IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 1:19CR10009-002
	)	
KENNAN DANE O'BIER	)	

PRELIMINARY ORDER OF FORFEITURE

On August 16, 2019, a Grand Jury sitting in the Western District of Arkansas returned an Indictment against the Defendant, Kennan Dane O'Bier, charging him with one count of Conspiracy to Commit Mail Fraud, in violation of Title 18 U.S.C. § 1341 and 1349; eight counts of Aggravated Identity Theft and Aiding and Abetting, in violation of Title 18 U.S.C. §§ 1028A and 2; and a forfeiture allegation.

In the forfeiture allegation of the Indictment and subsequent Bill of Particulars, the United States seeks forfeiture, pursuant to Title 18 U.S.C. § 981(a)(1)(C) and Title 28 U.S.C. § 2461(c), of:

1. Credit Card Reader Ingenico, IMP352-01T2287A, SN:15151PP20540246
2. (2) Apple watches
3. iPhone 6S, IMEI: 353339072797819
4. Samsung tablet, IMEI: 353608073396197, SN: R52H90VLKHR
5. An LG phone, Model 7NFH700
6. iPhone XS Max, SN: FFMXN41KKPHM
7. iPhone Xs Max, SN: F2LXCSXDKPHC
8. iPhone 8 Plus, IMEI: 352980091181450, SN: F2LVMLCZJCLY
9. Google Pixel 3, IMEI: 990012001893632, SN: 8ACX0QESD

10. Apple Macbook Air, SN: FVFXWEMKJK77

11. Apple iPad Pro 12.9, SN: DLXXK0QXKC48

as property involved in, or used to facilitate the offense.

On July 20, 2020, the Defendant pleaded guilty to Counts One and Seven of the Indictment. Pursuant to a Plea Agreement entered into by the parties, the Defendant agrees to forfeit all rights, title and interest to Credit Card Reader Ingenico, IMP352-01T2287A, SN: 15151PP20540246, (2) Apple watches, iPhone 6S, IMEI: 353339072797819, Samsung tablet, IMEI: 353608073396197, SN: R52H90VLKHR, LG phone, Model 7NFH700, iPhone XS Max, SN: FFMXN41KKPHM, iPhone Xs Max, SN: F2LXCSXDKPHC, iPhone 8 Plus, IMEI: 352980091181450, SN: F2LVMLCZJCLY, Google Pixel 3, IMEI: 990012001893632, SN: 8ACX0QESD, Apple Macbook Air, SN: FVFXWEMKJK77 and, Apple iPad Pro 12.9, SN: DLXXK0QXKC48, listed in the Bill of Particulars. The Defendant acknowledges that all property covered by the Plea Agreement is subject to forfeiture as property facilitating illegal conduct, or property involved in illegal conduct giving rise to forfeiture, or as substitute assets for property otherwise subject to forfeiture.

Pursuant to the Plea Agreement, the Defendant consents to the immediate entry of a Preliminary Order of Forfeiture upon entry of the guilty plea. The Defendant further agrees that upon entry of the Preliminary Order of Forfeiture, such Order will be considered final as to Defendant's interests in the properties. The Defendant agrees to immediately withdraw any claims to properties seized in connection with this case in any pending administrative and civil forfeiture proceeding, and consents to the forfeiture of all properties seized in connection with this case to the United States. The Defendant agrees to execute any and all documents requested by the Government to facilitate or complete the forfeiture processes. The Defendant further agrees not to contest or to assist any other person or entity in contesting the forfeiture of the properties

seized in connection with this case.

Pursuant to the Plea Agreement, the Defendant agrees to consent to the entry of Orders of Forfeiture for such property and waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. The Defendant acknowledges that he understands that the forfeiture of assets is part of the sentence that may be imposed in this case and waives any failure by the court to advise him of this, pursuant to Rule 11(b)(1)(J), at the time his guilty plea is accepted.

Pursuant to the Plea Agreement, the Defendant further agrees to waive all constitutional and statutory challenges in any manner (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with the Plea Agreement on any grounds, including that the forfeiture constitutes an excessive fine or punishment. The Defendant agrees to take all steps as requested by the United States to pass clear title to forfeitable assets to the United States, and to testify truthfully in any judicial forfeiture proceeding. The Defendant also agrees that the forfeiture provisions of the Plea Agreement are intended to, and will, survive him, notwithstanding the abatement of any underlying criminal conviction after the execution of this agreement.

Accordingly, it is hereby ORDERED, DECREED AND ADJUDGED:

1. That based upon the guilty plea of the Defendant, the following assets shall be forfeited to the United States:

a. Credit Card Reader Ingenico, IMP352-01T2287A, SN:15151PP20540246

b. (2) Apple watches

c. iPhone 6S, IMEI: 353339072797819

d. Samsung tablet, IMEI: 353608073396197, SN: R52H90VLKHR

e. An LG phone, Model 7NFH700

f. iPhone XS Max, SN: FFMXN41KKPHM

g. iPhone Xs Max, SN: F2LXCSXDKPHC

h. iPhone 8 Plus, IMEI: 352980091181450, SN: F2LVMLCZJCLY

i. Google Pixel 3, IMEI: 990012001893632, SN: 8ACX0QESD

j. Apple Macbook Air, SN: FVFXWEMKJK77

k. Apple iPad Pro 12.9, SN: DLXXK0QXKC48

as property facilitating illegal conduct, or property involved in illegal conduct giving rise to forfeiture, or as substitute assets for property otherwise subject to forfeiture.

2. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this Order, the United States is authorized to seize any specific property that is subject to forfeiture as set forth herein in this Order and the Plea Agreement, to conduct any discovery the Court considers proper in identifying, locating or disposing of the property; and to commence proceedings that comply with any statutes governing third-party rights.

3. Upon entry of this Order, the United States is authorized to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.

4. The United States shall publish notice of this Order pursuant to Fed. R. Crim. P. 32.2(b)(6).

5. That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to Federal Rule of Criminal Procedure 32.2(c), in which all interests will be addressed.

IT IS SO ORDERED this 23rd day of February, 2020.

HONORABLE SUSAN O. HICKEY
CHIEF UNITED STATES DISTRICT JUDGE

Reviewed and consented to by:

Kennan Dane O'Bier, Defendant

James Bruce Bennett, Counsel for Defendant

BENJAMIN WULFF
Digitally signed by BENJAMIN WULFF
Date: 2021.02.17 12:46:07 -06'00'

Benjamin Wulff, Assistant U.S. Attorney