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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
MELISSA ORTIZ AYERIM (2),
Defendant.

Case No. 18cr4956-JLS
PRELIMINARY ORDER
OF CRIMINAL FORFEITURE

WHEREAS, pursuant to the terms of the Plea Agreement between the parties, Defendant MELISSA ORTIZ AYERIM (2) (“Defendant) consented to the forfeiture of all properties seized in connection with this case, including but not limited to, all firearms and ammunition involved in the commission of the offense set forth in Count 1 of the Second Superseding Information, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), which were involved in the violation of 18 U.S.C. § 3; and

WHEREAS, on or about December 1, 2021, the Defendant pled guilty before Magistrate Judge Karen S. Crawford to Count 1 of the Second Superseding Information, which plea included consent to forfeiture of all properties seized in connection with this case, including all firearms and ammunition involved in the offense of conviction, including forfeiture of the following: a 1911 style .45 caliber handgun, .38 revolver; and ammunition; and

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1 WHEREAS, by virtue of the facts set forth in the Plea Agreement, the United States
2 has established the requisite nexus between the forfeited properties and the offense of
3 conviction; and

4 WHEREAS, by virtue of Defendant's factual admissions and guilty plea to Count 1
5 of the Second Superseding Information, said properties are hereby ordered forfeited to the
6 United States, and it is now entitled to possession of said properties, pursuant to 18 U.S.C.
7 § 924(d) and 28 U.S.C. § 2461(c); and

8 WHEREAS, pursuant to Rule 32.2(b), the United States having requested the
9 authority to take custody of the following properties which are hereby found forfeitable by
10 the Court, namely: a 1911 style .45 caliber handgun, .38 revolver; and ammunition; and

11 WHEREAS, the United States, having submitted the Order herein to the Defendant
12 through her attorney of record to review, and no objections having been received.

13 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

14 1. Based upon the factual admissions of the Defendant and her guilty plea, the
15 United States is hereby authorized to take custody and control of the following assets, and
16 the Defendant has hereby forfeited to the United States all of her right, title, and interest to
17 said properties pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), for disposition in
18 accordance with the law, subject to the provisions of 21 U.S.C. § 853(n): a 1911 style .45
19 caliber handgun, .38 revolver; and ammunition.

20 2. The aforementioned forfeited assets are to be held by the Federal Bureau of
21 Investigation ("FBI") in its secure custody and control.

22 3. Pursuant to Rule 32.2(b) and (c), the United States is hereby authorized to
23 begin proceedings consistent with any statutory requirements pertaining to ancillary
24 hearings and rights of third parties. The Court shall conduct ancillary proceedings as the
25 Court deems appropriate only upon the receipt of timely third-party petitions filed with the
26 Court and served upon the United States. The Court may determine any petition without
27 the need for further hearings upon the receipt of the Government's response to any petition.
28 The Court may enter an amended order without further notice to the parties.

1 4. Pursuant to the Attorney General’s authority under Section 853(n)(1) of
2 Title 21, United States Code, Rule 32.2(b)(6), Fed. R. Crim. P., and Rule G(4) of the
3 Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the
4 United States forthwith shall publish for thirty (30) consecutive days on the Government’s
5 forfeiture website, www.forfeiture.gov, notice of this Order, notice of the United States’
6 intent to dispose of the properties in such manner as the Attorney General may direct, and
7 notice that any person, other than the Defendant, having or claiming a legal interest in the
8 above-listed forfeited properties must file a petition with the Court within thirty (30) days
9 of the final publication of notice or of receipt of actual notice, whichever is earlier.

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

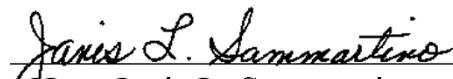
15 6. The United States must also, to the extent practicable, provide direct written
16 notice to any person known to have alleged an interest in the properties that is the subject
17 of the Preliminary Order of Criminal Forfeiture.

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

21 8. Pursuant to Rule 32.2(b)(4), this Order of Criminal Forfeiture shall be made
22 final as to the Defendant at the time of sentencing and is part of the sentence and included
23 in the judgment.

24 IT IS SO ORDERED.

25 Dated: January 12, 2022


26 Hon. Janis L. Sammartino
27 United States District Judge
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