

1 ANDRÉ BIROTTE JR.
 United States Attorney
 2 CHRISTINE C. EWELL
 Assistant United States Attorney
 3 Chief, Criminal Division
 BRUCE H. SEARBY (SBN 183267)
 4 Assistant United States Attorney
 Public Corruption & Civil Rights Section
 5 JONATHAN E. LOPEZ (SBN 210513)
 Senior Trial Attorney, Fraud Section
 6 United States Department of Justice
 1300 United States Courthouse
 7 312 North Spring Street
 Los Angeles, California 90012
 8 Telephone: (213) 894-5423
 Facsimile: (213) 894-6436
 9 bruce.searby@usdoj.gov

10 Attorneys for Plaintiff
 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT
 12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,)	CR No. 08-59(B)-GW
14)	
Plaintiff,)	<u>GOVERNMENT'S INDEX OF ITS</u>
15)	<u>SENTENCING PLEADINGS, BY ISSUE</u>
v.)	
16)	Sent. Date: August 12, 2010
GERALD GREEN and)	Sent. Time: 9:30 a.m.
17 PATRICIA GREEN,)	
)	
18 Defendants.)	
)	
19)	
)	
20)	

21 Plaintiff United States of America, through its counsel of
 22 record, the United States Attorney's Office for the Central
 23 District of California, and the Fraud Section, United States
 24 Department of Justice, Criminal Division, hereby files the
 25 ///
 26 ///
 27 ///

1 attached index of the government's sentencing pleadings to date
2 in this case, organized by issue, as a convenience to the Court.

3 DATED: July 26, 2010

Respectfully submitted,

4 ANDRÉ BIROTTE JR.
United States Attorney

5
6 CHRISTINE C. EWELL
Assistant United States Attorney
Chief, Criminal Division

7
8 _____ /s/
9 BRUCE H. SEARBY
Assistant United States Attorney
10 JONATHAN E. LOPEZ
Senior Trial Attorney
United States Department
11 of Justice, Fraud Section
12 Attorneys for Plaintiff
UNITED STATES OF AMERICA
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INDEX TO GOVERNMENT'S SENTENCING PLEADINGS, BY ISSUE

<u>Issue</u>	<u>Docket Entry ("DE")/Pleading Cite</u>
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>Advisory Sentencing Guidelines</p> <p>DE 315 (Government's Objections to Pre-Sentence Report as to Defendant Gerald Green, filed 12/14/2009), at 1-4.</p> <p>DE 316 (Government's Objections to Pre-Sentence Report as to Defendant Patricia Green, filed 12/14/2009), at 2.</p> <p>DE 319 (Government's Joint Sentencing Memorandum, filed 1/14/2010), at 5-22.</p> <p>Guidelines As "Starting Point"</p> <p>DE 319 (Government's Joint Sentencing Memorandum, filed 1/14/2010), at 5-6.</p> <p>Public Corruption Guideline</p> <p>DE 319 (Government's Joint Sentencing Memorandum, filed 1/14/2010), at 6-8.</p> <p>DE 334 (Government's Supplemental Sentencing Memorandum, filed 3/12/2010), at 3-4, 22 n.8.</p> <p>DE 336 (Government's Reply Memorandum To Defendants' Further Sentencing Memorandum, filed 3/25/2010), at 12-15.</p> <p>DE 341 (Government's Sur-Reply Memorandum Re: Factual Assertions Made By Defendants In Latest Sentencing Reply Brief, filed 4/7/2010), at 5 n.5, 7.</p> <p>No Overstatement of Guidelines Loss Because of Alleged "Gain" to Thailand</p> <p>DE 319 (Government's Joint Sentencing Memorandum, filed 1/14/2010), at 8-11.</p> <p>DE 334 (Government's Supplemental Sentencing Memorandum, filed 3/12/2010), at 3-14.</p> <p>DE 341 (Government's Sur-Reply Memorandum Re: Factual Assertions Made By Defendants In Latest Sentencing Reply Brief, filed 4/7/2010), <i>passim</i>.</p>

1	Role of Defendant	DE 315 (Government's Objections to Pre-
2	Gerald Green	Sentence Report as to Defendant Gerald
3		Green, filed 12/14/2009), at 3.
4		DE 319 (Government's Joint Sentencing
5	Role of Defendant	Memorandum, filed 1/14/2010), at 12-13.
6	Patricia Green	DE 319 (Government's Joint Sentencing
7	Perjury of	Memorandum, filed 1/14/2010), at 13-15.
8	Defendant Gerald	DE 315 (Government's Objections to Pre-
9	Green	Sentence Report as to Defendant Gerald
10		Green, filed 12/14/2009), at 1-2.
11		DE 319 (Government's Joint Sentencing
12	Guidelines for the	Memorandum, filed 1/14/2010), at 15-22.
13	Tax and Money	DE 319 (Government's Joint Sentencing
14	Laundering	Memorandum, filed 1/14/2010), at 22 n.11.
15	Convictions	
16	Statutory	DE 319 (Government's Joint Sentencing
17	Sentencing Factors	Memorandum, filed 1/14/2010), at 23-45.
18	Under 18 U.S.C. §	
19	3553(a)	
20	Overview of Nature	DE 319 (Government's Joint Sentencing
21	and Circumstances	Memorandum, filed 1/14/2010), at 23-26.
22	of the Offense	
23	Offense Conduct	DE 319 (Government's Joint Sentencing
24	of Defendant	Memorandum, filed 1/14/2010), at 26-27.
25	Gerald Green	
26	Offense Conduct	DE 319 (Government's Joint Sentencing
27	of Defendant	Memorandum, filed 1/14/2010), at 27-28.
28	Patricia Green	
	History and	DE 319 (Government's Joint Sentencing
	Characteristics of	Memorandum, filed 1/14/2010), at 34-37.
	the Defendants	
	Seriousness of the	DE 319 (Government's Joint Sentencing
	Offenses	Memorandum, filed 1/14/2010), at 28-32.
		DE 336 (Government's Reply Memorandum To

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Defendants' Further Sentencing
Memorandum, filed 3/25/2010), at 12-19.

Loss/Harm from
Bribery to
Thailand

DE 319 (Government's Joint Sentencing
Memorandum, filed 1/14/2010), at 8-11.

DE 334 (Government's Supplemental
Sentencing Memorandum, filed 3/12/2010),
at 3-14, 23-25.

DE 336 (Government's Reply Memorandum To
Defendants' Further Sentencing
Memorandum, filed 3/25/2010), at 15-19.

DE 341 (Government's Sur-Reply Memorandum
Re: Factual Assertions Made By Defendants
In Latest Sentencing Reply Brief, filed
4/7/2010), *passim*.

DE 349 (Government's Request for Judicial
Notice of Sentencing Transcripts and
Fresh Appellate Decision In Other Federal
Bribery and Bribery-Related Cases, filed
5/19/2010), at 6-8.

DE 361 (Government's Notice of Errata Re:
Statements By Government Counsel At the
Sentencing Hearing On April 29, 2010,
filed June 17, 2010), at 2-4.

Loss/Harm from
Bribery to
Competitors

DE 334 (Government's Supplemental
Sentencing Memorandum, filed 3/12/2010),
at 14-20.

DE 336 (Government's Reply Memorandum To
Defendants' Further Sentencing
Memorandum, filed 3/25/2010), at 18-19.

DE 341 (Government's Sur-Reply Memorandum
Re: Factual Assertions Made By Defendants
In Latest Sentencing Reply Brief, filed
4/7/2010), at 4-7.

General Deterrence

DE 319 (Government's Joint Sentencing
Memorandum, filed 1/14/2010), at 32-34.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

No Remorse,
Acceptance of
Responsibility,
or Cooperation

DE 319 (Government's Joint Sentencing
Memorandum, filed 1/14/2010), at 34.

DE 334 (Government's Supplemental
Sentencing Memorandum, filed 3/12/2010),
at 22 n.9, 26-28.

DE 349 (Government's Request for Judicial
Notice of Sentencing Transcripts and
Fresh Appellate Decision In Other Federal
Bribery and Bribery-Related Cases, filed
5/19/2010), at 2-6.

Specific
Deterrence

DE 319 (Government's Joint Sentencing
Memorandum, filed 1/14/2010), at 42-43.

Adequacy of BOP To
Meet Medical Care
Needs of the
Elderly Defendant
Gerald Green

DE 319 (Government's Joint Sentencing
Memorandum, filed 1/14/2010), at 37-39
and attached Declaration of Carlos
Deveza.

DE 334 (Government's Supplemental
Sentencing Memorandum, filed 3/12/2010),
at 26.

DE 336 (Government's Reply Memorandum To
Defendants' Further Sentencing
Memorandum, filed 3/25/2010), at 1-10 and
attached Supplemental Declaration of
Carlos Deveza.

DE 344 (Government's Notice of Filing of
Supplemental Sentencing Evidence, filed
4/23/2010), attached Second Supplemental
Declaration of Carlos Deveza.

DE 346 (Government's Sentencing
Memorandum Re: Three Most Instructive
FCPA Cases, filed 5/6/2010), at 11-14.

DE 360 (Government's Notice of
Supplemental Sentencing Evidence, filed
6/17/2010), at 1-2 & Exhibit.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Avoiding
Unwarranted
Sentencing
Disparities

The FCPA and
Foreign Bribery
Sentencing
Landscape

DE 368 (Government's Request for Judicial Notice of Recent FCPA Sentencing and Letter to Court, filed 6/28/2010), at 2.

DE 319 (Government's Joint Sentencing Memorandum, filed 1/14/2010), at 43-45.

DE 334 (Government's Supplemental Sentencing Memorandum, filed 3/12/2010), at 22-31.

DE 336 (Government's Reply Memorandum To Defendants' Further Sentencing Memorandum, filed 3/25/2010), 10-12.

DE 319 (Government's Joint Sentencing Memorandum, filed 1/14/2010), at 28-31, 43-45.

DE 334 (Government's Supplemental Sentencing Memorandum, filed 3/12/2010), at 20-28, & Appendices A, B, & Exhibits.

DE 335 (Government's Notice of Errata in Supplemental Sentencing Memorandum; Amended Appendix B, filed 3/24/2010), at 1-2 & Appendix B.

DE 336 (Government's Reply Memorandum To Defendants' Further Sentencing Memorandum, filed 3/25/2010), at 2-3, 10-15.

DE 346 (Government's Sentencing Memorandum Re: Three Most Instructive FCPA Cases, filed 5/6/2010), at 13 & Appendices A, B, & Exhibits. [*The Appendices attached to this filing are the most recent*]

DE 349 (Government's Request for Judicial Notice of Sentencing Transcripts and Fresh Appellate Decision In Other Federal Bribery and Bribery-Related Cases, filed 5/19/2010), at 1-6 & Exhibits.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DE 368 (Government's Request for Judicial Notice of Recent FCPA Sentencing and Letter to Court, filed 6/28/2010), at 1-3 & Exhibits.

Domestic Bribery Sentencing Landscape

DE 334 (Government's Supplemental Sentencing Memorandum, filed 3/12/2010), at 28-31.

DE 349 (Government's Request for Judicial Notice of Sentencing Transcripts and Fresh Appellate Decision In Other Federal Bribery and Bribery-Related Cases, filed 5/19/2010), at 6-8.

DE 361 (Government's Notice of Errata Re: Statements By Government Counsel At the Sentencing Hearing On April 29, 2010, filed June 17, 2010), at 4-5 & Exhibit.

Charges Against Juthamas Siriwan, et al. in the United States

DE 321 (Government's Request for Judicial Notice of Related Case At Sentencing of Defendants, filed 1/19/2010), *passim*.

Charges Against Juthamas Siriwan, et al. in Thailand

DE 319 (Government's Joint Sentencing Memorandum, filed 1/14/2010), at 31.

DE 334 (Government's Supplemental Sentencing Memorandum, filed 3/12/2010), at 2 & attached April 12, 2010 letter from Professor Mehdi Krongkaew.

DE 344 (Government's Notice of Filing of Supplemental Sentencing Evidence, filed 4/23/2010), at 1-2 & Exhibit.

DE 366 (Government's Notice of Supplemental Sentencing Evidence, filed 6/24/2010), *passim* & Exhibits.

DE 368 (Government's Request for Judicial Notice of Recent FCPA Sentencing and Letter to Court, filed 6/28/2010), a 2-3.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Irrelevance of
Collateral
Consequences

DE 319 (Government's Joint Sentencing
Memorandum, filed 1/14/2010), at 39-42.

Probation Office
Sentencing
Recommendations

DE 319 (Government's Joint Sentencing
Memorandum, filed 1/14/2010), at 47-49.

Restitution

DE 319 (Government's Joint Sentencing
Memorandum, filed 1/14/2010), at 46.

Forfeiture

DE 324 (Stipulation Re: Entry of General
Order of Forfeiture, filed 1/20/2010),
passim.

DE 325 (Government's Application for
General Order of Forfeiture & [Proposed]
General Order of Forfeiture, filed
1/20/2010), *passim*.