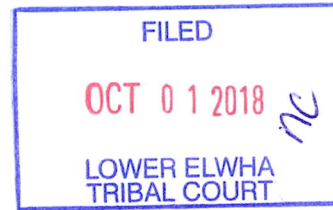


1 Diane Cabrera, Tribal Prosecutor
2 Lower Elwha Klallam Tribe
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8 LOWER ELWHA TRIBAL COURT
9 LOWER ELWHA KLALLAM TRIBE
10 PORT ANGELES, WASHINGTON

11 LOWER ELWHA KLALLAM TRIBE,
12 Plaintiff,

13 vs.

14 WILLIAM JOSEPH CAGEY,
15 Respondent / Claimant.

Case No. 2018- CV-0020

16 NOTICE OF SEIZURE / IMPOUNDMENT
17 AND FORFEITURE

18 **TO: WILLIAM J. CAGEY**
19 c/o Clallam County Correctional Facility
20 224 East Fourth Street, Suite 20
21 Port Angeles, WA 98362

22 **TO: CLERK OF COURT, LOWER ELWHA TRIBAL COURT**
23 Elwha Justice Center
24 341 Spokwes Drive
25 Port Angeles, WA 98363

26 1. Notice of Seizure and/or Impoundment

27 Pursuant to § 11.8.2 of the Lower Elwha Klallam Tribe's Code for Seizure, Impoundment, and
28 Forfeiture of Property (Seizure and Forfeiture Code), be advised that the Tribe has seized the
29 properties or assets listed below:

- 30 A. 2004 Mercury Sable sedan, silver in color, bearing Washington State plate number
31 "BKP5493" (VIN # 1MEFM50U44A6600727) and registered to William J. Cagey seized on
32 September 22, 2018;
- B. Approximately 112 grams of marijuana seized on September 22, 2018;
- C. A 50 gallon yellow and black plastic tote full of marijuana, inclusive of the marijuana
contained therein, seized on September 22, 2018;
- D. 118 blister packs each containing approximately 1 gram of marijuana wax or oil (THC
concentrates) seized on September 22, 2018;

- 1 E. 3 glass jars containing marijuana, inclusive of the marijuana contained therein, seized on
2 September 22, 2018;
- 3 F. Drug paraphernalia seized on September 22, 2018, consisting of a digital scale, numerous
4 clear plastic "Ziploc" type baggies, several dozen blister packs, a blue colored plastic
5 marijuana grinder, two glass marijuana pipes, a yellow colored container of propane, and
6 assorted plastic boxes;
- 7 G. A "Samsung" brand cellular phone in an "Otterbox" case seized on September 22, 2018;
- 8 H. Silver colored "brass" knuckles seized on September 22, 2018;
- 9 I. A blue colored backpack seized on September 22, 2018; and
- 10 J. A wood baton, natural in color with a white lanyard affixed to the grip approximately 18
11 inches in length and bearing an inscription of "wigger" seized on September 25, 2018;

12 Tribal law enforcement seized the items listed pursuant to criminal search warrant(s) based on
13 probable cause that the registered owner of the vehicle, William J. Cagey was using the vehicle listed
14 as item 1, to unlawfully possess, store, deliver, and/or transport controlled substances, paraphernalia,
15 or contraband within or through the jurisdiction of the Lower Elwha Klallam Tribe. The items listed
16 above were seized at the Elwha Justice Center, 341 Spokwes Drive, Port Angeles, Washington.

17 2. Notice of Forfeiture

18 The Tribe intends that the above named defendant forfeit to the Tribe any and all interest in the
19 properties listed in Paragraph 1 constituting, or derived from, any proceeds obtained, directly or
20 indirectly, as a result of Tribal criminal offense(s) committed by defendant, and shall further forfeit
21 any and all interest in property, used or intended to be used, in any manner or part to commit, and to
22 facilitate the commission of such offense(s).

23 If any forfeitable property, as a result of any act or omission of the above named defendant cannot be
24 located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third
25 person, has been placed beyond the jurisdiction of the Lower Elwha Tribal Court, has been
26 substantially diminished in value, or has been commingled with other property which cannot be
27 subdivided without difficulty, it is the intent of the Tribe pursuant to the Seizure and Forfeiture Code
28 to seek the forfeiture of any property of the defendant up to the value of the forfeitable properties.

29 3. Forfeiture Proceedings

- 30 A. A respondent owner/claimant to seized or impounded property, after being provided notice by
31 mail has **twenty (20) days** after the date of mailing to file a verified answer with the Clerk of
32 Court. Such answer shall include either a general denial or a brief description of the
defense(s) asserted by the respondent owner/claimant. The answer must be attested to by the
respondent owner/claimant by affixing his/her signature in the answer.

**Failure to file a verified answer may result in a default order or may otherwise inhibit
or restrict a respondent owner/claimant's ability to fully defend his/her interests in
further court proceedings.**

- 33 B. Upon the timely filing of a verified answer by the respondent owner/claimant, a hearing on
the forfeiture shall be set no later than **thirty (30) days** of receipt of the verified answer or the
date of sentencing if the forfeiture proceedings relate to property that is evidence in a pending

1 criminal case, whichever date is later. Notice of the hearing shall be by regular or certified
2 mail.

3 4. Applicable Law

4 A copy of the Lower Elwha Lower Elwha Klallam Tribe's Code for Seizure, Impoundment, and
5 Forfeiture of Property (2011) is attached hereto.

6 I declare the foregoing to be true and correct under the penalty of perjury under the laws of the
7 Lower Elwha Klallam Tribe.

8 Dated this 28th day of September, 2018.



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11 DIANE CABRERA, Tribal Prosecutor
12 Lower Elwha Klallam Tribe
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