

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 05-282 (MJD/SRN)

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF,)	
v.)	PRELIMINARY ORDER
)	OF FORFEITURE
(1) CHRISTOPHER SMITH,)	
)	
DEFENDANT.)	

Based on the United States' motion for a Preliminary Order of Forfeiture; on the conviction of defendant Christopher Smith at trial on Counts 1-9 of the Third Superseding Indictment; on the Affidavit Of Special Agent Chad Vetter submitted in support of the motion for a preliminary order of forfeiture; on the Court having found that certain property is subject to forfeiture pursuant to 18 U.S.C. § 982(a)(1) and pursuant to 21 U.S.C. § 853(a); and on the Court's determination that, based on the defendant's conviction at trial and based on all of the files and records of this proceeding, the government has established the requisite nexus between certain property and the offenses of which the defendant has been found guilty,

IT IS HEREBY ORDERED that:

1. Plaintiff's motion for a preliminary order of forfeiture [Docket No. 386] is **GRANTED**;
2. Defendant Christopher Smith shall forfeit to the United States pursuant to 21 U.S.C. § 853(a) all property constituting, or derived from, proceeds defendant Smith obtained, directly or

indirectly, as a result of Counts 1 through 4 and 9 of the Third Superseding Indictment; all property used, or intended to be used, to commit or to facilitate the commission of the offenses alleged in Counts 1 through 4 and 9 of the Third Superseding Indictment; and, pursuant to 18 U.S.C. § 982(a)(1), all property, real or personal, involved in the money laundering conspiracy alleged in Count 8 of Third Superseding Indictment, and all property traceable to such property. The property to be forfeited includes, but is not limited to, the following:

- a. the sum of \$24,240,747, representing the gross proceeds of the offenses of conviction. The defendant shall be given a credit against this money judgment for the net forfeited value of the assets forfeited in connection with *United States v. One Mercedes Maybach et al.*, Civil No. 05-1516 (MJD/AJB). The defendant shall be given a further credit against this money judgment amount for the net forfeited value of each specific asset including, without limitation, the assets listed below, finally forfeited pursuant to this order, that is, the value of all currency actually collected and forfeited to the United States, and the value of the net proceeds from the sale of all other property finally forfeited to the United States;
- b. \$89,335.00 in U.S. Currency surrendered to the Internal Revenue Service, Criminal Investigation Division, on February 3, 2006;
- c. \$198,120.00 in U.S. Currency surrendered to the Internal Revenue Service, Criminal Investigation Division, on February 3, 2006;
- d. \$1,850.00 in U.S. Currency surrendered to the Internal Revenue Service, Criminal Investigation Division, on February 3, 2006;
- e. \$13,757.96 in net proceeds from the sale of a 2005 Mercedes Benz, C55AMG, VIN WDBRF76J95F612084;

- f. \$139,720.00 in U.S. Currency surrendered to the Internal Revenue Service, Criminal Investigation Division, on March 24, 2006;
 - g. \$50,000.00 in U.S. Currency surrendered to the Internal Revenue Service, Criminal Investigation Division, on March 31, 2006;
 - h. the real property located at XXXX, Prior Lake, Minnesota, and legally described as XXXX, Scott County, Minnesota, together with its buildings, fixtures, improvements, and appurtenances;
 - i. a Rolex watch, serial number F159286, style R7917441RB7824, purchased on December 22, 2004 from Osterman Jewelers;
 - j. any and all remaining funds in U.S. Bank Account No. X-XXX-XXXX-XXXX, or other accounts held by the court appointed Receiver in connection with *United States v. Christopher William Smith et al.*, Civil No. 05-895 (MJD/SRN);
 - k. funds up to the amount of \$16,000 held by Braemer Mailings funded by Online Payment Solutions check number 7200 in the amount of \$16,000;
 - l. funds in the amount of \$922,166.97 withdrawn from various accounts at Commerce Bank between May 11 and May 13, 2005, including Revenue Doctors Account No. XXXX, RxOrderFill.com Savings Account No. XXXX, and Bruce and Robin Lieberman Account No. XXXX; and
 - m. any and all remaining funds in accounts held by Bardo France, 16, Place Vendome, Paris, France, under Account Identification No. XXXX (Xpress Pharmacy Direct).
3. the Attorney General and/or the Secretary of the Treasury or their authorized designee may seize the property itemized in paragraph 2 above and maintain custody and control of the property pending the entry of a Final Order of Forfeiture;
4. the United States shall, pursuant to 21 U.S.C. § 853(n),

publish and give notice of this Order and its intent to dispose of the property itemized in paragraph 2 above in such manner as the Attorney General and/or the Secretary of the Treasury may direct;

5. pursuant to Fed.R.Crim.P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing, and shall be made a part of the sentence and included in the judgment;

6. following the Court's disposition of all petitions filed pursuant to 21 U.S.C. § 853(n)(2) or, if no petitions are filed, following the expiration of the time period specified within which to file such petitions, the United States shall have clear title to the foregoing property and may warrant good title to any subsequent purchaser or transferee;

7. pursuant to Fed. R. Crim. P. 32.2(b)(3), Fed. R. Crim. P. 32.2(c) and 21 U.S.C. § 853(m), the United States may conduct discovery to identify, locate or dispose of property subject to forfeiture under the terms of this order, or to address any factual issues raised by a third-party petition filed pursuant to Fed. R. Crim. P. 32.2(c);

8. this Court shall retain jurisdiction to enforce this Order, and to amend it as necessary pursuant to Fed.R.Crim.P. 32.2(e) to forfeit any subsequently discovered directly forfeitable or

substitute property, and to dispose of any third-party claims.

Dated: August 1, 2007

s / Michael J. Davis
MICHAEL J. DAVIS, Judge
United States District Court