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2 Acting Under Authority
Conferred By 28 U.S.C. § 515
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9
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.

17 HOLLAN GARMO,
18 Petitioner.

Case No. 19-CR-4768-GPC

JOINT MOTION TO RESOLVE
THIRD PARTY PETITION OF
HOLLAN GARMO WITH
RESPECT TO FORFEITURE OF
VARIOUS FIREARMS AND
AMMUNITION

19
20
21 The United States of America, by and through its counsel, Linda A. Frakes,
22 Attorney for the United States acting under authority conferred by 28 U.S.C. §515,
23 and Nicholas W. Pilchak and Andrew R. Haden, Assistant United States Attorneys,
24 and the Petitioner, Hollan Garmo ("Petitioner Garmo"), by and through her counsel,
25 Aaron G. Meyer, have met and conferred and agreed upon a proposed resolution to
26 Petitioner Garmo's motion for return of property (ECF No. 122) and petition in
27 opposition to forfeiture (ECF No. 121) as to the 61 firearms and groups of
28 ammunition forfeited by Defendant M. Marco Garmo ("Defendant Garmo") to the

1 United States pursuant to his plea agreement (ECF No. 110) (collectively, the
 2 “Garmo Forfeiture Firearms”). Accordingly, the parties jointly move the Court to
 3 rule on Petitioner’s motion and petition by entering the proposed order pursuant to
 4 this joint motion.

5
 6 In support of this request, the parties hereby agree as follows:

7 1. Petitioner Garmo has asserted a property interest in all 61 of the firearms
 8 and groups of ammunition subject to forfeiture by Defendant Garmo. The United
 9 States contests that assertion.

10 2. On September 2, 2020 Defendant Garmo entered a guilty plea, pursuant
 11 to a plea agreement with the United States (ECF No. 110). In the plea agreement,
 12 Defendant Garmo admitted the Garmo Forfeiture Firearms were involved in the
 13 offense to which he pleaded guilty. Defendant Garmo further agreed to forfeit all 61
 14 of the Garmo Forfeiture Firearms to the United States, as property involved in the
 15 offence to which he pleaded guilty.

16 3. On October 7, 2020, the Court entered a preliminary order of criminal
 17 forfeiture as to the Garmo Forfeiture Firearms (ECF No. 115).

18 4. On November 6, 2020, Petitioner Garmo filed a petition in opposition to
 19 the forfeiture and a motion for return of property (ECF Nos. 121, 122), asserting a
 20 community property interest in the Garmo Forfeiture Firearms.

21 5. Now, in the interest of compromise and to avoid further litigation, the
 22 parties agree that this Court should order the return of the following 14 firearms (the
 23 “Return Firearms”) to Petitioner Garmo in resolution of her claims, without any
 24 concession by the United States as to the validity of those claims:

25 (8) COLT SAA .45 CALIBER REVOLVER, SN: 87502SA

26 (15) KIMBER PRO CARRY II 9MM PISTOL, SN: KRF23210

27 (16) KIMBER MODEL K6S .357 CALIBER REVOLVER, SN:
 28 RV024450

- (17) PHOENIX ARMS CO. MODEL HP22A .22 CALIBER PISTOL,
SN: 4434886
- (21) RUGER MODEL GP100 .357 CALIBER REVOLVER, SN:
17730080
- (22) RUGER MODEL SP101 .357 CALIBER, SN: 57106474
- (23) RUGER VAQUERO .40 CALIBER, SN: 5749871
- (29) SMITH & WESSON MODEL 19 .357 CALIBER REVOLVER,
SN: DKU8368
- (32) SMITH & WESSON MODEL 617 .22 CALIBER REVOLVER,
SN: DDZ0607
- (40) WILSON COMBAT MODEL CQB .45 CALIBER PISTOL, SN:
WCT28420
- (51) RUGER MODEL 10/22 .22 CALIBER RIFLE, SN: 82637553
- (54) UNDERWOOD MODEL M1 CARBINE 30M1, SN: 2781452;
A/K/A UNKNOWN MANUFACTURER RIFLE, SN: 2781452
- (58) MOSSBERG MODEL 590 12 -GAUGE SHOTGUN, SN:
T620688
- (59) REMINGTON ARMS COMPANY, INC. MODEL 870
EXPRESS MAGNUM 12-GAUGE SHOTGUN, SN:
AB340745M

6. As part of this resolution, Petitioner Garmo withdraws her motion for return of property and petition in opposition to forfeiture as to the preliminary order of criminal forfeiture as to the Garmo Forfeiture Firearms (ECF No. 115). Petitioner Garmo consents to the forfeiture of all right, title, and interest that she may have in any and all property forfeited in connection with the preliminary order of criminal forfeiture as to the Garmo Forfeiture Firearms (ECF No. 115) in criminal case *United States v. Morad Marco Garmo, et al.*, 19cr04768-GPC (S.D. Cal. 2019) apart from

1 the Return Firearms, including but not limited to the 47 firearms and groups of
 2 ammunition not subject to return as part of this resolution (the “Forfeited Firearms”):

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

- 1 (20) RUGER BLACKHAWK .357 CALIBER REVOLVER, SN:
2 3871204
- 3 (24) SIG-SAUER MODEL P220 .45 CALIBER PISTOL,
4 SN: 37B000145
- 5 (25) SIG-SAUER PISTOL, SN: 66A105681
- 6 (26) SMITH & WESSON MODEL 10 .38 CALIBER REVOLVER,
7 SN: CEZ9978
- 8 (27) SMITH & WESSON MODEL 12 .38 CALIBER REVOLVER,
9 SN: D823758
- 10 (28) SMITH & WESSON MODEL 19 .357 CALIBER REVOLVER,
11 SN: 7K56927
- 12 (30) SMITH & WESSON MODEL 60 .38 CALIBER REVOLVER,
13 SN: 74736
- 14 (31) SMITH & WESSON MODEL 60 .38 CALIBER REVOLVER,
15 SN: R160786
- 16 (33) SMITH & WESSON MODEL 627 .357 CALIBER REVOLVER,
17 SN: CZP0847
- 18 (34) SMITH & WESSON MODEL 64 .38 CALIBER REVOLVER,
19 SN: 63514
- 20 (35) SMITH & WESSON MODEL 66 .357 CALIBER REVOLVER,
21 SN: CEY3933
- 22 (36) SMITH & WESSON MODEL 66 .357 CALIBER REVOLVER,
23 SN: DJJ5111
- 24 (37) SMITH & WESSON BODYGUARD .38 CALIBER
25 REVOLVER, SN: CPY7500BG38
- 26 (38) TAURUS MODEL 85 .38 CALIBER REVOLVER, SN: IT42980
- 27 (39) WALTHER PPQ 9MM PISTOL, SN: FCC6047
- 28 (41) AERO PRECISION MODEL X15 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) IZHMASH (IMEZ) SAIGA 7.62 MM RIFLE, SN: 13419980
- (47) M&M INC. (M&M INDUSTRIES) MODEL M10X 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
- (52) RUGER AMERICAN RIFLE, SN: 690025548
- (53) SPRINGFIELD ARMORY, MODEL M1A .308 RIFLE,
SN: 408758
- (55) WINCHESTER MODEL 94AE .30-30 CALIBER RIFLE,
SN: 5232454
- (56) ZASTAVA RIFLE, SN: M92PV062648
- (57) MOSSBERG MODEL 500A 12-GAUGE SHOTGUN, SN:
R689024
- (60) REMINGTON ARMS COMPANY, INC., MODEL 870 POLICE
MAGNUM 12-GAUGE SHOTGUN, SN: RS95864Y
- (61) TWO CZ P10C 9MM MAGAZINES (SEIZED AS ITEM #77).

1 7. Solely for purposes of this joint motion and in aid of resolution of these
2 claims, the parties specifically agree that Petitioner Garmo had a vested interest in the
3 Return Firearms before Defendant Garmo's unlawful acquisition of the Return
4 Firearms.

5 8. The parties further agree that nothing in this joint motion shall have any
6 effect on the cash and firearms seized in connection with this case that are not subject
7 to the preliminary order of criminal forfeiture as to the Garmo Forfeiture Firearms
8 (ECF No. 115).

9 9. The parties further agree that following the completion of the criminal
10 proceedings in this case concerning Defendant Garmo and his co-defendants,
11 including any appeal, the Return Firearms will be transferred to Petitioner Garmo.
12 The parties agree that the United States shall return the Return Firearms to Petitioner
13 Garmo by transferring the Return Firearms to a Federal Firearms Licensee ("FFL")
14 located in the Southern District of California, which shall be designated by Petitioner
15 Garmo. Upon the transfer of the Return Firearms to the FFL, Petitioner Garmo shall
16 be responsible for communicating, coordinating, and complying with any
17 requirements established by the designated FFL to obtain possession of the Return
18 Firearms or proceeds from the sale of the Return Firearms by the designated FFL.

19 6. Petitioner Garmo and her agents, employees, heirs or assigns, shall hold
20 harmless the United States of America, and any of its agents, servants, and employees
21 (including any involved state or local law enforcement agencies and their agents,
22 servants, and employees) in their individual and official capacities, from any and all
23 claims by Petitioner that exist or may arise as a result of the seizure, detention,
24 forfeiture, and return of any and all property forfeited in the criminal case *United*
25 *States v. Morad Marco Garmo, et al.*, 19cr04768-GPC (S.D.C.A. 2019), including
26 but not limited to the Return Firearms and Forfeited Firearms.

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1 7. Each party shall bear its own costs and expenses of this action, including
2 attorney's fees.

3
4 DATED: March 5, 2021

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

7
8 /s/ Nicholas W. Pilchak
NICHOLAS W. PILCHAK
ANDREW R. HADEN
Assistant U.S. Attorneys
Attorneys for Plaintiff
United States of America

11
12 DATED: March 5, 2021

13 /s/ Aaron G. Meyer
AARON G. MEYER
Attorney for Petitioner
Hollan Garmo
(by consent)