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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,)	CASE NO. CR 22-0059 HSG
14 Plaintiff,)	APPLICATION OF THE UNITED STATES FOR A PRELIMINARY ORDER OF FORFEITURE
15 v.)	
16 SHELBEE SZETO,)	
17 Defendant.)	

18
19 The United States of America, by and through the undersigned Assistant United States Attorney,
20 respectfully submits this Application for a Preliminary Order of Forfeiture. The property subject to the
21 proposed Preliminary Order of Forfeiture is property seized in the investigation, as follows (hereinafter
22 “the subject property”):

- 23 1. Approximately \$25,403.06 from the First Republic Bank account 80009721020
24 held in the name Shelbee Szeto
- 25 2. 2020 Tesla sedan with California license plate ZWYU,
VIN: 5YJ3E1EC4LF746836
- 26 3. 2021 Porsche sport utility vehicle with California license plate 33873HS,
27 VIN: WP1AG2A5XMLB50111
- 28 4. 1 Louis Vuitton teddy bear

- 1 5. 1 Chanel black plastic purse
- 2 6. 1 Louis Vuitton black leather handbag and attached wallet
- 3 7. 1 Dior small black saddle bag
- 4 8. 1 Dior pink mini lady bag
- 5 9. 1 Dior rose micro lady bag
- 6 10. 1 Dior blue micro lady bag
- 7 11. 1 Gucci beige Soho small leather disco bag
- 8 12. 1 Chanel black medium classic flap bag
- 9 13. 1 Chanel black medium Diana bag
- 10 14. 1 Chanel black Coco handle bag
- 11 15. 1 yellow/lime Hermes Kelly bag
- 12 16. 1 black Hermes Kelly bag
- 13 17. 1 pink Hermes Kelly bag
- 14 18. 1 baby blue Hermes Kelly bag
- 15 19. 1 teal Chanel classic medium bag
- 16 20. 1 blue Chanel classic medium bag
- 17 21. 1 light blue Chanel classic medium bag
- 18 22. 1 lime Chanel classic medium bag
- 19 23. 1 red Chanel classic medium bag
- 20 24. 1 lavender Chanel classic medium bag
- 21 25. 1 gray Chanel classic medium bag
- 22 26. 1 pink Chanel classic medium bag
- 23 27. 1 light pink Chanel classic medium bag
- 24 28. 1 white Chanel classic medium bag
- 25 29. 1 yellow/lime Chanel classic medium bag
- 26 30. 1 black Chanel classic medium bag
- 27 31. 1 silver Chanel classic small bag
- 28 32. 1 pink Chanel classic small bag

- 1 33. 1 gold Chanel classic small bag
- 2 34. 1 iridescent pink Chanel classic small bag
- 3 35. 1 black Chanel classic small bag
- 4 36. 1 pearl Chanel classic large bag
- 5 37. 1 tan Chanel classic large bag
- 6 38. 1 black Chanel classic large bag
- 7 39. 1 pink Chanel classic bag
- 8 40. 1 beige Chanel classic large bag
- 9 41. 1 light green Chanel classic large bag
- 10 42. 1 teal Chanel classic large bag
- 11 43. 1 white small Hermes Birkin bag
- 12 44. 1 red small Hermes Birkin bag
- 13 45. 1 teal small Hermes Birkin bag
- 14 46. 1 pink small Hermes Birkin bag
- 15 47. 1 light blue large Hermes Birkin bag
- 16 48. 1 black large Hermes Birkin bag
- 17 49. 1 teal crocodile Hermes Birkin bag
- 18 50. 1 green Hermes Birkin bag
- 19 51. 1 pink Hermes Birkin bag
- 20 52. 1 beige Hermes Birkin bag
- 21 53. 1 pink Hermes Birkin bag
- 22 54. 1 black Hermes Birkin bag
- 23 55. 1 Louis Vuitton backpack-type purse
- 24 56. 1 Bulgari Serpenti Forever charm wallet
- 25 57. 5 Hermes bag charms
- 26 58. 1 pink pearl Chanel purse
- 27 59. 1 silver Chanel purse
- 28 60. 1 red-orange Chanel pursue

- 1 61. 1 black Chanel purse
- 2 62. 1 rainbow Chanel purse
- 3 63. 1 white Chanel small purse
- 4 64. 1 purple Chanel purse
- 5 65. 1 black Chanel purse with black chain strap
- 6 66. 1 black leather and pearl Chanel purse with black leather and chain straps
- 7 67. 1 white pearl Chanel purse with black interior
- 8 68. 1 gray-black sequin Chanel purse
- 9 69. 2 black pearl Chanel purses
- 10 70. 1 Chanel tweed flap bag
- 11 71. 1 Louis Vuitton tote bag with wallet
- 12 72. 1 green crocodile Hermes Birkin bag with pink horse charm
- 13 73. 1 black leather Hermes Birkin bag
- 14 74. 1 silver Chanel clutch purse
- 15 75. 1 purple leather Chanel purse
- 16 76. 1 beige Chanel purse
- 17 77. 1 silver Chanel purse
- 18 78. 1 rainbow Chanel purse
- 19 79. 1 green crocodile mini Hermes Birkin bag
- 20 80. 1 brown leather mini Hermes Birkin bag
- 21 81. 1 black leather with smile mini Hermes Birkin bag
- 22 82. 2 Dior crocodile small purses – 1 pink, 1 white
- 23 83. 1 black and white Hermes snake purse
- 24 84. 4 assorted Louis Vuitton purses/handbags
- 25 85. 1 Prada black sequin purse
- 26 86. 1 Burberry purse
- 27 87. 1 Louis Vuitton beige fanny pack
- 28 88. 1 Louis Vuitton iridescent plastic purse

- 1 89. 2 coach handbags, 1 green, 1 beige
- 2 90. 5 assorted Louis Vuitton purses/handbags
- 3 91. 1 black and red Louis Vuitton backpack purse
- 4 92. 1 Chole beige purse
- 5 93. 3 Yves Saint Laurent purses – 1 crocodile, 1 white, 1 black
- 6 94. 1 baby blue Bulgari Serpenti purse
- 7 95. 1 Louis Vuitton bum bag purse
- 8 96. 1 Rolex men’s watch and box – serial number 6671M645
- 9 97. 1 Rolex men’s watch and box – serial number 135Y2830
- 10 98. 1 Rolex men’s watch and box – serial number 5P2U9359
- 11 99. 1 Rolex men’s watch and box – serial number 1U4132V9
- 12 100. 1 Audemar Piguet men’s watch and box – serial number XG7569R
- 13 101. 6 silver necklaces with pendants
- 14 102. 6 gold necklaces with pendants
- 15 103. 3 silver bracelets
- 16 104. 6 gold bracelets
- 17 105. 1 silver panther ring
- 18 106. 1 silver flower ring
- 19 107. 1 silver Cartier bracelet
- 20 108. 1 rose gold Cartier bracelet
- 21 109. 1 gold Cartier bracelet
- 22 110. 1 Christian Dior necklace
- 23 111. 1 rose gold necklace
- 24 112. 1 silver necklace
- 25 113. 1 diamond necklace
- 26 114. 2 gold necklaces
- 27 115. 26 pairs of earrings
- 28 116. 2 silver lock pendant

- 1 117. 2 gold lock pendant
- 2 118. 2 single earrings
- 3 119. 8 gold rings
- 4 120. 12 silver rings
- 5 121. 1 pair of butterfly earrings
- 6 122. 1 Chanel stud earring
- 7 123. 1 gold necklace
- 8 124. 1 pearl necklace
- 9 125. 1 Patek Philippe watch – serial number 7265109
- 10 126. 1 Rolex watch – serial number 923J1547
- 11 127. 1 Patek Phillipe watch – serial number A381ACP
- 12 128. 1 Rolex watch – serial number S4Y32171
- 13 129. 1 Rolex watch – serial number 6P4R9587
- 14 130. 1 Rolex watch – serial number H62020L4
- 15 131. 1 Audemars Piguet watch – serial number CJ4604G
- 16 132. 1 Bulgari watch – serial number SP35GL0201
- 17 133. 1 Audemars Piguet watch – serial number K35986
- 18 134. 1 Audemars Piguet watch – serial number HT8618J
- 19 135. 1 Louis Vuitton black cord bracelet
- 20 136. 2 Cartier silver bracelets
- 21 137. 1 pair of Bulgari gold and green stud earrings
- 22 138. 1 pair of silver stud earrings, no known brand
- 23 139. 1 Cartier rose gold and diamond ring
- 24 140. 1 pair of diamond stud earrings, with one cross, no known brand
- 25 141. 1 Cartier Panthere ring with emerald eyes
- 26 142. 1 Shreve & Co. silver chain necklace
- 27 143. 1 gold pendant cross necklace
- 28 144. 1 silver “paper clip” necklace

- 1 145. 1 Pandora charm bracelet
- 2 146. 1 strand of 8 Mikimoto pearls
- 3 147. 1 gold necklace with pendant
- 4 148. 1 Cartier cheetah pendant necklace
- 5 149. 1 Tiffany & co. ball and lock necklace
- 6 150. 1 Cartier cheetah pendant necklace with tassel
- 7 151. 1 Louis Vuitton pendant/pin necklace
- 8 152. 1 Cartier bolo necklace
- 9 153. 1 Chanel gold necklace
- 10 154. 1 Chanel silver necklace
- 11 155. 1 Bulgari diamond necklace
- 12 156. 1 gold necklace
- 13 157. 7 necklaces with clover-shaped design
- 14 158. 2 bracelets with clover-shaped design
- 15 159. 1 Louis Vuitton bracelet
- 16 160. 1 Chanel WG, diamonds camelia long transformable necklace
- 17 161. 1 Louis Vuitton YG, WG, RG, diamonds brooch.

18 **Factual Background**

19 On February 11, 2022, defendant Shelbee Szeto was charged by an Information with violations of
 20 Title 18, United States Code, Section 1343 (Wire Fraud); Title 18, United States Code, Section 1957
 21 (Money Laundering); and Title 26, United States Code, Section 7206(1) (Filing a False Tax Return). The
 22 Information sought criminal forfeiture, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and
 23 Title 28, United States Code, Section 2461(c) of the following property, including but not limited to:

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held in the name Shelbee Szeto
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26 VIN: 5YJ3E1EC4LF746836
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- 1 32. 1 pink Chanel classic small bag
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- 16 159. 1 Louis Vuitton bracelet
- 17 160. 1 Chanel WG, diamonds camelia long transformable necklace
- 18 161. 1 Louis Vuitton YG, WG, RG, diamonds brooch.

19 Dkt. No. 1.

20 On March 23, 2022, defendant Shelbee Szeto pled guilty pursuant to a plea agreement to Counts
21 One through Five of the Information, namely, Wire Fraud in violation of Title 18, United States Code,
22 Section 1343; Money Laundering in violation of Title 18, United States Code, Section 1957; and Filing
23 a False Tax Return in violation of Title 26, United States Code, Section 7206(1). Dkt. No. 13.

24 The defendant further admitted that the subject property was proceeds from the wire fraud
25 scheme and was involved in the offenses outlined in Counts One and Two of the Indictment, and thus is
26 forfeitable to the United States pursuant to the provisions of Title 18, United States Code, Section
27 981(a)(1)(C); Title 28, United States code, Section 2461(c); and the procedures outlined in Rule 32.2 of
28 the Federal Rules and Criminal Procedure. *Id.* at ¶ 11.

1 The accompany proposed Preliminary Order of Forfeiture is requested to complete the forfeiture
2 process.

3 **Basis for a Preliminary Order of Forfeiture**

4 Rule 32.2 of the Federal Rules of Criminal Procedure addresses criminal forfeiture procedure.
5 Rule 32.2(b)(1)(A) provides that as soon as practicable after entering a guilty verdict or accepting a plea
6 of guilty or nolo contendere on any count in an indictment or information with regard to which criminal
7 forfeiture is sought, the court shall determine what property is subject to forfeiture under the applicable
8 statute. If forfeiture of specific property is sought, the court shall determine whether the government has
9 established the requisite nexus between the property and the offense. If the government seeks a personal
10 money judgment against the defendant, the court shall determine the amount of money that the
11 defendant will be ordered to pay.

12 Rule 32.2(b)(1)(B) provides that the court's determination may be based on evidence already in
13 the record, "including any written plea agreement[.]" If the forfeiture is not agreed to but rather
14 contested, the court may determine the nexus of the specific property to the offense based on evidence or
15 information before the Court or presented by the parties at a hearing after the verdict or finding of guilt.

16 Rule 32.2(b)(2) states that if the court finds that property is subject to forfeiture, it shall enter a
17 preliminary order of forfeiture setting forth the amount of any money judgment or directing the
18 forfeiture of the specific property without regard to any third party's interest in all or part of it. As to the
19 interest of third parties, the rule provides that, "Determining whether a third party has such an interest
20 must be deferred until any third-party files a claim in the subsequent ancillary proceeding under Rule
21 32.2(c)." The ancillary proceeding can be completed once the preliminary order of forfeiture becomes
22 final as to the defendant, upon the court announcing such at sentencing and including it in the judgment,
23 per Rule 32.2(b)(4).

24 Rule 32.2(b)(3) provides that the entry of a preliminary order of forfeiture authorizes the
25 Attorney General (or a designee) to seize the specific property subject to forfeiture; to conduct any
26 discovery the court considers proper in identifying, locating, or disposing of the property; and to
27 commence proceedings that comply with any statute governing third-party rights. The court may include
28

1 in the order of forfeiture any conditions reasonably necessary to preserve the property's value pending
2 any appeal.

3 Rule 32.2(b)(4) further provides that at sentencing, or at any time before sentencing if the
4 defendant consents, the order of forfeiture becomes final as to the defendant and shall be made part of
5 the sentence and must be included in the judgment.

6 The United States has established the sufficient requisite nexus between the subject property and
7 the offense. The defendant pled guilty on March 23, 22, to Counts One, Two, Three, Four and Five of
8 the Information. Dkt. 13. Accordingly, the subject property is “involved in” the violation of charges in
9 Counts One, Two, Three, Four and Five is subject, as alleged in the Information to forfeiture to the
10 United States pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States
11 Code, Section 2461(c).

12 **Procedure Following Issuance of Preliminary Order of Forfeiture**

13 Upon the issuance of a Preliminary Order of Forfeiture and pursuant to Title 21, United States
14 Code, Section 853(n), and Rule G(4)(a)(iv) of the Supplemental Rules for admiralty or Maritime Claims
15 and Asset Forfeiture Actions, the United States will publish on www.forfeiture.gov, a government
16 website for at least thirty days, notice of this Order, notice of its intent to dispose of the property in such
17 manner as the Attorney General may direct, and notice that any person, other than the defendant, having
18 or claiming a legal interest in the property must file a petition with the Court and serve a copy on Chris
19 Kaltsas, Assistant United States Attorney, 450 Golden Gate Avenue, Box 36055, San Francisco, CA
20 94102, within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever
21 is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the
22 petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury,
23 shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, and
24 any additional facts supporting the petitioner's claim and the relief sought. The United States may also,
25 to the extent practicable, provide direct written notice to any person known to have alleged an interest in
26 the property that is the subject of the Preliminary Order of Forfeiture, as a substitute for published notice
27 as to those persons so notified.

