

SUPREME COURT OF GEORGIA

State v. Williams, 278 Ga. 447

603 S.E.2d 278 (2004) · No. S04G0367 · Decided September 27, 2004

SUMMARY

The Supreme Court of Georgia held that the Civil Practice Act’s relation-back provision applies to a timely but deficient claim of ownership filed in forfeiture proceedings under OCGA § 16-13-49(n). The court affirmed the Court of Appeals and concluded that the forfeiture statute did not expressly conflict with allowing the claimant to amend the deficient claim. Two justices dissented.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Fletcher, Chief Justice
JURISDICTION	Georgia
DECIDED	September 27, 2004
DOCKET	S04G0367
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State sought review of the Court of Appeals' reversal of a trial court judgment forfeiting Williams's automobile after the trial court rejected her amended claim of ownership. The Supreme Court of Georgia granted certiorari and affirmed.
STANDARD OF REVIEW	The opinion applies de novo statutory interpretation to determine whether the Civil Practice Act's relation-back provision applies to forfeiture proceedings under OCGA § 16-13-49(n).
PRECEDENTIAL VALUE	Published opinion; binding precedent of the Supreme Court of Georgia.
PARTIES	State of Georgia v. Williams

TOPICS

- forfeiture
- statutory interpretation
- civil procedure
- motion to amend
- remedies

PRACTICE AREAS

- civil procedure
- civil forfeiture
- statutory interpretation
- remedies

QUESTIONS PRESENTED

1. Whether the Civil Practice Act's relation-back provision applies to an amended claim of ownership filed in a forfeiture proceeding under OCGA § 16-13-49(n) for property valued at less than \$25,000.
2. Whether the forfeiture statute's procedures expressly conflict with the Civil Practice Act so as to preclude relation back of a timely but defective claim.

HOLDINGS

1. The Civil Practice Act's relation-back provision applies to forfeiture proceedings instituted under OCGA § 16-13-49(n), including an amended claim that cures defects in a timely filed claim of ownership.

KEY QUOTATIONS

“Unless the relation back provision of the CPA conflicts with “specific,” “expressly prescribed” procedures under the forfeiture statute, the State may not circumvent a claimant's rights under the CPA merely by labeling the forfeiture proceeding “administrative” in nature.” (449)

“Forfeiture is a quasi-criminal proceeding that permanently extinguishes a property owner's rights to certain property, and, accordingly, the forfeiture statute must be strictly construed against the State.” (449)

FACTUAL BACKGROUND

The State initiated forfeiture proceedings against Raegain Williams's automobile, which was valued at less than \$25,000. Williams timely filed a claim of ownership, but the claim was defective because it was not verified and omitted required information concerning her acquisition, the statutory basis for her claim, and evidence of ownership. After the State sought judgment, Williams filed an amended claim to cure the defects, but the trial court rejected it and ordered the automobile forfeited.

PROCEDURAL HISTORY

The trial court denied Williams's attempt to amend a timely but deficient claim of ownership in a forfeiture proceeding and declared the automobile forfeited to the State. The Court of Appeals reversed, concluding under *Rojas v. State of Georgia* that the Civil Practice Act's relation-back provision applied. The Supreme Court of Georgia granted the State's petition for certiorari and affirmed the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- *Rojas v. State*, 269 Ga. 121, 498 S.E.2d 735 (1998)
- *Pitts v. State of Georgia*, 207 Ga. App. 606, 428 S.E.2d 650 (1993)
- *One 1958 Plymouth Sedan v. Pennsylvania*, 380 U.S. 693, 85 S. Ct. 1246, 14 L. Ed. 2d 170 (1965)
- *Roberts v. State of Georgia*, 226 Ga. App. 824, 487 S.E.2d 667 (1997)
- *Williams v. The State of Georgia*, 263 Ga. App. 636, 588 S.E.2d 776 (2003)

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