

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

MARK T. MCCLOSKEY,	)	
	)	
Petitioner,	)	Cause No. 2122-CC08989
vs	)	Div.
	)	
STATE OF MISSOURI,	)	
	)	
Respondent.	)	

**PETITIONER'S MOTION FOR IMMEDIATE RETURN  
OF PETITIONER'S PERSONAL PROPERTY**

COMES NOW Mark T. McCloskey and pursuant to the Missouri Rules of Civil Procedure 99.01 files his motion for the immediate return of his personal property and for cause would state as follows:

1. That on July 10, 2020, the St. Louis Metropolitan Police Department, pursuant to a search warrant issued by the Circuit Court for the City of St. Louis seized from the undersigned one Colt Sporter Model AR-15 .223 caliber rifle, serial number ST015663, together with one 30-round magazine and sling, all belonging to the undersigned. (See Exhibits 1 and 2 attached hereto).

2. On or about July 11, 2020, the St. Louis Metropolitan Police Department pursuant to a search warrant issued by the Circuit Court of the City of St. Louis seized from the undersigned one Bryco .380 caliber handgun, serial number 1250579, together with enclosed magazine, both belonging to the undersigned.

3. That subsequently a firearm's trace was performed by the Department of Justice Bureau of Alcohol Tobacco and Firearms demonstrated the undersigned was the purchaser and owner of said Bryco Arms .380 caliber pistol, serial number 1250579 as well as the owner and

possessor of the Colt Sporter Target Caliber .223 serial number ST015663. (See Exhibit 3 attached hereto).

4. That pursuant to the Order of Forfeiture in connection with the cause of action styled State of Missouri v. Mark McCloskey, Cause No. 2022-CR01301-01, on or about June 17, 2021 signed by the Honorable David C. Mason acknowledging the custody of the above-referenced firearms in the possession of the City of St. Louis Sheriff's Department, ordered the above-referenced firearms forfeited, and ordering the City of St. Louis Sheriff's Department to destroy said weapons and report back to the Court upon their compliance with the Court Order. (See Exhibit 4 attached hereto).

5. On that same date, judgment was entered against the undersigned for a fine in the amount of \$750.00 together with costs and fees resulting in a total fine to the undersigned in the amount of \$872.50 which amount was paid on or about June 22, 2021 as evidenced by Exhibit 5 attached hereto.

6. That on or about July 30, 2021, a Pardon was issued by Michael L. Parson, Governor of the state of Missouri which pardon specifically references the conviction of the undersigned in Case No. 2022-CR01301-01 which pardon specifically states, "this pardon obliterates said conviction so that I hereby restore all rights of citizenship forfeited by said conviction and remove any legal disqualification, impediment or other legal disadvantage that may be a consequence of such conviction." (See Exhibit 6 attached hereto).

7. Petitioner would respectfully suggest that the seizure by the state of Petitioner's above-described firearms constitutes a legal disqualification, impediment, or other legal disadvantage that may be a consequence of said conviction, as well as the fine paid constituting, once again, a legal disadvantage that may be a consequence of said conviction.

8. Consequently, there is no legitimate basis for the state to remain in possession of Plaintiff's personal property including the above-referenced firearms and the above-referenced fine.

WHEREFORE, for the foregoing reasons Petitioner would respectfully request that this Honorable Court enter its Order compelling the state of Missouri by and through the City of St. Louis Sheriff's Department to immediately deliver possession of the above-referenced firearms to the Petitioner no later than by the close of business of this date, and further order the Circuit Clerk's office to refund to the undersigned the amount of \$872.60.

*Respectfully submitted,*

MCCLOSKEY, P.C.

By: /s/Mark T. McCloskey  
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*Attorneys for Petitioner*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was filed electronically with the Clerk of Court on **September 9, 2021** to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ Mark T. McCloskey