

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:25-cr-00057

JAMES LOMAX

ORDER OF FORFEITURE

WHEREAS, the defendant, JAMES LOMAX, appeared before this Court, with the assistance of counsel on April 23, 2025, and pled guilty to the Information, which charged him with a violation of 18 U.S.C. § 641(theft of public money, property or records);

Whereas, the Information also included a forfeiture allegation against the defendant seeking a forfeiture money judgment in the amount of \$13,312.00 in United States currency, more or less, to the United States pursuant to 18 U.S.C. § 981, 982 or 28 U.S.C. § 2461;

WHEREAS, the defendant has consented to forfeit all of his right, title, and interest in the forfeiture money judgment in the amount of \$13,312.00 in United States currency, more or less described above which constituted, or was derived from, any proceeds of, or facilitated the commission of, violation of 18 U.S.C. § 641 as set forth in the Information;

ACCORDINGLY, based on the defendant's plea of guilty and finding that there is a nexus between the property listed above and the offense to which the defendant has pled guilty, and that the defendant had a possessory interest or other legal interest in the property, the Court hereby ORDERS that any and all interest of the defendant, JAMES LOMAX, in the property listed above

be and the same hereby is FORFEITED to the United States pursuant to 18 U.S.C. § 981, 982 or 28 U.S.C. § 2461;

WHEREAS, Fed. R. Crim. P. 32.2(c)(1) provides that “no ancillary proceeding is required to the extent the forfeiture consists of a money judgment.”

Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and requests for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.

A forfeiture money judgment shall be included in the defendant’s sentence, and the United States may take steps to collect the judgment from any property of the defendant, provided, the value of any forfeited specific assets shall be credited toward satisfaction of this money judgment upon liquidation.

The parties stipulate and agree that the aforementioned asset(s) constitute property derived from or traceable to proceeds of defendant’s crime(s) herein or property used in any manner to facilitate the commission of such offense(s) and are therefore subject to forfeiture pursuant to 18 U.S.C. § 981, 982 or 28 U.S.C. § 2461. The defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against defendant. If the defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, defendant hereby withdraws that claim. If defendant has not previously submitted such a claim, defendant hereby waives all right to do so.

Following the Court's disposition of judgment, this shall become the final order of forfeiture and the United States will file a Notice of Final Forfeiture.

The Clerk is directed to send certified copies of this Order to counsel of record, and to Special Agent, Brad Burner, West Virginia State Police-BCI, South Charleston, 725 Jefferson Road South, Charleston, West Virginia 25309.

IT IS SO ORDERED this ____ day of _____, 2025.

ENTER:

IRENE C. BERGER
United States District Court Judge

ORDER PREPARED BY:

/s/Justin A. Marlowe
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