

# Asset Forfeiture Abuse Can and Does Happen in Utah!

Abuse Item	Summary	Source
1	An "excellent confidential informant" of the FBI, BATF, and Uintah Basin Narcotics Strike Force was convicted of four felony charges involving sexual abuse of a child under the age of 14. The charges included rape of a child and forcible sodomy of a child.	Deseret News 1/19/97
2	District Judge David L. Mower ordered Sevier County to return \$15,900 seized from a California couple and to pay their legal fees of \$2880. The couple was never charged with any drug law violations and no evidence was presented showing the cash was linked to illegal drugs.	SL Tribune 8/1/92 11/14/92
3	The Utah Supreme Court (5-0 ruling) ordered Juab County to return the home of Kim Beddoes because of violation of the Eighth Amendment. The home was confiscated after a drug dealer was enticed by police to sell drugs to Beddoes to avoid being charged with four felony drug offenses. This arranged transaction enabled police to seize the home.	SL Tribune 12/16/94
4	41 months after the Weber-Morgan Narcotics Strike Force seized \$85,000 in CDs and savings accounts, \$9244 in cash, and the home of Vera and Robert Garcia Sr., the civil forfeiture action by the Weber County Attorney still had not commenced. Ostensibly the delay was attributed to the outcome of a 12-count federal indictment against the Garcias. This indictment was later completely dismissed by U.S. District Judge David Sam.	SL Tribune 7/25/94
5	West Valley Police Captain Jim Stroud, Commander of the Salt Lake Metropolitan Drug Task Force, was charged with second degree felony theft and class A misdemeanor theft from drug task force coffers. An audit conducted after the investigation of Stroud began concluded that there needed to be more accountability for task force funds.	Deseret News 11/7/97
6	The former head of the Davis Metro Narcotics Strike Force, Kent M. Lewis, had an arrest warrant issued after he failed to appear in court for charges of possession of cocaine and of a handgun in connection with narcotics, both third degree felonies, and misdemeanor charges of possession of drug paraphernalia and driving under the influence of alcohol or drugs. Lewis was later arrested by Salt Lake police in the parking lot of a convenience store after they responded to a call there involving an armed man wearing a ski mask.	Deseret News 5/17/97 6/24/97
7	Kane County Sheriff Max Jackson used a towing trailer that had been seized, but not forfeited. This was despite a previous warning from County Attorney Todd Macfarlane to not use the trailer before clearing it through his office.	SL Tribune 7/15/94
8	Rory D. Pence sued the city of Salina after being arrested by Salina police officer James P. McDonald for drunk driving and having his vehicle seized. According to Pence's attorney, no drugs were found in the vehicle until the third or fourth search, implicating Officer McDonald for planting them. The vehicle was returned to Pence after the forfeiture case was dismissed. McDonald lost his officer certification and was facing a charge resulting from a relative's removal of the vehicle from an impound lot while the forfeiture case was pending.	SL Tribune 6/3/97
9	Emery County Attorney Patricia Geary instructed deputies to defy a court order requiring \$100,900 to be returned to Hurdley Evans. The Utah Supreme Court found the seizure of the money to be illegal because no attempt was made to prove the money came from or was intended to be used in a drug transaction. For their defiance, Ms. Geary and Emery County Sheriff Guymon were found in contempt of court by state district judge Bryce Bryner.	SL Tribune 5/4/92
10	Michael J. Ward was able to negotiate a plea bargain involving a single reduced charge after he agreed not to contest the forfeiture of \$87,000 and motor home by the Weber-Morgan Narcotics Strike Force. Ward was found in possession of 740 pounds of marijuana.	SL Tribune 4/8/93