

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

UNITED STATES OF AMERICA

v.

DARRELL THOMAS

Criminal Action No.

1:20-cr-00296-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 shows the following:

Defendant Darrell Thomas pleaded guilty to Counts One and Eighteen of the Criminal Indictment, pursuant to a written plea agreement, in which he agreed to, among other things, forfeit certain property to the United States. The Consent Preliminary Order of Forfeiture was entered on August 4, 2021 [Doc. 265], forfeiting the following property to the United States pursuant to 18 U.S.C. §§ 982(a)(1) and (2):

- a. \$341,151.47 in funds seized from Bank of America account number XXXXXX3940 held in the name of Bellator Phront Group, LLC.
- b. \$1,113,113.97 in funds seized from Bank of America account number XXXXXX4823 held in the name of Elite Executive Services, Inc.
- c. \$536,875.00 in funds seized from Bank of America account number XXXXXX8102 held in the name of Bellator Phront Group, Inc.

- d. \$131,610.00 in United States Currency.
- e. 2018 Land Rover Range Rover Autobiography, VIN SALGW2SE2JA503793.
- f. 2018 Mercedes Benz S-Class S65 AMG, VIN WDDUG7KB5JA408046.
- g. 2017 Acura NSX, VIN 19UNC1B08HY000536.
- h. Men's yellow gold Rolex with diamond bezel and dial.
- i. 18K yellow gold Cuban link necklace with diamonds in clasp.
- j. 18K yellow gold Cuban link bracelet with diamonds in clasp.

A Supplemental Consent Preliminary Order of Forfeiture was entered on May 9, 2022, [Doc. 468], forfeiting the following additional property to the United States:

- a. \$151,395.22 in funds seized from MetaBank account number XXXXXXXX6687 held in the name Rapid Pay Card for Bellator Phront Group, LLC.

Pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c), the United States is required to publish notice of the preliminary order of forfeiture and “may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the” subject property. Here, 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 August 12, 2021, and ending on September 10, 2021 [Doc. 398]. The United States posted supplemental notices beginning October 27, 2021, and ending on November 25,

2021 [Doc. 399], and beginning May 13, 2022, and ending on June 11, 2022 [Doc. 501].

The United States also sent notice of the forfeiture to all known third parties who may have an interest in the assets. Specifically, notice of the forfeiture was sent to the following entities and individuals:

- On June 3, 2022, notice of this forfeiture was delivered to Auto Pawn of Daytona, which had an alleged ownership interest in the 2017 Acura NSX, VIN 19UNC1B08HY000536
- On June 9, 2022, notice of this forfeiture was delivered to Laytanya Chennet Tarver, who had an alleged ownership interest in the 2017 Acura NSX, VIN 19UNC1B08HY000536
- On or about May 31, 2022, the United States sent notice of this forfeiture action to Nathalie Ferreir Concepcion, who had an alleged ownership interest in the 2017 Acura NSX, VIN 19UNC1B08HY000536. According to the United States Postal Service tracking system, the certified-mailed notice is still in transit, but the notice mailed via regular U.S. has not been returned.

The Government is not aware of any other person who has an ownership interest in the property to whom direct written notice may have been provided.

Unless excused, anyone claiming an interest in the property 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).

On July 1, 2022, Attorney Gregory Snell filed a petition on behalf of William Shaffer d/b/a Daytona Beach Imports Inc d/b/a Auto Pawn of Daytona as to the 2017 Acura NSX, VIN 19UNC1B08HY000536. [Doc 510]. On December 16, 2022, the United States entered into a Stipulated Settlement Agreement as to Daytona Beach Imports Inc d/b/a Auto Pawn of Daytona (“Claimant”). (Doc. 644). The United States agreed that, upon entry of a Final Order of Forfeiture of the 2017 Acura NSX, VIN 19UNC1B08HY000536, and the sale of the vehicle, the United States will pay Claimant \$50,000.00 in full settlement and satisfaction of any and all claims by Claimant to this vehicle. (Doc. 644 ¶ 3).

No one else has filed a petition in this criminal ancillary proceeding and the time to do so has expired. Thus, the property should be forfeited to the United States pursuant to Fed. R. Crim. P. 32.2(c)(2), and 18 U.S.C. § 982(a)(1) and (2).

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

- a. \$341,151.47 in funds seized from Bank of America account number XXXXXX3940 held in the name of Bellator Phront Group, LLC.
- b. \$1,113,113.97 in funds seized from Bank of America account number XXXXXX4823 held in the name of Elite Executive Services, Inc.

- c. \$536,875.00 in funds seized from Bank of America account number XXXXXX8102 held in the name of Bellator Phront Group, Inc.
- d. \$131,610.00 in United States Currency.
- e. 2018 Land Rover Range Rover Autobiography, VIN SALGW2SE2JA503793.
- f. 2018 Mercedes Benz S-Class S65 AMG, VIN WDDUG7KB5JA408046.
- g. 2017 Acura NSX, VIN 19UNC1B08HY000536.
- h. Men's yellow gold Rolex with diamond bezel and dial.
- i. 18K yellow gold Cuban link necklace with diamonds in clasp.
- j. 18K yellow gold Cuban link bracelet with diamonds in clasp.
- k. \$151,395.22 in funds seized from MetaBank account number XXXXXXXX6687 held in the name Rapid Pay Card for Bellator Phront Group, LLC.

Respectfully submitted,

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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.

March 7, 2023

/s/ RADKA T. NATIONS

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Assistant United States Attorney