

1 PHILLIP A. TALBERT
 Assistant United States Attorney
 2 KEVIN C. KHASIGIAN
 Assistant U. S. Attorney
 3 501 I Street, Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916) 554-2700
 5 Attorneys for the United States

6
 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 \$9,110.00 IN U.S.
 CURRENCY,
 15 Defendant.
 16

2:16-MC-00095-KJM-EFB
 CONSENT JUDGMENT OF FORFEITURE

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

18 1. On January 27, 2015, the Drug Enforcement Administration (“DEA”) executed a
 19 federal search warrant at 8299 Gwinhurst Circle, Sacramento, California. Approximately \$9,110.00 in
 20 U.S. Currency (“defendant currency”) was seized from Clifford McDowell, III (“McDowell” or
 21 claimant) during the encounter.

22 2. The DEA commenced administrative forfeiture proceedings, sending direct written
 23 notice to all known potential claimants and publishing notice to all others. On or about March 30,
 24 2015, the DEA received a claim from Khanajee Lee (“Lee” or claimant) asserting an ownership
 25 interest in the defendant currency.

26 3. The United States represents that it could show at a forfeiture trial that between May 2,
 27 2014, and January 27, 2015, McDowell and Lee participated in a drug trafficking conspiracy with
 28 Jessie Terrell Wright (“Wright”) and others in Sacramento County, California. As part of this

1 conspiracy, McDowell sold methamphetamine directly to methamphetamine users and supplied larger
2 quantities of methamphetamine to sub-distributors for later sale. During this time period, McDowell
3 and his co-conspirators distributed at least 500 grams of a mixture and substance containing
4 methamphetamine.

5 4. The United States represents that it could further show at a forfeiture trial that on July
6 23, 2014, Wright sold one pound of methamphetamine to a confidential informant working for the
7 DEA. McDowell supplied the one pound of methamphetamine to Wright, and McDowell and Wright
8 split the proceeds from the sale. McDowell entered into an agreement with Wright and others to
9 distribute methamphetamine, knowing that the distribution of methamphetamine was unlawful.

10 5. The United States could further show at a forfeiture trial that a drug detection dog was
11 used during the search of McDowell and Lee's home and the dog alerted to the presence of drugs on
12 the pile of clothes where the defendant currency was found. Also found in the locked bedroom where
13 the defendant currency was located was a digital scale, packaging material, and indicia in McDowell's
14 name. McDowell stated that he was the only person with access to the locked bedroom and that the
15 defendant currency was his. Both McDowell and Lee were unemployed at the time of the seizure of
16 the defendant currency.

17 6. An Indictment was filed on February 5, 2015, in *United States v. Clifford Abram*
18 *McDowell III, et al.*, 2:15-CR-00035-TLN, charging McDowell with violations of 21 U.S.C. §§ 846 and
19 841(a)(1) - Conspiracy to Distribute Methamphetamine and 21 U.S.C. § 841(a)(1) - Distribution of
20 Methamphetamine, among other drug violations, and one violation of 18 U.S.C. § 922(g) - Felon in
21 Possession of a Firearm. The Indictment also contained a forfeiture allegation. On June 24, 2015, a Bill
22 of Particulars for Forfeiture of Property was filed that included the defendant currency.

23 7. An Information was filed on January 12, 2016, in *United States v. Khanajee Lee*,
24 2:16-CR-00006-JAM, charging Lee with a violation of 21 U.S.C. §§ 846 and 841(a)(1) - Conspiracy to
25 Distribute Methamphetamine.

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

28 ////

1 9. Without admitting the truth of the factual assertions contained in the stipulation,
2 claimant specifically denying the same, and for the purpose of reaching an amicable resolution and
3 compromise of this matter, claimants agree that an adequate factual basis exists to support forfeiture of
4 the defendant currency. Clifford McDowell, III and Khanajee Lee hereby acknowledge that they are
5 the sole owners of the defendant currency, and that no other person or entity has any legitimate claim
6 of interest therein. Should any person or entity institute any kind of claim or action against the
7 government with regard to its forfeiture of the defendant currency, claimant shall hold harmless and
8 indemnify the United States, as set forth below.

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

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

13 12. The parties herein desire to settle this matter pursuant to the terms of a duly executed
14 Stipulation for Consent Judgment of Forfeiture.

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

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

19 2. Upon entry of this Consent Judgment of Forfeiture, \$6,110.00 of the Approximately
20 \$9,110.00 in U.S. Currency, together with any interest that may have accrued on the total amount
21 seized, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of
22 according to law.

23 3. Upon entry of this Consent Judgment of Forfeiture, but no later than 60 days thereafter,
24 \$3,000.00 of the Approximately \$9,110.00 in U.S. Currency shall be returned to claimant Khanajee
25 Lee through her attorney Candace A. Fry.

26 4. The United States of America and its servants, agents, and employees and all other
27 public entities, their servants, agents and employees, are released from any and all liability arising out
28 of or in any way connected with the seizure or forfeiture of the defendant currency. This is a full and

1 final release applying to all unknown and unanticipated injuries, and/or damages arising out of said
2 seizure or forfeiture, as well as to those now known or disclosed. Claimants waived the provisions of
3 California Civil Code § 1542.

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

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

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

11 IT IS SO ORDERED

12 DATED: May 18, 2016

13
14 
15 _____
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28