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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 \$67,646.00 IN U.S.
CURRENCY,

15 Defendant.
16

2:14-MC-00110-WBS-DAD

CONSENT JUDGMENT OF
FORFEITURE

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

18 1. On March 5, 2014, agents with the Alameda County Narcotics Task Force
19 (“ACNTF”) contacted Cedric Sewell (“Sewell” or “Claimant”) during a probation search at
20 1833 Houston Avenue, Stockton California. The agents seized Approximately \$67,646.00
21 in U.S. Currency (“defendant currency”) from Sewell during this encounter. The Federal
22 Bureau of Investigation (“FBI”) adopted the defendant currency for federal forfeiture on
23 March 19, 2014.

24 2. The FBI commenced administrative forfeiture proceedings, sending direct
25 written notice to all known potential claimants and publishing notice to all others. On or
26 about June 10, 2014, the FBI received a claim from Sewell asserting an ownership interest
27 in the defendant currency.

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

1 March 5, 2014, agents conducted a probation search of Sewell's residence at 1833
2 Houston Avenue, Stockton, California. As agents entered the residence, they saw the
3 defendant walking out of the kitchen area. Sewell was quickly apprehended. Agents
4 observed a .38 caliber revolver approximately eight feet from the defendant. The firearm
5 was fully loaded with live rounds. The kitchen had been converted into a heroin
6 manufacturing operation, including strainers, digital scales, cutting agents, and
7 hundreds of baggies. Agents located heroin, cocaine, a pay/owe sheet, a money counter,
8 and a variety of manufacturing and distribution indicia throughout the house. Among
9 the items recovered were: over 5 kilograms of heroin, 500 grams of cocaine, several
10 firearms (including an AR-15 assault rifle), Approximately \$67,646.00 in cash and a cache
11 of ammunition. During the initial clearing of the residence, the defendant made several
12 spontaneous statements including: (1) he was the only one who lived at 1833 Houston
13 Avenue, (2) there was heroin in the kitchen, (3) there was a gun by his bed, (4) there was
14 a gun by his desk, and (5) there was an AR-15 in his closet, and (6) he had been doing
15 "this" since he was 15 years old.

16 4. The United States could further show at a forfeiture trial that Sewell has
17 been previously convicted of possession/purchase of a controlled substance for sale and
18 felon in possession of a firearm.

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

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

1 as set forth below.

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

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

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

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

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

13 2. Upon entry of this Consent Judgment of Forfeiture, all right, title, and
14 interest of Cedric Sewell in the defendant Approximately \$67,646.00 in U.S. Currency,
15 together with any interest that may have accrued on the total amount seized, shall be
16 forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of
17 according to law.

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

25 4. No portion of the stipulated settlement, including statements or admissions
26 made therein, shall be admissible in any criminal action pursuant to Rules 408 and
27 410(a)(4) of the Federal Rules of Evidence.

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

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

4 IT IS SO ORDERED.

5 Dated: January 14, 2015



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7 WILLIAM B. SHUBB
8 UNITED STATES DISTRICT JUDGE
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