

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 19-CR-20693-SEITZ

UNITED STATES OF AMERICA

v.

**PETER SOTIS and
EMILIE VOISSEM,**

Defendants.

PRELIMINARY ORDER OF FORFEITURE

THIS MATTER is before the Court upon motion of the United States of America (the “United States”) for entry of a Preliminary Order of Forfeiture (“Motion”) against Defendants Peter Sotis and Emilie Voissem (collectively, “Defendants”). The Court has considered the Motion, is otherwise advised in the premises, and finds as follows:

On October 24, 2019, a federal grand jury returned an Indictment charging the Defendants in Count 1 with conspiracy to export the Rebreathers in violation of the International Emergency Economic Powers Act (“IEPPA”) in violation of 18 U.S.C. § 371, in Count 2 with export and attempted export of the Rebreathers in violation of IEPPA in violation of 50 U.S.C. § 1705(a), and in Count 3 with smuggling the Rebreathers in violation of 18 U.S.C. § 554, among other counts. Indictment, ECF No. 3. The Indictment also contained forfeiture allegations, which alleged that upon conviction of a violation of 50 U.S.C. § 1705, a conspiracy to commit such violation, or 18 U.S.C. § 554, the Defendant shall forfeit merchandise exported or sent from the United States or attempted to be exported or sent from the United States contrary to law pursuant to 19 U.S.C. § 1595a(d). *See id.* at 11. The Indictment alleged that the property subject to forfeiture as a result

of the alleged offenses includes, but is not limited to four (4) rEvo III rebreathers that were exported or attempted to be exported to Libya on or about August 12, 2016 (the “Rebreathers”).

See id.

On October 21, 2021, after a trial, a jury returned verdict convicting the Defendants on Counts 1 through 3. *See* Trial Minute Entries, ECF No. 93-99; Jury Verdicts, ECF No. 102 and 103.

The Defendants have been convicted of unlawfully exporting, attempting to export, and conspiring to export the Rebreathers in violation of IEPPA. *See* Jury Verdicts, ECF No. 102 and 103. Therefore, pursuant to 19 U.S.C. § 1595a(d), the four (4) rEvo III rebreathers that were exported or attempted to be exported to Libya on or about August 12, 2016 are directly subject to forfeiture.

Accordingly, based on the foregoing, the evidence in the record, and for good cause shown, the Motion is **GRANTED**, and it is hereby **ORDERED** that:

1. Pursuant to 19 U.S.C. § 1595a(d), the following specific property is hereby forfeited and vested in the United States of America: four (4) rEvo III rebreathers that were exported or attempted to be exported to Libya on or about August 12, 2016.

2. Any duly authorized law enforcement agency may seize and take possession of the forfeited property according to law.

3. The United States shall send and publish notice of the forfeiture in accordance with Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n).

4. The United States is authorized to conduct any discovery that might be necessary to identify, locate, or dispose of forfeited property, and to resolve any third-party petition, pursuant to Rule 32.2(b)(3), (c)(1)(B) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(m).

5. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Order is final as to the Defendant.

6. The Court shall retain jurisdiction in this matter for the purpose of enforcing this Order, and pursuant to Rule 32.2(e)(1) of the Federal Rules of Criminal Procedure, shall amend this Order, or enter other orders as necessary, to forfeit additional specific property when identified.

It is further **ORDERED** that upon adjudication of all third-party interests, if any, the Court will enter a final order of forfeiture as to the property in which all interests will be addressed. Upon notice from the United States that no claims have been filed within 60 days of the first day of publication or within 30 days of receipt of notice, whichever is earlier, then, pursuant to Rule 32.2(c)(2) of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(7), this Order shall become a Final Order of Forfeiture and any duly authorized law enforcement agency shall dispose of the property in accordance with applicable law.

DONE AND ORDERED in Miami, Florida, this 2nd day of November
2021.



PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE