

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:05-CV-767-FL(3)

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$19,985.90 in U. S. CURRENCY;  
300 CARTONS OF MARLBORO CIGARETTES;  
3662 CARTONS OF MISCELLANEOUS  
CIGARETTES; BANK OF AMERICA ACCOUNT  
NUMBER XXXXX4454 IN THE NAME OF  
ALLEN NAZARIAN/DISCOUNT OUTLET;  
BANK OF NEVADA ACCOUNT NUMBER  
XXXXX3951 IN THE NAME OF SILVER  
STATE DISTRIBUTION, INC.; ANTELOPE  
VALLEY BANK ACCOUNT NUMBER  
XX-XXXX51-16 IN THE NAME OF MIKE  
CAPOCCI D/B/A MODERN CIGARETTES;  
ANTELOPE VALLEY BANK ACCOUNT NUMBER  
XX-XXXX36-19 IN THE NAME OF MIKE  
CAPOCCI D/B/A MODERN VIDEO;  
WELLS FARGO BANK ACCOUNT NUMBER  
XXX-XXX3584 IN THE NAME OF STAR  
TOBACCO, INC.; REAL PROPERTY  
DESCRIBED IN BOOK 950, PAGES 8-11  
OF THE LOS ANGELES COUNTY REGISTRY,  
CALIFORNIA, HAVING A STREET ADDRESS  
OF 1356 DOVERWOOD DRIVE, GLENDALE,  
CALIFORNIA AND BEING TITLED IN THE  
NAME OF VICKEN DJEREDJIAN, A  
MARRIED MAN AS HIS SOLE AND  
SEPARATE PROPERTY (TRACT 1); REAL  
PROPERTY DESCRIBED IN BOOK 742,  
PAGES 14 -17 OF THE LOS ANGELES  
COUNTY REGISTRY, CALIFORNIA,  
HAVING A STREET ADDRESS OF 1633  
GREENBRIAR ROAD, GLENDALE,  
CALIFORNIA AND BEING TITLED IN THE  
NAME OF VICKEN DJEREDJIAN, A  
MARRIED MAN AS HIS SOLE AND  
SEPARATE PROPERTY (TRACT 2); ONE  
2004 INFINITI VIN:JNRAS08U54X110853)  
ONE 2004 BMW VIN:5UXFA13594LU29466;)

SECOND AMENDED  
VERIFIED COMPLAINT  
FOR FORFEITURE IN REM

FILED

12/11/06 JR  
MICHAEL BROOKS, Acting Clerk  
US DISTRICT COURT, EDNC

ONE 2001 GMC VIN:1GKEK63U31J235669; )  
AND ONE 2003 HUMMER VIN: )  
5GRGN23U73H116326; REAL PROPERTY )  
HAVING A STREET ADDRESS OF 821- )  
823 1/2 EAST COLORADO STREET, )  
GLENDALE, CALIFORNIA AND BEING )  
TITLED IN THE NAME OF CHASE )  
FIDELITY BANCORP, A NEVADA )  
CORPORATION (TRACT 3), AND ANY )  
AND ALL PROCEEDS FROM THE SALE )  
OF SAID PROPERTY, )  
 )  
Defendants. )

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, states as follows:

1. This is a civil action in rem brought to enforce the provisions of 18 U.S.C. §§ 981(a)(1)(A) and (C), providing for the forfeiture of property involved in a transaction in violation of 18 U.S.C. §§ 1956 and 1957 or any property traceable to such property, and any property constituting or derived from proceeds traceable to violations of the Contraband Cigarette Trafficking Act, 18 U.S.C. § 2341, et. seq.

2. This Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355.

3. Venue in this district is proper by virtue of 18 U.S.C. § 981(h) and 28 U.S.C. § 1395.

4. The defendants are located within the jurisdiction of this Court.

5. The defendant real properties are located in Los

C

Angeles County, California, with all appurtenances and improvements thereon, and are more particularly described in Exhibits A, B, and C attached hereto.

6. The facts and circumstances supporting the seizure and forfeiture of the defendant properties, both real and personal, are contained in the Affidavit of Michael Fanelly, Senior Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, and Supplemental Affidavit of Michael Fanelly which are attached hereto as Exhibits D and E, and incorporated herein by reference.

7. The facts contained in the affidavits constitute probable cause for the forfeiture of the defendant properties, both real and personal.

8. The defendant properties, both real and personal are forfeitable to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (C), in that they represent property involved in a transaction in violation of 18 U.S.C. §§ 1956 and 1957 and property traceable to such property, and property constituting and/or derived from proceeds traceable to violations of the Contraband Cigarette Trafficking Act, 18 U.S.C. § 2341, et. seq.

WHEREFORE, the United States of America prays that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant properties, both real and personal,

forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Respectfully submitted this 4th day of August, 2006.

GEORGE E.B. HOLDING  
Acting United States Attorney

BY:

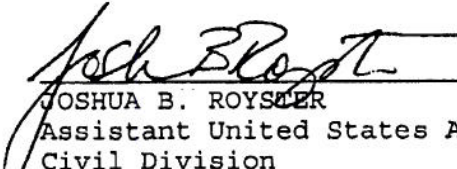
  
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VERIFICATION

I, Joshua B. Royster, Assistant United States Attorney for the Eastern District of North Carolina, declare under penalty of perjury, as provided by 28 U.S.C. Section 1746, the following:

That the foregoing Amended Complaint for Forfeiture in Rem is based on reports and information furnished to me by Senior Special Agent Mike Fanelly of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and to the best of my information and belief, is true and correct.

This the 24<sup>th</sup> day of August, 2006.

  
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JOSHUA B. ROYSTER  
Assistant United States Attorney  
Civil Division