

**IN THE DISTRICT COURT OF GEARY COUNTY, KANSAS
CIVIL DIVISION**

STATE OF KANSAS, ex rel.
GEARY COUNTY SHERIFF'S DEPARTMENT,
Plaintiff,

v.

Case No. 23 CV
GESO 23-8840

ONE 2007 CHEVROLET TAHOE,
VIN: 1GNFK13067R375829;

Defendants.

Pursuant to the Kansas Standard Asset Seizure and Forfeiture Act K.S.A. 60-4101 et seq.

NOTICE OF PENDING FORFEITURE

Pursuant to K.S.A. 60-4109

NOTICE IS HEREBY GIVEN that the above-captioned property has been seized and is pending forfeiture to the state of Kansas pursuant to the Kansas Standard Asset Seizure and Forfeiture Act (KSASFA), K.S.A. 60-4101 et seq. If you have not previously received a Notice of Seizure for Forfeiture, this is notice pursuant to the Act. The property was seized by the Geary County Sheriff's Department on June 29, 2023, at 2031 S. Spring Valley Rd., Junction City, Geary County, Kansas. The value of the property has been set at \$3,000.00. The conduct giving rise to forfeiture and/or the violation of law alleged is: the properties represent the proceeds of and/or were used or intended to be used to facilitate violation(s) of illegal drug transactions, the property is the proceeds of, and/or was used or intended to be used to facilitate, and/or was furnished or was intended to be furnished in an exchange in, conduct giving rise to forfeiture, all act(s) giving rise to the property's forfeiture.

Should you believe you have a true ownership interest in the seized property, you may do either of the following: (1) File a verified claim with the Court, sending copies to the Plaintiff's Attorney **and** the Seizing Agency; or (2) Do nothing.

You may also wish to consult with an attorney before deciding what is best for you. However, if no valid claim is timely filed within sixty (60) days of your service of this Notice, your interest in the seized property, if any, will be forfeited. Any claim shall comply with the **strict** requirements of true ownership documentation, as set out in K.S.A. 60-4111.

You should be aware that it is a crime to falsely allege an ownership interest in property or to provide other false information in a claim. Further, pursuant to K.S.A. 60-4116(f), any claimant who fails to establish that a substantial portion of the claimant's interest is exempt from forfeiture may be responsible to pay the reasonable costs, expenses and attorney fees of other claimants and the State.

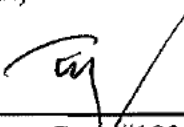
This Notice seeks claims to the seized property only. Should a valid claim(s) be timely filed, as may be determined by the Court upon motion of the State, the State will respond with a judicial complaint, and this matter will proceed to litigation and trial.

The law enforcement agency's copy of your claim should be mailed to:

Cathy Fahey, JC/GC Drug Operations Group, 210 E. 9th, Junction City, Ks. 66441..

The original claim for the Court should be mailed to:

Clerk of the Geary County District Court, 138 East 8th Street, Junction City, Ks. 66441.



Tony Cruz #18366
Attorney for Plaintiff
Pennell Office Building, Suite A
801 North Washington Street
Junction City, Kansas 66441



Frequently Asked Questions

- Q. When does the state of Kansas start a civil forfeiture case?
- A. The state commonly initiates a civil forfeiture case at the conclusion of a drug investigation, after contraband has been seized and suspects are arrested. It usually happens when a person involved in felony drug possession or drug dealing uses a house or car to help transport or conceal such drugs. It can also happen when quantities of cash are discovered in a manner suggesting the money was exchanged (or about to be exchanged) for drugs. The forfeiture code also permits the seizure of property used to commit other specified felonies, such as criminal discharge of a firearm (“drive-by” shooting).
- Q. Why does the state forfeit property? Am I being charged with a crime?
- A. A forfeiture case is designed to compensate law enforcement for its efforts. By taking the property away from the person who allowed it to be used illegally, the police also hope to prevent it from being used that way again. In cases involving cash, the police seize it because it was illegally obtained, or was about to be used for an illegal purpose. Although a forfeiture case often causes inconvenience or hardship, the law is not designed to impose punishment. It is not a criminal case. An owner of property who fails to respond to a forfeiture notice will not be arrested or thrown in jail for that reason. He will simply lose his interest in that property. A forfeiture case “punishes” property- not people.
- Q. Do I have the right to a court-appointed attorney?
- A. No. Because this is not a criminal case, and because there is no possibility of jail time in a forfeiture action, the 6th Amendment to the United States Constitution (which normally guarantees a lawyer) does not apply here. However, you always have the right to hire a Kansas lawyer of your own choosing. If you feel you cannot afford one, or simply don’t think you need one, you have the right to represent yourself, and communicate directly with the prosecutor. If you decide to handle the case by yourself, please remember you will be held to the same rules of procedure as any attorney. You should also remember that the plaintiff’s attorney, even when he seems helpful and polite, is not on your side. He is an opponent who is trying to win the case for the State of Kansas.
- Q. Do I have to answer the “Notice of Pending Forfeiture”?
- A. No. Many people are happy to ignore it, either because the property didn’t belong to them in the first place, or because they don’t think it’s worth the bother. Other people don’t answer the notice because they don’t want to put anything in writing, which might be used against them in a criminal case.
- Q. What happens if I don’t answer the notice within 60 days?

A. You will forever lose your legal right to any property listed in the notice.

Q. If I want to fight this seizure, where do I start?

A. You first need to understand why the property was taken. In many cases, the property is alleged by the police to have been directly involved in a drug transaction or other illegal conduct. But when a car, house or other property is protected from forfeiture because of an exemption (see below), and cannot be seized even though it was used for criminal activity, the police are allowed to take “substituted assets” instead. In other words, they can take luxury items (e. g. electronic equipment, televisions, DVD players, designer athletic jackets and shoes, excess jewelry, etc.) up to the dollar value of the property which was protected from forfeiture.

Once you understand why the property was taken, you need to look at the forfeiture and exemption statutes. Three important sections (K.S.A. 60-4110 (a) & 60-4111) have been attached for your convenience. You MUST read them carefully! Property can be exempt if the owner did not know, and could not have reasonably known, of the illegal activity- or if he tried to prevent the illegal activity from occurring. If you think the police have taken something which may qualify as exempt property, you should consider submitting the “petition for recognition of exemption” described in section #1 of the notice.

Q. What is a “Petition for Recognition of Exemption”?

A. The petition is more like a request than a demand. When you submit it, you are not necessarily denying that the criminal activity took place. You are simply asking the plaintiff’s attorney to consider whether the property taken should be returned because it is exempt from seizure. In essence, you are trying to negotiate the case without going to court. K.S.A. 60-4111 describes the form you petition must take, and lists all of the information you have to include. Don’t skimp on this. If you are vague or incomplete, you will risk final judgment against you without further notice. If the plaintiff’s attorney agrees with your petition, he will ask the police to return the property-unless it is also needed as evidence in a criminal case (which often happens). If he does not agree, he will tell you. Then you have two choices. You can submit a formal claim (within another 30 days) and demand the return of the property, or you can give up.

Q. What is the procedure for submitting a formal claim?

A. It’s virtually identical to a petition, requiring the same information. If you submit a claim, and the state still won’t give the property back, the plaintiff’s attorney will file a civil complaint and take you to court where a judge will decide the matter after a hearing.

- Q. What is default judgment?
- A. Default judgment happens when a property owner fails to respond to the state's notice, or submits a petition or claim so vague or incomplete that the judge treats it the same as no response at all. In a default judgment, the court permanently forfeits the owner's property interest to the State of Kansas. In other words, the owner never gets the property back. The state applies for default judgment when 30 days have passed and the owner has made no response, or the plaintiff's attorney feels the response is so poor that he cannot fairly respond to it. If the judge agrees, the state wins the case.
- Q. Why do I have to send my papers by certified mail with no return receipt?
- A. Because the law requires it. If you fail to do so, and the prosecutor can find no record that you ever sent him a claim, you will have no way of proving that you did what you were supposed to do. The return receipt (green card) may be the only way of showing that you obeyed the law, and thus deserve a fair hearing.

This pamphlet is not legal advice. It is information voluntarily provided by the Geary County Attorney's office for potentially innocent property owners who would like to have a basic understanding of how a forfeiture case begins. Not every lawyer will necessarily agree with the statements made here, and others may suggest courses of action not considered in this text. Also, as the Kansas appellate courts begin to address the forfeiture statute, this information may become outdated. A competent attorney can inform you of ongoing changes in the law.

K.S.A 60-4110

KANSAS STATUTES ANNOTATED

CHAPTER 60.- PROCEDURE, CIVIL

ARTICLE 41.-ASSET SEIZURE AND FORFEITURE

60-4110. Recognition of exemption. (a) The plaintiff's attorney may make an opportunity to file a petition for recognition of exemption available in the following manner:

(1) If the plaintiff's attorney makes an opportunity to file a petition for recognition of exemption available, the plaintiff's attorney shall so indicate in the notice of pending forfeiture described in subsection (a) of K.S.A. 60-4109.

(2) An owner of or an interest holder in the property may elect to file a claim within 60 days after the effective date of the notice of pending forfeiture or a petition for recognition of exemption with the plaintiff's attorney within 60 days after the effective date of the notice, but no petition may be filed after a court action has been commenced by the seizing agency. The claim

or petition shall comply with the requirements for claims in K.S.A. 60-4111. The effective date of a notice of pending forfeiture shall be as provided for in K.S.A. 60-4109.

(b) The following shall apply if one or more owners or interest holders timely petition for recognition of exemption:

(1) The plaintiff's attorney shall provide the seizing agency and the petitioning party with a written recognition of exemption and statement of nonexempt interests relating to any or all interests in the property in response to each petitioning party within 120 days after the effective date of the notice of pending forfeiture.

(2) An owner of or interest holder in any property declared nonexempt may file a claim as described in K.S.A. 60-4111 within 60 days after the effective date of the notice of the recognition of exemption and statement of nonexempt interests.

(3) The plaintiff's attorney may elect to proceed as provided herein for judicial forfeiture at any time.

(4) If no petitioning party files a proper claim within 60 days after the effective date of notice of the recognition of exemption and statement of nonexempt interests, the recognition of exemption and statement of nonexempt interests becomes final, and the plaintiff's attorney shall proceed as provided in K.S.A. 60-4116 and 60-4117.

(5) If a judicial proceeding follows a notice of pending forfeiture making an opportunity to file a petition for recognition of exemption available:

(A) No duplicate or repetitive notice is required. If a proper claim has been timely filed pursuant to subsection (b)(2), the claim shall be determined in a judicial forfeiture proceeding after the commencement of such a proceeding under K.S.A. 60-4113, 60-4114 and 60-4115.

(B) The proposed recognition of exemption and statement of nonexempt interests responsive to all petitioning parties who subsequently filed claims are void and will be regarded as rejected offers to compromise.

(c) If no proper petition for recognition of exemption or proper claim is timely filed, the plaintiff's attorney shall proceed as provided in K.S.A. 60-4116 and 60-4117.

K.S.A 60- 4111

KANSAS STATUTES ANNOTATED

CHAPTER 60.- PROCEDURE, CIVIL

ARTICLE 41.-ASSET SEIZURE AND FORFEITURE

FORFEITURE

60-4111. Claims. (a) Only an owner of or interest holder in property seized for forfeiture may file a claim, and shall do so in the manner provided in this section. The claim shall be mailed to the seizing agency and to the plaintiff's attorney by certified mail, return receipt requested, within 60 days after the effective date of notice of pending forfeiture. No extension of time for the filing of a claim shall be granted except for good cause shown.

(b) The claim and all supporting documents shall be in affidavit form, signed by the claimant under oath, and sworn to by the affiant before one who has authority to administer the oath, under penalty of perjury, K.S.A. 21-3805, and amendments thereto, or making a false writing, K.S.A. 21-3711, and amendments thereto, and shall set forth all of the following:

(1) The caption of the proceedings and identifying number, if any, as set forth on the notice of pending forfeiture or complaint, the name of the claimant, and the name of the plaintiff's attorney who authorized the notice of pending forfeiture or complaint.

(2) The address where the claimant will accept mail.

(3) The nature and extent of the claimant's interest in the property.

(4) The date, the identity of the transferor, and a detailed description of the circumstances of the claimant's acquisition of the interest in the property.

(5) The specific provision of this act relied on in asserting that the property is not subject to forfeiture.

(6) All essential facts supporting each assertion.

(7) The specific relief sought.

Geary County Sheriff's Office Law Enforcement Affidavit

Case Number Victim Offense(s) Date
GESO 23-8840 State of Kansas (F) Flee and Elude 6/29/2023

For: Probable Cause

Suspect Names: Antwaan Dwayne Williams : [REDACTED] [REDACTED] [REDACTED]

- Patrol Car Video [X]
- Body Worn Camera [X]
- Photographs []
- Other:

COMES NOW Cayla J. Da Giau, a Deputy with the Geary County Sheriff's Office, being of lawful age and having been sworn on oath hereby states, alleges that in the County of Geary, and said State of Kansas:

BACKGROUND:

I am currently assigned to the Geary County Sheriff's Office Special Operations Division as a K9 handler. On 12 November 2021 I completed the Kansas Highway Patrol Basic K9 School with my K9 partner, Police Service Dog (PSD) Enzo. PSD Enzo is a dual purpose K9 certified in narcotics detection where PSD Enzo is trained to detect the odors of marijuana, methamphetamine, cocaine, and heroine; and patrol where PSD Enzo is trained in tracking, evidence search, building search, and apprehension. Together PSD Enzo and I have completed more than 500 hours of training to receive these certifications. My most recent Narcotics certification through the KHP with PSD Enzo is 10 October 2022. My most recent Patrol certification through KHP with PSD Enzo is 9 May 2022. I attended Special Reactions Team (SRT) School in 2017 which is a 160 hour course. I am currently serving as a member of the Geary County SRT and have approximately 4 years of SRT experience.

TRAFFIC STOP:

On Thursday 29 June 2023 at approximately 1330 hours I was in the area of State Ave. and Tremont St. assisting Grandview plaza PD with a loose K9. When I observed a black in color Tahoe pass me traveling northbound on State Ave. Behind an older model green passenger car. I note, I knew the vehicle to be familiar however could not recall why. Following my business with the K9 I located the vehicle approximately 4 minutes later parked in front of 307 Jerry Dr. I observed the registration displayed as [REDACTED] I then recalled that vehicle to be commonly operated by Antwaan Williams, who I knew to have active warrants. Additionally I know Williams to have significant narcotics history and is currently facing charges with the Geary County District Court for Distribution, and marijuana charges, one of which was my case, reference case number 23-5520.

I parked under a tree in the Grandview Plaza fire department parking lot and checked in my computer to see if Williams still had active warrants. I note, I did not observe any warrants however, there have been situations where active warrants would not show in the database. I observed the vehicle exit Jerry St., travel east on W. Anchor St., and turn south onto State Ave. I note the vehicle was at Jerry St. for approximately 20 minutes and departed.

ORIGINAL

Geary County Sheriff's Office Law Enforcement Affidavit

Case Number	Victim	Offense(s)	Date
GESO 23-8840	State of Kansas	(F) Flee and Elude	6/29/2023

I notified Grandview Plaza Police of the vehicle and entered the roadway. By the time I was able to see the vehicle again it was entering E. Flint Hills Blvd to J Hill road and entered the I70 eastbound on-ramp. I continued down I70 however I note there were multiple cars between myself and Williams at which time I lost sight of the vehicle. I observed three black vehicles approximately ¼ mile in front of me on I70 but did not know if any were Williams. I observed one of the black vehicles exit at mile marker 296. I exited at mile marker 296 and observed the black Tahoe. I observed the Tahoe fail to signal when exiting the roundabout and continue driving westbound on Goldenbelt Blvd. I activated my emergency equipment in the 400 block of Goldenbelt Blvd. there was a silver in color SUV between the Tahoe and I, which yielded to my equipment. I note, Dep. Carwin was behind me with his emergency equipment activated as well as I was attempting to conduct the traffic stop.

I was directly behind the Tahoe with my emergency equipment on attempting to conduct a traffic stop on the vehicle. The vehicle failed to yield to my emergency equipment and continued driving westbound on Goldenbelt Blvd. I paced the vehicle with my patrol car utilizing my patrol car speedometer I observed the Tahoe to be traveling at approximately 40 MPH in a 30 MPH zone in the 1400 block of Goldenbelt Blvd.

The Tahoe continued driving dropping speed to approximately 35 MPH in a 30 MPH zone in the 1500 block of Goldenbelt Blvd. The Tahoe approached a solid red light at the intersection of Goldenbelt Blvd. and US 77 Hwy and came to a stop. I note, there was heavy traffic traveling both north and southbound on US 77 Hwy. I relayed the information to dispatch and exited my vehicle to initiate a high risk traffic stop with the Tahoe. I observed the front driver window was down on the Tahoe. The Tahoe began driving entering the intersection of US 77 Hwy though the red light with cross traffic in the roadway. The Tahoe continued traveling through the intersection traveling westbound on Lacy Dr. at speeds of 38 MPH in a 30 MPH zone with light traffic. The Tahoe failed to stop at a posted stop sign at the intersection of Lacy Dr. and S. Spring Valley Rd. the Tahoe turned and continued traveling northbound on S. Spring Valley Rd. The Tahoe failed to signal 100' prior to turn when turning and entering the parking lot of 2031 S. Spring Valley Rd.

The vehicle came to a stop in the parking lot. I observed a red in color Chevrolet HHR in the parking lot with Dewonna Goodridge standing outside of her vehicle. I note, the HHR was on scene during my last flee and elude case with Williams at which time Williams identified Goodridge as his mother. I observed a black male driver who I was able to identify as Antwaan D. Williams (DOB: [REDACTED] through my previously mentioned case step out of the driver's door as Goodridge was at the driver's door. Williams began handing items to Goodridge from his person. I initiated a high risk stop with Williams and instructed Williams back to my vehicle at which time Dep. Huizar took him into custody. I ordered Goodridge to place the items Williams handed her on the ground. I note, upon contact Williams appeared agitated and was speaking at high volumes. Williams was passively failing to comply with commands initially and was argumentative throughout the interaction.

When Williams was taken into custody Williams stated "I don't like her, I don't trust her." Williams advised there was nobody else in the vehicle. Dep. Carwin, Sgt. Marichal, Dep. Avila, and I

Geary County Sheriff's Office Law Enforcement Affidavit

Case Number Victim Offense(s) Date
GESO 23-8840 State of Kansas (F) Flee and Elude 6/29/2023

approached the Tahoe and cleared it ensuring there were no other occupants inside the vehicle. I advised officers on scene to remain cognizant of the Goodridge and what appeared to be a juvenile male while clearing the vehicle to keep them out of jeopardy. As we cleared the vehicle Goodridge stated "there is no one else in the vehicle he was coming to meet me." Once we established the vehicle was clear of any other occupants I returned to my vehicle and retrieved PSD Enzo. Goodridge advised she was recording the law enforcement interaction.

K9 DEPLOYMENT:

I approached the Tahoe and placed PSD Enzo in a laying down position near the rear passenger's side tail light. I conducted a safety check walking down the vehicle and back to PSD Enzo. I note, this safety check is to ensure there are no dangerous or potentially hazardous objects or obstacles in the area which my K9 will be deployed. I deployed PSD Enzo around the Tahoe in a counter clockwise manner starting at the rear driver's side tail light. PSD Enzo began sniffing the seams along the vehicle. I note, throughout the sniff Goodridge was speaking at an elevated volume. PSD Enzo bypassed the rear passenger side door and moved to the front passenger side door. I brought PSD Enzo back to the rear passenger side fender and presented the rear passenger side door. PSD Enzo continued sniffing the seams of the vehicle. PSD Enzo jumped up onto the front passenger side door and was sniffing and continued around the vehicle to the front driver side door. At the front driver side door PSD Enzo sniffed the lower seam from the front driver side door to the rear driver side door. PSD Enzo returned to the front Driver side door on his own fruition and began sniffing higher up the seam of the door placing his front paws on the front driver side door. PSD Enzo displayed alert behavior on the front driver side door of the vehicle. Alert behavior is rendered when PSD Enzo detects an odor he is trained to detect but has not located the strongest source of the odor. PSD Enzo's alert behavior can be described as intensified closed mouth sniffing, deep nasal breathing, and stiffened upper body posture, increased tail wag, bracketing, or pricked ears. PSD Enzo continued sniffing the front driver's side door handle displaying alert behavior. I continued moving, PSD Enzo continued returning to the front driver side door. I brought PSD Enzo around back to the passenger side and worked PSD Enzo clockwise around the vehicle presenting seams higher on the car.

PSD Enzo was sniffing where presented and continued moving. PSD Enzo pulled me back to the Front driver's side door and displayed alert behavior again. PSD Enzo indicated with a sit to the front driver side door. An indication is described as the trained response when the K9 has located the strongest source of an odor he is trained to detect. PSD Enzo broke indication and continued sniffing toward the front bumper. Presented the front driver door seams to PSD Enzo. PSD Enzo indicated to the same location upon initial indication. I praised PSD Enzo off of the source.

VEHICLE SEARCH:

I put PSD Enzo back into my patrol car. I was given money from Williams person which I turned over to Goodrich. I explained the situation to Goodrich and returned to my vehicle for gloves. Upon my approach to my vehicle Williams was still speaking at an elevated volume stating "harassment". I approached the Tahoe with Dep. Huizar and began searching the vehicle. I initiated my search of the Tahoe beginning at the front driver side door. While searching the vehicle small amounts of marijuana

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(Commonly referred to as "shake") was located in the center console underneath the plastic covering. No items of evidence were collected upon completion of the search of the vehicle.

The vehicle was seized in reference to this case and towed to the Geary County evidence storage facility. When I returned to my vehicle Williams and Goodrich were continuously speaking at elevated levels stating they believed I was harassing Williams. Williams stated he would have pulled over if it were any of the other law enforcement officers on scene. Williams stated he knew it was me who was attempting to pull him over. Because Goodrich was the registered owner of the vehicle I advised her the vehicle was being seized and why it was being seized. Goodrich requested my name and badge number which I supplied to her. I returned to my vehicle at which time I heard Williams state "Because that fat ass can't do nothing, I gotta keep paying because she can't do her job, I knew this was going to happen." Goodrich was approaching Williams, Williams stated "don't touch my momma, yall wanna keep fuckin with me like that we gonna play like that." Williams was passively refusing to enter the vehicle. I stated "sir just get into the car" Williams stated "nah bitch you don't get it". I stated again "just get into the car". Williams sat in Dep. Carwin's patrol vehicle and was transported by Dep. Carwin to the Geary County Jail where he is being held with no bond.

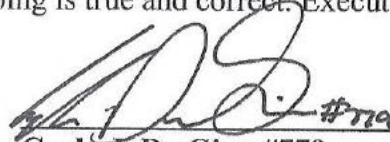
A check of Williams' criminal history was conducted which revealed the following:

- 6/16/2016: [REDACTED]
- 6/12/2016: [REDACTED]
- 2/11/2019: [REDACTED]
- 6/24/2022: [REDACTED]
- 9/8/2022: [REDACTED]
- 3/25/2023: [REDACTED]
- 4/25/2023: [REDACTED]

WHEREFORE, the Affiant has probable cause to believe that **Antwaan Dwayne Williams** : [REDACTED] [REDACTED] has committed the offense of (F) Flee and elude, maximum speed limits (x2), failure to give proper signal, traffic control devices required obedience, failure to stop at stop sign.

FURTHER AFFIANT SAITH NAUGHT

I verify under penalty of perjury that the foregoing is true and correct. Executed on this day, 6/29/2023


Cayla J. Da Giau #779
Deputy K9
Geary County Sheriff's Office