



AlaFile E-Notice

05-CV-2008-900560.00

To: JASON L WOLLITZ
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NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

STATE OF ALABAMA EX REL: JUDY A. NEWCOMB v. VICTOR MARQUEZ
05-CV-2008-900560.00

The following answer was FILED on 6/19/2008 1:05:30 PM

Notice Date: 6/19/2008 1:05:30 PM

JODY WISE CAMPBELL
CIRCUIT COURT CLERK
BALDWIN COUNTY, ALABAMA
312 COURTHOUSE SQUARE
BAY MINETTE, AL 36507

251-937-0299
jody.campbell@alacourt.gov

6. The respondent is without sufficient knowledge to admit or deny paragraph six of the State's complaint and demands strict proof thereof.
7. The respondent admits that he was transported (somewhere) for further investigation. The respondent is without sufficient knowledge to admit or deny the remainder of paragraph seven of the State's complaint and demands strict proof thereof.
8. The respondent admits that the majority of the seized monies were earned working the bean harvest in South Florida. The respondent is without sufficient knowledge to admit or deny the remainder of paragraph eight of the State's complaint and demands strict proof thereof.
9. The respondent denies paragraph nine [listed as paragraph "7" for the second time in the complaint] of the State's complaint and demands strict proof thereof.
10. The respondent admits in part and denies in part paragraph ten [listed as paragraph "8" for the second time in the complaint] of the State's complaint, to wit: the monies seized by Officer C.A. Crisler were both that of the respondent and a bailment for which the respondent is responsible and to which no other person can make a claim.

Defenses

11. The respondent pleads not guilty and demands strict proof of each and every allegation of the said petition.
12. The respondent pleads the general issue.
13. The respondent avers that all of the money seized and named in the State's petition is the lawful property of the respondent or is a lawful bailment for which the respondent is responsible.
14. The respondent avers that any seizure of evidence involved in this incident was the result of an unlawful search.
15. The respondent denies that any of the money seized and named in the State's petition constitutes contraband.

16. The respondent avers that the State cannot prove that the money seized was furnished or intended to be furnished by the respondent in exchange for a controlled substance and the respondent demands strict proof of evidence to the contrary.
17. The respondent avers that the State cannot prove that the money seized is traceable to an illegal drug transaction by the respondent and the respondent demands strict proof of evidence to the contrary.
18. The respondent avers that the State cannot prove that the money seized was used or intended to be used to facilitate a violation of any law of the State of Alabama concerning controlled substances by the respondent and the respondent demands strict proof of evidence to the contrary.
19. The respondent was never charged with any offense or alleged criminal activity thus making any forfeiture of the money *per se* grossly disproportional to the gravity of an offense and the respondent demands strict proof of evidence to the contrary.
20. The respondent avers that the Excessive Fines Clause applies to the forfeiture of the respondent's money and constitutes an excessive fine and is a violation of the Eighth Amendment of the United States constitution and the respondent demands strict proof of evidence to the contrary.
21. The respondent avers that the forfeiture of the money is a violation of Article One Section Five of the Alabama Constitution and the respondent demands strict proof of evidence to the contrary.
22. The respondent avers that the forfeiture of the money is a violation of Article One Section Fifteen of the Alabama Constitution and the respondent demands strict proof of evidence to the contrary.
23. The respondent avers that the forfeiture of the money is a violation of Article One Section Thirty-Five of the Alabama Constitution and the respondent demands strict proof of evidence to the contrary.

WHEREFORE, premises considered, the respondent specifically reserves the right to amend this Answer and assert other Affirmative Defenses.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the above and foregoing upon all counsel of record via **Facsimile** and via **U.S. MAIL**, properly addressed, postage pre-paid this the 18th **DAY OF** June, 2008.

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Served upon:

Clerk of the Circuit Civil Court
Register in Equity
Twenty Eighth Judicial Circuit
312 Courthouse Square
Bay Minette, Alabama 36507

Honorable Christopher H. Murray
Assistant District Attorney
Twenty Eighth Judicial Circuit
P.O. Box 1269
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