

**IN THE MATTER OF,** : **IN THE COURT OF COMMON**  
**PLEAS** :  
JAKE COBB, : OF ERIE COUNTY, PENNSYLVANIA  
 : JUVENILE DIVISION  
 :  
A MINOR : DOCKET NO. 62 of 2004

**MOTION FOR RELEASE FROM DETENTION**

AND NOW comes the above-named juvenile, Jake Cobb, by and through his attorney, Ines M. Massella, Assistant Public Defender, and files the within Motion for Release From Detention, and in support thereof states as follows:

1. Jacob Kelley is a juvenile, 15 years of age, with a date of birth of June 7, 1989.
2. On or about August 1, 2004, a hearing was held before the Juvenile Court Master to determine if the juvenile should be detained based on an allegation of terroristic threats against his mother, Kim Cobb.
3. At the time of the detention hearing, Mrs. Cobb advised the undersigned that she did not feel she could take the juvenile back into her home and guarantee that she could control him. As a placement with his father was also not feasible at that time, the juvenile stipulated to continued secure detention.
4. Since the date of the detention hearing, the juvenile has been diagnosed with mononucleosis. He has been segregated in a separate sleeping room, advised to rest, and been prescribed antibiotics by the attending physician for the Edmund L. Thomas Adolescent Center, Eardley Wickramasinghe, M.D. (Dr. Wick).
5. The undersigned has been advised that Dr. Wick does not believe that a release from detention is medically necessary. However, Mrs. Cobb is concerned for the

health of her son. She and the juvenile have asked the undersigned to seek his release from detention to her care.

6. Mrs. Cobb advises that she believes it is in Jacob's best interests that he be released from detention and be permitted to recuperate at home. She further states that she believes she can now control Jake as the time he has spent in detention has had a positive effect on him, that they have been able to discuss the allegations against him, and that she does not fear him.

7. The undersigned also believes and avers that it is in the best interests of the above-named juvenile that he be release from detention to his mother's custody. The undersigned's averment is based the change in attitude of Jake and his mother, the juvenile's medical condition, and the continued overcrowding of the detention center. The undersigned believes that the current detention population is 23 juveniles.

WHEREFORE, Jacob Kelley respectfully requests that this Honorable Court enter and Order releasing him to the custody of his mother, Kim Cobb.

Respectfully submitted,

Ines M. Massella  
Assistant Public Defender  
(814)451-6510  
(814)868-3791

IN THE MATTER OF, : IN THE COURT OF COMMON PLEAS  
JAKE COBB, : OF ERIE COUNTY, PENNSYLVANIA  
 : JUVENILE DIVISION  
 :  
 :  
 :  
 : DOCKET NO. 62 of 2004  
A MINOR

**RULE TO SHOW CAUSE**

AND NOW, this \_\_\_\_\_ day of August, 2004, it is hereby ORDERED that a Rule is issued against the Commonwealth to Show Cause why the relief requested in the foregoing Motion for Release from Detention should not be granted. Said Rule returnable the \_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_ o'clock \_\_.m., in Court Room \_\_\_\_\_, of the Erie County Court House.

BY THE COURT:

\_\_\_\_\_  
Ernest J. DeSantis, Jr. J.

IN THE MATTER OF,

JAKE COBB,

A MINOR

: IN THE COURT OF COMMON PLEAS  
: OF ERIE COUNTY, PENNSYLVANIA  
: JUVENILE DIVISION  
:  
: DOCKET NO. 62 of 2004

**ORDER**

AND NOW, this \_\_\_\_\_ day of August, 2004, it is hereby ORDERED, ADJUDGED and DECREED, that the relief requested in the foregoing Motion for release from Detention is granted. The juvenile, Jake Cobb, shall be immediately released from detention into the care and custody of his mother, Kim Cobb, under the following conditions:

\_\_\_\_\_  
\_\_\_\_\_.

BY THE COURT:

\_\_\_\_\_  
Ernest J. DeSantis, Jr. J.