IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No. 21-cr-00392-RM

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. DANIEL STONEBARGER,

Defendant.

UNITED STATES' MOTION FOR FINAL ORDER OF FORFEITURE

COMES NOW the United States of America ("United States"), by and through United States Attorney Cole Finegan and Assistant United States Attorney Tonya S. Andrews, and moves this Court to enter a Final Order of Forfeiture in this case pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) and Fed. R. Crim. P. 32.2. In support thereof, the United States submits the following:

1. In the Information on November 18, 2021, as to defendant Daniel Stonebarger, the United States sought forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) of all of the defendant's right, title, and interest in all property constituting and derived from any proceeds the defendant obtained directly and indirectly as a result of the violation alleged in Count One, 18 U.S.C. § 1343, including but not limited to: 1) $548,861.29 in fraud proceeds seized from his bank account ending in 6774, Civil Case No. 21-mc-00138-SKC; 2) a 2016 Land Rover Range Rover seized in Civil Case No. 21-mc-00142-SKC; and 3) a money judgment in the amount of the proceeds obtained by the defendant's scheme. (Doc. 1 at 8-9).

2. On January 27, 2022, the United States and defendant Daniel Stonebarger entered into a plea agreement. As part of the Plea Agreement, the defendant agreed to waive indictment and plead guilty to Count One in the Information and forfeit the following property:

a. $548,861.29 seized from Account No. XXXX-XXXX-6774, account title Finish Armor, LLC, seized in Civil Case No. 21-mc-00138-SKC; and

b. A Land Rover Range Rover, seized in Civil Case No. 21-mc-00142-SKC; and

c. Agrees to a forfeiture money judgment for the total amount of restitution. (Doc. 20 at 1-2).

3. On March 22, 2022, the Court entered a Preliminary Order of Forfeiture forfeiting to the United States any and all of defendant Daniel Stonebarger's right, title, and interest in the: $548,861.29 in fraud proceeds from the defendant's bank account ending in 6774, account title Finish Armor, LLC, and the 2016 Land Rover Range Rover, VIN #SALWR2EFXGA577611; and a Personal Money Judgment in the amount of $334,533.21. (Doc. 31 at 2).

4. The Preliminary Order of Forfeiture directed the United States to seize the subject property and to publish notice of the forfeiture. Accordingly, the United States properly published notice of forfeiture, via an official government internet website for thirty consecutive days from May 28, 2022 to June 27, 2022, consistent with Federal Rule of Criminal Procedure 32.2(b)(6)(A). The deadline to file a Verified Statement of Interest or Petition for Ancillary Hearing based on the publication deadline was July 27, 2022.

5. Federal Rule of Criminal Procedure 32.2(b)(6)(A) also requires that the government send notice of the Preliminary Order of Forfeiture to "any person who reasonably appear to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding." The United States sent notice to Finish Armor, LLC, c/o Daniel D. Stonebarger.

6. No Verified Statement of Interest or Petition for Ancillary Hearing has been filed by any third party within the time period set forth in the publication notice. Therefore, any third party is barred by their failure to timely file a petition asserting an interest in the property to be forfeited.

WHEREFORE, the United States moves this Court for entry of the Final Order of Forfeiture tendered herewith in accordance with 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) and Fed. R. Crim. P. 32.2.

DATED this 1st day of August 2022.

Respectfully submitted,

COLE FINEGAN
United States Attorney

By: s/ *Tonya S. Andrews*

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August 2022, I electronically filed the foregoing with the Clerk of Court using the ECF system which will send notice to all counsel of record.

s/ *Sheri Gidan*
FSA Paralegal
Office of the U.S. Attorney