

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 10-00320-CR-W-DGK
)	
JUAN ANTONIO MARRON,)	
)	
DAVID HERNANDEZ-MONTOYA,)	
)	
JOSEPH MICHAEL LOPEZ,)	
)	
GILBERT LUPERCIO,)	
)	
Defendants.)	

**MOTION OF THE UNITED STATES FOR A PARTIAL FINAL ORDER
OF FORFEITURE, WITH SUPPORTING SUGGESTIONS**

The United States of America, by its undersigned counsel, respectfully submits its Motion for a Partial Final Order of Forfeiture in the above-entitled case for the reasons set forth in the following supporting suggestions. A proposed order is submitted with this motion.

SUPPORTING SUGGESTIONS

1. In the Forfeiture Allegation of the Indictment in this case, the United States sought forfeiture of the following property pursuant to 21 U.S.C. § 853:

Lot 4, Block 4, Abington Park No. 2, subdivision in Kansas City, Jackson County, Missouri, commonly known as 111 South Lawn Avenue, Kansas City, Missouri¹;

\$5,700.00 in United States currency;

¹ The United States is no longer seeking forfeiture of the real property located at 111 South Lawn Avenue, Kansas City, Missouri.

2006 Chrysler 300m, VIN: 2C3LA63H064101918;
2000 Ford Explorer, VIN: 1FMZU84P1YZA57179;
1999 Chevy Camaro, VIN: 2G1FP22G8X2140438;
1998 Ford Windstar minivan, VIN: 2FMDA5145WBA51087;
2002 Chevrolet Avalanche, VIN: 3GNEK13T02G125436;
2006 Chevrolet Malibu, VIN: unknown;
2003 Chevrolet Trailblazer, VIN: 1GNDDT13S332261795;
1997 Chevrolet pick-up, VIN: 2GCEC19R0V1186915;
2004 Ford F-250, VIN: 1FTNW20P94EB97207; and
2005 Chevrolet Avalanche, VIN: 3GNEK12Z85G191386².

2. On May 14, 2012, the defendant Gilbert Lupercio entered into a plea agreement with the United States in which he agreed to plead guilty to the lesser included charge in Count One and Count Two of the Indictment charging violations of 21 U.S.C. §§ 841(a)(1), (b)(1)(B) and 846 and 18 U.S.C. § 1956(a)(1)(A)(i) and (h); and agreed to forfeit to the United States the above-described property.

3. On October 16, 2012, the defendant David Hernandez-Montoya entered into a plea agreement with the United States in which he agreed to plead guilty to the lesser included charge in Count One and Count Two of the Indictment charging violations of 21 U.S.C. §§ 841(a)(1), (b)(1)(B) and 846 and 18 U.S.C. §§ 1956(a)(1)(A)(i) and (h); and agreed to forfeit

² The United States is no longer seeking forfeiture of the 2002 Chevrolet Avalanche, VIN: 3GNEK13T02G125436; 2006 Chevrolet Malibu, VIN: unknown; 2003 Chevrolet Trailblazer, VIN: 1GNDDT13S332261795; 1997 Chevrolet pick-up, VIN: 2GCEC19R0V1186915; 2004 Ford F-250, VIN: 1FTNW20P94EB97207; and 2005 Chevrolet Avalanche, VIN: 3GNEK12Z85G191386.

to the United States the above-described property.

4. On October 17, 2012, the defendant Juan Antonio Marron pled guilty to Counts One and Two of the Indictment charging violations of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), and 846 and 18 U.S.C. § 1956(a)(1)(A)(i) and (h). As a result of the defendant's guilty plea, the United States is seeking to forfeit the above-described property, plus a 1964 Chevy Impala, VIN: 41847S124136

5. On October 17, 2012, the defendant Joseph Michael Lopez entered into a plea agreement with the United States in which he agreed to plead guilty to the lesser included charge in Count One and Count Two of the Indictment charging violations of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), and 846, and 18 U.S.C. §§ 1956(a)(1)(A)(i) and (h); and agreed to forfeit to the United States the above-described property.

6. By virtue of the plea agreements, this Court entered an Amended Preliminary Order of Forfeiture regarding the above-described property on January 28, 2013.

7. By virtue of the plea agreements, the United States has established that the defendants Juan Antonio Marron, David Hernandez-Montoya, Joseph Michael Lopez, and Gilbert Lupercio have an interest in the property subject to forfeiture.

8. In accordance with 21 U.S.C. § 853, the United States properly posted notice of the forfeiture of the property to be forfeited and the requirements for filing a claim for the property on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on February 19, 2014, and ending on March 20, 2014. A copy of the Declaration of Publication is on file with the Court.

9. Pursuant to 21 U.S.C. § 853, any person asserting a legal interest in the property subject to forfeiture may, within thirty (30) days of the final publication of notice, or of receipt of actual notice, whichever is earlier, petition the Court for a hearing to adjudicate the validity of his/her alleged interest in the property. No claims were filed within that thirty-day period.

Therefore, any third-party interests are barred by failure of those parties to file a timely petition.

Accordingly, the United States respectfully requests that this Court enter a final order of forfeiture as proposed in the attached order.

Respectfully submitted,

Tammy Dickinson
United States Attorney

By

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CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2014, the foregoing motion was electronically filed with the Clerk of the Court using the CM/ECF system for electronic delivery to all counsel of record.

/s/ Bruce Rhoades
Bruce Rhoades
Assistant United States Attorney