



## Legislation Text

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**File #:** 150785., **Version:** 1

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**BENJAMIN H. LEE VS. STATE OF FLORIDA, AND THE GAINESVILLE POLICE DEPARTMENT;  
EIGHTH JUDICIAL CIRCUIT, CASE NO. 2016-CA-0166 (B)**

The City Commission authorize the City Attorney to represent the City in the case styled Benjamin H. Lee vs. State of Florida, and The Gainesville Police Department; Eighth Judicial Circuit, Case No. 2016-CA-0166

On January 26, 2016, the City was served with a Summons and Petition for Writ of Mandamus filed by Benjamin H. Lee. Mr. Lee alleges that pursuant to his arrest on November 17, 2015 for a misdemeanor possession of drug paraphernalia charge, cash was seized from him pursuant to Florida's Contraband Forfeiture Act. Upon request for a preliminary hearing, the City advised Mr. Lee that the City did not intend to initiate forfeiture proceedings. Mr. Lee requested return of his property but his request was refused as it was being held as evidence in a criminal prosecution. Subsequently, Mr. Lee filed a Motion for Return of Property with the County Court which was denied by Judge Susanne Wilson Bullard. Mr. Lee has filed a Petition for Writ of Mandamus with the Circuit Court requesting review of the County Court's Order denying his motion and seeks immediate return of his property.