

SUPREME COURT OF PENNSYLVANIA

**Commonwealth of Pennsylvania v. 1997 Chevrolet and Contents
Seized from James Young [Elizabeth Young]; Commonwealth of
Pennsylvania v. The Real Property and Improvements Known as 416
S. 62nd Street, Philadelphia, PA 19143 [Elizabeth Young]**

160 A.3d 1052 (Pa. 2017) · No. Nos. 29 EAP 2015 and 30 EAP 2015 · Decided May 25, 2017

SUMMARY

The Pennsylvania Supreme Court addressed whether civil in rem forfeiture of a home and vehicle used by a third party in drug transactions violated the Eighth Amendment’s Excessive Fines Clause. The Court held that the analysis first requires determining whether the property was an instrumentality of the offense and, if so, whether the forfeiture was grossly disproportional to the gravity of the offense. The Court affirmed the Commonwealth Court’s remand for further proceedings consistent with that framework.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice Todd; Chief Justice Saylor; Justice Baer; Justice Donohue; Justice Dougherty; Justice Wecht
JURISDICTION	Pennsylvania
DECIDED	May 25, 2017
DOCKET	Nos. 29 EAP 2015 and 30 EAP 2015
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Commonwealth appealed by allowance from the Commonwealth Court’s order reversing the Philadelphia County Court of Common Pleas’s order forfeiting Elizabeth Young’s house and vehicle under Pennsylvania’s Controlled Substances Forfeiture Act.
STANDARD OF REVIEW	De novo review and plenary scope of review for the constitutional question concerning the proper standard for determining whether a civil in rem forfeiture violates the Excessive Fines Clause.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Pennsylvania

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QUESTIONS PRESENTED

1. Whether the Excessive Fines Clause requires a threshold determination that property subject to civil in rem forfeiture was an instrumentality of the underlying offense.
2. What constitutional proportionality analysis governs a challenge to punitive civil in rem forfeiture under the Eighth Amendment.
3. What factors courts must consider in determining whether forfeiture is grossly disproportional to the gravity of the underlying offense.
4. Whether the Commonwealth Court properly remanded for application of the correct excessive-fines framework.

HOLDINGS

1. When a civil in rem forfeiture is challenged under the Eighth Amendment's Excessive Fines Clause, the court must first determine whether the specific property sought to be forfeited is an instrumentality of the underlying offense. The property must have been significantly utilized in the commission of the offense; if it was not an instrumentality, the forfeiture cannot withstand Eighth Amendment scrutiny.
2. In determining whether property is an instrumentality, courts must assess whether it was significantly utilized in the offense, including whether it was integral to the offense, whether its use was deliberate or merely incidental, whether the illegal use was isolated or repeated, whether the property was acquired or maintained to carry out the offense, and the spatial and temporal extent of the illegal use.
3. If the property is an instrumentality, the court must determine whether the forfeiture is grossly disproportional to the gravity of the underlying offense. A punitive forfeiture violates the Excessive Fines Clause when the amount and consequences of the forfeiture are grossly disproportional to the offense.
4. The proportionality inquiry must consider the value and consequences of the forfeiture and the gravity of the offense. Relevant considerations include the property's objective pecuniary value, subjective non-pecuniary value, hardship to the owner and innocent third parties, whether forfeiture would deprive the owner of a livelihood, the nature of the offense, the offense's relationship to other illegal activity, the maximum authorized penalty compared with the actual penalty imposed, whether the conduct was isolated or part of a pattern, and the actual harm caused.

KEY QUOTATIONS

“If this threshold prong is satisfied, the next step of the analysis is a proportionality inquiry in which the value of the property sought to be forfeited is compared to the gravity of the underlying offense to determine whether the forfeiture is grossly disproportional to the gravity of the offense.” (at 1)

“Therefore, we hold that an instrumentality analysis, which considers the relationship between the property to be forfeited and the underlying criminal activity, must be a threshold inquiry in addressing an excessiveness challenge to a civil in rem forfeiture.” (at 47-48)

“The touchstone of the constitutional inquiry under the Excessive Fines Clause is the principle of proportionality.” (at 50)

FACTUAL BACKGROUND

Elizabeth Young, a 71-year-old grandmother, owned and lived in a Philadelphia house and owned a 1997 Chevrolet minivan. Police observed Young's adult son conduct multiple marijuana sales from or near the house and vehicle, and searches recovered marijuana, packaging materials, and drug-related items. Young was never charged with a crime; her son pleaded guilty to marijuana offenses and received 11 to 23 months of house arrest without a fine. The Commonwealth nevertheless sought forfeiture of Young's house and vehicle, asserting that they were used to facilitate the son's drug activity.

PROCEDURAL HISTORY

The Philadelphia County Court of Common Pleas ordered forfeiture of Young's home and minivan after finding that her son used both to facilitate marijuana sales and rejecting her statutory innocent-owner defense and Eighth Amendment challenge. The Commonwealth Court reversed and remanded, concluding that the trial court applied an erroneous excessive-fines standard and failed to consider all relevant circumstances. The Pennsylvania Supreme Court affirmed the Commonwealth Court's remand order and established the governing constitutional framework.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The Commonwealth Court's remand to the trial court was affirmed. The trial court must apply the threshold instrumentality analysis and, if satisfied, the gross-disproportionality analysis, considering the specified property-use, valuation, hardship, offense-gravity, penalty, pattern, and actual-harm factors.

CASES CITED

- *Austin v. United States*, 509 U.S. 602 (1993)
- *United States v. Bajakajian*, 524 U.S. 321 (1998)
- *In re King Properties*, 635 A.2d 128 (Pa. 1993)
- *Commonwealth v. 5444 Spruce Street*, 832 A.2d 396 (Pa. 2003)
- *Commonwealth v. Wingait Farms*, 690 A.2d 222 (Pa. 1997)

- Commonwealth v. 5043 Anderson Rd., Buckingham Township, Bucks County, 728 A.2d 907 (Pa. 1999)
- Commonwealth v. 1997 Chevrolet, 106 A.3d 836 (Pa. Cmwlth. 2014)
- von Hofe v. United States, 492 F.3d 175 (2d Cir. 2007)
- United States v. Milbrand, 58 F.3d 841 (2d Cir. 1995)
- United States v. 6380 Little Canyon Rd., El Dorado, Cal., 59 F.3d 974 (9th Cir. 1995)
- Utah v. Real Property at 633 East 640 North, Orem, Utah, 994 P.2d 1254 (Utah 2000)
- United States v. 45 Claremont Street, 395 F.3d 1 (1st Cir. 2005)
- United States v. Viloski, 814 F.3d 104 (2d Cir. 2016)
- United States v. James Daniel Good Real Property, 510 U.S. 43 (1993)
- One 1958 Plymouth Sedan v. Pennsylvania, 380 U.S. 693 (1965)
- Calero-Toledo v. Pearson Yacht Leasing Co., 416 U.S. 663 (1974)
- The Palmyra, 25 U.S. 1 (1827)
- Luis v. United States, 136 S. Ct. 1083 (2016)
- Leonard v. Texas, 2017 U.S. LEXIS 1573 (U.S. 2017)
- Bennis v. Michigan, 516 U.S. 442 (1996)

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