

RP:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 08-60234-CR-ZLOCH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KARIN A. MARSHALL,

Defendant.

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**UNITED STATES' MOTION FOR A
FINAL ORDER OF FORFEITURE**

The United States of America moves for entry of a Final Order of Forfeiture pursuant to 18 U.S.C. § 982 and 21 U.S.C. § 853, as incorporated by 28 U.S.C. § 2461, and Fed. R. Crim. P. Rule 32.2(b)(2), and in support thereof submits the following points and authorities.

1. On August 28, 2008, the Grand Jury in the Southern District of Florida returned an Indictment in count 1, charging Karin A. Marshall, (hereinafter referred to as “defendant”) with knowingly devising a scheme and artifice to defraud and for obtaining money and property by means of material false and fraudulent pretenses, representations, and promises, well knowing that the pretenses, representations, and promises would be and were false and fraudulent when made. It was the object of the scheme and artifice for defendant Marshall to unjustly enrich herself by fraudulently

initiating and authorizing outgoing funds transfers from Global Technologies Group's corporate bank account with Bank of America by utilizing the Bank of America computer program thus directing the transfer of funds into either her own personal bank accounts with Bank of America and Washington Mutual Bank or into her husband's personal bank accounts, all in violation of Title 18, United States Code, Sections 1343 and 2.

2. The Indictment further sought the forfeiture to the United States of all property, real or personal, constituting or derived from proceeds obtained from the above stated offenses and all property traceable to such property, including but not limited to \$868,156 in United States currency pursuant to 21 U.S.C. § 853(p), 28 U.S.C. § 2461, and 18 U.S.C. §981(a)(1)(C).

3. On January 14, 2009, defendant Karin A. Marshall entered a plea of guilty to Count 1 of the Indictment, which charges the defendant with Wire Fraud, in violation of 18 U.S.C. §§ 1343 and 2. The defendant agreed, in paragraph 10, page 2 of her plea agreement, to forfeit all of her right, title, and interest in the following as property constituting or derived from proceeds the defendant obtained directly or indirectly as the result of such violation and/or as property used or intended to be used in any manner or part to commit or facilitate the commission of said violation to the United States:

- (a) \$18,977.98 from Bank of America account #004430450488
- (b) \$615.44 from Bank of America account #004685904213
- (c) \$980.27 from Bank of America account #91000061088821

4. One April 1, 2009, this Court entered a preliminary order of forfeiture, (DE #35) against the above listed property in this case representing the amount of proceeds obtained by the defendant, in favor of the United States of America pursuant to Title 21, U.S.C. § 853(p) and Title 18, U.S.C. § 982.

5. In accordance with 21 U.S.C. § 853(n)(1), and the Attorney General's authority to determine the manner of publication in a criminal case, notice of the Preliminary Order of Forfeiture was posted on an official government internet site (www.forfeiture.gov) for at least thirty (30) consecutive days, beginning on April 27, 2009 and ending on May 26, 2009.

6. The proof of the publication of the Notice of Forfeiture entitled "Declaration of Publication" was filed with the Clerk of the Court on May 29, 2009. (DE #39)

7. Under the provisions of Title 21, United States Code, Section 853(n)(2), a person claiming an interest in the property at issue must file a petition with the Court within thirty days of the publication of notice or his receipt of notice, whichever is earlier.

8. As of the date of this motion, no person or persons have filed a petition with the Court, pursuant to the notice of forfeiture and the deadline to do so expired. The United States is not aware of any persons or entities, other than defendant, who have an interest of record in the property identified in the Preliminary Order of Forfeiture in this action, as further identified in paragraph (3) above, who have not been given notice as required by law.

WHEREFORE, the United States respectfully requests that this Court enter a Final Order of Forfeiture which confirms that all right, title and interest in the property ordered forfeited by the Preliminary Order of Forfeiture in this action, property listed in paragraph 3 above, is hereby transferred, forfeited to and vested in the United States of America, pursuant to 18 U.S.C. § 982 and 21 U.S.C. § 853, as incorporated by 28 U.S.C. § 2461, and Rule

32.2 (b)(2), of the Federal Rules of Criminal Procedure.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 26, 2009, I electronically filed the foregoing documents, Motion and Order for Final Judgment of Forfeiture, with the Clerk of the Court using CM/ECF.

s/Roger W. Powell
ROGER W. POWELL
ASSISTANT UNITED STATES ATTORNEY

