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Driver: Give Me Back My \$11,000

*** Californian claims Bernalillo County deputy stopped him, seized his cash because he's black**

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Dennis Ducre was driving 67 in a 75-mph zone when he was pulled over on Interstate 40. The sheriff's deputy gave him a written warning for impeding the fast lane, then seized \$11,000 in cash and sent Ducre on his way.

Bernalillo County sheriff's officials say the "totality of circumstances" gave them probable cause to seize Ducre's money. They say that there was a small amount of marijuana in the car and that deputy Peter Roth had reason to believe the money might be suspect.

It was confiscated through civil forfeiture laws, officials say, and Ducre can have his money back once he proves it's his.

"I worked for the money," Ducre said. "I shouldn't have to prove that it's mine."

Ducre, 48, of Pasadena, Calif., says he has a prescription for the marijuana and believes he was pulled over because he is black.

California has a law allowing use of marijuana for medical purposes.

Although the nuances of the story differ slightly depending on who tells it, this much is agreed upon by Ducre and the department:

Ducre was pulled over Friday afternoon on I-40 west of Albuquerque, stopped for going 67 in the fast lane. He was not charged with a crime, and Roth seized his money and gave him a receipt. Ducre was issued a written warning for driving too slow.

In Ducre's version, he had slowed down to change lanes, and the deputy was about to pass him when he glanced over, saw Ducre and got back behind him to pull him over.

Roth asked Ducre whether he had anything illegal in his car, and Ducre said he told the officer he had a small amount of medical marijuana and a large amount of cash. Ducre said he has a prescription for the drug because he has chronic back and knee pain, an ulcer and hypertension.

He said Roth then asked to see his money, confiscated it without explanation, and gave Ducre a receipt. That receipt, provided by Ducre, confirms that \$11,000 was seized, as well as a half-gram of marijuana.

Ducre, who is a self-employed general contractor and carpenter, said he had recently received the money as a loan to purchase property. He provided to the Journal copies of recent checks made out to him from Wells Fargo and his attorney for \$10,000 and \$5,000, respectively. Ducre said he didn't have copies of the checks with him when the officer stopped him, but explained to him that he had recently

cashied two large checks.

Roth "noticed a strong odor of marijuana coming from the vehicle," Bernalillo County sheriff's spokeswoman Erin Kinnard Thompson said in an e-mail.

A drug-sniffing dog was called to the scene. Deputies found a small amount of marijuana in the console, and the dog "alerted" on the suitcase containing Ducre's cash.

Ducre, who said he was returning to California from Mississippi, says he believes he was racially profiled and plans to file an internal complaint, adding that he is working to get his money back. He said he has been unsuccessful in getting his calls returned so he can show the copy of the checks and prove the money is legitimately his.

Sheriff's Lt. Matt Thomas said the "totality of circumstances" justified seizing the money but declined to explain details of the circumstances. He did not explain why Ducre was not cited for drug possession, except to say deputies can use their discretion when someone has a small amount of drugs.

Ducre said he has one drug charge in his background, when he was sentenced to probation in 1993 for possession of marijuana in California. A federal search of his background shows a clean record since then.

"I was younger then," Ducre said. "I haven't been in trouble since."

Thomas said it is up to the discretion of each deputy to decide whether someone is impeding traffic and should be cited. He disputed the allegation of racial profiling, saying it has not been a problem in the department in the 20 years he's been there.

"We rely on the training and experience of our guys to be able to make that call," Thomas said. "This guy has recourse. If he shows that it's legitimate income, we'll give it back."

The law

Under federal law, law enforcement officials can seize property if they have probable cause to believe it is being used to facilitate drug trafficking or is the proceeds of drug trafficking. If the property owner contests the seizure, he or she can challenge it in court. If the money is not returned, it becomes the property of the federal government, with a percentage going back to local law enforcement.