

# **Appendix- A**

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania

v.

No. 1651 C.D. 2018

Two Hundred and Four Dollars

(\$204.00) U.S. Currency, 1994

Green Toyota Corolla,

VIN #JT2EL43TXR045421,

1971 Blue Ford Thunderbird,

VIN #1Y84N128980,

1996 Green Ford F-150 Pick-up Truck,

VIN #1FTEX14N0TKA40441,

2004 Black Ford Explorer,

VIN #1FMDU74W44UB96807

Appeal of: Allan Leslie Sinanan, Jr.

Submitted: February 6, 2024

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge

HONORABLE ELLEN CEISLER, Judge

HONORABLE STACY WALLACE, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION  
BY JUDGE CEISLER

FILED: March 7, 2024

Currently before the Court is Allan Leslie Sinanan, Jr.'s (Appellant) challenge to the Court of Common Pleas of Northampton County's (Common Pleas) April 9, 2018 order, through which Common Pleas granted in part and denied in part five

Petitions for Forfeiture (collectively Petitions) filed by Appellee Commonwealth of Pennsylvania (Commonwealth).<sup>1</sup> Upon review, we affirm.

### **I. Background**

This civil asset forfeiture matter has its genesis in Appellant's 2017 conviction in Common Pleas for a litany of drug trafficking-related offenses. During the summer of 2016, law enforcement in Northampton County began surveilling Appellant due to its suspicion that he was trafficking cocaine in the area. Common Pleas Op., 4/9/18, at 3. They then purchased drugs from Appellant several times through an informant, before ultimately arresting Appellant on November 4, 2016.

*Id.* at 3-6. As recounted by Common Pleas:

[Sergeant Vasa Faasuamalie, Task Force Officer with the Drug Enforcement Agency (DEA) and an officer with the Palmer Township Police Department, was] conducting surveillance [along with other law enforcement agents] on [Appellant] at his residence, 914 S. 25th Street, Easton, Pennsylvania. Officers observed [Appellant] exit his apartment, where[upon] he began loading items into the trunk of his Ford Thunderbird. Sergeant Faasuamalie (along with other officers from the task force) approached [Appellant] while [Appellant] was standing outside of [Appellant's] vehicle, announced his title, and asked [Appellant] if [Appellant] would speak with him. DEA Agent Joseph Labenburg was surveilling [Appellant] from across the street. As Sergeant Faasuamalie approached [Appellant], Agent Labenburg observed [Appellant] toss a black item toward a portico attached to the apartment building (a semi-enclosed porch area which leads to the entrance of [Appellant's] apartment building).

[Appellant] refused to cooperate with Sergeant Faasuamalie, at which point he was detained and transported to the Palmer Township Police Department.

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<sup>1</sup> On July 10, 2023, the Commonwealth filed a notice of non-participation with this Court, in which it stated that it "will be relying on the trial court record and will not be filing a brief in this matter." Notice of Non-Participation at 1.

Detective [Brett] Lear conducted a search of [Appellant,] which revealed approximately \$200.00, three clear vials with red caps containing suspected cocaine, and four clear vials with green caps also containing suspected cocaine (Commonwealth's Exh. No. 7).

Agent Labenburg remained on the scene at [Appellant's] apartment, while Sergeant Faasuamalie obtained a search warrant to search [Appellant's] apartment, 914 S. 25th Street, Apartment C, Easton, Pennsylvania, and rental garages, located at 926 Miller Street, #G-18 and #G-19, Easton, Pennsylvania. A K-9 dog was also brought to the scene, where the dog "hit" (indicating the presence of drugs) on the enclosed porch area.

Sergeant Faasuamalie prepared an affidavit in support of an application for a search warrant, which was signed by Magisterial District Judge Jacqueline M. Taschner on November 4, 2016. Officers recovered the black item located in the enclosed porch area, which turned out to be a black, military-style jacket with hidden compartments. (Commonwealth's Exh. No. 4). Various items were hidden inside the jacket, including: vials recovered from within the jacket's sleeves (Commonwealth Exh. No. 8), 66.26 grams of marijuana (Commonwealth Exh. Nos. 9, 13), 61 Xanax pills (Commonwealth Exh. No. 14), 215 Oxycodone pills (Commonwealth Exh. No. 15), 47.55 grams of MDMA (Commonwealth Exh. No. 17), and 51.2263 grams of cocaine (Commonwealth Exh. Nos. 8, 11, 12, 16).

Also recovered within the jacket were various items, including plastic baggies, "cutting" materials (substances combined with the pure form of a drug to yield a larger amount), and a digital scale. (See Commonwealth Exh. Nos. 8-22, generally).

Common Pleas Op., 4/9/18, at 5-6 (cleaned up).

Appellant was consequently charged, in total, with eight counts of possession of a controlled substance with intent to deliver; eight counts of possession of a controlled substance; three counts of criminal use of a communication facility; one count of possession of drug paraphernalia; and one count of unlawful possession of

a firearm. *Id.* at 2. The Commonwealth then initiated multiple forfeiture actions against Appellant, by filing the aforementioned Petitions on March 18, 2017, pursuant to a since-repealed statute that was commonly known as the Controlled Substances Forfeiture Act (Forfeiture Act).<sup>2</sup> *Id.* at 9. Through these Petitions, the Commonwealth requested forfeiture of the following assets possessed by Appellant: \$204.00 in United States currency; a 1994 green Toyota Corolla, VIN #JT2EL43TXR045421; a 1971 blue Ford Thunderbird, VIN #1Y84N128980; a 1996 green Ford F-150 Pick-up Truck, VIN #1FTEX14N0TKA40441; and a 2004 black Ford Explorer, VIN #1FMDU74W44UB96807. *Id.* at 1. Appellant was thereafter tried in September 2017, whereupon a jury convicted him on all charges and Common Pleas sentenced him to an aggregate carceral term of 11 to 22 years in state prison. *Id.* at 3-9.

With this conviction in hand, the Commonwealth pressed forward by continuing to pursue its Petitions, and a hearing was held thereon in Common Pleas on March 13, 2018. *Id.* at 9. As recounted by Common Pleas:

At the forfeiture hearing, the Commonwealth's sole witness was Detective Lear. The Commonwealth conducted a direct examination of Detective Lear, after which [Appellant] cross-examined the witness. In addition to the trial testimony, Detective Lear's testimony established the following:

During the August 3, 2016 controlled [drug] purchase at K-Mart, the police observed [Appellant] arrive at K-Mart in the 2004 black Ford Explorer. [Appellant] was observed exiting the Explorer, entering the store, and leaving the store's premises in the Explorer. During the forfeiture

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<sup>2</sup> Former 42 Pa. C.S. §§ 6801-6802, repealed by the Act of June 29, 2017, P.L. 247. The current version of the Forfeiture Act is codified as 42 Pa. C.S. §§ 5801-5808, went into effect on July 1, 2017, and "substantially altered the [previously] existing burden-shifting scheme for civil *in rem* forfeitures[.]" *Com. v. \$34,440.00 U.S. Currency*, 174 A.3d 1031, 1039 n.12 (Pa. 2017).

hearing, Detective Lear summarized the means by which the controlled purchase was conducted and also testified that the confidential informant provided him with cocaine purchased from [Appellant] on this occasion.

During the August 31, 2016 controlled purchase, also conducted at K-Mart, the police again observed [Appellant] arrive at the store in the black Ford Explorer. Additionally, Detective Lear testified that the controlled buy was conducted in a similar fashion to the previous controlled buys and that following the transaction, the informant provided the police with cocaine purchased from [Appellant].

Detective Lear's testimony at the hearing did not elicit any additional, relevant information regarding the instant forfeiture matter in connection with the August 17, 2016 controlled purchase.

Detective Lear also provided testimony regarding the November 4, 2016 arrest of [Appellant] and the subsequent search of [Appellant's] residence and garages. Specifically, Detective Lear testified the [Appellant] was arrested outside of his residence based upon three controlled purchases conducted on August 3, August 17, and August 31, 2016. A search incident to arrest revealed approximately seven vials of cocaine on [Appellant's] person, along with \$204.00. A search warrant was subsequently issued for [Appellant's] residence and [the] two adjacent, detached garages which were being rented by [Appellant]. During the search of [Appellant's] residence, police recovered the [aforementioned] black, military-style jacket, which contained [the illicit substances mentioned above].

Police also searched the detached garages, wherein the 1994 green Toyota Corolla was parked. The 1996 green Ford F-150 Pick-up Truck was parked outside the garages. Detective Lear testified that Inositol powder, commonly used as a "cutting agent for narcotics, was also recovered from the garages.<sup>8</sup> A K9 search was conducted on the Toyota Corolla, Ford F-150, and the [b]lue Ford Thunderbird, which was parked directly outside [of Appellant's] residence. Detective Lear testified that the dog "did not hit" on the Toyota Corolla. He did not state

whether the K9 “hit” on the Ford F-150 or the blue Thunderbird.

<sup>8</sup> Detective Lear did not specify from which garage the Toyota Corolla and Inositol powder were recovered.

....  
[Appellant’s] cross-examination of Detective Lear consisted mainly of [Appellant’s] attempt to discredit Detective Lear. Specifically, [Appellant] pointed out that Detective Lear was not the officer who saw [Appellant] remove the black jacket (containing a cache of narcotics) from the Thunderbird and toss it onto his porch. Detective Lear conceded this point.

[Appellant] did not testify on his own behalf at the forfeiture proceeding.

Common Pleas Op., 4/9/18, at 10-12 (cleaned up).

On April 9, 2018, Common Pleas issued an order, in which it granted the Petitions with regard to the \$204.00, the Explorer, and the Thunderbird, but denied the Petitions as to the Corolla and the F-150. This appeal followed shortly thereafter.

## II. Discussion

Appellant’s arguments,<sup>3</sup> as articulated in his *pro se* brief, are somewhat difficult to parse, but we read them as presenting two distinct challenges to Common Pleas’ ruling.<sup>4</sup> Appellant’s primary assertion is that Common Pleas should have

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<sup>3</sup> “In an appeal from a forfeiture proceeding, this Court reviews whether findings of fact made by the trial court are supported by substantial evidence, and whether the trial court abused its discretion or committed an error of law. Our standard of review is deferential with respect to the trial court’s findings of fact. Whether the evidence, as a whole, is sufficient to support a legal conclusion is a question of law. Our scope of review over questions of law is plenary.” *Com. v. 1997 Chevrolet*, 106 A.3d 836, 847 (Pa. Cmwlth. 2014) (citations omitted).

<sup>4</sup> We note that “[u]nder Pennsylvania law, *pro se* [litigants] are subject to the same rules of procedure as are represented [litigants]. Although the courts may liberally construe materials filed by a *pro se* litigant, *pro se* status confers no special benefit upon a litigant, and a court cannot be (Footnote continued on next page...)

denied the Petitions in full, due to the following: first, his November 4, 2016 arrest was unlawful and constitutionally infirm, in that it was done without a warrant in the absence of exigent circumstances or probable cause that a crime had taken or would take place; second, the related search warrants were issued illegally and in violation of his constitutional rights, because they were not premised upon affidavits that established probable cause that drugs would be discovered at his residence and/or garages, and they did not list for seizure the four automobiles the Commonwealth sought through their Petitions. Appellant's Br. at 5-12. In the alternative, Appellant claims that Common Pleas should have denied the Petitions with regard to the Thunderbird, as the Commonwealth failed to establish that this vehicle was an instrumentality of his criminal activities, thus rendering the Thunderbird's forfeiture an unconstitutionally excessive fine under the Eighth Amendment of the United States Constitution<sup>5</sup> and article I, section 13 of the Pennsylvania Constitution.<sup>6</sup> *Id.* at 3-5, 10.

Appellant's main argument is invalid, for two intertwined reasons. First, he made virtually the same assertions regarding his arrest and the related search warrants during the course of his criminal case, which were rejected by both Common Pleas and the Superior Court. *See Com. v. Sinanan* (Pa. Super., No. 578 EDA 2018, filed Jan. 23, 2019) 2019 WL 290685. Second, it challenges the very basis of his arrest, as well as the legality of law enforcement's efforts to obtain incriminating evidence. As such, this argument is nothing more than an

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expected to become a litigant's counsel or find more in a written *pro se* submission than is fairly conveyed [therein]." *Com. v. Blakeney*, 108 A.3d 739, 766 (Pa. 2014) (citation omitted).

<sup>5</sup> U.S. CONST. amend. VIII.

<sup>6</sup> PA. CONST. art I, § 13.



impermissible attempt to use this civil proceeding as a mechanism to collaterally attack Appellant's criminal conviction. *See Barros v. Martin*, 92 A.3d 1243, 1252 (Pa. Cmwlth. 2014) (Post Conviction Relief Act, 42 Pa. C.S. §§ 9541-9546, is sole legally valid mechanism by which a litigant may collaterally attack their criminal conviction); *Guarrasi v. Scott*, 25 A.3d 394, 402 (Pa. Cmwlth. 2011) (same); *In re One 1988 Toyota Corolla (Blue Two-Door Sedan) Pa. License TPV 291*, 675 A.2d 1290, 1295 (Pa. Cmwlth. 1996) (cleaned up) ("Where property has been declared forfeitable under a criminal or quasi-criminal statute, the nature of the forfeiture proceeding itself is nevertheless in rem and is, therefore, a civil proceeding. Accordingly, proceedings under the Forfeiture Act are not criminal proceedings as such; instead, they are civil in form, but quasi-criminal in character.").

Appellant's alternate argument fares no better, albeit for a different reason. Though Appellant now seeks to challenge Common Pleas' ruling regarding the Thunderbird on the basis that this vehicle's forfeiture violates the constitutional prohibition against excessive fines, he failed to do so when this matter was before Common Pleas. Indeed, the record reflects that Appellant did not raise this issue in his response to the Petitions, during the course of the March 13, 2018 hearing, or in his post-hearing brief. Accordingly, we are constrained to conclude that he has waived this issue. *See* Pa. R.A.P. 302(a) ("Issues not raised in the trial court are waived and cannot be raised for the first time on appeal.").

### III. Conclusion

In accordance with the foregoing analysis, we affirm Common Pleas' April 9, 2018 order.<sup>7</sup>



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ELLEN CEISLER, Judge

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<sup>7</sup> We are nevertheless dismayed by Common Pleas' lax treatment of the Commonwealth's evidentiary burden. "It is well established that a court may not ordinarily take judicial notice in one case of the records of another case, whether in another court or its own, even though the contents of those records may be known to the court." *Naffah v. City Deposit Bank*, 13 A.2d 63, 64 (Pa. 1940). In this instance, Common Pleas presided over Appellant's criminal case and the subsequent forfeiture proceeding. *See* Hearing Tr., 3/13/18, at 62; *Sinanan, supra*. However, the Commonwealth failed to formally seek admission of the criminal case's record as evidence at the March 13, 2018 forfeiture hearing. *See* Hearing Tr., 3/13/18, at 62. Common Pleas nevertheless decided to take judicial notice of that record, and appears to have predicated large parts of its adjudication of the Petitions on the contents thereof, as well as upon its own recollection of what had transpired during the course of the criminal case. *See* Hearing Tr., 3/13/18, at 62; Common Pleas Op., 4/9/18, at 2-18. Though we are without the ability to remedy this mistake, for the reasons that we have already discussed, it remains that Common Pleas' cavalier treatment of the record was entirely unacceptable. We direct the Common Pleas court to properly ensure that the Commonwealth meets its burden in future cases, both because such satisfaction is legally required, and because it is imperative that individuals are not unduly stripped of their possessions, especially those like Appellant, who are *pro se* and have no formal legal training with which to defend themselves.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania

v.

No. 1651 C.D. 2018

Two Hundred and Four Dollars  
(\$204.00) U.S. Currency, 1994

Green Toyota Corolla,

VIN #JT2EL43TXR045421,

1971 Blue Ford Thunderbird,

VIN #1Y84N128980,

1996 Green Ford F-150 Pick-up Truck,

VIN #1FTEX14N0TKA40441,

2004 Black Ford Explorer,

VIN #1FMDU74W44UB96807

Appeal of: Allan Leslie Sinanan, Jr.

**ORDER**

AND NOW, this 7<sup>th</sup> day of March, 2024, it is hereby ORDERED that the Court of Common Pleas of Northampton County's April 9, 2018 order is AFFIRMED.



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ELLEN CEISLER, Judge

# **Appendix- B**



# Supreme Court of Pennsylvania

Middle District

Amy Dreibelbis, Esq.  
Deputy Prothonotary  
Elizabeth E. Zisk  
Chief Clerk

601 Commonwealth Avenue, Suite 4500  
P.O. Box 62575  
Harrisburg, PA 17106-2575  
(717) 787-6181  
Fax: (717) 787-1549  
[www.pacourts.us](http://www.pacourts.us)

September 10, 2024

Allan Leslie Sinanan Jr.  
QA-9625  
SCI @ Albion  
10745 Route 18  
Albion, PA 16475-0001

RE: Commonwealth v. Sinanan, A., Pet.  
No. 154 MAL 2024  
Lower Appellate Court Docket No: 1651 CD 2018  
Trial Court Docket No: CP-48-MD-0000576-2017  
CP-48-MD-0000578-2017  
CP-48-MD-0000577-2017  
CP-48-MD-0000575-2017  
CP-48-MD-0000574-2017

Dear Allan Leslie Sinanan:

Enclosed please find a certified copy of an order dated September 10, 2024 entered in the above-captioned matter.

Very truly yours,

Office of the Prothonotary

/hms

Enclosure

cc: Stephen G. Baratta, Esq.  
The Honorable Stephen G. Baratta c/o The Honorable Craig A. Dally, President Judge  
Lisa L. Tresslar, Esq.

IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT


COMMONWEALTH OF PENNSYLVANIA	:	No. 154 MAL 2024
	:	
	:	
v.	:	Petition for Allowance of Appeal
	:	from the Order of the
	:	Commonwealth Court
	:	
TWO HUNDRED AND FOUR DOLLARS	:	
(\$204.00) U.S. CURRENCY, 1994 GREEN	:	
TOYOTA COROLLA, VIN	:	
#JT2EL43TXR045421, 1971 BLUE FORD	:	
THUNDERBIRD, VIN #1Y84N128980, 1996	:	
GREEN FORD F-150 PICK-UP TRUCK, VIN	:	
#1FTEX14N0TKA40441, 2004 BLACK	:	
FORD EXPLORER, VIN	:	
#1FMDU74W44UB96807	:	
	:	
	:	
	:	
PETITION OF: ALLAN LESLIE SINANAN,	:	
JR.	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 10th day of September, 2024, the Petition for Allowance of Appeal, the Motion for Answer to Judicial Abuse, the Motion to Address Concern with Tampering or Fabrication of Evidence, and the Motion to Disqualify the Northampton County District Attorney's Office are **DENIED**. The Motion for Leave to Substitute Correct Answer is **DISMISSED** as moot.

A True Copy Amy Dreibelbis, Esquire  
As Of 09/10/2024

Attest:   
Deputy Prothonotary  
Supreme Court of Pennsylvania

# Appendix- C

COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY  
COMMONWEALTH OF PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

vs.

ALLAN L. SINANAN, JR.

Defendant

:CR-MISC-574-2017  
:CR-MISC-575-2017  
:CR-MISC-576-2017  
:CR-MISC-577-2017  
:CR-MISC-578-2017

:  
:

CC COPY

FORFEITURE HEARING

BEFORE THE HONORABLE STEPHEN G. BARATTA,  
President Judge, Northampton County, Third Judicial  
District, Easton, Pennsylvania, Courtroom No. 1, on  
Tuesday, March 13, 2017.

APPEARANCES:

NORTHAMPTON COUNTY DISTRICT  
ATTORNEY'S OFFICE  
JULIANNE DANCHAK, ESQUIRE  
669 Washington Street  
Easton, PA 18042  
-- For the Commonwealth

ALLAN L. SINANAN, JR.  
-- PRO SE

OFFICIAL COURT REPORTER  
STACEY JACOVINICH



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I N D E X

WITNESSES

ALL WITNESSES: PAGE:  
  
For Commonwealth:  
  
    Detective Brent Lear: 3:21  
        Direct Examination by Ms. Danchak 26:14  
        Cross-Examination by Mr. Sinanan

EXHIBITS

NO.: DESCRIPTION: PAGE:  
  
For Defendant:  
  
D-1 Palmer Township Police Incident  
    Report Form: 36:22  
    Marked For Identification

1 THE COURT: All right. We're here  
2 because the Commonwealth filed an action regarding  
3 forfeiture of property belonging to you, Mr.  
4 Sinanan. It includes one count of \$204. Another  
5 count of a 1994 Toyota. A 1971 Thunderbird.. And a  
6 1996 Ford pick up truck. And finally a 2004 Ford  
7 Explorer. Are we ready to go forward?

8 MS. DANCHAK: I am, Your Honor.

9 THE COURT: Okay. What'll happen is  
10 we'll hear from the Commonwealth with regard to  
11 their theory about why the property should be  
12 forfeited under the forfeiture act. They have to  
13 show some nexus to illegal drug dealing to put it in  
14 laymen's terms.

15 So, we'll hear from the Commonwealth.

16 MS. DANCHAK: The Commonwealth calls  
17 Detective Brent Lear.

18 THE COURT: All right.

19 (All witnesses were duly sworn.)

20 THE COURT: Counsel.

21 DIRECT EXAMINATION

22 BY MS. DANCHAK:

23 Q Good morning, Detective.

24 A Good morning.

25 Q Detective, how are you employed?

4

1 A Palmer Township Police Department.

2 Q How long have you been employed with the  
3 Palmer Township Police Department?

4 A Since 2010.

5 Q And was that in your capacity as a detective?

6 A Yes.

7 Q All right.. And in late July early August of  
8 2016, were you involved in a narcotics investigation  
9 of Mr. Sinanan?

10 A Yes, I was.

11 Q And how did that investigation come about?

12 A It came about through some investigation  
13 months prior to actually making controlled buys from  
14 Mr. Sinanan through information that we obtained  
15 through our confidential sources. And we ended up  
16 obtaining our own confidential source and making  
17 controlled purchases from Mr. Sinanan.

18 Q And, briefly, without getting in to all that  
19 information, what type of information was received  
20 from the source?

21 A That Mr. Sinanan deals cocaine as well as  
22 other narcotics.

23 Q Did you ever receive information as to an  
24 address where Mr. Sinanan resided?

25 A Yes.

5

1 Q What was that address?

2 A 925 South 25th Street.

3 Q 925? Or 914?

4 A I'm sorry. 914, yes.

5 Q What did you do as a result of that  
6 information of where he lived and that he was  
7 selling narcotics?

8 A I'm sorry?

9 Q What did you do as a result of the  
10 information you received?

11 A Well, what we did was we conducted  
12 surveillance at that residence. We observed Mr.  
13 Sinanan coming and going from that apartment complex  
14 as well as different vehicles he was driving that  
15 were also parked at that residence.

16 Q Was one of those vehicles a black Ford  
17 Explorer?

18 A Yes.

19 Q And did you observe that outside the  
20 residence you just mentioned?

21 A Yes.

22 Q Was a controlled purchase ever set up?

23 A Yes.

24 Q Do you recall about the date of that  
25 purchase?

6  
1 A I believe the first one was in July.

2 Q Do you have a copy of the report in front of  
3 you?

4 A I don't.

5 Q Would looking at a copy of the report refresh  
6 your recollection?

7 A Yes.

8 MS. DANCHAK: Just a moment, Your  
9 Honor. Your Honor, may I approach?

10 THE COURT: You may.

11 BY MS. DANCHAK:

12 Q Did that refresh your recollection?

13 A Yes.

14 Q Okay. And on what date was the controlled  
15 purchase set up?

16 A Well, this is the -- would have been in  
17 August of 2016.

18 Q Okay. And did -- was that through a  
19 confidential source?

20 A Yes.

21 Q And how did the source make contact with Mr.  
22 Sinanan?

23 A By cellular telephone.

24 Q And was the specifics of a purchase arranged?

25 A Yes.

7

1 Q What were those specifics?

2 A For two grams of cocaine for 200 bucks.

3 Q And was that transaction set to take place  
4 that day or the next day?

5 A That day.

6 Q And what type of procedure did you do with  
7 the source prior to the transaction?

8 A Prior to it, we always search the  
9 confidential source. Search his person and search  
10 the vehicle. The vehicle they're driving there. So  
11 we search the vehicle, and all searches came back  
12 negative.

13 Q And what, if anything, happened next?

14 A At that point, again contact was made with  
15 the Defendant, Mr. Sinanan. Placed a phone call  
16 and/or text and the deal was set up. And it was  
17 arranged to meet at the Kmart on South 25th Street.

18 Q Was that Kmart in Northampton County?

19 A Yes.

20 Q And what happened next?

21 A At that point the CS drove to the Kmart. He  
22 was followed by other detectives who were working  
23 the case with us to make sure that he made no stops  
24 from the time of the search to the time of the meet.

25 And, we also had surveillance set up in

1 the parking lot of the Kmart. So, surveillance  
2 units followed him to the Kmart and observed the CS  
3 get out of his vehicle and walk into the Kmart.

4 Q Was Mr. Sinanan ever observed arriving at the  
5 Kmart?

6 A Yes.

7 Q Was it observed what he was driving when he  
8 arrived?

9 A Mr. Sinanan was driving the Ford Explorer.  
10 Black Ford Explorer.

11 Q What, if anything, happened next?

12 A At that point the CS met with Mr. Sinanan in  
13 the middle of the Kmart, which was observed by  
14 myself. And at that point Mr. Sinanan was also with  
15 another white female. The meet took place and the  
16 CS left the store and reentered the vehicle.

17 Q Were you personally in the Kmart?

18 A Yes.

19 Q Did you observe the transaction between the  
20 confidential source and Mr. Sinanan?

21 A I observed the CS and Mr. Sinanan meet in the  
22 middle of the store.

23 Q Was the source provided any prerecorded buy  
24 money?

25 A Yes.

1 Q Approximately, how much?

2 A \$200.

3 Q All right. What happened next?

4 A At that point, the CS met us back at a  
5 predetermined location. We followed the CS from the  
6 Kmart to the predetermined spot to make sure he made  
7 no stops. The CS was searched. The vehicle was  
8 searched again. And also the narcotics -- the  
9 cocaine that he had purchased from Mr. Sinanan were  
10 seized by us.

11 Q When you say the narcotics, what did the  
12 confidential source hand to you?

13 A Cocaine.

14 Q Okay. How was it packaged?

15 A It was packaged in two clear viles with red  
16 caps on it.

17 Q Was that cocaine ever field tested?

18 A Yes.

19 Q Are you aware of the result?

20 A Yes.

21 Q And what was the result?

22 A Positive for cocaine.

23 Q And is the amount of cocaine you received  
24 consistent with the amount of prerecorded currency  
25 that was provided?



1 A Yes.

2 Q Did the source ever indicate who the cocaine  
3 was purchased from?

4 A He stated he had met with Mr. Sinanan.

5 Q All right. Was surveillance ever kept on Mr.  
6 Sinanan at the Kmart?

7 A Yes.

8 Q Do you know what, if anything, happened after  
9 the purchase?

10 A Mr. Sinanan did leave the -- he bought some  
11 items at the store and then he exited the store and  
12 got back into his Ford Explorer -- black Ford  
13 Explorer.

14 Q And where did he return?

15 A To 914 South 25th.

16 Q Was that the only controlled purchase?

17 A No.

18 Q When was the other controlled purchase?

19 A The other controlled purchase, I believe, was  
20 again in August.

21 Q Does August 17th sound familiar?

22 A Yes.

23 Q And was that done through the confidential  
24 source?

25 A Yes.

11

1 Q Was that conducted in the exact same manner  
2 as the previous controlled purchase in terms of the  
3 searching, the providing of the prerecorded funds,  
4 and the observation of the source?

5 A Correct.

6 Q And did the source also contact Mr. Sinanan  
7 then?

8 A Yes, he did.

9 Q All right. Where did this transaction take  
10 place?

11 A This -- the second transaction, I believe,  
12 took place at the shopping center across the way  
13 from Mr. Sinanan's residence.

14 Q Okay. Was surveillance set up at Mr.  
15 Sinanan's residence?

16 A Yes.

17 Q What, if anything, was observed prior to the  
18 transaction?

19 A Mr. Sinanan exited his apartment complex --  
20 the apartment building. We observed him leaving his  
21 door and walking across the street -- South 25th  
22 Street -- and meet with the CS in the parking lot.

23 Q All right. When he met with the CS, did he  
24 meet with him in person or in the CS's vehicle?

25 A In the CS's vehicle.

1 Q What, if anything, did you observe next?

2 A At that point, Mr. Sinanan got into the  
3 vehicle. He drove to the parking lot, drove to the  
4 bank, and then the CS drove out of the parking lot  
5 and dropped Mr. Sinanan off, approximately, maybe a  
6 half a block from his residence. Mr. Sinanan walked  
7 across the street back into his residence.

8 Q And was the confidential source ever observed  
9 meeting with anybody else?

10 A No.

11 Q Was anybody else in the source's vehicle?

12 A No.

13 Q What, if anything, happened next?

14 A At that point we met with the CS again at a  
15 predetermined location. He was searched. The  
16 vehicle and himself was searched. And two grams of  
17 cocaine were taken from the CS, which he stated he  
18 had just bought from Mr. Sinanan.

19 Q And, again, how was that cocaine packaged?

20 A The same way the first controlled purchase  
21 was. Clear vile with a cap on it.

22 Q And was the cocaine ever field tested?

23 A Yes.

24 Q Are you aware of the result?

25 A Yes. Positive for cocaine.

1 Q And is the amount of cocaine that was turned  
2 over to you consistent with the amount of  
3 prerecorded funds?

4 A Yes.

5 Q Was the prerecorded funds in that transaction  
6 also \$200?

7 A Yes.

8 Q Was there any other controlled purchases  
9 made?

10 A There was another one. This doesn't say it  
11 on it. I don't know the exact date.

12 Q Does August 31st of 2016 refresh your  
13 recollection?

14 A Yes.

15 Q And was this controlled purchase done in an  
16 identical manner as the first two?

17 A Correct.

18 Q And where did this controlled purchase take  
19 place?

20 A If I just -- can I just see the record.

21 THE COURT: Can you speak into the  
22 microphone, please.

23 THE WITNESS: Yeah. Can I just see it  
24 to refresh my recollection. I don't have the report  
25 here.

1 THE COURT: You may.

2 MS. DANCHAK: May I approach, Your

3 Honor?

4 THE COURT: You may.

5 BY MS. DANCHAK:

6 Q Just look up when you're ready.

7 A August 30.

8 MS. DANCHAK: May I approach, Your

9 Honor? I have the exact record.

10 THE COURT: You may.

11 BY MS. DANCHAK:

12 Q Does looking at that report refresh your

13 recollection where that controlled purchase took

14 place?

15 A Yes.

16 Q Where was that?

17 A It was at the Kmart again on South 25th

18 Street.

19 Q And that's the same parking lot as the first

20 controlled purchase?

21 A Correct.

22 Q Was surveillance set up prior to the

23 transaction?

24 A Yes.

25 Q All right. And was Mr. Sinanan observed

1 arriving at the location?

2 A Yes, he was.

3 Q And what was he observed in?

4 A Mr. Sinanan was driving his Ford SUV. Ford  
5 Explorer. That was the same vehicle he drove to the  
6 first controlled purchase.

7 Q Okay. And what, if anything, -- did the  
8 source arrive at that location?

9 A Yes.

10 Q And what, if anything, happened when the  
11 source and Mr. Sinanan were at that location?

12 A At that time, the source had met with Mr.  
13 Sinanan. Surveillance units observed Mr. Sinanan  
14 enter the Kmart. The source had also entered the  
15 Kmart. And they went into the bathroom -- the men's  
16 room of the Kmart. They were observed going into  
17 the bathroom together and leaving together.

18 Q And leaving together? Is that what you said?

19 A Leaving the bathroom, yes.

20 Q What happened after they were observed  
21 leaving the bathroom?

22 A At that point, both Mr. Sinanan and the CS  
23 had exited the store. And Mr. Sinanan got back into  
24 his Ford SUV, and the CS had gotten back into his  
25 vehicle.

1 Q And where, if anything, did the CS go next?

2 A At that point, the CS met with detectives  
3 back at a predetermined location. He was searched.  
4 The vehicle was searched. And the drugs -- the  
5 cocaine that he had purchased from Mr. Sinanan were  
6 turned over to us.

7 Q And how was that cocaine packaged?

8 A In a clear vile, just like the previous two.

9 Q And was it ever field tested?

10 A Yes.

11 Q What was the result?

12 A Positive for cocaine.

13 Q And was the amount that was turned over to  
14 you consistent with the amount of prerecorded funds?

15 A Yes.

16 Q And was that also, again, \$200?

17 A Correct.

18 Q So we have three controlled purchases all  
19 together, correct?

20 A Correct.

21 Q Total of six grams of cocaine, correct?

22 A Correct.

23 Q Total of \$600 in prerecorded buy money thus  
24 far?

25 A Correct.

1 Q Based on those controlled purchases, were  
2 search warrants ever sought?

3 A Yes.

4 Q And where were the warrants for?

5 A The warrants were for Mr. Sinanan's  
6 residence, 914 South 25th Street. And it was due to  
7 the fact that we had made three controlled purchases  
8 from Mr. Sinanan.

9 Q Anywhere else there was a warrant for?

10 A The garage. Well, the detached garage that  
11 Mr. Sinanan --

12 Q And do you recall the address of the garage?

13 A Off the top of my head, I don't. I know it's  
14 to the rear of Mr. Sinanan's apartment.

15 Q It's just not attached?

16 A Correct.

17 Q And when were those warrants executed?

18 A I think the date was November 4th.

19 Q And the date of execution of those warrants,  
20 was Mr. Sinanan encountered at his residence?

21 A Yes, he was.

22 Q What, if anything, happened during that  
23 encounter?

24 A At that time, Mr. Sinanan was observed by  
25 agents and TFOs for the DEA leaving his residence.



1 He had placed a black jacket -- big-bulky-black  
2 jacket -- to the rear of his blue Thunderbird. At  
3 that point the task force officers and agents  
4 approached Mr. Sinanan to try to detain him, and the  
5 black jacket was then thrown back onto the porch of  
6 his residence.

7 Q So, was the black jacket placed in the trunk  
8 of the Thunderbird?

9 A Correct.

10 Q And he took it out and then threw it towards  
11 the residence?

12 A Correct.

13 Q Was he taken into custody?

14 A Yes, he was.

15 Q Was he searched at the residence that you're  
16 aware of?

17 A He was searched back at our -- at the police  
18 department.

19 Q What, if anything, was found on his person?

20 A There was -- I believe \$204 was found on him.

21 And also clear viles that were consistent with the  
22 previous controlled purchases we had made from Mr.

23 Sinanan. As well as cocaine and two cell phones.

24 Q Okay. Let me back up a second. Do you  
25 recall how many viles?

1 A Without looking at the police report, I  
2 don't.

3 Q Does seven refresh your recollection?

4 A Yes, seven plastic containers.

5 Q With cocaine?

6 A Correct.

7 Q Okay. And you said two cell phones?

8 A Correct.

9 Q Did either of those cell phones ever turn out  
10 to be the number or one of the phones that was used  
11 during the controlled purchases?

12 A Yes, it was.

13 Q Do you recall which one?

14 A The LG cell phone with the number  
15 484-425-9526.

16 Q Okay. And just quick math for you. For the  
17 seven viles of cocaine that were found on his  
18 person, what was the approximate value of that  
19 cocaine?

20 A It would be consistent with \$700.

21 Q Was the jacket searched that was thrown?

22 A Yes.

23 Q What, if anything, was located in that  
24 jacket?

25 A Inside the jacket there was -- I'm sorry.

1 Marijuana. There were pills. And, I believe, there  
2 was cocaine, too. If I look at the report, yes. I  
3 believe, cocaine, marijuana, and also pills.

4 Q How many pills?

5 A 61 white rectangular pills, and 120 circular  
6 white pills.

7 Q Were those pills controlled substances?

8 A Yes.

9 Q Did you ever search the garage?

10 A Yes, we did.

11 Q What, if anything, was located in the garage?

12 A In the garage there was what's commonly known  
13 for us as Inositol. It's a cut for -- a lot of  
14 dealers cut it with cocaine to make the product more  
15 --

16 Q What, if anything, else was located in the  
17 garage?

18 A In the garage was a Honda -- a vehicle.

19 Q A Toyota?

20 A I'm sorry. It's a Honda -- or a Toyota, yes.

21 I'm sorry.

22 Q And where was the Ford pick up truck located?

23 A The Ford pick up truck was in the parking lot  
24 of Mr. Sinanan's residence in the apartment complex.

25 Q Were any personal documents located in the

1 garage?

2 A Yes. There was -- there were tax returns and  
3 also W2s and wage statement forms.

4 Q And who's name were they in?

5 A Mr. Sinanan's.

6 Q Was a K9 sniff conducted on any of the other  
7 vehicles?

8 A Yes.

9 Q What vehicles?

10 A K9 sniff was conducted of the Ford 150. it  
11 was done on the blue Thunderbird. And, I believe,  
12 the Ford -- I know it was done on the blue  
13 Thunderbird.

14 Q What about the Toyota Corolla?

15 A Yes. The dog did do his K9 sniff in the  
16 garage.

17 Q And were there any hits indicated on the  
18 Corolla?

19 A I believe there were no hits on that.

20 Q Through the course of your investigation from  
21 late July until November, was Mr. Sinanan observed  
22 operating all four of the vehicles in question?

23 A Mr. Sinanan was observed driving the Ford  
24 SUV, the Thunderbird, also the Ford 150.

25 Q And to your recollection were they all

1 insured?

2 A Yes.

3 Q Were they all operable?

4 A Yes.

5 Q Did you ever have cause, during the course of  
6 your investigation, to research Mr. Sinanan's  
7 employment history?

8 A Yes, we did.

9 Q And how did you do that?

10 A Through JNET. We can look up through a  
11 person's social security number and put it in, and  
12 you can get their W2 forms for the previous years.

13 Q Did you ever learn when he was last employed?

14 A Yes.

15 Q And do you recall when that was?

16 A I believe it was 2016 or '15. I'm sorry.  
17 2015, I believe. Without looking at the form. I  
18 know --

19 Q And is that The Department of Labor and  
20 Industry Employment query that you're referring to?

21 A Yes.

22 MS. DANCHAK: Your Honor, I'd like to  
23 have a document marked for exhibit. The  
24 Commonwealth exhibit one.

25 THE COURT: Okay. You may mark it.

1 MR. SINANAN: Your Honor, I'd like to  
2 object to that.

3 THE COURT: And the basis for the  
4 objection? I don't know what it is.

5 MR. SINANAN: Due to the basis that  
6 that's not a -- how would I say it. That wouldn't  
7 be a correct form of my work employment. It  
8 wouldn't -- it wouldn't show my correct work  
9 employment.

10 THE COURT: So, I guess, it's a best  
11 evidence objection. I don't know what it is. It's  
12 a copy of something. What is it?

13 MS. DANCHAK: It's a Department of  
14 Labor and Industry query that tells them the last  
15 dates of employment and what their wages were based  
16 on the quarterly submissions of employer.

17 MR. SINANAN: It's not a true  
18 statement.

19 THE COURT: Okay. There's an  
20 objection. So, how does it come in under the  
21 business record world? It seems like it's -- a  
22 third party obtained information from another source  
23 and then put it into a database. Does that make it  
24 admissible?

25 MS. DANCHAK: Your Honor, it directly

1 reflects the W2s and the W4s that were located in  
2 Mr. Sinanan's residence that are in evidence.

3 THE COURT: Well, the theory about how  
4 much income he made, whatever year that is, how  
5 critical is that to this inquiry?

6 MS. DANCHAK: Well, Your Honor, it  
7 demonstrates that he was not making -- employed.  
8 Nor did he have any funds for the last two years of  
9 which he was employed that would demonstrate --

10 THE COURT: I sat through the trial,  
11 and I heard that he had been dealing in cars a  
12 little bit. And he was doing some work with a  
13 friend of his on restoration of cars. But I was  
14 aware that he wasn't employed full time. I mean,  
15 that was part of the record made at the trial itself  
16 so we already know that.

17 MS. DANCHAK: Very well, Your Honor. I  
18 did not have a copy of the transcript, so --

19 THE COURT: Okay. I'm going to sustain  
20 the objection. I'm not going to allow it's  
21 admission.

22 MS. DANCHAK: Okay.

23 MR. SINANAN: Thank you.

24 MS. DANCHAK: With that, Your Honor, I  
25 have no additional questions.

1 THE COURT: Mr. Sinanan, do you have  
2 questions for this witness?

3 MR. SINANAN: Well, I would like to  
4 address The Court first. Your Honor, I put a motion  
5 in to stay this hearing due to the fact that we  
6 still have an appeal of the conviction going on. And  
7 that this hearing would be premature.

8 THE COURT: Well, this hearing is not  
9 premature. This is separate and independent from  
10 your conviction. It -- it doesn't require a  
11 conviction in order to forfeit property under the  
12 forfeiture statute. And that's basically a civil  
13 action where the district attorney can bring an  
14 action against you to forfeit your property, if they  
15 can show that the property was used or had a nexus  
16 to actual drug dealing.

17 Meaning, controlled substances under  
18 the drug act. And that's the only -- that's the  
19 only issue right now. It's not related to your  
20 conviction by the jury. It's whether or not this  
21 property was somehow used for the distribution of  
22 drugs.

23 MR. SINANAN: Very understandable,  
24 judge. And that brings me to the point of -- it's  
25 linked to the case due to the fact that it was off



1 of the drug convictions, which I was convicted of.  
2 Which are still in dispute and litigation. Due to  
3 the fact that they're linked to that, it taints  
4 that; therefore it's premature, and it needs to wait  
5 for the outcome of that to see if that allows these  
6 to be taken (sic).

7 THE COURT: You're request for a  
8 continuance is denied because this is a separate and  
9 independent matter.

10 MR. SINANAN: All right. So, I would  
11 like to proceed on.

12 THE COURT: You may. You may question  
13 the witness.

14 CROSS EXAMINATION

15 BY MR. SINANAN:

16 Q How you doing today?

17 A Good.

18 Q I have a few questions for you. This was a  
19 search warrant that you guys used to take the  
20 vehicles, right?

21 A What was that? I can't hear him.

22 THE COURT: There are two search  
23 warrants you testified --

24 BY MR. SINANAN:

25 Q Well, the one search warrant from November

1 4th. You used this to obtain access to those  
2 vehicles, right?

3 A We used a search warrant to get access to  
4 your vehicle?

5 Q Well, I mean, you can't just walk into  
6 somebody's house and take their vehicles. You need  
7 some type of paperwork to do that, right?

8 A We had a search warrant for your residence,  
9 correct.

10 Q Right. And on that search warrant, you have  
11 those vehicles on that warrant to be able to take  
12 those?

13 A To search them, correct.

14 Q To search them?

15 A Yes.

16 Q So, not to take them?

17 A Depending on what we find.

18 Q But you didn't find anything from your  
19 testimony. None of those vehicles had any drug  
20 paraphernalia or any drug anything in them; is that  
21 correct?

22 A That's incorrect.

23 Q Well, which vehicles had drugs or any  
24 contraband in them?

25 A The Thunderbird.

1 Q You never testified that it had contraband or  
2 any drugs in there?

3 A I said that there was a black jacket inside  
4 the vehicle.

5 Q Well, that was an assumption. You don't know  
6 if the black jacket was in the vehicle because you  
7 testified that the black jacket was on the porch.

8 A Correct. After you came out of the  
9 residence, it was in -- the trunk opened and the  
10 black jacket came out of the trunk, and as you were  
11 approached, the black jacket was then thrown onto  
12 the porch.

13 Q So, is it your testimony that you're the one  
14 that seen me throw this black jacket and put it in  
15 the Thunderbird and then put it on the porch? Is  
16 that -- you're the one that actually seen it?

17 A No. I'm not saying that.

18 Q Okay. Well, then I would think that the  
19 person that actually seen that would need to be here  
20 to explain that and make that a factual issue with  
21 proof because you're -- it's hearsay that you're  
22 saying that that happened.

23 And this search warrant has none of  
24 those vehicles on it for you to have taken it. You  
25 have to be pacific about everything that you take in

1 the search warrant to be able to take stuff. You  
2 can't just rummage through somebody's house and take  
3 whatever you want. It has to be on the search  
4 warrant. But, you know.

5 I want to go to your actual affidavit  
6 of the forfeiture hearing of the forfeiture. Do you  
7 recognize this affidavit? Because I believe, you  
8 put it -- you and Faasuumalie made this. It's an  
9 affidavit for forfeiture for all the vehicles and  
10 the money.

11 MS. DANCHAK: Your Honor, may I ask to  
12 see what document he's referring to?

13 THE COURT: He's asking about the  
14 affidavit of probable cause for the search warrant.

15 MR. SINANAN: Yes. Do you want to see  
16 it?

17 MS. DANCHAK: Yes.

18 Your Honor, this is the petition for  
19 forfeiture filed by attorney Kris Blake.

20 MR. SINANAN: Okay. But this is --

21 THE COURT: Well, the question though  
22 is did he prepare the affidavit of probable cause  
23 for the search warrant; is that correct?

24 MR. SINANAN: Yes, for this affidavit.

25 THE COURT: Did you prepare the

1 affidavit?

2 THE WITNESS: For the forfeiture, I  
3 did. Not for the search warrant.

4 THE COURT: So, you signed the  
5 affidavit for the pleading itself? You did not  
6 prepare the search warrant affidavit?

7 THE WITNESS: That is correct.

8 BY MR. SINANAN:

9 Q So, this is your work of preparing this  
10 affidavit of the forfeiture hearing?

11 A Correct.

12 Q So, under this affidavit of forfeiture  
13 hearing it says unsworn falsification, right? That  
14 means that everything that's in there is true to  
15 your knowledge and factual -- on the factual basis?

16 A Right.

17 Q And you prepared this?

18 A Right.

19 Q And Faasuamalie also signed off on this as  
20 well, correct?

21 A Correct.

22 Q So, basically anything in here is true,  
23 right?

24 A I don't want to --

25 MR. SINANAN: Can he have this so he

1 can look at it?

2 THE COURT: He can. Do you have a copy  
3 of the pleading?

4 MS. DANCHAK: Yes, Your Honor. I just  
5 got it right now.

6 THE COURT: Let him have a copy of the  
7 pleading. Let Mr. Sinanan keep his so he can use  
8 his.

9 MR. SINANAN: Thank you.

10 BY MR. SINANAN

11 Q Can you please turn to paragraph JJ of that  
12 affidavit?

13 MS. DANCHAK: Which paragraph, sir?

14 MR. SINANAN: JJ. Capital J-J.

15 THE WITNESS: Capital J-J?

16 BY MR. SINANAN:

17 Q Well, that's how you have it marked here, JJ.  
18 That's the paragraph that you have marked here.  
19 It's underneath II. I mean, you marked these  
20 paragraphs this way.

21 A No, this isn't --

22 THE WITNESS: I'm sorry, Your Honor,  
23 this is from Attorney Kris Blake. This was prepared  
24 by Kris Blake.

25 THE COURT: Right. But attached to it

1 is a verification signed by you. And the question  
2 is whether or not the information contained in the  
3 pleading that was verified by you is true and  
4 correct.

5 THE WITNESS: Correct.

6 THE COURT: And I believe you said to  
7 the best of your knowledge?

8 THE WITNESS: Correct.

9 THE COURT: Okay. All right. So he  
10 asked you, specifically, about subparagraph JJ,  
11 which appears on -- let's see what page of the  
12 document -- seven. It's not numbered seven, but  
13 it's on page seven, paragraph JJ. I'll read it to  
14 you.

15 On or about November 4, 2016, Detective  
16 Faasuamalie and Detective Lear and other members of  
17 the Palmer Township Police Department and Wilson  
18 Borough Police Department executed a valid arrest  
19 warrant for Sinanan at the residence located at 914  
20 South 25th Street, Wilson, Northampton County,  
21 Pennsylvania.

22 Is that the paragraph, sir?

23 MR. SINANAN: Yes, sir.

24 BY MR. SINANAN:

25 Q Would that be correct? Is that a true

1 statement under unsworn falsification?

2 A November -- that wouldn't be correct.

3 Q So, basically you guys arrested Mr. Sinanan,  
4 which is me, on November 4th with a valid arrest  
5 warrant at 914 South 25th Street? That's correct?  
6 Is that what you're saying?

7 A We had a search warrant for your residence.

8 Q Well, it says a valid arrest warrant.

9 A We look --

10 Q Okay. Did you guys have an arrest warrant  
11 when you came that day on November 4, 2016?

12 A That would be Detective Faasuamalie. I don't  
13 believe he had one.

14 Q I mean, you wrote this up though. This is  
15 something that you wrote up, so I want to make sure  
16 that everything is true and correct in this  
17 affidavit of sworn -- make sure that everything is  
18 correct because this is what you used to initiate  
19 the forfeiture of these cars. And November 17th --  
20 this affidavit was written on November 17th. That  
21 means it was only a couple days after the arrest, so  
22 therefore your memory should be a lot better than it  
23 would be now.

24 With the paperwork in front of you  
25 under unsworn falsifications. So number paragraph



1 JJ states a valid arrest warrant at 914 South 25th  
2 Street; is that correct?

3 A We did not have an arrest warrant. We had a  
4 search warrant.

5 Q So this would be incorrect?

6 A The arrest warrant part would be incorrect.  
7 It should be search warrant.

8 Q Okay. But it says arrest warrant, doesn't  
9 it?

10 A Correct.

11 Q So it's incorrect then?

12 A Right.

13 Q I just want to make sure that it is incorrect  
14 because you said it was correct and now you're  
15 saying it's incorrect. Just let's get that clear.  
16 Let's make sure that's clear.

17 A I just said, yes, it should be a search  
18 warrant.

19 Q So, it's incorrect then?

20 A Correct.

21 Q Let's move on. We're going to go to  
22 paragraph 00 which is on the next page. Can you  
23 read that paragraph to me, sir? Can you read that  
24 paragraph?

25 A Yes, I read it.

1 Q Is that paragraph correct?

2 A From the report that would be -- I wasn't  
3 there. I was not there.

4 Q I'm not asking you that. I'm asking you is  
5 this correct on this paper? On this document that's  
6 unsworn falsification? Is that paragraph correct?  
7 Did you write this? Is it correct? Is it true to  
8 your knowledge that it's correct? Read it out loud  
9 if you have to.

10 A I did not write this entire --

11 Q So, what I'm asking you -- not to argue with  
12 you. I want to speak and then you can speak, but  
13 I'm basically asking you -- I'm not trying to badger  
14 you or anything like that -- from your knowledge, is  
15 that information that's on that paragraph 00; is it  
16 correct?

17 A To my knowledge, yes, that is correct.

18 Q Okay. So if that's correct, right? This is  
19 a search warrant, right? Which is a legal document.  
20 This search warrant clearly states that 11:20 you  
21 guys got this search warrant for to search that  
22 residence. Okay?

23 Now, this also states that I was arrested at  
24 9:30 and brought to the police station. Now, I want  
25 to show you a document because I want to clear this

1 up as far as my own understanding. Because you made  
2 this document, and I haven't shown you and it has  
3 not been presented in evidence. Because it is a  
4 legal document. Because it was drawn up. Let me  
5 find it real quick. Can he see this document? Can  
6 you explain this document to --

7 THE COURT: What document is it, sir?

8 MR. SINANAN: It's a Palmer Township  
9 Police Incident Report Form. And it was drawn up by  
10 you because your name is all over it. So maybe you  
11 can explain this document to me so we can satisfy my  
12 understanding of the arrest warrant and --

13 THE COURT: Do you have a copy of that  
14 document, counsel?

15 MS. DANCHAK: I do not. May I look at  
16 it?

17 THE COURT: You may. Do you have a  
18 copy of that?

19 MS. DANCHAK: I don't have a copy.

20 THE COURT: All right. Well, then show  
21 it to the witness. Have it marked.

22 (D-1 was marked for identification.)

23 THE COURT: All right. Do you  
24 recognize that, officer?

25 THE WITNESS: Yes. It's the cover

1 sheet for our incident reporting system at the  
2 township.

3 THE COURT: Okay.

4 BY MR. SINANAN:

5 Q Can you explain the purpose of the meaning  
6 for that to be on paper and legally blinding?

7 A I don't understand. Can you repeat?

8 Q Can you explain what it means? What's the  
9 purpose of that document?

10 A This is just an incident report.

11 Q Okay. And what is -- what's the purpose of  
12 it? On that piece of paper there that you have in  
13 front of you?

14 A To document incidents that occur.

15 Q It has times and dates on it as well, right?

16 A Correct.

17 Q Okay. What time -- what are the times for  
18 that as being recognized on that paper? What's the  
19 meaning of it?

20 A The times that officers were at the scene.

21 Q Okay. But what time is it then?

22 A I have 0900.

23 Q Okay. So it was 0900, right?

24 A Yes.

25 Q Is that at 9:00, I believe?

1 A Yes.

2 Q I'm not in the Army, but I believe that's  
3 9:00?

4 A Yes.

5 Q Okay. The search warrant was obtained at  
6 11:20, right? Do you remember that?

7 A If that's what time -- I don't have the  
8 search warrant. I didn't get it signed. I --

9 Q I have it here.

10 A I'm not the affiant. I have no clue.

11 Q But we're going to go over the times  
12 therefore we can understand that the paragraph 00 is  
13 correct and in true form.

14 A I don't understand.

15 MS. DANCHAK: At this point I'm going  
16 to object to the relevance.

17 MR. SINANAN: Well, the relevance is  
18 this --

19 THE COURT: Just stop. Everybody stop.  
20 I understand what's happening. There are  
21 misstatements in the pleading that ADA Blake  
22 prepared. That is not consistent with what actually  
23 happened.

24 One of the points that Mr. Sinanan's  
25 making is that at the time that he was arrested and

1 detained, they hadn't applied for the search  
2 warrant. They took him from the scene, they  
3 prepared a search warrant, had it signed, and then  
4 went back to the house later. That's the testimony  
5 that was at the trial.

6 So, Ms. Blake was not part of the  
7 trial, so she didn't hear the testimony. But I  
8 understand what -- his point is that there's  
9 allegations in the forfeiture action that aren't  
10 true and correct, and he wants to point that out.  
11 And Officer Lear's signature as a person who  
12 reviewed it and verified that the information was  
13 true and correct to the best of his ability either  
14 missed that or didn't have that information and  
15 didn't know. Which, it's okay. I mean he reviewed  
16 it and he thought it was correct and he signed it.  
17 Mr. Sinanan's pointing out that it's not correct.

18 MR. SINANAN: Well, I think that was a  
19 good way of putting it, Your Honor, but that's not  
20 the only thing I'm trying to point out. I'm trying  
21 to point out that he defrauded the situation by  
22 typing it up knowing that it was incorrect. If he  
23 didn't know the information --

24 THE COURT: Well, his testimony was he  
25 didn't type this up. That the district attorney who

1 signed the pleading, and her name is Kristine Blake  
2 -- it's on the last page of the pleading -- she's  
3 the person who typed it up and then asked him to  
4 sign the verification and he signed the  
5 verification.

6 MS. DANCHAK: Your Honor, may I just  
7 interject for one second. Those verifications get  
8 attached to a request for forfeiture, and they get  
9 attached to the police report. The petition is  
10 never given to the officer to review afterwards.

11 THE COURT: Well, then why would you  
12 put a verification on the petition? Because the  
13 verification is verifying the facts in the petition?  
14 That doesn't make any sense.

15 MS. DANCHAK: It's verifying the facts  
16 of the forfeiture. The petitions are never given to  
17 the officer to review to make sure that the facts  
18 that are typed in are correct. My guess is Kris  
19 Blake had a typographical error when she said arrest  
20 warrant verses search warrant.

21 THE COURT: That's not true, counsel.

22 I, Officer Detective Lear, of the  
23 Palmer Township Police Department hereby state that  
24 the facts averred in the foregoing petition for  
25 forfeiture and condemnation are true.

1                   That's what the verification says, so  
2   it infers that he reviewed it and he verified that  
3   the facts were correct. There may be facts that are  
4   misstated. He said that instead of an arrest  
5   warrant there was a search warrant. He also didn't  
6   know whether or not they had a search warrant at the  
7   time they were at the house initially at 9:00  
8   because he didn't do that. Detective Faasuumalie  
9   did that.

10                  I mean, and he testified as to  
11   everything that happened. So the document prepared  
12   by ADA Blake has some minor inconsistencies or, Mr.  
13   Sinanan wants to say, falsehoods. But the fact that  
14   it infers that the search warrant was available at  
15   9:00 when he was detained, I think even Detective  
16   Lear will acknowledge that that's not accurate.  
17   That the search warrant wasn't available until after  
18   they went back to the station after they detained  
19   Mr. Sinanan, prepared the search warrant, and then  
20   they went back to the house; is that correct?

21                  THE WITNESS: That's correct.

22                  THE COURT: Yeah. And Mr. Sinanan  
23   wants to point that stuff out and he can.

24                  MS. DANCHAK: Do you want me to give  
25   the detective a copy of the search warrant so he can



1 see the times?

2 THE COURT: I don't know. Do you need  
3 anything right now? There's no question in front of  
4 you right now.

5 THE WITNESS: No. I think what Mr.  
6 Sinanan -- just because it says 900 on here -- 0900  
7 doesn't mean that the search warrant or arrest  
8 warrant was activated at 0900.

9 The times are -- if for instance -- if  
10 we are sitting on an investigation at a known  
11 residence, we may sit there for five hours before we  
12 arrest somebody. We don't put the time of the  
13 arrest, we put the time that we started the  
14 conduction of the surveillance or the investigation.  
15 That's what the time -- that's the time that this  
16 incident started, which is why it's 0900. It's not  
17 when the search warrant was obtained or arrest  
18 warrant. That's not how it works.

19 MR. SINANAN: Brent Lear, that was well  
20 put. And I like that you put that there. You know  
21 why? Because you didn't have this search warrant  
22 issued until I was already at the police station  
23 because you was there, right?

24 A I understand that.

25 Q No, but I'm asking you that because you put

1 that very well. You're basically saying that we  
2 were there on scene at 9:00 and that we could have  
3 got this and brought in the search warrant and made  
4 the satisfaction of 00 paragraph and make that true.  
5 Because on the 00 paragraph, you have not put on  
6 record that it states that we approached Mr. Sinanan  
7 standing outside his house with a valid search  
8 warrant. That's what it says in the paper.

9 That's the point that I'm trying to  
10 make. These are misstatements that I believe to be  
11 big misstatements because that gives you  
12 jurisdiction to do what you're doing. It gives you  
13 justification to do what you're doing to get this  
14 stuff. And those things were being pointed out for  
15 a reason.

16 A Again, I didn't write it.

17 Q But you just explained to me in detail what  
18 you thought about what I was saying. And how it  
19 should be looked at in a different light. And  
20 that's not what I was saying. It was nice that you  
21 said that.

22 THE COURT: Mr. Sinanan is stating  
23 argument, officer. Just wait until he asks you a  
24 question and you should answer his question as best  
25 you can.

1 MR. SINANAN: Thank you.

2 BY MR. SINANAN:

3 Q Next question I would like to ask is this  
4 search warrant never put any of these vehicles -- it  
5 has none of those vehicles stated in it, so  
6 therefore what legal grounds did you guys have to  
7 take those vehicles away from my house?

8 A You're asking me about something I didn't --  
9 I'm not the affiant on the search warrant. That's  
10 not my --

11 THE COURT: Let me help out a little  
12 bit here. If I understand correctly, you had a  
13 search warrant for the house and the garage. After  
14 you conducted the search warrant, you took the  
15 vehicles. I guess they were towed away; is that  
16 correct?

17 THE WITNESS: That is correct.

18 THE COURT: So, you provided Mr.  
19 Sinanan with some type of receipt for the vehicles  
20 and the other property that was taken? There should  
21 be a receipt for the seized property; is that  
22 correct?

23 MS. DANCHAK: Your Honor, I was not  
24 part of the criminal case. I don't have a copy of  
25 the search warrant or inventory list.

1 THE WITNESS: It would be part of the  
2 inventory list.

3 THE COURT: Well, the inventory is a  
4 list of the property that's seized?

5 THE WITNESS: Correct.

6 THE COURT: All right. On the search  
7 warrant, they don't list the property that's to be  
8 seized. It's the receipt for the property that's  
9 taken that's filed after the search warrant's  
10 completed and the property is taken that  
11 demonstrates what was taken from the house.

12 So there won't be \$204. And there  
13 won't be the seizure of the personal property that  
14 they took which included the automobiles in the  
15 search warrant itself. That's in the inventory  
16 which is a receipt of the property that was taken.

17 MR. SINANAN: Well, that brings me all  
18 the way back to the beginning, Your Honor. Because  
19 that's the whole reason why this hearing would be  
20 premature because it's still in litigation about the  
21 facts that actually brought the police to the actual  
22 residence to do what they did. And also they had no  
23 arrest warrant when they did, therefore everything  
24 that stemmed after the arrest warrant -- after the  
25 illegal arrest is all fruit of the poisonous tree

1 which is still in litigation to appeal.

2 THE COURT: And Mr. Sinanan, I  
3 understand your argument. But it doesn't require --  
4 this is a separate and independent event from your  
5 trial and your conviction. I'm telling you that  
6 that's what it -- this goes forward. We're going to  
7 complete this. This will be a separate matter.

8 If you don't like what happens here,  
9 you can appeal. And you can raise all these issues  
10 if you want to. That's okay.

11 MR. SINANAN: So my question then, Your  
12 Honor, what is the basis of this? What is the  
13 grounds that give them the right to have a  
14 forfeiture hearing in the first place?

15 THE COURT: Well, that'll be detailed  
16 in my opinion because the requirement is, under the  
17 forfeiture act, that they demonstrate a nexus  
18 between the property that's sought to be forfeited  
19 and the illegal drug dealing that's alleged.

20 So, I understand what my obligation is.  
21 I understand what their obligation is. And I think,  
22 so far, I understand what your defense is. But if  
23 you have more questions for Officer Lear, you may  
24 ask those. And if not, I'll hear from you with  
25 regard to your testimony and your argument.

1 BY MR. SINANAN:

2 Q Well, my question to you is, you said that  
3 these incidents happened on three different  
4 occasions; is that correct?

5 A On three different occasions?

6 Q Yeah. These so-called drug deal actions?

7 A Correct.

8 Q You were on scene at these incidents when  
9 they occurred?

10 A Correct.

11 Q And the purpose of it was to make controlled  
12 buys, from my understanding of what you said?

13 A Correct.

14 Q And you guys used different tactics and  
15 different procedures of how you guys went about  
16 executing these different controlled buys? And I  
17 remember you saying that you used surveillance. I  
18 remember that it was phone calls being made. Did  
19 the surveillance -- is this video surveillance or is  
20 it just sight surveillance? Natural eye  
21 surveillance?

22 A It would be both.

23 Q So, you had video surveillance? And I know  
24 -- I was at the trial, and I remember that you guys  
25 had surveillance from the Kmart.

1 A Correct.

2 Q And that would be the surveillance that  
3 you're referring to?

4 A Correct. That I'm referring to, yes.

5 Q So, in that surveillance it basically put  
6 your CI at the scene and me at the scene as well to  
7 basically show that we know each other as well,  
8 right? I mean, the surveillance, did it show any  
9 criminal activity? That's basically what I'm  
10 saying.

11 A Are you asking did the video from the Kmart?

12 Q You remember the video from the Kmart because  
13 you went and got the video from the Kmart a couple  
14 days after it supposedly happened. After stuff here  
15 that proves it, right?

16 A Correct.

17 Q So, what I'm saying is from your recollection  
18 of what happened on this video, was there any  
19 criminal activity taped on this video that gives it  
20 substance other than contact between the two  
21 individuals?

22 A No.

23 Q So, there was no criminal activity and no  
24 hand to hand? No drugs on this video, right? I'm  
25 asking. I'm trying to make that clear.

1 A There were no hand to hands on the video.

2 Q So, the video was basically just used for  
3 contact? The purpose of it was to show contact  
4 between the two individuals?

5 A To show that you guys met, correct.

6 Q Right. So that's it. And then, also, I  
7 remember from testimony that you said that you were  
8 also brought into the store and you was there to  
9 witness it physically with you?

10 You're the only one that was in the store  
11 when this occurred on these two different occasions  
12 as far as the store, correct?

13 A Correct.

14 Q Okay. Now, when you were there, did you see  
15 anything as far as illegal contact or hand to hand  
16 or drugs being passed off or anything like that?  
17 Since we don't have the video to prove any of that.  
18 Did you see it?

19 A I did not.

20 Q So, you didn't see any drug -- drug hand-off?  
21 Nothing? Nothing illegal? No criminal activity?

22 A That's correct.

23 Q Okay. So, you also said that we had phone  
24 conversations that were made prior to these  
25 meetings. And in these phone conversations, was



1     there any criminal activity as far as verbal, you  
2     know, drug -- verbal drug --

3     A         I don't have access to those records.

4     Q         But we both was at trial. I mean, I was.

5     A         I was sequestered, so I wasn't in the entire  
6     trial.

7     Q         Well, I'm going to put on record that from my  
8     understanding and being at the trial, there was  
9     none. There was no criminal activity or nothing.

10    A         I know you're asking me a question that I  
11    can't answer. I wasn't there.

12    Q         So, basically, what I'm saying is through all  
13    that surveillance and through all that controlled  
14    buys, the only criminal activity that you got was  
15    from an informant that you guys had later after the  
16    meetings that he supplied you with information?  
17    That the only criminal action or activity of those  
18    three meetings is what he supplied you guys as far  
19    as information; is that fair? Is that true?

20    A         No.

21    Q         Well, what other criminal activity?

22    A         Well, he supplied us with drugs.

23    Q         That's what I just said.

24    A         I'm sorry. I can't hear you.

25    Q         Well, the only criminal activity you guys had

1 was what he supplied you after these so called  
2 meetings? Other than that, you had nothing? You  
3 only relied on the CI himself for the criminal  
4 information that you received was only due through  
5 him? It wasn't through a surveillance camera, a  
6 phone record, your observation through your eyes  
7 from being on the scene? The only information --

8 A I'm not saying there's nothing in those phone  
9 records because I just told you I --

10 Q I'm telling you that there's nothing. But  
11 I'm asking you from your recollection -- you gave a  
12 full statement about these incidents. And the  
13 reason I'm doing this is because you talked in  
14 detail about these incidents, and you're the only  
15 one here. Everybody else --

16 THE COURT: Listen. Listen. Let me  
17 help out here because I think the two of you can  
18 agree on this. I sat through the trial.

19 MR. SINANAN: Right.

20 THE COURT: The three hand -- the  
21 alleged three hand-to-hand transactions occurred  
22 between Mr. Sinanan and the confidential informant  
23 outside the view of anyone, including video. One  
24 allegedly occurred in the bathroom of the Kmart,  
25 based on the confidential informant's testimony at

1 trial. The other hand to hand was inside the car, I  
2 believe, when they were in the parking lot. And I  
3 forget -- I think the other one was inside a car  
4 too, I believe. But it could be inside the store.

5 No one -- no law enforcement person saw  
6 the actual hand-to-hand transaction; is that  
7 correct?

8 THE WITNESS: That is correct.

9 THE COURT: You relied on the testimony  
10 and the statements of the confidential informant to  
11 produce that evidence at trial?

12 THE WITNESS: And our observations.

13 THE COURT: Well, yeah. You saw him go  
14 to the Kmart. You saw the confidential informant.  
15 They were on video inside the Kmart. He came back  
16 and gave you drugs, so there was information that  
17 you used to corroborate some of the statements.

18 But the actual transaction itself was  
19 outside the view of anyone in law enforcement?

20 THE WITNESS: Correct.

21 MR. SINANAN: Okay. Thank you, Your  
22 Honor, that was pretty good. I'm trying to get it  
23 through, but I got so much --

24 THE COURT: I thought the two of you  
25 would agree on that.

1 BY MR. SINANAN:

2 Q Now, back to that -- now, what I'm leading  
3 that up to is your confidential source. You came  
4 about this confidential source on how? How did you  
5 come about this confidential source?  
6 Was this the first time you ever used this  
7 confidential source?

8 A That I particularly used him, yes. I have no  
9 idea if the confidential source -- it wasn't my  
10 case. It was Detective Faasuamalie's case.

11 THE COURT: Detective Faasuamalie  
12 testified that he observed -- he was observing you  
13 before he met the confidential informant. And he  
14 believed that the confidential informant, after he  
15 left your presence, may be of some assistance. So  
16 he stopped the confidential informant. If you  
17 recall both the testimony of Faasuamalie and the  
18 confidential informant that prior to these three  
19 hand-to-hand transactions, Faasuamalie stopped the  
20 confidential informant. He had drugs, and the  
21 confidential informant gave him information that led  
22 him to believe that the confidential informant got  
23 the drugs from you.

24 So, thereafter, Faasuamalie asked the  
25 confidential informant to cooperate with the

1 investigation and set up the three buys that  
2 Detective Lear talk about.

3 MR. SINANAN: Perfect. Good. That was  
4 awesome.

5 THE COURT: That was just at the trial.  
6 We know that. Detective Lear wasn't part of that  
7 though.

8 MR. SINANAN: Right. But this is why  
9 the trial was -- okay. That was good what you said.

10 Now, Faasuamalie testified prior to the  
11 trial that somebody walked in off the street and  
12 decided that they wanted to tell Faasuamalie about  
13 me selling drugs. But in the trial, Faasuamalie  
14 said that he was the only person that ever been  
15 presented to him to say anything about drugs. So,  
16 Faasuamalie's testimony was perjury because I have  
17 transcripts to prove that. And if I would have the  
18 trial transcripts, I would prove that as well. But  
19 I was there at the trial.

20 So, I'm glad that you said that he  
21 established the CI that way because in trial he said  
22 that the CI was the only one that brought this  
23 information to him. When in prior hearings, he said  
24 somebody walked in off the street at a suppression  
25 hearing, and brought this information to him. And

1 then he established a CI off of that information.

2 And then I went and had to go get the  
3 Bethlehem Police Report that establishes that I know  
4 who this was that did this because they're in this  
5 police report right here. So, therefore all the  
6 testimony that Faasuamalie has given -- his  
7 credibility has been under perjury.

8 THE COURT: Quite frankly, I think that  
9 your statement corroborates Detective Faasuamalie's  
10 testimony because Detective Faasuamalie testified at  
11 trial that he had prior knowledge about you and that  
12 he was surveilling you and that was how he learned  
13 of the confidential informant that he stopped. And  
14 the confidential informant was the person who  
15 testified at trial. I think that's what  
16 Faasuamalie's testimony was.

17 MR. SINANAN: Right. And Faasuamalie's  
18 testimony was perjury because I asked to have the  
19 person that initiated this testify in trial because  
20 of my right of my accuser and they turned it around.  
21 And I subpoenaed this information, and my lawyer did  
22 not do anything about it. He just ignored it.

23 And this person was not brought forward  
24 to prove that this whole thing has been fabricated.  
25 And that this person had malicious intent to prove

1 to these police officers that I was selling drugs.  
2 And this person also lived around the corner from my  
3 house.

4 THE COURT: All right. Mr. Sinanan,  
5 right now you're sort of conflating your conviction  
6 with what we're doing today.

7 MR. SINANAN: But the whole incident is  
8 -- okay. The three sells were part of the  
9 conviction; am I correct?

10 THE COURT: They were, yes.

11 MR. SINANAN: So, the three sells are  
12 injected into this forfeiture hearing because  
13 they're a part of the conviction. Therefore that's  
14 why I wanted to have this stayed. Because it's  
15 premature due to ongoing litigation of the appeal.

16 THE COURT: Okay. Well, your argument,  
17 I think, is well stated and it's in the record.  
18 I'll consider that when, you know, I look at the  
19 entire record on this and I have to make my  
20 decision.

21 MR. SINANAN: Yes.

22 THE COURT: Okay.

23 MR. SINANAN: Another thing, Your  
24 Honor, is these guys -- they came to this house.  
25 They arrested/detained -- warrantless arrest. We

1 have different understandings of what took place  
2 that day. They took me from my property. We --  
3 they said that they had arrest warrants and  
4 beginning paperwork. They have applications here  
5 for arrest warrants that -- never produced any  
6 arrest warrants.

7 So, the whole thing was unlawful due to  
8 the fact that they used information from August --  
9 these three incidents -- to make an arrest or  
10 detainment in November without any probable cause.  
11 And the throwing of a bag or anything like that  
12 doesn't show any criminal activity at my house. If  
13 I throw a ball on the porch, that doesn't make a  
14 probable cause to make an arrest.

15 THE COURT: All right. I understand  
16 what your argument is right now. But, again, that's  
17 your argument about the conviction and the arrest  
18 itself.

19 MR. SINANAN: But it all links together  
20 because the arrest was bad.

21 THE COURT: Well, it differently links  
22 together because if they could not demonstrate a  
23 nexus between property and drug dealing, they  
24 couldn't bring this forfeiture.

25 So, they're relying upon their



1 investigation about your alleged drug dealing to  
2 support the forfeiture petition. So, they are  
3 interwoven, but they're separate matters. And  
4 they're looked at separately, and they have separate  
5 records..

6 MR. SINANAN: So, my understanding  
7 would be this, Your Honor, not to keep beating a  
8 dead horse. If I wasn't found guilty of those  
9 charges, would they still have a right for the  
10 forfeiture hearing?

11 THE COURT: They could still bring the  
12 forfeiture, yes. Even if you were found not guilty,  
13 they could still bring the forfeiture because  
14 they're separate and independent. And it's a lower  
15 standard.

16 The standard that the DA has to prove  
17 for forfeiture because it's a civil matter is not  
18 the high standard of proof beyond a reasonable  
19 doubt. Because it is, as I said before, separate  
20 and independent matters.

21 MR. SINANAN: Well, my thing would be  
22 then the affidavit for probable cause for the  
23 forfeiture hearing I would say has misstatements  
24 under Franks vs. Delaware. And I ask that it gets  
25 thrown out due to the fact that these misprints and

1 these statements.

2 THE COURT: Okay. I understand that  
3 argument.

4 MR. SINANAN: Thank you. I have no  
5 further questions.

6 THE COURT: No further questions? All  
7 right. Do you have any questions -- I'm sorry. Do  
8 you have any testimony you want to give me apart  
9 from what you've already talked about.

10 MR. SINANAN: Well, Your Honor, I have  
11 the record here. He gave testimony earlier, and I  
12 just want to put it on the record because --

13 THE COURT: You may.

14 MR. SINANAN: He said that the drugs  
15 that they so-called found in this bag or this jacket  
16 that was thrown on the porch. He gave an incorrect  
17 count.

18 So, I would like to the put it on  
19 record from his own paperwork that it was; 51 grams  
20 of cocaine; 78 grams of MDMA, which he left out; 213  
21 pills, which I was actually sentenced to 215 pills,  
22 so that was incorrect; 61 pills of Xanax; and the  
23 213 was Oxycodone; and 182 grams of suspected  
24 marijuana. And he left all of this out in his  
25 testimony.

1                   And I ask that this hearing be in my  
2 favor due to the fact that they didn't bring any of  
3 these people that -- to justify or to bring these  
4 issues to understanding under this unsworn  
5 falsification of this document. They only brought  
6 Detective Lear, and I think Faasuamalie should have  
7 brought his presence here. And the guy that seen  
8 the jacket being thrown because this is all hearsay  
9 through testimony that he has no knowledge of.

10                   THE COURT: Okay. I understand that  
11 argument.

12                   MR. SINANAN: Thank you, sir.

13                   THE COURT: Is there anything else?

14                   MR. SINANAN: No, sir.

15                   THE COURT: All right. Okay. Mr.  
16 Sinanan, I'm going to send you back to the  
17 Department of Corrections. I would guess you  
18 probably want to get back there as soon as possible.

19                   MR. SINANAN: Yes, sir.

20                   THE COURT: You have an outstanding  
21 Statement of Matters Complained of on Appeal that  
22 you need to file.

23                   MR. SINANAN: It's already filed.

24                   THE COURT: Is it filed? I just --  
25 because I will give you additional time if you need

1 additional time to do that, but you say you've  
2 already filed it?

3 MR. SINANAN: Yeah, I filed it.

4 THE COURT: That's fine. Okay. Then  
5 we're finished for now. You'll get my decision on  
6 this matter. Do you want to file a brief?

7 MS. DANCHAK: Sure, Your Honor.

8 THE COURT: All right. I'll give you  
9 10 days.

10 THE COURT: Do you want to the file a  
11 responsive brief?

12 MR. SINANAN: Would it be off of her  
13 brief?

14 THE COURT: Yes. After you get hers.

15 MR. SINANAN: Yes, sir.

16 THE COURT: I'm going to ask for her  
17 brief in 10 days. She's going to serve it on you,  
18 and then I'll give you 30 days thereafter because of  
19 the mailing and all that other stuff to get it done.

20 MR. SINANAN: I appreciate that, Your  
21 Honor. Thank you so much.

22 MS. DANCHAK: Your Honor, may I just  
23 ask two questions of Detective Lear based off of his  
24 statements, so I can clarify the record for my  
25 brief?

1 THE COURT: You can. But I was at the  
2 trial. I mean the record is pretty clear. You can  
3 just move in the entire -- I'm going to take  
4 judicial notice of the trial, but you can move in  
5 the record. Mr. Sinanan's also relying on the  
6 record as well to support his argument here.

7 MS. DANCHAK: We did not receive a copy  
8 of the transcript from the trial just yet. So  
9 that's why I didn't present that for today.  
10 Otherwise it would have been shorter.

11 THE COURT: All right.

12 MR. SINANAN: Excuse me, Your Honor, I  
13 think he has a paper. Do you have one of my papers?

14 MS. DANCHAK: The petition I gave him  
15 was mine.

16 THE COURT: That was an exhibit. We're  
17 going to make that part of the record, I think.

18 MR. SINANAN: Okay. Yeah. I just  
19 wanted to make sure you had it.

20 THE COURT: Yeah, we have that.

21 MR. SINANAN: Thank you.

22 THE COURT: You're welcome.

23 (The proceedings concluded.)

24

25

CERTIFICATION

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I.

I hereby certify that the proceedings are  
contained fully and accurately in the notes taken by  
me in the above cause, and that this is a correct  
transcript of the same.

Date: \_\_\_\_\_, 2018

\_\_\_\_\_  
Stacey Jacovinich  
Official Court Reporter

II.

The foregoing record of the proceedings in the  
within matter is directed to be filed.

Date: \_\_\_\_\_, 2018

\_\_\_\_\_  
Stephen G. Baratta, President Judge