

LEHIGH COUNTY LAW LIBRARY PATHFINDER

DEVOLUCIÓN DE EVIDENCIA TANGIBLE O PROPIEDAD

- ▶ Cualquier definición legal y/o texto citado en este explorador no se puede traducir debido a que se requiere precisión absoluta con relación al sentido y propósito original.
- ▶ Los formularios muestra que este explorador provee no están traducidos debido a que los formularios que se registran en El Tribunal de Instancias Comunes del Condado de Lehigh deben de estar escritos en Inglés.
- ▶ No se traducen los títulos de los libros debido a que la traducción podría confundir al lector ya que todos los libros en la Biblioteca del Condado de Lehigh están escritos en Inglés.
- ▶ No hay servicio de traducción en la biblioteca; por lo tanto, usted debe traer a su propio intérprete.

Muy frecuentemente la policía, particularmente en casos de narcóticos, embarga dinero, automóviles, o bienes raíces. Si el allanamiento resulta ilegal, o si la conexión entre el embargo de la propiedad y el delito acusado no es suficiente, el abogado defensor intentará procurar que devuelvan los bienes al dueño.

Esta petición para la devolución de propiedad se encuentra redactada en **Pennsylvania Rules of Criminal Procedure 588** y puede combinarse con una petición para suprimir evidencia bajo **Pennsylvania Rules of Criminal Procedure 581**. El estándar de prueba para ambos el Estado y el acusado es la preponderancia de la evidencia ya que este procedimiento es parecido a un caso civil. Hay leyes especiales que rigen la pérdida de bienes bajo las leyes de deportes, **34 Purdon's Pennsylvania Consolidated Statutes Annotated §928**, artefactos de tahurería, **18 Purdon's Pennsylvania Consolidated Statutes Annotated § 5513**, y diversos otros. Claramente, si la evidencia tomada es narcóticos o cualquier otro tipo de contrabando, el dueño no intentará recuperarlo debido que el hacerlo sería reconocimiento de culpa. En casos penales los decomisos se están convirtiendo en cosa común.

Petición Muestra

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

Name of Petitioner

Petition for Return of Tangible Evidence Taken From the Person

The application of _____ respectfully represents:

1. On _____ (date), applicant was a resident of _____, Pennsylvania. Applicant had in his possession the sum of \$ _____ which was located in the premises at _____.
2. Applicant was arrested by _____ police officers inside the premises. At the time of his arrest, the police took from the applicant cash in the sum of \$ _____ and issued to him a property receipt, No. _____, a true and correct copy of which is attached and marked Exhibit "A."
3. Even if the police had lawful authority to enter the premises and to make a search, they had no lawful right to remove from the person of the applicant the sum of \$ _____, which constituted his personal assets which could in no manner be connected with any unlawful activity.
4. Applicant avers that the search of his person was illegal, but, even if it was legal, the money was not and could not be connected with any unlawful activity, nor could it lawfully be taken as evidence in connection with the arrest of the applicant made for alleged possession of narcotics.

WHEREFORE, applicant respectfully requests that the commissioner of police be directed to return the sum of \$ _____ taken from his person to be returned to him as his own personal property.

(Signature)

EXENCIÓN DE RESPONSABILIDAD: Estos son formularios de muestra suministrados por la Biblioteca de Derecho para su conveniencia. Usted debe de adaptarlo para que encaje según su propósito específico. Nada de lo contenido en esta guía se presenta en calidad de consejo legal. Si usted desea consejo legal, usted debe contratar a un abogado privado.

LEHIGH COUNTY LAW LIBRARY PATHFINDER

Petición Muestra

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

Name of Petitioner

Petition for Return of Tangible Evidence Taken From Premises

TO THE HONORABLE, THE JUDGES OF THE COURT:

The petition of _____, a Pennsylvania corporation, by its attorney, _____,

- 1. _____ is a corporation incorporated under the laws of the Commonwealth of Pennsylvania and operates a duly licensed restaurant and taproom at the northwest corner of _____ and _____Streets, _____, Pennsylvania.
2. On _____ (date), police officers of the City of _____ entered the premises and arrested _____, a manager of your petitioning corporation, on the charge of lottery.
3. The officers seized the sum of \$_____ which had been taken by _____ from cash register, and confiscated same.
4. The employee of the petitioner was given a hearing before Magistrate _____ on _____ (date), at which time _____ was discharged by the magistrate.
5. The police officers failed to connect the \$_____ seized by them with any instrumentality of lottery nor was it shown that these funds were derived from any illegal source.
6. Demand has been made upon the respondent for the return of the \$ _____ but the respondent has failed and refused to return this sum to your petitioner.

Wherefore, your petitioner respectfully requests that an order be entered directing _____, commissioner of police, to return the sum of _____ seized from the premises of _____ to petitioner.

Attorney of Petitioner

(Affidavit)

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

ORDER

AND NOW, this _____ day of _____ (month and year), upon consideration of the foregoing petition and on motion of _____, Esquire, attorney for petitioner, the commissioner of police, _____, Is ordered to return to the petitioner the sum of \$_____.

By the Court:
_____ J.