

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:23-cr-144-SPC-KCD

EVAN GRAVES

**ORDER OF FORFEITURE AND PRELIMINARY ORDER
OF FORFEITURE FOR DIRECT ASSETS**

Before the Court is the United States' Motion for Order of Forfeiture and Preliminary Order of Forfeiture for Direct Assets filed per 18 U.S.C. §981(a)(1)(C); 28 U.S.C. § 2461(c); Fed. R. Crim. P. 32.2(b)(2). (Doc. 26). Defendant has been adjudicated guilty of the wire fraud scheme alleged in the Information. (Doc. 1; Doc. 14; Doc. 19).

The Government's forfeiture motion is threefold. First, it moves for an order of forfeiture for \$1,355,600.00, which is the sum Defendant obtained because of the scheme.

Second, it moves for a preliminary order of forfeiture for the following five real property assets (hereinafter "Assets") that Defendant purchased or funded with the proceeds of the scheme:

1. the real property located at 2973 Palm Beach Boulevard, Fort Myers, FL 33916, including all improvements thereon and appurtenances thereto, the legal description for which is as follows:

Lot 9, Block 1, Frierson & Hendry's Addition to East Fort Myers, according to the map or plat thereof as recorded in Plat Book 1, Page 60, Public Records of Lee County, Florida.

Parcel Number: 18-44-25-P1-02001.0090

2. the real property located at 1751 Winkler Avenue, Fort Myers, FL 33901, including all improvements thereon and appurtenances thereto, the legal description for which is as follows:

Westerly 41.5 feet of Lot 16 and the Easterly 25 feet of Lot 17, Block 37, Palmlee Park, according to the map or plat thereof, as recorded in Plat Book 6, Page(s) 1, of the Public Records of Lee County, Florida.

Parcel Number: 35-44-24-P2-00837.0160

3. the real property located at 2646 Central Avenue, Fort Myers, FL 33901, including all improvements thereon and appurtenances thereto, the legal description for which is as follows:

Lots 1 and 2, Block D, Lovejoy Park, according to the plat thereof, as recorded in Plat Book 5, Page 26 of the Public Records of Lee County, Florida.

Parcel Number: 24-44-24-P4-0160D.0010

4. the real property located at 2328-2330 Victoria Avenue, Fort Myers, FL 33901, including all improvements thereon and appurtenances thereto, the legal description for which is as follows:

Lot 8, Block 8, Stadlers Central Heights, according to the plat thereof as recorded in Plat Book 4, Page 64, Public Records of Lee County, Florida.

Parcel Number: 24-44-24-P1-01108.0080

5. the real property located at 2335 Victoria Avenue, Fort Myers, FL 33901, including all improvements thereon and appurtenances

thereto, the legal description for which is as follows:

Lot 17, Block 5, Stadlers Central Heights, according to the plat thereof as recorded in Plat Book 4, Page 64, Public Records of Lee County, Florida.

Parcel Identification: 24-44-24-P1-01105.0170.

Third, the Government requests that any order of forfeiture and preliminary order of forfeiture for direct assets become final as to Defendant at the time it is entered per the Plea Agreement (Doc. 5 at 7).

After considering the Government's papers against the record and applicable law, the Court finds that Defendant obtained at least \$1,355,600 in proceeds because of his wire fraud scheme and purchased or funded the Assets with the proceeds from the scheme.

Accordingly, it is

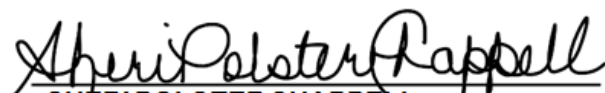
ORDERED:

The United States' Motion for Order of Forfeiture and Preliminary Order of Forfeiture for Direct Assets (Doc. 26) is **GRANTED**.

1. Defendant is liable for an order of forfeiture for **\$1,355,600**. *See* 18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c); Fed. R. Civ. P. 32.2(b)(2).
2. Because Defendant dissipated the \$1,355,600 in proceeds, the United States may seek, as a substitute asset forfeiture of any of Defendant's property up to the value of \$1,355,600. *See* 21 U.S.C. § 853(p); 28 U.S.C. § 2461(c).

3. The Assets (identified above) are forfeited to the United States for disposition according to law. The net proceeds from the forfeiture and sale of the assets will be credited to and reduce the amount the United States is entitled to forfeit as substitute assets per 21 U.S.C. § 853(p). *See* 18 U.S.C. § 981(a)(1)(C); 28 U.S.C. § 2461(c); Fed. R. Civ. P. 32.2(b)(2).
4. This Order of Forfeiture and Preliminary Order of Forfeiture for Direct Assets will become final as to Defendant at the time it is entered.
5. The Court retains jurisdiction to address any third-party claim that may be asserted in these proceedings, to enter any further order necessary for the forfeiture and disposition of such property, and for any substitute assets that the United States may be entitled to seek up to the amount of the order of forfeiture.

DONE AND ORDERED in Fort Myers, Florida on February 29, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Suzanne C. Nebesky, AUSA
Counsel of Record