

ORIGINAL

FILED DISTRICT COURT
Third Judicial District

MAR 29 2012

SALT LAKE COUNTY

By

Deputy Clerk

SIM GILL, 6389
DISTRICT ATTORNEY FOR SALT LAKE COUNTY
CHAD L. PLATT, 8475
DEPUTY DISTRICT ATTORNEY
111 East Broadway, 4th floor
Salt Lake City, UT 84111
cplatt@slco.org
Telephone: (801) 366-7862
Facsimile: (801) 531-4165

Attorneys for the State of Utah

THIRD JUDICIAL DISTRICT COURT
SALT LAKE COUNTY, STATE OF UTAH

THE STATE OF UTAH,

Plaintiff,

vs.

ONE LOT OF PERSONAL PROPERTY, South
Jordan Police Department, Case No 12f002453,
DESCRIBED AS, (\$858.00), EIGHT
HUNDRED FIFTY EIGHT DOLLARS,
UNITED STATES CURRENCY, ONE 2002
FORD EXPLORER VIN#
1FMZU72EX2ZA73738,

Defendant,

VICTOR HUGO SANCHEZ AND MARIA
DE LOS ANGELES TORRES,

Potential Owners and/or Interest
Holders known to the State of Utah.

COMPLAINT FOR FORFEITURE

Case No.: 1209

02/10/12

Judge:

Toomey

The State of Utah, by and through CHAD L. PLATT, Deputy Salt Lake County District
Attorney, as Plaintiff and for cause of action alleges:

1 1. The seized defendant property consists of: (\$858.00), EIGHT HUNDRED FIFTY
2 EIGHT DOLLARS, UNITED STATES CURRENCY, ONE 2002 FORD EXPLORER VIN#
3 1FMZU72EX2ZA73738.

4
5 2. This court has jurisdiction pursuant U.C.A. §24-1-3.5 and U.C.A. §58-37-13(3)
6 because the property for which forfeiture is sought was within the state at the time this forfeiture
7 is actually filed and the interested owners or interest holders is or are subject to personal
8 jurisdiction of the district court.

9 3. Pursuant to Utah Code Ann. §58-37-13(3) and (4) [1953, as amended,] the
10 defendant property was seized from the possession of VICTOR HUGO SANCHEZ AND
11 MARIA DE LOS ANGELES TORRES, on 03/07/2012 at 1300 W. Meadow Brook Expressway,
12 in Salt Lake County, incident to an arrest, or incident to the execution of a search warrant, or
13 incident to the execution of a seizure warrant, or with the consent of the person from whom said
14 property was seized, by detective or officers of the South Jordan Police Department, and said
15 property is not repleviable and should remain in the custody of South Jordan Police Department
16 subject only to further orders and decrees of this Court

17
18 4. The defendant property was seized and is forfeitable under Utah Law because it is
19 contraband, or it is a firearm, weapon or ammunition used or intended for use in violation of the
20 *Utah Controlled Substances Act* and was carried or used in connection with such violation or
21 was kept or located within the proximity of controlled substances; and/or it is property that was
22 used or intended to be used to facilitate the distribution, or possession with intent to distribute, of
23 such controlled substances; and/or it was furnished in intended to be furnished in exchange for
24 such controlled substance; and/or the defendant property is criminal proceeds traceable to any
25 violation of the *Utah Controlled Substances Act*.

1 5. VICTOR HUGO SANCHEZ AND MARIA DE LOS ANGELES TORRES, as
2 the person(s) from whom the defendant property was seized, is a possible owner or interest
3 holder or claimant in and to said defendant property.

4 6. VICTOR HUGO SANCHEZ AND MARIA DE LOS ANGELES TORRES, is
5 not an innocent owner of the defendant property, and the property is forfeitable as to VICTOR
6 HUGO SANCHEZ AND MARIA DE LOS ANGELES TORRES, under U.C.A. §24-1-6
7 because VICTOR HUGO SANCHEZ AND MARIA DE LOS ANGELES TORRES, engaged in
8 or knew of the conduct giving rise to this cause for forfeiture or allowed the property to be used
9 in furtherance of that conduct.

10 7. A presumption exists that the property is forfeitable pursuant to U.C.A. §24-1-6
11 because VICTOR HUGO SANCHEZ AND MARIA DE LOS ANGELES TORRES, the only
12 known owner or interest holders, engaged in the conduct giving cause for forfeiture; the property
13 was acquired by VICTOR HUGO SANCHEZ AND MARIA DE LOS ANGELES TORRES,
14 during that period of the conduct giving rise for forfeiture or within a reasonable time after that
15 period, and, there was no likely source for the purchase or acquisition of the property other than
16 the conduct giving rise to this cause for forfeiture.

17 8. There are no additional possible interested parties to said defendant property
18 known to the District Attorney's Office, and the property is forfeitable as to any other interested
19 parties for the reasons stated in paragraphs six (6) and/or seven (7) of this Complaint.

20 9. At the time of seizure, said defendant property was found in proximity to
21 forfeitable controlled substances, manufacturing or distributing paraphernalia, or the forfeitable
22 records of the importation, manufacture, or distribution of such controlled substances; and/or
23 said defendant property was used or intended to be used to facilitate distribution or possession
24 with intent to distribute any such substances, or was being furnished or was intended to be
25

1 furnished in exchange for such substances, or is the proceeds, or was derived from proceeds,
2 traceable to illegal controlled substance transactions or exchanges; or, said defendant property
3 is/are contraband; or firearms or weapons or ammunition used in connection with, or located in
4 proximity to, such illegal controlled substances, and is forfeitable in this civil, *in rem* forfeiture
5 action, pursuant to Utah Code Ann. §58-37-13(2) and §24-1-1 *et. seq.* [2004 as amended]. More
6 specifically:

- 7 a) On 03/07/2012 at 1300 W. Meadow Brook Expressway, VICTOR HUGO
8 SANCHEZ drove his 2002 Ford Explorer to a pre-arranged meet location
9 to deliver controlled substances.
10
11 b) SANCHEZ was observed putting a sandwich bag full of balloons
12 containing controlled substance into his mouth.
13
14 c) SANCHEZ was arrested, and incident to arrest officers located \$858.00
15 cash.

16 10. Pursuant to Utah Code Ann. §24-1-17(1)(a) and (b), any and all property which is
17 forfeited pursuant to this action should be awarded to the State, subject to the requirements of
18 U.C.A. §24-1-17 regarding the disposition and allocation of such property before transfer of the
19 net proceeds to the State may occur.

20 11. Pursuant to Utah Code Ann. §24-1-17(4)(b), all legal costs incurred by the
21 prosecuting agency, Salt Lake County District Attorney's Office, in administering this forfeiture
22 proceeding, should be first deducted and paid to the Salt Lake County District Attorney in
23 accordance with its agreement with South Jordan Police Department.

24 12. Pursuant to Utah Code Ann. §24-1-7(3) and (4)(a), the seizing agency should
25 also be awarded its direct and reasonable costs and expenses of obtaining and maintaining the

1 property pending forfeiture, with such costs and expenses, once known, to be deducted prior to
2 transfer of the net proceeds of such forfeited property to the State.

3 13. Pursuant to Utah Code Ann. §24-1-11, the costs of this forfeiture proceeding, if
4 contested, should be paid by VICTOR HUGO SANCHEZ AND MARIA DE LOS ANGELES
5 TORRES, the individual whose conduct is the basis of this forfeiture.

6 14. Pursuant to Utah Code Ann. §24-1-14, forfeiture of the described property is
7 proportional to the alleged violation or violations of state law giving rise to this cause for
8 forfeiture.

9 15. Pursuant to Utah Code Ann. §24-1-17(5), all net proceeds in possession of the
10 seizing agency, South Jordan Police Department, should be deposited into the Criminal
11 Forfeiture Restricted Account, to be administered by the Commission of Criminal and Juvenile
12 Justice in funding the Crime Reduction Assistance Program as provided for under Utah Code
13 Ann. §24-1-1 *et. Seq.* (2004 as amended).
14

15
16 WHEREFORE, plaintiff demands judgment as follows:

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18 1. That the previously described defendant property, consisting of: (\$858.00), EIGHT
19 HUNDRED FIFTY EIGHT DOLLARS, UNITED STATES CURRENCY, ONE 2002 FORD
20 EXPLORER VIN# 1FMZU72EX2ZA73738, be ordered forfeited, as property used or intended
21 to be used to facilitate the distribution, or possession with intent to distribute, of controlled
22 substances; and/or as property furnished or intended to be furnished in exchange for a controlled
23 substance; and/or as representing criminal proceeds traceable to any violation of the *Utah*
24 *Controlled Substances Act*; and/or as contraband, firearms, weapons or ammunition used or
25

1 intended for use in violation of the *Utah Controlled Substances Act*, and carried or used in
2 connection with such violation, and kept or located within the proximity of controlled
3 substances.

4
5 2. That any legal costs incurred by the prosecuting agency, Salt Lake County
6 District Attorney's Office, in administering this forfeiture proceeding be ordered deducted and
7 awarded to said prosecuting agency in accordance with its agreement with the seizing agency.

8 3. That any direct costs incurred by the seizing agency, South Jordan Police
9 Department in obtaining and maintaining the defendant property pending forfeiture, once known,
10 be deducted by said seizing agency.

11 4. That VICTOR HUGO SANCHEZ AND MARIA DE LOS ANGELES TORRES,
12 pay all costs of this forfeiture proceeding.

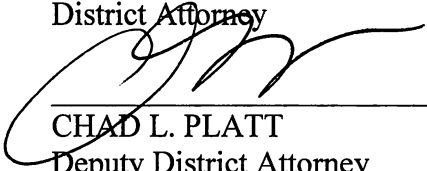
13 5. That forfeiture in this matter is deemed proportional to the alleged violation of
14 state law which gives rise to this cause for forfeiture.

15 6. That all net proceeds remaining in the possession of the seizing agency following
16 public sale of tangible forfeited property, and after deducting the costs incurred to South Jordan
17 Police Department and the Salt Lake District Attorney's Office, be transferred to the Criminal
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1 Forfeiture Restricted Account to be administered by the Commission on Criminal and Juvenile
2 Justice in funding the Crime Reduction Assistance Program as provided for under Utah Code
3 Ann. §24-1-1 *et. Seq.* (2004 as amended).

4 DATED this 20th day of March, 2012.

6 SIM GILL
7 District Attorney

8 
9 CHAD L. PLATT
Deputy District Attorney

COVER SHEET FOR CIVIL FILING ACTIONS

Page 1 of 2

Party Identification (Attach additional sheets as necessary)

PLAINTIFF/PETITIONER

Name STATE OF UTAH
Address 2001 S. State Street, #S-3700
SLC, UT 84190

ATTY FOR PLAINTIFF/PETITIONER

Name Chad L. Platt Bar # 8475
Deputy District Attorney
Address 111 East Broadway, 4th floor
SLC, UT 84111

PLAINTIFF/PETITIONER

Name
Address

ATTY FOR PLAINTIFF/PETITIONER

Name Bar # _____
Address

DEFENDANT/RESPONDENT

Name VICTOR HUGO SANCHEZ
Address

DEFENDANT/RESPONDENT

Name MARIA DE LO ANGELES TORRES
Address

DEFENDANT/RESPONDENT

Name
Address

DEFENDANT/RESPONDENT

Name
Address

TOTAL CLAIM FOR DAMAGES (AMOUNT IN CONTROVERSY)

\$ Unknown

JURY DEMAND

☐ Yes ☐ No

SCHEDULE OF FEES: §78A-2-301. CHECK ANY THAT APPLY.

(See case types on reverse for filing fees for complaints other than claims for damages.)

----- COMPLAINT FOR DAMAGES -----

- \$75 ☐ Civil or Interpleader: \$2000 or less
\$185 ☐ Civil or Interpleader: \$2001 - \$9999
\$360 ☐ Civil or Interpleader: \$10,000 & over
\$360 ☐ Civil Unspecified

----- MISCELLANEOUS -----

- \$250 ☐ Jury Demand
\$8 ☐ Vital Statistics §26-2-25 per form

----- SMALL CLAIMS -----

- \$60 ☐ Small Claims: \$2000 or less
\$100 ☐ Small Claims: \$2001-\$7,499
\$185 ☐ Small Claims: \$7,500-\$10,000
\$50 ☐ Counterclaim: \$2000 or less
\$70 ☐ Counterclaim: \$2001-\$7,499
\$120 ☐ Counterclaim: \$7,500-\$10,000

COVER SHEET FOR CIVIL FILING ACTIONS

Page 2 of 2

Please Check Only One Category

Fee Case Type ----- APPEALS -----

- \$360 ☐ Administrative Agency Review
\$225 ☐ Civil (78A-2-301(1)(h))
\$225 ☐ Small Claims Trial de Novo

----- GENERAL CIVIL -----

- \$360 ☐ Attorney Discipline
Sch ☐ Civil Rights
\$ 0 ☐ Civil Stalking
\$360 ☐ Condemnation/Eminent Domain
Sch ☐ Contract
Sch ☐ Debt Collection
Sch ☐ Eviction/Forcible Entry and Detainer
\$135 ☐ Expungement (Fee is \$0 under circumstances of §77-18-10(2))
\$360 ☐ Extraordinary Relief/Writs
\$360 ☐ Forfeiture of Property
Sch ☐ Interpleader
Sch ☐ Lien/Mortgage Foreclosure
Sch ☐ Malpractice
Sch ☐ Miscellaneous Civil
Sch ☐ Personal Injury
\$360 ☐ Post Conviction Relief: Capital
\$360 ☐ Post Conviction Relief: Non-capital
Sch ☐ Property Damage
Sch ☐ Property/Quiet Title
Sch ☐ Sexual Harassment
Sch ☐ Tax
Sch ☐ Water Rights
Sch ☐ Wrongful Death
\$360 ☐ Wrongful Lien
Sch ☐ Wrongful Termination

----- DOMESTIC -----

- \$0 ☐ Cohabitant Abuse
\$310 ☐ Common Law Marriage
\$310 ☐ Custody/Visitation/Support
\$310 ☐ Divorce/Annulment
☐ Check if child support, custody or parent-time will be part of decree
☐ Check if Temporary Separation filed
\$35 ☐ Foreign Domestic Decree

- Fee Case Type
\$360 ☐ Grandparent Visitation
\$360 ☐ Paternity/Parentage
\$100 ☐ Domestic Modification
\$310 ☐ Separate Maintenance
\$35 ☐ Temporary Separation
\$35 ☐ Uniform Child Custody Jurisdiction & Enforcement Act (UCCJEA)
\$35 ☐ Uniform Interstate Family Support Act (UIFSA)

----- JUDGMENTS -----

- \$35 ☐ Abstract of Foreign Judgment
\$50 ☐ Abstract of Judgment or Order of Utah Court/Agency
\$30 ☐ Abstract of Judgment/Order of Utah State Tax Commission
\$35 ☐ Judgment by Confession

----- PROBATE -----

- \$360 ☐ Adoption/Foreign Adoption
\$360 ☐ Conservatorship
\$360 ☐ Estate Personal Rep - Formal
\$360 ☐ Estate Personal Rep - Informal
\$35 ☐ Foreign Probate/Child Custody Doc.
\$360 ☐ Gestational Agreement
\$360 ☐ Guardianship
\$ 0 ☐ Involuntary Commitment
\$360 ☐ Minor's Settlement
\$360 ☐ Name Change
\$360 ☐ Supervised Administration
\$360 ☐ Trusts
\$360 ☐ Unspecified Probate

----- SPECIAL MATTERS -----

- \$35 ☐ Arbitration Award
\$0 ☐ Determination Competency-Criminal
\$0 ☐ Hospital Lien
\$35 ☐ Judicial Approval of Document Not Part of Pending Case
\$35 ☐ Notice of Deposition in Out-of-State Case/Foreign Subpoena
\$35 ☐ Open Sealed Record