

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 09-00157-CR-W-SOW
)	
GARLAND HANKINS,)	
)	
Defendant.)	

PRELIMINARY ORDER OF FORFEITURE

Before the Court is the Motion of the United States for a Preliminary Order of Forfeiture (Doc. #177).

In Forfeiture Allegation II of the Indictment in this case, the United States sought forfeiture of \$900,000 in United States currency, pursuant to 21 U.S.C. § 853. That property constituted or was derived from proceeds traceable to the violation alleged in Counts One and Two of the Indictment. Also, in Forfeiture Allegation II of the Indictment, the United States sought the forfeiture of the following real property, pursuant to 21 U.S.C. § 853(p) as a substitute asset:

500 S.E. 30th Street, Oak Grove, Missouri 64075, together with its buildings, appurtenances, improvements, fixtures, attachments, and easements as described below:

That portion of the Southeast Quarter of the Northwest Quarter of Section 9, Township 48 North of Baseline, Range 29 West of the Fifth Principal Meridian, all in Jackson County, Missouri, being more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter of the Northwest Quarter of said Section 9, said point also being the center of said Section 9; thence along the South line of said Quarter Quarter Section South 89 degrees 58 minutes 00 seconds West a distance of 651.60 feet to the point on the center of right-of-way of White Road, said point also being the true point of beginning, said point of beginning being the Southeast corner of a tract of record in Book I-1348 at Page 1675 in the Office of the Recorder for Jackson County, Missouri; thence continuing along said Quarter Quarter Section line, and along said center line of right-of-way South 89 degrees 58 minutes 00 seconds West a distance of 470.07 feet; thence leaving said

Quarter Quarter Section line, and said center line of right-of-way North 00 degrees 21 minutes 28 seconds East a distance of 1294.29 feet to a point on the North line of the Southeast Quarter of the Northwest Quarter of said Section 9; thence along said Quarter Quarter Section line North 89 degrees 32 minutes 28 seconds East a distance of 467.29 feet; thence leaving said Quarter Quarter Section line along the East line of a tract of record in Book I-1348 at Page 1675 in the Office of the Recorder for Jackson County, Missouri, South 00 degrees 16 minutes 00 seconds West a distance of 1297.74 feet to the true point of beginning. Except that part platted as Spokani Ridge.

The net proceeds from the sale of 500 S.E. 30th Street, Oak Grove, Missouri shall be applied against the money judgment owed by defendant Garland Hankins.

On January 20, 2010, the defendant Garland Hankins appeared before this court and pleaded guilty to Counts One and Two of the Indictment, charging violations of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), (c)(1), (2), and 846; and agreed to the forfeiture listed in the Indictment.

The Court has determined, based upon the evidence set forth in the guilty plea, that the United States has established the requisite nexus between the property described herein and in Forfeiture Allegation II of the Indictment and the offenses to which the defendant has pleaded guilty.

By virtue of the guilty plea, the United States is now entitled to a Preliminary Order of Forfeiture and to possession of the property pursuant to 21 U.S.C. § 853.

Accordingly, it is hereby

ORDERED that the Motion of the United States for a Preliminary Order of Forfeiture (Doc. #177) is granted. It is further

ORDERED that based upon the guilty plea and Forfeiture Allegation II of the Indictment, the above-described property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n). It is further

ORDERED that defendant Garland Hankins shall pay to the United States \$900,000 in

United States currency as a personal money judgment. It is further

ORDERED that upon entry of this Order, the United States Attorney General or his designee is authorized to seize the above-described property in accordance with Fed. R. Crim. P. 32.2(b)(3).

It is further

ORDERED that pursuant to 21 U.S.C. § 853, the United States shall publish for at least 30 consecutive days on the government's official website, www.forfeiture.gov, notice of the Preliminary Order of Forfeiture, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant Garland Hankins, having or claiming a legal interest in the above-described property must file a petition with the Court (and serve a copy on Bruce Rhoades, Assistant United States Attorney), within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified. It is further

ORDERED that 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 (or before if the defendant consents) and shall be made part of the sentence and included in the judgment. It is further

ORDERED that the United States may conduct any discovery it considers necessary to identify, locate, or dispose of the property subject to forfeiture or substitute assets for such property.

It is further

ORDERED that upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture in which all interests will be addressed.

_____/s/ Scott O. Wright_____
Scott O. Wright
United States District Judge

Dated this 16th day of
March, 2010, at Kansas City, Missouri.