

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

BERN BENOIT A/K/A BURN BENOIT.

CRIMINAL ACTION NO.

1:20-CR-296-JPB-AJB

MOTION FOR FINAL ORDER OF FORFEITURE

COMES NOW the United States of America (United States), pursuant to Rule 32.2(c) of the Federal Rules of Criminal Procedure and moves the Court for a final order of forfeiture. In support thereof, the United States states the following:

Defendant Bern Benoit, a/k/a Burn Benoit, pleaded guilty to Count Seven of the Indictment. The Consent Preliminary Order of Forfeiture was entered on March 12, 2021 [Doc. 101], forfeiting the following property to the United States pursuant to 18 U.S.C. § 982(a)(2):

- a. \$431,408.28 in funds seized from JPMorgan Chase Bank account number XXXXXX6415 held in the name of Transportation Management Services, Inc.; and
- b. \$30,025.08 in funds seized from JPMorgan Chase Bank account number XXXXXX9428 held in the name of Bern Benoit.

Pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 18 U.S.C. § 982(b)(1), the United States posted notice of the forfeiture action on the official government

internet site forfeiture.gov for at least thirty consecutive days beginning on March 16, 2021, and ending on April 14, 2021 [Doc. 122].

Unless excused, anyone claiming an interest in the funds must file a petition with the Court requesting a hearing to adjudicate that interest. Such a petition must be filed “within thirty days of the final publication of notice or his receipt of notice...whichever is earlier”. 21 U.S.C. § 853(n)(2). No one has filed a petition in this criminal ancillary proceeding and the time to do so has expired. Thus, the funds should be forfeited to the United States pursuant to Fed. R. Crim. P. 32.2(c)(2) and 18 U.S.C. § 982(a)(2).

WHEREFORE, the United States respectfully requests that this Court enter a final order of forfeiture allowing the United States to dispose of the funds according to law.

Respectfully submitted,

KURT R. ERSKINE

Acting United States Attorney

/s/ **RADKA T. NATIONS**

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Certificate of Service

I served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

May 20, 2021

/s/ RADKA T. NATIONS

RADKA T. NATIONS
Assistant United States Attorney