UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-CR-20326-KMM

UNITED STATES OF AMERICA

v.

ANDRE LORQUET,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

THIS MATTER is before the Court upon motion of the United States of America (the "United States") for entry of a Preliminary Order of Forfeiture ("Motion") against Defendant Andre Lorquet (the "Defendant"). The Court has considered the Motion, is otherwise advised in the premises, and finds as follows:

On July 21, 2022, a federal grand jury returned an Indictment charging the Defendant with money laundering in violation of 18 U.S.C. § 1957, among other counts. Indictment, ECF No. 1. The Indictment also contained forfeiture allegations, which alleged that upon conviction of a violation of 18 U.S.C. § 1957, the Defendant shall forfeit to the United States any property, real or personal, involved in such offense, and any property traceable to such property, pursuant to 18 U.S.C. § 982(a)(1). *Id.* at 10. The Indictment identified assets subject to forfeiture, including one 2022 Lamborghini Urus, VIN# ZPBUA1ZL1NLA16143. *Id.*

The Defendant sold the Lamborghini on or about November 15, 2022. *See* Declaration of Special Agent Jose Hernandez, attached as Exhibit A. The proceeds from the sale of the Lamborghini were deposited in a Bank of America account number 8981 0729 7999 in the name of The B Murray Group. *Id.*

On December 1, 2022, the Court entered a Protective Order. ECF No. 18. The Protective Order enjoined and restrained certain vehicles to preserve their availability for criminal forfeiture, including the 2022 Lamborghini Urus, VIN# ZPBUA1ZL1NLA16143. *Id.* In the Protective Order, based upon a probable cause finding, the Court enjoined the Defendant, his agents and representatives, from selling and transferring the restrained vehicles without prior Court approval and notice to the United States. *Id.*

On January 24, 2023, the Court accepted the Defendant's guilty plea to Counts 7 and 9 of the Indictment. *See* Minute Entry, ECF No. 43, 44, 50; Plea Agreement, ECF No. 45. As part of the guilty plea, the Defendant agreed to the entry of a forfeiture money judgment in the amount of $329,195 and the forfeiture of certain property to be applied towards satisfaction of the forfeiture money judgment. ECF No. 45. Specifically, among other provisions in the Plea Agreement, the Defendant agreed to the following:

> 12. The defendant agrees, in an individual and any other capacity, to forfeit to the United States, voluntarily and immediately, any right, title, and interest to any property, real or personal, involved in the violation of 18 U.S.C. § 1957 and any property traceable to such property, pursuant to 18 U.S.C.§ 982(a)(1). In addition, the defendant agrees to forfeiture of substitute property pursuant to 21 U.S.C.§ 853(p). The property subject to forfeiture includes, but is not limited to:
>
> a. a forfeiture money judgment in the sum of $329,195 in U.S. currency, which sum represents the value of the property subject to forfeiture;
>
> b. directly forfeitable property to be applied towards satisfaction of the forfeiture money judgment, including but not limited to, approximately $92,000 in Bank of America account number 8981 0729 7999 in the name of The B Murray Group LLC; and
>
> c. substitute property to be applied towards satisfaction of the forfeiture money judgment, including but not limited to:
>
> i. One (1) 2022 Tesla Plaid, VIN# 5YJSA1E66NF460071; and
>
> ii. Approximately $100,358.73 in insurance proceeds for one (1) 2019 Porsche Panamera GTS, VIN# WP0AG2A77KL139387.

Plea Agreement ¶ 12.

In support of the guilty plea, the Defendant executed a Factual Proffer, and the Court found that there was a factual basis to support the Defendant's conviction. *See* Factual Proffer, ECF No. 47. The Factual Proffer also provided a basis for the forfeiture of property. *See id.*

As set forth in the factual proffer, the Defendant laundered the proceeds from his wire fraud to obtain an SVOG grant, through transfer in the approximate amount of $329,195 for the purchase of a Lamborghini Urus, VIN # ZPBUA1ZL1NLA16143. ECF No. 47. Based on the record in this case, the total value of the property involved in the offense of conviction is $329,195 in U.S. currency, which sum may be sought as a forfeiture money judgment pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

The Defendant sold the Lamborghini, the property involved in the money laundering, on or about November 15, 2022. Ex. A. On November 15, 2022, the buyer wired $240,000 to purchase the Lamborghini to Bank of America account number 8981 0729 7999 in the name of The B Murray Group. *Id.* Account 7999 transferred $115,000 to Account 6905, from where those funds were withdrawn and spent. *Id.* This left approximately $125,000 from the sale of the Lamborghini in Account 7999, which were spent down until only $92,000 remained in the account, which is proceeds from sale of the Lamborghini. *Id.* Based on the record in this case, the following specific property is directly subject to forfeiture, pursuant to 18 U.S.C. 982(a)(1):

i. approximately $92,000 in U.S. currency in Bank of America account number 8981 0729 7999 in the name of The B Murray Group LLC.

The United States has also not been able to locate all of the directly forfeitable property. It is the conclusion of HSI Special Agent Jose Hernandez that other directly forfeitable property cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty. Ex. A. Thus, pursuant to 21 U.S.C. § 853(p), the United States is authorized to forfeit substitute property, and the following property should be forfeited to satisfy the forfeiture money judgment:

i. One (1) 2022 Tesla Plaid, VIN# 5YJSA1E66NF460071; and

ii. Approximately $100,358.73 in insurance proceeds from Coast National Insurance for one (1) 2019 Porsche Panamera GTS, VIN# WP0AG2A77KL139387.

Accordingly, based on the foregoing, the evidence in the record, and for good cause shown, the Motion is **GRANTED**, and it is hereby **ORDERED** that:

1. Pursuant to 18 U.S.C. § 982(a)(1), 21 U.S.C. § 853, and Rule 32.2 of the Federal Rules of Criminal Procedure, a forfeiture money judgment in the amount of $329,195 is hereby entered against the Defendant.

2. Pursuant to 18 U.S.C. § 982(a)(1), the following specific property is hereby forfeited and vested in the United States of America, and should be forfeited to satisfy the forfeiture money judgment:

i. Approximately $92,000 in U.S. currency in Bank of America account number 8981 0729 7999 in the name of The B Murray Group LLC.

3. Pursuant to 21 U.S.C. § 853(p), the following substitute property is hereby forfeited and vested in the United States of America, and should be forfeited to satisfy the forfeiture money judgment:

i. One (1) 2022 Tesla Plaid, VIN# 5YJSA1E66NF460071; and

ii. Approximately $100,358.73 in insurance proceeds from Coast National Insurance for one (1) 2019 Porsche Panamera GTS, VIN# WP0AG2A77KL139387.

4. Any duly authorized law enforcement agency may seize and take possession of the forfeited property according to law.

5. The United States shall send and publish notice of the forfeiture in accordance with Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n).

6. The United States is authorized to conduct any discovery that might be necessary to identify, locate, or dispose of forfeited property, and to resolve any third-party petition, pursuant to Rule 32.2(b)(3), (c)(1)(B) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(m).

7. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Order is final as to the Defendant.

8. The Court shall retain jurisdiction in this matter for the purpose of enforcing this Order, and pursuant to Rule 32.2(e)(1) of the Federal Rules of Criminal Procedure, shall amend this Order, or enter other orders as necessary, to forfeit additional specific property when identified.

It is further **ORDERED** that upon adjudication of all third-party interests, if any, the Court will enter a final order of forfeiture as to the property in which all interests will be addressed. Upon notice from the United States that no claims have been filed within 60 days of the first day of publication or within 30 days of receipt of notice, whichever is earlier, then, pursuant to Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(7), this Order shall become a Final Order of Forfeiture and any duly authorized law enforcement agency shall dispose of the property in accordance with applicable law.

DONE AND ORDERED in Miami, Florida, this ________ day of February 2023.

K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE