UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

v. Case No. 3:24-cr-190-WWB-SJH

CARNISHA MAURICA ROGERS

UNITED STATES' CONSENT MOTION FOR
PRELIMINARY ORDER OF FORFEITURE FOR PROCEEDS

The United States moves the Court, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), Fed. R. Crim. P. 32.2(b)(2), and the defendant's plea agreement, for entry of a preliminary order of forfeiture for proceeds in the amount of $20,832, representing the amount of proceeds the defendant admits she obtained as a result of the wire fraud offense charged in Count Eight of the Indictment. In support of its motion, the United States submits the following.

MEMORANDUM OF LAW

I. Statement of Facts

A. Allegations Against the Defendant

1. The defendant was charged in an Indictment, in pertinent part, with wire fraud, in violation of 18 U.S.C. § 1343 (Count Eight). Doc. 1.

2. The forfeiture allegations in the Indictment notified the defendant that, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), the United States would forfeit any property constituting or derived from proceeds the defendant obtained, directly or indirectly, as a result of such violation, including, but not limited to, an order of forfeiture for at least $20,832. *Id*. at 16-17.

B. Finding of Guilt and Admissions Related to Forfeiture

3. In pertinent part, the defendant pleaded guilty to Count Eight. Docs. 40, 43. This Court accepted the defendant's guilty plea and adjudicated her guilty. Doc. 46.

4. The defendant admitted in her Plea Agreement (Doc. 42 at 23-28) that she made materially false statements and representations in an application for a Paycheck Protection Program (PPP) loan, and that based on those statements and representations, she caused a wire in the amount of $20,832 to be sent to her personal bank account at Fifth Third Bank. *Id*. at 26-28. She also admitted that she used the fraudulently obtained loan proceeds for her own personal enrichment. *Id.* at 27.

Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), the defendant admitted and agreed that the United States was entitled to an order of forfeiture in the amount of $20,832, representing the amount of proceeds the defendant personally obtained as a result of the wire fraud offense. Doc. 42 at 7-8. Moreover, the defendant admitted that all of the fraudulently obtained proceeds were transferred to third parties and could not be located upon the exercise of due diligence. *Id.* Lastly, the defendant agreed that the order of forfeiture would be final upon entry. *Id.* at 9.

II. Applicable Law

A. Forfeiture Authority

The Court's authority to order civil forfeiture of property for violations of 18 U.S.C. § 1343 is found in 18 U.S.C. § 981(a)(1)(C). Section 981(a)(1)(C) provides for the civil forfeiture of any property, real or personal, which constitutes or is derived from proceeds from any offense constituting "specified unlawful activity" as defined in 18 U.S.C. § 1956(c)(7). A "specified unlawful activity," as defined in 18 U.S.C. § 1956(c)(7), includes offenses listed in 18 U.S.C. § 1961(1). 18 U.S.C. § 1961(1) includes violations of 18 U.S.C. § 1343. Pursuant to 28 U.S.C. § 2461(c), the government is authorized to forfeit this property criminally, and the procedures for the forfeiture and disposition of the property are governed by 21 U.S.C. § 853.

B. Court's Determination of Forfeiture

Pursuant to Rule 32.2(b)(2), because the United States could not locate all the specific property constituting or derived from the proceeds the defendant obtained from her wire fraud offense, the United States seeks an order of forfeiture against the defendant in the amount of proceeds she obtained from her offense. Indeed, for cases in which the defendant no longer has the actual dollars or property traceable to proceeds in his possession, or the government cannot locate those assets, the obligation to forfeit simply takes the form of an order of forfeiture in favor of the United States. *See United States v. Padron*, 527 F.3d 1156, 1161-62 (11th Cir. 2008).

Rule 32.2(b)(1)(B) provides that the court must determine the amount of money that the defendant will be ordered to pay. The Court's determination may be based on evidence submitted by the parties and accepted by the Court as relevant and reliable. Fed. R. Crim. P. 32.2(b)(1)(B). As the defendant has agreed, she personally obtained $20,832 from the wire fraud offense charged in Count Eight. If the Court finds the $20,832 was obtained from in the wire fraud offense, and that the defendant has dissipated those funds, then it is appropriate for the Court to enter a preliminary order of forfeiture against the defendant in that amount pursuant to Rule 32.2(b)(2).

III. Conclusion

For the reasons stated above, the United States requests that, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) and Fed. R. Crim. P. 32.2(b), the Court enter a Preliminary Order of Forfeiture for Proceeds against the defendant in the amount of $20,832.

The United States further requests that, because the $20,832 in proceeds was dissipated by the defendant, the United States may seek, as a substitute asset, pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), forfeiture of any of the defendant's property up to the value of $20,832.

The United States further requests that, in accordance with her Plea Agreement (Doc. 42 at 9), the Preliminary Order of Forfeiture for Proceeds become final as to the defendant at the time it is entered.

As required by Fed. R. Crim. P. 32.2(b)(4)(B), the United States requests that the Court include the forfeiture when orally pronouncing the sentence and include the forfeiture order in the judgment. *See* Fed. R. Crim. P. 32.2(b)(4)(B) and *United States v. Kennedy*, 201 F.3d 1324, 1326 (11th Cir. 2000).

The United States further requests that the Court retain jurisdiction to order any substitute assets forfeited to the United States up to the amount of the order of forfeiture.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2025, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel of record.

s/Jennifer M. Harrington
JENNIFER M. HARRINGTON
Assistant United States Attorney