



USA v. Mora et al

2020 | Cited 0 times | D. Nevada | January 9, 2020

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA, Plaintiff, v. ELIZABETH REYES-DELACERDA, a/k/a Chavela, Defendant.

3:18-CR-057-MMD-WGC Preliminary Order of Forfeiture (Corrected Document)

This Court finds Elizabeth Reyes-Delacerda, a/k/a Chavela, pled guilty to Count One of a One-Count Superseding Information charging her with illegal use of a communication device in violation of 21 U.S.C. § 843(b). Superseding Information, ECF No. 497; Plea Agreement, ECF No. 499; Arraignment & Plea, ECF No. 507.

This Court finds Elizabeth Reyes-Delacerda, a/k/a Chavela, agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Information. Superseding Information, ECF No. 497; Plea Agreement, ECF No. 499; Arraignment & Plea, ECF No. 507.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Information and the offense to which Elizabeth Reyes-Delacerda, a/k/a Chavela, pled guilty. The following property is (1) any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 21 U.S.C. § 843(b), a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(D), or a conspiracy to commit such offense; (2) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of a violation of 21 U.S.C. § 843(b); (3) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of a violation of 21 U.S.C. § 843(b); and (4) all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. § 843(b), all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of 21 U.S.C. § 843(b), and is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(1); 21 U.S.C. § 853(a)(2); 21 U.S.C. § 881(a)(6) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(p):



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1. \$1,000.00 in US Currency seized from Alberto Acosta-Macias at 3503 Postre Ct.; 2. \$213.00 in US Currency seized from Jose Mora at 460 E. Grove St.; 3. \$607.00 in US Currency seized from Shawn Curl at 4986 S. Virginia St.; 4. \$996.00 in US Currency seized from Shawn Curl at 18119 Cherry Leaf Ct.; 5. \$2,750.00 in US Currency seized from Shawn Curl at 18119 Cherry Leaf Ct.; 6. \$16,021.00 in US Currency seized from Shawn Curl at 18119 Cherry Leaf Ct.; and 7. \$3,785.00 in US Currency seized from Shawn Curl at 18119 Cherry Leaf Ct. (all of which constitutes property). This Court finds that the United States of America may amend this order at any time to add subsequently located property or substitute property to the forfeiture order pursuant to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights, ownership rights, and all rights, titles, and interests of Elizabeth Reyes-Delacerda, a/k/a Chavela, in the aforementioned property are forfeited and are vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the time under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n)(2).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's petition and the relief sought.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days after the first day of the publication on the official internet government forfeiture site, www.forfeiture.gov.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any, shall be



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served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the following address at the time of filing:

Daniel D. Hollingsworth Assistant United States Attorney James A. Blum Assistant United States Attorney 501 Las Vegas Boulevard South, Suite 1100 Las Vegas, Nevada 89101. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency following publication of notice of seizure and intent to administratively forfeit the above-described property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this Order to all counsel of record.

DATED _____, 2020.

HONORABLE MIRANDA M. DU UNITED STATES DISTRICT JUDGE CERTIFICATE OF SERVICE A copy of the foregoing was served upon counsel of record via Electronic Filing on January 9, 2020.

/s/ Andolyn Johnson ANDOLYN JOHNSON Assistant United States Attorney

