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U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	**Case No: 5:22-cr-113-LCB-HNJ**
	)	
FRANCENE ARETHA GAYLE	)	

MOTION FOR ORDER OF FORFEITURE

The United States respectfully requests that this Court enter an Order of Forfeiture in this case. The Government states the following in support:

1. In the Superseding Indictment's Notices of Forfeiture, the United States sought property, both proceeds and facilitating property, resulting from the offenses of defendant FRANCENE ARETHA GAYLE, per 18 U.S.C. § 982(a)(1)(C).[1] The United States seeks to forfeit property that constitutes or is derived from gross proceeds traceable to the conduct charged in Count Sixteen of the Superseding Indictment. (Doc. 27 at 19). Specifically, the United States noticed the intention to seek a money judgment of at least $453,630.00, representing the proceeds from the conspiracy to commit wire fraud described in Count Sixteen. (Id. at 26).

[1] The United States also provided notice of forfeiture under 21 U.S.C. § 853 and 18 U.S.C. § 982(a)(7), pursuant to the other Counts of the Superseding Indictment. At this time, the government is only seeking forfeiture from the proceeds of the conduct reflected in Count Sixteen.

2. The Superseding Indictment also provided notice of the government's intention to seek forfeiture of substitute assets in the event directly forfeitable property was unavailable.

3. On June 10, 2024, Defendant FRANCENE ARETHA GAYLE entered a formal plea of guilty to Counts Two through Seven, and Sixteen, of the Superseding Indictment. (Minute Entry, 6/10/24). In her plea agreement, the Defendant agreed that the Court could enter an order of forfeiture against her in the amount of **$226,815.00**, representing the proceeds that she personally obtained, controlled, and benefitted from as a result of the offenses related to Count Sixteen of the Superseding Indictment. (Doc. 87 at 18). Defendant specifically agreed to the forfeiture of any and all assets of the defendant as substitute assets for the purpose of satisfying the final order of forfeiture should directly forfeitable property be unavailable. (Id.)

4. Based upon the guilty plea entered by Defendant FRANCENE ARETHA GAYLE and the Defendant's consent to the entry of an order of forfeiture contained in her plea agreement, the Attorney General is entitled to the entry of a personal money judgment in the amount of **$226,815.00** against Defendant GAYLE.

5. Though the United States is actively investigating certain properties owned and/or purchased with funds from the Defendant, the government has not yet

affirmatively identified specific property of the Defendant that can be forfeited as a substitute asset in accordance with 21 U.S.C. § 853(p). If, and when, the United States affirms the applicable property of the Defendant is subject to forfeiture under the Court's order(s) or could be forfeited as a substitute asset in full or partial satisfaction of the money judgment, the United States will promptly move the Court for such forfeiture pursuant to Rule 32.2(e) and/or 21 U.S.C. § 853(p).

6. As required by Rule 32.2(b)(4)(B), the United States further requests that the Court include the forfeiture when orally announcing the sentence and include the forfeiture order in the judgment. *See United States v. Kennedy*, 201 F.3d 1324, 1326 (11th Cir. 2000) and Fed. R. Crim. P. 32.2(b)(4)(A) and (B).

Accordingly, the United States respectfully requests that this Court enter a final order of forfeiture against Defendant in the amount of **$226,815.00**. A proposed final order is submitted herewith for the Court's review.

Respectfully submitted this 17th day of December, 2024.

PRIM F. ESCALONA
United States Attorney

/s/ Kristen S. Osborne

Kristen S. Osborne
Assistant United States Attorney
1801 Fourth Avenue North
Birmingham, AL 35203
(205) 244-2001
Kristen.Osborne@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been electronically filed with the Clerk of Court, Northern District of Alabama, on the 17th day of December, 2024, using the CM/ECF filing system which will send notification of said filing to all counsel of record.

/s/ Kristen S. Osborne
Kristen S. Osborne
Assistant United States Attorney