UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

RAFAEL MARTINEZ,

Defendant.

DECLARATION IN SUPPORT OF FINAL ORDER OF FORFEITURE AS TO SUBSTITUTE ASSETS

S2 22 Cr. 251 (LJL)

Katherine Reilly, pursuant to Title 28, United State Code, Section 1746, declares under penalty of perjury as follows:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Southern District of New York, and an attorney for the Government herein. I am responsible for the above-captioned matter, and as such, I am familiar with the facts and circumstances of this proceeding. This declaration is submitted in support of the Government's submission for the entry of a Final Order of Forfeiture in the above-captioned case.

2. On or about June 9, 2023, the Court entered a Preliminary Order of Forfeiture as to Substitute Assets (the "Substitute Asset Order") (D.E. 73) with respect to RAFAEL MARTINEZ (the "Defendant"), which ordered the forfeiture to the United States of all right, title and interest in the following property: any and all funds on deposit in Citibank Account No.: 9346614051 held in the name of MBE Capital Partners LLC (the "Substitute Asset");

3. The Notice of Forfeiture and the intent of the Government to dispose of the Substitute Asset was posted on an official government internet site (www.forfeiture.gov) beginning on June 13, 2023, for thirty (30) consecutive days, through July 12, 2023, pursuant to

Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, and proof of such publication was filed with the Clerk of the Court.

4. On or about June 15, 2023, Notice of the Preliminary Order of Forfeiture was sent via electronic mail to the Federal Reserve Bank of San Francisco (the "FRB-SF").

5. On or about November 2, 2023, Notice of the Preliminary Order of Forfeiture was sent via certified mail to Carra Wallace, Chelsea Martinez, Louis Green, MBE Capital Partners, LLC, and the U.S. Small Business Administration (with the FRB-SF, the "Noticed Parties").

6. On or about August 24, 2023, the Government seized $4,027,156.37 on deposit in the Subject Account (the "Seized Funds").

7. Thereafter, the FRB-SF advised the Government of its ownership interest in $2,197,050.48 of the Seized Funds (the "FRB-SF Funds").

8. On or about September 25, 2023, the Court entered a Stipulation and Order resolving the respective interests of the Government and the FRB-SF in the Specific Property (Dkt. 88) wherein the Government agreed to return the FRB-SF Funds to FRB-SF and FRB-SF agreed to withdraw any claim of interest in the remaining $1,830,105.89 of the Seized Funds (the "Forfeitable Funds").

9. Since final publication of the Notice of Forfeiture, thirty (30) days have expired and no petitions or claims to contest the forfeiture of the Substitute Asset have been filed.

10. The Defendant and the Noticed Parties are the only individuals and/or entities known by the Government to have a potential interest in the Substitute Asset.

11. Accordingly, the Government requests that the Court enter the proposed Final Order of Forfeiture forfeiting all right, title and interest in the Forfeitable Funds to the Government.

No previous application for the relief requested herein has been sought.

Dated: New York, New York
December 22, 2023

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: ____________________________
Katherine Reilly
Assistant United States Attorney
Tel: (212) 637-6521