



University of Tennessee, Knoxville
**Trace: Tennessee Research and Creative
Exchange**

Tennessee Department of State, Opinions from the
Administrative Procedures Division

Law

4-14-2010

DEPARTMENT OF SAFETY vs. \$28,159.04 in
U.S. Currency, Seized From: Jackie L. Redd, Date of
Seizure: July 15, 2009, Claimant: Jackie L. Redd,
Lien Holder: None

Follow this and additional works at: http://trace.tennessee.edu/utk_lawopinions

 Part of the [Administrative Law Commons](#)

This Initial Order by the Administrative Judges of the Administrative Procedures Division, Tennessee Department of State, is a public document made available by the College of Law Library, and the Tennessee Department of State, Administrative Procedures Division. For more information about this public document, please contact administrative.procedures@tn.gov

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

IN THE MATTER OF:

DEPARTMENT OF SAFETY

v.

**\$28,159.04 in U.S. Currency
Seized From: Jackie L. Redd
Date of Seizure: July 15, 2009
Claimant: Jackie L. Redd
Lien Holder: None**

**DOCKET NO: 19.01-107311J
D.O.S. Case No. J6660**

INITIAL ORDER

This matter was heard at the Highway Patrol Headquarters at Fall Branch, Tennessee, on April 14, 2010, before Steve R. Darnell, Administrative Law Judge, assigned by the Secretary of State, and sitting for the Commissioner of the Tennessee Department of Safety. Attorney Nina Harris represented the Department of Safety. Claimant is represented in this matter by attorney H. Randolph Fallin of Mountain City, Tennessee.

The subject of this hearing was the proposed forfeiture of the subject property for its alleged use in violation of T.C.A. §53-11-451 *et seq.* and §40-33-201 *et seq.*

FINDINGS OF FACT

1. On July 15, 2009, law enforcement seized the above referenced U.S. currency, a 1992 Geo vehicle and several cell phones pursuant to the above referenced statutes.

2. Claimant, through his attorney H. Randolph Fallin, filed a claim seeking the return of the U.S. currency only. A hearing was scheduled on April 14, 2010 to hear Claimant's claim on the U. S. currency.

3. Shortly before the scheduled hearing, Claimant's attorney gave written notice to the Department of Safety that Claimant was withdrawing his claim and would not be present for the hearing.

CONCLUSIONS OF LAW AND ANALYSIS

Claimant's claim is therefore stricken from the record. The claim having been stricken, it is as if no claim had ever been filed. T.C.A. §40-33-206(c) provides that if no claim is file for the seized property, then "the seized property shall be forfeited and disposed of as provided by law."

IT IS THEREFORE ORDERED that the \$28,159.04 in U.S. currency is forfeited to the seizing agency.

This Initial Order entered and effective this 26th day of April, 2010.

Steve R. Darnell
Administrative Law Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 26th day of April, 2010.

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

Thomas G. Stovall, Director
Administrative Procedures Division