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

10
 11 UNITED STATES OF AMERICA,

12 Plaintiff,

No. 2:13-MC-0028 KJM AC

13 v.

14 APPROXIMATELY \$5,000.00 IN U.S.
 CURRENCY,

CONSENT JUDGMENT OF
 FORFEITURE

15 APPROXIMATELY \$1,400.00 IN U.S.
 16 CURRENCY,

17 APPROXIMATELY \$1,000.00 IN U.S.
 CURRENCY,

18 APPROXIMATELY \$3,634.69 IN U.S.
 19 CURRENCY, SEIZED FROM BANK OF
 HAWAII ACCOUNT NUMBER 0070-
 20 750210,

21 APPROXIMATELY \$4,651.57 IN U.S.
 CURRENCY SEIZED FROM BANK OF
 22 AMERICA ACCOUNT NUMBER
 001123670910,

23 APPROXIMATELY \$4,892.90 IN U.S.
 24 CURRENCY SEIZED FROM BANK OF
 AMERICA ACCOUNT NUMBER 0011-
 25 2397-2804, and

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1 APPROXIMATELY \$744.45 IN U.S.
2 CURRENCY SEIZED FROM REDWOOD
3 CREDIT UNION ACCOUNT NUMBER
4 267183,

Defendants.

5 Pursuant to the Stipulation for Consent Judgment of Forfeiture, the Court
6 finds:

7 1. On October 1, the Drug Enforcement Administration (“DEA”) executed
8 Federal seizure warrants in Nevada City and Sacramento, California. The agents
9 seized Approximately \$5,000.00 in U.S. Currency in Nevada City and Approximately
10 \$1,400.00 and Approximately \$1,000.00 in U.S. Currency (hereafter “defendant
11 currency”) in Sacramento. On October 5, 2012, the DEA executed Federal seizure
12 warrants on the Bank of Hawaii, Bank of America and Redwood Credit Union. The
13 agents seized Approximately \$3,634.69 in U.S. Currency from Bank of Hawaii Account
14 Number 0070-750210, Approximately \$4,651.57 in U.S. Currency from Bank of
15 America Account Number 001123670910, Approximately \$4,892.90 in U.S. Currency
16 from Bank of America Account Number 0011-2397-2804, and Approximately \$744.45 in
17 U.S. Currency from Redwood Credit Union Account Number 267183 (hereafter the
18 “defendant funds”). DEA then commenced administrative forfeiture proceedings,
19 sending direct written notice to all known potential claimants and publishing notice to
20 all others. On or about December 26, 2012, the DEA received a claim from Bhimasena
21 Jones asserting an ownership interest in the defendant currency. On or about and
22 January 8, 2013, DEA received a claim from Bhimasena Jones asserting an ownership
23 interest in the defendant funds.

24 2. The government represents that it could show at a forfeiture trial that on
25 October 1, 2012, DEA agents executed Federal seizure warrants on the defendant
26 currency. The agents seized Approximately \$5,000.00, Approximately \$1,400.00 and
27 Approximately \$1,000.00 in U.S. Currency that was allegedly money furnished and
28 intended to be furnished in exchange for a controlled substance or listed chemical,

1 constituted proceeds traceable to such an exchange, and was used and intended to be
2 used to commit or facilitate a violation 21 U.S.C. §§ 841 *et seq.*

3 3. The government also represents that it could show at a forfeiture trial
4 that on October 5, 2012, DEA agents executed Federal seizure warrants on the
5 defendant funds. The agents seized Approximately \$3,634.69 in U.S. Currency from
6 Bank of Hawaii Account Number 0070-750210, Approximately \$4,651.57 in U.S.
7 Currency from Bank of America Account Number 001123670910, Approximately
8 \$4,892.90 in U.S. Currency from Bank of America Account Number 0011-2397-2804,
9 and Approximately \$744.45 in U.S. Currency from Redwood Credit Union Account
10 Number 267183. These funds were allegedly money furnished and intended to be
11 furnished in exchange for a controlled substance or listed chemical, constituted
12 proceeds traceable to such an exchange, and was used and intended to be used to
13 commit or facilitate a violation 21 U.S.C. §§ 841 *et seq.*

14 4. The United States could further show at a forfeiture trial that the
15 defendant currency and the defendant funds are forfeitable to the United States
16 pursuant to 21 U.S.C. § 881(a)(6).

17 5. Without admitting the truth of the factual assertions contained in this
18 stipulation, Bhimasena Jones specifically denying the same, and for the purpose of
19 reaching an amicable resolution and compromise of this matter, Bhimasena Jones
20 agrees that an adequate factual basis exists to support forfeiture of the defendant
21 currency and the defendant funds. Bhimasena Jones hereby acknowledges that he is
22 the sole owner of the defendant currency and the defendant funds, and that no other
23 person or entity has any legitimate claim of interest therein. Should any person or
24 entity institute any kind of claim or action against the government with regard to its
25 forfeiture of the defendant currency and the defendant funds, Bhimasena Jones shall
26 hold harmless and indemnify the United States, as set forth below.

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

4 7. This Court has venue pursuant to 28 U.S.C. § 1395, as this is the judicial
5 district in which the some of the assets were seized.

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

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

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

12 10. Upon entry of the Consent Judgment of Forfeiture, the following assets,
13 together with any interest that has accrued on the total amount seized, shall be
14 forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of
15 according to law:

- 16 • Approximately \$5,000.00 in U.S. Currency;
- 17 • Approximately \$1,400.00 in U.S. Currency;
- 18 • Approximately \$1,000.00 in U.S. Currency;
- 19 • Approximately \$3,634.69 in U.S. Currency from Bank of Hawaii
 Account Number 0070-750210; and
- \$288.92 of the Approximately \$744.45 in U.S. Currency from
 Redwood Credit Union Account Number 267183.

20 11. Upon entry of the Consent Judgment of Forfeiture, but no later than 60
21 days thereafter, the following assets shall be returned to potential claimant Bhimasena
22 Jones, through his attorney David W. Dratman:

- 23 • Approximately \$4,651.57 in U.S. Currency from Bank of America
 Account Number 001123670910;
- 24 • Approximately \$4,892.90 in U.S. Currency from Bank of America
 Account Number 0011-2397-2804; and
- 25 • \$455.53 of the Approximately \$744.45 in U.S. Currency from
26 Redwood Credit Union Account Number 267183.

27 12. The United States of America and its servants, agents, and employees and
28 all other public entities, their servants, agents, and employees, are released from any

1 and all liability arising out of or in any way connected with the seizure or forfeiture of
2 the defendant currency and the defendant funds. This is a full and final release
3 applying to all unknown and unanticipated injuries, and/or damages arising out of said
4 seizure or forfeiture, as well as to those now known or disclosed. The parties waived
5 the provisions of California Civil Code § 1542.

6 13. Pursuant to the Stipulation for Consent Judgment of Forfeiture filed
7 herein, the Court finds that there was reasonable cause for the seizure of the defendant
8 currency and the defendant funds and a Certificate of Reasonable Cause pursuant to
9 28 U.S.C. § 2465 shall be entered accordingly.

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

13 15. All parties will bear their own costs and attorneys' fees.

14 IT IS SO ORDERED.

15 DATED: April 10, 2013.

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18 UNITED STATES DISTRICT JUDGE

19 CERTIFICATE OF REASONABLE CAUSE

20 Pursuant to the Stipulation for Consent Judgment of Forfeiture filed herein, the
21 Court enters this Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that
22 there was reasonable cause for the seizure of the above-described defendant currency
23 and defendant funds.

24 DATED: April 10, 2013.

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27 UNITED STATES DISTRICT JUDGE
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