

2020R01278/DAF/SD/flk

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Karen M. Williams, U.S.D.J.
v.	:	Crim. No. 22-186-KMW
CORNELL MCCOY,	:	CONSENT JUDGMENT
Defendant.	:	AND ORDER OF FORFEITURE
	:	(MONEY JUDGMENT) AND
	:	PRELIMINARY ORDER OF
	:	FORFEITURE AS TO
	:	SPECIFIC PROPERTY (FINAL AS
	:	TO THE DEFENDANT)

On March 14, 2022, defendant Cornell McCoy (the "defendant") pleaded guilty, pursuant to a plea agreement with the United States, to a one count Information, which charged him with bank fraud, in violation of 18 U.S.C. § 1344 (Count One). In the plea agreement, the defendant agreed to forfeit, pursuant to 18 U.S.C. § 982(a)(2), any property, real or personal, constituting, or derived from, proceeds the defendant obtained directly or indirectly as a result of the bank fraud offense charged in Count One of the Information. The defendant further agreed that the aggregate value of such property was \$237,500.00 (the "Money Judgment").

In the plea agreement, the defendant further acknowledged 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 of the defendant in an amount not to exceed \$237,500.00.

In the plea agreement, the defendant additionally agreed to forfeit all of the defendant's right, title, and interest in the contents of an account at Key Bank ending in -4316, in the name of Silver Cup Services Group LLC (the "Specific Property"), which the defendant admits has the requisite nexus to the offenses charged in Count One of the Information and therefore is forfeitable to the United States of America pursuant to 18 U.S.C. § 982(a)(2), with any forfeited money and the net proceeds derived from the sale of forfeited specific property to be applied to the Money Judgment, in partial satisfaction thereof.

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment;

WHEREAS, the provisions of 21 U.S.C. § 853(n) (as incorporated by 18 U.S.C. § 982(b)(1)) require publication and notice to third parties known to have alleged an interest in forfeited specific property and the disposition of any petitions filed under 21 U.S.C. § 853(n) before the United States may have clear title to such property; and

WHEREAS, the defendant further waived the requirements of Rules 32.2 and 43(a) of the Federal Rules of Criminal Procedure regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment; consented to the entry of judgment of forfeiture that may become final as to the defendant prior to sentencing, pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure; acknowledged he understood that the criminal forfeiture to

which he consented is part of the sentence that may be imposed in this case; waived any failure by the court to advise him of this pursuant to Rule 11(b)(1)(J) of the Federal Rules of Criminal Procedure at the guilty plea proceeding; and waived any and all claims that the forfeiture constitutes an excessive fine and agreed that the forfeiture does not violate the Eighth Amendment. The defendant further acknowledged that any forfeiture of his assets will not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty the Court may impose upon him in addition to forfeiture.

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

Money Judgment

1. All property, real or personal, which constitutes or is derived from proceeds traceable to the bank fraud offense charged in Count One 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).

2. The defendant having conceded that one or more of the criteria set forth in 21 U.S.C. § 853(p) are met, the United States is entitled to forfeit proceeds and/or substitute assets equal to the value of the proceeds obtained by the defendant, which was \$237,500.00. A money judgment in the amount of \$237,500.00 is hereby entered against the defendant (the "Money

Judgment”), pursuant to 18 U.S.C. § 982(a)(2), 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 Marshal’s Service, and delivered by mail 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. All payments on the Money Judgment are forfeited to the United States of America as substitute assets, pursuant to 21 U.S.C. § 853(p). The United States Marshals Service shall deposit such payments in its Seized Assets Deposit Account, and upon clearing of the financial instrument, shall deposit the funds in the Assets Forfeiture Fund, for disposition according to law. The United States shall have clear title to such payments, proceeds, and/or substitute assets up to the amount of the Money Judgment (\$237,500.00).

5. When the Money Judgment is fully satisfied, the United States shall file a Satisfaction of the Money Judgment.

6. 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 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 substitute assets to satisfy this Money Judgment, or in connection with any petitions filed with regard to

substitute assets, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas.

Specific Property

7. As a further result of the defendant's conviction of the bank fraud offenses charged in Count One of the Information, pursuant to 18 U.S.C. § 982(a)(2), and Fed. R. Crim. P. 32.2(b)(1) and (b)(2), and based upon the plea agreement, all of the defendant's right, title, and interest in the specific property set forth in the contents of an account at Key Bank ending in -4316 in the name of Silver Cup Services Group LLC (the "Specific Property") is hereby forfeited to the United States of America for disposition according to law, subject to the provisions of 21 U.S.C. § 853.

8. Any forfeited money and the net proceeds derived from the sale of forfeited property will be applied to the Money Judgment until the Money Judgment is satisfied in full.

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

10. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Marshals Service, its agent or designee shall maintain or take possession of the Specific Property and hold such property in its secure custody and control.

11. Pursuant to 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the United States shall publish notice of this Order for at least 30 consecutive days on the government internet site www.forfeiture.gov. The United States shall also send notice of this Order to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

12. Pursuant to Fed R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n)(2) and (n)(3), the notice of forfeiture must describe the forfeited property with reasonable particularity, state the times by which a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition. The notice shall also state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title, or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title, and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought.

13. Any person, other than the defendant, claiming interest in the Specific Property must file a petition within 60 days from the first day of publication of notice on the government internet site, or no later than 35 days from the mailing of direct notice, whichever is earlier, pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and Rule G(4) and G(5) of

the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

14. Upon adjudication of all third-party interests, the Court will enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n)(7) and Fed. R. Crim. P. 32.2(c)(2), in which all interests will be addressed.

Other Provisions

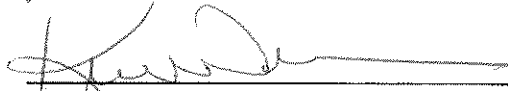
15. This Order shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

16. The Clerk of the Court is directed to enter a money judgment against the defendant in favor of the United States in the amount of \$237,500.00.

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

ORDERED this 1st day of

March, 2022.


HON. KAREN M. WILLIAMS, U.S.D.J.

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

PHILIP R. SELLINGER
United States Attorney



By: DANIEL A. FRIEDMAN
JASON M. RICHARDSON
Assistant United States Attorneys

Dated: Feb. 9, 2022



CHRISTOPHER ST. JOHN, ESQ.
Attorney for Defendant Cornell McCoy

Dated: 2/18/22



CORNELL MCCOY, Defendant

Dated: 2/18/22