

COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE DISTRICT ATTORNEY
FOR THE NORFOLK DISTRICT

MICHAEL W. MORRISSEY
DISTRICT ATTORNEY



Commonwealth v. _____

Docket Number: _____

Arrest Date: _____

Forfeiture Motion Filed:

Date Filed: _____

ASSET FORFEITURE INFORMATION SHEET

To be completed by the Police Department and filed at arraignment with the District Attorney's Office located at the District Court, and faxed to the Asset Forfeiture Unit at (781) 830-4901.

Police Department making seizure: _____

Other participating departments: _____

Police Department holding the property: _____ Date of seizure: _____

Lead Officer (Name) _____ Tel. Number _____

Defendant: _____ Lead Charge _____

Co-Defendant(s): _____

Total monies seized \$ _____

Other property seized: (Please list all items seized or alternately attach a copy of the search warrant return)

Vehicle(s) seized: **Attach an R6 / R7 / R8 Report (attach extra sheet for additional vehicles)**

Vehicle Year _____ Vehicle Make _____ Model _____ Mileage _____

VIN: _____ Owner _____

Owner's address _____

Is vehicle drivable? Yes No Vehicle Condition: Poor Fair Good Excellent

Where is vehicle being stored: _____

Additional Items (cell phones/GPS) Equipment in vehicle: _____

Is there a hide / location/ disabled? _____

ATTACH POLICE REPORTS AND SEARCH WARRANT AFFIDAVITS.

Any questions, please contact the Asset Forfeiture Unit at 781-830-4932. Thank you.

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

COURT DEPARTMENT

DOCKET NO. _____

COMMONWEALTH

v.

COMMONWEALTH'S NOTICE OF INTENT TO SEEK FORFEITURE AND MOTION FOR FORFEITURE

NOW COMES the Commonwealth in the above-captioned matter, and states its intent to seek forfeiture under G.L. c. 94C, §§47(a)(5), 47(b), or 47(d) of the following:

the sum of _____ Dollars (hereinafter "monies");

One (vehicle type) _____

VIN# _____ (hereinafter "vehicle");

Cellphone (type) _____ (hereinafter "cellphone") to the Office

of the District Attorney of Norfolk County, an authorized law enforcement agency, for distribution in accordance with G.L. c. 94C, §47.

As grounds therefore, the Commonwealth states that the monies, vehicle(s) or cellphone(s) were (a) furnished or intended to be furnished by a person in exchange for a controlled substance in violation of G.L. c. 94C, and/or (b) are proceeds traceable to such an exchange, and/or (c) were used or intended to be used to facilitate any violation of G.L. c. 94C, §§32, 32A-32G, 32H-32J and/or 40.

The standard for forfeiture under G.L. c. 94C, §47(d) is probable cause. This burden is "similar to [the Commonwealth's] burden in seeking an indictment and less than its burden at a probable cause hearing to determine whether someone should be held for trial." Commonwealth v. Fourteen Thousand Two Hundred Dollars, 421 Mass. 1, 9 (1995). See also Commonwealth v. Brown, 426 Mass. 475, 479 (1998); Commonwealth v. One 1986 Volkswagon GTI Auto., 417 Mass. 369 (1994). "The probable cause standard in §47 does not require the Commonwealth to establish a link between the money seized and a particular drug transaction. The Commonwealth must only show that the money was probably derived from illegal drug transaction." Commonwealth v. Brown, 426 Mass. at 479 (further citation omitted). The Commonwealth also only needs to demonstrate that the vehicle or cellphone was probably purchased with proceeds of an illegal drug transaction, was utilized or was going to be utilized in the purchase or sale of illegal narcotics or to facilitate an illegal drug transaction.

The Commonwealth asserts that probable cause exists to forfeit the subject monies, vehicle(s) or cellphone(s).

CONCLUSION

For the above-stated reasons, the monies, vehicle(s) or cellphone(s) are subject to forfeiture to the Commonwealth under G.L. c. 94C, §47(a)(5), (b) or (d), and the Commonwealth intends to seek forfeiture. A proposed order is attached.

Respectfully submitted,
For the Commonwealth,

MICHAEL W. MORRISSEY
DISTRICT ATTORNEY

By: _____
Assistant District Attorney

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

DISTRICT COURT DEPARTMENT
DOCKET NO. _____

COMMONWEALTH

v.

ORDER

This action came on for a hearing before the Court, _____ J.,
presiding, upon the Commonwealth's Motion for Forfeiture of property and upon consideration
thereof, it is **ORDERED AND ADJUDGED:**

That the sum of _____ Dollars (\$ _____);

That One (vehicle) _____

VIN# _____;

Cellphone(s) (type) _____

be forfeited to the Commonwealth of Massachusetts, for official use or distribution through the
Office of the District Attorney for the Norfolk District, in accordance with the Massachusetts
General Laws, Chapter 94C, Section 47.

Attested: _____
Judge

Assistant Clerk

Dated: _____

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

COURT DEPARTMENT

DOCKET NO. _____

COMMONWEALTH

v.

COMMONWEALTH'S NOTICE OF INTENT TO SEEN FORFEITURE AND MOTION FOR FORFEITURE

NOW COMES the Commonwealth in the above-captioned matter, and states its intent to seek forfeiture under G.L.c. 94C, 47(a)(5), 47(b), or 47(d) of the following:

the sum of _____ Dollars (hereinafter "monies");

One (vehicle type) _____

VIN # _____ (hereinafter "vehicle");

Cellphone (type) _____ (hereinafter "cellphone") to the Office of the District Attorney of Norfolk County, an authorized law enforcement agency, for distribution in accordance with G.L. c. 94C, 47.

As grounds therefore, the Commonwealth states that the monies, vehicle(s) or cellphone(s) were (a) furnished or intended to be furnished by a person in exchange for a controlled substance in violation of G.L. c. 94C, and/or (b) are proceeds traceable to such an exchange and/or, (c) were used or intended to be used to facilitate any violation of G.L. c. 94C, 21, 32A-32-G, 32H-32J and /or 40.

The standard for forfeiture under G.L. c. 94C, 47(d) is probable cause. The burden is "similar to [the Commonwealth's] burden in seeking an indictment and less than its burden at a probable cause hearing to determine whether someone should be held for trial." Commonwealth v. Fourteen Thousand Two Hundred Dollars, 421 Mass. 1, 9 (1995). See also Commonwealth v. Brown, 426 Mass. 475, 479 (1998) ; Commonwealth v. One 1986 Volkswagon GTI Auto., 417 Mass. 369 (1994). "The probable cause standard in 47 does not require the Commonwealth to establish a link between the money seized and a particular drug transaction. The Commonwealth must only show that the money was probably derived from illegal drug transaction." Commonwealth v. Brown, 426 Mass. At 479 (further citation omitted). The Commonwealth also only needs to demonstrate that the vehicle or cell phone was probably purchases with proceeds of an illegal drug transaction, was utilized or was going to be utilized in the purchase or sale of illegal narcotics or to facilitate an illegal drug transaction.

The Commonwealth asserts that probable cause exists to forfeit the subject monies, vehicle(s) or Cellphone(s).

CONCLUSION

For the above-stated reasons, the monies, vehicle(s) or cellphone(s) are subject to forfeiture to the Commonwealth under G.L. c. 94C, 47(a)(5), (b) or (d) and the Commonwealth intends to seek forfeiture A proposed order is attached.

Respectfully submitted,
For the Commonwealth,

MICHAEL W. MORRISSEY
DISTRICT ATTORNEY

By: _____
Assistant District Attorney

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

DISTRICT COURT DEPARTMENT
DOCKET NO. _____

COMMONWEALTH

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VIN# _____;

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Office of the District Attorney for the Norfolk District, in accordance with the Massachusetts
General Laws, Chapter 94C, Section 47.

Attested: _____
Judge Assistant Clerk

Dated: _____