

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania	:	
	:	
v.	:	No. 569 C.D. 2025
	:	
\$14,258.36 USD	:	Submitted: July 24, 2026
	:	
Appeal of: Dwight Campbell	:	

BEFORE: HONORABLE PATRICIA A. McCULLOUGH, Judge
HONORABLE CHRISTINE FIZZANO CANNON, Judge
HONORABLE MATTHEW S. WOLF, Judge

OPINION NOT REPORTED

MEMORANDUM OPINION
BY JUDGE McCULLOUGH

FILED: September 4, 2026

Dwight Campbell (Appellant) appeals *pro se* from the February 24, 2025 order entered in the Court of Common Pleas of Blair County (trial court) denying his motion to return property.¹ On appeal, Appellant challenges the trial court's determination that he is not entitled to the return of \$14,258.36 seized from his home during a June 2020 police search in a related criminal matter. After careful review, we affirm.

Background

The relevant facts and procedural history of this case are as follows. On December 29, 2022, the Commonwealth filed a motion seeking forfeiture of \$14,258.36 seized from Appellant's residence pursuant to the Controlled Substances

¹ The trial court also denied several other motions filed by Appellant as well as the Commonwealth's petition seeking forfeiture of the funds.

Forfeiture Act.² In support, the Commonwealth averred that in the underlying criminal matter, officers from the Logan Township Police Department were dispatched to a domestic dispute at Appellant’s home in June of 2020. The officers detected a strong odor of marijuana emanating from the residence and, after obtaining a search warrant, seized 1.5 pounds of marijuana, packaging materials, digital scales, drug paraphernalia, and \$14,258.36 in cash from the residence. (Commonwealth’s Forfeiture Petition, 12/29/22, at 5-7.) On January 6, 2023, Appellant pled guilty to possession with intent to deliver a controlled substance and dealing in the proceeds of unlawful activities, along with related charges.³ The trial court sentenced Appellant to an aggregate term of not less than 3 nor more than 25 years’ incarceration on that same date.

Appellant filed a response to the Commonwealth’s forfeiture petition denying that the seized funds were linked to criminal activity. The Commonwealth sought discovery and moved for sanctions when Appellant failed to provide any documentation showing the source of the money. On August 11, 2023, Appellant filed a motion for return of property, averring he had been self-employed as a contractor since 2009, and that there was no connection between the seized currency and illegal drug activity.⁴ (Motion for Return of Property, 8/11/23, at 4). The trial court denied the Commonwealth’s motion for sanctions following a hearing.

² 42 Pa.C.S. §§ 5801-5808.

³ See 35 P.S. § 780-113(a)(30) (prohibiting the possession with intent to deliver a controlled substance), The Controlled Substance, Drug, Device and Cosmetics Act, Act of April 14, 1972, P.L. 233, *as amended*, and 18 Pa.C.S. § 5111(a)(1) (providing that a person commits a first-degree felony by conducting a financial transaction “[w]ith knowledge that the property involved, including stolen or illegally obtained property, represents the proceeds of unlawful activity [and] acts with the intent to promote the carrying on of the unlawful activity”).

⁴ See Pa.R.Crim.P. 588(A) (authorizing persons aggrieved by searches and seizures to move for the return of their property on grounds that he or she is entitled to lawful possession thereof).

On February 14, 2025, the trial court held a hearing on the Commonwealth’s forfeiture petition and Appellant’s motion for return of property.⁵ The Commonwealth averred that the \$14,258.36 seized from Appellant’s residence “was proceeds derived from the illegal sale of controlled substances and was intended to be put back in or reinvested into the illegal enterprise of the distribution of illegal controlled substances[.]” (N.T. Hearing, 2/14/25, at 8.) The Commonwealth further explained that the \$14,258.36 seized from Appellant’s home had formed the sole factual basis for the dealing in illegal proceeds charge in Appellant’s criminal proceeding, to which he pled guilty. Appellant countered that the Commonwealth had shown no connection between the seized funds and illegal activity, and that he legally obtained the money through his work as a licensed carpenter. *Id.* at 11.

On February 24, 2025, the trial court entered an opinion and order denying Appellant’s motion for return of property as untimely, and further concluding that the motion lacked merit. In doing so, the trial court noted that Appellant filed his motion beyond the 30-day deadline required by Pennsylvania Rule of Criminal Procedure 588⁶ and interpretive case law. On the merits, the trial court determined that Appellant’s testimony regarding the source of the funds lacked any documentary support and was not credible.⁷ (Trial Ct. Op., 2/24/25, at 7-8.) Appellant timely appealed the trial

⁵ At the time of the hearing, Appellant’s motion filed pursuant to the Post Conviction Relief Act, 42 Pa.C.S. §§ 9541-9546 (PCRA), in which he challenged the validity of his guilty plea, was pending before the criminal court. (N.T. Hearing, 2/14/25, at 12.) The criminal court denied Appellant’s PCRA petition on October 30, 2025.

⁶ Pa.R.Crim.P. 588 requires a criminal defendant to file a motion for return of property within 30 days of the disposition of his criminal proceeding.

⁷ The trial court denied the Commonwealth’s forfeiture petition as barred by the applicable two-year statute of limitations. (Trial Ct. Op., at 9) (citing 42 Pa.C.S. § 5524(5)).

court's decision to the Superior Court, which transferred the case to this Court on May 2, 2025.⁸

Analysis⁹

On appeal, Appellant contends that he is entitled to the return of the \$14,258.36 seized during the search of his residence because he legitimately earned the money through his construction business, and it was not generated by or linked to criminal activity. (Appellant's Br., at 8-13.)¹⁰

"Proceedings for return of property under the criminal rules are civil in form, but quasi-criminal in character." *Commonwealth v. Howard*, 931 A.2d 129, 131 (Pa. Cmwlth. 2007). Central to this appeal is Pennsylvania Rule of Criminal Procedure 588, which provides in pertinent part:

(A) A person aggrieved by a search and seizure, whether or not executed pursuant to a warrant, may move for the return of the property on the ground that he or she is entitled to lawful possession thereof. Such motion shall be filed in the court of common pleas for the judicial district in which the property was seized.

Pa.R.Crim.P. 588(A).

"Under this rule, on any motion for return of property, the moving party must establish by a preponderance of the evidence entitlement to lawful possession." *Commonwealth v. Trainer*, 287 A.3d 960, 964 (Pa. Cmwlth. 2022). "If the

⁸ See Pa.R.A.P. 751(a) (governing transfer of erroneously filed cases).

⁹ "We review an appeal of an order denying a motion for return of property to determine whether the trial court's findings of fact are supported by substantial evidence and whether the trial court abused its discretion or committed an error of law." *Commonwealth v. Riley*, 330 A.3d 1, 4 n.3 (Pa. Cmwlth. 2024).

¹⁰ The Commonwealth declined to file a brief on appeal.

Commonwealth seeks to defeat the claim, it bears the burden to prove, by a preponderance of the evidence, that the items are either ‘contraband *per se*’ or ‘derivative contraband,’ and therefore should not be returned to the moving party.” *Id.* “To meet its burden to prove that an item is derivative contraband, the Commonwealth must establish a specific nexus between the property and criminal activity. *Id.*

Notably, although Rule 588 does not specify a deadline for filing a timely motion for return of property, our Courts have consistently interpreted it to include one. *Riley*, 330 A.3d at 6. In *Commonwealth v. Allen*, 107 A.3d 709 (Pa. 2014), the seminal case on the matter, the appellee was arrested for driving a stolen vehicle and police seized approximately \$1,000.00 during the vehicle search. The Commonwealth did not prosecute the appellee on the charges, and, nearly eight years after the criminal charges against him were dismissed, the appellee filed a motion pursuant to Rule 588 seeking return of the \$1,000.00. In determining that the motion was untimely, our Supreme Court held that “a return motion is timely when it is filed by an accused in the trial court while it retains jurisdiction, which is up to thirty days after disposition.” *Allen*, 107 A.3d at 717. Therefore, because the appellee did not move for the return of property within 30 days following the dismissal of the criminal charges against him, he waived any right to seek return of the property under Rule 588. *Id.*

This Court, in *In re Mighty Mouse*, 329 A.3d 852 (Pa. Cmwlth. 2025), reiterated that under *Allen*, “[c]riminal defendants who are aggrieved by searches and seizures must file any motion for return of property during, or within 30 days after the disposition of, their criminal proceedings.” *Id.* at 858. “If they do not, their ability to seek return of their property is waived because the criminal court has lost jurisdiction at that point.” *Id.*

Here, Appellant was sentenced by the criminal court on the drug-related offenses on January 6, 2023. Appellant filed his motion for return of property seven months later, on August 11, 2023, well past the 30-day deadline established by our controlling precedent. Appellant therefore waived “[his] ability to seek return of [the] property . . . because the criminal court has lost jurisdiction at that point.” *Id.* Thus, the trial court properly dismissed his motion seeking return of the seized funds because it lacked jurisdiction.

Moreover, we briefly note our agreement with the trial court’s determination on the merits that Appellant failed to demonstrate his lawful acquisition of the \$14,258.36. Our Supreme Court has stated that, “a criminal conviction may be used to establish the operative facts in a subsequent civil case based on those same facts.” *Department of Transportation v. Mitchell*, 535 A.2d 581, 585 (Pa. 1987). “[I]t is well settled that a guilty plea constitutes an admission to all of the facts averred in the [criminal complaint].” *Id.*

In addressing the merits of Appellant’s motion,¹¹ the trial court found:

¹¹ The trial court addressed the merits of Appellant’s motion for the sake of judicial economy because he had filed a *pro se* motion for the return of property in his criminal proceeding in August of 2022, while the case was pending. (Trial Ct. Op., at 7.) It appears that the criminal court did not act on Appellant’s *pro se* motion because he was represented by counsel and had no right to simultaneously litigate *pro se*, as that would violate the rule against hybrid representation. Our Supreme Court has “consistently stated that no defendant has a constitutional right to hybrid representation, either at trial or on appeal.” *Commonwealth v. Staton*, 184 A.3d 949, 957 (Pa. 2018); *see also Commonwealth v. Ellis*, 626 A.2d 1137, 1139, 1141 (Pa. 1993) (holding there is no constitutional right to hybrid representation either at trial or on appeal and that a defendant may not confuse and overburden the court by filing *pro se* documents the same time his counsel is filing documents on his behalf). Accordingly, Appellant’s *pro se* motion for return of property filed while he was represented by counsel during his criminal proceeding constituted a legal nullity. *See Commonwealth v. Ali*, 10 A.3d 282, 293 (Pa. 2010) (holding *pro se* filing by a represented defendant constitutes a “legal nullity”).

While [Appellant] claims that this money was earned from his carpentry business, he presented no evidence of payroll or invoices and his credibility on this issue is rejected. Moreover, **[he] pled guilty that such money was proceeds of his unlawful activity.** As stated above, the Commonwealth procured a guilty plea of Dealing in Proceeds of Unlawful Activity, 18 [Pa.C.S.] § 5111(a)(1) with specific regard to the subject property.

(Trial Ct. Op., at 8) (emphasis added).

We agree with the trial court’s assessment and reiterate that Appellant pled guilty to the charge of dealing in the proceeds of unlawful activities, with his possession of the \$14,258.36 forming the sole basis for his conviction. Thus, Appellant *admitted* that he conducted financial transactions “[w]ith knowledge that the [\$14,258.36] . . . represents the proceeds of unlawful activity [and he acted] with the intent to promote the carrying on of the unlawful activity.” 18 P.S. § 5111(a)(1). Appellant is therefore precluded from litigating those same acts in the instant case, as the circumstances surrounding his arrest were previously established during his guilty plea proceedings. Additionally, Appellant produced no documentation whatsoever during the instant proceedings to show a legitimate source for the funds. Accordingly, we affirm the order of the trial court.

PATRICIA A. McCULLOUGH, Judge

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ORDER

AND NOW, this 4th day of September, 2026, the February 24, 2025 order entered by the Court of Common Pleas of Blair County is hereby AFFIRMED.

PATRICIA A. McCULLOUGH, Judge