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CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

February 2007 Grand Jury

CR 09 00081

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JUTHAMAS SIRIWAN,
15 aka "the Governor," and
16 JITTISOPA SIRIWAN,
17 aka "Jib,"
18 Defendants.

) CR No. 09-
)
) I N D I C T M E N T
) [18 U.S.C. § 1956(h): Conspiracy
) To Money Launder; §1956(a)(2)(A):
) Transporting Funds to Promote
) Unlawful Activity; 18 U.S.C. § 2:
) Aiding and Abetting and Causing
) an Act To Be Done; 18 U.S.C.
) § 982(a)(1), 21 U.S.C. § 853, 28
) U.S.C. § 2461(c): Criminal
) Forfeiture]

20 The Grand Jury charges:

21 INTRODUCTORY ALLEGATIONS

22 At all times relevant to this Indictment:

23 A. THE FOREIGN CORRUPT PRACTICES ACT

24 1. The Foreign Corrupt Practices Act of 1977 ("FCPA"), as
25 amended, Title 15, United States Code, Sections 78dd-1, et seq.,
26 was enacted by Congress for the purpose of making it unlawful,
27 among other things, for certain United States persons and
28 business entities defined as "domestic concerns" to act corruptly

BHS:bhs BHS
JEL:jel JA

1 in furtherance of an offer, promise, authorization, or payment of
2 money or anything of value to a foreign government official for
3 the purpose of securing any improper advantage, or of obtaining
4 or retaining business for and with, or directing business to, any
5 person.

6 B. PUBLIC CORRUPTION OFFENSES UNDER THAILAND'S PENAL CODE

7 2. Under Section 149 of Thailand's Penal Code, it is
8 unlawful for any government official of the Kingdom of Thailand
9 ("Thailand") to accept property or any other benefit for
10 exercising or not exercising any of her official functions.

11 3. Under Section 152 of Thailand's Penal Code, it is
12 unlawful for any government official, having the duty of managing
13 or looking after any activity, to take the interest for the
14 benefit of herself or another person concerning such activity.

15 C. RELEVANT PERSONS AND ENTITIES

16 4. The Tourism Authority of Thailand (the "TAT") was a
17 government agency of Thailand. The TAT administered and funded
18 contracts to promote tourism in Thailand, including the annual
19 Bangkok International Film Festival ("BKKIFF"), public relations
20 services, a logo for the TAT, and websites, calendars, and videos
21 featuring Thailand. The TAT had a yearly budget equivalent to
22 millions of United States dollars to disburse for the operations
23 of the BKKIFF, and smaller amounts to fund other TAT contracts.
24 The TAT also controlled an entity that was an instrumentality of
25 the Thai government, namely, the Thailand Privilege Card Co.,
26 Ltd. (the "TPC LTD"). The TPC LTD administered and funded
27 contracts for consulting, creative design, public relations, and
28 promotional books for an "elite privilege card" for foreigners.

1 5. Defendant JUTHAMAS SIRIWAN, also known as ("aka") "the
2 Governor," was the senior government officer of the TAT from in
3 or about 2002 until in or about 2006. Defendant JUTHAMAS SIRIWAN
4 was responsible for the selection of the businesses that would
5 provide goods and services to the TAT, and to which the
6 disbursement of TAT and TPC LTD funds would be made. As an
7 officer and employee of a department, agency, and instrumentality
8 of a foreign government, defendant JUTHAMAS SIRIWAN was a
9 "foreign official" as that term was defined in the FCPA.
10 Defendant JUTHAMAS SIRIWAN also was a government official subject
11 to the anti-corruption provisions of Sections 149 and 152 of
12 Thailand's Penal Code. From in or about late 2006 to in or about
13 2007, defendant JUTHAMAS SIRIWAN, although no longer in her prior
14 position at the TAT, acted in an official capacity on behalf of
15 the TAT as an "advisor," and therefore was still a "foreign
16 official" as that term was defined in the FCPA.

17 6. Defendant JITTISOPA SIRIWAN, aka "Jib," was a Thai
18 citizen and the daughter of defendant JUTHAMAS SIRIWAN. In or
19 about 2004, defendant JITTISOPA SIRIWAN was also an employee of
20 the TPC LTD.

21 7. The person referred to herein as the "Friend" was a
22 Thai citizen and a friend of defendant JUTHAMAS SIRIWAN.

23 8. Co-conspirator Gerald Green was a naturalized citizen
24 of the United States. As a citizen of the United States, co-
25 conspirator Gerald Green was a "domestic concern" as that term
26 was defined in the FCPA. Co-conspirator Gerald Green obtained
27 business for, and negotiated contracts on behalf of, various
28 business entities located in the Central District of California,

1 collectively referenced in this Indictment as the "Green
2 Businesses."

3 9. Co-conspirator Patricia Green was a naturalized citizen
4 of the United States. As a citizen of the United States, co-
5 conspirator Patricia Green was a "domestic concern" as that term
6 was defined in the FCPA. Co-conspirator Patricia Green was the
7 wife of co-conspirator Gerald Green. Co-conspirator Patricia
8 Green managed the Green Businesses' day-to-day operations, and
9 was primarily responsible for approving expenses, signing checks,
10 and wiring funds from the bank accounts of the Green Businesses.

11 10. The Green Businesses included the following California
12 corporations and unincorporated businesses that co-conspirators
13 Gerald Green and Patricia Green owned and operated in Beverly
14 Hills, California: Film Festival Management, Inc. ("FFM"); SASO
15 Entertainment ("SASO"); Artist Design Corp. ("Artist Design");
16 International Fashion Consultant, Inc. ("IFC"); Flying Pen, Inc.
17 ("Flying Pen"); and entities doing business as "Creative
18 Ignition," "Ignition," and "International Festival Consultants."
19 The Green Businesses also included Festival of Festivals ("FOF"),
20 a business entity belonging to an associate of co-conspirators
21 Gerald Green and Patricia Green, but in the name of which co-
22 conspirators Gerald Green and Patricia Green did business and
23 received and transferred funds. As entities that had their
24 principal places of business in California, and that were
25 organized under the laws of a State of the United States, the
26 Green Businesses were "domestic concerns" as that term was
27 defined in the FCPA. The Green Businesses were used as vehicles
28 to help obtain contracts and subcontracts to provide goods and

1 services for media and entertainment projects to the government
2 of Thailand.

3 D. OVERVIEW OF TAT/TPC LTD CONTRACT REVENUES, CORRUPT PAYMENTS

4 11. Beginning in or about 2002, and continuing to in or
5 about 2007, co-conspirators Gerald Green and Patricia Green,
6 through several of the Green Businesses, received at least
7 \$14,000,000 of TAT and TPC LTD funds in connection with work
8 performed on TAT and TPC LTD contracts, whether as a prime
9 contractor or subcontractor. During that same time period, co-
10 conspirators Gerald Green and Patricia Green sent and caused to
11 be sent at least \$1,800,000 of those funds from the bank accounts
12 of the Green Businesses in the Central District of California to
13 bank accounts held in the name of either defendant JITTISOPA
14 SIRIWAN or the Friend at banks in Singapore, the United Kingdom,
15 and the Isle of Jersey, all for the benefit of defendant JUTHAMAS
16 SIRIWAN. Most of these transfers were via international wire
17 transfers; some were by cashiers checks. Co-conspirator Gerald
18 Green also, on occasion, delivered cash to defendant JUTHAMAS
19 SIRIWAN in person.

20 12. Co-conspirators Gerald Green and Patricia Green caused
21 these corrupt payments, paid to and for the benefit of defendant
22 JUTHAMAS SIRIWAN, in order to secure the lucrative TAT and TPC
23 LTD contracts and subcontracts. These payments were disguised on
24 the Green Businesses' books and records and tax returns as
25 "commissions" in order to conceal the nature of the payments.

26 13. Defendants JUTHAMAS SIRIWAN and JITTISOPA SIRIWAN
27 failed to report any of these payments from the Green Businesses
28 on their individual Thai income tax returns.

1 E. INCORPORATION BY REFERENCE

2 14. These introductory allegations are re-alleged and
3 incorporated into each count of this Indictment.

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1 17. Co-conspirator Gerald Green and defendant JUTHAMAS
2 SIRIWAN would and did agree to the total amount of money that the
3 TAT and the TPC LTD would and did pay to the Green Businesses.
4 Co-conspirator Gerald Green and defendant JUTHAMAS SIRIWAN would
5 and did also agree to the amount of the corrupt payments to be
6 paid to defendant JUTHAMAS SIRIWAN as a percentage, ranging
7 between 10% and 20%, of the value of such contracts. On
8 occasion, the negotiated contracts between co-conspirator Gerald
9 Green and defendant JUTHAMAS SIRIWAN involved third-party
10 businesses that served as prime contractors with the TAT or the
11 TPC LTD, and the Green Businesses as subcontractors. On such
12 occasions, which included contracts for website production,
13 public relations services, calendars, and video production, co-
14 conspirator Gerald Green would and did structure the contracting
15 arrangements so that the prime contractors would pass through to
16 the Green Businesses in the subcontracts the amounts necessary
17 for the Green Businesses to fund corrupt payments to defendant
18 JUTHAMAS SIRIWAN.

19 18. Defendants JUTHAMAS SIRIWAN and JITTISOPA SIRIWAN would
20 and did open bank accounts held in defendant JITTISOPA SIRIWAN's
21 name in the United Kingdom, the Isle of Jersey, and Singapore for
22 the receipt of the corrupt payments from the Green Businesses.
23 On account opening applications, defendant JITTISOPA SIRIWAN
24 would and did conceal that the funds to be deposited into the
25 accounts would be for the benefit of her mother, defendant
26 JUTHAMAS SIRIWAN, and that her mother was a senior Thai
27 government official.

28

1 19. Defendant JUTHAMAS SIRIWAN would and did provide co-
2 conspirator Gerald Green with wire instructions to make transfers
3 of the corrupt payments to the accounts held in defendant
4 JITTISOPA SIRIWAN's name in the United Kingdom, the Isle of
5 Jersey, and Singapore. Co-conspirator Gerald Green would and did
6 then provide these wire instructions to co-conspirator Patricia
7 Green. Co-conspirators Gerald Green and Patricia Green would and
8 did also maintain in their offices bank statements from overseas
9 accounts of defendant JITTISOPA SIRIWAN and the Friend.

10 20. Defendant JUTHAMAS SIRIWAN had authority to approve TAT
11 payments to foreign entities up to a certain value. Therefore,
12 at defendant JUTHAMAS SIRIWAN's direction, co-conspirators Gerald
13 Green and Patricia Green would and did split up the performance
14 of large contracts for the BKKIFF among different Green
15 Businesses.

16 21. To create the appearance of separate and distinct
17 businesses, co-conspirators Gerald Green and Patricia Green would
18 and did cause the Green Businesses to use different bank
19 accounts, mailing addresses, and telephone numbers in their
20 dealings with the TAT. Some of these entities and bank accounts
21 would be and were established solely for business with the TAT in
22 connection with the BKKIFF. However, in reality, all of the
23 BKKIFF work would be and was managed by the same personnel out of
24 the same Beverly Hills business offices at the direction of, and
25 to benefit, co-conspirators Gerald Green and Patricia Green.

26 22. By the above-described use of numerous different
27 business entities in structuring contracting and subcontracting
28 for TAT and TPC LTD business, defendant JUTHAMAS SIRIWAN and co-

1 conspirators Gerald Green and Patricia Green would and did evade
2 requirements for higher level approvals and conceal from further
3 scrutiny and suspicion by other Thai government officials the
4 large sums of TAT and TPC LTD funds flowing to the Green
5 Businesses, a portion of which would be and was for the benefit
6 of defendant JUTHAMAS SIRIWAN.

7 23. Co-conspirators Gerald Green and Patricia Green would
8 and did prepare and submit, and cause others to prepare and
9 submit, to the TAT and the TPC LTD statements of the scope of
10 work and the costs for the various services in connection with
11 the contracts. Co-conspirators Gerald Green and Patricia Green
12 would and did inflate the cost amounts submitted to the TAT and
13 the TPC LTD to include the anticipated corrupt payments to
14 defendant JUTHAMAS SIRIWAN, in addition to the Green Businesses'
15 and any prime contractors' actual costs and profits.

16 24. Following the Green Businesses' receipt of payment for
17 work performed on TAT and TPC LTD contracts into their Los
18 Angeles-area bank accounts, co-conspirator Gerald Green would and
19 did advise defendant Patricia Green when a "commission" payment
20 was needed for defendant JUTHAMAS SIRIWAN. Co-conspirator
21 Patricia Green and another employee at the Green Businesses would
22 and did then look to see which of the Green Businesses had the
23 money available for payment.

24 25. Co-conspirators Gerald Green and Patricia Green would
25 and did arrange for the corrupt payments to be made, for the
26 benefit of defendant JUTHAMAS SIRIWAN, via international wire
27 transfer or cashiers checks from the bank accounts of one or more
28 of the Green Businesses in the Los Angeles area to bank accounts

1 held in the name of defendant JITTISOPA SIRIWAN or the Friend at
2 banks in the United Kingdom, Singapore, and the Isle of Jersey.
3 Defendant JUTHAMAS SIRIWAN would and did direct which bank
4 accounts should be used to receive the transfers. Co-
5 conspirators Gerald Green and Patricia Green would and did also
6 occasionally arrange for cash payments to be made directly to
7 defendant JUTHAMAS SIRIWAN, including during her trips to Los
8 Angeles, California.

9 26. Co-conspirator JITTISOPA SIRIWAN would and did receive
10 into her account in Singapore transfers from the account of the
11 Friend in Singapore, in approximately the same amount as the
12 "commissions" for the Governor that the Green Businesses had
13 earlier transferred to the account of the Friend, plus interest.

14 27. Co-conspirator Patricia Green would and did maintain
15 spreadsheets created by an employee at the Green Businesses that
16 calculated and tracked the corrupt payments made to and for the
17 benefit of defendant JUTHAMAS SIRIWAN in connection with TAT and
18 TPC LTD contracts.

19 28. In return for the corrupt payments characterized as
20 "commissions," defendant JUTHAMAS SIRIWAN would and did assist
21 co-conspirators Gerald Green and Patricia Green in securing
22 lucrative contracts and subcontracts for TAT and TPC LTD
23 business.

24 29. Defendants JUTHAMAS SIRIWAN and JITTISOPA SIRIWAN would
25 and did conceal the receipt of the corrupt payments by failing to
26 report them on their individual Thai income tax returns as
27 income. Co-conspirators Gerald Green and Patricia Green would
28 and did deduct the corrupt payments on the Green Businesses'

1 United States income tax returns, but would conceal their true
2 nature by referring to them as "commissions" in the costs of
3 goods sold.

4 30. After defendant JUTHAMAS SIRIWAN stepped down in or
5 about September 2006 as the TAT's highest-ranking official and
6 became an "advisor" to the TAT, she would and did continue to
7 assist co-conspirators Gerald Green and Patricia Green in
8 obtaining and retaining business with the TAT, including in
9 receiving payment of outstanding amounts due. Defendant JUTHAMAS
10 SIRIWAN would continue to receive a portion of the money paid to
11 the Green Businesses by the TAT.

12 C. OVERT ACTS

13 31. In furtherance of the conspiracy and to accomplish its
14 objects, defendants JUTHAMAS SIRIWAN and JITTISOPA SIRIWAN,
15 together with co-conspirators Gerald Green and Patricia Green,
16 and others known and unknown to the Grand Jury, committed and
17 willfully caused others to commit the following overt acts, among
18 others, in the Central District of California, and elsewhere:

19 Overt Act No. 1: On or about November 5, 2002, defendant
20 JITTISOPA SIRIWAN opened a bank account at HSBC Bank PLC in the
21 United Kingdom.

22 Overt Act No. 2: On or about November 8, 2002, defendant
23 JUTHAMAS SIRIWAN sent and caused to be sent to co-conspirator
24 Gerald Green a facsimile on TAT letterhead providing wire
25 instructions for transferring funds to defendant JITTISOPA
26 SIRIWAN's bank account at HSBC Bank PLC in the United Kingdom.

1 Overt Act No. 3: On or about November 12, 2002, co-
2 conspirators Gerald Green and Patricia Green caused a wire
3 transfer of \$30,000 from FFM's bank account at Bank of America in
4 West Hollywood, California, to defendant JITTISOPA SIRIWAN's bank
5 account at HSBC Bank PLC in the United Kingdom, as partial
6 payment in exchange for the 2003 BKKIFF contract.

7 Overt Act No. 4: On or about October 23, 2003, co-
8 conspirators Gerald Green and Patricia Green caused a wire
9 transfer of \$12,500 from FFM's bank account at Bank of America in
10 West Hollywood, California, to defendant JITTISOPA SIRIWAN's bank
11 account at HSBC Bank PLC in the United Kingdom, as partial
12 payment in exchange for the 2004 BKKIFF contract.

13 Overt Act No. 5: On or about November 14, 2003, co-
14 conspirators Gerald Green and Patricia Green caused a wire
15 transfer of \$73,784 from SASO's bank account at Bank of America
16 in West Hollywood, California, to defendant JITTISOPA SIRIWAN's
17 bank account at HSBC Bank PLC in the United Kingdom, as partial
18 payment in exchange for the TPC LTD contract.

19 Overt Act No. 6: On or about November 17, 2003, co-
20 conspirators Gerald Green and Patricia Green caused a wire
21 transfer of \$17,000 from Flying Pen's bank account at U.S. Bank
22 in Beverly Hills, California, to defendant JITTISOPA SIRIWAN's
23 bank account at HSBC Bank PLC in the United Kingdom, as partial
24 payment in exchange for the TPC LTD contract.

25 Overt Act No. 7: On or about February 20, 2004, defendant
26 JITTISOPA SIRIWAN opened an account at Citibank in Singapore, and
27 denied in her account application that any member of her
28 immediate family was a senior public official.

1 Overt Act No. 8: On or about April 13, 2004, defendant
2 JITTISOPA SIRIWAN opened a bank account at HSBC Bank
3 International Limited in the Isle of Jersey.

4 Overt Act No. 9: On or about June 10, 2004, co-conspirator
5 Patricia Green opened a bank account at Wells Fargo Bank in West
6 Hollywood, California, in the name of FOF.

7 Overt Act No. 10: On or about October 22, 2004, co-
8 conspirators Gerald Green and Patricia Green caused a wire
9 transfer of \$28,000 from FFM's bank account at Bank of America in
10 West Hollywood, California, to defendant JITTISOPA SIRIWAN's bank
11 account at HSBC Bank International Limited in the Isle of Jersey,
12 as partial payment in exchange for the 2005 BKKIFF contract.

13 Overt Act No. 11: On or about October 26, 2004, co-
14 conspirators Gerald Green and Patricia Green caused a wire
15 transfer of \$13,000 from SASO's bank account at Bank of America
16 in West Hollywood, California, to defendant JITTISOPA SIRIWAN's
17 bank account at HSBC Bank International Limited in the Isle of
18 Jersey, as partial payment in exchange for the TAT public
19 relations contract.

20 Overt Act No. 12: On or about February 24, 2005, co-
21 conspirators Gerald Green and Patricia Green caused a wire
22 transfer of \$100,000 from FOF's bank account at Wells Fargo Bank
23 in West Hollywood, California, to defendant JITTISOPA SIRIWAN's
24 bank account at HSBC Bank International Limited in the Isle of
25 Jersey, as partial payment in exchange for the 2005 BKKIFF
26 contract.

27 Overt Act No. 13: On or about March 11, 2005, co-
28 conspirators Gerald Green and Patricia Green caused a wire

1 transfer of \$100,000 from FOF's bank account at Wells Fargo Bank
2 in West Hollywood, California, to the Friend's bank account at
3 Citibank in Singapore, as partial payment in exchange for the
4 2005 BKKIFF contract.

5 Overt Act No. 14: On or about January 13, 2006, co-
6 conspirator Patricia Green received instructions to divide
7 outstanding "commission" payments owed to defendant JUTHAMAS
8 SIRIWAN into wire transfers to three separate accounts.

9 Overt Act No. 15: On or about January 19, 2006, co-
10 conspirators Gerald Green and Patricia Green caused a wire
11 transfer of \$78,000 from IFC's bank account at Wells Fargo Bank
12 in West Hollywood, California, to defendant JITTISOPA SIRIWAN's
13 bank account at Standard Chartered Bank in Singapore, as partial
14 payment in exchange for the 2006 BKKIFF contract.

15 Overt Act No. 16: On or about March 13, 2006, co-
16 conspirators Gerald Green and Patricia Green caused a wire
17 transfer of \$52,876 from FOF's bank account at Wells Fargo Bank
18 in West Hollywood, California, to defendant JITTISOPA SIRIWAN's
19 bank account at Citibank in Singapore, as partial payment in
20 exchange for the website contract.

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COUNTS TWO THROUGH EIGHT

[18 U.S.C. § 1956(a)(2)(A); 18 U.S.C. § 2]

32. On or about the following dates, in Los Angeles County, within the Central District of California, and elsewhere, defendants JUTHAMAS SIRIWAN and JITTISOPA SIRIWAN knowingly transported, transmitted, and transferred, and willfully caused others to transport, transmit, and transfer, the following monetary instruments and funds from a place in the United States, namely, Los Angeles County, to the following places outside the United States, intending that each of the transactions, in whole and in part, promote the carrying on of a specified unlawful activity, namely, bribery of a foreign official, a felony violation of the FCPA, Title 15, United States Code, Section 78dd-2(a)(1); bribery of a public official of Thailand, in violation of Section 149 of Thailand's Penal Code; and the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official, in violation of Section 152 of Thailand's Penal Code:

<u>COUNT</u>	<u>DATE</u>	<u>FOREIGN PLACE</u>	<u>FINANCIAL TRANSACTION</u>
TWO	10/22/04	Isle of Jersey	Wire transfer of \$28,000 from FFM's bank account at Bank of America in West Hollywood, California, to defendant JITTISOPA SIRIWAN's bank account at HSBC Bank International Limited in the Isle of Jersey

1	THREE	10/26/04	Isle of Jersey	Wire transfer of \$13,000 from SASO's bank account at Bank of America in West Hollywood, California, to defendant JITTISOPA
2				SIRIWAN's bank account at HSBC Bank International Limited in the Isle of Jersey
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6	FOUR	2/24/05	Isle of Jersey	Wire transfer of \$100,000 from FOF's bank account at Wells Fargo Bank in West Hollywood, California, to defendant JITTISOPA
7				SIRIWAN's bank account at HSBC Bank International Limited in the Isle of Jersey
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11	FIVE	3/11/05	Singapore	Wire transfer of \$100,000 from FOF's bank account at Wells Fargo Bank in West Hollywood, California, to the Friend's bank account at Citibank in Singapore
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14				
15	SIX	1/18/06	Isle of Jersey	Wire transfer of \$40,000 from FFM's bank account at Bank of America in West Hollywood, California, to defendant JITTISOPA
16				SIRIWAN's bank account at HSBC Bank International Limited in the Isle of Jersey
17				
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19				
20	SEVEN	1/19/06	Singapore	Wire transfer of \$78,000 from IFC's bank account at Wells Fargo Bank in West Hollywood, California, to defendant JITTISOPA
21				SIRIWAN's bank account at Standard Chartered Bank in Singapore
22				
23				
24	EIGHT	3/13/06	Singapore	Wire transfer of \$52,876 from FOF's bank account at Wells Fargo Bank in West Hollywood, California, to defendant JITTISOPA
25				SIRIWAN's bank account at Citibank in Singapore
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1 (iii) All property used in any manner or part to
2 commit or to facilitate the commission of
3 such violations; and

4 (iv) Approximately \$411,434.80 in HSBC Bank
5 International Limited Account No. 11108670 in the
6 Isle of Jersey; \$543,456.79 in Citibank Account
7 No. 0259766-001 in Singapore; \$327,300 in Standard
8 Chartered Bank Account No. 25-0-852573-6 in
9 Singapore; and \$443,084 in HSBC Bank PLC Account
10 No. 22751518 in the United Kingdom;

11 b. A sum of money equal to the total amount of
12 proceeds derived from each such offense for which
13 defendants JUTHAMAS SIRIWAN and JITTISOPA SIRIWAN are
14 convicted, for which defendants are jointly and
15 severally liable.

16 35. Pursuant to Title 21, United States Code, Section
17 853(p), as incorporated by Title 28, United States Code, Section
18 2461(c), and Title 18, United States Code, Section 982(b), each
19 of defendants JUTHAMAS SIRIWAN and JITTISOPA SIRIWAN, if so
20 convicted, shall forfeit substitute property, up to the total
21 value of the property described in paragraph 34, if, by any act
22 or omission of the defendant(s), the property described in
23 paragraph 34, or any portion thereof: (a) cannot be located upon
24 the exercise of due diligence; (b) has been transferred or sold
25 to, or deposited with, a third party; (c) has been placed beyond

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1 the jurisdiction of the court; (d) has been substantially
2 diminished in value; or (e) has been commingled with other
3 property that cannot be divided without difficulty.

4 A TRUE BILL

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Foreperson

7 THOMAS P. O'BRIEN
United States Attorney

8 *Christine C. Ewell*

9 CHRISTINE C. EWELL
10 Assistant United States Attorney
Chief, Criminal Division

11 DOUGLAS A. AXEL
12 Assistant United States Attorney
Chief, Major Frauds Section

13 JILL T. FEENEY
14 Assistant United States Attorney
Deputy Chief, Major Frauds Section

15 BRUCE H. SEARBY
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17 *Mark Mendelsohn (Tel)*
18 STEVEN A. TYRRELL, Chief
19 MARK F. MENDELSON, Deputy Chief
20 Fraud Section, Criminal Division
U.S. Department of Justice

21 JONATHAN E. LOPEZ, Sr. Litigation Counsel
22 Fraud Section, Criminal Division
U.S. Department of Justice