

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

<b>COMMONWEALTH OF PENNSYLVANIA,</b>	:	
	:	
<b>v.</b>	:	<b>No. 1012-2008</b>
	:	<b>CRIMINAL DIVISION</b>
<b>GREGORY RICKS,</b>	:	
<b>Defendant</b>	:	<b>PCRA</b>

**ORDER**

**AND NOW**, this 30<sup>th</sup> day of June, 2010, after a conference with Counsel, and upon review of the Defendant's PCRA Petition, it is clear that the Defendant is challenging the failure of trial counsel to file a suppression motion regarding the action of a private citizen.

Upon review of the trial transcript, it is clear from the testimony taken at trial that in April 2007, Harold Manley, who was the landlord of the Defendant at his residence on 1132 Park Ave, went to the Defendant's apartment to clean it after the Defendant vacated the premises. When Mr. Manley arrived at the Defendant's apartment to clean, he found a 32 caliber rifle on the premises. Mr. Manley then called the police and turned the rifle over to the police the same evening. Case law is clear that evidence obtained by a private citizen and later turned over to a government authority is not subject to suppression on Fourth or Fifth Amendment grounds. See Commonwealth v. Glaza, 48 Pa. D. & C.2d 369, 371 (Pa.D. & C.2d 1970); See also Burdeau v. McDowell, 265 U.S. 465 (1921).

Based upon the foregoing, the Court finds no basis upon which to grant the Defendant's PCRA petition. Additionally, as the Court finds that no purpose would be served by conducting any further hearing, none will be scheduled. Pursuant to Pennsylvania Rule of Criminal Procedure 907(1), the parties are hereby notified of the Court's intention to deny the Petition. The Defendant may respond to this proposed dismissal within twenty (20) days. If no response

is received within that time period, the Court will enter an Order dismissing the Petition and granting Joel M. McDermott leave to withdraw.

**ORDER**

**AND NOW**, this 30<sup>th</sup> day of June, 2010, the Defendant and his attorney are notified that it is the intention of the Court to dismiss the Defendant's PCRA petition unless he files an objection to that dismissal within twenty days (20) of today's date.

By the Court,

Nancy L. Butts, President Judge

xc: Ken Osokow, Esq.  
Joel M. McDermott, Esq.  
Gregory Ricks  
SCI Graterford