UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.

UNITED STATES OF AMERICA

Plaintiff

04-60719

CIV-MARRA

vs.

1) ONE SILVER 2001 BMW 330CI,
TWO DOOR COUPE,
VIN # WBABN53491JU30723

2) ONE CONDOMINIUM
UNIT NO. 10C, OF EMBASSY TOWER,
2701 NORTH OCEAN BLVD. #10C,
FORT LAUDERDALE, FLORIDA, 33308
OWNER: COY CALDWELL

3) ONE GOLD "DAYTONA" ROLEX WATCH, AND

4) $11,520.00 in U.S. CURRENCY

Defendants.
_____/

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States files this Verified Complaint for Forfeiture In Rem and in support alleges that:

1) This is a civil action for forfeiture In Rem against One Silver 2001 Bmw 330ci, Two Door Coupe, Vin # WBABN53491JU30723; One Condominium Unit No. 10C, of Embassy Tower, 2701 North Ocean Blvd. #10C, Fort Lauderdale, Florida, 33308, One Gold "Daytona" Rolex Watch, and $11,520.00 U.S. currency,

2) This Court has jurisdiction over this matter pursuant to Title 28 U.S.C. §1345 and 1355.

3) This Court has venue over the defendant property pursuant to Title 28 U.S.C. §1395(a) and (b).

4) The defendant property is forfeitable pursuant to Title 21 U.S.C. §§881(a)(6) as narcotics proceeds, moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for controlled substance or listed chemical in violation 21 U.S.C. §801 et seq., and all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of 21 U.S.C. §801 et seq. Additionally, defendant property no. 1 is forfeitable pursuant to 21 U.S.C. §881(a)(4) as it facilitated Caldwell's narcotics business.

5) All are owned by an individual known as COY CALDWELL. Caldwell is known to Law Enforcement to be a Distributor of Methamphetamine in the Fort Lauderdale area since approximately the year 2000. Caldwell has no known legitimate source of income.

6) On 05-07-2004, Law Enforcement Agents met with a CS to conduct controlled/monitored taped telephone call to Coy Caldwell at telephone cell number (954)336-6383 in reference to the purchase of two ounces of Crystal Methamphetamine from Caldwell for $4,000.00.

7) Caldwell advised the CS that he (Caldwell) was back in Fort Lauderdale at his residence located at 2701 N. Ocean Blvd., #10C, Fort Lauderdale, Florida. The CS asked Caldwell, If he would be able to meet him twice for lunch. This was Caldwell's terminology for two ounces of crystal Methamphetamine to be delivered. Caldwell agreed that he was willing to meet the CS in Fort Lauderdale to complete the transaction.

8) Later that day Law Enforcement Agents established surveillance on Caldwell's residence.

9) The CS conducted a controlled/monitored and taped telephone call to Caldwell. The CS advised Caldwell that he/she would be able to meet Caldwell at the Walgreens Drug Store located at, One West Sunrise Blvd, and Fort Lauderdale, Florida. Caldwell agreed and the CS advised CALDWELL that he/she would call again when he/she gets close to Walgreens. Caldwell advised that he was ready to complete the deal.

10) Later on that day Law Enforcement observed Caldwell exit the parking garage of his residence in his silver, 2001, BMW. Caldwell was followed by Law Enforcement Agents until Caldwell was temporarily lost in heavy traffic due to Caldwell's erratic driving pattern. Subsequently, agents and Caldwell simultaneously arrived at the Walgreens parking lot at approximately 4:36 P.M.

10) Caldwell was observed entering the Walgreens Parking lot. . Caldwell exited from his vehicle and approached the CS vehicle. As Caldwell walked to the CS vehicle, Law Enforcement observed Caldwell adjusting a bulge in his left side pants pocket. Caldwell entered into the CS Vehicle on the passenger side. A conversation ensued between the CS and Caldwell in reference to the Methamphetamine at which time the CS gave both a verbal and visual signal that the Methamphetamine was present.

11) The CS exited the vehicle at which time Agents moved in to arrest Caldwell. Law Enforcement Agents approached the passenger side of the CS vehicle and took Caldwell into custody. Law Enforcement patted Caldwell's pants pocket and then removed two individually packaged, brown paper envelopes, wrapped with a rubber band. Law Enforcement opened these

two envelopes and found one clear plastic baggie, in each envelope (Total two) containing Crystal Methamphetamine inside. A total of 65 grams of Methamphetamine were seized.

12) Following his arrest, Caldwell was read his Miranda Rights, refused to cooperate and indicated he would be out on bond that night. Caldwell further refused consent for agents to search his residence for additional methamphetamine. Caldwell provided his home address as 2701 N. Ocean Blvd, Unit 10C, and Fort Lauderdale, Florida. This address is also listed on CALDWELL's Florida Drivers License. While in custody, Caldwell advised that he had no means of employment.

13) On May 7, 2004 TFO Brull directed Wilton Manors Police Officer Oscar Gonzalez and his certified narcotics trained K-9 Rocky to the public walk way in front of CALDWELL's residence located at 2701 N. Ocean Blvd, Unit 10C, and Fort Lauderdale, Florida. While at this location, Officer Gonzalez deployed K-9 Rocky who conducted a sniff along several unit front doors, located on the tenth floor. From the public area, K-9 Rocky then tracked to unit 10C where K-9 Rocky alerted to the presence of a narcotics odor emitting from within.

14) A search Warrant for Caldwell's residence was applied for and granted by the Honorable Judge Sheldon Schapiro on and executed several hours later. Inside Caldwell's residence Law Enforcement found and seized an additional 5 grams of Methamphetamine, Marijuana, two digital scales, rubber gloves and packaging material used in the distribution of narcotics. Additionally $11,520.00 in U.S. Currency was found next to the Methamphetamine and gloves. The currency was bound in rubber bands which consisted mostly of $1,000.00 increments.

15) A Rolex "Daytona" watch was also found and seized from Caldwell's residence.

16) On May 7th, 2004, the BMW was used by Caldwell to transport Methamphetamine from Caldwell's residence to the meeting.

17) On May 7th, 2004, Coy Caldwell was arrested for Trafficking in Methamphetamine per Florida State Statute F.S.S. 893.135. Caldwell is a defendant in the case of State of Florida v. Coy Caldwell, Court Case # 047583CF10A. A copy of the information is attached.

18) On March 5th, 2002, the condominium unit was purchased by Caldwell for $210,000.00, with a mortgage lien for $168,000.00, which was fully satisfied on April 29th, 2004. Caldwell has been distributing Methamphetamine since at least 2001 and has no legitimate means of income to support the purchase of the defendant properties.

WHEREFORE, the United States of America request that process in due of law according to the procedures of the Court in cases of actions in rem in accordance with provisions of Rule C (3), Supplemental Rules of Certain Admiralty and Maritime Claims issue against the defendant property, and that any person or persons having any interest therein be cited and directed to appear herein and answer this complaint, and that this Court decree the condemnation and forfeiture of the defendant property to the United States and that plaintiff have such other and further relief as may be just and proper.

Respectively submitted,

MARCOS DANIEL JIMENEZ
UNITED STATES ATTORNEY

BY: _____

WILLIAM H. BECKERLEG, JR.
ASSISTANT U.S. ATTORNEY
Fla Bar No. A5500074
500 E. Broward Blvd., Suite 700
Ft. Lauderdale, Florida 33394
Tel: (954) 356-7314 ext. 3614
Fax: (954) 356-7180

VERIFICATION

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

TASK FORCE AGENT JEFFREY BRULL
SPECIAL AGENT
DRUG ENFORCEMENT ADMINISTRATION

JS 44
(Rev. 12/96)

CIVIL COVER SHEET

04 - 60719

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.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

DEFENDANTS

O'SULLIVAN

ONE 2001 BMW 330CI TWO DOOR COUPE, VIN # WBABN53491JU30723, ONE CONDOMINIUM UNIT NO. 10C, OF EMBASSY TOWER, 2701 NORTH OCEAN BLVD. #10C, FORT LAUDERDALE, FLORIDA, 33308; ONE GOLD "DAYTONA" ROLEX WATCH

MAGISTRATE RUSH

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

(EXCEPT IN U.S. PLAINTIFF CASES)

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 H. BECKERLEG, JR.
500 EAST BROWARD BLVD., SUITE 700
FORT LAUDERDALE, FL 33394

ATTORNEYS (IF KNOWN)

0:04CV 60719 KAM/BSS

(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
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S Government Defendant
- ☐ 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.)

TITLE 21, UNITED STATES CODE, SECTION 881(a)(6) & (4)

LENGTH OF TRIAL
via _____ 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 _____ DOCKET NUMBER _____

DATE

6-1-4

SIGNATURE OF ATTORNEY OF RECORD

WILLIAM H. BECKERLEG, JR.

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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