

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

DR. KAREN SHANNON, M.D., Individually,

Case No.: 01-2008-CC-4058

Division: V

Plaintiff,

v.

CITY OF GAINESVILLE, a Political  
Subdivision of the State of Florida,

Defendant.

A TRUE COPY  
SADIE DARNELL, SHERIFF  
ALACHUA COUNTY, FLORIDA

Served at 1469 on the 12 Day  
of Aug, 2008  
BY Shyda 1311  
As Deputy Sheriff

2008 AUG 12 PM 1:50

SUMMONS

THE STATE OF FLORIDA:

TO EACH SHERIFF OF THE STATE:

You are hereby commanded to serve this Summons and a copy of the Complaint filed in this lawsuit on Defendant:

City of Gainesville, a Political Subdivision of the State of Florida  
c/o Pegeen Hanrahan, Mayor  
200 E. University Avenue  
Gainesville, Florida 32601

Each Defendant is required to serve written defenses to the Complaint or Petition on Plaintiff's attorney whose name and address is:

Brian Kramer, Esq.  
Scruggs & Carmichael, P.A.  
1 Southeast 1<sup>st</sup> Avenue  
Gainesville, FL 32601  
(352) 376-5242

within 30 days after service of this Summons on that Defendant, exclusive to the day of service, and to file the original of the defenses with the Clerk of this Court either before service on Plaintiff's

attorney or immediately thereafter. If a Defendant fails to do so, a default will be entered against that Defendant for the relief demanded in the Complaint or Petition.

Witness my hand and the seal of said Court on this 28<sup>th</sup> day of July, 2008.

J.K. "Buddy" Irby  
As Clerk of the Court



BY: Brenda Owen  
Deputy Clerk

**COPY**

*If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Persons with a disability who need any accommodation in order to participate should call Jan Phillips, ADA Coordinator, Alachua County Courthouse, 201 East University Avenue, Gainesville, Florida 32601 at (352) 337-6237 within two working days of your receipt of this notice; if you are hearing impaired, call (800) 955-8771; if you are voice impaired, call (800) 955-8770.*

IN THE COUNTY COURT, EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

DR. KAREN SHANNON, M.D., Individually,

Case No.: 01-2008-CC-4058  
Division: V

Plaintiff,

v.

CITY OF GAINESVILLE, a Political Subdivision  
of the State of Florida,



Defendant.

---

**VERIFIED COMPLAINT**

Dr. Karen Shannon, M.D. an individual hereby sues the City of Gainesville, a Political Subdivision of the State of Florida, and further states:

**JURISDICTION**

1. This is an action for return of property pursuant to Florida Statute 932.701 *et. seq.*, damages and attorney's fees. The value of the damages is greater than \$5000.00 but less than \$15,000.00 exclusive of attorney's fees and costs.

**VENUE**

2. Venue is proper in Alachua County Florida because the City of Gainesville, the defendant, is located within Alachua County Florida.

**PARTIES**

3. Dr. Karen Shannon is an individual who resides in Alachua County, Florida.
4. The City of Gainesville is a political subdivision of the State of Florida.
5. The Gainesville Police Department (GPD) is an agent of the City of Gainesville.

**MATERIAL FACTS**

6. On July 27, 2006, GPD executed a Search Warrant upon the residence of Plaintiff.

7. During the execution of that Search Warrant, GPD seized certain items (the Property).

8. The items seized consist of the items listed in the "Search Warrant Return Inventory Report." A copy of which is attached hereto and incorporated herein by reference as Exhibit "A" to this Complaint.

9. At no time did the Plaintiff know or have reason to know of any illegal activity by John Patrick Shannon with the Property.

10. On December 6, 2006, the Plaintiff filed her Petition for Dissolution of Marriage. A copy of the Petition for Dissolution of Marriage is attached hereto as Exhibit "B".

11. On January 26, 2007, the State of Florida represented by William P. Cervone, State Attorney, charged John Patrick Shannon, then husband to Plaintiff, with certain criminal offenses in Case No. 01-2006-CF-005579-A (the criminal case).

12. The State of Florida charged John Patrick Shannon with two counts of Felony Child Abuse. A copy of the Information is attached hereto as Exhibit "C".

13. On November 6, 2007, John Patrick Shannon filed his Plea Agreement in the criminal case. A copy of the Plea Agreement is attached hereto as Exhibit "D".

14. In that Agreement, John Patrick Shannon agreed to "(3) The defendant shall forfeit his interest in all computers seized as part of this investigation".

15. On November 20, 2007, the Court ordered as part of the conditions of probation that "The defendant shall forfeit his interest in all computers seized as part of this investigation". A copy of the Order of Supervision is attached hereto as Exhibit "E".

16. The Court did not designate any person or entity as the recipient of the forfeiture.

17. The items listed in Exhibit "A" were held by the State Attorney as evidence in that cause until November 21, 2007.

18. On November 21, 2007, the State Attorney sent notice to GPD releasing all evidence held in the criminal case.

19. On December 5, 2007, the Court dissolved the marriage of the Plaintiff to John Patrick Shannon by Final Judgment of Dissolution of Marriage. A copy of the Final Judgment of Dissolution of Marriage is attached hereto as Exhibit "F".

20. Subsequent to the disposition of the criminal case, attorney for the Plaintiff, orally notified GPD that Plaintiff sought return of her property.

21. On February 6, 2008, attorney for the Plaintiff notified GPD in writing of the Plaintiff's request to return her property. A copy of the Letter is attached hereto as Exhibit "G".

22. GPD has not served notice upon the Plaintiff pursuant to Florida Statute 932.703(2)(a).

23. No action pursuant to Florida Statute 933.703 has been commenced regarding the Property.

24. Pursuant to Florida Statute 933.703(3) more than 45 days have elapsed since the seizure of the Property.

25. GPD has failed and refused to return the Property.

26. At all times material hereto, GPD has known the identity of the owner of the Property.

**COUNT 1: RETURN OF PROPERTY FLORIDA STATUTE 932.703**

27. Plaintiff restates paragraphs 1-26.

28. Pursuant to Florida Statute 937.701(1)(a)(5) Contraband Article means any personal property, including, but not limited to, any vessel, aircraft, item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, securities, books, records, research, negotiable instruments, or currency, which was used or was attempted to be used as an instrumentality in the commission of, or in aiding or abetting in the commission of, any felony, whether or not comprising an element of the felony, or which is acquired by proceeds obtained as a result of a violation of the Florida Contraband Forfeiture Act.

29. Pursuant to Florida Statute 933.703, “(3) Neither replevin nor any other action to recover any interest in such property shall be maintained in any court, except as provided in this act; however, such action may be maintained if forfeiture proceedings are not initiated within 45 days after the date of seizure. However, if good cause is shown, the court may extend the aforementioned prohibition to 60 days.”

30. More than 60 days has elapsed since the date of seizure of the Property by GPD.

31. The Plaintiff has not in any other manner forfeited her rights to the Property.

32. Plaintiff has retained the services of Scruggs & Carmichael, P.A. in this matter and is contractually indebted to pay its reasonable attorney’s fees and costs.

33. Failure to return the Property is a gross abuse of the discretion of GPD.

34. The Plaintiff is entitled to reasonable attorney’s fees pursuant to Florida Statute 932.704(10).

**WHEREFORE**, the Plaintiff respectfully requests that this Court enter an Order requiring that the Defendant:

A. return all property listed in Exhibit “A” to the Plaintiff.

B. pay reasonable monetary damages in the event that the property listed in Exhibit "A" has been destroyed or is otherwise unable to be returned to the Plaintiff.

C. pay to the Plaintiff reasonable attorney's fees.

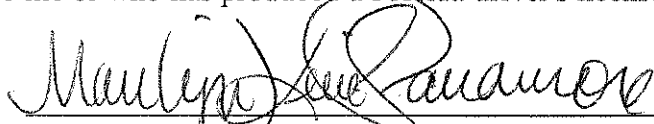
Under penalty of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.



\_\_\_\_\_  
Dr. Karen Shannon, M.D.

STATE OF FLORIDA            )  
                                          )  
COUNTY OF ALACHUA        )

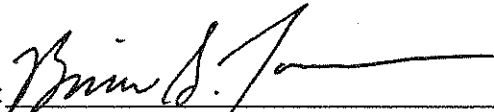
**SWORN TO AND SUBSCRIBED** before me, this 10 day of July, 2008, by Dr. Karen Shannon, M.D., who is personally known to me or who has produced a Florida driver's license as identification.

  
\_\_\_\_\_  
NOTARY PUBLIC

NOTARY PUBLIC-STATE OF FLORIDA  
Marilyn Parramore  
Commission # DD768123  
Expires: MAR. 12, 2012  
BONDED THRU ATLANTIC BONDING CO., INC.

Respectfully submitted,

Scruggs & Carmichael, P.A.

By:  \_\_\_\_\_

Brian S. Kramer, Esq.  
Florida Bar No. 0981265  
One S. E. First Avenue  
Gainesville, FL 32601  
Tel. (352) 376-5242  
Fax (352) 375-0690  
Attorney for Petitioner