

BEFORE THE MUNICIPAL COURT OF THE CITY OF MARTINSBURG

City of Martinsburg

vs

Docket Number 10YR057083

Carlos Niederhauser
Defendant

ORDER OF ABATEMENT

WHEREAS, Chief Maurice Richards appeared before the undersigned magistrate and presented a sworn complaint alleging that the Defendant is the owner of property located at [REDACTED], Martinsburg, West Virginia, and

WHEREAS, the Defendant leased the subject property to Denny M. Ford, and

WHEREAS, on the 30th day of December, 2016 and on the 29th day of March, 2017 invitees of the said tenant used the subject property for the purposes of conducting certain illegal activity including but not limited to prostitution; illegal gambling; illegal possession, storage, or delivery of or trafficking in controlled substances, or other illegal drug activity, and

WHEREAS, on the 30th day of December, 2016, [REDACTED] an invitee of the tenant, was arrested on charges resulting from the activities conducted at the subject property and the offense for which the property was used for two or more such offenses or incidents

within any twelve month period; and on the 29th day of March, 2017 [REDACTED]
[REDACTED] an invitee of the tenant, was arrested on charges resulting from the activities conducted at the subject property and the offense for which the property was used for two or more such offenses or incidents within any twelve month period, and

WHEREAS, the Defendant has operated the subject property in violation of Section 552.01 Drug and Gang Houses, Houses of Prostitution and Other Disorderly Houses of the Code of the City of Martinsburg.

It is therefore ORDERED and ADJUDGED that the Defendant is ordered to abate the conditions that exist on the subject property.

It is further ORDERED and ADJUDGED that the Defendant terminate the occupancy of Denny M. Ford, within thirty days of receipt of this order.

It is further ORDERED and ADJUDGED to prevent recurrence of the illegal activity that the Defendant shall be required to perform criminal background checks on prospective tenants to insure they are free from convictions for prostitution; illegal gambling; illegal possession, storage, or delivery of or trafficking in controlled substances, or other illegal drug activity.

It is Further ORDERED and ADJUDGED that the Defendant shall appear before the Municipal Court of the City of Martinsburg on the 30th day of August, 2017 at 9:40 o'clock, located at 232 North Queen Street, Martinsburg West Virginia to provide evidence that they have

complied with this order or to produce evidence that they are not in violation of Section 552.01
Drug and Gang Houses, Houses of Prostitution and Other Disorderly Houses of the
Code of the City of Martinsburg and the order should be vacated.

By:

Wm. J. ... 6/9/17
Chief of Police