

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:20-cr-114-JES-MRM

CASEY DAVID CROWTHER

**UNITED STATES' MOTION FOR FINAL ORDER
OF FORFEITURE FOR DIRECT ASSETS**

Pursuant to 21 U.S.C. § 853(n)(7) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, the United States of America moves for a Final Order of Forfeiture for Direct Assets for the following assets:

- a. a 2020 40' Invincible Catamaran, Hull ID# IVBC0076D920, registered to and owned by the defendant (the Catamaran); and
- b. approximately \$630,482.37 received from the sale of the real property located at 3653 San Carlos Drive, Saint James City, Florida 33956, in lieu of the property itself (the Real Property).

In support thereof, the United States submits the following memorandum of law.

MEMORANDUM OF LAW

I. Statement of Facts

1. On June 25, 2021, the Court entered a Preliminary Order of Forfeiture forfeiting to the United States all right, title, and interest of the defendant in the assets identified above, pursuant to 18 U.S.C. §§ 982(a)(1), and 982(a)(2)(A). Doc. 157. In accordance with the provisions of 21 U.S.C. § 853(n), the United States

published notice of the forfeiture, and of its intent to dispose of the assets on the official government website, www.forfeiture.gov, beginning on June 26, 2021, and ending on July 25, 2021. Doc. 178. The publication gave notice to all third parties with a legal interest in the assets to file with the Office of the Clerk, United States District Court, 2110 First Street, Suite 2-194, Ft. Myers, Florida 33901, a petition to adjudicate their interest within 60 days of the first date of publication.

2. To date, no third parties have filed a Petition to Adjudicate Interest in the assets, and the time for filing such Petitions has expired.

3. Consequently, the United States now seeks a final order of forfeiture for the assets.

II. Applicable Law

When all third-party petitions have been adjudicated, or if no petitions are filed, it is appropriate for the Court to enter a final order of forfeiture in accordance with Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure. In addition, 21 U.S.C. § 853(n)(7) provides that following the disposition of all petitions, or if no petitions are timely filed in accordance with 21 U.S.C. § 853(n)(2), “the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.” 21 U.S.C. § 853(n)(7).

As required by section 853(n), the United States published notice of the forfeiture, and of its intent to dispose of the assets on the official government website,

www.forfeiture.gov, beginning on June 26, 2021, and ending on July 25, 2021.

Doc. 178. Publication by internet is permitted in civil cases pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Assets Forfeiture Actions, of the Federal Rules of Civil Procedure. Federal Rule of Criminal Procedure 32.2(b)(6)(C) provides that publication of notice of criminal forfeiture may be made by any means described in Supplemental Rule G(4)(a)(iv).

The internet publication notified all who might have an interest in the assets of the United States' intent to dispose of such property and provided instructions on filing a petition to adjudicate an interest in the property. In accordance with the above-referenced provisions, a person or entity had 60 days from the first date of publication to file a petition with the District Court. Here, the first date of internet publication on www.forfeiture.gov was June 26, 2021. Thus, the final date for filing a petition to adjudicate interest in the assets was on August 25, 2021, and the time for filing such petitions has expired.

No person, other than the defendant, whose interest was forfeited to the United States in the Preliminary Order of Forfeiture, is known to have any potential interest in the assets. No additional party has filed a petition or claimed an interest in the assets. The time for filing a petition has expired.

Publication having been effected, and no claim or petition to adjudicate an interest having been filed, it is now appropriate for the Court to enter a Final Order of Forfeiture for the assets identified on page one, above.

The net proceeds from the forfeiture and sale of any specific assets will be credited to and reduce the defendant's Order of Forfeiture.

III. Conclusion

WHEREFORE, the United States respectfully requests that, pursuant to 21 U.S.C. § 853(n)(7) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, this Court enter a final order, forfeiting to the United States all right, title and interest in the assets, for disposition according to law, and vesting clear title to said property in the United States of America.

Respectfully Submitted,

KARIN HOPPMANN
Acting United States Attorney

By: s/Suzanne C. Nebesky
SUZANNE C. NEBESKY
Assistant United States Attorney
Florida Bar Number 59377
400 N. Tampa Street, Suite 3200
Tampa, Florida 33602
(813) 274-6000 – telephone
E-mail: suzanne.nebesky@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel of record.

s/Suzanne C. Nebesky

SUZANNE C. NEBESKY

Assistant United States Attorney