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8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

2:15-MC-00036-MCE-DB

12 Plaintiff,

13 v.

CONSENT JUDGMENT OF FORFEITURE

14 APPROXIMATELY \$84,359.00 IN U.S.  
CURRENCY,

15 2013 CHEVROLET CAMARO SS, LICENSE  
16 NUMBER 7GXH521, VIN: 2G1FK3DJ7D9224539,

17 2009 HARLEY DAVIDSON, LICENSE NUMBER  
21P6911, VIN: 1HD1GY4319K311293,

18 2007 CHEVROLET AVALANCHE CREW CAB  
19 1500, LICENSE NUMBER 10031T1, VIN:  
3GNEC12017G225993, AND

20 2004 CADILLAC XLR, LICENSE NUMBER  
21 7GXH653, VIN: 1G6YV34A345601665,

22 Defendants.  
23

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

25 1. On or about February 17, 2015, the Citrus Heights Police Department seized the above-  
26 referenced defendant properties<sup>1</sup> as part of a joint investigation with the Bureau of Alcohol, Tobacco,  
27

28 <sup>1</sup> The United States learned that a total of \$83,221.35 was seized from David Smith, rather than the \$84,359.00 identified in the caption. In addition, the United States decided not to file against the 2013 Chevrolet Camaro SS, 2009 Harley Davidson,

1 Firearms and Explosives. The Approximately \$83,221.35 in U.S. Currency (hereafter “defendant  
2 currency”) was seized by the Bureau of Alcohol, Tobacco, Firearms and Explosives from the Citrus  
3 Heights Police Department on June 18, 2015, pursuant to a federal seizure warrant. *See* 2:15-SW-  
4 00343-KJN.

5 2. Claimant David Allen Smith (“Smith” or “claimant”) does not dispute the United  
6 States’ representation that during the execution of a state search warrant at Smith’s residence on  
7 February 17, 2015, law enforcement found approximately 420 grams of methamphetamine, 7 grams of  
8 cocaine, 2,850 grams of marijuana, and \$83,221.35 in cash. The search of Smith’s residence stemmed  
9 from his involvement in an illegal firearms transaction observed by federal agents in early February  
10 2015. The defendant currency is proceeds from drug trafficking.

11 3. Claimant does not dispute the United States’ representation that Smith has a significant  
12 criminal history, including possession of dangerous drugs, theft, carrying loaded firearms in public  
13 place, robbery, escape from jail/detention, grand theft, and burglary. Smith has at least five felony  
14 convictions.

15 4. On February 26, 2015, an Indictment was filed in the Eastern District of California  
16 charging David Allen Smith with Possession With Intent to Distribute at Least 50 Grams of  
17 Methamphetamine in violation of 21 U.S.C. § 841 (a)(1); Possession With Intent to Distribute Marijuana  
18 in violation of 21 U.S.C. § 841 (a)(1); Possession of Cocaine in violation of 21 U.S.C. § 844; Felon in  
19 Possession of Firearm in violation of 18 U.S.C. § 922(g)(1); and Criminal Forfeiture pursuant to 21  
20 U.S.C. § 853(a), 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c). The United States and Smith entered  
21 into a plea agreement wherein he agreed to sign a Stipulation for Consent Judgment of Forfeiture  
22 forfeiting his right, title, and interest in the defendant currency.

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

25 6. Without admitting the truth of the factual assertions contained above, claimant  
26 specifically denying the same, and for the purpose of reaching an amicable resolution and compromise

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28 and 2004 Cadillac XLR identified in the caption. The ATF administratively forfeited the 2007 Chevrolet Avalanche Crew  
Cab 1500, License Number 10031T1, VIN: 3GNEC12017G225993 on June 7, 2017.

1 of this matter, claimant agrees that an adequate factual basis exists to support forfeiture of the  
2 defendant currency. Claimant acknowledged that he is the sole owner of the defendant currency, and  
3 that no other person or entity has any legitimate claim of interest therein. Should any person or entity  
4 institute any kind of claim or action against the government with regard to its forfeiture of the  
5 defendant currency, claimant shall hold harmless and indemnify the United States, as set forth below.

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

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

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

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

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

16 2. All right, title, and interest of David Allen Smith in the Approximately \$83,221.35 in  
17 U.S. Currency, plus any accrued interest, shall be forfeited to the United States pursuant to 21 U.S.C. §  
18 881(a)(6), to be disposed of according to law.

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


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

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

2           IT IS SO ORDERED.

3 Dated: August 28, 2018

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5 MORRISON C. ENGLAND, JR.  
6 UNITED STATES DISTRICT JUDGE  
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