

VERIFIED REQUEST FOR TEMPORARY RESTRAINING ORDER

Pursuant to Indiana Trial Rule 65, the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, and Article 1, § 11, 13, and 23 of the Indiana Constitution, the Defendant moves a temporary restraining order precluding the State from filing a civil forfeiture action until the Court can hear her motion to suppress and vacate the seizure of [insert property] by the State of Indiana. In support of the Request, the Defendant states the following:

1. On [insert date], Defendant was charged with [insert offense(s)].
2. On [insert date], the State received an *ex parte* order granting seizure of Defendant's bank accounts. The State claimed to have authority to seek control of the funds pursuant to Ind. Code § 34-24-1-1 and § 28-9-3-3.
3. In support of the seizure, the State submitted a copy of the charges and the probable cause affidavit. Nothing contained in those documents mention and or trace the alleged criminal conduct to the seized accounts.
4. Moreover even if there were a nexus to the seized accounts, there is no provision in Ind. Code § 34-24-1-1 providing for seizure prior to conviction or after conviction.
5. As result, the order was made without probable cause as required by statute; constitutes an unreasonable seizure in violation of Fourth Amendment to the United States Constitution and Article 1, § 11 of the Indiana Constitution; violates the rights of an accused to know all criminal allegations against her in violation of Fifth Amendment to the United States Constitution and Article 1, § 13 of the Indiana Constitution; and violates an accused right to due process of law as guaranteed by the Fourteenth Amendment to the United States Constitution and Article 1, § 23 of the Indiana Constitution.
6. Additionally, the State represented its intention to initiate a civil forfeiture pursuant to Ind. Code § 34-24-1-1 by [insert date]. If this action is filed, this Court is arguable

without jurisdiction to hear evidence and rule on this matter. As a result if a temporary restraining order is not issued, the Defendant will suffer an immediate and irreparable injury, loss or damage.

7. As soon as Defendant's counsel received notice of the order he telephone the Deputy Prosecutor who has not returned his call.

WHEREFORE for all reasons stated above, the Defendant respectfully requests the Court issue a temporary restraining order precluding the State from filing a parallel civil forfeiture action until this Court can review the matter on the merits.

(Attorney's signature)

I verify, under the penalties of perjury, that the above statements are true and accurate to my knowledge.

(Attorney's signature)