2021R00643/MCO/SD/jw

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Georgette Castner, U.S.D.J.
v.	:	Crim. No. 23-794
ARLEN ENCARNACION,	:	FINAL ORDER OF FORFEITURE (AS TO SPECIFIC PROPERTY)
Defendant.	:	

WHEREAS, on August 10, 2023, pursuant to a plea agreement with the United States, defendant Arlen Encarnacion (the "defendant") pleaded guilty to a two-count Information (the "Information"), which charged him with conspiracy to commit wire fraud, contrary to 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349 (Count 1); and money laundering, in violation of 18 U.S.C. § 1957 (Count 2). In the plea agreement, the defendant agreed to forfeit (1) pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real or personal, that constitutes or is derived from proceeds traceable to the wire fraud offense charged in Count One of the Information; and (2) pursuant to 18 U.S.C. § 982(a)(1), any and all property involved in or traceable to, the money laundering offense charged in Count Two of the Information;

WHEREAS, on or about January 9, 2024, the Court entered a Consent Judgment of Forfeiture (Money Judgment) and Preliminary Order of Forfeiture as to Specific Property (Final as to the Defendant) (the "Preliminary Order"). Pursuant to the plea agreement, and pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), 18 U.S.C. § 982(a)(1), and Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the Preliminary Order forfeited to the United States all of the defendant's right, title, and interest in the specific property listed on the attached Schedule B (the "Specific Property")[1], which the defendant admitted had the requisite nexus to the offense to which the defendant pleaded guilty. The Court also imposed a criminal forfeiture money judgment in the amount of $1,683,883.83 upon the defendant (the "Money Judgment");

WHEREAS, the provisions of 21 U.S.C. § 853(n) and Rule 32.2(b) of the Federal Rules of Criminal Procedure require publication and notice to third parties known to have alleged an interest in forfeited property and the disposition of any petitions filed under Section 853(n) before the United States may have clear title to such property;

WHEREAS, pursuant to 21 U.S.C. § 853(n)(1), a Notice of Forfeiture with respect to the Specific Property was posted on an official government internet site, namely www.forfeiture.gov, beginning on January 30, 2024, and running for 30 consecutive days through February 28, 2024, as permitted by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. Proof of publication was filed with the Court on or about April 10, 2024;

WHEREAS, the published notice explained that any person asserting a legal interest in the Specific Property was required to file a petition with the Court within sixty (60) days from the first day of publication of the notice on the government internet site, and that if no such petitions were filed, following the

[1] On December 8, 2023, the United States Postal Inspection Service administratively forfeited the funds seized from the account at Bank of America, NA, ending in 8537.

expiration of the period for the filing of such petitions, the United States would have clear title to the Specific Property, in accordance with Supplemental Rule G(5)(a)(ii)(B);

WHEREAS, pursuant to 21 U.S.C. § 853(n)(7), the United States shall have clear title to any forfeited property where no direct notice to potential claimants was required and no petitions for a hearing to contest the forfeiture have been filed within sixty (60) days after the first day of publication on an official internet government forfeiture site, in accordance with the procedures prescribed in Supplemental Rule G(5)(a)(ii)(B);

WHEREAS, no petitions were filed or made in this action as to the Specific Property, no other parties have appeared to contest the action as to the Specific Property to date, and the statutory time periods in which to do so have expired;

WHEREAS, neither the government nor the defendant is aware of any other person or entity who may have an interest in the Specific Property; and

WHEREAS, pursuant to 21 U.S.C. § 853(n)(7), the United States is therefore entitled to have clear title to the Specific Property and to warrant good title to any subsequent purchaser or transferee.

NOW, THEREFORE, on the application of Phillip R. Sellinger, United States Attorney for the District of New Jersey (Sarah Devlin, Assistant United States Attorney, appearing),

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title, and interest in the Specific Property is hereby forfeited to the United States of America for disposition according to law.

2. Any forfeited money shall be applied to the forfeiture money judgment imposed upon the defendant in accordance with the Preliminary Order.

3. The Court retains jurisdiction to take additional action, enter further orders, and amend this and any future orders as necessary to implement and enforce this Order.

ORDERED this 15th day of May, 2024.

Georgette Castner

HON. GEORGETTE CASTNER
United States District Judge

Schedule B

a. $41,235.64 seized from an account at TD Bank, account number ending in 7619 in the name of Skycam Auto Group LLC;

b. $41,108.30 seized from an account at TD Bank, account number ending in 8725 in the name of Advantage Intelligent Systems;

c. $30,072.69 seized from an account at TD Bank, account number ending in 8733 in the name of Skycam Security LLC;

d. $50,626.94 seized from an account at TD Bank, account number ending in 8741 in the name of Skycam Technologies LLC;

e. $45,221.30 seized from an account at TD Bank, account number ending in 8759 in the name of Skycam Construction LLC; and

f. $112,557.19 seized from an account at TD Bank, account number ending in 8767 in the name of Skycam Enterprises and Holding LLC.