

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 2:16-CR-06

v.

Hon. Paul L. Maloney
United States District Judge

SPENCER TROY WARD,

Defendant.

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PRELIMINARY ORDER OF FORFEITURE FOR SUBSTITUTE ASSETS

WHEREAS, on April 14, 2017, Defendant, Spencer Troy Ward pled guilty to Count Four of the Third Superseding Indictment, which charged him with conspiracy to manufacture, distribute and possess with intent to distribute marijuana plants and marijuana, in violation of 21 U.S.C. §§ 846, 841(b)(1)(B)(vii);

WHEREAS, on September 29, 2017, this Court imposed an Order of Forfeiture for a Money Judgment in the amount of \$475,254.30, which represents the proceeds Ward obtained from his marijuana conspiracy. (R.330; PageID.1412-1416).

WHEREAS, the Court has authorized the government to pursue the forfeiture of substitute assets against Defendant Ward in an amount not to exceed \$475,254.30 because the United States has made the requisite showing that it was unable, despite the exercise of due diligence, to locate Ward's criminal proceeds. 21 U.S.C. § 853(p)(1)(A), (p)(2).

WHEREAS, the Government has filed a motion to forfeit, as substitute assets for application against Ward's forfeiture money judgment, a total of \$10,694.36 seized on February 18, 2017, from properties owned and controlled by Ward that were involved in his marijuana

conspiracy. The Government seeks to forfeit the following amounts seized from the following locations on February 18, 2017 (collectively referred to as the “Subject Property”):

- a. \$720 from the Iron River Marijuana Store;
- b. \$5,807.36 from the Watersmeet Marijuana Store;
- c. \$265 from Ward’s residence in Bruce Crossing;
- d. \$3,902 from the Marquette Marijuana store, and currently being held in an UPSET checking account at Wells Fargo.

WHEREAS, 21 U.S.C. § 853(p) authorizes the forfeiture of “any other property of the defendant” up to the value of property that is directly tied to a defendant’s crime, *i.e.* subject to forfeiture under 21 U.S.C. § 853(a)

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that pursuant to 21 U.S.C. § 853(p)(2), the Defendant’s right, title, and interest in the Subject Property is forfeited to the United States of America.

IT IS FURTHER ORDERED that the Federal Bureau of Investigation and/or the United States Marshal Service or its designee shall seize the Subject Property and dispose of the same in accordance with applicable law and regulations.

IT IS FURTHER ORDERED that notice of this forfeiture shall be published in accordance with 21 U.S.C. § 853(n)(1).

IT IS FURTHER ORDERED that any third party wishing to assert an interest in the Subject Property must petition the Court in accordance with 21 U.S.C. § 853(n)(2) and (3).

IT IS FURTHER ORDERED that if all or a portion of the Subject Property becomes subject to a final order of forfeiture, the proceeds of the Subject Property shall be applied against Defendant’s forfeiture money judgment until the forfeiture money judgment is satisfied.

IT IS FURTHER ORDERED that pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Order of Forfeiture shall become final as to the Defendant at the time of his sentencing, and shall

be made part of his sentence and included in his respective judgment.

Dated: _____

PAUL L. MALONEY
United States District Judge