

1 BENJAMIN B. WAGNER  
 United States Attorney  
 2 KEVIN C. KHASIGIAN  
 Assistant U. S. Attorney  
 3 501 I Street, Suite 10-100  
 Sacramento, CA 95814  
 4 Telephone: (916) 554-2700  
 5 Attorneys for the United States

6  
 7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

10  
 11 UNITED STATES OF AMERICA,  
 12 Plaintiff,  
 13 v.

2:11-MC-00021-LKK-KJN

CONSENT JUDGMENT OF FORFEITURE

14 APPROXIMATELY \$400,720.00 IN  
 U.S. CURRENCY,  
 15 APPROXIMATELY \$294,967.00 IN  
 16 U.S. CURRENCY,  
 17 APPROXIMATELY \$3,073.00 IN  
 U.S. CURRENCY,  
 18 APPROXIMATELY \$399,940.00 IN  
 19 U.S. CURRENCY, and  
 20 APPROXIMATELY \$200,000.00 IN  
 U.S. CURRENCY,  
 21 Defendants.

22  
 23  
 24 Pursuant to the Stipulations for Consent Judgment of Forfeiture, the Court finds:

25 1. On or about October 27, 2010, agents with the Drug Enforcement  
 26 Administration (“DEA”) seized the defendants Approximately \$400,720.00 in U.S.  
 27 Currency, Approximately \$294,967.00 in U.S. Currency, Approximately \$3,073.00 in  
 28 U.S. Currency, and Approximately \$200,000 in U.S. Currency in Tracy and Nipomo,

1 California pursuant to federal search warrants and seized the defendant Approximately  
2 \$399,940.00 in U.S. Currency in Manteca, California pursuant to a probation search  
3 (hereafter “defendant currency”). The DEA commenced administrative forfeiture  
4 proceedings, sending direct written notice to all known potential claimants and  
5 publishing notice to all others. On or about December 22, 2010, the DEA received  
6 claims from Lonnie Terrell asserting an ownership interest in all of the defendant  
7 currency.

8 2. The United States represents that it could show at a forfeiture trial that on  
9 October 27, 2010, DEA agents executed federal search warrants at houses in Tracy,  
10 Stockton and Manteca, California. These locations were connected by surveillance and  
11 records to a six-person marijuana grow conspiracy led by Lonnie Terrell. During the  
12 searches, agents seized marijuana grow equipment, over 2,000 marijuana plants, and  
13 over \$1 million in cash from locations associated with co-defendants Lonnie Terrell,  
14 Anthony Montano, Alex Lindberg, Jeremy Terrell, Nicholas Roman, and Ruth Jimenez.  
15 Each of these individuals was linked to the conspiracy through surveillance and/or post-  
16 arrest statements. In addition, each of the marijuana grow locations contained similar  
17 electrical bypasses and other modifications to allow for growing marijuana and were  
18 also connected to the conspiracy through law enforcement surveillance and other  
19 records.

20 3. The United States could further show at trial that during the execution of  
21 the search warrants, Lonnie Terrell and Ruth Jimenez were found inside 2921 Compton  
22 Place, Tracy, California. When agents entered 2921 Compton Place they saw Lonnie  
23 Terrell, who appeared to be holding an object in his hand, disappear behind a partition.  
24 Agents arrested Terrell and found a Kimber .45 caliber semi-automatic pistol, serial  
25 number K226769, laying on the floor in the place where he had been standing moments  
26 before. Agents also found 898 marijuana plants, one additional firearm, and several  
27 hundred thousand dollars in cash at 2921 Compton Place. Both Ruth Jimenez and  
28 Lonnie Terrell had been seen by surveillance at other grow locations, including, on

1 several prior occasions; at a 287 plant marijuana grow in Manteca, California.

2 4. The United States could further show at trial that during the execution of  
3 the search warrants, Jeremy Terrell was found inside 3117 Ormonde Street in Tracy,  
4 California, along with co-defendant Montano and one other individual. The house  
5 contained 284 marijuana plants. Jeremy Terrell had also been observed by law  
6 enforcement on previous occasions performing duties consistent with the cultivation and  
7 harvesting of indoor marijuana in conjunction with other members of the conspiracy.

8 5. The United States could further show at a forfeiture trial that the  
9 defendant currency is forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(6).

10 6. Without admitting the truth of the factual assertions contained above,  
11 Lonnie Terrell, Ruth Jimenez, and Jeremy Terrell specifically denying the same, and for  
12 the purpose of reaching an amicable resolution and compromise of this matter, Lonnie  
13 Terrell, Ruth Jimenez, and Jeremy Terrell agree that an adequate factual basis exists  
14 to support forfeiture of the defendant currency. Lonnie Terrell acknowledged that he is  
15 the sole owner of the defendant currency, and that no other person or entity has any  
16 legitimate claim of interest therein. Should any person or entity institute any kind of  
17 claim or action against the government with regard to its forfeiture of the defendant  
18 currency, Lonnie Terrell shall hold harmless and indemnify the United States, as set  
19 forth below.

20 7. This Court has jurisdiction in this matter pursuant to 28 U.S.C. §§ 1345  
21 and 1355, as this is the judicial district in which acts or omissions giving rise to the  
22 forfeiture occurred.

23 8. This Court has venue pursuant to 28 U.S.C. § 1395, as this is the judicial  
24 district in which the defendant currency was seized.

25 9. The parties herein desire to settle this matter pursuant to the terms of  
26 duly executed Stipulations for Consent Judgment of Forfeiture.

27 ///

28 ///

1 Based upon the above findings, and the files and records of the Court, it is hereby  
2 ORDERED AND ADJUDGED:

3 10. The Court adopts the Stipulations for Consent Judgment of Forfeiture  
4 entered into by and between the parties.

5 11. All right, title, and interest of Lonnie Terrell, Ruth Jimenez, John Crane,  
6 Sue Crane, and Jeremy Terrell in the following defendant currency, plus any accrued  
7 interest, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be  
8 disposed of according to law:

- 9 a. Approximately \$400,720.00 in U.S. Currency,  
10 b. Approximately \$294,967.00 in U.S. Currency,  
11 c. Approximately \$3,073.00 in U.S. Currency,  
12 d. Approximately \$399,940.00 in U.S. Currency, and  
13 e. Approximately \$200,000 in U.S. Currency.


14 12. The United States of America and its servants, agents, and employees and  
15 all other public entities, their servants, agents and employees, are released from any  
16 and all liability arising out of or in any way connected with the seizure or forfeiture of  
17 the defendant currency. This is a full and final release applying to all unknown and  
18 unanticipated injuries, and/or damages arising out of said seizure or forfeiture, as well  
19 as to those now known or disclosed. The parties waived the provisions of California  
20 Civil Code § 1542.

21 13. No portion of the stipulated settlement, including statements or  
22 admissions made therein, shall be admissible in any criminal action pursuant to Rules  
23 408 and 410(4) of the Federal Rules of Evidence.

24 14. All parties will bear their own costs and attorney's fees.

25 IT IS SO ORDERED.

26 DATED: June 17, 2013.

27   
28 LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT