

FILED

2007 MAY 31 AM 11:06

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY _____ DEPUTY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 07cr1014-DMS
)	
Plaintiff,)	PROPOSED PRELIMINARY ORDER
v.)	OF CRIMINAL FORFEITURE
)	
DAMIEN A. ANDREWS,)	
)	
Defendant.)	
_____)	

WHEREAS, in the Information in the above-captioned case, the United States sought forfeiture of all right, title and interest in specific properties of the above-named Defendant pursuant to 21 U.S.C. § 853 for property that was used in any manner or part to commit and to facilitate the commission of the violation of Title 21, United States Code, Sections 846 and 841(a)(1), as charged in Count 1 of the Information, and pursuant to Title 18, United States Code, Section 982(a)(1), for properties which were involved in the offenses of Title 18, United States Code, Section 1957, as charged in Counts 2 and 3 of the Information; and

WHEREAS, on or about April 26, 2007, the above-named Defendant, DAMIEN A. ANDREWS ("Defendant"), pled guilty to Counts 1, 2 and 3 of the Information, which plea included consent to the criminal forfeiture allegations pursuant to Title 21 and Title 18 as set forth in the Information; and

WHEREAS, by virtue of the facts set forth in the plea agreement, the United States has established the requisite nexus between the forfeited properties and the offense; and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

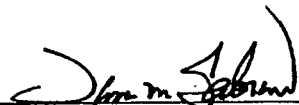
3. Pursuant to 21 U.S.C. § 853(n), the United States forthwith shall publish, at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the Marshals Service's intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in the above-listed forfeited properties must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

4. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property(ies), shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property(ies) and any additional facts supporting the petitioner's claim and the relief sought.

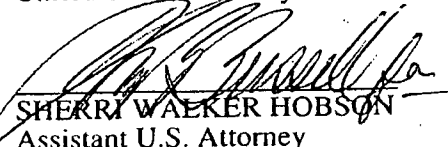
5. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties that are the subject of the Preliminary Order of Criminal Forfeiture, as a substitute for published notice as to those persons so notified.

6. Upon adjudication of all third-party interests, this Court will enter an Amended Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED:
5-24-07



DANA M. SABRAW, Judge
United States District Court

Submitted by:
KAREN P. HEWITT
United States Attorney


SHERRY WALKER HOBSON
Assistant U.S. Attorney