

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil No.
)	
Forty Six Thousand Dollars (\$46,000.00))	JURY TRIAL REQUESTED
in U.S. Currency, more or less, seized from)	
Alex Temple,)	
)	
Defendant <i>in rem</i>)	
_____)	

**VERIFIED COMPLAINT FOR FORFEITURE IN REM FOR PROPERTY
WITHIN THE UNITED STATES' POSSESSION, CUSTODY OR CONTROL,
PURSUANT TO SUPPLEMENTAL RULE G**

Plaintiff, United States of America, brings this complaint in accord with Supplemental Rule G(2) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, and alleges as follows:

NATURE OF THE ACTION

This is an action to forfeit and condemn to the use and benefit of the United States of America the following property: Forty Six Thousand Dollars (\$46,000.00) in U.S. Currency, more or less, seized from Alex Temple, for violations of 21 U.S.C. § 881(a)(6).

JURISDICTION AND VENUE

The United States brings this action *in rem* in its own right to forfeit and condemn the defendant property pursuant to 21 U.S.C. § 881(a)(6). The Court has jurisdiction over this action under 28 U.S.C. §§ 1345 & 1355.

The Court has *in rem* jurisdiction over the property under 28 U.S.C. § 1355(b). Upon the filing of this Verified Complaint, the United States requests that the Clerk of Court issue an

arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b)(i), which the United States will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

THE DEFENDANT IN REM

The defendant *in rem* consists of the following property: Forty Six Thousand Dollars (\$46,000.00) in U.S. Currency, more or less, seized from Alex Temple. The defendant *in rem* is presently in the custody of United States Department of Homeland Security.

FACTS

1. On October 3, 2016, at approximately 7:40 PM, a New Hampshire State Police trooper patrolling Interstate 95 in Greenland, New Hampshire, conducted a traffic stop of a rental car driven by Alexander (“Alex”) Temple, of Portland, ME, (“Temple”) for two moving violations.

2. Temple told the trooper that he was returning from a day trip to Abington, Massachusetts where he helped his sister move some items at her residence. He said that he had spent about 15 – 20 minutes helping his sister. Temple said that he had rented the car and left Portland, Maine at approximately 1:00 PM that afternoon and traveled directly to Abington, Massachusetts. He said that he immediately began his return trip to Portland after helping his sister, and drove continuously until the traffic stop at 7:40 PM, making no stops along the way. Temple’s description of his travel activities that day left approximately 2 ½ hours for which he could not account.

3. During this conversation with the trooper, Temple was speaking in a fast manner, and was required to clear his throat and swallow hard, creating a loud audible sound on multiple

occasions. His hands and body were visibly trembling, and he was breathing in a shallow rapid manner. He exhibited this and other behavior indicative of a hyperarousal/acute stress response.

4. The trooper requested Temple's consent to search the vehicle. Temple agreed, and signed a "Written Consent For Search" form. Temple then asked the trooper if he intended to search the glove compartment and trunk. The trooper explained that it was his intention to search the entire car. Temple responded that the trooper could search the car, except for the trunk. During further discussion, Temple told the trooper that he had \$4,000 in currency in the trunk of the car. The trooper explained that in the absence of Temple's consent to search the trunk, he would assume that it contained more than \$4,000. After reconsideration, Temple told the trooper that he could proceed with a search of the entire car, despite his momentary revocation of consent for a search of the trunk.

5. During the search, the trooper found a large Whole Foods paper shopping bag, which contained a knotted plastic grocery bag and \$46,000 in U.S Currency in the trunk of the vehicle. Exhibit A. The money was in five stacks of \$20 bills secured together with various rubber bands and then bundled collectively with various larger rubber bands. Exhibits B and C.

6. During the search of the vehicle's passenger compartment, the trooper found a large canvas backpack that contained a large zipped lock bag, inside of which was a spoon and three separate baggies that contained an unknown green powder. On the outside of the baggies were hand-labeled: "Red Hot Hippo Not For Human Consumption," "Maeng Da Elite Green Raw Powder," "belix redx indagreenxsleep."

7. The trooper also found an MMP (Maine Medicinal Use of Marijuana Program) Certification DHHS Division of Licensing and Regulatory Services card listing Alexander A. Temple as a patient, along with his provider's name.

8. The trooper noted that the mileage on the vehicle's odometer was 37,932. According to the rental agreement signed that day, the starting mileage was 37,768, indicating that Temple had driven the vehicle 164 miles. According to Temple's account of his travel route, the mileage for his trip should have been 205 miles.

9. The trooper asked Temple if he held a permit for medical marijuana. He said that he did not. After the trooper told Temple that he had found his medical marijuana card in his wallet, Temple admitted to being a medical marijuana patient.

10. The trooper questioned Temple about the packages of green powder found in the canvas backpack. Temple identified the substance as Kratom, a plant-derived recreational drug. Although banned in some states and localities, Kratom is not currently listed as a scheduled controlled substance by the federal government.

11. When the trooper questioned Temple about the quantity of currency in the bag, Temple reiterated that it contained \$4,000. The officer then asked him if he meant \$4,300. Temple replied, "Yeah, yeah, yeah . . . forty . . . forty-three hundred dollars." The officer then explained that he estimated there was at least \$43,000 in the bag. Temple responded, "Oh, okay." Temple added that there was \$40,000 in the car. When asked how he had obtained the currency, he told the officer that his sister had given it to him in repayment for a loan that he made to her about two years ago. Temple explained that the money he had loaned his sister represented his savings from working in the restaurant industry.

12. Temple told the trooper that he had arranged that morning, by text messages, to visit his sister. He agreed to show the text message thread to the trooper, but after checking his cell phone, he could not find it.

13. A second New Hampshire State Police trooper, who is a certified canine handler, arrived on the scene shortly after the traffic stop. The second trooper also interviewed Temple about the currency. Temple said that he had previously given his sister a loan with money that he had received through an inheritance from an uncle. Temple said that his sister had given him the money that day to repay a loan, and that he had placed the money in the trunk of his car without counting it. He also said that he works at a bar in Portland, Maine. He has a medical marijuana card, and recently used marijuana. The canvas backpack found in the car recently contained marijuana.

14. The second trooper is the handler of K-9 "Gauge," a patrol and narcotics detection dog of the New Hampshire State Police Canine Unit. The trooper received his specialized training during a nine-week course in 2015. At the same time, K-9 Gauge was certified for drug detection in accordance with New England State Police Administrator Conference standards. Gauge is trained to detect the odors of marijuana, cocaine, heroin, ecstasy, methamphetamine, as well as their derivatives. He is trained to alert when he detects the odor of these substances.

15. The backpack was removed from the passenger compartment of Temple's car. The Whole Foods bag containing the currency was placed in the backseat of the car. K-9 Gauge entered the car and began to search. When K-9 Gauge searched the rear of the vehicle, he sniffed rapidly at the bag, then stuck his nose deep into the bag and began to scratch at it, indicating the signature odor of one of the controlled substances to which he is trained to alert.

16. The Troopers contacted two Homeland Security Investigations (HSI) agents who participate in an active Joint Task Force Partnership with the New Hampshire State Police. The agents also interviewed Temple about the currency.

17. Temple told the agents that approximately seven years ago, his father, Steven Temple, had given him \$50,000 in currency, which was an inheritance from Steven Temple's deceased brother, Peter. Alex Temple said that he had kept the money in a safe until two years ago, at which time he loaned \$43,000 to his sister, Christa. Prior to leaving his sister today, she gave him the paper bag that contained the money. She did not tell him what was in the bag, but Temple assumed that it was money to repay the loan. He also assumed that it was repayment of the full amount of the \$43,000 loan. Temple told the agents that he had spent approximately an hour with his sister. He then drove from his sister's residence to his parents' home in Abington, Massachusetts, but only stayed for a few minutes before making the return trip to Maine. The agents requested that Temple provide phone numbers for his sister Christa and his father Steven. After Temple refused, the agents' obtained contact information for Christa Temple from a database. Christa Temple provided contact information for her father Steven.

18. The agents called Christa Temple. She told law enforcement officers that she had not seen her brother that day, and she did not give him a bag with a significant amount of money in it. She denied receiving a \$43,000 loan from him. She had no knowledge of his whereabouts that day. She could not think of a reason why he would have more than \$40,000 in cash in his possession.

19. Agents also spoke with Alex Temple's father, Stephen Temple. Stephen Temple stated that his son had not visited him earlier that day. He said he has not seen him for quite a

while and does not have regular contact with his son, Alex. He denied giving Alex \$50,000 in cash after his brother, Peter's death. He could not think of any reason why Alex would have more than \$40,000 in cash in his possession.

20. After completing their investigation at the scene, HSI agents took the currency into custody. A count of the currency found that it totaled exactly \$46,000.

CLAIM FOR FORFEITURE

21. The allegations contained in paragraphs 1 through 20 of this Verified Complaint for Forfeiture in Rem are hereby incorporated by reference.

22. Title 21, U.S.C. § 881(a)(6) subjects to forfeiture "all moneys ... or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or ... all proceeds traceable to such an exchange and all moneys ... used or intended to be used to facilitate any violation of" the Controlled Substances Act.

23. The defendant *in rem*, Forty Six Thousand Dollars (\$46,000.00) in U.S. Currency was furnished or intended to be furnished in exchange for a controlled substance, in violation of the Controlled Substances Act, 21 U.S.C. § 801, *et seq.*, or represents proceeds traceable to such exchanges, or money used or intended to be used to facilitate violations of the Act.¹⁹ As a result, the defendant *in rem* is liable for condemnation and forfeiture to the United States for its use in accordance with 21 U.S.C. § 881(a)(6).

RELIEF REQUESTED

Therefore, the United States requests that:

(a) the Clerk of Court issue a Warrant of Arrest in Rem, in the form submitted with this Verified Complaint, to the United States Department of Homeland Security, commanding

him to arrest the defendant *in rem*;

- (b) this matter be scheduled for a jury trial;
- (c) judgment of forfeiture be entered against the defendant *in rem*;
- (d) the defendant *in rem* be disposed of according to law; and
- (e) this Court grant the United States its costs and whatever other relief to which it

may be entitled.

Respectfully submitted,

JOHN J. FARLEY
Acting United States Attorney

Dated: July 24, 2017

By: /s/ Robert J. Rabuck
Robert J. Rabuck
NH Bar No. 2087
U.S. Attorney's Office
53 Pleasant Street, Fourth Floor
Concord, NH 03301-3904
603-225-1552
rob.rabuck@usdoj.gov

VERIFICATION

I, Derek Dunn, being duly sworn, depose and say that I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, and as such have responsibility for the within action, that I have read the contents of the foregoing Verified Complaint for Forfeiture in Rem and know the contents therein, and that the same is true to the best of my knowledge, information and belief.

The sources of my information and the grounds of my belief are official records and files of the United States and the State of New Hampshire, and information obtained by me and other law enforcement officers during an investigation of alleged violations of the laws of the State of New Hampshire and of the United States.

/s/ Derek Dunn
Derek Dunn

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

Subscribed and sworn to before me this 24th day of July, 2017.

/s/ Francine Doucette Conrad
Notary Public
My commission expires: April 23, 2019