2023R00440/DF/JMR/SD/ms

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Karen M. Williams, U.S.D.J.
v.	:	Crim. No. 23-546-KMW
YASHA BARJONA, a/k/a "Rahni Song"	:	CONSENT JUDGMENT AND ORDER OF FORFEITURE (MONEY JUDGMENT)
Defendant.	:	

WHEREAS, on or about July 10, 2023, defendant Yasha Barjona (the "Defendant") pleaded guilty, pursuant to a plea agreement with the United States, to one count Information (the "Information"), which charged him with conspiracy to commit bank fraud, contrary to 18 U.S.C. § 1344, in violation of 18 U.S.C. § 1349;

WHEREAS, the Defendant shall 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 offense charged in the Information;

WHEREAS, the property subject to forfeiture by the Defendant includes a sum of money equal to $227,330 in United States currency, representing property, real or personal, that constitutes or is derived from proceeds the Defendant obtained traceable to the offense charged in the Information;

WHEREAS, in the plea agreement, the Defendant consented to the imposition of a criminal forfeiture money judgment, which the Defendant agrees to be in the amount of $227,330;

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, defendant Yasha Barjona:

(1) Consents to forfeit to the United States $227,330 in United States currency as a sum of money representing property, real or personal, that constitutes or is derived from proceeds the Defendant obtained traceable to the offense in violation of 18 U.S.C. § 1349, as charged in the Information, to which he has pleaded guilty;

(2) Consents to the imposition of a money judgment in the amount of $227,330 (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) 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 conditions set forth in 21 U.S.C. § 853(p) exists, and that the United States is therefore entitled to forfeit substitute assets in an amount not to exceed $227,330;

(5) Agrees promptly to pay the Money Judgment in full;

(6) 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 his presence at sentencing, and incorporation of the forfeiture in the Judgment of Conviction;

(7) 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;

(8) Waives, and agrees to hold the United States and its agents and employees harmless from, any and all claims whatsoever in connection with the seizure, forfeiture, and disposal of the property described above; and

(9) Agrees that the forfeiture does not constitute an excessive fine or violate the Eighth Amendment.

WHEREAS, good and sufficient cause having been shown, it is hereby ORDERED, ADJUDGED, AND DECREED:

THAT, as a result of the offense of conspiracy to commit bank fraud as charged in the Information, to which the Defendant has pleaded guilty, the Defendant shall forfeit to the United States the sum of $227,330.

IT IS FURTHER ORDERED that a money judgment in the amount of $227,330 (the "Money Judgment") is hereby entered against the Defendant and in favor of the United States, pursuant to 18 U.S.C. § 982(a)(2), 21 U.S.C. § 853(p), and Federal Rule of Criminal Procedure 32.2(b).

IT IS FURTHER ORDERED that the Defendant having given his consent pursuant to Federal Rule of Criminal Procedure Rule 32.2(b)(4)(A), upon entry of

this Consent Judgment and Order of Forfeiture, this Order is final as to the Defendant, shall be deemed part of his sentence, and shall be included in the judgment of conviction therewith.

IT IS FURTHER ORDERED that all payments on the Money Judgment shall be made by (i) electronic funds transfer, as directed by the United States Attorney's Office; or (ii) postal money order, bank or certified check, made payable, in this instance to the United States Marshal Service (or its designee), 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.

IT IS FURTHER ORDERED that, until the Defendant is sentenced, the United States Marshals Service 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 Assets Forfeiture Fund.

IT IS FURTHER ORDERED that, pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of property to satisfy the Money Judgment, including

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

IT IS FURTHER ORDERED that the Clerk of the Court is directed to enter a money judgment against the Defendant and in favor of the United States in the amount of $227,330.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

ORDERED this 10th day of July, 2023.

HONORABLE KAREN M. WILLIAMS
United States District Judge

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: June 15, 2023

JOSEPH SICILIANO, ESQ.
Attorney for Defendant Yasha Barjona

Dated: July 3, 2023

YASHA BARJONA, Defendant

Dated: July 3, 2023