

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

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

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

The United States of America, by its undersigned counsel, respectfully submits its Motion for a 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 Number One of the Indictment in this case, the United States sought forfeiture of a 2001 Chevrolet Extended Cab Pickup Truck, VIN: 1GCEK19VX1E101622 pursuant to 21 U.S.C. § 853 on the basis that the property was used to facilitate the commission of illegal drug activity. In the 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 illegal drug activity.

2. On September 15, 2010, the defendant James J. Strobbe entered into a plea agreement with the United States in which he agreed to forfeit to the United States the 2001 Chevrolet Extended Cab Pickup Truck, VIN: 1GCEK19VX1E101622, and \$3,950 in United States

currency.

3. By virtue of the plea agreement, this Court entered a Preliminary Order of Forfeiture regarding the above-described property on October 15, 2010.

4. By virtue of the United States has established that the defendant James J. Strobbe has an interest in the property subject to forfeiture.

5. In accordance with 21 U.S.C. § 853, the United States properly posted notice of the forfeiture of the above-described property and the requirements for filing a claim for the property on an official government internet site (www.forfeiture.gov) for at least 30 days, beginning on January 23, 2011, and ending on February 21, 2011. A copy of the Declaration of Publication is on file with the Court.

6. 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,

Beth Phillips
United States Attorney

By

/s/ Charles E. Ambrose, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2011, 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/ Charles E. Ambrose, Jr.
Charles E. Ambrose, Jr.
Assistant United States Attorney