

IN THE CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(ST. LOUIS CITY)

MARK T. MCCLOSKEY)
 Petitioner) Cause No.
vs) Div.
STATE OF MISSOURI)
 Respondent

Serve:

Circuit Attorney
City of St. Louis
1114 Market Street, Ste. 401
St. Louis, MO 63101

PETITION FOR REPLEVIN

COMES NOW Mark T. McCloskey and pursuant to Missouri Rule of Civil Procedure 99.01, files this action in replevin and for cause would state as follows:

1. On or about July 10, 2020, the State of Missouri seized from Petitioner and remains in possession of two firearms belonging to Petitioner, to wit: one Colt AR-15 rifle, serial number ST015663 with a value of \$1,500.00 and one Bryco .380 pistol, serial number 1250579 with a value of \$400.00.

1. That such seizure was committed in connection with Cause No. 2022-CR01301-01, State of Missouri vs Mark T. McCloskey.

3. That such action resulted in a Judgment against the Petitioner and the imposition of a fine in the amount of \$750.00 together with costs and fees totaling \$872.50.

4. That Petitioner paid such sum into the Circuit Clerk on June 21, 2021.

5. That subsequent to the seizure of the above-referenced firearms and the payment of the above-referenced fine, the Governor of the State of Missouri, the Honorable Michael Parson granted executive clemency to Petitioner, thereby absolving the Petitioner of all wrongdoing in connection with the above-referenced criminal action and rendering all judgments and dispositive orders entered therein a nullity.

6. That therefore, there is no just basis or right for the State of Missouri to possess the above-referenced firearms or to retain the above-referenced funds and that such firearms and funds should be immediately returned into the possession of the Petitioner.

7. Petitioner files herewith his affidavit pursuant to Missouri Rule of Civil Procedure 99.03 verifying his right to obtain immediate possession of the above-referenced property.

WHEREFORE, Petitioner respectfully prays for an order of this Court compelling the sheriff of the City of St. Louis to immediately obtain physical possession of the above-referenced firearms and deliver them immediately into the possession of the Petitioner and further order the Circuit Clerk to refund the amount of \$872.50 to Petitioner together with such other and further relief as this Court deems just and proper.

Respectfully submitted,

MCCLOSKEY, P.C.

By: /s/Mark T. McCloskey

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