

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	
- v. -	:	<u>DECLARATION OF PUBLICATION</u>
	:	
RAFAEL MARTINEZ	:	S2 22 Cr. 251 (LJL)
Defendant.	:	
	:	
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I, Micah Fergenson, pursuant to Title 28, United States Code, Section 1746, hereby declare under penalty of perjury that:

1. I am an Assistant United States Attorneys in the office of the United States Attorney for the Southern District of New York, and
2. Attached to this declaration are (A) a true and correct copy of a notice of criminal forfeiture in this action, and (B) a true and correct copy of an Advertisement Certification Report, indicating that the aforementioned notice was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on July 26, 2023, through August 24, 2023, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and

Both documents were obtained from a Consolidated Asset Tracking System maintained by the Department of Justice.

Dated: New York, New York
April 18, 2024

_____/s/_____
Micah Fergenson
Assistant United States Attorney
Tel: (212) 637-2190

Attachment 1

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
COURT CASE NUMBER: S2 22 CR. 251 (LJL); NOTICE OF FORFEITURE**

Notice is hereby given that on March 24, 2023, in the case of U.S. v. Rafael Martinez, Court Case Number S2 22 CR. 251 (LJL), the United States District Court for the Southern District of New York entered an Order condemning and forfeiting the following property to the United States of America:

\$10,544,757.26 formerly on deposit in Carver Federal Savings Bank account number 110013868, held in the name of "MBE Capital Partners, LLC," seized by the Government on or about March 9, 2022 (22-IRS-000418)

\$4,560,000 formerly on deposit in Citibank, N.A. account number 9348809151, held in the name of Rafael Martinez, seized by the Government on or about March 9, 2022 (22-IRS-000419)

The real property commonly described as 21 Shinnecock Trails, Franklin Lakes, New Jersey 07417, more particularly described as Lot 7.01 on Block 1106.05 in the Municipality of Franklin Lakes in Bergen County, as recorded on April 15, 2021, and associated with Document No./Book-Page: 2021057494/4081-102 (22-IRS-000420)

The real property commonly described as a 1.19-acre lot on Costamar 10, Casa De Campo, 22000 Buena Vista, Dominican Republic, at the location with Global Positioning System coordinates 18.42557, -68.96918 (22-IRS-000421)

A White 2017 Ferrari Model 488 Spider, with VIN No. ZFF80AMAXH0228614, and New Jersey License Plate No. D7NWE (22-IRS-000422)

A Black 2021 BMW Model 750, with VIN No. WBA7U2C04MCF02203, and New Jersey License Plate No. R56PBG (22-IRS-000423)

A 2018 Porsche Model 911 Turbo, with VIN No. WP0CD2A98JS162197, and New Jersey License Plate No. M38PVZ (22-IRS-000424)

\$250,273.84 formerly on deposit in JPMorgan Chase Bank, N.A. account number 3375794608, held in the name of Rafael Martinez, seized by the Government on or about March 8, 2022 (23-IRS-000235)

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this case, claiming interest in the forfeited property must file an ancillary petition within 60 days of the first date of publication (July 26, 2023) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The ancillary petition must be

filed with the Clerk of the Court, United States District Court, 500 Pearl Street, Room 120, New York, NY 10007, and a copy served upon Assistant United States Attorney Katherine Reilly, One St. Andrew's Plaza, New York, NY 10007. The ancillary petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Following the Court's disposition of all ancillary petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such ancillary petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.

The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or meet the requirements of an unsworn statement under penalty of perjury. See 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. Section 9.5(b). The petition for remission need not be made in any particular form and may be filed online or in writing. You should file a petition for remission not later than 11:59 PM EST 30 days after the date of final publication of this notice. See 28 C.F.R. Section 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to Assistant United States Attorney Katherine Reilly, One St. Andrew's Plaza, New York, NY 10007. This website provides answers to frequently asked questions (FAQs) about filing a petition for remission. You may file both an ancillary petition with the court and a petition for remission or mitigation.



Advertisement Certification Report

The Notice of Publication was available on the www.forfeiture.gov web site for at least 18 hours per day between July 26, 2023 and August 24, 2023. Below is a summary report that identifies the uptime for each day within the publication period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. Rafael Martinez

Court Case No: S2 22 CR. 251 (LJL)
For Asset ID(s): See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	07/26/2023	23.8	Verified
2	07/27/2023	23.9	Verified
3	07/28/2023	23.9	Verified
4	07/29/2023	23.8	Verified
5	07/30/2023	24.0	Verified
6	07/31/2023	24.0	Verified
7	08/01/2023	24.0	Verified
8	08/02/2023	23.8	Verified
9	08/03/2023	24.0	Verified
10	08/04/2023	23.4	Verified
11	08/05/2023	23.9	Verified
12	08/06/2023	24.0	Verified
13	08/07/2023	23.9	Verified
14	08/08/2023	23.9	Verified
15	08/09/2023	23.9	Verified
16	08/10/2023	23.9	Verified
17	08/11/2023	23.9	Verified
18	08/12/2023	23.9	Verified
19	08/13/2023	23.9	Verified
20	08/14/2023	24.0	Verified
21	08/15/2023	23.8	Verified
22	08/16/2023	23.9	Verified
23	08/17/2023	23.9	Verified
24	08/18/2023	23.9	Verified
25	08/19/2023	23.8	Verified
26	08/20/2023	23.9	Verified
27	08/21/2023	23.9	Verified
28	08/22/2023	23.9	Verified
29	08/23/2023	23.9	Verified
30	08/24/2023	23.9	Verified

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.