

ARW:md

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.09-20347-CR-MARTINEZ

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTONIO PEREZ,

Defendant.

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**PRELIMINARY ORDER OF FORFEITURE**

THIS CAUSE is before the Court upon motion of the United States for entry of a preliminary order of forfeiture. Being fully advised in the premises and based on the motion of the United States and the record in this matter and for good cause shown thereby, the Court finds as follows with respect to forfeiture in this action as to defendant **ANTONIO PEREZ** (hereinafter referred to as "defendant"):

1. In the Information (DE #1) in the above-styled case, the government sought forfeiture, pursuant to Title 18, United States Code, Section 981(a)(1)(C), as made applicable by Title 28, United States Code, Section 2461(c), of any property constituting or derived from proceeds traceable to the commission of the violation of the Foreign Corrupt Practices Act, Title 15, United States Code, Section 78dd, including the sum of \$36,375.00 in U.S. currency.

2. On April 27, 2009, pursuant to a written plea agreement (DE #13), the defendant pled guilty to the Information, and agreed to forfeit to the United States all of his right, title and interest in the above property as constituting or derived from proceeds obtained from the commission of the offense to which he had pled guilty.

Therefore, in consideration of the Plea Agreement between the defendant and the United States, and upon motion of the United States and for good cause shown thereby, it is hereby:

**ORDERED** that,

1. All right, title and interest of defendant **ANTONIO PEREZ** in the sum of **\$36,375.00 in United States currency** is hereby forfeited to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C), as made applicable by Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853.

2. The Internal Revenue Service, or any duly authorized law enforcement official, as soon as practicable, shall seize and take custody of the property identified herein above as forfeited under this order, pursuant to Title 21, United States Code, Section 853(g).

3. The United States shall publish notice of this Order in accordance with Federal Rules of Criminal Procedure 32.2(b)(6). The notice shall state that any person, other than the defendant, having or claiming a legal interest in the property ordered forfeited by this Order must file a petition with the Court for a hearing to adjudicate the validity of the petitioner's alleged interest in the property; the petition shall be signed by the petitioner under penalty of perjury, shall set forth the nature and extent of the petitioner's right, title and interest in the forfeited property and the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property; and shall set forth any additional facts supporting the petitioner's claim and the relief sought.

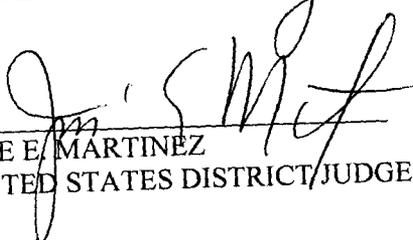
4. The United States shall provide, to the extent practicable, direct written notice to any person who reasonably appears to have standing to contest the forfeiture of the property that is subject of this Order of Forfeiture, in addition to any published notice.

5. The United States is further authorized, pursuant to Title 21, United States Code, Section 853(m) and Fed. R. Crim. P. Rule 32.2(c)(1), to conduct any discovery necessary, including depositions, to identify, locate or dispose of the property ordered forfeited herein or in order to expedite ancillary proceedings related to any third party petition claims filed with respect to the forfeited property.

It is further **ORDERED**, pursuant to Fed. R. Crim. P. 32.2(b)(4), that at sentencing this Order of Forfeiture shall become final as to the defendant and shall be incorporated into the defendant's sentence and included in the judgment entered with respect to the defendant.

It is further **ORDERED** that upon adjudication of all third-party interests, if any, this Court will enter a Final Order of Forfeiture pursuant to Title, 21, United States Code, Section 853(n), in which all interests will be addressed. If no claims are filed within thirty (30) days of the final date of publication or receipt of actual notice, whichever is earlier, then, pursuant to 21 U.S.C. § 853(n)(7), this Order shall be deemed a final order of forfeiture, and the Internal Revenue Service, or any duly authorized law enforcement official, shall dispose of the property forfeited hereunder according to law.

**DONE AND ORDERED** at Miami, Florida this 5 day of January 2010.

  
JOSE E. MARTINEZ  
UNITED STATES DISTRICT JUDGE