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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 \$104,300.00 IN U.S.
CURRENCY,

15 Defendant.
16

2:16-MC-00097-TLN-AC

CONSENT JUDGMENT OF FORFEITURE

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

18 1. On November 9, 2015, agents with the Drug Enforcement Administration (“DEA”)
19 contacted Falcon at the Sacramento International Airport in Sacramento, California. Approximately
20 \$104,300.00 in U.S. Currency (“defendant currency”) was seized from Derrick Tavon Falcon
21 (“Falcon”) during this encounter.

22 2. The DEA commenced administrative forfeiture proceedings, sending direct written notice
23 to all known potential claimants and publishing notice to all others. On or about February 17, 2016, the
24 DEA received a claim from Falcon asserting an ownership interest in the defendant currency.

25 3. The United States represents that it could show at a forfeiture trial that on November 9,
26 2015, agents with the DEA received information regarding suspicious travel by Falcon, including the
27 timing and manner of his ticket purchase. Law enforcement agents responded to the terminal,
28 observed Falcon exit the flight, and made contact with him in the terminal. Falcon had a green

1 colored military style backpack and a large red handbag. An agent requested Falcon's permission to
2 search his luggage, and Falcon consented. While searching the red handbag, the agent felt what he
3 believed to be cash being held together by rubber bands and the agent asked Falcon how much he
4 was carrying. Falcon told the agent there was \$15,000 in the bag. The agent located a total of
5 \$104,300.00 in cash. Law enforcement agents asked Falcon the origin of the money and what the
6 intended purpose of the money. Falcon told the agent it was money from his restaurant business.

7 4. The United States could further show at a forfeiture trial that Falcon then told agents
8 that he needed to let his ride know that he would be out in a minute. Falcon attempted to grab an
9 envelope out of the red handbag but agents told him everything in his luggage would need to stay with
10 them. Agents observed Falcon leaving the building and walking briskly to catch a cab. Falcon
11 abandoned his luggage.

12 5. The United States could further show at a forfeiture trial that the cash was hidden from
13 a drug detection dog, who located and positively alerted to the smell of narcotics on the cash.

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

16 7. Without admitting the truth of the factual assertions contained in this stipulation,
17 claimant specifically denying the same, and for the purpose of reaching an amicable resolution and
18 compromise of this matter, claimant agrees that an adequate factual basis exists to support forfeiture of
19 the defendant currency. Falcon hereby acknowledges that he is the sole owner of the defendant
20 currency, and that no other person or entity has any legitimate claim of interest therein. Should any
21 person or entity institute any kind of claim or action against the government with regard to its
22 forfeiture of the defendant currency, claimant shall hold harmless and indemnify the United States, as
23 set forth below.

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

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

28 10. The parties herein desire to settle this matter pursuant to the terms of a duly executed

1 Stipulation for Consent Judgment of Forfeiture.

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

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

6 12. Upon entry of the Consent Judgment of Forfeiture, \$90,300.00 of the Approximately
7 \$104,300.00 in U.S. Currency, together with any interest that may have accrued on the total amount
8 seized, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of
9 according to law.

10 13. Upon entry of the Consent Judgment of Forfeiture, but no later than 60 days thereafter,
11 \$14,000.00 of the Approximately \$104,300.00 in U.S. Currency shall be returned to claimant Derrick
12 Tavon Faulcon through his attorney Dwight M. Samuel.

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

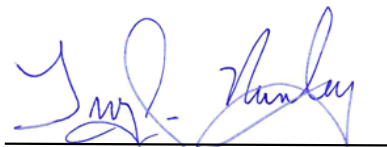
19 15. No portion of the stipulated settlement, including statements or admissions made
20 therein, shall be admissible in any criminal action pursuant to Rules 408 and 410(a)(4) of the Federal
21 Rules of Evidence.

22 16. All parties will bear their own costs and attorney's fees.

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

26 IT IS SO ORDERED.

27 Dated: October 31, 2016

28 
Troy L. Nunley
United States District Judge