UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CR-60203-BLOOM (COHN)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEPHANIE DIANE SMITH,

Defendant.

ORDER OF FORFEITURE

THIS CAUSE is before the Court upon the motion by the United States for an order memorializing the forfeiture money judgment imposed against the **STEPHANIE DIANE SMITH** ("Defendant") in this case as part of her sentence (the "Motion") [DE 101]. The Court has reviewed the Motion, the record in this case, notes that the Defendant has no objection to the Motion, and is otherwise advised in the premises. The Court finds as follows with respect to forfeiture and the Defendant:

1. On October 19, 2023, a federal grand jury sitting in the Southern District of Florida returned a two (2) count true bill of indictment (the "Indictment") charging the Defendant with wire fraud in violation of Title 18, United States Code, Section 1343. *See* Indictment, DE 11.

2. Specifically, the Indictment charged the Defendant in Count 1 with wire fraud in relation to the disbursement of SBA loan number 1892748707 from Lender 1 (Cross River Bank) in the amount of $20,833 (US) by Automated Clearing House (ACH) transfer to We Florida Financial bank account number ending in 3536. *See* Indictment, DE 1, at 7. The Indictment charged the Defendant in Count 2 with wire fraud in relation to the disbursement of SBA loan number

7928598808 from Lender 2 (Prestamos) in the amount of $10,275 (US) by ACH transfer to BB&T bank account number ending in 1130. *Id*.

3. The Indictment also contained forfeiture allegations which provided the Defendant with notice of the Government's intent to seek criminal forfeiture upon her conviction. *See* Indictment, DE 1, at 7-8. Specifically, the forfeiture allegations provide notice to the Defendant that upon her conviction of wire fraud, as charged in the Indictment, any property, real or personal, which constitutes or is derived from proceeds traceable to such offense shall be forfeited to the United States pursuant to 18 U.S.C. § 981(a)(1)(C). *Id*.

4. On March 5, 2024, the jury empaneled in this case returned its verdict finding the Defendant guilty of wire fraud as charged in Counts 1 and 2 of the Indictment. *See* Verdict, DE 77.

5. Prior to sentencing, the United States moved for entry of a forfeiture money judgment against the Defendant for $31,108 (US) as part of her sentence as this is a sum of money equal in value to the funds she obtained as proceeds traceable to the crimes of which she had been found guilty in this case. *See* Motion for Forfeiture Money Judgment and Incorporated Bench Memorandum, DE 94.

6. Specifically, the evidence presented in the case showed that because of the false information in the Defendant's PPP loan application for Children 1st, Lender 1 (Cross River Bank) transmitted by wire (via ACH) $20,833 (US) in loan proceeds for Small Business Association (SBA) loan number 1892748707. *See* Presentence Investigation Report ("PSR"), DE 93, ¶ 27. Furthermore, bank records confirmed that the Defendant received the transmitted funds ($20,833 (US)) in her checking account at We Florida Financial Bank ending in 3536 on April 1, 2021. *Id*.

7. Additionally, the evidence presented in the case showed that because of the false

information in the Defendant's PPP loan application for Agape, Lender 2 (Prestamos) transmitted by wire (ACH) $10,275 (US) in loan proceeds for SBA loan number 7928598808. *See* PSR, ¶ 38. Furthermore, bank records confirmed that the Defendant received the transmitted funds ($10,275 (US)) in her checking account at BB&T Bank ending in 1130 on May 11, 2021. *Id*.

8. In total, the Defendant received $31,108 (US) in proceeds from the PPP loans for Children's 1st and Agape. *See* PSR, ¶ 40.

9. On May 29, 2024, the Court sentenced the Defendant in this case and imposed a forfeiture money judgment against the Defendant for $31,108 (US) as part of her sentence and directed the Government to file a proposed order accordingly. *See* Sentencing Minutes, DE 99; *see also* Judgment, DE 100.

Therefore, based on the foregoing, the Motion [DE 101] is hereby **GRANTED**, and it is **ORDERED** and **ADJUDGED** that:

1. A forfeiture money judgment is imposed against the Defendant for $31,108 (US) pursuant to 18 U.S.C. § 981(a)(1)(C), as made applicable by 28 U.S.C. § 2461(c), and the procedures set forth in 21 U.S.C. § 853 and Rule 32.2 of the Federal Rules of Criminal Procedure, for which let execution issue.

2. It is further ordered that the United States may, at any time, file a motion, pursuant to 21 U.S.C. § 853(p) and Rule 32.2(e) of the Federal Rules of Criminal Procedure, to amend this Order of Forfeiture to forfeit substitute property having a value not to exceed the aggregate sum of the outstanding balance of the forfeiture money judgment imposed herein in satisfaction thereof in whole or in part.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 31st day of May, 2024.

James I. Cohn

JAMES I. COHN
United States District Judge

cc: Counsel of record via CM/ECF