

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v.-

BACHAR WEHBE,
a/k/a "Farez"

Defendant.

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:
: CONSENT PRELIMINARY ORDER OF
: FORFEITURE

: S2 11 Cr. 93 (JSR)

:

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WHEREAS, on or about September 17, 2012, BACHAR WEHBE, a/k/a "Farez" (the "defendant"), was charged in a three-count Information, S2 11 Cr. 93 (JSR) (the "Information"), with conspiring to provide material support to Hizballah, a foreign terrorist organization, in violation of Title 18, United States Code, Section 2339(B) (Count One), conspiring to acquire, possess, and transfer anti-aircraft missiles, in violation of Title 18, United States Code, Section 2332g (Count Two), and obstruction of justice, in violation of Title 18, United States Code, Section 1512(c), (Count Three);

WHEREAS, the Information included a forfeiture allegation as to Counts One and Two, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 981(a)(1)(G), and Title 28, United States Code, Section 2461(c), of all right, title, and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property;

WHEREAS, at the time of arrest the United States seized from the defendant the following:

- a. \$5,918 cash in United States currency
- b. 99,500 cash in Euros

WHEREAS, in connection with the charged conduct, the defendant wired approximately \$98,115.34 to accounts maintained by the Drug Enforcement Administration and which funds, following the defendant's arrest, have now been put to:

- c. a Wells Fargo cashier's check in the amount of \$98,115.34 (check # 6892201056)

(the items set forth in subparagraphs a to c are collectively referred to herein as the "Specific Property"),

WHEREAS, on or about September 17, 2012, the defendant pled guilty to Counts One, Two and Three of the Information and admitted the forfeiture allegation, pursuant to a plea agreement with the Government;

WHEREAS, the parties agree that the defendant will forfeit an amount of \$1,000,000.00, representing proceeds derived from, involved in, and used or intended to be used to commit the offenses alleged in Counts One and Two of the Information;

WHEREAS, the defendant consents to the forfeiture of all of his right, title, and interest in the Specific Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3) and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any

assertion of third-party claims, to reduce the Specific Property to its possession and to notify any person who reasonably appears to be a potential claimant of its interest therein;

IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiff, United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Benjamin Naftalis, of counsel, and the defendant, and his counsel, Phil Weinstein, Esq. that:

1. A money judgment in the amount of \$1,000,000.00 million in United States currency (the "Money Judgment") shall be entered against the defendant.

2. As a result of the offense charged in Counts One and Two of the Information, all of the defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture, this Order is final as to the defendant, BACHAR WEHBE, a/k/a "Farez" and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

4. Upon entry of this Consent Preliminary Order of Forfeiture, the United States Customs and Border Protection (or its

designee) is authorized to seize the Specific Property and hold the Specific Property in its secure custody and control.

5. Upon specific written direction by the United States Marshals Service (or its designee) only, to be provided at the sole discretion of the United States Marshals Service (or its designee), the Specific Property shall be transferred to the Seized Asset Deposit Fund (to be held pending the issuance of a Final Order of Forfeiture);

6. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Consent Preliminary Order of Forfeiture. Any person, other than the defendant in this case, claiming an interest in the Specific Property must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

7. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent

of the petitioner's right, title and interest in the Specific Property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

8. Pursuant to Rule 32.2(b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

9. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n) and Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure, in which all third-party interests will be addressed.

10. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

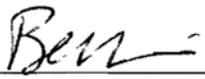
11. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

12. The signature page of this Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

13. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Sharon Cohen Levin, Chief, Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

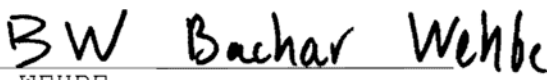
AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

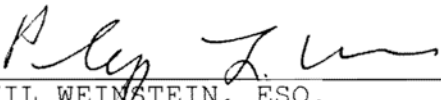
By: 
BENJAMIN NAFTALIS
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212)637-2546

1-17-2013
DATE

BACHAR WEHBE
DEFENDANT


By: 
BACHAR WEHBE
a/k/a "Farez"

1-15-2013
DATE

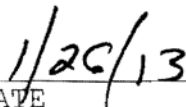
By: 
PHIL WEINSTEIN, ESQ.
Attorney for Defendant
Federal Defenders of New York Inc.
52 Duane Street, 10th Floor
New York, New York 10007

1/16/2013
DATE

SO ORDERED:



HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE



DATE