

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT
DISTRICT OF NH
FILED

2017 OCT 17 A 11: 20

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 \$46,000.00 IN UNITED STATES)
 CURRENCY,)
)
 Defendant.)

CIVIL NO.: 1:17-CV-333-JL

ANSWER

COMES NOW, the Claimant, EDWARD PHIPPS (“Phipps”), pro se, pursuant to *Rule G(5)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions* (“Supplemental Rules”), and hereby file his answer to the Government’s *Verified Complaint for Forfeiture*, and respectfully states as follows:

- 1. Paragraphs 1-21 are DENIED.
- 2. Paragraph 22 is ADMITTED.
- 3. Paragraph 23 is DENIED.
- 4. The verified complaint is DENIED in all other respects.

AFFIRMATIVE DEFENSES

First Affirmative Defense (Innocent Owner)

5. Claimant is an innocent owner, pursuant to *18 U.S.C. §983(d)*, who has a 100% ownership interest in the Defendant Property.

6. Claimant is not aware of any conduct giving rise to forfeiture of the \$46,000.00 in United States Currency (hereinafter referred to as the “Defendant Property”).

Second Affirmative Defense (Excessive Fine Violation)

7. Civil forfeiture of the defendant property violates the Excessive Fines clause of the Eighth Amendment because forfeiture of Claimant's interest in the Defendant Property would be grossly disproportional to the gravity of any offense allegedly committed by any third party, including, but not limited ALEX TEMPLE.

8. Additionally, forfeiture of Claimant's interest in the Defendant Property would violate the Excessive Fines clause of the *Eighth Amendment* because he did not commit any offense warranting forfeiture of the defendant property.

Third Affirmative Defense (Legitimate Source & Legitimate Use)

9. The Defendant Property is not subject to forfeiture because it is the proceeds of solely lawful conduct and was used for a solely lawful purpose.

DEMAND FOR JURY TRIAL

10. Claimant demands a jury trial.

DEMAND FOR ATTORNEYS FEES AND COSTS

11. Claimant demands payment of attorneys fees and costs.

RESERVATION OF RIGHTS

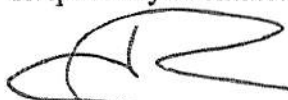
12. Claimant reserves the right to assert additional affirmative defenses.

13. All allegations not specifically admitted herein are denied.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was sent via U.S. Mail to: AUSA Robert J. Rabuck, c/o U.S. Attorney's Office, District of New Hampshire, 53 Pleasant Street, Concord, NH on October 12, 2017.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'E. Phipps', written over a horizontal line.

EDWARD PHIPPS

Pro Se Claimant

P.O. Box 744

Bridgeton, Maine 04009