

NOTICE: NOT FOR OFFICIAL PUBLICATION.  
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION ONE

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In the Matter of:

TEN THOUSAND DOLLARS (\$10,000.00)  
IN UNITED STATES CURRENCY.

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STATE OF ARIZONA,  
*Plaintiff/Appellant,*

*v.*

LEOPOLD SALEEM,  
*Claimant/Appellee.*

No. 1 CA-CV 14-0379  
FILED 2-26-2015

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Appeal from the Superior Court in Maricopa County  
No. CV2012-018339  
The Honorable Robert H. Oberbillig, Judge

**REVERSED AND REMANDED**

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COUNSEL

Maricopa County Attorney's Office, Phoenix  
By Peter S. Spaw  
*Counsel for Plaintiff/Appellant*

Leopold Saleem, Ft. Grant  
*Claimant/Appellee*

STATE v. SALEEM  
Decision of the Court

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**MEMORANDUM DECISION**

Judge Diane M. Johnsen delivered the decision of the Court, in which Presiding Judge Kent E. Cattani and Judge Lawrence F. Winthrop joined.

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**J O H N S E N**, Judge:

¶1 The State appeals the superior court's grant of summary judgment in a civil forfeiture proceeding. We reverse the judgment and remand for further proceedings.

¶2 After a drug dog alerted to currency in Leopold Saleem's bag at the airport, the State seized the currency for forfeiture. Saleem filed a claim of interest and in due course moved for summary judgment, arguing there was insufficient evidence to link the money to the sale or possession of drugs. *See In re Twenty-Four Thousand Dollars (\$24,000) in U.S. Currency*, 217 Ariz. 199, 201, ¶ 7 (App. 2007). In response, the State argued that the drug-dog alert and Saleem's drug-related criminal history established a link sufficient to withstand summary judgment. The court granted Saleem's motion and the State appealed. We have jurisdiction pursuant to Arizona Revised Statutes sections 12-120.21(A)(1), -2101(A)(1) (2015).<sup>1</sup>

¶3 Saleem failed to file an answering brief after receiving notice of the appeal and notice of the filing deadline. We hold this failure constitutes a confession of reversible error. *See Bugh v. Bugh*, 125 Ariz. 190, 191 (App. 1980) ("Where debatable issues are raised, the failure of an appellee to file an answering brief constitutes a confession of reversible error."). Accordingly, we reverse the judgment and remand for further proceedings.



Ruth A. Willingham · Clerk of the Court  
FILED : ama

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<sup>1</sup> Absent material revisions after the relevant date, we cite a statute's current version.