IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v. **CRIMINAL NO. 2:23-00123**

SEAN PATRICK BOYD,

Defendant.

JOINT MOTION FOR ORDER DIRECTING ADMINISTRATIVE FORFEITURE TO BE APPLIED TO CRIMINAL RESTITUTION

Comes now the United States of America, by Lauren K. Combs and Justin A. Marlowe, Assistant United States Attorneys for the Southern District of West Virginia, and Defendant, Sean Patrick Boyd, through counsel, Emily L. Szopinski, and move this Court for an Order directing Defendant's administrative forfeiture funds be sent from the United States Marshall Service directly to the Clerk of the United States District Court for the Southern District of West Virginia to take receipt of and hold in the Court Registry, until such time as a restitution Order is entered and the funds can be disbursed pursuant to such Order.

In support, the parties represent the following:

1. On or about February 6, 2021, approximately $6,590.00 was seized from Defendant and one other individual.
2. On or about November 20, 2023, Defendant filed an administrative claim to the seized funds, claiming to be the sole owner.
3. No other administrative claims have been filed as to the seized funds, and the time for filing an administrative claim under 18 U.S.C. § 983 has passed.
4. The United States and Defendant, by and through his attorney, Emily Szopinski, have

agreed to the following terms and conditions:

a. The United States shall return the seized funds to Defendant;

b. The seized funds shall be applied as restitution in the pending criminal matter, 2:23-cr-00123;

c. The United States Marshal Service shall deposit the seized funds with the Clerk of Court for the Southern District of West Virginia, to be applied to the restitution in Defendant's criminal matter, 2:23-cr-00123;

d. Defendant waives all time limits set forth in 18 U.S.C. § 983 and any claim to further notices of forfeiture;

e. Defendant waives any and all claims he has or might have against the United States of America, the United States Department of Justice, the United States Marshal Service, the Federal Bureau of Investigation the Hurricane Police Department, and all agents, officers, and employees thereof (hereinafter the "Released Parties"), relating to the seizure of, or commencement of forfeiture proceedings against the seized funds, including any claims for lost profits or interest.

f. Defendant agrees to hold the Released Parties harmless from any and all claims of third parties pertaining to the seized funds;

g. These terms and conditions succeed Defendant and apply to his heirs and estate; and

h. The parties fully understand and agree to each of the above terms and conditions.

5. A joint motion to deposit funds into the registry of the court will be filed

contemporaneously with the present motion.

WHEREFORE, the parties respectfully move this Court for an Order directing Defendant's administrative forfeiture funds be sent from the United States Marshall Service directly to the Clerk of the United States District Court for the Southern District of West Virginia. Thereafter, the Clerk will take receipt of and hold such funds in the Court Registry until such time as a restitution Order is entered and the funds can be disbursed pursuant to such Order.

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing *Joint Motion for Order Directing Administrative Forfeiture to be Applied to Criminal Restitution* has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this the 18th day of January 2024, to:

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