

IN THE MATTER OF : IN THE COURT OF COMMON PLEAS  
DAVID HAHN, JR., : OF ERIE COUNTY, PENNSYLVANIA  
 : JUVENILE DIVISION  
 :  
A MINOR : Docket No. 111 of 2004

MOTION FOR RECONSIDERATION

AND NOW, comes the above named juvenile, David Hahn, Jr., by and through his attorney, Ines M. Massella, Assistant Public Defender, and moves that the this Honorable Court grant reconsideration of its re-dispositional decision and in support thereof represents as follows:

1. David Hahn, Jr., a juvenile, appeared before this Honorable Court on Tuesday, June 15, 2004 for a re-dispositional hearing based upon a revocation of his probationary status.

2. At the time of the hearing, Probation Officer John D. Fox requested placement at either the Abraxas I or Abraxas III drug treatment programs as continued drug use, demonstrated by urinalysis, was among the probation violations leading to the revocation of probation status.

3. Upon conclusion of the June 15<sup>th</sup> hearing, this court ordered the juvenile placed at the Abraxas III facility in Pittsburgh, Pennsylvania.

4. On Thursday, June 17, 2004, David Hahn, Sr., the juvenile's father, contacted the undersigned regarding the filing of an appeal to this court's decision.

5. After speaking to Mr. Hahn, the undersigned determined to request a reconsideration of this court's decision to place the juvenile at Abraxas III. The undersigned contacted the juvenile, who is currently being held at the Edmund L. Thomas Adolescent Center, and the juvenile concurred in his father's request.

6. Mr. Hahn advised the undersigned that he was unable to attend the June 15<sup>th</sup> hearing because of illness. He requested the opportunity to address this court regarding placement. Mr. Hahn believes that a long-term placement is unnecessary and would be counter-productive for the juvenile.

7. Mr. Hahn believes that a local, inpatient, 30-90 day drug rehabilitation program would be sufficient for the juvenile and would provide Mr. Hahn the opportunity to participate in the juvenile's rehabilitation. Mr. Hahn believes that the juvenile's participation in rehabilitation would wane in long-term placement. He further believes that he would be unable to travel to Pittsburgh and participate in the juvenile's rehabilitation because of the condition of his vehicle.

8. The juvenile and his father believe and aver that that a short-term, local, in-patient rehabilitation program such as that offered by Crossroads would be in the best interests of the juvenile. They, therefore, request that this court grant reconsideration of its placement decision of June 15 to permit Mr. Hahn to express his concerns directly to this court.

9. The juvenile and his father request that the juvenile be released from the Edmund Thomas Adolescent Center pending this court's decision on the instant Motion and a reconsideration hearing, if granted. They further request

that the juvenile's transfer to the Abraxas III program be stayed pending resolution of the issues raised in this Motion.

WHEREFORE, the above-named juvenile, David Hahn, Jr., respectfully requests that this Honorable Court grant a hearing on reconsideration to permit his father to appear at the hearing and express his concerns with regard to long-term placement. The juvenile further requests that he be released from detention and that his transfer to the Abraxas III program be stayed pending resolution of the issues raised herein.

Respectfully submitted,

Ines M. Massella  
Assistant Public Defender  
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O R D E R

AND NOW, to-wit, this \_\_\_\_\_ day of June 2004, it is hereby ORDERED and DECREED that the relief requested in the foregoing Motion be granted. The Juvenile Probation Department is directed to schedule a hearing before this court at which time the decision to place the juvenile at the Abraxas III program will be reconsidered and the juvenile's father will be permitted to express his opinions to this court.

It is further ORDERED that, pending the hearing on reconsideration, the juvenile shall be released from detention to the custody of his father.

It is further ORDERED that, pending the hearing on consideration, the transfer of the juvenile to the Abraxas III program be stayed.

BY THE COURT:

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Michael M. Palmisano, P.J.