



FORM 2  
(RULE 3-3 (1))

VIC-S-S-232203  
Victoria Registry

***In the Supreme Court of British Columbia***

Civil Forfeiture Action in Rem Against  
A 2019 Subaru WRX with Vehicle Identification Number JF1VA2Y65K9818979 (the "Vehicle") seized by  
the Prince George RCMP on December 22, 2022, and its proceeds

BETWEEN

Director of Civil Forfeiture

Plaintiff

AND

The owners and all other interested in the Vehicle, in particular, Andrew James Schooley

Defendant

**RESPONSE TO CIVIL CLAIM**

Filed by: **Andrew James Schooley**

(the defendant)

**Part 1: RESPONSE TO NOTICE OF CIVIL CLAIM FACTS**

**DIVISION 1 – Defendant Schooley’s Response to Facts**

1. The facts alleged in paragraphs **1, 2, 3, 4, 5**, and **10** of **Part 1** of the Notice of Civil Claim are admitted.
2. The facts alleged in paragraphs **6, 7, 8, 9, 11, 12, 13, 14, 15**, and **16** of **Part 1** of the Notice of Civil Claim are specifically denied.
3. The facts alleged in paragraphs **7, 8, 9**, and **10** of **Part 1** of the Notice of Civil Claim are outside the knowledge of the Defendant Schooley at this time.

**DIVISION 2 – Defendant Schooley’s Version of Facts**

1. The Defendant Schooley had a residence at **7791 Piedmont Crescent, Prince George**, and was one of several occupants of the same said residence. The Defendant Schooley specifically denies being in Possession of any Drugs and or Drug Paraphernalia contrary to the Control Drugs and Substances Act, and denies being in Possession of any Currency obtained or derived from the Commission of Crime.

2. The Defendant Schooley was and is the registered owner of the 2019 Subaru WRX, the Vehicle stated in the Civil Claim by the Plaintiff, and specifically denies this Vehicle was acquired in whole or in part by proceeds of unlawful activities as alleged by the Plaintiff.
3. The Defendant Schooley specifically denies using the same said Vehicle for the purpose of engaging in unlawful activities.
4. The Defendant Schooley has never been charged by Law Enforcement respecting the activities as alleged by the Plaintiff stemming from December 22, 2022.
5. The Defendant Schooley states that he was wrongfully arrested by Law Enforcement and his Property seized which included the Vehicle and Currency were wrongly and unjustly taken from him contrary to the Common Law and Charter of Rights.

### **DIVISION 3 – Additional Facts**

1. No additional facts to be stated at this time.

### **Part 2: RESPONSE TO RELIEF SOUGHT**

1. The Defendant Schooley **does not** consent to the granting of the Relief of the Plaintiff's Notice of Civil Claim.
2. The Defendant Schooley opposes the granting of Relief sought in paragraphs **1, 2, 3, 4, and 5** of **Part 2** of the Plaintiff's Notice of Civil Claim.
3. The Defendant Schooley takes no position on the granting of Relief sought in paragraphs **(NOT APPLICABLE)** of Part 2 of the Plaintiffs Notice of Civil Claim.

### **Part 3: LEGAL BASIS**

1. The Property and Vehicle seized from the Defendant Schooley were not proceeds of Crime and were not obtained by proceeds of Crime or unlawful activities and the Defendant Schooley puts the Plaintiff Director to the strict proof thereof.
2. The Vehicle registered to the Defendant Schooley was not used as an instrument for unlawful activities and the Defendant Schooley puts the Plaintiff Director to the strict proof thereof.
3. The Defendant Schooley has never been charged with any Criminal activity stemming from his unlawful arrest and unlawful search on December 22, 2022.

4. The Defendant Schooley respectfully submits as a result of his unlawful arrest by members of Law Enforcement in Prince George, and as a result of the unlawful search perpetrated upon him, his vehicle and residence, any evidence of contraband was obtained unlawfully and contrary to Law.
5. There is absolutely no Legal Basis to deprive the Defendant Schooley of the Property that the Plaintiff Director wishes forfeited.

DEFENDANT SCHOOLEY'S ADDRESS FOR SERVICE:

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DATE: JUNE 23, 2023



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