

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

COMES NOW the Plaintiff, United States of America, and for its cause of action against the Defendant, states and alleges as follows:

1. The Court has jurisdiction of this matter pursuant to Title 28, United States Code, Sections 1345, 1355 and 1395, and pursuant to Title 21, United States Code, Section 881.
2. The defendant is a 2000 Lincoln LS, Title 21, United States Code, Section 881.
3. The defendant property is now and will be during the pendency of this action in the judicial district of the State of Nebraska.
4. On or about October 10, 2008, the Defendant property was seized in Omaha, Nebraska by troopers of the Nebraska State Patrol; the property is currently held by the U.S. Marshals Service. Immediately after said seizure, administrative forfeiture proceedings were instituted by the U. S. Drug Enforcement Administration.
5. Eric Sayles is the registered title holder of the defendant property.

6. Eric Sayles has filed a Claim for ownership, pertaining to said defendant property, with the U. S. Drug Enforcement Administration.

7. Marijuana is a controlled substance pursuant to Title 21, United States Code, Section 812.

8. On October 10, 2008, Eric Sayles was in possession of the Defendant property, as proceeds traceable to the exchange of a controlled substance, or alternatively, the Defendant property was used or was intended to be used to facilitate the transportation, sale, receipt, possession, concealment or distribution of a controlled substance, as more particularly described as follows:

a. On October 10, 2008, officers with the Nebraska State Patrol served a search warrant at 815 South 120<sup>th</sup> Avenue, Omaha, Nebraska. The search warrant was based on a trash pull and surveillance set up on the address showing involvement in drug sales. At 8:00 a.m. officers secured the residence.

Located inside the residence was Eric Sayles, Jessica Capizano, Kevin Rowe and Angela Altman. After all parties were secured and separated, officers began the search process of the residence. During the search, officers located approximately 75 grams of marijuana, packaging, a scale, paraphernalia and approximately \$11,000 in U.S. currency believed to be associated with distributing marijuana.

b. While a search was being conducted, Investigator Alan Eberle conducted interviews of Mr. Sayles and Ms. Capizano. Investigator Rich Lutter interviewed Mr. Rowe and Ms. Altman. Ms. Capizano told Investigator Eberle she felt Mr. Sayles was selling marijuana.

- c. At approximately 8:30 a.m., Investigator Eberle read aloud Miranda warnings to Mr. Sayles from a card. Mr. Sayles agreed to speak with Investigator Eberle about the situation. Mr. Sayles said he had been selling small quantities, he described as eighth ounces of marijuana, to friends from Burke High School. He said he had been doing this for the past two or so years. Mr. Sayles said the most he ever recalled selling at one time was a quarter pound of marijuana.
- d. Mr. Sayles said he received his marijuana from an individual in south Omaha whose identity Mr. Sayles did not want to disclose. Mr. Sayles said his connection in south Omaha usually brought back thirty pounds of marijuana at a time, weekly, from Tucson, Arizona. Mr. Sayles was asked if he had any large amounts of currency in the house. He said he had his life savings, \$8,000, in his dresser drawer. During the search, officers located a duct taped bundle of currency, packaged in a manner consistent with drug proceeds, totaling \$10,927.00.
- e. Mr. Sayles was asked about his employment history. He said worked as a mobile carwash worker, working every Tuesday, in Lincoln for Castle's Moble Detailing, LLC. Mr. Sayles said he had not filed taxes for some time. A search of Nebraska tax files showed a claim of \$1,730.00 in 2007 and no activity for 2008. Prior to 2008, the year 2004 was the last reported year in Nebraska. Mr. Sayles was specifically asked about the night of October 7, 2007, and the selling of marijuana to Peere Shackelford. Mr. Sayles admitted

to selling to Mr. Shackelford that evening. Mr. Sayles confirmed what surveillance officers saw that evening which led up to a traffic stop and search locating marijuana in Mr. Shackelford's vehicle after it left Mr. Sayles house.

f. After the search and collection of evidence, officers turned the residence over to Mr. Rowe. Mr. Sayles was then transported to Douglas County Corrections where he was booked for possession with intent to deliver marijuana. Officers also seized Mr. Sayles 2000 Lincoln after locating a receipt noting the car as being purchased with cash. After the search warrant was completed, officers took the evidence items along with the currency to the Troop A Traffic Office where it was logged into evidence.

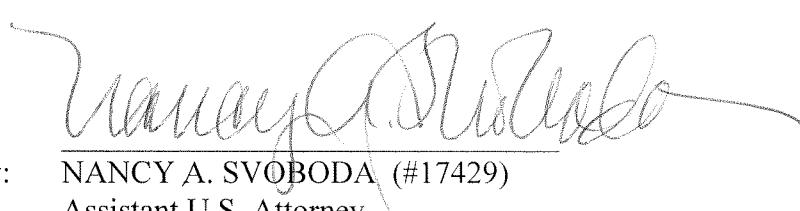
9. Based on the foregoing, the defendant property was used or was intended to be used to commit or facilitate the commission of violations of Title 21, United States Code, Sections 841(a)(1) and 844. The defendant property is therefore subject to forfeiture to the United States of America, pursuant to Title 21, United States Code, Section 881(a)(4), and no other property rights should exist in it.

WHEREFORE, the plaintiff, United States of America, prays the defendant property be proceeded against for forfeiture in accordance with the laws and regulations of the rules of this Court; that due notice be given to all interested parties to appear and show cause why forfeiture should not be decreed; that the defendant property be condemned, as forfeited, to the United States of America and disposed of according to law and regulation; that the costs of this action be assessed

against the defendant property; and for such other and further relief as this Court may deem just and equitable.

UNITED STATES OF AMERICA,  
Plaintiff

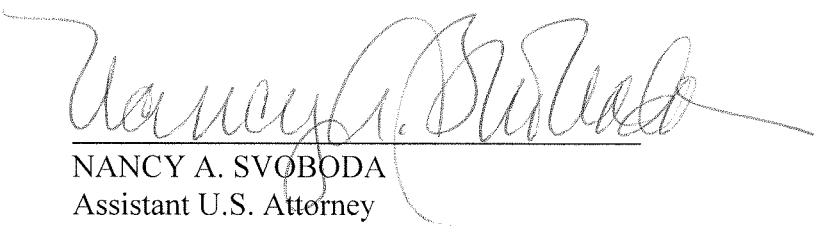
JOE W. STECHER  
United States Attorney

  
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VERIFICATION

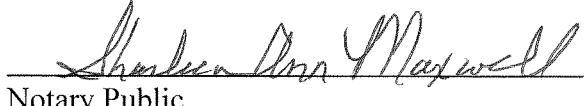
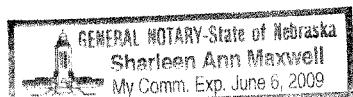
STATE OF NEBRASKA      )  
                            ) ss.  
COUNTY OF DOUGLAS    )

Pursuant to Rule C(2), Supplemental Rules for Certain Admiralty or Maritime and Asset Forfeiture Claims, Assistant United States Attorney for the District of Nebraska, Nancy A. Svoboda, being first duly sworn, deposes and states that the facts set forth herein are true and correct according to the best of her knowledge and belief.



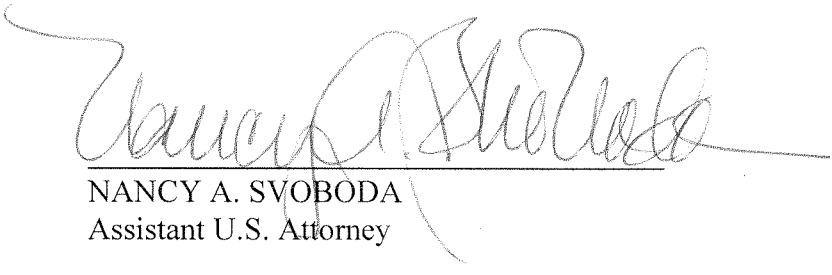
NANCY A. SVOBODA  
Assistant U.S. Attorney

Subscribed and sworn to before me this 17<sup>th</sup> day of February, 2009.



Notary Public

Pursuant to the rules of this Court, the United States of America hereby requests the trial of the above and foregoing action be held in Omaha, Nebraska, and that it be calendared accordingly.



NANCY A. SVOBODA  
Assistant U.S. Attorney