

2013R01059/SUE/BAW/gr

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Freda L. Wolfson, U.S.D.J.
v.	:	Crim. No. 15-196 (FLW)
BOBBY BOYE,	:	CONSENT JUDGMENT OF
a/k/a "Bobby Ajiboye,"	:	FORFEITURE (MONEY
a/k/a "Bobby Aji-Boye,"	:	JUDGMENT) AND PRELIMINARY
Defendant.	:	ORDER OF FORFEITURE AS TO
	:	SPECIFIC PROPERTY (FINAL AS
	:	TO THE DEFENDANT)
	:	

WHEREAS, on or about April 28, 2015, defendant Bobby Boye, a/k/a "Bobby Ajiboye," a/k/a "Bobby Aji-Boye," ("Bobby Boye" or the "defendant") pleaded guilty pursuant to a plea agreement with the United States to a one-count Information, which charged him with conspiracy to commit wire fraud, contrary to 18 U.S.C. § 1343, in violation of 18 U.S.C. § 1349 (the "Information");

WHEREAS, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), a person convicted of a violation of 18 U.S.C. § 1343, which constitutes a specified unlawful activity within the meaning of 18 U.S.C. § 1956(c)(7), or a conspiracy to commit such offense, as alleged in the Information, shall forfeit to the United States all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of such offense;

WHEREAS, as part of his plea agreement, the defendant agreed to forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C.

§ 2461(c):

- (a) A sum of money equal to \$4,233,015.42, representing the amount of proceeds obtained as a result of the offense of conviction (the "Money Judgment"); and
- (b) All of the defendant's right, title and interest in the following property, which was seized or restrained on or about June 19, 2014, which the defendant admits constitutes or is derived from proceeds traceable to the offense charged in Count One of the Information:
  - i. The contents of JPMorgan Chase Bank account number [REDACTED] 0399, held in the name of Opus and Best, LLC (approximately \$103.84);
  - ii. Approximately \$8,408 in U.S. currency seized from the defendant; and
- (c) All of the defendant's right, title, and interest, including all appurtenances and improvements thereon, in the following real property, which the defendant admits constitutes or is derived from proceeds traceable to the offense charged in Count One of the Information:
  - i. 25 Crescent Hollow Court, Ramsey, New Jersey;
  - ii. 36 Rosewood Court, North Haledon, New Jersey; and
  - iii. 140 Grove Street, Elizabeth, New Jersey;

(hereinafter referred to collectively as the "Specific Property"), with any forfeited money and the net proceeds derived from the sale of the forfeited Specific Property to be applied to the Money Judgment, in partial satisfaction thereof;

WHEREAS, the following administratively forfeited assets or their net sale proceeds will also be applied to the Money Judgment, in partial satisfaction thereof:

- (a) Approximately \$316,759.63, representing the net proceeds from the sale of the real property located at 9 Cobblestone Court, Oakland, New Jersey;
- (b) One Franck Muller Conquistador Grand Prix Watch;
- (c) One 2012 Bentley Continental, VIN [REDACTED] 73091;
- (d) One 2011 Rolls Royce Ghost, VIN [REDACTED] 49882;
- (e) One 2012 Land Rover Range Rover, VIN [REDACTED] 87702;  
and
- (f) Stock Certificate No. B-1 for 301,350 Shares of Herbal Water, Inc., held by Opus & Best LLC;

WHEREAS, in the plea agreement, the defendant further consented to the entry of orders of forfeiture pursuant to Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure; waived the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the Judgment of Conviction; acknowledged that he understood that forfeiture of assets is part of the sentence that will be imposed upon him in this case and waived any failure by the Court to advise him of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing; and waived any and all claims that the forfeiture constitutes an excessive fine and agreed that the forfeiture did not violate the Eighth Amendment;

WHEREAS, the defendant agrees that this Order is final at the time of its entry by the Court, pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure;

WHEREAS, the provisions of 21 U.S.C. § 853(n) (incorporated by 28 U.S.C. § 2461(c)) require publication and notice to third parties known to have alleged an interest in forfeited specific property and the disposition of any petitions filed under 21 U.S.C. § 853(n) before the United States may have clear title to such property;

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment.

WHEREAS, good and sufficient cause having been shown, it is hereby ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

**Money Judgment**

1. As a result of the defendant's conviction of the wire fraud conspiracy offense charged in the Information, and pursuant to the plea agreement and 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(1) and (b)(2), a criminal forfeiture money judgment in the amount of \$4,233,015.42 (the "Money Judgment") is hereby entered against the defendant Bobby Boye.

2. Upon entry of this Consent Judgment and Order of Forfeiture, this Order is final as to the defendant at the time of its entry by the Court, shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the

United States Marshals Service, and delivered by mail to the United States Attorney's Office, District of New Jersey, Attn: Asset Forfeiture and Money Laundering Unit, 970 Broad Street, 7th Floor, Newark, New Jersey 07102, and shall indicate the defendant's name and case number on the face of the check.

4. Pursuant to 21 U.S.C. § 853, the United States Marshals Service is authorized to deposit all payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(3), upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of property to satisfy the Money Judgment, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

**Specific Property**

6. As a further result of the defendant's conviction of the wire fraud conspiracy offense charged in the Information, and pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(1) and (b)(2), and based upon the plea agreement, all of the defendant's right, title and interest in the following property (the "Specific Property"), is hereby forfeited to the United States of America for disposition according to law, subject to the provisions of 21 U.S.C. § 853:

- (a) All of the defendant's right, title and interest in the following property, real or personal, which was seized or restrained on or about June 19, 2014, which the defendant admits constitutes or is derived from proceeds traceable to the offense charged in Count One of the Information:
  - i. The contents of JPMorgan Chase Bank account number [REDACTED] 0399, held in the name of Opus and Best, LLC (approximately \$103.84); and
  - ii. Approximately \$8,408 in U.S. currency seized from the defendant; and
- (b) All of the defendant's right, title, and interest, including all appurtenances and improvements thereon, in the following real property, which the defendant admits constitutes or is derived from proceeds traceable to the offense charged in Count One of the Information:
  - i. 25 Crescent Hollow Court, Ramsey, New Jersey;
  - ii. 36 Rosewood Court, North Haledon, New Jersey; and
  - iii. 140 Grove Street, Elizabeth, New Jersey.

7. Upon entry of a final order of forfeiture as to the Specific Property, any forfeited money and the net proceeds derived from the sale of forfeited property will be applied to the Money Judgment until the Money Judgment is satisfied in full.

8. By virtue of the defendant's guilty plea and the terms of the plea agreement, and pursuant to 21 U.S.C. § 853(g) and 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), the United States is entitled, pending any assertion of third-party claims, to reduce the Forfeited Specific Property to its possession and to notify any and all potential purchasers and transferees thereof of its interest therein.

9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Marshals Service, its agent or designee is hereby authorized to:

- (a) take or maintain possession of the Specific Property and hold such property in its secure custody and control;
- (b) maintain existing insurance policies and, to the best of its ability, renew any other insurance policies, that the United States, in its sole discretion, determines to be necessary to preserve the value of the Specific Property pending sale;
- (c) solicit from among a limited number vendors assistance in the preservation or maintenance of the Specific Property pending sale and the disposal of personal property; and
- (d) enter into occupancy agreements as the United States may deem appropriate.

10. Pursuant to 21 U.S.C. § 853(g) and Rule 32.2(b)(3), the defendant, his attorneys, agents, spouse, and other family members, and anyone acting on his behalf, and all persons or entities acting in concert or participation with any of the above, and all persons and entities having actual knowledge of this Order:

- (a) shall not directly or indirectly, transfer, sell, assign, pledge, distribute, hypothecate, encumber, or dispose of in any manner; cause to be transferred, sold, assigned, pledged, distributed, hypothecated, encumbered, or disposed of in any manner; or take, or cause to be taken, any action that would have the effect of depreciating, damaging, or in any way diminishing the value of the Specific Property;
- (b) shall not use or permit the Specific Property to be used for any illegal activity; and
- (c) shall not take any action that would depreciate, damage, or in any way diminish the value of the Forfeited Specific Property without the prior written consent of the United States Attorney's Office.

11. In addition to abiding by the proscriptions set forth in paragraph 10, above, so long as the defendant Bobby Boye maintains custody and control of the above-described forfeited real property, the defendant shall not incur any debts or other liens against any of the forfeited real properties; will pay all taxes and other financial obligations owed on the forfeited real properties; will maintain the forfeited real properties in a reasonable manner; will carry appropriate insurance on the forfeited real properties; and will not allow the forfeited real properties to fall into disrepair.

12. In the event the defendant Bobby Boye is ever in violation of paragraphs 10 or 11 above, the defendant shall immediately vacate and surrender such real property or cause any occupants to immediately vacate and surrender such property.

13. Pursuant to 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, the United States shall publish notice of this Order for at least 30 consecutive days on the government internet site [www.forfeiture.gov](http://www.forfeiture.gov). The United States shall also send notice of this Order to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

14. Pursuant to Fed R. Crim. P. 23.2(b)(6) and 21 U.S.C. § 853(n)(2) and (n)(3), the notice of forfeiture must describe the forfeited property with reasonable particularity, state the times by which a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition. The notice shall also state



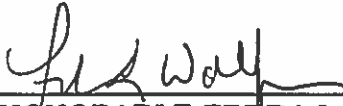
that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought.

15. Any person, other than defendant Bobby Boye, claiming interest in the Specific Property must file a petition within 60 days from the first day of publication of notice on the government internet site (or no later than 35 days from the mailing of direct notice, if direct notice is sent to the petitioner or the petitioner's attorney), pursuant to Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and Rule G(4) and G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

16. Upon adjudication of all third party interests, the Court will enter a final order of forfeiture pursuant to 21 U.S.C. § 853(n)(7) and Fed. R. Crim. P. 32.2(c)(2), in which all interests will be addressed.


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

ORDERED this <sup>July</sup> 16<sup>th</sup> day of ~~May~~, 2015.

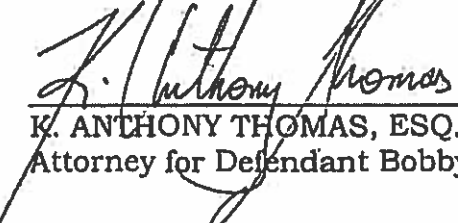
  
HONORABLE FREDA L. WOLFSON  
United States District Judge

The undersigned hereby consent to the entry and form of this order:

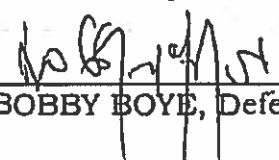
PAUL J. FISHMAN  
United States Attorney

  
By: SHIRLEY EMEHELE  
BARBARA A. WARD  
Assistant United States Attorneys

Dated: 7/16/2015

  
K. ANTHONY THOMAS, ESQ.  
Attorney for Defendant Bobby Boye

Dated: 7/16/2015

  
BOBBY BOYE, Defendant

Dated: 7/16/2015