

2013 IL App (2d) 120597-U  
No. 2-12-0597  
Order filed January 25, 2013

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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THE PEOPLE OF THE STATE	)	Appeal from the Circuit Court
OF ILLINOIS,	)	of Winnebago County.
	)	
Plaintiff-Appellant,	)	
	)	
v.	)	No. 11-MR-288
	)	
ONE 2001 FORD EXPEDITION,	)	
	)	
Defendant	)	Honorable
	)	J. Edward Prochaska,
(Janet Taylor Castile, Defendant-Appellee).	)	Judge, Presiding.

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JUSTICE JORGENSEN delivered the judgment of the court.  
Presiding Justice Burke and Justice Hudson concurred in the judgment.

**ORDER**

¶ 1 *Held:* The trial court's finding that defendant was an innocent owner such that the State was not entitled to forfeiture was not against the manifest weight of the evidence: the undisputed evidence was that defendant purchased the vehicle, becoming its registered owner, before she married the offender, who then merely became the vehicle's primary user; there was no evidence that defendant's ownership was a sham to protect the offender's interest.

¶ 2 The State appeals the trial court's order denying forfeiture of a 2001 Ford Expedition and instead returning the vehicle to its registered owner, Janet Taylor Castile, who asserted an innocent

owner defense. The State contends that her husband, Aljandros Castile, was the vehicle's true owner. We affirm.

¶ 3 Aljandros Castile was driving a 2001 Ford Expedition when he was arrested for a drug offense. Police found drugs inside the vehicle, and the State filed a complaint for forfeiture. Janet Castile answered the complaint, asserting that she was an innocent owner.

¶ 4 At a hearing on the complaint, Janet testified that she married Aljandros in 2009. However, they had known each other for approximately 16 years and had lived together "on and off" during that time. She purchased the Expedition in 2007, prior to their marriage. The couple owned three vehicles between them. Aljandros "primarily" used the Expedition, driving it to and from work, while Janet primarily drove a 2004 GMC Yukon.

¶ 5 Early in 2010, Aljandros told Janet that he had started using drugs again after being clean for more than two years. About a week before his arrest, she kicked him out of the house after he came home drunk. He took the Expedition with him. She did not know that he was selling drugs and did not know that there were drugs in the Expedition. At one point, she contacted the police about getting the vehicle back but was told that, because she and Aljandros were legally married, there was nothing they could do. She then inquired about having her name taken off the title.

¶ 6 The trial court, finding Janet's testimony credible, found that she was an innocent owner and released the vehicle to her. The State timely appeals.

¶ 7 The State contends that the trial court should have found that Aljandros was the vehicle's true owner and that Janet was merely a nominal titleholder. A forfeiture is a civil proceeding at which the State must show probable cause that the property is subject to forfeiture. 725 ILCS 150/9(G) (West 2010). An owner of the property may establish that he or she "did not know and could not

reasonably have known of the conduct” giving rise to the proceeding. 725 ILCS 150/8(A)(i) (West 2010). The trial court’s findings in a forfeiture proceeding will not be disturbed unless they were against the manifest weight of the evidence. *People v. One 1999 Lexus, VIN JT8BH68X2X0018305*, 367 Ill. App. 3d 687, 689 (2006).

¶ 8 The State insists that Aljandros was the vehicle’s true owner, noting that he drove it the majority of the time and took it with him when Janet kicked him out of the house, and that Janet had not seen Aljandros or the vehicle for more than a week. The State cites *People v. Dugan*, 125 Ill. App. 3d 820 (1984), *rev’d in part on other grounds*, 109 Ill. 2d 8 (1985), in support of its argument that Aljandros, rather than Janet, was the vehicle’s true owner. In *Dugan*, the defendant, who was found to be the true owner of a Cadillac Coupe DeVille seized during a raid on an illicit gambling establishment, had negotiated the car’s purchase and paid the \$5,000 purchase price. The defendant returned the vehicle to the dealer for repairs on one occasion, then kept it indefinitely for his own use. Sandra Martinez, the vehicle’s registered titleholder, was unemployed at the time of the purchase and had no bank account. She testified that the purchase money came from cash that she kept in the house, but the trial court discredited her testimony. The salesman had never seen Martinez. *Dugan*, 125 Ill. App. 3d at 825. Under those circumstances, this court affirmed the trial court’s finding that the defendant was the vehicle’s “true” owner. *Id.* at 830-31.

¶ 9 In *People ex rel. Birkett v. 1998 Chevrolet Corvette, VIN 1G1YY22G2W5108366*, 331 Ill. App. 3d 453 (2002), we followed *Dugan*, affirming the trial court’s finding that Dina Doyle was the vehicle’s true owner. The evidence showed that she purchased the car with her own check, signed the documents pertinent to the purchase, made payments, and was the principal driver. *Id.* at 462.

The trial court had discredited her father's testimony concerning his interest in the vehicle and we concluded that it was minimal in any event. *Id.* at 462-63.

¶ 10 On the other hand, in *People v. 1991 Chevrolet Camaro, VIN1GFP23E9ML117842*, 251 Ill. App. 3d 382 (1993), we declined to extend *Dugan* to the facts of that case. There, the State sought forfeiture of a car after Edwin Boehm used it in connection with a burglary. Joseph Boehm, Edwin's father, filed a claim alleging that he was an innocent owner. Evidence showed that Joseph was the registered owner. Joseph and Edwin bought the car with cash belonging to both of them. It was intended that the car be used by the "family" although Edwin drove it most of the time. *Id.* at 383-84.

¶ 11 We affirmed the trial court's order releasing the car to Joseph, noting that "we do not read *Dugan* as broadly as the State suggests so as to require that, in all cases, an innocent titleholder's claim to avoid forfeiture will automatically fail merely because a wrongdoer who is a joint owner or joint titleholder is shown to exercise some degree of 'dominion and control' over the property." *Id.* at 387. Observing that forfeiture provisions are construed narrowly, we further noted that *Dugan's* primary concern was "sham" transactions in which title to a vehicle is placed in a third party having no real interest in it. *Id.* at 387-88. Such was not the case there, as Joseph was a true owner.

¶ 12 The present case is more like *1991 Camaro* than *Dugan* or *1998 Corvette*. Janet testified that she purchased the car before she married Aljandros. Although Janet acknowledged that she and Aljandros had lived together "on and off" before their marriage, there was no evidence that Aljandros had ever used the car prior to the parties' marriage. Janet had driven the vehicle, although she primarily used a different one. After Aljandros left with the vehicle, she contacted the police to

try to have it returned to her. Based on this evidence, which was uncontradicted, the trial court's finding that Janet retained a legitimate interest in the vehicle was not against the manifest weight of the evidence. There was no evidence that Janet's purchase of the car was a "sham" transaction to hide Aljandros's interest in it. Moreover, *1991 Camaro* refutes any suggestion that Aljandros was the "true" owner merely because he drove the vehicle the majority of the time.

¶ 13 The judgment of the circuit court of Winnebago County is affirmed.

¶ 14 Affirmed.