



Attorney on call 24/7

**(850) 764-5291**

## **Civil Asset Forfeiture**

State and federal forfeiture laws allow law enforcement to seize private property that was allegedly used in connection with or was obtained using proceeds from the commission of an alleged crime. Civil forfeiture laws frequently allow for government agencies to seize and sell personal property without any regard for the innocence of the property owner.

Many people have little to knowledge about forfeiture laws, making the already difficult process of challenging any seizure even more confusing. Government agencies will send property owners a notice of seizure following any seizure actions, and property owners have an extremely limited amount of time to respond in order to try and reclaim their property.

## **Lawyer for Civil Asset Forfeiture in Pensacola, Florida**

If a federal or state agency in Florida has confiscated your property under forfeiture laws, you will want to retain legal counsel as soon as possible. Terrezza Law helps clients throughout the greater Pensacola area, including Navarre, Gulf Breeze, Milton, and Pensacola Beach.

John Terrezza is a criminal defense attorney in Pensacola who can identify and pursue the best possible avenues to help you regain your property. Call (850) 764-5291 right now to take advantage of a free, confidential consultation that will let our lawyer review your case and discuss all of your legal options.

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## **Overview of Civil Asset Forfeiture in Escambia County**

- [What is the difference between civil forfeiture and criminal forfeiture?](#)
- [Which kinds of property can be seized through forfeiture actions?](#)
- [What defenses can be used in forfeiture cases?](#)
- [Where can I learn more about forfeiture programs?](#)

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# Civil Asset Forfeiture vs. Criminal Asset Forfeiture in Florida

Not all forfeiture cases are the same. Several key differences exist between civil and criminal forfeiture cases:

- **Civil forfeiture** is independent of criminal cases. Property may be seized through civil forfeiture before or even without the property owner being arrested. In a civil forfeiture case, the property itself is the defendant, the government only needs to prove its allegations by a preponderance of the evidence—a considerably lower standard of proof.
- **Criminal forfeiture** is typically brought as part of [criminal prosecution](#) against an alleged offender. Property can only be seized through criminal forfeiture when an alleged offender has been found guilty of a related criminal offense or agreed to asset forfeiture as a condition of a plea agreement. In a criminal forfeiture case, the alleged offender is the defendant and the government needs to prove its allegations beyond a reasonable doubt.

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## Property Subject to Forfeiture in Pensacola

The types of property that may be seized by law enforcement varies from case to case depending on the alleged criminal offense or how the property was used or obtained. Some of the assets most commonly seized by government agencies include, but are not limited to:

- Bank Accounts;
- Cash;
- Computers;
- Controlled Substances;
- Firearms or Weapons;
- Jewelry;
- Real Estate;
- Smuggled Goods;
- Vehicles; and/or
- Other Tools or Instruments Allegedly Used in the Commission of a Crime.

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## Escambia County Asset Forfeiture Defenses

People may have one of several possible claims that allow them to regain property seized by a government agency. Some defenses may be applicable in relation to certain forfeiture statutes.

A few successful defenses in these cases include, but are not limited to:

- **Innocent Owner** — People who did not know or consent to their property being used in the commission of a criminal offense can be entitled to regain that property.
  - **Lack of Notice** — Property owners can win cases if they did not receive sufficient notice or the government delays too long in filing forfeiture cases.
  - **Illegal Seizure** — Forfeitures that occur without probable cause or using evidence obtained in violation of a property owner's Fourth Amendment rights typically leaves the government unable to prove its case.
  - **Disproportionate Forfeiture** — The United States Supreme Court has ruled on multiple occasions that forfeiture is subject to the Excessive Fines Clause of the Eighth Amendment.
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## Florida Resources for Civil Asset Forfeiture

[Asset Forfeiture Abuse | American Civil Liberties Union \(ACLU\)](#) — The ACLU is a nonpartisan, non-profit organization that considers itself “our nation's guardian of liberty.” On this section of the ACLU website, you can find videos, court cases, and reports about civil asset forfeiture. You can also find blogs, feature stories, and recent press releases.

[Policing for Profit | Institute for Justice](#) — The Institute for Justice is a 501(c)(3) nonprofit, public-interest organization. In November 2015, it released the second edition of this report detailing abusive civil forfeiture practices across the nation. You can find various statistics and graphics as well as individual report cards for each state's civil forfeiture laws. Florida earned a D+ for its civil forfeiture laws with as much as 85 percent of forfeiture proceeds going to law enforcement.

[Asset Forfeiture Program Fiscal Year 2014 Florida | U.S. Department of Justice \(DOJ\)](#) — Federal forfeiture statistics for Florida can be found on this section of the DOJ website. Reports break down the cash value, sales proceeds, and agency types for various law enforcement agencies in the Sunshine State. On this website, you can also find reports to Congress for each of the previous 10 years.