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UNITED STATES OF AMERICA
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 07-CR-10048-WGY
)	
1. QUOC B. TRINH,)	
9. TIEM TRINH, and)	
10. ANNA TRINH)	
)	
Defendants.)	

FINAL ORDER OF FORFEITURE AS TO
CERTAIN PERSONAL PROPERTY IN CUSTODY

YOUNG, D.J.,

WHEREAS, on May 8, 2008, a federal grand jury sitting in this District returned a Third Superseding Indictment (the "Indictment") charging Defendants Quoc Trinh, Tiem Trinh, and Anna Trinh (collectively, "Defendants"), in pertinent part, as follows: Count One charged Defendants under 21 U.S.C. § 846 (Conspiracy to Distribute and Possess with Intent to Distribute Marijuana); Count Eleven charged Defendants Tiem Trinh and Anna Trinh, among others, under 18 U.S.C. § 1956(h) (Money Laundering Conspiracy); and the Indictment also charged Defendant Tiem Trinh with, among other offenses, Counts Twelve and Thirteen (18 U.S.C. § 1956(a)(1)(B)(i) - Money Laundering); Counts Nineteen and Twenty (18 U.S.C. § 1956(a)(1)(A)(i) - Money Laundering); and Counts Fifteen, Sixteen, Seventeen, Twenty-One, and Twenty-Two (18 U.S.C. § 1957 - Unlawful Monetary Transactions);

WHEREAS, the Indictment contained a Drug Forfeiture Allegation, charging that upon conviction of the offense charged in Count One, the defendants, including Defendants:

jointly and severally, shall forfeit to the United States, pursuant to 21 U.S.C. §853: (1) any and all property constituting or derived from any proceeds obtained directly or indirectly as a result of the charged offense; and (2) any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense. The property

to be forfeited includes, without limitation, the following:

- a. A money judgment equal to the total amount of gross drug proceeds, estimated to be approximately
- b. The real property known as 57 and 59 Bloomfield Street, Dorchester, Suffolk County, Massachusetts, consisting of two parcels with all buildings and improvements thereon, title to which appears at Book 34895, pages 122-123, of the Suffolk County, Massachusetts, Registry of Deeds.
- c. The real properties known as 262 Bryant Street and 427 Elmwood Avenue, Buffalo, New York, consisting of two adjacent parcels with all buildings and improvements thereon, title to which appears in Liber 11088 of Deeds, page 7829, of the Erie County, New York, County Clerk;

WHEREAS, the Drug Forfeiture Allegation charged that if any of the property described as forfeitable, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), intended to seek forfeiture of all other property of the defendants up to the value of the forfeitable property;

WHEREAS, the Indictment also contained a Money Laundering Forfeiture Allegation charging, in pertinent part, that upon conviction of, among others, the offenses charged in Counts Eleven, Twelve, Thirteen, Fifteen, Sixteen, Seventeen, Nineteen, Twenty, Twenty-One and Twenty-Two, the defendants, including Defendants Tiem Trinh and Anna Trinh:

jointly and severally . . . shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(1), all property, real and personal involved in such offenses, and all property traceable to such property. The property to be forfeited includes, without limitation, the following:

- a. A money judgment in the total amount involved in the laundering transactions.
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- e. The real properties known as 262 Bryant Street and 427 Elmwood Avenue, Buffalo,

New York, consisting of two adjacent parcels with all buildings and improvements thereon, title to which appears in Liber 11088 of Deeds, page 7829, of the Erie County, New York, County Clerk;

WHEREAS, the Money Laundering Forfeiture Allegation also provided that if any of the forfeitable property, as a result of any act or omission of the defendants --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States, pursuant to Title 18, United States Code, Section 982(b)(1), and Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), intended to seek forfeiture of all other property of the defendants up to the value of the forfeitable property;

WHEREAS, during the pendency of the case, the government filed forfeiture bills of particulars, giving notice that additional property would be subject to forfeiture upon Defendants' convictions;

WHEREAS, on November 9, 2009, Defendant Quoc Trinh pled guilty to Counts One, Two and Three of the Indictment;

WHEREAS, on December 23, 2009, after trial, a jury convicted Defendants Tiem Trinh and Anna Trinh of Counts One and Eleven of the Indictment, and also convicted Defendant Tiem Trinh of, among other offenses, Counts Twelve, Thirteen, Fifteen, Sixteen, Seventeen, Nineteen, Twenty, Twenty-One and Twenty-Two of the Indictment;

WHEREAS, on February 22, 2010, this Court entered Preliminary Orders of Forfeiture (Docket Nos. 512 and 514) against Defendants, forfeiting, among other directly forfeitable and/or substitute assets, the following personal property:

A. One men's Rolex watch, seized from 59 Bloomfield Street, Dorchester, on February 2, 2007, as to which Tiem Trinh asserted a claim of ownership to DEA (the "Rolex");

* B. Black 2000 Mercedes SL500, Vehicle Identification Number _____, Massachusetts License Number _____, registered in the name of Defendant Tiem Trinh (the "Mercedes"); and

C. Custom-made platinum and diamond necklace, seized from 59 Bloomfield Street, Dorchester, Massachusetts, on February 2, 2007, as to which Tiem Trinh asserted a claim of ownership to DEA, but which the evidence at trial established actually belonged to Quoc Trinh (the "Necklace");

WHEREAS, on March 3, 2010, this Court sentenced Defendant Quoc Trinh pursuant to his guilty plea, and the Court duly incorporated forfeiture pursuant to the Preliminary Order of Forfeiture in his sentence, and in the Court's March 4, 2010, sentencing judgment (Docket No. 526);

WHEREAS, on April 8, 2010, this Court sentenced Defendant Tiem Trinh pursuant to his convictions after trial, and the Court duly incorporated forfeiture pursuant to the Preliminary Order of Forfeiture in his sentence, and in the Court's April 13, 2010, amended sentencing judgment (Docket No. 576);

WHEREAS, on April 27, 2010, this Court sentenced Defendant Anna Trinh pursuant to her convictions after trial, and the Court duly incorporated forfeiture pursuant to the Preliminary Order of Forfeiture in her sentence, and in the Court's April 28, 2010, amended sentencing judgment (Docket No. 593);

WHEREAS, the United States served notice of the Preliminary Orders of Forfeiture on all persons known to have alleged interests in the forfeited property, and notice of the forfeiture was posted on an official government internet website (www.forfeiture.gov), for at least 30 consecutive days beginning on March 9, 2010 (as to the Rolex), and beginning on May 7, 2010 (as to the Mercedes and the Necklace), pursuant to 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2(b)(6) (Docket

Nos. 614, 662);

WHEREAS, no claims of interest in the forfeited property have been filed with the Court and the time for filing such claims has expired; and

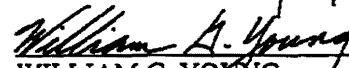
WHEREAS, the United States has moved for a Final Order of Forfeiture, forfeiting the Rolex, the Mercedes, and the Necklace to the United States;

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED:

1. The United States' Motion for a Final Order of Forfeiture is allowed.
2. The United States of America is now entitled to the forfeiture of all right, title or interest in the following property (hereafter, collectively, the "Forfeited Assets"):
 - A. One men's Rolex watch, seized from 59 Bloomfield Street, Dorchester, on February 2, 2007;
 - B. Black 2000 Mercedes SL500, Vehicle Identification Number [redacted] Massachusetts License Number [redacted] registered in the name of Defendant Tiem Trinh; and
 - C. Custom-made platinum and diamond necklace, seized from 59 Bloomfield Street, Dorchester, Massachusetts, on February 2, 2007.
3. The Court finds, pursuant to Fed. R. Crim. P. 32.2(c)(2), that one or more of the Defendants had an interest in each of the Forfeited Assets.
4. The Forfeited Assets are hereby forfeited to the United States of America pursuant to Title 21, United States Code, Section 853, Title 18, United States Code, Section 982, Title 28, United States Code, Section 2461(c), and Rule 32.2(c) of the Federal Rules of Criminal Procedure.
5. All other persons, having any right, title, or interest in the Forfeited Assets are hereby held in default.
6. The United States is hereby authorized to dispose of the Forfeited Assets in

accordance with applicable law.

DONE AND ORDERED in Boston, Massachusetts, this 13th day of July, 2010.


WILLIAM G. YOUNG
United States District Judge