

# Man claims Oklahoma Highway Patrol seized money, but it was not drug-related

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## NEWS

BY JOHN ESTUS, [jestus@opubco.com](mailto:jestus@opubco.com)

The scent of smoked marijuana was thick as Oklahoma state trooper Joe Kimmons sifted through the trunk of the car.

In it he found a black duffle bag stuffed with fabric softener sheets — a common tool for masking the smell of drugs. He also found a large roll of trash bags — another common find in the car of a drug trafficker.

Kimmons rummaged through another duffle bag and found a white bank envelope. In the envelope was \$14,000 in cash.

It was a dark, warm morning in August 2008, and minutes earlier, Kimmons had reported finding marijuana residue in the car and on the pants of an Illinois man who was riding in the car.

Drugs, cash and duffel bags — all in the same place. Kimmons thought the money had to be tied to drugs, so he seized it, according to an affidavit.

Nearly 21½ years later, the stepfather of the man with the marijuana on his pants has been given a chance to get back the money he says wasn't tied to drugs and was his all along.

The stepfather, Brooks Burr, has said he gave the money to his stepson to buy coins for him at a rare coin show in Las Vegas, court records show.

Burr, 61, is a rare coin collector and zoology professor at Southern Illinois University-Carbondale.

Burr could not be reached for comment last week, but his Oklahoma City-based attorney, Chad Moody, said troopers had no good reason to take the money.

"It's literally highway robbery — that's literally what it is. They pull you over, they take your money," Moody said. "I'm looking forward to our day in court."

Moody said it was pure coincidence that troopers found Burr's stepson's drugs and Burr's alleged cash in the same car.

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A prosecutor dismissed a felony drug money possession charge against Burr's stepson after Burr produced records showing the money was withdrawn from his bank account the day before it was seized by Kimmons.

Despite the dismissed charge, an attorney for the Department of Public Safety said the agency still believes the cash was drug money.

"Since we're claiming it is money being used for illegal purposes, we'll have to prove it in order to seize it," said Wellon Poe, the agency's general counsel.

### **The traffic stop**

According to an affidavit, Kimmons had pulled a white Chevrolet sedan over about 2:30 a.m. Aug. 26, 2008, on failure to use a turn signal while exiting the Turner Turnpike to get on Interstate 35.

The driver, Illinois resident Robert Shaw, then 43, seemed nervous when Kimmons brought him to his patrol car for routine questioning.

Shaw told Kimmons he was traveling through Oklahoma on his way to see friends in Arizona and gamble in Las Vegas.

Shaw then started leaning heavily on the patrol car's door. Kimmons later reported he thought it was "obvious (Shaw) wanted to exit my car and run."

Shaw stayed put while Kimmons went back to the car and asked the passenger why he and Shaw were in Oklahoma.

The passenger was Burr's stepson, Christopher Geyerman, then 25 and also an Illinois resident.

"Geyerman appeared to be 'high,'" Kimmons wrote in an affidavit.

Geyerman told Kimmons he was going to Amarillo, Texas, to see his aunt. The story didn't match the story told by Shaw.

About then, Kimmons got his first whiff of marijuana.

Kimmons looked at Geyerman's lap and saw what appeared to be marijuana debris on his pants. He later found more marijuana in a glass ashtray in the center console and on Geyerman.

While Kimmons was searching the car, Geyerman and Shaw were placed in the patrol car. The video recorder in the car recorded Geyerman and Shaw discussing getting their stories straight about the money.

"Geyerman advises Shaw that if I asked about the money, it was a gift from Geyerman's stepdad in order for Geyerman to move to Nevada," Kimmons said.

Kimmons continued searching the car and found two cell phones belonging to Geyerman.

"I found this odd because Geyerman had advised me he was unemployed," Kimmons wrote.

In his affidavit, Kimmons listed the cell phones as an indicator of criminal activity. Another indicator was the fact that they were in another person's car — Burr's.

Kimmons also reported criminal activity was likely because of the conflicting stories and behavior of Geyerman and Shaw, as well as several items found in the car, such as multiple air fresheners, a large roll of plastic trash bags, the duffel bags and the \$14,000 in cash.

"Geyerman advised me that the currency was his and that it was a gift from his stepdad so he could gamble in Vegas," Kimmons wrote.

Geyerman, who had a previous drug conviction in Illinois for heroin possession, pleaded guilty to a felony count of marijuana possession stemming from the 2008 traffic stop.

Shaw's case is pending.

### **Overzealous?**

Enter Moody, a colorful Oklahoma City attorney who often parks a yellow Volkswagen van near the Oklahoma County courthouse emblazoned with painted marijuana leaves. The van promotes Moody as "The Drug Lawyer."

Burr hired Moody in spring 2009. Moody then provided the Department of Public Safety with Burr's bank records, which showed \$14,000 was withdrawn from his account the day before Kimmons seized the money.

Prosecutors dismissed the drug money possession charge.

"Yet, they continue to try to keep this money," Moody said.

Moody said the seizure is part of a pattern of overzealous behavior by state law enforcement agents whose agencies have become increasingly dependent on seized drug money to fund operations.

“Basically, if drugs and cash are in the same place, they say it's drug money,” Moody said.

A court hearing on the matter has not been set.