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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 APPROXIMATELY \$16,280.00 IN U.S.
CURRENCY,

15 Defendant.
16

2:13-MC-00021-GEB-DAD

CONSENT JUDGMENT OF
FORFEITURE

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

19 1. On September 22, 2012, in the Shasta Trinity National Forest in California,
20 officers with the U.S. Forest Service conducted a traffic stop of a Ford sedan driven by
21 Scott T. J. Dorner (“Dorner”) with Martine A. Dijkstra (“Dijkstra”) as a passenger.
22 During this stop, approximately \$16,280.00 in U.S. Currency (hereafter “defendant
23 currency”) was seized. The Federal Bureau of Investigation (“FBI”) adopted the
24 defendant currency for federal forfeiture. The FBI commenced administrative forfeiture
25 proceedings, sending direct notice to all known potential claimants and publishing notice
26 to all others. On or about December 20, 2012, the FBI received claims from Dorner and
27 Dijkstra asserting an ownership in the defendant currency.

28 2. The United States makes the following allegations with respect to the

1 defendant currency:

- 2 a. During the September 22, 2012 vehicle stop, the officer approached
3 the vehicle and noticed the odor of marijuana coming from the
4 vehicle. Dorner gave consent for the officer to search the vehicle;
- 5 b. During the search of the vehicle, the officer found a large bundle of
6 U.S. Currency in an orange and gray backpack and another large
7 bundle of U.S. Currency in a gray Swiss gear bag that had been
8 wrapped in a sheet. Also located inside the Swiss gear bag was a
9 partially smoked marijuana cigarette. Both bundles of currency
10 were neatly stacked twenty-dollar bills wrapped with a single black
11 hair tie around them. Also found in the vehicle was a small clear
12 plastic bag in the passenger door containing marijuana;
- 13 c. Dorner admitted that the marijuana in the vehicle was his and that
14 he was going to work with a friend who cultivated marijuana;
- 15 d. Dijkstra admitted that the money would be used to conduct
16 marijuana related activities; and
- 17 e. As a result of the foregoing, the defendant currency is forfeitable
18 to the United States pursuant to 21 U.S.C. § 881(a)(6).

19 3. Without admitting the truth of the factual assertions contained above,
20 Dorner and Dijkstra specifically denying the same, and for the purpose of reaching an
21 amicable resolution and compromise of this matter, Dorner and Dijkstra agree that an
22 adequate factual basis exists to support the forfeiture of the defendant currency. Dorner
23 and Dijkstra acknowledged that they are the sole owners of the defendant currency, and
24 that no other person or entity has any legitimate claim of interest therein. Should any
25 person or entity institute any kind of claim or action against the government with regard
26 to its forfeiture of the defendant currency, Dorner and Dijkstra shall hold harmless and
27 indemnify the United States.

28 4. This Court has jurisdiction in this matter pursuant to 28 U.S.C. §§ 1345 and

1 1355, as this is the judicial district in which acts or omissions giving rise to the forfeiture
2 occurred.

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

5 6. The parties herein desire to settle this matter pursuant to the terms of a duly
6 executed Stipulation for Consent Judgment of Forfeiture.

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

9 7. The Court adopts the Stipulation for Consent Judgment of Forfeiture entered
10 into by and between the parties.

11 8. Upon entry of this Consent Judgment of Forfeiture, \$13,280.00 of the
12 \$16,280.00 in U.S. Currency, together with any interest that may have accrued on the
13 total amount seized, shall be forfeited to the United States pursuant to 21 U.S.C. §
14 881(a)(6), to be disposed of according to law.

15 9. Upon entry of this Consent Judgment of Forfeiture, but no later than 60 days
16 thereafter, \$1,500.00 of the \$16,280.00 in U.S. Currency shall be returned to Dorner and
17 \$1,500.00 of the \$16,280.00 in U.S. Currency shall be returned to Dijkstra through their
18 attorney Michael J. Shambrook.

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

26 11. Pursuant to the Stipulation for Consent Judgment of Forfeiture filed herein,
27 the Court finds that there was reasonable cause for the seizure of the defendant currency
28 and a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered

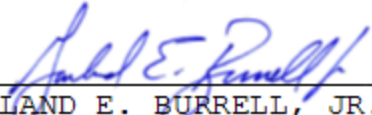
1 accordingly.

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

5 13. All parties will bear their own costs and attorney's fees.

6 Further, pursuant to the Stipulation for Consent Judgment of Forfeiture filed
7 herein, the Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. §
8 2465, that there was reasonable cause for the seizure of the above-described defendant
9 currency.

10 Dated: September 4, 2013



GARLAND E. BURRELL, JR.
Senior United States District Judge