

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT MAY 18 2022

FOR THE DISTRICT OF NEW MEXICO

**MITCHELL R. ELFERS**  
**CLERK**

IN THE MATTER OF THE ADOPTION )  
OF THE AMENDED COLLATERAL )  
FORFEITURE SCHEDULE OF THE )  
UNITED STATES POSTAL SERVICE. )

Misc. No. 22 mr 803 WJ

**UNITED STATES' MOTION FOR ADOPTION OF**  
**AMENDED COLLATERAL FORFEITURE SCHEDULE OF THE**  
**UNITED STATES POSTAL SERVICE**

The United States of America moves the Court, pursuant to Rule 58(d)(1) of the Federal Rules of Criminal Procedure and Local Criminal Rule 58.1, to approve and adopt the amended collateral forfeiture schedule of the United States Postal Service in the District of New Mexico. As grounds for this motion, the United States submits the following:

1. The Administrative Office of the United States Courts maintains the Central Violations Bureau (CVB), which acts as a national clearinghouse for all District Court Violation Notices (citations). These citations are charging documents issued by federal law enforcement officers for Class A misdemeanor statutory and regulatory violations and below. In the interests of economy, courts may establish and "accept a fixed-sum payment in lieu of the defendant's appearance and end the case." Fed. R. Crim. P. 58(d)(1).

2. The fixed sum payment is known as a "collateral forfeiture," which is the amount of money paid to CVB in lieu of further criminal proceedings. The payment of a collateral forfeiture is not a fine and payment is not an admission of guilt. See D.N.M.L.R-Cr. 58.1(a)(4). A defendant who has the option to pay a collateral forfeiture may forego that right and proceed to trial. Some offenses do not have a collateral forfeiture approved and, for those offenses, a defendant is required to appear for Petty Arraignment before a magistrate judge as a "mandatory

appearance.” These mandatory appearances are appropriate for a defendant charged with a misdemeanor offense for which the government continues to have a concern for the safety or welfare of the community or victim, the defendant is a recidivist, or the defendant is facing a mandatory minimum period of imprisonment for the offense.

3. A collateral forfeiture is requested by the agency through motion of the United States. The Chief United States District Court Judge has the authority to adopt a Collateral Forfeiture Schedule, and to periodically update the Collateral Forfeiture Schedule. *See* D.N.M.LR-Cr 58.1(a)(1)-(2). The amount requested as the collateral forfeiture may not be greater than the amount permitted by law. *See* 18 U.S.C. § 3571. The United States assesses the requested amount to ensure amounts for similar offenses are consistent across agencies that enforce similar crimes.

4. The current Collateral Forfeiture Schedule for violations issued by the United States Postal Service was adopted in 2016. *See* 16-MR-571, Doc. 2. The United States Postal Service in the District of New Mexico is seeking to update the schedule to reflect updated or revised regulations, to add violations capable of resolution through payment of a collateral forfeiture amount, and to increase the collateral forfeiture amount for certain violations to account for inflation and similar increases that have been adopted in other jurisdictions. Accordingly, the United States submits that good cause exists for the Court to exercise its authority to approve an updated Collateral Forfeiture Schedule for use by the United States Postal Service. The proposed amended Collateral Forfeiture Schedule is attached hereto as Government’s Exhibit 1.

WHEREFORE, the United States respectfully requests that this Court approve and adopt the proposed amended Collateral Forfeiture Schedule of the United States Postal Service, for use

by the officers, agents, and inspectors of the United States Postal Service in the District of New Mexico pursuant to Federal Rule of Criminal Procedure 58(d)(1) and Local Criminal Rule 58.1. This request amends and supersedes all prior schedules, the last of which was approved in 16-MR-571 on August 8, 2016.

Respectfully submitted,

FRED J. FEDERICI  
United States Attorney

A handwritten signature in black ink, appearing to read 'J.R.W. Braun', is written over the typed name of James R.W. Braun.

JAMES R.W. BRAUN  
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**United States Postal Service  
District of New Mexico  
Collateral Forfeiture Schedule  
(18 USC and 39 CFR)**

Citation for Offense in 18 USC and 39 CFR 232.1	Description of Offense	Collateral Forfeiture Amount
18 USC § 111(a)	Assaulting, resisting, or impeding certain officers or employees (simple assault only)	M.A.
18 USC § 641	Theft of Government property (value does not exceed \$1,000)	\$500
18 USC § 1693	Carriage of mail generally	\$200
18 USC § 1694	Carriage of matter out of mail over postal routes	\$100
18 USC § 1695	Carriage of matter out of mail on vessels	\$200
18 USC § 1696(a) and (b)	Private Express for letters and packets	\$250
18 USC § 1697	Transportation of persons acting as private express	\$100
18 USC § 1698	Prompt delivery of mail from vessel	\$100
18 USC § 1699	Certification of delivery from vessel	\$100
18 USC § 1700	Desertion of mail	\$500
18 USC § 1701	Obstruction of mails generally	\$250
18 USC § 1703(b)	Delay or destruction of mail or newspaper	\$500
18 USC § 1707	Theft of property used by the Postal Service (value does not exceed \$1,000)	\$500
18 USC § 1710	Theft of newspaper	\$500
18 USC § 1711	Misappropriation of postal funds (value/amount does not exceed \$1,000)	\$500
18 USC § 1713	Issuance of money orders without payment	\$100

18 USC § 1716(j)(1)	Injurious articles as nonmailable	\$500
18 USC § 1716A(a) and (b)	Nonmailable locksmithing devices and motor vehicle master keys	\$500
18 USC § 1716B	Nonmailable plants	\$500
18 USC § 1716C	Forged agricultural certifications	\$500
18 USC § 1716D	Nonmailable injurious animals, plant pests, plants, and illegally taken fish, wildlife, and plants	\$500
18 USC § 1719	Franking privilege	\$100
18 USC § 1720	Canceled stamps and envelopes (Non-employee only)	\$500
18 USC § 1721	Sale or pledge of stamps	\$500
18 USC § 1722	False evidence to secure second-class rate	\$100
18 USC § 1723	Avoidance of postage by using lower class matter	\$100
18 USC § 1725	Postage unpaid on deposited mail matter	\$100
18 USC § 1726	Postage collected unlawfully	\$250
18 USC § 1729	Post Office conducted without authority	\$100
18 USC § 1730	Uniforms of carriers	\$250
18 USC § 1731	Vehicles falsely labeled as carriers	\$250
18 USC § 1732	Approval of bond of securities by postmaster	M.A.
18 USC § 1733	Mailing periodical publications without payment of postage	\$500
18 USC § 1734	Editorials and other matter as "Advertisements"	\$100
18 USC § 1920 (Not more than a \$1000 in loss)	False Statements or fraud to obtain Federal Employees compensation	M.A.
39 CFR § 232.1	Conduct on Postal property (All Violations under this section)	\$250

\*M.A. means Mandatory Appearance

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Misc. No. 22 MR 803 WJ

**ORDER ADOPTING AMENDED COLLATERAL FORFEITURE SCHEDULE  
OF THE UNITED STATES POSTAL SERVICE**

THIS MATTER having come before the Court on the motion of the United States for adoption of the amended Collateral Forfeiture Schedule of the United States Postal Service in the District of New Mexico, and the Court, having reviewed the motion and the proposed amended collateral forfeiture schedule, finds that good cause exists for approving and adopting said amended collateral forfeiture schedule.

IT IS THEREFORE ORDERED, pursuant to Rule 58(d)(1) of the Federal Rules of Criminal Procedure and Local Criminal Rule 58.1, that the amended collateral forfeiture schedule of the United States Postal Service, District of New Mexico, attached to the motion of the United States, be and is hereby adopted and promulgated effective upon entry of this Order.

IT IS FURTHER ORDERED that the previous collateral forfeiture schedule applicable to the United States Postal Service, District of New Mexico, is hereby repealed.



\_\_\_\_\_  
WILLIAM P. JOHNSON  
CHIEF UNITED STATES DISTRICT JUDGE

**United States Postal Service  
District of New Mexico  
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