UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
v.	)	**No. 1:21-CR-69**
DONNA J. CLARK,	)	**JUDGE ATCHLEY/STEGER**
Defendant.	)	

AGREED PRELIMINARY ORDER OF FORFEITURE

On August 6, 2021, an Indictment (Doc. 1) was filed charging Defendant, Donna J. Clark, with wire fraud, in violation of 18 U.S.C. § 1343 (Count One), in addition to other charges.

In the forfeiture allegations of the Indictment, the United States sought forfeiture of Defendant's interest in any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the offense set forth in Count One, pursuant to 18 U.S.C. § 982(a)(2).

An Amended Plea Agreement (Doc. 18) was filed on December 22, 2021. On January 19, 2022, Defendant pled guilty to Count One of the Indictment and agreed to facts sufficient to support the plea and forfeiture of properties as set forth in the Amended Plea Agreement. By virtue of Defendant's guilty plea, this Court has determined the properties listed therein are subject to forfeiture pursuant to 18 U.S.C. § 982(a)(2). Further, the United States has established the requisite nexus between the properties and the offense charged in Count One of the Indictment, to which Defendant pled guilty.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. Based on the guilty plea of Defendant for the violation of 18 U.S.C. § 1343, as set forth in the Indictment, and pursuant to the Amended Plea Agreement and Federal Rule of Criminal Procedure 32.2(b)(2)(A), Defendant's right, title, and interest in the following properties are hereby forfeited to the United States pursuant to 18 U.S.C. § 982(a)(2):

a. $460.00 U.S. currency seized from the residence of Donna J. Clark on July 19, 2021;

b. $20,000.00 official check (#1003749082) from BB&T payable to Donna Clark dated July 17, 2021;

c. Funds up to the amount of $53,038.13 in BB&T Bank account number 1430001294316 held in the name of Donna J. Clark; and

d. Funds up to the amount of $15,000.00 in First Volunteer Bank account number 2000294039 held in the name of Donna J. Clark.[1]

2. The forfeited properties are to be held by the United States Marshals Service or its designated representative, until the investigation is complete.

3. Pursuant to Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall give notice of its intent to dispose of the properties in such a manner as the United States Attorney General may direct. The Notice shall provide that any person other than Defendant, having or claiming a legal interest in the above-listed properties must file a petition with the Court within sixty (60) days from the first day of publication of the Notice on the official Government website, which is www.forfeiture.gov.

4. The Notice shall also state that the petition for a hearing to adjudicate the validity of the petitioner's alleged interest in the properties shall be signed by the petitioner under penalty

[1]Defendant also agreed to a money judgment in the amount of $110,125.50, as set forth in the Amended Plea Agreement. The money judgment will be addressed in a separate Order of Forfeiture.

of perjury and shall set forth the nature and extent of the petitioner's right, title, and interest in the properties, the time and circumstances of the petitioner's acquisition of the right, title, and interest in the properties and any additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written Notice to any person, as a substitute for published Notice as to those persons so notified. *See* 21 U.S.C. § 853(n).

5. Upon adjudication of all other or third-party interests in the properties, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1).

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

ENTER:

CHARLES E. ATCHLEY, JR.
United States District Judge

Submitted by:

FRANCIS M. HAMILTON III
United States Attorney

By: Steven S. Neff
____
Steven S. Neff, GA BPR # 537187
Assistant United States Attorney
1110 Market Street, Ste. 515
Chattanooga, Tennessee 37402
(423) 752-5140
Steven.Neff@usdoj.gov

Donna Clark
____
Donna J. Clark
Defendant

Gianna Maio
____
Gianna Maio, TN BPR # 24579
Attorney for the Defendant
One Central Plaza, Suite 600
835 Georgia Avenue
Chattanooga, Tennessee 37402
(423) 756-4349
Gianna_Maio@fd.org