

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

UNITED STATES OF AMERICA,

v.

Case No.: 4:22-cr-00032-
MW/MAF

FELICIA TIFFANY JACKSON-
STANLEY AND
WILBERT JEAN STANLEY, III,

Defendants.

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**UNOPPOSED MOTION BY THIRD PARTY AMERICAN COMMERCE
BANK, N.A. FOR EXTENSION OF TIME TO FILE PETITION
ADJUDICATING INTEREST IN PROPERTY SUBJECT
TO THE COURT'S PRELIMINARY ORDER OF FORFEITURE**

Third Party, American Commerce Bank, N.A. ("American Commerce Bank"), pursuant to Fed. R. Crim. P. 45 and N.D. Fla. Loc. R. 6.1, respectfully moves for an extension of time within which to file a petition under 21 U.S.C. § 853(n)(2) and Fed. R. Crim. P. 32.2(a)(1)(A) asserting a legal interest in certain real property subject to the Preliminary Order of Forfeiture (Dkt. 41), to and through February 17, 2023. The United States concurs with the requested relief.

On November 29, 2022, this Court entered a Preliminary Order of Forfeiture identifying several parcels of real property as well as various items of personal property subject to forfeiture. (Dkt. 41) American Commerce Bank has an interest in certain of the parcels identified in the Preliminary Order

of Forfeiture and intends to assert its rights thereto. On or about January 5, 2023, pursuant to 21 U.S.C. § 853(n), the United States Attorney's Office for the Northern District of Florida sent via certified mail notice to American Commerce Bank of the pending forfeiture action with instructions for filing a claim. Thirty days from the date of such mailing would fall on Saturday February 4, 2023. Thus, under Fed. R. Crim. P. 45(a)(1)(C), the deadline to file a petition asserting an interest in the identified property in the Preliminary Order of Forfeiture falls on the next business day, Monday February 7, 2023.

There are discussions among American Commerce Bank, the United States and Defendants in this proceeding with respect to the real property in which American Commerce Bank claims an interest that may obviate the need for American Commerce Bank to file a petition under 21 U.S.C. § 853(n)(2) and Fed. R. Crim. P. 32.2(a)(1)(A). American Commerce Bank respectfully requests that the deadline to file its petition be extended for a limited period, to February 17, 2023, to allow time for that process to be completed.

MEMORANDUM OF LAW

Rule 45(b)(1)(A) of the Federal Rules of Criminal Procedure allows for the enlargement of time on motion made before the original time has expired upon a showing of good cause. As explained above, the time for American

Commerce Bank to file a petition under 21 U.S.C. § 853(n)(2) and Fed. R. Crim. P. 32.2(a)(1)(A) has not expired. The circumstances referenced herein constitute good cause for the requested extension of time. Further, no prejudice will accrue to the parties or to the management of this matter, as the requested extension is of limited duration and the United States has concurred with the request. Therefore, American Commerce Bank respectfully requests that this Court exercise its discretion and grant an extension to American Commerce Bank to and through February 17, 2023 to file a petition under 21 U.S.C. § 853(n)(2) and Fed. R. Crim. P. 32.2(a)(1)(A).

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(B)

Undersigned counsel certifies that he has conferred with the Assistant United States Attorney assigned to this matter, and the United States concurs with the relief being requested by this motion.

Dated: February 3, 2023

BURR & FORMAN LLP

**CHRISTOPHER R. THOMPSON,
ESQ.**

Florida Bar Number: 0093102
200 South Orange Avenue, Suite 800
Orlando, Florida 32801
Telephone: (407) 540-6600
Primary and Secondary E-mail
Addresses:
crthompson@burr.com
dmartini@burr.com

By: /s/ Adam R. Smart

ADAM R. SMART, ESQ.

Florida Bar No.: 1032572
50 North Laura Street, Suite 3000
Jacksonville, Florida 32202
Telephone: (904) 232-7200
**Primary and Secondary E-mail
Addresses:**
asmart@burr.com
jmlewis@burr.com

**ATTORNEYS FOR AMERICAN
COMMERCE BANK, N.A.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on February 3, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send electronic notice of the filing to all parties.

/s/ Adam R. Smart

Attorney