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Conferred by 28 U.S.C. § 515
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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 MORAD MARCO GARMO (1),
16 Defendant.

Case No. 19cr4768-GPC

MOTION OF THE UNITED
STATES FOR A FIRST
AMENDED ORDER OF
CRIMINAL FORFEITURE

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18 COMES NOW Plaintiff, the United States of America, by and through its
19 counsel, Linda A. Frakes, Attorney for the United States Acting Under Authority
20 Conferred by 28 U.S.C. § 515, Nicholas W. Pilchak and Andrew R. Haden,
21 Assistant U.S. Attorneys, and respectfully submits the United States
22 Government's Motion for a First Amended Order of Criminal Forfeiture. In support
23 thereof, the United States sets forth the following:

24 1. On October 7, 2020, this Court entered its Preliminary Order of
25 Criminal Forfeiture, which condemned and forfeited to the United States all right,
26 title and interest of MORAD MARCO GARMO (1) ("Defendant") in the following
27 properties:

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- 1 (1) 5,360 ROUNDS OF 7.62 MM AMMUNITION (SEIZED
2 AS ITEM #650)
- 3 (2) 25 ROUNDS OF FEDERAL 9MM AMMUNITION (SEIZED
4 AS ITEM #78)
- 5 (3) COBRA ENTERPRISES , INC . / KODIAK INDUSTRIE
6 MODEL CB38 . 38 CALIBER DERRINGER, SN : CT045564
- 7 (4) COLT COBRA .38 CALIBER REVOLVER, SN: A80727
- 8 (5) COLT DETECTIVE SPECIAL . 38 CALIBER REVOLVER,
9 SN : 21368M
- 10 (6) COLT DETECTIVE SPECIAL .38 CALIBER REVOLVER,
11 SN : M04560
- 12 (7) COLT MAGNUM CARRY . 357 CALIBER REVOLVER, SN : SY1396
- 13 (8) COLT SAA . 45 CALIBER REVOLVER, SN : 87502SA
- 14 (9) CZ (CESKA ZBROJOVKA) MODEL CZ P- 07 9MM PISTOL,
15 SN : C014422
- 16 (10) CZ (CESKA ZBROJOVKA) MODEL CZ P-10 C PISTOL,
17 SN : C381287
- 18 (11) CZ (CESKA ZBROJOVKA) PISTOL , SN : C811552
- 19 (12) GLOCK GMBH MODEL 19 9MM PISTOL , SN : XNH690
- 20 (13) HECKLER AND KOCH MODEL P7 9MM PISTOL , SN : 76548
- 21 (14) KAHR ARMS - AUTO ORDNANCE MODEL CW380 . 380 CALIBER
22 PISTOL, SN : RK7080
- 23 (15) KIMBER PRO CARRY II 9MM PISTOL , SN: KRF23210
- 24 (16) KIMBER MODEL K6S . 357 CALIBER REVOLVER, SN : RV024450
- 25 (17) PHOENIX ARMS CO. MODEL HP22A . 22 CALIBER PISTOL,
26 SN : 4434886
- 27 (18) POLAND PISTOL, SN : JS03691
- 28 (19) RUGER MODEL P944DC . 40 CALIBER PISTOL, SN : 30803379
- (20) RUGER BLACKHAWK . 357 CALIBER REVOLVER, SN : 3871204
- (21) RUGER MODEL GP100 . 357 CALIBER REVOLVER, SN : 17730080
- (22) RUGER MODEL SP101 . 357 CALIBER, SN : 57106474
- (23) RUGER VAQUERO . 40 CALIBER, SN : 5749871

- 1 (24) SIG- SAUER MODEL P220 . 45 CALIBER PISTOL, SN: 37B000145
- 2 (25) SIG-SAUER PISTOL, SN : 66A105681
- 3 (26) SMITH & WESSON MODEL 10 . 38 CALIBER REVOLVER,
- 4 SN : CEZ9978
- 5 (27) SMITH & WESSON MODEL 12 . 38 CALIBER REVOLVER,
- 6 SN : D823758
- 7 (28) SMITH & WESSON MODEL 19 . 357 CALIBER REVOLVER,
- 8 SN: 7K56927
- 9 (29) SMITH & WESSON MODEL 19 . 357 CALIBER REVOLVER,
- 10 SN: DKU8368
- 11 (30) SMITH & WESSON MODEL 60 .38 CALIBER REVOLVER,
- 12 SN: 7 4736
- 13 (31) SMITH & WESSON MODEL 60 .38 CALIBER REVOLVER,
- 14 SN: RI60786
- 15 (32) SMITH & WESSON MODEL 61 7 . 22 CALIBER REVOLVER,
- 16 SN: DDZ0607
- 17 (33) SMITH & WESSON MODEL 627 . 357 CALIBER REVOLVER,
- 18 SN: CZP0847
- 19 (34) SMITH & WESSON MODEL 64 .38 CALIBER REVOLVER,
- 20 SN: 63514
- 21 (35) SMITH & WESSON MODEL 66 . 357 CALIBER REVOLVER,
- 22 SN: CEY3933
- 23 (36) SMITH & WESSON MODEL 66 . 357 CALIBER REVOLVER,
- 24 SN: DJJ5111
- 25 (37) SMITH & WESSON BODYGUARD . 38 CALIBER REVOLVER,
- 26 SN: CPY7500BG38
- 27 (38) TAURUS MODEL 85 .38 CALIBER REVOLVER, SN: IT4 2 980
- 28 (39) WALTHER PPQ 9MM PISTOL, SN: FCC6047
- (40) WILSON COMBAT MODEL CQB .45 CALIBER PISTOL,
- SN: WCT284 20
- (41) AERO PRECISION MODEL XI5 RIFLE, SN: AR05098
- (42) BRAVO COMPANY MFG INC. MODEL BCM4 RIFLE, SN: A028574
- (43) CENTURY ARMS INTERNATIONAL MODEL AK-63DS 7. 62 MM
- RIFLE, SN: A136925
- (44) CHILDERS GUNS, LLC MODEL CG1 7.62 MM RIFLE, SN: AM03246

- (45) F.N. (FN HERSTAL) SCAR 17S RIFLE, SN: HC37214
- (46) IZHMAH (IMEZ) SAIGA 7.62 MM RIFLE, SN: 13419980
- (47) M&M INC. (M&M INDUSTRIES) MODEL MIOX ELITE 7.62 MM RIFLE, SN: C01067
- (48) MORRISSEY INC. MODEL AAM-47 7.62 MM RIFLE, SN: AA006714
- (49) ROMARM/CUGIR MODEL GP WASR 10/62 7. 62 MM RIFLE, SN: 1971CA0780
- (50) ROSSI MODEL 1892 HARTFORD .357 CALIBER RIFLE, SN: K263436
- (51) RUGER MODEL 10/22 . 22 CALIBER RIFLE, SN: 82637553
- (52) RUGER AMERICAN RIFLE, SN: 690025548
- (53) SPRINGFIELD ARMORY, MODEL M1A . 308 RIFLE, SN: 408758
- (54) UNKNOWN MANUFACTURER RIFLE, SN: 2781452
- (55) WINCHESTER MODEL 94AE . 30-30 CALIBER RIFLE, SN: 5232454
- (56) ZASTAVA RIFLE, SN: M92PV062648
- (57) MOSSBERG MODEL 500A 12-GAUGE SHOTGUN, SN: R689024
- (58) MOSSBERG MODEL 590 12 -GAUGE SHOTGUN, SN: T620688
- (59) REMINGTON ARMS COMPANY, INC. MODEL 870 EXPRESS MAGNUM 12-GAUGE SHOTGUN, SN: AB340745M
- (60) REMINGTON ARMS COMPANY , INC ., MODEL 870 POLICE MAGNUM 12-GAUGE SHOTGUN , SN : RS95864Y
- (61) TWO CZ P10C 9MM MAGAZINES (SEIZED AS ITEM #77).

2. For thirty (30) consecutive days ending on November 27, 2020, the United States published on its forfeiture website, www.forfeiture.gov, notice of the Court's Order and the United States' intent to dispose of the properties in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n) and Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and further notifying all third parties of their right to petition the Court within thirty (30) days of the final publication for a hearing to adjudicate the validity of their alleged legal interest in the properties.

3. On October 15, 2020, Notice of Order of Forfeiture was sent by Federal Express as follows:

<u>Name and Address</u>	<u>Tracking No.</u>	<u>Result</u>
Leo Joseph Hamel (2) c/o Michael Pancer Attorney at Law 105 West F Street, 4th Floor San Diego, CA 92101-6036	771807551713	Delivered on 10/20/20
Giovanni Vincenzo Tilotta (3) c/o Jeremy D. Warren, Esq. Warren & Burstein 501 W. Broadway, Suite 240 San Diego, CA 92101-8595	771807626987	Delivered on 10/20/20
Fred Magana (4) c/o Ezekiel E. Cortez, Esq. 550 West C Street, Suite 790 San Diego, CA 92101-3516	771807661783	Delivered on 10/16/20
Waiel Yousif Anton (5) c/o Eugene G. Iredale, Esq. Iredale & Yoo, APC 105 West F Street, 4th Floor San Diego, CA 92101-6036	771807766880	Delivered on 10/20/20
Hollan Garmo 4780 Lee Avenue La Mesa, CA 91942-6941	771807811730	Delivered on 10/20/20

4. On November 6, 2011, Hollan Garmo filed her Petition in Opposition to Forfeiture (ECF No. 121) and Motion for Return of Property (ECF No. 122) as to some or all of the assets forfeited in this case. On November 30, 2020, the Court entered an Order continuing the hearing on the petition to March 26, 2021. The United States was instructed in the Order to file a response to the petition on or before March 5, 2021.

5. Thirty (30) days have passed following the final date of notice by publication and notice by Federal Express, and no third party except Hollan Garmo has made a claim to or declared any interest in the forfeited properties described above.

WHEREFORE, the United States respectfully requests:

1 1. That this Court enter a First Amended Order of Criminal Forfeiture,
 2 condemning and forfeiting to the United States of America all right, title and interest
 3 of MORAD MARCO GARMO (1) and any and all third parties except Hollan Garmo
 4 in

- 5 (1) 5,360 ROUNDS OF 7.62 MM AMMUNITION (SEIZED
 6 AS ITEM #650)
- 7 (2) 25 ROUNDS OF FEDERAL 9MM AMMUNITION (SEIZED
 8 AS ITEM #78)
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 13 SN : 21368M
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 15 SN : M04560
- 16 (7) COLT MAGNUM CARRY . 357 CALIBER REVOLVER, SN : SY1396
- 17 (8) COLT SAA . 45 CALIBER REVOLVER, SN : 87502SA
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- 20 (10) CZ (CESKA ZBROJOVKA) MODEL CZ P-10 C PISTOL,
 21 SN : C381287
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- 24 (13) HECKLER AND KOCH MODEL P7 9MM PISTOL , SN : 76548
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 26 PISTOL, SN : RK7080
- 27 (15) KIMBER PRO CARRY II 9MM PISTOL , SN: KRF23210
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 SN : 4434886
- (18) POLAND PISTOL, SN : JS03691
- (19) RUGER MODEL P944DC . 40 CALIBER PISTOL, SN : 30803379

- 1 (20) RUGER BLACKHAWK . 357 CALIBER REVOLVER, SN : 3871204
- 2 (21) RUGER MODEL GPIOO . 357 CALIBER REVOLVER, SN : 17730080
- 3 (22) RUGER MODEL SP101 . 357 CALIBER, SN : 57106474
- 4 (23) RUGER VAQUERO . 40 CALIBER, SN : 5749871
- 5 (24) SIG- SAUER MODEL P220 . 45 CALIBER PISTOL, SN: 37B000145
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8 SN : CEZ9978
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24 SN: 63514
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26 SN: CEY3933
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SN: CPY7500BG38
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SN: WCT284 20

- (41) AERO PRECISION MODEL XI5 RIFLE, SN: AR05098
- (42) BRAVO COMPANY MFG INC. MODEL BCM4 RIFLE, SN: A028574
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- (49) ROMARM/CUGIR MODEL GP WASR 10/62 7. 62 MM RIFLE, SN: 1971CA0780
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- (55) WINCHESTER MODEL 94AE . 30-30 CALIBER RIFLE, SN: 5232454
- (56) ZASTAVA RIFLE, SN: M92PV062648
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- (58) MOSSBERG MODEL 590 12 -GAUGE SHOTGUN, SN: T620688
- (59) REMINGTON ARMS COMPANY, INC. MODEL 870 EXPRESS MAGNUM 12-GAUGE SHOTGUN, SN: AB340745M
- (60) REMINGTON ARMS COMPANY , INC ., MODEL 870 POLICE MAGNUM 12-GAUGE SHOTGUN , SN : RS95864Y
- (61) TWO CZ P10C 9MM MAGAZINES (SEIZED AS ITEM #77);

2. That any and all interest of the following persons be specifically terminated and forfeited to the United States of America as to the above-referenced properties: Leo Joseph Hamel (2), Giovanni Vincenzo Tilotta (3), Fred Magana (4), and Waiel Yousif Anton (5); and

1 3. That the Court order the Bureau of Alcohol, Tobacco, Firearms and
2 Explosives to maintain custody of the properties pending third party proceedings
3 pursuant to the petition of Hollan Garmo.

4 DATED: January 6, 2021.

5 Respectfully submitted,

6 LINDA A. FRAKES
7 Attorney for the United States
8 Acting Under Authority
9 Conferred by 28 U.S.C. § 515

10 s/ Nicholas W. Pilchak
11 NICHOLAS W. PILCHAK
12 Assistant U.S. Attorney
13 Attorneys for Plaintiff
14 United States of America

15
16 Attachment: Declaration of AUSA Nicholas W. Pilchak
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