

IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY, FLORIDA

IN RE: FORFEITURE OF:

VCSO CASE NO.:

_____ /

PROBABLE CAUSE APPLICATION

COMES NOW, _____ a sworn deputy of the Volusia County Sheriff's Office pursuant to Section 932.703(2)(a) Florida Statutes and moves this Honorable Court to make a preliminary finding of probable cause based upon the seizure of the above listed property on or about _____, at or near _____, Volusia County, Florida, and as grounds therefore would show:

- 1. **Please see attached affidavit.**
- 2. The investigation resulting in the seizure of this property is ongoing in nature and it is requested that the Application, supporting documents, and any record of the proceeding be sealed and considered exempt from disclosure.

Dated: _____

Signature

ORDER REGARDING PROBABLE CAUSE

THIS MATTER having come before the Court on the Volusia County Sheriff's Office Probable Cause Application pursuant to Section 932.703(2)(a), Florida Statutes, and the Court having reviewed the sworn Affidavit for Forfeiture, considered relevant testimony, and being otherwise fully advised in the premises, the Court finds as follows:

- _____ 1. The owner of the seized property was arrested for a criminal offense that forms the basis for determining that the property is a contraband article; or
- _____ 2. The owner of the seized property was not arrested, however, one or more of the following apply:

- _____ a. The owner of the property cannot be identified after a diligent search, or the person in possession of the property denies ownership and the owner of the property cannot be identified at the time of the seizure;
 - _____ b. The owner of the property is a fugitive from justice or is deceased;
 - _____ c. The individual arrested does not own the property, but the owner had actual knowledge of the criminal activities;
 - _____ d. The owner of the property has agreed to be a confidential informant as defined in Section 914.28, Florida Statutes; or
 - _____ e. The seized property is a monetary instrument or equivalent.
- _____ 3. The events involving the seizure of the property constitute an active criminal investigation.

BASED UPON the above findings, it is **ORDERED AND ADJUDGED** as follows:

_____ Probable Cause exists for the property seizure under the Florida Contraband Forfeiture Act, Florida Statutes 932.701, et seq. The property is to be held until the issue of a determination of title is resolved pursuant to the procedures defined in the Act.

_____ The events involving the seizure of the property constitute an active criminal investigation and are exempt from Section 119.07(1) and Section 24(a), Article 1 of the State Constitution and are to be otherwise sealed pursuant to Rule 2.420, Florida Rules of Judicial Administration.

_____ No Probable Cause exists for the property seizure, as requirements have not been met. Any forfeiture hold, lien, lis pendens, or other civil encumbrance is to be released within five (5) days of this Order.

DONE AND ORDERED in Chambers in Volusia County, Florida, this _____ day of _____, _____.

JUDGE