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Alondra Woodard vs. Safety

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

IN THE MATTER OF:]	
DEPARTMENT OF SAFETY]	
v.]	DOCKET # 19.01-125312J
]	D.O.S. Case # N8058
One 1996 Chevrolet Impala]	
VIN: 1G1BL52P7TR127506]	
Seized From: Alondra Woodard]	
Seizure Date: 4/30/13]	
Claimant: Alondra Woodard]	
Seizing Agency: MNPD/20th JDTF]	
Lien Holder: None Filed]	

INITIAL ORDER

This contested administrative case was heard in Nashville, Tennessee on March 26, 2014, before J. Randall LaFavor, Administrative Judge assigned by the Secretary of State, Administrative Procedures Division, sitting for the Commissioner of the Tennessee Department of Safety. The Seizing Agency was represented by Mr. John Zimmerman, Assistant District Attorney. The Claimant was represented by her legal counsel, Ms. Katie Hagan.

This hearing was convened to consider the proposed forfeiture of the subject vehicle, upon the Seizing Agency’s allegation that the property was received or used in violation of the State's drug laws. After a Forfeiture Warrant was issued, the Claimant filed a claim for the property, and this hearing was scheduled to consider that claim. Upon full consideration of the record, it is determined that the Claimant failed to establish her legal standing to pursue the claim filed in this case, and that her claim should therefore be dismissed. This decision is based on the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. During 2012 and 2013, as the result of an investigation that involved lengthy physical and electronic surveillance, officers with the Metro Nashville Police Department and the 20th Judicial Task Force uncovered drug-related activity in the Middle Tennessee

area by Marcellus Hall ("Hall"). Their investigation revealed that Hall and other co-conspirators sold and delivered large quantities of hydromorphone, a Schedule II narcotic.

2. Their investigation also revealed that Hall had no legitimate source of income, but had acquired various items of value, including multiple vehicles, which were titled in the names of other people. One such vehicle identified by the officers was the 1996 Chevrolet Impala that was seized in this case.

3. Based on their belief that this vehicle was received or used in violation of the State's drug laws, the investigating officers seized the vehicle from the residence of Lorenzo Roberts (a close associate of Hall) and Alondra Woodard. Following the seizure of the vehicle, a Forfeiture Warrant was issued; Alondra Woodard ("the Claimant") filed a claim for the return of the vehicle, and this hearing was convened to consider her claim.

4. The Claimant testified that she purchased the car for \$7,000.00 from Delia Clark five years before the seizure. According to her testimony, Delia Clark signed over the title to the Claimant when she bought it. Although she said that she had paid a substantial amount for the car, and it was in her possession for five years, the Claimant said she did not transfer the title to her name because "it did not pass inspection." The Claimant submitted no documentary proof of her claimed ownership of the car. She did not produce a Certificate of Title; Registration; Proof of Insurance; receipts for gas, service or maintenance; or any other indicia of ownership. Nor did she produce any witnesses to corroborate her testimony related to her ownership of the vehicle (e.g.: Delia Clark or Lorenzo Roberts, who she said was at home "babysitting" on the date of the hearing).

CONCLUSIONS OF LAW and ANALYSIS

1. In his closing argument, counsel for the Seizing Agency challenged the Claimant's legal standing to assert her claim for the seized vehicle. The Department of Safety's *Rules of Procedure for Asset Forfeiture Hearings* provide that, as a threshold issue, the Claimant has the burden of proving legal standing to pursue a claim. Rule 1340-2-2-.15(3), TENN. COMP. R. & REGS.; *see also* TENN. CODE ANN. §53-11-

201(f)(A). Also pursuant to Departmental Regulations, if standing is not proven, the claim may be dismissed, and, when no other valid claims have been filed, the property may be forfeited to the Seizing Agency. Rule 1340-2-2-.16(1)(g)(3), TENN. COMP. R. & REGS.; *See also, Jones v. Greene*, 946 S.W.2d 817 (Tenn. App. 1996).

2. The Claimant's only proven connection to the vehicle is that it was seized from her residence. However, mere physical possession of property is not sufficient, in and of itself, to confer standing to contest a proposed forfeiture. *U.S. v. \$515,060.42 in U.S. Currency*, 152 F.3d at 497; *see also* Am. Jur. 2d *Forfeitures and Penalties*, § 38. To prove legal standing, the Claimant must establish an ownership¹ interest in the seized property that was acquired in good faith. TENN. CODE ANN. § 53-11-201(f)(1) & *Urquhart v. Department of Safety*, 2008 WL 2019458 (Tenn. Ct. App.)² Without such an *ownership* interest, a party lacks standing to challenge the forfeiture. *See Jones v. Greene, supra; U.S. v. \$515,060.42 in U.S. Currency*, 152 F.3d 491, 497(6th Circuit 1998).

3. Although she had nearly eleven months to prepare for the hearing, the Claimant offered no documentary proof of her ownership of the vehicle. Although she said she was given the title when she purchased the car, she failed to produce it at the hearing. Likewise, she failed to offer corroborating testimony from the person from whom she claims to have bought the car, or anyone else who knew the facts surrounding her alleged purchase or ownership of the vehicle over the five years during which she said she owned it.

4. From the state of the record, it cannot be concluded that the Claimant is the owner of the seized vehicle. While a Certificate of Title, issued by the State, is the best proof of vehicle ownership, it is not the only method of establishing ownership. However, the Claimant not only failed to produce the Title, but failed to submit any other documentary proof supporting her claim. Under the best of circumstances, an unsupported claim of

¹ Black's Law Dictionary [4th Ed., Rev.] defines "ownership" as "The complete dominion, title or proprietary right in a thing or claim. The entirety of the powers of use and disposal allowed by law."

² Although TENN. CODE ANN. § 53-11-201(f)(1) merely requires that the Claimant "Has an interest in such property which the claimant acquired in good faith," the Court in *Urquhart* made it clear that the interest referred to is an ownership interest.

ownership is highly suspect; and in this case, there was nothing particularly credible about the Claimant's presentation or demeanor that made her testimony more believable. The Claimant's testimony alone, unsupported by other proof, was insufficient to establish that she was the owner of the seized car. Without a legal document establishing her ownership of the vehicle, or receipts, other documentary proof, or supporting witnesses, the Claimant failed to prove legal standing to pursue a claim for the property under the State's Forfeiture Laws.

Accordingly, it is hereby determined that the Claimant failed to prove that she owned any legal interest in the seized vehicle, and therefore failed to prove that she is entitled to file and pursue a claim for its return.

IT IS THEREFORE ORDERED that the Claimant's Claim (*Petition for Hearing*) is hereby DISMISSED, and, since there are no other claims pending, the vehicle is hereby forfeited to the Seizing Agencies, the Metropolitan Nashville Police Department and the 20th Judicial District Task Force.

This Order is entered and effective this _____ day of _____, 2014.

J. Randall LaFevor, Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this _____ day of _____ 2014.



J. Richard Collier, Director
Administrative Procedures Division