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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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| UNITED STATES OF AMERICA | : | Hon. |
| v. | : | Crim. No. ~~21-~~ 22-783 (PGS) |
| BUTHERDE DARIUS, | : | CONSENT JUDGMENT AND ORDER OF FORFEITURE |
| Defendant. | : | (MONEY JUDGMENT) |

WHEREAS, on or about November 21, 2022, pursuant to a plea agreement with the United States, defendant Butherde Darius pleaded guilty to a two-count Information that charged him with conspiracy to commit bank fraud, contrary to 18 U.S.C. § 1344, in violation of 18 U.S.C. § 1349 (Count One) and money laundering, in violation of 18 U.S.C. § 1957 (Count Two);

WHEREAS, in the plea agreement, the defendant agreed to forfeit (1) all property the defendant obtained that constitutes or is derived, directly and indirectly, from proceeds traceable to the bank fraud conspiracy offense charged in Count One of the Information; and (2) all property, real or personal, involved in the money laundering offense charged in Count Two of the Information, and all property traceable to such property, the value of which was $852,205;

WHEREAS, in the plea agreement, the defendant further agreed to the entry of a criminal forfeiture money judgment in the amount of $852,205 (the "Money Judgment"); and

WHEREAS, defendant Butherde Darius:

(1) Consents to the forfeiture to the United States of $852,205 as a sum of money representing (1) the property constituting, or derived from, proceeds the defendant obtained directly or indirectly as a result of the offense charged in Count One of the Information, and (2) the property involved in the money laundering offense charged in Count Two of the Information, to which the defendant has pleaded guilty;

(2) Consents to the imposition of a money judgment in the amount of $852,205 (the "Money Judgment"), pursuant to 18 U.S.C. §§ 982(a)(2) and 982(a)(1);

(3) Agrees to consent promptly upon request to the entry of any orders deemed necessary by the government or the Court to complete the forfeiture and disposition of property forfeited to satisfy the Money Judgment;

(4) Acknowledges that one or more of the criteria set forth in 21 U.S.C. § 853(p) are met, entitling the United States to forfeit substitute assets;

(5) Waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in the defendant's presence at sentencing, and incorporation of the forfeiture in the Judgment of Conviction;

(6) Acknowledges that he understands that forfeiture of property will be part of the sentence imposed upon him in this case and waives any failure by the Court to advise him of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing; and

(7) Waives any and all claims that this forfeiture constitutes an excessive fine and agrees that this forfeiture does not violate the Eighth Amendment.

Having considered the plea agreement, the record as a whole, and the applicable law, it is hereby ORDERED, ADJUDGED, AND DECREED THAT:

1. All property, real and personal, that constitutes or is derived, directly and indirectly, from proceeds traceable to the bank fraud conspiracy offense charged in Count One of the Information and all property, real or personal, involved in the money laundering offense charged in Count Two of the Information, to which the defendant has pleaded guilty, is forfeited to the United States, pursuant to 18 U.S.C. §§ 982(a)(2) and 982(a)(1).

2. The defendant having agreed to the imposition of a Money Judgment equal to the value of the proceeds he obtained, which was $852,205, the United States is entitled to forfeit proceeds and/or substitute assets in an amount not to exceed $852,205. A money judgment in the amount of $852,205 (the "Money Judgment") is hereby entered against the defendant, pursuant to 18 U.S.C. §§ 982(a)(2) and 982(a)(1), 21 U.S.C. § 853(p), and Federal Rule of Criminal Procedure 32.2(b).

3. All payments on the Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Department of Treasury (or its designee), and delivered to the United States Attorney's Office, District of New Jersey, Attn: Asset Forfeiture and Money Laundering Unit, 970 Broad Street, 7th Floor, Newark, New Jersey 07102,

and shall indicate the defendant's name and case number on the face of the check.

4. Until the defendant is sentenced, the United States Department of Treasury (or its designee) shall deposit all payments on the Money Judgment in its Seized Assets Deposit Account. After the defendant is sentenced and the Judgment is entered on the docket, all payments on the Money Judgment shall be forfeited to the United States of America as substitute assets, pursuant to 21 U.S.C. § 853(p), and shall be deposited in the Treasury Forfeiture Fund

5. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(3) and 21 U.S.C. § 853(n), upon entry of this Order, and until this the Money Judgment is fully satisfied, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of assets to satisfy the Money Judgment, or in connection with any petitions filed pursuant to 21 U.S.C. § 853(n), including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas.

6. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall be final against defendant Butherde Darius, shall be made part of the sentence of defendant Butherde Darius, and shall be included in the judgment of conviction therewith.

7. The Clerk of the Court is directed to enter a Criminal Forfeiture Money Judgment against the defendant in favor of the United States in the amount of $852,205.

8. This Court shall retain jurisdiction to enforce this Order and to amend it as necessary.

ORDERED this 21 day of November, 2022.

Peter M. Sheridan
HON.

The undersigned hereby consent to the form and entry of this Order:

PHILIP R. SELLINGER
United States Attorney

Dated: 11/21/22

By: DAVID E. DAUENHEIMER
Assistant United States Attorney

Dated: 11/21/22

RAHUL SHARMA, ESQ.
Attorney for Defendant Butherde Darius

Dated: 11/21/22

BUTHERDE DARIUS, Defendant