

Forfeitures: Next Steps

Written by F. Clayton Tyler, Attorney at Law
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Minnesota law allows law enforcement to seize your property in association with certain designated offenses. A forfeiture action can be taken against many types of property believed to be associated with criminal activity. For example, law enforcement may seize and attempt to forfeit cash believed to have been transacted during drug-related crime or an automobile used in conjunction with a DWI or prostitution. Regardless of the value of the property, the police must have a valid reason for seizing it, supported by facts and evidence.

Nonetheless, once this property has been seized by law enforcement, it can be extremely difficult to recover. A forfeiture case is handled almost exclusively in civil court, separately from any proceedings in criminal court.

At the Law Office of F. Clayton Tyler P.A. I work with clients throughout the metro area to recover property that was improperly seized and not subject to forfeiture.

Under the state's forfeiture laws, an officer or law enforcement agency may seize property during a lawful arrest or lawful search under a variety of conditions that include: 1) the property was or will be used during the commission of a felony; 2) the property is dangerous to public safety or; 3) the property represents the proceeds of an offense. The law gives officers significant flexibility to take property, and while it establishes a way for people to fight the seizure, that fight can be a difficult one.

There is almost no limit to the items that police officers can confiscate, including:

- Money
- Jewelry
- Cars
- Boats
- Homes

Getting your seized property back, even if you are found completely innocent, or the charges against you are dropped, can require the assistance of a trained attorney experienced in handling forfeiture matters. While a conviction can be used against you in a forfeiture case, a not-guilty verdict or dismissal does not necessarily mean that you automatically recover your items.

The most important first step is to act quickly and get a lawyer involved as soon as possible.

If you wait too long, you may lose your right to bring a suit and recover your money, car, or property.

Forfeiture cases can make up a significant portion of my business, and I understand that police will sometimes seize property that is unrelated to a crime. For example, police may seize money during a drug bust that has nothing to do with drugs. If you just cashed a paycheck and happen to have a larger than normal amount of cash on hand, officers may mistakenly assume that the money is part of payment for illegal activities and wrongfully seize your cash.

During a civil forfeiture suit, the government will have to prove that the money is associated with

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illegal activities. I can work with you to gather evidence to support your case, and recover your property.

To find out more about forfeitures and recovering seized property, visit my website at www.fctyler.com or call my office at (612) 333-7309 today to schedule a free consultation. I will offer you straight talk and honest answers that you can rely on in and out of the courtroom.

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