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7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) 1:12-CV-00681-AWI-MJS
12 Plaintiff,) **FINAL JUDGMENT OF FORFEITURE**
13 v.)
14 APPROXIMATELY \$31,469.00 IN U.S.)
15 CURRENCY,)
16 Defendant.)

17 Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds:

- 18 1. This is a civil forfeiture action against the defendant approximately \$31,469.00
19 in United States Currency, originally seized from various locations connected to the
20 operation of B&C Natural Things, a marijuana retail store (hereafter “defendant currency”).
- 21 2. A Verified Complaint for Forfeiture *In Rem* (“Complaint”) was filed on April
22 30, 2012, alleging that said defendant currency is subject to forfeiture to the United States
23 of America pursuant to 21 U.S.C. § 881(a)(6).
- 24 3. On May 2, 2012, the Clerk issued a Warrant for Arrest for the defendant
25 currency. The warrant for the defendant currency was duly executed on June 14, 2012.
- 26 4. Beginning on May 2, 2012, for at least 30 consecutive days, the United States
27 published notice of this action on the official government forfeiture site www.forfeiture.gov.
- 28 5. In addition to public notice of the action on the official internet government

1 forfeiture site www.forfeiture.gov, actual notice or attempted notice was given to the
2 following individuals:

- 3 a. Robert D. Dodson
- 4 b. Erik Christopher Stacy
- 5 c. Charles Lee Kisor
- 6 d. B&C Natural Things, c/o Erik Christopher Stacy, President
- 7 e. James R. Homola, attorney for Robert D. Dodson
- 8 f. Joseph F. Walsh, criminal defense attorney for Erik Christopher Stacy
- 9 g. Allison Brandi Margolin, criminal defense attorney for Charles Lee Kisor
- 10 h. James Raza Lawrence, criminal defense attorney for Charles Lee Kisor

11 6. To date, no claims have been filed in the instant matter, and the time to do so
12 has expired.

13 7. The instant case is related to the criminal prosecution of Robert Davis Dodson,
14 Jr., Erik Christopher Stacy, and Charles Lee Kisor, et al. in United States v. Erik
15 Christopher Stacy, et al., Case No. 1:10-CR-00176-AWI, as well as United States v.
16 \$25,522.33 in U.S. Currency seized from Dessert Valleys FCU Account 26596, held in the
17 name of B&C Natural Things, 1:10-CV-01368-GSA.

18 8. The criminal action concluded on February 17, 2012, when the court entered
19 judgments of conviction and sentence against Robert Davis Dodson, Jr., Erik Christopher
20 Stacy and Charles Lee Kisor. Pursuant to each defendant's plea agreement, Robert Davis
21 Dodson, Jr., Erik Christopher Stacy and Charles Lee Kisor, each defendant consented to
22 the forfeiture of the any funds related to their criminal actions, and agreed to not file a
23 claim in any civil proceeding which may be initiated. (See Docs # 70, 71, 72 in United
24 States v. Erik Christopher Stacy, et al., Case No. 1:10-CR-00176-AWI.)

25 9. The Clerk of the Court entered a Clerk's Certificate of Entry of Default against
26 Robert Davis, Dodson, Jr., Erik Christopher Stacy, Charles Lee Kisor, and B&C Natural
27 Things on June 20, 2012. Pursuant to Local Rule 540, the United States and Potential
28 Claimants Donna E. Dodson and Robert D. Dodson, Jr. thus join in a request that as part of

1 this Final Judgment of Forfeiture in this case the Court enter a default judgment against
2 the interests, if any, of Erik Christopher Stacy, Charles Lee Kisor, and B&C Natural
3 Things.

4 10. No other parties have filed claims or answers in this matter, and the time in
5 which any person or entity may file a claim and answer has expired.

6 Based on the above findings, and the files and records of the Court, it is hereby
7 ORDERED AND ADJUDGED:

8 1. The Court adopts the Stipulation for Final Judgment of Forfeiture entered into
9 by and between the parties to this action.

10 2. That judgment is hereby entered against Potential Claimants Robert Davis
11 Dodson, Jr., Donna E. Dodson, Erik Christopher Stacy, Charles Lee Kisor, and all other
12 potential claimants who have not filed claims in this action.

13 3. Upon entry of a Final Judgment of Forfeiture, \$30,869.00 of the defendant
14 approximately \$31,469.00 in U.S. Currency, together with any interest that may have
15 accrued on the full amount of the defendant approximately \$31,469.00, shall be forfeited to
16 the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law.

17 4. Within 45 days of entry of a Final Judgment of Forfeiture, \$600.00 of the
18 defendant approximately \$31,469.00 in U.S. Currency, shall be returned to Potential
19 Claimants Donna E. Dodson and Robert D. Dodson, Jr. by and through their attorney of
20 record, James R. Homola at 2950 Mariposa, Suite 250, Fresno, CA 93721.

21 5. That the United States of America and its servants, agents, and employees,
22 and all other public entities, their servants, agents, and employees, are released from any
23 and all liability arising out of or in any way connected with the arrest, seizure, or forfeiture
24 of the defendant currency. This is a full and final release applying to all unknown and
25 unanticipated injuries, and/or damages arising out of said arrest, seizure, or forfeiture, as
26 well as to those now known or disclosed. The parties waived the provisions of California
27 Civil Code § 1542.

28 6. That pursuant to the stipulation of the parties, and the allegations set forth in

1 the Complaint filed on April 30, 2012, the Court finds that there was reasonable cause for
2 the seizure and arrest of the defendant currency, and the commencement and prosecution of
3 this forfeiture action, and a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465
4 shall be entered accordingly.

5 7. All parties are to bear their own costs and attorney's fees.

6 8. The U.S. District Court for the Eastern District of California, Hon. Anthony W.
7 Ishii, Chief District Court Judge, shall retain jurisdiction to enforce the terms of this
8 stipulation.

9 CERTIFICATE OF REASONABLE CAUSE

10 Based upon the allegations set forth in the Complaint filed April 30, 2012, and the
11 Stipulation for Final Judgment of Forfeiture filed herein, the Court enters this Certificate
12 of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause for the
13 seizure or arrest of the defendant currency, and for the commencement and prosecution of
14 this forfeiture action.
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19 IT IS SO ORDERED.

20 Dated: August 18, 2012

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CHIEF UNITED STATES DISTRICT JUDGE