

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:19-cr-166-FtM-38NPM

ANDERSON PAUL

ORDER OF FORFEITURE

Before the Court, pursuant to 18 U.S.C. § 982(a)(2)(B) and Rule 32.2(b)(2), Federal Rules of Criminal Procedure, is the United States' Motion for Order of Forfeiture in the amount of \$50,000.00, representing the amount of proceeds personally and illegally obtained by Defendant, Anderson Paul, for his participation in the access device fraud offense charged in Count One of the Indictment filed in the above-styled case. ([Doc. 104](#); [Doc. 1](#)). For the reasons outlined below, the motion is **GRANTED**.

A federal grand jury indicted Anderson Paul and co-defendant, Parker Correll, on October 9, 2019, in a five-count Indictment for a credit card fraud and identity theft scheme wherein the defendants used Correll's position as a mail carrier with the United States Postal Service to access the credit card documents and personal information utilized in execution of their fraudulent credit card scheme. Anderson Paul used the information to make numerous falsified Citibank transactions over the course of a few months in 2017, totaling over \$150,000.00 in illegal withdraws and purchases.

Count One of the Indictment charged Anderson Paul with access device fraud; the charge of access device fraud contains a forfeiture provision. The forfeiture allegations are contained in the Indictment, thereby putting Paul on notice of the United States' authority and intent to seek forfeiture of the proceeds made in the commission of his

offense, pursuant to 18 U.S.C. § 982(a)(2)(B) and Rule 32.2 of the Federal Rules of Criminal Procedure.

On August 5, 2020, as per the written plea agreement, Paul entered a plea of guilty to Counts One and Two of the Indictment for charges of access device fraud and aggravated identity theft, in violation of 18 U.S.C. §§ 1029(a)(2) and 1028(A), and two days later, on August 7, 2020, the Court accepted his plea and adjudicated him guilty. ([Doc. 99](#); [Doc. 101](#)).

In paragraph 12 of the written plea agreement, Paul admits that \$50,000.00 represents the total amount of proceeds he personally, and illegally, obtained as a result of his participation in the access device fraud scheme he plead guilty to, and is the amount the United States is entitled to seek in an order of forfeiture, pursuant to 18 USC §§ 982(a)(2)(B). Paul further acknowledges that because Paul dissipated the proceeds and the proceeds cannot therefore be located, the Government is entitled to forfeit any other property [of Paul's] as substitute asset up to the value of \$50,000.00. (21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)). ([Doc. 83](#)).

The Court is required to determine what property is subject to criminal forfeiture as soon possible after a determination or an adjudication of guilt, and is directed to make such determination based on its' review of the record and any applicable evidence submitted by the parties, as per Federal Rules of Criminal Procedure 32.2(b)(1)(B).

Therefore, the Court finds the United States has established that Paul personally received, and dissipated, \$50,000.00 in proceeds for his involvement in the access device

fraud offense for which he has been adjudicated guilty;

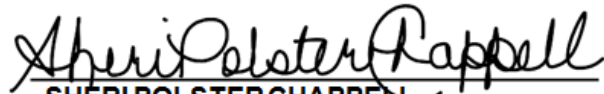
That, pursuant to 18 USC §§ 982(a)(2)(B) and Rule 32.2(b)(2), Federal Rules of Criminal Procedure, the United States is entitled to forfeiture of the \$50,000.00 identified above;

And further, that, pursuant to 21 U.S.C. § 835(p), as incorporated by 18 U.S.C. § 982(b), the United States may seek, as a substitute asset, forfeiture of any of Anderson Paul's property up to the value of \$50,000.00.

Accordingly, it is hereby **ORDERED** that for good cause shown, the United States' Motion for Money Judgment ([Doc. 104](#)) is **GRANTED**.

1. Defendant Anderson Paul is personally liable to the United States for a money judgment in the amount of \$50,000.00.
2. The United States may seek, as a substitute asset, forfeiture of any of Anderson Paul's property up to the value of \$50,000.00, and a preliminary order for the substitute asset identified above.
3. The Court retains jurisdiction to enter any further orders necessary for the forfeiture and disposition of any substitute asset and to address any third-party claim that may be asserted under these proceedings.

DONE and **ORDERED** in Fort Myers, Florida, this 31st day of August 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record

Copies to:
All Parties/Counsel of Record