

Supreme Court Limits Government's Power to Seize Personal Property

22 Jun 2017

The Comprehensive Forfeiture Act mandates forfeiture of “any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of” certain drug crimes. After brothers Tony and Terry Honeycutt were indicted for such drug crimes for selling a particular chemical through a hardware store Tony owned, Tony pled guilty and agreed to forfeit the bulk of the amount garnered in the drug sales, which constituted the store's profits from the sales. Terry was merely a salaried employee at the store. Upon being found guilty after a trial, the government requested a forfeiture judgment against him for more proceeds from the store, with his liability being deemed joint and several with Tony's. The district court denied the request because Terry had no interest in the store, but the Sixth Circuit reversed. The Court, in an 8-0 opinion from Justice Sotomayor resolving a split among the Circuits, reversed, holding that the Act's scope was limited to property actually acquired by the criminal defendant. Since Terry did not own the store, no further forfeiture against the store's proceeds could be reached. The terms “directly or indirectly” did not remove the requirement that the defendant obtain the property in question. The Court further held that the Act's text was incompatible with the concept of joint and several liability, as the Act specifically targets specific tainted property. [A link to the opinion in *Honeycutt v. United States* is here.](#)

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