

IN THE COURT OF COMMON PLEAS
YORK COUNTY, PENNSYLVANIA

COMMONWEALTH OF
PENNSYLVANIA

v.

\$14,611.00 U.S. Currency and Six (6)
"Pennsylvania Skill" Video Gambling
Devices,

Defendant

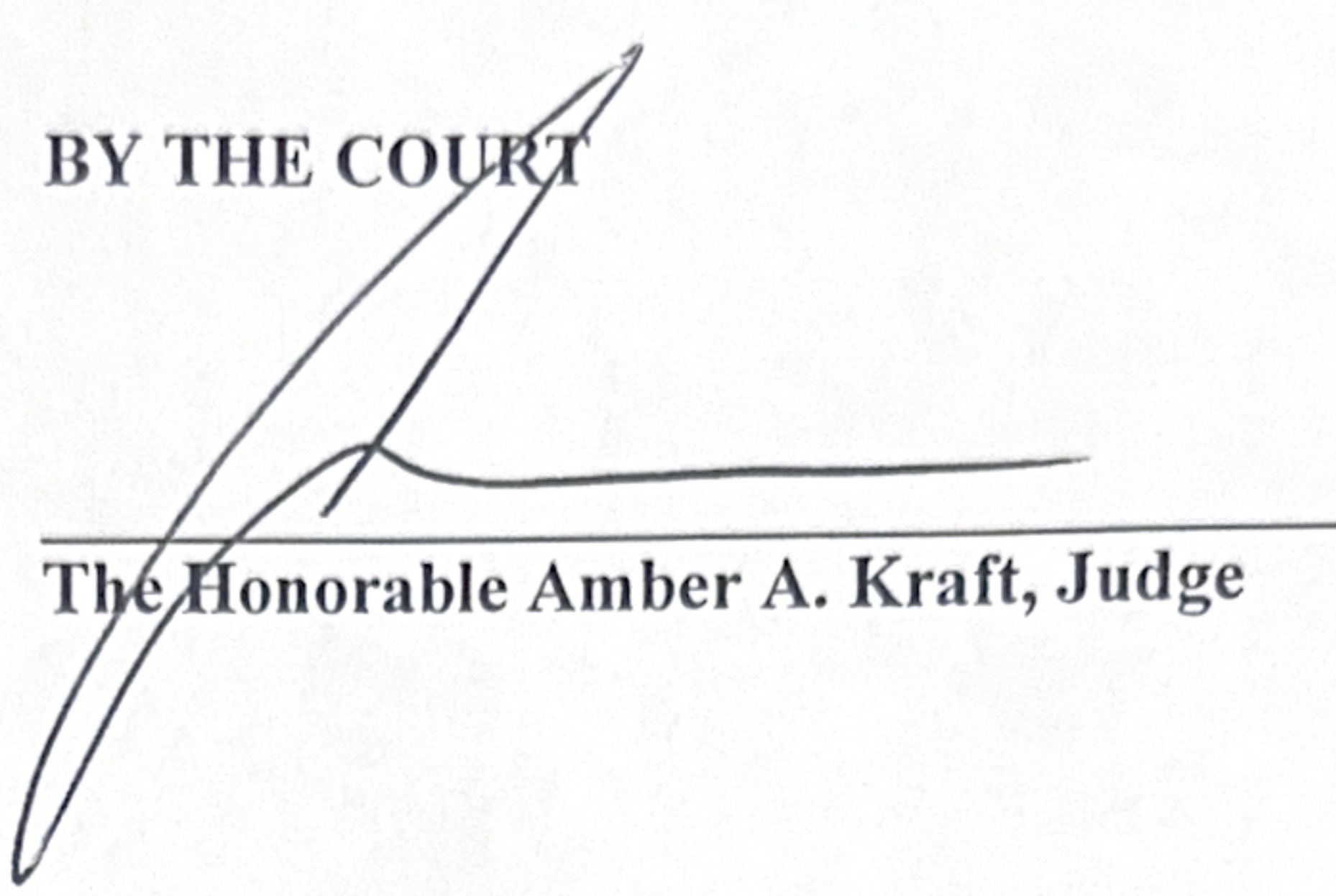
: NO. CP-67-MD-2529-2022
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ORDER

AND NOW, this 17th day of April, 2023, it is hereby ORDERED that the Commonwealth's Praecipe to Withdraw Petition for Forfeiture and Condemnation, filed on Friday, April 14, 2023, at 12:45 p.m., is **STRICKEN**. Pursuant to Pa.R.C.P. 229(a), a discontinuance is the exclusive method of the voluntary termination of the petition. Discontinuance of the petition would prejudice the rights of the claimants, who were present in Court and prepared to proceed with the hearing on April 17, 2023. Granting a discontinuance at this late stage would prejudice the rights of the claimants, who are entitled to a merits determination in order to protect them against further seizures and enforcement actions by the Pennsylvania State Police, Bureau of Liquor Control Enforcement.

It is **FURTHER ORDERED**, in light of the Commonwealth's inability to proceed with the evidentiary hearing scheduled for April 17-18, 2023, that the Commonwealth's Petition for Forfeiture and Condemnation is hereby **DENIED** on the merits. The Court finds, due to the absence of any evidence to the contrary, that the Pennsylvania Skill Game devices programmed by Pace-O-Matic, Inc., which are owned by claimant Starlight Sales & Vending, Inc., and were seized from claimant Colletti, Inc. (d/b/a Brewer's Outlet) on October 2, 2020, are not gambling devices *per se*, and shall be returned to Colletti, Inc. within five (5) days of the date of this Order. This Order shall include the return of the \$14,611.00 in U.S. Currency that was seized along with the devices at issue.

BY THE COURT

A handwritten signature in black ink, consisting of a large, sweeping initial 'A' followed by a horizontal line extending to the right. The signature is positioned above a horizontal line that underlines the name below.

The Honorable Amber A. Kraft, Judge