

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 21-20161-CR-SINGHAL

UNITED STATES OF AMERICA
Plaintiff,
VS.

BENJAMIN RAFAEL,
Defendant.

PRELIMINARY ORDER OF FORFEITURE

THIS MATTER is before the Court upon motion of the United States of America (the “United States”) for entry of a Preliminary Order of Forfeiture (“Motion”) against Defendant Benjamin Rafael (the “Defendant”). The Court has considered the Motion, is otherwise advised in the premises, and finds as follows:

On March 17, 2021, the United States filed an Information charging Defendant with making a false statement to a financial institution in violation of 18 U.S.C. § 1014. Information, ECF No. 1. The Information also contained forfeiture allegations, which alleged that upon conviction of a violation of 18 U.S.C. § 1014, Defendant shall forfeit to the United States any property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of the offense, pursuant to 18 U.S.C. § 982(a)(2). *Id.* at 4.

On April 27, 2021, the Court accepted the Defendant’s guilty plea. *See* Minute Entry, ECF No. 16; Plea Agreement ¶1, ECF No. 18. As part of his guilty plea, Defendant agreed to a forfeiture money judgment in the amount of \$29,000 in U.S. currency. Plea Agreement ¶13, ECF No. 18. In the factual basis for the guilty plea contained in the Plea Agreement, Defendant stipulated that between April 2020 and May 2020, he applied for several loans through the Small Business Administration’s Paycheck Protection Program and Economic Injury Disaster Loan program on

behalf of various businesses of which he is the registered agent and owner. Plea Agreement ¶18, ECF No. 18. In the loan applications, Defendant made false statements knowingly and with intent to influence the actions of a financial institution that he had never pleaded guilty to, or been convicted of, a felony. *Id.* Defendant had in fact pleaded guilty to, and was convicted of, a felony in *U.S. v. Benjamin McConley et al.*, Case No. 19-CR-20447 in the Southern District of Florida on October 30, 2019. *Id.*

Accordingly, based on the foregoing, the evidence in the record, and for good cause shown, the Motion is **GRANTED**, and it is hereby **ORDERED** that:

1. Pursuant to 18 U.S.C. § 982(a)(2) and Rule 32.2 of the Federal Rules of Criminal Procedure, a forfeiture money judgment in the amount of \$29,000 in U.S. currency is hereby entered against the Defendant.

2. The United States is authorized to conduct any discovery that might be necessary to identify, locate, or dispose of forfeited property, and to resolve any third-party petition, pursuant to Rule 32.2(b)(3), (c)(1)(B) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(m).

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Order is final as to the Defendant.

4. The Court shall retain jurisdiction in this matter for the purpose of enforcing this Order, and pursuant to Rule 32.2(e)(1) of the Federal Rules of Criminal Procedure, shall amend this Order, or enter other orders as necessary, to forfeit additional specific property when identified.

DONE AND ORDERED in Fort Lauderdale, Florida, this 13th day of July 2021.


RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copies furnished to counsel via CM/ECF