



6-5-2007

DEPARTMENT OF SAFETY vs. One 1990  
CHEVROLET CAPRICE VIN:  
1G1BN53E7MW221511 \$731.00 in U.S.  
Currency, Seized from: Alvin Brooks Claimed by:  
Alvin Brooks, Seizure Date: 12/23/06

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

**IN THE MATTER OF:** )  
 )  
**DEPARTMENT OF SAFETY** )  
 )  
**v.** )  
 )  
**One 1990 CHEVROLET CAPRICE** )  
**VIN: 1G1BN53E7MW221511** )  
**\$731.00 in U.S. Currency** )  
**Seized from: Alvin Brooks** )  
**Claimed by: Alvin Brooks** )  
**Seizure Date: 12/23/06** )

**DOCKET NO. 19.01-095798J**  
**DOS No. F9393**

**INITIAL ORDER**

A contested administrative hearing was conducted in this matter on June 5, 2007, before Marion P. Wall, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Safety in Chattanooga, Tennessee. Ms. Lori Long, Staff Attorney for Department of Safety, represented the Department. The Claimant was represented by Mr. Leonard Caputo of the Chattanooga Bar. While Claimant and counsel were present, the arresting officer did not appear. The subject of this hearing was the proposed forfeiture was the property listed above.

After consideration of the entire record, it is ORDERED that the seized property be returned to the Claimant.

**FINDINGS OF FACT**

Claimant duly filed a timely request for hearing relating to the seized items. This matter was set for hearing on June 5, 2007. This was the second setting of this matter. No officer

appeared to testify on the Department's behalf. Claimant's counsel moved to dismiss the forfeiture action.

**CONCLUSIONS OF LAW**

1. The State bears the burden of proof in this matter by a preponderance of the evidence.
2. Having no witness, the State could not meet its burden.
3. It is, therefore, ORDERED that the seized property be returned to the Claimant.

This Initial Order entered and effective this 5th day of September, 2007.

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Marion P. Wall  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State, this 5th day of September, 2007.

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Thomas G. Stovall, Director  
Administrative Procedures Division