

1 \$1425
Jordan T. Smith, Esq., NV Bar no. 12097
2 jts@pisanellibice.com
John A. Fortin, Esq., NV Bar no. 15221
3 jaf@pisanellibice.com
PISANELLI BICE PLLC
4 400 South 7th Street, Suite 300
Las Vegas, Nevada 89101
5 (702) 214-2100

6 Wesley Hottot, Esq., (*pro hac vice* forthcoming)
whottot@ij.org
7 INSTITUTE FOR JUSTICE
600 University Street, Suite 1730
8 Seattle, Washington 98101
(206) 957-1300
9
10 Benjamin A. Field, Esq., (*pro hac vice* forthcoming)
bfield@ij.org
INSTITUTE FOR JUSTICE
11 901 N. Glebe Rd., Suite 900
Arlington, VA 22203
12 (703) 682-9320
13 *Attorneys for Plaintiff*

14 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
15 **IN AND FOR THE COUNTY OF WASHOE**

16 STEPHEN LARA,

17 Plaintiff,

18 v.

19 STATE OF NEVADA ex rel. Department of
Public Safety, Highway Patrol Division;
20 COLONEL ANNE CARPENTER, in her
official capacity as Chief of the Nevada
21 Highway Patrol; and SERGEANT GLENN
RIGDON, in his official capacity as an officer
22 of the Nevada Highway Patrol; and JOHN
DOES I-X,

23 Defendants.
24

Case No.

Dept. No.

COMPLAINT

JURY TRIAL DEMANDED

**(Exempt from Arbitration per NAR 3(A)
Declaratory Relief Requested)**

25 ///
26
27
28

1 Plaintiff Stephen Lara makes the following Complaint against Defendants the State of
2 Nevada ex rel. Department of Public Safety, Highway Patrol Division; Colonel Anne Carpenter, in
3 her official capacity as Chief of the Nevada Highway Patrol; Sergeant Glenn Rigdon, in his official
4 capacity as an officer of the Nevada Highway Patrol; and JOHN DOES I-X (collectively
5 “Defendants”). Plaintiff alleges the following:

6 **INTRODUCTION**

7 1. Stephen Lara files this lawsuit to establish that officers of the Nevada Highway
8 Patrol (“NHP”) unconstitutionally seized his life savings—\$86,900—without probable cause, and
9 did so for the purpose of turning his money over to the U.S. Drug Enforcement Administration
10 (“DEA”) for federal “adoption” and “equitable sharing” of the proceeds for the benefit of NHP and
11 DEA.

12 2. Under the U.S. Department of Justice’s (“DOJ’s”) “equitable sharing” program,
13 federal law enforcement agencies can “adopt” property seized by state and local agencies. An
14 adoption occurs after state officers seize property, under state law, and a federal agency handles the
15 investigation and prosecution, under federal law. The federal agency keeps 20 percent of the
16 resulting proceeds and returns 80 percent to the state agency, assuming the government forfeits the
17 property by one of several means—for example, the owner defaults by missing a deadline, the
18 government wins a civil forfeiture case (in rare cases) or wins administrative forfeiture with zero
19 judicial involvement (in most cases). In 2019, more than 85 percent of federal seizures were
20 disposed of through the administrative process.

21 3. In this case, Lara’s money is no longer subject to federal forfeiture. All
22 administrative and judicial forfeiture routes are now closed. Under the Civil Asset Forfeiture
23 Reform Act of 2000 (“CAFRA”), the government had to do one of three things before, at the latest,
24 July 26, 2021: (1) obtain a criminal indictment, (2) obtain an extension, or (3) begin civil forfeiture
25 proceedings. Having done none of these things, DEA was required to “promptly” return Lara’s
26 money 36 days ago.

27 4. Lara still does not have his money. He has filed a motion in the U.S. District Court
28 for the District of Nevada seeking its immediate return based on CAFRA. *See Lara v. U.S. Drug*

1 *Enf't Admin.*, Case No. 3:21-ms-00002 (ECF No. 1) (D. Nev. Aug. 31, 2021) (moving under Fed.
2 R. Crim. P. 41(g) to return Lara's property).

3 5. Based on Nevada law, Lara urges this Court to (1) declare that state law does not
4 authorize NHP's participation in federal adoption and equitable sharing; and, regardless, (2) declare
5 that the due process protections of the Nevada Constitution prohibit NHP's participation because it
6 creates a substantial financial incentive to seize property without probable cause; (3) enjoin NHP's
7 continued participation; (4) award compensatory and nominal damages to Lara; (5) declare that he
8 was entitled to an interim probable-cause hearing before a neutral magistrate; and (6) enjoin the
9 state and require interim hearings, in all cases, within 30 days of seizure.

10 **PLAINTIFF**

11 6. Stephen Patrick Lara is a 39-year-old retired Marine sergeant from Lubbock, Texas.
12 He was honorably discharged after 17 years of active-duty service, including tours in Iraq and
13 Afghanistan as a data and cyber security specialist.

14 7. Lara married a fellow Marine. They had two children and later divorced.

15 8. The current custody arrangement requires Lara to travel regularly between his home
16 in Lubbock, Texas, and Portola, California, where his children and ex-wife live.

17 9. For this reason, Lara drives through Reno at least once a month, sometimes while
18 headed west toward California, sometimes east toward Texas, sometimes once in both directions
19 over just four days.

20 10. He is a United States citizen and resident of the State of Texas.

21 11. He can be served through the undersigned attorneys.

22 **DEFENDANTS**

23 12. The State of Nevada ex rel. Department of Public Safety, Highway Patrol Division,
24 is a governmental agency created under the laws of the State of Nevada. NHP is charged with
25 patrolling the state's highways and enforcing its laws.

26 13. Colonel Anne Carpenter is Chief of NHP. Her duties include ultimate command
27 over NHP's training of officers and its compliance with legal obligations. She is sued in her official
28 capacity.

15. The true names and capacities of Defendants sued as DOES I through X, inclusive and each of them, are unknown to Lara, who therefore sues by fictitious names. Lara will seek to amend this Complaint to set forth the true names and capacities of the fictitiously named Defendants when they have been fully ascertained. Lara is informed and believes, and thereon alleges, that each of the Defendants named as DOES are legally responsible in some manner for the unlawful acts alleged herein and the injuries and damages caused thereby.

JURISDICTION & VENUE

18. Venue is proper in this Court under NRS 13.020 and NRS 41.031 because the seizure of Plaintiff's money occurred in Washoe County and Defendants' illegal and unconstitutional actions occurred, in part, in Washoe County. The amount in controversy exceeds \$15,000.00

Unconstitutional Stop

20. On February 19, 2021, Lara was on the last leg of a drive from Lubbock, Texas, to Portola, California to visit his two children, when he was pulled over on Interstate 80 just outside of Sparks, Nevada.

1 21. Trooper Chris Brown of the Nevada Highway Patrol (badge no. 250) conducted the
2 traffic stop.¹

3 22. Lara—who is Hispanic—was driving a rental car with Texas plates.

4 23. The day before—during an unprecedented cold snap in Texas—Lara discovered he
5 had a flat tire. Thinking he had a slow leak, he took the car to a tire shop, where he learned that the
6 wheel was cracked. Needing to get on the road early that morning to make it to California by Friday,
7 Lara rented a car from the airport with his father’s help and placed the cracked wheel and flat tire
8 in the trunk.

9 24. Under NRS Chapter 239, *et seq.*, Nevada’s Open Records Act, Lara obtained dash
10 and bodycam recordings of the encounter from the perspective of four NHP officers, including
11 Trooper Brown. Plaintiff bases many of his allegations below on those recordings. All quotations
12 are based on counsel’s true and correct transcription of the recordings.

13 25. From his time living just west of Reno, Lara knew a reliable shop in Sparks where
14 he could drop off the wheel and pick it up on his return trip.

15 26. As Lara approached Sparks, Trooper Brown was parked in the median along a two-
16 lane stretch of westbound I-80. Trooper Brown began following in a marked NHP patrol vehicle.
17 With Lara traveling in the right lane, Trooper Brown shadowed him from the left lane. Trooper
18 Brown matched Lara’s speed so that the two vehicles were driving below the speed limit in
19 formation.

20 27. As they approached a tractor-trailer in the right lane, Lara waited for Trooper
21 Brown’s patrol car to pass by in the left lane. Instead, Trooper Brown waited several moments for
22 Lara to make the first move. Lara eventually signaled and moved into the left lane, in front of the
23 patrol vehicle. “There you go,” Trooper Brown was recording saying as Lara changed lanes.

24 28. Maintaining his speed, Lara went around the tractor-trailer, signaled again, and
25 returned to the right lane.

26 29. Trooper Brown followed, explaining (seemingly to himself), “the driver of this
27 vehicle is following that red and blue semi-truck too closely, less than a second following distance.

28

¹ Plaintiff does not know the precise spelling of Brown’s first name.

1 Also driving under the speed limit which is really odd.” Deciding he would “make sure everything
2 is okay,” Trooper Brown called in the plates on Lara’s car, turned on his emergency lights and
3 pulled him over, directing him to a safe turnout.

4 30. Trooper Brown approached Lara’s vehicle and initially praised his driving, saying
5 “first, applaud you on your driving. You drive great Appears that you’re driving, trying to
6 drive safely under the speed limit. I appreciate that.” But, “the reason I am stopping you [is] we
7 have a special enforcement campaign going on. We’re trying to educate drivers about violations
8 they may not realize they’re committing”

9 31. Trooper Brown continued: “I just want to talk to you about your following distance,
10 especially around commercial vehicles. You came up behind a red and blue tanker truck a little bit
11 too close behind him before you made that lane change to go around him . . . I was waiting for you
12 to—trying to give you room to get over there.”

13 32. Trooper Brown took Lara’s driver’s license and rental agreement (in lieu of the
14 vehicle’s registration). He confirmed that Lara had no weapons and ordered him out of the vehicle.
15 Directing Lara to stand beside his patrol vehicle, Trooper Brown reassured him that “as long as
16 everything is valid, my intention is to get you on down the road.”

17 ***Unconstitutional Seizure***

18 33. Instead, Lara was detained for more than 90 minutes, as Trooper Brown, three
19 officers from an NHP highway-interdiction unit, a police dog, and a Washoe County Sheriff’s
20 deputy investigated.

21 34. Lara cooperated with the investigation. He answered all of Trooper Brown’s
22 questions about his travels, background, family, bank accounts, monthly expenses, sources of
23 income, and other topics. Lara readily answered questions from the other officers, invariably calling
24 them “sir” and trying to clear up what appeared to him to be a misunderstanding.

25 35. Lara volunteered that he had a large amount of cash in a backpack in his truck, telling
26 officers it was “about 100,000.” He gave consent to search the vehicle and directed Trooper Brown
27 to the money. Lara explained its legitimate sources—including military retirement benefits and
28

1 income from a hospital job that ended during the COVID-19 pandemic. He told officers the money
2 represented his “life savings,” cobbled together over 20 years.

3 36. Lara gave officers contact information for relatives he said could confirm his story
4 and he showed them receipts for every bank withdrawal over a three-year period.

5 37. After inspecting the receipts, Trooper Brown called his superior, Sergeant Glenn
6 Rigdon. Over the phone, Trooper Brown told Sergeant Rigdon: “I’m looking at the receipts. I mean,
7 it’s not a vacuum seal, but it’s a big bundle of money, in a Ziploc baggy, in a backpack in the trunk
8 in a two-day rental from Texas to Portola, returning on Monday. Nervous behavior, et cetera, et
9 cetera. So, I mean, the elements are all there.”

10 38. Roughly 30 minutes later, Sergeant Rigdon arrived at the scene. After finishing a
11 phone conversation in his patrol car, *see infra* ¶¶ 55–58, Sergeant Rigdon asked Trooper Brown
12 what he thought about Lara. The two officers privately agreed that “as odd as it is, everything lines
13 up” and that Lara’s banking information “jives with his story.”

14 39. At this point, roughly an hour into the stop, Trooper Brown appeared ready to let
15 Lara go with his money.

16 ***Dog Alert***

17 40. Sergeant Rigdon instructed Trooper Brown to “put the dog on the currency.”

18 41. While Trooper Brown went back to his patrol vehicle to fetch the dog, Sergeant
19 Rigdon placed Lara’s money in an open Ziploc bag (apparently the same one Lara had used) and
20 threw the open package to the ground on the side of the road less than 40 yards from Lara’s car.

21 42. Trooper Brown came back with the dog and asked Sergeant Rigdon where the
22 money was located. Rigdon gave him a ballpark (“from about 10 yards in front of his car to probably
23 about 10 yards behind that sign post right there.”).

24 43. Trooper Brown ran with the dog around the area once and, when the dog found the
25 money, Trooper Brown gave her a toy, called her a “good girl,” and, returning to his patrol vehicle,
26 said to Sergeant Rigdon simply, “positive alert.”

27 44. Sergeant Rigdon replied: “We’ll go forward with it.”

28 45. The entire process involving the dog lasted just two minutes.

Unconstitutional Incentive to Seize for Federal Adoption

46. The decision to seize Lara’s life savings on a freeway outside of Reno was motivated by the prospect of federal adoption and payment to NHP through the DOJ’s equitable sharing program.

47. The program distributes the proceeds of seizures and forfeitures to cooperating state and local law enforcement agencies. There are several ways to qualify for equitable sharing. The method used in this case was adoption—a process by which a federal agency takes control of property seized by state authorities, based on state law, and then investigates and prosecutes the case under federal law.

48. State and local law enforcement agencies collect hundreds of millions of dollars in this way each year. In 2019 alone, the federal government made \$333.8 million in equitable sharing payments to state and local law enforcement. From 2000 to 2019, that figure was \$8.8 billion nationwide.

49. In this case, NHP stood to gain \$69,520 from adoption and equitable sharing.

50. Trooper Brown called his counterpart at DEA within the first 25 minutes of the 90-minute traffic stop.

51. On information and belief, Trooper Brown called DEA Agent Shane Murray.

52. Trooper Brown can be heard on his bodycam calling someone named Shane and asking, “can you head out to a traffic stop or are you busy on that other stuff?” After a brief pause (presumably for Agent Murray to speak), Trooper Brown responded: “so far, I’m still searching the car but, a big bundle of money. He says probably at least 100,000.” As the call ended, Trooper Brown asked: “will you just let me know ASAP? Okay. All right. Bye.”

53. Eight minutes later, Trooper Brown called his supervisor (Sergeant Rigdon) on the phone and described the circumstances of the stop and his investigation.

54. While Trooper Brown was on the phone with Sergeant Rigdon, Agent Murray called back. Trooper Brown put his sergeant on hold and clicked over to speak with the other man. He listened for several seconds, said goodbye, and clicked back, saying: “You still there, Sarge? Yeah, Shane’s not coming out.”

1 55. Half an hour later, as Sergeant Rigdon arrived on the scene, he received a call from
2 Agent Murray. Sergeant Rigdon put the call on speaker and his bodycam recorded both men.

3 56. Sergeant Rigdon began the call: “What’s up, Shane?”

4 57. Agent Murray apologized for not being able to make it to the scene personally.
5 Sergeant Rigdon reassured him there would be “no issues” because “it’s too easy to do an adoption”
6 and “I think everything’s going to be okay.” He told Agent Murray he would “text you the money
7 count after we get it.” Agent Murray responded he would “look for the adoption.”

8 58. That is, Sergeant Rigdon arrived at the scene and, even before getting out of his car,
9 he had assured a DEA Agent there would be “no issues” because “it’s too easy to do an adoption”
10 and he would “text you the money count after we get it.”

11 59. As Sergeant Rigdon began his investigation, he asked Trooper Brown, “what are
12 your thoughts, Chris?” Trooper Brown responded: “I’m leaning more towards . . . it’s odd but”
13 Sergeant Rigdon interjected: “It’s odd but it’s not packed like normal,” seeming to refer to how
14 drug proceeds are normally packaged. Trooper Brown replied: “no and he’s answering the
15 questions, there’s receipts here.”

16 60. In response, Sergeant Rigdon told Trooper Brown to “put the dog on the currency.”
17 *See supra* ¶ 40.

18 61. In the next breath, Sergeant Rigdon observed that Lara’s bank receipts “are all
19 zeroed out [and] it jives with his story.” Trooper Brown replied: “Yes . . . as odd as it is, everything
20 lines up.”

21 62. Sergeant Rigdon asked Lara a few questions, including how long he had been saving
22 the money. Lara responded that he “started saving since I was in the Marine Corps, 20 years.”

23 63. Sergeant Rigdon and Trooper Brown conferred again, agreeing that they found the
24 age of the bills suspicious. Sergeant Rigdon: “Not old bills. Claims that he’s been saving it up over
25 20 years.” Trooper Brown: “That’s not 20-year-old bills.” Sergeant Rigdon: “All current bills,
26 so . . . consistent with what we see with drug traffickers.”

27 64. Neither officer seemed to consider that a person might “save” money over a 20-year-
28 period, at various points deposit money in a bank, and at various points take money out as cash. In

1 other words, saving money over a 20-year period does not necessarily mean stockpiling currency
2 for 20 years. And Lara's banking receipts showed that was not what he did.

3 65. After Trooper Brown "put the dog on the currency," *see supra* ¶ 40, Sergeant Rigdon
4 responded, "we'll go forward with it." Trooper Brown responded, "okay," and that ended the
5 discussion.

6 66. As Sergeant Rigdon explained to Lara, "we're going to seize it today, but that
7 doesn't mean we're going to make a final judgment on it. It's going to go through the DEA. So the
8 DEA is going to contact you, and the DEA will provide you with a means to fighting. You're going
9 to have to provide your pay stubs, you're going to have to provide your other receipts and stuff like
10 that, and we'll give you all the information for contacting them as well."

11 67. Sergeant Rigdon continued: "If it is legitimately earned income, you're going to be
12 able to provide those paystubs, and they will give you all your money back, but I believe it's drug
13 proceeds."

14 68. As Trooper Brown and Sergeant Rigdon prepared paperwork, another officer asked
15 "no Shane?" And Sergeant Rigdon replied, "no, Shane said he couldn't come out today, so we'll
16 do an adoption."

17 69. Lara was given an NHP receipt for an "unknown amount of U.S. Currency" with
18 instructions to "contact Agent Murray DEA Reno." (*See* Ex. 2, NHP Receipt, dated Feb. 19, 2021.)
19 Exhibit 3 is a true and correct copy.

20 70. DEA formally adopted NHP's seizure and initiated administrative forfeiture
21 proceedings just two weeks later. (*See* Ex. 3, Adoption Notice, dated Apr. 5, 2021 (providing notice
22 that the seizure of Lara's money was "adopted by the DEA on Marc[h] 4, 2021.")). Exhibit 3 is a
23 true and correct copy.

24 ***Unconstitutional Detention***

25 71. As of today, Lara's \$86,900 has been in custody for 193 days.

26 72. Even if NHP had probable cause (which it did not) to seize Lara's money, the
27 continued detention of his money is unreasonable and lacks probable cause.
28

1 73. To the best of Lara’s knowledge, no judicial officer (federal or state) has been
2 involved at any point to determine the constitutionality of the government’s actions. Rather, NHP
3 and DEA have determined, on their own authority, that there is probable cause to hold Lara’s money
4 for so long.

5 74. In response to DEA’s notice of seizure, Lara mailed a verified claim invoking his
6 right to federal court proceedings. (*See* Ex. 4, Verified Claim, dated Apr. 21, 2021.) Exhibit 4 is a
7 true and correct copy.

8 75. DEA received Lara’s claim no later than July 26, 2021, and deemed it filed the same
9 day.

10 76. DEA responded that his “claim ha[d] been accepted and this matter has been referred
11 to the [District of Nevada].” (*See* Ex. 5, DEA Response to Lara’s Verified Claim, dated May 21,
12 2021.) Exhibit 5 is a true and correct copy.

13 77. Based on the dates of these exchanges, the federal government had until July 26,
14 2021, at the latest, to decide whether to return Lara’s money, obtain a criminal indictment, obtain
15 an extension, or initiate federal civil forfeiture proceedings. *See* 18 U.S.C. § 983(a)(3) (requiring
16 the government to do one of those things within 90 days of the date on which the property owner
17 files a valid claim to the property).

18 78. DEA satisfied none of these requirements. It has not returned Lara’s money. It has
19 not obtained a criminal indictment. It has not obtained an extension. And it has not filed a federal
20 civil forfeiture case.

21 79. That is why, earlier today, Lara filed a motion in federal court seeking the immediate
22 return of his \$86,900 from DEA. . *See Lara v. U.S. Drug Enf’t Admin.*, Case No. 3:21-ms-00002
23 (ECF No. 1) (D. Nev. Aug. 31, 2021).

24 80. But regardless of the federal government’s decisions in the federal matter, NHP’s
25 primary—if not its sole—purpose for seizing Lara’s money was turning it over to DEA for federal
26 adoption and equitable sharing. Thus, NHP’s actions constitute an unconstitutional perversion of
27 probable cause under which all that mattered was that Lara had a lot of money which DEA was
28 willing to adopt.

1 81. As Sergeant Rigdon put it in explaining DEA’s process to Lara, “if it is legitimately
2 earned income, you’re going to be able to provide those paystubs, and they’ll give you all your
3 money back, but I believe it’s drug proceeds.”

4 82. Sergeant Rigdon was explaining DEA’s administrative forfeiture process, which
5 operates at the discretion of the agency. The federal administrative process is more favorable to the
6 government than the judicial forfeiture process, which requires a preponderance of evidence linking
7 property to crime. *See* 18 U.S.C. § 983(c).

8 83. But both federal avenues are more favorable than Nevada’s forfeiture procedures.
9 Nevada law mandates that property may not be forfeited without a criminal conviction. *See*
10 NRS 179.1173(2). Nevada also requires the government to satisfy a burden of clear and convincing
11 evidence connecting the property to a crime. *See* NRS 179.1173.

12 84. Another reason why NHP might prefer federal adoption to state proceedings: At the
13 close of each fiscal year, if the state government’s forfeiture account contains more than \$100,000,
14 70 percent of the excess must be given to the school district in the judicial district where the property
15 was seized. *See* NRS 179.1187. By contrast, there is no limit in Nevada law for what state agencies
16 can make through equitable sharing.

17 85. Further incentivizing adoption and equitable sharing with the federal government,
18 forfeitures under Nevada law generally “must not be used to pay the ordinary operating expenses
19 of the agency.” NRS 179.1187(2)(a). (While there is an exception for proceeds seized through a
20 “task force on narcotics operated by the Department of Public Safety in conjunction with other local
21 or federal law enforcement agencies,” NRS 179.1187(3), this exception does not apply where, as
22 here, the federal government instead adopts a state seizure.)

23 ***Unconstitutional Deprivation of Interim Hearing***

24 86. NHP has never identified what crime it believes Lara committed and to which his
25 money is traceable.

26 87. DEA has identified a laundry list of possible statutes, including the general drug
27 forfeiture statute and a collection of customs laws. But, like NHP, DEA has never articulated what
28 specific crime it believes Lara committed and to which his money is traceable.

1 88. No officer—state or federal—has made any sworn statements to the effect that Lara
2 and his money can be connected to a forfeitable crime under Nevada or federal law.

3 89. At no point was Lara given an opportunity to contest the seizure before a neutral
4 magistrate.

5 90. Lara was detained for an unreasonable period—more than 90 minutes—for a traffic
6 stop that began with Trooper Brown wanting to “make sure everything is okay” and “talk to [Lara]
7 about [his] following distance.”

8 91. Lara was not ticketed nor issued a warning.

9 92. He was not arrested.

10 93. He has not been charged with any crime.

11 94. On information and belief, no indictment has been requested or returned against him.

12 95. To the best of his knowledge, Lara has not been so much as investigated by NHP,
13 DEA, or any other law enforcement agency based on a suspicion that he committed a crime.

14 96. On information and belief, the government’s investigation into Lara ended with the
15 seizure of his money. Neither the state nor federal government has opened an investigation against
16 him for anything beyond the roadside seizure of his life savings.

17 97. Nevertheless, Lara has not gotten his money back. All \$86,900 remains in the
18 custody of DEA at least 36 days after federal law required DEA to promptly return it.

19 98. The risk of erroneous deprivation under these circumstances is extremely high. At
20 this point, it is not only unlikely—it is legally impossible—that Lara’s money will be forfeited as
21 the proceeds or instrumentality of a crime because federal proceedings are now time barred. *See* 18
22 U.S.C. § 983(a)(3)(A)-(B).

23 99. The burden of providing property owners a means of holding an interim hearing
24 before a neutral magistrate is acceptable. Not everyone will want or need an interim hearing. But,
25 as this case illustrates, without some neutral procedure, property owners can be made to wait more
26 than six months for federal procedures to run their course—a potentially catastrophic burden for
27 the financially insecure.

102. A seizure of 193 days, without any means of contesting probable cause, carries with it an unacceptable risk of erroneous deprivation of a person's property rights without notice and an opportunity to be heard.

103. Lara incorporates the factual allegations in ¶¶ 1–102 above as though they were fully set forth here.

105. For more than six months, Lara has been deprived of the total use and enjoyment of his lawfully earned life savings.

106. He was unreasonably detained on the side of the road for more than 90 minutes. At the time, Lara was traveling to visit with his two daughters for the weekend and he was only entitled to one weekend per month with them.

107. Officers seized 100 percent of his money, leaving Lara with only a few dollars in his wallet and a debit card. (Lara has no credit cards.)

108. Because he keeps very little money in the bank, Lara contacted his brother and persuaded him to wire \$1,000. Picking up this money took Lara out of his way, took additional time away from his weekend with his daughters, and required Plaintiff to burden a family member with the inconvenience and expense of wiring money unexpectedly.

109. In the more than six months since seizure, Lara has continued to shop for a home appropriate for him and his two daughters in either Lubbock or California. His search has been

1 impeded by the fact that his life savings is in legal limbo. Additionally, he has had to take valuable
2 time away from his homebuying search to address the seizure of his money.

3 110. Lara has been at times anxious, ashamed, and depressed over the seizure of his
4 money. He has lost sleep and struggled to process what had happened to him. He did not believe
5 that anything like this could happen in America. He had no idea that his money could be taken from
6 him based on such flimsy a justification and held, without charge or hearing, for the better part of
7 a year. Nor did he believe that an innocent person could go through such an ordeal and, when the
8 deadline to return his property arrived, still not get his money back.

9 111. Lara had to find and retain lawyers to assist him in getting his money back. He had
10 to work with those lawyers to prepare a federal motion and this complaint. To enforce his legal
11 rights in this way, Lara had to take time away from his children, his home search, and his job search.

12 112. No one from NHP has contacted Lara in the six months since his money was seized
13 or the last 36 days since the federal government lost the right to pursue any form of forfeiture.
14 Despite DEA's obligation now to return his money "promptly," NHP has done nothing to ensure
15 that happens.

16 113. Although NHP officers seized Lara's money while carrying out their duties under
17 Nevada law, Lara has been forced to communicate with DEA and contend with the bureaucracy of
18 the federal government.

19 114. By turning Lara's property over to federal authorities, NHP deprived Lara of the
20 comparatively robust protections of Nevada civil forfeiture law, including the government being
21 required to obtain a criminal conviction prior to forfeiture (something that is a legal impossibility
22 because Lara was not even charged with a crime), as well as a higher burden of proof under Nevada
23 law (clear and convincing evidence) than under federal law (preponderance of evidence).

24 115. Based on the four claims for relief that follow, this Court can and should remedy
25 each of the injuries above (and any others Lara may later show).

26 ///

27
28

FIRST CLAIM FOR RELIEF

**NHP has No Statutory Authority to Participate in Federal Equitable Sharing
(Declaratory & Injunctive Relief)**

116. Plaintiff incorporates the factual allegations in ¶¶ 1–115 above as though they were fully set forth here.

117. NHP’s participation in federal adoption and equitable sharing is ultra vires because it is not authorized by state law.

118. The power to seize and forfeit property in Nevada arises from Title 14, Chapter 179 of the Nevada Revised Statutes.

119. Specifically, “property is subject to seizure and forfeiture” when it is believed to be “proceeds attributable to the commission or attempted commission of any felony” related to drugs or several other state offenses. NRS 179.1164(1).

120. Chapter 179 lays out a detailed process for how law enforcement must handle seized property.

121. No provision adopted by Nevada's Legislature under Chapter 179 or any other provision in Nevada’s Revised Statutes authorizes law enforcement to simply turn seized property over to federal law enforcement for adoption and equitable sharing.

122. On information and belief, no other provision of Nevada law specifically authorizes state law enforcement to turn seized property over to federal law enforcement for adoption and equitable sharing.

123. As a result, each time Nevada law enforcement acts as NHP did here—seize a person’s property for the purpose of federal adoption—it acts ultra vires and unlawfully.

124. As a direct and proximate result of NHP’s ultra vires acts, Lara’s property was unlawfully seized and he has been injured by the following constitutional violations.

///

SECOND CLAIM FOR RELIEF

**Nevada's Due Process Clause Prohibits Seizures Motivated by Financial Self-Interest
(Declaratory & Injunctive Relief)**

125. Plaintiff incorporates the factual allegations in ¶¶ 1–124 above as though they were fully set forth here.

126. Even if NHP were statutorily authorized to participate in federal adoption and equitable sharing—which it is not—the Due Process protections of Nevada's Constitution prohibit participation.

127. Nevada's Constitution guarantees that “[n]o person shall be deprived of . . . property, without due process of law.” Nev. Const. art. I, § 8, cl. 2

128. On information and belief, NHP's policy and practice is to retain, for its own use, all proceeds generated by seizing property under state law and turning it over for federal adoption and equitable sharing.

129. This policy and practice creates a personal and institutional interest, financial and otherwise, into the decision to seize property that brings irrelevant and impermissible factors into the investigative process and thereby creates actual bias, the potential for bias, and/or the appearance of bias.

130. The NHP officers who investigate cases and seize property for adoption also benefit from equitable sharing proceeds, which are used to pay police salaries and to pay for equipment and facilities used by NHP.

131. As a direct and proximate result of NHP's policy and practice of seizing property for adoption and retaining equitable sharing proceeds, Plaintiff has suffered injury to his constitutional rights, including but not limited to the unjust taking of his property.

132. Even if NHP has no wider policy and practice, the seizure in this case was motivated by constitutionally impermissible self-interest on the part of NHP.

133. As a direct and proximate result of NHP's policy and practice of seizing property for the purpose of federal adoption and equitable sharing (or the decision to seize Lara's property for that purpose), Lara has been denied due process in violation of Nevada's Constitution by having

1 his property seized, without probable cause, by persons with a direct financial incentive in the
2 forfeiture of his money.

3 **THIRD CLAIM FOR RELIEF**

4 **The Seizure of Lara’s Money Lacked Probable Cause**
5 **(Monetary & Declaratory Relief)**

6 134. Plaintiff incorporates the factual allegations in ¶¶ 1–133 above as though they were
7 fully set forth here.

8 135. The Nevada Constitution guarantees that: “[t]he right of the people to be secure in
9 their . . . effects against unreasonable seizures and searches shall not be violated; and no warrant
10 shall issue but on probable cause . . .” Nev. Const. art. I, § 18.

11 136. Nevada law enforcement officers unreasonably seized Lara’s money, without a
12 warrant or probable cause to believe there was a real connection between the money and criminal
13 activity.

14 137. Carrying cash is not a crime.

15 138. Distrusting banks is not a crime.

16 139. None of what officers repeatedly called Lara’s “odd” behavior—for example,
17 driving below the speed limit and carrying a large amount of cash—amounts to a crime.

18 140. At the time of seizure, Nevada law enforcement officers had no evidence connecting
19 Lara’s money to criminal behavior other than a manufactured dog alert.

20 141. Lara questions the reliability of the dog alert, given how the procedure was carried
21 out by Sergeant Rigdon and Trooper Brown.

22 142. In any event, the financial incentive to seize Lara’s money factored in even before
23 the sergeant-in-charge performed any investigation. Well before the dog alert, Sergeant Rigdon
24 discussed with DEA Agent Shane Murray how adoption would be “no issue” because “it’s too easy
25 to do an adoption.” Sergeant Rigdon told Murray: “I’ll text you the money count after we get it.”
26 Agent Murray responded that he would “look for the adoption.”

27 143. Nevada’s forfeiture procedures are generally more protective of property rights than
28 federal procedures. If NHP had seized Lara’s property and turned it over to state prosecutors, they

1 would have had the burden to obtain a criminal conviction, *see* NRS 179.1173(2), and only after
2 obtaining a criminal conviction, prosecutors would have been made to show by clear and
3 convincing evidence that the money was connected to the criminal conviction, *see* NRS
4 179.1173(4). By contrast, federal law only requires a preponderance of the evidence. *See* 18 U.S.C.
5 § 983(c).

6 144. On information and belief there are no limits of any kind on the money NHP can
7 take in through federal adoption and equitable sharing or what NHP can spend that money on. the
8 proceeds for. *Compare* NRS 179.1187(2)(a) *with* NRS 179.1187(3).

9 145. Had this forfeiture been conducted under state procedures, Nevada law requires that
10 at the close of each fiscal year, 70 percent of any forfeiture account balance greater than \$100,000
11 must be turned over to public schools.

12 146. The seizure in this case would not have taken place but for the prospect of federal
13 adoption and equitable sharing of the proceeds.

14 147. Under these circumstances, NHP has every incentive to turn roadside seizures
15 (especially marginal ones such as this) over to DEA. The federal procedures are comparatively
16 advantageous to law enforcement. DEA would do 100 percent of the investigative work. DOJ would
17 do 100 percent of the legal work. And NHP would get 80 percent of the proceeds.

18 148. The decision to seize Lara's money was designed to take advantage of the
19 comparatively government-friendly procedures available under federal law.

20 149. As a direct and proximate cause of NHP's unreasonable seizure lacking probable
21 cause, Lara has been deprived of his money for the last six months and suffered the other injuries
22 outlined above.

23 **FOURTH CLAIM FOR RELIEF**

24 **Due Process Requires a Prompt, Post-Seizure Hearing Before a Neutral Magistrate** 25 **(Monetary, Declaratory, & Injunctive Relief)**

26 150. Plaintiff incorporates the factual allegations in ¶¶ 1–149 above as though they were
27 fully set forth here.
28

152. The Nevada Constitution guarantees “[n]o person shall be deprived of . . . property, without due process of law.” Nev. Const. art. I, § 8, cl. 2. It also provides that “[a]ll men are by Nature free and equal and have certain inalienable rights among which are . . . Acquiring, Possessing and Protecting property and pursuing and obtaining safety and happiness.” *Id.* art. I, § 1.

154. Sections 1 and 8 require that property owners have access to an interim hearing before a neutral magistrate when, as here, the government deprives a person of their life savings.

156. As a direct and proximate cause of the lack of a prompt, post-seizure hearing, Plaintiff's constitutional rights were violated and his money was detained for longer than it would have been if he had a means of contesting probable cause.

WHEREFORE, Plaintiff Stephen Lara prays for judgment as follows:

- a. That Nevada Highway Patrol's participation in federal adoption and equitable sharing is ultra vires;
- b. That the Nevada Highway Patrol's participation in federal adoption and equitable sharing violates the due process guarantee of Article I, § 8, cl. 2 of the Nevada Constitution;
- c. That the seizure of Plaintiff's property on February 19, 2021, lacked probable cause and therefore violated Article I, § 18 of the Nevada Constitution;

d. That the due process guarantee of Article I, § 8, cl. 2 requires the state to provide a means of contesting probable cause to seize property, before a neutral magistrate, within 30 days of a seizure; and

e. That Plaintiff was denied due process of law under Article I, § 8, cl. 2 of the Nevada Constitution because he was not given a means of contesting probable cause to seize his property, before a neutral magistrate, for over six months;

2. For a temporary restraining order and preliminary and permanent injunctive relief prohibiting Defendants from participating in federal equitable sharing and requiring an interim hearing to determine probable cause within 30 days of the date of seizure;

3. For an award of compensatory damages (to be measured in discovery) for the economic injuries Plaintiff has suffered due to Defendants' above-described violations of the Nevada Constitution;

4. For an award of \$1 in nominal damages based on Defendants' above-described violations of the Nevada Constitution;

5. For an award of reasonable attorneys' fees and costs as provided by law; and

6. Such further relief as this Court deems just and proper.

DATED this 31st day of August 2021

PISANELLI BICE PLLC

By: /s/ Jordan T. Smith
Jordan T. Smith, Esq., NV Bar No. 12097
John A. Fortin, Esq., NV Bar No. 15221
400 South 7th Street, Suite 300
Las Vegas, Nevada 89101

Wesley Hottot, Esq., (*pro hac vice forthcoming*)
INSTITUTE FOR JUSTICE
600 University Street, Suite 1730
Seattle, Washington 98101

Benjamin A. Field, Esq., (*pro hac vice forthcoming*)
INSTITUTE FOR JUSTICE
901 North Glebe Road, Suite 900
Arlington, Virginia 22203

Attorneys for Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INDEX OF EXHIBITS

<u>Ex. No.</u>	<u>Description</u>	<u>Document Date</u>	<u>No. of Pages</u>
1.	Seizure Receipt	02/19/21	1
2.	DEA Notice of Seizure	04/05/21	2
3.	Lara Claim Letter	04/21/21	4
4.	Confirmation of Forfeiture Claim	05/21/21	2

EXHIBIT 1

EXHIBIT 1

PROPERTY RECEIPT



Nevada Department of
Public Safety
DEDICATION PRIDE SERVICE

Case # <u>210201209</u>	Date <u>2-19-2021</u>
-------------------------	-----------------------

Agency: ☐ Capitol Police ☐ Highway Patrol ☐ Investigation Division ☐ Parole & Probation ☐ Other _____

Collected By TROOPER BROWN Badge # 250

Submitted At:

- | | | |
|--------------------------------------------------------|------------------------------|------------------------------------------|
| <input type="checkbox"/> Elko Property Room | 775-753-1258 | 3920 Idaho St. • Elko, NV 89801 |
| <input type="checkbox"/> Las Vegas Property Room | 702-432-5140 or 702-432-5141 | 4615 W. Sunset Rd. • Las Vegas, NV 89118 |
| <input checked="" type="checkbox"/> Reno Property Room | 775-448-9532 or 775-448-9549 | 357 Hammill Ln. • Reno, NV 89511 |

Owner Information:

Last Name LARA First Name STEPHEN

Mailing Address _____

Phone Number(s) _____

Property Type	Property Description
<input type="checkbox"/> Safekeeping <input type="checkbox"/> Evidence <input checked="" type="checkbox"/> Contraband	UNKNOWN AMOUNT OF US CURRENCY
<input type="checkbox"/> Safekeeping <input type="checkbox"/> Evidence <input type="checkbox"/> Contraband	
<input type="checkbox"/> Safekeeping <input type="checkbox"/> Evidence <input type="checkbox"/> Contraband	
<input type="checkbox"/> Safekeeping <input type="checkbox"/> Evidence <input type="checkbox"/> Contraband	NOTHING ELSE
<input type="checkbox"/> Safekeeping <input type="checkbox"/> Evidence <input type="checkbox"/> Contraband	CONTACT AGENT MURRAY
<input type="checkbox"/> Safekeeping <input type="checkbox"/> Evidence <input type="checkbox"/> Contraband	DCA RENO
<input type="checkbox"/> Safekeeping <input type="checkbox"/> Evidence <input type="checkbox"/> Contraband	

If your item is listed as:

SAFEKEEPING- Item(s) must be claimed within **30 DAYS** of the Department taking possession. Failure to contact the Property Room indicated above to make arrangements to retrieve property, will result in the property being disposed of per department policy.

EVIDENCE- Item(s) will be available for return upon receipt of an evidence release from one of the following: District Attorney; Court of Jurisdiction; City Attorney; Attorney General; or an Administrative Authorization. Any item(s) considered illegal, contaminated or used in the commission of a crime will not be returned.

CONTRABAND-Item(s) will be destroyed per department policy.

FIREARMS- You will be required to pass a background check before the firearm may be returned. Proof of ownership and a valid government issued ID are required to claim your weapon.

PROPERTY RETURN- Property is released by **APPOINTMENT ONLY**. Please contact the Property Room indicated on this form to make an appointment. Proof of identity is required to pick up property. Additional documentation may be required.

I have read, and I understand the above information regarding the property listed.

Owner Signature _____

Date 2/19/2021

White copy- Owner

Yellow copy- Property Room

Pink copy-Officer

EXHIBIT 2

EXHIBIT 2



U.S. Department of Justice

Drug Enforcement Administration

Stephen Patrick Lara
[REDACTED]

NOTICE OF SEIZURE OF PROPERTY AND INITIATION OF ADMINISTRATIVE FORFEITURE PROCEEDINGS

SEIZED PROPERTY IDENTIFYING INFORMATION

Notice Date: April 5, 2021	Asset ID Number: 21-DEA-675103
Notice Letter ID: 250521 (use ID when searching for assets during online filing)	
Description of Seized Property: \$86,900.00 U.S. Currency	
Seizure Date and Location: The asset(s) referenced in this notice letter were seized on February 19, 2021 by the Nv Dept Of Public Safety, Highway Patrol at Sparks, Nevada and adopted by the DEA on Marc 4, 2021.	
Forfeiture Authority: The forfeiture of this property has been initiated pursuant to 21 USC 881 and the following additional federal laws: 19 U.S.C. §§ 1602-1619, 18 U.S.C. § 983 and 28 C.F.R. Parts 8 and 9.	

I. THE GOVERNMENT MAY CONSIDER GRANTING PETITIONS FOR REMISSION OR MITIGATION, WHICH PARDONS ALL OR PART OF THE PROPERTY FROM THE FORFEITURE.

TO REQUEST A PARDON OF THE PROPERTY YOU MUST FILE A PETITION FOR REMISSION OR MITIGATION

- A. **What to File:** You may file both a claim (see section II below) and a Petition for Remission or Mitigation (Petition). If you file only a petition and no one else files a claim, your petition will be decided by the seizing agency.
- B. **To File a Petition:** A petition should be filed online or by mailing it via the U.S. Postal Service or a Commercial Delivery Service to the Drug Enforcement Administration (DEA), Forfeiture Counsel, Asset Forfeiture Section 8701 Morrisette Drive, Springfield, VA 22152. It must be received no later than 11:59 PM EST thirty (30) days of your receipt of this Notice. See 28 C.F.R. Parts 8 and 9.
- C. **Requirements for Petition:** The petition must include a description of your interest in the property supported by documentation and any facts you believe justify the return of the property and be **signed under oath**, subject to the penalty of perjury or meet the requirements of an unsworn statement under penalty of perjury. See 28 U.S.C. § 1746.
- D. **Petition Forms:** A petition need not be made in any particular form but a standard petition form and the link to file the petition online are available at <https://www.forfeiture.gov/FilingPetition.htm>. If you wish to file a petition online for the assets referenced in the asset list of this letter, please use the Notice Letter ID referenced above.
- E. **Supporting Evidence:** Although not required, you may submit supporting evidence (for example, title paperwork or bank records showing your interest in the seized property) to substantiate your petition.
- F. **No Attorney Required:** You do not need an attorney to file a petition. You may, however, hire an attorney to represent you in filing a petition.
- G. **Petition Granting Authority:** The ruling official in administrative forfeiture cases is the Forfeiture Counsel. The ruling official in judicial forfeiture cases is the Chief, Money Laundering and Asset Recovery Section, Criminal Division, Department of Justice. See 28 C.F.R. § 9.1.
- H. **Regulations for Petition:** The Regulations governing the petition process are set forth in 28 C.F.R. Part 9, and are available at www.forfeiture.gov.
- I. **Penalties for Filing False or Frivolous Petitions:** A petition containing false information may subject the petitioner to criminal prosecution under 18 U.S.C. § 1001 and 18 U.S.C. § 1621.

- J. **Online Petition Exclusions:** If you cannot find the desired assets online, you must file your petition in writing at the address listed above. For more details regarding what assets can be petitioned online, please see the Frequently Asked Questions at <https://www.forfeiture.gov/FilingPetitionFAQs.htm>.

II. TO CONTEST THE FORFEITURE OF THIS PROPERTY IN UNITED STATES DISTRICT COURT YOU MUST FILE A CLAIM. *If you do not file a claim, you will waive your right to contest the forfeiture of the asset. Additionally, if no other claims are filed, you may not be able to contest the forfeiture of this asset in any other proceeding, criminal or civil.*

- A. **To File a Claim:** A claim must be filed to contest the forfeiture. A claim should be filed online or by mailing it via the U.S. Postal Service or a Commercial Delivery Service to the DEA, Forfeiture Counsel, Asset Forfeiture Section 8701 Morrisette Drive, Springfield, VA 22152.
- B. **Time Limits:** A claim must be filed within 35 days of the date of this letter; therefore, you must file your claim by **11:59 PM EST on May 10, 2021**. See 18 U.S.C. § 983(a)(2). A claim is deemed filed on the date received by the agency at the address listed above.
- C. **Requirements for Claim:** A claim must be filed online or in writing, describe the seized property, state your ownership or other interest in the property and be **made under oath**, subject to penalty of perjury or meet the requirements of an unsworn statement under penalty of perjury. See 18 U.S.C. § 983(a)(2)(C) and 28 U.S.C. § 1746.
- D. **Claim Forms:** A claim need not be made in any particular form, but a standard claim form and the link to file the claim online are available at <https://www.forfeiture.gov/FilingClaim.htm>. See 18 U.S.C. § 983(a)(2)(D). If you wish to file a claim online for the assets referenced in the asset list of this letter, please use the Notice Letter ID referenced above.
- E. **Supporting Evidence:** Although not required, you may submit supporting evidence (for example, title paperwork or bank records showing your interest in the seized property) to substantiate your claim.
- F. **No Attorney Required:** You do not need an attorney to file a claim. You may, however, hire an attorney to represent you in filing a claim.
- G. **When You File a Claim:** A timely claim stops the administrative forfeiture proceeding. The seizing agency forwards the timely claim to the U.S. Attorney's Office for further proceedings. You may also file a petition for remission or mitigation.
- H. **Penalties for Filing False or Frivolous Claims:** If you intentionally file a frivolous claim you may be subject to a civil fine. See 18 U.S.C. § 983(h). If you intentionally file a claim containing false information, you may be subject to criminal prosecution. See 18 U.S.C. § 1001.
- I. **If No Claim is Filed:** Failure to file a claim by **11:59 PM EST on May 10, 2021** may result in the property being forfeited to the United States.
- J. **Online Claim Exclusions:** If you cannot find the desired assets online, you must file your claim in writing and send to the address listed above. For more details regarding what assets can be claimed online, please see the Frequently Asked Questions at <https://www.forfeiture.gov/FilingClaimFAQs.htm>.

III. TO REQUEST RELEASE OF PROPERTY BASED ON HARDSHIP

- A. **Hardship Release:** Upon the filing of a proper claim, a claimant may request release of the seized property during the pendency of the forfeiture proceeding due to hardship if the claimant is able to meet specific conditions. See 18 U.S.C. 983(f); 28 C.F.R. § 8.15.
- B. **To File Hardship Release:** The hardship request cannot be filed online and must be in writing. The claimant must establish the following:
- Claimant has a possessory interest in the property;
 - Claimant has sufficient ties to the community to assure that the property will be available at the time of trial; and
 - Government's continued possession will cause a substantial hardship to the claimant.
- C. **Regulations for Hardship:** A complete list of the hardship provisions can be reviewed at 18 U.S.C. § 983(f) and 28 C.F.R. § 8.15. Some assets are not eligible for release.

EXHIBIT 3

EXHIBIT 3

Drug Enforcement Administration
Attn: Forfeiture Counsel
Asset Forfeiture Section
8701 Morrisette Drive
Springfield, VA 22152

April 21, 2021

RE: VERIFIED CLAIM OF STEPHEN PATRICK LARA TO \$86,900 IN U.S. CURRENCY, ASSET ID 21-DEA-675103,
NOTICE LETTER ID 250521

To Whom It May Concern:

I am the rightful owner of the \$86,900.00 in U.S. currency seized from me on February 19, 2021 by the Nevada Department of Public Safety, Highway Patrol at Sparks, Nevada. According to the Notice of Seizure mailed to me by the DEA on April 5, 2021, my money was "adopted by the DEA on March 4, 2021." A copy of the notice is included with this letter.

This letter is my verified claim to the seized property. The identity of the property is Eighty-Six Thousand Nine Hundred Dollars and No Cents (\$86,900.00) in U.S. Currency seized from me on February 19, 2021 by the Nevada Department of Public Safety, Highway Patrol at Sparks, Nevada. My interest in the property is that I am its sole legal owner. I assert my right to contest the forfeiture of the property in U.S. District Court.

I can be reached at [REDACTED] or at the following email address:

[REDACTED]

VERIFICATION

I declare, under penalty of perjury, that the information provided in support of the above verified claim is true and correct.

Dated April 21, 2021

A handwritten signature in dark ink, appearing to read 'S. Lara', written over a horizontal line.

Stephen Patrick Lara



U.S. Department of Justice

Drug Enforcement Administration

Stephen Patrick Lara
[REDACTED]

**NOTICE OF SEIZURE OF PROPERTY AND INITIATION OF
ADMINISTRATIVE FORFEITURE PROCEEDINGS**

SEIZED PROPERTY IDENTIFYING INFORMATION

Notice Date: April 5, 2021	Asset ID Number: 21-DEA-675103
Notice Letter ID: 250521 (use ID when searching for assets during online filing)	
Description of Seized Property: \$86,900.00 U.S. Currency	
Seizure Date and Location: The asset(s) referenced in this notice letter were seized on February 19, 2021 by the Nv Dept Of Public Safety, Highway Patrol at Sparks, Nevada and adopted by the DEA on Marc 4, 2021.	
Forfeiture Authority: The forfeiture of this property has been initiated pursuant to 21 USC 881 and the following additional federal laws: 19 U.S.C. §§ 1602-1619, 18 U.S.C. § 983 and 28 C.F.R. Parts 8 and 9.	

I. THE GOVERNMENT MAY CONSIDER GRANTING PETITIONS FOR REMISSION OR MITIGATION, WHICH PARDONS ALL OR PART OF THE PROPERTY FROM THE FORFEITURE.

TO REQUEST A PARDON OF THE PROPERTY YOU MUST FILE A PETITION FOR REMISSION OR MITIGATION

- A. **What to File:** You may file both a claim (see section II below) and a Petition for Remission or Mitigation (Petition). If you file only a petition and no one else files a claim, your petition will be decided by the seizing agency.
- B. **To File a Petition:** A petition should be filed online or by mailing it via the U.S. Postal Service or a Commercial Delivery Service to the Drug Enforcement Administration (DEA), Forfeiture Counsel, Asset Forfeiture Section 8701 Morrisette Drive, Springfield, VA 22152. It must be received no later than 11:59 PM EST thirty (30) days of your receipt of this Notice. See 28 C.F.R. Parts 8 and 9.
- C. **Requirements for Petition:** The petition must include a description of your interest in the property supported by documentation and any facts you believe justify the return of the property and be **signed under oath**, subject to the penalty of perjury or meet the requirements of an unsworn statement under penalty of perjury. See 28 U.S.C. § 1746.
- D. **Petition Forms:** A petition need not be made in any particular form but a standard petition form and the link to file the petition online are available at <https://www.forfeiture.gov/FilingPetition.htm>. If you wish to file a petition online for the assets referenced in the asset list of this letter, please use the Notice Letter ID referenced above.
- E. **Supporting Evidence:** Although not required, you may submit supporting evidence (for example, title paperwork or bank records showing your interest in the seized property) to substantiate your petition.
- F. **No Attorney Required:** You do not need an attorney to file a petition. You may, however, hire an attorney to represent you in filing a petition.
- G. **Petition Granting Authority:** The ruling official in administrative forfeiture cases is the Forfeiture Counsel. The ruling official in judicial forfeiture cases is the Chief, Money Laundering and Asset Recovery Section, Criminal Division, Department of Justice. See 28 C.F.R. § 9.1.
- H. **Regulations for Petition:** The Regulations governing the petition process are set forth in 28 C.F.R. Part 9, and are available at www.forfeiture.gov.
- I. **Penalties for Filing False or Frivolous Petitions:** A petition containing false information may subject the petitioner to criminal prosecution under 18 U.S.C. § 1001 and 18 U.S.C. § 1621.

- J. **Online Petition Exclusions:** If you cannot find the desired assets online, you must file your petition in writing at the address listed above. For more details regarding what assets can be petitioned online, please see the Frequently Asked Questions at <https://www.forfeiture.gov/FilingPetitionFAQs.htm>.

II. TO CONTEST THE FORFEITURE OF THIS PROPERTY IN UNITED STATES DISTRICT COURT YOU MUST FILE A CLAIM. *If you do not file a claim, you will waive your right to contest the forfeiture of the asset. Additionally, if no other claims are filed, you may not be able to contest the forfeiture of this asset in any other proceeding, criminal or civil.*

- A. **To File a Claim:** A claim must be filed to contest the forfeiture. A claim should be filed online or by mailing it via the U.S. Postal Service or a Commercial Delivery Service to the DEA, Forfeiture Counsel, Asset Forfeiture Section 8701 Morrisette Drive, Springfield, VA 22152.
- B. **Time Limits:** A claim must be filed within 35 days of the date of this letter; therefore, you must file your claim by **11:59 PM EST on May 10, 2021**. See 18 U.S.C. § 983(a)(2). A claim is deemed filed on the date received by the agency at the address listed above.
- C. **Requirements for Claim:** A claim must be filed online or in writing, describe the seized property, state your ownership or other interest in the property and be **made under oath**, subject to penalty of perjury or meet the requirements of an unsworn statement under penalty of perjury. See 18 U.S.C. § 983(a)(2)(C) and 28 U.S.C. § 1746.
- D. **Claim Forms:** A claim need not be made in any particular form, but a standard claim form and the link to file the claim online are available at <https://www.forfeiture.gov/FilingClaim.htm>. See 18 U.S.C. § 983(a)(2)(D). If you wish to file a claim online for the assets referenced in the asset list of this letter, please use the Notice Letter ID referenced above.
- E. **Supporting Evidence:** Although not required, you may submit supporting evidence (for example, title paperwork or bank records showing your interest in the seized property) to substantiate your claim.
- F. **No Attorney Required:** You do not need an attorney to file a claim. You may, however, hire an attorney to represent you in filing a claim.
- G. **When You File a Claim:** A timely claim stops the administrative forfeiture proceeding. The seizing agency forwards the timely claim to the U.S. Attorney's Office for further proceedings. You may also file a petition for remission or mitigation.
- H. **Penalties for Filing False or Frivolous Claims:** If you intentionally file a frivolous claim you may be subject to a civil fine. See 18 U.S.C. § 983(h). If you intentionally file a claim containing false information, you may be subject to criminal prosecution. See 18 U.S.C. § 1001.
- I. **If No Claim is Filed:** Failure to file a claim by **11:59 PM EST on May 10, 2021** may result in the property being forfeited to the United States.
- J. **Online Claim Exclusions:** If you cannot find the desired assets online, you must file your claim in writing and send to the address listed above. For more details regarding what assets can be claimed online, please see the Frequently Asked Questions at <https://www.forfeiture.gov/FilingClaimFAQs.htm>.

III. TO REQUEST RELEASE OF PROPERTY BASED ON HARDSHIP

- A. **Hardship Release:** Upon the filing of a proper claim, a claimant may request release of the seized property during the pendency of the forfeiture proceeding due to hardship if the claimant is able to meet specific conditions. See 18 U.S.C. 983(f); 28 C.F.R. § 8.15.
- B. **To File Hardship Release:** The hardship request cannot be filed online and must be in writing. The claimant must establish the following:
- Claimant has a possessory interest in the property;
 - Claimant has sufficient ties to the community to assure that the property will be available at the time of trial; and
 - Government's continued possession will cause a substantial hardship to the claimant.
- C. **Regulations for Hardship:** A complete list of the hardship provisions can be reviewed at 18 U.S.C. § 983(f) and 28 C.F.R. § 8.15. Some assets are not eligible for release.

EXHIBIT 4

EXHIBIT 4



U. S. Department of Justice
Drug Enforcement Administration

www.dea.gov

May 21, 2021

Stephen Patrick Lara

[REDACTED] t
[REDACTED], [REDACTED] K [REDACTED]

RE: Asset I.D. No.: 21-DEA-675103
Property: \$86,900.00 U.S. Currency
Judicial District: District of Nevada

Dear Mr. Lara:

The Drug Enforcement Administration (DEA) has received the submission regarding the above-referenced asset(s). The following information is provided:

The claim has been accepted and this matter has been referred to the judicial district noted above. Please direct all inquiries regarding this matter to that office.

Further correspondence to DEA regarding this matter must reference the DEA asset identification number(s) noted above and must be addressed to the Forfeiture Counsel, Drug Enforcement Administration, Asset Forfeiture Section, 8701 Morrisette Drive, Springfield, Virginia 22152. Correspondence will be deemed *filed (or submitted)* on the **business** date it is actually received by the Forfeiture Counsel at the address listed above. Correspondence **will not be accepted nor considered filed on weekends or federal holidays**, or when it is received by any other office or official, such as a court, United States Attorney's Office, or local DEA office. In addition, a Claim or Petition is not considered filed or submitted if received facsimile transmission. Finally, correspondence is not considered filed or submitted on the date it is mailed or delivered to any person for delivery to the Forfeiture Counsel.

Sincerely,

5/21/2021

X Rick Green

Rick Green
Supervisory Program Analyst
Signed by: DEA

Asset Forfeiture Section
Office of Operations Management

CLAIM.ACK (July 2020)

BY: AD CODE #: DEA1649