

RESOLUTION NO. R-92-19

WHEREAS, the Conway Regional Drug Task Force has voted and approved a recommended equitable asset forfeiture distribution to the agencies involved in the Johnny L. Johnson case; and

WHEREAS, total assets after expenses are \$21,513.83 with the City of Guy and the City of Conway sharing the assets; and

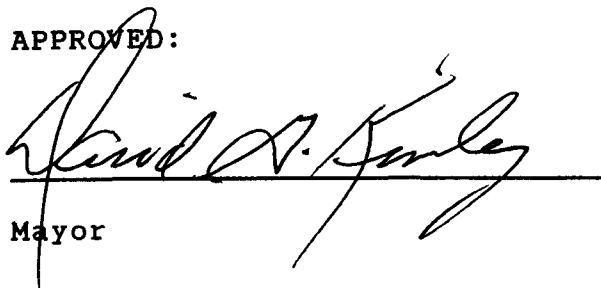
WHEREAS, the proposed distribution has been submitted to the City of Guy's City Council and they have given their approval of this recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

The proposed Equitable Asset Forfeiture Distribution submitted by the Conway Regional Drug Task Force and attached and made a part of this Resolution, is hereby approved as submitted.

PASSED this 12th day of May, 1992.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



## MEMORANDUM

CITY OF CONWAY

TO: Mayor David Kinley  
FROM: Chief Timothy P. Daley *Timothy P. Daley*  
DATE: May 4, 1992  
SUBJECT: Asset Forfeiture Distribution Request -  
Johnny L. Johnson Case

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On this date the Board of the Conway Regional Drug Task Force voted and approved a recommended equitable asset forfeiture distribution for the City of Guy in the amount of \$7,529.84. The City of Guy, Chief of Police Gene Cotton, was the initiating and arresting agency in the initial arrest of Johnny L. Johnson in which the subject matter of this forfeiture case was an 1987 Mercedes Benz vehicle.

The total amount available for distribution was \$21,513.83. In accordance with adopted asset forfeiture distribution guidelines the City of Conway, as investigating agency and adoption of the civil forfeiture case, received \$7,529.84 and the City of Conway Drug Task Force received thirty percent (30%) which amounted to \$6,454.15, which totaled \$13,983.99. Attached is all supporting documentation regarding this matter.

The Board feels that this is a fair and equitable asset forfeiture distribution, especially regarding the City of Guy, since without the arrest by the Guy Chief of Police (Gene Cotton) there would have not been any assets subject to forfeiture in the first place. Also, Mayor Jimmy Fielder, City of Guy, indicated in a letter dated April 20, 1992 that the Guy City Council met on April 13, 1992 and agreed that this is a very fair percentage for the City of Guy. Attached is a copy of the letter from Mayor Jimmy Fielder.

Your assistance in this matter of mutual concern would be sincerely appreciated by all parties concerned.

TPD/mls  
D92-34

**TOWN OF GUY**  
P.O. BOX 12  
GUY, ARKANSAS 72061  
TELEPHONE (501) 679-4585  
OR  
(501) 679-3073

April 20, 1992

Dear Chief Tim Daley,

The Guy City Council met on April 13, 1992 and discussed the formula for the distribution of assets pertaining to the Johnny L. Johnson case. After review of the proposal the Councilmen agreed that this is a very fair percentage for our City.

The City Council would like to be kept informed on any new information pertaining to this case.

Sincerely,

Mayor, Jimmy Fielder

SET FORFEITURE DISTRIBUTION  
 CONWAY REGIONAL DRUG TASK FORCE  
 CONTROL GROUP/BOARD OF DIRECTORS

INVESTIGATING AGENCY: Conway Regional Drug Task Force  
 (formally 20th Judicial District Drug Task Force)

CASE NUMBER: 3390-91-007, U.S. District Court, Arkansas, Eastern Division.

PROPERTY DESCRIPTION: 87 Mercedes Benz 560SL/ Gray  
 WDBA48D7HA056414, AR, JLJ000, AUTOMATIC,  
 36996 PASSENGER (Johnny L. Johnson)

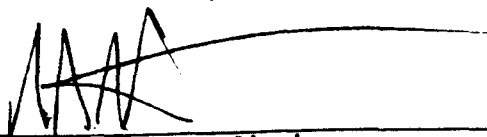
Forfeited Amount in this Case.....\$ 28,600.00  
 Less Federal Expenses and Share.....\$ 5,765.17  
 Amount Received From USDOJ SUBTOTAL.....22,834.83

Less City of Conway Towing &  
 Storage Fee Expenses.....\$1,156.00  
 Less Investigative Agency Expenses.....\$165.00  
 TOTAL AMOUNT AVAILABLE FOR DISTRIBUTION.....\$ 21,513.83

RECOMMENDED EQUITABLE ASSET FORFEITURE DISTRIBUTION SHARES  
 (Per Approved Asset Forfeiture Distribution Guidelines)

<u>Government Political Subdivision</u>	<u>Reason</u>	<u>Percent</u>	<u>Amount</u>
City of Guy	Initiating Agency	35%	\$7,529.84
City of Conway	Investigating Agency	35%	\$7,529.84
City of Conway	Drug Task Force	30%	\$6,454.15
<b>TOTAL</b>			<b>\$21,513.83<sup>1</sup></b>

APPROVED: April 29, 1992  
 Conway Regional Drug Task Force  
 Control Group/Board of Directors

  
 \_\_\_\_\_  
 H.G. FOSTER, Chairman  
 Prosecuting Attorney, 20th Jud. Dist.  
 State of Arkansas

<sup>1</sup>No EAFDS allotted for Pros. Atty. or Faulkner County because civil forfeiture conducted by US DOJ, and Faulkner County received \$5000 & Pros. Atty. received \$5000 (20th JDFF) from Nolo Contendere plea.

**J U D I C I A L D E P A R T M E N T A N D C O M M I T M E N T**  
 IN THE CIRCUIT COURT OF Faulkner COUNTY, ARKANSAS  
Twentieth Judicial DISTRICT Criminal - 2nd DIVISION

*See 9/11  
Sharon Rimmer*

On December 6, 1991, the defendant personally appeared before the Court with legal counsel and, having been informed by the Court of the nature of the charge(s), of his constitutional and legal rights, of the effect of a guilty plea upon those rights, and of his right to make a statement before sentencing, the Court made the following findings: (check one applicable)

- Defendant voluntarily, intelligently, and knowingly entered a plea of  guilty or  Nolo Contendere to the charge(s) herein enumerated and acknowledged factual bases for charge(s);
- Defendant is found guilty of said charge(s) by the Court, sitting as trier of fact;
- Defendant was found guilty at jury trial.

CHANGE OF VENUE FROM:	DEFENDANT'S FULL NAME <b>Johnny L. Johnson</b>	DATE OF BIRTH <b>3/22/43</b>	RACE <b>W</b>	SEX <b>M</b>	SID NUMBER
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DEFENDANT'S ATTORNEY <b>Wm. Brazil and Jim Rhodes</b>	<input checked="" type="checkbox"/> PV <input type="checkbox"/> PD	<input type="checkbox"/> AP <input type="checkbox"/> SELF	PROSECUTING ATTORNEY OR DEPUTY <b>H. G. Foster</b>	AT NUMBER
----------------------------------------------------------	-----------------------------------------------------------------------	--------------------------------------------------------------	-------------------------------------------------------	-----------

There being no legal cause shown by the defendant, as requested, why judgment should not be pronounced against him, a judgment of conviction is hereby entered against the defendant on each charge enumerated and court costs assessed. The County Sheriff is hereby ordered and directed to transport the defendant to  The Arkansas Department of Correction or  \_\_\_\_\_ County Jail, where he is sentenced to hard labor for the term specified on each charge:

STATUTE NO.	OFFENSE	OFFENSE DATE	DOCKET NO.	COUNTS	F/M	CLASS	SENTENCE	SUSPENDED
A.C.A. 5-64-401 et seq	Arkansas Uniform Controlled Substances Act	5/31/90	90-130	1	F	C	10 yrs	4 yrs SIS at re with conditi

If consecutive, explain:

TIME TO SERVE AT A.D.C.: six (6) years

- OTHER SENTENCING PROVISIONS**
- HABITUAL (5-4-501)
  - FIREARM (5-4-505/16-90-120)
  - DEADLY WEAPON (16-90-121)
  - HABITUAL CHILD SEX OFFENDER (12-12-902)
  - OTHER: \_\_\_\_\_

- PAROLE PROVISIONS — ACT 378 ONLY**
- Alternative Services (Act 378) (16-93-502). The defendant knowingly and willingly consents to sentence provisions:
- 16-93-507(b)(4) — Eligible for parole immediately
  - 16-93-507(b)(5) — Eligible for parole as normal

EXPLANATORY NOTES: Defendant to undergo drug counselling/treatment while in ADC with reports to the Circuit Court. While under SIS defendant to undergo random court-ordered tests for detection of drug/alcohol use and communicable diseases, drug counselling and treatment with reports to the Circuit Court; admission of drug problem to be \_\_\_\_\_

OTHER: FINE \$ 10,000.00  DEATH PENALTY  
 RESTITUTION \$ 25.00 to Victim Assistance Fund  
 COURT COSTS \$ 124.75 EXECUTION DATE: \_\_\_\_\_

DEFENDANT INFORMED OF RIGHT TO APPEAL BOND PROVISIONS: \_\_\_\_\_  
 JAIL TIME CREDIT: 1 day OR  NONE

DATE <b>12/9/91</b>	CIRCUIT JUDGE (Print or Type) <b>Hon. Watson Villines</b>	CIRCUIT JUDGE (Signature) <i>Watson Villines</i>
DATE <b>12/9/91</b>	I certify this is a true and correct record of this Court with short report of circumstances attached. <b>Sharon Rimmer</b>	CIRCUIT CLERK/DEPUTY (SEAL) <b>Sharon Rimmer</b>
DATE	I acknowledge receipt of judgment. <b>Johnny L. Johnson</b>	DEFENDANT (Signature)

**SHERIFF'S RETURN**

DATE REL. ON APPEAL BOND	DATE RET. TO CUSTODY	I certify the defendant named _____ within was delivered to: <input type="checkbox"/> The A.D.C. or <input type="checkbox"/> _____ County Jail	DATE	SHERIFF/DEPUTY (Signature)
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DISTRIBUTION: White: Court File, Blue: ADC, Yellow: Sheriff's Return, Pink: Defendant, Golden Rod: Prosecutor

\* considered as condition of expungement, voluntary surrender of law license; all conditions of SIS.

Defendant is advised that if he/she is going to file any action against his/her attorney, said action must be filed with the Faulkner County Circuit Court within ninety (90) days.

*2/1/88*

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS  
STATE OF ARKANSAS,  
v.  
JOHNNY JOHNSON.

FILED  
12-16-91  
9:27  
SHARON LEMMER, CLERK  
130 BY UD D.C.  
CR-90-190

PLAINTIFF,  
DEFENDANT.

O R D E R

27/332

NOW ON THIS 13 day of December, 1991, comes on for hearing in the above styled cause, and the Court finds as follows:

1. That the Court imposed a fine of \$10,000.00 on the Defendant upon the finding of guilty.

2. That the Defendant has deposited with the Sheriff of Faulkner County Arkansas the sum of \$5,000.00 as bond.

3. That there was \$5,000.00 found in Defendant's automobile at the time of his arrest.

4. It is proper and appropriate that the \$5,000.00 bond money and the \$5,000.00 found in his car be used to pay the \$10,000.00 fine assessed against this Defendant.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by this Court,

1. That the Sheriff of Faulkner County,

Arkansas, deliver to the Prosecuting Attorney the \$5,000.00 deposited by the Defendant Johnny Johnson in the above and foregoing cause.

2. That said sum be paid to the 20th Judicial District Forfeiture Fund by way of the administrator of such fund and that all funds be accounted for in the manner required by law.

IT IS FURTHER CONSIDERED, ORDERED, AND ADJUDGED,

3. that the forfeiture of both the bond money and the \$5,000.00 found in the car is done so in payment of the \$10,000.00 fine assessed by this court as aforesaid.

IT IS SO ORDERED.

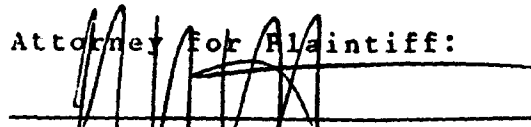


JUDGE


Dated: 12/13/91

Approved as to form:

Attorney for Plaintiff:

  
\_\_\_\_\_  
HARRY HAROLD C. FOSTER  
Prosecuting Attorney  
State of Arkansas  
Faulkner County, Arkansas

Attorney for Defendant:

  
\_\_\_\_\_  
WILLIAM CLAY BRAZIL  
Brazil, Clawson, Adlong, Murphy & Osment  
913 Oak Street  
Conway, Arkansas 72032



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to  
File No.

P.O. Box 21470  
Little Rock, AR 72221-1470  
December 16, 1991

Chief Timothy P. Daley  
Conway Police Department  
1105 Prairie Street  
Conway, Arkansas 72032

Re: Seizure #3390-91-F-0007,  
Johnny L. Johnson.

Dear Mr. Daley:

Enclosed with this letter you will find United States Treasury Check #8109-00067303 dated January 24, 1992, made payable to the 20th Judicial Drug Task Force/Conway Police Department.

This check represents your share of the above referenced seizure done May 31, 1990 and subsequently adopted by the FBI December 17, 1990. Under federal guidelines this money must be expended on drug related investigations.

Your cooperation in this matter is greatly appreciated and it was a pleasure to work with you and your personnel.

Sincerely yours,

Don K. Pettus  
Special Agent in Charge  
FBI, State of Arkansas

Enclosure



# United States Treasury



January 24, 1992

Pay to  
the order of

\*\*\*\*\*22,834and83/100\*\*\*\*\*

20th Judicial Drug Task Force/  
Conway Police Dept  
1105 Prairie Street  
Conway AR 72032

VOID AFTER ONE YEAR  
UNITED STATES MERCHANT

PURPOSE:

BY *Pam Orintas*

⑈ 1092⑈

⑆00000518⑆ 000673035⑈

DATE: 01/23/92

EQUITABLE SHARING VOUCHER  
CASH AND SALE PROCEEDS  
DISTRICT: ARKANSAS, EASTERN

INVESTIGATIVE AGENCY CASE NUMBER: 3390-91-007 - 1- 1 JUDICIAL CASE NUMBER:

OIA PROPERTY ID: 3390-91-0007

PROPERTY DESCRIPTION: 87 MERCEDES BENZ 560SL/ GRAY WDBBA48D7HA056414 ARKANSAS  
JLJ000 AUTOMATIC 36996 PASSENGER

CHECK TO BE MADE PAYABLE TO: CONWAY POLICE DEPARTMENT

AGENCY CODE: AR0230100

Make Check Payable To:

20th Judicial Drug Task Force  
Conway Police Dept.  
1105 Prairie Street  
Conway, Arkansas 72032

Forfeited Amount Received in this Case..... \$ 28,600.00

USMS Expenses (from NASAP USM-250 and/or Case File Folder)..... \$( 1,474.50)  
Investigative Agency Expenses (from DAG-72)... \$( 261.00)  
Award Amount Paid (from DAG-72)..... \$( 0.00)  
Subtotal..... \$ 1,735.50

Amount Available for Equitable Sharing..... \$ 26,864.50  
Percent to be Shared..... 85.00%  
Amount to be Disbursed..... \$ 22,834.83

Robert S. Lighton /AR 1-23-92  
(Certifying Officer - District) (Date)

Voucher 4154 Acct 1525042 O/C:2566  
Check 67303 Amount 22,834.83 Date 1-24-92

*DRA/CLK*

Check Delivered To: \_\_\_\_\_  
(Optional)

DET

UNITED STATES MARSHALS SERVICE  
SEIZED ASSET MANAGEMENT SYSTEM

PROPERTY DETAIL

SAMS P02	SEIZED ASSET MANAGEMENT SYSTEM	DATE: 01/23/92	SUBSTITUTE CUSTODIAN INFORMATION
DISTRICT : 9	PROPERTY DETAIL (PDPT)	TIME: 08:56	NAME : ARKANSAS AUTO SALVAGE POOL
SUB-OFFICE : 0			STREET : POB 801/HWY 365/753-7303
PROPERTY NUMBER: 3390-91-007	- 1- 1 DOCKET NUMBER :		CITY : NORTH LITTLE ROCK
(G)OV. (P)RIVATE : G	OIA CASE NUMBER : 3390-91-007		STATE : AR
CASE TYPE : AD	OCDE CASE NUMBER:		ZIP : 72115 -
CATEGORY : V VEHICLE			
PROPERTY DESCRIPTION: 87 MERCEDES BENZ 560SL/ GRAY WDBBA40D7HA056414 ARKA			
OIA AGENCY : FBI	DATE OF CUSTODY BY USMS: 01/15/91		
OIA PROPERTY ID : 3390-91-0007	DATE TO BE SOLD: 01/16/92		
OIA SEIZURE DATE : 05/31/90	PROPERTY STATUS: P FORFEITED		
ESTIMATED VALUE : 40000.00	DATE DECISION : 04/22/91		
APPRAISED VALUE : 31650.00	STORAGE LOCATION INFORMATION : N		
APPRAISAL DATE : 01/03/92	CONTRABAND : N		
SUBSTITUTE CUSTODIAN INFORMATION: Y	PRESS INTO SERVICE : N		
DATE ADMIN TO JUDICIAL : **/**/**	INTENT TO EQUITABLY SHARE : N		

11-26-91  
AR Auto SALVAGE

VEHICLE DESCRIPTION	
YEAR	: 87
MAKE	: MERCEDES BENZ
MODEL	: 560SL/ GRAY
VIN	: WDBBA40D7HA056414
TAG NO	: JLJ000
STATE	: AR ARKANSAS
DRIVE	: A
ODOMETER	: 36996
TYPE	: PA PASSENGER

*Equitable Sharing:*

20th Judicial Drug Task Force/Conway Police Dept  
1105 Prairie Street  
Conway, AR 72032

DISPOSITION OF SEIZED PROPERTY

After the final disposition of this property as indicated below:  
 Was the property forfeited: Yes  No (circle one). Date of decision: 4/22/91  
 How was the property disposed? (circle and complete)  
 . Sold: Date: 1/16/92 Sale Price: \$28,600 (Enter information in 2 below)  
 . Cash/Sale Proceeds:  
 Amount deposited to 15X5042 \$28,600 Date of deposit..... 1/23/92  
 Amount of Equitable sharing \$ 22,534.84 Date of disbursement..... 1/1  
 Amount to lienholder(s) \$ \_\_\_\_\_ Date of disbursement..... 1/1  
 Amount to defendant \$ \_\_\_\_\_ Date of disbursement..... 1/1  
 Amount to Expenses \$ 1735.50 Date of disbursement..... 1/1  
 . Official use by (circle one): DEA FBI USMS INS Other \_\_\_\_\_ Date: 1/1  
 . Transferred to state/local agency: Date: 1/1 Agency: \_\_\_\_\_

Gov Share  
in 5042  
\$4,029.67