



IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
CRIMINAL ACTION - LAW

COMMONWEALTH OF PENNSYLVANIA :
 :
 v. : No.: CP-14-CR-1569-2008
 :
 HOBSON MCKOWN :

DEFENDANT’S MOTION FOR RETURN OF PROPERTY

AND NOW, comes the Defendant, Hobson McKown, by and through his attorneys, Jason S. Dunkle, Esquire, and Masorti & Sullivan, P.C., and brings this Motion for Return of Property, pursuant to Pennsylvania Rule of Criminal Procedure 588, whereof the following is a statement:

1. On September 10, 2008, Magisterial District Judge Leslie A. Dutchcot modified the Defendant’s bail and imposed a special condition that the Defendant was not permitted to possess any firearms.
2. On September 10, 2008, members of the Sherriff’s Department and the Ferguson Township Police Department entered the Defendant’s residence and removed all his firearms as well as other items.
3. The items that were seized from the Defendant’s residence were taken by the Sheriff’s Department. (A true and correct copy of the Centre County Sheriff’s Office Property Record is attached hereto as “Defendant’s Exhibit A”).
4. The Sheriff’s Department had no lawful authority to remove non-firearm items from the Defendant’s residence.

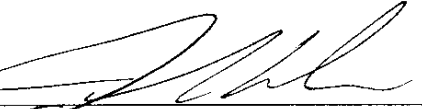
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2009 NOV 13 PM 4:25
JASON S. DUNKLE
ESQUIRE
MASORTI & SULLIVAN, P.C.
1500 N. 12TH ST.
STATE COLLEGE, PA 16801

5. All non-firearm items must be returned to the Defendant.

WHEREFORE, the Defendant respectfully requests that this Honorable Court issue an Order requiring the Sheriff's Department to release the Defendant's non-firearm property to the Defendant.

Respectfully submitted,

MASORTI & SULLIVAN, P.C.

By: 

Jason S. Dunkle, Esquire
302 South Burrowes Street
State College, PA 16801
(814) 234-9500
Attorney I.D. # 93690

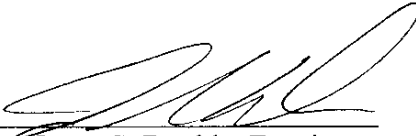
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VERIFICATION

I, Jason S. Dunkle, Esquire, do hereby verify that I am the Attorney for the Defendant, that I am fully authorized to make this verification on his behalf and that the Defendant is unavailable to this make this verification and that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and that the source of my information is from discussions with my client and the documents provided.

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

By: 
Jason S. Dunkle, Esquire
Attorney for Defendant

Dated: 11/13/09

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 :
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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2009,
a true and correct copy of Defendant's Motion for Return of Property was served via
hand delivery to the following:

Carolyn Larrabee, Esquire
Centre County Assistant District Attorney
Centre County Courthouse
Bellefonte, PA 16823

Respectfully submitted,

MASORTI & SULLIVAN, P.C.

By: 

Jason S. Dunkle, Esquire
302 South Burrowes Street
State College, PA 16801
(814) 234-9500
Attorney I.D. # 93690

FILED FOR RECORD
2009 NOV 13 P 4:27
JASON S. DUNKLE
NOTARY
CENTRE COUNTY, PA

Centre County Sheriff's Office
Property Record

Plaintiff <u>COMMONWEALTH OF PA</u>		Defendant <u>McKOWN, Hobson</u>	
Receiving Officer <u>ERIC ALBRIGHT</u>	Date <u>9/10/08</u>	Time <u>7:30 PM</u>	Case #
Recovered From <u>Hobson McKown</u>	Address <u>592 PIERSON DR STATE COLLEGE, PA</u>		Phone #
Items			Write
1. <u>NEW ENGLAND FIREARMS</u>	<u>COMBO 8 ROUNDS</u>	<u>Model</u>	<u>Serial #</u>
2. <u>HENRY</u>	<u>12 GA. LONGER</u>	<u>PARADNER PUMP</u>	<u>NX507595</u>
3. <u>Stoeger Inc</u>	<u>12 gauge</u>	<u>US. SURVIVAL</u>	<u>US62709</u>
4. <u>Yugo made</u>	<u>7.62 cal.</u>	<u>E.R. Ammunition</u>	<u>SP15A-05</u>
5. <u>Yugo made</u>	<u>7.62 cal.</u>	<u>SKS</u>	<u>105752</u>
6. <u>Yugo made</u>	<u>7.62 cal.</u>	<u>SKS</u>	<u>F-176251</u>
7. <u>Yugo made</u>	<u>7.62 cal.</u>	<u>SKS</u>	<u>K-417350</u>
8. <u>Savage Arms</u>	<u>12 gauge</u>	<u>SKS</u>	<u>E-97403</u>
9. <u>Savage Arms</u>	<u>12 gauge</u>	<u>775A</u>	<u>242278</u>
10. <u>Smith & Wesson</u>	<u>9mm (Gugs)</u>	<u>SW9UF</u>	<u>RBE5898</u>
11. <u>High Point</u>	<u>9mm</u>	<u>Mac Kon</u>	<u>DX561</u>
12. <u>Air soft</u>		<u>C9</u>	<u>P1407064</u>
			<u>COP471US</u>

I hereby certify that the listed item(s) have been recovered by the Sheriff's Office and information is correct

Signature: Hobson McKown Date: 09/11/2008

Property In	Property Out	Date & Time	# of items	Officers Signature	Custodial Officers Name

I hereby certify that I am the owner of property or authorized agent to receive item(s) no. _____

Claimant's Name	Owner's Name	Signature	Address	Phone #

Hobson's Exhibit A

Centre County Sheriff's Office
Property Record

Plaintiff COMMONWEALTH OF PA	Defendant MCKOWN, HOBSON	Date 9/10/08	Time 7:30 PM	Case #	Writ
Receiving Officer ERIC ALBRIGHT	Address 592 PEARSON DR. STATE COLLEGE	Phone #	Serial #	Model	Condition G-F-P
Recovered From Hobson McKOWN					
Items					
1. CLEAR AIRSOFT	KITCHEN CABINET				
2. PISTOL CROSSBOW IN BOX	LIVING ROOM				
3. PISTOL CROSSBOW	LIVING ROOM WALL				
4. 4 KNIVES	LIVING ROOM				
5. 17 AMMO CARTRIDGES W/ VARIOUS KINDS OF AMMO	UNDER KITCHEN SINK				
6. CZ52	7.62 313 MAGS + HOLSTER				
7. IN GLOVE BOX OF CAR PA GXY-2464			N7925		
8.					
9.					
10.					
11.					
12.					

I hereby certify that the listed item(s) have been recovered by the Sheriff's Office and information is correct

Signature: *John McPherson*

Date: 09/11/2008

Property In	Date & Time	# of items	Officers Signature	Custodial Officers Name

I hereby certify that I am the owner of property or authorized agent to receive item(s) no. _____

Claimant's Name	Owner's Name	Signature	Address	Phone #