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Administrative Procedures Division

Law

10-11-2012

DEPARTMENT OF SAFETY vs. CURRENCY:
\$483.00, SEIZED FROM: ROY MCKINNEY,
DATE OF SEIZURE: 10/04/10, CLAIMANT:
ROY MIKINNEY

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

IN THE MATTER OF:)	
)	
DEPARTMENT OF SAFETY)	
)	
v.)	DOCKET NO. 19.01-115815J
)	DOS CASE NO. K9902
)	
CURRENCY: \$483.00)	
SEIZED FROM: ROY MCKINNEY)	
DATE OF SEIZURE: 10/04/10)	
CLAIMANT: ROY MCKINNEY)	
)	

INITIAL ORDER

This administrative proceeding was heard on October 11, 2012 by Anthony Adgent, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Safety in Fall Branch, Tennessee. Nina Harris represented the State. The Claimant represented himself by telephone.

The subject of this hearing was the proposed forfeiture of \$483.00 seized from Roy Mckinney at the time of his arrest for possession of marijuana for resale.. After careful review of the record and the evidence presented in this case it is determined that the subject currency should be forfeited to the seizing agency. This decision is based upon the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On 10/3/10 Mr. Mckinney was arrested in his hotel room and charged with possession for resale of some 55grams of marijuana.
2. At the time of his arrest was also in possession of digital scales and several plastic baggies.
3. \$483.00 was seized from Mr. Mckinney as drug sale procedes.
4. Mr. Mckinney filed a claim for the return of the money.

CONCLUSIONS OF LAW AND ANALYSIS

1. At hearing Mr. Mckinney testified that the money seized was earned by doing auto mechanic work for friends.
2. His testimony was not believable under the circumstances of his arrest.
3. Therefore, it is **ORDERED** that the currency in question **SHALL BE FORFIETED** to the Seizing agency.

This Initial Order entered and effective this 29 day of October, 2012

Anthony Adgent
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 29 day of October, 2012

Thomas Stovall, Director
Administrative Procedures Division