UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CAUSE NO. 2:21-CR-00154 JD
	)	
	)	
JEFFREY BOYLETT	)	

GOVERNMENT'S MOTION FOR ORDER OF FORFEITURE

Comes now United States of America, by its counsel, Clifford D. Johnson, United States Attorney for the Northern District of Indiana, through Thomas M. McGrath, Assistant United States Attorney, and moves for entry of a motion for Order of Forfeiture for the reasons set forth below.

1. Defendant has been convicted of wire fraud, in violation of Title 18, United States Code, Section 1343 as alleged in Count 1 of the Indictment. In the Indictment, the United States gave notice to the Defendant that in the event of conviction, the government would seek forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c) of all proceeds derived from the alleged offense.

2. On June 27, 2022, the Defendant, Jeffrey Boylett, entered into a plea agreement with the United States in which he agreed to the entry of

money judgment of $109,900.00 representing the amount of proceeds he derived from the commission of the scheme to which he was pleading guilty. On July 5, 2022, the Defendant entered his guilty plea before the Court.

3. The United States has not, as of this date, identified specific assets that were derived from the offenses for which the Defendant has been convicted.

4. Accordingly, the United States seeks the entry of an Order of Forfeiture consisting of a personal money judgment against the Defendant, Jeffrey Boylett, in the amount of $109,900.00.

5. Because the forfeiture order will consist only of a money judgment, no ancillary proceeding will be required to adjudicate the interests of third parties in the forfeited property. *See* Rule 32.2 (c)(1).

6. The entry of an Order of Forfeiture in the form of a personal money judgment is specifically authorized by Rule 32.2(b)(1) and (c)(1) of the Federal Rules of Criminal Procedure. Such orders of forfeiture are commonplace. *See United States v. Baker*, 227 F.3d 955 (7th Cir. 2000) (a forfeiture order may include a money judgment for the amount of money involved in the money laundering offense; the money judgment acts as a lien against the defendant personally for the duration of his prison term and

beyond); *United States v. Ginsburg*, 773 F.2d 798, 801-02 (7th Cir. 1985) (*en banc)* (criminal forfeiture is a personal judgment that requires the defendant to pay the total amount derived from the criminal activity, "regardless of whether the specific dollars received from that activity are still in his possession"); *United States v. Holland*, 160 F.3d 377, 380 (7th Cir. 1998) (defendant ordered to pay judgment equal to value of property concealed from bankruptcy court and subsequently laundered); *United States v. Padron*, 527 F.3d 1156, 1162 (11th Cir. 2008) (the authority to issue a forfeiture order in the form of a money judgment is clear).

7. Once the Order of Forfeiture is entered, the Government may collect on the forfeiture judgment in the same way that a successful plaintiff collects a money judgment from a civil defendant, *see United States v. Hall*, 434 F.3d 42, 59 (1st Cir. 2006), and may move at any time, pursuant to Rule 32.2(e)(1)(B), to amend the Order to forfeit specific property of the Defendant, having a value up to the amount of the money judgment, as substitute assets. *See United States v. Baker*, 227 F.3d 955 (7th Cir. 2000) (once the Government has obtained a money judgment, it may forfeit defendant's real property in partial satisfaction of that judgment); *United States v. Davis*, 177 F. Supp.2d 470 (E.D. Va. 2001) (if property cannot be forfeited as directly

traceable to the offense, it can be forfeited as a substitute asset and used to satisfy the money judgment).

WHEREFORE, by virtue of the plea agreement and the determination of the amount of money derived from the offense for which the Defendant was convicted, a money judgment should be entered against the Defendant in the amount of $109,900.00.

Accordingly, the United States respectfully requests that this Court enter an order of forfeiture as proposed in the attached order.

Respectfully submitted,

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