

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) No. 09 CR 383
) Chief Judge Ruben Castillo
PEDRO FLORES and)
MARGARITO FLORES)

**UNOPPOSED MOTION OF THE UNITED STATES FOR ENTRY OF
PRELIMINARY ORDER OF FORFEITURE**

The United States of America, through ZACHARY T. FARDON, United States Attorney for the Northern District of Illinois, moves for entry of a preliminary order of forfeiture as to specific property pursuant to the provisions of Title 21, United States Code, Section 853, and Fed. R. Crim. P. 32.2, and in support thereof submits the following:

1. On January 5, 2012, a third superseding indictment was returned charging defendants PEDRO FLORES, MARGARITO FLORES and others, with violations of the Controlled Substances Act pursuant to the provisions of 21 U.S.C. § 841(a)(1), among other violations.

2. The third superseding indictment sought forfeiture to the United States of certain property, pursuant to the provisions of 21 U.S.C. § 853.

3. On August 22 and 23, 2012, pursuant to Fed R. Crim. P. 11, defendants PEDRO FLORES and MARGARITO FLORES entered voluntary pleas of guilty to Count One of the third superseding indictment charging them with a violation of the Controlled Substances Act, pursuant to the provisions of 21 U.S.C. § 846, thereby

making certain property named in the third superseding indictment subject to forfeiture.

4. Pursuant to the terms of the plea agreements, as a result of their violations of 21 U.S.C. § 846, the defendants PEDRO FLORES and MARGARITO FLORES agreed that the following property is subject to forfeiture:

(a) \$81,500 seized from Individual A on or about September 1, 2010;

(b) \$10,000 used as a down payment on a vacant lot seized from [REDACTED] on or about September 17, 2004;

(c) the principal balance, plus any accrued interest, held in the Client Fund Account deposited at [REDACTED], entitled [REDACTED] Client Fund Account [REDACTED] and bearing account number [REDACTED] Client Account”); and

(d) 2008 Land Rover, VIN: [REDACTED] seized from Individual A on or about September 2, 2010.

5. On June 24, 2013 the government and the defendants through their attorney motioned the Court to enter an Agreed Order directing all funds in the [REDACTED] Client Fund Account” be unrestrained \$300,000 be distributed to the defendants families and the remaining balance plus any accrued interest be delivered to the government. On July 10, 2014, a check in the amount of \$3,570,364.11 was delivered to the United States Attorney Office for deposit into the “U.S. Marshal Service Seized Asset Deposit Fund” pursuant to the terms of the Agreed Order and the defendants’ plea agreements.

6. Defendants PEDRO FLORES and MARGARITO FLORES further agreed to the entry of a preliminary order of forfeiture relinquishing any right, title

or ownership interest that they have in the foregoing property pursuant to 21 U.S.C. § 853, for disposition according to law.

7. Pursuant to the provisions of 21 U.S.C. § 853(g), upon entry of this preliminary order of forfeiture, the United States Marshal Service shall seize and take custody of \$81,500 seized from Individual A on or about September 1, 2010, funds in the amount of \$3,570,364.11 and 2008 Land Rover, VIN: [REDACTED] seized from Individual A on or about September 2, 2010 for disposition according to law. In addition, the Internal Revenue Service shall seize and take custody of \$10,000 used as a down payment on a vacant lot seized from [REDACTED] on or about September 17, 2004 for disposition according to the law.

8. Further, pursuant to the provisions of 21 U.S.C. § 853(n)(1), upon entry of a preliminary of forfeiture, the United States shall publish notice of this order and of its intent to dispose of the property according to law. The government may also, pursuant to statute, to the extent practicable, provide written notice to any person known to have alleged an interest in the property that is the subject of the preliminary order of forfeiture.

9. Further, pursuant to the provisions of 21 U.S.C. § 853(n)(2), if following notice as directed by this Court, and 21 U.S.C. § 853(n)(1), any person, other than the defendants, asserts an interest in the property that has been ordered forfeited to the United States, within thirty days of the final publication of notice or this receipt

of notice under paragraph eight (8), whichever is earlier, and petitions this court for a hearing to adjudicate the validity of this alleged interest in the property, the government shall request a hearing. The hearing shall be held before the Court alone, without a jury.

10. Following the Court's disposition of all third party interests, the Court shall, upon the government's motion, if appropriate, enter a final order of forfeiture as to the property which is the subject of this preliminary order of forfeiture, which shall vest clear title in the United States of America.

11. The United States requests that the terms and conditions of this preliminary order of forfeiture entered by this Court be made part of the sentence imposed against defendants PEDRO FLORES and MARGARITO FLORES and included in any judgment and commitment orders entered in this case against them.

WHEREFORE, pursuant to the provisions of 21 U.S.C. § 853(a)(1) and (2), and Fed. R. Crim. P. 32.2, the United States requests that this Court enter a preliminary order of forfeiture as to the foregoing property, in accordance with the draft preliminary order of forfeiture which is submitted herewith.

Respectfully submitted,

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United States Attorney

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CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following document:

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was served November 24, 2014, in accordance with Fed. R. Crim. P. 49, Fed. R. Civ. P. 5, LR5.5, and the General Order on Electronic Case filing pursuant to the District Court's Electronic Case Filing (ECF) system as to ECF filers.

Respectfully submitted,
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