

COUNTY OF WARREN

Present: HON. JOHN S. HALL, JR.

Lt. Steven Stockdale, Warren County Sheriff

Petitioner

~~Order Denying Issuance of a
Final Extreme Risk Protection Order
[CPLR § 6343]~~

vs.

MARIO P. HEPP

Respondent

Index Number: 67312

Order Issued (check one):

Ex Parte

Respondent Present in Court and Advised of Contents on the Record

Check if applicable: *Petitioner's name is anonymous*

Petitioner's address and contact information is confidential

The petitioner having filed a sworn application for the issuance of an extreme risk protection order against the respondent; and the application and any supporting documentation having been served upon the respondent; and the respondent having been given an opportunity to be heard; and a hearing having been held; and having considered the application, supporting documentation of the petitioner, if any, the time that has elapsed since the occurrence of such act or acts, the respondent's age at the time of the occurrence, the sworn testimony of the petitioner and witnesses produced by the petitioner, if any, the sworn testimony of the respondent and witnesses produced by the respondent, if any, and the background investigation and report submitted by the local law enforcement agency; and pursuant to the following findings of fact and conclusions of law:

On October 2, 2019, this Court issued a Temporary Extreme Risk Order pursuant to CPLR section 6342, and scheduled a hearing on whether a final Extreme Risk Protection Order should be issued. The Court also directed that a background check be conducted on the respondent. A hearing was held in this matter on January 10, 2020. The Court received the background investigation report on January 17, 2020 and forwarded a copy of the report to respondent's attorney on said date. Respondent filed a Reply to Background Investigation and Closing Arguments on January 31, 2020. At the hearing the Court received testimony from Investigator Steven Stockdale. According to Investigator Stockdale's testimony, it is alleged that the respondent sent various derogatory and offensive letters to several different people and establishments. Petitioner never established whether the respondent was the author of these letters. Moreover, none of the letters contained any direct threats of violence. The background investigation revealed that the respondent had no criminal history. Although the report referenced two separate but similar instances in 2011 and 2017, both of those matters were investigated by law enforcement and were eventually closed without any charges being filed.

The Court finds that the petitioner has not proven by clear and convincing evidence that the respondent is likely to engage in conduct that would result in serious harm to self or others as defined in MHL §9.39(a) and DENIES the petitioner's application for an extreme risk protection order, and it is hereby;

(Optional: check only if applicable)

ORDERED that petitioner's address and other contact information is confidential and shall be redacted from any papers served upon or provided to the respondent; or

ORDERED that the case caption is amended to reflect that petitioner's name is anonymous, and petitioner's name shall be redacted from any papers served upon or provided to the respondent, and it is further;

ORDERED that the provision of the extreme risk protection order issued on _____ directing:

Confidentiality and redaction of petitioner's address and contact information

Anonymity and redaction of petitioner's name

shall continue, and it is further;

(Optional: check only if applicable)

ORDERED that, having been issued ex parte and the petitioner having agreed to arrange for service through a third party, the petitioner shall serve a copy of this order and any associated papers upon the respondent on or before _____, or

ORDERED that, having been issued ex parte, the Warren County Sheriff's Dept. shall serve a copy of this order and any associated papers upon the respondent on or before 03/06/2020, and it is further;

Local Law Enforcement Agency

03/06/2020

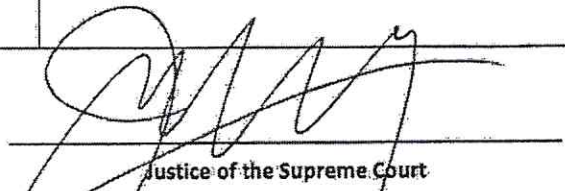
(Optional: check only if applicable)

ORDERED that the Court finds no legal impediment to the respondent's possession of the following firearm(s), rifle(s) or shotgun(s) surrendered or removed pursuant to a temporary extreme risk protection order, and such firearm(s), rifle(s) or shotgun(s) not otherwise disposed of in accordance with CPLR §6344(1) shall be returned by the local law enforcement agency to the respondent:

TYPE	MAKE	MODEL	CALIBER	SERIAL NUMBER	DESCRIPTION/PERMIT NUMBER (if applicable)
<input type="radio"/> firearm <input type="radio"/> rifle <input type="radio"/> shotgun					
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SO ORDERED:

Dated: 02/28/2020



 Justice of the Supreme Court

Cc: NYS Division of Criminal Justice Services

New York State Police
 Firearms Licensing Bureau
 1220 Washington Avenue, Building 22
 Albany, NY 12226-2252

Local Law Enforcement Agency:
 Warren County Sheriff Department
 1400 State Route 9
 Lake George, New York 12845

 Pistol Permit Licensing Officer/Bureau
 Warren County Court Clerk
 1340 State Route 9
 Lake George, New York 12845

Acknowledgement of Service

NOTE: This section is for use by court officials and law enforcement officers only. Third-party process servers must attach a sworn Affidavit of Service.

The above-named respondent hereby acknowledges service of this order and any supporting documents and/or reports:

_____ Dated: _____
 Signature of Respondent

_____ Title/Shield No. _____
 Name of Witness

_____ Dated: _____
 Signature of Witness