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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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CLERK U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 8:08-cr - 312-T, 23EAS
18 U.S.C. § 1962(d)

JOHN A. GOTTI,
a/k/a John, Jr.,
a/k/a Junior,

Defendant.

_____ /

INDICTMENT

The Grand Jury charges:

COUNT ONE
(RICO Conspiracy - 18 U.S.C. § 1962(d))

A. The Enterprise

At times relevant to this Indictment:

1. The members and associates of the Gambino organized crime family of La Cosa Nostra (the "Gambino Crime Family") constituted an "Enterprise," as that term is defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact although not a legal entity, which Enterprise engaged in, and the activities of which affected, interstate and foreign commerce. The Enterprise, hereinafter referred to as the "GCF Enterprise," constituted an ongoing organization, the members of which functioned as a continuing unit for a common purpose of achieving the objectives of the GCF Enterprise.

SEALED

2. The Gambino Crime Family was an organized criminal group that operated in the State of New York, the State of New Jersey, the State of Pennsylvania, the Middle District of Florida, the Southern District of Florida, and other parts of the United States.

3. The Gambino Crime Family operated through groups of individuals headed by "captains," who were also referred to as "skippers," "caporegimes," "capodecinas," and "capos." These groups, which were sometimes referred to as "crews" and "decinas," consisted of "made" members of the Gambino Crime Family. Made members of the Gambino Crime Family were also referred to as "soldiers," "friends of ours," "good fellows," and "buttons."

4. Made members of the Gambino Crime Family were aided in their criminal endeavors by other trusted individuals, known as "associates," who sometimes were referred to as "connected" or identified as being "with" or "around" a certain member, and who operated under the "umbrella" of the Gambino Crime Family. Associates participated in the various activities of the Gambino Crime Family crews.

5. Each captain was responsible for supervising the criminal activities of his crew and providing crew members and associates with support and protection. In return, the captain typically received a share of the proceeds earned through the criminal activities of each of the crew's members and associates, which share was sometimes referred to as "tribute."

6. Above the captains was the administration, which was typically comprised of the three highest-ranking members of the Gambino Crime Family. The head of the Gambino Crime Family was known as the "boss." The boss was ordinarily assisted by

an "underboss" and a counselor, or "consigliere." With the assistance of the underboss and consigliere, the boss was responsible for, among other tasks, setting policy, resolving internal disputes between high-ranking members and associates of the Gambino Crime Family, resolving external disputes between high-ranking members and associates of the Gambino Crime Family and members and associates of other criminal organizations, and approving all significant actions taken by members and associates of the Gambino Crime Family, including murder.

7. At various times relevant to this Indictment, members of the Gambino Crime Family were temporarily appointed to serve or act as boss, underboss, consigliere, or captain in place of another member holding that position. Whenever this occurred, the member holding the temporary appointment would function in an "acting" capacity for the other member, who continued to hold the "official" position in the Gambino Crime Family. In addition, at various times relevant to this Indictment, a group of high-ranking members of the Gambino Crime Family served on a ruling panel or committee, which assisted and, at times, made decisions with, or on behalf of, the boss.

8. The boss, underboss, and consigliere, and, at times, members of the ruling panel of the Gambino Crime Family supervised, supported, protected, and disciplined the captains, soldiers, and associates, and regularly received reports regarding their various activities. In return for their supervision and protection, the boss, underboss, consigliere, and members of the ruling panel typically received part of the illegal earnings of each crew.

9. While the overall structure of the Gambino Crime Family remained constant, the structure of the administration was sometimes adjusted to meet situations -- including particularly the incarceration of the boss and other high-ranking members -- that threatened to impede the operation and criminal activities of the Gambino Crime Family. Accordingly, at various times relevant to this Indictment, following the incarceration of the Gambino Crime Family's boss, John J. Gotti, and others, the administration's supervisory authority over the affairs of the Gambino Crime Family was delegated to, and exercised by, a ruling panel or committee of captains (the composition of which ruling panel or committee of captains changed over time), including John J. Gotti's son, the defendant, **JOHN A. GOTTI**, also known as "John, Jr.," and "Junior" (also referred to herein as "**JUNIOR GOTTI**"), who communicated with his incarcerated father and, at times, acted in the role of *de facto* boss of the Gambino Crime Family.

10. The Gambino Crime Family was one "family" in a nationwide criminal organization known by various names, including the "mafia" and "La Cosa Nostra." The ruling body of this nationwide organization was known as the "commission," the membership of which, at various times, has included the bosses of the five New York City-based La Cosa Nostra Crime Families, to wit: the Bonanno, Colombo, Gambino, Genovese and Luchese.

11. From time to time, a La Cosa Nostra Crime Family, including the Gambino Crime Family, would propose a list of qualifying associates to be "made," that is, to become members of the certain La Cosa Nostra Crime Family. The list, which was

maintained in the strictest confidence by a high-ranking member of the certain La Cosa Nostra Crime Family, would be circulated to the other La Cosa Nostra Crime Families based in New York City. While further maintaining the list in the strictest confidence, each of the other La Cosa Nostra Crime Families would consider the proposed list and issue its approval or rejection to the La Cosa Nostra Crime Family making the proposal.

B. The GCF Enterprise Members

12. The GCF Enterprise members engaged in conduct designed to prevent government detection of their identities and roles within the GCF Enterprise, their illegal activities, and the proceeds of their illegal activities. Among other such conduct, members of the GCF Enterprise often met or congregated in commercial businesses or "social clubs," which were considered secure, to plan and discuss matters related to their criminal activity. Such businesses or "social clubs" included, but were not limited to, pizzerias, bars/pubs, and restaurants located in and around New York City, as well as other private clubs.

13. At various times relevant to this Indictment, the following individuals, among many others, were members of the GCF Enterprise in the various capacities set forth below:

(a) John J. Gotti was a captain and boss in the Gambino Crime Family;

(b) **JOHN A. GOTTI**, or **JUNIOR GOTTI**, the defendant, and the son of John J. Gotti, was an associate, soldier, captain, and *de facto* boss in the Gambino Crime Family, as well as a member of the committee of captains formed in the early 1990's to assist in the administration of the Gambino Crime Family;

(c) Eugene Gotti, also known as "Gene Gotti," a brother of John J. Gotti and an uncle of defendant **JUNIOR GOTTI**, was a soldier and captain in the Gambino Crime Family;

(d) Peter Gotti, also known as "Pete Gotti," a brother of John J. Gotti and an uncle of defendant **JUNIOR GOTTI**, was a soldier, captain, and boss in the Gambino Crime Family;

(e) Richard V. Gotti, also known as "Richie Gotti," a brother of John J. Gotti and an uncle of the defendant **JUNIOR GOTTI**, was an associate, soldier, and captain in the Gambino Crime Family, as well as a member of the construction panel created at the behest and direction of the defendant, **JUNIOR GOTTI**, with the approval of John J. Gotti, to coordinate the Gambino Crime Family's unlawful dominion and influence over certain aspects of the construction industry in and around New York City;

(f) Vincent Ralph Gotti, also known as "Vinnie," a brother of John J. Gotti and an uncle of the defendant **JUNIOR GOTTI**, was an associate and soldier in the Gambino Crime Family,

(g) John E. Alite was an associate of the Gambino Crime Family who, at times relevant to this Indictment, was with or around **JUNIOR GOTTI**;

(h) Joseph T. Arcuri was a captain in the Gambino Crime Family, as well as a member of the committee of captains formed in the early 1990's to assist in the administration of the Gambino Crime Family;

(i) Bartolomeo Borriello, also known as "Bobby Borriello," was an associate, soldier, and acting captain in the Gambino Crime Family;

(j) Thomas Cacciopoli, also known as "Tommy Sneakers," was an associate, soldier, and captain in the Gambino Crime Family;

(k) Charles Carneglia, also known as "Charlie Canig," was an associate and soldier in the Gambino Crime Family;

(l) John Carneglia, also known as "Johnny Canig," was an associate and soldier in the Gambino Crime Family;

(m) Joseph Corozzo, also known as "Jo Jo," was an associate, soldier, captain, and consigliere in the Gambino Crime Family;

(n) Nicholas Corozzo, also known as "Nicky" and "Little Nicky," was an associate, soldier, and captain in the Gambino Crime Family, as well as a member of the committee of captains formed in the early 1990's to assist in the administration of the Gambino Crime Family;

(o) John D'Amico, also known as "Jackie the Nose" and "Jackie," was a soldier, captain, and acting boss in the Gambino Crime Family, as well as a member of the committee of captains formed in the early 1990's to assist in the administration of the Gambino Crime Family;

(p) Joseph D'Angelo, also known as "Little Joey," was an associate and soldier in the Gambino Crime Family;

(q) Michael DiLeonardo, also known as "Mikey Scars," was an associate, soldier, and captain in the Gambino Crime Family, as well as a member of the construction panel created at the behest and direction of the defendant, **JUNIOR GOTTI**, with the approval of John J. Gotti, to coordinate the Gambino Crime Family's

unlawful dominion and influence over certain aspects of the construction industry in and around New York City;

(r) Frank Fappiano, also known as "Frankie Fap," was an associate and soldier in the Gambino Crime Family, as well as a member of the construction panel created at the behest and direction of the defendant, **JUNIOR GOTTI**, with the approval of John J. Gotti, to coordinate the Gambino Crime Family's unlawful dominion and influence over certain aspects of the construction industry in and around New York City;

(s) Kevin M. McMahon was an associate of the Gambino Crime Family who, at various times relevant to this Indictment, was with or around Charles Carneglia and John Carneglia; and

(t) Ronald Trucchio, also known as "Ronnie One Arm," was an associate, soldier, and captain in the Gambino Crime Family.

C. The Purposes of The GCF Enterprise

14. The principal purpose of the GCF Enterprise, was to generate money, or income, for the GCF Enterprise members. This purpose was implemented by members of the GCF Enterprise through various criminal activities, including criminal acts involving the felonious manufacturing, importing, receiving, concealing, buying, selling and otherwise dealing in narcotics and other dangerous drugs, extortion, armed and unarmed robbery, armed home invasions, illegal gambling, extortionate credit transactions, theft, and bribery. The members of the GCF Enterprise also furthered the GCF Enterprise's criminal activities by threatening and causing economic injury and using and threatening to use various levels of physical violence, ranging from simple assault to murder.

15. Although the principal purpose of the GCF Enterprise was to generate money, or income, for its members through various criminal activities, the GCF Enterprise members, at times, used the resources of the GCF Enterprise (1) to settle personal grievances and vendettas, sometimes with the approval of higher-ranking members of the Gambino Crime Family, and (2) for personal advantage and gain. For those purposes, members of the GCF Enterprise were asked and expected to carry out tasks, ranging from simple errands to acts of violence, including murder.

D. The Conspiracy

16. From in or about 1983, and continuing thereafter up to and including the date of this Indictment, in the State of New York, the State of New Jersey, the State of Pennsylvania, the Middle District of Florida, the Southern District of Florida, and elsewhere,

**JOHN A. GOTTI,
a/k/a John, Jr., a/k/a Junior,**

defendant herein, along with others, did knowingly, willfully and unlawfully combine, conspire, confederate, and agree, together and with each other, and with persons known and unknown to the Grand Jury to violate:

- (a) Title 18, United States Code, Section 1962(c), that is, being persons employed by and associated with the GCF Enterprise as described above, which GCF Enterprise engaged in, and the activities of which affected, interstate and foreign commerce, to conduct and participate, directly and indirectly, in the conduct of the affairs of the GCF Enterprise through a pattern of racketeering activity as that term is defined in Title 18, United States Code, Sections 1961(1) and (5), as set forth herein in paragraph 17, and through the collection of unlawful debt, as that term is defined in Title 18, United States Code, Section 1961(6), as set forth herein in paragraph 18; and
- (b) Title 18, United States Code, Section 1962(a), that is, to receive any income derived, directly and indirectly, from a pattern of racketeering activity as that term is defined in Title 18, United States Code, Sections 1961(1) and (5), as set forth herein in paragraph 17, and through the collection of unlawful debt, as that term is defined in Title 18, United States Code, Section 1961(6), as set forth herein in paragraph 18, in which the defendant participated as a principal as that term is defined in Title 18, United States Code, Section 2, and to use and invest, directly and indirectly, any part of such income, and the proceeds of such income, in acquisition of any interest in, and the establishment and operation of, any enterprise (hereinafter referred to as an "Investment Enterprise") which engaged in, and the activities of which affected, interstate and foreign commerce.

E. The Pattern of Racketeering Activity

17. The pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and (5), through which the defendant and his co-conspirators agreed to conduct and participate in the conduct of the affairs of the GCF Enterprise, and which generated income that was used and invested, at least in part, by the defendant and his co-conspirators for the acquisition, establishment, and/or operation of an Investment Enterprise, consisted of multiple acts and threats involving:

(a) Murder, Attempted Murder and Conspiracy to Commit Murder, in violation of New York Penal Law Articles 125, 110 and 105;

(b) Dealing in Controlled Substances and Listed Chemicals, Attempt to Deal in Controlled Substances and Listed Chemicals and Conspiracy to Deal in Controlled Substances and Listed Chemicals, in violation of Sections 893.13 and 777.04 Florida Statutes and New York Penal Law Articles 220, 110 and 105;

(c) Robbery, Attempted Robbery and Conspiracy to Commit Robbery, in violation of Sections 812.13 and 777.04 Florida Statutes, and New York Penal Law Articles 160, 110 and 105;

(d) Kidnapping, Attempted Kidnapping and Conspiracy to Commit Kidnapping, in violation of New York Penal Law Articles 135, 110 and 105;

(e) Extortion, Attempted Extortion and Conspiracy to Commit Extortion, in violation of Sections 836.05 and 777.04 Florida Statutes and New York Penal Law Articles 155, 110 and 105;

(f) Bribery and Conspiracy to Commit Bribery, in violation of New York Penal Law Articles 200 and 105;

- (g) Gambling, in violation of New York Penal Law, Article 225;
- (h) Offenses involving the Distribution and Possession With Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, Section 841, and Conspiracy to Distribute and to Possess With Intent to Distribute Controlled Substances, in violation of Title 21, United States Code, Section 846; and acts which are indictable under the following provisions:
 - (i) Interstate Travel in Aid of Racketeering Enterprises, in violation Title 18, United States Code, Section 1952;
 - (j) Interstate Transportation of Stolen Property/Money, in violation of Title 18, United States Code, Section 2314;
 - (k) Receipt of Stolen Property/Money, in violation of Title 18, United States Code, Section 2315;
 - (l) Bribery of Public Officials And Witnesses, in violation of Title 18, United States Code, Section 201;
 - (m) Influencing or Injuring Officer or Juror Generally, in violation of Title 18, United State Code, Section 1503;
 - (n) Making Extortionate Extensions of Credit, in violation of Title 18, United States Code, Section 892;
 - (o) Financing Extortionate Extensions of Credit, in violation of Title 18, United States Code, Section 893;
 - (p) Collection of Extensions of Credit by Extortionate Means, in violation of Title 18, United States Code, Section 894;
 - (q) Possessing/Uttering Counterfeit Obligations or Securities, in violation of Title 18, United States Code, Section 472;

(r) Dealing in Counterfeit Obligations or Securities, in violation of Title 18, United States Code, Section 473;

(s) Interference with Commerce by Threats and Violence, in violation of Title 18, United States Code, Section 1951;

(t) Laundering of Monetary Instruments, in violation of Title 18, United States Code, Section 1956; and

(u) Engaging in Monetary Transactions in Property Derived From Specified Unlawful Activity, in violation of Title 18, United States Code, Section 1957.

F. Collection of Unlawful Debt

18. The collection of unlawful debt through which the defendant and his co-conspirators agreed to conduct and participate, directly and indirectly, in the conduct of the affairs of the GCF Enterprise, and which generated income that was used and invested, at least in part, by the defendant and his co-conspirators for the acquisition, establishment, and/or operation of an Investment Enterprise, consisted of the collection from various individuals of unlawful debts, as that term is defined in Title 18, United States Code, Section 1961(6), that is, debts incurred or contracted in gambling activity which was in violation of the law of the United States, a state or political subdivision thereof, and which were incurred in connection with the business of gambling in violation of the law of the United States, a state or political subdivision thereof, and debts which were unenforceable under State or Federal law in whole or in part as to principal or interest because of the laws relating to usury, and which were incurred in connection with the business of lending money at a rate usurious under State or Federal law, where the usurious rate was at least twice the lawfully enforceable rate.

G. The Methods And Means

19. It was part of the conspiracy that each member of the GCF Enterprise would and did agree to participate in the affairs of the GCF Enterprise with the knowledge and intent that a GCF Enterprise member would commit two or more acts of racketeering activity, or participate in the collection of at least one unlawful debt, for and on behalf of the GCF Enterprise.

20. It was further part of the conspiracy that GCF Enterprise members would and did engage in an array of criminal conduct for and on behalf of the GCF Enterprise, and/or to illegally generate income, including murder, robbery, bribery, kidnapping, extortion, gambling, illegal drug trafficking, making extortionate extensions of credit, collecting unlawful debts, illegally influencing jury members, illegally influencing victims and witnesses of criminal conduct, burglary, home invasions, aggravated assaults and batteries, and money laundering.

21. It was further part of the conspiracy that GCF Enterprise members would and did engage in criminal conduct, such as the threatened and actual use of deadly force and violence, designed to create and maintain fear and dread in others so that the GCF Enterprise could defend and expand its unlawful dominion and influence in certain geographical areas and over certain:

(i) legal businesses, such as the business of operating restaurants, the business of operating bars/pubs, the business of providing bar security, and the business of providing valet parking services;

(ii) legal industries, such as the construction and trucking industries;

(iii) unions' locals, and

(iv) illegal businesses, such as the business of illegally dealing in controlled substances, the business of illegal gambling, and the business of collection of unlawful debts.

22. It was further part of the conspiracy that GCF Enterprise members would and did engage in criminal conduct designed to prevent government detection of GCF Enterprise members' identities and illegal activities, and the location and amount of any resulting criminal proceeds, as well as criminal conduct designed to obstruct and prevent the prosecution of any GCF Enterprise members. That conduct included a commitment to (1) murdering persons, particularly members of the GCF Enterprise and/or members and associates of other organized crime families, who were perceived as potential witnesses against members of the GCF Enterprise, (2) corruptly influencing, by bribery and/or threats, victims and witnesses of GCF Enterprise members' criminal conduct, and (3) corruptly influencing, by bribery and/or threats, jurors in state and/or federal proceedings involving GCF Enterprise members.

23. It was further part of the conspiracy that GCF Enterprise members, to conceal the original illegal source of their criminal income, would and did use and invest some of the criminal income for the acquisition of interests in other businesses, or Investment Enterprises, such as window/glass businesses, valet parking service businesses, and commercial real estate businesses. Thereafter, the GCF Enterprise members would and did use the proceeds from such other businesses, or Investment Enterprises, for personal matters and for the operation of the other businesses, or

Investment Enterprises, such as for improvements and for the payment of other business-related expenses.

24. It was further part of the conspiracy that GCF Enterprise members would and did force individuals who were illegally dealing in controlled substances in certain areas of New York City to purchase their controlled substances from the GCF Enterprise and/or to pay a tax to the GCF Enterprise to operate in said areas.

25. It was further part of the conspiracy that GCF Enterprise members would and did assault any individuals who attempted to deal in controlled substances in certain areas of New York City who refused to purchase their controlled substances from the GCF Enterprise and/or to pay a tax to the GCF Enterprise.

26. It was further part of the conspiracy that GCF Enterprise members would and did travel from New York City and elsewhere to the Middle District of Florida, the Southern District of Florida, and elsewhere, to commit various crimes involving the threatened and actual use of deadly force and violence.

27. It was further part of the conspiracy that GCF Enterprise members would and did engage in activity to establish and maintain GCF Enterprise footholds, or operational bases, in various parts of the United States of America to further expand the GCF Enterprises' criminal dominion and influence. In this regard, the members of the GCF Enterprise would and did establish GCF Enterprise footholds in the city of Tampa, Florida, in the Middle District of Florida, as well as other cities in the Southern District of Florida, and elsewhere.

28. It was further part of the conspiracy that GCF Enterprise members would and did engage in public acts and displays of violence, including shootings, stabbings, baseball bat beatings, and murder, to create and maintain fear and dread in others.

29. It was further part of the conspiracy that GCF Enterprise members would and did offer the Gambino Crime Family "umbrella," or protection, to individuals and businesses from other individuals -- including other GCF Enterprise members, and from other organizations, and competing interests, in exchange for monetary payments and/or payments in kind, such as through engaging in or forgoing some particular conduct or activity.

30. It was further part of the conspiracy that GCF Enterprise members would and did facilitate the communication and exchange of information between incarcerated GCF Enterprise members and non-incarcerated members concerning the GCF Enterprise, its unlawful operations, and its members.

31. It was further part of the conspiracy that GCF Enterprise members would and did participate in criminal activity on behalf of other members or associates of the GCF Enterprise and/or with, and on behalf of, other members or associates of other La Cosa Nostra Crime Families.

32. It was further part of the conspiracy that GCF Enterprise members would and did transport to the State of New York, the State of Florida, and elsewhere, property obtained by means of illegal activities in the State of New York, the State of Florida, and elsewhere.

H. Special Sentencing Allegations

Drug Trafficking

33. During the period of time alleged in Count One of this Indictment, in or around New York City, defendant **JOHN A. GOTTI, a/k/a John, Jr., a/k/a Junior**, and one or more members of the GCF Enterprise, knowingly and intentionally distributed and possessed with intent to distribute five (5) kilograms or more of a mixture or substance containing a detectable amount of cocaine, a controlled substance, all in violation of Title 21, United States Code, Section 841.

34. During the period of time alleged in Count One of this Indictment, in or around New York City, defendant **JOHN A. GOTTI, a/k/a John, Jr., a/k/a Junior**, and one or more members of the GCF Enterprise, knowingly and intentionally conspired to distribute and to possess with intent to distribute five (5) kilograms or more of a mixture or substance containing a detectable amount of cocaine, a controlled substance, all in violation of Title 21, United States Code, Section 846.

Murder of George Grosso

35. On or about December 20, 1988, in New York City, the defendant, **JOHN A. GOTTI, a/k/a John, Jr., a/k/a Junior**, together with others, with intent to cause the death of George Grosso, caused his death, in violation of New York Penal Law Articles 125.25(1) and 20.00.

Murder of Louis DiBono

36. On or about October 4, 1990, in New York City, the defendant, **JOHN A. GOTTI, a/k/a John, Jr., a/k/a Junior**, together with others, with intent to cause the death of Louis DiBono, caused his death, in violation of New York Penal Law Articles 125.25(1) and 20.00.

Murder of Bruce John Gotterup

37. On or about November 20, 1991, in New York City, the defendant, **JOHN A. GOTTI, a/k/a John, Jr., a/k/a Junior**, together with others, with intent to cause the death of Bruce John Gotterup, caused his death, in violation of New York Penal Law Articles 125.25(1) and 20.00.

All in violation of Title 18, United States Code, Section 1962(d).

FORFEITURES

1. The allegations contained in Count One of this Indictment are hereby realleged, and incorporated by reference herein as though fully set forth for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 1963.

2. From his engagement in any and all of the offenses alleged in Count One of this Indictment, in violation of Title 18, United States Code, Section 1962(d), involving a conspiracy to violate Title 18, United States Code, Sections 1962(a) and 1962(c),

**JOHN A. GOTTI,
a/k/a John, Jr., a/k/a Junior,**

defendant herein, shall forfeit to the United States, pursuant to the provisions of Title 18, United States Code, Section 1963(a), all of his right, title, and interest in the following:

- (a) any interest he has acquired or maintained in violation of section 1962;
- (b) any —
 - (1) interest in;
 - (2) security of;
 - (3) claim against; or
 - (4) property or contractual right of any kind affording a source of influence over;

any enterprise which he has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and

(c) any property constituting, or derived from, any proceeds which he obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

3. Pursuant to the provisions of Title 18, United States Code, Section 1963(m), if any of the property described in subsection (a), as a result of any act or omission of the defendant—

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

the court shall order forfeiture of any other property of the defendant up to the value of any property described in paragraph 2 of the forfeiture section of this Indictment.

A TRUE BILL,

Foreperson

ROBERT E. O'NEILL
United States Attorney


ROBERT T. MONK
Deputy Chief, General Crimes Section
Assistant United States Attorney


JAY G. TREZEVANT
Assistant United States Attorney