

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

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:22-cr-00084

MALIK BRECKENRIDGE

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, the defendant, MALIK BRECKENRIDGE, appeared before this Court on July 28, 2022, with the assistance of counsel, and pled guilty to Count One of a Two-Count Indictment in this matter, which charged him with a violation of 18 U.S.C. § 1343 (Wire Fraud);

WHEREAS, the Indictment also included a forfeiture allegation against MALIK BRECKENRIDGE seeking forfeiture to the United States pursuant to 18 U.S.C. §§ 981 and 982, 28 U.S.C. § 2461(c), and Rule 32.2(a) of the Federal Rules of Criminal Procedure of the following:

1. A forfeiture money judgment in the amount of \$41,666.00 in United States currency, more or less, such amount constituting the proceeds of the violations set forth in the Indictment.

WHEREAS, the defendant has consented to forfeit all of his right, title, and interest in the forfeiture money judgment in the amount of \$41,666.00 in United States currency, more or less described above which constituted, or was derived from, any proceeds of, or facilitated the commission of, a violation of 18 U.S.C. § 1343 as set forth in the Indictment;

ACCORDINGLY, based on the foregoing, the Court hereby ORDERS that any and all interest of the defendant, MALIK BRECKENRIDGE, in the property listed above be and the same hereby is FORFEITED to the United States pursuant to 18 U.S.C. §§ 981 and 982, 28 U.S.C. § 2461(c) and Rule 32.2(a) of the Federal Rules of Criminal Procedure.

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 and 28 U.S.C. § 2461(c). 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.

This order shall become the final order of forfeiture upon judgment of the defendant, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

The Clerk is directed to send certified copies of this Order to counsel of record and to Sergeant Brad S. Burner, West Virginia State Police, Bureau of Criminal Investigations, Post Office Box 1296, Bluefield, West Virginia 24701.

IT IS SO ORDERED this ____ day of _____, 2022.

ENTER:

IRENE C. BERGER
United States District Judge

ORDER PREPARED BY:

/s/ Andrew D. Isabell
ANDREW D. ISABELL
Assistant United States Attorney
WV State Bar No. 13210
110 North Heber Street, Room 261
Beckley, WV 25801
Telephone: 304-253-6722
Fax: 304-253-9206
Email: andy.isabell@usdoj.gov