



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

Tennessee Department of State, Opinions from the
Administrative Procedures Division

Law

6-26-2014

Bobby Jones vs. Safety

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

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,]	
]	
vs.]	DOCKET # 19.01-123646J
]	D.O.S. # N7127
One 2007 Chrysler 300¹]	
VIN: 2C3KA53G97H675819]	
Seized From: Bobby Jones]	
Seizure Date: 7/4/13]	
Claimant: Bobby Jones]	
Seizing Agencies: Metro Nashville P.D.]]	
]	& 20th JDDTF
Lien Holder: None Filed]	

INITIAL ORDER

This contested administrative case was heard in Nashville, Tennessee on June 24, 2014, before J. Randall LaFevor, Administrative Judge, assigned by the Secretary of State, sitting for the Commissioner of the Tennessee Department of Safety. Mr. John Zimmerman, Assistant District Attorney, represented the Seizing Agency. The Claimant, an inmate at the Morgan County Correctional Complex in Wartburg, Tennessee, appeared *pro se*, and participated in the hearing by telephone.

The subject of this hearing was the proposed forfeiture of the seized vehicle, based on the Seizing Agency's assertion that it was used to facilitate a violation of the Tennessee Drug Control Act. Upon full consideration of the record in this case, it is determined that the seized vehicle should be forfeited to the Seizing Agency. This decision is based on the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. As part of an ongoing investigation into drug activity in Middle Tennessee, officers with the Metro Nashville Police Department and the 20th Judicial District Drug

¹ U.S. currency in the amount of \$1,819.00 was also seized from the Claimant. He did not file a claim for the currency. Consequently, it will be forfeited without a hearing.

Task Force learned that Bobby Jones (the "Claimant") had made multiple round trips between Nashville and New York, to purchase large quantities of hydromorphone (Schedule II drugs) for distribution in the Nashville area.

2. On April 1, 2013, the Claimant boarded a Greyhound bus for New York. When he returned to Nashville on April 4, 2013, he was met by investigating officers. During the execution of a consent search of the Claimant, officers found 1,650 hydromorphone pills hidden in his clothing.

3. During subsequent interviews, the Claimant admitted to the officers that, for the previous two years, he had frequently travelled to New York, where he purchased drugs, and that he sold those drugs upon his return to Nashville. He also admitted to them that, on numerous occasions, he had used his personal car, a 2007 Chrysler 300, to transport hydromorphone throughout the Nashville area for distribution to his customers.

4. The officers seized the Claimant's car, and later sought and obtained a Vehicle Forfeiture Warrant for the vehicle. The Claimant filed a claim for its return, resulting in the scheduling of the instant contested administrative case hearing.

5. During the hearing, the Claimant did not challenge the officer's testimony that he had found 1,650 hydromorphone pills hidden in his clothing on April 4, 2013. However, he did deny making any of the incriminating statements attributed to him. Considering his present felony incarceration and his demeanor during the hearing, the Claimant was found not to be a credible witness, and his denials were assigned no weight.

CONCLUSIONS OF LAW and ANALYSIS

1. "All conveyances, including . . . vehicles . . . which are used or are intended for use, to transport, or in any manner facilitate the transportation, sale or receipt of" controlled substances in violation of the Tennessee Drug Control Act are subject to forfeiture. TENN. CODE ANN. § 53-11-451(a)(4).

2. On behalf of the Seizing Agency, the State of Tennessee Department of Safety bears the burden of proof in forfeiture proceedings, and must therefore prove, by a preponderance of the evidence, that the seized property is subject to forfeiture, pursuant to law. Failure to carry the burden of proof operates as a bar to the proposed forfeiture. TENN. CODE ANN. 53-11-201(d)(2); *Rule 1340-2-2-.15*, TENN. COMP. R. & REGS., *Rules of the Tennessee Department of Safety*.

3. The State's proof established, by a preponderance of the evidence, that the Claimant used the seized vehicle to illegally distribute large quantities of drugs (hydromorphone, Schedule II) in the Nashville area over a substantial period of time.

4. When the vehicle was used by the Claimant to transport illegal drugs, it became subject to forfeiture as a vehicle "used or intended for use, to transport, or in any manner facilitate the transportation, sale or receipt of" controlled substances in violation of the Tennessee Drug Control Act. TENN. CODE ANN. § 53-11-451(a)(4). The Claimant established no basis for denying the Seizing Agency's proposed forfeiture.

Accordingly, it is hereby ORDERED that the seized 2007 Chrysler 300 shall be forfeited to the Seizing Agencies, the Metro Nashville Police Department and the 20th Judicial District Drug Task Force, for disposition as provided by law.

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.

A handwritten signature in black ink that reads "J. Richard Collier". The signature is written in a cursive style with a large, looped initial "J".

J. Richard Collier, Director
Administrative Procedures Division