

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA)		Plaintiff
)		
v.)	Court No. 3:23CR00037-CWR-LGI-001	
)		
TED BRENT ALEXANDER)		Defendant
)		
and)		
)		
FIDELITY INVESTMENTS SERVICE CENTER))		Garnishee
Attn: Garnishments)		
100 Crosby Parkway, KC1H)		
Covington, KY 41015)		

APPLICATION FOR WRIT OF GARNISHMENT

Plaintiff United States of America applies under the Mandatory Victims Rights Act, 18 U.S.C. § 3613, and 28 U.S.C. § 3205 of the Federal Debt Collection Procedures Act (FDCPA) for issuance of a Writ of Garnishment for substantial nonexempt property belonging to or due Defendant-Judgment Debtor TED BRENT ALEXANDER, as follows:

1. This Court entered judgment against Defendant-Judgment Debtor Ted Brent Alexander on October 31, 2023 [ECF No. 17] and the outstanding balance as of December 29, 2023, was:

\$977,144.52	Judgment amount
\$ <u>0.00</u>	Credits applied to judgment amount
\$977,144.52	Debt balance

2. Pursuant to 18 U.S.C. § 3613(c), upon entry of judgment, a lien arose against all Defendant-Judgment Debtor’s property and rights to property.

3. The Defendant-Judgment Debtor's full name is Ted Brent Alexander, his, Social Security Number is ***-**-3686, and last known address is: Jackson, MS.¹ More than 30 days have elapsed since demand for payment of the debt was made, and Defendant-Judgment Debtor Ted Brent Alexander has not paid the amount due.

4. To enforce the judgment entered against Defendant-Judgment Debtor in this matter, the United States requests that a Writ of Garnishment be issued for service upon the following garnishee:

FIDELITY INVESTMENTS SERVICE CENTER
Attn: Garnishments
100 Crosby Parkway, KC1H
Covington, KY 41015

5. The United States believes the Garnishee and its affiliates, successors, or assigns to be in possession, custody, or control of substantial nonexempt property belonging to or due Defendant-Judgment Debtor, including but not limited to any checking or savings accounts, contents of safe deposit boxes, cash value of any and all insurance policies, retirement funds, securities, investments, stocks, bonds, LLC membership units/interests, mutual funds, certificates of deposit, pension funds or 401(k) accounts, future distributions, buyout funds, nonexempt retirement accounts, and/or disposable earnings.

6. After the Garnishee has been served, pursuant to 28 U.S.C. § 3202(c), the United States will serve Defendant-Judgment Debtor Ted Brent Alexander and each person whom the United States has reasonable cause to believe has an interest in the property subject to the Writ of Garnishment.

¹Pursuant to Rule 49.1 of the Federal Rules of Criminal Procedure, the defendant-judgment debtor's Social Security Number has been redacted to the last four digits and the home address has been redacted to the city and state to prevent public disclosure. Fed. R. Crim. P. 49.1. Upon request of the Court, the full Social Security Number and address will be provided *in camera*.

The United States of America requests that the Clerk of Court issue a Writ of Garnishment as to Garnishee, in accordance with the Federal Debt Collection Procedures Act, including 28 U.S.C. § 3205.

Dated this the 29th day of December, 2023.

Respectfully submitted,

TODD W. GEE
United States Attorney

BY: CLAY B. BALDWIN (MSB 103478)
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

v.

Court No. 3:23CR00037-CWR-LGI-001

TED BRENT ALEXANDER

Defendant

and

FIDELITY INVESTMENTS SERVICE CENTER

Garnishee

Attn: Garnishments

100 Crosby Parkway, KC1H

Covington, KY 41015

WRIT OF GARNISHMENT

TO: FIDELITY INVESTMENTS SERVICE CENTER

Attn: Garnishments

100 Crosby Parkway, KC1H

Covington, KY 41015

An application for Writ of Garnishment seeking property belonging to or due Defendant-Judgment Debtor Ted Brent Alexander was filed with this Court to enforce a judgment for the United States in this matter. As of December 29, 2023, the outstanding balance is \$977,144.52.

Pending further order of this Court, you shall withhold and retain all property in which Defendant-Judgment Debtor Ted Brent Alexander has a substantial nonexempt interest and for which you are or may become indebted to Defendant-Judgment Debtor Ted Brent Alexander, including but not limited to any checking or savings accounts, contents of safe deposit boxes, cash value of any and all insurance policies, retirement funds, securities, investments, stocks, bonds, LLC membership units/interests, mutual funds, certificates of deposit, pension funds, or

401(k) accounts, future distributions, buyout funds, retirement accounts, and earnings.¹ *See* 28 U.S.C. § 3205(c)(2)(F).

Property that is exempt and that is not subject to this Writ is listed in the enclosed Clerk's Notice of Exemptions and Request for Hearing and/or Transfer which was served upon the Defendant. **Do not deliver any property to the United States District Clerk of Court at this time.** Instead, withhold and retain the property until the court orders its distribution and/or terminates this action. *Id.*

As Garnishee, you are required by law to file an Answer within ten (10) days of your receipt of this Writ. *See* 28 U.S.C. § 3205(c)(2)(E). Your written Answer must be filed under oath, informing the Court of all required information pursuant to 28 U.S.C. § 3205(c)(4). This includes any "property or rights to property" you hold or may hold in the future pertaining to Defendant-Judgment Debtor Ted Brent Alexander in any way. *See* 18 U.S.C. § 3613(a).

If you are represented by counsel, who is an electronic case files (ECF) system user in the Southern District of Mississippi, your attorney may file your Answer electronically in ECF. Otherwise, pursuant to 28 U.S.C. § 3205(c)(4), please mail or deliver the original answer to the United States Clerk of Court, United States District Court, 501 East Court Street, Suite 2.500, Jackson, MS 39201. Additionally, you are required by law to serve a copy of your Answer to this Writ upon Defendant-Judgment Debtor Ted Brent Alexander at his address: REDACTED, Jackson, MS 39202., and a copy to Financial Litigation Program, United States Attorney's Office, 501 E. Court Street, Suite 4.430, Jackson, MS 39201. *Id.*

¹ "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program. *See* 15 U.S.C. § 1672; 28 U.S.C. § 3002(6). "Disposable earnings" means that part of earnings remaining after all deductions required by law have been withheld." *Id.*; 28 U.S.C. § 3002(5). "Nonexempt disposable earnings" means 25% of disposable earnings. *See* 28 U.S.C. § 3002(9).

A sample Answer of the Garnishee is enclosed for your convenience. You may use this form as your Answer, but you are not obligated to do so. Please ensure that all information required by federal law is included in your Answer. *See* 28 U.S.C. § 3205(c)(4).

If you fail to answer this Writ or withhold property in accordance with this Writ, the United States may petition this Court for an order requiring you to appear before this Court to answer this Writ and withhold property before the appearance date. *See* 28 U.S.C. § 3205(c)(6). If you fail to answer, or appear and fail to show good cause why you failed to comply with this Writ, the Court may enter a judgment against you for the value of the substantial nonexempt property that should have been withheld and/or award reasonable attorneys' fees to the United States. *Id.*

12/29/2023

DATE



ARTHUR JOHNSTON, CLERK

A handwritten signature in cursive script, appearing to read "C. Louisville".

C. Louisville, Deputy Clerk

HONORABLE ARTHUR S. JOHNSTON III
UNITED STATES CLERK OF COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

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100 Crosby Parkway, KC1H)		
Covington, KY 41015)		

**CLERK’S NOTICE OF EXEMPTIONS AND REQUEST FOR HEARING
AND/OR TRANSFER PURSUANT TO COLLECTION IN A CRIMINAL CASE**

You, Ted Brent Alexander, Defendant-Judgment Debtor, are notified, pursuant to 28 U.S.C. § 3202, that your property is being sought by the United States of America, which holds a judgment against you in this matter. As of December 29, 2023, your balance is:

\$977,144.52	Judgment amount
\$ <u>0.00</u>	Credits applied to judgment amount
\$977,144.52	Debt balance

Exemptions may protect the property from being taken by the United States if you can show exemptions apply. Below is a summary of exemptions that apply to the enforcement of judgments for criminal fines and restitution under 18 U.S.C. § 3613¹:

1. Wearing apparel and school books. 26 U.S.C. § 6334(a)(1).

¹ Exemptions updated 1/3/2023. Please note that an exemption does not apply to funds that you may use to purchase, for example, “wearing apparel and school books” under 26 U.S.C. § 6334(a)(1), but the exemption would apply if the property sought by the government and/or held by a garnishee is actually wearing apparel (*i.e.* clothes) and school books.

2. Fuel, provisions, furniture, and personal effects that do not exceed \$10,810.00. 26 U.S.C. § 6334(a)(2) and (g).
3. Books and tools of a trade, business, or profession that do not exceed \$5,400.00. 26 U.S.C. § 6334(a)(3) and (g).
4. Unemployment benefits. 26 U.S.C. § 6334(a)(4).
5. Undelivered mail. 26 U.S.C. § 6334(a)(5).
6. Certain annuity and pension payments. –Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. § 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code. 26 U.S.C. § 6334(a)(6).
7. Workmen’s compensation. 26 U.S.C. § 6334(a)(7).
8. Judgments for support of minor children, pursuant to a court judgment entered prior to the date of levy, to contribute to the support of defendant’s minor children. 26 U.S.C. § 6334(a)(8).
9. Certain service-connected disability payments. 26 U.S.C. § 6334(a)(10).
10. Assistance under Job Training Partnership Act. 26 U.S.C. § 6334(a)(12).

You have a right to ask the court to return your property if you think the property the United States seeks qualifies under one of the above exemptions; or if your debt was imposed by default judgment and you can show that you do not owe the debt to the United States.

If you are requesting a hearing under the provisions of 28 U.S.C. § 3202(d), you must notify the court within twenty (20) days of this notice. Objections and requests for a hearing under Section 3202(d) are limited to the probable validity of any claim of exemption; the government’s compliance with the applicable statutes; and issues involving default judgments, if applicable to your case. *See generally* 28 U.S.C. § 3202(d).

If the current action is a garnishment action under 28 U.S.C. § 3205, you may also object to the answer of the garnishee pursuant to 28 U.S.C. § 3205(c). You must notify the court within

twenty (20) days after the answer is filed by the garnishee (the garnishee is required to mail you a copy of the answer), and you should limit your objection to the contents of the answer filed by the garnishee if your request is filed under that provision.

Please indicate within your objection and request for hearing which statute you are using to file your objection and request for hearing, either 28 U.S.C. § 3202(d) or 28 U.S.C. § 3205(c) (if applicable), and the reasons for your objection. You may file an objection and request for hearing using either or both statutes as appropriate. Keep in mind the specific time limitations imposed by the statute as explained above. Your request must be in writing and filed with the Court within the time allowed under the statute. You may use the attached form to object and request the hearing, but you are not required to use the form. **Your claim of exemption and request for hearing should state your reasons for your objection, and the basis or information you will use to show the probable validity of such claim.**

If you think you live outside the federal judicial district where this Court is located, you may request, but are not obligated to request, that this proceeding be transferred by this Court to the federal judicial district where you reside. Such request must be made within twenty (20) days of this notice. You must make your request in writing and file it with the Court and include information showing your domicile to be outside the Southern District of Mississippi. You may use the attached form to request the transfer, but you are not required to use the form.

If you are represented by counsel, who is an electronic case files (ECF) system user in the Southern District of Mississippi, your attorney may file your claim for exemptions and request for hearing and/or transfer electronically in ECF. Otherwise, mail or deliver the original to the United States Clerk of Court, 501 East Court Street, Suite 2.500, Jackson, MS 39201. You must also mail a copy to the Financial Litigation Program, United States Attorney's Office, 501 East

Court Street, Suite 4.430, Jackson, MS 39201. In a garnishment proceeding, you must also mail a copy of your objection and request for hearing to the garnishee.

If you are entitled to a hearing in a garnishment action, the hearing will take place within ten (10) days after the Clerk of the Court receives your request, or as soon as practicable thereafter. In other actions, the hearing can be set within five (5) days of receipt of your request, or as soon as practicable thereafter. The court will issue an order advising you of the time, place, and date of any hearing scheduled.

At the hearing, you will have the burden to show the court why you believe the property the United States seeks is exempt based on the exemptions listed above. If your debt was imposed by default judgment, you will have the burden to prove you do not owe the debt to the United States. If you do not request a hearing, the statute calls for the court to promptly issue an order for your nonexempt property held by the garnishee to be delivered to the United States and applied to the debt you owe.

Certain terms applicable to these proceedings, such as “garnishee,” “earnings,” “nonexempt disposable earnings,” etc., and respective definitions may be found at 28 U.S.C. § 3002.

Be sure to keep a copy of this notice for your records. If you have any questions about your rights or this procedure, you should contact a lawyer or an office of public legal assistance. The Clerk of the Court is not permitted to give legal advice but may refer you to other sources of information.

12/29/2023

DATE



ARTHUR JOHNSTON, CLERK

A handwritten signature in cursive script, appearing to read "C. Louisville".

C. Louisville, Deputy Clerk

HONORABLE ARTHUR S. JOHNSTON III
UNITED STATES CLERK OF COURT
SOUTHERN DISTRICT OF MISSISSIPPI