

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 7-5-22

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:
UNITED STATES OF AMERICA
:
- v. -
:
JOSHUA STREIT,
a/k/a "Josh Brody,"
:
Defendant.
----- X

CONSENT PRELIMINARY ORDER
OF FORFEITURE AS TO
SPECIFIC PROPERTY/MONEY
JUDGMENT
22 Cr. 350 (ALC)

WHEREAS, on or about June 13, 2022, JOSHUA STREIT (the "Defendant"), was charged in a one count of Information, 22 Cr. ____ (ALC) (the "Information"), with computer fraud through unauthorized access to obtain information from a protected computer, in violation of Title 18, United States Code, Section 1030(a)(2), (c)(2)(B)(i), (c)(2)(B)(iii), and 2 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 1030(i), of any and all property, real or personal, constituting or derived from, any proceeds obtained directly or indirectly, as a result of the offense charged in Count One of the Information, and any and all personal property that was used or intended to be used to commit or to facilitate the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, on or about June 13, 2022, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 1030(i): a sum of money

equal to \$500,000.00 in United States currency, representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information, that the Defendant personally obtained (the "Money Judgment"); and all right, title, and interest of the Defendant in the following specific property seized on or about October 28, 2021, from the Defendant's residence, representing personal property that was used or intended to be used to commit or facilitate the commission of the offense charged in Count One of the Information including but not limited to the following:

- a. One Western Digital 4TB Hard Drive WCC7K0FFL56R;
- b. One Synology OS 1621XS+2110RVR32GYQQ;
- c. One Western Digital 4TB Hard Drive WCC4ESPAFEE9;
- d. One Google Pixel in Incipio case;
- e. One Black Samsung 16GB tablet model SMT560NU;
- f. One Black Asus Nexus in brown hard case;
- g. One MicroCenter USB 3SB 32 GB flash drive;
- h. One Seagate 1000 GB Hard Drive S4Y0JG9;
- i. One Google Pixel;
- j. One Dark Blue and Silver Samsung Galaxy S3 Hex# 990002135678932;
- k. One Black Apple I phone;
- l. One Black and Grey Google Pixel;
- m. One Black and Grey Samsung Galaxy S5 phone Hex, containing unique identifier 99000450720336;
- n. One White Samsung Galaxy S5 phone Hex, containing unique identifier 99000447814B77;
- o. One Lexar 4GB SD card;
- p. One Apple MacBook Pro, containing unique identifier C02K55SZFFT0;
- q. One HP Protectsmart;
- r. One Apple MacBook Pro, containing unique identifier C028G4PMD6M;
- s. One Apple MacBook Pro, containing unique identifier C02ZJ4NFMD6N;
- t. One Apple MacBook Pro, containing unique identifier C17J2B 1NDTY3;
- u. One Apple MacBook Pro, containing unique identifier C02X6KAUJG5J;
- v. One Apple MacBook Pro, containing unique identifier C02NK69CFD57;
- w. One Samsung 205 GB SSD 840 Evo;
- x. One Black Transcend 4GB USB Hard Drive;
- y. One Lacie 1 Tb external Hard Drive NL6G34NR;
- z. One Apple I phone in blue case with cord;
- aa. One Apple MacBook model A2337 with cord, containing Serial No: C0FC10YQ72X;

- bb. One Apple MacBook model A2141 with cord, containing Serial No: C02DC6Z0MD6T;
- cc. One Apple Ipad with cord, containing Serial No: GG7GC373Q16T;
- dd. One San Disk 128GB USB Drive;
- ee. One Samsung 500GB Drive, containing unique identifier S3ZINBIKB18918A;
- ff. One Samsung 500GB Drive, containing unique identifier S2RAHXAN37916;
- gg. One Samsung 250GB Drive, containing unique identifier SIDBNSBFA38047K;
- hh. One Segate 1TB Drive, containing unique identifier S4Y08FR4; and
- ii. Miscellaneous Computer Drives, consisting of 3 USB Drives, 4 Hard Drives, and 1 SD Card;

(a. through ii., collectively, the "Specific Property");

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$500,000 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained; and

WHEREAS, the Defendant consents to the forfeiture of all his right, title and interest in the Specific Property, which constitute personal property that was used or intended to be used to commit or facilitate the commission of the offense charged in Count One of the Information;

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence; 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 and all persons who reasonably appear to be a potential claimant of their interest herein; and

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Dina McLeod, of counsel, and the Defendant, and his counsel, Jeffrey Einhorn, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$500,000.00 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, 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, this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment is final as to the Defendant JOSHUA STREIT, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

4. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New

York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

5. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, the United States Marshals Service is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

7. 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 Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming 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 web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

8. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional

facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

9. Pursuant to 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.

10. 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), in which all interests will be addressed. All Specific Property forfeited to the United States under a Final Order of Forfeiture shall be applied towards the satisfaction of the Money Judgment

11. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

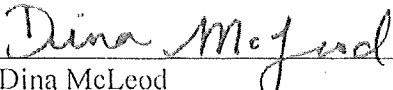
12. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

13. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

14. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment 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.


AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

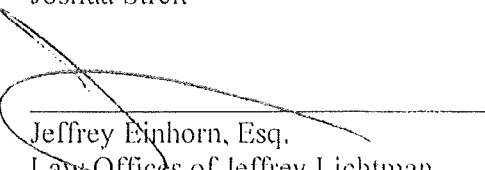
By: 
Dina McLeod
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1040

June 12, 2022
DATE

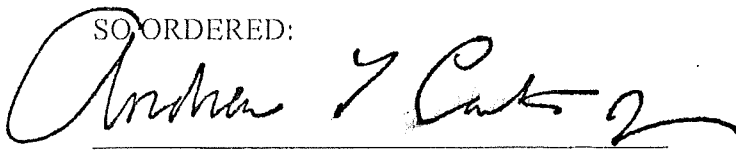
JOSHUA STREIT

By: 
Joshua Streit

June 13, 22
DATE

By: 
Jeffrey Einhorn, Esq.
Law Offices of Jeffrey Lichtman
11 East 44th Street, Suite 501
New York, New York 10017

6/13/22
DATE

SO ORDERED:

HONORABLE ANDREW L. CARTER
UNITED STATES DISTRICT JUDGE

6-13-22
DATE