Asset Id: 03-DEA 413791
Case Number GC-0300021
Property: $8040.00 U.S. Currency
Seizure Date: 11/21/02
Seizing Agency: Drug Enforcement Administration
Seizure Place: Jessup, Maryland
Seized From: Marlo Industries, Inc.
Judicial District: District of Maryland

PETITION FOR REMISSION OR MITIGATION OF FORFEITURE

Petitioner, Kyle Boone, by and through his attorneys, James Wyda, Federal Public Defender for the District of Maryland, and Gary Christopher, First Assistant Federal Public Defender, requests remission or mitigation of the forfeiture in the above-captioned case. In support of his petition, Mr. Boone states the following:

1. Mr. Boone resides at 9903 Gunstock Rd., Randallstown, Maryland, 21133. His Social Security Number is 219-08-8458.

2. The seizing agency is the Drug Enforcement Administration, and the asset identifier number is 03-DEA-413791. The date of seizure was November 21, 2002, and the place of seizure was Marlo Industries, Inc. in Jessup, Maryland.

3. Mr. Boone is an officer and part-owner of Marlo Industries, Inc. Marlo Industries is currently in bankruptcy proceedings in United States District Court in Baltimore, Maryland.

4. Mr. Boone received a Notice of Seizure from the United States Department of Justice, Drug Enforcement Administration on or about January 3, 2003. The Notice of Seizure is Attached as Exhibit A.

5. The property that was seized was $8040.00 in U.S. currency.

6. As explained below, Mr. Boone is an owner of the $8040.00.

7. On or about October 31, 2002, Mr. Boone's grandmother, Lena B. Boone, gave Mr.

Boone and his father, Maurice Boone, a $10,000 check. A copy of the check is attached as Exhibit B.

8. Mr. Boone's grandmother gave Mr. Boone and his father the check with the understanding that it was a loan to them personally. That is, the loan was not a loan to Marlo Industries, rather it was a loan to Mr. Boone and his father as individuals.

9. On or about October 31, 2002, Mr. Boone's father, Maurice Boone, deposited or cashed the check. Shortly thereafter, Mr. Boone's father gave Mr. Boone the $10,000 in cash. Mr. Boone then placed the cash under his desk in his office at Marlo Industries.

10. To the best of Mr. Boone's knowledge, a significant portion of the $10,000 was still under his desk at Marlo Industries on November 21, 2002 when the Drug Enforcement Agency entered the premises.

11. To the best of Mr. Boone's knowledge, the money that was under his desk on November 21, 2002 was not furnished, used, or acquired in connection with or as a result of a commission of a violation of the Controlled Substances Act. To the best of Mr. Boone's knowledge, it was not intended to be used to commit or facilitate the commission of a violation of the Controlled Substances Act.

12. This Petition is supported by the Affidavit of Kyle Boone, which is attached as Exhibit C, and the Affidavit of Lena Boone, which is attached as Exhibit D.

13. Counsel and Mr. Boone have met with United States Attorney Phillip Jackson in Baltimore, Maryland regarding this and related matters.

WHEREFORE, Mr. Boone requests remission or mitigation of the forfeiture described above.

Respectfully submitted,

JAMES WYDA
Federal Public Defender for the District of Maryland

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Gary Christopher
First Assistant Federal Public Defender
Counsel for Petitioner Kyle Boone
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CERTIFICATE OF ATTORNEY

I certify, under penalty of perjury, that the foregoing is true and correct, based upon information and belief and supported by the Notice of Representation enclosed with this Petition for Remission or Mitigation of Forfeiture.

Executed on this ____ day of January, 2003.

_____
GARY CHRISTOPHER