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Administrative Procedures Division

Law

8-7-2012

DEPARTMENT OF SAFETY vs. One 2005
Honda Civic, VIN: SHHEP33535U501806,
Seized From: Robert Williams, Seizure Date: 3/8/
12, Claimant: Robert Williams, Seizing Agency:
Memphis P.D.

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

IN THE MATTER OF:]	
]	
DEPARTMENT OF SAFETY]	FORFEITURE PROCEEDING
]	
vs.]	
One 2005 Honda Civic]	
VIN: SHHEP33535U501806]	DOCKET # 19.05-117784J
Seized From: Robert Williams]	(D.O.S. # M4478)
Seizure Date: 3/8/12]	
Claimant: Robert Williams]	
Seizing Agency: Memphis P.D.]	

INITIAL ORDER

This contested administrative case was heard in Memphis, Tennessee on August 7, 2012, before J. Randall LaFevor, Administrative Judge assigned by the Secretary of State, sitting for the Commissioner of the Tennessee Department of Safety. Mr. Joe Bartlett, Staff Attorney for the Tennessee Department of Safety, represented the Seizing Agency. The Claimant appeared *pro se*.

The subject of the hearing was the proposed forfeiture of the seized vehicle for its alleged use in the commission of the Claimant's second or subsequent violation of the state law prohibiting driving a motor vehicle under the influence of an intoxicant ("DUI"). TENN. CODE ANN. §§ 55-50-504 & 40-33-201, *et seq.*

After all of the proof had been submitted, counsel for the Seizing Agency concluded that the agency could not prove its case because the State's witness appeared at the hearing without being properly prepared to testify about the facts surrounding the seizure and proposed forfeiture. In the absence of adequate supporting evidence, counsel for the Seizing Agency asked that the Forfeiture Warrant be dismissed, and that the Claimant's vehicle be returned to him. That request was granted.

Accordingly, it is hereby ORDERED that the Vehicle Forfeiture Warrant is DISMISSED, and the subject 2005 Honda Civic shall be returned to the Claimant, Robert Williams.

The Seizing Agency shall not charge the Claimant any storage or other fees associated with its seizure, as long as he contacts the agency to pick up his car within five (5) days following receipt of this Order.

Entered and effective this 10 day of August, 2012

J. Randall LaFevor, Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 10 day of August, 2012



Thomas G. Stovall, Director
Administrative Procedures Division