UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA, Plaintiff, vs. DOUGLAS WOLD, Defendant.	Case No. 1:20-cr-00202-DCN **PRELIMINARY ORDER OF FORFEITURE, FINAL AS TO DEFENDANT[1]**

This matter comes before the Court on the United States' Motion for Preliminary Order of Forfeiture, Final as to Defendant. Dkt. 26.

The Court finds that the Motion and the record establish: (a) the requisite nexus between the property subject to forfeiture and the offense, as required by Federal Rule of Criminal Procedure 32.2, and (b) a sufficient factual and legal basis for forfeiture to include, but not be limited to, the following Subject Property and any Substitute Assets.

Subject Property:

1. Identified Property. Proceeds and funds derived from proceeds in various bank accounts, including the following (amounts are approximate and at least):

[1] Despite its name, a Preliminary Order of Forfeiture is the final order as to the Defendant. Fed. R. Crim. P. 32.2(b)(4). A Final Order of Forfeiture, when necessary, addresses third party interests. Fed. R. Crim. P. 32.2(c).

(a) Banner Bank account ending in 7922 for Wake Plates LLC containing $6,230.34;

(b) Banner Bank account ending in 9315 for Douglas Arnold Wold d/b/a Hala Lallo Health containing $14,152.44;

(c) Banner Bank account ending in 1328 for Douglas Arnold Wold d/b/a Wake Plate Design containing $863.10;

(d) Banner Bank account ending in 6223 for K.A.M.W. and Douglas Arnold Wold containing $9,151,17;

(e) Banner Bank account ending in 6321 for T.R.M.W. and Douglas Arnold Wold containing $7,800.03;

(f) Banner Bank account ending in 6528 for K.J.M.W. and Douglas Arnold Wold containing $7,577.12;

(g) 2019 Tige' R23 Speedboat, Hull Identification Number TIX0242SD919; and

(h) 2019 Boatmate Boat Trailer, Vehicle Identification Number 5A7BB2322KT000147.

The Defendant agreed that the speedboat and trailer also constitute property involved in the money laundering offense, Count Thirteen.

<u>Nexus and Factual Basis for Forfeiture</u>

Based upon the Plea Agreement, filed April 7, 2021, the defendant admitted that the Subject Property was proceeds of his schemes, and derived from proceeds, and that the speedboat and trailer also were involved in money laundering. (Dkt. 18 at 8.) The defendant pleaded guilty to three counts of the Indictment: Count One, a violation of 18 U.S.C. § 1343, admitting that he committed wire fraud, by depositing false payroll checks into his own bank account; Count Twelve, a violation of 18 U.S.C. § 1341, admitting that he committed mail fraud, by receiving checks by U.S. mail for false and fraudulent invoices, which he deposited into a bank account he controlled; and Count Thirteen, a violation of 18 U.S.C. § 1957, admitting money laundering by knowingly using criminally-derived proceeds to purchase the above speedboat and trailer. (Dkt. 18 at 3-5.)

Statutory Authority

The Court's forfeiture authority for mail and wire fraud originates from 18 U.S.C. § 981(a)(1)(C) through 28 U.S.C. § 2461(c), which provides that, when imposing sentence on any person convicted of a violation of 18 U.S.C. §§ 1341 or 1343, the Court, shall order the person to forfeit property, real or personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offense. For money laundering, 18 U.S.C. § 982(a)(1) provides for forfeiture of property involved in or traceable to the money laundering offense.

NOW THEREFORE, THE COURT ORDERS that the United States' Motion for Preliminary Order of Forfeiture, Final as to Defendant (Dkt. 26) is **GRANTED**, and the defendant shall forfeit to the United States the Subject Property and any other property forfeitable pursuant to the Statutory Authority above or other applicable law.

Substitute Assets: Pursuant to 21 U.S.C. § 853(p) and other applicable statutes, the government may seek forfeiture of substitute assets, "or any other property of the defendant" up to the value of the property subject to forfeiture. The government may do so when the property subject to forfeiture:

a. Cannot be located upon the exercise of due diligence;

b. Has been transferred or sold to, or deposited with, a third-party;

c. Has been placed beyond the jurisdiction of the court;

d. Has been substantially diminished in value; or

e. Has been commingled with other property which cannot be divided without difficulty.

The United States Attorney General (or a designee) or the Internal Revenue Service is authorized to seize the Subject Property in accordance with Criminal Rule 32.2(b)(3).

The United States is further authorized, pursuant to Criminal Rule 32.2(b)(3) and 32.2(c)(1)(B), to conduct any discovery, including depositions and interrogatories intended to: (a) identify, locate or dispose of the property ordered forfeited herein, any property traceable thereto, or any property that may be forfeited as substitute assets; or (b) expedite ancillary proceedings related to any third-party interests claimed pursuant to 21 U.S.C. § 853(n).

The United States Attorney General (or a designee) or the Internal Revenue Service is hereby authorized to commence any applicable proceeding to comply with statutes governing third-party rights, including giving notice of this Order.

If the United States seeks a Final Order of Forfeiture, it shall provide the required notice, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions and 21 U.S.C. § 853(n).

The United States may publish on an official government internet site (www.forfeiture.gov) for at least thirty (30) consecutive days, pursuant to Supplemental Rule G(4)(a)(iv)(C). The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the Subject Property, other than the above-named defendant, pursuant to Supplemental Rule G(4)(b) and 21 U.S.C. § 853(n)(1).

Any person asserting a legal interest in the Subject Property, or other forfeited property, must file a claim with the Court within the applicable deadlines. Otherwise, the claim will be waived and lost. Supplemental Rule G contains specific deadlines, but typically the deadline to file a claim is no later than sixty days after first publication or thirty days after receipt of notice, whichever is earlier. Any claim must be signed under the penalty of perjury and must meet the statutory and Rule requirements, including those in § 853(n) and Supplemental Rule G(5).

The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests. If no third-party files a timely claim, this Preliminary Order of Forfeiture becomes final as to third parties, pursuant to Criminal Rule 32.2(c)(2).

The Preliminary Order of Forfeiture terminates a defendant's rights. Thus, a defendant may not participate in the ancillary proceeding. This Preliminary Order of Forfeiture is part of the sentence and shall be included in the judgment. *See* Criminal Rule 32.2(b)(4).

This Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Criminal Rule 32.2(e).

DATED: May 20, 2021

David C. Nye
Chief U.S. District Court Judge