

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 09-00362-01-CR-W-NKL
)	
JAMES J. STROBBE,)	
)	
Defendant.)	

PRELIMINARY ORDER OF FORFEITURE

This matter is before the Court on the Motion of the United States for a Preliminary Order of Forfeiture. In Forfeiture Allegation Number One of the Indictment in this case, the United States sought forfeiture of a 2001 Chevrolet Extended Cab Pickup Truck, VIN: 1GCEK19VX1E01622 pursuant to 21 U.S.C. § 853 on the basis that the property was used to facilitate the commission of the alleged offense. In Forfeiture Allegation Number Three of the Indictment in this case, the United States sought forfeiture of \$3,950 in United States currency pursuant to 21 U.S.C. § 853 on the basis that the property constituted or was derived from any proceeds obtained directly or indirectly, or was property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the alleged offense.

On September 15, 2010, the defendant James J. Strobbe entered into a plea agreement with the United States in which he agreed to plead guilty to Count One of the Indictment, charging violations of 21 U.S.C. §§ 846 and 841(b)(1)(A), and to forfeit to the United States the property identified in Forfeiture Allegation Numbers One and Three.

The Court has determined, based upon the evidence set forth in the plea agreement, that the United States has established the requisite nexus between the property described herein and

in Forfeiture Allegation Numbers One and Three of the Indictment and the offense to which the defendant has pleaded guilty.

By virtue of the plea agreement, 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:

1. Based upon the plea agreement and the Forfeiture Allegations of the Indictment, the 2001 Chevrolet Extended Cab Pickup Truck, VIN: 1GCEK19VX1E01622 and \$3,950 in United States currency 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).

2. 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).

3. Pursuant to 21 U.S.C. § 853, 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 James J. Strobbe, having or claiming a legal interest in the above-described property must file a petition with the Court (and serve a copy on Charles E. Ambrose, Jr., 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.

4. 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.

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

S/NANETTE K. LAUGHREY

Nanette K. Laughrey
United States District Judge

Dated October 15, 2010