

July 22, 2003

VIA FEDERAL EXPRESS OVERNIGHT DELIVERY

The Honorable Mark L. Shurtleff
Attorney General of the State of Utah
236 State Capitol
Salt Lake City, Utah 84114-0810

RE: *Notice of Claim Pursuant to Rule 65B Concerning Misuse of Forfeiture Funds*

Dear Attorney General Shurtleff:

As you know, on June 24, 2003, we filed a notice of claim with you pursuant to Utah Rule of Civil Procedure 65B(c)(1) concerning the misappropriation of civil forfeiture funds by the district attorneys in Weber, Salt Lake and Davis counties. The notice was filed on behalf of Utahns for Property Protection and Dorothy E. Littrell, Blaine Odenwalder, Randy Nielsen, and Claude Newby. As we set forth in the notice, failing action by you, these parties, represented by undersigned counsel, are prepared to bring suit pursuant to Rule 65B against the district attorneys for the return of the misappropriated forfeiture revenue and for injunctive relief to prevent the district attorneys from continuing to take unlawful positions with regard to ongoing or future forfeiture litigation.

We asked you to respond to us within twenty-one (21) days, or by July 15, 2003. We have yet to receive a response from you. Since the time of the filing of the notice, we have learned of Third District Court Judge Tyrone E. Medley's decision against the Salt Lake County district attorney in ongoing civil forfeiture actions. We also read in newspaper accounts that the district attorneys in all three counties have agreed to voluntarily surrender the misappropriated funds. However, we have received no official confirmation from you that the district attorneys in fact are going to return the funds to the Uniform School Trust Fund as required by Initiative B. Furthermore, what is the timetable for the return of the funds? Finally, did the district attorneys commit that they will not take the position that their offices rather than the Uniform School Trust Fund are entitled to forfeiture proceeds in future forfeiture proceedings?

It is essential that your office answer these questions in order to resolve this issue. If the district attorneys have agreed to turn over the funds by a date certain and have committed that they will not insist on keeping forfeiture funds in future cases, then this issue can be resolved without litigation. Moreover, the Utah citizens who filed this claim deserve a response from you addressing their concerns.

We ask that you respond to this inquiry and the previously-filed notice of claim by Tuesday, July 29. If you have any questions or concerns, please do not hesitate to contact me.

The Honorable Mark L. Shurtleff
July 22, 2003
Page 2

Thank you in advance for your review of these matters.

Respectfully submitted,

Scott G. Bullock
Senior Attorney

cc: Andrew Stavros, Esq.
Dorothy E. Littrell,
Blaine Odenwalder
Randy Nielsen
Claude Newby