

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 09-20023

JUDGE THOMAS L. LUDINGTON

- vs-

D-1 JOANNE TRAGAS
,a/ka/ Joanne Kolomvakou
a/k/a Giannoula Kolomvakou
a/k/a Joanne Colomvakos

Defendant.

PRELIMINARY ORDER OF FORFEITURE

1. WHEREAS, a Fifth Superseding Indictment was filed on June 2, 2010, which charged Defendant Joanne Tragas and others with violating 18 U.S.C. § 1029, Access Device Fraud Conspiracy (Count 1), 18 U.S.C. § 1952 (Interstate Transportation in Aid of Racketeering Enterprises (Counts 2-8), 18 U.S.C. 1344 , Bank Fraud 18 U.S.C. § 1347 (Count 9) and 18 U.S.C. § 1343, Wire Fraud (Counts 10-11);
2. WHEREAS, the Superseding Indictment contained Forfeiture Allegations seeking forfeiture of property constituting or derived from proceeds, directly or indirectly, as the result of those violations, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), 18 U.S.C. § § 982(a)(2)(B), and 1029(c)(1)(C) ;
3. WHEREAS, on December 22, 2009, the government filed its Forfeiture Bill of Particulars which set forth specific property for which the Government sought forfeiture

as follows:

- a) Real property more particularly identified and described as

1918 Cape Coral Parkway W, Cape Coral, Florida, Lots 5 and 6, in Block 4636, of UNIT 69, CAPE CORAL, according to the Plat thereof, as recorded in Plat Book 22, at Pages 31 through 51, inclusive, of the Public Records of Lee County, Florida
- b) Bose complete surround system
- c) 32" Sanyo Flat Screen Television
- d) 40" Sony Bravia Flat Screen Television
- e) 46" Sony Bravia Flat Screen Television
- f) 52" Sony Flat Screen Television
- g) 40" Sony Bravia Flat Screen Television
- h) Dyson Vacuum Cleaner
- i) Sony Playstation 3, Model CECHH01
- j) 10 Belkin Surge Protectors
- k) Morton Water Softener
- l) 25.5" Hewlett Packard Touch Smart Screen
- m) Hewlett Packard Pavillion, Model A6763W
- n) Coach Purse
- o) Dooney & Bourke Purse
- p) 12 Articles of Clothing
- q) Marin Street Bike
- r) Garmin Nuvi GPS

- s) Canon HD Camcorder, Model V1XIAHG21
- t) Endurance ES Elliptical Trainer
- u) Corsa Racer 31.8 Street Bike
- v) 41" x 35" Craftsman Rolling Tool Chest
- w) Pre-Paid, Stored Value Card, account number 5151580080796474 in the name of a nominee owner held for Joanne Tragas in the amount of \$3257.55 hereafter "Subject Assets").

The Bill of Particulars further sets forth a provision stating that the notice "does not limit the Government from seeking the forfeiture of additional specific property nor limit the Government from seeking imposition of a forfeiture money judgment";

4. WHEREAS, on November 5, a jury unanimously found Defendant Joanne Tragas guilty on Counts 1-11. The verdict form was entered that same day [Dkt. # 307].
5. WHEREAS, pursuant to Fed.R.Cr.P. 32.2(b)(2) and (3), the government seeks entry of a preliminary order of forfeiture, including a money judgment in the amount \$562,000 which amount represents a sum of proceeds obtained by the Defendant and substantiated through testimony of Special Agent Robert Kuykendall who testified at trial that his review of emails demonstrates that the Defendant received at a minimum \$562,000 in criminally derived proceeds from October 1, 2008, through July 20, 2009¹;
6. WHEREAS, the court additionally received a summary exhibit marked 540I which

¹The Government does not conclude that \$562,000 represents loss to the victim or even the total amount obtained by the Defendant. Rather, the Government is using what it believes to be a conservative figure in determining the forfeiture money judgment.

establishes that the Defendant received a minimum of \$562,000 during the course of her criminal conduct;

7. WHEREAS, the government seeks entry of a preliminary order of forfeiture to include the money judgment in the amount of \$562,000 and the assets listed above in paragraph 3 to be forfeited to satisfy the money judgment, in part;
8. WHEREAS, Defendant Joanne Tragas agreed to have the Court determine the forfeiture issues, as stated in the attachment, "Stipulation Waiving Jury Retention for Forfeiture" Docket No. 303.

NOW THEREFORE, based upon the Superseding Indictment, Defendant Joanne Tragas's conviction on November 5, 2010, her agreement to have the Court determine the forfeiture and the information in the record;

IT IS HEREBY ORDERED that a money judgment in the amount of \$562,000 is granted and entered against the Defendant, Joanne Tragas, in favor of the United States of America;

IT IS FURTHER ORDERED that any and all interest of Defendant Joanne Tragas in the following property IS HEREBY FORFEITED to the United States for disposition in accordance with law, and any right, title or interest of Defendant Joanne Tragas, and any right, title or interest that her heirs, successors or assigns, have or may have in said property IS HEREBY AND FOREVER EXTINGUISHED:

- a) Real property more particularly identified and described as
1918 Cape Coral Parkway W, Cape Coral, Florida, Lots 5 and 6, in Block 4636, of UNIT 69, CAPE CORAL, according to the Plat thereof, as recorded in Plat Book 22, at Pages 31 through 51, inclusive, of the Public Records of Lee County, Florida

- b) Bose complete surround system
- c) 32" Sanyo Flat Screen Television
- d) 40" Sony Bravia Flat Screen Television
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- m) Hewlett Packard Pavillion, Model A6763W
- n) Coach Purse
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- p) 12 Articles of Clothing
- q) Marin Street Bike
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- s) Canon HD Camcorder, Model V1XIAHG21
- t) Endurance ES Elliptical Trainer
- u) Corsa Racer 31.8 Street Bike
- v) 41" x 35" Craftsman Rolling Tool Chest

- w) Pre-Paid, Stored Value Card, account number 5151580080796474 in the name of a nominee owner held for Joanne Tragas in the amount of \$3257.55 hereafter “Subject Assets”).
8. Upon entry of this Order, the United States or a designee is authorized to seize the Subject Currency and Subject Assets described above pursuant to Federal Rule of Criminal Procedure 32.2(b)(2) and (3), to conduct any discovery that the Court considers proper to help identify, locate, or dispose of any assets seized, and United States is authorized to begin proceedings consistent with applicable statutory requirements pertaining to ancillary hearings and the rights of any third parties.
9. The United States shall publish for at least thirty days, using the internet site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture and its intent to dispose of the Subject Currency and Subject Assets in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n). Said notice shall direct that any person, other than Defendant Joanne Tragas, asserting a legal interest in the Subject Currency and Subject Assets may file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the Subject Currency and Subject Property. The petition must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in the Subject Currency and Subject Property, the time and

circumstances of the petitioner's acquisition of the right, title, or interest in the Subject Currency and Subject Property, any additional facts supporting the petitioner's claim, and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the Subject Currency and Subject Property.

10. Following the Court's disposition of all petitions filed, if any, and upon proof of publication and notice to any persons known to have alleged an interest in the Subject Currency and Subject Property, the United States shall have clear title to the Subject Currency and Subject Property, and the Attorney General, the United States Department of the Treasury and/or the United States Department of Justice are authorized to dispose of the forfeited assets in accordance with law.
11. Pursuant to Fed.R.Crim.P. 32.3(b)(4), this Preliminary Order of Forfeiture shall become final as to Defendant Joanne Tragas at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed.R.Crim.P. 32.2(c)(2).

12. The Court retains jurisdiction to enforce this Order, and to amend it as necessary,
pursuant to Fed.R.Crim.P. 32.2.

IT IS SO ORDERED.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 10, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 10, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS