

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

PLAINTIFF

V.

CIVIL NO. 1:14CV091-SA-DAS

VARIOUS STONES

DEFENDANT

**STIPULATED CONSENT JUDGMENT
AND ORDER OF FORFEITURE**

The United States of America, by and through its attorneys, Felicia C. Adams, United States Attorney for the Northern District of Mississippi and Samuel D. Wright, Assistant United States Attorney, together with SEAN BALDWYN, by and through counsel, hereby submit this Stipulated Consent Judgment and Final Order of Forfeiture:

WHEREAS, the United States initiated this forfeiture proceeding by filing a Verified Complaint for Forfeiture In Rem seeking forfeiture of the Defendant Property;

WHEREAS, the Defendant property in this proceeding is specifically described in Exhibit A, which is attached hereto and incorporated herein;

WHEREAS, the United States of America and SEAN BALDWYN (hereinafter "the parties"), are aware of their respective rights and wish to resolve this matter without further litigation and expense;

NOW THEREFORE, the parties hereby stipulate and agree as follows:

1. The Defendant property is subject to forfeiture pursuant to 18 U.S.C. § 545 as it represents merchandise imported or brought into the United States contrary to law.
2. This Court has jurisdiction to hear this action pursuant to 28 U.S.C. §§ 1345 and 1355.

3. Venue is proper before this Court, pursuant to 28 U.S.C. § 1395(b), because the Defendant property was seized in the Northern District of Mississippi.

4. The Court has jurisdiction over the subject matter and the parties.

5. The United States and its agents had reasonable cause for the seizure of the Defendant property at issue as provided in 28 U.S.C. § 2465 and the Government's position in this action is substantially justified as provided in 28 U.S.C. § 2412(d)(1)(B).

6. The parties wish to resolve this matter without additional utilization of judicial resources and without incurring further litigation expenses. As such, the parties agree that the Defendant property, as specified in Exhibit A, shall be **FORFEITED** to the United States. Further, any right, title or interest of SEAN BALDWYN, and his successors and assigns, and any right, title and ownership interest of all other persons in these assets are forfeited to the United States are hereby and forever **EXTINGUISHED**. Clear title to the assets specified within this paragraph said shall hereby be **VESTED** in the United States of America, and the United States Marshal, or his delegate, is **AUTHORIZED** to dispose of the Defendant property according to law.

7. SEAN BALDWYN hereby knowingly and voluntarily waives any and all right to reimbursement by the United States of attorney fees and/or litigation costs in connection with this cause of action, pursuant to 28 U.S.C. § 2465(b)(1)(A) or any other statute. Further, SEAN BALDWYN agrees that the forfeiture of assets specified herein is reasonable, and does not constitute an excessive punishment within the meaning of the Eighth Amendment of the United States Constitution.

8. SEAN BALDWYN agrees to release, remise and discharge the United States of America, along with any of its agencies involved in this matter, and state and local law

enforcement officers, and their employers, agents, officers and employees, past and present, from all claims or causes of action which SEAN BALDWYN and his agents, officers, employees, assignees and/or successors in interest have, may have had or may have on account of the events or circumstances giving rise to the above-captioned action.

9. This Stipulated Consent Judgment and Order of Forfeiture resolves this matter in its entirety. Upon the entry of this Order, this cause of action shall be dismissed WITH PREJUDICE and this case will be closed. The parties agree that the Court will retain jurisdiction over this matter for a period of one hundred twenty (120) days following entry of this Stipulated Consent Judgment and Order of Forfeiture solely for the purpose of enforcement of the terms of this Order.

10. Each of the parties to this Stipulation is aware of its/their rights in this matter. The parties agree that each party shall bear its own costs and attorney fees in this matter.

WHEREFORE, the parties stipulate to entry of this Stipulated Consent Judgment and Order of Forfeiture.

SO ORDERED on this the 11th day of December, 2014.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE

PREPARED BY AND AGREED TO:

FELICIA C. ADAMS
United States Attorney

s/ SAMUEL D. WRIGHT
Samuel D. Wright
Assistant United States Attorney
MS Bar No. 101425
On behalf of the Plaintiff

AGREED TO:

s/ SEAN BALDWYN
SEAN BALDWYN

s/ GREGORY S. PARK
GREGORY S. PARK
Attorney for Sean Baldwyn