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Attorney for Petitioner
HOLLAN GARMO

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MORAD MARCO GARMO,

Defendant.

CASE NO: 19 CR 4768 GPC

**PETITIONER HOLLAN
GARMO'S PETITION IN
OPPOSITION TO FORFEITURE
AND FOR HEARING**

**FRCP 32.2 (c)
21 U.S.C 853(n)**

Petitioner, Hollan Garmo, by and through counsel, hereby petitions the Court for the return of some or all of the property subject to this Court's Preliminary Forfeiture Order filed on October 7, 2020. [Doc. 115] The Petitioner hereby asserts and claims her legal interest in the property listed pursuant to the provisions of Federal Rule of Criminal Procedure 32.2 (c) and 21 U.S.C. 853 (n) and petitions this Court for a hearing to adjudicate the validity of her interest in the property and

**PETITIONER HOLLAN GARMO'S PETITION IN
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19CR4768 GPC**

1 request this Court to release and immediately return the property to Petitioner and
2 grant relief to which Petitioner is entitled.

3
4 **MEMORANDUM**

5
6 Federal Rule of Criminal Procedure 32.2 (c) requires this Court to conduct an
7 ancillary proceeding when a third party files a petition to assert an interest in
8 property to be forfeited. Fed.R.Crim.Pro. 32.2 (c) (1). Federal statute allows a party
9 to petition this Court for a hearing to adjudicate the validity of the party's alleged
10 interest in the property. 21 U.S.C 853(n)(2). A petition filed under 21 U.S.C. 853(n)
11 requires the petition (1) that the petition be signed by the Petitioner under penalty of
12 perjury, (2) shall set forth the nature and extent of the Petitioner's right, title or
13 interest in the property, the time circumstances of the Petitioner's acquisition of the
14 right, title or interest in the property, (3) any additional facts supporting the
15 Petitioner's claim, and (4) the relief sought. 21 U.S.C. 853 (n)(3).

16 1. Pursuant to 21 U.S.C. 853(n)(2), the Petitioner Hollan Garmo is not a
17 defendant in the above captioned matter, 19CR4768 GPC. She is the lawful spouse
18 of Defendant 1, MORAD MARCO GARMO, and has been married to him since
19 June 19, 2011.

20 2. Each and every item listed in this Court's Preliminary Forfeiture Order filed
21 on October 7, 2020 was acquired during the course of her marriage to Defendant
22 Garmo or was acknowledged as an asset of her community marital property.

23 3. While she does not have access to the investigation records in this case due
24 to a protective order over such records, she is informed and believes that none of the

1 items listed in the Preliminary Forfeiture Order was acquired in any illegal manner.
2 To her present knowledge, the only income that her husband, Defendant Garmo, had
3 at the time of his acquisition of these items was from his payroll salary as a member
4 of the San Diego County Sheriff's Department, and he acquired the items through
5 purchases that are lawful under Federal and state law.

6 4. Petitioner affirms that she was aware that the items listed in the Preliminary
7 Forfeiture Order were in the possession of her spouse as they were maintained in the
8 community property owned home and was present when law enforcement seized the
9 items pursuant to a search warrant executed on February 19, 2019. These items were
10 maintained in weapons safes located on the property. Further, these items were
11 maintained with several weapons belonging to Petitioner's father, a circumstance
12 previously addressed with counsel for the government by Defendant Garmo's
13 counsel.

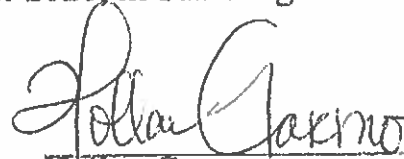
14 5. Over the course of the marriage, Petitioner understood that Defendant
15 Garmo had a fascination and appreciation for weapons. Petitioner came to
16 understand that the collection of the items listed in the Preliminary Forfeiture Order
17 was akin to a savings account. To her understanding, many of the items would and
18 did appreciate in value over time.

19 6. Accordingly Petitioner requests that the items listed in the Preliminary
20 Forfeiture Order be returned to her in whole or part and that all costs associated with
21 the impounding, storage, and collection of the items be waived.

22 At the hearing, Petitioner, by and through her counsel, will testify and present
23 evidence demonstrating that she is entitled to the relief sought.

1
2 I, Hollan Garmo, the Petitioner, state under penalty of perjury under the laws
3 of the United States of America that the forgoing Petition in Opposition to Forfeiture
4 and for Hearing is true and correct.

5 Executed this 2nd of November 2020, in San Diego County, California.

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7 


8 Hollan Garmo
4780 Lee Avenue
9 La Mesa, CA 91942
Petitioner

10 Respectfully Submitted,

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12 
13 Aaron G. Meyer, Esq.
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15 **CERTIFICATE OF SERVICE**

16
17 I hereby certify that a true and correct copy of the foregoing Petition in
18 Opposition to Forfeiture and for hearing was served upon all counsel of record this
19 4th day of November 2020 via the Court's Electronic filing system.

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21 
22
23 Aaron G. Meyer, Esq.
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