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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v.- :

08 Cr. 850 (JGK)
ECF Case

RAFFAELLO FOLLIERI, :

Defendant. :

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GOVERNMENT'S MOTION FOR A FINAL ORDER OF FORFEITURE

The United States of America, by its attorney, Preet Bharara, United States Attorney for the Southern District of New York, Reed Brodsky and Anna E. Arreola, Assistant United States Attorneys, of counsel, respectfully moves this Court for a Final Order of Forfeiture as to Specific Property. As explained below, the Government has complied with the notice requirements set forth in this Court's Order of Forfeiture for Specific Property, dated October 23, 2008, Rule 32.2 of the Federal Rules of Criminal Procedure, and Title 21, United States Code, Section 853. Because no third parties have filed a claim contesting the forfeiture, the United States is entitled to the entry of a Final Order of Forfeiture.

The Preliminary Order of Forfeiture

On September 10, 2008, defendant Raffaello Follieri (the "defendant") was charged in a fourteen-count Information, 08 Cr. 850 (JGK) (the "Information"), with one count of conspiracy to commit wire fraud, in violation of Title 18, United States Code, Sections 371 and 1343 (Count One); eight counts of wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Counts Two through Nine); and five counts of money laundering, in violation of Title 18, United States Code, Sections 1956(a)(2)(B)(i) and 2 (Counts Ten through Fourteen). That same day, he pled guilty to all counts in the Information.

On November 8, 2008, the defendant was sentenced and ordered, *inter alia*, to forfeit all of his right, title and interest in the following:

A. All precious metals, watches, and jewelry seized on or about July 15, 2008 from [REDACTED] New York, New York, which includes the following:

- (1) One Audemars Piguet watch with serial number F94698;
- (2) One Audemars Piguet watch with serial number F61030;
- (3) One Trussardi watch with model number 2763;
- (4) One Donald Trump watch with model number GP21;
- (5) One Harrods watch with serial number 667992;
- (6) One Ebel watch with serial number 981909;
- (7) One Cartier watch with serial number 145365;
- (8) One Bucherer watch;
- (9) One Omega watch;
- (10) One Rolex watch with model number 501B;
- (11) One silver Omega watch with model number 7912;
- (12) One Omega watch with a black band and white face with Roman numerals; and
- (13) One Sekonda watch with serial number 780181;

B. All precious metals, watches, and jewelry recovered on or about July 15, 2008 from a storage area rented by the defendant located at [REDACTED] Bronx, New York, which includes the following:

- (1) One Cartier figurine in a box; and
- (2) One Tiffany clock;

C. All jewelry, watches, and other items recovered in or about August 2008 from an individual who received them from the defendant, which includes the following:

- (1) One gold colored Rolex watch;
- (2) One silver colored Rolex watch
- (3) One gold colored ring with light blue-green stone;
- (4) One silver colored chain approximately sixteen inches long with a cross pendant and blue and clear stones;
- (5) One pair of colored silver earrings with silver clasps and blue and clear stones;
- (6) One gold colored ring with clear stones around the band;
- (7) One silver colored bracelet with floral design and light blue and clear stones;
- (8) One silver colored bracelet with clear stones;
- (9) One silver colored necklace approximately sixteen inches long with five flower shaped designs and clear stones;
- (10) One five-strand necklace approximately sixteen inches long with pearl beads;
- (11) One gold colored chain approximately thirty-two inches long with a gold colored pendant with a red-brown stone and a gold colored tassel; and
- (12) One Louis Vuitton box

(collectively, the "Specific Properties").

The Court signed an Order of Forfeiture for Specific Property (a copy of which is attached hereto as Exhibit A) on October 23, 2008, ordering the forfeiture of the defendant's interest in the Specific Properties and requiring the United States to publish notice. *See also* 21 U.S.C. § 853(n)(1) ("Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government 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 the order of forfeiture as a substitute for published notice as to those persons so

notified.”); Fed. R. Crim. P. 32.2(b)(6)(A) (“If the court orders the forfeiture of specific property, the government must publish notice of the order and send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding”) (as amended, effective December 1, 2009).¹

Notice by Publication of the Forfeiture Action

Notice of the forfeiture action was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on December 12, 2008, as required by the Preliminary Order of Forfeiture, and proof of publication (a copy of which is attached hereto as **Exhibit B**) was filed with the Clerk of the Court on February 4, 2010.

The notice explained that any person asserting a legal interest in the Specific Properties was required to file a petition with the Court within sixty days from the first day of publication on the government internet site, and that if no such petitions were filed, following the expiration of the period for the filing of such petitions, the United States would have clear title to the Specific Properties. See Supp. R. Rule G(5)(a)(ii)(B).

¹ The forfeiture procedures in 21 U.S.C. § 853(n), except for subsection (d), apply in this case. See 28 U.S.C. § 2461 (“If a person is charged in a criminal case with a violation of an Act of Congress for which the civil or criminal forfeiture of property is authorized, the Government may include notice of the forfeiture in the indictment or information pursuant to the Federal Rules of Criminal Procedure. If the defendant is convicted of the offense giving rise to the forfeiture, the court shall order the forfeiture of the property as part of the sentence in the criminal case. . . . The procedures in section 413 of the Controlled Substances Act (21 U.S.C. 853) apply to all stages of a criminal forfeiture proceeding, except that subsection (d) of such section applies only in cases in which the defendant is convicted of a violation of such Act.”).

Proposed Final Order of Forfeiture

The Government is not aware of any persons who may have an interest in the Specific Properties. Accordingly, the Government was not required to send direct written notice of the forfeiture proceedings.²

No petitions have been filed in the ancillary forfeiture proceedings contesting forfeiture, and the period in which to do so has expired. *See* 21 U.S.C. § 853(n)(2) (any person other than the defendant asserting a legal interest in property ordered forfeited must petition the court within thirty days of final publication or his receipt of notice, whichever is earlier).

Because no petitions for a hearing to contest the forfeiture have been filed and the requisite time periods for doing so have expired, the United States of America is entitled, pursuant to 21 U.S.C. § 853(n)(7), to have clear title to the forfeited property.

Request for Relief

For the foregoing reasons, the Government respectfully requests that the Court enter the proposed Final Order of Forfeiture attached hereto as **Exhibit C**.

² The defendant's interest in the Specific Properties was forfeited at the time of sentencing. Accordingly, the Government was not required to send him notice. *See* 21 U.S.C. § 853(n) ("Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property."). *See also* Fed. R. Crim. P. 32.2(b)(4)(A) ("At sentencing--or at any time before sentencing if the defendant consents--the preliminary forfeiture order becomes final as to the defendant."). The purpose of the ancillary forfeiture proceedings is to determine whether any third parties have an interest in forfeited property. *See, e.g., United States v. Gilbert*, 244 F.3d 888, 907 (11th Cir. 2001) (the ancillary proceeding creates an orderly procedure whereby third parties who claim their property interests have been forfeited in a criminal case can establish their legitimate ownership interests).



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA
:

-v.- :

RAFFAELLO FOLLIERI,
:
Defendant.

----- -x

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/23/2008

ORDER OF FORFEITURE
FOR SPECIFIC PROPERTY
08 Cr. 850 (JGK)

WHEREAS, on or about September 10, 2008, Raffaello Follieri, the defendant, was charged in a fourteen-count Information, 08 Cr. 850 (JGK) (the "Information"), with one count of conspiracy to commit wire fraud, in violation of Title 18, United States Code, Sections 371 and 1343 (Count One); eight counts of wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Counts Two through Nine); and five counts of money laundering, in violation of Title 18, United States Code, Sections 1956(a)(2)(B)(i) and 2 (Counts Ten through Fourteen):

WHEREAS, the Information included a forfeiture allegation providing notice that the Government is seeking to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, which constitutes or is derived from proceeds traceable to the violations alleged in Counts One through Nine, and pursuant to Title 18, United States Code,

Section 982, all property, real and personal, involved in the money laundering offenses alleged in Counts Ten through Fourteen;

WHEREAS, on or about September 10, 2008, Raffaello Follieri, the defendant, pled guilty to all fourteen counts in the Information pursuant to a plea agreement with the Government ("Plea Agreement");

WHEREAS, under the terms of the Plea Agreement, Raffaello Follieri, the defendant, admitted the forfeiture allegations in the Information and agreed to forfeit to the United States the following: (i) a sum of money equal to \$2,440,000 in United States currency, representing the amount of proceeds obtained as a result of the offenses charged in Counts One through Nine, as well as the amount of property involved in the money laundering offenses charged in Counts Ten through Fourteen (the "Money Judgment"), and (ii) all right, title and interest of the defendant in the following specific property:

A. All precious metals, watches, and jewelry seized on or about July 15, 2008 from 721 Fifth Avenue, Apartment 48H, New York, New York, which includes the following:

- (1) One Audemars Piguet watch with serial number F94698;
- (2) One Audemars Piguet watch with serial number F61030;
- (3) One Trussardi watch with model number 2763;

- (4) One Donald Trump watch with model number GP21;
- (5) One Harrods watch with serial number 667992;
- (6) One Ebel watch with serial number 981909;
- (7) One Cartier watch with serial number 145365;
- (8) One Bucherer watch;
- (9) One Omega watch;
- (10) One Rolex watch with model number 501B;
- (11) One silver Omega watch with model number 7912;
- (12) One Omega watch with a black band and white face with Roman numerals; and
- (13) One Sekonda watch with serial number 780181;

B. All precious metals, watches, and jewelry recovered on or about July 15, 2008 from a storage area rented by the defendant located at 175 Walnut Street, Bronx, New York, which includes the following:

- (1) One Cartier figurine in a box; and
- (2) One Tiffany clock;

C. All jewelry, watches, and other items recovered in or about August 2008 from an individual who received them from the defendant, which includes the following:

- (1) One gold colored Rolex watch;
- (2) One silver colored Rolex watch
- (3) One gold colored ring with light blue-green stone;

- (4) One silver colored chain approximately sixteen inches long with a cross pendant and blue and clear stones;
 - (5) One pair of colored silver earrings with silver clasps and blue and clear stones;
 - (6) One gold colored ring with clear stones around the band;
 - (7) One silver colored bracelet with floral design and light blue and clear stones;
 - (8) One silver colored bracelet with clear stones;
 - (9) One silver colored necklace approximately sixteen inches long with five flower shaped designs and clear stones;
 - (10) One five-strand necklace approximately sixteen inches long with pearl beads;
 - (11) One gold colored chain approximately thirty-two inches long with a gold colored pendant with a red-brown stone and a gold colored tassel; and
 - (12) One Louis Vuitton box
- (collectively the "Specific Property").

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), the United States is, by virtue of Raffaello Follieri's guilty plea, now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all potential purchasers and transferees thereof of its interest therein;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED
THAT:

1. As a result of the offenses charged in the Information, to which Raffaello Follieri pled guilty, a money judgment in the amount of \$2,440,000.00 shall be entered against Raffaello Follieri.

2. All of Raffaello Follieri's right, title and interest in the Specific Property is forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

3. The aforementioned Specific Property is to be seized pursuant to this Order of Forfeiture and is to be held thereafter by the United States Marshals Service (or its designee) in its secure custody and control.

4. Pursuant to Title 21, United States Code, Section 853(n)(1) and Rule G(4)(a) of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States forthwith shall publish for at least 30 consecutive days on the Government internet site, www.forfeiture.gov, notice of this Order and notice that any person, other than the defendant Raffaello Follieri in this case, claiming an interest in the Specific Property must file a petition within sixty (60) days from the first day of publication of the notice on this official Government internet site, or no later than thirty-five

(35) days from the mailing of actual notice, whichever is earlier, pursuant to Rule G(5) of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions.

5. This notice will state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific 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 Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Specific Property, as a substitute for published notice.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this preliminary Order of Forfeiture, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, and/or dispose of the property, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas pursuant to Rule 45 of the Federal Rules of Civil Procedure.

10. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(3), this preliminary Order of Forfeiture shall be final as to the defendant Raffaello Follieri at the time of sentencing and shall be made part of the sentence of Follieri, and shall be included in the judgment of conviction.

11. The Clerk of the Court shall forward four certified copies of this Order to Assistant United States Attorney Anna E. Arreola, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
October 23, 2008

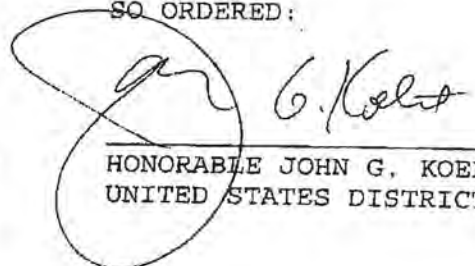
A CERTIFIED COPY

J. MICHAEL McMAHON,

CLERK

BY Catherine Lapsley
DEPUTY CLERK

SO ORDERED:


HONORABLE JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE



Service of Process

1:08-cr-00850-JGK USA v. Follieri **CASE CLOSED on 11/05/2008**
CLOSED, ECF, PRIOR

U.S. District Court

United States District Court for the Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Arreola, Anna on 2/4/2010 at 3:00 PM EST and filed on 2/4/2010

Case Name: USA v. Follieri
Case Number: 1:08-cr-850
Filer: USA
Document Number: 51

Docket Text:

SERVICE BY PUBLICATION as to Raffaello Follieri. A Notice of Criminal Forfeiture was published in the www.forfeiture.gov on December 12 through January 10, 2009. Document filed by USA as to Raffaello Follieri. (Arreola, Anna)

1:08-cr-850-1 Notice has been electronically mailed to:

Flora Edwards fmelaw@aol.com

Reed Michael Brodsky reed.brodsky@usdoj.gov, USANYS.ECF@USD.OJ.GOV

1:08-cr-850-1 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1008691343 [Date=2/4/2010] [FileNumber=6953872-0]
[646869a7516b90f61f4d932280702345944e9f61739d98af56d011695f65db577a6c
25da9fe033895cbc538be4e84456e755d76294a865e81329504ebf44628b]]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Plaintiff,

- v -

RAFFAELLO FOLLIERI,

Defendant.

DECLARATION OF PUBLICATION

08 Cr. 850 (JGK)

I, ANNA E. ARREOLA, pursuant to Title 28, United States Code, Section 1746, hereby declare under the penalty of perjury:

That I am an Assistant United States Attorney in the office of the United States Attorney for the Southern District of New York, and

That attached to this declaration are (1) a true and correct copy of a notice of criminal forfeiture in this action, and (2) a true and correct copy of an Advertisement Certification Report, indicating that the aforementioned notice was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on December 12, 2008, as required by Federal Rule of Criminal Procedure 32.2 (b) (5) (C) and Rule G(4) (a) (iv) (C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and

That both of the documents were obtained from a Consolidated Asset Tracking System maintained by the Department of Justice.

Dated: New York, New York
February 4, 2010

Anna E. Arreola
ANNA E. ARREOLA

Attachment 1

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
COURT CASE NUMBER: 08 CR. 850(JGK); NOTICE OF FORFEITURE

Notice is hereby given that on October 23, 2008, in the case of U.S. v. Raffaello Follieri, Court Case Number 08 CR. 850(JGK), the United States District Court for the Southern District of New York entered an Order condemning and forfeiting the following property to the United States of America:

All precious metals, watches, and jewelry seized on or about July 15, 2008 from 721 Fifth Avenue, Apartment 48H, New York, New York, which includes the following:

- (1) One Audemars Piguet watch with serial number F94698
- (2) One Audemars Piguet watch with serial number F61030
- (3) One Trussardi watch with model number 2763
- (4) One Donald Trump watch with model number GP21
- (5) One Harrods watch with serial number 667992
- (6) One Ebel watch with serial number 981909;
- (7) One Cartier watch with serial number 145365;
- (8) One Bucherer watch;
- (9) One Omega watch;
- (10) One Rolex watch with model number 501B;
- (11) One silver Omega watch with model number 7912;
- (12) One Omega watch w/a Blk band and white face with Roman numerals

All precious metals, watches, and jewelry recovered on or about July 15, 2008 from a storage area rented by the defendant located at [REDACTED] New York, which includes the following:

- (1) One Cartier figurine in a box; and
- (2) One Tiffany clock

All jewelry, watches, and other items recovered in or about August 2008 from an individual who received them from the defendant, which includes the following:

- (1) One gold colored Rolex watch;
- (2) One silver colored Rolex watch
- (3) One gold colored ring with light blue-green stone;
- (4) One silver colored chain approximately sixteen inches long with a cross pendant and blue and clear stones;
- (5) One pair of colored silver earrings with silver clasps and blue and clear stones;
- (6) One gold colored ring with clear stones around the band
- (7) One silver colored bracelet with floral design and light blue and clear stones;
- (8) One silver colored bracelet with clear stones;
- (9) One silver colored necklace approximately sixteen inches long with five flower shaped designs and clear stones;
- (10) One five-strand necklace approximately sixteen inches long with pearl beads;
- (11) One gold colored chain approximately thirty-two inches long with a gold colored pendant with a red-brown stone and a gold colored tassel; and
- (12) One Louis Vuitton box

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this

case, claiming interest in the forfeited property must file a Petition within 60 days of the first date of publication (December 12, 2008) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The petition must be filed with the Clerk of the Court, United States District Court, 500 Pearl Street, Room 120, New York, NY 10007, and a copy served upon Assistant United States Attorney Anna Arreola, One St. Andrew's Plaza, New York, NY 10007. The petition 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, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Following the Court's disposition of all petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.



Advertisement Certification Report

The Notice of Publication was available on the www.forfeiture.gov web site for at least 18 hours per day between December 12, 2008 and January 10, 2009. Below is a summary report that identifies the uptime for each day within the 30-day period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. Raffaello Follieri

Court Case No: 08 CR. 850(JGK)
For Asset ID(s): See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	12/12/2008	23.5	Verified
2	12/13/2008	23.5	Verified
3	12/14/2008	23.5	Verified
4	12/15/2008	23.1	Verified
5	12/16/2008	23.5	Verified
6	12/17/2008	23.5	Verified
7	12/18/2008	23.5	Verified
8	12/19/2008	23.5	Verified
9	12/20/2008	22.4	Verified
10	12/21/2008	22.4	Verified
11	12/22/2008	23.5	Verified
12	12/23/2008	23.6	Verified
13	12/24/2008	23.5	Verified
14	12/25/2008	23.4	Verified
15	12/26/2008	23.5	Verified
16	12/27/2008	23.5	Verified
17	12/28/2008	23.5	Verified
18	12/29/2008	23.4	Verified
19	12/30/2008	23.6	Verified
20	12/31/2008	23.5	Verified
21	01/01/2009	23.5	Verified
22	01/02/2009	23.6	Verified
23	01/03/2009	23.5	Verified
24	01/04/2009	23.5	Verified
25	01/05/2009	23.5	Verified
26	01/06/2009	23.6	Verified
27	01/07/2009	23.5	Verified
28	01/08/2009	23.5	Verified
29	01/09/2009	23.5	Verified
30	01/10/2009	23.5	Verified

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,
:
-v.-
:
RAFFAELLO FOLLIERI,
:
Defendant.
:
-----X

FINAL ORDER OF FORFEITURE

08 Cr. 850 (JGK)

WHEREAS, on October 23, 2008, the Court entered an Order of Forfeiture for Specific Property as to Defendant Raffaello Follieri (the "Order of Forfeiture"), forfeiting the defendant's right, title and interest in the properties listed below:

A. All precious metals, watches, and jewelry seized on or about July 15, 2008 from 721 Fifth Avenue, Apartment 48H, New York, New York, which includes the following:

- (1) One Audemars Piguet watch with serial number F94698;
- (2) One Audemars Piguet watch with serial number F61030;
- (3) One Trussardi watch with model number 2763;
- (4) One Donald Trump watch with model number GP21;
- (5) One Harrods watch with serial number 667992;
- (6) One Ebel watch with serial number 981909;
- (7) One Cartier watch with serial number 145365;
- (8) One Bucherer watch;
- (9) One Omega watch;
- (10) One Rolex watch with model number 501B;
- (11) One silver Omega watch with model number 7912;
- (12) One Omega watch with a black band and white face with Roman numerals; and
- (13) One Sekonda watch with serial number 780181;

B. All precious metals, watches, and jewelry recovered on or about July 15, 2008 from a storage area rented by the

defendant located at [REDACTED] New York, which includes the following:

- (1) One Cartier figurine in a box; and
- (2) One Tiffany clock;

C. All jewelry, watches, and other items recovered in or about August 2008 from an individual who received them from the defendant, which includes the following:

- (1) One gold colored Rolex watch;
- (2) One silver colored Rolex watch
- (3) One gold colored ring with light blue-green stone;
- (4) One silver colored chain approximately sixteen inches long with a cross pendant and blue and clear stones;
- (5) One pair of colored silver earrings with silver clasps and blue and clear stones;
- (6) One gold colored ring with clear stones around the band;
- (7) One silver colored bracelet with floral design and light blue and clear stones;
- (8) One silver colored bracelet with clear stones;
- (9) One silver colored necklace approximately sixteen inches long with five flower shaped designs and clear stones;
- (10) One five-strand necklace approximately sixteen inches long with pearl beads;
- (11) One gold colored chain approximately thirty-two inches long with a gold colored pendant with a red-brown stone and a gold colored tassel; and
- (12) One Louis Vuitton box

(collectively, the "Specific Properties"); and

WHEREAS, the provisions of 21 U.S.C. § 853(n)(1) require publication of notice of forfeiture and of the Government's intent to dispose of forfeited property before the United States can have clear title to the forfeited properties; and

WHEREAS, notice of the forfeiture was posted on an

official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on December 12, 2008, as required by the Order of Forfeiture, and proof of such publication was filed with the Clerk of the Court on February 4, 2010; and

WHEREAS, Federal Rule of Criminal Procedure 32.2(b)(6)(A) requires the Government to publish notice of the order and send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding; and

WHEREAS, the Government is not aware of any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding;

WHEREAS, pursuant to 21 U.S.C. § 853(n)(7), the United States shall have clear title to forfeited properties if no petitions for a hearing to contest the forfeiture have been filed within 30 days of final publication of notice of forfeiture as set forth in 21 U.S.C. § 853(n)(2); and

WHEREAS, no petitions have been filed to contest the forfeiture, and the requisite time periods to do so have expired;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. Pursuant to 21 U.S.C. § 853(n)(7), the United States of America shall and is hereby deemed to have clear title to the Specific Properties, and the same are hereby forfeited to the United States for disposition according to law.

2. The United States Marshals Service (or its designee) shall take possession of the Specific Properties and dispose of the same according to law, in accordance with 21 U.S.C. § 853(h).

3. The Clerk of the Court shall forward three certified copies of this Order to Assistant U.S. Attorney Anna E. Arreola, One St. Andrew's Plaza, New York, New York, 10007.

Dated: New York, New York
May __, 2010

SO ORDERED:

HONORABLE JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE



Certificate of Service Filed Electronically

The undersigned attorney, duly authorized to represent the United States before this Court, hereby certifies that on the below date, she caused to be served, in the case of *United States v. Raffaello Follieri*, 08 Cr. 850 (JGK), the following document in the manner indicated:

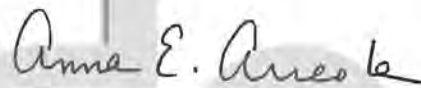
Government's Motion for a Final Order of Forfeiture, dated May 13, 2010, and accompanying exhibits.

Service via Clerk's Notice of Electronic Filing upon the following attorney, who is a Filing User in this case:

Flora Edwards
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New York, NY 10006

Dated: New York, New York
May 13, 2010

Respectfully submitted,



Anna E. Arreola
Assistant United States Attorney

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