



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

COMMONWEALTH OF PENNSYLVANIA

v.

HOBSON MCKOWN

No.: CP-14-CR-1610-2008

DEPT. C. JAMES  
PROT. NOTAR.  
CENTRE COUNTY

2009 OCT 26 P 1:24

FILED FOR RECORD

**STATEMENT OF MATTERS COMPLAINED OF ON APPEAL**

AND NOW, comes the Defendant, Hobson McKown, by and through his attorneys, Jason S. Dunkle, Esquire, and Masorti & Sullivan, P.C., and brings this Statement of Matters Complained of on Appeal pursuant to Pennsylvania Rule of Appellate Procedure 1925(b):

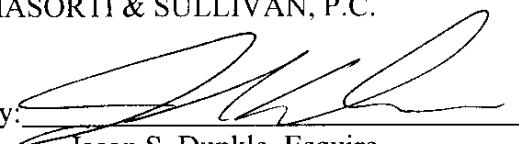
1. The suppression court erred in finding that the defendant consented to the warrantless entry and search of his residence for firearms by deputy sheriffs and that said consent was made freely and voluntarily and was not the product of duress or coercion.
2. The suppression court erred in finding the defendant's consent to a bail condition requiring the immediate surrender of firearms in his possession permitted the deputy sheriffs to enter and search his residence without a warrant.
3. The suppression court erred in finding that the magisterial district judge had jurisdiction to modify the defendant's bail after the case had been bound over to the Court of Common Pleas and that said modification requiring the surrender of firearms did not violate the defendant's constitutional rights but was instead issued in accordance with the rules of criminal procedures requiring the setting and modification of bail.
4. The suppression court erred in finding that law enforcement were not required to obtain a warrant prior to entering and searching the defendant's residence as mandated by the Fourth Amendment to the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution based upon "exigent circumstances".
5. The suppression court erred in finding that the search warrant for defendant's residence contained sufficient probable cause to justify issuance even though the veracity and basis of knowledge of persons supplying hearsay information was not provided to the issuing authority.
6. The trial court erred finding that the Commonwealth had presented sufficient evidence of "chain of custody" to permit the court to consider the state police forensic lab test results evidencing the residue of marihuana in a pipe allegedly taken from the defendant's residence.

7. The trial court erred in finding that the Commonwealth had presented sufficient evidence to prove a beyond a reasonable doubt that the defendant “possessed” “drug paraphernalia” as those terms are defined by statute and case law.

Respectfully submitted,

MASORTI & SULLIVAN, P.C.

By:



Jason S. Dunkle, Esquire  
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Attorney I.D. No. 93690

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 HOBSON MCKOWN :

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26<sup>th</sup> day of October, 2009, I served a true and correct copy of Defendant's Statement of Matters Complained of on Appeal via hand delivery to the following:

Honorable Judge Thomas King Kistler  
Centre County Courthouse  
Bellevonte, PA 16823

Carolyn Larrabee, Esquire  
Office of the Centre County District Attorney  
Centre County Courthouse  
Bellevonte, PA 16823

Respectfully submitted,

MASORTI & SULLIVAN, P.C.

BY: 

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DEBRA C. JENSEL  
PROTHONOTARY  
CENTRE COUNTY, PA