

Nevada county settles suits on I-80 cash seizures

By Scott Sonner, AP

A rural Nevada county has settled lawsuits with two men who said a sheriff's deputy violated their civil rights when they were stopped for speeding on Interstate 80, searched for drugs and forced to forfeit tens of thousands of dollars even though no drugs were found and no charges filed in either case.

The Humboldt County District Attorney's Office also confirmed in a statement late Friday that it has launched an internal review of the county's "forfeiture program" but that there is no indication there have been any illegal stops or any wrongdoing on the party of Sheriff Ed Kilgore or his deputies.

Tan Nguyen of Newport and Michael Lee of Denver said in lawsuits filed in U.S. District Court in Reno they were stopped last year on Interstate 80 near Winnemucca about 165 miles east of Reno under the pretext of speeding. They said they were subjected to illegal searches and told they wouldn't be released with their vehicles unless they forfeited their cash.

The suits accused the same veteran deputy, Lee Dove, of taking a briefcase full of \$50,000 in cash from Nguyen after stopping him for exceeding the speed limit by 3 mph in September, and seizing \$13,800 and a handgun from Lee during a similar stop in December.

"The case has been settled," Steve Balkenbush, a Reno attorney representing Humboldt County in the case, told the Associated Press on Friday.

The district attorney's office said the settlement involved Nyguen and Lee but did not disclose how much money was

involved. Nguyen's lawyer told a Reno television station Friday he received a check for the full \$50,000 seized as well as \$10,000 in attorney fees.

"He wasn't charged with anything. He had no drugs in his car. The pretext for stopping him was he was doing 78 in a 75," John Ohlson told KRNV-TV.

"It's like Jesse James or Black Bart," he told AP in an interview last week.

Lee's Reno lawyer, Jeff Dickerson, did not immediately return a call seeking comment.

The district attorney's statement said both men were stopped legally and that "every asset that was seized pursuant to those stops was lawfully seized." But it acknowledged the resolution of their claims didn't receive priority in the district attorney's office because of staff shortages.

"The cases involved Mr. Nguyen and Mr. Lee raised procedural issues in the District Attorney's Office and those issues are being addressed by a review of every submitted case," the statement said.

It said media reports about the lawsuits had "unfairly criticized" the sheriff's office, which "was acting in accordance with the law as they understood it and was not responsible for any procedural defects following their seizure of the assets."

"One thing is certain, even prior to the completion of the review by the District Attorney's Office, is that the seized assets were not utilized unlawfully," the DA's office said. "Following completion of this review, a full accounting of those assets will be available for review."

The lawsuits claimed the cash seizures were part of a pattern of stopping drivers for speeding as a pretext for drug busts

in violation of the Constitution.

Nguyen was given a written warning for speeding but wasn't cited. As a condition of release, he 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."

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.