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 13 United States of America

14 UNITED STATES DISTRICT COURT  
 15 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 16 WESTERN DIVISION

17	UNITED STATES OF AMERICA,	)	CR No. 08-59(B) -GW
		)	
18	Plaintiff,	)	<u>STIPULATION RE: ENTRY OF GENERAL</u>
		)	<u>ORDER OF FORFEITURE</u>
19	v.	)	
		)	
20	GERALD GREEN and	)	
	PATRICIA GREEN,	)	
		)	
21	Defendants.	)	
		)	
22		)	

23 Pursuant to Rule 32.2(b) and (c) of the Federal Rules  
 24 of Criminal Procedure, the United States of America and defendants  
 25 Gerald Green and Patricia Green (collectively, "defendants")  
 26 stipulate to include in the Judgment and Commitment Order (the  
 27 "Judgment") in this action a general order of forfeiture (the  
 28 "General Order"), the terms of which will include the future entry

1 of a money judgment in the amount of \$1,049,465 plus the amount of  
2 defendants' share of the Artist Design Corp. Defined Benefit Plan  
3 (said share to be determined at such time as its dissolution  
4 becomes effective), against defendants, jointly and severally, as  
5 follows:

6 WHEREAS defendants were found guilty at trial of Counts One  
7 through Ten of the Second Superseding Indictment charging  
8 defendants with conspiracy, in violation of 18 U.S.C. § 371, and  
9 bribery of a foreign official, in violation of 15 U.S.C. §§ 78dd-  
10 2(a), (g) (2) (A);

11 AND WHEREAS the government in this case had previously  
12 obtained court orders and/or a lien restraining the following  
13 assets of defendants' as forfeitable proceeds of the offenses of  
14 conviction: the real property located at 9019 Lloyd Place, West  
15 Hollywood, California 90069 (the "Residence"); one 2001 BMW 740I,  
16 California license plate 4SVJ686, Vehicle Identification Number  
17 (VIN) WBAGG83441DN86460 (the "BMW"); and defendants' interests in  
18 in, or benefits paid or payable from, the Artist Design Corp. dba  
19 Creative Ignition Defined Benefit Pension Plan (95-4870059) (the  
20 "Defined Benefit Plan").

21 AND WHEREAS criminal forfeiture is part of the sentence (*see*  
22 *Libretti v. United States*, 516 U.S. 29, 38-39 (1995) and may take  
23 several forms (money judgment of forfeiture, directly forfeitable  
24 property, and substitute assets - *see United States v. Candelaria-*  
25 *Silva*, 166 F.3d 19, 42 (1<sup>st</sup> Cir. 1999));

26 AND WHEREAS Federal Rule of Criminal Procedure 32.2(b) (1)  
27 specifically allows courts to determine the amount of money a  
28

1 defendant will be ordered to pay under a money judgment of  
2 forfeiture based on evidence already in the record;

3 AND WHEREAS Rule 32.2(b)(2)(C) provides that where a specific  
4 determination cannot be made prior to sentencing, the Court may  
5 enter a general order of forfeiture at or before sentencing  
6 describing the property subject to forfeiture in general terms and  
7 stating that the order will be amended under Rule 32.2(e)(1) when  
8 the specific property is identified or the amount of the money  
9 judgment has been calculated;

10 AND WHEREAS a money judgment of forfeiture is a personal  
11 judgment that requires the defendants to pay the total amount  
12 derived from the criminal activity (see *United States v. Ginsburg*,  
13 773 F.2d 798, 801-02 (7<sup>th</sup> Cir. 1985) (en banc); *United States v.*  
14 *Casey*, 444 F.3d 1071, 1074-76 (9<sup>th</sup> Cir. 2006)), and are commonly  
15 entered<sup>1</sup>;

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17 <sup>1</sup> See, e.g., *Ginsburg* at 801-802 (money judgment requires  
18 the defendant to pay the total amount derived from the criminal  
19 activity, "regardless of whether the specific dollars received  
20 from that activity are still in his possession"); *Casey*; *United*  
21 *States v. Baker*, 227 F.3d 955 (7<sup>th</sup> Cir. 2000) (forfeiture order  
22 may include a money judgment for the amount of money involved in  
23 the money laundering offense, which acts as a lien against the  
24 defendant personally); *Candelaria-Silva*; *United States v. Conner*,  
25 752 F.2d 566, 576 (11<sup>th</sup> Cir. 1985) (because criminal forfeiture  
26 is *in personam*, it follows defendant; the money judgment is in  
27 the amount that came into his hands illegally; government not  
28 required to trace the money to any specific asset); *United States*  
*v. Amend*, 791 F.2d 1120, 1127 (4<sup>th</sup> Cir. 1986) (same); *United*  
*States v. Robilotto*, 828 F.2d 940, 949 (2<sup>d</sup> Cir. 1987) (following  
*Conner* and *Ginsburg*, court may enter money judgment for the  
amount of the illegal proceeds regardless of whether defendant  
retained the proceeds); *United States v. Voigt*, 89 F.3d 1050,  
1084, 1088 (3<sup>d</sup> Cir. 1996) (government entitled to personal money  
judgment equal to the amount of money involved in the underlying  
offense); and *United States v. Corrado*, 227 F.3d 543 (6<sup>th</sup> Cir.  
2000) (*Corrado I*) (ordering entry of money judgment for the  
amount derived from a RICO offense).

1 AND WHEREAS Rule 32.2(c)(1) provides that "no ancillary  
2 proceeding is required to the extent that the forfeiture consists  
3 of money judgment" because a money judgment of forfeiture is not a  
4 forfeiture of any specific property and a petition for ancillary  
5 proceeding is used to determine a third party's interest in a  
6 specific property to be forfeited;

7 IT IS STIPULATED by the government and defendants that:

8 1. The General Order in this action shall provide that  
9 defendants, jointly and severally, shall forfeit to the United  
10 States the sum of \$1,049,465 pursuant to 18 U.S.C. § 981(a)(1)(C),  
11 28 U.S.C. § 2461(c), and 21 U.S.C. § 853. This sum consists of:  
12 (a) \$1,003,983 from salary and bonuses defendants received from  
13 their businesses in connection with the offenses of conviction,  
14 net of taxes paid; and (b) \$45,482 in payments that their  
15 businesses made towards the purchase of the BMW;

16 2. The General Order shall further provide that defendants,  
17 jointly and severally, shall forfeit to the United States the  
18 amount of their respective shares in the Defined Benefit Plan,  
19 which is in addition to the above-referenced sum of \$1,049,465,  
20 pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and 21  
21 U.S.C. § 853. The amount of defendants' share of the Defined  
22 Benefit Plan is to be determined by the plan administrator as part  
23 of the Defined Benefit Plan's dissolution and the final  
24 distribution of its assets, which shall proceed in accordance with  
25 the terms of the General Order and other applicable laws and  
26 regulations. After the investment assets of the Defined Benefit  
27 Plan are sold and converted to cash, and after the amount of  
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1 defendants' share of this cash is determined, the plan  
2 administrator shall cause the amount of defendants' share to be  
3 paid over directly to the United States as provided in the General  
4 Order; and

5 3. The Judgment shall further provide that any restitution  
6 order against defendants shall be modified to credit any amounts  
7 of money actually recovered by, and paid over to, the government  
8 of the Kingdom of Thailand and/or the government of the United  
9 States from overseas bank accounts in the names of Jittisopa

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1 Siriwan and Kitti Chambundabongse that hold funds derived,  
2 directly or indirectly, from the offenses of conviction.

3 SO STIPULATED.

4 DATE: January 20, 2010

Respectfully submitted,

5 GEORGE S. CARDONA  
Acting United States Attorney

6 CHRISTINE C. EWELL  
7 Assistant United States Attorney  
Chief, Criminal Division

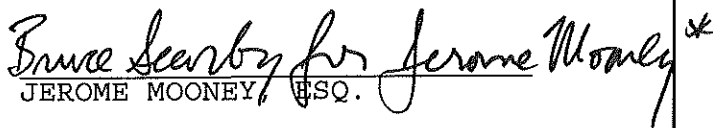
8 STEVEN R. WELK  
9 Assistant United States Attorney  
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11 

12 BRUCE H. SEARBY  
Assistant United States Attorney  
13 JONATHAN E. LOPEZ  
14 Senior Trial Attorney, Fraud Section  
United States Department of Justice

15 Attorneys for Plaintiff  
16 UNITED STATES OF AMERICA

17 DATED: January 20, 2010

  
18 JEROME MOONEY, ESQ.

19 Attorney for Defendant  
20 GERALD GREEN

21 DATED: January 20, 2010

  
22 MARILYN BEDNARSKI, ESQ.

23 Attorney for Defendant  
24 PATRICIA GREEN

*\* per email  
and organization*