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# After a decade, property forfeiture case edges to closure

**Some drug felons are among those awaiting millions seized by KC police years ago.**

By MARK MORRIS  
and CHRISTINE VENDEL  
The Kansas City Star

George Ricketts' life crashed in April 1996, when 13 police officers and an FBI agent searched his house and seized money and cars, convinced he was a drug dealer.

But even though an appeals court later threw out his conviction, he never was compensated for losing all that stuff, including cash and a certificate of deposit together worth \$129,482, jewelry worth about \$700, a laptop and a BMW.

That may be about to change.

Ricketts and possibly hundreds of others, many of them convicted drug felons, could find themselves with part of a multimillion-dollar settlement of a lawsuit alleging that Kansas City police mismanaged the forfeiture of their property during criminal investigations.

That payout of up to \$3.65 million could happen this spring, pending final court approval. The settlement would end a decade of litigation in which plaintiffs contended that police illegally handed over their property to the federal government for forfeiture, rather than running it through a state system that would have given the money to schools.

Jackson County Circuit Judge Brian C. Wimes already has given his preliminary approval to the class-action settlement, which could become final at an April 8 hearing.

The Police Department admitted no wrongdoing. In court records, both sides said they were settling "because of the time and expense of the lawsuit, uncertainty of trial for both sides and the desire to finally resolve these disputed claims."

Lawyers for the Police Department and the plaintiffs declined to comment about the proposed settlement be-

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# SETTLEMENT: Police changed their forfeiture policies years ago

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cause it is not final.

Settlement documents and court records obtained by The Kansas City Star show that more than 500 people may be eligible to make claims. But police said the actual number will be closer to 50.

Friday was the deadline for applications.

Money to pay the claims will come from the Police Department's budget.

Potential class members were notified of the settlement by mail and through a December legal advertisement published in The Star.

The issue driving the settlement came to light in a Star series published in May 2000, "To Protect and Collect," which exposed how police circumvented state laws by turning over millions of dollars in drug money they had allegedly seized to the federal government. Federal agencies kept most of the money and returned a percentage to the Police Department.

State law, however, required that forfeited money be used for public school education. A state prosecutor, and a state judge would need to sign off on cases where assets were transferred to the federal government — and that wasn't happening routinely.

Police contended they didn't need state court approval in cases that essentially were federal investigations with minor police involvement.

In January 2001, a Missouri appeals court ruled that Kansas City police had to return \$34,000 to an imprisoned drug felon. Lawyers filed the class action suit a couple of weeks later.

Police soon changed their forfeiture procedures. They say they now run every case through state court unless a federal judge signs a warrant demanding assets in a particular case.

The class action suit sat in the courts for years as lawyers haggled over whether it was a class action and whom it should include and exclude.

The court file includes a master list compiled by lawyers of more than 350 known class members. The value of the seized cash and property totals almost \$19 million, and ranges from about \$1,000 for some members to more than \$1 million for at least four.

Kansas City police have reserved the right to challenge the claims of any applicant it judges to be ineligible.

Ricketts and Albert Raymond Pearsall served as the lead plaintiffs in the suit and are guaranteed payments

should the settlement be approved.

Ricketts, who operates G's Jamaican Cuisine at 7940 Troost Ave., would be paid \$200,000.

He did not return a call seeking comment.

Pearsall, of Albuquerque, N.M., came to the authorities' attention in 1999 after Missouri troopers found more than four pounds of cocaine in his minivan. Pearsall said he was driving to Kansas City to deliver it to another man.

When police went to the other man's home, they found \$38,605 in a safe, which Pearsall claimed was his and earned legitimately. The money was forfeited to the federal government.

Under the settlement, Pearsall would be paid \$73,102. He could not be reached for comment.

And, of course, the lawyers would be paid.

Under the terms of the settlement, the George A. Barton law firm could apply for legal fees of up to \$1.36 million plus up to \$100,000 in litigation expenses.

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