

IN THE COURT OF COMMON PLEAS OF
LYCOMING COUNTY, PA

COMMONWEALTH OF PA :
 : NO: 02-01444
 :
 vs. :
 :
 :
 \$4,420.00 U.S. CURRENCY/\$30.00 U.S. :
 CURRENCY :

OPINION
Issued Pursuant to Pa.R.A.P. 1925(a)

On January 21, 2003, an Order of Forfeiture was entered by this Court, declaring the above-captioned items forfeited to the Commonwealth of Pennsylvania pursuant to the Controlled Substance Forfeiture Act , 42 Pa.C.S.A. § 6801, et seq. On April 19, 2010, Mr. Slaughter filed a Motion for Return of U.S. Currency.

By Order dated May 10, 2010, this Court dismissed Mr. Slaughter's Motion for Return of Currency. Mr. Slaughter subsequently filed a Notice of Appeal, and on June 3, 2010, this Court entered an Order directing Mr. Slaughter file a Concise Statement of Errors Complained of on Appeal on or before June 24, 2010. On June 28, 2010 this Court received a handwritten letter directed to the trial judge, which was subsequently docketed as Defendant's Concise Statement of Errors Complained of on Appeal. Defendant contends that the items forfeited should be returned for a number of reasons, including no legal grounds to hold the currency, failure to introduce the currency as evidence during any court proceedings, and improper notice of court proceedings.

Defendant's appeal should be stricken and this Court's Order of May 10, 2010 should be affirmed pursuant to Commonwealth v. Perez, 941 A.2d 778 (Pa.Cmwltth.

2008). In Commonwealth v. Perez, *supra*, the trial court granted the Commonwealth's forfeiture petition on May 21, 2001. On February 22, 2007, Perez, who was incarcerated as a result of an attempted murder conviction, petitioned the court for return of the forfeited property asserting that the trial court lacked subject matter jurisdiction over the forfeiture proceeding. In affirming the trial court's denial of the defendant's petition, the Commonwealth Court stated:

The civil forfeiture proceeding, though implicating issues and facts involved in the dismissed criminal prosecution, became final when the petition for forfeiture was granted and no appeal was taken within the statutorily allotted time. Id. at 781.

Similarly, the Order granting forfeiture to the Commonwealth of property owned by Mr. Slaughter became final when the petition was granted on January 21, 2003 and no appeal was timely filed by Mr. Slaughter. Accordingly, Mr. Slaughter's petition seeking return of property forfeited to the Commonwealth approximately (7) years ago was appropriately dismissed, and this Court respectfully requests affirmance of its May 10, 2010 Order.

BY THE COURT,

Richard A. Gray, J.

cc: District Attorney

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