

# THE LEGAL AID SOCIETY

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June 29, 2023

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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

## ***Legal Aid Files Amicus Brief in Pending U.S. Supreme Court Case In Support of Plaintiff's Right for a Speedy Hearing to Recover Property Seized by Law Enforcement***

(NEW YORK, NY) – The Legal Aid Society today filed an [amicus brief](#) in *Culley v. Marshall*, a pending United States Supreme Court case, in support of the plaintiff's right for a speedy hearing to recover property — in this instance a vehicle — that was seized by law enforcement.

*Culley v. Marshall*, which is scheduled for arguments later this year, will determine whether a state or local government should be required to provide this hearing.

In 2002, Legal Aid's Special Litigation Unit represented plaintiffs that obtained a ruling in *Krimstock v. Kelly* that cemented a person's right, if their vehicle had been seized by police, to appear before a judge and challenge the necessity of the continued impoundment of their vehicle while they awaited the case's outcome.

Prior to the ruling, vehicle owners were often forced to wait months, even years, for an opportunity to regain possession of their car once it had been seized. Even for minor crimes, many vehicles were unjustly impounded for egregious lengths of time, often leading to the disruption of the person's daily life by preventing them from being able to commute to work, provide childcare, or access basic necessities like groceries.

The ruling in *Krimstock v. Kelly* resulted in the prompt return of hundreds of vehicles to people who would have otherwise suffered immense harm had they been forced to wait years for the outcome of a pending trial. Legal Aid clients rely on the availability of these retention hearings, and the protections they afford, every day.

“For nearly twenty years, *Krimstock v. Kelly* has corrected hundreds of instances of New York City's unwarranted retention of vehicles and upheld our clients' due process right to a prompt hearing after their property has been seized,” said **Phil Desgranges, supervising attorney with the Criminal Defense Practice's Special Litigation Unit at The Legal Aid Society**. “Put simply, the state should never be able to deprive individuals of their property without speedy avenues for recovery. New Yorkers rely on their cars to get to work and to care for their families. The Supreme Court must not deprive thousands of people whose vehicles have been erroneously seized by police of their constitutional right to vindicate their property rights, and should instead reaffirm New York's successful legal framework around post-seizure hearings.”

The case of *Culley v. Marshall* involves car owners who allege their due process rights were violated when their cars were seized, as they were not present at the seizure and were never charged with a crime. The 11th U.S. Circuit Court of Appeals held that the civil forfeiture proceeding provides sufficient due process to protect innocent owners, despite it often taking years for the property to be returned.

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. [www.legalaidnyc.org](http://www.legalaidnyc.org)*