

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO.: 8:07-960
)	
vs.)	
)	FINAL ORDER OF FORFEITURE
MAYO LEVORD PICKENS)	AS TO
)	MAYO LEVORD PICKENS

This matter is before the Court upon motion of the United States for a final order of forfeiture as to MAYO LEVORD PICKENS. The United States makes this motion after the conviction of MAYO LEVORD PICKENS for felony violations of Title 21 and Title 18, United States Code, and the entry of a Preliminary Order of Forfeiture as to MAYO LEVORD PICKENS, and based upon the following:

1. On December 11, 2007, a Federal Grand Jury for the District of South Carolina returned a Second Superseding Indictment in which the Defendant, MAYO LEVORD PICKENS, was charged with conspiracy to possess with intent to distribute 5 kilograms or more of cocaine and 50 grams or more of cocaine base and a quantity of marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and 846, money laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i) and 1956(a)(1)(B)(I) and felon in possession of a firearm in furtherance of a drug trafficking crime, in violation 18 U.S.C. § 922(g). The Second Superseding Indictment further charged that upon conviction for one or more violations of 21 U.S.C. §§ 846 and/or 841, the Defendant, MAYO LEVORD PICKENS, shall forfeit to the United States all of his right, title and interest in and to any property used or intended to be used to commit or facilitate the commission of the violations of Title 21, or constituting or derived from proceeds that the Defendant obtained as a result of these violations, including certain property enumerated therein, or equivalent

substitute assets, pursuant to Title 21, United States Code, Sections 853 and 881(a)(11), Title 18, United States Code, Sections 982(a)(1) and 924(d)(1), and Title 28, United States Code, Section 2461(c).

2. On June 25, 2008, this Court entered a Preliminary Order of Forfeiture as to MAYO LEVORD PICKENS, which provided that the Defendant shall forfeit all his right, title and interest in the below-described property to the United States in accordance with 21 U.S.C. § 853, subject to the claims of third parties.¹

A. Real Property:

- (a) 3.39 Acres, Creekwood Hills Subdivision
136 Norris Drive
Belton, South Carolina
Anderson County, South Carolina
Titled in the name of: Mayo Levord Pickens

ALSO:

1989 Bellcrest Mobile Home, 24 x 60
Serial Number:
Tax Map Numbers: 176-03-04-012
400-00-34-901

- (b) 3606 Dobbins Bridge Road
Anderson, S.C.
Titled in the name of: Jennifer Ann Black
TMS #097-05-01-006-000 and
One 1996 Homestead 28'x56' mobile home
Serial Number
Titled in the name of: Carolyn E. Jackson
TMS #400-00-25-398-000

¹ Real property listed as 508 Carver Street, Anderson, South Carolina, was inadvertently left out of the Preliminary Order of Forfeiture. However, the Government dismissed this property from any forfeiture proceedings and the forfeiture was dismissed by order of the Court on 10/28/2008.

- (c) 825 Gary Street
Anderson, South Carolina
Anderson County, South Carolina
Titled in the name of: Mayo Levord Pickens

B. Vehicles/ Personal Property:

- (a) 2005 Harley Davidson Motorcycle
Model Fatboy SE. Silver in Color
VIN
S.C. License Plate
Registered to: Amos Mattress
Seized from Amos Mattress on 9/6/2007

C. Cash/ Financial Instruments:

- (a) n U.S. currency
Seized from: Christopher Jermaine Suber
Seizure Date: 7/25/2007

3. The Preliminary Order of Forfeiture directed the United States Marshal to publish notice of the Court's Order and of the intent to dispose of the specified property in accordance with law. The Preliminary Order also provided that following publication, and upon adjudication of all third-party interests in the said forfeited property, the Court would enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n).

4. On August 6, 2008, the Government filed a Notice of Forfeiture notifying all interested parties that the United States intended to pursue the forfeiture of the property described herein and that pursuant to 21 U.S.C. § 853(n)(1), anyone claiming a legal interest in the described real and personal property must petition the Court for a hearing to adjudicate the validity of the claim.

5. On August 13, 20 and 27, 2008, the United States published in The State, a

newspaper of general circulation within the District of South Carolina, a Notice of Forfeiture notifying all third parties of their right to petition the court within thirty (30) days of the final publication date for a hearing to adjudicate the validity of their alleged legal interest in the real property.

6. On August 15, 2008, the United States served via certified mail, return receipt requested, notice of forfeiture as to 3606 Dobbins Bridge Road, Anderson, South Carolina upon America's Wholesale Lender, as a potential third-party claimant with a copy of the Second Superseding Indictment, the Notice of Forfeiture, and the Preliminary Order of Forfeiture.

7. On or about August 12, 2008, the United States served via certified mail, return receipt requested, notice of forfeiture as to 3606 Dobbins Bridge Road, Anderson, South Carolina, upon Jennifer Ann Black, as a potential third-party claimant with a copy of the Second Superseding Indictment, the Notice of Forfeiture, and the Preliminary Order of Forfeiture. On September 9, 2008, Jennifer Ann Black filed a claim as to 3606 Dobbins Bridge Road and one 1996 Homestead mobile home.

8. On August 12, 2008, the United States served via certified mail, return receipt requested, notice of forfeiture as to 508 Carver Street, Anderson, South Carolina, upon Carolyn Elaine Jackson, as a potential third-party claimant with a copy of the Second Superseding Indictment, the Notice of Forfeiture, and the Preliminary Order of Forfeiture.

9. The United States has agreed to recognize the claimed interest of Jennifer Ann Black. Therefore, the United States has elected not to pursue criminal forfeiture of the following real property:

- (a) 3606 Dobbins Bridge Road
Anderson, S.C.

Titled in the name of: Jennifer Ann Black
TMS #
One 1996 Homestead 28'x56' mobile home
Serial Number
Titled in the name of: Carolyn E. Jackson
TMS #400-00-25-398-000

Accordingly, the criminal forfeiture allegation against the property has been dismissed.

10. The United States has agreed to recognize the claimed interest of Carolyn Elaine Jackson. Therefore, the United States has elected not to pursue criminal forfeiture of the following real property:

(a) 508 Carver Street
Anderson, South Carolina
Anderson County, South Carolina
Titled in the name of: Carolyn Elaine Jackson

Accordingly, the criminal forfeiture allegation against the property has been dismissed.

11. The United States has agreed to recognize the claimed interest of Amos Mattress. Therefore, since Amos Mattress was acquitted of all criminal charges and ownership of the property has been verified, the United States has elected not to pursue criminal forfeiture of the following:

2005 Harley Davidson Motorcycle
Model Fatboy SE Silver in Color
VIN
S.C. License Plate
Registered to: Amos Mattress
Seized from Amos Mattress on 9/6/2007

Accordingly, the criminal forfeiture allegation against the property has been dismissed and the property returned to the owner.

12. This Court issued a Preliminary Order of Forfeiture on November 13, 2008, as to

Christopher Jermain Suber recognizing that Suber's right, title and interest to the property listed below is hereby forfeited to the United States:

. currency
Seized from: Christopher Jermaine Suber
Seizure Date: 7/25/2007

13. The United States has received no other claims or petitions as to the property described below, and the time to file such claims and petitions has passed as provided for by the Preliminary Order of Forfeiture and pursuant to the provisions of 21 U.S.C. § 853(n); therefore, all other claims to such property are forever foreclosed and barred.

14. The court has previously determined that the Defendant has an interest in the property set forth below, and that the Government has established the requisite nexus between the said property and the offenses for which the Defendant has been convicted; therefore, the said property shall be forfeited to the United States pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 982.

NOW THEREFORE, upon motion of the United States and for good cause shown,

It is hereby ORDERED, ADJUDGED and DECREED that

1. All right, title and interest in and to the following property is hereby forfeited to the United States of America; and the said property shall be disposed of by the United States Marshals Service in accordance with law:

Real Property

- (a) 3.39 Acres, Creekwood Hills Subdivision
136 Norris Drive
Belton, South Carolina
Anderson County, South Carolina
Titled in the name of: Mayo Levord Pickens

ALSO:

1989 Bellcrest Mobile Home, 24 x 60

Serial Number:

Tax Map Numbers: 176-03-04-012

400-00-34-901

- (b) 825 Gary Street
Anderson, South Carolina
Anderson County, South Carolina
Titled in the name of: Mayo Levord Pickens

2. Pursuant to 21 U. S. C. § 853(n)(7), clear title in and to the above-described real property is vested in the United States of America, its successors and assigns, and no other right, title or interest exists therein. All other claims to the above-described real property are forever foreclosed and barred, and the said real property shall be disposed of by the United States Marshals Service in accordance with law.

3. The United States Marshals Service is hereby directed to seize the above-described real property as directed by the United States Attorney's Office, to be held by the United States Marshals Service in its secure custody and control pending sale of the property. The United States Marshals Service is authorized to enter the said premises immediately for purposes of securing and maintaining the real property, conducting inspections, appraisals and videotaping the real property.

4. The United States Marshals Service shall serve any occupants of the real property with a copy of this Order. This Order specifically places the occupants on notice of the criminal penalties and prohibitions in 18 U.S.C. § 2232, which subjects anyone to a fine and/or imprisonment who destroys or removes property including fixtures to real property, subject to seizure to prevent that property from being seized.

5. Any occupants residing at the said real property shall vacate the premises within thirty (30) days after service of this Final Order of Forfeiture upon said occupants, or face further eviction proceedings.

6. The Court shall retain jurisdiction to resolve disputes which may arise and to enforce and amend this Order as necessary, pursuant to Fed.R.Crim.P. 32.2(e).

7. The Clerk, United States District Court, shall provide one (1) certified copy of this Order to the United States Attorney's Office, Asset Forfeiture Unit.

AND IT IS SO ORDERED.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

December 18, 2008



A TRUE COPY
ATTEST: LARRY W. PROPPS, CLERK

BY: *Fred W. Bostic*
DEPUTY CLERK