



Texas County Faces Class-action Lawsuit Over Civil Asset Forfeiture Program

In 2019, Harris County, Texas, police confiscated over \$42,000 from a Mississippi man who was driving to Houston to buy a semitruck. Four years later, having kept the cash while filing no criminal charges against the man, the county faces a class-action lawsuit challenging its civil asset forfeiture system.

“Harris County has one of the most abusive forfeiture programs in the country,” Institute for Justice (IJ) senior attorney Wesley Hottot told [Fox News](#). “They have police out specifically looking for cash, they have police out specifically looking for cars that can be seized. And wouldn’t you know it, they find cash and they find cars to seize.”



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Civil asset forfeiture allows police to seize property they suspect is connected with a crime. According to Fox News, “Under civil asset forfeiture, the seized cash or other belongings are on trial, not the property owner. So no criminal conviction is required.” Instead, the dispossessed person must prove his innocence to recover his property, an expensive and arduous undertaking few can afford.

Using this legal sleight of hand, police and prosecutors are able to pad their budgets without having to seek tax hikes. The [lawsuit](#) alleges that, from 2018 to 2020, Harris County prosecutors obtained \$7.7 million through forfeiture, while law-enforcement agencies got \$15.9 million, nearly half of which “was used to pay salaries and overtime to police officers — the same officers who make decisions about whether to seize property.”

The plaintiffs in the case are spouses Ameal Woods and Jordan Davis. A truck driver looking to expand his business by buying a used truck from a dealer in Houston, Woods was driving through Harris County in May 2019 when he was stopped by county police allegedly for driving too close to a tractor-trailer. (Woods disputes having done so.)

According to the complaint, Sergeant R. Wade asked Woods if he had any weapons in the vehicle, to which Woods truthfully responded that he had a loaded gun tucked between his seat and the center console. Next, Wade asked Woods to step out of the vehicle and talk to him and his partner, which Woods did. Woods claims to have answered all the officers’ questions truthfully, telling them the purpose of his trip and alerting them to the \$42,300 in cash he was carrying, which consisted of his own savings, Davis’ savings, and a loan from his niece.

Then he made the mistake of consenting to a search of his vehicle. Lo and behold, Wade found the moolah, and although he was able to confirm Woods’ account via a telephone call to Davis, he confiscated the cash, saying, “I think this money is connected to drugs.”

After that, the officers gave Woods a “citizen’s info card” stating simply that a “currency seizure” of no



Written by [Michael Tennant](#) on November 26, 2023

specific amount had taken place. Then they sent this supposedly dangerous drug criminal on his way without even taking his gun.

Based on an affidavit claiming that a police dog later detected “the odor of narcotics” on Woods’ money — an affidavit signed by an officer who was not at the scene of the seizure — the county proceeded with its forfeiture case.

Woods, meanwhile, received no word about the case for the next 27 months. When he finally got a letter about it, he responded in writing twice only to be met with silence, he and Davis allege.

According to Fox News:

This May, four years after Woods’ money was taken, IJ argued in civil court that Harris County should have to return it. But the jury sided with prosecutors, ruling that law enforcement had probable cause to believe the [money] was contraband.

Prosecutors celebrated the win and wrote in a press release that Woods had been “paid to transport the money to Houston to purchase illegal narcotics and then transport the drugs back to Mississippi.”

“They didn’t prove that, of course,” Hottot told Fox News. “They couldn’t identify a person that he was going to buy drugs from, they couldn’t tell us what drugs, they couldn’t tell us what amount or that he’d sold drugs in the past or had done so since.”

The jury isn’t getting the last word, however. Woods and Davis are now the first plaintiffs in the class-action case against Harris County’s forfeiture apparatus, with possibly many more to follow. IJ claims in the complaint that after reviewing 113 Harris County civil-forfeiture petitions initiated since 2016, it found that “every one ... was based on a form affidavit written by an officer who was not present at the time and place of seizure.” Moreover, “Ninety-two petitions involved a dog alert that allegedly was obtained *after* police seized property.” (Emphasis in original.)

The suit aims to have Harris County’s forfeiture procedures declared illegal under the Texas constitution because they “deprive people of their property without due process of law.”

“Harris County officials had asked District Court Judge Robert Schaffer to dismiss the case, arguing the county is immune from the suit,” reported Fox News. “But earlier this month, Schaffer rejected the immunity claim and allowed the constitutional challenge to proceed.”

Woods and Davis still have a long road ahead of them, and their case may have far-reaching implications. “Our goal,” Hottot [wrote](#) on the IJ website, “is to take this case all the way to the Texas Supreme Court, win a decisive victory affirming the right to travel with cash, and dismantle Houston’s unconstitutional forfeiture scheme once and for all.”



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