

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 26-CR-20035-KMW

UNITED STATES OF AMERICA

v.

TOMAS NIEBRO CONCHA,

Defendant.

**UNITED STATES' MOTION TO AMEND THE JUDGMENT, [ECF NO. 125],
TO INCLUDE FORFEITURE PURSUANT TO
FEDERAL RULES OF CRIMINAL PROCEDURE 32.2(b)(4)(B) AND 36**

Pursuant to Rules 32.2(b)(4)(B) and 36 of the Federal Rules of Criminal Procedure, the United States, moves the Court to amend the Judgment, [ECF No. 125], to reference the Preliminary Order of Forfeiture [ECF No. 95] granting the United States' Motion Preliminary Order of Forfeiture, [ECF No. 94]. In support of this motion, the United States provides the following factual and legal bases.

On May 19, 2026, the United States filed a Motion for Preliminary Order of Forfeiture, [ECF No. 94], requesting that the Court order a forfeiture money judgment in the amount of \$16,927,927.00. The United States further requested the inclusion of the forfeiture as part of the Defendant's sentencing and judgment. *See id.* at 3-4. On May 20, 2026, the Court entered the Preliminary Order of Forfeiture, [ECF No. 95].

The Defendant was sentenced on September 18, 2026. *See* Minute Entry, [ECF No. 113]. On September 30, 2026, the Court entered the Judgment, [ECF No. 125]. The Judgment fails to include, directly or by reference, the previously entered for Preliminary Order of Forfeiture [ECF No. 95] granting the Motion for Preliminary Order of Forfeiture [ECF No. 94], and instead generally orders

forfeiture consistent with the plea agreement and that the United States submit a proposed order of forfeiture within three (3) days if it is seeking forfeiture. *See* Judgment at 7, [ECF No. 125].

If a court finds that property is subject to forfeiture, Rule 32.2(b)(2)(A) directs it to enter a preliminary order of forfeiture ordering forfeiture of the property. Once a defendant is sentenced, the preliminary order becomes final as to the defendant. Fed. R. Crim. P. 32.2(b)(4)(A). Rule 32.2(b)(4)(B) directs the court to “include the forfeiture order, directly or by reference, in the judgment,” but also states that any failure to do so “may be corrected at any time under Rule 36.” Rule 36 states that after giving appropriate notice to the parties the court may “at any time” correct any “clerical error in a judgment . . . [or] an error in the record arising from oversight or omission.”

Therefore, the United State respectfully requests that the Court amend the Judgment to reference the for Preliminary Order of Forfeiture [ECF No. 95] granting the United States’ Motion for Preliminary Order of Forfeiture [ECF No. 94].

LOCAL RULE 88.9 CERTIFICATION

Pursuant to Local Rule 88.9, I hereby certify that the undersigned counsel has attempted to confer with defense counsel via e-mail on October 2, 2026 regarding the Defendant’s position on the relief sought, but has not yet received a response.

Respectfully submitted,

JASON A. REDING QUIÑONES
UNITED STATES ATTORNEY

By: *s/ Sandra Demirci*
Sandra Demirci (Court ID A5503244)
Assistant United States Attorney
500 East Broward Boulevard
Fort Lauderdale, FL 33394
Telephone: (954) 660-5959
E-mail: sandra.demirci@usdoj.gov
Counsel for United States of America