

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

vs.

NO. 3:08CV137-SA-SAA

\$425,000.00 IN U.S. CURRENCY

DEFENDANT

STIPULATED CONSENT JUDGMENT
AND FINAL ORDER OF FORFEITURE

The United States of America, by and through its attorneys, William C. Martin, Acting United States Attorney for the Northern District of Mississippi, and Samuel D. Wright, Assistant United States Attorney, together with William Roberts Wilson, Jr., and Roberts Wilson, Jr., P.C., Claimants, along with their counsel of record, hereby submit this Stipulated Consent Judgment and Final Order of Forfeiture:

WHEREAS, a Verified Complaint for Forfeiture In Rem was filed on December 31, 2008, alleging that the defendant currency was subject to forfeiture pursuant 18 U.S.C. § 981(a)(1)(C);

WHEREAS, the Claimants filed a Verified Claim to the defendant currency on February 18, 2009, and an Answer to the Plaintiff's Complaint on March 2, 2009;

WHEREAS, the United States of America and the Claimants (hereinafter "the parties"), are aware of their respective rights and wish to resolve this matter without further litigation and expense;

NOW THEREFORE, the parties hereby stipulate and agree as follows:

1. This is an *in rem* civil forfeiture action brought pursuant to 18 U.S.C. § 981(a)(1)(C).
2. This Court has jurisdiction to hear this action pursuant to 28 U.S.C. §§ 1345 and 1355.
3. Venue is proper before this Court, pursuant to 28 U.S.C. § 1395(b), because the defendant currency was seized in the Northern District of Mississippi.
4. The Court has jurisdiction over the subject matter and the parties.
5. The allegations of the Complaint for Forfeiture are well taken; the United States and its agents had reasonable cause for the seizure of the defendant currency as provided in 28 U.S.C. § 2465 and the Government's position in this action is substantially justified as provided in 28 U.S.C. § 2412(d)(1)(B).
6. The parties herein wish to resolve this matter without additional utilization of judicial resources and without incurring further litigation expenses. As such, the parties agree that Two Hundred Eighty Thousand and 00/100 Dollars (\$280,000.00) of the defendant currency shall **NOT BE FORFEITED**, but shall be **RETURNED** to Claimants. The Claimants hereby withdraw their claim and answer to the remaining One Hundred Forty-Five Thousand Dollars (\$145,000.00) of the defendant currency.

7. The parties further stipulate that the remaining portion of the defendant currency, specifically One Hundred Forty-Five Thousand Dollars (\$145,000.00) in U.S. Currency, plus any interest that may have accrued on the whole of the defendant currency since the time of seizure shall be **FORFEITED** to the United States of America. Further, any right, title or interest of the Claimants, and their successors and assigns, and any right, title and ownership interest of all other persons in the portion of the defendant currency that is being forfeited to the United States is hereby and forever **EXTINGUISHED**. Clear title to said currency shall hereby be **VESTED** in the United States of America, and the United States Marshal, or his delegate, is **AUTHORIZED** to dispose of such currency according to law.

8. Claimants hereby knowingly and voluntarily waive any and all right to reimbursement by the United States of attorney fees and/or litigation costs in connection with this civil forfeiture action, pursuant to 28 U.S.C. § 2465(b)(1)(A) or any other statute. Claimants further agree that forfeiture of the \$145,000.00 is reasonable, and does not constitute an excessive punishment within the meaning of the Eighth Amendment of the United States Constitution.

9. Claimants agree to release, remise and discharge Plaintiff, the United States of America, and any of its agencies involved in this matter, including but not limited to the United States Federal Bureau of Investigation ("FBI"), the United States

Marshal's Service, their agents and employees, and state and local law enforcement officers and their employers, agents, officers and employees, past and present, from all claims or causes of action which Claimants and their agents, officers, employees, assignees and/or successors in interest have, may have had or may have on account of the events or circumstances giving rise to the above-captioned action.

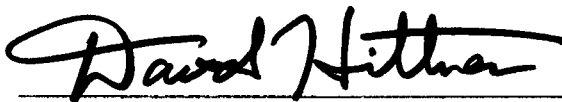
10. Following entry of this Stipulated Consent Judgment and Final Order of Forfeiture, the United States Marshal's Service, or its delegate, shall disburse funds made payable to WILLIAM ROBERTS WILSON, JR., in the amount of Two Hundred Eighty Thousand and 00/100 Dollars (\$280,000.00) in United States currency. Said funds shall be disbursed to Claimants through their attorney, Charles M. Merkel, Jr., Merkel & Cocke, 30 Delta Avenue, Post Office Box 1388, Clarksdale, Mississippi 38614-1388.

11. This Stipulated Consent Judgment and Final Order of Forfeiture resolves this matter in its entirety, specifically United States District Court Civil Matter No. 3:08-CV-137, entitled U. S. v. \$425,000.00 in U.S. Currency. Upon the issuance of the funds described in Paragraph 10 above, this case shall be dismissed **WITH PREJUDICE** and closed. The parties agree that the Court will retain jurisdiction over this matter for a period of one hundred twenty (120) days following entry of this Stipulated Consent Judgment and Final Order of Forfeiture solely for the purpose of enforcement of the terms of this Order.

12. Each of the parties to this Stipulation are aware of their rights in this matter. The parties agree that each party shall bear its own costs and attorney fees in this matter.

WHEREFORE, the parties stipulate to entry of this Stipulated Consent Judgment and Final Order of Forfeiture.

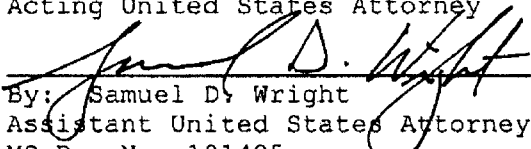
SO ORDERED on this the 16 day of FEBRUARY, 2010.



HONORABLE DAVID HITTNER
United States District Judge

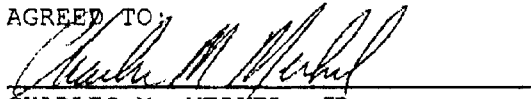
PREPARED BY AND AGREED TO:

WILLIAM C. MARTIN
Acting United States Attorney



By: Samuel D. Wright
Assistant United States Attorney
MS Bar No. 101425
900 Jefferson Ave.
Oxford, Mississippi 38655
Phone: (662) 234-3351
Facsimile: (662) 234-3318
Dated: 2/16/10

AGREED TO:



CHARLES M. MERKEL, JR.
Lead Counsel for Claimants
MS Bar No. 2884
30 Delta Drive
Post Office Box 1388
Clarksdale, Mississippi 38614-1388
Phone: (662) 627-9641
Facsimile: (662) 627-3592
Dated: 2/15/2010