03-60484

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE 2000 SUV LEXUS LX 470
VIN JT6HT00W7Y0090393
LICENSE NUMBER 4JTW818
and
$18,000 IN UNITED STATES
CURRENCY,

Defendants.
_____/

MAGISTRATE JUDGE

VERIFIED COMPLAINT FOR FORFEITURE IN REM

Plaintiff, the United States of America, files this verified complaint for forfeiture in rem and states:

1. This is a civil action for forfeiture in rem of ONE 2000 SUV LEXUS LX 470, VIN JT6HT00W7Y0090393, LICENSE NUMBER 4JTW818 and $18,000 IN UNITED STATES CURRENCY (hereinafter "Lexus or defendant vehicle and $18,000.00 in United States currency or defendant currency").

2. Jurisdiction is vested in this court pursuant to 28 U.S.C. §§1345 and 1355.

3. Venue lies in this district pursuant to 28 U.S.C. §1395, in that the defendant vehicle and defendant currency are located within the Southern District of Florida and will remain within the district during the pendency of these proceedings.

4. The United States seeks forfeiture of the defendant vehicle and defendant currency pursuant

to 21 U.S.C. §§ 881(a)(4) and (a)(6).

STATEMENT OF FACTS

5. On June 12, 2002, United States Drug Enforcement Administration Special Agents (hereinafter "DEA Agents") working in conjunction with the Broward County Sheriff's Office conducted a traffic stop on a 2000 SUV LEXUS LX 470, VIN JT6HT00W7Y0090393, License Number 4JTW818, driven by Avraham Timsit in Broward County, Florida.

6. Timsit consented to a search of the LEXUS which he owned, after which the agents discovered approximately thirty thousand (30,000) tablets of 3, 4-methylenedioxymethamphetamine (MDMA or Ecstasy)(hereinafter "Ecstasy") in the trunk.

7. After the discovery of the 30,000 Ecstasy tablets in the trunk of Timsit's Lexus, Timsit continued to cooperate with the DEA agents and told them of the location where he stored an additional 25,000 tablets of Ecstasy. The DEA Agents accompanied Timsit to the A Plus Mini Storage Facility, located at 4021 S.W. 47th Avenue, Unit 1001, Davie, Florida where they recovered an additional 25,000 tablets of Ecstasy.

8. Timsit further advised the DEA Agents and Broward County Deputy Sheriffs present that he had an additional 15,000 tablets of Ecstasy at his residence.

9. The DEA Agents and Broward County Deputy Sheriffs proceeded to Timsit's residence which is located at 3836 S.W. 50th Street, Dania, Florida, and with Timsit's consent, searched the premises and found 15,000 tablets of Ecstasy in the master bathroom.

10. During the search of Timsit's residence, the DEA Agents and Broward County Deputies discovered, in another bedroom, a cardboard box, containing approximately $18,000.00 in

United States currency.

11. Timsit told the DEA Agents and Deputy Sheriffs that he was employed in the cabinet making business but failed to indicate in what capacity or could he explain the source of the $18,000.00 in United States currency or how he had paid off the 2000 SUV Lexus in less than one year. Documents recovered at Timsit's residence indicated that his total annual income was approximately $15,000.00.

12. Following the recovery of the Ecstasy tablets from his Lexus, his storage facility and his residence, as well as the finding of the $18,000.00 in United States currency at his residence, Timsit was indicted by a Federal Grand Jury in Miami, Florida in the case of the United States of America v. Avraham Timsit, Case No. 02-20575-CR-HUCK for violations of the federal narcotics laws. Included in that Indictment was a general Forfeiture Allegation. By the filing of a Bill of Particulars, the United States sought the forfeiture of Timsit's Lexus and the $18,000.00 in United States currency.

13. On June 27, 2002, Timsit was released on bond. He has fled the jurisdiction and remains a fugitive.

14. Plaintiff seeks forfeiture of the defendant vehicle and defendant currency pursuant to 21 U.S.C. § 881(a)(4) and (a)(6).

WHEREFORE, Plaintiff, United States of America requests the Court issue a warrant and summons for the arrest and seizure of the defendant vehicle and defendant currency; that notice of this action be given to all persons known or thought to have an interest in or right against the defendant vehicle and defendant currency to file and serve their verified claims and answers as required by the Supplemental Rules for Certain Admiralty and Maritime Claims or suffer default thereof; that the defendant vehicle and defendant currency be condemned and forfeited to the United States of America, and that Plaintiff have such other and further relief as may be just and proper.

Respectfully submitted,

MARCOS DANIEL JIMENEZ
UNITED STATES ATTORNEY

By: _____

WILLIAM C. HEALY
ASSISTANT UNITED STATES ATTORNEY
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VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury, that I have read the foregoing Complaint for Forfeiture In Rem and that the contents are true to the best of my knowledge and belief.

Executed on March 20 2003.

Michael Maxwell
Special Agent
United States Drug Enforcement Administration

JS 44
(Rev. 12/96)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

03-60484

I. (a) PLAINTIFFS

United States of America

DEFENDANTS

One 2000 SUV Lexus LD 470, VIN JT6HT00W7Y0090393, License Number 4JTW818 and $18,000 in U.S. currency

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

Broward 03-60484/Huck/Snow

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
William C. Healy
99 NE 4th Street, 7th Floor
Miami, Florida 33132
(305) 961-9438

ATTORNEYS (IF KNOWN)

MAGISTRATE JUDGE SNOW

(d) CIRCLE COUNTY WHERE ACTION AROSE: DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

- ☑ 1 U.S. Government Plaintiff
- ☐ 2 U.S Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☑ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- B ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- B ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability

A REAL PROPERTY
- ☐ 210 Land Condemnation
- B ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

A TORTS
PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

A CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- B ☐ 510 Motions to Vacate Sentence

HABEAS CORPUS:
- B ☐ 530 General
- A ☐ 535 Death Penalty
- B ☐ 540 Mandamus & Other
- B ☐ 550 Civil Rights
- B ☐ 555 Prison Condition

FORFEITURE/PENALTY
- B ☐ 610 Agriculture
- B ☐ 620 Other Food & Drug
- B ☑ 625 Drug Related Seizure of Property 21 USC 881
- B ☐ 630 Liquor Laws
- B ☐ 640 R.R & Truck
- B ☐ 650 Airline Regs.
- B ☐ 660 Occupational Safety/Health
- B ☐ 690 Other

A LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt. Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- A ☐ 791 Empl. Ret. Inc. Security Act

A BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

A PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

B SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- A ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- A ☐ 871 IRS - Third Party 26 USC 7609

A OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- B ☐ 450 Commerce/ICC Rates/etc.
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900 Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes
- ☐ 890 Other Statutory Actions
- A OR B

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL UNLESS DIVERSITY.)

Pursuant to 21 U.S.C. § 881(a)(4) and (a)(6)

LENGTH OF TRIAL via 2 days estimated (for both sides to try entire case)

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND $**

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE Hon. Paul C. Huck DOCKET NUMBER 02-20575-Cr-Huck

DATE 3/20/03

SIGNATURE OF ATTORNEY OF RECORD

William C. Healy PA

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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