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 DATE FILED: 6/23/2017

ORIGINAL

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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|--------------------------|---|-------------------------------------|
| ----- | X | |
| | : | |
| UNITED STATES OF AMERICA | : | <u>CONSENT PRELIMINARY ORDER OF</u> |
| | : | <u>FORFEITURE /MONEY JUDGMENT</u> |
| -v.- | : | |
| | : | 16 Cr. 831 (ER) |
| MALCOLM HARRIS, | : | |
| | : | |
| Defendant. | : | |
| ----- | X | |

WHEREAS, on or about December 15, 2016, MALCOLM HARRIS, (the “defendant”), was charged, among others, in a nine-count Indictment, 16 Cr. 831 (ER) (the “Indictment”), with wire fraud, in violation of Title 18, United States Code, Section 1343 (Count Seven); transferring, possessing, and using without lawful authority, a means of identification of another person, during and in relation to a felony, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(C)(5), and 2 (Count Eight), and with engaging in monetary transactions in property derived from specified unlawful activity, in violation of Title 18, United States Code, Section 1957 (Count Nine);

WHEREAS, the Indictment included a forfeiture allegation as to Counts Seven and Ten, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(c), and Title 28, United States Code, Section 2461 of all property, real or personal, constituting or derived, directly or indirectly, from proceeds traceable to the commission of the offenses alleged in Counts Seven and Ten of the Indictment;

WHEREAS, the Indictment included another forfeiture allegation as to Counts Five, Six, Nine, and Twelve, seeking forfeiture to the United States, pursuant to Title 18, United

States Code, Section 982(a)(1), of any and all property, real and personal, involved in such offenses and any property traceable to such property;

WHEREAS, on or about June 21, 2017, the Defendant pled guilty to Counts Seven and Nine of the Indictment, pursuant to an agreement with the Government, wherein the Defendant admitted the forfeiture allegations with respect to Counts Seven and Nine of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1), and Title 28, United States Code, Section 2461, a sum of money equal to \$500,000.00 in United States currency, representing the amount of proceeds involved in, or traceable to, the commission of the offenses alleged in Counts Seven and Nine of the Indictment; and

WHEREAS, the Defendant consents to the terms of this Consent Preliminary Order of Forfeiture/Money Judgment and its entry against him and furthermore to the entry of a money judgment in the amount of \$500,000.00 in United States currency, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 982(a)(1), representing (a) property constituting or derived, directly or indirectly from proceeds traceable to the commission of the offense alleged in Count Seven of the Indictment and (b) property involved in the offense alleged in Count Nine of the Indictment;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Joon H. Kim, Acting United States Attorney, Assistant United States Attorney Daniel Noble, of counsel, and the Defendant and his counsel, Mark DeMarco, Esq., that:

1. As a result of the offenses charged in Counts Seven and Nine of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$500,000.00 (the “Money Judgment”) in United States currency shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, MALCOLM HARRIS, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendant’s name and case number.

4. Upon execution of this Consent Preliminary Order of Forfeiture/Money Judgment and pursuant to Title 21, United States Code, Section 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate or dispose of

forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 (e) of the Federal Rule of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Sarah K. Eddy, Co-Chief, Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.


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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

JOON H. KIM

Acting United States Attorney for the
Southern District of New York

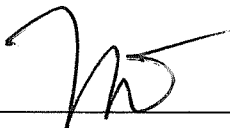
By: 
DANIEL S. NOBLE
Assistant United States Attorney
One St. Andrew's Plaza
New York, N.Y. 10007
Office.: (212) 637-2239

6/21/2017
DATE

MALCOLM HARRIS
DEFENDANT

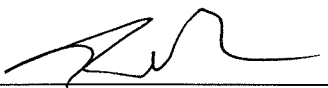
By: 
MALCOLM HARRIS

6/21/17
DATE

By: 
MARK DEMARCO, ESQ.
Attorney for MALCOLM HARRIS

6/21/17
DATE

SO ORDERED:


HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE

6/21/17
DATE