

IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

THE STATE OF MISSISSIPPI EX. REL
NORTH MISSISSIPPI NARCOTICS UNIT

PLAINTIFFS

vs.

CAUSE NO.: CV2024-00560

2014 JEEP GRAND CHEROKEE
ANTONIO PATTON

DEFENDANTS

ORDER DENYING MOTION TO SET ASIDE ORDER

This cause this day came on for hearing on Antonio Patton's Motion for Reconsideration.¹ Antonio Patton was present and State of Mississippi was present and represented by the 1st Judicial District Attorney's Office.

A complaint was filed in this matter pursuant to Mississippi Code § 63-25-5 (2023) *et seq.* for the forfeiture and/or abandonment of a vehicle that was found to violate the Mississippi Chop Shop statutes. Upon filing the complaint, the State presented evidence that the vehicle in question that was previously owned by Antonio Patton and had been reported stolen to his insurer, Geico Insurance Company, that being a 2014 Jeep Grand Cherokee with the last four VIN numbers of 6586. The State also presented evidence that the same vehicle had been signed over to Geico Insurance Company following a payment by Geico to Patton pursuant to his insurance claim on the stolen vehicle. As such, the State showed that Geico was the rightful owner of the 2014 Jeep Grand Cherokee with the last four VIN numbers of 6586 at the time that the vehicle was seized. In turn, Geico signed an Agreed Order turning the vehicle over to the State of Mississippi.

¹ The "Motion" was initially filed as an "appeal" of the decision, but that language was crossed out on the top of the document and the Court considered it as a Motion to Reconsider the previous order of the Court.

Feeling aggrieved, Patton learned of the Order and entered an appearance and claimed at the hearing on this matter that he was the rightful owner of the vehicle in question. Accordingly, because ownership, and thus notice, was in dispute, the Court took testimony from both parties concerning the background of the vehicle and the seizure in the form of a Motion to Reconsider.

Testimony and documents were presented by both parties. The testimony and documents made it abundantly clear that the vehicle seized by the State of Mississippi had at least two different vehicle identification numbers on it and possibly as many as three numbers. Thus, the initial seizure of the vehicle was proper under Mississippi Code § 63-25-5 (2023) as the VIN numbers on the vehicle were clearly altered. Likewise, the testimony was also clear that the vehicle seized by the State, while it had additional VIN numbers on it, was in fact the 2014 Jeep Grand Cherokee with the last four VIN numbers of 6586 that was previously owned by Patton and that was reported stolen to his insurer Geico Insurance Company. The State's witnesses testified that the VIN number ending in 6586 was found stamped/etched onto the frame of the seized vehicle, whereas the other VIN numbers on the vehicle were located in spots where stickers or other mechanisms could easily be used to change the VIN numbers.

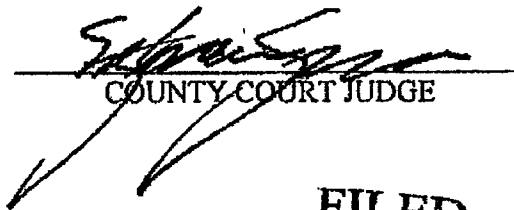
Patton admitted that his 2014 Jeep Cherokee with the last four VIN numbers of 6586 was stolen while he was in California and that he was paid by Geico based on an insurance claim he filed on the vehicle. However, Patton claimed that he then bought another 2014 Jeep Cherokee from a dealer in California with the last four VIN numbers of 8954. Patton presented a Bill of Sale that was partially executed and a receipt for work he had done on the vehicle in Lee County Mississippi. Patton argued that his "new" Jeep Cherokee was in fact a different vehicle than the one that reported as stolen. The Court did not find Mr. Patton or his evidence to be credible.

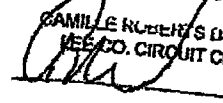
The evidence was clear that the State of Mississippi seized a 2014 Jeep Cherokee with the VIN number ending in 6586 that was previously reported stolen and that was owned by Geico Insurance Company after Patton signed it over to Geico following his claim on the vehicle. Because Geico was the bonified and true owner of the vehicle at the time of the seizure, no notice was required to be given to Patton. However, even if it were, this Court conducted a full evidentiary hearing and Patton's proof that the two vehicles were different was simply not credible. The vehicle in question was seized because it had multiple VIN numbers. The most accurate place to determine the true VIN number for the vehicle is the frame and the VIN number listed on the frame matched the VIN number to the stolen vehicle and the vehicle that was signed over to Geico.

After hearing and reviewing all the evidence, the Court finds that the relief requested in the Motion to Reconsider is denied and the Agreed Order entered on April 24, 2024 shall remain in effect.

THEREFORE, IT IS ORDERED AND ADJUDGED that the Motion to Reconsider is denied and the Agreed Order entered on April 24, 2024 shall remain in effect.

SO ORDERED this 6th day of May, 2024.


COUNTY COURT JUDGE

FILED
MAY - 6 2024
CAMILLE ROBERTS DULANEY
JESS CO. CIRCUIT CLERK

D.C.

IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI, EX REL
THE NORTH MISSISSIPPI NARCOTICS UNIT

PLAINTIFFS

VS.

CAUSE NO. CV 24-560

2014 JEEP GRAND CHEROKEE

DEFENDANT

WAIVER OF PROCESS

The undersigned Donna Harbaugh, Salvage Unrecovered Theft Supervisor for Geico Insurance Co, whose street address is One Geico Center, Macon, GA, does hereby waive the service of Summons and Petition to Forfeit Abandoned Vehicle upon myself in this cause.

In executing this document I certify that I am not an unmarried minor and am not mentally incompetent.

Furthermore, by the filing of this document, I agree that this action may be heard and disposed of without further notice to me.

This the 24th day of April, 2024.

Donna Harbaugh

Donna Harbaugh
Salvage Unrecovered Theft Supervisor

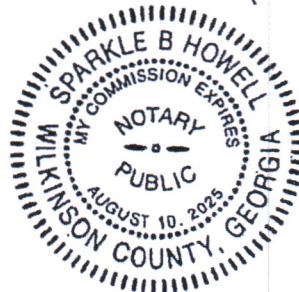
STATE OF Georgia
COUNTY OF Wilkinson

Personally appeared before me the undersigned authority in and for the jurisdiction aforesaid the within the named Donna Harbaugh who, being first by me duly sworn, states on oath that the matters and facts set forth in the foregoing instrument are true and correct as therein stated.

Sparkle Howell
Name

Sworn to and subscribed before me this the 24th day of the April, 2024.

Sparkle Howell
Notary Public



FILED
APR 24 2024
CAMILLE HARRIS DULANEY
LEE COUNTY CLERK
D.C.

IN THE COUNTY COURT OF LEE COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI, EX REL
THE NORTH MISSISSIPPI NARCOTICS UNIT

PLAINTIFFS

VS.

CAUSE NO. CV 24-560

2014 JEEP GRAND CHEROKEE

DEFENDANT

AGREED ORDER

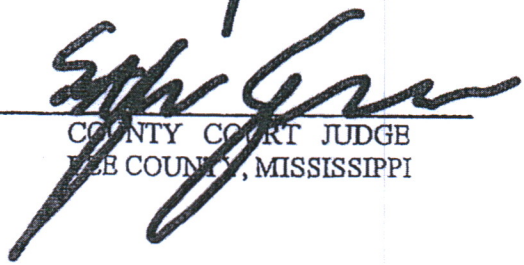
BE IT REMEMBERED that on this day cause came before the Court by agreement of the parties that the seized 2014 Jeep Grand Cherokee VIN 1C4RJFDJ1EC316586 is abandoned and shall be forfeited to the North Mississippi Narcotics Unit pursuant to Miss. Code Anno Sec 63-25-5.

IT IS THEREFORE ORDERED AND ADJUDGED that the 2014 Jeep Grand Cherokee VIN 1C4RJFDJ1EC316586 is abandoned and is forfeited to the North Mississippi Narcotics Unit.

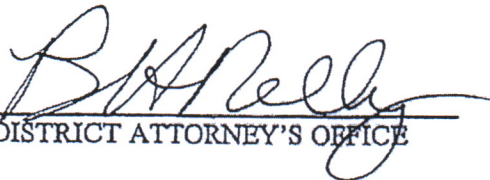
Furthermore, GEICO hereby grants an absolute release of any and all claims or any future claims against the State of Mississippi, First Judicial District Attorney's Office, the North Mississippi Narcotics Unit, Lee County, and City of Tupelo and their attorney, officers, employees, and agents concerning the 2014 Jeep Grand Cherokee VIN 1C4RJFDJ1EC316586 and do hereby indemnify said entities, and their attorney, officers, employees, and agents against any and all future actions with reference to the seizure of the above described property and any other claims concerning this action.

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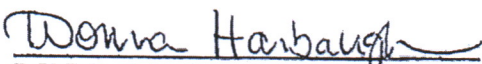
SO ORDERED AND ADJUDGED this the 24th day of April, 2024.



COUNTY COURT JUDGE
LEE COUNTY, MISSISSIPPI




DISTRICT ATTORNEY'S OFFICE



DONNA HARBAUGH- GEICO

FILED

APR 24 2024

CAMILLE ROBERTS DULANEY
LEE COUNTY CLERK


D.C.

188/349



- Government Employees Insurance Company
- GEICO General Insurance Company
- GEICO Indemnity Company
- GEICO Casualty Company

Regional Office:
One GEICO Center ■ Macon, GA 31295-0001

April 3, 2024

Claim #: 8690938530000009

Owner: Antonio Rodreguez Patton

Vehicle: 2014 Jeep Grand Cher

VIN: 1C4RJFDJ1EC316586

To Whom It May Concern:

Geico General Insurance Company no longer has any interest in and releases all rights to the above listed vehicle. Your agency may use or dispose of the vehicle in the manner that you see fit.

Sincerely,

Donna Harbaugh

Salvage Unrecovered Theft Supervisor

478-621-1895

FILED
APR 17 2024
CAMILLE ROBERTS DULANEY
LEE CO. CIRCUIT CLERK
D.C.

Ex A

North Mississippi Narcotics

PHONE: (662) 844-4261
OR (662) 841-6583
FAX: (662) 841-6409

504 Air Park Road
Tupelo, MS 38801



To whom it may concern,

The North Mississippi Narcotics Unit is the sole owner of a 2014 Jeep Grand Cherokee (VIN#: 1C4RJFDJ1EC316586) per Lee County Court Judge Stephen Spencer's order and opinion filed on May 6th, 2024. The North Mississippi Narcotics Unit no longer has any interests and releases all rights to the above listed vehicle to the City of Tupelo.

Furthermore, in executing this document, I agree that this action may be heard and disposed of without further notice to the North Mississippi Narcotics Unit.

Thank you,

Capt. Beth Smith

Captain Beth Smith
Commander, North MS Narcotics Unit
beth.smith@tupeloms.gov