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Government Shouldn't Be Able to Take Property from Innocent People

Kansas Justice Institute amicus brief filed after Kansas Highway Patrol seizes innocent man's vehicle

Overland Park, Kansas - Kansas Justice Institute filed an amicus brief in the District Court of Johnson County in State of Kansas, ex rel. 1959 Chevrolet Corvette urging the Court to protect the property rights of a vehicle owner, an owner recognized by the Kansas Highway Patrol (KHP) as "innocent."

"Asset forfeiture is when the government takes a person's property without a criminal conviction. In some cases, the person is never even charged with a crime, as was the case with Mr. Martinez," said KJI Litigation Director Sam MacRoberts.

"Asset forfeiture is bad enough. But it's especially bad in this case because the government admits Mr. Martinez did nothing wrong," said KJI Litigation Director Sam MacRoberts.

Mr. Martinez bought the classic car in 2016, went to register it in Kansas, and KHP discovered there were VIN issues. The Kansas Highway Patrol then seized the car even though Mr. Martinez was unaware of those issues. In fact, the government's attorney admits Mr. Martinez is innocent. But, instead of returning the classic car, the government has spent years in court working to destroy the Corvette.

"The government should not get to destroy an innocent person's car."

After acknowledging Mr. Martinez's innocence, the Kansas Highway Patrol still argues that the vehicle must be taken from Mr. Martinez as "contraband" and has spent years trying to demolish the vehicle.

"When the government knows someone is innocent, they shouldn't use their power and resources to take their property. Kansas' forfeiture laws are to blame. The United States and Kansas Constitutions do not permit the government to acknowledge a person's innocence, on the one hand, and then with the other, declare the innocent person's property 'contraband' and take it," concluded KJI Litigation Director Sam MacRoberts.

State v. 1959 Corvette is being argued by private counsel. The District Court requested the amicus brief from Kansas Justice Institute.

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