



preponderance of the evidence that there was a substantial connection between the Mercedes and Mr. Butler's illegal drug activity. *Id.* at 8; Order, ECF No. 10.

The Government since has submitted a Renewed Motion for Default Judgment and Order of Forfeiture, ECF No. 16, supported by a Supplemental Declaration, filed under seal, in which Officer Howard states that "BUTLER, Jr.'s only real source of income has been the distribution of cocaine and other narcotics, and that he continued his narcotics operations prior to and during his purchase of the 2003 Mercedes [in June 2011], with a \$4,000 cash down payment." Supp. Decl. ¶ 9, Renewed Mot. Att. A, ECF No. 16-1; *see id.* ¶ 20. According to Officer Howard, "[a] financial analysis and investigation of the defendant's wages and earning[s] by law enforcement revealed that BUTLER Jr. had no reported earnings . . . in Maryland, Virginia, or the District of Columbia . . . since at least 2007." *Id.* ¶ 24; *see id.* ¶ 20 ("[Y]our affiant knows through financial investigation and interviews with cooperating sources, including BUTLER, Jr. himself, that BUTLER Jr.'s only source of income during this time was from his drug trafficking. Based on your affiant's years of training and experience, your affiant therefore believes that this car was purchased with proceeds from narcotics transactions."). "To prevail in a civil forfeiture proceeding, the Government must demonstrate by a preponderance of the evidence that the defendant property is subject to forfeiture, either as proceeds of an illegal drug transaction, or as property used to facilitate an illegal drug transaction." *See United States v. \$63,289.00 in U.S. Currency*, No. 13-281, 2014 WL 2968555, at \*5 (W.D.N.C. Jul. 1, 2014) (citing 18 U.S.C. § 983(c); 21 U.S.C. § 881(a)(6)). Based on the Supplemental Declaration, the Government now has shown by a preponderance of the evidence that Mr. Butler's payment for the Mercedes was proceeds from drug transactions. *See id.*

Accordingly, it is, this 17th day of December, 2014, hereby ORDERED that

1. The Government's Renewed Motion for Default Judgment and Order of Forfeiture, ECF No. 16, IS GRANTED;
2. A Default Judgment IS ENTERED in favor of the United States of America against the Mercedes;
3. The Mercedes IS FORFEITED to the United States pursuant to 21 U.S.C. § 881(a)(6), and the United States shall have all rights of title and possession of the Mercedes;
4. The Attorney General, or a designee, IS AUTHORIZED to seize the Mercedes and take exclusive custody and control of it until it may be disposed of in accordance with law; and
5. The Clerk SHALL CLOSE THIS CASE.

\_\_\_\_\_  
/S/  
Paul W. Grimm  
United States District Judge

lyb