

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 21-CR-60126-RAR

UNITED STATES OF AMERICA

v.

GOUSMAN LEMY,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

THIS MATTER is before the Court upon motion of the United States of America for entry of a Preliminary Order of Forfeiture (“Motion”) [ECF No. 118] against Defendant Gousman Lemy. The Court has considered the Motion, is otherwise advised in the premises, and finds as follows:

On May 18, 2021, the United States filed an Information charging the Defendant in Count 1 with conspiracy to commit money laundering in violation of 18 U.S.C. § 1956(h). Information [ECF No. 66]. The Information also contained forfeiture allegations, which alleged that upon conviction of a violation of 18 U.S.C. § 1956(h), the Defendant shall forfeit any property, real or personal, involved in such offense, or any property traceable to such property. *See id.* at 9. The Information alleged that the property subject to forfeiture as a result of the alleged offense includes, but is not limited to (collectively, the “Property”):

- i. All funds formerly on deposit in the following J.P. Morgan Chase Bank accounts:
 1. account number 616121882 held in the name of the L.A.B.oratory Orlando, LLC with signatory Gary Edmonds;
 2. account number 616568801 held in the name of Technology Intelligence LLC with signatory Gary Edmonds;
 3. account number 595017317 held in the name of Auto Sales of Florida LLC with signatory Gousman Lemy;

4. account number 615601199 held in the name of Lgous Auto Sales with signatory Gousman Lemy;
 5. account number 615371868 held in the name of Five Star Appraisal Services with signatory Frantz Guillaume;
 6. account number 3821168516 held in the name of Gousman Lemy; and
 7. account number 595030161 held in the name of Gousman Lemy;
- ii. All funds formerly on deposit in account number 7928266852 at Fifth Third Bank held in the name of Fleet Xpress LLC; and
 - iii. All funds formerly on deposit in account number 0285055352 at Regions Bank held in the name of Auto Sales of Florida LLC.

See id. at 9.

On September 1, 2021, the Court accepted the Defendant's guilty plea to the Information. *See* Minute Entry [ECF No. 93]; Plea Agreement ¶ 1 [ECF No. 96]. As part of the guilty plea, the Defendant agreed to the entry of a forfeiture money judgment in the amount of \$1,594,031.00¹ and the following specific property:

- i. One (1) 2018 Jeep Wrangler VIN #: 1C4HJXFG0JW115015;²
- ii. All funds formerly on deposit in the following J.P. Morgan Chase Bank accounts:
 1. account number 616121882 held in the name of the L.A.B.oratory Orlando, LLC with signatory Gary Edmonds;
 2. account number 616568801 held in the name of Technology Intelligence LLC with signatory Gary Edmonds;
 3. account number 595017317 held in the name of Auto Sales of Florida LLC with signatory Gousman Lemy;
 4. account number 615601199 held in the name of Lgous Auto Sales with signatory Gousman Lemy;
 5. account number 615371868 held in the name of Five Star Appraisal Services with signatory Frantz Guillaume;
 6. account number 3821168516 held in the name of Gousman Lemy; and
 7. account number 595030161 held in the name of Gousman Lemy;

¹ This amount was a scrivener's error. As discussed further below, the Defendant agreed in his Factual Proffer that he knowingly conspired to conduct approximately \$1,823,267.00 in financial transactions which involved the proceeds of two separate wire fraud schemes. Factual Proffer at 8 [ECF No. 97].

² The Plea Agreement listed the Jeep as directly forfeitable property. However, upon further review, it appears that the Jeep is not traceable to the offense alleged in the Information. Therefore, the United States seeks forfeiture of the Jeep as a substitute asset.

- iii. All funds formerly on deposit in account number 7928266852 at Fifth Third Bank held in the name of Fleet Xpress LLC; and
- iv. All funds formerly on deposit in account number 0285055352 at Regions Bank held in the name of Auto Sales of Florida LLC.

Plea Agreement ¶ 12.

In support of the guilty plea, the Defendant executed a Factual Proffer, and the Court found that there was a factual basis to support the Defendant's conviction. *See* Factual Proffer [ECF No. 97].

According to the Defendant's Factual Proffer, the Defendant conspired with Frantz Guillaume, Jr. ("Guillaume"), Jimpcy One ("One"), and others to knowingly engage in monetary transactions involving funds criminally derived from a business email compromise ("BEC") scheme and Paycheck Protection Program ("PPP")/Economic Injury Disaster Loan ("EIDL") fraud scheme. Factual Proffer at 1 [ECF No. 97]. The Defendant and his coconspirators funneled the money obtained from these schemes through business bank accounts registered to companies and shell companies controlled by the Defendant and his coconspirators in order to conceal or disguise the nature, location, source, ownership, or control of the proceeds. *Id.* The Defendant agreed that he knowingly conspired with his codefendants to conduct approximately \$1,823,267.00 in financial transactions which involved the proceeds of two separate wire fraud schemes. *Id.* at 8.

As discussed in the attached declaration of Special Agent Black, the Property represents property involved in the money laundering offense to which the Defendant has pled guilty or property traceable thereto.

Based on the record in this case, the total value of the property involved in the offense of conviction is \$1,823,267.00, which sum may be sought as a forfeiture money judgment pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

In addition, also based on the record in this case, the following specific property is directly subject to forfeiture, pursuant to 18 U.S.C. § 982(a)(1):

- i. One (1) 2018 Jeep Wrangler VIN #: 1C4HJXFG0JW115015;
- ii. All funds formerly on deposit in the following J.P. Morgan Chase Bank accounts:
 1. account number 616121882 held in the name of the L.A.B.oratory Orlando, LLC with signatory Gary Edmonds;
 2. account number 616568801 held in the name of Technology Intelligence LLC with signatory Gary Edmonds;
 3. account number 595017317 held in the name of Auto Sales of Florida LLC with signatory Gousman Lemy;
 4. account number 615601199 held in the name of Lgous Auto Sales with signatory Gousman Lemy;
 5. account number 615371868 held in the name of Five Star Appraisal Services with signatory Frantz Guillaume;
 6. account number 3821168516 held in the name of Gousman Lemy; and
 7. account number 595030161 held in the name of Gousman Lemy;
- iii. All funds formerly on deposit in account number 7928266852 at Fifth Third Bank held in the name of Fleet Xpress LLC; and
- iv. All funds formerly on deposit in account number 0285055352 at Regions Bank held in the name of Auto Sales of Florida LLC.

The United States has also not been able to locate all of the directly forfeitable property. It is the conclusion of Special Agent Black that other directly forfeitable property cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty. *See* Decl. (attached as Exhibit A to Motion). Thus, pursuant to 21 U.S.C. § 853(p), the United States is authorized to forfeit substitute property, and the following property should be forfeited to satisfy the forfeiture money judgment: One (1) 2018 Jeep Wrangler VIN #: 1C4HJXFG0JW115015.

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

1. Pursuant to 18 U.S.C. § 982(a)(1) and Rule 32.2 of the Federal Rules of Criminal Procedure, a forfeiture money judgment in the amount of \$1,823,267.00 is hereby entered against the Defendant.

2. Pursuant to 18 U.S.C. § 982(a)(1), the following specific property is hereby forfeited and vested in the United States of America:

- i. All funds formerly on deposit in the following J.P. Morgan Chase Bank accounts:
 1. account number 616121882 held in the name of the L.A.B.oratory Orlando, LLC with signatory Gary Edmonds;
 2. account number 616568801 held in the name of Technology Intelligence LLC with signatory Gary Edmonds;
 3. account number 595017317 held in the name of Auto Sales of Florida LLC with signatory Gousman Lemy;
 4. account number 615601199 held in the name of Lgous Auto Sales with signatory Gousman Lemy;
 5. account number 615371868 held in the name of Five Star Appraisal Services with signatory Frantz Guillaume;
 6. account number 3821168516 held in the name of Gousman Lemy; and
 7. account number 595030161 held in the name of Gousman Lemy;
- ii. All funds formerly on deposit in account number 7928266852 at Fifth Third Bank held in the name of Fleet Xpress LLC; and
- iii. All funds formerly on deposit in account number 0285055352 at Regions Bank held in the name of Auto Sales of Florida LLC.

3. Pursuant to 21 U.S.C. § 853(p), the following substitute property is hereby forfeited and vested in the United States of America: One (1) 2018 Jeep Wrangler VIN #: 1C4HJXFG0JW115015.

4. Any duly authorized law enforcement agency may seize and take possession of the forfeited property according to law.

5. The United States shall send and publish notice of the forfeiture in accordance with Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n).

6. 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).

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

8. 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.

It is further **ORDERED** that upon adjudication of all third-party interests, if any, the Court will enter a final order of forfeiture as to the property in which all interests will be addressed. Upon notice from the United States that no claims have been filed within 60 days of the first day of publication or within 30 days of receipt of notice, whichever is earlier, then, pursuant to Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(7), this Order shall become a Final Order of Forfeiture and any duly authorized law enforcement agency shall dispose of the property in accordance with applicable law.

DONE AND ORDERED in Fort Lauderdale, Florida, this 15th day of November 2021.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE