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Attorney General Marshall Wins U.S. Supreme Court Case Defending Law Enforcement Power to Remove Criminal Property From the Streets

(**Montgomery, Ala**) – Alabama Attorney General Steve Marshall applauded the U.S. Supreme Court’s 6-3 opinion protecting the traditional law enforcement power to seize contraband and the proceeds and instrumentalities of crime. Alabama Solicitor General Edmund LaCour argued the case *Culley v. Marshall* in the Supreme Court on October 30, 2023.

“The U.S. Supreme Court affirmed our previous victories in these cases. Law enforcement officers across Alabama work hard every day to keep their fellow citizens safe while respecting their constitutional rights. And the Court confirmed that those rights were respected,” stated Attorney General Marshall.

The two plaintiffs had each loaned their cars to men who were stopped and arrested when Alabama police found controlled substances in their cars. Under Alabama law, vehicles used to facilitate the transportation of controlled substances may be forfeited upon proper process. But if the owner of a seized vehicle is found to be innocent at a hearing, the property is returned. In these cases, the plaintiffs had access to the full protections of the judicial system within days. Still, they claimed a constitutional right to yet another hearing, which Alabama argued “would interfere with important law-enforcement activities” and risk property being “removed, destroyed, or put to illegal use.” Justice Kavanaugh’s majority opinion agreed with Alabama’s understanding of the Due Process Clause and affirmed the decision of the U.S. Court of Appeals for the Eleventh Circuit, dismissing the case.

The Attorney General thanked the team who successfully litigated these cases from the district court to the Supreme Court, including Solicitor General Edmund LaCour, Deputy Solicitor General Robert Overing, Assistant Chief Deputy Attorney General Brad Chynoweth, and Assistant Attorney General Brenton Smith.

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