

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA : CONSENT ORDER OF
: FORFEITURE/PRELIMINARY
- v. - : ORDER OF FORFEITURE
: AS TO SPECIFIC PROPERTY
KAREEM BURKE, :
a/k/a "Biggs," : S12 10 Cr. 905 (LTS)
: Defendant. :
- - - - -x

WHEREAS, on or about November 9, 2010, KAREEM BURKE, a/k/a "Biggs," (the "defendant"), among others, was charged in Counts One and Two of a ten-count Indictment, S12 10 Cr. 905 (LTS) (the "Indictment"), with conspiracy to distribute and possess with intent to distribute a controlled substance involving 1,000 kilograms and more of mixtures and substances containing a detectable amount of marijuana, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A) (Count One); and with conspiracy to distribute a controlled substance involving 1,000 kilograms and more of marijuana, in violation of Title 21, United States Code, Sections 846 (Count Two);

WHEREAS, the Indictment included a forfeiture allegation, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting and derived from any proceeds obtained directly or indirectly as a result of the offenses and any and all property used and intended to be used in any manner and part

to commit and to facilitate the commission of the controlled substances offenses alleged in Counts One and Two of the Indictment, including but not limited to the following:

a. a sum of at least \$50 million in United States currency, representing the amount of all proceeds obtained as a result of the controlled substance offenses alleged in Counts One and Two; and

b. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 26 Bergen Ridge Road, North Bergen, New Jersey 07047 (the "Bergen Ridge Property"); and

c. approximately \$15,000 in United States currency seized on or about October 15, 2010, from 26 Bergen Ridge Road, North Bergen, New Jersey 07047 (the "Seized Currency");

WHEREAS, on or about March 14, 2011, the Government filed a Bill of Particulars identifying the following property as being subject to forfeiture as a result of the offenses described in Counts One and Two of the Indictment:

a. One 2010 BMW 750LI, VIN# WBAKC8C56ACY68281 (the "BMW" and, together with the Bergen Ridge Property and the Seized Currency, the "Specific Property");

WHEREAS, on or about March __, 2012, the defendant pled guilty to a lesser-included offense of Count Two of the

Indictment, to wit, to conspiring to possess with the intent to distribute and conspiring to distribute more than 100 kilograms of marijuana, in violation of Title 21, United States Code, Sections 812, 841(b)(1)(B), and 846, and admitted to the forfeiture allegation, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation and agreed to forfeit: (i) a sum of money equal to \$660,000 in United States currency, representing all property constituting and derived from any proceeds the defendant obtained directly or indirectly as a result of offense charged in Count Two and any and all property used and intended to be used in any manner and part to commit and to facilitate the commission of the offense charged in Count Two of the Indictment; and (ii) all right, title and interest of the defendant in the Specific Property;

WHEREAS, pursuant to Title 21, United States Code, Section 853(g) and Rules 32.2(b)(3) and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any person who reasonably appears to be a potential claimant of its interest therein;

IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiff, United States of America, by its attorney Preet

Bharara, United States Attorney, Assistant United States Attorney Amie N. Ely, of counsel, and the defendant, and his counsel, Joseph A. Bondy, Esq. that:

1. As a result of the offense charged in Count Two of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$660,000 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. As a result of the offense charged in Count Two of the Indictment, all of the defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States code, Section 853. The value of property subject to a final order of forfeiture as a result of the forfeiture of the BMW and the Seized Currency shall be credited towards partial satisfaction of the Money Judgment.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Order of Forfeiture, this Order is final as to the defendant, KAREEM BURKE, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

4. Upon entry of this Preliminary Order of Forfeiture, the United States Customs and Border Protection (or its designee) is authorized to seize the Specific Property and hold the Specific Property in its secure, custody and control.

5. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture. Any person, other than the defendant in this case, claiming an interest in the Specific Property must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

6. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title and interest in the Specific Property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

7. Pursuant to Rule 32.2(b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to

any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all third-party interests will be addressed.

9. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Customs and Border Protection, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007, and shall indicate the defendant's name and case number.

10. Upon execution of this Preliminary Order of Forfeiture, and pursuant to Title 21, United States Code, Section 853, the United States Customs and Border Protection (or its designee) shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

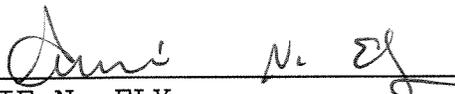
11. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

12. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Preliminary Order of Forfeiture, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

13. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Michael D. Lockard, One St. Andrew's Plaza, New York, New York, 10007.

AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York

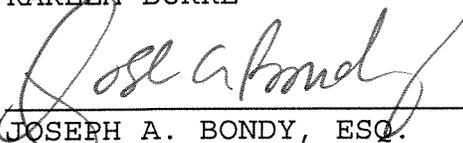
By: 
AMIE N. ELY
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2214

3/15/2012
DATE

KAREEM BURKE
DEFENDANT

By: 
KAREEM BURKE

3.16.2012
DATE

By: 
JOSEPH A. BONDY, ESQ.
Attorney for Defendant
Law Offices of Joseph A. Bondy
148 East 78th Street,
New York, New York 10075-0406

3.16.2012
DATE

SO ORDERED:


HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

3/15/12
DATE