

**STATE OF NORTH CAROLINA
WAKE COUNTY**

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
NO: 18 CV 3463

**IN RE MATTER OF SEARCH)
WARRANT)
EXECUTED ON MARCH 9, 2018)
AT THE RESIDENCE OF)
FRANK EDWARD CALABRO, JR.,)
1431 PAULONIA WAY,)
MCCLEANSVILLE, NC 27301)**

**MEMORANDUM OF LAW IN SUPPORT OF
APPLICATION FOR RETURN OF
SEIZED PROPERTY**

I. SUMMARY OF ARGUMENT

Over seven months ago agents of the North Carolina Department of the Secretary of State (the “DSOS”) seized more than 50 items from the home and vehicle of Frank Edward Calabro, Jr. (“Mr. Calabro”). The seized items include over \$60,000 in cash, tens of thousands of dollars in gold and silver, documents, laptop computers, a smartphone, and computer information storage devices. Mr. Calabro was not charged with a crime when his property was seized and has not been charged with any crime to date.

Despite multiple requests for the return of Mr. Calabro’s property over the last seven months, the DSOS has refused to return the seized items, except copies of documents needed by Mr. Calabro to prepare his taxes. The DSOS refuses to provide a timetable for the return of the seized items. The DSOS asserts it is investigating Mr. Calabro for alleged violations of the North Carolina Securities Act. However, Mr. Calabro has offered repeatedly to stipulate regarding the authenticity of copies or photographs of cash and precious metals as well as the electronic and paper information for use by the DSOS in a proceeding, but to no avail. And, as one example, the DSOS has not explained how a stipulation that Mr. Calabro had cash with specific serial numbers is not sufficient for proof in a proceeding.

Although the DSOS claims Mr. Calabro is under investigation, when counsel for Mr. Calabro first contacted the DSOS about return of the property, they were told to speak to the Office of the United States Attorney for the Western District of North Carolina, which would be conducting the investigation. Very quickly that office stated it would not be investigating Mr. Calabro; nonetheless, the property has not been returned and counsel has no idea what prosecutor is conducting an investigation, only that the DSOS possesses and is retaining the property.

The seizure by the DSOS was a wholesale seizure of virtually every electronic device and file in Mr. Calabro's home—as well as the currency and precious metals and other property. After seven months, there is no reason the DSOS could not have copied whatever it needs that is responsive to the search warrant and returned Mr. Calabro's property—both the property that is responsive and the property that is not responsive. The inescapable conclusion is that it just does not want to do so. The DSOS's retention of responsive and non-responsive property constitutes a *de facto* forfeiture that cannot be justified by a bona fide investigatory imperative.¹ This extended retention of Mr. Calabro's property, including tens of thousands of dollars in currency and precious metals, is a violation of his constitutional due process rights; specifically, Article I, Section 19 of the North Carolina Constitution, which provides that “[n]o person shall be . . . in any manner deprived of his . . . property, but by the law of the land”, and Amendment 14, Section 1 of the United States Constitution. Further, it is also a violation of his Fourth Amendment rights.

The strategy of the DSOS to retain Mr. Calabro's money and other property is the intentional circumvention of the fact that North Carolina does not permit pre-conviction forfeiture of property, and, therefore is an action exceeding the statutory authority of the DSOS

¹ Mr. Calabro reserves all objections to the search warrant (both its form and its execution) and the original seizure, including but not limited to the objection they were overbroad.

as well. As courts that have addressed this issue have held, once the government has had an opportunity to satisfy its evidentiary needs in the seized property, the government cannot continue to retain the property without articulating another valid, continuing interest in the property. The fact that the DSOS asserts there is an investigation of Mr. Calabro does not permit the DSOS to retain his property any longer than is reasonably necessary to secure copies of the responsive material. The DSOS has had ample time to satisfy any evidentiary needs concerning the seized responsive property, and it cannot continue to retain any property on the grounds it has articulated.

N.C. Gen. Stat. Section 15-11.1(a) gives this Court the authority to order the return of seized property if the district attorney refuses to do so. It also provides that the Court “may enter such order as may be necessary to assure that the evidence will be available for use as evidence at the time of trial, and will otherwise protect the rights of all parties.” N.C. GEN. STAT. § 15-11.1(a). The statute explicitly provides that photographs or other identification of the property may be used as evidence at trial if the Court determines that “the introduction of such substitute evidence is not likely to substantially prejudice the rights of *the defendant* in the criminal trial.” *Id.* (emphasis added). Moreover, the search warrant itself provides for the copying and use of anything seized, clearly limiting the scope of time property may be held pursuant to the search warrant to the period of time required to make copies. Here, the DSOS has had ample opportunity to satisfy any evidentiary needs – by photographing and cataloguing the cash and precious metals and by copying or imaging the other property – pursuant to Mr. Calabro’s stipulation as to reasonable methods and terms.

Additionally, in the first instance DSOS violated Mr. Calabro’s Fourth Amendment rights by making a wholesale, general seizure with the intent to sort through his property in its facility

at its leisure to find what was specified in the search warrant, and it continues to violate his Fourth Amendment rights by holding that property, including the information, for seven months.

Finally, it is not Mr. Calabro who bears the burden of proof as to this motion. Whatever might have been the initial allocation of the burden of proof, the burden of proof is on the DSOS to show that it could not have returned the non-responsive property and copied the responsive property by now. It is *res ipsa loquitur* that the DSOS cannot meet that burden. This Court should order the immediate return of Mr. Calabro's property pursuant to the North Carolina and United States Constitutions and Section 15-11.1(a) of the North Carolina General Statutes.

II. FACTS

On March 9, 2018, a team of DSOS agents seized more than 50 items, including cash, gold and silver, documents, laptop computers, a smartphone, cryptocurrency hardware wallets, and storage devices, from the home and vehicle of Mr. Calabro. The search and seizure was performed subject to a search warrant issued by Superior Court Judge Paul Ridgeway and based on the affidavit of La Tanya Brown, a Financial Investigator at the DSOS. In her affidavit, Ms. Brown asserts that there is probable cause to believe Mr. Calabro sold unregistered securities through his website.²

Soon after the seizure, counsel for Mr. Calabro contacted the DSOS to inquire about the return of Mr. Calabro's property. The DSOS and the Wake County District Attorney's Office refused to return the seized property and would not provide a timetable for its return. At the instruction of the DSOS, counsel for Mr. Calabro contacted the Office of the U.S. Attorney for the Western District of North Carolina, which the DSOS said would be conducting a criminal investigation. That office quickly indicated it would not be investigating Mr. Calabro.

² The Search Warrant and Application for Search Warrant are attached to the application as Exhibit A. The Inventory of Items Seized Pursuant to Search is attached to the application as Exhibit B.

Mr. Calabro filed an application for return of his property in March 2018. In support of the application, Mr. Calabro argued that (1) much of the property seized by the DSOS was irrelevant to the stated purpose of the DSOS's investigation into the alleged sale of unregistered securities and (2) the property seized by the DSOS could be copied, imaged, or photographed and preserved for analysis and potential use as evidence while the items were returned to Mr. Calabro, rendering the continued retention of Mr. Calabro's property unnecessary. The search warrant pursuant to which these items were seized explicitly provides for their imaging:

[I]n addition to the seizure of relevant hardware, computer systems and mobile devices, this warrant specifically authorizes the creation of a 'forensic copy' or 'forensic imaging' of a hard drive or other storage device or media for use in an off-site analysis, including but not limited to cellular and smart phones. Furthermore, this warrant specifically authorizes qualified agents of the Department of the Secretary of State to conduct a forensic computer examination upon any computer or other storage device seized during the execution of the warrant or upon a 'forensic copy' or 'forensic image' created pursuant to this warrant.

(Exhibit A to Application.)

Mr. Calabro's application was denied in an April 5, 2018 order, in which the Court held that three weeks was not an unreasonable period of time for the DSOS to analyze the information seized from Mr. Calabro.

After the passage of several more months without any indication from the DSOS as to when it would return Mr. Calabro's property, counsel for Mr. Calabro reached out to the DSOS to inquire as to the timetable for the return of the seized property. The DSOS again refused to provide a timetable for the return of the property and ultimately refused to discuss Mr. Calabro's property with his counsel. (See Exhibit C to the Application.) Following the DSOS's repeated refusals, Mr. Calabro filed the instant application on August 29, 2018.

Following the filing of this application and just weeks before the October tax filing deadline, the DSOS for the first time offered that it would provide copies of Mr. Calabro's 2017 tax documents, which were necessary for Mr. Calabro to file his 2017 taxes. The DSOS provided Mr. Calabro's counsel with a disk containing copies of these 2017 tax records on September 20, 2018; thereby proving it is perfectly capable of making whatever copies it needs. Other than copies of those 2017 tax records, the DSOS has not provided Mr. Calabro with copies of any of the other records seized from his home. Nor has the DSOS returned Mr. Calabro's cash, gold and silver, or any of his seized electronics, all of which were seized more than seven months ago.

III. APPLICABLE LAW DOES NOT AUTHORIZE THE DSOS'S CONTINUING REFUSAL TO RETURN THE PROPERTY.

A. The DSOS's Retention of Mr. Calabro's Property Constitutes a *De Facto* Forfeiture Violating His Due Process Rights.

Article I, Section 19 of the North Carolina Constitution provides that "[n]o person shall be . . . in any manner deprived of his . . . property, but by the law of the land." "The Law of the Land Clause is the equivalent of the Fourteenth Amendment's Due Process Clause." *State v. Chisholm*, 135 N.C. App. 578, 584 (1999). "The Due Process clause provides two types of protection – substantive and procedural due process." *State v. Williams*, 235 N.C. App. 201, 205 (2014). "'Procedural due process' protection ensures that when government action depriving a person of life, liberty, or property survives substantive due process review, the action is implemented in a fair manner." *Id.* The Fourteenth Amendment to the US Constitution "provides that state actors shall not deprive any person of life, liberty or property without due process of law." See *Matthews v. Eldridge*, 424 U.S. 319 (1976).

North Carolina law does not permit pre-conviction forfeiture. The government may only seek forfeiture of property after the owner has been convicted of certain felonies. *E.g.*, *State v. Hill*, 153 N.C. App. 716, 718 (2002); *City of Concord v. Robinson*, 914 F. Supp. 2d 696, 710 (2012). Because pre-conviction forfeiture does not exist in North Carolina, when the government seizes property before a person is convicted, it must return the property once the government's evidentiary needs can be met. An examination of the federal forfeiture scheme shows that the time for the government to meet its evidentiary needs in Mr. Calabro's case has long expired.

Federal law permits pre-conviction forfeiture in certain circumstances. In order to protect property owners from illegal deprivation of property without due process of law, federal law sets out a mandatory a pre-conviction civil forfeiture procedure. There are two types of federal civil forfeiture – judicial and administrative. If an administrative forfeiture is contested by the property holder, the government files a complaint initiating judicial forfeiture proceedings. A disinterested court will then adjudicate whether the “property was used for an illegal purpose or that the property constitutes contraband.” *C.f.*, *Hill*, 153 N.C. App. at 718. The federal system provides the property owner with notice and a hearing to contest the forfeiture of his or her property.

The federal forfeiture scheme sets time limits that further protect property owners. Within 60 days of seizure of property, the government must either (i) give notice of an administrative civil forfeiture proceeding, (ii) file a civil judicial forfeiture action against the property and provide notice of that action, or (iii) obtain a criminal indictment containing an allegation that the property is subject to forfeiture. 18 U.S.C. § 983 (a)(1)(A)(i) - (iii). If the government fails to meet this 60-day deadline, it must return the property. *See id.* § 983(a)(1)(F).

If the government gives notice of an administrative civil forfeiture proceeding, the property owner then has 35 days to file a claim. *See id.* § 983(a)(2)(B). The government has 90 days after a claim is filed to either (i) initiate a judicial forfeiture action by filing a complaint, or (ii) obtain a criminal indictment containing an allegation that the property is subject to forfeiture. *See id.* § 983(a)(3)(A)-(B). If the government fails to do so, the property must be returned. *Id.* Similarly, other states' civil forfeiture schemes have filing deadlines ranging from 14 to 180 days. *See* table listing State Civil Judicial Forfeiture Filing Deadlines, from DEE EDGEWORTH, ASSET FORFEITURE: PRACTICE AND PROCEDURE IN STATE AND FEDERAL COURTS, 68-70, Table 4-2 (ABA Criminal Justice Section 2004) (attached hereto as Exhibit 1). These benchmarks establish that, at seven months, the DSOS has held Mr. Calabro's property too long by any reasonable measure and the DSOS cannot reasonably claim it needs more time. And, this Court has ample guidance and precedent to rule that enough time has passed to compel the return of Mr. Calabro's property.

Under the federal pre-trial forfeiture scheme, the government would have had to institute forfeiture proceedings or obtain an indictment within 60 days of seizure. 18 U.S.C. § 983(a)(1)(A)(i) - (iii). Here, the DSOS has retained Mr. Calabro's property for more than 220 days. As multiple courts have held, although the government is permitted to seize evidence for use in investigations and trial, "the government may not by exercising its power to seize effect a de facto forfeiture by retaining the property seized indefinitely." *In re Grand Jury Subpoena Duces Tecum (Roe & Roe, Inc.)*, 49 F. Supp. 2d 451, 454 (D. Md. 1999); *also see United States v. Premises Known as 608 Taylor Ave., Apartment 302*, 584 F.2d 1297, 1302 (3d Cir. 1978). When a property owner seeks the return of seized property, courts should "balance the government's interest in holding the property against the owner's right to use the property." *Roe*

& Roe, 49 F. Supp. 2d at 453. When the government has obtained or can obtain what it legitimately needs for evidentiary purposes, its continuing interest in retaining the property ceases, *e.g.*, *id.* at 453-54, and “the person from whom the property is seized is presumed to have a right to its return, and the government has the burden of demonstrating that it has a legitimate reason to not return the property.” *Id.* at 453. Moreover, “even if the Government has a continuing evidentiary interest in the property, it may not hold property for an unreasonable time without taking some action with regard to the property.” *Id.* at 453 n.2.

The court’s decision in *Roe & Roe* is instructive. In that case, the United States Customs Service (“USCS”), which was conducting an ongoing investigation into products imported by *Roe & Roe, Inc.*, seized various products from *Roe & Roe*’s facilities pursuant to a search warrant. *Id.* at 452. After the USCS had retained the products for one month, *Roe & Roe* sought their return. The Government asserted that because its investigation into *Roe & Roe*’s activities was in its initial stages, it had a continuing evidentiary interest in retaining the seized products. *Id.* at 453. The court disagreed, holding that the Government did not have continuing evidentiary interest in the seized products because it could “sample, photograph, or otherwise preserve the evidentiary value of the products.” *Id.* at 454. The court further held that “the length of time that the Government has retained the Dulles products, while not unreasonable on its face, favors return to R&R when considering that the products are business inventory in which the Government has no continuing evidentiary need.” *Id.* The length of time that the Government had retained the seized products in *Roe & Roe* was approximately one month. In light of the foregoing, the court granted *Roe & Roe*’s motion for the return of its seized property. *Id.* at 456.

Mr. Calabro asserts that the length of time that the DSOS has retained his cash and precious metals is unreasonable on its face. Because North Carolina does not permit pre-

conviction forfeiture, the DSOS has not been obligated to initiate forfeiture proceedings that would give Mr. Calabro an opportunity to challenge the retention of the property. The DSOS's actions flout North Carolina's policy decision to not permit pre-conviction forfeiture and are a violation of Mr. Calabro's constitutional due process rights.

B. Section 15-11.1(a) of the North Carolina General Statutes Places the Burden of Proof on the DSOS.

The property rights of individuals whose property has been seized are further protected by § 15-11.1(a) of the North Carolina General Statutes, which provides a mechanism for seeking the return of seized property. Pursuant to the statute, if the district attorney refuses to release seized property, the owner may apply to the court for return of the property. N.C. Gen. Stat. § 15-11.1(a). The court, after notice to all parties, may order any or all of the property returned to the owner. *Id.* The Court also “may enter such order as may be necessary to assure that the evidence will be available for use as evidence at the time of trial, and will otherwise protect the rights of all parties.” *Id.* The statute explicitly provides that photographs or other identification of the property may be used as evidence at trial if the Court determines that “the introduction of such substitute evidence is not likely to substantially prejudice the rights of *the defendant* in the criminal trial.” *Id.* (emphasis added).

Furthermore, N.C. Gen. Stat. § 15-11.1(a) reflects the legislative determination that prompt return of seized property is the policy in the State by explicitly providing for use of the proposed alternative evidence at trial: “Notwithstanding any other provision of law, photographs or other identification or analyses made of the property may be introduced at the time of trial provided that the court determines that the introduction of such substitute evidence is not likely to substantially prejudice the rights of *the defendant* in the criminal trial.” N.C. Gen. Stat. § 15-11.1(a) (emphasis added).

Because the DSOS has or easily can obtain what it needs for evidentiary purposes, Mr. Calabro is presumed to have a right return of the property, and the DSOS has the burden of establishing another legitimate reason to retain the property. *See Roe & Roe*, 49 F. Supp. 2d at 453. The cash and precious metals enable Mr. Calabro to support his and his family's day-to-day life and retention of the property precludes him from investing the funds with a real loss of income. The DSOS's lack of any real evidentiary or investigative interest does not outweigh the burden on Mr. Calabro. *See, e.g., Robinson v. United States*, 734 F.2d 735, 739 (11th Cir. 1984) (holding that being deprived of approximately \$80,000 for a significant period of time "is undoubtedly a significant burden").

The DSOS's prolonged retention of Mr. Calabro's property constitutes a *de facto* forfeiture and a violation of his due process rights. *See Roe & Roe*, 49 F. Supp. 2d at 454 (holding that "a de facto forfeiture, however, is exactly what would happen if, as here, the Government, having satisfied its evidentiary needs, has failed to articulate legitimate reasons for holding the property in light of the harm caused to the movant."). The DSOS should not be permitted to further trample Mr. Calabro's constitutional rights, and this Court should order the immediate return of Mr. Calabro's seized cash and precious metals.

The retention of electronic data and media, including his smartphone (Samsung N950 Android Smartphone), his USB drives, hardware wallets, and multiple laptop computers (including his Asus primary work computer) is not a special case.³ Mr. Calabro needs these seized items to continue to earn a living. The same arguments that apply to all of the seized property apply to this property. Because the DSOS has obtained or easily can obtain what it may need for investigatory or evidentiary purposes regarding all of this property, it has no

³ The complete list of the documents, smartphones, storage devices, and computers that the DSOS seized and that Mr. Calabro seeks to be returned is attached to his Application as Exhibit B.

justification for retaining it, and Mr. Calabro is entitled to its return. The DSOS's retention of this property constitutes *de facto* forfeiture and violates Mr. Calabro's constitutional due process rights and the North Carolina statute as the DSOS has exceeded its statutory authority.

As to the assorted documents, the DSOS plainly can copy or scan the documents for preservation and return the documents to Mr. Calabro. As indicated previously, Mr. Calabro is prepared to stipulate to the use of copies of the seized documents. Tellingly, it was only after Mr. Calabro filed this application that the DSOS provided him with a disk containing his 2017 tax documents. Similarly, the seized electronics, including Mr. Calabro's smartphone, laptops, and USB drives, also can be imaged without sacrificing any of the DSOS's evidentiary needs.

The search warrant pursuant to which these items were seized explicitly provides for their imaging:

[I]n addition to the seizure of relevant hardware, computer systems and mobile devices, this warrant specifically authorizes the creation of a 'forensic copy' or 'forensic imaging' of a hard drive or other storage device or media for use in an off-site analysis, including but not limited to cellular and smart phones. Furthermore, this warrant specifically authorizes qualified agents of the Department of the Secretary of State to conduct a forensic computer examination upon any computer or other storage device seized during the execution of the warrant or upon a 'forensic copy' or 'forensic image' created pursuant to this warrant.

(Exhibit A to Application.)

Under both the statutory and constitutional frameworks, the DSOS bears the burden of proof regarding the necessity and propriety of retention of any and all property; it is not Mr. Calabro's burden to prove the property is outside the scope of the search warrant or that the government is capable of having made copies of the material within the scope of the warrant.

C. Retention of Information Outside the Scope of the Search Warrant Violates Mr. Calabro's Fourth Amendment Rights.

The DSOS seized everything in sight in Mr. Calabro's home with no effort to determine whether the item was responsive; the effect was to execute a general warrant and the refusal of the DSOS to return his electronic devices with their non-responsive data is a Fourth Amendment violation:

The chief evil which the Fourth Amendment was intended to address was the hated "general warrant" of the British crown. *Payton v. New York*, 445 U.S. 573, 583-84, 100 S. Ct. 1371, 63 L. Ed. 2d 639 (1980). General warrants gave British officials "blanket authority to search where they pleased" for evidence of law violations. *Id.* at 583 n. 21; *Ashcroft v. al-Kidd*, 563 U.S. 731, 742, 131 S. Ct. 2074, 179 L. Ed. 2d 1149 (2011) ("The Fourth Amendment was a response to the English Crown's use of general warrants, which often allowed royal officials to search and seize whatever and whomever they pleased while investigating crimes or affronts to the Crown"). The problem posed by general warrants is "of a general, exploratory rummaging in a person's belongings." *Andresen v. Maryland*, 427 U.S. 463, 480, 96 S. Ct. 2737, 49 L. Ed. 2d 627 (1976).

United States v. Hulscher, 2017 U.S. Dist. LEXIS 23096, *12-13 (S.D. Dak. Feb. 10, 2017).

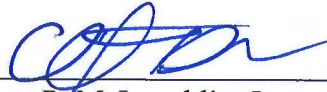
As *Hulscher* summarizes, accommodations are made to the prohibition against general warrants due to the realities of storage of data on electronic devices. However, the requirement has not been abolished. Seizing Mr. Calabro's computers, smartphone and data storage devices and holding those devices *for longer than necessary to make a forensic copy of only those materials within the scope of the search warrant is a violation of Mr. Calabro's Fourth Amendment rights. Compare United States v. Ganius*, 755 F.3d 125 (2d Cir. 2014) (*Ganius I*) *vacated on reh'g en banc*, 824 F.3d 199 (2d Cir. 2016) (*Ganius II*). In *Ganius I*, the Second Circuit held that the government's retention of computer files and information outside the scope of a warrant that had been obtained from lawfully imaged hard drives pursuant to a search warrant for over two and a half years violated the Fourth Amendment. As here, the government claimed the practical necessity of creating hard drive mirror images required the retention of

information outside the scope of the warrant; the Second Circuit rejected this self-serving argument, holding practical necessity did “not justify the indefinite retention of non-responsive documents” Absent a warrant for the non-responsive material, which in that case included Mr. Ganas’s personal records, the government-held copies of his records could not be deemed as government property without violating the Fourth Amendment. *Id.* at 138. In *Ganias II*, the *en banc* circuit found the government agents had acted in good faith, so even assuming the Fourth Amendment had been violated, exclusion of the evidence was not warranted. *See also United States v. Tamura*, 694 F.2d 591, 595-96 (9th Cir. 1982) (holding government’s wholesale seizure of documents to sort through in its facility to find what was specified in the search warrant, as well as government’s refusal to return nonresponsive documents, was of doubtful legality under the Fourth Amendment). Here, the DSOS has done exactly that—and thereby turned a search warrant otherwise challengeable on its face, into a facially invalid general search warrant exercise. And, by refusing to return non-responsive property, it has violated the Fourth Amendment. Here again, the burden is on the DSOS to prove the withheld property is within the scope of the warrant. It cannot do so with respect to the majority of the property being withheld.

IV. CONCLUSION

For the foregoing reasons the Court should grant Mr. Calabro’s application for return of his property.

This the 22nd day of October, 2018.



James P. McLoughlin, Jr.

NC State Bar No. 13795

Mark A. Nebrig

NC State Bar No. 28710

Christopher D. Tomlinson

NC State Bar No. 38811

Moore & Van Allen PLLC

Suite 4700

100 North Tryon Street

Charlotte, North Carolina 28202-4003

Telephone: (704) 331-1000

Facsimile: (704) 331-1159

Counsel for Mr. Frank E. Calabro, Jr.

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing **MEMORANDUM OF LAW IN SUPPORT OF THE APPLICATION FOR RETURN OF SEIZED PROPERTY** upon the following persons via first class mail and email:

Howard Cummings
Wake County District Attorney's Office
300 S. Salisbury Street
Raleigh, NC 27601

Zesely Haislip
North Carolina Secretary of State
Securities Division
Post Office Box 29622
Raleigh, NC 27626

This the 22nd day of October, 2018.



Christopher D. Tomlinson

EXHIBIT 1

Table 4-2
State Civil Judicial Forfeiture Filing Deadlines

State	Initiation Date from Seizure	Claimant Response Date	Statute
Arizona	60 days	30 days	Ariz. Rev. Stat. Ann. §§ 13-4308; 4311
Arkansas	60 days		Ark. Code Ann. § 5-64-505(g)
California	As soon as practicable	30 days	Cal. Health & Safety Code §§ 11488.4 (a); 11488.5(a)(1)
Colorado	60 days		Colo. Rev. Stat. § 16-13-505
Connecticut	90 days		Conn. Gen. Stat. Ann. § 54-36 (h)
Hawaii	45 days	30 days	Haw. Rev. Stat. §§ 712A-9; 712A-12
Idaho	30 days	20 days	Idaho Code § 37-2744(c)-(d)
Illinois	45 days	45 days	725 Ill. Comp. Stat. 150/9
Indiana	180 days	20 days	Ind. Code Ann. § 34-24-1-3
Iowa	90 days	20 days	Iowa Code Ann. §§ 809A.8; 809A.13
Kansas	90 days	20 days	Kan. Stat. Ann. §§ 60-4109; 4113
Louisiana	45 days	15 days	La. Rev. Stat. Ann. §§ 40:2608 (1); 2613
Maryland	90 days		Md. Ann. Code § 12-304 (a) (1)
Mississippi	30 days	30 days	Miss. Code Ann. §§ 41-29-177; 41-29-179

Table 4-2 (continued)
State Civil Judicial Forfeiture Filing Deadlines

State	Initiation Date from Seizure	Claimant Response Date	Statute
Montana	45 days	20 days	Mont. Code Ann. §§ 44-12-201; 44-12-202
New Hampshire	60 days		N.H. Rev. Stat. Ann. § 318-B:17-b (e)
New Jersey	90 days		N.J. Stat. Ann. § 2C:64-3
New Mexico	30 days	30 days	N.M. Code Ann. §§ 31-27-5A; 31-27-6A
North Dakota		20 days	N.D. Cent. Code §§ 19-03.1-36.3; 19-03.1-36.4
Ohio		30 days	Ohio Rev. Code § 2925.42(3)(a)
Oklahoma		45 days	Okla. Stat. Ann. § 63-2-506.D
Oregon	30 days		Ore. Rev. Stat. § 475A.075 (1)
Pennsylvania		30 days	Pa. Consol. Stat. Ann. Title 42 § 6802
Rhode Island	20 days		R.I. Gen. Laws § 21-28-5.04.2(i)
South Carolina	Reasonable time		S.C. Code Ann. § 44-33-530 (c)
South Dakota	30 days	30 days	S.D. Codified Laws Ann. §§ 34-20B-76; 34-20B-86
Tennessee	30 days		Tenn. Code Ann. § 39-11-709 (b)
Texas	30 days		Tex. Code Crim. Proc. § 59.04 (a)