

Lawsuit alleges Nev. deputy illegally seized cash

By Scott Sonner, AP

A rural Nevada sheriff's deputy is accused of stopping travelers on a lonely stretch of Interstate 80 and confiscating tens of thousands of dollars for the county without bringing charges, according to two federal lawsuits.

Two men who were traveling alone through Northern Nevada's high desert last year offer strikingly similar accounts of their stops by the same Humboldt County deputy near the town of Winnemucca, about 165 miles east of Reno.

Neither search produced drugs or an arrest, but in one case the deputy took a briefcase filled with \$50,000 and in the other he seized \$13,800 and a .40-caliber Ruger handgun, according to the lawsuits filed in U.S. District Court in Reno.

Both men said they were told they'd be released with their vehicles only if they forfeited their cash.

"It's like Jesse James or Black Bart," said John Ohlson, a longtime Reno defense lawyer who filed suit on Jan. 16 on behalf of Tan Nguyen, 37, of Newport.

The lawsuits say the cash seizures are part of a pattern of stopping drivers for speeding as a pretext for drug busts, which violation the Constitution. They maintain Sheriff Ed Kilgore, Deputy Lee Dove, Humboldt County and its prosecutors condone the practice of seizing assets regardless of criminal prosecution.

Two Reno lawyers representing the county did not immediately respond to telephone or email messages seeking comment, nor

did Kilgore or Dove.

Chief Deputy District Attorney Kevin Pasquale said the district attorney's office would not discuss the lawsuits. "As a matter of policy, we never comment on pending litigation," he told the Associated Press.

County officials were not shy in the past about discussing their cash seizures. The day after Nguyen had his money taken, the sheriff issued a news release with a photograph of Dove pictured with a K-9 and \$50,000 in seized cash "after a traffic stop for speeding."

"This cash would have been used to purchase illegal drugs and now will benefit Humboldt County with training and equipment. Great job," the statement said. Dove's report said he had the money counted at a Winnemucca bank, then gave it to the district attorney's office "for asset/seizure/forfeiture."

Nguyen's suit says Dove stopped him Sept. 23 for driving 78 mph in a 75 zone in what his lawyers described as a "profile stop" based on suspicion he was transporting drugs in a rental car picked up at the Denver airport.

Dove wrote in his report Nguyen agreed to a search before opening the briefcase with the \$50,000 in cash. Nguyen denies that he consented.

Nguyen told Dove he won the money at a casino on the way to visit his cousins in California, according to Dove's report, but Dove told Nguyen he suspected the money was obtained illegally. Dove reported he smelled marijuana but didn't find any.

Nguyen was given a written warning for speeding but wasn't cited.

As a condition of release, Nguyen signed a "property for safekeeping receipt," which indicated the money was abandoned

or seized and not returnable. But the lawsuit says he did so only because Dove threatened to seize his vehicle unless he "got in his car and drove off and forgot this ever happened."