

STATE OF MICHIGAN
COURT OF APPEALS

In re Forfeiture of \$180,975

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

\$180,975 IN US CURRENCY,

Defendant,

and

TAMIKA SHANTE SMITH,

Claimant-Appellant,

and

TODD FITZGERALD FLETCHER,

Claimant.

UNPUBLISHED

December 28, 2004

No. 249699

Van Buren Circuit Court

LC No. 02-500459-CF

Before: Markey, P.J., and Fitzgerald and Owens, JJ.

MEMORANDUM.

Claimant Tamika Shante Smith appeals by right from an order of forfeiture. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

This forfeiture action arises from the seizure of \$180,975, which was discovered in the trunk of claimant's rental car after she was stopped for speeding while traveling west on I-94. Claimant argues that the money was improperly forfeited because the court had previously determined that it was illegally seized. We disagree.

As the trial court recognized, even when property is illegally seized, it may still be forfeited as long as probable cause for its seizure can be supported with untainted evidence, and any illegally seized property is excluded from the forfeiture proceeding. *In re Forfeiture of United States Currency*, 166 Mich App 81, 89; 420 NW2d 131 (1988). A trial court's findings

of fact in a forfeiture proceeding are reviewed for clear error. *In re Forfeiture of \$19,250*, 209 Mich App 20, 29; 530 NW2d 759 (1995).

The controlled substances article of the Public Health Code allows the forfeiture of

[a]ny thing of value that is furnished or intended to be furnished in exchange for a controlled substance . . . that is traceable to an exchange for a controlled substance, . . . or that is used or intended to be used to facilitate any violation of this article including, but not limited to, money. [MCL 333.7521(1)(f).]

At trial, expert testimony was presented that I-94 is a primary “pipeline” for narcotic sales. Couriers carry large sums of money west on I-94 to purchase drugs in Chicago. The drugs are then transported and delivered east to Detroit and other eastern cities. Cash is the customary method of payment; cars are the most common form of conveyance; couriers frequently use rental cars; and the trips are quick. The evidence indicated that claimant was driving a rental car. Further, in the three-months before the stop, claimant had rented at least four cars for three days each, placed several hundred miles on each car, and did not recall where she had driven. Additionally, her tax records reflected that from 1998 through 2001, claimant generally earned between \$4,000 and \$5,000 a year. An expert opined that the large amount of cash claimant was transporting west on I-94 was consistent with claimant’s being a courier and intending to purchase drugs. In light of this record, the trial court did not clearly err in finding that although the money was illegally seized, probable cause supported by untainted evidence existed for the seizure.

We affirm.

/s/ Jane E. Markey
/s/ E. Thomas Fitzgerald
/s/ Donald S. Owens