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\$6,551.00 six thousand five hundred fifty-one
dollars in U.S. Currency, Seized from: Charles E.
Meriweather, Seizure date: July 25, 2006, Claimant:
Charles E. Meriweather

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

IN THE MATTER OF:

**\$6,551.00 (six thousand five hundred
fifty-one dollars in U.S. Currency)
Seized from: Charles E. Meriweather
Seizure date: July 25, 2006
Claimant: Charles E. Meriweather**

**DOCKET NO: 19.01-096576J
SAFETY NO: F4804**

INITIAL ORDER

This matter was heard on August 21, 2007, before Joyce Carter-Ball, Administrative Law Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Safety. Ms. Cynthia E. Gross, attorney for the Department of Safety, represented the State. Claimant was represented by legal counsel, Mr. Glenn R. Funk.

The issue presented for review is whether the State properly seized the subject property from the Claimant on July 25, 2006. It is **DETERMINED** that the subject property was properly seized and the same should be forfeited to the seizing agency.

This conclusion is based on the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On July 25, 2006 Officer Jean McCormack conducted a controlled buy at 3320 Clifton Ave. Officer McCormack executed a search warrant on this address.

2. Officer McCormack testified that the interior door was open and she observed Claimant run into a room as she approached the residence.
3. The door to the residence had to be forced open.
4. Claimant then ran from the bedroom into the bathroom, in a state of panic. Claimant was flushing the toilet as the officers entered the bathroom.
5. Two bags of white powder were caught in the toilet. The officers recovered the two bags. One bag had 72.1 grams of cocaine and the other had 30.8 grams, a total of 102.9 grams of cocaine.
6. The officers found smaller amounts of marijuana in the residence.
7. A set of digital scales was found at the residence, and \$6,551.00 was found in bedroom # 2, laid out on the bed. The cash appeared to have been counted in various denominations. A shoe box was filled with dollar bills.
8. A gun was also found in bedroom # 2, in a drawer.
9. Claimant was charged with possession of drugs and weapons with intent to sell cocaine.
10. Claimant has previous drug convictions.

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. The following are subject to forfeiture:

(6)(A) 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, as amended, compiled in parts 3 and 4 of this chapter and title 39, chapter 17, part 4, 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, compiled in parts 3 and 4 of this chapter and title 39, chapter 17, part 4;

3. Although the admissibility of evidence is normally controlled by the Tennessee Rules of Evidence, the Administrative Procedures Act provides “when necessary to ascertain facts not reasonably susceptible to proof under the rules of court, evidence not admissible thereunder may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. T.C.A. §4-5-313(1), Lettner vs. Plummer, 559 S.W.2d 785 (1977).

4. The Claimant’s prior activities in the manufacture and sale of illegal drugs is relevant and admissible evidence in a forfeiture hearing. Lettner vs. Plummer, 559 S.W.2d 785 (1977), Young vs. Tennessee Department of Safety, 911 S.W.2d 729 (Tenn.App. 1995).

5. The forfeiture statute does not require the State to trace the seized property to a specific transaction. Lettner vs. Plummer, 559 S.W.2d 785 (1977).

6. Funds intended to be used to further illicit drug transactions are subject to forfeiture even if a substantial amount of drugs are not present. Louisiana vs. Douglas, 541 So.2d 285 (La. App. 1989).

7. Proof that property subject to forfeiture is related to illicit drug activities may be wholly circumstantial. U.S. v. Dusenbury, 80 F.Supp.2d 744 (N.D. Ohio 1998).

8. Aggregation of facts, each one insufficient standing alone, may suffice to meet government's burden in forfeiture proceeding involving money allegedly involved in illegal drug transaction. U.S. v. \$67,220.00 in United States Currency, 957 F.2d 280 (6th Cir. 1992).

9. Carrying large sums of cash is strong evidence of some relationship with illegal drugs for purposes of forfeiture. U.S. v. \$67,220.00 in United States Currency, 957 F.2d 280 (6th Cir. 1992).

10. Claimant's record of drug activity is a highly probative factor in the forfeiture calculus. U.S. v. \$67,220.00 in United States Currency, 957 F.2d 280 (6th Cir. 1992).

11. It is probative that property is being used in illegal drug activities when the property is found in close proximity to illicit drugs and drug paraphernalia.

Richardson v. One 1972 GMC Pickup, 826 P.2d 1311 (Idaho 1992), See also, 167 A.L.R. Fed. 365, J.B. Benimow

12. The presence of drugs, scales, drug manufacturing materials, residue, etc. with the seized property is probative of its connection to illicit drug trade. U. S. v. U. S. Currency Amounting to Sum of \$20,294.00 More or Less, 495 F. Supp. 147 (E.D.N.Y. 1980).

In light of the entire record there is both substantial and material evidence that the Claimant intended to engage in the purchase, manufacture and resale of illegal drugs.

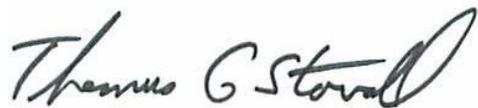
It is **CONCLUDED** that the State of Tennessee has carried its burden of proof and established by a preponderance of the evidence that the above described currency was intended to be used to purchase cocaine which would be processed and resold by

Claimant. As such this currency is subject to forfeiture under the statute, and the same is **HEREBY** forfeited to the Seizing Agency.

This Initial Order entered and effective this 6th day of September, 2007.

Joyce Carter-Ball
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 6th day of September, 2007.



Thomas G. Stovall, Director
Administrative Procedures Division