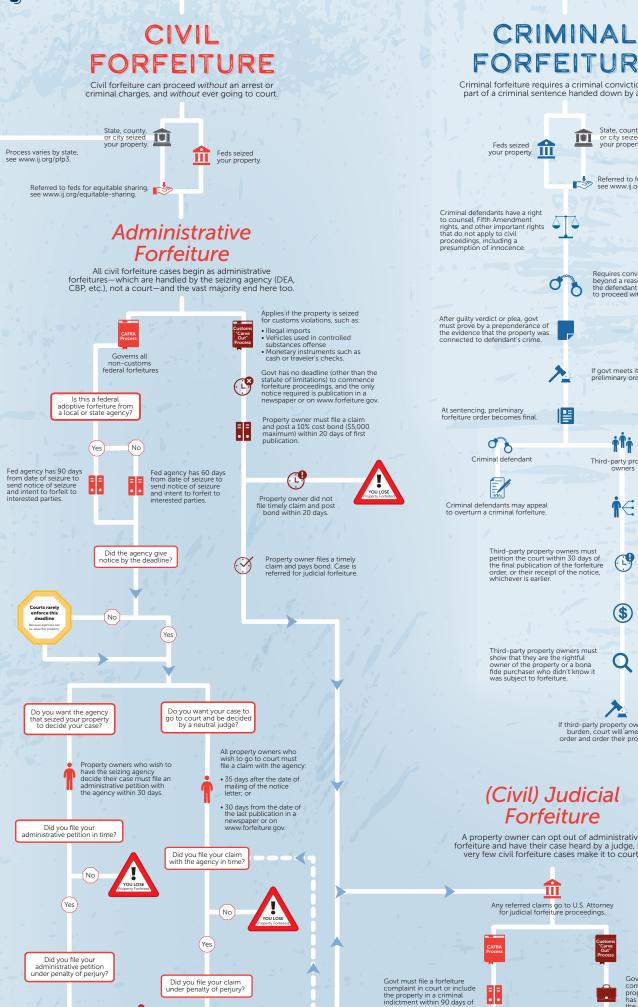
YOUR PROPERTY OR THEIRS?

The convoluted process property owners face when their property is seized for federal forfeiture





Scan to learn more about civil forfeiture.



Property Seized by

Government

FORFEITURE Criminal forfeiture requires a criminal conviction and is part of a criminal sentence handed down by a judge. State, coun or city seized your property Feds seized your property. State law criminal forfeiture process Referred to feds for equitable sharing see www.ij.org/equitable-sharing. Criminal defendants have a right to counsel, Fifth Amendment rights, and other important rights that do not apply to civil proceedings, including a presumption of innocence. Requires conviction (govt proves beyond a reasonable doubt that the defendant is guilty of a crime) to proceed with forfeiture. O After guilty verdict or plea, govt must prove by a preponderance of the evidence that the property was connected to defendant's crime. If govt meets its burden, court enters preliminary order of forfeiture. ŕŤŕ Third-party property If any third parties (other than the defendant) have an interest in the property, they must wait until after the court has entered the forfeiture order to file a claim in an ancillary proceeding **i**e Criminal defendants may appeal to overturn a criminal forfeiture. Third-party property owners must petition the court within 30 days of the final publication of the forfeiture order, or their receipt of the notice, whichever is earlier. (19

> Third-party property owners must show that they are the rightful owner of the property or a bona fide purchaser who didn't know it was subject to forfeiture. Q

 $\mathbf{\lambda}$ If third-party property owner meets their burden, court will amend forfeiture order and order their property returned.

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Third-party property owners must pay for their own legal representation and may conduct discovery, if court allows it.

(Civil) Judicial Forfeiture

A property owner can opt out of administrative forfeiture and have their case heard by a judge, but very few civil forfeiture cases make it to court.

III Any referred claims go to U.S. Attorney for judicial forfeiture proceedings.

Govt must file a forfeiture complaint in court or include the property in a criminal indictment.

"Carve Out"

