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

10
 11 UNITED STATES OF AMERICA,

2:18-MC-00056-TLN-KJN

12 Plaintiff,

CONSENT JUDGMENT OF FORFEITURE

13 v.

14 APPROXIMATELY \$7,000.00 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 December 2, 2017, inspectors with the United States Postal Inspection Service
 19 (“USPIS”) seized approximately \$7,000.00 in U.S. Currency (“the defendant currency”) from Erick
 20 Geovany Carrera (“Carrera” or “claimant”) during a parcel interdiction at the Processing and
 21 Distribution Center located in West Sacramento, California.

22 2. USPIS commenced administrative forfeiture proceedings, sending direct written notice to
 23 all known potential claimants and publishing notice to all others. On or about January 29, 2018, USPIS
 24 received a claim from Carrera asserting an ownership interest in the defendant currency.

25 3. The United States represents that it could show at a forfeiture trial that on December 2,
 26 2017, USPIS conducted a parcel interdiction at the Processing and Distribution Center located at 3775
 27 Industrial Boulevard, West Sacramento, California. During the interdiction, law enforcement officials
 28 identified a parcel that bore markers consistent with parcels used for shipping contraband, package #

1 EL529972244US. The package was addressed to Brian Sawyer, 702 Thrasher Avenue, Modesto,
2 California 95354, with the following return address: Erick Carrera, 864 State Route 46 South,
3 Jefferson, OH 44047.

4 4. The United States represents that it could further show at a forfeiture trial that the parcel
5 was presented to a drug detection dog, who positively alerted to the presence of the odor of narcotics.

6 5. The United States represents that it could further show at a forfeiture trial that on
7 December 2, 2017, Postal Inspectors attempted to contact the recipient by phone, but had to leave a
8 voice mail message. Inspectors then received a call back from Carrera. Mr. Carrera told Inspectors the
9 parcel was a surprise gift for Mr. Sawyer. Carrera stated the \$7,000.00 was in a heat-sealed package
10 inside a coffee mug and gave them consent to open the parcel. Inside the Priority Mail express parcel
11 was clothing. Concealed in a child's onesie was a heat-sealed package with a metal coffee cup with a
12 closed lid that contained cash totaling \$7,000.00. The currency consisted mainly of \$20 bills, making
13 up 230 of the 273 bills found. The parcel did not contain any notes, receipts, or instructions.

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 above, Carrera
17 specifically denying the same, and for the purpose of reaching an amicable resolution and compromise
18 of this matter, claimant agrees that an adequate factual basis exists to support forfeiture of the defendant
19 currency. Carrera hereby acknowledges that he is the sole owner of the defendant currency, and that no
20 other person or entity has any legitimate claim of interest therein. Should any person or entity institute
21 any kind of claim or action against the government with regard to its forfeiture of the defendant
22 currency, claimant shall hold harmless and indemnify the United States, as set forth below.

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

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

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

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

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

5 2. Upon entry of this Consent Judgment of Forfeiture, \$3,500.00 of the Approximately
6 \$7,000.00 in U.S. Currency, together with any interest that may have accrued on the total amount
7 seized, shall be forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6), to be disposed of
8 according to law.

9 3. Upon entry of this Consent Judgment of Forfeiture, but no later than 60 days thereafter,
10 \$3,500.00 of the Approximately \$7,000.00 in U.S. Currency shall be returned to claimant Erick
11 Geovany Carrera through his attorney Isaac Safier.

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

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

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

22 7. Pursuant to the Stipulation for Consent Judgment of Forfeiture filed herein, the Court

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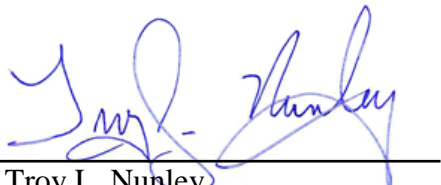
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1 enters a Certificate of Reasonable Cause pursuant to 28 U.S.C. § 2465, that there was reasonable cause
2 for the seizure of the above-described defendant currency.

3 IT IS SO ORDERED

4 DATED: May 30, 2018

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8 Troy L. Nunley
9 United States District Judge
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