

**Pennsylvania Commission on Sentencing
Caselaw Highlights (PA Reporter through May 23, 2008)**

	Perez	941 A.2d 778	1/31/2008	PA Cmwlth	Forfeiture	Authority	Civil forfeitures are the in rem consequence for wrongdoing prescribed by statute; property is forfeited not as a result of the criminal conviction, but through a separate proceeding, civil in form but quasi-criminal in nature, in which the agency seeking the property must show, by a preponderance of the evidence, a nexus between the property sought and the possessor's illegal activity.
	Perez	941 A.2d 778	1/31/2008	PA Cmwlth	Forfeiture	Authority	Petitioner's request for return of property forfeited in connection with criminal conviction subsequently reversed and nolle prossed was barred by doctrine of res judicata, where petition attempted to relitigate forfeiture proceeding by retroactively challenging state's exercise of in rem jurisdiction over subject property, which issue was waived by petitioner's failure to raise it during initial forfeiture proceeding, petition was filed long after running of applicable appeal period, and petitioner did not attempt to attack forfeiture judgment at any time during running of applicable appeal period. 42 Pa.C.S.A. §§ 6801(b), 6802.
Brown	Commonwealth of Pennsylvania	940 A.2d 610	1/8/2008	PA Cmwlth	Forfeiture	Authority	Trial court lacked jurisdiction to review homeowner's petition for expedited release of her home from future forfeiture proceedings, where the remedy sought was not available to homeowner, and the forfeiture remedy available to lien holders did not apply to homeowner, as her property had not been forfeited and she was not a third-party creditor. 42 Pa.C.S.A. § 6801(a)(6)(i)(C), (a)(6)(ii), 6802(j, k).
	Salamone	897 A.2d 1209	4/10/2006	PA Super	Forfeiture	Authority	Trial court had common law authority to order forfeiture of plane or proceeds from sale of plane, after pilot was convicted of criminal charges of risking a catastrophe and recklessly endangering another person, arising from his conduct in piloting of airplane for four hours around major urban international airport and surrounding populated areas under the influence of alcohol and valium.
	Fontanez	739 A.2d 152 679 A.2d 1361	10/28/1999	PA PA Cmwlth	Forfeiture	Contraband	Supreme Court reversed Commonwealth Court, finding that Commonwealth failed to sustain its burden to prove that \$2500 in cash seized during stop of motorist for traffic violation was contraband subject to forfeiture, though stop occurred in area known for

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	\$11,600.00 Cash, U.S. Currency	858 A.2d 160	9/13/2004	PA Cmwth	Forfeiture	Contraband	Evidence supported trial court's finding that the \$11,600 in currency seized from claimant was, more likely than not, used in drug trafficking operations or was the proceeds of such operations, such that forfeiture of claimant's property was warranted pursuant to Controlled Substances Forfeiture Act; officer testified that claimant made inconsistent statements about origin of the money and underestimated by \$2,600-\$3,600 how much he actually possessed, and according to Commonwealth's unrebutted expert testimony, the money had a high concentration of cocaine on it, five times the amount found on money in the general circulation. 42 Pa.C.S.A. §§ 6801, 6802.
	\$3,222.00 U.S. Currency	856 A.2d 288	8/17/2004	PA Cmwth	Forfeiture	Contraband	To meet its initial burden, the Commonwealth must show, by a preponderance of the evidence, a nexus between unlawful activity and the property for which forfeiture is sought.
In re:	Return of Property Confiscated	856 A.2d 238	7/29/2004	PA Cmwth	Forfeiture	Contraband	Cash may be forfeited to the Commonwealth as derivative contraband of an illegal gambling operation. 47 P.S. § 6-602(e).
In re:	Firearms, Eleven	922 A.2d 906	4/3/2007	PA Super	Forfeiture	Contraband	Firearms seized from convicted felon's residence were "derivative contraband" and, thus, were subject to forfeiture, although the convicted felon was not using the firearms at the time of their seizure; convicted felon was committing a crime by merely possessing the firearms, such that there was a specific nexus between the property and criminal activity, and the felon's possession of the firearms was irrefutably established by the record. 18 Pa.C.S.A. § 6105(a)(1).
In re:	Firearms, Eleven	922 A.2d 906	4/3/2007	PA Super	Forfeiture	Contraband	Facts and circumstances warranted the sanction of forfeiture of firearms possessed by convicted felon; the convicted felon had been given 60 days after his felony conviction to distribute his firearms to third parties, the felon's continued possession of weapons and his consistent use of the weapons evidenced a blatant disregard for the law, and value of the weapons was minimal compared to the weighty public interest in ensuring felons did not possess and use firearms. 18 Pa.C.S.A. § 6105(a)(1).
	Wintel, Inc.	829 A.2d 753	7/29/2003	PA Super	Forfeiture	Contraband	Video slot machines were gambling devices per se, and thus, were subject to forfeiture; although corporation contended that machines were used for purpose of raising money for charity and, accordingly, element of consideration was not present, machines were constructed for gambling, and element of consideration was present since machines were designed to induce players to continue playing for chance to win money, by leaving four credits after free games, and conclusion was not altered by fact that some of that consideration was used for charitable purposes.

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In re:	Petition of Koenig	663 A.2d 725	8/8/1995	PA Super	Forfeiture	Contraband	Weapons not used in the perpetration of the crime were not subject to forfeiture as derivative contraband, and therefore must be returned to petitioner. An item cannot be labeled derivative contraband merely to avoid the recurrence of criminal conduct.
	Smith	757 A.2d 354	8/21/2000	PA Cmwlth	Forfeiture	Distribution	Trial court impermissibly diverted the assets that were subject to forfeiture, pursuant to consent forfeiture agreement, to pay the mandatory fine for drug trafficking; instead, such assets should have been disbursed consistent with the terms of the agreement.
	\$73,671.30 Cash, US Currency and Assorted Firearms [Artello/Smith]	654 A.2d 93	1/6/1995	PA Cmwlth	Forfeiture	Distribution	For purposes of forfeiture statute provision allowing for equitable distribution of seized property if both municipal and state law enforcement authorities had such involvement, county must have been substantially involved in effecting the seizure of drug
	Trayer	687 A.2d 33	12/24/1996	PA Cmwlth	Forfeiture	Double jeopardy	State forfeiture statute, which serves remedial rather than punitive purpose, does not violate double jeopardy provision of either state or federal constitutions.
	Higginbottom	678 A.2d 408	6/12/1996	PA Super	Forfeiture	Double jeopardy	A civil penalty [forfeiture] becomes a punishment for double jeopardy purposes when it bears no rational relation to the goal of compensating the government for its loss. Prior forfeiture did not bar criminal prosecution arising from same transaction.
	\$6,425.00 Seized from Esquilin	880 A.2d 523	8/15/2005	PA	Forfeiture	Evidence	Sufficient nexus existed between illegal drug activity conducted by claimant and accomplice and \$6,425.00 seized from claimant's pockets to create inference that money was used to facilitate drug sales or constituted proceeds from drug sales, as required to subject entire amount to forfeiture, regardless that police observed only three drug transactions. 42 Pa.C.S.A. § 6801(a)(6)(i, ii).
	\$2,523.48 US Currency	649 A.2d 658	11/7/1994	PA	Forfeiture	Evidence	Tavern owner had knowledge of drug activity in tavern, and thus was not entitled to innocent owner defense based on lack of knowledge; in order to establish that he did not consent to the activities, actions he took must have been reasonable for circum.
	Funds in Merrill Lynch Account	937 A.2d 595	11/28/2007	PA Cmwlth	Forfeiture	Evidence	There was no evidence that funds placed into defendant's bank accounts before defendant's illegal business involving sale and distribution of drug paraphernalia came into existence were used to facilitate illegal business, as required to establish Commonwealth's entitlement to forfeiture of those funds under section of Controlled Substances Forfeiture Act providing that forfeiture applied to money, negotiable instruments, securities, or other things of value used or intended to be used to facilitate any violation of the Controlled Substance, Drug, Device and Cosmetic Act. 42 Pa.C.S.A. § 6801(a)(6)(i)(B).

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	\$310,020.00 in U.S. Currency	894 A.2d 154	3/8/2006	PA Cmwlth	Forfeiture	Evidence	Evidence supported finding that a nexus existed between \$140,000 seized from one claimant and over \$300,000 seized from second claimant and a violation of the Controlled Substance Act, in support of forfeiture of the currency under the Forfeiture Act; both claimants possessed huge sums of cash, in both cases the cash was not packaged in a manner consistent with the way a bank packages cash, the trial court determined that neither claimant offered a credible explanation for their possession of the cash seized, and ion scans of the seized cash revealed that the level of cocaine detected on the cash ranged from six to 20 times the level expected for cash in the general circulation. 42 Pa.C.S.A. § 6801(a)(6)(i)(A)(B).
	One 2001 Toyota Camry	894 A.2d 207	3/8/2006	PA Cmwlth	Forfeiture	Evidence	Evidence was insufficient to establish that claimant's vehicle was used an instrument of the crime of criminal solicitation to commit murder, and thus the vehicle was not derivative contraband subject to common law forfeiture; informant, who claimant sought to hire to kill his wife, testified that claimant drove the vehicle to two of their meetings and that he sat in vehicle on one occasion.
	1992 Chevrolet	844 A.2d 583	2/10/2004	PA Cmwlth	Forfeiture	Evidence	Trial court was precluded from entering judgment for Commonwealth in automobile forfeiture case under Controlled Substances Forfeiture Act, though vehicle owner failed to prove valid reason for missing the hearing, given that Commonwealth presented no evidence to support its allegations that a nexus existed between the alleged activity of selling narcotics and the vehicle. 42 Pa.C.S.A. §§ 6801 et seq; Rules Civ.Proc., Rule 218(b, c), 42 Pa.C.S.A.
	Funds in Merrill Lynch Account	777 A.2d 519	5/4/2001	PA Cmwlth	Forfeiture	Evidence	"proceeds theory" allowing forfeiture of proceeds traceable to controlled substance exchange, applied to proceeds defendant used to facilitate sale of drug paraphernalia, including money in bank account of defendant's store, through which he sold paraphernalia.
	One 1990 Dodge Ram Van	751 A.2d 1235	5/16/2000	PA Cmwlth	Forfeiture	Evidence	Claimant's motor vehicle was subject to forfeiture, in that a specific nexus existed between the vehicle and the claimant's criminal activities, though forfeiture was not expressly authorized by statute, where claimant admitted to kidnapping and murdering victim in the vehicle.
	\$1,220.00 Cash, US Currency Seized from Eric Cook	749 A.2d 1013	3/29/2000	PA Cmwlth	Forfeiture	Evidence	That a drug-sniffing dog alerted on the money, that the money was bundled consistent with a drug dealer, that police officer was familiar with claimant and his companion, that claimant had pager in his possession, that claimant was under investigation, and that claimant previously sold drugs to undercover officer was insufficient to establish a nexus between illegal drug activity and cash seized where police never charged claimant with any concurrent drug charges.

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Strand	Chester Police Department	687 A.2d 872	1/7/1997	PA Cmwlth	Forfeiture	Evidence	Individual who was using vehicle at time that drug transaction was observed, and not owner listed on title, was true owner of vehicle; based on complete lack of evidence other than name on title that listed individual exercised any ownership of car.
	\$26,555.00 Seized from Christopher Polidoro	672 A.2d 389	2/29/1996	PA Cmwlth	Forfeiture	Evidence	Once Commonwealth establishes nexus between forfeited currency and drug-related activity, burden shifts to claimant to establish ownership of currency and its lawful acquisition and that it was not unlawfully used or possessed by claimant.
	Schill	643 A.2d 1143	6/7/1994	PA Cmwlth	Forfeiture	Evidence	Commonwealth not entitled to forfeiture of money and weapons seized during a search where it could not establish a nexus between the money and weapons and the drugs legally seized during the search.
	One 1991 Cadillac Seville	853 A.2d 1093	7/12/2004	PA Cmwlth	Forfeiture	Notice	Notice of pending forfeiture received at residence of owner of vehicle, who sought to vacate forfeiture order, by owner's brother, who had apparent authority to receive her mail, satisfied requirements of Controlled Substances Forfeiture Act and procedural due process; Act allowed service by certified mail when copy was mailed to owner by any form of mail requiring receipt signed by owner or her authorized agent, service was complete when mail was delivered, and owner's brother, with whom she shared residence from which property was seized, was owner's agent for receipt of mail consistent with rule of civil procedure governing service by mail. U.S.C.A. Const.Amend. 14; 42 Pa.C.S.A. § 6801-6802; Rules Civ.Proc., Rule 403.
	Marshall	698 A.2d 576	7/23/1997	PA	Forfeiture	Proof	To meet burden in drug forfeiture proceeding that involves currency, Commonwealth must establish, by a preponderance of the evidence, nexus between money and illegal activity. If Commonwealth establishes nexus, burden shifts to claimant to establish that
	\$310,020.00 in U.S. Currency	894 A.2d 154	3/8/2006	PA Cmwlth	Forfeiture	Proof	To support a forfeiture, the Commonwealth must establish that a nexus exists between the cash seized and a violation of the Controlled Substance Act, and it does so under a preponderance of the evidence standard, which is tantamount to a more likely than not standard. 42 Pa.C.S.A. § 6801(a)(6)(i)(A)(B).
	One 2001 Toyota Camry	894 A.2d 207	3/8/2006	PA Cmwlth	Forfeiture	Proof	In a forfeiture action, the Commonwealth has the burden of establishing by a preponderance of the evidence that a nexus exists between the subject unlawful activity and the property sought to be forfeited.

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	\$259.00 Cash U.S. Currency	860 A.2d 228	10/19/2004	PA Cmwlth	Forfeiture	Proof	Forfeiture Act created a rebuttable presumption that cash found in close proximity to a controlled substance was derived from the selling of a controlled substance and subject to forfeiture, and thus, the Commonwealth satisfied its evidentiary burden of establishing a connection between the confiscated money and the defendant's illegal activity in forfeiture proceedings, even though Commonwealth had no direct evidence that defendant was selling heroin rather than buying it, where defendant admitted that he possessed the seized money at the same time as he possessed the heroin. 42 Pa.C.S.A. § 6801(a)(6)(ii).
	648 West Mayfield Street	819 A.2d 1226	3/28/2003	PA Cmwlth	Forfeiture	Proof	Standard for determining property owner's lack of consent to illegal activity at property, which would otherwise entitle Commonwealth to forfeiture of property, is not whether property owner did as much as another property owner did to prevent illegal activity, but whether property owner acted reasonably.
	McJett	811 A.2d 104	11/25/2002	PA Cmwlth	Forfeiture	Proof	Once the Commonwealth has sustained its burden of establishing the requisite nexus between seized property and criminal drug activity in forfeiture proceedings under the Controlled Substances Forfeiture Act, the burden shifts to the property owner to disprove the Commonwealth's case or establish a statutory defense. 42/6801(a), 6802(j).
	5900 Market Street	732 A.2d 659	4/14/1999	PA Cmwlth	Forfeiture	Proof	Commonwealth established sufficient nexus between property forfeited and criminal activity, where ongoing drug activity on premises was documented by policy surveillance, undercover police drug buys, and drug and drug paraphernalia confiscated.
	\$425.00 U.S. Currency	722 A.2d 1163	1/13/1999	PA Cmwlth	Forfeiture	Proof	Items seized pursuant to Controlled Substances Forfeiture Act could not be forfeited, consistent with due process clause, without notice of forfeiture hearing being given to defendant, even though defendant and Commonwealth executed forfeiture agreement.
	Funds in Merrill Lynch Account	937 A.2d 595	11/28/2007	PA Cmwlth	Forfeiture	Return	Defendant in forfeiture proceeding was not entitled to interest on funds wrongfully withheld by Commonwealth from his accounts based on common law tort of conversion because Commonwealth properly sought to recover defendant's funds under Controlled Substances Forfeiture Act, and, as matter was pending court determination, Commonwealth had no fixed duty to pay funds to defendant. 42 Pa.C.S.A. § 6801(a)(6)(i)(B).

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	Howard	931 A.2d 129	8/21/2007	PA Cmwlth	Forfeiture	Return	Trial court was required to conduct evidentiary hearing on petitioner's motion for return of \$1,215.00 seized during arrest for murder, insofar as petitioner had made initial showing that currency was lawfully his and was not stolen from victim. Rules Crim.Proc., Rule 588, 42 Pa.C.S.A. Proceedings for return of property under the criminal rules are civil in form, but quasi-criminal in character. Rules Crim.Proc., Rule 588, 42 Pa.C.S.A.
	Howard	931 A.2d 129	8/21/2007	PA Cmwlth	Forfeiture	Return	Once the moving party on a motion for return of property meets the initial burden of establishing entitlement to lawful possession of the property, the Commonwealth must prove by a preponderance of evidence that property is contraband or derivative contraband. Rules Crim.Proc., Rule 588, 42 Pa.C.S.A.
	Personal Property of Abendroth	929 A.2d 690	7/25/2007	PA Cmwlth	Forfeiture	Return	In a motion for the return of property, the moving party has the burden of proving lawful possession of the property; only then does the burden shift to the Commonwealth to defeat the motion by demonstrating that the property is contraband or derivative contraband. Rules Crim.Proc., Rule 588, 42 Pa.C.S.A.
	Personal Property of Abendroth	929 A.2d 690	7/25/2007	PA Cmwlth	Forfeiture	Return	Family members and acquaintances of decedent, who was investigated for possession of stolen property prior to his death, failed to prove lawful possession of property, which was left by decedent in their residences and subsequently removed by police via consensual searches, as would entitle them to return of property; although family members and acquaintances were in possession of property at time of removal, they did not assert any personal property right in items, all property was given to family members and acquaintances by decedent to hold on his behalf, and family members and acquaintances presented no evidence that decedent lawfully possessed items he left in their care. Rules Crim.Proc., Rule 588, 42 Pa.C.S.A.
	Real Property and Improvements	832 a.2d 396	9/24/2003	PA	Forfeiture	Sanctions	A forfeiture effected pursuant to the Forfeiture Act is a "fine" and thus subject to review under the Excessive Fines Clause. Where a punitive forfeiture is involved, a court must compare the amount of the forfeiture to the gravity of the defendant's offense; if the amount of the forfeiture is grossly disproportional to the gravity of the defendant's offense, it is unconstitutional under the Excessive Fines Clause.
	All That Certain Parcel and Lot of Land at 4029 Beale Avenue	680 A.2d 1128	7/18/1996	PA	Forfeiture	Sanctions	Where defendants conducted two sales of cocaine from house, and no other evidence of drug trade found during search, there was insufficient evidence to establish relevant pattern of similar criminal incidents necessary to warrant forfeiture of residence.

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In re:	King Properties	635 A.2d 128	12/15/1993	PA	Forfeiture	Sanctions	In determining if forfeiture is excessive fine, look at relationship of offense to the property forfeited. If the property was significantly used in the crime, then it may be forfeited regardless of value. Burden on Commonwealth to prove pattern of crime.
	Wingait Farms	690 A.2d 222 659 A.2d 584	2/26/1997	PA PA Cmwlth	Forfeiture	Sanctions	PA Supreme Court affirmed Cmwlth Court that a forfeiture proceeding does not violate double jeopardy clause of US constitution; Forfeiture Act is remedial rather than punitive; reliance on recent USSC decision in US v. Ursery (116 S.Ct. 2135)(1996).
	5043 Anderson Rd., Buckingham Tp.	728 A.2d 907 699 A.2d 1337	4/20/1999	PA PA Cmwlth	Forfeiture	Sanctions	Under Excessive Fines Clause of 8th Amendment, trial court could properly order partial forfeiture of property allegedly used to facilitate drug violations, notwithstanding that property was contained in single deed, upon determination that forfeiture of
	Smothers	920 A.2d 922	3/9/2007	PA Cmwlth	Forfeiture	Sanctions	An in rem forfeiture resulting from the Controlled Substances Forfeiture Act is punitive, and will be considered an excessive fine if it is grossly disproportional to the gravity of the offense. In deciding an excessive fine challenge upon an in rem forfeiture under the Controlled Substances Forfeiture Act, the trial court must compare the amount of the forfeiture to the gravity of the offense, which may be measured by comparing the penalty imposed to the maximum penalty available, determining whether the violation was isolated or part of a pattern of misbehavior and assessing the harm that resulted from the crime charged. U.S.C.A. Const.Amend. 8; Const. Art. 1, § 13; 42 Pa.C.S.A. § 6801 et seq.
	Real Property and Improvements (5444 Spruce Street, Phila)	890 A.2d 35	1/6/2006	PA Cmwlth	Forfeiture	Sanctions	To determine whether a punitive forfeiture violates the Excessive Fines Clause, a court must compare the value of the property to the gravity of the offense, which may be measured by comparing the penalty imposed with the maximum penalty available, and consider the harm that resulted from the crime charged and whether the violation was isolated or part of a pattern of misbehavior. U.S.C.A. Const.Amend. 8.
	Real Property and Improvements (5444 Spruce Street, Phila)	890 A.2d 35	1/6/2006	PA Cmwlth	Forfeiture	Sanctions	Forfeiture of defendant's house under Controlled Substances Forfeitures Act was not grossly disproportionate to gravity of her offense, which was possession of crack cocaine with intent to deliver, and thus forfeiture did not violate Excessive Fines Clause, even though house was valued between \$25,000 and \$40,000, and defendant argued that drugs in question were worth less than \$80 and that she was fined only \$185 and not sentenced to jail; forfeiture was worth approximately 25 to 40 percent of maximum fine of \$100,000. U.S.C.A. Const.Amend. 8; 42 Pa.C.S.A. §§ 6801, 6802; 35 P.S. § 780-113(f)(1.1).

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	Mitchell	833 A.2d 1220	10/20/2003	PA Cmwth	Forfeiture	Sanctions	The forfeiture of defendant's vehicle was not grossly disproportional to defendant's guilty pleas to four felony counts of possession with intent to deliver a schedule I substance, and thus the forfeiture did not violate the constitutional prohibition against excessive fines; each count of possession with intent to deliver was punishable by no more than five years and a fine not to exceed \$15,000.00, defendant was sentenced to 48 months and a fine of \$300.00 on each count, defendant had three previous convictions for possession with intent to deliver, and the vehicle defendant used during the commission of his offenses was valued under \$2,000.00.
	Real Property and Improvements	787 A.2d 1117	12/20/2001	PA Cmwth	Forfeiture	Sanctions	Commonwealth established by clear and convincing evidence that individual used her residence more than once to facilitate illegal drug transactions, and thus, forfeiture of residence pursuant to Controlled Substance Forfeiture Act did not constitute excessive fine in violation of PA Constitution. 42/6801 et seq.
	6969 Forest Ave.	713 A.2d 701	5/20/1998	PA Cmwth	Forfeiture	Sanctions	Trial court did not have equitable power to stay sale of property forfeited after a drug conviction; once property was forfeited, only DA or AG had authority to determine appropriate disposition of property in its discretion.
	5043 Anderson Rd., Buckingham Tp.	699 A.2d 1337	8/12/1997	PA Cmwth	Forfeiture	Sanctions	Evidence and findings were sufficient to establish that defendant used residence and garage on more than one occasion to facilitate illegal drug transactions and, accordingly, trial court did not err in concluding that Commonwealth had established signifi
In re:	One 1988 Toyota Corolla	675 A.2d 1290	4/30/1996	PA Cmwth	Forfeiture	Sanctions	Auto was forfeitable under Act on ground that drug dealer had total control of auto and that auto was used to facilitate activities prohibited under Drug Act.
	Marshall	663 A.2d 815	8/27/1995	PA Cmwth	Forfeiture	Sanctions	Where seizure of currency made during valid search, and where probable cause and circumstantial evidence provide basis for link between illegal drug activity and currency, motion by defendant for return of forfeiture money denied.
	\$8,006.00 US Currency [Carter]	646 A.2d 621	7/27/1994	PA Cmwth	Forfeiture	Sanctions	Discovery rules found in rules of civil procedure are applicable to forfeiture proceedings under Forfeiture Act, and sanction in form of order granting petition could be imposed.
	Perin	722 A.2d 227	11/24/1998	PA Super	Forfeiture	Sanctions	Contraband per se' which is subject to forfeiture is property the mere possession of which is unlawful; 'derivative contraband' subject to forfeiture is property innocent by itself, but used in the perpetuation of an unlawful act. Commonwealth must establ
	Smith	722 A.2d 167	11/24/1998	PA Super	Forfeiture	Sanctions	Trial court imposed illegal sentence by applying gambling forfeiture assets, which were consensually agreed upon as being such, to satisfy defendant's mandatory fine and court costs; statute required that seized money or goods be transferred to Bureau of

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	Alston	722 A.2d 161	11/24/1998	PA Super	Forfeiture	Sanctions	Trial court imposed illegal sentence for drug and firearms offenses by applying drug forfeiture assets, which were consensually agreed upon as being such, to satisfy defendant's mandatory fine and court costs.
	Standen	675 A.2d 1273	5/3/1996	PA Super	Forfeiture	Search	Where defendant consented to warrantless search of vehicle which police were about to seize, search was valid. However, absent consent, defendant has legitimate expectation of privacy, requiring warrant for search.