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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 APPROXIMATELY \$27,353.00 IN U.S.
CURRENCY,
15 Defendant.
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2:13-MC-00064-TLN-KJN

CONSENT JUDGMENT OF
FORFEITURE

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

- 18 1. On February 12, 2013, the Drug Enforcement Administration (hereafter
19 “DEA”) seized Approximately \$27,353.00 in U.S. Currency (the “defendant currency”).
- 20 2. The DEA commenced administrative forfeiture proceedings, sending direct
21 notice to all known potential claimants and publishing notice to all others. On or about
22 April 4, 2013, the DEA received a claim from Alen Alesevic (“Alesevic”) asserting an
23 ownership interest in the defendant currency.
- 24 3. The United States represents that it could show at a forfeiture trial that on
25 February 12, 2013, the DEA received information regarding suspicious travel by Alesevic,
26 who was traveling on United Airlines from Houston, TX to Sacramento, CA. Agents
27 learned that Alesevic had several prior arrests for drug violations, assault, theft and
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1 trespassing. Based on this information, agents responded to the Sacramento
2 International Airport to speak with Alesevic.

3 4. When Alesevic arrived in Sacramento on February 12, 2013, agents observed
4 him exit the jet way walking away from the gate for his connecting flight to Arcata, CA.
5 DEA agent RJ Britt ("Britt"), displaying his badge, approached Alesevic, identified
6 himself as law enforcement and asked permission to speak with him. When asked where
7 he was traveling, Alesevic said Arcata to see his girlfriend. He said he planned on
8 staying in Arcata for two days. When asked if the carry-on bag was the only luggage he
9 was traveling with, Alesevic said it was. He gave the agent permission to search him and
10 his luggage. Britt found two white bank envelopes, one from Shell Federal Credit Union
11 and one from Bank of America. Britt asked Alesevic how much currency was in the
12 envelopes and he stated about \$10,000. Britt stated that the amount in the envelopes
13 looked like much more than \$10,000 and Alesevic said he didn't know because he didn't
14 count it. DEA agent Jim Delaney ("Delaney") joined the conversation between Britt and
15 Alesevic. Delaney asked Alesevic if he was carrying any more currency on his person and
16 Alesevic pulled out a wad of currency from one of his pants pockets. Alesevic stated it
17 was between \$1,000 and \$2,000, but he did not know how much for sure because he said
18 he didn't count it.

19 5. Britt asked Alesevic what the source of the money was and Alesevic stated
20 that it was from his trucking business, Europe Express Incorporated, in which he has
21 owned and operated with his father for the last ten years. Alesevic further stated that he
22 withdrew all the money from the bank earlier that day to purchase a trailer in Eureka,
23 CA. Alesevic also said some of the money was for gambling in a casino in Eureka,
24 although he could not remember the name of the casino even though he said he had
25 gambled there on two other occasions. Alesevic further stated that California didn't have
26 Bank of America branches and that is why he brought the cash with him.

27 6. Britt asked Alesevic again how long he planned on staying in Eureka and he
28 said about four days even though he told Britt he was staying for two days earlier. He

1 told Britt between 2-4 days because he said he may go down to San Francisco for a couple
2 of days to do some shopping and go to some strip clubs. Alesevic told Britt that it was his
3 “hard earned money” and was going to spend it however he wanted. Britt noticed that
4 Alesevic only brought one pair of pants and two shirts in his carry-on luggage and not
5 enough clothing for a 4-6 day trip.

6 7. Britt asked Alesevic who booked the airline ticket because his name was
7 spelled wrong and his birthdate was incorrect. Alesevic told Britt that he had but then
8 recanted and told him that his friend named “Moose” booked it for him. When asked
9 what Moose’s real name was, Alesevic said he wasn’t sure, but he thought it was
10 “Mustafa” something. Alesevic told Britt that he had known Moose for about six months
11 and that Moose worked as a truck driver for him.

12 8. The currency seized from Alesevic was presented to drug detection
13 dog, “Fox”, by California Highway Patrol Officer D. Rogers. Officer Rogers advised that
14 Fox positively alerted to the odor of narcotics on the currency.

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

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

26 11. This Court has jurisdiction in this matter pursuant to 28 U.S.C. §§ 1345 and
27 1355, as this is the judicial district in which acts or omissions giving rise to the forfeiture
28 occurred.

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

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

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

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

9 15. Upon entry of the Consent Judgment of Forfeiture, \$15,000.00 of the
10 Approximately \$27,353.00 in U.S. Currency, together with any interest that may have
11 accrued on the entire amount seized, shall be forfeited to the United States pursuant to
12 21 U.S.C. § 881(a)(6), to be disposed of according to law.

13 16. Upon entry of the Consent Judgment of Forfeiture, but no later than 60 days
14 thereafter, \$12,353.00 of the Approximately \$27,353.00 in U.S. Currency shall be
15 returned to potential claimant Alen Alesevic through his attorney Justin L. Ward.

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

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

27 19. No portion of the stipulated settlement, including statements or admissions
28 made therein, shall be admissible in any criminal action pursuant to Rules 408 and

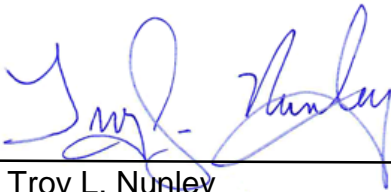
1 410(a)(4) of the Federal Rules of Evidence.

2 20. All parties will bear their own costs and attorneys' fees.

3 21. Pursuant to the Stipulation for Consent Judgment of Forfeiture filed herein,
4 the Court enters a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there
5 was reasonable cause for the seizure of the above-described defendant currency.

6 IT IS SO ORDERED.

7 Dated: January 17, 2014

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Troy L. Nunley
12 United States District Judge
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