

USA

1998 R00899

(Rev. 03/05)

United States District Court
Northern District of Illinois

D. BUYINGER

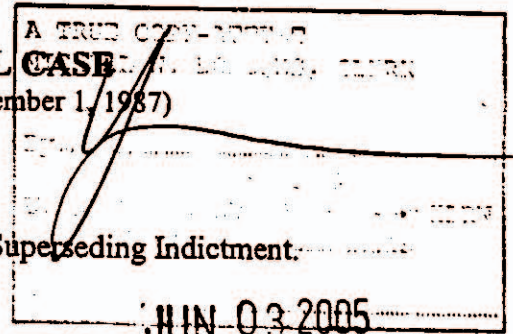
UNITED STATES OF AMERICA)
)
 v.)
)
 William E. Stratton)

Case Number: 03-CR-922-2
Judge: Elaine E. Bucklo

Michael D. Sher, Defendant's Attorney

Charles E. Ex, AUSA

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)



THERE WAS A:

jury verdict of guilty as to count(s) 1,13-15, 22, 24-29 of the Second Superseding Indictment.

All Counts in the original and superseding indictments are dismissed.

Acquittal as to count 23 of the superseding indictment is entered.

THE DEFENDANT IS CONVICTED OF THE OFFENSE(S) OF:

<u>Title & Section</u>	<u>Description of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. § 1962 (d)	Conspiracy to commit racketeering and corrupt organizations	June 2002	One
18 U.S.C. § 1341 and 2	Scheme to commit Mail Fraud	June 2002	13 - 15, and 22
18 U.S.C. § 1956 (h) and 18 U.S.C. § 1956 (a)(1)(B)(i) and 2	Scheme to commit Money Laundering	9/16/1999	24-29

The defendant is sentenced as provided in the following pages of this judgment.

IMPRISONMENT

IT IS THE JUDGMENT OF THIS COURT THAT:

the defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total uninterrupted term of **70 months**.

As to Count 1,24-29, the defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total uninterrupted term of **70 months**. As to Count 13 - 15 and 22, the defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total uninterrupted term of **60 months**. All such terms to run concurrent to each other.

The Court recommends to the Bureau of Prisons:

That the defendant be allowed to serve his sentence at Oxford, Wisconsin.

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for the periods specified for each count of conviction.

The defendant is sentenced on all count(s) of conviction, namely, Count(s) 1,24-29, 13-15 and 22 to a period of 3 years of Supervised Release, said periods to run concurrent.

The defendant is sentenced on all count(s) of conviction to Supervised Release, said periods to run concurrent as follows:

Count	1,24-29, 13-15 and 22	a period of	3 years year(s) Supervised Release.
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The defendant shall report to the probation office in the district to which the defendant is released within seventy-two hours of release from the custody of the Bureau of Prisons. In addition, see the attached page(s) defining the mandatory, standard and discretionary conditions of supervised release that apply in this case.

MANDATORY CONDITIONS OF SUPERVISED RELEASE
(As set forth in 18 U.S.C. § 3583 and U.S.S.G. § 5D1.3)

- 1) For any offense, the defendant shall not commit another federal, state or local crime;
- 2) for any offense, the defendant shall not unlawfully possess a controlled substance;
- 3) for offenses committed on or after September 13, 1994, the defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within fifteen days of release from imprisonment and at least two periodic drug tests thereafter for use of a controlled substance as determined by the court:

The above drug testing condition is suspended based on the determination that the defendant poses a low risk of future substance abuse.

- 4) for a domestic violence crime committed on or after September 13, 1994, as defined in 18 U.S.C. § 3561(b) by a defendant convicted of such an offense for the first time, the defendant shall attend a rehabilitation program in accordance with 18 U.S.C. § 3583(d);
- 5) for a defendant classified as a sex offender pursuant to 18 U.S.C. § 4042(c)(4), the defendant shall comply with the reporting and registration requirements set forth in 18 U.S.C. § 3583(d);
- 6) the defendant shall cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 and the Justice for All Act of 2004; and
- 7) The defendant shall pay any balance on the special assessment, restitution and/or fine imposed against the defendant.

STANDARD CONDITIONS OF SUPERVISED RELEASE

- 1) For any felony or other offense, the defendant shall not possess a firearm, ammunition, or destructive device as defined in 18 U.S.C. § 921;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer (travel outside the continental United States requires court authorization);
- 3) the defendant shall report to the probation officer as directed by the court or the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall provide to the probation officer access to any requested financial information including, but not limited to, tax returns, bank statements, credit card statements, credit applications, etc.;
- 6) the defendant shall support his or her dependents and meet other family responsibilities;
- 7) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 8) the defendant shall notify the probation officer ten (10) days prior to any change in residence or employment;
- 9) the defendant shall refrain from excessive use of alcohol;
- 10) the defendant shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician, and shall submit to periodic urinalysis tests as requested by the probation officer to determine the use of any controlled substance;
- 11) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

- 12) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 13) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 14) the defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer;
- 15) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 16) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement; and
- 17) if this judgment imposes a special assessment, restitution or a fine, it shall be a condition of probation or supervised release that the defendant pay any such special assessment, restitution or fine in accordance with the court's order set forth in the Criminal Monetary Penalties sheet of this judgment.

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the "Schedule of Payments." Unless waived, the defendant shall pay interest on any restitution and/or fine of more than \$2,500, unless the restitution and/or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). The payment options may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

<u>Total Assessment(s)</u>	<u>Total Fine</u>	<u>Restitution</u>	<u>Mandatory Costs of Prosecution</u>
\$1,100.00	Fine Waived	\$7,370,739.00	\$

The defendant shall notify the United States Attorney's Office having jurisdiction over the defendant within thirty days of any change of name, residence or mailing address until all special assessments, restitution, fines, and costs imposed by this judgment are fully paid.

Restitution is ordered in the amount of \$7,370,739.00

The interest requirement on restitution is waived.

Joint and several for the full amount of restitution with co-defendant(s).

<u>Co-Defendant's Name</u>	<u>Case Number</u>	<u>Joint and Several Amount</u>
James M. Duff	03 CR 922	7,370,739.00

Restitution to be paid as listed below.

<u>Name of victim entitled to restitution (mailing address noted for public entitles only)</u>	<u>Restitution Ordered</u>	<u>Priority</u>
City of Chicago, Department of Revenue, City Hall, 121 N. LaSalle St., Room 107, Chicago, Il. 60602	\$7,370,739.00	

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority payment column above. Pursuant to 18 U.S.C. § 3664(i), all non-federal victims shall be paid in full prior to the United States receiving payment. Pursuant to 18 U.S.C. § 3664(j), if a victim has received compensation from insurance or any other source with respect to a loss, restitution shall be paid to the person who provided or is obligated to provide the compensation. All restitution to victims required by the order shall be paid to the victims before any restitution is paid to such a provider of compensation. Based on the defendant's inability to pay, the costs of incarceration are waived.

SCHEDULE OF PAYMENTS

- Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs. If this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment.
- All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate financial

Responsibility Program, are to be by money order or certified check payable to the Clerk of the Court, U.S. District Court, unless otherwise directed by the Court.

- Unless waived, the defendant shall pay interest on any fine and/or restitution of more than \$2,500, unless the same is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). Payment options included herein may be subject to penalties of default and delinquency pursuant to 18 U.S.C. § 3612(g).
- Pursuant to 18 U.S.C. §§ 3613(b) and ©) and 3664(m), restitution and/or fine obligations extend for twenty years after release from imprisonment, or from the date of entry of judgment if not sentenced to a period of imprisonment.

Payment of the total criminal monetary penalties shall be due as follows:

In full:

Due immediately.

In full:

The costs of incarceration and supervision are waived.

Pursuant to 18 U.S.C. § 3664(k) the defendant must notify the court of any material changes in the defendant's economic circumstances. Upon such notice, the court may adjust the installment payment schedule.

Pursuant to 18 U.S.C. § 3664(n), if a person is obligated to provide restitution, or pay a fine, received substantial resources from any source, including inheritance, settlement, or other judgment, during a period of incarceration, such person shall be required to apply the value of such resources to any restitution or fine still owed.

FORFEITURE

The defendant shall forfeit the defendant's interest in the following property to the United States:

Forfeiture is ordered as provided in the attached preliminary order of forfeiture.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons: **before 2:00 P.M. on July 20, 2005.**

RETURN OF SERVICE

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____

By: _____
(Signature)

Name (Print) _____

Title (Print) _____

Date of Imposition of Judgment/Sentencing: May 20, 2005



ELAINE E. BUCKLO
UNITED STATES DISTRICT JUDGE

Dated at Chicago, Illinois this 25 day of May, 2005

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
) No. 03 CR 922
)
) Honorable Elaine E. Bucklo
WILLIAM E. STRATTON)

PRELIMINARY ORDER OF FORFEITURE

This cause comes before the Court on motion of the United States for entry of a preliminary order of forfeiture as to specific property pursuant to the provisions of Title 18, United States Code, Section 1963 and Fed. R. Crim. P. 32.2, and the Court being fully informed hereby finds as follows:

(a) On July 22, 2004, a second superseding indictment was returned charging defendant WILLIAM E. STRATTON with a violation of the Racketeer Influenced Corrupt Organizations Act pursuant to the provisions of 18 U.S.C. § 1962(d);

(b) The second superseding indictment sought forfeiture to the United States of specific property pursuant to the provisions of 18 U.S.C. § 1963(a)(1), (a)(2), and (a)(3);

(c) Beginning on January 25, 2005, a jury trial was held before this Court;

(d) On February 24, 2005, the jury returned a verdict of guilty against defendant on Count One of the second superseding indictment, thereby making certain property subject to forfeiture pursuant to the provisions of 18 U.S.C. § 1963(a)(1), (a)(2), and (a)(3);

(e) Defendant WILLIAM E. STRATTON waived his right to have the forfeiture allegations in the second superseding indictment considered by the jury. It was agreed instead that this Court would consider the issues relating to the forfeiture;

(f) During the defendant's sentencing hearing on May 20, 2005, the Court found defendant WILLIAM E. STRATTON liable for the sum of \$529,932, as property, interests and proceeds traceable to violations of 18 U.S.C. § 1962(d), and interests and proceeds traceable thereto, including but not limited to the real property commonly known as 174-182 North Halsted, Chicago, Illinois and legally described as follows:

LOTS 1 AND 2 IN BLOCK 36 IN CARPENTER'S ADDITION TO CHICAGO, IN THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

(g) If any of the funds in the amount of the money judgment entered against defendant WILLIAM E. STRATTON as a result of any act or omission of the defendant:

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with a third party;
3. has been place beyond the jurisdiction of the Court;
4. has been substantially diminished in value, or
5. has been commingled with other property which cannot be divided without difficulty;

the United States shall request that this Court order the forfeiture of any other property belonging to defendant WILLIAM E. STRATTON up to the value of the money judgment entered against the defendant pursuant to 18 U.S.C. § 1963(m) and Fed R. Crim. P. 32.2, in order to satisfy the money judgment entered by the Court;

(h) Should additional assets become available to satisfy the forfeiture judgment, the United States shall at that time file a motion for substitution of assets before this Court requesting permission to seize such assets and publish notice fo the United States' intent to forfeit the property

in satisfaction of the forfeiture money judgment entered by the Court, pursuant to the provisions of 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1);

(i) The United States requests that the terms and conditions of this preliminary order of forfeiture entered by the Court be made part of the sentence imposed against defendant WILLIAM E. STRATTON and included in any judgment and commitment order entered in this case against him.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED:

1. That, a judgment is entered against defendant WILLIAM E. STRATTON in the amount of \$529,932;

2. That, pursuant to the provisions of 18 U.S.C. § 1963(a)(1), (a)(2), and (a)(3) and Fed R. Crim. P. 32.2, all right, title and interest defendant WILLIAM E. STRATTON has, jointly and severally with his co-defendant James M. Duff, in and the real property commonly known as 174-182 North Halsted, Chicago, Illinois and funds in the amount of \$529,932 is hereby forfeited to the United States of America for disposition according to law. The property is legally described as follows:

LOTS 1 AND 2 IN BLOCK 36 IN CARPENTER'S ADDITION TO CHICAGO, IN THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

3. That, pursuant to the provisions of 18 U.S.C. § 1963(e), the United States Marshal Service shall seize and take custody of the of the foregoing real property for disposition according to law;

4. That, pursuant to the provisions of 18 U.S.C. § 1963(1)(1), the United States Marshal Service shall publish notice of this order and of its intent to dispose of the property according to law. The government may also, to the extent practicable, pursuant to statute, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the preliminary order of forfeiture as a substitute for published notice as to those persons so notified;

5. Pursuant to the provisions of 18 U.S.C. § 1963(1)(2), if following notice, any person other than the defendant, asserts an interest in the property that has been ordered forfeited to the United States, within thirty days of the final publication of notice or this receipt of notice under paragraph four (4), whichever is earlier and petitions the Court for a hearing to adjudicate the validity of this alleged interest in the property, the government shall request a hearing. The hearing shall be held before the Court alone, without a jury;

6. Following the Court's disposition of all third parties interests, the Court shall, upon the government's motion, if appropriate, enter a final order of forfeiture, as to the property which is the subject of this preliminary order of forfeiture, which shall vest clear title in the United States of America;

7. The terms and conditions of this preliminary order of forfeiture are part of the sentence imposed against defendant WILLIAM E. STRATTON and included in any judgment and commitment order entered in this case against him;

8. This Court shall retain jurisdiction in this matter to take additional action and enter further orders as necessary to implement and enforce this forfeiture order.



ELAINE E. BUCKLO
United States District Judge

DATED: 5-20-05