UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

United States v. $242,484.00

351 F.3d 499 (11th Cir. 2003) · Decided November 20, 2003

SUMMARY

The Eleventh Circuit reviewed a civil forfeiture order involving $242,484 seized from Deborah Stanford under 21 U.S.C. § 881(a)(6). The court held that the government's evidence—including the quantity and packaging of the currency, travel circumstances, Stanford's responses to agents, and a narcotics-detection dog alert—was insufficient to establish probable cause of a substantial connection between the money and a narcotics transaction. The court reversed the forfeiture order and denied the government's petition for rehearing while substituting the opinion for the prior withdrawn opinions.

CASE DETAILS

COURT	United States Court of Appeals for the Eleventh Circuit
WRITING FOR THE COURT	Edmondson, Chief Judge; Anderson, Circuit Judge; Pogue, Judge
JURISDICTION	Federal
DECIDED	November 20, 2003
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from a civil forfeiture judgment in favor of the United States, followed by the government's petition for rehearing.
STANDARD OF REVIEW	The court reviewed the district court's historical factual findings for clear error and reviewed de novo whether those findings established probable cause under the governing forfeiture statute. The appellate court construed the findings in favor of the prevailing party but did not make additional factual findings.
PRECEDENTIAL VALUE	published precedential federal appellate opinion
PARTIES	Deborah Stanford v. United States of America

TOPICS

forfeiture · probable cause · remedies · appellate procedure · statutory interpretation

PRACTICE AREAS

civil asset forfeiture · remedies · criminal procedure · appellate procedure · statutory interpretation

QUESTIONS PRESENTED

1. Whether the circumstances found by the district court established probable cause under 21 U.S.C. § 881(a)(6) to believe that the currency had a substantial connection to an illegal narcotics transaction.
2. What standard of review governed the district court's factual findings and its legal determination of probable cause.
3. Whether the appellate court could rely on additional facts or inferences not found by the district court.

HOLDINGS

1. The government's evidence was insufficient to establish probable cause that the currency had a substantial connection to an illegal narcotics transaction. Suspicious circumstances that suggested possible criminal activity generally, including the amount and packaging of the money, travel between source cities, a cash airline ticket, changed travel plans, evasiveness, and a dog alert, did not collectively establish the required drug-specific nexus.
2. Historical facts found by the district court are reviewed for clear error, while whether those facts establish probable cause is a legal question reviewed de novo.
3. A district court's mere recitation that a witness stated a fact is not itself a factual finding that the fact occurred.

KEY QUOTATIONS

> *"To prevail in a civil forfeiture case, the government must establish "probable cause for belief that a substantial connection exists between the property to be forfeited and the criminal activity defined by the statute.""* (351 F.3d at 504)

> *"But they only hint at crime: a suggestion well short of showing probable cause that a "substantial connection" exists between the funds at issue here and a narcotics transaction."* (351 F.3d at 513)

> *"Forfeiture, therefore, should be allowed only when the eircumstances are definitely sufficient to establish probable cause to tie the pertinent property in a substantial way to an illegal drug transaction."* (351 F.3d at 517)

FACTUAL BACKGROUND

Deborah Stanford traveled from Miami to New York and returned carrying $242,484 in cash, which she said she had picked up for her business, Mike's Import & Export U.S.A., Inc. The money was wrapped in black plastic and Christmas wrapping, and a narcotics-detection dog alerted to Stanford's backpack. Stanford traveled under her own name, disclosed that she was carrying cash, had no known criminal record or established connection to drug transactions, and no evidence directly linked the money to a narcotics transaction.

PROCEDURAL HISTORY

The district court ordered the forfeiture of $242,484 seized from Deborah Stanford under 21 U.S.C. § 881(a)(6), finding probable cause to be a close question but concluding that probable cause existed. Stanford appealed, arguing that the government had not shown a substantial connection between the currency and a drug transaction. The Eleventh Circuit denied the government's petition for rehearing, withdrew its prior opinions, substituted this opinion, and reversed the forfeiture order.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The case was reversed with instructions to enter judgment for the claimant.

CASES CITED

- Ornelas v. United States, 517 U.S. 690 (1996)
- United States v. $1,255,625.39, 762 F.2d 895 (11th Cir. 1985)
- United States v. $121,100.00, 999 F.2d 1503 (11th Cir. 1993)
- United States v. Carrell, 252 F.3d 1193 (11th Cir. 2001)
- United States v. Four Parcels of Real Property, 941 F.2d 1428 (11th Cir. 1991) (en banc)
- United States v. $36,634.00, 103 F.3d 1048 (1st Cir. 1997)
- United States v. $67,220.00, 957 F.2d 280 (6th Cir. 1992)
- United States v. $129,727.00, 129 F.3d 486 (9th Cir. 1997)
- United States v. $42,500.00, 283 F.3d 977 (9th Cir. 2002)
- United States v. $91,960.00, 897 F.2d 1457 (8th Cir. 1990)
- United States v. Twenty Cashier's Checks, 897 F.2d 1567 (11th Cir. 1990)
- United States v. $10,700.00, 258 F.3d 215 (3d Cir. 2001)
- Lyng v. Northwest Indian Cemetery Protective Ass'n, 485 U.S. 439 (1988)
- United States v. One 1936 Model Ford V-8 De Luxe Coach, 307 U.S. 219 (1939)
- United States v. $38,000.00, 816 F.2d 1538 (11th Cir. 1987)
- United States v. Cleckler, 270 F.3d 1331 (11th Cir. 2001)
- United States v. $10,700.00, 258 F.3d 215 (3d Cir. 2001)