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\$8,000.00 Eight thousand dollars One 1997 GMC Yukon VIN #1GKEK13ROVJ743599 One 1993 Chevrolet Impala VIN #1G1BL5375PR119926, Seized from: Travis Suggs, Seizure Date: October 20, 2006, Claimants: Travis Suggs and Bonnie Suggs, Lienholder: N/A

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**BEFORE THE COMMISSIONER OF THE
TENNESSEE DEPARTMENT OF SAFETY**

IN THE MATTER OF:

\$8,000.00 (Eight thousand dollars)
One 1997 GMC Yukon
VIN #1GKEK13ROVJ743599
One 1993 Chevrolet Impala
VIN #1G1BL5375PR119926
Seized from: Travis Suggs
Seizure Date: October 20, 2006
Claimants: Travis Suggs and Bonnie Suggs
Lienholder: N/A

DOCKET NO: 19.01-094387J
D.O.S. NO: F7135
F7136
F8229

INITIAL ORDER

This administrative proceeding was heard on July 17, 2007, in Nashville, Tennessee, before Joyce Carter-Ball, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Safety. Orvil Orr, attorney for the Department of Safety, represented the State. Claimants were represented by Attorney Ed Swinger.

The subject of this hearing was the proposed forfeiture of the subject 1997 GMC Yukon, 1993 Chevrolet Impala and \$8,000.00 in cash which were seized from Travis Suggs, who was arrested for buying marijuana.

After consideration of the record, and arguments of the parties, it is DETERMINED that the subject 1997 GMC Yukon, 1993 Chevrolet Impala and \$8,000.00 in cash were **properly seized** and should be **forfeited** to the Seizing Agency.

This decision is based upon the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On October 20, 2007 Travis Suggs allegedly met with an undercover officer and agreed to trade his 1997 GMC Yukon and 1993 Chevrolet Impala as collateral for 200 pounds of marijuana. The undercover officer was to be paid \$8,000.00 for the marijuana.

2. Officer Donald Thornton testified that a confidential informant (CI) talked to Mr. Suggs about drugs and Mr. Suggs agreed to purchase marijuana.

3. The officers agreed to meet Mr. Suggs at a hotel to make the transaction.

4. Officer Johnnie Melzoni gave Mr. Suggs his cell phone number and Mr. Suggs contacted Officer Melzoni to set up another meeting.

5. Another meeting was set up for Mr. Suggs to pick up 200 pounds of marijuana. Mr. Suggs told Officer Melzoni that he had \$16,000.00 and that he would let Officer Melzoni hold the subject Yukon and Impala as collateral until he could get the remaining \$34,000.

6. Mr. Suggs only had \$8,000.00, but tried to double count the money.

7. As they were taking the drugs out of the hotel, Mr. Suggs was arrested.

8. Mr. Suggs drove the subject Yukon to the hotel to make the drug deal. The subject Impala was brought to the hotel on a flat bed trailer.

9. Mr. Suggs has been seen dealing drugs in Springfield over a 5-year period.
10. Mr. Suggs was in prison from 2002 until 2006.
11. Mr. Suggs' wife, Brenda Suggs, testified that Ms. Bonnie Suggs, Travis Suggs' mother, owns the subject Yukon, and that the Yukon is registered in Bonnie Suggs' name.
12. The subject Impala is registered in Travis Suggs' name.
13. Ms. Suggs testified that no one knew that Travis Suggs would be at a hotel making drug deals.
14. Ms. Suggs was aware that her husband was involved in drugs.
15. Ms. Suggs testified that \$5,000.00 of the subject \$8,000.00 came from Mr. Suggs' mother, that \$1500.00 came from his father and that she gave Travis Suggs \$1,000.00. Ms. Suggs testified that Travis Suggs had been given the money to go to an auction to buy a car because he was having problems with the Impala.
16. Ms. Suggs testified that it was her understanding that Travis Suggs and Jason Butterworth were going to purchase a vehicle, and that the subject Impala was brought to be traded in for another vehicle. Ms. Suggs didn't know anything about the Yukon being involved.
17. Ms. Suggs testified that she didn't know that Jason Butterworth was working with the police nor that Mr. Suggs was coming to Nashville to buy marijuana.
18. Ms. Suggs testified that neither she nor Mr. Suggs had made any payments on the Yukon.

19. Robert Scott Suggs, Travis Suggs' father, testified that he gave Travis Suggs \$1,500.00 to buy a car from the auction (\$1,000.00 of the money was a loan).

20. Mr. Robert Suggs testified that he did not know that the subject cash would be used for illegal activities and that the subject Yukon has been in their family for 4 or 5 years.

21. Only Travis Suggs filed a petition for the subject Yukon.

CONCLUSIONS OF LAW

1. The State of Tennessee, as the moving party in this case, has the burden to introduce evidence that would, by a preponderance of the evidence, prove the issues should be resolved in its favor. Rule 1360-4-1-.02.

2. Vehicles used in violation of the Tennessee Drug Control Act are subject to forfeiture pursuant to the provisions of T.C.A. 53-11-451.

3. T.C.A. section 53-11-451 (a)(2) All raw materials, products and equipment of any kind which are used, **or intended for use**, in manufacturing, compounding, processing, delivering, importing or exporting any **controlled substance** in violation of parts 3 and 4 of this chapter.

4. T.C.A. section 53-11-451 (a)(6)(A) authorizes the forfeiture of "Everything of value furnished, **or intended to be furnished**, in **exchange** for a **controlled substance** in violation of the Tennessee Drug Control Act of 1989...all proceeds traceable to such an

exchange, **and all moneys**, negotiable instruments, and securities used, **or intended** to be used, to facilitate any violation of the Tennessee Drug Control Act of 1989.

5. It is **CONCLUDED** that the State **has carried** its burden of proof by a preponderance of the evidence, or as the more probable conclusion, that Travis Suggs owns the subject 1993 Chevrolet Impala, which was used to facilitate a drug transaction, thus making the vehicle subject to forfeiture, pursuant to the provisions of T.C.A. section 53-11-451 (a) (4).

6. It is **CONCLUDED** that the State has carried its burden of proof by a preponderance of the evidence, or as the more probable conclusion, that, although it is not registered in his name, Travis Suggs used the subject 1997 GMC Yukon as collateral to facilitate a drug transaction.

7. It is **CONCLUDED** that the subject \$8,000.00 was intended to be used in exchange for a controlled substance in violation of the Tennessee Drug Control Act of 1989.

8. The evidence preponderates, with these facts, that Travis Suggs owns the subject 1993 Chevrolet Impala, and that **he intended** to use the subject Chevrolet Impala and 1997 GMC Yukon as collateral to facilitate the \$50,000 drug transaction at the hotel. The subject \$8,000.00 was clearly his money, which he used in exchange for a controlled substance.

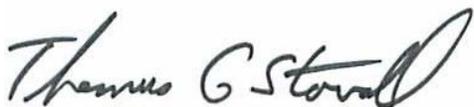
9. Travis Suggs was the only claimant to file a petition for the subject 1997 Yukon.

10. Therefore, it is **ORDERED** that the subject 1997 GMC Yukon, 1993 Chevrolet Impala, and \$8,000.00 be **forfeited to the Seizing Agency**.

This Initial Order entered and effective this 30th day of July, 2007.

Joyce Carter-Ball
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 30th day of July, 2007.

A handwritten signature in black ink that reads "Thomas G. Stovall". The signature is written in a cursive style with a large, looped initial "T".

Thomas G. Stovall, Director
Administrative Procedures Division