

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-CR-57

CHRISTOPHER D. BANIA,

Defendant.

**UNITED STATES' MOTION FOR
ENTRY OF PRELIMINARY ORDER OF FORFEITURE**

The United States of America, by its attorneys, Matthew D. Krueger, United States Attorney for the Eastern District of Wisconsin, and Daniel R. Humble, Assistant United States Attorney, hereby moves this Court, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure, to enter a preliminary order of forfeiture:

- (1) preliminarily forfeiting the following items:
 - a. Approximately \$6,099.44 of the approximately \$26,726.11 in United States currency seized from the defendant's Associated Bank checking account ending in digits 0861;
 - b. Approximately 16.91880054 Bitcoin seized from Bania's "Local Bitcoins" account; and
- (2) dismissing the following property items listed in the Bill of Particulars:
 - a. Approximately \$50,332 in United States currency seized from the residence located at 4XXX Frobisher Fields, Hobart, Wisconsin;
 - b. Approximately 0.66224525 Bitcoin seized from Bania's "Electrum" virtual currency wallet;
 - c. Approximately 14.59638483 Bitcoin seized from Bania's other "Electrum" virtual currency wallet;

- d. Approximately 0.98847108 Bitcoin seized from Bania's "CoPay" virtual currency wallet;
 - e. Approximately 104.34765685 Bitcoin seized from Bania's "Blockchain" virtual currency wallet;
 - f. Approximately 0.24130732 Bitcoin seized from Bania's "Coinbase" Account;
 - g. Approximately 4.09988953 Bitcoin seized from Bania's "Coinbase" Account;
 - h. Approximately 4.5 Ethereum seized from Bania's "Coinbase" Account;
 - i. Approximately 3421.989943 U.S. Dollar Coin (cryptocurrency) seized from Bania's "Coinbase" Account;
 - j. Approximately 31,629.71915 U.S. Dollar Coin (cryptocurrency) seized from Bania's "Coinbase" Account;
 - k. Approximately \$10,143.42 in United States currency seized from Bania's "Coinbase" Account;
 - l. Approximately \$18,592.71 in United States currency seized from Bania's "Circle.com" Account;
 - m. Approximately 78.49723380 Bitcoin Cash seized from Bania's "Blockchain" virtual currency wallet;
 - n. Approximately \$305.38 in United States currency seized from Bania's Associated Bank savings account ending in digits 8637; and
- (3) ordering the return of the \$20,626.67 of the approximately \$26,726.11 in United States currency seized from the defendant's Associated Bank checking account ending in digits 0861.

This motion is based on the provisions of 21 U.S.C. § 853 and on all proceedings of record in this case.

In support of this motion, the United States respectfully states as follows:

1. On April 2, 2019, Defendant Christopher D. Bania was charged in an Indictment with one count of possession with intent to distribute controlled substances, one count of maintaining a drug trafficking place, one count of importing a controlled substance, and one count of an unlawful financial transaction, in violation of 18 U.S.C. §§ 2 and 1956, and 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), 856(a)(1), 952, and 960. R. 11.

2. On September 6, 2019, the United States filed a plea agreement under which Defendant Christopher D. Bania agreed to plead guilty to possession with intent to distribute controlled substances as charged in count one of the Indictment. R. 19.

3. Also on September 6, 2019, the United States filed a Bill of Particulars that was attached to the plea agreement adding assets to be forfeited in the plea agreement. R. 19-1.

4. In the plea agreement, Defendant Christopher D. Bania agreed, among other things, to the immediate entry of a preliminary order of forfeiture, preliminarily forfeiting, the items listed in the Bill of Particulars. R. 19, ¶ 28.

5. On September 9, 2019, Defendant Christopher D. Bania pleaded guilty to possession with intent to distribute controlled substances as charged in count one of the Indictment, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C). R. 21.

6. Consistent with the parties' plea agreement, the United States asks that the Court, under 21 U.S.C. § 853 and Rule 32.2, to preliminarily forfeit the above-referenced items 1(a) and (b).

7. The United States further asks the Court to dismiss the above-referenced items 2(a) through (n) from the Bill of Particulars as these items have already been administratively

forfeited by the Drug Enforcement Administration.

8. The United States further asks the Court to order the United States to the return the \$20,626.67 of the approximately \$26,726.11 in United States currency seized from the defendant's Associated Bank checking account ending in digits 0861.

No affidavit or memorandum is submitted in support of this motion.

Dated at Green Bay, Wisconsin, this 17th day of October, 2019.

MATTHEW D. KRUEGER,
United States Attorney

By: s/DANIEL R. HUMBLE
Assistant United States Attorney
Daniel R. Humble Bar Number: 1035970
Attorney for Plaintiff
Office of the United States Attorney
Eastern District of Wisconsin, Green Bay Division
205 Doty Street, Suite 301
Green Bay, WI 54301
Telephone: (920) 884-1067
Fax: (920) 884-2997
E-Mail: daniel.humble@usdoj.gov

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PRELIMINARY ORDER OF FORFEITURE

Upon consideration of the United States' motion for entry of a preliminary order of forfeiture under Rule 32.2 of the Federal Rules of Criminal Procedure; Defendant Christopher D. Bania's entry of a guilty plea to Count One of the Indictment; and the terms of Defendant Christopher D. Bania's plea agreement,

IT IS HEREBY ORDERED that the United States' motion for entry of a preliminary order of forfeiture be, and hereby is, GRANTED.

IT IS FURTHER ORDERED that, under 21 U.S.C. § 853 the following items, be, and hereby are, preliminarily forfeited to the United States:

- a. Approximately \$6,099.44 of the approximately \$26,726.11 in United States currency seized from the defendant's Associated Bank checking account ending in digits 0861; and
- b. Approximately 16.91880054 Bitcoin seized from Bania's "Local Bitcoins" account.

IT IS FURTHER ORDERED that the above-referenced items shall be seized by the United States Marshal Service for the Eastern District of Wisconsin, or its duly authorized representative.

IT IS FURTHER ORDERED that pursuant to Title 21, United States Code, Section 853(n)(1) the United States shall publish notice of this order and of its intent to dispose of the above-referenced items according to law.

IT IS FURTHER ORDERED that the following items, be, and hereby are, DISMISSED from the Bill of Particulars for the reason set forth in the government's motion:

- a. Approximately \$50,332 in United States currency seized from the residence located at 4XXX Frobisher Fields, Hobart, Wisconsin;
- b. Approximately 0.66224525 Bitcoin seized from Bania's "Electrum" virtual currency wallet;
- c. Approximately 14.59638483 Bitcoin seized from Bania's other "Electrum" virtual currency wallet;
- d. Approximately 0.98847108 Bitcoin seized from Bania's "CoPay" virtual currency wallet;
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- k. Approximately \$10,143.42 in United States currency seized from Bania's "Coinbase" Account;
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- m. Approximately 78.49723380 Bitcoin Cash seized from Bania's "Blockchain" virtual currency wallet; and
- n. Approximately \$305.38 in United States currency seized from Bania's Associated Bank savings account ending in digits 8637.

IT IS FURTHER ORDERED that the United States shall return \$20,626.67 of the approximately \$26,726.11 in United States currency seized from the defendant's Associated Bank checking account ending in digits 0861

IT IS FURTHER ORDERED that the terms of this Order shall be recounted in the Defendant's Judgment and Commitment Order.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2019.

HONORABLE WILLIAM C. GRIESBACH
Chief United States District Judge