

FILED In The  
Office of the Court Clerk

IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA

FEB 12 2008

DOCKET PAGE RECORDED  
Rhonda Hall, Court Clerk  
DEPUTY

IN RE: STATE OF OKLAHOMA, EX REL )  
GREG MASHBURN, DISTRICT )  
ATTORNEY FOR THE TWENTY FIRST )  
PROSECUTORIAL DISTRICT, FOR ORDER )  
TO DISPOSE OF SEIZED PROPERTY )  
)  
)

Case No. CJ-08-297-BH



APPLICATION

COMES NOW, the Applicant, Greg Mashburn, District Attorney, Twenty-First Prosecutorial District, by David J. Batton, Assistant District Attorney, and respectfully applies for and requests the Court to enter an order to dispose of the certain seized property that was previously held as contraband. In support Petitioner would show the Court as follows:

1. The Applicant is currently in possession of certain personal property that was seized prior to 1990 as contraband, being at that time gambling devices, as described in Exhibit 'A', attached hereto and made a part hereof as if fully set forth herein.

2. The property described in Exhibit 'A' has no value and is in a state of complete disrepair having been in the custody of the District Attorney's office in excess of 18 years and is now junk. The property has deteriorated over time and is now older than twenty five years no longer qualifies or falls in within the legal definition as being a slot machine or gambling device and will not function in that capacity. Applicant will continue to suffer financial harm by having to endure the costs of storage of such property that has no value and is otherwise junk.

3. No records of any purported owner are not available and a good faith effort has been made to locate the records regarding the seizure of this property that once was contraband and such has failed.

4. Such property, which was originally seized as contraband, are of no use to the Applicant and has no value and should be disposed of as junk.

5. That the rights of any unknown claimants do not exist as the property was formally contraband but could not be returned to such purported owners. Applicant believes that the property was rightfully seized under the law and either could have been destroyed or sold at auction. However, the current condition of the property makes any sale useless as the property is junk and is no longer defined as a gambling device under 21 O.S. §§964 through 977.

6. Applicant, requests that notice be waive under the circumstances as unnecessary and that the court enter an order allowing the Applicant to allow a private vender to collect the property and dispose of such property as junk according to law.

WHEREFORE, premises considered, Applicant respectfully requests that the Court issue an order waiving notice and allowing Applicant to dispose of the property as junk, and for such further relief as the Court finds just and equitable.

Respectfully Submitted,



David J. Batton, OBA #11750

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Bally Manufacturing Corp.  
Date: Oct.-1980  
Model: Series "E"

Serial #

1. E-2091-73/32
2. E-2022-9/69
3. E-2390-211/168
4. E-1091-34/335
5. E-2020-145/22
6. E-2032-32/25
7. E-1096-10/10
8. E-1059-19/4
9. E-2370/30
10. E-1191-34/108


Dale Corporation  
Date: June-1982  
Model # S3PD00-P2110

1. Serial # 1149


**VERIFICATION**

STATE OF OKLAHOMA                    )  
                                                  ) ss:  
COUNTY OF CLEVELAND                )

I, David J. Batton, of lawful age, hereby state that I have read the foregoing instrument and that the information contained therein is true and correct to the best of my belief and knowledge.

  
\_\_\_\_\_  
David J. Batton

Subscribed and sworn to before me this 12<sup>th</sup> day of February, 2008,

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: 3-11-2010  
# 02003380