

**SAMPLE  
CLAIM AND ANSWER OF LIBEL**

[REDACTED]

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION

DISTRICT OF COLUMBIA  
LIBELLANT

v.

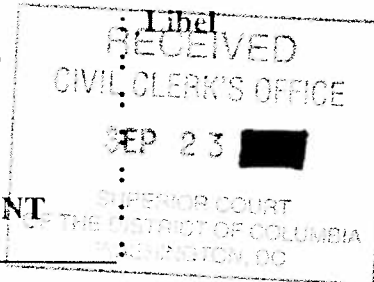
ONE (1) 1995 HONDA ACCORD  
4-DOOR AUTOMOBILE

V.I.N. [REDACTED]

( [REDACTED]

RESPONDENT

:  
: Civil Action No. [REDACTED]



CLAIM AND ANSWER OF LIBEL

Ms. [REDACTED] Claimant, files this Claim and Answer of Libel in response to the District's action, and asserts that the District is not entitled to judgment as demanded in its complaint. In support of her position, she states the following:

1. [REDACTED] is the owner of the 1995 Honda Accord, 4-Door Automobile, V.I.N. JHMCD5637SC062365 that the District of Columbia seeks to forfeit in this action.

2. [REDACTED] lives with [REDACTED] three daughters, ages eight, five and two, in a two-bedroom public housing unit apartment unit at [REDACTED] Washington, D.C. They have lived there for approximately four years.

3. [REDACTED] has children in common with [REDACTED] and [REDACTED] maintain separate residences, and [REDACTED] has his own vehicle.

4. For the past ten years, [REDACTED] has been employed at various companies as a data entry clerk. Most recently, [REDACTED] as employed with [REDACTED] as a data entry supervisor for the past two years. [REDACTED] earned approximately \$ [REDACTED] biweekly before taxes. See Exhibit 1.

5. This biweekly salary was [REDACTED] only source of income [REDACTED] used this income to pay for electricity, telephone service, and rent every month, as well as for other basic necessities such as food and clothing for her children and herself. In addition, [REDACTED] uses [REDACTED] income to keep [REDACTED] automobile registration and automotive insurance current. See Exhibit 2 and Exhibit 3.

6. On March 30, [REDACTED] at approximately 2 pm, [REDACTED] was in her apartment when [REDACTED] received a telephone call from the Metropolitan Police Department informing [REDACTED] that [REDACTED] was arrested while driving [REDACTED] vehicle and that [REDACTED] vehicle was seized as evidence by the Metropolitan Police Department. During that telephone call, [REDACTED] was informed that agents of the Metropolitan Police Department observed [REDACTED] selling green ziplocks containing a green weedlike substance to an undercover officer while seated in [REDACTED] vehicle in the 5200 block of E Street, S.E. Upon searching the automobile, police officers found twelve (12) green ziplocks containing a green weedlike substance under the passenger's seat of the automobile.

7. [REDACTED] did not have [REDACTED] permission to drive her automobile at any time. [REDACTED] was unaware that [REDACTED] used or intended to use her automobile to sell controlled substances.

8. [REDACTED] relied heavily on [REDACTED] automobile to commute to [REDACTED] place of employment. In addition, [REDACTED] used [REDACTED] automobile to transport [REDACTED] children to school. Over the past six months since the time of District's seizure of [REDACTED] automobile, [REDACTED] has been habitually tardy for work due to [REDACTED] lack of transportation without the automobile. As of September 12, [REDACTED] employer terminated [REDACTED] employment because of [REDACTED] tardiness over the past six months.

9. [REDACTED] did not use or intend to use the seized automobile in violation of D.C. Official Code §48.905.02 (2001). [REDACTED] did not give [REDACTED] permission to use the automobile in violation of D.C. Official Code §48.905.02.

10. [REDACTED] intended to use the automobile as transportation for [REDACTED] and [REDACTED] children. [REDACTED] did not obtain the automobile as proceeds from any sell of a controlled substance.

11. [REDACTED] has never been arrested and/or for possession and/or distribution of any controlled substance.

#### SEPARATE DEFENSES

12. That the automobile was seized from a person who also possession controlled substances, standing alone, does not justify this action for forfeiture against Ms. Hordge's automobile.

13. That [REDACTED]'s automobile, unbeknownst to [REDACTED] was involved in some illegal activity is not enough to establish that [REDACTED] used or intended to use the automobile in violation of drug laws.

14. Allowing the government to forfeit property based on a mere showing of probable cause violates the requirements of due process.

15. Allowing the District to be the prosecuting authority that seizes the property in its investigation and prosecution of crimes as well as the authority that actually keeps such property for its own use violates the requirements of due process.

WHEREFORE, claimant [REDACTED] pray that this Honorable Court deny the District's request to condemn and forfeit the automobile in question; order the return

of the seized automobile to [REDACTED], order the return of [REDACTED] duly paid bond;  
and order for such other relief as this Honorable Court may deem just and equitable.

Respectfully Submitted,

[REDACTED]

Counsel for Claimant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Claim and Answer for Libel of [REDACTED]

[REDACTED] were delivered by hand to:

[REDACTED]

Office of Corporation Counsel  
441 Fourth Street, N.W.  
Room 450  
Washington, D.C. 20001

[REDACTED]