

Walton County Department Agenda Request

Department Name: **Walton County Sheriff's Office**

Department Head/Representative: **Tammy Kirk**

Meeting Date Request: **01/04/22**

Has this topic been discussed at past meetings?

If so, When?

TOPIC: **Keeping a seized vehicle that has been forfeited.**

Wording For Agenda: **Keeping a seized vehicle that has been forfeited Jeep Cherokee**

This Request: Informational Purposes Only Needs Action by Commissioners* **yes**

*What action are you seeking from the Commissioners? **Acceptance**

Department Comments/Recommendation:

Additional Documentation Attached? **Copy of order**

Is review of this request or accompanying documentation by the County Attorney required? **no**

If so, has a copy of the documentation been forwarded to County Attorney? **no**

Date forwarded to County Attorney:

Has the County Attorney review been completed?

If this request involves the expenditure of county funds, please answer the following:

Approved in current budget?

Budget information attached?

Comments:

Purchasing Department Comments:

County Attorney Comments:

Chairman's Comments:

IN THE SUPERIOR COURT OF WALTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA, *ex rel*,
Randy McGinley, District Attorney
Plaintiff,

-vs-

CIVIL ACTION No. 21-1959-5

A 2015 TAN JEEP CHEROKEE VIN
1C4PJLDBXFW507230 AND A .380
CALIBER TAURUS SPECTRUM
FIREARM S/N 1F061016,
Defendant(s) in rem, and

CIVIL ACTION IN REM

OWNERS & INTEREST HOLDERS:
BRANDIE ANDERSON
Claimant(s).

ORDER OF DISTRIBUTION

Under the application of the Honorable Randy McGinley, District Attorney for the
Alcovy Judicial Circuit, or his lawfully appointed assistant, for an Order of Distribution of the
forfeited property pursuant to the provisions of O.C.G.A. § 9-16-19, the Court orders as follows:

1.

That the Defendant property seized in Walton County, Georgia, on April 21, 2021,
having been forfeited to the State of Georgia by operation of law pursuant to O.C.G.A.
§9-16-11(c)(4), shall be distributed as follows in accordance with O.C.G.A. §9-16-19(f).

2.


That, when no longer needed for evidentiary purposes, the ONE (1) 2015 TAN JEEP
CHEROKEE VIN 1C4PJLDBXFW507230 AND the ONE (1) .380 CALIBER TAURUS
SPECTRUM FIREARM S/N 1F061016 either be sold by any commercially feasible means or
kept by the Walton County Sheriff's Office (hereinafter 'WCSO') as an in-kind distribution and
used for official law enforcement purposes. WCSO shall determine the fair market value of the
aforementioned property. In accordance with O.C.G.A. § 9-16-19(f)(2), the fair market value
shall hereinafter be referred to as "the pool" for distribution.

The pool shall be distributed in the following manner in accordance with O.C.G.A.

§9-16-19(f):

- a. Eighty Dollars (\$80.00) for court costs due to the Clerk of Superior Court of Walton County shall be paid by the Walton County Sheriff's Office pursuant to O.C.G.A. §9-16-19(f)(3)(a);
- b. Seven dollars (\$7.00) for certified mail costs due to the Walton County District Attorney (hereinafter 'WCDA') shall be paid by Walton County Sheriff's Office pursuant to O.C.G.A. §9-16-19(f)(3)(a);
- c. From the balance remaining in the pool, ten percent (10%) thereof shall be paid to the Walton County District Attorney's Office by the Walton County Sheriff's Office to be used for official prosecutorial purposes pursuant to O.C.G.A. §9-16-19(f)(3)(B);
- d. The balance shall be distributed to the Walton County Sheriff's Office to be used for official law enforcement purposes pursuant to the provisions of O.C.G.A. §9-16-19(f)(3)(C);

SO FOUND AND ORDERED this the 13th day of December, 2021.



Superior Court Judge
Alcovy Judicial Circuit

Prepared by:
Jennifer Hendee,
Assistant D.A.
GA Bar No. 155200

IN THE SUPERIOR COURT OF WALTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA, *ex rel*,
Randy McGinley, District Attorney
Plaintiff,

-vs-

A 2015 TAN JEEP CHEROKEE VIN
1C4PJLDBXFW507230 AND A .380
CALIBER TAURUS SPECTRUM
FIREARM S/N 1F061016,
Defendant(s) in rem, and

OWNERS & INTEREST HOLDERS:
BRANDIE ANDERSON
Claimant(s).

CIVIL ACTION No. *21-1959-5*

CIVIL ACTION IN REM

ORDER OF FORFEITURE

The State's Motion for Order of Forfeiture and Distribution of Property having been read and considered, the Court hereby finds as follows:

1.

That the State has complied with the provision of O.C.G.A. 9-16-11 with respect to the defendant property seized in Walton County, Georgia, on April 21, 2021.

2.

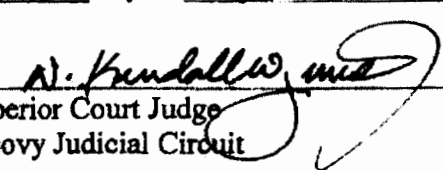
That no claim has been filed against the defendant property pursuant to the provisions of O.C.G.A. § 9-16-11, and the time for filing a claim has elapsed.

WHEREFORE, it is hereby ordered and declared as follows:

- a. That the defendant property and all right, title, and interest thereto stands and is forfeited to the State of Georgia pursuant to the provisions of O.C.G.A. §9-16-11(c)(4); and
- b. That the Court retain jurisdiction of this action to direct the proper disposition and distribution of the forfeited defendant property as provided by O.C.G.A. § 9-16-19.

The State is further ordered to draft an Order of Distribution pursuant to O.C.G.A. 9-16-19 and proceed accordingly.

SO FOUND AND ORDERED this the 13th day of December, 2021.



Superior Court Judge
Alcovy Judicial Circuit

Prepared by: