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

10
 11 UNITED STATES OF AMERICA,

2:15-MC-00005-TLN-KJN

12 Plaintiff,

CONSENT JUDGMENT OF
 FORFEITURE

13 v.

14 APPROXIMATELY \$15,020.00 IN U.S.
 CURRENCY, and

15 APPROXIMATELY \$14,000.00 IN U.S.
 16 CURRENCY,

17 Defendants.

18
 19 Pursuant to the Stipulation for Consent Judgment of Forfeiture, the Court finds:

20 1. On July 31, 2014, the Drug Enforcement Administration (“DEA”) seized
 21 Approximately \$15,020.00 in U.S. Currency (the “Wise defendant currency”) and
 22 Approximately \$14,000.00 in U.S. Currency (the “Hawthorne defendant currency” and
 23 together with the Wise defendant currency, collectively, the “defendant currency”), from
 24 Wise and Hawthorne at the Sacramento International Airport in Sacramento, California.

25 2. The DEA commenced administrative forfeiture proceedings, sending direct
 26 notice to all known potential claimants and publishing notice to all others. On or about
 27 October 15, 2014, the DEA received claims from Wise and Hawthorne asserting
 28 ownership interests in the defendant currency.

1 3. The United States represents that it could show at a forfeiture trial that on
2 July 31, 2014, the DEA received information regarding suspicious travel by Wise and
3 Hawthorne, who were traveling on Delta Airlines from Milwaukee, Wisconsin to
4 Sacramento, California. DEA agents responded to Sacramento International Airport
5 and contacted Wise and Hawthorne. A DEA agent located Wise on the concourse and
6 conducted a consensual interview and search of Wise's carry-on luggage. After a
7 preliminary search, the agent asked Wise to accompany him to a private room. As the
8 agent spoke with Wise, a second agent noticed Hawthorne exit the women's bathroom
9 and begin walking towards Wise. The agent observed Hawthorne stop abruptly when
10 she saw that Wise's bag was being searched. Hawthorne appeared frightened and did
11 not move until she was approached by the agent. When asked, Hawthorne told the
12 agent she was traveling alone and carrying "a couple g's." The agent asked Hawthorne
13 to accompany him to a private room to determine if the money was from a legitimate
14 source.

15 4. The United States represents that it could further show at a forfeiture trial
16 that once inside the private room, law enforcement agents removed three stacks of cash
17 from Wise's carry-on bag. The cash was rubber banded in approximately \$5,000.00
18 increments and concealed inside clothing items. All the cash was in \$20.00
19 denominations and totaled approximately \$15,020.00. Law enforcement agents also
20 searched Hawthorne's bag and discovered four stacks of similarly rubber-banded
21 currency concealed inside clothing items. The cash from Hawthorne's bag totaled
22 approximately \$14,000.00.

23 5. The United States represents that it could further show at a forfeiture trial
24 that the two sums of defendant currency were presented to a drug detection dog. The dog
25 positively alerted to the odor of narcotics on both sums of defendant currency.

26 6. The United States represents that it could further show at a forfeiture trial
27 that Wise's criminal history includes numerous charges for possession of a controlled
28 substance with intent to deliver.

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

3 8. Without admitting the truth of the factual assertions contained above,
4 Ricky Wise and Valencia C. Hawthorne specifically denying the same, and for the
5 purpose of reaching an amicable resolution and compromise of this matter, Ricky Wise
6 and Valencia C. Hawthorne agree that an adequate factual basis exists to support
7 forfeiture of the defendant currency. Ricky Wise and Valencia C. Hawthorne hereby
8 acknowledge that they are the sole owners of the defendant currency, and that no other
9 person or entity has any legitimate claim of interest therein. Should any person or
10 entity institute any kind of claim or action against the government with regard to its
11 forfeiture of the defendant currency, Ricky Wise and Valencia C. Hawthorne shall hold
12 harmless and indemnify the United States, as set forth below.

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

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

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

20 Based upon the above findings, and the files and records of the Court, it is hereby
21 **ORDERED AND ADJUDGED:**

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

24 2. Upon entry of this Consent Judgment of Forfeiture, \$14,000.00 in U.S.
25 Currency, together with any interest that may have accrued on the total amount seized,
26 shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of
27 according to law.

28 3. Upon entry of this Consent Judgment of Forfeiture, but no later than 60

1 days thereafter, \$15,020.00 in U.S. Currency shall be returned to claimants Ricky Wise
2 and Valencia C. Hawthorne through their attorney Robert E. Webb, Jr.

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

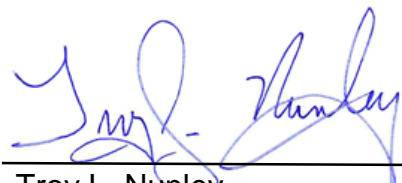
10 5. No portion of the stipulated settlement, including statements or admissions
11 made therein, shall be admissible in any criminal action pursuant to Rules 408 and
12 410(a)(4) of the Federal Rules of Evidence.

13 6. All parties will bear their own costs and attorney's fees.

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

18 IT IS SO ORDERED

19 Dated: March 4, 2015

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21
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23 _____
Troy L. Nunley
United States District Judge