

Ownership, Knowledge, & Indicia of Ownership Fact Patterns

Pattern 1: Assume there is clear PC that PIP used the seized vehicle as a conveyance under § 53-11-451. PIP is a college student living in Knoxville. The registered owner is his mother who lives in Nashville. Mother purchased the vehicle three years ago. The contents of the vehicle include maintenance receipts with PIP's name, PIP's dirty clothes, and PIP's textbooks. The vehicle has a "Vol for Life" bumper sticker. The officers don't think Mother knew that PIP was involved with drugs. PIP told officers that the vehicle belongs to Mother. Mother told officers that the vehicle belongs to her.

- Who is the true/actual owner of the vehicle?
- Is there PC that the vehicle is subject to forfeiture?

Pattern 2: Assume there is clear PC that PIP sold narcotics out of the seized vehicle to an undercover officer. PIP told officers that his brother owns the vehicle and that Brother loaned it to him for the day. The registered Owner is John Doe.

Variation A: John Doe told officers that he sold the vehicle to Acme Auto Sales roughly a year ago. Acme Auto Sales told officers that they sold the vehicle 9 months ago and that they can't find paperwork. Brother told officers that he purchased the vehicle from Acme Auto Sales 9 months ago. Brother also told officers that he knew that PIP had convictions for selling narcotics, that PIP frequently possessed large amounts of cash, and that PIP had not been employed for some time.

- Who is the true/actual owner of the vehicle?
- Is there PC that the vehicle is subject to forfeiture?

Variation B: John Doe told officers that he sold vehicle to Acme Auto Sales a year ago. Acme Auto Sales told officers that they sold the vehicle 9 months ago and that they can't find paperwork. Brother told officers that he purchased vehicle from Acme Auto Sales 9 months ago. In the vehicle, officers find vehicle maintenance receipts with PIP's name, sports memorabilia for PIP's favorite team (which Brother happens to hate), and an insurance policy in PIP's name.

- Who is the true/actual owner of the vehicle?
- Is there PC that the vehicle is subject to forfeiture?

Variation C: John Doe fails to respond to officers' attempts to contact him. Acme Auto Sales says that they sold the vehicle 9 months ago and that they can't find paperwork. Brother refused to speak with officers and hung up immediately each time they attempted to call him.

- Who is the true/actual owner of the vehicle?
- Is there PC that the vehicle is subject to forfeiture?

Pattern 3: Officers seized one stack of \$10,000 bound by a rubber band which they found in a closet in one of the extra bedrooms in PIP's house. Officers testify that PIP sold narcotics to undercover officers in controlled buys and several marked bills from the controlled buys are found in the band of cash. PIP told officers the band of cash is his money from gambling winnings and PIP does have paperwork to show he recently won \$2,000 at a casino. Two days after the seizure, PIP's father called officers and told them that the \$10,000 belongs to him and that he had placed it in the closet in the spare bedroom when he last stayed at PIP's house.

- Who is the true/actual owner of the property?
- Is there PC that the currency is subject to forfeiture?
 - Is the full \$10,000 subject to forfeiture?

Pattern 4: During a traffic stop, officers discovered that PIP was driving on revoked license due to DUI. Officers seized the vehicle for DOR under § 55-50-504(g). PIP told officers that the vehicle belongs to his wife. In the vehicle, officers found various men's clothing (including dirty work boots), male vitamins, medication in PIP's name, and hundreds of purchase receipts (some dating back to over a year ago) with PIP's name on them. Wife is the registered owner. Wife told officers that she's the registered owner because she had better credit when they purchased the vehicle, that PIP is the primary driver, and that she has her own separate vehicle.

Variation A: Wife told officers she knows PIP's license is revoked due to a DUI.

- Who is the true/actual owner of the vehicle?
- Is there PC that the vehicle is subject to forfeiture?

Variation B: Wife told officers she did not know PIP's license was revoked.

- Who is the true/actual owner of the vehicle?
- Is there PC that the vehicle is subject to forfeiture?
- Did variation B change your answer(s)?