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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 \$28,500.00 IN U.S.
CURRENCY,

15 Defendant.
16

2:14-MC-00067-GEB-EFB

CONSENT JUDGMENT OF FORFEITURE

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

18 1. On November 26, 2013, agents with the Butte County Sheriff's Office responded to a
19 report of a shooting at 6934 Upper Palermo Road, Oroville, California, the residence of the Hector
20 Rodriguez, Sr. and Zoila Rodriguez ("claimants" or "Rodriguez's"). Approximately \$28,500.00 in U.S.
21 Currency ("defendant currency") and over 178 pounds of marijuana were seized from the residence
22 during the consensual search. The Drug Enforcement Administration adopted the defendant currency of
23 December 18, 2013.

24 2. The DEA commenced administrative forfeiture proceedings, sending direct written notice
25 to all known potential claimants and publishing notice to all others. On or about February 4, 2014, the
26 DEA received a claim from Hector Rodriguez Sr. and Zoila Rodriguez asserting an ownership interest in
27 the defendant currency.

28 3. The United States represents that it could show at a forfeiture trial that on November

1 26, 2013, agents with the Butte County Sheriff's Office responded to a report of a shooting at 6934
2 Upper Palermo Road, Oroville, California, the Rodriguez's residence. During a consensual search,
3 law enforcement seized Approximately \$28,500.00 in U.S. Currency and over 178 pounds of
4 marijuana.

5 4. The United States could further show at a forfeiture trial that Hector Rodriguez, Sr. told
6 the officers that he had over fifty pounds of marijuana at the residence and grew marijuana on his
7 property with his wife (Zoila) and two sons. He told the officers he had planned to sell his marijuana
8 to "clubs" but had not done so in the past. Rodriguez Sr. told the officers he was currently
9 unemployed.

10 5. The United States could further show at a forfeiture trial that Zoila Rodriguez told
11 the officers that there was forty to fifty pounds of marijuana at the residence and she grew marijuana
12 on the property with her husband (Hector Rodriguez, Sr.) and two sons. She told officers they planned
13 to sell the marijuana to a "club." Zoila originally told the officers the \$28,500 was everyone's money
14 but later recanted saying it was her and Rodriguez Sr.'s money.

15 6. A Felony Complaint was filed on March 11, 2014, in *The People of the State of*
16 *California v. Hector Rodriguez Ortiz and Zoila Rodriguez*, CM040674 in Butte County Superior
17 Court. Hector Rodriguez, Sr. and Zoila Rodriguez were charged with violations of Health and Safety
18 Code § 11358 – Cultivating Marijuana, Health and Safety Code § 11359 – Possession of Marijuana for
19 Sale, and Penal Code § 186.10(a) – Money Laundering. This stipulation is part of a global settlement
20 with Hector Rodriguez, Sr. and Zoila Rodriguez and shall be signed by all parties prior to sentencing
21 in the Butte County case referenced above.

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

24 8. Without admitting the truth of the factual assertions contained above, Hector
25 Rodriguez, Sr. and Zoila Rodriguez specifically denying the same, and for the purpose of reaching an
26 amicable resolution and compromise of this matter, claimants agree that an adequate factual basis
27 exists to support forfeiture of the defendant currency. Claimants hereby acknowledge that they are the
28 sole owners of the defendant currency, and that no other person or entity has any legitimate claim of

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

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

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

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

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

12 1. The Court adopts the Stipulation for Consent Judgment of Forfeiture entered into by
13 and between the parties.

14 2. All right, title and interest in the \$28,500.00 in U.S. Currency shall be forfeited to the
15 United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of according to law.

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

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

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

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