

08-1536-CD  
Comm of PA vs \$1,098.00 US Currency

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA  
Plaintiff

v.

\$1,098.00 U.S. Currency,  
Defendant

No. 2008-1536-CD

RULE TO SHOW CAUSE


AND NOW, this 18<sup>th</sup> day of August, 2008, a rule is issued upon Michael L. Hill, Ronald Weaver, owners and/or possessors of the within defendant/property, to show cause why the prayer and order of the attached Petition of Forfeiture and Condemnation should not be granted.

Rule returnable, for the purpose of filing an Answer only, within thirty (30) days from the date of service of the attached Petition upon Michael L. Hill, Ronald Weaver, owners and/or possessors.

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:



J.

FILED 1cc  
01:05:53 PM  
AUG 19 2008  
Amy Stewart

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA  
Plaintiff

v.

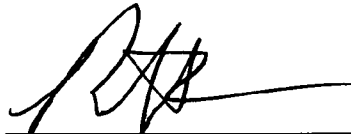
No. 2008-1536-CR

\$1,098.00 U.S. Currency,  
Defendant

To: Michael L. Hill, Inmate #HQ4180    Ronald Weaver, Inmate #HQ4191  
SCI Camp Hill                                    SCI Camp Hill  
P.O. Box 200                                    P.O. Box 200  
Camp Hill, PA 17001-8837                    Camp Hill, PA 17001-8837

**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.



Robert B. Stewart, III  
Senior Deputy Attorney General  
Attorney I.D. #19313  
Office of Attorney General  
2515 Green Tech Drive  
State College, PA 16803  
(814) 863-6503

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA  
Plaintiff

v.

\$1,098.00 U.S. Currency,  
Defendant

No. 2008-1536-CD

FILED *PLW*

AUG 18 2008

*William A. Shaw*

Prothonotary/Clerk of Courts

*(sent to Ar)*

**PETITION FOR FORFEITURE AND CONDEMNATION**

COMES NOW, the Attorney General of the Commonwealth of Pennsylvania, Thomas W. Corbett, Jr. through Robert B. Stewart, III, Senior 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 \$1,098.00 U.S. currency, and in support thereof avers as follows:

1. Your Affiant is Trooper Dennis M. Regal of the Pennsylvania State Police.

2. The Commonwealth seized the defendant/property, \$1,098.00 U.S. currency, pursuant to the Act.

3. The Commonwealth seized the defendant/property, \$1,098.00 U.S. currency, at or about 2:25 PM, on or about Thursday, May 3, 2007.

4. The Commonwealth seized the defendant/property, \$1,098.00 U.S. currency, at 107 East DuBois Avenue, DuBois, Clearfield County, Pennsylvania.

5a. The owner of the defendant/property, \$925.00 U.S. currency, based upon all information currently available, is Michael L. Hill, 5507 Stanton Avenue, Pittsburgh, Pennsylvania.

5b. The owner of the defendant/property, \$173.00 U.S. currency, based upon all information currently available, is Ronald Weaver, 107 East DuBois Avenue, DuBois, Clearfield County, Pennsylvania.

6a. At the time of seizure, on the date and at the place of seizure, hereinbefore mentioned, the defendant/property, \$925.00 U.S. currency, was in the possession of Michael L. Hill, 5507 Stanton Avenue, Pittsburgh, Pennsylvania.

6b. At the time of seizure, on the date and at the place of seizure, hereinbefore mentioned, the defendant/property, \$173.00 U.S. currency, was in the possession of Ronald Weaver, 107 East DuBois Avenue, DuBois, Clearfield County, Pennsylvania.

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

a. On May 3, 2007, a confidential informant purchased seven (7) bags of heroin/fentanyl from Ronald Weaver and Michael Hill from their residence, 107 East DuBois Avenue, DuBois, Clearfield County, Pennsylvania, for the sum of \$200.00.

b. A search warrant was executed on the residence shortly after the purchase. Upon completion of searching the residence, members of the

Pennsylvania State Police located 4.2 grams of crack cocaine, nine (9) bags of fentanyl, a small amount of marijuana, digital scales, \$173.00 U.S. currency on Weaver and \$925.00 U.S. currency within Hill's bedroom which included \$200.00 in official Pennsylvania State Police funds.

c. During an interview with Weaver, he admitted that the currency on him came from drug sales.

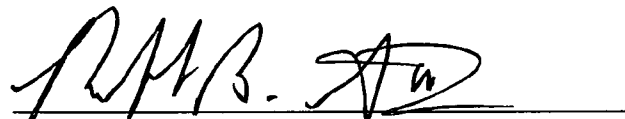
8. The defendant/property, \$1,098.00 U.S. currency, was furnished or intended to be furnished by any person in exchange for a controlled substance, in violation of the Act, or, is proceeds traceable to such an exchange, or is proceeds used or intended to be used to facilitate any violation of said Act, or was in close proximity to controlled substances in violation of the Act, or is otherwise subject to forfeiture under the Act.

WHEREFORE, the Commonwealth through the Attorney General prays this Honorable Court to issue an Order that the \$1,098.00 U.S. currency, be condemned and adjudged forfeited to the Commonwealth and that all right, title or interest in the defendant/property, except that vested in the Office of Attorney General, Commonwealth of Pennsylvania, be declared null and void and that the property be used or disposed of in accordance with law.

Respectfully submitted,

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

BY:

A handwritten signature in black ink, appearing to read "R.B. Stewart, III", written over a horizontal line.

Robert B. Stewart, III  
Senior Deputy Attorney General  
Attorney I.D. #19319

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF Erie : 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.

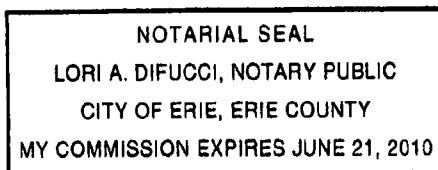
TDR Dennis M Regal  
Trooper Dennis M. Regal

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 2nd

DAY OF July, 2008

Lori A DiFucci  
NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA  
Plaintiff

v.

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

\$1,098.00 U.S. Currency,  
Defendant

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, 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 Michael L. Hill, Ronald Weaver, and any other claimants in the defendant/property, \$1,098.00 U.S. currency is hereby declared to be terminated, revoked and rendered null and void. The defendant/property, \$1,098.00 U.S. currency is hereby condemned and forfeited to the Commonwealth of Pennsylvania, Office of Attorney General, pursuant to the Judicial Code, Chapter 68, Controlled Substances Forfeiture, Sections 6801-6802, 42 Pa. C.S.A. Section 6801 et seq., for use or disposition in accordance with law.

Of the money seized, \$200.00 is recovered purchase money and should be returned to the Pennsylvania State Police.

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 there from shall be used in accordance with the Controlled Substance Forfeitures Act, 42 Pa. C.S.A. 6801 et seq.

BY THE COURT:

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



IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

FILED ICC  
m 12:45 PM Any  
DEC 05 2008 Stewart  
S William A. Shaw  
Prothonotary/Clerk of Courts (610)

COMMONWEALTH OF PENNSYLVANIA, :  
Plaintiff :  
V. :  
\$1,098.00 U.S. CURRENCY :  
Defendant :

No. 2008-1536-CD

MOTION FOR ORDER OF FORFEITURE

AND NOW, this 25TH day of November, 2008, comes the Petitioner to the instant action, the Commonwealth of Pennsylvania, Office of Attorney General, by and through Robert B. Stewart, III, Senior Deputy Attorney General, and moves the Court for an Order of Forfeiture and Condemnation of \$1,098.00 U.S. Currency (hereinafter "defendant/property"), and in support thereof avers the following:

1. On or about May 3, 2007, the Commonwealth through the Pennsylvania State Police, seized the defendant/property as property subject to forfeiture under 42 Pa. C.S.A. Section 6801.

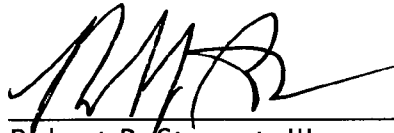
2. On or about August 18, 2008, the Commonwealth filed a Petition to Forfeit and Condemn the defendant/property.

3. All parties with an interest in the defendant/property were served pursuant to 42 Pa. C.S.A. Section 6802 as set forth in the appended Affidavit of Robert B. Stewart, III, Senior Deputy Attorney General, which Affidavit is appended hereto as Exhibit A and incorporated herein by reference.

4. The time for answering the Notice and Rule to Show Cause has expired with no answer to the Petition having been made by any claimant.

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 defendant/property and forfeiting it to the Commonwealth of Pennsylvania, Office of Attorney General, for use as prescribed by law, 42 Pa. C.S.A. Section 6801.

Respectfully submitted,

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

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

**EXHIBIT A**

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,  
Plaintiff

V.

\$1,098.00 U.S. CURRENCY

Defendant :

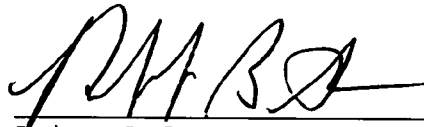
No. 2008-1536-CD

AFFIDAVIT

Robert B. Stewart, III, Senior Deputy Attorney General, being duly sworn according to law, deposes and says that notification of the Petition for Forfeiture of the defendant/property and Notice to file a claim for the said defendant/property was made:

1) to Michael L. Hill, by personal service, at SCF Mercer, 801 Butler Pike, Mercer, Pennsylvania on September 26, 2008 (Attached Exhibit 1);

2) to Ronald Weaver, by personal service, at SCI Greene, 169 Progress Drive, Waynesburg, Pennsylvania on October 10, 2008 (Attached Exhibit 2); and that said notifications properly conforms to 42 Pa. C.S.A. Section 6802.



Robert B. Stewart, III  
Senior Deputy Attorney General

SWORN TO AND SUBSCRIBED

BEFORE ME THIS

DAY OF

3rd  
December, 2008.



NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL  
LAURA I. STAINES-BAIR, Notary Public  
Patton Twp., Centre County  
My Commission Expires May 9, 2010

## EXHIBIT 1

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

Plaintiff

v.

No. 2008-1536-CD

\$1,098.00 U.S. Currency,

Defendant

AFFIDAVIT

I. The undersigned certifies that he/she personally served Michael L. Hill 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 SCF MERCER, 801 BUTLER PIKE, MERCER, PA 16137, on SEPTEMBER 26, 2008, at 10:30 a.m./p.m.

II. The undersigned certifies that he/she attempted to personally service Michael L. Hill 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 \_\_\_\_\_, 2008, 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.

Michael L Hill  
Signature of Person Served

Refused to Sign

TROOPER PSP  
NAME

TITLE

09/26/08  
DATE

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 28th

DAY OF September, 2008

[Signature]  
NOTARY PUBLIC

NOTARIAL SEAL  
LYNN L. EFFIS, NOTARY PUBLIC  
CITY OF BUTLER, BUTLER CO, PA  
MY COMMISSION EXPIRES MARCH 25, 2011

---

**EXHIBIT 2**

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

Plaintiff

v.

No. 2008-1536-CD

\$1,098.00 U.S. Currency,

Defendant

AFFIDAVIT

I. The undersigned certifies that he/she personally served Ronald Weaver 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 SCI-GREENS, 169 PROGRESS DRIVE, WAYNESBURG, PA 15370, on OCTOBER 10TH, 2008, at 09:10 (a.m.) p.m.

II. The undersigned certifies that he/she attempted to personally service Ronald Weaver 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 \_\_\_\_\_, 2008, 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.

Ronald W. Weaver  
Signature of Person Served

Refused to Sign

Trooper Robert R. Bulfinch  
NAME

TROOPER

TITLE

10/10/08

DATE

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 10th

DAY OF October, 2008

Dona M. Queiser  
NOTARY PUBLIC

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



IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	:	
Plaintiff	:	
	:	
V.	:	No. 2008-1536-CD
	:	
\$1,098.00 U.S. CURRENCY	:	
Defendant	:	

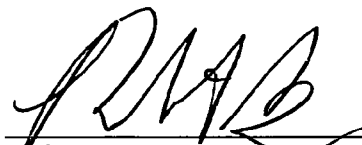
CERTIFICATE OF SERVICE

I hereby certify that this day 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:

Michael L. Hill, HQ4180  
SCF Mercer  
801 Butler Pike  
Mercer, Pennsylvania 16137

Ronald Weaver, HQ4191  
SCI Greene  
169 Progress Drive  
Waynesburg, Pennsylvania 15370

Date: 11-25-2008



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. :

No. 2008-1536-CD

\$1,098.00 U.S. CURRENCY :

Defendant :

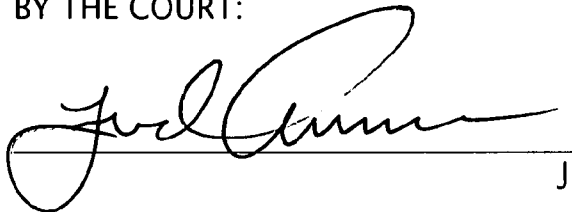
ORDER

AND NOW, this 8<sup>th</sup> day of Dec, 2008, upon consideration of the foregoing plaintiff's Motion for Order of Forfeiture, it is hereby **ORDERED** and **DECREED** as follows:

All claims of right, title and interest of Michael L. Hill, Ronald Weaver, and any other claimant(s) in the above-captioned defendant/property are hereby declared to be terminated, revoked and rendered null and void. The \$1,098.00 U.S. Currency is hereby declared to be forfeited to the Office of Attorney General, Commonwealth of Pennsylvania, pursuant to the Controlled Substances Forfeitures Act, an Act of June 30, 1988, Act No. 1988-79, 42 Pa. C.S.A. Section 6801 et seq., for use 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.

FILED

DEC 08 2008

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

FILED

JAN 20 2009  
5 M/12:05/W  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 SENT TO ATT  
(GW)

COMMONWEALTH OF PENNSYLVANIA, :  
Plaintiff :

V. :

No. 2008-1536-CD

\$1,098.00 U.S. CURRENCY :

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:

Michael L. Hill, HQ4180  
SCF Mercer  
801 Butler Pike  
Mercer, Pennsylvania 16137

Ronald Weaver, HQ4191  
SCI Greene  
169 Progress Drive  
Waynesburg, Pennsylvania 15370

1-15-2009

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

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,  
Plaintiff

V.

\$1,098.00 U.S. CURRENCY

Defendant :

No. 2008-1536-CD

ORDER

AND NOW, this 8<sup>th</sup> day of Dec., 2008, upon consideration of the foregoing plaintiff's Motion for Order of Forfeiture, it is hereby **ORDERED** and **DECREED** as follows:

All claims of right, title and interest of Michael L. Hill, Ronald Weaver, and any other claimant(s) in the above-captioned defendant/property are hereby declared to be terminated, revoked and rendered null and void. The \$1,098.00 U.S. Currency is hereby declared to be forfeited to the Office of Attorney General, Commonwealth of Pennsylvania, pursuant to the Controlled Substances Forfeitures Act, an Act of June 30, 1988, Act No. 1988-79, 42 Pa. C.S.A. Section 6801 et seq., for use 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:

/S/ Fredric J Ammerman

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

DEC 08 2008

Attest.

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