

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-CV

RULE TO SHOW CAUSE

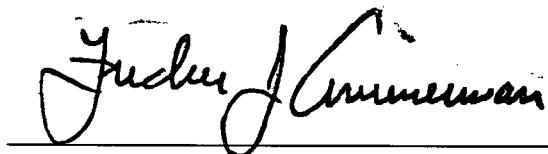
AND NOW, this 18th day of August, 2008, a rule is issued upon Michael L. Hill, Ronald Weaver, owners and/or possessors of the within defendant/property, to show cause why the prayer and order of the attached Petition of Forfeiture and Condemnation should not be granted.

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
010:53PM Atty Stewart
AUG 19 2008

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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

FILED *PAW*

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
Plaintiff

v.

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

AUG 18 2008
n 115 (am)
William A. Shaw
Prothonotary/Clerk of Courts
(Clear to Attn)

No. 2008-1536-CO

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:


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

COMMONWEALTH OF PENNSYLVANIA : SS:
COUNTY OF Erie :

AFFIDAVIT

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


Trooper Dennis M. Regal

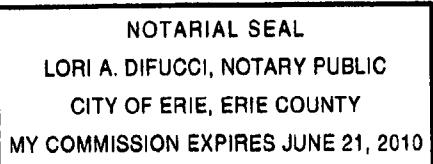
SWORN TO AND SUBSCRIBED

BEFORE ME THIS 2nd

DAY OF July, 2008

Signatures

NOTARY PUBLIC



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
Plaintiff

v.

\$1,098.00 U.S. Currency,

Defendant

No. _____

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 AMY
DEC 05 2008 Stewart
S William A. Shaw
Prothonotary/Clerk of Courts *(610)*

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

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,



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. :
: No. 2008-1536-CD
\$1,098.00 U.S. CURRENCY :
Defendant :

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.

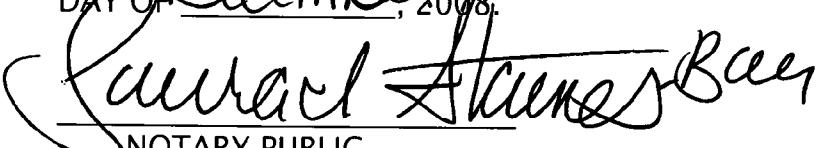


Robert B. Stewart, III
Senior Deputy Attorney General

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 3rd

DAY OF 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 on Patrol

NAME

TROOPER PSP

TITLE

09/26/08

DATE

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 18th

DAY OF September, 2008

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-GREENE, 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 II

Signature of Person Served

Refused to Sign

TM Robert R. Buley

NAME

TROOPER

TITLE

10/10/08

DATE

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 10th

DAY OF October, 2008

Dona M. Quieser
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 :

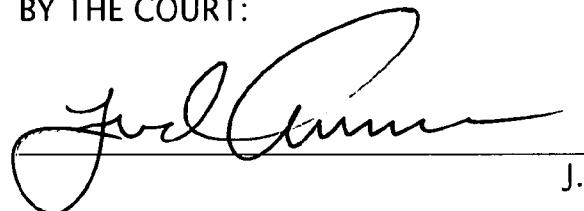
ORDER

AND NOW, this 8th 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 ^{ICC}
01/11/09 Atty Stewart
DEC 08 2008
60

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William A. Shaw
Prothonotary/Clerk of Courts

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
S JAN 20 2009
m/12:05pm
William A. Shaw
Prothonotary/Clerk of Courts
I want to Attn
GW

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. : No. 2008-1536-CD
\$1,098.00 U.S. CURRENCY :
Defendant :

ORDER

AND NOW, this 8th 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. Bauer
Prothonotary/
Clerk of Courts