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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,

2:16-MC-00157-MCE-EFB

13 v.

CONSENT JUDGMENT OF FORFEITURE

14 APPROXIMATELY \$89,980.00 IN U.S.
 CURRENCY,
 15 Defendant.
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17 Pursuant to the Stipulation for Consent Judgment of Forfeiture, the Court finds:

18 1. On or about January 15, 2016, officers with the California Highway Patrol (“CHP”)
 19 seized Approximately \$89,980.00 in U.S. Currency (hereafter the "defendant currency"). The Drug
 20 Enforcement Administration (“DEA”) adopted the seizure for federal forfeiture and obtained a federal
 21 seizure warrant on April 15, 2016.

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 June 29, 2016, the
 24 DEA received a claim from Nicholas Kenneth Maddaloni (“Maddaloni”) asserting an ownership interest
 25 in the defendant currency.

26 3. Claimants do not dispute the United States’ representation that it could show at a
 27 forfeiture trial the following: On January 15, 2016, the CHP received a call from dispatch to assist a unit
 28 from the Office of Emergency Services (“OES”) who had initiated a traffic stop on a gray, 2015

1 Chevrolet Yukon SUV rental vehicle. The traffic stop took place near the intersection of Calvine Road
2 and Vineyard Road in Elk Grove, California, after the OES traffic unit observed the Chevy Yukon
3 depart its lane of travel and veer into oncoming traffic. The driver of the vehicle was identified as
4 Maddaloni and the passenger of the vehicle was identified as Danny Cevallos (“Cevallos”). Maddaloni
5 provided a driver’s license from the state of New York. Cevallos provided identification from the state
6 of New York.

7 4. Claimants do not dispute the United States’ representation that it could show at a
8 forfeiture trial that upon approaching the vehicle, officers were able to smell the overwhelming odor of
9 marijuana emanating from the vehicle’s interior. When asked about the odor of marijuana, Maddaloni
10 and Cevallos indicated that there were three marijuana joints concealed behind the vehicle’s dashboard
11 display screen. Maddaloni also indicated that there was a Mason jar containing marijuana located in a
12 black, “Givenchy” brand backpack in the backseat. After learning about the marijuana in separate
13 locations inside the car, officers asked Maddaloni and Cevallos to exit the vehicle and asked the pair if
14 there was any other contraband in the Chevy Yukon besides the marijuana joints and Mason jar of
15 marijuana. Maddaloni responded in the negative. Officers then searched the Chevy Yukon and found
16 the marijuana joints and Mason jar of marijuana. Officers also identified a “Louis-Vuitton” brand bag in
17 close proximity to the backpack containing the Mason jar of marijuana. Inside the Louis-Vuitton bag
18 and concealed in between layers of men’s clothing, officers identified two vacuum-sealed bags
19 containing bulk cash. The cash was bound by rubber bands inside the gallon sized bags and comprised
20 of 2,249 \$20 bills, 28 \$50 bills and 400 \$100 bills. Officers also located a small drawstring bag
21 containing a bundle of cash. In total, officers seized \$89,980.00 in cash from the interior of the Chevy
22 Yukon.

23 5. Claimants do not dispute the United States’ representation that it could show at a
24 forfeiture trial that the defendant currency was presented to a drug-detection dog who positively
25 alerted to the smell of narcotics in three separate areas of the vehicle; and separately the heat-sealed
26 bundles of cash found inside the Louis-Vuitton bag.

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

1 7. Without admitting the truth of the factual assertions contained above, claimants
2 Maddaloni and Cevallos specifically denying the same, and for the purpose of reaching an amicable
3 resolution and compromise of this matter, claimants agree that an adequate factual basis exists to
4 support forfeiture of the defendant currency. Nicholas Kenneth Maddaloni acknowledged that he is
5 the sole owner of the defendant currency, and that no other person or entity has any legitimate claim of
6 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, claimants shall hold harmless and
8 indemnify the United States, as set forth below.

9 8. 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 9. 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 10. 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, \$44,990.00 of the Approximately
20 \$89,980.00 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 \$44,990.00 of the Approximately \$89,980.00 in U.S. Currency shall be returned to claimant Nicholas
25 Kenneth Maddaloni through his attorney Christopher J. Cassar.

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.

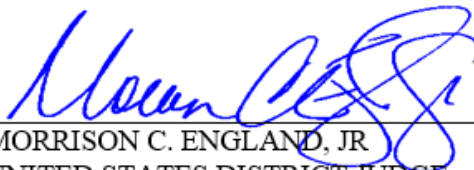
4 5. No portion of the stipulated settlement, including statements or admissions made
5 therein, shall be admissible in any criminal action pursuant to Rules 408 and 410(a)(4) of the Federal
6 Rules of Evidence.

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: November 2, 2016

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14 MORRISON C. ENGLAND, JR.
15 UNITED STATES DISTRICT JUDGE
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