

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR SUSSEX COUNTY

QUAYSHETTA HOPKINS, : C.A. No. S09M-04-003
Petitioner, :
v. :
STATE OF DELAWARE, :
Respondent. :

FINAL ORDER

1) Petitioner Quayshetta Hopkins ("petitioner") filed a petition pursuant to 16 Del. C. § 4784(j) and Superior Court Civil Rule 71.3(c) seeking the return of United States currency which the State of Delaware (“the State”) seized on April 2, 2009, from a safe in a vehicle petitioner was driving. Petitioner’s petition states that she was seeking the return of \$3,998.00 in United States currency. At the hearing held in this matter, petitioner explained that she was seeking the return of \$3,400.00, as only that amount belonged to her. Testimony established that an additional \$498.00 was seized from Myron L. Hunt’s (“Hunt”) person when he was arrested on drug charges on April 2, 2009.¹ Since petitioner clarified she only is seeking to retrieve the \$3,400.00 in currency seized from the safe and since no action seeking the return of the \$498.00 seized from Hunt’s person has been pursued, the \$498.00 shall be deemed forfeited to the State.

¹The petition incorrectly sought \$100.00 more than what was actually seized.

2) A hearing was held before the Commissioner on November 12, 2009, and the Commissioner entered an Order dated November 16, 2009, attached hereto as Exhibit A, wherein she concluded as follows:

a) The State established probable cause to have initiated the forfeiture proceedings;
b) Petitioner had not met her burden of proving the seized currency was not forfeitable;
c) Petitioner was not entitled to the return of the currency and the currency must be forfeited to the State.

3) Neither party filed an appeal from the Commissioner's November 16, 2009, Order;

4) After reviewing *de novo* the Petition for Return of Property, the record in this case, and the Commissioner's November 16, 2009, Order, and for the reasons stated in the Commissioner's November 16, 2009, Order,

THE COURT CONCLUDES AND ORDERS AS FOLLOWS THIS 7th DAY OF DECEMBER, 2009:

1) The Court adopts the Commissioner's findings and conclusions in the November 16, 2009, Order;

2) The State met its burden of establishing probable cause to have initiated the forfeiture proceeding;

3) Petitioner failed to meet her burden of proving the seized currency was not forfeitable.

4) Petitioner is not entitled to the return of the \$3,400.00 in United States currency;

5) The \$3,400.00 in United States currency which petitioner sought and the additional \$498.00 seized from Hunt shall be forfeited to the State; and

6) The \$3,898.00 in forfeited monies shall be deposited in the Special Law Enforcement Assistance Fund.

JUDGE E. SCOTT BRADLEY

cc: Prothonotary's Office
Quayshetta Hopkins
Robert J. O'Neill, Jr., Esquire
The Honorable Alicia B. Howard