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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,  
 13 v.  
 14 APPROXIMATELY \$97,980.00 IN U.S.  
 CURRENCY,  
 15 Defendant.  
 16

2:13-MC-00083-JAM-DAD  
 CONSENT JUDGMENT OF  
 FORFEITURE

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

18 1. On January 10, 2013, the California Highway Patrol seized Approximately  
 19 \$97,980.00 in U.S. Currency (the “defendant currency”) during a traffic stop on Highway  
 20 299 in Trinity County, California. The Drug Enforcement Administration (hereafter  
 21 “DEA”) adopted the defendant currency for federal forfeiture on February 5, 2013.

22 2. The DEA commenced administrative forfeiture proceedings, sending  
 23 direct notice to all known potential claimants and publishing notice to all others. On or  
 24 about May 20, 2013, the DEA received a claim from Joshua Bowen Furlong asserting an  
 25 ownership interest in the defendant currency.

26 3. The United States represents that it could show at a forfeiture trial that on or  
 27 about January 10, 2013, California Highway Patrol Officer Tony Lazo, driving a fully  
 28

1 marked CHP vehicle, made a traffic stop on Furlong's black Volvo sedan while he traveled  
2 westbound on Highway 299 near Fawn Lodge Road in Trinity County, California. Law  
3 enforcement officials determined that the black Volvo sedan, a 2005 Volvo S60, had  
4 Montana license plates and was registered to Jessica Marie Curtis at an address in  
5 Missoula, Montana. Law enforcement officials clocked the black Volvo sedan traveling at  
6 sixty-four miles per hour ("mph") in a fifty-five mph zone. During the ensuing consent  
7 search of the vehicle, law enforcement officials discovered marijuana residue throughout  
8 the interior of the Volvo, in addition to the empty energy drink cans and urine-filled  
9 bottles. In the trunk, law enforcement officials found two duffel bags in the Volvo's trunk.  
10 The first duffel bag was empty other than a single change of clothes. The second duffel bag  
11 contained five heat-sealed bags separately containing large amounts of bundled cash;  
12 within each heat-sealed bag, the cash was separately bundled into smaller stacks affixed by  
13 rubber bands. A later count of the cash found in the second duffel bag totaled \$97,980.00 –  
14 the defendant currency. The cash was broken down as follows: two of the heat-sealed bags  
15 contained \$20,000 in \$20 denominations; one heat-sealed bag contained \$19,980 in \$20  
16 denominations; one heat-sealed bag contained \$18,000 in \$20 denominations; the final  
17 heat-sealed bag contained \$20,000 in \$20, \$10, and \$5 denominations.

18 4. The United States represents that it could show at a forfeiture trial that,  
19 following the discovery of the heat-sealed and bundled cash and relocation of the interview  
20 to the CHP office, a drug dog was dispatched to the scene and positively alerted to the cash  
21 from Furlong's duffel bag.

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

24 6. Without admitting the truth of the factual assertions contained above, Joshua  
25 Bowen Furlong specifically denying the same, and for the purpose of reaching an amicable  
26 resolution and compromise of this matter, Joshua Bowen Furlong agrees that an adequate  
27 factual basis exists to support forfeiture of the defendant currency. Joshua Bowen Furlong  
28 acknowledged that he is the sole owner of the defendant currency, and that no other person

1 or entity has any legitimate claim of interest therein. Should any person or entity institute  
2 any kind of claim or action against the government with regard to its forfeiture of the  
3 defendant currency, Joshua Bowen Furlong shall hold harmless and indemnify the United  
4 States, as set forth below.

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

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

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

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

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

16 11. Upon entry of this Consent Judgment of Forfeiture, \$78,384.00 of the  
17 \$97,980.00 in U.S. Currency, together with any interest that may have accrued on the  
18 total amount seized, shall be forfeited to the United States pursuant to 21 U.S.C. §  
19 881(a)(6), to be disposed of according to law.

20 12. Upon entry of this Consent Judgment of Forfeiture, but no later than 60  
21 days thereafter, \$19,596.00 of the \$97,980.00 in U.S. Currency shall be returned to  
22 potential claimant Joshua Bowen Furlong through his attorney John Balazs.

23 13. The United States of America and its servants, agents, and employees and  
24 all other public entities, their servants, agents, and employees, are released from any and  
25 all liability arising out of or in any way connected with the seizure or forfeiture of the  
26 defendant currency. This is a full and final release applying to all unknown and  
27 unanticipated injuries, and/or damages arising out of said seizure or forfeiture, as well as  
28 to those now known or disclosed. Joshua Bowen Furlong waived the provisions of

1 California Civil Code § 1542.

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

6 15. No portion of the stipulated settlement, including statements or admissions  
7 made therein, shall be admissible in any criminal action pursuant to Rules 408 and  
8 410(a)(4) of the Federal Rules of Evidence.

9 16. All parties will bear their own costs and attorneys' fees.

10 IT IS SO ORDERED.

11 DATED: 1/10/2014

/s/ John A. Mendez

12 JOHN A. MENDEZ  
13 United States District Court Judge

14 CERTIFICATE OF REASONABLE CAUSE

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

18 DATED: 1/10/2014

/s/ John A. Mendez

19 JOHN A. MENDEZ  
20 United States District Court Judge