. in Courtroom no. 2 of the Clearfield County Courthouse.

Pennsylvania Case Law provides that you, as an incarcerated person, be given notice of the manner in which you can be present for the hearing if it is your wish to do so. Clearfield County has facilities for two-way video conference. The Clearfield County Court Administrator will make arrangements for you to be present for this hearing via two-way video conference.

Very truly yours,

*Robert B. Stewart, III*

Robert B. Stewart, III  
Senior Deputy Attorney General

RBSIII:bcs

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

FILED

COMMONWEALTH OF PENNSYLVANIA, :  
Plaintiff :

v. :

No. 07-157-CD

FORFEITURE ACTION

MAR 10 2008  
0/3:00/W  
William A. Shaw  
Prothonotary/Clerk of Courts  
WENT TO  
ATTN

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

Defendant :

ORDER

AND NOW, this 6<sup>th</sup> day of March, 2008, upon Motion, the hearing scheduled for March 27, 2008 at 2:30 p.m. is continued and a new hearing is scheduled on the Petition for Forfeiture and Condemnation of the above-captioned matter, for the 19<sup>th</sup> day of May, 2008, at 3:00 a.m./(p.m.) in Courtroom number 2, Clearfield County Courthouse, PO Box 549, Clearfield, Pennsylvania.

BY THE COURT:

Paul E Cherry

UA

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

FILED

MAR 10 2008

e/3-00/W  
William A. Shaw  
Prothonotary/Clerk of Courts

SENT TO ATT

(610)

COMMONWEALTH OF PENNSYLVANIA, :  
Plaintiff :

v. : No.

07-157-CD  
FORFEITURE ACTION

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

Defendant :

MOTION FOR CONTINUANCE

NOW COMES, the Commonwealth of Pennsylvania, Office of Attorney General, by and through Robert B. Stewart, III, Senior Deputy Attorney General, and moves for a continuance as follows:

1. The above matter is scheduled for a hearing on the 27<sup>th</sup> day of March, 2008 at 2:30 p.m. before the Honorable Paul E. Cherry.
2. The moving party for said proceedings is the Commonwealth of Pennsylvania, Office of Attorney General.
  - 3a. The opposing party is Lee Robert Harris, Inmate No. GP-3749, presently located at SCI Chester, 500 E. Fourth Street, Chester, Pennsylvania 19013. Mr. Harris is not represented.
  - 3b. The other opposing party is Jai Freeman, last known to be located at 318 N. 9<sup>th</sup> Street, Apt. D, Philipsburg, Pennsylvania 16866. Mr. Freeman is not represented.

#33

4. The proceeding was scheduled by Order dated February 11, 2008.
5. The continuance is sought because Trooper Michael Boltz, an absolutely necessary witness, cannot be present on March 27, 2008.
6. The Commonwealth requests a continuance of the March 27, 2008 hearing date and the setting of a new hearing date following April 30, 2008.

WHEREFORE, the Commonwealth requests that a new date for hearing be ordered after April 30, 2008.

Respectfully submitted,

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

BY:



Robert B. Stewart, III  
Senior Deputy Attorney General  
Attorney I.D. #19319  
Office of Attorney General  
2515 Green Tech Drive, Suite D  
State College, PA 16803  
(814) 863-6503

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

V. :

07-157-CD

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

Defendant :

ORDER

AND NOW, this 11<sup>th</sup> day of February, 2008, upon Motion,  
a hearing is scheduled on the Petition for Forfeiture and Condemnation of the  
above-captioned matter, for the 27<sup>th</sup> day of March, 2008, at  
2:30 a.m./p.m. in Courtroom number 2, Clearfield County Courthouse,  
Clearfield, Pennsylvania.

BY THE COURT:

*/s/ Paul E. Cherry*

\_\_\_\_\_  
Judge

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

FEB 11 2008

Attest.

*William E. Brown*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

FILED <sup>NaCC</sup>  
m) 12:55 PM  
FEB 28 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

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

Lee Robert Harris, Inmate #GP-3749  
SCI Chester  
500 East Fourth Street  
Chester, Pennsylvania 19013

I hereby certify that this day I have served a copy of the foregoing Order and Motion for Hearing Date upon the following individual by way of personal service, at the following address:

Jai Freeman  
318 N. 9<sup>th</sup> Street, Apt. D  
Philipsburg, Pennsylvania 16866

2-26-08

DATE



Robert B. Stewart, III  
Senior Deputy Attorney General  
Attorney ID # 19319  
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. :

07-157-CD

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

Defendant :

ORDER

AND NOW, this 11<sup>th</sup> day of February, 2008, upon Motion,  
a hearing is scheduled on the Petition for Forfeiture and Condemnation of the  
above-captioned matter, for the 27<sup>th</sup> day of March, 2008, at  
2:30 a.m./p.m. in Courtroom number 2, Clearfield County Courthouse,  
Clearfield, Pennsylvania.

BY THE COURT:

/s/ Paul E. Cherry

\_\_\_\_\_  
Judge

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

FEB 11 2008

Attest.

William E. Shaw  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

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

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

FEB 08 2008

V. :

07-157-CD

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

Attest.

*William L. Brown*  
Prothonotary/  
Clerk of Courts

Defendant :

COMMONWEALTH'S MOTION FOR HEARING DATE

AND NOW, this 5<sup>th</sup> day of February, 2008,  
comes the petitioner, the Commonwealth of Pennsylvania, Office of Attorney  
General, by Robert B. Stewart, III, Senior Deputy Attorney General, and moves the  
court to schedule a hearing on the issues raised by the instant action and, in  
support thereof, avers as follows:

1. On Tuesday, December 6, 2005, the Pennsylvania State Police  
seized the above-captioned property at 500 Blanchard Street, Osceola Mills,  
Clearfield County, Pennsylvania from Lee Robert Harris, Marc Anthony Frederic and  
Jai Freeman.

2. A Petition for Forfeiture and Condemnation of the above-  
captioned matter, was filed by the Petitioner with this court on January 31, 2007  
and received a signed rule dated February 1, 2007 by the Honorable Paul E.  
Cherry.

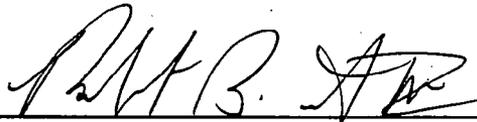
3. On March 22, 2007, Lee Robert Harris was served with the  
Petition for Forfeiture and Condemnation by personal service at SCI Dallas, 1000  
Follies Road, Dallas, Pennsylvania.

4. On March 27, 2007, Lee Robert Harris, filed an Answer to the Petition for Forfeiture and Condemnation. He has subsequently filed an additional objection to the Petition for Forfeiture on September 14, 2007.

5. In accordance with the Controlled Substances Forfeitures Act, an Act of June 30, 1988, Act No. 1988-79, 42 Pa. C.S.A. Section 6801 et seq., the case is at issue and a time shall be fixed for a hearing.

WHEREFORE, the Petitioner prays for an Order fixing a date for a hearing to consider the issues remaining in the instant action.

Respectfully submitted,



---

Robert B. Stewart, III  
Senior Deputy Attorney General  
Attorney I.D. #19319  
Office of Attorney General  
2515 Green Tech Drive, Suite D  
State College, PA 16803  
(814) 863-6503

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :  
V. : 07-157-CD  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :  
Defendant :

CERTIFICATION OF SERVICE

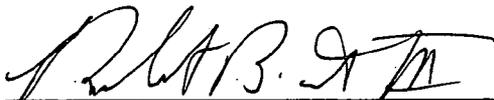
I do hereby certify that this date I have served a copy of the foregoing  
*Commonwealth's Motion for Hearing Date* upon the following individuals by first-  
class mail, postage prepaid, at the following addresses

Lee Robert Harris, GP-3749  
SCI Chester  
500 East Fourth Street  
Chester, PA 19013

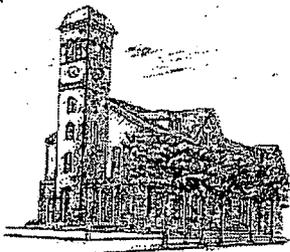
Jai Freeman  
318 N. 9<sup>th</sup> Street, Apt. D  
Philipsburg, PA 16866

FEBRUARY 5, 2008

DATE



Robert B. Stewart, III  
Senior Deputy Attorney General  
Attorney I.D. #19319  
Office of Attorney General  
2515 Green Tech Drive, Suite D  
State College, PA 16803  
(814) 863-6503



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw  
Prothonotary/Clerk of Courts

Jacki Kendrick  
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson  
Administrative Assistant

David S. Ammerman  
Solicitor

PO Box 549, Clearfield, PA 16830 ▪ Phone: (814) 765-2641 Ext. 1330 ▪ Fax: (814) 765-7659 ▪ www.clearfieldco.org

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 2/11/08

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:

RECEIVED

FEB 13 2008

Office of Attorney General  
AF&MLS

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

v. :

07-157-CD

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :  
Defendant :

ORDER

AND NOW, this 11<sup>th</sup> day of February, 2008, upon Motion,  
a hearing is scheduled on the Petition for Forfeiture and Condemnation of the  
above-captioned matter, for the 27<sup>th</sup> day of March, 2008, at  
2:30 a.m. (p.m.) in Courtroom number 2, Clearfield County Courthouse,  
Clearfield, Pennsylvania.

BY THE COURT:

Paul E. Cleary  
Judge

5  
FILED <sup>lec</sup>  
0/2:55/304 <sup>Atty Stewart</sup>  
FEB 11 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
(GK)

#30

DATE: 8/11/08

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

**FILED**

**FEB 11 2009**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

V. :

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

Defendant :

07-157-CD

FILED <sup>ICC</sup>  
m/12:36AM <sup>Sty</sup>  
FEB 08 2008 <sup>Stewart</sup>  
William A. Shaw <sup>GP</sup>  
Prothonotary/Clerk of Courts

COMMONWEALTH'S MOTION FOR HEARING DATE

AND NOW, this 5<sup>th</sup> day of February, 2008,  
comes the petitioner, the Commonwealth of Pennsylvania, Office of Attorney  
General, by Robert B. Stewart, III, Senior Deputy Attorney General, and moves the  
court to schedule a hearing on the issues raised by the instant action and, in  
support thereof, avers as follows:

1. On Tuesday, December 6, 2005, the Pennsylvania State Police  
seized the above-captioned property at 500 Blanchard Street, Osceola Mills,  
Clearfield County, Pennsylvania from Lee Robert Harris, Marc Anthony Frederic and  
Jai Freeman.

2. A Petition for Forfeiture and Condemnation of the above-  
captioned matter, was filed by the Petitioner with this court on January 31, 2007  
and received a signed rule dated February 1, 2007 by the Honorable Paul E.  
Cherry.

3. On March 22, 2007, Lee Robert Harris was served with the  
Petition for Forfeiture and Condemnation by personal service at SCI Dallas, 1000  
Follies Road, Dallas, Pennsylvania.

#29

4. On March 27, 2007, Lee Robert Harris, filed an Answer to the Petition for Forfeiture and Condemnation. He has subsequently filed an additional objection to the Petition for Forfeiture on September 14, 2007.

5. In accordance with the Controlled Substances Forfeitures Act, an Act of June 30, 1988, Act No. 1988-79, 42 Pa. C.S.A. Section 6801 et seq., the case is at issue and a time shall be fixed for a hearing.

WHEREFORE, the Petitioner prays for an Order fixing a date for a hearing to consider the issues remaining in the instant action.

Respectfully submitted,



---

Robert B. Stewart, III  
Senior Deputy Attorney General  
Attorney I.D. #19319  
Office of Attorney General  
2515 Green Tech Drive, Suite D  
State College, PA 16803  
(814) 863-6503

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :  
V. : 07-157-CD  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :  
Defendant :

CERTIFICATION OF SERVICE

I do hereby certify that this date I have served a copy of the foregoing  
*Commonwealth's Motion for Hearing Date* upon the following individuals by first-  
class mail, postage prepaid, at the following addresses

Lee Robert Harris, GP-3749  
SCI Chester  
500 East Fourth Street  
Chester, PA 19013

Jai Freeman  
318 N. 9<sup>th</sup> Street, Apt. D  
Philipsburg, PA 16866

February 5, 2008  
DATE

  
Robert B. Stewart, III  
Senior Deputy Attorney General  
Attorney I.D. #19319  
Office of Attorney General  
2515 Green Tech Drive, Suite D  
State College, PA 16803  
(814) 863-6503

CA

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

COMMONWEALTH OF PENNSYLVANIA \*  
Plaintiff \*  
vs. \*  
\$970.00 US CURRENCY and a 1996 \*  
CHEVROLET TAHOE VIN #1gnek13r1tj306498\*  
Defendant \*

NO. 07-157-CD

FILED

NOV 21 2007

9/3:55/

William A. Shaw  
Prothonotary/Clerk of Courts

SENT TO AUSTIN PORTMAN

ORDER

NOW, this 21<sup>st</sup> day of November, 2007, in consideration of the Defendant's ~~Def.~~

Objections to Forfeiture Motion and the Commonwealth's Answer filed thereto, with the Court finding that the Attorney's General's Office filed the Forfeiture Petition within the time required by law, it is the ORDER of this Court that the *pro se* Objections to Forfeiture Motion filed by Lee R. Harris be and are hereby DISMISSED.

Due to Lee R. Harris currently being incarcerated in a state correctional institution and in consideration of judicial economy, the Court will hear testimony relative the Motion to Suppress Physical Evidence at the time of the Forfeiture Hearing.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

GA

#28

DATE: 11-21-07  
 You are responsible for serving all appropriate parties.  
 The Probationary's office has provided service to the following parties:  
Plaintiff(s)  Plaintiff(s) Attorney  Other  
 Defendant(s)  Defendant(s) Attorney Lee Hanny  
 Special Instructions:

William A. Smith  
Probationary/Clerk of Courts

NOV 21 2007

FILED

WILLIAM A. SHAW  
PROTHONOTARY  
and CLERK of COURTS  
P. O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

<sup>S</sup> FILED  
m 11:35 am  
NOV - 7 2007

William A. Shaw  
Prothonotary/Clerk of Courts

no further  
address  
in file.

Marc A. Frederic  
500 Blanchard Street  
Osceola Mills, PA 16666



Hasler

016H16505405  
\$00.410  
11/02/2007  
Mailed From 16830  
US POSTAGE

NIXIE 165 DE 1 00 11/05/07

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 16830054949 \*2343-10967-02-39

1683000549



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

COMMONWEALTH OF PENNSYLVANIA

Plaintiff

vs.

\$970.00 US CURRENCY and a 1996 CHEVROLET  
TAHOE VIN #1GNEK13R1TJ306498

Defendant

\*  
\*  
\*  
\*  
\*  
\*

NO. 07-157-CD

ORDER

NOW, this 1<sup>st</sup> day of November, 2007, the Court being in receipt of the Notice of Appeal Nunc Pro Tunc filed by Respondent Lee Harris; along with documents also submitted by Lee Harris requesting to proceed *in forma pauperis* and for the court reporter to transcribe the proceedings; the Court notes that no evidentiary hearing has yet been held in the above-captioned matter and that the forfeiture action is still pending decision by the Court. As such, there is no final Order from which Lee Harris can appeal and his attempt at an interlocutory appeal is misplaced and frivolous. Therefore, it is the ORDER of this Court that the application to proceed *in forma pauperis* and request for a transcript (which does not exist) be and is hereby denied.

BY THE COURT,

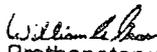
/S/ Fredric J Ammerman

\_\_\_\_\_  
FREDRIC J. AMMERMAN  
President Judge

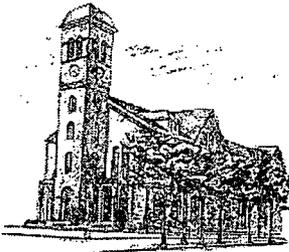
I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

NOV 01 2007

Attest.

  
Prothonotary/  
Clerk of Courts

#27



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw  
Prothonotary/Clerk of Courts

Jacki Kendrick  
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson  
Administrative Assistant

David S. Ammerman  
Solicitor

PO Box 549, Clearfield, PA 16830 ▪ Phone: (814) 765-2641 Ext. 1330 ▪ Fax: (814) 765-7659 ▪ www.clearfieldco.org

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 11/10/07

         You are responsible for serving all appropriate parties.

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

         Plaintiff(s)   X   Plaintiff(s) Attorney          Other

  X   <sup>Harris, Frederic</sup> Defendant(s)   X   Defendant(s) Attorney

         Special Instructions:

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

COMMONWEALTH OF PENNSYLVANIA  
Plaintiff

vs.

\$970.00 US CURRENCY and a 1996 CHEVROLET  
TAHOE VIN #1GNEK13R1TJ306498  
Defendant

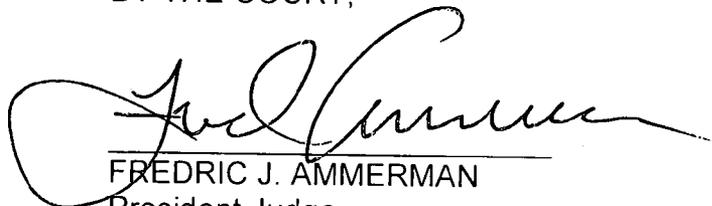
\*  
\*  
\*  
\*  
\*  
\*

NO. 07-157-CD

ORDER

NOW, this 1<sup>st</sup> day of November, 2007, the Court being in receipt of the Notice of Appeal Nunc Pro Tunc filed by Respondent Lee Harris; along with documents also submitted by Lee Harris requesting to proceed *in forma pauperis* and for the court reporter to transcribe the proceedings; the Court notes that no evidentiary hearing has yet been held in the above-captioned matter and that the forfeiture action is still pending decision by the Court. As such, there is no final Order from which Lee Harris can appeal and his attempt at an interlocutory appeal is misplaced and frivolous. Therefore, it is the ORDER of this Court that the application to proceed *in forma pauperis* and request for a transcript (which does not exist) be and is hereby denied.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

FILED  
11/3/07  
NOV 01 2007

William A. Shaw  
Prothonotary/Clerk of Courts

ICC Attys: Kress  
Devecka

ICC Lee Robert Harris-GP 3749

ICC Marc Frederic  
500 Blanchard St., Osceola Mills, PA 16066

#26

**FILED**

**NOV 01 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 11/1/07

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  
Harold Feolore  
 Defendant(s)  Defendant(s) Attorney

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : No. 07-157-CD  
PLAINTIFF :  
VS. : HONORABLE JUDGE AMMERMAN  
: \$970.00 US CURRENCY AND A 1996  
: CHEVEROLET TAHOE,  
: VIN # 1GNEK13R1TJ306498  
: DEFENDANT :

In re: Lee Harris

Attorney for the Commonwealth: Stevan K. Portman, esq.

Dated, this, 21<sup>st</sup>, Day of SEPTEMBER 2007.

Dear Clerk of Court,

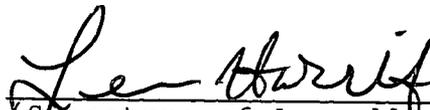
Enclosed please find Notice of Appeal Nunc Pro Tunc which I would like to have filed in this Honorable court in relation to the above captioned matter. This Appeal was in fact initially filed timely but was returned due to defects. Please inform me as to the date in with which my enclosed documents are received by this Court at my address provided, infra.

In closing I thank you for your time and concern herein.

Respectfully,

Lee Harris

S.C.I at Rockview, Inmate Number, GP-3749  
Box A. Bellefonte, Pa.  
16823

  
(Signature of Appellant)

**FILED** NOCC  
NOV 01 2007  
13:04  
(GK)

William A. Shaw  
Prothonotary/Clerk of Courts

#25



(3). Appellant Owns no motor vehicles, property, stocks, bonds or any tangible items that could be exchanged for the purposes of paying for the fees incurred herein.

(4). Appellant earns nominal prison wages paid for prison labor in the total amount of \$16.00 per month.

(5). Appellant requests leave from this Honorable Court to permit him to file the instant notice of appeal Nunc Pro Tunc and appellate brief in the Superior Court of Pennsylvania, and all relating documents, in forma Pauperis.

Wherefore, Appellant prays that he is granted the requested relief.

Respectfully Submitted,



(Signature of Appellant)



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. 07-157-CD  
PLAINTIFF :  
VS. : HONORABLE JUDGE AMMERMAN  
:   
\$920.00 U.S. CURRENCY AND A :  
1996 CHEVEROLET TAHOE, :  
VIN # 1GNEK13R1TJ306498 :  
DEFENDANT :

In re: Lee Harris

Attorney for the Commonwealth: Stevan K. Portman, esq.

Dated, this 21<sup>st</sup>, Day of SEPTEMBER, 2007.

ORDER FOR TRANSCRIPTS  
TRANSFER OF TRANSCRIPTS TO APPELLATE COURT

A NOTICE OF APPEAL NUNC PRO TUNC having been filed, Appellant, Nine Hundred and Seventy Dollars, United States Currency and a Cheverolet, Tahoe: In re: Lee Harris, requests that the transcripts in relation to the above captioned matter be sent to the Superior Court of Pennsylvania, Western District.  
TRANSCRIPTS TO BE SENT:

ALL RELATING DOCUMENT(S) SURROUNDING THE ABOVE CAPTIONED MATTER:

RESPECTFULLY SUBMITTED,

  
(Signature of Appellant)



**FILED**

**NOV 01 2007**

**William A. Shaw  
Prothonotary/Clerk of Courts**

[Faint, illegible text]

(7)

THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

V. :

No. 07-157-CD

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, VIN #: :  
1GNEK13R1TJ306498 :

Defendant :

FILED 4CC  
of 3:04/07 Atty  
NOV 01 2007 Kress

William A. Shaw  
Prothonotary/Clerk of Courts

(60)

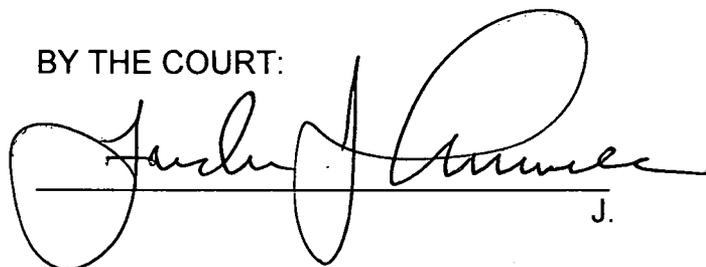
ORDER

AND NOW, this 1<sup>st</sup> day of November, 2007, upon Motion for Forfeiture filed on behalf of the Commonwealth of Pennsylvania, Office of Attorney General, the Court orders as follows:

All claims of right, title or interest of Marc Anthony Frederic in the above-captioned defendant/property is hereby declared to be terminated, revoked and rendered null and void. The interest of Marc Anthony Frederic in the \$970.00 U.S. Currency and the 1996 Chevrolet Tahoe, VIN #: 1GNEK13R1TJ306498 is hereby forfeited to the Commonwealth of Pennsylvania, Office of Attorney General, pursuant to the Controlled Substances Forfeitures Act, 42 Pa. C.S.A. §6801-6802, for use or disposition in accordance with law.

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:

  
J.

(#24)

DATE: 11/1/07

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:

**FILED**

NOV 01 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :

Plaintiff :

v. :

\$970.00 U.S. CURRENCY AND A 1996 :

CHEVROLET TAHOE, VIN #: :

1GNEK13R1TJ306498 :

Defendant :

No. 07-157-CD

FILED acc AM  
m/11:50am Kress  
OCT 12 2007  
(SM)

William A. Shaw  
Prothonotary/Clerk of Courts

ANSWER TO OBJECTIONS TO FORFEITURE MOTION AND  
MOTION TO SUPPRESS PHYSICAL EVIDENCE

AND NOW, this 11<sup>th</sup> day of October, 2007, comes the Pennsylvania Office of Attorney General, by and through Letty A. Kress, Chief Deputy Attorney General, and avers the following in response to Lee R. Harris' Objections to Forfeiture Motion and Motion to Suppress Physical Evidence:

ANSWER TO OBJECTIONS TO FORFEITURE MOTION:

9. Denied. The time period between the seizure of the defendant/property in this matter and the filing of the Commonwealth's Petition for Forfeiture did not violate Harris' right to a speedy trial, privilege, equal protection and due process of law. The Commonwealth must file a Petition for Forfeiture under the Controlled Substances Forfeitures Act, 42 Pa. C.S.A. Section 6801(c) in a "forthwith" manner or within the applicable statute of limitations, which is two years. 42 Pa. C.S.A. Section 5524(5). The period of time in this case is fourteen (14) months, well within the applicable time period.

ANSWER TO MOTION TO SUPPRESS PHYSICAL EVIDENCE:

1. Admitted.

2. Admitted that evidence was seized from the defendant's residence. Also admitted the cocaine was seized from two vehicles parked outside of the defendant's residence. Denied, however, that the defendant is the only owner of the vehicle in question, the 1996 Chevrolet Tahoe, VIN #: 1GNEK13R1TJ306498. Said vehicle is titled in the name of Jai Freeman also of 500 Blanchard Street, Osceola, Clearfield County, Pennsylvania; the residence in question.

3. Denied. The search of the 1996 Chevrolet Tahoe, VIN #: 1GNEK13R1TJ306498, was lawful due to the consent of Jai Freeman.

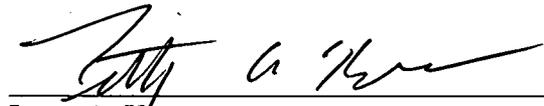
4. Denied. Jai Freeman specifically gave consent to search said vehicle and in fact produced the keys to said vehicle.

5. Admitted the search of the vehicle was not pursuant to a search warrant. Denied it was an illegal search as consent was given by the owner.

6. Denied as a conclusion of law.

WHEREFORE, the Commonwealth requests respondent Harris' Objections to the Forfeiture Motion and Motion to Suppress Physical Evidence be denied.

Respectfully submitted,



---

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



WILLIAM A. SHAW  
PROTHONOTARY  
and CLERK of COURTS  
P.O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

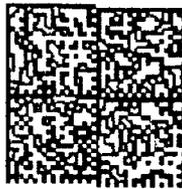
**FILED**  
m/9:00AM  
OCT 08 2007

William A. Shaw  
Prothonotary/Clerk of Courts

612

Marc Anthony Frederic  
500 Blanchard Street  
Osceola Mills, PA 16666

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09/27/2007  
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US POSTAGE

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BC: 16830054949 \*2343-05044-27-38



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

COMMONWEALTH OF PENNSYLVANIA,  
Plaintiff

vs.

\$970.00 U.S. CURRENCY and a  
1996 CHEVROLET TAHOE VIN # 1GNEK13R1TJ306498,  
Defendant

\*  
\*  
\*  
\* NO. 07-157-CD  
\*  
\*  
\*

**ORDER**

NOW, this 25<sup>th</sup> day of September, 2007, the Court being in receipt of the Motion to Suppress Physical Evidence and Objections to Forfeiture Motion filed by Lee R. Harris, *pro se*, it is the ORDER of this Court that the Commonwealth of Pennsylvania has twenty (20) days from the date of this Order to file an Answer.

BY THE COURT,

**/S/ Fredric J Ammerman**

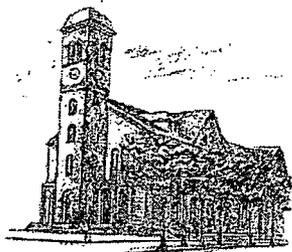
\_\_\_\_\_  
FREDRIC J. AMMERMAN  
President Judge

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

SEP 26 2007

Attest.

*William K. Brown*  
Prothonotary/  
Clerk of Courts



# Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerman**  
Solicitor

PO Box 549, Clearfield, PA 16830 ▪ Phone: (814) 765-2641 Ext. 1330 ▪ Fax: (814) 765-7659 ▪ www.clearfieldco.org

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 9/26/07

           You are responsible for serving all appropriate parties.

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

           Plaintiff(s)      X   Plaintiff(s) Attorney      X   Other

           Defendant(s)               Defendant(s) Attorney

Lee Harris  
Marc A. Frederic  
Attorney Joseph Sevecka

           Special Instructions:

LA

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

5  
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*m 12:38 PM*  
OCT 01 2007  
*Atty Kress*  
*(W)*

COMMONWEALTH OF PENNSYLVANIA  
Plaintiff

V.

No. 07-157-CD

\$970.00 U.S. CURRENCY AND A 1996  
CHEVROLET TAHOE, VIN #:  
1GNEK13R1TJ306498

Defendant

William A. Shaw  
Prothonotary/Clerk of Courts

MOTION FOR ORDER OF FORFEITURE

AND NOW, this 27<sup>th</sup> day of September, 2007, comes the Petitioner to the instant action, the Commonwealth of Pennsylvania, Office of Attorney General, by and through Letty A. Kress, Chief Deputy Attorney General, and moves the Court for an Order of Forfeiture and Condemnation of \$970.00 U.S. Currency and a 1996 Chevrolet Tahoe, VIN #: 1GNEK13R1TJ306498 (hereinafter "defendant/property"), and in support thereof avers the following:

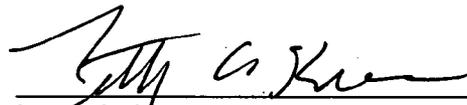
1. On or about December 6, 2006, the Commonwealth seized the defendant/property through the Pennsylvania State Police as property subject to forfeiture under 42 Pa. C.S.A. Section 6801.
2. On or about February 1, 2007, the Commonwealth filed a Petition to Forfeit and Condemn the defendant/property.
3. Service of the Petition was initiated upon Lee Robert Harris, Marc Anthony Frederic, and Jai Freeman by the Commonwealth of Pennsylvania, Office of Attorney General. Service on all three claimants was successful as indicated by the Certificate of Service filed by DAG Stevan Portman (Exhibit 1).

#21

4. Marc Anthony Frederic has failed to file any Claim or Answer to the Petition for Forfeiture.

WHEREFORE, the Commonwealth asserts the truth of the averments in the Petition filed in this matter and moves for an Order of Forfeiture to be entered condemning the interest of Marc Anthony Frederic in the defendant/property and forfeiting his interest to the Commonwealth of Pennsylvania, Office of Attorney General, for use as prescribed by law, 42 Pa. C.S.A. Section 6801.

Respectfully submitted,



---

Letty A. Kress  
Chief Deputy Attorney General  
Attorney ID #: 44854  
2515 Green Tech Drive, Ste. D  
State College, PA 16803  
(814) 863-0632

FILED  
APR 10 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :  
Plaintiff :  
vs. : No. 07-157-CD  
\$970.00 U.S. CURRENCY AND A.1996 :  
CHEVROLET TAHOE, :  
VIN: 1GNEK13R1TJ306498, :  
Defendant :

CERTIFICATE OF SERVICE

I, Stevan Kip Portman, Deputy Attorney General, certify that:

1. On or about February 7, 2007, service of the Petition for Forfeiture and Condemnation was mailed to Marc Anthony Frederic at 500 Blanchard Street, Osceola Mills, PA 16666, by certified mail, restricted delivery, postage prepaid; the mailing was returned by the United States Postal Service with the notation that the addressee moved and left no forwarding address.
2. On or about March 6, 2007, Trooper Jeff Brock attempted to serve personally Marc Anthony Frederic at 12 S. Center Street, Phillibsburg, PA with the Petition for Forfeiture and Condemnation.
3. On or about April 10, 2007, the Commonwealth caused service by publication on Marc Anthony Frederic with the Courier-Express newspaper, a newspaper of general circulation in Clearfield County.
4. On or about February 17, 2007, Jai Freeman accepted service of the Petition for Forfeiture and Condemnation by signing a certified mail return receipt card.

5. On or about March 22, 2007, Trooper Sandra DeAndrea personally served Lee Robert Harris at SCI – Dallas with the Petition for Forfeiture and Condemnation.

Date:

4/16/07



\_\_\_\_\_  
Stevan Kip Portman  
Deputy Attorney General

OFFICE OF ATTORNEY GENERAL  
 COMMONWEALTH OF PENNSYLVANIA  
 106 LOWTHER STREET  
 LEMOYNE, PA 17043

1st Notice  
 2nd Notice  
 RETURN

**RESTRICTED DELIVERY**

**RETURN RECEIPT REQUESTED**



9596 0667 5000 0467 1001

Marc Anthony Frederic  
 500 Blanchard Street  
 Osceola Mills, PA 16666

FRED5000 165652058 1100 10 02/12/07  
 RETURN TO SENDER  
 FREDERIC, MARCO  
 MOVED LEFT NO ADDRESS  
 UNABLE TO FORWARD  
 RETURN TO SENDER

UNITED STATES POSTAGE  
 PITNEY BOWES  
**\$ 008.820**  
 02 1P  
 FEB 07 2007  
 MAILED FROM ZIP CODE 17043

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Marc Anthony Frederic  
 500 Blanchard Street  
 Osceola Mills, PA 16666  
*only Marc Anthony Frederic can sign*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  X  
 Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

(Transfer from service label)

7001 1940 0005 1970 9658

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1340

1656520581244 0001

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

V. :

No. 07-157-CD

\$970.00 U.S. Currency and a 1996 Chevrolet :  
Tahoe, Vin #1GNEK13R1TJ306498 :  
Defendant :

AFFIDAVIT

I. The undersigned certifies that he/she personally served Marc Anthony Frederic with a true and correct copy of the above-captioned Petition for Forfeiture and Condemnation with Notice to Answer the Petition and Rule to Show Cause at

on \_\_\_\_\_, 2007, at \_\_\_\_\_ a.m./p.m.

II. The undersigned certifies that he/she attempted to personally service Marc Anthony Frederic with a true and correct copy of the above-captioned Petition for Forfeiture and Condemnation with Notice to Answer the Petition and Rule to Show Cause at 12 S. CENTER ST. PHILLIPSBURG, PA

on 03/01/07, 2007, at 1129 a.m./p.m., that the claimant was not at this address at the time of attempted personal service, and that a copy of the Petition for Forfeiture and Condemnation was left at the claimant's last known address.

Signature of Person Served

Refused to Sign

NAME

TITLE

DATE

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 6<sup>th</sup>

DAY OF MARCH, 2007

Dona M. Queiser  
NOTARY PUBLIC

NOTARIAL SEAL  
DONA M., QUEISER, Notary Public  
Hempfield Township, Westm'd Cty., PA  
My Commission Expires September 27, 2009

NOTICE  
IN THE COURT OF COMMON PLEAS  
CLEARFIELD, PENNSYLVANIA  
No. 07-1 57-CD

COMMONWEALTH OF PENNSYLVANIA V.  
\$970.00 U.S. CURRENCY  
AND 1996 CHEVROLET TAHOE, VIN #1GNEK13R1TJ306498

PUBLIC NOTICE

The Commonwealth of Pennsylvania did seize \$970.00 U.S. currency and a 1996 Chevrolet Tahoe, Vin #1GNEK13R1TJ306498 from Lee Robert Harris, Marc Anthony Frederic, Jai Freeman on Tuesday, December 6, 2005 at 500 Blanchard Street, Osceola Mills, Clearfield County, Pennsylvania.

Any claimants to the \$970.00 U.S. currency and a 1996 Chevrolet Tahoe, Vin #1 GNEK1 3R1TJ306498 are hereby directed to file a claim with the Dauphin County Court of Common Pleas under Docket No. 07-1 57-CD and send a copy of said claim to the Office of Attorney General, 1 06 Lowther Street, Lemoyne, Pennsylvania 17043, Attn: Stevan Kip Portman, Deputy Attorney General.

If no claim is filed on or before 30 days from the date of the second publication of this notice, the \$970.00 U.S. currency and a 1996 Chevrolet Tahoe, Vin #1GNEK1 3R1TJ306498 shall be summarily forfeited to the Commonwealth of Pennsylvania, Office of Attorney General.

This notice is published in accordance with the Controlled Substances Forfeitures Act, an Act of June 30, 1988, Act No. 1988-79, 42 Pa. C.S.A. Section 6801 et seq.

4/13,20/07

Invoice No.

IONS AUTHORIZATION AND INVOICE

ed by Agency):

SOC SEC NO	FROM: (Name and Address of Agency: Stevan Kip Portman Office of Attorney General 106 Lowther Street Lemoyne, PA 17043	AGENCY TELEPHONE NO. (717) 712-1206
------------	---	--

ADVERTISEMENT FOR PROPOSALS TO <input type="checkbox"/> Sell	TYPE OF AD <input type="checkbox"/> Classified <input checked="" type="checkbox"/> Legal Notice
IO. OF LINES	DATE 4/10/07
	ORDER NO.
SIGNATURE FOR AGENCY: <i>[Signature]</i>	

his advertisement in your newspaper, subject to the terms of this order, as advertising columns, no position specified; caption of two lines and signature to to be set solid in type regularly used by your newspaper for public (legal) notice to and paid by commercial advertisers for matter similarly set and occupying ons specified above. Vendor agrees that, in the performance of any contract minate against any employee or other persons on account of race, color, sex, and that the Commonwealth, upon receipt of satisfactory evidence of such ntract. Return this copy at once if you will not accept this advertisement under

sheet must be included on Parts 1, 2 & 3. Return original and two copies d above. Part 1 must be notarized. Part 4 is yours.

Commonwealth to be billed only for actual number of printed lines published.

ACCOUNT CODE	FUND	DEPT	APP	YEAR	LDG	ORG	COST FUNCTION	OBJ	AMOUNT

INVOICE (To Be Completed By Publisher)

	DATE OF INSERTION	ACTUAL NO. OF PRINTED LINES	COST PER LINE	AMOUNT
1 <sup>st</sup> Ad	4/13/07	36	3.80	136.80
2 <sup>nd</sup> Ad	4/20/07	36	3.80	136.80
3 <sup>rd</sup> Ad				Aff. Fee 7.50
GRAND TOTAL →				281.10

PASTE TEARSHEET HERE

Commonwealth of Pennsylvania  
County of Clearfield

Before me, the subscriber, a Notary Public in and for said County, personally came Linda Smith who being duly sworn, doth depose and say that she is\* Advertising Director the Courier Express a general newspaper published at 500 Jefferson St., DuBois, PA that the advertisement, of which tearsheet is attached hereto, was published in the regular advertising columns of said newspaper, in the editions of said newspaper, in all respects as ordered and invoiced above; and that the Commonwealth is not charged therefore at a rate higher than is charged any ordinary commercial advertiser for a similar amount of matter occupying similar space and set in a similar manner, in said newspaper.

Sworn and subscribed before me this 25<sup>th</sup>  
day of April 20 07  
Robin M. Duttry  
Notary Public

Linda Smith  
Signature of Affiant

My commission expires April 16, 2010



\*This affidavit must be made by the Owner, Publisher, or the designated agent of the owner or publisher.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jai Freeman  
 500 Blanchard Street  
 Osceola Mills, PA 16666  
*only Jai Freeman  
 can sign*

2. Article Number

(Transfer from service label)

7001 1940 0005 1970 9641

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Jai Freeman*  Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes

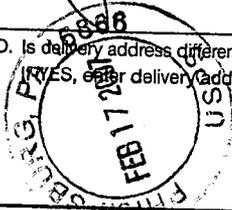
IF YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)

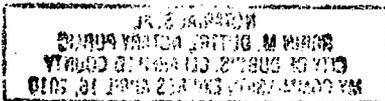
Yes



PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA  
Plaintiff

v.

No. 07-157-CD

\$970.00 U.S. Currency and a 1996 Chevrolet  
Tahoe, Vin #1GNEK13R1TJ306498  
Defendant

AFFIDAVIT

I. The undersigned certifies that he/she personally served Lee Robert Harris with a true and correct copy of the above-captioned Petition for Forfeiture and Condemnation with Notice to Answer the Petition and Rule to Show Cause at S.C.I. - Dallas, Follies Road, Dallas, Pennsylvania on MARCH 22, 2007, at 1000 a.m./p.m.

II. The undersigned certifies that he/she attempted to personally service Lee Robert Harris with a true and correct copy of the above-captioned Petition for Forfeiture and Condemnation with Notice to Answer the Petition and Rule to Show Cause at S.C.I. - Dallas, Follies Road, Dallas, Pennsylvania on \_\_\_\_\_, 2007, at \_\_\_\_\_ a.m./p.m., that the claimant was not at this address at the time of attempted personal service, and that a copy of the Petition for Forfeiture and Condemnation was left at the claimant's last known address.

Lee Harris  
Signature of Person Served

Refused to Sign  
SANDRA L. DAUDREAN Sandra L. Daudrean  
NAME  
TROOPER  
TITLE  
03/22/07  
DATE

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 9th  
DAY OF April, 2007

[Signature]  
Notarial Seal  
SHERA WATSON PUBLIC  
Boro. of Lemoyne, Cumberland County, PA  
My Commission Expires 10-26-09

\*MR. HARRIS HAS PREVIOUSLY  
FILED FOR RETURN OF  
PROPERTY THROUGH  
CLEARFIELD COUNTY

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :  
 : No. 07-157-CD  
V. :  
 :  
 :  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, VIN #: :  
1GNEK13R1TJ306498 :

CERTIFICATION OF SERVICE

I do hereby certify that this date I have served a copy of the foregoing Motion for Order of Forfeiture upon the following individuals by first-class mail, postage prepaid, at the following addresses:

Lee Robert Harris, GP-3749  
SCI Dallas  
1000 Follies Road  
Dallas, PA 18612

Jai Freeman  
318 N. 9<sup>th</sup> Street, Apt. D  
Philipsburg, PA 16866

Marc Anthony Frederic  
500 Blanchard Street  
Osceola Mills, PA 16666

DATE

9/27/07

  
Letty A. Kress  
Chief Deputy Attorney General  
Attorney ID #: 44854  
Office of Attorney General  
2515 Green Tech Drive, Ste. D  
State College, PA 16803  
(814) 863-0632

CA

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

COMMONWEALTH OF PENNSYLVANIA,  
Plaintiff

vs.

\$970.00 U.S. CURRENCY and a  
1996 CHEVROLET TAHOE VIN # 1GNEK13R1TJ306498,  
Defendant

\*  
\*  
\*  
\*  
\*  
\*  
\*

NO. 07-157-CD

ORDER

NOW, this 25<sup>th</sup> day of September, 2007, the Court being in receipt of the Motion to Suppress Physical Evidence and Objections to Forfeiture Motion filed by Lee R. Harris, *pro se*, it is the ORDER of this Court that the Commonwealth of Pennsylvania has twenty (20) days from the date of this Order to file an Answer.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

6K  
FILED  
014:003D  
SEP 26 2007  
icc Atlys:  
Portman  
Devecka

William A. Shaw  
Prothonotary/Clerk of Courts

icc M. Frederic  
500 Blanchard St.  
Oseola Mills, PA  
16806

icc Lee Harris  
GP 3749  
SCI Rockview

29

FILED

SEP 26 2007

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 9/26/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

*Lee Harris*  
*Marc A. Fredenic*  
*Atty. Savecka*

0

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

COMMONWEALTH OF PENNSYLVANIA	:	
Plaintiff	:	
VS.	:	No. CP-17-CR-1168-2005/
	:	07-157-CD
\$ 970.00 U.S. CURRENCY AND A	:	
1996 CHEVEROLET TAHOE, VIN #	:	
1GNEK13R1TJ306498	:	
Defendant	:	

**FILED** <sup>no</sup> <sub>m/10.50/01</sub> CC  
 SEP 21 2007

OBJECTIONS TO FORFEITURE MOTION

William A. Shaw  
Prothonotary/Clerk of Courts

To the Honorable Judges of said Court:  
Respondent, LEE R. HARRIS, hereby answers and opposes the August 7, 2007 Order by the President Judge Frederic J. Ammerman, as It relates to the Attorney General's Forfeiture action regarding the Respondent's (Harris') 1996 chevrolet tahoe and other items (\$350.00 U.S. CURRENCY taken from respondent's girlfriend's person).

1. It is admitted that Law Enforcement seized the above Property.
2. It is denied that any Cocaine was contained in the above mentioned Vehicle.
3. It is denied that the car and/or cash had anything to do with any crime.
4. It is admitted that the property belongs to the respondent and his girlfriend.
5. Denied as a conclusion of law. It is denied that any of the property referenced above was used or intended to be used in violation of the Pennsylvania Controlled Substance Drug Device and Cosmetic act, or that it constituted the proceeds of a violation of "The Act".
6. Denied as a conclusion of Law. It is deneid that any of the subject property is derivative contraband subject to forfeiture pursuant to 42 Pa.C.S.A § 6801.

7. The forfeiture action is barred because the 1996 Cheverolet Tahoe was Obtained as the result of an unconstitutional search and seizure and in violation of article I § 8, Pa.Const., and the Fourth and Fourteenth Amendments, U.S. Constitution.

8. The said forfeiture is constitutionally prohibited where under the circumstances of this case it would constitute an excessive fine for an alleged criminal activity for which the Defendant neither plead nor was found guilty of and is in violation of Article I. § 18 Pa.Const. and the 8th and 14th Amendments, of the U.S. Constitution. There is no significant relationship between the property seized and any alleged criminal activity and / or forfeiture of the property would be a disproportionate penalty for the alleged criminal activity for which the charge was dropped.

#### OBJECTIONS TO ATTORNEY GENERAL'S LATE FILING

9. The Attorney General's inordinate delay violated the respondent's due process rights to a speedy trial, privilage, equal protection and Due process of law. The Commonwealth waited 13 Months, before it filed for a forfeiture action. In COMMONWEALTH V. SETZER, 258 Pa.Super. 236, 392 A.2d 772 (1978), the court required a motion regarding forfeitures to be filed no later than at the sentencing stage, in cases of a criminal prosecution arising out of the incedent involving the seizure. see also ,COMMONWEALTH V. ONE 1990 Dodge Van, 751 A.2d 1235 (Pa. Commonwealth 2000).

**WHEREFORE**, Respondent, (Harris), requests that Forfeiture be denied and that the subject property be returned to it's rightful Owners forthwith.

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

COMMONWEALTH OF PENNSYLVANIA :  
PLAINTIFF :  
VS. : No. CP-17-CR-1168-2005/  
: 07-157-CD  
\$ 970.00 U.S. CURRENCY AND A :  
1996 CHEVEROLET TAHOE, VIN # :  
1GNEK13R1TJ30649 :  
DEFENDANT :

PROOF OF SERVICE

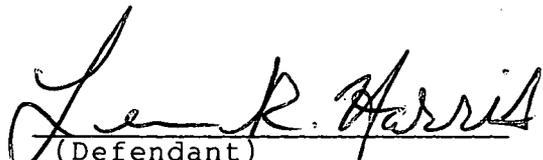
I, \$970.00 U.S. CURRENCY AND A 1996 CHEVEROLET TAHOE, VIN # 1GNEK13R1TJ306498, do hereby certify that I served a true and correct copy of the **DEFENDANTS OBJECTIONS TO FORFEITURE MOTION** filed to the above captioned action, by placing the same in the United States Mail postage prepaid and addressed as follows:

William A. Shaw Sr.  
Prothonotary & clerk of courts  
230 E. Market st.  
Clearfield, Pa.  
16830

Stevan kip Portman  
Deputy Attorney General  
2515 Green tech Drive  
State College, Pa.  
16803

Dated: 9/14/07

9/14/07

  
(Defendant)  
LEE R. HARRIS

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

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :  
VS. :  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVEROLET TAHOE, :  
VIN # 1GNEK13R1TJ306498 :  
Defendant :

No. 07-157-CD

FILED No CC  
m 10:50 AM  
SEP 21 2007  
EP

MOTION TO SUPPRESS PHYSICAL EVIDENCE

William A. Shaw  
Prothonotary/Clerk of Courts

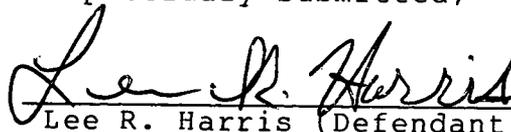
TO THE HONORABLE, PAUL E. CHERRY

Defendant, LEE R. HARRIS, by and through this pro se motion, respectfully moves this court to suppress all physical evidence seized by police and represents:

1. Defendant was arrested on December 6, 2005 at his home and charged with (CT-1) PWID, Cocaine (CT-2) PWID, Marijuana.
2. Physical evidence, money and alleged cocaine, was obtained from the residence of the defendant and allegedly his vehicle which was parked outside of his residence at 500 Blanchard St. Osceola Mills, Clearfield County, Pennsylvania.
3. The search of the Defendants Vehicle was illegal because it was without probable cause and not pursuant to any lawful or properly prepared search warrant.
4. The Police Officers failed to obtain permission of the Owner or the Co-Owner (The Defendant) to properly conduct a Consent search of said Vehicle.
5. The search of the Defendants Vehicle was not made pursuant to any lawful search warrant and the alleged physical evidence seized was illegally obtained.
6. Admission of the alleged physical evidence seized by the police would violate Defendant's rights under the fourth and Fourteenth Amendments of the U.S. Constitution, rules 203, 207, and 208, Pa.R.Crim.P., and article I, sec. 8 of the Constitution of Pennsylvania.

**WHEREFORE,** Defendant requests this court to grant this Motion to Suppress Physical Evidence and to prohibit the introduction at trial of such evidence.

Respectfully submitted,



Lee R. Harris (Defendant)  
GP-3749



5 FILED

SEP 14 2007

William A. Shaw  
Prothonotary/Clerk of Courts

*1:30/2*  
*sent to* (6th)  
*Atty*

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

No. 07-157-CD

v. :

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, VIN #: :  
1GNEK13R1TJ306498 :

CERTIFICATION OF SERVICE

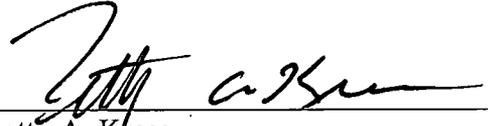
I do hereby certify that this date I have served a copy of the foregoing Order to Strike  
Hearing Date upon the following individuals by first-class mail, postage prepaid, at the following  
addresses:

Lee Robert Harris, GP-3749  
SCI Dallas  
1000 Follies Road  
Dallas, PA 18612

Jai Freeman  
500 Blanchard Street  
Osceola Mills, PA 16666

Marc Anthony Frederic  
500 Blanchard Street  
Osceola Mills, PA 16666

9/12/07  
DATE

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

#17

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :

Plaintiff :

v. :

\$970.00 U.S. CURRENCY AND A 1996 :

CHEVROLET TAHOE, VIN #: :

1GNEK13R1TJ306498 :

No. 07-157-CD

ORDER

AND NOW, this 7 day of Sept., 2007, upon Motion of the Commonwealth of Pennsylvania, Office of Attorney General, the hearing scheduled for September 24, 2007, at 1:30 PM, is hereby stricken pending subsequent motions.

BY THE COURT:

/S/ Fredric J Ammerman

\_\_\_\_\_  
J.

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

SEP 07 2007

Attest.

*William A. Brown*  
Prothonotary/  
Clerk of Courts

WR

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

No. 07-157-CD

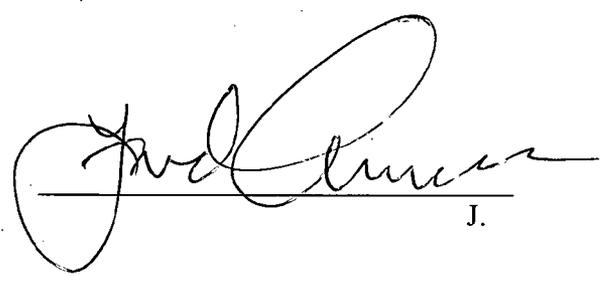
V.

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, VIN #: :  
1GNEK13R1TJ306498 :

ORDER

AND NOW, this 7 day of Sept, 2007, upon Motion of the  
Commonwealth of Pennsylvania, Office of Attorney General, the hearing scheduled for  
September 24, 2007, at 1:30 PM, is hereby stricken pending subsequent motions.

BY THE COURT:

  
J.

<sup>S</sup> FILED 2cc  
07:00/01  
SEP 07 2007  
Att'y Kress  
GR

William A. Shaw  
Prothonotary/Clerk of Courts

#16

DATE: 9/7/07

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

**FILED**

SEP 07 2007

William A. Shaw  
Probationary/Clerk of Courts

CA

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

FILED acc AHY  
m 11:16 am  
SEP 07 2007

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :  
V. :  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, VIN #: :  
1GNEK13R1TJ306498 :

No. 07-157-CD William A. Shaw  
Prothonotary/Clerk of Courts

MOTION TO STRIKE HEARING DATE

AND NOW, this 6<sup>th</sup> day of September, 2007, comes the petitioner,  
the Commonwealth of Pennsylvania, Office of Attorney General, by Letty A. Kress, Chief  
Deputy Attorney General, and moves the court to strike the hearing scheduled for September 24,  
2007, and, in support thereof, avers as follows:

1.

A Petition for Forfeiture and Condemnation of the above-captioned matter was filed by  
the Commonwealth of Pennsylvania, Office of Attorney General, with this court on February 1,  
2007, and received a signed Rule to Show Cause dated February 1, 2007, by the Honorable Paul  
E. Cherry.

2.

Service of the Petition was initiated upon Lee Robert Harris, Marc Anthony Frederic, and  
Jai Freeman by the Commonwealth of Pennsylvania, Office of Attorney General. Service on all  
three claimants was successful as indicated by the Certificate of Service filed by DAG Stevan  
Kip Portman (Exhibit 1).

#15

3.

Lee Robert Harris filed an Answer pro se to the Petition for Forfeiture claiming only that the 1996 Chevrolet Tahoe be returned to Jai Freeman (Exhibit 2).

4.

Jai Freeman filed an Answer, through attorney Joseph M. Devecka, claiming only that the 1996 Chevrolet Tahoe be returned to her and requesting a jury trial (Exhibit 3).

5.

Attorney Joseph M. Devecka was granted leave to withdraw as counsel for Jai Freeman on March 14, 2007 (Exhibit 4). Jai Freeman is now pro se.

6.

Marc Anthony Frederic has failed to file any claim or answer to the defendant/properties.

7.

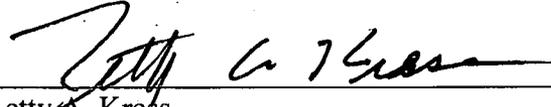
On July 2, 2007, the Commonwealth of Pennsylvania, Office of Attorney General, filed a Motion for Hearing based upon Lee Robert Harris' answer. An Order was entered setting September 24, 2007, at 1:30 PM in courtroom #1, Clearfield County Courthouse as the time and place for the hearing (Exhibit 5).

8.

Your Petitioner requests that the hearing of September 24, 2007, be stricken in order to file default motions against Lee Robert Harris and Marc Anthony Frederic and allow time for Jai Freeman to either obtain counsel or discuss proceeding on the 1996 Chevrolet Tahoe pro se.

WHEREFORE, the Petitioner requests the hearing of September 24, 2007, be stricken.

Respectfully submitted,



---

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



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

April 19, 2007

TOM CORBETT  
ATTORNEY GENERAL

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

William A. Shaw  
Clerk of Courts / Prothonotary's Office  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

Re: ***Commonwealth v. \$970.00 U.S. Currency et al***  
***Marc Anthony Frederick / Jai Freeman / Robert Harris***  
***No. 07-157-CD***

Dear Mr. Shaw:

Kindly file the enclosed *Certificate of Service* regarding the above matter.  
Please return a time-stamped copy to my office.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Stevan Kip Portman".

Stevan Kip Portman  
Deputy Attorney General

SKP/smd  
Enclosure

Cc: Marc Anthony Frederick  
Jai Freeman  
Robert Harris

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :  
Plaintiff :  
vs. : No. 07-157-CD  
: :  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN: 1GNEK13R1TJ306498, :  
Defendant :

CERTIFICATE OF SERVICE

I, Stevan Kip Portman, Deputy Attorney General, certify that:

1. On or about February 7, 2007, service of the Petition for Forfeiture and Condemnation was mailed to Marc Anthony Frederic at 500 Blanchard Street, Osceola Mills, PA 16666, by certified mail, restricted delivery, postage prepaid; the mailing was returned by the United States Postal Service with the notation that the addressee moved and left no forwarding address.
2. On or about March 6, 2007, Trooper Jeff Brock attempted to serve personally Marc Anthony Frederic at 12 S. Center Street, Phillipsburg, PA with the Petition for Forfeiture and Condemnation.
3. On or about April 10, 2007, the Commonwealth caused service by publication on Marc Anthony Frederic with the Courier-Express newspaper, a newspaper of general circulation in Clearfield County.
4. On or about February 17, 2007, Jai Freeman accepted service of the Petition for Forfeiture and Condemnation by signing a certified mail return receipt card.

5. On or about March 22, 2007, Trooper Sandra DeAndrea personally served Lee Robert Harris at SCI – Dallas with the Petition for Forfeiture and Condemnation.

Date: 4/16/07

  
\_\_\_\_\_  
Stevan Kip Portman  
Deputy Attorney General

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

COMMONWEALTH OF PENNSYLVANIA

vs.

\$970.00 U.S. CURRENCY and a 1996  
CHEVROLET TAHOE, VIN # 1GNEK13RITJ306498

\*  
\*  
\*  
\*  
\*

NO. 07-157-CD

ORDER

NOW, this 13 day of April, 2007, upon review of the above-captioned case, the Court noting that the Commonwealth has failed to file an Affidavit or Certificate of Service relative the Petition for Forfeiture and Condemnation filed with the Court on January 31, 2007 as to the three respondents, it is the ORDER of this Court that Stevan Kip Portman, Deputy Attorney General, file an appropriate Affidavit of Service relative the said Petition within no more than 10 days from this date.

Upon receipt and review of the Affidavit of Service, the Court shall thereafter issue an appropriate Order relative the matter.

BY THE COURT,

**/S/ Fredric J Ammerman**

\_\_\_\_\_  
FREDRIC J. AMMERMAN  
President Judge

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

APR 13 2007

Attest.

*William L. Green*  
Prothonotary/  
Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw Prothonotary/Clerk of Courts Jacki Kendrick Deputy Prothonotary/Clerk of Courts Bonnie Hudson Administrative Assistant David S. Ammerman Solicitor

PO Box 549, Clearfield, PA 16830 Phone: (814) 765-2641 Ext. 1330 Fax: (814) 765-7659 www.clearfieldco.org

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

[Handwritten signature of William A. Shaw]

William A. Shaw Prothonotary

DATE: 4/13/07

\_\_\_\_\_ You are responsible for serving all appropriate parties.

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

\_\_\_\_\_ Plaintiff(s) X \_\_\_\_\_ Plaintiff(s) Attorney \_\_\_\_\_ Other

X \_\_\_\_\_ Defendant(s) X \_\_\_\_\_ Defendant(s) Attorney Frederic J. Harris

\_\_\_\_\_ Special Instructions:







SPECIFICATION OF FACTS AND LAW MISAPPREHENDED AND/OR OVERLOOKED  
VIA PLAINTIFF'S PETITION FOR FORFEITURE AND CONDEMNATION

(3). Defendant herein maintains Plaintiff failed to acknowledge the fact that Property, specifically, 1996 Chevrolet Tahoe, VIN #1GNEK 13RITJ306498, (hereinafter-CHEVROLET TAHOE), is not only Registered/Titled in Defendant Lee Robert Harris's name, but also is registered in Jai Freeman's name. Defendant, Jai Freeman, was not in fact found to be in possession of any contraband narcotics and in fact was not charged with any crimes relating to possession of contraband and/or narcotics. Defendant, Lee Robert Harris, entered a guilty plea on March 21st, 2006, in the Court of Common Pleas, Clearfield County, Pennsylvania, before the Honorable Judge, Paul E. Cherry, @ C.P. NO., 17-CR-1168-2005, to the charges of Possession with intent to deliver a controlled substance, namely marijuana, an ungraded felony; and possession of a controlled substance, an ungraded misdemeanor. Vividly, the alleged 112 grams of cocaine found in the (Chevrolet Tahoe), was not charged.

(4). Defendant, Jai Freeman, had no knowledge of any contraband and/or controlled or uncontrolled substances being present in the vehicle.

(5). As indicated by the Plaintiff contained at paragraph 7d via Plaintiff's (PFFAC), Plaintiff states the following : "Troopers approached Jai Freeman and asked if they could search her blue Chevrolet Tahoe. Ms. Freeman gave consent to search. Found inside the glove box was a zip lock baggie with approximately 112 grams of cocaine inside a brown paper bag". As stated supra., Defendant Jai Freeman had no knowledge of the contraband drugs being placed in her property (Chevrolet-Tahoe).

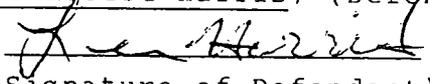
(6). Defendant maintains based on the foregoing facts supra., present in the instant case sub judice Forfeiture and Condemnation of Property (Chevrolet-Tahoe) pursuant to, (42 Pa. C.S.A. § 6801) is considered and/or rendered void pursuant to the dictates of Commonwealth vs. Buckingham, 578 A.2d 40 (1990), which held the following ; " The trial court held that real property owned by a common-law husband and wife as tenants by the entireties could not be forfeited under the Act where the husband was not engaged in the unlawful activity and lacked knowledge of the unlawful use of the premises. Id. The Pennsylvania Superior Court affirmed in an unpublished opinion.

(7). Defendant herein submits and maintains Buckingham, supra., is binding authority on the case sub judice where the elements are verbatim as contained in Buckingham, 578 A.2d 40 (1990).

WHEREFORE, based on the foregoing facts in the case now before this Honorable Court, with supporting case law, Defendant respectfully requests this Court to refute The Commonwealth's Petition for Forfeiture And Condemnation of property (Chevrolet-Tahoe).

RESPECTFULLY SUBMITTED,

By, Lee Robert Harris, -(Defendant).

  
(Signature of Defendant)

SCI at Dallas, Inmate Number, GP-3749

1000 Follies Road

Dallas, Pa. 18612









IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :  
V. : No. 07-157-CD  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, : Jury Trial Demanded  
VIN #1GNEK13R1TJ306498 :  
Defendant :

**ANSWER TO PETITION FOR FORFEITURE AND CONDEMNATION**

Opening Paragraph: Admitted and denied. It is Admitted that the amounts of \$350.00 in U.S. currency and \$620.00 in U.S. currency are forfeitable. It is Denied that a 1996 Chevrolet Tahoe, VIN #1GNEK13R1TJ306498 is forfeitable and it is further averred that Jai Freeman allowed Lee R. Harris to drive her daughter, Angela Webb to and from school, because Jai Freeman was temporarily disabled due to a broken left leg (from a previous accident not involving the Tahoe truck), from driving said truck.

1. Admitted
2. Admitted and Denied, it is admitted that the properties of \$350.00 and \$620.00 are forfeitable as defendant properties but it is denied that the 1996 Chevrolet Tahoe, VIN #1GNEK13R1TJ306498 is forfeitable or is a defendant property, the further averment found in the opening paragraph are incorporated herein as if fully set forth in this paragraph.

3. Admitted
4. Admitted
- 5a. Admitted
- 5b. Admitted

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

MAR 05 2007

Attest.

*William L. ...*  
Prothonotary/  
Clerk of Courts

5c. Admitted and Denied, it is Admitted that said Tahoe Truck was seized, it is Denied that said seizure was legal, the further averment found in the opening paragraph are incorporated herein as if fully set forth in this paragraph.

6a. Admitted

6b. Admitted

6c. Admitted and Denied, it is Admitted that said Tahoe Truck was seized, but it is Denied that said seizure of said Tahoe Truck was legal, the further averment found in the opening paragraph are incorporated herein as if fully set forth in this paragraph.

7. The averments of this paragraph are conclusions of law to which no responsive pleading is required.

a. It is unknown after diligent investigation what authorities did, strict proof is demanded at trial. It is Admitted that 2 (two) people and Jai Freeman were inside the residence.

b. It is unknown what as found outside Jai Freeman's immediate presence, strict proof is required at trial.

c. Admitted and Denied, it is Admitted that the truck was searched, it is Denied that Jai Freeman knew what the authorities found during the search, strict proof at trial is demanded.

d. Admitted and Denied, it is Admitted that the truck was searched, it is Denied that Jai Freeman knew what the authorities found during the search, strict proof at trial is demanded.

e. Admitted

8. After reasonable diligent investigation what the \$350.00 and \$620.00 in U.S. currency was to be used for, strict proof is demanded at trial.

9. Admitted and Denied, it is Admitted that such use was made by Lee R. Harris but it is Denied that Jai Freeman knew the use that he was making of the said Tahoe Truck and it is further averred that Jai Freeman allowed Lee R. Harris to take her daughter, Angela Webb to and from school, because of Jai Freeman's broken left leg and was therefore unable to drive her truck.

WHEREFORE, because of an innocent owner defense Jai Freeman, respectfully requests that this Honorable Court Order said 1996 Chevrolet Tahoe, VIN #1GNEK13R1TJ306498 be returned to Jai Freeman.

Respectfully submitted,

By: Joseph M. Devecka

Joseph M. Devecka  
Attorney for Jai Freeman  
301 S. Allen Street, Suite 108  
State College, PA 16801  
(814) 278-5240  
Attorney ID #29938

Dated: **March 5, 2007**

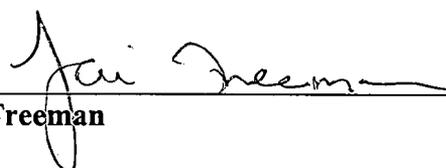
IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :  
V. : No. 07-157-CD  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, : Jury Trial Demanded  
VIN #1GNEK13R1TJ306498 :  
Defendant :

**VERIFICATION**

I, Jai Freeman, hereby verify that the statements made in the foregoing Answer to Petition for Forfeiture and Condemnation are true to the best of my ability. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsifications to authorities.

Date: 3-5-07

  
\_\_\_\_\_  
Jai Freeman

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :  
V. : No. 07-157-CD  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, : Jury Trial Demanded  
VIN #1GNEK13R1TJ306498 :  
Defendant :

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving upon the persons and in the manner indicated below. The manner of service satisfies the requirements of Pa.R.Crim.P.No. 575:

The Original copy of the Answer to Petition for Forfeiture and Condemnation, by Hand Delivery addressed as follows:

William A. Shaw, Sr.  
Clearfield County Clerk of Courts  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830

1 copy of the Answer to Petition for Forfeiture and Condemnation by First Class Mail addressed as follows:

Steven Kip Portman  
Deputy Attorney General  
Office of the Attorney General  
106 Lowther Street  
Lemoyne, PA 17043

Daniel J. Nelson  
Clearfield County Court Administrator  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830

Respectfully submitted,

By: Joseph M. Devecka

Joseph M. Devecka  
Attorney for Jai Freeman  
301 S. Allen Street, Suite 108  
State College, PA 16801  
(814) 278-5240  
Attorney ID #29938

Dated: **March 5, 2007**

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA  
Plaintiff

V.

\$970.00 U.S. CURRENCY AND A 1996  
CHEVROLET TAHOE,  
VIN #1GNEK13R1TJ306498

Defendant

No. 07-157-CD

Jury Trial Demanded

ORDER

AND NOW, this 14 day of March, 2007, it is the ORDER of this Court  
that the Motion to Withdraw as Counsel is X granted, is ~~denied~~ for

BY THE COURT



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

MAR 14 2007

Attest.

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

V. :

07-157-CD

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :  
Defendant :

ORDER

AND NOW, this 16<sup>th</sup> day of July, 2007, upon Motion, a hearing is  
scheduled on the Petition for Forfeiture and Condemnation of the above-captioned  
matter, for the 24<sup>th</sup> day of September, 2007, at 1:30 a.m./(p.m.) in  
Hearing Room number 3, Clearfield County Courthouse, Clearfield,  
Pennsylvania.

BY THE COURT:

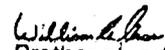
/S/ Fredric J Ammerman

\_\_\_\_\_  
Judge

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

JUL 19 2007

Attest.

  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :  
 :  
V. : No. 07-157-CD  
 :  
 :  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, VIN #: :  
1GNEK13R1TJ306498 :

CERTIFICATION OF SERVICE

I do hereby certify that this date I have served a copy of the foregoing Motion to Strike Hearing Date upon the following individuals by first-class mail, postage prepaid, at the following addresses:

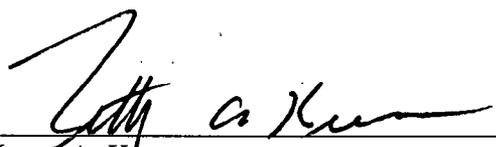
Lee Robert Harris, GP-3749  
SCI Dallas  
1000 Follies Road  
Dallas, PA 18612

Jai Freeman  
500 Blanchard Street  
Osceola Mills, PA 16666

Marc Anthony Frederic  
500 Blanchard Street  
Osceola Mills, PA 16666

DATE

9/6/07

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

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,  
Plaintiff

V.

No. 07-157-CD  
FORFEITURE ACTION

\$970.00 U.S. CURRENCY AND A 1996  
CHEVROLET TAHOE,  
VIN #1GNEK13R1TJ306498

Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the date first indicated below I caused the Order dated July 16,  
2007 to be served by first class mail, postage prepaid, on the following:

Lee Robert Harris, #GP-3749  
SCI-Dallas  
1000 Follies Road  
Dallas, PA 18612

Date: August 10, 2007

  
Stevan Kip Portman  
Deputy Attorney General

<sup>s</sup> FILED <sup>NOCC</sup>  
M 11:10 AM  
AUG 13 2007  
  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

v. :

07-157-CD

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

Defendant :

ORDER

AND NOW, this 16<sup>th</sup> day of July, 2007, upon Motion, a hearing is scheduled on the Petition for Forfeiture and Condemnation of the above-captioned matter, for the 24<sup>th</sup> day of September, 2007, at 1:30 a.m./(p.m.) in Hearing Room number 3, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

/S/ Fredric J Ammerman

\_\_\_\_\_  
Judge

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

JUL 19 2007

Attest.

  
Prothonotary/  
Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

V. :

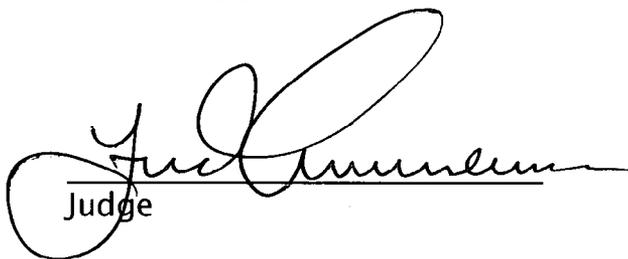
07-157-CD

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :  
Defendant :

ORDER

AND NOW, this 16<sup>th</sup> day of July, 2007, upon Motion, a hearing is scheduled on the Petition for Forfeiture and Condemnation of the above-captioned matter, for the 24<sup>th</sup> day of September, 2007, at 1:30 a.m./(p.m.) in Hearing Room number 3, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

  
Judge

<sup>3</sup> FILED <sup>ice</sup>  
018:59/61 Atty Portman  
JUL 19 2007 (GN)  
William A. Shaw  
Prothonotary/Clerk of Courts

#13

DATE: 7/9/07

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:

**FILED**

JUL 19 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

V. :

07-157-CD

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :  
Defendant :

*FILED* <sup>100</sup>  
M 11:13 AM  
JUL 02 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

COMMONWEALTH'S MOTION FOR HEARING DATE

AND NOW, this 27th day of June, 2007,  
comes the petitioner, the Commonwealth of Pennsylvania, Office of Attorney  
General, by Stevan Kip Portman, Deputy Attorney General, and moves the court to  
schedule a hearing on the issues raised by the instant action and, in support  
thereof, avers as follows:

1. On Tuesday, December 6, 2005, the Pennsylvania State Police seized the above-captioned property at 500 Blanchard Street, Osceola Mills, Clearfield County, Pennsylvania from Lee Robert Harris, Marc Anthony Frederic and Jai Freeman.

2. A Petition for Forfeiture and Condemnation of the above-captioned matter, was filed by the Petitioner with this court on January 31, 2007 and received a signed rule dated February 1, 2007 by the Honorable Paul E. Cherry.

3. On March 22, 2007, Lee Robert Harris was served with the Petition for Forfeiture and Condemnation by personal service at SCI Dallas, 1000 Follies Road, Dallas, Pennsylvania.

4. On March 27, 2007, Lee Robert Harris, filed an Answer to the Petition for Forfeiture and Condemnation.

5. In accordance with the Controlled Substances Forfeitures Act, an Act of June 30, 1988, Act No. 1988-79, 42 Pa. C.S.A. Section 6801 et seq., the case is at issue and a time shall be fixed for a hearing.

WHEREFORE, the Petitioner prays for an Order fixing a date for a hearing to consider the issues remaining in the instant action.

Respectfully submitted,



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. :

07-157-CD

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

Defendant :

CERTIFICATION OF SERVICE

I do hereby certify that this date I have served a copy of the foregoing  
*Commonwealth's Motion for Hearing Date* upon the following individual by first-  
class mail, postage prepaid, at the following address:

Lee Robert Harris, GP-3749  
SCI Dallas  
1000 Follies Road  
Dallas, PA 18612

6/28/07

DATE



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

<sup>9</sup> FILED  
APR 25 2007  
William A. Shaw  
Prothonotary/Clerk of Courts  
WACC

COMMONWEALTH OF PENNSYLVANIA, :  
Plaintiff :  
vs. : No. 07-157-CD  
: :  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN: 1GNEK13R1TJ306498, :  
Defendant :

CERTIFICATE OF SERVICE

I, Stevan Kip Portman, Deputy Attorney General, certify that:

1. On or about February 7, 2007, service of the Petition for Forfeiture and Condemnation was mailed to Marc Anthony Frederic at 500 Blanchard Street, Osceola Mills, PA 16666, by certified mail, restricted delivery, postage prepaid; the mailing was returned by the United States Postal Service with the notation that the addressee moved and left no forwarding address.
2. On or about March 6, 2007, Trooper Jeff Brock attempted to serve personally Marc Anthony Frederic at 12 S. Center Street, Phillipsburg, PA with the Petition for Forfeiture and Condemnation.
3. On or about April 10, 2007, the Commonwealth caused service by publication on Marc Anthony Frederic with the Courier-Express newspaper, a newspaper of general circulation in Clearfield County.
4. On or about February 17, 2007, Jai Freeman accepted service of the Petition for Forfeiture and Condemnation by signing a certified mail return receipt card.

5. On or about March 22, 2007, Trooper Sandra DeAndrea personally served Lee Robert Harris at SCI – Dallas with the Petition for Forfeiture and Condemnation.

Date: 4/16/07

  
\_\_\_\_\_  
Stevan Kip Portman  
Deputy Attorney General

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

COMMONWEALTH OF PENNSYLVANIA

vs.

\$970.00 U.S. CURRENCY and a 1996  
CHEVROLET TAHOE, VIN # 1GNEK13RITJ306498

\*  
\*  
\*  
\*  
\*

NO. 07-157-CD

ORDER

NOW, this 13 day of April, 2007, upon review of the above-captioned case, the Court noting that the Commonwealth has failed to file an Affidavit or Certificate of Service relative the Petition for Forfeiture and Condemnation filed with the Court on January 31, 2007 as to the three respondents, it is the ORDER of this Court that Stevan Kip Portman, Deputy Attorney General, file an appropriate Affidavit of Service relative the said Petition within no more than 10 days from this date.

Upon receipt and review of the Affidavit of Service, the Court shall thereafter issue an appropriate Order relative the matter.

BY THE COURT,

**/S/ Fredric J Ammerman**

\_\_\_\_\_  
FREDRIC J. AMMERMAN  
President Judge

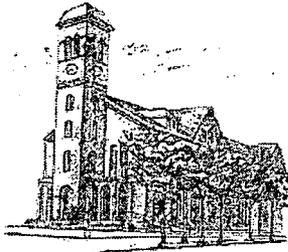
I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

APR 13 2007

Attest.



*William L. Shaw*  
Prothonotary/  
Clerk of Courts



# Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerman**  
Solicitor

PO Box 549, Clearfield, PA 16830 ▪ Phone: (814) 765-2641 Ext. 1330 ▪ Fax: (814) 765-7659 ▪ www.clearfieldco.org

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 4/13/07

           You are responsible for serving all appropriate parties.

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

           Plaintiff(s)      X   Plaintiff(s) Attorney               Other

  X   Defendant(s)      X   Defendant(s) Attorney  
Frederic; Harris

           Special Instructions:

WILLIAM A. SHAW  
PROTHONOTARY  
and CLERK of COURTS  
P. O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

FILED  
m/10:45 am  
APR 17 2007

William A. Shaw  
Prothonotary/Clerk of Courts

no further  
address in  
file

Marc A. Frederic  
500 Blanchard Street  
Osceola Mills, PA 16666

168300549



Hasler

016H16505405  
\$00.390  
04/13/2007  
Mailed From 16830  
US POSTAGE

RETURN TO SENDER  
FREDERIC, MARC A  
MOVED LEFT TO FORWARD  
UNABLE TO RETURN  
BC: 16830054949 \*1173-06122-13-39



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

COMMONWEALTH OF PENNSYLVANIA

vs.

\$970.00 U.S. CURRENCY and a 1996  
CHEVROLET TAHOE, VIN # 1GNEK13RITJ306498

\*  
\*  
\*  
\*  
\*

NO. 07-157-CD

ORDER

NOW, this 13 day of April, 2007, upon review of the above-captioned case, the Court noting that the Commonwealth has failed to file an Affidavit or Certificate of Service relative the Petition for Forfeiture and Condemnation filed with the Court on January 31, 2007 as to the three respondents, it is the ORDER of this Court that Stevan Kip Portman, Deputy Attorney General, file an appropriate Affidavit of Service relative the said Petition within no more than 10 days from this date.

Upon receipt and review of the Affidavit of Service, the Court shall thereafter issue an appropriate Order relative the matter.

BY THE COURT,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN  
President Judge

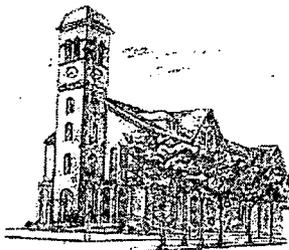
I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

APR 13 2007

Attest.

*William A. [Signature]*  
Prothonotary/  
Clerk of Courts

710



# Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerman**  
Solicitor

PO Box 549, Clearfield, PA 16830    Phone: (814) 765-2641 Ext. 1330    Fax: (814) 765-7659    www.clearfieldco.org

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 4/3/07

\_\_\_\_\_ 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

Frederic; Harris

\_\_\_\_\_ Special Instructions:

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

COMMONWEALTH OF PENNSYLVANIA

vs.

\$970.00 U.S. CURRENCY and a 1996  
CHEVROLET TAHOE, VIN # 1GNEK13RITJ306498

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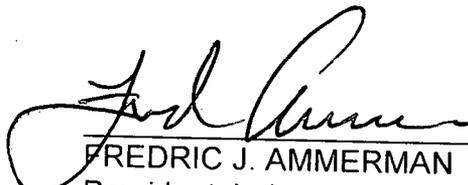
NO. 07-157-CD

ORDER

NOW, this 13 day of April, 2007, upon review of the above-captioned case, the Court noting that the Commonwealth has failed to file an Affidavit or Certificate of Service relative the Petition for Forfeiture and Condemnation filed with the Court on January 31, 2007 as to the three respondents, it is the ORDER of this Court that Stevan Kip Portman, Deputy Attorney General, file an appropriate Affidavit of Service relative the said Petition within no more than 10 days from this date.

Upon receipt and review of the Affidavit of Service, the Court shall thereafter issue an appropriate Order relative the matter.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

5  
**FILED** <sup>ICC</sup> <sup>GR</sup>  
0115231  
APR 13 2007  
Atty's:  
Portman  
Sevecka

William A. Shaw  
Prothonotary/Clerk of Courts

ICC Def. Frederic  
500 Blanchard St.  
Osceola Mills, PA 16066

ICC Def. Harris  
GP 3749  
Sci Dallas

FILED

APR 13 2007

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 4/13/07

\_\_\_ 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

Frederic C. Harris  
Special Instructions.

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

RE: COMMONWEALTH OF PENNSYLVANIA, :  
      (PLAINTIFF) :  
      VS. : NO., 07-157-CD  
      : :  
      \$ 970.00 U.S. CURRENCY AND A :  
      1996 CHEVROLET TAHOE, :  
      VIN # GNEK 13 RITJ306498, :  
      (DEFENDANT) :  
\_\_\_\_\_ :

DEFENDANT'S ANSWER TO  
PETITION FOR FORFEITURE AND CONDEMNATION

By, Lee Robert Harris, Defendant/Property, et. seq.  
      SCI AT DALLAS  
      INMATE NUMBER, GP-3749  
      1000 FOLLIES ROAD  
      DALLAS, PA. 18612

3 FILED  
APR 10 2007 (EW)  
W/10:15/W  
William A. Shaw  
Prothonotary/Clerk of Courts  
SENT TO L. Harris  
(NO ORDER ATTACHED)

#8





SPECIFICATION OF FACTS AND LAW MISAPPREHENDED AND/OR OVERLOOKED  
VIA PLAINTIFF'S PETITION FOR FORFEITURE AND CONDEMNATION

(3). Defendant herein maintains Plaintiff failed to acknowledge the fact that Property, specifically, 1996 Chevrolet Tahoe, VIN #1GNEK 13RITJ306498, (hereinafter-CHEVROLET TAHOE), is not only Registered/Titled in Defendant Lee Robert Harris's name, but also is registered in Jai Freeman's name. Defendant, Jai Freeman, was not in fact found to be in possession of any contraband narcotics and in fact was not charged with any crimes relating to possession of contraband and/or narcotics. Defendant, Lee Robert Harris, entered a guilty plea on March 21st, 2006, in the Court of Common Pleas, Clearfield County, Pennsylvania, before the Honorable Judge, Paul E. Cherry, @ C.P. NO., 17-CR-1168-2005, to the charges of Possession with intent to deliver a controlled substance, namely marijuana, an ungraded felony; and possession of a controlled substance, an ungraded misdemeanor. Vividly, the alleged 112 grams of cocaine found in the (Chevrolet Tahoe), was not charged.

(4). Defendant, Jai Freeman, had no knowledge of any contraband and/or controlled or uncontrolled substances being present in the vehicle.

(5). As indicated by the Plaintiff contained at paragraph 7d via Plaintiff's (PFFAC), Plaintiff states the following : "Troopers approached Jai Freeman and asked if they could search her blue Chevrolet Tahoe. Ms. Freeman gave consent to search. Found inside the glove box was a zip lock baggie with approximately 112 grams of cocaine inside a brown paper bag". As stated supra., Defendant Jai Freeman had no knowledge of the contraband drugs being placed in her property (Chevrolet-Tahoe).

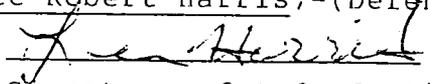
(6). Defendant maintains based on the foregoing facts supra., present in the instant case sub judice Forfeiture and Condemnation of Property (Chevrolet-Tahoe) pursuant to, (42 Pa. C.S.A. § 6801) is considered and/or rendered void pursuant to the dictates of Commonwealth vs. Buckingham, 578 A.2d 40 (1990), which held the following ; " The trial court held that real property owned by a common-law husband and wife as tenants by the entirety could not be forfeited under the Act where the husband was not engaged in the unlawful activity and lacked knowledge of the unlawful use of the premises. Id. The Pennsylvania Superior Court affirmed in an unpublished opinion.

(7). Defendant herein submits and maintains Buckingham, supra., is binding authority on the case sub judice where the elements are verbatim as contained in Buckingham, 578 A.2d 40 (1990).

WHEREFORE, based on the foregoing facts in the case now before this Honorable Court, with supporting case law, Defendant respectfully requests this Court to refute The Commonwealth's Petition for Forfeiture And Condemnation of property (Chevrolet-Tahoe).

RESPECTFULLY SUBMITTED,

By, Lee Robert Harris, -(Defendant)

  
(Signature of Defendant)

SCI at Dallas, Inmate Number, GP-3749  
1000 Follies Road  
Dallas, Pa. 18612









WILLIAM A. SHAW  
PROTHONOTARY  
and CLERK of COURTS  
P. O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

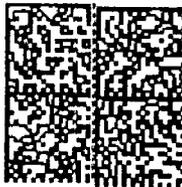
9 FILED  
m/11:05 am (JM)  
MAR 19 2007

William A. Shaw  
Prothonotary/Clerk of Courts

*no further  
address in  
file*

Marc Anthony Frederic  
500 Blanchard Street  
Osceola Mills. PA 16666

168300549



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016H16505405  
\$00.390  
03/15/2007  
Mailed From 16830  
US POSTAGE

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BC: 16830054949 \*2349-18297-15-39



IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

V. :

No. 07-157-CD :

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

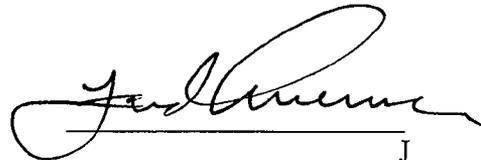
Jury Trial Demanded :

Defendant :

ORDER

AND NOW, this 14 day of March, 2007, it is the ORDER of this Court  
that the Motion to Withdraw as Counsel is X granted, is denied.  
*for*

BY THE COURT

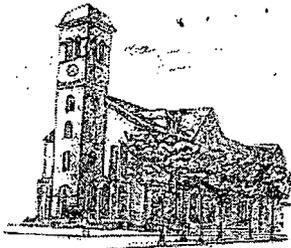


I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

MAR 14 2007

Attest.

*William A. [Signature]*  
Prothonotary/  
Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw  
Prothonotary/Clerk of Courts

Jacki Kendrick  
Deputy Prothonotary/Clerk of Courts

Bonnie Hudson  
Administrative Assistant

David S. Ammerman  
Solicitor

PO Box 549, Clearfield, PA 16830 ▪ Phone: (814) 765-2641 Ext. 1330 ▪ Fax: (814) 765-7659 ▪ www.clearfieldco.org

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 3/14/07

           You are responsible for serving all appropriate parties.

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

           Plaintiff(s)      X   Plaintiff(s) Attorney      X   Other

           Defendant(s)               Defendant(s) Attorney

           Special Instructions:

Joseph Deveck  
Jai Freeman  
Lee Harris  
Marc Frederic

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

V. :

No. 07-157-CD :

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

Jury Trial Demanded :

Defendant :

ORDER

AND NOW, this 14 day of March, 2007, it is the ORDER of this Court  
that the Motion to Withdraw as Counsel is X granted, is ~~\_\_\_\_\_ denied.~~  
*for*

BY THE COURT

  
J

5  
**FILED** Copies-  
013:42/30 attached  
MAR 14 2007  
CK

William A. Shaw  
Prothonotary/Clerk of Courts

#6

FILED

MAR 14 2007

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 3/14/07

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:

Joseph Davecchio  
Jai Freeman  
Lee Harris  
Marc Frederic



07-157-CD

Commonwealth of PA vs. \$970.00 US Currency et al

icc:

Joseph M. Devecka  
301 S. Allen Street, Ste. 108  
State College, PA 16801

Stevan Kip Portman  
Office of Attorney General  
106 Lowther Street  
Lemoyne, PA 17043

Jai Freeman  
500 Blanchard Street  
Osceola Mills, PA 16666

Jai Freeman  
318 N. 9<sup>th</sup> Street  
Philipsburg, PA 16866

Lee Robert Harris  
GP-3749  
SCI Dallas  
1000 Follies Road  
Dallas, PA 18612

Marc Anthony Frederic  
500 Blanchard Street  
Osceola Mills, PA 16666

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

5 FILED  
MAR 14 2007  
mlz  
William A. Shaw  
Prothonotary/Clerk of Courts  
no ll

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :  
V. : No. 07-157-CD  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, : Jury Trial Demanded  
VIN #1GNEK13R1TJ306498 :  
Defendant :

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving upon the persons and in the manner indicated below. The manner of service satisfies the requirements of Pa.R.Crim.P.No. 575:

The Original and one (1) copy of the Motion To Withdraw As Counsel, by First Class mail addressed as follows:

William A. Shaw, Sr.  
Clearfield County Clerk of Courts  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830

1 copy of the Motion To Withdraw As Counsel, by First Class Mail addressed as follows:

Steven Kip Portman  
Deputy Attorney General  
Office of the Attorney General  
106 Lowther Street  
Lemoyne, PA 17043

Daniel J. Nelson  
Clearfield County Court Administrator  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830

Jai Freeman  
318 N. 9<sup>th</sup> St., Apt D  
Philipsburg, PA 16866

Respectfully submitted,

By: Joseph M. Devecka

Joseph M. Devecka  
Attorney for Jai Freeman  
301 S. Allen Street, Suite 108  
State College, PA 16801  
(814) 278-5240  
Attorney ID #29938

Dated: **March 13, 2007**

FILED  
MAR 14 2007  
William A. Shaw  
Prothonotary/Clerk of Courts  
I went to Mr. [unclear]

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :  
V. : No. 07-157-CD  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, : Jury Trial Demanded  
VIN #1GNEK13R1TJ306498 :  
Defendant :

MOTION TO WITHDRAW AS COUNSEL

AND NOW, comes Joseph M. Devecka, Esq. attorney of record for Defendant Jai Freeman, and files this Motion to Withdraw as Counsel Pursuant to Pa. Rule Crim.P. No. 120 for the following reasons:

1. On March 5, 2007, Defendant Jai Freeman., retained the services of Joseph M. Devecka to represent her with regard to current Forfeiture and Condemnation.
2. Defendant's scheduled payment was due on March 12, 2007.
3. Several attempts were made to obtain payment from Defendant.
3. As of the date of this motion., Defendant has not made payment to Joseph M. Devecka.
4. Defendant signed a fee agreement which had a statement "If you fail to make payments by due dates, I have the right to withdraw my appearance in your case" (see attachment).
5. A copy of the fee agreement was left with Defendant.
6. A copy of this motion was mailed to Jai Freeman.

WHEREFORE, I respectfully request to withdraw my appearance for Defendant  
Jai Freeman.

Respectfully submitted.

By: Joseph M. Devecka

Joseph M. Devecka  
301 S. Allen Street, Suite 108  
State College, PA 16801  
(814) 278-5240  
Attorney ID #29938

Dated: March 13, 2007

# LAW OFFICE OF JOSEPH M. DEVECKA

301 S. Allen Street, Suite 108  
State College, PA 16801  
Website: www.joedeveckalegal.com

Phone: (814) 278-5240  
Fax: (814) 278-5242  
Email: joe@joedeveckalegal.com

March 5, 2007

N 9th St  
Jai Freeman  
318 W. ~~Main St.~~, Apt D  
Philipsburg, PA 16866

Dear Ms. Freeman :

This letter is intended to set down our fee agreement in the matter in which I am representing you for Forfeiture and Condemnation.

## I. Legal Fees:

The total fee in your case is \$1500. One hundred dollars (\$100.00) is due on 03/05/07, \$500.00 is due on 03/12/07, ~~\$900.00 is due on 03/18/07~~ is due by April 15, 2007.

If you fail to make payments by due dates, I have the right to withdraw my appearance in your case.

## II. Costs and Out-of-Pocket Expenses:

Ordinarily, clients are responsible for out-of-pocket expenses and costs in a case. Because this is a criminal case, the client will not be billed for xeroxing, postage and long distance telephone calls. Client agrees to pay for any costs associated with hiring a Court Reporter, including transcript fee, for Preliminary hearing only.

## III. Termination of Representation:

You have the right to discharge me as your attorney at any time. If you do so before I have been paid in full, you will remain obligated to me for any of our outstanding costs and expenses incurred in connection with representing you.

I have the right, subject to applicable standards of professional responsibility and rules of court, to withdraw from and cease representing you. In such case, however, I will give you reasonable notice of our intent to withdraw and cooperate with any attorney whom you retain to continue to represent you in order to try to avoid any prejudice to you. If I voluntarily withdraw from representing you, you will still be obligated to reimburse me for any out-of-pocket costs or expenses which I incurred in representing you.

If you have any questions concerning this agreement, please feel free to call me. If the foregoing is satisfactory, and in accord with our prior discussions and agreement, please sign your name where indicated below.

I look forward to representing you in this matter.

Sincerely,

By: Joseph M. Devecka  
Joseph M. Devecka

JMD/ps

I have read this letter agreement and agree to be legally bound by its terms and conditions.

Date: 3-5-07

Jai Freeman  
Jai Freeman

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :  
V. : No. 07-157-CD  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, : Jury Trial Demanded  
VIN #1GNEK13R1TJ306498 :  
Defendant :

**ANSWER TO PETITION FOR FORFEITURE AND CONDEMNATION**

Opening Paragraph: Admitted and denied. It is Admitted that the amounts of \$350.00 in U.S. currency and \$620.00 in U.S. currency are forfeitable. It is Denied that a 1996 Chevrolet Tahoe, VIN #1GNEK13R1TJ306498 is forfeitable and it is further averred that Jai Freeman allowed Lee R. Harris to drive her daughter, Angela Webb to and from school, because Jai Freeman was temporarily disabled due to a broken left leg (from a previous accident not involving the Tahoe truck), from driving said truck.

1. Admitted
2. Admitted and Denied, it is admitted that the properties of \$350.00 and \$620.00 are forfeitable as defendant properties but it is denied that the 1996 Chevrolet Tahoe, VIN #1GNEK13R1TJ306498 is forfeitable or is a defendant property, the further averment found in the opening paragraph are incorporated herein as if fully set forth in this paragraph.

3. Admitted
4. Admitted
- 5a. Admitted
- 5b. Admitted

<sup>S</sup> FILED  
MAR 05 2007  
6/3205/...  
William A. Shaw  
Prothonotary/Clerk of Courts (6K)  
5 SENT TO ATT

#3

5c. Admitted and Denied, it is Admitted that said Tahoe Truck was seized, it is Denied that said seizure was legal, the further averment found in the opening paragraph are incorporated herein as if fully set forth in this paragraph.

6a. Admitted

6b. Admitted

6c. Admitted and Denied, it is Admitted that said Tahoe Truck was seized, but it is Denied that said seizure of said Tahoe Truck was legal, the further averment found in the opening paragraph are incorporated herein as if fully set forth in this paragraph.

7. The averments of this paragraph are conclusions of law to which no responsive pleading is required.

a. It is unknown after diligent investigation what authorities did, strict proof is demanded at trial. It is Admitted that 2 (two) people and Jai Freeman were inside the residence.

b. It is unknown what as found outside Jai Freeman's immediate presence, strict proof is required at trial.

c. Admitted and Denied, it is Admitted that the truck was searched, it is Denied that Jai Freeman knew what the authorities found during the search, strict proof at trial is demanded.

d. Admitted and Denied, it is Admitted that the truck was searched, it is Denied that Jai Freeman knew what the authorities found during the search, strict proof at trial is demanded.

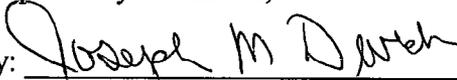
e. Admitted

8. After reasonable diligent investigation what the \$350.00 and \$620.00 in U.S. currency was to be used for, strict proof is demanded at trial.

9. Admitted and Denied, it is Admitted that such use was made by Lee R. Harris but it is Denied that Jai Freeman knew the use that he was making of the said Tahoe Truck and it is further averred that Jai Freeman allowed Lee R. Harris to take her daughter, Angela Webb to and from school, because of Jai Freeman's broken left leg and was therefore unable to drive her truck.

WHEREFORE, because of an innocent owner defense Jai Freeman, respectfully requests that this Honorable Court Order said 1996 Chevrolet Tahoe, VIN #1GNEK13R1TJ306498 be returned to Jai Freeman.

Respectfully submitted,

By: 

Joseph M. Devecka  
Attorney for Jai Freeman  
301 S. Allen Street, Suite 108  
State College, PA 16801  
(814) 278-5240  
Attorney ID #29938

Dated: **March 5, 2007**

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
Plaintiff	:	
	:	
V.	:	No. 07-157-CD
	:	
\$970.00 U.S. CURRENCY AND A 1996	:	
CHEVROLET TAHOE,	:	Jury Trial Demanded
VIN #1GNEK13R1TJ306498	:	
Defendant	:	

**VERIFICATION**

I, Jai Freeman, hereby verify that the statements made in the foregoing Answer to Petition for Forfeiture and Condemnation are true to the best of my ability. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsifications to authorities.

Date: 3.5.07

Jai Freeman  
Jai Freeman

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :  
 :  
V. : No. 07-157-CD  
 :  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, : Jury Trial Demanded  
VIN #1GNEK13R1TJ306498 :  
Defendant :

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving upon the persons and in the manner indicated below. The manner of service satisfies the requirements of Pa.R.Crim.P.No. 575:

The Original copy of the Answer to Petition for Forfeiture and Condemnation, by Hand Delivery addressed as follows:

William A. Shaw, Sr.  
Clearfield County Clerk of Courts  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830

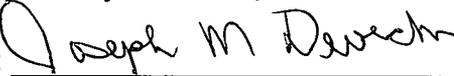
1 copy of the Answer to Petition for Forfeiture and Condemnation by First Class Mail addressed as follows:

Steven Kip Portman  
Deputy Attorney General  
Office of the Attorney General  
106 Lowther Street  
Lemoyne, PA 17043

Daniel J. Nelson  
Clearfield County Court Administrator  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830

Respectfully submitted,

By:



Joseph M. Devecka  
Attorney for Jai Freeman  
301 S. Allen Street, Suite 108  
State College, PA 16801  
(814) 278-5240  
Attorney ID #29938

Dated: **March 5, 2007**

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

17A  
4 FILED 1CC  
010:34301 Atty  
FEB 02 2007 Portman  
William A. Shaw  
Prothonotary/Clerk of Courts  
(CK)

COMMONWEALTH OF PENNSYLVANIA  
Plaintiff

v.

No. 07-157-CD

\$970.00 U.S. CURRENCY AND A 1996  
CHEVROLET TAHOE,  
VIN #1GNEK13R1TJ306498

Defendant :

RULE TO SHOW CAUSE

AND NOW, this 15<sup>th</sup> day of February, 2007, a rule is issued upon Lee Robert Harris, Marc Anthony Frederic, Jai Freeman, owner and/or possessor of the within defendant/property, to show cause why the prayer and order of the attached Petition of Forfeiture 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 Lee Robert Harris, Marc Anthony Frederic, Jai Freeman, 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.

BY THE COURT:

Paul E Cherry  
J.

(#2)

CA

FILED  
m 13:24  
JAN 31 2007  
Atty pd: 85.00  
ICC Atty  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

v. :

No. 07-157-CD

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :  
Defendant :

To: Lee Robert Harris, Inmate #GP-3749  
S.C.I. - Dallas  
Follies Road, Drawer K

Marc Anthony Frederic  
500 Blanchard Street  
Osceola Mills, PA 16666

Jai Freeman  
500 Blanchard Street  
Osceola, Mills, PA 16666

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

#1

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

V. :

No. \_\_\_\_\_

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

Defendant :

PETITION FOR FORFEITURE AND CONDEMNATION

COMES NOW, the Attorney General of the Commonwealth of Pennsylvania, Thomas W. Corbett, Jr., by and 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 \$970.00 U.S. currency and a 1996 Chevrolet Tahoe, Vin #1GNEK13R1TJ306498 and in support thereof avers as follows:

1. Your Affiant is Trooper Dennis M. Regal of the Pennsylvania State Police.
2. The defendant/properties are \$970.00 U.S. currency and a 1996 Chevrolet Tahoe, Vin #1GNEK13R1TJ306498, seized by the Commonwealth, pursuant to the "Act."
3. The defendant/properties were seized at or about 9:45 AM on or about Tuesday, December 6, 2005.

4. The defendant/properties were seized at 500 Blanchard Street, Osceola Mills, Clearfield County, Pennsylvania.

5a. The owner of the defendant/property, \$350.00 U.S. currency, based upon all information currently available, is Lee Robert Harris, c/o S.C.I. - Dallas, Follies Road, Dallas, Pennsylvania.

5b. The owner of the defendant/property, \$620.00 U.S. currency, based upon all information currently available, is Marc Anthony Frederic, 500 Blanchard Street, Osceola, Clearfield County, Pennsylvania.

5c. The owner of the defendant/property, 1996 Chevrolet Tahoe, Vin #1GNEK13R1TJ306498 ,based upon all information currently available, is Jai Freeman, 500 Blanchard Street, Osceola, Clearfield County, Pennsylvania.

6a. At the time of seizure, on the date and at the place of seizure, hereinbefore mentioned, the defendant/property, \$350.00 U.S. currency, was in the possession of Lee Robert Harris, c/o S.C.I. - Dallas, Dallas, Pennsylvania.

6b. At the time of seizure, on the date and at the place of seizure, hereinbefore mentioned, the defendant/property, \$620.00 U.S. currency, was in the possession of Marc Anthony Frederic, 500 Blanchard Street, Osceola Mills, Clearfield County, Pennsylvania.

6c. At the time of seizure, on the date and at the place of seizure, hereinbefore mentioned, the defendant/property, 1996 Chevrolet Tahoe, Vin #1GNEK13R1TJ306498 , was in the possession of Jai Freeman, 500 Blanchard Street, Osceola Mills, Clearfield County, Pennsylvania.

7. The defendant/properties are 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. After three (3) trash pulls and surveillance were conducted on the residence of 500 Blanchard Street, Osceola Mills, Pennsylvania, a search warrant for the residence was obtained on December 6, 2005. Inside the residence at this time were Lee Robert Harris, Marc Anthony Frederic and Jai Freeman.

b. On December 6, 2005, troopers of the Pennsylvania State Police searched the residence and found in the living room a small amount of marijuana and a marijuana grinder on the coffee table and approximately 7.5 grams of cocaine inside a jacket lying on the floor; in an upstairs bedroom was found 86.5 grams of marijuana in a zip lock baggie, four (4) zip lock baggies with approximately 480 grams of marijuana and a marijuana smoking pipe. Found in the master bedroom was a small amount of marijuana, two (2) marijuana smoking pipes and an electronic palm scale.

c. Outside the residence was a white Chevrolet Tahoe belonging to Mark Anthony Frederic. After a drug canine alerted on the vehicle, a consent to search was conducted. Found inside the glove box was a zip lock baggie containing a small amount of suspected cocaine.

d. Troopers approached Jai Freeman and asked if they could search her blue Chevrolet Tahoe. Ms. Freeman gave consent to search. Found inside the glove box was a zip lock baggie with approximately 112 grams of cocaine inside a brown paper bag.

e. A search of Harris and Frederic yielded \$350.00 U.S. currency and \$620.00 U.S. currency respectively.

8. The defendant/property, \$970.00 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/are proceeds traceable to such an exchange, or were used or intended to be used to facilitate any violation of said Act, or is/are otherwise subject to forfeiture under the "Act."

9. The defendant/property, 1996 Chevrolet Tahoe, Vin #1GNEK13R1TJ306498, is a conveyance which was used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession or concealment of drug paraphernalia, controlled substances, or other drugs which have been manufactured, distributed, dispensed or acquired in violation of the Controlled Substance, Drug, Device and Cosmetic Act.

WHEREFORE, the Commonwealth through the Attorney General prays this Honorable Court to issue an Order that the defendant/properties be condemned and adjudged forfeited to the Commonwealth and that all right, title or interest in the defendant/properties, 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  
Office of Attorney General  
106 Lowther Street  
Lemoyne, PA 17043  
(717) 712-1206

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.

*Dennis M. Regal*  
Trooper Dennis M. Regal

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 17<sup>th</sup>

DAY OF January, 2007

*Lynn L. Roffis*  
\_\_\_\_\_  
NOTARY PUBLIC

NOTARIAL SEAL  
LYNN L ROFFIS, NOTARY PUBLIC  
CITY OF BUTLER, BUTLER CO, PA  
MY COMMISSION EXPIRES MARCH 25, 2007

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
Plaintiff :

v. :

No. 07-157-CD

\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :

Defendant :

PROPOSED 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.

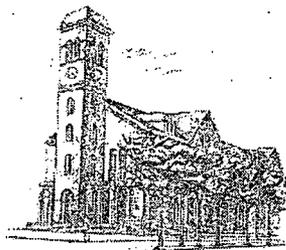
All claims of right, title or interest of Lee Robert Harris, Marc Anthony Frederic, Jai Freeman, and any other claimants in the defendant/properties are hereby declared to be terminated, revoked and rendered null and void. The \$970.00 U.S. currency and a 1996 Chevrolet Tahoe, Vin #1GNEK13R1TJ306498 are 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.

The registration heretofore issued by the Commonwealth of Pennsylvania for said vehicle is hereby declared to be terminated and revoked and the Department of Transportation is directed to reissue said registration in the name of the Department of General Services for official use, sale or disposition by the Office of Attorney General.

BY THE COURT:

\_\_\_\_\_  
J.

COPY



Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerman**  
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ [www.clearfieldco.org](http://www.clearfieldco.org)

April 30, 2009

Superior Court of Pennsylvania  
Office of the Prothonotary  
600 Grant Building  
Pittsburgh, PA 15219

RE: Commonwealth of Pennsylvania

Vs.

\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe

Re: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic

No. 07-157-CD  
Superior Court No. 479 WDA 2009

Dear Prothonotary:

Enclosed you will find the above referenced complete record appealed to your office.

Sincerely,

William A. Shaw  
Prothonotary

FILED

014:00/BJL  
APR 30 2009

William A. Shaw  
Prothonotary/Clerk of Courts

07-157-CD

IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT

LEE R. HARRIS,

No. 13 WM 2009

Petitioner

v.

THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,

Respondent

FILED

MAY 04 2009

m/12:50/w

William A. Shaw  
Prothonotary/Clerk of Courts

ORDER

PER CURIAM

AND NOW, this 13<sup>th</sup> day of April, 2009, the Application for Leave to File Original Process is **GRANTED**, and the Petition for Writ of Mandamus and/or Extraordinary Relief is **DENIED**.

A True Copy Patricia Nicola  
As of: April 13, 2009  
Attest: *Patricia Nicola*  
Chief Clerk  
Supreme Court of Pennsylvania



Supreme Court of Pennsylvania

Western District

April 30, 2009

John A. Vaskov, Esq.  
Deputy Prothonotary  
Patricia A. Nicola  
Chief Clerk

801 City-County Building  
Pittsburgh, PA 15219  
412-565-2816  
www.aopc.org

Mr. William A. Shaw  
Prothonotary  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

RE: Lee R. Harris, Petitioner  
v.  
The Court of Common Pleas of Clearfield County, Respondent  
Trial Court/Agency Dkt. Number: 07-157-CD  
No. 13 WM 2009

Application for Leave to File Original  
Process is Granted, and the Petition for  
Writ and/or Extraordinary Relief is Denied

Disposition: Writ of Mandamus Denied  
Date: April 13, 2009

/rd

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

COMMONWEALTH OF PENNSYLVANIA, :

V. :

\$970.00 U.S. CURRENCY & :  
1996 CHEVROLET TAHOE :

07-157-CD  
No. ~~157~~ CR 2007

**PRAECIPE**

TO: CLERK OF COURTS

Kindly enter the appearance of the undersigned on behalf of the Commonwealth in the above-captioned matter.

THOMAS W. CORBETT, JR.  
Attorney General

BY:   
GREGORY J. SIMATIC  
Deputy Attorney General  
Attorney I.D. No. 201019  
(Counsel for Commonwealth)

Office of Attorney General  
Criminal Law Division  
Appeals and Legal Services Section  
564 Forbes Avenue, 6<sup>th</sup> Floor  
Pittsburgh, PA 15219  
(412) 565-5706

Dated: April 30, 2009

FILED NO  
m1123784 CC  
MAY 04 2009  
S  
William A. Shaw  
Prothonotary/Clerk of Courts  
Copy to CIA  
(60)

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :  
 :  
 V. : No. 157 CR 2007  
 :  
 \$970.00 U.S. CURRENCY & :  
 1996 CHEVROLET TAHOE :  
 Appeal of: LEE R. HARRIS :

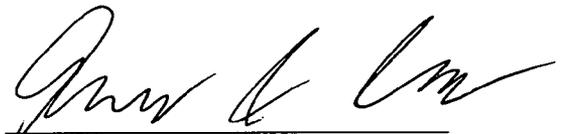
**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving one copy of the foregoing **Praecipe for Entry of Appearance** upon the person and in the manner indicated below:

*Service by first class mail  
addressed as follows:*

Lee R. Harris  
Erie Community Corrections Center  
137 West 2<sup>nd</sup> Street  
Erie, PA 16507

*(Defendant, Pro Se)*



GREGORY J. SIMATIC  
Deputy Attorney General  
Attorney I.D. No. 201019  
*(Counsel for Commonwealth)*

Office of Attorney General  
Criminal Law Division  
Appeals and Legal Services Section  
564 Forbes Avenue, 6<sup>th</sup> Floor  
Pittsburgh, PA 15219  
(412) 565-5706

Dated: April 30, 2009

WILLIAM A. SHAW  
PROTHONOTARY  
and CLERK of COURTS  
P.O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

**FILED**

m/11:43am  
MAY 06 2009

*(Handwritten initials)*

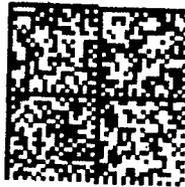
William A. Shaw  
Prothonotary/Clerk of Courts

*unable to forward*

*W/F*

Jai Freeman  
318 North 9<sup>th</sup> Street, Apt. D  
Phillipsburg, PA 16802

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BC: 168300054949 \*2343-09932-01-40  
|||||



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerman**  
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ [www.clearfieldco.org](http://www.clearfieldco.org)

Fredric J. Ammerman, President Judge  
Court of Common Pleas  
230 E. Market Street  
Clearfield, PA 16830

Paul E. Cherry, Judge  
Court of Common Pleas  
230 E. Market Street  
Clearfield, PA 16830

Stevan Kip Portman, Esq.  
Office of Attorney General  
106 Lowther Street  
Lemoyne, PA 17043

Jennifer A. Buck, Esq.  
Office of Attorney General  
16<sup>th</sup> Floor-Strawberry Square  
Harrisburg, PA 17120

Lee Robert Harris  
GP3749  
Erie Community Corrections Center  
137 West 2<sup>nd</sup> Street  
Erie, PA 16507

Lee Robert Harris  
GP3749  
SCI Albion  
10745 Route 18  
Albion, PA 16475-0001

Jai Freeman  
318 North 9<sup>th</sup> Street, Apt. D  
Philipsburg, PA 16866

Marc Anthony Frederic  
500 Blanchard Street  
Osceola Mills, PA 16666

Commonwealth of Pennsylvania

Vs.

\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe

Re: Lee R. Harris, Jai Freeman, and Marc Anthony Frederic

Court No. 2007-157-CD; Superior Court No. 479 WDA 2009

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on April 30, 2009.

Sincerely,

William A. Shaw  
Prothonotary/Clerk of Courts

## Civil Other-COUNT

Date		Judge
1/31/2007	New Case Filed. Filing: Petition for Forfeiture and Condemnation. Paid by: Portman, Stevan Kip (attorney for Commonwealth of Pennsylvania) Receipt number: 191746 Dated: 01/31/2007 Amount: \$85.00 (Check) 1CC Atty.	No Judge No Judge
2/2/2007	Rule, NOW, this 1st day of Feb., 2007, a rule is issued upon Lee Robert Harris, Marc Anthony Frederic, and Jai Freeman. rule returnable, for the purpose of filing an answer only, within thirty days from the date of service of the attached Petition. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman	Paul E. Cherry
3/5/2007	Answer to Petition For Forfeiture And Condemnation, filed by s/ Joseph M. Devecka, Esquire. 5CC atty	No Judge
3/14/2007	Motion to Withdraw as Counsel, filed by Atty. Devecka 1 Cert. to Atty. Certificate of Service, filed Atty. Devecka no cert. copies. Served copy of Motion to Withdraw as Counsel on Atty. Portman, Dan Nelson & Jai Freeman.	No Judge No Judge
	Order, NOW, this 14th day of March, 2007, Ordered that the Motion to Withdraw as Counsel is granted. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC: Joseph M. Devecka 301 S. Allen St. Ste 108 State College, PA 16801  Stevan Kip Portman Office of Attorney General 106 Lowther St. Lemoyne, PA 17043  Jai Freeman 500 Blanchard Street Osceola Mills, PA 16666  Jai Freeman 318 N. 9th St. Philipsburg, PA 16866  Lee Robert Harris GP - 3749 SCI Dallas 1000 Follies Road Dallas PA 18612  Marc Anthony Frederic 500 Blanchard St. Osceola Mills, PA 16666	Fredric Joseph Ammerman
3/19/2007	Return mail; Order dated March 14, 2007 to Marc Anthony Fredric, no further address in file.	No Judge
4/11/2007	Defendant's Answer to Petition for Forfeiture and Condemnation, filed by Lee Robert Harris 1 Cert. to Lee Harris.	No Judge

## Civil Other-COUNT

Date		Judge
4/13/2007	Order, NOW, this 13th day of april, 2007, upon review of the above-captioned case, the Court noting that the Commonwealth has failed to file an Affidavit of Service relative the Petition for Forfeiture and Condemnation filed with the Court on Jan. 31, 2007 as to the three respondents, it is the Order of this Court that Stevan Kip Portman, Deputy Attorney General, file a appropriate Affidavit of Service relative the said Petition within no more than 10 days from this date. Upon receipt and review of the Affidavit of Service, the Court shall thereafter issue an appropriate Order relative the matter. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Portman, Devecka; 1CC Def. Frederic, 500 Blanchard St., Osceola Mills, PA 16666; 1CC Def. Harris, GP 3749, SCI Dallas	Fredric Joseph Ammerman
4/17/2007	Returned mail, Order, dated April 13, 2007 on Marc A. Frederic @ 500 Blanchard Street, Osceola Mills, PA 16666, unable to forward.	Fredric Joseph Ammerman
4/25/2007	Certificate of Service, filed by s/ Stevan Kip Portman, Deputy Attorney General. No CC. (In Re: service of the Peition for Forfeiture and Condemnation)	Fredric Joseph Ammerman
7/2/2007	Commonwealth's Motion for Hearing Date, filed by s/Stevan Kip Portman One CC Attorney Portman	Fredric Joseph Ammerman
7/19/2007	Order, NOW, this 16th day of July, 2007, upon Motion, a hearing is scheduled on the Petition for Forfeiture and Condemnation for the 24th day Sept., 2007, at 1:30 p.m. in Hearing Room 3. by The Court, /s/ Fredric J. Ammerman, pres. Judge. 1CC Atty. Portman	Fredric Joseph Ammerman
8/13/2007	Certificate of Service, filed. That on August 10, 2007 the Order dated July 16 2007 to be served to Lee Robert Harris, filed by s/ Stevan Kip Portman Esq. NO CC.	Fredric Joseph Ammerman
9/7/2007	Motion to Strike Hearing Date, filed by s/ Letty A. Kress Esq. 2CC Atty. Order, this 7th day of Sept., 2007, upon Motion of the Commonwealth of Pennsylvania, Office of Attorney General, the hearing scheduled for Sept. 2, 2007, at 1:30 p.m. is hereby stricken pending subsequent motions. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Kress	Fredric Joseph Ammerman
9/14/2007	Certificate of Service, on 9-12-07 served a copy of the Order to Strike Hearing Date by first class mail, upon: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic. filed by s/ Letty A. Kress, Chief Deputy Attorney General. 1CC to Atty.	Fredric Joseph Ammerman
9/21/2007	Motion to Suppress Physical Evidence to The Honorable Paul E. Cherry, filed by s/ Lee R. Harris. No CC Objections to Forfeiture Motion, filed by s/ Lee R. Harris. No CC	Fredric Joseph Ammerman
9/26/2007	Order, this 25th day of Sept., 2007, the Court being in receipt of the Motion to Suppress Physical Evidence and Objections to Forfeiture Motion filed by Lee R. Harris, pro se, it is Ordered that the Commonwealth of Pennsylvania has 20 days from the date of this Order to file an Answer. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Portman, Devecka; 1CC M Frederic, 500 Blanchard St., Osceola Mills, PA 16666; 1DD Lee Harris, GP 3749, SCI Rockview	Fredric Joseph Ammerman
10/1/2007	Motion For Order of Forfeiture, filed by s/ Letty A. Kress, Esquire. 2CC Atty. Kress	Fredric Joseph Ammerman

## Civil Other-COUNT

Date		Judge
10/8/2007	Mail Returned, copy of Order dated Sept. 25th, 2007, addressed to: Marc Anthony Frederic 500 Blanchard Street Osceola Mills PA 16666	Fredric Joseph Ammerman
10/12/2007	Answer to Objections to Foreiture Motion and Motion to Suppress Physical Evidence, filed by s/ Letty A. Kress Esq. 2CC Atty Kress.	Fredric Joseph Ammerman
11/1/2007	Order, this 1st day of Nov., 2007, upon Motion for Forfeiture filed on behalf of the Commonwealth of PA., it is Ordered: All claims of right, title or interest of Marc Anthony Frederic in the above captioned defendant/property is hereby declared to be terminated, revoked and rendered null and void (see original); By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Kress  Application to Proceed In Forma Pauperis, Notice of Appeal Nunc Pro Tunc and Request for Transfer of Transcripts to Appellate Court, filed by s/ Lee Harris, Appellant. No CC  Order, this 1st day of Nov., 2007, it is Ordered that the application to proceed in forma pauperis and request for a transcript (which does not exist) is denied. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Kress, Devecka; 1CC Lee Robert Harris - GP 3749; 1CC Marc Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Fredric Joseph Ammerman  Fredric Joseph Ammerman
11/7/2007	Return mailed. Order, dated November 1, 2007, to Marc A. Frederic at 500 Blanchard Street, Osceola Mill, PA 16666, no further address in file.	Fredric Joseph Ammerman
11/21/2007	Order, this 21st day of Nov., 2007, pro se Objections to Forfeiture Motion filed by Lee R. Harris are Dismissed. The Court will hear testimony relative to the Motion to Suppress Physical Evidence at the time of the Forfeiture Hearing. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Atty. Portman & Def.	Fredric Joseph Ammerman
2/8/2008	Commonwealth's Motion For Hearing Date, filed by s/ Robert B. Stewart, III, Senior Deputy Attorney General. 1CC Atty. Stewart	Fredric Joseph Ammerman
2/11/2008	Order, this 11th day of Feb., 2008, a hearing is scheduled on the Petition for Paul E. Cherry Forfeiture and Condemnation, for the 27th day of March, 2008, at 2:30 p.m. in Courtroom 2. by The court, /s/ Paul E. Cherry, Judge. 1CC Atty. Stewart	
2/28/2008	Certificate of Service, filed. Served a copy of the foregoing Order and Motion for Hearing Date by first class mail to Lee Robert Harris and by personal service on Jai Freeman, filed by s/ Robert B. Stewart III Esq. NO CC.	Fredric Joseph Ammerman
3/10/2008	Motion For Continuance, filed by s/ Robert B. Stewart, III, Esquire. 1CC to Atty.  Order, this 6th day of March, 2008, upon motion, the hearing scheduled for March 27, 2008 at 2:30 p.m. is continued and a new hearing is scheduled on the Petition for Forfeiture and Condemnation of the above-captioned matter, for the 19th day of May, 2008, at 3:00 p.m. in courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 1CC to Atty.	Fredric Joseph Ammerman  Paul E. Cherry
4/29/2008	Affidavit of Service of Notice of Hearing, on March 17, 2008, notice of forfeiture hearing was attempted to be served by personal service and by certified mail upon Jai Freeman. On March 17, 2008, notice of the hearing was sent by regular mail to Lee Robert Harris. Filed by s/ Robert B. Stewart, III, Senior Deputy Attorney General. 1CC to Atty.	Fredric Joseph Ammerman
5/19/2008	Motion For Continuance, filed by s/ Lee R. Harris. no CC	Fredric Joseph Ammerman

Civil Other-COUNT

Date		Judge
5/22/2008	Order, this 19th day of May, 2008, Motion to Suppress Evidence is Denied. By The court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman; 1CC Lee Harris, GP 3749, SCI Chester; 1CC Jai Freeman, Marc A. Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Paul E. Cherry
	Order, this 19th day of May, 2008, following hearing on the Petition for Forfeiture and condemnation; it is Ordered that the prayer of said Petition shall be and is hereby granted. All claims of right, title and interest of Lee Robert Harris and Jai Freeman, and any other claimants, in the Defendant/properties are hereby declared to be terminated, revoked and rendered null and void. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman; 1CC Lee Harris, GP 3749, SCI Chester; 1CC Jai Freeman, Marc / Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Paul E. Cherry
5/27/2008	Returned mail, Orders (2) dated May 19, 2008 to Marc Anthony Fredric @ 500 Blanchard St., Osceola Mills, PA 16666, unable to forward, no further address in file.	Fredric Joseph Ammerman
	Returned mail, Order (2) dated May 19, 2008 to Jai Freeman, remailed to 318 North 9th Street, Apt. D, Philipsburg, PA 16866	Fredric Joseph Ammerman
6/20/2008	Application to Proceed In Forma Pauperis, RE: Notice of Appeal filed.	Fredric Joseph Ammerman
	Order, filed Cert. to Lee R. Harris NOW, this 20th day of June, 2008, IFP DENIED CC to Portman & Lee Harris	Paul E. Cherry
3/5/2009	Motion for Order Directing Clerk of Courts to Transmit Lee Robert Harris' Notice of Appeal to the Commonwealth Court of Pennsylvania. 1 Cert. copy to Atty.	Paul E. Cherry
3/13/2009	Notice of Appeal, filed Mailed Cert. copies to Superior Court and Commonwealth Court.	Paul E. Cherry
	Order, filed. Cert. to Atty. Jennifer A. Buck, D.A.G., Lee Robert Harris at Albion & Erie Community corrections Center. NOW, this 13th day of March, 2009, having been notified of Appeal to the Superior Court, ORDER of this Court that Appellant file a concise statement	Paul E. Cherry
3/23/2009	Appeal Docket Sheet, filed Docket Number from Superior Court 479 WDA 2009	Fredric Joseph Ammerman
4/6/2009	Statement of Matters Complained of on Appeal, filed by Lee R. Harris no cert. copies.	Fredric Joseph Ammerman

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

APR 30 2009

Attest.



William L. ...  
Prothonotary/  
Clerk of Courts

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

**No. 07-157-CD**

**Commonwealth of Pennsylvania**

**Vs.**

**\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe**

**Re: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic**

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
01	01/31/07	Petition for Forfeiture and Condemnation	07
02	02/02/07	Rule issued, Rule returnable for answer only	01
03	03/05/07	Answer to Petition for Forfeiture and Condemnation	05
04	03/14/07	Motion to Withdraw as Counsel	04
05	03/14/07	Certificate of Service, Motion to Withdraw as Counsel	02
06	03/14/07	Order, Re: Motion to Withdraw as Counsel granted	02
07	03/19/07	Return mail, Re: Marc Anthony Frederic	03
08	04/11/07	Defendant's Answer to Petition for Forfeiture and Condemnation	09
09	04/13/07	Order, Re: Commonwealth has failed to file an Affidavit or Certificate of Service	01
10	04/17/07	Return mail, Re: Marc Anthony Frederic	03
11	04/25/07	Certificate of Service, Re: Petition for Forfeiture and Condemnation	04
12	07/02/07	Commonwealth's Motion for Hearing Date	03
13	07/19/07	Order, Re: hearing scheduled on the Petition for Forfeiture and Condemnation	01
14	08/13/07	Certificate of Service, Re: Order	02
15	09/07/07	Motion to Strike Hearing Date	30
16	09/07/07	Order, Re: hearing is stricken pending subsequent motions	01
17	09/14/07	Certificate of Service, Re: Order to Strike Hearing Date	02
18	09/21/07	Motion to Suppress Physical Evidence	03
19	09/21/07	Objections to Forfeiture Motion	03
20	09/26/07	Order, Re: Commonwealth has 20 days from the date of this Order to file Answer	01
21	10/01/07	Motion for Order of Forfeiture	10
22	10/08/07	Return mail, Re: Marc Anthony Frederic	03
23	10/12/07	Answer to Objections to Forfeiture Motion and Motion to Suppress Physical Evidence	03
24	11/01/07	Order, Re: rights to property	01
25	11/01/07	Application to Proceed In Forma Pauperis, Notice of Appeal Nunc Pro Tunc, and Request for Transfer of Transcripts to Appellate Court	06
26	11/01/07	Order, Re: IFP and request for transcript denied	01
27	11/07/07	Return mail, Re: Marc Anthony Frederic	03
28	11/21/07	Order, Re: Objections to Forfeiture Motion filed by Lee R. Harris are Dismissed	01
29	02/08/08	Commonwealth's Motion for Hearing Date	03
30	02/11/08	Order, Re: hearing scheduled	01
31	02/28/08	Certificate of Service, Re: Order and Motion for Hearing Date	06
32	03/10/08	Motion for Continuance	03
33	03/10/08	Order, Re: hearing is continued	01
34	04/29/08	Affidavit of Service	05
35	05/19/08	Motion for Continuance	03
36	05/22/08	Order, Re: Motion to Suppress Evidence is Denied	01
37	05/22/08	Order, Re: Petition for Forfeiture and Condemnation Granted	02
38	05/27/08	Return mail, Re: Marc Anthony Frederic	06
39	05/27/08	Return mail, Re: Jai Freeman; re-mailed	06
40	06/20/08	Application to Proceed In Forma Pauperis, Re: Notice of Appeal	09
41	06/20/08	Order, Re: IFP Denied	01
42	03/05/09	Motion for Order Directing Clerk of Courts to Transmit Lee Robert Harris' Notice of Appeal to the Commonwealth Court	09

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

**No. 07-157-CD**

**Commonwealth of Pennsylvania**

**Vs.**

**\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe**

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<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
43	03/13/09	Notice of Appeal	07
44	03/13/09	Order, Re: Appellant to file a concise statement	01
45	03/23/09	Appeal Docket Sheet, Superior Court Number 479 WDA 2009	03
46	04/06/09	Statement of Matters Complained of on Appeal	03

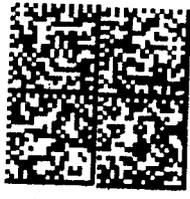
WILLIAM A. SHAW  
PROTHONOTARY  
and CLERK of COURTS  
P.O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

*Unable to forward*

**FILED**  
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MAY 06 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

*FILE*

Marc Anthony Frederic  
500 Blanchard Street  
Osceola Mills PA 16866



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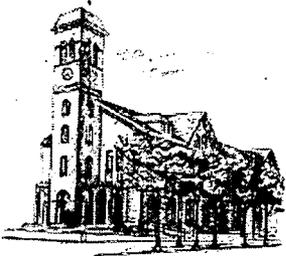
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## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerman**  
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ [www.clearfieldco.org](http://www.clearfieldco.org)

Fredric J. Ammerman, President Judge  
Court of Common Pleas  
230 E. Market Street  
Clearfield, PA 16830

Paul E. Cherry, Judge  
Court of Common Pleas  
230 E. Market Street  
Clearfield, PA 16830

Stevan Kip Portman, Esq.  
Office of Attorney General  
106 Lowther Street  
Lemoyne, PA 17043

Jennifer A. Buck, Esq.  
Office of Attorney General  
16<sup>th</sup> Floor-Strawberry Square  
Harrisburg, PA 17120

Lee Robert Harris  
GP3749  
Erie Community Corrections Center  
137 West 2<sup>nd</sup> Street  
Erie, PA 16507

Lee Robert Harris  
GP3749  
SCI Albion  
10745 Route 18  
Albion, PA 16475-0001

Jai Freeman  
318 North 9<sup>th</sup> Street, Apt. D  
Philipsburg, PA 16866

Marc Anthony Frederic  
500 Blanchard Street  
Osceola Mills, PA 16666

Commonwealth of Pennsylvania

Vs.

\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe

Re: Lee R. Harris, Jai Freeman, and Marc Anthony Frederic

Court No. 2007-157-CD; Superior Court No. 479 WDA 2009

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on April 30, 2009.

Sincerely,

William A. Shaw  
Prothonotary/Clerk of Courts

## Civil Other-COUNT

Date		Judge
1/31/2007	New Case Filed. Filing: Petition for Forfeiture and Condemnation. Paid by: Portman, Stevan Kip (attorney for Commonwealth of Pennsylvania) Receipt number: 191746 Dated: 01/31/2007 Amount: \$85.00 (Check) 1CC Atty.	No Judge No Judge
2/2/2007	Rule, NOW, this 1st day of Feb., 2007, a rule is issued upon Lee Robert Harris, Marc Anthony Frederic, and Jai Freeman. rule returnable, for the purpose of filing an answer only, within thirty days from the date of service of the attached Petition. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman	Paul E. Cherry
3/5/2007	Answer to Petition For Forfeiture And Condemnation, filed by s/ Joseph M. Devecka, Esquire. 5CC atty	No Judge
3/14/2007	Motion to Withdraw as Counsel, filed by Atty. Devecka 1 Cert. to Atty. Certificate of Service, filed Atty. Devecka no cert. copies. Served copy of Motion to Withdraw as Counsel on Atty. Portman, Dan Nelson & Jai Freeman.	No Judge No Judge
	Order, NOW, this 14th day of March, 2007, Ordered that the Motion to Withdraw as Counsel is granted. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC: Joseph M. Devecka 301 S. Allen St. Ste 108 State College, PA 16801	Fredric Joseph Ammerman
	Stevan Kip Portman Office of Attorney General 106 Lowther St. Lemoyne, PA 17043	
	Jai Freeman 500 Blanchard Street Osceola Mills, PA 16666	
	Jai Freeman 318 N. 9th St. Philipsburg, PA 16866	
	Lee Robert Harris GP - 3749 SCI Dallas 1000 Follies Road Dallas PA 18612	
	Marc Anthony Frederic 500 Blanchard St. Osceola Mills, PA 16666	
3/19/2007	Return mail; Order dated March 14, 2007 to Marc Anthony Fredric, no further address in file.	No Judge
4/11/2007	Defendant's Answer to Petition for Forfeiture and Condemnation, filed by Lee Robert Harris 1 Cert. to Lee Harris.	No Judge

## Civil Other-COUNT

Date		Judge
4/13/2007	Order, NOW, this 13th day of april, 2007, upon review of the above-captioned case, the Court noting that the Commonwealth has failed to file an Affidavit Certificate of Service relative the Petition for Forfeiture and Condemnation filed with the Court on Jan. 31, 2007 as to the three respondents, it is the Order of this Court that Stevan Kip Portman, Deputy Attorney General, file a appropriate Affidavit of Service relative the said Petition within no more than 10 days from this date. Upon receipt and review of the Affidavit of Service , the Court shall thereafter issue an appropriate Order relative the matter. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Portman, Devecka; 1CC Def. Frederic, 500 Blanchard St., Osceola Mills, PA 16666; 1CC Def. Harris, GP 3749, SCI Dallas	Fredric Joseph Ammerman
4/17/2007	Returned mail, Order, dated April 13, 2007 on Marc A. Frederic @ 500 Blanchard Street, Osceola Mills, PA 16666, unable to forward.	Fredric Joseph Ammerman
4/25/2007	Certificate of Service, filed by s/ Stevan Kip Portman, Deputy Attorney General. No CC. (In Re: service of the Peition for Forfeiture and Condemnation)	Fredric Joseph Ammerman
7/2/2007	Commonwealth's Motion for Hearing Date, filed by s/Stevan Kip Portman One CC Attorney Portman	Fredric Joseph Ammerman
7/19/2007	Order, NOW, this 16th day of July, 2007, upon Motion, a hearing is scheduled on the Petition for Forfeiture and Condemnation for the 24th day Sept., 2007, at 1:30 p.m. in Hearing Room 3. by The Court, /s/ Fredric J. Ammerman, pres. Judge. 1CC Atty. Portman	Fredric Joseph Ammerman
8/13/2007	Certificate of Service, filed. That on August 10, 2007 the Order dated July 16 2007 to be served to Lee Robert Harris, filed by s/ Stevan Kip Portman Esq. NO CC.	Fredric Joseph Ammerman
9/7/2007	Motion to Strike Hearing Date, filed by s/ Letty A. Kress Esq. 2CC Atty. Order, this 7th day of Sept., 2007, upon Motion of the Commonwealth of Pennsylvania, Office of Attorney General, the hearing scheduled for Sept. 2, 2007, at 1:30 p.m. is hereby stricken pending subsequent motions. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Kress	Fredric Joseph Ammerman Fredric Joseph Ammerman
9/14/2007	Certificate of Service, on 9-12-07 served a copy of the Order to Strike Hearing Date by first class mail, upon: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic. filed by s/ Letty A. Kress, Chief Deputy Attorney General. 1CC to Atty.	Fredric Joseph Ammerman
9/21/2007	Motion to Suppress Physical Evidence to The Honorable Paul E. Cherry, filed by s/ Lee R. Harris. No CC Objections to Forfeiture Motion, filed by s/ Lee R. Harris. No CC	Fredric Joseph Ammerman Fredric Joseph Ammerman
9/26/2007	Order, this 25th day of Sept., 2007, the Court being in receipt of the Motion to Suppress Physical Evidence and Objections to Forfeiture Motion filed by Lee R. Harris, pro se, it is Ordered that the Commonwealth of Pennsylvania has 20 days from the date of this Order to file an Answer. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Portman, Devecka; 1CC M Frederic, 500 Blanchard St., Osceola Mills, PA 16666; 1DD Lee Harris, GP 3749, SCI Rockview	Fredric Joseph Ammerman
10/1/2007	Motion For Order of Forfeiture, filed by s/ Letty A. Kress, Esquire. 2CC Atty. Fredric Joseph Ammerman Kress	Fredric Joseph Ammerman

## Civil Other-COUNT

Date		Judge
10/8/2007	Mail Returned, copy of Order dated Sept. 25th, 2007, addressed to: Marc Anthony Frederic 500 Blanchard Street Osceola Mills PA 16666	Fredric Joseph Ammerman
10/12/2007	Answer to Objections to Foreiture Motion and Motion to Suppress Physical Evidence, filed by s/ Letty A. Kress Esq. 2CC Atty Kress.	Fredric Joseph Ammerman
11/1/2007	Order, this 1st day of Nov., 2007, upon Motion for Forfeiture filed on behalf of the Commonwealth of PA., it is Ordered: All claims of right, title or interest of Marc Anthony Frederic in the above captioned defendant/property is hereby declared to be terminated, revoked and rendered null and void (see original); By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Kress	Fredric Joseph Ammerman
	Application to Proceed In Forma Pauperis, Notice of Appeal Nunc Pro Tunc and Request for Transfer of Transcripts to Appellate Court, filed by s/ Lee Harris, Appellant. No CC	Fredric Joseph Ammerman
	Order, this 1st day of Nov., 2007, it is Ordered that the application to proceed in forma pauperis and request for a transcript (which does not exist) is denied. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty: Kress, Devecka; 1CC Lee Robert Harris - GP 3749; 1CC Marc Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Fredric Joseph Ammerman
11/7/2007	Return mailed. Order, dated November 1, 2007, to Marc A. Frederic at 500 Blanchard Street, Osceola Mill, PA 16666, no further address in file.	Fredric Joseph Ammerman
11/21/2007	Order, this 21st day of Nov., 2007, pro se Objections to Forfeiture Motion filed by Lee R. Harris are Dismissed. The Court will hear testimony relative to the Motion to Suppress Physical Evidence at the time of the Forfeiture Hearing. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Atty. Portman & Def.	Fredric Joseph Ammerman
2/8/2008	Commonwealth's Motion For Hearing Date, filed by s/ Robert B. Stewart, III, Senior Deputy Attorney General. 1CC Atty. Stewart	Fredric Joseph Ammerman
2/11/2008	Order, this 11th day of Feb., 2008, a hearing is scheduled on the Petition for Paul E. Cherry Forfeiture and Condemnation, for the 27th day of March, 2008, at 2:30 p.m. in Courtroom 2. by The court, /s/ Paul E. Cherry, Judge. 1CC Atty. Stewart	Fredric Joseph Ammerman
2/28/2008	Certificate of Service, filed. Served a copy of the foregoing Order and Motion for Hearing Date by first class mail to Lee Robert Harris and by personal service on Jai Freeman, filed by s/ Robert B. Stewart III Esq. NO CC.	Fredric Joseph Ammerman
3/10/2008	Motion For Continuance, filed by s/ Robert B. Stewart, III, Esquire. 1CC to Atty.	Fredric Joseph Ammerman
	Order, this 6th day of March, 2008, upon motion, the hearing scheduled for March 27, 2008 at 2:30 p.m. is continued and a new hearing is scheduled on the Petition for Forfeiture and Condemnation of the above-captioned matter, for the 19th day of May, 2008, at 3:00 p.m. in courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 1CC to Atty.	Paul E. Cherry
4/29/2008	Affidavit of Service of Notice of Hearing, on March 17, 2008, notice of forfeiture hearing was attempted to be served by personal service and by certified mail upon Jai Freeman. On March 17, 2008, notice of the hearing was sent by regular mail to Lee Robert Harris. Filed by s/ Robert B. Stewart, III, Senior Deputy Attorney General. 1CC to Atty.	Fredric Joseph Ammerman
5/19/2008	Motion For Continuance, filed by s/ Lee R. Harris. no CC	Fredric Joseph Ammerman

## Civil Other-COUNT

Date		Judge
5/22/2008	Order, this 19th day of May, 2008, Motion to Suppress Evidence is Denied. By The court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman; 1CC Lee Harris, GP 3749, SCI Chester; 1CC Jai Freeman, Marc A. Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Paul E. Cherry
	Order, this 19th day of May, 2008, following hearing on the Petition for Forfeiture and condemnation; it is Ordered that the prayer of said Petition shall be and is hereby granted. All claims of right, title and interest of Lee Robert Harris and Jai Freeman, and any other claimants, in the Defendant/properties are hereby declared to be terminated, revoked and rendered null and void. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman; 1CC Lee Harris, GP 3749, SCI Chester; 1CC Jai Freeman, Marc / Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Paul E. Cherry
5/27/2008	Returned mail, Orders (2) dated May 19, 2008 to Marc Anthony Fredric @ 500 Blanchard St., Osceola Mills, PA 16666, unable to forward, no further address in file.	Fredric Joseph Ammerman
	Returned mail, Order (2) dated May 19, 2008 to Jai Freeman, remailed to 318 North 9th Street, Apt. D, Philipsburg, PA 16866	Fredric Joseph Ammerman
6/20/2008	Application to Proceed In Forma Pauperis, RE: Notice of Appeal filed.	Fredric Joseph Ammerman
	Order, filed Cert. to Lee R. Harris NOW, this 20th day of June, 2008, IFP DENIED CC to Portman & Lee Harris	Paul E. Cherry
3/5/2009	Motion for Order Directing Clerk of Courts to Transmit Lee Robert Harris' Notice of Appeal to the Commonwealth Court of Pennsylvania. 1 Cert. copy to Atty.	Paul E. Cherry
3/13/2009	Notice of Appeal, filed Mailed Cert. copies to Superior Court and Commonwealth Court.	Paul E. Cherry
	Order, filed. Cert. to Atty. Jennifer A. Buck, D.A.G., Lee Robert Harris at Albion & Erie Community corrections Center. NOW, this 13th day of March, 2009, having been notified of Appeal to the Superior Court, ORDER of this Court that Appellant file a concise statement	Paul E. Cherry
3/23/2009	Appeal Docket Sheet, filed Docket Number from Superior Court 479 WDA 2009	Fredric Joseph Ammerman
4/6/2009	Statement of Matters Complained of on Appeal, filed by Lee R. Harris no cert. copies.	Fredric Joseph Ammerman

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

APR 30 2009

Attest.

*William L. Brown*  
Prothonotary/  
Clerk of Courts

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

**No. 07-157-CD**

**Commonwealth of Pennsylvania**

**Vs.**

**\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe**

**Re: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic**

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04	03/14/07	Motion to Withdraw as Counsel	04
05	03/14/07	Certificate of Service, Motion to Withdraw as Counsel	02
06	03/14/07	Order, Re: Motion to Withdraw as Counsel granted	02
07	03/19/07	Return mail, Re: Marc Anthony Frederic	03
08	04/11/07	Defendant's Answer to Petition for Forfeiture and Condemnation	09
09	04/13/07	Order, Re: Commonwealth has failed to file an Affidavit or Certificate of Service	01
10	04/17/07	Return mail, Re: Marc Anthony Frederic	03
11	04/25/07	Certificate of Service, Re: Petition for Forfeiture and Condemnation	04
12	07/02/07	Commonwealth's Motion for Hearing Date	03
13	07/19/07	Order, Re: hearing scheduled on the Petition for Forfeiture and Condemnation	01
14	08/13/07	Certificate of Service, Re: Order	02
15	09/07/07	Motion to Strike Hearing Date	30
16	09/07/07	Order, Re: hearing is stricken pending subsequent motions	01
17	09/14/07	Certificate of Service, Re: Order to Strike Hearing Date	02
18	09/21/07	Motion to Suppress Physical Evidence	03
19	09/21/07	Objections to Forfeiture Motion	03
20	09/26/07	Order, Re: Commonwealth has 20 days from the date of this Order to file Answer	01
21	10/01/07	Motion for Order of Forfeiture	10
22	10/08/07	Return mail, Re: Marc Anthony Frederic	03
23	10/12/07	Answer to Objections to Forfeiture Motion and Motion to Suppress Physical Evidence	03
24	11/01/07	Order, Re: rights to property	01
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41	06/20/08	Order, Re: IFP Denied	01
42	03/05/09	Motion for Order Directing Clerk of Courts to Transmit Lee Robert Harris' Notice of Appeal to the Commonwealth Court	09

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

**No. 07-157-CD**

**Commonwealth of Pennsylvania**

**Vs.**

**\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe**

**Re: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic**

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
43	03/13/09	Notice of Appeal	07
44	03/13/09	Order, Re: Appellant to file a concise statement	01
45	03/23/09	Appeal Docket Sheet, Superior Court Number 479 WDA 2009	03
46	04/06/09	Statement of Matters Complained of on Appeal	03

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,

v.

\$970.00 U.S. CURRENCY &  
1996 CHEVROLET TAHOE

Appeal of: LEE R. HARRIS

07-157-CD  
No. ~~157 CR 2007~~

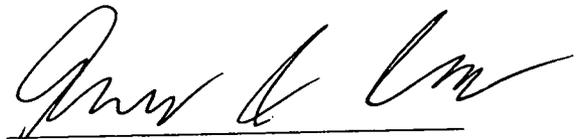
**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving one copy of the foregoing **Praecipe for Entry of Appearance** upon the person and in the manner indicated below:

*Service by first class mail  
addressed as follows:*

Lee R. Harris  
Erie Community Corrections Center  
137 West 2<sup>nd</sup> Street  
Erie, PA 16507

*(Defendant, Pro Se)*



GREGORY J. SIMATIC  
Deputy Attorney General  
Attorney I.D. No. 201019  
*(Counsel for Commonwealth)*

Office of Attorney General  
Criminal Law Division  
Appeals and Legal Services Section  
564 Forbes Avenue, 6<sup>th</sup> Floor  
Pittsburgh, PA 15219  
(412) 565-5706

Dated: April 30, 2009

5  
FILED *no cc*  
019:44BT  
MAY 06 2009  
  
William A. Shaw  
Prothonotary/Clerk of Courts

07-157-CD

WILLIAM A. SHAW  
PROTHONOTARY  
and CLERK of COURTS  
P.O. BOX 549  
CLEARFIELD, PENNSYLVANIA 16830

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3/2:202m  
MAY 11 2009



William A. Shaw  
Prothonotary/Clerk of Courts

no further address  
in file

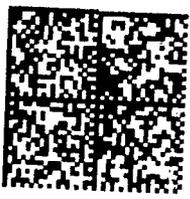
UNABLE to  
forward

Lee Robert Harris  
GP3749  
SCI Albion  
10745 Route 1  
Albion, PA 11

16475466000549

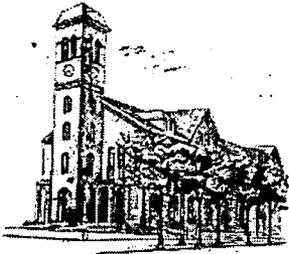
RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

BC: 16830054949 \*2343-09910-01-40



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Mailed From 16830  
US POSTAGE



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerman**  
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ [www.clearfieldco.org](http://www.clearfieldco.org)

Fredric J. Ammerman, President Judge  
Court of Common Pleas  
230 E. Market Street  
Clearfield, PA 16830

Paul E. Cherry, Judge  
Court of Common Pleas  
230 E. Market Street  
Clearfield, PA 16830

Stevan Kip Portman, Esq.  
Office of Attorney General  
106 Lowther Street  
Lemoyne, PA 17043

Jennifer A. Buck, Esq.  
Office of Attorney General  
16<sup>th</sup> Floor-Strawberry Square  
Harrisburg, PA 17120

Lee Robert Harris  
GP3749  
Erie Community Corrections Center  
137 West 2<sup>nd</sup> Street  
Erie, PA 16507

Lee Robert Harris  
GP3749  
SCI Albion  
10745 Route 18  
Albion, PA 16475-0001

Jai Freeman  
318 North 9<sup>th</sup> Street, Apt. D  
Philipsburg, PA 16866

Marc Anthony Frederic  
500 Blanchard Street  
Osceola Mills, PA 16666

Commonwealth of Pennsylvania  
Vs.

\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe

Re: Lee R. Harris, Jai Freeman, and Marc Anthony Frederic

Court No. 2007-157-CD; Superior Court No. 479 WDA 2009

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on April 30, 2009.

Sincerely,

William A. Shaw  
Prothonotary/Clerk of Courts

## Civil Other-COUNT

Date		Judge
1/31/2007	New Case Filed. Filing: Petition for Forfeiture and Condemnation. Paid by: Portman, Stevan Kip (attorney for Commonwealth of Pennsylvania) Receipt number: 191746 Dated: 01/31/2007 Amount: \$85.00 (Check) 1CC Atty.	No Judge No Judge
2/2/2007	Rule, NOW, this 1st day of Feb., 2007, a rule is issued upon Lee Robert Harris, Marc Anthony Frederic, and Jai Freeman. rule returnable, for the purpose of filing an answer only, within thirty days from the date of service of the attached Petition. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman	Paul E. Cherry
3/5/2007	Answer to Petition For Forfeiture And Condemnation, filed by s/ Joseph M. Devecka, Esquire. 5CC atty	No Judge
3/14/2007	Motion to Withdraw as Counsel, filed by Atty. Devecka 1 Cert. to Atty. Certificate of Service, filed Atty. Devecka no cert. copies. Served copy of Motion to Withdraw as Counsel on Atty. Portman, Dan Nelson & Jai Freeman.	No Judge No Judge
	Order, NOW, this 14th day of March, 2007, Ordered that the Motion to Withdraw as Counsel is granted. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC: Joseph M. Devecka 301 S. Allen St. Ste 108 State College, PA 16801	Fredric Joseph Ammerman
	Stevan Kip Portman Office of Attorney General 106 Lowther St. Lemoyne, PA 17043	
	Jai Freeman 500 Blanchard Street Osceola Mills, PA 16666	
	Jai Freeman 318 N. 9th St. Philipsburg, PA 16866	
	Lee Robert Harris GP - 3749 SCI Dallas 1000 Follies Road Dallas PA 18612	
	Marc Anthony Frederic 500 Blanchard St. Osceola Mills, PA 16666	
3/19/2007	Return mail; Order dated March 14, 2007 to Marc Anthony Fredric, no further address in file.	No Judge
4/11/2007	Defendant's Answer to Petition for Forfeiture and Condemnation, filed by Lee Robert Harris 1 Cert. to Lee Harris.	No Judge

## Civil Other-COUNT

Date		Judge
4/13/2007	Order, NOW, this 13th day of april, 2007, upon review of the above-captioned case, the Court noting that the Commonwealth has failed to file an Affidavit of Certificate of Service relative the Petition for Forfeiture and Condemnation filed with the Court on Jan. 31, 2007 as to the three respondents, it is the Order of this Court that Stevan Kip Portman, Deputy Attorney General, file a appropriate Affidavit of Service relative the said Petition within no more than 10 days from this date. Upon receipt and review of the Affidavit of Service, the Court shall thereafter issue an appropriate Order relative the matter. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Portman, Devecka; 1CC Def. Frederic, 500 Blanchard St., Osceola Mills, PA 16666; 1CC Def. Harris, GP 3749, SCI Dallas	Fredric Joseph Ammerman
4/17/2007	Returned mail, Order, dated April 13, 2007 on Marc A. Frederic @ 500 Blanchard Street, Osceola Mills, PA 16666, unable to forward.	Fredric Joseph Ammerman
4/25/2007	Certificate of Service, filed by s/ Stevan Kip Portman, Deputy Attorney General. No CC. (In Re: service of the Peition for Forfeiture and Condemnation)	Fredric Joseph Ammerman
7/2/2007	Commonwealth's Motion for Hearing Date, filed by s/Stevan Kip Portman One CC Attorney Portman	Fredric Joseph Ammerman
7/19/2007	Order, NOW, this 16th day of July, 2007, upon Motion, a hearing is scheduled on the Petition for Forfeiture and Condemnation for the 24th day Sept., 2007, at 1:30 p.m. in Hearing Room 3. by The Court, /s/ Fredric J. Ammerman, pres. Judge. 1CC Atty. Portman	Fredric Joseph Ammerman
8/13/2007	Certificate of Service, filed. That on August 10, 2007 the Order dated July 16, 2007 to be served to Lee Robert Harris, filed by s/ Stevan Kip Portman Esq. NO CC.	Fredric Joseph Ammerman
9/7/2007	Motion to Strike Hearing Date, filed by s/ Letty A. Kress Esq. 2CC Atty. Order, this 7th day of Sept., 2007, upon Motion of the Commonwealth of Pennsylvania, Office of Attorney General, the hearing scheduled for Sept. 2, 2007, at 1:30 p.m. is hereby stricken pending subsequent motions. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Kress	Fredric Joseph Ammerman Fredric Joseph Ammerman
9/14/2007	Certificate of Service, on 9-12-07 served a copy of the Order to Strike Hearing Date by first class mail, upon: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic. filed by s/ Letty A. Kress, Chief Deputy Attorney General. 1CC to Atty.	Fredric Joseph Ammerman
9/21/2007	Motion to Suppress Physical Evidence to The Honorable Paul E. Cherry, filed by s/ Lee R. Harris. No CC Objections to Forfeiture Motion, filed by s/ Lee R. Harris. No CC	Fredric Joseph Ammerman Fredric Joseph Ammerman
9/26/2007	Order, this 25th day of Sept., 2007, the Court being in receipt of the Motion to Suppress Physical Evidence and Objections to Forfeiture Motion filed by Lee R. Harris, pro se, it is Ordered that the Commonwealth of Pennsylvania has 20 days from the date of this Order to file an Answer. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Portman, Devecka; 1CC M Frederic, 500 Blanchard St., Osceola Mills, PA 16666; 1DD Lee Harris, GP 3749, SCI Rockview	Fredric Joseph Ammerman
10/1/2007	Motion For Order of Forfeiture, filed by s/ Letty A. Kress, Esquire. 2CC Atty.	Fredric Joseph Ammerman Kress

## Civil Other-COUNT

Date		Judge
10/8/2007	Mail Returned, copy of Order dated Sept. 25th, 2007, addressed to: Marc Anthony Frederic 500 Blanchard Street Osceola Mills PA 16666	Fredric Joseph Ammerman
10/12/2007	Answer to Objections to Foreiture Motion and Motion to Suppress Physical Evidence, filed by s/ Letty A. Kress Esq. 2CC Atty Kress.	Fredric Joseph Ammerman
11/1/2007	Order, this 1st day of Nov., 2007, upon Motion for Forfeiture filed on behalf of the Commonwealth of PA., it is Ordered: All claims of right, title or interest of Marc Anthony Frederic in the above captioned defendant/property is hereby declared to be terminated, revoked and rendered null and void (see original); By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Kress	Fredric Joseph Ammerman
	Application to Proceed In Forma Pauperis, Notice of Appeal Nunc Pro Tunc and Request for Transfer of Transcripts to Appellate Court, filed by s/ Lee Harris, Appellant. No CC	Fredric Joseph Ammerman
	Order, this 1st day of Nov., 2007, it is Ordered that the application to proceed in forma pauperis and request for a transcript (which does not exist) is denied. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Kress, Devecka; 1CC Lee Robert Harris - GP 3749; 1CC Marc Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Fredric Joseph Ammerman
11/7/2007	Return mailed. Order, dated November 1, 2007, to Marc A. Frederic at 500 Blanchard Street, Osceola Mill, PA 16666, no further address in file.	Fredric Joseph Ammerman
11/21/2007	Order, this 21st day of Nov., 2007, pro se Objections to Forfeiture Motion filed by Lee R. Harris are Dismissed. The Court will hear testimony relative to the Motion to Suppress Physical Evidence at the time of the Forfeiture Hearing. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Atty. Portman & Def.	Fredric Joseph Ammerman
2/8/2008	Commonwealth's Motion For Hearing Date, filed by s/ Robert B. Stewart, III, Senior Deputy Attorney General. 1CC Atty. Stewart	Fredric Joseph Ammerman
2/11/2008	Order, this 11th day of Feb., 2008, a hearing is scheduled on the Petition for Paul E. Cherry Forfeiture and Condemnation, for the 27th day of March, 2008, at 2:30 p.m. in Courtroom 2. by The court, /s/ Paul E. Cherry, Judge. 1CC Atty. Stewart	
2/28/2008	Certificate of Service, filed. Served a copy of the foregoing Order and Motion for Hearing Date by first class mail to Lee Robert Harris and by personal service on Jai Freeman, filed by s/ Robert B. Stewart III Esq. NO CC.	Fredric Joseph Ammerman
3/10/2008	Motion For Continuance, filed by s/ Robert B. Stewart, III, Esquire. 1CC to Atty.	Fredric Joseph Ammerman
	Order, this 6th day of March, 2008, upon motion, the hearing scheduled for March 27, 2008 at 2:30 p.m. is continued and a new hearing is scheduled on the Petition for Forfeiture and Condemnation of the above-captioned matter, for the 19th day of May, 2008, at 3:00 p.m. in courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 1CC to Atty.	Paul E. Cherry
4/29/2008	Affidavit of Service of Notice of Hearing, on March 17, 2008, notice of forfeiture hearing was attempted to be served by personal service and by certified mail upon Jai Freeman. On March 17, 2008, notice of the hearing was sent by regular mail to Lee Robert Harris. Filed by s/ Robert B. Stewart, III, Senior Deputy Attorney General. 1CC to Atty.	Fredric Joseph Ammerman
5/19/2008	Motion For Continuance, filed by s/ Lee R. Harris. no CC	Fredric Joseph Ammerman

## Civil Other-COUNT

Date		Judge
5/22/2008	Order, this 19th day of May, 2008, Motion to Suppress Evidence is Denied. By The court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman; 1CC Lee Harris, GP 3749, SCI Chester; 1CC Jai Freeman, Marc A. Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Paul E. Cherry
	Order, this 19th day of May, 2008, following hearing on the Petition for Forfeiture and condemnation; it is Ordered that the prayer of said Petition shall be and is hereby granted. All claims of right, title and interest of Lee Robert Harris and Jai Freeman, and any other claimants, in the Defendant/properties are hereby declared to be terminated, revoked and rendered null and void. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman; 1CC Lee Harris, GP 3749, SCI Chester; 1CC Jai Freeman, Marc / Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Paul E. Cherry
5/27/2008	Returned mail, Orders (2) dated May 19, 2008 to Marc Anthony Fredric @ 500 Blanchard St., Osceola Mills, PA 16666, unable to forward, no further address in file.	Fredric Joseph Ammerman
	Returned mail, Order (2) dated May 19, 2008 to Jai Freeman, remailed to 318 North 9th Street, Apt. D, Philipsburg, PA 16866	Fredric Joseph Ammerman
6/20/2008	Application to Proceed In Forma Pauperis, RE: Notice of Appeal filed. Order, filed Cert. to Lee R. Harris NOW, this 20th day of June, 2008, IFP DENIED CC to Portman & Lee Harris	Fredric Joseph Ammerman Paul E. Cherry
3/5/2009	Motion for Order Directing Clerk of Courts to Transmit Lee Robert Harris' Notice of Appeal to the Commonwealth Court of Pennsylvania. 1 Cert. copy to Atty.	Paul E. Cherry
3/13/2009	Notice of Appeal, filed Mailed Cert. copies to Superior Court and Commonwealth Court. Order, filed. Cert. to Atty. Jennifer A. Buck, D.A.G., Lee Robert Harris at Albion & Erie Community corrections Center. NOW, this 13th day of March, 2009, having been notified of Appeal to the Superior Court, ORDER of this Court that Appellant file a concise statement	Paul E. Cherry Paul E. Cherry
3/23/2009	Appeal Docket Sheet, filed Docket Number from Superior Court 479 WDA 2009	Fredric Joseph Ammerman
4/6/2009	Statement of Matters Complained of on Appeal, filed by Lee R. Harris no cert. copies.	Fredric Joseph Ammerman

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

APR 30 2009

Attest.



*William L. Prothonary*  
Prothonary/  
Clerk of Courts

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

*No. 07-157-CD*

*Commonwealth of Pennsylvania*

*Vs.*

*\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe*

*Re: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic*

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
01	01/31/07	Petition for Forfeiture and Condemnation	07
02	02/02/07	Rule issued, Rule returnable for answer only	01
03	03/05/07	Answer to Petition for Forfeiture and Condemnation	05
04	03/14/07	Motion to Withdraw as Counsel	04
05	03/14/07	Certificate of Service, Motion to Withdraw as Counsel	02
06	03/14/07	Order, Re: Motion to Withdraw as Counsel granted	02
07	03/19/07	Return mail, Re: Marc Anthony Frederic	03
08	04/11/07	Defendant's Answer to Petition for Forfeiture and Condemnation	09
09	04/13/07	Order, Re: Commonwealth has failed to file an Affidavit or Certificate of Service	01
10	04/17/07	Return mail, Re: Marc Anthony Frederic	03
11	04/25/07	Certificate of Service, Re: Petition for Forfeiture and Condemnation	04
12	07/02/07	Commonwealth's Motion for Hearing Date	03
13	07/19/07	Order, Re: hearing scheduled on the Petition for Forfeiture and Condemnation	01
14	08/13/07	Certificate of Service, Re: Order	02
15	09/07/07	Motion to Strike Hearing Date	30
16	09/07/07	Order, Re: hearing is stricken pending subsequent motions	01
17	09/14/07	Certificate of Service, Re: Order to Strike Hearing Date	02
18	09/21/07	Motion to Suppress Physical Evidence	03
19	09/21/07	Objections to Forfeiture Motion	03
20	09/26/07	Order, Re: Commonwealth has 20 days from the date of this Order to file Answer	01
21	10/01/07	Motion for Order of Forfeiture	10
22	10/08/07	Return mail, Re: Marc Anthony Frederic	03
23	10/12/07	Answer to Objections to Forfeiture Motion and Motion to Suppress Physical Evidence	03
24	11/01/07	Order, Re: rights to property	01
25	11/01/07	Application to Proceed In Forma Pauperis, Notice of Appeal Nunc Pro Tunc, and Request for Transfer of Transcripts to Appellate Court	06
26	11/01/07	Order, Re: IFP and request for transcript denied	01
27	11/07/07	Return mail, Re: Marc Anthony Frederic	03
28	11/21/07	Order, Re: Objections to Forfeiture Motion filed by Lee R. Harris are Dismissed	01
29	02/08/08	Commonwealth's Motion for Hearing Date	03
30	02/11/08	Order, Re: hearing scheduled	01
31	02/28/08	Certificate of Service, Re: Order and Motion for Hearing Date	06
32	03/10/08	Motion for Continuance	03
33	03/10/08	Order, Re: hearing is continued	01
34	04/29/08	Affidavit of Service	05
35	05/19/08	Motion for Continuance	03
36	05/22/08	Order, Re: Motion to Suppress Evidence is Denied	01
37	05/22/08	Order, Re: Petition for Forfeiture and Condemnation Granted	02
38	05/27/08	Return mail, Re: Marc Anthony Frederic	06
39	05/27/08	Return mail, Re: Jai Freeman; re-mailed	06
40	06/20/08	Application to Proceed In Forma Pauperis, Re: Notice of Appeal	09
41	06/20/08	Order, Re: IFP Denied	01
42	03/05/09	Motion for Order Directing Clerk of Courts to Transmit Lee Robert Harris' Notice of Appeal to the Commonwealth Court	09

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

**No. 07-157-CD**

**Commonwealth of Pennsylvania**

**Vs.**

**\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe**

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46	04/06/09	Statement of Matters Complained of on Appeal	03

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania :

07-157-CD

v. :

\$970.00 U.S. Currency and a :  
1996 Chevrolet Tahoe, :  
VIN # 1GNEK13R1TJ306498 :

Appeal of: Lee R. Harris : No. 417 C.D. 2009

**PER CURIAM**

**ORDER**

Now, May 18, 2009, appellant having failed to comply with the Chief Clerk's defect correction letters of March 17, 2009 and April 21, 2009, this matter is dismissed.

**FILED**

MAY 21 2009

William A. Shaw  
Prothonotary/Clerk of Courts

614

**Certified from the Record**

**MAY 19 2009**

**and Order Exit**

In the Superior Court of Pennsylvania  
Sitting at Pittsburgh

No. 479

WESTERN DOCKET APPEAL, 2009

COMMONWEALTH OF PA

: Appeal from the order entered on May 19, 2008 in the Court of Common Pleas, Civil Division by Honorable Paul Cherry

VS

\$970.00 ET AL  
APPEAL OF: LEE R HARRIS

: Of the County of Clearfield  
: o. 07-157 CD

Certified from the Record

"ORDER OF COURT

**FILED**  
*m1124534*  
JUN 03 2009  
S William A. Shaw  
Prothonotary/Clerk of Courts *(EW)*

Appellee Commonwealth's April 6, 2009, "motion to transfer appeal to the Commonwealth Court of Pennsylvania" is GRANTED such That the instant appeal is hereby TRANSFERRED to the Commonwealth Court for disposition by that court. See 42 Pa. C.S. § 762.  
DATE: April 8, 2009

PER CURIAM"

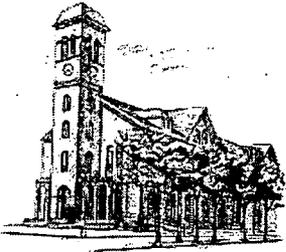
In Testimony Whereof, I have hereunto set my hand and the seal of said Court at Pittsburgh, Pennsylvania

this 1st

Day of JUNE

2009

*Eleanor R. Valecko*  
Deputy Prothonotary



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerman**  
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ [www.clearfieldco.org](http://www.clearfieldco.org)

April 30, 2009

Superior Court of Pennsylvania  
Office of the Prothonotary  
600 Grant Building  
Pittsburgh, PA 15219

RE: Commonwealth of Pennsylvania

Vs.

\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe

Re: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic

No. 07-157-CD

Superior Court No. 479 WDA 2009

Dear Prothonotary:

Enclosed you will find the above referenced complete record appealed to your office.

Sincerely,

William A. Shaw  
Prothonotary

RECEIVED  
SUPERIOR COURT  
COMMONWEALTH OF PENNSYLVANIA  
-3 JUN 2009 11 44

COPY

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

Commonwealth of Pennsylvania

Vs.

Case No. 2007-00157-CD

\$970.00 U.S. Currency and  
1996 Chevrolet Tahoe

Re: Lee Robert Harris, Jai Freeman, and  
Marc Anthony Frederic

CERTIFICATE OF CONTENTS

NOW, this 30th day of April, 2009, the undersigned, Prothonotary or Deputy Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, the said Court of record, does hereby certify that attached is the original record of the case currently on Appeal.

An additional copy of this Certificate is enclosed with the original hereof and the Clerk or Prothonotary of the Superior Court is hereby directed to acknowledge receipt of the Appeal Record by executing such copy at the place indicated by forthwith returning the same to this Court.

By: William A. Shaw  
William A. Shaw, Prothonotary

Record, Etc. Received:

Date: 5/4/09

J. Watson  
(Signature & Title)

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

Commonwealth of Pennsylvania

Vs.

Case No. 2007-00157-CD

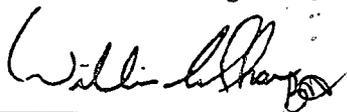
\$970.00 U.S. Currency and  
1996 Chevrolet Tahoe

Re: Lee Robert Harris, Jai Freeman, and  
Marc Anthony Frederic

CERTIFICATE OF CONTENTS

NOW, this 30th day of April, 2009, the undersigned, Prothonotary or Deputy Prothonotary of the Court of Common Pleas of Clearfield County, Pennsylvania, the said Court of record, does hereby certify that attached is the original record of the case currently on Appeal.

An additional copy of this Certificate is enclosed with the original hereof and the Clerk or Prothonotary of the Superior Court is hereby directed to acknowledge receipt of the Appeal Record by executing such copy at the place indicated by forthwith returning the same to this Court.

By:   
William A. Shaw, Prothonotary

Record, Etc. Received:

Date: 5/4/09

  
(Signature & Title)

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

07-157-CD

Commonwealth of Pennsylvania :  
 v. :  
 \$970.00 U.S. Currency and a :  
 1996 Chevrolet Tahoe, :  
 VIN # 1GNEK13R1TJ306498 :  
 Appeal of: Lee R. Harris : No. 417 C.D. 2009

**PER CURIAM**

**ORDER**

Now, June 5, 2009, it now appearing that the trial court transmitted the notice of appeal in this matter to Superior Court and as well as to this court, which has jurisdiction of forfeiture appeals pursuant to 42 Pa. C.S. §762, and Superior Court having transferred the appeal and trial court record filed at No. WDA 2009, which is duplicative of the present appeal dismissed by order of May 18, 2009, this court's order of May 18, 2009 is confirmed.

The Chief Clerk is directed to remit the record to the Court of Common Pleas of Clearfield County.

4 FILED  
 JUN 10 2009  
 William A. Shaw  
 Prothonotary/Clerk of Courts

Certified from the Record  
 JUN 08 2009  
 and Order Exit



# Commonwealth Court of Pennsylvania

Kristen W. Brown  
Prothonotary  
Michael Kimmel, Esq.  
Chief Clerk of Commonwealth Court

June 11, 2009

Irvis Office Building, Room 624  
Harrisburg, PA 17120  
717-255-1650

## Certificate of Remittal/Remand of Record

TO:

RE: Cmwlth v. \$970.00 et al (Harris)

No.417 CD 2009

Trial Court/Agency Dkt. Number: GP-3749

No. 07-157-CD

Trial Court/Agency Name: ~~Clearfield County Court of Common Pleas~~

Intermediate Appellate Court Number:

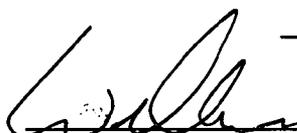
Annexed hereto pursuant to Pennsylvania Rules of Appellate Procedure 2571 and 2572 is the entire record for the above matter.

### Contents of Original Record:

Original Record Item	Filed Date	Description
----------------------	------------	-------------

Date of Remand of Record:

ORIGINAL RECIPIENT ONLY - Please acknowledge receipt by signing, dating, and returning the enclosed copy of this certificate to our office. Copy recipients (noted below) need not acknowledge receipt.

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

WILLIAM A. SHAW  
Prothonotary  
My Commission Expires  
Monday in Jan. 2010  
Printed Name: PA

4 FILED *Em*  
JUN 12 2009  
M/2:25/um  
William A. Shaw  
Prothonotary/Clerk of Courts  
COPY TO Comm  
Court

LM

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania

07-157-CD

v.

\$970.00 U.S. Currency and a  
1996 Chevrolet Tahoe,  
VIN # 1GNEK13R1TJ306498

Appeal of: Lee R. Harris

No. 417 C.D. 2009

**PER CURIAM**

**ORDER**

Now, May 18, 2009, appellant having failed to comply with the Chief Clerk's defect correction letters of March 17, 2009 and April 21, 2009, this matter is dismissed.

⚡ **FILED** <sup>(R)</sup>  
JUN 12 2009  
M/2:25/W  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, :  
Plaintiff :  
 :  
V. : No. 07-157-CD  
 : FORFEITURE ACTION  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVROLET TAHOE, :  
VIN #1GNEK13R1TJ306498 :  
Defendant :

CERTIFICATE OF SERVICE

I hereby certify that this day I have served a copy of the foregoing Order of Forfeiture upon the following individuals by first-class mail, postage prepaid, at the following addresses:

Lee Robert Harris, Inmate #GP-3749  
SCI Chester  
500 East Fourth Street  
Chester, Pennsylvania 19013

Jai Freeman  
318 N. 9<sup>th</sup> Street, Apt. D  
Philipsburg, Pennsylvania 16866

6-30-2009

DATE



Robert B. Stewart, III  
Senior Deputy Attorney General  
Attorney ID # 19319  
Office of Attorney General  
2515 Green Tech Drive  
State College, Pennsylvania 16803  
(814) 863-6503

FILED *no cc*  
m 113830  
JUL 06 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

1cc My Kortman

1cc Lee Harris

GP 3749

SCI Chester

1cc Jai Freeman

Marc A. Frederic

500 Blanchard St.

Osceola Mills, PA 17060

UP

**FILED**

0/10:08/01  
MAY 22 2008

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH :

VS. : NO. 07-157-CD

\$970.00 U.S. CURRENCY and a :

1996 CHEVROLET TAHOE, :

VIN #1GNEK13R1TJ306498 :

ORDER

AND NOW, this 19th day of May, 2008, following hearing on the Petition for Forfeiture and Condemnation; and after hearing, taking of testimony and upon consideration of same, it is hereby ORDERED and DECREED that the prayer of said Petition shall be and is hereby granted.

All claims of right, title and interest of Lee Robert Harris and Jai Freeman, and any other claimants, in the Defendant/properties are hereby declared to be terminated, revoked and rendered null and void. The \$970.00 in U.S. currency and a 1996 Chevrolet Tahoe, VIN #1GNEK13R1TJ306498, shall be and are hereby condemned and forfeited to the Commonwealth of Pennsylvania, Office of Attorney General, pursuant to the Judicial Code, Chapter 68, Controlled Substances Forfeiture, Section 6801 to 6802, Title 42. Pa.C.S.A. Section 6801, et seq., for use or disposition in accordance with law.

The registration heretofore issued by the Commonwealth of Pennsylvania for the above vehicle is hereby

declared to be terminated and revoked, and the Department of Transportation is directed to reissue said registration in the name of the Department of General Services for official use, sale or disposition by the Office of Attorney General.

BY THE COURT,

/s/ Paul E. Cherry

Judge

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

JUN 25 2009

Attest.

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

**Commonwealth Docket Sheet**

**Commonwealth Court of Pennsylvania**

**Docket Number: 417 CD 2009**

**Page 1 of 5**

**June 19, 2009**



Commonwealth of Pennsylvania  
v.  
\$970.00 U.S. Currency and a  
1996 Chevrolet Tahoe,  
VIN # 1GNEK13R1TJ306498

Appeal of: Lee R. Harris

Initiating Document: Notice of Appeal

Case Status: Closed

Case Processing Status: June 8, 2009 Completed

Journal Number:

Case Category: Civil CaseType: Prisoner

**Consolidated Docket Nos.:**

**Related Docket Nos.:**

**COUNSEL INFORMATION**

**Appellant** Harris, Lee R.

Pro Se: ProSe

Appoint Counsel Status:

IFP Status:

Attorney: Harris, Lee R.

Law Firm:

Address: Erie Community Corrections Center

137 West 2nd Street

Erie, PA 16507

Phone No.:

**Appellee** Commonwealth of Pennsylvania

Pro Se:

Appoint Counsel Status:

IFP Status:

Attorney: Buck, Jennifer Anne

Law Firm: PA Office of Attorney General

Address: Strawberry Sq 16th Floor

Harrisburg, PA 17120

Phone No.: (717)787-6347

PACMS Web Docket Sheet

Recent entries made in the appellate court filing offices may not be immediately reflected on web generated docket sheets.

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**Commonwealth Docket Sheet**

**Commonwealth Court of Pennsylvania**

**Docket Number: 417 CD 2009**



**Page 2 of 5**

**June 19, 2009**

**Appellee** Commonwealth of Pennsylvania  
**Pro Se:**  
**IFP Status:**  
**Attorney:** Simatic, Gregory Joseph  
**Law Firm:**  
**Address:** Office of Attorney General - Appeals & Legal Secti  
 564 Forbes Avenue - 6th Floor  
 Pittsburgh, PA 15219  
 Phone No.: (412)565-5706

**Appoint Counsel Status:**

**TRIAL COURT/AGENCY INFORMATION**

**Court Below:** Clearfield County Court of Common Pleas  
**County:** Clearfield  
**Date of Order Appealed From:** May 19, 2008  
**Date Documents Received:** March 16, 2009  
**Order Type:** Order Dated

**Division:** Civil  
**Judicial District:** 46  
**Date Notice of Appeal Filed:** March 13, 2009

**Lower Court Docket No.:** GP-3749  
 No. 07-157-CD

**ORIGINAL RECORD CONTENTS**

**BRIEFING SCHEDULE**

FACMS Web Docket Sheet

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 or omissions on these web docket sheets.

## Commonwealth Docket Sheet

## Commonwealth Court of Pennsylvania

Docket Number: 417 CD 2009

Page 3 of 5

June 19, 2009



## DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Party Type	Filed By
March 13, 2009	Notice of Appeal Filed	Appellant	Harris, Lee R.
March 17, 2009	Send Back for Correction \$60.00 or completed, signed, dated and returned IFP forms with inmate account statement.		Commonwealth Court Filing Office
Notice of Appeal lacks service on lower court judge			
April 20, 2009	Praecipe for Appearance Praecipe for Appearance Buck, Jennifer Anne	Appellee	Commonwealth of Pennsylvania
April 21, 2009	Send Back for Correction \$60.00 or completed, signed, dated and returned IFP forms with inmate account statement.		Commonwealth Court Filing Office
Notice of Appeal lacks service on lower court judge (name and address)			
April 27, 2009	Praecipe for Withdrawal of Appearance Praecipe for Withdrawal of Appearance Portman, Stevan Kip	Appellee	Commonwealth of Pennsylvania
May 4, 2009	Praecipe for Appearance Praecipe for Appearance Simatic, Gregory Joseph	Appellee	Commonwealth of Pennsylvania
May 18, 2009	Dismissed		Per Curiam
Appellant failed to comply with the chief clerk's defect correction letters and this matter is dismissed.			
June 3, 2009	Transferred from Superior Court Notice of Appeal and Record		Superior Court

PACMS Web Docket Sheet

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## Commonwealth Docket Sheet

## Commonwealth Court of Pennsylvania

Docket Number: 417 CD 2009

Page 4 of 5

June 19, 2009



June 3, 2009	Trial Court Record Received	Lower Court or Agency
June 5, 2009	Order Filed This court's order of 5-18-09 is confirmed. See order filed.	Per Curiam
June 11, 2009	Remitted	Commonwealth Court Filing Office
June 11, 2009	Remitted	Commonwealth Court Filing Office
June 15, 2009	Acknowledgement of Record Remittal	Lower Court or Agency

## DISPOSITION INFORMATION

Related Journal Number:	Judgment Date:	5/18/2009
Disposition Category:	Disposition Author:	Per Curiam
Disposition:	Disposition Date:	5/18/2009

Dispositional Comments:

Dispositional Filing:  
Filed Date:

Author:

## PACMS Web Docket Sheet

Recent entries made in the appellate court filing offices may not be immediately reflected on web generated docket sheets.  
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**Commonwealth Docket Sheet**

**Commonwealth Court of Pennsylvania**

**Docket Number: 417 CD 2009**



**Page 5 of 5**

**June 19, 2009**

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**REARGUMENT/RECONSIDERATION/REMITTAL**

Reargument/Reconsideration Filed Date:

Reargument Disposition:

Date:

Record Remitted: June 11, 2009

PACMS Web Docket Sheet

Recent entries made in the appellate court filing offices may not be immediately reflected on web generated docket sheets.  
Neither the Appellate Courts nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these web docket sheets



SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT

JOHN A. VASKOV, ESQUIRE  
DEPUTY PROTHONOTARY

PATRICIA A. NICOLA  
CHIEF CLERK

July 27, 2009

RECEIVED  
PROTHONOTARY'S OFFICE  
7-31-09  
WILLIAM A. SHAW  
PROTHONOTARY/CLERK OF COURTS

801 CITY-COUNTY BUILDING  
PITTSBURGH, PA 15219-2463  
(412) 565-2816  
www.aopc.org

Mr. Lee R. Harris  
137 W. Second St.  
Erie, PA 16507

Re: Commonwealth of Pennsylvania v. \$970.00 U.S. Currency and a 1996 Chevrolet  
Tahoe, VIN # 1GNEK13R1TJ306498  
Commonwealth Court No. 417 CD 2009  
Clearfield County No. 07-157-CD

Dear Mr. Harris:

We received today from our Middle District Office your "Notice of Appeal" and related documents referencing the matter identified above. The documents were received in that office on July 21<sup>st</sup>, having been forwarded by the Commonwealth Court prothonotary's office, which had received them on July 16<sup>th</sup>. It appears from the envelopes that accompanied the documents that your initial mailing, postmarked July 6<sup>th</sup>, was returned to you for additional postage; the second mailing was postmarked July 14<sup>th</sup>.

A notice of appeal filed with the intermediate appellate court prothonotary is not the appropriate means of seeking further review in the Supreme Court. Rather, a petition for allowance of appeal conforming to Pennsylvania Rules of Appellate Procedure 1111-1115 is to be filed with this office. Although we are able to treat an erroneously filed notice of appeal as a petition for allowance of appeal, subject to correction of the defects, this is only permitted where the document would have been timely filed. Pa. R.A.P. 1102.

Pursuant to Pa. R.A.P. 1112(c), the date a document is received in the prothonotary's office is considered the filing date unless it is accompanied by a U.S. Postal Service Form 3817 or similar form from which the date of deposit in the mail can be verified. Your initial mailing was not accompanied by a form from which the date of deposit can be verified. It was also returned for additional postage and thus had to be deposited in

Mr. Lee R. Harris

Commonwealth v. \$970.00 U.S. Currency, etc. (Harris)

July 27, 2009

Page 2

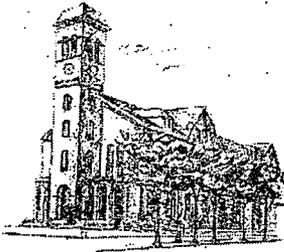
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the mail a second time. For either reason, the July 6<sup>th</sup> postmark cannot be recognized as the "filing" date and thus your document must be considered untimely.

Very truly yours,

Office of the Prothonotary

cc: Jennifer A. Buck, Esq.  
Michael F. Krimmel, Esq.  
~~William A. Shaw~~



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**Jacki Kendrick**  
Deputy Prothonotary/Clerk of Courts

**Bonnie Hudson**  
Administrative Assistant

**David S. Ammerman**  
Solicitor

PO Box 549, Clearfield, PA 16830 ■ Phone: (814) 765-2641 Ext. 1330 ■ Fax: (814) 765-7659 ■ [www.clearfieldco.org](http://www.clearfieldco.org)

Fredric J. Ammerman, President Judge  
Court of Common Pleas  
230 E. Market Street  
Clearfield, PA 16830

Paul E. Cherry, Judge  
Court of Common Pleas  
230 E. Market Street  
Clearfield, PA 16830

COPY

Stevan Kip Portman, Esq.  
Office of Attorney General  
106 Lowther Street  
Lemoyne, PA 17043

Jennifer A. Buck, Esq.  
Office of Attorney General  
16<sup>th</sup> Floor-Strawberry Square  
Harrisburg, PA 17120

Lee Robert Harris  
GP3749  
Erie Community Corrections Center  
137 West 2<sup>nd</sup> Street  
Erie, PA 16507

Lee Robert Harris  
GP3749  
SCI Albion  
10745 Route 18  
Albion, PA 16475-0001

Jai Freeman  
318 North 9<sup>th</sup> Street, Apt. D  
Philipsburg, PA 16866

Marc Anthony Frederic  
500 Blanchard Street  
Osceola Mills, PA 16666

Commonwealth of Pennsylvania

Vs.

\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe

Re: Lee R. Harris, Jai Freeman, and Marc Anthony Frederic

Court No. 2007-157-CD; Superior Court No. 479 WDA 2009

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on April 30, 2009.

Sincerely,

William A. Shaw  
Prothonotary/Clerk of Courts

Civil Other-COUNT

Date		Judge
1/31/2007	New Case Filed. Filing: Petition for Forfeiture and Condemnation. Paid by: Portman, Stevan Kip (attorney for Commonwealth of Pennsylvania) Receipt number: 191746 Dated: 01/31/2007 Amount: \$85.00 (Check) 1CC Atty.	No Judge No Judge
2/2/2007	Rule, NOW, this 1st day of Feb., 2007, a rule is issued upon Lee Robert Harris, Marc Anthony Frederic, and Jai Freeman. rule returnable, for the purpose of filing an answer only, within thirty days from the date of service o the attached Petition. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman	Paul E. Cherry
3/5/2007	Answer to Petition For Forfeiture And Condemnation, filed by s/ Joseph M. Devecka, Esquire. 5CC atty	No Judge
3/14/2007	Motion to Withdraw as Counsel, filed by Atty. Devecka 1 Cert. to Atty. Certificate of Service, filed Atty. Devecka no cert. copies. Served copy of Motion to Withdraw as Counsel on Atty. Portman, Dan Nelson & Jai Freeman.	No Judge No Judge
	Order, NOW, this 14th day of March, 2007, Ordered that the Motion to Withdraw as Counsel is granted. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC: Joseph M. Devecka 301 S. Allen St. Ste 108 State College, PA 16801	Fredric Joseph Ammerman
	Stevan Kip Portman Office of Attorney General 106 Lowther St. Lemoyne, PA 17043	
	Jai Freeman 500 Blanchard Street Osceola Mills, PA 16666	
	Jai Freeman 318 N. 9th St. Philipsburg, PA 16866	
	Lee Robert Harris GP - 3749 SCI Dallas 1000 Follies Road Dallas PA 18612	
	Marc Anthony Frederic 500 Blanchard St. Osceola Mills, PA 16666	
4/19/2007	Return mail; Order dated March 14, 2007 to Marc Anthony Fredric, no further address in file.	No Judge
4/11/2007	Defendant's Answer to Petition for Forfeiture and Condemnation, filed by Lee Robert Harris 1 Cert. to Lee Harris.	No Judge

## Civil Other-COUNT

Date		Judge
4/13/2007	Order, NOW, this 13th day of April, 2007, upon review of the above-captioned case, the Court noting that the Commonwealth has failed to file an Affidavit Certificate of Service relative the Petition for Forfeiture and Condemnation filed with the Court on Jan. 31, 2007 as to the three respondents, it is the Order of this Court that Stevan Kip Portman, Deputy Attorney General, file a appropriate Affidavit of Service relative the said Petition within no more than 10 days from this date. Upon receipt and review of the Affidavit of Service, the Court shall thereafter issue an appropriate Order relative the matter. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Portman, Devecka; 1CC Def. Frederic, 500 Blanchard St., Osceola Mills, PA 16666; 1CC Def. Harris, GP 3749, SCI Dallas	Fredric Joseph Ammerman
4/17/2007	Returned mail, Order, dated April 13, 2007 on Marc A. Frederic @ 500 Blanchard Street, Osceola Mills, PA 16666, unable to forward.	Fredric Joseph Ammerman
4/25/2007	Certificate of Service, filed by s/ Stevan Kip Portman, Deputy Attorney General. No CC. (In Re: service of the Peition for Forfeiture and Condemnation)	Fredric Joseph Ammerman
7/2/2007	Commonwealth's Motion for Hearing Date, filed by s/Stevan Kip Portman One CC Attorney Portman	Fredric Joseph Ammerman
7/19/2007	Order, NOW, this 16th day of July, 2007, upon Motion, a hearing is scheduled on the Petition for Forfeiture and Condemnation for the 24th day Sept., 2007, at 1:30 p.m. in Hearing Room 3. by The Court, /s/ Fredric J. Ammerman, pres. Judge. 1CC Atty. Portman	Fredric Joseph Ammerman
3/13/2007	Certificate of Service, filed. That on August 10, 2007 the Order dated July 16, 2007 to be served to Lee Robert Harris, filed by s/ Stevan Kip Portman Esq. NO CC.	Fredric Joseph Ammerman
3/7/2007	Motion to Strike Hearing Date, filed by s/ Letty A. Kress Esq. 2CC Atty. Order, this 7th day of Sept., 2007, upon Motion of the Commonwealth of Pennsylvania, Office of Attorney General, the hearing scheduled for Sept. 2, 2007, at 1:30 p.m. is hereby stricken pending subsequent motions. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Kress	Fredric Joseph Ammerman Fredric Joseph Ammerman
3/14/2007	Certificate of Service, on 9-12-07 served a copy of the Order to Strike Hearing Date by first class mail, upon: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic. filed by s/ Letty A. Kress, Chief Deputy Attorney General. 1CC to Atty.	Fredric Joseph Ammerman
3/21/2007	Motion to Suppress Physical Evidence to The Honorable Paul E. Cherry, filed by s/ Lee R. Harris. No CC Objections to Forfeiture Motion, filed by s/ Lee R. Harris. No CC	Fredric Joseph Ammerman Fredric Joseph Ammerman
3/26/2007	Order, this 25th day of Sept., 2007, the Court being in receipt of the Motion to Suppress Physical Evidence and Objections to Forfeiture Motion filed by Lee R. Harris, pro se, it is Ordered that the Commonwealth of Pennsylvania has 20 days from the date of this Order to file an Answer. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Portman, Devecka; 1CC M Frederic, 500 Blanchard St., Osceola Mills, PA 16666; 1DD Lee Harris, GP 3749, SCI Rockview	Fredric Joseph Ammerman
3/01/2007	Motion For Order of Forfeiture, filed by s/ Letty A. Kress, Esquire. 2CC Atty. Kress	Fredric Joseph Ammerman

## Civil Other-COUNT

Date		Judge
10/8/2007	Mail Returned, copy of Order dated Sept. 25th, 2007, addressed to: Marc Anthony Frederic 500 Blanchard Street Osceola Mills PA 16666	Fredric Joseph Ammerman
10/12/2007	Answer to Objections to Foreiture Motion and Motion to Suppress Physical Evidence, filed by s/ Letty A. Kress Esq. 2CC Atty Kress.	Fredric Joseph Ammerman
11/1/2007	Order, this 1st day of Nov., 2007, upon Motion for Forfeiture filed on behalf of the Commonwealth of PA., it is Ordered: All claims of right, title or interest of Marc Anthony Frederic in the above captioned defendant/property is hereby declared to be terminated, revoked and rendered null and void (see original); By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Kress  Application to Proceed In Forma Pauperis, Notice of Appeal Nunc Pro Tunc and Request for Transfer of Transcripts to Appellate Court, filed by s/ Lee Harris, Appellant. No CC	Fredric Joseph Ammerman
	Order, this 1st day of Nov., 2007, it is Ordered that the application to proceed in forma pauperis and request for a transcript (which does not exist) is denied. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Kress, Devecka; 1CC Lee Robert Harris - GP 3749; 1CC Marc Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Fredric Joseph Ammerman
11/7/2007	Return mailed. Order, dated November 1, 2007, to Marc A. Frederic at 500 Blanchard Street, Osceola Mill, PA 16666, no further address in file.	Fredric Joseph Ammerman
11/21/2007	Order, this 21st day of Nov., 2007, pro se Objections to Forfeiture Motion filed by Lee R. Harris are Dismissed. The Court will hear testimony relative the Motion to Suppress Physical Evidence at the time of the Forfeiture Hearing. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Atty. Portman & Def.	Fredric Joseph Ammerman
1/8/2008	Commonwealth's Motion For Hearing Date, filed by s/ Robert B. Stewart, III, Senior Deputy Attorney General. 1CC Atty. Stewart	Fredric Joseph Ammerman
1/11/2008	Order, this 11th day of Feb., 2008, a hearing is scheduled on the Petition for Paul E. Cherry Forfeiture and Condemnation, for the 27th day of March, 2008, at 2:30 p.m. in Courtroom 2. by The court, /s/ Paul E. Cherry, Judge. 1CC Atty. Stewart	
1/28/2008	Certificate of Service, filed. Served a copy of the foregoing Order and Motion for Hearing Date by first class mail to Lee Robert Harris and by personal service on Jai Freeman, filed by s/ Robert B. Stewart III Esq. NO CC.	Fredric Joseph Ammerman
1/10/2008	Motion For Continuance, filed by s/ Robert B. Stewart, III, Esquire. 1CC to Atty.  Order, this 6th day of March, 2008, upon motion, the hearing scheduled for March 27, 2008 at 2:30 p.m. is continued and a new hearing is scheduled on the Petition for Forfeiture and Condemnation of the above-captioned matter, for the 19th day of May, 2008, at 3:00 p.m. in courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 1CC to Atty.	Fredric Joseph Ammerman
1/29/2008	Affidavit of Service of Notice of Hearing, on March 17, 2008, notice of forfeiture hearing was attempted to be served by personal service and by certified mail upon Jai Freeman. On March 17, 2008, notice of the hearing was sent by regular mail to Lee Robert Harris. Filed by s/ Robert B. Stewart, III, Senior Deputy Attorney General. 1CC to Atty.	Fredric Joseph Ammerman
1/19/2008	Motion For Continuance, filed by s/ Lee R. Harris. no CC	Fredric Joseph Ammerman

Civil Other-COUNT

Date		Judge
5/22/2008	Order, this 19th day of May, 2008, Motion to Suppress Evidence is Denied. By The court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman; 1CC Lee Harris, GP 3749, SCI Chester; 1CC Jai Freeman, Marc A. Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Paul E. Cherry
	Order, this 19th day of May, 2008, following hearing on the Petition for Forfeiture and condemnation; it is Ordered that the prayer of said Petition shall be and is hereby granted. All claims of right, title and interest of Lee Robert Harris and Jai Freeman, and any other claimants, in the Defendant/properties are hereby declared to be terminated, revoked and rendered null and void. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman; 1CC Lee Harris, GP 3749, SCI Chester; 1CC Jai Freeman, Marc A. Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Paul E. Cherry
5/27/2008	Returned mail, Orders (2) dated May 19, 2008 to Marc Anthony Fredric @ 500 Blanchard St., Osceola Mills, PA 16666, unable to forward, no further address in file.	Fredric Joseph Ammerman
	Returned mail, Order (2) dated May 19, 2008 to Jai Freeman, remailed to 318 North 9th Street, Apt. D, Philipsburg, PA 16866	Fredric Joseph Ammerman
5/20/2008	Application to Proceed In Forma Pauperis, RE: Notice of Appeal filed. Order, filed Cert. to Lee R. Harris NOW, this 20th day of June, 2008, IFP DENIED CC to Portman & Lee Harris	Fredric Joseph Ammerman Paul E. Cherry
5/5/2009	Motion for Order Directing Clerk of Courts to Transmit Lee Robert Harris' Notice of Appeal to the Commonwealth Court of Pennsylvania. 1 Cert. copy to Atty.	Paul E. Cherry
5/13/2009	Notice of Appeal, filed Mailed Cert. copies to Superior Court and Commonwealth Court. Order, filed. Cert. to Atty. Jennifer A. Buck, D.A.G., Lee Robert Harris at Albion & Erie Community corrections Center. NOW, this 13th day of March, 2009, having been notified of Appeal to the Superior Court, ORDER of this Court that Appellant file a concise statement	Paul E. Cherry Paul E. Cherry
5/23/2009	Appeal Docket Sheet, filed Docket Number from Superior Court 479 WDA 2009	Fredric Joseph Ammerman
5/6/2009	Statement of Matters Complained of on Appeal, filed by Lee R. Harris no cert. copies.	Fredric Joseph Ammerman

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

MAY 20 2009

Attest.

*Wanda L. B...*  
Promotory/  
Clerk of Courts

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

**No. 07-157-CD**

**Commonwealth of Pennsylvania**

**Vs.**

**\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe**

**Re: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic**

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
01	01/31/07	Petition for Forfeiture and Condemnation	07
02	02/02/07	Rule issued, Rule returnable for answer only	01
03	03/05/07	Answer to Petition for Forfeiture and Condemnation	05
04	03/14/07	Motion to Withdraw as Counsel	04
05	03/14/07	Certificate of Service, Motion to Withdraw as Counsel	02
06	03/14/07	Order, Re: Motion to Withdraw as Counsel granted	02
07	03/19/07	Return mail, Re: Marc Anthony Frederic	03
08	04/11/07	Defendant's Answer to Petition for Forfeiture and Condemnation	09
09	04/13/07	Order, Re: Commonwealth has failed to file an Affidavit or Certificate of Service	01
10	04/17/07	Return mail, Re: Marc Anthony Frederic	03
11	04/25/07	Certificate of Service, Re: Petition for Forfeiture and Condemnation	04
12	07/02/07	Commonwealth's Motion for Hearing Date	03
13	07/19/07	Order, Re: hearing scheduled on the Petition for Forfeiture and Condemnation	01
14	08/13/07	Certificate of Service, Re: Order	02
15	09/07/07	Motion to Strike Hearing Date	30
16	09/07/07	Order, Re: hearing is stricken pending subsequent motions	01
17	09/14/07	Certificate of Service, Re: Order to Strike Hearing Date	02
18	09/21/07	Motion to Suppress Physical Evidence	03
19	09/21/07	Objections to Forfeiture Motion	03
20	09/26/07	Order, Re: Commonwealth has 20 days from the date of this Order to file Answer	01
21	10/01/07	Motion for Order of Forfeiture	10
22	10/08/07	Return mail, Re: Marc Anthony Frederic	03
23	10/12/07	Answer to Objections to Forfeiture Motion and Motion to Suppress Physical Evidence	03
24	11/01/07	Order, Re: rights to property	01
25	11/01/07	Application to Proceed In Forma Pauperis, Notice of Appeal Nunc Pro Tunc, and Request for Transfer of Transcripts to Appellate Court	06
26	11/01/07	Order, Re: IFP and request for transcript denied	01
27	11/07/07	Return mail, Re: Marc Anthony Frederic	03
28	11/21/07	Order, Re: Objections to Forfeiture Motion filed by Lee R. Harris are Dismissed	01
29	02/08/08	Commonwealth's Motion for Hearing Date	03
30	02/11/08	Order, Re: hearing scheduled	01
31	02/28/08	Certificate of Service, Re: Order and Motion for Hearing Date	06
32	03/10/08	Motion for Continuance	03
33	03/10/08	Order, Re: hearing is continued	01
34	04/29/08	Affidavit of Service	05
35	05/19/08	Motion for Continuance	03
36	05/22/08	Order, Re: Motion to Suppress Evidence is Denied	01
37	05/22/08	Order, Re: Petition for Forfeiture and Condemnation Granted	02
38	05/27/08	Return mail, Re: Marc Anthony Frederic	06
39	05/27/08	Return mail, Re: Jai Freeman; re-mailed	06
40	06/20/08	Application to Proceed In Forma Pauperis, Re: Notice of Appeal	09
41	06/20/08	Order, Re: IFP Denied	01
42	03/05/09	Motion for Order Directing Clerk of Courts to Transmit Lee Robert Harris' Notice of Appeal to the Commonwealth Court	09

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

**No. 07-157-CD**

**Commonwealth of Pennsylvania**

**Vs.**

**\$970.00 U.S. Currency and a 1996 Chevrolet Tahoe**

**Re: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic**

<b>ITEM NO.</b>	<b>DATE OF FILING</b>	<b>NAME OF DOCUMENT</b>	<b>NO. OF PAGES</b>
43	03/13/09	Notice of Appeal	07
44	03/13/09	Order, Re: Appellant to file a concise statement	01
45	03/23/09	Appeal Docket Sheet, Superior Court Number 479 WDA 2009	03
46	04/06/09	Statement of Matters Complained of on Appeal	03

Civil Other-COUNT

Date		Judge
1/31/2007	New Case Filed.	No Judge
	Filing: Petition for Forfeiture and Condemnation. Paid by: Portman, Stevan Kip (attorney for Commonwealth of Pennsylvania) Receipt number: 191746 Dated: 01/31/2007 Amount: \$85.00 (Check) 1CC Atty.	No Judge
2/2/2007	Rule, NOW, this 1st day of Feb., 2007, a rule is issued upon Lee Robert Harris, Marc Anthony Frederic, and Jai Freeman. rule returnable, for the purpose of filing an answer only, within thirty days from the date of service of the attached Petition. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman	Paul E. Cherry
3/5/2007	Answer to Petition For Forfeiture And Condemnation, filed by s/ Joseph M. Devecka, Esquire. 5CC atty	No Judge
3/14/2007	Motion to Withdraw as Counsel, filed by Atty. Devecka 1 Cert. to Atty.	No Judge
	Certificate of Service, filed Atty. Devecka no cert. copies.	No Judge
	Served copy of Motion to Withdraw as Counsel on Atty. Portman, Dan Nelson & Jai Freeman.	
	Order, NOW, this 14th day of March, 2007, Ordered that the Motion to Withdraw as Counsel is granted. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC: Joseph M. Devecka 301 S. Allen St. Ste 108 State College, PA 16801  Stevan Kip Portman Office of Attorney General 106 Lowther St. Lemoyne, PA 17043  Jai Freeman 500 Blanchard Street Osceola Mills, PA 16666  Jai Freeman 318 N. 9th St. Philipsburg, PA 16866  Lee Robert Harris GP - 3749 SCI Dallas 1000 Follies Road Dallas PA 18612  Marc Anthony Frederic 500 Blanchard St. Osceola Mills, PA 16666	Fredric Joseph Ammerman
3/19/2007	Return mail; Order dated March 14, 2007 to Marc Anthony Frederic, no further address in file.	No Judge
4/11/2007	Defendant's Answer to Petition for Forfeiture and Condemnation, filed by Lee Robert Harris 1 Cert. to Lee Harris.	No Judge

Current Judge: Fredric Joseph Ammerman  
Commonwealth of Pennsylvania vs. \$970.00 U.S. Currency, et al

Civil Other-COUNT

Date		Judge
4/13/2007	<p>9 Order, NOW, this 13th day of april, 2007, upon review of the above-captioned case, the Court noting that the Commonwealth has failed to file an Affidavit Certificate of Service relative the Petition for Forfeiture and Condemnation filed with the Court on Jan. 31, 2007 as to the three respondents, it is the Order of this Court that Stevan Kip Portman, Deputy Attorney General, file a appropriate Affidavit of Service relative the said Petition within no more than 10 days from this date. Upon receipt and review of the Affidavit of Service, the Court shall thereafter issue an appropriate Order relative the matter. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Portman, Devecka; 1CC Def. Frederic, 500 Blanchard St., Osceola Mills, PA 16666; 1CC Def. Harris, GP 3749, SCI Dallas</p>	Fredric Joseph Ammerman
4/17/2007	<p>10 Returned mail, Order, dated April 13, 2007 on Marc A. Frederic @ 500 Blanchard Street, Osceola Mills, PA 16666, unable to forward.</p>	Fredric Joseph Ammerman
4/25/2007	<p>11 Certificate of Service, filed by s/ Stevan Kip Portman, Deputy Attorney General. No CC. (In Re: service of the Peition for Forfeiture and Condemnation)</p>	Fredric Joseph Ammerman
7/2/2007	<p>12 Commonwealth's Motion for Hearing Date, filed by s/Stevan Kip Portman One CC Attorney Portman</p>	Fredric Joseph Ammerman
7/19/2007	<p>13 Order, NOW, this 16th day of July, 2007, upon Motion, a hearing is scheduled on the Petition for Forfeiture and Condemnation for the 24th day Sept., 2007, at 1:30 p.m. in Hearing Room 3. by The Court, /s/ Fredric J. Ammerman, pres. Judge. 1CC Atty. Portman</p>	Fredric Joseph Ammerman
8/13/2007	<p>14 Certificate of Service, filed. That on August 10, 2007 the Order dated July 16 2007 to be served to Lee Robert Harris, filed by s/ Stevan Kip Portman Esq. NO CC.</p>	Fredric Joseph Ammerman
9/7/2007	<p>15 Motion to Strike Hearing Date, filed by s/ Letty A. Kress Esq. 2CC Atty.</p> <p>16 Order, this 7th day of Sept., 2007, upon Motion of the Commonwealth of Pennsylvania, Office of Attorney General, the hearing scheduled for Sept. 2, 2007, at 1:30 p.m. is hereby stricken pending subsequent motions. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Kress</p>	Fredric Joseph Ammerman
9/14/2007	<p>17 Certificate of Service, on 9-12-07 served a copy of the Order to Strike Hearing Date by first class mail, upon: Lee Robert Harris, Jai Freeman, and Marc Anthony Frederic. filed by s/ Letty A. Kress, Chief Deputy Attorney General. 1CC to Atty.</p>	Fredric Joseph Ammerman
9/21/2007	<p>18 Motion to Suppress Physical Evidence to The Honorable Paul E. Cherry filed by s/ Lee R. Harris. No CC</p> <p>19 Objections to Forfeiture Motion, filed by s/ Lee R. Harris. No CC</p>	Fredric Joseph Ammerman
9/26/2007	<p>20 Order, this 25th day of Sept., 2007, the Court being in receipt of the Motion to Suppress Physical Evidence and Objections to Forfeiture Motion filed by Lee R. Harris, pro se, it is Ordered that the Commonwealth of Pennsylvania has 20 days from the date of this Order to file an Answer. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Portman, Devecka; 1CC M Frederic, 500 Blanchard St., Osceola Mills, PA 16666; 1DD Lee Harris, GP 3749, SCI Rockview</p>	Fredric Joseph Ammerman
10/1/2007	<p>21 Motion For Order of Forfeiture, filed by s/ Letty A. Kress, Esquire. 2CC Atty. Kress</p>	Fredric Joseph Ammerman

Civil Other-COUNT

Date		Judge
10/8/2007	(22) Mail Returned, copy of Order dated Sept. 25th, 2007, addressed to: Marc Anthony Frederic 500 Blanchard Street Osceola Mills PA 16666	Fredric Joseph Ammerman
10/12/2007	(23) Answer to Objections to Foreiture Motion and Motion to Suppress Physical Evidence, filed by s/ Letty A. Kress Esq. 2CC Atty Kress.	Fredric Joseph Ammerman
11/1/2007	(24) Order, this 1st day of Nov., 2007, upon Motion for Forfeiture filed on behalf of the Commonwealth of PA., it is Ordered: All claims of right, title or interest of Marc Anthony Frederic in the above captioned defendant/property is hereby declared to be terminated, revoked and rendered null and void (see original); By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. Kress	Fredric Joseph Ammerman
	(25) Application to Proceed In Forma Pauperis, Notice of Appeal Nunc Pro Tunc and Request for Transfer of Transcripts to Appellate Court, filed by s/ Lee Harris, Appellant. No CC	Fredric Joseph Ammerman
	(26) Order, this 1st day of Nov., 2007, it is Ordered that the application to proceed in forma pauperis and request for a transcript (which does not exist) is denied. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Kress, Devecka; 1CC Lee Robert Harris - GP 3749; 1CC Marc Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Fredric Joseph Ammerman
11/7/2007	(27) Return mailed. Order, dated November 1, 2007, to Marc A. Frederic at 500 Blanchard Street, Osceola Mill, PA 16666, no further address in file.	Fredric Joseph Ammerman
11/21/2007	(28) Order, this 21st day of Nov., 2007, pro se Objections to Forfeiture Motion filed by Lee R. Harris are Dismissed. The Court will hear testimony relative to the Motion to Suppress Physical Evidence at the time of the Forfeiture Hearing. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. CC to Atty. Portman & Def.	Fredric Joseph Ammerman
2/8/2008	(29) Commonwealth's Motion For Hearing Date, filed by s/ Robert B. Stewart, III Senior Deputy Attorney General. 1CC Atty. Stewart	Fredric Joseph Ammerman
2/11/2008	(30) Order, this 11th day of Feb., 2008, a hearing is scheduled on the Petition for Forfeiture and Condemnation, for the 27th day of March, 2008, at 2:30 p.m. in Courtroom 2. by The court, /s/ Paul E. Cherry, Judge. 1CC Atty. Stewart	Fredric Joseph Ammerman
2/28/2008	(31) Certificate of Service, filed. Served a copy of the foregoing Order and Motion for Hearing Date by first class mail to Lee Robert Harris and by personal service on Jai Freeman, filed by s/ Robert B. Stewart III Esq. NO CC.	Fredric Joseph Ammerman
3/10/2008	(32) Motion For Continuance, filed by s/ Robert B. Stewart, III, Esquire. 1CC to Atty.	Fredric Joseph Ammerman
	(33) Order, this 6th day of March, 2008, upon motion, the hearing scheduled for March 27, 2008 at 2:30 p.m. is continued and a new hearing is scheduled on the Petition for Forfeiture and Condemnation of the above-captioned matter, for the 19th day of May, 2008, at 3:00 p.m. in courtroom 2. By The Court, /s/ Paul E. Cherry, Judge. 1CC to Atty.	Paul E. Cherry
4/29/2008	(34) Affidavit of Service of Notice of Hearing, on March 17, 2008, notice of forfeiture hearing was attempted to be served by personal service and by certified mail upon Jai Freeman. On March 17, 2008, notice of the hearing was sent by regular mail to Lee Robert Harris. Filed by s/ Robert B. Stewart, III, Senior Deputy Attorney General. 1CC to Atty.	Fredric Joseph Ammerman
5/19/2008	(35) Motion For Continuance, filed by s/ Lee R. Harris. no CC	Fredric Joseph Ammerman

Civil Other-COUNT

Date		Judge
5/22/2008	Order, this 19th day of May, 2008, <sup>36</sup> Notion to Suppress Evidence is Denied. By The court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman; 1CC Lee Harris, GP 3749, SCI Chester; 1CC Jai Freeman, Marc A. Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Paul E. Cherry
	Order, this 19th day of May, 2008, following hearing on the Petition for Forfeiture and condemnation; it is Ordered that the prayer of said Petition shall be and is hereby granted. All claims of right, title and interest of Lee Robert Harris and Jai Freeman, and any other claimants, in the <sup>37</sup> Defendant/properties are hereby declared to be terminated, revoked and rendered null and void. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Portman; 1CC Lee Harris, GP 3749, SCI Chester; 1CC Jai Freeman, Marc / Frederic, 500 Blanchard St., Osceola Mills, PA 16666	Paul E. Cherry
5/27/2008	<sup>38</sup> Returned mail, Orders (2) dated May 19, 2008 to Marc Anthony Fredric @ 500 Blanchard St., Osceola Mills, PA 16666, unable to forward, no further address in file.	Fredric Joseph Ammerman
	<sup>39</sup> Returned mail, Order (2) dated May 19, 2008 to Jai Freeman, remailed to 318 North 9th Street, Apt. D, Philipsburg, PA 16866	Fredric Joseph Ammerman
6/20/2008	<sup>40</sup> Application to Proceed In Forma Pauperis, RE: Notice of Appeal filed. Order, filed Cert. to Lee R. Harris NOW, this 20th day of June, 2008, IFP DENIED CC to Portman & Lee Harris	Fredric Joseph Ammerman Paul E. Cherry
3/5/2009	<sup>41</sup> Motion for Order Directing Clerk of Courts to Transmit Lee Robert Harris' Notice of Appeal to the Commonwealth Court of Pennsylvania. 1 Cert. copy to Atty.	Paul E. Cherry
3/13/2009	<sup>43</sup> Notice of Appeal, filed Mailed Cert. copies to Superior Court and Commonwealth Court. Order, filed. Cert. to Atty. Jennifer A. Buck, D.A.G., Lee Robert Harris at Albion & Erie Community corrections Center. <sup>44</sup> NOW, this 13th day of March, 2009, having been notified of Appeal to the Superior Court, ORDER of this Court that Appellant file a concise statement	Paul E. Cherry Paul E. Cherry
3/23/2009	<sup>45</sup> Appeal Docket Sheet, filed Docket Number from Superior Court 479 WDA 2009	Fredric Joseph Ammerman
4/6/2009	<sup>46</sup> Statement of Matters Complained of on Appeal, filed by Lee R. Harris cert. copies.	Fredric Joseph Ammerman

1-13-09

IN THE SUPREME COURT OF PENNSYLVANIA

LEE R. HARRIS :  
PLAINTIFF :  
 :  
Vs. :  
 :  
THE COURT OF COMMON PLEAS OF :  
CLEARFIELD COUNTY :  
DEFENDANT :

No. \_\_\_\_\_

APPLICATION FOR LEAVE TO FILE ORIGINAL  
PROCESS IN THE SUPREME COURT

TO THE HONORABLE, THE CHIEF JUSTICE AND JUSTICES OF THE  
SUPREME COURT:

LEE R. HARRIS, through this Pro Se application, hereby  
requests leave to file original Process in this Court, and  
represents:

This application for leave to file original process in  
this Court is files pursuant to rules 3307 and 3309, Pa.R.APP.P.  
This Court is requested to invoke its original jurisdiction  
pursuant to 42 Pa.C.S.A. §§ 502, 721 and 726.

This matter seeks a writ of mandamus or other appropriate  
relief directed to the Court of Common Pleas of Clearfield  
County. Petitioner has a clear legal right to relief which  
that Court has refused to grant, there is no adequate remedy  
at law in any Court, and petitioner will suffer irreparable  
harm if relief is not granted. This Court's immediate action  
is necessary.

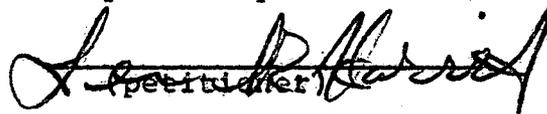
IN THE SUPREME COURT OF PENNSYLVANIA

IN THE SUPREME COURT OF PENNSYLVANIA

Service by Prepaid U.S. First Class Mail has been made  
on December 30, 2008. on all parties to this action:

WHEREFORE, petitioner requests that this Court accept the  
attached petition, exercise its original jurisdiction, and  
grant appropriate relief.

Respectfully submitted,

  
Petitioner

IN THE SUPREME COURT OF PENNSYLVANIA

LEE R. HARRIS :  
                  PLAINTIFF :     No. \_\_\_\_\_  
      Vs. :  
                  :     :  
THE COURT OF COMMON PLEAS OF :  
CLEARFIELD COUNTY :  
                  DEFENDANT :

PETITION FOR WRIT OF MANDAMUS AND / OR  
EXTRAORDINARY RELIEF

TO THE HONORABLE, THE CHIEF JUSTICE AND JUSTICES OF THE  
SUPREME COURT:

Petitioner, LEE R. HARRIS, by and through this Pro Se  
Petition, respectfully requests this Court to issue a writ  
of mandamus or other extraordinary relief, and represents:

1. The instant petition requests this Court to grant a  
writ of mandamus pursuant to this Court's jurisdiction under  
42 Pa. C.S.A § 721(2) and or pursuant to this Court's power  
to grant extraordinary relief under 42 Pa.C.S.A §§502 and 726.

2. On March 27, 2006 the Petitioner was sentenced to 2  
½ (Two and One Half) to 5 (five) years incarceration for the  
charge of P.W.I.D. (Marijuana) and 6 (Six) to 12 (Twelve) Months  
incarceration for the Charge of Possession of a Controlled  
Substance (simple), (Cocaine).

3. On March 27, 2006 a oral motion for return of property  
was made to the Sentencing Court in regards to the Petitioner's  
Property.

4. On December 26, 2006 A subsequent motion for return of property was filed in the Court of Common Pleas of Clearfield County.

5. On August 7, 2007. The Petitioner's motion for return of property was dismissed without a Hearing.

6. On September 6, 2007 a Notice of Appeal was filed in regards to the matter and ultimately denied.

7. On May 19, 2008 a Hearing on a Petition for forfeiture and Condemnation was held in the Petitioner's absence.

8. The Clearfield County Court of Common Pleas has refused to Transport the Petitioner as He is an Incarcerated individual.

9. The Petitioner had a Clear right to be present at the Proceeding held for the purpose of forfeiture and as a Incarcerated person has the right to be transported by the Court of Common Pleas for said Hearing.

10. On June 13, 2008 The Petitioner filed a timely Notice of Appeal in the matter (enclosed). Although the appended application to proceed In Forma Pauperis had been filed the Clerk of Court has refused to file the Petitioner's notice of Appeal.

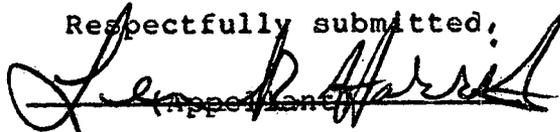
11. The Petitioner has been denied a clear and definite Appeal as of right in this matter as the Petitioner has the right to further review.

12. The petitioner's right to due process of law, as guaranteed by the State and Federal Constitutions, will be violated if he is denied his right to Appeal. The Petitioner was denied the right to be present at the initial proceeding, was denied the right to present evidence and give testimony on his own behalf and in the petitioner's absence his Motion to Suppress alleged evidence by the Commonwealth was denied.

13. Petitioner has no appropriate and adequate remedy if this Court denies relief. The Common Pleas Court has refused to transport the Petitioner for the purpose of the Hearing, has refused to file the Petitioner's Notice of Appeal and has failed to transmit the notice of appeal to the Superior Court for further review.

**WHEREFORE,** for the foregoing reasons, it is requested that this Honorable Court grant this petition and direct the lower Court to transmit the Petitioner's Notice of Appeal to the Superior, reinstate the petitioner's Appellate Rights or allow the petitioner to resubmit the prior Notice of Appeal as timely, reverse and remand forfeiture order for further proceedings.

Respectfully submitted,

  
~~Appellant~~

IN THE SUPREME COURT OF PENNSYLVANIA

LEE R. HARRIS :  
                  PLAINTIFF : No. \_\_\_\_\_  
      Vs              : :  
                  : :  
THE COURT OF COMMON PLEAS OF :  
CLEARFIELD COUNTY              : :  
                  DEFENDANT      :

CERTIFICATE OF SERVICE

I, LEE R. HARRIS, Petitioner herein, certify that I am this Day (December 30, 2008) serving the foregoing PETITION FOR WRIT OF MANDAMUS AND / OR EXTRAORDINARY RELIEF upon the following persons by prepaid first class U.S. Postage which satisfies the requirements pursuant to (Pa.R.A.P. 121):

To: William A. Shaw Sr., Prothonotary & Clerk of Court's  
P.O. Box 549  
Clearfield, Pennsylvania 16830

To: Stevan K. Portman, Esq.  
Deputy Attorney General  
2515 Green Tech Drive  
State College, Pa.  
16803

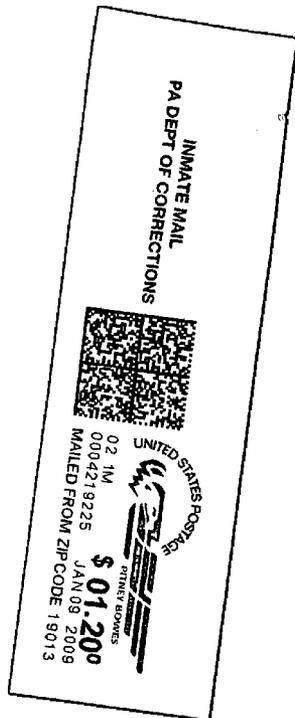
To: John A. Vaskov, Esq., Supreme Court Deputy Prothonotary  
for the Western District  
801 City County Bldg.  
414 Grant Street  
Pittsburgh, Pa.  
15219

  
Lee R. Harris  
(Petitioner)

cc: SKP, WAS  
cc: File

LEE  
6P-374/9  
500 E. FOURTH ST.  
CHESTER, PA.  
19013

WILLIAM A. SHAW SR.  
PROTHONOTARY AND CLERK OF COURTS  
P.O. BOX 549  
CLEARFELD, PA.  
16830





RECEIVED  
PROTHONOTARY'S OFFICE  
16-29-07  
WILLIAM A. SHAW  
PROTHONOTARY/CLERK OF COURTS

The Superior Court of Pennsylvania  
Office of the Prothonotary

07-157-CD

GRANT BUILDING  
310 GRANT STREET, SUITE 600  
PITTSBURGH, PA 15219-2297

KAREN REID BRAMBLETT, ESQUIRE  
PROTHONOTARY

ELEANOR R. VALECKO  
DEPUTY PROTHONOTARY

(412) 565-7592  
FAX: (412) 565-7711  
WEBSITE: [www.superior.pacourts.us](http://www.superior.pacourts.us)

October 25, 2007

William Shaw, Clerk of Courts  
Court House  
Clearfield, Pa. 16830

In Re: Commonwealth v \$970/In Re: Lee Harris  
No. 07-157-CD

Dear Mr. Shaw:

Pursuant to Pa.R.A.P. 905(a), we are forwarding the appeal received in the above-captioned matter to your office.

Very truly yours,

*Eleanor R. Valecko*

DEPUTY PROTHONOTARY

ERV/smc  
Cc: Lee Harris

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA  
PLAINTIFF

VS.

\$970.00 US CURRENCY AND A 1996  
CHEVROLET TAHOE,  
VIN # 1GNEK13R1YJ306498

DEFENDANT

: No. 07-157-CD

: HONORABLE JUDGE AMMERMAN

In re: Lee Harris

Attorney for the Commonwealth:

Stevan K. Portman, esq.

Dated, this, 21<sup>st</sup>, Day of SEPTEMBER, 2007.

Dear Clerk of Court,

Enclosed please find Notice of Appeal Nunc Pro Tunc which I would like to have filed in this Honorable court in relation to the above captioned matter. This Appeal was in fact initially filed timely but was returned due to defects. Please inform me as to the date in with which my enclosed documents are received by this Court at my address provided, infra.

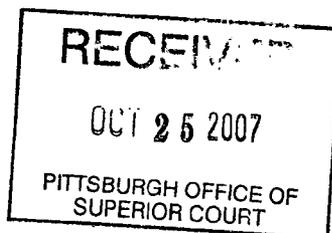
In closing I thank you for your time and concern herein.

Respectfully,

Lee Harris

S.C.I at Rockview, Inmate Number, GP-3749  
Box A, Bellefonte, Pa.  
16823

  
(Signature of Appellant)





(3). Appellant owns no motor vehicles, property, stocks, bonds or any tangible items that could be exchanged for the purposes of paying for the fees incurred herein.

(4). Appellant earns nominal prison wages paid for prison labor in the total amount of \$16.00 per month.

(5). Appellant requests leave from this Honorable Court to permit him to file the instant notice of appeal Nunc Pro Tunc and appellate brief in the Superior Court of Pennsylvania, and all relating documents, in forma Pauperis.

Wherefore, Appellant prays that he is granted the requested relief.

Respectfully Submitted,

*Jan Harris*

(Signature of Appellant)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. 07-157-CD  
PLAINTIFF :  
VS. : HONORABLE JUDGE AMMERMAN  
: :  
\$920.00 U.S. CURRENCY AND A :  
1996 CHEVROLET TAHOE, :  
VIN # 1GNB138192300499 :  
DEFENDANT :

In re: Lee Harris

Attorney for the Commonwealth: Steven H. Foxman, Esq.

Dated, this 21<sup>st</sup>, Day of SEPTEMBER, 2007.

ORDER FOR TRANSCRIPTS  
TRANSFER OF TRANSCRIPTS TO APPELLATE COURT

A NOTICE OF APPEAL *NON PRO TUNC* having been filed, Appellant, Nine Hundred and Seventy Dollars, United States Currency and a Chevrolet, Tahoe; In re: Lee Harris, requests that the transcripts in relation to the above captioned matter be sent to the Superior Court of Pennsylvania, Western District.  
TRANSCRIPTS TO BE SENT:

ALL RELATING DOCUMENT(S) SURROUNDING THE ABOVE CAPTIONED MATTER:

RESPECTFULLY SUBMITTED,

*Lee Harris*  
(Signature of Appellant)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
PLAINTIFF : NO. 07-157-CD  
VS. : HONORABLE JUDGE AMMERMAN  
\$970.00 U.S. CURRENCY AND 1998 :  
CHEVROLET TAHOE, :  
VIN # 1GBER1BRT9306498 :  
DEFENDANT :

In re: Lee Harris

Attorney for the Commonwealth: Steven E. Portman, esq.

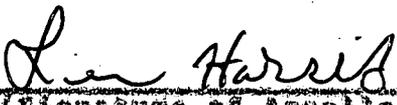
Dated, this 21st, Day of SEPTEMBER 2007.

NOTICE OF APPEAL  
BUNG PRO TUNG

NOTICE IS HEREBY GIVEN THAT NINE HUNDRED SEVENTY DOLLARS AND A CHEVROLET, TAHOE IN re: LEE HARRIS, HEREBY APPEALS TO THE, SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, FROM OPINION AND ORDER, ENTERED IN THIS MATTER ON AUGUST 7th, 2007, BY THE HONORABLE JUDGE, AMMERMAN.

BY, NINE HUNDRED SEVENTY DOLLARS AND A CHEVROLET, TAHOE, In re: Lee Harris

S.C.I. ROCKVICH, IDENTITY NUMBER, GF-3749  
BOX A, BELLEFONTE Pa. 16812

  
(Signature of Appellant)

NOTICE OF APPEAL AND PROOF OF SERVICE SERVICED UPON THE FOLLOWING PERSON(S):

PROTHONOTARY, COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

ATTORNEY FOR THE COMMONWEALTH, STEVEN E. PORTMAN, ESQ.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA  
PLAINTIFF

vs.

\$970.00 U.S. CURRENCY AND A 1995  
CHEVROLET TRUCK,  
VIN # 1GNK13N175306498  
DEFENDANT

NO. 07-157 CD  
HONORABLE JUDGE AMMERMAN

In re: Lee Harris

Attorney for the Commonwealth: Steven R. Portman, esq.

Dated, this 21st day of SEPTEMBER, 2007.

Certificate of Service

I, Lee Harris, Appellant herein, hereby certify that I on this day serving the foregoing Notice of Appeal *Hunc Pro Tunc* upon the following person(s) and in the manner indicated below which service satisfies the requirements pursuant to, (Pa. R.A.P. 121):

To: Steven R. Portman, esq. Attorney for the Commonwealth,  
Office of the Attorney General, 16th floor,  
Strawberry Square, Harrisburg, Pa. 17130

To: the Prothonotary and Clerk of Court, William A Shaw Sr.  
P.O. Box 549 Clearfield, Pennsylvania 16830

By Lee Harris, Appellant  
S.C.I, Rockview, Inmate # CP-3749  
Box A, Bellefonte Pa. 16823

Lee Harris  
(Signature of Appellant)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA  
PLAINTIFF

VS.

\$970.00 US CURRENCY AND A 1996  
CHEVROLET TANOZ,  
VIN # 1GNR1B1R1R3306498

DEFENDANT

† No. 07-157-CD

† HONORABLE JUDGE AMMERMAN

In re: Lee Harris

Attorney for the Commonwealth:

Steven R. Portman, esq.

Dated, this, 15<sup>th</sup> Day of September, 2007.

Dear Clerk of Court,

Enclosed please find Notice of Appeal Nunc Pro Tunc which I would like to have filed in this Honorable court in relation to the above captioned matter. This Appeal was in fact initially filed timely but was returned due to defects. Please inform us as to the date in with which my enclosed documents are received by this Court at my address provided, infra.

In closing I thank you for your time and concern herein.

Respectfully,

Lee Harris

S.C.I at Rockview, Inmate Number, CP-3749  
Box A, Bellefonte, Pa.  
16823

  
(Signature of Appellant)

RECEIVED

OCT 25 2007

PITTSBURGH OFFICE OF  
SUPERIOR COURT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA  
PLAINTIFF  
VS.

No. 07-157-CD

HONORABLE JUDGE AUBERMAN

8970.00 U.S. CURRENCY AND A 1996  
CHEVROLET TANOZ,  
VIN # 1GNB1LR1200000000  
DEFENDANT

In re: Lee Harris

Attorney for the Commonwealth:

Steven E. Portman, esq.

Dated, this 15th Day of September 2007.

APPLICATION TO PROCEED IN FORMA PAUPERIS FOR PURPOSES  
OF, FILING INSTANT NOTICE OF APPEAL NUNC PRO TUNC, FILING OF  
APPELLANT BRIEF IN THE SUPERIOR COURT OF PENNSYLVANIA, WESTERN  
DISTRICT, AND TO HAVE COURT STENOGRAPHER TRANSCRIBE THE  
TRANSCRIPTS IN THIS MATTER TO THE SUPERIOR COURT OF PENNSYLVANIA,  
WESTERN DISTRICT

I, NINE HUNDRED AND SEVENTY DOLLARS UNITED STATES CURRENCY AND  
A CHEVROLET TANOZ, in re: Lee Harris, states under penalty  
of perjury provided by, (18 Pa. C.S.A § 4904), that:

(1). I am the appellant in the above captioned action and  
because of my financial condition I am unable to retain counsel  
and to pay the fees and costs of appellate filings in the instant  
matter, appellant is proceeding pro-se. Appellant herein requests  
this Honorable court to appoint Counsel for the purposes of  
prosecuting an appeal.

(2). Prior to this Instant Notice of Appeal Nunc pro Tunc,  
Appellant has been granted leave to proceed in forma pauperis  
in the filing of the instant actions.

- (3). Appellant Owns no motor vehicles, property, stocks, bonds or any tangible items that could be exchanged for the purposes of paying for the fees incurred herein.
- (4). Appellant earns nominal prison wages paid for prison labor in the total amount of \$16.00per month.
- (5). Appellant requests leave from this Honorable Court to permit him to file the instant notice of appeal Nunc Pro Tunc and appellate brief in the Superior Court of Pennsylvania, and all relating documents, in forma Pauperis.

Wherefore, Appellant prays that he is granted the requested relief.

Respectfully Submitted,

  
(Signature of Appellant)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. 07-157-CD  
PLAINTIFF :  
VS. : HONORABLE JUDGE AMMERMAN  
: :  
\$920.00 U.S. CURRENCY AND A :  
1996 CHEVEROLET TAHOE, :  
VIN # 1GNEK13R1TJ306498 :  
DEFENDANT :

In re: Lee Harris

Attorney for the Commonwealth: Stevan K. Portman, esq.

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Dated, this 21<sup>st</sup>, Day of SEPTEMBER, 2007.

ORDER FOR TRANSCRIPTS  
TRANSFER OF TRANSCRIPTS TO APPELLATE COURT

A NOTICE OF APPEAL NUNC PRO TUNC having been filed, Appellant, Nine Hundred and Seventy Dollars, United States Currency and a Cheverolet, Tahoe; In re: Lee Harris, requests that the transcripts in relation to the above captioned matter be sent to the Superior Court of Pennsylvania, Western District.  
TRANSCRIPTS TO BE SENT:

ALL RELATING DOCUMENT(S) SURROUNDING THE ABOVE CAPTIONED MATTER:

RESPECTFULLY SUBMITTED,

*Lee Harris*  
(Signature of Appellant)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
PLAINTIFF : NO. 07-157 CD  
VS. :  
: HONORABLE JUDGE AMMERMAN  
\$970.00 U.S. CURRENCY AND A 1996 :  
CHEVEROLET TAHOE, :  
VIN # 1GNEK13R1TJ306498 :  
DEFENDANT :

In re: Lee Harris

Attorney for the Commonwealth: Stevan K. Portman, esq.

Dated, This 21<sup>st</sup>, day of SEPTEMBER 2007.

Certificate of Service

I, Lee Harris, Appellant herein, hereby certify that I am this day serving the foregoing Notice of Appeal Nunc Pro Tunc upon the following person(s) and in the manner indicated below which service satisfies the requirements pursuant to, (Pa. R.A.P. 121):

To: Stevan K. Portman, esq. Attorney for the Commonwealth,  
Office of the Attorney General, 16th floor,  
Strawberry Square, Harrisburg, Pa. 17120

To: the Prothonotary and Clerk of Court, William A Shaw Sr.  
P.O. Box 549 Clearfield, Pennsylvania 16830

By Lee Harris, Appellant  
S.C.I. Rockview, Inmate # GP-3749  
Box A. Bellefonte Pa. 16823

  
(Signature of Appellant)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :  
PLAINTIFF : NO. 07-157-CD  
VS. : HONORABLE JUDGE AMMERMAN  
\$970.00 U.S. CURRENCY AND A1996 :  
CHEVEROLET TAHOE, :  
VIN # 1GNEK13R1TJ3306498 :  
DEPENDANT :

In re: Lee Harris

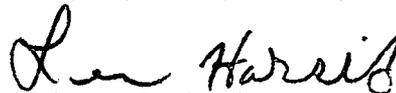
Attorney for the Commonwealth: Stevan K. Portman, esq.

Dated, this 21st, Day of SEPTEMBER 2007.

NOTICE OF APPEAL  
NUNC PRO TUNC

NOTICE IS HEREBY GIVEN THAT NINE HUNDRED SEVENTY DOLLARS AND A CHEVEROLET, TAHOE In re: LEE HARRIS, HEREBY APPEALS TO THE, SUPERIOR COURT OF PENNSYLVANIA, WESTERN DISTRICT, FROM OPINION AND ORDER, ENTERED IN THIS MATTER ON AUGUST 7th, 2007, BY THE HONORABLE JUDGE, AMMERMAN.

BY, NINE HUNDRED SEVENTY DOLLARS AND A CHEVEROLET, TAHOE, In re: Lee Harris  
S.C.I. ROCKVIEW, INMATE NUMBER, GP-3749  
BOX A. BELLEFONTE Pa. 16612

  
(Signature of Appellant)

NOTICE OF APPEAL AND PROOF OF SERVICE SERVICED UPON  
THE FOLLOWING PERSON(S):

PROTHONOTARY, COURT OF COMMON PLEAS, CLEARFIELD COUNTY,  
PENNSYLVANIA

ATTORNEY FOR THE COMMONWEALTH, STEVAN K. PORTMAN, ESQ.